

**CULTURAL RESOURCES COMMISSION  
REGULAR MEETING  
JANUARY 3, 2013**

*\* 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 Chairperson, Raymond Hutaff, at approximately 10:06 a.m., Thursday, January 3, 2013, 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 Raymond Hutaff: Okay, we're going to call the January 3<sup>rd</sup> Maui County Cultural Resources Commission meeting. Just so everybody know, we have a quorum. Welcome everybody. Happy New Year. To those in the audience, welcome and aloha. And, hopefully, you'll me this a very interesting day. Stan, go ahead.

**B. APPROVAL OF MINUTES OF THE SEPTEMBER 6, 2012 MEETING**

Mr. Stanley Solamillo: The first item is approval of the minutes from September 6, 2012.

Chair Hutaff: Okay. Everybody had a chance to review the minutes? Any corrections, or changes, or discussion? Anybody want to put it up for --

Mr. Bruce U`u: Motion to accept.

Chair Hutaff: Okay. We need a second.

Mr. Warren Osako: Second.

Chair Hutaff: Okay, so we have a motion to accept and a second. All those -- any discussion? No?

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

***It has been moved by Commission U`u, seconded by Commissioner Osako, then unanimously***

***VOTED: to accept the minutes as presented.***

Chair Hutaff: Motion has carried. Minutes have been approved.

Mr. Gaylord Kubota: Just one additional comment on that.

Chair Hutaff: Okay.

Mr. Kubota: We talked about going to Lana`i and --

Chair Hutaff: Yes.

Mr. Kubota: I hope we keep that in mind this year for sure.

Chair Hutaff: Well, that's part of my entertaining that later on.

*Mr. Solamillo read the following agenda item into the record:*

### **C. ADVISORY REVIEW**

- 1. MR. MORGAN GERDEL, AIA, on behalf of KING'S CATHEDRAL, requesting Advisory Review and Recommendations on the demolition of a former Hawaiian Evangelical Association church located at 154 Hāna Highway, TMK (2) 2-6-005:006, Pā'ia, Hawai'i. The CRC may provide comments and recommendations. Public testimony will be accepted. (BT 2012/1595, SMX 2012/0463) (S. Solamillo)**

Mr. Solamillo: Before we begin, I'm going to give a little background on this specific building. When you see it from the road, the first thing that catches your eye is an entry porch with a scissors truss. A scissors truss is usually demonstrative of buildings which were built in the first or second decades of the 20<sup>th</sup> century here on Maui.

The great builder of churches in Hawai'i was the Hawaiian Evangelical Association, and from their annual reports dated 1900 to 1940, there are number of churches which were erected in Paia; they included Paia Union in 1917, Paia Japanese Mission in 1916, Paia Hawaiian, which is shown, in 1923, and it's across from Mantokuji Soto Mission.

This church appears to have been established in 1880 by oral tradition. Mr. Baldwin is recalled to have deeded the land for the church for one dollar in 1881. There were 20 members in that year. The first building was erected in 1883, and replaced by the present building in 1922, but we still don't have a firm name for this specific edifice. The most recent pastor was Reverend Walter Balaboa, who is now deceased.

These photographs were taken during a survey, which was conducted in Paia of all historic buildings ages 50 years or older in 2009, and it includes the main facade with at least two additions, and they all seem to be, in this case, because of two-over-two windows, probably prior to 1925. This is the rear of the addition. Unfortunately, the lot is so narrow that we can't really get good photographs of the church without taking down vegetation.

At this point, we'll turn over the presentation to Mr. Gerdel, and he will give you additional background on his project.

Mr. Morgan Gerdel: Good morning, Board Members. Morgan Gerdel, with Nishikawa Architects. My client for this project is Eternal Riders, it's a kind of a new congregation based around surfing and wind surfing, so it's a little different, but I guess they try to get a lot of youth involved, and I'll through starting with a overview of the site and then get into more detail about what we're planning. It's located on Hana Highway, north of the intersection with Baldwin Avenue. It's surrounded by residential homes here on the north side, and there's a home south of the property. Across the street there's some commercial properties. This is just to show the site context surrounding. Further south, you have Charley's Restaurant, and this is the subject property here on the left side of the image. This is across the street from the property, there's the Paia Courtyard, it's some smaller retail spaces and, currently, there's plans to a larger retail building at this location. This is a view of the entry elevation. On the left side, it looks like this was a maybe a more modern addition that was added to the original structure. And then here's the view of the entry porch and stairs with the scissors truss.

The side walls of the church are severely deteriorated. It looks like very little maintenance has been done recently. We kind of did a survey for the client as we started to look at the possibility of trying to renovate the structure, but the damage from termites and weathering was fairly severe. In this image, you can see these horizontal boards were attached to try to brace the wall 'cause the walls were actually bowing from the deterioration. The other issue we noticed is the floor structure of the church is very close to grade so it's not really possible to inspect or do maintenance on the floor structure, it's only about a foot above the ground, so that was another issue. And the window frames, I guess 'cause this is a more recent photo, they're actually starting to fall apart now versus the photo that was in 2009. This is the rear of the church. This also looks like there was an addition made. It has vinyl or aluminum siding that was put over compared to the vertical siding that was the original. And then this is a view back on the north side of the building, the probably more recent addition that was added onto the front. And these are some views of the main interior space of the church. This is looking in from the entrance door, and this is looking back towards the entrance, and at some point, they added this steel rod with the wall bracing trying to keep the walls from bowing out because I guess with this scissors truss, there's this, as the wood deteriorates, it kind of forces the walls outward. And this is another shot showing the double-hung windows and I guess with that addition, this side of the church

was blocked off so it's dark. You can't really see out that side. And this is just a view of the other side of the church. They had some air conditioning units that were added on at one point. And this is -- on the right side, you can see the steel rod with the bracing that was added to try to support the roof. This is a view of the rear accessory room of the church, and this has very extensive damage. It looks like the ceiling and walls need to be completely replaced. They're, literally, starting to fall apart. And this is another view of that space.

Here's an existing site plan showing this is the main space here and it looks like there's additions on the north side of the property here and here that were added on at some point. And this the front porch here.

This is our proposed new building plan to meet the relevant building code and setback requirements. It allows direct entry from Hana Highway. There's no barrier as far as meeting accessibility requirements. The additional setback area is allowing for better ventilation and light to the spaces, and also, in the future, anything happens to the building, that they're able to reconstruct it because right now the areas outside of the setback area wouldn't not be allowed to do that. There's no onsite parking provided but since the new building area is within the existing area of the building, that would not be required by county code. This is just a -- the proposed first floor plan for the new building. There's these sliding doors that open up to a covered porch area on the front, and there's a large gathering space where they can meet in smaller or larger groups for the congregation, and there's some accessible restrooms and an office toward the rear of the space. And we tried to capture some of the existing character of the building, even though it is a more modern building, we have this exposed timber trusses, the high ceiling, and the rhythm of windows to allow light into the space.

This is a plan of the mezzanine level. There's a loft space and a small office open to the space below just to give them a little more space for their programs.

This is a rendering of the proposed church building entry. They really wanted to create a transparent facade to allow the activities inside to be viewed from the street and kind of draw people into the space. These gable windows will also be -- you'll be able to see through to the timber trusses on the interior so that'll be open. And we tried to match the massing of the existing building with the roof slope and the massing as far as the gables towards the rear. We also provided larger overhangs and a canopy for addition shade at the front of the building.

These are just to go over some of the concerns we had when looking at trying to rehabilitate the existing structure. There's extensive structural termite damage to the side walls, and we did have that limitation as far as accessing the floor framing for maintenance. Talking to the owner, the space is really uncomfortable. There wasn't enough installation

or ventilation to really function the way it should. There's concern about the nonconforming setback requirements if they need to rebuild in the future. And then the solid facade really became a visual barrier as they tried to get new members to the congregation. They'd have the doors open but they get comments that people thought it was closed so they weren't sure anyone was in the space. And also, there's no accessible entrance and that created a barrier for the members.

And then, for the new construction, this is what we're looking to do, provide a functional open space for the users, create that transparent facade to connect to Hana Highway, entry of that barrier-free entrance, and create functional restroom spaces for the building. We want to do durable materials so it would last a long time. We're looking at doing slab on grade with termite barriers to protect the wood framing. A cement lap siding exterior for low maintenance and durability. Metal roofing. And fiberglass windows with the traditional profile to fit in to Paia. And we wanted to keep some of those contextual design elements with the new use of the space, keeping that pitched roof with the open truss design, similar height and massing, and also using the lap siding and metal roofing, which is typical for Paia. Yeah, I'd just like to open it up to any questions or comments. Thank you.

Chair Hutaff: Anybody have any questions, comments? We're kinda quiet this morning. Hello? Okay. The Commissioners don't have any comments at this point. I'd like to open it to public testimony. Is there anybody in the public that would like to make any comments? Everybody's quiet this morning. Go ahead.

Mr. U`u: I just had a question. Maybe this is for Stan. There wasn't much history about the church. I just was wondering if there was any history about the church. We just has what it is now and what it's, you know, hoping for they got a demo permit and they rebuild it, but prior to that, what was it?

Mr. Solamillo: We don't know. We know it's a Christian mission church, probably under the sponsorship of AGA. We have a selection of churches, but we haven't been able to confirm that yet what the actual church was, so that requires additional research, Sanborn Insurance Maps, and other sorts of things that I wasn't able to get to Honolulu in time for this meeting to do the research.

Mr. U`u: I heard it was a Chinese church.

Mr. Solamillo: You heard it was Chinese?

Mr. U`u: Yeah. And I heard it from the people from the Paia Hawaiian Protestant Church -  
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Mr. Solamillo: That's --

Mr. U`u: Prior that --

Mr. Solamillo: That's even better because there was a --

Mr. U`u: That was a Chinese church and you had the --

Mr. Solamillo: The society hall was across the street at the intersection of Baldwin Avenue and Hana Highway so that would be, you know --

Mr. U`u: Interesting ...(inaudible)... that church you showed on the first screen, that was deeded -- dedicated to my great-grandparents, the Paia Hawaiian Protestant Church. That's how small Maui is. Interesting ...(inaudible)... now I'm here. Go figure.

Chair Hutaff: Okay. Well, we don't seem to have any public comments, I'm going to officially close it. Again, thank you for your input on that. Anybody else have any comments or recommendations?

Mr. Gaylord Kubota: Just comment. I mean looking at the photograph, they're changing that entry yeah. It's so neat. I wish they could have saved it. I can see the reasons why they're doing what they're doing. It was very striking when you passed by.

Mr. U`u: Question. On one of the renderings you had the sidewalk almost abutting the church entry.

Mr. Gerdel: Oh, I guess --

Mr. U`u: Is there a setback 'cause in here it says there's a I guess a 15-foot setback but on the rendering, you had someone walking on the sidewalk and it looks like it was abutting the sidewalk just -- you had a 15 setback front, back, and I think 10 on the sides. I thought it was a surf movie ...(inaudible)... I guess I was pretty close.

Mr. Gerdel: Let me bring that up for you. Just a moment. Okay, yeah, I think there is a 15-foot setback but if you look to the right, the sidewalk along Hana Highway, outside of the property, kinda close to the Hana Highway letters there, so we're looking at doing maybe an 8-foot wide I guess like a lanai outside the building, but then there would be a pathway to connect to the sidewalk. So that's depicting the lanai area but there would be a walkway that connect that to the sidewalk, so there would be a landscaped area between the two.

Mr. U`u: So the lanai, from the lanai to the existing sidewalk on Hana Highway, what would be distance between the two, because you have the rendering, you don't have -- is it the rendering of the lanai intact right there? I don't see it.

Mr. Gerdel: Right. I think this rendering only shows the lanai, it doesn't show the sidewalk between, but it would be --

Mr. U`u: If it's 15, and the lanai is 8 --

Mr. Gerdel: Yeah. It looks like there's maybe --

Mr. U`u: Seven.

Mr. Gerdel: Seven feet between the sidewalk and the property line, and then another seven feet, so it would be like a 15-foot walkway between the lanai and the sidewalk.

Mr. U`u: Next question. The height of the church, the massing of the church, you said it stays about the same height?

Mr. Gerdel: Right.

Mr. U`u: Twenty-eight feet it shows.

Mr. Gerdel: Right.

Mr. U`u: The existing is at also near there, 28 feet?

Mr. Gerdel: Right. I think our walls are similar in height, but the -- it doesn't have the floor framing so the ceiling's a little higher than the existing because there's no steps going up to it so -- but the roof line is similar, I'm not sure if exactly, but it should be within a foot or so.

Chair Hutaff: Okay. Anybody else? Go ahead.

Ms. Rhiannon Chandler: Thank you, Chair. I think I agree with the sentiments of my Commission Member Gaylord, and I'm not sure that his voice came in clear through the microphone, so I just wanted to state for the record that he understood why you were going in the direction you're going in but that the entry is so unique that it's something that would be nice if it could be carried over into the structure, and I understand what you were saying about why you're making some changes but I guess as much as possible to incorporate some of that into this would be nice.

Mr. Gerdel: Okay. Yeah, I can pass that on to the owner.

Chair Hutaff: Yeah, kind of a comment. First a question. How many people does it sit now?

Mr. Gerdel: Oh, how many people does the church sit?

Chair Hutaff: Yes.

Mr. Gerdel: I think the photo I had had about maybe 20 folding chairs, but I'm not sure if they -- I'm not sure exactly how many they seat.

Chair Hutaff: You see the seating being less or more or about the same?

Mr. Gerdel: I think the gathering space is a little larger in the new one so, yeah, maybe slightly higher seating.

Chair Hutaff: Okay. You also made a comment that, you know, the place look closed from the outside even with the doors open. I've driven by that place many times and I do have to agree, okay, but looking in Honolulu, and the churches in Waikiki, they all look closed --

Mr. Gerdel: Okay.

Chair Hutaff: Fifty years ago.

Mr. Gerdel: Right.

Chair Hutaff. Okay. And the people that you're trying to attract to that church are people that are residents or frequent Paia, so they would catch on that the place is open. And on the days that I have driven by, and there were people there, it was definitely crowded --

Mr. Gerdel: Okay.

Chair Hutaff: As far as -- I mean you put 80 people on that sidewalk and it's like crowded. The point I'm trying to elude to kinda goes along with that as how does this, you know, wonderful church, being a part of Paia for so long, okay, and we see so many changes that are not necessarily positive to the history of Paia, how do you think that this new design would compliment that historic value? Is there any?

Mr. Gerdel: Yeah, I think it can as far as the exposed trusses and the massing. I think it does start to kinda tell a different story as far as the use and the transparency. It's kind of showing that the modern use, so I guess it's trying to strike a balance between those two ideas that way.

Chair Hutaff: Would -- do you think that there would be any consideration to arranging the facade to at least render what we see here slightly? Obviously, you know, I don't see any place to put open windows and things like that, but if you're widening the church a little bit,



and you were able to keep that, you know, look of it, you would be really enhancing the historic value of Paia rather than take it away, you know. And from what we've seen in the past is it's easy to have everything go away, and very hard to keep things as they were or in the look, in the feel, or at least, you know, generate that ability to say this is what it was, it's not too far off from it, and the thing is, once you tear it down, if you do nothing to give it a sense of place, it's old. I mean it's gone, you know. It'll take another hundred years before we'll sit back down here and go: So why did we do that? And that, to me, becomes part of the problem. We have these issues. We see. We understand. We certainly, you know, are considering or considerate to the needs of the church and what the church does and who they're trying to attract, but if it could be balanced between keeping the historic value, the look, I mean even if it had to be completely redone, if it kept something that would say, yeah, that's, you know, the former old church, rather than that's the new church. To me, that's a huge difference culturally. And Paia, you know, historic value, culturally-wise, is -- you got so much to it, but so much is not portrayed anymore, and so we lose our sense of where we've come from, and our sense of place, and the sense of who worked there and who did that. Little things, like a little church, you know, if it goes away, it's gone. If something were to stay there that would say that this was an old church, that would be a huge effort, okay. And having surfed in Paia and hanging out with some of the people there, you know, not necessarily the church-wise, even a lot of those people there are drawn to the church from talking to people because of its age and the fact that it's probably the only one there, okay, but it's still is an attraction to there and it's known people there. New people, people driving by, tourists, you know, an open door's an invitation, okay, but doesn't necessarily mean that they're going to go even with these changes. And if you only have limited seating of 20 to 40 people, the size of the Paia and the people of who frequent that place and the people who surf out there, you know, it's not a whole lot. But anyway, do you think the owners would take that into consideration?

