

HEALTHY FAMILIES AND COMMUNITIES COMMITTEE

Council of the County of Maui

MINUTES

October 3, 2019

Council Chamber, 8th Floor

CONVENE: 1:32 p.m.

PRESENT: Councilmember Riki Hokama, Chair
Councilmember Yuki Lei K. Sugimura, Vice-Chair (in 2:17 p.m.)
Councilmember Tasha Kama
Councilmember Kelly T. King
Councilmember Michael J. Molina
Councilmember Tamara Paltin
Councilmember Keani N.W. Rawlins-Fernandez

STAFF: Wesley Crile, Legislative Analyst
Rayna Yap, Committee Secretary
Zhanter 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)

(Seated in the Gallery):

James Forrest, Legislative Attorney

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

OTHERS: Peggy Robertson (HFC-3)
Veena Cahlander (HFC-3)
Richard Dancil (HFC-3)
Ted Loberg (HFC-3)
Koana Smith (HFC-3)
Bill Smith (HFC-3)
Theo Morrison (HFC-3)
Evelyn Goo (HFC-3)
(2) additional attendees

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

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CHAIR HOKAMA: . . .(gavel). . . Okay, we shall come to order. This is the Council's Committee on Healthy Families and Communities. This is our regular meeting of 3 October, 2019. This afternoon on the Committee we have Members Molina.

COUNCILMEMBER MOLINA: Good afternoon, Chair.

CHAIR HOKAMA: Good afternoon. Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha auinala, Chair.

CHAIR HOKAMA: Aloha. King.

COUNCILMEMBER KING: Aloha.

CHAIR HOKAMA: Member Paltin.

COUNCILMEMBER PALTIN: Aloha auinala, Chair.

CHAIR HOKAMA: And Member Kama.

COUNCILMEMBER KAMA: Aloha auinala, Chair.

CHAIR HOKAMA: We excuse Member Sugimura. We have two items that we're going to cover this afternoon. Members, the Chair is aware of other activities that may have your priorities as well so we'll do our best on time. We'll take public testimony on the two items we have agendized for today. With each person be allowed three minutes on each item. State your name, if you are representing an entity we request that you share that with us, if you are a paid lobbyist, also we request you share that information with us. And again because of the situation with the fire on the west side Pali area, the Chair again will be slightly flexible. I will say that I intend to have no decision regarding Banyan, the Banyan Tree area. We'll have a status update and some discussions, but we will not have any decision making on that item.

. . .BEGIN PUBLIC TESTIMONY. . .

CHAIR HOKAMA: Okay, so the first person--long time--Peggy Robertson, if you'll please come forward Peggy and share your thought with us please. And following Ms. Robertson will be Ms. Cahlander.

MS. ROBERTSON: Okay. Well, as you know my name is Peggy Robertson and I'm here to talk about HFC-3, which is the use of the Lahaina Banyan Tree Park. I just want to say that Lahaina Art Society, which started over 51 years ago, at the time there was only one art gallery in town, and thanks to Joyce Clark and ten other, or nine other couples Lahaina has become the art society and Maui is now known as the third largest art center in the United States. When we bought our home 36 years ago, I dreamed of becoming an artist in Lahaina someday. Because of the ability to go in the

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show underneath the Banyan Tree, my art, and be under the Banyan Tree, I was able to become a well-known artist and actually teach over 300 seniors at Kaunoa Senior Center for nine years. To me the art being shown under the Banyan Tree is the spirit of Lahaina. Every weekend visitors, family, and friends would look forward to going into town on Saturday and Sunday to have something to do. They would have breakfast or lunch--let me find my place here--at the local restaurants like the Pioneer Inn and the Wharf and visit all the other stores around the area, including our museum and our visitor's center that's at the courthouse. It brought many visitors from around the world, and I know that because we have a guestbook that people sign when they come in and they are from all over the world. Now, because the art society is not allowed to show art there, I feel that many businesses in the area have been hurt by this decision and the center of Lahaina is like a ghost town. I feel that if there was a meeting in Lahaina about this decision, that we should have it at the Civic Center and hundreds of people from Lahaina would show up besides the artists, but people that enjoy taking their families down there on the weekends with their children. You don't take your children to a gallery and a baby, you know, I mean you go under the tree and it's like a, an experience, okay, and I love that part of it. So, or if I did a petition in Lahaina, I'm sure hundreds of people would sign it, because I know I got 400 signatures to get our library open after eight years of being closed, and I'll bet you there'll be lots of people in Lahaina know that's where they like to go on the weekends. Well, but if you, unless you live in Lahaina it's hard to understand how important it is to the people in Lahaina, so please continue to show, let us show under the tree so people with families and children can enjoy that experience. It is the hub of all the action in that area and it really is the soul and the spirit of Lahaina and if you live there you would know that. So, please keep it open to us too, we've put in a lot of experience. Thank you.

CHAIR HOKAMA: Thank you, Ms. Robertson. Any questions for clarification?

COUNCILMEMBER KING: I have a quick question, Chair.

CHAIR HOKAMA: Ms. King?

COUNCILMEMBER KING: Thank you, Chair. So, thanks for being here, Peggy. What, where were we, where was Maui named the third largest art center by what organization in the U.S.?

MS. ROBERTSON: Per capita.

COUNCILMEMBER KING: Oh per capita, oh okay.

MS. ROBERTSON: Thank you. I think it was New York and Dallas and Maui, I don't know. But, yeah, we just started out with one gallery in town and because Joyce started that Lahaina Art Society...

COUNCILMEMBER KING: No, I was just wondering what publication we were in.

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MS. ROBERTSON: Oh, I've known it for years 'cause I've been _____ for 26 years and it was in the newspaper. I couldn't find that newspaper article yesterday, but I remembered that.

COUNCILMEMBER KING: Okay, just wondering, thank you.

MS. ROBERTSON: Okay, thank you.

CHAIR HOKAMA: Thank you very much. Next, Ms. Cahlander. Wes, take care the clock for me. And then following her will be Mr. Dancil.

MS. CAHLANDER: Aloha. I'm an artist and I've previously was showing under the tree and not anymore but anyway, I'm just going to read you my thing. I tried to find out how many cities host art in the park events but there were too many to count. I looked online. Little towns like Boulder City, Nevada or Fairfield, Iowa to big cities like Omaha, Ann Arbor, and art centers like Paris and New York all host art in the park events. Maui is a tourist-driven economy, people come to enjoy our beaches and our laidback atmosphere, but they also come to enjoy Maui's art and its artists. People have told me they schedule their vacation to coincide with our art fairs. Maui's artists are one of Maui's greatest cultural resources. In a society where it's hard to find art even being taught in the schools these days, the experience people feel when they are at an art fair give them a special memory of Maui and its people. Also, in a culture where so many things are bought online and made overseas in who knows what kind of sweat shop, to meet somebody who actually made what they...what you're buying is very rare and people really appreciate it, so I hope you do too. Thank you.

CHAIR HOKAMA: Thank you. Any questions for clarification? Thank you for your presence. Richard Dancil? And following him will be Ted Loberg.

MR. DANCIL: Aloha auinala.

CHAIR HOKAMA: Hi. Aloha.

