

PLANNING COMMITTEE
Council of the County of Maui

MINUTES

August 19, 2008

Council Chamber

CONVENE: 9:08 a.m.

PRESENT: Councilmember Gladys C. Baisa, Chair
Councilmember Bill Kauakea Medeiros
Councilmember Michael J. Molina

EXCUSED: Councilmember Jo Anne Johnson, Vice-Chair
Councilmember G. Riki Hokama

STAFF: David Raatz, Legislative Attorney
Clarita Balala, Committee Secretary

ADMIN.: Don Medeiros, Director, Department of Transportation (Item No. 29)
Jeff Hunt, Director, Department of Planning (Item No. 40)
Joseph Alueta, Administrative Planning Officer, Department of Planning (Item No. 40)
Scott Teruya, Acting Administrator, Real Property Tax Division, Department of Finance (Item No. 40)
Edward S. Kushi Jr., Deputy Corporation Counsel, Department of the Corporation Counsel (Item No. 29)
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel (Item No. 40)

Seated in the gallery:

Brian Moto, Corporation Counsel, Department of the Corporation Counsel (Item No. 29)
Wayne Boteilho, Deputy Director, Department of Transportation (Item No. 29)
Milton M. Arakawa, Director, Department of Public Works (Item No. 29)
Roy Silva, Executive Assistant, Office of the Mayor

OTHERS: Ken Hosen, Principal, KFH Group

Thomas Croly, Maui Vacation Rental Association (Item No. 40)
Dick Mayer (Item Nos. 29 & 40)
Pat Borge (Item No. 40)
DeGray Vanderbilt (Item Nos. 29 & 40)
Jocelyn Perreira, Executive Director, Wailuku Main Street Association, Inc./Tri-Isle Main Street Resource Center (Item Nos. 29 & 40)

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Elaine Wender (Item No. 40)
Sharyn Stone, Maui Vacation Rental Association (Item No. 40)
Barbara Kline (Item No. 40)
Warren Watanabe, Executive Director, Maui County Farm Bureau (Item No. 40)

Harry Johnson, Transportation Manager, Maui Economic Opportunity, Inc.
Dave DeLeon, REALTORS® Association of Maui, Inc.
(13) additional attendees

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

CHAIR BAISA: . . .(*gavel*). . . Will the meeting of the Planning Committee of the Maui County Council please come to order. Good morning, everyone. Today is August 19th and it is now almost eight minutes after 9:00. We're just a tiny bit late here but we're ready to roll. We have a very interesting agenda before us today and the Planning Committee is ready to rip. Would you please put your cell phones or any other kind of gadgets that you have that make noise in the silent mode, because we would like to have an uninterrupted meeting this morning.

This morning I'd like to introduce you to my Committee Members. Incidentally, I am Councilmember Baisa from Upcountry and I'm the Chair of the Planning Committee. And with me today, I have my stalwart, loyal Members who constitute a quorum. I have Bill Medeiros who is our East Maui representative.

COUNCILMEMBER MEDEIROS: Aloha and good morning, Madam Chair.

CHAIR BAISA: Good morning, Bill, and thank you for being here. And from Makawao, Haiku, and Paia representative we have Mike Molina.

COUNCILMEMBER MOLINA: Good morning, Madam Chair. Ready to rip.

CHAIR BAISA: Very good. This is an awesome Committee. Unfortunately, a couple of our voting Members could not be here today, and we have excused Member Jo Anne Johnson and our Council Chair Riki Hokama. We also have from the Department of the Corporation Counsel our regular helper Ed Kushi Jr. Thank you, Ed. Boy, we have extra help today. I'm concerned. This must be something that needs a lot of help. We have Mike Hopper, our Deputy Corporation Counsel. And Mike is our regular Corporation Counsel person and today we have Ed Kushi also. From the Executive Branch we have Jeff Hunt. And Mr. Hunt is somewhere back there. Thank you, Mr. Hunt. And we also have from Department of Transportation Don Medeiros, who is the Director, and Wayne Boteilho, the Deputy Director. Welcome, guys. Thank you. And my Staff, regular Staff, I have David Raatz, our Legislative Attorney, and Clarita Balala, who is our Secretary. And Don will be introducing the other gentleman who is with us up here, shortly.

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This morning we'll be taking public testimony and we'll be accepting that starting in a few minutes. Those wishing to testify should sign up with the Committee Staff that's right up here. Testimony will be limited to three minutes and testifiers are requested to state their name for the record and indicate if they are representing anybody other than themselves like a group. Members, today we have two items on our agenda. We have PC-29, which is the bus stop planning and design, and PC-40 Transient Vacation Rentals legislation.

Our first item has been scheduled at the request of the County Department of Transportation. The Department has contacted, has contracted with the transit consulting firm from KFH Group of Bethesda, Maryland to provide assistance with the planning and design of bus stops for the Maui Bus system. As the Members will recall, Representatives of KFH met with us back on February 19th of this year to provide a presentation on their initial findings and recommendations. They are back with us today to submit a report entitled "Maui Bus Review and Bus Stop Inventory and Assessment". I will ask Transportation Director Medeiros to introduce our guest shortly.

First, I'd like to proceed with public testimony on PC-29 and on PC-40 for those testifiers who will not be able to wait until our second item is called. I'll repeat that. We will be accepting public testimony first on PC-29 and if you're unable to wait we will also accept testimony on PC-40 now. We will also provide the opportunity for those who can wait to testify on PC-40, which is about the transient vacation rentals right before we get to that item. So, if you can wait, you can wait. If not, we will listen to you now. Without objection, the Committee will now accept public testimony.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR BAISA: No objections. Thank you very much, Members, we will proceed. Our first testifier this morning is Tom Croly. Mr. Croly, would you like to wait or would you prefer to go now?

MR. CROLY: I'll wait.

CHAIR BAISA: You'll wait. Thank you. Our next testifier is Dick Mayer. Mr. Mayer, would you like to testify now? I see Mr. Mayer approaching the podium so he'll be testifying and then we'll talk about the next testifier. Good morning, Mr. Mayer.

...BEGIN PUBLIC TESTIMONY...

MR. MAYER: Good morning, everybody and Members. I just want to testify on Item No. 29 on the bus stops.

CHAIR BAISA: Thank you.

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MR. MAYER: It's something I think that's long overdue, is adequate bus stops in the right locations with coverage so people aren't in the sun and in the rain, that perhaps are well lighted so they're safe in the evenings. Ideally, there would be a telephone next to them so that people in case of emergency can call to find out if perhaps the bus isn't running or be able to communicate. Secondly, I'd like to see that the bus stops have parking areas nearby so that people can drive and then take the bus. Right now, locating bus stops here and there would be useful, but many of the bus stops would be in rural areas where there, there's really no way for the people to get to the bus stops. So by having a parking area nearby and I think that's something that the County should definitely look into is providing land or making arrangements with nearby churches or schools or whatever it might be or commercial establishments, where there may be parking available on a lease basis, on whatever the arrangement can be. And it may vary depending on the location I think having parking areas nearby. In the longer term, I think the County should actually go ahead and, and dedicate some funds from the County's budget for the purpose of buying lands in the areas where they really want to encourage park and then bus type operations. I think that's very important.

One other item is that we would like up in Kula where I live to have bus service provided beyond just the Pukalani area up into Kula, probably out to Keokea, and back along the highway there. And ideally in the future perhaps extend it from there but at least provide that provision all along that route so that people in Kula--and suspect there's some other areas in Haiku and others that would like similar type of service provided in those communities as well perhaps to the existing bus routes or actually all the way down into the Kahului/Wailuku area. Thank you very much.

CHAIR BAISA: Thank you very much, Mr. Mayer. Members, questions for Mr. Mayer? Member Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. And good morning, Mr. Mayer, thank you for being here.

MR. MAYER: Thank you.

COUNCILMEMBER MEDEIROS: I just wanted to ask mainly on Kula, because I know you're a very active part of the Kula Community Association. In your meetings is there discussions about the use of the bus service throughout the Kula area?

MR. MAYER: Certainly, with the rise in gas prices it's come up now and I think more and more. I think most on the board membership, most of them drive right now fairly actively. But we I'm sure have senior citizens for whom it would be a service to be able to get down locally. Other people maybe cannot drive to be able to get to the bus, and I think if gas prices stay at the levels they're at now more and more people will switch over. It's a transition. It takes time for people to rearrange their schedules but I think if they find that the bus service is available, it's regular, it's dependable, it's comfortable, they can wait in a covered area, they can be perhaps let off at a bus stop waiting for

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somebody to pick them up, all of those things going together could make bus service in Kula a viable option.

COUNCILMEMBER MEDEIROS: And secondly, is there MEO transportation in Kula also?

MR. MAYER: I believe there is but I'm not sure what type of schedule. I don't know how often and I'm not sure to which groups it's, it's--we really have multiple bus routes on Maui. We have everything from the school buses, tour buses, disabled people, elderly, you know, there are various bus services. And again in the longer term I think it would be interesting to see if we can merge some of those things, so the buses, for example, school buses can be used during the daytime for other services so that we can integrate rather having disjointed services perhaps trying to integrate all those buses into one, one, one system that could be used by everybody.

COUNCILMEMBER MEDEIROS: That's, those are good suggestions and we appreciate that. Yeah, I know some of the school buses are used between the morning and afternoon service for the schools, because I used to work for Roberts. And some of those bus, buses are used for such as field trips for the schools and other organizations. So, they are trying to incorporate that. But thank you for your testimony this morning.

MR. MAYER: Thank you very much.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair.

CHAIR BAISA: Any additional questions for the testifier? If not, the Chair would like to note that, you know, I receive a lot of e-mails and, you know, grocery store conversations and requests by the people in Kula and Upcountry, who are hopeful that we'll be able to do exactly what you're talking about, Mr. Mayer.

MR. MAYER: Thank you very much.

CHAIR BAISA: So, thank you very much. Member Molina, okay?

COUNCILMEMBER MOLINA: Yeah, thank you.

CHAIR BAISA: Okay. Thank you very much. Our next testifier that is signed up is Jocelyn Perreira and she will be testifying on Item 29 and later on Item 40.

MS. PERREIRA: Good morning, Council Chair Baisa, --

CHAIR BAISA: Good morning.

MS. PERREIRA: --Council Members. My name is Jocelyn Perreira. I'm the Executive Director and the Tri-Isle Main Street Program Coordinator for the Wailuku Main Street Association Inc./Tri-Isle Main Street Resource Center serving the needs of small towns in

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Maui County. I'm here today to thank everyone involved in this project. It has been our pleasure to work with the team from the Department of Transportation. Of course this project wouldn't have happened without the foresight of the Council knowing and responding to the needs of the community. We do, are pleased to say that having worked with the team that has visited with us I do note on Page 2-6 they say they met with the different organizations. You probably should have also have add East Maui also, because we, you did have discussions with Paia and Haiku as well as Upcountry. Upcountry I guess there's a distinction now before and after. And Makawao is, and Kula, Kula is kind of thought of as Upcountry and Makawao and the other is thought of as more the east end.

One of the things we did have as a concern is this parking areas nearby for the park and ride. That has to be something in the future to take into consideration. Of course these gas prices are necessitating alternate means of travel, and I cannot stress enough that Haiku has to have expanded bus route because of the vast area in Haiku that is needing this so desperately as well as Makawao. The design is a part of our north shore visioning document, and I'm really pleased that the, the consultant worked with local expertise to get the sense of place feel so that the design is articulating the best of the characteristics that are uniquely Maui and not some, somewhere else USA. So thank you very much for this project and we look forward to continuing to work with the County partners.

CHAIR BAISA: Thank you very much, Ms. Perreira. Questions for our testifier? If not, the Chair would like to comment. You know you made a very interesting comment about what is Upcountry. You know I grew up in Makawao. Always thought I lived in Upcountry.

MS. PERREIRA: Me, too.

CHAIR BAISA: I was kind of shocked to find out that it's no longer Upcountry but that's the way it is. Things change. Thank you very much.

MS. PERREIRA: You're very welcome. Aloha.

CHAIR BAISA: Our next testifier who is signed up is Pat Borge. Mr. Borge, you're going to be testifying on PC-40. Would you like to wait or would you rather do it now?

MR. BORGE: I'd rather do it now.

CHAIR BAISA: Oh, okay. Fine. Come on up. The Chair also reminds anyone who would like to testify you can sign up to testify. And if you're testifying on PC-29 you'll testify now. You can decide to testify now or later on PC-40. Good morning, Mr. Borge.

MR. BORGE: Good morning, Council Members. And Mr. Donny Medeiros there he's done a good job here. I used to work for that gentleman. You guys should give him all the support that he needs. But I'm here to testify on the transient vacation rental issue. My

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concern is that, you know, of course you know that I've been coming before the County Council. I have a transient vacation rental. And my neighborhood is zoned Residential. It's a historical home. But my question is when this person went for her original permit it was asked that she lives in the cottage on that property. And during, during the Council meeting, the . . . Mr. Hunt reversed the decision from the Commission, because the Commission recommended that she live on the property, to move back onto the property. And now you're saying that she doesn't have to move back into that property because the cottage is a long-term rental.

Now, by saying this I think you're setting a precedent here on the next person that comes for a transient vacation rental permit then all he's got to do is build a house, have a cottage, rent the cottage out on long term and he's okay and he can live next door or not even be here on the island. I mean, I mean this is the whole issue of the control of the people that living in these houses. And I don't care if 5 feet, 10 feet, the issue is she was supposed to live on the same property. And, and this historical homes, you know, you know, I'm all for taking care of the historical home but a lot of 'em have a lot of bedrooms. You know so you're talking a lot of people here in one neighborhood, a residential neighborhood.

And I get pretty upset, too, because a lot of the people that was affected by this . . . issue their concerns weren't addressed. I mean nobody sat down with us and said hey, hey, you know, we were, you know, I was made out to be the bad guy and all that kind of stuff, you know, but nobody really sat down with me and said, hey, what are my concerns. I think there's too many bedrooms. I mean there were issues. I mean we didn't make up stories of what went on in the neighborhood. And so that's the kind of issues, you know, I think by, by allowing her to stay off of the property you're setting. . . you open up a can of worms here, because I'm sure there's going to be a lot of people going to come up to you and say, hey, she can do it why can't I. You know I mean you guys got to stick to your guns. The Planning Commission made that decision. I mean they looked at the history before they made the decision. They didn't just make decision just like that. They studied the situation. I mean I think you should go back and take a whole look at the situation. I'll be here Friday. Friday is the second reading and I hope you see the whole issue here when it comes before you again. Thank you very much.

CHAIR BAISA: Thank you, Mr. Borge.

MR. BORGE: Thank you.

CHAIR BAISA: Members, questions? Thank you very much. Thank you, Mr. Borge. Our next testifier is DeGray Vanderbilt. And Mr. Vanderbilt has signed up to speak on both issues. If there are any other testifiers, you may sign up now. Good morning, DeGray.

MR. VANDERBILT: Thank you, Chair Baisa and Members of the Committee. Aloha. My name is DeGray Vanderbilt. A 30-year resident of Molokai and I'm here to listen to Don tell us about the bus stops that he's planning on Molokai. No, no, I'm just kidding, Don.

