

HEALTHY FAMILIES AND COMMUNITIES COMMITTEE

Council of the County of Maui

MINUTES

June 20, 2019

Council Chamber, 8th Floor

CONVENE: 1:32 p.m.

PRESENT: Councilmember Riki Hokama, Chair
Councilmember Yuki Lei K. Sugimura, Vice-Chair
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Michael J. Molina
Councilmember Tamara Paltin
Councilmember Keani N.W. Rawlins-Fernandez (out 3:45 p.m.)

STAFF: Shelly Espeleta, Legislative Analyst
Wesley Crile, Legislative Analyst
Rayna Yap, Committee Secretary
Zhanell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Karla Peters, Director, Department of Parks and Recreation
Lisa Almeida, Permits Officer, Department of Parks and Recreation
Michele McLean, Planning Director, Department of Planning
Mimi DesJardins, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Patricia Nishiyama, Na Kupuna O Maui
Faith Chase
Jon Kinimaka
Evelyn Goo
Richard Dancil
Daniel Smith
Ke`eaumoku Kapu, Cultural Programs Coordinator, Na`aikane O Maui
Annalise Kehler, Cultural Resources Planner, Department of Planning
Theo Morrison, Executive Director, Lahaina Restoration Foundation
Daniel Ornellas, Land Division Maui Agent, State Department of Land and Natural Resources

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Clifford Libed, Hui O Wa`a Kaulua (Assembly of the Double-Hull
Canoe)
(21) additional attendees

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

CHAIR HOKAMA: . . .*(gavel)*. . . The Council's Committee on Healthy Families and Communities' regular meeting of 20 June, 2019 is in order. This afternoon we welcome our total membership. Vice-Chairman Sugimura.

VICE-CHAIR SUGIMURA: Good afternoon, Chair.

CHAIR HOKAMA: Ms. Kama.

COUNCILMEMBER KAMA: Good afternoon, Chair.

CHAIR HOKAMA: Ms. Paltin.

COUNCILMEMBER PALTIN: Good afternoon, Chair.

CHAIR HOKAMA: Ms. King.

COUNCILMEMBER KING: Aloha.

CHAIR HOKAMA: Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha `auinala, Chair.

CHAIR HOKAMA: And, of course, Mr. Molina.

COUNCILMEMBER MOLINA: Good afternoon, Chairman.

CHAIR HOKAMA: Okay. Thank you. Members, we have two items that we have agendized for discussion today. The Chair will state that he intends to take no action, but we will have our discussions on these two items this afternoon, HFC-3 and 18. As the posting and by this Committee's standard practice, we allow each person wishing to testify on an agendized item three minutes and three minutes only to speak. State your name. If you represent an organization, we request that information. If you are a paid lobbyist and you are registered, we ask that you please disclose that information with the Committee. You will address your comments to the Committee and more directly to the Chair. With that, we'll start our testimony portion, Members, as well as...I forgot, yeah, I'll also turn off my noise-making device, please everyone. Thank you. Okay. First person we'd like to call up is Patricia Nishiyama and we also know her as Auntie Patty of Na Kupuna O Maui. We have a microphone easier for Auntie Patty? Try hold on, yeah...hold on, hold on, Aunty. We make it easy for you.

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. . .BEGIN PUBLIC TESTIMONY. . .

MS. NISHIYAMA: Yes, thank you, Riki. Aloha no.

CHAIR HOKAMA: Aloha.

MS. NISHIYAMA: My name is Patricia Nishiyama, aka, Aunty Patty Nishiyama, Na Kupuna O Maui, Aloha.

ALL: Aloha.

MS. NISHIYAMA: E ho mai i ka `ike mai luna mai e. Na Kupuna O Maui eo, mahalo. You know, e kala mai, but I didn't know what the agenda was until I got here, but I did have an agenda. I wanted to share with you what I...what the kupuna wanted to share was that the Banyan Tree is the sacred taro patch of Pi'ilani. About four years ago, Na Kupuna O Maui, the Royal Order of Kamehameha, The Women of Na Ali'i, Na Kupuna O Maui, and Dennis "Bumpy" Kanahale walked to Lahaina Town and went straight to the tree to build one ahu recognizing the Banyan Tree as being Pi'ilani's sacred taro patch. Pi'ilani was the ali'i of heavens. He born Lahaina in the 1500s and that is where his taro patch belonged. At the Banyan Tree, before that tree came, my kupuna used to tell me, Aunty, go home and get the saw and cut that tree down. The tree does not belong there. It's Pi'ilani taro patch. The sacred taro patch of Pi'ilani. Now, you go down to the library, they have the taro patch of King Kamehameha. Now, King Kamehameha was born in the 1700s. Pi'ilani was born in the 1500s. So, where does the recognition come? Pi'ilani, because he's older. And guess what happened. Pi'ilani walked the whole island of Maui to unite the Hawaiians, and that's why it's called Pi'ilani Highway. Hiki no?

CHAIR HOKAMA: Hiki no.

MS. NISHIYAMA: Yes.

CHAIR HOKAMA: Aunty, your time is up, but I know you have a lot of mana`o you wish to share.

MS. NISHIYAMA: Yeah.

CHAIR HOKAMA: And --

MS. NISHIYAMA: Come back?

CHAIR HOKAMA: --we know that you are a, you know, Lahaina keiki o ka aina. So, with no objections from the Members, if you have no issue, the Chair wishes to make her a resource as far as Na Kupuna O Maui and allow her to participate with us at the appropriate time when we discuss the item by itself. Any objections?

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COUNCILMEMBERS: No objections.

CHAIR HOKAMA: Okay, Aunty --

MS. NISHIYAMA: Okay.

CHAIR HOKAMA: --so, yeah, if you can stay, we going be happy to ask --

MS. NISHIYAMA: Oh, yes, I'm not done.

CHAIR HOKAMA: --yeah, you want to...yeah, yeah.

MS. NISHIYAMA: Okay.

CHAIR HOKAMA: Yeah.

MS. NISHIYAMA: Thank you very much.

CHAIR HOKAMA: Yeah, mahalo.

MS. NISHIYAMA: Mahalo. I appreciate this. Mahalo.

CHAIR HOKAMA: Next person we'd like to ask is Faith Chase, if you would come forward and speak on HFC-3 please? Okay, and then following Ms. Chase is Mr. Jon Kinimaka.

MS. CHASE: Aloha, Chair.

CHAIR HOKAMA: Aloha.

MS. CHASE: Aloha, Councilmembers. I am not a subject-area expert, I'm a east side girl. I do have a lot of people I care about in West Maui. I did play on the Banyan Tree when it was low enough to climb when I was little. I'm actually here to speak on some disappointment in the administrative aspect of this problem. While I haven't...wasn't able to talk to Ka`ala Buenosquela [*sic*]...is that how you say it? Is that pretty good? I don't like the process that was taken during his short tenure in the position. He is...I don't think it was done with fairness. And while I can't say that I'm positive of any peculiar or illegal or any kind of activity, I do, I have learned enough to know that the administrative decisions that were made by him or his office or his advisors was really poorly done and it deserves a do-over. So, I would just plead that that be taken into light as these decision are made. I see a terrible amount of unfairness and I'm still kind of scratching my head about who can own a tree. But, you know, I understand that the economic advantages of doing business under that tree are important to a lot of people, but I would impress that, you know, either the things that were done incorrectly never be done again within that capacity but also to consider how the

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decisions and the timeline of this Banyan Tree issue have gotten to this far with no disrespect to anybody who's involved. Thank you.

CHAIR HOKAMA: Thank you. Any questions to clarify? Okay, thank you for being here. Jon Kinimaka please? Following Mr. Kinimaka, Evelyn Goo.

MR. KINIMAKA: Aloha, Chair --

CHAIR HOKAMA: Aloha.

MR. KINIMAKA: --Councilmembers. My name is Jon Kinimaka from Lahaina and I'm here to support the Lahaina Town as the capital of our Kingdom of Hawaii and I'd just like to ask this Council to do whatever they can do to support the restoration, preservation of Lahaina Town as our capital of this Hawaiian Kingdom, and I don't want to take up any more of your time, and I thank you. Mahalo.

CHAIR HOKAMA: Thank you for being here this afternoon. Next, Evelyn Goo please.

MS. GOO: Aloha --

CHAIR HOKAMA: Aloha.

MS. GOO: --good afternoon, Chair and Councilmembers. Thank you for allowing this forum for the public to come forth and speak. I'm here to speak on the misuse of management for over 30 years of the Banyan Tree. It has been in violation of the executive order that was ordered under public uses. It was exclusive to three groups for the past 30 years and Jo Anne Johnson, former Councilwoman, and I set forth to obtain a permit to raise funds under the tree for the West Maui hospital to get that funded. And before we knew it, we were being accused of all kinds of things, the process and the backdoor deals that have gone on. I mean, it's just pretty stifling. The Banyan Tree is Hawaiian ceded land. I know Lahaina Restoration Foundation is trying to get a ten-year lease, which I strongly oppose for many reasons and they are too long to list. I'd be happy to list them after my three-minute timeline. But the Banyan Tree in short, seems a lot of people over the past 30 years feel a sense of entitlement to that tree and a sense of ownership to that tree, when in fact they do not own it. It is Hawaiian ceded land. I pose that it be turned back to the Hawaiian community. And when I say Hawaiian, I don't mean self-proclaimed kupunas with no Hawaiian blood. I mean a Hawaiian who has proven their lineage such as Kimokeo Moku [sic] and his group. I think he would be perfect to manage that tree to bring back the Hawaiian, the true Hawaiian traditions, and for it not to be leased out to a group such as Lahaina Restoration Foundation for only \$100 a year when you have stores paying \$20- to \$30,000 a month for their property. So, yeah, that's basically why I'm here. Wow, I haven't gone over three minutes. Okay, I have a warning. So, I guess that's basically what I have to say. I do have a lot more information so if any of you...I have given some of my information out and I just hope that this Council, this body, will give a more fair process to this. And if not, turn it over to where it belongs. Simple as that. That Banyan Tree does not owe anyone a living, period.

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CHAIR HOKAMA: Thank you, Ms. Goo.

MS. GOO: Thank you.

CHAIR HOKAMA: Any questions for the lady on her testimony for clarification? Okay, having none, thank you, Ms. Goo. We'll ask our District Offices if anyone wishes to provide testimony this afternoon. Hana Office, anyone wishing to provide testimony?

MS. OLIVEIRA-MEDEIROS: Aloha, Chair, this is Mavis Oliveira-Medeiros from the Hana Office. There is nobody here waiting to testify.

CHAIR HOKAMA: Okay, thank you. Lanai?

MS. FERNANDEZ: Good afternoon, Chair, this is Denise Fernandez on Lanai and there are no testifiers.

CHAIR HOKAMA: Thank you. And on Molokai? Okay, we have been informed there is no requests for testimony on Molokai. So, Members, with no objection we'll close testimony for today's meeting.

COUNCILMEMBERS: No objection.

CHAIR HOKAMA: Okay, thank you. So ordered.

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

CHAIR HOKAMA: Pardon me?

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

CHAIR HOKAMA: Oh, okay. Come down and speak. Yeah, I don't have your paperwork.

MR. DANCIL: So, what I got to do? I got to press the button?

CHAIR HOKAMA: No, it goes on automatic.

MR. DANCIL: Oh, okay. Yeah, aloha, everyone. My name is Richard Dancil. I was born and raised up in Keokea, Keokea born up in Kula Hospital. Both of my parents work up at Kula Hospital as nurses for over 40 years. So, my involvement in the Banyan Tree is true Na Kupuna O Maui, actually. How I got involved with my cousin Annie Kekona in helping out in the promoting my cousin Anthony Kekona's artwork which he did in prison. He passed away in January 26, 2019. Oh, excuse me. Okay, yeah. Through the years, actually, I got involved with Na Kupuna O Maui in 1998 and then I had a like a real big awakening as a Hawaiian. Was during the Patrick Barrett case against Cayetano that united us, created solidarity. So, I've been involved ever since with the elders and the thing is that I wanted to recognize about the elders of all those years

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that they helped out with numerous Hawaiian organizations. Even the prison. I would go in with Uncle Moon Keahi and Uncle Willy _____ and talk story to the prisoners and then also play music, you know, encouraging them for go on the right track. Telling them, “eh brah, we need you out here in helping us out.” So, that’s why I’m here and how I got involved. And the thing is that I also wanted to bring up about the...I just compiled all this this morning. I looked on the web and then I got this report on the web. In February 2011...no actually, I sorry. Oh, okay. In 1962, Lahaina had a, got a designation as a National Historical Landmark. In January 2011, it was put on the list of the most endangered historical sites in Hawaii by the Statewide Historic Hawaii Foundation. “The threat to Lahaina is a long-term pattern, incompatible renovation, and loss of historic fabric, the Historic Hawaii Foundation noted. That was a notation. It is a cumulative effect of countless individual decision. It started to change the authentic sense of history and identity that characterized Lahaina.” The County of Maui, defiant of its own laws installed metal street signs, with puka poles instead of wooden posts and wooden signs that was mandated for the Lahaina Historic District.

CHAIR HOKAMA: Can you conclude your testimony please?

MR. DANCIL: Oh, okay. And then basically I wanted to close off with this quote from Theo Morrison. The Lahaina Restoration welcomes the Lahaina Historic Places designation which will hopefully help Lahaina get the attention it needs to fix the problems that has been undermining the town for so long. This quote was one month after Lahaina was recognized as endangered. So, the thing is that I wanted to close it off with Na Kupuna O Maui being a Hawaiian entity. They are compliant under Historical District One, which is cultural. That’s the thing that I see missing out in Lahaina. Historical District Two is mostly recognized out there. But we got to recognize the Historical District One, the Hawaiian culture and the Hawaiian people. Otherwise we going lose them. Our kupuna is passing away. You see Auntie Patty over here on the wheelchair. So, the thing is that I just saying please, don’t let us be erased.

CHAIR HOKAMA: Okay, mahalo.

MR. DANCIL: Aloha.

CHAIR HOKAMA: Aloha. Thank you for your testimony.

MR. DANCIL: Thank you.

CHAIR HOKAMA: Anyone else would like to share their testimony with us?

MR. SMITH: I got something.

CHAIR HOKAMA: Yeah, come down.

MR. SMITH: Aloha, everybody.

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CHAIR HOKAMA: Aloha.

