

CULTURAL RESOURCES COMMISSION  
REGULAR MEETING  
FEBRUARY 5, 2004

**A. CALL TO ORDER**

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Vice-Chairperson Erik Fredericksen at 9:05 a.m., Thursday, February 5, 2004, Planning Conference Room, Kalana Pakui Building, 1<sup>st</sup> Floor, 250 S. High Street, Wailuku, Maui, Hawaii.

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

Mr. Fredericksen: I'd like to call the, now let's see, what is this month? February meeting of the Maui County Cultural Resources Commission to order. Before we get started, if anybody has a cell phone, please turn it off, or make it silent. Let's see, before we actually get into the agenda itself, does anyone from the public wish to testify on anything that is on the agenda that needs to take off? Going once, twice, okay. Let's go ahead and get started then. Let's see, I guess, Item A, Call to order. I guess we need - do we have minutes to approve?

Ms. Duensing: No, there aren't any minutes this month.

Mr. Fredericksen: Okay, let's go ahead and go to, B. Sign Enforcement Program in the Lahaina Historic Districts.

**B. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICTS**

**1. Michael Foley and Aaron Shinmoto**

Mr. Foley: Good morning, Chairman Fredericksen and members of the Commission. For the record, I'm Mike Foley, I'm the County Planning Director, and I've been invited to come and talk with you this morning about the status of the sign enforcement and other related activities for the Historic Districts in Lahaina.

I wanted to mention, for those of you who don't know it, that I worked on Front Street for four years and so I'm extremely familiar with this issue and had lots of long interesting conversations with Theo Morrison about enforcement years ago. And I wanted to mention also that there are three things that happened in the last year, during my administration of the Planning Department, that I wanted to bring to your attention because they're all related to Lahaina and, specifically, to this issue.

First of all, Elizabeth Anderson left the employment of the Planning Department five years ago and, for five years, we were without a Cultural Resources Planner; that should have been rectified four years ago but was only rectified a few months ago when we were, fortunate, last summer to get approval by the Council, after intense lobbying, to hire a Cultural Resources Planner and, a few months ago, we were fortunate to hire Dawn Duensing, who is very qualified and will provide a higher level of service to this Commission than we've been able to provide since Elizabeth left five years ago, so that's one bit of good news.

The other bit of goods news is that we spent a lot of time working with Theo Morrison and Keoki Freeland and others in Lahaina on an updated design guidelines for Lahaina; that also will enable us to do a better job protecting the historic resources in Lahaina.

The third thing that happened is probably the most relevant to this topic and that is that, last summer, we were able to convince the Council to double our enforcement staff and we were given the authority to hire additional zoning enforcement personnel, and their supervisor is entering, as I speak. We have mired in the personnel process for months going through applications, and testing, and interviews, and Aaron interviewed five applicants in the last two days and we intend to, hopefully, hire two of those applicants to double our enforcement staff. So we do intend to increase the enforcement for the Historic Districts in Lahaina, not only with respect to signs, but also with respect to zoning violations. As you're probably aware right now, we have two inspectors for three islands and we're, unfortunately, able to only respond to the most serious complaints regarding zoning violations, but that should change pretty significantly with the addition of two more inspectors, and also having Dawn on the staff will help quite a bit too because she's, you know, more familiar with the issues of historic preservation and architectural significance than we've had for quite a while.

With that, I guess I'll just make myself available to answer any questions. I should say that I'm only going to be able to stay for this item because I was supposed to be in Kaanapali testifying in 20 minutes before the State Land Use Commission.

Mr. Fredericksen: Well before anybody gets started on the Commission, if I could, I'd just like to first thank you, Mike, for coming, and then, second, I do agree with what you said about the, you know, the length in time that it took to get a designated cultural resources person, you know, in there, in the Planning Department, but I do appreciate, and the whole -- the Commission does, your actions in, you know, making that desire to bring that to fruition because we, I've been on the Commission, essentially, five years, and from when Elizabeth left, I mean it was an ongoing thing, you know, us requesting --

Mr. Foley: Right.

Mr. Fredericksen: You know, that position be filled because this Commission, I think everybody understands, it does have to deal with lots of issues and the County's continuing to grow, and the Planning Department's the department that's gotta deal with it, primarily, and so it really is important to have that position. I'd just like to, you know, thank you, thank the Department for pushing for that.

Mr. Foley: Well, we, I have to say, we were -- we lobbied hard and long to get that Cultural Resources Planner and I have no idea why that didn't happen four years ago, I mean it's really a -- it was a mistake not to fill Elizabeth's position with a specifically trained Cultural Resources Planner a long time ago and, fortunately, we were able to convince the Council to do that and, at the same time, add more enforcement personnel, and so I think that'll make a significant difference. You know, during the last five years, most of the Commission's applications have been processed by Ann Cua and Colleen Suyama, and while they've done, you know, a good job, neither of them have specific training in the area that you're most concerned about and, you know, this should make a significant difference. We've also, you know, tried to find different ways to work with the Lahaina Town Action Committee and the Lahaina Restoration Society and elicit their support but, you know, they have very limited staff, and they have, you know, a sincere interest in protecting the historic value of Lahaina, and we haven't been successful yet in figuring out, you know, how to work cooperatively using volunteers or using some kind of system that combines full-time staff with volunteer efforts, and we recognize that it is our responsibility to, you know, do the sign survey, and do sign enforcement, and do zoning enforcement and, frankly, we were just unable to do that in the past and, you know, I'm looking forward, as a Maui resident, to an increased level of enforcement, you know, personally.

Mr. Fredericksen: I'll shush, folks, go for it.

Mr. Pa: Yes. No, one item that I'd like to especially address that I'm thankful that finally something is being done, and that's the third item that you mentioned, enforcement. Having been on the Commission for about five years now, this is an issue that, you know, we've discussed often because, as you know, you can have rules and regulations and whatever, but if there's no enforcement, you know, they're worth nothing.

Mr. Foley: Yeah.

Mr. Pa: So I'm especially pleased that this issue is being addressed. Thank you very much.

Mr. Foley: You're welcome. I'd like to say one thing about sign enforcement, specifically. In my 38 years of planning experience, on that very large island to the east, I wrote several sign ordinances and hired people to do sign enforcement and I discovered the hard way that it has to be done comprehensively, it can't be done occasionally, and the reason for

that is that that everybody has to be treated equally and if you come down hard on one or a few businesses, you create a lot of problems, and so we really need to do our comprehensive effort that is very well planned and, you know, is steeped in diplomacy because sign enforcement is a very emotional issue for business people and it has to be done very carefully and consistently, and, you know, with the staff we've had in the past, that's just been impossible, but now we'll be able to design a strategy for increasing enforcement and actually get it accomplished. But doing it once in a while, on the basis of complaints, you know, doesn't work very well and it often creates more problems than it solves because you, you know, really stir up the merchants, and so I know how to do it and now we're poised to change the procedure and make it happen. I think you'll -- when I come back next year and give you a status report, I think we'll be able to point to specific, you know, improvements and describe more precisely what's going on.

Ms. Sablas: I had a question but I think you answered it and that was the -- I'm thrilled that you doubled the enforcement staff and my question was going to be the priority that you would be giving to the enforcement staff, if West Maui would be a priority with the signage because, then you just answered my question by saying next year you're going to come here and we're going to hold you to that.

Mr. Foley: Yeah.

Ms. Sablas: Cause I'm still going to be here next year cause I like to see action --

Mr. Foley: Yeah.

Ms. Sablas: And we've done a lot on that -- the surface end, we need to now enforce it, and I thank you for taking your time to come here, and thank you for the message you delivered, your three points, I think it's wonderful news, but we're going to hold you accountable. Thank you.

Mr. Foley: That's fine. I want you to do that. You know, I don't have a specific strategy worked out yet. I've talked about, to both Dawn and Aaron, about the possibility that, you know, maybe we can assign one of the new inspectors to Lahaina two days a week to just go over there and work --

Mr. Fredericksen: You have the consistency.

Mr. Foley: Yeah, so that it's the same person enforcing the regulations in the same manner for a couple days a week, but we also have to do an inventory of the signs and, you know, we really should do that first, and whether that person should be the enforcement person or whether we hire somebody this summer for a two or three month temporary stint, I don't know, you know, we have to look at that as an alternative. But I want to be able to consider

Lahaina, definitely, as a priority, and not only signs, you know, the enforcement issue in Lahaina isn't related totally to signs. There are lots of activities that are going on that, in addition to signs, that I think threaten the validity or the authenticity of the Historic Districts and I want our enforcement people to address those as well, but it needs to be done very carefully, and I can't overemphasize that. I've seen it happen in the past where, you know, it's kind of a hit-and-miss occasional enforcement effort and, trust me, that doesn't work.

Mr. Fredericksen: Mike, in terms of, you know, I heard you mention trying to get like an -- the possibility of bringing somebody from outside in to try to put together the sign inventory. One suggestion, I mean if that's the direction that the County does, the Planning Department does go, is possibly approaching Manoa's planning department and getting a grad student as a, you know, some sort of a stipend.

Mr. Foley: Right.

Mr. Fredericksen: It would be a good experience for them and that's certainly, you know, planning related, absolutely.

Mr. Foley: They'd probably quit planning after doing the signs.

Mr. Fredericksen: But that might be an avenue --

Mr. Foley: Yeah.

Mr. Fredericksen: And that person would be motivated for two reasons: one, because it'd be something they could spin into, I don't think they've got thesis track in the planning certification masters program that they have, but it certainly would qualify for one of their, you know, papers that they do have do that in that program.

Mr. Foley: Yeah. We've actually already explored that. You know, one of our planners is a graduate student at the masters program and she's finished her course work and is now doing her thesis, but she is spreading the word, in writing and orally, that we need applicants for a lot of different levels of planning. We have five or six openings right now in the Planning Department and we're recruiting from all kinds of interesting sources. So that's one of the alternatives. Another alternative is to hire somebody who already lives in Lahaina and is already pretty familiar with the geography, and I don't know whether, you know, such a person exist, whether they, you know, we can find somebody that would be willing to do it, but, you know, I wanna talk to Theo and Keoki about whether or not, you know, we can take that route, not in terms of saving money, but in terms of finding somebody that's already familiar with Lahaina.

Mr. Fredericksen: That's on the ground already.

Mr. Foley: Yeah. Yeah, cause that would be a distinct advantage to, you know, reduce our training effort and get somebody on the ground sooner. But we're going to have to explore several different alternatives, and doing the sign inventory has to be early.

Mr. Fredericksen: Yeah. No that's -- we all agree with that because if you don't have that, it's kind of like --

Mr. Foley: Yeah. Yeah, and the person also, you know, that does the enforcement, whoever they are, that person is going to also need some training as to what the regulations are. We don't have the world's most simple Sign Ordinance and the Zoning Ordinance is even more complicated, so we're going to need to do some training, and we're going to try to find somebody with a correct combination of skill and diplomacy because enforcement is a difficult endeavor and it's not usually the favorite task of planners.

Mr. Fredericksen: But it is essential in this case --

Mr. Foley: Yeah.

Mr. Fredericksen: And I think everyone here would agree.

Mr. Foley: I agree.

Mr. Fredericksen: Any other questions or comments?

Ms. Sablas: See you next year.

Mr. Foley: Lori's going to remember; she's probably writing down on her calendar, February 4 or 5, whatever this is -- yeah.

Mr. Fredericksen: Okay, well, thanks for coming and, you know, we wish you, you know, good luck and --

Mr. Foley: Thanks, we'll need it.

Mr. Fredericksen: But it's something that -- I mean we've all spent a lot time with those, I won't say it, but the -- a couple spaces at the end of regulations that we've had to put together, but we'd like to see them, you know, so we can get them enforced.

Mr. Foley: Yeah.

Mr. Fredericksen: Lahaina is an Historic District. Businesses that are there, you can't come in and do something else, and if it wasn't a Historic District, that's a different story, but that's not the case and everybody knows that --

Mr. Foley: Yeah.

Mr. Fredericksen: And it's a unique, certainly in the State, it's a very unique, you know, unique area.

Mr. Foley: Yeah, well, we're well aware of that, and I am particularly, you know, interested in preserving the historic value of Lahaina and, you know, I drive through it twice a day and so I'm very familiar with the issues and I'm bombarded by questions constantly by my neighbors who work in Lahaina. So, you know, it is very high on my personal priority list, and I'm always telling people that live and work in Lahaina that, you know, that's where I live and that's where I worked and, you know, it is extremely important so, you know, we're well aware of that. And I don't know whether you have any questions for Aaron or Keoki or Theo; I'll stay until this item is over.

Mr. Fredericksen: Does anybody from the public have any comments? Barbara, come on up.

Ms. Barbara Long: Good morning. My name is Barbara Long, and I'm a member of the Outdoor Circle, which has concerns about signs. I am a property owner of a commercial structure, the old Kidani Building on Front Street in Lahaina, have been for some 30 years, and I have a section in our leases with tenants that say that they must comply with all State and County laws. I would assume that other landlords on Front Street and in the Historic District would have such things in their leases, so I am delighted to hear all the things that Mike told you this morning, and I have some suggestions, whether he's from his experience in enforcing zoning and sign laws come to these conclusions or not, I don't know, but, as a landlord, as an Outdoor Circle person, and as someone who hopes to be sitting with you starting next month, this is my two cents.

There are a couple of things in these sign guidelines that, I think, need your attention before the enforcers go out. Specifically, what it seems to say is that the signs may not have painted backgrounds; that they must be natural wood backgrounds either stained or varnished with the letters and embellishments in color. I don't think there are more than two or three signs in the Historic District that comply with that. I don't know why that was put in here, but it's something that I think you might want to look at because it's hard to read a sign with a natural wood background.

