

**ECONOMIC DEVELOPMENT, AGRICULTURE,  
AND RECREATION COMMITTEE**

**Council of the County of Maui**

**MINUTES**

**September 17, 2009**

**Council Chamber**

**CONVENE:** 1:34 p.m.

**PRESENT: VOTING MEMBERS:**

Councilmember Jo Anne Johnson, Chair  
Councilmember Sol P. Kaho'ohalahala, Vice-Chair (in 1:53 p.m.)  
Councilmember Gladys C. Baisa  
Councilmember Michael J. Molina  
Councilmember Joseph Pontanilla

**STAFF:** Lance Taguchi, Legislative Analyst  
Yvette Bouthillier, Substitute Committee Secretary

**ADMIN.:** Tamara Horcajo, Director, Department of Parks and Recreation  
Officer Brad Hickel, Department of Police  
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** Daniel L. Ornellas, Land Division - Maui District, Department of Land and Natural Resources

**PRESS:** *Ilima Loomis, The Maui News*  
*Akaku--Maui County Community Television, Inc.*

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**CHAIR JOHNSON:** ...*(gavel)*... Good afternoon. The Economic Development, Agriculture, and Recreation Committee meeting of September 17, 2009, will come to order. Thank you for those of you who are in attendance today. First of all, before I begin with the one agenda we have, I will identify the individuals who are here in support of this Committee. First of all, we have Member Michael Molina, thank you.

**COUNCILMEMBER MOLINA:** Good afternoon, Madam Chair.

**CHAIR JOHNSON:** And we also have Member Gladys Baisa.

**COUNCILMEMBER BAISA:** Good afternoon, Chair.

**CHAIR JOHNSON:** Thank you for your attendance. And we have Member Joseph Pontanilla.

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

---

COUNCILMEMBER PONTANILLA: Good afternoon.

CHAIR JOHNSON: Thank you. And excused is Member Sol Kaho`ohalahala, who is our Vice-Chair. And from Administration, we have Mr. Jeff Ueoka from Corporation Counsel.

MR. UEOKA: Good afternoon, Chair.

CHAIR JOHNSON: Thank you. We have substituting today for ordinary Committee staff, we have Ms. Yvette Bouthillier, and we also have . . . and I'm sorry, did I mispronounce your last name?

MS. BOUTHILLIER: (Nodded no).

CHAIR JOHNSON: I just wanted to make sure. And I also want to introduce Lance Taguchi, who is our Staff Analyst on this subject. In the audience, we have Support Staff, or actually not Staff but we do have our Support Services and I see from the Administration we have Ms. Tamara Horcajo from the Parks Department, and from DLNR we have Mr. Dan Ornellas. Thank you for attending. And we also have Officer Brad Hickel who's here from the Maui Police Department.

Members, at this point in time, we have no individuals signed up to testify. I will briefly keep testimony open and depending on what the outcome of this particular measure is, I would certainly allow public testimony if we do have someone coming in late.

**ITEM NO. 18: PROHIBITION OF ALCOHOL AT KAMAOLE BEACH PARK I (KIHEI)**  
(C.C. No. 09-204)

CHAIR JOHNSON: The only item that we have on the agenda today, Members, is EAR-18, which is the prohibition of alcohol at Kamaole Beach Park I in Kihei. And the Committee is in receipt of the following – it is County Communication No. 09-204, from myself, relating to the matter of prohibiting alcohol within the boundaries of Kamaole Beach Park I. And correspondence dated August 3, 2009, from the Department of the Corporation Counsel; they transmitted a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, TO PROHIBIT CONSUMPTION OF ALCOHOL AT KAMAOLE BEACH PARK I”. And the purpose of this bill is as the subject matter outlines, which is to prohibit consumption of any intoxicating liquor, as defined in Section 281-1, Hawaii Revised Statutes, while within the boundaries of Kamaole Beach Park I, located at 2400 South Kihei Road, Kihei, Maui.

So, Members, because we have no testifiers what I would do is ask, first of all, do you have any questions so that I would have to call down Mr. Ornellas or also our Parks Director, Ms. Tamara Horcajo, with regard to the alcohol consumption at this park? Member Baisa?

COUNCILMEMBER BAISA: I have one question for Ms. Horcajo, if possible.

