

MOLOKAI PLANNING COMMISSION

REGULAR MEETING

JULY 28, 2004

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lori Buchanan on Wednesday, July 28, 2004 at 1:10 p.m. at the Mitchell Pauole Center, Kaunakakai, Molokai, Hawaii.

A. CALL TO ORDER

A quorum of the commissioners was in attendance. (See record of attendance)

B. APPROVAL OF MINUTES OF THE MAY 26, 2004 MEETING

Ms. Buchanan: Any additions or corrections? I have one, on the bottom of page 13, about the 4th paragraph, the word "share" should "shear", that's all.

MOTION: TO APPROVE THE MINUTES AS CORRECTED.

MOVED: COMMISSIONER ROBERT RIBAO

SECOND: COMMISSIONER DEGRAY VANDERBILT

MOTION UNANIMOUSLY APPROVED.

C. COMMUNICATIONS

1. MR. BRIAN A. KANG OF WATANABE ING KAWASHIMA & KOMEJI, LLP on behalf of TIME WARNER ENTERTAINMENT GROUP requesting an amendment to Condition No. 1 of the State Special Use Permit in order to allow for a 5-year time extension to continue the operation of their relay and transmitter tower at TMK: 5-7-003;por. of 064, Puu Mano, Island of Molokai. (SUP2001/0009) (J. Alueta).

Mr. Alueta presented the staff report.

Mr. Vanderbilt: Did you receive any kind of complaint regarding this project from Leimana Naki? Did your department receive a complaint?

Mr. Alueta: Not that I'm aware of. I'm not sure of specific names, I did receive a phone call or a question from the Molokai office regarding someone trying to find out whether or not an EA was not done for the project. So we responded to that.

Mr. Vanderbilt: That's not part of the project though

Mr. Alueta: It was just a phone call so I just explained to the...

Mr. Vanderbilt: You don't remember who that was from though?

Mr. Alueta: No it was just a phone call that came in and I just sent an e-mail saying no EA is required. So that's pretty much it.

Mr. Vanderbilt: Madam Chair I recall at the last meeting Mr. Naki had a complaint and we told him he should file it with Wayne after the meeting and I don't know what happened to that. That's the only reason for my comment. Do you remember that Wayne?

Mr. Boteilho: I remember I gave him my card and basically I told him if he had any problems to call me but that he should try to do it in writing. Something to that effect. I cannot recall exactly what happened.

Mr. Vanderbilt: Just one other thing, this report says that it describes this as the Puu Mano site, that's the subject and Mr. Naki said he was against this microwave thing at Puu Mano and after he had left at the end of the last meeting Commissioner Dunbar mentioned that the micro wave station is not on Puu Mano, so, the subject says it's at Puu Mano, Mr. Naki says it's at Puu Mano, and Mr. Dunbar, the landowner says it's not on Puu Mano, I was just wondering....?

Mr. Alueta: I don't want to get into semantics but it's located next to Puu Mano and that's the closest identifier for purposes. There is a site plan and I have visited the site, I drive up a hill and there's a larger hill behind me. My recollection of the site is that it's kind of tucked into a little flat area that's adjacent to a little reservoir. Behind me I guess if you want to call that Puu Mano, that would be the actual physical hill or cinder cone. But it's not like on the top of the Puu itself, it's at the base of it.

Mr. Vanderbilt: O.K. thank you.

Ms. Buchanan: No questions of staff? If not I do have a question. Also answering Commissioner Vanderbilt's question, if you look at your minutes from the 5-26-04 meeting on page 17, as I quote, it says, " but I do have a suggestion Leimana, Wayne is here he's the Director of Planning, I would suggest that you make a formal complaint right now to have whatever you think is causing the erosion" and so on and so forth. So, he was directed to file a formal complaint with the planning department and whether he did or not, I'm not sure. He was pretty vague and all over the place and couldn't be really direct with his concerns on what was his problem a Puu Mano. I made a personal phone call to his number and I left a message on his phone advising him of today's meeting. So,

that's the best I could do regarding Mr. Naki's concern.

Mr. Vanderbilt: Thank you Madam Chair.

Ms. Buchanan: My concern is, my question is, let's go back to your analysis, page two, after the police department's, the conditions they wanted to add to the existing permit, explain to me what they mean by this reciprocal, it says, "DOT states they have no objections, they do request that the condition limit or control include similar or comparable reciprocal remedy", what are they talking about?

Mr. Alueta: My understanding, the applicant can correct me if I'm wrong, my understanding is that what they're saying is that if there is other equipment at the site that interferes with their facility or operations of their transmitter that they kind of work together to try to ensure that there would be no interference. It's kind of a moot issue at this point because the only the operators that are allowed up there are Time Warner which operates on a totally different thing and DOT which is the only operator up there that operates on that frequency.

Ms. Buchanan: Well they the ones that are saying...

Mr. Alueta: Right so it's pretty much moot because there's nobody else up there.

Ms. Buchanan: Right so since the conditions are still applicable for the first permit, is there space that any co-locator or anybody requesting a co-location on that existing pole still have to come through us for a permit, is that correct?

Mr. Alueta: That is correct and than the only person or organization that came in was DOT. The applicant is nodding in agreement.

Ms. Buchanan: This is a copy of a letter to Thomas Phillips, Chief of Police from Milton Matsuoka if you can refer to that letter, I think exhibit 13.

Mr. Alueta: Yes?

Ms. Buchanan: I think about the middle, after contact was made with Mr. Pacheco, it says, the concerns regarding this site remain basically the same and on the last line it says, "future installations of cellular systems, especially ATT and Nextel are a great concern." Then they added the stipulations which you have in your recommendations now.

Mr. Alueta: There is no applications or no one coming in for any operations as we talked about earlier. On Maui we have had significant interference with police department on their 800 MHZ system and that's the reason why every time we do a tower we send it to the police department especially in Kihei and 505 Front Street area in Lahaina we're having significant interference that has been a health and safety issue. It is not an issue on Molokai because the rural nature and the island.

Ms. Buchanan: I don't think we need to put that in for any kind of recommendation because we still have that stipulation that they have to come to us for co location.

Is there any more questions before staff reads their recommendation? Commissioner Vanderbilt?

Mr. Vanderbilt: On page two, Joe where it says it should be noted that any new users of the site require planning commission approval. Is that in the old conditions?

Mr. Alueta: Yes it's in the current conditions.

Mr. Vanderbilt: O.K. thank you.

Ms. Buchanan: Any more questions?

Ms. Seales: I looked in here, I think that's why last year when they came to us there was something about the box, DOT didn't install it or they did install it but it wasn't operational. This is why we made it for one year. Now I should find the page, something about January 13, 2003 it was put in where it was operational. Then in May of 2003 it just didn't make sense to me. I don't know where I was at. Towards the middle. What was that now, it was installed in January and than on May 28 there was something that was said of that same year, on May 28 on page, it was Exhibit A portion and it says "although the micro-wave relay station was up and running the recently install by DOT was not operational", so which one, yet it says t was operational January 15, 2003. Does that make sense or am I reading something different?

Ms. Buchanan: If you don't mind Joe, from my recollection is that they installed it and they couldn't use it and it wasn't operational until they had the automatic switch installed because we made that a condition of the permit, that they had to have it automatically shut off from Wailuku, a remote shut off before they could do the 800 MHZ to make sure if (inaudible) although it was operational they couldn't use it until they had that remote shut off capability.

Ms. Seales: So when they came in the front of us that was one reason why I think we wanted him

to return after one year, right? There was some kind of loose end there. My next question, how does and maybe I should wait till Time Warner comes up, how do they decide, either geographically because we're right across of Kapalua, how do they decide where the tile should be? Geographic site, how does a site say Puu Mano is selected? And, if I'm not mistaken even if it says after-the-fact, how did so call setting up construction start before they came to us? That's probably after-the-fact too, but, how does the site gets selected, I'm just curious about that.