The other thing, couple of things in this thing say that there should be an office in Lahaina or a source of forms and information regarding signage. Certainly, if you're going to enforce something, people need to understand what it is you're enforcing. I don't think anybody in Lahaina does. The suggestion to take care of that before you send an inspector over there, to my mind, would be to distribute copies of this thing to every property owner in the Historic District, forget the tenants, you want it to go to the property owners, and to every sign maker on Maui. They need to have this information. People will go down there and spend five-hundred, a thousand dollars on signs, and then get slapped down for it. The sign makers are responsible; the tenants are responsible. The Outdoor Circle would like to participate for the rest of the County, but in the Historic District, I think it would be great if you folks would work with Planning to get a one-page flyer that gets distributed every year or more often to every address in the Historic District that says what's allowed and what isn't. It is simply a matter of educating the public, and people simply do not know. It's an inexpensive thing to do. I'm sure Mike has done something like this before. It wouldn't be hard to do. You've got Theo and Keoki back there who could help distribute it or the inspector could or whoever. And, yes, I will be here next year and hope that Mike will be reporting.

There's something else in here about using an affixed numbered seal on the signs. I think it's a marvelous idea. They do it in LaJolla and it's, apparently, very successful there. I don't see why we don't do it throughout the County. Lahaina, the Historic District, would be a wonderful test case. I hope it's something that we can start to implement immediately.

Enforcement has to be consistent and fair. Okay, what's the legal basis for sign enforcement? Is it different from enforcing sign violations outside of Historic Districts? Are there different criteria? Is it like giving someone a ticket? My understanding is they first give them a warning; then they get a letter; then they get something else; this can stretch on and on. You folks don't need to be involved in the process but for something to be effective, it has to be fast, and it has to be across the board, and it has to be fair. So from what I've heard in the past, it can take months and months and months, and the tenants can change, the employees of the tenants can change, nobody knows what's going on, and least of all the owners of buildings who need to know, from day one, that their tenant is in violation of a County law. And that's all I have to say. Questions?

Mr. Fredericksen: Anybody?

Ms. Long: Thanks.

Ms. Duensing: Can I interject one comment to Ms. Long's testimony in that several months ago, I don't know how many months ago, the CRC did take action on the distribution of Sign Design Guidelines. We had asked them to be distributed to all public libraries as well as all the sign makers in Maui.

Mr. Fredericksen: Yeah, it was the sign makers.

Ms. Duensing: Yeah. Yeah. So we had quite a list, and I saw that list, and I'm assuming that it was, you know, I'll speak to Ann Cua and find out if that was done, but, you know, we did take action to do that.

Ms. Long: I'll speak to the sign makers.

Ms. Duensing: Yeah, well, they were supposed to have gotten them and it was, you know, a list of names, four across and, you know, several pages long.

Ms. Long: I hope so.

Mr. Foley: I think we're also already doing the stickers on the signs that indicate that they've been reviewed and approved and are in compliance, so that's been implemented also.

Mr. Fredericksen: Anyone else?

Ms. Theo Morrison: Good morning, my name is Theo Morrison, Lahaina Town Action Committee, and this is the umteen time I've been here talking about signs. It's really great, and Mike's heard my whole spiel when he was working on Front Street, so everything he said today is great. There's some other issues. I agree with Barbara about the education. I mean I educate people all the time in my newsletter, and they don't get it, so we gotta just keep doing that, and coming from the County would be another source of that education. And I do suggest that we meet with Mike before, they do need to be reviewed, it's now been three years since that, you know, we spent the three years producing the thing. There are a few errors in there; there's a few omissions, for example, booths are not -- there's no specific thing about booths and signs on booths so the timeshare guys just go bananas on signs, and upstairs businesses are not addressed. I think I've gotten complaints from upstairs businesses that they might be like in a different category.

And my other thing, which I've been saying for years, is that a great many of the sign, well, I don't if it's signs as much as the other issues in Lahaina, the other zoning things, there are gray areas and the inspector has to make a subjective decision. There should be some way of recording those subjective decisions so that they're the basis on the next subjective decision. I mean that's my biggest complaint I get in Lahaina is like, well, last year the guy said it was okay, this year he said it's not okay and, you know, that whole thing where it could go just like a court case it's based on something and then there's always that review or the appeal process where you can change it all, but there has to be some basis for these subjective decisions, and there's a whole lot of subjective decisions and we have to accept that that this is all these gray areas despite the number of rules you make.

So those are my suggestions and I'm -- Mike will be getting a call from us and this -- it'd be great if we could just come up with a good system and it is enforced. The thing about the inventory, we tried to do that. If you do the inventory, the enforcement has to start the next week because those signs will change, that's part of the sign thing so -- okay, thank you.

Mr. Fredericksen: Theo, excuse me, I got one quick question for you. I know that there's a pretty -- pretty high rate of turnover in a lot of those shops. Any -- can you give any -- I mean it's a real like ballpark guesstimate, what do you think the turnover rate is?

Ms. Morrison: Well, it's actually not that high.

Mr. Fredericksen: Are we looking at a year, two years, three years?

Ms. Morrison: For what?

Mr. Fredericksen: For turnovers, just in like different businesses coming in and going out.

Ms. Morrison: Well there's certain ones that keep flipping, but I'd say the majority is --

Mr. Fredericksen: Semi stable?

Ms. Morrison: Yeah, they, yeah, but they -- the signs -- just cause it's the same business doesn't mean they don't add an extra sign cause the guy down the street did, that's more the issue, I think.

Mr. Fredericksen: So keeping up with the Jones's so to speak.

Ms. Morrison: Yeah, exactly.

Mr. Fredericksen: Thanks. Anyone else wanna say something?

Mr. Keoki Freeland: Good morning. Keoki Freeland, Lahaina Restoration Foundation. I just want to say that I concur with everything that has been said so far on this subject. I'd just like to add a couple items. The sign problem has been in existence for so long that I think enforcement is going to be a very difficult problem to solve because nobody believes anything anymore. Sure, we gotta go out there and inform the people, and they're not going to believe you the first time around, but once you start taking some action and it has to be a fair, uniform action, and it has to be consistent. Instead of Mike reporting next year, I would like to see something more frequent because it can't wait until next year to discover that nothing's happening or you got big problems along the way. Once we get it rolling, then you can come in not so frequently but, in the beginning, I think we're going to have a lot of problems along the way because nothing has been done for so long. The problem,

as you know, is really chaotic. It's unbelievable as far as, like Barbara said, there's probably only couple, three signs that meet the criteria at the present time, and you know how many signs we got in Lahaina, there's just thousands of them.

Another one we need to look at, nobody had mentioned about, is the County signs. The stuff along the roads and whatnot. We can't be going out there and beating all the public, telling them to shape up, and the County is the biggest violator. So we need to look at that as well. Any questions?

Mr. Fredericksen: Keoki, you're talking about the, what, like no parking, loading zones, and that kind of stuff?

Mr. Freeland: Right, yeah. You remember, what was it, four or five years ago I was coming in to put up some signs along the lighthouse and I took some pictures of the lighthouse?

Mr. Fredericksen: Right. Oh, and right next, yeah.

Mr. Freeland: Right, big violations right along the lighthouse and everybody's arguing about my sign and the public sign was far worst.

Mr. Fredericksen: Mike, I know that's direct -- not directly the Planning Department because I'm assuming that other County departments don't, you know, I'm not even using this term in a negative way, but bother checking on that, they just assume that, okay, this is what, you know, this is what we use elsewhere and it works here. Do you have any suggestions on how that could be remedied because it is, you know, it is kind of -- it's case specific, you know, the signs in the Lahaina Historic District really should comply with the guidelines and match the, you know, match the area, if you will?

Mr. Foley: Well I think what we'll have to do is increase our education program and include Public Works Department and the Parks Department, especially Public Works, and just explain to them, you know, what the sign guidelines are supposed to be for the Historic District, and I think there's been some inconsistency, you know, there but we have, you know, new personnel in Public Works that we'll -- we'll meet with them and, you know, come up with a program to replace the signs that are inappropriate and make sure the new signs that are installed are in conformance. But, you know, Keoki is absolutely correct, the County signs need to set the standards and be the example rather than be in violation.

Mr. Fredericksen: Yeah I, personally, think that, you know, given the amount of inertia, if you will, that's going to need to be developed to get this whole thing going, that might be a good point on which to kind of start, if you will --

Mr. Foley: Yeah.

Mr. Fredericksen: You know, getting the signs that the County have within Lahaina so they're uniformed and, you know, appropriate to the Historic District, and then you're going to at least have that level of consistency --

Mr. Foley: Right.

Mr. Fredericksen: Within, you know, within the town.

Mr. Foley: Yeah, and we should be the good example and not the bad example.

Mr. Fredericksen: Did you have something, Dawn?

Ms. Duensing: Yeah, I'd like to add something, and I remember when you brought that up at our Commission meeting and we did send a letter to Public Works, which of course went unanswered, and when we requested follow-up, nothing happened, and I have a long list of things, from five years, that weren't taken care of and that's on the list and I've been -- I walked around the harbor area one day with Theo and I did a little bit of research when we got back because, as she pointed out, some of these sign are just enormous, you know, with various colors and all the things you can and cannot do. And one of things that I discovered is that when they did the Front Street improvements, I think that's when it happened, is they recommended a certain signage be used along road fronts, well, actually on Front Street, and then all they did was encourage the government entities to use them in the Historic District throughout and that's not happening, so I think that's a good place to start because if you drive down Front Street, there's nice little brown signs telling you no parking or whatever, and those look nice, they don't look like the ugly metallic metal ones we always see, so that might be a good place to start, and not only do we need to work with Public Works, but we've gotta get the State onboard because, you know, since they're in charge of that harbor, you know, their signs are even more obnoxious than the County's are. So there are places where we can start and, you know, proceed from there.

Mr. Freeland: Just one more suggestion. Relative to the permitting process for signage and stuff, we need to streamline that, really simplify it, and if the sign meets the criteria, boom, let them put their sign up. If there's any kind of deviation, okay, then come in and see you folks. But, right now, it takes way too long to get a permit. But if we get enforcement, it'll take care of that. When we didn't have enforcement and the permitting process was way too cumbersome, people put up the illegal signs anyway and so nothing happened, but this enforcement should take care of that but, as an added suggestion, streamline the permitting process.

Mr. Fredericksen: Okay, any comments?

Ms. Sablas: Well, I just want to comment on what Keoki said about we need to report back sooner and I'd like to recommend that, just as we put the Hana Belt Road on our agenda regularly, that we put the Lahaina enforcement guidelines on our agenda regularly so staff can give us an update every month so we know what kind of progress is being made.

Mr. Fredericksen: Yeah, that's good idea, Lori.

Mr. Freeland: Mahalo.

Mr. Fredericksen: Thanks, Keoki. Anyone else want to testify on the, let's see, sign enforcement? No? Commissioners, you have any other comments? Okay, I don't think there's any action we need to take other than hope that everything's going to go along well. Let's see, let's go to Item C, which is Permit Review. Thanks, Mike, for coming by. Take care. Historic District Applications, we have none. Item 2, Advisory Review, there's none. Item 3, Demolition Reports, or Permits, excuse me.

## **C. PERMIT REVIEW**

- 1. HISTORIC DISTRICT APPLICATIONS - None**
- 2. ADVISORY REVIEW - None**
- 3. DEMOLITION PERMITS - Advisory review and comments requested for a demolition permit application by Ms. Louise Albarano to demolish a house and garage at TMK: 3-9-011:039, at 1699 Alaniu Road in Kihei, Island of Maui. (D. Duensing)**

Ms. Duensing: Okay, I have a very brief staff report and I've asked the applicants to come. You're here, right? Okay, thank you. And then I'd like to just make a few brief comments and then you can address the applicants with your questions, Commissioners. Although the SHPD did note no concerns regarding this demolition, I asked CRC to review this request for a Demolition Permit because I made a site visit to house on January 27 and I found that the house, which was built about 1952, it is a fine example of a modest vernacular house from the Post War era. The building maintains its historic integrity, having original double-hung windows, front door, a single-wall vertical board construction, it has an intersecting hipped roofs, and two girts. The house was rather large for its time, most of the modest structures of this time are generally under a thousand square feet, and this one is about 1200 square feet. Most of all, I think what SHPD does not know, because they only review photographs instead of making site visits like I did, is that the house sits very nicely within the neighborhood. This is about one street off the beach in Kihei, near Halama Road, and Commissioners are probably aware that many of the beachfront

cottages have been demolished in favor of monster homes that look like they belong more in Southern California. And, anyway, I noted that the house, the subject house, fits nicely in its neighborhood. Most of the homes in the neighborhood reflect the same type of architectural and historical character from the 1950's, the vernacular plantation style, which makes for a very pleasing cultural landscape. There have been several more modern larger homes constructed in the neighborhood but, in general, the integrity of the neighborhood is maintained. I noted that the demolition of this house will result in a loss to historic resource and will be an impact on the architectural and historic character of this modest neighborhood. And after discussions, I would also have some mitigation measures to suggest, if necessary, so if you wanna address the applicant.

Mr. Fredericksen: Yeah, somebody from -- one of the Albarano's want to pop up?

Ms. MD Albarano: My name is MD Albarano, and it's interesting cause I sit on the Liquor Adjudication Board, and being on the other side of the fence is really interesting. I was born and raised on Maui, in Kihei, and we bought this house in 1962. And three years ago, we started talking about, you know, my living with my daughter in a cottage, ohana, or something, and, in May, we talked about knocking down the thing because it was termite eaten. It's rotten. I mean all kinds of stuff wrong with it. And to redecorate, redo the house, would be so expensive, you know, and we're just little itty-bitty local people who don't have that much money, so breaking it down, starting over sounds so much more economical, and putting a little ohana for me. I'll let -- she'll explain.

