

PARKS AND AGRICULTURE COMMITTEE

Council of the County of Maui

MINUTES

July 7, 2003

Lanai High and Elementary School Cafeteria

CONVENE: 7:02 p.m.

PRESENT: Councilmember Robert Carroll, Vice-Chair
Councilmember Michael J. Molina, Member
Councilmember Joseph Pontanilla, Member
Councilmember Charmaine Tavares, Member

PRESENT: Councilmember Danny A. Mateo, Non-member
Councilmember G. Riki Hokama, Non-member
Councilmember Dain P. Kane, Non-member
Councilmember Wayne K. Nishiki, Non-member

ABSENT: None

EXCUSED: Councilmember Jo Anne Johnson, Chair

STAFF: Tamara R. Koller, Legislative Analyst
Shannon S. Alueta, Legislative Analyst
David M. Raatz, Legislative Attorney
Clarita L. Balala, Committee Secretary

ADMIN.: John Buck, Deputy Director, Department of Parks and Recreation
Milton Arakawa, Deputy Director, Department of Public Works and
Environmental Management
Neal Bal, Deputy Chief, Department of Fire and Public Safety
Robyn Loudermilk, Planner, Department of Planning
Brian T. Moto, Corporation Counsel, Department of the Corporation
Counsel

OTHERS: Ron Macomber
Pat Riley
Kay Okamoto, Realtor
Willie Kennison, ILWU
Bill Kamai, Carpenters Union
B. Martin Luna, Esq., Carlsmith Ball, LLP
Ralph Masuda, Castle & Cooke Resorts, LLC

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Steve Bumbar, Executive Vice President of Planning and
Development, Lanai Company
Michael Munekiyo, Munekiyo & Hiraga Inc.
Additional attendees (10)

PRESS: None

VICE-CHAIR CARROLL: . . . (*gavel*) . . . Parks and Agriculture Committee meeting will come to order. I'd like to welcome everyone. We have with us today members of the Committee, Michael Molina, Joseph Pontanilla and Charmaine Tavares. Our Chair, Jo Anne Johnson is excused. She's on the mainland and as Vice-Chair, I'll be conducting the meeting today. For Corporation Counsel, today we have with us Brian Moto. The Administration, we have Milton Arakawa, Deputy Director of Public Works and Environmental Management and John Buck, Deputy Director of Parks and Recreation. Council staff, Tamara Koller, David Ratz, Carla Bala (sic), Shannon Alueta and Yvonne Bantilan (sic). Resource personnel, we have Gerrit Cormany, Ralph Masuda from Castle & Cooke Resorts and Martin Luna from Carlsmith and Ball and Glenn Takada (sic) from Munekiyo & Hiraga.

We're going to start off right away with public testimony. If anyone has not signed up that wishes to give public testimony, please come over here and sign up. Do we have anybody that is signed up? Alright. Ron since you're going to speak, why don't you speak, then you can fill out the paper. Go ahead, then you can fill out the paper afterwards. You know the drill with the time, three minutes with a minute to conclude.

**ITEM NO. 10: RESOLUTION ACCEPTING DEDICATION OF LAND IN LANAI
FROM CASTLE & COOKE RESORTS, LLC**

. . . BEGIN PUBLIC TESTIMONY . . .

MR. MACOMBER: Good evening. Welcome to Lanai. My name is Ron Macomber. I'm I would say a 33-year resident but I'm a little older than that. I was on the site visit earlier this morning when we first started, when everybody was nice and fresh. And my only comment is I'll put back on record that I made over there is it's a very, very busy intersection and we need to watch that intersection. The keiki that will be coming from Lalakoa III and other areas gotta cross a pretty busy street and it's a concern. The other concern is and I talked with the Public Works, I mean not the Public Works, but the new gentleman that's in charge of . . . what is it . . . Parks and Recreation . . . John, about my concern about the O-Bon dance set up which is partially set up already 'cause we have that series coming up, to keep the price down as much as you can for those folks. Most of

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them are on limited income. And they do a pretty good job of taking their own equipment down and putting their own equipment up in that area. You saw part of their equipment up earlier and it's a cultural event we need for Lanai. And we all look forward to it – to the fresh sushi and all the stuff that's made that night. So if you would take that into consideration. If you do take that parcel of land, and I hope that Parks and Recreation then will have some leeway to maybe defer the prices for those folks that using that section. Thank you.

VICE-CHAIR CARROLL: Thank you. Any questions, members? Thank you, Ron. Is anyone else signed up to give testimony? Last chance. Hearing none. Public testimony is closed.

