

MAUI COUNTY CULTURAL RESOURCES COMMISSION
REGULAR MINUTES
JANUARY 4, 2018

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission was called to order by Chairperson Lori Sablas at approximately 11:01 a.m., Thursday, January 4, 2018, Planning Conference Room, 250 S. High Street, Wailuku, Island of Maui 96793.

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

Chair Sablas: Aloha kakahiaka. Good morning everyone. Hauoli Makahiki Hou. Mahalo. Mahalo for being in attendance today. We will try to be -- do our business. I see there's a lot of people here signed up to testify. If you haven't yet, there is an ongoing list to testify here, so that being said, I'm going to call the first meeting of the Maui County Cultural Resources Commission to order.

Okay, now I know that there's many of you here, and I know, you know, you may have some time constraints, so I'm going to open the meeting with the public testimony, however, I would like to have, being that we have so many people here, really ask you to please be as concise and short as possible if you can, we will allow three minutes, but if you can keep testimony shorter, that would be appreciated so that we can have everyone's mana`o shared today. Also, if we could have all of our testimonies, if possible, we'd like that -- we'd like to proceed with that. Now, I brought my little kahili here because, you know, I don't have a timer, but anytime I raise this yellow kahili, that means you got one more minute, okay, to wrap up, if you can, and then when I make like this, it means all pau. You okay? Okay. And again, thank you. We want to hear your mana`o, but I also want to ask all of you to be respectful of each other's opinion, please. No -- no reaction to people's testimony. Your testimony should be directed to us, the Commissioners and staff, and not to each other, okay? We going be kind. We can do that? Okay. That being said, then I would like to, unless anybody had anything else to say? No? Open this meeting to public testimony. I will start with the sign-up, and first on the list we have, okay, Peggy Robertson.

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Maximum time limits of at least three minutes may be established on individual testimony by the Commission. More information on oral and written testimony can be found below.

Ms. Robertson: My name is Peggy Robertson, and I've lived in Lahaina for 22 years and have been a member of Lahaina Art Society for 21 years. I sold art under the Banyan Tree for 7 and also continued in the gallery for the next 20 years and was on the LAS board to 2 years. I also ran the free art instruction for children for 2 years as a volunteer,

and the scholarship program for two years selling art for the rest of the time at the gallery. The history of selling art under the tree was started by Stephen Sands and Cecilia Rodrigues. I'm passing around a newspaper from 15 years ago that's got a lot of that history for you. They went to the Lahaina Art Organization and petitioned the Mayor, Eddie Tam, and other officials to sell their art under the Banyan Tree, which started the tradition 50 years ago. All of our artists must live on Maui where their art is created. LAS has been the starting place for many fine artists, hundreds actually, that went on to show and even own other galleries, an example like Sherrie Reeves or George Allan. I don't believe crafts from other countries should be sold under the Banyan Tree. I believe local people started selling here and it should always be local art. I don't think other country's sales should be competing with our things. An important -- and it's important -- I'm sorry, LAS helped make Maui one of the top places in the country to sell art because everyone went on to start their own galleries and be in other galleries. It's important that we show respect for the hundreds of artists who have made Maui an art center and make sure that these artists be able to continue selling art under the Banyan Tree, and if any other group wants to sell art or crafts from other countries, let them start someplace else and put in their 50 years of dedication. Thank you.

Chair Sablas: Thank you, Peggy. Can you please hold the applause, please? Any questions from the Commissioners?

Ms. Robertson: I have copies because I didn't know that you could send it over the computer so I'll pass it ...(inaudible - not speaking into the microphone)...

Ms. McLean: Madam Chair, the next testifier is Erin Brothers.

Ms. Brothers: Hi. I was hoping to testify in relation to the discussion for item 2. I'm not sure what the discussion's going to be about. Is it possible for me to testify after?

Chair Sablas: Yes.

Ms. Brothers: Okay.

Chair Sablas: I'm sorry. If you want to wait until item 2, you'd have to go through everybody, and then we have the discussion, are you prepared --

Ms. Brothers: That's fine. I'd like give relevant testimony. I'm just not sure what the discussion's going to be about yet.

Chair Sablas: Okay.

Ms. Brothers: Okay. Thank you.

Ms. McLean: Madam Chair, the next testifier is Patty Nishiyama.

Ms. Nishiyama: Aloha kakahiaka. Good morning. My name is Patricia Nishiyama, aka Aunty Patty Nishiyama, Na Kupuna O Maui, Aloha First nonprofit organization. Also in 2004, Mayor Alan Arakawa created Na Kupuna O Maui Council to the County of Maui. The festivals and the fairs celebrated at the Banyan Tree Park on the weekends and holidays are of one of a kind experience. Visitors from all over the planet gather under the -- under the almost two-acre spread to learn about customs and arts and achievements, history, and the business that is unique Lahaina. Cultural practitioners, dancers, players, musicians, historian join forces to demonstrate first-hand the spirit that is truly a mark of our closeness community. It is aloha that Lahaina is spreading. Nonprofits have stage events over the decade to honor the ali'i, celebrate memorable occasion, organize parades and significant ceremonies that express and demonstrate the meaning sense of this ancient place. Lahaina Arts Society and Lahaina Town Action has most especially Heui Cultural Festival has taken the lead for decades to fulfill this important need on this ceded land that was one the sacred kalo of Pi'ilani. This is our mission spreading the awareness and educating guests and -- and community what is aloha and Hawaiian history of the Capitol of the Kingdom of Hawaii. The Festivals of Aloha, King Kamehameha Day Parade, Festivals of Canoe, and Emma Sharpe Hula Festivals are just several events to name a few. They are hosted by our Banyan Tree coalition. We are proud that this is our mission, and along with the sponsorship of our cultural practitioners, artists, crafters, and the various charitable organizations that we have hosted. Hand-in-hand, these three nonprofits have worked together to establish a unified front. It is what we value. With this in mind, we especially request that you approve the 2018 schedule submitted wherein based on amendments for the use of the first established by the Department of Land and Natural Resources. In 2000, Maui District Land Agent --

Chair Sablas: E kala mai, Aunty Patty.

Ms. Nishiyama: Oh, e kala mai.

Chair Sablas: If you can wrap up, please?

Ms. Nishiyama: Yeah. Okay. So anyway, I do have here -- we would like for you to move our calendar forward, but I do have here the Executive Order, so I will give it to everyone.

Chair Sablas: Give that to the staff.

Ms. Nishiyama: Yeah. Okay, dear. Mahalo.

Chair Sablas: Any comments, questions? Thank you, Aunty Patty.

Ms. Nishiyama: Okay, aloha.

Chair Sablas: Aloha.

Ms. Nishiyama: Have a blessed day. Hauoli Makahiki Hou. Mahalo.

Ms. McLean: Madam Chair, the next testifier is Addie Rodrigues.

Ms. Rodrigues: Aloha kakahiaka. Good morning. My name is Adeline Kamaileolihau Kaahui Rodrigues. I am from Olowalu. I am kupuna hulu for Na Kupuna O Maui. Na Kupuna O Maui is working with the State and Office of Hawaiian Affairs to acquire the lease for Lahaina Banyan Tree and Lahaina Courthouse and also the Kamehameha Iki Park. This is ceded land that belongs to our Hawaiian People. We will work together in unity with Na Aikane O Maui and other Hawaiian organizations. Keep Hawaiian lands in Hawaiian hands. Mahalo.

Chair Sablas: Mahalo.

Ms. McLean: Madam Chair, the next testifier is Mary Ann Leigh.

Ms. Leigh: Aloha. My name is Mary Ann Leigh. My husband and I came here on vacation in 2000, and we weren't a mile from the airport and my husband said, "What's that?" And I said, "I don't know but I like it." It was 9:00 at night and we didn't know what it was but we like it. Our goal from that point was to get here and be here. Once we arrived here, I started taking pottery classes, first at the college, then at the hui. I became a ceramic artist. I also studied watercolors and Peggy, sitting over there, one day looked at me and said, "There's something going on. Go to talk to the people at Lahaina Arts Society." They juried me in and I had become an artist because of the Banyan Tree, because of Lahaina Arts Society. The State of Hawaii has purchased my work. I have had two pieces put into the State of Hawaii Museum of Art for two-year exhibits. I currently have a piece in the State Capitol Building on exhibit because of Lahaina Art Society and because of the Banyan Tree; seeing the faces of people who fall in love with my work. When local folks come to visit the Banyan Tree, they are delighted to see the unusual artwork and hear that it's made on Maui. Every single piece I make, I initial, and sign, and carve Maui on the base. They can take that home, not made in China, not made someplace else in the world. They take it home because it says "Maui" on the bottom. They also enjoy meeting the artists and learning about the artwork we create, our techniques, and seeing how much joy we put into every piece. I love seeing the faces of people who fall in love with my artwork; sometimes they burst out laughing; some have shed tears. I've had conversations with people as young as three-and-a-half about art. They felt it. And they understood it. They really did. And parents teared with pride. I'm hoping you understand how important it is to have artwork that is all made on Maui showed and sold under the tree. Most people have been to the Banyan Tree and found original artwork and chatted

with the artists, it becomes part of your reason to come back year after year, or every few years to collect artwork and see how we've grown year to year. The Banyan Tree art fairs are an important part of Maui and Lahaina experience --

Chair Sablas: I'm sorry. Your three minutes is up.

Ms. Leigh: Okay.

Chair Sablas: I know it goes really quick.

Ms. Leigh: Yeah. Please help that unique experience to continue for everybody.

Chair Sablas: Thank you.

Ms. McLean: Madam Chair, the next testifier is Kanani Higbee.

Ms. Higbee: Aloha kakahiaka kakou ...(Hawaiian language)... Good morning. My name's Kanani Higbee, and I'm the Hawaiian cultural practitioner at the Banyan Tree. I make leis, and my daughter here also helps to make leis, and it's been a very big part of our life. My husband passed away when my daughter was three, and Patty Nishiyama was kind enough to see that we needed help and the income I made at Lahainaluna High School wasn't enough to get us by so she offered for me to work at the Banyan Tree and it's helped to make ends meet, and it also gave us an opportunity to embrace our Hawaiian culture. My mom is a full Native Hawaiian, and my children also olelo Hawaii, we all olelo Hawaii at home, and thanks to Heui, they give money to my daughter's Hawaiian immersion program, and it's been a blessing that we've been able to benefit so much from Heui, from the Banyan Tree. And I just -- I think it would be tragic for our household, for my daughter, for her classmates, for the Hawaiian community if we didn't have Heui there at the Banyan Tree because they help us embrace our culture in numerous ways. Thank you for your time.

Chair Sablas: Mahalo.

Ms. McLean: Madam Chair, the next testifier is Eric Demaria.

Mr. Demaria: Good morning. Thank you for allowing us to testify. My name is Eric Demaria. I'm the President of the Lahaina Arts Society. It seems the issue started when the civic center closed for a year for renovation and the group that was showing their art fair there needed another venue. From the Maui Times, Maui Gift and Craft Fair has relocated to the Lahaina Gateway Center. They now have 52 Sundays over at the Gateway Center, and they've also secured the site right next door to the Banyan Tree, ten feet away from us, at the Kamehameha Schools, which gives them 104 art fairs. We share the Banyan Tree, the Arts Society does. Last year we had 38 art fairs. It seems

the issue last time around was fairness. My question is if they are included, do they go to 120, while we reduce to 25? What's fair?

Chair Sablas: You're just giving testimony for now.

Mr. Demaria: Correct.

Chair Sablas: No questions.

Mr. Demaria: I'll take questions if you have them.

Chair Sablas: Any questions from the Commissioners?

Mr. Lay: I have a question. We might have some questions later on. I'm wondering if you'll be available and if it's alright with the Chair, that we can recall you?

Mr. Demaria: I will stay here till the end of the meeting.

Mr. Lay: Thank you.

Ms. McLean: Madam Chair, the next testifier is Susan Dancil. Susan Dancil?

Ms. Dancil: Hi. Thank you. My name is Susan Dancil, resident of Maui since 1986, married to kanaka maoli, reside in Keokea. I've been a vendor and a supporter of Heui and Na Kupuna O Maui since its first day of conception in 1999 or 2000 driving 90 miles to support this event, Heui, and my husband is a slack key musician and sing songs in the Hawaiian language. If anyone here doesn't think this is about a cultural genocide, you are really part of the misinformed masses. Every time a Hawaiian tries to stand up for, protect, or even take back a spiritual part of their cultural rights, they're hit with a bullet, not the lead bullet that killed and conquered millions of Native Americans, but one that's called "Constitutional Freedoms of the American Government." The cries of Hawaiians are drowned out by you don't have the rights to fish in this place, it belongs to the Ritz-Carlton; you don't have the rights to this water, it's for our sugar cane; you don't have the rights to this land, it's private property regardless if its ceded, adverse possession, or quiet title; you can't go to Kamehameha Schools, there's not enough money to educate you Hawaiians, why don't you go to Seabury; you can't find a place to live, we'll build you some cheap apartments, wait a few more years; no place to grow some food or raise some animals, head right on over to Jack in the Box or Krispy Kreme, it's a lot cheaper than that crazy organic stuff. Eighteen years ago, Aunty Patty and Na Kupuna O Maui battled to have an opportunity to share the Banyan Tree with a slightly monopolized LAS venue that had been there for 30 years. She invited some Hawaiian people that could afford to be artisans, if they weren't working three jobs to support their family, and some good-hearted haole artisans that put their heart and soul into the local

style of handmade crafts and gladly and supported Heui's outreach to keiki, Na Kupuna, Aloha First, Punanaleo, and let the swap meet and many Front Street stores to become the commercial import products that fueled the flames of tourism. We've had the kupuna come out under the tree and share their mana`o, we've had keiki sharing, singing their oli and hula, we've had multi-cultural events called the "Polynesian Festival of Canoes" with builders from all over having featured awesome artists, like the Hoopi`i Brothers, Pekelo, the Brown family, George and Keoki Kahumoku, and many others. Tourists are moved by this and educated representation of Hawaiian culture.

Chair Sablas: Three minutes. You have one minute.

Ms. Dancil: It needs to be sustained. We should all be in respect for what Aunty Patty has done for the Banyan Tree, for the preservation of the remains of such a historical and sacred location, Lahaina and Moku`ula, and respect kanaka maoli. Ua mau ke ea o ka aina ika pono. Mahalo.

Chair Sablas: Mahalo.

Ms. McLean: The next testifier is Earl Love.

Mr. Love: Aloha and good morning. I've been in Hawaii now since November of '92, and a majority of the time that I've been here, I've heard about the Hawaiian struggle and what's been taken away on a consistent basis; that's why you get a lot of the bruddahs mad right now. But, back to what we're here for. My art was accepted under the Banyan Tree. I make stuff out of the deer antler, and I think that nothing but local products should be sold over there and made over there. I know you said don't comment on anybody else, but like the man said earlier, we're already lacking on days as it is. I understand that's the nature of the crafter's game, but we're already lacking, and I look at it like this, if it ain't broke, don't try to fix it because everything is going fine like it is, I have no malice toward anyone that might be trying to make this move, but I do -- I am in protection of my family's finances. Now it's already hard enough in Hawaii no matter what type of job you have, everyone knows that, and so to be able to have your days reduced even more, and, you know, it falls maybe 21, 23, I can see that, but I'm in my 50s, and so, you know, it's not that easy to go out and get a couple, three jobs anymore especially with a large family, and so, you know, for me, like I said, if ain't broke, don't try to fix it. There's enough people out there as it is and I'm all the way with keeping Hawaiian lands in Hawaiian hands; that's where we should be focusing at right now is making sure that it stays local, make sure it stays Hawaiian, it doesn't make any sense to have it anything else, and I love it when people come and they know that everything there was made by the person selling it. Everything there was made by the person selling it. It didn't come from the Philippines, nowhere else. Everything there is made by the person selling it even if -- even if -- for the people that make t-shirts that have sold under the Banyan Tree, they made them here on

Maui. And so I don't know where your minds might be right now, but I'm hoping and praying that all of you are willing to keep Hawaiian lands in Hawaiian hands. Thank you.

Chair Sablas: Mahalo.

Ms. McLean: The next testifier is Sie Patel or Sue Patel.

Mr. Patel: It's Sne Patel, for the record, President of the Lahaina Town Action Committee as well as manager at the Peter Lik Gallery on Front Street, and I thank you for hearing us all, and I thank the council for the being here. This is about change and, you know, brother said it right, if it ain't broke, don't fix it. You guys have a tough job. And if you haven't walked down Front Street lately, there's -- there's a lot of change happening there that's to the detriment of the culture and the history of Lahaina itself and a lot of rules aren't being enforced. You know, how much more change are we going to have? So I would like to urge this council to pass the dates that already have been submitted by the Lahaina Town Action Committee as well as LAS and Heui, and, you know, you know what you get with these organizations that are already there, they're well-established for a number of years. We don't know what these new organizations are going to give and provide. I don't know there's already talk of them bringing in things from China, elsewhere to sell. You can't -- you can't know. With the people that are already under there, you already know what you're going to get, and it's a well-established history there. Cultural and tradition. Those are things that are being lost. And so I think if you move forward with some of the changes that have been lobbied for, you're going to lose a vital part of what was originally a plan for the Banyan Tree was to retain that culture and tradition that you keep hearing about. So that's pretty much it for me is I'd like it to stay the same because we already see a lot of change happening. Thank you.

Chair Sablas: Mahalo.

Ms. McLean: The next testifier is Fileena Bahrus.

Ms. Bahrus: Aloha. Good morning, ladies and gentlemen of the Cultural Resources Committee. It's kinda hard to follow everybody else's lead. I was going to talk about most of the same things that they had to say, but I wanted to just let you know that I've been one of the artists under the Banyan Tree with the Heui and the Lahaina Town Action Committee. I make one of a kind mix media collage wearable art and that all of us under artists under the Banyan Tree create our own art in different mediums. All the products are made here locally by artists who meet under the tree. They're mass produced in any way. We also direct visitors and locals to various shops, restaurants, shows, activities; anything that they may enjoy on Front Street as well, all day, every day that we're there under the tree. I just have so much to say, I can't get it all out. Being able to share my art while being a part of and giving back to the community has been one of the best experiences of my life being under the Banyan Tree, and art as well as the artists, it's a

part of the visitors' vacation when they see all of us under the Banyan Tree whether it's the first time they come or they come every year. There's been art under the tree for as long as I can remember, even my parents told me stories of art under the tree, and my father was a very famous artist in San Francisco, and I know I wrote it in a letter to you guys but he would always comment on the waves, how beautiful they were, and how he couldn't paint as well as some of the artists under the tree and how they encouraged him to do that, so it was such a big part of our life, the Banyan Tree, me growing up even in San Francisco. It's been a part of Lahaina and Maui for so long I can't imagine changing that by having the tree opened up for any others who may not hold true to the artist aspect of what the Banyan Tree stands for in the community, and changing something that has worked so well for so many years makes no sense. And for myself, it has been an honor and a privilege to be with Auntie Patty's group under the tree. And I think everybody here is of support of Patty and Lahaina Arts Society, and the Lahaina Town Action Committee, I mean -- and I just wanted to say, with all of your help and support, I hope to be a part of it for many, many years, and I thank you for your time and energy. Mahalo.

