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PARKS AND RECREATION COMMITTEE
Council of the County of Maui
MINUTES
July 31, 2002
Council Chamber

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PR 07/31/02

2

1 CONVENE: 6:03 p.m.

2 PRESENT: Councilmember Jo Anne Johnson, Chair
3 Councilmember Robert Carroll, Vice-Chair
4 Councilmember Danny A. Mateo, Member
5 Councilmember Michael J. Molina, Member
6 Councilmember Charmaine M. Tavares,

Member

5 STAFF: Gary R. Saldana, Legislative Analyst
6 Camille Sakamoto, Committee Secretary

7 Kelly Arbor, Executive Assistant to
8 Councilmember Jo Anne Johnson

8 ADMIN.: Floyd S. Miyazono, Department of Parks

and

9 Recreation
10 Wesley Lo, Director, Department of

Finance

11 Robert Tam Ho, Assistant Chief,

Department of

12

13 Police
14 Judith M. E. Williams, Deputy Corporation
15 Counsel, Department of the Corporation
16 Counsel

17

18 OTHERS: Marcy Martin and her daughter
19 Dennis Fitzpatrick
20 Toni Davis, Executive Director, Activity
Owners Association
Greg Howeth, Ocean Tourism Coalition
Steve Omar, Maui Surfing Surfari
Ron Picker, Island Vibrations Surf School
Ilima Kalama
John Crews

17

18 Alan Cadiz
19 Donald C. Chaikin
20 John Rapacz

19

20 Kim Ball
Orlino Noneza, Jr.

20

Additional attendees (30+)

Inc. 21 PRESS: Akaku--Maui County Community Television,
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1 CHAIR JOHNSON: (Gavel) -- The Parks and Recreation
2 Committee will come to order.
3 I'm going to introduce the Council
Members,
4 Administration representatives, Corp. Counsel,
and
5 our Staff. We have present with us this
evening,
6 Councilmember Robert Carroll, who's our Vice-
Chair.
7 We have Councilmember Michael Molina;
8 Councilmember Charmaine Tavares; and our newest
9 addition, Councilmember Danny Mateo. Welcome
again.
10 COUNCILMEMBER TAVARES: Welcome.
11 CHAIR JOHNSON: We have with us also Mr. Miyazono, who
is
12 our Director of Parks and Recreation; Wesley Lo,
our

13 Director of Finance. We have in the audience,
14 Assistant Chief Tam Ho and another member of the
15 Department of Police.

16 We have Judith Williams, who's from the
17 Office of Corporation Counsel, our Deputy
18 Corporation Counsel; Camille Sakamoto, who is
our
19 Committee secretary; and Gary Saldana, who's our
20 legislative analyst.

ACTIVITY

21 PR-8: FEES AND REGULATIONS FOR OCEAN RECREATIONAL
22 PERMITS (Misc.)

23 Members, today we have one item on our
24 agenda, which is the continuing saga of PR-8,
the
25 fees and regulations for ocean recreational

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1 activities permits. The item does relate to a
2 miscellaneous communication from the County
clerk
3 referring the matter of fees for ocean
recreational
4 activity permits.

5 Today the Committee will be considering a
6 proposed bill submitted by the Director of
Finance,

7 and the purpose of the bill is to: 1) clarify
the
8 use and access of County parks by commercial
9 businesses; 2) grant the Director of Finance the
10 authority to use his discretion for issuance of
11 business permits at parks where such activity
may
12 conflict or interfere with lawful use of the
park;
13 3) allow no commercial business to operate at
Cove
14 and Kalama Parks; 4) restrict commercial
business
15 activity at County parks on Sundays; 5) grant
the
16 Director of Finance the authority to issue
permits
17 for any specified period not to exceed one year;
and
18 6) revise miscellaneous and nonsubstantive
19 provisions of the ordinance.

20 Before we proceed with the testimony
tonight,
21 I would just ask, and I think this will be
helpful
22 for everyone, that the Director of Finance,
Wesley
23 Lo, provide an overview of the proposed bill
24 because, as many of you already have been
informed,
25 there are some changes that the Administration
has

5

1 made.

ask

2 So without further delay, I would just

3 Mr. Lo to proceed. Thank you.

the

4 MR. LO: Madame Chair, Council Members, thank you for

5 opportunity to present this.

assessed

6 I first would like to state that this
7 original ordinance was drafted over some time to
8 address a variety of items, which included some
9 housecleaning items relative to the issuance of
10 permits over a one-year period and the fees

last

11 for that, as well as to try take into some
12 discussions that the Committee has had over the
13 several months, as well as to move us toward the
14 eventual change of the ordinance and the change
15 responsibilities to the Parks Department.

in

16 In any event, so we had drafted this
17 ordinance to address a variety of things.

However,

had

18 due to a variety of community meetings we have
19 and numerous meetings that Finance, Police,

Parks,

20 and Corporation Counsel have had, we would like

to

few 21 present this ordinance, actually address only a
items 22 items. And then if I could go through those
23 real briefly.
to 24 In Section 1A is an item that we'd like
and 25 continue to have in the change in the ordinance,

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conduct 1 that is: It is unlawful for any business to
and 2 ocean recreational activities in county parks --
for 3 the addition will be -- or to use county parks
4 access to and from the adjacent shoreline and
recreational 5 ocean -- without first obtaining ocean
accordance 6 activity permit issued by the director in
7 with this chapter.

address 8 The addition there would be just to
they 9 some possible usage of people of areas where
10 don't have activity permit just from a
11 transportational standpoint. So that's a little
12 housecleaning item.

13 On page 2 under Item No. F, I think the
14 Issuance or Denial of Permit, and it says
appeal,
15 which I think appeal, as Councilmember Tavares
16 mentioned, should be deleted there.
17 The change in this area which basically
says:
18 The director, in the director's sole discretion,
may
19 refuse to issue a permit where the proposed
ocean
20 rec activity would conflict or interfere with
other
21 lawful uses of the park, is, in our estimation,
a
22 clarification of the existing ordinance because
the
23 Director of Finance, per this chapter, already
has
24 the authority to issue permits in this thing, so
25 it's just more to clarify that item.

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1 The only other change we would like to
see at
2 this point in time is in Section 3A which would
3 relate to the time periods specified in the
permit.

4 And I'm not gonna read it at this point in time,
but
5 basically it is to provide the Director of
Finance
6 the ability to issue on partial year basis as
well
7 as to prorate the fees.

8 So if somebody -- since we are trying to,
as
9 everybody in this chambers knows, is we're
trying to
10 make sure that everybody's on even keel in
coming to
11 a certain date that -- for example, if
somebody's
12 ocean activity permit expi -- was gonna be
renewed
13 on June 30th, that we could charge them \$125 and
14 have it mature on December 31st, as opposed to
15 charging the \$250 as required by this ordinance.

16 I would like to also comment that we will
17 need to do a budget ordinance change which we
are
18 having our Budget Office amend that language in
19 there at this point in time.

20 As it relates to the other items, I think
21 because of recent meetings we've had with the
22 public, with the commercial operators, and again
23 with the numerous of internal Departments at the
24 County of Maui, we will be, like to refrain from
any
25 other further changes at this point in time as
we

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8

we've 1 sort of sort through a lot of the information
2 gotten. And I think we're in the process of
3 finalizing our plan as we move forward.

4 I have no other comments at this point in
5 time.

things 6 CHAIR JOHNSON: Mr. Lo, there were some original
7 that were submitted with the draft that we have.
8 Can you just clarify what those sections would
be 9 that you would then be removing from what we
have in 10 our binder?

11 MR. LO: Okay, I'll also Corporation Counsel Judie
12 Williams to distribute the changes, the
redrafted 13 ordinance.

would 14 The deletions, other than the cleanup,
15 basically relate to, on page 4, Item G, which
16 states: "No permit shall be issued to any
business 17 for the conduct of ocean recreational activities
at 18 Cove Park or Kalama Park." That would be
stricken 19 at this point in time.

20 And H: "No business shall conduct ocean
21 recreational activities in a county park or use
a
22 county park for access to and from the adjacent
23 shoreline and ocean on Sundays."

24 The reasons for that, we are thinking of
25 striking this is because of, we would like to

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9

1 evaluate a lot of the information that we've
2 recently received from the public and the ocean
rec
3 activity permit holders.

4 These items continue to be
administratively

5 done and at this point in time, we think that
it's
6 more prudent for us to have a more complete plan
7 before we introduce any items such as this into
the
8 ordinance.

9 CHAIR JOHNSON: Thank you, Mr. Lo.

10 What I would now like to do is commence
with

11 testimony. But before I do that, I just wanted
to
12 give a brief overview.

13 The matter's been under review by our
14 Committee for over a year now. During the last
few
15 months, a working group of ocean recreational
16 activity businesses have been developing
standards
17 for operations at County beach parks. And I
want to
18 clarify that the working group's efforts are
very
19 much appreciated, and the recommendations that
the
20 group submits will be given full consideration
upon
21 completion of their efforts.

22 It's my vision to incorporate their
23 recommendations into any action taken which
24 transfers the jurisdiction of the issuance of
ocean
25 recreational activity permits. Therefore, I ask
the

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1 continued patience of the working group with
this
2 process and look forward to receiving your final
3 recommendations.

4 Also, please note that the proposed bill,

5 which is being considered by the Committee
today, 6 will not, in any way, impact the efforts of the
7 working group. Furthermore, the proposed bill
initiated 8 before us today, as Mr. Lo stated, it was
9 by the Department of Finance to assist them with
I 10 their current administration of the permits, and
11 view the proposed bill as an interim measure
until a 12 bill is developed which transfers the
jurisdiction 13 to the Department of Parks and Recreation. And
as 14 you will note, this was not transferring that
within 15 the bill that we're reviewing.

16 With that said, I want to begin our
public 17 testimony. So if you have any cell phones,
18 anything of that sort, if you'd just either turn
19 them to vibrate or to the silent mode, I'd
really 20 appreciate it and then that way it doesn't
disturb 21 anyone when they're testifying.

22 Ordinarily, because there's quite a few
23 people here tonight -- I have currently four
people 24 signed up to testify. Ordinarily, I would give
ten 25 minutes, but tonight I think because of the fact

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11

gracious

the

you

least

to

to

record.

resident

all

surf

This

1 that we have -- and you each been really
2 about giving testimony at our last meeting which
3 Director of Parks sponsored in Kihei and many of
4 have been here before -- I'm gonna limit to five
5 minutes this evening just so that we can at
6 have an opportunity to discussion some of these
7 things in our Committee.

8 So the first person this evening is going
9 be Marcy Martin. And if she would just step up
10 the podium and just state your name for the
11 And she will be followed by Dennis Fitzpatrick.

12 . . .BEGIN PUBLIC TESTIMONY. . .

13 MS. MARTIN: My name is Marcy Martin, and I'm a
14 of Pa'ia. My husband, myself, and my daughter
15 enjoy surfing at Ho'okipa.