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Just kidding. I want to, I was reading the paper this morning and I was just shocked when I see the headlines, forecast sunny for Hawaii's economy. And in, and in that article our top economist from the Bank of Hawaii says, "There are things that are way worst than anyone thought. Despite all of that things are kind of holding together. It's actually not as bad as some people think". I mean this is one of the State's leading economists saying that. And I only bring that up because things aren't that great these days especially for working families that have high electric costs, high fuel costs, high food costs, high everything cost and it's really hurting everybody. And this bus service that the Council and the Administration has worked out on Maui has been outstanding, and I just wanted to thank you for all you've done there and also thank the Administration and the Council for supporting dedicated bus service of MEO funding that for Molokai. It's been a big help for our island and we really appreciate that. And so that, that's about all I wanted to say on the bus.

CHAIR BAISA: Thank you very much. Would you like to testify on the PC-40 now or later?

MR. VANDERBILT: Yeah, I would if I could.

CHAIR BAISA: If you'd like to go ahead.

MR. VANDERBILT: Do I have a 122 seconds left or?

CHAIR BAISA: Mr. Raatz is going to --

MR. VANDERBILT: Oh, all right. All right.

CHAIR BAISA: --give you another three minutes.

MR. VANDERBILT: Yeah, I had to leave after testifying at the last meeting on August 5th and but I just wanted to thank the Chair for her memo of August 5th which said that she will be incorporating all the suggestions of the Hana, Lanai, and Molokai Planning Commissions. That, that is really a special thing and we appreciate that help. And as I said before at other meetings we had taken the actual bills, the three bills and incorporated the changes that came from the Molokai Planning Commission into those bills. And I talked to David earlier when the, when the Planning Department sent up the initial big package for you all to look at, they said that they would be sending, they sent two of the Planning Commission meetings we had and said they'd be getting the minutes of the last two where the decisions were made. And I took a brief look in the, in, in the binders and I didn't see that you'd receive the other minutes and maybe I just overlooked them but hopefully if they're not there Planning can get 'em to you. So, with that, Madam Chair, I'm done.

CHAIR BAISA: Thank you very much. Members, questions for our testifier? None?

MR. VANDERBILT: Thank you.

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CHAIR BAISA: DeGray, thank you very, very much. We also have another testifier signed up that's Elaine Wender. And, Ms. Wender, would you like to wait until later? Okay. Thank you very much. Anyone else in the audience that would like to testify on PC-29? If not, without objections the Chair would like to close testimony on PC-29.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR BAISA: Thank you very much. Testimony is now closed on PC-29.

...END OF PUBLIC TESTIMONY...

CHAIR BAISA: Our Director of Transportation Don Medeiros is here with us today. And we'd like to ask Mr. Medeiros if he would introduce the guest here from KFH Group today. And they will probably proceed then with a PowerPoint presentation but let's let Don introduce his guest.

MR. MEDEIROS: Thank you, Chair Baisa. With us today is Ken Hosen who's a Principal of KFH Group and has worked with us this past year on this project. And we're really pleased to be able to present the final draft to the Committee this morning and we'll do a Power *[sic]* presentation for you as you said. I'd also like to just mention that our Director of Public Works is here, Milton Arakawa, with whom we worked very closely with and his Department along with the Planning Department has been very supportive of us as we've moved forward with this endeavor.

Also here is Harry Johnson with Maui Economic Opportunity. And MEO, as DeGray alluded to, has started a fixed route type system on Molokai to help the folks on Molokai. And that's just a bit over a year old and it's working to help the folks there especially with their, their rising gas prices. So without further ado I'll turn it over to Ken. So, Ken will go to the back of the room. I guess, Madam, it's, you can handle it from there.

CHAIR BAISA: Thank you very much.

MR. MEDEIROS: Thank you, Ma'am.

CHAIR BAISA: We're going to take a very brief recess to lower the screen and we'll get started again with Mr. Hosen's presentation. We are now in recess. ...*(gavel)*...

RECESS: 9:29 a.m.

RECONVENE: 9:30 a.m.

CHAIR BAISA: ...*(gavel)*... The Planning Committee meeting will come back to order and we'll proceed with our PowerPoint presentation by Mr. Ken Hosen. Mr. Hosen.

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ITEM NO. 29 BUS STOP PLANNING AND DESIGN (C.C. No. 07-333)

MR. HOSEN: Thank you. Aloha. It's always obviously good to be back in Maui and especially when dealing with a winner. And, and I think if I've ever seen a winner in my 30 years of working in this field this has got to be at the top of the list for, for a system --

CHAIR BAISA: Yay. . . .*(applauded)*. . .

MR. HOSEN: --that literally is what two years old? To have explosive growth. You're, you're getting over 5,000 trips a day. And which, which is, is bigger than, than just about any other system of similar size I think with anywhere in the country. So, enough gushing. I think the reason we're here is because nobody expected growth to occur so quickly, and, and we're at the point now where, where after just one year Don and his folks realized, hey, this thing is growing rapidly, we need to grab a handle on it and, and, and, and catch up to the growth. And, and, and, and that has been occurring and that's some of what we're going to talk about today.

But this is the Maui Bus Review and Bus Stop Inventory and Assessment where we inventoried every single bus stop in the system in, in great detail, as we'll talk about. We, we also we're working with a local firm in the design of the bus shelters as they are in the front, and we can talk briefly about that later. Munekiyo & Hiraga, and George Rixey, a local architect, actually did the designs and they, they held a series of public meetings throughout this, throughout the County. As I said Maui Bus has experienced very rapid growth in just 2 years and it's absolutely essential that the County ensure that the system can grow in a safe, comfortable, and convenient manner. And it's, it's literally you got a tiger by the tail right now.

The two-fold purpose of this study is, is to review the routes to determine if improvements are needed. And I, I used the analogy of, of a doctor, you know, and their, their motto is, "First, do no harm". And with such great ridership I really was hesitant to mess with very much of it at all because it's doing so well. And we'll talk about that briefly. The bulk --

CHAIR BAISA: Uh. . .

MR. HOSEN: Yes?

CHAIR BAISA: I just want to inform the Members that, you know, if you see something that you want to ask Mr. Hosen about, let's handle it as we go. We kind of lose it when we do it at the end, because we're not looking at that part of the PowerPoint and the thought escapes you. So, as we go if you see something please raise your hand and we'll, we'll take care of it right then if you don't mind.

MR. HOSEN: As long as somebody remembers where I was because half the time I forget so.

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CHAIR BAISA: Oh. That's why we have to do it now.

MR. HOSEN: Don, maybe you guys could do that. Okay. The, the bulk of the study was the review of the system infrastructure, the bus stops, the shelters, the transfer center. And, and that was done chiefly by one of my great fantastic staff, Jason Quan, who was, he's been out here to present you previously a little bit about the power of this, this tool. To go ahead and start with the service review. We did a brief review of the routes just to see if there was any fine tuning needed and let's face it with the rapid growth there are some things that, that need to change that most systems a year old normally wouldn't even think of having to do. Most of the, as I said, most of the changes were a result of the very high ridership. It literally grew from a rural system to a very large small urban system in about a year. And, and we hope to be able to help continue to prepare for, for future growth which apparently is not stopping. It seems like every time a new bus is put out the riders show up. Every time a new stop is placed up as Don said just the other day after a bus went by they put up a new bus stop and by the next time the bus came around people were waiting at that bus stop.

All routes except the Kihei Villager route far exceed ridership levels compared to ridership of similar areas. All the other routes are just, just doing fantastic. And we recommended some changes to the Kihei Villager route. Minor changes to timing of the Kihei Islander and Lahaina Islander bus to facilitate travel between the two routes. All of these are, are no real additional costs associated with it. The Napili route gets crowded and, and there's some issues there. Getting a larger bus, which is traditionally what you want to do. It may be problematic because of clearance issues. So that's something that, that Don and his folks are still working on. Another possibility is, is putting an additional bus out and reducing the headways on that.

CHAIR BAISA: Is that crowded all the time or certain times of the day?

MR. HOSEN: I think throughout much of the day as I recall. It's, it's pretty crowded. We, we, either me or one of my staff rode on every single route at least once to observe it. And, and I don't recommend riding the Wailuku route around 3:00 in the afternoon and sitting in the back of bus with about 20 teenagers from high school. I don't recommend that but that's your choice. It was, it was, when I rode on that route there were 50 boardings in 1 hour. And, you know, you see those kind of numbers, 50 boardings in an hour, you see those numbers in Chicago, LA, New York. You don't see 'em in very many other places. Yeah, it's just extraordinary numbers.

Other recommendations include the fare collection issue. Again, they started with small fare boxes as one would expect but apparently the fare boxes were overstuffed with bills. And, and it's kind of like the movie, Jaws, where they, they, they're in this little boat and they first spot the, the giant shark and the Roy Scheider character turns and says I think we need a bigger boat. And that's basically what happened here. I think we need a bigger fare box. And they've actually gotten bigger fare boxes now and able to, to put

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the money directly in the fare box 'cause you don't want the drivers to be handling the cash.

CHAIR BAISA: And probably a question for Mr. Medeiros. At some point today are we going to be talking about money and how much you're collecting?

MR. MEDEIROS: We could.

CHAIR BAISA: Okay. If you would please make a note. Thank you.

MR. HOSEN: And we will talk about numbers for the capital improvement in a few minutes. Another issue is seeking retail vendors with tickets and passes such as they do in most, most of the bigger transit systems. Make it real easy for people to buy monthly passes, two week passes. Those, those sorts of things. I know in Honolulu the ABC Store sell 'em and probably supermarkets and other stores do as well. So that's something that, that staff is already looking at. And develop a fare structure that encourages ridership and low fares for residents especially in the area of something like a monthly pass. Have a, have a, we call it a significant discount, almost like a deep discount for people that are going to ride by the month and those are typically residents.

COUNCILMEMBER MEDEIROS: Mr. Hosen?

MR. HOSEN: Yes.

COUNCILMEMBER MEDEIROS: Yeah, on the monthly, weekly, and so forth passes --

MR. HOSEN: Yeah.

COUNCILMEMBER MEDEIROS: --has there been any problems in other systems of people doing passes on the high technology copy machines that we have now?

MR. HOSEN: There, there, there are some issues in, in that regard. And, and, you know, the, the, the industry is constantly battling to, to overcome those issues. But, yeah, those issues do crop up. Now, if you go to the electronic types of passes and, and you have magnetic card readers on board the vehicles as most of the electronic fare boxes all have that now, those are not cheap however. And, and those are much more difficult to, to counterfeit, you know. So, yeah, there, there are some issues but if you have, have the passes really professionally made, then it's not that big an issue and, and I think you could probably look to Honolulu for some good ideas in that area as well as a number of other systems. Okay. Overall management . . . *(change tape, start 1B)*. . . has responded very quickly to keep up with this ridership growth and I think this, this bus stop inventory is a perfect example of that. And, and going out and seeking funding for the capital improvements, buying and deploying larger buses which is happening at a pretty rapid pace right now, and then of course the new and larger fare boxes is something else that's, that's, that management is moving quickly on. And, and frankly we like these kind of

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studies where as we go along managements' already making changes. With these guys it's hard to keep up with 'em sometimes. So, and that's a good thing. We like that.

Okay. Very quickly I'll go through the bus stop infrastructure inventory. I think you've gotten some of this already from Jason Quan. And basically to improve the safety, the accessibility. You all have a lot of folks using wheelchairs in this community and, and a lot of 'em are using transit as, as I've seen when I was standing over by some of the bus stops and the transfer points. And, and we need to, you all need to keep up with that, that kind of need. Very important. Adherence to the Americans with Disability *[sic]* Act. Protecting the system image, the image, part of the system's image obviously is the vehicles and it's also the bus stops, and, and the shelters and, and they have to look good. That's, that's what helps get people to ride.

And, and then the developing the capital improvement plan, the asset management plan. And, and the last bullet point I put in there that I think you all understand is that the cost of inaction can very be high, can be very high in, in safety and in accessibility, potential ADA lawsuits, which is something I guarantee you want to avoid at all costs. For, for the right reasons, for all the right reasons and even the wrong reasons you want to avoid that. And, and obviously you want to do the right thing. So the cost of inaction is, is probably higher than the cost of action.

The objectives of the study were to develop guidelines for bus stops. What, what is the minimal bus stop? What should it have? Inventory all, all the locations, assess them all, and developing a fairly sophisticated GIS database, which is in place, estimate capital improvement costs, and develop a CIP. The capital improvement costs were estimated by type of improvement and we worked closely with the, the County's Public Works Department and, and Don and his folks to come up with what we think are reasonable cost figures for the cost of installing a sign, installing a shelter, would also include the design of transfer facilities and, and those sorts of things. So, we, we think we have a pretty reasonable estimate. There's no way to tell for sure until this goes out for bids and, you know, depending on the economy, how hungry are the contractors, those sorts of things could influence the price.

Very quickly. This, this shows all the bus stops in the system and I think you've seen this before. The inventory included the, the GPS so we know exactly where every, every bus stop is and it's mapped perfectly. We looked at pedestrian accesses. Is there a landing pad? Especially for people using wheelchairs. Is there a sidewalk? Are there curb ramps in the area? Pedestrian safety is, is it a lighted intersection? Is there a crossing signal, a crosswalk? You know as, as a transit professional I hate to put bus stops where, on a busy street where there's no crosswalk or light. It's something I really hesitate to do. So we looked long and hard at those. We don't want people having to run across the street with 45 mile an hour traffic going by.

Information signage. I know some of the major transfer points, some of the key points already have some pretty good signage up already. And then passenger comfort

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amenities. What, what are the shelters and benches? And apparently there's a number of mysterious benches going up. Kind of, kind of growing. I guess somebody has put some fertilizer out there and they just kind of seeds and they just kind of grow up there and that happens sometimes. But you want to be careful. If people are going to associate 'em with you and they will, that they at least look fairly good otherwise you'll get the blame for something that you didn't do. And we see that happen a lot where entrepreneurs come by and put up benches and then they'll put advertisements on 'em and those sorts of things and they're really not associated with the transit system. And sometimes you get calls from benches that aren't even near a bus stop, too, so you don't need that.

This is an illustration of the average daily boardings across the system and, and you can get a pretty good idea of, of the ridership. The Lahaina, the Kaanapali routes all have just, just obviously two or three stops that are just loaded. The, the Kihei route is interesting because it's steady all the way down South Kihei Road there. And then the other areas all have, have pretty good boardings on a daily basis. Just another illustration of what we can do with this is, is this is a map of, we, we query the database and say give us the sidewalk status of every sidewalk in the system, of every stop in the system. The red indicates there's no sidewalk. The yellow indicates the width of the sidewalk is less than three feet and then the green indicates three feet or greater. And you can very quickly tell what the status is of, of any particular bus stop when it comes to sidewalks. And, and, you know, aside from being a great planning tool it's also a great tool for people who call up and say I'm in a wheelchair and I need to get to such and such a destination and to be able to tell them how to get there and know that it's accessible and it's not like this where there's no sidewalk connection and it's really . . . extremely difficult place to deploy a lift at a stop like this.

And, and this is just an example of, of what this database can do. You could query it for pretty much anything that we're tracking. And we're, I think we tracked like 20 or 30 data points. So it really gives you a lot of information very quickly.

CHAIR BAISA: So, Mr. Hosen, when you pull up the map that showed the colored different kinds of sidewalks.

MR. HOSEN: Yeah.

CHAIR BAISA: This thing. Can you then click on a particular location and it gives you the blown up picture?