Ms. Arlene Lindsey: Hi. My name is Arlene Lindsey. I represent Ridgeline Homes, we're the contractor for the Albarano's, and Henry couldn't be here, he's actually the contractor, so I'm kinda reading his notes that he address because it is a beautiful home that sits on the property, I agree with you, it does sit nicely on the lot. Besides the damage that they've been living with, the floor plan really is not conducive to the airflow, they do have a lot of heat, that was one of the complaints that they have; the roof pitch is low; there's solid glass windows. You know, our opinion was that it's kind of not real consistent with the neighborhood because right across the street there's this sprawling additions added to that house, and directly in the back is the Kihana Nursery, which is a eight-foot high gable contemporary home. And what we wanted to show you was a conceptual drawing of the house that we propose, we're not proposing any monster. It is an award-winning parade of homes design with full hipped roof, windows on every side so there's full ventilation, and I have copies if I can hand it out. So, anyway, that's the extent of my testimony. We just feel, in the best interest of the neighborhood, we do plan to, like I say, keep it in tune with the same era, actually, the low pitch roof and line of the existing house, and it'll also benefit the residents. Thank you.

Mr. Fredericksen: Thanks. Let's see, these are always difficult. Okay, I think everybody can see from what the, you know, what the photos that have been passed around, I mean

it does look nice. I don't know. I, you know, I can't, of course, tell anything about the structural integrity of the home. I do know that termites get real hungry in Hawaii. Does any Commissioner have a comment to get stuff started?

Mr. Whelchel: Is there any photos of the evidence of the termite damage?

Mr. Fredericksen: Apparently not.

Mr. Whelchel: It looks good from the outside.

Mr. Fredericksen: I guess it goes back to the question too about if somebody needs to -- if somebody wants to make a house larger, or smaller, or whatever, I mean -- Dawn did have any interesting point, you know, let's see, when did you say it was built, Dawn?

Ms. Duensing: 1952.

Mr. Fredericksen: Okay, so it's historically significant plus two years cause 50 years is the cut off. If it was 1955, it wouldn't be here. But I think I'll keep my thoughts to myself for a minute while I think about them a little bit more. Lon, do you have anymore comments?

Mr. Whelchel: Has there -- has anyone been out there? The staff to make a recommendation?

Mr. Fredericksen: Dawn went out. Yeah, she did go out.

Mr. Whelchel: What does Dawn recommend?

Ms. Fredericksen: Dawn?

Ms. Duensing: I'm sorry. I had to ask Suzie a question.

Mr. Whelchel: Dawn, what do you recommend?

Ms. Duensing: What do I recommend? Well, you know I always like to see historic structures saved, and there's only one case where I said, "go ahead and get rid of it." Personal feelings aside, I just walked around the front of the house; I did not go inside the house; I did not walk in the back of the house, so I, you know, I'm not a structural engineer or an architect. There was some termite damage. It did not appear to be serious. If we were to propose mitigation if they want to go ahead with their plans, and I agree that the new proposed design is, you know, much nicer than many of the houses that go up in today's Maui neighborhoods, I don't necessarily have a problem with that, but I'm interested in trying to preserve the character, not only of the house, but of the neighborhood as well.

I would recommend that a properly completed historic resources inventory be submitted, that was submitted by Ridgeline Homes. There were numerous mistakes in it, and it was not very complete. It would be nice to have, as mitigation, a site map as well as HABS/HAER quality negatives and photographs to document the house if it is to be demolished.

Mr. Fredericksen: You're talking large format negatives?

Ms. Duensing: Yeah. Yeah. And the other thing that this Commission has done previously, and I also looked at some of the previous handouts that this Commission has, is to request that the house be offered for removal elsewhere.

Mr. Fredericksen: Oh, if somebody wants to come in and cut it and take it?

Ms. Duensing: Yeah, we -- the Commission used to do that routinely is to just ask, you know, does anybody wants this, like when the old Maui Soda Works house went and other things like that. So there's a variety of mitigation measures.

Mr. Fredericksen: Well, in terms of nuts and bolts, if that's something that the Commission does, you know, end up recommending, what would these folks need to do?

Ms. Duensing: Those will be the things they would need to do.

Mr. Fredericksen: I mean in terms -- do you have to put an ad in the paper?

Ms. Duensing: Yeah, that's what the documentation request. Yeah, those again are just mitigation measures, you know. Previously, the Commission often notes that they'd like to save the historic house but if it must be destroyed, then, you know, we would like to see these steps taken to record the history of the house, the building.

Mr. Whelchel: Are there numerous examples this style of house on Maui?

Ms. Duensing: They're becoming fewer and fewer, and I think this neighborhood, in particular, is nice; yeah, some of the other houses have, you know, additions and stuff like that, but the integrity of the neighborhood is so that there's not that many different stylistic houses, yeah.

Mr. Whelchel: Are they being renovated?

Ms. Duensing: I'd say some of them are being maintained. I think the clients -- the applicants could better answer that question than I can. They've lived there.

Ms. Albarano: There have been no renovations. Our house and the house across the street are the only ones that are there from 1952. The houses next to the one across the street is rebuilt; that's a brand new house, I mean it's not like ours, and the house next to us. There are three houses that were built at the same time, and they're not going to redecorate, they're old-timers and, you know, they don't want to be bothered, and it's awfully expensive to, you know, re -- what?

Ms. Duensing: Yeah, I think the question was asked in terms of, you know, the houses are fairly well maintained considering their age, I guess that's the point I would make.

Ms. Albarano: It's interesting you say that because in the house, you know, where you live as opposed to outside the house where you look, you know, I mean you walk down the hallway and there's rot, I mean you can see the ground; in the bathroom, I mean I don't know how that toilet keeps staying there, you know. We've got a little baby too, you know, and, of course, that's why I'm moving next door, you know. But I think it's really nice to preserve, really, really nice, and if you can, wonderful. I have a cousin redecorating my grandma's house on Vineyard Street, and it's beautiful, but he has the money, I don't, you know. And, you know, I can understand your question. But moving the house, who's going to do that? Are we going to have to look for somebody because we've tried since May to try and get this building permit, you know, and every time there's an obstacle constantly and I'm thinking, "God, what happened with Kihana Nursery? That thing just popped right up, you know." There was a hearing I think though because it's in a residential but, please, please don't put no more obstacles.

Mr. Fredericksen: Yeah, Dawn?

Ms. Duensing: Can I clarify the comment on the removal of the house. What we would ask to do is, I don't know if your home builder or you got the original paperwork with the building department --

Ms. Albarano: No ...(inaudible)...

Ms. Duensing: But there is a sheet on there which says we ask you to fill out the historic resources inventory, which is just a little bit just to tell us about the house, take some photographs, and then on the last part of that sheet, it does say that, and this was a sheet developed by the Cultural Resources Commission long before any of us were here, and it does ask that an ad be put in the paper, and it doesn't necessarily ask you to move the house, but if there's anybody interested, they would be allowed to, at their expense, to take the house.

Ms. Albarano: Well it has to be because --

Ms. Duensing: Yeah. Yeah, and just to clarify.

Ms. Albarano: I mean there's so much stuff to be done though in that house, yeah, aside from the toilet falling through, you know, and the tub.

Ms. Duensing: So I hope that clarifies it for the Commission.

Mr. Whelchel: It's a nice example. I don't see the inside; it would make a different.

Mr. Pa: May I say something?

Mr. Fredericksen: Yeah, Milton, go for it.

Mr. Pa: You know this is always a very difficult situation to make a decision, you know, like this, but as the owner said, you know, we do not want them to go into additional expenses if someone request that the house, that they would like to have the house --

Mr. Fredericksen: Move the house.

Mr. Pa: Move -- yeah.

Mr. Fredericksen: The person who's getting the house at that person's expense.

Mr. Pa: Right. But I think if there are people out there in the community that, you know, are really interested in preserving homes like this, we should give them that opportunity.

Mr. Whelchel: I agree.

Mr. Pa: And, you know, there's a process that's in place, as Dawn mentioned, how this can happen. So, you know, I really believe that is one avenue that we should look at.

Mr. Fredericksen: I've got a question for staff. If -- the applicant brought up the point of, you know, the time thing, if we, as a Commission, request that they try to pursue removal, I mean at somebody else's expense, of the home, is there any way that that can be -- the clock can be ticking on that while this permit is going through?

Ms. Duensing: I don't see why that should, I mean this is like the final step, so there's no more log-chance here. You know, I'll process this, and what we would do is with whatever the Commission request, we're going to ask you to do that, for instance, taking black and white photos, and the reason why we ask for black and white photos is because color photos lose their quality over time, black and white photos, if they're properly processed, do not, so that it becomes a permanent record of Maui's historic architecture.

Mr. Fredericksen: Yeah, so it doesn't disappear.

Ms. Duensing: Okay, so that's why we ask for black and white. The historic resources inventory sheet, you know, I already basically filled it out when I went on the site visit because I do that work all the time, it's easy for me, and I enjoy it, so that can help you. The ad would need to be placed in the paper. And when those three things are accomplished, if that's what the Commission decides to require, you know, those are just my recommendations, they make the decision for their advice to you, and it won't hold up the permit anymore.

Ms. Albarano: At what point does it say, okay, you have the ad in the paper, nobody, you know --

Mr. Fredericksen: Yeah, there should -- could you speak into the microphone, please?

Ms. Albarano: I should know that, you know. How long does it take, like you know the ad's in the paper, okay, now the permit -- you've given us the permit to build the house, the house is still there, how long does -- do we wait? Because now the house has to be knocked down if nobody wants it, right? Is that the end?

Ms. Duensing: That's correct.

Ms. Albarano: Is that the bottom line?

Ms. Duensing: Yeah, and to clarify, what I am doing is processing your SMA application, which is separate from your building permit, right?

Ms. Albarano: Oh, I know, there are so many --

Ms. Duensing: So I can process the SMA application completely if the Commission desires to make recommendations, when those have been followed, and, again, they're only recommendations, I mean you can blow the Commission off completely if you want, I guess, but, you know, that's not the right thing to do and we're asking you --

Ms. Albarano: I don't want to do that.

Ms. Duensing: We're asking you to do relatively easy things.

Ms. Albarano: Yes.

Ms. Duensing: But once the compliance with the Commission's recommendations are met, then I can process the SMA and, as I said, the building permit is not my department, okay?

Ms. Albarano: Okay.

Ms. Duensing: So we're not talking about weeks or months or anything else, this is the last step for this SMA process.

Ms. Albarano: Okay, so that -- you still haven't told me though how long --

Mr. Fredericksen: Yeah, and that's something that I'm thinking of too, Dawn, is if, you know, an ad's placed in the paper, I mean what amount of time is normally ...(inaudible)...

Ms. Duensing: That's a good question and because this is the first time I'm handling this, I don't know. And can I ask another question for the architect that I think that should be addressed before you even require this because, again, you know, I'm not an engineer and architect, is, Lon, from what you've seen with the intersecting hip roof of this house, can it even be moved?

Mr. Whelchel: Yes.

Ms. Duensing: It can be. Okay. So maybe Corp. Counsel --

Mr. Whelchel: They can move in two pieces.

Mr. Fredericksen: Yeah.

Ms. Duensing: Two pieces, right, because of the -- yeah. So a question to Corp. Counsel. Does the Commission, if they ask for an ad in the paper, ask for, you know, a response time to that or do they set the time? Can you make any recommendations on how to handle that?

Mr. Akama: Well there aren't any rules so the Commission is free to --

Ms. Sablas: Put a timeline?

Mr. Akama: So what might be a standard ad run and a response time.

Mr. Whelchel: And I'd suggest that they, from the time the ad is run, give them 30 days. If they've had no response, have them take it down because if no one wants it free, it's not worth restoring.

Ms. Sablas: It sounds good to me.

Mr. Fredericksen: What does the Commission feel about that?

Ms. Sablas: Sounds fair.

Mr. Fredericksen: Yeah, and I don't think that's something that's, you know, going to place an, you know, a really heavy burden on the property owner because it will take a while more to get the SMA permit finished out. Now, Dawn, I've got one more question for you. In terms of -- in terms of -- what would that do to the building permit if this is, you know, this is in process? Their building permit can still be -- could they still apply for that?

Ms. Duensing: The building permit is a separate issue. What they have is they have to go through the SMA process because their in the special --

Mr. Fredericksen: In order to apply for the building permit?

Ms. Duensing: I think they've probably applied for the building permit already; it's done concurrently. Is that correct? I see the applicant nodding their head yes, okay. So what I do with the SMA process is, basically, an assessment saying this affect the Special Management Area and this is the only thing that came up in my assessment, so I finished the process, you know, I write the letter with the conditions, if you recommend any, and then pass it on, and it gets sent out, and I'm done with it. And bear with me in my explanations because I'm still learning how to do this.

Mr. Fredericksen: Okay, we don't need to pass anything, right, because this is advisory?

Ms. Duensing: It's advisory review only, right.

Mr. Fredericksen: Could you summarize and then just see if, you know, make sure we're in agreement with that.

Ms. Duensing: Summarize?

Mr. Fredericksen: What our recommendations are? What they've tossed out? We don't have much.

Ms. Duensing: Okay, well, the idea of black and white photographs was mentioned, as well as the ad to offer the home for removal to another location --

Mr. Fredericksen: At whoever's removing it --

Ms. Duensing: Right.

Mr. Fredericksen: At their expense.

Ms. Duensing: At their expense, that's usually worked out between the applicant and a possible mover. And then what the Commission usually also request, as I mentioned earlier, was the completed, a properly completed historic resources inventory form, and then it's nice to have a site map of where the house sat on the property as well.

Mr. Fredericksen: Do you folks have that?

Ms. Lindsey: Not with me.

Mr. Fredericksen: But you do have -- you do have one that you could supply to the Planning Department?

Ms. Duensing: Yeah.

Mr. Fredericksen: I mean not this second, but you could furnish that? Okay. Commissioners in agreement?

Mr. Whelchel: Yes.

Mr. Pa: Yes.

