

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

Council of the County of Maui

MINUTES

November 15, 2012

Council Chamber, 8th Floor

CONVENE: 9:06 a.m.

PRESENT: Councilmember Mike White, Chair
Councilmember Elle Cochran, Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Robert Carroll, Member
Councilmember Donald G. Couch, Jr., Member
Councilmember Joseph Pontanilla Member
Councilmember Danny A. Mateo, Non-Member

EXCUSED: Councilmember G. Riki Hokama, Member

STAFF: Josiah Nishita, Legislative Analyst
Camille Sakamoto, Committee Secretary
Morris Haole, Executive Assistant to Councilmember Robert Carroll

ADMIN.: Patrick T. Matsui, Deputy Director, Department of Parks and Recreation
Tivoli Faaumu, Captain, Department of Police
Bradney Hickle, Police Officer, Department of Police
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation
Counsel

OTHERS: Jim Smith
Yuki Lei Sugimura
Two (2) additional unidentified attendees

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR WHITE: ...*(gavel)*...Good morning. This meeting of the Economic Development, Agriculture, and Recreation Committee will come to order. Thank you, all, for being here and being on time. Before we begin, I'd like to ask all of you to turn off your cell phones and other noise making devices. This morning, we have council...I mean, not council, Committee Vice-Chair, Elle Cochran.

VICE-CHAIR COCHRAN: Hi, good morning.

CHAIR WHITE: Good morning. We have Bob Carroll --

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COUNCILMEMBER CARROLL: Good morning.

CHAIR WHITE: --Gladys Baisa --

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR WHITE: --Don Couch --

COUNCILMEMBER COUCH: Good morning.

CHAIR WHITE: --and we'll be joined by Joe Pontanilla in just a moment, and this morning Councilmember Hokama is excused. He is on the mainland. Oh, and if I just wait just a moment, we have Mr. Pontanilla arriving along with our Council Chair, Danny Mateo. Good morning, gentlemen.

COUNCILMEMBER PONTANILLA: Good morning.

COUNCILMEMBER MATEO: Good morning.

CHAIR WHITE: And this morning from the Parks and Recreation Department, we've got Deputy Director Pat Matsui. And from...good morning...and from the Police Department we have Captain Tivoli Faaumu. From Corp. Council, we have Jeffrey Ueoka.

MR. UEOKA: Good morning.

CHAIR WHITE: Committee Staff, Committee Analyst, Josiah Nishita, and Committee Secretary, Camille Sakamoto. And, and I don't remember your first name, Officer Hickle, so if you could introduce yourself.

MR. HICKLE: Bradney.

CHAIR WHITE: Brandon, okay.

MR. HICKLE: Brad.

CHAIR WHITE: Brad, thank you. And with that, Members, we'd like to start with public testimony, and the testimony will be limited to items listed on the agenda today. And, well you guys all know this so I'm not gonna go through it all. Without objection, we'll start public testimony.

COUNCIL MEMBERS: No objections.

CHAIR WHITE: Thank you, and our first and only testifier to sign up yet is Jim Smith. Mr. Smith?

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...BEGIN PUBLIC TESTIMONY...

