

1 helicopters that flew in an ice machine, provided water,
2 and provided any medical needs that were immediate to
3 those areas during that time.

4 In January, as you know, a new
5 administration came in. And since then, up to as recent
6 as the day before yesterday, we have been out and about
7 at community meetings. We were out at Kipahulu just
8 Sunday evening at their Association's invitation.

9 We developed our scope of work with FEMA,
10 and the State Civil Defense have continued the recovery
11 efforts and have been heavily involved in shepherding
12 through the needs of the archaeological survey and
13 cultural impact reviews.

14 We have also been able to, in May, award the
15 project bid -- do a project bid award for Manawainui,
16 and the rock scaling, and that has since been completed,
17 and the contractor has been selected and awarded the
18 work for the next phase, which is the Three Arches
19 project.

20 These are examples of what you should have
21 gotten in the mail, I believe, right? Okay. These are
22 the project worksheets work in conjunction with the
23 State Civil Defense and FEMA. While the communities
24 have been very clear to us that, you know, we should be
25 advocating for them and not as heavily dictated by

1 Federal or State agencies, it's still a necessity to
2 have their participation in it, considering that they
3 will fund, and we are upwards very high in the millions
4 as we speak on the project itself.

5 This is of course the Kalepa, Alalele
6 project areas. We are currently in the Three Arches
7 project under the contractor Genaud.

8 Our continuing efforts by the County, I want
9 to touch on this a little bit in the brief time we have.
10 The safety of the residents and the recovery workers
11 continues to be our utmost concern. Making sure that,
12 you know, while this is a difficult situation or one
13 with clear hardship to the residents in both Kaupo and
14 Kipahulu, we are new to what an earthquake can do to
15 this area and have sided on the risk of caution and
16 have, one year later, actually, you know, done some
17 secondary look and sees with regards to things such as
18 the barricade over in the Kipahulu area that are
19 preventing folks coming fully around the island.

20 We are still continuing to coordinate the
21 funding sources between Federal, State and County. The
22 risk to us is without the agreement and approval of both
23 FEMA and the State, what will happen is the County could
24 find itself in advancing work and not being reimbursed
25 and being accountable to our taxpayers for that.

1 We are faced with different multiple
2 jurisdictions. The County, the National Park Service,
3 the Department of Hawaiian Homelands, and Haleakala
4 Ranch all own lands affected within the 17 plus mile
5 area. The isolated residents, their need for emergency
6 services are always an ongoing communication item
7 with -- particularly with the Kaupo folks, because we
8 have had a number of residents faced with health issues,
9 being Medi-Vac-ed out, or we are putting in some
10 scenarios where we can get to them quickly or what
11 mechanisms would be available to them.

12 There are two communities in very different
13 ahupua'a affected in different ways, and so we've spent
14 a great deal of our time working with individual Board
15 of Directors, and we flew out to Kaupo and held a big
16 community meeting in the Hui Aloha Church that was well
17 attended, very well attended.

18 And we recently went to Kipahulu and have
19 had a number of individual meetings with Board Members
20 or their representatives coming forward and have logged
21 well over, gosh, a couple of hundred, at least,
22 opportunities of talking to the residents out there.

23 We continue to be focused and committed to
24 the cultural, historical, and environmental preservation
25 protection of the area and are very concerned about

1 families that are separated.

2 We have one parent in Kaupo whose daughter
3 was a student in Hana. We were trying to deal with that
4 situation. That student has since transferred to
5 Kekaulike, and we supported that move. Unfortunately,
6 she resides separate from her family in Kula while going
7 to Kekaulike while her family lives out in Kaupo. Some
8 families have actually opted to move out of the area.

9 The advocacy for resident needs, while we
10 are not required to, you know, address needs such as
11 phone service, school enrollment, or rent subsidies, our
12 staff has committed to do that. We pursued the
13 difficulties that HawaiianTel has had with phone
14 service.

15 It's become sketchy at times, so it is a
16 little nerve racking for emergencies. We dealt with
17 downed phone lines and have brought in, you know,
18 whatever influence we can offer to the HawaiianTel
19 office.

20 And our biggest dilemma has often been the
21 tourists traveling in the project areas. They really
22 should not be going around. And it's been pretty
23 challenging. Even on the day when we had a blessing
24 ceremony for the Manawainui project, we had a foreign
25 couple, who spoke almost no English, with their

1 Rent-A-Car showing up. And we tried to chase them away,
2 and were very nice about it, and told them they
3 shouldn't be there. Did you not read the signs? Death,
4 serious injury.

5 And I know one of them showed a map and a
6 guide book, and we tried to kind of nicely ask them to
7 leave. And then they followed us walking down the
8 bridge with Uncle Les Kualoa doing the blessing, and we
9 had to shoo them away again. And it was just really
10 interesting.

