

MINUTES

PARKS & RECREATION COMMITTEE

July 2, 2008

A meeting of the Parks and Recreation Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Tim Bynum, Chair, at the Historic County Building, Room 201, Lihu'e, Kaua'i, on Wednesday, July 2, 2008, at 4:29 p.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Ron Kouchi
Honorable JoAnn A. Yukimura
Honorable Bill "Kaipo" Asing, Ex-Officio Member
Honorable Mel Rapozo, Ex-Officio Member

EXCUSED: Honorable Jay Furfaro
Honorable Shaylene Iseri-Carvalho

The Committee proceeded on its agenda items as follows:

- Bill No. 2265 A BILL FOR AN ORDINANCE TO AMEND SECTION 19-1.3 AND SECTION 19-1.4 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED RELATING TO PARKS AND RECREATION
[This item was deferred.]
- Bill No. 2266 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE 2, KAUA'I COUNTY CODE 1987, RELATING TO STRAY DOGS
[This item was deferred.]
- Bill No. 2267 A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE 18, CHAPTER 22, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE CREATION OF DOG PARKS
[This item was deferred.]

TIM BYNUM, PARKS & RECREATION CHAIR: I'm going to start with an opening statement. It initially was my intention today to try to pass these bills from the Committee. I know all of you out there have been very patient, and this has been an emotional issue. There's a lot going on in the County right now, and it's a time where lots of things are happening, and due to Councilmember Furfaro's absence from this Committee and request from other Councilmembers, I'm going to reluctantly entertain a motion for a deferral of all three of these bills today. That does not mean we won't have public testimony and that we're not interested, and I wanted to thank you for your patience, but I wanted to say that up front.

Mr. Asing: Thank you. I, may I?

Mr. Bynum: Yes.

Mr. Asing: I'm not a member of the Committee. I'm an ex-officio, but I concur with that. I had felt that I am also not ready with my presentation on the dog park bill. The dog park bill is a part of the entire program and I had intended to make a presentation on that proposal. I was waiting for the County Attorney's opinion because I felt that the County Attorney's opinion will impact on the way I structure the bill. So, with that, you also, I will, you know,

respect Councilmember Furfaro's request. I think we also have Councilmember Carvalho, who is not here, and in fairness to her. I was not here at the last meeting. I did watch the tapes and I believe she said that she wanted some time to review the County Attorney's opinion so she could make amendments. So, in fairness to everybody, I concur that the suggestion by the Chair is a good one, so thank you.

Mr. Bynum: So having said that, what that means is if the Committee members agree and we defer today, this will be set on the Committee agenda for July 23 and the soonest that we would discuss this again is then, and then if we pass any or all of these bills at that meeting, they would go to the Council meeting the following week.

I want to remind people about our rules for public testimony. We encourage each of you to come up, state your name for the record, and we allow three minutes. And we have a sign up sheet, if you haven't signed up. And anyone who hasn't testified in the first round or if you have something that you need to add, our rules allow for a second testimony of up to three minutes. I really would ask your help in keeping your testimony to three minutes and help me do a better job of being equal and treating each person with an equal amount of time. So, thank you very much. Councilmember Kouchi.

Mr. Kouchi: I thought that there was a deadline for amendments that was hoped for so if Councilmembers had some amendments, to in particular 2265 and 2266, then the greater urgency that they would be submitted. You know, at this point we had Councilmember Furfaro submit his suggested amendments. And when I talked to him, I told him that, you know, the only concern I had may be whether I supported the 18 or the 12 months on the sunset provision if I would see fit to vote favorably. Does this mean that we would have another period of time that other amendments are going to be potentially coming forward? Are we here to talk about his amendment and, you know, that we're not anticipating anything else, you know, because I thought that, you know, as far as getting that out so that the public would have been aware of what the Councilmembers were considering so that when they come to testify, you know, they could have their testimony be on point and, you know, it would be relative to what the Councilmembers were going to discuss. So, from a process standpoint, I'm here to say that other than the issue of 18 or 12 months, I have no amendments that I am planning to submit to 2265 or 2266. And I'm trying to find out if that's the case or at least to let all of the people who've been here, you know, be aware that if more amendments are coming in, you know, that they could either contact the Council Office or leave contact information so that they would know that any new amendment outside of Councilmember Furfaro's is here, unless I heard wrong.

Mr. Bynum: Okay, Councilmember Yukimura.

Ms. Yukimura: I'd like to concur with what I think Councilmember Kouchi is saying, that it would be good to have a deadline for amendments, that it would be good to have them shared with the public so that they can see them and move with us as we look at them ourselves, and they can give input to us. So, one of my questions is, "Has the amendment that was circulated by Councilmember Furfaro been shared with the public?"

Mr. Bynum: It was discussed, I know, but...last week. Given that this is the second committee meeting, I would hope that any people that were gonna put in amendments would have them ready by today, and I'm not aware of

any other than what Councilmember Kouchi told us. Councilmember Furfaro circulated his amendment and discussed it at the last committee meeting, and for the benefit of those that are here, basically Councilmember Furfaro's amendment says that dogs would be allowed on the path north of the Wailua River, not in Lydgate Park for now, for an 18-month period, and that there would be a sunset clause of 18 months, which would mean in essence that the Council would have to revisit the issue again, you know, in 16 months or a year or so or let it lapse. And, you know, Councilmember Kouchi's saying maybe 12 months, which would mean the Council would have to revisit it in 9 or 10 months. So, those are the amendments I'm aware of. I had hoped that any amendments that were contemplated would be circulated today. So...

Ms. Yukimura: Mr. Chair?

Mr. Bynum: Yes, Councilmember.

Ms. Yukimura: I'd like to suggest that we have copies of Councilmember Furfaro's amendment made available to the public and then that you set a deadline, as Chair, and maybe circulate a memo as to any amendments and when they need to be in by. And if this is going to be deferred, you know, an amendment like next week Wednesday would be reasonable. We'd have a week to look at all the amendments prior to it coming back in Committee. Maybe Councilmember Kouchi has another idea.

Mr. Kouchi: These two weeks, the National...

Ms. Yukimura: Oh yes, right.

Mr. Kouchi: ...Association of Counties Conference is the week of the 16th, so we have no meeting scheduled then.

Ms. Yukimura: Right. So...

Mr. Bynum: So the deadline, reasonable deadline would be...

Ms. Yukimura: Is whatever you want to set that would give people time.

Mr. Kouchi: And I, I guess it would be reset.

Ms. Yukimura: Yes, because...

Mr. Kouchi: The deadline that you'd be resetting as I believe the one that was set has now come and is about to go shortly.

Mr. Bynum: So, is an additional week reasonable to ask for amendments by the 9th?

Mr. Kouchi: Since I have no other amendments, it's reasonable to me.

Mr. Bynum: So, I'll ask staff to prepare a memo requesting any amendments be circulated on the 9th and be made available to the public.

Ms. Yukimura: Okay.

Mr. Bynum: Without objection.

Ms. Yukimura: And can we make Councilmember Furfaro's amendment or have it...

Mr. Bynum: That's fine with me.

Ms. Yukimura: ...available.

Mr. Kouchi: I think the law says we should.

Mr. Bynum: Yup. Okay, so any other discussion before we take public testimony.

Mr. Rapozo: I'm an ex-officio, but the 9th is next week.

Mr. Bynum: Yes.

Mr. Rapozo: And I believe myself and Councilmember Iseri-Carvalho, and I'm not sure about Councilmember Kouchi is gonna be in Kansas City for the National Conference.

Mr. Bynum: Next week?

Mr. Rapozo: Yeah.

Mr. Bynum: I thought it was after that?

Ms. Yukimura: Well, I mean, staff can prepare...I actually prepared something from New Zealand.

Mr. Rapozo: That's your call. I'm just letting you know that I, I'm not. I don't have any amendments, but I'm just talking. I know Councilmember Iseri-Carvalho mentioned that she had some amendments and I can tell you that she's not going to be here. She's actually not here right now. She won't be back probably till the week after. So, but it's your call. I'm just, I just wanted to let you know that I'm not sure if she's even gonna be back to get the memo.

Mr. Bynum: So part of this discussion is there is a rare break in our meetings this month. On the 16th of July there is not a Council or a Committee meeting. So, you know, I'd be fine with say the 16th.

Ms. Yukimura: Okay.

Mr. Asing: Yeah, I think that's...

Mr. Bynum: And so we'll...So is that clear to everyone out there? If we defer the bill today, we're gonna ask Councilmembers to prepare any amendment by the 16th so you could access Council Services staff and ask to see a copy of that. And then this would be back in our Committee on the 23rd of July, okay? And we are taking public testimony today. And thus far the only amendment that's been introduced or circulated, it hasn't been introduced, has been circulated, will be made available as soon as we can make copies, okay? Okay. Any other discussion? Then we'll suspend the rules and start the public testimony.

There being no objections, the rules were suspended.

Leilani Sim-Godbehere: Good afternoon, Councilmembers. Leilani Sim-Godbehere.

Mr. Bynum: Good afternoon.

Ms. Sim-Godbehere: I'm still very much in favor of having dogs on this path. One of the things about, that make the path different from other parks is the fact that it's a linear pathway, supposed to be a multi-use pathway. One of the other things that somebody, some other people mentioned was that it was supposed to be used just for transportation, but I believe traveling on foot is a form of transportation. As far as the concerns some of the Councilmembers had about liability issues, I appreciate that, that they want to keep the pathway safe for everyone to use, but I also believe that the idea that children are going to be mauled and be falling off cliffs is blown way out of proportion to what the reality is. The true risk on the path is very, very low and the fact that these dogs are gonna be on a leash is gonna make it even lower. I've been all over the country and I've seen dogs and horses in really concentrated, tight areas, everybody together in big cities and have not seen a lot of problems. Actually, I really haven't, really minimal problems, if any, and I've never seen any children be mauled. And on this particular path, which I used to walk every day with my dog and don't anymore because I can't take my dog there legally, I would be more than willing to be a path ambassador and encourage people to also take care of the path. And I think that if we don't allow the responsible people on this path with their dogs that the pathway would lose a large segment of really responsible good people to take care of it and to nurture it and to make it stay safe. I also think that, you know, there are a number of people who I've spoken to who feel really unsafe walking on a path alone and they also won't walk on a path without their dog or without a companion and for a lot of people out there, their only companion is their dog, and I see that, excuse me, I see that every day when I work at the Clinic, the fact that people are really bonded to their animals. And so, anyway, I just wanted to say again that I really appreciate you revisiting the idea that, the fact that I think the Ward Research with 80% of the people in favor of dogs on the path should be really taken into consideration here.

Mr. Bynum: Thank you.

Ms. Sim-Godbehere: Thank you.

Mr. Bynum: Thank you very much. Councilmember Yukimura.

Ms. Yukimura: Do you have any opinion on the amendment proposed by Councilmember Furfaro which would be to allow dogs only from the Lihi point up to Keālia...

Ms. Sim-Godbehere: I think that...

Ms. Yukimura: ...and including...