Mr. Fredericksen: Yeah, I think it's important, and Milton brought this up too, I mean on these, you know, on these sorts of situations, I mean, you know, you got a, you know, it's a -- it's not -- this isn't like it's some spec house or something, it's -- this is somebody, they're folks that are just trying to, you know, get something together. It's kinda like, not exactly, but sort of a similar situation of that fellow in Lahaina that time, you know, where it's just some, you know, one of us residents. Okay, well, I think that's it. Does anybody have a comment from the public on this?

Ms. Long: Good morning, Barbara Long again. The County of Maui has a recycling program. I happened to get their recent one, the middle is a double-page spread of where you can go to get recycled computers, building materials, etcetera. As someone who has reinvigorated any number of single-wall plantation homes, I would like to suggest that there is a great need for architectural fragments, artifacts, double-hung window weights, door knobs, switch plates, lighting fixtures, all kinds of recyclable things from these houses that do get demolished, and if you would care to be proactive and, hopefully, Dawn can at least start the ball rolling, get some place in the County and some organization that would be a repository.

Mr. Fredericksen: In the event that some of these homes do need to be demolished.

Ms. Long: Yeah. Even the old window glass, the muntins, and all that.

Mr. Fredericksen: Yeah, no, that's a good point.

Ms. Duensing: Can I address this, please, Mr. Chair? I have been talking to people within the County about the possibility of recycled building materials but, at this point, till we get something started, I did not put this in my recommendations because somebody has to be available to remove the items and where we're going to put them.

Ms. Long: Yeah.

Ms. Duensing: I might suggest that, if the the house is going to be advertised for removal, you could also insert, or if not removal, for salvageable building materials, that might be a better way to do it.

Ms. Long: Yeah.

Ms. Duensing: Because, at this point, it's just -- we don't want to hold them up and we don't have the time or the resources to salvage that stuff but, yeah, I would encourage that could be put in the ad.

Ms. Long: Yeah, that's a great idea and, you know, if not for this particular house, you're going to have many others in the future, and I can't tell you how many times we've looked for sash weights, hard to find them. There needs to be a place. In the SMA process, when the building permit comes up to Planning for sign off, that's, I guess, when you would be looking to see whether the SMA conditions have been met so that giving them a 30-day window, if they publish the ad for a week and then maybe 30 days to work with any responders to see if that works out, then that would be your parameter then for approval of the permit, or signing off on the permit, or part of it, so that's what I think the procedure would be there. But, yeah, I'd love to see some recycling done, thanks.

Mr. Fredericksen: Yeah, thanks, that's a good comment. Anybody else?

Mr. Pa: May I make a comment on that?

Mr. Fredericksen: Oh, sorry.

Mr. Pa: Yeah, you know, I would like to see recycling going on but I think we need to be cautious on that because of the liability, you know, should anyone go in there and try to recycle whatever they want, you know, we don't want the homeowner to become responsible should anything happen while they're removing whatever items they, you know, they may want, so that's just my thought on that.

Mr. Fredericksen: Anything else? Yeah, go ahead.

Ms. Albarano: Now who does the ad for the paper? Us? Got your thumb, huh? Me? Okay.

Mr. Fredericksen: Yeah, and I guess if you had question, you can could Dawn --

Ms. Albarano: Oh, okay.

Mr. Fredericksen: And she could, I mean give you, I mean it's just real simple, right? With the address and say it's a, I would imagine, or, Lon, what would you suggest? A 1200 square-foot plantation home or something --just something real simple but, you know, available for removal?

Mr. Welchel: Removal for relocation. Relocation ...(inaudible)...

Mr. Fredericksen: Call, you know, blah, blah.

Mr. Welchel: To be relocated, not taken out and parted out.

Ms. Duensing: Yeah.

Mr. Welchel: It might end up being parted out, but that's not our idea.

Ms. Albarano: And it's them that pays for the moving?

Mr. Welchel: Yes.

Mr. Fredericksen: Yeah, it's their kuleana.

Ms. Albarano: Okay, that's good.

Mr. Fredericksen: Okay, that's it. Okay, thanks, folks, good luck. Okay --

Ms. Duensing: Question for Corp. Counsel.

Mr. Fredericksen: Oh, yes?

Ms. Duensing: Do they need to take any, you know, official vote on how they want their recommendations to be put in or --

Mr. Akama: If it's advisory? No vote is necessary. You have the notes, right, Dawn?

Ms. Duensing: Alright.

Mr. Akama: Just an advisory review and comments.

Ms. Duensing: Okay. Alright. Thank you.

**D. UNFINISHED BUSINESS**

Mr. Fredericksen: Okay, D, Unfinished Business. Nothing?

Ms. Duensing: We finish everything with me staffing the Commission. There's nothing unfinished.

Mr. Fredericksen: Okay, so there is -- well how come it doesn't say none? Okay, so there's no Unfinished Business, excellent. Item E, Nominations to the National and State Registers of Historic Places.

**E. NOMINATIONS TO THE NATIONAL AND STATE REGISTERS OF HISTORIC PLACES**

Ms. Duensing: In fact, can I make a recommendation regarding this is I don't really think we need to keep this on unless we have a nomination to consider.

Mr. Fredericksen: On something specific, yeah.

Ms. Duensing: So I would like to just remove that unless we have a specific nomination that the CRC will be looking at.

Mr. Fredericksen: I think that's reasonable. Everybody else on the Commission feel the same? Yeah, that's fine.

Mr. Akama: You're talking about future agendas, Dawn, not today, right?

Ms. Duensing: Yes. Right.

Mr. Akama: Yeah, we don't want to mess with it.

Ms. Duensing: Yes, right, future agendas I'll just --

Mr. Akama: Alright. Yeah.

Ms. Duensing: If that's okay to just leave it off unless we have a specific request for review.

Mr. Akama: That's fine.

Mr. Fredericksen: We don't need to vote on that or anything, yeah?

Mr. Akama: No. No.

Mr. Fredericksen: Okay, F, Discussion on Preservation Planning.

## **F. DISCUSSION ON PRESERVATION PLANNING**

Ms. Duensing: Nothing much on this although, as the next few months come about, I will be working on the -- I want to start thinking about future budgets for the CRC because we will be getting our CLG grant money from the government, Federal Government again, beginning July 1, so I'll be starting work on that budget and some ideas and so, in the next few months, I may be coming to the Commission with suggestions for what we would want to do for the next fiscal year.

Mr. Fredericksen: Okay, great. Any questions for Dawn about that item folks? Okay, G, New Business, Demolition Permits: policy and procedures.

## **G. NEW BUSINESS**

### **1. Demolition Permits: policy and procedures**

Ms. Duensing: Okay --

Mr. Fredericksen: I'm glad you put that on there.

Ms. Duensing: Yeah, this has really been bothering me for a long, long time and now that I'm working for the County full-time, I'm seeing all the, you know, I've been reviewing the letters that come from SHPD as Chairman for you folks for the last year and, you know, as a member, and it bothers me more and more when I see the SHPD review a old building and say, "tearing this down will have no adverse impact on a historic resource." So I brought this to Mike and Wayne and Brian Miskae, who is my immediate supervisor, the director of Long-Range Planning, brought to their attention because the more of these letters pass by desk and it says, "no impact," you know, I ask myself, well, why doesn't this have an impact? And, you know, I hopped in the car or driven by these places on my way home from work, like this one we just considered, and I think, you know, that house looks pretty nice, it doesn't look to be in poor condition, the neighborhood is nice, why does SHPD say there's no impact on this? Well, part of the problem is we all know that SHPD is really overworked, like everybody else in government nowadays, right, and they're only looking at the pictures and if I'm here, we're here on Maui County, we can go out and make site visits, and I think that we can reevaluate how we do the procedures and I want the CRC's input on this because I've made some proposals to the Department, and I've talked

to Holly McEldowney over at SHPD about how we could better handle demolition permit procedures for structures, and we're talking about over 50 years, or, generally, it's a 1960 cut-off date is what the Historic Preservation Division has been doing, and one of the things I did is came up with this demolition permit procedures list as to how we would handle the request when this comes into the building department or the Planning Department, and this procedure would be implemented for all buildings that are approximately 50 years or older and, basically, if a building looks that old and County records do not indicate an approximate construction date, then we would use this process. The checklist includes looking in the County records to indicate that the structure was built about when, and I also say circa because I don't think any of the County records are --

Mr. Fredericksen: They're circa.

Ms. Duensing: Yeah, they're all circa. I don't think we did building permits till even the 1960's with Statehood. Okay, we would ask the applicant to submit a site plan with the building location, the applicant would submit a completed historic resources inventory, which is already what they're doing, and also submitting photographs of the structure's main elevations and it's siting, and this is one other thing, the next thing that the Commission is asked to be done numerous times but I'm not sure is yet being done, we would give the applicant the financial incentives for Historic Preservation in Maui County brochure, which explains that if they get their houses listed, you know, they're basically free from property taxes. Okay, the demolition permit application would be complete with the above items and then be transmitted to the Cultural Resources Planner, which, at this point, is me, for review; at which time, I would look at it and kind of make the call as to whether it would be okay to approve the demolition, and some of them are no-brainers because, you know, they're either really hideous houses with no historic features left because they've been modified so much over the years, or, for instance, one on upper Vineyard that I went and looked at, a couple of weeks ago, is already falling down and the County has condemned it, okay, so there's certain reasons when I would say, "I think we should grant this demolition permit with no further action."

The second option would be that the Cultural Resources Planner would approve demolition with mitigation. The mitigation measures would be similar to what you just recommended for the house you've just approved.

The third thing would be the Cultural Resources Planner would request review by SHPD and, in most cases, what I'm going to do is I'm going to submit them all the documentation after I've done the work and then they're going to have this second checklist that they can just check off and sign that they concur with my assessment.

And the last and final alternative is what you've just been through is I would refer it to the CRC, okay.

Mr. Fredericksen: And that's, basically, cause SHPD had said there was no affect, right?

Ms. Duensing: Well sometimes the SHPD also says, "please refer to the CRC," and that's, you know, that's what it's been -- that's what's been going on for the last five years with no Cultural Resources Planner. Sometimes I've asked it to go here to you guys because I didn't agree with what SHPD's assessment was. And the reason why I think this procedure is more workable also is because then we can get on the same page as SHPD. This last one was kind of difficult because they made one determination, put it in writing, and I said, "Wait a minute. I don't agree with that." But, you know, maybe if I can go out and make site visit of the property, I can better work with Susan Tasaki over there and say, "You know, I think we really need to send this to the CRC or approve this with mitigation or whatever."

Mr. Fredericksen: Yeah, and I completely agree with you on that, Dawn, because, you know, she's over on Oahu, as you said, overworked and just looking at, you know, photographs.

Ms. Duensing: Yeah, she doesn't see the neighborhoods; it's hard to assess the deterioration or the condition of the building unless it's so far gone, it really doesn't matter. And I think that the other thing is, I mean there's two advantages I am arguing for this is, number one, it keeps the work on Maui and it makes it much more -- a more thoughtful review process because we can go out and look at the building itself rather than just looking at pictures, and, secondly, because when we transmit these things to SHPD and then they come back to us, well, it takes them a month or more sometimes to review it, and then I get it and either it's out of my hands already cause they told them to go ahead and do it, or it has to go to you guys, and this is how the process stretches out too. So I think it'll be more expedient and more efficient to do it here first, and then send it to them and ask them for concurrence.

Mr. Fredericksen: Yeah.

Mr. Whelchel: This is good ammunition.

Ms. Duensing: Good ammunition.

Mr. Whelchel: You did a good job.

Ms. Duensing: Thank you. So I have talked to Holly McEldowney on this. She agrees with me, but she doesn't want it to just be all on Maui County, so that the second page of your handout that I gave you would be what I sent her and ask her, you know, ask somebody at SHPD to approve the permit, no historic properties will be impacted; or to approve with mitigation including the inventory photographs and a site plan; have the application be

reviewed by the CRC; or I could also ask for additional review to what I have done by SHPD and then they would send their comments back. And Holly suggested this kind of checklist because then they can just check it off, send it back with their signature, rather than have a whole stack of plans sitting on somebody's desk to start from scratch and have no direction on.

Mr. Fredericksen: Good, cause they'd have to write a memo about it.

Ms. Duensing: Yeah.

Mr. Pa: Yeah, Mr. Chairman, you know, it kinda dawned on me that, you know, when we talk about buildings, it says, "all buildings," is there a need to define what a building actually is?

Mr. Fredericksen: Interesting question.

Ms. Duensing: We should say structures.

Mr. Pa: Yeah.

Ms. Duensing: Cause that is all encompassing.

Mr. Pa: Yeah because then I noticed above that it says, "demolition permit procedures for structures," so maybe we should say, "all structures." Yeah, because you know someone might come and say, "well, that's not a building," you know, it's just sort of --

Mr. Fredericksen: Yeah, it's just an old well that has a cover over it, it's no, you know, it's not --

Ms. Duensing: Okay, and that's a good point. I'll be more consistent and I'll also -- one of the other things I did is I stopped by Ralph Nagamine, who's unit here in the County government is the one that handles -- they accept the demolition permits, and so I'll mention this to him and he's going to be talking about it with his staff because what we need to do is if this is approved by the CRC and within the Planning Department, we have to get that division's agreement to send all the demolition permits directly to the Cultural Resources Planner rather than to the State Historic Preservation Division, so there's a --

Mr. Fredericksen: So you'd kinda filter them as it were --

Ms. Duensing: Right.

Mr. Fredericksen: So they wouldn't just -- instead of 50, they might only get 8.

Ms. Duensing: Yeah, well, yeah.

Mr. Fredericksen: Something -- yeah.

Ms. Duensing: But they'll all -- they'll get a record of everything I looked at.

Mr. Fredericksen: Okay. But they won't be asked to comment, necessarily, on every one.

