

**(APPROVED: 09/06/07)**

1                   BEFORE THE CULTURAL RESOURCES COMMISSION

2                                   COUNTY OF MAUI

3                                   STATE OF HAWAII

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9                                   TRANSCRIPT OF PROCEEDINGS

10                                  REGULAR MEETING

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17 Held at the Kamehameha III Elementary School, 611 Front

18 Street, Lahaina, Maui, Hawaii, commencing at 10:07 a.m.

19 on Thursday, July 5, 2007.

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25 REPORTED BY: KATHERINE EISMANN, CRR/RDR/CSR #439

1 ATTENDANCE

2 COMMISSIONERS PRESENT:

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4 SAM KALALAU III, PRESIDENT

5 J. KE'EAUMOKU KAPU

6 LON WHELCHER

7 PERRY ARTATES

8 VERONICA MARQUEZ

9 NANI WATANABE

10 LEE KALEI MOIKEHA

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12 STAFF PRESENT:

13 JAMES GIROUX, DEPUTY CORPORATION COUNSEL

14 JEFFREY HUNT, PLANNING DIRECTOR

15 STANLEY SOLAMILLO, LIVIT CALLENTINE,

16 SUZETTE ESMERALDA, DANNY DIAS

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1 (Wednesday, July 5, 2007, 10:07 a.m.)

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3 CHAIRPERSON KALALAU: Will the meeting of  
4 Maui County Cultural Resource Commission please come to  
5 order.

6 MS. ESMERALDA: Sam, microphone.

7 CHAIRPERSON KALALAU: Yes. Okay. We have  
8 some house rules to discuss here. First of all, there's  
9 three seats in front here, and we just want to apologize  
10 for the little bit inconvenience, because we are  
11 supposed to be in the cafeteria, but the cafeteria is  
12 being used, so we found this classroom here.

13 Also, the bathrooms are in the back here. I  
14 don't know if we got the keys. The keys, might have to  
15 get them from the office. And also, for those of you  
16 who like to testify, we can sign up right here. There's  
17 a sign-up list. And also, for those of you who don't  
18 have the time to wait around until the agenda item comes  
19 up, you can testify prior to the agenda item coming up.  
20 We will give you that opportunity.

21 Also, when you come and testify, you will  
22 have a three-minute limit, and if you have more to  
23 state, you can come back up after, after your three  
24 minutes.

25 Also, we ask for your respect for each other

1 in here and be humble to each other.

2 The first thing on the agenda is

3 Commissioners, we need to approve the minutes of our

4 last meeting. Is there any corrections or comments on

5 the minutes of our last meeting?

6 If not, I just had some question for the

7 staff. This was on page five. You know, we were

8 talking to Keoki Freeland about there's a new ordinance

9 or a copy of an ordinance that was given to the

10 Department, and if the Commissioners could have a copy

11 of that ordinance.

12 MR. SOLAMILLO: We will have to get a copy

13 for you.

14 CHAIRPERSON KALALAU: Okay. Thank you. Do

15 I hear a motion?

16 COMMISSIONER WHELCHER: I make a motion that

17 we approve the minutes for the May the 3 -- May 3rd,

18 2007, meeting as read.

19 CHAIRPERSON KALALAU: Is there a second?

20 COMMISSIONER MARQUEZ: Second.

21 CHAIRPERSON KALALAU: It has been moved and

22 second. Any discussion? Since there is no discussion,

23 all in favor say aye.

24 (Chorus of ayes.)

25 All opposed.

1 (Silence.)

2 Motion carried.

3 First item on the agenda, Stan.

4 MR. SOLAMILLO: Under Historic District

5 Applications, Mr. Michael Whitehead on behalf of James

6 and Siuafu Whitehead requesting review and approval to

7 replace one-over-one light wood windows with

8 six-over-six light vinyl windows in a former Pioneer

9 Mill Company barracks, located at 224, not 232

10 Lahainaluna Road, TMK (2) 4-6-010: 014 in the National

11 Historic Landmark District, Lahaina, Maui.

12 The CRC may approve or deny the request and

13 provide recommendations, and public testimony will be

14 accepted.

15 CHAIRPERSON KALALAU: Do we have the

16 application?

17 MR. SOLAMILLO: The applicants are present.

18 CHAIRPERSON KALALAU: Okay.

19 MR. SOLAMILLO: The first slide is a view of

20 the Whitehead property, which is the former Pioneer Mill

21 barracks.

22 It's located on the parcel that is indicated

23 in yellow with an arrow and shows that its location is

24 outside the Historic Districts 1 or 2, which are managed

25 by the County of Maui, but located within the National

1 Historic Landmark District.

2           The property first shows up in 1924 on a  
3 Sanborn Insurance map, and it is labeled within a group  
4 of buildings that are called laborers' quarters with  
5 five rooms each.

6           The barracks location in relation to Pioneer  
7 Mill is directly makai of the mill. The mill is above  
8 on the map, and you can see how the mill's relationship  
9 with the camp quarters and other camps provided housing  
10 for laborers.

11           Another photograph shows up in 1947 in the  
12 Pioneer Mill Company Annual Report which was produced  
13 merely as a photograph, and it shows the barracks lining  
14 Lahainaluna Road surrounded by cane fields.

15           Four barracks were removed from Honoapiilani  
16 Highway during its expansion and currently only six  
17 original buildings remain intact along Lahainaluna Road.

18           Because they are the only ones of their  
19 type, they are significant as a grouping of Plantation  
20 Era housing which was built by Pioneer Mill Company, and  
21 as a group are eligible for listing in the National  
22 Register of Historic Places.

23           During the past year and a half, the  
24 buildings have changed ownership, and there have been  
25 rehabilitations done to the properties that are mauka of

1 Mr. Whitehead's house. These include a building located  
2 at 252 Lahainaluna Road, another one at 242. Though  
3 everyone concedes that these are vast -- more  
4 improvements than what the buildings had appeared to, up  
5 to this point in time, what we are seeing is that  
6 changes have occurred on the buildings which slightly  
7 alter their historic integrity.

8           The most egregious, if we were going to look  
9 at it from the National Park Service, which is the  
10 ultimate authority for the NHL or National Historic  
11 Landmark District, is changing out of doors and windows.  
12 In this case, it's a six-over-six vinyl window which  
13 replaced a wood window of indeterminate configuration.

14           The next house down from 232 is 224, which  
15 is the applicant's house at this point in time. The one  
16 next door to it is 216, and although it has original  
17 window frames, the window configurations were changed,  
18 but they were changed during the '40s or '50s and, in  
19 their own right, have acquired some sort of  
20 significance.

21           The last one in the group of houses is the  
22 one located at 208 Lahainaluna Road. And this one  
23 features six-over-six lights and original wood sash.  
24 Another building which is related, because it's Pioneer  
25 Mill housing, in this case probably for a luna, is

1 located at 233 Lahainaluna Road. It's virtually intact.

2           And our concern is that the grouping should  
3 continue to maintain whatever original features were  
4 left in the remaining houses located on Lahainaluna  
5 Road.

6           This is Mr. Whitehead's house located at 224  
7 Lahainaluna Road. He did apply for a permit to do  
8 improvements to the house and ordered windows to the  
9 tune of \$7,000, which were vinyl six-over-six. But you  
10 can look at the house now and look at the windows, the  
11 original one-over-one wood sash, and inspection of the  
12 windows revealed that they are not too bad as far as  
13 rehabilitation purposes. And looking at the exterior  
14 finishes of the building as well, termite damage is  
15 fairly minimal.

16           We will concede that Mr. Whitehead does  
17 great work and that his improvements to the house and  
18 the one adjacent to it improved the overall impact or  
19 the overall condition of the neighborhood.

20           On the inside of the building, other things  
21 which are important, from the standpoint of the National  
22 Historic Landmark District, are the basic construction.  
23 And everyone's familiar with single-wall construction,  
24 but for people that aren't familiar with it, who come  
25 from the mainland, this is something new in its



1 entirety, because, historically, we have never done  
2 double walls here on the islands.

3 Other things that are probably significant  
4 about the house are some of the cabinet work and  
5 casework. Needless to say, these are interior features,  
6 and all that we are concerned about, essentially, is the  
7 exterior views of this building from the public  
8 right-of-way.

9 At this point, we will ask Mr. Whitehead to  
10 present his case to the Commission, if there are no  
11 questions from the Commission.

12 CHAIRPERSON KALALAU: Questions,  
13 Commissioners?

14 If not, Mr. Whitehead, can you come forward?

15 MR. WHITEHEAD: Just go over there?

16 MR. SOLAMILLO: Here is a mike.

17 MR. WHITEHEAD: Good morning. My name is  
18 Mike Whitehead. As Stanley was showing our pictures, I  
19 think he made a pretty good explanation.

20 First of all, like I told Stanley, we talked  
21 to Ann, who had approved the first three permits on the  
22 other buildings he showed you. We don't have the money  
23 and/or the time to wait, and whatever decision you guys  
24 come up with is what we are going to go with.

25 Basically, I'm at a point where either just

1 take a loss and move on, or just go on. So, you know,  
2 whatever you guys decide.

3 This -- if I can just give this to you,  
4 Mr. Chairman. It's a petition we got in the last couple  
5 days, because only recently we knew, and I wasn't sure  
6 about doing it, but the neighbor in 216, Carol, had  
7 suggested we should do a petition, you know, just to  
8 show the public support.

9 And that was part of the reason we wanted to  
10 buy the second house and do what we did on the first  
11 one, 232, because we had a lot of support and a lot of  
12 good comments. And that's all we have ever gotten from  
13 the public.

14 I have taken some pictures of -- other  
15 pictures of other houses. These are some of the  
16 pictures at the bottom with the termite eaten and, you  
17 know, some of the rebuilding. Like I said, I am going  
18 to do whatever you guys want, but this picture here, the  
19 yellow, I went and painted the side of the house, the  
20 left side of the house, taped in the grids to show that,  
21 you know, we are mimicking the trim, everything exactly  
22 the same.

23 But I don't know if -- I mean, you can't  
24 really -- you know, in my opinion, you can't really tell  
25 the difference between the two or even maybe the house

1 above us, 242. You know, so that was the reasoning for  
2 this. This is going to be my color scheme for what's  
3 happening. The color of the roof that you see up there,  
4 that's a material to preserve the roof that is called  
5 Hydro-Stop. I don't know if anybody is familiar, but  
6 it's a rubberized coating with fabric material. It's a  
7 30 year guarantee on the roofs, so that will help out.

8         You know, and then this is just, you know,  
9 across the street. You know, I mean, what we are  
10 looking -- and like I said, we are just trying to make  
11 improvements to what we can. I can afford to do it,  
12 because I am doing all the work except for the license  
13 areas, like electrical and stuff.

14         You know, these are some of the older homes  
15 along Front Street. I don't know if they are historic,  
16 but, you know, they got the grids in the windows. This  
17 is, you know, just pictures. I was just trying to make  
18 points every angle I can, you know, just because of the  
19 money issue.

20         I remember this lot had a two-story  
21 plantation. They got knocked down, and now they are  
22 putting up this huge two story. This is the one across  
23 Mala, that big box, which, you know, doesn't even go  
24 with the design or the theme of the island. And these  
25 are the new style, I guess, grid windows that, you know,

1 are starting to be installed.

2           So, you know, my case is like just to kind  
3 of go with, you know, whatever you guys decide. But it  
4 was looking for every angle that I could to, you know,  
5 try and make a point. And ultimately, it's what you  
6 decide.

7           Somebody had given me an article. I guess  
8 it's in the Maui County Magazine or something. A few  
9 years back, some guy named Fidel had a house on Front  
10 Street which was the Pioneer Mill manager's house. And  
11 I guess he ran into problems in the permitting.

12           And instead of, you know, going through it  
13 and trying to -- you know, I guess it was whatever he  
14 was going through. But he made mention that it was the  
15 best thing -- I highlighted in green that it was the  
16 best thing he ever did was knocking it down, then they  
17 just approved to put up a new house. If I can hand that  
18 to you, Mr. Chair. I highlighted the green is where  
19 it's going. The Mayor was at a talk story for him,  
20 informal one.

21           I am not born on the island, but I have been  
22 here since I was six. My mom and her family are born  
23 and raised. And, you know, for me, it's every property  
24 owner has their right to do, I guess, what he did, knock  
25 it down, like the other people are doing, waiting for it

1 to fall or, you know, for whatever reason, and then put  
2 up new housing, but that wasn't my intent. It's just to  
3 do what I can and what I think, you know, to not restore  
4 but preserve the character.

5           When you restore, it takes a lot more time  
6 and a lot more money. And you know, at that point, I  
7 don't -- living on Maui is rough or in Hawaii in  
8 general, being as we all work, you know, two and three  
9 jobs. I am usually going seven days a week. So, like I  
10 said, I am doing all the work. That's how I can afford  
11 to do it. All our money goes into material, and then  
12 just a couple of people that I use as labor or as help,  
13 except for our electricians, which you got to have  
14 licensed and the plumbers, if need.

15           As the cabinetry he showed you on the  
16 inside, we are going to leave all of that. That's all  
17 staying, because I'm -- like I said, I am kind of in to  
18 the plantation thing and that look. That's kind of all  
19 I got. I don't know if, you know, I am taking too long,  
20 but if I did, I am sorry.

21           CHAIRPERSON KALALAU: Questions,  
22 Commissioners?

23           COMMISSIONER MOIKEHA: Mr. Chair.  
24 Mr. Whitehead. So, when you first acquired the  
25 property, were you aware of where your home was situated

1 as far as, you know, the possibilities of it being under  
2 the National Registry of --

3 MR. WHITEHEAD: No, we knew it was in the  
4 National Historic District when we bought 232.

5 COMMISSIONER MOIKEHA: Uh-huh.

6 MR. WHITEHEAD: The reason I had purchased  
7 the windows was because they were approved on the first  
8 thing, and there wasn't any special, like we are making  
9 an exception for these houses, but, you know, in the  
10 future, if you do purchase, you need to keep the  
11 original.

12 COMMISSIONER MOIKEHA: So then you say the  
13 other houses that you restored, you replaced it with  
14 vinyl?

15 MR. WHITEHEAD: Yeah.

16 COMMISSIONER MOIKEHA: Oh, it is vinyl then.

17 MR. WHITEHEAD: Yeah.

18 CHAIRPERSON KALALAU: 232, yeah.

19 MR. WHITEHEAD: Sorry. I couldn't see.  
20 Actually 252, 242, and 232 have the vinyl. This is 224.  
21 And I painted that. That's the color scheme I am using,  
22 and I taped the grids in. And then this is the same  
23 left side of the house with the vinyl in it.

24 But I think the key was to keeping the look  
25 was doing the one-by-six trim, the whatever you call the

1 sill, the little sill at the bottom with the angle cut,  
2 and then the one-by-four underneath was really what kind  
3 of shows. It's just when you go inside, and then you  
4 see, you know, the areas that are termite eaten and  
5 whatnot. So, if you want to put that closer.

6 CHAIRPERSON KALALAU: Any more questions?

7 MR. WHITEHEAD: And then -- sorry.

8 CHAIRPERSON KALALAU: Okay.

9 MR. WHITEHEAD: I'm not an advocate --

10 CHAIRPERSON KALALAU: Is this the type of  
11 window that you are going to put in?

12 MR. WHITEHEAD: No, no. Exactly like this  
13 gridded windows here.

14 CHAIRPERSON KALALAU: Okay. Is it a two --

15 MR. WHITEHEAD: Double hung. It should go  
16 up and down, too. And then the other thing is I am not  
17 an advocate for vinyl, but I think in the situation  
18 where you are using the white-on-white, you can't really  
19 tell.

20 But if I was to paint the trim another  
21 color, I would actually take the vinyl off and use an  
22 oil primer to paint it the same color as the trim, so  
23 you still can't tell. I painted my fence a different  
24 color than white and it's wood, because I didn't want  
25 the white to make it look like vinyl.

1 CHAIRPERSON KALALAU: Thank you. Any more  
2 questions, comments?

3 If not, we will now open this portion to the  
4 public. If anyone wants to come and testify for the  
5 project or against the project, now is your time to come  
6 forward to speak on this agenda item.

7 MR. WHITEHEAD: Thank you for your time.

8 CHAIRPERSON KALALAU: Is there anyone  
9 speaking on this? I see that we have none. The floor  
10 is now closed, and we thank Mr. Whitehead.

11 Staff, do we have any comments?

12 MR. SOLAMILLO: The recommendations of staff  
13 were to retain the original one-over-one wood sash in  
14 the building, repair and restore them in place.

15 The reason for this is because windows and  
16 doors on buildings that are eligible for the National  
17 Register are character-defining features, and if they  
18 are changed, they change the character of how the  
19 building appears.

20 The eligibility or the determination of  
21 eligibility to the National Register is based primarily  
22 on how intact the building is with its original  
23 character-defining elements, including windows and doors  
24 as well as roofs, whatever external wall material was  
25 used in the original construction of the building.



1           This group of houses, although half of them  
2 have been changed, we are advocating that the remaining  
3 half be retained in their original configuration and  
4 restored.

5           CHAIRPERSON KALALAU: Okay. Commissioners.

6           COMMISSIONER MOIKEHA: Mr. Chair, I got a  
7 question that goes back to staff. So, those homes that  
8 have vinyl in now, why was it allowed or were we aware  
9 of any?

10          MR. SOLAMILLO: Through a departmental  
11 glitch, CRC staff did not know about the rehabilitations  
12 until after the fact.

13          COMMISSIONER KAPU: I have a question. Is  
14 this house acceptable to the secretary standards tax  
15 break if it was to apply?

16          MR. SOLAMILLO: If he applies the vinyl, he  
17 is not eligible for the tax break. If he wants to get a  
18 tax credit for the rehabilitation, which is a certified  
19 rehabilitation, you have to retain all the original  
20 character-defining features of the building.

21          CHAIRPERSON KALALAU: So, if he wants to  
22 replace it, he has to use all wood?

23          MR. SOLAMILLO: He would have to retain as  
24 much of the original wood windows as possible and  
25 rebuild them or replace with exact duplicates if he were

1 trying to get a tax credit for the home.

2 CHAIRPERSON KALALAU: Go ahead. Question.

3 COMMISSIONER MOIKEHA: Mr. Whitehead, in

4 your estimation, to renovate as is, what would you

5 estimate the cost to be?

6 MR. WHITEHEAD: If you had to re -- I have

7 never restored, so I can't really tell you. But you can

8 see from some of the pictures, with the termite eaten,

9 it's -- you know, I mean, I don't know.

10 If you bought new wood windows, if you

11 bought new wood windows, on the first house we were --

12 we felt like it was a mistake, because financially, it

13 kind of hurt us in the end. The secretary had talked us

14 in to buying half vinyl half wood, where the inside was

15 wood case, because it would go with the whole plantation

16 thing, and that's kind of what I was about. So, we just

17 went ahead and did it.

18 And the windows for the first house cost us

19 \$15,000 versus just 7,000 for this. So, I'm thinking if

20 you got all wood windows, it could -- you know, half

21 vinyl half wood was 15. I am thinking it could run you

22 as much as, you know, 25,000 possibly.

23 I mean, I can't tell you for sure, but I

24 know it would definitely be a lot more expensive. And

25 then we knew if we ever did it again, I wasn't going to

1 go that route. And if I wanted wood trim on the inside,  
2 I would try and case them out myself.

3 COMMISSIONER MOIKEHA: Question back to  
4 staff. As far as the tax break that we are talking  
5 about, what does that -- do we know what it is?

6 MR. SOLAMILLO: No, I don't know whether the  
7 applicant has actually applied. If it were to be the  
8 rehabilitation of a historic building, to meet the  
9 Secretary of the Interior standards, to be labeled a  
10 certified rehabilitation, he would have to submit plans  
11 ahead of time before this work has actually happened.

12 So, right now -- and that's for a 20 percent  
13 tax credit. If he's just going for a 10 percent, you  
14 can apply after the work is done. But the problem is,  
15 where -- after I inspected -- and I was with  
16 Mr. Whitehead, and I walked around the house. And I  
17 told him, you know, the windows aren't all that bad,  
18 because you see it -- I mean, we all know what termite  
19 damage for windows is and how it can render them like  
20 sponge.

21 But his are in fairly good condition,  
22 probably thanks to the maintenance of the former owners.  
23 So, what we are actually asking him is to retain the  
24 windows, repair, you know, them in place, and leave them  
25 there. You know, if they need sash boards replaced,

1 then you can pull the interior facing off and replace  
2 the sash board with a sash chain which comes in a kit  
3 with a weight. But it's not to yank the windows out or  
4 replace all in wood or to yank the windows out or  
5 replace in vinyl.

6 CHAIRPERSON KALALAU: Okay.

7 COMMISSIONER MOIKEHA: So, Stan, then in  
8 essence, there's a possibility he may not even get the  
9 tax break. He may not qualify even as is, at the most  
10 maybe 10 percent.

11 MR. SOLAMILLO: For 10 percent, for  
12 10 percent.

13 COMMISSIONER MOIKEHA: At the most at this  
14 point. And even with that, he may not get it. Even if  
15 he applies and everything goes through, is there a way  
16 that he cannot get that 10 percent?

17 MR. SOLAMILLO: I don't know, because I  
18 can't give you -- not having done the 10 percent, I've  
19 only done the 20 percent, which requires that you send  
20 everything in advance to the Park Service for  
21 certification. I can't tell you how the other system  
22 works.

23 CHAIRPERSON KALALAU: Ke'eau.

24 COMMISSIONER KAPU: These windows, they are  
25 the counter weight windows, the ones with counter

1 weights on the inside?

2 MR. SOLAMILLO: You would have to ask

3 Mr. Whitehead. I don't remember.

4 MR. WHITEHEAD: I think there are. From

5 the -- one of the sons said there's a weight or

6 something inside.

7 COMMISSIONER KAPU: So, they got a chain and

8 a pulley.

9 MR. WHITEHEAD: We only had found out about

10 the tax break from Stanley just recently. My goal was

11 more or less just, you know, the way Maui is going is to

12 get a piece for my kids, and, you know, try to set them

13 up for when they get older.

14 COMMISSIONER WHELCHER: The multi-light

15 windows are acceptable in most cases when it's new

16 construction or you are matching something that was the

17 same number of lights. But when it gets down to a

18 building this old, it's a -- there are very few left,

19 and it represents that era. And if we put multi-lights,

20 it doesn't -- it no longer represents that era. If

21 there were more of them like this --

22 MR. WHITEHEAD: That was what I was

23 questioning, because I couldn't debate it before. But

24 as you can see on this house that is across from the

25 Seaman's Hospital, it was built -- the guy who is

1 renting it or owns it was in the house.

2 He said it was built in 1927, and it's -- I

3 guess the grids or the muttons are what you are talking

4 multi-light that's on that house. And then 208, in its

5 original window, it has the grids in the multi-light.

6 So, I am obviously thinking, I couldn't

7 debate it when it was first mentioned, but after seeing

8 and driving through Lahaina, some have and some don't.

9 And then the question, too, was, you know, because our

10 neighbor, 216 -- our neighbor in 216 had her windows

11 updated whenever, as the louvers.

12 So, if someone was to purchase this in the

13 future, if it did come up for sale, would they be held

14 to keep the louvered windows or make that person --

15 because that was the question. If I am in the

16 position -- I don't know if I will be, but if I am in

17 the position to purchase if it does, the way the theme

18 is going for me was to give back to Lahaina to get that

19 look and that character back.

20 But, you know, if I got to leave the

21 louvered windows, that's already out of the question. I

22 will tell you the truth. I don't like the louvers. But

23 she's had them there from possibly the '50s, '60s. You

24 know, they put the fascia on it. There's no open

25 rafter. Most of them have the fascia on there now, even

1 including her house, where she enclosed the deck also,  
2 which is another feature that I'm not -- you know, and  
3 it is permitted she told me.

4           So, if you were to purchase or the person  
5 who was, are they going to be held to keep the enclosed  
6 deck area instead of making it an open deck like the  
7 rest of the theme of the street.

8           And that's what I am basically trying to do  
9 is keep with that theme, just like what everybody is  
10 talking about, is keep that character instead of it is  
11 restored. But like I said, you know, for me this is  
12 kind of good, because if I know going in, I can prepare  
13 better for windows. But if I'm to keep the louvers, I  
14 would -- I am already out of the question. I wouldn't  
15 want it, because it goes with -- away from the  
16 character.

17           But she's got permits for the enclosed deck.  
18 And me, I like the open deck. That's all about. The  
19 only thing I didn't like was it's got the small steps,  
20 but that's part of that era, so I'm not -- you know, I'm  
21 not touching that. But I loved the plantation wide  
22 deck.

23           So, I mean, like I said, the debate for the  
24 windows, what you are talking about, it is part of that  
25 era. That's the original window. I guess that's a

1 multi-light is what you are talking about, the muttons  
2 or the grids in the windows. And that's a common theme.  
3 I don't know if this house is in the County Historic,  
4 but that's across the street from the Seaman's Hospital  
5 down the road over here, and I think the Seaman's  
6 Hospital is a historic site. So, this being across the  
7 street, I don't know if that qualifies, but that's why I  
8 took a picture of it.

9           COMMISSIONER WHELCHER: I prefer this house  
10 to be as original, and I will go along with staff's  
11 comments that it should be kept original. That you  
12 should restore the windows. Leave them as they are.  
13 Clean them up.

14           And each home has their own problems. Many  
15 of them have illegal things, and the windows that are  
16 multi-lighted, multi -- yes, multi-light are within our  
17 guidelines, but they may have started with those. The  
18 house you are in only had one-on-one, and I would like  
19 to see that restored.

20           MR. WHITEHEAD: Yeah, like I said, I am not  
21 here to take it past this. Whatever you guys decide, I  
22 just wanted to continue and move on. I'll take a loss  
23 on windows, and move on, and keep these. And I mean, I  
24 don't know what I'm going to do, but I'm just going to  
25 go ahead and, you know, do what I can. But I just



1 wanted to keep moving on already.

2 We thought we would have the permit in  
3 March, late March maybe, early April. And, you know,  
4 here we are in July now. So, and we are really doing  
5 nothing to the house except for the -- my main thing was  
6 the electrical.

7 We had one complaint about working on the  
8 house without a permit, and it was -- the reason was the  
9 electrician was there tearing out the old electrical,  
10 which I didn't want any unsuspected fires in the house,  
11 because I don't want to see it get burned down.

12 Like I said, I grew up in Lahaina. My mom  
13 was born and raised, her whole family. And this was a  
14 little bit of way for me to give back after receiving  
15 all the comments from the public.

16 COMMISSIONER WHELCHER: It's a rare  
17 building, and the window profile is one of its rare  
18 features.

19 MR. WHITEHEAD: Well, I was -- like I said,  
20 I am not -- I have come up with every angle, and  
21 whatever you guys decide is -- I am just going to go  
22 with it, you know.

23 COMMISSIONER KAPU: I have a question for  
24 staff. You know, I lived in one house like this for  
25 many years, yeah. And what is evident is, you know,

1 those counter sinks, the solid joints, the question for  
2 me whether the County was able to do an internal  
3 inspection on those. Because those chains on the  
4 inside, you are talking the age of house, it depends on  
5 whether or not those chains did come across some rust on  
6 the inside.

7           So, I am kind of -- the way I'm feeling is  
8 if we deny, what is to happen if those counter sinks was  
9 to drop? So, did you do an internal check on the  
10 windows?

11           MR. SOLAMILLO: No, I did not. I didn't  
12 remove any casing or inspect the chain and weight  
13 system.

14           COMMISSIONER KAPU: Because if I am not  
15 mistaken, there's a soffit above the windows, and  
16 there's some pulleys and the chain.

17           MR. SOLAMILLO: There should be a pulley at  
18 the top and actually a pulley at the base as well in  
19 some cases. And I did not see any -- because we  
20 didn't -- I was just doing a quick inspection, and I  
21 didn't have an opportunity to remove a facing and  
22 actually look at it.

23           COMMISSIONER KAPU: We had 'em house exactly  
24 like this, and those weights I use them for my lay net  
25 now. But the point I am getting to is

1 longevity-speaking-wise is how long is it going to last.

2           So, if we making one determination based on  
3 something we cannot actually see that, you know, I want  
4 to know for sure whether or not those windows can been  
5 restored or what. I mean, if he's going to have to rip  
6 out these windows to -- to do as best of a job, do they  
7 even sell the parts still?

8           MR. SOLAMILLO: The mechanism that is used  
9 in historical wood windows, for double hung and single  
10 hung sash, include a pulley, sometimes a chain,  
11 sometimes a rope instead of a chain, and a  
12 counterweight.

13           And not having had the opportunity to  
14 actually inspect and remove the interior facing of the  
15 windows, because you will do it from the inside of the  
16 house and actually look at it, if there's a chance of  
17 rust, and, yes, there is, because we live near the  
18 ocean, so, probably your chain, if they used a chain,  
19 and the pulley will be rusted. And those will probably  
20 need to be replaced. But you can get them. They are  
21 not -- they come in kits now, and they are not things  
22 that, you know, are totally unavailable.

23           CHAIRPERSON KALALAU: Kalei.

24           COMMISSIONER MOIKEHA: Just a question,  
25 point of clarification. When we talk about multi-light,

1 is that grids with windows?

2 MR. SOLAMILLO: Yeah, a multi-light -- what  
3 we are looking at in this case is a one -- what I call a  
4 one-over-one wood sash. And that's one light, one pane  
5 of glass over another window sash that has one pane of  
6 glass.

7 When you have a dividing muntin, which  
8 breaks it into two, which is on that house across the  
9 street, then it's two-over-two. And then the later  
10 examples -- and this house dates between 1919 and 1924.  
11 The examples that the applicant was using for the  
12 six-over-six, which is six panes of glass over six panes  
13 of glass and wood sashes, that was 1927.

14 But you can't use -- I have found in going  
15 across our island, you go up to Pioneer Mill, the  
16 office, it's one-over-one. That's built in 1910.  
17 Usually we find -- you know, on the mainland, we have  
18 got divided lights coming earlier, and the larger like a  
19 one-over-one light wood sash comes later.

20 But here it's kind of the availability of  
21 when they could ship from it the mainland and how they  
22 got it. But the divided lights will refer to the number  
23 of panes of glass in a window. And in this case, the  
24 later date is going to be six-over-six for Lahaina, and  
25 an earlier date will be a smaller number of window

1 panes.

2 CHAIRPERSON KALALAU: Any more comments,  
3 Commissioners?

4 COMMISSIONER ARTATES: Mike, you got this  
5 place, right?

6 MR. WHITEHEAD: Yes.

7 COMMISSIONER ARTATES: You are planning to  
8 reside here?

9 MR. WHITEHEAD: That's where we are planning  
10 to move in to after we finish it.

11 COMMISSIONER ARTATES: Okay. And this,  
12 staff, I think, came up about the intention of what  
13 would be the longevity of this termite-eaten baseboard.  
14 I mean, is it going to continue if he restores it, or, I  
15 mean, how bad is it, where, like you said, it's not as  
16 bad, but it would put some finances into repairing it in  
17 the future.

18 MR. SOLAMILLO: I only did a cursory  
19 evaluation of the windows on the front of the house.  
20 And the windows on the front of the house do not appear  
21 to be severely termite damaged.

22 I have not walked around the complete house  
23 and can't, you know, speak to those. And I'm going to  
24 say, in deference to the applicant, you know, he has  
25 made improvements to the street. We would not be here

1 unless the house is -- you know, is a National Register  
2 eligible property and a significant group of houses  
3 together as a grouping, and also located within the  
4 National Historic Landmark District.

5 The National Park Service is very clear and  
6 precise upon the use of vinyl or any other kind of  
7 windows to replace original wood window sash.

8 CHAIRPERSON KALALAU: Stan, what if he would  
9 replace it with a -- okay. I am trying to get his  
10 point, too, because you are saying a lot of the houses  
11 in that same camp has been altered already.

12 And like you are saying, if anybody sells  
13 their property and then the new owners move in, do they  
14 rehab or preserve their homes to the 1940s style or the  
15 1950 or the 1960. I mean, you know, which historical  
16 era must their home represent. But right now, you are  
17 talking about a plantation style.

18 MR. SOLAMILLO: Right.

19 CHAIRPERSON KALALAU: So --

20 MR. SOLAMILLO: Built between 1919 and 1924.

21 CHAIRPERSON KALALAU: So, what you are  
22 saying is if anyone sells their home now like with the  
23 louvers ones, and the owner wants to change his door  
24 plan and window plans, do they go back to the -- must he  
25 go back to the Plantation Era?

1 MR. SOLAMILLO: The staff would recommend  
2 that they return it to what it looked like prior to the  
3 addition of a multi-paned window that was vinyl. But  
4 again, that is after the fact.

5 CHAIRPERSON KALALAU: Like Kalei brought it  
6 up, too, I guess the houses that are not in compliance  
7 were after the fact.

8 MR. SOLAMILLO: Right.

9 COMMISSIONER MARQUEZ: For Stan. Help me  
10 understand this. Is there some mana'o called compromise  
11 of some sort? See, I am looking at all this, too. I am  
12 looking at the young man, and, you know, it's a home,  
13 and I'm looking at what we are trying to preserve, you  
14 know, and that's good. But is there any recommend for  
15 some kind of compromise materialistic?

16 MR. SOLAMILLO: Since we are talking about  
17 the National Historic Landmark District, that really  
18 doesn't allow staff the opportunity to compromise.

19 Normally, because -- because this is a place  
20 that was recognized, as early as 1966, as being a  
21 nationally significant place, it has only 60  
22 archaeological sites, and it has, right now, a number of  
23 historic buildings, which we don't know how many are  
24 still intact and how many have been compromised.

