

**MAUI PLANNING COMMISSION
REGULAR MINUTES
APRIL 14, 2015**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Ivan Lay at approximately 9:05 a.m., Tuesday, April 14, 2015, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Chairperson Lay: We're gonna start off with public testimony. If anyone wishes to testify, they got somewhere to go before your agenda item comes up, we're giving you the opportunity right now to come up and testify. Give us your name and you have three minutes.

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed.

Chairperson Lay: Does anyone wish to testify at this time? Okay, step up to the mic, and identify yourself, and you have three minutes.

The following individuals testified at the beginning of the meeting:

- Mike Moran - Unfinished Business, Item F-1, Discussion on South Maui Citizens for Responsible Growth letter regarding SMA for SDOT Piilani Traffic Improvements on Ohukai Road
- Mark Hyde - Unfinished Business, Item F-1, Discussion on South Maui Citizens for Responsible Growth letter regarding SMA for SDOT Piilani Traffic Improvements on Ohukai Road
- Linda Berry - Unfinished Business, Item F-1, Discussion on South Maui Citizens for Responsible Growth letter regarding SMA for SDOT Piilani Traffic Improvements on Ohukai Road

Their testimony can be found under the item on which they testified on.

Chairperson Lay: Does anyone else wish to testify at this time? Seeing no one, public testimony is closed. And at this time, we'd like to do a formal welcoming to Larry Hudson and Keaka Robinson. And if you can, Larry we'll start with you. Tell us a little bit about yourself?

C. INTRODUCTION OF NEW MEMBERS - LARRY HUDSON and KEAKA ROBINSON

Mr. Larry Hudson: I was born and raised in the states. I've been a police officer with the Maui County Police Department for 33 years before retiring about a year and a half ago. I look forward to getting back and serving the community.

Chairperson Lay: Thank you. Keaka?

Mr. Keaka Robinson: I've been in Maui 20 years originally from Kailua, Oahu. Father of four boys and I'm with Maui Linen Supply is my occupation.

Chairperson Lay: I hope you guys like to read. At this time, our next agenda item?

Mr. Spence: Mr. Chairman, we are on Item C of your agenda, excuse me, Item D of the agenda, Election of Officers for the 2015-2016 Commission Year. So we're selecting the Chair and the Vice-Chair.

Chairperson Lay: So at this point, do I go?

Mr. Hopper: Stay there for election.

Chairperson Lay: All right.

Mr. Hopper: You're Chair until they vote.

D. ELECTION OF OFFICERS FOR THE 2015-2016 COMMISSION YEAR - CHAIR and VICE-CHAIR

Chairperson Lay: Okay, Commissioners, any nominations for the Chair position? Commissioner Hedani?

Mr. Hedani: I think Chairman Lay has done an excellent job as Chairman of the Commission. He's done it for two years, and I think he has a wealth information for the Commission and wealth of knowledge that can be applied to all of the issues that come before the Commission. That being said, I think Ivan with two years as Chairman, like me, I had two years as Chairman of the Commission, us old guys should yield to the younger generation. And that being said, I'd like to nominate the current Vice-Chair, Keone Ball for the position of Chairman. No disrespect to the Chairman's work, but I welcome your opportunity to provide additional input on all of the issues that come before us.

Chairperson Lay: Any more nominations for Chair?

Mr. Spence: Does he accept the nomination?

Chairperson Lay: Do you accept?

Vice-Chair Ball: I will accept that. It's a way to keep me quiet I guess.

Chairperson Lay: That being said, Keone, congratulations you're the Chair now.

Mr. Hopper: You should still vote—

Chairperson Lay: Oh, we'll call for a vote.

Mr. Hopper: Is there any...close the nominations.

Chairperson Lay: At this point, I'm going to ask anyone to close the nominations?

Mr. Higashi: I so move.

Chairperson Lay: Motion by Commissioner Higashi to close the nominations. And we'll call for the vote just to make formal. All those in favor?

Mr. Spence: That's eight ayes.

Chairperson Lay: There you go.