Ms. Sim-Godbehere: ...that would be fine for now because I believe that if we can, if we have, if people have an opportunity to prove that dogs are safe and that can be a really blended part of this multi-use path that that might have a possibility of changing later with the correct signage. I did see, I got a glimpse of part of Councilmember Furfaro's amendment and part of it was about making sure that the dogs were also certified in some way. Is that part of it?

Mr. Bynum and Ms. Yukimura: No.

Mr. Kouchi: That's the one I saw.

(Inaudible)

Mr. Bynum: Oh yeah?

Mr. Kouchi: By the Humane Society?

Ms. Sim-Godbehere: If that is the case, I think that's too much to ask citizens who have perhaps a puppy or a dog that's already older or already trained to try and go do, get certified and so forth. But having them be licensed, having them be on a leash, and having them pick up the dog's waste is, of course, I'm in support of all of that.

Mr. Kouchi: So, you can't teach an old dog new tricks?

Ms. Sim-Godbehere: Yes, you can, you can, but for people who are already crunched with their schedules and their lives and all the stresses that they have, this path has really been a godsend for them and for them to have the ability to walk their dogs on the path, yes it's a privilege, but to take that away from so many people would be really a travesty.

Ms. Yukimura: Thank you, I have one last question. It's not part of his amendment, but Councilmember Furfaro when he spoke today talked about maybe increasing the dog registration fee from \$3 to \$15. Do you have any opinion on that?

Ms. Sim-Godbehere: The \$3 or \$2 for a licensing fee is really low probably compared to the rest of the country, and I don't have any problem with raising the fees for licensing. I don't know where the money goes, but...

Ms. Yukimura: Well, he talked about earmarking it for...

Ms. Sim-Godbehere: Yeah...

Ms. Yukimura: ...for enforcement or something like that.

Ms. Sim-Godbehere: That, that makes sense. That would be fine. I have no problem with enforcement, and, and I, but I really believe that volunteers are key to making the path a safer place and making the path a well-loved place, and you're still gonna have problems on the path and I think you're gonna have more problems if there aren't the responsible people out there policing it and taking care of it, and I know I would.

Ms. Yukimura: Thank you very much.

Mr. Asing: I have a question and this question is "What does it take to certify a dog?" Is that a long process? Is that a relatively short..."

Ms. Sim-Godbehere: I don't think it's a long process, but I don't know exactly what they would, what Jay Furfaro was stipulating in...He didn't really stipulate?

Ms. Yukimura: At least not in this amendment. It's not there.

Ms. Sim-Godbehere: Ah-hah.

Ms. Yukimura: But the idea is out there.

Ms. Sim-Godbehere: But the idea is to have the dog go through some kind of a class. I'm not sure what kind of a class. Maybe for being a good citizen.

Mr. Asing: I thought there was a class that is done at the Humane Society on certification. Am I wrong?

Ms. Sim-Godbehere: They have such things, but I think to ask that of the general populace is really, really beyond what is reasonable.

Mr. Asing: Okay, thank you.

Mr. Bynum: Thank you.

Mr. Kouchi: Mr. Chair, on a point of order, I guess the staff said there was an earlier draft that had the certification in the draft that, I guess, Jay had intended to introduce today. It was removed, as far as the certification, which leads to my point of order. We don't dis...Jay is not even here. This amendment has no standing in this discussion unless, you know, we want to have a motion to approve the bill at this point, and we want to amend as circulated, and then we have it on the floor as an item of discussion, and then suspend the rules again and if anybody wanted to talk about it. But then we should all be talking about the same one...

Mr. Bynum: Same one.

Mr. Kouchi: ...and not something that's circulating in the air, in the whatever. So if that's the direction, then...

Mr. Bynum: No.

Mr. Kouchi: I would suggest that we all make sure we got the same one and that we all do, but I thought when we were deferring and trying to get them copies it would help them get prepared so that on the 23rd we'd all be here to talk about what was circulating and any other potential amendment. You know, whichever way you want to do it, but I just think that if we want to talk about this piece of paper, it needs to be introduced to be part of the discussion.

Mr. Bynum: I think that's the proper format and maybe we could call the meeting back to order.

There being no objections, the meeting was called back to order.

Mr. Bynum: It doesn't mean we have to vote today, right?

Mr. Kouchi: Correct. I mean, I'd make a motion to...

(Inaudible.)

Mr. Asing: I, I, I think that you could just talk concept rather than specific.

Ms. Yukimura: Or I've done in the past, per staff advice, I've just called it a proposal rather than a floor amendment and had it circulated to the public...I remember doing that on vacation rentals. I mean, I have no problem making a motion to amend, if that's what...

Mr. Bynum: Well, we need a motion...

Mr. Rapozo: Gotta approve it first.

Mr. Bynum: ...a motion to approve the bill...

Ms. Yukimura: Yes.

Mr. Bynum: And then...You know, I think that's the proper way to go and...

Mr. Asing: Just talk concept. Tell me, what's wrong with that?

Ms. Yukimura: Well, I mean, if there, if there are the votes for it...

Mr. Rapozo: Somebody is gonna have to introduce it.

Ms. Yukimura: Yeah.

Mr. Rapozo: Not Jay.

Ms. Yukimura: Yeah.

Mr. Rapozo: So somebody else is gonna have to put their name to that amendment and introduce it as an amendment.

Ms. Yukimura: Right, right, right.

Mr. Asing: Why don't you make it easy, Tim, and talk concept. That's all you need.

Mr. Bynum: I think Councilmember Kouchi is correct, that the right procedure, the way I've understood it, is that if we're gonna pass out an amendment, that it should be introduced.

Mr. Asing: Take, take it back and talk concept.

Ms. Yukimura: Well, I'll a...

Mr. Asing: That's the easy way.

Ms. Yukimura: I'll move to approve.

Mr. Kouchi: Second.

Ms. Yukimura: That's the bill as is.

Mr. Bynum: Any discussion?

Ms. Yukimura: I'll move to amend as circulated. (See Attachment hereto.)

Mr. Kouchi: Second.

Mr. Bynum: Any discussion?

Ms. Yukimura: And we can cross out Councilmember Furfaro's name and put mine in. I remember doing that recently.

Mr. Bynum: Any discussion?

Mr. Kouchi: I think we should take public testimony.

Mr. Bynum: Okay. I'll suspend the rules again and move back to public testimony.

There being no objections, the rules were suspended.

Robert McBride: Good evening, Council. Robert McBride, Kapahi. I'm speaking in support of all three ordinances today, but particularly in regards to the ordinance which would allow leashed dogs on the Kealahalemakalae path. There's a lot of testimony, both pro and con. I would like to say that I know many other people who support this ordinance. Taking all this into consideration, I hope that this ordinance is approved so that conscientious dog owners may resume walking with their dogs on the Keālia portion of the path and be given the opportunity to prove themselves, to be accountable to the new rules and regulations that would go along with the privilege. That's all I have to say.

Mr. Bynum: Thank you very much.

Lilly Dowling: Okay, aloha.

Mr. Bynum: Aloha.

Ms. Dowling: My name is Lilly Dowling and I've been a resident of Kaua'i since 1974, in Hawai'i since 1953, and there's not much more I can say that I haven't already said, but I'm in support of all the bills and just want to see our canine family members walking the path again. One other thing...

Ms. Yukimura: Lilly, can you speak just a little louder and maybe closer to your mike?

Ms. Dowling: Okay. I definitely will volunteer to be an ambassador and monitor the path, whatever section is assigned to me at least once a week. So, I just want to give you that, and that's it. Thank you.

Mr. Bynum: Thank you, Ms. Dowling.

Carol Everett: Hello. First of all I want to thank you all very much for letting me testify and for working so hard at allowing, trying to allow responsible dog owners on the path. My name is Carol Everett and I'm the certified humane education specialist at the Kaua'i Humane Society. I'm here to express my

strong support for Bill 2265 and 2266 to allow responsible dog walking on the Kaua'i path. Since these bills have been introduced, there's been some public discussions regarding dog bites and especially with children, and so that compelled me, as the educator at the Humane Society, to come out and present what we've been doing in behalf of trying to keep our children safe on Kaua'i.

Let's see, a dog's a man's best friend and all children know it. Almost all children are open and trusting towards dogs, both large and small. National statistics show that about 80% of all dog bites are from dogs that the children know. It's either the family dog or it's a neighbor's dog or a friend's dog. When I go out into the classroom, I routinely ask the kids, when I go into the classroom, "How many of you've been bitten by a dog?" and a lot of hands go up. And so then I'll ask them to put their hands down and I'll ask how many have been bitten by dogs that they know. And routinely, consistently, just about all the same hands go up, much to the shock of the teacher. So, and a lot of those bites that we have by our, that are given to our keiki are, go unreported because we don't have any rabies laws and people don't want to report the bites from their neighbor's or their dog. So, a lot of the children's bites go unreported, but it's not from dogs that they don't know in public. It's from dogs that they are familiar with.

I am rewarded every day when I go out routinely doing my thing with my dog Lana when children come up to me and properly give what I teach is the pet handshake, a safety approach towards dogs, when they teach their older siblings or their parents, "This is how you do it," or when I'm out to dinner or visiting with friends and they say, "I met one of your kids today. They came up to my dog and they properly approached it and asked if they could pet the dog and gave the pet handshake," and so that's kind of my personal reward.

Since 2003 I have taught over 19,000 children from Kekaha to Hanalei. As an educator, I strongly view education as the key to the success of the Kaua'i Coastal Path. It's through education that we can teach our children how to be safe around animals that they know, to be able to teach the public and the families how to be responsible with their dogs in the public, and I want to thank you so much for working so hard at trying to work this, resolve this issue for the County of Kaua'i, and it's an important issue. So, thank you.

Ms. Yukimura: Thank you.

Mr. Bynum: Thank you. If there are no questions, I just have...So you're, are you the only dog educator for the Humane Society?

Ms. Everett: Yup, that's me.

Mr. Bynum: You're the one.

Ms. Everett: That's it.

Mr. Bynum: Obviously, you're enthusiastic.

Ms. Everett: Yes, I am. You know and I am passionate about teaching the kids to be safe. I am the first to want to have fun. However, in order to have fun, you have to be safe. So, safety comes first. And so through education, we can provide safety and we can all have fun.

Mr. Bynum: Well I, I really appreciate your work. I've done a lot of reading about dog bites recently and, you know, what I found out is that educating kids about proper approach is a really...

Ms. Everett: Key.

Mr. Bynum: ...one of the key factors about reducing the number in a community and part of, as Dr. Lockwood here said last week, a community education program to reduce risk. So, thank you very much.

Ms. Everett: Thank you very much.

Mr. Asing: I, I have a question.

Ms. Everett: Yes.

Mr. Asing: Let me see if I heard you right. You said that when you go to the schools, you ask the question how many have been bitten by dogs and quite a few hands go up.

Ms. Everett: Correct.

Mr. Asing: And then you summarized by saying it appears as though most are bitten by dogs that are familiar with the child.