MR. SMITH: Chairperson White, Members of the Committee, my name is Jim Smith. It's a pleasure to see you again. The, the focus of my testimony has to do with, with the process, okay, what it is about this that makes a change in the existing Code necessary, okay. And I don't really see any, anything here. You may be brought something that shows you but what compels you to act to expand this, okay? There has to be some factual, I believe viable information presented or you're just feeling good about it, and I think we have to resist the feel-good moment. Now, in, in a big way, the feel-good moment came into our political circumstance, let's say it's in the beginning of the 1900s when there was this healthy mind craze that enveloped, you know, our, our, our culture, and that is feel good, low stress, then die, okay. So there's no important consequence going forward and that brought us fascism and that brought us all those things that didn't feel good because they weren't anticipated by those people who did feel good. Now, there is a change here proposed, which is that you're going to, it is proposed that in any public restroom or within the boundaries of any park or recreation facility, you will prohibit the use of or consumption of intoxicating liquor. Okay, so what you're doing is you're changing a casual moment of a family that can be decided spontaneously to go to a park and enjoy oneself with the kids here and the father and the friends drinking beer and having cards or whatever, a casual moment into an official moment, which means if you really wanna do this legally without shame, you'll get a permit. And what does the permit say and how much does it cost to file a permit? Say you've screwed that up on a recreational basis, okay. Now, there may be good reasons to do that, but how has the existing Code worked? Now the prohibition has been from 11:00 to 6:00 a.m. in certain parks. 11:00 to 6:00 a.m. seemed to be a problem area, the rest not, but those two times...so why would you change that to 24/7? Is there a big influx between 11:00 and 7:00 a.m., 11:00, of drunks, of obnoxious conduct? And isn't obnoxious conduct the subject of police control? And drinking alcohol is not necessarily obnoxious so why are we confusing these things and what is the compelling reason? I can see none of that and I'm hoping you won't let this fly without a real serious look of what you're going to do to the casual picnicker and family member who doesn't even know about a permit and then has a police officer say, officer come up and say I'm sorry, there's a law that says this. At the very least they should know about it and have an opportunity to express their concern. Thank you very much.

CHAIR WHITE: Thank you, Mr. Smith. Members, any questions for the testifier? Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Mr. Chair, and thank you, Mr. Smith, for being here. Thank you for being so vigilant about what's going on here.

MR. SMITH: I'm an annoying person sometimes.

COUNCILMEMBER BAISA: It's okay. It's participation --

MR. SMITH: Thank you.

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COUNCILMEMBER BAISA: --and that's what the process is about. I'm listening to you and I'm trying to synthesize what you're telling me. Are you thinking that maybe as an alternative before we do this that you think there should be more community discussion?

MR. SMITH: Oh, without question. Quite frankly, you're making a big change here in an existing Code that was a change from before. There never used to be this five or seven parks in which you prohibited the drinking of alcohol from 11:00 to 6:00 a.m.. There never used to be that. That happened, okay. Now, now you're proposing to make it all parks in Maui County, okay. Now, it would seem to me that there should be an opportunity to sense from the grass roots the necessity, okay. Where's the failure? So I would say definitely without question go beyond the Boys and Girls Club. That should even be the, the first step you might wanna take.

COUNCILMEMBER BAISA: Thank you.

MR. SMITH: Thank you very much.

COUNCILMEMBER BAISA: I get the point. Thank you. I just wanted to figure out where you were going. Thank you.

MR. SMITH: You're welcome.

CHAIR WHITE: Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Jim, for being here. I, I just wanna verify what you said. One of, I thought I heard, like, you say that is the existing Code working --

MR. SMITH: I did.

COUNCILMEMBER PONTANILLA: --or is there any problems with the Code?

MR. SMITH: That's what I'm saying. You're, you're going to delete a major portion of the existing Code --

COUNCILMEMBER PONTANILLA: Uh huh.

MR. SMITH: -- and replace it with one sentence.

COUNCILMEMBER PONTANILLA: Right.

MR. SMITH: Okay, the existing code was changed from before to mitigate and, and, and control --

COUNCILMEMBER PONTANILLA: Certain parks.

MR. SMITH: -- certain times at certain parks. Not just certain--

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COUNCILMEMBER PONTANILLA: Yeah.

MR. SMITH: --parks, but certain times because there's so many parks that are included. It might be all of them, I don't know. But it's just the certain times and that, there had to be a specific reasoning for those times, okay, and excluding the rest of us, okay, and now you wanna include all the time and that needs to be justified, I think. I don't think it's justified by feeling good about it.

COUNCILMEMBER PONTANILLA: Thank you.

MR. SMITH: You're welcome.

CHAIR WHITE: Members, any other questions for the testifier? Seeing none, thank you very much, Mr. Smith.

MR. SMITH: Thank you.

CHAIR WHITE: Our next testifier is Yuki Lei Sugimura.

