

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
JUNE 2, 2011**

** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, Hawai'i. ***

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Commission Member, Erik Fredericksen, at approximately 10:24 a.m., Thursday, May 5, 2011, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Commission was present (see Record of Attendance).

Chair Erik Fredericksen: Good morning all. Welcome to the - let's see, where are we - the June 2, 2011 meeting of the Maui County Cultural Resources Commission. Calling the meeting to order. First item is approval of minutes of the December 2, 2010 and February 3, 2011 meetings, and if any of the Commission members have any questions, comments, or additions, deletions to make, please let's discuss that. If nobody has any concerns or comments, if somebody would like to make a motion to approve, we can certainly entertain that.

B. APPROVAL OF MINUTES OF THE DECEMBER 2, 2010 AND FEBRUARY 3, 2011 MEETINGS

Mr. Ray Hutaff: I move that we approve the December 2, 2010 and the February 3, 2011.

Ms. Rhiannon Chandler: Second.

There being no discussion, the motion was put to a vote.

It was moved by Mr. Hutaff, seconded by Ms. Chandler, then unanimously

VOTED: to approve the December 2, 2010 and the February 3, 2011 minutes.

Chair Fredericksen: No opposition, so that takes care of that agenda item. Stanley, we'll go on to Item C, Advisory Review.

Mr. Stanley Solamillo: If I may digress just a moment. We have a new Corporation Counsel, Mike Hopper's in the chair today, but afterwards, from here on out, it will be Deputy Corporation Counsel, Richelle Thomson, who's sitting as a member of the audience today.

Chair Fredericksen: Good morning, Richelle, and welcome. So, Stanley, I'm sorry, I was reading the light switch over there.

Mr. Solamillo: That's okay.

Chair Fredericksen: So Richelle will be taking over what James was doing?

Mr. Solamillo: Correct.

Chair Fredericksen: Okay. Welcome. Welcome, aboard, Richelle, and thank you for choosing government service.

Mr. Solamillo read the following item description in to the record:

C. ADVISORY REVIEW

- 1. MR. XORIN BALBES, on behalf of SOULSPACE RANCH, LLC, requesting comments on final interior courtyard pool and landscape design for the Fred Baldwin Memorial Home, located at 1813 Baldwin Avenue, TMK (2) 2-5-004:007, Makawao, Maui, Hawai'i. The CRC may provide comments and recommendations. Public testimony will be accepted (B T 2010/0434). (S. Solamillo)**

Mr. Solamillo: This is, everyone remembers, is -- it came to us last year as a certified rehabilitation, which means it has gone through excruciating scrutiny by SHPD as well as the National Park Service. It is Maui County's largest tax credit project for historic preservation tax credits. And we applaud the owner and all of the people, his contractors and subs, who worked on continuing with this project.

As well remember, this site included eight buildings originally that were erected in 1911. They were erected by H.P. Baldwin in memory of his son, Fred, who died in 1905 in New York City from a failed appendectomy. There are two other sites, which are associated with the Baldwin family: one is the seminary, and the other one is Grove Ranch. I'm having problems reading so please -- sometimes I can't see very well.

The importance of this particular building complex was that it was built in the U-shape plan, which had a central core, which consisted of a T-plan, and then it had attached cottages. This was designed by Henry Livingston Kerr, a famous Honolulu architect. There was also a continuous porch or lanai that ran around the perimeter of the interior courtyard as well as a formal garden. It was modeled after some projects that were done at the turn of the

century, such as the New York State Sailors and Soldiers Homes, Washington Barracks, and Soldier's National Home in Dayton. Henry Livingston Kerr built or designed the McCandless Building in Honolulu, the Yokohama Specie Bank Building in Honolulu, as well as the Mission Memorial Building also in Honolulu. He also did Cooke Hall at Punahou School, as well as Linekona School also in Honolulu. In Maui, he designed our famous Courthouse, which was redesigned by Paul Lowe in the 1920s, and also various branches of the Baldwin Bank, which now -- and, in this case, also Bank of Maui in Lahaina following the fire that decimated buildings on Front Street in 1919. That's the building as it appears today.

Another really important facet to the whole design of this building complex was that he used those are forced perspective, which essentially, if you were standing at one end of the interior courtyard and looking towards the highest building, which was a two-story building, you would see all of the buildings, and this was a technique that developed from the theater during the classical times, so you have buildings which are essentially in diminishing size so that when you're standing at the end, you can still see that they're separate buildings; otherwise, if they were all the same, you would get the feeling -- if they were all the same size, you would get the feeling that it would be one continuous wing instead of separate buildings or cottages.

The design at the bottom of the page, in a rendering which came to this Commission, was of concern to several Commissioners. It was a view of the interior courtyard but at the time it was initially presented, a lot of people felt or perceived it to be the front entry to the whole project, and that a highly structured landscape design and a planting scheme was conflicting concepts with traditional kanaka maoli values for the use of water as well as planting materials. There was some other concern, which issued by this Commission, and those concerns were elucidated in the following conditions: That since the Fred Baldwin Memorial Home was historically described as an institution for white men, that it shall be open to all and that aloha shall be extended to all persons visiting this site. I'll remind everyone here that any original charter for this institution is drafted by Mr. Baldwin and provided that this was a place for retirement for persons of Hawaiian descent as well as Anglo American and European men, but in time, it actually was an institution with defacto segregation. The second condition was: That since standing water has often been used as an indicator of personal wealth, there's a misuse of mana associated with it, that the pool design be reconfigured to better represent traditional kanaka maoli values. And the third condition: That the traditional kanaka maoli place name, based upon the oral traditions associated with this site, shall be used, and native plants shall be incorporated into the pool and landscape design.

This is the formal entry to the lobby, which is on the mauka side, which is the top of the U, and I'll show you the overall plan in a moment, and what has happened since the comments were issued by this Commission, is that a non-structured landscape design and

planting scheme has been implemented. These are views of that entry lobby. Plants being used for the building entry include asparagus fern, mondo grass, gardenia, nandina, jasmine, and agapanthus. Along the perimeter, the existing trees were maintained; the existing arela hedge was also maintained, and we have lecheso tree and hibiscus, which as been used as infill. The emphasis, I think, is that ornamental as well as edible plant materials has been used or is proposed for use throughout the site because the edible plants will service the kitchen needs.

The entry sequence from the outside to the lobby to the interior courtyard is shown in the arrows, from the top to the bottom of the screen, and terminating the pool, which is located in the center of the courtyard. Again, it is a non-structured landscape design with the paving and planting scheme that reflect that.

These are the detailed planting plans, which you received copies of in your mailout. And this is a view of the two-story top of the U-shape plan.

This is a list of plants, which are proposed for use on the interior courtyard. Existing plantings, which were ornamentals which have survived since 1911, had been maintained. The turf, although I'll disagree with the nomenclature as seashore law, it should just be regarded as lawn. The courtyard trees include: plumeria, cinnamon, banana, namaki, pikake, surinam cherry, akiia, Hawaiian chili pepper, and dwarf acai palms. The courtyard plants include: jasmine, lavender, nibiji, lemon grass, thai ginger, green ti, ae`ae, pineapple, mint, sweet potato, gardenia, bromelads, honeysuckle, kupukupu, rosemary, akolikoli, and basil.

I think at this point, I'll provide an opportunity for the applicant as well as his advisor to speak with the Commission.

Mr. Xorin Balbes: Good morning. Nice to see everybody again.

Chair Fredericksen: Good morning.

Mr. Balbes: You know, originally, we were going to do a much more in-depth landscape plan but we've had to like really pull it back 'cause of the cost of construction. It just really became a lot more than what we thought. So I feel like this is like really good just start for our landscape plan and, hopefully, over the years we'll be able to add to it. You know, mostly we're just really landscaping the inner courtyard and everything else is really going to be the trees and lawn for the moment. So if there's questions or -- I'd really like to just get on with the landscape plan, if possible, and have you guys approve it, but I'm open to questions and feedback.

Ms. Chandler: Chair?

Chair Fredericksen: Yes?

Ms. Chandler: I'm looking at -- so the backside of - Stanley, if you can help me too, the backside of what we were given is the plant list that you were just referring to? So, on this plant list, it says "namaki," which I'm thinking is "mamaki." And then it says, "akiia, a-k-i-i-a" which I think is probably "akia, a-k-i-a." I just wanna make sure that I'm understand the plants you're going to plant there. And then in the next column it says, at the bottom, "akolikoli," and I wanted to verify if that's akulikuli or if it's another type of plant?

Mr. Balbes: I think maybe that we actually spelled them wrong.

Ms. Chandler: Oh, okay. Okay. Alright. And then we had talked a little bit about making it kind of an educational experience for people walking around the property to be introduced to some of these plants and maybe in that whole spirit of - what was it that we were talking about last time - kind of unity of renewed energy, right, and a sense of openness that maybe some of these plants would have like a description, markers, yeah, is that -- and that is a part of this plan as well?

Mr. Balbes: You know, I completely forgot about that but it's totally fine.

Ms. Chandler: Great.

Mr. Balbes: Yeah.

Ms. Chandler: Okay. Thank you.

Chair Fredericksen: Any other questions or comments, Commission Members? I just wanted to make a comment, a backup comment, that it's neat that has gotten -- if I could ask, what's the dollar amount for the tax credit? That's for the value of the project. 'Cause you mentioned, Stanley, it was the largest one in the County.

Mr. Balbes: It'll be close to about \$500,000.

Chair Fredericksen: Okay. I just was trying to get some sort of just a handle on that. So this has gone through Federal review as well?

Mr. Balbes: Correct.

Chair Fredericksen: And as Stanley said, that's a daunting process.

Mr. Balbes: It was a daunting project.

Chair Fredericksen: Any other -- Bruce, did you have a comment?

Mr. Bruce U`u: A question.

Chair Fredericksen: Or question or whatever?

Mr. U`u: How bad of a shape was the house, you know, how good of shape you guys -- and the reason I ask, we had people before us similar to you, houses, who, you know, the potential to renovate might be too costly or not, and I trying to get a perspective of an actual, not a hard number, but one idea of what the next person comes in before us and we say you gotta renovate and to keep it, you know, in that character, what would be the actual cost to break it down, build, or renovate?

Mr. Balbes: I think that --

Mr. U`u: And would there be a big difference in either? And I don't need to know the numbers.