Mr. Alueta: I'll let them go over their technicalities. But in past it is primarily dealing with line of site, when they're receiving and also land of site where it's going to broadcast too and closeness of infrastructure. Whether or not there's a tower in the area or an access road. But I'll leave them to go into more detail on that.

Ms. Seales: One more thing, was there a historical thing done? I don't know. No nothing, because that's a pretty important thing. O.K. Mahalo.

Mr. Vanderbilt: Joe Commissioner Seales asked about how they were able to build the tower before coming to us, are you aware of the circumstances behind that?

Mr. Alueta: No. I do know that they came in and they had brought some of their equipment up to the road, they weren't operational when they came up and they had flown in the equipment and I believe part of it was that they did require, and may have not require a building permit and basically it was placing a cargo container but I believe all that has been rectified several years ago. They have been in compliance in the previous time extensions and amendments.

Mr. Vanderbilt: Thank you.

Ms. Buchanan: O.K. if there's no other questions and Degray I can answer your question on that one too, it was an after-the-fact permit and all of that is water under the bridge and right now we're just doing this time extension.

Mr. Alueta: Would you like to hear from the applicant and then hold public hearing and I'll come back.

Ms. Buchanan: Well we can deal with the applicant since Commissioner Seales has some questions but I would like to tell the commissioner's to, in the essence of time and sticking to the agenda if the questions can be very brief. We can hear from the applicant.

Mr. Kang: Good afternoon madam chair and members of the commission my name is Brian Kang

representing Oceanic Time Warner Cable with respect to this request. Today with me is Mr. Rick Colletto who is the general manager of Maui County for Oceanic Time Warner Cable as well as Mr. Howard Feig who is the maintenance supervisor for Maui County as well. I believe at the last permit extension there was an issue with respect to the interference with respect to the DOT transmitter. In our understanding again is that there has been no complaints and no problems with respect to that. Oceanic Time Warner is also willing to abide by the conditions set forth by the Police Department which was concern about interference with certain frequencies, but Time Warner does no operate on those frequencies, is my understanding. Commissioner Seales you did have a question with respect of where the placement is selected and I will refer to Howard to address that for you.

Mr. Colletto: As Joe said it's strictly line of site, you have to be able to see one antenna with it with the other antenna in order to get the signal to the specific site. In this particular case the line of site for Lanai and for Molokai turned out to be very, very strong, very good signal quality up at Puu Mano as well as on the island of Lanai. That's how they are chosen. Plus access, plus (inaudible).

Ms. Seales: So you fine the frequencies is in site, so the next step is to find out who has the land?

Mr. Colletto: Right.

Ms. Seales: It just so happens that they have access to get up there?

Mr. Colletto: Right.

Ms. Seales: Thank you.

Ms. Buchanan: I just have a comment and it's because we have some concerns raised by Mr. Naki who is a resident down the mountain from your operation. To give him a fair chance, at least to hear his concern, I think his concerns and I don't want to read it wrong, has primarily to do with concerns about erosion into the water and there is a road that access to your site and if you go out there and you visit, it would be as a tenant to see the best management practices are implemented there as far as run off from the site into the ocean or any kind of environmental issues that can be addressed. That's primarily because we had that concern from the residents that are down hill from the site. Thank you.

Mr. Feig: Madam chairperson, Oceanic Time Warner does recognize its responsibilities as well with respect to that and we'll be sure to address that and monitor that as necessary.

Ms. Buchanan: Thank you very much. If there's no questions for Time Warner we'll have staff

recommendations at this time. Does anyone in the public wishing to testify at this time, state your name, if not we'll have staff recommendations, thank you.

Mr. Alueta presented the staff recommendations.

Ms. Buchanan: Any more questions from the commissioners? The Chair will entertain a motion at this time.

Ms. Seales: I have a question, this wireless communication, is they the ones who set it up? They set it up. I notice they checked it a year later, it was January 15 and then they came back January 7, is that how it's going to be, checked every year?

Mr. Feig: They check it every day.

Ms. Seales: Oh, they're here on island?

Mr. Feig: Yes. Not on island per say but they..

Ms. Seales: They got ways of checking it out. The Fire Department in Puko'o, do they have any problems? The Police Department said there was, the Fire Department, they can link up to that in case they have to? What I'm saying is if a home or resident, I don't know if that affects their call, where the frequency happens, is it from the Fire Department the Police Department here, how can it get interfered if it was to? What would be the concern of interference? Maybe I'm not aware of that. Radio meaning what they carry?

Mr. Feig: It would be two way radio interference. You may get a lot of garbage if it did interfere.

Ms. Seales: But so far they're not getting.

Mr. Feig: yes.

Ms. Seales: A comment that I have though is that I talked to Kilohana School and they're very thankful and I think I shared that comment over the years. Because they now have high speed and before that they were hooked up to State of Hawaii and it's really great and the computers were donated years ago. But we still have some puka's on the East End, we have Kamalo, there's a puka. If somebody gotta call somebody and they going through Kamalo and that's two way, boom, what happens there? Do they still have that frequency? Because when you're on the cell phone or anything it's a dead zone.

Mr. Feig: It all depends on the coverage of the entity that you're talking about. As far as the police and the fire....

Mr. Seales: That's where it affects them yeah?

Mr. Feig: That has nothing to do with us.

Ms. Seales: O.K. thank you.

Mr. Boteilho: May I ask your name for the record?

Mr. Feig: I'm Howard Feig and I'm the technical supervisor over at Oceanic Time Warner Cable.

Ms. Buchanan: The Chair will entertain a motion on this.

MOTION: I MOVE THAT WE ACCEPT THE REQUEST FOR TIME WARNER ENTERTAINMENT AMENDMENT TO CONDITION #1, STATE SPECIAL USE PERMIT IN ORDER TO ALLOW FOR A 5-YEAR TIME EXTENSION TO CONTINUE OPERATION OF THEIR RELAY AND TRANSMITTER SITE WITH THE RECOMMENDATIONS FROM THE PLANNING DEPARTMENT.

MOVED: COMMISSIONER ROBERT RIBAO

SECOND: COMMISSIONER DEGRAY VANDERBILT

Ms. Buchanan: Any discussion?

Mr. Vanderbilt: I'd just like to say about an editing matter for future commissioner's especially those going up for renewals is that when we have new conditions like 15 and 16, that the request would be referenced like in this case would be exhibit 13. Because you'll have new commissioner's and they'll come up in five years and this will help people when they read this.

Ms. Buchanan: For tracking purposes.

Mr. Alueta: We would normally reference where the comments come from not by the exhibits but by the agency so that we know these are comments from the police department. It's not really a condition but it's just adding on the police department comments or letter dated so and so. That's not a problem, we can add that on in the future, that doesn't need an amendment. We can just add

that on.

Mr. Vanderbilt: Thank you.

Ms. Buchanan: My only discussion is five years is five years and five years is a long time. The way telecommunication industry is moving in such a fast case, its been only a year since the other two conditions were added on to this item, this permit. You don't know what's going to happen year to year. So that's my only reason for wanting to make it less, maybe three years? I know it's a problem for Time Warner because they've been through a lot of hoops and a lot of paper work every time a permit is renewed. It's only to check. It's just a check thing. I'm sure problems arose between now and the next five years. I don't know how the planning department is going to address it, but that was for discussion. So we can take a vote on the motion as stated to accept as read.

IN FAVOR: COMMISSIONER'S ROBERT RIBAO, DEGRAY VANDERBILT, LORI BUCHANAN AND SHERMAN NAPOLEON.

OPPOSE: COMMISSIONER CHARLOTTE SEALES

MOTION DENIED

Ms. Buchanan: At this time the chair will entertain another motion.

MOTION: I'D LIKE TO MAKE A MOTION FOR TIME WARNER ENTERTAINMENT REQUESTING AN AMENDMENT TO CONDITION #1, STATE SPECIAL USE PERMIT IN ORDER TO ALLOW FOR A THREE YEAR TIME EXTENSION AT THE PUU MANO SITE.