Mr. Hopper: Wait, that's to close the nominations. So now you would want to vote on the actual Chair. I know you took a vote to close the nominations.

Chairperson Lay: Oh, we voted on the Chair?

Mr. Hopper: There's only one so, you should take a vote though.

Chairperson Lay: At this time, call for the vote for the Chair of Keone Ball. All those in favor?

Mr. Spence: That's eight ayes.

Chairperson Lay: Congratulations again.

After being nominated by Mr. Hedani,

**Keone Ball was unanimously voted as Chair.
(Assenting - L. Hudson, K. Ball, M. Tsai, W. Hedani, S. Duvauchelle,
K. Robinson, R. Higashi, I. Lay)**

Chair Ball: Well, thank you, Commission. I am honored and I hope I do a good job for you all in my final year. Let's open the nominations up for Vice-Chair at this time. Wayne?

Mr. Hedani: I would like to nominate Commissioner Maxwell Tsai for Vice-Chairman.

Mr. Higashi: Second.

Mr. Tsai: I guess I'm accepting that.

Chair Ball: Any other nominations? Seeing none, let's vote on Max Tsai for Vice-Chair.

Mr. Spence: You have to vote to close—

Mr. Hopper: No, no that's fine as long as you asked if there's any other nominations.

Chair Ball: All in favor, "aye".

Commission Members: Aye.

Chair Ball: Any opposed? Congratulations, Vice-Chairman.

After being nominated by Mr. Hedani,

**Max Tsai was unanimously voted as Vice-Chairperson.
(Assenting - L. Hudson, K. Ball, M. Tsai, W. Hedani, S. Duvauchelle,
K. Robinson, R. Higashi, I. Lay)**

Chair Ball: Okay, here we go. Item E, Orientation Workshop. Director?

Mr. Spence: Good morning, Mr. Chairman and Vice-Chairman and Members. Congratulations. We have this morning is an orientation workshop. This is the first one for the Commissioners. We like to at least try to get everybody's feet wet before you dive into voting and everything. Give a little bit of the framework of what you do and how to do it. This will be the stuff that some of you have heard before, but this is a good thing. I know I always learn something new. Did Ann disappear?

Ms. Thackerson: Ann's making copies of that letter that just sent around. But also, we need I think for you to vote on the order change of the slides, right, Corporation Counsel?

Mr. Hopper: If you're going to change the order on the agenda, could you please inform the Commission how you would like to change the order, and if the Commission's okay with that they could by unanimous consent change the order, but you would first need to inform the Commission how the order of the slides would be changing.

Ms. Thackerson: Okay, so they're listed on your Orientation Workshop, Section E, and we change them to go, let's see, it's gonna go Opening Remarks, the Planning Framework, County Zoning.

Chair Ball: Hold on, hold on, 1, 3, 5?

Ms. Thackerson: They're listed on your second slide on your agenda. They're listed out the way we have them organized in the PowerPoint. I was just reading it.

Ms. Cua: Sorry Commissioners, we were making copies of Mr. Hyde's testimony. I'm not sure how much Candace went over. Did she go over the order of who's gonna be speaking?

Chair Ball: No.

Mr. Spence: We were just starting. Commissioners, I'll introduce...I'll also introduce Staff to the new Commissioners as we go through today's agenda. This morning, Ann Cua is one of our

Senior Planners and a supervisor of our Current Planning Division. She'll be going over apparently there's a change in order from what's on the agenda, so she'll explain that. And the Planner previously starting that discussion is Candace Thackerson.

Ms. Cua: Did you select your Chair yet? I'm sorry is that your Chair? Oh, congratulations, Chair.

Mr. Spence: And Vice-Chair is Max Tsai.

Ms. Cua: Oh, all right. Congratulations. So once a year, we, the Staff does an orientation for you. it's not only for our new Members, for the benefit of our new Members, but everybody can use a refresher course every year because we deal with a lot of issues, a lot of different types of permits. And so this is an opportunity we feel to kinda, you know, bring everybody up to speed. We send even our Staff, some of our new Staff, and we get all of our Staff involved in provide this training to you. We did make a change to what's on the agenda, so I'll go over how we're gonna present to you today.