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

---

CHAIR JOHNSON: Yes. Tamara, if you could join us. And if you want to join us either at the podium or just at the . . . I guess here it's easier then you can sit down. So, while Ms. Horcajo is joining us, I just want to thank the individuals that have sent this item and brought this item to our attention. It was several different sources that I received requests to look at this beach park also. And I know that the public has been a little bit concerned about us going on every beach park in Maui County. That is not the purpose. We're taking them each on their own merits based upon requests as far as these parks are concerned. So, now, Ms. Baisa, would you like to ask Ms. Horcajo the questions?

COUNCILMEMBER BAISA: Thank you very much, Chair. The question is, just so that we are sure about what we are talking about, this is the park that is adjacent or a part of the beach that is adjacent to Charlie Young?

MS. HORCAJO: Thank you. Yes, it is. The sand portion actually is the portion that is adjacent to or connects with the Charlie Young Beach Park. And the Kamaole Park then, the portion that most people consider park, Kamaole I does have a grassy area that includes a parking lot, it has a volley ball court, some picnic tables, restroom area and then again it has another mound on the far side with grass and additional picnic tables and barbecue.

COUNCILMEMBER BAISA: Thank you very much. The reason I asked you this is when we were recently working on the Charlie Young Beach issue, there was comment about, well, all you're going to do is move the people from there to Kamaole I. Can you tell us any observations on how that's impacting, what's going on at Kamaole I or has it had any impact?

MS. HORCAJO: The effects of our prohibition at Charlie Young Beach I do not believe, as far as Parks Department, have yet been felt that may be something that have to touch base with the Police Department. Kamaole I Beach Park does have two groups of individuals that are of concern to both the Department, our Department and the Police. And we are not sure how this impact will affect these two particular groups who do hang out right there at the locations by the picnic tables and the concern is that if, in fact, there is a ban here that they may move on; however, because of the stores right across the street to this particular park, Kamaole I, where we believe the alcohol is being purchased and brought across the street, you know, that may not be a concern. We don't know yet.

COUNCILMEMBER BAISA: Okay, thank you very much. I think the only other person I would like to question to, and we can do that later, would be Officer Hickel. Thank you.

CHAIR JOHNSON: Okay, thank you. Are there, since Ms. Horcajo is up as a resource person, are there any other questions? Seeing no questions, if Officer Hickel, would you join us? Is he able to join you, Lance there, or should he just come to the podium?

MR. TAGUCHI: To the podium.

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

---

CHAIR JOHNSON: Okay. If you could, Officer Hickel, if you could just come to the podium and then Ms. Baisa has a question for you, and perhaps other Members will too.

MR. HICKEL: Good afternoon, Council members.

COUNCILMEMBER BAISA: Officer Hickel, thank you very much for being here this afternoon. I would like to hear from you as to what your observation is as what's going on at Kamaole I and your thoughts about how this prohibition might help or cause problems or whatever. We'd be interested in your thoughts because you're more familiar with this than we are.

MR. HICKEL: Since the ban on alcohol at Charlie Young's Beach, I think the fear was that a lot of people would be moving to Kamaole I since they are right beside of each other. There's no barriers there preventing anybody from being in one place or the other. And it would be kind of hard for us to enforce given there are no physical boundaries. There haven't been any documented police reports since the ban on alcohol at Charlie Young Beach. I'm not familiar with anything recently. In the past we have had problems with alcohol consumption because of the liquor stores being in such close proximity to Charlie, I mean, Kamaole Park I. But mostly that's from people we refer to as our regulars of the alcoholically-challenged. But other than that, there hasn't been a problem.

COUNCILMEMBER BAISA: I like your expression. May I borrow it? . . . *(chuckled)* . . . alcoholically-challenged. Tell us, can you tell us of any um, you know, what is it like at Kamaole I? Is there a lot of drinking? Is there a problem that warrants this action?

MR. HICKEL: I've been an officer stationed in Kihei for approximately 12 years. At the Kamaole parks, we've seen fights, large fights actually. We've seen the use of hand guns have been drawn at one point and we've even seen knives being used with baseball bats. A lot of it is, I don't know if it has to do with the alcohol. That has been a factor. There's been alcohol there when these other things are occurring and you just have to assume that they were a big part of the whole thing.

COUNCILMEMBER BAISA: Chair, one more and then I'll give somebody else a chance. But it was brought to my attention the other day by somebody who was commenting on our recent action on Charlie Young Beach that people in other areas ban alcohol use or close their parks down but they close 'em late like about 10 o'clock. Do you think it would make any difference or that's of any benefit or, you know, it could go on at any time? I mean, some of the activity you're talking about might be going on during the day. Your thoughts?