MR. HOSEN: That's in fact what we did here. I'm simulating that now.

CHAIR BAISA: Any one?

MR. HOSEN: You could, any, and, you could literally click on any one and it will, it will not only bring up the picture but it will bring up all the pertinent data about that stop. Is it

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near an intersection? It is lit? Does it have curb cut? All that, all that information. And ultimately what, what it's going to cost to, to make that improvement.

CHAIR BAISA: That's wonderful.

MR. HOSEN: Yeah. It's really, it's really a neat tool and I know staff have been going to school to learn how to be able to manipulate it better. So it's, it's both a planning tool and an operational tool where eventually you can hook it up with your, if you have a call center or information number and they'll literally be able to tell you the status of any bus stop.

CHAIR BAISA: Thank you.

MR. HOSEN: You're welcome. Okay. So, we have this data base and, and one of the other advantages is I know Don has been thinking about going with a website such as Google Transit so that anyone could literally go on to Google Transit for Maui and, and, and put in their origin and their destination and it will tell them exactly how to get to their bus stop, the, the, the situation of that bus stop. Is it accessible? Is it not? And exactly how to get to your destination. And that's a great tool and I don't even know if there's any cost associated with it. Is there? Google Transit?

MR. MEDEIROS: . . .*(Inaudible)*. . .

MR. HOSEN: Yeah. Yeah. No, no. Cost. Cost.

MR. MEDEIROS: At this point we're looking at a few thousand dollars.

MR. HOSEN: Yeah. Yeah. It's minimal cost and it's, it's a very, very powerful tool that you'll be able to use in the future.

CHAIR BAISA: Mr. Hosen, if we get any feedback, information from Mr. Medeiros, could you please repeat it so that it gets picked up in the mic?

MR. HOSEN: I'm sorry. Okay. It may, he, he, Don said it may cost a few thousand dollars but, but not a lot of money.

CHAIR BAISA: Thank you.

MR. HOSEN: You're welcome. So, our recommendations were, were number one to incorporate guidelines in local ordinances for developers for, for future growth so that developers know what, what the standards are, what the guidelines are for bus stops in their area. One of our primary recommendations was to relocate stops at high-risk locations and I think there were two of those I believe. It wasn't a big problem. Improve the main transfer point. I think if anyone goes down to the center, they, they find it's very busy and very crowded. Again, this comes under the category who would of

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thought it. And, and staff is already into the preliminary design of, of a new transfer point at the center maybe away from the entrance where there's more room where buses can pull up in what we call a saw tooth profile and people won't have to cross lanes of bus traffic to get to their bus. Basically, I think we were talking about something bare bones with, with a few shelters. Nothing, nothing elaborate but away from that really congested area. And if you've ever been down there during, you know, 2:00, 3:00 in the afternoon, well, pretty much anytime during the day it's, it's a very busy place and, and Roberts, the contractors, doing everything they can to keep it well organized. But, but it's, it's a difficult location. So that's something that, that staff has considered a major priority.

We also look at ADA compliant landing pads at all the major stops, because if you have a major stop you're going to have someone in a wheelchair that's going to want to use it. Install sidewalks and curb cut connections where, where feasible. Again, those are all prioritized. And then install shelters and benches at high activity stops. And, and basically we're looking at improvements priority on the high activity stops and those stops where we can move, where, where you can move fairly quickly without having to go through a lot of issues with, with landowners. Stops that you can get a quick success on so to speak.

Okay. So, we developed a capital improvement program because we believe the, the image of Maui Bus is closely aligned to its bus stops and transfer centers. And identifying, and as I said earlier, in prioritizing improvements. Safety related first, accessibility, and amenities all in there. The, the capital improve..., the proposed capital improvement program consist of funding in each year based on, well, in the first year it's just getting started and most, much of this money is, is design and some of it is construction.

In year two, the very high price tag is, it reflects the, the cost of the transfer center. And I'll go through these here and, and you can go through these in greater detail in the documents. But, but these are the locations that were first selected in the first year. Some of them are actually installing shelters and, and pads. And in, in the case of the transfer center most of that I believe is design. And then the second year would be the bulk of the transfer center funding. And then some of the other major stops that, that we believe should be a priority.

And then year three, we, we have a whole series of stops as well. And you see one there, a couple of 'em where, where it's \$200 and I believe that's basically a new sign, a new pole, the cost there. The Wal-Mart is pretty much all set. The Maui Mall is pretty much all set. It's just a matter of a minor, minor change.

And then year four, catching up on a lot of other real important locations. The Kahului Community Center, Maui Memorial Hospital being a couple of 'em, and a number of other, other stops throughout the area. And some of these also obviously include shelters and pads.

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And then year five. And breaking it down by type of improvement we have bus stops poles, bus stop signs, pedestrian pads is a very significant amount of money, sidewalks, very significant, and the curb ramps really, really are the, the bulk of it right there. The cost of benches and shelters is, is considerably less. Of course the shelter does require a pad so, so those costs are kind of combined in there. And then the transfer hub improvements \$650,000 to \$800,000 for the, for those improvements.

CHAIR BAISA: Mr. Hosen?

MR. HOSEN: Yes.

CHAIR BAISA: So that \$4 million would be over five years?

MR. HOSEN: Correct.

CHAIR BAISA: And it begins, when we say year one are we talking about the 2010 County Budget?

MR. HOSEN: It's this coming year. This year right now.

CHAIR BAISA: For this current year which is the '09 Budget.

MR. HOSEN: Yeah '09.

MR. MEDEIROS: That is correct, Madam Chair. This fiscal year you folks gave us a quarter of a million dollars so we started it already.

CHAIR BAISA: Okay. So, year one is the current budget.

MR. MEDEIROS: Correct.

CHAIR BAISA: Thank you.

MR. HOSEN: Yeah. Yeah. It's very hard keeping up with these people here.

COUNCILMEMBER MEDEIROS: Mr. Hosen?

MR. HOSEN: Yes.

COUNCILMEMBER MEDEIROS: Yeah. Could you explain what pedestrian pads are?

MR. HOSEN: Pads are, are I think it's a 4x4 or a 6x6 concrete pad that would be used, that would extend from the curb, from the curb to the sidewalk that connects it so that a person in a wheelchair doesn't have to go over dirt or grass to get on board the vehicle.

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The lift doesn't, it won't be deployed on grass. It would be deployed on this concrete pad.

COUNCILMEMBER MEDEIROS: So it's just for locations that do not have sidewalks at the time.

MR. HOSEN: That, that do not have a sidewalk or one that doesn't have the sidewalk connecting to the curb. You may want to add a smaller extension there so that you have, you don't have to go over grass.

COUNCILMEMBER MEDEIROS: Thank you.

MR. HOSEN: You're welcome. And this is, this is the...concludes the presentation. I thought, you know, I'd end off with a big bang, the costs involved. You know staff, staff, and, and, and the consultants worked, worked long and hard to come up with these priorities. And, and I think they pretty much reflect what's needed out there. Safety being number one, accessibility issues, high stop, high visibility areas being, being, being the most important and then moving, moving on from there. So I think it's a pretty good plan but like any plan it's flexible. And, and priorities shift and change especially with the way this system is running things could change very rapidly. But, but I think this is good guidelines. And I think having the bus stop inventory is, is, and being able to upgrade it as needed, which we've worked with staff to do. I know Jason Quan came out just a few weeks ago to work with staff just to make sure that they'll be able to manipulate the data base and upgrade it as new stops come online which is practically every week.

CHAIR BAISA: Before we close, could you do me a favor and go back one more to the years, the 5 years, and the costs for the 5 years? There. So, in 2010 we would need \$1,093,250. So that's a big . . .

MR. HOSEN: In order to be able to accomplish all of those.

CHAIR BAISA: Okay.

MR. HOSEN: And the big one there is the \$716,000 for the transfer center.

CHAIR BAISA: At Kaahumanu.

MR. HOSEN: Yeah, at Kaahumanu Center.

CHAIR BAISA: Okay. Well, Members, I don't . . .

MR. HOSEN: That's, that's the big one there.

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CHAIR BAISA: Thank you. Members, I know we have many questions and so now what I'd like to do is we'll take a little recess and put up the screen and then we can continue. So the Committee will be in recess for a few minutes. . . .(gavel). . .

RECESS: 9:55 a.m.

RECONVENE: 9:57 a.m.

CHAIR BAISA: . . .(gavel). . . Members, the Committee is back to order here and Mr. Hosen will be joining us upfront here in just a few minutes. He's putting away the projector. Director Medeiros, do you want to show us a little bit more before we get into questions and answers? I know you got some nice poster boards here you want to share.

MR. MEDEIROS: Thank you. Thank you, Madam Chair. This before us is a result of those meetings that Ms. Perreira talked about and a few other folks talked about when we worked with the community associations. It's sort of a generic depiction of, of, of what came out of those meetings. And they're various looking, this one looks a little different than, than say that one. Down here shows some designs for the seating. How the seating could be . . . how the seating could be designed. In, in this case here, it's a perfectly square shelter. You're looking down and you would have stool type seating with the pillars, the structural pillars here. This is a smaller one. The shelters, the design of the shelters and the size of the shelters would be based on the usage at the stop. How many people --

CHAIR BAISA: Mr. Medeiros?

MR. MEDEIROS: --use it.

CHAIR BAISA: Would you mind kind of angling that so that the Chair can see, too?

MR. MEDEIROS: Okay. Oh, I'm sorry. Yeah, we could do that.

CHAIR BAISA: I hope the camera can get it.

MR. MEDEIROS: How's that?

CHAIR BAISA: Okay. Better.

MR. MEDEIROS: Okay.

CHAIR BAISA: Thanks.

MR. MEDEIROS: Yeah. So this is a square one. It has stool type seating. This would be sort of a bench that would go around it allow for a disabled wheelchair. This would be a larger one and this is how the seating could be configured. And as I said it's based upon

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the usage at the location. The size would be determined based on the usage. These are some other renderings that George setup for us with the types of seating, the type of applications that could be used on the roofs or the, or the chairs. The different amenities that could be used. And again let me put this one over here.

CHAIR BAISA: You know it's funny you're talking about stools, because I saw on the TV not too long ago that Oahu was changing over to stools because they were having trouble with the homeless sleeping on the benches.

COUNCILMEMBER MEDEIROS: Right.

MR. MEDEIROS: That's exactly why we did it though. We've been working closely with the Department of Transportation Services on Oahu and they've given us some, some real positive input as to what we should or should not do. And we've incorporated that within, within our structure particularly in the, in the bus shelters, in the design. So this we can then go out to the communities and as, as Ms. Perreira talked about and sort of get, once we get to that point, when we get to the . . . the design piece for that area and talk to them a little bit more using this as a guide to move forward on.

CHAIR BAISA: Approximately what is the size of a shelter?

MR. MEDEIROS: It, it will depend upon the usage. For instance this one here which would be a real small location that's probably what, five by . . . 6x6? Where are we? This is, this is a larger one so it's 20 feet wide. This would be 10 feet here.

MR. HOSEN: Ten feet.

MR. MEDEIROS: This is 10x10 that could accommodate--one, two, three, four--about five folks sitting, a few people standing, and a wheelchair. This one here is probably another 20 footer. This one, this--let me get on this side--this one here is 10 feet between the two poles. So this looks like it's about a 20 footer. And the height will, will usually be about 10 feet and the depth, the depth will probably be about 10 feet, 8 to 10 feet.

CHAIR BAISA: Is there any, has there been any thought about enclosing them for Upcountry? You know in the morning it's really, really cold like up in Kula or even in Haiku or Makawao where it rains and the wind blows and it's cold.

MR. MEDEIROS: There are pros and cons to that sort of thing. And so, for instance, this one it's not that clearly depicted here but if you see these lines that are here we could put some sort of a --

CHAIR BAISA: At least a wind --

MR. MEDEIROS: --barrier.

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CHAIR BAISA: --a wind, wind break, you know.

MR. MEDEIROS: Like a wind, we could do something like that that would help. Whatever that ends up and, and, and then it, it could be a thin mesh type of thing or something with slats in it that would allow some air through and some safety that there's nothing lurking in the background.

CHAIR BAISA: That has to be Plexiglas maybe, you know, like . . .

MR. MEDEIROS: Yeah. And there's, there's some of those things. And, you know, this is what a barrier could possibly be or here and, and we could work with the communities to determine what that is. Yeah. We, we tend to run into some graffiti issues so we try to look at those items as well.

CHAIR BAISA: You know has there been any consideration--I was asked recently at a meeting and I couldn't answer. I said we'll know shortly because the bus stop man is coming. They wanted to know if it was possible that any of this could be, once there was a design installed like maybe a service club?

MR. MEDEIROS: It will depend I think on the complexity of the project and, and how we end up. If it's something that's, that's relatively straightforward possibly. There's a certain amount of engineering that's going to have to go into it. We're looking down but basically this would be a big umbrella.

CHAIR BAISA: Yeah.

MR. MEDEIROS: So we'd have to set it up so it doesn't fly away in the, in the wind and that sort. So, we'd have to try to work on that to see what it is that we can come up with. On Oahu, this entire structure it will look similar to this. It's wooden except for the roof here, which is metal. So, you know, maybe portions could be done. That's something we'll be heading into to try to work with. We've had Kiwanis, Rotaries --

CHAIR BAISA: Right.

MR. MEDEIROS: --you know, those folks interested in it.

CHAIR BAISA: That's a fairly simple design where you have that straight up roof with a bench --

MR. MEDEIROS: Yeah.

CHAIR BAISA: --and, and poles.

MR. MEDEIROS: Yeah.

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CHAIR BAISA: Approximately what does something like that cost? I know you've done cost projection.

MR. MEDEIROS: We've, we've done some of the costs and, and if there's something off the shelf that we could buy, um, that's pretty straightforward maybe something like, like this down here.

CHAIR BAISA: Yeah.

MR. MEDEIROS: You know you're talking maybe about \$4,000 if you buy a few of 'em at once. For instance on Oahu when they put shelters in, they put 70 of 'em in, in a crack so that they get the efficiency in numbers, you know, put it out to bid but of course that's a lot of money. Something as simple like this could run anywhere between 2 and \$3,000. And if you, if we set it up in such a way that we're ordering a bunch of 'em then one container could hold several and you'd, you'd gain a bunch of economy by just bringing in one container. So, we'll be looking at some of those. Here you go, Ken.

MR. HOSEN: We're estimating the cost of the shelter and the installation of the shelter at about \$10,000 each in, in total when everything's installed with the, with the concrete pad as well about \$10,000.

CHAIR BAISA: Boy, not a cheap thing, huh?

MR. HOSEN: No, it's not.

CHAIR BAISA: I remember a cottage you could build for \$10,000. Of course I'm rather dated. Members, questions? Member Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. I'll ask a few questions and I'll let my colleague Member Molina also ask some because there are a lot of questions. I wanted to ask, first of all, there's in the presentation and I guess in the designs a lot of accommodations for physically disabled people such as in wheelchairs, what are the accommodations or plans for vision impaired and disabled people that want to ride the buses?

MR. HOSEN: Persons with vision impairment, there's, there's, there's a few things that can be done. There's audible signals can be installed in locations where there might be a lot of persons with vision impairments. There is tactile curbs so that a person could feel it with their feet. That's, the ground is a little rougher like they'll have on subways.