25 And through no fault of this Commission and

1 no fault of the Planning Department, today, over a  
2 period of time, changes have been made which erode the  
3 character of the district as a whole.

4           What has happened recently was that the  
5 National Park Service asked Maui County to do a  
6 reassessment of all the national historic districts,  
7 including the NHL in Lahaina. That forces us to  
8 actually evaluate the entire district, how many  
9 buildings are unchanged or restored versus how many  
10 buildings have been altered.

11           And that ultimately compromises the  
12 integrity of the district as a whole, because you have  
13 to maintain a certain number or percentage of buildings,  
14 which they call contributing, to those that have been  
15 altered or new construction, which they call  
16 noncontributing.

17           And that's why, at this point in time, staff  
18 doesn't really have an opportunity to compromise on what  
19 the National Park Service has taken such a stand on,  
20 which is retain, repair, or replace in kind.

21           COMMISSIONER MOIKEHA: Mr. Chair.

22           CHAIRPERSON KALALAU: Okay.

23           COMMISSIONER MOIKEHA: I think it's a  
24 difficult position. Hopefully, you can see where we  
25 stand also. We are actually battling for you.



1 MR. WHITEHEAD: Yeah.

2 COMMISSIONER MOIKEHA: Whatever we can, even  
3 as we sit on this Commission, the way I look at it, when  
4 I really read this through and talked about it -- I  
5 mean, if we are going to restore a heiau, I don't think  
6 we would put hollow tile in instead of pohaku, yeah. We  
7 replace it as is.

8 Even as Stan is talking about it, you want  
9 to try and keep it as such. I mean, it's a really  
10 difficult position, because you already bought all the  
11 things, too. I mean, you know, we feel for you and  
12 things like that.

13 But you are in a real special place also.  
14 You know, and that's what we are looking at, and that's  
15 why we are here today. In fact, we are going to  
16 continue talking about how special the place is. I  
17 don't know, but I battled with it, but I see what staff  
18 is also recommending also on that, but I just wanted to  
19 say that.

20 CHAIRPERSON KALALAU: Go ahead. Nani.

21 COMMISSIONER WATANABE: Aloha. I have a  
22 question. If you was to restore it to its original, I  
23 mean, having to purchase all of those to break -- the  
24 wood and like -- I know what he's talking about, because  
25 a lot of the homes on Lana'i is plantation, and some of

1 these windows cannot open today, because it's stuck. I  
2 mean, you know, and people can't find the replacement  
3 for those windows. But if you was to do all that, how  
4 much would it cost you to?

5 MR. WHITEHEAD: I couldn't tell you in  
6 honesty. I mean, even the time difference, I don't  
7 know. You know, like I said, at this point, we are  
8 about three months longer than we thought trying to make  
9 two mortgages. And, you know, I -- I mean, like I said,  
10 whatever you guys decide we are going to go with.

11 But if it was to keep it, you know, to me, I  
12 would rather just take a loss on the \$7,000, move on,  
13 suck it up, see if I can sell 'em, you know, for  
14 whatever and minimize it.

15 But I really wouldn't restore the windows.  
16 I would just move along with the construction. If they  
17 can move, they move. If they can't move, they can't  
18 move, and just try to get through it. Because  
19 time-wise, I'm not familiar, so I can't really give you  
20 a cost how long it would take me.

21 You know, like I said, we walked through the  
22 window, did a quick inspection, but you walk back  
23 through and you feel under the paint, you can feel the  
24 soft spots, and the paint is kind of holding that up a  
25 bit right now. But if you feel it and you start busting

1 through, as I have, then you see it.

2 But like I said, I understand where you guys  
3 are and what. But for me, it's -- you know, there is no  
4 hard feelings. Just go with whatever. I am here for  
5 the fact that the bottom line was \$7,000, and but if  
6 not, then I just move on. You know, no hard feelings,  
7 just keep going.

8 Because like I said, I understand the point  
9 for this house, but there was the inconsistencies of the  
10 street already. The house across the street, is he  
11 waiting for it to fall naturally so he can be allowed to  
12 put something else up? I don't know. So, I really  
13 honestly can't tell you how long.

14 COMMISSIONER WATANABE: I know that on  
15 Lana'i, one of the churches was restored. And the  
16 windows were -- I mean, even the minister said after all  
17 these years, it's the first time the windows can open.

18 But they had, you know, someone come in and  
19 donate their time to do it, but it was a lot of work. I  
20 mean, it was -- it's beautiful. It's the original  
21 church windows, and they fixed it up. But, I don't  
22 know. It's sort of hard, because I understand what you  
23 are going through, and here you have other properties  
24 that also have the vinyl windows. But I think for  
25 staff, I mean, it's --

1 MR. WHITEHEAD: Well, that was one reason,  
2 too, like I said, for the roof. His picture was showing  
3 the material on the roof is to preserve the roof. I  
4 think the corrugated metal, I didn't want to update it  
5 to Architect 80 or pull it and put new metal, because it  
6 wouldn't look right.

7 The open rafter, leaving the open rafter and  
8 painting the open rafter so you can see it, instead of  
9 putting fascia, putting gutters. To me, that was -- it  
10 was part of -- I mean, it's a give and take. If you  
11 want the real character of the plantation home, you  
12 can't put fascia, because that automatically takes away,  
13 for me at least, in my opinion. So, you just deal with  
14 the rain going all around you and just dropping.

15 COMMISSIONER WATANABE: Thank you.

16 CHAIRPERSON KALALAU: Mr. Kapu.

17 COMMISSIONER KAPU: Question of staff.

18 Trying to get an understanding whether or not an  
19 adequate -- how would you say it? -- examination of the  
20 windows was done. I'm kind of worried about the  
21 internal part.

22 The judgment was based on whether or not the  
23 window can open or close, fine. But if there's  
24 something going on on the inside. So, what I getting  
25 is, okay, a window's open, and despite redo it, no

1 matter how much the internal costs, but what is the  
2 internal damage. So, we really doing one assessment  
3 basically only an assumption, what I am looking at.

4 So, my mana'o is to, I guess, have the  
5 County do an assessment whether or not those windows  
6 should be rehabilitated or -- I lost my train of  
7 thought.

8 So, that's my mana'o. That's my input,  
9 whether or not there was an adequate assessment done to  
10 make a judgment whether or not these windows should be  
11 rehabilitated on a vinyl house. Is it a vinyl house?

12 MR. SOLAMILLO: No.

13 CHAIRPERSON KALALAU: No.

14 COMMISSIONER KAPU: Partially, no?

15 COMMISSIONER MOIKEHA: Question back to  
16 staff. So, the grouping of homes we are talking about  
17 is five or is there more?

18 MR. SOLAMILLO: I will have to go back. Six  
19 right now along Lahainaluna Road.

20 COMMISSIONER MOIKEHA: And then out of those  
21 six, how many have vinyl windows at this point?

22 MR. SOLAMILLO: Three.

23 COMMISSIONER MOIKEHA: Half.

24 MR. WHITEHEAD: Three, and then the one next  
25 door to us has louvered windows.

1 COMMISSIONER MOIKEHA: That's even worse,  
2 yeah.

3 MR. SOLAMILLO: That was done during the  
4 '50s.

5 COMMISSIONER MOIKEHA: That was done during  
6 the '50s. I think what Mr. Whitehead said, too, you  
7 know, I mean even talking about the -- I don't know. I  
8 am not a structural engineer, but if you talk about  
9 integrity of it, he said he's not going to touch it. He  
10 is going to leave it as is, which you hate to see it  
11 fall apart, too. I mean, even as it.

12 MR. WHITEHEAD: We would still live there  
13 even if we did, but like I said, I don't know. It's  
14 going into a point where the time, and then ripping  
15 drywall out to restore each window individually would  
16 be, you know, just -- I mean, financially, it's kind of  
17 out of my reach.

18 MRS. WHITEHEAD: If you guys don't mind.

19 CHAIRPERSON KALALAU: Excuse me. Can you  
20 state your name?

21 MRS. WHITEHEAD: Siuafu Whitehead. I'm  
22 Mike's wife. I wanted to -- I actually wasn't planning  
23 to be up here, but he's missing some good -- some  
24 points, and I want to make sure that, you know, it's  
25 said.

1           Financially, it's going six months.  
2   Financially, it's not good. You know, we are getting  
3   into the point that, you know, you feel like putting a  
4   sign up there already, which we don't want to do. We  
5   are so -- you know, we are not Hawaiians, but we are --  
6   we want to keep -- I am sorry. This -- maybe that's why  
7   I'm not supposed to be up here.

8           We want to -- we love these plantation  
9   homes, and I think that was -- you know, our goal was to  
10  find all these plantation old homes that we want to --  
11  you know, if we can afford, purchase them and try to --  
12  we can't restore it to what it's supposed to be, but we  
13  are going to try to do as much as we could to keep these  
14  buildings, you know, still have that plantation look.

15          There's a few things that we need to  
16  actually change, which the windows was a big thing. You  
17  know, we have two small children here. And, you know, I  
18  can -- and there was the thing I wanted him to keep  
19  saying the safety. And I'm glad there was a few of you  
20  guys here that see that.

21          And exactly, you know, Mr. Kapu, you know,  
22  those windows are not safe, because even myself trying  
23  to open those windows, I can't open it. He has to open  
24  it. And those windows are not -- they are not steady.  
25  You know, they can fall, you know. And that was my big

1 issue, because somebody had mentioned something -- I  
2 think it was one of the old buildings, Carden Academy.  
3 And I guess they tried to restore those windows, and one  
4 of the teachers got caught her fingers. She's still  
5 going into surgery, I guess, and checking up on that.  
6 So, that was, to me right there, you know.

7       Besides, we are trying to keep as much as we  
8 could, you know. The whole inside we are pretty much --  
9 you know, the cabinets, the counters, you know, and  
10 there is some rotten parts in there that, of course, we  
11 are going to have to replace those. But we are trying  
12 to keep -- we are not extending the foot frame. We are  
13 not making anything different, but just to keep -- you  
14 know, keep the building.

15       You know, the windows was just one of the  
16 big thing, like what he said. You know, we went through  
17 it with the next house, the house next door, you know,  
18 and it went through no problem. And now we got in to  
19 this, there was a big, you know.

20       If we knew that, we wouldn't be, I guess,  
21 purchase the windows prior to. But we wanted to get it.  
22 We didn't think it would take six months to get this  
23 permit. And financially, it's not good. He's not doing  
24 anything on the financial part, so he doesn't know where  
25 we at.



1           So, I wanted to get up and say it's not  
2 good. And you know, I'm a real estate agent. You know,  
3 you feel like just putting that sign up and saying,  
4 okay, let somebody else come and deal with it, you know.  
5 We are getting to the point there's not -- you know,  
6 there won't be enough money to try and fix up this place  
7 to restore this place.

8           I don't know how many months, you know,  
9 maybe a couple months. You know, so I wanted to just  
10 let you guys know where we at, you know. I mean,  
11 whatever it ends up to, that's what we are going to go  
12 with. But, you know, we are just asking for your help  
13 on this. Okay.

14           CHAIRPERSON KALALAU: Questions? Comments?

15           Mike, you know on your home right now, you  
16 painted the building, and you did the window frames and  
17 stuff. Are those the -- are they the original windows?

18           MR. WHITEHEAD: That's the original. The  
19 whole thing for me was to see what it looked like  
20 compared to the green one that we are in, and see if  
21 there was a visible difference from the exterior, which  
22 I think was the whole purpose for not wanting to have  
23 the vinyl, that it took away from the character.

24           The painted there, that's the left side of  
25 the house, and then this is the left side of the green

1 house. I taped the grids in just so that you had that  
2 look, so you could -- so you could look. It's when you  
3 go inside that you see the difference.

4           You know, there's a thing, you know, the  
5 compromise, which is good. I forget the point. I was  
6 thinking about it while my wife was talking. If we did  
7 replace the windows, and I just make a suggestion that,  
8 you know, maybe to save them, then try to restore it.

9           And then anybody, you know, at least staff  
10 would know, you folks would know these windows are  
11 available to start trying to restore outside instead of  
12 as you are trying to do the construction on the house.  
13 Or if we were to somehow be able to purchase another  
14 house, we have them already, and we could -- then I  
15 would know to just start planning already, and then try  
16 to restore it while they are on the outside, and see if  
17 it is worth restoring.

18           But then we would have a physical example if  
19 it couldn't be. So that would be the new replacement  
20 for myself or anybody else that was to purchase a  
21 plantation home that had these type of windows, is take  
22 them out and try to preserve it from that standpoint,  
23 and then actually know what the cost, what the time  
24 would be and see. But it's something you could do on  
25 the side later, you know, not trash them. Because I am

1 familiar with these windows.

2 CHAIRPERSON KALALAU: Okay. Thank you.

3 Anything?

4 COMMISSIONER WHELCHER: I saw evidence where  
5 this was a single-wall construction, and I see you have  
6 gyp board, and you talked about drywall or gyp board,  
7 having to remove it to get to the window frames. Is it  
8 all gyp board?

9 MR. WHITEHEAD: What do you mean, on the  
10 inside?

11 COMMISSIONER WHELCHER: Yeah.

12 MR. WHITEHEAD: Yeah, we were updating, but  
13 they didn't have -- staff, they didn't have an issue  
14 with me doing the double wall construction, because we  
15 wanted to insulate for energy efficiency, and we did  
16 take up the canec ceiling or whatever it was called back  
17 in that day.

18 COMMISSIONER WHELCHER: Then you put the  
19 original trim on the windows and doors on the inside  
20 back as it was?

21 MR. WHITEHEAD: Original trim inside?

22 COMMISSIONER WHELCHER: Yes. I am trying to  
23 get information from you to let me know if the trim is  
24 what is between you and the window sash, the weights.  
25 If you take the trim off, you would find the weights.

1 MR. WHITEHEAD: Yeah, I have never done  
2 that.

3 COMMISSIONER WHELCHER: That's not a problem  
4 getting to them. You wouldn't have to tear up the  
5 drywall, because your trim is covering it up.

6 Now, there's two problems with your windows  
7 historically. One is that the windows fall, and they  
8 take the fingers off possibly, what you were talking  
9 about, and that's because the weight is gone. The  
10 weight -- the rope broke. All you would have to do is  
11 put a new rope or put a knot in the rope into the  
12 weight, and that would take care of that.

13 If they stick, that's because they have had  
14 many, many coats of paint. No one ever removes the  
15 paint. They just paint over it, and then that paint  
16 turns into glue. And that's why they are sticking. So,  
17 if you remove the paint, and then you make sure that the  
18 weight's on there, they go up and down like magic, and  
19 they will not fall. So, that's something that has to  
20 do -- has to be done if you are going to restore them.

21 MR. WHITEHEAD: Yeah, I know, but you go  
22 back into time and finances. I am not in the position  
23 to be able to do that. For me, I would rather -- if  
24 they can open, they open. If they can't, then we suffer  
25 it. This is where I would stand. I mean, I am just

1 being honest. I mean, the look of the house will look  
2 just like what I sampled down there.

3 COMMISSIONER WHELCHER: Right.

4 MR. WHITEHEAD: And that was my focus. That  
5 was staff's focus. He didn't care what happened inside.  
6 It was about what the community was seeing.

7 And so my neighbors just did the petition  
8 the last two or three days, because this was only about  
9 two weeks ago that it got denied, that, you know, we  
10 threw around the idea. And I kind of didn't want to,  
11 because I felt bad to ask people to help fight our  
12 battle.

13 And my neighbors said, you should. Don't  
14 feel bad. So, I just thought go ahead and do it then.  
15 And that's why some had dates, some had phone number,  
16 because I have never done a petition before. This is  
17 all new territory for me.

18 COMMISSIONER WHELCHER: You are somewhat of  
19 a victim of circumstances, because all these things are  
20 required. You have the building, and our job is to make  
21 sure that the historic preservation is restored or is  
22 always there, and that's why I'm going to stick with my  
23 preference.

24 MR. WHITEHEAD: Yeah.

25 COMMISSIONER WHELCHER: And it's not because

1 we are trying to pick on you. Everybody is trying to  
2 help. I don't seem to be, but I am. I know your  
3 father. He's a client of mine, and I would really like  
4 to see you do six-on-six, but I am on this Board, and I  
5 am going to stick with the one-on-one.

6 MR. WHITEHEAD: No, like I say, I totally  
7 understand that point for the house. So, you know, like  
8 I said, it's no hard feelings, but it's just whatever  
9 you guys decide.

10 As Stanley said, if you are not going to  
11 take it past the appeal, you can get your permit.  
12 Whatever they decide, then you get your permit, as long  
13 as you are not going to try and fight it. And I --  
14 financially, I know that much. I don't want to drag  
15 this out. I want to just kind of move on.

16 CHAIRPERSON KALALAU: Kalei.

17 COMMISSIONER MOIKEHA: Question for staff.  
18 And I don't know if this question really applies though.  
19 But Mr. Whitehead made a statement. I kind of was --  
20 kind of keyed my interest. And he talked about taping.  
21 Suppose on his window pane, he wants to coincide with  
22 the other houses, and he tapes it with white tape, that  
23 single pane to have six, what happens then? I mean,  
24 does he qualify because he changes it?

25 He didn't change that. He just -- he just

1 taped it. I mean, is there a difference? Is that  
2 called altering or what? I don't know. I am just kind  
3 of wondering, because if he wants to do it with his  
4 other house, we don't give it -- he tapes it, it matches  
5 the other house, what happens then?

6 MR. SOLAMILLO: I mean, I think we are all,  
7 in a sense, a victim of circumstances. Well, we  
8 shouldn't be here discussing this issue really. But the  
9 rules from the Feds are fairly specific, and they tell  
10 you what to do. And that's why we are here.

11 You know, if I were to compromise, and I'm  
12 not recommending this as a compromise, I would say do  
13 your vinyl, pull out the muntins. They are clip on, are  
14 they not?

15 MR. WHITEHEAD: It is a double pane glass  
16 for energy efficiency.

17 MR. SOLAMILLO: So, the muntins are in the  
18 middle, so you couldn't. But if they were of a few  
19 years ago where he could pull the things out, then he  
20 could do one-over-one. But I cannot recommend that  
21 because it goes against the Secretary of Interior  
22 standards.

23 And the issue here is we have a building  
24 within a group of buildings that is eligible for listing  
25 in the National Register. Do we allow, within the

1 National Historic Landmark District, someone -- or do we  
2 give a carte blanche to someone who wants to make it  
3 noncontributing.

4 Because in re-rating the buildings and doing  
5 the reassessment of the district, I have to weigh do the  
6 other three that have been done -- and they are an  
7 improvement to Lahainaluna, because I walked up and down  
8 that street many times, and the houses look terrible,  
9 and finally they look great.

10 But, are they contributing any longer? No,  
11 because they have been altered. And that's kind of  
12 where we are at, because we have to use not our  
13 guidelines, but the Federal guidelines, because, A, it's  
14 National Register eligible, and more importantly, it's  
15 part of the National Historic Landmark District.

16 CHAIRPERSON KALALAU: Okay, Commissioners.  
17 Go ahead.

18 COMMISSIONER ARTATES: I take one shot at  
19 this. When we talk about historical preservation or  
20 historical preservation names or historical places, I  
21 cannot help that I would be appalled by historical names  
22 like Nioli, Kaina, Kaia, Pua. I mean, they are all  
23 families that are supporting this.

24 So, what I am trying to get at, where do we  
25 draw the line when we have, you know, within your own



1 community supporting regarding the windows and  
2 historically preserving those windows.

3 I am going to have to draw my conclusion and  
4 my line here by saying that you are a young man, family.  
5 Hopefully that you will live there and not flip it like  
6 how some realtors do, because you are going to be stuck  
7 with living with the community that's supporting you,  
8 yeah.

9 MR. WHITEHEAD: Yeah.

10 COMMISSIONER ARTATES: So, I'm going to have  
11 to support this request by Mr. Whitehead.

12 CHAIRPERSON KALALAU: Okay. So, we need to  
13 move on, Commissioners. We thank Michael here, and we  
14 got to either make a motion -- we are here to either  
15 approve or deny the request from Mike.

16 Kind of like we got our hands tied, because  
17 we really want to help you out, too. But, you know, we  
18 are dealing with a National Historical site.

19 MR. WHITEHEAD: Sorry if I took up too much  
20 time.

21 CHAIRPERSON KALALAU: No, this is important,  
22 because it's going to affect a lot of people down the  
23 road in the future when they come for things like this.  
24 And not only on the plantation homes, it's going to get  
25 other historical homes, other things that falls in the

1 National Historical Preservation zone. You know, we got  
2 to deal with it.

3 COMMISSIONER ARTATES: Mr. Chair.

4 CHAIRPERSON KALALAU: Yes.

5 COMMISSIONER ARTATES: I'm requesting  
6 approval to replace the one-over-one light wood windows  
7 with six-over-six light vinyl windows in the former  
8 Pioneer Mill Company barracks located at 232 Lahainaluna  
9 Road. I'm seeking approval.

10 CHAIRPERSON KALALAU: Are you making a  
11 motion?

12 COMMISSIONER ARTATES: Yes, sir.

13 CHAIRPERSON KALALAU: There's a motion on  
14 the floor right now.

15 MR. WHITEHEAD: The address is 224.

16 MR. SOLAMILLO: 224.

17 MR. WHITEHEAD: I think he said 232.

18 COMMISSIONER WATANABE: He has 232.

19 MR. WHITEHEAD: No, it's 224. 232 is the  
20 one that's done already.

21 COMMISSIONER WHELCHER: Six-over-six if we  
22 are getting the job done.

23 COMMISSIONER ARTATES: Okay. I will state  
24 it over again, Mr. Chair. I am requesting approval to  
25 replace one-over-one light wood windows with

1 six-over-six light vinyl windows in a former Pioneer  
2 Mill Company barracks located at 224 Lahainaluna Road  
3 TMK(2)4-06-010:014 in the National Historic Landmark  
4 District, Lahaina, Maui.

5 CHAIRPERSON KALALAU: Commissioners, that's  
6 the motion. Do we have a second?

7 There is no second. Does anyone have  
8 another motion, or anyone wants to support the motion  
9 that is on the table now?

10 Okay. Can we have just a new motion?

11 COMMISSIONER WHELCHER: I make a motion to  
12 replace -- to deny replace one-over-one light wood  
13 windows with six-over-six light vinyl windows.

14 CHAIRPERSON KALALAU: Do I have a second?

15 DEPUTY CORPORATION COUNSEL: You have got to  
16 do something.

17 CHAIRPERSON KALALAU: I don't hear a second.

18 COMMISSIONER WHELCHER: We are stuck.

19 CHAIRPERSON KALALAU: We are stuck, and this  
20 is not a court also. We don't have a hung jury here.

21 We are going to have to make a recommendation now.

22 MR. WHITEHEAD: Whatever you guys decide.  
23 Like I said, no hard feelings, just so we can move on.

24 COMMISSIONER MARQUEZ: Okay. It's just  
25 protocol. I need to know the process. Should there be

1 no second to the first, no second to the second, then  
2 what? I think I am asking Corporate Counsel. I need to  
3 understand this.

4 DEPUTY CORPORATION COUNSEL: If the first  
5 second -- or if the first motion fails for lack of a  
6 second, and then the second motion fails for lack of a  
7 second, there is still alternative motions.

8 There is a motion -- there could possibly be  
9 motions to defer, motions for further information.  
10 There could be -- I guess you could just table it to see  
11 if -- I believe you have one, two, three, four, five.  
12 You have seven of nine members. If you wish to have  
13 more participation by your membership, that could also  
14 possibly be a reason to defer.

15 But it should be voiced in a motion. If you  
16 can't get any motions whatsoever, I think naturally it  
17 would defer to the next meeting.

18 CHAIRPERSON KALALAU: Okay. Part of the  
19 concern here is time. This appeal -- this appeal has  
20 been for several months already. And I don't think a  
21 deferral would be justifiable for the applicant. So --  
22 and I don't think we need more time to, you know,  
23 address this situation here. We need to decide, again,  
24 right now.

25 COMMISSIONER MARQUEZ: Just bear with me. I

1 have a question. Can we go back to the first motion?

2 DEPUTY CORPORATION COUNSEL: Yes, you can  
3 renew the first motion, because it failed for lack of a  
4 second not because it was voted down.

5 COMMISSIONER MARQUEZ: Oh, learning.

6 CHAIRPERSON KALALAU: Okay. Commissioners.

7 COMMISSIONER ARTATES: So, James, do I  
8 repeat my motion again?

9 DEPUTY CORPORATION COUNSEL: Yes, you can  
10 repeat your motion.

11 COMMISSIONER ARTATES: Requesting approval  
12 to replace one-over-one light wood windows with  
13 six-over-six vinyl windows in the former Pioneer Mill  
14 Company barracks located at 224 Lahainaluna Road,  
15 TMK(2)4-06-010:014, in the National Historic Landmark  
16 District Lahaina, Maui.

17 CHAIRPERSON KALALAU: Do I hear a second?

18 COMMISSIONER MARQUEZ: I second.

19 CHAIRPERSON KALALAU: Okay. It's been moved  
20 and second. The motion is now open for discussion.

21 COMMISSIONER MOIKEHA: Mr. Chair, I got a  
22 question.

23 CHAIRPERSON KALALAU: Go ahead.

24 COMMISSIONER MOIKEHA: Maybe it's to staff.  
25 Do we understand the repercussions on this also? Do we

1 have enough information that we understand what we are  
2 actually asking, if this does pass, and we know for sure  
3 within this historical area that others will be coming  
4 and asking for this same thing. And once you open up  
5 the window --

6 COMMISSIONER MARQUEZ: We are trying to  
7 open.

8 COMMISSIONER MOIKEHA: Yeah, I mean, just do  
9 we understand the repercussions? That's my question.

10 CHAIRPERSON KALALAU: Any more comments?

11 MR. SOLAMILLO: I will attempt to answer  
12 that briefly. I think -- because, as I said just a few  
13 minutes ago, I am fairly ambivalent if it weren't for  
14 the regulations themselves, and for the fact that this  
15 building is a contributing building, and it's located  
16 within the NHL, and it's part of a group that are  
17 eligible for listing in the National Register of  
18 Historic Places.

19 That's not because they are common. That's  
20 not because we drive down the street or the road and see  
21 them every day. It's a finite resource, and once you  
22 allow what the National Park Service calls those  
23 character-defining elements, like the windows, to be  
24 changed, then it goes to doors, then it's roofs. I want  
25 a different kind of roof. I want a different kind of

1 porch. I don't like the columns.

2 I mean, in looking at this photograph

3 specifically, I could tell the applicant, you didn't use

4 four-by-four columns. Okay. And typically, you know,

5 the plantation is either four-by-four or six-by-six on

6 the wood columns. They may or may not be camphored.

7 Why do I have that?

8 But I am not going to go off after that in

9 this case, but I could go and be hardnosed. But, as I

10 said, specifically, the National Park Service

11 regulations single out doors and windows as those

12 special features that it doesn't want as vinyl replacing

13 wood or something like that.

14 It would be the same thing if you go to a

15 church and say, okay, the leaded windows -- you know, I

16 mean, we can't get it anymore. I can't find colored

17 glass. Let's just replace it with a vinyl window.

18 You'd get the same kind of response if the building were

19 eligible for listing in the National Register or located

20 within this district.

21 I would find it challenging, at best, to

22 have our Commission make such a decision, because that

23 sets a dangerous precedent for the rest of the district

24 and the lives -- the continued lives of historic

25 buildings which have survived to this day.

1 MR. WHITEHEAD: Can I just make a comment  
2 since he brought up the four-by-six? That was because  
3 we are not taking out the original rafters, anything in  
4 the truss system that was done back then. And for me,  
5 it was a safety issue. I don't know the difference in  
6 strength between four-by-four and four-by-six, but for  
7 me four-by-six felt a little more safer. And  
8 longevity-wise to just know that that overhang won't  
9 come crashing, because a couple of those rafters are  
10 really rotted out, and that was the reason I made them  
11 four-by-six.

12 We proceeded at that point, because I have  
13 two kids that can't seem to stay away from the house,  
14 and the deck was falling, so I rebuilt it for safety and  
15 posted it so the house wouldn't keep falling down, but  
16 that's where it stopped.

17 The windows are in boxes right now in the  
18 front yard, and they have been there since we had them.  
19 And we haven't done anything inside except take out the  
20 canec and the electrical.

21 COMMISSIONER WATANABE: Yeah, I just have a  
22 comment for staff. I mean, I think the concern also is  
23 you have a lot of these older homes that are owned by  
24 some of our kupuna or families that live there. And  
25 when you look at it, you know, the house is falling



1 apart, and it's only because they can't afford to  
2 actually restore their homes, you know, to what is  
3 required.

4 And I think for us, it's really a decision  
5 where it's a hard decision. It's a very hard decision.  
6 And I understand where, you know, he's coming from. He  
7 wants to get into his house, make it safe for his  
8 family, and be able to live there.

9 And I think, you know, for me, you know, I  
10 want to see safety. And I don't know. It's really  
11 hard. I mean, I believe that I want to see restoration,  
12 because -- and see the plantation, but on the other  
13 hand, also how can we, you know, make this --

14 MR. MAKEKAU: Hello.

15 CHAIRPERSON KALALAU: Can you wait? Because  
16 we have a motion on the table right now.

17 MR. MAKEKAU: What is there to hold that  
18 back?

19 COMMISSIONER ARTATES: So, are there homes  
20 that has already been restructured by past practice by  
21 other residents in this area?

22 MR. SOLAMILLO: You mean is there a  
23 precedent for the changes on this street within this  
24 group of houses? Yes, there are three of them.

25 COMMISSIONER ARTATES: Did they --

1 MR. SOLAMILLO: And by Mr. Whitehead.

2 COMMISSIONER ARTATES: Okay.

3 MR. SOLAMILLO: Yeah. Did you do all three?

4 MR. WHITEHEAD: No, I only did 232. I think  
5 the permits were applied from the previous owner that  
6 owned all three or their group, and then when we came  
7 in, we assumed the permit. We did only 232. The other  
8 was done by whoever else.

9 CHAIRPERSON KALALAU: Okay. Any more  
10 discussions? Okay. All in favor of the motion say aye.

11 COMMISSIONER MOIKEHA: Aye.

12 COMMISSIONER MARQUEZ: Aye.

13 COMMISSIONER WATANABE: Aye.

14 COMMISSIONER MOIKEHA: Show of hands.

15 CHAIRPERSON KALALAU: Yeah, show of hands.  
16 Show of hands. All in favor of the motion, raise your  
17 right hand.

18 (Commissioners Artates, Marquez, Watanabe  
19 and Moikeha raised their hands.)

20 All opposed.

21 (Commissioners Kapu and Whelchel raised  
22 their hands.)

23 CHAIRPERSON KALALAU: The motion is not  
24 going to carry.

25 DEPUTY CORPORATION COUNSEL: Chair can vote.

1 CHAIRPERSON KALALAU: I am going to vote  
2 with Ke'eaumoku and Lon. So, it's a three/four vote.  
3 We need five to pass. So, we have to introduce another  
4 motion.

5 COMMISSIONER MOIKEHA: I make a motion that  
6 we defer.

7 COMMISSIONER WATANABE: Yeah, I second.

8 CHAIRPERSON KALALAU: It has been moved and  
9 second that we defer this request, this application.  
10 Any discussions? No discussions, all in favor raise  
11 your right hand.

12 (Commissioners Kapu, Artates, Marquez,  
13 Watanabe and Moikeha raised their hands.)

14 All opposed.

15 (Commissioner Whelchel raised his had.)

16 The Chair will vote. I will go with the  
17 defer. The motion has been deferred.

18 UNIDENTIFIED WOMAN: To the next meeting?

19 MR. SOLAMILLO: You want deferment to the  
20 next meeting?

21 CHAIRPERSON KALALAU: Yes.

22 MR. SOLAMILLO: The case will be deferred to  
23 the August 2, CRC meeting. That's August 2nd.

24 COMMISSIONER KAPU: I have a question for  
25 staff. Being that we decided on deferred, I guess I am

1 asking to get some clarity. You know, there's a lot of  
2 questions that have been drawn based upon why we going  
3 through this all the time. Where is the legitimacy in  
4 these kind of applications that come forward for us.

5         And I looking at one sheet of paper with  
6 three pictures on top. So, it doesn't give me any  
7 clarity based upon whether or not -- and, you know, to  
8 the public, too. It's not easy being one volunteer got  
9 to sit here and listen to all these kind of applications  
10 that come forward.

11         The whole thing boils down to integrity  
12 versus the lifestyle of our town. Yeah? The lives of  
13 our town. We can make a concern that goes on. I mean,  
14 we get concerns about sign violations in Lahaina Town or  
15 sign ordinances. So, when it comes to helping out  
16 the -- basically, the ohana trying to find a place to  
17 live, you know, Nani Watanabe made a comment that our  
18 kupuna can't even afford under the Secretary of Interior  
19 standards based upon what needs to be done to upgrade  
20 their houses.

21         So, hey, Catch-22 for us all over again.  
22 Turning our town into a museum not even understanding  
23 our lives that are at stake. So, that's my comment.  
24 And once this item comes on the floor, I would like to  
25 ask for more clarity in front of me. Thank you.

1 CHAIRPERSON KALALAU: Okay, Mike. I know  
2 time is your factor, but we have moved to defer your  
3 appeal to our August meeting. We thank you for coming  
4 here today and presenting. You have a very good  
5 display.

6 Like Ke'eaumoku was saying, we hope that  
7 staff would have got some information like yourself  
8 there. We would get one wider understanding of what's  
9 been happening to all the plantation homes down here in  
10 Lahaina.

11 And the other thing is that once they  
12 decided that Lahaina become a National Historical site,  
13 that is where I think the problem all began. And it's  
14 also very difficult for a County official body to be  
15 making decisions that is governed by the Federal  
16 government.