Ms. McLean: The next testifier is Michael Stark.

Mr. Stark: Good morning. I didn't bring any prepared notes but I did send a ten-point letter that's in your attachments, in your letters that were emailed. I just want to, I don't want to reiterate what everybody else has said, but I want you to keep it in the forefront of your minds that artists need a park. If you've traveled in the Mainland, you've seen that over the last couple of decades there's been a movement for art in the park. Artists just -- fine artists don't make it at a craft fair or a swap meet. It's gotta be something classy and art-related and that's like the perfect location. My -- my -- I've been doing it 25 years, off and on. I've owned galleries before. When the recession hit, thank God I was able to go back to the tree and survive the recession. So my oldest kids grew up under my feet at the Banyan Tree. My oldest became an artist. I was talking to Angus McKelvey the other day and he grew up around his mother's feet under the Banyan Tree, so that place has a history of fostering artists and, last I heard, Maui was like the number three art market in the world so this is the only place we've got. It's the nest that the fine artists are born from so please keep that in the forefront of your minds. Thank you.

Chair Sablas: Mahalo.

Ms. McLean: The next testifier is Ellen Lavinsky, followed by Marty Wolff.

Ms. Lavinsky: Aloha kakahiaka, Cultural Resources Commission. My name is Ellen Lavinsky. Thank you for allowing us to testify. I've lived in Lahaina since 1985. I've sold at the Banyan Tree Art Fair since then, not only with Lahaina Arts Society, but Aloha Festivals there, different cultural events. I now sell with Na Kupuna O Maui. I was privileged that Auntie Patty accepted me and my art. I create jewelry and pictures with natural bird feathers from introduced species of birds here in Hawaii, pheasant, peacock,

I make pictures for people with their pet parrot's feathers, and I also, while I'm selling, meet many people from the island and visitors who own birds, we have great bird conversations, not only about their pets, but how the Hawaiians used feathers in their culture, and I make them pictures with their own bird's feathers. When I started at the Banyan Tree, there were between five and ten people coming to set up, sometimes we didn't sell anything, and we talk, the painters would be painting, other people would be working on their art. It was a real good community feeling. And as time went by, more artists joined and Lahaina became known as the big art capitol. Eventually, more galleries, not only of resident artists, but from the Mainland opened up in Lahaina to start that tradition. So my opinion is the Banyan Tree is a cultural resource. It started from grassroots people coming there and developed into now an internationally known art event of people who live on Maui, make what they're selling, and you get to talk to them individually. I hope you continue to keep that tradition and keep it in the rules that what's sold under the Banyan Tree must be made on Maui by people who live here and presented by those people. Lahaina Arts Society sponsors free children's art classes at low-income housing, the homeless shelter, Women Helping Women, also at some of the schools on Maui, Lanai, and Molokai through the years. I've taught at two of the classes for 25 years. I frequently have adults come up to me saying, "Hi, Ms. Ellen. I was in your art class." Art has been deleted from the school programs a lot for budget cuts and it is so important, not only for a person's spirit, but it's been proven that doing art helps enhance your English, your math, your science, your learning abilities, your problem solvings. We also have Lahaina Art Association that sponsors those events and sometimes art under the tree for children. Heui Na Kupuna sponsors -- some of the proceeds go to supporting at Princess Nahienaena School, there's the Hawaiian immersion program. I have three grandchildren that have been in that program --

Chair Sablas: Sorry, Ellen. Your three minutes are up.

Ms. Lavinsky: Okay.

Chair Sablas: Can you --

Ms. Lavinsky: So I wanted you to continue to have the rule that you have to make what you sell under the tree, please approve the calendar that was presented to you in November for the groups to be selling, and I also wanted to say all three groups allow new members. Anybody who makes what they're selling can apply to each of the three groups sponsoring art fairs and be accepted if they're appropriate for it. Thank you --

Chair Sablas: Thank you.

Ms. Lavinsky: For listening to my testimony.

Ms. McLean: The next testifier is Marty Wolff, followed by Ted Loberg

Mr. Wolff: Hi. My name's Marty Wolff. I guess I'm the haole artist referred to earlier. I'm a member of all three groups and a lot of grounds been covered. I just wanted to mention that since I sit there year-round for years now in all three groups, I get to see the light and the joy and the music and the singing and the visitors enjoying everything about what's going on there currently. I feel threatened security-wise as well by the idea of my income being reduced and my family not having the income they enjoy now. To not go over anything else would be to say I understand financial needs. I have an opinion that if the civic center hadn't shut down, we wouldn't be here today. And also that this group applying and the groups that will surely follow, they're primary motive is to make money, period, without anything and they'll disguise it as a cultural thing, but we already have that. There's no need to do anything but perhaps enhance and enrich the existing groups. To that end, I just wanted to bring up one thing that hasn't been which is I understand there was an issue years and years ago and then someone finally figured out let's turn on the water for the Banyan Tree, and its thrived, it was struggling, and now it's doing just fine. So I know that this woman over here, this Hawaiian cultural spiritual warrior, Aunty Patty, and LAS, and LAC, to some extent, could use more income and I want to open the idea of perhaps revisiting, if you're revisiting, the idea of taking that rest weekend, where the tree no longer really needs to rest, and maybe allowing these groups to not have to struggle financially by giving them a few more opportunities to do what they're already doing, which is enriching the community. Thank you.

Chair Sablas: Mahalo.

Ms. McLean: The next testifier is Ted Loberg, followed by Ui Kahue.

Mr. Loberg: Good morning, and thank you very much for having us. My name is Ted Loberg. My comments apply to Lahaina Arts Society, the Aunty Patty, the Heui, and Lahaina Town Action Committee. Lahaina Arts Society has nurtured artists for over 50 years, and from its inception, artists had begun their careers in the gallery and under the Banyan Tree and achieved success locally, nationally, and internationally. Each artist in LAS has been juried in by an experienced member artist by their peers, and each artist creates all their own work here on Maui. Everything must be created by the artist. As we meet today, current artists welcome new members, mentor them, and help them fulfill their artistic dreams and share their artwork. Further on this goal, LAS supports and provides a venue for artists under the Banyan Tree for an island-wide event held every year in February called "Maui Open Studios." This is the eighth year for that. During the month, 100 artists plus open their studios to the public. Art collectors from Maui, the other islands, the Mainland, and all over the world come and visit the artists and see their work. Many starting and continuing artists of LAS members do not have adequate studio space, they cannot display, they cannot invite people to visit them at their studio, so LAS has stepped into the void and provides exhibition space under the tree for the weekend of February 17 and 18. Without the Banyan Tree, as many as 25 members would be unable

to sell their art, show their work, and meet the collectors. I need to emphasize that in order to be a member of LAS society and show under the tree, each artist must be juried in and must demonstrate how they create their own work. This applies to the other organizations because anybody is welcomed. Being able to sell under the tree allows artists to provide not only original local work for their family to make a living, for many LAS members, this is their only source of income. Many residents and visitors to Banyan Tree come back year after year to make -- to buy work made on Maui. In closing, I hope you'll continue to allow artists and crafters who are creating their own work on Maui to be able to continue to sell under the Banyan Tree. It's a great tradition and it creates the opportunity to meet artists, buy local, talk story, and make memories. Please consider the schedule that has been created, the dates that have been established, and continue to allow us to perform underneath the Banyan Tree. Aloha. Thank you very much.

Chair Sablas: Mahalo.

Ms. McLean: Ui Kahue followed by Wayne Steel.

Ms. Kahue: Aloha kakahiaka. Mahalo for hearing us. O Ui kou inoa mau Molokai. I live and work in the Maui County. I represent Maui Grown 808. We are an agricultural and Hawaiian cultural entity. I have a partner, Mario Seatrice, who's been a Lahaina resident for nearly 40 years. We grow certified and noncertified plants, edibles, ornamentals, and functional. We teach the uses of coconut, this is a product that we create that's becoming a lost art. My partner did a lot of research to learn because he couldn't find anybody to teach him, and he's taught me, and we, in turn, teach at the Banyan Tree. If you don't perpetuate, you lose it. Okay, we've been invited by Seven Generation Fund, which is the largest nonprofit 40-year organization to basket weave and demonstrate Hawaiian coconut weaving in Scottsdale, Arizona, this past year for indigenous peoples. We've also hosted cultural groups from other Native American and Central America and Alaskan tribes here in Hawaii, and we always affiliate with the Banyan Tree. We are very happy and thankful that Auntie Patty has allowed us the opportunity to share and to grow and to subsist at the Banyan Tree. I'm half Hawaiian. I'm practicing my financial or economical subsistence rights, if you will, at the Banyan Tree, and I am seeing it being threatened, and Molokai is not economically viable as we'd like it to be, hence, I work here in Maui since 2005, working hotel, just like every other person. I really love the opportunity to be able to teach and share here at this venue, and I'm very proud to be part of an organization that gives back to its community. We do the same by hosting these cultural exchanges. On Christmas Eve, we hosted a Christmas Eve for those in need, and we did loco moco plates for the homeless. We did over 90 plates on our own. It's our giving back and that's what my business and entity and my partner, that's our cultural mana`o. I strongly recommend continuing the Banyan Tree for local, for made here in Maui County, for the advancement of Hawaiian cultural practices, art, and agriculture, and I appreciate your listening to my testimony. Thank you very much.

Ms. McLean: Wayne Steel followed by Hana Steel. Wayne Steel? Followed by Hana Steel.

Mr. Steel: Hi. My name's Wayne Steel. Thank you very much for all your careful consideration of the testimony today. I spent the last six years, 40 to 50 days a year, under the Banyan Tree as a vendor. One of the most common conversations that occur when people come up to my booth is what is this? Does this happen every day? And, invariably, the conversation follows with this is a fundraiser. This is to support Hawaiian cultural programs and they -- and they invariably say that is so cool. We think that's wonderful. What are some of those things that they do? And we go on to tell them some of the things that the Heui, sponsored by Aunty Patty, what -- what those programs are about, supporting the kupuna, supporting children, supporting hula, supporting Hawaiian heritage, and the response that we get is heartfelt. We think that is wonderful. They get an example of the people here taking care of people who need it. So I wanna thank you for doing everything in your power to maintain the amount of presence that the Heui has under the tree. Thank you very much.

Chair Sablas: Mahalo.

Ms. McLean: Hana Steel followed by Katarina Tualemoso.

Ms. Steel: I'm not ...(inaudible - not speaking into microphone)...

Ms. McLean: Oh, thank you. Katarina Tualemoso. Excuse me if I mispronounced that.

Ms. Tualemoso: You did pretty good, thank you. Aloha. My name's Katarina Tualemoso, and I'm the current Director of the Lahaina Town Action Committee. I am here today -- just I am new in my position, it's -- I'm in my fourth month so I have taken a lot of recommendations from the experience of my predecessors, which include Lynn Donovan and Theo Morrison, who have both sat on the board and then executive director for many years, and one of the guidelines that they have given me in running our events, because that is our primary function as a nonprofit, to not only preserve and protect the historical and cultural significance of Lahaina Town, but we do that through our community events, like the Whale -- Whale Ocean Arts Festival, Mele May, the Emma Farden Hula Festival, Second Fridays that's also sponsored by the County. One-hundred percent of our proceeds go back into these community events and one of the guidelines that they set forth as managing, not only the Visitors Center, but the artists that participate under the tree were recommendations made by this committee many years ago, and we hold very true to those recommendations that were made and work very hard to maintain them, and so my -- I'm here, basically, just to say that I would like to see them maintained and that I feel it's instrumental what was set forth years ago in being where we're at today and seeing the success of protecting Lahaina Town and the Banyan Tree and the Courthouse itself, and I urge you to approve our dates for 2018, and I would also like to reiterate that

we never are exclusive to anyone being under the tree as an artist, they just have to meet the criteria that's been set forth in terms of being a local handmade artist and being present when they're there selling, we have a waitlist, and I think everyone that's under the tree now has spent time on that list, so that's -- I want to just encourage that we stick to those guidelines from originally set.

Chair Sablas: Mahalo. Thank you.

Ms. McLean: Lisa Torres followed by Keeaumoku Kapu. Lisa Torres? Keeaumoku Kapu?

Mr. Kapu: Aloha mai kakou. Keeaumoku Kapu ...(Hawaiian Language)... My name is Keeaumoku Kapu. I'm Kauaula Valley, Lahaina. I run the cultural center, which once was known as Malu Ulu O Lele Cultural Center, now under Nai Kane O Maui Cultural Center. I have no monetary interest to the discussion that is here before you this morning. My interest is the pure degradation of what's happening to our historic properties of the town. I've come to this body before many times, but because the criteria is weakening our town on its historic property, I come to the Burial Council, I come to this body, I come to the Planning Commission to share that if we lose that criteria under the National Historic Register, our town going turn into one other damn Disneyland. I've been to many places throughout the continent and one place I went to was Annapolis because there's a comparison, yeah. It's all harbored out and, you know, the place is a mess. I no like Lahaina turn into that. Is Lahaina a port of call where it's only used for commercial tourism? Or is there actually history that is going on in that place? I don't know anybody here know that whether or not we do have a viable resource as a cultural center in Lahaina that is one block away. So my whole reason as to why coming here and to inform this body that there is other bigger things that is being planned right now in the process of how we going create one equilibrium for this area when it comes to historic properties, when we come to the plain use of this -- this area, which is under the historic property, designated Historic 1. My building from Moku`ula all the way to Prison Street is Historic District 1. The Banyan Tree is mixed whale spree, you know all that kind stuff, so the State reminded this body, the State is continuously reminding the people that is utilizing this area, yeah, what's happening to that town. There's too many things going on. So I mimic those concerns is what's happening over there. Maybe a taskforce needs to be put together starting with, I would say, you know, the perfect place to bring it because they brought the venue right in front of you is Na Kupuna O Maui, and this body needs to come to some kind of decision on how -- who is going to sit on this so-called "interest factor" based upon the utilization of that Banyan Tree to tone things down. Now you get one fourth party coming inside and I can see one potential class-action suit or maybe even one contested case. So I just here to remind you, I know three minutes of my whole life as one kanaka in this town that I gotta comply to these damn rules all because I have no interest, everybody here get one interest but me, so whatever decisions you guys come up with, and I got some recommendations, I got a lot of recommendations for the

past, I don't know, 20 years on how we can tone this thing down, I'd just like to give some consideration those things, so mahalo for your time.

Chair Sablas: Mahalo, Keeaumoku.

Mr. Bailey: Chair, can I get a clarifying --

Chair Sablas: Sure. I'm sorry. Yes.

Mr. Bailey: So, Keeaumoku, just on based on your testimony and as a clarifying viewpoint, the activity now, currently, appropriate, inappropriate in your Historic District?

Mr. Kapu: I think we gotta rewind everything back. I know 1995, I don't know when that was, when a taskforce was put together, I may be throwing some -- some digits out there, but I know there was a taskforce that actually was put together to look at the utilization of the Banyan Tree. Things getting kinda little bit crazy now, and it's not just with the vendors, I mean the vendors they got their own thing going, but everything else. You get soliciting that is going on in that town by people, and we not talking the weekends now, we talking during the weekdays too.

Mr. Bailey: Right.

Mr. Kapu: We get everybody using that place as a commercial and a lot of people that are illegal that are soliciting alongside our streets. I no like this place turn into Waikiki where the mimes all of a sudden, you give 'em one dollar and they do something, it's turning into that already.

Mr. Bailey: Mahalo.

Mr. Kapu: So --

Chair Sablas: Thank you very much.

Mr. Kapu: We need to -- we need to relook, I think you guys need to relook, I think you guys need to get the State sitting down at this table because the County, through an executive order, if I not mistaken, the park, the Courthouse still under the State. Some other areas that was executive order from the State. If the State has concerns, I get concerns, OHA should be sitting at this table and they have concerns too; that way make the job more easy for you guys to come to some kinda consensus. So I support what's happening over there. I think maybe gotta tone 'em down little bit, enhance a little bit more what that whole place is all about because it's turning into somebody else's dream and not ours. Thank you.

Chair Sablas: Mahalo, Keeaumoku.

Ms. McLean: Evelyn Goo followed by Moana Jenson.

Ms. Goo: Aloha. Good morning, Commissioners. First of all, I want to thank you for allowing me to come before this body and speak. And first of all, I would like to clarify that there was a misconception presented to you here today and that is the Maui Gift and Craft Fair is not affiliated with me whatsoever. He's actually affiliated with someone at the swap meet. So I am not Maui's Gift and Craft Fair that has a hundred and whatever shows you were told. Another thing I would like clear up. This is not a Hawaiian genocide. I'm sorry. My children are Hawaiian. Their grandmother is one hundred percent Hawaiian. What this is about is fair and equitable access to a County park. That is what this is about. The same cry that Ms. Patty Nishiyama cried when she was able to become under the Banyan Tree. So those two things I would like to clarify. And one other thing I would like to clarify is this did not happen because Lahaina Civic Center shut down. This happened because -- well, let me rephrase. Lahaina Civic Center did shut down. I then found a place for my vendors at the school, which was built in 1926, I believe it was '26, and that school never had a craft fair there before. I pioneered that to raise funds, okay. Auntie Patty came over to our school and imposed herself in our territory. I then did research. The Banyan Tree is for public use. We're here to raise funds for the West Maui Hospital. That is why we want under that Banyan Tree. That will save anyone's life in this room. The Executive Order of when the State handed over the Banyan Tree to the County, it was stipulated it was for public use. Public use, in my view, is not limited to two or three groups. It means public use. In the memorandum from Mike Foley, dated August 11th '04, which I believe all of you have that paperwork, it was stipulated in previous documents by departments that jurisdiction over the Banyan Tree that the Banyan Tree use is not exclusive to groups currently under the tree. It's stipulated in the paperwork that was set before you by Mike Foley. In my research, I have found, in the last meeting, there was a lot of questions about why no money was taken under the tree. I since then have researched and found that no money was allowed to be taken under the tree because, at that time, the CRC commissioners decided to vote not to allow money.

Chair Sablas: Your time is up. If you could just wrap up, please.

Ms. Goo: Okay. Thank you. The reasoning behind their decision was to curb commercialism in Lahaina. My question is how can you curb commercialism in a commercial area? Last -- last is the Chapter 19.52-090E is addressing the selling in public and historic places, and I will wrap it up at this point. I'm sorry to go over time but I feel this is extremely important. I'm going to quote that law, "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, park, or open space that is owned or maintained by a government agency," now we come to key words, "without the approval of the Cultural

Resource Commission and the responsible government agency that has administrative authority over the park or open space." Therefore, the CRC --

Chair Sablas: I'm sorry can you --

Ms. Goo: Does have the power --

Chair Sablas: Yeah. I want to --

Ms. Goo: I just -- I just want to let you know --

Chair Sablas: I want to be fair to everybody so please. Thank you.

Ms. Goo: Absolutely. Thank you so much for your time.