Mr. Gerdel: Yeah. I believe that's a good thought and maybe that scissor truss element could be incorporated so it has a stronger connection to the existing.

Chair Hutaff: Go ahead.

Ms. Chandler: Thank you, Chair. Also, I don't know if you had already planned to but some kind of maybe small bulletin board of history of what the old church used to look like and the dates of the old church. Did you have any kind of plan for that?

Mr. Gerdel: We did not, but I think we'd be open to that. I think that would be valuable.

Ms. Chandler: I come from Hilo. We had a family church that was torn down and then rebuilt, and we didn't give much thought to I think the elder population that wanted to have some continuity and be able to have a memory of what their church that they consider their

church, you know, to be, look like, and I think it's important to do something like that for your older parishioners if you have some.

Chair Hutaff: That's really a good idea. Actually, you know, with the internet, someone take one picture of something, even on the inside, that tells the history of that, you'll have people walking in and making donations and spreading the word about the different places and what it does, so the outside and the inside is important.

Mr. U`u: Unfortunately, we're making a decision with not much history made up on the existing church, and that's a bummer in a whole -- in itself. The common denominator with the church built in that area was the concrete steps with the scissors truss prior to entering; that's -- if you look at the churches in that area, it was common, and the rendering you have, although I think it's nice, you know, it doesn't match and it doesn't pay homage to the history of the churches built in the history of Paia, and it's -- does it need to go before the Urban Design Review Board?

Mr. Gerdel: It's not in the Paia Country Town, so I don't believe it would go to Urban Design unless maybe the Planning Department requesting.

Mr. U`u: No kidding. It's right on the borderline there?

Mr. Gerdel: I guess so. Yeah.

Mr. U`u: Yeah, that's the common denominator, the concrete stairwell, and now you going build slab on grade so you going just have more massing of the church without the steps and if you could incorporate the scissors truss, I would be happy and we can, you know, I guess forego with that concrete steps, I'd be satisfied but, you know, I live right up the road and see it everyday when I pass by, I walk pass, I went to that church many times growing up, and it would bother me if it looked totally different and we forgot the past of where from and, you know. Your rendering, like I said, is cool if was brand new and someplace else, but not in Paia Town.

Mr. Kubota: I'm glad you guys all picked up on that. That was really driving -- because that's really what I was trying to say. Yeah.

Ms. Kanuha: And you know when I was looking at the front of this church, I'm thinking in a little village church in an old Hawaiian town, yeah. Paia is a old Hawaiian town. So how do we have the continuity of the old structure because I'm looking at the proposed and it looks very sleek, it looks very like it was just brought in and put there, so -- and I just had another concern because if the proposed is to build this new building, so is there any dedicated parking area for the parishioners or they park on the road or --

Mr. Gerdel: Yeah, I guess right now they use the public parking and we're going to maintain the same floor area so we wouldn't be increasing the parking load.

Ms. Kanuha: Oh, okay. Yeah, 'cause I'm looking at it side-by-side and, whoa, what a shame. Yeah. Kala mai. I just wanted -- I needed to say that. Yeah.

Chair Hutaff: I would say, if you put it all into a nutshell, we drive by today, we'd admire it. Based up what you propose, we'd be offended. I don't think the church or Paia Town really wants to do that. I kinda realize that maybe you gotta do something, I mean obviously you gotta do something, but it could be kept, it would be, from what I'm hearing, we haven't voted on it yet, but it would be somewhat of a compromise and I think it would be good for everybody. And remember now, when the surfs up on Sundays, nobody's there. Any other comments? Go ahead.

Mr. Osako: Stanley, if the permit is granted, would the county require HABS documentation?

Mr. Solamillo: That gets into recommendations and it'll all be forthcoming in a few minutes.

Chair Hutaff: Maybe while you're there, what does the county recommend at this point? What does the Planning Department recommend?

Mr. Solamillo: Actually, before I begin recommendations, I had the same concerns about the facade. It's a facade we've seen for generations. So -- and I'm usually not so willing to offer this up, because it's been done in other places, but you can in fact keep a facade or rebuild a facade that's too far gone termite-wise, and then behind the facade have a new facility; that way the historic facade that everyone is used to you can still see. So I asked Mr. Gerdel to ask the owner if that might be a possibility as well. If that is not possible, and demolition is the only option that the owner sees, then the recommendations from the Planning Department as well as SHPD are HABS Level 1 documentation, which consist of HABS Level 1 drawings, including a cover sheet with a site plan, roof plan, location map, and statement of significance, floor plan, four elevations, two sections, longitudinal and transverse, as well as details for door, windows, and decorative details. All drawings must meet the HABS standards. Also, HABS Level 1 photography including eight exterior, four elevations and four facades and four exterior oblique, large format black and white glossy photographs with scales provided by Maui County, and at least eight interior oblique photographs with scales, three four-by-five prints of each photograph as well as the processed negatives and sleeves are the work products, and to find out exactly what this church was used for as far as congregation. HABS Level 1 narrative report, which includes the following sections: significance; general statement; history; historic context; architectural description; sources of information and bibliography, footnotes, and/or endnotes are required. As a footnote, Paia had a substantial Chinese community, and if

Commissioner U`u's suggestion that this was a Chinese mission was present there, it would fill in another huge gap in the history of Paia Town. Paia Town still has, on the outskirts of it, a large Chinese cemetery, and had the largest Chinese society hall on the island of Maui at one time.

Chair Hutaff: Okay. Commissioners, any questions, additions, recommendations?

Mr. U`u: I want to recommend that somehow they save the lanai and the scissors truss, and, you know, the significance of this church, even though it's out of the Paia Town type of zoning is if you coming from Hana Highway, and you diving into Paia from Hana, besides the Paia Protestant Church, which is above that, and the next church that's across that, the Japanese church, that's the next thing you see prior to entering Paia Town, so there's actually three churches you see prior. That's significant. It's either the first three or the last three, depends where you're going. You know, and it's significant, I think, for the town of Paia and for the history of Paia, it's very significant, and once you lose that, you lose it forever, and it's been said here prior, time after time, and I would like them to save the lanai and the front portion of the area of the church, if possible. I would really like that. And they can redo the back, add your glass behind there, but keep the facade 'cause it would be an eyesore because it would not blend in with the town. Like I said, that's either the first three, or the last three you'll see entering or existing Paia Town regardless of which direction you're coming from. It's the churches that made up the community. It's historic, to say the least, and, you know, for me, this kind of looks like a restaurant right now, no slap in the -- no disrespect, you know, it's nice, but it's nice without history, you know. You could put this at Maui Lani would look okay right now, but not in Paia.

Chair Hutaff: And if you look at Paia as a whole and what's happened to it in the last 20 years, you can see it being chipped away, and churches have strong significance. You're right, the other two churches that are out there are so much different from this one but blend to a time, a great time, and to have this one, you get the sense that when you drive pass this one, this one's the oldest, and somehow the most important. Any other comments? You want to turn that into a proposal --

Mr. U`u: Yes.

Chair Hutaff: That we can vote on, please? We have enough to say he already made a proposal, just make that into a proposal, you have reread it again.

Mr. U`u: That would go as a condition or as a suggestion?

Mr. Solamillo: Your recommendation.

Mr. U`u: Recommendation.

Chair Hutaff: Recommendation.

Mr. Solamillo: In addition to HABS Level 1 mitigation.

Mr. U`u: Yes.

Chair Hutaff: Yes. So another one. Why do you just restate ...(inaudible)...

Mr. U`u: I would recommend that they save the lanai, the scissors area, the roof and the railing, the front portion of the church.

Chair Hutaff: Okay.

Mr. U`u: That's what I would recommend. And they can do, you know, like you said the front facade, you know, kinda like Hollywood, I guess, yeah, in the back you make it modern and I'll be okay with that.

Chair Hutaff: So want to turn that into a motion?

Mr. U`u: Yes.

Chair Hutaff: To recommend.

Mr. U`u: Yes.

Mr. Solamillo: Can I add something? So --

Mr. U`u: Please do.

Mr. Solamillo: Can we say replicate the front facade?

Mr. U`u: You know what, I'm okay with that - replicate.

Chair Hutaff: Okay. So he modified that a little bit.

Ms. Richelle Thomson: And also, adopt the staff's recommendation as this body's recommendation, is that also included in your motion?

Mr. U`u: Yes.

Chair Hutaff: Okay. Anybody want to second that?

Mr. Kubota: Second.

Chair Hutaff: Anymore discussion, changes, additions? Okay, let's put it to a vote.

***It has been moved by Commissioner U`u, seconded by Commission Kubota, then unanimously***

***VOTED: to adopt the Planning Department's recommendation and include the recommendation that they replicate the front facade.***

Chair Hutaff: Motion has carried. Good job. We didn't disagree. Okay, thank you so much.

*Mr. Solamillo read the following agenda item into the record:*

- 2. MS. COLLEEN MEDEIROS OF CULTURAL SURVEYS HAWAI'I. on behalf of the U.S. ARMY CORPS OF ENGINEERS, requesting Advisory Review in advance of the preparation of a Cultural Impact Assessment (CIA) for the Proposed Mokuhinia Ecosystem Restoration Project, TMK (2) 4-6-007:002, 036 and 038, Lahaina, Hawai'i. The CRC may provide comments and recommendations. Public testimony will be accepted. (S. Solamillo)**

Ms. Colleen Medeiros: Good morning, everyone. I'm Colleen Medeiros. I work for Cultural Surveys Hawai'i. I recognize quite a few of you. Happy New Year. So we are working on a cultural impact assessment for the Mokuhinia Restoration Project out in Lahaina. This area historically was approximately a 17-acre pond; one in what is thought to have been a series of coastal wetland along coastal West Maui, Lahaina, specifically. Mokuhinia was known as the home of Kihawahine, the mo`o or lizard goddess and ancestor of Maui's royal family. From 1837 to 1845, the island of Moku`ula, which was located within Mokuhinia, was the royal residence of Kamehameha III when Lahaina served as the capitol of the Hawaiian Kingdom. In 1845, the capitol of the Hawaiian Kingdom was relocated to Honolulu, and Loko o Mokuhinia and Moku`ula began to decrease in political prominence. In the early 20<sup>th</sup> century, a public project was implemented to fill Mokuhinia, and in 1918, Executive Order 52 established the site as Malu Ulu o Lele Park, which is managed by the county today. Loko o Mokuhinia and Moku`ula currently lie approximately two to six feet under the ground surface of the park.

So the Army Corps has -- their objective is restoring the pond and this would be the portion of the pond that is on the park -- within the park and county property, and which, just to be real clear, was not necessarily the boundary of the original pond, so they did want to make that clear that, you know, they're working on -- or their focus is restoration and what they

like to call "partial restoration" of the pond that's on the county property; of course, the other property is owned by different individuals.

For our cultural impact assessment, so we look at the ballpark and county park property as the project area, but for the cultural impact assessment study area, I need to widen the region, we need to look at a broader region, and, you know, for this study, I have it as the area between Dickenson Street and Kaua`ula Stream, and what I learned was that this area was the main chiefly area in Lahaina, and it was known as Kalua`ehu, so that's where this study will be focused, that region of land and the coast, you know, the water, the near shore waters, and we always -- you know, we do try to leave our range of, you know, the study area open to a broader area if we start learning about, you know, further area -- areas further out from this kind of defined study area that tied in -- that played a significant role in this area. So, you know, I'm just here to request any kind of cultural traditional practices information you folks might have about the area or referrals to people who, you know, we could learn from and add into our study. But we're really focusing on, you know, past land use traditional cultural, you know, gathering, plant gathering, any kind of natural resources that this area might have been known for, that kind of information. You folks have any questions?

Chair Hutaff: Questions? Go ahead.

Mr. Osako: Colleen, prior to this, have you made any effort to contact any people or organizations in the Lahaina area concerning the area?

Ms. Medeiros: I have -- I started my consultation for this study in November, just last November, so I have been slowly speaking with people and groups, so I've started. Yeah.

Mr. Osako: Okay, because I would guess like, for instance, there's a group like Friends of Moku`ula and stuff like that, so I would think that, you know, they might be able to because I mean at the time that you present the CIA, you know, all of these people are going to come and testify so, you know, you can at least I would think talk to these people beforehand so that, you know, you don't come here and then, all of a sudden, people are going to say, well, nobody asked me.

Ms. Medeiros: Yeah. No, we're, of course, are working very closely with the Friends of Moku`ula. Yeah. Thank you.

Chair Hutaff: Any other questions? I have a question. Two questions.

Ms. Medeiros: Okay.

Chair Hutaff: Okay. There have been surveys prior --

Ms. Medeiros: Yes.

Chair Hutaff: To this. Are you re-looking at those to see if more information can be gathered, or a different perspective, or sometimes, you know, people will give information, at least this happens to me a lot, and they go home and go: I should have said; could have said, wish I said?

Ms. Medeiros: Yes. We are -- we have, of course, we have lots, all the archaeological work that has been done on the area, we've -- and we will be and are, you know, going through all of that as well as a bunch of interviews the Friends of Moku`ula has shared with us, kupuna interviews, people familiar with the area. So yes, we are utilizing all that information as well.

Chair Hutaff: One of the comments that was made the last time we went through this was that there were people who should have been contacted who were no longer on the island, families had moved to Kauai, one lady came in special from Kauai to speak about her family; unfortunately, it was the resource meeting, not a meeting for someone to gather the information to pursue it. So maybe going back over that and finding out who that person was, I don't remember the date that we had the meeting, but I know that our notes are --

Ms. Medeiros: Was that something the Army Corps presented?

Chair Hutaff: No. It was something when this was thought about, restoring it, and how it was going to be portrayed, and also there already had been interviews with people who know about the area, who have ties to the area; we had already had some input. To be honest with you, obviously my memory is not all that good, but this seems like a repeat.

Ms. Kanuha: It is probably.

Ms. Medeiros: Well, you know, unfortunately, this -- in the course of this whole process, there is duplication in work. You know, we have --

Chair Hutaff: I think that's good.

Ms. Medeiros: Yeah, you have the whole, you know, Section 106 process where, and I know that Dawn Chang and the Army Corps have all -- have contacted tons of people in the community to -- for consultation for this and, you know, and that's two people right there, and now me, and I'm trying -- I am trying to use as much -- I'm trying not to overlap so much and use what I can of the information that they've collected, and I do, of course, realize this project has been in the works for many, many, many, many, many, many years.

Chair Hutaff: Yeah, at least a hundred.



Ms. Medeiros: So, yes, I am trying to use as much as I can of what's already been done but we can't -- our company and me, personally, we kind of have to go back out there and ask the permissions and whatnot, kind of the more technical things like that. We're not comfortable just sharing information that people shared with this person, but not necessarily with us, you know, for -- to be used in a public document. So that's what I'm -- I'm trying to kind of go back, ask for people's permission for this and that, and but it does go very far back and --

Chair Hutaff: Well, I would, you know, suggest that you find a way to bring that information forward even if it's, you know, yeah I agree that you should get permission, although they gave their permission once, I'm not sure what the protocols of that would be, but it just seems like in order to continue, if we're going to do this process over again, not forget what was already asked so that we can actually ask different questions and maybe come up with a little better answers. I reserve my second question until after you speak.

Ms. Kanuha: I just wanted to say thank you, Colleen, only because she's right. This has been going on for a long time, even when I was one of the board of directors for Friends of Moku`ula, and then I became the director of Maui Nei, which actually operates right on Front Street, the historical sites, so I truly understand the long, long work that this has been put in. And I just wanted to say that Colleen and myself, I know that they've been working hard and to reach out to our kupuna, to reach out to our kanaka maoli Hawai`i on the west side, and of course everybody on this Commission knows and understands that that is my district of Lahaina, and so where we are at with all the information that you've gathered, you're finding yourself just gathering more information, or I know that we've been at several meetings with Keeaumoku them at Malu`ulu`olele, and I just wanted to say thank you for that 'cause I know this has been very long and even as a board member, it was not always -- it becomes very challenging as well so -- and it's important that we reach out to our kupuna, to all the people because we still have them there, and I know you folks have been, you and Tanya, have been doing all these things, and meeting with Keeaumoku them, and meeting with the Keahi `ohana, and everybody that's there, so I just wanted to say thank you.

Ms. Medeiros: Oh. You're welcome.

Chair Hutaff: Okay. Anybody have another question before I open it for public or I ...(inaudible)...

Ms. Chandler: Oh, okay. Yeah, actually, no, there's a couple people in the audience I want to hear from first and then I'll give my comments after. Thank you.