Ms. Everett: Unfortunately, that's true. It's about 80%, and every time, it doesn't matter if it's kindergarteners or fifth grade, I'll ask them, or in high school, I'll ask them how many have been bitten by dogs that they know and just about all those hands come up. And every time the teachers are always shocked. It's like whoa.

Mr. Asing: Yeah, well, I'll tell you what bothers me, though. I mean, you know, when you make a statement about, you know, you see a lot of hands, just the fact that dogs bite children bother me.

Ms. Everett: Well and that's why education is key. Education is key. Nineteen thousand kids since 2003, I'm hitting the streets. And the kids retain what I've been teaching. I get it every day. And yes, it's important, but the problem is or the fact is that most kids are being bitten by dogs that they know. It's either their dog or their friend's dog. So they need to learn how to read a dog's body language and how to, learn how to approach a dog properly. And so that's why, so that's why I'm out there.

Mr. Asing: Okay, yeah, I'm just troubled by the fact that, you know, many children are bitten by dogs.

Ms. Everett: That's a national statistic. But it's not by public...

Mr. Asing: Just the fact that they're bitten by dogs, you know.

Ms. Everett: Yeah, I know.

Mr. Asing: I don't feel very comfortable.

Ms. Everett: I don't either. And so, but that's a national statistic and it's mostly by animals that they know, not dogs in public. It's by dogs that they know.

Mr. Asing: Thank you.

Mr. Rapozo: Just one follow-up.

Ms. Everett: Thank you.

Mr. Bynum: Councilmember Rapozo.

Mr. Rapozo: Carol.

Ms. Everett: Yes.

Mr. Rapozo: You also mentioned that most of the dog bites go unreported?

Ms. Everett: Most of the dog bites. On Kaua'i, there's no rabies and so that's not a law to report the dog bites. And so if somebody doesn't want to report their neighbor's or their dog...

Mr. Rapozo: No, I understand...

Ms. Everett: Yeah, yeah.

Mr. Rapozo: I just wanted to make sure I heard right.

Ms. Everett: That's true.

Mr. Rapozo: Because if that's the case, then, you know, the statistics of low reported dog bites...

Ms. Everett: That's here on Kaua'i, but this is a national statistic, as far as 80%.

Mr. Rapozo: No, no, but your comment about the unreported dog bites is a Kaua'i statistic. That's not a national statistic.

Ms. Everett: Well, that's not a statistic, though. That's, well, it's a Kaua'i, it's a fact, yeah. That's true.

Mr. Rapozo: Yeah, that's a fact and that would explain...

Ms. Everett: But that's not by, but the public, the public dogs, those will be reported more because it's out in public and...

Mr. Rapozo: Now I'm confused.

Ms. Everett: Well...

Mr. Rapozo: It's either, your comment was most dog bites on Kaua'i go unreported.

Ms. Everett: From...

Mr. Rapozo: And that would make sense.

Ms. Everett: From families...

Mr. Rapozo: And that would...

Ms. Everett: ...that are being bitten by dogs that they know.

Mr. Rapozo: That would explain...

Ms. Everett: By children that are being bitten by dogs they know.

Mr. Rapozo: Regardless of what dog bit what child or what person...

Ms. Everett: Well, if they're in a hospital, then that's gonna be reported by the State.

Mr. Rapozo: Okay, that's fine. Thank you.

Mr. Bynum: Thank you very much.

Ms. Everett: Thank you, have a great night.

Sheri Knapp: Hello, my name is Sheri Knapp. I'm the Volunteer Coordinator at the Humane Society, and I understand that Council has an interest in knowing more about an outreach program that we have just started as far as some of our volunteers going out to provide outreach and education to the public. So, I'll give a quick overview of that program. We are developing a stewardship role for our volunteers, emphasizing a positive approach to educating the public about responsible dog ownership to ensure a better future for dogs on Kaua'i. Volunteers will be goodwill ambassadors trained to watch for dogs off-leash and other irresponsible behavior at designated beaches, approximately 10 of them around the island, and other public areas around the island where people frequently take their dogs. The volunteers will work in pairs and be taught the safe way to approach a loose dog as well as conflict avoidance, effective listening, basically, techniques when talking to the dog owner. They will have educational and other outreach materials, a leash and dog waste bags, to give to the public. And I did bring examples of that for all of you that I'll give you: leash, a little bone-shaped dog waste bag, and a little card with our message on there.

Ms. Yukimura: Staff can take it.

Ms. Knapp: Oh, okay, great.

(Inaudible)

Ms. Knapp: Party favors. You know someone you could give it to.

Ms. Yukimura: There you go.

Ms. Knapp: They will carry cell phones and have access to Humane Society staff. They will keep a log and can provide information to staff when needed. The volunteers will be pointing out the following points in a friendly manner: Dogs running loose are a nuisance; they're often perceived as a threat to people and other animals, and are an actual threat to wildlife. Dog manure that is not picked up and disposed of properly is inconsiderate and disrespectful to other people. We all share these public spaces and irresponsible behavior encroaches on everyone's enjoyment. Dog owners behaving irresponsibly with their dogs could lead to a loss of privilege for all dog owners and dogs. And then I guess our motto is going to be, it's a motto or a jingle or whatever, it is "Leashes are the law. Pick up your poop. It's the right thing to do." And I might mention that there's already an organization called "Friends of the Path" that we expect to be helping with this effort as well. So, that's about it and thank you very much for your consideration.

Ms. Yukimura: Mr. Chair, I have a question or a comment.

Mr. Bynum: Yes, Councilmember Yukimura.

Ms. Yukimura: Thank you very much, Ms. Knapp. That sounds like an excellent program and one of the hallmarks of Kaua'i is how much is run on this island by volunteers. If you try to put an economic price to it, it would be a huge amount that people contribute every day. And I think you were here in the morning, so...

Ms. Knapp: I've been here all day.

Ms. Yukimura: You've been here all day. We apologize for the long wait.

Ms. Knapp: I'm glad I don't have to come here every day like you do.

Ms. Yukimura: Well, thank you for your patience and perseverance and for your statement.

Ms. Knapp: Okay, thank you.

Laura Wiley: Aloha, good afternoon.

Mr. Bynum: Aloha.

Ms. Wiley: I'm Laura Wiley and I'm the treasurer of the Kaua'i Humane Society, and I thank you all very much for all your hard work on this issue. I am speaking on behalf of the Humane Society today, and my goal is to hopefully address some concerns that were raised at the last meeting and kind of in a bulletproof style. One of the first items was horses walking on the path with dogs and the hope that horses would be prohibited. The Humane Society strongly supports that and met with active leaders in the horse community and basically informed them that horses are off the table.

The second item was a trial period or a sunset provision for the ordinance. We fully support that. I believe one of the amendments set an expiration of 18 months, and basically, we'll leave it up to Council to decide what's best. We fully support a sunset provision. One of the things we would like to discuss at some point is what kind of criteria will be measured during that trial period.

A third point was establishing a law requiring owners to pick up after their dogs, which, of course, we strongly support. We do like the language of the current bill. It does require that the owner have something on them to dispose of the waste. Councilmember Furfaro asked for some other examples of laws and I did forward three or four examples to you via email.

Regarding enforcement along the path, the Kaua'i Humane Society commits to sharing enforcement. We agree to patrol daily, seven days a week. We will vary the times of patrol enforcement and we will vary the sections of the path. Like I said, we commit to doing this daily. This includes weekends. We'll have zero tolerance for dogs that are off-leash and will have zero tolerance for people not picking up after their dogs.

One of the fifth items discussed was a volunteer program and Sheri did an excellent job in talking about what we've developed so far, and I have real strong faith in our volunteer program.

Our Humane Officers work daily to provide public safety. We are an animal welfare organization, but public health and safety is the primary concern. Our Humane Officers have lots of requests every day. They prioritize those requests. The highest priority requests are dog bites, aggressive dogs, injured animals and acts of cruelty and neglect. These requests we respond to immediately 24 hours a day. Our average response time is within 30 minutes. Our Humane Officers are in uniform. They carry badges and they have the authority to issue citations. I know I've beeped past my time, so should I come back again or wrap it up?

Mr. Bynum: I kind of don't want to break my own rules, but...

Ms. Wiley: Yeah.

Mr. Bynum: You know, you're giving us testimony from the Humane Society, so are you almost done?

Ms. Wiley: I am almost done.

Mr. Bynum: So, let's hear that.

Ms. Wiley: I apologize for my absence for about an hour. I don't know what was said about dog bites. The Humane Society has a Memorandum of Understanding with the Kaua'i Police Department. All dog bites reported to the Kaua'i Police Department are reported to the Humane Society. There were 16 reported dog bites in 2007. Of those 16, 13 involved dangerous dogs on the owner's property or property adjacent to the owner's property. Statistics show that socialized animals that get out there in the community and are walking are less likely to bite than unsocialized dogs. Studies show, and Dr. Randy Lockwood reported last week, that unneutered, chained dogs are the most likely dogs to attack, and tragically this was the situation of our first fatal dog attack on Kaua'i in 2004. Neutering dogs is an effective tool in reducing the incident of dog bites.

Councilmember Furfaro had recommended that the licensing fees perhaps be revisited. We recommend the fees do be increased. Currently we have a 3:1 ratio for unneutered dogs to neutered dogs. So, we suggest keeping that the same. Right now it's \$1 per year for a neutered animal and it's \$5 a year for an unneutered

animal. And we suggest that to be increased to \$3 a year for an unneutered animal, I mean a neutered animal, excuse me, and \$15 a year for an intact animal. And we will continue to subsidize spay/neuter services at the Kaua'i Humane Society.

We also recommend that when owners apply for a dog license they sign an agreement to comply with all laws regarding dog ownership, and we'd be very happy to develop a pamphlet explaining what their responsibilities are and that pamphlet could be handed out with each dog license. Currently we license about 6,000 dogs over a two-year period. This is about double from 2002 where it was approximately 3,000 dogs over a two-year period. Whenever we come into contact with an owner, we require licensing, whether we're responding to a complaint or if they're coming in to look for their dog. We really appreciate all of your efforts and thank you very much.

Mr. Bynum: Thank you. Any questions? I just had one regarding the commitment to enforcement. Is that by officers who have the power to cite?

Ms. Wiley: Yes, all of our Humane Officers have the power to cite county leash laws and they also have the power to cite State laws for animal cruelty and neglect. They also have the, they can also cite for not having a dog license.

Mr. Bynum: So that...

Ms. Wiley: So County and State laws.

Mr. Bynum: So that assistance in enforcement is in addition to having volunteers who, you know, would train the way...

Ms. Wiley: Absolutely. It's two separate programs. We'll have the volunteer program going all the time, but our Humane Officers will actually enforce daily and issue citations with zero tolerance for leash law violations and waste violations.

Mr. Bynum: Thank you. Councilmember Yukimura.

Ms. Yukimura: That's a huge commitment to enforcement, patrol seven days a week.