MR. DANCIL: Good afternoon, everybody. Yeah thank you for having me over here. Yeah sorry, Auntie Patty couldn't make it so she called me for speak on Na Kupuna O Maui's behalf. My name is Richard Dancil, I'm from Keokea and I've been involved with Na Kupuna O Maui from the 1990's. And then in 1998, Na Kupuna O Maui started an event under the Banyan Tree. The event was called, is called He Ui, means beautiful things. He Ui was given by Auntie Pua Lindsey, renowned kumu and with the help with Theo Morrison, just wanted to thank you, I learned a lot out in Lahaina. And yeah sorry, I don't have anything written but this is from the heart. I learned a lot of things that I never realized about the history of the Hawaiian culture, especially the Banyan Tree being Piilani's sacred royal taro patch and just all that area, especially Historical District One which has intrigued me. And just to recognize that in 2011, I fought against Arakawa in the Halloween issue but was based actually on, you know, of the things that I felt that was happening, things coming in too fast that it treated the Hawaiian people like strangers. But what I feel especially in that area

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under the Banyan Tree, it should be, you know, our platform that we can perpetuate and reflect to the visitors what is Hawaii and then that way the visitors they get to, you know, breathe the real oxygen which the real oxygen is Hawaiian. Just to recognize again Na Kupuna O Maui actually helped out with Hawaiian emersion programs, Punana Leo o Lahaina. It helped, the event helped subsidize that and then Princess Nahienaena and then with Uncle Willie _____ and Uncle Moon Keahi we helped support, you know, in talking story and going over to the prisons and then that's how my wife been helping me out in perpetuating my cousin's artwork. His name is Anthony Kekona who passed away in January 26 of this year. And the thing is that, the amazing thing is just connecting and then learning about, you know, our culture which we cannot allow this to be erased, so by having the elders out there it just gives this dynamics of...

...(timekeeping system beeps)...

MR. DANCIL: I'm sorry.

CHAIR HOKAMA: No, no finish up, finish up.

MR. DANCIL: Oh, just Na Kupuna O Maui just actually they give like a neutral foundation, or a neutral, you know, platform for not only just one Hawaiian group but all Hawaiian groups that come by and I got to meet all them. Thank you, mahalo.

CHAIR HOKAMA: Thank you for your thoughts this afternoon. Any questions to clarify? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Dancil, for coming in today. When you were saying about the platform and perpetuate Hawaii, I was wondering if you could clarify, I'm not sure I understand, like is it that you're saying...

MR. DANCIL: Oh what I saying is that what is truly being reflected out in Lahaina. I want to share this with you that when I was walking down Front Street just taking a break, I play music also especially under the Banyan Tree.

COUNCILMEMBER PALTIN: Yeah, I seen Kuhio Day, yeah, it was?

MR. DANCIL: All of 'em. And then I was kind of scared to go play by myself and Theo know that from Theo to da kine, Auntie Patty, they say, no Richard, go, go play. Because I always played like in a group and then that was like my crutch. But the thing is that by what I talking about platform is that what is, what do the visitors actually breathing. And then what I wanted to share with you is you walk down Front Street and then you go to this kiosks where the visitors go to and then they talking story to the person behind the kiosk and then asking them about Hawaii and then that person behind the kiosk told them, oh, I'm from Oregon and then the other person is from Oregon so they start talking about Oregon. What about Hawaii, what I'm saying, so by creating the platform under the tree and having an Hawaiian entity underneath there, that's a real oxygen that's going to be pushed out to the visitors.

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COUNCILMEMBER PALTIN: So, but what if there's artists under the tree that's from Oregon?

MR. DANCIL: That's the thing that I just really want to thank the artists that actually help support Na Kupuna O Maui because they, like each person has their spot. The artist have their spot, they know what they doing, they sell and then they make money. But that money is through Na Kupuna O Maui, goes to Hawaiian programs.

COUNCILMEMBER PALTIN: Okay, thank you, I got it.

MR. DANCIL: Okay.

CHAIR HOKAMA: Okay, thank you very much.

COUNCILMEMBER KAMA: Chair?

CHAIR HOKAMA: Ms. Kama?

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here today.

MR. DANCIL: Hey, Tasha, thank you.

COUNCILMEMBER KAMA: Hi. So, can you help me to understand, so your idea is that there should be and maybe must be more Hawaiian oxygen, I guess is the way you put it.

MR. DANCIL: Especially reflected out at historical District One.

COUNCILMEMBER KAMA: So, do you feel like there's not enough and there should be more and what does that look like?

MR. DANCIL: There isn't like you would say enough, we should have more, we should have more because we have a lot of information out there that I never know. Growing up and raised over here on Maui and born over here, I never know.

COUNCILMEMBER KAMA: What would that more look like?

MR. DANCIL: Huh?

COUNCILMEMBER KAMA: What would that more look like?

MR. DANCIL: It would move towards healing for the Hawaiian people to, you know, build up our identity

COUNCILMEMBER KAMA: Okay, I think I get what you're saying. Thank you, Chair. Thank you, Dan [sic].

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CHAIR HOKAMA: Okay. Thank you.

MR. DANCIL: Okay, thank you, aloha.

CHAIR HOKAMA: Thank you for being here this afternoon.

MR. DANCIL: Mahalo.

CHAIR HOKAMA: Next, Mr. Loberg, and following him will be Koana Smith.

MR. LOBERG: Hey, aloha and good afternoon. My name is Ted Loberg and I am the President of Lahaina Arts Guild and we are the 501(C)(3) of the organization from Lahaina Art Society. The purpose that we have, our real thrust, is supporting keiki art classes. I think as all of you know that the schools have principally stopped doing art classes and well we've been working very diligently for the last three or four months organizing programs so we can supply the teachers the art supplies for Kamehameha III school. The principal there is totally on our side, very enthusiastic and we will be teaching classes in that school and we'll be doing it on a weekly basis and multiple classes. That is certainly one of the main thrusts of our activity. The other one is creating art classes for veterans. And the veterans are, and when I say this literally jumping for joy to have art classes and we will be conducting them throughout the County. And by the way those classes for the keiki will also be conducted as we can expand that to other schools and other locations throughout the County. We're doing this. I think that what we must understand and listening to Richard, we are supporting the Banyan Tree. A quick aside, I am a, an arborist in three states in the Midwest with 25 years of experience and I will say that the Banyan Tree is very healthy and in the last year, actually a year and a half ago, that was maintained and roots _____ were freed so that tree is extremely healthy and we do our part to maintain that. In terms of addressing the tourists that come with us I will simply say that I spend as much time discussing the tree and promoting Lahaina as I do discussing artwork so I want you to know aside from that, that all the activity and all the artwork that is created and we sell under the Banyan Tree is totally, locally made and must be and we jury that. So, no one can get in, if you will, by selling strung together pieces. I thank you very much and would consider all consideration you can possibly give us for restoring our activities on a limited basis under the Banyan Tree. Aloha.

CHAIR HOKAMA: Thank you for your thoughts. Any questions for clarification? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Loberg, for being here and your testimony. The part that I was asking for clarification on is when you were saying that the school is on your side. I don't, I mean, what's the side and what's the school on your side? I don't understand.

MR. LOBERG: The school that we're dealing with is right across the street from, it's on Front Street, it's Kamehameha III.

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COUNCILMEMBER PALTIN: Oh, I know where Kamehameha III is ---

MR. LOBERG: Okay.

COUNCILMEMBER PALTIN: --in relation to the Banyan Tree. I'm not sure, like what the sides are and the school being on your side, like what, is there like a controversy?

MR. LOBERG: Best I know, there was no controversy except that if we're exploring this, they're...

COUNCILMEMBER PALTIN: Is it your side of the street?

MR. LOBERG: There are no art classes offered in that school and from my understanding, that's not unusual, if it's not totally abandoned throughout the school system. I could be incorrect about that last statement; however, at Kamehameha III that is true. The principal is excited about the fact that we will be teaching keiki from kindergarten through the middle school, I believe. And so, we're, excuse me, my voice is not terrific, but we will be performing, providing teachers, volunteer teachers that we are providing and the art supplies to teach these children.

COUNCILMEMBER PALTIN: So, does the art supply, I mean does the art classes that you're doing it's at the Banyan Tree, does it incorporate the significance of the history of the area?

MR. LOBERG: We will be teaching the classes incorporation, that we will...so I don't want to misstate anything, we will be teaching depending on the age of that student and giving them free rein, but part of our instruction will be letting their expressions grow, so that we can do painting or by their finger-painting or brushes or crayon or whatever it might be.

COUNCILMEMBER PALTIN: I think, cause I think --

MR. LOBERG: . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: --the issues it's not like just about having art at the Banyan Tree, it's that it's a executive-ordered, historically significant district, so I mean art under the tree, everybody's for art in the park, but I think is, the issue over here is that this is a historic district with, you know, to perpetuate the Hawaiian culture. And many, like the previous testifier was saying, you know, when people get to talking about what's, what this area is and then they move on to Oregon or art, then it dilutes what the significance of this historic designation is.