MOVED: COMMISSIONER CHARLOTTE SEALES

SECOND: COMMISSIONER DEGRAY VANDERBILT

Mr. Vanderbilt: This motion will need five votes to get approved.

Ms. Seales: I think I agree with our chairperson. I think three years will go by very quickly and I think that's an update because I think like the last time with DOT it's just technology, like she said it goes very quickly and who know's what else is going to come up. So I think three years will be good and I'm going to stand on it and hopefully like Commissioner Vanderbilt said it's going to be interesting how it's going to go because we only have five today.

Mr. Boteilho: As a part of discussion for the motion could I ask if the applicant could respond to the three year, to the three year limitation in the interest of due process?

Ms. Buchanan: O.K.

Mr. Feig: Thank you madam chairperson and members of the commission. Our understanding is that well we appreciate the concerns of the commission with respect to the three years and the changing technology, our understanding is that the technology is now for example to monitor any problems with respect to the site. If there are any problems there will monitor at this point. Obviously Time Warner does need to appear before the commission each time in order to prepare for this and the commission needs to take the time to consider the request again during that two year period. So we would urge the commission to adopt the five years but obviously we do understand the three year concern. I'm going to refer to Mr. Colletto to further address the commission.

Mr. Colletto: Thank you. You're very right, technology is changing very quickly. However these frequencies are very specific frequencies, they don't change. While the technology that uses these frequencies might change the fact that we're using these frequencies for very specific things with some very strict guidelines to follow won't change. So the fact that there could be potential interference has nothing to do with new technology, has everything to do with the fact that we're using these frequencies for a couple of different things. The guidelines that have been set forth are specific enough that it doesn't leave the DOT, the police department or Oceanic any (inaudible) we have to follow very closely. So three years, four years, five years, the time frame isn't as critical as the fact that we follow these specific guidelines because frequencies don't change, they're set. Thank to consider that.

Ms. Buchanan: Any more questions for Mr. Colletto. Commissioner Ribao?

Mr. Colletto: My name is Rick Colletto, for the record, General Manager for Maui County.

Mr. Ribao: If this doesn't get approved, the three years, or five years what's going to happen?

Ms. Young: Thank you Madam Chair, the commission could always defer the matter until the next meeting where you could get more members.

Ms. Buchanan: Any more questions? If not we have a motion on the floor.

MOTION UNANIMOUSLY APPROVED.

D. CHAIRPERSON'S REPORT

Ms. Buchanan: I didn't write anything down but I did attend a Mana'e community meeting. Other commissioner's were there and some of them were residents from Mana'e. I did forward some concerns from that meeting to Wayne. It was sparked by the residents wanting to know if permits were being issued for people who were making cement structures and such on lo'i wetlands and if they needed a permit to do that. The TMK numbers were forwarded to one of their staff planners, Lea Kaiokamalie to investigate and one of the residents investigated that and found out that they had no permits issued for that so I don't know what staff is going to do about that. But that was one of there concerns and out of that meeting the community was requesting that not only permits that had been issued be presented in the office here on Molokai but they also wanted to know, I guess people who were requesting exemptions and that was their primary concern. They could not see applicants or applications that were being requesting exemptions. And so somebody could build something and not even have a permit or need special conditional use even though it was in the SMA. That was a concern of the community at Mana'e at their last meeting and they're going to have another meeting and they have Peace Council, Earth Justice and also Professor McGregor and others to assist them in trying to alleviate this problem. This is an island wide problem.

Mr. Boteilho: Madam Chair I did receive your e-mail and we'll be looking at that and possibly posting it as a communication item in the future. That's all I have to say about that.

Ms. Buchanan: Did your office send that planner over to attend the meeting?

Mr. Boteilho: Yes.

Ms. Buchanan: Any questions on that? O.K. pau my report.

Mr. Vanderbilt: I heard, who was the planner who participated?

Mr. Boteilho: The planner was Lea Kaiokamalie, she was the Planner V that came to us from the Office of State Planning. She was well versed in cultural issues so we had sent her. Unfortunately soon after she had to move back to Kauai, so she has left our department. She has forwarded the concerns to myself and we will be assigning them out.

Mr. Vanderbilt: So there are minutes or a report of that meeting filed with your department?

Mr. Boteilho: No that was not our meeting, we were asked to be there merely as a resource person, we did not staff that meeting per say. That was the groups meeting. If they had minutes I'm not

sure.

Mr. Vanderbilt: O.K. and there was a concern about being exempt from certain permits. Is that in reference to people filing for an SMA with the planning department?

Ms. Buchanan: SMA, Special Conditional Use Permits, anything that was to be exempted that an applicant would apply for.

Mr. Vanderbilt: I know on the Maui Planning Commission almost every meeting they have an item called SMA exemptions. I thought that we were doing that also. But its been a long time since we've gotten one of these list that shows SMA exemptions, who applied for and what they are. I think the last one was when the Pepper's came. The last date on these thing goes back to 2003. So there must be some things happened on Molokai since 2003. So why did you stop providing this list?

Mr. Boteilho: The short answer is I do not know but I should know. In fact I noticed that myself when I looked at the packet for this meeting and it wasn't there. I just have to get on the ball and make sure that you get it.

Mr. Vanderbilt: Thank you. On these reports you have SMA, SM5, and everything else. Could you provide just a little index or key to say what those things mean? What an SMX , what an SM 5 is?

Mr. Boteilho: Yes. Again that hasn't been done. We could do that. What we're also looking at is trying to simplify the spreadsheet itself, to make it more self explanatory. But, I'm sure we can get you a list soon, by the next meeting, about what those codes are.

Mr. Vanderbilt: Also what's pending, what's permitted, whether they're exempted, not exempted, just a status so it gives us an idea.

Mr. Alueta: We've kind of eliminated that, now it'll only be approved or closed or returned. That's an assessment application. Anything that comes in within the special management area needs to go through an assessment process. You will have either an SMX or an SMA assessment. You'll either get a minor permit which on Molokai is SM6. So Maui is an SM2, emergency permit is a SM3, exemption, SM5 would mean it be determined an exempt action. 6 is a minor permit and an SM1 is a major permit. 7 is Lanai. We can make an arrangement, maybe before we leave, Degray, I'll print one up for you from the county office and you can get it from Nina.

Mr. Vanderbilt: What's an FRP?

Mr. Alueta: FRP is a farm plan. A BAN is a banner, S is a sign.

Mr. Vanderbilt: I think all the commissioner's would want one. Can't we just get an index at the next meeting?

Mr. Alueta: Sure.

Ms. Buchanan: I think the whole point of the thing Wayne was the community doesn't like the after-the-fact, when they want to know if a permit is pending or approved for somebody who's laying 50 yards of cement in the taro, lo'i patch. Where would they voice their concerns, we went through this all before because they approaching us as individuals. Once they know you on the planning commission, at that meeting they kept on saying that we approved this or we approved that and I guess Lea did a pretty good job at explaining how the system works and how this board does not even see some of the projects that are being approved on Molokai. So it would be nice to know and we can give them an answer. We want to know too. Any more questions to Wayne regarding this issue? O.K. thank you.

E. DIRECTOR'S REPORT

1. Community Input Regarding Matters Related to County Planning

Mr. Boteilho: Is there anybody here that would like to provide community input regarding matters to County Planning? Seeing none I shall proceed.

2. Update on Halawa Valley

Mr. Boteilho: Update on Halawa Valley. We are coming down to a recommendation. I don't know what that recommendation going to be. The final decision is up Mike Foley. I'll be involved. But, what has happened since the last meeting, we sent Robin to actually go on the tour. She has gone on the tour and we gotten all the comments back from the different agencies so now is the point to decide what are recommendations will be. I would say, I would like to say there's one possible avenue for you but maybe two. Knowing that how concerned the commission has been on this issue, we would like to schedule a communication that we would explain what our decision is.

