

GENERAL PLAN COMMITTEE
Council of the County of Maui

MINUTES

Council Chamber

September 11, 2012

RECONVENE: 1:38 p.m.

PRESENT: Councilmember Gladys C. Baisa, Chair
Councilmember Donald G. Couch, Jr., Vice-Chair
Councilmember Robert Carroll, Member
Councilmember Elle Cochran, Member
Councilmember Mike White, Member

EXCUSED: Councilmember G. Riki Hokama, Member
Councilmember Danny A. Mateo, Member
Councilmember Joseph Pontanilla, Member
Councilmember Michael P. Victorino, Member

STAFF: Josiah Nishita, Legislative Analyst
Clarita Balala, Committee Secretary

ADMIN.: William Spence, Director, Department of Planning
John Summers, Administrator, Long Range Planning Division,
Department of Planning
Simone Bosco, Senior Planner, Long Range Planning Division,
Department of Planning
Michael Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel

Seated in the gallery:

OTHERS: Dick Mayer
Colleen Suyama
Mercer "Chubby" Vicens
(2) additional attendees

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

ITEM NO. 2(2) GENERAL PLAN UPDATE (MAUI ISLAND PLAN: BACKGROUND AND POLICY MAPS)

CHAIR BAISA: . . . (*gavel*) . . . Will the meeting of the General Plan Committee please come to order. We're reconvening the meeting from yesterday afternoon. If you would please turn your cell

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phones or any noise making devices to the silent mode that would be extremely helpful. I am Councilmember Gladys Baisa, Chair of the Committee. Today, we will continue to review the background and policy maps of the Draft Maui Island Plan contained in the introduction in Chapters 1 through 7. We have gotten through quite a bit of the work but we have a little bit more to do. I'd like to introduce the Members that are here with us this afternoon. I have Don Couch, the Committee Vice-Chair.

VICE-CHAIR COUCH: Good afternoon, Madam Chair.

CHAIR BAISA: Good afternoon. I have Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon.

CHAIR BAISA: Good afternoon. Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR BAISA: Good afternoon; and Mike White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR BAISA: Good afternoon. And excused this afternoon are Danny Mateo, Riki Hokama, Mike Victorino, and Joe Pontanilla. From the Administration, we have with us Will Spence, the Planning Director.

MR. SPENCE: Good morning, Chair. Good afternoon.

CHAIR BAISA: Good afternoon. John Summers, the Planning Program Administrator.

MR. SUMMERS: Aloha, Chair.

CHAIR BAISA: Simone Bosco, Senior Planner.

MS. BOSCO: Good afternoon.

CHAIR BAISA: And we have Mike Hopper, our Deputy Corporation Counsel.

MR. HOPPER: Good afternoon, Chair.

CHAIR BAISA: Good afternoon. And sitting in with us, Staff, this afternoon we have Clarita Balala, our Committee Secretary; and Legislative Analyst Josiah Nishita. Public testimony was closed already from yesterday so we will get into the business where we left off yesterday. And Mr. Couch, I think you were trying to make a motion.

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VICE-CHAIR COUCH: Yes. Thank you, Madam Chair. I move to amend the introductory text on Page I-5 as listed on the handout dated September 11, 2012.

CHAIR BAISA: We need a second.

COUNCILMEMBER WHITE: Second.

CHAIR BAISA: We have a motion by Mr. Couch; seconded by Mr. White. Mr. Couch?

VICE-CHAIR COUCH: Madam Chair, if you don't mind, I'll kind of read through what this is so everybody can understand.

CHAIR BAISA: The Chair would appreciate that. I'd like everybody that is particularly in TV land to understand.

VICE-CHAIR COUCH: All right. We had a big discussion yesterday about maps versus diagrams so we added diagrams. Essentially, we're changing the sentence - The Maui Island Plan incorporates two types of maps within the plan. We're saying now, *The Maui Island Plan incorporates diagrams and two types of maps within the plan - background maps and Directed Growth Maps*. Okay. And then we're also adding a description of diagrams that says, *Diagrams depict existing and conceptual, prospective improvements. Given the long-term nature of a General Plan, diagrams are general to allow for flexibility as additional information is gathered. Diagrams are not intended to precisely depict locations of any particular improvement, or to be used in any land use permitting, decision making or project review, but rather, are informational in nature. Diagrams are not intended to be regulatory*. And then further on, we talked about in the background maps description, we say, *These maps are not intended to be used in any land use permitting*, we added that, *decision making or project review, but rather, are informational in nature*. And then added *Background maps are not intended to be regulatory*. Then Policy maps we decided to take out because we don't have any, so the description of that has been removed. And then it says, *All of the Directed Growth Maps are regulatory*. So it's clear and succinct in there that all of the Directed Growth Maps are the regulatory maps.