The Planning Framework is gonna be covered by Kurt from our office. County Zoning, Candace will be doing that. HRS 343 which is Environmental Impact Statements and Environmental Assessments that will be done by Keith. And then we have our Long Range Division and our Implementation Division that will be talking to you about Long Range Planning and the Maui Island Plan and from the Long Range Division we have Dave Yamashita. And from the Implementation Division, we have Simone Bosco. And then we're gonna talk with you about the County's Policy Against Discrimination and Jackie from our office is gonna be doing that. And then we're gonna get into at the end of the day all the legal issues, Sunshine Law, Ethics, and other legal issues and we're gonna have two attorneys present that to you, Linden Joesting and your attorney, Mike Hopper.

Anyway, so with that we'd like to get started. I do wanna mention that this is Part 1 of your training. There's so much that we have that we've, and I say, the last couple years we started splitting it up so that it doesn't take the entire day. So your next training Part 2, is gonna be two weeks from now on April 28th, and at that time, we're gonna talk about B&Bs, bed and breakfasts and short-term rentals which you see a lot of those permits through the Land Use Commission Special Use Permit process. So that's a very, very...that's an issue that's come to the front burner recently and so we a lot of those so we're gonna take you through that. Our Planner, Gina Flammer is not today that's why we're taking that on the 28th. And then our shoreline team is gonna be before you and talk about Special Management Area and our Shoreline Setback requirements. And then also, someone from our Zoning Division to talk about flood hazards. So these are issues that you deal with every time you come into this room. So we just wanna make sure we give you the tools to be able to deal with this. Did you have any questions before we get started?

Chair Ball: One thing before we do, are there any objections to the change in the order? If none, then we shall proceed.

E. ORIENTATION WORKSHOP NO. 1

- 1. Opening Remarks by the Planning Director**
- 2. County's Policy Against Discrimination - Jacky Takakura**

3. **The Planning Framework - Kurt Wollenhaupt**
4. **Long Range Planning Division - Dave Yamashita & Simone Bosco**
5. **Zoning - Candace Thackerson**
6. **Environmental Assessments (EA) and Environmental Impact Statements (EIS) Chapter 343, HRS - Keith Scott**
7. **Sunshine Law - Linden Joesting**
8. **Ethics - Linden Joesting**
9. **Contested Cases - Michael Hopper**
10. **Legal training on concepts of nexus and proportionality and their application to the permit process - Michael Hopper**

Presentations were given by the Planning Staff and the Deputy Corporation Counsels Linden Joesting and Michael Hopper.

Chair Ball: We will move onto F, Unfinished Business then, and go to the Discussion on South Maui Citizens for Responsible Growth Letter regarding the Special Management Area Use Permit for the State Department of Transportation specifically Piilani Highway and Ohukai traffic improvements. Director?

F. UNFINISHED BUSINESS

1. **Discussion on the South Maui Citizens for Responsible Growth letters regarding the Special Management Area Use Permit for the State Department of Transportation Piilani Highway Traffic Improvements at Ohukai Road project at TMK: 3-9-1: 146, Kihei, Island of Maui. (SM1 2011/0007) (Commissioner Penny Wakida's request) Deferred from the March 10, 2015 meeting.)**

Mr. Spence: Thank you, Mr. Chairman, I do not see, maybe Clayton would like to say a couple things? I know that he was expecting a representative from DOT to be here, and I don't see him.

Mr. Yoshida: Thank you, Mr. Director. Mr. Chair, Members of the Commission, let's see the Commission had dealt with this item previously at your March 10th meeting. We had hoped to have a representative from the State Department of Transportation here. However, that hasn't happened. So, you know, we will try to reschedule this, get a firm commitment and as soon as we possibly can for the Commission to review the matter. And I guess also the Deputy Public Works Director had planned to attend this meeting, but she has a 1:30 meeting elsewhere. So I guess there needs to be some kind of coordination between Department of Transportation and Public Works. So yeah, we apologize and we will get back to DOT and see when would be a firm date, when they can attend a commission meeting and bring this matter forward and have some sort of resolution.