17 I think at one time in the future, I think  
18 they are going to have to come down here and do that  
19 work instead of always throwing it on the County. And,  
20 you know, we are dealing with Federal issues. You know,  
21 you don't see park rangers walking around at the  
22 National Historical Site here in Lahaina.

23 You go to any other National Historical  
24 Site, you see park rangers walking around. You know, I  
25 think we got to get up to times sometime soon. Anyway,

1 I just wanted to thank you very much for presenting, you  
2 know, your appeal case to us. And I am sorry we didn't  
3 get to a better conclusion, but we hope we can do 'em in  
4 August.

5 MR. WHITEHEAD: Thank you for your time. Do  
6 you guys want to keep this? If you guys have -- I don't  
7 know if you guys meet independently, but you can hold  
8 the board and the petition and the article there.

9 CHAIRPERSON KALALAU: Okay. We can leave it  
10 with --

11 COMMISSIONER WATANABE: With staff.

12 MR. WHITEHEAD: Thank you for your time.

13 CHAIRPERSON KALALAU: Okay. Thank you.  
14 Stan, the next.

15 MR. SOLAMILLO: It's been requested break  
16 for five minutes.

17 CHAIRPERSON KALALAU: And I don't believe  
18 the bathrooms are open. It's right back here. We are  
19 going to take a short five-minute break and be right  
20 back.

21 (Recess, 11:29 a.m. Resumed, 11:45 a.m.  
22 Deputy Corporation Counsel left the hearing.)

23 CHAIRPERSON KALALAU: Okay. We will now  
24 reconvene with this meeting. Staff.

25 MR. SOLAMILLO: The next item is Mr. Jerry

1 Kunimoto representing Mr. Ron Egan, on behalf of  
2 LahainaTown Action Committee, requesting Historic  
3 District approval for the Annual Halloween in Lahaina  
4 Event to take place within Historic District No. 1 at  
5 Banyan Tree Park, the Library Lawn, Baldwin House,  
6 Campbell Park, Kamehameha Iki Park, and along Front  
7 Street from Baker to Shaw on Maui Tax Map Keys  
8 (2)4-6-01:07, 09, 10, and 999, 4-6-07:999, 4-6-08: 06  
9 and 07, and 4-6-02:10 in Lahaina, Maui.

10 The CRC may approve or deny the request and  
11 provide recommendations. Public testimony will be  
12 accepted. The planner for the project is Livit  
13 Callentine.

14 MS. CALLENTINE: Good morning,  
15 Commissioners.

16 CHAIRPERSON KALALAU: Excuse me. Before we  
17 go on, just a reminder. We will have -- for those of  
18 you testifying, we will have a three-minute time limit.  
19 If you have more to say, you can come in after the rest  
20 of the people have testified. Thank you.

21 MS. CALLENTINE: Thank you, Mr. Chair. Good  
22 morning, Commissioners. My name is Livit Callentine,  
23 and I am a staff planner with the County of Maui  
24 Planning Department.

25 This event involves temporary closure of

1 Front Street, portions of Front Street from Baker to  
2 Prison Street, closure of Hotel, Ward, Canal Streets on  
3 October 31st. Front Street will be closed to vehicles  
4 from Baker to Prison between 3:30 p.m., and the  
5 applicant has requested until 12:00 a.m. In the past,  
6 it has actually been till 11:30 a.m. (sic) has been the  
7 reopening of Front Street.

8           The Front Street will also be closed through  
9 to Shaw until the end of the keiki costume parade. And  
10 Banyon Tree Park, Campbell Park, the Lahaina Library  
11 Lawn and the Baldwin House Lawn will also be utilized,  
12 and this was noted in your report as Exhibits 2, 3 and  
13 4.

14           So, the event will being comprised -- and  
15 I'm just going to really briefly go through all the  
16 sections, and then if you have questions, either myself  
17 or the applicant can answer those.

18           First off is the keiki costume parade. A  
19 big hit. Everybody loves it. I went last year to  
20 observe it. It's really sweet. I believe we have some  
21 slides of it that you might want to see.

22           This is the parade route showing for the  
23 keiki parade. And the next slide, please. Again, just  
24 an enlargement of the keiki parade. It terminates a  
25 Kamehameha Iki Park where each one of participants walks



1 up onto the pod and is handed an award or a ribbon for  
2 participating.

3           And it's very sweet. I think they all get,  
4 you know, little juice and some kind of a little gift.  
5 And so this is where it terminates. And it generally  
6 lasts for about an hour. It's very low key. The kids  
7 are really excited. And like I say, it was done by  
8 about 5:00, 5:30 last year.

9           Next slide, please. Okay. So, this is  
10 actually slides of Banyon Tree Park and of the -- they  
11 are proposed this year to be up to 12 vendors who are  
12 selling food and selling arts and crafts objects, and  
13 they are also proposed for this year as well.

14           This is a slide from just as the keiki  
15 parade is just starting to get underway. Actually,  
16 there were some moments where it was actually this slow.  
17 So, next slide, please. Again, this is the keiki  
18 portion. And so here you see some typical costumes.

19           The next portion of the event is -- it  
20 shifts. At starting at about between 5:00 and 6:00, it  
21 starts to shift into the adult portion of the parade.  
22 And there's music and entertainment that will occur on a  
23 stage in Banyon Tree Park and also on the Library Lawn.

24           The Air Force Band of the Pacific plays from  
25 5:00 to 7:00 in Banyon Tree Park, and this is an

1 extremely family friendly type of band. I did attend  
2 that concert last year. And then on the Library Lawn,  
3 for two-and-a-half to three hours each, there will be a  
4 couple of bands.

5           At the time of application, it was not  
6 confirmed, but it was anticipated that it would be  
7 someone like or actually Hector Serrano's band followed  
8 by Marty Dread Band. Perhaps the applicant will be able  
9 to confirm that today. So, that goes for a total of six  
10 hours from 5:30 to 11:30 on a temporary stage.

11           And then I mentioned there is the arts and  
12 crafts, fortune tellers, face painters, mystics and  
13 other artisans and food vendors. And they will be in  
14 10-by-10 tents with overhead lighting. And that arts  
15 and crafts festival is slated to run for six hours from  
16 5:00 to 11:00 p.m. And all of the artwork must be hand  
17 done by the artist and/or his or her immediate family  
18 within the County of Maui.

19           For the food booths, no open flames or  
20 cooking will be permitted. And LahainaTown Action  
21 Committee will insure that each of the noncommercial  
22 vendors, which they all are, obtain appropriate Health  
23 Department permits.

24           From 5:00 to 9:00 p.m. on the main stage in  
25 the Banyan Park, there will be an adult costume contest.

1 It's sponsored every year by Maui Tacos. They call it  
2 the Great Halloween Costume Contest. There will be a  
3 tent near the stage for registration of the contestant,  
4 and then there will be ramps going up either side of the  
5 stage for access to the stage. There will be a judging  
6 of these contests, and the winner will be announced --  
7 the winners will be announced at approximately  
8 10:00 p.m.

9           There are also event souvenirs. There's a  
10 booth set up in Banyon Tree Park and also in Campbell  
11 Park. And event T-shirt sales and souvenirs will be  
12 sold at both of those booths. So, the booth that's in  
13 Banyon Tree Park will run for about six hours, and the  
14 booth that is facing Front Street in Campbell Park will  
15 run for about 12 hours, from 11:00 a.m. to 11:00 p.m.,  
16 the date of the event.

17           The applicant has set up the event -- has  
18 organized the event setup and breakdown. It appears  
19 that it goes very smoothly. Nothing will be set up  
20 prior to Monday, October 29th, and breakdown will be  
21 complete by the end of the day on November 1st.

22           They will be installing four light towers to  
23 provide security lighting for the event, on Hotel  
24 Street, on Wharf Street, Canal Street, near the Banyan  
25 Park and on the Library Lawn. And those lights are

1 shown in one of your exhibits that was submitted by the  
2 applicant.

3           There will also be four portable toilets  
4 located on the Library Lawn, the mauka side, and also  
5 eight portable toilets will be located on Canal Street  
6 facing the Banyon Tree Park. There will also be a  
7 dumpster there for trash.

8           All the vendors will load and unload, and  
9 they will be -- they will be doing this between 2:00 and  
10 3:30 p.m. on the day of the event, and then they will be  
11 either reloading after the event is over or they may  
12 hand cart or hand carry their goods back to their  
13 vehicles.

14           Stages will be set up prior to 3:30 p.m., on  
15 October 31st, and all the breakdown and removal of the  
16 stages will be done on November 1st. There will also be  
17 approximately 300 chairs set up in front of the main  
18 stage in Banyon Tree Park for the crowd to enjoy the  
19 music.

20           The Maui Police Department will provide  
21 security for this event, and their headquarters will be  
22 located at the Masters Reading Room next to Baldwin  
23 House Museum at 120 Dickenson Street. And the applicant  
24 is in contact with or will be in contact with all  
25 emergency medical personnel to be advised of this

1 location and coordinated.

2 Now, we have agency comments that were  
3 received, but we also -- and we have some members of the  
4 agencies here today. And at this time, due to time  
5 constraints, I would like to ask Brian -- Brian, I am  
6 sorry. I don't know your last name.

7 MR. HASHIRO: Hashiro.

8 MS. CALLENTINE: Hashiro, I would like to  
9 ask him. Brian is from the Department of Public Works.  
10 And with your permission, I would like to ask him to  
11 speak now from the Department of Public Works' position.

12 MR. HASHIRO: Good morning, members. I  
13 think we have two items of staff recommendation for the  
14 Department of Public Works. One is for a permit, some  
15 building permits for any structures, and the second was  
16 regarding parking, I think that staff recommendation  
17 number 13 or 15.

18 And we would like to recommend deletion of  
19 that recommendation coming to us for parking. Other  
20 than that, we have no further comments about it, and I  
21 think it's a great event, and it should be out again.

22 CHAIRPERSON KALALAU: Questions for Brian,  
23 anyone? There was condition 13, I think.

24 MR. SOLAMILLO: Fifteen.

25 CHAIRPERSON KALALAU: Fifteen.

1 MR. HASHIRO: Fifteen.

2 CHAIRPERSON KALALAU: And the major concern  
3 was parking, but you guys have nothing to do with the  
4 parking, right?

5 MR. HASHIRO: That's correct.

6 CHAIRPERSON KALALAU: Okay. If there's no  
7 more questions for Brian, thank you very much.

8 MS. CALLENTINE: Now, we have some more  
9 slides that were taken at various different times,  
10 mostly, I think, from last year, some maybe from the  
11 other years prior.

12 So, we are going to go through these slides.  
13 The issue and why this has come before you today is  
14 because last year, the Planning Department received  
15 three letters in September from members of our community  
16 who are here today, I believe, and you have seen their  
17 letters.

18 The Planning Department also met with  
19 members of the community groups who were opposed to this  
20 event, and their main concerns expressed were that this  
21 event has nothing to do with promoting the history of  
22 Lahaina, and that attendees are generally disrespectful  
23 of the Hawaiian culture, and that there is nudity, and  
24 use of illegal drugs, and overconsumption of alcohol at  
25 the event.

1           And so the request from these members of the  
2 community was that the event be shut down, and that the  
3 County of Maui deny approval of the annual event.

4           So, we are going to walk through the slides,  
5 and you are going to see some of the costumes and some  
6 of the -- well, you can judge for yourselves. So, the  
7 adult event is not an organized parade as such. It's  
8 not -- my observation was the adults kind of wander  
9 through the streets, and hang out in Banyon Tree Park,  
10 and hang out at the Library Lawn, listen to music, go to  
11 the restaurants, go to the bars. There is not an  
12 organized parade.

13           Now, this is the logo that LahainaTown  
14 Action Committee used in 2004, which was found to be  
15 offensive by members of the kanaka maoli community. And  
16 this issue was raised with LahainaTown Action Committee.  
17 And this slide says that this was withdrawn by the  
18 applicant in 2004. But I am not aware that this was not  
19 actually sold on the T-shirts.

20           Stan, can you clarify that?

21           MR. SOLAMILLO: I might have been mistaken.  
22 I was told by one informant that the T-shirts that year  
23 had been withdrawn by the applicant for sale. I don't  
24 know what happened in 2005 or 2006.

25           MS. CALLENTINE: Okay. So, next slide. We

1 are just going to go through some of the slides and let  
2 you see some of the costumes. So, there were -- these  
3 are just quotes that were from various different web  
4 sites and newspapers.

5           Between 20 and 30,000 revelers known as the  
6 Mardi Gras of the Pacific. That's one of the -- that's  
7 one of the issues or one of ways in which the applicant  
8 has proposed to mitigate the impact is to eliminate the  
9 use of the word Mardi Gras and to simply refer to it as  
10 Halloween in Lahaina, rather than trying to make it  
11 something that it's not. It's not Carnival in Rio, as  
12 is quoted there. It's Halloween in Lahaina.

13           Next slight slide, please. That's your last  
14 one? So, that is our last slide.

15           Okay. As far as our recommendation goes or  
16 our analysis goes, just to go over -- actually, agency  
17 comments first. The application was transmitted to the  
18 Police Department, and a response was received from the  
19 Police Department.

20           And the response from the Police Department  
21 consists of -- the police this year had comments that  
22 they had not yet received any requests for road  
23 closures, but they did anticipate receiving such a  
24 request. So, they essentially are only -- have only  
25 reviewed -- in this June 9th memo, the police have only



1 reviewed the issue of erecting temporary tents and  
2 booths.

3           They haven't talked about the road closure.

4 In years past, they have, and that is actually -- the  
5 comments that they made last year, when we transmitted  
6 the community letters to them, are in your report. And  
7 those are -- and those, at the time, consisted of -- the  
8 comments from the police last year were that only one  
9 person was -- well, first of all, let me back up.

10           They gave, as a background to this event,  
11 that Front Street was closed as an emergency measure  
12 back in the '80s, because the amount of people occupying  
13 Front Street at the time overwhelmed their ability to  
14 safely control vehicles and pedestrian traffic with the  
15 number of officers generally assigned to Lahaina, which  
16 I believe I was told was approximately five officers.

17           Since then, the event has evolved to a point  
18 where people come to Lahaina, with or without an  
19 organized event, and the police have to deal with the  
20 crowds. Last year, only one person was arrested for  
21 indecent exposure. There was little open alcohol  
22 consumption in the public, although they are concerned  
23 about overconsumption and are certainly on the lookout  
24 for that.

25           They had no reports of open drug use last

1 year, and they believe the heavy police presence may  
2 have had an impact in this area. And the other comment  
3 that they made was that the rubbish was taken care of  
4 during and after the event. And the police generally  
5 felt without -- with or without a permit or a formal  
6 organization, people would come to Lahaina for this  
7 event.

8           And with the permit, the police are allowed  
9 to assign or they are more likely to be able to assign  
10 80 to 90 officers to control it. And they may not be  
11 able to assign those officers if they -- if the event is  
12 not permitted.

13           There are members of the Police Department  
14 here today, and if they have any additional comments  
15 that you would like to hear, Commissioners, I am sure  
16 they would be more than happy to add if there's anything  
17 else you need to know from them.

18           We did not receive a response to our request  
19 from the Department of Fire and Public Safety, and there  
20 were members of the Fire Department here earlier, but  
21 they had to leave to go fight a fire.

22           The Health Department had no comments. They  
23 responded, and that was in your supplemental memorandum  
24 today.

25           So, based on the aforementioned, the

1 Department has analyzed this project and has the  
2 following to say.

3 A comparably-scoped event was operated  
4 successfully and without major incidents for more than  
5 10 years. The Department has record of Halloween events  
6 with similar scopes dating back to 1989 at least. The  
7 event has become a major attraction to residents and  
8 visitors alike, and some of them plan years in advance  
9 to attend.

10 The event draws estimated crowds between 20  
11 and 30,000, and the vendors estimate that their revenue  
12 goes up -- is three times what they -- a normal daily  
13 revenue is. So, they are very, very dependent on this  
14 event.

15 It should be noted the original idea to  
16 close off Front Street was based on concerns about  
17 public safety, which were brought to our attention by  
18 the Police Department, who felt that the large number of  
19 crowds of pedestrians intermingling with vehicle traffic  
20 was a major safety issue.

21 And for last year's event, the LahainaTown  
22 Action Committee attempted to address or mitigate the  
23 concerns that had been expressed. They dropped, for  
24 example, the title Mardi Gras from the -- the word Mardi  
25 Gras of the Pacific from the title. And the Planning

1 Department feels that this is a better approach to  
2 pursue rather than shutting down the event entirely.

3 If the Commission does choose to deny the  
4 request, it is likely that hopeful participants will  
5 arrive anyway, and the event will be an uncontrolled  
6 event rather than a controlled event. And that  
7 concludes the staff's report.

8 CHAIRPERSON KALALAU: Commissioners,  
9 questions? For staff or the staff, do you have  
10 applicants that -- the applicants here?

11 MS. CALLENTINE: Yes, we do. The president  
12 of the LahainaTown Action Committee, Mr. Jerry Kunitomo,  
13 is here today. Would you like to address him?

14 CHAIRPERSON KALALAU: I just want to ask the  
15 Commissioners if they have any questions for you.

16 COMMISSIONER KAPU: I guess one of the  
17 recommendations from the County was on page eight of our  
18 handout. Well, actually, it's like page -- the fourth  
19 page. And it talks about 80 officers. Eighty police  
20 officers at whose cost?

21 MS. CALLENTINE: Can I can ask the  
22 representative from the Police Department to answer that  
23 question?

24 OFFICER KAUHA'AHA'A: County, the County's  
25 cost.

1 COMMISSIONER KAPU: The County's cost.

2 Okay. My other question is the County is named as an  
3 indem -- additional named insured insuring and defending  
4 the applicant and the County of Maui, yeah?

5 MS. CALLENTINE: Yes.

6 COMMISSIONER KAPU: So, whose event is this?

7 MS. CALLENTINE: The event sponsor is the  
8 LahainaTown Action Committee. I was just informed,  
9 before this meeting started, that the Rotary Club of  
10 Lahaina and the Soroptimists are actually the sponsors  
11 of the children's parade. Soroptimists.

12 Okay. And you are representing them today?

13 MS. McKELVY: I beg your pardon?

14 MS. CALLENTINE: Are you representing them  
15 today?

16 MS. McKELVY: No, in the past.

17 COMMISSIONER KAPU: Okay. I just wanted to  
18 get a grasp pertaining to the questions I ask. So, the  
19 County pays for the 80 officers to patrol the Lahaina  
20 Halloween Festival. That was my question.

21 COMMISSIONER WATANABE: I have a question.  
22 I have a question. So, the reason for these  
23 recommendations, is it because that prior -- previous  
24 Halloween activities, a lot of this was not complied  
25 with?

1 I mean, for example, food permits, you know,  
2 all of these permits. I mean, was it because they did  
3 not apply for these permits prior but they continued to  
4 have these events?

5 MS. CALLENTINE: I am -- I am not sure how  
6 each one of the individual components of the permitting  
7 came to be or rather how it -- whether they were  
8 complied with or not.

9 I processed the application last year and  
10 then this year. So, I'm actually -- I can't speak to  
11 the details of the history of it. As far as I know,  
12 based on the agency comments that I have read and the  
13 feedback that I have gotten from agencies when speaking  
14 with them, in at least the last two years, all the  
15 conditions have been complied with and there have been  
16 no complaints. We have received no complaint about the  
17 conditions not being complied with.

18 COMMISSIONER WATANABE: So, actually, some  
19 of the questions that we have should be asked of the  
20 coordinators of the event, right?

21 MS. CALLENTINE: Probably, yes.

22 COMMISSIONER WATANABE: Because I assume  
23 that the County -- the LahainaTown Action Committee, do  
24 they get a grant or -- to -- and with all these food  
25 concession booths, I'm sure -- I mean, is there a charge

1 for them to sell, you know, to have a space to sell  
2 their food? And how is that transaction going -- I  
3 mean, what is the process on that?

4 MR. KUNITOMO: We can tell you.

5 MS. CALLENTINE: I think we need to ask --  
6 we are going to let the applicant answer that.

7 MR. KUNITOMO: Were there other questions?

8 CHAIRPERSON KALALAU: No.

9 MR. KUNITOMO: We can answer in our  
10 presentation.

11 Thank you, Commissioners, for coming out to  
12 Lahaina, and thank you all Lahaina community for coming  
13 out today. My name is Jerry Kunimoto. I just stepped  
14 into the board presidency in May, and I was asked to do  
15 this presentation.

16 This is my first year on the Board, so,  
17 fortunately, I have Theo Morrison, who has been with the  
18 organization for a long time, and I am going to ask her  
19 to detail the history, and then I will give a snapshot  
20 of the current date.

21 MS. MORRISON: Okay. Good morning, and  
22 thank you for coming to Lahaina. I apologize for your  
23 accommodations here. Next time, please call me. I run  
24 the Malu'uluolele Cultural Center across the street.  
25 It's a very large public space available any time for

1 you. And, as another note, I was executive director of  
2 LahainaTown Action Committee for 15 years, and at one of  
3 the Cultural Resource Commission Hearings several years  
4 ago, the Cultural Resource Commission agreed to come to  
5 Lahaina at least three times a year. So, thank you for  
6 coming.

7 First of all, I am the former executive  
8 director of the LahainaTown Action Committee. I quit in  
9 2005. I was hired in 1991. LahainaTown Action  
10 Committee received a permit for Halloween in 1990.  
11 Prior to that, it was just a wild event.

12 The street was not closed. There was no  
13 porta-potties. There was no trash pickup. It was very  
14 gruff. And the police, at that point in time, wanted to  
15 close the event.

16 LahainaTown Action Committee went to the  
17 Police Department, worked with the Police Department,  
18 and said how can we solve this? How can we make this  
19 better? And the Police Department agreed to close the  
20 street. LahainaTown Action Committee started the first  
21 costume contest, and that's how the event as you know it  
22 today was born.

23 LahainaTown Action Committee pays for all  
24 the expenses, with the exception of the police, in  
25 related to Halloween. And the reason LahainaTown Action



1 Committee does not pay for the police, because  
2 LahainaTown Action Committee did not invent Halloween in  
3 Lahaina. It was there. It was a problem that  
4 LahainaTown Action Committee came in and helped manage.

5         Last night, with the Rotary Club, we did the  
6 4th of July fireworks in Lahaina. The Rotary Club paid  
7 for the police. Taste of Lahaina, which is done by  
8 LahainaTown Action Committee, LahainaTown Action  
9 Committee pays for the police. Kamehameha Day, Chinese  
10 New Year, every event that the LahainaTown Action  
11 Committee or any other organization starts that needs  
12 police protection is paid for. Those costs are paid for  
13 by an event.

14         However, like we said, like has been  
15 mentioned before by the Police Department, with or  
16 without this permit, those people are going to come.  
17 So, the permit is actually the solution to the  
18 complaints that -- the complaints that have been -- that  
19 are -- that have been spoken.

20         So, we, LahainaTown Action Committee, spends  
21 approximately \$10,000 to produce this event. This event  
22 is a very good event for Lahaina Town merchants.  
23 LahainaTown Action Committee is basically a very --  
24 funded by merchant members. We do things to promote the  
25 merchants and the business vitality of Lahaina. It's

1 also been ongoing for quite a number of years.

2           We have -- over those years, we've worked  
3 with the Police Department again on the different  
4 activities that happen. We moved the costume contest  
5 from Campbell Park where it was at one point in time, at  
6 the request of the Police Department, to Banyon Tree  
7 Park. We moved the food booths off of Front Street at  
8 the request of the Police Department to Banyon Tree  
9 Park.

10           We brought in the light towers at the cost  
11 of -- I don't know -- 5 or \$600, because we saw -- we  
12 saw dark areas in town, and we wanted to light those  
13 areas up.

14           By bringing in the different music, by  
15 bringing in the porta-potties, which were not there  
16 before either, we've really helped to manage the event.  
17 The staff -- myself when I was doing this for 15 years,  
18 plus my staff, we were on that street from 6:30 in the  
19 morning till 2:00 o'clock the next morning.

20           And I would come back at 7:00 o'clock, a  
21 couple hours sleep later, to clean up any trash that was  
22 left. And there is not a merchant in the town that will  
23 complain about trash on the street the following day,  
24 because we made absolutely sure. We filled an entire  
25 roll-off dumpster with trash.

1           We had people picking up trash all night  
2 long from 50 trash cans that we set out in addition to  
3 the 30 that are already out there.

4           I feel LahainaTown Action Committee deserves  
5 a tremendous amount of, you know, mahalo for this  
6 tremendous amount of work that they do to manage this  
7 event, which could really turn -- could have turned bad,  
8 and it's really been managed. Maybe there's more we can  
9 do. We would be happy to do more.

10          I am sorry. I always say we. I am not  
11 there anymore. But anyway, LahainaTown Action Committee  
12 would do more. It is the intent of LahainaTown Action  
13 Committee to create a safe and fun event in town.

14          And I would also like to clarify that  
15 Kamehameha Iki Park is not on the LahainaTown Action  
16 Committee permit, although perhaps -- I didn't do this  
17 particular request right here. That part of the keiki  
18 parade is definitely not part of LahainaTown Action  
19 Committee's permit. If there was some mistake, I don't  
20 know, but that was never part of our event.

21          So, there was also an issue with a video, a  
22 very, very horrid video that was shown on Akaku. This  
23 was nothing -- this was not a video that LAC promoted or  
24 LAC did. I, in fact -- during my time there, I called  
25 up Akaku and complained about that video, or I wrote

1 them a letter I guess. They didn't do anything.

2 Freedom of speech.

3           Last year the LahainaTown Action Committee  
4 actually created a new video that really promotes the  
5 event, what the event is. That particular video that  
6 was shown on Akaku, they went out of their way to look  
7 at, you know, the bad things. Anybody could do that.  
8 You could walk down Front Street today and find many of  
9 those things.

10           That was not something we ever supported,  
11 but it was not something we could do anything about  
12 until we presented them with an additional video. So,  
13 in all my years, 15 years of a very, very long night on  
14 that street, I can tell you that our entire -- and we  
15 work closely with the Police Department. Absolutely.  
16 They came to all our meetings. We discussed things.

17           A couple -- I don't know how many years ago,  
18 three or four years ago, they wanted to reopen the  
19 street earlier. They asked us to close our stages at  
20 11:00. We did close our stages at 11:00.

21           And the other thing I should mention is  
22 because of these stages, people could come to town and  
23 dance and celebrate not in a bar, not with alcohol.  
24 There was no alcohol in the street, and we made sure as  
25 well as the police made sure that that wasn't happening.

1           So, we provided outlets for people to have a  
2 festive event without being in an alcohol-type  
3 situation. So, like I said, it's been a long tradition.  
4 It started in the '60s. It's a fabulous event. We work  
5 really, really, really hard to make sure that it's the  
6 best it can be. If there's more that LahainaTown Action  
7 Committee can do to do that, we would be absolutely  
8 thrilled to do that. Any other questions?

9           CHAIRPERSON KALALAU: No questions. Thank  
10 you. Thank you.

11          MR. KUNITOMO: Thank you. Okay. I am going  
12 to probably start my presentation part by doing only  
13 what I know how. A lot of my teachers are here, and I  
14 need to do a little bit of cleansing.

15          I have been working really, really  
16 closely -- even if I didn't sit on the Board, I have  
17 been a part of pretty much every single event  
18 LahainaTown Action Committee has done. And fujin teele,  
19 whatever you want to call it, but I have seen pretty  
20 much every artwork, every coordination, pretty much all  
21 the planning of almost every event since I have been  
22 here for 14 years. And the process goes, you know,  
23 according to an agenda.

24          And although, at the time I was the  
25 President of Friends of Moku'ula -- we had just

1 co-founded a cultural event like Festival of Canoes --  
2 when she presented me that very controversial image as  
3 Ichabod Crane, I have to be honest. I had a chance to  
4 shoot it down. I did. But, you know, I never realized  
5 the yellow mal. I never realized a lot of this stuff.

6         And I wanted to start my presentation by  
7 saying that, you know, I apologize for being a part of  
8 that process and all the hakaka that it raised. But  
9 having worked with Theo for that long a time, and the  
10 amount of energy that she spent for making Lahaina a  
11 better place, it's really unfortunate that black eye  
12 still shows up. But, you know, I wanted to say to the  
13 Commission, I, too, had an opportunity to shoot that  
14 down.

15         The other issue is on the Halloween video  
16 that Theo talked about. We have filmed another piece, a  
17 24-minute piece last year funded by LahainaTown Action  
18 Committee. That was the doing of Karee Carlucci and her  
19 team. I just ran it by Na Kupuna and some individuals  
20 from that group. I just asked Auntie Patty if she felt  
21 that I should forward that to Akaku, and she said to go  
22 ahead. That it would be a lot more positive than what's  
23 in there now.

24         So, we will do everything that we can to  
25 clean that image up in the public access free forum. As

1 much as LAC can, we will.

2 All right. The first point I wanted to  
3 raise, and it's restatement, that Halloween is the one  
4 and only event that LahainaTown Action Committee did not  
5 invent or create. It was around when LAC was formed,  
6 and LAC merely stepped in to facilitate or expedite a  
7 safer environment.

8 There's a misperception that this is a  
9 fundraiser. That's not why LAC does this. It's to  
10 serve its membership to create a safer environment. In  
11 order to do this, LAC coordinates, with just basically  
12 all segments of the community, and a lot of them are  
13 here. Some of them had to go race off to a fire, but  
14 everybody steps in.

15 First off is the Soroptimists and the Rotary  
16 with the keiki parade. It's their parade. LAC  
17 facilitates the time zone. We coordinate with the  
18 police. We try and create time zones that are children  
19 friendly, and thereafter, more adult friendly.

20 And I think because you can be proactive in  
21 creating synergistic components, those components help  
22 to identify and make those that break -- you know, that  
23 may be inappropriate stand out. And I think that if you  
24 were to evaluate costumes that are typical, I think the  
25 ones we are talking about are really isolated or in the

1 minority. And for the most part, the programs are  
2 successful in that regard as establishing the type of  
3 environment.

4         The costume contest that LAC puts on, again,  
5 to create an environment that draws people off the  
6 street, so that they are not marching up and down the  
7 street doing nothing, looking for trouble. There is  
8 actually someplace they can go and have fun.

9         And over the years, what we have found is we  
10 didn't want anything to -- you know, we were schooled by  
11 the police. Every year we review the event. And one of  
12 the things was we didn't want stations set up on Front  
13 Street. Some costumes come with stations, where they  
14 plant themselves and do that kind of stuff.

15         And about five years ago, it was one of the  
16 focuses was none of that. Everything is free flowing  
17 like a current on the street. And this helped to  
18 facilitate that by having the stages off the street.

19         And again, to restate what Theo said, the  
20 music stages, under the Banyon Tree, helped to give  
21 families the opportunity to enjoy the event with their  
22 costumes, singing and dancing and so on, and they don't  
23 have to be in a bar. They don't have to be around  
24 alcohol. They don't have to even -- you know, they  
25 don't have the money to go into a restaurant. They



1 don't even have to do that. And I think that

2 accomplishes that very, very well.

3 I think the food booths under the tree last

4 year was kalua pig and that kind of stuff. The Tennis

5 Club and a lot of different community organizations

6 again lends the whole community local aspect, where you

7 see people you know, and there's a lot of locals because

8 of the keiki parade and so on, you know, hungry, and

9 that's where they kind of hang out is under the tree.

10 And I think that creates a tradition where

11 local families get together and see everybody. And I

12 think the phenomena is every year you go, the kids are

13 taller and grown up. And I personally have two boys

14 that we have been doing that every year, and cannot

15 recognize the kids anymore.

16 The other part is me as a merchant, you

17 know, owning my restaurant and watching from the outside

18 and participating from the outside, it is amazing to see

19 that many people on the street in a safe environment

20 where the police have continually increased their

21 presence and made a positive impact each and every year.

22 And I'm sure the statistics should support that.

23 But they got better. There was one year

24 where I noticed all the police were lined up on the

25 sidewalk, and all the tall haole people, you couldn't

1 see past. So, the surveillance wasn't that great.

2 So, I talked to George Takeuchi, and we used  
3 the top of his building, so you -- from there, you could  
4 see from all the way down from the Hard Rock to the  
5 Banyon Tree. And it created a perspective where they  
6 could see one guy had a dog, or that guy had a bottle,  
7 or that kind of thing.

8 And it's that type of partnership where  
9 every year we evaluate, and we get together with the  
10 Fire and the Police and we evaluate. I think that again  
11 creates a safer and more positive environment. And to  
12 restate the partnership, we bring in the Fire -- the  
13 representatives from the Fire, the Liquor and the  
14 Police, and we call all the restaurants and merchants  
15 that are open that night, so that they can hear from  
16 those representatives what the laws are and what the  
17 rules are. And that there's no excuses. Everybody  
18 plays by the same rules.

19 And I think again, statistically, if you  
20 look into that, that partnership is working out very  
21 well.

22 Restating the position of LAC though, LAC  
23 purely functions as a service that facilitates the event  
24 for its members and for the community. And it goes  
25 without saying that I think that LAC and its members

1 feel that it's a very, very positive environment.

2 There are issues that, you know, come up and

3 could be severe, but I think they are in the minority.

4 And I think for the amount of bodies that are coming

5 together, I think LAC functions very well, and I think

6 its partners do a real good job. Thank you.

7 CHAIRPERSON KALALAU: Okay. Questions for

8 Jerry? No questions. Thank you very much, Jerry.

9 Jerry was here for the applicant. We will now open the

10 floor for public testimonies on this agenda item.