11 And just on Sunday, tourists had a Jeep -- a
12 family -- that they rented. And they showed up at the
13 barricade at Kukulula bridge, and they had traded in
14 their Rent A Car for the four-wheel drive and was not
15 told out in Kaanapali, when they rented the vehicle,
16 that they couldn't go around the island.

17 So, we sent them back through to Hana, at
18 4:00 o'clock in the afternoon, to drive back to
19 Kaanapali. And it was very unfortunate but necessary.
20 And we are still -- we are still in this dilemma. The
21 barricade is there. You know, unfortunately, until we
22 can better assess it, we are looking actually quite
23 honestly of relocating it a little further down.

24 It creates a situation where vehicles are
25 required to turn at the driveway of one resident, and

1 this place is just not safe for that as well. But we
2 were faced with inheriting the barricade being placed
3 there from last year, have again weighed on the side of
4 caution, and allowed it to remain there until our
5 engineers and other staff and planners could take a look
6 at it. And we've been very, very concerned about it,
7 and it's been dismantled. It's been hauled away. It's
8 been moved by bulldozers. Our Public Works staff go out
9 and monitor it. And again, we are looking at it. Back
10 over to Jim.

11 MR. BUIKA: Well, just in conclusion, the
12 Planning Department's follow-up, we have waived the SMA
13 rules to keep the projects going for life safety
14 purposes. And we have provided the Commission with this
15 report, which includes the major project -- the four
16 major projects out of five. One is just a guardrail
17 replacement.

18 So, you have the project worksheets. We are
19 coordinating with Public Works, and Public Works is
20 providing the Planning Department with voluntary SMA
21 emergency permit use applications, so we will be
22 completing the SMA assessments on those, so we will have
23 a complete record of the projects.

24 And we are and we will continue to provide
25 the Commissioners with updates as needed as the projects

1 progress. And this report has also been communicated
2 with members of the Hana Advisory Committee, and the
3 Cultural Resources Committee, and others involved in the
4 projects. So, we have tried to distribute it as widely
5 as possible.

6 And so the points of contact for the
7 Commission are Stan Zitnik and Mahina Martin from the
8 Mayor's Office, Mike Miyamoto from the Department Public
9 Works, and myself, Jim Buika, from the Department of
10 Planning. And mahalo.

11 Any questions? Yes.

12 CHAIRPERSON AMORIN: Commissioner Hedani
13 followed by Commissioner Starr.

14 COMMISSIONER HEDANI: When is the road going
15 to be reopened?

16 MR. ZITNIK: Initially, our Planning
17 Department -- or our Public Works Department estimated
18 two years. And at this time, it looks like October of
19 2008.

20 CHAIRPERSON AMORIN: Commissioner Starr.

21 COMMISSIONER STARR: Yeah, let me state
22 first of all that I live inside this area. The
23 location -- I call it Three Arches. The proper name for
24 it, which is what should be used, is Na'apuu. That's
25 the Hawaiian name for that place where the work is being

1 done. That's been my family property since 19 -- since
2 1972.

3 And the crews that are working on it are
4 working on our property. They have built a base yard
5 that blocks my back gate. And it's -- you know, I am
6 glad to see that the work is -- that the repair work is
7 getting done.

8 But, you know, there is a bit of a cavalier
9 attitude. I am not sure if you are aware, but two men
10 came within a hair's breath of dying on Saturday,
11 because they were taking shortcuts. They had a scaffold
12 that was being lowered with two men on it over the side
13 of the sheer cliffs, and it was being supported by the
14 bucket of a loader, a backhoe.

15 And they extended it out far enough so that
16 the backhoe actually tumbled over, and the scaffold came
17 down, and it -- part of the backhoe hit the telephone
18 wires and took down three telephone poles. And it was
19 only by the fact that those telephone wires stretched
20 that the backhoe didn't fall over and the two guys on
21 the scaffold didn't get killed.

22 When it was finally pulled back, the
23 scaffold crashed into the rocks, and one of the workers
24 suffered a head injury and was very lucky that they only
25 had a head injury. The other day when I was down there,

1 I watched them take that loader and take a pile of rocks
2 and debris and dump them over the side into the ocean.
3 And I don't believe that that's an allowable action.

4 Now, there is something that is really
5 disturbing me about this project. I have been bringing
6 it up for many, many months. And that is that this
7 project exceeds the scope of returning the road to what
8 was there by the installation of ring netting.

9 And this netting, which is to be placed on
10 the rocks at Manawainui and possibly at Kalepa, is,
11 first of all, something new. It's not something that
12 was there before. It's something that's in contrast to
13 the SMA rules, and in that reason should not be being
14 exempted by the SMA exemption, because the SMA -- the
15 alteration shall cause minimum adverse effect to scenic
16 resources, and the rocks out there certainly are scenic.

