

PLANNING COMMITTEE
Council of the County of Maui

MINUTES

December 2, 2008

Council Chamber

CONVENE: 9:10 a.m.

PRESENT: Councilmember Gladys C. Baisa, Chair
Councilmember Jo Anne Johnson, Vice-Chair (in 9:10 a.m.)
Councilmember Bill Kauakea Medeiros
Councilmember Michael J. Molina

EXCUSED: Councilmember G. Riki Hokama

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

ADMIN.: Jeff Hunt, Director, Department of Planning
Joseph Alueta, Administrative Planning Officer, Department of Planning
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation
Counsel

OTHERS: Kai Nishiki (Item No. 4)
Stephen Hart (Item No. 4)
Chanda Keawe, Store Manager, Wal-Mart (Item No. 4)

Gwen Hiraga, Munekiyo & Hiraga, Inc.
(2) additional attendees

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

CHAIR BAISA: ...*(gavel)*... The meeting of the Planning Committee will come to order. Today is December 2nd and it is now ten minutes past nine o'clock in the morning. My name is Gladys Baisa and I'm the Chair of the Planning Committee and I'd like to note that we have a quorum present. Planning Committee, may I...and people in the gallery, everybody, would you please remind yourself turn off your cell phone ringers or other noise makers that you might have with you. I do it, too. I forget and then we get to listen to the Star Spangled Banner in the middle of a meeting so let's be...let's turn those off now and not be disturbed. Thank you.

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I'd like to introduce you to the folks that are here with me this morning. I have my Member, Bill Kauakea Medeiros, my voting Member.

COUNCILMEMBER MEDEIROS: Aloha and good morning, Madam Chair.

CHAIR BAISA: Good morning, Bill, and thank you for being here. I really appreciate it.

COUNCILMEMBER MEDEIROS: You're welcome.

CHAIR BAISA: Also, thank you to Member...voting Member Mike Molina.

COUNCILMEMBER MOLINA: Good morning, Madam Chair.

CHAIR BAISA: Good morning, Mike. It looks like we're a little chilly this morning. I note the sweaters and the coats.

COUNCILMEMBER MOLINA: Oh, yeah.

CHAIR BAISA: I also want to note that I have with us, Michael Hopper, the Deputy Corporation Counsel. Good morning, Mike.

MR. HOPPER: Good morning.

CHAIR BAISA: And with us, the Planning Director, Jeff Hunt.

MR. HUNT: Good morning, Chair.

CHAIR BAISA: And also Joe Alueta from the Planning Department.

MR. ALUETA: Good morning, Madam Chair.

CHAIR BAISA: Thank you very much for being here. Also have with me, David Raatz, our Legislative Attorney, and Clarita Balala, our Committee Secretary.

We'll be accepting public testimony in just a few minutes. Those wishing to testify should sign up with Committee Staff. Testimony will be limited to three minutes and testifiers are requested to state their name for the record and to indicate who they are representing.

Members, this is the Planning Committee's final meeting of the 2007-2009 Council term. It has been an honor to lead this body and I would like to thank everyone who has supported our work, including my colleagues, resource people from the Tavares Administration, and especially the concerned Members of the public who took time to share their thoughts with us on a regular basis.

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We still have work before us, specifically the decision on how to dispose of certain pending items. By way of background I would like to inform the public about Section 19 of the Rules of the Council which is the reason we are here today. This is the rule that says, and I quote, "All pending committee items will be automatically filed at the end of each Council term with a few notable exceptions such as items that have been forwarded to the Council by the Administration for legislative action". I note that Section 19 of the Rules of the Council only applies to a committee's pending items at the end of the term.

On today's meeting agenda I have listed several items that would be automatically filed if they were left pending at the end of the term on January 2nd, but which I would like to see kept alive and referred to the next Council. In addition, I have listed one item, PC-4, that I think the current Council can consider filing and which would otherwise be automatically carried over to the new Council term. If there are any questions about the process, I would be happy to address them during our deliberations.

Before we begin our deliberations I will now accept public testimony. Without objections, Committee, we will now accept public testimony.

COUNCILMEMBER MEDEIROS: No objections.

COUNCILMEMBER MOLINA: No objections.

CHAIR BAISA: Thank you very much. We will begin with public testimony. And I would like to note the presence of my Vice-Chair Jo Anne Johnson. Good morning.

VICE-CHAIR JOHNSON: Good morning.

CHAIR BAISA: We have two testifiers signed up this morning. Our first testifier is Kai Nishiki and she will be followed by Stephen Hart. Ms. Nishiki.

...BEGIN PUBLIC TESTIMONY...

MS. NISHIKI: Good morning.