Mr. Balbes: It's much much easier to build from the ground up than it is to renovate. This is a very difficult process to do it. And if you haven't done it before, it's a challenge. And I have renovated several historic properties before and I just found it to be my passion. It's what I love to do. But it's very complicated. If it's like a single, you know, a person that's just going to hire a general contractor to do it --

Chair Fredericksen: A homeowner.

Mr. Balbes: A homeowner, it's daunting because nobody can really know what they're getting into until they start opening up a wall. You know, I saw, you know, pieces of cedar siding, you know, one piece that needs to be replaced. You tear that off, and then you ...(inaudible)... the entire wall off because the whole thing is rotten underneath. So for a homeowner, it would be a very scary process because they could be getting an estimate from a contractor of, let's say, \$500,000, and it could turn out to be a million dollars. I spent, you know, almost double what I thought I was going to spend on this project. So I can see why it's challenging and why some people don't want to do it, but I'm moving here full-time now and I'm going to advocate that people do it because I think it's important. So that's it.

Chair Fredericksen: Oh, go ahead, Bruce.

Mr. U`u: Followup question. What type of materials did you order to purchase also to renovate it to its original like?

Mr. Balbes: Well, I mean see and that's part of the cost that, you know, that is expensive because if you're taking off a piece of especially from the, you know, based on the Federal level, you know, if you're taking off a piece of cedar siding that tongue and groove, you have to replace it with a piece of siding that -- of cedar that's tongue and groove. So like the cost of cedar siding as opposed to just getting another kind of wood, it'd be a lot less money.

Mr. U`u: And on a followup --

Mr. Balbes: And then in certain areas were like redwood, so then -- and that was even more.

Mr. U`u: And to match the existing wood with the sizes of the material, was that a burden?

Mr. Balbes: Burden.

Mr. U`u: Burden, right?

Chair Fredericksen: Yeah, the net size.

Mr. Balbes: Oh, yeah, because ...(inaudible)... you know, a two-by-four is not a two-by-four, but then a two-by-four was a real two-by-four.

Mr. U`u: Correct.

Mr. Balbes: So if you have like in the interior walls there with the, you know, the batten, you know, the board, you know, that was a real one inch material, so, you know, then everything has to be custom made or we had to get it bigger and then mill it down, and then send it out to be tongue and groove. So a lot of work.

Chair Fredericksen: Rhiannon.

Ms. Chandler: I wanted to make two suggestions for plants, if possible, and it's open to your choice, obviously. But to the last discussion, I wanted to praise you for the extent that you have gone on this project because it's really been above and beyond, and I know that this will be an exemplary site once it's done, and you have a lot to be proud of. I wanted to say that akulikuli might not grow well up there and if you're looking for a groundcover, that ilima papa is a very good groundcover and that's it's known to ward away evil spirits and that might be in the interest of Soul Space, and pohinahina is also in that same kind of feeling in terms of cultural uses of plants and that would be another good plant to use, and both of them relatively cheap and very easy to grow so --

Mr. Balbes: Okay.

Ms. Chandler: Thank you.

Mr. Balbes: Thank you.

Chair Fredericksen: Any other comments or questions? Did you have a question or comment, Ray?

Mr. Hutaff: Just a comment. You know, if everybody came here like you, we wouldn't have to be here, and we certainly appreciate your turning to and listening to, and we do realize that some of it is a compromise on both sides, but you definitely leaned a little more towards what I would consider the correct side.

Mr. Balbes: Thank you.

Mr. Hutaff: And, hopefully, you benefit greatly from it, and the property benefits greatly from, and the people who are involved with your project and visit you also benefit as a result of you.

Mr. Balbes: Thank you. I appreciate that.

Chair Fredericksen: I have one question about going back to the tax credit. Qualitatively, I think you said it was about 500,000, is that up front for the construction year or is it spread out over a certain period of time or?

Mr. Balbes: The tax credit?

Chair Fredericksen: Yeah.

Mr. Balbes: The tax credit actually gets into play the day that I get the CofO, but you can use the tax credit if you don't, you know, if you don't need it, you don't have income to use it again. You can use it for 20 years.

Chair Fredericksen: Okay. That's what I was going as about it if there's some leeway with it.

Mr. Balbes: So you can use it all the way up for 20 years.

Chair Fredericksen: Up to that 500,000.

Mr. Balbes: Right. And I think if people really understood it more, then they might lean towards renovating more.

Chair Fredericksen: It's not something that you'd lose if you don't use it one year, necessarily.

Mr. Balbes: No, you have 20 years to do it. And I've talked to Stan, it might be a good thing for like the County to like even have a class in it or a program in it so that people become educated about the whole process.

Chair Fredericksen: Yeah, that's a great idea.

Mr. Balbes: Because people are going to get a 20% tax, they don't even understand what that means.

Chair Fredericksen: Yeah. No, that's a very good idea. Yeah, I'd like to echo what the rest of the Commission has been saying in their comments, except Warren hasn't spoken so I hope I'm not mis-speaking, but I just --

Mr. Warren Osako: I wasn't here when this first came up.

Chair Fredericksen: Oh, that's right. You weren't. Okay. But I just wanted to congratulate you on, in my opinion, doing the right thing, and I'm glad that there is some benefit because there has to be a win-win situation, and maybe it's not as big of a win if one, you know, just did it from the ground up, but it's a way of allowing buildings to continue on, in new life, but to still continue on.

Mr. Balbes: And I think that it's interesting because they actually have a lot more energy, they have a lot more soul, and I just think that it's just bringing the awareness out, and so, you know, it's from here and several meetings that I had with Stan and, you know, in my desire really to be in Maui as a person that's living here full-time and a new resident, you know, I wanted to do the right thing and I wanna bring all that knowledge here and help educate people because it is important.

Chair Fredericksen: Any other questions?

Mr. U`u: Just I think it sets a great example, and it's right off Baldwin Avenue, so you can say, hey, go up Baldwin Avenue and take a look, it's a great example, and the term I like to use "keeping country country," that's one term that fits in where, you know, we no need the stucco homes at times and I like how it blends in and stays the same, and I pass by it at least twice a week, looking good. I thought was green, it looks blue there, but --

Mr. Balbes: It is a little bit more green.

Mr. U`u: Yeah, but it looks good. I'm stoked. I'm happy. And you know what? I can point out the example of now I get one visual and it's a great visual. Thank you.

Mr. Balbes: Thank you.

Chair Fredericksen: Yeah. And I've got one more comment, and it goes to the vegetation, the landscaping feature plants that were able to be kept that had been there a long time because those are -- some of them go back to when this building was constructed and I think being able to preserve, if you will, or incorporate those plants into that place, is also a -- that's a real positive 'cause a lot of times we lose trees, maybe not the building, but the trees get just cut down, and so I'm glad that you folks were able to keep as many of the original plantings as possible.

Mr. Balbes: I even got - this is a good story - I went to, you know, Bobby Caires? I went to Bobby Caires 'cause I wanted to bring in some more coconuts, and he said, "I have three coconuts that I took off of that property that I can sell you to bring back to that property." I loved that.

Ms. Chandler: That's great.

Mr. Hutaff: That is great. That's a good story. That's perpetuation and that's what the roots are all about. That's why, culturally, it's huge, more than I can even understand, when we allow things to continue to grow, 130 years is not really a long time, or even 100 years, or even 50 years, but, you know, in a culture, when something grows, it's been allowed to grow and it's been nurtured by land, and it nurtures the air, so it's huge when something's left in place, you know. That's unbelievable.

Chair Fredericksen: Alright.

Mr. Balbes: Thank you.

Chair Fredericksen: Thanks. And let's go ahead and -- if there's any testimony from the audience, I don't think we have, but, Stanley, could you run over the recommendations and then we'll go from there.

Mr. Solamillo: Okay, the recommendation is to approve the interior courtyard pool and landscape design as proposed with the following additions: That Hawaiian plant names be checked for spelling -- okay, the spelling of specific plant names, namaki be changed to "mamaki."

Mr. Michael Hopper: Stanley?

Mr. Solamillo: Yes.

Chair Fredericksen: Mike's got a question.

Mr. Hopper: I'm sorry. I just wanted to clarify. The agenda says that this is for comments and recommendations, and you said it was approval with conditions. Could you just clarify if it's comments?

Mr. Solamillo: Or you can clarify for me then, sir. This is probably my misnomer. So the recommendations of the Commission should not be approval.

Mr. Hopper: Okay, thanks. I just wanted to clarify this.

Mr. Solamillo: Can you clarify how you would like that worded?

Mr. Hopper: No. I just wanted a consistent -- if that's consistent with the agenda. This is a project that's for comments and recommendations?

Mr. Solamillo: Okay.

Mr. Hopper: Okay. So is that true?

Mr. Solamillo: Yes, that is true.

Mr. Hopper: Okay. I just wanted to clarify that.

Mr. Solamillo: So the wording that I should use is that the CRC recommends the following comments. Can they be conditions or not?

Mr. Hopper: My understanding is that this is not in a Maui County Historic District, obviously, so I -- I mean is there any -- I don't know of any County law that deals with tax credits or any approval that is required from the CRC in order for him to get his tax credits - are you?

Mr. Solamillo: Actually, this is now a registered site with the State of Hawaii and it is a pending National Register Nomination on it so -- but as far as it being a Maui County historical site or historical district, you are correct in that it is not a Maui County Historic District. Yes.

Mr. Hopper: So then the national approval, as I understand your rules, is that you would have to review projects that are either on the National Register or, I guess in this case, proposed to be so I think it's accurate to say that you're commenting and recommending in this case. I don't see how you would be giving a final approval, and that seems to be consistent with what was done in the past. So I just wanted to clarify.

Mr. Solamillo: No, I'm glad you did. Thank you.

Chair Fredericksen: And now I just have a comment. This isn't going to slow down the ball for the landowner?

Mr. Solamillo: No, it will not.

Mr. Hutaff: Why don't we term it as "comments?" Then there's no force behind it. I think the gentleman will do the best he can within the framework of money and time.

Mr. Somaillo: Okay.

Chair Fredericksen: Come on up. Come on back up.

Mr. Balbes: So, I had told Stan that as soon as I'm done, before even the furniture goes in, I wanted to invite everybody from the County and the board and everyone to come take a tour there and really see what we did. We're going to coordinate a date.