MR. LOBERG: From my experience, discussing with people from all over the world under the Banyan Tree, I emphasize the fact that that tree is a 150 years old. It is Hawaiian culture as was the areas around the library and the whole historic district. We're extremely respectful of the fact that it is Hawaiian and we do our best to incorporate

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that with any conversation we have with people. It is not an exclusive, this is not a haole situation.

CHAIR HOKAMA: Okay, thank you. Thank you for your response to Ms. Paltin's questions. Any other questions? We thank you for your time this afternoon.

MR. LOBERG: You're welcome, thank you.

CHAIR HOKAMA: Ms. Smith, if you would please join us, share your thoughts please. And following her will be Bill Smith.

MS. SMITH: No relative. Aloha, I'm Koana Smith, I've been a member of Lahaina Art Society since 1997, an employee most of the last 15 years. I'm on the board of the nonprofit, was on the board of our late nonprofit, which at the point it folded because of lack of funds from the percentage of our Banyan Tree art fair sales that always went to help support them. We were teaching over 13 classes a week mainly targeting Hawaiian kids, kids that needed help, everywhere from Molokai, we had classes there, we had classes in Hana, we had them all over. We had started making arrangements to teach in Lanai, but all of that folded, so now we have a new nonprofit. We're excited to continue this, but having the art fairs under the Banyan Tree, the proportion of the proceeds that went to support that, and will continue to go to support our nonprofit, are very, very important and as was said, those classes by the way for Kam III will be at the school, not under the Banyan Tree. Okay, yeah, what else, just to reiterate that working in the gallery for a number of years, which I no longer do, but constantly people came in asking questions, we...both under the tree and inside the gallery, we kind of support the Visitor Center giving them the best information history, everything they wanted to ask and all of our artists do that too. One of our artist is Ellen Levinsky who does Hawaiian feather art and she is one of the ones that'll be teaching the children and has been doing that all along. Just the other thing that I'll throw in here in the mix, when we're not under the Banyan Tree on the weekends, if you go by there, yes there are lots of tourists but especially early and late there are lots of people who hang out there who maybe aren't giving Lahaina the best possible name that it could have, some of them are challenged and need mental health help but there've been a lot of incidents when nobody's around to kind of support the tree. Thank you.

CHAIR HOKAMA: Thank you. Any questions for the lady? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Smith, for being here. I just was wondering if you could let us know what was the percent given and how much that is in dollars?

MS. SMITH: Oh, I don't have those figures, but under the tree, the 28 percent would go to the Art Society from that, a proportion would go to the, the nonprofit arm as it was covering all the things and keeping us going. So, yeah, I'm not the Treasurer I don't have any of that information, but...

COUNCILMEMBER PALTIN: So, whatever the sales are, 28 percent of sales goes to --

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MS. SMITH: Lahaina Art Society --

COUNCILMEMBER PALTIN: --Art Society.

MS. SMITH: --from which portions go to the nonprofit, yeah.

COUNCILMEMBER PALTIN: Thank you.

MS. SMITH: You're welcome.

CHAIR HOKAMA: Any other questions? Thank you for being here, Ms. Smith.

MS. SMITH: PS, most of us came from the West Side and we made it, it took us awhile --

CHAIR HOKAMA: Congratulations.

MS. SMITH: --but we felt strongly enough about being here that we came.

CHAIR HOKAMA: Thank you very much for that effort. Bill Smith please. And following Mr. Smith will be Theo Morrison.

MR. SMITH: Thank you, Mr. Chairman and Councilmembers. My name is Bill Smith, I am the Executive Director of the Lahaina Art Society, I'm also a Director on the Lahaina Arts Guild and I testified before the Committee, oh gosh, a couple of times last year and it became very clear that it was impossible to explain what these people have done a really good job of already explaining, explaining everything in three minutes. So, we put together a memorandum that's eight pages long and a lot of thought went into it because we wanted you to understand what we're trying to accomplish, what the Lahaina Art Society is and what the Lahaina Arts Guild is and what the relationships are and actually what they do. Our thing really is when you analyze all of the different legalities and politics and everything else, our main focus is the children and that's the way I try to run things, every decision that I try to make in these organizations is related to how does it affect our keiki. We have...has everybody seen the memo by the way? It's entered as testimony on the Committee site. I have hard copies here also if that would be helpful, Mr. Chairman.

CHAIR HOKAMA: Okay.

MR. SMITH: It's interesting that historically the Parks Department and the BLNR has actually encouraged and said that the Lahaina Art Society art festivals have been preferred and there's been an ongoing relationship with the Parks Department to try to achieve the end results. And we...

...(timekeeping system beeps)...

CHAIR HOKAMA: Finish up, Mr. Smith.

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MR. SMITH: Okay, we have two entities that we're dealing with legally. One is Lahaina Art Society that is a nonprofit corporation and its corporate purpose is to mentor new artists, to grow our artists and to bring them into the world of art. We have entire policies and procedures to run the organization, we have a separate set of policies and procedures to run the Banyan Tree art festivals. We also have 17, it's called jury mediums where we qualify people before they can even become an artist, so when people are showing under the, you know, the Banyan Tree, we know it's made in Maui art. We also have the Lahaina Arts Guild that is a 501(C)(3) tax exempt charitable organization and that focuses primarily on our keiki, teaching art and we have a budding veterans program. The, as Ted mentioned we've got classes beginning this semester at King Kamehameha Elementary School. Those classes, our artists, we can't afford the teachers at this point, so we have 15 volunteer teachers, art instructors that are going to go into the homerooms at the school and teach art classes to get the kids arts, 'cause nobody, its, the schools just aren't doing it anymore, so that's ongoing. We're doing the same thing with a program at the Cannery Mall that's starting in January. We have a, we're working very closely with the Veterans Administration in Honolulu and on Maui and art can be a tremendous rehabilitation tool with our veterans and so that's all ongoing. So, we're trying to build all this and one way that we can be able to do it is with a presence under the Banyan Tree. We have other sources of income that we're always working on, but this would really, you know, help us out and we need your help. We've got...

CHAIR HOKAMA: Okay, Mr. Smith, wrap it up please.

MR. SMITH: Okay, we're asking for four weekends a year under the tree, that's 8 days out of 365 and that would be a tremendous help and I think you're going to find just to finish this, the entire community would be overjoyed to hear that festivals are coming back to the Banyan Tree court. Thank you, Mr. Chairman, and I do have hard copies if you'd like.

CHAIR HOKAMA: Okay thank you. Yeah, the Staff will assist you in getting it distributed to the Committee Members. Okay, Mr. Smith, I have a few question for clarification. Yeah, thank you. Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Mr. Smith, for being here and for submitting your written testimony. I was wondering, when you say four weekends per year, what do you mean, like get a permit, like a special use permit, or conditional permit to operate four weekends . . .

MR. SMITH: Yeah, whatever the procedure is.

COUNCILMEMBER PALTIN: Okay.

MR. SMITH: We just want to be able to hold our traditional art festivals under the tree, which is what all this testimony has been about. That's what the community wants.

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COUNCILMEMBER PALTIN: And what was the procedure in the past, 'cause you've been doing it before?

MR. SMITH: No, we would apply for a permit for those four weekends, I believe four are already permitted to another group.

COUNCILMEMBER PALTIN: So, that's what you used to do?

UNIDENTIFIED SPEAKER: No, no.

COUNCILMEMBER PALTIN: No. That's what you want to do going forward?

MR. SMITH: Yeah, that's what we want to do going...that's...yes.

COUNCILMEMBER PALTIN: Okay, okay.

MR. SMITH: In the past we have applied for permits and been granted the, typically it went for six months or a year, I believe.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . . Theo can explain it.

MR. SMITH: Yeah, Theo can explain it.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. SMITH: That's my go-to line, Theo can explain it.