CHAIR BAISA: Good morning.

COUNCILMEMBER MEDEIROS: Good morning.

MS. NISHIKI: I'm here to testify on, on PC-4 regarding superstores. I'm hoping that you won't put this resolution to bed because I support the resolution to prohibit big box stores. I believe that big box stores increase our dependence on imports and do not promote our goal of sustainable island living. I think that other counties and towns across the U.S. have chosen to protect their small town character and local economies and I hope to do the same here. So I support resolution PC-4 and please refer it back to Council. Thank you.

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

MS. NISHIKI: Thank you.

CHAIR BAISA: Our next testifier is Stephen Hart. Mr. Hart will be testifying on PC-4 also.

MR. HART: Aloha, Council.

CHAIR BAISA: Good morning.

MR. HART: I, too, want to testify in, in regards to hoping that this won't be put to bed. I think that superstores throughout the U.S. have damaged a lot of downtown areas and even in this economy where we have...we're losing jobs, it's even more important that we don't lose local jobs where the money will stay here. We need to keep the money in Maui. And if the superstores come in downtown areas, all the little retail shops like Request Music or something like that would be definitely impacted. So I, too, would like to ask that this is not put to bed and that we do refer this. Thank you.

CHAIR BAISA: Questions for our testifier? Thank you very much --

MR. HART: Thank you.

CHAIR BAISA: --for being here this morning. Is there anyone else who would like to testify? If you would, would you please come forward and you can do your paperwork later.

MS. KEAWE: Good morning.

CHAIR BAISA: Good morning.

MS. KEAWE: My name is Chanda Keawe and I'm the store manager of Wal-Mart, Kahului, and I want to thank you guys for letting me come up here today and speak. As far as you know, I am opposed to the resolution and so is Wal-Mart, of course, and we would like to proceed with the filing of this. Basically, there...there's three reasons. Number one, is the support that we have for our local vendors. So by not allowing the competition you are reducing that support to the local vendors who we do support. Also, consumer choice. It's basically consumer choice. Consumers have a choice to shop where they choose and that should be available to everyone. You know, just for example, the day after Thanksgiving. It's a choice that they have to shop with us. We don't force anyone to shop where, you know, they don't want to. So that is a choice I think that you would be hindering. And last, but not least, is we are in some economic times that we have never seen before -- most of us have never seen before. I haven't either. And to allow this bill to pass it just doesn't make sense during these times for anyone. So on behalf of Wal-Mart and myself, I'd like to oppose this resolution. Thank you.

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CHAIR BAISA: Thank you for your testimony. Members, any questions for our testifier? Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Good morning, Madam Chair, and thank you. And good morning, Ms. Keawe.

MS. KEAWE: Good morning.

COUNCILMEMBER MOLINA: Just out of curiosity, can you tell us at this point how much money, if you will, stays in Maui County through Wal-Mart purchases and sales?

MS. KEAWE: For myself as far as my role with the store, I deal with operations and with the tax revenue that is some information that I can get for you from our home office. So I can get that for you and have that sent over if you'd like.

COUNCILMEMBER MOLINA: Yes.

MS. KEAWE: Okay.

COUNCILMEMBER MOLINA: If you will, Madam Chair, that would be --

CHAIR BAISA: Absolutely.

COUNCILMEMBER MOLINA: --helpful.

MS. KEAWE: Okay.

COUNCILMEMBER MOLINA: Thank you.

MS. KEAWE: No problem.

CHAIR BAISA: Any other questions?

COUNCILMEMBER MEDEIROS: Madam Chair?

CHAIR BAISA: Yes. Mr. Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. Yes, Ms. Keawe, thank you for being here. What's the employment numbers at Wal-Mart Maui?

MS. KEAWE: Right now we employ approximately 480 community members that live and play here in Maui.

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COUNCILMEMBER MEDEIROS: And do you know how many local vendors you purchase from or support?

MS. KEAWE: Approximately 40 percent of the goods that we sell come from either local vendors or local suppliers. So it may not be just directly local vendors but we have suppliers here that bring the goods in and they ship that out. So that causes revenue for them and it also...they also employ local members of the community – so 40 percent of the goods.

COUNCILMEMBER MEDEIROS: Okay. Mahalo, Ms. Keawe. Mahalo, Madam Chair.

MS. KEAWE: You're welcome.

CHAIR BAISA: Thank you. Member Johnson.

VICE-CHAIR JOHNSON: Yes. Because the bill addresses specific square footages, what is the current square footage of your Wal-Mart location?

MS. KEAWE: Our current Wal-Mart is approximately 150,000 square feet.

VICE-CHAIR JOHNSON: Okay. So this obviously, you know, would be something that, you know, we would have to address within the bill is to look at existing things.