Ms. Buchanan: And I would like somebody from DLNR here to explain how they could approve or even consider an application for some kind of operation as applied for in conservation lands. That is still my basic concerns.

Mr. Boteilho: Can you repeat that because I was trying to write.

Ms. Buchanan: I still want, I don't see how the county can still be considering an application to do tours in Halawa Valley in conservation district zoned land. I want an explanation from DLNR, from the state, from somebody, from Mike, I don't know, I don't care who, I want a justification why the county is even looking to recommend approve, an application to approving in Halawa Valley

Mr. Alueta: There is no authority, there's only DLNR.

Mr. Boteilho: The short answer is we looked into this initially and the state does not have any permit system for the conservation land. They are working on it.

Ms. Buchanan: so how can the county have one?

Mr. Boteilho: Because it was determined that the SMA law, still does apply to conservation land, so therefore we sent an inspector and the inspector determined at that time that they have to apply for an SMA assessment. So what we're looking at now is are we going to require a minor permit, major permit or we're not going to require a permit at all.

Ms. Buchanan: And the major permit is going to trigger an EA?

Mr. Boteilho: I'm not sure, maybe Joe could help me on that.

Mr. Alueta: Technically conservation yes, it would trigger an EA. Maybe state land, conservation district lands will trigger an EA but normally it would be under a DLNR permit. So I guess we're currently investigating whether or not how we're going to assess if it's a minor or some kind of SMA assessment.

Ms. Buchanan: And in the mean time they have privileges to work in tours, in the mean time until this whole thing gets settled. We cannot give them a permit until the EA is done with and is moved on and approved, right?

Mr. Alueta: When you're dealing with (inaudible) jurisdiction, because I had this similar problem where you have a conservation land but it's technically in the SMA as to whether what type of authority the county can exert in conservation district lands. So I think that's what Wayne has eluded to, we're still trying to figure out how far our authority is, how far we can take this SMA because this is kind of a new animal as far as we're concerned.

Ms. Buchanan: That's why this commission has asked the planning department to forward our concerns that we wanted all uses or all tours stopped until that was settled and then you said Mike sent a letter or whatever. But I just, we agreed as a commission that that was our stance on the issue. We wanted to stop and to enforce that until the permit issue was, it came back from Mike Foley that they were going to, it's like the vacation rentals, we're just going to let it go until it settles? We didn't want that to happen. We wanted to cease all tours and all operations in Halawa Valley until the issue was worked out. Did that go on to Mike?

Mr. Boteilho: Yes, madam chair we expressed strongly on this and I did describe it that you felt strongly. His decision at that time was that well at the intermediate measure we would send the concerns of the state to the applicant and ask them to work with the state to mitigate these concerns. Now if we had some kind of evidence that they were not doing that then we would ask them to cease and desist.

Ms. Buchanan: Maybe this commission would suffice, we discuss with corp counsel at a different time what we could do as a commission to further our concerns to the planning department.

Mr. Boteilho: that should be an issue.

Mr. Vanderbilt: If we request the planning department to file a cease and desist, are they under any obligation to follow through with that request from the planning commission?

Ms. Young: Thank you Madam Chair, I guess the planning department staffs the planning commission and has made that initial determination of whether or not an action or a development or what have you constitutes something that requires a special management area permit either major or minor or whether it is an exempt action. Whether or not something is within or from outside the special management area. Its traditionally been with the planning department, they're charged with enforcement so you would have to work with the department. If you wanted a certain enforcement action because this department is charged with enforcement.

Mr. Vanderbilt: How do we work with the department that the commission wants a condition to the cease and desist until they get the proper permits? What would the commission have to do?

Mr. Boteilho: Under the charter the executive of the planning department is the planning director and his entire staff. He has the authority and the discretion to make certain decisions. You made the request and he took an intermediate action. That's what happened. The decision was made by the planning director which was within his purview.

Mr. Vanderbilt: Was it verbal or in writing?

Mr. Boteilho: Verbal to me but in writing in the sense that we sent out letters expressing concerns of the planning commission and asking the applicant to work with the state.

Ms. Young: Regarding environmental assessment in chapter f343, Hawaii revised statues, the question was whether or not an environmental assessment would be required and the planning department had responded that it would be required because its in the state conservation district and with the sense of timing of that document it would have to come before any SMA approval an either major permit approval or minor permit approval. So the commission would see that informational document, an EA or an EIS, before you make that determination. Only an SMA and the state conservation permit, special use permit would require, I believe the commission would need to be seeing that, we'd have to look at that, I don't think that particular circumstance would come up, you would need to see the completed approved documents before you made your determination on the SMA.

Mr. Vanderbilt: so you're saying that an SMA minor or major is required they have to do an EA before you even go to the SMA minor or major?

Ms. Young: SMA is not the trigger though here. The trigger is the use of conservation, state conservation lands. But because an SMA, if an SMA approval is required that document would have to come before you prior, the document would have to be completed prior to you taking up the SMA matter and making your determination. I think the department is still gathering the facts and comments that they have requested from various agencies. Every SMA assessment I think is based on the circumstances, based on the facts.

Mr. Vanderbilt: So if they determine that there's no SMA required, how does that relate to the need for an SMA? I mean for an EA, do they still have to prepare an EA?

Ms. Young: The EA would still be required because they would still need, it would still be conservation lands unless the state DLNR would come in and say it was an exempt action. That would be within their purview. But generally it would still be required because the SMA is not the trigger.

Mr. Vanderbilt: With regard to a letter dated January 9, 2004 from DLNR from Jason Koga, District Land Agent, Maui District Land Office to Diedre Mamiya, Administrator, Land Division Mr. Koga says I believe it would be prudent for Na Ala Hele to adopt this trail into their system. Once under their control, accessibility, concessions or exclusive rights can be considered under their guidelines.

Short of that, the trail would assumingly remain unencumbered. Any request by the cooperative, which I assume would be Halawa, to control access and do commercial activities would be subject to state law on dispositions or new administrative rules on non-exclusive commercial use. Are you familiar with that letter?

Mr. Boteilho: Yeah, I saw that letter. In fact that was a letter that was forwarded to the applicant. I believe what they're saying is that until they come up with their rules and their permit system that Na Ala Hele, they could be the protector of this trail, I believe that's what they're saying. It's almost like the state, Na Ala Hele I believe is a state agency. So if that's what they want to do then they should do it. So I guess that's why it would be good to get DLNR over here next time.

Ms. Buchanan: That's not going to happen Degray. It's not going to happen because the state has to do a survey of Halawa Valley. The survey is in the million's of dollars and they said they're not going to spend millions of dollars to survey a state trail because the Na Ala Hele is a state trail system and they need to survey it because all the permits are across private lands, they have to be clear about the right-of-way and I was told in the Na Ala Hele meeting that they were going to have to raise the funds to do a survey of Halawa and it's like two million dollars or something like that. It's going to cost some ridiculous amount and that's why it's not even on the paper to be talked about. That was probably a year ago.

Mr. Boteilho: There was a second letter from HSPD and it was like expressing concerns about cultural sites and stuff and that was forwarded also.

Mr. Vanderbilt: We get into this and we sort of left it here and things were going on all over and letters and people were asking us questions and we're stuck in a loop hole. That's just a concern.

Ms. Buchanan: If you want to know you have to do your own research. And they're looking for money from historical, from the historical fund and stuff. My concern is that this is all nice and fine and dandy, the bottom line is, the commission says until this is resolved that all operations, commercial operations should cease. That was the bottom line out of all of this. Until this is worked out, this commission strongly advised Mike Foley to cease and to write a letter to these operators, instead of holding their hands I have the application right here in my hand. This is the application right here. There are issues that have to be worked out and all this commission said is until then, to cease operations, commercial operations. They getting paid to walk up and down that trail, park their cars in a private area and they still have a problem with the landowners in there, not being happy about the situation that is going on and that is the problem. Until the county, state and whoever gets their act together and finally decides whether they're going to let people operate there, come in with their kayak, have hot dog stands, I don't care what. This commission's opinion is that commercial

operation should cease in the valley until that time and that's that.