Chair Fredericksen: Yeah, we'd have to -- that would have to be put -- how would we do that, Stanley, to do that officially?

Mr. Solamillo: We could schedule a meeting there if you'd like.

Mr. U`u: Yes.

Chair Fredericksen: How does the Commission feel about that?

Mr. Hutaff: No problem.

Mr. U`u: I think we should have quorum.

Mr. Solamillo: Alright, the CRC is making the following comments and recommendations: That the spelling for various Hawaiian plants be checked; that namaki be changed to "mamaki;" that akiia be changed to "akia;" and that akulikuli, which may not grow well at this site be considered for replacement by either ilima papa or ohinahina --

Chair Fredericksen: Pohinahina.

Ms. Chandler: Pohinahina. So P-O-H-I-N-A-H-I-N-A.

Chair Fredericksen: And ilima --

Ms. Chandler: I-L-I-M-A P-A-P-A.

Chair Fredericksen: Yeah.

Mr. Solamillo: And those are the only comments? Any further comments?

Chair Fredericksen: I don't -- I believe that's it.

Mr. Solamillo: Okay.

Chair Fredericksen: And just a general comment from the Commission that we wanted to, you know, express, yeah, a big mahalo for following through and doing the right thing with the project.

Mr. Solamillo: So we have to have a vote?

Mr. Hopper: You could say, with no objections, those would be our comments, and then if there's no objections, yes, you could certainly do it that way.

Mr. Solamillo: Are there any objections?

Chair Fredericksen: No.

Mr. Hutaff: We're all good. Cool. We're done with that?

Mr. Solamillo: We're done with that one.

Chair Fredericksen: Thank you to the landowners.

Mr. Balbes: Thank you very much. I'll see you guys there.

Chair Fredericksen: Okay, let's see, moving on to item 2.

Mr. Solamillo read the following item description into the record:

2. **MR. JOSHUA STONE, on behalf of the MAUI COUNTY CHARTER COMMISSION, requesting submissions of any proposed Charter amendments and/or recommendations which the Cultural Resources Commission may have. The CRC may provide comments and recommendations related to its powers, duties, and authority. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: In this case, as in the previous case, I'll ask Deputy Corporation Counsel, Mr. Hopper, to provide some background if you'd like. In the case of the charter, in Chapter 8, Department of Planning, Section 8.3, no. 5, the mention of this Commission is stated as, "The planning director shall prepare, administer, and enforce a cultural resource management program." That is the only mention of this Commission in the County Charter. Mr. Hopper, if you have any instructions?

Chair Fredericksen: Yeah, I would just have a -- my comment, before Corp. Counsel says anything, is that -- so that's the only place its mentioned. Is that -- I mean so what does that mean? Is that a good thing or bad thing?

Mr. Solamillo: No, it's a good thing.

Mr. Hutaff: It should be bolded ...(inaudible)...

Mr. Hopper: Well, I can -- I can help clarify. I think most boards and commissions, probably the majority of them, are not mentioned specifically in the charter. There's a lot that are, but a lot of them are created by County Code, by the council, and the CRC's one of them. You're not mentioned, for example, like the planning commission would be or certain other groups would be, and you're not required to be. The council can create boards and commissions. You can be mentioned in the charter but it's not a requirement. The code section you have does say, specifically, that Section 13-2, it applies to other boards and commission, applies to this commission. In addition, because the County is a certified local government, you also have requirements for how the composition of the commission and certain other things that are actually, you know, separate from what the charter would have 13-2, and separate from, you know, some other things. I think most of it's codified in 2.88, which is section that creates you, but by way of background, that's kind of historically -- it does not create a legal problem that you're not mentioned in the charter; in fact, most boards and commissions aren't actually spelled out in the charter.

Chair Fredericksen: Thank you. Any questions or comments, Commissioner Members?

Mr. Osako: Yeah, being that we have a problem sometimes with quorum, and we have one member that has not been present ever since I've been on the Commission, I was

wondering if, you know, there could be some way we could address that, you know. Because we somebody that's going to participate, especially like in the times that, you know, we do have a problem with quorum and I don't know what the problem is there and -- but I think it's something that needs to be addressed, you know, if the person either has to resign or, you know, show up. Yeah.

Chair Fredericksen: Let's do that. Yeah.

Mr. Osako: So I don't know if there's any provision for something like that in the charter but it is a problem.

Chair Fredericksen: Thank you. That's a very good point. Thank you.

Mr. Hopper: You're certainly not a -- the first to bring that up. Typically, the members can only be removed by -- I don't know if I've ever actually seen a removal, but I think since the mayor appoints and the council also has to approve, I think you would need action by the mayor and the council to actually have a member taken off. What has been done in certain board and commission rules though is that there have been rules that state that if somebody has three unexcused absences in a row or fails to meet certain requirements, that a letter shall be sent on behalf of that board to the mayor, basically, informing the mayor this person hasn't made it to these meetings and should be -- you should initiate proceedings to remove the member. That's in some rules, it's not in all rules, and I think you have a variety of options for when, in your rules, you could do something like that. Frankly, I think you can do it without a rule if you think, in a given case, it's come that bad, but in almost all cases I know of, the member would resign eventually. In some cases, I've seen members not come for a year and things like that, and so I can understand why you'd wanna look at a rule amendment like that. But that's the history of it. As far as amending the charter, there -- I mean you could, but I'm not sure, since you have the mayor appointing and the council approving, it's hard to then give someone else the authority to remove, and that's usually how things work. I do know, and it's not something I've seen in any other board or commission, but I know the Urban Design Review Board has alternate members, which they use to meet quorum. I think they had it because there's a lot of design professionals on there where that may be involved in a project that's coming before it and so they wanted to have that. But it's the only board that I know of that has alternate members. There's no real definition for what an alternate member is, but that has helped in cases to meet quorum. I don't know if formal recognition of that is something anyone would consider. But, again, that's how quorum problems are typically handled through other boards and commissions, and I'm not sure if - I can check real quick to see if the CRC has such a rule.

Chair Fredericksen: Yeah, if you could do that, Mike, that would be -- I know it's something that been kind of an ongoing concern with several of us because sometimes we don't have

a quorum and I mean one person never showing up, it becomes a commission of eight rather than nine and it's just not -- it doesn't serve the Commission's -- it doesn't benefit the Commission.

Mr. U`u: Yeah, just to comment. I know, having served on the planning commission, three commissioners wrote resignation letters to the mayor, and maybe if we can have communication with the individual who's not being present, if we can just ask if he could write a letter - I don't know if that works - a resignation stating that he's no longer going to be able so we can get, you know, like voluntary and we get one opening and, for the most part, it's not for the problem with the commissioners of the quorum, it's more so for the applicant that has to go through the hardship of normal for him, but we had cases and, you know, it's been filled at times we were -- you know, but if we can have that letter sent to the mayor or sent to Stan and accept the letter, and at the same time --

Chair Fredericksen: And transmit it to the Commission Members --

Mr. U`u: Go hunt for one more victim - we'll be alright. 'Cause what we have now? How much --

Chair Fredericksen: We have eight. We don't have nine. Well, technically, nine, but --

Mr. Hutaff: I tried to find him and I haven't been able to find him. The places where he was, he's not. They don't know where he went.

Mr. U`u: He was going back school or something he was saying at one point. I think I met him once, twice, something like that. He got on the same time as I, right? Was that the same guy?

Chair Fredericksen: Yeah, I think it was just -- yeah. And he was here I think two meetings, yeah, and that was it.

Mr. Hopper: All it says is, "No member shall be absent from the service of the commission unless the member is sick or otherwise unable to attend and has so advised the chairperson or the commission clerk prior to the meeting." And then that's it. So there's no letter sending provision but I think other boards have gone that far and said that -- and established some kind of a threshold, I think it's usually missing three, I don't know if it's three consecutive meetings or three unexcused absences. It's consecutive. Okay.

Mr. Hutaff: The way I kinda look at it, why don't we write the letter? You know what I mean? It does say we can't write a letter either.

Chair Fredericksen: Yeah, that was my next question.

Mr. Hopper: Oh yeah, I see no reason why -- I mean there's no automatic rule that -- yeah, I wouldn't see any reason why you have that issue you wouldn't be able to write a letter. You probably wanna have it on your agenda but, yeah.

Chair Fredericksen: And it would be a courtesy -- extending the courtesy to the commission member and, hopefully, the commission member would extend the courtesy back to the commission and if it's not feasible, it's not feasible to be on the commission - so be it. So this -- you think this should go on as an agenda item for next time?

Mr. Hopper: Yeah, I think if you're going to send a letter like that, it probably should be, 'cause it's not an automatic rule, and I think, you know, those letters -- we can, again, check what the other boards do, but I think such a letter is usually to the mayor, and if there's other letters like that that have been sent, I think it's probably going to need to follow the same form that have been used in the past. So maybe the Department has other boards they've done this for. I'm not sure.

Mr. Solamillo: Okay.

Chair Fredericksen: So that's something that I think we should have on our agenda for next time.

Mr. Hutaff: I got kinda one more, I don't know how this is going to work either, but I was thinking you have a five-year term and then one-year layoff, could there be a provision in there where you could reapply to continue your service?

Chair Fredericksen: Oh, without a layoff?

Mr. Hutaff: Yeah, you have to reapply obviously.

Chair Fredericksen: Without a layoff - that's funny. Yeah, I don't know. Is that something --

Mr. Hopper: I don't know offhand if that's in the charter. I think it is. But, yeah, if that's -- if you wanted to make a recommendation saying to allow -- I mean if it's without a layoff, I guess you could say they'd need to reapply. I mean it depends on whatever you want. If you want to allow for -- you could say we want ten-year terms, no limit on the service, you know, things like that, or you could say each board or commission shall establish by rule its own terms. You just lost quorum.

Chair Fredericksen: Yeah, I was just going to say.

Mr. Hopper: I didn't know if this was going to be --

Chair Fredericksen: He's not left. He's discussing something outside. Thanks, Stanley.

Mr. Hutaff: Yeah, the way I -- I mean obviously we have to discuss it and have to put it on the thing. The way I look at it is that, you know, by the time you catch on, five years has gone by, you know, so you're just starting to catch on, and I think it should be a -- it still should be approved by the mayor and they've got to reapply, you know, so that if they don't want you on anymore, they can just say, "what application?" But that would have to be an agenda item also then, right?