MS. KEAWE: Right.

VICE-CHAIR JOHNSON: I don't think there's any intention to shut you down.

MS. KEAWE: Right, right. I understand that. And basically, the, the bill's calling for a 75,000 square feet...footage, I believe.

VICE-CHAIR JOHNSON: Ninety thousand.

MS. KEAWE: Is...okay.

VICE-CHAIR JOHNSON: With 25,000 additional...or 20,000 additional gross square feet of floor area for the sale of groceries.

MS. KEAWE: Okay.

CHAIR BAISA: Member Molina...I'm sorry, Member Johnson, are you through?

VICE-CHAIR JOHNSON: No. I'm fine.

CHAIR BAISA: I'm sorry. Member Molina.

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COUNCILMEMBER MOLINA: Thank you, Madam Chair. Just to follow, --

CHAIR BAISA: We're busy here.

COUNCILMEMBER MOLINA: --follow-up on Councilmember Medeiros' question with regards to the local vendors -- you said 40 percent. Is that Maui County or is that Statewide?

MS. KEAWE: That's Statewide -- Hawaii. And we have a local buyers department here unlike other stores on the mainland where everything is centralized in Arkansas. We actually have a local buying team that just deals with local buyers and local vendors for the State of Hawaii.

COUNCILMEMBER MOLINA: Are you able to also provide us specifically what Maui County vendors --

MS. KEAWE: Sure.

COUNCILMEMBER MOLINA: --are involved, too, when --

MS. KEAWE: Sure.

COUNCILMEMBER MOLINA: --you send over that other information --

MS. KEAWE: Okay.

COUNCILMEMBER MOLINA: --with regards to revenue.

MS. KEAWE: No problem.

COUNCILMEMBER MOLINA: Thank you. Thank you.

CHAIR BAISA: Are you done, Member Molina?

COUNCILMEMBER MOLINA: Yes, ma 'am. Thank you.

CHAIR BAISA: Any other questions for our testifier? If not, thank you very much --

MS. KEAWE: You're welcome.

CHAIR BAISA: --for being here this morning. Are there any other testifiers? Anybody else who would like to testify? Seeing none, Members, without objections, Chair would like to close public testimony for today.

COUNCILMEMBER MEDEIROS: No objections.

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COUNCILMEMBER MOLINA: No objections.

CHAIR BAISA: Thank you very much.

...END OF PUBLIC TESTIMONY...

ITEM NO. 4 SUPERSTORES (C.C. No. 07-34)

CHAIR BAISA: Members, I would first like to call your attention to PC-4, relating to the proposed ban on so-called superstores. As you will recall last year, the Council adopted a resolution to seek comments on the bill from the Planning Commissions, the Hana Advisory Committee, and the Cultural Resources Commission. Those comments have been provided to us by the Planning Director in correspondence dated February 11, 2008, which should be in your binders.

I note that the Department of Planning took no position on the bill and none of the advisory commissions recommended approval of the bill in its original form, in part, because of concerns about enforcement. I have also concerns about the possible economic impact of such a ban in our current fragile economy. At this point, if any Member is so inclined, I would accept a motion to recommend filing of this item.

COUNCILMEMBER MOLINA: So moved, Madam Chair.

COUNCILMEMBER MEDEIROS: Second for discussion.

CHAIR BAISA: Thank you very much. We have a motion and second to file the item. The Chair would like to make it very clear that even if we file this item that if any Member in the new term is so inclined that would like to revive this issue as we were told by our Chair, Riki Hokama, at our meeting...Chair's meeting the other day, that that wouldn't...there would be nothing to stop that Member from reintroducing this bill or a similar bill if they felt that it was, you know, an item worthy of the Council action. So, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair, and you know, you took some of the words out, out of my mouth and that's good. Unfortunately, the maker of this resolution will not be here. So I think it provides some justification for the filing, but like you said earlier at any time someone from the new Council can reintroduce this. And some good points were made from the Maui Chamber of Commerce who talked about the General Plan process and I'm glad Planning Director Hunt is here. Has this issue, if I may ask a question to . . .

CHAIR BAISA: Yes, please. Go right ahead.

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COUNCILMEMBER MOLINA: Has this issue been considered for discussion by the General Plan...the GPAC at this point, Mr. Director?

CHAIR BAISA: Director Hunt.

MR. HUNT: To the best of my recollection I think it has come up. I'm not sure if there's a specific policy in the Countywide policy plan or not.