Mr. Vanderbilt: Madam Chair, could I suggest, in situations like this can't we send a formal request to Mr. Foley to say that we are requesting that...we send a letter.

Ms. Buchanan: Like how we had requested one.

Mr. Boteilho: maybe I misunderstood, I had done it verbally. But yes you could send a formal letter.

Mr. Vanderbilt: I think just for the record Madam Chair that we should send a letter to Mr. Foley.

Ms. Buchanan: I agree. Any more questions on that?

Mr. Ribao: Wayne you said you guys are going to come to some kind of decision within two months?

Mr. Boteilho: Yes. Well I think you should send a letter to Director Foley and maybe by that time we would be able to review the recommendation or the report and the findings and he might be able to decide based on more of the facts.

Ms. Buchanan: Because if the county is going to permit that use, then the county is going to be liable with that one tourist car drives over that rickety old bridge and falls into the river and going to the tours and so on and so forth. The county gotta tread lightly if they going start issuing permits to operate in the valley. Any more questions for Wayne? We'll get a letter off to Mike with our concerns and we'll all sign it at the next meeting or whatever. Thank you Wayne.

3. Update on Papohaku Ranch lands Subdivision

Mr. Boteilho: What I've done is passed out a document basically the subdivision application, No. 6567 and towards the bottom, response to Planning Department concerns dated June 28, 2004. First of all I can report that the Director of Public Works and Environmental Management, Mr. Agaron he has agreed not to grant final subdivision approval until the planning department concerns are addressed. So if you look, I guess on the second page, the first page, you see on the top from Estelle Imamura and basically that is the concerns that was sent to the landowner. That's the planning department concerns. We received a response back from the landowner. We're analyzing what the landowner had responded to and we'll take it from there. But again I'd like to reiterate that public works has agreed not to grant final subdivision until planning department concerns has been addressed.

Ms. Buchanan: Thank you very much Wayne, good job, good job planning department. I just want to thank Commissioner Vanderbilt for bringing that to the attention of the planning department and to the commission.

Mr. Vanderbilt: Madam Chair I just had a few questions. This would have been nice if it had gotten to us ahead of time in case we had some comments because I saw a copy of this letter a couple of weeks ago that was handed out at a community meeting by Glenn Teves. I guess he got a copy from Alan Murakami. But it would be really helpful because I read through this and this letter got a lot of bogus information in my opinion, just my opinion. And, I guess the concern I have is that it talks about in that letter from Estelle Imamura, number (H), consistency with the specific General Plan and Community Plan policies. My comment is the planning department received several letters from Mr. Murakami, from OHA, from Councilman Mateo saying where is it consistent with the community plan. Yet you sent this thing out to Mr. Notman. We only got the letter, there are a lot of attachments and letters from the Ranch and letters from other things, would have been nice to have (inaudible) so you can get a full view. He just picked out what he wanted from the community plan or general plan. My question is, if you guys (inaudible) do you go back to him and say you forgot to address the following concerns or do they just say what he says verbatim? What's the next step because you've had it for quite a while.

Mr. Boteilho: The purpose of handing this out today was just to report what was happening, give you the meat of what happened so you can read it and maybe we can take it up at some other meeting. From today, copies of what you have now will be on file with Nina so the public, if you want to have a copy of this you can go see Nina. The entire response was, well rather than copy that entire thing and mail that out maybe better if we could give you this one now because I don't want to get into discussing the item. What I'll do is have the, well one, we can ask the landowner if we could have more copies. Short of that we'll have it copied for you and have a copy on file for public review with Nina. The reason it was not sent earlier, I was on vacation and so, I was on vacation and nobody set it up.

Mr. Vanderbilt: So as I understand it right now, who will be making the presentation? Planning Department is satisfied with the Molokai community Plan and the general plan? Is there irrigation water available and such things like that?

Mr. Boteilho: The final decision, whether the planning departments concerns has been addressed will be made by the Planning Director. He meets with various staff. In fact I, on your behalf, I sit in on those meetings.

Mr. Vanderbilt: (inaudible), Francis Cerizo?

Mr. Boteilho: For a subdivision point of view is Francis Cerizo. From a community plan point of view is John Summers. From a Molokai Planning Commission point of view is me.

Mr. Vanderbilt: If the planning department finds it's not consistent with the Molokai Community Plan, then you would make that recommendation to the head of Public Works, correct?

Mr. Boteilho: Yes.

Mr. Vanderbilt: Then he would do what, from what I understand he wouldn't approve it if he doesn't get the green flag from the planning department, is that your understanding?

Mr. Boteilho: Yes. However, technically, or I guess legally, he could ignore our recommendation. He has agreed not to but down the road I don't know.

Mr. Vanderbilt: He could change his mind?

Mr. Boteilho: No, I'm not saying that, I just saying I don't know.

Mr. Vanderbilt: (inaudible)

Mr. Boteilho: It's hard to say. This is a matter we have to tread lightly and also it's confident that there's a lot of issue. Three, four months maybe.

Mr. Vanderbilt: Well can I ask you to look at this at a Molokai respective and not, if you do this on Molokai, can I have these ramifications on Maui because I see that creeping into the midst here and we were the ones that really pushed this issue and as a result of Wayne's effort I think this letter went out from Estelle Imamura also went through some new applications for subdivisions on Maui too, is that correct?

Mr. Boteilho: I'm not sure because Estelle works for public works.

Mr. Vanderbilt: Well according to Francis Cerizo the planning department is taking a harder stance on properties on Maui now.

Mr. Boteilho: That is true.

Mr. Vanderbilt: Anyway, if any commissioners have any comments who would they go to?

Mr. Boteilho: Nina and I can expand on that more later. Or you could call me if you want.

Mr. Vanderbilt: I'd rather talk to Nina. Is there any reason you can't expand on it now?

Mr. Boteilho: Really this is just for reporting we should not be discussing the item itself. When we get to the agenda format, I have a proposal I want to bring up.

Mr. Vanderbilt: I don't understand that, on the agenda there's an item that we're not supposed to be discussing?

Mr. Boteilho: It's on the agenda and the public was noticed that it was only going to be a report. The public was not noticed that there would be discussion on the pro's and con's of the issue.

Ms. Buchanan: Otherwise it would be a public hearing.

Mr. Vanderbilt: Can I ask Corp. Counsel? It's on the agenda, we are limited on our discussion unless it's a public hearing?

Ms. Young: Well it is on the agenda as Director's Report which I think if you look at the Sunshine Law you have to look at it from a general, your common person prospective and if the common person were to look at this I don't know necessarily if they would look at this and think the matter would be resolved by this agenda item. They might be compelled to testify and make comments on it but for the fact that they think it's just an informational item. So my suggestion would be consistent with the Deputy Director of Planning, recommendation that it would be agenda as communication item if substantial information is, it's not that you can't have discussion but if they get substantial issues or you're asking the department to do a lot of things, asking for further information it's policy marked and more appropriate as a community item.

Mr. Vanderbilt: There wasn't anything that you saw out of line in my discussion.

Mr. Boteilho: From my point of view, no, because I was merely answering what happened, I was talking process, not the pro's and con's of the issue. We were not deliberating towards a final vote, no.

Mr. Vanderbilt: We're all common people over here. We're not smarter than any other people in the community.

Ms. Buchanan: And the question was answered as far as our concerns so can we move on?

