

PLANNING COMMITTEE

Council of the County of Maui

MINUTES

November 27, 2006

Council Chamber

CONVENE: 1:32 p.m.

PRESENT: Councilmember Charmaine Tavares, Chair
Councilmember Danny A. Mateo, Vice-Chair
Councilmember Michelle Anderson, Member
Councilmember Robert Carroll, Member (In 1:45 p.m.)
Councilmember G. Riki Hokama, Member (In 1:45 p.m.)
Councilmember Jo Anne Johnson, Member
Councilmember Dain P. Kane, Member
Councilmember Michael J. Molina, Member
Councilmember Joseph Pontanilla, Member

STAFF: Kim Willenbrink, Legislative Analyst
David Raatz, Legislative Attorney (In 1:37 p.m.)
Jo-Ann C. Sato, Committee Secretary

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

CHAIR TAVARES: ...*(gavel)*... The Planning Committee please come to order. This afternoon we have with us the Committee Members Michelle Anderson, Jo Anne Johnson, Dain Kane, Danny Mateo, Mike Molina and Joe Pontanilla. Riki Hokama will be joining us later as well as Mr. Carroll. He's a little bit late coming in from Kihei.

We have today, Members, actually our formal dispensation of the or disposition of the items that are in the Planning Committee still. And on the Planning Committee agenda that you should have before you, it is listed all of the items that would not either automatically be referred or automatically be filed. So you see there on the first page the Transfer of Development Rights and so forth. Ag Subdivisions on the next page, MEO's Transportation Facility, Controlling Fowl in Residential Areas, Project District Amendments, the Paia Business Capacity Study, the Pali to Puamana Parkway Master Plan, Sustainable Agricultural and Rural Planning, the Amendment to the Definition of Height, the Eliminating "Stacking" of uses in Hotel and Light Industrial Zoning Districts, Parking Standards for Residential Mixed Use Developments, and Traffic Impact Fees. These are the ones scheduled, um, your Chair recommends referral to the next Council. Mr. Kane.

COUNCILMEMBER KANE: I'll yield the floor to your Vice-Chair.

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CHAIR TAVARES: Mr. Vice-Chair Mateo.

VICE-CHAIR MATEO: Chair, if that was your motion, I will second . . . I would move that the recommendations as set forth by the Chair be adopted.

COUNCILMEMBER KANE: Second.

CHAIR TAVARES: Okay, it's been moved and seconded. Any discussion? Ms. Anderson.

COUNCILMEMBER ANDERSON: Thank you, Madam Chair. It's my understanding that if it's not on this list to be forwarded to the next term, that it's going to get filed or there are a few things that might be referred to other committees. Is that correct?

CHAIR TAVARES: That's correct. And if you'd like, I can go through which ones are being filed. And if you have a question about ones that are being filed that you would like to be considered to be referred then, you know, we can have that discussion. So the items to be filed . . .

COUNCILMEMBER ANDERSON: Madam Chair.

CHAIR TAVARES: Yes.

COUNCILMEMBER ANDERSON: Maybe if you could first tell us which ones are being referred to another committee then we don't have to worry about those. My concern is there are some items that are scheduled to be filed that I'd like to see carried forward that I'm not sure if it's something that you've combined. I was told that there are a few items that were combined into one item.

CHAIR TAVARES: Um . . .

COUNCILMEMBER ANDERSON: The project district stuff.

CHAIR TAVARES: The project district and also the traffic impact fees because we have the latest ones that just came in. So that one is being referred to the next Council --

COUNCILMEMBER ANDERSON: I see.

CHAIR TAVARES: --for the traffic impact fees. Oh, okay.

COUNCILMEMBER KANE: Madam Chair.

CHAIR TAVARES: We have just been notified that we cannot have discussion on anything that's not on the agenda today.

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COUNCILMEMBER KANE: Yeah.

CHAIR TAVARES: So perhaps what we need to do is maybe meet with you or give you the list of those items that are filed or scheduled to be filed and will come up at the Council meeting. And then at the Council meeting, you can make a suggestion or recommendation to have them referred instead of filed because we didn't put both of them on the agenda today.

COUNCILMEMBER ANDERSON: And will they be on the Council agenda?

CHAIR TAVARES: Yes.

COUNCILMEMBER ANDERSON: The whole master agenda will be on the Council agenda?

CHAIR TAVARES: I believe all of the items will be on that agenda that shows the automatic one? Is the automatic filing, I mean, the automatic referral be on the Council agenda?

COUNCILMEMBER KANE: Madam Chair, can I call for a brief recess?

CHAIR TAVARES: Okay.

COUNCILMEMBER KANE: And then that way you can consult with your staff and then we can have . . .

CHAIR TAVARES: Good idea. Okay. Recess no longer than ten minutes.

RECESS: 1:37 p.m.

