

**LANA'I PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 28, 2016**

APPROVED 11-16-2016

A. CALL TO ORDER

The regular meeting of the Lana'i Planning Commission (Commission) was called to order by Chair Kelli Gima at approximately 5:30 p.m., Wednesday, September 28, 2016, in the Lana'i Senior Center, Lana'i City, Hawaii.

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

Ms. Kelli Gima: Good evening everyone we're going to go ahead and get started. It's now 5:30 p.m. This is the September 28, 2016 Lanai Planning Commission meeting. At this time I'm going to open up public testimony for those who need to leave, and we will -- I will be opening up public testimony after every agenda item. So is there anyone that would wish to give testimony at this time? Alright come on up Uncle Ron.

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

Mr. Ron McOmber: I'll try to make this short and sweet. My name is Ron McOmber. I'm a resident, 44 year resident -- not 44 years old, but 44 years on the island. I came in here last night at a budget hearing. I cannot -- I heard there was all kinds of rumors going on that the Mayor dropped the rumor that he would like to do away with the Molokai and the Lanai Planning Commission. We cannot allow that to happen, totally we cannot allow that to happen. No matter what he thinks of it, this is the only way that we can converse between us and the Council. Please do not allow that to happen -- anybody. I also I sit at a table over here with the fireman last night, talked stories with them. I told them that they needed to get that extension on the firehouse done which has been on the budget for three years or four years now. While I was sitting there talking to them guess who was partying over here by the front door? Was Lynn McCrory and the Mayor. The Mayor won't talk to the rest of us, but he talks to Lynn McCrory. This is really unsettling to me. This is my personal opinion; I think that's wrong. It should not be going on. I know that she goes over and talks to him in Maui, but we can't allow that to happen. This is not comfortable for us. I saw that and I could not believe it. I just couldn't believe what I was looking at, and that's my testimony, you guys. Thank you.

Ms. Gima: Thank you. Anyone from the Planning Department have any -- I mean in regards to what he stated about the Mayor stating that the Planning Commission would be

abolished? I mean has that been in discussion or talked about?

Mr. Clayton Yoshida: Thank you Madame Chair. I'm not aware of a proposed change, and such a proposed change would require a Charter Amendment that has to be voted on by the voters of the County.

Ms. Gima: Thank you for clarifying for that, and thank you Uncle Ron. Anyone else at this time wishing to provide public testimony? Come on up.

Ms. Winifred Basques: Good afternoon. My name is Winifred Basques. I've been on the island for 53 years. It has been a lot of changes on this island, good and bad. It creates problems for the community, okay. There are a lot of pros and cons on what goes on in the community. They work here, they work the other side, and then they leave things all this kind stuff, like the coconut wireless, okay. Now the thing is that what Ron just said I left here about quarter to five because I was at the meeting. I had to go to one other meeting so I didn't hear until I heard it this morning. There was a lot of discussion between these two parties. Now the thing is that when they do this kind stuff it doesn't cut it. It doesn't make no sense why you folks make this kind problems like this. Who's going to benefit out of it? Not us. It's the two guys. Okay, they was here to say, oh, I wanted this on . . . (inaudible) . . . can we do it this way?

Ms. Gima: Aunty, sorry to cut you off. What are you specifically referring to? The, the statement about the Mayor's saying that they're going to get rid of the Planning Commission, is that what you were referring to?

Ms. Basques: No, I left before that, but I heard it from the outside.

Ms. Gima: Okay.

Ms. Basques: . . . (inaudible) . . .

Ms. Gima: But that's what you're referring to?

Ms. Basques: Yes.

Ms. Gima: Okay.

Ms. Basques: But other than that, you know, I hate to say it, it doesn't cut it. It doesn't make sense. Here he comes over here, there all this shambles goes on in the community, here in this hall, what people gonna think? Okay, he comes here, he do his thing, and then go back. Is there's no feedback. There's nothing come back to the community. So is it -- excuse the word -- okay, I didn't want to say it like loud, but other than that, that's what it's all about. Thank you.

Ms. Gima: Thank you.

Ms. Basques: You're welcome.

Ms. Gima: Can I just make a request Clayton to see if you would be able to follow up? I know again this was something that was just said yesterday and probably just...talk at this point, but if it's something that you could follow up on because that's a pretty huge and kind of scary accusation or statement made. So if, if the Planning Department could please follow up on that we'd appreciate it.

Mr. Yoshida: Yes, we can check, check on that.

Ms. Gima: Thank you. Okay, last call for public testimony. Again, we will open up after various items on the agenda. Okay, I'm going to close public testimony at this time and move on to Item C which is approval of the August 17th, 2016 meeting minutes. Commissioners, discussion?

C. APPROVAL OF THE AUGUST 17, 2016 MEETING MINUTES

Ms. Beverly Zigmond: Madame Chair, I move that the minutes of the August 17th, 2016 meeting be approved, please.

Mr. Stuart Marlowe: Second.

Ms. Gima: Okay, it's been moved by Bev, second by Stu, to approve the August 17th, 2016 meeting minutes. Any discussion Commissioners? No? None? All in favor of approving the minutes raise your hand. Okay, all opposed? So it's unanimous, that passes.

It was moved by Ms. Beverly Zigmond, seconded by Mr. Stuart Marlowe, then unanimously

VOTED: that the minutes of the August 17, 2016 meeting be approved.