17 Plus, you know, there's just a lot of
18 feeling those rocks are, in a sense, sacrosanct. Maybe
19 even people consider the pohaku sacred out there, and
20 that by putting netting on them it's changing the
21 attitude. It's entrapping them.

22 So, you know, I for one will be contesting
23 that nature of the exemption. I will be protesting to
24 FEMA and attempting to get funds cut off through Senator
25 Inouye's office. I will be filing this protest and

1 probably filing legal action in court regarding the
2 placing of the netting.

3 This netting is not something that's used
4 throughout the rest of the country. This is only a
5 cheap solution. I have seen it in West Virginia in some
6 really poor coal mining communities. Anyplace else
7 retaining walls are utilized, and there are much better,
8 more elegant practices.

9 But to try to cover the rocks of East Maui
10 with this netting in order to rush it through under FEMA
11 emergency funding is wrong, it's an injustice, and I
12 will continue to speak up against it and fight this
13 project as long as I possibly can.

14 And just another note, I have not had a
15 telephone since the earthquake at our place at all.
16 And, you know, my caretaker on the property passed
17 away --

18 MS. MARTIN: Right.

19 COMMISSIONER STARR: -- six months ago. You
20 know, after they closed the road, there was no way he
21 could get hospice care. Closing the road was wrong and
22 has done a lot of damage to the community. And when it
23 was done originally by Alan Arakawa it was wrong, and I
24 understand that while the work is being done, but when
25 there is no work in progress, the road should not be

1 kept closed.

2 MS. MARTIN: I appreciate -- if I could
3 respond?

4 CHAIRPERSON AMORIN: Go ahead, Mahina.

5 MS. MARTIN: Thank you. You are correct in
6 that the concerns on the pohaku and the rock walls of
7 itself are important issues. We spent a considerable
8 amount of time going to the cultural practitioners and
9 kupunas and the communities and have said, you know,
10 when you look at the rock walls and the dangers imposed
11 by the earthquake, you know, the aerial recon shows that
12 there are some significant dangerous areas that we are
13 responding to.

14 And so we talked about the different options
15 of further scaling at a bigger degree that would really
16 alter the look of the rock wall and the historic value
17 of it, and the measures of safety that the netting would
18 put. And we have gone back and forth with that a number
19 of times, a huge number of times.

20 And the consensus we have gotten from both
21 communities of Kaupo and Kipahulu is that the -- their
22 own urgency of wanting the work done and the idea of the
23 rock -- of the rock netting or the netting itself and
24 the scaling work was something that they would be okay
25 with.

1 As a matter of fact, I think a letter from
2 Aloha Smith of Kaupo was delivered to you folks. It was
3 addressed to the Commission or maybe I just got a copy.
4 Okay. She had submitted to the Planning Commission,
5 perhaps it's forthcoming, her own family's position on
6 the scaling and their desire to get the project moving
7 forward.

8 Certainly, you know, there are a variety of
9 concerns from the whole gamut. You know, we have gone
10 and reached out to the community through a number of
11 meetings in Kaupo, Kipahulu. We held them in Kula. We
12 had phone conversations, in-person meetings with their
13 leadership and the kupunas of the area and have been
14 directed that the utmost desire is to reopen the road
15 rather than continue to examine whether or not FEMA will
16 approve funding for something of a large scale amount
17 that we couldn't moved forward until we could be rest
18 assured that money would be secured. So, being caught
19 in that, that's the process we went.

20 COMMISSIONER STARR: Well, you know, you are
21 strangling the community. And if you asked them whether
22 they would eat a little bit of strychnine in order to
23 get that road open, they probably would.

24 But the issue is not whether to get the road
25 open or not. The issue is whether you are going to put

1 netting on the rocks there. And it's not necessary to
2 open the road, and it's not a proper long term fix.

3 And as far as I am concerned, that's
4 something you are doing electively, it's something
5 that's being done to gain FEMA funds, and it's something
6 that is a real wrong culturally. It's something that's
7 really wrong visually. And I wish that the County would
8 find another way to reopen that road without putting
9 netting on there, because we are going to have to be
10 living with that a long time. It's really, really ugly.

11 MS. MARTIN: We have looked at other options
12 and all the geologists and engineers have given us, we
13 have brought forward. And so this is the one -- and I
14 don't know. I am not here to do the great debate, of
15 course, you know, Jonathan.

16 And I think it's just important that to --
17 we wanted to come forward to you all to tell you that
18 this is the work and the process that we went through,
19 and in no means was it simple. But the whole situation
20 isn't simple either. So, we have found a process, and
21 this is where we are at today.