Ms. Wiley: Yup. We currently run a seven-day-a-week operation. I would suspect and I hope I'm not speaking out of line, but I suspect that the enforcement in the beginning months is gonna be a lot greater and, you know, I don't know what it will be like in the following months. But we do commit to enforcement every day. Now that's not a whole shift worth of enforcement.

Ms. Yukimura: Oh, okay.

Ms. Wiley: But...

Ms. Yukimura: It, it's if you, I mean it could be on-call and in working with other agencies as well, they could call you in right away.

Ms. Wiley: Absolutely and that we do right now. We respond to any call right now.

Ms. Yukimura: Ah-huh.

Ms. Wiley: Usually within 30 minutes. It depends, we only have three officers right now, so it depends on where they are.

Ms. Yukimura: Ah-huh.

Ms. Wiley: But we have a very good response time and...

Ms. Yukimura: That's pretty incredible.

Ms. Wiley: We will stop at a different place along the path every day at a different time...

Ms. Yukimura: Ahhh...

Ms. Wiley: ...and enforce.

Ms. Yukimura: I see. So, you're saying you'll have some contact with the path every day.

Ms. Wiley: Right.

Ms. Yukimura: And have your people ready to enforce. Okay, thank you.

Ms. Wiley: Sure.

Mr. Bynum: Any other questions? Thank you very much.

Ms. Wiley: Thank you.

Kathleen Gissing: Hi, members.

Councilmembers: Hello.

Ms. Gissing: Can you hear me okay? I got a loud voice. I'm Kathy Gissing, a responsible dog owner, and I've already given testimony once before, so I won't take up a lot of your time or mine. I just want to reiterate a couple of things, that I am working with the Kaua'i Humane Society on implementing the volunteer program that Sheri talked to you about, to educate, to spread the word of the requirements and laws to allow dogs in the approved public places. My business as a mobile dog groomer also allows me to be in contact with numerous dog owners of all types. So, as well as being a goodwill ambassador to the path in designated areas, I'm also a liaison between a large community of dog owners and the Kaua'i Humane Society. I can help carry the message of the laws, regulations to people who may not otherwise be aware of these. I have done kind of a little private poll myself with a lot of my clients and a lot of 'em aren't aware that they're not allowed to take dogs to the beaches, to the paths, so on and so forth. So, I've been advising them otherwise and letting, trying to keep them updated of what's going on. Anyway, I don't know exactly what happened earlier. I'm sorry, I am, I do agree with the proposed changes by Mr. Furfaro. Did that change? I mean, is that part of it now? Or...

Ms. Yukimura: It's pending.

Ms. Gissing: Is that okay I ask a question?

Ms. Yukimura: It's pending. We haven't voted to incorporate that amendment yet.

Ms. Gissing: I think it is a wonderful idea to have designated areas so that people who are fearful of dogs can have an area and then dog owners can be responsible in another area for that trial period and see how it goes. And I also agree to the increase in dog licensing. I think that what we charge now is very nominal and minimal compared to other places, and I know most dog owners would not be opposed to paying more to use that for enforcement purposes. So, that's all I have to say. Thanks for your time.

Mr. Bynum: Thank you very much.

Ms. Gissing: Questions?

Ms. Yukimura: Thank you.

Sue Hansen: I wanna know who's having the picnic lunch for us after this is over with. Here we are again and I thank you for continuing this and continuing to listen to everybody's...

Mr. Bynum: Can you state your name?

Ms. Hansen: Oh, Sue Hansen, I'm sorry.

Mr. Bynum: Thank you.

Ms. Hansen: Continuing to listen to everybody express their viewpoint on dogs on the path. I am definitely in favor of having dogs on the path. I am a responsible dog owner. I will volunteer as many hours as I possibly can to the Goodwill Ambassador Program if dogs are allowed on the path. It's gonna take a lot of us to provide education to the non-responsible dog owners, but I think you will see a major, major change in people if you allow us to have our dogs on the path. I am totally in favor of increasing the dog license fee. I think it's something that definitely is necessary. Those funds can be used for maybe more staff to patrol the path. And I can live with the sunset ordinance. So, I guess I'm, in the words of the old song "all we are saying is give peace a chance," I'd like to say all we are saying is please give dogs a change. Thank you for your time.

Mr. Bynum: Thank you very much.

Charly Andrade: Aloha everyone, I'm Charly Andrade...

Councilmembers: Aloha.

Ms. Andrade: ...and I'm very compassionate with dogs. As you know I have one and I call him Paku-boy Andrade and he is a therapist dog. I made him a therapist dog. I went to the Kaua'i Humane Society, got him certified as a therapist dog for the elderly, and I wanted to help with autism children and also for me because I have a disability. He's my therapy too. And what I do, I want to be on the bike path where I can walk him in a baby carriage. I walk him. You know, I walk with him in a baby carriage so that it gives both of us therapy. And, you know, I don't mind about the fee. I like the laws, but also I want consequences

where if someone doesn't pick up their waste, there should be a fee for that. But I'll be responsible too, as a person. If I see something where their waste is there, I'll pick it up too because I'm there. And I feel that we also should be thinking about having other community parks where we already have parks, have other models like Kaua'i Humane Society in different communities where the dogs could play too at the parks in different areas so people, like how gas is growing right now and people just don't have the time to bring it in to Lihu'e, they have their own community where their dogs can play at the parks. But it needs to be regulated also. And I just want to tell you that, you know, a dog is so much to be a friend but is a part of the family. And we also can teach our children how to behave with the dogs also on the path. We must teach our, and, you know, it's therapy for everyone and a great thing for our animals to know. All they need is unconditional love and it's how you treat an animal, how they're gonna treat you as another person. That's all I have to say.

Mr. Bynum: Thank you. Charly?

Mr. Asing: Yeah, it's just a comment. I think you were and correct me if I'm wrong, you were making reference to Bill 2267 which is the creation of dog parks.

Ms. Andrade: Yes.

Mr. Asing: And so, that is a bill also that will be under discussion.

Ms. Andrade: Thank you.

Mr. Asing: You agree with that.

Ms. Andrade: Yes. I want where the animals can play with animals, and when dogs play together, they become to know each other. And even the people in our own community will know each other and we'll know the dogs' behavior, we'll learn from other people. Like me as a person, I always say this, "911 reality check, 411 information, 211 is rescue me if I don't know anything." So I always say that whenever I do a project or go into something and I'm here to volunteer. I'm also, that's how I learned from Kaua'i Humane Society, from Sheri to teach me, and they trained my dog to become a therapist dog. They brought in another dog. They groomed him. They gave him objects where he c- and he passed. So now, and he also has a king-size bed, a 27-inch TV, and he eats on the bed. He sleeps with me and eats with me. So that's how much I'm compassionate with an animal.

Mr. Bynum: Thank you, Ms. Andrade.

Ms. Andrade: Thank you.

Ms. Yukimura: Thank you, Charly.

Glenn Mickens: Good morning, Councilmembers.

Councilmembers: Good evening.

Mr. Mickens: Oh, 5:30 p.m., okay, close. You have a copy of my testimony. I'd like to read it, Bill. Thank you, Bill. For the record. Let us review

some of the facts about Bill 2265. As Kaipo knows, I'm for 2267. After a lot of heated controversy about the County being liable for someone being bitten or mauled by a dog on this path, it was made clear by Councilmembers Rapozo and Carvalho that the County can be sued for such an incident. Regretfully, our Humane Society Director made the wrong statement to the public and had to correct what was said. Thus, it would appear extremely unwise to take the chance of this happening by letting dogs co-exist with all other users on this path. Obviously, if a dog is to assist an ADA person or like the lady that just testified, this should be probably made an exception.

Our Park supervisor Larry Saito and one of his County workers testified that they have enough trouble now cleaning up dog mess from wild dogs and certainly don't want more animals in the parks. Having spoken to other park caretakers, I can assure you that their feelings are exactly the same, and remember, these are people in the trenches keeping our parks clean, so their voices should be listened to.

Our former Councilmember and respected citizen Robert Yotsuda gave some excellent reasons why passing an ordinance allowing dogs in a park is a bad idea. For certain people to make the statement that anyone opposed to this bill is a dog hater is ludicrous. We opponents love dogs as much as they do, but we are looking at the big picture and trying to avoid problems that will come up. Passing an ordinance for a select group of people for their own personal reasons is not justification for passing it if the majority is negatively affected.

Recent letters to the forum from proponents of Bill 2265 were highly critical of Councilwoman Iseri-Carvalho for leaving the chambers during the public testimony. I would suggest these dog path wanna-be's attend the hundreds of Council and Committee meetings and see what a dedicated, concerned person Mrs. Carvalho is and how she represents the people – the majority of them and not just the few who come out to complain about not letting their dogs on a path. Being a mother and a lawyer, she is extremely concerned about children being bitten by dogs and lawsuits that can cost the taxpayers a lot of money. We're lucky to have her guidance on this issue.

And lastly, the question that my friend Joe Rosa brought up is still unanswered. Our Humane Society Director stated there are 20,000 dogs on Kaua'i, but as Joe found out from County figures (reliable I presume), there have only been about 3900 dog licenses issued. This means that there are about 16,000 illegal dogs on Kaua'i. So, nobody seems to want to address that problem.

Last paragraph, we go back to the enforcement problems of dogs on the path: making a mess, too long a leash, fighting with other dogs or whatever. If we can't even make sure that every dog is properly licensed, how will we ever enforce new problems that will happen if Bill 2265 is passed?

Mr. Bynum: Thank you, Glenn

Mr. Mickens: Thank you.

Kathleen Henderson: Hello, Kathleen Henderson, Wailua Homesteads. I've spoken several times and my husband has also spoken, so I won't repeat what we've already said in support of dogs on the path. I would just like to say that we support Mr. Furfaro's amendments and the sunset clause, and we would appreciate having a chance to demonstrate that a multi-use path could be successful with dogs. Thank you.

Mr. Bynum: Thank you.

Joe Rosa: Good afternoon, members of the Council.

Mr. Bynum: Good afternoon.

Mr. Rosa: I know it's almost dinnertime, so I'm gonna cut it short. Things about, I've said it time and time again about the bicycle path and these are some other things that I've dug up. You know, people say they have insurances. You all, most of you are property owners. Does your property insurance cover liability off your property? Just say you have insurance. I have automobile insurance. It covers my property LPL MPD, but does your home policy insurance? So, how are they gonna pay for bills? So, you know, those are the kind of things that I see what lies out there. I'm not gonna wait for something to happen and then it will be an after-the-fact thing. Who's gonna pay my bills? Medical, hospital bills? Those people come in here, like as I say, how many of those are licensed dog owners? Are they gonna have license now for their dogs in the park? Are they gonna have a certificate to show that their dog completed obedience course? That comes down to enforcement. If my dog would bite JoAnn here, what, she gonna ask me, "Oh, Joe do you have an obedience certificate for your dog or you have an insurance?" Those are the things that they don't think about. It's just themselves. I'm a pet owner. I love pets. But those are the kinds of things that I'm thinking of the general public over here on Kaua'i. The liability thing. I know Mr. Bynum is a strong personnel, so as JoAnn was bike path, now this animal thing on the path. I knew JoAnn when she was a girl right out of Stanford and she was strongly pushing for bike paths along the State highway. We have it. Nobody using it. Like a guy came from the mainland, he said he traveled the whole island of Kaua'i in a month's time and he just seen about 10 cyclists using the bikeways that the State highway has. Ten. So those are the kind of things, like as I say, you know, plus the dogs now. As I say, you let one segment of the animals on, any pet owner would come say, "Oh, I like bring my dog, I like bring my goat, I like bring my horse." There ain't gonna be no end. And like I stressed before, there are no dog bites in County parks basically because that's the law. No animals. And when that law was enacted I'm pretty sure that's the same time they came out with the law no golfers. Because there was a big sign right (inaudible) my mom's house on the fence by the gate saying "No golfers, no animals." So, you know, those are the kind of things. There were reasons that the Council enacted those laws and it has held out pretty good. So, why correct a right when there's no wrong. If there's a wrong, fine, do and make amendments to the thing and like as I say, that's why I come before this Council from the start of this thing here.