16 I'm here because I'm concerned about a
17 school which operates at Ho'okipa Beach Park.

the 18 summer a surf school began holding lessons at
19 pavilion area of the park. This is a serious
20 problem, and I am not alone in this view.
is 21 Ho'okipa Beach Park is unique because it
22 the only place that breaks yeararound on the
north 23 shore. It's perfectly suited for families. The
24 area's sheltered from the wind. The fishing and
25 diving are good, and gentle waves in the summer
are

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1 ideal for kids.
an 2 The only place with similar conditions is
break at 3 hour away. For these reasons, the pavilion
most 4 Ho'okipa has a reputation of being one of the
to 5 crowdest spots on the island. There's no room
6 run a business here. With all the people in the
7 water, it is already dangerous enough.
8 When the surf school operates, it brings
already 9 danger to beyond reasonable levels. I have

injured.

10

witnessed a person in a surf class getting

when

11

I was on the beach one Sunday afternoon

girl

12

the surf was fairly sizable. The surf school

and

13

instructor pushed a young woman on a wave. The

to

14

could not stand up or stop. She hit the reef,

her.

15

her board came to a halt. This launched her on

her or

16

the jagged reef.

the

17

Luckily, bystanders there came to rescue

on

18

Some grabbed the board so it would not strike

pounded

19

the children playing in the tide pools. She had

The

20

wind knocked out of her and was unable to stand

on a

21

the jagged, slippery reef while the waves

22

her. She left with only scratches and bruises.

23

instructor was not able to come to her rescue

24

because she had two other students in the water

25

rough and crowded day.

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1 I'm not opposed to surf lessons, though.
2 Surfing is fun. The school gives visitors and
3 locals who are interested a chance to try this
great
4 sport.
5 There are many areas on the south shore
where
6 surf schools can operate safely without imposing
on
7 local tax-paying families who use the beach park
8 facilities on their precious time off. The
spots
9 may be less convenient for the operator, but the
10 students will not know the difference; they will
11 still have the time of their lives.
12 In closing, I am proposing that the
ordinance
13 restrict commercial surf lessons at Ho'okipa and
14 other north shore surf breaks. It is too
dangerous
15 during the winter; it is the only spot that
breaks
16 during the summer.
17 It is already crowded. Our kids have a
right
18 to learn to surf too, and Ho'okipa is the only
place
19 they have to learn on the north shore. Ho'okipa
is
20 no place to operate a business. It is a public
21 beach, not a commercially-zoned property.
22 And I thank you for giving me this
23 opportunity to speak my opinion.
24 CHAIR JOHNSON: Thank you very much, Marcy. Does your

25 daughter wanna say anything?

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1 MS. MARTIN: She's okay.

2 CHAIR JOHNSON: All right.

3 ALL: (Laughter.)

Are 4 CHAIR JOHNSON: Are there any questions for Marcy?

5 there any questions at all? Okay, seeing none,

and 6 Dennis Fitzpatrick will be our next testifier,

7 he is going to be followed by Toni Davis.

8 MR. FITZPATRICK: Hi, I'm not affiliated with any

9 business. I'm here just as a local concerned

10 resident that uses the water quite a bit.

11 But I'd like to preface my comments to an

12 article that was in today's paper where Hawai'i

13 ranks last in national business survey and says

14 that, quote, "Since small business is the true

state 15 driving force behind economic growth, every

16 and local lawmaker should be concerned with the

17 wellbeing of small businesses," said economist

18 Raymond J. Keating, who wrote the studies.

small 19 And to me, all these people represent

Kihei, 20 business. Okay? I went to the meeting in
21 and I came away with a lot of questions and was
22 really concerned about some of the things. I've
23 submitted written testimony, and if I have time
I'll 24 read it.

25 But the things that I was concerned about
was

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-- 1 one of issues came up was enforcement. We don't
because 2 and you know, they closed Cove Park at night
3 of drunks, drugs, all these kind of problems.
4 I got a phone call from a friend from the
[sic] 5 Mainland that said she saw it on CNN. And it
County? 6 said, oh, do they close the park now in Maui
closed 7 I said, well, if you think about it, they've
the 8 three parks in the last, probably five years for
9 same reason, drunks, all these other kind of
10 problems, drugs, whatever.

11 We need to enforce the existing laws. I

12 don't understand why we're making new laws when
we
13 don't have people enforcing the ones were there.
14 And at that meeting, it came out the
parks,
15 we don't have money. We don't have money for
16 people. And the Police said, well, we don't
have
17 money for manpower, we don't have -- you know,
we're
18 taxed out.
19 But then I read in the paper that day
where
20 we gave Mr. Hart \$167,000 to do a study on where
we
21 need to put parks in South Maui. You know, to
me
22 that would have really done a lot for enforcing
23 those parks. And most of us could have told you
24 where to put parks and what the needs were in
the
25 future. But didn't work that way.

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1 The other issue I had was on expansion of
2 parks. I brought a book and I shared it with
3 Mr. Carroll, Councilman Carroll -- from the old
4 board of supervisors in the '60s.

5 And they were the ones that pretty much
had
6 the visions to do all these parks. And they
7 projected an amount of tourists about 275,000 by
8 1980 and a resident population of 36,000. And
9 they're the ones that made up most of the parks
in
10 Kihei that were done in the early '70s or mid-
'70s.
11 And I came here in '75. Okay?
12 As far as I know, we haven't really
developed
13 any coastal parks. We haven't developed any new
14 bathrooms, new showers, nothing. But yet, at
that
15 meeting, I came away with residents against
16 business; and to me, it shouldn't be that way.
17 We'll all residents and people that wanna live
here
18 and this is our island. We're in this together.
19 You guys are supposed to be doing our
20 bidding. So why didn't we spend the money for
the
21 parks? I don't wanna fight with business
because my
22 kid can't surf the park. I wanna say the kids
23 should surf the park; that business should give
the
24 tourists and the residents what they want. And
25 that's what you guys do. Okay?

17

1 The other issue I had was on economics.
All
2 right? And at that meeting, it really astounded
me.
3 Somebody quoted some PATI study or something,
4 \$160 million or something. And I'm thinking,
wow,
5 that's a lot of money. Okay? Well, these
6 businesses bring into Maui County, and they're
just
7 small businesses. This money stays in our
island.
8 I took an economics class from the
University
9 of Hawai'i, and the professor's premise at that
time
10 was the mom and pop businesses of the last
11 millennium of the 1900s went out because
government
12 chose to do a service industry, tourism versus
13 agriculture. And so all the businesses that are
14 formed, that are axillary to the tourism
industry,
15 are the mom and pop businesses of the '90s and
the
16 new millennium. You guys are the Matsumotos and
all
17 this kinda stuff, okay?
18 So I think the economics of it is they're
19 doing a good job. They're supplying
(inaudible),

20 and the money stays here. It doesn't go for big
21 boxes and Wal-Mart and corporations and AMFAC
and
22 all this. Money circulates. People pay their
rent.
23 We see 'em in the store. They buy the goods.
Okay?
24 So I think it's an economic issue.
25 Also education. These guys educate
people.

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1 You know? They're doing the job that I think
2 government should do. They warn people about
the
3 ocean. They tell you the joys of the ocean,
when's
4 a good day to go, when's a bad day. They're the
5 experts. You feel comfortable with these guys.
6 You know, I have friends that come here
all
7 the time. They go diving, kayaking, you name
it.
8 So they enjoy the services they have, and they
9 educate the populace. Okay?
10 Where I've written letters recently to
the
11 Council about, like the boating industry. I
heard

12 that the sewage is dumped out in the water, you
13 know, and I thought, nah, that can't be. Well,
I
14 did some research. Our harbors don't have any
pump
15 facilities for the raw sewage. It all gets
pumped
16 in the harbor. Okay?
17 Could this be why we have more hepatitis,
18 more meningitis, more infections, lung
infections?
19 Why we all of a sudden have these exotic
diseases we
20 never had before? I think we have to have
studies
21 on that. We gotta find out where the problems
are.
22 These guys aren't the problem. Okay?
23 The last issue is electoral. I believe
that
24 the Council is elected to represent us. You do
our
25 bidding. And I get disappointed every year.
We've

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1 changed the Council --
2 MR. SALDANA: Five minutes.
3 MR. FITZPATRICK: -- okay.

conclude.

4 CHAIR JOHNSON: I'll just give him one minute to

the

5 MR. FITZPATRICK: Okay. We've changed the Council in

6 last three cycles that I, or three cycles that I

or

7 know of because of -- one issue was, was it rock

Now

8 sand on the beach? They built all the hotels.

9 they advertise those are sandy beaches.

changed

10 The other issue was the airport. We

changed

11 the Council for that. This last issue we

every

12 the Council for developmental issues. Water;

water

13 one of you guys campaigned last time, fix the

projection

14 Upcountry. Still ain't fixed. The only

down

15 I see is taking the water from Ha'iku, bring it

16 to Makena, and developing those houses.

district

17 The council person I voted for in my

the

18 was against development in my district. Most of

it's

19 people that I know voted for him for that. Now

20 all the ____ okay to build in Makena.

here.

21 We've got lots of problems, but you know

22 what? Maui's a beautiful place. I love it

make

23 These people are doing us a service. We should

24 it as easy as we can, and we should all work

25 together. Thank you.

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1 AUDIENCE: (Applause.)

2 CHAIR JOHNSON: Thank you, Mr. Fitzpatrick. Are there
any

3 questions for the testifier? Seeing none --

4 COUNCILMEMBER MOLINA: Yes. Madam Chair? One
question?

5 CHAIR JOHNSON: Mr. Fitzpatrick, you have one question
6 from Councilmember Molina.

7 COUNCILMEMBER MOLINA: Hi, good evening, Mr.
Fitzpatrick.

8 MR. FITZPATRICK: Hi.

9 COUNCILMEMBER MOLINA: You know, thank you for sharing
10 your thoughts with us and, you know, I respect
what

11 you have to say and, you know, that's why it's
12 America.

13 MR. FITZPATRICK: God bless it.

14 COUNCILMEMBER MOLINA: Thank you. You know, you
mentioned

15 the concerns about people working together and,
you
16 know, not pitting residents against businesses.

17 And, you know, it's part of our responsibility
as

18 Council Members is to try and find solutions and

19 balance to this.
20 I'm just, you know, we're searching for
21 answers. What is your suggestion because I have
to
22 be concerned about the residents who feel that
the
23 businesses are interfering with their free time
to
24 be at the beach; and vice versa, you know, we
have
25 to look at economic development. And especially
in

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1 light of 9/11 and that's been a big concern for
2 businesses and a rightful concern.
3 So we have to look for that balance,
where is
4 it and, you know, rather than being, you know,
5 confrontational and, you know, pointing fingers,
a
6 lot of the answers are out there. So, you know,
I'd
7 like to hear from you, offer some, you know,
8 constructive suggestions.
9 MR. FITZPATRICK: One of the things I would to do was
10 catch up on our rapid growth which the Board of

father 11 Supervisors never planned on. Your uncle or
12 was on it or, you know, all these other people.
13 They were projecting, if you look at the stuff,
14 275,000 people here in 1980. Okay? Those parks
15 were designed for that. Okay?
16 One of the things I would do was I would
make 17 better parks. I would expand the parks, put
18 bathrooms there. I would make services there.
I 19 would put signage up. I would educate public.
I 20 would educate people. I would start -- I would
have 21 business group start groups with the kids and
with 22 the residents to try to encourage, hey, you
wanna 23 learn how to dive? Okay, we'll do a student
dive 24 program. You wanna learn how to kayak? We'll
set 25 up a kayak thing.