Mr. Hopper: Oh, no, that's -- if you wanted to make that recommendation to the Charter Commission, then you could do that under this letter; that's on your agenda, yeah. The other issue of sending a specific letter in a certain case, I think, is not a Charter Commission issue. But, yeah, if you thought that you could make a recommendation and Stan could help with the wording that you would want members to not be required to, basically, to take a break - I'm thinking of a better term - before -- that members could be allowed to immediately reapply for appointment after their terms end, if you were interested in it.

Chair Fredericksen: Rhiannon.

Ms. Chandler: Chair? We went through the Maui County Code as it applies to our Commission and made some adjustments to it already. Does that mean we've done our homework in advance of today or is this a separate issue?

Mr. Solamillo: I don't have the recommendations in front of me so I can't really address that. I don't recall if anyone from the Commission recalls if we dealt with this issue and tried to amend the rules to allow for what's being proposed. I don't recall that we did.

Chair Fredericksen: No. I don't -- we didn't do what we just were discussion. Bruce.

Mr. U'u: Is there a deadline for we can submit or is this the actual?

Mr. Solamillo: Everything I think is up at the council offices.

Mr. Hutaff: It says June 30th.

Chair Fredericksen: June 30th, excuse me.

Mr. Solamillo: So I can talk to Joe and see where -- where the recommendations for revisions to those chapters are 'cause it has not gone to council yet.

Mr. Hutaff: Well, if it's on our -- if something that can be done ...(inaudible)...

Mr. Solamillo: Well, this is different. This is charter and we'd be talking about rules.

Mr. Hopper: Yeah, I mean you could change the County Code and you would have to -- but, yeah, the charter is, obviously, something that -- I mean the code has to comply with the charter, so this would be above the code and so if you -- if you wanted to make a change that -- I mean the council couldn't even change something if it would violate the charter, so your point, I think, about the membership, I think that's something that's in the charter, so I think you'd be right that you would need to change that in the charter. If that -- now you've got an interesting dilemma thought now that I think about it. The charter applies because in your CRC booklet, you said Section 13-2 of the charter applies. What you may be able to do, because this board was not -- this Commission was not created by the charter, is say, "13-2 shall apply with the following exceptions," because if that charter applies to -- if that charter says that the charter section dealing with boards and commissions says, "it applies to all boards and commissions created by this charter." See? So because there's certain boards and commissions that are not created by the charter, that charter doesn't apply to them. The charter sections dealing with them don't apply to it unless you have a reference in the County Code saying the charter shall apply, Section 13-2 shall apply. We actually wrote a legal opinion on this if you -- years ago involving certain appointments, so there may be a way to make that change without changing the charter. The charter, for example, that section would automatically apply to things like the planning commission, which are created by the charter, so the planning commission couldn't have its rules amended to do that, but you may be able to. So I could look into that more specifically and see if a charter amendment would be in order.

Mr. Hutaff: I was just wondering if it was something we should put on the agenda later on. Hopefully, it'll be real quick, or if it's something we can address real quickly today based upon our agenda now.

Mr. Hopper: Well, to actually make the change, you would need a code amendment anyway to say --

Chair Fredericksen: So it would have to be agendized.

Mr. Hopper: In fact, the County Council would have to actually act on something like that finally. But if it's in the charter, if you change the charter, it would apply to you as well if all you have in your code is saying 13-2 will apply. So changing the charter would not only affect you as a board though, it would also affect every other board and commission that are created by the charter. I'm sorry that's confusing but that's -- that's how the charter language works.

Mr. Hutaff: So do we talk about it today or talk about it the next time? That's actually I guess --

Chair Fredericksen: It sounds like it's the next time.

Mr. Hutaff: Next time? Okay.

Chair Fredericksen: Yeah.

Mr. Hutaff: Or another time.

Chair Fredericksen: Another time.

Mr. Hopper: You're going to have another meeting before the June 30th deadline?

Chair Fredericksen: No.

Mr. Solamillo: Only one meeting per month.

Mr. Hutaff: Is that one of those things we just write a letter anyway? Real quick? One paragraph? Or should we just drop it?

Chair Fredericksen: It's -- I mean it's a genuine question and it's -- there's probably some people who would be quite happy serving ten years.

Mr. Hutaff: Well, I wouldn't put a year, I'd just say reapply, and without having that --

Chair Fredericksen: Without having that layover or layoff. So that's something that the charter -- a particular commission couldn't set that up? It would have to be through the charter?

Mr. Hopper: If it was a board created by the charter, which you are not, the charter would automatically apply. The reason the charter applies to you is because, in the County Code, it says Section 13-2 of the charter shall apply, to you. So changing the charter would affect you, but you may also be able to make that change by, in that reference to the charter, you say, "Section 13-2 shall apply with the following exceptions: except that members may reapply for appointment to the commission without waiting the one-year term as specified in Section 13-2."

Chair Fredericksen: Is that something we could do today?

Mr. Hopper: Oh no. That would have to -- I mean the Charter Commission couldn't do it. They'd have to take it to a vote from everybody.

Chair Fredericksen: Okay. So we can't do anything before June 30th so when -- if and when we do something, potentially going, okay, the commission member couldn't -- or a commission member who leaves the commission can reapply without waiting - whatever it is - a year, how would that be put into effect? Could that be put into effect?

Mr. Hopper: That would be an amendment to 2.88. That would have to be a County Council ordinance. Somebody would have to initiate the drafting of that ordinance. I think the Commission can do that through the Planning Department. That would have to be referred to the Full Council; Full Council would refer it to a committee; the committee would send it down to you for comments or can act on it. They would have to go up to -- they make a recommendation to the Full Council; they would have a first reading, and second reading; and it would pass as an ordinance. There are amendments up there though that you -- that you had. I think that that section was being amended and you guys had chances to comment. I'm not sure if that's one of the comments that you made.

Chair Fredericksen: We didn't -- that wasn't something from before.

Mr. Hopper: If that's already up there with the council though, the council may be able to make that as a change at first reading, although it sent it to you as a land use ordinance, but if it's already up there with them, they can maybe consider that. What I want to do though, quickly, is to grab my charter --

Chair Fredericksen: Okay.

Mr. Hopper: I don't have it here, and take a look. I think that's in Section 13-2, which applies to you only because it's referenced in the County Code.

Chair Fredericksen: Okay.

Mr. Hopper: So --

Chair Fredericksen: Well, let's take a five-minute recess. Sorry. Ten-minute recess. Is that enough time, Mike?

Mr. Hopper: I can run up to my office.

Chair Fredericksen: Okay, let's do -- we'll take a recess- ten minutes.

(A recess was called at 10:57 a.m., and the meeting reconvened at 11:17 a.m.)

Chair Fredericksen: Okay, we're reconvening. Stanley?

Mr. Solamillo: Okay, it's back to the floor for Mr. Hopper.

Mr. Hopper: I did check on the charter to have language to read to you, but first I wanted to point out about removing members. The charter does say, "The members of boards and commissions appointed by the mayor, with approval of the council, may be removed for cause upon recommendation of such removal by the mayor and approval of two-thirds of the entire membership of the council." So it's not easy, and it's for cause, so that's for any cause, and I think lack of attendance is a cause, so that's why you almost always see people resign rather than --

Chair Fredericksen: Go through all of that.

Mr. Hopper: Yeah. But that section applies to you again because, in the code, it says Section 13-2 applies to you, so you're not a charter board, so I think you could have some freedom in amending the code itself to make that -- to change that.

Chair Fredericksen: Just specifically for this Commission or?

Mr. Hopper: Yeah. Here's the thing. You're -- here's what it says in the charter, it says, "The terms "board" or "commission" shall mean a board or commission established by this charter." Okay? And then it goes on to say, "Boards and commissions," and that's where you get most of this stuff from. This section applies to you though because in your own -- in the County Code, not your rules, but in the County Code it says, "Section 13-2, of the Maui County Charter, shall apply to the commission in the same manner as said provisions apply to boards and commissions recognized by the charter." So this is made applicable to you, and I'm not saying that's a bad thing because this goes -- this covers a lot of things for you. And I would say that since you're appointed by the mayor, with approval from council, I don't see another way for -- I mean I think you pretty much would need, not necessarily a two-thirds vote, but I think you would need the approval of the people that do the appointing to remove the member. So that's thought there.

As far as the term issue, that's also in Section 13-2 of the charter. Subsection 6 says, "No member of any board or commission shall be eligible for a second appointment to the same board or commission prior to the expiration of two years provided that members of any board or commission initially appointed for a term, not exceeding two years, shall be eligible to succeed themselves for an additional term." That's if somebody fills out maybe an unexpired term of someone else that is less than two years, they can reapply and serve their own five-year term. So that's -- there's the issue there. This, again, is in Section 13-2 of the charter and I think there can be an argument that you can have the County Code amended to state that -- to state something different than allowing you to -- or requiring someone to wait two years before reapplying. Having said that, since this is one shot at making comments to the Charter Commission, if you do believe this charter provision

should be changed to say something different than it does, which currently you have to wait two years before reapplying to the same board or commission, I would make that recommendation here.

Chair Fredericksen: At this meeting today.

Mr. Hopper: Well, this is -- I understand you're not going to have another meeting until June 30th so I would make that comment if -- that's in the event that maybe the council -- maybe there's a problem with changing this County Code section, frankly, maybe someone will argue based on what's up on the board there that you are a board or commission established by the charter. I don't think you are because other boards and commissions are actually mentioned by name, but I don't know if someone would try and make that argument and say this section applies to you automatically. So through caution and because this is your one shot, if you think that is not a good provision and is too restrictive, you can -- I would make your recommendation to the charter commission.

Chair Fredericksen: Thank you, Mike. Comments?

Ms. Chandler: Okay. Yes, thank you, Mike, for that clarification, and I would like to, if we could, make as many recommendations as today is our only opportunity to do that. So I had a question about the ability, I guess at this junction, to possibly strengthen the powers of the Commission because I feel like a lot of times we just make recommendations to a body that has final approval, so if we can say please don't demolish this building, but ultimately that they -- it's out of our hands, so is there any ability in this, at this juncture, to examine the powers of the Commission as they related to the code or the charter and make improvements to those things, is question number one, so I wanted to ask that.