Mr. Bynum: Can you sum up, Mr. Rosa?

Mr. Rosa: Yes, so, and then another thing, like as I say, what's gonna keep the dog owners like I lost some plants because when there was no leash law, one of my plants in my front yard was a pee ground for the dogs. And dog urine is something that's highly acidified and it burned the poor plant down. I thought at first it was oh, something wrong with the plant, deficiency. I cut the branch, it was burning out; next minute the other one start getting burned out. Then I found out it was through the dog urine. Because on a Saturday when I was home, I was doing some weeding, I could smell the stench smell from the dog urine. And then I found out that it's the dogs', the cats' urine is really something highly acidified. So, those are the kind of things. They're gonna use a pee station around the bike trail? So, that's about it, Mr. (inaudible) here wants to add some film to his camera. So...

Mr. Bynum: Thank you, Mr. Rosa.

Mr. Rosa: Thank you.

Sandra Day: Good evening, County Council. My name is Sandra Day, for the record.

Mr. Bynum: Good evening.

Ms. Day: I just want to again say that I support all three bills and I support the amendment for the sunset provision of 18 months. I think if you reduce it to 12, that doesn't give anybody long enough time before you have to start considering it again to see if it's really working. So, I support the 18 months. And just for your information, when Dr. Lockwood was here last week, he told us that nation-wide about only 20% of dogs are licensed. So, we're not that far off of the nation-wide average. We are trying to get more dogs licensed. As Laura already said, anybody that comes into the Humane Society whose dog is not licensed, they get it licensed when we have contact with them. And that's all I have to say. Thank you.

Mr. Bynum: Okay, thank you very much.

Ben Herr: Hi, my name is Ben Herr. I come from a little different perspective. I walk the path every day and have been since before it was a path. And there's only been two really big problems during that whole time. One is rain and the other is dogs. The rain you can deal with. I'm not sure what's gonna happen with that, but there's always been a problem with loose dogs on the path. And the dogs are unpredictable. Most of them while walking lately has been at Lydgate. We used to do Keālia a little more often, but any day at Lydgate park you'll have kids with training wheels, scooters, wagons, people rollerblading, skating, bicycles going by and I can nearly touch both sides of the path with my arms. That's a six-foot leash plus a body, so a dog can really go. If you're on the side of the path, a dog can go all the way off the other side. And even if the dog bites weren't an issue, the odds are that people are gonna be getting tangled up in the leashes. So, there's really, from my perspective as a walker, there's really not a good solution of having dogs in any form on the path. I think the real solution is to have a separate place for dogs, either a walkway or dog parks, and I think that's a lot more common and I think it's a lot more practical. It is a multi-use path and there's already, like I mentioned, multi-uses on there and the other thing that concerns me is that the population is growing and we may pass a law now that's not gonna take into account that that path is definitely, I mean, it is already getting more crowded and it's gonna get a lot more crowded, and it's not gonna get any easier for people to maneuver around dogs. Lydgate right now has signs all over the place "No Dogs." Any day of the week, you'll find loose dogs, dogs on leashes now and there's little enforcement. We actually had a dog snap at us last week and called the Humane Society, and nobody showed up. And I called the next day, and there was no record of it. And I called back the next day and left a message to please call me back, I'd just like to know what happened, and got no response. So, that's the way it is right now. I don't see how that's gonna get any better when there's mo-, when there actually are dogs allowed in the park, you know, because that's the way it is now. I think a separate place, you know, it's kind of like I like to drive fast on the highway, but I can't do it and nobody is gonna change the law so that's why we have Mānā. If people want to drive fast, they go to Mānā, and I think if people want to have a place to exercise dogs, which they should, I know it's hard walking along the roads, but the path is really not a good place for it, especially

now. It was better before when it wasn't a path because you could go out around and go different places. But that kind of is everything I had to say. One, one other real quick thing. I think, you know, as far as the liability concerns, now that this is being discussed the way it is, it's like a setup that, you know, the County's definitely going to be liable because anybody that gets bit that thinks they want to sue somebody for it is gonna add the County to the list and say look at all these people that told you there was a problem here. So, I think that's a lot, there's a lot to consider for that and I guess that's just from the walker's perspective.

Mr. Bynum: Thank you very much.

Mr. Herr: Thank you.

Ms. Yukimura: I have a question.

Mr. Bynum: Question?

Ms. Yukimura: Sir, I have a question.

Mr. Bynum: Mr. Herr?

Ms. Yukimura: Thank you very much for coming and giving us an alternative viewpoint. Do you have an opinion about the proposed amendment which would pretty much limit walking dogs to the Lihi to Keālia section of the bike path, right, I mean the Coastal Path right now?

Mr. Herr: Well, I've, I've..

Ms. Yukimura: Do you think it's worth a trial?

Mr. Herr: I have two opinions on that. One, I'm glad that at least if that one passes, it would leave out Lydgate because there would still be a good place to walk, but just from a legal and practical standpoint, I don't think it's a good idea. And I, you know, I talk to walkers every day because, you know, you get a little community going down there and I know of nobody that's in favor of having dogs on the dog path down there. And I also know of none of them here or I've ever seen 'em here. I mean, it's just, you know, you've got one group that's really putting a force on you, but there's the people walking the path every day that are really upset that there might be dogs down there. More dogs, they're already there.

Ms. Yukimura: Well, if you see them, ask them to express their opinions. That would help us to know what some of their thinking is.

Mr. Herr: Yeah, I've asked a couple people if they were gonna come down. In fact, we missed the last two and finally, we decided, well, we should really go show up because nobody else is.

Ms. Yukimura: Okay.

Mr. Bynum: Councilmember Kouchi.

Mr. Kouchi: (Inaudible) I'm assuming that you and Sheila sent the email with the picture of the kids walking and the scooter.

Mr. Herr: Yeah, yeah.

Mr. Kouchi: Okay, as soon as you were talking I, with what I read I didn't print it up because I wasn't sure that you wanted your name put publicly...

Mr. Herr: I, I wasn't either. I only decided today to come.

Mr. Kouchi: ...(inaudible) behind it so. Anyway, you know, that gave me pause to think, anyway.

Mr. Herr: Yeah, it does. There really isn't room. There's tangling even if there's never a dog bite. Just the idea of people getting tangled up and tripped and, you know, bikes come alongside kind of quick and even that kind of scares you. I can imagine what a dog is gonna do when a bike goes zipping by him. Anybody else?

Mr. Bynum: Oh, Councilmember Rapozo.

Mr. Rapozo: Thank you. Ben, thank you for being here today. I know it's not easy to sit in a room and listen to all the testimony on one side of the issue and then being almost last to speak and have to come up and speak to what may appear to be an unpopular position, but I just want to tell you that your position, as you just testified that all the walkers in the park, the ones that don't have dogs...

Mr. Herr: Right.

Mr. Rapozo: ...are not happy with dogs on the path. And maybe they're not writing to Councilmember Yukimura. Maybe they're not calling Councilmember Bynum. You know, maybe they feel that they're supporting the dogs, I need to talk to the Councilmember that doesn't. So maybe that's why I get all the letters and I get all the phone calls. Because it's not as lopsided as it may be perceived because of the camera...

Mr. Herr: Yeah.

Mr. Rapozo: ...and because of who comes here to testify, and I just want that to be known that you walk the path every day.

Mr. Herr: Just about.

Mr. Rapozo: And what percentage of the walkers are in favor of dogs on the path?

Mr. Herr: I haven't really heard anybody say that they want 'em on the path.

Mr. Rapozo: Exactly and, you know, so I just, this is not a simple issue. And this is not about whoever can show up at the Council meeting with the most numbers are gonna win because we get the emails, we get the calls, and we get the testimony of people that, like many of the dog owners have said, I don't use the path because I cannot take my dog. We get the testimony that says I don't use the path because of the dogs. So...

Mr. Herr: That happened to us at Keālia.

Mr. Rapozo: Exactly and so I just want to make that point, that it's not as lopsided as one may think if they just watch this show.

Mr. Herr: Yeah.

Mr. Rapozo: Again, you know, we get the testimonies, and it's a, it's a very, very emotional issue and at the end of the day, you know, a decision is gonna be made that's not gonna be popular to some people, but, that and that's the purpose of this process. So, I thank you for...

Mr. Herr: There's obviously a need for a place. I just don't think the path is it because I've got a lot of experience on the path and I just don't see how it's gonna work.

Mr. Rapozo: Thank you.

Mr. Asing: Where do you live.

Mr. Bynum: I'm sorry.

Mr. Herr: Wailua Houselots.

Mr. Asing: Wailua Houselots.

Mr. Herr: Yeah.

Mr. Asing: So, where do you normally walk? Both sides?

Mr. Herr: We do both sides, more often on Lydgate. A lot of time on the weekends we used to go to Keālia, but more of Lydgate.

Mr. Asing: So how often do you frequent the areas?

Mr. Herr: Nearly every day.

Mr. Asing: Wow.

Mr. Herr: You know, the rain keeps us away sometimes.

Mr. Asing: Okay, thank you very much.

Mr. Herr: Trying to stay trim.

Mr. Bynum: Councilmember Yukimura. Hold on, Ben.

Ms. Yukimura: Yeah, like I said, I do appreciate your input. The question is is there a way for everyone to be able to enjoy the path, you know, and that's why there's that suggestion to divide it up. Lydgate no dogs, so people who feel more comfortable without it and one portion to allow dogs. I mean, the other thing you raised is whether it would be better to have a larger, wider path. I mean from the start I've questioned whether because I did anticipate this, a pretty high level of use and some of the answers came back from the Kāua'i Path, you know, people. Well, this is a rural environment, it's not like the city, but I think we're capable of getting pretty high density walking just because it's such a beautiful path and people like using it. So, it really, and it's wond-, we like people using it.

Mr. Herr: Yeah.