11 Okay. Okay. Joan McKelvey. Following

12 Joan, we have Donna.

13 MS. McKELVY: I am pretty much following

14 what Theo and Jerry -- excuse me. My name is Joan

15 McKelvey. And I'm a business owner in Lahaina.

16 Approximately in 1989, I think, was the last

17 year before we had the road closed, and I was standing

18 on the corner of Lahainaluna and Front Street, and all

19 of a sudden what's his name, who was the incoming

20 president of LAC -- what's his name, Theo?

21 David Allaire. David Allaire. And he said,

22 Joan, we've got to get this thing in order. We have got

23 to get it corralled. It's getting out of hand, and it

24 was. Cars were up and down the street. There were

25 children stacked in the cars. How there was never an

1 accident, I will never know.

2 And, so, LAC took it under their wing, and  
3 they did corral it. We were able to have a -- first of  
4 all, it was back in the Library on the Front Street side  
5 and then Campbell Park. We had our first prize winning  
6 events for the participants, and then followed the Wharf  
7 Cinema Center, and Kimo's, and Longhi's, and the Pioneer  
8 Inn, and each all had contests. And that, in itself,  
9 spread the whole event out also.

10 And then, of course, LAC moved to Banyon  
11 Tree Park, and it couldn't be better. It couldn't be  
12 better. The police cooperate, the firemen cooperate,  
13 everybody cooperates. The businesses cooperate. And  
14 it's a wonderful event, wonderful event for the  
15 community. Mahalo.

16 CHAIRPERSON KALALAU: Thank you, Joan.  
17 Questions? Okay. Thank you. Donna Soares. After  
18 Donna, we have Jil Killett.

19 MS. SOARES: Hi, it's no longer good  
20 morning, so it's good afternoon. I guess we've all  
21 (inaudible).

22 My name is Donna Soares, and I am the  
23 general manager for the Wharf Cinema Center, and also I  
24 am on the Executive Committee for the Lahaina  
25 Restoration Foundation.

1 I am a little younger than Joan but a little  
2 older than Jerry, and Halloween actually kind of started  
3 as a party in Lahaina. And as a matter of fact, it was  
4 an offshoot from the Blue Max, and I don't know how many  
5 of you -- I think most of you are too young to remember  
6 the Blue Max, which is now Jerry's establishment, BJ's.

7 And at that time, it was owned and operated  
8 by Sharon Lawrence. And how it started is her costume  
9 parties simply flowed and spilled over into the street.  
10 And Sam, I see you nodding. I think you were probably  
11 at the party.

12 The Wharf then joined in, and we extended  
13 the party to the 600 Block, and we started our infamous  
14 Halloween costume/karaoke contest, and that was some 23  
15 years ago. As a matter of fact, this Halloween will be  
16 our 24th year.

17 Halloween grew, and we all realized that an  
18 entity was needed to come in and help organize this  
19 event. And this was before this event would eventually  
20 just die or go by the wayside or have to be stopped.

21 So, through the efforts of the LahainaTown  
22 Action Committee, we were able to work with the Police  
23 Department to close Front Street, which provided for a  
24 much safer environment and has saved damage and  
25 vandalism to most of the Lahaina properties. And I am

1 speaking on behalf of not just the Wharf and Lahaina  
2 Restoration Foundation when it comes to that.  
3 LAC has assisted with the funds. They  
4 provide additional lighting, stage entertainment. And  
5 very important to any gathering, as we all know, because  
6 we have all done luaus, or parties, and weddings, et  
7 cetera, they took on the responsibility of picking up  
8 the trash and cleaning up the town, so that the morning  
9 after Halloween, the town was spotless.

10 LahainaTown Action Committee has taken on  
11 responsibility that not too many other organizations  
12 would be willing to do. They have partnered with us,  
13 the merchants, and with the restaurants, assisted with  
14 the -- actually assisted the Soroptimists with their  
15 parade, they have handled the media, and I think created  
16 an overall fun and safe event.

17 Halloween -- ladies and gentlemen, Halloween  
18 is not going to stop if the permit is not issued. As a  
19 matter of fact, I think it's going to be a real mess.  
20 So, if LahainaTown Action Committee is willing to  
21 continue to take on this responsibility and to continue  
22 to sponsor this event, I urge all of you to please  
23 support them. Thank you.

24 CHAIRPERSON KALALAU: Thank you. Any  
25 questions for Donna? No? Thank you, Donna. Okay.

1 Jim. Following Jim is Becky Lennon.

2 MR. KILLETT: I am Jim Killett. I have  
3 lived here 31 years just a few blocks away. And I've  
4 experienced many, many Halloweens. I am amazed at how  
5 well behaved a huge, huge number of people can be up and  
6 down the street.

7 And yes, it's excited. Yes, it's fun. Yes,  
8 there's nudity. But you can't let a few people spoil  
9 the fun of the great majority. And I'm talking about  
10 the huge, huge majority of the people that are there  
11 behaving themselves and having a good time responsibly.

12 And my neighborhood is just terrific with  
13 all the things that they do on Halloween. You know, the  
14 good part outweighs the bad. And I even liked it when  
15 the cars were driving down the street. I thought that  
16 was great. People in there having a good time. But  
17 that worked, but it did need to be changed, and I  
18 applaud LahainaTown Action Committee for doing this.

19 And I will say as Donna said. They are  
20 going to have it. It's going to happen. You can not  
21 close the streets. You can not invite the police, but  
22 this thing is going to happen. You cannot stop it. And  
23 it is not Hawaiian. There is nothing Hawaiian about it.  
24 I am sorry about that.

25 It is here. It happening. It is wonderful,

1 and their are other Hawaiian things that we can focus on  
2 that are great. And, you know, if there's nudity in the  
3 celebration, there's the nudist parade that I have seen.  
4 There might be some rowdy behavior, but it's going on,  
5 and I certainly support that.

6 CHAIRPERSON KALALAU: Okay. Thank you, Jim.  
7 Becky. Becky Lennon followed by Shawny.

8 MS. LENNON: Good morning. I am Becky  
9 Lennon. And again, thank you so much for bringing this  
10 meeting to Lahaina. It helps us so much, especially  
11 with the fires and being able to safely get to and from  
12 the other side of the island.

13 I am from the Pioneer Inn, so a merchant  
14 here in Lahaina, and would like to say that we  
15 appreciate greatly that it is a controlled event. That  
16 LahainaTown Action Committee does bring the Fire  
17 Department, the Liquor Control Board, the police, and  
18 they meet with us ahead of time and make suggestions,  
19 give the rules and regulations.

20 They control -- the Liquor Department  
21 controls the nudity, the lude-ness. We cannot let them  
22 in our establishment, and they make that very  
23 well-known. The police control the security on the  
24 street. The Fire Department makes us aware of exits,  
25 the things we need to be watching for as we are



1 modifying and getting ready for these crowds.

2           So, without them, you would have a lot of  
3 restaurants and bars in Lahaina that would be out there  
4 on their own just sort of winging it with three times  
5 the normal crowd that walks in their door.

6           So, I just say great, great applause to  
7 LahainaTown Action Committee also for providing  
8 something for the families and the young people, the 14  
9 to 20 years olds. They can be out dancing on the street  
10 and not trying to sneak into the bars, which is where  
11 they would be. I mean, they are not going to be at home  
12 on Halloween night. They are going to be out doing  
13 something.

14           So, let's keep it controlled. Let's keep it  
15 safe. Let's make it a happy, fun event for everyone.  
16 And if there are still concerns, let's look for a  
17 compromise. Let's figure out a way to get the bad  
18 behavior and the nudity off the street that is the  
19 minority. But let's figure a way to make it work.

20 Thank you.

21           CHAIRPERSON KALALAU: Thank you. Shawny  
22 Labrador followed by Jil Holley.

23           MS. LABRADOR: Shawny Labrador. I'm a  
24 merchant/owner in Lahaina. We have a very small family  
25 owned take-out restaurant. We don't serve any alcohol.

1 We look forward every year. I'm not going to lie to  
2 you. Our revenues increase on that night.

3 We do our best where we are located in  
4 Lahaina Marketplace. We do hire at our expense extra  
5 security guards to patrol the area. The back area is  
6 blocked off from public access to cut down on vandalism.

7 And I'm basically here just to support  
8 Lahaina Action Committee. I don't think they meant any  
9 offense to certain groups, and I'm sure that they will  
10 do everything in their power to rectify whatever offense  
11 was taken. Thank you.

12 CHAIRPERSON KALALAU: Thank you. Jil  
13 followed by John.

14 MS. HOLLEY: Hi, everyone. I am Jil Holley,  
15 and I am with Hard Rock Cafe. And actually, when I  
16 signed the list, I didn't realize I was signing up to  
17 speak. I thought it was an attendance roster.

18 So, I apologize for that. I'm new to the  
19 community, so I don't really want to speak about the  
20 event. I don't want to have to -- but I do want to say  
21 that as far as when an event does come to a community,  
22 invited or not, it's wonderful to have event management.  
23 And again, I am sorry I didn't know that I was signing  
24 up to speak.

25 CHAIRPERSON KALALAU: Thank you.

1 MR. COTE: Aloha, John Cote. I am a  
2 business owner here on the West side, and I am also a  
3 member of the LahainaTown Action Committee and a Board  
4 member. I don't know if any of you were over here for  
5 4th of July last night, but another wonderfully  
6 organized event by the Police Department, by the Rotary  
7 Club, Sunrise, and it was just an amazing event.

8 And it's another in the long list of  
9 wonderful things that LahainaTown Action Committee and  
10 the people of Lahaina put on. Halloween, it's almost --  
11 it's -- we got to have Halloween. You can't not have  
12 Halloween. I mean, it's like not having Christmas here  
13 in Lahaina.

14 The police do an amazing job. Their  
15 presence keeps everything pretty much in line. I have  
16 been going for 10 years. I have assisted, supported.  
17 Not a heck of a lot of negativity at all that goes on.  
18 You are going to find some in anything. It doesn't  
19 matter what it is.

20 But I thank you for coming over. I thank  
21 you so much for listening to us all, and I certainly  
22 hope you support our keeping this event going. Thank  
23 you.

24 CHAIRPERSON KALALAU: Thank you. Okay.  
25 J.J. followed by Uilani and Kyle Farm.

1 MR. ELKIN: Thank you. My name is J.J.  
2 Elkin from 505 Front Street. And I am also a member of  
3 LahainaTown Action Committee on the Board.

4 You hear and you have heard all the positive  
5 things about Halloween. I would just like to address  
6 myself to the people who object to Halloween. A number  
7 of years ago, I was in Geneva, Switzerland, in a major  
8 bank, and I met the bank manager.

9 And he said where are you from? And I  
10 said -- I said Hawaii. Oh, a smile came across his  
11 face, Hawaii. He said my wife and I were there on our  
12 honeymoon 14 years ago. And he told me his story.

13 He is a big fat New York Jew (inaudible),  
14 and he married a tall thin Catholic Chinese lady. And  
15 those two, whenever they appear anywhere, people look at  
16 them. They have a problem. He said when we went on our  
17 honeymoon to Hawaii, he said, it was amazing. Nobody  
18 looked at us. He said it was so fantastic. We  
19 immediately, on our honeymoon, bought two lots of land.  
20 We plan to retire there. We haven't been back in 14  
21 years. What's going on?

22 What was the point? The point is that  
23 Hawaii has an image around the world as a tolerant  
24 society. It doesn't matter what religion you are. It  
25 doesn't matter what your race is. Everybody is tolerant

1 here.

2           And when we think of Lahaina, yes, we think  
3 of it, and we have to restore the Hawaiian-ness of  
4 Lahaina, but it's also the era of the plantation, which  
5 was perhaps not the best time for the Hawaiians.

6           There are all different types of people here  
7 with all different types of traditions. So, I say to  
8 the people who object to Halloween, be like me. I  
9 confess. I don't come down to Hawaii -- to Lahaina  
10 except to see whether our place is burnt down. I don't  
11 come here and dress up. But, so many people enjoy it,  
12 let's be tolerant of them.

13           Two years ago, on New Year's Eve, because of  
14 celebrations of New Year's Eve, they put fire crackers  
15 on our roof, and they almost burnt down 505 Front  
16 Street. Now, obviously, I'm not terribly happy about  
17 that, but because of the a few idiots, that's no reason  
18 not to celebrate New Year's Eve.

19           So, if there are problems, fine. But let us  
20 remember something we can all be very proud of, and that  
21 is Lahaina is not only the great place of the Hawaiian  
22 culture, but it's also a place of great tolerance.  
23 Thank you.

24           CHAIRPERSON KALALAU: Thank you. Uilani  
25 followed by Kyle Farm.

1 MS. KAPU: Hello. My name is Uilani Kapu.

2 Pardon my back. I am one of those that sent you a  
3 letter, as you guys noticed, in regards to shutting this  
4 down. There's a lot of reasons and concerns on it.  
5 It's not a Hawaiian issue. It's a safety factor issue.  
6 It's a permitting factor issue. It's a bunch of things.

7 I did sit in a meeting where Jerry brought  
8 up the concerns. I recommended shutting it down at  
9 10:00. I recommended taking down Mardi Gras, Block  
10 Party, all of that kind of stuff. Taking it off the  
11 website. If it's so big, why do we have to advertise it  
12 out there? Why can't we just have it for us?

13 Why do we have to have all these bunch of  
14 people coming from all over the place who don't  
15 understand our lifestyle, our ways, desecrating it and  
16 ruining it for us.

17 I know there is no way of shutting it down.  
18 I am willing to work with it. I am having a hard time  
19 with it, because we don't need it. It was once a  
20 child's Halloween. They don't even go trick or treating  
21 around their own neighborhoods anymore. That has been  
22 taken away, because you gave them another place to roam,  
23 to see all the adult stuff that they don't have to see,  
24 and they shouldn't be subjected to it. But that's where  
25 they end up. They end up down here.

1           They don't even -- they are here after  
2 curfew. We have a curfew in this town that should be  
3 abided by. But the parents are on the streets, and the  
4 kids are going to be on the streets. So, are we setting  
5 a good example for our youths? No, we are not.

6           And that's why I am here. I am worried  
7 about our future. I'm not here because of me. I'm  
8 worried about our future and what we are subjecting them  
9 to.

10          I am tired of them -- I am tired our youths  
11 being locked up. I am tired of our youths being  
12 subjected to alcohol and drugs. We are trying to change  
13 our lifestyle. We are trying to teach them that is not  
14 the only thing in life. We are trying to make them  
15 better parents, better people in society. We are trying  
16 to teach them that they have a voice.

17          A lot of our youths couldn't be here because  
18 they have to work. But, you know, I mean, they have a  
19 hard time with me saying shut it down, but it's  
20 explaining to them we don't want that kind of lifestyle  
21 for them. They have better things in life.

22          Our canoes, our water, you know, they are  
23 going to have children someday that will get into  
24 trouble. Or if you raise them with values, and they are  
25 taught with values the way I was brought up, being proud

1 of who you are and what you are, you know, that's what  
2 we are teaching them. This is not teaching them  
3 anything.

4 Even though it's one day, I am having a hard  
5 time with it. But, you know, I did come up with  
6 recommendations instead of just saying shut it down. I  
7 did ask close it down for every other day -- every other  
8 year. Try that. Don't advertise it on the internet.  
9 Keep it for us.

10 If you are saying that you can't get rid of  
11 it with or without the permit, then come up with other  
12 suggestions. Come up with other recommendations.

13 There is not enough toilets on the streets.  
14 There's not enough dumpsters on the streets. Aloha  
15 Week, when they first started last year and brought  
16 their's, they were from Prison Street to Dickenson.  
17 That was good.

18 Why does it have to be the whole Front  
19 Street that has to be shut down? Make it smaller. 20  
20 to 30,000 people, we don't have enough place. All we  
21 had to have 500 per toilets. 500 people per toilet.  
22 What did we have on the application? Eight? That's not  
23 acceptable. That's not enough, and it's only around  
24 Banyan Street. It should be the whole Front Street.

25 And then you guys answered my question about



1 who pays for the law enforcement. The cleanup, yeah,  
2 the cleanup has been good, because they have volunteers  
3 coming in cleaning up the streets and everything. What  
4 about the other places that aren't on Front Street? All  
5 the places that are on the back streets, the side  
6 streets, they are not cleaned up, but they are  
7 desecrated. The rubbish is there. The alcohol is  
8 there.

9 In all the parking lots that are around  
10 these places, every one of them had rubbish. Every  
11 single place. The people start drinking before they get  
12 here in the parking lots and then walk down the street.  
13 Where do they leave the rubbish? There where they  
14 stopped. Where they started. You find them sleeping in  
15 the beaches. You find them all over the place.

16 Everyone that I have heard today in support  
17 of this are merchants. To all of you merchants, you  
18 guys should be paying a thousand dollars a merchant to  
19 help if you guys want to see this happen. You guys  
20 should have a price tag, too, because you guys are  
21 making money off of this.

22 But that is on behalf of Kuleana Ku'lkahi,  
23 and I am -- Willy K. was the president for Hui O Wa'a  
24 Kaulua, and he wanted me to speak on behalf of that  
25 later, because I am the executive director.

1 CHAIRPERSON KALALAU: Okay. Thank you.

2 Kyle Farm is a fireman that left for a fire. Kent

3 Stewart followed by Charles Makekau.

4 MR. STEWART: Aloha. My name is Kent

5 Stewart, and I want to thank you also for bringing the

6 meeting here. It makes a big difference to those of us

7 who live here to be able to attend a meeting on this

8 side.

9 I am here not only -- well, first off, it

10 should be known that I am a member of the Board of

11 Directors of LahainaTown Action Committee. I will say

12 that right up front, but I am also a member of the Board

13 of Trustees of Waiola Church, and it is from Waiola

14 Church that I have been asked to speak, because several

15 of our members of Waiola, which is the first Hawaiian

16 church on this island, made comment to me last year and

17 also asked me to comment or to come and speak today on

18 their behalf in support of continuing the Halloween

19 traditions here in Lahaina.

20 It is the feeling of -- I did not poll the

21 entire church, but I know that I am speaking for the

22 leadership of the church in saying that the event does

23 not meet with the church's opposition. It is a event

24 that Waiola, in its many years of being involved on

25 Front Street, with the food sales, has been an important

1 fund raising event for Waiola Church in helping to  
2 support the small church.

3           And, most importantly, that Waiola in being  
4 involved for so long, has noted steady improvement in  
5 the management of the event and also echoes its  
6 appreciation for the quality of the management of the  
7 event by LahainaTown Action Committee and the many other  
8 groups that participate to make this as good an event as  
9 it is.

10           So, I will conclude by saying that it's not  
11 just businesses who benefit and who are assisted by the  
12 many people who come and spend and buy shave ice and buy  
13 the food that is served. It's sometimes very small and  
14 very important local organizations as well, such as this  
15 church.

16           So, thank you for listening and for giving  
17 it your full consideration. Thank you.

18           CHAIRPERSON KALALAU: Thank you. Charles  
19 Makekau.

20           MR. MAKEKAU: Thank you. I actually didn't  
21 put in my name. Somebody else put it.

22           CHAIRPERSON KALALAU: Both names over here.

23           MR. MAKEKAU: Okay. I too understand  
24 Uilani. I back you up 100 percent. I have been in  
25 Lahaina all my life. Born and raised except being in

1 the Army a short stint. I have seen Lahaina from a  
2 sleepy town to a very busy, busy town.

3 We crying like hell because of the road  
4 condition. We crying out loud because of the roads, the  
5 fire, traffic accidents, but then we go right back and  
6 we create that monster in Front Street, which attracts,  
7 not like before, 5,000 people. We talking about 30,  
8 35,000 people.

9 And all these cars are all coming from all  
10 around the corners and blocking up our roadways. On top  
11 of that, we block up our Front Street and all our side  
12 streets. What we are talking about? We talking two  
13 side of our face.

14 Consider the whole situation. Cut it down  
15 and make it attractable. Not that kind of bare butt or  
16 running around with no more top. Oh, the young guys  
17 like to see that, but talk the old guys. We already saw  
18 it.

19 So, what we do is we -- it has come to the  
20 point that we, even myself for a couple of years, I have  
21 never been down there. It has become ridiculous. And  
22 you say that there is no alcohol on the street. It is  
23 alcohol has already been consumed someplace else, or  
24 they someplace on the car or behind the corner in the  
25 dark.

1           Drugs, you tell me no more drugs. You are  
2 not talking right. You can smell 'em. And if you no  
3 can smell 'em, you got stuck nose. It's there. It's  
4 there. And if you ever (inaudible).

5           But I hundred percent follow Uilani.  
6 Consider all the facts, especially you people. Pity us  
7 that live in Lahaina. If I was maybe about 20, 30 years  
8 younger, maybe I say, yeah, go for it. But today, I see  
9 my grandchildren and my great-grandchildren, ah, man,  
10 they no can wait for go down. But the mother, the  
11 father say no way. Stay home. That's how I feel. Stay  
12 home. Thank you.

13           CHAIRPERSON KALALAU: Thank you. Florence  
14 Makekau.

15           MS. CALLENTINE: Who is it that needs the  
16 mike now?

17           MS. KAPU: Auntie Flo went home, so it was  
18 just her husband.

19           CHAIRPERSON KALALAU: DeAnn followed by  
20 Aldo.

21           MS. KAINA: (Inaudible, not speaking into  
22 mike.) I am DeAnn Kaina, raised in Holokapua. And I'm  
23 also Hawaiian Studies teacher here at King Kamehameha  
24 III. I grew up here, went to Sacred Heart School, and  
25 when it got burned down, my family and I got transferred

1 to King Kamehameha III elementary. I graduated from  
2 Lahainaluna, went on to Brigham Young University Hawaii  
3 campus.

4 I have a few questions just to throw out to  
5 you. Keep that in mind. Historic preservation is your  
6 kuleana, ai?

7 COMMISSIONER MARQUEZ: Ai.

8 MS. KAINA: Thank you. Is this what you  
9 call historic preservation? It's interesting how we are  
10 allowing these kinds of events to occur in our National  
11 Historic site or place that we were reminded of by the  
12 Feds this morning, ai?

13 And yet this kind of events were never part  
14 of our cultural practices, or it's not even of  
15 (inaudible) Hawaii from ho ka wa kahiko, from the days  
16 of old. We never had these kinds of things. Okay.

17 Seeing as though there is no recollection of  
18 thought to think that this event would have to take so  
19 many of our officers within our Public Service  
20 Department, meaning Maui Police Department, to have,  
21 what, 70 to 80, yeah? As was recommended -- excuse me.  
22 80 to 90 officers to police this event, and yet this  
23 event, according to na po'e e, said that it accumulates  
24 20 to 30,000 people.

25 So, if you do the math, one police officer

1 would have to police 307 people per police officer.  
2 That's ridiculous. Growing up here in Lahaina, as well  
3 as throughout the West side, I have never seen 80 to 90  
4 police officers in my life throughout the entire West  
5 Maui, let alone throughout the entire Island of Maui,  
6 let alone throughout the entire Maui County, including  
7 Tri-Isle, Lana'i, Moloka'i, even Kaho'olawe.

8           Have the kupuna -- have no kupuna of this  
9 community, of this moku, moku o Lahaina been asked about  
10 this in planning this event? And if there is na kupuna,  
11 if na kupuna have ever been involved in part of this  
12 planning this event, and, if not, why not? Why not?

13           Road closure, that's -- that would create a  
14 problem. In my recommendation, it would be nice to have  
15 it just from Papalaua to Prison Street, and to be able  
16 to have the keiki parade remain, because why do we need  
17 to turn this all of a sudden into an adult event?

18           I remember when I was small and my siblings  
19 and I, we had the privilege to walk Front Street and be  
20 part of that keiki parade, and we were happy about it.  
21 But we never had an adult event after that.

22           People are allowed to dress however they  
23 want to. Allow them to come in and enjoy Halloween. If  
24 you can set up a stage at the Banyon Tree for adult, why  
25 can't you set up a stage for the keikis and have the

1 keiki contest there, rather than down at Kamehameha Iki.

2           You talk about Maui Police Department, has  
3 there ever been a thought about curfew, so that families  
4 can come and enjoy this event, family or families? We  
5 have children out here when this event occurs. Has it  
6 ever thought about you -- thought about that these  
7 children are within the vicinity of adult. Adult. And  
8 however they accommodate themselves throughout this  
9 event during the duration of this event, there is  
10 children.

11           So, has there any thought come to your  
12 recollection to think that, curfew? This is one of the  
13 reasons why we never had an adult event, that we only  
14 had the keiki parade when I was young. Why? Because of  
15 curfew.

16           And it's interesting how you talk so much  
17 about the police Department helping out and doing this.  
18 Where is na kupuna in all of this? Why hasn't any of  
19 Lahaina Action Town Committee involved kupuna in this  
20 planning. And look at the perception of the kupuna?  
21 What do they say about this and know about this?

22           Lahaina Action Town Committee says that they  
23 manage and facilitate, and then the Police Department,  
24 according to your report, says with or without the  
25 permit, the people will come.



1 Allow them to come. They are welcome to  
2 come. That's part of what it is of being Hawaiian. But  
3 you know what? It's interesting how Lahaina Action Town  
4 Committee funds this event, \$10,000, and it manages it?  
5 Well, that's funny, because the more you manage it, the  
6 more you facilitate it. The more you make it become a  
7 problem.

8 How does it become a problem? You inviting  
9 more people, and more people, and you got to get more  
10 police officers out there. Nothing was said that kupuna  
11 was involved in this planning. Nothing. Our taxes goes  
12 into this, because police -- Maui Police Department is  
13 paid by the County.

14 It was said before the Lahaina Action Town  
15 Committee paid police officers and whatnot. Okay? We  
16 are all involved in these taxes. Think about it.

17 Congratulations and mahalo to the Rotary and  
18 Soroptimists Club for sponsoring the keiki parade, for  
19 keeping it that way. We really, really appreciate it.

20 And then last but not least, there is no  
21 true record -- no true record that has actually come to  
22 this Board regarding stores, operations on Front Street  
23 that have actually said that they have made really,  
24 really good as far as in their economy or income.

25 Do you have a record of that? Do you have a

1 record, Nani, of Leola of Hawaii, that store? Or BJ's  
2 Pizzeria, Kalei? How come? Perry, how about you?  
3 Kimo's Restaurant, do you have a record of that of how  
4 much they have made from this event, all these stores  
5 and restaurants and shops? Do you really have a record  
6 of that? Do you have proof of that? Or just say. Do  
7 we do what we say? Well, anyway, this is my testimony.

8 CHAIRPERSON KALALAU: Thank you, DeAnn.  
9 Anybody got questions? I have one question.

10 MS. KAINA: Yes, Sam.

11 CHAIRPERSON KALALAU: So, your thing about  
12 it, your feeling about it is to -- you know, you really  
13 never say it, that you don't support it, but you say it  
14 to --

15 MS. KAINA: I gave you recommendations.

16 CHAIRPERSON KALALAU: Right.

17 MS. KAINA: And so, you know, if people want  
18 to enjoy Halloween, I am not going to take it from --  
19 from any of you -- take it away from any of you.

20 If as an adult want to enjoy Halloween, go  
21 have your own Halloween, but do we have to turn it into  
22 an adult event? That's what I am saying.

23 My recommendation is, you know, close the  
24 road from 5:00 to 8:00. And what I mean by close the  
25 road is from Papalaua to Prison Street. Why go all the

1 way down past 505 and Kamehameha Iki. Okay?

2 That's a huge closure when you think about

3 it. Okay? There's kids that live, you know, around

4 here. We have families that live around here. Okay?

5 And why do we have to make this an adult event? Why all

6 of a sudden it has to become an adult event?

7 If you, as an adult, want to dress Halloween

8 night, I am not going to stop. It's all right. It's

9 all right. If you want to put on your malo, come with

10 your bibidy, whatever. It's okay. I am not trying to

11 stop this event. But what I am saying is that why turn

12 it into an adult event, and allow the keikis to have

13 that privilege to enjoy Halloween. Okay?

14 CHAIRPERSON KALALAU: Very good. Thank you.

15 Any more questions for her? Okay. Our next speaker is

16 Aldoi? Aldoi Tassata? The next one is William Waiohu.

17 MR. WAIOHU: I no going say no more or

18 nothing now, because what all the other guys say. Close

19 Halloween. Hey, I backing them up hundred percent.

20 Thank you.

21 CHAIRPERSON KALALAU: Okay. Thank you.

22 Carroll, Pastor Wayne Carroll. Pastor Carroll.

23 MS. NISHIYAMA: I am speaking on behalf.

24 CHAIRPERSON KALALAU: You are speaking on

25 behalf of him? Okay.

1 MS. NISHIYAMA: Aloha.

2 CHAIRPERSON KALALAU: Aloha.

3 MS. NISHIYAMA: I am reading a letter from

4 Pastor Wayne Carroll. This is his testimony.

5 I am Pastor Wayne Carroll of Kahana Door of

6 Faith Church. I am sorry I can't be at this hearing

7 because of a commitment I have already made. So, I have

8 asked Auntie Patty, so she could read my comments and

9 opinion on the Lahaina Front Street Halloween that's

10 held every year.

11 Its popularity has grown and has attracted

12 people from all over the islands, the United States, and

13 other countries. It certainly has become very

14 attractive. But my concern is it has also gotten too

15 bold and daring with the way adults present themselves.

16 Some only have water paint over their bare bodies.

17 It's one thing if this event was confined

18 and restricted to adults only, but it's not. It's open

19 to also our children. Folks, we are sending the wrong

20 signal to our children that it is acceptable, then it

21 must be all right.

22 No, it's not acceptable. So, who is going

23 to enforce it to make sure the event is acceptable?

24 Remember, the event is also videoed and shown on TV, and

25 it's not screened, so that's more of our kids watching

1 that. This is our community -- excuse me. This is our  
2 community. Let's keep it decent and clean for all of us  
3 and our children.

4 May God bless you all. Pastor Wayne  
5 Carroll.

6 Can I continue with mine?

7 CHAIRPERSON KALALAU: Yes, Pastor was the  
8 last one, so state your name.

9 MS. NISHIYAMA: Okay. My name is Patricia  
10 Nishiyama-Ka ko'o, Auntie Patty Nishiyama, born and  
11 raised in Lahaina. I have seen this grown into -- this  
12 event grown into a monster, absolutely.

13 My family lived in Kelawea Mauka. And  
14 during the Halloween time, years, they -- our children  
15 went trick or treating. Today, my people -- their  
16 children is on Front Street. They walk all the way from  
17 Kelawea Mauka, because there is no parking. They have  
18 their children traveling down from Lahainaluna Road down  
19 to Front Street.

20 12:00 o'clock at night, they are walking  
21 their children up the hill after the event is over. I  
22 was going to have mo'opuna to testify, because they --  
23 but they weren't patient enough to wait. So, they went  
24 swimming.

25 Anyway, so they want -- I asked them to -- I

1 told them to testify about Halloween. And they said,  
2 oh, yeah, Grandma, is that the one that we watch on TV  
3 at Auntie -- at Halii house when the people was walking  
4 around naked?

5 I mean, this is the vision that they see  
6 already on Front Street. I mean, are we going to  
7 continue this to let our children be involved in  
8 educating them that the culture here in Lahaina is  
9 people walking around naked?

10 I mean, I have seen this video, and I am  
11 sorry. That video -- I called Akaku to stop it. It was  
12 terrible. I mean, they really focus on some pilau crap.  
13 I mean, very pilau. So, that was what was shown on  
14 Akaku.

15 So, not only my grandchildren saw that,  
16 everybody else. Well, I want to live -- leave our  
17 culture to our grandchildren on how historic this place  
18 was with Hawaiian memories. I want to leave this how  
19 Kamehameha and Moku'ula and everybody, you know. I  
20 don't want to live this kind of trash with my  
21 grandchildren that this event is putting out for them.

22 I mean, we try to teach them what is our  
23 culture. Now, with this going on, it confuses them.  
24 So, when they grow up, they going to say, oh, no. That  
25 was Halloween, the Mardi Gras, you know. That was what

1 the whole history about was Mardi Gras.

2 I don't think so. I prefer them to continue  
3 their education, so they can educate their children at  
4 how Lahaina has full, rich Hawaiian, you know, Hawaiian  
5 history.

6 So, anyway, I know we can't close it, and,  
7 you know, I 100 percent support Ui. And, of course,  
8 Uncle Charlie is Na Kupuna O Maui. So, I support him  
9 100 percent. But anyway, I want you folks to make sure  
10 that this event doesn't kill the history of Lahaina and  
11 the historic history of Lahaina. Thank you.

12 CHAIRPERSON KALALAU: Thank you. Is there  
13 anyone in the public that haven't signed up that wants  
14 to testify, please come forward and state your name.

15 MR. McCARTY: Aloha. I am Richard McCarty.  
16 I didn't plan to speak, but some things have gone  
17 through my mind while I was watching the testimony and  
18 so forth.

19 I think we are fortunate to have this  
20 meeting today in this classroom at this school, because  
21 this is community. Us folks here, this is community,  
22 and that's what we are talking to you about today.

23 And I think that it's lucky that we have you  
24 as a checkpoint to tell us whether or not our community  
25 is about to do something that our community would really

1 not want to endorse. I think if we asked everybody who  
2 has testified and is interested in this how many of you  
3 are in favor of public nudity? How many of you are in  
4 favor of excess drinking? How many of you are in favor  
5 of drugs? How many of you are in favor of our kids  
6 seeing the kind of things that happen down there?

7           So, we need for you to tell us get a handle  
8 on this thing, because, unfortunately, its success has  
9 become its demise. They have advertised it  
10 internationally as the place, the party to go to.

11           And what does that communicate to most  
12 adults? Sex, drugs, and rock and roll. You know, show  
13 up and have your fun, and the community, us guys, will  
14 look the other way.