Chair Hutaff: Yeah. Questions. Yeah. I've been informed of questions first. A question. The existing parking lot that's there actually overlaps that right-hand portion of the green area. And that brown area, is that what's going to become the new parking area?

Ms. Medeiros: The brown area is both the parking and support facilities, I believe.

Chair Hutaff: Okay. And so this here, if it's excavated and redone, rehabilitated, that parking lot will no longer be used?

Ms. Medeiros: No. No, that parking lot, okay, so the brown area here in this right-hand corner --

Chair Hutaff: Yes.

Ms. Medeiros: Includes the parking lot and support facilities.

Chair Hutaff: Right.

Ms. Medeiros: And will be used.

Chair Hutaff: Existing parking lot.

Ms. Medeiros: Yes.

Chair Hutaff: Oh, okay. Okay.

Ms. Medeiros: The green area is, you know, where Moku`ula, the island, is believed to be.

Unidentified Speaker: You know where the existing parking lot is right here? They're going to move it back.

Chair Hutaff: So it is going to be moved back.

Ms. Medeiros: Oh, thank you. Okay, yes. Excuse me, that's the -- right. The future proposed support facilities.

Chair Hutaff: Okay.

Ms. Medeiros: You have in the green is where Moku`ula, the island, is thought to be, and then of course this part, the blue, is the part of the pond that they would like to restore or is proposed to be rehabilitated. You know, they've worked out, and when I say, "they," that's the Army Corps, now of course I'm not an engineer but what they have shared with

me is that they would keep the water levels approximately two feet, of course it would get lower in the summer, and possibly -- well, it says, "maximum," but they've got a few different conceptualized ideas, and one of them is potentially it being a little higher than two feet in the winter. They have the shores -- let me walk over ...(inaudible)... these areas here --

Chair Hutaff: Hang on one second so you can get a mike.

Ms. McLean: Can you wait a minute, please? We need to record it for the minutes so we can --

Ms. Medeiros: So the area that Janet, this is Janet Six, archaeologist with Maui College, would be sloped to provide the best habitat possible for endangered Hawaiian water birds. So the areas you see that are -- have a very, very gradual slope are right there, and then they have it right around the island and fronting Front Street, they have a steeper slope because in those areas, they want - they, the Army Corps - wants to discourage water birds. They want to discourage water birds from nesting on the island and, of course, getting onto the street, and they do plan some sort of boundary fence, wall; they're not sure about that stuff yet. Yeah, but just to stress that this a conceptual design, they are not in the design phase, so to speak. There's still all this work -- all this work done by the Army Corps to date is part of a feasibility study, so it is still very much -- they are still trying to determine the feasibility of this restoration, pond restoration project. But that is the draft conceptual plan that they have come up with, which is not set in stone.

Chair Hutaff: Okay. Any other questions? Okay, normally I would open this up to public testimony, but I believe we have somebody who is actually working on the project or has worked on the project. Can you speak first, please? Is that okay?

Ms. Janet Six: Aloha. Aloha, my name is Dr. Janet Six, and I'm with Sixth Sense Archaeology, and I'm a lecturer at Maui College in anthropology and archaeology. I was contacted in 2008 by Akoni Akana and Jessica Thompson to ask me if I would develop a class to help them do the needed excavation on the island, which is required because of its importance, so we designed an archaeological field school and we began our work on there in the summer -- excuse me, the spring of 2010. Because I had to do two humongous community forums, which I recorded in high def., so I have three-and-a-half hours of public testimony, and that's how I learned who was concerned and interested in the site. People came from Hana, Lyons Naone, many people are connected to this site, and I -- when I did the original cultural resources -- I mean the original outreach to the community, I learned a lot. I learned that not everybody had the same vision for this site. And then I learned later from Elle's testimony at County Council that there was a plan done in the 1960s of this, so the vision's not just Akoni's, but it's been there for a long time, and I would say, as an anthropologist and archaeologist, there's nowhere that I could locate on

the planet native people are trying to put a parking lot on top of a sacred space. So I always felt the parking lot maybe should not be there, and maybe should have a tram, and maybe -- but I didn't realize it's a big revenue generator for the Friends of Moku`ula.

I had some pilikia in the fall of 2011, and some rumors were circulating about me that proved to be untrue, and I was locked off the site along with six native Hawaiian students and two haole students. I received a thank you note, never an apology, and no one has ever consulted any of my two-and-a-half years of excavation, two interim reports I had to submit and a final report, and what I found is that Cleager got it wrong, she has it right, it was first filled in in 1917, and they built a baseball field, I didn't realize baseball got here in 1945 with Cartwright, and the first game was held in 1918 and the Filipinos and the Japanese went 14 innings, and the crowd was on its feet, so I knew there was bleachers, I knew there was bleachers, but when we excavated there, I knew about the recent field 'cause I moved here in 1978. I'm excavating with Jonah Kapu Ikaika, Keeaumoku's son, he finds another cement foundation underneath the 1993 excavations. Couldn't figure it out until we started doing the archival research and we realized that the park ...(inaudible)... sink in the 1950s. And in 1954, they almost built War Memorial Stadium on top of that, and we would never get it back. So by doing some archival research, I found that it was filled again in 1954 when they did improvements to the harbor. So we have much more information, and I talked to Kanale Shun about this because there's more fill than showed in the 1918 blueprints, so we have another buffer that we need to add.

I also did a lot of research into the karst system, K-A-R-S-T, which I was unaware of. I learned about it from Michael Lee, a cultural practitioner from Oahu, who's trying to save the Ewa karst, and I realize I was excavating in a sinkhole, that's why they didn't build War Memorial Stadium on the top. As we excavated, we could see where the park had sunk in 1918 filling of the park. So we have a lot of information that's out there and I've never been consulted or spoken to because of the falling out with the current executive director of the board. I was, I believe, probably slandered. I didn't take any action against it, it's a small island, but I'm just holding to tough to say I spent two-and-a-half years hand excavating that site. They backfilled on top of what we believed to be a wooden pier and then put heavy equipment on top of it. They also tried to get my archaeological permit pulled last year by making up stories about me as well so I had to talk to Theresa Donham and straighten it all out, so I have stepped away from this project. I've been working in Iao Valley and other sites where people seem to want me. So I'd love to come back. I'm totally for the restoration. This project right now is for the birds. It's not about the culture. It's about monies for, you know, they love to protect turtles ...(inaudible)... so much about Hawaiians, but it would be awesome to have this restored, so I'm totally in support of the project going ahead, I'm not in support of the proposed current facilities. I don't think we need baby luaus on top of this place that's so important. I do understand the need for sustainability and revenue generating by the Friends of Moku`ula, but I think there could

be another strategy to achieve that. So we've found out a lot of information and so we'd love to share it with people if they'd like to have it.

Ms. Chandler: Thanks, Janet.

Ms. Six: Thanks.

Chair Hutaff: Thank you.

Ms. Chandler: Just to clarify "this project is for the birds," by that you mean the Army Corps of Engineers is doing this for wetland restoration and bird protection?

Ms. Six: Akoni Akana told me at the beginning when they first reached out to Army Corps the money was in place for the birds because they would restore the wetlands for the birds, so the federal money is there, which is why he came to me because to move five cubic meters of earth, I think it was Specific Legacy that gave him a bid of \$120,000. We moved over 70 cubic meters of dirt for under 10,000 in two-and-a-half years and brought in -- we did total of about \$177,000 in-kind donation to that group and never received a thank you, and so I -- my loyalty was to Akoni, who selected me and came to me, and I worked with him, but he got ill and I inherited a different group and, I believe, a very dysfunctional board and dysfunctional leadership - a lot of infighting. So I kinda felt, when I was excavating, 'cause Keeaumoku came over here and Shirley would always say, "Well, they're spying on you," well, if I'm not doing anything wrong, they can come and watch. I'm really guilty of being obnoxious 'cause I'm a little obnoxious; other than that, my work stands for itself and my reputation, I believe, I've been working in Hawai'i since 2003, and I've never had any problems with anywhere else. But this place has a lot of energy, a lot of joy, a lot of sadness, a lot of sorrow, and a lot of things that have not been resolved to sort of put this project forward, like the community's all behind it. I learned firsthand that it's a divided group, we can't say it's the Hawaiians anymore; you can say the Americans, right? ...(inaudible)... red and blue states so -- but everybody is in agreement, but what I learned, I changed by whole research design based on community input. I wanted to excavate in the punawai because that's where all the stuff is 'cause I'm an archaeologist, but when I talked to Keeaumoku, Foster Ampong, and other people, Uncle Jimmy DeCosta, they said you need to be away from that heart, and I did. I excavated on the far side. I took that. So I think that community input is really invaluable. I think Tanya and Colleen will do a fantastic job, but I would like them to have the DVDs I have of the recorded high-def testimony of the people in 2009 and 10 so --

Ms. Chandler: And was that the meeting that you held at Kamehameha III Elementary --

Ms. Six: And then one at the college. I held two and I filmed both of them in high-def because I didn't want to miss anything. It's too important to say, oh, I thought I had addressed everything.

Ms. Chandler: Yeah.

Ms. Six: And one guy got up and started talking about Britney Spears ...(inaudible)...

Ms. Chandler: Yeah. I remember.

Ms. Six: So I didn't include that in my report. So some things I left out. But for the most part, I tried to put as many voices, as many meanings and as many voices as possible and it's hard to do. That place was inhabited for around 1300 years.

Ms. Chandler: Yeah.

Ms. Six: There are many Moku`ula. Many. So it's, you know, it's a place with, even as a haole, it's got a lot of mana, and it needs some resolution before it springs forward, although, like I said, I totally support it. I would love to see a wetland restoration in Lahaina. I would love to see Moku`ula restored. And I just don't think, since we only have nine acres of the pond left to use, this is out of this range, but my testimony on the parking lot is move it somewhere else. The original design for restoration didn't include this. If one of the places that Kiwahine was seen was when a queen was leaving on a canoe from the island going to the church and the deity --

Chair Hutaff: We need you to stay by the mike.

Ms. Six: The deity popped out right about underneath where the parking lot is and when they did some EM electromagnetic resedencing and you could see there's a lot of different puka that fed that place, not just the punawai, so we don't want to cap the path of the deity. If we're going to restore it, we need to keep that all in consideration. So I just would put it out there that I'm open to people -- and I spoke to Kimo Falconer, I mean I do not have a relationship with Shirley anymore, but I do try to let them know that I'm available to talk. They seem to want to disregard my work completely, so it's more of a personality thing, but my work speaks for itself, and the students and the other professors, and there's a lot of information that would help inform Colleen as well as the Army Corps, and I've spoken directly with ...(inaudible)... about that as well.

Ms. Chandler: Yeah. Definitely. Thank you.

Chair Hutaff: Okay, public testimony. We'll open up for public testimony.

Ms. Elle Cochran: Good morning, everyone. Elle Cochran. And so actually I have been a part of all these visioning, per se, task forces that have been put -- provided and done by U.S. Army Corps. The very first one, and Colleen mentioned Dawn Chang, and I had attended that. Kuiwalo, I think is the name of their consultant firm or some sort. So it was really as fact-gathering. Yes, that's true. I have received a letter from her in regards to commenting via my office and also via Waiola Church, where I'm a board of trustee and church member. So -- but, for me, there's no date on this that says when they need the information by, so a lot of us, being holidays and busy time of year, have not actually supplied any information at this point, and we, in the community, are also reaching out to lineal descendants and people we feel must contribute to the information and fact-gathering. So that's one point I found lacking in the actual letter that's been sent out, personally, and so, yes, there has been some outreach, as in mailouts of this form.

The picture you saw up there are all the depth of the pond, the perimeter, the maintenance, you know, the maintenance path, all this stuff we've all vetted and discussed and voted on, actually, within these visioning meetings that have been held via Zeke Kalua of mayor's administration. So this I'm aware of and pretty much community is very well involved, Keeaumoku Kapu also is aware, I mean we've gone down to the point where how much wall do we want, what kind of wall, we want the wrought iron fencing above it that looks like what Iolani Palace has around it, you know, for viewing but yet it's not easy to climb and things of that nature; perhaps bougainvillea because it's thorny and, you know, people going be sort of -- kinda to hold back people from climbing and jumping and whatever. So all these things we've been discussing, which is good, and, yes, a draft, just a draft, you know, conceptual site plan, and I know the U.S. Army Corps is trying to figure out the feasibility of all this, and that's good.

So I just wanted to share I've been a part of, I'm here to tell you folks that it is an ongoing process, it's a long time in the making, and I think we're all that point where patience is a little lack -- you know, we're really digging deep for patience at this point. So I'm here to assist in moving it forward on the different levels that I can be and, of course, as a board trustee, Waiola Church, which is directly involved in link next door, a big part of it, so eyes and ears are here, that's where our cemetery is, and, you know, I don't want to talk about Moku`ula stuff because this is strictly Army Corps, Mokuhinia, the pond itself, so that discussion will come at a different time, but right now, I want to say that everything, for me, has been moving in a very pono fashion within the U.S. Army Corps' position and the restoration of Mokuhinia, the pond itself, so I'm very happy to see that we've been having meetings since May, till now, it's January 2013, and I feel we're all on a really good, equal field of understanding. So I'm happy to see Colleen here, but I was kind of alarmed, that's why I'm here today to see that some CIA hasn't been presented without all the, you know, people that I mentioned that ought to be contacted and I'm sure are in the, you know, makings of waiting for information to come back from that so --

Ms. Chandler: Thank you. Along those lines, do you have anything else to add to people that you feel should be consulted in the scoping?

Ms. Cochran: Yeah, there's -- well, of course, the Aha Moku and comments, obviously, by Friends of Moku`ula themselves as into how are the two entities are going to be working together, you know, moving forward together. I should hope there's a partnership going on. Of course, Janet Six is here and she shared her concerns and outreach with her. But there's lineal descendants, Owana Salazar, personally is here, you know, a lot of members of our church, board members Tama Kaleleiki, Haunani Yap Teruya, you know, Uncle Padua, I can't think of his name, but he grew up, he recalls the actual stairway that went -- that ali`i paddled across, the canoe, there's a channel that they were said maintain corridor along canoe path, that path that came up to the wall at Waiola Church, he remembers where the stairwell was, the actual. So I can't think of his name. Makalapua, you probably know, Uncle Padua. He wants to come and point that out exactly where it was. So there's, yeah, names and that's why our church and others are going to outreach and make sure we pass on context that we feel are very important to be notified as Colleen mentioned that they're seeking to do also, so I applaud them for reaching out and wanting to do that because it's important.

Ms. Chandler: And then another question. The feasibility of restoration is something that Army Corps of Engineers is exploring right now. What do you feel is the feasibility of restoration?

Ms. Cochran: Well, I think they -- I can't speak about funding and, you know, but I'm hoping that as long as we, as community and entities that be, are working together and moving forward and showing good faith effort and what have you, that they, you know, Althline Clark and U.S. Army Corps people can go and pursue and explain that, hey, we got a good thing going here. We got community support, we got cultural support, county, whoever, you know, officials support, and let's get money funded to make this happen, and I know everyone really wants that dearly deep in their hearts and we are all coming together to work towards that end goal. It's not going to be a cheap project, you know, but I believe U.S. Army Corps is the entity that we must have involved here to make it happen because we, the county, cannot afford it, and entities, Friends of Moku`ula, or any native Hawaiian community group, they can't do it alone, so I'm really looking at a big time partnership here, you know, as church, as government, as community, kanaka maoli, everybody, and really I feel a really good feeling that this is going to move forward here so --

Ms. Chandler: One more question. Sorry, Chair. Do you feel, as the community, that the community feels secure about having the Army Corps of Engineers take the lead as opposed to maybe Friends of Moku`ula taking the lead because it seems like even this today coming down here, Cultural Surveys Hawai`i is coming down here on behalf of Army



Corps of Engineers, they're not coming on behalf of Friends of Moku`ula, so does that add a level of security or, you know?

Ms. Cochran: Well, I think the water, ponds, and things of that nature are so kuleana of the U.S. Army Corps and that is why they are completely involved and in charge of that portion, completely separate from Moku`ula the island, Friends of Moku`ula the entity. Completely separate. So, yes, I definitely feel extremely confident that U.S. Army Corps is doing the part of this project that they are solely experts of doing and, you know, later discussion about Moku`ula.

Chair Hutaff: Yeah, I think Michele would like to --

Ms. Cochran: Oh, yes.

Chair Hutaff: Add to that.

Ms. Cochran: Hi, Michele.

Chair Hutaff: She has some information.