COUNCILMEMBER MEDEIROS: Uh-huh.

MR. HOSEN: And, and some people have gone actually to putting up Braille signs on, on bus stop signs, but, but I don't, I don't see the value of that because most people wouldn't be

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able to find the sign anyway if they were reading Braille. So those are the main amenities for persons with vision impairments

COUNCILMEMBER MEDEIROS: And so you are looking at incorporating that kind of design in the final designs?

MR. HOSEN: Well, we hadn't actually considered audible traffic signals but I think that's something where, where you do on a case-by-case basis when there's a request for that and, and there's justification for it that's, that's something that can be hooked up.

COUNCILMEMBER MEDEIROS: We don't see too many of them, you know, riding the bus but I know there was one gentleman with a dog that used to be in the Waiehu area a lot that, you know, was waiting for buses and stuff.

MR. HOSEN: Yeah. Yeah.

COUNCILMEMBER MEDEIROS: So, I just want to be sure that we're planning to kind of accommodate them also. Okay. My other question is because we hear a lot about other bus stops in other jurisdictions such as, such as Honolulu, is it the Department of Transportation's and the consultant's position to coordinate and to find some kind of partnership with the Police to monitor on their regular patrols the bus stops? And to have more frequent monitoring and patrols of higher risk areas?

MR. MEDEIROS: We currently do work closely with the Police Department. The most recent endeavor has been a video that you'll see that just landed on some of the cable stations with regard to cars passing the buses in the right way and this sort. We have worked closely with the Police Department and would plan that that would continue as, as we move forward.

COUNCILMEMBER MEDEIROS: Okay. And . . .

MR. HOSEN: We can also --

COUNCILMEMBER MEDEIROS: Yeah. Go ahead.

MR. HOSEN: --work at developing adopt a stop and adopt a bus, adopt a shelter programs with local retailers, other businesses that would actually kind of, kind of keep an eye out for the shelters and the stops. Clean them up on a regular basis. Those sorts of things and get some, some advertising sponsorship benefits based out of that.

COUNCILMEMBER MEDEIROS: Right. Right. I think that would be great. And in line with that question, it's come to my attention when you discussed about some design changes as a benefit from input from Honolulu regarding the homeless using some of the shelters, my understanding was those, a lot of those benches were metal. And, and I think part of the problem was the rust and the corrosion associated with that kind of materials. So

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with that I want to ask because I seen some of your renderings there and it shows metal roofs which never do good in Hawaii. So, I'm wondering what kind of roofs are you considering other than metal? And I don't care if the manufacturer says it's rust resistant, it's life warranted. It doesn't last in Hawaii. I don't care what kind of metal it is. So, is your intention to go with metal roofs or is that just a consideration.

MR. MEDEIROS: This is just a rendering. We have, we have nothing in concrete yet and we'll be working on that based on the communities and, and what's going on in that community, the weather in that community and go with that. In Honolulu, they used shakes. In some of 'em they used shakes. Some they used that.

MR. HOSEN: That, that one over there. That, that middle one shows I guess a shake roof, an asphalt shingle roof and it looks like . . . kind of . . .

MR. MEDEIROS: Tile.

MR. HOSEN: Yeah. Tile, tile roof, --

COUNCILMEMBER MEDEIROS: Right. Right.

MR. HOSEN: --yeah, as, as options there.

COUNCILMEMBER MEDEIROS: Okay.

MR. HOSEN: And I think that's a good point.

COUNCILMEMBER MEDEIROS: Yeah. Because I think we have some parks facilities at Keopuolani that have metal roofs and they are almost totally destroyed by the sea breeze --

MR. HOSEN: Yeah. Yeah.

COUNCILMEMBER MEDEIROS: --and the salt air.

MR. HOSEN: Yeah.

COUNCILMEMBER MEDEIROS: And then finally, before I pass it on to my colleague, regarding the work with the Police and so forth to monitor the bus stops. What is the training of the bus drivers in order to recognize and report, you know, behavior or criminal activity or suspicious activity around bus stops? Are the drivers trained to do that?

MR. MEDEIROS: Not really. If anything is unusual they have a communication system and, and are aware that they could call. We have worked with Police where we've had issues arising on the bus. To protect the passengers and the integrity of the bus, all of the newer

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buses we have, have digital camera recording systems in the buses that will help. We haven't, we don't anticipate at this point at least doing that at the smaller shelters. We'll probably do something like that at Kaahumanu Center as it . . . *(change tape, start 2A)*. . . moves along as, as more of a deterrent than anything else.

COUNCILMEMBER MEDEIROS: Okay. Because the reason I ask that is that, you know, some riders maybe waiting for a bus and, you know, receive some kind of either criminal activity or some kind of injury that they want to report to the bus driver to submit the report to the appropriate agencies. And so I just wanted to know if the bus drivers were trained to do that. Okay. Thank you. I'll, I'll defer, not defer, but give Member Molina his turn, too.

CHAIR BAISA: Thank you very much.

COUNCILMEMBER MEDEIROS: Thank you, Madam Chair.

CHAIR BAISA: Thank you, Member Medeiros. Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. No one else to ask questions? Oh, just us three. Okay. . . . *(chuckles)*. . .

CHAIR BAISA: It's just the three of us today.

COUNCILMEMBER MOLINA: I really don't have much questions to ask because most of them have been asked during the presentation and from my colleague, but I've got a couple that I'd like to I guess look at this matter from a different angle. Maintenance. Maybe first for the Director. Have you been networking or had an opportunity to network with any potential groups that could adopt the shelter? Because we all know realistically there's going to be a point where some of these shelters are going to get vandalized by some of our irresponsible and, forgive me for saying, stupid people out there. You know like, for example, Community Work Day they have the Adopt a Highway type of program, has there been any consideration of that as well, Mr. Director?

MR. MEDEIROS: Yes. And we've had initial discussions with some of the service clubs on that. Once, once this thing starts rolling it will probably be more germane at that point to have those discussions.

COUNCILMEMBER MOLINA: Uh-huh. How about the, you know, because you have a lot of from what it sounds like I guess, Mr. Hosen, you mentioned a bunch of teenagers riding in the back of the bus, you have a lot of young kids . . .

MR. HOSEN: They were all good kids by the way.

COUNCILMEMBER MOLINA: Oh, okay. Okay. . . . *(chuckles)*. . .

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MR. HOSEN: They're just teenagers.

COUNCILMEMBER MOLINA: Okay. Any possible networking with schools as well? You know like Kiwanis, Key Clubs, and all those I guess offshoots of the adult organizations that are in the schools that they could possibly get involved. I guess, I think it's important that the community has some empowerment with these shelters so they'll take more pride and more care with these shelters. Any, any comment on that as well, Mr. Director?

MR. MEDEIROS: Yeah. As, as we move forward we're, we're launching a project to work with the schools to make them a little more aware of what's going on in the buses. I think as this project starts to unfold and shelters will be eminent for a particular location then we'll start working with those groups. It's, it's a timing issue. You don't want to start these discussions too soon and then five years later you're, you're, maybe you're ready to build it. So, you sort of want to be on the cusp of it happening so that you don't get people's expectations too high for nothing.

COUNCILMEMBER MOLINA: So, timetable wise we're looking at realistically like around five years then before we get the first shelter up?

MR. MEDEIROS: Well, I think it all, it's all going to--no. We're hoping that next, next fiscal year, we still have a budget process to go through, that if we do get a certain amount of money we'll be able to start it then. We're doing the design piece right now for those shelters that, those locations that Mr. Hosen showed. We're hoping to have that completed before the end of the fiscal year so we have some understanding of what it's really going to cost and get all the permitting and those things done so that early on in Fiscal Year 2010 we could actually go out to bid to construct some of these things.

COUNCILMEMBER MOLINA: Okay.

MR. MEDEIROS: So, it's contention upon funding as well.

COUNCILMEMBER MOLINA: And material wise, I guess the roofing materials, are we looking at maybe possibly recycled materials for, you know, the stools or the benches of that, you know, venture?

MR. MEDEIROS: Whenever it's available we would use it.

COUNCILMEMBER MOLINA: Yeah. You mentioned the people sleeping on benches if that's the route to go. I would encourage maybe some type of signage so that way if an officer passes by, you know, there's signage there and the person who's sleeping on the bench, they have no excuse, because, you know, it's there and prohibits people from sleeping on that bench and maybe depriving others of having the opportunity to sit down and wait for the bus as well. And as far as the roofing material so you've, you've looked at maybe

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implementing some green materials I guess which seems to be the wave of building nowadays. Has that been considered for the shelters as well?

MR. MEDEIROS: Yeah. We're not looking at, at these bright colors. We're looking at things that will blend in with the, with the décor of the location and that's why we're trying to work with community groups and will be working with them as we start to move this project forward.

COUNCILMEMBER MOLINA: Okay. Okay. That's all I have for now, Madam Chair. Thank you.

CHAIR BAISA: Thank you. Member Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair, for another opportunity. In the architectural design of these bus stops will the Department and the consultant be looking to blend these bus stops into the architectural character of the area?

MR. MEDEIROS: We would want to do that. Yes.

COUNCILMEMBER MEDEIROS: So, they're not going to be a one type bus stop that's put in every single area of Maui County?

MR. MEDEIROS: No, that's why we've come up with a few different designs as you can, as you can see here.

COUNCILMEMBER MEDEIROS: Uh-huh.

MR. MEDEIROS: A little different setups. Some are smaller than others. Some are larger. It will depend upon the look. I think that the bottom one that you see on that center one is probably something that I would think came out of one of our, our rural, yeah, probably Paia or, you know, that sort. I mean it looks like it should be, be there, you know.

COUNCILMEMBER MEDEIROS: Right.

MR. MEDEIROS: And so that's, that's why these things happen that way.

COUNCILMEMBER MEDEIROS: Okay. And, yeah, and along with that I guess your consideration of the color schemes will also be conforming to the area?

MR. MEDEIROS: Correct.

COUNCILMEMBER MEDEIROS: Okay. And what, what happens when there's an issue of easement or land purchases to put a bus stop?

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MR. MEDEIROS: We'll have to work through those. And so, what we'll likely do is in the next year's CIP we'll put some money in for land acquisition.

COUNCILMEMBER MEDEIROS: Uh-huh. Is it the case that most of the bus stops will be going on the shoulders of the road that is part of the County's right-of-way?

MR. MEDEIROS: That is our preference.

COUNCILMEMBER MEDEIROS: Okay. Okay. What determines the strategic location of the bus stops? And I ask that because I see where the people wait by Sack N Save on the shoulder which is on Eha Street. And it's right in front of a fire hydrant and I'm hoping a bus stop structure doesn't go there in front of a fire hydrant and obstruct the fire hydrant. So when you're looking at locations you're looking at all things such as fire hydrants? Another thing is the County has a Code where you can't build anything over 3 feet high within 30 feet of the corner of an intersection, because it blocks the view of vehicles coming out and, and going into that area. So, are you also looking at that and, and meeting that requirement?

MR. MEDEIROS: We'll have to look at all of that. What went on down there at that location you're talking about is when we were running the smaller 25 passenger buses we were actually going into the center. Once we put these larger buses on we could no longer negotiate it. So we had to scramble to figure out what to do. And not having any CIP money, you know, to build anything that was the next best thing that we could do. So we worked with Public Works and the Police Department on that for locating it. Ideally, wherever you have a location as, as Ken had mentioned you want to have ample lighting, you want to have crosswalks, you want to have sidewalks, and you want it to be as close to the location that people want to go to, whatever the draw is. And so that's why we put it, we put it there.

COUNCILMEMBER MEDEIROS: Okay. And, and you mentioned lighting, um, are these bus stops going to have lighting within them? And the reason I ask is many of the routes are at night.

MR. MEDEIROS: That is correct.

COUNCILMEMBER MEDEIROS: So, they will have lighting?

MR. MEDEIROS: Yeah.

COUNCILMEMBER MEDEIROS: And not the lighting from, you know, from streetlights. I mean lighting . . .

MR. HOSEN: A lot of, a lot of, a lot of bus stops now especially shelters use solar, solar lighting and there's some, some, been some great advances in that in the past years.

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CHAIR BAISA: The new one lists that.

MR. MEDEIROS: Yeah.

COUNCILMEMBER MEDEIROS: Okay.

MR. HOSEN: There's a panel on that one.

COUNCILMEMBER MEDEIROS: Okay. So, you're, you're trying to incorporate solar, solar lighting where the weather is conducive *[sic]* to that then?

MR. MEDEIROS: That is correct.

COUNCILMEMBER MEDEIROS: Okay. Okay. How, what will we do for small towns areas like Hana if there is a route that will ever go to Hana? Because many, in our community plan it discourages sidewalks because it just doesn't match the character of our town. So, what we would do in areas like that would just have a pedestrian pad instead of a sidewalk for loading people?

MR. HOSEN: I think that would certainly be the way to go.

COUNCILMEMBER MEDEIROS: Okay.

MR. MEDEIROS: You probably want to look at where we're talking about though, Councilmember Medeiros, and, and likely there would be some location that would be conducive to it that is fairly close that people could walk to. But we'd work with the community to try to work it out.

COUNCILMEMBER MEDEIROS: Right.

MR. MEDEIROS: You sort of asked earlier how do we determine where the bus stops are and we determine it based on the, on the, a lot of times the calls that we get in the, in the residential areas. The others are, are where people want to go, you know, shopping centers, banks, government offices. And so, once we establish a route, people see the bus then, then we'll get calls, you know, how about thinking about this or how about thinking about that and then we start working to put stops in. At this point it's pretty much just signage and, and letting the drivers know that this is available and then seeing what happens.

COUNCILMEMBER MEDEIROS: Okay. Is part of the design going to incorporate any landscaping so that it adds shade and weather protection?

MR. MEDEIROS: Initially, I don't think so because then it's just going to be a larger maintenance issue. Here again though we're still in the early stages and, and if some folks as Ken mentioned earlier would prefer having such things and are willing to work

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with it then, then we could. Initially, we're not looking at bringing in water or electricity or those sorts of things that would, would, that you'd need for all of this.

COUNCILMEMBER MEDEIROS: Okay. And what was my next . . . oh, yes, Mr. Mayer in his testimony this morning mentioned, you know, what would be the availability of public phones near bus stops and I think that's a good idea. So, what are the considerations about working with the utility company to have phones close to bus stops?

MR. MEDEIROS: That just landed. I don't know. We'll have to work into that. . . .*(chuckles)*. . .

COUNCILMEMBER MEDEIROS: Okay. Okay. And then finally for me, hopefully, someday we'll have routes to Hana. I know that's a long way but it'll be like a one-time trip in and out per day or something, because we do have the service of MEO in Hana which is great. I mean the people of Hana, you know, wouldn't be able to do without it. But those services are planned more in priority for our dialysis patients and our seniors that come out to this side of the island for doctor appointments. But we have a lot of people because of the energy costs and probably Hana is one of the highest in our County, we're at \$5.29 a gallon for unleaded and \$5.99 for diesel. So, I think, you know, Hana deserves a route and we hope that's part of your future considerations.

MR. MEDEIROS: Well, I know my friends at MEO very well and if you give them the money they will do it. More than happy to.

COUNCILMEMBER MEDEIROS: Okay. Thank you, Director Medeiros and Mr. Hosen. Mahalo, Madam Chair.