CHAIR HOKAMA: Any other questions for Mr. Smith? Thank you for being here this afternoon.

MR. SMITH: Thank you.

CHAIR HOKAMA: Evelyn Goo, if you would, oh Theo, Theo, I'm sorry, Theo and then Evelyn. So, next is Ms. Morrison.

MS. MORRISON: Good afternoon.

CHAIR HOKAMA: Good afternoon.

MS. MORRISON: My name is Theo Morrison, I'm the Executive Director of Lahaina Restoration Foundation and I just want to make it very clear we have no financial interest at all in Banyan Tree Park or festivals or anything like that. We work very closely with Parks Department, we have a grant with Parks Department to maintain the parks and open spaces in the historic district and right now we are finishing up a park, the Apuakehau Park, which is directly across from the Baldwin Home and in front of the library which was funded by the County. And it'll be open in November, we're very excited about this park. It's a Hawaiian cultural park with three taro beds,

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'cause this was a site of the, the former site of the King's taro patch. And the children, the students in Lahaina will be planting those beds. So, in regards to Banyan Tree Park, what we see, we maintain that park, that park is in not in very good shape, it needs more maintenance. This weekend, we'll actually be putting in four new benches, benches that we funded through donations, and in general it needs, it definitely needs more work. I've seen the festivals come and go and the money does not go back to the park so we are suggesting and I sent you all that information six months ago or something, that we would at no fee be the overall manager of the festivals in the park and we would not call them craft fairs, they would be festivals. They would include, they'd be mandated to included Hawaiian or Polynesian live entertainment, you know, from 10:00 to 2:00 every day. They'd be mandated to have an education table every day, and \$500 per day from each of those festivals would go directly into the park for capital improvements, increased maintenance, et cetera. Additionally, the festivals would be open to all nonprofits, not just the ones that are currently doing it. So, it's just an idea, we're happy to do it to make this whole situation under the Banyan Tree work. So, that's, that's about it.

CHAIR HOKAMA: Thank you, Theo. Any questions for Ms. Morrison at this time, Members? Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Theo.

MS. MORRISON: Sure.

COUNCILMEMBER KING: I just wanted to know if you, we had a testimony, written testimony sent in that, it was somebody who was involved with trying to do an event there, said their understanding was that the park was turned back over to the State. Do you know anything about that?

MS. MORRISON: No, it's executive ordered to the County.

COUNCILMEMBER KING: Right, I know, so nothing was done, okay.

MS. MORRISON: But DLNR does have to approve any, yeah, I think they have to approve activities, yeah.

COUNCILMEMBER KING: They have approval even though...

MS. MORRISON: I know Karla might be able to answer that.

COUNCILMEMBER KING: Okay, I'll ask Karla later on, thank you.

CHAIR HOKAMA: Okay, thank you. Anything else for Ms. Morrison at this time? Okay, thank you for being here.

MS. MORRISON: Okay, thank you.

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CHAIR HOKAMA: Ms. Goo, if you'd please come forward and share your thoughts with us.

MS. GOO: Aloha, Council Chair Hokama and Councilmembers. I thank you for holding this forum and allowing the public to come forward and speak. The Banyan Tree has had longstanding issues dating back to when it first began and to date basically the Banyan Tree and the courthouse have been turned into a cash cow. Only certain people have access to the revenues that are generated because of the past granting of exclusive leases and permits by the powers that be. As a result, the lease and/or permit is being used in a way to punish or reward vendors who stand to gain or lose substantial revenues, all the while excluding many other organizations. I do not believe that granting a ten-year lease to Lahaina Restoration Foundation, also known as LRF will resolve any of these issues. As long as the County or State allows the courthouse and the Banyan Tree Park to be used as income generators for only the favored few, the issue will never be resolved. Does any, anyone of you Councilmembers know what revenues are generated by the vendors, the leaseholders, or the permittees? I mean, I think that's pretty pertinent information that needs to be known. Perhaps in, before moving forward, these revenues need to be looked into along with implementing a fairer process for all. Therefore as I see it, the Banyan Tree needs to either be opened up to a fair process so that all groups, nonprofits, and people may benefit from the revenues or simply be shut down and utilized as a historical park that it currently is. Perfect timing. Thank you, guys. Thank you.

CHAIR HOKAMA: Thank you, Ms. Goo. Members, any questions for Ms. Goo at this time? Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Mr. Chair. Good afternoon, Ms. Goo. Just to clarify your testimony, you say in your testimony as a result the lease and/or permit is being used as a way to punish or reward vendors who stand to gain or lose substantial revenues. Can you cite an example of this so, just so I get an understanding of your testimony?

MS. GOO: In the past, vendors...well first of all there are selected vendors that are able to do the event in the past and they were high money generating vendors so that the income would be high for...I don't know how to say it, so that, that whoever was running that event, those vendors would generate a large amount of money and other vendors that didn't generate would not get to sell under the Banyan Tree. Also, what had been happening was vendors were told if you do anyone else's events you will be banned and not able to sell under the Banyan Tree. And I just don't think that is fair.

COUNCILMEMBER MOLINA: And this was told by whom?

MS. GOO: I have actually been working for different nonprofits for over 25 years and several vendors have come to me. I was actually in the Art Society myself 20-something years ago and sold under the Banyan Tree.

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

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MS. GOO: You're welcome.

CHAIR HOKAMA: Okay. Any other questions for Ms. Goo at this time? Okay, having none, thank you for being here this afternoon.

MS. GOO: Thank you.

CHAIR HOKAMA: Do we have any requests from District Offices for testimony? Okay we have had none, no requests from our District Offices. So, with no further requests, Members, any objections we close testimony for today's meeting?

COUNCILMEMBERS: No objections.

CHAIR HOKAMA: Okay, thank you, Members. So, ordered.

. . .END OF PUBLIC TESTIMONY. . .

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

CHAIR HOKAMA: We'll move then on to our first item which is HFC-3, it's, yeah, titled Permitted Use, Overuse, Management of the Lahaina Banyan Court Park, Lahaina Historic District. Parks Department, Director, any comments at this time?

MS. PETERS: Thank you, Chair. Good afternoon, Committee. So, the Parks Department has held the same position that we did the last meeting on this agenda item, in which the four cultural permitted activities were allowed and went through the Cultural Resources Commission. Those cultural activities did get approved through the Cultural Resources Commission and then issued a special events permit through the Parks Department. On August 12th, we did have a stakeholder meeting. The Administration felt that it was time that we did bring forth the community. Theo Morrison was there and we have, we can provide some minutes to you for that meeting and it was one of many that we're going to have as far as getting the community's input on the County-managed properties within the Lahaina Historic District. Thank you, Chair.

CHAIR HOKAMA: Okay, thank you very much. Members, questions for the Department at this time? Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Karla. So, the Banyan Tree property is still under the purview of the County, correct?

MS. PETERS: Chair? Yes, it is.

COUNCILMEMBER KING: Okay and is there any stipulation that any department of the State has to have approval of activities?

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MS. PETERS: So, any type of lease has to be approved by the Board of Land and Natural Resources.

COUNCILMEMBER KING: Okay, but not the actual activities there?

MS. PETERS: No.

COUNCILMEMBER KING: Okay.

MS. PETERS: Any vending needs to be approved by the Cultural Resources Commission.

COUNCILMEMBER KING: Okay, and I remember the last time we had this discussion it was brought up that maybe we needed an audit of the activities there, but then also it was discussed that maybe you could just talk to the folks who are doing those activities and find out, you know, kind of get a report on what's going on. Was any of that discussed at the meeting as far as the types and levels of revenue that are coming in and, you know, why...if there isn't any, why not having portions of that going into maintenance and things like that?

CHAIR HOKAMA: Department?

MS. PETERS: Chair? Thank you, Chair. So, we did not have a discussion on the revenue that was generated there, although we are, the four cultural events that did get permitted, revenue just went back into the vendor to help them subsidize the program that they had. So, we had the, there was a Prince Kuhio Day festival, the Kamehameha Day Parade and Hoolaulea, Emma Sharpe Hula Festival, and the Festival of Aloha that was just recently held.

