

MINUTES

PUBLIC WORKS COMMITTEE

December 12, 2007

A meeting of the Public Works Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Ron Kouchi, Chair Pro Tem, at the Historic County Building, Room 201, Līhu'e, Kaua'i, on Wednesday, December 12, 2007, at 9:26 a.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 Jay Furfaro, Ex-Officio Member

EXCUSED: Honorable Mel Rapozo
Honorable Shaylene Iseri-Carvalho

The Committee proceeded on its agenda item as shown in the following Committee Report which is incorporated herein by reference.

- PW 2007-3** Communication (2/15/2007) from Mel Rapozo, Public Works Committee Chair, requesting that the Administration be present to give an update and status report on the County's bicycle/pedestrian pathway project which encompasses various segments from Ahukini to Anahola;
- PW 2007-11** Communication (9/19/2007) from Shaylene Iseri-Carvalho, Public Works Committee Vice Chair, requesting that the Administration be present to discuss an action plan, timeline and cost proposal for the repair, removal, and/or maintenance of Kapa'a Beach Revetment; and
- PW 2007-12** Communication (9/19/2007) from Shaylene Iseri-Carvalho, Public Works Committee Vice Chair, requesting that the Administration be present to discuss an action plan, timeline and cost proposal for the repair and/or maintenance of Moanakai Road alignment/Fujii Beach Revetment.

RON KOUCHI, CHAIR PRO TEM: PW 2007-3, PW 2007-11 and PW 2007-12 are relating either to the beach wall revetment or the bicycle pathway. We've had a request to defer these items to January 9, 2008. Can we have a motion to defer to January 9, 2008? Glenn, I didn't realize that you wanted to speak, so I will permit you to speak on that before we move on. I apologize for not asking if anyone

in the audience wanted to speak on PW 2007-3, PW 2007-11 or PW 2007-12.

There being no objections, the rules were suspended.

GLENN MICKENS: This is PW 2007-3. Thank you Ron. I am sorry that Mel and Shaylene aren't here. They are the ones that have kept this thing on the agenda. They kept it from falling through the cracks, but... for the record, my name is Glenn Mickens. So you have a copy of my testimony and please let me read it for the viewing public and for the record. First, let's establish what this multi-million dollar project is and what it is not. Is it a true path for real bikers? The bikers that have testified before you have said no. They would never use it due to the speeds they travel for fear of hitting walkers, joggers, and others. Will motorized vehicles use it? Officially no, because they are not allowed on it, but a check of the path in Lydgate Park will show that cars and motorcycles do use it to burn rubber and then leave. You can verify that with some of the people down there at the condos. They continually call the police about it, but by the time the Police show up, they are gone. Will inline skaters and skateboarders use it, probably, since there is no restriction against them using it, but as with real bikers, the injury and liability fact becomes really high. So basically we have walking path. TE Federal guidelines state that the path will be used for transportation and not recreation unless the secretary gives permission for other uses. Attorney Bill Sweeny used this argument in his draft EA to stop the path from going in front of coastal condo owners that he represented and he won his case. I suppose if one wanted to, they could make the case at walking (inaudible) transportation, but we have heard over and over that this path will somehow take traffic off our highways. Even the most imaginative person will have a hard time making that connection saying that maybe a few walkers or joggers going to work if they would be the case are worth millions of dollars being spent on this path. And even if under false pretences, the Administration and the components of this path want to call it a bikepath.

How can they possibly ignore the expert testimony of my friend Joe Rosa who helped build the bikepath that circles the island only to see it deteriorate from lack of use and maintenance. Joe has shown you two (2) failed bikepath ventures and with all due respect to the Mayor, our County Engineer and a vocal (inaudible) of others, he knows more about the history to these paths on Kaua'i than any of them. I say this because he was there and helped build them and none of these others did. The path had (inaudible) at least parallel to the highway. It could be used by bikers going to work, but this white elephant is segmented at best with the road blocks that stand in its way and it may never see other segments finished or even connected. I have a couple more paragraphs.

Mr. Kouchi: Yes, I don't see anyone raising their hand on this Glenn.

Mr. Mickens: I will finish. And remember that Joe was absolutely neutral in what he says or does. His words are simply facts and I am sure there is a lot of people associated with this project can't say the same thing as they stand to

make a lot of money from the TE Federal funds. I say that not derogatorily. I am not accusing anybody of anything. I am just saying that the contractors, the designers and everything, they are being paid big bucks out of Federal funds for this thing. Joe is simply saying that past paths on Kaua'i were a failure, so why are we spending millions of dollars to repeat this failure and I have the list of 25 questions that Mel and Shaylene asked months ago and some along with many others are still unanswered. For me, the two (2) critical questions that this Administration refuses to address are: 1) what will be the cost of maintaining the 16 to 23 mile path; and 2) what will be the cost of hiring security people to patrol it?