MR. SMITH: My name is Daniel Smith. I just kind of got word about today's gathering and so in hearing what the historical precedence is sort of all about, the underlying of preservation of these historical sites, without a doubt as our brother just mentioned that the preserving of history is so important and remembering where the roots of the land and the kupuna come from and where we come from. Where, we may come from far away but we can remember what is going on, what has happened. So, across the world right now, there are instances where history is being erased literally. Across the Middle East, they are losing a lot of their history. And in fact the United States itself has lost a lot of its history, and we can see what happens when history is lost and vital virtues are forgotten. Where history may be forgotten, then something else is replaced either in the school system, or in a church, or within peoples' families. I'm very curious to know more about the history of what the Banyan Tree is. I've heard a lot here and there from visits and people, just hearing various stories, mainly from the kupuna. Everyone else, you know, seems to perhaps be watered down wisdoms. But any way that that history can be preserved is of value, even more so than monetary value that can be gained is the value of the wisdoms that have come from before and for that to continue. Because preservation is key, especially in a world that's destroying itself. That's not philosophical jargon, we see it all the time. So, I just wanted to share that. Historical preservation for it to be paramount just so that it can be pointed because it is poignant to the future. Thank you.

CHAIR HOKAMA: Thank you for your testimony. Any questions? Okay, thank you very much for being here this afternoon. Anyone else? Okay, with no objection, Members, we'll close the testimony for today's meeting.

COUNCILMEMBERS: No objections.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR HOKAMA: Okay, so ordered. We have two items. The Chair is waiting for one resource person from the Department. So, I'm going to, with no objection, bring up HFC-18 first and then we'll head over to...oh, she's here already? Okay, great. We'll start off with HFC-3 then.

ITEM HFC-3: PERMITTED USE, OVERUSE, AND MANAGEMENT OF THE LAHAINA BANYAN COURT PARK, LAHAINA HISTORIC DISTRICT (CC 18-224)

CHAIR HOKAMA: HFC-3 is the heading of Permitted Use, Overuse, and Management of the Lahaina Banyan Court Park, Lahaina Historic District. Our Committee is in receipt of a communication 18-224, from former Member Cochran, relating to the Lahaina Banyan Court Park in Lahaina Historic District. This afternoon we have the Department will be giving us a briefing and a historic background as well as, I believe, Mr. Kapu is going to be assisting through a presentation, he provided, I believe,

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through the Cultural Resource Commission regarding the Banyan Tree. So, we thank him for his assistance. So, this afternoon we'll start off with the Director of Parks, Ms. Peters to give us the introduction on this item.

MS. PETERS: Thank you, Chair, and good afternoon, Committee Members. Just to give you a brief history, in 2018 the Department recognized the possible over commercialization of the Banyan Tree Park. This raised concerns as the area's both culturally and historically significant. At that time, the Department scaled back the approval process in line with an upcoming paver project. As the Department began further review, additional questions and concerns were raised regarding intense commercial use of the area. With the new Administration, we have committed to aligning the use and purpose of the area with its original intent and executive order.

CHAIR HOKAMA: Okay. So, Members, I don't know how much you know about this park issue, it's kind of decades old, but the executive order is very old. From my understanding is 1910 was the original. And if you read that old carbon photo print of what was approved was at that time what they understood was public and park purposes in 1910, not in 2019. Okay? That's what they approved, park purposes as they understood it back then, yeah? We have had adjustments made by the Department of Land and Natural Resources through the years making certain adjustments ending up where we are today. So, I'm going to have some historical review so you folks are all understanding of where we are, and then the Chair will tell you at this time, I'm open to all options of how to address this issue. Including returning the land back to the Department of Land and Natural Resources. Okay? Ms. Kama, you have a question before we start?

COUNCILMEMBER KAMA: Yes, Chair. Thank you. I just wanted to ask if you know in 1910 when they said was for park use, what was...how do they use the parks in 1910?

CHAIR HOKAMA: I was...I would say it was very traditional, right? What was...and again, there was some interesting brought up. You and I know about the Pi'ilani history, the taro patches, and everything else, yeah, Ms. Kama. So, I think that is part of the history we should be informed, educated on, and understood so we can put it in the proper perspective of how we look at policy of this area and what is its role with Moku`ula and Mokulele. Okay, so, we need to be open regarding this subject, yeah?

COUNCILMEMBER KAMA: Thank you.

CHAIR HOKAMA: Okay. Ms. Peters, you want Mr. Kapu to present his thing now? Yeah, so, Mr. Kapu, thank you for being here this afternoon and assisting the Committee.

MR. KAPU (*PowerPoint Presentation*): Aloha, Councilmembers. Ke`eaumoku Kapu from Lahaina.

CHAIR HOKAMA: Aloha.

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MR. KAPU (*PowerPoint Presentation*): Before you, my presentation is based upon, I would say, about 12 years of incorporating this with our center. I run Na `Aikane o Maui Cultural Center that's right next to the Shigesh tennis courts. It's the building under the care-ship of the State and now, right now under the care-ship of us, Na `Aikane of Maui, I'm the Cultural Coordinator. And for years, I've been doing this presentation for, like, a lot of the new teachers that come to our town that put in their three-year tenure at the schools, all the schools, high schools, intermediate, elementary schools, even working with the Punana Leo programs, Kula Kaiapuni. And this was just basically a thought to remind people of the place that they coming into. So, if you can...yeah. So, basically it talks about Mauna Kahalawai. This picture is a picture that was taken about the '30s and '40s of Lahaina Town. So, you can keep going, yeah, Mauna Kawahine, Mo`o Ahia, you have Moku`ula, then Pa`upa`u, and Pu`u Kahili was dominant areas that I tried to educate a lot of the teachers from the Department of Education as well as docents that come from the hotels. A lot of docents get hired to talk about something that is cultural in a town but they kind of missing the point. So, my presentation was based upon talking about Kauikeaouli, his importance of what he's done, his sister Nahienaena, and Kamehameha, when Kamehameha came to this area through feudalistic means, and the prominence of Ka`ahumanu which is buried at Waiola Church, and also David Malo, who is buried up on Pa`upa`u. Not very many people understand that David Malo actually petitioned the government to be buried on Pa`upa`u from foreign invasion. So, those are the kind of historical things that people kind of...it goes over everybody's head. And everybody say, well, Lahaina is the capital of the Kingdom of Hawaii. Why? So, my whole year of trying to point directives to everybody as to why this town is important became kind of a passion of mine. At the same time, looking at how the town is really turning into an unmanageable resource because that town...the iconic area is kind of missing from the whole component. So, when we look at the next, yeah, this is the historic district basically that is cut off into three sections. So, from Prison Street all the way to Shaw Street is Historic District One, the harbor is Historic District Two, then further on is Historic District Three. When one of the testifiers came up and said that, you know, it's placed on the National Historic Register, it made me think, okay, what is a National Historic Register. So, you look at the town and it says Shaw Street, Front Street, Prison Street, and all these streets that basically...the naming of these areas was literally trying to turn our little town into little USA. But the...where I come from and how we can kind of look at why this place is important, we got to go back as pertaining to the original names. So, Shaw Street literally was Alanui ka mamoa, the way of the people. Then you had Front Street, Alanui ka mo`i. Then you have other streets in this area, yeah, Ala pi ilani. All these areas, Hoapili, Alanui papu which is Prison Street, papu meaning fortress. Then you have Alanui panaewa, Luakini Street actually was named Alanui o Nahienaena, the day that when she passed, they cut the roads for her funeral procession to lead it to Waiola Church. So, all these things basically changed in our town. Even Panaewa and Lahainaluna, those two streets was kind of interesting that they took Panaewa, they went switch it with Lahainaluna because now Lahainaluna goes all the way straight up. But the original place where Lahainaluna was was right alongside the Baldwin House, that road just until the Baldwin House went into the cane fields and went up towards Lahainaluna. So, my whole passion was to try to educate people to say that we losing

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our integrity and our character of our town all based on names that was given to our town all because people, our visitors, couldn't pronounce Alanui ka mo'i, Alanui ka mamō, so they just called it Front Street. They call it Shaw Street. They change the names, so fixing all these kind of things is important for us because our children. When I ask our kids what is the name of the park across the street, they say 505 Park. And that's our kids, our mo'opunas, not realizing that that area is known as Pakala, yeah, the place where the sunrays hit first. And also remind them of these kind of areas, yeah, like Moku'ula, the island of Moku'ula. Where is it at this point? That was the most biggest important iconic era where the State as well as the County knew it was important so everybody said, okay, you know what, let's work on the restoration and revitalization of this pond, or this island. What was basically on these islands was the mausoleum that held the iwi kupuna. Nahienaena's compound, which is right across the street from that. Then you have...and it's within the area of Mokohinia loko i'a, the biggest fish pond, inland fishpond in the State of Hawaii that no longer exists now. Then you had the most important area, which was the Hale Piula at this place they call Kamehameha Iki, which is the original name of that place is Pakala. So, okay. Then you have, there it is, Alanui mamō and Alanui mo'i. So, my whole desire was to make sure that we don't lose the name places of the town, because if we do then it's a part of the National Historic Register to make sure that we compliant to protecting these areas of importance but looking at how we going do that. You know, I always had suggestions so mahalo to the Annalise with the Cultural Resources Commission, they're allowing me present in front of the body on why these areas are really important and we need to protect the integrity of that town. Because if we lose the National Historic Register, then that town basically will turn into a chaotic mess of commercial tourism. So, where the important area, iconic area...can switch, okay. This is an old map, 1823, identifying an era where there was the whole population of the town was all Native Hawaiians. Soon as came about the early 1900s, you had about seven non-Hawaiian living in that town. Then soon as it came to about the '40s and '50s, you had dominance over 200 foreigners living out in our town and a lot of our Native Hawaiians have been displaced. Okay, next. A lot of important things I'd like to identify, the prophetic vision of Keopuolani, the things that happened in that town, the funeral processional, the sacred Chiefess that was once a part of our legacy and our history that was loved by many. Not only the people of Lahaina, but the people throughout the State of Hawaii know that this place was iconic because of the relationship of that so-called sacred Chiefess Keopuolani. Okay, next. And the funeral procession that was held in this town also, where the women in the building of the Hale Kamani, which is across the street right behind the Protestant church, where the women carried the stones and the men carried the kahili. In respect for the wahines due diligence and, you know, a lot of people can say that the wahines was the one that held the mana within our town. I believe that. I also tell everybody, I'm the man that wears the pants in my family but my wife is the one get the belt. So, we got to remember that because they're the iconic area, yeah. Our job is to make sure that everything flows smooth. Next. So, also Kauikeaouli, when he died [sic] January 10, 1855...you can just keep flipping. These are the kind of things that happened in our town, yeah. The funeral processions that had happened. This one actually happened in Oahu in 1855 when Kauikeaouli passed away but through Luakini Street, yeah, coming up from Front Street, a similar procession was held by

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two iconic eras, Kamamalu as well as Nahienaena led the way all the way to Waiola Church, okay. The most important factors we got to consider that Lahaina was the original capital of Hawaii. And that it became the epicenter for politics, innovation, and trade. It also, Hawaii was led...creating the and adopting the first constitution, the bill of rights as well was signed by his majesty Kamehameha III, Kauikeaouli, here in Lahaina. These few basic facts are practically unheard of by the average person, much less the many tourist that come to our shores. Okay. This is the only thing that reflects in our town, especially the Historic District One, the hale that we built, yeah. Kind of simultaneously when they rebuilt the hale up in `Iao Valley, I went to that, I was in the ceremony with the Mayor at the time was Alan Arakawa, and upon receiving my cup I kind of said, . . .*(spoke in Hawaiian)*. . . that the people of the West Side have been staring at the stars for too long, what is the possibility of us having a halawai on the West Side? So, with graciousness in members of the County Planning as well as the Mayor, they set aside an item to build a hale halawai, which is the only reflection of something cultural in an iconic area known as the capital of the Kingdom of Hawaii, Lahaina. Okay. So, we need to start to think a little bit wide and broad and maybe possibly putting the original names--can go back--of the streets, like Alanui mo`i. I did this as a pilot thing to think how a lot of the students and a lot of the docents and people felt when they walked through our town, instead of seeing Front Street, maybe they might want to see something like Ala *[sic]* ka mo`i. Seeing the original name of Shaw Street, Ala *[sic]* ka mamo. The original names of Prison Street, Papu. What is the possibility of boosting up the National Historic Register criteria by implementing these kinds of things that is really important. So, we're not going into an era as to where we might possibly lose the criteria, where now all of a sudden you get this project coming from Canada or the mainland comes inside and try to manipulate the process by finding a glitch within the Historic National Register to be allowed to change sign guidelines, ordinances, colors of the town, all these kind of things. So, we start from here, okay. Then we also start on...oh, we going backwards, yeah. Then we'll also start on cleaning up our town. This area was really important for us because it's adjacent to our cultural center. It was covered by like, by ply board and all because some guy was drunk Halloween night, drove his car inside, and the result of that was they covered it up. But not realizing that they covered up history, that this canal once fed the loko of Mokuhinia. So, for years and years I've been asking the County, what's the possibility of opening it up, bring in the revitalization of a lot of the fish that comes to our hale. So, with the graciousness of the collaboration of the State and the County, they allowed me and my son to go clean it up and we cleaned it up ourselves. It didn't cost anybody anything. We pulled all the ply boards and everything up, which literally was rotting away where people actually stepped on it and they fell through, yeah. We put fences on both sides reminding people to help protect our pristine resource by not littering in these areas and we can put, you know, this...we can have a lot of the fish that come up, awholehole, anae, you know, all those kinds of things that people never realize that the fish came that inland. Now that you can see when you walking down the street, people actually stop over there and they take pictures and they want to know a little bit more. Okay, yeah, so we cleaned it and we starting to grow. This is another project, mahalo to the Lahaina Restoration Foundation for hearing my plea for years about the restoring of the taro patch, yeah. This is the town of Pi`ilani, but when it comes to Kamehameha, he had to prove to his

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people that he was a chief that was compassionate. So, this area, because I've walked this town with Akoni Akana, the Executive Director and founder of Moku`ula, to talk about the historic-ness of why these iconic areas were important. So, now this area is being restored. It's being restored to its full capacity where now the Punana Leo and Kula Kaiapuni programs can come down and we can actually do different varieties. We're looking at about 12 different varieties to plant in the area to boost up the culture of that area.

COUNCILMEMBER KING: Where is that?

MR. KAPU (*PowerPoint Presentation*): And this is one of the most important things that I always try to...yeah?

COUNCILMEMBER KING: No, I was just wondering where that was?