CHAIR BAISA: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. You know you must have a lot of people watching your meeting this morning because we just received a note here from our, our colleague Councilmember Anderson from South Maui. Unfortunately, she's a bit under the weather, weather from what I understand but she's, the dedicated public servant that she is she's watching the meeting and wanted me to ask some questions on, on behalf of her if that's . . .

CHAIR BAISA: Absolutely. Go right ahead and we send our best to you, Ms. Anderson. We hope you are well soon.

COUNCILMEMBER MOLINA: All right. Thank you very much, Madam Chair. Mr. Medeiros, Member Anderson wanted to know that has the Department done a survey as to how many riders are waiting at each bus stop? She cited an example in Kihei where she sees a lot of people waiting there. Any comments to that?

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MR. MEDEIROS: Yes. Thank you, Member Anderson, for asking. We keep tabs on all of them and so that we understand who, where people are, what people are using. And I mentioned earlier that the size of the shelter will be based on the utilization. If you have a location that generates, you know, five or six people a day, you know, you'll probably just have a pad and a sign. If you have something that's going to generate a lot more you will. In the plan that we've given you, both in the presentation that Ken gave and in the plan that we'll give all of the Council Members, it's detailed in there by frequency of use. And that's how we sort of keep track. Our report card. Are we, are we moving the people from where they want us to.

COUNCILMEMBER MOLINA: Okay.

MR. HOSEN: If, if you look in your handout on, on Page 11 there's a map that actually depicts graphically the number of riders per day at each, at each stop.

COUNCILMEMBER MOLINA: Okay. All right. And a follow up question from Member Anderson again with regards to the amount of riders seated in each bus shelter. So that will depend what area these shelters are in? If you have a high ridership, then you'll allow for example you could allow for more than say four people to sit down whether it be benches or stools?

MR. MEDEIROS: Yes.

COUNCILMEMBER MOLINA: What would be the maximum amount of seatings? For example, the larger, largest bus shelters would allow for how many people to sit down?

MR. MEDEIROS: I guess the largest shelter if you have something that's probably 20 feet long you'd probably end up with 10 or 12 seats, you know, as an average.

COUNCILMEMBER MOLINA: And every half an hour to an hour you'd have a pick up so.

MR. MEDEIROS: Well, here again it depends on funding. And if we're going to increase the frequency of the service so that more buses are running then, you know, you'll just be moving people faster and so they won't have to dwell as, as longer. With hour headways in the majority of the runs that we have now you tend to gather folks waiting for the bus as it, it just shows up once every hour.

COUNCILMEMBER MOLINA: And the designs you have it's not quite etched in stone yet, right? These are still preliminary designs?

MR. MEDEIROS: Oh, no, no. This is, this is conceptual and it's made as a guide so that when we start to go into the various communities we'll get more. Pretty much what we did was we met with the community associations that, you know, have the view of what's going on in a community. I think what will happen then is when we're ready to do something

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in that community, we'll go back to them and then see what their pleasure is as to how, how we should approach this.

COUNCILMEMBER MOLINA: Thank you, Mr. Medeiros. I think that's an excellent direction you're taking. Start, go directly to the community association and the community leaders. One more question. This one is from me. During the testimony you heard some of our testifiers recommended that we do I guess a park and ride sort of format where the County goes out and purchases land. At this point do you have any preliminary thoughts as to where you would recommend? What areas potentially there's land out there that could provide the parking that could establish this I guess park and ride format.

MR. MEDEIROS: We're, we're currently doing that. And we use the Haiku Community Center, Paia Community Center, Eddie Tam Community Center, Hannibal Tavares Community Center. The park and ride in, on Kuihelani Highway. We use the Kihei Aquatic Center. And I know I've missed something...and those sorts. So we've already got that in play particularly with our commuters but it also is served by the fixed route as well. In the areas of, of Upcountry and, and, and Paia and all because it's, it's difficult we don't, we haven't put a bus on every road. We're just trying to connect the communities. The person really needs to get to the stop and, and in that area because of its, its vastness you'll do that on a car. Yeah, so. . .

COUNCILMEMBER MOLINA: Any areas potentially in South Maui or West Maui that you can see that would need I guess a land purchase to provide parking?

MR. MEDEIROS: There probably will as we move along. South Maui and West Maui are just great for transit because they're linear, and so the way we've set up the stops through the, through the subdivisions and all, people can pretty much walk to it in a lot of the areas. And we're using County parks as well which have, which have parking although we don't really advertise for that because the parks are, are really made for park access.

MR. HOSEN: The park and ride lots are typically used for commuters. Typically, not always. And, and in the, in the case of Kihei and Wailea, the commuters are coming from here basically and heading down there so there wouldn't really be a need for a park and ride, extensive park and ride down in those, in those areas as opposed to Upcountry where, where you would have a lot more need for that kind of thing.

MR. MEDEIROS: And I know I forgot something. It's the most obvious. It's at War Memorial. We have every day anywhere from 200 and 250 riders that go out of there on the commuter run. And we also have fixed routes of three locations within that general area of the, in Central Maui as well.

COUNCILMEMBER MOLINA: Excellent. Well, it sounds like we have it pretty much, you know, covered. So, I appreciate the work that you guys are doing and it was a very informative report, Mr. Hosen, as well.

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MR. HOSEN: Thank you.

COUNCILMEMBER MOLINA: Thank you. Thank you, Madam Chair.

CHAIR BAISA: Thank you, Member Molina. Member Medeiros, any more questions?

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. I just have two more and I thank you for the allowance. Explain to me the transfer center – what does that incorporate?

MR. MEDEIROS: At Kaahumanu Center, when we redesigned this whole thing about a little over two years ago where we extended it to 7 days. We extended the hours of service. And we went into what the airlines call a hub-and-spoke system. So, all of the buses will pulse out of the hub-and-spoke system. So, you can get, get to Kaahumanu Center if you've come in, let's say you've come in from Lahaina and, and you want to come to Wailuku or somewhere else in Kahului. You'll get off a bus and then get on another bus to get to where you need to go or go Upcountry vice-versa coming down. So, Kaahumanu is the main hub. Everything connects from there.

COUNCILMEMBER MEDEIROS: So, currently how many transfer centers we have? Just Kaahumanu?

MR. MEDEIROS: Oh, no, no. We've got Kaahumanu, Maalaea Harbor Village, Wharf Cinema Center in Lahaina, the Whaler's Village out in Kaanapali, Piilani Shopping Center in, in Kihei. That's, that's it. That's it.

COUNCILMEMBER MEDEIROS: Okay. I think that's good for the public to know that they can do that at these transfer centers. And then finally, it was touched on a little bit, I think I saw one of the buses with interior advertising. Is that correct?

MR. MEDEIROS: All of the new transit buses have interior advertising in 'em.

COUNCILMEMBER MEDEIROS: Okay.

MR. MEDEIROS: And what we've been using it for is PSAs and, and informational signage.

COUNCILMEMBER MEDEIROS: Okay. I'm just wondering what is the plans to increase revenue producing advertisement to support the operations of the service.

MR. MEDEIROS: That was sort of a chicken and the egg thing and what it is, is we were waiting for the ridership to increase to make it more appealing to advertisers.

COUNCILMEMBER MEDEIROS: Okay.

MR. MEDEIROS: And so we're sort of getting there. That's, so the next step is to do that.

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COUNCILMEMBER MEDEIROS: Are the plans--go ahead. Mr. Hosen.

MR. HOSEN: And, and to take it a step higher is something I've talked to Don about and develop sponsorship packages for small businesses, medium size businesses, and large ones. I've even seen sponsors pay the fares for a day so there would be a free fare day and every ride is paid for by the sponsor.

COUNCILMEMBER MEDEIROS: Yeah. I think we need to, you know, research and, and, and incorporate that in our plans. Because we need to take as much of the burden off the taxpayers as we can and, and put it to, you know, partnerships with business in the communities and so forth. Are there plans to do exterior advertisement on the buses?

MR. MEDEIROS: On the buses, on the exterior of our buses at this point I haven't thought of, of doing that at all.

COUNCILMEMBER MEDEIROS: But you're thinking about some advertisement at the bus stop structures?

MR. MEDEIROS: I think that, that would be a way of as we go down the road to work through that. That we have been approached by folks who would say if you allow us to do advertising, you know, we'll maintain 'em, we'll even build 'em in some of these cases.

COUNCILMEMBER MEDEIROS: Yeah.

MR. MEDEIROS: But that is another discussion I think for another day with probably Planning Department and a few other folks as we move forward.

MR. HOSEN: That's, that becomes a major policy issue --

COUNCILMEMBER MEDEIROS: Right.

MR. HOSEN: --when you have these big advertisements on the --

COUNCILMEMBER MEDEIROS: Yeah.

MR. HOSEN: --on the, on every street --

COUNCILMEMBER MEDEIROS: Right.

MR. HOSEN: --all over. So that's, that's . . .

COUNCILMEMBER MEDEIROS: And we have laws against certain sizes.

MR. MEDEIROS: Correct. Correct.

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COUNCILMEMBER MEDEIROS: Right. But, Director Medeiros, I want to thank you for, you know, moving this service forward as quickly as it has done. And I thank you, Mr. Hosen, for your consultant on this project. Mahalo, Madam Chair.

CHAIR BAISA: Thank you very much. The Chair would just like to make a few brief comments before we end the morning session. I would certainly also like to add my congratulations to the Department of Transportation and in particular Mr. Medeiros. They've done a yeoman's job in moving this transit system ahead and it's wonderfully complimentary to hear Mr. Hosen say that it is outstanding in the country. I mean, you know, this is so Maui. You know, we're becoming very used to that here in, in this chamber about winners every week, national winners. I mean we're getting so we expect this kind of performance. But, you know, I'm not surprised because, you know, I had the pleasure of working with Mr. Medeiros before and he helped to build the MEO system and he comes very well prepared to lead the effort here at the County. So, my congratulations and thanks to our Transportation Department. Thanks to my colleagues and to the Administration for working very diligently to try to make public transit a reality. And so, thank you very much for the partnership. We thank you for the information. Any final comments on behalf of Mr. Medeiros or the consultants before we have a little break this morning?

MR. MEDEIROS: I just wanted to go back to a question you asked earlier. Last year, last fiscal year, the revenues that were generated from fares were, was almost \$900,000 which equates to about a 17 percent fare box recovery rate which dropped the cost of passenger, per passenger trip down to about \$3.44. And we, for the, for the fiscal year, we logged over a 68 percent increase over the previous year. It was a little over 1.4 million riders and each month we exceed the previous. Last month alone we were 15,000 boardings more than the previous month. So last month was almost 160,000 boardings. And when you consider that's just 12 fixed route buses on the road every day and 8 commuter buses.

CHAIR BAISA: So, it would appear then that our income is going to rise with this rising ridership?

MR. MEDEIROS: It, it would, it would do that.

CHAIR BAISA: That's wonderful because I am looking at this million-dollar request for next year and you know we're going to face a very frugal budget. I'm a little concerned about, you know, what we'll be able to take care of but I can tell you that, I'm sure I speak for everyone involved, that public transit is a priority for all of us. You know based on the energy situation and the need to also deal with traffic it's really important that we . . . you know support public transit. And I think we need to keep investing in it every year so that at some point we'll be where we need to be. Members, final comments? Member Molina.

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COUNCILMEMBER MOLINA: Thank you, Madam Chair. First of all, I want to thank you for having these gentlemen here and presenting this topic. It's very, very interesting and it's just exciting to see how the public bus transportation has taken off under the direction of Mr. Medeiros as well. On the subject of financing and cost, any potential Federal assistance with the building of these shelters as well as any grants out there that could be, you know, used for funding these shelters?

MR. MEDEIROS: Many thanks to Senator Inouye for the, what, over five, six million dollars that he has allocated to buy the buses which each bus is about \$350,000 a piece. And Mayor Tavares went to speak to him last month, I believe it was or the month before, to solicit more support as this thing grows. And hopefully he'll be able to put more money into the Federal Budget to help us with that. When it comes to shelters and whatnot, we are a rural community and there's very little funding for that. So we'd look at it pretty much from CIP point of view with County funding.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR BAISA: Is that, that it, folks? If not, Mr. Medeiros, any brief . . .

COUNCILMEMBER MEDEIROS: Just finally, you know, Member Molina brings up a good point in trying to find, you know, other fundings to support this. But finally, I just want to say and I, I know you're doing it and it was mentioned that you try to work with the community associations and so forth. And I think, you know, having Ms. Perreira here is important, too, because that's an organization that really cares about our small towns and our main streets. So, coordinating design and plans with them is also important. So, yeah, if you can incorporate their input that would be good. But once again, you know, thank you, Director Medeiros, for leading the way. And, Mr. Hosen, from KFH Consultants for your part of this. Mahalo, Madam Chair.

CHAIR BAISA: Thank you very, very much, everybody. I would particularly like to thank Director Medeiros and Mr. Hosen for being here today. Thank you, Members.

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR BAISA: And the Chair will call a brief recess now. We need a break. And we'll be back here at five minutes to 11:00 and we will resume our meeting with PC-40 with public testimony first. The meeting is now in recess. . . .(gavel). . .

RECESS: 10:40 a.m.

RECONVENE: 10:56 a.m.

CHAIR BAISA: . . .(gavel). . . The meeting of the Planning Committee will come back to order. We will now proceed with public testimony on PC-40 and our first testifier who is

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signed up to testify on this item is Tom Croly. Mr. Croly will be followed by Jocelyn Perreira. Good morning.

ITEM NO. 40 **TRANSIENT VACATION RENTALS LEGISLATION (C.C. No. 08-61)**

...BEGIN PUBLIC TESTIMONY...

MR. CROLY: Aloha, Chair. Aloha, limited Members. I'm Tom Croly and I'm speaking on behalf of the Maui Vacation Rental Association. At the end of the last meeting on August 5th, this Committee began discussion of possible implementation of caps for the total number of resident owned and operated B&Bs in Maui. In an effort to help you with this discussion I'd like to put forth some numbers for, for you to consider. Using the Kauaian Institute Study from 2005 and the local knowledge of industry professionals we've calculated that there would be as many as possibly 122 bed and breakfast operations that would be able to qualify under the currently proposed ordinance standards. That is the ordinance standards calling for the owner operator to be living on the property in Residential and Rural Districts only. There would be an additional 133 operations that could be included in this ordinance if the ordinance could be see fit to extend to the Ag District. So based on this analysis there would be a total of 255 owner-operated B&Bs on Maui. That's again based on what was happening in 2005 and some of those maybe have closed since because of the enforcement but that's, those are the best numbers. To this end, I'm wondering whether caps would be necessary for this segment of the vacation rental industry. The idea of caps arises when you begin the discussion of non-owner occupied properties in an effort to address possible real estate speculation that might be fueled from this type of use.

But I do put forth to this Committee, should we be seeking to limit the economic opportunities made available to our island residents to use a portion of their home or property to welcome visitors? As an additional piece of information I'd like you to consider that the 122 bed and breakfast that now, that, that would fit into the ordinance as it sits now represent approximately 15 percent of the vacation rental industry. Even if we extend to ag and we consider that full 255 bed and breakfast this is still only about 32 percent of the total industry. The rest of the industry . . . *(change tape, start 2B)*. . . includes properties with properties managed by professional property managers and with properties that do not have onsite management or do not have on island management. Thee types of, of operations will have to be considered in a TVR ordinance that has yet been discussed.