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find 1 You know, we can all work together to
from a 2 solutions. But I believe first it has to be

take a 3 governmental position where government has to
gotta 4 stand and say, 'nuff already. You know, we
5 catch up.
gonna 6 And if we don't catch up, we're always
be 7 be fighting these battles. We're always gonna
8 residents against business; nonbusiness against
9 this; that and that. You know, until we realize
10 that, you know, we had a rapid growth spurt that
11 wasn't even accounted for that we never really
12 projected. We didn't build the roads. We
didn't 13 build the waters. We didn't build this. Built
a 14 lot of hotels. And we needed jobs. That was
the 15 reason. I know that.
don't 16 But the reality is what's a job if you
17 have a quality of life with it?
18 COUNCILMEMBER MOLINA: Okay, thank you. One last
this 19 question, Dennis. Would you be supportive of
to 20 governing body raising taxes for the government
space? 21 purchase, you know, as you stated, more park
the 22 MR. FITZPATRICK: I believe that taxes might be one of
didn't 23 ways, yes. I tell you what; they said they

know 24 raise taxes. My property tax went up. I don't
don't 25 what happened. Maybe I lost a deduction. I

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1 know.
2 But, you know, taxes is one thing
everybody 3 hates. But if you feel like you're getting
4 something for those tax dollars, then you don't
mind 5 paying for that.
6 But be honest with you, me and my friends
7 feel feel like the Park Service is out of touch;
8 they close parks, restrict uses. They do all
this 9 stuff. You know, we can't camp there anymore at
the 10 parks 'cause of unsafe conditions, whatever.
11 So government needs to first empower
12 government with -- you got the rules. Enforce
them. 13 You know, arrest the people that are creating
the 14 problems. I think most of these guys are honest
15 business people out here. They're not the ones
16 creating the problems.

17 The people that are creating the problems
18 that I see out there when I'm at the beach, I
don't
19 see any of 'em here. Okay? It's the people
that
20 collect moneys on the beach that do this and
that.

21 So I believe government needs to come
back to
22 the people. You need to listen to the people
'cause
23 we're your -- you work for us, but sometimes we
feel
24 like you don't listen to us.

25 I've gone to meetings on all these issues
and

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1 that's what happens. You know, we come in, we
2 testify and all this stuff. Well, they got the
3 permit. They got this. They're developing
that.

4 Well, you know, if we don't have the water and
we
5 don't have the parks -- I mean, I don't wanna
6 fight
7 with my neighbor whether my kid can surf in the
8 beach.

8 The whole world has gotten bigger.
Maui's

9 not unique to that. But the world's making
10 adjustments, and I think we need to too.

11 COUNCILMEMBER MOLINA: Okay, thank you, Dennis. And,
you
12 know, the issue of raising taxes; it's good to
hear
13 your perspective on that then. At the same time
I
14 have to hear the perspective of someone who says
we
15 don't want our taxes raised --

16 MR. FITZPATRICK: But if you just raise taxes and
don't do
17 nothing with it, then there's the problem.

18 COUNCILMEMBER MOLINA: I understand that point. Yeah,
19 sure. So, you know, rest assured if there is a
20 proposal to raise taxes, we'd better darn well
to
21 something --

22 MR. FITZPATRICK: (Inaudible.) Thank you, Mike.

23 COUNCILMEMBER MOLINA: Yeah, I will, Dennis. Thank
you.
24 And thanks for your honesty.

25 CHAIR JOHNSON: Thank you, Mr. Fitzpatrick.

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1 AUDIENCE: (Applause.)

2 CHAIR JOHNSON: Toni Davis, and she will be followed
by
3 Greg Howeth.
4 MS. DAVIS: Thanks. Boy, what an act to follow. My
name
5 is Toni Davis. I'm the executive director with
the
6 Activity Owners Association of Hawai'i.
7 I just want to recognize that I think
what
8 Dennis was alluding to is actually kind of
taking
9 place here, and it's very exciting. With the
10 changes that Wesley made to the ordinance that
was
11 proposed to you is the result of the fact that
there
12 is a working group meeting tomorrow. And that
13 working group is being recognized by this
Committee
14 to recognize the changes that come up in a
15 cooperative effort with the commercial users.
And
16 it shouldn't be forgotten that those commercial
17 users are residents too.
18 I want to ask that one other modification
be
19 made with the ordinances that are presented, and
20 that's on Item 1F proposed conflict or interfere
21 with lawful use of beach. Left to
interpretation,
22 I'd like that to be deleted from the proposal
today
23 and left for the working group to discuss.

24 Much like our Mayor -- I discussed with
him
25 today, he likes the collaborative effort that's

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1 being shown with this group. I think it's very
2 refreshing. And I commend the Committee. I
commend
3 the Administration as well. And I think
together
4 you'll have better management of the beach parks
5 because these people all care too.

6 They don't wanna have -- I mean, I have
my
7 own kids that go and learn how to surf at Cove
Park.
8 So we're residents too.

9 Thank you. That's it.
10 CHAIR JOHNSON: Are there any questions for the
testifier?

11 Yes.
12 COUNCILMEMBER TAVARES: Excuse me, wait.

13 MS. DAVIS: Yes, Charmaine.
14 COUNCILMEMBER TAVARES: Yeah, thank you. What was
that

15 reference you said? In --?

16 MS. DAVIS: It's 1F, I believe.

17 COUNCILMEMBER TAVARES: 1F?

18 MR. LO: Yes.
19 CHAIR JOHNSON: On page 2.
20 MS. DAVIS: It's added language, the underlined.
21 MR. SALDANA: Section 1 (D) --
22 MS. DAVIS: At the very end of that paragraph.
23 MR. SALDANA: Uh, 1 (F).
24 MS. DAVIS: The sole discretion part, I guess, isn't
much
25 really much of a change --

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1 COUNCILMEMBER TAVARES: But the issuance section?
2 MS. DAVIS: -- because that's currently --.
3 ?: (Inaudible.)
4 COUNCILMEMBER TAVARES: Oh, okay. All right, thank
you.
5 MS. DAVIS: You're welcome.
6 COUNCILMEMBER TAVARES: I got that.
7 MS. DAVIS: Thank you.
8 CHAIR JOHNSON: The next testifier is Greg Howeth, and
he
9 will be followed by Steve Omar.
10 MR. HOWETH: Jo Anne Johnson, Council Members, Staff,
11 thank you for the opportunity to testify this
12 evening. My name is Greg Howeth. I represent
the

13 Ocean Tourism Coalition. I'm the president.
14 We are a statewide organization that is
15 comprised of ocean tourism industry businesses.
Our
16 focus is addressing legislative or regulatory
issues
17 that affect us statewide.
18 We have an opportunity here on Maui to
really
19 kind of change precedence in the way rules have
been
20 made, and that's through working groups and
working
21 collaboratively, business, industry, and the
22 Administration and the Council. I'm a member
and
23 working with the working group. I'm optimistic
24 about the direction things are going.
25 I see a refreshing change, both in the

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1 Administration's attitudes towards working with
2 industry; and, quite frankly, with the way the
3 Department Chair, people have been working with
us.
4 Most of those have been helping to explain some
of
5 the clarifications you have heard this evening.

had 6 There were some conflict in our issues that we
7 with some of the language that's been or is
8 currently being addressed.
9 I would just like to state that any
decisions 10 that are made -- and you mentioned it earlier
that 11 decisions that are made here tonight shouldn't
12 impact or won't affect what comes from the
working 13 group. I certainly hope, though, that the
decisions 14 or the recommendations that come out of the
working 15 group should impact what decisions are made
here. 16 We don't wanna be as where it's a fruitless
effort; 17 we all get together.
18 And quite frankly, it was a little bit
going 19 concerting in the direction that things were
and 20 tonight because we are having a meeting tomorrow
21 it seemed that some of the very issues we're
22 discussing as a working group tomorrow might be
23 decided tonight. So I appreciate Wesley Lo
24 clarifying that and removing some of those
issues 25 that we are discussing.

29

1 In closing, I would just like to say that
we
2 have an opportunity to set precedence; and
3 hopefully, this isn't the first and last time
that
4 we work collectively and in a collaborative
effort.
5 But this is the start of the direction that
industry
6 goes with the Council and with the
Administration.

7 We are kind of under the scrutiny of
industry
8 statewide, and I know that ocean tourism
operators
9 throughout the State are waiting to see how
these
10 ordinances are handled and how it affects
industry.

11 Thank you.

12 CHAIR JOHNSON: Greg, could I ask you a question
before
13 you leave and before any of the other council
14 members ask you a question?

15 The changes that have come down from the
16 Administration, they were prompted by the
concerns
17 of your group; is that correct?

18 MR. HOWETH: I think that some of the changes were, or
19 concerns were internal in the Administration. I

20 think that some of them certainly have come from
21 meetings that we've had with the Mayor and
conveying
22 our concerns; and with the fact that we are
still
23 working together and the group's meeting
tomorrow,
24 that some of the stuff was premature if we
haven't
25 had a chance to really discuss it and come back
to

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1 you with our recommendations.
2 CHAIR JOHNSON: And the reason I ask that, it's just
3 because I wanted to know whether or not you
4 supported the changes because it was my
5 understanding, even from some of the feedback
that
6 I've gotten from your working group, that at one
7 point some of the things that we're, you know,
8 actually in here, were supported by your group,
and
9 particularly, the limiting of the activity at
Cove
10 and the south end of Kalama Park. I think that
11 there were a number of people within the surf
12 industry that had at least supported trying to
give

13 that space perhaps more to a local clientele.
14 So I just wanna understand your
perspective.
15 MR. HOWETH: Representing the ocean tourism industry,
our
16 position is that anything that limits the
ability of
17 the current operators to conduct their business,
the
18 current services that we already provide to both
19 residents and tourists to continue, that's an
issue.
20 My understanding that Cove Park is an
issue.
21 There are things that are being discussed to
address
22 that. I did not come away from the working
group
23 with the same understanding that the businesses
were
24 okay with just saying we won't go to Cove Park
25 anymore. That was not my understanding.

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1 CHAIR JOHNSON: Okay. Thank you. Are there any other
2 questions of the testifier? Thank you very
much,
3 Greg.
4 MR. HOWETH: Thank you.

5 CHAIR JOHNSON: Appreciate it. Steve Omar will be
6 followed by Ron Picker.

7 MR. OMAR: I represent the World Surfing Instructor
8 Association and the Maui Surfing Association and
9 executive director.

10 I was sitting here seven weeks ago, and
we
11 talked about the same things. And during the
seven
12 weeks, the situation with the surfing schools
has
13 actually deteriorated. And they've been given a
14 chance to self-regulate; and during that period
of
15 time there's been a lot of collisions, a lot of
16 injuries, fistfights down the water between
17 instructors of the different surfing schools.

18 During the last seven weeks, I've gone
down
19 to the break wall, and I can't surf there
anymore.
20 I've been surfing like at midnight with a full
moon
21 because every time I try take off on a wave
that's
22 over my head, there's a surf school parked all
over
23 the wave right in front of me.