Ms. McLean: Thanks. I'm somewhat familiar with the Army Corps process. I was involved with the project on Kaho`olawe where they wanted to proceed with the feasibility study. My understanding is for the Army Corps to fund a project, they have to, themselves, first do a feasibility study and so they have to be the ones who undertake the study. And once that study is completed, and the feasibility is determined, and I don't know how they rank it or whatnot, but projects within that region that have been studied in that same way will then compete for funding to be implemented. And again, that has to be by the Army Corps. There's a match, whether it's 90/10, 80/20, I'm not quite sure what the funding match is, but the Army Corps does take the lion's share of the financial cost, but that's -- the feasibility study is one step toward potential funding of the Army Corps to do the project so they would have to be the proponent.

Ms. Chandler: Thank you.

Ms. Cochran: Yeah, thank you, Michele. And that percentage too, as I understand, it is kind of time sensitive at this point for the feasibility study because after a certain date, that share, that ratio percentage drops on the county of Moku`ula's behalf or whoever, you know, so the cost-sharing then ratio is going to be a lot different. So I think there is a, and perhaps U.S. Army Corps representative or somebody who could answer more detailed questions, but as far as the meetings I have attended, I recall it was probably spring where they kinda wanna get things moving in order to keep that good percentage of cost-sharing down from the entities involved so, yeah. Thank you for pointing that out, Michele.

Chair Hutaff: Thank you, Elle.

Ms. Cochran: Thank you.

Chair Hutaff: Anybody else have any testimony? Thank you.

Ms. Owana Salazar: Aloha. My name is Owana Salazar, and I'm a lineal descendent. I used to live here in Maui. I am originally from O`ahu. And I've flown over for some of the meetings, and one, in particular, with the vision committee, and I was really pleased to be together with a cross-section of the, for lack of a better word, entities that are involved and committed. And at that time, I was able to provide, and I don't know if the Army Corps received it or not, because from there, I'm not -- from what I'm seeing here, I don't see it, there was a survey done of the island itself, of Moku`ula, a longitude and latitude survey and I gave it to them at the time. It was done in the turn of the century, in the late 1800s to the early 1900s. I think it was probably ordered by King Kalakaua because it started in 1887. And there's a book that it was, you know, in the possession of the DLNR, and it's the Crown Land survey book, and the survey of Moku`ula was done. I gave it over to them at that time, that particular survey, and I was really pleased to see that they were happy to receive it. I don't know -- did the Army Corps ever get it?

Ms. Medeiros: ...(inaudible)... they didn't share that with me at this point.

Ms. Salazar: Well, okay, it would be obvious that they should have it because if they're looking for the boundaries and the setbacks, I'm sure it'll be helpful in the long-run.

Ms. Cochran: So, it doesn't match this?

Ms. Salazar: Not exactly.

Chair Hutaff: Okay. Careful. We have to keep the testimony --

Ms. Salazar: Not exactly. It does not match what I'm seeing there, which is like this is only a conceptual plan, so I'm not alarmed, but I definitely want to make sure I get that in their hands. And, you know, I'm confident that we can move forward with this as long as we just stay in dialogue with one another and continue interfacing. I think a lot of the pilikia and potential pilikia comes when we're not interfacing. So I'm going to -- you know, I'm on my way to moving back to Maui, yeah, so and either whether I'm here or on O`ahu, I always say keep in touch, and there have been some other -- I'm looking forward to sharing some of my `ike with Georgette? Georgian? And then thank you so much -- and Colleen. Wait. Where'd that name come from? Sorry. But, yeah, so there was date so actually when I learned about this meeting today, I wanted to just come and just nana and ho`olohe and make sure I'm staying in tune. So mahalo.

Chair Hutaff: Thank you. You made I think a comment - you were trying to keep things short; I appreciate that - that we are responsible. No, you are responsible to make sure that this progress keeps going.

Ms. Salazar: Oh, that is a we.

Chair Hutaff: Perfect.

Ms. Salazar: That's definitely a we. Mahalo. It's a kakou thing.

Chair Hutaff: Anybody else in the public?

Ms. Claire Apana: Hi. Claire Apana, from Wailuku. I have a few things I'd like say. Well, first of all, I would like to give Colleen a name, and this is the granddaughter of the very last kahuna that ever was in Moku`ula at the time of Kamehameha III, and I was very surprised, I spoke to Kanalei Shun, the archaeologist for Army Corps, and he did not have her name, although she had given it to one of the people at a meeting, one of the public meetings, and he only had two names of people who had stakeholders, you know. I mean if you've been to one of those meetings, you see how many people come out and speak and are lineal descendants and they only had two, so, you know, somewhere there's something that's not getting across and I think it breeds more distrust. I wonder if, you know, if this is just the kind of a schematic thought, because it's not really real of what's going to happen, I don't know how, in a place like this, you can have a not for real drawing or diagram of what you're going to do and do a CIA adequately, you know, if you say like we're going to put a telescope on Haleakala but then you don't say it's 14 stories high, you know. It's not the same thing. It cannot be. In the original restoration, which I saw from Chris Hart, who was the planning director at the time that they -- this came up, this was a project that was very dear to his heart, he told me, he said, "It should all be restored. Everything. All of Moku`ula should be restored exactly as it was. It should be put back as it was." And he said, "And I'm hoping to see that day when it is done that way." I'm concerned about any parking lot on that place, yeah. And I think you might be the people, the committee, the place where you could say I don't think that's appropriate because I have seen too many projects where the CIA comes in, and I'm sure it's going to be excellent and strong, just like their CIA for the ATST, but that's all it was was a very good CIA, it did not change the project, and I think it might have to rest in this committee to actually have something done so -- that you say, look, we have this thing, yeah, we have these information, cannot be this way. I hope that, and I know that you will take this very seriously, but I see too many developments where the work is there and it can be ignored.

And the second thing I wanted to say, and I'll try to be quick, is the thought that this place is really like a loko i`a, yeah, a very, very big one, and what it's connected to on the other side, down by Mala in Kahoma, was another fishpond, and those, the Kahoma River, the

auwai that went across, and this, Moku`ula, are really one system, and I hope to someday, sometime bring you some more information about that other fishpond and you will see, I mean you'll see the connectivity and somehow there is such an importance in the breathing of the water, how the land breaths, in the two that I hope that we can consider the entire -- the entire system complex that was there because it was absolutely, from the descriptions of it, it was absolutely the marvel of scientific culture and auwai that spread all the way across Lahaina. So anyway, I thank you and I hope that also to say that I hope that there's equally great participation by local practitioners of fishponds so that you can get the breathing of the fishpond correct and we won't have any other -- those kind of problems. Thank you.

Chair Hutaff: Any questions? Okay. Thank you so much. Appreciate that. Any public -- real short.

Ms. Six: When I was doing my research into this, I found out from Mary Kawena Pukui, in *Polynesian Kinship Systems of Ka`u*, that if you aumakua is the mo`o, you are supposed to be put into the opening of the punuwai, so I just wanted the Army Corps, and I talked to Kanalei about this, to be aware that there's probably numerous burials in the pond that weren't known to Bernice Pauahi Bishop when she relocated, and we know that the Bishop Museum found two during their preliminary excavations in '93 and then again in '98 when they relocated the ballpark, so we need -- before we get backhoes in there, we need to remember that there could be some iwi in the pond. Thank you.

Chair Hutaff: Okay --

Ms. Six: That was short.

Chair Hutaff: Almost. Shorter than mine. Any other comments, questions? I'm going to close it for public testimony unless we have anybody else? Okay, public testimony is now closed. Okay. Comments? Recommendations? Discussion?

Mr. U`u: I think Colleen should talk to some of the people out there outside of the meeting and you can get a lot of information right now, we're just the moderators, but they're the people with the knowledge and the background, and I think that the testimony from the two meetings being it's in high -- you know, they got the video if they could hand it over to Colleen, I think that'll be part of my kuleana, my two cents.

Ms. Kanuha: Okay, I going put two more cents inside too.

Chair Hutaff: Okay. Anybody else? Go ahead.

Ms. Kanuha: I'd like to recommend what -- the information that was given by Owana Salazar be a part of the gathering of information for Colleen and the Cultural Surveys Hawai'i.

Chair Hutaff: Okay. I think that's a good recommendation. Anybody want to make a -- or should we wait and see if we have anymore? Okay, let's see if we have anymore. Anybody else have anything? Recommendations? Comments?

Ms. Chandler: Yes. So Dawn Chang's work to do interviews and fact-gathering initially was pretty extensive, she had a long list of people that she talked to and I know that you -- Colleen had mentioned that you couldn't just take all that information and incorporate it but that you could probably get a list from her of the people that she talked to and followup personally with those. No. I know some of the people that she talked to were names that I had given her for board members that are no longer board members but I think that's so critical because people, so many people have been along the way very influential in this process and some of them would like to be involved still. This has been such a divisive project, for lack of a better word. I think it's the energy at the site and it just makes people very emotional. And so I've attended your meetings, Janet, and I really give you a lot of credit. I think that you handled yourself very well because it was a rough situation and there was just a lot of misunderstanding, but I have seen how respectful you are personally and I hope that you do remain a part of this project. It has been, of course, something that everybody wants to see and I think that they are still there if you ask them and especially with the historical information. I'm surprised that there hasn't been a CIA already done in this process in the last, you know, 30 years. One of the original board member families was the Lindsey seniors, you know, Ed Lindsey, Roselle Bailey's parents, and so I don't know if you want to try and talk to either one of the siblings that are left, or Charlie or, you know, Roselle definitely would have some things to share I would think, but in general, I think that the divisiveness, the bad feelings that are currently there are very strong in this project and I hope that the Army Corps of Engineers can acknowledge that there is a community will that is stronger than, you know, what is happening in this one organization, and there's been so many leadership changes and a lot has happened, but the Friends of Moku`ula still have, I think at their heart, what everybody has in our hearts, you know, to see this project continue. So whatever assurances that the Army Corps needs to hear, whether it's on the county side, I would like this Commission to be a part of helping them, in a letter form or something, to be, you know, persuasive that they do indeed pick this project up because short of the Army Corps taking this on, I don't see how we can get this done in my lifetime. I'd like it to happen in my lifetime, please, because I've seen too many people wait and lose their chance in their lifetime, just like you mentioned Chris Hart, who's passed away recently, you know, so we've got a lot of people and kupuna especially that have been waiting a long time. So if we, as a Commission, could send a letter to the Army Corps of Engineers and just thank them for continuing to stick by this project 'cause I think it was almost three years ago we saw Athline Clark here giving testimony, so, you know,

she's been involved for quite a while and I would hope that whatever advisory board or, you know, federal level it is that approves project, if we could write to them and say how you compare this thing to anything else. I don't see how anything could be more important than restoring Mokuhinia. So whatever kind of persuasive letter that could be written, I would love for this Commission to be a part of that. And, Colleen, if you have any other questions, if you're not going to come back to the meeting, just, please, contact me separately if you are still looking for people or other documents, but of course, you have a lot of things to read through all this testimony from Janet's recordings and a lot of plans. All the original plans that have ever been drafted, I mean there's so many renderings of what this was going to look like for the last 40 years, I think every one of them should be checked because there could be some kind of notation on there that's critical to moving it forward. Thank you.

Ms. Medeiros: Could I say something? Just to answer your question about deadlines. You know, we don't normally put a deadline on -- in our letters because we -- we understand that, you know, we call it "kupuna time," like when you're trying to find people to consult, deadlines don't often matter. I mean so we're very -- we try to be as flexible and kind of open as we can, but we are trying to get this done by May.

Chair Hutaff: Okay.

Ms. Medeiros: If that helps.

Chair Hutaff: Thank you. Commissioners, any other comments? Recommendations? I don't know how to turn this into a recommendation because I don't have enough knowledge, but it's -- sure. Yeah, this is, you know, kind of based upon the comments and things that have come up and information that I was not aware of totally and completely. I understand that there's differences of opinions. I think those are great things, okay. Not everybody takes my opinions well. I don't know why. But I appreciate the input and I think that as long as the disagreements are given to the people who need to hear it, okay, rather than the silence because silence kind of breeds contempt and misinformation. So I would encourage, you know, both sides to open up a dialogue or many sides to open a dialogue even if one side's louder than the other, that's not important. The important thing is is that everybody gets a chance to speak, everybody gets a chance to be heard. That's how we learn. You know, that's how we grow. That's how we understand the passions behind all this. This is, as she mentioned, is the greatest thing around, you know. It's even bigger than the physical cliff. Okay. And that means that we really do need to make sure that everybody gets a chance to be heard, and everybody gets a chance to listen. And I think that that's paramount. Like you said, how great this thing is. We don't know what the true past is, we can only guess here as human beings and what this is supposed to be, but it seems to me like the most important thing is communication and dialogue, even if one side's gotta be loud occasionally, I think that's important. So I don't know how to turn that

into make it like, hello, people, can you talk to each other now? You can still disagree. It's not a problem. Go ahead.

Ms. Medeiros: And one more thing I had meant to address is a letter, like you were mentioning, I believe the appropriate entity would be the Army Corps.

Chair Hutaff: I believe you said that. Okay. So, anymore? We want to turn some recommendations or make some recommendations? We had one. You're going to have to say what yours was 'cause I got the last part, but I thought there was pieces in there.

Ms. Thomson: You can leave it as what's gone on within, you know, as part of the record that's your recommendation you want rather than everything ...(inaudible)...

Mr. U`u: 'Cause they're always here.

Chair Hutaff: Okay. Does somebody want to recommend that this entire conversation be recommended, that somebody read it, listen to it? Everybody? Go ahead, Stan, you say it first.

Mr. U`u: There you go, Stan, who's in charge.

Mr. Solamillo: I'm not in charge. I just wanted to add something, which kind of echos, because I heard or I received a telephone call from a concerned citizen and the person indicated that they were totally opposed to this project now, and they were going to do anything they could to torpedo it. This Commission and how many of our kupuna from Lahaina and how many families have come here and decried the current situation of the NHL and said you cannot see Hawaiians in Lahaina anymore. This is the largest physical place and it needs to be restored in order to bring back the things that we so describe that we want to hear, witness the presence, the mana, all of it. So whatever our differences are, the bigger picture of bringing back kanaka to Lahaina, and enlarging the presence and making the NHL not just this plantation thing that everyone again comes before this Commission and says I don't want to hear anymore about plantation, you know, that's what's important, and this project does it. USACE, U.S. Army Corp of Engineer funding, I worked with them in Texas. They only come around once in a while and if they do, grab that opportunity because it won't come around for 20, 30 years. So whatever we can do. I will take your testimony recommending that the testimony from two meetings recorded by Janet Six be transferred to Cultural Surveys Hawai`i; as well as Owana Salazar's info; and a letter be prepared and sent to the U.S. Army Corps of Engineers thanking them for the work that they've done thus far and offering any further assistance.

Chair Hutaff: And encouraging them to --

Mr. Solamillo: And encouragement to continue with this restoration of Mokuhinia. Any other recommendations?

Ms. Chandler: And that whatever fact-gathering endeavors have been done recently or previously by Dawn Chang or any other entities turn their list of contact people over to Cultural Surveys Hawai`i.

Chair Hutaff: We gotta vote on this? Huh? Make a motion on this?

Mr. U`u: So moved.

Chair Hutaff: Seconded?

Ms. Chandler: Second.

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

***It has been moved by Commissioner U`u, seconded by Ms. Chandler, then unanimously***

***VOTED: to recommend that the testimony from two meetings recorded by Janet Six be transferred to Cultural Surveys Hawai`i as well as Owana Salazar's information; and that a letter be prepared and sent to the U.S. Army Corps of Engineers thanking them for the work that they've done thus far and offering any further assistance and encouragement to continue with this restoration of Mokuhinia; and that whatever fact-gathering endeavors have been done recently or previously by Dawn Chang or any other entities turn their list of contact people over to Cultural Surveys Hawai`i.***

Chair Hutaff: None opposed. Motion is carried to -- as Stan has said. I lost my thoughts here. Yeah, I think we -- do we want to take a short break, Suzie, or do we want to take a long break? I beg your pardon? We don't have lunch yet? Okay. Why don't we take about a ten-minute break, and I know that some people have waited here all day. Hopefully, you've been learning. Okay. And enjoyed it. Otherwise, I feel sorry for you. We'll be back at 5 minutes to 12 by that clock. That's 12 minutes.

*(A recess was called at 11:45 a.m., and the meeting reconvened at 12:01 p.m.)*

Chair Hutaff: Okay, so we're going to reconvene the meeting. Go ahead, Stan.