MR. HICKEL: Um . . . regarding the time the parks are closing? I think all South Maui Parks right now, with the exception of Kalama Park are closing at 8 o'clock at night.

COUNCILMEMBER BAISA: Okay.

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

---

MR. HICKEL: The gates are being secured. Kamaole Park I, however, doesn't have gates. And typically we have people that do go in, they sit on the beach, and sometimes walk the beach late at night or early in the morning.

COUNCILMEMBER BAISA: But the events or the things that you talked about, the incidents with people that are alcoholically-challenged those could be happening during the day?

MR. HICKEL: Yes. From the time that the liquor stores across the street open up 6:30 in the morning it's legal to purchase alcohol, and usually there's a couple of picnic tables inside the park where that group of people like to sit and they'll drink all day.

COUNCILMEMBER BAISA: Okay. That gives me a good picture. Thank you. Thank you, Chair.

CHAIR JOHNSON: Thank you. Member Molina followed by Member Pontanilla.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good afternoon, Officer Hickel. Just following up on the Director of Park's comments about the two individual groups that I guess you folks are sort of keeping an eye on or are concerned with, these groups, I mean, are we talking about large groups of individuals that congregate and gather in that area and I presume there's alcohol and god knows what else. Can you further expound on that?

MR. HICKEL: Well, I think one of the groups that Ms. Tamara was speaking of was the group that was causing most of the problems at Charlie Young's Beach, and it was a big group of people, sometimes around maybe somewhere between 25 to 50 people at a time. We were seeing at Charlie Young's Beach keg gars more than one occasion. Just while I was working I've seen kegs down there and people consuming a lot of alcohol. Also, you know a lot of beer. At this time, I don't know if they're actually going to Kamaole Park I. There is a volleyball area there. There hasn't been any problems or complaints that I'm aware of regarding the group, but I have seen a lot of volley ball playing at Kalama Park. I live close to there and I haven't heard of any problems associated with 'em.

COUNCILMEMBER MOLINA: Well, it sounds like some very positive news and, hopefully, it stays that way. But I guess maybe with the ban on Charlie Young's it's a message that's being sent from County government to all the park users. Anyway, thank you.

CHAIR JOHNSON: Thank you. Member Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you, Chairman. I didn't catch it but you may have answered probably what I'm going to ask you. Since we shut down Charlie Young's Beach from alcohol drinking, any incidents in regards to Kamaole Beach Park I?

MR. HICKEL: No, sir.

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

---

COUNCILMEMBER PONTANILLA: None. And you know what Member Baisa had brought out I saw an article on Kauai, Kauai County, the Police Chief of that County had asked the Council to restrict drinking from 11 p.m. to 6 a.m., so I was thinking along the same lines as, you know, Member Baisa, although Kamaole doesn't have any gates, you know, as a trial period, you know, ban alcohol from let's say 8 p.m. to not 6 a.m. but maybe some late time during the mid-morning like 10 a.m. maybe that could just be a test point in regards to what kind of results we would have in regards to -- before banning the whole park itself. You know, just ban from 8 p.m. to 10 a.m. in the next morning. Comments?

MR. HICKEL: Well, like I was explaining earlier to Council . . . lady Baisa, the Charlie Young's Beach kind of runs into Kamaole I Beach since there are no physical borders indicating which park of the beach is actually Kamaole Park I and which park is Charlie Young's. I think it's kind of important to completely ban the alcohol there. That way, there's no question as to whether or the offenders are in Kamaole Park I or Charlie Young's. It's basically that area will be banned, and I think it's a good idea at this point.

COUNCILMEMBER PONTANILLA: Okay, what if we were to put up like say a sign of some kind separating the two areas just for now?

MR. HICKEL: That would be helpful. It would help to actually define which part of the beach would be considered Charlie Young's and which park would be Kamaole Park I.

COUNCILMEMBER PONTANILLA: Yeah, thank you. Because the last time we had some testifiers that live across the street that do want to have like say their wine and look at the sunset, and part of the difference between Kamaole and Charlie Young is that Charlie Young you couldn't see the people drinking on the beach and that's the reason why for the ban. But in this case here, you know, it's open to the public meaning that testifiers and you folks are cruising the streets. So, if anything detrimental happens, then you guys are right there, yeah. So, thank you. Thank you, Chairman.