Ms. Duensing: Right. We'll see how that works, but what we really need to do is we need input from the Cultural Resources Commission, you know, I brought it up at staff meetings in the Planning Department, and then we also need to work with Public Works, with Ralph Nagamine, to make sure that the permit is routed to the right person if we're going to change the way things are done, and we're waiting for input back from that division.

Mr. Fredericksen: And this is just for demolition stuff?

Ms. Duensing: Right.

Mr. Fredericksen: I'm sure, well, I would imagine that SHPD was receptive --

Ms. Duensing: Yeah. Yeah.

Mr. Fredericksen: Cause I think that's going to help reduce --

Ms. Duensing: Holly's concerns were that she doesn't wanna just not see things that are going on, you know, she still wants a record of everything I've looked at and, you know, this opportunity for this checklist review that they agree with it or, no, we want to look at it some more.

Mr. Fredericksen: They're not having to write a memo for every single thing.

Ms. Duensing: Right.

Mr. Fredericksen: Yeah.

Ms. Duensing: And not have, you know, stacks of plans sitting on Susan Tasaki's desk waiting to look at pictures.

Mr. Fredericksen: I think that's a good approach. I certainly support it. Yeah? Sorry.

Ms. Sablas: In the past, we've had, Dawn, whenever we reviewed demolition or, you know, for structures, we had a form that was handed out to all of us with all the checklists. Is that something that's why -- do you remember those forms?

Mr. Fredericksen: Yeah, I remember. I know what you're talking about. I think that's handed out with the -- when somebody comes in for a demolition permit.

Ms. Sablas: Come in for -- yes. There was a form that --

Ms. Duensing: Do you remember -- I wanna -- is this what you're talking about, Lori? This one?

Ms. Sablas: Yeah.

Ms. Duensing: Yeah, that's going to still be part of the process.

Ms. Sablas: Okay.

Ms. Duensing: Yeah.

Ms. Sablas: Because, for me, it gave me all the information, like when we had this, just this, I didn't have that information that came that, normally, that's handed out so you can have an idea, you know, again, I mean it was good information on --

Ms. Duensing: Yeah, and the reason, just to clarify this as why I didn't give it to you this time, is because the applicant filled it out, and it was so poorly done and full of mistakes, that I didn't give it to you and I wasn't sure if I had the authority to just do it right and that's why I just made a verbal description of the building to you at the beginning of the discussion. Yeah, but this -- this would still be part of, if you look at the planner's checklist, this is the historic resources inventory that's on that. So this comes along with pictures and when they receive the demolition permit application, the folks down in the building permit division automatically give them this list along with this inventory, they fill it out, and bring it back with the photographs and the site plan. So that's already taken care of and I don't think that needs to be changed.

Ms. Sablas: Okay.

Ms. Duensing: Because I think the CRC, you know, it's already done by direction of the CRC because it has Cultural Resources Commission on the list of how to process it. What we're asking to do is make a more complete thing of what we collect and send it to our Cultural Resources Planner first rather than State Historic Preservation Division for more meaningful review and a more expedient review, we hope, as well.

Mr. Fredericksen: Okay, good. Anything else from the Commission? Any questions for Dawn?

Mr. Pa: No, just one comment. You know, I am so glad we have a CR Planner on board because, you know, it'll make our work much, you know, I don't wanna say easier, but, as Commissioners, we will be more effective, I think.

Mr. Fredericksen: Yeah, I agree.

Mr. Pa: You know, having a planner on board, to me, it's such a great help.

Mr. Fredericksen: Yeah, and it's not a knock to have, you know, to the folks who were involved before but, I mean, you know, they have so many different hats to wear, and I mean development is a big thing in Maui, period, like it or not, and I mean the cultural resources component of it is a very important one. I mean it's really good to have a planner designated with someone who's got good background like Dawn does so --

Ms. Duensing: Good, that's what I wanted to hear.

Mr. Whelchel: The reason it took five years is because, five years ago, the best that the County was looking for wasn't available.

Ms. Duensing: Thank you.

Mr. Pa: No, we were just waiting for Dawn to leave because we had other plans in mind.

Mr. Fredericksen: Okay that's -- okay, so that does it for New Business. Let's go ahead and go to, oh, Hana Belt Road, update on rockfall mitigation. I was just out in Hana the other day and had bunch of rock on the road when I was going out.

## **H. HANA BELT ROAD**

### **1. Update on Rockfall Mitigation Project**

Ms. Duensing: Oh, that's bad news.

Mr. Fredericksen: Yeah.

Ms. Duensing: Okay, this refers back to the 35 sites that the State identified as potential rockfall problem areas that they're worried about the liability and blah, blah, blah. I've been in touch with Scott Hirada, who is the Project Engineer for Department of Transportation in Honolulu, and remember he came a few months ago and made, well, it's been many

months ago I guess, and made the video presentation about what they were going to be doing? We talked about the netting, moving the road over, the use of cantilevers, and all these were brought forth as possibilities for how to, you know, make sure that the cliffs don't disintegrate and fall on drivers along the Hana Belt Road. I got an email from him a couple weeks ago and he sent me a brochure of a new technology that they want to use for the rockfall mitigation project, and we're still going to be stuck with the mesh, but I don't think it's going to be quite as hideous as the old --

Mr. Fredericksen: Mesh gets -- that gets softened though with vegetation growing through it.

Ms. Duensing: Yeah, well, I just wanted to relay some of his comments because they're just going to do in one project location, not the two, cause they only have money for the one, and they're going to be submitting designs for other projects as well. But this new system that Scott came up with, I'll just read some of the benefits from his email. He says that it will substantially lessen the need to cut up the slopes at Mile Post 11. We need to only selectively cut areas that overhang the roadway or areas with loose materials or boulders that are apparent. Large trees would probably have to be removed to facilitate the installation of the mesh and to remove any rocks that the roots have undermine. But the good news is there's going to be -- what they were first talking about was going 5 to 15 feet back on the slope, and they won't need to do this, they'll only selectively remove rock. Secondly, since there is now less slope cutting, most of the existing fern or grass cover will be left in. We may have to trim this groundcover down during the mesh and anchor installation but we will not be removing the entire plant and root system so we anticipate the ferns or grass to reestablish more quickly, so that was good news. Obviously, because we have reduced slope cutting, visual impacts will be less, you won't see the scars along the Hana Road that you saw with the major projects they did about seven years ago. And, also, because they won't have to do the slope cutting, it will minimize road closures, which is what the Hana community is concerned about because, if you remember, we told them to cut the slope and the Hana community said they didn't want that cause that meant the road would be closed more, and the email I got for him afterwards was are you sure the CRC is going to support us on this cause the community is not going to like it? So he's got rid of the need to do that. And then, finally, he says, "Please note that in the brochure, the mesh appears to be the gray galvanized type color. I've been informed that this mesh can be obtained in other colors so we will probably end up using a black or dark green color." And he will be sending me the review plan soon. Okay so --

Mr. Fredericksen: Good. I've got -- I'm sorry, Dawn, finish.

Ms. Duensing: No, go ahead.

Mr. Fredericksen: What, you said it's the new approach, what's new about it?

Ms. Duensing: Well, what their approach is is you've got the same kind of mesh and then what they do is they drill anchor bolts into the cliffs --

Mr. Fredericksen: Okay, that's what I was going to ask.

Ms. Duensing: And then they tighten it up and then they stretch the mesh along it instead of just draping it, it's tight along it, so it supposedly holds the rock in better and that's why you don't need to cut the slope back because cutting the slope back means that they're --

Mr. Fredericksen: But it stabilizes everything too.

Ms. Duensing: Well, the idea is they're providing a space for the rocks to fall in and if you think about it, it makes also a lot of sense because now they don't have to go out and maintain the rock catchment system either, so it's better for the DOT, it's better for the road.

Mr. Fredericksen: And it's ultimately cheaper too.

Ms. Duensing: Right. Right. And, you know, the pictures that he sent me it still looks absolutely hideous but, hopefully, because they're cutting back less vegetation and less slope, it'll be hidden, you know, it'll be a temporary scar rather than a permanent one, which we were looking at before. So I think Scott's really done a lot to, you know, try to address the concerns. He's really a really good guy.

Mr. Fredericksen: He's also saved the taxpayers some bucks too.

Ms. Duensing: Well, I haven't heard the final price on that.

Mr. Fredericksen: It's, well, but I know -- I'm familiar with that. What they do is they drill it and, depending on what it is, sometimes they inject concrete and then they put these, basically, they're these really long bolts in --

Ms. Duensing: Right, and then they twist it to get the tensile strain to hold the rocks up rather than, if you look out on the Lahaina road, you know --

Mr. Fredericksen: That's just draped.

Ms. Duensing: What -- the rocks just fall under the drape and then somebody's gotta go out and pick them up. So, you know, I think I agree with him and, you know, when the plans come in, I hope that, you know, it'll be as promised and, you know, we should give this a try because it's a better alternative than what he presented to the Commission before.

Mr. Fredericksen: I'd like to stress the need to not use the shiny junk, use color, either dark green, probably dark green because most of the area is -- cause there is vegetation, but black would be better than the, you know, the standard ...(inaudible)...

Ms. Duensing: Yeah, and I think we can trust Scott on this cause the projects he's come to us with they have been completed as he said they were going to so --

Mr. Fredericksen: Well good.

Ms. Duensing: We have at least two engineers in this State that are trying to do the right thing. One other thing I wanted to mention though is there is another place where the road slid and, basically, in the same area and that is not going to be able to be an in-kind replacement of the rock wall, they're going to put concrete up, and I'm not so happy about that, but until we rural road standards, there's nothing we can do about it.

Mr. Fredericksen: When you say concrete, what are you talking about? Cantilever road or concrete, you know --

Ms. Duensing: They're going to put a cantilever road up, and Robyn handled this project, but what they're doing is they're, it's up above Wailua in the same area as the rock wall problem, and the road is narrow there, there's reflector posts so you have to drive this narrow one lane piece, and what they're going to do is they're going to build the road out back to its original width, not any wider, with the cantilever, they're going to stain the cantilever --

Mr. Fredericksen: Black?

Ms. Duensing: To match the asphalt and the rock wall, so that's what it's going to be, but it won't be -- the rock wall is going to go and they're going to put a concrete barrier there that's textured and stained to match the rock wall, and I don't think they can match it, personally, but I don't think we have any options.

Mr. Fredericksen: It'll be better than regular concrete or --

Ms. Duensing: It'll be better than a jersey barrier or a guardrail, yeah. Okay, so that's, basically, informational for you. And I guess one other thing I kinda wanted to touch upon and it's along the length the same thing as, I guess, with this when those plans come in, does the Commission wanna look at them again or have administrative approval? How do you want to handle that?

Mr. Fredericksen: What do you folks think?

Ms. Duensing: I know in the past --

Mr. Fredericksen: I'm only going to be here one more month.

Ms. Duensing: Yeah, and, you know, I'm asking because, in the past, you guys granted me a lot of leeway on the Hana Highway and my situation is different now.

Mr. Fredericksen: What do you folks -- you folks want to have the opportunity to review or let Dawn do it administratively?

Mr. Pa: To me, not unless there's some really drastic changes, you know, otherwise, I really don't see anything ...(inaudible)...

Mr. Whelchel: Dawn's report should be adequate.

Mr. Fredericksen: Yeah, that's what I, like I said, I'm only here one more month on the Commission, but I would certainly feel comfortable with Dawn, you know, keeping track of it, and if there's something weird, I'm sure you'll be the first person to say something, Dawn.

Ms. Haina: Yeah, me too because Dawn knows the road, familiar, Dawn is really good, and the area that she's talking about is in Wailua, I think it's Mile Marker 25, Paihi, and it needed to be cause what Dawn said, it is, that rocks are going to start falling off, and I really go along with Dawn cause she really knows the area very well from Mile Marker 3.

Ms. Duensing: From Mile Marker 3.

Ms. Haina: That's right, exactly and --

Ms. Duensing: To Kipahulu and all the way around the back.

Ms. Haina: Exactly and I go along with Dawn.

Ms. Sablas: And I'm fine with that too.

Mr. Fredericksen: Sol? Sol? Okay, Dawn, so we're in favor of you just keeping a handle on it --

Ms. Duensing: Alright.

Mr. Fredericksen: You know, if administratively it can get dealt with, that's fine, but we're please --

Ms. Duensing: Yeah. If there's any big deviations or any major projects, I'll need your support. I won't want to handle that on my own.

Mr. Fredericksen: Okay, thanks, that's it for H. Let's see, let's go to the Director's Report and take it away.

## **I. DIRECTOR'S REPORT**

### **1. Plan Review Waiver**

Ms. Duensing: Okay, back to me. Plan Review Waiver, that was with the -- the plan review waiver allows an architect to sign off on something and not get a building permit and we were -- we voted on this in early 2002, I think, to eliminate Historic Districts from it, and I resurrected that because it was not followed through on after we took action, so it's been passed up to the Mayor's office --

Mr. Fredericksen: Good.

Ms. Duensing: County Clerk received the original copy, so it did go to Council, so I hope that after they get through all their budget stuff, they'll put this on their agenda and, you know, we can work with the Council to make sure that this gets handled.

Mr. Fredericksen: Cause Brian, he had drafted that --

Ms. Duensing: Yeah.

Mr. Fredericksen: The legalese, if you will --

Ms. Duensing: Right.

Mr. Fredericksen: For it, yeah.

Ms. Duensing: Right. And I also went in and spoke to Ralph Nagamine about it so that he was aware of what was going on and provided a copy of the bill with him, for him, and so no objections yet and, you know, people seem to think that it's the right thing to do in our Historic Districts.

Mr. Fredericksen: Yeah. No, we -- I'm sure the whole Commission is in agreement with that after that fiasco, whenever that was, in Lahaina.