22 CHAIRPERSON AMORIN: Thank you.
23 Commissioner Hedani.

24 COMMISSIONER HEDANI: I just wanted to say
25 that I appreciate the information, and I -- from my own

1 perspective, you know, I wish that whatever you can do
2 to make the process as fast as possible to reestablish
3 access on that side of the island, for all of the
4 residents that are out there, would be appreciated.

5 MS. MARTIN: Thank you.

6 CHAIRPERSON AMORIN: Thank you. And then
7 just a safety concern. I haven't been out there in a
8 long time. But warning signs posted, are they adequate
9 to defer -- defray tourists or people who want to just
10 prospect the area? Do you have adequate signs posted?

11 MS. MARTIN: There are very, very large
12 construction signs. Do you know the footage?

13 MR. ZITNIK: Four-by-eight, Joe?

14 UNIDENTIFIED MAN: Four-by-eight.

15 MS. MARTIN: Look, there is one of our
16 engineers. Four-by-eight signs. They are put in areas
17 that the route defines, but apparently they are not in
18 the language of tourists. So, even when the Jeep drove
19 up to the barricade, I pointed to the sign that they
20 were right in front of. And the sign says road closed.
21 There is a barricade. And just not -- you know, I think
22 the Mayor has suggested that we go straight again, and
23 go to the Rent A Car companies, and ask a little more
24 firmly this time --

25 CHAIRPERSON AMORIN: The source.

1 MS. MARTIN: -- to put in neon notes.

2 CHAIRPERSON AMORIN: Thank you. Okay. Any
3 more questions, Commissioners? Seeing none, thank you
4 very much.

5 MS. MARTIN: Thank you.

6 CHAIRPERSON AMORIN: Thank you both.

7 COMMISSIONER STARR: Thank you.

8 CHAIRPERSON AMORIN: Director.

9 PLANNING DIRECTOR HUNT: Your next item
10 involves the Planning Director transmitting the 2030
11 Countywide Policy Plan to the Maui Planning Commission
12 pursuant to the provisions of Chapter 2.80B of the Maui
13 County Code.

14 The Maui Planning Commission may review and
15 provide recommendations on Section IV of the plan which
16 was revised to reflect the recommendations of the Maui,
17 Moloka'i, and Lana'i General Plan Advisory Committees.
18 Emphasis will be placed on the revised Expand Housing
19 Opportunities for the County Citizens, Improve Physical
20 Infrastructure, and Improve Parks and Public Facilities,
21 Diversify Transportation Options, Strengthen the Local
22 Economy, and Strive for Good Governance sections of the
23 plan.

24 The Commission may also discuss convening a
25 special meeting at a later date to complete any

1 unfinished business under this item. The project
2 planner assigned to this is Simone Bosco along with
3 Julia Staley.

4 CHAIRPERSON AMORIN: Commissioner Starr.

5 COMMISSIONER STARR: Excuse me, Madame
6 Chair. I would love to be able to dig into the policy
7 plan, but before we do that, I know I am going to have
8 to leave at 5:00 and some of the other Commissioners
9 are.

10 And we have a couple of items that relate to
11 scheduling and agenda that are later down. I'm just
12 wondering if it's possible to deal with those agenda and
13 scheduling items really quickly before we start on this,
14 so that we are assured that that's taken care of,
15 because I think that's important.

16 CHAIRPERSON AMORIN: First off, Simone,
17 thank you so much for standing by. We never know how
18 our day is going to go, but these are important
19 housekeeping items we need to get to.

20 So, if it's okay, do I have a consensus to
21 at least have the Director go through the Director's
22 report, and then me to get some scheduling especially on
23 forthcoming meetings. Director.

24 PLANNING DIRECTOR HUNT: The first item
25 under the Director's report is referring the Transient

1 Vacation Rental Bill and Bed and Breakfast Bills to the
2 Hana Advisory Committee for additional comments per the
3 request from the Hana Advisory Committee.

4 The Commission may take action to refer the
5 legislation to the Hana Advisory Committee for
6 additional comments. As I understand it, this was
7 raised at the last meeting for discussion today.

8 COMMISSIONER HEDANI: So move.

9 COMMISSIONER IACONETTI: Second.

10 COMMISSIONER HEDANI: Call for the question.

11 CHAIRPERSON AMORIN: All those in favor.

12 COMMISSIONER STARR: Can I make a quick
13 comment?

14 CHAIRPERSON AMORIN: Go ahead and repeat
15 your motion.

16 COMMISSIONER STARR: No, I wasn't in on the
17 motion. Commissioner Hedani and Dr. Iaconetti got there
18 first. I just want to comment. I wish we didn't have
19 to do that, because I would like to be able to dispose
20 of the item, but I know -- you know, I have been in --
21 every time I go to Hana, I am accosted by people asking,
22 you know, when that meeting is going to be held.