At the bottom of my written testimony and I submitted it is the, the number so that you can, you can give consideration to exactly what we're discussing here. I also submitted some written testimony in the form of these little pictographs that show on one side how much of the industry we're currently addressing with, with the ordinance and how much of the industry is left out of the ordinance and what that picture would look like if we

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were to include ag and possibly if we were to include resident managers. So, hopefully, you, you got that written testimony there and I thank you for your time.

CHAIR BAISA: Thank you very much, Mr. Croly. Staff, could you please get that testimony to us. I don't have one --

COUNCILMEMBER MEDEIROS: Right.

CHAIR BAISA: --and I don't know if the Members do.

MS. BALALA: It's in the binders.

CHAIR BAISA: Oh, it's in the binder. That's why we haven't seen it. It got snuck in there. Okay. Thank you very much, Mr. Croly, for the information. Members, any questions for Mr. Croly? Member Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. Mr. Croly, thank you for being here and for your testimony. And so you said there's about 122 B&Bs that would qualify presently under the current ordinance.

MR. CROLY: That's our best estimate.

COUNCILMEMBER MEDEIROS: Okay. And then I got the final number of 285 B&Bs on Maui. So, the in between number was like 163 on ag. Is that correct?

MR. CROLY: One hundred and thirty-three on ag --

COUNCILMEMBER MEDEIROS: Thirty. . .

MR. CROLY: --is what we calculated which was a total of 255.

COUNCILMEMBER MEDEIROS: Oh, 255. Okay. Thank you for those numbers. Appreciate it. Mahalo, Madam Chair.

CHAIR BAISA: Member Molina, questions?

COUNCILMEMBER MOLINA: No, thank you, Madam Chair. You asked the question that I was going to ask about the, the copy of Mr. Croly's testimony, because he did throw out a lot of numbers and, you know, my fellow limited Committee Member and I were asking each other did you get a copy of Mr. Croly's testimony. So, you've addressed that. I want to thank you, Madam Chair.

CHAIR BAISA: Thank you very much. Mr. Croly, before we let you go. I think you threw out some numbers that are very important and that is the idea that if we were to pass this ordinance the way it is now only 15 percent of the B&Bs would qualify or is it 15 percent

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of all the vacation rentals, I mean all of the transient vacation rentals or alternative visitor accommodations?

MR. CROLY: Right.

CHAIR BAISA: These words are very, very difficult.

MR. CROLY: Right. I'm saying that 15 percent of the total vacation rental industry would be, would be, would fit under the, the current B&B ordinance and only about half or a little less than half of the bed and breakfast would qualify because half of them are in ag zoning.

CHAIR BAISA: I see. So, if we were to at some point reconsider ag and it was included then we would cover how much?

MR. CROLY: Then we would, we would be covering approximately 33 percent of the total vacation rental industry and we would be covering all of the, the bed and breakfast that is owner-operated bed and breakfast here on the island.

CHAIR BAISA: I see. Therefore let's go, proceed to the other item that you mentioned and that was the idea of a cap really being redundant if we were to change things from the way they are right now.

MR. CROLY: Until we consider the whole industry, until we have legislation that considers what are we going to do about properties with resident managers? What are we going to do about pure TVR properties? It's a little premature to be considering what the cap should be just on this particular segment of the industry. And again, I would like to suggest that, that there may not be a need for a cap for this particular segment, because what we're talking about here are resident island property owners who want to rent out a room or, or an ohana on their property. And do we want to limit those economic opportunities to just a small segment?

CHAIR BAISA: So, we may then want to defer the discussion of caps until we get to the TVR ordinance also.

MR. CROLY: I would support that.

CHAIR BAISA: Okay. That's a very important point you make. Thank you very much.

MR. CROLY: Thank you.

CHAIR BAISA: Members, any additional questions for Mr. Croly? Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Sorry. Thank you, Mr. Croly. Just with regards to your written testimony on the problems that I guess Oahu

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experienced. You mention here, this I guess is tied into the caps issue in, you mention here in 1989 the island of Oahu I guess contained approximately 900 B&Bs were grandfathered in and then no more permits were considered. Then over the past 20 years since that time many of the operations closed and many others have opened and this has been partially fueled by the growth in the island population over this 20-year period. So, and you also go on to state that most of the B&Bs in Oahu are not in compliance. So, what are these compliance issues that you speak of --

MR. CROLY: Well, over in Oahu --

COUNCILMEMBER MOLINA: --as for the caps?

MR. CROLY: --in 1989, they, they basically said, okay, all the operations that are in existence now are grandfathered in. No more. And, and that was, that was it. And it was a little bit shortsighted because now here we are 20 years later, and in that 20-year time there were more operations that opened up but there wasn't a possibility for those folks to become permitted because they had basically closed the door. So, I was just making a warning that we, we shouldn't just consider what we have on this island today. We have to recognize that growth is inevitable and we need to make, make allowances for that growth if we were to set any kind of caps. And the, and the best way to address that I think would be to set the caps based on the percentage of available resident housing as opposed to a hard number. If we say whatever number you might choose for a cap, if you say it's 1,000 like they did or 900 like they did over on Oahu, as the island grows that may be an inadequate number. But if we set the cap at say 2 percent of the, of the resident housing, then as the number of resident houses grows that cap sealing is, is increasing.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR BAISA: Members, any additional questions for Mr. Croly? If not, Mr. Croly, thank you very much for being here. Our next testifier is Jocelyn Perreira. And Ms. Perreira will be followed by Elaine Wender. Good morning, again, Jocelyn. Thanks for hanging with us.

MS. PERREIRA: Good morning, Madam Chair, Council Members. Jocelyn Perreira, Wailuku Main Street Association Inc./Tri-Isle Main Street Resource Center, Executive Director, and Tri-Isle Main Street Program Coordinator. In an effort to try to be fair and balanced here, again, we do think that it's important to separate B&Bs from TVRs. That perhaps, you know, Mr. Teruya gave us a position last time that we don't exactly agree with, because we think you probably need to look at a new tax category, because just having a business that's authorized and legal can increase real estate sales. And based on properties that have then been sold can increase taxes. And so therefore, you know, we are proponents of the conditional use permit and we continue to be so. We do think that it is really important that if you do look at caps, that you look at the percentage of the total population in the County in each area so that TVRs are fairly distributed on the island, especially given the fact that residents have not been able to vote on this issue of

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whether, of how they feel about visitors adjusting the flavor and character of their communities.

Also, consideration should be given to the neighbor island visitors now commuting via the ferries who may want to, want to have a visitor accommodation in the central area or other areas where their families live. So, and we also are expressing concerns in line with that of the farmers that gardening and providing food for the family must not be confused with farming or ranching. In our view, the fairest way to determine this TVR/bed and breakfast issues of where, how many, so on and so forth is to continue but to expedite the conditional use permit process to keep, to separate the unique and the special visitor experience as long as the shared or aloha in the neighborhoods and to keep everyone honest. Thank you for this opportunity to provide continuing testimony. Aloha.

CHAIR BAISA: Thank you very much. Questions for Ms. Perreira? Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. And good morning, Ms. Perreira.

MS. PERREIRA: Good morning.

COUNCILMEMBER MOLINA: Do you at this point have any suggestions on how the conditional use permit process could be expedited?

MS. PERREIRA: Yeah, I think, well, we've talked about it amongst ourselves. We do think that something could be undertaken whereby there's a criteria much like a check list that gives you more points that, you know, this project should be specially considered if it's something historic, something architectural significance, something that brings cultural uniqueness and experience, so on and so forth. The, the maintenance and upkeep of the area. The fact that you have a neighborhood that is embracing and accepting of this concept, so on and so forth. I think once you have all of those kinds of things in place and that they are following the land use laws that is set forth by this policy-making board, body, I think that would expedite it substantially. I think that, you know, if you have more questions you have to go back, you have to refine it, you have to fix, you have to revise. But if you meet all the criteria and you, you have a pretty good project that's supported and endorsed by the community I think that that should make for a much faster process. But a process is definitely necessary.

COUNCILMEMBER MOLINA: So, the onus with this process would be placed on the applicant. And as we all know our Department has been, you know, overwhelmed with a lot of work. So, in, so you feel this, using this process would help the Department expedite, you know, the conditional use permit process and getting it through the Planning Commission should it pass there and then onto the Council for deliberations?

MS. PERREIRA: Especially if it's in an area that is not a permit..., permitted. Like, you know, resort areas you know that that's kind of, it's approved there but if you have something unique and special, then the onus has to be on the person who wants to conduct the

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business outside of the, the zoned area to demonstrate that this is an asset that will be providing enumerable benefits for the, for the community, the County, as well as themselves.

COUNCILMEMBER MOLINA: Thank you. Thank you, Madam Chair.

CHAIR BAISA: Any additional questions for Ms. Perreira? If not, again, Jocelyn, thank you very much for hanging with us this morning.

MS. PERREIRA: Thank you very much for this opportunity and thank you for your hard work on tackling this gorilla.

CHAIR BAISA: That it is. Okay. Our next testifier is Elaine Wender. If there's anyone else who would like to testify, please come forward and sign up now. Or we'll have Ms. Wender and then we'll take you and you can sign up when she's through, when we're through. Okay. Ms. Wender, please.

MS. WENDER: Yeah. Good morning. My name is Elaine Wender. I was confused after your last meeting regarding the potential tax impacts of your proposed changes so I spoke to Mr. Teruya and I received I believe some clarity. I asked him the following hypothetical. Assume you and I own identical properties with the same zoning with two dwellings on each of our lots. Assume your adult children live in both of your structures while I rent out my cottage for a B&B for which I have a permit. Assume that I sell my property. While the permit may not be automatically transferable assume that the fact that this property has one of a limited number of permits does impact the sale price and I think we all know common sense tells us that is the case. And then my property sells for a premium because it contains a legal B&B. The question then is will this sale at an increased price affect the assessment of your property? The answer is yes. It is not the kuleana of the tax office to look at the use to which the structures are put. They are mandated to compare comparable structures and base their assessments on recent sales of those structures.

I've confirmed that the Maui Tax Office does not even have access to details of MLL [*sic*], MLS sales listings to confirm uses. This information is available from the Realtors Association in other counties. So, you will pay more taxes because of my permit. Under current law both properties will be taxed at the same rate since they have the same zoning. You could remedy this in equity by passing rules or enacting as part of this ordinance that any parcel containing a rental unit for under six months will not be eligible for homeowner's exemptions and will be taxed at the hotel resort rate for the entire property. Secondly, I'm appalled at the suggestions for immunity contained in Mr. Hunt's August 1st letter, which still has not been noticed on your agenda. He states that "in discussions with staff there was an overwhelming majority who expressed concern with any immunity provision." I second that concern. I do not understand why the Administration is acting "in the spirit of compromise" with lawbreakers except that the realtors have, have expended enormous time and money lobbying to make sure that

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they continue to make the inflated commissions which they receive from selling vacation properties.

The concerns of the planners listed on Page 2 and 3 of Mr. Hunt's letter are not addressed by the suggested new laws and enforcement of the immunity provisions would be a nightmare and divert scarce resources. If you are to allow a limited number of permits, those who have broken the law in the past should be the last people allowed to apply and should not be allowed to operate in the interim. Those who have waited patiently who have never operated an unpermitted rental, including those with pending applications, should be allowed at least a year to apply for a permit before the violators are allowed to apply. And why should they be given immunity during this time? As an alternative they could be barred from ever applying. Regarding Mr. Croly's testimony, you shouldn't be deciding these issues based on what you want to approve, based on what illegally exists now, but rather on what we want. And what we don't want is to have them on ag land and what our many laws and many plans do not allow is to have them on ag land. Why are you so concerned with rewarding the lawbreakers? Thank you very much.

CHAIR BAISA: Thank you, Ms. Wender. Members, questions for our testifier? Seeing none, thank you very much. Anybody else who would like to testify, if you would please come forward, and we'll have you fill out your form afterwards. Ma'am?

MS. STONE: Aloha.

CHAIR BAISA: Aloha.

MS. STONE: My limited brain has only a few things to say this morning.

CHAIR BAISA: Would you please state your name?

MS. STONE: Oh, I'm sorry. It's Sharyn Stone. A couple of things that do need to be addressed. Permits are non-transferable. It doesn't increase your neighbor's taxes. The only way it can increase your taxes is if the property has better upkeep or is better maintained. It is not, it is not true that that would increase taxes. The time is not right for punitive legislation. The time is right for embracing legislation. We all need to get on now more than ever. I'm not a lawbreaker. I applied for my permit several years ago and I find it deeply offensive that I am referred to in such a manner. I did attend the August the 4th meeting with the Mayor where she talked to farmers about her concerns. And time and time again I heard that farmers would like some other way of supplementing their income because agriculture is in trouble. It's really hard to make a living from ag. Big ag, small ag, sustainable ag, subsistence ag. Call it what you like. First of all, we do need to define it. I think the Farm Bureau brought up a very good point. We really do need to define what we mean by ag. Big ag, packing your stuff in boxes, taking it to market. Small ag, I grow lots of limes, lemons, everything else, chickens, you name it, sustainable ag. There is room for everybody.

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Time for a dose of common sense. The basics for protecting ag are already in place. We all have to go through a special use permit. We all have to abide by the 10 percent rule and that we can't build on, on more than 10 percent of our properties. We also have the 51 percent farm plan rule. You have those basic protections there. It's time for some common sense, please. The only other couple of things I wanted to say is I did hear originally Surfing Goat Dairy had asked for, wanted to plan a six-bedroom bed and breakfast on their wonderful, wonderful operation up there. They were actually headlines in the paper many years ago about that until they found out that it was impossible unless they rebuilt the quarter of a mile pipeline, water pipeline down to their property. Alii Chang and Lani from the lavender farm have always emphasized collaboration with home-based business leading to diversification, leading to a sustainable economy. And God knows right now we need a sustainable economy. Most of all though, I love Vince Mina's comment at that particular meeting where he said we don't want to have an affair with you vacation rental guys, we want to marry you. I thought it was a beautiful comment. It just means there's room for everybody. Thank you.

CHAIR BAISA: Thank you very much, Ms. Stone. Members, questions for the testifier?

MS. STONE: Thank you.

CHAIR BAISA: Thank you very much.

MS. STONE: Thank you so much for this.

CHAIR BAISA: Anyone else who would like to testify please come forward and you can fill in your papers after you testify. Please state your name for the record.

MS. KLINE: I'm Barbara Kline. Aloha and good morning, everybody. I'm a farmer. I live in Haiku on 2 acres. One acre is a steep gulch. You can't even walk down it. You would have to use a rope to get down it. So, it's unplantable [*sic*]. One acre is we filled it to the max with orchards, bananas, limes, lemons, tangerines; you name it we got it. And also we have a huge, probably a quarter of an acre vegetable garden where we grow all of our vegetables. We don't buy anything. I was going to say that we don't buy anything but that's a little fib because we have to buy carrots. We can't get them good. They just grow short. So, we buy carrots. But everything else we feed ourselves out of our garden. And it's wonderful. It's nourishing. It's sustainable ag. We don't sell our food. We sell our lemons. We grow it to eat it to nourish ourselves. We're farmers. We love our ag land and we produce wonderful produce. We had the pleasure of Member Medeiros visiting our farm one day. It was pretty dry that day and pretty hot but he did walk around. He saw our gardens. He saw our orchards and he saw our cottage, our B&B cottage back in a little corner not causing any problems to our neighbors. You didn't even see our neighbors. Very quiet property. And I think that he had a very good idea of our operation and how our cottage helps us stay home and afford to grow our vegetables. It helps us. We, they are, they go together. Symbiotic.