**2. Cultural Resources Commission Meetings in other locations - Lahaina, Moloka'i, Hana, etc.**

Ms. Duensing: Okay, so that's proceeding. Cultural Resources Commission meetings in other locations. I wish to point out that in your packet, this time, you've received, not in your packet, but this morning at your table, you received a handout with a memo from me regarding the use of the Banyan Tree for craft fairs. This is really important and I hope that all Commissioners will have an opportunity to look at this, at your leisure, when you've got some quiet time, and make yourselves familiar with this issue. Commissioners Fredericksen and Pa and I are very familiar with this because we were on the Commission when this came before us in 1999, and what you've been provided is the minutes from two meetings, which we discussed this issue that has to do with Lahaina Arts Society as well as the Lahaina Town Action Committee; you have the Lahaina Town Action Committee application of July 1, 1999; a Staff Report by Simone Bosco, who was the Planner who handled this issue and she's provide you a very good history of the issue; the Arborist Committee letter of August, and also a letter of complaint from a Lahaina citizen, Kenny Hultquist. The reason why I've asked you to look at this in your own time and prior to this is this issue is going to come up again before the CRC in the next month or two when Simone's ready to prepare a report. We've been working with Parks to discuss the use of the Banyan Tree and it is a very passionate issue, the testimony we heard was very passionate, and I wanted you to become familiar with what the issue was about before it comes to you as --

Mr. Fredericksen: As an agenda item.

Ms. Duensing: As an agenda item, right, and just -- if this is in our March meeting, if Simone's ready to go, it would probably be a good thing to hold our meeting on Lahaina at that time.

Mr. Fredericksen: Dawn, in terms of planning, when would you know about that because when does it have to be posted?

Ms. Duensing: I make the agendas about two weeks ahead of time, I start gathering things from staff, items and how to schedule everything, and then Suzie gets the agenda eight days ahead of time, and she post it one week ahead of time. Correct, Suzie? Six days.

Mr. Fredericksen: Okay, so in the next couple weeks, you'll need to know from Simone --

Ms. Duensing: Right.

Mr. Fredericksen: If, you know, that's going to -- if it's going to be on.

Ms. Duensing: Yeah, and what --

Mr. Fredericksen: And if it is, it certainly would be appropriate to have the next CRC meeting --

Ms. Duensing: Yeah, because the last time this was on our agenda it was standing room only, so there will be a lot of people, and we just want to make sure that we give Simone time enough to put everything together so that she can make a good report to you guys so that you can make an appropriate decision. And, again, it's very important to note that Parks is the one that administers the Banyan Tree, so we are working with them. The Cultural Resources Commission, however, is the authority in how the Banyan Tree can be used; is it appropriate culturally and historically and that kind of thing, so that's why there's two agencies involved.

Mr. Kenny Hultquist: Can I speak on that matter?

Mr. Fredericksen: On what matter?

Mr. Hultquist: The Lahaina Town Action Committee's ...(inaudible)... festival --

Mr. Fredericksen: Yeah, I'm sorry, but that's not -- well, let's ask Corp. Counsel. I don't think we can just be talking about something that's not on the agenda.

Mr. Akama: Well, first of all, we're in the middle of a Director's Report, so it's an administrative matter at the end of the agenda. This matter of the Banyan Tree Craft Fair is not on the agenda today so, if it is -- are you Mr. Hultquist?

Mr. Hultquist: Yes, sir, I am.

Mr. Akama: If it is that you're asking to give public testimony regarding this item, it is not on the agenda and, therefore, although this Commission can, by two-thirds vote, amend the agenda and allow public testimony, my advice is against that because, as Dawn Duensing has said, it involves a lot of people and a lot of passionate testimony on both sides, so I, my opinion is, legally, that under 92-7, that this is a matter of reasonably major importance that concerns a number of people, so I think it's important that we place it on the agenda properly and that we invite all view points --

Mr. Fredericksen: Yeah.

Mr. Akama: That's my advice.

Mr. Hultquist: I understand that everybody needs to give their testimony although I was told on February 13 that I would be on the agenda today, and I, in fact, talked to Mike Foley two days later at the Lahaina Town Action Committee meeting where he indicated to me that I was on the agenda and that he had gotten a complaint from the Lahaina Town Action Committee --

Ms. Duensing: Erik?

Mr. Fredericksen: Okay. Okay, sorry. I can't speak about that. We are in an executive, or whatever it's called, session right now and this will definitely be coming up and it's something that, you know, we, as a Commission, recognize, and will -- there will be a public meeting about it but, right now, it's just not appropriate. Thanks. Okay, let's continue.

Ms. Duensing: Okay, continuing, there was also one other agenda item that I think might be coming up that I wanted to ask for Commission guidance on and this regards the Sandwich Isle Communications project, which was the project to install fiber optic lines between the Hawaiian Homes communities in Maui County, and that had been discussed by us earlier, excuse me, by the Cultural Resources Commission earlier because they were laying the fiber optic cable and it usually impacts archaeology along the route as well as historic bridges along the route, and I got a communication from Hoakea, who handled this for Sandwich Isle Communications, that they will be running a fiber optic line between Hawaiian Homes in Waihee, up Market Street, over the Market Street Bridge, and into Kahului or Wailuku somehow. So, again, do we want this to be an agenda item or because they are -- I guess they've done all the archeological stuff, now they want to know what to do about the bridge and, in the past, the Commission said, well, you know, you delegated it to me, but I'm not on the Commission anymore, so how do you want to handle that? Do you want Sandwich Isle Communications to come in and make another presentation? Or handle it administratively?

Mr. Fredericksen: What does the Commission feel about it? I, personally, think it probably could be dealt with administratively, but what do you folks think?

Mr. Pa: Your concern is?

Ms. Duensing: The bridge on the Market Street that they're talking about crossing is 1949 so it is a historic structure, it is a concrete girder bridge, and my personal feeling, I went out and made a site inspection two days ago, and I think it'll be easy to run the cables underneath the bridge so that they're out of sight, it won't affect the bridge, there are nice rock walls on either side of the bridge, and I would want to make sure, as a cultural resources person, that we make sure that those rock walls aren't impacted. So those would be the considerations.

Mr. Fredericksen: But that could be dealt with administratively?

Ms. Duensing: Probably, yeah.

Mr. Fredericksen: Well if you don't think so, then it should come --

Ms. Duensing: I think it would be. I haven't seen the plans, but I'd be willing to take a look at the plans and if I think I can't handle it, I would refer it to you and put it on the agenda and ask Sandwich Isle Communications to come back to Maui.

Mr. Fredericksen: I think that sounds reasonable.

Mr. Pa: Yeah, I think so.

Mr. Fredericksen: If it can be dealt administratively, let's do it that way and if looks like it's, for some reason, needs to be reviewed again --

Ms. Duensing: Yeah. And, again, I think if they can just send the plans, then we can make a better -- get a better idea of how complicated it will be and if we need to look at it.

Mr. Fredericksen: Yeah, I mean it's not, probably, not that big of a deal, I mean they run other utilities all the time too, I mean other, you know, other entities, the County, etcetera.

Ms. Duensing: Yeah. But we were contacted because, previously, the CRC said that they did want to be involved with this in the future especially if it impacts our historic bridges.

Mr. Fredericksen: Yeah.

Ms. Duensing: Okay, and even though the Market Street Bridge is very simple, it's still historic by means of being built in 1949.

Mr. Fredericksen: Yeah, and there's not a lot of them there left.

Ms. Duensing: It's a different bridge too, and it's got beautiful rock walls.

Mr. Fredericksen: Sorry, Lori.

Ms. Sablas: That was before we had our Cultural Resources Planner?

Mr. Fredericksen: Yes.

Ms. Sablas: So now that we have and that's really the function and, you know, I'm comfortable with Dawn reviewing it on our behalf.

- 3. Cultural Resources Commission Correspondence**
- 4. Correspondence received from the State Historic Preservation Division**
- 5. Administrative Permit Reports**
  - a. Demolition Permits**
  - b. Historic District Approvals Report**

Ms. Duensing: Okay, Cultural Resources Commission Correspondence. You should have received the four letters that the Commission requested at our last meeting: one of them was to the administration about the Friends of Old Maui High School; there were letters to both Senators regarding Section 4(f) of the Federal Highway Transportation Act, and the fourth letter was to Lanai Company thanking them for sending their representative to speak to us about Lanai matters the last time.

The Correspondence received from the State Historic Preservation Division was reviewed by me, as the Cultural Resources Planner, and also we sent copies to Commissioner Fredericksen for his review. And Administrative Permit Reports, no demolition permits other than the one I mentioned on Vineyard Street, the house was condemned by the County, and there wasn't a whole lot I could say to make them want to preserve that one, and there are no Historic District Approvals report.

Mr. Fredericksen: Okay, that was quick. No, complaints. Okay, now, let's see, you know what? Before we go to talking about next meeting and that stuff, just before we wrap, and this was on the agenda earlier under, let's see, maybe we won't go back up there about the sign, I just -- I was just looking at this February 2 letter to go back to --

Ms. Duensing: I just got that late yesterday afternoon.

Mr. Fredericksen: Yeah, to just the need to get signs for consistency, etcetera, so that's an interesting -- that's interesting ...(inaudible)...

Mr. Pa: I think our or the information that Director Foley gave us this morning, in relation to the signs in Lahaina, I think it'll take care of this in the long run. You know, hopefully, it will address this very issue.

Mr. Fredericksen: Well it's an issue that's not going to disappear quickly. It does need a lot of work. Okay, our next meeting --

Mr. Pa: May I just say something before we adjourn?

Mr. Fredericksen: Oh sorry, Milton.

Mr. Pa: Within the past two weeks, to me, one of the most amazing things happened on Molokai and that is that we were finally able to get the community to sit down to talk to Molokai Ranch about its development plans, and we've had a number of meetings so far, but just to give you an idea, and this may somehow impact us later on, is that Molokai Ranch has decided to put some of its lands into the Conservation Fund, and we had a meeting with the Conservation Fund officials from Washington D.C. sitting on the meeting and the first phase, right now, is to devise plans that will identify these lands that could go into the Conservation Fund, and these are lands that may or may not have some culturally historical sites on them, and we won't know until the lands are actually identified. But in relation to that, the plans also will include economic and environmental concerns that the Molokai community has with the Ranch and, hopefully, the outcome will be a plan that will, not only address the concerns of the residents, but also will be beneficial to the Ranch itself as far as profitability is concerned, and, you know, it's something that just getting the community to sit down to talk to Molokai Ranch as been a real, real difficult thing, you know. And I know when I first served as a Hawaiian or when I was appointed to the Hawaiian Homes Commission, this was my ultimate goal, and it's been four years since we were able to generate such a discussion, but it's finally taking place. The first couple of meetings, the process just to get through the process and hearing the concerns of the members of the community, has been very interesting, but it's been something that's very positive and I'm optimistic that, in the long run, it'll be something that finally will be able -- the plan will meet with the approval of the island residents as well as with the consent of Molokai Ranch.

Mr. Fredericksen: Yeah, that's a big accomplishment.

Mr. Pa: Yeah. Yeah, it really is. So the second phase of the whole thing is that, later on, after the Ranch lands have been identified which should go into conservation, we're looking at lands, other lands, on Molokai including Hawaiian Home Lands that could be possible, you know, placed in the conservation under the jurisdiction of the Conservation Fund as well as identifying other privately owned lands on Molokai.

Mr. Fredericksen: Milton, what is the Conservation Fund?

Mr. Pa: You know, the Conservation Fund is a relatively new organization. It's a non-profit group that is separate from the, what is the other? Nature Conservancy.

Mr. Fredericksen: It's a similar sort of a group that --

Mr. Pa: Right. Yeah, but the idea is similar, but they have, from what I understand, they have been working with the other states and have identified lands in other states that

qualify to be considered worthy to conserve, you know, and these lands are wetlands, forestry lands, you know, those such lands. So, anyway, you know, I just wanted to mention that.

Mr. Fredericksen: Thanks for sharing that; that's positive, very positive news. I'm glad to hear that Molokai Ranch is open or becoming more open to trying to work with the community for the greater good of the island. It's good.

Ms. Sablas: Along that line, you know, on the agenda we had the CRC meetings in other locations, and I think it's been about two or three years --

Mr. Fredericksen: It's been a while.

Ms. Sablas: Since we last been to Molokai.

Mr. Fredericksen: Two years.

Ms. Sablas: You know, you think it'd be --

Mr. Pa: Yeah, so maybe, I don't know, maybe within the next year or so, as soon as the process really gets rolling, you know, we may want to take a trip to Molokai and kinda maybe look at the lands that have been identified for conservation.

Ms. Duensing: Mr. Chair, may I also make a suggestion maybe on these kind of light agenda days, the few, you know, they're very few and far between, but maybe we could just ask our Lanai and Molokai members to share what's going on with their islands because --

Mr. Fredericksen: Yeah, I think that's a good -- how could we do that?

Ms. Duensing: You know, we don't really hear about it. If we could put it on the agenda when we have, you know, when I think we have space and time available maybe.

Mr. Fredericksen: Yeah, I think that's a very good idea.

Mr. Whelchel: And have it include a map so we can see the locations that they're speaking about.

Ms. Duensing: Suzie suggested that on some other commission agendas they sometimes put an announcement category and we could do that.

Mr. Fredericksen: Oh, that's a good idea. Yeah.

Ms. Duensing: If that's your wish.

Mr. Fredericksen: Yes, I think that's a very good -- and if there's no announcements, you can just say "none." What's everyone feel -- I think that's a good idea.

Ms. Sablas: That's good, yeah, because --

Mr. Fredericksen: Because you can talk story --

Ms. Sablas: Exactly.

Mr. Fredericksen: And, you know, you can get some good information. Thanks, again, for bringing that up, Milton. Well, let's -- so our next meeting's the 4<sup>th</sup> of March, wow, March. Time's scooting along for this year.