23 So, I appreciate the members of the
24 Commission supporting having that meeting. And if I'm
25 advised of the date, I will do everything I can to go to

1 it and, if desired, I will report back on the gist of it
2 to the members here.

3 CHAIRPERSON AMORIN: Thank you for
4 supporting Hana.

5 DEPUTY CORPORATION COUNSEL: And just to
6 make clear it, it would be to have --

7 CHAIRPERSON AMORIN: Corporation Counsel.

8 DEPUTY CORPORATION COUNSEL: To have a
9 public hearing there published in the newspaper, because
10 that wasn't done the first time, and I think that's what
11 raised the issue to have notice published in the
12 newspaper.

13 CHAIRPERSON AMORIN: Director.

14 PLANNING DIRECTOR HUNT: I would request --
15 it's up to you folks, but consider this. That we hold a
16 public meeting out there and not necessarily a public
17 hearing. We will do our best to get the word out. We
18 will send an e-mail to the MVRA. We will get the word
19 out. There is just a legal difference between a public
20 hearing and a public meeting.

21 CHAIRPERSON AMORIN: Commissioner Starr.

22 COMMISSIONER STARR: Yeah, my desire, when I
23 did bring it up back to the Commission, was it just be
24 an agenda item on a meeting called by the Hana Advisory
25 Committee to the Maui Planning Commission, but that the

1 Department does use its best efforts to make sure that
2 everyone knows about it.

3 CHAIRPERSON AMORIN: Director.

4 PLANNING DIRECTOR HUNT: One other item.
5 There was discussion. I think we talked about this
6 several meetings ago. Do you want to wait until the
7 minutes are actually typed up and brought back to you
8 before you review the TVR and B&B bills, or do you just
9 want comments from the Hana Advisory Committee before
10 you discuss the TVR Bill and B&B Bill?

11 CHAIRPERSON AMORIN: Commissioner Hedani.

12 COMMISSIONER HEDANI: My preference would be
13 to get comments from the committee.

14 CHAIRPERSON AMORIN: Do we have a consensus
15 with that?

16 PLANNING DIRECTOR HUNT: No objections on
17 that, so just comments back. Okay.

18 CHAIRPERSON AMORIN: Okay.

19 COMMISSIONER STARR: We should vote. Did we
20 vote on that?

21 CHAIRPERSON AMORIN: No. All those in
22 favor?

23 (Chorus of ayes.)

24 Any opposed?

25 (Silence.)

1 Motion carries. Commissioner Starr.

2 COMMISSIONER STARR: Yeah, I move that we
3 schedule a special meeting to deal with the TVR and do
4 it as a full day, fresh-slate meeting. And that can be
5 scheduled at the call of the Chair by the Director.

6 COMMISSIONER IACONETTI: Second.

7 CHAIRPERSON AMORIN: We have a date certain.
8 Is that the 20th, Director?

9 PLANNING DIRECTOR HUNT: I'm not sure if we
10 can get the Hana Advisory Committee scheduled by then.

11 CHAIRPERSON AMORIN: Commissioner Starr.

12 COMMISSIONER STARR: Yeah, my motion was
13 that we leave it to Chair and the Director to work out
14 the details as long as it's properly noticed and we are
15 advised. That's fine.

16 CHAIRPERSON AMORIN: Okay. I will confer
17 with the Director.

18 COMMISSIONER STARR: The 20th would be great
19 for me if it's doable.

20 CHAIRPERSON AMORIN: I don't think it's
21 doable for the 20th.

22 PLANNING DIRECTOR HUNT: We might as well
23 ask. Would there be quorum here? Can everyone make it
24 on the 20th?

25 CHAIRPERSON AMORIN: Do we have quorum? I

1 will be here if I need to.

2 PLANNING DIRECTOR HUNT: That's one
3 potential date.

4 CHAIRPERSON AMORIN: Okay. That's a
5 potential date.

6 PLANNING DIRECTOR HUNT: And the next date
7 would be December 4th. Anybody who can't make that one?

8 COMMISSIONER HEDANI: What day is that?

9 PLANNING DIRECTOR HUNT: Tuesdays. I am
10 picking up Tuesdays, because they seemed to work well in
11 the past. So, either of those two dates.

12 CHAIRPERSON AMORIN: Or December 4th. Do we
13 have quorum? Anyone can't be here? We have quorum.

14 MS. TAKAYAMA-CORDEN: Urban Design uses the
15 room.

16 PLANNING DIRECTOR HUNT: We will work that
17 out. So, was there -- did you we get a vote on that to
18 leave it up to the Chair and the staff to work out a
19 date?