Chair Sablas: I'm sorry. We had a question from Commissioner?

Mr. Lay: No, if we can call her back 'cause some of these issues that we're going over today might directly affect her so if we can call her back 'cause she might have some information that we might want to learn from.

Chair Sablas: Okay. So, Evelyn, if you could stay until the Commissioner request that, not now, but if you can stay after, you know, there might be some questions later on.

Ms. Goo: Absolutely. I will stay throughout the meeting. Thank you so much.

Chair Sablas: Mahalo. Thank you. Thank you.

Ms. McLean: Moana Jenson followed by JoAnne Johnson-Winer.

Ms. Jenson: Hi everybody. Oh, hi everybody. Thank you for your time. This is my second time talking on the subject. Last time, as I said, it was the anniversary of my mom passing away so it was a hard day, so I'm able to talk better. I'm in support with Evelyn. I was born and raised in Paia. My mom had been a member under the Lahaina Arts Society for maybe twenty-so years. I grew up in the -- under the Banyan Tree in the Arts Society. A few years ago, I did apply to sell under the Banyan Tree and they said no, that they had enough jewelry vendors already. I make handcrafted jewelry. I make everything in my home studio. So in all of the qualifications, I did meet them. I was uninformed that there was a waitlist. If there had been a waitlist, I would have put myself on that waitlist. So when they say that anybody is invited to sell, that is not true. What I'm here for is the equal access. You know, I grew up, I'm 31, and until the last meeting, I thought that the Lahaina Arts Society owned the Banyan Tree, so that's how strongly they presented that no outside people are even allowed there, that I spent years of my life, my dad testified

last time, he built their original -- the Lahaina Arts Society sign, and he didn't know until much later than that that it was a public park, and my dad actually works for the County as well. So that's just what I'm here for just a chance. They -- I tried to get a chance with them to sell and they said no. In terms of the, you know, we're in here, we're coming for the money, you know, civic center closed, we're trying to take things from everybody, that's not why I'm here. I'm here because I am an artist, I'm now entering my sixth year supporting myself, and a year-and-a-half ago, I was in a -- a driver head-on into me, I had a ruptured intestine, seatbelt burned all the skin off my chest, and I had five strokes, I had two in my occipital lobe that I have blurred vision, I have short-term memory loss, I'll show guys, this is my -- my ruptured intestine, and I have undergone multiple surgeries, hospitalized several times, and a lot of neurological work right over there with monologist, and I am unable to hold down regular employment because of my neurological problems. I am able to somehow make jewelry, run my business, although I can't focus on my finger 'cause that's why I'm still able to produce my crafts and sell them, and so what I'm asking for is that we all just get a chance to support ourselves, and if I cannot able to support myself, and I cannot hold down regular employment, then, at 31, I'm going to go on disability.

Chair Sablas: Your three minutes is up.

Ms. Jenson: Thank you. So that's why I'm here today, and I just hope, please, I just hope that you all just take your time to look and review and see why we are really here today.

Chair Sablas: Mahalo.

Ms. Jenson: Thank you.

Chair Sablas: Thank you.

Ms. McLean: JoAnne Johnson-Winer followed by Koana Smith.

Ms. Johnson-Winer: Aloha, Commissioners. JoAnne Johnson-Winer. Per the request of the Planning Department, I'm offering support for the development of administrative rules that govern the selling of goods or services in Historic District A that are under County management, which would include the use of the Banyan Tree Park location. It's important that the County bring consistency to the process of activities relating to sales and operations that are located within County controlled locations including the Banyan Tree. My recommendations, and you have them in writing if I run out of time, the application used by the Parks Department for art and craft fairs be extended to include the Banyan Tree location. It's a very easy to understand application. That a subchapter relating to gift and craft fairs be added to Title 10 that covers specific use of the Banyan Tree and it's cross-referenced under Historic District rules. That activities under the Banyan Tree are consistent with the original Executive Order granting the County control

of the area. That any nonprofit serving the community purpose are eligible to participate in an approved process. That the sales of arts and crafts be allowed to include organizations currently operating under the Banyan Tree but permit additional applicants based on capacity. That dates of operation for the Banyan Tree be reevaluated to possibly include boat days or other optional days throughout the year. That special days relating to community activities and sponsoring organizations be given preference in planning the annual calendar. That each nonprofit granted a permit for use of the Banyan Tree for sales of approved art/craft items be permitted to submit a plan of operation to Parks that is subject to approval by CRC. And that a permitted nonprofit organization be allowed to distribute information relating to their mission, goals, and objectives and accept donations on behalf of their organization. I do appreciate the opportunity to comment on this item and I support the development of rules in the Historic District that will allow access to the use of the Banyan Tree through a fair and open public process. And just based on testimony here, I can see there's a great deal of misinformation and if anyone would like information because we are the applicant, we are West Maui Hospital Foundation, we would not be wanting to take anything away, we would be welcoming all of these individuals to participate to help support the West Maui Hospital, not take anything from them and, if anything, increase their bottom line by allowing them to participate in our organization, which will not be taking a percentage of their income. Thank you.

Chair Sablas: Thank you.

Ms. McLean: Koana Smith followed by Bryant Neal.

Ms. Smith: Aloha. I'm Koana Smith. I'm multi-hatted. I'm a member of Lahaina Arts Society, I cashier the art fairs, I do the volunteer work, and I was on the board of the nonprofit arm, the Lahaina Arts Association, which you've been told offers classes Molokai, Lanai, all over Maui, Hana, reaching children and has been in operation for a long time. Several points I wanted to make. One is that our nonprofit arm does get a portion of our proceeds from our Banyan Tree art fairs that's an essential factor in keeping them going; also, in keeping the whole organization going. As cashiering the art fair, countless people come and they just rave about the quality, and I'm sorry about the person being on a waitlist for jewelry, we try to keep a balance between several different types of art. We have painters, photography, basket, pottery, jewelers; at certain points, there is lots of people all want to do the same things so we have to limit that. When we had 63 artists under the tree, which was the case when I joined in 1997 as a brand new artist, that was -- it was possible to have more of everything, right now, we only have 25 artists allowed so we have keep a variety. Okay, my family goes back to 1870 on my ex-husband's side. My children, their ancestors were the first teachers in the English-speaking schools on Maui and upper Paia, so there is a history that goes way back with the family. Just I -- I caution you -- I would request, I guess is the word, that having all this turmoil at this late date if maybe it's possible to approve the calendar, stand back,

and then take some time to address this issue because so many people's livelihoods are set on this calendar, it was agreed upon by three wonderful groups who all support each other, and to have this curve thrown at us at this late date is -- is rather difficult for everybody. Thank you.

Chair Sablas: Thank you.

Dr. Six: I just have a question.

Ms. Smith: Yes.

Dr. Six: Do you know what the percentage is Lahaina Arts Society takes?

Ms. Smith: From the vendors under the tree, 28%, and from that it's distributed in different ways.

Dr. Six: And who decides which 25 of your members gets to -- is it a lottery or is it --

Ms. Smith: It's based on a number of things. People apply to be under the tree. They have to do additional committee work to be qualified to do that. They're all volunteering, by the way, to help the organization go. And the top, I don't know, five or ten sales people are guaranteed, and then after that it's sort of a rotational basis of who wants to be under the tree, so that's the way it goes.

Dr. Six: And also, just I'm not sure if you're aware in this August 11, 2004 memo, it specifically states, item number 16, that Lahaina Town Action Committee and Lahaina Arts Society do not have exclusive rights to permits granted in the Banyan Tree Park, so that was put in here by Mike Foley in 2004.

Ms. Smith: But then now there's also Lahaina Town Action Committee, which does the wonderful --

Dr. Six: So you're on there, Lahaina Town Action Committee and Lahaina Arts Society do not have exclusive --

Ms. Smith: Oh, and Heui is the third one. Yeah.

Dr. Six: Yeah.

Ms. Smith: Okay. Alright. Thank you.

Dr. Six: Thank you for the clarification.

Ms. McLean: Bryant Neal followed by Kailani Ross.

Mr. Neal: Good morning. My name is Bryant Neal, and I am the founder and curator for the Story of Hawaii Museum. I've been involved in retail on this island since 1982, when I arrived. From a retail standpoint with stores and one of the venues that I sell my wares at was at the civic center. Yes, when that event closed at the -- one of anybody that participated, over 150 artists were displaced, and not all of those people were people who actually sell imported items. I beg to say that probably 56% of most of those people are people who make handmade items and represent Hawaii and Hawaiiiana themed ideas and items. Access to the ability to sell under the Banyan Tree, given the criteria if it is, basically, that is has to be Hawaiian made items, I don't think it's going to be a problem with choosing that 25 people, or whatever that number would be, you know. I support all of the things that everybody's doing here, and this isn't about taking something away, but expanding that to allowing not only just the artists who were displaced, but other artists who probably don't get a chance to be under the tree, under your present system to be able to participate. When the school was opened up, an equal day was offered to those people. When that other center out at the Gateway opened up, any of these people could actually go and participate there. There's no exclusivity. It doesn't work for me because of the amount of when that's actually there and I think that there are a number of artists from both of those groups who did and actually still participate there. So my concern is just simply being inclusive, allowing those people who fit that same criteria to be able to have an opportunity to be able to sell their wares in one of the most prosperous places on the island in terms of just being to sell art. Mahalo.

Dr. Six: I have a question.

Mr. Neal: Yes.

Dr. Six: I'm -- does it state anywhere, I haven't seen it in my documents, that it has to be made on Maui for the -- for the parks, I mean not talking about Lahaina Arts Society, but is there --

Mr. Neil: Yeah. I don't know. It was just --

Dr. Six: ...(inaudible)... somewhere?

Chair Sablas: It is.

Dr. Six: It is? Okay.

Chair Sablas: Yes.

Dr. Six: I just didn't see it. Okay, thank you so much.

Mr. Neil: Yeah. You're welcome.

Dr. Six: Thank you.

Ms. McLean: Kailani Ross followed by David Wilson.

Ms. Ross: Aloha kakou everybody. O wao Jessica Kailani Ross. E kanaka maoli wao, my Honokohau, my Honokahua, Honokao`o, Olowalu, Ukumehame, Honoaula, Ka`u, Paia, Wainee, and Wahikuli ...(Hawaiian language)... My name is Jessica Kailani Ross. I'm kanaka maoli Hawaii from -- my ancestors come from Honokohau, Honokahua, Honokao`o, Olowalu, Ukumehae, Honoaula, Ka'u, Paia, Wahikuli, Wainee, and all the islands of Hawaii as we are now one. I currently teach social studies and Hawaiian history at Lahainaluna. I have been learning Hawaiian history all my life and as a child first, then as a profession and for 27 years. I give -- I'm here today to attest to the fact that I give my full support and without reservation to Na Kupuna O Maui, Aloha First, and Aunty Patty to preside at a place Ka Luaehu aka Kamehameha Iki aka Pakala for the purpose of Puuhonua O Wainee Academic Academy. This sacred land is Crown Land and is the site of Hale Piula and the first western school in our islands, which was called "Iolani." Yes, before Lahainaluna and before Punahou was Iolani in Lahaina. It is most appropriate and fitting that Puuhonua O Wainee, an educational academy for the purpose of continuing traditional Hawaiian cultural practices be located here. Aunty Patty, of Na Kupuna O Maui, Aloha First, has already and has always been an enormous contributor to the schools for decades, beyond what I know, I've been back for 40 years and she's been doing it since before then. She provides funding for excursions to cultural sites and events coordinated with kupuna who have to share their experiences and knowledge with kumu, the teachers, and haumana, our students. She's worked in collaboration with Punanaleo, Kula Kaipuni, Hawaiian immersion schools, as well as English-speaking Hawaiian history classes at Lahainaluna. She is inherently connected with the community and the contributors, educators --

Chair Sablas: Kailani, could you wrap up, please, sorry. Your three minutes are up.

Ms. Ross: Including the Aikuni O Maui, Puuonua O Kailua, Polonohiu, Cultural Lands, OHA, Friends of Moku`ula, Maui County, and so many more others. Aunty Patty will continue to bring these entities and expertises into Puuhonua in actuality. I am realizing that Aunty Patty is a Puuhonua and she needs a place and Luaehu would be the perfect place for her to carry out these entities and incorporate all of these entities, and Heui, which gets money from this art fair, is what she uses to bring about all these cultural events. Thank you very much for --

Chair Sablas: Mahalo. Thank you.

Ms. Ross: Being here and the rest is written up for you.

Chair Sablas: Thank you.

Ms. Ross: Mahalo.

Chair Sablas: Mahalo.

Ms. McLean: David -- David Wilson followed by Margie MacPherson.

Mr. Wilson: Aloha. Good morning everybody. Good afternoon already. My name is David Wilson, and I've been selling under the Banyan Tree showing my crafts there since 2006. What I do is I do Hawaiian sea salts with fragrances that I have to make and ventured and expanded it into soaps, and I also, just July the first, from selling across from a lady at another venue took over a handmade ornament handcrafted business, it's called "Maui Christmas," so now we're making Christmas ornaments, but we're all into the handcrafting thing, our painting, our artists, and my business, I fell out of the corporate world and fell into that. I purchased the business from a Hawaiian man here on Maui back in 2006, and he already had the venue going, so he kinda trained me, you know, like what I gotta do under the Banyan Tree, and what I gotta do, you know, and how I gotta make the product, and how it should be handmade and -- and so I got a heartfelt business where you put your heart into it and you're doing it for the satisfaction of giving back, you know, that's the way I was taught the Hawaiian style, Hawaiian way by him. So I've always went by that. And I sell at Aunty Patty's event down there. I also sell in Lahaina Town Action Committee's events. And I do other events. I've done the Kaanapali Beach Hotel because they're all about the best Hawaiian hotel and handmade Hawaiian crafts in their lobby, and I do other craft fairs, but I'm not here to go against anyone but what we've already got going and we've had going for years, I think we're like a family down there under the Banyan Tree, and to take that 'cause I learned that by the Hawaiian that we're down here not to just support ourselves, but we're down there to support the Hawaiians, and we're down there to make a presence, and it's a very enjoyable presence that I've enjoyed with tourists and visitors and teaching them what Hawaii and the aloha is all about, and there's a big word there "aloha," to teach them that. And we've been always been a part of that and I'd hate to see that broken up, and there's a lot of people down there under the tree right now doing that, spreading the aloha, and I'd like to see that continue. I'd appreciate it, and I appreciate your time today in hearing what I had to say. Much aloha.

Chair Sablas: Mahalo, David. Thank you.

Ms. McLean: Margie MacPherson followed by Lisa Torres or Hana Steel, if they are still here.

Ms. MacPherson: Good morning. My name is Margie MacPherson. I'm here to speak about the issue about taking money under the tree. Now, this is archaic, so to speak. It was dominated by the Lahaina Arts Society, they make recommendations that money go to -- through their society to make donations on behalf of the Arts Society. So subsequent to that, the other groups followed suit and the money is still being run through the Arts Society. It's still being run through the Arts Society whether it's Patty's organization or the Arts Society or the Lahaina Town Action Committee, it's still being run through the Arts Society, so the bring another nonprofit organization in there, and run the money through the Arts Society, it seems redundant to hold a nonprofit running their money through another nonprofit so why can't they run it, and take cash at the tree, and have that particular nonprofit organization make their own donations. Now, this is not about stepping on anybody's toes or taking away business, this is about fair and equal access to a government property. The CRC has all the control in accepting whether money is taken under the tree or not, it is not a law that the money has to be run through the Arts Society, so this is not about taking away anything, this is about fair and equal access. Crafters will go anywhere to sell their product, anywhere. The Banyan Tree is a coveted space in -- in the State, not everybody can get under there. It's limited. You are at the behest of whoever is running the organization, so not everybody can get there. Twenty-five is not a lot. Now, in the statute that states that everybody -- the 25 vendors are limited to a ten-by-ten space, you can go down there and find that that is not true. Many of the vendors have five, six, seven, ten six-foot tables in a space there, so nobody is policing that, and it's not about taking away anything from what's already there. It's about fair and equal access. It's been monopolized way, way, way too long. I mean from 1971 is when the Arts Society got in there and started running money through their society. It's time to revisit what's already there and just because people don't know the processes now when you have the Arts Society dictating, well, this is the way it's always been run, and so it just perpetuates, this behavior just perpetuates. Nobody can get under the tree because it is perceived that it's privately run by the Arts Society.

Chair Sablas: Your three minutes are up. Thank you.

Ms. MacPherson: Okay, so I just wanted to clarify that we should revisit taking money under the tree, and this is about fair and equal access to a government property, this is not private. Thank you.

Chair Sablas: Thank you very much.

Ms. McLean: Is Lisa Torres here, or Hana Steel?

Chair Sablas: I think we came to the end of our list, so thank you everyone for complying. I appreciate, the Commissioners appreciate that. Anybody else would like to testify? Okay, would you come to the podium and state your name, please.

Ms. Williams: Hi. My name is Sarah Williams. I wasn't going to say anything because it terrifies me to speak in public, but I'm more terrified not to say anything. I'm an artist under the tree, and it's been a dream of mine. I -- I think a lot of what's been said has been covered, but I just will say I came to Hawaii, a 13 year old girl, and seeing the artists out selling and feeling like someday I wanna do that, and here I am, I'm doing it, and it's terrifying to think about that being jeopardized, and I welcome anybody else, I know it's, as an artist, you get rejected, it's hard, but I know other people have waited on the waitlist, or they reapply, and that's what it's about, it's about handmade items that you can share with the people visiting, and it's about aloha, and that's all I have to say, so thank you so much for listening. Sorry for the jitters. Thank you. Aloha.

Chair Sablas: You did well for your first time. Thank you. Okay.

Ms. Brothers: Hi. I'm Erin Brothers, and I waited for -- to testify just to see what other people are feeling and a lot of my feelings, you know, I'm here in solidarity in support of Lahaina Arts Society, but I am the Executive Director of Lahaina Arts Association, we're actually the permit holders for all of the Lahaina Arts Society art fairs, we work in tandem with them since our inception in 2008 to promote both of our missions of empowering our community through art. Specifically, my organization is dedicated to providing access to youth and children of Maui, Lanai, and Molokai to receive arts education and artistic opportunities. We specifically focus on students and children and families who may not receive arts in any other capacity whether through their schools or if they don't have financial or parental support to get afterschool arts activities. All of our weekly classes, currently we run 16 weekly classes in 10 locations around the islands, Maui, Lanai, and Molokai, to give free arts education, quality arts education to the children who are low-income and do not receive these kinds of art education otherwise. If Lahaina Arts Society's days under the Banyan Tree are lowered, it directly affects my organization's ability to operate, not only does Lahaina Arts Society give us large monetary donations every year, they also give us free office space, storage space, and space in their gallery to exhibit children's art, that's not for sale, just to exhibit and bring a sense of self-confidence to our children who are creating art all over the islands. They can have their art exhibited in a professional art gallery, and their families come on a regular basis to see it and celebrate what they're able to achieve. These are children that, like I said, don't have access to the arts otherwise. So we're talking a lot about things not being taken away but directly affecting my organization's ability to operate. Every time a day is taken away from Lahaina Arts Society, they're able to give us less. So, for example, if Lahaina Arts Society is not able to conduct business under the art fair, if they weren't able to operate, our organization would no longer exist. And, right now, we're talking about bringing in another organization that represents the West Maui Hospital, which I would say is a huge organization, a huge fundraising capacity, my organization has a annual budget of hundred thousand dollars, we have one employee, and we serve a thousand children every single year in these low-income communities. So I mean are we prioritizing large, huge fundraising capable organizations over a really, really small 501(c)(3) charity

nonprofit? It does affect us. It does affect all of the people that we work with, all of the artists of LAS. They volunteer for us. They make monetary donations. They are personally invested in what we do in giving back to the children. So I would just say that whatever happens, you know, we are -- we, as an organization, are going to be affected unless the committee would like to get rid of rest days, increase the number of vendors under the tree in order to accommodate new groups. A new group coming in does directly and does take away from LAS, LTAC, and Heui, and not only our organization nonprofit, LAA would be affected, but also all the work that Heui, all the cultural events the LTAC does, and all the mentorships that LAS provides. Thank you.