15           Now, one thing that I noticed is that with  
16 the Cultural Resources Committee, that there's been very  
17 little discussion, if at all, about whether this is  
18 culturally appropriate. And I don't know if you require  
19 a cultural assessment in this type of thing, but I think  
20 you should, because this is focused on a part of Lahaina  
21 that has great historic significance.

22           And should these kind of things be going on  
23 at the Courthouse? That's kind of ironic that they  
24 focus right in front of the Courthouse and under the  
25 Banyon Tree. But I think it's necessary for somebody to



1 do a study of that.

2           The problem with those of us who are  
3 guests -- I've been a guest here 25 years -- to come  
4 forward and say this is socially and culturally  
5 appropriate is because we might make remarks like, well,  
6 I have seen nudity in the parade for the Celebration of  
7 Canoes. And I'm not Hawaiian, but that hit me hard.  
8 That's insulting, it's derogatory, and it's exactly what  
9 this event has turned in to.

10           We don't understand, and maybe that remark  
11 was made innocently, because some of us don't understand  
12 the true nature of some of these things we say and how  
13 far they go. But so luckily, we have you to come to and  
14 say is this appropriate?

15           And I think if you analyze it, no, none of  
16 you would want to be accountable for endorsing an event  
17 that admittedly gets out of control. Shut it down  
18 early. I used to be in the bar business in Casper,  
19 Wyoming, where I had rodeo cowboys in there up to  
20 2:00 in the morning drinking.

21           And I know that if you don't shut the party  
22 down earlier, it gets out of hand, and you have got big  
23 problems. Why do we want to intentionally put 80 or 90  
24 of our good police officers in harm's way.

25           We are here today -- I think some of this is

1 trying to distract you into saying this is just a kids'  
2 event, and the parents hang around and have some fun.  
3 We saw those happy kids in the cafeteria here today.  
4 They didn't need 80 or 90 police officers to control  
5 them. They are getting along fine.

6 But to put our good men in harm's way for no  
7 real purpose, there is no justified reason to say we are  
8 going to expose 80 or 90 police officers and some  
9 firemen to danger, and at the same time expose the rest  
10 of our community to not having a police force available.

11 So, take a hard look at it, please. There  
12 are all kinds of issues, but nobody has confronted the  
13 cultural issues, and I think that a study should be made  
14 of that. I am not able to tell you about that, and I  
15 don't pretend to, but I think it would be worth looking  
16 into. Thank you.

17 CHAIRPERSON KALALAU: Thank you.

18 MR. KAMAKAWIWO'OLE: Aloha. I am kind of  
19 uncomfortable talking on the mike. But I am one of  
20 those that wrote a letter to the editor that was really  
21 ticked off of what we talked about, the design of the  
22 shirts and stuff like that. I was really offended.

23 So, I figure I come and share what I have.  
24 I heard the gentle woman here speak about the kids'  
25 parade. I think that's also for our babies. So, if the

1 intent is to take care of our babies, then let it be  
2 that.

3           Halloween to me as a man of God is a time of  
4 mischief, and the mischief really doesn't start until it  
5 becomes dark. If we did that to Kamehameha Day or Aloha  
6 Week, the mischief wouldn't be like that. Now, when you  
7 give a permit to do that, and you entice these people to  
8 come, their intent is to go off, is to become -- and to  
9 fulfill this holiday as Halloween. They come in the  
10 spirit of mischief.

11           When you look at the age of those who walk  
12 up and down and up and down Front Street, it's not the  
13 parents, because I catch the parents and the babies when  
14 I offering candy at my home. That's what I see. It has  
15 nothing to do with Halloween. The holy intent is to be  
16 out there to make mischief.

17           Now, the LahainaTown Action Committee made  
18 the smartest move by making Jerry president, because now  
19 Jerry can be that buffer between the kanaka. He has  
20 that understanding. And as a micro business owner, I  
21 understand that the LahainaTown Action Committee is  
22 their advocate. And the ones who set up all of these  
23 parties is to bring more people to Front Street. That's  
24 economics.

25           And then my father-in-law told me this

1 morning, before we left, hey, no make the Front Street  
2 guys mad, because they take care of the seniors, you  
3 know. They give us dinners and free rides to Lana'i,  
4 and all of this kind of stuff, so they take care of us.  
5 And then Jerry always bring the pizza and food, you  
6 know. So, I said, I know, I know. I understand the  
7 dynamics.

8           When I heard about the church using that  
9 time was like I was confused. Because as good men and  
10 women of God, you understand that Halloween has no part  
11 of God. And the kanaka, we never have Halloween, so  
12 that is not part of our culture. It is -- to me, it is  
13 understandable that it comes down to economics.

14           And our police, even if we didn't have a  
15 nighttime part, our police are out there putting their  
16 lives on the line 24 hours a day. So, it doesn't really  
17 matter if you need 89 more for come for take care of it,  
18 because they take care.

19           Now, why would you have 89 people down there  
20 for just this, this circus of guys strolling up and  
21 down, and up and down, and up and down Front Street.  
22 They just looking for trouble. But lot of crime now is  
23 on the outskirts where the policeman no stay.

24           They take 'em by the church back there where  
25 that guy try to entice that girl, that little baby.

1 They take 'em to every place else but where the police  
2 stay. So, it's hard. But it was because they brought  
3 this mischief and during this time that you backing up  
4 this mischievous holiday.

5 And that is -- that is where I feel that it  
6 lacks anything. But I -- to talk about that ti'i that  
7 they made on that T-shirt back then, I was offended, and  
8 any kanaka should be offended. So, if I have offended  
9 anyone here, I ask that you forgive me. Thank you.

10 CHAIRPERSON KALALAU: Okay. Just for our  
11 secretary, can you state your name?

12 MR. KAMAKAWIWO'OLE: Francis Kamakawiwo'ole.

13 CHAIRPERSON KALALAU: Thank you. Anyone  
14 else from the public? Okay. Just state your name for  
15 the records.

16 MS. McCARTY: My name is Vickie McCarty.  
17 Thank you for letting me testify here today. Thank you  
18 to the kupuna for coming. For them to have to come  
19 before you and talk about the things that they have seen  
20 on this street on that night, not just once, but over  
21 and over and over is shameful.

22 This is not only a Historic District, this  
23 is their place. These are not things that should be  
24 displayed on the street for the kupuna or for the  
25 children. For a keiki parade, I don't think anybody

1 objects to that, but the naked bodies start showing up  
2 at 5:00 or 6:00 at night. The behavior that is  
3 offensive starts at 6:00 o'clock at night.

4           You cannot walk down the street with your  
5 grandchildren without covering their eyes at  
6 6:00 o'clock at night, and then it goes on from  
7 6:00 o'clock until the last person leaves, and sometimes  
8 that's in the morning when they are either carried away  
9 or they wake up from where they have fallen, or they get  
10 up from where they are sleeping.

11           This is a Historic District. This is  
12 inappropriate behavior. The advertising that goes on  
13 for this event is not just advertised to places where  
14 parents will see it. The advertising goes around the  
15 world. And nowhere in that advertising have I seen  
16 anyone say this is a family event. Appropriate attire  
17 is required.

18           But the people that put this event on, never  
19 have I seen them say to someone, excuse me, that is  
20 inappropriate. Please go put your clothes on or don't  
21 do that. Once the doors are opened, anything is  
22 allowed, anything is acceptable, and everything is  
23 encouraged.

24           This is a historic district. For anyone to  
25 still pretend that this is an event for children, you

1 have not seen what goes on. This is not appropriate  
2 behavior. I ask you to do what you can, not only for  
3 the children, but to allow these kupuna to be able to  
4 walk the streets with their grandchildren.

5 They cannot go to the grocery store on that  
6 night without passing this behavior that I know you have  
7 all seen and you have all thought about. Please think  
8 about it. I understand that there's a lot of money  
9 made. I'm not here asking you to shut this event down.

10 If a bar or a restaurant wants to have a  
11 Halloween celebration, I think that's fine. But they  
12 could have the celebration inside of their  
13 establishment. What they are asking all of the other  
14 people to do is look the other way while they let all of  
15 that spill out onto the street, so they can make money  
16 and everybody one else suffers.

17 Please review this event and think about, in  
18 your own hearts, what you know is appropriate behavior  
19 and what you know is not appropriate behavior for  
20 children and for this area, and please do what you can.  
21 Mahalo.

22 CHAIRPERSON KALALAU: Thank you.

23 MR. ASHFIELD: I am Steve Ashfield from the  
24 Parks Department. And the problem with the na kupuna  
25 not getting into it, first of all, it's not a Hawaiian,

1 the event. It's not actually religious, the event,  
2 either. It's advocate of the devil when it comes down  
3 to it.

4           And what would happen if you decide not to  
5 do it? The only thing you could probably try to do is  
6 say, okay, LahainaTown Action Committee, please don't  
7 put it on your website and please don't advertise it.

8           But every hotel, every place in town would  
9 advertise it themselves, and you would be back -- when I  
10 first came here in 1981, on a Halloween, and went and  
11 tried to drive down Front Street, it took me about an  
12 hour and a half to drive down Front Street, because  
13 people were walking between the cars, over the cars,  
14 through the cars, things being stuck in your window.

15           All the trucks from all the people that live  
16 here, mostly in pickup trucks had kids hanging out the  
17 back. It's not a nice night to have your children out.  
18 Guaranteed. It's a night for rebel rousing, and that's  
19 what it is. Whether it should come before the Cultural  
20 Commission because it's in the town is correct. You  
21 saying it's okay isn't exactly correct.

22           Say, unfortunately, we have to have this.  
23 And the idea there is, okay, you can say okay, but you  
24 may not want to. But it would be very hard to stop it  
25 completely. You can try, but I don't want to go back to



1 the way it was, because I don't think we can afford to.

2 It's gotten out of hand, and it's going to

3 stay out of hand, because everybody else is going to

4 advertise it, because they are making money from it.

5 We can try to stop LahainaTown Action

6 Committee to say please don't put it on your website.

7 Try to make the T-shirt something to say cultural or

8 something, because they are going through our town and

9 the different places.

10 The police getting paid, well, I would

11 rather have all the people in one place than going all

12 over the place. At least they are watching it.

13 About the street being closed, it's only

14 closed all the way to Shaw Street until the keiki parade

15 is over, because that's where the keiki parade ends, and

16 then it goes back to Prison Street. Allowing it, saying

17 go ahead and do it, it's really tough. Saying not to do

18 it, it's even harder. Thank you.

19 CHAIRPERSON KALALAU: Thank you.

20 MS. NEIDITCH: Aloha. My name is Yolanda

21 Neiditch (phonetic), born and raised in Lahaina. Well,

22 it's dammed if you do and dammed if you don't. Your

23 hands are tied.

24 Been a lot of recommendations, positive that

25 can, you know, help guide for this event. And bottom

1 line is the babies, you know, our future generation, you  
2 know, and just our kupuna. But you are killing us. You  
3 know, this event killing us, but it's totally out of  
4 hand now. What we going to do?

5           You know, that advertisement, you got  
6 LahainaTown Action, you know, even if they stop with all  
7 that, the hotels going to be promoting, you know, come  
8 to the big party Lahaina, Maui, you know. It's just  
9 gotten totally out of hand.

10           But really maybe we can slow them down. Why  
11 11:00 o'clock? You know, I don't even have people  
12 coming down Lahaina. The back streets is so crazy  
13 because of the road closure. The highway is crazy.  
14 Can't even get to the store. Who wants to get in a car  
15 and even, you know, get out there just go buy milk.

16           You know, so everybody crazy in the morning,  
17 but in the morning, try to do the shopping after work,  
18 so we don't have to be here on Front Street or come to  
19 the back street, because there is no way we can go  
20 anywhere. It's like we crawling.

21           You know, and I'm surprised we don't have  
22 major accidents. You know, and thank God never have  
23 murders yet. I am really surprised. You know, really  
24 taking care, you know, rapes, the back streets so dark,  
25 the drugs that goes down.

1           So, it's not okay to have it. But like I  
2 said, consider this really, really, please, deep down,  
3 is it right or is it wrong? Don't let it happen when  
4 you know it's wrong. You cannot stop it completely, but  
5 you can cut it down on the time.

6           And also, yeah, you know this adult nudity  
7 and bullshit that goes down is not good for our babies.  
8 And you know what? I don't want to see everybody  
9 walking around naked in Front Street or Lahaina. Okay?  
10 So, that's all I got to say. Thank you.

11           CHAIRPERSON KALALAU: Thank you. Okay.  
12 Anybody else?

13           MS. KAPU: I am for Hui O Wa'a.

14           CHAIRPERSON KALALAU: Okay.

15           MS. KAPU: Because he had to leave. Uilani  
16 Kapu speaking for Willie K., but he asked me to speak on  
17 behalf of him for Hui O Wa'a Kaulua, and being that I am  
18 the executive director. Hui O Wa'a Kaulua is located in  
19 Kamehameha Iki Park where the keiki parade ends.

20           They use the stage area for their keiki, but  
21 due to the construction of our traditional hale wa'a  
22 wai, they will not be able to use the stage anymore. No  
23 one has come to us about using the park this year. We  
24 were sent the papers regarding this event and just would  
25 like to let you know the keiki event will not be able to

1 be used -- to use the stage. And if anyone would come  
2 to see us, they would know why.

3           Number two, in the past, we have had  
4 problems with trash and people sleeping in the park,  
5 trash meaning beer containers and others in parking lots  
6 and in the park. We end up cleaning all of this -- we  
7 end up cleaning all of this up, not County or  
8 LahainaTown Action Committee.

9           And he added, we had a death on the highway  
10 two years ago. We don't have hospital -- we don't have  
11 a hospital on this side. And he said if you could move  
12 it to Wailuku, maybe that will be somewhere where there  
13 is a hospital. Mahalo.

14           CHAIRPERSON KALALAU: Thank you. Okay. Ui  
15 was the last one on list. Is there anyone else before  
16 we close the floor? Seeing that we have no one else  
17 from the public to testify, we are now closing the floor  
18 for this portion. And staff, can you give us your  
19 recommendations.

20           MS. CALLENTINE: Yes, I can. Our  
21 recommendations, we have a set of standard conditions.  
22 This is on page eight of your report and recommendation.  
23 I don't -- typically, we don't read all the  
24 recommendations out loud, because they are standard. Do  
25 you want me to do that today, Mr. Chair?

1 CHAIRPERSON KALALAU: Members, have you guys  
2 looked over the conditions and the recommendations? Do  
3 you guys have any questions or else you can go over it  
4 with us.

5 MS. CALLENTINE: The one that was noted by  
6 Public Works is on page nine, item number 15. We would  
7 strike that condition.

8 That condition reads that the applicant  
9 shall obtain approval from the Department of Public  
10 Works regarding parking for the event, and they said  
11 they had no jurisdiction over parking. So, we would  
12 recommend striking that. And then the remaining  
13 conditions would be renumbered.

14 Also, although the Department of Fire and  
15 Public Safety was not able to stay today, I would like  
16 to amend item number seven, condition number seven.

17 This condition reads that the applicant  
18 shall provide emergency access at both ends of the  
19 closed sections of all streets, and shall insure that  
20 security, first aid and evacuation for the event are  
21 provided, subject to the approval of Police Department.  
22 And I would like to amend that to add and the Department  
23 of Fire and Public Safety.

24 Also, I'd like the Commission to consider  
25 adding a condition that the applicant shall include

1 proposed logos to be incorporated into marketing  
2 materials, including the event T-shirt design in future  
3 applications for the Annual Halloween Event. And this  
4 condition can be joined with condition number three for  
5 continuity.

6 Condition number three is in regards to the  
7 applicant applying for future permits at least 90 days  
8 in advance to allow time for agency review and time for  
9 processing. So, we could add that -- put that in after  
10 item -- condition number three.

11 CHAIRPERSON KALALAU: You are talking about  
12 the logo approval and other?

13 MS. CALLENTINE: Yes, yes. Talking about  
14 the logo review and including that in the -- or putting  
15 that actually right after item number three as a  
16 separate -- as a separate condition of putting it in,  
17 and then all the other conditions be renamed -- I mean  
18 renumbered accordingly.

19 And then Commissioners, although the Fire  
20 Department did not attend today, and they also have not  
21 submitted comments. They did submit comments regarding  
22 the 4th of July event and those are concerning life  
23 safety issues.

24 And I wanted to ask that you consider adding  
25 these conditions as well on behalf of the Fire

1 Department, and they would read that approved fire  
2 extinguishers shall be located within 75 feet of all  
3 booths and tents. That would be one new condition.

4 Number two would be that personnel shall be  
5 available to clear streets in a timely manner, if  
6 necessary.

7 The next one would read that fire protection  
8 equipment such as fire hydrants and standpipes shall not  
9 be blocked during the event.

10 And the next one is that no open flames  
11 shall be permitted in booths or tents.

12 And the last one is that booths and tents  
13 shall not be set up on roadways and shall not obstruct  
14 any sidewalks.

15 So, pursuant to the foregoing, the  
16 Department recommends approval of the permit subject to  
17 the aforementioned conditions and pending addition of  
18 any other conditions that the Commission might wish to  
19 impose.

20 CHAIRPERSON KALALAU: Okay. Commissioners,  
21 question? Okay.

22 COMMISSIONER MARQUEZ: I think this is for  
23 the Action Committee. So, a person who is in charge?  
24 You know, I am looking at this mana'o now, preserving  
25 local cultures and traditions, and I am honing in on

1 what we need to emphasize for natural environment,  
2 family and local culture in our island lifestyle.

3 So, here is the question. With this event  
4 called Halloween, how does this recognize the Hawaiian  
5 culture as host for the rest, and as such, perpetuate  
6 the attitude of and respect among residents and  
7 visitors?

8 MR. KUNITOMO: I don't even know how to  
9 answer that one. I didn't draft that letter. I don't  
10 think that I can stand here and say that it's a Hawaiian  
11 cultural event. So, beyond that, I'm -- what was the  
12 rest of the question?

13 COMMISSIONER MARQUEZ: Let's see.  
14 Perpetuate the attitude of respect and humility among  
15 residents and visitors being that we are the host  
16 cultural. You can't?

17 MR. KUNITOMO: I really don't have any  
18 comment.

19 COMMISSIONER MARQUEZ: Can someone in your  
20 committee maybe? No.

21 COMMISSIONER MOIKEHA: Do you want me to  
22 answer it? It doesn't.

23 CHAIRPERSON KALALAU: Okay. Commissioners.

24 COMMISSIONER MOIKEHA: I got a question for  
25 Jerry. Is there money exchanged under the Banyon Tree?



1 MR. KUNITOMO: Yeah. Wait, is there?

2 There's scrip.

3 COMMISSIONER MOIKEHA: It's all scrip.

4 Yeah, just checking.

5 MS. KAPU: All booths handled their own

6 money.

7 COMMISSIONER MOIKEHA: There is money.

8 MS. KAPU: Yeah, because they are all

9 individual vendors, because I was --

10 COMMISSIONER MOIKEHA: What's the ruling on

11 that? Didn't we have the ruling on that that no money,

12 or is that a whole different event?

13 CHAIRPERSON KALALAU: Well, certain events

14 like the Aloha Week, people were collecting money at

15 their individual booth. It's only when I think the

16 specific organizations that were underneath the arm of,

17 I think, the Lahaina Action Committee that the monies

18 were distribute in the courthouse.

19 But I think on the specific events there

20 were money exchanged under the Banyon Tree. At least

21 this is why it's very important that we need to find out

22 about the -- you know, it was a big issue with the other

23 problem that we had down there just recently.

24 MR. KUNITOMO: I have been advised that it

25 is cash. The treasurer is here.

1 CHAIRPERSON KALALAU: Okay. So, it's cash.

2 At one point, wasn't it scrip?

3 MR. KUNITOMO: You know, honestly, Theo is  
4 not here, and Ken is our treasurer.

5 MR. STEWART: As long as I have been aware  
6 of it, which is really only the last three years, this  
7 event has been -- has involved cash because of the fact  
8 that there were many different organizations that were  
9 having the booths. It wasn't a LahainaTown specific set  
10 of booths, and so there was cash being exchanged.

11 There was a difficulty in being able to  
12 construct a system that would -- that would manage and  
13 control cash. And for security reasons, we wanted to  
14 keep the courthouse closed and not have traffic going  
15 through the courthouse in the late afternoon, evening.  
16 That's my understanding.

17 MR. KUNITOMO: My personal experience was  
18 the heui under the Banyon Tree in daytime festivals  
19 always had scrip running inside with the receipt process  
20 inside. But whenever we did Festival of Canoes or any  
21 of the nighttime stuff -- you guys did cash when you did  
22 the kole? The time you did the fish under the tree,  
23 that was cash?

24 MS. KAPU: Halloween, cash on Halloween.

25 MR. KUNITOMO: No, the canoe event, the time

1 you guys did -- I was trying to think back. Nobody else  
2 had a booth?

3 MS. KAPU: Festival was always scrip.

4 COMMISSIONER MOIKEHA: So, the question back  
5 to the LahainaTown Action Committee, so, is there a  
6 percentage that you folks make off of that also then,  
7 all the booths and things as such?

8 MR. STEWART: Only a booth fee of, I  
9 believe, \$25 to -- because the LahainaTown Action  
10 Committee is providing the booth, the canopies, and  
11 various other things, so that's costs of just setting it  
12 up. Beyond that, for any other organization, there is  
13 no percentage charged or expected.

14 MR. KUNITOMO: To clarify the booth, the  
15 toilets, the guys that are cleaning up this year was  
16 the -- last couple years was baseball, Little League,  
17 Lahaina Little League. And they got paid to clean up  
18 the street and the back streets. They are not  
19 volunteers. So, the revenue from the booths and that  
20 kind of stuff goes to pay for the cleanup and basically  
21 facilitate the event.

22 COMMISSIONER MOIKEHA: So then I guess what  
23 I don't know is the LahainaTown Action Committee, so  
24 then fill me in. You folks are supported by the  
25 merchants in Lahaina or how do you --

1 MR. KUNITOMO: Not necessarily.

2 COMMISSIONER MOIKEHA: How do you put up  
3 10,000 for this event? Where do you guys get your money  
4 from?

5 MR. KUNITOMO: You kind of just keep rolling  
6 them over. Membership accounts for very, very little of  
7 it. The original construction of the events were not  
8 made for fundraising, not even Taste of Lahaina, none of  
9 them. There was a passion that said the town needs  
10 this, the town needs this, and that's why you have  
11 Chinese New Year, Banyan Tree Birthday, and, I mean,  
12 it's basically the spectrum of all the cultures.

13 Taste of Lahaina kind of like a plantation  
14 camp where all the cultures come together, eat and enjoy  
15 music, but the money kind of rolls over. I know a lot  
16 of people think that the balance sheet is really rich,  
17 but I can -- we got two credit lines that we are  
18 surviving on right now until we get to the next event,  
19 and that's the truth.

20 There are other -- there's a Visitor Center  
21 that helps to generate revenue. But aside from that,  
22 most of the events are done with grants and donations.

23 Last night's fireworks, it was Theo Morrison  
24 that didn't want it to go without, and she went  
25 door-to-door and partnered with Rotary who came out and

1 volunteered. But it was the passion to make sure that  
2 Lahaina had a fireworks show. She did it on her back.

3 COMMISSIONER MOIKEHA: So then do you folks  
4 consider yourselves the marketing arm for Lahaina?

5 MR. KUNITOMO: LahainaTown Action Committee,  
6 in its mission statement, is to provide the marketing,  
7 inclusive in the marketing has a line that states about  
8 the host culture being one of the significant  
9 considerations in that marketing.

10 COMMISSIONER MOIKEHA: So, do you folks  
11 consider Halloween as -- I don't know if this is a  
12 sensitive question, but a success story for LahainaTown  
13 Action Committee?

14 MR. KUNITOMO: I think it's successful in  
15 the fact that it's a safe environment. And you know  
16 what is really sad, is that you really should see how  
17 many parents come down with their kids, and they are not  
18 here.

19 But there are a lot of parents pushing  
20 strollers and stuff every year. And honestly, a lot of  
21 them, I think, maybe that's the only day they come to  
22 Front Street because of perception.

23 So, personally, based on that kind of stuff,  
24 that the local people are there for validation to say  
25 that this is part of -- Front Street is part of us. So,

1 for me, that's a success. But as far as making money,  
2 no.

3 COMMISSIONER MOIKEHA: And then on that  
4 statement you just made though, so are you saying that's  
5 a good thing they come down with their children and push  
6 their children through Front Street during this  
7 Halloween activity?

8 I mean, I don't know. Is that a good thing  
9 or what are you suggesting on that? I am confused, I  
10 guess.

11 MR. KUNITOMO: Okay. If we were here at the  
12 event, you would see that there's a lot of misperception  
13 about when the few wild ones are out and about. What  
14 actually works with Rotary and Soroptimists is the  
15 parade starts out early evening. So, you will find that  
16 the environment from 3:00 o'clock, prior to the parade,  
17 people rolling their strollers down the street, it is  
18 very, very positive keiki environment.

19 Eddie Kamai flew over and actually  
20 documented it, because it was that positive an  
21 environment. The focus is to have the parade as an  
22 entity be such a strong synergistic component that it  
23 sets the rules.

24 There is none of us that can go out and run  
25 a dress code, but if all keiki stay around, the odd man

1 out feels out of place. And I honestly can say that I  
2 pushed my kids all down all these years until about  
3 6:30, 7:00 clock.

4 But my kids don't even eat in my restaurant,  
5 because by the rules, there's this unwritten rule that  
6 says by 7:00 clock, take 'em home. Go hit the  
7 neighborhoods or whatever.

8 You know, Jim Killett's testimony about this  
9 street over here, it's awesome. They -- the whole  
10 neighborhood is just lined up with kids knocking on  
11 doors. And Jim Killett personally dressed up as the  
12 Marshmallow Man. And he does that every year, and it's  
13 awesome. And that's all part of that environment.

14 But I can tell you, I personally -- my kids  
15 have never seen that -- the stuff running around at  
16 9:30. But if I were to say -- as a merchant observing  
17 it, I would say up until about 7:00 clock, 7:30 some of  
18 the parents still eating and leaving, but about there is  
19 when it starts to turn.

20 And I think the majority of people come  
21 in -- a lot of people come in around 8:30 knowing that  
22 at that point then, it becomes more of an adult-type of  
23 experience.

24 So, to answer your question, absolutely it's  
25 a positive thing, because it sets the tone. If not for

1 the Soroptimists doing their part and setting that tone  
2 of having the families come through, this then could be  
3 the event maybe that you are perceiving.

4           But because it's such a strong element --  
5 and I really encourage you to go as principals and  
6 people that are involved with the kids to really see how  
7 significant it is for them. We have the schools, and  
8 the principals, and the teachers that sit on the  
9 sidewalk to see their kids every year.

10           I have seen principals. I know I can name  
11 one of them that sits on the sidewalk to see all the  
12 kids from years gone by. And I just wish they were  
13 here. The principal of this school is one of them.

14           CHAIRPERSON KALALAU: You know, there was a  
15 lot of concerns about the parade route. Maybe it's a  
16 little bit too long. And some of the other concerns was  
17 the timeframe. I don't know what's a good timeframe  
18 for -- you know, the people are complaining -- I mean  
19 not complaining, but saying that it's run too late and  
20 stuff like that.

21           MS. McKELVY: It's 4:00 o'clock. It stops  
22 at 4:00 o'clock.

23           CHAIRPERSON KALALAU: No, I am talking about  
24 the whole thing. 4:00 o'clock is the kids' thing, and  
25 later on it's the adult thing. And it's the adult thing



1 that's really getting a lot of people in this community  
2 not so happy. Yes, sir.

3 OFFICER KAUHA'AHA'A: Lawrence Kauha'aha'a  
4 with the Police Department. We have actually pushed the  
5 time back. The permit runs till actually 2:00 o'clock  
6 in the morning, and that's to facilitate cleanup and  
7 that kind of thing.

8 The eventually, we have -- two years ago, we  
9 tried to end it at 12:00 o'clock. We had wanted to end  
10 it at 12:00 o'clock. The problem being we still have 25  
11 to 30,000 people still on Front Street. If they would  
12 go home, that would be fine, but they don't.

13 And even when we do push them off of Front  
14 Street, they end up on the back streets and the side  
15 streets, and we have additional problems. If there was  
16 a way to get them off of Front Street earlier, maybe  
17 through advertising or whatever, that would actually be  
18 beneficial.

19 I know there are people that work in the  
20 hotels and get off at 10:00 o'clock, and they show up at  
21 that time. But as far as moving the time back, that's  
22 fine, but we, on our own side, said, okay. We are  
23 opening the streets at 12:00, and it never happened. It  
24 just can't happen.

25 As far as the parade route, we would

1 actually prefer if the keiki parade finished here in the  
2 park. The reason being that it -- by going all the way  
3 out to Shaw Street, that's more parking we have to take  
4 away. That's more of an area we have to patrol during  
5 the road closure.

6 If we can back it up to here and have the  
7 entire event on this side, it actually is beneficial to  
8 us. That's an additional block and about three more  
9 officers that we are not going to have to use to close  
10 off that portion of Front Street. So, that would be all  
11 right.

12 CHAIRPERSON KALALAU: Thank you. You got a  
13 question?

14 COMMISSIONER KAPU: Yeah, I think we are  
15 getting away -- we getting kind of confused up here  
16 pertaining to the keiki event versus the adult event.  
17 So, we have two different things.

18 OFFICER KAUHA'AHA'A: Yeah, you do have two  
19 different issues, and I agree with that.

20 COMMISSIONER KAPU: So, I don't want to say  
21 problem with the keiki parade, but let's not try to mix  
22 all of them together to saying we are addressing one  
23 whole issue.

24 Secondly, a couple people brought it up  
25 pertaining to our responsibilities to the Cultural

1 Resources Commission, and what we are addressing issues  
2 right now has nothing to do with our duties as a  
3 Commission. Nothing.

4 This traffic stuff, that's all the County's  
5 kuleana, the State responsibility that impacts the  
6 health kind of things like that. You know, all I  
7 know -- and I know this is not going to be part of our  
8 responsibilities or our duties to figure out where the  
9 budget coming from for 80 officers or 90 officers. They  
10 are coming from the public, from the community -- Maui  
11 County.

12 What, that coming from the general plan?  
13 That's not my kuleana. I am a Cultural Resources  
14 Commissioner, and I am going to enact my duties as a  
15 volunteer, yeah, to make sure that this town don't turn  
16 into a Disneyland, which basically a lot of people that  
17 came forward with comments already said it is.

18 Okay? So, if this here we dealing with is  
19 the County's recommendations, I think -- you know, the  
20 SMA, if the SMA said here, what was the bottom line from  
21 the County? Based upon the SMA of 35,000 people going  
22 to be impacting the Historic District for one. What  
23 else?

24 Public Works comments, based upon how they  
25 going to justify whether or not how many impact will

1 create on our roadways, which is a cultural concern in a  
2 Historic District, because it talks about impact.

3           How we going allocate -- how we going make  
4 sure that our kupuna, if something was to happen over  
5 here, get one facility because we don't have one acute  
6 center, to make sure we can get them to the hospital  
7 from over here when we have this impact come to our  
8 Historic District.

9           I am trying to stay within the scope of our  
10 responsibilities over here. Yeah, all these kind of  
11 things. I'm one kind of a little bit concerned about  
12 this event. That's why I stay in the mountains. I only  
13 come down to see family.

14           But a lot of questions need to be asked, a  
15 lot of recommendations need to be basically forwarded,  
16 comments that basically say if this doesn't happen, it's  
17 going to happen anyway regardless what.

18           So, I'm thinking, okay. I sitting here.  
19 That means we failed. The CRC failed. The County  
20 failed. Everybody failed. I like to know who is  
21 responsible? I would like to know who is the one that  
22 is going to be obligated, ultimately obligated or, how  
23 would you say, the sole proprietor that will be  
24 responsible of this? Who is the kuleana?

25           And I also brought up another concern based

1 upon the million dollar insurance that will indemnify  
2 the County, when Lahaina Action Committee said they only  
3 got \$10,000. Those kind of questions. Many more.

4 So, all I see right here is the Culture  
5 Resources Commission, yeah, we got to turn our heads for  
6 one rubber stamp. I not turning my head. Not no more.  
7 Thank you.

8 CHAIRPERSON KALALAU: Okay. You got a  
9 question.

10 COMMISSIONER MOIKEHA: My comments and my  
11 thoughts are, you know, even as Ke'eaumoku had stated,  
12 we think about our purpose here also. And this sheet  
13 here is quite clear. Preserve local cultures and  
14 traditions.

15 That kind of clarifies it. And, you know,  
16 what Veronica talked about also, to perpetuate the  
17 Hawaiian culture is a vital force in the lives of Maui  
18 County residents, which includes everybody, not just  
19 Lahaina, and it kind of goes down.

20 But the part that really I kind of key in on  
21 is item number two. It says emphasize respect for  
22 natural environment, family and local culture in our  
23 island lifestyle. Subcategory A, recognize the Hawaiian  
24 cultural as host to the rest and, as such, perpetuate an  
25 attitude of respect and humility among residents and

1 visitors. And this is what the kupuna is talking about.

2 It doesn't come across.

3           However, if you go to item B, perpetuate a

4 respect for diversity and recognize the historic

5 blending of cultures and ethnicities as vital to the

6 quality of life within the County.

7           How much time has to be given before

8 something becomes a tradition, before it becomes

9 culture? I mean, we recognize other cultures here also.

10 I mean, Japanese, Chinese, Philippine. You can go on

11 and on. And so my question is, this Halloween event,

12 has it become a culture, or is it a tradition or history

13 that we would be -- you know, do we recognize that?