20 CHAIRPERSON AMORIN: Okay. We have a motion
21 on the floor. I think it was by Commissioner Starr and
22 seconded by Commissioner Iaconetti. All those in favor.

23 (Chorus of ayes.)

24 Any opposed?

25 (Silence.)

1 Motion carries. I will confer with the
2 Director on the dates. So, at this time, I would like
3 to just get back with Simone.

4 PLANNING DIRECTOR HUNT: Just one last item.
5 We are providing a notification that there was an appeal
6 from the Shoreline Setback Rules. This is item G3.
7 It's just a notification that there was an appeal.

8 Thorne, is in anything you want to add?

9 MR. ABBOTT: Two things. Jane Lovell is
10 filing a motion to dismiss the appeal. However, the
11 applicant and the Department are in informal
12 negotiations seeking a mutually agreeable settlement to
13 dispose of the item in a more expedient fashion. Thank
14 you.

15 CHAIRPERSON AMORIN: Thank you. Okay.
16 Simone.

17 MS. BOSCO: Thank you, Planning Director and
18 also Miss Chairperson, Ms. Chairperson.

19 Right at the top of the item here, I'd like
20 to propose that the Commission discuss setting a special
21 meeting to catch up, because we are going to lose quorum
22 very shortly.

23 I know this is kind of a surprise, but it is
24 listed on the agenda as something that you can discuss,
25 and seeing as that we have only three meetings left, we

1 need -- we actually have this meeting, the second
2 meeting in November, and then one last meeting in
3 December to wrap up the review, and we needed all those
4 three meetings.

5 So, at this point in time, I'd like to
6 suggest setting another special meeting for the Maui
7 Planning Commission to handle the items that were on
8 today's agenda, if possible. If not, we are going to
9 just need to be exceedingly efficient at the last two
10 meetings to complete our work.

11 CHAIRPERSON AMORIN: Commissioner Starr.

12 COMMISSIONER STARR: Yeah, what is the
13 compulsion to finish by the end of the year? Is there
14 one?

15 MS. BOSCO: Yes, the compulsion is you have
16 120 days to complete the review and forward your
17 recommendations to the Planning Director. And so we are
18 coming up to that deadline in December, the 120-day
19 period.

20 And if we don't do that, then we --
21 basically, the recommendations that you have so far will
22 be the recommendations that are forwarded, and you will
23 have an incomplete review.

24 CHAIRPERSON AMORIN: Commissioner Starr.

25 COMMISSIONER STARR: Move that we schedule a

1 special meeting to deal with the policy plan issues,
2 date to be once again determined by the Director and
3 Chair after consultation by e-mail with members, after
4 finding room available, et cetera, in December.

5 COMMISSIONER HEDANI: Second.

6 CHAIRPERSON AMORIN: Commissioner Hiranaga.

7 COMMISSIONER HIRANAGA: Because there's a
8 notice requirement, maybe we should just schedule the
9 Countywide Plan for the 20th and try to schedule the B&B
10 for December 4th, because aren't you supposed to provide
11 notice seven days prior to the meeting?

12 PLANNING DIRECTOR HUNT: Yes, we do have to
13 set notice.

14 COMMISSIONER HIRANAGA: So, you would have
15 to provide notice tomorrow, right, for the meeting for
16 the 20th, and we don't know what's happening with the
17 Hana Advisory, so rather than waste a day, we should
18 just --

19 CHAIRPERSON AMORIN: Okay. We have
20 consensus on that, so we want to do a date certain for
21 the --

22 COMMISSIONER STARR: Policy.

23 CHAIRPERSON AMORIN: -- the 20th of
24 November. Carolyn, so noted. Commissioner Hiranaga.

25 COMMISSIONER HIRANAGA: The December 4th,

1 the Urban Design Review, is that a half-a-day meeting
2 typically?

3 MS. TAKAYAMA-CORDEN: Typically it is, but I
4 am not sure.

5 COMMISSIONER HIRANAGA: No guarantee.

6 DEPUTY CORPORATION COUNSEL: They have been
7 cancelled a lot lately, too.

8 CHAIRPERSON AMORIN: Commissioner Starr.

9 COMMISSIONER STARR: I would really like to
10 do the TVR meeting in a way that there's some evening
11 testimony time, because that's something I have heard
12 from a number of people in the community who were -- is
13 that it's been impossible for them to come down and say
14 their piece.

15 So, I would love it if we could do it in
16 such a way, maybe convene a meeting at 5:00 p.m. or
17 maybe convene a meeting at 2:00 or 3:00, and then run
18 through 5:00, and allow an opportunity for the public if
19 they want to come down and say their piece and then act
20 later.