Chair Sablas: Thank you very much. Do we have another testifier?

Mr. Lay: I have a question.

Chair Sablas: Oh, wait. I'm sorry. Could you come, Erin, back to the podium? There's a question.

Ms. Brothers: Yes.

Mr. Lay: Just a quick question for you.

Ms. Brothers: Yeah.

Mr. Lay: You said you have ten locations on Maui?

Ms. Brothers: Yeah.

Mr. Lay: And available for these classes?

Ms. Brothers: Yes.

Mr. Lay: How do these children and these families find out about these locations and availability of these classes?

Ms. Brothers: Well, we do our best to promote and market our classes through calendar listings, Maui Times, Lahaina News, our website. We're a really small organization so we really rely on our partner agencies to tell people about the classes, for example, we have a class that's free at Lahaina Surf low-income housing, Kahekili Park Terrace low-income housing, Honokowai Kauhale low-income housing, so these are classes that happen weekly and they've been happening for over 20 years where kids don't need a parent, they don't need money to be able to walk from their apartment down to the community center in their apartment complex and have free quality arts education. So we do our best to promote and market, and like I said, we're one employee and trying to do our best

to market, but our classes are 100% open to all ages, open to families, open to anybody who comes to want to participate in our classes, we never turn anybody away.

Mr. Lay: Thank you.

Ms. Brothers: Yeah, thank you.

Chair Sablas: Okay, would you please come to podium?

Ms. Catelli: Aloha. Thank you for hearing me. I wasn't going to speak but I really wanna speak to, just like how Sarah said, my name is Ella Catelli, I was born and raised in Japan and Hawaii. I do a tropical Asian blend in my art and I've been selling under the tree since 2000, very fortunate to be in all three groups, and this is my son, I'm a single mom. Being under the Banyan Tree has been huge for me. I know every single one of these artists in this -- in this room, and the Banyan Tree is my full-time, it's how I make my living. It's probably 95% of my income, and having any days taken away would hugely affect my ability to be a full-time artist on Maui. So thank you so much for hearing. Thank you.

Chair Sablas: Mahalo. Thank you. Are there anyone else wishing to testify at this time? Would you please come to the podium, please, and identify yourself.

Ms. Calendar: Hi. I'm Leena Calendar, and I'm a glass artist under the tree, and I just wanna clarify, Lahaina Arts Society doesn't take all the money from all these different groups and we never -- we never decided that has to be that way. It always came from the County. The County told us to pay the money inside. I remember, a few years back, there was -- there was a group of -- a Hawaiian renegade group and they took money under the tree and then the police officers came and said, no, you can't do that. So it was never our idea, so I just wanted to clarify that in case anybody didn't know that we didn't think that up. Anyway, but thank you for listening, I know it's been long, you're probably getting tired of hearing us all rattle on, but thank you so much.

Chair Sablas: Thank you very much. Okay, if there's no other, going once, going twice.

Ms. Ross: ...(inaudible - not speaking into the microphone)...

Chair Sablas: On the second item?

Ms. Ross: ...(inaudible)...

Chair Sablas: What item? What item on the agenda are you going to -- you testifying on? I think you already did that.

Ms. Ross: Yeah, is that -- and then the Heui is a different ...(inaudible)...

Chair Sablas: They're all the same, so thank you. Sorry. Okay, no other public testimony, I'd like to close the public testimony at this time. And with the permission of the rest of the Commissioners, can we take a ten-minute break, recess? Okay. We'll take a break and come back in ten minutes. Mahalo.

(A recess was called at approximately 12:28 p.m., and the meeting reconvened at approximately 12:39 p.m.)

Chair Sablas: I'd like to call the meeting back to order, and at this time, we will be moving to New Business, item 1:

Chair Sablas read the following agenda item description into the record:

C. NEW BUSINESS

- 1. Munekiyo Hiraga and Fung Associates requesting design review for a proposed addition to the Molokai Public Library, Kaunakakai, Molokai, TMK (2) 5-3-005:012 (A. Kehler)**

The Commission may provide design review for projects affecting buildings listed in the Hawaii Register of Historic Places pursuant to Subsection 2.88.060.F, Maui County Code

Chair Sablas: Annalise?

Ms. Kehler: Good morning, Chair. So the order of this item will go Munekiyo's office and Fung Associates are going to present their project, I'll give the Department's recommendations, and then I'll turn it over it to you folks to deliberate and provide recommendations.

Ms. Moy: Good or I guess good afternoon, Maui Cultural Resources Commission. My name is Tonia Moy, I'm with Fung Associates, and we are the architects for the project, Munekiyo is going to be helping us with the EA and the SMA permitting, so they're -- and I'll just start off by going through, I'm just going to run over the project briefly, and then, mostly, I think entertain questions about it. So as an overview, this is a DAGS project. It's an extension to the Molokai Library. It was -- they -- it's a lapsing, unfortunately, for the design team, it's a lapsing fund project, which means we wanna get it into permit in February, next month, and they wanna issue the contract out by end of June, so preferably before that, so we've got a very -- kind of a short fuse. They did have a master plan done earlier so we're basing, you know, we didn't start from totally scratch, but basically it is on the National -- I mean not the -- the Hawaii Register of Historic Places. It's a library done by Harry Stewart, Harry K. Stewart, and it was built in 1937, like I said,

there's a master plan 2011, and, basically, it's to do like about 1,700 square foot extension to the rear of the library. Right now, it's just the library and they have all their meetings, all their community events within the library and they have to shove everything and all their books on the side just to even have like tables put together, so it's -- it's been difficult for them. Most libraries already have this. So as a reminder, it's in Kaunakakai, and it's central to the town, if you're familiar. This is the 2011 master plan that was done earlier. It's the addition is to the back. There's also a carport on the site, which was built in 1990s, so it's not historic, it's not part of the historic library, but it was built for a bookmobile so it's actually quite huge, and so these are -- these are pictures of what the library looks like if you're not familiar with it, so it's very kind of plantation architecture, very low-key, like the community, and it was placed on the Register in 1993. So -- and so our proposal is to put the extension to the rear of this site, which is -- so that's the carport, the one on -- the building kind of on the right is the carport, which is the 1990s carport, and we are proposing to take that down. It's very, very close, you'll see the next picture. It's really close to the existing library. It makes it really hard for us. And it's huge because it was done for a bookmobile and they don't have bookmobiles anymore, they just use a van. Yeah, right. Or they use -- they have a van that -- but they don't really use a huge bookmobile anymore so we -- we would rather that back space to get it out of the -- more the extension more out of the public view as possible, so that's why we're -- even though it's a relatively new building, we are proposing to take it down. And so the back of -- this is the back of the library and, as you can see there, and you can't really tell, but it's an enclosure so that was done in 1992, so where we're going to attach to is this back enclosure. So this is the existing site and, as you can see, on the right-hand side of the site, there's a pedestrian mall with a statute and we wanted to keep that totally free as well.

So here's the floor plan of the extension. What we are proposing to do is put the extension to the rear, we are -- we shrank it a little bit from the master plan because we wanted the footprint and the roof to not be higher than the existing -- the existing library, so that was critical to us, so that's why we shifted it a little bit more back, we made it a little smaller, and, as you can see, there's just -- there's -- this one is actually an outdated one, the one sent earlier, I sent today, shows that what we're -- how we're connecting them is through an open breezeway, so we're not, basically, not touching the historic library at all except for a little roof top thing that we're going to connect the -- so that the librarians can go back and forth. Originally, they wanted to put some library functions in the extension, but we worked it out so that the staff, we're moving the staff out of the library, putting them in the back room so that all library functions can stay in the existing library and they don't have to worry about books being -- going in and out, just staff, and then so the -- on the right-hand side of the floor plan is the meeting room, which they plan to, you know, they -- I guess they use it quite a bit, Molokai, 'cause it's the only library, so -- and they use it as a meeting room, they have public events, quite a bit, I think once -- twice a month or so they have something. So this is the elevations that's showing -- that's from the parking lot side, and then the bottom in the green, that's the extension, the rest of it is the existing,

and, as you can see, there's a breezeway between. And, again, this is the carport on the left-hand side now, this is another elevation so -- and then we're proposing to have all these doors that slide open so they can use -- they can kinda do an indoor/outdoor space use. They can use it as a -- there are steps so that we're on the same level of the existing library so there's steps going down to like a -- there's a courtyard formed between the existing library and the new edition so we -- you know, they visualize it as being used kind of inside/outside sometimes opening it all up, closing it if they don't need the space.

So the proposed addition, what we plan on using for materials is pretty much what they're using for the existing building except that we are going to have larger windows so they are going to be probably aluminum, not shiny aluminum, but painted to be the same color as the existing building. We're going to use horizontal board. So I mean -- and then the -- the base is going to be just concrete piers with the flats, just like what's there; well, right there, it's just wood piers with flats, but we'll have concrete -- concrete piers. We're going to use the same -- it has a double-pitch slope. Actually, they have a double-pitch slope with a curve in the middle, we're going to not have that curve, we're just -- but we are going to follow the pitch, the double-pitch, so I think, you know, like the goal is, at first glance, it'll look like it belongs, but then when you look closely, you'll know that it's a new building.

So -- and then this is the landscape. So the landscape is using whatever kind of landscape materials is now. As you can see, there's going to -- so there's going to be like a courtyard between the new building and the existing building, a small little courtyard where they can use for their events. And -- but just -- and then like the trees, there's this one palm tree that will be taken out, there's a cluster of palm trees, and one palm tree that'll be taken out, replacing one of the missing trees along that mall walkway, just going to replace one tree. So it's very simple. The rest is lawn.

So I just wanted to reiterate, this is kind of a summary of how we're following the Secretary of Interior Standards for Rehabilitation for additions, so it's the existing library totally intact. I think the librarian wants us to change the floor of the existing bathroom, that's about it. We'll -- you know, the height will be this no higher than the existing library. It's we're going to remove the bookmobile garage and turning it into a -- it's still going to be a large garage, it's not quite as high, and we can move some of square footage into that area, and it'll be connected by an open breezeway with just -- with just a roof-way, and so following the Secretary of Interior Standards, so if it was to be removed, the library would remain totally intact, and then the -- it's going to be differentiated from the old with larger openings and aluminum -- use of the aluminum windows instead of wood windows, other than that, the double pitch is not going to be a curve pitch but a -- just a regular double-pitch.

So and then to, you know, just to summarize, we did meet with State Historic Preservation Division, the original master plan of 2011 actually had an effect with mitigation letter for it, but we met with them and we said, you know, we're going to take it away from the

building so that the existing -- you know, it was attached to the building before and it was taller so that the roof was taller, so now we're going to make it the same height, and so they said, you know, more than likely for as long as we keep going with this route, we'll have no historic properties affected so, anyway, that's -- that's it for my show. So, I'm sorry, and I also have Tanya, who is working on the CIA for this as well as, you know, if we have any archaeological concerns for the project. So any questions?

Mr. Lay: I know there's a cost being on this so --

Ms. Moy: Yes.

Mr. Lay: Any thoughts on the photovoltaic for their electrical?

Ms. Moy: No. Yeah, no we haven't done -- we haven't put -- yeah, there is a cost thing, and the Molokai Library doesn't really and the DAGS don't really kinda want that.

Ms. Kehler: Chair, I have -- can I ask a question?

Chair Sablas: Sure.

Ms. Kehler: Okay, so SHPD Architecture issued an -- or will likely issue a no effect for the -- for the building, and then can I just ask about the archaeology? Just, yeah, 'cause, what is it, Standard 9, of the Secretary of the Interior Standards, no, Standard 8, says, "Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken." So just -- just if you could touch on that for a little bit.

Ms. Lee-Greig: Sure. Tanya Lee-Greig, on archaeology, so as a part of the meeting with or the consultation with Architecture Branch, we also had the lead Maui archaeologist present during that consultation, and considering the construction method, post and pier, with the -- and the relatively small square footage to be modified, and depth of excavation to be limited to two feet, SHPD came back with a likely recommendation for archaeological monitoring as an identification measure throughout the ground-disturbing activities.

Ms. Moy: There actually was another building in that spot too so --

Dr. Six: So it's a previously disturbed context you've been working in.

Ms. Lee-Greig: Right. So in that same spot, the former courthouse was located back there and demolished in --

Ms. Moy: Not too long ago.

Ms. Lee-Greig: Yeah. Or relocated and --

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Ms. Lee-Greig: Okay. Right, so we do have some history of previous disturbance and if anything, the monitoring might help to identify anything that was left over from that courthouse.

Chair Sablas: Question.

Mr. Skowronski: The community room, is that going to be open only when the library is open or is that community room going to have access when the library hours are closed?

Ms. Moy: I think, well, the idea is that the community room will be signed up for, like all the other -- like most public libraries have another room where people can have like evening events, or I mean not like commercial events, but like public meetings sometimes, community meetings. They have -- they have a lot of activities in that Molokai Public Library. They have like special events, cultural events as well, so they'll -- they'll be able to use it many times, yeah.

Mr. Skowronski: So the community room will be used independently --

Ms. Moy: Yes.

Mr. Skowronski: Of the library?

Ms. Moy: Yes. It could be. Yes.

Mr. Skowronski: Do you have handicap access to this portion of the building?

Ms. Moy: Yes. There are -- let me go back.

Mr. Skowronski: I noticed in the rear, you have a ramp --

Ms. Moy: Yes.

Mr. Skowronski: Does that meet ADA standards?

Ms. Moy: Yes, it will. Yes. Definitely. I don't know if you can see --

Mr. Skowronski: Yes. Up --

Ms. Moy: Yeah.

Mr. Skowronski: Up at the upper right.

Ms. Moy: Yes. Upper right, that's the one for the parking lot and it accesses that mall, so if anywhere along that mall, they can come up to it from that mall. There is one also on the back side, and that's a breezeway, so they could up through back, maybe I should stand -- so there's one here too, and this is the breezeway, so they could come up here, so this way, that way.

Mr. Skowronski: But -- but if -- but if it's -- if the community room is going to be used independently, that ramp won't be able to access right? That doesn't have direct access to the community room, does it?

Ms. McLean: Can you please use the microphone?

Ms. Moy: Sorry. Sorry. So this is a breezeway, so it's wide open, so they can come up here, and then this is a walkway --

Mr. Skowronski: Okay.

Ms. Moy: And they can go in there.

Mr. Skowronski: Right. Is part of the project also including adding parking stalls?

Ms. Moy: Not adding. There's enough stalls according to the -- the ordinances and stuff, but we are putting two handicap here, and we're changing a couple of stalls in the general parking lot for handicap so that the handicap accessibility can be easily gotten here, and then this is not only for handicap, but I think the Friends of Library have a lot of storage stuff on wheels that they sell, so this will allow them to access also.

Mr. Skowronski: Alright, so the added square footage to the existing library, there is enough parking on the site to handle the requirements?

Ms. Moy: Yes.

Mr. Skowronski: Okay. Thank you.

Ms. Moy: Sure.

Chair Sablas: Any other questions, comments from Members? Annalise, any further comments?

Ms. Kehler: I think that Tonia's been able to show us that what they're proposing meets the Secretary of the Interior Standards for Rehabilitation, which is what the Department's recommendation was. I think all ten of those points have been addressed unless anyone else has any questions or comments.

Chair Sablas: Oh, I'm sorry --

Ms. Kehler: Public testimony.

Chair Sablas: I didn't ask for public testimony on this item. Is there anyone in the audience who would like to testify on item number 1 on the agenda? Seeing -- oh, okay. If you could please identify yourself, please. She's going to testify on this item number 1, right?

Ms. Kahue: Item number 1, yeah. Ui Kahue, from Molokai. I'm a resident, yeah. So a community building would be wonderful. There are a lot of activities that are held at the library and a lot of them are outdoors because the library does not have the capacity to hold many things indoors. They have regular storytelling, cultural events, but the larger the event, they're forced to go outside; if there's rain or the elements, of course, then that -- that affects the event of course. Parking is limited. It's right next to the city and county complex, and State complex, and they have their own parking lot on one side, there's a small little parking lot right behind the building that they're proposing, otherwise, the street parking, but in Molokai, we prefer it that way. So it'll probably be adequate.

Chair Sablas: Thank you.

Ms. Kahue: That's all I have to say.

Chair Sablas: Okay. So no other testimony, then public testimony is closed. If we could continue deliberation? Commissioner Lay, did you want to make a recommendation that they do --

Mr. Lay: Well, first of all, I'd like to say that I'm glad that you guys are breaking down the other building and lowering it, you're matching the material of the existing building, you're keeping that concept of that look for Molokai there, that's really great, wonderful, and I have, with me, I'm looking a motion of approval of these drawings.

Ms. Kajiwara-Gusman: Second.

Chair Sablas: Okay, it's been -- wait. Sorry.

Ms. Thomson: Really just the CRC, what you're doing is just providing comments, so if you don't have any comments, you don't need to -- to move. Thanks.

Chair Sablas: Okay, so no other -- no other comments, thank you very much for your presentation. Good luck. Good addition to Molokai. Okay, now we'd like to move on to New Business, item 2:

Chair Sablas read the following agenda item description into the record:

- 2. Department of Planning requesting recommendations on developing administrative rules to regulate selling (offering services or goods for a fee) in any government owned or managed location, park, or open space located in a County Historic District (A. Kehler)**

The Commission may provide recommendations on the development of rules pursuant to 2.88.060.M.2, Maui County Code

Chair Sablas: Annalise? Richelle?