CHAIR BAISA: We also have amended the title of this piece.

VICE-CHAIR COUCH: Oh, okay.

CHAIR BAISA: If you'd read that. We're including diagram.

VICE-CHAIR COUCH: Where are you?

CHAIR BAISA: On the page that was just handed out - the revised page.

COUNCILMEMBER WHITE: Top of the page.

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CHAIR BAISA: Top of the page.

VICE-CHAIR COUCH: Well, but these are just proposed revisions. They're not, it's not any, it doesn't go into . . .

CHAIR BAISA: Okay, so this doesn't go anywhere.

VICE-CHAIR COUCH: Correct.

CHAIR BAISA: So we don't need to approve it.

VICE-CHAIR COUCH: Correct.

CHAIR BAISA: Okay, fine. Members, any discussion on the motion before us? Seeing none, all those in favor say aye?

COUNCIL MEMBERS: Aye.

CHAIR BAISA: Opposed no? Motion carries. We have five ayes, no noes, and four Members excused - Member Mateo, Member Hokama, Member Victorino, and Member Pontanilla.

VOTE: AYES: Chair Baisa, Vice-Chair Couch, and Councilmembers Carroll, Cochran, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Hokama, Mateo, Victorino and Pontanilla.

MOTION CARRIED.

ACTION: APPROVED amendment to the introductory text on Page I-5

CHAIR BAISA: It is the Chair's understanding that this completes our review of this section for today on our agenda. Planning, is there anything else that we need to cover that you know of? Mr. Spence?

MR. SPENCE: Madam Chair, we'll get back with you and with Committee Staff. We're working on the cleanup items, and if we can't get 'em all to you at once, we'll give the Committee something to work on in the shorter form.

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CHAIR BAISA: Thank you very much. Chair is very anxious that we begin the cleanup because I think it will take us quite a bit of time. And as soon as we have a date and more information about how we will proceed, the Chair will make that public and let everybody know so that we can get the dates on the calendar and people's schedules so that they'll be able to participate. So with no further business . . . Mr. Couch?

VICE-CHAIR COUCH: Thank you, Madam Chair. Two things, one I believe are we not scheduled for the 24th of September?

CHAIR BAISA: That's correct.

VICE-CHAIR COUCH: Okay. And then, hopefully, they'll have something for us by then.

CHAIR BAISA: Hopefully.

VICE-CHAIR COUCH: Hopefully. The other thing is, is it possible that we can get a written opinion from Corp. Counsel regarding what we were talking about yesterday as far as maps versus diagrams and the legal liabilities? I know we had quite a bit of discussion in executive session. I would like a written opinion on the effects of maps versus diagrams.

CHAIR BAISA: The Chair will refer that request to Mr. Hopper. Mr. Hopper, comments?

MR. HOPPER: I was not present yesterday but I would generally say that any advice that was given in executive session that was to be attorney-client privilege type advice would still not be something that the Department would put in a written opinion. That's intended to be attorney-client privileged communication. I'm not sure exactly what was discussed or the nature of the request but generally we do have concerns about giving public legal advice that we would normally believe to be attorney-client privileged legal advice, again, without knowing all of the details of what was discussed yesterday.

CHAIR BAISA: Mr. Couch, the Chair would then ask that we make that request in, if it's possible, that they respond, if not, they advise us that --

MR. HOPPER: Correct.

CHAIR BAISA: -- it can't be done. How's that?

MR. HOPPER: Correct.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR BAISA: Mr. White?

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COUNCILMEMBER WHITE: Thank you, Madam Chair. I think it would be . . . I think this is an important enough issue that if we need to get the response in an executive session then I think that would be appropriate if they can't put it in a written opinion.

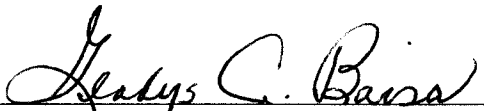
CHAIR BAISA: That's another option, and we can consider that. Thank you.

COUNCILMEMBER WHITE: Thank you.

CHAIR BAISA: We'll leave that to Corp. Counsel to advise us. Any further business? Seeing none; the Chair would like to thank the Members for coming in this afternoon. Thank the public for being with us, and without further business, this meeting is adjourned. . . . (*gavel*) . . .

ADJOURN: 1:48 p.m.

APPROVED BY:



GLADYS C. BAISA, Chair
General Plan Committee

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Transcribed by: Jo-Ann Sato