CHAIR JOHNSON: Thank you. Thank you, Officer Hickel. Are there any other questions? One of the things and I will just with the Members' permission I just would like to ask, you know at least along the same lines that Member Pontanilla was asking, if I understood you correctly trying to be consistent with the whole area and have one rule that covers that area would be less confusing to the officers, that's the gist of what you were . . .

MR. HICKEL: I think it would be less confusing to everyone involved -- both the people that want to go down at sunset and have a drink and the people . . . well, yeah, and the officers.

CHAIR JOHNSON: Okay. You know, I'm just looking for consistency and I think that's, you know, more than anything, I'm trying to make it easier and not more complex. That was one of the reasons why, you know, we had looked at this. Are there any other questions? Seeing none; thank you very much for your attendance. I really appreciate your input. If there are no

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

---

objections, I would like to call Mr. Ornellas forward because I do have something that, you know, he and I, and I don't want to put words in his mouth, that I just want to reiterate.

COUNCILMEMBER BAISA: No objections.

CHAIR JOHNSON: Okay. Thank you.

MR. ORNELLAS: Good afternoon.

CHAIR JOHNSON: Good afternoon. Just for Yvette's purposes, can you just state your name and your position for the record?

MR. ORNELLAS: Daniel Ornellas, District Land Agent, State Department of Land and Natural Resources.

CHAIR JOHNSON: Yes. My main reason for calling Mr. Ornellas forward is that when I was made aware of the fact that the whole park area, not just the Charlie Young area, is Executive Ordered from the State, I wanted Mr. Ornellas to address that specific issue and then address what your general I guess your position would be at the State level with regard to alcohol consumption on State-controlled land?

MR. ORNELLAS: The property is owned in fee by the State of Hawaii and we have basically two categories of encumbrance or disposition. One is encumbered land where we have a lease or an agreement like an Executive Order, and the others are what we call unencumbered land where it's just vacant and open and accessible. So, on encumbered land, like Charlie Young, we would defer all management and responsibility to the County of Maui, and depending on your rule making responsibilities to control activity there. For unencumbered lands, we have Hawaii Administrative Rules that govern the use and activities on unencumbered properties. And in regards to alcohol, and I would just read it. It's a short Hawaii Revised, I mean, Hawaii Administrative Rule 13-221-24 entitled, INTOXICATION, DRUG INCAPACITATION. No person shall use or possess narcotics, alcohol, or drugs within the premises without the written permission of the Board or its authorized representative. No person shall enter or remain within the premises when manifestly under the influence of alcohol, narcotics, or drugs. So, for what we call State unencumbered lands, alcohol is prohibited without written authorization.

CHAIR JOHNSON: Okay. And that was one of the things, Members, that I really wanted to reiterate because that has not been, you know, made clear at least as far as some information that was put out about you know where I, as your Chair, and my approach to this issue has been. And I really want to thank Mr. Ornellas for clarifying that for me. Are there any questions as long as he's here? And the Chair also recognizes the presence of Vice-Chair Kaho`ohalahala. Thank you for your attendance. Thank you, Dan. I appreciate it. Members, at this time, I'm going to close public testimony, if there's no objections.

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

---

COUNCIL MEMBERS VOICED NO OBJECTION.

CHAIR JOHNSON: Okay. Thank you very much. We've heard basically from the officers. We've heard from Mr. Ornellas from DLNR. We've also heard from the Administration as far as their concern. My approach on this and the reason that I'm bringing it forward a part from the fact that several people had requested that we at least look at this issue, my take is that I want to be as consistent as possible and create the least amount of confusion with regard to alcohol consumption in that area. Also, because I am concerned with being consistent with the State law and not getting into an issue of who is liable and who is not liable, particularly on Executive Ordered lands where if it were to have remained with the State of Hawaii, which I could always request that this land go back to State of Hawaii, which at this point in time is not on the table, I wanted to be consistent with the position that there would not be alcohol consumption on State-controlled land without express permits or permission. So, Members, at this point in time, the Chair would entertain a motion . . .

COUNCILMEMBER PONTANILLA: Chairman?

CHAIR JOHNSON: Yes.

COUNCILMEMBER PONTANILLA: Before you entertain your motion --

CHAIR JOHNSON: Yes.