...END OF PUBLIC TESTIMONY...

VICE-CHAIR CARROLL: By way of background for the members of the public, earlier today at 11:00 a.m., the Committee held a site inspection to view the parcel designated as a portion of Lot 1170, Subdivision File No. 6.133, TMK: (2) 4-9-014:portions of 013 and 017, consisting of approximately 2.843 acres. Committee will ask for now the Administration, if Mr. Arakawa could . . . is Mr. Arakawa, yes, if you would care to come forward and give a short overview to the Committee and afterwards we will ask John Buck to come forward.

MR. ARAKAWA: Thank you, Mr. Chairman. Actually the property that the Committee is being asked to consider at this point is being done in response to the subdivision that's being done in Lanai City as part of the Lanai City Project. And as far as the park plan itself, I defer to Parks. I really don't have any comments per se on the dedication of park parcel per se.

VICE-CHAIR CARROLL: Thank you. Any questions for Milton?

COUNCILMEMBER TAVARES: Yeah.

VICE-CHAIR CARROLL: Ms. Tavares.

COUNCILMEMBER TAVARES: Hi, thank you. Would you know about the possibility of moving some of the easements, like especially the electrical. 'Cause when we were there somebody, you know, we talked about the poles being in a sort of in the middle or whatever and you had talked about or somebody had mentioned that there were easements. Can we get those easements moved so that the poles are not running through the middle of the park space? What would it take to get them moved, I guess.

MR. ARAKAWA: Well, the poles, if those are like Maui Electric, I'm not sure if Maui Electric or the telephone company would have to work with them as far as getting

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a new location for the poles or working out something with them, you know, on relocating it. It's not impossible. It's something that, you know, could be done.

COUNCILMEMBER TAVARES: Okay. Thank you.

VICE-CHAIR CARROLL: Any further questions?

COUNCILMEMBER TAVARES: Yeah, one more. I'm sorry. The concern about the traffic and the children crossing the street that what seems to be a busy street. When this plan comes up for approval . . . oh, if this is approved and there's a park plan, it will pass through your Department for comments. Would you do, at that time, make any comments regarding the intersections or the safe traversing of the County park? I guess Fraser is a County avenue . . . uh, street, but the other one is a State one. So we would have to reline or are they both County at that point?

MR. ARAKAWA: Kaunalapau, I believe, Kaunalapau right at the Fraser intersection up to Lanai is County.

COUNCILMEMBER TAVARES: Is County.

MR. ARAKAWA: But as you go towards the airport area, Kaunalapau is State. I'm not sure exactly where the dividing line is but it's certainly right around there.

COUNCILMEMBER TAVARES: Okay, but either way we have to work with whoever has the jurisdiction over those highways.

MR. ARAKAWA: But we'd certainly be interested in reviewing the plans. You know what, if something comes in from the Parks Department as far as specific development plans, we can certainly take a look at the safety aspects.

COUNCILMEMBER TAVARES: Uh-huh. Okay. Thank you.

VICE-CHAIR CARROLL: Thank you. Anyone else have any questions?

COUNCILMEMBER HOKAMA: If we accept the park, the easements come with the park, can we accept it without the easements?

MR. ARAKAWA: I'm not certain. Maybe Mr. Buck might know a bit more about it.

COUNCILMEMBER HOKAMA: Okay. Mr. Buck tell us whether it's advantageous for us to take it the way it is and then consider what Ms. Tavares said . . . relocate those idiot poles somewhere else.

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MR. BUCK: I wouldn't accept it the way it is right now. I would be sure that the easements are moved. My concern is even if you just didn't have any activities, maybe just like a playground or stuff, then I would still have concerns about our poles being up at the top of the park. So right now I would say, unless there were some changes in the easements and addressing some concerns for the safety of the public, I wouldn't accept it.

COUNCILMEMBER HOKAMA: Your Department's intention is to maintain it in a passive category. Would that be an appropriate assumption for the Council Members?

MR. BUCK: For the amount of recreation probably yes. It probably wouldn't be big enough to do ball fields or that type of activity. It would be passive -- probably have an open field. For example, if they wanted to do cultural events over there, but maybe then put in some picnic tables and maybe a small playground or something. But, yeah, it's a good location for as far as having something on that side of the city. But the way it sits now, I don't think we're ready to accept it. The only thing I've got, you know, about the maintenance if we do take it over, then we would probably have to look into probably adding at least one half-time person to help maintain the park right now.