Ms. Thomson: Thank you, Chair. So what I wanted to bring up first is just to kinda provide some context on how the CRC and the Parks Department have been considering and approving use of the Banyan Tree Park, specifically, but in general, we're talking about use of County facilities or government facilities within the Historic Districts, so -- but because the discussion has focused extensively on Banyan Tree Park, I wanted to bring this up first. So Banyan Tree Park is State-owned property, and it's been under Executive Order, it's allowed to be used by the County, and the Courthouse itself, the Board of Land and Natural Resources, the State Board of Land and Natural Resources approved, this is 1999, approved the County of Maui's request to lease the Courthouse to the Lahaina Restoration Foundation, and then subleased to the Lahaina Art Society and the Lahaina Town Action Committee, so that's the Courthouse building itself. In 2000, the County went back to the Board of Land and Natural Resources to request some clarification on use of the park, of Banyan Tree Park, and that was approved by BLNR, and so the uses at Banyan Tree Park shall be limited to the following: Arts and crafts, exhibits and sales, cultural demonstrations, community events, and other related activities. BLNR also requires that the potential users for both the Courthouse and Banyan Tree Park must meet the following characteristics: The organizations must be tax-exempt nonprofit, their occupancy in the Courthouse or the Park must provide a demonstrated public benefit to the Lahaina community and to the citizens of Maui County; the activities and organizations shall have a significant educational component and other criteria as may be determined by the County of Maui. So those other criteria would be in the -- they'd be both developed by Parks, by the Parks Department regarding their permitting, and then also the criteria developed by the CRC in its consideration of the use of facilities within the Historic Districts. So jump forward to, let's see, 2004, and we have a policy statement, it should be in your packets, the cover is from the Planning Director at that time, Michael Foley, and it sets out several -- a whole list of criteria that the CRC has been using in its

review of request to use Banyan Tree Park primarily for arts and crafts festivals and fairs, and then other special uses of the park, so I wanted to give you that context so that you know kind of where you have come from as far as this body, and then moving forward, what the Planning Department and Parks and our Department have been talking about is that it's probably time to revisit how the process has been going and take a look at developing administrative rules so that this body has, you know, some either, you know, you can look at revising your policies, putting those actually into formal administrative rules, and then also working with the Parks Department because there's such a great interest in use of this facility and other facilities in the Historic Districts, we might need to also look at how Parks administrative rules apply. The Parks Department, one last comment, the Parks Department does have established administrative rules for gift and crafts fairs, they don't deal specifically with Banyan Tree Park or with locations in Historic Districts, so that's something that the Parks Department might take a look at adding to their administrative rules.

Ms. Kajiwara-Gusman: But the State has?

Ms. Thomson: The State -- the State, so under -- well, specifically for Banyan Tree Park, the State executive ordered that to be under the jurisdiction of the County, so, basically, we can use that facility for public purposes, and then we got further permission to go ahead and use it for those list of purposes that I read out initially, but I can read them again if you want.

Mr. Skowronski: What department within the State, within the County administration is responsible and would be writing the rules or regs for the park?

Ms. Thomson: So selling in public places in the Historic Districts requires both approval of the administrative agency in charge of jurisdiction, which is Parks; in the case of Banyan Tree Park or there's another -- there's a couple of other facilities in the Lahaina Historic Districts that would fall under the Parks Department, the CRC would look at -- so it's a dual approval, so it's going to be CRC approval and Parks Department approval.

Mr. Skowronski: Does the -- does the Parks Department have an existing set of rules and regs for the Banyan Tree?

Ms. Thomson: So we -- we have the Parks Director, Kaala Buenconsejo here and he can probably provide some more information on that.

Ms. Almeida: Hi. My name is Lisa Almeida, and I'm with the Department of Parks and Recreation, Permits and Enforcement Section. We do not have administrative rules specific to Banyan Tree Park. We do, however, have administrative rules specific to how we do and issue our permits as well as gift and craft fairs, as was mentioned earlier.

Mr. Skowronski: So there's a set of rules from the Parks Department for other County assets and use that you have not applied to the Banyan Tree? Is there a reason behind that?

Ms. Almeida: Banyan Tree Park, up until this point, had not been designated as a regular location of gift and craft fairs that would be subject to the gift and craft fair rules and that was mainly because it fell into the Historic District that we allowed -- I mean we wanted to have that interaction because the CRC and the Planning Department have jurisdiction in that area as well.

Mr. Skowronski: Is there a copy of the administrative rules of other County assets that this Commission can look at to see if it would be appropriate to apply to this location? I mean other than the -- as long as it's not 700 pages long.

Ms. Almeida: It's not. I don't have them available today, but, yes, we can make that available to the Commission, and I believe it's also available online if you wanted to ...(inaudible)...

Mr. Skowronski: Is there any incentive or is there any reason or agenda that the Parks Department would not want its other existing administrative rules apply to this location?

Mr. Buenconsejo: Chair, just to jump in as well. So back to what Ms. Almeida was saying with the craft fair current code that we have, we are in the process of revising that as well. These rules were written, again, decades ago, so to where they stand now to what correlates to our existing community, a lot of that needs to be revamped as well. So to give you this copy, by all means, use it as a reference, but realize that the Department is also looking to redo the craft fair administrative rules as well.

Mr. Skowronski: Is there any intention or is there any, as I said, agenda in the Parks Department that would deter the new rules from applying to this location?

Ms. Almeida: I think what's most unique about this location is that it is located in the Historic District and that there is more incentive and interest in preserving cultural and historic activities in that area than any of our standard regular facilities, for example, the Lahaina Civic Center.

Mr. Skowronski: Thank you.

Mr. Lay: Okay, question with that. So you're going to come up with some rules, hopefully, on governing this area and that has to come before us for our approval also?

Ms. Thomson: So the -- the Parks Department would develop administrative rules relating to its processing of the permits and insurance and kind of all of the standard requirements

for use of any County facility. As an additional layer though, and I think that the expertise that they're looking for from your folks is because this Banyan Tree Park specifically is located in a Historic District, what you can provide is all of those -- well, we have to comply with the Executive Order, you know, so we're narrowed down into those types of events and activities, but then further helping to analyze, you know, the community benefit and some of those other criteria that were mentioned in the Executive Order as well as the -- how would the events impact the National Historic District and also the County Historic District, so you have a pretty specific but important context, and so we, you know, have been operating under a policy statement, but it seems to me that it's probably time to kind of flush that out and give it a little bit more -- a more depth, you know, at this time so -- and you can do that by way of administrative rules developed and published just by CRC.

Ms. Kehler: Chair? Chair?

Mr. Bailey: So just for clarification looking at the attachment 2, which is a revised policy for the use of the Banyan Tree, we're asking to make amendments for recommendations to this?

Ms. McLean: The memo right now effectively serves as rules --

Mr. Bailey: Right.

Ms. McLean: But it should really be --

Mr. Bailey: Right.

Ms. McLean: Official rules and so that's what the discussion is intended for today is to maybe use this as a guide, we can also look at some of what Parks has --

Mr. Bailey: So is this --

Ms. McLean: And update them, revise them as the Commission sees fit and adopt them into rules.

Mr. Bailey: So this memorandum the actual policy thought right now that -- that the vendors and all these users have to abide by or --

Ms. McLean: Yes, this was adopted by the CRC in 2004 so this is, in effect, until it's changed.

Mr. Skowronski: When do you anticipate the new administrative rules to be ready for review?

Mr. Buenconsejo: So we're currently in that process. For this body, as well, to be aware, this is a bigger piece of the pie, when you talk about parks and concessions.

Mr. Skowronski: Right.

Mr. Buenconsejo: So Council has just passed a concession bill a few months back, which entails -- this could fall into a concession period. Another aspect is as well this is government land with commercial businesses on it and, currently, just being a permit process, so the County, in general, from what we've getting on Council floor is revenue back to the County is very minimal. So those are the aspects that we're looking from a Department as a whole, not just necessarily the Banyan, but any commercial activity on County property, we do now have a concessions bill and that's the administrative rules we're working on through the concessions bill that this could fall in as well with craft fairs.

Dr. Six: Is there a charge for the permit or just they apply for the permit?

Chair Sablas: Commissioner Six, could you speak into the mike?

Dr. Six: I'm sorry. Is there a charge for the permit? Does the County collect a fee for --

Mr. Buenconsejo: There is a permit fee. But, again, realize this is a commercial business happening and the permit fee that we collect, I'll just make an example, roughly, for the civic center, which is currently closed for six months due to renovations, so the civic center is not shut down, but it's interesting that they have found another home. In the past, we've heard that they have no other place to go, so now that the craft fairs do have other homes to go to, that is another thing the Department needs to look at as far as do we bring it back to the civic center if and when we're ready to open back up. There is a fee, so an example of fee for the civic center is about \$1200? Yeah, so \$200 for -- it could be 200 to 1200, depending on what they're coming at, realizing that say you have hundred vendors there, whatever they're paying their promoter to be there, there is revenue to be made, and again, that's what we're looking from a County standpoint is that the County gets their fair share for the facility use or the area space that's being done and through the concession bill.

Mr. Skowronski: Go ahead.

Chair Sablas: I have a question for you. Do you have any idea of what the annual sales amount to under the Banyan Tree?

Ms. Almeida: Because we're not required to collect that information, we do not have an accurate idea of what's done annually for revenue.

Chair Sablas: Perhaps, later on, you know, the parties involved could give -- the reason why I ask, I mean, apparently, you know, from testimony, it does benefit the community financially, but my reasoning for ask that question is that if -- how -- you know, if a lot money is made under the Banyan Tree, how are we giving back to the Parks to care for the park, and are we -- or is the Park receiving anything, I think just about concession bill that you just mentioned, Director?

Mr. Buenconsejo: Yeah, and there in lies the -- the challenges that we have is that that we settle through the concession is the revenue being made per district or per area that money stay where it's at, so, currently, in order to get that income that you're asking as far as do we get the receipts currently does not -- they don't have the obligation to give that to us. We do know what they make, this is a great example of another activity we have, which is the CORA, which is our commercial ocean recreational activity, which is your surf schools and everything else in that forefront, so this falls very in line, and again, I heard a testimony as well, not saying that this gentleman did that, but where he purchased a permit and now he's in with the arts group because he purchased a business from a local vendor, those are issues that we deal with from a surf school issue where it's nontransferable, so you purchasing a business, not saying that he did that, does it allow you that seat or that space under the Banyan Tree because you purchased that business. How do you get to next in the line? And again, the other thing that was brought up to the Commission here was a lottery. Lotteries are not always what they seem to be. Our craft fair lottery is whoever can get the most people on a bus, get them there, they all register, and the promoter will give them a benefit of having pull my name, and thank you, I'll run it now and you get your -- your golden ticket. So there's a lot of things that we know, from a Department that we're working through. A time frame, we hope to have that, at least a draft, by the new fiscal year. At least we're working on it now, but hope to have something to present to Council, but there's a lot of things that this body needs to realize that happens on the backend of the business aspect.

Chair Sablas: So just to be clear on my question, presently, Parks does not receive any percentage of any revenue from sales under the Banyan Tree.

Mr. Buenconsejo: We receive a permit fee.

Chair Sablas: I'm talking about the sales.

Mr. Buenconsejo: No sales.

Chair Sablas: Is that something that would be possibly considered in the administrative rules?

Ms. Almeida: At this time, we would not be able to because per that letter dated February 25, 2000, from the BLNR, it required that all organizations are tax exempt and nonprofit,

Title 13, which we fall subject to, Maui County Code, and our administrative rules require that we treat nonprofit permit applications a certain way and we do not collect any gross -- any percentage of any gross receipts for nonprofit permits.

Chair Sablas: Thank you. Any other questions? Yes?

Mr. Skowronski: Except to flush out the concept of the concession bill, so if the -- if the County Council does a concession bill and deems the Banyan Tree part of that, the very fact that the people using the Banyan Tree have to be nonprofit, can the County ask for a piece of their gross?

Mr. Buenconsejo: So the concession bill is -- it's passed through Council, and this has been a Council push for a concession. As far as adding in the Banyan Tree Park, basically, what the concession is it's a -- it's a law for any park land, currently. That concession bill should be just for parks, it wasn't for Countywide, from my understanding, I could be wrong with that, we can follow up, but it was initiated to be concessions through Parks property. If this is deemed a Parks property, but then again, we do have some agencies as well, with the BLNR and other agencies, could it be incorporated? Possibly.

Mr. Skowronski: But the requirement from BLNR is that the use of this particular site would be for nonprofits only. Would the concession bill tax or take a percentage of nonprofit usage? Is there a history of that? Is there -- is there a background of that?

Ms. Almeida: I'd have to revisit and reread the new ordinance for concessions. We would have to put out a request for proposal and that's after this site was determined to be one in which we'd like to setup a concession, but I'd have to read the specific language.

Ms. Thomson: In general, so we do have an overall County property -- use of County property for sales to the general public, basically, that's how you define a concession, and there's a, you know, as Ms. Almeida was saying, there's a process that you normally go through so, I'm trying to think of an example, Maui Raceway Park, that's a concession agreement, it's use of -- it's use of County property, County owned, State EO'd County property, and it's under a concession agreement, so it's a contractual relationship. If you go out to -- if you send out a request for proposals for new concessions, it's very similar to public procurement, you publish, you know, the availability, you take in applications, you judge them through, you know, established criteria that are in the request for proposals, and then you issue concession -- you enter into concession agreements with different entities, some of those require payment back to the County, like a monthly rent kind of payment, you know, others could be -- you can -- yeah, others could be based on a percentage of gross sales, so you can structure it different ways.

Mr. Skowronski: Does the County consider nonprofit organizations differently or outside the concept of a concession?

Ms. Thomson: I need to take a look at the statute and see if there are other ordinance --

Ms. Kajiwar-Gusman: I know -- I know that the State DLNR does. If you're a nonprofit, the property is not required to go out for public auction. They can negotiate directly with the State DLNR on leasing or utilization of the property.

Ms. Thomson: Right.

Ms. Kajiwar-Gusman: So I know that for sure.

Ms. Thomson: So I need to take a look at our County ordinance and see how it works.

Ms. Kajiwar-Gusman: 'Cause this is actually State property right? It's just being managed by the County. Is it --

Ms. Thomson: It's when you have an executive order, it's, unless it reserves something to the State, basically, the management transfers completely over to the County, so we can only manage it within the powers that the State has given us and --

Ms. Kajiwar-Gusman: 'Cause it -- yeah, they're saying nonprofit ...(inaudible)...

Ms. Thomson: So we do have to, you know, we have to follow the rules that the State has set out but -- and if we wanted to look at doing a concession on Banyan Tree Park specifically, we would probably need to go back to the Board of Land and Natural Resources and request that they put that into our Executive Order.

Mr. Lay: I have a question too. How is a nonprofit watched over as far as they are a nonprofit? If we got so much money coming in, who is making sure that this money is going -- not being being used other than what it's supposed to be used for as a nonprofit group?

Ms. Thomson: That's -- that's a very good, good question. They would -- they have to be an established 501(c)(3), and so you can -- you can make sure that they're tax-exempt status is valid year to year, so you can -- you can get that information and that's pretty readily available. As far as opening up the books, you know, to really see what they're doing with their money, that's more of a difficult process, yeah, and that's a Federal or State government function typically.

Mr. Lay: So right now, all the money is taken into the Courthouse where it's actually -- where they supposedly where the money is -- they pay for their item, given a receipt, they go to inside, they get the money, so there has to be some bank records or some records

of ...(inaudible)... be it credit card, that kinda stuff, I mean is there any way that we can make sure that this is a nonprofit entity that's working.

Ms. McLean: It's possible that the entities we're talking about receive grants from the County and it may be that they have to provide a certain amount of tax or financial information to the Office of Economic Development before receiving that grant, so we, the County, in general, may have information on them whether that's appropriate to be released, that I don't know, and I would imagine that they might be forthright if they were asked for tax information, they might be willing to provide it, but the County might already have some.

Chair Sablas: I guess that'd be a question of accountability. I mean it's a lot been said, but how do you account for what's been said. And also, I wanted to address the question of enforcement because while the rules state that it's supposed to be Maui made or -- who enforces it? Who does? The separate entity, the three entities, I mean and how is it -- what about nonconformance? If someone is nonconforming, what happens? What's the accountability? Is there anything, any rules in place now for nonconformance?

Ms. Almeida: From our position with Parks enforcement, because the rules and the policy had been set forth under the Planning Department, we would have to work together, so any enforcement efforts that we took, if they are not breaking any part of our ordinance or our administrative rules, we would definitely have to work hand-in-hand with the Planning Department to take action. We have asked for vendor lists and we have followed up on these items, but there would be some limits, at some point, of what we could do.

Chair Sablas: Any other questions?

Dr. Six: Yeah, I was just thinking because one of the testifiers mentioned that, you know, I've been -- I couldn't believe there was only 25 vendors under there because they take up a lot of room at the Banyan Tree and doubt that they maybe are in compliance with the ten-by-ten space, so I'm also wondering about that as well. I think when you don't reign someone in, they'll keep spreading and even though you only have 25 vendors, the Banyan Tree is just, you know, it's the whole area is completely taken over, so I'm wondering if there's also could be some compliance or some kind of enforcement on -- you know, or maybe revisiting the rules with the permit owners or the permit-holders that they need to be compliance with those rules as stated here because I heard a lot of testimony about crafts from China but it says right here that everything under the Banyan Tree, that's why I was asking is it spelled out, must be handmade, so that just throws that argument out. The reason I asked about the lottery is because I know there's so many artists and they only have 25, I'm just wondering who -- what the selection process, and I heard it, it's a top five or ten sellers, so as a commercial entity, they wanna make as much money as possible, their 28%, which then limits new people coming in, so that's why I kinda wondered because I saw so much kind of testimony in support of this close-

knit group, but it does not leave a lot of room, and then I did hear from the other group that they're more than welcome to have these people come and provide -- and, obviously, this says right here it has to be handmade, so I just think the fair and equal access because, for some reason, Mike Foley went through all the trouble to put here that, again, as I read, the Lahaina Town Action Committee and Lahaina Art Society do not have exclusive rights to permits granted for the Banyan Tree, and as we all talked about, and I think Keeaumoku gave good testimony, we have to kinda revisit and reign this in 'cause it's gotten to be, even though people are giving back to the community and wanting to do the right thing, it does seem to be very much a commercial activity that's driven by profit, even for a nonprofit, they seem to want to have their best vendors there so they can get the most of their 28%, and I heard a lot of people I, me, it'll impact me and my, but again, you know, we have to think about the larger community and those people that aren't allowed to participate or are marginalized, and if someone can "buy" a business that's already there, like we need to I think revisit these and -- and also -- and maybe reeducate the permit-holders as to their kuleana as far as, you know, what's expected in order to maintain that permit 'cause, obviously, it's lucrative, and, obviously, people are making income for their families, which is great, providing a valuable service, which is great, but at what point you kinda reign it in and not let it get out of hand and have certain groups controlling it while other groups are trying to have equal access to a State property run by the County, so that's -- that's my concern.

Chair Sablas: Yes?