14           And along the same lines, is that something

15 that we would be proud of to say, ah, we come from Maui.

16 Oh, you from Lahaina? Yeah, Halloween, that's what we

17 remember you as. And so all these things I reflect on

18 and think about what would be best.

19           You know, but these are questions, and what

20 we want to try and preserve? What we want to try and

21 perpetuate? And inasmuch as much statements have been

22 made also as far as this event is concerned, is it

23 stoppable?

24           I mean, you know, the answer has come from

25 several different -- and can't quote it, but it says

1 it's unstoppable at this point, but what do we want?

2           Second to the Maui County Fair, you can  
3 probably walk your one year old, two year old, which is  
4 still probably irresponsible, but at 10:00 o'clock,  
5 11:00 o'clock, 12:00 o'clock at night at the Maui County  
6 Fair, and you feel safe. You would be okay.

7           Why is that? And that has 60,000, I mean  
8 the total. This one night though, come 7:00 clock, it  
9 no longer becomes a family event? I don't know. You  
10 know, but just the questions and thoughts that run  
11 through my mind.

12           But once again, for me a big question is  
13 when does something become a cultural event when it says  
14 item two, perpetuate a respect for diversity and  
15 recognize the historic blending, blending of cultures.  
16 You know, and/or can this being blended or do we look at  
17 it as such? But this is just comments that I have.

18           CHAIRPERSON KALALAU: Corporate Counsel is  
19 not here, but maybe somebody from the planning staff can  
20 kind of clarify what he was just trying to say about the  
21 diversity and about the blending of cultures, because I  
22 believe this is information from the Department. And  
23 I'm wondering if the applicants had a copy of this, too.

24           COMMISSIONER MOIKEHA: Can I just comment a  
25 little bit more, too? Because if you go to Item C, even

1 that whole second, it says encourage the perpetuation of  
2 the cultures' unique island cuisine, attire, music, and  
3 folklore.

4 So, does Halloween qualify for this? I  
5 mean, you know, all those things? And indeed, the most  
6 important, foster a spirit of pono. But that's all part  
7 of responsibilities. Just comments. Please do think  
8 about it.

9 MS. CALLENTINE: Mr. Chair, if I could,  
10 please. This document that -- I didn't realize that  
11 you -- what you were referring to.

12 This is a draft of Planning Department  
13 recommendations to the Maui Planning Commission. And  
14 this is pulled out of the General Plan Advisory  
15 Commission recommendations. So, it's not actually -- it  
16 hasn't been codified or adopted.

17 It's a draft that I think you are being  
18 asked to comment on, separate from any particular other  
19 agenda items you are considering. I just wanted to  
20 point that out.

21 CHAIRPERSON KALALAU: Okay. Thank you. I  
22 think this is a very good draft. That's why a lot of  
23 the Commissioners here are referring, you know, their  
24 questions to this -- to this draft. I believe this  
25 draft might be implemented into the GPAC.



1 MS. CALLENTINE: Yeah, that's my  
2 understanding. It will go through quite a lot of review  
3 prior to adoption, so it might be revised prior to  
4 adoption. This is how it stands right now.

5 CHAIRPERSON KALALAU: Thank you. Question.

6 COMMISSIONER KAPU: Yeah, Mr. Chair. So, is  
7 this another agenda we are looking at?

8 CHAIRPERSON KALALAU: It would be under, I  
9 guess, communications.

10 MR. SOLAMILLO: Director's report.

11 CHAIRPERSON KALALAU: Okay. Any more  
12 comments, concerns?

13 Well, Commissioners, we are here to approve  
14 or deny the request and provide recommendations. We  
15 need a motion.

16 COMMISSIONER MOIKEHA: Mr. Chair.

17 CHAIRPERSON KALALAU: Yes.

18 COMMISSIONER MOIKEHA: I got just a comment  
19 or a question. I remember growing up here on Maui also.  
20 And back in, I guess, the late '60s, early '70s, maybe  
21 late '60s, the Whaling Spree was here. I mean, talk  
22 about out of hand, that was out of hand. But it was  
23 stopped. Completely.

24 You know, and I don't -- I just have a -- I  
25 write, and I said why was the Whaling Spree stopped?

1 And I said call Susie. Maybe she knows. I don't know.

2 She has history on it.

3 But this is a question that I had also, but

4 I know it was stopped. I mean, it became just -- it

5 was -- it got out of hand. But all these things, and I

6 ask myself, well, what is the purpose of this event?

7 And if you hold something with a purpose,

8 and some people -- I mean, the comments that I have

9 heard, and I am sure even the Police Department are

10 grateful for the LahainaTown Action Committee to kind of

11 pull in, try to manage it, it would get out of hand.

12 But, even with all the comments that I have

13 heard is all the questions that I wrote down myself.

14 People will come, even if it's not sanctioned. And if I

15 am operating a business as Halloween, you know, I mean,

16 I will organize my own thing. If everyone organized

17 their own, people will still come, so great that it does

18 fluctuate and go out into the street.

19 You know, good, bad or otherwise, I don't

20 know. We have been discussing all these things, but,

21 you know, these are just comments and questions that I

22 had, as I thought about this. It's another battle that

23 I run through my mind as far as, you know, all these

24 things.

25 CHAIRPERSON KALALAU: Yes, Nani.

1           COMMISSIONER WATANABE: I have a comment. I  
2 just have a question for County. So, the money that is  
3 paid to the Police Department comes direct from the  
4 County? And does the LahainaTown Action Committee, do  
5 they get a grant to do this?

6           MR. STEWART: No.

7           COMMISSIONER WATANABE: I am just hearing  
8 that you charge the food vendors, so the food vendors,  
9 are they nonprofit?

10          MR. STEWART: Yes. LahainaTown Action  
11 Committee, I believe, puts up one food booth, and the  
12 other vendors, the other nonprofits put up three or four  
13 others total. And then the additional booths that are  
14 put up are for other activities such as the face  
15 painting and the various other things that happen down  
16 there. So, it's not all food booths. But the amounts  
17 involved of cash coming in to help support this event  
18 are manini. I mean, it's \$25. It's very, very small.

19          There are contributions -- do we get -- do  
20 we get some business contributions around here? Most of  
21 the event revenue actually has been from things like  
22 T-shirt sales.

23          And again, I would like to echo Jerry's  
24 apologies to you and to the rest of the community over  
25 the -- I believe an honest but unconscious error in the

1 choice of the logo two years ago, and an absolute  
2 commitment on the part of anybody organizing this to be  
3 much more sensitive to any future logos that would be  
4 presented on a Halloween event, let alone the T-shirts.

5 And also, I would want to comment that we  
6 did pull all the T-shirts and not sell them during the  
7 course of the two years ago event. The one --

8 MS. CALLENTINE: 2004.

9 MR. STEWART: 2004, that one we pulled all  
10 T-shirts and took it back. So, the point is that there  
11 is a small amount of money. There's money that comes  
12 in, in whatever way we can scabble it up, to be able to  
13 help support the organizing of the event, but it is not  
14 a moneymaker by any means.

15 It's basically -- in fact, very few events  
16 that LahainaTown does are any form of moneymaker.

17 COMMISSIONER WATANABE: And I think the  
18 question to the County is do you pay for the police  
19 services at every function or this -- only this function  
20 or this event?

21 MS. CALLENTINE: We cannot answer that  
22 question. We don't know. And I don't know if the  
23 representatives that are here from the Police Department  
24 could actually speak to the police budget.

25 MR. KUNITOMO: Theo already stated.

1           COMMISSIONER MOIKEHA: Yeah, yeah, she  
2 stated that. This is the only event.

3           COMMISSIONER WATANABE: This is the only  
4 event. The only reason is because I do events on  
5 Lana'i, and we have only two major events on the island.  
6 And we basically get a grant, but a lot of that grant  
7 does not cover a lot of our expenses, so we make our  
8 money out of the vendors, you know.

9           And kind of like, you know, here, you know,  
10 the County is paying for police services for this one  
11 event. But definitely, they should be supporting all  
12 events if they are -- you know, what makes this event to  
13 be the special event that they are paying for the police  
14 services, where we have to scrounge our money to be able  
15 to -- you know, I mean, we have to comply with so much  
16 of the rules on our island, that I see that here things  
17 are actually lagging responsibilities.

18           I mean, we comply, but I think one of the  
19 things is, you know, we have to come up -- we can't have  
20 an event unless we -- the organizers have to come up  
21 with the million dollar insurance, you know, and all of  
22 that.

23           I mean, I think, I mean -- and we try to  
24 support our event by opening up our doors to outer  
25 islands. I mean, in our events, no alcohol or drugs are

1 allowed at all. We get, you know, the ferries to bring  
2 people over to our event. I mean, we had 1500 people,  
3 which is a success, but it was very well organized and  
4 very, very well maintained.

5 But, I mean, we do have people coming from  
6 here with their beers in the park, because they don't  
7 know the difference that we don't allow alcohol. I  
8 mean, we don't have bars. I mean, I am so glad that our  
9 bars close down at a certain time of the evening.

10 But I think that was my -- my biggest  
11 concern. I mean, it's -- and we want to -- we want to  
12 maintain. We do Pineapple Festivals. We don't have  
13 pineapple on the island anymore, but you know what? We  
14 continue to have that as our signature event. We don't  
15 have much, you know, and we use that as a family time.

16 I mean, I think on Maui you have more  
17 opportunity to have access to more resources and -- but  
18 for us to have our event, we try to keep it as a  
19 signature event, our Pineapple Festival, our Aloha  
20 Festival is all that we have.

21 But I think there was a question on the  
22 payment of our police officers, which I think they are  
23 very valuable, and they are -- you know, we need them,  
24 because without them, we can't run our events.

25 But I think the whole concept is to keeping

1 it to the historical moment of, you know, the event. I  
2 mean, I just -- you know, this is a historical town, and  
3 I believe in supporting the historical part of the  
4 event.

5 MS. KAINA: Officer Kauha'aha'a earlier said  
6 that they get paid by the County.

7 MS. MCKELVY: It was already an activity  
8 that was ongoing, and the police were doubling their  
9 forces.

10 CHAIRPERSON KALALAU: It's a regular  
11 enforcement budget, because they are involved in every  
12 activity down here in Lahaina, whether you see them out  
13 front or you don't see them at all, but they are.

14 OFFICER KAUHA'AHA'A: It actually comes from  
15 the police budget. It doesn't come from the County  
16 funding. It comes from the police budget.

17 CHAIRPERSON KALALAU: It's already in their  
18 budget.

19 COMMISSIONER ARTATES: Mr. Chair, with all  
20 due respect to Lahaina Action Town Committee, as well as  
21 we as Commissioners on this table, I am going to motion  
22 to deny the application to obtain a historical --  
23 Historic District approval for the annual Halloween in  
24 Lahaina.

25 And the reason why I am saying this is

1 because we are looking not toward perpetuating our  
2 culture, we are not looking to our tradition, and if we  
3 are responsible for part of our preservation as the host  
4 culture, this becomes our kuleana. That's why I am  
5 making a motion to deny to obtain Historical District  
6 approval for the Annual Halloween Event in Lahaina.

7 CHAIRPERSON KALALAU: Commissioners, motion  
8 on the floor. Do I hear a second?

9 COMMISSIONER KAPU: Second.

10 CHAIRPERSON KALALAU: Okay. It's been moved  
11 and second. The motion is now open for discussion.

12 COMMISSIONER WHELCHER: Mr. Chairman. We  
13 had a logo, headless horseman. I was born 30, 40 years  
14 ago. When I was a child, that headless horseman was  
15 only a childhood book. We read that book. It was not  
16 offensive. It was scary as hell as someone said.

17 And Halloween started for children. When I  
18 was a child, we would go from door-to-door, and it was  
19 always -- it wasn't give me candy. It was trick or  
20 treat, and I was kind of hoping they wouldn't give us  
21 anything, because if they didn't, we would go soap the  
22 windows of their car and turn their outhouse over.  
23 That's what they had for toilets.

24 And that was -- that's the way the Halloween  
25 started. And then when I had children, we would take



1 them around, and I noticed when they came -- the other  
2 children came to our house, we started seeing more  
3 teenagers involved mixed in with the little kids. And  
4 then they were all dressed up.

5         And then 10 years later, I noticed a lot of  
6 the parents, the adults were mixing in, and they were  
7 more dressed up than the children were. And now it's  
8 evolved to the Lahaina Halloween thing.

9         I went to the Lahaina Halloween three times.  
10 I have been here about 15 years. And I didn't  
11 particularly want to go, because I had seen -- I had  
12 heard discussion and a lot of exhibitionists, and I am  
13 not an exhibitionist. So, I went because I was invited  
14 because I wanted to be with my friend that night. She  
15 wanted to see the people.

16         And we saw a little nudity.  
17 Percentage-wise, 30,000 people, you see very few nudes,  
18 and they kind of make a bad scene. And I take my  
19 children -- and so I saw a little nudity. I take my  
20 children to the beach, but I didn't take them here to  
21 this Halloween because of the nudity. I take them to  
22 the beach, and there's more nudity there than there is  
23 here really, if you look at it. It's just such a small  
24 area.

25         So, I would suggest -- or what I would do,

1 if I had control, I would separate the two events. They  
2 are already separated, the children's and the adults'.  
3 I would make one in Central Maui and one here. And if  
4 you make -- and I would reduce the length of closure on  
5 either one of them.

6 But, they should be kind of separated, make  
7 some kind of a deal, or maybe all of them would be in  
8 Central Maui because of the traffic. And they could  
9 raise the level of the standards of dress by limiting it  
10 to swimming suits and no string, whatever they call  
11 those things. Because the people, if you allow them to  
12 have swimming suits, they would just wear a string.

13 So, that's something that has to be  
14 regulated. And we don't know who the regulators are,  
15 but maybe it's LahainaTown Action Committee. They need  
16 to set up these standards and say no nudity. Painted  
17 bodies are considered nudity, and make some kind of  
18 guidelines and raise the level. That's all I have to  
19 say. Thank you.

20 CHAIRPERSON KALALAU: Thank you.

21 COMMISSIONER KAPU: Just real simple. Just  
22 so us guys don't get confused. The keiki Halloween  
23 costume parade is not in front of us. Okay? This  
24 Annual Halloween in Lahaina Event is in front of us,  
25 just so we get that clear.

1 COMMISSIONER MOIKEHA: Mr. Chair.

2 MS. CALLENTINE: Can staff clarify that?

3 Actually, when I look at the application -- or it's

4 Exhibit 1. The first activity that is proposed is the

5 children's costume parade organized by the Lahaina

6 Soroptimists and Rotary Club. So, the way I see it,

7 this is part of the same event. So, if you deny this

8 event, you are also denying that parade.

9 COMMISSIONER KAPU: So, there's two, maybe

10 three separate entities that are in front of us today?

11 Because the Soroptimists or Rotary, they go through a

12 different angle when they want to utilize the park,

13 basically. And the road closure -- okay. Now, help me

14 understand.

15 MS. CALLENTINE: Well, until -- when I spoke

16 with Theo Morrison this morning, prior to the meeting

17 beginning, she said to me that the children's costume

18 parade was not part of the LahainaTown Action Committee

19 application.

20 But I am looking at the cover letter to the

21 application dated May 30th, 2007, and it clearly states

22 that this -- the event activities proposed, the first

23 one is the children's costume parade.

24 And as far as I can tell -- I am looking at

25 files that go back to 1989 here -- I haven't ever seen a

1 separated out permit for the keiki parade. And to my  
2 knowledge, they have always been co-joined.

3 OFFICER KAUHA'AHA'A: It's a separate  
4 permit. There's two permits. One is -- one is the --  
5 it's a separate permit. One is applied by Soroptimists,  
6 and they have own insurance, and they make their own  
7 request. And the second is by LAC with their own.

8 COMMISSIONER WATANABE: So, that permit --  
9 one permit is for the children's parade, and then is the  
10 other permit --

11 OFFICER KAUHA'AHA'A: Is by LAC.

12 MS. KAINA: There's two different entities  
13 that are responsible for these two events.

14 COMMISSIONER WATANABE: I think we need a  
15 clarification of that.

16 CHAIRPERSON KALALAU: Yes.

17 PLANNING DIRECTOR HUNT: This meeting is a  
18 public meeting, and it has to be recorded. So, if I  
19 could just ask the Chair to have one person speak at one  
20 time into the microphone just to have a little bit of  
21 order.

22 CHAIRPERSON KALALAU: Okay. And try to --  
23 for the record, try to say your name when you are  
24 speaking in the mike.

25 OFFICER KAUHA'AHA'A: Yeah, so it is a

1 separate permit.

2 CHAIRPERSON KALALAU: So, the Police  
3 Department has separate permits, but we are here with  
4 one application for the two permits.

5 OFFICER KAUHA'AHA'A: Yeah, for the road  
6 closure, it's two permits. So, what they are applying  
7 with you folks, I don't know. But for the road closure,  
8 it's two permits. Separate. Different.

9 MS. CALLENTINE: Actually, Mr. Chair, if I  
10 could just clarify, there are multiple agencies that  
11 have jurisdiction. The required permits are the State  
12 Health Department requires temporary food establishment  
13 permits for the food booth.

14 The Department of Parks & Recreation  
15 requires the facility use permit for Banyon Tree Park,  
16 and as far as I know, but I may be incorrect, Kamehameha  
17 Iki Park. The Police Department does the road closure,  
18 and the Cultural Resources Commission would review the  
19 entire event as it's proposed in this package.

20 The Planning Department also handles  
21 administratively the special management area  
22 application, the environmental assessment exemption, and  
23 the band permit. The applicants also require, as far as  
24 other approvals, to get permission from Waiola Church,  
25 which it sounds like they have gotten, although it

1 hasn't been given in writing to the Planning Department,  
2 and also the Department of Land and Natural Resources  
3 for use of the Library Lawn.

4 CHAIRPERSON KALALAU: Thank you.

5 COMMISSIONER KAPU: Mr. Chair. So, you just  
6 gave us clarity pertaining to the permitting agencies.  
7 I want to know who is the applicant that is talking  
8 about the adult event versus the keiki costume. Are  
9 they the same?

10 MS. CALLENTINE: From the Planning  
11 Department's perspective, the only applicant we are  
12 talking about right now is LahainaTown Action Committee.

13 COMMISSIONER KAPU: Okay. So, by no way  
14 whatsoever they have nothing to do with this. So,  
15 whatever the motion is on the floor, it doesn't affect  
16 the keiki costume or does it?

17 COMMISSIONER MOIKEHA: It does.

18 MS. CALLENTINE: Unless you amend the motion  
19 and approve a portion of the permit.

20 COMMISSIONER KAPU: Okay.

21 CHAIRPERSON KALALAU: Okay. We have a  
22 motion. It was --

23 COMMISSIONER MOIKEHA: I have a comment  
24 before we move on the motion. What really influenced me  
25 a lot as far as my thinking at this point is the

1 directives from the Police Department, the Maui Police  
2 Department.

3           Even as I look at this and to Thomas  
4 Phillips, Chief of the Police, from Rickie Uedoi,  
5 Sergeant, and he quotes from Auntie Patty in here. And  
6 talking, he says, her organization is opposing the event  
7 and is seeking to have this event shut down due to their  
8 belief that this event has nothing to do with promoting  
9 the historical sites and the history of Lahaina.

10           She mentions that the nudity, alcohol, and  
11 drugs going on in this town is a disgrace to our island,  
12 which is true. I mean, this happens not only in  
13 Lahaina, this happens every day on Maui. When you  
14 really, really think about it, what we are talking  
15 about, we are citing one event, but this happens every  
16 day here on Maui, but we are talking about this one  
17 event.

18           And the important part comes down a couple  
19 paragraphs later. People will still show up in Lahaina  
20 to show off their costumes and to admire other people's  
21 costumes, even if no permit is issued. In being safe,  
22 it is easier to plan for the event and allow for the  
23 permit, so that the road can be closed to accommodate  
24 the estimated 30,000 people that wander the streets  
25 during Halloween in Lahaina.

1           With this permit, police provide over 80  
2 uniformed officers to manage the crowd and to maintain  
3 order during the event.

4           The key is this sentence, without granting  
5 approval, potentially, you will have 30,000 people on  
6 Front Street with five patrol beats in the Lahaina  
7 Police Department District. And if you come down to  
8 safety, I have never been here. I mean -- and I don't  
9 think I ever will, but we have family that can come and  
10 has come and will come.

11           And to me, it would be irresponsible -- this  
12 is just my opinion. It would be irresponsible not to  
13 look at this. And if the Police Department is endorsing  
14 it, based on that, too, that's what I am looking at the  
15 whole safety thing. I mean, even Auntie Patty said I  
16 know we can't close it. They still going come, and they  
17 came before this was even brought up by the LahainaTown  
18 Action Committee.

19           You know, and granted, it might be  
20 irresponsible on my part as part of the CRC to say,  
21 yeah, but what is more irresponsible, five police  
22 officers versus 80?

23           That's how I am taking a look at it at this  
24 point. I mean, and let it get out of hand even worse,  
25 or are we saying let it get out of hand, then they got



1 to shut it down. Or are we saying can they enforce it?

2 If we say no, can they enforce it? I don't know.

3 What's the rule on gathering? You cannot gather if you

4 don't have a permit. Can you arrest 30,000 people? I

5 mean, I don't know.

6 MR. MAKEKAU: Where you going put them?

7 COMMISSIONER MOIKEHA: Exactly. That's what

8 I am going the say. And even this report in here, they

9 said seven percent arrested out of 30,000, and the lady

10 says that's wrong. Seven percent is 2100 people. No

11 way the Police Department can arrest. You know, the

12 facts and figures are wrong.

13 But this one, I think the Department would

14 back me up on it. Is that correct, only five would be

15 there, Officer, if no permit is given?

16 OFFICER KAUHA'AHA'A: Yeah, Lawrence

17 Kauha'aha'a with the Maui Police Department speaking.

18 Five is the given amount of officers that work at any

19 given time. That's our normal beat. It would be

20 irresponsible, and we would be liable if we did that on

21 that evening though.

22 So, needless to say, because of the event

23 and what's going to show up, we are going to have to

24 plan for it anyway. It's -- what happens during the

25 event, people walk up and down. There's nothing else

1 there, but we are going to have to respond one way or  
2 another. And maybe it won't be 80, but we definitely  
3 have to plan for it.

4 MR. MAKEKAU: Can I ask a question, please,  
5 Mr. Chairman, to the police officer?

6 CHAIRPERSON KALALAU: Mr. Makekau.

7 MR. MAKEKAU: The police officers that will  
8 be on duty that night, they are the special forces,  
9 right? In other words, they are not scheduled to work?  
10 Are they scheduled to work that night?

11 In other words, are they regular scheduled  
12 work?

13 OFFICER KAUHA'AHA'A: No, the officers that  
14 work that evening are not -- I mean, we don't have 80  
15 people in Lahaina at any evening other than that, yeah.  
16 So, they are not regularly scheduled, but they are  
17 scheduled to be there. They are not called out by an  
18 emergency or anything like that. It's planned that way  
19 that they are going to be there that evening.

20 MR. MAKEKAU: Then, in other words, in  
21 Lahaina, we will have the regular officers be patrolling  
22 and plus, too, there will be a lock down. I know I lock  
23 my house. And if you don't, you are making a mistake.

24 OFFICER KAUHA'AHA'A: Yeah, the patrol beats  
25 themselves are manned separate from the event. In fact,

1 the event is actually run separately from the rest of  
2 the Lahaina Patrol functions. So, they have their own  
3 command staff here and all of it is done separate from  
4 what happens with the regular beat.

5 MR. MAKEKAU: Thank you.

6 OFFICER KAUHA'AHA'A: You are welcome.

7 CHAIRPERSON KALALAU: Thank you. Can we get  
8 back to the motion?

9 COMMISSIONER ARTATES: So, I need to amend  
10 the first motion.

11 COMMISSIONER KAPU: Let me reform the second  
12 motion that brought this up. Basically, I pull that  
13 back.

14 CHAIRPERSON KALALAU: You are going to  
15 rescind the second?

16 COMMISSIONER KAPU: Yes.

17 COMMISSIONER ARTATES: Okay. Then I should  
18 make a motion entertaining that -- requesting denial for  
19 the Historic District approval for the Annual Halloween  
20 in Lahaina Event to take place within the Historic  
21 District, number one, at the Banyon Tree Park, the  
22 Library Lawn, Baldwin House, Campbell Park, Kamehameha  
23 Iki Park, and along Front Street from Baker to Shaw at  
24 Maui Tax Map Keys (2) 4-601: 07, 09, 10, and 999  
25 portion, 4-6-07 portion, 999 portion, 4-6-08: 06 & 07,

1 and 4-6-02:10, Lahaina, Maui, yet with the exception of  
2 allowing the keiki costume parade to be entertained.

3 CHAIRPERSON KALALAU: Stan, do you have  
4 something?

5 MR. SOLAMILLO: No.

6 CHAIRPERSON KALALAU: Okay. The motion has  
7 been amended to --

8 MS. CALLENTINE: I think you need a second,  
9 Mr. Chair.

10 CHAIRPERSON KALALAU: Yeah. Was that  
11 your --

12 COMMISSIONER ARTATES: That was my motion  
13 amended or my first motion.

14 CHAIRPERSON KALALAU: Do I hear a second?

15 COMMISSIONER KAPU: Second.

16 CHAIRPERSON KALALAU: It's been moved and  
17 second. So, I open for discussion. The motion has been  
18 changed for just the -- it's been amended to where there  
19 was denial for the Annual Halloween Lahaina Event, and  
20 it was amended to just have the keiki costume parade  
21 only. And it's been a second. Do you have a question?

22 COMMISSIONER WHELCHER: Mr. Chairman, it  
23 appears to me that whether they get a permit or not,  
24 it's going to be hell, because the police force is going  
25 to come there. So, what difference does it make at this

1 point, just that they are overpowering the situation?

2 CHAIRPERSON KALALAU: I understand where you  
3 are coming from. This is my personal feeling about it.  
4 We can get back to a -- to when we had the Whaler's  
5 event. It was because there wasn't any organization in  
6 Lahaina that wanted to take on that whole project and  
7 move them forward.

8 Here we have the Halloween thing. We had a  
9 lot of people at the beginning that was totally against  
10 it, but we have an organization that stepped forward and  
11 says let's try work it out, let's try work with the  
12 Police Department, and let's have something that where  
13 we can control it.

14 As we all know, it started off without a  
15 permit, and it was really radical. I have been to three  
16 of these Halloween parades, and I think I have been to  
17 the second one, and it was wild. And it was radical.

18 This is why I believe the people in  
19 Lahaina -- the LahainaTown Action Committee got together  
20 and says let's keep this thing under control. And this  
21 is why I think for 24 years, they have worked real hard  
22 with the different County departments, with the Police  
23 Department, with the emergency departments, Highways  
24 Department. I mean, all the people that is involved in  
25 this thing, it was -- it has come from a point of no

1 return to a point of control.

2           You know, I don't think it's -- you know, we  
3 are worrying about cultural things. We are talking  
4 about the host culture. Well, if you are Hawaiian, the  
5 host culture, you didn't have clothes before. It's the  
6 missionary mentality that came to Hawaii and told us to  
7 put clothes on. But few natives, little bright, okay?  
8 I don't look at -- you know, if it's painted, if you  
9 guys seen some of this nudity down here, it's a painted  
10 on top. It's a painted on bottom.

11           But like Lon was saying, the people who will  
12 advertise these things could put all those restrictions  
13 on them. You know, the nudity is one of the things that  
14 are really killing everybody. I cannot say that,  
15 because -- because I'm -- you know, I grew up in a town  
16 just 30 years ago, and a lot of adults and a lot of  
17 kids, we went swimming all naked. And it wasn't a  
18 problem.

19           Today, when I listen to Hawaiians talk  
20 about, oh, the nudity is bad, they forgetting their  
21 culture. They forgetting where they came from. I look  
22 at it as a missionary mentality to come Hawaii tell us,  
23 oh, Hawaiians, pull on clothes, you know, because it's  
24 bad.

25           And the Hawaiians, in their pure minds, are

1 looking at this and going what's so bad about my body?  
2 Today, it's that mentality that makes people shame of  
3 their body. Hawaiians shouldn't be shame of their body.  
4 That is why the men wore malo, and that is why the  
5 female walked around topless.

6           And there was still people 30 years ago,  
7 when they went to the beach -- I mean, talking about my  
8 aunties and stuff. They are all topless. And you go to  
9 the South Pacific Islands, there's still people out  
10 there walking around all topless.

11           And this is where curfew comes in. It's  
12 really important is that the kids have their session.  
13 Go take them home and go trick or treat. Now it's the  
14 adult session.

15           But, you know, I can see you guys' concerns.  
16 It's the mind thing that makes things look bad, but we  
17 have to have some kind control on it. It's a cultural  
18 thing. It might not be a Hawaiian culture, but we live  
19 with all different variety of cultural people here. You  
20 know, we cannot just -- you know, we cannot just forget  
21 about the other nationalities. You know, if we going to  
22 deny this thing or whether we approve it, to me, the  
23 denial part would be more devastating, because we would  
24 have no control. No control.

25           If we approve it, at least we can put some

1 control in it. We can put recommendations in 'em. The  
2 organization that is involved in 'em and all the County  
3 Departments that is involved in 'em, I know we can sit  
4 down and make this thing safe and remove a lot of nudity  
5 stuff.

6 I remember three years ago, my uncles first  
7 time they came to this Halloween parade, because they  
8 came for the fishing tournament. Had the big jackpot  
9 tournament, and they didn't know that the ladies in the  
10 bar standing next to them was all nude, until my uncle  
11 looked down, and he was -- you know, he almost got into  
12 one big fight. And the police had to come there,  
13 because there was a painted on costumes.

14 Lahaina Action Committee, the people  
15 advertising this Halloween parade all over the world on  
16 the internet today. This is where you guys can control  
17 all that.

18 I think Maui Police Department, it's not a  
19 matter of who is paying who or who is on duty. I think  
20 they are looking at the safety of our community. That's  
21 all it is. You know, if they didn't care, yeah, send  
22 the five guys down there. Let people run around there  
23 running over people and digging up on people.

24 But, you know, I have been to the Mardi  
25 Gras, too, in the early '70s, and it was wild. I went



1 back there a year before Katrina came in, and it was  
2 still wild, but it wasn't wild at first. But majority  
3 of the people live there, they schedule vacation during  
4 the Mardi Gras, because same with the local people are  
5 saying. The traffic is out of hand. The people that  
6 comes there don't have respect for their place.

7         You know, it's an activity that we here in  
8 Lahaina feel the struggle. And it's somehow we need to  
9 work together in addressing the concerns. It's  
10 important. Everybody has an important say today here,  
11 because it is our community. It is our island.

12         But how we going -- you know, how we going  
13 massage the problems so that everything can become safe  
14 and, you know, education in the whole process. It's  
15 difficult for me, because, you know, I feel like I want  
16 to deny this thing, you know, but I got to be fair. As  
17 the Chair of this Commission, I got to be fair. I got  
18 to listen to everybody, and I got to weigh out the pros  
19 and the cons.

20         Not because I'm Hawaiian I would deny this  
21 thing, okay. You guys have heard how I feel about the  
22 nudity stuff and about being native. Native to me is  
23 being free. I can walk around on the beach. That's my  
24 place. I go out how I want to go out. You don't like  
25 it, you in the wrong place. Okay? That's my feelings

1 now. I have that whole Commission here that's going to  
2 decide this thing today. Okay.

3 COMMISSIONER WATANABE: Chair, can I saying  
4 something?

5 CHAIRPERSON KALALAU: Yes.

6 COMMISSIONER WATANABE: Yes, and as a  
7 Commissioner, I really feel -- you know, part of it is  
8 we want to have celebrations within our island, but I  
9 think for all of our kupuna that live, this is their  
10 island. You know, I mean, I think those that live here  
11 in Lahaina, I think -- what it is, it's the respect.

12 And like it says here, you know, it's not  
13 pono. So, how can we get two sides to come to a  
14 conclusion and make it pono and understanding that, yes,  
15 we have to have celebration. I mean, you know, I work  
16 in Lana'i, and I do two major events, but I try to do  
17 more, you know. And I have to be diverse, because we  
18 have multi-cultures on our island.

19 But how can we work together to make the  
20 events happen, you know, and right. You know, the  
21 hardest part is we are Hawaiians, and we are the host  
22 culture. And I think I want to, you know, respect our  
23 kupuna and share ideas.

24 Because to take on -- for an organization to  
25 take on a community event is not easy, because of the

1 fact -- I mean, I am a one person, and I am going to get  
2 flack from people. But the thing is, I have to go with  
3 the majority of -- you know, I come together and work  
4 together as a community.

5 And I have to say that working on Lana'i has  
6 been wonderful, because I coming together with  
7 community, with the Police Department, making things  
8 right. Because if you don't make things right,  
9 everything is going to not happen.

10 But, for the LahainaTown Action Committee, I  
11 know it's -- or whoever takes on any -- any kind of  
12 event, you are going to get -- you know, it's not easy.  
13 I mean, you are going to be the target. But I think if  
14 we want to continue positive events or activities within  
15 our islands or Maui County, how can you work together?

16 MR. KUNITOMO: Can I respond to that?

17 CHAIRPERSON KALALAU: He's the applicant.  
18 Yeah.

19 MR. KUNITOMO: Sorry. Jerry Kunimoto again.  
20 You know that LAC has 10 other events that it puts on,  
21 because I just wanted to clarify that the question --  
22 the line of questioning you are asking about the police,  
23 the nine other events, LAC does facilitate all of that,  
24 and we share exact same concerns.