MR. KAPU (*PowerPoint Presentation*): Oh, it's at the Lahaina Library, yeah. And that's Market Street where the wall was. Trying to talk about the history and story of that place by pointing out the ruins to a lot of tourist that come from the cruise ships and a lot of schools, yeah, it's kind of wrenching for me to say that, yeah, this was once the taro patch of Kamehameha, which was recognized...because Kamehameha actually went ku no, and for one chief to bend over in one lo`i in the presence of commoners, that's unheard of. But he did it just to show his due diligence that he is a compassionate chief that is willing to feed his people. That's why it's important, okay. So, also on a Statewide level as well as the County level trying to get some ideas possibly of a code of conduct through signs. `Olelo Hawaiian and `olelo English, the hotel, Sheraton Hotel, actually bought into the idea. I talked to them, a few _____ about it. Oh, here _____. Can I pass this? It's just some information, the information that I providing up over here, that's the code of conduct signs. So, a lot of this, this is a fisherman's code of conduct and I was the model for the fisherman's code of conduct because I do a lot of those things, yeah, the making of makamae, and to provide a consensus to everybody to say that when you come to these areas there is a code of conduct. And the code of conduct is to make sure that, you know, during the seasonal change, you got to consider, okay, this is the time for the rebirthing of fish, you got to place kapus in certain areas, what kind of gear that you're going out to. So, this is a fisherman's code of conduct. Then we have a land code of conduct, yeah, `olelo Hawaiian, `olelo English. It's all about educating a lot of people that come to our shores and how we going educate them. Everybody come to Hawaii, they want to learn a little bit about Hawaiian. Well, let's put all our signs in `olelo Hawaiian, not just don't do this and don't do that but give them meaning and substance to these kind of things. Even the ordinances and rules we can incorporate that into `olelo Hawaiian. Because when you put one sign to tell people stay off the wall, they go on the wall. That's been proven already. So, our whole mission literally because I'm the CEO for Aha Moku o Maui is to try to _____ this idea in our government on how we can collectively find ideas and how we can actually protect the integrity and criteria of our town. At the same time, talk about ways of allowing certain things to do, to be done within the historic district, but at what level. Okay. Yeah, so, the only area, you know, I'm looking at this area as being the iconic area because this was the place of

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the Hale Piula, the house of the iron roof, which is 525 Front Street. Now the home of Hui o Wa`a Kaulua and the building of the canoe. And this is what I kind of suggested in the Cultural Resources Commission, okay. Yeah. What's the possibility of putting, you know, one sign up over there. A big sign, actually. A flagpole monument at Kamehameha Iki Park, which flies over his majesty King Kamehameha III, Kauikeaouli's personal standard would draw in locals and visitors alike to learn more about Lahaina, the historical, political, and cultural information of the flag at the flagpole monument can easily become a major stop for visitors both domestic and foreign who crave a deeper understanding of Hawaii. The influx will galvanize local businesses in a short and long-term, increase Lahaina's appeal as a must-see historic town, pave the way for many more historical site monuments, and most likely even create new jobs in response. So, all these kind of things, so you can click on the one last one. There you go. You know, just that alone it kind of brings up the level of a code of conduct. Not just for this area but for the whole area. The whole Lahaina Town area, the Historic District One, Historic District Two, Historic District Three. The people going more know that when you come to this area of our town you need to be more respectful, yeah, no more drinking in public. No more lewd behaviors. All these kind of things. So, this is what I brought to offer to this body. Something really simple and something really doable. So, I wish you all luck in the management of our resources in our town and this is what I have to offer. There's more to it but I figure this is a good place to just stop my presentation. So, mahalo everybody, thank you for allowing me to provide this testimony for you.

CHAIR HOKAMA: Mahalo, Mr. Kapu, for your presentation this afternoon. The Chair will allow a one-round of question if the Members have any regarding the presentation up to this point and then we'll continue with the discussion. Ms. Sugimura, any questions --

VICE-CHAIR SUGIMURA: I was wondering...

CHAIR HOKAMA: --for Mr. Kapu?

VICE-CHAIR SUGIMURA: Yeah, thank you. I was wondering if you had a...I don't think it's in Granicus, if we could get a copy of your presentation just for information?

MR. KAPU: Yeah, see Karla.

VICE-CHAIR SUGIMURA: Thank you.

MR. KAPU: Yeah, definitely.

VICE-CHAIR SUGIMURA: And you said you do these presentations to groups that ask you for it. Do you also conduct tours?

MR. KAPU: I used to do that before with the Friends of Moku`ula, we used to do Maui Nei Walking Tours. Me and Akoni Akana. I was one of his first docents to go through the historic district. The whole map that I provided in the beginning to try to cover the

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basis of the whole town as to why the town was important, yeah. But right now under our cultural center if the hotels through the docents of different hotels want me to provide some kind of input on historic of the town I always make sure that I'm available to provide that for the towns, the schools. Before a lot of the old principals of the schools thought it was a good idea to gather the new teachers that came to educate in our town that it was important that they come through some kind of cultural presentation. So, I was always the guy they picked on.

VICE-CHAIR SUGIMURA: I guess I want to know what's happened to Friends of Moku`ula, but that's probably a whole other agenda item.

CHAIR HOKAMA: Yeah, we'll deal with that on another day. We'll deal with that on --

VICE-CHAIR SUGIMURA: Okay, thank you.

CHAIR HOKAMA: --another day. Thank you. Ms. Kama, anything you would like to ask at this time?

COUNCILMEMBER KAMA: Not at this time, Chair. Thank you.

CHAIR HOKAMA: Thank you. Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Chairman. Thank you, Mr. Kapu, and I appreciate the history lesson. And, yeah, many moons ago I used to teach at Lahaina Intermediate and I wish you were around for, to educate me on that.

MR. KAPU: Oh, mahalo.

COUNCILMEMBER MOLINA: You know on the flag, can you just give us a brief background on the symbols and I take it the red, white, and blue stripes was that related to the British...

MR. KAPU: Oh, that's the other flag.

COUNCILMEMBER MOLINA: Right, right.

MR. KAPU: That flag was adopted by, during Kalakaua's dynasty as being recognized as a, you know, the flag was important, especially coming into foreign harbors, yeah. Hawaiians never had flags, we had kahilis. So, the kahili standard was what recognized the different ranks of royalty and when all of a sudden, you know, democracy based upon foreign trade and all those kind of things came in, that's where the importance of the flag came in. Every ali'i had a different color, but you had the coat of arms. Queen Emma's flag was exactly like that but no stripes, it was pure white, yeah. Other flags was yellow but still had the coat of arms representing different ali'i lines. This one just so happens to be the flag of Kauikeaouli, Kamehameha III at that time. Yeah.

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CHAIR HOKAMA: Okay, thank you. Ms. Rawlins-Fernandez, any questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Kapu.

MR. KAPU: Hi.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your presentation, very educational. I would love to work with you and the area Councilmember on restoring the names of the streets. That's not on the agenda today but I just wanted to...that's what we're doing on Molokai too --

MR. KAPU: Oh, mahalo.

COUNCILMEMBER RAWLINS-FERNANDEZ: --bringing back the...

MR. KAPU: The original inoa?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, of all the wahi. And I guess I'm relatively new to this subject, this issue. Would you mind sharing a little bit how your presentation is connected to the agenda item?

MR. KAPU: Sure.

CHAIR HOKAMA: Yeah, you can be a little bit concise, yeah, please, Mr. Kapu, because we have --

MR. KAPU: Okay.

CHAIR HOKAMA: --other resources, yeah, I would like you to hear from --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR HOKAMA: --our various components this afternoon.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR HOKAMA: Yeah?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. KAPU: Okay, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Mr. Kapu.

CHAIR HOKAMA: Ms. King?

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COUNCILMEMBER KING: Okay. Thank you, Chair. So, thank you for your presentation. It was really eye-opening. I spent a lot of time up in Lahaina in my earlier days but I knew very little about what you were, you know, about those historic sites and the signage, so I'm glad you're working on that. This really is great, I think this code of conduct. do you have one of these for, like, general, you know, something that you could use for, as a code of conduct to hand out to tourists when they get off the plane or when they get on the plane?

MR. KAPU: I think the most easiest way to do it, like, for the harbors the fishing code of conduct, there's harbors in Oahu, Molokai has a big sign, it's a metal sign, yeah, that has that code of conduct.

COUNCILMEMBER KING: Do these get handed...this looks like a postcard. Do these get handed out or sold somewhere?

MR. KAPU: Yeah, yeah. When we did, like, workshops on different islands for conferences we made this just to pass the idea to other people that, you know, wherever you from there should be a code of conduct. Because not just Lahaina or Maui is going through, you know, these similar problems but throughout the State of Hawaii they going through problems too. In fact, with Vernon Kalanikau on the ahupua`a signs, that's actually initiative that comes from Aha Moku but he took it upon himself, Vernon Kalanikau, to start doing the ahupua`a signs.

COUNCILMEMBER KING: Right.

MR. KAPU: With the ahupua`a signs, supposed to be a code of conduct sign to tell people you're in the ahupua`a of so and so and these are the kind of things that you need to be aware of. So, I've been working with...

COUNCILMEMBER KING: So, that should come with something like this possibly that explains what the signs are about as well.

MR. KAPU: Yeah, it would be a good idea so people know that they coming within this area and what is the stipulation of code of conduct by coming into these areas. And it doesn't only help out with people that are foreign to the area, but it also helps out with people that are from the area to know that back then in the ahupua`a, you no just go somebody else's fishing grounds and go fish over there without asking.

COUNCILMEMBER KING: Yeah.

MR. KAPU: So, that was the whole idea of why the code of conduct was important.

COUNCILMEMBER KING: Okay. Thank you.

MR. KAPU: Thank you.

CHAIR HOKAMA: Thank you. Ms. Paltin?

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COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Kapu, for being here today. I guess my questions is being that the Banyan Tree Park is, I guess, considered ceded lands, do you support the County still having the executive order with the State?

MR. KAPU: Do I support it?

COUNCILMEMBER PALTIN: Yeah?

MR. KAPU: As a kanaka --

COUNCILMEMBER PALTIN: Yeah.

MR. KAPU: --I got to kind of put myself in both sides of the fence to say yeah and no. I think what needs to happen is maybe some kind of collaboration effort between the State and the County as well as organizations out there that may possibly have some good ideas on how...and this is one of the good...well one of the ideas that I place forward in front...and mahalo for the Karla, Parks Director for allowing me to come and share this mana`o with everybody as well as Annalise and the Cultural Resources Commission just to build that idea on how we are all responsible of protecting that National Historic Register criteria. So, starting with something small or starting with something big, something small would be the signs. Changing, letting people know, especially our kids know that it's not necessarily Front Street, it's Ka ala ka mo'i. And, you know, the flag is another area to say once the flag is risen then it talks about the whole criteria and character of the whole town. Doesn't mean you talk just because the Hale Piula was situated in this area. It brings a more beacon to everything that is related around Nahienaena's compound, the Courthouse where Kauikeaouli actually did the proclamation when he wrote the bill of rights and the constitution. Those are the missing elements that we need to add to the equation when it comes to tourism, when it comes to the education of our people.

COUNCILMEMBER PALTIN: So, what is your overall vision for the Banyan Tree Park, like, if it's a park, do you think it should have a restroom? And is the commercial uses what direction we should be going?

MR. KAPU: I sat on the Cultural Resources Commission back in the past and my kuleana literally as the representative from Lahaina was to make sure that everybody was in kind of compliance, that a lot of things that they sold under the Banyan Tree was things that was made here. And I don't know where that went. That kind of went side wards. So, there was kind of a management arm with the Cultural Resources Commission to look at ways of making sure that that area falls into compliance to be allowed to do certain things. But Na Kupuna o Maui got involved with a lot of the crafters in the beginning, they talked...started looking at this types of code of conducts of having a review committee to look at certain things that are being sold in that area. I don't know where that is now. If there was a possibility where you could bring certain organizations together to look at the overall of how we going allow to have people manage in those areas, I think that should be a kakou thing. Not just for the

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County to come in with ordinances and as well as the State to look at making sure that the County is in compliance of the National Historic Register. There's guidelines, I know. And with the help of, you know, community organizations such as myself and some other organizations, maybe including a lot of people that came to testify to sit at the table and look at the feasibility of bringing back something that is really Hawaiian so when those cruise ships stop off over here, they're not buying trinkets that they selling from Philippines or Taiwan. You know, we can bring back the economic stimulus and bring back the pride within our people to make sure that we are selling things or marketing things that going educate people that come to our shores.

COUNCILMEMBER PALTIN: I think too, like, you know, if you come into this and not know anything, like, and you just see the thing saying Banyan Tree Park, State executive order and that it was a park since 1910, like, maybe your mindset doesn't automatically go to commercial activity or think about vendors like you're thinking park and what does a park mean. And then, you know, it just kind of I guess evolved over the years into what it has been which is, you know, because of all the tourists in Lahaina that everything gets commercialized and, like, you know, if it's a park and it's a education and there's vending going on like maybe they can have people doing the authentic, like, handicrafts, or...

MR. KAPU: Yeah, caring, all those kind of things.

CHAIR HOKAMA: You know what, Ms. Paltin, we'll not get in --

MR. KAPU: Yeah.

CHAIR HOKAMA: --because again yeah, commercial activity per se is not an allowable use in this district, in this area. That is not part of the executive order that allows commercial use per se. They allow certain activities that by qualified vendors, which basically has to be a non-profit charitable institution that demonstrates a public need. It's very precise on what kind activity is allowed in that district. Commercial in general is not allowable use in that park or in that area. Okay?

COUNCILMEMBER PALTIN: Oh, for real?

CHAIR HOKAMA: That is what we going to clear up because we are going to go by facts, findings of facts and this Chair will recommend a conclusion of law. Okay? That is what we're going to do.

MR. KAPU: I just wanted to say in closing that people look at Lahaina as being an area where profit is most definitely possible. You know, when I sat on the Cultural Resources Commission and reviewing these kind of applications before us, they look at the development perspective on how it's going to boost the economy and not take away from the integrity of the culture and history and all those things that go about the place. The biggest downfall for me was the Lahaina festival, I mean, the Halloween festivals. I mean, if we draw in 30-40,000 people that coming from the hotels, I still say we should take the festival over there to the hotel at Kaanapali and protect our

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town. But when we looking at that we got to be fair straight across the board, yeah, because people have a right to occupy those areas because it's a public area, it's a public domain. So, you guys are pretty much in a pickle when it comes to trying to figure out, okay, who can and who cannot just to try to see and make sure that we falling into compliance of what the State is providing on the executive order and what your fiduciary duties are as the County. So, mahalo. Thank you.

CHAIR HOKAMA: Thank you, Mr. Kapu.

MR. KAPU: Okay.

CHAIR HOKAMA: Okay. We going to move on, so thank you very much, Mr. Kapu, for your mana`o, your presentation and responses this afternoon.

MR. KAPU: Thank you, Chair.