Mr. Vanderbilt: No, I do have one other comment though. Two things, one is I was on vacation with my grandchildren and enjoying everything in California, sleeping in a tent and my cell phone rang it was this guy doing the subdivision, how he got my number I don't know, but I really didn't appreciate the call, number one, but he told me that he had talked to Mr. Alan Murakami and that Mr. Murakami and his people were not satisfied that his subdivision should go through, that he would withdraw. I called Mr. Murakami this morning and he said that's his understanding in a long conversation he had with Mr. Notman. I guess Mr. Notman was in contact with him because he sent him a copy of that whole binder and that's how our community got it. So maybe who's ever guiding this might want to check with Mr. Murakami and the other thing I would just put on the record is you talked about water, irrigation and water resources, in this letter from Estelle Imamura item C. It was mentioned that the county might want to refer to the (inaudible) documents from the commission on water resource management regarding the findings of facts, conclusions of law on water usage application by the Kaluakoi Resort. There's a lot of facts and figures in there because Mr. Notman made some statements in his document regarding water resource.

Mr. Boteilho: We can follow up on that and that's what I was kind of saying that I was hesitant to say why. It's kind of a complication, not why but when we would be through.

4. 2004 Hawaii congress of Planning Officials (HCPO) Conference, September 8-10, 2004, Honolulu, Hawaii

Mr. Boteilho: Madam Chair the 2004 Hawaii Congress of Planning Officials conference will be held September 8-10, 2004 at the Hilton Hawaiian Village. If you'd like to attend please work with Nina. I'd like to say that there were several concerns, one was that you had to make your own airline, well you had to make your airline reservation and as a result you had to pay within 24 hours. Forget that. We are going to give you coupons. So you can make your reservation and we'll give you the coupons. That should be sufficient that you don't have to pay.

Secondly they had a concern about paying for the rooms and basically everybody got to put it on their credit card and than you get reimbursed. Yeah, I can appreciate that because I myself it's like I'm not one to having money. We had a crisis a few months with gas, county gasoline a few months back and I asked everyone if you get out of your pocket you can get reimbursed but even then I thought what if somebody just doesn't have money? If that's the case you can come see me. Basically I was going to loan them money. So I'm cognizant. However, the system is just set up right now where we just cannot pay for the rooms up front. The reasons they give is that well what they cancel and we've already paid and now you've cancelled and we got to spend money on these rooms and thats happened before. That's the system now. However, I would say, there is another way and that is to request for advance per diem. You can work with Nina on that again. Hopefully

you can get it on time. That's about it as far as the conference. We would encourage you all to go, this is training.

Mr. Vanderbilt: So Wayne if we can't get the per diem, it's still open that we can come to you for funds?

Mr. Boteilho: I will see what I can do.

Mr. Vanderbilt: Thank you.

5. Cancellation of September 8, 2004 meeting due to the 2004 HCPO Conference

Mr. Boteilho: And as a result of the HCPO conference we would like to cancel the September 8, meeting, thank you Madam Chair.

6. Discussion on Agenda Format

Mr. Boteilho: O.K. and finally discussion on agenda format. Before we get into that, as a part of that maybe I'd like to say a few housekeeping things if there's no objections. This is just process. First of all the microphones. The microphones are on Maui, it has been calibrated, ready to go, I would have had them here today, however, the consultant I had a meeting with him 8:00 Monday and basically he didn't show up. I mean he's a busy guy and he is a sole source contractor on Maui so he's very busy and just so happen he's right now working on this big project in the council chambers. So anyway I'll get in touch with him, he's going to bring it over to my office and show me how to operate it and possibly the next meeting we can have those microphones.

Secondly I would like to talk to you briefly about Nina's duties. In the past you've seen Suzie Esmeralda came over. We had a situation. Well basically Nina is a clerk typist III and was working out of class. Meaning her job specs said she's not supposed to be doing minutes and typing up minutes. So what we're going to do is transfer those minutes to Suzie. So from now on Suzie will be coming and recording the meeting and transcribing the minutes. However, I've also spoken with Nina and she has no problem with it because she'd like to do other things. There's a lot of clerical things that we can do. Number one is to be more of primary contact with the public more, keeping files, giving out copies, giving out applications and that sort of thing. Nina will still come to every meeting because I'd like her to help me as a clerk typist, write down all of your request so that we can follow up. She'll be doing more letters on behalf of the commission. Also we, the council granted monies to the Molokai Main Street Association so we're going to have to be working with them. Nina will go to the meeting and take some notes and let me know what's happening.

Also, finally, General Plan Advisory committee's should be starting up this year. When that happens Nina perhaps can assist with that also. Actually I'm very happy for Nina she wanted to advance and do different things so I just wanted to inform you of that.

Ms. Buchanan: So she getting a raise and she getting promoted?

Mr. Boteilho: No. She's not getting a raise, but she's happy that she can do more interesting things then the same things she's been doing for the past 10 years.

Mr. Vanderbilt: So what will Suzie be doing?

Mr. Boteilho: Suzie would be the secretary to the Molokai Planning Commission.

Mr. Vanderbilt: So Suzie's doing the minutes?

Mr. Boteilho: She'll be doing the minutes.

Mr. Vanderbilt: So she'll be attending the meeting here?

Mr. Boteilho: Yes, she'll be coming to every meeting.

Mr. Vanderbilt: She's not moving here?

Mr. Boteilho: No.

Mr. Vanderbilt: Well we were asking for a planner and this and that and hopefully for the next budget we can think about getting a planner over here.

Mr. Boteilho: First of all I feel that this is a start, Nina can help the public more but I think that's a bit of a start. At least we're going forward and not just spinning our wheels.

Ms. Buchanan: Wayne what are you guys doing for the Main Street Association?

Mr. Boteilho: The Council granted them I believe \$15,000.

Ms. Buchanan: Really....why?

Mr. Boteilho: Because they thought they deserved that money for community improvements. What

I have to do is get a scope of services from them, what they propose, where they spending the money and if that's approved then we can go ahead with a contract.

Mr. Vanderbilt: A little background, that wasn't, didn't come up from the community. I thought it was \$20,000. Why do you have to take time because you're so busy and everybody's busy and then you gotta go over there.

Mr. Boteilho: Because this was appropriated in the Planning Department's budget as a planning grant so therefore the Planning Department has to administer the contract.

Mr. Vanderbilt: Did you guys recommend this or did they work through you guy's?

Mr. Boteilho: No, we were not involved with this.

Ms. Buchanan: That's the same thing I was thinking Degray. It's like they so busy already and now they have to work with the Main Street. I guess my concern is because I don't see any involvement with the Molokai Main Street Association as a few years ago and I guess they're trying to start it up again. I guess I'm not aware of what their plans are or what they submitted. That would be nice to see a copy, it would be interesting, what they submitted to the department.

Mr. Boteilho: Well we don't have that yet. That's the first step. I should correct myself. I think Commissioner Vanderbilt is right, I think it's \$20,000, everybody on Maui already got \$15,000.

Ms. Buchanan: Thank you.

6. Discussion on Agenda Format

Mr. Boteilho: I would like to propose a few things at first. Number one, I want to take things out of Director's Report. I think I should merely report under that category and we should put more things in the communications so that things can be discussed freely. More plus, to be honest, I believe that the planning commission's should do more planning. So I'd like to propose that. So what I would say is if someone would like to say something on the agenda, we cannot guarantee on the next agenda, but make the request at a meeting or you could let Nina know and she can forward it to me. We'd prefer something in writing because it's something we can show the planner. If not you could do it verbally and we'll draft up a little memo which we can post. So more things in communications. Also, I already started this new agenda thing with the CRC and I'd like to go to Molokai next. What I'd like to do is under communications we would put a little blur under there and it's not going to be a big deal but I want to explain to the public what the commission is doing

and what they could do, what kind of action that they could do. This is all in the interest of public information because if you were to look at this agenda now, Mr. Brian Kang for special use permit, it's almost so, but the little blur would be something like the commission will discuss and consider whether to grant the permit or not. The commission may also take other related action. Something simple like that. So I would like to propose those two.

Ms. Buchanan: Sounds good to me.

Mr. Vanderbilt: Looking at Mr. Brian A. Kang, number one here, it just says Puu Mano, Island of Molokai. I think if you put East Molokai, Central Molokai, when people look at the agenda they'll see, East Molokai, Central Molokai, you get a little identifiable features. It would give people a better understanding of what might happen there.