MS. SUGIMURA: Good morning, everyone. My name is Yuki Lei Sugimura and I'm here as an individual. I, first of all, I wanna congratulate all of you who have just successfully completed a very exciting election, and I wanted to publically say a big mahalo to Danny Mateo and Joe Pontanilla who are retiring after term limiting and thank you very much for your contributions in many, many, many different ways throughout the community. I wanna congratulate Gladys Baisa and Bob Carroll as our new Chair and what an exciting next two years we'll have.

I'm here to testify as an individual. I spent the last eighteen months and, and over the past several months where you've changed, made changes in alcohol consumption in parks. That's Kalama Park, Cove Park, there's no alcohol consumption there as well as the new Kihei Park, and during that time you heard from many testifiers from youth centers who said hey, protect our youth, protect our children. And that was very compelling and thank you for making that change. The proposal that is before you is significant and I hear what Jim Smith is saying. I, I think that it will be a big change. I do wanna remind you that, yes, it will be a big step forward for the County of Maui, but you do know that the State of Hawaii has all their parks are no alcohol consumption, so it's not really a brand new idea but I think it's something that can help police in terms of enforcement, which is what we heard through the many, many testifiers and moms and dads and coaches who came before you to pass those ordinances, which is now law signed in by the Mayor. I'm sure everybody has questions on how to proceed forward with this, but I would like to say as an individual, a mother, a community person who has just gone through, you know, much in terms of organizing community groups to say hey, parents, don't buy alcohol for your children, you know, be the strong person, say no. My phrase was Be A Jerk. That, I hope that continues in our planning of a safer community for our youth. Thank you.

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CHAIR WHITE: Thank you. Members, any questions for the testifier? Seeing none, thank you very much, Ms. Sugimura. Members, without objection, I would like to close public...well, I should ask if anyone else would like to testify? Seeing no one rushing to the podium, without objection, Members, I'd like to close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR WHITE: Okay.

...END OF PUBLIC TESTIMONY...

CHAIR WHITE: Members, we have just one item on the agenda today, that's EDR-13 and the title of the bill is Prohibiting Intoxicating Liquor in Any County Park or Recreational Facility and I'd like to open up the floor for comments from the...what did I, what did I say?

UNIDENTIFIED SPEAKER: Thirteen.

CHAIR WHITE: Oh, thirteen.

COUNCILMEMBER COUCH: Yeah, it's thirty-seven.

VICE-CHAIR COCHRAN: I know, I was like...

CHAIR WHITE: Thirty-seven. Sorry about that.

ITEM EDR-37: PROHIBITING INTOXICATING LIQUOR IN ANY COUNTY PARK OR RECREATIONAL FACILITY (CC 12-232)

CHAIR WHITE: Okay, I'd like to open the floor for comments from the, we'll start off with the Police this morning.

MR. FAAUMU: Good morning, Mr. Chairman, Council members. Captain Tivoli Faauu from the Maui Police Department and I am representing the Department in this issue. What I will do is read off the, the response that our Department did regarding this issue. To give you an idea what, in order for us to, to give a good, to paint a good picture to the public and let you know and to help you in the decision making, what we did was we did a study for a twenty-eight months period and we see well what happened during that period of time. Just the past twenty-eight months, just calls that the police received for services at any County parks, we are looking, we had 14,222 calls, just calls for the police to respond to the park for any cases that happened in there. Of course, that will confuse everybody, so what we did, we break it down, the area that is concerned to you that will help you in your decision making. We will take the same period and we break it down that we had 1,423 calls for disorderly conduct in our County parks. We had 139 OUI liquor-related cases, 92 prohibited liquor violation, 154 prohibition, prohibition

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involving minors and 96 incidents as far as other government facilities and most of these calls also involved alcohol. The Police Department, at this point, we believe that what are you doing is something that will be a benefit to our Department. And to summarize what the Chief said, the overall ban of alcohol in any County park will help eliminate these calls for service for all the alcohol-related activities where members of our community are continually put in harm's way when alcohol is a factor. We do support and as the Commander for the South Maui District, I was here testifying when we made that move to, to ban alcohol at Kalama Park, the Cove, and I noticed the decrease in calls for services. And yes, like Mr. Smith said, some of these issues are police issues and yes, we do, we do respond to the calls from the coaches, but we see that now these calls has been dropped. I do not have the numbers for you, but I've seen a decrease in calls for services pertaining to Kalama Park and the Cove. Thank you, Mr. Chairman.