COUNCILMEMBER KING: Okay. And that's all your, Parks and Rec is managing it right now?

MS. PETERS: Yes.

COUNCILMEMBER KING: Okay. So, it sounds like there's no revenue from any of those activities going back into maintenance, so the maintenance is coming just straight out of your budget?

MS. PETERS: Chair? So, there was never any maintenance coming back into our budget from any of these events or art festivals. We do issue a grant to the Lahaina Historic...Lahaina Restoration Foundation for maintenance of the Banyan Tree area and as well as other historic properties.

COUNCILMEMBER KING: Okay, so I just wanted to double check, and I know that when we rent out other facilities for, you know, folks who are charging to use it, like the tennis courts or, you know, like that, they have to pay like a fee that comes out of what they're charging to people, but we're not doing any of that for the Banyan?

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MS. PETERS: Chair?

CHAIR HOKAMA: Department?

MS. PETERS: And...no, so the permit fees for all of our leagues and sports, those the...it goes back into the general fund.

COUNCILMEMBER KING: Oh, it doesn't even go to Parks?

MS. PETERS: No, no.

COUNCILMEMBER KING: Oh, interesting. Okay. For some reason, I thought it was going back into maintenance. Maybe it should. Okay

MS. PETERS: And that's something that we're looking at and when, as soon as we finish our concessions and sponsorship rules that, then that fund would then, the funding would then go back into the special fund and then that's what we would be able to appropriate capital improvement and maintenance.

COUNCILMEMBER KING: Okay. Alright, thank you.

CHAIR HOKAMA: Yeah, so the Chair is on our behalf is ensuring the Department gets the rules and regs squared away because we've already passed the enabling legislation. Yeah. They need to fill out the guts on the skeleton, per se. We welcome Ms. Sugimura.

VICE-CHAIR SUGIMURA: Thank you, Chair.

CHAIR HOKAMA: Yeah, so catch your breath, we're on the first item, HFC-3. Ms. Kama?

COUNCILMEMBER KAMA: So, I just want to know, so we allowed four events to go on, so does that mean that we're going to allow four others or is this going to continue or do you get to decide or how do people who want to do events ensure that they get to do their events? Do they have to apply for a permit and all of that, how does that work?

CHAIR HOKAMA: Department?

MS. PETERS: Chair? Thank you, Member Kama. So, right now in...well, let me take you a little bit ways back. In January of 2018, all of the craft fairs and art festivals were all stopped and then when in January of this year we decided to look back and see because there were requests to bring some of these events back. Administration felt at that point we would take a look back three years and look towards the cultural significance of the area and then hold those cultural-significant events. So those got applied for by nonprofit, went through the Cultural Resources Commission, explained and vetted through that process in which they identified what the activity was going to be, the vendors that they would have. We also set criteria that the vending there

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would have to be cultural-significant items made her in Maui or Maui County and then they were approved through Cultural Resources Commission, went through our special event permitting process. We just ensure that, you know, everything's correct and no cooking under the Banyan Tree, those rules are all upheld and then those festivals were permitted. We are going to look forward to more discussion and dialogue with the community to ensure that what we're doing there is culturally significant and something that the entire community will benefit from.

COUNCILMEMBER KAMA: Okay, well thank you so very much. So, this is happening at this particular park, so are there similar activities going on at other County-owned parks and is it possible for these things to go on also?

CHAIR HOKAMA: Director?

MS. PETERS: Thank you, Chair. So right now, we have special events that happen in our other parks and County facilities. Similar to the Maui Ag Fest, we have permitted events such as Pure Aloha. I'm going to turn it over to our Permits Officer here and she can give you a better...

COUNCILMEMBER KAMA: Okay, thank you, thank you.

MS. ALMEIDA: We tend to...hi, Chair. Sorry.

CHAIR HOKAMA: Introduce yourself for the Committee.

MS. ALMEIDA: Sorry, Lisa Almeida, Park Permits Officer from the Department of Parks and Recreation. So, to speak a little more about what Director was saying, we tend to have a wide range of special event permits, so anything from concerts to fairs to tournaments as well as festivals, all depends on what it is the community comes forward seeking. Oh, I'm sorry, in the Lahaina Historic District specifically we do not have any other large types of events. In the past, there was Festival of Canoes that utilized Kamehameha Iki Park and I know that's under discussion again for the future, but at this time that's, those four activities sum up what occurred this year in that area.

COUNCILMEMBER KAMA; Okay, so thank you. Thank you, Chair.

CHAIR HOKAMA: Mr. Molina, anything you would like to pose?

COUNCILMEMBER MOLINA: Yeah, thank you, just for the Department, Chairman, and thank you, Director Peters and Ms. Almeida, for being here. You know, for permittees, if there's something inappropriate that goes on and you get complaints, what is the, what are the penalties from the Department?

CHAIR HOKAMA: Director? Ms. Almeida?

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MS. ALMEIDA: Thank you, Council...Chair. So, what happens is it depends on the situation. If the applicant or the permit holder says that the person who...typically what happens is we arrive on the scene, sometimes it's Park Security Officers, sometimes it's after the fact. So, if it's after the fact and it's directly permit related, we'll send them a letter noted, notifying them of the violation and advising them that it could affect future permits. If it's an egregious violation that's occurring on site and there's a Park Security Officer present and the permit holder says that they have no control over that individual, that individual could be subject to individual citation.

COUNCILMEMBER MOLINA: Good, thank you, just wanted to know the follow up on that, and, you know, and I guess in years past there's been some concerns about how it was being managed and so forth so I'm glad to see that you folks are holding these community meetings and getting everybody engaged on this, so appreciate that. Thank you. Thank you, Chair.

CHAIR HOKAMA: Okay, thank you. Ms. Rawlins-Fernandez, any questions you'd like to pose?

COUNCILMEMBER RAWLINS-FERNANDEZ: Not at this time, Chair.

CHAIR HOKAMA: Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR HOKAMA: Ms. Sugimura?

VICE-CHAIR SUGIMURA: Yeah, I'm kind of little bit involved with the history so I'm glad to see where you are now. I know it's a process because there are a lot of people who have used it, the Banyan Tree for years actually and had fundraised as well as educational and that you're kind of gearing it down to where it maybe it should've been. I'm curious about the CRC process and how that goes, and how you interact with that, 'cause I think that's a important component of the whole permitting process.

CHAIR HOKAMA: Corp. Counsel?

MS. DESJARDIN: Thank you, Chair. So, in order sell anything in the historic district, you have to go before the CRC and get approval to do that. Although the permit is issued by Parks, CRC can make recommendations or suggestions, so normally what happens for example in the four festivals that Ms. Peters mentioned, the folks who put the, it was Daryl Fujiwara, is that right, came before the CRC, gave a presentation on what each of those were. I just want to note that legally when the BLNR approved an amendment to the executive order that originally just said it was going to be an open space, they laid down some pretty restrictive requirements of what type of commercial activity could occur through the arts and crafts exhibits under the tree or in the Banyan Tree Park. So, one of the things the CRC looks at, is does it meet those criterias, is it culturally relevant, does it have an educational component? So, there's

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some thought to go into that, it's not just any arts and crafts exhibit. CRC then will approve with suggested conditions. The Parks Department can adopt those recommendations or not. But, if the CRC does not give approval, then they cannot issue the permit, so it's sort of a joint thing.

VICE-CHAIR SUGIMURA: Okay, thank you. Thank you for that clarification. That's it, Chair.

CHAIR HOKAMA: Okay, thank you. You had other questions, Ms. Paltin?

COUNCILMEMBER PALTIN: Yes please, thank you. I just was wondering, I had a couple questions, one came off of the testimony, I guess. From one of my predecessors, has there been any comprehensive review of the costs associated with maintaining the Banyan Tree Park and courthouse or the value of the leases to the courthouse occupants and park vendors? It was in a testimony sent in I think the last one, from former Councilmember Johnson-Weiner.

CHAIR HOKAMA: Director?