CHAIR HOKAMA: Yeah, okay. Thank you. So, I want you guys to hear couple components, and then eventually I'll end up with Ms. DesJardins from Corporation Counsel to give any comments from her Department area. But I appreciate...we do have Planning Department, and Planning Department has a role under cultural resources and whatnot, so we have Planning Director present. We also have Annalise, let me get this right, Kehler. Yeah? Okay. And Annalise is attached to CRC, I believe. So, ladies, we are open to any comments as regards to this subject, HFC-3, Lahaina Historic District and the Banyan Court area.

MS. McLEAN: Thank you, Chair and good afternoon, Commissioners, or, Councilmembers. The Planning Department does provide staff support to the Cultural Resources Commission and their authority is defined in a couple different sections of the County Code. I'd call your attention most specifically to Chapter 19.52, and the title of that chapter is Regulations on Buildings and Uses, and that applies to all three County historic districts. And specifically when it comes to Banyan Tree Park, as the Chair mentioned, Subsection 19.52.090(E) is called Selling in Public Places, and it says it is unlawful for any person to carry on or solicit business in any location on any street, highway, or sidewalk. The same is also unlawful in any location in any park or open space that is owned or maintained by a government agency without the approval of the CRC, and the responsible government agency having administrative authority over the park or open space. With Banyan Park that entity is the Parks Department, and so the activities that go on in Banyan Park are applied for with the Parks Department, they come to the CRC annually with a calendar of all the events, and then the CRC takes action on that calendar. And then with the CRC's action, the Parks Department can then administer the permits. So, that's just a very broad overview of how activities in Banyan Park are conducted. And we're happy to answer questions as the discussion goes along.

CHAIR HOKAMA: Okay. Ms. Kehler, you have anything you wish to add from your assignment to CRC? Okay, thank you. Okay, Members...Ms. Sugimura, any questions from this perspective or this component?

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VICE-CHAIR SUGIMURA: Yeah, I'm interested to hear more. Because I think through just years I'm so used to seeing things, activity going on in the, under the Banyan Tree Park of which some I participated in when I was doing Aloha Festivals. Did it for about ten years. And we would go before the CRC, we were required to get a permit, I don't remember all the details, I think there's probably more. And it would tie to Parks, but we had to get CRC approval. We were required to have cultural entertainment, which we did all day. And we had some crafters, but I think they were a lot of existing crafters that set up tables there, you know, I don't know if they're there every Saturday or so, but they kind of tied in. We were not allowed to collect money under the Banyan Tree. That if we did do a, not we, but if a vendor did a sale, they would have to take their receipt or invoice into the, what is it, the Lahaina...in the courthouse, yeah, where they have the visitor center, and then do a transfer there. And then, do some...we could never do money under the Banyan Tree. So, there were certain guidelines. But I look forward to hearing, you know, what is supposed to have been happening, if it needs to be corrected I want to hear that. I never thought it was abusive or anything because it was cultural, I didn't see anything from, I don't know, another country being sold. It looked like craft items that were made here or artwork.

CHAIR HOKAMA: The intent today is trying to have us all understand all of the different ping-pong balls that are floating in the air and how it all relates to this subject, yeah. So, you going to hear from a lot of different components --

VICE-CHAIR SUGIMURA: Yeah.

CHAIR HOKAMA: --today of their perspectives.

VICE-CHAIR SUGIMURA: I'm looking --

CHAIR HOKAMA: So, this is just one --

VICE-CHAIR SUGIMURA: --I'm open to hear...

CHAIR HOKAMA: --component, yeah. Mr. Ornellas from DLNR that will give you the State's perspective.

VICE-CHAIR SUGIMURA: Perspective.

CHAIR HOKAMA: We have Ms. Morrison who will give you Lahaina Town Foundation's perspective. Okay, so, you will hear from varied --

VICE-CHAIR SUGIMURA: Yeah.

CHAIR HOKAMA: --all the different components and then we'll work on options of adjustments.

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VICE-CHAIR SUGIMURA: Oh, will we also hear from the merchants? Because there's a lot of merchants that kind of surround the park area.

CHAIR HOKAMA: Yeah, and that's why today, it is the start of the discussion, yeah?

VICE-CHAIR SUGIMURA: Okay.

CHAIR HOKAMA: The Chair already intended that no decisions or no recommendations will be made. We'll start the information gathering and discussion. Because the Chair has found that there's a lot of balls floating in the air. And this is a longstanding issue we need to address.

VICE-CHAIR SUGIMURA: Thank you.

CHAIR HOKAMA: Yeah?

VICE-CHAIR SUGIMURA: Thank you.

CHAIR HOKAMA: Okay. So, Ms. Paltin, anything for Planning at this time you want to ask? With their perspective, I mean, their role in this area?

COUNCILMEMBER PALTIN: I just was wondering what kind of problems there's been in regards to why it's a longstanding thing that's not...that we need to make a decision on, like...

CHAIR HOKAMA: Well, for me, the things we're going to need to decide on is a couple of things, yeah. What is appropriate use under the agreement with the State executive, revised State executive order...

COUNCILMEMBER PALTIN: Oh, when was the executive order revised?

CHAIR HOKAMA: I have one dated February 25, 2000, signed off by Mr. Phil Ota, who was the then land Agent and chairman was Tim Johns, who I know personally. So, we'll ask Mr. Ornellas if that is still the understanding of the Department, or the Board of Land and Natural Resources that those conditions as set forth upon Mr. Ota's transmittal, is it still the outstanding terms of the executive order, yeah --

COUNCILMEMBER PALTIN: So...

CHAIR HOKAMA: --which they list what can be done at the courthouse and at the Banyan Tree.

COUNCILMEMBER PALTIN: So, that's our main thing is, what is the appropriate use of the Banyan Tree and the courthouse?

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CHAIR HOKAMA: And whether or not we need to set certain things. Because one thing I couldn't find and yet, I believe the Banyan Tree is designated a special or exceptional tree. So now there's another component of statute because of it's --

UNIDENTIFIED SPEAKER: We have to protect the tree.

CHAIR HOKAMA: --designation of the tree, there's other governmental impacts, yeah, of factors we got to take. So, does the arborist come, because I cannot find a protective or management plan on the tree. So, if it is an exceptional tree, what are our responsibilities to the tree.

COUNCILMEMBER PALTIN: So, I guess, can you tell me the 1.94 acres, what district is that under? One, or two, or...

CHAIR HOKAMA: Planning Department, please?

COUNCILMEMBER KING: Historical district.

MS. KEHLER: Hi, Annalise with the Planning Department. It is in Historic District One. That's its zoning.

COUNCILMEMBER PALTIN: And Historic District One does let people vend in Historic District One?

MS. KEHLER: No, what it says in, I think it's 19.52...is it 100(E), or 090(E), is that selling is prohibited on public property in the County historic districts unless the Cultural Resources Commission and the agency that manages that public property have approved that selling. Whatever it might be.

COUNCILMEMBER PALTIN: And does the Code say what...for what reasons that they can approve the selling?

MS. KEHLER: It does not get specific about criteria.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR HOKAMA: Okay, thank you. Ms. King, any questions at this...

COUNCILMEMBER KING: Yeah, well, first I wanted to thank you, Chair, for allowing that presentation that Mr. Kapu did because I think it puts what we're trying to do here in a broader context and opened a lot of eyes to what the actual code of conduct is for the entire districts. But I just wanted to follow up on Councilmember Paltin's question to the Planning Department. The Code that you were talking about 19.52.090, that bans commercialism for all historic districts? It doesn't matter, it doesn't have a differentiation between one, two, or three?

MS. KEHLER: Chair?

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CHAIR HOKAMA: Department?

MS. KEHLER: So...

COUNCILMEMBER KING: Yeah I know there's exceptions but, I mean, basically what, are all the historic districts treated the same as far as that part of the Code?

MS. KEHLER: So, that Code section that you just referenced, that's for Historic Districts 1 and 2 --

COUNCILMEMBER KING: Oh.

MS. KEHLER: --which are in Lahaina.

COUNCILMEMBER KING: Okay.

MS. KEHLER: And then District 3 is in Wailuku and there's another code section in that chapter that talks about Historic District 3 --

COUNCILMEMBER KING: Oh, okay.

MS. KEHLER: --and selling.

COUNCILMEMBER KING: So, that's specific to one and two in Lahaina, in West Maui. And then, so, I'm assuming that her question earlier about there not being standards, basically the standards are being set by the CRC because they have to pass CRC, whatever activities, whatever sales are going on have to pass the CRC before it comes to Parks. So, it seems like they're setting the standards but we don't have an actual list, a code of standards, is that correct?

MS. KEHLER: There was policies implemented by the Commission in the past on what they wanted to see at the tree, yes.

COUNCILMEMBER KING: Oh, okay. So, do we, is that relevant then in this discussion? Is it current?

MS. KEHLER: It is, it's...it would be better if it was codified, though.

COUNCILMEMBER KING: Okay. It wasn't codified? You said it was policies but it was just verbalized?

MS. KEHLER: Yes.

CHAIR HOKAMA: Okay, so, you need to tell us has this been promulgated as a rule under the Administrative Procedures Act? Because rules have standing of law if you did it through public review. Is this a rule? Would you know, Corporation Counsel?

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MS. DesJARDINS: So, I can answer that.

CHAIR HOKAMA: Okay.

MS. DesJARDINS: The best way to look at this is to go back to the original executive order which was dated, I think it's in 1912. And from there, the purpose of it was for public use. The EO designated and gave the land for public use. And then there were a couple of pivotal meetings that occurred in front of the BLNR. One was in 1997, then again in 1999. In 1999, the BLNR was asked by the County of Maui to allow some additional uses under the...for the Banyan Tree Park other than public use. And those additional uses included arts and crafts exhibits and sales, cultural demonstrations, community events, and other related activities. So, from there, my understanding from reading the historical documents is that's sort of where we are at. In 2004, there was a discussion in front of the CRC exactly like this, concerned about the overuse of the tree and the area, and so the CRC came up with a collection of suggested rules and regulations to help sort of regulate the use of this area. And those rules and regulations have never been codified, but they would be part of a rulemaking process, they could be for the CRC to adopt additional rules to really sort of lay out specifically the types of things that you would like to see happen --

COUNCILMEMBER KING: Okay, so right now --

MS. DesJARDINS: --in this area.

COUNCILMEMBER KING: --they just exist basically in the minutes of a meeting? Or...

MS. DesJARDINS: So, right now it's just in the minutes of the meeting --

COUNCILMEMBER KING: Okay.

MS. DesJARDINS: --and then what happens, recently the CRC had a meeting where I also counsel that Commission so I was there, and basically we were discussing the different cultural events that the Parks Department wanted to give permits for and the most important consideration was how many vendors will we, will the Parks Department allow, and wanted some help from the CRC as to how many of these they should be giving out, or give permission for vendors, and what is a vendor. Is it an educational component or somebody selling something? Part of the reason why you have to pay for things in the courthouse is because I saw that as one of the criteria, I think, that CRC had also put in their letter. So, I think that's probably where that came from, to not have the exchange of money under the tree. So, there is some codification or rulemaking that could make that clearer. I think that's one of the things that would be good to have some public input as to what would be, you know, useful. But the EO itself was not amended but what was amended was some of the things that BLNR that has jurisdiction to give permission for this. That was amended.

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COUNCILMEMBER KING: Okay, so, is it in the Council's purview then? Or is it the CRC's purview to...

MS. DesJARDINS: Well, you could certainly pass an ordinance stating more specifics. Or it could be through rulemaking through rules and regulations that are defined by the CRC who sort of has the jurisdiction to determine the commercial nature of things that are occurring.

COUNCILMEMBER KING: Right.

MS. DesJARDINS: But the arts and crafts thing was included because it doesn't really fall under HRS 171-11 which is the public use of lands.

COUNCILMEMBER KING: Okay.

MS. DesJARDINS: And that's why that was added by BLNR with...Maui County sought permission to do that because they realized it really wasn't a public use.

COUNCILMEMBER KING: Okay, but that's not happening anymore?

MS. DesJARDINS: Well, what is happening is that the Parks Department is giving out permits for activities that involve sales because under Chapter 19, the CRC has to approve that. So, the Parks can't just give a permit, they have to get permission from CRC. So, that's why it runs through CRC.

COUNCILMEMBER KING: Okay, and are we still doing that arts and crafts show thing in the park. Because I thought it was...

MS. PETERS: Chair?

CHAIR HOKAMA: Ms. Peters?

MS. PETERS: Yeah, Chair King, no. Nothing is being done as far as arts and crafts or any kind of craft fair. What we are allowing and we came up with this because we were getting a, you know, a lot of inquiries is, okay, what are we doing now at the Banyan Tree area. So, we looked through the annual calendars over three years and we saw there were culturally significant activities that were annual events. And so, those are the four events that we said, okay, we would permit it, we'd allow it to go to CRC, and those were the Prince Kuhio Day Festival, the Kamehameha Day Parade and Ho'olaulea, the Emma Sharpe Hula Festival, and the Festivals of Aloha.

COUNCILMEMBER KING: Okay.

MS. PETERS: So, those did go through CRC, I believe in May and got approval, and the first two have already taken place.

COUNCILMEMBER KING: Okay, thank you. Thank you, Chair.

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CHAIR HOKAMA: Okay, thank you. Ms. Rawlins-Fernandez, any questions at this time?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo for initially laying out or explaining the intention of today's meeting. This is super complicated. So, I guess, my understanding is there's a lot of layers to this and I appreciate you inviting Mr. Kapu to do the presentation he did to set the foundation as the original layer of malama and I think I was trying to write as quickly as I could as Corp. Counsel explained what sounds like a timeline with agreed upon uses. I don't think I was fast enough.

MS. DesJARDINS: Chair?

CHAIR HOKAMA: Yeah, Corp. Counsel?

MS. DesJARDINS: So, if you look in Granicus --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. DesJARDINS: --you will find a copy of the transmittal from former Councilmember Cochran --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. DesJARDINS: --that has attached to it some exhibits and one of those exhibits is the February 25, 2000 meetings of BLNR, which are stamped approved at the bottom. So, that, I think, is...I assume that means that the recommendations were approved. And that will give you an indication of what occurred in terms of the history of the executive order and how it went from pure public use --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. DesJARDINS: --to what we're dealing with now.

COUNCILMEMBER RAWLINS-FERNANDEZ: And that's the October 9, 2018 document?

CHAIR HOKAMA: Ms. Peters [*sic*], is that the right document?

MS. DesJARDINS: I believe so.

CHAIR HOKAMA: Yeah, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR HOKAMA: Ms. Peters?

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COUNCILMEMBER RAWLINS-FERNANDEZ: And that was the...it starts off with the, what looks like a consent to lease of lands under Governor's executive order to Lahaina Restoration Foundation.