CHAIR WHITE: Thank you. Mr. Matsui.

MR. MATSUI: Thank you, Mr. Chairman. The Parks Department is not in favor of this ordinance. You know, it is a significant change from the current ordinance. You know, in, in the past, the Council has been dealing with specific behavioral problems at specific parks, and they've been passing, or we've been passing ordinances to mitigate that, and, and I think in Kihei it was at Kalama Park, Cove Park, Kamaole I, Charley Young Beach, then in Lahaina Maluuluolele Park, Kamehameha Iki Park, and Honokowai Park and, you know, that's something that we feel is a better approach is that if there is a specific problem...and again, there, there's a problem with the youth centers and also parks within 1,500 feet of schools. And again, for these ordinances, for the 1,500 feet, there's a time constraint too on, and a day constraint, and basically when school is in progress it's prohibited, but other times it's not. So, you know, our, we agree with that approach is to go on a case-by-case basis and instead of just doing a blanket one, because, you know, that affects all of the users and, and there's a lot of responsible users that it's gonna impact and it's not just young families, it's the senior citizens, lot of different people. So, that's our stance on this.

CHAIR WHITE: Okay, thank you. Have you had a chance to speak to the people in the Parks Department on Oahu to see how their, their ban, which is much more restrictive than we're proposing here, has worked for them?

MR. MATSUI: I haven't had a chance to talk to them specifically, no.

CHAIR WHITE: Okay, thank you. Members, any questions? Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Mr. Matsui, for your comments in regards to, you know, drinking in the parks. You know, one of the questions I have for you is that looking at the ordinance itself, you know, it's gonna include community centers, and I, I don't know if we had any real incidence in community centers throughout Maui County. You and I know that there are a lot of parties where, you know, family parties that they consume liquor but they go and get a liquor permit. So have we had any incidence in community centers that you know of?

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MR. MATSUI: Yeah, concerning drinking at community centers, in the past, and including this ordinance, it allows drinking if you get a permit. Our Department's permit procedures was set up as if you sell alcohol, there's a certain process you needed to go through. One is you need the Liquor Control's approval. But with this new ordinance, like for Kalama Park, for instance, there is a pavilion there, we would have to change our...and we're in the process of doing it, we're looking at it...we would have to change our permit where we would have to ask if they're gonna consume alcohol and not just for selling if, but for just if people would bring alcohol and consume it because under this ordinance it allows it if it's stated in the permit.

COUNCILMEMBER PONTANILLA: Just a follow-up question in, in regards to once a, I guess a gathering had gotten their permit to have liquor in community centers or even Kalama Park, that, that one pavilion, would you know if the Liquor Control people come around and ensure that, you know, everything is, you know, in accordance to what they need to follow?

MR. MATSUI: Yes, I do know, like at the Maehara Stadium when had the Na Koa Ikaika games, the Liquor Control officers did come over to make sure that they were in compliance.

COUNCILMEMBER PONTANILLA: So as far as family parties like that you wouldn't know?

MR. MATSUI: Yeah, I'm not sure if they would. Their jurisdiction is more for the commercial selling of alcohol and not the consumption, personal consumption of it.

COUNCILMEMBER PONTANILLA: Okay. Maybe for Police Department, have we had any concerns or incidents where you had to go to various community centers to ensure that, you know, proper behavior at those locations because of liquor consumption?

MR. FAAUMU: Thank you, Councilman. Based on our study, again, on the twenty-eight months we had nine-six incidents of Parks and Recreation prohibition calls that we've responded to and most of those calls involved alcohol.

COUNCILMEMBER PONTANILLA: So you wouldn't know if, you know, community center itself? You know, like...

MR. FAAUMU: That's correct.