Mr. Boteilho: I think we could do that.

Mr. Vanderbilt: Because this wasn't a public hearing, right? This was just communications.

Mr. Boteilho: yes. O.K.

Mr. Vanderbilt: Anything we can do to make these things more friendly? They're done in that typical county type, can we put in big letter's Molokai Planning Commission Meeting, everyone welcomed and just go down and have all the technical stuff that you need. But if people see that they might say oh maybe I'll go and check that out.

Mr. Boteilho: Pardon me while I write that down.

Ms. Buchanan: I like that suggestion and I like the one you made before that.

Mr. Boteilho: I'll take it one commission at a time. I'll look at that. There maybe some statutes some where that gives guidelines on what the agenda must have or should not have. I don't know but just to be safe we'll take a look at that.

Mr. Ribao: Question, all these meetings are public right?

Mr. Boteilho: Yes, all these meetings are open to the public.

Mr. Ribao: Next question, is it feasible to put it in the Dispatch?

Mr. Boteilho: That's something I've been thinking. Notices, putting it in the paper. For example and Joe can back me up, on the internet we have all our applications and you can down load our permit applications. I was thinking that, yeah we should put in the Dispatch, list all the applications and say go to this site and you can get all these applications. I've been thinking about more advertising, problem is cost. Like the ad this size I'm not so sure how much it cost, I have to look at cost.

Ms. Buchanan: I think it's on the calendar part of it already.

Mr. Boteilho: Maybe we could make it more concise.

Mr. Vanderbilt: Unfortunately the timing when the Dispatch comes out is on the Thursday. You'd have to have it in way in advance.

Mr. Boteilho: O.K. that's why I'm saying is that I'll look into it and get more detailed.

Mr. Vanderbilt: You said you had the applications on line, what do you mean? This application by Brian A. Kang, you have that application on line?

Mr. Boteilho: No, I meant application forms, permit forms.

Mr. Vanderbilt: Oh, permit forms. O.K.

Ms. Buchanan: Does this office, this county office you guys have we have a person who knows how to do TMK's and stuff here? I know we have the maps.

Mr. Boteilho: We have the maps but I guess public works will be trained more. But that's part of the thing I'd like to train Nina to do, is to read the TMK maps.

Ms. Buchanan: So the county over here do you have it on the computer where you have a GIS art view kind of....

Mr. Boteilho: No, that is county but it's still be worked on.

Ms. Buchanan: So they don't have that capability here in the county office? I cannot go on the computer and get a GIS art view, click on....

Mr. Boteilho: Maybe not art view but maybe, Joe can you explain KIVA?

Ms. Buchanan: It's where I can click on the property line and it's going to come up and show me who owns it, 1.92 acres with these values, I get it in my office.

Mr. Alueta: It's on line. We have a KIVA vision, KIVA

Ms. Buchanan: So somebody in this office can do that for me if I come up to the window and I say you know down the wharf the property between this person and that person.

Mr. Alueta: It's on the internet. You just go to the county website, five or 6 lines down on the county website and...

Ms. Buchanan: I went on the county website.

Mr. Alueta: KIVA vision has been down. They're transferring, they're moving from one severer to another, they're transferring the data. So they're currently having trouble getting the things back on line. But you'll be able to get, you can see the permits that have been issued for a project. In fact you'd be able to click on the permit. We can give you the website for the KIVA vision or KIVA net and you can actually go and down load the actual application or download the approval letter, you can do that too. We're going to expand the services you can get. So you have more access to it. It's mostly being used by architects in the area so they can track their permits. But it's the same thing, it's a public domain and you can get to it and see where the application is in the process.

Ms. Buchanan: I was just thinking that I don't have a computer at home but I want to find out who's land this is and they're going to have to take out their maps and they cannot just go on the computer. Whether it's Kalola or whoever, can they do that for the public? Unless they would have to take out their big maps and go searching for that parcel of land to get a TMK like how they did at Mana'e community meeting where they had to assign one person to investigate to see who's TMK that was and I guess he had to come down here to the county building and actually physically go through papers. That's what I mean if there's somebody in this county office that has the ability to access the GIS and get that answer for them.

Mr. Alueta: It's not GIS, our view is KIVA vision or KIVA NET or the county website. It's actually the Real Property data. So they have the owner and the assessed values and any permits. Nina does have internet explorer so she can get on line and look at that. Any one of the county employee's that have internet access....

Ms. Kawano: Well we do have a Real Property clerk so you could ask her.

Ms. Buchanan: Who's our property clerk?

Ms. Kawano: Christy Manaba.

Ms. Buchanan: Who?

Ms. Kawano: Christy Manaba

Ms. Buchanan: So she should be able to pull that then?

Ms. Kawano: Just call her.

Mr. Boteilho: What planning is trying to do early next year perhaps is supplement by putting on GIS. Anyway...

Mr. Vanderbilt: Are you open to other suggestions on the agenda? Wayne, when you look at the agenda, at the head, when you look at the agenda, your testimony is welcomed and at the top, put community input regarding matters you feel may be related to county planning or county enforcement, put that right up front and just say people will be given three minutes, no action will be taken, share your thoughts with the commission. Secondly right after that put something in there that says public testimony will be taken at the start of the meeting to accommodate those people who can't stay for the whole meeting and be around when the agenda item comes up. If somebody testifies before the meeting than they won't be able to testify again when the agenda item comes up.

Mr. Boteilho: It's already there I think but it's not at the top.

Mr. Vanderbilt: Where is it?

Mr. Boteilho: If you look on page two of your agenda. Pardon me Madam Chair.

Mr. Vanderbilt: That's something that's on the Maui Planning Commission agenda's, to make it easier for people who stop in and can't sit around for a couple of hours. I just thought it might be something helpful for people who want to testify here on Molokai.

Mr. Boteilho: You know I don't see it here.

Mr. Alueta: The Chair normally makes that announcement.

Mr. Boteilho: O.K. we can put that down.

Mr. Vanderbilt: Here's a Maui commission agenda, "public testimony will be taken at the start of the meeting on any agenda item in order to accommodate those individuals who cannot be present for the meeting when the agenda items are considered by the commission."

Mr. Boteilho: O.K., we can put that down.

Mr. Vanderbilt: On page two of our planning commission agenda, it says documents are on file with the planning department, what's the address of the planning department?

Mr. Boteilho: Yeah, I think we can put Molokai.

Mr. Vanderbilt: Located here...

Mr. Boteilho: What ever the address is here at Mitchell Pauole.

Mr. Vanderbilt: What's the address of our commission, 250 High Street or?

Mr. Boteilho: That's the official address for the planning department. Nina is a satellite office..

Mr. Vanderbilt: This is the address of our commission, if somebody wanted to write our commission they have to write you guys?

Mr. Boteilho: Yes.

Mr. Vanderbilt: But you guys get a lot of letters that we never see. You guys get letters that we don't see.

Mr. Boteilho: I'm not sure exactly what letters you mean. Letters that come in for pending applications you should see. If there's a letter saying something to the effect that well I'd like to raise this issue, you don't even have to respond but I just want to let you know, I guess you don't see that. I do not go to the extent of how much of those letters we have.

Mr. Vanderbilt: Well regarding people submitting...

Mr. Boteilho: If it's addressed to the commission it goes to you.

Mr. Vanderbilt: It goes to you guys and then you send us a copy.

Mr. Boteilho: Yes.

Mr. Alueta: But we may get letters that are addressed to the Director regarding a Molokai item or regarding a Molokai concern, you may not get that.

Mr. Boteilho: Let me talk to Director Foley about that.