*Mr. Solamillo read the following agenda item into the record:*

- 3. MR. JERRY WRIGHT, on behalf of HALEAKALĀ SOLAR, Requesting Advisory Review on a Proposed Photovoltaic Installation on the roof of l'ao Theater, located at 68 N. Market Street, TMK (2) 3-4-012:022, Wailuku, Hawai'i. The CRC may provide comments and recommendations. Public testimony will be accepted. (S. Solamillo)**

Chair Hutaff: Okay, before we go into that real quick like I have a business at home and we're looking to put solar in there, and we're going to be putting it out to bid, so just so that you know if I choose Haleakala Solar, it was because of a personal choice, not because of this meeting.

Mr. U`u: And the truth comes out.

Chair Hutaff: Okay. Scratch them off the list.

Mr. U`u: You're recused.

Chair Hutaff: No. We're a year away. Okay, go ahead, Stan. I just don't want anybody see me in his office in six months and go: Uh-huh.

Mr. Solamillo: Looks like I have a little technical difficulty so if you can bear with me.

Chair Hutaff: Sure. What do we want to talk about? I can make something up. But now I get pinched because it's not part of our --

Ms. Jennifer Rose: Okay. I'll go ahead and start while he's resolving those issues. I also have a visual aide there. Does that help? There it is. It's very pretty. So probably some of you guys grew up going to movies at the lao Theater. But I can tell you a little about the history.

Chair Hutaff: Oh, yeah. We need your name for the record, please.

Ms. Rose: Oh, certainly. This is Jennifer Rose. I am Jennifer Rose, president of the board for Maui Onstage at the Historic lao Theater. We're in residence there. So this Spanish Mission style theater is a landmark in Old Wailuku Town, names on July 11, 1928. The judges chose "lao" because it means "breaking dawn," and the lao Theater opened August 18 of that year. I think it took them less than a year to build. I think they started in '27 and it opened in -- so besides screening movies, it also featured live stage acts and stars, such Bob Hope, Frank Sinatra, and Donald O`Connor. They all appeared at the lao, on this very stage, and in the 1980s it fell into disrepair. There was discussion about demolishing it,

and thanks to the County of Maui, it was saved. Maui Onstage started a long-term relationship with the county, and in 1984, it presented *H.M.S. Pinafore*. In 1995, it's the second oldest theater in the state. It was placed on the National Register of Historic Places. You guys probably know about that.

Okay, and there we are. That's a David Sandell rendering of the event. So, yeah, we're getting ready for the 85<sup>th</sup> anniversary. Time's flying by. And there's a aerial view. So this happens annually - 35,000 people. We partnered with 38 community groups; 20 free events to the public; 140 events, we do five Broadway style shows are produced by Maui Onstage in addition to providing technical support, rental, marketing for anybody that wants to rent it, so it's available to the public as well. We hold classes. And there are a ton of volunteers, people in the community, people from other places on the island. A lot of people come in - artists, technical people, and partnering with Drug Court as well, so a lot of volunteer service hours. Over a million dollars in ancillary spending. And, let's see, yeah. We have 8 free film screenings as family nights every year. That's kinda fun. We installed new carpet, 4 new rows of seats. We now have online reserve seating, so you can buy your tickets online and show up at 7:30 and slide right in. The foyer's restored. We had tiles created on-island that matched to replace all the broken and missing tiles, and now have central A/C. And our main goal is to keep it affordable and accessible, so that's in part by renting and part by free events so, one way or the other, everybody should be able to attend the theater. So there we have that. And I have things for you if you'd like. Do you want materials of the theater?

Chair Hutaff: We like things.

Mr. Jerry Wright: So my name's Jerry Wright, I work with Haleakala Solar, and I approached the board, oh, about two years ago now to suggest to them that perhaps photovoltaics would help. They've got about a \$1300 a month electric bill when they put in that A/C; A/C is a big draw on your, as I'm sure you know, electricity and so that really wacked their electric bill, and so I proposed -- can we go back to this one -- there's one -- in the powerpoint, that aerial photo. If you go on Bing you can see, they've got great aerial photos. That southern roof exposure there, it's a big broad expansive, it's actually a perfect resource for PV right there. And when I looked their bill and what their need was, it was about 130 panels that would completely take care of their electric needs. We can fit about 100. Is that -- Mike? Yeah, about 100 panels is what we're proposing to put on that long roof space right there. It's a metal roof. It's a fairly thick corrugated metal so in terms of any kind of visual impact on the community, there's virtually none. If you're up in some of the taller buildings around here, you'll be able to see it, but in terms of any change in the facade or any kind of visual impact, there's virtually none. There will be some on the restaurant side of the building, the conduit bringing the power down will come down and connect in with the existing electric panels over there, but that's, you know, that's just a few more pipes coming down, and there's a bunch existing pipes there anyway. So 100 panels

will take care of about two-thirds of their bill. They're proposing to do it with a what's called "a power purchase agreement" where an outside investor pays for the system and then they sell them the power at a discount rate. So that's, basically, the extent of the proposed project, and if there's any questions. I've got Steve Seeley and Chad Bundy here who are -- to answer any engineering questions you might have about the project. Questions?

Chair Hutaff: Do we have any questions? Or, Stan, you're all -- you're good? Anybody have any questions? No questions? Okay, have you guys approached SHPD? Because it's in a historic district, they usually have --

Mr. Wright: Yeah, we've got --

Ms. McLean: Can you please come up?

Mr. Wright: What's her name, McCloud? I can't remember. The head of the Planning Department? I've spent some time on the phone with her and she's -- I said, look, give me a roadmap. I have nowhere -- I have no idea where we're going. So, yes. All of those, we're touching bases with all the agencies that we need to.

Chair Hutaff: And have they given you any comments, written?

Mr. Wright: I don't think so.

Mr. Solamillo: Actually, SHPD will get our comments and our recommendations, and I'm sure they will concur.

Chair Hutaff: And you don't see any, I don't see any either, but just to go over that again, there's not going to be any visual effect to the facade of the building other than a couple of down pipes and that'll be located front, back, side?

Mr. Wright: On the Old Wailuku Café side, coming down right there, and the -- right, yes, right there. And this -- there's this wall on the top, the roof comes down fairly well below the roof line, so I mean there's actually even more visual screening. The roof doesn't hit the wall like this, it hits it right here, so there's, even from down below, you look up, you're seeing -- you can't even see the roof actually from down below.

Ms. Chandler: Yeah.

Mr. Wright: And I think they look great anyway even if you could see it.

Chair Hutaff: No. Okay. Any other questions on this? Anybody want to make any recommendations, any public comments? Anymore public comments out there? Go ahead. You wanted to say something?

Ms. Rose: No. I'm just available.

Chair Hutaff: Just available. Cool. I like that. The two engineering guys, you guys are going to make sure it all works well and nothing's going to slide off the roof and dangle in front of the thing and all that kinda good stuff? Yeah, say your name too for the record.

Mr. Chad Bundy: I'm Chad Bundy, Director of Commercial Projects with Haleakala Solar. We're going to install the penetrations through the roof and use a hydroseal, which is you can get an extended 20-year warranty on the sealing of the roof; that's where we'll attach the racking to, and then the conduit will come down along this wall here, adjacent to this existing plumbing, and then we'll tie into the electrical service where MECO has their line. We're going to revamp this electrical service, replace all the gear there, so it'll be new, up to code electrical service here, so there'll only be one conduit coming down the side.

Chair Hutaff: Perfect. Any other questions or comments? Okay. Any recommendations other than -- go ahead.

Mr. U`u: Motion to approve.

Chair Hutaff: Cool. Anybody want to second it?

Ms. Chandler: Second.

Chair Hutaff: Okay, let's have some discussion. Go ahead, Stan.

Mr. Solamillo: Okay. As many cases as we get, we get very view that come in with no effect, and this is one of those that comes in with no effect. The recommendation is approval as proposed because the project meets the Secretary of the Interior Standards, i.e., it doesn't damage the historic fabric, and placing the PV panels out of view from the public right-of-way is always the most preferred option. So you get everything you need.

Chair Hutaff: Okay. Based upon that, I don't see any changes in the motion. So one last time, any discussion for it?

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

***It has been moved by Commissioner U`u, seconded by Commissioner Chandler, then unanimously***

**VOTED: to approve the department's recommendation.**

Chair Hutaff: Motion has carried. Thank you so much for being patient.

Mr. Solamillo: Before the applicant and the entourage leave, I wanted to thank them and tell them -- give them our appreciation for a project that was really well conceived and brought forward. So thank you.

Chair Hutaff: Okay, I know that the people from St. Joseph's Church has been waiting patiently here, you guys want to do that before lunch? We're all okay? Just nod your head. Yeah, we don't want to keep you here too long.

*Mr. Solamillo read the following agenda item into the record:*

- 4. MR. WALTER CLUR, on behalf of the DIOCESAN PLANNING AND BUILDING COMMISSION, ROMAN CATHOLIC DIOCESE OF HAWAI'I and the FRIENDS OF ST. JOSEPH'S OF KAUPU, requesting Advisory Review for Emergency Roof Repairs at ST. JOSEPH'S CHURCH located at 38622 Pi'ilani Highway, TMK (2) 1-7-003:043, Kaupo, Hawai'i. The CRC may provide comments and recommendations. Public testimony will be accepted.(S. Solamillo)**

Mr. Solamillo: One of the members of the Friends of St. Joseph's Church is here and so I'm going to ask, I'm going to kind of break regular protocol, and ask him to speak.

Mr. Ben Perry: My name is Ben Perry. I'm a resident of Kahului. I was born and raised in Hana. I still call Hana home. And I am a part-time resident of Kaupo. Good morning, Mr. Chair and your fellow Commissioners. Thank you for this opportunity to come before you and speak on a subject that is close to my heart and special to many. I represent a small fledgling organization. We call ourselves, "Friends of St. Joseph Kaupo." We are a group of individuals who are collectively bonded by a common goal, and that goal is to assist with the preservation and maintenance of the historically significant as well as culturally significant building located in Kaupo, Maui, known as St. Joseph's Church. Owned by the Catholic Church, this building has served it's largely Hawaiian community at it's present site for many, many years.

This past July 29, 2012, the community celebrated the 150<sup>th</sup> anniversary of its establishment in the remote community. An estimated crowd, from all over Maui, from O`ahu, from the Big Island, and former residents from the Mainland, and the crowd was

estimated at over 500. They braved the severe weather conditions, which existed that date. They came and participated in the celebration.

During the late 1980s through mid-1991, the building underwent its last and latest renovation and repair. Many came to help. A *Maui News* article of the time indicated that over 3,000 came for the rededication ceremonies, which was held on July 6, 1991.

I give you these two examples to illustrate the special connection this favorite place has, not only to those of us who live here, but collectively throughout the island of Maui, the State of Hawaii, and beyond. We are here today to humbly ask you for your support and favor in the permit application by the Roman Catholic Church of Hawai'i for a temporary roof over the building. This temporary roof is sorely needed to arrest continuing weather damage from water penetration into the building until such time as adequate and available funding are found or accumulated to do complete renovations as determined by structural assessment studies, which are net to be undertaken. Steps must be taken now to do what can be done to save the building. Mahalo for this opportunity to share my mana`o with you. I am available for any questions as you may see fit.

Chair Hutaff: Commissioners, any questions? Go ahead. Warren, go ahead.

Mr. Osako: What would be the proposal for the temporary roofing?

Mr. Perry: The proposal for the temporary roof would be to cover the very top of the building, the very top gable, which, in square footage, amount to just over 1500, and the reason we are proposing that is because Friends of St. Joseph's, at this point in time, has committed to purchase the materials. It is affordable for us at this time to cover that. And the very top roof, on two sides, is where the water penetration is occurring. The mid-level is such a steep incline that there is no water penetration from that area. And the last level is an area that needs repair but we can reach that without any great difficulty to do. In fact, we have done some of the repairs in that are already. But the main thrust of the effort is on the top of the building.

Mr. Osako: So what kind of material are you proposing?

Mr. Perry: We have looked at what is called, it's a metal roof, the Surelock standing seam panels, and this is metal, which is different from what's up there but we're asking for temporary, so I was asked for a timeline on this, and I cannot give one because I don't know how long it's going to be, going to take to find the resources, so our commitment to the metal is to ensure that it will be taken off when we go back to the material that's in keeping with the historical look, and that is what we had proposed.

Chair Hutaff: Any other questions?

Ms. Chandler: Well, I just want to say that this is a very beautifully written letter. I think that the letter itself articulate both the island and community's, you know, passion for this building and its historical significance. And, originally, when we had discussed this issue and Commissioner Makalapua had first brought it up, we had talked about gaining some more community involvement maybe in the restoration, and I feel strongly that, you know, this -- I'm so happy that so immediately you were here to give testimony to present a temporary fix to this problem, but as I was reading your letter, I was thinking it would be so great if *The Maui News* would publish your letter in its entirety and then maybe put a footnote that the Commission did approve your temporary roof and that this Friends group is looking for donations of any size to contribute to the final, you know, restoration or the -- so that the temporary is not so temporary, right? That more people can become involved.

Mr. Perry: Just a comment on that. We've been taking tiny steps, and along the way trying to encourage the Roman Catholic Church, who's representative is here, to assist us in different ways. But as we were out there through the last seven years that I've been directly involved, people come by and the nickels and dimes start to add up, and along the way, we are currently -- we've been able to take on counsel, who is helping us with a 501(c)(3), and we believe that when that is completed, and if that's approved, we will be able to do a more, not forceful, but more pronounced push to get other entities who are involved in this kind of restoration, and we know the resources are out there, it's how to reach them, and I believe the efforts we're doing currently, small, but it's helping us.

I know you had a meeting last month, and I was really sorry that I missed it, but, unfortunately, when the first notification came to me, I was on my way to Hana and my cell phone died and I was out of touch, but I made it a point to be here today.

Ms. Chandler: Thank you.

Chair Hutaff: Anybody else? I do have a question for your because you touched on something. You mentioned that people leave donations and stuff. I did not know that that place was accessible to walk in. Is it?

Mr. Perry: There is a gate, which has a shibai lock on it, there is also a turnstile right next to the gate, and actually we encourage visitors. Recently, we were able to put in place an information board, which had never, to my knowledge in all the years that I've been out there, had one available, so with that, we put different information on - when our masses are, and different things that pertain to items of interest, so to speak. But, yes, we encourage anyone and everyone to come and visit the grounds. I just want another comment on that. Because of its extremely remote location, the building and surrounding properties had been subjected to vandalism, and now that it's kind of cleaned up, we see less and less of that, but we don't want to take any chances, and the building is locked when someone, like myself or anyone from Friends of St. Joseph's, is not there for the

security reasons. How serious did it get in the vandalism? There was a fire in the church. Somebody burned a hole in the floor and that was satisfactorily repaired when they did the renovations back in 1991. But, other than that, we try to be there at least once a week, at least one of our representatives are out there. I go out every week when I can. I have a home close by so that gives me a different advantage.

Chair Hutaff: I'm glad to hear that and I guarantee you now that I know that, you'll have a little more visitors and a little more loose change.

Mr. Perry: And one other item of interest, for the first time in almost 30 years that I've been married to my wife who's from Kaupo, we can now see the stonewall from all four directions from the church.

Chair Hutaff: Good deal. Cut down all that kiawe, yeah? Okay. Any other questions?

Mr. Perry: But I thank you for listening to my input and I hope that you can see your way to approve the application and request from my friends from the Catholic Church. Thank you.

Chair Hutaff: Perfect. Okay. Any -- I see we have maybe one person who wants to -- would you like to speak? Considering it's public testimony.

Mr. Walter Clur: Good morning. My name is Walter Clur. I'm the Maui representative on the Diocesan Planning and Voting Commission. I just wanted to say that the Diocese is in favor of these repairs being done. And a little over a year ago, the Diocese engaged a structural engineer that is experienced in old buildings; in fact, all he does is old buildings now. And he spent some time with Ben Perry on the property and gave us an initial report, and he is about to go into the phase two section where he's going to be spending a lot more time on the property, checking it out, and giving his final recommendation. The celebration that was held in July last year, unfortunately, had to be held in a tent because it was not recommended that the church be used for a big celebration because of the engineer was still not completely sure that it was safe. Fortunately, as Ben said, the -- it was held in a tent because it was pouring with rain. We would have had a lot of rain going into the church at that time, and that's the gist of this application is just to keep the penetration of water out of the church at the moment so that we can protect it while we're getting funds together, arranging collection of funds, and making preparation for the future.