COUNCILMEMBER PONTANILLA: Or just a broad Parks and Recreation?

MR. FAAUMU: Yes.

COUNCILMEMBER PONTANILLA: Okay, fine. Thank you. Maybe one more question. In regards to parks that are EA'd to the County of Maui, how do we handle that?

MR. MATSUI: You mean the State --

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COUNCILMEMBER PONTANILLA: Yeah, State.

MR. MATSUI: --owned parcels that EO'd to the County? Yeah, it's still...

COUNCILMEMBER PONTANILLA: Oh, EO'd. Yeah, I'm sorry, not...

MR. MATSUI: Yeah it's still under our jurisdiction as far as controls so, you know, it's like any other park.

COUNCILMEMBER PONTANILLA: And they follow the rules?

MR. MATSUI: Yes.

COUNCILMEMBER PONTANILLA: Okay, fine. Thank you. Thank you, Chairman.

CHAIR WHITE: Thank you. Just for clarification, Mr. Matsui, the difference when we have somebody who is selling alcohol, they're, I'm assuming that they need to advise you of that through the permit process and then they additionally have to get a permit from the Liquor Department, is that correct?

MR. MATSUI: That's correct.

CHAIR WHITE: Right, and so if somebody's having a party where they're providing liquor but not for sale, then it would just require the liquor information to be noted on the permit they have to get anyway for the community center, is that right?

MR. MATSUI: That's correct, and that's, we're in the process of doing that right now. It hasn't been done yet, but.

CHAIR WHITE: Okay. Okay, thank you. Members, any other questions? Mr., Ms. Baisa.

COUNCILMEMBER BAISA: Oh yes, thank you very much, Chair. This is a hard one for me because I'm struggling with my personal feelings and my duties as a Council member representing a lot of people. You know, my personal feeling is that of course I'd like to see this, but I realize that, you know, we are a diverse community and we have many people who do like to consume alcohol and do it in a responsible manner and, you know, we have history to look at and then we say, you know, if you look at history you learn lessons. And we did have a time in America when we tried to outlaw alcohol entirely and obviously that didn't work. I mean, we had a very exciting period of time during prohibition, and we had to give that up because we just couldn't, couldn't handle it, and alcohol makers and bootleggers and whatever made a lot of money, because, you know, you couldn't get it and so they did it. But I realize this is not as draconian but it still is, you know, if we take it out of all the parks, what do we do with all the people who...I mean, it's such a part of our local culture. And so again, like I said, this is a hard one for

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me because I'm knowing what my heart says and I'm knowing what, what my responsibility says. I would like us maybe to pose this and have a few communities, all communities that want to, you know, look at it and give us some indication of how the people feel. I mean, have we discussed it with Kihei Community Association? I don't know. Have we discussed it with Kula? I know not. You know, and there may be others like Paia or Hana or other places who would wanna say how they feel about this going on in their parks and their areas, and I'd like to see us do that before we make a decision, Chair. It's just I have this unease about it. Thank you.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair, and I echo Councilmember Baisa's concerns that we haven't gone out to the communities on this. I know we posted it and it hasn't been, there hasn't been any, very much testimony, so I would like it to go out to each district that, especially, that might be affected, because we, you know, we talked about certain parks because there were issues and saying, well, if there, if you still would like to enjoy your wine at sunset you can go to these other parks and now we're saying, well, just kidding. We're taking it away from all the parks. So I'm a little concerned and I'd sure like to hear from the community on this one before we go any further.

CHAIR WHITE: Sure.

COUNCILMEMBER COUCH: Thanks.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I'm also of a like mind as my fellow Council members that have spoken. When this came up before about parks and a long time ago Hana was against because we have two parks over there that are used, Hana Bay and the ballpark, and it was pretty unanimous over there at that time that they wanted to not have restrictions in those areas. One size doesn't fit all when I think we're talking about this ordinance. I think it has real merit for certain parks. The Mayor's and the Parks Department recommendation, I think, is appropriate at this time, because we have passed new laws and we need to see how effective those laws are in the areas that we've really had problems, in Mr. Couch's area specifically, and see how effective the new laws are in that area --

CHAIR WHITE: Uh huh.