21 CHAIRPERSON AMORIN: Any comments from the
22 other Commissioners? Commissioner Iaconetti.

23 COMMISSIONER IACONETTI: Is there some way
24 of limiting reaffirmation of their piece? It seems to
25 me that every time we have this meeting, we get the same

1 people talking about the same things occupying most of
2 the meeting, and we never get any further along.

3 CHAIRPERSON AMORIN: Commissioner Starr.

4 COMMISSIONER STARR: Yeah, you know, I don't
5 think we can legally insist on it, but perhaps we can
6 make a very strong request that, you know, unless
7 someone has new information, that they really leave it
8 to new testifiers.

9 And you know, I guess if people are greedy
10 and wanted, you know, to take their time, we can't stop
11 it. But I think if we do put out -- you know, do make
12 that statement, perhaps it will go part of the way.
13 Maybe Corp Counsel has some better idea.

14 CHAIRPERSON AMORIN: Corporation Counsel.

15 DEPUTY CORPORATION COUNSEL: Well, I would
16 recommend against doing that, telling people not to
17 testify under certain circumstances.

18 I understand the intent behind it. It's
19 just that the OIP's written some opinions that if you
20 tell someone to limit their testimony in a certain way
21 or something, that could be a Sunshine Law violation.

22 What you could do, an example is what the
23 Land Use Committee has been doing on Wailea 670, is
24 recess meetings within six days of the original meeting.
25 If you recess a meeting within six days of that original

1 meeting, you do not have to allow any more public
2 testimony on those items. Of course then the challenge,
3 you are not full-time commission members. It's not your
4 only job. So, to keep doing it within the six days may
5 be a problem, but that's one option.

6 And then the next meeting would have to be
7 within six days of that original meeting and so on, but
8 you wouldn't have to keep providing testimony. You
9 could keep resetting until you finish your
10 deliberations.

11 CHAIRPERSON AMORIN: Commissioner Starr.

12 COMMISSIONER STARR: I really don't think
13 that there's a problem with making a request that
14 people, if they can, limit it to new testimony. You
15 know, I think if we were to not allow them to testify,
16 that's one issue, but I think making that request to the
17 public is not problematical.

18 DEPUTY CORPORATION COUNSEL: The issue --
19 there has been an issue in the past, and there's been
20 published OIP opinions on -- for example, one was
21 actually at this Commission where someone was requested
22 could you only testify on the monetary items.

23 And I understand what you are saying, and,
24 you know, the OIP may be okay with it in certain
25 context. But, generally, they do not like people

1 telling people what they can and can't testify about if
2 they would generally have the right to testify on the
3 item.

4 I can get you a copy of that opinion, and,
5 you know, you can proceed as you see fit, but that's
6 just been an issue that's come up in the past.

7 CHAIRPERSON AMORIN: Commissioner Hiranaga.

8 COMMISSIONER HIRANAGA: It's been my
9 experience in the past two meetings that a majority of
10 the people have not been repeat testifiers. They may
11 all be saying very similar things, but they are
12 different people saying it.

13 I don't see it as a problem. I mean, the
14 testimony is very long. There's a lot of people
15 testifying, but I don't really see that many repeat
16 testifiers. If anything, I would like to suggest, based
17 upon what John just said about an evening meeting, is
18 December 4th we scheduled a meeting to start at
19 1:00 o'clock, and we just going until we lose our
20 quorum. And then staff will have someplace for dinner
21 for us.

22 CHAIRPERSON AMORIN: So, December 4th. So
23 we are not date certain for the 20th for the TVR, so do
24 you folks want to move it up to December 4th? Will we
25 have --

1 COMMISSIONER HIRANAGA: The 20th is the --

2 CHAIRPERSON AMORIN: I beg your pardon?

3 COMMISSIONER HIRANAGA: The 20th I thought
4 we agreed was the County Plan Review.

5 CHAIRPERSON AMORIN: Okay. So, the
6 Community-wide Plan will be for the 20th, so that's the
7 date certain. Okay. Commissioner Starr.

8 COMMISSIONER STARR: Yeah, do we have the
9 room? If we have the room for the 4th, I can make a
10 motion.

11 MS. TAKAYAMA-CORDEN: I got to go check. I
12 have to check the calendar.

13 COMMISSIONER HIRANAGA: Recommend then.

14 CHAIRPERSON AMORIN: Carolyn, this would be
15 an afternoon session if they are going to be here.

16 MS. TAKAYAMA-CORDEN: If Urban Design has a
17 meeting, then it would be afternoon.

18 MS. BOSCO: The policy plan needs three
19 hours minimum. Three hours would be good enough. Four
20 hours is better, so starting in the afternoon, that's
21 fine.