COUNCILMEMBER PONTANILLA: --if we could have all of the Executive Ordered park lands that we have so that we, rather than go one right after the other in regards to your comments, that we should take a look at all of those parks.

CHAIR JOHNSON: Yes. And I've already done that, Member Pontanilla. One of the things that, as your Chair, that I've taken kind of, almost a different approach on this, that on some of the Executive Ordered lands, there are camping areas. And they are also, ordinarily, would be viewed as parks. I have no intention of looking at those but if you would like to see the entire list, I think Mr. Ornellas could provide us with that. He's indicating, yes, so if we do not . . . do we already have that, Lance? Do we have a list?

MR. TAGUCHI: No.

CHAIR JOHNSON: Okay. Then I know that Tamara has the list as well. So we will provide that. But it's my intention to just focus on the ones right now that we're having problems -- where we're getting some complaints, where we're getting requests from the public to look at these areas. It's not my intention to just, you know, go off and do that on my own as some might indicate in the media.

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

---

COUNCILMEMBER PONTANILLA: Yeah, and I understand that and, well, one of my concern is that, you know, they're going to be talking about pick and choose, yeah. And if we're going to be consistent, make it consistent right across the board. One of the parks that I had talked about earlier because of playground equipment in that particular park was Kalama Park, where kids utilize the playground, you have a walking path, you have little league, soccer league all in that area, it seems to me, you know, that should have been a higher priority, so I just provide you that comment.

CHAIR JOHNSON: I appreciate that and I am . . . that is one of the areas that we are looking at, and I had a conversation earlier with our Parks Department Director and that has had several requests for us to look at that. And then again, you made a suggestion earlier that perhaps it may be appropriate and I want to take each park on a case-by-case basis. And that's why I am, I prefer to take that approach. We have other items too in this Committee so I'll try and do what I can. But just know, Member Pontanilla, if would also like that and would like us to entertain perhaps hours in that particular park, the Chair would be more than happy to look at that as well. But I will get that information to you.

At this point, Members, if there's nothing further, the Chair would entertain a motion to move forward "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, TO PROHIBIT CONSUMPTION OF ALCOHOL AT KAMAOLE BEACH PARK I".

VICE-CHAIR KAHO`OHALAHALA: Chair?

CHAIR JOHNSON: And it includes the filing of the communication.

VICE-CHAIR KAHO`OHALAHALA: Okay, I so move.

COUNCILMEMBER BAISA: Second.

CHAIR JOHNSON: It's been moved by Vice-Chair Kaho`ohalahala and seconded by Member Basia. Members, is there any discussion on the item before we take action?

COUNCILMEMBER PONTANILLA: Yes, Chairman?

CHAIR JOHNSON: Yes, Member Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Just for a trial period, I don't know if this is proper but to amend the motion by providing a time period, and we can sunset this thing if we want, prohibition as far as drinking at this park from 8 p.m. to 10 a.m. the following morning.

CHAIR JOHNSON: So, you're making an amendment? If there's no second to the amendment . . .

COUNCILMEMBER PONTANILLA: Oh, I understand, yeah.

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

---

CHAIR JOHNSON: Okay.

COUNCILMEMBER MOLINA: Second for discussion?

CHAIR JOHNSON: Okay, there is a second by Member Molina. And please discuss why your, what your justification is.

COUNCILMEMBER PONTANILLA: Yeah, thank you. And I respect the officer's comment in regards to, you know, you cannot distinguish the boundaries between Charlie Young and Kamaole. And one of the things that I talk about is probably putting up a sign there to say which is Charlie Young's Beach and which is Kamaole I Park. And the reason for my amendment is to see, you know, if this thing is going to work in regards to some of the testimony that was provided the last time, you know, fishermen as well as the people that want to have a sip of wine and just to enjoy the sunset. And, basically, that's the reason.

CHAIR JOHNSON: Okay, thank you. Member Molina?

COUNCILMEMBER MOLINA: And Madam Chair, could I get comments from the Park Director?

CHAIR JOHNSON: Um, Member . . . (*chuckled*) . . . not member. Well, you're with us enough so I guess I could call you ex-officio member. Parks Director Horcajo?