Ms. Yukimura: You know, it's, we want people to have this really joyful experience of walking in the fresh air along a beautiful coastline. But I mean it so, and this is the first stretch of pathway really that we've worked with. So, this input is valuable to us as we think about designing the paths into the future. And, you know, of course, it may be, I mean, how do we apply all this learning because it may be the Lydgate to Keālia part that gets the highest densities. Anyway, but the other portions may not. On the other hand, people are understanding more the need for exercise and health reasons and stress-relief reasons, so we may get it all along the path. It's, it's...

Mr. Herr: Actually, what you just said about the beauty of it, which is really great, is that a lot of people are not real attentive, bike riding or walking or, you know, with dogs or otherwise. So, it's not, you know, there's a lot of people who are just kind of wandering out there or just riding their bikes. You know, they're looking at the ocean, so it's...There's already a lot of...

Ms. Yukimura: There's a lot going on, but is it then only for one group of people to use it or you know, that's the issue.

Mr. Herr: Well, I think people is the, is kind of the point. I mean, you know, I think people should have a little more preference than the animals if it comes to, there has to be a choice. But I think there should really be another, a place definitely, you know, for the pets, I mean. I'm definitely not trying to get pets totally off of everywhere or anything like that, you know.

Ms. Yukimura: Right.

Mr. Herr: I just think that from what I've seen, it's just not a really good mix.

Ms. Yukimura: But you wouldn't like just walking around in a park the size of a dog park, right? So, I mean, it's this issue of a linear pathway...

Mr. Herr: Yeah.

Ms. Yukimura: ...along a coast and it's not just dogs we're talking about, it's people who want to be with their...

Mr. Herr: Well, I think, you know, if there is one like that, it should be a separate path like you mentioned about the Keālia branch. If it's there, you're still gonna have those issues. It would be nice if there was a place, a walking area just for dogs because it wouldn't have to be paved. You know the pavement isn't particularly good for dogs anyway.

Ms. Yukimura: Yeah, but you're also having bicyclists say oh, there's too many people...

Mr. Herr: Yeah, yeah.

Ms. Yukimura: You know, so, I mean, everybody is compromising a little bit in order to enjoy their mode of using the path.

Mr. Herr: Yeah.

Ms. Yukimura: I mean unless we have a stretch for bicyclists only. You know, that doesn't quite work either. So, thank you.

Mr. Herr: People, people tend to be more, you know, conscious of other people. I mean, the animals can get spooked a lot easier because I do see that. You know, when you come behind a dog, you kind of slow down and go around him and give people a warning because you don't want to surprise a dog when you're walking alone.

Ms. Yukimura: Thank you very much.

Mr. Herr: Thank you for listening.

Mr. Rapozo: One last question.

Mr. Bynum: Councilmember Rapozo.

Mr. Rapozo: What was the final outcome of your complaint to the Humane Society or the police? Was anybody cited or?

Mr. Herr: I have no idea, yeah. I stopped calling. I only called for about three days. After the first two days, I just got machines and left a couple of messages.

Mr. Rapozo: And no response?

Mr. Herr: Yeah, the only live person I talked to said they couldn't find any record of it.

Mr. Rapozo: Thank you.

Mr. Asing: When was that? Approximate.

Mr. Herr: It was one day last week, maybe Thursday.

Mr. Asing: Wow, last week?

Mr. Herr: Last week, earlier last week, yeah.

Mr. Rapozo: And the incident occurred where?

Mr. Herr: It was right by the bridge in Lydgate.

Mr. Rapozo: Lydgate? The Kamalani Bridge?

Mr. Herr: The Kamalani Bridge, yeah. It was just, it was a dog that was loose and then it wasn't really that threatening, but you know, he came running over and was growling and snapped, actually snapped at us but didn't bite. So, I thought, you know, the fact that he's off the leash, (inaudible) that we should just call. So we called the KPD. They called the Humane Society. The Humane Society called back and said we'll send someone right over. We waited for awhile. No one came. So, we called the next day, they said they don't have any record. Called the next two days and just got a machine.

Mr. Rapozo: Interesting, thank you.

Mr. Kouchi: And, I mean, I'm assuming that email was sent to all Councilmembers, but I guess, my impression in reading the email is you waited because you identified the people as being there barbecuing and so whoever had the dog did not, wasn't walking and...

Mr. Herr: No, no, they were right there. That was the other reason we did it. Yeah, because we knew they weren't going anywhere for awhile. It's even harder. I mean, if someone's walking, it all seems futile to call because if they're gonna get there in a half hour, they're gonna be gone.

Mr. Bynum: Thank you.

Mr. Herr: Thank you.

Sheila Herr: Aloha, Council. Thank you for giving me the opportunity to be here.

Mr. Bynum: Aloha.

Ms. Herr: Oh, my gosh, I have a headache. I've been here since one o'clock. I feel like I had my tooth pulled out. This is my first time being here and I hope it's my last time. But I'm...

Mr. Bynum: Can you state your name for the record?

Ms. Herr: Sheila Herr.

Mr. Bynum: Thank you.

Ms. Herr: I am so compelled to be here because I am on that path every day rain or shine. Ben, I carry an umbrella when it rains. We're on Lydgate path every day five days a week and on the weekends we go to Keālia. There is a big problem with dogs on the path. We've approached dog owners over the years, and we have been attacked by the dog owners for bringing up their dogs being off a leash or on a leash or being on a path where there are signs, and we are told by owners to mind our own business. So, it's intimidating. They're breaking the law. Like you said, Mel Rapozo, the trial is on. It's been on and they're proving themselves every day by breaking the law in our faces.

And one part I want to bring up is I was mauled by a dog when I was three years old just walking down the street with an ice cream cone and a large dog jumped me and mauled my back, threw me to the ground. And that is, look what happened to me, I grew up to be a rock and roll singer instead of on the Council. My body is in your hands. And a lot of people that I know on that, you know, you have conversations with people on the path, you get to know them after years. People are friendly here. There are people in wheelchairs on the path every night. In Keālia last weekend, there were three people in wheelchairs. Like my husband said, if he stretches out his arm span, that's 6 feet. Put that leash on the end of my husband's arm with a dog. Where's room for a wheelchair? Where's room for a person on crutches? There's a person on crutches on the path every night rehabilitating. He has a life-term debilitation. Toddlers walking, there's no room. There is no room, do the math. Stretch your arms out, a 6-foot man, there's no room. It's only logical. Please, please for the safety of children. One child bitten, you can save. They're breaking a law now. We call the Kaua'i Humane Society. We've called the police many times over the years. The first thing they tell us, the dispatcher, when we

call and say there's a loose dog on the beach, the first thing that we're told is "Have you been attacked?" No. "Are they attacking someone?" No. "Well, they'll be out if there isn't something more important to do." So, enforcement is not happening. It hasn't been happening. It's not gonna be happening.

Mr. Bynum: Okay, thank you.

Ms. Herr: Please, I request that you take our safety first and foremost, not the recreation of dogs.

Mr. Bynum: Thank you.

Ms. Herr: Mahalo.

Mr. Bynum: Mahalo.

Mr. Rapozo: Just a real quick comment.

Mr. Bynum: Councilmember Rapozo.

Mr. Rapozo: Again, thank you. Like your husband, I know it's not easy. And, you know, I had a call, in fact this morning, about six o'clock in the morning from a gentleman who was trying to tell some dog owners to leash their dog because the dog was actually running on the beach over some people that were trying to lay on the beach and, and, you know, the owner told the old man, "F-you, old man."

Ms. Herr: Mm-hm.

Mr. Rapozo: And granted it's not the people that are here testifying in favor of dogs in the park. I think everyone of them here, in fact I'm almost positive, are responsible dog owners. The problem is the irresponsible dog owners: the ones that tell you to mind your own business, the ones that tell you stay out of their way and continue to let the dogs run loose and mess up the path. I mean, that's the problem we have. And I think you hit it right on the head that the enforcement is not happening now when any dog on the path is illegal.

Ms. Herr: Exactly.

Mr. Rapozo: Any dog and that's not happening right now. So, for me, it's very difficult to, whether or not it's the Humane Society putting out, they have three wardens or three officers right now that have other duties. I mean, they cannot respond to your complaint as it is because they're so busy.

Ms. Herr: Right.

Mr. Rapozo: They do a good job with what they have. But to add on this entirely new component of enforcement or to even say that they can, I mean, yes, I can understand the willingness to do it. But the reality is you only have so many officers, you only have so many hours in a day that they can work, and you only have so many places that they can be at any given time. So, I agree with you, the trial period is on right now, and it's been on even since I made that comment weeks ago, you have thought by now they would have gotten the hint, but they haven't.

Ms. Herr: No, in fact, I've been told, "Well, there's been a law passed. Dogs are allowed." This is what I've been, I was told by a dog owner. "The law was passed. We're allowed." This is what they think.

Mr. Rapozo: So, I mean, you know, I...

Ms. Herr: You know, we're putting the Kaua'i Humane Society in charge of enforcement? Oh my gosh. Why don't we put teenagers to cite boom boxes? I mean, you're gonna have the foxes in charge of the hens. My goodness, please.

Mr. Rapozo: Thank you.

Ms. Herr: Thank you.

Mr. Bynum: Okay, that's the end of our list. Is there anyone who hasn't testified that would like to?

Ben Montgomery: Hi. Thank you. It's Ben Montgomery and just a few quick comments. Firstly, I don't have any pets at all. I have had in my life, but I don't have any now. I hope my landlord hears that. I have no pets. But I am, to some extent, involved with the bike path and this does seem to relate to it, and in my, it's probably just my personal view but I believe it's shared by some other folks perhaps here in the Council that the goal of the path is to have as many different people and types of people as possible enjoying what is basically a big, long public park. And would it be easier just to have pedestrians on it? Sure, it would be. But the point of trying to incorporate as many different groups as possible, you know, that's in line with the democratic process and I think that's a reasonable viewpoint. And I guess at this point, just sharing some observations, one of them would be, oh and I, Mel Rapozo took the words right out of my mouth, which is the people who are testifying here as to dogs are probably the last people that anybody has to worry about. The folks that we should worry about are elsewhere. Also, this issue on the dogs is not the biggest thing on the table, I think, that the Council has. So, I did see some letter to the editor where people were criticizing Shaylene and not knowing what she was doing. If in her judgment she thought her time was better spent doing other things, I'd have to defer to her judgment on that. I think that Mr. Furfaro's idea of raising the fees a little bit, I have not heard one person say that that's not a very good idea and I would be in favor of that too. And I think that the County probably will allow dogs on this path to some extent and that is a bit of a give and take. And I would even be in favor of a 6-month trial period. There is probably a liability question. It is worth looking into, but that can be borne out through some degree of investigation, and ultimately, I think probably, if I were to make a prediction on how well this would work out, if the self-policing aspect works, then it'll work. And if it doesn't, I think that the dog folks will have been given a fair chance to police themselves in a certain area, and that question that was posed earlier as to what metrics are you gonna use to determine whether it's working or not working, I mean, I don't have a good answer to that. I would be fine just leaving it in the judgment of the County Council, you know, who obviously have spent a good amount of time on this already in reading emails and following up. Those are probably, oh, one other thing. The fact that most kids are bit by dogs that they know makes a lot of sense because those are, of course, the animals that they are most often interacting with. Again, I love pets. I have been mauled also, not on this island. I was a little kid at the time, but that may or may not have generated any questions.