In closing, I can only say that the people on Kaua'i, all of them, not a select few, deserve a lot more than a shoreline hardened walking path for \$51 million and probably a lot more before it is ever finished. So that is my testimony and if there are any questions, I would be happy to answer them.

Mr. Kouchi: Any questions for Glenn? If not, thank you. Anyone else...

JOANN A. YUKIMURA: I just want to say something. Just a technical correction. A path is something that is separate from the highway, so if you were talking about something that is adjacent to the highway, it is a lane.

Mr. Mickens: But it was a bikepath JoAnn. It says bikepath right there on the signs.

Ms. Yukimura: Where?

Mr. Mickens: Go right down there by Hanamā'ulu...

Ms. Yukimura: If you have to share the road and it is not a separate lane, it is bike route.

Mr. Mickens: Well, what is the bike route?

Ms. Yukimura: A bikepath is a route for bikes along the highway.

Mr. Mickens: Right, right.

Ms. Yukimura: But I just wanted to say that a path is something that is separate (a bikepath). The technical definition of it is something separate from the highway.

Mr. Mickens: Right.

Ms. Yukimura: So when you said the bikepath around the island, I am going what bikepath. You might mean the shoulders that Mister... did help to

expand. The shoulders were non-existent when I first came back from college and was riding my bike and the State made a huge difference by putting adequate shoulders on the highway.

Mr. Mickens: For bikes?

Ms. Yukimura: For bikes and for safety reasons for cars to get to move onto to the side if they were damaged or having problems and things like that.

Mr. Mickens: Right, but the point is, it could have been used for transportation.

Ms. Yukimura: The only thing that I am pointing out is the language.

Mr. Mickens: Yea.

Ms. Yukimura: Just so that we are all on the same page.

Mr. Mickens: Thank you.

Ms. Yukimura: Thank you.

Mr. Kouchi: Thank you. Mr. Rosa, did you want to address this item too? I extend the same apologies to you.

JOE ROSA: For the record, my name is Joe Rosa. Good morning members of the Council.

Mr. Kouchi: Good morning.

Mr. Rosa: Well, I am always here not trying be a thorn on the side, but let me clear up what JoAnn was trying to say about... at the start, question Mr. Mickens. When we put in those stabilized shoulders, it was stressed and used as stabilized shoulders because the State or the Federal government would never pay for any bikeways. It was said it was used for stabilized shoulders for safety reasons. The cars could pull off the shoulder and I got stuck in the mud. That is what it was so stated, but then afterwards through JoAnn's kind of urgent... it came about, they said, yea, the cyclists want to use it, they can use it. Then somehow, they continued to make those stabilized shoulders and put stabilized shoulders all the way through the Mānā housing. But on the west side, it wasn't the super class bikeways because we use cinders with a mixture of asphalt. We didn't use like what they did on the other ones here with asphalt. I know because I worked on those things that is why I can speak about it like Mr. Mickens says.

Now getting back to the subject what I am here about. You know, two (2) weeks ago when I was here at the meeting, there were a lot of questions and poor

Donald Fujimoto is getting to be the scape goat as far as questions and answers. Where is Mr. Doug Haigh? Is he in hiding? Can he stand the heat in the kitchen with all the answers from now and (inaudible). Where is he? He started something that he couldn't finish. He put his foot in his mouth. He couldn't come up with answers. At times I had him biting his fingernails when I see him because I speak facts and, you know, I am here to try to save the people on Kaua'i, the taxpayers bucks, big dollars and this is no end yet. I would also like some of the things that Shaylene said, you know, we cannot get answers because the person who started the thing is not around. He is in hiding somewhere and he is passing the buck to the next (inaudible). You know, where is the pedestrian counts at Lydgate? When we made the path first from Waipouli Service Station to Otsuka, we stood out there two (2) weeks and taking a count and only a hire a 12 people that was cyclists and some walkers. And I guess when the DLNR cut the bridge at Waiakea Canal, there was no justification from the walkers or cyclists. They went ahead and cut it for the boulders and that bikeway was accounted bikeway. It wasn't upkept, so how can do what they want to do 17 miles?

Mr. Kouchi: Do you have more Mr. Rosa?

Mr. Rosa: What is that?

Mr. Kouchi: Do you have more?

Mr. Rosa: Yea, a little bit more.

Mr. Kouchi: It will be your second three (3) minutes.