MS. DesJARDINS: That's correct, and attached to that is a copy of EOs 16 and 80, which are relevant to that particular lease. And then it also included there, if I'm not mistaken, is the minutes from that board meeting February 2000.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you have what page number that is?

MS. DesJARDINS: You know what, I think it's attached to Exhibit 6, which is a July 22, 2004 letter from the DLNR, and I think it's attached. So, it's almost the very last document, I think, in that October 8th transmittal.

COUNCILMEMBER RAWLINS-FERNANDEZ: You said on the August 11, 2004?

MS. DesJARDINS: This is...okay, so it's in the October 9, 2018 transmittal --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MS. DesJARDINS: --from Ms. Cochran. And then at the very last document attached to that should be that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Is that the Exhibit 6, you said?

MS. DesJARDINS: Yes. So, if you look at Exhibit 6...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, Exhibit 6 which is Page 48 of 51.

MS. DesJARDINS: Right, and then attached to that letter --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MS. DesJARDINS: --which is the July 22nd letter, is a two page February 25, 2000 DLNR. Those are sort of recommended minutes from that meeting. And that's where you see the history of the two sort of salient meetings that occurred. One on December 12, 1997 and then another one on October 8, 1999 that had significant changes to the original EO.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, that would just cover the State's agreement with the County?

MS. DesJARDINS: So, the State gave the land over in the 1912 EO --

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

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MS. DesJARDINS: --with certain expectations. So, since the original expectation was only public use --

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

MS. DesJARDINS: --the County felt it had to come in to get more...

COUNCILMEMBER RAWLINS-FERNANDEZ: Additional uses and that was...okay, and so, this would only provide the timeline up to 2000 and not after 2000 to 2019 where we're at now?

MS. DesJARDINS: Right. So, I'm...my understanding is, and Mr. Ornellas can probably clarify, I don't think anything else has occurred since then.

MR. ORNELLAS (from the gallery): Since 2000

MS. DesJARDINS: Right, and...

CHAIR HOKAMA: Yeah, we'll bring you down so you can participate, Mr. Ornellas, speaking for the Department. So --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR HOKAMA: --okay --

COUNCILMEMBER RAWLINS-FERNANDEZ: And so...

CHAIR HOKAMA: --can we get him a chair, please?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, and then, so, Chair, if I may, one more question --

CHAIR HOKAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: --okay, for Corp. Counsel. So then, you said that in 2003 CRC developed additional rules which weren't promulgated and then after that the County leased this land that was EO'd to the County to Lahaina Restoration Foundation in 2018. So, that's what I mean by activity and timeline. I understand that the historic timeline that you're pointing out in Exhibit 6 on Page 48 of this document, but as far as, like, the activity and additional rules and agreements, that's not outlined anywhere in any of the documents that we have, is that correct?

MS. DesJARDINS: So, I don't know exactly what's been uploaded to Granicus, but there's two other documents from 2004 actually, not 2003. One is from the Arborist Committee, which seems to sort of parrot the same discussion that the CRC had about what kind of criteria should we place there. There's, and so the CRC's description of

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what they went through during their March 2004 meeting is, I think, memorialized in a memo from former Director Foley.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, it's all here.

MS. DesJARDINS: Is that in there?

COUNCILMEMBER RAWLINS-FERNANDEZ: It's in 2004.

MS. DesJARDINS: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MS. DesJARDINS: But those are the things that have not to date been actually formally codified.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I think it would be really helpful for me and probably the rest of the Committee to have, like, some kind of a document outlining just the timeline and all the agreements and, I don't know, additional rules, maybe, so that it's all in, like, one clear document. Okay, those are all my questions. Mahalo, Chair.

CHAIR HOKAMA: And again, I appreciate, you know, again, this...we're trying to put our hands around this issue, yeah, Members. So, the Chair is going to be patient about it. You have anything you wanted to add, Ms. Peters?

MS. PETERS: Chair, I just wanted to say that we would be able to put a timeline together for the...when this does come up so that it's easier for everyone to understand what was going on along with the appropriate documents.

COUNCILMEMBER RAWLINS-FERNANDEZ: That would be so helpful, mahalo, Ms. Peters. Mahalo, Chair.

CHAIR HOKAMA: So, I will say, I appreciate you folks' difficulty, if I can put it that way, Ms. Rawlins-Fernandez. Because we've had boards and agencies work on this, the arborist group, CRC, recommendations came out but not all recommendations turn into action or rules. And so, that was part, that is what I see as part of the dilemma. But it was discussed, 2004 a lot of discussion, Arborist Committee, CRC Commission, okay. And again, they have recommendations. We're going to take that and consider whether or not it's something we can utilize to formulate a new position, okay? Mr. Molina, any questions regarding this component at this time regarding the CRC and Planning Department?

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COUNCILMEMBER MOLINA: No, not at this time for this particular topic, but I just appreciate you bringing the topic up and I think with Mr. Kapu's presentation the mention of the Halloween parade and looking at its role in the district or the town, how we're going to...what direction this County will take in, you know, resurrecting, I guess, reminding people the significance of the history of Lahaina, I think, will certainly be interesting and look forward to more, future discussions on this. Thank you.

CHAIR HOKAMA: Thank you. Ms. Kama, any questions you like to pose?

COUNCILMEMBER KAMA: I just wanted to ask if, so what I'm looking at is the August 11, 2004 Department of Planning communication to the CRC from Mike Foley. So, I understand this to be the policy that they would have wanted to institute had it actually gone to full fruition. And so, the conversation we're having now is that it hasn't gone quite all the way there and that's where we're at, is that correct? So, we have policy but not codified?

CHAIR HOKAMA: Yeah --

COUNCILMEMBER KAMA: Okay.

CHAIR HOKAMA: --it was never meant...implemented to what I would call the full legal status --

COUNCILMEMBER KAMA: So, I just want to ask --

CHAIR HOKAMA: --of a policy.

COUNCILMEMBER KAMA: --how come?

CHAIR HOKAMA: That's a tough one to ask because those people are not here to answer the question, Ms. Kama.

COUNCILMEMBER KAMA: Okay.

CHAIR HOKAMA: The key is though, yeah --

COUNCILMEMBER KAMA: Okay.

CHAIR HOKAMA: --we are providing you as best we can --

COUNCILMEMBER KAMA: Okay.

CHAIR HOKAMA: --the information.

COUNCILMEMBER KAMA: So, now we...so, now it becomes our kuleana to --

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CHAIR HOKAMA: We will do our best --

COUNCILMEMBER KAMA: --do that. Okay.

CHAIR HOKAMA: --to make the appropriate adjustments for the area.

COUNCILMEMBER KAMA: So, I was trying to look for the original EO through this, is it somewhere in here?

CHAIR HOKAMA: I believe we can get you a copy.

COUNCILMEMBER KAMA: Okay.

CHAIR HOKAMA: But you should be able, 'cause I read it, the original --

COUNCILMEMBER KAMA: Okay.

CHAIR HOKAMA: --Executive Order from the Territory. Yes, Ms. McLean?

MS. McLEAN: If I could briefly respond to that, I can only comment for the time that I've been with the Planning Department. We found that there have been a number of practices of the CRC that weren't codified or that were outdated, and that's a very long process to get those things codified. First, we identify the problem and then we get input on how to address it, and then we have to have the public hearings and interaction with the CRC. The CRC typically meets only once per month and so one of the biggest challenges was regulations on structures in the historic district, and the CRC's authority to approve plans. That was a very big deal. So, that was one of the first ones that we tackled, and that required a Code amendment. So, that was one of our first priorities. And then after that it was signs in the historic districts, and so, again, that was a big undertaking to come up with sign design guidelines to get adopted by the CRC. And this will be another one on the to-do list but we've kind of gone in the order of priority. But because this also involves the Parks Department and then also involves legal concerns, we've had a number of meetings over the years to figure out how to address it. And actually what has happened was a little more than a year ago when the Parks Department came to the CRC with their calendar, we were hearing from different vendor groups who were all struggling to get their time at Banyan Park and the CRC said, enough of this, we're just going to allow these cultural events, the ones that the Parks Department described, until we can really understand what should and shouldn't be allowed. So, there hasn't been that kind of activity allowed for a little while. So, the Council's absolutely correct, it does need to be codified, whether it's in CRC rules or in the Code, but we've gone step by step with what we feel are the priorities that are threatening the character of the district.

CHAIR HOKAMA: Okay. Ms. Kama?

COUNCILMEMBER KAMA: So, I was just alluding to the health of that tree and as we are trying to take care of business the way we think it should be done, that the tree is not

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going to live forever, I don't know. But we should take care of it while we are trying to figure out what to do about it. So, thank you, Chair.

CHAIR HOKAMA: Yeah, thank you, and again, I think that was part of the Arborist Committee's comments. And, again, because of the original decision that the County was not required to do an Environmental Assessment, again yeah, your Chair could not find any type of management plan on the care of this designated exceptional tree and what it takes as far as our responsibility of such public designation in a historic district as well. Okay, at this time I'm going to ask Mr. Ornellas if...to share some comment because I know my neighbor gave me the eyes when I said no commercial per se, and I'll give you the components, yeah. The original agreement, or, the revised agreement allows museum, art gallery, visitor center, community center, office administrative space at the courthouse. As Corp. Counsel mentioned, the Board adjusted to allow arts and crafts exhibits and sales, cultural demonstrations, community events, and other related activities. But the Board also added another, well, condition which says the potential users for both the courthouse and Lahaina Banyan Tree Park must meet the following characteristics, and they list four. It doesn't say one of the four, it says must meet the following four characteristics. A, the organizations are tax-exempt non-profit; two, the occupancy in the courthouse or the park must provide a demonstrated public benefit to the Lahaina community and the citizens of Maui County; third, activities of the organization shall have a significant educational component, and the Board added that word, significant education component; and the fourth, any other criteria as may be determined by the County of Maui, and that includes your Council to create policy. So, Mr. Ornellas, is that a good understanding of the County's use and responsibility for this property?

MR. ORNELLAS: Daniel Ornellas, District Land Agent, State Department of Land and Natural Resources. Simply, yes, to reiterate the significant components of the guiding documents, again, 1912, the set-aside of lands from the Territory at the time to the Board of Commissioners, I guess it used to be called, now County of Maui. And basically it was simply put, now used mainly for courthouse and park purposes. That's it. So, pursuant to HRS 171, for set-asides of land to other government agencies, the Board of Land and Natural Resources reserves the right to consent to third-party agreements and the responsibility over maintaining character of use. That is what I believe led to the board action of October 8, 1999, that Chairperson just reiterated establishing uses as well as criteria to help guide decision making related to users that have received this consent from the Board to use pursuant to the set-aside. So, again, uses outside of courthouse and park use would include museum, art gallery, visitor center, community center, office administrative space, and users...so that's the uses, the physical uses. The users, would meet the other four basic criteria, tax exempt, demonstrated public benefit, significant educational component, and other criteria as determined by the County. And I agree with the Chairperson that it doesn't say one or two, it says shall comply, yeah. So, does that mean every user has to meet each of those criteria? I believe that's up for discussion.

CHAIR HOKAMA: Well, thank you for that, Mr. Ornellas. So, I open it up to the Committee Members. One thing I wanted to have the Planning Director give you a quick

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comment, any other type of use whether it's a minor or major, does your Department have any additional requirements like SMA because of the proximity of the Banyan Tree to shoreline management?

MS. McLEAN: Yes, the Banyan Tree Park is within the Special Management Area, so SMA review is required and for, you know, any of the provisions in the Code section --

CHAIR HOKAMA: Right.

MS. McLEAN: --would also be applicable. So, there may be historic district permits that are needed. So, yes.

CHAIR HOKAMA: Okay, thank you for a clarification of that. Ms. Sugimura, any questions for either Mr. Ornellas or our other resource?

VICE-CHAIR SUGIMURA: Yeah, so, very interesting. So, when you...from your perspective because you represent, you know, the greater body. When you see what's happening at the Banyan Tree Park and the list of events that are being approved, I guess, by the CRC, do you have an opinion as you know what the requirements are? So, it's Kuhio, Prince Kuhio, Kamehameha Day Parade, Emma Sharpe Hula Festival, I guess, and Festivals of Aloha.

CHAIR HOKAMA: Mr. Ornellas?

MR. ORNELLAS: If you were to do a strict analysis based on the four approved uses, it doesn't meet those identified uses. However, if those activities are considered reasonable park uses, that would be under the character of use of park, yeah, so I understand that the County does allow those types of uses in parks.

VICE-CHAIR SUGIMURA: So, it would be okay.

MR. ORNELLAS: Yeah.

VICE-CHAIR SUGIMURA: One last question, because Aunty Patty was, I think she's still here.

CHAIR HOKAMA: Yeah.

VICE-CHAIR SUGIMURA: But I'm just wondering...

CHAIR HOKAMA: I know she's listening.

VICE-CHAIR SUGIMURA: Oh, okay. So, I'm just wondering then, how does...I remember she had her own craft or I'm not too...cultural events that she would have at the Banyan Tree Park. So, how does her group fit into what is happening now? Or are they being excluded? I'm concerned about that, I...

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CHAIR HOKAMA: That would fit under the cultural demonstrations component.

VICE-CHAIR SUGIMURA: So, they still are able to participate?

MS. PETERS: Chair?

CHAIR HOKAMA: Ms. Peters?

MS. PETERS: Thank you, Member Sugimura. So, to date, we have not received any requests for a permit from the Na Kupuna, so I did...I am in communication with Auntie Patty and they're doing other things, just not there. So, the whole intent was these culturally significant activities and just trying to not have all of that commercial going on in the area. Again, we went back to say, let's look at the calendar, let's look at what was annual, and then...so, moving forward in work, we want to work together with DLNR and CRC, as well as the community in coming and collaborating and coming up with, again, and with you folks on what is, or what we should be doing out there, and looking at what Mr. Kapu had provided to us in being able...in having people see the significance of the area.

VICE-CHAIR SUGIMURA: Thank you.

CHAIR HOKAMA: Okay, thank you. Ms. Paltin, any questions for this group of resource?

COUNCILMEMBER PALTIN: Sure, I just was wondering if you did have any, like, a collaborative stakeholder meeting since the vending had stopped with the various vendors, with the lessee, with the CRC, like, have you got everyone together in a room and discussed, like, what we want to all try to find a common ground?

CHAIR HOKAMA: Ms. Peters?

MS. PETERS: Chair. Thank you, Member Paltin. To date, we have not. We have been meeting with DLNR to go over the history and kind of identify what had been going on. We did meet with DLNR and with the Lahaina Restoration Foundation, along with DLNR and Mr. Kapu and their organization. We have not yet met with individually with the Hui o Wa`a Kaulua, and we were hoping that there was somebody here to be a resource if...okay. So, we can also call them up as well. I wasn't told that there was someone here. So, that is the intent, to bring it to this body and then collaborate together to figure out what is and what will be the new management plan, I guess, under the Banyan Tree.