Mr. Skowronski: There's a -- there's a time frame issue here. Realistically, what's in front of us is to approve the calendar, and we decided not to approve the calendar until we had some resolution as to the fairness of equal access. Now the Planning -- the Parks Department is going to have their hands full dealing with other entities in the County administration as to concession bills and fairness of access and whether or not they want to include the Banyan Tree, it sounds like that's a -- that's a ways off. In the meantime, somebody's gotta approve what's going on in the park, in the Banyan Tree, right now and -- and my concern the last time this was brought up is that we were holding up the approval of the calendar until we can get some sort of semblance of equal opportunity, equal access, so that equal opportunity and equal access is now into the Parks Department and -- and their bureaucracy and their dealing with the County Council. What are we going to do now for the immediate calendar? Are we going to hold up what's going on in the Banyan Park right now until the Parks and the County Council resolve their issues? It might be a year. It might be six months. Are we going to curtail activity in the Banyan until those issues are resolved? I hope not.

Ms. Thomson: Maybe a question would be: How many applications do you have for -- and we could take, you know, maybe the first quarter, for February and March, for just Banyan Tree?

Ms. Almeida: We have only received one additional applicant -- application from an organization outside of the three existing users.

Ms. Thomson: So given that, if the CRC, if the Members want to, what we could do -- because the calendar is not currently on this agenda, but what we can do is put it on the February 1st meeting agenda, if that's the will of the body, to look at, you know, dates in the next couple of months while we take another look at your policy and, you know, try to develop our own CRC administrative rules relating to, you know, use of properties in the Historic Districts, so we don't have to necessarily put everything on hold if the body wants to move forward, however, you could also put everything on hold if you feel that the issue is kinda risen to the level where you can't make decisions at this time.

Ms. McLean: Richelle, couldn't they also vote to amend the agenda today and put that on the agenda?

Ms. Thomson: They could. So to add an item to the agenda, basically, a couple of things, it has to be of -- sorry ...(inaudible)... yeah, so it has to be of limited impact, so one of the things that I might be a little bit concerned about is that approving an agenda -- approving the addition of a calendar for Banyan Tree Park wasn't specifically listed and there may be other -- I mean we had a great turnout, but I don't know if it was the entire, you know, body of people that might be interested; also, I don't know that other applications might be submitted, you know, between now and, say, February 1st.

Ms. Kajiwara-Gusman: Was there a deadline for these applications to be submitted because we received this, I believe, in November when we first heard of it, we put -- we put it on hold specifically for this meeting to go over and discuss and get some of these rules. I'm really comfortable with giving these guys -- amending the calendar and giving them at least half the year because I know there's events, such as Prince Kuhio and Kamehameha Day Celebrations, and things that need to happen in June that, basically, need to be permitted. These guys need to get their -- their things moving and you can't wait. I mean I work a lot with the DLNR and I was at a meeting where they tried to schedule the Molokai Hoe a week in advance, and these people were trying to be heard before the board and they had no permits to get into their harbor, and I don't want to be responsible for something like that happening. I mean at least until June; at least half the year. I --

Mr. Skowronski: So what do you --

Ms. Kajiwara-Gusman: There's -- there's Prince Kuhio is in March, and I know some of these things 'cause my son's a student at Kamehameha School and we participate in them, and I have, you know, I help with some of the events and I cannot see not having these events be approved at least, you know, for that --

Ms. Almeida: Chair?

Mr. Lay: So what do we do about lapse days? People requesting the same dates and we're supposed to approve it next month, right?

Ms. Almeida: Chair?

Mr. Lay: February is still open.

Mr. Buenconsejo: We can jump in on that calendar issues.

Ms. Almeida: If it pleases the Commission, the Department can split the calendars apart. We could create a calendar for special events and that you can review and approve those and give them their blessing or -- or not of the Cultural Resources Commission separate from the craft fairs. The calendar was put together as a means to achieve approval from the Cultural Resources Commission without coming in one application at a time, so we could actually change the calendar, amend it, to include only the applications that you folks are willing to review and approve at this time for the period that you're willing to review and approve for. Also, I just wanted to, I guess, get some clarification as well, but it's my understanding that the Cultural Resources Commission will review and approve the activity but the Parks Department issues the final permit.

Ms. Kajiwarra-Gusman: Yeah.

Ms. Almeida: So if, for any reason, regardless of the approval of the calendar, the applicant does not meet the requirements of the permit application for the Parks Department for Banyan Tree, they will not be issued one. So I wanted to make sure that's clear.

Ms. McLean: Did the -- did the Commission previously approve one or two months?

Ms. Kajiwarra-Gusman: January.

Ms. McLean: Just approved the month of January.

Ms. Kajiwarra-Gusman: We did January. Yeah.

Ms. McLean: Okay. So until the Commission meets again in February, then no other events are approved except for those for this month.

Chair Sablas: Unless --

Mr. Skowronski: So if we don't -- if we don't take any action today, then the park can't operate in the month of February? Is that true?

Ms. Almeida: Yeah.

Ms. Kajiwar-Gusman: Yeah.

Ms. Thomson: You have a February 1st meeting though, so you could take action that day or, you know, like I said --

Ms. Kajiwar-Gusman: I move to amend the -- amend the agenda and get them put on here at least until June.

Chair Sablas: Any second to that motion?

Mr. Skowronski: Second.

Chair Sablas: All in favor?

Dr. Six: I have a question.

Chair Sablas: I'm sorry.

Mr. Skowronski: Discussion.

Chair Sablas: Discussion.

Dr. Six: Just is this -- is this to split the calendar so we're going to approve the events through June or is this to approve the craft fairs as well?

Ms. McLean: This is just to amend -- this is just to amend the agenda to have the discussion.

Dr. Six: Oh, got it. Okay, thank you.

Chair Sablas: All in favor? Okay, so it's been moved and approved that we amend the agenda to add the discussion on the calendar.

It has been moved by Commissioner Kajiwar-Gusman, seconded by Commissioner Skowronski, then

VOTED: to amend the agenda and add the discussion on the 2018 Banyan Tree Events Calendar to the agenda.

(Assenting: T. Bailey; C. Kajiwara-Gusman; I. Lay; M. Roppa; J. Six; F. Skowronski)
(Absent: L. Kawaa; C. Lima)

Chair Sablas: Okay, so now that discussion is open.

Ms. Kajiwara-Gusman: So if it -- oh, sorry, go ahead.

Mr. Skowronski: What's the status of the park February 1st?

Ms. Kajiwara-Gusman: It's open.

Ms. Almeida: Without Cultural Resources Commission --

Mr. Skowronski: Is there -- there's no activity -- no activities are going to be allowed until it comes up for our February meeting?

Mr. Buenconsejo: If this Commission does not approve it, then yes, it'll be basically status -- shutdown until you folks --

Mr. Skowronski: But our previous actions have allowed --

Ms. Kajiwara-Gusman: January.

Mr. Buenconsejo: January.

Mr. Skowronski: The activities scheduled --

Mr. Buenconsejo: For the month of January.

Mr. Skowronski: To go through the end of January?

Ms. Kajiwara-Gusman: Yes.

Mr. Buenconsejo: Yes.

Mr. Skowronski: Okay. How does -- how does this Commission make its -- a suggestion or a recommendation that there be some sort of fairness or equal access to the County administered facilities? I mean do we have to pass a resolution? Do we have to take a sense of the Commission? Do we have -- what -- what do we have to do so that the Parks Department, in their dealings with the County Council, get the sense that the Commission or Members on the Commission would like a more free and access equal opportunity to use this facility? What do we have to do?

Mr. Buenconsejo: That's kind of a really heavy question that won't be answered right here. I can assure you that. There's a lot that entails in that conversation from a Department standpoint as well, and this is not just for particular area, as historic or not. But again, calling it a "park," it really -- it's hard to swallow it's a park. Just so happens, all open space that we receive from the County becomes park land, currently. We are in process of changing some of that over, but to really call it a true park, it's historic, by all means, I live in Lahaina, but a park to call it -- you don't have kids playing, it's not a ballfield, there's not a field, it's -- it's more of a historic center or area. We're looking at it from a standpoint of do we now, and we had an internal meeting, from a Department, find a organization that will -- will actually grant it over to them and it'll become their kuleana to run that area. We don't even maintain the park currently right now. That is done strictly through Lahaina Restoration. We have a grant that we fund them that they maintain that whole Banyan Tree area, Courthouse, and all the way down to Kamehameha Iki up into Malu O Lele Park. So that is currently the situation that we deal with. So now when we come back now and look at the commercial activity going there and all of the other revenue means, even the -- the beautification of the harbor front project was considered a park project, so those things are things that we're looking at internally to see if it's worth more from a Department to grant that over to an organization that can actually run that and they can go ahead and manage the commercial activity, for instance, someone like Lahaina Restoration, they take over that particular area, we grant them numerous amount of dollars for the maintenance of that, maybe the revenue that they can accumulate from the Banyan Tree will lessen our grant monies that goes to Lahaina Restoration. So there's a lot of things that we're -- we're kind of spinning through the wheels and see what's the most beneficial for the community as well as the Parks Department. But to answer your questions, which you -- as far as where we're at, it's -- we're still working on what we gotta do with our concessions, I mean the Banyan Tree really is a small part of what we're dealing with when it comes to revenue within park space. So I don't -- I can't answer your question at this time.

Chair Sablas: Commissioner Bailey.

Mr. Bailey: So just -- just a quick comment. Looking at the memorandum, the policy that that 2004, you know, before we look at possibly amending the calendar or extending it, I think it's really important to understand that some confusion lies with actually granting a permit of the use, you know, it says, back in 2004, they put three weekends in a row, they put special provisions, one rest day, and then that the art fairs in the Banyan Tree Park be limited to 25 booths, so I think the confusion gets is they think that's 25 applicants, it's actually going to just, you know, the two -- two or three organizations that are -- are maintaining it and then they are overseeing the 25 limit on the booths. It's almost as if you gotta look at the limit on what applicants you're going to put in because the booth is -- it's a use restriction, it has nothing to do with applicant and that confusion is probably soliciting a lot of this turmoil that -- that really shouldn't be thrown on us as a Commission,

it's -- it's not our responsibility and kuleana to sit here and deal with feuds over something that can be corrected in some kind of an amendment. So I think we really have to look at -- because it says the Cultural Commission has the right to review and approve the criteria used to determine who may participate in an organization art fair at the Banyan Tree, that's what we're looking at, who can participate, and then the booths, the limit is blanketed, it doesn't matter. So that's -- that's where I think it's going to take a lot more time and a lot more than just the Commission because I look at the State Legislation had no problem writing a 50-year commemorative legislator art society, you know, commending them for what they've done for 50 years down there, that throws us in a bind just as well. This is -- this is your representatives that signed this, you know, commemorating and congratulating the Lahaina Art Society for 50 years of doing what it is. So throwing this on a Commission based on 25 booths, and not looking at the whole criteria for applicant is -- is going to take a lot more than just trying to figure this out and amend the -- and approve a calendar. But after saying that, I am in favor of even looking at one or two, moving forward with the events until we figure out the real reason behind this -- this feud other than just the fact that the civic center closed down. So that's just my comments on -- on reading this a little bit deeper than what I think we've been discussing.

Ms. McLean: Can I comment?

Chair Sablas: Sure.

Ms. Kajiwara-Gusman: Oh.

Chair Sablas: Michele.

Ms. McLean: It seems, in general, that there's -- there is substantial support for the 2004 policy adopted by the CRC, I mean there may be some tweaking or updating, and that certainly there's support for the guidelines that the land board established in 2000. It seems that really the primary concern is has it gotten too busy in general, as some of the testifiers commented on, and are there people shut out of the process. So if there are any other concerns from the Commission, I haven't heard those stated. So that makes it easier, to me, that we have a memo in place that we're comfortable with for time being, and that the 2000 BLNR approval is, obviously, what needs to be complied with, so really the only concern is that number that you cited the CRC reviewing and approving the criteria used to determine who participates in the art fairs, so how the Parks Department receives applications.

Ms. Kajiwara-Gusman: So, currently, the Parks Department has the application in place which is why we were presented with the calendar, we are now being asked to approve this calendar so that they can continue with their art fairs. I know you mentioned that

there was one other applicant besides the three, did that applicant qualify under the guidelines that you guys look at?

Ms. Almeida: We haven't received or requested all of the information that we will require prior to deciding if it's able to move forward, but the calendars would need to be amended to account for the additional application ...(inaudible)...

Ms. Kajiwara-Gusman: So the other three groups do qualify?

Ms. Almeida: Yes.

Ms. Kajiwara-Gusman: I'd like to make a motion that we accept the calendar as is at least until June to give the Parks Department time to come up with a fair process or to see if the other entity does qualify because I don't think it's fair, although I do agree with the fair process and Mrs. Goo and -- and all you other testifiers, thank you very much, it just kills me to do this, but I don't think it's fair that we hold back someone who has gone through the due process and who has -- it's not right for us, and me, as a business owner as well, to hold back you folks from your businesses and from livelihood, I think we should at least give them at least six months 'cause, like Kaala said, there's -- it's going to take them a while to come up with rules and recommendations, and it's not fair for us to hold everybody else back.

Chair Sablas: So, before I ask for a second to that motion, Commissioner, I'd like to, since we added this new item to the agenda, open this to public testimony, and again, if you could just, you know, identify yourself and try to be brief so we can move on, I mean but this, again, is on the added agenda on the calendar.

Mr. Fujiwara: Thank you. I was going to come up and do that point of clarification too since you guys added this to the agenda. My name is Daryl Fujiwara, and I -- I hold a lot of kuleana that came and stems from my family and it's their Hawaiian tradition, and our tradition is to coordinate community events to educate the community, and these, all of these events include Prince Kuhio, King Kamehameha Day Celebrations, the pa`u parade and ho`olaulea. I also do Aloha Festivals. I brought back Auntie Emma Sharpe's Hula Festival. I also work in conjunction with the Na Hoku Hanohano Music Awards and I coordinate a music festival as well under the Banyan Tree, and so I just wanted to bring this up to you guys that while you guys are doing your due diligence in helping to create a venue and organize all of the crafting and stuff, like all the money stuff, our cultural events are being marginalized in all of that, and so we need to be considered as well, although we do have crafters participate with us, a lot of those funds go right into the event, and Auntie Lori knows, it cost a lot of money to put on these community -- free community events that, yes, they're all excited about, they speak about them because they know these events bring out community as well as the visitor to the Banyan Tree, it's not just throwing a craft fair up, that's not what this is about. It's about sharing our culture

and educating our people. This gives us identity. This gives Lahaina an identity. And so while I commend the other people who are going through the due diligence, these people who are already, you know, working or already have their functioning, you know, things, we have a really great symbolic partnership with Lahaina Town Action Committee that helps to house, you know, our ability to work hand-in-hand and take care of the park, and so I just wanted to share that, I know I'm kind of rambling, but if you have any questions about that aspect, about how a ho`olaulea is kind of different from just crafters, you know. We have Hawaiian like exhibits and we fall under the 25 vendors and so I, you know, they don't -- they don't -- we don't fill all 25 slots with just crafters, we have kapa makers, we have lei hulu masters who are also stipulated to that 25, you know, and so yes, it's part of the sizing issue or the occupancy issue of the vendors, but those are just some of the -- the smaller things that are -- have bigger impacts that I want you to consider as well.

Chair Sablas: Thank you, Daryl. Questions for -- so with your events, with your crafters, you do collect -- they do -- do they go and collect money in -- under -- in the --

Mr. Fujiwara: Yes, they do.

Chair Sablas: Courthouse as well, follow the same procedure --

Mr. Fujiwara: It's the same process.

Chair Sablas: Same process, yeah.

Mr. Fujiwara: And there is an application process with Lahaina Town Action Committee to become a vendor there, so they don't have the same every weekend unless that's all the applications that come in because I do get numerous, because I'm on all of these different calendars online and with the State, many people contact me and I refer them to Lahaina Town Action Committee 'cause there is a process to be a part of it, and sometimes we fall short. You know, sometimes we have 22 vendors only. Sometimes we only have 23. We don't have 25. So there is space. There is a -- there is the ability to be a part of the current calendar process.

Chair Sablas: And I know from running events, you need the time to plan.

Mr. Fujiwara: We do, and so our window is getting short because there --

Chair Sablas: Yes.

Mr. Fujiwara: There's days where we are stipulated to turn in our application and right now we're kind of, not hindering from turning it in, we're -- we were kind of waiting for an ability, we still have a couple more days to turn in our application, it's actually being worked out in the Lahaina office currently for Prince Kuhio Day and Kamehameha, so

regardless, this body has already approved, I've come here for approval already for all of these cultural events as well as have three-year planning approval as well for all of them, so we've gone through the -- there is a process to utilize this and I think it comes down to intention. What is your intention? If it's to fundraise, I don't know if the Banyan Tree is the right place for that. You know what I mean? I don't know if -- like Kaala had mentioned, this is not a park. This is a piko for our community. Like when you come to Lahaina that is the place you go to celebrate, to go and have an event for the community, you know. There's -- I don't know anywhere else in Lahaina. If you go to Lahaina, the Banyan Tree is that place. It's the rightful place for these community events.

Chair Sablas: Thank you, Daryl. And thank you for all that you do.

Mr. Fujiwara: Thank you.

Ms. Kajiwara-Gusman: Aunty Mae taught you well.

Chair Sablas: Wait, wait, wait. Wait, wait. Daryl?

Dr. Six: Yeah, yeah. No worries. No it's fine.

Chair Sablas: Could you come? There's

Dr. Six: No it's fine. He's fine. I can -- I can wait. It's alright.

Chair Sablas: She had a question.

Dr. Six: No, it was more I was just gonna -- I was thinking about Commissioner Gusman's motion to -- to --

Ms. Kajiwara-Gusman: Yeah.

Dr. Six: We were talking about going through June, and then I was thinking about what Planning said how we could split the calendars, so maybe we'd want to approve events for the year, and maybe approve the crafts fairs to June until we get a chance to relook at -- 'cause are they separate ...(inaudible)...

Mr. Buenconsejo: They're -- Chair, that's kinda what we mentioned earlier is separating that. I mean keeping the events tied in with craft fair scheduling really doesn't do it. Again, as Mr. Fujiwara said, it's -- it's traditional. It's a cultural thing. We hundred percent that from a Parks standpoint. It's very utilized by the community. It does bring the community back to Lahaina Town and show them what it's really about. So separating it and not having that somewhat hostage to craft fair calendar that you folks are putting together, it should be definitely separated.

Chair Sablas: So you'd consider amending your motion.

Ms. Kajiwara-Gusman: Amending the motion.

Chair Sablas: So thank you, Daryl.

Dr. Six: Thank you.

Chair Sablas: Any other testifier on the calendar now you're testifying?

Ms. Tualemoso: Yes.

Chair Sablas: Right.

Ms. Tualemoso: Katarina Tualemoso, Director of the Lahaina Town Action Committee. I just wanted to let you know and to reiterate too that we do have an application process. We have an online application that anyone can go in every event and submit an application for. Since I've had my position over the last four months, I've received about 12 applications through our online application process to participate in the Banyan Tree; one of which has been a participant, the other 11 are still on a waitlist and will have the possibility of participating, you know, should one of the other artists not be available or retire, retire their position, but I just wanted to let you know that there is a process and that it is open to any artist to participate in as far as for the LAC.

Chair Sablas: Thank you.

Ms. Tualemoso: Okay

Chair Sablas: Question or comment?