Mr. Bynum: Okay, well.

Mr. Rapozo: If nobody else has a question, I have a question.

Mr. Bynum: Yes, Councilmember Rapozo.

Mr. Rapozo: (Inaudible) How do you draw the line between allowing a responsible dog owner to use the path versus a responsible horse owner who wants to use the path? I think for those of you that don't know, I mean, initially there was a proposal to allow equestrians on a segment of the path. That would be a shared use with pedestrians and bicyclists.

Mr. Montgomery: Mm-hm.

Mr. Rapozo: All of a sudden, that has disappeared and now the dogs are here, but how do you justify or how do you tell a responsible horse owner and we have a lot those. And if you watch the parades here, the local parades, you see some of these guys can make those horses dance and really with no harm and I don't know of any horse attacks either in County parks in the last few years.

Mr. Montgomery: Mm-hm.

Mr. Rapozo: So how do we tell the horse owner sorry, you know, you cannot bring your horse on the path when we're letting the dogs on the path?

Mr. Montgomery: I do have an answer to that and it's based on part past experience and seeing functional bike paths. As you may know in many parts around the country the bike path system is actually built upon old railroad lines.

Mr. Rapozo: Mm-hm.

Mr. Montgomery: So, the C&O bike path in the Washington, D.C. area has been in existence for at least four decades. It has a horse trail to it and the horse trail is about anywhere between 4 and 20 feet away from the bike path.

Mr. Rapozo: Correct.

Mr. Montgomery: And it's gravel. The horses are larger animals. They take up more space by definition as where at least in theory a dog is something you can reign the leash on pretty quickly and bring it within one or two feet of your person. Does that answer your question?

Mr. Rapozo: No, that does. But I think what's separate, what is different here with our path, it's a coastal path. So we're not, we don't have the luxury of...

Mr. Montgomery: Understood.

Mr. Rapozo: ...these wide shoulders. We have, on one end, we have a mountain that leads up to a million-dollar estate and then on the other side of the path, in some places four feet away, is a cliff.

Mr. Montgomery: Mm-hm.

Mr. Rapozo: And I know a comment was made earlier that my comments about kids falling off the cliff was exaggerated. If the kid is trying to avoid the dog, where does the kid go? Where does the child go and with that narrow space? There's no room. And I think, you know, my comments were taken out of context. Oh yeah, they're jumping off the cliff or falling off the cliff. There are segments of that path that is very narrow, and on my presentation at the last meeting, there were some photos of that. And I think that's what, on the mainland, a lot of the paths that are multi-use and allow the dogs, are wide. They're wide paths with wide areas where a child or a person, anyone, can get away from a charging animal.

Mr. Montgomery: I would, I would agree with that. I mean as I think back to bike paths that I've seen from coast to coast and in the Midwest, you do have that dynamic and...

Mr. Rapozo: Well, I've...

Mr. Montgomery: ...and you probably, is I think a person who's, I drive by it, I'm not gonna claim that I walk on that bike path, but I'm fully in support of it. I view it as a large public park that's basically been given us to, given to the County for free. Does it cost something? Yes, it does. But it's a good gift and if properly managed, I mean, you know, already people are using it all the time. Are there some choke points? Yes, there seem to be. And just my casual observation, it looks like horses have been kind of pushed off the table, not deliberately, but that's the way that it's panned out in certain sections. And I think, you know, to echo something that you suggested several different times, everyone is trying to bring in as many different groups, interest groups as is possible on this, and compromises are being made. If I were a dog person, I would: (1) probably guess that I'll at least get a shot of 6 months, 18 months, 12 months to have dogs on the path. I think that's a concession on the part of the County. It doesn't have to do that and this is not a dog path. It is a walking path, biking path, but the County is, you know, listening to its constituents, seeing that there are a lot of people who want to put their animals on the path and so it looks like they're willing to at least give a trial period. So, everything seems to be...

Mr. Rapozo: What did you...

Mr. Montgomery: Am I answering your question?

Mr. Rapozo: Yeah, you are, you are and I appreciate it, but wouldn't you agree that the trial period has begun? Wouldn't you agree that...

Mr. Montgomery: Oh, but, yes. Not officially no...

Mr. Rapozo: Right.

Mr. Montgomery: But as a practical matter I think...

Mr. Rapozo: Exactly...

Mr. Montgomery: You probably are...

Mr. Rapozo: ...an opportunity.

Mr. Montgomery: You probably are seeing how it's playing out to some extent. I think really, you know, once you shoot the gun and say go, that's when you really start to measure things.

Mr. Rapozo: I guess, the self-policing that I heard you say earlier...

Mr. Montgomery: Mm-hm.

Mr. Rapozo: ...should have occurred awhile back. And as we, as this issue gets deferred two weeks at a time, you would think...

Mr. Montgomery: I follow what you're saying. I just, myself, don't happen to know if the Humane Society had geared up to the extent that they are promising here.

Mr. Rapozo: Well, I'm not talking about the Humane Society. I'm talking about the self-policing, meaning the dog owners. That's, when you, when you say self-policing, I'm not talking about the Humane Society.

Mr. Montgomery: Self-policing, I'm doing this.

Mr. Rapozo: Yeah.

Mr. Montgomery: But if the, you know, the Humane Society, they're well organized people and if they do as they, I think they promised to come out to say look we'll start putting people, people on this, they're capable of doing it. I wouldn't put it past them.

Mr. Rapozo: Thank you.

Mr. Montgomery: Yeah.

Mr. Bynum: Councilmember Kouchi.

Mr. Kouchi: I don't have a question for Ben. I just gotta say, Ben, thank you for putting a smile on my face at this late hour in the evening. Mel, you don't even know this. He was running up the steps trying to catch you before you walked into the meeting after the lunch break and he wasn't fast enough. And so he turned around and I was moving slower than you, and so, Ben turns around and says, "Ron, I've been gone for awhile. What's going on?" thinking it was something really big and if he caught you, you would've told him, "Nothing, go home, Ben." I made the mistake. I told him well, we're talking about dogs on the path. And so he chose to come into the room. He has literally no dog in this fight because he didn't even know what was going on. We have a lot of new people here, Ben, they don't even know who you are. And so, he's a hero. We honored Ben and recognized him because he saved someone from being killed who was being stabbed. And at the time of his recognition he said, "You know, it's just about doing something. You didn't have time to be brave or scared or whatever. You just reacted." And here you are again, just jumping right into it with, you know, I mean, man, I'm just saying this guy is still fearless. So, I just appreciate that you jumped right in here and, you know, thank you for bringing a smile to my face.

Mr. Montgomery: Glad to do it, thank you.

Mr. Rapozo: I'm sorry I missed you coming in. I would not have told you to go home. Because I know you've been part of the bike path project for quite a while and appreciate that.

Mr. Montgomery: Yeah and as you may recall, I did, after about an hour long conversation with you two years ago where I was kind of asking is this thing largely good or largely not and I recall the answer being seems to be largely good, you know.

Mr. Rapozo: Thank you. I'm glad you clarified that. I'm glad you clarified that for the public because there's perceptions that I don't want the bike path. That's not the case. I think it's a good thing and we're trying to keep it safe for everybody.

Mr. Montgomery: Yeah, I would be the first to agree with that. Thank you.

Mr. Bynum: Thank you. Is there anybody else who has not testified? Yes.

Marcia McPhail: Aloha, County Council.

Mr. Bynum: Aloha.

Ms. McPhail: My name is Marcia McPhail. I'm a resident of Kapa'a and I've been using that pathway when it was just full of potholes and there was motorcycles and bicyclists, dogs. Everybody used that path and we all got along, and there was never a problem. Now we have the improvements and we've got problems. I think this is wonderful what Jay Furfaro has proposed as far as an amendment to Bill 2265, that we're given an opportunity to use that pathway for an extended period of time, up to maybe 18 months, to, you know, prove ourselves as being responsible dog owners. Personally I really don't feel comfortable about using the pathway by myself, walking my dog north of Lydgate. That's where I like to go. Excuse me, not Lydgate, but Keālia Beach. There's that pathway that goes towards Donkey Beach and it's a very remote area. And as a single female walking alone, I don't feel comfortable. If I have my dog alongside of me, it just gives me a sense of reassurance. I am willing to be a goodwill ambassador on that pathway and to make sure all the dog owners act responsibly. I am sorry to hear that there's been confrontations when somebody is approached because I've approached other dog owners that I see not cleaning up, but I do it with aloha. I do it with respect, and I've never had a problem. I explain to 'em how much work I'm doing to try and get dogs back on the path. And so far, I haven't had any problems. But, again, I just want to thank you for taking your time and everybody else who has come in here today. We've been in here since one o'clock; it's now after six. So, as you can see, this is something I don't consider a right but a privilege and I'd love to have the opportunity to prove, not only myself, but my other friendly dog friends and animal lovers an opportunity. And just on the idea of the equestrians. I am a horse owner and I wouldn't take my horse on that path. That would just be totally irresponsible. Thank you.

Mr. Bynum: Thank you. Marcia, if you can...

Ms. McPhail: Yes.

Mr. Bynum: ...hang for a second. Councilmember Kouchi.

Mr. Kouchi: No, I just wanted to say, Marcia, you know the last time I was at the meeting in the Committee I said I had been with my younger son and wife on the mainland and missed the hearing and was going to try to catch up and, you know, I did read Ben and Sheila's email. And out of the 120 to 140 emails that I went through, I chose to print yours. I was gonna use it in casting my vote today which I thought we were going to do and just wanted to acknowledge or appreciate that, you know, you took the time in your email to look at reasonable compromise and alternatives, you know, so that maybe we could find a middle road or a different path and I did want to say that there have been some really good emails, you know, Ben and Sheila's, you know, was professionally written and expressed their opinions, and it has been challenging going through all of the emails because there are quite a few people that their emotions and passions have overcome them and they have written things that are not very pleasant and not very nice to read about their perception of myself or the Councilmembers, and they're certainly not helping advocate your position. But you had something that, you know, really impressed me as just reasonably expressing yourself, but I did catch up on all of my reading so that I would have been ready and I do believe it's Kuna Bay and so I think we're trying to somehow move away from the term Donkey Beach. So if we get to the point of volunteers, I think we're trying to get people to refer to it by its name. So, thank you.

Ms. McPhail: Thank you very much.

Mr. Bynum: Thank you very much. Okay, anyone else who has not testified? Anyone that feels they need to have something else to share? Going once, going twice, okay, Mr. Rosa, you coming back?

Mr. Rosa: Good evening once again. I'm back here because I didn't get through the last time, Mr. Bynum. And, you see, the previous speaker now, I don't know if you people are aware of it. Right off the bat she did something illegal. According to the area past Keālia to Kuna Bay, it's off limits.

Mr. Bynum: Mr. Rosa.

Mr. Rosa: It's closed.

Mr. Bynum: I believe that was previous to it being closed, just to clarify because I've talked with Ms. McPhail.