Mr. Solamillo: I would defer to Mr. Hopper.

Mr. Hopper: Well, your powers and duties are almost -- or basically entirely in the County Code. There's nothing in the charter. If you wanted to amend the charter, you could, theoretically, make yourself more like the planning commission where you have a mention of what your specific roles are. I think though you have approval authority in historic districts. Historic districts are defined. Theoretically, if you wanted to expand your powers in certain areas, you could expand the boundaries of the historic district, and there is a provision in the code that would allow you to do that. If you, as a board, wanted to be recognized by the charter, you could certainly make that as a recommendation and then -- but I think you would still need to define what types of projects you would look at. Are you talking about buildings that are over 50 years old, or something like that, and things that are that specific usually are in the County Code. I mean my general advice would be look at either amending the code or under the existing code, expanding the boundaries of the historic district, or creating a new County historic district. Because within that district, you

have the ability to review and approve plans, and, in fact, they have to come to you and meet certain criteria, and you can deny the approval of those plans in certain cases. So I'm not sure -- I would leave it up to you as far as what exactly you would want to do in the charter, but the way I see it, if your concern is that you're advisory in too many cases, I think you can look at amending the County Code because you would have the ability, if the code changed since there's the zoning ordinances to have the ability to review and approve plans in a greater area, I think you could, basically, I think you can accomplish your goal through code amendments.

Ms. Chandler: Okay. So in that case then, there's not so much pressure on trying to make recommendations to meet this deadline because if we wanted to or needed to revise the code, that would be done at anytime and it would just go back to council?

Mr. Hopper: You could amend the code separately. The 13-2 thing was a little different because that's referenced to the charter in your code, but, yeah, I think you can accomplish the goal -- I mean if you're looking at Title 19, you're looking at zoning everywhere, so you've got -- technically, the council has a lot of ability to deal with who reviews what in different zoning districts, and so that can be done without a charter amendment because in the charter, it talks about land use ordinances, it already talks about those things, and, again, that would be the council's purview to make that final decision because that's changing the law, but you could, I think, initiate that process and I think what would need to be done, ultimately, would not have to affect -- I don't think there's anything in the charter preventing you from expanding that because you already have it in the County Code.

Ms. Chandler: Okay. Thank you.

Chair Fredericksen: Second question?

Ms. Chandler: Actually, I'm going to hold it until we do the workshop - the next agenda item.

Chair Fredericksen: Okay. Any other questions or comments? I was reading up there, and I wanted to -- this is something that was a question and concern of the -- the first time I was on the Commission is that one word "enforce." We don't have enforcement in the County and this is something I'd like to discuss. Stanley, could you provide -- do you have any thoughts on this as well? I mean this is -- when I was on the Commission the first time, lots of concerns about the Lahaina Historic District - no enforcement, and it was an ongoing item for discussion, but I -- it continues to be -- that continues to be the case. There are no teeth, as it were, for enforcement, like if somebody does something, I don't know, takes out some windows or puts up a weird sign or whatever, there's no fine, well, I don't know if there's a fine provisions, but nothing seems to get done. And, Stanley, from the nuts and bolts end, as a planner, do you have any comments or thoughts you'd like to share on that?

I mean I do have history, as it were, because I've been around almost ten years on the Commission with the two-year, three-year, whatever it was, hiatus, but I've been around this sort of stuff for a long time, besides just doing what I do in my profession as an archaeologist. I mean it's been going on a long time. So, Stanley, if you could offer some thoughts and we can discuss that some.

Mr. Solamillo: I think there's several things. The first was - everything that I'm going to talk about deals with Lahaina NHL - the first issue was, you know, from our surveys of the Lahaina NHL, we now are at a point where we have fewer historic buildings than the district would warrant, and districts have to represent the actual material on the ground. And this has occurred, as I've showed you many times through various aerials that have been shot over various decades, the succession of change, which has happened in Lahaina, first with all the agricultural lands finally being urbanized, and then, you know, with new suburban additions being built, and then the obvious loss of historic buildings through demolition. We're now at that critical point whereby, you know, we have very few historic buildings. The recommendation from the Park Service: revise and rewrite the nomination to include all the plantation era material as well as the early modern material. I used to go out every weekend to Lahaina and, you know, I would see windows being pulled, wood windows being pulled off of contributing buildings and then vinyl windows being put in their place, and I was powerless to do anything because I have no ticketing power or no kind of enforcement power whatsoever; same thing goes for, you know, I mean we're lucky that citizens are still good, and wish to comply, and that they come in, but there's been, you know, at least one case where the fear was among neighborhood residents that a really important building was going to get dropped over a weekend, and it was just be an after-the-fact, and you get a manini fine, no problem. So enforcement really -- I mean in cases where I get frantic, cemeteries being -- having construction equipment doing damage, you know, my only recourse is to call SHPD, and luckily Hinano, you know, answers my calls, but it's really -- it's really pretty unbelievable. I think part of what we fail to do is that we constantly have been adding new historic districts, like the Hana Bridges, that's multi-property district, even the one that was just here this morning, that's a new multi-property district, for the Fred Baldwin Memorial Home; what hasn't happened and what needs to happen is that these districts need to be added in, and this is, I think, one of things that I'm going to work on this year before the tail-end of the year comes and bypasses us completely is we've got to get these districts codified so that means this Commission has to accept them for inclusion into our code as formal districts with formal boundaries; then we do have, you know, "power to regulate" in the code.

Chair Fredericksen: Now, that up there, is -- that's the charter?

Mr. Solamillo: Yes.

Chair Fredericksen: Okay.

Mr. Solamillo: That's the only oblique reference to this Commission that I found.

Chair Fredericksen: And then something within the reference is prepare, administer, and enforce a cultural resource management program.

Mr. Solamillo: That's all it is.

Chair Fredericksen: Now, any suggestions as to how we, as a Commission, could possibly strengthen that in the charter or is that something we're going to need to go through this other way that you've been talking about with the code and that sort of thing?

Mr. Solamillo: That I would, again, defer to Mr. Hopper.

Chair Fredericksen: Okay.

Mr. Hopper: I can provide some comments. Within the historic districts, you have the same authority that the County does in any zoning district where if, and in this particular case, if in a County Historic District 1, 2, or 3, if somebody does not have their plans reviewed before ...(inaudible)... altering, repairing, moving, or demolishing any structure, and modification of any existing structure without getting a -- without getting it reviewed by the CRC, they can be issued a notice of violation, that's under Title 19, a notice of violation for violating the County zoning law, that is subject to a thousand dollar initial fine, and I believe a thousand dollars a day until that violation's corrected. There's also criminal provisions for, you know, zoning violations but, to my knowledge, I don't know of anyone who's ever been prosecuted for a zoning violation under the criminal provisions. Now, as with all other County enforcement, you would need to have evidence of the violation, give them the notice of violation, and that notice is appealable to the Board of Variances and Appeals if the person disagrees that that's a violation. So that's what the law says. What's actually happening, I can't -- I know that there are cases of zoning violations. I also advise the Department of Public Works. There's a lot of open cases of building permit violations, other types of violations. There are fines being paid. There are corrections being made. My own thoughts in the abstract is that this is a situation where if you -- if you're talking about, you know, getting an after-the-fact permit, if the structure's already gone, I'm not sure what, you know, the recourse is in that situation. You could issue a notice of violation. You could require, you know, a fine be issued for the violation. But this would mostly be to prevent -- usually this is for an un-permitted building and that's the type of problem it's looking at for someone to get an after-the-fact permit or get a change in zoning to comply with that or not so -- but that's basically the recourse is that a zoning inspector, if they find evidence of a violation, will issue a notice of violation telling that person to -- you have to pay a thousand dollar fine, and you have to cease, in this case it could be a stop work order telling them you need to stop your building, or your demolition, and then come and get a permit with the CRC and pay a fine. Again though, that's for a violation of Title 19

and you'd have something in here, so the National Historic Landmark District might not be an area where the County, through its zoning ordinance, can enforce if that person's zoning -- I mean not all -- most zonings don't require you to come and get a permit from the CRC, obviously, and only in the these districts does that require you, so you'd have to have evidence that somebody violated the zoning ordinance or didn't get a building permit for something before they could be issued that notice of violation, and so if you wanna look at amending the code -- now I don't know if that would be something the council would do. The council would need to take action and I don't know if they would favor it or would wanna do it a different way or whatever, but that's something that could be done and I think that provision right there that says, it's pretty open, and it says, "enforce a cultural resources management program." The Department could say by establishing what we believe is a historic district and enforcing in that area, that's how we're doing the charter responsibilities, and defining what is an adequate resource management program could be left up to the council through this type of ordinance and the CRC.

Chair Fredericksen: Okay, thank you, I think. It sounds, again, like many things in government, there's lots of different hoops that have to be gone through.

Mr. Hutaff: I think we had a solution to this. We never followed up on it. Here's how I kinda look at this thing. You have two words in there that are very important: "enforce" and "management." Okay? We have a management program because we have rules and situations that somebody has to come through. Now what happens is, for instance, right there on Front Street, on the corner - I forget what his name is - but they came and they got a permit and were told they needed -- they couldn't do certain things. They totally ignored the permit, and they went ahead and put all kinds of stuff up, and nobody came around and said, excuse me, you're not doing it correctly. Are you speeding if there's no police officer around to catch you? There's a way to kinda mimic this here. The enforcement part of it, I think, is our dilemma.

Chair Fredericksen: Yeah.

Mr. Hutaff: Okay. There is nobody specifically responsible to go down to our historic district and say what you're doing is not right. You need a permit before you go any further. You need to -- your permit was approved to do things a certain way, you need to put that place back to the permit. There is no one to do that. So there's no police officer. So we can speed because laws are only enforceable, okay. There's no law if it's not enforceable or there's no enforcement. So our management we got, enforcement is something that is beyond the realm of us here, as a Commission, unless we actually go down to Front Street and take pictures and say, hey, by the way, let's get this on the agenda so we can do something. I think we talked about it a long time ago and we're still want to bring it -- I still wanted to bring it up where we have somebody out there who's responsibility is to walk Front Street on a regular basis, whatever that may be, once a year, once a month, once

a day, and say, hey, these are not compliable and have the authority to come to the planning commission and say they are in violation of this - now you have enforcement. So we have everything in place except the individual to do that or an assignment of that individual.