COUNCILMEMBER MOLINA: I think it may be something for, you know, at least worthy of continued discussion by the GPAC and if there's a Member that would consider upon hearing the results of what the GPAC, you know, with regards to this matter, then it might be worthy of being brought up in the future...by the future Council as well. So because we're filing it doesn't mean it's, it's dead --

CHAIR BAISA: No.

COUNCILMEMBER MOLINA: --at this point. But I think one of the...if I may pick your brain, Madam Chair, it may be because the maker of this resolution will not be here. And I think it would...it's important any time you have significant legislation like this the maker be here.

CHAIR BAISA: I'm sorry, but the maker was excused.

COUNCILMEMBER MOLINA: Yeah, no, but I meant, you know, for the upcoming term, you know.

CHAIR BAISA: Yeah.

COUNCILMEMBER MOLINA: So any...that's good for any of us, any of us that introduce legislation that will have an impact on the community. We should be here to defend this type of legislation, you know, so...'cause something like this will have an impact both good and bad on people's lives. So...but I'm glad at least the discussion has been brought up and the bill was introduced by Council Chair Hokama. Thank you, Madam Chair.

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

VICE-CHAIR JOHNSON: Yes. Could I ask Staff a question with regard to all of the valuable information that we have received that is now a part of this particular item? Mr. Raatz, would you be able to respond? Because we have all of these heavy, you know, load of documents, because the particular item has gone through a hearing process, what is the procedure in terms of bringing this back? As a new item it would have to go through the same process all over again and what would happen to the materials that people have provided as their testimony?

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MR. RAATZ: Thank you for the question. Corporation Counsel can add to anything I have to say, but I would believe that if this item is filed, to reintroduce the same or similar bill next term, because it's an amendment to Title 19 under the County Code, the Council would have to reinitiate the process and adopt a resolution to send the bill for...to the Planning Commissions for their comments. As far as the written material that's before the Committee under this item, PC-4, that would also be disposed of but the documents would be attainable if any Member wanted to re-transmit any or all of those documents to the Council in the new term.

VICE-CHAIR JOHNSON: Okay. And Mr. Raatz, if this is kept just as an item that's being sent forward, all of the materials intact, then it would not have to go through the same process again and all of the testimony would be a part of the file then that's sent forward. Is that correct?

MR. RAATZ: That is Staff's understanding. The item if it's referred to the new Council term would carry on in its same form and all the supporting materials and documents would still be there.

VICE-CHAIR JOHNSON: Okay. Thank you very much. That's the reason I really think this is not wise. Because I think that people have taken the time...obviously, because we have not had a hearing on this particular item, we haven't even had an opportunity to digest some of the comments. I did have an opportunity to view one of the video tapes that we were sent by the union representatives who take issue with some of the things that, you know, really are in favor or in support of this bill that have to do with specific practices of any, you know, one employer.

So I respectfully ask the Committee to either withdraw the motion so that this file can just move forward so it doesn't have to repeat and go through the redundant process all over again because I think it is worthy of at least a discussion. So that, Madam Chair, is my humble request. Whether we support or do not support, I just have not had sufficient time, perhaps other Members have, to go through all of the volumes and material because we've had so many other things on our plate. So I would just ask that this item be one of the items that's transmitted intact with all of its information for the reasons that Mr. Raatz just outlined.

CHAIR BAISA: Thank you for your comments, Ms. Johnson. Members, any additional comments on the motion before the Committee? Member Molina.

CHAIR MOLINA: Madam Chair, just for the record, we did have...this item was discussed prior. I'm not sure if it was just as part of a referral to Committee or did we have a formal meeting in the Planning Committee? If you can help me. . .

CHAIR BAISA: We had a meeting in the Planning Committee and then we sent it to the Planning Commissions and the advisory committees to take a look at it. We had a tremendous amount of testimony and people came and it was quite a big deal. But then

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when we sent it to the Planning Commissions, they did not, like I said, recommend...any of the advisory committees recommend adoption. So we kind of felt like, you know, we can carry it forward.

It, you know, it's really not a big deal. It's just a matter of if you look at our agenda for today which will be dealing with the second item next, we have one, two, three, four, five, six, seven, eight, nine, ten, eleven,...eleven, twelve,...twelve major issues that we're referring to the new Council. And I can see that, you know, having been very close to this Committee this year that we're going to...if we are the Members of the Planning Committee next year and of course everything is up to organization. We don't know at this point who's going to be on what committee or chairing what committee. But whatever committee it is, they are going to be a very busy committee because we'll be dealing with the General Plan next year and already have some pretty heavy, heavy hitting issues like TVRs and home occupations, and you know, things that have to be done. And having gone through what I did this year with the B&B bill I'm trying to be a little realistic about actually what a committee can accomplish in the time that we usually have.