24 Couple of weeks ago on a south swell, I
took
25 off on a wave and I walked up and hung ten and
there

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a
1 was five students parked right in front of me on
2 wave this big, from a school. And I watched all
3 flying five of those students get thrashed -- five
4 boards coming around, crashing into each other,
5 getting students going under the water, you know,
6 tumbled.

a
7 I don't think that's a good way to start
8 of surfing experience. I mean, that's a first day
9 waves surfing. These people are getting worked by
10 out that are way over their head. They don't belong
11 here.

that
12 Now last time I came in here, I proposed
13 all the instructors and all the owners should be
14 certified, okay, like they are in Australia,
15 world, New Zealand, the East Coast, and most of the
16 England, Cornwall. Okay? And I've got a
17 certification program. I've spent three years
18 working on it. At my school, Maui Surfing
Surfari,

the 19 you know, Ron's school, Island Vibration, all
20 instructors have to be certified.
21 There's a rigid water program, like
22 lifeguards go through. You don't have to be a
23 lifeguard, but you have to prove to us that you
can 24 tow 300 pounds for 300 yards against a current.
You 25 know, if you can't do that, you can't work for
my

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1 school. Okay?
2 Now, we've had to give first aid. We've
had 3 to rescue people out of rocks, people crashing
into 4 break waters. We saved certain surfing schools.
We 5 rent boards out to people and give surfing
lessons. 6 As soon as the wind comes up, the current comes
up, 7 people are drifting into a dry reef which is in
8 front of the church down at 505. Okay? It's
not 9 good.
10 I'm tired of giving first aid to students

school
the
to
neosporin
in
told
to go
got on
to

11 from other schools. I saw one student from a
12 get hit by a board. He had a bloody nose, and
13 instructor had too many students so told the guy
14 go to the ABC store and buy some peroxide
15 and take care of it.

16 I saw a student from another school come
17 with blood all over his leg, and the instructor
18 him, handed him a hundred dollars and told him
19 call the medics.

20 This should not be allowed. What I've
21 my certification program is not only a written
22 mental test and a written rigid water test, you
23 know, carried out by certified people, lifeguard
24 training; but I've also got an oath.

25 Like when you become a doctor, you have

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your

1 sign an oath -- when you graduate, when you get
2 Ph.D. And basically what you have to do, if you

3 violate your ethics oath, you lose your license.

4 Okay?

5 Well, the same thing with the World

6 Instructor Surfing Association. Okay? You're
given

7 a set of etiquette right-of-way rules. You
know,

8 you have to prove that you rotate your students.

9 You keep out of people's way. Your students can

10 stop.

11 And if we see evidence you're violating
that,

12 you can get revoked. You do not get your

13 certification renewed. Okay? These are for one

14 year.

15 If the situation's serious, we see
repeated

16 violations, you can get revoked or suspended. I

17 would say suspended, immediately. Three times,
you

18 strike out. You're out. Okay?

19 I want the County to adopt this program
like

20 they have in Australia, New Zealand, New York,

21 Florida, many parts of California. O'ahu -- you

22 can't teach lessons in Waikiki Beach unless
you're

23 certified with a government approved lifeguard

24 certification program.

25 Instead of wasting taxpayers' money and

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deal 1 dealing with something that cops don't want to
2 with, the Parks Department doesn't wanna deal
3 with -- I talked to Floyd, okay? -- dealing with
deal 4 something lifeguards don't have the manpower to
5 with or the money.

6 We have a surf patrol which we created in
7 1994. We are required to pick up the litter on
the 8 beach and in the park every time we do a surfing
9 lesson. When we go to the beach, we watch out
for 10 needles in the park, drunks, and alcoholics.
You 11 know, okay, we ask them to leave the park. If
they 12 don't, we call the police. We've been doing
this 13 for six, seven years now. Okay?

14 We also would like the authority to go
watch 15 all the surfing schools. I've been doing this,
16 along with a couple of friends of mine, for the
last 17 year, and I'm an expert on all the schools which
18 play by the rules, which follow the etiquette,
which 19 are dangerous. I've got a list of 'em.

of 20 And because this is public record, some
21 these guys are my friends, socially. I don't
wanna 22 burn anybody's reputation. I'm not gonna
mention 23 any names. I'm not gonna mention names of
24 businesses. But these are available to Maui
County. 25 Okay?

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Maui 1 I'm also a reporter. I write for the
press 2 News, Maui Time magazine, Lahaina News. The
3 can take a big part in this. And I wanna see
4 something changed very quickly.
County 5 Nancy Emerson has been going to the
wall 6 now for eight years. This problem of the Break
around. 7 goes back eight years. We're still kicking
8 There's no legislation. There's no enforcement.
9 MR. SALDANA: Five minutes.
around 10 MR. OMAR: Okay? And I've been twisting this thing
11 for five years, the newspaper, talking to
people.

12 And we want see something quick, you know. We
don't
13 want bureaucracy.
14 And during the time from the last meeting
to
15 right now, how many injuries has there been?
Okay?
16 How many people sucked in the reef? How many
people
17 hit by boards? How many very upset Hawaiians
having
18 classed parked all over the wave in front of
'em?
19 How long is this going to go on before something
is
20 done about it?
21 And that's what I wanna know from the
County
22 today. When can we do this? We've had enough
23 injuries. We've had enough mad people, enough
24 complaints. We've made the headlines of all the
25 newspapers ever since the last meeting. Surf
school

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1 circus, front page Maui Time magazine. Okay?
It's
2 time for a big change.

Gary's 3 I think Jo Anne's doing a great job.

But 4 doing a great job. Floyd's doing all he can.

5 we need some quick action on this policy.

any 6 CHAIR JOHNSON: Thank you very much, Steve. Are there

you 7 questions for the testifier? Seeing none, thank

and I 8 very much, Steve. I do appreciate you coming,

9 know you've been a part of trying to make this a

10 better process too --

11 MR. OMAR: Okay, here's my certification program. If

12 anybody here teaches lessons, give me a call,

13 249-7124.

will 14 CHAIR JOHNSON: Thank you, Steve. Ron Picker, and he

Ilima 15 be followed by our last testifier, and that is

16 Kalama.

17 MR. PICKER: Thank you very much for giving me the

18 opportunity to testify.

19 My name is Ron Picker. I own Island

the 20 Vibration Surf School. I've been teaching for

worked 21 last eight years, started with Nancy Emerson,

22 for Maui Surfing School, started my own company

23 about three years ago.

the 24 When I first moved to the island, I guess

was 25 first word I learned is aloha. The second one

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And 1 'aina, like the land and respect for the land.
of 2 in all my years of teaching surfing, it was kind
you 3 understood thing. You don't go out and cause,
4 know, get into public's way.
years, 5 So when I teach, I've never, in eight
max. 6 taken more than six people. That's all been my
come 7 Today's an example. I have ten people
do 8 up to do surf lessons with me. I said I can't
couple 9 that to the ocean. I took five, and then a
10 hours later I took the next five.
there's a 11 I think one of the problems is that
12 few different groups with a few different goals.
13 You got people who are running surf schools like
14 myself or larger ones who obviously do not
wanna, 15 the County to interfere with them. You got, you
16 know, residents that are really bummed out
because

17 their kids can't go out and surf safely or
they're
18 out paddling and people are getting in their
way.
19 See, you got different people with
different
20 agendas, basically. And, you know, I've always
21 called for, I figured the best way to solve it
is
22 just get a carrying capacity limit for every
surf
23 school.
24 And a ratio is not good enough. A lot of
25 people are talking about ratios like 1 to 5, or
1 to

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I 1 6. Sure, that's great. But does that mean that
2 can have 10 instructors with 50 or 60 people out
3 there?
4 And that's kinda of what's been
happening.
5 It's always kinda getting abused. So there
really
6 should be some set limits to saying like there
7 should only be, for example, 10 boards out from
8 1 surf school at one time. That would
definitely

9 eliminate a lot of the problems.

10 Certification. Steve was talking about
11 certification. It's ridiculous with surf
12 instructors don't have a certification course.
Here
13 in Maui the waves are so great and they're so
easy
14 for beginners where you don't have to be a great
15 surfer to teach somebody. You can give 'em a
little
16 push, tell them stand up, and hey, half the time
17 they stand up. And that's kinda what's been
18 happening. So the professionalism has
definitely
19 gone down in a big way.

20 My biggest concern is definitely safety
21 because I've seen a lot of bad accidents out
there
22 daily. Last week I saw a kid come out of the
water.
23 His knee, there was blood everywhere.

24 His mom comes up to me and goes, hey, my
25 son's hurt. Do you think you can help him? I
go,

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And 1 of course! And so I go and give him first aid.

2 I go, well, what happened? And, oh, we rented
3 boards and, you know, we hit the reef and it
4 happens. I'll go, so did you go to those people
to,
5 you know? And they go, oh, but they didn't have
any
6 first aid. Like what? You know?
7 So there's a lot of lack of
professionalism
8 out there, and I think that the way to solve it
is
9 the County needs to set some kind of limit
saying,
10 okay, every surf school takes so many people.
11 Because when you're cutting out the permits --
and I
12 have a permit. I'm not worried about losing my
13 permit at this point. I've always had my
permit.
14 I've always had a CPR first aid course current.
15 But you're limiting people, certain
people
16 who have a right to operate out there and you're
17 giving other people kind of a carte blanche.
You
18 say you can do whatever you want.
19 Now, if you had a limit of how many
people on
20 the water at one time -- not a ratio but a
limit;
21 it's very different -- then you won't have those
22 kind of problems. My personal goal in speaking
is,
23 you know, one day when I have kids, maybe in ten
24 years from now, and they wanna paddle out at the

25 Break wall or Kihei or something, I don't want
to

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1 get run over. I want to be able to go out there
and
2 have a good time. And I feel that's not really
3 happening.

4 And that's why I feel a lot of people are
5 upset because they go out there and I see it
every
6 day. They go down to the beach, ugh, you know,
7 because they see 80 people parked out there.

8 And you get a set amount of people -- you
9 know, you got set amount of surf schools. You
get
10 'em to have a set limit, maybe alternating
times,

11 which is something that Omar and me brought up a
12 long time ago because we worked Maui Surfing
School
13 so we'd alternate our classes. So you don't
have
14 all those people at the same time.

15 And I think there's a lot of good people
that
16 are doing really positive steps nowadays and are
17 trying to do better. But it is kinda depressing

I 18 when you go down there and it's so crowded. And
I 19 think it really hurts the local people here, and
20 think that's where the animosity coming, is
coming.
21 And I heard whoever was talking about
22 Ho'okipa. I'm not familiar with that situation.
23 But anywhere you teach, if you're teaching
surfing,
24 if you keep it small, you keep the people --
25 MR. SALDANA: Five minutes.

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1 MR. OMAR: -- out of the way, then you don't have a
2 problem. If you just take everything you can
and
3 just get everybody out there the same time,
that's
4 what can really creates the problem.
5 And it's just simple. You just set
rules.
6 Like my rule is no more than six people in the
water
7 at one time. And it's not that complicated.
And
8 there's still plenty of money to be made. These
9 people -- I mean, I don't want anybody to lose
their

a 10 business. I just want to free up the surf spots
11 little bit.
of 12 And me, personally, I cannot teach most
for 13 the day because it's so crowded and I'm scared
14 my students' safety. And in all the eight and a
bad 15 half years I've been teaching I've never had a
16 injury. I've never had to take somebody to the
17 hospital except people from, who are free
surfing or 18 from other surf schools.
19 And I think -- but that's really what the
20 County needs to do. It need to get a limit, and
21 they need to get a certification course so
somebody 22 who's going out there is qualified. So they can
do 23 what Steve was talking about like tow somebody
out 24 of a rip current. Just basic stuff like that.
And 25 they do have it every around the world --

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1 MR. SALDANA: Six minutes.