COUNCILMEMBER CARROLL: --before we take further action and if we do take any further action, I think each Member needs to go back to their communities and really, really see what the communities would like to see in this area. Thank you.

CHAIR WHITE: Okay, thank you. Mr. Pontanilla.

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COUNCILMEMBER PONTANILLA: Thank you. Mr. Matsui, fast question. I know we do have some, like nonprofits that utilize community centers for activities or even probably the gym, Lahaina Gym, where alcohol is consumed as part of their fundraising. Do they still continue to do that, utilizing County facilities to fundraise?

MR. MATSUI: Yes, they can still do it, but again they need, if they're selling alcohol, they need to get a permit from the Liquor Commission.

COUNCILMEMBER PONTANILLA: Okay, do you know exactly how many nonprofits utilize our facilities for fundraising where they sell alcohol?

MR. MATSUI: I'm not real familiar with a lot of nonprofits. I know some nonprofits stay away from selling alcohol because it's kind of against what their, the purpose of their organization is for, but, you know, just now we had the Lahaina, the basketball tournament in Lahaina that's starting next week and they do have a beer garden there.

COUNCILMEMBER PONTANILLA: Uh-huh. Yeah, I understand that. And I think, you know, venues like that, they provide to the community to nonprofits in regards to grants and, you know, I look at that. I look at the Hyundai but it's all, all on private land, but they do consume alcohol and a lot of nonprofits are provided grants. That's all I have, Chair, for now.

CHAIR WHITE: Okay, thank you. Ms. Cochran.

VICE-CHAIR COCHRAN: Thank you, Chair, and I concur with the sentiments that I'm hearing around me from fellow Council members. You know, I'm looking at the list where alcohol is already prohibited and those areas were very well vetted out. I know the last one, Kamaole, we had days of deliberations and I, we, I felt that we talked to community, Police, everyone included, Parks, on that particular park, and we were very comfortable with making the decision to prohibit there. To do a blanket approach right now, you know, I'm hearing Mr. Carroll. I think it's, where it's a let's see how the Kamaole scenario pans out and take it from there, but I think if so, as Ms. Baisa mentioned, to take it out to each district, each community and get the feedback of the people. You know, as an AA member, I personally would love to ban alcohol everywhere, but I understand we do have some wonderful, responsible, you know, consumers out there and I'm happy for them. That's just not for me but I, you know, and I'm curious because I know in this section you want to delete the whole Molokai section, which I know Mr. Mateo probably has comments on, and that was a big point last time we, we discussed the prohibition. So, I, that's my sentiment and, you know, I'll just take your lead, Chair. Thank you.

CHAIR WHITE: Okay, thank you. Members, any other comments? Mr. Mateo.

COUNCILMEMBER MATEO: Chairman, thank you very much and thank you for the opportunity. I'm not a Committee member but thank you for the opportunity to provide my own comments. You know, as, as stated by Ms. Cochran, the elimination of certain areas like Molokai, you know, caused me to be here this morning. You know, our community did not have the