Chair Hutaff: Thank you. Is there a special fund that someone could donate to --

Mr. Clur: Funds are being collected by the Friends of Kaupo at the moment, but there's been mention that is not a registered charitable organization right now, but they are accepting funds at St. Mary's Church if it is designated as being for the Kaupo restoration.



Chair Hutaff: So St. Mary's Church in Hana.

Mr. Clur: St. Mary's in Hana, yeah. But Kaupo is part of the -- it's the mission church from Hana.

Chair Hutaff: Perfect. Any questions for him? Huh? We're all good? Okay, Stan something?

Mr. Solamillo: One question for the record. Is the roof structure in any way going to be changed by the addition of the temporary roof?

Mr. Clur: There will be no change and from what the engineer has said, that with his recommendations going forward, that the structure will remain the same.

Chair Hutaff: Okay, Michele, go ahead.

Ms. McLean: So, if I could ask a question as well. What is the estimated cost of the temporary repairs that we're discussing today?

Mr. Clur: I think it was estimated at about 30,000.

Ms. McLean: Thank you.

Chair Hutaff: Stan?

Mr. Solamillo: Okay, I'm going to put some of my eight years worth of French into use and give you a little bit more background material. I was absolute elated to finally see this church, and I was so elated to finally see its owner finally file for a building permit, 'cause there's been lots of changes over the years. This is a direct connection with the trials of 1829 to 1839 and the persecution of Catholics in Hawai'i by then her Majesty Queen Ka'ahumanu, and this meant that people from Boston, who were congregationalists and who were Protestants, and having gone through 30 years war in Europe where Protestants were massacred by the thousands carried their hatred for Catholicism to Hawai'i, and managed, for a ten-year period, to have Catholics persecuted. The only two that we know of where we're actually shown images of were Kimeone and Juliana Makuwahine, and it shows to, to the degree, the amount of personal torture that people suffered when they were discovered to be Catholics. In going through some of the materials that I located in Paris, from the Sacred Heart Fathers, who were the missionary priests who later came and one of whom, Gregoire Archambeaux, was responsible for building this church, they took your property, they took your kids, they imprisoned, they did all sorts of things to try and make your change, and then they would isolate you and sent you to distant prisons on other islands, and this continued for a long time. We had these very small Catholic

communities and the brief entries that I've been able to gather was capturing an entire community at Waianae and bringing them imprisoned marching them in a forced march to Honolulu to face trials and lose everything. And then we have the story from Kaupo, specifically, and Kipahulu where Catholics were bound by rope and force marched all the way to Wailuku. The way that the story is recounted is that by the time they got to Wailuku, their numbers had swelled considerably and the chief of Wailuku said that they should be set free. So the families and one of Perry's family is probably directly linked is linked as descendants at that time. What we fail to see in the historical record because it is so dominated by the Hawaiian Evangelical Association is that they are really, if the census numbers are to be believed, they may be a minority. By 1900, the census for the HEA in their annual reports that were reported as having 23 or 2400 adherence, and that's scattered throughout all of their churches on Maui, including the missions for Chinese, Filipino, and Japanese congregants. What we're finding here is that, in the years following, the end of the trials for Catholics, which was precipitated by a French gun boat captain who fired a canon shot in Honolulu and demanded that the Catholics be given their rights back as well as the demand that French priest be allowed to propagate the faith. There was an outpouring of believers and of conversions, and two of the earlier converts, a man and a woman, who I forget their names at this time, are supposed to have been responsible for most of the conversions, which meant there were no foreigners involved in the initial conversions to Catholicism. They were Hawaiians meeting Hawaiians. And that is something that we don't get in any of our traditions when we study about Christianity coming to Hawai'i. So it's really important.

The photographs that you see there are only Hawaiians at this place and that is spectacular. So this is something that comes from old to today, and you see that these are Hawaiian members of the church in a Hawaiian community that we wouldn't even know existed have they not come forward.

This is my favorite stuff. There is an iconography in this church that isn't there today, but if you look at the ceiling, it was a barrel vault, which -- and if you look at the front edifice and the barrel vault combination, it kinda recounts, you know, something that might have been derived from Palatio, and it comes here and kinda gets built again by Hawaiians who are reported in the oral tradition to have brought the wood as well as the water as well as the coral heads that were pounded into lime and the stones, or pohaku, all of this done and it was built by hand. But we've got this plank ceiling with stars, and you can't see it in this one, but if enlarge this photograph, like I have a tendency to do, there's constellation at one end, which on the right-hand side, and I wonder what that constellation means or ... (inaudible)... I'm presuming that it does, then you go to the alter piece and you have this landscape, which was painted there originally, and so being overly inquisitive, I want to know is that a view of Kaupo Gap from the other side, or what is that a view of, and it's very -- in fact, I haven't seen a church in Hawai'i that has this, you know, this landscape frame by two palms, so there has to be more to this place because of the initial iconography that

was there in the first building. That's the way it looks today. Actually, it probably has maybe a few more holes and watermarks. But this is the condition of the church today and it's very important that this place be preserved.

You can't see it from -- I took another set of photographs and wasn't able to get them into the slide presentation, plaster is spalling 'cause we had new coating of plaster applied to an older coating, probably the chemistry didn't work so the new stuff is spalling. Windows and doors all need replacing. The roof is an obvious as well as the steeple. But I cannot over emphasize the importance of this place. Original building date is on the forms that you have. Erected in 1862. Reverend Gregoire Archambeaux actually went to Moloka`i to work with the sufferers of Hansen Disease, reportedly before Saint Damien, and actually died of Hansen Disease himself in 1888 at one other facility that was in O`ahu.

I don't think there's anymore public comment ...(inaudible)...

Mr. Perry: Go back to the slide that showed ...(inaudible)...

Chair Hutaff: Okay.

Mr. Perry: That is somewhat what our ceiling look like today. The dark stains you see is water that's penetrating through the top of the roof, running down on the rafter seams, and coming down to the ...(inaudible)... the holes there, further to the back of the church, when we had the large rain storms in March of this year, a four-by-eight panel of the ceiling fell, and there was some of our men folks went in there and trimmed around that to get all the soft stuff down, and the other holes you see were other areas that had been threatening to come down, so we cut off all the soft spots and left it like that because it made no sense to go up there and do repairs just for cosmetic purposes. But the longer we wait, as you can see on the right-hand side, there's some dark spots developing, and as long as the roof is exposed as it is, will continue to happen and get worse. This is what we're trying to prevent by the temporary roof. At least we can save some of this barrel ceiling, as they call it. Thank you.

Chair Hutaff: Any questions, comments? You don't have any? You don't have any? You don't have any? I have a question. All the stuff you talked about I know are just highlights of events and things that happened in there. Is any of that documented, written, story time?

Mr. Solamillo: What I was telling you probably comes from Repertoire des Archives des Peres des Sacres Coeurs, which is in Paris, and Mr. Perry indicated earlier today that the actual church records were destroyed in a fire so we don't have that, and what would need to be pieced together is actually records held at the Diocese as well as records held in the order -- by the Order in Paris. Because I'm suspecting that the builder, Archambeaux, may

have had a possibility of some sort of disagreement with the then vicar, Louis Maigret, because in 1926 history of the Catholic Church in the Sandwich Islands, there is no mention of him. Archambeaux is struck from the record so that kinda tells me that there must have been some kind of disagreement. But the archives in Paris probably -- there should be a diary because usually people that went to places like this would have kept a diary. But it's piecing together the various sources.

Chair Hutaff: But kind of the reason I ask is that, you know, their needs for funds, okay, can come from the story that's told to encourage people to preserve; that's kinda why...(inaudible)... it was handy.

Mr. Perry: Mr. Chair, when I saw the pictures earlier of the two with the lady that was chained to the tree, or tied however, and the other one with the man on the house, I actually saw those pictures and it's in a book, and I'm trying think what the name of it is, yeah, those two pictures, and that definitely, Makuwahine, is the name of the individual in the same book that I read. However, we're not -- I did not want to be here to dwell on the persecution of the Catholics because I think that's a negative side of the issue and I believe we're all passed that and are comfortable with acknowledging that as part of our history and go forward. But I wanted to -- when you asked if that's documented, there is a book out on it.

Chair Hutaff: I respect your concern for that. I just have these thoughts occasionally that --

Mr. Perry: Yeah, we all do.

Chair Hutaff: I like stories and, you know, the nice thing about history is it teaches us for the present, but sometimes you're right, maybe just kinda like no more. So I'll honor that.

Mr. Perry Thank you.

Chair Hutaff: Okay, Commissioners, anybody want to make a --

Ms. Kanuha: I make a motion --

Chair Hutaff: To approve the application for the temporary roofing for St. Joseph's Catholic Church in Kaupo, Maui.

Chair Hutaff: Perfect.

Mr. U`u: Second.

Chair Hutaff: Second. Any discussion on that?

Mr. Osako: I would like to add that providing that the structure is not changed.

Chair Hutaff: Okay. Modify your motion to that? To include that? Is that fine?

Ms. Kanuha: To include that the structure does not change.

Chair Hutaff: And you're okay with seconding it? Okay. Everybody okay? No discussion? Okay. A motion has been made, adjusted, seconded.

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

***It has been moved by Commissioner Kanuha, seconded by Commissioner U`u, then unanimously***

***VOTED: to approve the temporary roofing for St. Joseph's Catholic Church in Kaupo, Maui, providing that the structure is not changed.***

Chair Hutaff: Before we go any further though, I liked your idea of making mention to the newspapers, not just *Maui News* --

Ms. Chandler: A press release.

Chair Hutaff: A press release, I'm not sure how that occurs, but I think that that's a very good human, you know, story and bring it to the public's attention, and maybe we can have a definite means of donating, you know, so that there's a direct path to help fund the --

Ms. Chandler: And I think that also even if there isn't a 501(c)(3) yet, but there is a mechanism in place to make the donation to St. Mary's and notate that it is for the Kaupo Church, that is a good avenue as long as you, sir, feel like that's a good thing to do.

Mr. Perry: There is a mechanism in place. When Friends of St. Joseph was organized, officially organized two years ago, we came into existence to become the vessel because there were people who wanted to give, albeit visitors who came by, so we became that vessel and then, suddenly, it got too big for us, but we continued as Friends of St. Joseph, we have an address, we have the necessary permits to operate in Hawai'i, and currently we use my home address as the venue. Recently, in collaboration with the Diocese, as Mr. Clur had mentioned, and the church, St. Mary's, which is the mother church of our mission parish, we have what we call "the building fund," and donations can be made to St. Mary's Church in Hana but they need to be notated for St. Joseph's Church, and even if it comes to us at Friends at St. Joseph's, it goes into our account that at some point we drain it out and shove it over into the building fund account at St. Mary's, and that just started to

happen. In fact, we just made our first transfer in December. However, prior to us making the transfer, we knew that we could at least purchase the materials. We still don't have enough money for the contractor yet. We're working on it.

Ms. Chandler: Nice. So if the Commission is in agreement and the letter writer is in agreement, I would be happy to volunteer to write a press release that would be, basically, this letter with the notation that we had just passed this approval for temporary roof but this group is seeking assistance and that St. Mary's is a venue to make a donation, so if that is okay, I can send it to you for you to look at it, and you can pass it on, and if you feel it's good, then we can distribute it.

Ms. Kanuha: Perfect.

Mr. Perry: I would be indebted to you because I'm -- we have a person onboard who acts as our communications officer, and this is the woman that relocated to the Mainland recently so I'm kinda in a quandary here, but I accept all the help I can use, and, yes, St. Joseph's Church would be more than happy to take a lending hand, that's why we call you "friends."

Chair Hutaff: Okay.

Ms. Kanuha: And we also actually, when they're ready, when the Friends of St. Joseph's is ready, Akaku has opened up that maybe they can come down and we just can sit down and kukakuka so that, you know, the viewing public can really hear and feel the heart of the people of Kaupo and how important this church is to the community of the past, the present, and how important it is for us to keep it for the future generations 'cause there's still a lot of people that live in Kaupo.

Chair Hutaff: Should we turn it into a motion or -- oh, I mean about writing the letter? We don't have to worry about that? I'm still learning. Give me ten years. I'll be fine. Okay. I'm assuming that we're done. Everybody's happy with that? And thank you so much for your patience, you know. It seems to be the way of the Catholics, not always by desire, but definitely by design. Anyway, why don't we take a break for lunch. How long do you guys want?

Mr. U`u: Twenty minutes.

Chair Hutaff: Thirty minutes? I heard that. We'll go with 20 after 1 then. That's what I heard, we'll reconvene.

*(A recess was called at 12:52 p.m., and the meeting reconvened at 1:32 p.m.)*

Chair Hutaff: Okay, we're going to reconvene. Stan?

## **D. DIRECTOR'S REPORT**

### **1. Demolition by Neglect, Alternatives from Other Jurisdictions**

Mr. Solamillo: After months and technical difficulties, we finally have the demolition by neglect, alternatives from other jurisdictions, as provided at the Forum 2012 Conference in Norfolk, Virginia. It's entitled, *Avoiding a Demolition-by-Neglect Wreck*.

The first series of questions, I guess, or actually this is the index to the slide presentation: What is demolition by neglect? The definition. Then it goes to investigate the legal foundation as well as creating a local ordinance; using the ordinance; it gives two success stories as well as lessons learned, and the future.

A little about this topic. We have it here on Maui all over the place, and we're seeing a resurgence, possibly, of buildings just disappearing the middle of the night through fire seems to be happening. We had two this past month, and one of which came to this Commission whose owners wanted to tear it down to put up something else and they were denied by this Commission. So the place where this topic is investigated in this presentation is Raleigh, North Carolina, kind of a whole different scenario as far as buildings and whole different socioeconomic dilemma. So a lot of the demolition by neglect in Raleigh stems probably from hardship cases where we have a lot of people who can no longer afford to maintain their buildings as well as people who receive property through being descendants who have inherited properties and rent them out, subdivide them, and rent them out. The districts under consideration are primarily residential and they're not located near an ocean since they don't have any, any of the driving economic forces that we have here on Maui.

Demolition by neglect is defined as a failure to maintain property over time, and its results are decay that, if not arrested, threatens the viability of the structure all together. The legal foundation in North Carolina, which allowed this to be tackled, was state enabling legislation, which was passed in 1989, Section 160A-400.14(b), which provided two brief sentences that made it all happen: The authority to pass demolition by neglect ordinances, and to prevent undue economic hardship. But the legislation provided to other guidance. Ray?

Chair Hutaff: Yeah, I'm just going to step into this one here. This is based upon Raleigh, North Carolina, and the conditions there are definitely much different than we face over here. Kind of a background on this. We were given -- all the classes were 45 minutes, okay. The average size class was 100 people; the largest class was 200 people. For this one, there were 500 people. We were standing room, they had to open up another section,

and because it's obviously something that goes around all throughout the country. The thing where it says, "Authority to pass demo by neglect ordinance," was actually something that the Planning Department of that thing asked for. It's own ability. And I think that's where, you know, because there are differences is that's something that we should kind of look into as far as fitting.

"Preventing the undue economic hardship," was actually addressed by the planning department in North Carolina and the banks, okay, and lending institutions, I should say, rather than just banks themselves. Someone who -- it was pointed out that their place was being neglected, they were first approached by the planning department and if it was found that there was no way that they could possibly afford to do this, a bank or a lending institution would step in and because of the tax incentives, both from the county, from the state, and from the federal government, it was actually possibly for the people, because a lot of these old homes didn't have mortgages anymore on them, or a very small mortgage, were able to come in and say: We'll pay for renovating your place, and the way you pay us back is through these tax incentives. So you have to assign these tax breaks to us, to the bank. And the banks loved it over there because there was, also part of that economic hardship rules that they had come up with, that there were people standing in line. So say the homeowner, for whatever reason, couldn't do it, agree, first they have to agree, they have the right to that, okay. Let say they agree, you ever want to do this, and it's going to cost us \$300 a month, and the tax incentives come up to \$200 a month, so we're paying \$100 a month to have our home renovated. Now understand too that North Carolina, they've got some very talented people. They don't have the expenses that we do here. So there's a disparity among costs that we face here versus what they face over there. And they literally would have investors standing in line so if somebody defaulted on a mortgage, the bank had no problem finding somebody. There were people standing in line to take it over because of the value. And it also was based upon the value of the property and land today versus what it's going to be restored to. So the economic hardship comes from when you have a piece of property that's worth \$50,000, with a home on it, and when you renovate it, it's going to be \$200,000. That's where the investment process comes in with the banks and the funders is that they will still get the tax incentives, but they now increased the value of the home that they could actually sell at that price. And in North Carolina, because of the way they've written some of their other laws, that we'll see a little bit about here, is that there were, you know, to have a restored home in North Carolina was so valuable that banks were actually bidding on the loan amount, their percentages because they knew, automatically, that the value was going to increase. But the homeowner was given the first option in all these tools. Okay.