2 CHAIR JOHNSON: Thank you very much.

3 MR. OMAR: Thank you for your time.

4 CHAIR JOHNSON: Are there any questions for the
testifier?

5 COUNCILMEMBER TAVARES: None.

6 CHAIR JOHNSON: Seeing none, thank you very much for
your
7 testimony. And our last testifier, and if
there's
8 anyone else that would like to sign up, is Ilima
9 Kalama. You're free to testify. Otherwise,
what
10 we'll do is finishing with Mr. Kalama. Then
we'll
11 go into deliberation.

12 MR. KALAMA: Aloha. My name's Ilima Kalama, born and
13 raised on O'ahu; moved up to California when I
was a
14 junior in high school because of Dad's knowledge
and
15 experience of the ocean and expertise in canoe
16 paddling. There he was also a former world
surfing
17 champion that I was very fortunate to learn of
at a
18 very young age of the safety of the ocean and
19 experiencing the ocean and big waves, small
waves,
20 all kinds of conditions.

21 I am presently, as of seven weeks ago, I
was
22 here for the hearing. Again, I am here to try
and
23 get the Council Members, people involved, with
24 issuance of permits, surfing permit. It is

number 25

something that I've been wanting to do for a

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not 1 of years since I've returned from California,
many 2 only being at that time also a lifeguard for
the 3 years, but came back to the islands to work with
4 community, which I have.

ocean, 5 I've worked with the environment, the
Nishiki, 6 and its pollution. I've worked with Mr.
7 with Charlie Maxwell, various people who are
8 concerned with the community and which I am very
and 9 concerned. I've always been community-conscious
10 wanting; and if given the chance to share this
11 experience and knowledge of the ocean with the
the 12 younger generations and people in learning, in
13 surf school also.

14 But my greatest -- I'm confused, very
15 confused because of this experience and
knowledge, 16 and I still serve actively today and it's 50-
plus

I've
been
I
can

17 years later and still working with young kids.
18 coached for canoe clubs in California, and I've
19 a head coach for Kihei Canoe Club.
20 So, you know, I'm very concerned. And I
21 approached Mr. Miyazono last year in getting a
22 permit after I've taken a competence [sic] of
23 someone to loan me \$10,000 to buy my equipment,
24 which I had done. But it was a mistake because
25 don't have a permit. I thought it was, hey, you

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issuance
gonna
into
spot,

1 just go down and go get a permit.
2 Then when I found out there was no
3 of permits, Mr. Miyazono told me that he was
4 hold back the permits for the following year and
5 that he would rescreen everybody and give them a
6 chance, or whoever they are. Well, here we are
7 2002, a year later, and I'm still at the same
8 still trying to get permit.
9 No matter how much I've done and how much

the 10 experience I have and what good I can give to
11 community, I'm denied that opportunity and that
12 privilege. I'm real confused here.
13 You know, I can see with the closure of
14 Kalama Park and Cove Park because I can see
that, 15 where it was going and whoever been operating
there 16 had no knowledge or inclination of what respect
and 17 working along with other surf schools or -- you
18 know, this happened a year ago, whatever. I
don't 19 know why I'm supposed to be punished for that.
But 20 if I was there, I can bet, you can bet your,
that 21 I'll try to make it possible to alleviate these
22 confusions and problems that we have. You know?
23 We need someone with experience. We need
24 someone with knowledge. And, you know, you
gotta 25 get that with people who has that. And when I
went

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and 1 to Mr. Miyazono, I personally introduced myself

ocean 2 gave him the information and my history of the
is, 3 and, you know, what I can offer. But here it
4 seven weeks later; I'm still asking for a
5 permit and --
6 MR. SALDANA: Five minutes.
community 7 MR. KALAMA: -- I can do a lot. I can help the
different 8 a lot. We can work along with all these
9 businesses.
10 And like the gentleman said earlier, it's
11 all, we can work it out. We can make things
happen. 12
we 13 But to try and put a cap on the school or what
with 14 need to do, we need to get a committee, people
15 knowledge, with experience. You know?
it's 16 I think we can control this very much if
17 done properly. Go to the right sources.
18 I have nothing else to say.
questions 19 CHAIR JOHNSON: Thank you, Ilima. Are there any
could 20 for Ilima? Ilima, just so that you know, you
part of 21 also work with Mr. Saldana and then become a
22 the working group because --
23 MR. KALAMA: Most definitely. Most definitely.
Everyone 24 CHAIR JOHNSON: -- I see no problem with that.

24 is welcome. Thank you.

25 Are there any other individuals who would

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1 like to testify this evening?

meeting

2 MR. CREWS, FROM THE AUDIENCE: (Inaudible) this

3 here late. Is there time for one more?

your

4 CHAIR JOHNSON: Yes. If you would just come, give

5 name, and then you can sign up afterwards. If

up

6 there's anyone following him, please just come

7 and sign up now. Just state your name for the

8 record.

mind,

9 MR. CREWS: My name is John Crews. And if you don't

don't

10 I'll read from a prepared statement here so I

11 get too nervous.

12 Good evening, everyone. My name is John

13 Crews. I've been a windsurfing instructor for

1988

14 20 years, and I've taught here on Maui since

15 for Alan Cadiz and HST or Hawaiian Sailboarding

16 Techniques.

17 When I started here on Maui in the early

18 '80s, Maui was in the process of figuring out
how to
19 deal with the growing sport of windsurfing. At
that
20 time the County and the Maui Boardsailing
21 Association did a fine and thorough job of
studying
22 the sport, its presence at Kanaha Beach Park and
23 elsewhere, and working out solutions and
regulations
24 to deal with the sport, its practice, and its
25 instruction.

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1 Time has proved that the process was
quite
2 successful, and the windsurfers, the schools,
the
3 public, and the County all enjoy a positive and
4 stable relationship at this time. County
officials
5 have stated that they see no problems at Kanaha
or
6 with windsurfing there at this time. The rules
7 work.

8 Now there are problems with surf schools
on
9 the other side of the island, and some County

10 officials are talking about making changes
affecting
11 Kanaha that would destroy the existing stability
and
12 be a disservice to the public. The County did a
13 great job with windsurfing at Kanaha the first
time
14 around.

15 I strongly ask the problems with other
sports
16 and other parts of the island not be used as an
17 excuse to create a counterproductive change that
18 could disrupt or even destroy a positive and
stable
19 situation with windsurfing at Kanaha Beach Park
at
20 this time.

21 I'd also like to read a short letter here
at
22 that was written by one of the lifeguards down
23 Kanaha who's been down there since the '80s and
has
24 seen the evolution as things have gone by.

25 "I'm writing this letter to whoever it
may

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1 concern. As my knowledge, there are three

Park: 2 windsurfing schools teaching at Kanaha Beach

3 HST or Hawaiian Sailboarding Techniques, Action

4 Sports, and Maui Sports Unlimited.

5 "In my opinion these three windsurfing

6 schools are abiding by the rules and regulations

as 7 set forth. At this time there is a well working

8 relationship between the public, the schools,

and 9 the beach county workers. Sign, mahalo, water

10 safety operator, Joseph Perez."

11 CHAIR JOHNSON: Thank you very much. Are there any

12 questions for the testifier?

13 COUNCILMEMBER TAVARES: Jo Anne?

14 CHAIR JOHNSON: Yes, Charmaine?

15 COUNCILMEMBER TAVARES: Yeah, thank you for

testifying. I 16 was kind of around when that was first started

and 17 the Maui Boardsailing Association decided to

band 18 together and come up with some regulations

19 themselves. So this is the first time there's

been 20 a working group to solve a particular problem,

and 21 it has worked.

22 And I think the reason that it has worked

is 23 because the people who participated in it were

very, 24 very committed to protecting the ocean resource

as

25
beaches

well as respecting everyone's rights to the

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1 or to ocean recreation.
2 I was Parks Director at the time, so I'm
very 3 familiar with what happened at that moment. And
it 4 did work. And I think that, like we were
discussing 5 in those groups and those meetings then, it only
6 works if everyone is gonna cooperate. And if
you 7 have members of the public who think that they
are 8 above the rules of safety, above the rules of
9 respecting the ocean, then you're going to have
this 10 these problems. And it's my sincere hope that
11 working group will be able to come up with
12 regulations or rules, basically an etiquette and
out 13 of respect for the ocean and that we all can get
14 along.
15 But we do have to be mindful that there
are 16 individuals out in the community that don't
care.

17 And all they want is the quick buck. They don't
18 care how they make it. They don't care if
they're
19 safe. And we have to guard ourselves and our
20 community against those types of folks. And
21 unfortunately, none of 'em are here tonight.
22 But, you know, I think with the amount of
23 people that are here interested, I think we can
get
24 a really good result from us working together.
And
25 I'm hopeful that it will come out so that
everyone

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1 will benefit.
2 But thank you for coming.
3 MR. CREWS: If I could just address that just real
4 quickly, thank you for your comments 'cause we
both
5 remember that time when things weren't so smooth
at
6 Kanaha. And the rules we have in place have
worked.
7 There was one situation over all the
years
8 where someone came down, didn't respect the
rules,

County 9 and the County regulations worked great. The
It 10 was able to step in, enforce the regulations.
11 solved the problem instantly. It's the only one
12 we've had.
changes 13 Our concern now is that some of the
would 14 that we hear about possibly being discussed
the 15 affect in a very strong way and possibly destroy
create 16 stability that you and many others helped to
other 17 back at that time. So be aware, along with
a 18 issues that need to be addressed, that there is
the 19 concern among those of us that worked to develop
it 20 stable relationship, that there is a sense that
21 may be threatened needlessly. And I'm sure you
22 don't wanna see all of your hard work from back
then 23 fall apart. Nor do I. So that was the reason I
24 came in tonight, this evening.
25 COUNCILMEMBER TAVARES: Thank you.

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1 MR. CREWS: Thank you.

2 CHAIR JOHNSON: Thank you very much for your
testimony.

3 And if you have not signed a form, you can just
fill

4 one out afterwards.

5 Is there anyone else who wishes to
testify

6 tonight? Seeing no one else here to testify,
we're

7 gonna close the public testimony portion of the
8 meeting at this time so that we can begin the
9 deliberations.

10 . . .END OF PUBLIC TESTIMONY. . .

11 CHAIR JOHNSON: Mr. Lo, is there anything that you
would

12 like to add, having heard the comments from the
13 individuals who have testified?

14 MR. LO: Nothing at this time, Madam Chair.

15 CHAIR JOHNSON: Mr. Miyazono, do you have anything to
add?

16 MR. MIYAZONO: Madam Chairman, are you talking about
the

17 amended ordinance 5.24?

18 CHAIR JOHNSON: Yes, or about any of the comments that
the

19 testifiers made with regard to some of the
issues

20 they raised.

21 MR. MIYAZONO: Yes, I definitely do. Yes, we did have
a

22 public meeting last week Thursday. And I think
it

an 23 was, for me, it was very energetic. I did have
a 24 opportunity, and I personally don't think it was
25 local and a business thing, kinda thing.