RECONVENE: 1:45 p.m.

CHAIR TAVARES: . . .(*gavel*) . . . We have our Chair Hokama present now and Member Carroll is with us this afternoon. So just for clarification, Members, there are three separate things that go on with the end of the term. There is an automatic referral of items that are in an agenda or in the agenda for the committee, if they have something pending at Planning Commission or there's a bill attached to them and that like. So those are automatically referred. There are the other ones that are automatically filed because they don't contain any bill or they are not pending before the Planning Commission so those items are automatically filed. Then there are other ones that would have been automatically filed, my recommendation is to refer and this is the third set that's before you today and these are to refer them to the next Council for consideration. So that's what's on the agenda today. Any one who is interested in what is being filed, I can provide a list for you and the procedure then would be if there is an item in there that you wish to have considered for referral to the next term that you send a communication so that it can be placed on the December 15th Council agenda and then at that time the discussion could be held whether or not to actually file or refer that item. So I can make

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that available to all of you if you would like. So, Committee Staff, if you could make a note to just list those ones that are scheduled for automatic filing and send them to the Committee members. Okay. Any further questions? This only happens once every two years so we have to kind of review what goes on here. Thank you. Ms. Johnson.

COUNCILMEMBER JOHNSON: I just, you know, because of the fact that at these meetings we do entertain testimony from the public, is that correct?

CHAIR TAVARES: Uh-huh.

COUNCILMEMBER JOHNSON: Okay. So if people are coming to testify though I think this is going to be helpful for some of the people that are confused about the process. If you're coming to testify, it can only be about the way that this particular agenda is posted --

CHAIR TAVARES: Right.

COUNCILMEMBER JOHNSON: --which is these are the items that are being automatically referred. And if you give testimony, you can't really affect the outcome of this particular meeting because we can't take action on these items other than to refer them to the next Council term. Is that correct?

CHAIR TAVARES: If we wanted to file one of these or any of these, I think that could be done because it's posted on the agenda.

COUNCILMEMBER JOHNSON: Right. But let's say that there was a bill that was pending, the question that I was asked by Members of the public was, if there's something that's pending and it's posted in this manner, can the Council actually at the urging of the members of the public take action on that item during this particular discussion? And it was my belief that they could not take action other than perhaps to do which you were suggesting perhaps file the issue.

CHAIR TAVARES: Yeah, I believe that is correct.

COUNCILMEMBER JOHNSON: Okay. Thank you.

CHAIR TAVARES: And just for process, if there's anyone here to testify on any of these items before us today. Seeing anyone stepping forward to offer testimony? Okay, seeing none, I will close public testimony without objection.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CHAIR TAVARES: Okay. No objection, then testimony is now closed. Okay, thank you.

COUNCILMEMBER KANE: Call for the question.

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CHAIR TAVARES: Okay. Further discussion? No. All right, all those in favor of the recommendation as listed to refer all of the items that are on your agenda today signify by saying "aye". Those oppose say "no". All right, carried unanimously.

VOTE: AYES: Councilmembers Anderson, Carroll, Hokama, Johnson, Kane, Molina, Pontanilla, Vice-Chair Mateo, and Chair Tavares.

ACTION: Recommending REFERRAL of communications to the Council Chair for the term beginning January 2, 2007.

CHAIR TAVARES: Any announcements, Members? If not, I want to thank you folks for two years of hard work in this particular Committee. We've had some really challenging issues and we're moving forward, I believe, in a proper way and, hopefully, we'll continue to work on some of these issues in the next term.

I want to thank especially our Committee Staff, Kim Willenbrink for her work as the Legislative Analyst; and to David Raatz, our Legal Analyst, thank you very much; and to Jo-Ann Sato, our Committee Secretary. We've got what four, five binders this term; I think last term we only had three. So I guess things are getting more complex. But hopefully, we can reduce the number of binders as we go along. Oh, six binders?

MS. SATO: Each Member has ten.

CHAIR TAVARES: Oh, we have ten. Oh, my gosh. Okay, I guess the rest are whatever. Thank you very much for all of your input through the two years. And because this is my last time sitting here I just want to thank you all for your work and for . . . it's been a real pleasure working with all of you through these past ten years. And I look forward to working with you again in the future in a different capacity. All right, any further announcements from anyone. Ms. Anderson.

COUNCILMEMBER ANDERSON: Madam Chair, I think just for this whole Committee, I'd like to thank you for your leadership in this Committee. We appreciate the leadership that you gave us in this last term and we're all looking forward to the leadership on the 9th floor.

CHAIR TAVARES: Thank you. Okay. Anything else? If not, Members, thank you, and this meeting is adjourned . . .(gavel) . . .

ADJOURN: 1:50 p.m.

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APPROVED:


CHARMAINE TAVARES, Chair
Planning Committee

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Transcribed by: Jo-Ann C. Sato