MS. PETERS: Thank you, Chair. Member Paltin, not to our knowledge, we have not had any type of assessment on the cost associated with the...we would know what the cost would be to maintain the park, but as far as the value of the leases to the courthouse occupants, no.

COUNCILMEMBER PALTIN: Okay, and the, is it you folks or the CRC if an impact analysis is being conducted to determine overuse and/or possible harm to this historic area? If not, will the State or County be responsible for any costs associated with such a study?

CHAIR HOKAMA: Director?

MS. PETERS: Chair? So, it would be the Department that would have to initial, start that initial process on obtaining funding for any type of study.

COUNCILMEMBER PALTIN: So, that hasn't happened yet?

MS. PETERS: No.

COUNCILMEMBER PALTIN: And then, I had a question regarding one of the testifiers, Bill Smith, like it sounds like he wants to have a event in the park to do art, but of this situation going on right now with the Banyan Tree, is it possible he could have his event with a special permit in a non-historic district park, like four times a year or just wondering?

MS. PETERS: Yeah, that would definitely be a possibility and there are other vendors like Aunty Patty who did reach out and say, can I find another area then if we're looking at culturally significant events, trying to keep it to a minimum there, that maybe we can

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do our, you know, selling of our local made items at another area outside of that, definitely.

COUNCILMEMBER PALTIN: And then you still, you folks still do the one at the Civic Center right now, no?

MS. PETERS: No.

COUNCILMEMBER PALTIN: Oh.

MS. PETERS: No, those have not occurred.

CHAIR HOKAMA: Okay, the Department will answer for the Department.

COUNCILMEMBER PALTIN: And, that was as of January 2018 as well?

MS. PETERS: I'll turn it over to our Permits Officer.

CHAIR HOKAMA: Ms. Almeida?

MS. ALMEIDA: Thank you, Chair. So, sometime at the end of 2017, beginning of 2018 there was some construction going on in the main hall at the Lahaina Civic Center and that's when everything ceased there for craft fairs and was never started up again.

COUNCILMEMBER PALTIN: So, is, seeing that the crafty folk, craft fair people that do crafts aren't at the Banyan Tree and they also don't have the Civic, is their plans moving forward for a location for arts and crafts types of stuff?

MS. ALMEIDA: I think moving forward the consideration of RFP for concession has definitely come to mind because of the cash flow generation.

COUNCILMEMBER PALTIN: Oh, and that's part of the whole package of what you're looking at here as well, no?

MS. ALMEIDA: I'm not sure about that location.

CHAIR HOKAMA: Director?

MS. PETERS: So, as far as the Banyan Tree, that's not what we would be looking for as far as when we finalize our concessions and sponsorship admin rules.

COUNCILMEMBER PALTIN: Because of the CRC portion?

MS. PETERS: Correct.

COUNCILMEMBER PALTIN: Okay.

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MS. PETERS: So yeah, we would want to take it outside of the Lahaina Historic District also just because again we're looking at the cultural significance. We did have some of the other community members come forth and say, you know, there's been too much commercial there, there's the entire Front Street is commercial. So, as part of our concession and sponsorships, what we want to do is then reach out and get RFP, requests for proposals and we say okay we'll designate and it'll be part of those rules that'll state we have all of these areas identified that, you know, has the proper infrastructure, the proper parking, it's safe for us to hold these, and then we'll put out that request for proposals. And then it's the person who has the highest upset bid that would then be able to run that type of event or farmers market or food truck or, you know, whatever it is that we come up with and finalize and then that, again part of Councilmember Hokama's, that special fund that was introduced that he had mentioned, the money would then come back into the Department for maintenance of that areas.

COUNCILMEMBER PALTIN: So, as a whole you basically don't want to do that lottery thing anymore, that's out, pau?

CHAIR HOKAMA: Director?

MS. PETERS: Chair? We're trying to do fair and equitable. There was a lot of concern that it wasn't being done fair and equitably.

COUNCILMEMBER PALTIN: I went couple times, I was the winner one time. It was kind of fun.

MS. PETERS: So, we thought that this process, it's sealed bids, it's turned in to our procurement officer --

COUNCILMEMBER PALTIN: With a standardized procedure.

MS. PETERS: --we follow all of the procurement rules and regulations. You then get a contract and then you are able to conduct business on County property.

COUNCILMEMBER PALTIN: And that's going to be like a permit for a year or so many times a year, it's going to be like one big boss person or?

MS. PETERS: We're still crafting that, the final, those are the final details that we're still toiling with and trying to identify. I would think that we wouldn't want,...it depends on what the upfront capital for that person would be as far as the duration of the contractor.

COUNCILMEMBER PALTIN: So, you're not like looking to make one craft boss person and you just want like to spread it out and be equitable and we don't want to have all the power in one boss?

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MS. PETERS: Yeah, no we're not looking to have it monopolized and we're actually wanting to spread it out amongst the entire County, not just in the west district, so, you know, and art festivals, we kind a look at, like we've had movies in the park, for...we're a Parks Department, it's free, it's open to the public, you come and enjoy a movie in the park. So, you know, that's the type of activities that we want to promote, where it's not only revenue generation, but something for our families to come and enjoy our parks.

COUNCILMEMBER PALTIN: And then I just was wondering it seems like I didn't realize it was 2018 January that or around that time that the crafting stopped at the Civic, I was not paying good attention I guess. But, like it seems like similar around that time, the thing when pop up by the Cannery and by the Fairways and I was wondering if you guys knew like the differences or the similarities as to when it had been held at the Civic and now that it's being held at the parking lot at the fair...Lahaina?

MS. PETERS: Gateway.

COUNCILMEMBER PALTIN: Sorry, Gateway, like do you guys know like is there anything that they're doing that you would like to take away or they're just doing their own separate thing and you have no idea how they run it?

MS. PETERS: Chair?

CHAIR HOKAMA: Answer this, and then we're going to stop the discussion, yeah. We're back, we're going to go back to the park, Banyan Tree Park.

MS. PETERS: Okay, I haven't been...I've seen it driven along and seen it happening, I haven't seen what the vendors are selling, again we kinda want to, when we look in the RFP's and...

COUNCILMEMBER PALTIN: Craft their own.

MS. PETERS: Correct, similar to Made in Maui that's going to be coming up in November. Yeah, so, you know, let's bring the economic back, you know, Molokai, Lanai, for those vendors to come and sell their items, that's what we would be gearing towards.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair, for the leeway, I just, the crafting part and then the County part.

CHAIR HOKAMA: No, no, I understand. This is not a new issue, it's been around, so yeah, there's a lot of historic involved. Yes, Ms. Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, the Lahaina Historic District, what does that encompass, is that all of Lahaina or just certain, what are the parameters around the district and does that cover the EO, or is the EO separate from the district itself?

CHAIR HOKAMA: The EO is within a historic district zone --

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COUNCILMEMBER KAMA: Okay.

CHAIR HOKAMA: --and we have more than one zones in Lahaina.

COUNCILMEMBER KAMA: Okay.

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

CHAIR HOKAMA: Yeah, Ms. Paltin, can share some comments.

COUNCILMEMBER PALTIN: I just met with Annalise last week, she might be the better one to explain it, but there's two historic districts and one is more like, pre-western contact and one is more plantation and one focuses more on structures. And I don't know, but Annalise is the real expert in the audience if you want to talk to her someday, I just learned from her.

COUNCILMEMBER KAMA: Okay, I will do that, I was just curious and so within the historic district, we have the EO which is for the Banyan Tree Park. Okay, I got it, I was just trying to get my head around the parameters of that. Thank you, Chair.

CHAIR HOKAMA: Yeah, yeah, and the EO is way before we had the historic districts. This is Governor Frear time, so long time ago, long time ago. Any other questions right now you folks have for Parks, Members?

COUNCILMEMBER MOLINA: Chair?

CHAIR HOKAMA: Mr. Molina?

COUNCILMEMBER MOLINA: Just one quick follow-up question --

CHAIR HOKAMA: Sure.