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discussion and, you know, at this point, they may prefer going this route, but as stated by the other members, I think it's really important for us to allow that opportunity to occur. For, you know, my initial concern was I don't know what caused or drove this to end up on our desk today. You know, is it a Kihei problem? And if it is a Kihei problem, there exists existing law that needs to be implemented. Here we are talking about the creation of another law and yet we always hear there's not enough manpower in the Police Department. We know there's not enough manpower in the Parks Department. So, you know, we're creating something that already comes kaiole [*sic*], no more teeth. And the worse thing this County continues to do is draft ordinances that is not backed up. That is an embarrassment to this body because we do not provide the enforcement opportunities. So for, for myself personally, Mr. Chair, I would really like to support something like this if our respective communities come forward and say yes, we want it. And I can understand, you know positions like Ms. Sugimura who has come forward because of the issues with our youth. But you know what, if we're gonna draft an ordinance, there cannot be exceptions. There cannot be, you know, doors that can be opened when the law says no drinking, because the same message that we want to get out there that drinking is not healthy and this environment requires us to, to be healthy citizens, but there's a little side door that we can open that says but if you get a permit you can drink. The same people who attend those functions are in fact the same kids that we see in other parks. So if you're gonna get a message out there, we've gotta be consistent. So I'm sorry for these opportunities for nonprofits or for-profit, but the reality is for the County, if we're gonna take a strong position like this, we gotta go all the way and ban it totally with approval and with an understanding that the public tells us this is what we want. And who knows, perhaps that time has come when they're ready to say yeah, this is the right thing to do, but until we go that step and, and actually have that dialogue with our communities, I think this is premature and I think the Police Department needs to come out and tell us where is the problem areas, what is the difficulty in actually enforcing existing law that limits intoxicated individuals from running rampant in our streets if that's what it is with your, with your thousands of calls. So I think there's opportunity for both the Police Department, our Parks rangers to also share in this dialogue, because, you know, the time has come for us if we want something effective, then the dialogue has got to begin and this really provides us the first opportunity to start that dialogue, Chairman. Thank you for the opportunity.

CHAIR WHITE: Thank you, Chair. Members, any further comments?

COUNCILMEMBER PONTANILLA: Chair?

CHAIR WHITE: Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Maybe for the Police Department. You know, kind of interesting in the letter that was sent to us in regards to just that one park, Kalama Park, and as you note, you know, most of the parks that we ban liquor are, you know, in South Maui. But I was wondering if the Police Department have any statistics for all of the parks that are, you know, would ban alcohol?

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MR. FAAUMU: Mr. Chairman, thank you for your question there, Councilman. The statistics that you have right in front of you is not for Kalama Park only. What we did in the...we, we show you the amount of calls that we had for the year for Kalama Park so that way you can look at a comparison with what the other parks do. As far as the 1,400 disorderly conduct and the 139, that's not just for Kalama Park, that's for --

COUNCILMEMBER PONTANILLA: For all of the parks?

MR. FAAUMU: --all. For all.

COUNCILMEMBER PONTANILLA: Oh, okay.

MR. FAAUMU: Yes. But what we like to do is at least to show you what we got and, Mr. Chairman, if you allow me to, to respond to Councilmember Mateo's position in this, the Police Department's position is to provide you the statistics so that way it will help you with your decision making. I believe that it is our responsibility to do that for you. We also believe in preventive measures. Right now what we are doing as a Police Department is we react to everything that going on, and we get there, we spend the time to investigate what is going on. Our position, again, when this bill was brought in front of us for a comment is we look at it, well maybe this is what the, the Council members are doing, this body of, these Members are doing coming up with something preventive, which fit what we are trying to do. The old police way was we'll wait, when the call comes in we'll respond to it, but now we're looking, we're working with the community and we're trying to come up with preventive measures so that way we can make it a safer place. Thank you, Councilman, Chairman, Mr. Chairman.

COUNCILMEMBER PONTANILLA: Thank you.

CHAIR WHITE: Thank you.

COUNCILMEMBER PONTANILLA: Just a short response. I thank you for that information in regards to prevention, because we talked a lot about prevention in proposals that we're going to submit to the State of Hawaii, and one of them is to utilize some of the funding that we receive through the Liquor Department for just that education. And yeah, you're right. We need to educate our public in regards to alcohol and the use of alcohol. Thank you.