COUNCILMEMBER HOKAMA: I understand that part, John. This park was supposed to have been donated when Lalakoa III was built. That was the original plan. I think there's some people around that would still be aware. But now it's before us to satisfy the 201G requirement. Is that correct? Is that what is presented to your Department? To satisfy . . .

MR. BUCK: Yeah. My only concern is with Hongwanji and some of those groups over there been using it. There's concerns about no or little fees for the Hongwanji not to use the facility. We don't make that determination. We just based on what is, you know, in the ordinance as far as what we charge for different organizations to use the facility. However, there has been times in the past where there'll be a stipulation in an ordinance for fees or whatever pertaining to the park or something. So if there was something that, if it was a cultural event or something, then there would be no charge for a particular group if the County was going to sponsor it. But that would be determination from the County Council, not from us.

COUNCILMEMBER HOKAMA: Okay, thank you, John. Thank you, Mr. Buck.

MR. BUCK: Is that it?

VICE-CHAIR CARROLL: Thank you. Are there any further questions for either Mr. Arakawa or Mr. Buck?

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MR. MOTO: Uh, excuse . . .

VICE-CHAIR CARROLL: Mr. Moto.

MR. MOTO: Excuse me, Mr. Chairman. Thank you very much. If I may raise a question and I think perhaps Castle & Cooke would have to answer this one. Mr. Chairman, I just want to call your attention to a slight technical issue regarding the drafting of the resolution. The draft resolution on your Committee's agenda today in its opening paragraph says "Whereas Castle & Cooke, LLC owns a parcel of land designated as a portion of Lot 1170" . . . a portion of Lot 1170. And then it goes on to say that the County accepts on page 2, "That it hereby accepts Lot 1170". It doesn't say portion of Lot 1170. And then when you take a look at the property description which is an Exhibit "A" to Exhibit "1", it's an Exhibit "A" to the warranty deed, the title description, what's described there is Lot 1170, area 2.843 acres. So Mr. Chairman, I'd recommend that the Committee get clarification as to whether what's being accepted or what's being proposed to be accepted by the County of Maui is all of Lot 1170 as described in the Land Court or is it just a portion of Lot 1170.

VICE-CHAIR CARROLL: Thank you. Perhaps Mr. Cormany or Mr. Masuda could enlighten us.

MR. MASUDA: Chair Carroll and Members of the Parks Committee, that is something that it would be a portion of Lot 1170, from what I can determine here. What happened was it was a part of a larger lot which was the lot that we have our central services on and now we have a separate lot for the Fire Station. When the Fire Station was cut out, what we had to do was we had to consolidate the old Police Station lot with the park lot and create this new subdivision of 2.843 acre lot. So in the description here, it makes mention of 2.843 under Exhibit "A". I think the problem . . . I can ask the maker of the warranty deed here.

MR. LUNA: What's the question?

MR. MASUDA: The question is . . . if I can restate the question. I think the question was whether Lot 1170 was a portion of or is it just a parcel in itself, right? . . . *(short pause)* . . .

VICE-CHAIR CARROLL: Alright, while they're going over that, do the Members have any other questions that they'd like to bring forward? . . . *(short pause)* . . . You know, if this is a matter of determining these boundaries and the two lots, perhaps if the Committee has no objection, we can have the staff along with the company work on that and come up with the proper boundaries before tomorrow's meeting. If there's no objection from the Members?

COUNCILMEMBER TAVARES: No objections.

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VICE-CHAIR CARROLL: And at the same time, the other correction that Mr. Moto had, to incorporate that. Alright, Mr. Moto, as long as it's done by tomorrow and then at the meeting we'll have the corrected version in writing. Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. For the Parks Members, since I do not officially sit on this Committee, we say this and because we're on Lanai, I want you to be aware of that the company already owes this community another 11 acres for Koele Project District that we haven't gotten either. So I would hope that this Committee would send a letter asking where is that 11-acre park from the Koele Project District.

VICE-CHAIR CARROLL: The Committee will draft the letter. Alright, Members, any other questions for any of the members or any of the Council Members? If not, if there's no other discussion, the Chair is not recommending action to be taken on the revised resolution today, but rather recommends deferring the item. We have a Council meeting tomorrow at which time we have a communication regarding taking action on this item at the Council meeting and we will have the corrections we've just discussed at that time. No objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER pending further discussion.

VICE-CHAIR CARROLL: Is there anything further? If not, this meeting is adjourned.
... (gavel) ...

ADJOURN: 7:20 p.m.

APPROVED:



ROBERT CARROLL, Vice-Chair
Parks and Agriculture Committee

pa:min:030707

Transcribed by: Clarita L. Balala