Chair Fredericksen: Comments, Stanley?

Mr. Solamillo: Yes. As with everything, it is political will. There were at least two attempts by the County, under two mayors, to go and get the signage in compliance. That's a very simple one would think. The outcry that came out from business owners was so severe, you know, it was call off the dogs, and the enforcement officers were called off. This just happened recently under the previous administration. So that actually makes it three attempts to get signage compliance in Lahaina. Political will kinda goes into waves, and it's just an observation on my part. You need to create almost an atmosphere among fellow business owners and fellow community people that that's just not cool or that not acceptable, and peer pressure may work in fact better than the County trying to enforce. But right now, we've been really blessed with Theo Morrison at Lahaina Restoration Foundation. Remember, she used to be with Lahaina Town Action Committee, so she was on the other side advocating on behalf of the business community; now she advocates on behalf of the Lahaina Historic Landmark. That's pretty incredible. So she sends photos and goes -- and she is not shy, so she has no, you know ...(inaudible)... to go up to someone and say, you know, this is wrong, you know. So that I'm hoping is our best chance is having Theo Morrison and then getting a few business owners to, you know, realize the realization of how -- of what we have, and why it's important, and how important it really is is the thrust of what I'm trying to work out in all conversations with the administration, you know. I found some pictures of Maui taken by Nancy Banick in the '70s and I was flabbergasted at what had been torn down. We had buildings that were incredible. So really what we're dealing with now is just kind of the, you know, the stuff that wasn't really worth a lot, but it's all that we have left, and it's worth saving because it's us. Once it's gone, our culture, you know, is like out of sight, and we don't want that to happen.

Mr. Hutaff: Maybe this Commission can challenge the political arena based up things you just said, what's being lost without giving, you know, specifics, so maybe that they'll at least stand behind us in concept and theory. Because I understand that the sign law, that was -- if I had to say there was a worse time to go out there and say pull down your signs, that was it. That was the worse time. You had the economic things going on. You had -- and also the amount of signs that were going up were amazing. Talking to one of the County guys who came out to inspect everybody's sign and to say what you had to do, he says that, believe it or not, the County was not the enforcer at that particular point. It was each other's business, you know. The County come down and say, well, that sign is not legal. You gotta take it down. They go, well, what about that guy? What about that guy? What about that guy? What about that guy? Okay? And it was very frustrating for the person

who had to come down, the County guy that had to come down and go and say, hey, you gotta do this, you gotta do that, and they were actually really relieved when the County Council jumped on it and said, well, wait a minute. We gotta change the laws. What happened was is that if they waited -- if they'd done it five years ago, one, there wouldn't have been so many signs up, okay, so there would have been less input to -- there wouldn't have been the economic excuse, okay. The only thing that survived some of the sign management programs was the point that everybody agreed, businesses and all, that if you have so many signs, you blow the whole the deal. Then there's no reason for anybody to come. Okay? So it sort of was like as is. I'm talking on a little different level here as far as having somebody, you know, who is the enforcer going down into those things and getting the County on our side and mayor on our side, in theory, by saying, you know, there are violations; there are lost of integrity; you know, we are losing our culture; we are losing our history; and we're losing our ability to maintain our tourism as a result of it - one board at a time. One board or one nail at a time, okay. And that if something is not done now to prevent more damage to come, then we will lose it and at least gain somebody out there who can go out and say, okay, this is a problem, whatever, and let the businesses know. Some businesses that I've spoken to are really, really, really disgusted at the historic district not being able to maintain its integrity. And others, don't have a clue. And one or two really want the whole thing to go away. I'm going to do what I want; I don't care what you want...(inaudible)... anywhere U.S.A. But those are the loudest voices but they're so small. You've got a ton people down in there on Front Street, some are Lahainaluna graduates, okay, you've got managers that are working in there that come from Maui, and come from Lahaina, that are -- would welcome, okay, that. If you understand too, believe it or not, the sign people who were most upset were not directly on Front Street. They were the ones who were behind Front Street that said I'm getting no business. I'm sorry, but, you know, there's a rule of business - location, location, location - they didn't get the location so they want their sign to be the location. The sign is a location, okay. A good example of that, anybody see the Mr. Pineapple vans out there?

Chair Fredericksen: I know the one you're talking about.

Mr. Hutaff: On the gas station, the Shell? That's my son, okay. When he went to go rent that place, I said you can't do anything with that place because you're above the gas station, nobody's going to find you. That's not a location, location, location. He goes, "Well, what if I park my van out there with signs on it?" I said, "Now that's location, location, location." Okay? So he did it within the framework of the law. He was also one of those too that was tagged by the people that came out and said, you know, your signs are wrong. But believe it or not, it was the sign on his office building above that was wrong, not the van 'cause the van is moveable...(inaudible)... so it complied with the law. But the idea is is that there are definitely businesses out there that would support enforcement to keep Lahaina, more businesses would be willing to sign off on that, and I think we really need

to approach the political side of it because you're right, you know, everybody jumps because of the political side, but they also jump because of the economic side.

Chair Fredericksen: Okay, here's -- this is my two cents on all this. At this point, we all agree, in terms of what we're here discussing, I mean we all agree to this. I think, to me, it sounds like it needs to be an agenda item again. It's all deja vu two or three times for me. But that's fine. Where we're sitting right now having this discussion about the charter amendment, etcetera, and we're talking about enforcement, I don't see -- what I want to do, if it's at all possible, is -- or to have answered, is there somehow we can, and this is for Corp. Counsel, is there somehow that we can put some teeth into that, or not put teeth in it, but stress that there needs to be enforcement and it -- because the historic district is getting compromised. So that's my kind of a -- it's not a real tight question, but that's my question/comment.

Mr. Hutaff: In other words, hold them to that statement.

Mr. Hopper: I mean I'm getting to the point here, I can definitely advise you on what the law is, I don't want to keep going into what I think, you know, should be the policy changes --

Chair Fredericksen: Well, the way the law is and what we're doing on the agenda that we have to try to respond to by the 30th of June is it possible to do that so it goes forward instead of talking about stuff for an hour and not really having anything concrete to show about it. I know, as a Commission, this is a concern. I just want us, as a Commission, to try to make sure our energies as focused as we can be and so we get some bang for our volunteer butt.

Mr. Hopper: Well, all I can say is that, right now, based on the law, if you do something that's illegal in the historic district right now, you're subject to enforcement. The law allows that and the law says that you cannot do this and that the Planning Department can issue a violation if it finds evidence that it's being done. The charter says you shall enforce. The Planning Department shall enforce a cultural resources management program. That's a requirement. As far as oversight over the Department, the County Council does have the authority to hold hearings and bring that up as an agenda item, if it wants to. You, as the Cultural Resources Commission, have the authority to bring that up as an agenda item. As far as doing the actual enforcement, that is a responsibility of the Department of Planning. They are tasked with that. They're -- and I don't know if you want to have something more specific about council oversight in the charter, but I don't know how much more specific in the law you can be other than to say you shall enforce this program. The law is setup to enforce it. The issue, as with most issues like this, are there enough people or are there people that see the problem, can investigate the problem, and can issue a violation upon a finding that there's been a violation? Can they actually go out and do that?

I don't know if you would put in requirements about the number of enforcement officers or something. I mean that council would probably not like that 'cause it's a budget requirement and they do requests along those lines. I'm just not sure how much more specific you would be under this item.

Chair Fredericksen: Under the charter itself.

Mr. Hopper: The charter, to me, the charter is kind of like your Constitution. It's very broad and it's -- I mean you can see the size of this versus this small portion of the County Code, which is the CRC. The County Code booklet is this big. The board and commission rules, for each board and commission, are this big. The State laws are huge. This charter is this big because it's a governing document and it's supposed to be an overarching document. So I understand there's probably a lot of problems or issues that you're dealing with, but from my perspective, it's not every -- if you've got the authority to do it in the charter, then I think you're okay.

Chair Fredericksen: My -- oh, Bruce, go ahead.

Mr. U'u: You know, just my mana`o. I think, you know, the words is there and, obviously, that's as strong as you going get it. I think we approaching them the wrong way.

Chair Fredericksen: Yeah. I agree.

Mr. U'u: I think you would need to get it with Joanne Johnson, as I'll do, who's a big advocate of that, and I'll get with Elle Cochran, who's from the district, and I'll sit down with them and lobby for some enforcement. I think you get enforcement, you got like two or three enforcement officers, and you get issues everywhere, for every commission. You got B&Bs, you got TVRs. I remember that was a heated topic and it got downright nasty, dirty, and ugly. You get the un-permitted structures. You get the shoreline issues. I mean you can talk about the fines that Corp. Counsel brought up, but it was never hard enough. It was never to the "T." You could always compromise on the fines. So it was never hard enough. And I no think you going get anything in the budget to propose to hire someone, not now - they're cutting non-profits; they cutting everything. So I think the way to do it, if you serious, is talk to Elle, talk to Joanne, who's on staff with the mayor and have a sit down. That's the only way I can see it, realistically, happening and --

Mr. Hutaff: The enforcement needs to be challenged.

Chair Fredericksen: But that's something that, like Bruce just pointed out a little earlier in his discussion, and Corp. Counsel said -- said it as well, I mean the enforcement provision is on the books so we're spinning our wheels about this. So I would suggest that we -- well, let's -- I mean what does the Commission think? Yes?

Mr. Hopper: Just one caveat. Bruce brought up the issue of penalties. There is a penalty section in the charter and it does cap the amount per violation for a violation of the County Code at \$1,000. Now that can be a continuing violation so each day can be \$1000. But if you thought that cap of \$1000, again this is for a County Code violation, SMA violations, under State law, are up to \$100,000 initial fine and \$10,000 per day fine, but as far as the charter, the charter says a violation of the code, at most, is a \$1000 fine. And so if you wanted to increase that --

Chair Fredericksen: Initial violation.