Mr. Solamillo: In creating a local ordinance, you have the demolition conundrum, we consider economic hardship, and we provide due process. Ray.



Chair Hutaff: The demolition conundrum that they're talking about here is the only thing that the planning department could so was to claim that the house was being neglected, okay, and actually it encouraged the people to apply for a demolition permit, okay, because it was going to be denied for one year, okay. That process of the one year denial saying, okay, you've applied for it where we can't get -- you have to, under this particular law, you have to wait one year, and then come back and reapply again. During that one-year period is when the banks, the planning department, and the communities, in some case, because sometimes you're talking 40 or 50 houses, and only one of them is being neglected, would come in and try to figure out some way to keep the home, and one of the ways they did it, because the larger homes in the Carolinas, you're talking 10, 15 bedrooms sometimes, is that they would actually open it for low-income people, subsidize income, HUD, so to speak, that they had to agree to do certain things to keep their spot in that home in order to help fund it, so that's why call they call that the "demolition conundrum" because you don't want to demolish by neglect, but yet they encourage everybody to apply for the demolition permit.

Mr. Solamillo: Creating a local ordinance provided an opportunity for preservation. It also provided an opportunity to reorganize the existing program with research involved, which involves literature and something called "wonderful wizards" and the strategy was to model the new code after minimum housing codes.

Chair Hutaff: The process of the wonderful wizards that we all got a big kick out of because there was a -- I think those of you who went to that thing in Lahaina, where they had that wizard, it really is. They have these computer programs, basically, that they punch in the information, it's called a "wizard," and based upon what information is calculated mathematically, it depends on how they make their approach, whether they go, you know, to the banks, whether they encourage the demolition of the property so they get that one year, and it's automatically. As soon as someone applies for a demolition permit, okay, that one-year process begins with the wonderful wizards of inputting the stuff and getting literature, which they are constantly gathering, so they may be gathering stuff about a whole community that's got all these old buildings, okay, for when the one house may be neglected and how to properly utilize it. Some of them they've converted it into, you know, offices, lawyers, doctors, and things like that they get a tax incentive off their income for the city in the state as part of maintaining these homes the minimum housing code, which is most time an upgrade from when the houses were built.

Mr. Solamillo: Under creating a local ordinance, you have standards, you have petition and action, you have safeguards and economic hardship, opportunity for appeals as well as penalties and enforcement. Ray.

Chair Hutaff: The safeguards and economic hardship is probably the one that fits us the most - to have, you know, a family who's lived in a home for 80, 90 years, and grandma

lived there and all the family members have moved out, and all of sudden the house is in barely, you know, any kind of repair, and you go to the family and you say: Okay, you have to now restore this house. And they go: With what? If we could have taken care of grandma better, we would have. Well, that's a good thought process and it was brought up that a lot of times the families move apart, and this happens more on the Mainland than here, usually we're pretty close, where they would actually move about and didn't realize what was happening to the home that, you know, as children, they went off to college and businesses and moved to New York or Florida, they never really went back home because of their job so they never really saw how grandma was, you know, living. But because of the many factions of the family and, you know, were they able to get together to restore the house, you know, that's when the economic hardship and the safeguards were put in there based up on the refinancing and the tax writeoff and stuff is to show them how. That's part of the wizard process - who's in charge? You know, who's in charge of the home? Who's the one that's going to take responsibility? You got five family members. All you need is one person to say I'm going to take responsibility for it, and they automatically, you know, go after everybody else and say, okay, can you deal with this, deal with that 'cause, otherwise, what happens is is that these people now have to split the difference in the demolition and they're going to gain nothing out of it, so there were a lot of incentives, emotional incentives and things like that. They also had to make sure that because of federal laws, that, you know, you couldn't force anybody to do anything, okay, so there had to be an incentive process, there also had to be a process where the government, i.e. the planning department or anybody, couldn't come and say: You have to do this. Just because there's 40 houses in a row, and you're number 28, okay, how do we give you the incentive to restore it and make sure that your rights are protected. So it was clearly written into their laws. And they had an appeal process, and the penalties, and enforcement, again, it's proactive. Most of the time, the penalties and enforcement were automatically forgiven. I think they were always, always forgiven if there was somebody who said, eh, yeah, we want to do this. We don't want the penalty.

Mr. Solamillo: Using the ordinance involved cooperative partnerships, including other departments and neighborhoods.

Chair Hutaff: This is where -- something that we don't, you know, see here because we actually have a historic district that in a way creates a certain set of problems because the cooperative partnerships, in trying to make an economic base for the communities in tourism, visualizations, and historic entities, in other words, you could have a house that was, you know, part of the war that people would actually come and visit, and so that became an economic standard, not for just one particular area, like we have a historic district, some of these places were not even historic districts, they're called "historic neighborhoods," and a lot of the times, because of a straight line, a freeway line or a city line, you would go and you'd see these homes, and then 50 miles away later, you hit houses that were 25 years older or 50 years older or 10 years newer than the ones you're

protecting. So the other communities were gaining economics from this opportunity would go in and give, you know, small interest, half-a-percent loans and stuff like that, to these communities and say: If you restore them, here's what you got. Now here's your tax incentive. Believe it or not, you can actually make money rather than it being an out-of-pocket expense. Again, it's something that, you know, would very difficult for us to do here without the city and the county, not as neighborhoods.

Mr. Solamillo: Under the ordinance that was crafted, a neighborhood association identifies deteriorated properties. The association also sends demolition by neglect advice letters to all owners on the list. If no repairs are made in six months, the neighborhood association prioritizes those properties by official action and sends a prioritized list to the commission. This really elevates the whole role of neighborhood associations.

Chair Hutaff: It does. And, you know, when I came back, I tried to, you know, look up what Hawai'i's laws are on properties that's been neglected. I know raw land. You know, if I owned a piece of land and I don't go out there and cut and trim down and it becomes rat infested and people throw garbage, I'm accountable. There's no real legislation in Hawai'i that gives that same opportunity to say, okay, we have a building that's going and neglect to repair, it can become a danger to the people in it, and it can become a danger to the surrounding area. Moloka'i, for instance, when we went out, you know, they boarded it all up, they've got the wasp nests on the outside, that would have never been allowed based upon North Carolina's laws. They would have come in immediately before things got out of hand and said you gotta spray for wasps, it's \$75 for the building, rather than wait 15 years and say: Well now it's too dangerous to spray for wasps and even if you killed the wasps, it's now \$3,000 to do that, and so it was a preemptive where they would go when the costs were small. And again, you know, the no repairs in six months, the neighborhood - again, this is a whole complete neighborhood - but sends prioritized lists to the commission where you could actually have somebody go out from the planning department or from the banks and say: You're in violation. Here's what can happen to you. But here's an opportunity for you. Which way do you want to go? You want a bank restore, you know, and take tax incentives and we list this property as historic property? Or do you want to do it yourself and keep 100% control? 'Cause remember, when it becomes a historic property, there are limitations to what you can do to it, the windows, i.e. the outside...(inaudible)... the inside. But again, there was again very strong proactive approach and given the opportunity or understanding is one of the last meetings we had, which at first I thought it was a joke because it's a 45-minute meeting, it broke us up into 7 groups, they gave us 5 minutes to discuss the problem, the conclusion, and come up with a solution. And then they gave us 2 minutes to say what we did. Now, this is 7 of those, right? It's a 45-minute class. Do the math. We were there a little longer but thank goodness it was the last class. And I, basically, refused to participate in it because I can't not talk for 5 minutes. You know what I mean?

Ms. Chandler: I believe you.

Mr. U'u: It's been proven.

Chair Hutaff: You know, sometimes it's best if you listen. And a lot of these things actually came up where they were, you know, talking about the conclusion was to have more action taken in the beginning, okay, and also to have part of your one place actually on the commission to actually have the enforcement officer sit in every single commission meeting.

Ms. Chandler: Sorry. Ray, could I just ask a question? I remember when we were first talking about this idea of demolition by neglect, it came out of our concern for the Lahaina NHL and maybe that certainly some of the residents don't understand the guidelines that govern the NHL, or not only demolition, but repairs and things like that, and I was hoping that, at some point in time, even if it was five years from now, that we could write a letter to all of the people who own a building in the Lahaina NHL, and I was wondering approximately how many contributing buildings there are in the historic districts?

Mr. Solamillo: Hopefully, we'll know that in a few months.

Ms. Chandler: Okay. Great. Because I feel like there's an aggressive way, you know, and I'm glad to have all this information because this city is very, you know, orderly, they have an ordinance, they're going to go after people, you know, they have maybe a very sympathetic and also convenient situation with banks and cost for construction and stuff, some of that will apply to us and some of it won't, but the idea that of the advice letter, I think we need to take a step beyond just, you know, waiting for a house that needs repair, I think an advice letter to all of the owners in the historic district would be obviously a huge undertaking but that's why I'm saying, even if it's five years out, even if we never establish an ordinance ourselves, but we just say: If you do not take care of your building, you will have termites. We will lose this building. This is the way that we're going. You know, maybe start the letter or something with, you know, how many buildings we had when we applied for the Lahaina NHL, and then talk about how many we've lost since then. You know, so just some way to get people to understand because it's not pretty when they come here and they had no idea and, you know, now they're asking for something that we're in a hard place and we can't really say no or yes, you know, with complete -- I mean I'm not comfortable with it when people don't fully understand what they're working with. It was a good step to tell the real estate agents to not, you know, sell them as tear-downs. I think that was I think the first step, but I think the second step is the education of the families and that's one of the more important things we can take away from this example.

Mr. Solamillo: I could talk for an hour.

Chair Hutaff: Yeah --

Mr. Solamillo: But we'll know when the numbers come in, and I'm hoping, otherwise, but I don't think it'll be pretty. I think it's a cultural thing, a value thing. I really do. The more I've wrestled with this. North Carolina used to be, in the '70s especially, in the '80s I wanted to work there because it was the home of the branch, and the branch operated out of Raleigh, and the branch did the most cutting-edge preservation work in the southeast, and they were great, and they were headed up by woman named Katherine Baischer, and they were awesome. That's '78, '80, how many years is that when we are in this opposite trajectory, which is, oh, buy a house and sit on it, but when I retire, I want to tear it down so I can build my, you know, my mansion. And the two are just in opposite directions. So you've had, you know, 30, 40 years of this important to our place versus 34 years of, you know, I mean look at the rents in Lahaina. The whole thing is -- it's almost calculated to explode because it's just -- it doesn't make economic sense.

Chair Hutaff: It appears that way but, obviously, back in the '70s, North Carolina had a different view because if you understand that a lot of the homes were all together and many of the people who lived there were descendants of slaves, so highly economically depressed, more so than we are here in Hawai'i, much more so, at that time. And so in the '70s and the '80s, they're trying to preserve these homes because of its historical value that are inhabited by the lower class, the Blacks, okay, showed a very progressive government back then and long-term. And the thing is is that those are the lessons that we need to learn. Duplicating what they do is not feasible. It's not practical. But we probably do need to define the laws a little bit better about what demolition by neglect really is and the consequences are because that gives authority early, okay. A lot of what I've seen in the last five years is a lot of things that are being done are so after-the-fact, okay. It's almost non-recoverable. And our rules state that we can't, you know, look at that. We have to look at other things. We can't look at, you know, there's no provision in here for economic hardship, there's owners' rights, but there's no economic hardship, and so there's no someone getting out there and going: We need to tag that one because this one here is early enough. We can help these people. We can help preserve the house. And just think about it another 50, 60 years from now when their families are still living in that house, they're taking pride of ownership in it rather than, you know, I can't, you know, when grandma dies, we're tearing the place down. We're either tearing it down with a permit or a match.

Mr. Solamillo: Okay, under the ordinance, the commission evaluates conditions applying the standards specified by the ordinance. The commission advises the association of its determination regarding the demolition by neglect. And the commission prepares a petition, submits to inspections -- or and submits that to the inspections department to initiate the case. Ray.

Chair Hutaff: Yeah, that's pretty much again by having certain, you know, laws, the applying ordinance is how it works, and then their commissions are given that authority. Right now, I don't know where we stand with that, but it comes from that we probably should begin looking at how do we get some of these laws in place. It's fair. It can't be like this. This is not fair to Hawai'i. But one that's fair to Hawai'i, and not looking at the past so much and not looking at today so much, but what about 30 years from now? What are we going to lose in the next 30 years? How do we get those things so that in 15 years before it fell over or a match lit to it, we're actually helping somebody, and help ourselves, help the history, and help the culture?

Ms. Chandler: Chair, I think that it's almost, at this point, it's like above us. It's your level, Michele. It's like the county's saying that we're going to take some kind of action because this Commission and Stan can't fix this problem, but it's a problem that does need some action now if it's going to change anything in the future, and it's really disappoint that last bill we took a look at that Lana'i ordinances that they wanted to change, I think that came from Hokama's office, and it listed all these reasons why it's okay to tear a building down, including obsolescence, which is a word I still want somebody to tell me what they meant by that, you know, but, you know, disrepair, all these things that are exactly this but our law could have allowed that to happen, and if it doesn't get addressed on that level, it's not -- it's, you know, we have to save it. I mean this is our most important job really is to protect the districts, right? I mean we're here for the historic districts, and so if we don't do that, and we don't tell people what they're in for, you know, I don't know. I just don't want to look at this like 30 years and say, awe man, we could have sent a letter and ...(inaudible)...

Mr. Solamillo: But we are. Paia. Paia. There was a proposal to designate Paia as a historic district in the '70s, and it was opposed. I'm discovering these little bits and pieces. There had been people that wanted to do just what this Commission wants to do, and there are significant people who oppose that. And if I look back at Lahaina, I came home to write about Pu'ukoli'i Camp. Have I finished it yet? No. Because there were 42 camps that housed Pioneer Mill employees. Now, in that whole culture where your kid is buried on the other side of the ditch, because he died at the age of 3, next to his sister, her cousin, right? When you all of a sudden take communities and wipe them out, you cannot expect the descendants of those communities to care, and I think that's really what I see here a lot is that that -- so we have these cemeteries in the middle cane fields, in the middle of who knows where. Who takes care of them? Who cares? You know, and it's something I've been trying to wrestle with because there's this -- we have the way we greet each other. The things I love about our culture. We treat each other like `ohana, right? But at another level, it's just like oh my gosh. So believe that when '46, the success of the unions, you know, got that opportunity for home ownership, that was the beginning of the demise because then they put in that, what do they call it, the hot sandbox called "Dream City." You know, there's always these kind of descriptions of it that I read in past tense and it's just like you've destroyed all the communities in that process, so we don't have connectivity

that Ray is talking about, you know, communities of color who grown up in certain sections for better or worse. We have had, you know, our people have been gutted. The Hawaiians were gutted from the lost of their land, their government, their culture, and that has continued through successive ways of immigrant population groups, and we're at another point today and kinda going, okay.

Ms. McLean: I think you are right that if anything is going to be enacted, it has to go through the county council and be signed by the mayor. I think the struggle is more, and that might be something that this Commission can help with, is determining the reasons why people don't maintain historic structures, and there's a big variety of reasons. And with the council and certainly with the mayor, it's not a pro-development, anti-environment, or anti-preservation attitude, it's trying to balance what are sometimes competing interests that shouldn't necessarily have to be competing. It was a few months ago we had that family from Lahaina with that home that, I mean you could tell, if they had the means, they would have restored that. You know they would have. In that case, it was really an economic concern. But then you have Lana`i, where it's not an economic concern. There's whatever that unwillingness is. So there are a lot of reasons that maybe if we can better articulate those, then perhaps we could craft an ordinance that could target the reasons, better target the reasons why it isn't done. And rather than it being incentive based, 'cause I mean it can incentive based, but I can't think of any of our land use ordinances that are incentive based, it's just much more black and while, you know, these are the uses that you can conduct that's, you know, these are the steps that you're going to have to take if you don't maintain, and then, yeah, doing outreach and notification to people so that they are aware, you know, if I don't keep up with my maintenance, then I'm going to be faced with a real challenge down the road so --

Ms. Chandler: And that's it. I mean maybe that's -- it's we'll never know why, you know, people don't care of things but just a letter to them that we exist and that you will not have an easy time just coming for a demolition permit so don't plan today for 20 years from now coming to this Commission for a demo permit; plan today to take care of your building because it's contributing to something that's a public resource. You know, so I don't know how to do that, but I feel like it's so important that, yes, money and staff time and everything is a pinch and a crunch right now, but if the administration or the council could know how important this is at some point in time to take action that we had to have done it in order to make change. I feel like just that owner education, that one-page letter that don't plan on a demo, you live in a special place that I'd be willing to bet a lot of them don't understand...(inaudible)... and that's our biggest problem.