MS. HORCAJO: My comment regarding the amendment for no drinking between I believe you said 8 p.m. and 10 a.m.? Well, currently the park is closed from 8 p.m. to 6:00 it's actually more like 7 a.m. so, therefore, that option is already on the table. There should not, even though there are people in the area unless there is a large disturbance I don't believe that they would get called by the Police Department or call for the Police Department, but the park is basically closed at that time. In the morning hours, so between 7 a.m. when the park is open and 10 may delay that groups and I'm not sure if the groups specifically that hang out at the Kamaole Beach Parks there, if they have homes or choose to stay at the beach there, but basically there are a few tables that are taken up by these folks that begin drinking early. I'm not sure if the between the 7 and the 10 o'clock will just delay their movement into the park or not. That's the comment I have regarding our parks are not open during the evening hours, much different from the Kauai bill that was just passed.

CHAIR JOHNSON: Did that answer your question, Member Molina?

COUNCILMEMBER MOLINA: Yes. So, basically, Member Pontanilla's amendment would be to allow for drinking from 6 a.m. up until 8 p.m., and then after 8 p.m. up until the opening of the park then no drinking. And I guess people shouldn't even be in the park in the first place at that time. I just wanted to get clarity on the amendment and the views of the Parks Director. So, if Member Pontanilla can confirm what his amendment is, am I correct?

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

---

CHAIR JOHNSON: Yes.

COUNCILMEMBER PONTANILLA: Yeah, you know, not knowing what the time the park closes but then again you do have people will enter the park because there's no gate, and they'll drink to their hearts content. And, you know, hopefully, our officers you know impose the State law in regards to drunken activities in the park. And my amendment was strictly to have nobody go drinking in the park.

CHAIR JOHNSON: Thank you. And if you don't mind, Members, I just want to say it very clearly my position and it's no disrespect to you, Member Pontanilla. I understand. But I think that from my perspective and what I'm trying to advocate is keeping this consistent at least with that particular park area in general. And I don't think from what was said both by Director Horcajo and also Officer Hickel that the three hours is going to make a difference. When you're drinking from 10 o'clock in the morning until 8 o'clock in the evening or whenever our parks close, you're fairly well inebriated and that's why, to me, I think that . . . if we can just try keeping the alcohol out of the parks all together, at least that park, I think it would be easier for everyone to know that you've got to go to a different area and perhaps it might change their behavior.

COUNCILMEMBER PONTANILLA: Okay, thank you. You know, I just wanted to address the other side.

CHAIR JOHNSON: And I totally respect that, and you know, the Members will decide it. I just wanted to make clear what my reasoning was for advocating for something that was consistent and at least would perhaps be less confusing to everyone in that area. And not to say that you couldn't do it in the other area that we might consider that we spoke about earlier. Is there any further discussion on this measure? Member Kaho`ohalahala?

VICE-CHAIR KAHO`OHALAHALA: Thank you, Chair. I think that if we're going to impose this kind of a policy then from a standpoint of enforcement it just seems much more practical and simple. So I'm not going to support the amendment.

CHAIR JOHNSON: Okay, thank you. That's fine. Any further discussion before I call for the vote? All those in favor of the amendment signify by saying "aye"?

COUNCILMEMBER PONTANILLA: Aye.

CHAIR JOHNSON: Okay, there's one aye. All those not in favor of the amendment signify by saying "noe"?

COUNCILMEMBER MOLINA: No.

VICE-CHAIR KAHO`OHALAHALA: No.

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

---

CHAIR JOHNSON: Okay, and the Chair votes no.

**VOTE:       AYES:       Councilmember Pontanilla.**

**NOES:       Councilmembers Baisa, Molina, Vice-Chair Kaho'ohalahala, and  
Chair Johnson.**

**EXC.:       None.**

**ABSENT:    None.**

**ABSTAIN:   None.**

**MOTION FAILED.**

CHAIR JOHNSON: So, thank you for at least making your attempt. I do appreciate that, and I certainly respect and recognize it. And perhaps there will be other opportunities to adopt that. Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I presume we're back to the main --

CHAIR JOHNSON: Main motion, yes.

COUNCILMEMBER MOLINA: --motion. Okay, thank you. I'd just like to speak to the motion. I will support it although I'm like Member Pontanilla, I have some mixed feelings for, you know, the majority of our folks who generally behave and know how to handle their alcohol consumption whatever amount that may be. But you know it is what it is because of a few it sort of forced government to take action in the interest of public safety for all. So I will support it. Again, not with reservations but again mixed feelings because I do feel for the folks who really respect the law and know how to handle themselves. But I would hope with any consideration for future bans on our other beaches at least for the time being we can proceed slowly because it just seems like we're moving right along here like a train so to speak, Madam Chair, you know, just boom, boom, boom. But those are just my feelings. Maybe catch our breath because we just recently got done with Charlie Young's and now doing this, I mean, which is you know logical because it's right next door. But I'm sure there may be other considerations for other beaches and not only in South Maui but, you know, West Maui and who knows wherever else. So, those are my comments, Madam Chair. Thank you.