So it's, you know, it's...I will, you know, refer...or bend and respect the wishes of my Committee Members. Heaven knows we've worked very hard this year and I certainly appreciate your, your input, and if you feel you want to refer it, that's okay. But it...what it means is it's going to be on a list with a bunch of other things. So, Members, what would you like to do? Shall we...shall we vote on our motion and...yes, Member Molina.

COUNCILMEMBER MOLINA: If I may add? So again, just to refresh my memory, and I apologize, we've had...as you know, we've had so much to deal with this year. So the Planning Commission, you know, without my having to go look through this whole stack of things, the Planning Commission basically came out with no recommendation on this.

CHAIR BAISA: Correct.

COUNCILMEMBER MOLINA: And I'm . . .

MR. ALUETA: I'm sorry, Madam Chair. If I may, just to clarify?

CHAIR BAISA: Yes.

MR. ALUETA: All, all of the commissions did recommend approval of the resolution to ban superstores. The only difference was that from the Department's standpoint we took a neutral position and we felt for enforcement's sake we didn't want to have the, the portion where you had 20,000 SKU items or limit or have a size of a grocery store in it. And so all the commissions voted to go with the Department's recommendation by...of simplifying the resolution. So they, they recommended approval of the resolution to ban superstores but limit it only to 90,000 square feet with no counting of, of item numbers

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nor counting of square footage for grocery stores. So that the only enforcement would be you'd limit retail establishments to less than nine...new retail establishments to less than 90,000 square feet in the building size. It was only in Hana where they recommended 75,000 which is about half of what the...some of the existing superstores are. And also in the Cultural Resources Commission only recommend that there be some type of Hawaiian architectural feature to it 'cause that's the only thing they would really count on.

CHAIR BAISA: So, Mr. Alueta, essentially the Planning Department took no position on the bill?

MR. ALUETA: That is...that is correct. We just felt that if there was going to be a ban, we wanted to have it simplified so that it could be enforced.

CHAIR BAISA: Planning Director Hunt.

MR. HUNT: The issue of superstores goes into a lot of regulations that go beyond just merely planning and so that's why we took a no position. And there's, there's concern about forcing out small businesses. There's concern about do they pay an adequate wage. Those kind of issues don't really fall under Title 19 although they're legitimate issues. Most jurisdictions regulate these superstores from a zoning perspective on the size and the, the appearance of them – the aesthetics. So they'll have regulations on, okay, we don't want just a big box, we want it articulated. Some of them will locate or regulate them on location so that they don't impact small towns. For example, maybe we wouldn't want them in Hana or Paia or Lahaina. So those are regulations that the Planning Department would consider and, and we believe those are zoning regulations. So overall there...there's a lot of pros and cons and we hear a lot of complaints about superstores, but you know, frankly every time I go to one the parking lot's fairly full. So it's...the, the...I think that's why we took a neutral position is because a lot of this falls outside of what we consider the purview of zoning.

CHAIR BAISA: Any other questions, Member Molina?

COUNCILMEMBER MOLINA: Not at this time, Madam Chair. Thank you.

CHAIR BAISA: Member Medeiros, and then Member Johnson.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. I just need some clarification. So we...the bill actually considers 90,000 square feet.

CHAIR BAISA: But that could change too.

COUNCILMEMBER MEDEIROS: But that could change. Okay. But now within that 90,000 would a large store be able to sell groceries?

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MR. ALUETA: Yes.

COUNCILMEMBER MEDEIROS: So they just can't sell it beyond the 90,000 square feet or a separate section?

MR. ALUETA: I believe your original...the resolution, the...there were like three classifications or tests that defined what a superstore would be. One was the overall size, as well as you had to have so many items, which I believe was set at like 25 or 20,000 square feet as...are SKU items or stock keeping unit items, as well as a number of square footage dedicated to groceries. So under the exist...and that...that's how, but we felt that we didn't want to have the...from an enforcement standpoint and to simplify the bill, we just felt that you should just deal with the square...overall square footage of a building if you are going to adopt something like this and that not worry about the groceries portion or how many items are in there. And so basically, any building or any retail structure would qualify as a superstore and would be limited at that. The pros and cons of that is, is that from an aspect, one again, from simplicity we could enforce it easily. Existing retail outlets such as Wal-Mart or Kmart or whatever would still be able to modify their existing structures as nonconforming uses and could still do a grocery store if they so choose. So I, I...again, this all depends on what the impetus of the original resolution was.

COUNCILMEMBER MEDEIROS: Okay. Thank you, Department. Mahalo, Madam Chair.

CHAIR BAISA: Member Johnson.