Mr. Hopper: Well, yeah, and I think per day. It says, "rules have enforce and effect of law but no penalty shall exceed the amount of \$1,000 or one year imprisonment or both." Now that's been interpreted to say if you keep your violation going, if it's an un-permitted use or an un-permitted structure for two years, you can be fined per day, \$1000 each day, because if you continued the violation, that's a new violation each day kind of, but if you think \$1000 is inadequate as a fine, you are limited -- the council would be limited by charter as far as the penalty that it could put in. So that's one area if you thought you could have a bigger cap as far as putting teeth on enforcement, that's a suggestion that I can make.

Chair Fredericksen: Thank you. Any comments on that? Warren.

Mr. Osako: Yeah. Well, I think, you know, funding is an issue and, you know, I always tell people on Lana`i we're the poor cousin, for instance, we have one DOH care officer on Lana`i, so his job is enforcement of fishing regulations, enforcement of hunting regulations, technically, he's also supposed to be enforcing parking and things like that at the harbor, for some reason, DOCARE is enforcement at the harbor. If there's, for instance, I asked Hinano about an issue with archaeological site, he says, well, call DOCARE. You know, there's no way one guy on Lana`i can handle everything. And I think this is, you know, in the budget problem, not only in the State or the County, it's our whole nation, you know, that's a problem and I don't know how we're going to get around it unless we all pay more taxes.

Mr. U`u: I agree.

Mr. Hutaff: Okay, last time. If you don't ask, you don't get. If we make the speed limit fine a million dollars a mile over, there's no enforcement, it doesn't change anything. I understand what you're saying about the budget and having the people to enforcement, that wasn't my point. My point is it is to say something to the mayor and to the council as this Commission is there needs to be more enforcement. It's not an issue as budget. Okay, it's not something that we're going to vote on or something like that. We're just recognizing that there's a problem and we wanna bring it to their attention, okay, and we

wanna say that the reason, at least what I would wanna say, is the reason it's so important is because this is one of those things that we ignore. Twenty years from now, we won't have a budget because we won't have tourism, and we're not smart enough, at this point, to have something else to take its place. So just mentioning that there is no enforcement in the historic district of rules and regulations. That's all I was looking for is to mention that to the County.

Chair Fredericksen: Go ahead, Rhiannon.

Ms. Chandler: I think also that I agree that Elle and Joanne are very passionate about the historic district and if we can present it in a way that enforcement would create a revenue stream to sustain the position because it would, it's a possibility that we could get them to look at it, you know, as a viable option, so I think that it's important to bring it. If this conversation generated nothing other than a letter to, you know, our West Maui Councilwoman and stating this, you know, maybe in a future agenda item or something like that, it's a worthwhile discussion.

Chair Fredericksen: And I mean I'm just reading this short paragraph on this letter that was sent to us, this is regarding the Charter Commission, this memorandum is to provide you the opportunity to submit proposed charter amendments and/or recommendations you, as a board or commission, may have. Recommendations. Maybe we could just word a very simple recommendation that enforcement be more aggressively followed or something to protect the historic district, and then that's something that -- that goes as a recommendation, and then we also -- I think it would merit having this be an agenda item, this kind of general discussion about enforcement and maybe that could be provide another avenue to get the concern out there, maybe getting in, at that point, connecting with representatives/County Council Members, like in the Lahaina side. How does that sound folks? I'm getting low on blood sugar and rethinking about the no lunch thing. But is that, as a Commission, does that sound like that be our comments, recommendation with the charter.

Mr. Hutaff: That's actually what I was just trying to get to. All that speech I did, all that waste of time, was just to --

Chair Fredericksen: Oh, no, no, no. It wasn't -- don't get me wrong, Ray. I was not -- I just was trying to -- because this is such a -- I mean it's like on and on for me from long ago too because this is not, believe me, this is not the first time this has been discussed, but it's important. We all feel that it's very important. And so maybe that's the way we could most effectively kinda do this and, yeah, it's not going to change the earth or stop it from spinning or anything, but it's our opportunity, we can make that recommendation.

Mr. Hutaff: I agree. Simple like that is perfect.

Chair Fredericksen: So, Stanley, that's, as a Commission, we'd like to make that recommendation.

Mr. Solamillo: Can you repeat the recommendation, please?

Chair Fredericksen: Thank you. Just very briefly that we recognize or we, as a Commission, feel that the enforcement is lacking, severely lacking, to enforce a cultural resource management program from whatever that section is.

Mr. Solamillo: 8-8.35

Chair Fredericksen: And that enforcement needs to be more -- or it needs to be followed, not more aggressively, yeah, needs to be in place. Yes.

Mr. Hutaff: Enforcement needs to be in place, not to say aggressive ...(inaudible)...

Chair Fredericksen: Yeah, in place.

Mr. Solamillo: How about implemented?

Chair Fredericksen: Implemented. Yes. In place and implemented.

Mr. Hutaff: Very good ...(inaudible)... management.

Chair Fredericksen: That's real simple. And that would be our --

Mr. Solamillo: You don't wanna make it more specific and address fees directly?

Mr. Hutaff: No.

Chair Fredericksen: Fees - meaning fines?

Mr. Solamillo: Yes. Sorry.

Mr. U`u: ...(inaudible)... before we raise it.

Mr. Solamillo: Alright.

Mr. Hutaff: That's where ...(inaudible)...

Chair Fredericksen: Yeah, I'm just trying to -- just because of the -- just because it is this charter, and I don't know how specific that can get, I'm just trying to figure out a way where

we can get something out there and then -- it sounds to me like that's -- would that be more of a code, the fee part, more of a code?

Mr. Hopper: The fee problem is that -- or it's not a fee, again, it's a penalty.

Chair Fredericksen: Penalty. Yes.

Mr. Hopper: The penalty problem is the charter say the most you can get is \$1000 for an initial fine. So if you wanted to go in the code and make it \$10,000, someone could argue that violates the charter. So the most you could do is \$1000 so -- and if they correct it immediately, the most you could fine is \$1000 so I don't know if the County Council, in a given case, would want to say that's kind of outdated. We want to -- we wanna allow for a higher amount, or if it wants to leave it at a 1000. It's up to you. But if the Commission, for example, wanted to say a violation of -- if you demolish illegally without a permit, here's your fine, the most you could do is \$1000 period. If it was an ongoing violation somehow or ...(inaudible)...

Chair Fredericksen: Or it took three days, then it could be potentially --

Mr. Hopper: That could be argued.

Chair Fredericksen: \$4,000.

Mr. Hopper: Yeah. Right.

Chair Fredericksen: But still not right.

Mr. Hopper: I mean and the fines have gone up higher but most of the big fines the County has is based on SMA violations and we've had cases settled for 30, 40, \$50,000 on that, but not as much as zoning.

Mr. U`u: When was the fines implemented - the \$1000? Is there a date?

Mr. Hutaff: Maybe another ...(inaudible)... raising the penalties?

Chair Fredericksen: And another recommendation, raising the penalties, doubling or tripling it.

Mr. U`u: Throw'em on their lap to figure out. Yeah. I agree.

Mr. Hutaff: You know, just raising -- again, if we give specifics, then that's becomes argument --

Chair Fredericksen: Raising the cap because it's all subjective anyway - up to a \$1000.

Mr. Hutaff: Yeah, raising the cap.

Mr. U`u: Raising the cap. Yeah.

Mr. Hutaff: Maximums. Maximums, yeah.

Chair Fredericksen: What do you folks think?

Mr. Hutaff: I think putting down there just, you know, consider raising the maximum penalties for violations. And leave it alone from there. We start saying 10,000, then we're starting to get into council.

Mr. U`u: Yeah. I agree.

Chair Fredericksen: Yeah. So it's again simple, but it's like raise it. Did you have any luck, Mike?

Mr. Hopper: My best -- what it looks like is that it goes through here and it says the date when things were amended. This has nothing after it. So I think this was in 1983.

Chair Fredericksen: Not surprising.

Mr. Hopper: I'm not sure. But there's these other sections it says amended 2002, amended 1988, and the beginning of this charter, it is a 2003 edition, but that shows a lot of amendments, and it says --

Mr. U`u: '83? So the price of gas in '83 ...(inaudible)...

Mr. Hopper: It looks like it says, "This sets forth as of 1983 and incorporates amendments in these other years." And for these other sections, I'm seeing amendments 2002, amended 1988, and this section doesn't have that so --

Mr. U`u: We can bring it to attention that it was implemented in 1983.

Chair Fredericksen: Yeah, could we put that in there, just a brief, you know, purview ...(inaudible)... it seems that this may date back to -- that \$1000 cap could date back to 1983 and if this is the case, it clearly needs to be -- well, it needs to be raised no matter what?

Mr. Hutaff: You could do it a little differently and be very suggestive, suggest it, and put down there to raise the cap to a more equitable amount and help fund the County's deficit.

Chair Fredericksen: No, we won't say that.

Mr. Hutaff: Hey, you don't ask; you don't get.

Mr. U'u: Corp. Counsel?

Chair Fredericksen: What were you saying?

Mr. Hopper: I'm just saying I don't know if you're required to have a cap for any reason. The charter could say just a maximum established by the County Code. So for a given violation, you could say -- I mean it's a policy decision but I don't know the legal requirement why the charter would need to establish a cap for all the -- you know, but that's up to you if you wanna make that comment. So I'm not sure if --

Mr. Hutaff: I think we should because it's going to go to the council, it plants a seed, even though it's in the wrong area.

Chair Fredericksen: So those three recommendations. Stanley, was that a little clearer than mud?

Mr. Solamillo: The first one was about the provision to allow for change in succession, from five-year terms to doing --

Chair Fredericksen: Oh yes, I'd forgotten about that one. Okay, good.

Mr. Solamillo: And then we, as a Commission, feel that enforcement is severely lacking, as provided by Section 8-8.35. and that enforcement needs to be in place and implemented. That was two. And then three was the issue of raising the maximum amount for penalties as currently outlined in the charter.

Chair Fredericksen: Which may ...(inaudible)... 1983.

Mr. Solamillo: Which appear to date from 1983.

Chair Fredericksen: Yeah. Well, I mean it's not clearly stated in there and if -- and like Mike was reading, it has when the amendments were put in, so if it doesn't say anything, the inference is it's 1983, which is a long time ago.

Mr. Hutaff: I think it's safe to put it in. The only argument they could have is ...(inaudible)... 1984.

Chair Fredericksen: Yeah.

Mr. Hutaff: You know, or 1985.

Chair Fredericksen: Yeah. It's way outdated. Way outdated.