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The cottage is there. We take care of the cottage. The garden is there. We take care of the garden. We're home. We're not driving around. With the price of gas that's good. We're also saving importing thousands of pounds of food for us. So, our carbon footprint is getting smaller. We're happy about that. We're getting greener and greener. We actually also met with Member Molina in his office and we, unfortunately, he did not have the opportunity to visit our farm but he did see pictures of our vegetables and I think actually Member Medeiros had some really sweet peas that day. Anyhow, I just wanted to ask you to reconsider and let's talk about B&Bs on ag again. Let's have B&Bs on ag when people on ag land are doing ag. That's a must. We can't just grow a bougainvillea or a palm tree and call it ag. It just, that's not happening. So, please reconsider. I ask you to do that. And aloha and thank you for listening to me. Thank you.

CHAIR BAISA: Thank you very much, Ms. Kline. Any questions for our testifier? If not, thank you very, very much.

MS. KLINE: Thank you.

CHAIR BAISA: Anyone else, please come forward?

MR. MAYER: Hello. My name is Dick Mayer. As you may have noticed I did, I did sign up for this item originally but I testified only on the first part.

CHAIR BAISA: Please go right ahead.

MR. MAYER: Thank you. There's several items I want to bring up. I have not been at your meetings recently and I've tried to follow the bills. You originally started I think with five bills. They're now down to three. I heard the discussion today is supposed to be mainly about B&Bs but I noticed that the, the item is labeled TVR as the, as the overall topic. I do want to remind you of the general plan of the island, which has several themes, the present general plan of the island, which has several themes. And these themes speak very directly to the issue of transient vacation rentals I believe. There are five of them and I'm just going to read parts of these five themes. Number one, preserve agricultural lands for the continuing, continuing pursuits of land intensive and labor-intensive agricultural pursuits. This action would also achieve preservation of an open space resource. Theme 3, limit visit industry growth. Theme 4, broaden our economic base so that we are not so dependent on tourism. Theme 5, the development of residential housing is a major social need in our community.

I hope that we come up with bills whether it be the TVR or B&B that will be in consonance with these themes, which should guide all of the legislation that you will be passing, most specifically with regard to the issues. I would recommend that if you come up with a bill and a proposal to have TVRs and B&Bs that you setup and establish a visitor accommodation office. A single office which will serve both the industry as well as the general public by providing a place where people will go for their permit, which will have the ability to do the inspecting, have the authority to get tax records. For

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example, there's ideas that you need to have State tax licenses and things. They will have the ability to both see that people are getting their license and actually being able to get tax records. You'll need to prove that you're a resident according to some of the wording in the legislation. All of these things would be in one area. It would also be a place for neighbors perhaps to complain if they have issues. It would, centralized. And this would go for B&Bs, TVRs, timeshares, you know, all the various kinds of accommodations, maybe even hotels as well, all would come under the direction. The office could be placed within the Department of Planning or somewhere else in the County.

Another item entirely different. I would like to make sure that parking for any of these facilities be on the property itself not on the roads. There's a discussion of a 20-unit TVRs being allowed in rural towns. I cannot imagine you allowing that to go on. For example, a town like Makawao where you could, and there's no limit being put in the bill, can you imagine three or four of these 20-unit and given the parking, the traffic within that town? If it's going to be allowed, it should be probably at a lower level and, and very great consideration of parking and traffic. We've got school kids going in, et cetera. There's a discussion that came up earlier about the number of B&Bs permits but no discussion from the presenter of the number of actual units and I think that's what really important is the number of actual bedrooms that are being used, not the number of permits. Because many cases six units and I noticed in the ordinance that you have before you there's one provision for eight bedrooms in some of the resort areas. So, we really should be talking about how many people we're actually accommodating not just the number of people getting a permit.

CHAIR BAISA: Mr. Mayer, you need to close, please.

MR. MAYER: Thank you very much. Let me just . . . one last item and that is I think on all legislation there should be, in the legislation, there should be something as to a permit number. People in their advertising whether it be on the web or the newspapers should have a permit and should be required to have always their permit number on there as well as on the property itself. There should be a permit or something so that people can keep records and people can be aware of what's happening. Thank you very much.

CHAIR BAISA: Thank you very much. Members, any questions for our testifier? Member Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. And, Mr. Mayer, thank you. I just wanted to recap on what you said were five of the general plan considerations. I, I got the first one, preserve ag lands.

MR. MAYER: Uh-huh.

COUNCILMEMBER MEDEIROS: The second one was to preserve open space or was that part of the first one?

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MR. MAYER: Okay. There are five themes, skipping number two which doesn't apply to this but number one was as you said ag lands.

COUNCILMEMBER MEDEIROS: Uh-huh.

MR. MAYER: Number three, theme three, and I'll read the whole thing, it says protect Maui County's shoreline and limit visitor industry growth. Very simply. And the idea was that we don't want to become overly dependent on one industry. Theme 4, maintain a viable economy, et cetera, and then it says broaden our economic base so that we are not so dependent on tourism. And I can see, I think we all see the potential dangers of that right now. And lastly, theme five, the development of resident housing as a major social need in our community.

COUNCILMEMBER MEDEIROS: Okay. Thank you for that information. Mahalo, Madam Chair.

CHAIR BAISA: I'm writing those down, too.

MR. MAYER: They're right at the very beginning of the general, present general plan, which governs all of your legislation.

CHAIR BAISA: Mr. Mayer, --

MR. MAYER: Yes.

CHAIR BAISA: --you mentioned the themes in the general plan and I heard it twice that we're supposed to or the general plan one of overwriting concepts was to limit the visitor industry growth. What is your take on how we're doing?

MR. MAYER: I don't think we're guiding it, I think in terms of allowing it in the resort areas as I think where it was supposed to be and that would be one of the, one of the ways of limiting it. You, you guide it into certain areas on the island where it can be handled. Where, where it doesn't interfere with residences. It doesn't interfere with the rest of the population of the island. And I think in that respect we've been good. In other areas we've been very poor. For example, since this general plan was adopted we've had two major or maybe even three or four major new visitor industry activities. One was timeshares; secondly, was bed and breakfast which were just beginning at that time; third one is TVRs which we didn't have in 1991 when that plan was really being adopted; and a fourth one now coming up and potentially there which we have not yet gotten a hold of is campgrounds. With the Superferry coming in I can visualize down the road pressure coming from people from Oahu, coming over here with their campers and wanting established campgrounds. I think we should have legislation in place that very tightly will regulate what will happen before it gets out of hand so.

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CHAIR BAISA: Thank you. I don't want to get too far astray because, you know, I'm always scolded about sticking to the agenda. But I think if you know that's a major consideration as we consider this legislation that we all need to realize that really we haven't found much of an alternative to the visitor industry. We haven't made a whole lot of progress. And that's, that's what concerns me because I have serious economic concerns. I'm very, very worried about Maui's economy and facing a very, very scary budget next year. I don't care what the newspaper said about rosy economy. I, I live in the real world and I know you do and everybody else does, too, and things are really . . . *(change tape, start 3A)*. . . bad right now.

MR. MAYER: And we don't want to become even more dependent.

CHAIR BAISA: Thank you very, very much for your comments. Members, any additional questions for our testifier? If not, are there any other people out there who would like to testify? Mr. Watanabe, I see your hand up. You're very welcome. Warren Watanabe is no stranger to this chamber.

MR. WATANABE: Thank you, Madam Chair. I wasn't planning to testify today but based on some of the discussion I just wanted to add some input from the Farm Bureau perspective. My name is Warren Watanabe, Executive Director, Maui County Farm Bureau. In regards to the August 4th meeting I suggest you talk to Clark Hashimoto, Office of Economic Development, Ag Specialist, as to the purpose and intent of that meeting. Because I think it was very clear on what they, what direction the Mayor and her Department Heads wanted from the agriculture industry. I hope I, you did receive copies of testimony from Sandra Lee Kunimoto, Chair of the State Department of Agriculture regarding the ordinances and their, their perspectives. So, I hope you will review that document.

I just want to comment for Farm Bureau's perspective also that we would like, I mean we, we know that agriculture is struggling and it's not just Maui County but the State of Hawaii. And so we would like, you know, and I've talked to several Council Members about, you know, what Farm Bureau and Hawaii Farm Bureau what we would like to see is some emphasis on how to get agriculture back to where it was. I did a presentation at the Maui Isle Expo and one of the slides I presented it showed that on, in Maui County there has been a 60 percent reduction in the amount of vegetables that the island has produced since 1995 and that is a very serious issue. Part of it has been picked up with the larger farms on Oahu but there has to be a reason. And this is the things that we need, we feel that needs to be really addressed and rather quickly. We can't wait.

Another slide I had in that same presentation, we, we looked at the TMKs in the Omaopio area and the total available, available area that was for agriculture production was 184 acres. Right now they actively, actively farm only 68 of it and the current fallow lands in that area is 116 acres. And why is that? These are lands that are probably in third, fourth generation. Have been in production not more than I would say 10, 15 years

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ago. Why isn't it now? And those are the kind of things we would like as Farm Bureau see addressed. Thank you.

CHAIR BAISA: Thank you very much, Mr. Watanabe, for being here. Members, questions for Mr. Watanabe? Mr. Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. And, Mr. Watanabe, thank you. It's always good to have you here. And thanks for that presentation this weekend. That was very informative. I wanted to ask you though I remember you describing farming as operations that cultivate and provide crops of food and fiber for the masses. In my recent visit to some of these small ag properties in Huelo, Haiku, and Pauwela, as one of the testifiers that came up, I visited their property. So, it's a 2-acre property. One acre was just a big huge gulch where you would never be able to cultivate anything except maybe let wild guavas grow or something. The other part of the property as she described was like quarter acre of gardening and the rest was the house and the cottage and driveways and everything else. On these properties, and the other three that I visited, it didn't seem viable to have agriculture operations on them. And I know, I'm familiar with our Hana properties. We have large subdivisions of ag lands from 5 acres to 10 acres. In my long time, you know, living in East Maui in Hana and growing up there I have never seen these lands in ag operations except when they were long time ago before they were sold as pasturelands for cattle. But then, you know, Hana Ranch reduced its ranching operations tremendously and then some of these lands were sold.

So, what is the Maui County Farm Bureau's position when some of these ag lands that are being asked to be used for B&Bs or TVRs are not farmable, as you would describe it?

MR. WATANABE: Well, for now our position is because we, you know, as an organization we cannot endorse something that is, is not permissible in the Ag District. Right now, we are looking at the issue. One, one suggestion, you know, and one thing I wanted to bring up is, you know, I really think, you know, the State of Hawaii and this is why we give credit to Maui County, I think for Maui County we are progressive enough that we are willing to look at the Rural District. My understanding is that other counties in the State of Hawaii are not willing to even, even look at the rural area. And I think that's something we need to distinguish. My understanding rural, I mean, for an ag activity in the Ag District it has to happen, you know, that's, that's part of the, what the State statute says. But in the Rural District it is a choice and that's where we, you know, we're, we're willing to support that kind of concept. So, I don't know if that answers your question or not.

COUNCILMEMBER MEDEIROS: No, it gives me, you know, a good idea of your position or, or not you personally, but the Maui County Farm Bureau. So, again, you know, the small properties seem like they, they just not something, ag property, that could support, you know, a serious and significant farming or ranching operation. And I think you bring up a good point that, you know, if it's in rural maybe it's a different consideration.

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MR. WATANABE: Yeah. Well, I think that's why I mean, I think most people will recognize it. You know it even came out in your earlier testimony. That's why we really need to define what is agriculture.

COUNCILMEMBER MEDEIROS: Right.

MR. WATANABE: Not even, not only in Maui County but in the State of Hawaii. And, you know, again, in order to have a viable agriculture I think, you know, there's issues, because I remember a quote, and, and now lately I'm using it quite often, from late President Kennedy where he said that, you know, agriculture is the only business where, is the only business where you buy things at retail, you sell, and you sell it at wholesale but you pay the freight both ways. It's very difficult for agriculture. I mean no other industry has to deal with it. And I think and that's where I mean, you know, you talk about subsidies and everything else for agriculture but again it is to give the opportunity of the general population to do, to have other careers. If you don't do that, I mean you're going to have over half of the population in ag, doing producing food and is that an alternative, you know.

COUNCILMEMBER MEDEIROS: Right.

MR. WATANABE: Anyway, that's it.

COUNCILMEMBER MEDEIROS: Okay. Well, yeah, thank you for your information and, you know, your perspective on things. I think there's no question that the Members on this Committee and, and I think on the Council support ag and we certainly don't want to lose properties in ag and we certainly need to do something to, you know, encourage more ag operations. And so, I think we're heading that way. We just are discussing, you know, when ag properties are small and not conducive to large farming operations, you know, what, what do we do to accommodate those lands in other operations.

MR. WATANABE: Yeah. And, you know, and again for Farm Bureau, you know, like I said we're not opposed to it but again, you know, we're just following what is present, the present State statute and that, that is what we support.

COUNCILMEMBER MEDEIROS: Right.

MR. WATANABE: And for Farm Bureau it is as I said many times before our mission is to support production agriculture. That is our mission.

COUNCILMEMBER MEDEIROS: Right. And I agree to that. But thank you, Mr. Watanabe. Mahalo, Madam Chair.

CHAIR BAISA: Members, any additional questions? If not, Mr. Watanabe, I have a question. You know I understand the Farm Bureau's position. I understand your position. I'm from Upcountry. I certainly understand the farm challenges and it makes me sad to see

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how many of our traditional farmers Upcountry have given it up. And I think I understand the reasons why, you know, it's become a very unrewarding, financially as well as a very difficult, difficult business to do. My, my concern is, you know, I'm trying to balance everything. You know, our position here on the Council is difficult, because we cannot only look at one side of any issue, we have to look at both sides. And we represent not only farmers but we also represent others who have other ideas and other needs and other priorities. And so, we have to look at everything in a very balanced way. And so, it's not simple. If it were simple, we probably would have been done with this years ago but it's been dragging on and on and on because it's so difficult to make a decision.

And then for me I want to make a decision. And my idea is to take this B&B ordinance, complete it and move it to the full Council where all nine members of the Council will have the opportunity to comment and then make a decision yes or no. So, I want you to understand that it's not that I personally do not understand or support ag. I certainly do and I would dread the day that anything else happens to ag. I had the opportunity to attend the sustainability conference for a brief time on Sunday morning 'cause Saturday I was all day making pronto pups for Cameron Center. But I did get to the sustainability meeting and I was able to be there for two of workshops and I heard it very loud and clear. And, you know, we have a real concern about sustainability here on Maui and food is a big piece of it. Food and farming.

You know I would like to see us work together to somehow enhance the industry here. I want to see a dairy come back. I want to see an egg farm come back. I think it's awful that we don't even have milk and eggs on our own. And that's going to take some kind of real subsidized support from somebody and maybe it's the County but we're going to have to work harder at really supporting ag and not just talking about it. 'Cause we say oh, oh, yeah, we love ag, you know, it sounds really good but then what do we really do to support ag.