Mr. Pa: Can I ask Counsel here, would it be inappropriate to have, among the Commission, to have like a pre-caucus in regards to our election next month?

Mr. Akama: Right now, is this what you're asking for?

Mr. Pa: Yes. I'm thinking that, we won't have an election, but could we?

Mr. Akama: But you want to do this on the record, right? Just you want to have it --

Mr. Pa: No.

Mr. Akama: You want to have the discussion on the record?

Mr. Pa: No, off the record. That's why I'm asking.

Mr. Whelchel: After the meeting?

Mr. Pa: Or should it be on the record? You know, I'm not sure.

Mr. Akama: It should be on the record unless --

Mr. Pa: I mean I have no objection to that.

Mr. Akama: Because two or more of you discuss anything at all then it's really public record. If you want to put it on the agenda, something like that probably would be okay for an agenda amendment if you'd like to do that today. In terms -- because it's an internal matter, I don't know that it would affect any number of people on the outside, I just don't

know that, but, no, I don't think that, if you're asking me is it okay to have a private caucus to discuss the matter of your -- of the next chairman, I think that should be public record.

Mr. Pa: If the rest of the Commissioners don't mind, is it possible for us to make take like half an hour to kinda talk about it?

Mr. Fredericksen: Today?

Mr. Pa: Yeah.

Mr. Fredericksen: What do you folks think? I don't care.

Ms. Sablas: When is it officially up? What agenda? Is it March or April?

Mr. Pa: No, today's agenda.

Ms. Sablas: No, I know. Election, is it going to be on --

Mr. Pa: March agenda. Isn't it our March agenda?

Mr. Fredericksen: That's my last --

Ms. Sablas: April.

Mr. Fredericksen: It would be April would be the elections..

Ms. Duensing: It would be April, after the new commissioners come on.

Mr. Akama: Your last --

Mr. Fredericksen: Is March. It is March, yeah, Dawn?

Mr. Akama: So it has to be March cause March is his last meeting.

Ms. Haina: Erik and I. The end would be in March.

Ms. Pa: Yeah.

Ms. Sablas: And March should be a long meeting. We won't have time for ...(inaudible)...

Mr. Pa: Yeah.

Mr. Fredericksen: Yeah, we're going to ...(inaudible)...

Ms. Duensing: It's always in April, I think. Yeah, I don't think it's at Erik's last meeting, I think it's after we get our new commissioners and Erik's gone as our designated Chair.

Mr. Akana: Oh, right.

Ms. Duensing: So it will be April, not March. But, Lori is right, the next meeting has a potential to be quite long and filled up with other stuff.

Mr. Fredericksen: But we could talk about it today.

Mr. Pa: Yeah.

Mr. Fredericksen: Or you folks can, I'm not going to be ...(inaudible)...

Mr. Pa: Do I need to make a motion to amend the agenda to include that in our discussion?

Mr. Akana: Yeah, that would be appropriate.

Mr. Pa: I would like to move to amend the agenda to include, after all of our business is over, a discussion on our upcoming election, whenever that is.

Mr. Fredericksen: In April.

Mr. Pa: In April.

Mr. Fredericksen: At the April meeting, but discussion today.

Mr. Pa: Right.

Mr. Fredericksen: Is there a second to that motion?

Ms. Sablas: Second.

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

**It has been moved by Mr. Milton Pa, seconded by Ms. Lori Sablas, then unanimously**

**VOTED: to amend the agenda to include discussion on the upcoming election to be held at the April meeting.**

Mr. Fredericksen: Okay, motion carries. You have the floor, Milton, or the microphone.

Mr. Pa: Since I made the motion, no, I just wanted to say that we will be electing a new chairman in the next, whatever, few meetings, in the April meeting, and my feeling is, because I've been, my name came up anyway, you know, my feeling is that whoever the chairman is should reside, be a resident of Maui, and the reason is I think that there are many issues that come up that needs the attention of the chairman immediately and whoever the chairman is, if that chairman resided on Maui, then it will be easier to facilitate whatever action needs to be taken, and I just wanted to throw that out to you.

Ms. Sablas: If that theory follows, then we've had, in the past, in the council planning, we've had chair from neighbor islands and it's been done well. The late Councilman Kawano has served as Chairperson for the Council for many years from off-island. I look at the chair as a facilitator, as a person who gets the agenda through the process of involvement of having, again, the sense of, you know, Robert's Rule of Order and moving it along and, you know --

Mr. Pa: Right, and, you know, we have several, I think, on the Commission that's able to do that.

Ms. Sablas: You.

Mr. Fredericksen: Don't look at me.

Mr. Pa: Does anyone else have anything else they'd like to say about --

Mr. Fredericksen: You have an interesting point, Milton, but I also, you know, I do agree with what Lori says. I think that the two people who were talking in the microphones should -- would be very well suited, however it ends up being, you know, whoever's vice-chair or whoever's chair, or vice-chair, whatever, that's my opinion.

Mr. Pa: Anyway, I'd like, you know, all of you to kinda think about it before election comes around.

Mr. Fredericksen: I'd just like to say that, I know it's early cause I'm still here, but I've really enjoyed working with all you folks and I -- everybody I think here understands that it is, I mean the Commission is a really important Commission and, you know, whoever gets, you know, is elected as chair and vice-chair, I know that they're going to be interested in doing the best they can and that's the main thing.

Mr. Whelchel: The chair should have the highest knowledge of cultural resource. I think they should be able to perform the best of all of our members, and how many years do you have left?

Mr. Pa: Two more years.

Mr. Whelchel: Two. Sol, how many?

Mr. Kaopuiki: Four and --

Mr. Whelchel: Oh, you're a new comer; new kid on the block. And, Lori?

Ms. Sablas: My thing expire next March, so I have just one more year.

Mr. Whelchel: One more year.

Ms. Haina: I'm gone as of end of March.

Mr. Whelchel: You're gone, and I got four years left. Okay, knowing that, it'll be easier to make a decision. Is this the time that we should discuss who we prefer? Who we're going to nominate?

Mr. Fredericksen: I don't know. Is that -- it's kinda --

Mr. Whelchel: Give an idea?

Mr. Akama: I think that we have to take into consideration that there will be new members --

Ms. Duensing: Yeah.

Ms. Sablas: Yes.

Mr. Akama: And until they come onboard, I think it's premature to --

Mr. Whelchel: Okay.

Mr. Pa: Right, I was just going to say that.

Mr. Akama: Yeah, I think that -- I mean, normally, it's someone who has had some tenure but I think --

Mr. Fredericksen: There should be some continuity.

Mr. Akama: Right, but I think that they're entitled to, if you're going to start talking about selection and that sort of thing, I think we should wait until the time comes, I mean when it's on the agenda.

Mr. Whelchel: How many new members?

Ms. Sablas: Two.

Mr. Fredericksen: Three.

Ms. Duensing: Well, Mr. Chair, there should be a person to replace me because I, you know, they'll take the rest of my term even though I have my five years. Erik will be leaving and Aunty Kuulei, I just found out yesterday, only got a two-year term, so --

Mr. Fredericksen: How come?

Ms. Haina: I took over somebody's place ...(inaudible)...

Ms. Duensing: I think she may have got Lyon's last couple years or something like that.

Mr. Fredericksen: Yeah, finished out ...(inaudible)...

Ms. Duensing: Yeah, but it's important, another thing to consider is when we got Aunty Kuulei, just to refresh everybody's memory, we didn't have anybody appointed from Hana, we lost Joanne Carreira, and we had to write a letter to the Council reminding them how important it was to have a Hana community member, even though it wasn't written in the ordinance, and I'm afraid that that might be happening again, and, you know, our Hana members are invaluable to this Commission, and so I think Aunty Kuulei needs to really, you know, everybody needs to come up with somebody who can --

Mr. Fredericksen: Yeah, that's a good point.

Ms. Duensing: Come from that geographic area, even though it's not in the ordinance, we need them.

Mr. Fredericksen: Yeah, cause, you know, we have someone, you know, Milton from Molokai, Sol from Lanai, and, yeah, Hana is connected to Maui but, defacto, it is isolated, to some extent, just by distance, and so I think it is a very legitimate point to try to have someone from Hana and there is also a lot going on in Hana.

Ms. Duensing: There's a lot going on in Hana and Hana is Maui's most Hawaiian community and we want to continue to have Hawaiians on the board, you know, that's in the ordinance that we need to have Hawaiian cultural specialists of one kind or another serve.

Ms. Sablas: So what can we do? Can we, I mean ask her to recommend?

Ms. Haina: Is it okay if I bring Joanne back and ask her if maybe she would like to come back?

Mr. Fredericksen: Yeah, I mean she's been out more than a year, right?

Ms. Duensing: Two years.

Mr. Fredericksen: No, I know, but what I'm saying is a year is what your thing is.

Ms. Duensing: Yeah.

Ms. Haina: Oh, you have to be also out about a year?

Mr. Fredericksen: Yeah.

Ms. Duensing: Yeah.

Ms. Haina: I think, yeah, I think it's that ...(inaudible)...

Mr. Fredericksen: I'll probably seek to be recycled at some point.

Ms. Haina: I got two people that I think that is good that knows Hana very well.

Mr. Pa: So, you know, three is a significant number and I think they should be part of the process to elect a new chair and a new vice-chair --

Mr. Fredericksen: Sure.

Mr. Pa: So, you know, I would say that I would recommend that, you know, we just think about it and leave it at that.

Mr. Fredericksen: Yeah, and that's reasonable.

Ms. Duensing: And in line with that because, you know, this is happening so quickly with our members leaving, you know, I don't know what the Commissioners want to do to, you

know, bring it to the Mayor's attention that a Hawaiian from Hana is an important addition to the Commission because, as I said, the last time we had to --

Mr. Fredericksen: I think it'd be appropriate to --

Ms. Duensing: You know, they had already nominated somebody and we had to write a letter to the Council saying, "Wait. This doesn't work for us because we're missing somebody from the Hawaiian community in Hana." And, you know --

Mr. Fredericksen: I think it'd be appropriate to, for the Commission, to write a letter, I mean, you know, it's not a demand or anything, but it is a request that attention, if you will, be given to try and to, you know, get a person, a representative from Hana, preferably, you know, in the Hawaiian community.

Mr. Pa: Would it be appropriate for us to do this at this time, you know, recommend that we write a letter?

Mr. Fredericksen: Yeah, that's fine.

Mr. Akama: Yes, that would be appropriate. Yes.

Mr. Fredericksen: Because her term's pau next, you know, next month.

Ms. Duensing: And I know that there's already names being considered upstairs there so -  
-

Mr. Fredericksen: But I think it's appropriate to write a letter requesting that attention.

Mr. Pa: Shall I put that into a motion? Yes, I move that, in this case, the Vice-Chair write a letter to the Council, or the Mayor rather requesting that they seriously consider a Hana resident to be part of this Commission.

Mr. Whelchel: I second it.

Ms. Sablas: Aunty added and be Hawaiian.

Mr. Pa: And be Hawaiian from the Hana area. Am I the chairman right now? No.

Mr. Fredericksen: Okay, so is there a second? Lon seconded it.

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

**It has been moved by Mr. Milton Pa, seconded by Mr. Lon Whelchel, then unanimously**

**VOTED: that the Vice-Chair write a letter to the Mayor requesting that they seriously consider a Hana resident to be part of this Commission who is Hawaiian.**

Mr. Fredericksen: Okay, it passes.

Ms. Duensing: Can I ask Corp. Counsel a question on this last motion? Because the ordinance doesn't say anything but it does say something about Hawaiian, I don't -- they're termed Hawaiian specialist or cultural practitioners, would it be better maybe to specify a Hawaiian, you know, studies person or cultural practitioner rather than a native Hawaiian?

Mr. Akama: That might be --

Mr. Kaopuiki: I wanted to ask that question. I rather see some other nationality besides a Hawaiian. I don't want -- because the pressure is extremely evident nowadays that the Hawaiian group opposing a lot of things. So if there's an individual that's strong enough to believe not to do the proper decisions here, I'd rather see somebody else.

Ms. Haina: Uncle, but in Hana, kala mai, but in Hana it's different. The Hawaiians that live there, like I do, I know everything from Mile Marker 3 to Kaupo. I know the area; I know every mile marker; I know the mountain ridge. If you put a Caucasian inside there, they only know today. This is Hana. I only talking about Hana. Most of them are born there so they know the place so well. You put one Caucasian inside there that has not grown up in Hana, they only know what is today, and not yesterday; that's the only reason. There's a lot of them that are there that are knowledgeable; there are.

Mr. Kaopuiki: If you look at the people who are active in community activities, it doesn't have to be a Caucasian. There are other people that was born there of different -- and I'm sure they have a lot of them but because the opportunity is not given to them, they feel that maybe they shouldn't sit on this committee.

Ms. Haina: Well, in Hana, we try to give everybody the same opportunity whether you're Japanese, Filipino, or Hawaiian; if they're knowledgeable, they get elected.

Mr. Kaopuiki: Because the reason I say that, I am Hawaiian, and Hawaiians are coming to me and telling me -- I told them, I told them straight, I told them, "Look, I sit in on this council. The decision we make, it's not -- if any Hawaiian issue I see that it's not going to

benefit the community overall," I said, "I'm not going to think of how you guys going to present them. I'm thinking about the community, not the Hawaiian issue."

Ms. Haina: Well, in Hana, we do include everybody. We have no separation -- oh, you Filipino, you're Japanese, you're this, everybody is one. We never did exclude anyone. Everyone is in. But if we feel that, and this person, if he's a Caucasian or Filipino or Japanese, if we feel that he's good, he will get in. We will support. We support each other.

Mr. Kaopuiki: Right.

Ms. Haina: That's the thing I like about Hana, everybody supports each other. It's not that because we Hawaiian and the Hawaiians should do this, the only reason I say that is because most of the Hawaiian people that live there knows the area very well. That's why I declared myself the mayor of Hana, and I told Mayor Arakawa that too.