COUNCILMEMBER PALTIN: And, so, like, those criteria, is government considered a tax-exempt non-profit?

CHAIR HOKAMA: Corp. Counsel?

MS. DesJARDINS: Thank you, no, I think what is intended here is, has to do with who the lessee is going to be for that property, and then the sub-lessee. So, the BLNR gave

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permission for the leaseholder to also enter into some sub-leases. And so, the way that I read that last page is that those folks, not only the lessee but all of those other people, and I think that right now there are two sub-lessees. I do want to step back and say that this most current lease has not actually been entered into yet. That was presented, I think there's some things that need to be changed out in it. But that was my understanding of what that, the intent of that was not the County of Maui.

COUNCILMEMBER PALTIN: So, the County of Maui is already a lessee from the executive order is what you mean? Or, like, I mean, say West Maui doesn't have a district office, could it be a possibility?

MS. DesJARDINS: I don't think that was...the intent of the discussion in front of the Board was how to handle those folks who will be entering into the...who the County of Maui is going to enter into a license or lease agreement with for the management of the courthouse and the Banyan Tree Park.

COUNCILMEMBER PALTIN: So, could you put a County office in the courthouse?

MS. DesJARDINS: If it met the criteria under here I suppose that you could do that. But again, as far as these amendments go it's either the executive order allows public uses as intended, I think, in 1912, and then these changes which seem to implicate that there would be leases on the part of the County to management, not to have the County go in and use it for, I guess, office purposes.

COUNCILMEMBER PALTIN: Public testimony? No?

MS. DesJARDINS: So, what do you mean by public testimony?

COUNCILMEMBER PALTIN: Like how Hana and Molokai and Lanai have a district office to take testimony from the public? That wouldn't be an accepted use?

MS. DesJARDINS: I'd have to look at it closer, but I don't think that's what was intended.

COUNCILMEMBER PALTIN: And then Parks and Recreation just manages the leases but it doesn't manage the property? Is that how it works?

CHAIR HOKAMA: Ms. Peters?

MS. PETERS: So, for the Banyan Park area there...the Lahaina Restoration Foundation gets a grant through the County in the Parks Department budget for the maintenance of that area. There's no lease for that area right now.

COUNCILMEMBER PALTIN: So, the money comes through the Parks to the Lahaina Restoration Foundation and then they manage it?

MS. PETERS: Maintain.

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COUNCILMEMBER PALTIN: Maintain it.

MS. PETERS: Maintenance, ground maintenance, they do the...

COUNCILMEMBER PALTIN: Rubbish.

MS. PETERS: Yeah, yes.

COUNCILMEMBER PALTIN: Okay, I don't think I have any other questions at this time.

CHAIR HOKAMA: Okay, okay, yeah. And again, this is the first of additional meetings, Members. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Yeah, it's really interesting discussion. Is the intent to focus this just on the one area or to focus on a policy for...

CHAIR HOKAMA: My plan was one, to deal with the activities at the Banyan Tree Park. And part of that is one, figure out what is our responsibilities to protect the health and viability of the tree as an exceptional designation --

COUNCILMEMBER KING: Okay.

CHAIR HOKAMA: --two, what type of uses actually make sense.

COUNCILMEMBER KING: Okay.

CHAIR HOKAMA: Should we just make it a public area that has walkways through it and allow no activity at all under the tree?

COUNCILMEMBER KING: Okay. So, just --

CHAIR HOKAMA: And again, we're open.

COUNCILMEMBER KING: --referring to this handout --

CHAIR HOKAMA: Yes.

COUNCILMEMBER KING: --from the arborist that's dated 2004 in the last, I don't know if there's anyone from the Arborist Committee here. But in the last paragraph it says they're saying that they would like to pursue the development of a master plan for the Banyan Tree Park which would allow a scientific evaluation of the tree so that recommendations can be made to ensure the tree's health and to determine the impacts of activities. So, I guess they intended to do something but maybe we at some point we can get a report from the Arborist Committee as to where that recommendation, you know, looked like they intended to do something, we don't know if they actually did it. And that, this letter went to the CRC --

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CHAIR HOKAMA: Right.

COUNCILMEMBER KING: --so, they're basically telling the CRC that we'd like to create this plan.

CHAIR HOKAMA: No, good comment, and the Chair will write a letter to our current County Arborist or division. I don't know if it's still with her or with Public Works, but we'll send a letter for comment --

COUNCILMEMBER KING: Okay.

CHAIR HOKAMA: --of...regarding the tree itself.

COUNCILMEMBER KING: Okay, and I know we're focused on this area but just wanted to make a note that we are discussing the courthouse uses that Ms. Paltin suggested. We got two thumbs up from Mr. Ornellas over there, so maybe it's not quite out of the question. Thank you.

CHAIR HOKAMA: Okay. Before...you have something real quick, Ms. Sugimura, before I hit Ms. Rawlins-Fernandez? Okay, Ms. Rawlins-Fernandez, any question at this time?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I guess my question was going to be along the same lines as Chair King's. If there was any foreseeable or intended outcome from these meetings, from these discussions. But it sounds like we're going to figure out what we need to figure out, and then figure them out.

CHAIR HOKAMA: Well, I hope you can support me. I'm looking at this like as, you know, we have a specific item right now, which is the Banyan Tree use, overuse management. But I believe it should be part of a bigger component of the Lahaina District because I've been on and, you know, my supporting Mr. Akana with his dream of Moku`ula for over 20 years and I see how this can fit as one piece of the greater Lahaina District and how it plays a role. Because I believe one thing that Mr. Kapu said in his own way is we have living history to protect because it is still living history. So, I think we should take our stewardship very seriously and be a little bit more broader of how, again, because I think Moku`ula has a major component in this area with Pi'ilani, the Lunalilo effort also with Kamehameha V. So, you know, for me this is a pretty big thing for our islands. It's not just a Maui thing, this is about the history of our islands, so I take this as a great opportunity for us in a larger scope.

COUNCILMEMBER RAWLINS-FERNANDEZ: I agree wholeheartedly, and mahalo for undertaking this huge task. And, yeah, protection and restoration, and lastly, I'd like to just support Member Paltin and Chair King's effort to create a district office on the West Side. Okay, mahalo.

CHAIR HOKAMA: We'll hit that another meeting too. Mr. Molina, any questions?

COUNCILMEMBER MOLINA: No, I'll just await the next meeting.

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CHAIR HOKAMA: Okay, thanks. Ms. Kama, anything at this time?

COUNCILMEMBER KAMA: Chair, not at this time but I've got something rolling around in my head.

CHAIR HOKAMA: Okay.

COUNCILMEMBER KAMA: Thank you.

CHAIR HOKAMA: I'm going to ask you to be patient with me a little longer, yeah, because I want to ask Aunty Patty if she has any mana`o she wants to share. I know she's getting tired and may want to go back home. But I also would like to give Ms. Morrison also after the recess an opportunity to give us her comments, because I believe she and her organization did some very good work also and we'll recognize the good work as well as the challenges that they face. So, at this time, Aunty Patty, if you would, yeah, come, come. Yeah. E komo mai. Come join us for a little bit. And, Members, you know, if you have question to ask Aunty, this would be a good time. And e kala mai, yeah, I haven't forgotten. I know we have Hui Wa`a, I believe, representative. So, yeah, after Aunty I will ask for your mana`o too, yeah, mahalo. Aunty, yeah, please.

MS. NISHIYAMA: Yes.

CHAIR HOKAMA: So, first, anything you want to share now --

MS. NISHIYAMA: Well, yes, I do.

CHAIR HOKAMA: --if not I going to have them ask you question.

MS. NISHIYAMA: I do want to share --

CHAIR HOKAMA: Okay.

MS. NISHIYAMA: --how we started out at Lahaina Banyan Tree. In 1995, Aunty Pua Lindsey, Aunty Thelma Kahaiali`i, and Aunty Ulu Kahaiali`i was the kupuna of the Banyan Tree. Their mana`o was to create arts and crafts that would teach the visitors education, and they called it cultural arts and crafts, he u`i, the beautiful, okay. And then, we were the only group there that played live Hawaiian music, that's how we were. That's how we had to be when we went to the Banyan Tree. Okay, since 1998, kupuna was making money for the Hawaiian language school in Lahaina. We first started out with Punana Leo o Lahaina. We had to pay rent for that Hawaiian language to Waiola Church. At that time, we were paying \$400 a month. And then today, Waiola Church is holding our Punana Leo o Lahaina and they're charging them \$4,000 a month to have the children learn the Hawaiian language. In the 1900s, when Aunty Pua folks was alive, they was the one that supported the Hawaiian language in Lahaina. So, that was Punana Leo o Lahaina was a preschool. Today, the

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Hawaiian language is up at Lahainaluna High School. And that's where our money that we made from the Banyan Tree to support the Hawaiian language. Not only the children, we also supported the language to be taught to Lahaina community. So, it was worth it being down at the Banyan Tree to help our children. I had six grandchildren `olelo Hawaii, pure Hawaiian language. They started out when they were three years old, today they're in their 20s. I'm very proud that we were part of the Banyan Tree to help our Hawaiian language move forward in Lahaina. Thank you very much, County. Mahalo.

CHAIR HOKAMA: Mahalo, Aunty. So, yeah, we know you through Lahaina Keiki O Ka 'Aina. So, Ms. Paltin, any questions for Aunty this afternoon if any?

COUNCILMEMBER PALTIN: No, just thank you for supporting Punana Leo and Canoe Beach no commercialization --

MS. NISHIYAMA: Oh yes, Canoe Beach.

COUNCILMEMBER PALTIN: --over there.

MS. NISHIYAMA: Oh yeah.

COUNCILMEMBER PALTIN: Mahalo for your service --

MS. NISHIYAMA: Oh, of course.

COUNCILMEMBER PALTIN: --to the community.

MS. NISHIYAMA: Anything for the children.

COUNCILMEMBER PALTIN: Thank you.

MS. NISHIYAMA: And then Canoe Beach, my mo`opunas, they all paddle. And then they come after they pau paddle, they running to Tutu and saying, Tutu, the jet ski people, they so mean to us. Then my other grandchildren come up running to Tutu, Tutu, they swearing at us, what are they doing? They're infringing our culture. Get them out. But you know what we got to do, we got to go to the State first to get them out, okay? Because the County is all good.

CHAIR HOKAMA: Mahalo for that, Aunty.

MS. NISHIYAMA: It is, yeah. It's the State.

CHAIR HOKAMA: Mahalo for that. I love that.

MS. NISHIYAMA: The County is good because, you know, the County is in charge of the parking lot and the grassy area. But when they go into the ocean, guess who. The State. So, go after McKelvey and Roz Baker. Thank you.

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CHAIR HOKAMA: Maika`i.

MS. NISHIYAMA: You know what to do.

CHAIR HOKAMA: Maika`i.

MS. NISHIYAMA: I've been doing it for years.

CHAIR HOKAMA: Yes, yes. Ms. Sugimura --

MS. NISHIYAMA: I love...

CHAIR HOKAMA: --any questions for Aunty?

VICE-CHAIR SUGIMURA: You're so precious.

MS. NISHIYAMA: Thank you.

VICE-CHAIR SUGIMURA: Thank you very much for being here.

MS. NISHIYAMA: I love my...I love the children. I love Lahaina, I do. Napili Canoe Club, I love you.

CHAIR HOKAMA: Okay.

MS. NISHIYAMA: Maika`i.

CHAIR HOKAMA: So, any questions?

VICE-CHAIR SUGIMURA: No, no questions.

CHAIR HOKAMA: Okay, Ms. Kama, anything for Aunty this afternoon?

COUNCILMEMBER KAMA: Aloha, Aunty Patty, and thank you for being here. Thank you for all your years of labor --

MS. NISHIYAMA: Oh yes.

COUNCILMEMBER KAMA: --and I can tell you my father's looking down on you and just smiling from ear to ear.

MS. NISHIYAMA: And who are you, e kala mai?

COUNCILMEMBER KAMA: I'm Tasha Kama, I'm Clarence Kama's daughter.

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MS. NISHIYAMA: Oh, of course, your father is smiling. He's the one that said to me, Aunty, you will take care of the kupuna. Okay? And so did Papa Ka'alakea. He said that to me also. And this was all done in front of the church. Praise the Lord. Amen. I'm alive.

CHAIR HOKAMA: Thank you.

MS. NISHIYAMA: Maika`i. Mahalo.

CHAIR HOKAMA: Mr. Molina? Mr. Molina, anything for Aunty?

COUNCILMEMBER MOLINA: No, no questions for Aunty. But just to say mahalo and thank you for all you do to perpetuate the culture and for the keiki and...

MS. NISHIYAMA: Oh, Mr. Molina, aloha.

COUNCILMEMBER MOLINA: Aloha, thank you. Okay, and also to Mr. Dancil...

MS. NISHIYAMA: You still here.

COUNCILMEMBER MOLINA: Still here.

MS. NISHIYAMA: Maika`i.

COUNCILMEMBER MOLINA: Mahalo.

CHAIR HOKAMA: Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Aunty Patty.

MS. NISHIYAMA: Aloha no.

COUNCILMEMBER RAWLINS-FERNANDEZ: No questions, I just also wanted to mahalo you for all you've done for our keiki --

MS. NISHIYAMA: Oh yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --and for, you know, our `olelo --

MS. NISHIYAMA: Oh yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --and for, you know, keeping it alive.

MS. NISHIYAMA: Oh, of course.

COUNCILMEMBER RAWLINS-FERNANDEZ: --it's so important. E ola mau ke ola o Hawaii.

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MS. NISHIYAMA: Hiki no.

COUNCILMEMBER RAWLINS-FERNANDEZ: And my keiki went to Punana Leo --

MS. NISHIYAMA: Ah, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --and they're in Kaiapuni, so --

MS. NISHIYAMA: Maika`i.

COUNCILMEMBER RAWLINS-FERNANDEZ: --I'm keeping up the good work. So --

MS. NISHIYAMA: Yeah, we're up in Lahainaluna now.

COUNCILMEMBER RAWLINS-FERNANDEZ: --mahalo

MS. NISHIYAMA: Maika`i.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

MS. NISHIYAMA: Oh, yes. Mahalo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR HOKAMA: Thank you. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. I just wanted to reiterate the mahalo and congratulate you on how far Punana Leo has come. Because they were fledgling when I was with the Board of Education in the late '90s --

MS. NISHIYAMA: Oh, yeah.

COUNCILMEMBER KING: --so, I'm very proud of where you've gotten to. And I also wanted to thank you for your support of the County Council.