But what bothers me and my question to you is this, I heard Mr. Croly's statistics and right now he's talking about 133 possible B&Bs on ag. I also talked to the Water Department the other day and discovered that there are over 34,000 ag meters that have been issued by the Maui County Water Department. Majority of that, of those, of those 34,000 meters only 700, very, very few, 733 are people who have actually applied for ag rates, because they're doing real farming and they can just justify it to the Water Department. How much damage would 133 ag B&Bs do to the ag industry here on Maui if we set a cap? That's, that's the question I'm wrestling with.

MR. WATANABE: Yeah. Well, that's, that's a difficult question to answer because although you have 700-plus ag meters there's a lot of ag-zoned properties that I've been told, and that's something at the Farm Bureau we are going to address that have applied to the Water Department for ag meters and have been denied. And these are legitimate farmers. So, you know, it's a balancing act. And so, you know, I mean for us in ag I mean we've been very fortunate. In the past, we were, we were put on mandatory restrictions and as

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you know, I mean, that impacts especially livestock industry with their un-irrigated pastures. But I, you know, I mean I think the problem is to me the County has not kept up with infrastructure basically. And you all know, we all talking now about, you know, a huge reservoir for Upcountry. If that was addressed 10, 15 years ago, you know. I mean you look at our dual line now it's still not operational which is, you know, something that I hear everyday from the farmers, too. So, how long do we have to wait? Because that plan was originated 20-plus years ago. I mean it started with Elmer Carvalho, you know. And it's just those, the, the things we got to do is just taking too long.

CHAIR BAISA: So, to try and, and bring this back again to some relevance. You know if these numbers that we're looking at are even good estimates because obviously we'll never accurately know exactly. But if we were to reverse our decision and allow, and we don't know how many of these people would actually qualify, because even though we would allow or we could consider allowing B&Bs on ag land these folks would still then have to go for a State Special Use Permit, and they might be denied at that point for whatever reason. So, it seems like a very small group with a very small impact. And I understand about opening the door. Everybody says once you open the door then there will be all these people but not really if we set limits.

So that's what I'm wrestling with and I just want people to understand like yourself that, you know, it isn't that we don't care but we're trying to be fair. We're trying to find a balance. And, you know, all of these people that are waiting for us to make a decision have lives, too, and they've made investments and they provide a service. They provide a real service that is much desired. I have received hundreds and hundreds of e-mails from people who are very concerned about this issue. So, you know, we're bombarded from both sides but I don't want to hurt ag. That would be the last thing I would want to do. But I also don't want to hurt a big part of our economy. I don't want to hurt our visitor industry even though like it was testified earlier we don't want the visitor industry to be our number one industry because we're vulnerable. But it's again it's trying to . . . to strike a balance. Do you, do you understand?

MR. WATANABE: Not, not, yeah, we understand that. I mean, you know, we're not complete, you know, we're, we're not saying, you know, we don't want it at all. Okay. That is not our position but our position is that we look at what the State statute says and as an organization of Hawaii Farm Bureau and Maui County Farm Bureau we got to stand up and say this is what we believe in. And this is what we believe in, you know, it's, it's a matter of principle with us basically, you know.

CHAIR BAISA: And I totally understand that. You know if I was standing up here representing the Farm Bureau I would be saying exactly what you're saying. I'm just trying to give a bigger picture and a more rounded picture of what the Council is wrestling with.

MR. WATANABE: Yeah. For, and for again, you know, I cannot, you know, over emphasize that as you already alluded to, you know, we have lost a lot of farmers Upcountry and

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these were big, huge producers. And if we don't reverse their trend all this talk about sustainability is not, my opinion, is never going to occur. It has to be addressed and rather quickly.

CHAIR BAISA: Well, I can give you this commitment that if I continue to be a participant that it is my intention, if I'm still Chair of the Planning Committee and for the rest of the time I'm here, that I will certainly try to steer us to having a discussion and a decision on a definition of agriculture. I think it is really important because obviously it's at the root of much of the trouble we are dealing with.

MR. WATANABE: Yeah.

CHAIR BAISA: But again thank you very much. Members, anymore--Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Just a follow up on Mr. Watanabe's response to you with regards to the closures of some of the farms. Were there any indications given to you by some of these owners who shut down their farming operations that the possibility of having some type of accommodations to sort of subsidize their operations? Could, did any indicate to you that if there was some flexibility in the law to have these operations that they could have possibly stayed in business?

MR. WATANABE: I'll be honest with you. Because the way the State statute states and I think this is part of the issue with, with Tom or, you know, some of these other guys is that the defin..., the current statute says it has to be an accessory use. And that's, the reason why we put it there because we wanted the focus to be in the Ag District on production. Getting food production, fiber, whatever the matter may be. These guys they had no interest in doing TVRs, bed and breakfast. They were focused, totally focused on food, food production. And for a lot of 'em, you know, it was a combination of a lot of different things. I mean one, one issue that, you know, I brought up before that we got to deal with is that LCL with Young Brothers. How are we going to handle that? That was the major, one of the major reasons one of these, why one of these farms shut down because his market was Oahu. And so if you cannot resolve all this different whole gamut of issues that our farmers are facing and that's why I said that's why we need to address it and have a plan in place to, again, keep these lands. Because if, if these lands, I mean Upcountry you already know and where I'm, where I'm, where I farm there's quite a bit of developed already. Just up the road it's already zoned I believe Rural. The alternative is in my opinion these lands are really, really prime for development. It's really prime unless we do something.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR BAISA: Any additional questions? If not, Mr. Watanabe, thank you very much and please sign up before you leave chambers.

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MR. WATANABE: Okay. Thank you.

CHAIR BAISA: Any additional folks who would like to testify? Seeing no one else approaching, the Chair without objections would like to close public testimony on PC-40.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR BAISA: Testimony on PC-40 is now closed.

...END OF PUBLIC TESTIMONY...

CHAIR BAISA: Members, we have just a very short time left today. Mr. Medeiros, we'll be losing our quorum. We have a very, very tiny quorum today. Mr. Medeiros will have to leave us exactly at noon. He has another commitment that he must attend to. So, we have 10 minutes left. I'd like to ask Director Hunt if there's anything, any comments he'd like to make before we get into anything else.

MR. HUNT: Not at this point. I can help you with whatever next step you want to take.

CHAIR BAISA: Okay. There are a couple of items that we would like to continue our discussion with. And we heard some, in fact, quite a bit of information today about the idea of B&Bs on ag land. And it appears that that has not been put to bed, because new information keeps coming to light. Members, would you like to pursue that?

COUNCILMEMBER MOLINA: Madam Chair, I would like to at least maybe make a motion to reconsider opening up the discussions on the ... with regards to B&Bs on ag lands. I know previously, we had voted on that matter to shut it down but as you had mentioned some new information have come to light. I think it's only fair that we at least open up the discussions. Obviously, with the time left I don't think we can make any decisions, you know, after that. But for at least consideration for our next meeting we could continue discussions of having B&Bs in the ag areas. So, I would just present that as a motion for reconsideration.

CHAIR BAISA: As a Member of the prevailing side the last time this was discussed it is, the Chair recognizes that you have that ability. Do we have a second?

COUNCILMEMBER MEDEIROS: And Madam Chair, I would second the motion for discussion.

CHAIR BAISA: Okay. We have a motion and a second to reconsider the allowability [*sic*] of B&Bs on ag lands. All those in favor say aye.

COUNCIL MEMBERS: Aye.

CHAIR BAISA: Opposed? Motion carries.

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VOTE: AYES: Councilmembers Medeiros and Molina, and Chair Baisa.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama and Vice-Chair Johnson.

MOTION CARRIED.

ACTION: APPROVING motion for reconsideration.

CHAIR BAISA: Member Molina, would you like to begin the discussion?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Just, again, basically from what we're hearing and from the observations Member Medeiros and I made to the various owners. I'll speak for myself. I got to see one particular operation that did a lot of agriculture in addition to having their visitor accommodation there to help subsidize their operation. So, I think factoring this in along with the conditional use permit process, hopefully, something that can be expedited. A criteria or checklist that was mentioned by I guess Ms. Perreira earlier, maybe there, there could be some possible room for that. How much room to allow for again that's the big question but there are always some exceptions to the rules that we should be open to. And in light of the economic times we live in, you know, times change.

We evolve as a community and we have to look at, you know, maybe some other options or ways for survival, if you will, economic survival, if I could characterize it as that. So that is, you know, one reason why I think it's only fair to at least open up the discussions. If the Committee should, again, you know, eventually we have to take a vote on this particular matter being that we now have the, the motion to reconsider pass then so be it but again as with the amount of time we have left I don't think we can go ahead and make a decision on that. I would like to obviously at our next meeting, hopefully, we can have Member, Member Johnson as well as Chairman Hokama here to add their input before we make any decision as well, Madam Chair. Thank you.

CHAIR BAISA: Thank you very much. The Chair would like our Planning Director if he has anything he'd like to say about this and then I'll recognize Member Medeiros.

MR. HUNT: Thank you, Chair. The bills that we submitted to you and as recombined by the Corporation Counsel does have a provision to allow B&Bs in the ag zone. On Page 4 of the second bill there's language that we're proposing and the B&Bs would be permitted under Chapter 19.64 of this code in conjunction with a bona fide agricultural operation

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that meets income standards. The Planning Department originally proposed an income standard of 35,000. That was based on your existing law that says a third dwelling in the farm zone has to make 35,000 so we threw that as a starting point. The Maui Planning Commission . . .

CHAIR BAISA: Mr. Hunt, would you get closer to your mic? Hard to hear.

MR. HUNT: Sorry.

CHAIR BAISA: Thank you.

MR. HUNT: The Maui Planning Commission discussed this at length and took a lot of testimony. They felt the 35,000 was too large a figure but they did want to retain an income test. The concern was that if open up the farm zone or the Agricultural District to B&Bs without some kind of income test, then there's a fear that our farmland will be subject to commercialization. It will be more profitable to run these types of businesses rather than the farming. So, there was, there was support to supplement the farming. Kind of like what you've heard this morning where it would be in addition to a bona fide farm but not replace the farms and not convert our ag land. The Planning Commission, the Maui Planning Commission suggested that a figure of \$2,500 was more reasonable and if the land was two acres or less then it would be \$1,000. And the Molokai Planning Commission didn't want B&Bs on ag land at all. Lanai suggested language that it would be 35,000 or 51 percent of the land be used for agriculture. So those are the three comments from your Planning Commissions. I was just corrected. Fifty-one percent of the income on the property for Lanai.

So that, again, that's on Page 4 of your second bill. The motion as I understand it from Member Johnson which was passed was to amend the main motion. And the main motion is to adopt the bills as their presented but then she made a motion to amend that to delete this income test, pardon me, to delete the provision of B&Bs in the farmland except in conjunction with a historic site. So that's, that's where you're at right now.

CHAIR BAISA: Director Hunt, I have a question. It was stated earlier and there was some talk about if we were to permit this that it would affect the tax status of the parcel. Maybe if I, I was permitted to do B&B on ag land then it would affect my neighbor. Don't I remember that these permits are not supposed to be transferable according to the way the ordinance is right now?

MR. HUNT: That's correct. They're not transferable according to the ordinance. In regards to a specific tax questions I would defer to Scott on that.

CHAIR BAISA: Okay. No, I, I was, I remembered us saying that this permit was not transferable. So, if I were to cease my operation and try to sell it, the person who would buy it from me would not ordinary [*sic*], automatically be entitled to take my permit.

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MR. HUNT: That's correct. It's issued to the property owner.

CHAIR BAISA: Okay. Mr. Teruya, any, any comments about that? No, that's correct? Would you please come to a mic? You've been so patient sitting here all day. Thank you very much.

MR. TERUYA: Chair Baisa and Members of the Committee.

CHAIR BAISA: Scott Teruya from Real Property Tax.

MR. TERUYA: Sorry. In regards to the bed and breakfast permit, yeah, it's not transferable. It's not part of our ordinance. It's part of the Planning Department's ordinance.

CHAIR BAISA: Yes.

MR. TERUYA: So what part is your question I mean?

CHAIR BAISA: The, the question was, there was concern raised earlier by one of the testifiers that if you had a permit and then you sold your land that of course the price of it would go up so then the valuation of the property, yourself and your neighbors, would be affected.

MR. TERUYA: Okay. We must remember that taxes are based on two things. An assessed value and a tax rate. Okay. Your assessed value is based on sales. Yes, a property is non-transferable but the question is, is when somebody buys it what are they buying it for. Right? I know it's non-transferable. How easy is it to get it back for the next, for the new buyer or the new owner? Is it going to take one year, two years? I don't, I don't know the answer to that but the question is, is value. What is it worth? What is this person buying? That's the question as to whether it's worth more or worth less as a B&B. I don't, I don't know unless we have a little more data to determine whether or not the sale of a B&B that sells whether it's worth more or not I'm not sure. It's hard to, to make that determination until we have better data, you know. And it's a, it's a loaded question. It's hard for me to answer on that because there's too many what ifs.

CHAIR BAISA: It's okay. I think that's a fair answer. And, you know, judging from history of getting a permit I wouldn't count on getting one real quick unless we come up with a tremendous expedited process here. Members, as you can see we are running out of time. So, the Chair would like to then table this motion for our next meeting with your permission.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER PENDING FURTHER DISCUSSION.

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CHAIR BAISA: All those in favor...we're okay. Member Medeiros, I think that we're going to have to adjourn.

COUNCILMEMBER MEDEIROS: I just want to make final comments before we adjourn.

CHAIR BAISA: Sure. If you would.

COUNCILMEMBER MEDEIROS: Thank you, Madam Chair. I would encourage the Members of this Committee . . .(change tape, start 3B). . . and any other Member that is not a voting Member that is very much, you know, interested in this agenda item to take the time when they can to visit some of these properties. As far as B&Bs on ag I think there, there needs to be a limitation on the size of the lot, because as was brought up we wouldn't want, you know, 10-, 20-acre ags [sic] becoming TVRs. So, I think there has to be a limit on the size of the lot and, and a determination that it's not farmable made by some certified, you know, knowledgeable agency. And I think the discussion that we're going to pursue will bring some of that information out. So, thank you for this opportunity, Madam Chair.

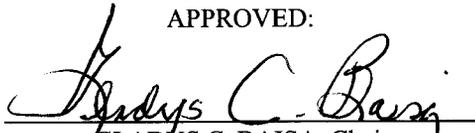
CHAIR BAISA: Excellent points. Member Molina, any other comments before we close?

COUNCILMEMBER MOLINA: No, Madam Chair. Thank you for having the meeting and I can concur with some of the suggestions made by my colleague Mr. Medeiros. Thank you.

CHAIR BAISA: Well, I think that we have our work cut out for us at our next meeting. I'd like to thank all of the Staff for being here today. All of the resource people. I'd certainly like to thank all of the people who have come here to participate today and we will pursue this at our next meeting. So, without further ado the Chair will adjourn today's meeting. The meeting is adjourned. . . .(gavel). . .

ADJOURN: 12:03 p.m.

APPROVED:



GLADYS C. BAISA, Chair
Planning Committee

pc:min:080819

Transcribed by: Cathy Simmons

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CERTIFICATE

I, Cathy Simmons, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 12th day of September 2008, in Wailuku, Hawaii.


Cathy Simmons