Chair Hutaff: What if I suggested that for \$3,000, and five years worth of work, you could end up having laws written, okay, and having these things in place. That would be your answer. Correct?

Ms. Chandler: Awesome.

Chair Hutaff: Okay. Do you think it's possible?

Mr. U`u: Time will tell.

Chair Hutaff: No. Time does not tell. Time is waiting game. Time is an inaction game. Time is something that you either run out of, or you look forward to, okay. How much you get paid for doing this job, Rae?

Ms. Chandler: Zero dollars.

Chair Hutaff: How much money you get?

Mr. U`u: We the same.

Chair Hutaff: Okay. What I'm trying to suggest is that, you know, is that there's an untapped market of people who talk and do nothing, and not because they just know how to talk, it's because they have no means of doing things. In the five years I've been here, I've seen people who say this is the first time before the Commission. Now they're scolding us or challenging us. That's a volunteer. Okay. A lot of these things can be done. The problem always is time and money, okay. Money that, you know, if we went and said, okay, the Planning Department can -- let's all -- we all got together here and we think you should go out there and do this and, you know, go to the county council and get funding. And then ten years from now, we may need funding at one-third of what we actually needed and ten years--

Mr. U`u: Ten years might be too late.

Chair Hutaff: Yeah. For that.

Mr. U`u: So that's your time part.

Chair Hutaff: I'm saying why did I mention \$3,000? Because that's what it would take to advertise in the paper. You'd have to obviously have, the Planning Department or somebody would have to have the ability or it might even be there where you could say, okay, we're going to open up this organization of volunteers to work to gather information, to put things together to present to the Planning Department, to present to the council. Kind of what I'm trying to say is that if you really want to do something, you can get it done, even if you don't have the time.

Ms. Thomson: Chair?



Chair Hutaff: Yes?

Ms. Thomson: You know, if you guys are thinking about doing -- proposing a code change, you know, that's within your powers to do that. You would have to decide, you know, what you wanted to say, how strong, whether there are incentives that go along with it, such as property tax things. You know there's been a lot of talk about different ways that you can either punish or incentivize behaviors, you know, but that's within your powers to, you know, work with the staff and with, you know, with me to craft a change to an ordinance if you wanted to go that route.

Ms. Chandler: Thank you for saying that. And I don't want to punish people, and that's the thing that I think if the worst about feeling -- yeah, I feel so strongly about this, but then I'm also way too nice to ever say: You must do this or we will do that. It's just not going to happen. So I think that if we can come up with some kind of incentivizing program, like I don't want us to craft an ordinance and say, you know, they're going to be fined \$60,000. There's a lot of families I know that'll never be able to afford punishments like this. But if it were something like if you present your termite receipt that you got your house tented, that you'll get a tax credit of the value of your termite or, you know, something like that, like, yeah, some way where it's not going to cause the county to lose a lot of money, but it's also not going to cause that person to lose money either, and we're all going to achieve our same goal. I don't know. It's a crazy -- it's something we have to plan for. It's going to take a lot of time, but if we could do that, if we could just get people to termite stuff, Stanley, how many buildings would we save?

Mr. Solamillo: Save half of them, at least.

Mr. U`u: Chiming in. That's part of the process. The other part that might be lost is, when I was on the Planning Commission, everybody was flipping house in Front Street. You need one SMA. You know, you gotta build them in accordance to if you're in the historic district. So people were selling because they couldn't afford it because it was so convoluted the process and so expensive. To go through the process, you would have to hire Munekiyo & Hiraga, or Chris Hart. So termite, yeah. But the process is so cumbersome and so long and so costly, that when we're talking about what they did in North Carolina, try ask them how much was for the SMA. Try ask them how much was. Did you have to hire one consultant. And you go ask them if it was in the historic district. And you go ask them if their houses were valued now because the properties around them at two million. And then you go ask the retired people on the fixed income, who couldn't even understand the process, let alone the people coming in here just for one demo permit, and you go ask that senior citizen who retire, who been there their whole life, what is easier or selling them. So we missing the point. The process that is in place by the county was put in with good intentions, to me, went backfire. That's what happened. We can say termite and say certain homes, but the reality is, they could never afford it. And when you

say ten years, ten years ago, would have been better than now, but no better time than the present, but I been in -- I been in the commission meetings where they had no choice because they was on fixed income. We not heroes at times. The process is not the hero. The process is the problem most of the times in that specific area, which is Lahaina. So all those little nook and cranny that is still owned, we gotta go out and try save them now or we going lose them because we went hit the bad developer or the bad person that came in and bought one house and went create this process that went hit everyone, every single one down Front Street, and I seen them in the commission, Planning Commission, that they just sold them. It was just easier. Just get rid of it already. Now we, like I said, we get the facade, we have the house that look like the historic district, but we missing the people that was intended to be in the right place. So you get the wrong guy walking out of the right house. That's what I see. And that's bogus. That's one facade in itself.

Chair Hutaff: That's, you know, one of the things that was addressed in the one-year. You apply for a demolition permit, you got one year. 'Cause the first thing is, that's a very short period of time, so there obviously has to be a fast track. You know, it can't be a cumbersome process with an SMA and all this kind of stuff. It's like if you -- the rules are set out, and it's a check-off list by, again, the enforcer who sits within the meetings. The enforcer is also somebody who can give advice or at least get the answer to questions. Because a lot of that was brought up from other counties and stuff when we were in this Virginia thing. North Carolina just happens to have, one, they started a long time ago and it's evolved, and they've gone through, you know, circumstances and problems like that. And one of things that we were -- they brought up was what happens if you have these historic homes, 50 of them in a 2-block area, and then around you have huge office buildings, and hotels, and all these things. And part of the things that North Carolina has done is to address those things so that the property owner, and Hawai'i has actually done that too, to a small scale, the property owner is not affected by those things. There's a different scale that's used, okay, and it's not called "property values," it's called something else. I actually have the ordinance that they wrote on another file. But it does help that because one of the things I heard resoundingly from the people who wrote all these things since 1980, and all that, is they were true, kind, loving people, and the last thing they wanted to see was a family of have-nots be displaced with those who have much. Okay. That wasn't what it was, what you're talking about, wrong person who walked out of the house. Their goal was actually the opposite, which is again why a lot of times they encouraged the people to apply for the demolition permit because it started this quick process, okay, and its whole goal was to deal with the people who put in the permit. You see what I mean? Not try to get a buyer for the house or, you know, find somebody who has money, or to kick them out, or, you know, go through DSSH and say it's unsafe for the kids. This process actually put everybody else at bay - something like bankruptcy. We can put everybody else at bay and say we gotta work with this applicant, okay. The problem is with this that we're showing you now is that this thing was done in 45 minutes; we've already taken 45 minutes, okay. We had probably three or four hours worth of discussions

right after that in various groups on our own, plus two nights of going out to dinner, and things like that, of discussing this. This was the highlight. And we were very lucky because we had three people who hung out with us that were from North Carolina, my cousin, the -- a pro tem senator, okay, who's like 80 years old this lady. She grew up and was on all these things. She gave us a lot of insight. That's why for him to go over just these things, it's not really possible because I was ...(inaudible)... There's also ways that you can take all your good ideas, okay, and look at the outcome of what you want and how do you get it so it works. Nothing is not an option. Stan, you raised your hand? You want me to keep going? Okay.

Mr. Solamillo: I was just going to ask, do you want to continue or reconvene on this topic on another --

Mr. U`u: Reconvene. I wanted to make one point. Maybe what we should do is sit down with Don Couch ...(inaudible)... what is he the chair for, council planning?

Ms. McLean: Planning Committee.

Mr. U`u: Would he be the appropriate person?

Chair Hutaff: If he's re-elected chair.

Ms. McLean: He is the chair of the planning committee again. Yeah, it would be -- any bill would go through his committee but as Richelle noted, it's -- if it's something the CRC wants to propose, it's up to you guys to come up with, you know, the main points.

Mr. U`u: No, I understand that part, but it would be nice to walk 'em through and let them know now as a proactive approach say, hey, we're coming up with something, keep your ears open, so, you know, you no hit him, so it's more of an education over one time frame so we walk together and propose something. So, you know, I always thought that was the best way to go about business was, especially you take Don and you kinda educate him what the intention is doing and we kinda do it. And if he get questions now, it's just the process, so when you propose to the -- to the council, you know, it's a smoother transition. But, yeah, no doubt you guys will be the key element, but as far as bringing the chair onboard at a early stage, you know, and he can kinda educate the, you know, the rest of the council people; that would one key if you wanted to expedite the process instead of talking.

Chair Hutaff: Yes. Go ahead.

Ms. Thomson: Well ...(inaudible)... there's a survey that's going to be complete in Lahaina, in the Lahaina historic district, as far as the contributing buildings and all, and that could be

an opportunity to kind of approach that topic, if the National Historic Landmark is in danger and the reasons why, and have a bit of a dialogue before proposing some kind of legislation.

Chair Hutaff: Yeah, I mean but -- go ahead.

Mr. U`u: Oh, I'm sorry. Go ahead. And maybe we'd have to take into consideration the Moloka`i and Lana`i council people too.

Chair Hutaff: Oh yeah, I think that would be the, you know, final process or beginning process of doing that. I like your idea of getting with, you know, whoever the council chair is at the time and interested parties and see if they'll listen to you guys or us.

Mr. U`u: You.

Chair Hutaff: Huh?

Mr. U`u: You.

Chair Hutaff: The problem I have is that March is -- I have to wait a year, okay, and, yeah. Well, it's not really a problem. I'm looking at it as an opportunity because then I could do things that I feel needs to be done and then inform you through that side of the podium and get your input on that if I decide to pursue it that way. But the idea is, you know, you got other entities out there, Hawai`i Historic Foundation, you know, you've got other people out there who can give us direction, but the idea is that you, as a Commission, okay, all of us, need to decide if we want to go down that road. Okay. To be honest with you, I think we should open up to volunteers and us being the controller of that information or, you know, setting that policy and procedure and take it to the next level.

Mr. U`u: I thought it was them moving on, as a whole, we go through corp. counsel.

Chair Hutaff: The one thing we need, we need information. Like she said, "Why do these people, you know, let it go? What's the foundation? You know, the problem with most laws, at least from my opinion, is that you make a law or policy or procedure, and it affects everybody, and, unfortunately, the law or policy procedure was meant to affect only a few. So you have most people don't like it, or most people are adversely affected. Looking at some of these demolition by neglect, and looking at some of the laws that they have, and looking at what we have on the law, I can see that if we don't do it correctly, then we're -- we're not being sensitive to people.

Ms. Thomson: Are there organizations that you would like to hear from, you know, the Lahaina Historic Foundation, or any others that are involved in this kind of area that you'd want to ask to attend the meeting and talk to?

Chair Hutaff: Probably Hawai'i Historic Foundation. They seem to be -- what's the other commission? The state commission?

Mr. Solamillo: SHPD, State Historic Preservation Division?

Chair Hutaff: No. The one that we met on Lana'i that was going to approve the --

Mr. Solamillo: That's the National Register State Board of Review.

Chair Hutaff: That representative from there would be nice, even if it's the secretary or the --

Mr. Solamillo: I'm less of a purist now than when I was several decades ago. I would rather we somehow get the people who are most influential --

Mr. U'u: I agree.

Mr. Solamillo: Get involved in bringing people here and selling this place to get them believe what we're trying to say that our sense of place is what makes you money. If we allow, you know, and I hate to make the comment, but if we allow building by building to start going away, you know, like the proposal this morning, it starts like that; it starts one here and one there, and then another here, another one there, and after a period of 10 or 20 years, you've got, what, 30% of your building stock is already gone, and, you know, it's kind of like that. And I still keep going back to that we don't really appreciate what we have, we really don't, it's a lot about money, a whole lot, and that's what drives it. That's what drives the whole thing. And I don't know how to, in Lahaina specifically, I don't know how to change that. That's why I'm saying it's almost this animal by itself. Now, if you go to other places, include Kaunakakai, including Lana'i, you have the opportunity; Lahaina is an animal unto itself. It really is. So -- but that's what I'd rather do. I'd rather us get the survey in. Because we're proposing new things for Lahaina, take the new stuff out of the districts, you don't need somebody who built a house in 1987 to come in and get an HD approval, right? It shouldn't be -- they shouldn't be part of it. Cut the pieces out, let's find out what we do have, what we don't, shrink the district down, and let's deal with it. One district. HD-1 and NHL is the same. But even then, it's like the Hawaiian sites that are under the ground are going to be the things that save you because above ground, we're really challenged.

Ms. Chandler: So as a part of this survey then, you will have all the names and addresses of all the owners and the buildings in the districts?

Mr. Solamillo: It'll be in a database.

Ms. Chandler: Okay. So it's possible to create a mail list from that?

Mr. Solamillo: Yeah, but like I said, we got a lot of resistance just from doing the survey.

Ms. Chandler: Oh, I understand.

Mr. Solamillo: I had people: Don't take a picture of my house. You know, it was like, whoa.

Ms. Chandler: Well, you're just doing your job. Thank you, Stanley. But if it creates --

Chair Hutaff: Because, like you said, we can go out and, you know, say, hey, we're going to be coming around because this what we're trying to do, you know, that's where your suggestion getting with Don Couch because it also applied to people.

Ms. Chandler: Yes.

Chair Hutaff: No camera. I'm just ...(inaudible)... we're on your side.

Ms. Chandler: In that case, I mean I really think that it would be good to invite stakeholders and have a agenda item that's about this idea of educating homeowners in the historic district based on the survey results, and then bringing, you know, whatever appropriate council members into the discussion and Lahaina Restoration Foundation or whoever else feels like they have something to say. I mean we're going to do this one time, email everybody, it might as well be as much information as a homeowner could get about historic preservation or ...(inaudible)...

Mr. Solamillo: I think we're going to find that we have so few homeowners really. It's more about commercial properties and institutional properties.

Ms. Chandler: Okay. Well, those people.

Mr. Solamillo: These are the majority owners in Lahaina now.

Ms. Chandler: Yeah. No, that's fine. I mean all the commercial -- just owners period, whether it's a home or a business.

Chair Hutaff: You guys know that Burger King is for sale, right?

Ms. Chandler: Oh boy. No, I didn't know that.

Chair Hutaff: But anyway, I like your idea of us waiting and continuing this on the next agenda. And also, think about the answers to your questions, and the answers to our questions, so that we can ...(inaudible)... that seems to happen to me a lot. But, yeah, we do that anyway, just kind of think about it a little bit and come up with some positive suggestions. Ignore how hard it may appear and come up suggestions, like you have, Bruce, you know, you can be that advocate. I like that.

Mr. Solamillo: Commissioners' Announcements?

#### **E. COMMISSIONERS' ANNOUNCEMENTS**

Chair Hutaff: PC-10. Don Couch has assured me that it will come up this session.

Mr. Solamillo: This session.

Ms. Chandler: Is there any progress in filling our seats?

Ms. McLean: We've asked the mayor's office to be in the loop and haven't heard anything back from them yet.

Ms. Chandler: Okay. Thank you.

Chair Hutaff: I did see it in *The Maui News* and *Maui Now*. They were asking for volunteers.

Mr. Solamillo: Okay, we're minus an archaeologist and an architect, so those are priority slots. Okay, anything else. Thank all of you. Happy New Year, by the way.

#### **F. NEXT MEETING DATE: February 7, 2013**

#### **G. ADJOURNMENT**

Mr. U`u: Motion to adjourn.

Chair Hutaff: Any second?

Mr. Osako: Second.

There being no further business brought before the Commission, the motion was put to a vote.

***It has been moved by Commissioner U`u, seconded by Commissioner Osako, then unanimously***

***VOTED: to adjourn the meeting at 2:30 p.m.***

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards & Commissions

## **RECORD OF ATTENDANCE**

### **Present**

Raymond Hutaff, Chairperson  
Warren Osako, Vice-Chairperson  
Rhiannon Chandler  
Makalapua Kanuha  
Gaylord Kubota  
Bruce U`u

### **Excused**

Irene Kaahanui  
Kahulu Maluo  
Brandis Sarich

### **Others**

Michele McLean, Deputy Planning Director  
Stanley Solamillo, Cultural Resources Planner  
Richelle Thomson, Deputy Corporation Counsel