Mr. Rosa: Okay. Also, I got... I was saying that the Waipouli area there, as I said, the people that walked there was people that lived around the area, they are going to do some shopping and go to the pavilion and stuff as I say. But other than that, you know, also coming in to this hardening of the shoreline. There is opposing hardening of the shoreline and what they are doing putting a 10 foot sidewalk along the shoreline. You know, what is good for the goose is good for the gander. Also, like I was going to say, where is a pedestrian count of the usage at Lydgate Park? As I said, we took time (inaudible) to see how many walkers, how many cyclers in the Waipouli bikeway. I don't think there was justification. The County took it over and nobody... (Inaudible) we have to sweep our bikeway over there. There is all sand and pine needles and grass grown over that is why as I told Mr. Mickens, get yourself a shovel and you dig four (4) to six (6) inches and you will probably find it there just as the day it was put in there and he did. So those are the kind of things like I say. Also, another thing, JoAnn you know, you've been to Seattle, Santa Monica, Chicago, and those bikeways are in the metropolis area where people is around that use it. Right now, the only area I can see is going to be used is from Lydgate to probably Keālia is within the metropolis area. Hanamā'ulu to Ninini Point, it is in the wilderness. Who is going to use it? JoAnn, you tell me, are you going to use the bikeway to come to work? Where are you going shower?

You are going to be all sweaty. People ain't going to use it for work, you know.

Ms. Yukimura: Actually, Mr. Rosa, we put showers in the Civic Center just for that purpose.

Mr. Rosa: Well, it is after-the-fact, I didn't realize it was put in, but... so, you know, those are the kinds of things that there is hardly any justification as far as the use for it. You know, like I pass there over the weekend and I seen joggers, but I thought they were knocking over one another to use the walkway, but they were scattered here and there. As I say, anything... when the State planned anything as far as it... it goes for the need for the thing. Is it going to be worth the use of the public? It is not only just a select few and the cyclists, you know, I'd like to really know how many adult cyclists there is on the island compared that parents take out bicycle tax for the kids. This is a requiring (inaudible) on the highways or roadways in their neighborhood. There is no justification. Again, like I just say, you have to look at metropolis areas, usage, against rural usage. And, already, like I say, crime is happening already. You know, how is it going to be patrolled (the area) for security and things like that there? Those are the questions, like I say, there are going to have a whole lot of liability suit and then this one Shaylene mentioned about this person getting bitten by a dog, how can the Humane Society allow us the skateboard getting to pull them around? That is not typical of, you know...

Mr. Kouchi: Inhumane.

Mr. Rosa: Inhumane, exactly.

Mr. Kouchi: But you will have January 9 and this item will be back up and the Committee Chair and Shaylene will be present.

Mr. Rosa: For now, like I say, that is about it what I have to say, but they become next year, I will have a few more bike spots to...

Mr. Kouchi: I am sure you will and Mr. Mickens.

Mr. Rosa: I will because like I said, I see that we are not quite ready. The land we want from Hanamā'ulu to Ninini Point, get the land, acquire it, put it in the land bank and when the time needs and comes, we use it because I don't see now justification from Lydgate Park all the way to here because you have problems with the golfers and everything else. And even like when the State came up to why they stopped at Leonard's Service Station was they couldn't go beyond the other side because there were a lot of the homes that were down the shoreline there. So those are the kinds of problems as I say, you know.

Mr. Kouchi: Well, it will be back on January 9.

Mr. Rosa: So thank you very much.

Mr. Kouchi: Thank you and before I go onto PW 2007-13, I just wanted to check, was there anyone else who had wished to speak on PW 2007-3, PW 2007-11 or PW 2007-12 before we move on?

Upon motion duly made by Councilmember Yukimura, seconded by Councilmember Bynum, and unanimously carried, PW 2007-3, PW 2007-11 and PW 2007-12 were deferred.

CR-PW 2007-30: on PW 2007-13 Communication (9/26/2007) from Mel Rapozo, Public Works Committee Chair, requesting that the Administration be present to present their evaluation report on the Traffic Calming Pilot Study on Weke Road in accordance with Resolution No. 2006-08.

[Received for the record.]

PW 2007-15 Communication (10/30/2007) from the Council Chair, requesting the Administration to update the Council on the status of the former Hanalei and Kōloa Courthouses facilities.

[This item was deferred.]

Mr. Kouchi: Councilmember Rapozo was one of those initiating the request and as he is not here, I'd like to ask that this be deferred.

Upon motion duly made by Councilmember Bynum, seconded by Councilmember Yukimura, and unanimously carried, PW 2007-15 was deferred.

There being no further business, the meeting was adjourned at 10:26 a.m.

Respectfully submitted,



Lisa Ishibashi
Council Services Assistant

APPROVED at the Committee Meeting held on January 9, 2008:



MEL RAPOZO
Chair, Public Works Committee