Chair Ball: Okay, thank you.

Mr. Spence: Mr. Chairman?

Chair Ball: Director?

Mr. Spence: For the new Commissioners, Clayton Yoshida is the Division Chief for the Current Division. This is the division that mostly staffs this Commission and for all the discretionary permits you see him quite a bit. He's the guy behind the scenes, you know, setting the agendas in coordination with the Chair, making sure that publications are right, making sure that applicants give their, you know, proper notification and everything. So he's sort of the air traffic control for the Current Division and all things that go to all three Planning Commissions and actually the other ones as well. We have Maui Planning Commission, Molokai, Lanai, as well as Urban Design, Cultural Resources Commission, et cetera. He has his hand in many of those things and has a marvelous memory as to who made the motion ten years ago, to who made the vote. He's quite an asset to the Department and very much appreciated.

Chair Ball: He likes to be addressed as Chief by the way, just kidding.

The following testimony was received at the beginning of the meeting:

Mr. Mike Moran: Good morning, Chair Lay and Commissioners. Mike Moran for the Kihei Community Association. I would like to welcome freshmen Larry Hudson and Keaka Robinson, and mahalo to Penny Wakida and Jack Freitas. Penny was most helpful to KCA in her years of service.

Special mahalo to Commissioner Tsai who hung onto this issue and would not let it go away as we again revisit the intersection of the Piilani Highway and Ohukai in North Kihei this morning which KCA has mentioned at least three prior meetings based on the Commission's stated need for sidewalks here and the Hawaii Department of Transportation refurbishing of the intersection and seeming decision by that Department to not include them. This morning we are hoping for some good news for the South Maui community.

We'd also like to say mahalo to Mark Hyde of South Maui Citizens for Responsible Growth who formally brought the issue to the Commission and mahalo to County Director Goode, who's not here this morning, but his sidekick is hanging around, who advised his department is examining the segmented disconnected sidewalks all along Ohukai to see which ones can be reasonable connected making it safer for pedestrians. There are many reasons for the need for the sidewalks all along the street and especially at this intersection when we have the opportunity. Just one to consider is the Kihei Charter High School is located very near this intersection and we can all picture the students riding the Kihei bus and they get off South Kihei Road and Ohukai and have to walk up the street, go up and down every day and the street is unsafe. I personally walk it frequently. A little sidewalk here, a little sidewalk there, and it's not a wide street and we're trying to narrow it, then the kids get up to the highway, and yes, there's a light and a walk signal, but sidewalks continuously along would be a vast improvement. That's just one of the reasons for the need. So together, all these efforts can bring our area a step closer to a more walkable, bikeable community. Mahalo.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Does anyone else wish to testify at this time? Please identify yourself and you have three minutes.

Mr. Mark Hyde: Good morning. My name is Mark Hyde. I'm the President of South Maui Citizens for Responsible Growth and I'm testifying on Item No. 1, F-1, the same as Mr. Moran. I'd like to draw your attention to a letter that I wrote dated March 10th that I sent to the Planning Department after the last hearing on this, and attached to that is a photograph that I took showing sidewalks that are up mauka of the Piilani Highway on Ohukai. Also, attached an email exchange with Don Couch supporting sidewalks at this location. And select portions of testimony when this matter was first before this Commission in August of 2012 at which time the Commission considered whether or not to order sidewalks to be included within this particular project, did not do that, but instead conditioned the permit on the consideration by the Department of Transportation of sidewalks in this project with that consideration to be reduced to writing into what's called the preliminary compliance report.

That preliminary compliance report was ordered to be given to the Department of Planning to Maui County. And the Department of Maui County was ordered to exercise its discretion as to whether or not the facts and circumstances relied upon by the Department of Transportation were sufficient with respect to sidewalks. This Commission has leverage right now there because there was no preliminary compliance report written for this project.