MS. NISHIYAMA: Oh, of course. Yes.

COUNCILMEMBER KING: Thank you.

MS. NISHIYAMA: Thank you so much, mahalo.

CHAIR HOKAMA: Yeah, mahalo, everyone. Aunty, thank you for being here this afternoon.

MS. NISHIYAMA: Oh, thank you. Thank you and keep up the good work.

CHAIR HOKAMA: With you watching us we will.

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MS. NISHIYAMA: You know what, your dad, he was a good man. I love him. Thank you.

CHAIR HOKAMA: Yeah, mahalo, mahalo. Okay, we're going to take a short break and then we'll finish up the item with our additional resources so five-minute recess. . . .(gavel). . .

RECESS: 3:31 p.m.

RECONVENE: 3:40 p.m.

CHAIR HOKAMA: . . .(gavel). . . Okay, we'll return to order. Your Chair is aware of you, our time, Members, as well as our resource people. So, we still have a few more to go. I'm going to ask Mr. Libed and Mr. Gilliom if they would come down. Cliff and Tim, if you guys would come down and share your mana`o regarding the Banyan Tree we'd appreciate it. If you guys have anything you guys want to share from Hui O Wa`a. Both of you, both of you is fine, Cliff and Tim. Thank you for being here this afternoon.

MR. LIBED: Mahalo, Chairman, mahalo, Council. My name is Cliff Libed, I'm on the Board for Hui Wa`a Kaulua. But I give a little historic perspective of my involvement with the Friends of Moku`ula. I think it was around 1984 or 1985, I was on the grant review committee for the Administration for Native Americans and this was the first time they did a Hawaii-specific grant available to, for specific products for Hawaii. Akoni Akana had proposed the Friends of Moku`ula project. So, I was intermittently involved in a sense that I knew a perspective of what he wanted to achieve. And it was historical, the never been before to look at Lahaina from that perspective. In that with Friends of Moku`ula as we made a change for recommendation for the acceptance of the grant, I'd written in Hui Wa`a Kaulua, which was our sailing canoe. Because a significant partnership and at the time the canoe was not built, it was in the process of being built. So, 25 years later we launched it, the Mo`okiha five years ago. It took that long to get the canoe finished. Now, Kamehameha Iki Park was part of that development. The ballpark was part of that development. Kamehameha Iki Park was part of that development. The revenue stream for Friends of Moku`ula was a parking lot. Now, I apologize for...I just came out to be coaching canoe clubs so I'm still in my beach attire. But the reality is is that the...as far as perception and the intent for the historical area was pretty much set with Akoni's vision of what he wanted to do. And I think that throughout the difficulties for both, because it took so long for the canoe to be built, the difficulty as organizations go through has, you know, has kind of shaded out the meaning, the perception of what the project can be. I think what's important to realize is that, is the...it's easy to check. The original grant request is still available, I believe. And I think the original vision of the perception of the historical part of it is all, you know, was part of his Friends of Moku`ula's project. Which included Hui Wa`a Kaulua. Now, how do we get involved as a canoe organization. We do outreach with our schools. Timmy Gilliom is our captain who is in back. We take kids on the canoe. We teach them the protocols of being on a canoe. The Honua Project which is done by Hokule`a has set a precedent to set aside environmental issues, to set aside cultural issues, and Maui has two canoes that we can use. We have the area in Lahaina is

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important because we have a canoe there. And our outreach, it goes out to Kamehameha Schools at the end of the year, end of the month, Lahainaluna High School, Maui High School there's Voyaging Club. So, the reality is is that our involvement is much more than just a sailing canoe. Our involvement is our sister canoes on different islands. It will come to Maui as well as we go there. We have, we are looking, we're being in...our ambition is to spread much more the culture outside of Hawaii. The protocol that we learn on a ship, on a boat, and I went through the training just recently down at Makena, allows you to understand how you can do yourself in small space. But I think, the bigger lesson here as we teach our young people is your relationship between people. There are no cell phones. There are none of the electronics that have our kids get distracted. The wonderful thing about teaching kids about if friends tease you, they making fun of you and you get hurt, the reality is is that, where's your character? How does your character respond to that? And it's part of the lessons on...the lessons we teach as being a voyager. So, yes, it is important, the Hui Wa`a Kaulua is also perceptually involved with the Friends of Moku`ula Project and the Lahaina historic district. It is important, for example, that what Mr. Kapu said about establishing protocols for Kamehameha Iki Park. It's been too many years of neglect. We still maintain the park as our organization. We still do the cleanup. We still empty the garbage. We still throw salt water on the people that's sleeping in the park. And it's really not our responsibility, we're not enforcers. But we maintain that because we know the significance of our organization being in that location. So, you know, however we pan this out, however you decide to manage the property that it should be, keep in mind of what you are doing is not necessarily just maintenance, but is the future development and education of our young ones. And that's the message I have for you. Thank you.

CHAIR HOKAMA: Mahalo, Mr. Libed, for your mana`o this afternoon. We appreciate that. Any questions, Members, for the gentleman? Ms. Sugimura, you had a question?

VICE-CHAIR SUGIMURA: Yeah.

CHAIR HOKAMA: Cliff, if you can...

VICE-CHAIR SUGIMURA: Hey, Cliff. So, I just want to thank you, I didn't realize all that you just shared. Thank you very much. But Cliff, I first met him when he was a member of the Maui Redevelopment Agency so that's when I first met him. And he's always done great work with children as he...

MR. LIBED: Thank you.

VICE-CHAIR SUGIMURA: Yeah, so, thank you. I'm really grateful you shared this. I didn't realize this about you.

MR. LIBED: I still substitute from elementary to high school today by choice. But, you know, I tell you, the tonality of kids change. And I still coach, I coach Kihei Canoe Club kids from Kihei Charter for mostly. But the reality is is that, without that electronic addiction, the honesty of what they have and what we can share, I think, is

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really critical and it's something that we fill in as adults and as participants in our activities. I think that we can appreciate that.

VICE-CHAIR SUGIMURA: Thank you.

CHAIR HOKAMA: Thank you. Any other questions for Cliff? Mr. Libed, thank you for being here.

MR. LIBED: Thank you.

CHAIR HOKAMA: We appreciate your mana`o. Okay, I'm going to ask Ms. Morrison if she would please come join us also. I think we would like to hear from her as well as her organization's role regarding the Banyan Tree Park area. Ms. Peters, any comments before Ms. Morrison shares her thoughts regarding the relationship with the Department?

MS. PETERS: Thank you, Chair. Yes, so, Ms. Morrison and the Lahaina Restoration Foundation, they have a grant, like I mentioned earlier, to do the maintenance of the Lahaina Banyan Tree area as well as they lease two properties that are on your list of the park inventories that was provided. And we are, we have a great working relationship with Lahaina Restoration Foundation. They also have been doing paver projects, and the Lahaina Harbor improvements, and then with that I'll let Theo explain what's been going on there.

CHAIR HOKAMA: Okay, thank you. Ms. Morrison, thank you for being here --

MS. MORRISON: Okay, thank you.

CHAIR HOKAMA: --this afternoon.

MS. MORRISON: Just to clarify, this...my name is Theo Morrison, I'm the Executive Director of Lahaina Restoration Foundation. So, our grant, our current grant with the Parks Department is grounds keeping for the entire historic...well, not the entire but historic district from Prison Street to Papalaua Street. So, it includes all that area. It includes picking up trash seven days a week. So, it's a really important grant that keeps the historic district somewhat clean. I do want to clarify, I've been listening to all this discussion and a lot of you guys are new, you don't understand what we've been living through all these years. So, let me just, I...there's one point that I think needs to be clarified. So, the old Lahaina Courthouse is on the same TMK as the Banyan Tree Park. In a normal situation, the County leases out the entire parcel, which would be the park and the courthouse. My predecessor, Keoki Freeland at Lahaina Restoration Foundation, didn't want the Banyan Tree Park. He didn't want the liability of it. So, Lahaina Restoration Foundation had the, or has, I should say, the lease for the old Lahaina Courthouse but not the Banyan Tree Park. So, right now, our lease has...it's on a...it's now on a month to month, a typical, I forget what you would call that. But it started as two or three years and then it wasn't...

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UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

MS. MORRISON: Yeah, what is it called?

UNIDENTIFIED SPEAKER: Revocable.

MS. MORRISON: No, well, it's not revocable, it's, it started as a, like, three years, and then it was delayed to be renewed --

VICE-CHAIR SUGIMURA: Month to month.

MS. MORRISON: --and now it's just on month to month. Anyway, so that just to clarify, we do not have a lease on Banyan Tree Park. We, you know, we are very much aware of the problems that were occurring at Banyan Tree Park. We proposed, we were actually asked by the Parks Department, it's probably four years ago now, to put in an application for the lease of Banyan Tree Park that would include the courthouse. So, the whole TMK parcel. So, that's what we've been working on. And the idea would be that just, it's a complicated...well, it's not complicated, but...what Lahaina Restoration Foundation is proposing is just to solve the problems at Banyan Tree Park. And to do this, what is needed if the craft fairs are allowed to continue, what is needed is another layer of management. The way it was working before, the different organizations would come in and do their festival, they'd pay the park fee, but the Parks Department, rightly so, never had the manpower to come down and oversee it. And that's where we, as Lahaina Restoration Foundation, without any cost to the County and without any money coming back to Lahaina Restoration Foundation, we would oversee the operation of these festivals to make sure they abided by all those rules that we already talked about. The existing rules from CRC. The existing rules from DLNR. The existing rules from the Arborist Committee. Those rules have not been followed. So, that was our proposal as part of this proposed lease. So, our total...and then the other part of that was that when the Parks Department, their permit fee was \$150 a day. Our permit fee would be \$500 a day, and 100 percent of that \$500 would go back to capital improvements at Banyan Tree Park. If you go to Banyan Tree Park, you will see the condition of the benches, the condition of the pavers, it really needs more work. And what was happening all these years is all these festivals were happening there, they were paying the \$150, that money never came back to the park. So, that would be our proposal and there's all kinds of safeguards in there. And it would be in a separate bank account. None of the money would go to us. There'd be all kinds of reporting. And the festivals would be held accountable to have live Hawaiian or Polynesian music from, just like Aunty Patty said, their events always did which is true. From like 10:00 to 2:00 every day they would have to have an educational table, we would make sure of that. And before any group or any person could have an event under the Banyan Tree, they would have to be juried by a committee that Lahaina Restoration Foundation would set up would include Hawaiian cultural experts. So, we would get the quality and the authenticity and the originality of art that we should have in a destination like that. So, that was just...that's just a very broad strokes on our proposal. But I do want to emphasize that I totally agree with Keeaumoku Kapu and the bigger vision that we need for the Lahaina historic

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districts. It's really, really an important place. We don't feel like we get the support that we need down there. And if...it'd be great if the County Council, you know, took some more interest in us and start implementing some of these things. So, thank you.

CHAIR HOKAMA: Thank you, Ms. Morrison. She also submitted some written comments, Members, for your review and use which basically states her, what she just shared with us verbally. She also lists some of the challenges she believes that we can review and consider in her attachment. So, Ms. Sugimura, any questions for Ms. Morrison you'd like to pose at this time?

VICE-CHAIR SUGIMURA: Nice to see you here, Theo.

MS. MORRISON: Sure.

VICE-CHAIR SUGIMURA: Is the Lahaina Town Action Committee still active?

MS. MORRISON: Are they still what?

VICE-CHAIR SUGIMURA: Active?

MS. MORRISON: Yeah. Yeah.

VICE-CHAIR SUGIMURA: So you work in tandem with them, or you work with them?

MS. MORRISON: Well they, they're one of the groups that wants to do festivals under the Banyan Tree. And they do, yeah, they do second Fridays and stuff, yeah.

VICE-CHAIR SUGIMURA: Thank you. She was here.

CHAIR HOKAMA: Okay, thank you. Ms. Paltin?

COUNCILMEMBER PALTIN: Aloha, Theo --

MS. MORRISON: Hi.

COUNCILMEMBER PALTIN: --thank you for coming and thank you for your work that you've been doing. My question was would the Board of Directors of Lahaina Restoration Foundation be the, like, the selection committee? Or how would that selection committee work? Or the jury?

MS. MORRISON: No, it would be...I would probably select them or if anybody wanted input they could. The...I know...I have a degree in art and I actually worked as a crafts person for, like, ten years full time. I actually sold under the Banyan Tree. I have a lot of experience in what that takes and I, you know, I know other gallery owners and other people involved with that. But, you know, it'd have to be somebody that had absolutely no financial interest in what happened under the Banyan Tree. Somebody that would just be able to look at articles, crafts, and be able to tell if they were

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handmade, to tell if they were, you know, well made, and original; things like that. I don't think...my board doesn't have that expertise, but I do.

COUNCILMEMBER PALTIN: And I was wondering how you came to the \$500 figure.

MS. MORRISON: I think they can afford it. And I think with that amount of money we could make some substantial improvements at the park. It's...a lot of money is made there and the park really needs to be improved. What we do with our parks grant is that we maintain it, which means we...right now the leaves are dumping, just incredible amount of leaves every single day. So, what we do is maintain the park. But we don't have the money to make those improvements. Although, I have to tell you we did start a memorial bench program and for \$3,000, you can get a bench that we make and put a plaque on it and again, 100 percent of that money goes to the guy that makes the benches. So, we have actually put in about, oh, I don't know, maybe about five or six, and I have some more to go in, new benches in that park. And it really, really makes a difference. So, I'd like to, you know, finish putting in more benches.

COUNCILMEMBER PALTIN: Thank you.

CHAIR HOKAMA: Okay, thank you. Ms. King, any questions? Ms. Rawlins-Fernandez? Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Chairman. Good afternoon, Theo. Just looking at the application with the County, you, I guess, estimated the average number of people using the facility and the site on a weekly basis somewhere around 500,000 people a year. And I'm just kind of dovetailing off of Member Paltin's questions with regards to the facilities and monitoring, at least from the Lahaina...your organization. I've seen tourists, they jump in the tree, walking around. Do you folks try to have security there to monitor during the daytime? Because, you know, tourists, they're not...some of them are not very educated and they'll start climbing around the Banyan Tree.

MS. MORRISON: Yeah, we have signs but they don't pay attention to them. We do have workers in the park. When the workers in the park talk to them...we couldn't afford security in the park --

COUNCILMEMBER MOLINA: Oh.

MS. MORRISON: --at this point in time.

COUNCILMEMBER MOLINA: Okay. Yeah, and I ask...I bring it up, Chair, because, you know, liability too, yeah. Because of the kind of contract with the County and some tourist falls out of the tree and guess who they're going to, you know, look to sue. So, I don't know, just something that crossed my mind, Chair.