Mr. Akama: Dawn, if you could repeat your question. I wasn't sure what you were asking.

Ms. Duensing: Well, I think it kind of clarifies my question.

Mr. Akama: Alright.

Ms. Duensing: My question was shall we emphasize the -- that because in the ordinance, it requires us to have Hawaiian studies specialist or Hawaiian cultural specialist, should we emphasize that? But maybe the more important emphasis would be that it would be a Hawaiian -- a longtime Hawaiian resident that is familiar with the community and the cultural issues it faces.

Mr. Fredericksen: Or just a longtime Hana resident that is familiar with the community, familiar with the culture.

Mr. Akama: And sensitive to the --

Mr. Fredericksen: Yes.

Ms. Duensing: Yeah, and --

Mr. Akama: Cultural land issues. You know, I don't think we, necessarily, need to say of Hawaiian ancestry.

Ms. Duensing: Yeah, and that was my question. I think --

Mr. Akama: I think that there may be -- it probably would be a Hawaiian, right, but I think that as long as that -- will you be drafting the letter, Dawn?

Ms. Duensing: Yeah.

Mr. Akama: Alright.

Ms. Duensing: I think that would be easier for the Commission.

Mr. Pa: Yes. Yes.

Mr. Fredericksen: The sensitivity, I think, is the key.

Ms. Duensing: That answers my question. I was trying to, and Aunty clarified it, because it's somebody who has to be, you know, connected to Hana, not just --

Ms. Haina: The aina.

Ms. Duensing: Yeah.

Mr. Akama: And she will be recommending some people also.

Mr. Fredericksen: That'll be really helpful to, you know, to make sure that they're interested too, that they are encouraged to do this ...(inaudible)...

Ms. Haina: And I know of two already.

Mr. Fredericksen: Good.

Ms. Sablas: So in this process then usually your -- if you go in and, you know, put in your nomination paper, it goes through Council, and then it's approved administratively? Is this process we're going? Because it is -- it's a new, it's not a replacement, it is a new --

Mr. Fredericksen: It's a new term.

Ms. Sablas: It's going to be a vacant.

Mr. Fredericksen: Yeah, it's a vacancy.

Ms. Sablas: It's to fill a vacant position which means an applicant has to go and put in a -- and then it's reviewed by Full Council and approved so --

Mr. Akama: Ultimately, the Mayor makes the appointment.

Ms. Sablas: Yes. Okay. So the letter should be addressed to the Mayor?

Mr. Akama: Yes.

Mr. Fredericksen: Yeah.

Mr. Akama: Generally, the Mayor will follow the Council's recommendation.

Ms. Duensing: Yeah. I mean because the other issue, in relation to all this, is we're losing our archeologist who is very dedicated and always here and that's another very important position on the Commission. We have an archeologist whose attendance is regular and passionate as, you know, Erik's commitment to the work of the Commission is and, you know, we need the professionals too so --

Ms. Sablas: I don't know. I guess talking about, again, we are talking about membership and participation here. I don't know if this would be the appropriate time to talk about our attendance or is it not, you know, because I think she brings up an important point about we are here because we represent certain criteria for the Commission, and if we're going to have continuous absence of certain people, then it kinda puts us at a disadvantage in getting the knowledge from people we count on so that we can make decisions that are, you know, proper. So, in this case, I mean who is responsible for --

Mr. Fredericksen: Encouraging the --

Ms. Sablas: I think everybody is well intended, I mean --

Mr. Fredericksen: Yeah.

Ms. Sablas: But then again, you know, if you miss x-number of meetings consistently, how effective can you be as a Commission member and how should that be addressed?

Mr. Fredericksen: Yeah, and that's a tricky one.

Ms. Haina: Counsel?

Mr. Akama: Again, there are really no rules as far as attendance. I don't know of a commission or board that has rules that say if you miss three meetings --

Mr. Fredericksen: Yeah, cause it's a volunteer --

Mr. Akama: It's totally voluntary. I think, and I hate to do this to Dawn, but I think the most diplomatic way to handle this is to maybe telephone these people and say, you know, we had a discussion about elections, and about attendance, and accountability, and the Commission really feels, as a whole, that it's really important to be present and if in the next year or two, it doesn't look like you'll be available for whatever reason, then perhaps --

Mr. Fredericksen: On a consistent basis.

Mr. Akama: On a consistent basis, then perhaps you should let us know that, you know, without suggesting that they resign, but just to say, well, because we need the full complement of the Commission, and we need the full complement of the talent, and the abilities represented, you know. I think they have to kind of understand in those terms that if they can't be available, then perhaps we should fill that position with somebody who has the commitment in addition to the background, as Erik does, you know, that we kind of -- or we're at a severe disadvantage if we don't have their regular attendance.

Ms. Duensing: And this Commission will be at a severe disadvantage because, you know, not that professionals are the all end-all of these commissions, but with me going off the Commission as well as Erik going off the Commission, you know, the way the ordinance is written, it's not really right to fill it with lay people or community members, as you were, because we really put ourselves to the disadvantage when we start going in that direction and, you know, what if Lon left and we didn't find another architect? And that's what the ordinance does.

Mr. Fredericksen: Yeah, and those are the issues that have come up, not completely, but there are some -- those issues do come up.

Ms. Duensing: Yeah.

Mr. Fredericksen: And so it's just one of those things.

Ms. Duensing: I can't imagine how I, as a staff person, am going to handle the archeological reports that come before my desk without bringing them to this Commission and having the input of the kupunas on the Commission but also of our professional archeologist. You know, I can't do that. I'm not an archeologist. And, in response to Corp. Counsel's suggestion that I call our members, I think it would be more comfortable if Wayne Boteilho did that.

Mr. Akama: Alright. What I meant was the Planning staff of the Planning Department.

Ms. Duensing: I think that would be more appropriate, yeah, I think it'd be more appropriate for Wayne to do that.

Mr. Akama: Someone in administrative capacity; that would be good.

Ms. Duensing: Yeah, okay. Alright.

Mr. Fredericksen: Yeah, I think that's a good.

Ms. Duensing: If that's okay with the Commission.

Mr. Akama: I was just thinking that you could put it in terms -- they know you, you know, and all --

Ms. Duensing: Well, yeah.

Mr. Akama: Coming from Wayne, I don't know.

Ms. Duensing: Well, okay.

Mr. Akama: ...(inaudible)... on the record but I --

Ms. Duensing: I don't want to get him ...(inaudible)...

Mr. Akama: Alright.

Ms. Sablas: Well, especially the upcoming meeting in Lahaina, I think it's, if that's going to be in the agenda and the Banyan Tree, you know, it would be good to have a full Commission to discuss this passionate issue for the community and so --

Ms. Duensing: Well, is that something that the Commission wishes me to take care of now rather than wait two or three meetings down the line or --

Mr. Fredericksen: What do you mean? Attendance?

Ms. Duensing: Yeah. Call the members and emphasize how important it is for them to be here, and support the work, and especially for this Lahaina meeting.

Ms. Sablas: I think they'll call because there may be something going on that we're not aware of --

Mr. Fredericksen: Yeah.

Ms. Sablas: And we shouldn't be going on assumptions, you know, I just know that we have had some members who have been consistently absent from our meetings, and we're all busy, you know.

Mr. Akama: They may well be looking at that as sort of an opportunity to say, well, you know, actually I can't.

Ms. Sablas: Okay.

Mr. Akama: We had a Planning Commissioner resign, which was kind of really unusual.

Mr. Fredericksen: But, I mean, stuff happens.

Mr. Akama: That came -- and I don't know whether that was a result of a telephone call or what, but, you know, that person was noticeably absent and, eventually, he resigned.

Ms. Duensing: I know when the Mayor asked me to serve on the Commission, when his staff member called me, the first thing they said is, "Well, are you willing to really come to every meeting cause we want somebody who's committed to coming?"

Mr. Akama: The staff member asked you that?

Ms. Duensing: Yeah and the Mayor's staff did.

Mr. Akama: Yeah, I think that's critical.

Ms. Duensing: Yeah.

Mr. Pa: Yeah, and it's really critical too for this Commission especially when we appear at a community meeting, you know, I think it's important that they see --

Ms. Sablas: The full Commission.

Mr. Pa: The full Commission.

Mr. Fredericksen: Yeah, or as close to full as possible.

Mr. Pa: Because, yeah, because, to me, it makes an impression on just how effective we are as Commissioners and --

Mr. Akama: And I think it's appropriate, excuse me, Milton, to announce at the beginning that such and such could not be here or that not to leave a name plaque there making it

noticeably absent, I mean even there are just a few people from the community, because people will wonder, you know. I think it's appropriate to say, "well, such and such could not be here today and is excused," or something like that by the chair.

Mr. Fredericksen: That's a good idea.

Mr. Akama: You know, rather than just leaving a plaque, they're thinking, well, this person didn't even care and didn't show up, you know, especially if it's a community meeting in Lahaina and the person is from Lahaina, I think that could be kind of critical, you know, but in any -- these are all public meetings so I think that it's critical in the perception of the public to understand that, you know, there's certain accountability that goes along with taking the job and that's why, Dawn, I think you'd be really effective. That's my opinion, it's not a legal opinion.

Ms. Duensing: Not a legal opinion.

Mr. Akama: Because you have the passion and the commitment for this and, you know, you were just the chairman and you are in the staff.

Ms. Sablas: Yeah, and you're part of this discussion, Wayne is not.

Ms. Haina: Yes.

Ms. Duensing: Yeah, and, you know, this bothered me when I was the chairman too when, you know, I mean cause you guys all supported me strongly and I couldn't have been, well, maybe I wasn't a good chairman, but I couldn't have been an effective chairman --

Ms. Sablas: Yes you were.

Ms. Duensing: Without the support of the Commissioners and, you know, when everybody doesn't show up and, you know, now as a staff person I'm worried to death about not having a regular archeologist. Yeah, I really am, very concerned about that, and our Hana member also because, you know, my job is to make sure that the Commission fulfills the duties that it was given by County ordinance too.

Mr. Pa: So, in light of that, I think if this issue is brought before the Director or Deputy, he'll say, you're it, Dawn.

Mr. Akama: Dawn, you may want to reinforce with the Mayor's office, whoever it is that makes the contact with these appointees, to emphasize what they told you cause I don't know if they're being told under this new administration.

Mr. Pa: Or during the time that they're appointed.

Mr. Akama: Right, at the time they're appointed or at the time -- whatever the initial contact, whatever left that indelible impression on your mind should be reinforced today.

Ms. Duensing: Yeah, and it really --

Mr. Akama: Because I don't that it is and apparently these people applied for a purpose and if they're given the opportunity to serve, then they probably should be --

Mr. Fredericksen: Well they should -- they should follow through.

Mr. Akama: And one of the ...(inaudible)... requirements, especially for this Commission, is that we need a full complement.

Ms. Duensing: Right. Right. And, you know, I remember so much when that Mayor's assistant called me because, you know, I wasn't a big fan of that administration, and I was just so impressed that they said, "Well, are you going to be there cause we want somebody that's really reliable and, you know, is not just going to put their name on the Commission," and that wasn't always the impression I got from the administration, you know, I kinda changed my mind about how the way they must be doing business.

Ms. Sablas: And our meeting notices, we're given a whole year in advance as to exactly when our meetings are so, you know, I mean you just mark it on your calendar and make that a priority ...(inaudible)...

Ms. Duensing: I mean I always knew it was the first Thursday of the month and unless I could not be there, I was. Okay. Well you guys certainly keep me busy.

Mr. Fredericksen: Well, thank you though for being there to stay busy because it's, you know, I said it before, it's really important to have the support because otherwise I got, I'll be very candid with everyone, I got really frustrated several times over the last few years because, you know, we'd ask for something and, you know, nothing happened, and that has changed, I might, you know, add, which is great, but I got really frustrated sometimes, I mean I got almost beside myself a few times by just trying to keep my lips zipped, but -- so it is, you know, I'm really happy that we got the position, and everybody that's on the Commission, I just hope that everybody stays, you know, passionate about stuff. Okay, we got anything else? So Dawn will be --

Ms. Duensing: Busy.

Mr. Fredericksen: Spearheading this, but -- so we'll know a couple weeks or a week, at least a week-and-a-half beforehand if we are going to be in Lahaina?

Ms. Duensing: Yeah, and I will try to, you know, keep reminding Simone, you know, so that we all get the most notice that we can.

Mr. Fredericksen: It'd be good to get this dealt, well, at least get it started, if we could, the next meeting just because it's something that's obviously a problem and try to see if we can get some resolution.

Ms. Duensing: Yeah, and, hopefully, like I said, working with State Parks, if we can come up with a policy and that's going to be a --

Mr. Fredericksen: Yeah, and that's just going to be it.

Ms. Duensing: Yeah.

**J. NEXT MEETING DATE: March 4, 2004**

Mr. Fredericksen: Okay, so our next meeting would be March 4, 2004, and I think that's just about it.

Ms. Duensing: Thank you, volunteer Commissioners.

Mr. Fredericksen: There's no -- if there are no objections, I'd like to adjourn the meeting. Everybody have a good month.

**K. ADJOURNMENT**

There being no further business brought before the Commission, the meeting was adjourned at 11:30 a.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Commission Support Clerk

**RECORD OF ATTENDANCE**

**Present**

Erik Fredericksen, Vice-Chairperson  
Lori Sablas  
Kuulei Haina  
Solomon Kaopuiki  
Milton Pa  
Lon Whelchel

**Excused**

Keeaumoku Kapu  
Lisa Rotunno-Hazuka

**Others**

Mike Foley, Planning Director  
Aaron Shinmoto, Planning Program Administrator  
Dawn Duensing, Planning Staff  
Dudley Akama, Deputy Corporation Counsel