CHAIR WHITE: Thank you, Mr. Pontanilla. I, you bring up a really, I think, important point and if, I don't know how far back your incident records go, but it would be interesting to review the various parks in which we've already implemented bans long before Kalama. I know the other ones. It would be very interesting to see what took place in the couple years before the ban and what took, what has taken place since the bans were put in place. So the Chair will send a note to the Police Department requesting that information, because I think that, that's a very important point and a very important perspective that we need to have going forward. The Chair certainly is supportive of the way the Committee is responding as far as taking it to the community. The reason that this was brought forward was that my feeling was having gone through the various

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bans that we've put in place that we're really not going far enough. And I understand the concerns of the community and I, or the community not being here. I was hoping that we would have a lot more testimony, but as we all know sometimes we just don't get the kind of traction that gets the word out. So I'd just like to point out that we've provided you with the prohibited activities for the City and County of Honolulu, which is this item that was provided to you. The Chair has also got comments here from the Parks Administrator in the City and County of Honolulu, and basically they're in total support of the ban on alcohol. It's help them keep their parks cleaner, have less incidents in the park, they don't have community centers like we do, and that's one of the reasons why we allowed for permits to take place in the community centers, but I hear Chair Mateo's comments that if we're gonna do something, it needs to go, you know, it needs to be broader. And they don't have anything in place to allow alcohol for individuals and groups other than the exemptions that are stated in the, in their ordinances like the Shell, the Kapiolani Bandstand, and I believe areas in the Blaisdell Center. And we also spoke to the District Officer and the Honolulu Police Department, and they are responsible for the area of Makiki, Tantalus, I think Manoa, Downtown, Kakaako, Moiliili, and so forth. They have 66 parks and they're in total support of the ban. It's, they feel that it's kept their people safer. On average, they've, and again I don't have the before number, but in the 66 parks that they have, they're only averaging two to three incidents per park per year involving alcohol, and the parks personnel are not authorized to...to issue citations or interact with intoxicants. If they see a violation, they have to report it to the police. And although the person they talked to was not around when the ban was put in place, he felt that the ban helped reduce the amount of problems and callouts to the parks for various incidents related to alcohol. So that's, I think a very important piece of what we have as a responsibility to provide a safe and a safe place in our community in our parks. I think we have a responsibility to help our elders provide much better role models for our youngsters, but at the same time I think it's probably more judicious to continue to do this as we have on a park-by-park basis unless as you all go out into your communities you find that there is an interest in an overall approach to this. So, with, if there are no other questions or --

VICE-CHAIR COCHRAN: Chair?

CHAIR WHITE: --comments...

VICE-CHAIR COCHRAN: Actually, I have a question.

CHAIR WHITE: Ms. Cochran.

VICE-CHAIR COCHRAN: Maybe for Mr. Matsui. Mr. Matsui, are our cemeteries considered parks in a sense? Cemeteries?

MR. MATSUI: No, they're not. The cemeteries are under the Department of Public Works --

VICE-CHAIR COCHRAN: Right.

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MR. MATSUI: --and not the Parks Department.

VICE-CHAIR COCHRAN: Because I think we shouldn't have people partying on top of cemeteries either. I mean, as Waiola Church in our private one, we find empty bottles, syringes, condoms, you name it, it's really disgusting, but people actually do this upon graves and burials and what have you. So we have some very unmanaged cemeteries on the County's behalf, which I feel these things occur too. So I'd like to see some type of protection in place for that and also just a little bit more malama for our cemeteries as a whole. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran. Any further comments or questions? Okay, seeing none, without objection, the Chair will defer this matter.

COUNCIL MEMBERS: No objections.

CHAIR WHITE: Okay.

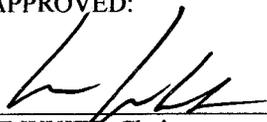
COUNCIL MEMBERS VOICED NO OBJECTIONS. (excused: GRH)

ACTION: DEFER pending further discussion.

CHAIR WHITE: With that, this meeting is adjourned. . . .(gavel). . .

ADJOURN: 9:48 a.m.

APPROVED:



MIKE WHITE, Chair
Economic Development, Agriculture,
and Recreation Committee

edr:min:121115:krr

Transcribed by: Kekai R. Robinson

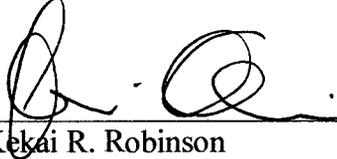
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CERTIFICATE

I, Kekai R. Robinson, hereby certify that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 7th day of December, 2012, Wailuku, Maui, Hawaii.



Kekai R. Robinson