Mr. Vanderbilt: That's why specifically with the ramp and everything there was letters sent and I think they showed a copy to this commission but we didn't get them but if it shows the commission's office, somebody wanted to send a copy to Mr. Foley and copied the commission office, people should know that we have a Molokai commission office here. There should be an address of our commission office. So people can get involved. They don't want to make these long distance calls or they don't want to send their written testimony all the way over to Maui, they can just drop it off at the office.

Mr. Boteilho: O.K. I think that's reasonable, that's the reason why we have a satellite office. We can work on that one.

Mr. Vanderbilt: O.K. thank you.

Mr. Boteilho: Maybe if I can comment, you know that thing about, while you can come on testify on anything you think relates to planning or enforcement. I'm gonna try and word that to make it clear to everybody, it has to be about planning. Because I have nothing about public input, public testimony, but, I want you folks to realize that we might get inundation to it.

Mr. Vanderbilt: We haven't gotten inundated yet. You guys pass a lot of laws and the only enforcement is if someone in our community complains. So, you gotta make people, they don't want to sit down at the typewriter and write a letter and send it some where. We want people to come in and feel comfortable that they can come in a stand up and say something and we're not going to take any action but we're just going to say well we'll look into it. That's the kind of user/friendly atmosphere be nice to have so people can feel that they can drop in and say what they want to and go back to work. As Cindy mentioned the common man and we're all the common man and people don't know the exact rules of planning. We're the only government agency here that has any jurisdiction and maybe we can help them.

Mr. Boteilho: I have a problem with the words you think. Planning you can relate planning to

literally everything. So let me work on the wording.

Ms. Young: Can I make a brief comment on that? I think to clarify what I believe is planning's position on this is that they just want to make it clear that what is being discussed or what is being testified about is within the per view of the commission. Because I don't think, it should be so broad that it would be anything that somebody wants to bring up. It should be something that's within the per view of this commission. I think that's what planning is getting at.

Ms. Buchanan: Degray as the Chair I hopefully have the brain to see through that and make the comments as we've done in the past, at least give it some directions for the concerns. Other than that it's fine. I think him working on the wording I don't want to be inundated for every complaint that everybody has on the island. It's good how we have it now. People are welcome and we take all the comments and we never turned anybody down. I would hope that that will be continued and the Chair would have the sense enough to see it through, common complaints whether it's related to planning or not.

Mr. Vanderbilt: Does enforcement relate to planning?

Mr. Boteilho: Yes but it also relates to public works and also relates to...Let me try working on the wording and let me try and see what I have.

Mr. Vanderbilt: Thank you.

Ms. Buchanan: Please work on the agenda and it does look boring and maybe we can go from there. If I was to see this on the board I don't want to read it. Make it clear, make it bold, etc.

Mr. Vanderbilt: (inaudible)

Ms. Young: My suggestion that has been done for other boards and commissions, is that an approval is something I would like to clarify is primarily what it is, an approval of the minutes. That could be your official minutes rather than (inaudible). I think Commissioner Vanderbilt is talking about is sometimes agenda's as unfinished business.

Mr. Boteilho: Again bring it up and we can post it on the next meeting that's appropriate.

Mr. Vanderbilt: So I bring up something at this meeting and then it's on the agenda for the next meeting under unfinished business?

Mr. Boteilho: I would recommend that because then you could discuss it more and two, most of the time I cannot simply know about everything in the department. If I know I'd just answer you right now.

Mr. Vanderbilt: If we're just going to approve the minutes where do we bring it up on this agenda?

Ms. Young: My suggestion is if the commission, once answers to questions at a previous meeting discussed at the next meeting you would agenda as unfinished business. Unfinished business means that you have questions and you get answered. It's not bringing the whole issue up again and a free for all discussion. It's a clarification on what was discussed before. Answers to the questions or information that you requested. My suggestion would be that you have a separate item on unfinished business.

Mr. Boteilho: We could add that category, unfinished business, so you can bring it up at that time.

Ms. Buchanan: We would be allocating time on the agenda. You cannot spend 5 hours on unfinished items.

Mr. Vanderbilt: Some other agenda's that I've seen on the internet, they have, we have announcements, what can be under that on our agenda?

Mr. Boteilho: That's generally things that is not legislative, making an announcement in the spirit of Aloha or to all next week we have the so and so festival and we would like everybody know that sort of thing.

Mr. Vanderbilt: So if the public wanted to make an announcement could they make an announcement? On other agendas, it says commissioner announcements.

Mr. Boteilho: That's the intent, commissioner's announcements. I would be very leery on trying to...

Mr. Vanderbilt: So now you'll put commissioner's announcement.

Mr. Boteilho: O.K.

Mr. Vanderbilt: O.K. now last week I got a call from somebody on a complaint, Kanoa Beach situation which apparently got an SMA exemption which nobody really knew about because nobody sees the exemptions. He didn't want to testify because he's a neighbor. At what point, Cindy, do we bring something like that out, if we wanted to get something out on the table. Someone calls a

commissioner and we want to bring it up to this commission?

Ms. Buchanan: That person should be filing a complaint with the planning department.

Mr. Vanderbilt: Well a lot of people don't want to file a complaint.

Ms. Buchanan: Well you as a commissioner if you got a personal phone call you can relay that message to Wayne and Wayne can look into it. If you want it as a discussion you have to put it on the agenda.

Mr. Vanderbilt: Somebody told me about that and I just wanted it to be looked into and I brought it at meetings under commissioner announcements or something.

Ms. Buchanan: If you have a concern you can always bring up a concern.

Mr. Vanderbilt: That was my first reaction.

Ms. Buchanan: You could bring it up as a concern but I wouldn't discuss it until the next meeting date, right Wayne?

Mr. Boteilho: I suggest that you bring it up under community input.

Mr. Vanderbilt: Thank you.

Ms. Young: I don't know if community input would necessarily be the appropriate agenda item for a commissioner to bring up a concern. But I think maybe the appropriate agenda item would be if that commissioner could forward that concern to the Chair and the Chair Buchanan would then discuss or relay that concern in Chairperson's report again without significant discussion, but relaying that concern to the department and to the Deputy Director.

Mr. Boteilho: Again you could contact Nina and Nina can contact Lori.

Mr. Vanderbilt: Since Nina's on (inaudible) we have to request special accommodations to disabilities. If you have to contact the Molokai Planning Commission and put Nina's name in there on page two, it says those with special accommodations call Maui.

Mr. Boteilho: Yeah we'll work on that wording because what if she's not there kind of thing. But let me work on that.

Mr. Vanderbilt: How about faxes? Can people fax it here or do they have to do a long distance fax to you guys?

Mr. Boteilho: No, they could fax it here. We could put that number down.

Ms. Buchanan: You done Wayne?

Mr. Boteilho: One more thing. I wanted to bring up the issue that we're going to have the microphones next meeting. I wanted to bring up and you don't have to decide now but the issue of meeting place. Right now we're meeting here because our mikes are fading and we had to use the Parks PA system. Now we have the microphones I would like to put in for the commission whether you want it here or Hawaiian Homes. I'm just bringing that up and you folks can let me know. I'll put it under Director's Report.

Ms. Buchanan: I would defer that until we have the other commissioner's input.

Mr. Boteilho: O.K.

F. ANNOUNCEMENTS

None

G. NEXT REGULAR MEETING DATE: AUGUST 11, 2004

H. ADJOURNMENT

There being no further business before the Molokai Planning Commission the meeting was adjourned at 3:00p.m.

RECORD OF ATTENDANCE

COMMISSIONER'S PRESENT: 1. L. BUCHANAN, CHAIRPERSON
2. D. VANDERBILT, VICE-CHAIR
3. C. SEALES
4. R. RIBAO
5. S. NAPOLEON

ABSENT: 1. B. FEETER
2. K. DUNBAR
3. M. TANCAYO
4. J. KALANIHUIA

STAFF: 1. W. BOTEILHO, DEPUTY DIRECTOR OF PLNG
2. C. YOUNG, CORP COUNSEL
3. J. ALUETA, PLANNING DEPARTMENT
4. R. NAGAMINE, DSA