Mr. Hutaff: So we have the --

Chair Fredericksen: So we have three comments, or recommendations.

Mr. Hutaff: One is Commission Members be allowed to reapply.

Chair Fredericksen: If they so choose, yeah.

Mr. Hutaff: Yeah. Well, reapply means that also the County Council and mayor, they might not want you back on, you know. Reapply without any - what do you call it? Hiatus or layoff or whatever. And then the two recommendations on this one, which is on enforcement, apply enforcement. We're giving it a point that it's not being enforced.

Chair Fredericksen: Right.

Mr. Hutaff: Okay. And then raising the --

Mr. Solamillo: Penalty.

Mr. Hutaff: Penalties, and we're not giving an amount or --

Chair Fredericksen: That raising them because they appear to date back to 1983.

Mr. Hutaff: And what was the other one?

Chair Fredericksen: That's it.

Mr. Solamillo: That was it.

Chair Fredericksen: I think we're good to go.

Mr. Hutaff: And then we're going to make a letter about James to the mayor after this?

Chair Fredericksen: James -- oh, no, we have to have that as an agenda item for next -- that would be a topic in the near future.

Mr. Hutaff: In the meantime, I'll try and get in touch with him.

Chair Fredericksen: Yeah, it's basically a courtesy. It's like, hey ...(inaudible)...

Mr. Hutaff: I just did research. I couldn't find him. I made a couple calls.

Mr. Osako: I wonder if she had any --

Chair Fredericksen: Suzie, you haven't heard anything from the -- okay. Thank you. Okay, so that's that. Now what's our next item? Item D, Workshop.

D. WORKSHOP - CULTURAL RESOURCE COMMISSION ORIENTATION

- 1. Maui County Code, Chapter 2.88, "Cultural Resources Commission"; Maui County Code, Chapter 19.48-52, "Maui County Historic Districts"; Maui County, Department of Planning, Administrative Rules, Chapter 530, "Rules of Practice and Procedure for the Maui County Cultural Resources Commission"; and Maui County, Department of Planning, Administrative Rules, Chapter 531, "Standards and Criteria Relating to the Duties and Authority of the Maui County Cultural Resources Commission." The CRC may provide comments. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: Yeah, the next item is a workshop, Cultural Resources Commission orientation, and given the fact that we don't have many people here, and then we have new Commission Members who are absent --

Chair Fredericksen: Who should be --

Mr. Solamillo: Who should be present here.

Chair Fredericksen: When the workshop happens.

Mr. Solamillo: Yeah. I'm going to ask if this Commission would consider deferring it until another time. The other time would not be before August because of the Halloween in Lahaina item, which appears to be coming for July. So that would be the earliest that we would hear the item.

Mr. Hutaff: Could we take it one step further and inform all Commission Members that we wanna have this on the agenda in August and please make arrangements to be sure to attend?

Mr. Solamillo: We could.

Mr. Hutaff: So like forewarning please. Could we do that legally?

Chair Fredericksen: Yeah, Bruce?

Mr. U`u: Motion to defer.

Chair Fredericksen: Is there a second?

Mr. Hutaff: I second.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. U`u, seconded by Mr. Hutaff, then unanimously

VOTED: to defer Item D.1.

Chair Fredericksen: So that's deferred, Stanley.

Mr. Solamillo: Thank you.

Chair Fredericksen: Then Director's Report. Thank you for putting it together, however. We will see it in the future.

Mr. Solamillo: I'll try and put more pictures in it because it's really boring.

E. DIRECTOR'S REPORT

1. July 7, 2011 CRC Meeting Agenda

Mr. Solamillo: Okay, Director's Report. The hot agenda item for this summer you've got to go and attend, Hawaii State Historic Preservation Division Preservation Training for State and Local Preservation Commissions. This is being held specifically for Maui, on Maui, at the Sheraton Maui Resort and Spa at Kaanapali, on August 26 and August 28, that's a weekend, it looks like.

Mr. Hutaff: Is that to August 28?

Mr. Solamillo: To August 28. That's correct. Friday through Sunday.

Chair Fredericksen: We get to have hotel rooms ...(inaudible)...

Mr. Solamillo: The details I'll hand out to you now.

Mr. Hutaff: How do we --

Mr. Solamillo: Registration will be ...(inaudible)... contact SHPD.

Mr. Hutaff: You know I saw that. I didn't think it applied to us.

Mr. Hutaff: Due process for preservation commission. I didn't see that line.

Mr. Solamillo: Alright, this just came. Actually, we had originally hoped that the National Park Service liaison, which is Larry Oaks, who is the former director of the Texas Historical Commission, that he would be able to be at this meeting today to talk about what he's doing here in Hawaii on behalf of the Park Service for historic preservation and cultural resources in the State, but he was unable to attend and had to cancel at the last minute. So I got this item via email yesterday. I'll try and find out some more details and have all the contact information ready for you by the July meeting. But this is really important because you'll be getting people from the Mainland, who are coming in, who are specialists. There's lots of training opportunities and things that I've only probably referred to obliquely, and you'll have actual people there who do the sort of things that I mention from time to time that are really important. So this is gotta go. My big fear is that Lahaina will be exposed, but we'll deal with that as it happens. I think that's pretty much all the hot items I have for the Director's Report. I think, as an aside, I wanna thank Mr. Hopper. We haven't had him with us a lot, but when he's been here, he's been incredible and he's always provided this Commission with lots of information and gone out of his way to provide on the cuff or off the cuff research to provide the details that this Commission needed to make a decision, and I cannot thank him enough for all the service that he has done for this Commission as well as for staff. So everyone please thank Mr. Hopper.

Mr. Hutaff: Mahalo.

Mr. Solamillo: Alright, the next item is Commissioner's Announcement.

F. COMMISSIONER'S ANNOUNCEMENTS

Chair Fredericksen: Any announcements, folks? Rhiannon?

Ms. Chandler: Back to this, for a second, Stanley. I'm sorry. Are we all attending this and this is like applies to us completely?

Mr. Solamillo: I have to talk with the Deputy Director and see 'cause I don't even know how much it cost because there's no cost on the announcement. So let me see how much it cost and see how we're going to arrange getting Commissioners attendance because there's also going to be invitations extended to council members, members of the mayor's office, Deputy Director from our division as well as the Planning Director. There's lots of people on-island that need to attend. A little background, possibly, there are only two CLGs in Hawaii, that's Kauai and ourselves. Big Island is, you know, hopefully, trying to make some moves in that direction, so there may be three CLGs. So it's real important to kind of get CLGs together and boards and commissions from at least the two islands, and then the interested islands as well. So very, very important. So I'll try and find out all the financial details and then we can make plans to get people there.

Ms. Chandler: Chair, is it possible to get this information over email, like if Stanley gets more information?

Chair Fredericksen: That would be fine with us. So we can get it earlier.

Ms. Chandler: Yeah. Because actually I would need to block off these dates myself and I would like to know as soon as possible if it's possible.

Chair Fredericksen: To do that.

Ms. Chandler: Yeah.

Chair Fredericksen: Is that doable, Stanley?

Mr. Solamillo: It's doable if it's okay with --

Chair Fredericksen: Is that okay? 'Cause it's --

Mr. Hopper: Sure it is. It's not real important business.

Mr. Solamillo: Okay.

Mr. Hopper: I mean you wouldn't even talk to each other.

Chair Fredericksen: Yeah. We get the information. Yeah.

Ms. Chandler: Okay. Thank you.

Mr. Solamillo: Are there no other Commissioner's Announcements? Next CRC meeting is July 7, 2011.

Chair Fredericksen: Okay, are we -- what, Stanley? Are you talking about the agenda?

Mr. Solamillo: No, I was just -- you can adjourn.

Chair Fredericksen: Oh, yeah. Somebody wants to put forth a motion, that would be --

Mr. Osako: I move that we adjourn the meeting if there's no other business.

Chair Fredericksen: Oops, hold on. Rhiannon, did you have a question?

Ms. Chandler: We didn't have agenda items to add for the next -- 'cause we had talked about two different letters that --

Chair Fredericksen: Thank you. So, now you have to refresh my memory.

Ms. Chandler: I believe one was -- oh, that might have been resolved. How do we find out about an existing commissioner and whether or not they can --

Chair Fredericksen: That will be an agenda item for August. Correct, Stanley? Is that -- we had that discussion?

Mr. Solamillo: August at the latest. I'll see if we can do it for July but it's pending this other thing.

Chair Fredericksen: Okay. And then what was the other one?

Ms. Chandler: I don't know. It sounded like you said something about the enforcement in a separate letter, or I guess this is going to charter but --

Chair Fredericksen: Oh the -- okay, so we issued or we're providing three recommendations about the charter, and then I think, down the road, maybe as an August agenda item --

Ms. Chandler: Yeah. A dedicated agenda item, yeah.

Chair Fredericksen: Would be a topic to bring up --

Ms. Chandler: Enforcement in general and perhaps the -- anybody who wants to comment on it, maybe a councilman or woman would come down and talk.

Chair Fredericksen: Yeah, that would be -- that's a needed agenda item. Thank you for remembering about that stuff.

Mr. Solamillo: Okay, just as aside for all Commissioners, all agenda items are submitted to the Deputy Director and the Director, as well as to Corporation Counsel, and several other persons, even administration, they have final say on what agenda items go or no go, so please always bear that in mind.

G. NEXT MEETING DATE: July 7, 2011

H. ADJOURNMENT

Chair Fredericksen: Okay, we had a motion that was temporarily tabled, if we could come back to that. Is there a second?

Mr. Hutaff: I second it.

Chair Fredericksen: Okay, and I assume everybody's good?

There being no further discussion, the motion was to a vote.

It has been moved by Mr. Osako, seconded by Mr. Hutaff, then unanimously

VOTED: to adjourn the meeting at 12:20 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Erik Fredericksen, Chairperson
Raymond Hutaff, Vice-Chairperson
Rhiannon Chandler
Warren Osako
Bruce U`u

Excused

Irene Ka`ahanui
Makalapua Kanuha
Brandis Sarich

Absent

Jacey Laborte

Others

Stanley Solamillo, Cultural Resources Planner
Michael Hopper, Deputy Corporation Counsel
Richelle Thomson, Deputy Corporation Counsel