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were 1 I think, from the standpoint of those who
2 testified against the businesses, I think they
3 very honest and very straightforward. And I
4 personally don't feel that it was, you know, the
5 local people against the private businesses.

that 6 But I think, based on the testimonies
who 7 I've heard, I think the majority of the people
8 testified has passed the stage of just speaking
I 9 about what the issues and the problems are. And
I've 10 think we need to go on to the next step. And
how 11 heard testimonies talking about resolutions and
12 can we actually have it work?

issue 13 And I think we need to move beyond this
14 about complaining. I think we need to go to the
15 next step, and that's resolution. I think, you

16 know, we need to work together. And I hear so
much
17 of this comments made about working together,
about
18 being beautiful; and I think that's what makes
us
19 special.

20 The Parks Department's common practice
for
21 many, many years has been working with the
22 community. And I think this particular
Committee
23 that we have, I feel very confident that they
have
24 renewed energy to start the meeting going.

25 Starting tomorrow I certainly have a
somewhat

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1 realistically a change of heart for the last
three
2 or four weeks. I'm just having meetings with
the
3 users and really seeing their perspective. And
I
4 don't think there's any need to feel threatened
from
5 the standpoint of the last testifier because
I've

6 basically went down there today and I've seen a
new
7 light there.
8 I had an opportunity to go to many of the
9 sites today. I went to Kanaha and of course I
went
10 to Cove Park, Wailea, the beach accesses there,
and
11 505 Front Street. And I saw many things that
I've
12 certainly learned from that experience.
13 I also plan to go another few times,
14 possibly, to learn more about how things
operate.
15 And I was very impressed with some of the users
of
16 the schools there. I did mention earlier that
17 Laniapoko is very well managed from the
standpoint
18 of the schools are designated in certain area
and
19 the local surfers are in a separate area. And I
20 think they've worked with that, with the efforts
of
21 the surfers.
22 But as we speak about carrying capacity,
23 there's all different type of carrying capacity
when
24 we speak about that, carrying capacity from the
25 standpoint of our parking lots, carrying
capacity

55

1 from the standpoint of our parks, in the water.

2 There's all aspect relative to that.

3 And I think what we need to do is look at
the

4 park on a case by case basis. I don't think we
can

5 get a big program and I'll do it for all of the
6 parks. I think it wouldn't work, and I
certainly

7 wouldn't want to repair something if the park
and

8 everything there, it's working very well.

9 And I think I am taking a looking at that
and

10 for some of them, they're working very

11 professionally. I commend those that have
worked

12 very hard with the County in trying to

13 self-regulate, and I can see those venues. I
can

14 really see the results where they've tried to
work

15 with the community and try to work with fellow

16 vendors to make things work. And certainly I've

17 seen quite a lot of that today when I did my
site

18 visit.

19 So certainly, you know, we're not there
to

20 hurt small businesses. You know, that is
certainly

21 not our intention here by (inaudible). You
know, I
22 also include not only the Parks Department, but
the
23 Administration and of course the Council
Members.

24 And I think I asked the Committee to
pursue
25 what needs to be done. Certainly they have a
lot of

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1 responsibility on them. There's a lot of work
that
2 they've done. But I feel confident that they
can
3 get it done based on their recommendations. And
4 they are very intelligent individuals. I've met
5 with them on an ongoing basis. And I think they
6 represent the industry very well. So I ask them
to
7 continue and pursue what needs to be done, and
I'm
8 confident that it can be done working together.

9 And we speak about carrying capacity,
let's
10 do it on a case-by-case basis based on the
certain
11 parks that, you know, that will be affected.
But

12 again, let us also take a look at, and represent
13 also the general public where you do speak and I
14 know all of our members are from the commercial
15 vending side, but I ask all of you to take a
look at
16 the other side as well. You know, we just can't
17 look at our side; and I know that it does affect
18 your business and certainly your pocket.

19 But I think to make it work, as
Councilwoman
20 Tavares had mentioned, that there's a need to
21 represent the community and that's the reason
why we
22 got these members here, to represent the
community.
23 And I think if you can represent the community
when
24 we speak, and I think we can really make it
work.
25 And we always talk about Maui No Ka Oi.

I

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1 think you can still remain to be Maui No Ka Oi.
And
2 I'm hoping that this Committee can remain
together
3 to, you know, if there's other issues that needs
to

and I 4 go about and things that needs to be resolved
and 5 think we could get this Committee together again
resolved 6 pursue, to pursue it to see whether we can
7 certain issues.

it's, 8 But certainly maybe the first go around
make 9 it won't be perfect. But I think we can always
important 10 changes as we go along. I think it's very
11 that we are flexible to make it work.

12 But again, I say I thank the committee
13 members for participating. They have a lot of
14 burden on their shoulders, lot of stress. But
15 certainly, we're here to work together. And to
make 16 it work between the general public as well as
the 17 business as well. Thank you very much.

18 CHAIR JOHNSON: Thank you, Mr. Miyazono.

19 Assistant Chief Tam Ho is here this
evening.
he 20 And if you don't mind, I would like to hear if
21 has changed his position from when we had our
22 original meeting. Would you mind coming up,
23 Assistant Chief Tam Ho and just sharing with us
24 because I would like to have that reiterated
because 25 from what I have been speaking with other

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1 individuals I'm still a little bit concerned
about
2 Cove and the south end of Kalama Park?
3 MR. TAM HO: Our position, as far as the Police
4 Department, we're also anxiously awaiting the
County
5 to define what's gonna happen in the parks.
6 We all know the problems. One is fees.
7 Second was the amount of vendors in the parks,
what
8 type of vendors. So we're fully aware of the
9 problem.
10 And the last that I heard was that the
County
11 formed a Committee and they're working on all of
12 these issues, and we're anxiously awaiting the
end
13 result so we can look at it.
14 But whatever the requirements are set
down,
15 what the main concern the Police has is that a
16 County official buys into that property, claims
17 ownership to that property and they can call us
a
18 hundred times a day and we don't care, we'll
come a
19 hundred times a day.

Parks 20 But we need somebody from the County
21 Department to be at that park regulating what's
22 going on. And they can -- like I said, they can
23 call us as many times every day and we'll
respond. 24 We'll issue citations. We'll make arrests,
whatever 25 is required.

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everybody 1 So we're anxiously awaiting. Like
2 else, we're waiting for this thing.
that 3 Now, as for Cove Park, the last meeting
4 I attended, because of all of the complaints,
the 5 near-fights, the shouting matches, the reports
from 6 the Parks workers, I recommended out-and-out to
7 close the park temporarily and figure this thing
8 out. So I don't know where that is at now.
needed 9 But at that time the decision was we
hurt 10 to do something to prevent people from getting
11 because it was getting volatile. People were

So 12 getting angrier and angrier over the situation.
is 13 my main concern, the Department's main concern
14 public safety. And that's why I made that
15 recommendation.

16 CHAIR JOHNSON: Thank you very much. Are there any
Staff 17 questions of the Council Members or any of our
here 18 or any of the Administration officials that are
19 right now? Councilmember Molina?

20 COUNCILMEMBER MOLINA: Thank you, Madam Chair.
21 Question for Chief Tam Ho. One of our
22 testifiers stated in written testimony that
23 enforcement -- and I'm reading directly off the
24 letter: "Enforcement is lacking by the County
to 25 ensure correct business usage by the various
groups.

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not 1 The park service said no money, the police said
2 enough manpower to enforce existing laws and
3 regulations."

you 4 How difficult is it, currently? I know

is it 5 folks have a manpower shortage. How difficult
6 for the Department to try and enforce whatever
concern? 7 activities go on in these parks that are of
ordinance 8 MR. TAM HO: The problem is when you have an old
and 9 that is really old, you know, back then, years
it 10 years ago when they formulated that ordinance,
that 11 worked perfectly. And as the years tick away,
obsolete. 12 ordinance is obsolete. And obviously it's
new 13 So when that happens, you gotta put in
the 14 ordinance, and that's why we're here. Because
because 15 old one doesn't work anymore.
16 And obviously the reason for that is
17 of our population, our growth. We have too many
18 people here. So that's the problem.
19 COUNCILMEMBER MOLINA: Okay, thank you.
20 CHAIR JOHNSON: Are there any other questions of any
of 21 the council members?
22 COUNCILMEMBER MATEO: Madam Chair?
23 CHAIR JOHNSON: Councilmember Mateo.
two of 24 COUNCILMEMBER MATEO: Madam Chair, we've heard from
25 our testifiers that have indicated that there is

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1 ongoing discussion. There is a working group
that
2 has been talking with Administration. So I'm
kinda
3 assuming at this point that either Floyd or Wes
has
4 been part of that discussion.

5 When we started the meeting earlier this
6 evening, there were considerations of omissions
from
7 some of the existing bill, items in the bill
that
8 omitted two specific items. The testifiers have
9 indicated that they still have concerns that is
10 being discussed.

11 Maybe just a question of whether if we
take
12 any action, it'll be premature at this point,
that
13 we should allow the parties to continue their
14 discussion so we can have a clean bill, one that
is
15 amicable to both sides, one that they can
workout
16 instead of trying to pass this out now. You
know, a
17 meeting is scheduled for tomorrow, you know, and
18 maybe our actions tonight might defeat some of
their

19 discussions tomorrow.
20 CHAIR JOHNSON: And just for the information of the
other
21 Committee members and yourself, Councilmember
Mateo,
22 this item was scheduled. Basically we checked
with
23 the Finance Director Wesley Lo because that was
the
24 first question that the Chair had asked, is this
not
25 a little premature or is this going to create,
let's

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1 say, a situation where we don't even have the
2 authority transferred over yet to the Parks
Director
3 to even talk about enforcement.
4 And it was the Director's choice that he
felt
5 that he wanted at least some kind of direction
for
6 his purposes to know where we were going with
this
7 item because we had the issuance of the permits,
the
8 lifting of the moratorium. We had the Cove and
9 Kalama Park situation. We had other issues that
I

10 think he wanted some direction from the Council.
11 We all, before you had been put on as a
12 replacement for Chair Kawano, one of the things
that
13 we did -- and I don't know if you recall -- one
of
14 the things that we did do was to pass the
resolution
15 which came out of public testimony and also at a
16 recommendation of the Police Department, that we
17 suspend at least for the time being because of
the
18 difficulties that were occurring at Cove and the
19 south end of Kalama Park. So that was a clear
20 directive that this body, as well as the full
21 Council, had actually passed in the form of a
22 resolution.
23 So what I, as Chair, am trying to do is
get a
24 sense from you, have you changed your position
or
25 has there anything, has there been anything that
is

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1 fundamentally changed with regard to that
temporary
2 suspension of activity until we can get
enforcement

3 officers or until we can move forward and then
get a
4 directive from the, at least from the community?
5 So my sense is that I think whatever this
is,
6 in my view, is a temporary issue. It is not
going
7 to fix the problem permanently. It's a stopgap
8 measure to bridge between the time, you know,
that
9 we're faced with right now and the time that the
10 Parks Director actually takes over. And it's,
11 hopefully, by that period in time or possibly
12 sooner, that the working group will have made
those
13 recommendations.
14 But my concerns still remains with the
15 original issues raised about Cove and the south
end
16 of Kalama Park, and I know that Councilmember
17 Nishiki had been extremely adamant during the
18 Council meeting, as had others about their
concerns
19 with the residents. I know Mr. DeLima's not
here
20 tonight, but also those same residents did come
to
21 Mr. Lo's meeting. That still remains a concern
of
22 the Chair.
23 And this is not meant to be cast in
concrete;
24 it is a stopgap measure, but it was brought
forward

25 by Mr. Lo to try to give him the legal means to

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1 address the things and just simply address the
2 issues that have been brought to this Committee,
3 originally by the people from within the
industry
4 and the residents of the area.