Mr. Rosa: No, the last, about two weeks ago at the meeting, Tim, Mr. Bynum, she stated that on her way to there. Now, she didn't say when, what time, what month. Mel Rapozo asked her last week, did she report it. No. Why should she, she said. You know, things like that should go on the record. So what is she hiding. So, you know, those are the kind of things that people come and they breaking the law and come in front here and try to tell you something that they're not law abiding. Is she one of those 3,900 paid dog owners? I'd like to know. Some of these people coming and testified, like if they say they're not aware of, they don't care about raising those dog tax, but are they willing to pay like it was mentioned \$15? You know, you questioned me where did I get my figures. I told you. I got the facts. There's only 3,900 dog owners, so forget about the 20,000 that always come up and about 20,000, but 3,900. If the 20,000 pay, the 16,000 pay the \$2 tax that's \$32,000 in the coffers, that helps. Don't have to go \$15 because what about the hunters? They're gonna complain, "Eh, I get 8 dogs." So, those are the kind of things. These people are individualists that are just seeking individual gain, and the letter that I sent out to you guys today. Notice, I don't hear no dog

advocators over here on Kaua'i saying that it's much better to have dogs running in open parks than to be on a leash. It's stated in that article. Look at it. So, it's better to go to what Kaipo has intended, a park, where the dogs can get their full exercise. It's in the article, read it. And also, these advocates, they want a park but like it also states in that article, they want it, they can have it, but they'll have to maintain and upkeep it. So, those are the kind of things like as I said. They want something, but it's just a minority and we'd like, I'd like to know and other people would like to know where all these people come from? Are they sincere east side owners from Kapa'a, Keālia, wherever or are they just testifying I'm a dog owner, oh, I want this and that? But the paths are there. They can use it without the dog or with a dog because like Mel mentioned, some of those that don't want the dogs, they don't want it, and those who want dogs, they want dogs. So, you know.

Mr. Bynum: Three minutes, Mr. Rosa.

Mr. Rosa: Okay, but...

Mr. Bynum: Okay, thank you very much.

Mr. Rosa: But as I say and I know my way around this island and I've known speakers come up here and they're Friends of Kamali'i and you smiled when that person came up, so I know. Can't pass me. Thank you.

Mr. Bynum: Thank you. Anyone else? Ms. Herr.

Ms. Herr: Sheila Herr. I'll make this very quick. I'd like to make one suggestion before you make your final decision, your, your vote. If each Councilmember would please, together or individually, go stand on the path and take a measuring tape with you. Stretch it out 6 feet and imagine a leash on the other end of your arms length. Put your arms length with a leash and 6 feet. Measure that tape out over that path and then you'll understand. Envision a child next to that leash or a person on crutches next to that leash, a person in a wheelchair next to that leash that's stretched out 6 feet over an 8-foot path. Just do the math. Stand there for yourself. Feel it, see it and that's all I have to suggest.

Mr. Bynum: Thank you.

Ms. Herr: Thank you.

Mr. Bynum: Anyone else? Okay. Any other disc... We'll call the meeting back to order.

There being no one else wishing to testify, the meeting was called back to order.

Mr. Bynum: Any other discussion among Councilmembers? If not, I would entertain a motion to defer.

Ms. Yukimura: Oh, I do have.

Mr. Bynum: Okay, Councilmember Yukimura.

Ms. Yukimura: Thank you. Yeah, I, Councilmember Kouchi acknowledged Ms. McPhail (I think is her name) and I wanted to say that before I left on my vacation, I spoke to Leilani Durbin who was bitten on the Coastal Path

by a dog that was on a leash and she shared with me as she may have shared with some other Councilmembers how it's been so free and easy to be able to walk where there weren't dogs because she said it just makes her tense when a dog approaches and one can certainly understand that. And while she said that it's much easier for her without dogs and that she thought the path was initially not meant for dogs but for transportation, I was amazed because she actually suggested the proposal that Councilmember Furfaro has proposed. She said let's, my suggestion is if you're gonna, if you want to allow dogs, allow it for one portion but leave Lydgate where there's a lot of people, a lot of crossing the path, it's much more dense in terms of use. Why don't we, what about that? Let's, she was willing to try that, which just amazed me that someone who had been bitten herself was able to still kind of be willing to share the path and proposed a kind of compromise. And, you know, I and I think Councilmember Kouchi was suggesting that Ms. McPhail was the same way and I'm hoping that perhaps we can find a way to, at least on a trial basis, find that kind of way that can include as many people as possible in this process and I mean people with dogs and people without dogs and people who are afraid of dogs for very good reasons and see if there's a way we can try this to, you know, co-exist on this island and be able to, each in our own ways, enjoy that beautiful coastal path.

Mr. Bynum: Okay, anyone else? Councilmember Kouchi.

Mr. Kouchi: You know, although we've cleared the room since Mel said millions of Kaua'ians are watching this, I guess, so I'll say it for them and the handful of die-hard, committed citizens of Kaua'i. You know, one of the things I also looked at from Jay's proposal is that the people who support allowing the dogs to be able to walk on the path were advancing the argument that it is a path and it's not a park, and they were dismayed that it was designated a park when it's really a coastal pathway and park rules should not apply to a coastal pathway. Well, Lydgate is a park. It was a park long before there was ever a path. Lydgate as a park is an interior park with playgrounds, thanks to Tim and countless volunteers, Kamalani Playground and the kind of activities that happen on the interior end and Lydgate is a beach park with numerous pavilions for picnicking and barbecuing as well as showers and restrooms on the beach area. So, the park dimension of Lydgate is not limited to the mauka side of the roadway and so, to me, it seemed to be only fair that if you don't want a coastal pathway called a park, you shouldn't call a park a coastal pathway that could allow those kind of activities to happen. And so if you want a fair application of the argument, at the very least Lydgate should be acknowledged for the park that it is. Lydgate is a place where we are by design inviting children and families to come. They have the barbecues and everything else, and so I think that Jay's amendment acknowledges and recognizes the use and if you do extend it out, it does reach that, a level of compromise or at least a trial on a more limited basis, but I do, you know, certainly support the fact that Lydgate is a park and park rules should be applied to the Lydgate area. So that was also the second part of my thoughts about why I thought that that amendment that was offered by Jay was very appropriate. And if not, are we ready for the motion?

Mr. Bynum: I'm ready.

Upon motion duly made by Councilmember Kouchi, seconded by Councilmember Yukimura, and unanimously carried, Bills Nos. 2265, 2266, and 2267 were deferred to the Committee Meeting on July 23, 2008.

There being no further business, the meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Wilma Akiona

Wilma Akiona
Secretary

APPROVED at the Committee Meeting held on July 23, 2008:



TIM BYNUM
Chair, Parks & Recreation

(July 2, 2008)
FLOOR AMENDMENT
Bill No. 2265, Relating to Parks and Recreation

INTRODUCED BY: Jay Furfaro(2)

Amend Bill No. 2265 by amending Section 19-1.4 to read as follows:

“Sec. 19-1.4 General Prohibitions Applicable To All Parks And Recreation Facilities.

- (a) No person at a park or recreation facility shall:
- (1) Abandon any vehicle or other personal property.
 - (2) Leave any vehicle or other personal property unattended for longer than twenty-four (24) hours.
 - (3) Operate or use any audio devices including radios, television sets, musical instruments or noise-producing devices such as electric generators, or other equipment driven by motors or engines, in such a manner and at such times that produces unreasonable noise as defined in HRS Chapter 711-1101, unless authorized by the Director or his designated representative on a permit.
 - (4) Use utilities and appurtenances for non-recreational, commercial, or other activities, unless authorized by the Director or his designated representative on a permit.
 - (5) Install aerial or other special radio, telephone, or television equipment, unless authorized by the Director or his designated representative on a permit.
 - (6) Operate or use public address systems, whether fixed, portable or mounted on a vehicle, unless authorized by the Director or his designated representative on a permit.
 - (7) Disturb or interfere with any other person occupying an area, or participating in any authorized activity.
 - (8) Lead or let loose any dogs or other domestic animals, unless authorized by the Director or his designated representative on a permit, except for leashed dogs under the control of the owner on the County’s shared use path system beginning north of the Wailua River Bridge to Keālia Beach or any northern extension subject to Chapter 22, Article 2, Kaua’i County Code 1987, as amended[.], for a trial period of eighteen (18) months. Dogs or other domestic animals shall not be allowed on the path system through Lydgate Beach Park and the Lydgate campgrounds to the Wailua River Bridge.
 - (9) Use, carry or possess firearms and weapons of any description, except for bows and arrows for archery competitions and air rifles for air rifle competitions when authorized by the Director or his designated representative on a permit.
 - (10) Drive or park motorized vehicles, including dune buggies, motorcycles, minicycles, and scooters, or ride horses, except on designated roads and parking areas, unless authorized by the Director or his designated representative by signage or on a permit.
 - (11) Mark, deface, or remove any natural feature or natural resources.

(12) Destroy, injure, deface or remove in any manner any public building, sign, equipment, monument, marker or other structure.

(13) Destroy, dig or remove tree, shrub or other plant, unless authorized by the Director or his designated representative on a permit.

(14) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, unless authorized by the Director or his designated representative on a permit, except for a pre-fab and manufactured quick tent no larger than 20 feet x 20 feet for an event or gathering.

(15) Start a fire except within designated grills, portable grills, and fireplaces. No fire shall be left unattended and all fires shall be fully extinguished after use.

(16) Throw or drop a lighted cigarette, cigar, pipe heel, match or other burning material, except to start a fire within designated grills, portable grills, and fireplaces as allows in paragraph 15.

(17) Use roller skates, roller blades, skateboards, or bicycles except in designated areas authorized by the Director or his designated representative through signage.

(18) Dance on any gymnasium floor while wearing shoes, provided that dancing with shoes shall be permitted if a protective covering over the floor is used.

(19) Dispose litter in other than designated trash receptacles.

(20) Operate or use air-horns, unless authorized by the Director or his designated representative on a permit, or to start or end events or races. As used herein, air-horn means a device intended to produce a sound signal by means of compressed air or gas or exhaust gas.

(b) Entering or remaining in a park area when manifestly under the influence of alcohol, narcotics or other drugs, to a degree that may endanger oneself or other persons or property, or unreasonably annoy persons in the vicinity is prohibited.

(c) County Employees authorized by the Director shall have the authority to issue citations and charges for any violations of the provisions of this Section.

(d) Any person convicted of violating any provision of this Section or as the same may be amended or supplemented, shall be punished by a fine not exceeding \$500.00 nor less than \$15.00. In addition, the County shall have the right to avail itself of any civil remedy appropriate under the circumstances.

(e) Expiration. The provision in Section 19-1.4(8) which states that leashed dogs under the control of the owner on the County's shared use path system beginning north of the Wailua River Bridge to Keālia Beach subject to Chapter 22, Article 2, Kaua'i County Code 1987, is hereby repealed 18 months after its enactment.

(Material to be deleted is bracketed. New material is underscored.)