COUNCILMEMBER MOLINA: --on the selection process following up Member Paltin's questions. So, the process has, again, has it changed over the years, I know, you know, you've just stepped in now as the new Director and has it always been like this or it's changed now? Because I know you mentioned the CRC, has the CRC has always been involved in certifying whatever, say, you know, you get the bid to do something, it still has to be approved by the CRC?

MS. PETERS: Chair?

CHAIR HOKAMA: Department?

MS. PETERS: Yes, Member Molina, so anything within that Lahaina Historic District that is going to have vending would need to go through the Cultural Resources Commission.

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COUNCILMEMBER MOLINA: Okay, so it's not a slam dunk. I only bring this up, Chair, because in testimony it was saying that there seems to be that perception that only certain vendors or groups get a slight edge over others, so I just wanted to kind of clear that up, if it can be. So, I don't know if Department wants to comment on that.

MS. PETERS: Chair?

CHAIR HOKAMA: Director?

MS. PETERS: So, it was the event that went to the CRC so not the individual vendor, it was the event as a whole.

COUNCILMEMBER MOLINA: As a whole, all right, thank you. Thank you, Chair.

CHAIR HOKAMA: Okay, Ms. Sugimura?

VICE-CHAIR SUGIMURA: Yeah, I apologize if you already answered this question, but I was wondering is, if the Lahaina Restoration Foundation, I think they're located across the street, the Baldwin House, if they were involved in this process, or is Parks taking care of the Banyan Tree Park?

CHAIR HOKAMA: Director?

MS. PETERS: Thank you, Chair. So as far as the maintenance of the park, the Lahaina Restoration Foundation has a grant for that. Everything else was funneled through the Parks Department so the festivals and the arts and crafts and all of those in the past, that had to go of course through CRC and then they would get on the calendar and it was permitted through the Department.

VICE-CHAIR SUGIMURA: Oh okay, I thought maybe since they're there, you know, they could kind of manage it and there's that Visitor Center which the Lahaina Town Action Committee if they still have that, and that's where the vendors go and exchange money there, they can't exchange money under the tree, so I was just wondering how all the different active components in Lahaina are engaged in this.

CHAIR HOKAMA: Director?

MS. PETERS: Chair? So yes, so you are correct, the money is, exchanges in the courthouse area, but currently right now there is no lease of the Banyan Tree Park, it is under County management maintained through a grant to the, with LRF.

CHAIR HOKAMA: Okay, anyone else has a question on this? Ms. Kama?

COUNCILMEMBER KAMA: Sorry, Chair. So, what actually goes on inside of that courthouse? Sorry, I've...

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CHAIR HOKAMA: No, no, no, no, that's a good question, again, the Department can answer cause we know what is allowed in black and white. Director?

MS. PETERS: It's a visitor's center and a museum.

COUNCILMEMBER KAMA: So, there's no...

MS. PETERS: And then the offices for the Lahaina Town Action and Lahaina Arts Society or Guild.

COUNCILMEMBER KAMA: And that's a County-owned facility?

MS. PETERS: Chair? It's executive ordered.

COUNCILMEMBER KAMA: Okay.

CHAIR HOKAMA: We pay the bill, but it's owned by the State.

COUNCILMEMBER KAMA: Yeah, so I was just kind of curious about that, if we own the building, no?

CHAIR HOKAMA: No, we don't. We pay for it.

COUNCILMEMBER KAMA: They own it, but we pay for it. Do we charge people to use it?

CHAIR HOKAMA: We can, if we set up the right mechanisms.

UNIDENTIFIED SPEAKER: Currently, it's leased.

COUNCILMEMBER KAMA: Oh okay, 'cause...

MS. PETERS: Chair?

CHAIR HOKAMA: Director?

MS. PETERS: So, Lahaina Restoration Foundation has been taking care of the maintenance and they've done a good job at maintaining that interior of the courthouse.

COUNCILMEMBER KAMA: Okay, thank you. Thank you.

CHAIR HOKAMA: So, before we, the Chair's going to defer this item so that we can continue to get updates and hear how we're going to move forward with trying to improve this area. So, one of the things I'm going to be asking the Department to work with us, the Committee is of course, yeah, there's continued talk about the cultural component. We always talk about it was lo'i, lo'i area, lo'i fields, so how much of that component should we be considering under restoration and what is its role with Moku'ula, okay, since Moku'ula is something the County has supported for a long time with a lots of

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money, to bring back Moku'ula. So, with this Banyan Tree area, is the restoration of a lo'i more important than one Chinese Banyan Tree? Whose culture we trying to restore? So --

COUNCILMEMBER KAMA: You asking me the question?

CHAIR HOKAMA: --there's going to be some big decisions down the road of what we're going to be maintaining or what we're going to be restoring, okay, and what...

COUNCILMEMBER KAMA: Did you want an answer now?

CHAIR HOKAMA: No, because right now, I don't think there's a perfect answer, yeah, we're going to have to work with this, we're going to need to get community comments cause they'll be different points of view, but we're going to need to make some decisions down the road, because we're going to reach the conflict point, where it's going to be banging each other, the existing versus the restoration priority. So, I just bring it up because again yeah, we haven't talked about it much in this Committee, but we've worked hard on Moku'ula and I would not let project slide away quietly, yeah, that's a very important point for this island, the restoration of Moku'ula. Any comments, Members, before deferral, last comments? Again we're going to look forward to the Department moving forward, the concession rules and regs is critical to making things happen for the financing of maintenance and improvements. Yes, Director?

MS. PETERS: Chair, I had just one update that I forgot to mention is that Halloween will be happening in Lahaina, although the Banyan Tree area will not be permitted for any type of event and just in line with our keeping it culturally significant.

CHAIR HOKAMA: Okay, thank you for that. Anything else, Members, you guys want to bring up at this time? Okay, with no objection we'll defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR HOKAMA: Okay, this item is deferred. We'll take a five-minute recess, Members, 'cause I would like to at least have some discussion and see where we go with the HFC-29. Okay, we are in recess. . . .(gavel). . .

RECESS: 2:42 p.m.

RECONVENE: 2:49 p.m.

CHAIR HOKAMA: . . .(gavel). . . Okay, we're back in order.

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ITEM HFC-29: PROHIBITING COMMERCIAL OCEAN RECREATIONAL ACTIVITY AT WAHIKULI WAYSIDE PARK (CC 19-344)

CHAIR HOKAMA: Members, we have one last item I'd like to have us have at least a review this afternoon. It's under HFC-29, the heading is Prohibiting Commercial Ocean Recreational Activity at Wahikuli Wayside Park. As all of us know, this is in the west side, between Lahaina and Kaanapali. I'll ask first Parks Department if they have any opening comments regarding the proposal.

MS. PETERS: Thank you, Chair. So, in recognizing that the shoreline is enjoyed by our local community and in keeping with the prohibition, in line with the prohibition of CORA activity at Hanakao'o, the Administration felt that this would be appropriate to prohibit CORA activity, total prohibition at Wahikuli Park. Just to give you some insight too on some other changes. We did have a public hearing, we also felt that the Sundays and holidays should be open for our local resident use and families gathering, so we did a public hearing on October 1st, in which we had no one come out to testify and so those rules will be, admin rules will be amended to where there will be no CORA activity on Sundays and holidays at the permitted, the other permitted parks. But for Wahikuli, this would be a total prohibition seen in line with Hanakao'o. Thank you, Chair.

CHAIR HOKAMA: Okay, thank you, Director. Corporation Counsel, any comments you'd like to share with the Committee?

MS. DESJARDIN: No comments. Thank you, Chair.

CHAIR HOKAMA: Okay, the Chair will just note for the Members, this is the same language that we have already enacted through the Code on the previous item as the Department has said regarding Hanakao'o Park. Ms. Sugimura, any opening questions you'd like to pose?

VICE-CHAIR SUGIMURA: Yeah, I do. So, what is the reaction with CORA? I remember when we tried to change their permit, whoa they're all here last term in force and I think they probably heard loud and clear the Hanakao'o Beach Park, Canoe Beach and, you know, that response, but now we're doing another park which is an adjacent park, what have they said, CORA --

CHAIR HOKAMA: Department?