25 To clarify the amendment though, now we have

1 to look at the structure, because LAC's membership --  
2 talk about being stuck between a rock and a hard place.  
3 LAC really only facilitating this thing. And I  
4 restating that possession. I work really closely with  
5 these guys on a day-to-day basis, so for me to step in  
6 at Halloween as one -- and they can tell you that safety  
7 is, you know, something that we work on day after day in  
8 Lahaina.

9 But according to the motion, I would be  
10 irresponsible to the membership, serving as the  
11 president, to say that, okay, if you approve the keiki  
12 part, the toilets, the stuff -- all the stuff that the  
13 membership is facilitating, I cannot speak on that  
14 behalf, because the keiki part is just part of the  
15 whole.

16 What they asking me is what has been for all  
17 this time, and it was the keiki parade and adult time.  
18 If you split 'em up, I don't know if LAC can meet what  
19 you are asking. If you cut 'em up, if we are going to  
20 do the toilets and all the other stuff, because it's  
21 everything put together.

22 The few dollars may pay the toilet, pay up  
23 the Little League that makes the businesses supportive  
24 and so on and so forth. But in the end, if the  
25 businesses then said, you know, we are on our own then,

1 then what we going to do? What if everybody run their  
2 own ad in the paper, and they all start to run -- I just  
3 wanted to remind everybody, LAC is just purely trying to  
4 facilitate this thing for everybody. Not a lot of  
5 benefit.

6 COMMISSIONER ARTATES: Mr. Chair.

7 CHAIRPERSON KALALAU: Yes.

8 COMMISSIONER ARTATES: All I want us to  
9 understand is it's nothing where it's teaching about our  
10 tradition and our culture. It's not teaching us nothing  
11 this Halloween. And I think that is what the kupuna is  
12 trying to explain, too. The thing not teaching us  
13 nothing.

14 What we preserving under this event?  
15 Nothing. I am going to stand by my motion, and it's  
16 your guys' kuleana to figure it out on how you guys  
17 going to make this event happen with the kupuna. You  
18 guys got to kuka kuka.

19 How long this going on already? Many years  
20 went by. You guys didn't invite this kupuna to sit down  
21 and talk about how you guys going to do things, and yet  
22 they put you in the position to come face this. I  
23 cannot -- I cannot digest this right now, because we are  
24 not -- we are not talking about the money. We are not  
25 talking about the nakedness. We are talking about what?

1 Preserving our culture and our tradition. That's what  
2 we here for. Simple.

3 We are going all around the block about the  
4 keikis' event, adult event. I don't hear nothing about  
5 somebody doing one Hawaiian entertainment during this  
6 event, or doing one little halau action about  
7 preservation of our culture in this event. Nothing.

8 With that, Mr. Chair, I will still stand by  
9 my motion, and you guys figure it out.

10 CHAIRPERSON KALALAU: Okay. Any more  
11 discussions?

12 COMMISSIONER MARQUEZ: Okay. So, this is  
13 for Commissioners. With the amended motion, are we  
14 still there? We are still there?

15 Okay. What's going to happen, if I get this  
16 mana'o right, it will keep the children's costume  
17 parade, yes? It strikes out music and entertainment,  
18 strikes out artisans and food, strikes out adult costume  
19 contest, and strikes out event souvenirs; is that right  
20 so far? Is that what the amended motion is?

21 COMMISSIONER ARTATES: The motion, yeah, we  
22 are denying -- we are denying -- the motion is to deny  
23 to obtain -- where am I now? Deny to obtain the  
24 Historical District Approval for the Annual Halloween  
25 Event in Lahaina.

1           COMMISSIONER MARQUEZ: I am just reading  
2 this request administrative approval to whole -- this  
3 whole mana'o. Do we all understand what the amended  
4 motion means? That's why I asked that. I read it  
5 straight out the pala pala. Chair, is that correct?

6           COMMISSIONER ARTATES: Yeah, to allow the  
7 keiki event.

8           COMMISSIONER MARQUEZ: And that's it.

9           COMMISSIONER ARTATES: The Halloween stuff  
10 going to happen whether we like it or not anyway.

11          COMMISSIONER MARQUEZ: Thank you.

12          CHAIRPERSON KALALAU: Okay. We got to make  
13 sure that on that motion, the first aid and all those  
14 other agencies are going to be there. And we got to  
15 make sure that the toilet facilities are provided, and  
16 that whether just the five police officers are going to  
17 be --

18          COMMISSIONER KAPU: I have a question. Well,  
19 basically, maybe some clarity. Maybe looking for some  
20 clarity. But this other group that's doing the parade  
21 is not in front of us. LahainaTown Action Committee is  
22 in front of us.

23          Now, if we worrying about something else  
24 that is not in front of us, trying to adjudicate  
25 ourselves by looking at whether or not the Is and the Ts

1 are dotted and crossed, we have nothing in front of us.

2 But, they already -- the other group for the

3 keiki, don't they have the permits?

4 UNIDENTIFIED WOMAN: Yeah.

5 COMMISSIONER KAPU: They have the permits.

6 So, nothing stops them.

7 Now, if there's a concern on the County's

8 behalf based upon per se -- because you got to

9 understand the parade starts at 4:00, and they walk down

10 Front Street. Just like the Aloha Parade. It starts

11 down at Baker all the way down on the end and it's done.

12 Worrying about all these other little

13 things, pertaining to bathrooms and water facilities,

14 and all these kinds of things, they are not in front of

15 us. LahainaTown Action Committee is in front of us. I

16 don't know.

17 COMMISSIONER ARTATES: Go ahead, Kalei.

18 CHAIRPERSON KALALAU: Kalei.

19 COMMISSIONER MOIKEHA: Mr. Chair. This is

20 for the public. As we go round and round, the Sunshine

21 Law governs us. This is the first time we can talk

22 about this. So, you folks are seeing actually what we

23 are talking about first time.

24 We cannot gather and just talk about this on

25 our own. So, you guys got to bear with us. This is



1 what you get. This is what we get. We have never  
2 talked about this before. We cannot. You guys got to  
3 hear everything we talk about.

4 To me, it's also kind of, you know,  
5 irresponsible in all these agencies and groups that come  
6 in -- I mean, Public Works comes in and the comment is  
7 we are not in charge of parking? I mean, what is that?

8 You know, nothing from the -- well, the  
9 Police Department, they are here, and they are on  
10 letterhead everything as far as what they said. The  
11 Fire couldn't. You know, they had to go respond.

12 The Arborist Committee, Parks -- was Parks  
13 here? I mean, you know, everything is -- the problem  
14 with all these things today is that it's given to us to  
15 make the decision today, within the short amount of time  
16 that we have met to get all the way across.

17 And you know, and maybe to the public, we  
18 kind of look irresponsible. You folks need to know this  
19 is the first time we are ever talking about this  
20 together that we can. You guys hear first time what we  
21 go through.

22 For me, once again, the whole things comes  
23 down -- well, not the whole thing, but a lot of it. A  
24 couple questions once again. Part of it, we are the  
25 host culture. But like I said, yeah, I am half Korean.

1 So, what I going tell the Koreans? Sorry, you guys  
2 cannot.

3 But we accept all these different cultures,  
4 and it says we are looking for their plan. So, my  
5 question is, listen to the question. Is this Halloween  
6 event now a historical event? Is it culture for Maui?

7 If we don't want to accept that, then, yeah.  
8 But is it? You got to answer the question. You may not  
9 like it, but if it talks about that we got to be able to  
10 blend and talk about these things, if we can talk about  
11 it, that is a question.

12 But to me it comes down once again, the  
13 whole safety thing with the officers. According to what  
14 it says, yeah, I want deny. But to me it comes down is  
15 I want the officers there. What the LahainaTown Action  
16 Committee has done to me to try and manage has been  
17 good, you know.

18 You want my honest opinion? Get rid of  
19 alcohol. We cannot do that. I have never drank. I  
20 have never smoked. I don't understand that either. But  
21 then again, also, I have never been here to Halloween.  
22 I don't understand it an either, you know. So, I don't  
23 know.

24 But to me the solution is way different, but  
25 we got to be able to accept differences. That's what

1 it's all about, you know, to be able to accept  
2 differences. And so, you know, that's what I'm looking  
3 at this point is just the whole safety factor, in that  
4 the Police Department is willing, even at that point.

5 I mean, we got more things written from them  
6 than anybody, and nobody else has come forward, even  
7 community groups and things that says -- well, I am  
8 sorry. We have had, you know. But to me, they going to  
9 come. I agree. If there's a way we can say, yeah, like  
10 I said before, if we can just completely stop it, shut  
11 it down, I don't know. I don't think you can.

12 But like I said, the Whaling Spree Week,  
13 that was done. But there's a lot of repercussion.  
14 People are going to be staying in hotels. People are  
15 going to eating food. The economy goes up. Somehow, we  
16 got to have a follow-up on this. We got to critique.

17 And the people that make revenue of this  
18 have to give back to the community some way, form, or  
19 another. And that's -- you know, we haven't even talked  
20 about guidelines. What Lon said is correct. And we  
21 moving on this already. We just jumping.

22 You know, we jumping already, because we  
23 feel like we are being pushed again to make a decision  
24 on this. But, anyway, that's my comments for now,  
25 Mr. Chair.

1 CHAIRPERSON KALALAU: Thank you. Okay.

2 Yes.

3 PLANNING DIRECTOR HUNT: I thought I'd just  
4 remind the Commission of the Department's recommendation  
5 and a little background.

6 We met last year, because there were some  
7 concerns expressed. And this permit has been approved  
8 administratively for years on end. We felt, well,  
9 because there's some concerns, let's bring it to the  
10 Commission, so that's why we are here today.

11 We understood those concerns, and we thought  
12 it warranted a public hearing. It's important to  
13 remember that the road closure was originally initiated  
14 as part of a public safety issue. The police said that  
15 it's not safe to have people walking down the middle of  
16 the street with traffic. So, that was a public safety  
17 issue. That wasn't a permitting issue.

18 It wasn't the LahainaTown Action Committee.  
19 It wasn't a Planning Department. It was a public safety  
20 issue, and I think you should keep that in mind.

21 The Department's recommending that rather  
22 than shut down the -- rather than not allow the road to  
23 be shut down, is to try and work with the Town Action  
24 Committee or direct the Town Action Committee to address  
25 the concerns that you heard expressed.

1           Last year, they did some attempts to address  
2 it. Some examples is they sent us their logo last year  
3 before the permit. Now, it was late. It was in  
4 September or something, but they made an attempt. There  
5 is conversation today that let's make that a condition  
6 of approval. They send the logo to the Planning  
7 Department, so you can review it.

8           Some other actions they did last year was  
9 they changed the salsa band to an Air Force Academy  
10 Band. The salsa band it felt with the skimpy outfits  
11 and music and dancing and gyrating, that was leading to  
12 Mardi Gras atmosphere. And they replaced that with a  
13 very conservative Air Force Band.

14           So, they are making some attempts to tone  
15 things down. They also, again, pulled the ads calling  
16 it the Mardi Gras. They didn't refer to that. Now,  
17 again, free speech, we can't control the hotels and the  
18 restaurants, but the Action Committee did that.

19           And people I talked to, some of the younger  
20 people I work with who go to it year after year, they  
21 said last year was tamer than what they had been to in  
22 the past. So, maybe -- maybe those efforts are working,  
23 and maybe if we continue with those efforts, it will  
24 continue to work.

25           So, again, the Department's recommendation

1 would be to put some recommendations of approval  
2 addressing the concerns, monitor the situation, and  
3 direct the Action Committee to tame it down, to work on  
4 these concerns, to work with the kupuna to address the  
5 nudity issue rather than deny the permit.

6 CHAIRPERSON KALALAU: Ke'eaumoku.

7 COMMISSIONER KAPU: Mr. Chair, we have a  
8 motion on the floor.

9 CHAIRPERSON KALALAU: Yes.

10 COMMISSIONER ARTATES: Okay. Mr. Chair,  
11 hearing these various comments from the Planning  
12 Department as well as the bodies here, I am going to  
13 rescind my decision -- my motion and defer it only on  
14 the condition that the Lahaina Action Town Committee, as  
15 well as Na Kupuna O Maui and the various organizations,  
16 come to one consensus on how to make this work.

17 That's my motion, my new motion. So, by the  
18 next time we have a meeting in August 2nd, then  
19 everything -- all these little fires kind of would be  
20 settled already. The Rotary Club and the --

21 COMMISSIONER WATANABE: A representative.

22 COMMISSIONER ARTATES: -- the rest of the  
23 parties gathered together and make a decision. That's  
24 the motion right now, to rescind my decision as far as  
25 the denial for the application, with the condition it be

1 deferred to the August 2nd meeting with an answer with  
2 the bodies to be presented.

3 CHAIRPERSON KALALAU: Okay. Do I hear a  
4 second?

5 COMMISSIONER MOIKEHA: I will second.

6 CHAIRPERSON KALALAU: Okay. It's been  
7 seconded. Some discussion before we vote on this issue.

8 COMMISSIONER MOIKEHA: So, are we moving to  
9 defer with the -- with all these things that Perry had  
10 mentioned? Okay.

11 CHAIRPERSON KALALAU: And also because  
12 there's a lot of the information that we had today in  
13 our questions and so forth, that we would have more  
14 information by the next -- by the next time we convene  
15 on this agenda item.

16 COMMISSIONER KAPU: He rescinded his motion,  
17 so I have to rescind my motion. I am just asking for  
18 clarity. Where is Corporate Counsel now?

19 CHAIRPERSON KALALAU: On the motion that he  
20 made was seconded by Ke'eaumoku. Ke'eaumoku needs to  
21 rescind his second, because the new defer motion he made  
22 was seconded by Lee.

23 PLANNING DIRECTOR HUNT: The originator of  
24 the first motion, if he withdraws his motion, that  
25 effectively kills that motion.

1 CHAIRPERSON KALALAU: Okay.

2 COMMISSIONER KAPU: There's been a lot of  
3 motions and rescinding of motions all day today. I  
4 think we got one more thing on the agenda, but just one  
5 more thing for clarity. I think needs a little bit more  
6 juice inside here pertaining to recommendations.

7 Yeah, what kind of recommendations? I mean,  
8 for one, maybe we want one recommendation cut and clean  
9 that we find out who wants to be obligated to take  
10 responsibility to this event every year, or even be  
11 asked to be a part of this event every year, yeah?

12 I mean, every merchant in this town is  
13 making beaucoups at our expense and yours, the County,  
14 yeah. And we have nothing to show for it. You know,  
15 recommendation, I like see one police report and one  
16 assessment based upon what happens in this town.

17 Maybe the Fire Department, maybe the  
18 paramedics. How many alcohol abuse or drug abuse, how  
19 many people went falling down on the street, stuff like  
20 that.

21 What else kind recommendations we can place  
22 out there? I look inside this book, and the arborist,  
23 the County arborist gave more recommendations for save  
24 one tree than we get recommendations for how an event  
25 like this will happen. I wish I was one tree. I know I



1 going -- I going live past everybody over here.

2           You guys seen the list, A through J. That's  
3 the recommendation from the arborist. Another thing,  
4 something my uncle forgot to mention, but the cruise  
5 ships is an impact, land impact as well as road impact.  
6 Ocean impact. The cruise ships come in around that same  
7 time, too? How many cruise ships, one, two, three?

8           UNIDENTIFIED WOMAN: Three.

9           COMMISSIONER KAPU: The only reason why I  
10 so -- because I live in this town. And as a Cultural  
11 Resources Commissioner, yeah, I see the madness going  
12 on. But, I got to ho'o malimali and pono myself, and  
13 make sure that everybody has a fair opportunity, yeah,  
14 and just, but at the same time I got to bite my tongue  
15 all the time.

16           So, I think we all got to clean up our mess  
17 that we created. And I wasn't here when the first  
18 Cultural Resources Commission allowed this mess to  
19 happen. I wish I was.

20           CHAIRPERSON KALALAU: Okay. Thank you,  
21 Ke'eaumoku. The motion is for the deferral.

22           COMMISSIONER MARQUEZ: With the deferment of  
23 this mana'o, and you are looking at August. Let's be  
24 real, people. That means the next meeting --

25           MR. SOLAMILLO: August 2.

1           COMMISSIONER MARQUEZ: Thank you, Stan,  
2 August 2nd. Then you look at the tame frame, August 2.  
3 You got September and here comes Halloween. I think  
4 this is for the Action Committee.

5           What am I asking? I am asking does this  
6 make any sense to have it on the agenda for August, or  
7 are you folks -- looking like somebody wants to say  
8 something over there. I don't know where is the man. I  
9 am just trying to be real here, because time, you know.  
10 Can someone from that end comment?

11          MS. McKELVY: Well, I think it might be a  
12 little late. I'm speaking on behalf of the LAC and the  
13 Rotary.

14          Sorry. Joan McKelvey. I think that might  
15 be a little late. Do you think so, Kent? It might be a  
16 little late. On behalf of LAC and Lahaina Rotary,  
17 because we sponsor the keiki parade, and I think  
18 August 2nd might be way too late if you decide to stop  
19 it. Everything is underway. It's underway now as far  
20 as the organization and for the event.

21          And, you know, one more thing remember. I  
22 see -- hear people saying that it's like our event. It  
23 is not our event. The event, as you call it, was  
24 already happening big time. All LAC did was come and  
25 bring a little order to the event and a little control

1 to make it safe and make it enjoyable, and it is  
2 enjoyable. So, that's what I have to say.

3 MR. SOLAMILLO: No, no, no. No more  
4 statements. Applicant, from the applicant.

5 MS. CALLENTINE: Public testimony is closed.

6 PLANNING DIRECTOR HUNT: There's a question  
7 for the applicant.

8 MR. STEWART: Kent Stewart, and I'm what  
9 remains of the interim executive team of LahainaTown  
10 Action Committee right now that Jerry had to depart.

11 I think it is important that some, if at all  
12 possible, decision be made today because of the  
13 increasing difficulties of bringing the planning  
14 together for this. And it becomes much more challenging  
15 as we move into late August and September for us to be  
16 able to provide the optimal support of this thing, and,  
17 also, to put into place the small things that help us  
18 pull together the \$10,000 that we do spend to make this  
19 event occur.

20 So, I would only -- I would only hope that  
21 this not be something that is stretched out for too long  
22 and for too long. Thank you.

23 CHAIRPERSON KALALAU: Charlie, Charlie. We  
24 have a motion, and the question is to the applicants.

25 Okay. Any more discussions before we vote

1 on the motion? Commissioners? I see that we have no  
2 more. The motion is for the deferral. All in favor  
3 raise your right hand.

4 COMMISSIONER MOIKEHA: To defer it.

5 CHAIRPERSON KALALAU: For the deferral.

6 (Commissioner Artates raised his hand.)

7 COMMISSIONER KAPU: Who second?

8 COMMISSIONER WHELCHER: He doesn't have to  
9 vote either way.

10 CHAIRPERSON KALALAU: So, the motion is  
11 not -- we need to make a new motion.

12 COMMISSIONER WHELCHER: Ready for a new  
13 motion.

14 CHAIRPERSON KALALAU: Yes.

15 COMMISSIONER WHELCHER: I make a motion that  
16 we approve the request for the Annual Halloween at  
17 Lahaina Event to take place within the Historic District  
18 No. 1.

19 CHAIRPERSON KALALAU: Your motion is for the  
20 total package?

21 COMMISSIONER WHELCHER: Yes, what they are  
22 asking for.

23 CHAIRPERSON KALALAU: Okay. Do I hear a  
24 second?

25 COMMISSIONER MOIKEHA: I will second.

1 CHAIRPERSON KALALAU: Okay. It has been  
2 moved and second for approval. Final discussion. No  
3 discussions. All in favor raise your right hand.

4 (Commissioners Whelchel and Moikeha raised  
5 their hands.)

6 Okay. We have two. All opposed raise your  
7 left hand.

8 (Commissioners Kapu, Artates, Marquez and  
9 Watanabe raised their hands.)

10 CHAIRPERSON KALALAU: Any Commissioners want  
11 to introduce another motion?

12 COMMISSIONER ARTATES: Mr. Chair, I still  
13 entertain that we defer this action until August. In  
14 the meanwhile, these various groups that are here today  
15 take an opportunity to hash out their differences and  
16 come before this body on August 2nd.

17 CHAIRPERSON KALALAU: Second? Do we have a  
18 second? He's introducing a deferral again. Do we have  
19 a second? The motion didn't pass, so --

20 COMMISSIONER MARQUEZ: Because we didn't  
21 have the number.

22 CHAIRPERSON KALALAU: You guys voted only  
23 two and four, and so now we got to introduce another new  
24 motion. And he just asked for -- the motion is to defer  
25 this thing again.

1 COMMISSIONER WATANABE: Can I ask a  
2 question?

3 CHAIRPERSON KALALAU: Wait. Do we have a  
4 second on the deferral, and then we will open them up to  
5 discussion. No second, so it dies. Nani.

6 COMMISSIONER WATANABE: Yes. For the  
7 applicant, I guess the LTAC is concerned because of the  
8 fact that it's going to be past the deadline for the  
9 application. Is it the 90 days? Do they need 90 days,  
10 right, to submit for a --

11 MS. CALLENTINE: The Planning Department  
12 conditioned last year's permit that they apply 90 days  
13 prior to the event, which they have done, so that is not  
14 a question.

15 COMMISSIONER WATANABE: Oh, so it's okay.

16 MS. CALLENTINE: Look, Mr. Chair. I am  
17 sorry. Can I speak up on behalf of all the people,  
18 including yourself, who have been sitting here for many,  
19 many hours without a break?

20 We have a lot of staff who are working hard  
21 and -- or some staff anyway who are working hard. And I  
22 am not certain that we can get any more productive prior  
23 to having a little restroom refreshment break.

24 CHAIRPERSON KALALAU: Okay.

25 COMMISSIONER WHELCHER: We can vote on this

1 if we get somebody to make a motion if you would like  
2 and be done with it.

3 CHAIRPERSON KALALAU: I mean, he had the  
4 motion.

5 COMMISSIONER WHELCHER: He didn't get a  
6 second. It died.

7 CHAIRPERSON KALALAU: Didn't get a second,  
8 so it died. And right now we are asking for a  
9 five-minute break.

10 MR. SOLAMILLO: You ought to take lunch.

11 MS. CALLENTINE: Or take a lunch break.

12 It's almost 3:30.

13 COMMISSIONER MOIKEHA: Take a break.

14 CHAIRPERSON KALALAU: But we got to see if  
15 we are going to have quorum, too, after that time,  
16 because it's -- and you needed to be someplace, I think.

17 COMMISSIONER MARQUEZ: Question.

18 CHAIRPERSON KALALAU: Question. Go ahead.

19 COMMISSIONER MARQUEZ: Question, because I  
20 am learning. Can we end the meeting?

21 CHAIRPERSON KALALAU: No, we got to deal  
22 with this.

23 COMMISSIONER MARQUEZ: Oh, and then you are  
24 saying if there's no quorum, then it's ended.

25 CHAIRPERSON KALALAU: Right, but right now

1 we have a quorum, so --

2 COMMISSIONER WHELCHER: We could vote on  
3 this as long as we have a quorum and get it over with.

4 COMMISSIONER ARTATES: We need to make a new  
5 motion.

6 CHAIRPERSON KALALAU: Yeah, someone needs to  
7 make a new motion.

8 COMMISSIONER WHELCHER: Yeah, different  
9 motion.

10 COMMISSIONER KAPU: Okay. I got one  
11 question, Mr. Chair. CRC may approve or deny the  
12 request and provide recommendations, yeah, may. So, is  
13 it important that it comes in the form of a motion?

14 CHAIRPERSON KALALAU: It needs to, yeah.

15 COMMISSIONER KAPU: Including all  
16 recommendations from us?

17 CHAIRPERSON KALALAU: (Nods head.)

18 COMMISSIONER KAPU: So, going down the  
19 recommendation, what's the recommendations that  
20 basically we are going to be voting on?

21 CHAIRPERSON KALALAU: I mean, it's really up  
22 to us. We can add 10, 20 recommendations, but this is  
23 why I felt it was very important on Perry's motion that  
24 we defer this thing, so that we can come up with the  
25 recommendations, and we can try to help the



1 organizations to try and come up with something workable  
2 in the next meeting.

3 But then it's really up to you guys. That  
4 is why we want to have a lunch break, too. But if you  
5 guys decide you have a motion right now, we will do that  
6 and then take our lunch break, if not -- Kalei.

7 COMMISSIONER MOIKEHA: Mr. Chair, just a  
8 quick question. So, if we deny the permit, Front Street  
9 will stay open, correct, to vehicular traffic, or you  
10 folks have the right to shut it down?

11 OFFICER KAUHA'AHA'A: Lawrence Kauha'aha'a  
12 with the Police Department again. Yeah, we do have the  
13 right to shut it down. And actually, listening to all  
14 this, I have been involved with Halloween from its  
15 inception. I started the police work in '87 and worked  
16 every Halloween since they have shut it down except for  
17 last year.

18 I understand what you are saying as far as  
19 the nudity, and I really appreciate the support we  
20 received here today. But, a few tents and some  
21 concessions don't equal nudity. So, as far as that  
22 goes, that's -- that doesn't really equate.

23 You know, last year there was a suggestion,  
24 and I think it came from Auntie Patty about having Na  
25 Kupuna come out and walk Front Street during that

1 period.

2           And you know, that's interesting. We do  
3 some after action reports, Mr. Kapu. And it does state  
4 what type of arrests and what happens there. Like  
5 everything else in this town, we depend on our  
6 community. You are our eyes and ears to tell us what's  
7 happened.

8           When you have -- and I appreciate your math,  
9 because we figured it's about 400 people per officer.  
10 We can't see everything, but we actually haven't had  
11 anybody come up to us and say, you know what? That  
12 person right there is naked. That's body paint. That's  
13 not a costume.

14           We can work with you and work with whatever  
15 organization that wants to be involved in this. But,  
16 like you said, the street is -- I would, especially with  
17 an event like this, especially this late, we probably  
18 have to shut it, because people are going to show up.

19           You know, when they shut down the Whaling  
20 Spree, that was 30, 40 years ago. People were different  
21 then. They listened to authority. They had respect,  
22 and when somebody said you shut 'em down, they are not  
23 coming now. Would they do that now? I don't know. So,  
24 we have to be prepared. That's what would probably  
25 happen.

1           The reason we had to shut it down, people  
2 were leaving their cars on Front Street, and the road  
3 got shut anyway. And that's what created the block  
4 party atmosphere. We couldn't even get the tow trucks  
5 to get them out anymore. That's when we entertained  
6 working with LahainaTown Action.

7           What they have is actually this portion  
8 here. Whatever else is happening on the entire Front  
9 Street has nothing to do with their tents, with their  
10 music, whatever. If you did shut that down, that would  
11 be gone. There would be no restrooms. There would be  
12 none of that, but we would have the people.

13           If we could make them not come at all, that  
14 remains to be seen. But, we would work with whatever  
15 organization. I know they said last year they wanted to  
16 come out. Na Kupuna was going to walk Front Street. We  
17 got a memorandum to that effect, but nobody ever  
18 actually contacted us. But we are willing to work with  
19 whomever, if that makes the decision.

20           But, that being said, I am looking at we  
21 probably have to shut it, especially this year. Maybe  
22 not next year, but this year for sure. Okay.

23           CHAIRPERSON KALALAU: Thank you.

24           COMMISSIONER KAPU: You know, we always, us,  
25 this, I guess, letters and everything was sent to the

1 County 2006 last year. Some other complaints basically  
2 came before that.

3 In a timely fashion, when we looking at  
4 certain things that are placed on our agenda or our  
5 duties, how come we only dealing with these kind things  
6 now? Why we only dealing with these things right now at  
7 this moment?

8 It's like, don't worry about it. We can  
9 deal with it. That's what I get. I am having a hard  
10 time with this, because we can't come to any decision.  
11 I am going to stay firm if we here to 9:00 o'clock  
12 tonight.

13 CHAIRPERSON KALALAU: Okay. Commissioners,  
14 we need to decide. Are we going to make a motion or are  
15 we going to go have lunch? Go on a lunch break?

16 COMMISSIONER WHELCHER: It's your choice.

17 CHAIRPERSON KALALAU: I want it to be a team  
18 effort, but if its me, I choose let's go on lunch break.

19 COMMISSIONER WHELCHER: We haven't been a  
20 team yet.

21 CHAIRPERSON KALALAU: Thank's why I giving  
22 you guys a chance.

23 COMMISSIONER MOIKEHA: Take a break.

24 COMMISSIONER WHELCHER: Okay. Take a break.

25 MR. SOLAMILLO: How long is lunch? Thirty

1 minutes?

2 CHAIRPERSON KALALAU: Thirty minutes.

3 (Recess, 3:27 p.m. Resumed, 4:04 p.m.)

4 CHAIRPERSON KALALAU: Okay. We were on a  
5 lunch break. We can just reconvene this meeting,  
6 5:04 -- 4:05, and we are still with the agenda item (b).

7 COMMISSIONER WHELCHER: Where is B? No B  
8 here.

9 CHAIRPERSON KALALAU: Item 1(b).

10 COMMISSIONER KAPU: Before we continue on, I  
11 just like make clear that basically, where we at right  
12 now at this moment, that everything that the applicant  
13 was responsible for is now pending, like the SMA. Was  
14 ever an environmental assessment done also, which  
15 triggered the cultural impact statement?

16 MS. CALLENTINE: This action is exempt,  
17 because it consists of -- it's less than 14 days in  
18 endurance -- in duration I mean. So, there will be an  
19 assessment done, but it's a one-page form, and it  
20 basically states that this event -- that events -- this  
21 can have an exemption from an environmental assessment.

22 COMMISSIONER KAPU: What is the exemption  
23 based on? I mean the environmental assessment? There  
24 is factors going to happen to our town, and I'm trying  
25 to find where we are at this moment, as the Cultural

1 Resources Commission, to allow this amount of people in  
2 such a small town with a great impact.

3 The road's one thing. I talked about the  
4 ocean. I talked about -- well, now, I'm trying to find  
5 out whether or not all agencies has been informed, all  
6 applications have been fulfilled on their part. Now you  
7 are telling me that it's exempt because of a 14 day,  
8 what, window?

9 MS. CALLENTINE: Actually, last year the  
10 exemption -- the previous years, I couldn't find that  
11 there had been a specific class stated. And last year,  
12 the staff presented the approval as an exemption from  
13 preparation of an environmental assessment under Class  
14 6, which is construction or placement of minor  
15 structures accessory to existing facilities.

16 COMMISSIONER KAPU: And wouldn't that also  
17 to include to do a cultural impact as well to the EA? I  
18 think that would be a question for Corporate Counsel,  
19 but we don't have Corporate Counsel here now.

20 PLANNING DIRECTOR HUNT: The environmental  
21 assessment, if it was required, could entail a cultural  
22 survey or something along those lines. Because the  
23 action meets the categories of exemption, then it is  
24 exempt from doing an environmental assessment. So,  
25 therefore, it doesn't need a cultural survey.

1           COMMISSIONER KAPU: But then we are dealing  
2 with all these cultural issues right now. At this  
3 moment, we get complaints coming in based upon this very  
4 denial. So, environmental assessments, basically, you  
5 say was done or wasn't done?

6           PLANNING DIRECTOR HUNT: The staff does an  
7 analysis as to whether one is required, and the staff's  
8 determination is that this application is exempt from  
9 needing an environmental assessment or --

10          COMMISSIONER KAPU: And the justification  
11 for allowing 35,000 people to come into this town is  
12 justifiable?

13          PLANNING DIRECTOR HUNT: We aren't allowing  
14 anyone to come to the town. They are coming to the  
15 town.

16          COMMISSIONER KAPU: Yeah, I know they are  
17 coming to the town, because we are providing the venue  
18 for them. That's my point.

19          PLANNING DIRECTOR HUNT: And that's what  
20 your analysis or the staff's analysis on an  
21 environmental assessment is, is what the application  
22 entails, the food booths, the tents, the stages, the  
23 porta-potties, that kind of thing.

24          COMMISSIONER KAPU: Okay. So, the County  
25 felt that it wasn't necessary for them to do one?

1 PLANNING DIRECTOR HUNT: The County felt it  
2 was exempt. It met the exemption qualifications.

3 COMMISSIONER KAPU: Okay.

4 MS. McCARTY: Look at the application. Read  
5 the application.

6 MR. SOLAMILLO: As a point for the Chair and  
7 the rest of the Commissioners, the application for this  
8 event, I believe, came in last year in September, did  
9 it?

10 COMMISSIONER KAPU: Do we have a copy of the  
11 application?

12 MS. CALLENTINE: Are you talking about for  
13 2007 or 2006?

14 CHAIRPERSON KALALAU: '06.

15 MS. CALLENTINE: For 2006, yes.

16 COMMISSIONER KAPU: And what does it say on  
17 the application?

18 MS. CALLENTINE: Okay. And which part of  
19 the application, I'm sorry, do you want me to refer to?

20 COMMISSIONER KAPU: That it was mandatory  
21 for them to do an SMA, required.

22 MS. CALLENTINE: The approval for 2006, it's  
23 in here. I am sorry.

24 MR. SOLAMILLO: My purpose in bringing up  
25 the September application is that should the Commission



1 move to restate the motion that had been made earlier to  
2 defer to another meeting day, that should not be  
3 construed as impacting the event if, in fact, the  
4 application last year came in in September.

5 MS. CALLENTINE: So, the application for  
6 2006, it's showing that we have this routing sheet. And  
7 this one is showing that it was received on  
8 September 14th -- or rather it was assigned on  
9 September 14th.

10 COMMISSIONER KAPU: So, is that telling me  
11 that that's why the 14 days? Was it back then or --

12 MS. CALLENTINE: No, the 14 days had to do  
13 with the temporary nature of the event. The 14 days was  
14 just that the event is less than 14 days in length.