5 Councilmember Tavares?

6 COUNCILMEMBER TAVARES: Yeah, so was it your intention
or

7 was it the intention of this bill to allow the
8 Finance Director to begin issuing permits?

9 CHAIR JOHNSON: I would prefer to let Mr. Lo address
that
10 because he is the one who's introducing the
bill.

11 MR. LO: Madam Chair, Councilmember Tavares, no, that
was
12 not the intention of the introduction of this
bill.

13 The main purpose of this bill, again, was to
provide
14 us stability more administratively on the dollar
15 amount, the proration of the time and the dollar
16 amount to bring us to a consistent date.

17 After the resolution was passed on the
Cove

18 Park thing, that was a resolution; and
19 unfortunately, or I shouldn't say,
administratively,
20 it was not a Council call on the closing of Cove
21 Park. It's an administrative matter.
22 COUNCILMEMBER TAVARES: Right.
23 MR. LO: And we had some issues we needed to deal with
in
24 regards to the Cove Park. I'll get back on
track
25 here.

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1 As it relates to the issuance of permits,
no,
2 that was not the intent. We are still looking
at
3 that from an administrative standpoint and have
4 discussed with several of the members in the
5 audience that we will be addressing that matter
in
6 the next several days on the potential of
whether
7 the moratorium remains or continues on.
8 So that is not the intent of this bill at
9 this point in time.
10 COUNCILMEMBER TAVARES: Okay. Then would it be

Parks 11 disadvantageous for us to wait until the next
12 meeting to take this bill up with the
working 13 recommendations that may be coming from this
14 group?

15 MR. LO: I think, administratively, I don't think it's
16 disadvantageous. The effect basically is that I
17 believe that people who will be coming to renew
18 their permit, in the current ordinance, they're
renewing 19 required to pay a fee of \$250. I am only
20 until December 31st for existing permit holders.

21 So there's been a lot of questions for
22 people. Let's say their permit comes, matures
in 23 July. They'll pay \$250 all the way to
24 December 31st, where other people will be paying
25 more. And it's sort of to clarify that it does
say

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1 in the existing ordinance, I think something to
the 2 extent of an annual permit. So it's more of a
3 housecleaning matter as it relates to that.

4 But I do not think that it'll be

I 5 disadvantageous to, you know, defer on the item.
6 mean, this again was more meant to be somewhat,
the 7 items that I brought over are more housekeeping
8 items.

9 Now, as it relates to the items that were
10 deleted, the Cove Park and the Sundays,
the 11 administratively, we can continue to deal with
12 Cove Park and the, per the existing ordinance,
the 13 issues there. So that's why we are electing to
14 delete that. It is not our intent to issue
15 additional permits at Cove Park. We're not
striking 16 that for that purpose.

17 COUNCILMEMBER TAVARES: So your intention then is that
18 right now there are no renewals? Is that the
19 understanding --

20 MR. LO: No. There are renewals. To clarify one
thing. 21 One is, in the current ordinance, it says annual
22 renewals. And I have made the decision not to
renew 23 annually. And again, as, I believe that most of
the 24 industry understands my concept is to bring
25 everybody to an equal footing to one date as we
go

1 into the new year so everybody's under the same
2 rules and laws.

3 The other one is just the fees. So it's

--

4 we are renewing permits at this point in time.

We

5 are not issuing any new permits at this point in
6 time.

7 COUNCILMEMBER TAVARES: Okay.

8 administrative

MR. LO: But administratively, that was an

9 decision. And it is something that has been

point

10 somewhat of a hot topic; but frankly, at this

to

11 it's an administrative matter that we're trying

several

12 come to some resolution on that in the next

13 days.

allow

14 COUNCILMEMBER TAVARES: So does this proposed bill

15 you to do the pro rata?

--

16 MR. LO: Yes. My understanding, yes, 'cause it allows

with

17 I'm sorry -- so I can hear. Well, this, along

newly

18 the budget amendment in the last page of the

issued

19 revised one, Section 2A, [sic], Any permit

time 20 pursuant to this chapter shall continue for the
21 period specified in the permit.
22 COUNCILMEMBER TAVARES: Okay.
23 MR. LO: Yeah, so on and so forth.
the 24 COUNCILMEMBER TAVARES: I see that. We're striking
25 one year --

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1 MR. LO: Right.
2 COUNCILMEMBER TAVARES: -- from the date of issuance.
3 Okay, so this would actually help you in the
4 administration of these permit renewals?
5 MR. LO: Frankly, it would clarify, yes, the renewals.
6 And, you know, I think that a lot of this, you
know,
7 again, the intent of Finance, I perhaps could
have
8 had a little bit more thought to this. The
intent
9 was more for me to have some abilities to sort
of
10 have more clarity in the ordinance as I did
this.
11 Obviously, there's a lot of other things
12 going on, periphery items that have sort of
surfaced

13 with it. And, you know, this is more of a
14 housekeeping item.

15 COUNCILMEMBER TAVARES: Okay. Yeah, I don't see that
this
16 would be a, you know, big problem for us to pass
17 this out with a few little adjustments if this
will
18 help Mr. Lo be able to do those pro rata share
19 things with the permit, as you're saying,
because it
20 does state annual permit in our budget so that
would
21 hamper, you know, would be a financial hardship,
I
22 think, on some folks to just have it for half a
year
23 or whatever it might be.

24 So if that was the desire and if the
folks
25 here understand that this isn't gonna impact
what

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1 they're doing in the working group, that that,
you
2 know, whatever comes out of the working group
can
3 either be incorporated in this or incorporated
in
4 the ordinance that is gonna come under the Parks

5 Department or Title 13, is that -- am I
6 understanding that correctly?
7 CHAIR JOHNSON: If you would even like Judie to
address
8 that, you know, I don't know if she's familiar
9 enough with it. If you're not, oh, that's fine.
10 MR. LO: Councilmember Tavares, yeah, there's no
intent.
11 This is -- again, I hate to be selfish about it,
but
12 this is --
13 COUNCILMEMBER TAVARES: Administratively?
14 MR. LO: Well, for the Finance --
15 COUNCILMEMBER TAVARES: Yes.
16 MR. LO: -- part of it, I mean, yeah, I just felt a
little
17 uncomfortable with the wording and the way we're
18 doing the (inaudible.)
19 COUNCILMEMBER TAVARES: Okay. I understand that. I
can
20 understand seeing what's being deleted. So just
as
21 long as the people in the audience understand
that
22 this is not gonna interfere with what the
working
23 group is trying to accomplish also.
24 I just had two items in here that I
wanted to
25 point out, and I was talking with the
Corporation

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1 Counsel beforehand.

where

2 On page 1, the first paragraph, and A,

3 you're taking out, deleting Finance Director'S

still

4 Office, and you just have the word director, I

finance

5 think somewhere in there you have to have

envelope's

6 director 'cause I don't know where this

High

7 gonna go when it comes to director at 200 South

8 Street 'cause there's about eight directors with

back

9 that address. So maybe we have to put finance

10 in there.

11 And -- maybe you can go to somebody else;

12 I'll find the other, the other thing.

13 ?: It's the appeal.

14 COUNCILMEMBER TAVARES: Oh, the appeal. Right.

15 On page 2 in F, the issuance or denial of

16 permit. It should just be period. And the word

17 appeal should be taken out 'cause that's covered

18 someplace else or not covered.

19 So those were just the two that I saw.

changing

20 CHAIR JOHNSON: Okay. Is there any problem with

not
21 those particular items, Judie? Since there does
22 appear to be a problem, is there any other
23 discussion about any of the other items? We
are,
24 according to Mr. Lo, taking out, striking the
25 Sunday. And I did have concerns expressed to me

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got
1 about that. I think that the working group has
2 their work cut out for them on that regard
because
3 there is some places that it would be very
difficult
4 not to have business on a Sunday, especially
certain
5 locations.

6 Councilmember Tavares, did you have
7 something?
8 COUNCILMEMBER TAVARES: I was wondering, did you get
an
9 e-mail or a phone call from a Mike Miller?
Because
10 he couldn't come tonight, and he wanted to
express
11 his concern about the Sunday issue --
12 CHAIR JOHNSON: Yes, I --

working

13 COUNCILMEMBER TAVARES: And I think he's in that

14 group. I'm not sure. But he seemed to be.

15 CHAIR JOHNSON: I did get that e-mail.

16 COUNCILMEMBER TAVARES: Okay.

other

17 CHAIR JOHNSON: Yes, and so that was -- he and one

18 individual were the people that had contacted me

that.

19 about the Sunday. They were concerned about

with

20 I still, myself, am concerned about the issue

21 Cove and south end of Kalama Park.

that

22 And, Mr. Lo, my question to you would be

know,

23 if we leave out that particular wording, you

you

24 from this ordinance, is it my understanding that

area

25 would still be administratively managing that

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up?

1 so that we would not have these conflicts coming

2 MR. LO: Madam Chair, yes, that's correct. We have no

3 intent, at this point in time, of issuing any

fact,

4 additional permits at Cove or Kalama Park. In

5 you know, obviously there's one portion is we're
not
6 issuing new permits. If we opt to lift the
7 moratorium, which again we'll be in discussion
with,
8 it is not our intent to issue any new permits at
9 Cove and Kalama Park at this point in time.
10 CHAIR JOHNSON: Okay. And as far as renewals go,
would
11 you be issuing renewals?
12 MR. LO: Yes. We are renewing permits as they come in
13 until December 31st.
14 CHAIR JOHNSON: All right. And then this pro rata
basis
15 would allow you, then, to at least not penalize
16 those individuals who would have less than a
year
17 to --
18 MR. LO: Correct. We would probably refund some
people as
19 well as, you know, pro rata the amount, to
reduce
20 the amount on those renewal permits.
21 CHAIR JOHNSON: Okay, so do all the members
understand,
22 then, what we're gonna be changing and amending
in
23 this?
24 We're gonna be striking the Sunday.
We're
25 gonna be striking the section that refers to
Cove

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1 and Kalama Park. We would be making the minor
2 change under Section A where we would be
reinserting
3 the Finance Director. Is that agreeable to you,
4 Mr. Lo? And was there any other change? I
think
5 Councilmember Tavares had mentioned underneath
6 Section F, is that the appeal that you wanted to
7 take out that particular word?

8 COUNCILMEMBER TAVARES: Yeah, strike the appeal 'cause
9 there's no reference to that in the following
text.

10 CHAIR JOHNSON: Okay. Okay. So the Chair would, at
this
11 point in time, entertain a -- oh,
12 Councilmember Tavares?

13 COUNCILMEMBER TAVARES: Yeah, I have one more
question.

14 I'm sorry.

15 CHAIR JOHNSON: Yes.

16 COUNCILMEMBER TAVARES: I have one more question as
17 related to one of the speakers that represented
the
18 sailboarding folks? Are they, at this time,
19 required to get a permit for Kanaha Park?