CHAIR JOHNSON: Thank you very much, Member Molina. Any further discussion? Member Pontanilla?

**ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui**

**September 17, 2009**

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COUNCILMEMBER PONTANILLA: And thank you, Chairman, for giving me the opportunity to at least bring out the Kauai situation and trying to make an amendment here because I kind of sympathize for some of our local guys that enjoy the beach. And you know some of the local guys they go fishing over there and what they bring with them is some beverage. Also those people that come from faraway places, you know, tourists to enjoy the sunset taking away part of their enjoyment. So that was my only intent regarding the amendment.

CHAIR JOHNSON: The Chair appreciates that. Member Baisa?

COUNCILMEMBER BAISA: Chair, I find myself in pretty much the same position that Member Molina is and, you know, I do understand and appreciate our local lifestyle and I'm sure that everyone, quite a few people would love to go to the beach and take a six-pack and a cooler and spend the evening or the day or however long they're going to be there and have a great time. But unfortunately, we've arrived at this point in our time where a few people spoil it for everyone. And you know with the ban at Charlie Young and this beach in close proximity and, apparently, no physical marking as to where one starts and the other ends is kind of a ridiculous situation because if I saw the officer coming, I'd step over the line and say, I'm in Kamaole I now, what are you going to do to me, you know what I mean. So, I think when we did the first one, we really didn't pay much attention to the proximity of the other or we might have done them concurrently, and just done it with one. But I think this is just the other half of what we did and it's a logical half. However, I do think it's sad, you know, we're taking away a lot of the enjoyment that people used to enjoy but when you have a few people spoiling it for everyone else that's how it is, you know. That's why we have to lock things up and lock our houses and lock our cars and do all of the things that we do now, which we never did before. But you know this is today and it's not 1900 so we gotta go with what exists. So, very reluctantly and with some pain in my heart, I'm going to do what I think I need to do here and that is I will be supporting it.

CHAIR JOHNSON: Thank you very much. Vice-Chair Kaho`ohalahala?

VICE-CHAIR KAHO`OHALAHALA: Thank you, Madam Chair. I feel the same way as Member Baisa. As you know, I didn't support Charlie Young and my reasons were that I don't know that the initiation of that closure was one, I mean, it's already done. But the body moved to ban Charlie Young. It just makes sense that this is contiguous to Charlie Young that it makes no sense to try and do anything other than from what we've already done. So I am reluctant about passing this through. I am going to support your recommendation, but again, I just want the people to know that I did not support Charlie Young. It's already passed and it makes no sense to oppose this next contiguous park to Charlie Young so, therefore, I will support it.

CHAIR JOHNSON: I thank you very much, Vice-Chair Kaho`ohalahala. And, you know, I'm really glad that we have the opportunity to dialogue because I know that oftentimes the Chair is not suppose to be leading, you know, the way. The Members are really supposed to give direction to the Chair. I'm a facilitator. But because I did receive requests from the communities, many



ECONOMIC DEVELOPMENT, AGRICULTURE, AND  
RECREATION COMMITTEE MINUTES  
Council of the County of Maui

September 17, 2009

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**ABSTAIN: None.**

**MOTION CARRIED**

**ACTION: FIRST READING of bill; and FILING of communication by C.R.**

CHAIR JOHNSON: So, Members, thank you very much for your attendance. I thank you, Office Hickel. And when this moves on to full Council all this will be in the committee report and I do thank you for your attendance. And I thank Mr. Ornellas, who already had to leave but I do thank him, and Administration and also Corporation Counsel as well as Staff. So, Members, with that, this meeting of September 17, 2009 of our Economic Development, Agriculture, and Recreation Committee is adjourned. Thank you. . . .(gavel). . .

**ADJOURN: 2:16 p.m.**

APPROVED:

  
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JO ANNE JOHNSON, Chair  
Economic Development, Agriculture, and Recreation Committee

ear:min:090917

Transcribed by: Jo-Ann Sato