22 CHAIRPERSON AMORIN: For November 20th.

23 COMMISSIONER STARR: We have all day on the
24 20th.

25 MS. BOSCO: Okay.

1 CHAIRPERSON AMORIN: Okay. Carolyn is going
2 to check, and she has to come back.

3 COMMISSIONER HIRANAGA: We are going to lose
4 quorum in five minutes.

5 CHAIRPERSON AMORIN: Director.

6 PLANNING DIRECTOR HUNT: A couple other
7 comments on testimony. One thing you can do is manage
8 the testimony. There's a tendency -- it's human nature
9 to ask questions or start talking story with these
10 people. I have seen some committees just be very
11 business-like, and they get their three minutes, and
12 that's it.

13 If you do ask a question, it's also human
14 nature for that person at the podium to answer the
15 question and then kind of see the doors open, and they
16 can keep talking, and they get another three minutes or
17 even six or whatever. And you can politely just say,
18 thank you, the question has been answered, and manage it
19 that way.

20 CHAIRPERSON AMORIN: I have a question,
21 Director. Is a minimum three minutes or can it be two?

22 PLANNING DIRECTOR HUNT: What's our rules
23 say?

24 CHAIRPERSON AMORIN: Corporation Counsel.

25 DEPUTY CORPORATION COUNSEL: Three minutes

1 is the Sunshine Law. Three minutes is the minimum you
2 can allow by State law.

3 CHAIRPERSON AMORIN: Thank you. If Carolyn
4 is unable to secure this office, do we have any other
5 option?

6 PLANNING DIRECTOR HUNT: It's really
7 difficult. We can explore that, but we have had trouble
8 with that in the past.

9 CHAIRPERSON AMORIN: And the time, the
10 starting time, Commissioner Starr, as far as starting a
11 later meeting in the afternoon for the TVR, did you have
12 a time certain? 1:00 p.m.? Is that open to all
13 Commissioners to be here as far as quorum, 1:00 p.m. on
14 December 4th? Okay. I see a consensus.

15 PLANNING DIRECTOR HUNT: And to working into
16 the evening if necessary? We can have a dinner break.
17 The idea -- the idea from staff is to wrap it up.
18 Again, if we hold a second meeting, then there's going
19 to be testimony again, and it eats up on the time.

20 If we could wrap it up, you guys are pretty
21 close. You have got it down to -- I think there's just
22 two remaining issues. The Lanai Planning Commission has
23 passed theirs out, so we are just waiting on Maui and
24 Molokai.

25 CHAIRPERSON AMORIN: Commissioner Hiranaga

1 followed by Commissioner Starr. Commissioner Starr.

2 COMMISSIONER STARR: Yeah, I'd love to wrap
3 it up, and, you know, maybe we can. Maybe we can't.
4 What I'd like to request is that the Department look and
5 see if there is another date not too far after the 4th
6 when, if we can't wrap it up, we can recess to. How
7 many days do we have to recess?

8 DEPUTY CORPORATION COUNSEL: Within six.

9 COMMISSIONER STARR: So, maybe if we kind of
10 have that and hold it close, you know, hold it kind of
11 close to the vest, and if we need it, we can wrap up
12 deliberations without having to go through public
13 hearing again.

14 CHAIRPERSON AMORIN: We have Carolyn back.
15 Carolyn, do you have any answer?

16 MS. TAKAYAMA-CORDEN: Okay. The 4th would
17 be the afternoon, December 4th. The 20th we can have it
18 in the morning.

19 CHAIRPERSON AMORIN: What time in the
20 afternoon on the 4th?

21 MS. TAKAYAMA-CORDEN: Probably about
22 1:00 o'clock.

23 CHAIRPERSON AMORIN: 1:00 p.m. Okay. That
24 is confirmed. We have a time certain, and a time date
25 for TVR, which will be December 4th at 1:00 p.m. And

1 then for Community-wide Policy Plan, it's going to be on
2 the 20th of November at 9:00 a.m.

3 MS. BOSCO: And how long would that meeting
4 run? Can everyone stay? That's the question.

5 CHAIRPERSON AMORIN: And it will probably be
6 a minimum of three hours, Simone?

7 MS. BOSCO: Uh-huh. And as long as you can
8 go, it would be great. That would be great.

9 CHAIRPERSON AMORIN: Okay. Let's just try
10 to get it all completed.

11 MS. BOSCO: Thank you.

12 CHAIRPERSON AMORIN: With that said, thank
13 you everyone, and this meeting is now adjourned.

14 (Adjourned, 4:57 p.m.)
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CERTIFICATION

I, KATHERINE EISMANN, CSR 439 in and for the State of Hawaii, do hereby certify:

That the proceedings were taken by me in machine shorthand and were thereafter reduced to print under my supervision by means of computer-assisted transcription; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

Dated: 13 November 2007

Katherine Eismann
Katherine Eismann, CSR 439