VICE-CHAIR JOHNSON: Yes. So to just, you know, summarize. Basically, all of the commissions, including Hana said that they did support the resolution, the purpose and intent, and it was your Department or your Planning Division that felt it needed tweaking or it needed modification so that it would be easier to enforce and also that it wouldn't create so many complications that are in the bill at present. Is that correct?

MR. ALUETA: In short, yes.

VICE-CHAIR JOHNSON: Okay. Madam Chair, that's why I support this because it did already go through the commissions. They made their recommendations. I think that if it is to be considered, it's...it should at least be going forward with those amend...you know, with the suggestions for amendments and with the comments from the various commissions. So I just respectfully ask that, you know, we honor their work. Thank you.

CHAIR BAISA: Well, we have a motion on the floor, and Members, what would we like to do with that? Member Molina, you made the motion.

COUNCILMEMBER MOLINA: You called for the motion, Madam Chair.

CHAIR BAISA: That's correct.

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COUNCILMEMBER MOLINA: I'll, I'll honor your...whatever your recommendation is, Madam Chair.

CHAIR BAISA: Well, the Chair is, as you know, a consensus builder, and it's not to debate the merits of the bill today, whether we want to support it or don't support it. We are simply making a decision whether to refer it or to file it at this point. Right now we have a motion to file. The Chair's suggestion is that we then withdraw the motion on the floor and I will entertain a motion to refer. Mr. Molina.

MR. RAATZ: Madam Chair, I'm sorry to interject. You wouldn't need a motion to refer. That will be just the automatic --

CHAIR BAISA: Okay.

MR. RAATZ: --default action of the item is deferred.

CHAIR BAISA: Alright. So if you withdraw your motion, then that's it.

COUNCILMEMBER MOLINA: I withdraw the motion, Madam Chair.

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR BAISA: Thank you, Mr. Molina. And thank you, Member Johnson.

VICE-CHAIR JOHNSON: Thank you.

CHAIR BAISA: I love this Committee. We're into healthy discussion. You know, I think that's what it's all about. It's a democratic process. Okay. Yes?

COUNCILMEMBER MOLINA: Yeah, Madam Chair, thank you. I just wanted to just comment on the withdrawal of the motion as well. Well, it's more of we're just dealing with a procedural matter here today.

CHAIR BAISA: Right, right.

COUNCILMEMBER MOLINA: Whether, you know, we, --

CHAIR BAISA: Right.

COUNCILMEMBER MOLINA: --you know, file it today or just send it over. But the whole point I think, you know, even I as making the motion to file, I still would like to see the discussion held at a future point because it is a very important issue for us to consider. But in light of the economic times, you know, we have to balance all of, you know, what we want versus the impacts it will have on people's lives when it comes to the economy

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and jobs. So, anyway, but you know I'll support your recommendation. We'll have this matter go over to the Planning Committee and whoever Chair's that Committee, they're going to have a lot of matters to deal with. It will be quite a busy Committee next term, Madam Chair.

CHAIR BAISA: Yeah. It sure looks like it and Chair's very hopeful that the loyal Members that are here today are considering another crack at it. It's been an exciting year for us.

COUNCILMEMBER MOLINA: And also, again, if the plan...the General Plan Advisory Committee if they could conjure up this discussion again I think this will help the future Planning Committee make a very well-informed decision whatever it may be with regards to this resolution, Madam Chair. Thank you.

**COMMUNICATIONS FOR REFERRAL TO THE COUNCIL CHAIR
FOR THE 2009-2011 COUNCIL TERM**

- ITEM NO. 16 CONTROLLING FOWL IN RESIDENTIAL AREAS** (C.C. No. 01-277/C.R. No. 06-110)

- ITEM NO. 26 AGRICULTURAL TOURISM** (C.C. No. 07-285)

- ITEM NO. 30 COASTAL EROSION AND SEA-LEVEL RISE** (C.C. No. 08-23)

- ITEM NO. 33 PALI TO PUAMANA PARKWAY MASTER PLAN** (C.C. No. 05-123)

- ITEM NO. 34 FOREST PESTS** (C.C. No. 08-73)

- ITEM NO. 36 TITLE TO REAL PROPERTY** (C.C. No. 08-94)

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

- ITEM NO. 43 RURAL ZONING DISTRICTS** (C.C. No. 08-225)

- ITEM NO. 44 AMENDMENT TO DEFINITION OF HEIGHT** (C.C. No. 06-104)

- ITEM NO. 45 ELIMINATING "STACKING" OF USES IN HOTEL AND LIGHT INDUSTRIAL ZONING DISTRICTS** (C.C. No. 06-178)