15 MR. SOLAMILLO: So, therefore, not  
16 permanent.

17 COMMISSIONER KAPU: Okay. But does the  
18 permit -- the application also say on top that they had  
19 to do an EA, an environmental assessment, no?

20 MR. SOLAMILLO: Because it was an exempt  
21 class.

22 MS. CALLENTINE: In their special management  
23 area assessment application, they would address that.  
24 And for this year, there are two -- there are two things  
25 that are checked with the compliance with Chapter 343 of

1 the Hawaii Revised Statutes.

2           The first one -- the first question that's  
3 asked is does the proposed action involve one or more of  
4 the following? Check all that apply. In this case, the  
5 only item that's checked is use of historic site or  
6 district.

7           Then if you get a yes answer to that  
8 question, you say does the proposed action qualify for  
9 one or more of the following exemption classes. And  
10 many times, and this is no exception, when people submit  
11 these applications, they don't know exactly what to do  
12 with it. They don't know -- they don't know which one  
13 of these exemptions, if any, they would qualify for.

14           And I am talking about any kind of  
15 applicant. Someone who wants to build a new  
16 single-family home or anything, they still have to fill  
17 this out, and they don't always understand it. In this  
18 case, the applicant wrote these do not appear to apply  
19 to the proposed action.

20           Now, just because the applicant states that,  
21 that doesn't mean the Planning Department doesn't then  
22 go ahead and do the assessment. We still do an  
23 assessment, and we determine, is this particular  
24 proposal exempt from doing an environmental -- a full  
25 environmental assessment or not.

1           And I although my history is very, very  
2 short here, I don't -- I have done quite a number of  
3 the -- reviewed quite a number of the annual events in  
4 Lahaina, and I haven't seen one yet that wasn't exempt.  
5 I can say that.

6           COMMISSIONER KAPU: Okay. So, with that,  
7 basically, we are getting shortchanged here or what as a  
8 Commission? I mean, I like to know whether or not we  
9 doing our fiduciary duties complying to law.

10          MR. SOLAMILLO: If I can address that.  
11 Events such as this are temporary. They are classed as  
12 parades. No one, up to this point -- or probably up to  
13 last year when complaints started being received, no one  
14 was taking this as having a long-term effect.

15          The long-term effect issues have been  
16 brought up today at hearing. And no one has moved to  
17 look at it. How do we actually evaluate the long-term  
18 effect of something that has been here for 20 some  
19 years, that is now accepted, but because of the nature  
20 of travel these days now has a worldwide audience and a  
21 group of participants that fly in from all over the  
22 world to this event.

23          And maybe it forces us, at this point, to  
24 reevaluate whether we should not view it and assess it  
25 differently as having some kind of impact, but that

1 decision hasn't been made yet.

2 COMMISSIONER KAPU: Okay.

3 CHAIRPERSON KALALAU: Kalei.

4 COMMISSIONER MOIKEHA: Well, seeing what

5 Stan has said earlier about 2006, September, if we are

6 not going to make any other decisions, defer, a

7 suggestion. If not, then we should move on it.

8 But last year -- because I am trying to

9 consider the marketing, whole process. People are

10 aware. They want to start. You know, this thing has

11 been marketed -- I mean, not the horse's mouth, but word

12 of mouth is far greater even than everything else.

13 But I guess what Stan is saying is that if

14 we do decide to defer, last year they deferred to

15 September. I mean, it was handled in December, so -- I

16 mean, September. I am sorry.

17 COMMISSIONER KAPU: Or in a timely fashion.

18 CHAIRPERSON KALALAU: That's August.

19 COMMISSIONER KAPU: Mr. Chair, I want make

20 sure we clear, yeah. I don't like just all of a sudden

21 make these motions, and all of a sudden it doesn't stand

22 for anything. But then at the same time, the Planning

23 Department already made their recommendations to this,

24 which is adjust.

25 I mean, who we backing here? You know what

1 I mean? You know what I trying to get to? I speaking  
2 for myself basically. Too much already. I think this  
3 item should be deferred to find out more information,  
4 whether or not an EA should be done, and the cultural  
5 impact assessment also should be done, so the kupuna not  
6 inside here grumbling how come these guys is culturally  
7 rude and all these kinds of things.

8 I mean, if it creates a cultural impact,  
9 then that should be addressed. If you are saying the  
10 EA, which last year was exempt, but still triggers --  
11 supposed to trigger one for this year, because it's a  
12 longevity of the impact over a Historic District, then  
13 what kind of legitimacies we get over here?

14 We ain't got nothing. I mean, you  
15 telling -- you asking for something from us, yeah, and  
16 there's -- I can trust there's more history to this than  
17 just asking for us to deny or approve.

18 CHAIRPERSON KALALAU: Any other comments,  
19 Commissioners? We need a motion.

20 COMMISSIONER WHELCHER: I make a motion to  
21 approve the request by LahainaTown Action Committee for  
22 both permits for the Annual Halloween in Lahaina along  
23 Front Street from Baker to Shaw with staff  
24 recommendations.

25 CHAIRPERSON KALALAU: Okay. Do I hear a

1 second? Going once.

2 COMMISSIONER WHELCHER: We failed to get a  
3 second.

4 CHAIRPERSON KALALAU: Do I hear a second?

5 Okay. We failed to get a second. The motion is now  
6 failed.

7 Do we introduce a new motion, anybody?

8 COMMISSIONER WHELCHER: New motion.

9 CHAIRPERSON KALALAU: New motion. Okay.

10 COMMISSIONER WHELCHER: Somebody needs to  
11 make a motion.

12 COMMISSIONER ARTATES: Mr. Chair, I will  
13 entertain a motion as previously said, that we defer  
14 this until the August 2nd meeting.

15 CHAIRPERSON KALALAU: Okay. The motion is  
16 deferring up till the August 2nd meeting. Is there a  
17 second?

18 COMMISSIONER MOIKEHA: I will second.

19 CHAIRPERSON KALALAU: Okay. We have a  
20 second. Short discussion on the motion? It's a defer  
21 motion, and it's been second. You guys want to add  
22 anything or delete anything from the motion? Yes.

23 MS. CALLENTINE: If I could request that if  
24 you are going to vote to defer, that you get clear on  
25 what it is you want to have happen between now and then.

1 What would you like to see?

2 And it seems like what's been talked about  
3 here today is that there needs to be a coming together  
4 of or -- a coming together, that the kupuna need to be  
5 included in the programming if there is going to an  
6 event.

7 So, how could this Commission facilitate  
8 bringing them together to come up with an agreement for  
9 how this event might take place in a way that is  
10 respectful of the host culture. And if that's not your  
11 wishes, then what do you want by August 2nd?

12 COMMISSIONER ARTATES: Well, I think this  
13 body needs to -- not specifically this body, but the  
14 Lahaina Action Town Committee should be able to pull  
15 these organizations together to have a consensus of what  
16 needs to be done.

17 So, I would recommend as a motion to defer  
18 with the option of the Lahaina Action Town Committee  
19 meeting with various organizations prior to the  
20 August 2nd meeting.

21 MS. CALLENTINE: Could you specify the  
22 organizations?

23 COMMISSIONER ARTATES: Such as Na Kupuna O  
24 Maui, the Rotary Club, as well as the Soro --

25 COMMISSIONER WATANABE: Sorooptimist.

1 COMMISSIONER ARTATES: I am sorry. As well  
2 as the Police Department.

3 CHAIRPERSON KALALAU: All those involved  
4 with the application.

5 COMMISSIONER ARTATES: Okay. You made it  
6 clear, all those that are involved with the application.

7 CHAIRPERSON KALALAU: And I believe that  
8 Ke'eaumoku's concern was that if we could have any kind  
9 of information on the SMA process, and I guess the past  
10 impacts and stuff of the town or the Historical  
11 District.

12 MS. CALLENTINE: Mr. Chair, we don't know if  
13 there's going to be documentation for the past impacts  
14 within the Planning Department records. We will see.

15 CHAIRPERSON KALALAU: Okay. Ke'eaumoku.

16 COMMISSIONER KAPU: As a recommendation on  
17 the County's behalf, isn't one supposed to be required?  
18 A whole line item of things basically are required when  
19 you have a special event of such magnitude. Those kind  
20 of things.

21 Whatever is required, the permitted  
22 agencies. I know you have a few over here, yeah, and  
23 all those other, in despite of the SMA all those other  
24 things like impact. Anything that has to do with  
25 impact. The County has that information or those types



1 of information. I would like to see that information  
2 next October.

3 COMMISSIONER WATANABE: August.

4 COMMISSIONER KAPU: August 2nd.

5 CHAIRPERSON KALALAU: Any other  
6 recommendations or conditions? Okay. The motion has  
7 been moved and second. All in favor, raise your right  
8 hand.

9 (Commissioners Kapu, Artates, Marquez,  
10 Watanabe and Moikeha raised their hands.)

11 Five is the quorum. We have enough to pass  
12 this motion, so the motion is passed on deferral.

13 MS. CALLENTINE: Can I ask, is there someone  
14 here from Lahaina Action Committee who can speak to  
15 whether they will agree to coordinate a meeting with all  
16 the interested parties prior to that, any authority?

17 MS. McKELVY: I think I am the only one here  
18 from LahainaTown Action Committee. Joan McKelvey. I  
19 think I am the only person here from LahainaTown Action  
20 Committee. However, the question you asked was if they  
21 would agree?

22 MS. CALLENTINE: It's my understanding that  
23 the Commission would like the Lahaina Action Committee  
24 to pull together a meeting of all the groups that were  
25 listed on the transmittal sheet and in the report, in

1 the staff report, to -- help me with my wording.

2 CHAIRPERSON KALALAU: Mediate the concerns.

3 MS. McKELVY: And approval would be

4 predicated on that, that LAC has to pull together whom?

5 CHAIRPERSON KALALAU: The agencies that

6 testified today, like Na Kupuna O Maui, Hui O Wa'a

7 Kaulua, Lahaina -- Kuleana Ku'ikahi. Yeah, page seven,

8 the community groups, Lahaina Art Society, Lahaina

9 Restoration Foundation.

10 MS. McKELVY: Lahaina Arts Society?

11 CHAIRPERSON KALALAU: Yeah, because they are

12 all organizations that are part of the sponsor or the

13 supporters of this organized activity. That's going to

14 be organizations that are part of the function. I guess

15 because, you know, like Waiola Church, because they are

16 lending their parking space. And I guess Maui

17 Historical Society because of the Banyon Tree and the

18 National Historical District.

19 Lahaina Restoration Foundation, I guess,

20 because of the Banyon Tree and the different parks and

21 areas that will be used, you know, because they are

22 listed all here.

23 MS. McKELVY: Yes, I hear you. I can't

24 speak that they will. That's a tall order. I can only

25 pass it on to them and ask for some way to get back to

1 you as to whether this can be done in this period of  
2 time.

3 MS. CALLENTINE: They can contact the  
4 Planning Department. I will give you my card before we  
5 leave. But I think what I'm looking at from the point  
6 of view of implementation, how can staff evaluate.

7 So, I think we need to understand what it  
8 is -- what product or what agreement, what is it that  
9 you want them to come together and provide you?

10 COMMISSIONER KAPU: Yeah, I think it boils  
11 down to ho'o pono pono basically, yeah. It boils down  
12 pertaining to, I guess, what I got the read out today  
13 was some -- some people are totally offended pertaining  
14 to certain things that have been done in the past.

15 And that's only like the surface kind stuff  
16 we are talking about. I like know more of the  
17 underground kind stuff what's going on. I like these  
18 merchants come out. Hey, I mean, the buck stops here.  
19 How much money you guys making?

20 But that's not -- that's not my job. Ho'o  
21 pono pono for one, yeah, to make right. Try to see if we  
22 can clear up this mess. Maybe can have one Mardi Gras  
23 or one Halloween Festival.

24 MS. CALLENTINE: So, you would like maybe a  
25 ho'o pono pono session and maybe a reporting of what

1 happened at that session?

2           COMMISSIONER KAPU: Well, ho'o pono pono not  
3 just with na kupuna. You got to go to the community to  
4 see what the community -- basically looking at what type  
5 of concerns that are out there.

6           I mean, because every time the merchants in  
7 this town -- basically, it's not our town anymore. It's  
8 not our town anymore. Everybody else running the town.  
9 The cultural component versus the corporations, those  
10 kind of things need to be affixed as pertaining to  
11 how -- if you want these kind of things to go on, how  
12 you accommodate all these elements, especially the  
13 cultural side.

14           I hearing that na kupuna is never asked to  
15 sit at the table. All those other associations or  
16 anybody who was offended is never asked to sit at the  
17 table. So, if you are Lahaina Action Committee, then I  
18 would figure you would be open to all these different  
19 components. That's, I guess, the readout again. Yeah?  
20 Yeah.

21           CHAIRPERSON KALALAU: Okay. Actually,  
22 actually, what we are looking for here is like  
23 Ke'eaumoku was saying, is you can pono pono on this  
24 thing, and when you guys come before us on August 2nd, I  
25 guess, we will have more information, too. And

1 hopefully that the organizations and the people of  
2 Lahaina can, you know, look into this thing with, I  
3 guess, more understanding and stuff.

4           You know, I feel kind of odd to come into  
5 Lahaina and tell you guys what you guys need to do, how  
6 you guys need to do things. I strongly believe that you  
7 guys are intelligent enough to work you guys -- you  
8 know, who is up and come out with decisions that are  
9 going to compromise, or that's going to be fair for  
10 everybody here.

11           And this is important, because this is the  
12 first time I think we ever had a meeting that really  
13 discussed these things to length and some of the issues  
14 that was brought out. You know, it's the Halloween  
15 parade that's been going on like almost 24 years. So,  
16 it is real important that, you know, we all look at this  
17 picture, you know, as a bigger picture that's going  
18 to -- you know, I don't like say benefit the people of  
19 this community, but it should be beneficial for  
20 everybody in this community, in the entire County of  
21 Maui that you guys are doing things that can work out.

22           So, that is why I believe this Commission is  
23 deferring this meeting and trying to get more  
24 information, so that not this Commission needs to be  
25 making that decision for this community, but this

1 community needs to make that decision for this  
2 community.

3 And that is why we would like to have all,  
4 you know, the different organizations, if you guys can  
5 get them together and sit down and really look at the  
6 issues, because it's going to be long term.

7 So, right now, the motion is on the table  
8 for deferral, and we are asking the Lahaina community  
9 and Lahaina Town Action to try hold that meeting and  
10 work out some of the hard feelings between each other.

11 And then as the Commissioners, we are asking  
12 the County Planning Department to see if we can get some  
13 of the information that Ke'eaumoku is asking for, and  
14 that's for this Commission to -- you know, like Lee was  
15 saying, too, we cannot sit down with each other and  
16 discussion community issues.

17 You know, we only can discuss them when we  
18 come here before the public because of the Sunshine Law.  
19 That is why we cannot conduct meetings on the golf  
20 course or surfing. You know, it has to be here in front  
21 of the public.

22 And it's really hard for us to come here and  
23 tell you guys, you know, what you guys need to have or  
24 what you guys need to do, because it's -- you know, we  
25 all live here on this island, but you guys live here.

1 So, I would hope that in August 2nd, that we can come to  
2 a good conclusion.

3 MS. McKELVY: Would you come over to this  
4 side?

5 COMMISSIONER KAPU: In a better facility or  
6 a bigger one.

7 MS. McKELVY: Well, we will organize it if  
8 you do.

9 CHAIRPERSON KALALAU: A facility?

10 MS. McKELVY: A facility, yes.

11 CHAIRPERSON KALALAU: But I believe we are  
12 scheduled for Molokai, yeah? I am just joking.

13 MS. McKELVEY: If you will come over to this  
14 side, we will organize the facility for you that is a  
15 better venue than this. I'd like to say we would take  
16 you to lunch, but I don't think I'd get approval for  
17 that.

18 CHAIRPERSON KALALAU: Okay.

19 MR. SOLAMILLO: You voted, correct? Next  
20 case. You have got one more case on the agenda.

21 MS. McKELVEY: It will be very difficult for  
22 members of this community to go to the other side. You  
23 saw how many had to leave today. I'm the only one left,  
24 and I shouldn't be here either.

25 But to go to the other side is really very

1 difficult for business people to have their business and  
2 their other commitments. If you could do it on this  
3 side, it would be -- believe me, you will get a full  
4 attendance.

5 CHAIRPERSON KALALAU: We have to vote on  
6 this motion.

7 COMMISSIONER MOIKEHA: We did already.

8 COMMISSIONER WATANABE: Should we make a  
9 motion?

10 MS. McKELVEY: It is an issue that is  
11 important to the entire community here.

12 MR. SOLAMILLO: Would you like to return to  
13 Lahaina on the August 2nd meeting?

14 COMMISSIONER WATANABE: Do I have to make a  
15 motion?

16 CHAIRPERSON KALALAU: Yeah, we are  
17 discussing that now, whether we need to make a motion.

18 PLANNING DIRECTOR HUNT: I don't think you  
19 need to form a motion.

20 COMMISSIONER MARQUEZ: Is the Commission  
21 allowed to meet in facilities other than non-government?  
22 I mean, can we meet anywhere or does it have to be like  
23 a County facility or State facility?

24 PLANNING DIRECTOR HUNT: Ideally we like to  
25 meet in nonprofit locations so there is no appearance of



1 impropriety or favoritism.

2 CHAIRPERSON KALALAU: We had a meeting down  
3 here at the Waiola --

4 MS. McKELVEY: Meeting Hall.

5 CHAIRPERSON KALALAU: -- Meeting Hall, yeah.

6 MS. McKELVEY: Which is large enough and  
7 central enough. We could do that or we could go to the  
8 Civic Center, your choice.

9 CHAIRPERSON KALALAU: The problem we are  
10 having is a lot of the staff people that holds this  
11 meetings, they got other meetings at different islands  
12 and different places in Maui County. So, we need to --

13 COMMISSIONER WATANABE: We don't need a  
14 motion.

15 MR. SOLAMILLO: Susie does the booking, so  
16 she's probably most familiar with how fast she can get a  
17 place or if she can get a place at all.

18 COMMISSIONER KAPU: Okay. I just want to  
19 share my input and basically put on the record that it  
20 should be important to make sure that the next CRC  
21 meeting is held here in Lahaina, because, you know,  
22 especially the participants that showed up today was  
23 kind of huge, and we don't get excited that often when  
24 we down in the County building.

25 CHAIRPERSON KALALAU: Okay. Commissioners.

1 PLANNING DIRECTOR HUNT: So, Chair, if  
2 that's the consensus of the Commission, we will work on  
3 finding a location on August 2nd. Unless there's any  
4 objections, we will pursue that.

5 CHAIRPERSON KALALAU: Okay. Very good.  
6 Thank you. Okay. Stan, next item.

7 MR. SOLAMILLO: Next item on the agenda,  
8 Mr. Evan Asato, on behalf of Mr. Lorena Gomez-Taketa  
9 requesting advisory review and comments on a proposed  
10 single-family infill house located at 188 Prison Street,  
11 in the National Historic District, TMK (2)4-6-007:032,  
12 Lahaina Maui.

13 The CRC will review the plans and provide  
14 comments and recommendations on the proposed design.  
15 Public testimony will be accepted.

16 CHAIRPERSON KALALAU: Thank you, Stan.

17 MR. SOLAMILLO: Before we begin, I want to  
18 offer an apologize to the applicant, Ms. Taketa-Gomez  
19 and to her architect.

20 And we have to be out of here by 5:00 is the  
21 message that I just got, so -- I am going to roll  
22 through this pretty quickly.

23 Okay. The site is the yellow parcel marked  
24 with the white arrow located within the NHL, National  
25 Historic Landmark District, but outside the Historic

1 Districts Nos. 1 and 2.

2           It's located across from the prison on the  
3 same street. Because it was located outside of the  
4 Historic Districts Nos. 1 and 2, the Department deferred  
5 review initially to the National Park Service. The  
6 National Park Service reviewed the project and  
7 transmitted its comments back to the Department, which  
8 forwarded those comments to the applicant.

9           NPS indicated that the design, at the time,  
10 was not compatible with the historic character of the  
11 district and should be revised to be more sensitive to  
12 the historic character of the district in terms of  
13 scale, massing, and architectural character.

14           Because of this location, directly across  
15 from the prison, which is operated by Lahaina  
16 Restoration Foundation, it made it an important site  
17 right at the corner. But additional research also  
18 showed that this site, the parcel on which the infill  
19 house is to be built, was located on a parcel that was  
20 the original house lot of Hawaiian historian David Malo,  
21 who lived between the years 1793 and 1853.

22           Based upon those facts, in order to  
23 facilitate what had become an impasse, in order to  
24 facilitate a resolution on outstanding issues, Dorothy  
25 Pyle, on behalf of Cultural Resource Commission, asked

1 that this case be brought before the Commission.

2 We have deferred this several times. And  
3 finally, in an attempt to resolve outstanding issues,  
4 the applicant met with the Director, Jeff Hunt, myself,  
5 on behalf of the Planning Department, to try and achieve  
6 some resolution of the impasse.

7 David Malo's home site is rather famous, and  
8 it even appears on the New York Times Walking Tour of  
9 Lahaina in conjunction with the Prison. Excuse me.

10 So, this is kind of one of those things,  
11 such as the last case we were dealing with, where we  
12 have this other thing going on in the internet where  
13 information about Lahaina is being transmitted all over  
14 the world to persons unknown. And because of that, the  
15 sensitivity of this particular site and the design of  
16 the house going on the site became such an issue.

17 This was the original design that was  
18 brought forward by the architect, and it was a two-story  
19 dwelling with -- in this case, it was a garage and  
20 lanais on the second floor. And if you look at the  
21 footprints on the parcel at the lower right-hand side of  
22 the drawing, it was very close to the lot lines. In  
23 fact, I believe they maximized out their buildable area.

24 Because the Park Service had made the  
25 comments, and I will repeat them for you, that this

1 house, in this design form, was not compatible with the  
2 historic character of the district or out of scale in  
3 terms of height and floor area with the adjacent fabric  
4 of the district and recommended that the design should  
5 be revised to be more sensitive with the historic  
6 character of the district in terms of, A, scale, B,  
7 massing, and, C, architectural character.

8           The architect agreed and resubmitted this  
9 design, which is much more reduced as far as buildable  
10 area, as far as footprint, certain things such as  
11 rounded palladium windows, which were more Colonial in  
12 their appearance have been deleted. And it's got  
13 something which appears to blend more with the houses  
14 that have been built within the district on this side of  
15 the prison.

16           Similarly, on his original design for the  
17 rear and a side elevation, we asked the architect to  
18 revise it, and the architect did so resubmitting this  
19 design. Both of these elevations will not be visible  
20 from the public right-of-way. The most important ones  
21 are the ones that are, and those are the ones that we  
22 are concerned with the most.

23           This was the original plan. Following his  
24 meeting with the Planning Department, he deleted this  
25 amount of square footage, which is the building of a

1 garage, on the second floor, I believe, at this section  
2 of the building.

3           Apparently, our revised elevations that are  
4 visible from the public right-of-way are the one above,  
5 which is the front -- actually, they are both fronts. I  
6 guess they both have street frontage.

7           At this point, we will listen to the  
8 applicant, and he will address the Commission if there  
9 are any further questions.

10           CHAIRPERSON KALALAU: Okay. Thank you,  
11 Stan. Applicant.

12           MR. ASATO: Good afternoon, Commission  
13 members and Planning Department officials. My name is  
14 Evan Asato, and I did this work for Ms. Lorena  
15 Gomez-Taketa, who is sitting right next to me on my  
16 left.

17           Initially, we proceeded with the project  
18 design without any knowledge that the parcel was once  
19 the property of David Malo. We did know that it was a  
20 parcel that was not located in the Lahaina Districts 1  
21 or 2, that it was an SMA district and located in the  
22 Lahaina National Historic Landmark.

23           I perused the Maui County Codes and did not  
24 find any information instructing with procedures with  
25 designing or the planning of any dwelling on any parcel

1 that was located in the National -- Lahaina National  
2 Historic Landmark.

3           So, I -- with the information that I knew of  
4 in the Maui County Codes that pertained to zoning,  
5 particularly zoning issues, we proceeded with the  
6 project and came up with the first original drawings  
7 that were depicted by the exterior elevation drawings  
8 that were shown just before, the one that you are  
9 looking at on the screen.

10           As Stan had mentioned, we did -- it became  
11 an issue as to -- with the -- with Lorena here as to who  
12 had the jurisdiction and where was it stated that the  
13 National Park Service would get -- would be involved in  
14 the design process. Because there was -- there is no  
15 mention of it in the Maui County Codes.

16           But anyway, at any rate, about a month ago,  
17 during our meeting, as Stan had stated, with Mr. Hunt,  
18 Ms. Gomez-Taketa and myself, Stan gave us -- had  
19 informed us that it was -- the property, the subject  
20 property was actually property that was owned by David  
21 Malo. So, the game -- the ballgame changed there. So,  
22 we are here before the CRC to obtain your comments and  
23 reviews in order that Ms. Gomez-Taketa may proceed with  
24 her project.

25           Initially, the items, in my opinion, that

1 would have been of concern to me, and, obviously, to  
2 anyone evaluating the design compliance to the  
3 architecture style found in the Lahaina Historic  
4 District, would be the porch columns were originally  
5 specified as being Italian Tuscan columns. So, that is  
6 a very Colonial architectural embellishment.

7           The second -- I will refer to it as the  
8 second issue of preliminary design plans, where we're  
9 replacing the Tuscan columns with six-by-six decorated  
10 posts, lintel end posts that will be decorated similar  
11 to those posts that are located at the Pioneer Inn.

12           The posts at the Pioneer Inn are very  
13 ornate, but we are going to try our best to come as  
14 close as possible to replicating those veranda posts  
15 that are located in part of the Pioneer Hotel. Is it an  
16 Inn or a hotel? Pioneer Hotel.

17           MR. SOLAMILLO: Inn, Inn, Inn.

18           CHAIRPERSON KALALAU: Inn.

19           MR. ASATO: Okay. Pioneer Inn. Half round  
20 oval transoms over some of the windows were of concern  
21 to Stan, and most likely such was the same with  
22 Ms. Tuteman, who was the National Park Service  
23 representative that had responded to Stanley's  
24 correspondence.

25           Those have been deleted out. We have



1 downsized the house. Ms. Gomez-Taketa has gave up her  
2 garage. She's going to have to, on rainy days, carry a  
3 big umbrella, I suppose. But she's willing to comply  
4 with that requirement, if any.

5           Originally, there were hexagon gable vents  
6 that have been replaced by rectangular gable vents. The  
7 siding is being specified originally and with the  
8 present drawings being horizontal lap siding. The  
9 roofing material will be asphalt shingles.

10           Those are basically the items that were in  
11 light of being way out of line with the architectural  
12 style and character that is being required for projects  
13 located in historic -- the Historic Districts 1 and 2.

14           The setbacks are being met, residential R-2  
15 setbacks. This property is zoned R-2. As far as I  
16 know, the first dwelling on a residential property  
17 located in SMA is exempt as being labeled as a  
18 development.

19           The height, we are close on the height.  
20 It's 28 -- it scaled out to be 28 feet on 24 -- a scale  
21 of four inch to a foot. I cannot see the property being  
22 backfilled two feet. That's going to put the house at  
23 least about half a foot higher than need be, which would  
24 create drainage problems.

25           At the very most, I can see a foot and a

1 half. So, that will be -- that would put the proposed  
2 project building height under 30 feet. In any rate, we  
3 are going to keep it below 30 feet, which is the  
4 distance measured from the existing grade and not the  
5 fill grade. The existing grade is about a foot and a  
6 half below the proposed finished floor elevation at the  
7 first floor.

8 This project plans has gone through the  
9 County permitting system. It has obtained engineering  
10 approval, building examiner's approval, water develop  
11 approval, the lower level Planning Department approval.

12 So, we are, at this point going to -- we  
13 will comply with -- try to come close to compliance with  
14 the comments made by the National Park Service people.

15 CHAIRPERSON KALALAU: Okay. Kalei, you have  
16 got a question.

17 COMMISSIONER MOIKEHA: Actually, I have a  
18 question for -- is it Ms. Taketa-Gomez? Are you happy  
19 with the redesign?

20 MS. GOMEZ-TAKETA: Yeah, I never intend to  
21 make something against what the code said --

22 COMMISSIONER MOIKEHA: Okay.

23 MS. GOMEZ-TAKETA: -- or what the Cultural  
24 Resources said. But the thing that when we went to  
25 research for information about how to build the house,

1 they give us the wrong information.

2 COMMISSIONER MOIKEHA: Right, right.

3 MS. GOMEZ-TAKETA: Then what we did was  
4 against what they want. We wanted to comply with the  
5 code --

6 COMMISSIONER MOIKEHA: Okay.

7 MS. GOMEZ-TAKETA: -- but they give us  
8 totally bad information. And we wait like two years  
9 already for this come out.

10 COMMISSIONER MOIKEHA: Okay.

11 MS. GOMEZ-TAKETA: And like I told them  
12 before, I don't want it to go against. I just want it  
13 to comply. But, come on. We living in a very bad  
14 situation, and I don't see anything going fast.

15 COMMISSIONER MOIKEHA: Okay. Good.

16 CHAIRPERSON KALALAU: Anyone else? Any  
17 questions? Okay. Staff comments. No comments from  
18 staff.

19 MR. SOLAMILLO: I am sorry. The Planning  
20 Department recommendation is to approve the design as  
21 submitted and presented to you today.

22 CHAIRPERSON KALALAU: Okay. Commissioners,  
23 we need a motion.

24 COMMISSIONER MOIKEHA: I'd like to make a  
25 motion that we accept the recommendation of the Planning

1 Department to approve the revised design.

2 CHAIRPERSON KALALAU: Do I hear a second?

3 COMMISSIONER MARQUEZ: Second.

4 CHAIRPERSON KALALAU: Okay. It's been moved

5 and second. Discussion.

6 I think that was really good on the

7 applicant to, you know, do what they believed was right

8 I like the design, too. It's nice.

9 MR. ASATO: It looks good, yes.

10 CHAIRPERSON KALALAU: Okay. All in favor

11 say aye.

12 (Chorus of ayes.)

13 All opposed.

14 (Silence.)

15 The motion is carried. Okay. Good luck.

16 MR. ASATO: Great. Thank you. Thank you

17 very much. Big mahalo.

18 COMMISSIONER WATANABE: Thanks for waiting.

19 MR. ASATO: We needed it. Our lives have

20 been hurry, hurry, hurry. Today, slow down. It was

21 good all the way around. Thank you.

22 MS. GOMEZ-TAKETA: Thank you.

23 MR. SOLAMILLO: Okay. Before everyone goes,

24 I am going to read through the roster of remaining

25 items. Under demolition permits, there were none.

1 Under communications, there were none. Under unfinished  
2 business and new business, there were none. Under  
3 signed enforcement program Lahaina Historic District,  
4 there were none.

5 Banyon Tree Park, which was requested by  
6 this Commission to be a standard agenda item is now on  
7 the agenda from hence forward. Under director's report,  
8 our August 2 CRC meeting agenda has two items on it that  
9 have been deferred from this meeting.

10 Are there any other agenda items which you  
11 would like?

12 COMMISSIONER KAPU: Yeah, I got one  
13 question. And I don't know. I think da kine. We  
14 was -- there was a meeting over here. Whatever happened  
15 to the agenda item pertaining to the courthouse, Lahaina  
16 Courthouse?

17 MR. SOLAMILLO: I will have to research it,  
18 and if I can, I will bring it back to you.

19 COMMISSIONER KAPU: Okay. Thank you.

20 MR. SOLAMILLO: All right. Any others?  
21 Okay. Under administrative permit reports, there are  
22 none coming to you today. Under demolition permit,  
23 Historic District approvals, none are coming forward.  
24 Obviously, we will defer Maui County policy plan under  
25 I(4) to the next meeting. You now have an opportunity

1 to make Commissioners' announcements.

2 CHAIRPERSON KALALAU: I just want to thank  
3 staff for being here and Jeff especially. This was one  
4 very important meeting, and hopefully we will give the  
5 people of Lahaina another opportunity, in August 2nd,  
6 that they can work the things out, whether it's for  
7 approval or denial, whatever.

8 But anyway, I just want to thank Jeff and  
9 your staff for being here.

10 Any Commissioners have anything to say? I  
11 got a packet here, and I think earlier in one of our  
12 meetings the National Preservation Conference is going  
13 to be held this year at St. Paul, Minnesota. It's in  
14 October. So, just letting members of this Commission  
15 know. That's about it, Stan. You got anything else?

16 MR. SOLAMILLO: That's it.

17 CHAIRPERSON KALALAU: Okay. Let's have a  
18 motion, and we can adjourn this meeting.

19 COMMISSIONER WATANABE: I move that we  
20 adjourn this meeting.

21 COMMISSIONER MOIKEHA: I second.

22 CHAIRPERSON KALALAU: Okay. Moved and  
23 second. This meeting is now adjourned.

24 (Adjourned 5:02 p.m.)

25

## 1 CERTIFICATION

2 I, KATHERINE EISMANN, CSR 439 in and for the  
State of Hawaii, do hereby certify:

3

4 That the proceedings were taken by me in  
machine shorthand and were thereafter reduced to print  
5 under my supervision by means of computer-assisted  
transcription; that the foregoing represents, to the  
6 best of my ability, a true and correct transcript of the  
proceedings had in the foregoing matter.

7

I further certify that I am not an attorney  
8 for any of the parties hereto, nor in any way interested  
in the outcome of the cause named in the caption.

9

10 Dated this 21st day of July 2007.

11

12

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Katherine Eismann, CSR 439

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