Mr. Bailey: Just to clarify, but that's a application for the 25 booths, right?

Ms. Kajiwara-Gusman: Yes. Yeah.

Dr. Six: Yeah, so -- so the application, they get one application and then they control the 25.

Mr. Bailey: Right. That's what the clarity I have.

Dr. Six: Yeah. How does that -- how does that work? Yeah. That's doesn't make -- that doesn't, again, back to the fair part, I'm glad that you brought that up, Commissioner Bailey, because it just seems like, you know --

Ms. Goo: Aloha. My name is Evelyn Goo. Per this body on the November 2nd meeting, I was instructed by this Commission to put in an application for a permit for the Banyan Tree. The very next day, after the meeting, I went to Parks and Rec in Lahaina, I was told that -- I was told, basically, there was no process, that no one else had permits in, that they did not know what permit to give me because, at the meeting, I had heard that you folks had told them to go rewrite their rules, which that was also at the meeting. You did instruct them to rewrite their rules. Therefore, they were rewriting their rules so no permit was available. I then said to them, "Well, you were at the same meeting that I was at, and I was instructed by the CRC to put in a permit for the Banyan Tree. I am here. I am requesting a permit." I was then given the same permit that I fill out for Lahaina Civic Center with all the supporting documents. It took JoAnne and I, because you have to get forth, you know, the board, the 501(3)(c) paperwork, all of your paperwork in order, so I had Department of Parks stamp, they received my permit November 17th, okay. I did my due diligence. I did what this board instructed me to do. Why our permit is not approved? Why they need further documentation when I've submitted everything that they have requested from me from a permit that they didn't exist before I showed up on that next day? I mean it's like I've done my due diligence. We've done our due diligence. Why has this permit not been approved? You have gotten all the documentation that you have required from me. I was told no other applicant had put in their permit. I was told that, prior, it came before this body to approve --

Chair Sablas: Could you please wrap up? And remember this agenda item is about the calendar so --

Ms. Goo: And that is what this is for us to be put on the calendar as well as was when I came before this body on November 7th.

Chair Sablas: Thank you.

Ms. Goo: Or the 2nd. I'm sorry.

Ms. Kajiwara-Gusman: Did you guys specify dates that you wanted to use the park on your permit?

Ms. Goo: We did. We -- we got ahold of the calendar. We submitted the full calendar to the Department of Parks and Rec. We were very fair. We did not take consecutive days, like if the hui had a day and then the next day was the Art Society, if one of them had two days, we took one, we didn't ask for the entire weekend, so we tried to be extremely fair in our selection of dates.

Chair Sablas: Thank you very much. Other testifier?

Ms. Kahue: Ui Kahue again. So what I'm getting is that the Parks is standing back and then the CRC make this final decision because it's a historical and cultural park, but historical and cultural comes first, and while you folks are discussing financials and receipts and challenging the 501(c) validity, I didn't hear "cultural." Now one of the things I'm worried about is that the Parks and Recreation is standing back to let the CRC because it is a cultural significance, and so when Ms. Goo was issued her permit for the Lahaina Civic, the Lahaina Civic does not come under historical or cultural, and that is bad on the Parks and Recreation for instructing her to do so and fill out a permit that is not applicable to the Banyan Tree, you know, but in -- once again, it's a historical and cultural significance and the other groups have passed those requirements, so I just urge the committee to please remember that the cultural significance, the events that go on, you know, that's a big part of it. I mean I like to say that I can afford -- subsist on my own little business there, but I give back as much as I get, and I'm not a very prosperous, I'm a mom and pop, that's it, you know, so -- but the cultural side is what really inspires me, so thank you.

Chair Sablas: Thank you.

Ms. Kajiwar-Gusman: In order to have booth or do business under the Banyan Tree, there are rules in place that do require them to have, you know, the handmade cultural, so if she did apply, and if her application was completed, honestly, I would like to see it be put or added to or whatever Parks is going to decide to do so we can decide on the calendar. In the meantime, there is a motion on the floor I'd like to amend to separate the cultural events that Mr. Fujiwara spoke about.

Chair Sablas: Wait, wait. We're still having public testimony --

Ms. Kajiwar-Gusman: Okay.

Chair Sablas: Before you make your motion so --

Ms. Lavinsky: Aloha. I'm Ellen Lavinsky. I sell with Lahaina Art Society and also Heui Na Kapuna. This is really difficult for you because I can understand by some of your questions there's information, more information we could give you to answer some of them, but with the calendar, not only is it three weekends a month, but some holidays, so there's Hawaiian holidays and there's also United States holidays. Heui Na Kapuna, some of the weekend art fairs and some of the week art fairs are on Hawaiian holidays also, so I want you to please consider those, and some of Lahaina Art Society's weekends or during the week holidays are on American United States holidays and Hawaiian holidays, like Hawaii Statehood Day. But I think it's -- I think it's good to and I would like it if you would approve the six months of all the fairs and give you more time to discuss and get more information. I would also think it would be good for someone to talk to Mike Foley because I think he could give you more information on the background on some of

those guidelines because he worked extensively with the different organizations to come up with those, so there might be more information that he could give you. Thank you.

Chair Sablas: Thank you.

Mr. Bailey: Chair?

Chair Sablas: Yes.

Mr. Bailey: To clarify. Just 'cause this discussion is evolving, it's important to reflect back that the memorandum talks about art fairs, yeah, and not events, so if an event does fall on the weekend that there's an art fair, that might be a coincidental thing, but that's the other part that's been kinda trickling in some confusion, on my end anyways, is this all talks about an art fair application, it doesn't talk about events, it doesn't talk about other aspects of what we're discussing, so I think we -- we need to make sure we focus on that part of it.

Chair Sablas: Thank you very much.

Mr. Johnson: Hi. I'm Jeff Johnson. I'm a member of Heui, Lahaina Art Society, and I also participate with Lahaina Town Action Committee events. I appreciate your efforts towards resolving this situation, and it sounds like perhaps a whole can of worms has been opened up here and there's a lot more to be dealt with, which doesn't seem like it's going to necessarily be resolved in an instant. I appreciate your recommendation that the calendar, as existing, be approved through the first six months of the year to give us time. I mean we are, many of us artists rely on that venue as our livelihood, and for you to give us this short notice of being cutoff would be pretty tragic. This is going to affect a lot of people seriously. So to give us that time so that we can start establishing other venues if we need to do that for you guys to resolve the requirements that are involved in participating under the tree, that would be helpful, so --

Chair Sablas: Thank you.

Mr. Johnson: I appeal to you to go ahead and the resolve the or approve the six months so that we can give us time to take care of things as well.

Chair Sablas: Mahalo. Thank you.

Mr. Johnson: Thank you.

Ms. Kajiwara-Gusman: Can we --

Chair Sablas: You have a question?

Ms. Kajiwara-Gusman: Yeah, can we ask --

Dr. Six: Yeah, I have a question for the head person that's the head of Lahaina Town Action Committee. When you said that you have this permit, you get a permit, and then you control the 25 vendors. Do you charge those people a fee?

Ms. Tualemoso: They do pay a fee to participate.

Dr. Six: How much is that fee?

Ms. Tualemoso: It's \$25.00.

Dr. Six: Okay.

Ms. Tualemoso: And they also pay a percentage of what they sell.

Dr. Six: And what is that percentage?

Ms. Tualemoso: Twenty.

Dr. Six: Okay. Thank you very much.

Ms. Tualemoso: You're welcome. Oh, and may I also just interject? We also do -- we have the cultural events but we also several community events under the tree, which include the Banyan Tree Birthday, we just did the Banyan Tree -- Lighting of the Banyan Tree, so in your consideration, I would hope that maybe those would be considered for approval as well.

Chair Sablas: Thank you

Ms. Kajiwara-Gusman: Can I get Daryl? Oh sorry.

Chair Sablas: You wanna --

Ms. Kajiwara-Gusman: Yeah, I had a question for Mr. Fujiwara. Daryl, you did mention that some of your events you guys are part of those 25 spaces, is that --

Mr. Fujiwara: Yes.

Ms. Kajiwara-Gusman: Yeah.

Mr. Fujiwara: We are stipulated to those 25 spaces as well.

Ms. Kajiwara-Gusman: So, yeah. Okay. Thank you.

Chair Sablas: Okay. Time is moving on and, you know, if you could, you know, public testimony and the calendar. Okay.

Ms. Jenson: Hello again. Moana Jenson. I fully agree in approving all the special holidays and events. I do think that's a separate matter. In terms of the event that I do with Evelyn, the civic center closed, she found us the space at Kamehameha School across the street. They had called the police on us. They didn't want us to be there. They wanted to take the space away from us as well, so that's how we came to be here today. In terms of us at the school, we have wood carvers, kapa demonstration, I make handcrafted jewelry. I bring my supplies. I actually work there, demonstrate. I shorten necklaces. I make there. Across from me is a lauhala weaver, to the right of me is a photographer that sells his prints on aluminum. There's also the ukulele sisters, they're 10 and 12, and they demonstrate all day. They teach the kids. It's really adorable. So we have the culture as well that they're saying that it's just all about money. We're all trying to make a living. We live on Maui. It's really expensive. But I am born and raised. I danced hula here for ten years. So the culture, it's definitely there. My mom was a lauhala weaver. My medium is metal. But I come from an artist family. So back to, yes, let's approve the special holidays definitely, you know. We put our permit in so we just wanna added to the calendar. We want to meet, you know, the requirements, which I think that we did, at least what it was setup right now. What happens in the future is going to happen in the future, but we're right here today. I feel for everybody who says that their, you know, their livelihood is being threatened. After the car accident, I couldn't work for six month. My wrist were in wrist brace. So I fully empathize with that. I think that we should have the entire February calendar be approved, give the time needed, and show that we're not in here to take away, we're just trying to be added, so I would like to get the special events approved, just approve February, and let us meet again for the remainder of the year. Thank you.

Chair Sablas: Thank you. You're testifying on the calendar?

Ms. Bahrus: On the calendar. Hi. Nice to see you guys again. I'm Fileena. I also, you know, I sell with the hui and the Lahaina Town Action Committee. When I was listening to all you guys, maybe there was some confusion on like you were saying about handmade things and things that were imported, maybe there's a few vendors over there at the school that do hand-make their things, but what happens when they bring in all the other stuff from Indonesia and China? The things that people, you know --

Dr. Six: They can't to the Banyan Tree. It says it in the stipulation that they can't do that under the Banyan Tree. They can do that in the park next door --

MS. Bahrus: Right.

Dr. Six: But if they do get a permit for the Banyan Tree --

Ms. Kajiwara-Gusman: They have to comply.

Dr. Six: They would -- they would have to do the handmade only.

Ms. Bahrus: So all those other vendors couldn't come and sell under the tree.

Dr. Six: No. It's in the stipulation --

Ms. Bahrus: Perfect.

Dr. Six: From 2000.

Ms. Bahrus: Wonderful. I implore you guys to approve at least, you know, the next six months for us. We -- we really need this, all of us under the tree, we, like I said, it's -- it's been the biggest joy of my life to give back to the community and be a part of this under the tree, and I'm just asking that you move forward with the calendar today.

Chair Sablas: Thank you.

Ms. Bahrus: Thank you.

Chair Sablas: Thank you very much.

Ms. Kajiwara-Gusman: I still have a question for Parks or --

Chair Sablas: We're accepting public testimony.

Ms. Brothers: Hi again. I'll be brief. Erin Brothers, from Lahaina Arts Association. I just want to point out that the three groups get together and start negotiating the -- the calendar and an even distribution of days. In the summer time, to be ready for September or October to get the permits, so these -- this is a calendar that's been set for maybe as much four, five, six months, and all the groups come together and agree together which days and how many days, and each year, someone gets more or less, so the idea that these -- the calendar has been set for 2018 and that some -- another group can come in and cherry pick days and just decide to have a certain amount of days without negotiating with the other organizations that have been historically working under it is -- I think is unfair. I think that this body and the Parks Department and everybody needs time to decide what this new community space is going to look like and the, realistically, I don't think that that's going to happen in the next six months. As far as negotiating the calendar

for 2019, that is going to start happening in the summer, so why is the additional organization, can they not be included in negotiations for 2019, which takes us six months to develop between the three of us, I think it would be only fair to include an additional group if that's what the committee would like to start for 2019 calendar since 2018 has already been in discussion and planned by these three organizations for months, and months, and months ahead of time, for example, the LAS, LAA permit went in for the entire year 60 days in advance of January, which is what we're required to do, and so I would say I would actually ask the committee to approve the entire calendar for 2018 and give us a year to discuss what this new park configuration would be for next year.

Chair Sablas: Thank you very much. Any other public testimony?

Ms. Thorlackson: Aloha, Members. My name is Stacie Thorlackson and I'm the new Executive Director for Lahaina Art Society. I wanted to say thank you very much for your time and listening to all the testimonies, and my objective is to get the 2018 calendar approved, and since that's the topic of discussion, I wanted to share with you that I provided testimony, I'm sorry, I provided testimony to you all in advance, and in February, as you heard, the eighth annual year is our Maui Open Studios and it revolves around the date of September, I'm sorry, of February 17th and 18th, so if you could please continue to approve the current calendar because there's been a lot of time and effort and this would be devastating if we were to miss that opportunity. And second, we also received a grant from the Hawaii Tourism Authority, and that started in September, and it's called "Art in the Park - Celebrating 2018 International Year of the Reef," and LAS and LAA are going to partner with some of our local nonprofits and we're going to have an education component underneath the tree; well, it takes time to pair up those organizations to talk about the reef along with an artist, and so if you only, you know, approve one month at a time, it makes it very hard for us to plan ahead. Also, because everything's been kinda unopened and not really sure what's happening, we had a Banyan fair event on the 30th, 31st, and 1st of January, and so I just kinda took a poll, a petition, what would happen to the visitors, the merchants around the surrounding Banyan Tree if we didn't have any art fairs, and I received 480 signatures just to try and give you stats that the calendar is very important to the artists and that we really hope that you will approve the 2018 calendar. And in closing, in my testimony, I even state that, right here, it says, "We kindly request that this committee approves the existing 2018 calendar today for everyone to plan for their current year. Please consider to grandfather the current historic rules and guidelines under the Banyan Tree. Any new modifications may be collaborative effort among all interested parties in mid-2018," like Erin stated, we get together and we look at the calendar for the upcoming year, "to implement for the upcoming year." So we're not disclosing or, you know, trying to void anybody, and I just hope that we can move ahead, accept the 2018 calendar as is. We've been planning on the events and we want to move forward, and we can reconvene all four or five, however many organizations come forth when you get the word out and we can look more currently for the 2019 calendar. Thank you.

Chair Sablas: Thank you. No other public testimony? I'm going to be closing public testimony at this time. Okay, public testimony is closed and we have some comments from Corp Counsel.

Ms. Thomson: Before you get too far into, you know, making a motion and all of that, so the -- the calendar that was circulated back in November that had both the special events and the crafts fairs on it, so you can do a couple of things, Parks said it was fine to, you know, go ahead and approve the special events if you're incline to for the whole year, and then the crafts fairs, one of things is that you don't have the information for Ms. Goo's organization before you so if you're incline to approve events that include her group, you should probably take a break, we can make copies of what was requested so you have it actually before you.

Ms. Kajiwara-Gusman: I think that's easiest, yeah.

Chair Sablas: Okay. So anyone ready? Are we ready as a --

Ms. McLean: There -- there wasn't a second -- there wasn't a second.

Chair Sablas: Well, she has to amend her motion.

Ms. McLean: Okay.

Ms. Kajiwara-Gusman: Yeah. I just have -- I have a question too though. Because Mr. Fujiwara did say that his events or he's considered as part of that 25, if we separated the calendar, that's going to affect -- I mean how -- how would we --

Dr. Six: Doesn't -- isn't his, because it's a cultural event, he has rules under the tree but he's not a crafts fair. Is that the difference? 'Cause that's kinda what I picked up.

Mr. Skowronski: ...(inaudible)... difference?

Dr. Six: No.

Ms. Kajiwara-Gusman: No. No.

Dr. Six: I'm just saying because we want to split the calendar from events and the crafts fairs.

Unidentified Speaker: They're all the same.

Dr. Six: They're all the same? So we can't really split --

Ms. Kajiwara-Gusman: 'Cause he said he's part of the 25. He's under the -- the Lahaina Action --

Ms. Almeida: To provide clarification, the special events that we're referring to are the special events that most typically the Lahaina Town Action Committee is the applicant, and that would be like the Fourth of July Party, the Banyan Tree Lighting, these are the types of special events that we are referring to, not any type of art or craft fair.

Ms. Kajiwara-Gusman: Yeah, these are -- these are free community events. Correct?

Unidentified Speaker: Yes.

Ms. Kajiwara-Gusman: Yeah. Yeah.

Mr. Skowronski: But these special events would have booths and people selling artifacts would they not?

Ms. McLean: Chair, if I may, I would suggest approving just the calendar as it was presented for whatever amount of time you feel is appropriate, and at the next meeting, we can have the full calendar for the rest of year, for whatever period you don't approve, so that you can look specifically at the entities and the events rather than trying to separate special from the craft fairs, it was presented to us as one calendar --

Mr. Skowronski: Right.

Ms. McLean: And so for the sake of today, it would probably be cleaner to go with that for whatever duration you feel is appropriate, and then if that's not a long duration, then, at the next meeting, you could consider separating it or however else you might want to deal with it differently and incorporating any other entities that you may wish to add.

Chair Sablas: Commissioner Six.

Dr. Six: I just wanted to just kind of address the group. It's -- there's so much going on and there seems to be a little bit of an ownership factor of who gets together in the summer and decides everything for the year, and we have new player in the group and we want to allow fair and equal access, so I was wondering if maybe a quarter, like approving for three months while we have a chance, approving everything on the calendar for three months while we have a chance to make sure we revisit the rules and see if this new applicant can be -- then maybe join the calendar, we could do it for six months, but I think maybe doing it for three, so I don't know how anybody feels about that 'cause I understand that people have events and things they want to get going, but we also have, you know, we have a -- an obligation to make sure that it's going forward in a way that includes

everyone in the community, so that's where I find a little bit of a kind of a -- kind of like we all got together last summer, we all decided this, well, you have to apply for a permit, it says right here that the Lahaina Town Action Committee and the Lahaina Art Society does not have exclusive rights to permits granted for Banyan Tree Park, so there's this assumption that because we've been doing it for 50 years, or 35 years, but because we have a new player, and we have specific rules, I just think it's -- it would make me feel more comfortable if we had more information before we approve a calendar for a year or even six months. That's just my opinion.

Mr. Lay: And, for me, I have a hard time when they're publicizing events when it's not even okayed by us yet, you know, that's ...(inaudible)...

Dr. Six: And getting grant monies for -- for an application you don't have approved.

Mr. Lay: You know, I know --

Dr. Six: There's an assumption.

Mr. Lay: ...(inaudible)... events, everything, I want them --

Chair Sablas: Yeah.

Mr. Lay: To go well but there's a process.