- ITEM NO. 47 TRAFFIC IMPACT FEES** (C.C. No. 06-276/Bill No. 66 (2006)/Bill No. 67 (2006)/Bill No. 77 (2006)/C.C. No. 07-116/C.C. No. 07-117/C.C. No. 07-185/C.C. No. 07-186/C.C. No. 07-187/C.C. No. 07-188)

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ITEM NO. 51 REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN (C.C. No. 08-254)

CHAIR BAISA: Okay. Now I'd like to take a look at the second half of our agenda today. I have recommended that the following communications be referred to the Council Chair for the term beginning January 2nd pursuant to Section 19 of the Rules of the Council: PC-16, Controlling Fowl in Residential Areas; PC-26, Agricultural Tourism; PC-30, Coastal Erosion and Sea-Level Rise; PC-33, Pali to Puamana Parkway Master Plan; PC-34, Forest Pests; PC-36, Title to Real Property; PC-40, Transient Vacation Rentals, which we'll of course deal with the second half . . . *(change tape, start 1B)*. . . of what we've been up to; PC-43, Rural Zoning Districts; PC-44, Amendment to the Definition of Height; PC-45, Eliminating "Stacking" of Uses in Hotel and Light Industrial Zoning Districts; PC-47, Traffic Impact Fees; and PC-51, Repetitive Loss Properties Floodplan [*sic*] Management Plan. And of course, now we will also be including the superstores.

I believe that all of these items are very worthy of further consideration, and therefore, I would be pleased to accept a motion to recommend that all of the remaining items on today's meeting be referred to the new Council.

VICE-CHAIR JOHNSON: So moved.

COUNCILMEMBER MEDEIROS: Second.

CHAIR BAISA: We have a motion and a second to refer all of these items. Is there any discussion? Yes, Member Johnson.

VICE-CHAIR JOHNSON: Since none of my items were on the list, because most of them didn't go anywhere, I will...I'll go through my list of things that I had introduced such as the definition of agriculture, some of the items as they relate to, I think there were a couple of modifications that we need...needed to different parts of Planning, but what I may redo is some of the actual I guess language of those bills based on some preliminary testimony that we had had. So I think it's fine and no, no matter what, Planning should have a lot of items in it and the reason being that if we don't do adequate planning and we don't address a myriad of issues, what we get is exactly what we have today. So, unfortunately, it's the sad truth that perhaps in the past we have not carried enough of those items forward or got into the meaningful discussion. So thanks very much, Madam Chair, and I look forward to actually getting some work accomplished this next term. Thank you.

CHAIR BAISA: Thank you very much, Member Johnson. Anybody else? Any comments on the motion? If not, the Chair would like to call for the question. All those in favor say aye.

COUNCIL MEMBERS: Aye.

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CHAIR BAISA: Opposed, no? Motion carries with four votes, Baisa, Johnson, Medeiros, and Molina.

VOTE: AYES: Councilmembers Medeiros and Molina, Vice-Chair Johnson, and Chair Baisa.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama.

MOTION CARRIED.

ACTION: Recommending REFERRAL of communications to the Council Chair for the term beginning January 2, 2009.

CHAIR BAISA: Members, there is no further business on the agenda today and the Chair would like to take this opportunity again to thank all of you for an excellent term for the Planning Committee. Everyone has worked very, very hard and we've dealt with matters that have been sitting around for a long time. Unfortunately, we ran out of time. And if I'm involved with the Planning Committee next year, which I have asked to be, I would like to see us have all day meetings because I'm really, really worried about all this...these items that are sitting and there's a lot of work to be done. As Member Johnson said, you know, Planning is the key to so, so many things and so I think it deserves a great deal of attention.

I would certainly like to thank my regular helpers with this awesome Committee. I'd like to thank Mr. Alueta. Thank you for all your expertise. Thank the Planning Director. It's been a very good learning experience for all of us. You know, we all came new to this Committee, Mr. Hunt and I, and we've learned a lot this year. I'd like to thank you for all the help you've given us. I'd also like to thank our Corporation...Deputy Corporation Counsel, Mr. Hopper. Michael has been a great help to me. And I'd like to thank my ever faithful Staff, Clarita. It's a tremendous amount of paper to keep track of. And I'd like to thank Mr. Ratz for all of the assistance, advice, and help that he has given me. I don't think I could have done this job, you know, without all of you.

So again, thank you very, very much and we look forward to seeing you in the new term. This is our last Planning meeting for the year.

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR BAISA: Yes.

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COUNCILMEMBER MOLINA: Sorry. I just wanted --

CHAIR BAISA: Surely.

COUNCILMEMBER MOLINA: --to make a comment.

CHAIR BAISA: Of course.