There was a compliance report written dated December 18, 2014 more than two years after the project went out to bid without sidewalks, and after notification was published in the newspaper that the project was to begin, and after construction actually began. This document was generated after-the-fact only because South Maui Citizens for Responsible Growth asked to see the preliminary compliance report believing that it was impossible to proceed with construction without sidewalks at this project because of the existence of significant residential communities on both sides of Piilani Highway. This is a highly traffic, pedestrian intersection. There is a charter school in the adjacent industrial park and a high school is gonna be built just down the road.

For that reason, the applicant is in violation of the SMA Permit that you issued. You have the power, authority, and the duty to enforce that condition. And I believe that the only appropriate outcome at this point is for all parties to come together and insist that sidewalks be constructed as part of this project, construction's ongoing, now is the time to do it. Thank you very much.

Chairperson Lay: Commissioners, any questions for the testifier?

Mr. Robinson: I have one question.

Chairperson Lay: Commissioner Robinson?

Mr. Robinson: March 10th letter. I have a letter January 9th from you, but I don't have a...do you have a copy of your March 10th letter?

Mr. Hyde: I do.

Mr. Hopper: If that's testimony to the Commission, there should be copies so everybody gets a copy of it if they don't already have it. Do you think the Department, did the Department make those copies because yeah, generally...or you could pass it around, but if it's public testimony we

would need to have copies and make it be available for the public too.

Chairperson Lay: Commissioners, any more questions for the testifier? Seeing none, thank you very much. Does anyone else wish to testify at this time?

Mr. Linda Berry: Good morning. I'm Linda Berry. I'm on the Board of Directors for the Kihei Community Association, and I'm speaking on the same issue as the two gentlemen before me. As a citizen who likes to walk, I'd like to implore you to please do what you can to make Kihei a safe place to walk. That's the right thing to do. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much.

This concludes the testimony received at the beginning of the meeting.

Chair Ball: Moving onto Acceptance of Action Minutes of March 24, 2015 and Regular Minutes of the January 27, 2015 meeting.

**G. ACCEPTANCE OF THE ACTION MINUTES OF THE MARCH 24, 2015 MEETING and
REGULAR MINUTES OF THE JANUARY 27, 2015 MEETING**

Chair Ball: If there is a motion?

Mr. Lay: So moved.

Mr. Hedani: Second.

Chair Ball: Seconded by Hedani. All approved?

Commission Members: Aye.

Chair Ball: Any opposed? Unanimous approval.

It was moved by Mr. Lay, seconded by Mr. Hedani, then

**VOTED: To Accept the Action Minutes of the March 24, 2015 meeting and the
Regular Minutes of the January 27, 2015 meeting.
(Assenting - I. Lay, W. Hedani, L. Hudson, M. Tsai, S. Duvauchelle,
K. Robinson, R. Higashi)
(Excused - J. Medeiros)**

Chair Ball: Director's Report.

Mr. Spence: Commissioners, I'm looking, okay, for Director's Reports this is mostly notification to the Commissioners on what is coming up or things that standard reports that you get as Commissioners.

H. DIRECTOR'S REPORT

1. Notification of the Issuance of the following Special Management Area (SMA) Emergency Permit:

March 24, 2015-approval letter to MR. BILL LAWSON of NORTHSTAR RECOVERY SERVICES on behalf of SEARS HOLDINGS for a Special Management Area Emergency Permit for the installation of temporary bracing to a deteriorated laminated beam on the roof overhang at the Sears Store located at 275 Kaahumanu Avenue, 275 Kaahumanu Avenue, TMK: 3-7-002: 021, Kahului, Island of Maui. (SM3 2015/0007) (K. Scott)

Mr. Spence: Okay, first off is notification that we did issue a SMA Emergency Permit to Sears. Apparently one of their, one of the beams in their building was rotting out and we said, yeah that's a good thing to get that taken care of right of way. So we issued an Emergency Permit. This is for your information.