MS. MORRISON: Well, one thing I should mention, that if...I know you guys aren't talking about our lease, but we do have a pending lease in front of the County for the Banyan

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Tree Park and Keawaiki Park, which is the little harbor-front park we just did. And if we were granted the lease, we'd be liable, not the County.

COUNCILMEMBER MOLINA: Okay, thank you. Thank you, Chair.

CHAIR HOKAMA: Okay, thank you, Mr. Molina. Ms. Kama, any questions at this time?

COUNCILMEMBER KAMA: No, Chair, thank you.

CHAIR HOKAMA: Okay, anyone else would like...yes, you had a question, Ms. Sugimura? Okay, well, great. Again, this is the...just today's just discussion, yeah, regarding the subject matter and then we'll delve more into some of the more specifics at the next meeting. Anything else, Ms. Morrison?

MS. MORRISON: No, just going back to my clarification. When the subject came up about sub-lessees, that was referring to the courthouse. So, DLNR, the whole TMK, there are sub-lessees of the courthouse, there are not sub-lessees of the Banyan Tree Park.

CHAIR HOKAMA: Okay.

MS. MORRISON: Yeah.

CHAIR HOKAMA: Thank you for that. Okay, with none, well, thank you very much for being here, Ms. Morrison. We know you waited for quite a while. Okay, Mr. Ornellas, anything else you want to share with us as far as any thoughts or recommendations, especially from the, your Department? Or any concerns you would like us to maybe address or follow up on?

MR. ORNELLAS: Chair, I appreciate the message you provided a little earlier to look at the entire Lahaina Historic District eventually and plan for it from a holistic approach. That would be my recommendation to consider as you guys deliberate over Banyan Tree and courthouse area. Other than that, no other comments.

CHAIR HOKAMA: Okay, thank you. Planning, any other comments you guys wish to share?

MS. McLEAN: Thank you, Chair. Just really quickly as we talk about trying to codify some of these practices. Given the potential broad impacts, Annalise and I were talking that we'd recommend that this be done as Code changes rather than administrative rules for the CRC.

CHAIR HOKAMA: Okay.

MS. McLEAN: Just so the Council would have the final say on those policies.

CHAIR HOKAMA: Okay.

MS. McLEAN: Thank you.

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CHAIR HOKAMA: Since you did bring up the review, Director, is it also maybe timely for us to look at the, either the historic or the national or the State historic designation in requirements of said designation? Because again, you know, Council's made some major decisions and one is about sea-level rise, yeah. And this is an area that's going to get impacted eventually. And Mr. Ornellas' Department is big time because small boat harbor is under his Department, not DOT. So, you know, for us regarding the roads, as Mr. Kapu brought up, whether it's Alanui mo'i or whatever, we're going to need to figure out what sea-level rise means to everything including Moku'ula. Because maybe his channel to bring in the fish from the ocean, no need the channel, they just going to come straight in already. So, you know, again, we would appreciate your Department's comments on that too, as well as Planning, how to approach this maybe in a more holistic sense. Because, again, I believe this is just one component of something that we can do really good with Lahaina district. Okay? Parks, any comments?

MS. PETERS: Thank you, Chair. I just appreciate the opportunity that this was brought up back on the agenda as well as our, you know, Mr. Kapu being able to give us the history. And then the Department is wanting to work with all of the community, with the DLNR, and with your, with the Committee on being able to come up with the plan. And like Daniel mentioned, a holistic plan for the Lahaina Historic District.

CHAIR HOKAMA: Okay.

MS. PETERS: Thank you.

CHAIR HOKAMA: Thank you. Corporation Counsel, anything you wish to share regarding any points or regarding documents?

MS. DesJARDINS: Thank you, Chair. No, I just want to agree with what Ms. McLean has stated in terms of codifying anything. Because, really, the CRC's involvement here really has to do with selling up or down, I mean, they're not really in the business of pulling out a lot of criteria. And then I also want to say I stand corrected, Ms. Paltin, I do believe you could have an office since it does say under there, administrative uses. So, that's a very good idea.

COUNCILMEMBER PALTIN: Oh, it wouldn't be for me, it would be for the people of West Maui, actually.

MS. DesJARDINS: I...that's what I meant. Not you specifically. Although I bet you wish you had one over there. But, no, I agree.

COUNCILMEMBER PALTIN: Thank you.

CHAIR HOKAMA: And, again, like any other great County facility, your issue is going to be parking. Where are the people going to park by the courthouse? I mean, you see the

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tour buses, you see, I mean, we know what Lahaina Harbor can be on boat days. So, especially --

COUNCILMEMBER PALTIN: I guess the question --

CHAIR HOKAMA: --those of us who...

COUNCILMEMBER PALTIN: --is how much testimony you want to listen to.

CHAIR HOKAMA: Good...that was a good point. Okay, any other, Members, anything else? If not, the Chair would like to, with no objection, defer this item.

COUNCILMEMBERS: No objections.

CHAIR HOKAMA: Okay. This item is deferred.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER PENDING FURTHER DISCUSSION. (Excused: KRF)

CHAIR HOKAMA: So, Mr. Ornellas, thank you. Planning Department, thank you very much. Ms. Morrison, thank you. Members from Hui Wa`a Kaulua, and Mr. Kapu, mahalo. Thank you, Ms. Goo, for being here too. And, Auntie Patty, safe travels back home.

ITEM HFC-18: MOTORIZED SKATEBOARDS AT WAIEHU MUNICIPAL GOLF COURSE (CC 16-172)

CHAIR HOKAMA: We have one more item, Members. Not going to take too long, HFC-18, this is regarding the Motorized Skateboards at Waiehu Municipal Golf Course. I brought this up because, again, with technology and opportunities, this was something that was asked of me for consideration. And I did some due diligence and will just say that I currently have a proposal as the vehicle to prohibit the use of said motorized skateboards, golf boards, whatever you want to call it, at our facility. In our review, I can tell you it works really good on flat terrain, like most things, right. Part of the problem is like Waiehu, we have some challenging terrain areas especially by the par threes, the back nine. And so far, some of the courses on Hawaii, Maui, the Wailea Blue tried it, we've talked to some other Big Island companies that courses that tried it. It's like, yeah, anything brand new, you have a lot of interest. But the key is for those that would like to...you got to go through a course. You must be instructed and certified to use this board because of the liability concerns. Second that I can share with you is in my review with the insurance coverage companies, none of them really want to cover this new use on the golf course. Because they're very concerned about the certification process, the maintenance of the equipment itself, and I just find it kind of tough for the County to prove that, you know, it wasn't our cause why the bad golfer fell off of his own golf cart, golf board. So, again, Members, I did this as

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more of a preemptive thing. We're not going to make any decisions but I just wanted to have the discussion started and let you know that at this point I cannot see a benefit for us. Ms. Peters, any comments you'd like to share as far as you and your golf program with this consideration?

MS. PETERS: Thank you, Chair. So, we had looked into with the new...when we renewed the concession agreement for the golf cart concessionaire that we incorporate the golf boards. So, it was...it came up for discussion internally. And so, we were trying to capture the millennials and the newer trend market and just, again, looking. You know, we've been to this Committee with what we're trying to do to improve the course and this was just an avenue to maybe pilot to see if we had maybe about five on the course or available for rent. They do require the renter to, or rider, to watch a video. So, there's a safety video that you see beforehand and then you go off and you can cover the course in a faster time than on a cart. And the tires are supposed to be a little bit more all-terrain. The battery life from what we had done, it does last a while. So, it was just a thought to pilot to see if it would generate more interest and more revenue. Thank you.

CHAIR HOKAMA: Yeah, and, again, we appreciate the effort, yeah, from your program to try and...because that's what I looked at first. And when you look at the numbers, Members, the board is almost equivalent to a golf cart. Your revenue's cut in half because the cart has two revenue paying riders. The board has one for basically the same cost. Then the second thing I did check 'cause that's one of my things when I buying my own things is the servicing and ability for the County or the Department to have the appropriate backup. And right now in Hawaii, those that provide the board hasn't been providing those courses good servicing, so there's still a lot of down boards that are either waiting for parts or haven't had the ability to be serviced by the manufacturer's representative. So, that is an issue currently for this State. But, again, it doesn't hurt to look at new things because if Honolulu can go with, what is that called Top Golf as a revenue generator, hey, because that takes no golf course, it's all target golf and they're going to do it at Kapiolani Park area, I believe, as a revenue generator economic development project. So, we can take a look at it, those kind of things too. If...I don't know when Ms. Karla's going to sleep, Ms. Peters' going to sleep. But that's where we are on this one. Members, any comments or questions?

COUNCILMEMBER KING: I have a question.

CHAIR HOKAMA: Ms. King?

COUNCILMEMBER KING: Thank you, Chair. So, you know, I was looking at the picture. Thank you for providing these other pictures. So, is it possible for someone to play golf alone on that course or do they have to book at least two or four people, you know, playing the holes?

CHAIR HOKAMA: Director?

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COUNCILMEMBER KING: 'Cause it seems like this is...this would, you would either need like two or four of them for four people to travel in together on the course. Or are we saying that someone could just go individually?

MS. PETERS: So, we...it's two or four, it's two or foursome that would be booked. But then they could, if they both could get a golf board if they wanted individually. And I believe we haven't looked at the rentals, but I believe they're higher than the golf carts. So, I'm not sure...

COUNCILMEMBER KING: So, it actually bring in more revenue if you have two of these versus one cart. But, have you had any accidents? Have you seen, is there records of accidents on these things?

MS. PETERS: Our Superintendent did speak to the Kauai and Big Island courses and they haven't had any incidents that they reported. There were some, they said, like Council Chair, Committee Chair Hokama did mention that there's some difficulty in getting maintained or getting service on them. But I believe if you get the right...maybe the right company and have that stipulated in your contract. So, it...we don't, we would not rent these out. The County wouldn't. We were going to add that into the invitation for bids for the golf course driving range and cart concessionaire.

COUNCILMEMBER KING: Oh, I see. Okay. Are they electric or are they actually fuel?

MS. PETERS: They run off of a battery.

COUNCILMEMBER KING: Okay. So, that's a...there's a battery in them? Or do you plug them in?

MS. PETERS: Correct.

COUNCILMEMBER KING: The battery in.

MS. PETERS: Yes.

COUNCILMEMBER KING: Oh, okay.

CHAIR HOKAMA: Would have a recharging station, Chair.

COUNCILMEMBER KING: Oh, I see.

CHAIR HOKAMA: Yeah.

COUNCILMEMBER KING: Okay.

CHAIR HOKAMA: Yeah, yeah.

COUNCILMEMBER KING: Well, interesting.

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CHAIR HOKAMA: Yeah.

COUNCILMEMBER KING: There's always a newfangled device --

CHAIR HOKAMA: . . . *(inaudible)* . . .

COUNCILMEMBER KING: --someone's trying to make money off of that's new.

CHAIR HOKAMA: Yeah, yeah. But one thing that Ms. Peters, if they want to...if we want them to kind of like invest and move forward, then just be ready because she's going to come back with a golf course improvement request for money to get it so that the liability so that people, when Ms. DesJardins can sign off on an ordinance because we've addressed the liability issue of the paths and where the boards can and cannot traverse.

COUNCILMEMBER KING: Well, I just as far as the...we're not voting on this today?

CHAIR HOKAMA: No, no, we're not voting.

COUNCILMEMBER KING: Okay.

CHAIR HOKAMA: Yeah.

COUNCILMEMBER KING: Okay, I would just say that since I'm not a golfer that I would just go by the majority of golfers on the Council. But I was first envisioning a skateboard with a little motor on it and I thought how is that going to work? Because that sounded really dangerous. This is a little better than what I was originally picturing. Thank you.

CHAIR HOKAMA: Yeah, no, thank you. Any questions, other questions or, yeah, yes, Ms. Kama?

COUNCILMEMBER KAMA: So, what is your preferred mode of transportation on a golf course?

CHAIR HOKAMA: I like to be the passenger in a cart because I like to do some walking but don't want to carry the bag. So, I try to be the passenger because I walk and can ride when I'm tired. But that's how I do it. And in a cart, part of it is the fellowship of, you know, who you spending time with and playing, you know, your friends or your family members. I mean, it's something we did as a family so I got to spend time with my father, yeah. So...

COUNCILMEMBER KAMA: Thank you.

CHAIR HOKAMA: Yeah. But don't get me wrong, golf is a sport that you can play as an individual. So, if the course is slow, the course will allow a single to go out and play

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by themselves because they're not holding up any other play, yeah. So, the course will take the money. So, it can happen. And I just like to play with other people and give them my money. Yeah, anyone else? Ms. Paltin?

COUNCILMEMBER PALTIN: I just was wondering, did you try one out?

CHAIR HOKAMA: Ms. Peters?

MS. PETERS: Chair, thank you. No, I didn't.

COUNCILMEMBER PALTIN: Oh, okay. I might have to try one before I make the decision.

VICE-CHAIR SUGIMURA: With your kids.

CHAIR HOKAMA: Yeah, yeah.

MS. PETERS: Chair, we can all get a demo. We can all go try them out.

COUNCILMEMBER PALTIN: Sounds good, sounds good.

CHAIR HOKAMA: Yeah. And again, yeah, part of the current program is you must go through a certification process to operate the board, okay? So, you cannot just go today...let's say we had it. You can't just go today and say I want to rent that and go on the course. The course will say, where is your certification to operate the board? Yeah, so, it's like a permit or driver's license, yeah. You got to be approved to operate because of, yeah, I mean, sounds crazy but I'm sure somebody can be crazy smart enough to kill themselves with the board.

COUNCILMEMBER PALTIN: All these guys are wearing helmets.

CHAIR HOKAMA: So, it tells you there's a factor, right, if you got to wear helmet? Okay, anyone else? If not, the Chair would, with no objection, Members, like to defer this item as well.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER PENDING FURTHER DISCUSSION. (Excused: KRF)

CHAIR HOKAMA: Okay, this item is also deferred. So, thank you. Director, anything else you want to share before we quick adjourn shortly?

MS. PETERS: No, Chair, thank you for bringing that up on the agenda as well. We will look forward to further discussion.

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CHAIR HOKAMA: Okay, so, thank you very much for your day, Members. I appreciate your patience in allowing us to...especially with the Banyan Tree looking at a maybe wider perspective. So, I appreciate that. Okay, with no further business, we are adjourned. . . .(gavel). . .

ADJOURN: 4:18 p.m.

APPROVED:



RIKI HOKAMA, Chair
Healthy Families and Communities
Committee

hfc:min:190620:cs

Transcribed by: Crystal Sakai

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CERTIFICATE

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

DATED the 15th day of July, 2019, in Kahului, Hawaii

CRYSTAL SAKAI

Crystal Sakai