20 MR. LO: Yes. They -- I mean --

21 COUNCILMEMBER TAVARES: They've been getting permits
all

22 along?
23 MR. LO: Well, we've, we are no longer, we are
currently
24 not issuing any new permits.
25 COUNCILMEMBER TAVARES: But they do have existing
permits?

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1 MR. LO: If they have an existing permit and they
renew
2 it, that's fine. We are not stopping that at
this
3 point in time.
4 COUNCILMEMBER TAVARES: Also, Madam Chair, in the
working
5 group or Administration, in the working group,
is
6 the sailboard association represented in that
7 working group?
8 CHAIR JOHNSON: Gary? Yes, they are.
9 COUNCILMEMBER TAVARES: Yes -- okay. Great. Yeah, I
10 didn't want them to be left out if there might
be
11 something that impacts them as one testifier
brought
12 out. I'm hoping that all of them -- and they
can
13 share their experiences with how that process
worked

14 before also.

15 CHAIR JOHNSON: That's right. And I really wanna
thank

16 Gary Saldana as well as Mr. Miyazono and also
17 Mr. Lo. They have participated, perhaps not in
all
18 the meetings of the working group, but in many
of
19 them. So that's been very helpful.

20 I would ask one thing of the people in
the
21 working group, and that is if there's gonna be
22 balance, make certain that you have people that
came
23 forward to testify tonight, such as our first
24 testifier like Marcy Martin or some of the local
25 kids, just so that you kind of hear their side
of

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1 the issue. Sometimes when we're trying to
achieve
2 balance, you see it from your perspective; but I
3 heard the comment at Mr. Miyazono's meeting when
we
4 met in Kihei and that was, oh, my gosh, I didn't
5 realize that that's the way that the local
people

6
perspective.

felt. Or I didn't see it from their

7
be

So I would just simply ask that it might

8
9
not

good if you were to include them in your working
group so that whatever you come up with, they're

10
11
12
whole

gonna automatically oppose, because I think it's
gonna be very helpful for you to not forget that
their perspective and their local take on this
issue is critical to your success and how this
ordinance is going to move through.

13
14
15
of a
you

Because if question take it out and all

16
17
18
as it

sudden we get dramatic testimony saying, well,
didn't listen to us -- I don't want this to be
delayed. It's been delayed a long enough time

19
20
Department.

is. And we need to also work with Mr. Lo in
transferring this authority to the Parks

21
22
to
have

So that would be my mana'o to you, just

23
willing

encourage you to hear what the local residents
to say. And I think that they're more than

24
25
comments

to come out and be a part of the solution.

So with that, are there any other

1 before I would entertain a motion?

2 Councilmember Molina?

3 COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair.

4 Maybe a question for the Parks Director. How
many
group?
5 more meetings are scheduled for this working

6 CHAIR JOHNSON: Thank you, Mr. Tam Ho.

7 MR. MIYAZONO: In question to that, we don't have any
8 designated amount, but we do have a time
schedule we
9 have to work with. And we're hoping to submit
10 something to this Committee, a draft to this
11 Committee, hopefully within the next couple
months.

12 I think whatever it's gonna take, I think
we
13 need to meet as often as possible. And I would
ask
14 the Committee to cooperate as we go toward that
15 direction. So definitely I'm quite certain that
16 there are several more meetings that has to be
made
17 and more discussions as we go through.

18 But again, from the standpoint of time
19 schedule, we're hoping to draft a, draft an
20 ordinance to this Committee within the next
21 two months or so.

22 COUNCILMEMBER MOLINA: Okay, and the makeup of the
23 Committee is, you know, as Councilmember Johnson
24 stressed about balance, as far as the
representation
25 on this Committee, about how many people
represent

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1 the concerns of the nonbusiness people versus
people
2 involved with the business? What is the
balance,
3 maybe total number people on this Committee that
4 you're working with?
5 MR. MIYAZONO: Well, I think, you know, that's a good
6 question, Councilman Molina. We do have
7 representation from the five different
industries.
8 That includes windsurfing, kite sailing, scuba,
9 kayaking, and surfing. We do have Park Staff
made
10 up of our Chief of Aquatics, our Chief of Rec
and
11 Support, as well as Gary Saldana.
12 I did ask the possibility of providing
input
13 from the general public. We actually don't have
any
14 at this point in time.

up 15 I think our intent was to not get caught
to 16 into arguments and pros and cons; and I wanted
move 17 move forward on this. But we could. But as we
and 18 forward, I think it's important that we progress
and 19 with every meeting. They are given assignments
20 hopefully doing their homework and coming back
21 trying to address that.
22 But I think what we could do is consider
Department, 23 getting testimonies. I think our Parks
they 24 take a look from both perspective. But I think
general 25 will find balance from the standpoint of the

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that 1 public's intent. We also have Archie Kalepa on
we 2 Committee as well, and he's a fine balance when
3 it comes to the interest of general public.
and 4 So, you know, that's how we had it set up
5 again, you know, we should, maybe we could allow

So 6 public testimonies for this particular meeting.

Committee, I 7 I think with the makeup we have of this

8 think it's adequate.

I 9 COUNCILMEMBER MOLINA: Okay, thank you, Mr. Miyazono.

10 think you should go forward with that, getting

11 additional public testimony with this Committee

12 meeting. So it's important all sides need to be

13 heard in this matter. Thank you.

other 14 CHAIR JOHNSON: Thank you very much. Are there any

point 15 comments? Hearing no other comments at this

with 16 in time, I'll entertain a motion that we pass

bill 17 the amendments as stated -- the resolution, a

18 for an ordinance amending Chapter 5.24 of Maui

19 County Code pertaining to ocean recreational

20 activity business permits, as proposed by the

21 Administration.

22 VICE-CHAIR CARROLL: So moved.

23 COUNCILMEMBER MOLINA: Second.

24 CHAIR JOHNSON: It's been moved by Council -- by

25 Vice-Chair Carroll and also seconded by

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1 Councilmember Molina. Is there any other
2 discussion? Councilmember Tavares?

3 COUNCILMEMBER TAVARES: Maker of the motion.

4 CHAIR JOHNSON: Oh, maker of the motion.
5 Councilmember Carroll, sorry.

6 VICE-CHAIR CARROLL: Thank you, Chair, and thank you,
7 Councilmember Tavares.

8 CHAIR JOHNSON: My eyes can't be everywhere.

9 VICE-CHAIR CARROLL: Just to say that, as for this
bill, I

10 look at it, as our Finance Director does, more

as a

11 housekeeping measure, allowing him to function

and

12 to add clarity to what they have to do.

13 What I'm very pleased that, at least

we're

14 taking a step forward and that I really have

high

15 hopes for the Committee. And I think that if

they

16 continue on as they are, that we can address the

17 severe problems that we do have.

18 And it's been noted in testimony that we,

19 already we don't have enough beaches and we have

too

20 many people. And it's going to be a time to

where

21 some very hard decisions are going to have to be

22 made.

23 And I deeply appreciate all those that

are

24 involved in making Maui County and our beaches a
25 place that we can all enjoy. Thank you.

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1 CHAIR JOHNSON: Thank you very much, Councilmember
2 Carroll. Councilmember Tavares?

3 COUNCILMEMBER TAVARES: Mr. Carroll said it so
eloquently,

4 I don't need to follow-up.

5 CHAIR JOHNSON: Oh, that's wonderful.

6 COUNCILMEMBER TAVARES: Thank you.

7 CHAIR JOHNSON: Councilmember Mateo, do you have any
8 comment? Councilmember Molina?

9 COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair.
In

10 anything we can do to get this thing rolling and
to

11 help our Finance Director with this process, I
think

12 is important, so I'd ask the body for a full
13 unanimous support on this measure. Thank you.

14 CHAIR JOHNSON: I thank you all very much. And I
really

15 wanna thank the people that have come tonight.
We

16 set this meeting because I noticed that there
was

17 much better attendance at the meeting in Kihei
18 because you weren't out working. And I think
what
19 this Committee's tried to do and I also think
that
20 the working group is wonderful.
21 I think that what we've tried to do,
though,
22 is to be accommodating. You have tried to
23 accommodate us by helping be a part of the
solution,
24 as opposed to just sitting and listening to all
the
25 complaints and then having government be stuck
with

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1 drafting something that you don't like and that
2 we're gonna get really lambasted for it.
3 So I think that it works. I think that
you
4 have a better sense of what's going in the
ocean, on
5 the land, in your access, in your parking, and
also
6 with the people that come to use your services
as
7 well as the local residents. So I think it's
best
8 that it comes from you in cooperation with the

9 communities in which you do business.

10 I thank all the committee members, and
this
11 is just one little stopgap measure. We're not
12 through. We have a lot of work to do, and I
hope
13 that each one of us will remember that this is a
14 community that we have to share our resources.
15 There are a limited number of resources
and
16 beaches. There's a limited amount of money. So
17 even if you come with up creative suggestions as
to
18 how we might create a fund, perhaps even using a
19 portion of the money that you allot for your
annual
20 fees to perhaps have enforcement officers, so
that
21 we don't have these continual enforcement
problems
22 and maybe even improve some of the areas as
well.
23 Anything that you can do and any suggestions, we
24 very much appreciate it.

25 So with that, if there's no further

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1 discussion, all those in favor of the motion,
please
2 say "aye."
3 COUNCIL MEMBERS: Aye.
4 CHAIR JOHNSON: The Chair votes "aye." Are there any
5 "nays"? So it was unanimously passed.
6 VOTE: AYES: Councilmembers Mateo, Molina,
Tavares, Vice-Chair Carroll, and Chair
Johnson.
7
8 NOES: None.
9
10 ABSTAIN: None.
11
12 EXC.: None.
13 MOTION CARRIED.
14
15 ACTION: Recommending FIRST READING of
revised proposed bill.
16
17 CHAIR JOHNSON: I really appreciate your coming this
18 evening. I know giving up your evenings is not
19 always easy.
20
21 So with that, this will be sent out,
along
22 with the written testimony which we have
received.
23
24 If there are any small amendments, I would just
25 trust that you would allow Corporation Counsel,
26 Deputy Corporation Counsel, to make any minor
27 adjustments that need to be made to put
everything
28 into its proper form.
29
30 Are there any other comments on the part
of
31 Staff? If not, if nothing further, I wish you
all

25 the best. Thank you and aloha. (Gavel.)

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1 COUNCIL MEMBERS VOICED NO OBJECTIONS.

2 ACTION: DEFER pending further discussion.

3 ADJOURN: 7:37 p.m.

4

5 pr:min:020731

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1 C E R T I F I C A T E

2 STATE OF HAWAII)

3) SS.

4 CITY AND COUNTY OF HONOLULU)

5

6 I, JOY C. TAHARA, Certified Shorthand Reporter
for

7 the State of Hawaii, hereby certify that the
proceedings

8 were taken down by me in machine shorthand and was

9 thereafter reduced to typewritten form under my

10 supervision; that the foregoing represents to the best
of

11 my ability, a true and correct transcript of the

12 proceedings had in the foregoing matter.

13 I further certify that I am not attorney for any
of

14 the parties hereto, nor in any way concerned with the

15 cause.

16 DATED this 22nd day of August, 2002, in
Honolulu,

17 Hawaii.

18

19

20

JOY C. TAHARA, CSR NO. 408
Notary Public, State of Hawaii
My Commission Expires: 10/11/02

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