VICE-CHAIR SUGIMURA: --changing the rules on them?

MS. PETERS: Chair? So, there are no permitted CORA users at Wahikuli currently. The admin rules call, they do state that we can issue permits there, but there's nobody currently there permitted, no vendor permitted, so we haven't gotten any feedback or again, you know, it's I think that Hanakao'o and the community coming out set a tone and so we wanted to follow through with Wahikuli in seeing that, you know, those little, our little pavilions there are very well utilized. People just go there to enjoy the

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sunset, family picnics are there on the weekends, so we felt appropriate that this would be good to implement.

VICE-CHAIR SUGIMURA: One last question, so what is the State doing, 'cause I, we, high-water mark is us and high water-mark down is them, so what is the State doing in connection to everything that the County is?

CHAIR HOKAMA: Director?

MS. PETERS: Chair? So, we do...we did have conversations with the State and we will be continuing conversations because they do also feel that we should be in line, so if we're prohibiting at a beach park, that maybe that part of the ocean would then be, we would follow the same, so it would be easy for both of us to enforce 'cause right now we're, to get to the waters you need a permit. So, we have people in the waters, they may be going through, you know, at Wahikuli illegally, so we felt that if we can work together and we will continue to work together with the State. It'll take a lot more on their part to change a lot of rules with their ocean activities, but we will definitely keep that conversation and maybe...both entities feel that it would be beneficial.

VICE-CHAIR SUGIMURA: Thank you. Thank you, Chair.

CHAIR HOKAMA: Okay. Ms. Kama, any questions at this time?

COUNCILMEMBER KAMA: Just one, so there are no CORA activities happening at the park, but are there any activities happening in the water?

CHAIR HOKAMA: Director?

MS. PETERS: Thank you, Chair. So, right now that would be a question that we would have ask the State because they would issue those use permits for the water. We could get that information for you from them if you would like to request it, yeah.

COUNCILMEMBER KAMA: Oh, I don't think, I mean, I don't need it because I think that if we're going to say that this is what we want to do and we want them to fall in line too, so hey, I'm hoping that they don't have anybody that's doing business 'cause it's easier to implement this if we're both on the same page, on the same line, and the same word and to say no activity in the water or out of the water. And it's easier to control like that and not to have you enter in from one park and then you can come in from another park, I mean, but I like the idea that we're taking a proactive stance. So, thank you, Chair. Thank you, Director.

CHAIR HOKAMA: Okay, thank you. Mr. Molina, anything at this time?

COUNCILMEMBER MOLINA: Thank you, Mr. Chair. Well, you know, the Director answered my one question I had which was the number of permittees which you easily answered that question. But no, Mr. Chairman, I just want to just applaud the Administration for the taking this stance as we heard about earlier, the Administration is now

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prohibiting Sundays and I think holidays for commercial activities and showing a lot of sensitivity to our residents and also for the cultural aspect of things, so Mr. Chair, just ready for your recommendation. Thank you.

CHAIR HOKAMA: Thank you. Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'll echo my colleague's comments, mahalo for taking a proactive stance. That was really my only question about if there are any CORA permits and it sounds like there aren't and that they, there wouldn't be really any impact. And so, yeah, I will be ready for your recommendation and to vote. Mahalo, Chair.

CHAIR HOKAMA: Ms. King?

COUNCILMEMBER KING: No questions, just echoing what my colleague said, so I'll leave it at that.

CHAIR HOKAMA: Thank you.

COUNCILMEMBER KAMA: You're all welcome.

CHAIR HOKAMA: Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering if the previous CORA operators from the Hanakao'o stoppage had been relocated and that they're okay in their new locations at this point?

CHAIR HOKAMA: Department?

MS. PETERS: Chair, I'm going to turn it over to our Permits Officer.

MS. ALMEIDA: Thank you, Chair. So, we have relocated them to Papalaua and I believe all to Papalaua at this time.

COUNCILMEMBER PALTIN: Okay, and there wasn't anyone on Wahikuli from last year?

MS. ALMEIDA: No, the last...I have it here. The last time that we had a permit at Wahikuli was Fiscal Year 2017 and that was not put forward on their renewal applications for 2018.

COUNCILMEMBER PALTIN: Okay, thanks. And I can answer Councilmember Kama's question if you want. I think the way that the State issues their permits is through the ORMA, Ocean Recreation Management and they issue it for like, you know, a wide area of ocean and then it's up to the operators of where they're going to access from. And so, if they access off like Kaanapali, if they have a permit to work off of there, then they can access it, but like at the CRC Commission we had some surf schools that thought that they were okay because they had the State permit, but the State permit

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doesn't allow you to cross County line, but once you're to the ocean, which is the State's jurisdiction, your area in which you can operate is, you know, a big swath of area in Lahaina. And I don't think it would be easy to bring the two in line because the parameters that the State has is so big and the different types of activities, like, you know, parasailing and whatnot, they launch out of Mala and then they come out in front of Kaanapali. So, if there is coordination with the State and the County, I think the best thing or way to go about it is to redeploy the swim zone buoys and, you know, choose appropriate markers. I think there were a little far in before, but to get those GPS coordinates is a big, long task, but I think that would be the best way for the State and the County to work together is to, you know, set up a perimeter of especially non-motorized vehicles because we have had some deaths off of Wahikuli, Hanakao'o area due to the intermixing of swimmers and boaters and things like that.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR HOKAMA: Okay, thank you for sharing that, Ms. Paltin. Anyone else has questions they would like to pose at this time? You guys went beat me 'cause we don't have a question yeah. I was just playing.

COUNCILMEMBER KAMA: I move.

CHAIR HOKAMA: Okay, so before I give you the, very shortly the recommendation, Members, I was just going to say that I appreciate the Department being very open to working with the State counterparts. I would agree, that way we can have a conformity in application and in certain things 'cause I like the use of the buoys to designate where they can enter for ingress and egress purposes so it helps enforcement know where the permitted area is. It's hard when you don't have those demarcation signs. And again, my Lanai diver died with his buoy and flag, so again, ocean safety is for me very serious, especially our liability side, Director, so I appreciate you taking it as seriously. But I would say I fully support where we can get conformity and consistency, especially the gray area between on the high-water mark, that gray area between State and County jurisdiction, 'cause I think it'll help enforcement on both sides, your park enforcement, DLNR's enforcement, if you need Coast Guard, DOT, State Sheriffs, it'll be I think a lot easier for us to prosecute wrongdoing. So, with that and again I'm like you many, I thought we would have additional public comment on the proposal but the Chair's going to recommend to this Committee that we send to Council for passage on first reading, A Bill for an Ordinance Amending Section 13.04A.290, Maui County Code, to Prohibit Commercial Ocean Recreational Activity at Wahikuli Wayside Park; allow Staff to make any non-substantive changes; and the filing of all appropriate communications.

VICE-CHAIR SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR HOKAMA: Motion by Ms. Sugimura, seconded by Ms. Kama. Any discussion Members? With none, all in favor say "aye."

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COUNCILMEMBERS VOICED AYE.

CHAIR HOKAMA: Opposed, say "no." Motion passes with seven "ayes."

VOTE: AYES: Chair Hokama, Vice-Chair Sugimura, and Councilmembers Kama, King, Molina, Paltin, and Rawlins-Fernandez.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending FIRST READING of bill and FILING of communication.

CHAIR HOKAMA: I thank the Members. Thank you very much, Department, for your assistance, and thank you, Staff. We are done and adjourned. . . .(gavel). . .

ADJOURN: 3:01 p.m.

APPROVED:



RIKI HOKAMA, Chair
Healthy Families and Communities
Committee

hfc:min:191003:kk

Transcribed by: Kimi Kusumoto

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CERTIFICATE

I, Kimi Kusumoto, 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 24th day of October, 2019, in Wailuku, Hawaii

A handwritten signature in cursive script, reading "Kimi Kusumoto", is written over a horizontal line.

Kimi Kusumoto