2. SMA Minor Permit Report (Appendix A)

3. SMA Exemption Report (Appendix B)

Mr. Spence: You also were distributed the SMA Minor Permit Report and the Exemption Report. There's just, I guess the Commission just is acknowledges that they've received it. If you have any questions on that we're happy to find out and give a report back to you.

Chair Ball: And for the new Members if you see something on there when you get your packet, it's helpful if the Department knows ahead of time so they can do the research and get you your answer when you come to the meeting, not necessary but it helps.

Mr. Spence: Okay, and I don't have a list of items for the next....

Chair Ball: Yeah, I didn't see that either.

Vice-Chair Tsai: I have a copy here.

Chair Ball: Agenda for the next meeting?

Vice-Chair Tsai: Yes.

4. Discussion of Future Maui Planning Commission Agendas

a. April 28, 2015 meeting agenda items

Mr. Spence: Okay, next meeting April 28th will be Orientation Workshop No. 2 where we'll go over bed and breakfast, overview of shoreline presentations. We keep talking about the SMA and everything that shoreline issues are very closely related to the Special Management Area and we

will also discuss the SMA Rules and Setback Rules. We'll discuss to a degree sea level rise and flood hazards. And then we have one hearing item, public hearing item and that's Mr. Alan Topinka, sorry if he's watching on T.V. He wants a Special Use Permit to operate a four-bedroom short-term rental home in the Ag District in Kaanapali. So just be expecting the staff report in your packets and more reading material.

Chair Ball: Okay, any questions, no? Thank you, Director. Next regular meeting will be on April 28, 2015, and if there's nothing else, yes?

Mr. Higashi: I have a question for the Director. You know the one on the SMA emergency repair for Sears?

Mr. Spence: Yes.

Mr. Higashi: You know, we've always looked at trying to locate or hire local contractors to do the job. In this case, I notice it's Austin, Texas and I was wondering why they didn't pick somebody local to do that particular job?

Chair Ball: Director?

Mr. Spence: I can't say why they chose somebody else. I mean that may just be, I'm not sure if that's the contractor or what. It may just be the representative and they hire here. I'm not sure. But you know when we're going and issuing SMA Permits, that's not one of the SMA criteria that they hire local help. SMA is supposed to be geared to, you know, shoreline environment, impact to Special Management Area, those kinds of things. Who somebody hires, I mean, I think we all like our local boys to work—

Chair Ball: And girls.

Mr. Spence: —and girls, but that's not something that we can require as part of the SMA permit process.

Mr. Higashi: Oh, of course, we always ask the question about are you doing the project, are you hiring local rather outside?

Mr. Spence: Yes.

Mr. Higashi: I had one more.

Chair Ball: Continue.

Mr. Higashi: Has to do with *The Maui News* report on the Veteran's Cemetery.

Chair Ball: If you can use your mic too?

Mr. Higashi: This has to do with the latest news on the Veteran's Cemetery and how they're

completing their project. Apparently they're running into problems with the community association. And I was wondering where does it sit right now based upon the fact that what we heard when they did their permit that they were gonna cooperate with the Makawao Community Association in getting whatever needed to be done. Now I don't know how accurate *The Maui News* is--

Mr. Hopper: Again, this is something--

Mr. Higashi: --but it sure didn't sound like--

Mr. Hopper: I'm sorry, Mr. Chair. This is something that should be on a future agenda.

Mr. Spence: Yeah.

Mr. Hopper: If we're gonna have a protracted discussion on this issue. It wasn't agendized today, and if it deals with permit compliance or something like that's even more important. If it's just a general discussion on a *Maui News* article, then I suppose that could be an agenda item too. But it's just not something that was noticed on the agenda for today. And so we can't get into a protracted discussion. You can ask that it be placed on the next agenda, but as far as today, it's not something we can address on the agenda.

Chair Ball: Okay, work towards that.

Mr. Higashi: That was I was getting to, and that is to propose to put it on the next agenda coming up to have the representatives come and answer specific questions if that's possible.

Chair Ball: I would defer to legal counsel, but I don't know if we would be a complainant if there's no...there's no complaint.