COUNCILMEMBER MOLINA: I wanted to thank you for --

CHAIR BAISA: Announcements.

COUNCILMEMBER MOLINA: --your...for your leadership as the Chair of this Committee. As we know, you had one heck of a big item to, to deal with this whole term and you managed to get a good portion of it out there and still waiting to be heard by the full Council. But you know, for a freshman you did a heck of a job and you, you tackled some of the very big issues so I want to give you the credit that you deserve as well and thank you for your leadership on this Committee.

CHAIR BAISA: Thank you, Mr. Molina. It takes the village. Member Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Madam Chair. And I, too, would like to say that I admire and appreciate your courage to take on this Committee from the start. We knew from the beginning it would be a difficult and challenging Committee to be on because of the issues that we knew were coming up. But I appreciate what you have done as the leader of our Committee – your fairness in looking at the items and your allowance for us to have different perspectives. But thank you again. I'm glad I'm in the same class with you, the freshman class. So maybe we'll be coming sophomores next, but thank you for your work. Mahalo.

CHAIR BAISA: Thank you, Member Medeiros. And Member Johnson.

VICE-CHAIR JOHNSON: Yes.

CHAIR BAISA: My Vice-Chair.

VICE-CHAIR JOHNSON: I know. And, and I want to thank everybody for their patience because as you know it's, it's a little bit difficult for me to always make it on time. I always ask for the Planning Committee to be in the afternoon because, you know, it's really hard when you're a caregiver to get everything coordinated at one time. So I thank everyone for their patience. And especially, I want to thank my husband for his patience because many times we've had late meetings, particularly when we're dealing with the B&B ordinance. And I want to thank Mr. Hunt for facing the Puamana Homeowners Association with me and we were thrashed soundly, but we withstood. . .

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MR. HUNT: Safety in numbers.

VICE-CHAIR JOHNSON: Yes, I know. . . .*(laughter)*. . . So we went and we, we covered one another well and I think that, you know, it's, it's about give and take. And so whether I agree with everything that we've done or disagree, it doesn't really matter because what we're trying to do is at least have the discussion and that's to me very important. And Planning is something that I think we really need to, and as Mr. Hunt has said so many times in his Department, once we implement or once we do the ordinances, it's his job to implement and none of it is easy. And none of the bills that we're going to do are going to be perfect bills because even Bill 84, which came out of the Planning Committee, which included all nine Members at that time, it was hard and hindsight is always 20/20. But you know what, we live and we learn and we struggle and I'm hoping that the public doesn't think that we're not, you know, caring enough or we're not expediting everything. We're doing our best, but there are some very heavy issues to, you know, really consider.

And I want to thank you, Madam Chair, for your patience sometimes because you know I get a little bit . . .*(chuckles)*. . . ornery, if you will, but I try to be nice about it. But it's, it's just my years I guess of experience too. Sometimes, you know, they come out and it's like been there, done that. So I, I would just ask everyone, you know, to keep an open mind with this next Council. I think that we'll do the best that we can again. And I want to thank my fellow Members, too, because you've been very fair about everything. So thank you, Madam Chair, and I hope we all have a great holiday. Thanks.

CHAIR BAISA: Thank you, Member Johnson. I think I neglected to mention earlier that our fifth Member of the Committee, voting Member, is Chair Riki Hokama, and he was excused today. Apparently, he had a conflict.

And so we certainly...I was...I was lucky. We had enough senior Members on this Committee to help us "freshmen" who are no longer freshmen. . . .*(chuckles)*. . . I think we've earned our, our "suffer more" . . .*(laughter)*. . . rating. And so again, my special thanks to everyone, especially those of you who always come out to support this Committee. You know, we have Members of the public who I feel like they're part of the Committee because they come to every meeting and they're very supportive and they provide a lot of input too. So thank you to you. And to all, happy holidays. We wish that, you know, everything goes well for you and that we have a safe holiday and we'll see you all early next year.

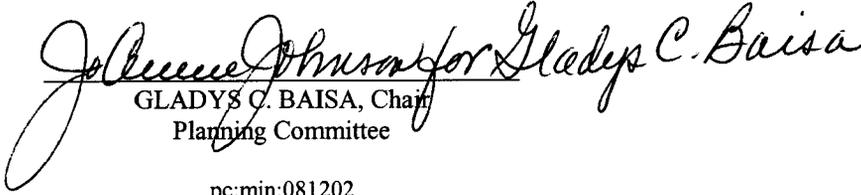
The meeting is adjourned. . . .*(gavel)*. . .

ADJOURN: 9:48 a.m.

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APPROVED:


GLADYS C. BAISA, Chair
Planning Committee

pc:min:081202

Transcribed by: Clarita Balala