Ms. Kajiwara-Gusman: I have another question, sorry. So the document that we have from the Department of Land and Natural Resources gives, if I'm reading this correctly, certain uses, leases, and subleases to -- of the park to the Lahaina Town Action Committee, do they still have a lease on that property? I know they mentioned having the Courthouse area, but this document says the Courthouse and the Banyan Tree Park.

Dr. Six: What's the date of that one?

Ms. Kajiwara-Gusman: 2004

Dr. Six: That's the 2004.

Ms. Kajiwara-Gusman: Or is there a document following this that changes that because it's -- I mean I'm just maybe getting in --

Ms. McLean: What the Parks Director said previously is that the County lease the Courthouse property to Lahaina Restoration Foundation who subleases it to Lahaina Town Action Committee and Lahaina Art Society. That's just the Courthouse. The Park, the Parks Department has a grant with Lahaina Restoration to maintain it.

Ms. Kajiwar-Gusman: Okay, that's not what this says.

Ms. Thomson: I think probably the confusion is that there are two different BLNR actions; one was in 1999 regarding the lease of the Courthouse building itself, and then the County went back in 2000 and BLNR gave some different authority over the uses of the Park.

Ms. Kajiwar-Gusman: Okay, this is in 2004 though, not 2000. This is after and it says - it says to the Lahaina Town Action Committee.

Ms. Thomson: Well, so I think that -- that the use of the Park -- let's see. What you need to refer to though would be not the --

Ms. Kajiwar-Gusman: So is the County -- I guess my question would be is the County rules going to override this because if they're leasing the property, technically, they have rights to -- I'm not trying to -- I mean where's the other document that tells us that they're not leasing, that it's under the County or I'm just -- I'm not an attorney so I'm just looking at what I have in front of me.

Ms. Thomson: So attached --

Dr. Six: I don't have that.

Ms. Thomson: Attached -- it's the July 22, 2004 letter --

Dr. Six: Yeah, I don't have it. I think it's missing ...(inaudible)...

Ms. Thomson: And it's from DLNR. At any rate, the -- the important document is what's attached to that, and what's attached is just the 2000, February 25, 2000, and that's -- that's an official record of the decision of the Board of Land and Natural Resources.

Ms. Kajiwar-Gusman: The DLNR.

Ms. Thomson: Yeah. And that added the uses of the Park.

Ms. Kehler: Can I just clarify something really quick? Sorry. That -- that letter that you have from BLNR, it's missing the second page. I have the second page. I went down to DLNR and got it. It's missing page number 2, but it does not say that -- what it -- what it says is that --

Ms. Kajiwar-Gusman: They're not leasing it.

Ms. Kehler: Yeah, it says that the December '97 meeting, the Board approved the County's request to lease the Lahaina Courthouse under Executive Order 16-2. And then it says, "The uses of the Courthouse shall be limited to the following," which is the same uses that is on that -- on that page that you folks have, and then it has the potential users must meet the following requirements, and it has the same requirements that are stipulated on the page that you have. Okay, and then it says, "On October 8, 1998, the Board, under Agenda Item D.3., found that the County of Maui's proposed users did meet the condition and the established user criteria condition, and in accordance with number 5, approved County of Maui's request to lease the Courthouse to the Lahaina Restoration Foundation and sublease to the Lahaina Art Society and Lahaina Town Action Committee. Although the Courthouse has become an established Historic Landmark within the Lahaina area, the Lahaina Banyan Tree Park, which is located in the same piece of set aside land has also pulled its weight as a significant historical site." So the Board approved sublease and a lease for the Courthouse, not for the Banyan Tree.

Ms. Kajiwar-Gusman: Okay, that's what ...(inaudible)...

Ms. Kehler: And then that third page, which you all have, on 2000, they added in the allowable uses for the Courthouse -- or, I'm sorry, for the Park, and then what the -- what the users must comply with to use the Park.

Mr. Skowronski: But it specifically say the Park is part of the Courthouse lease. They're still separating the Courthouse from --

Ms. Kehler: It's separate.

Mr. Skowronski: The Banyan -- Banyan Park.

Ms. Kajiwar-Gusman: Yeah.

Ms. Kehler: Yes.

Ms. Kajiwar-Gusman: Okay. That's what I wanted to know. Thank you. So do you folks have, according to Mrs. Goo, she has completed an application and requested dates. Does the Parks Department have that information for us?

Ms. Almeida: We do have an application submitted. A couple of points of clarification. In speaking with the Director, this is the first time that I've seen the BLNR guidelines, and an important guideline to note is number 5.C: The activities of the organization shall have the significant educational component. There's a number of items in here that are outlined that we are not collecting documentation for at this time, and speaking with the Director, we'll be revisiting our permit process specifically for Banyan Tree Park pretty immediately, and I wanna also add that at the time that she went to the permit office, we hadn't

accepted or had any new submittals for Banyan Tree Park and that might be why there was some confusion from the staff, but the calendar had already been put together, so I think we're at this place where we needed some direction from the Commission, if possible, and if we are to process an application, then we're going to process it per the guidelines set forth from the BLNR.

Mr. Skowronski: If -- if we approved the calendar for any period of time, three months, six months, a year, does that preclude a new applicant coming in and trying to get access to open dates within that calendar? Does that preclude that or can we then have to review those in-fills?

Ms. Almeida: If there available dates, because there is the limit, right, of three consecutive weekends, but if there were to be available dates, I believe with the Commission's approval, so we would still need to come back for an approval to add to the calendar.

Dr. Six: Looks like it's pretty -- looks it's pretty booked up.

Chair Sablas: Commissioner Bailey.

Mr. Bailey: The whole calendar would have to be amended. If you're going to take on a new applicant, and then you have to amend the whole calendar because the dates were preset back in September, so I think the realistic thing we have to do, 'cause there's still other provisions in this memorandum, is just approve the calendar now until the six months, if that's our suggestion, worry about this application that comes through once it meets the criteria because then it has to come to our floor for two things: Historic District approval, and then also the Cultural Commission shall, which is basically must, shall, or will, which is law, have the right to review and approve all criteria anyways. We can't do that today. There's no way. So I would just say we move forward with the calendar till the six months, like recommended, with the events as well, and then, hopefully, by June, if we have enough for quorums on all our next month meetings, we can work on that process, but to just sit here and jump into a schedule that's already been gone through - - already been going through their administrative process is just not -- not feasible. It's not realistic.

Chair Sablas: Are we ready to make a motion at this time? We've had a lot of discussion.

Ms. Kajiwara-Gusman: There is one still on the floor.

Chair Sablas: Is that -- but did you -- did you amend? You didn't amend it.

Ms. Kajiwara-Gusman: I was going to amend for the special events, but I've -- I have to just -- Mrs. Goo, I'm really sorry, I was -- in Planning several months ago, back in August actually, and I was told by one of their administrators that they did not have rules for what

I was trying to do, which was put up a farm building on my property, and the guy, literally, told me that my application was going to sit on his desk until he doesn't know when, so I -- I feel for you guys and I understand what you're going through, but I'm going to stick with my original motion that we approve the special events and the calendar for at least six months because I --

Mr. Skowronski: A separate calendar?

Ms. Kajiwara-Gusman: No, not separated because they -- I think the weekends that some of these events are on, and I know 'cause I participate in a couple of them, they go hand-in-hand. The Lahaina Town Action Committee or the Restoration, whatever, Foundation are the applicants for that event and it happens at the same time as a craft fair, so I -- I firmly believe that they should be done together with the option, if the Planning Department can get their processes that we can come back to amend at anytime within the six months to add them to the calendar. Is that --

Chair Sablas: I thought your motion was to do the events the whole year and the -- and the --

Ms. Kajiwara-Gusman: The original motion was to --

Chair Sablas: To do the events for a year --

Ms. Kajiwara-Gusman: To do the six months.

Chair Sablas: Because of the long-term planning.

Ms. Kajiwara-Gusman: Yeah, because of the planning.

Chair Sablas: Are you changing your motion?

Ms. Kajiwara-Gusman: No, no, it's six months. The six months. It was six months originally --

Chair Sablas: Oh, okay.

Ms. Kajiwara-Gusman: And then we talked about making it for the year, but the original, I believe, was for six months, yeah.

Chair Sablas: Commissioner Lay, you had -- because I think the point was for events, it needs long time planning.

Ms. Kajiwara-Gusman: Or we can do the events for the year but --

Chair Sablas: And -- and most of the events --

Ms. Kajiwar-Gusman: I don't know. It's just --

Chair Sablas: Most of the events are cultural events that are, you know, have been traditionally done under the Banyan Tree.

Ms. Kajiwar-Gusman: Then let's do the events -- amend to do the events for one year and the craft fairs for six months.

Dr. Six: I second that.

Mr. Lay: I think we gotta do them separately. The events one -- is one motion, then we work out the other one after that way we get that moving forward already.

Dr. Six: So events for one year, 'cause that most -- and then crafts fair for six months. That's the motion?

Ms. Kajiwar-Gusman: Yeah. Yup.

Dr. Six: I second that.

Chair Sablas: Okay, it's been moved and seconded. Discussion?

Mr. Skowronski: I have a problem with separating.

Ms. Kajiwar-Gusman: Yeah.

Mr. Skowronski: I think -- I think that that puts an unfair onus, not only on the applicants, but on the Planning Department, on the Parks Department as to what's a cultural, non-economic, non-commercial event as opposed to a crafts fair. I think that we should seriously consider that we -- we use and take the calendar in its totality as presented to us now and put a time frame on it that gives us an opportunity for these permit apps to work their way through and still hold the Planning -- still hold Parks and Rec and promote them to come up with a fair application process. I think separating them is going to add to the confusion and that's not really what -- what we have here. Let's keep the calendar together, in a totality, and -- and have the -- have the motion attend to just the time frame as opposed to mitigating how you have a special cultural event that does not have a crafts fair. How do you do that?

Dr. Six: So would we revisit this like in three months 'cause if we give them six months, we can't wait till June and then say, okay, you can do July. We would need to set some time constraints for ourselves, I'm just saying.

Mr. Skowronski: But keep in mind that just because we put a three-month, four-month, or six-month sunset time frame on this, it doesn't preclude that something eight or nine months down the road will eventually be approved, so let them do the planning --

Mr. Bailey: Right.

Mr. Skowronski: We're not cutting that out.

Dr. Six: Okay.

Mr. Skowronski: One does not obviate the other. We're just saying that, right now, we'll just pick -- pick a time frame, six months, four months --

Ms. Kajiwara-Gusman: Yeah, six months. Yeah,

Mr. Skowronski: Five months.

Chair Sablas: The motion has been made, and it has been seconded, I would like to call for a vote, and if the vote fails, the motion fails, then we revisit Commissioner --

Mr. Lay: Can we repeat the motion please.

Chair Sablas: Or you can amend it.

Mr. Lay: Yeah.

Ms. Kajiwara-Gusman: Okay, the motion was to -- or the amended motion was to approve special events, such as the cultural Hawaiian events, Kuhio Day, Kamehameha, the Ukulele Festival, to approve their one-year schedule, and then approve the organizations' calendar for craft fairs for approximately six months, till June.

Chair Sablas: And you --

Dr. Six: I seconded that motion, yeah.

Chair Sablas: Second that motion. Further discussion before I call for the vote?

Ms. Kehler: Chair?

Chair Sablas: Okay, staff?

Ms. Kehler: Point of clarification. So the motion was to approve the calendar for events, specifically, for the whole year, and then -- and to approve craft fairs till when?

Ms. Kajiwara-Gusman: June. Six months.

Ms. Kehler: Oh, June. And this on the calendar that was presented to you at the November --

Ms. Kajiwara-Gusman: November meeting.

Chair Sablas: Anymore comments before I call for the vote?

Dr. Six: Yeah, I have a comment. If we -- if we schedule this for six months, then the three permit-holders should really probably get together with the new permit-holder and start to coordinate potential -- for the remaining six months, so if we do go through it for six months, then we would -- we would want people to coordinate together to work it out for the remaining six months.

Chair Sablas: I don't know. I mean are you recommending --

Dr. Six: Yes.

Chair Sablas: Or it's a recommendation?

Dr. Six: So I'm recommending that if we do -- we do pass the six months for the crafts fair, that the three existing permit-holders, if we have a -- if the permit-holder, if their application is granted, that they work together to coordinate dates for the following six months.

Chair Sablas: How can we enforce that? It's a recommendation. Yes?

Mr. Bailey: I think, Chair, I think just so just to keep it somewhat -- we don't even know if the permit's going get passed. We don't even know if they're going to pass the criteria or whatever. I honestly think just keeping the -- the calendar together, so I know we're going to call for the vote, but just keep it together for the six months; obviously, we work on it prior to that, if something comes up, if that applicant is permitted --

Ms. Kajiwara-Gusman: We can amend the calendar.

Mr. Bailey: We can amend it, we can do whatever, but I think just keep it clean so these guys can move forward would be the simplest, but you can call for the vote and --

Chair Sablas: Okay.

Mr. Lay: So --

Chair Sablas: One more?

Mr. Lay: Discussion? So, with that, I mean six months is a long time, to me, like you said, like planning ahead is difficult, if we have someone who went through the procedures, done everything they're supposed to do, has been put on hold because we don't know what to do, and yet they're put on hold, so I don't know. If their permit approved, with next week, what happens then? All the dates are already closed off and we're saying for six months, and yet they're following procedures that they should be doing --

Mr. Kajiwar-Gusman: No, we can amend the calendar. It's up to us to approve this.

Chair Sablas: So we could address it at a future meeting. In other words, we are leaving the doors open, but we just need to have them go through the process, the permitting process with this motion. Are we clear? Okay, wow, all in favor of the motion as presented, signify by saying aye?

Ms. Kajiwar-Gusman: Aye.

Chair Sablas: Okay, let me see, signify by showing -- raise your hands? All in favor?

Dr. Six: This is for the one year and six months?

Mr. Skowronski: Correct.

Chair Sablas: Yeah.

Ms. Kajiwar-Gusman: Yeah.

Chair Sablas: All in favor again of that motion as made? The two of you?

Ms. Kajiwar-Gusman: Yeah.

Dr. Six: So ...(inaudible)... oh, yeah.

Chair Sablas: Okay, opposed? Fails. Motion fails.

It has been moved by Commissioner Kajiwara-Gusman, seconded by Commissioner Six, then

VOTED: to approve the special events for one year, and craft fairs until June 2018, as submitted on the 2018 Banyan Tree Events Calendar, which was presented to the Commission at their November 2, 2017 meeting from the Department of Parks and Recreation.

(Assenting: C. Kajiwara-Gusman; J. Six)
(Dissenting: T. Bailey; I. Lay; M. Roppa; F. Skowronski)
(Absent: L. Kawaa; C. Lima)

MOTION FAILED

Mr. Bailey: I guess I'd like to make a new motion.

Chair Sablas: New motion?

Mr. Bailey: So a motion on the floor is to approve the existing calendar up until June of 2018 as is.

Chair Sablas: Do I hear --

Dr. Six: June 1st or June 30th?

Mr. Bailey: June 30 is fine.

Mr. Skowronski: But a comprehensive calendar --

Mr. Bailey: The calendar --

Mr. Skowronski: The special events plus --

Mr. Bailey: Right.

Mr. Skowronski: The crafts fair. Everything.

Mr. Bailey: In November.

Mr. Skowronski: Right

Mr. Bailey: The one that was proposed in November, so the calendar right now, up until June 30th, 2018.

Ms. Kajiwar-Gusman: So what happens with --

Mr. Skowronski: Second.

Ms. Kajiwar-Gusman: With the events.

Chair Sablas: Wait, wait, wait.

Ms. Kajiwar-Gusman: Oh, sorry.

Chair Sablas: It has to be seconded.

Ms. Kajiwar-Gusman: Yeah.

Chair Sablas: So it's been seconded. Now it's open for discussion.

Mr. Bailey: So all of it's on there. Nothing changes.

Ms. Kajiwar-Gusman: No, the special events that are happening July, September we have --

Mr. Bailey: Well, we have six months to figure it out. If the other applicant doesn't come forward within that six months, we approve the calendar, the -- continue out the year.

Ms. McLean: Or the Parks Department could present a calendar just of special events -
-

Ms. Kajiwar-Gusman: Special events.

Ms. McLean: That you could approve for the entire year, but because it's somewhat unclear right now --

Mr. Skowronski: What would be nice if Parks and Rec could come up with a set of guidelines for application within the next six months so we could approve the calendar and --

Ms. Kajiwar-Gusman: Well, it seems they -- they have guidelines because these guys are already approved so it's a matter --

Mr. Skowronski: No, I mean they're working on a new set of guidelines.

Ms. Kajiwar-Gusman: Yeah.

Mr. Skowronski: So that would be nice but whatever.

Chair Sablas: I'm sorry. Did I get a second to your motion?

Mr. Skowronski: Yes.

Chair Sablas: You had a first -- a motion made and second. Okay, any further discussion? If not, let's call for the vote. All in favor for the motion as presented signify by raising your hand. One, two, three, four, five.

Dr. Six: Five.

Chair Sablas: Opposed? Okay. Five ayes. Motion carries. Wow. That took a long time.

It has been moved by Commissioner Bailey, seconded by Commissioner Skowronski, then

VOTED: to approve the 2018 Banyan Tree Events Calendar up until June 30, 2018, as submitted to the Commission at their November 2, 2017 meeting by the Department of Parks and Recreation.

(Assenting: T. Bailey; I. Lay; M. Roppa; J. Six; F. Skowronski)
(Dissenting: C. Kajiwar-Gusman)
(Absent: L. Kawaa; C. Lima)

D. NEXT MEETING DATE: February 1, 2018

Dr. Six: Oh my God, it's almost three.

Chair Sablas: Okay, the last -- the last item on our agenda is the next meeting date, February 1, 2018.

Mr. Skowronski: But that -- that agenda -- that agenda has the calendar on it, right?

Chair Sablas: Yes. Annalise, for that agenda, we're going to have the calendar, I think it's made on the February 1st meeting?

Mr. Bailey: I think only if the permit --

Ms. McLean: You may not need to yet.

Mr. Bailey: Yeah, only if the permit -- only if there's a new permit, then we'll --

Chair Sablas: Yeah.

Mr. Bailey: Then we follow our memorandum.

Dr. Six: Alright. I'm exhausted. I don't want to go to Costco.

E. ADJOURNMENT

Ms. McLean: Did you adjourn?

Chair Sablas: I'm sorry. The meeting is adjourned.

The meeting was adjourned at approximately 2:36 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE

Present:

Lori Sablas, Chairperson
Ivan Lay, Vice-Chairperson
Timothy Bailey
Christy Kajiwara-Gusman
Michael "Kaleo" Ropa
Dr. Janet Six
Frank Skowronski

Absent(A)/Excused(E):

Cheney-Ann Lima (A)
Luana Kawaa (A)

Others:

Michele McLean, Deputy Planning Director
Garrett Smith, Planner VI, Long-Range Division
Annalise Kehler, Cultural Resources Planner
Richelle Thomson, Deputy Corporation Counsel
Suzette L. Esmeralda, Secretary to Boards & Commissions II