Mr. Hopper: In general, this is generally speaking, I mean, the Commission doesn't just get if there's cases that it wants to just, you know, bring permits up and talk about. If there's evidence of noncompliance with the permit, then yeah, the Commission can bring that up. But I mean, in general, the Commission isn't in the habit of...and if there's that evidence then that can be something discussed obviously with respect to the permit. But you know, in general the Commission hasn't historically just brought up projects you know repeatedly to discuss them. But I mean, if there's a compliance issue with the project then that's something, but I mean to ask applicants to come forward without any...I mean, the last case you had a letter from a group that had specifically questioned conditions in the permit, and a Commissioner wanted to have that on a future agenda dealing with that issue and we could do that. Or a Commissioner can do that I guess on their own if they have that information. But generally, that's something that you look at for compliance with permit conditions because generally, the Commission, the Commission's jurisdiction is gonna be based on the permits that it grants. So if there's a permit issue, then I don't think that's a problem to look at. And I guess if there's a general discussion that, you know, there's nothing prohibiting that discussion but the Commission may not have any authority over the actual issue itself or the authority to compel the project people to actually, actually attend. But exactly what's to be on the agenda, I'm not sure, but I wanted to kinda have that general statement of what the Commission has historically done with ongoing permit compliance. So...

Chair Ball: Commissioner Hedani?

Mr. Hedani: Just some comments in general for new Commissioners coming on board. Because it's televised on *Akaku*, and the technicians that operate *Akaku* have a difficult time switching from camera to camera depending on who's speaking, being recognized by the Chair before you speak is important, speaking into the microphone is important so that they can pick up the sound. Otherwise, I've noticed sometimes on T.V. when the discussion's going on and you're watching, you just can't make out what the question is or what the answer is. And also for transcription because every word you say is being written down, your stuff will come out as "inaudible" which means they can't hear what you said, yeah.

Mr. Spence: And it's a two-edged sword. You really want everything you want the Commission says to be on the record—

Mr. Hedani: And I, for one, know that every word is there forever for all time.

Mr. Lay: One more item?

Chair Ball: Yes, Commission Lay?

Mr. Lay: On that information that...because we're waiting for DOT to show up, do we hold onto the paperwork or we'll be readministered it later on?

Mr. Spence: I would say just hang onto it. Clayton, do you think we would...we're going to carry over DOT to next meeting?

Mr. Yoshida: We'll consult with DOT very shortly and try to get a commitment.

Mr. Spence: Thank you.

Mr. Yoshida: 'Cause otherwise we're just going on and on.

Chair Ball: Commissioner Hedani?

Mr. Hedani: The Chair might consider subpoenaing the DOT people to come—

Chair Ball: We have a whole list of stuff for them to talk about. Commissioner Robinson?

Mr. Robinson: So if we don't...if the DOT doesn't show up the next meeting is this going to be on the agenda again or do we have time to not wait for the DOT's answer and make a ruling anyway?

Chair Ball: We kinda need them to be part of the discussion, to the solution really, yes.

Mr. Hopper: Have they had a letter sent to them by either the Department or the Commission or is it just a phone call to them about this issue?

Ms. Thackerson: Candace Thackerson, Staff Planner. I sent a letter, and a email, and a phone call, and a phone call. And they were supposed to come today actually. Ferdinand said he was gonna be here, but we just called him and he's not answering.

Chair Ball: They're stuck on the Pali.

Unidentified Speaker: Hana Highway.

Chair Ball: All right, anything further? If nothing, meeting's adjourned. Thank you all for coming.

I. NEXT REGULAR MEETING DATE: April 28, 2015

J. ADJOURNMENT

The meeting was adjourned at approximately 1:45 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Keone Ball, Chair
Sandy Duvauchelle
Wayne Hedani
Richard Higashi
Larry Hudson
Ivan Lay
Keaka Robinson
Max Tsai, Vice-Chair

Excused

Jason Medeiros

Others

Will Spence, Director, Planning Department
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works (on-call)