(Assenting: M. Badillo, M. Baltero, S. Koanui Nefalar, S. Marlowe, B. Oshiro, B. Zigmond)

(Excused: S. Ferguson)

D. PUBLIC HEARINGS (Action to be taken after public hearing)

1. MR. WILLIAM SPENCE, Planning Director, transmitting Council

Resolution No. 16-93 referring to the Lanai, Maui, and Molokai Planning Commissions a Proposed Bill Amending the Comprehensive Zoning Ordinance relating to Enforcement Procedures for Bed and Breakfast Homes and Short-Term Rental Homes. (G. Flammer)

Ms. Gima: Okay, so we're going to go ahead and move on to Item D which is public hearing, Item #1. . . *(Chair Kelli Gima read the above project description into the record.) . . .*

Mr. Yoshida: Good evening Madame Chair. Clayton Yoshida with the Planning Department and with me tonight is your secretary, Leilani Ramoran-Quemado. And we have two senior planners, Gina Flammer with the Current Division who was here in 2011 when Council proposed a resolution on regulating short-term rental homes, and 2014 when the Department proposed amendments to the legislation that the Council adopted. And we have to deal with these two Council Resolutions on short-term rental homes. And we have Carolyn Cortez from our Zoning Division who will be dealing with the proposed amendment by FEMA on the Flood Hazard District Ordinance. So Gina will be presenting the staff report on this resolution.

Ms. Gina Flammer: Hi. Good evening everyone, I'm Gina Flammer, staff planner. I recognize a couple of you from two years ago when I was here to go over the amendments to the short-term rental home ordinance. As Clayton just stated the ordinance was passed in 2012. I came to you in 2011. This is the original ordinance to allow short-term rentals where an owner doesn't live on the property; bed and breakfast where you live on the property were allowed, I think, in 2008. So we had a lot of -- there was a two year look back clause in that original bill. The Department looked at the bill, proposed some changes, came back to you in 2014 with those changes. You gave us some great suggestions and then it went to the County Council where it was discussed. I think it was 11 different hearings that we had over it, so I'm going to review these changes.

The Council felt like they got as far as they could in about the year that they went -- maybe a year and a half discussing all this -- budget was coming up, they wanted to wrap up their work that they had done. What hadn't been done yet was looking at the enforcement section of the Code, and then there was also the next item that we're going to go through is a whole separate, new requirement that came up at the end of that discussion.

Those two things were then bundled into different bills that we're going to talk about today. It's nice because it gives enforcement its own spot light. The rest of the items were passed by Council, so I thought it'd be useful for me first to, unless you already know, but to bring you up to speed on what happened with all those amendments. Okay.

So Council allowed properties that have a condominium property regime, and I don't know if Lanai, if you have any properties like that. It's a State process that allows a property to be

divided into different ownerships. It's still the same density. So because a number of these properties that were coming in for short-term rental home permits were condominium -- had condominium property regimes on them, which would mean they're divided into two, sometimes three separate parcels with different owners. Because they were coming in for permits, Council wanted to let each individual owner of that CPR unit have their own permit. We were requiring before the way we were reading the law it was an entire TMK. If you had two different owners, they had to be on the same permit. So that was one of the things Council did. It did cause a little bit of confusion for us. In some of the amendments that we're going to talk about today relate to that because that's cleaning up their language.

Another thing that Council did is they added a minimum ownership interest for short-term rental homes. And after some discussion they came to 50%. So what that means is that the applicant applying for the permit or number of applicants combined together have to own 50% of the property. We had a couple of cases where people had come in with maybe a 1% ownership interest and Council didn't want to see that.

Another thing we did is we just kind of restructured the bill so that all the criteria was in one place. Sometimes when we do bills, and you add things they get added in a different section so we just kind of cleaned up the bill. There's a little bit of that in this new one we're going to go through again.

Council reduced -- now short-term rentals have a cap for each area. Lanai does not have a cap. But on the island of Maui, the different community plan areas -- West Maui, Kihei, the North Shore, Hana, Makawao, Kula -- each area has their own cap. So Council reduced Hana from 48 down to 30. They left everybody else the same. Molokai and Lanai, they also left with having no cap. If you have any comments about that, you can give that to me. Molokai decided they like having no cap. I just went to them a couple of weeks ago.

The new bill at the end of it, the discussion, Councilmember Baisa came up with a certification form that new people applying for a permit will have to fill out. It's in the application. And the certification form, people have to state on there that they haven't been operating. And if they do own an interest in another one they need to put that on the form and a couple of other things.

Council also granted a six month amnesty for anybody that was operating illegally. As part of the bill that was passed in 2012 there was a provision banning any people that were caught advertising or operating through e-mails . . . (inaudible) . . . or other ways from being able to apply for a permit. There's a lot of discussion about should we just get rid of it altogether...or should we keep it and then let it compromise with the six month amnesty period to allow people. So this new certification form has some of the amnesty language in it.

One other change and we talked a lot about the signs here. They are big. They do stay up

for a really long period of time. Council did agree with the Department that it would be okay to have the sign only come up for 45-days. They didn't take your recommendation that the sign be smaller. We did talk a lot about that. Lanai City, there are small properties. Council just wanted to keep everything uniform so it's still the same size. Short-term rental home signs aren't too bad, it's the B&Bs that are the really big ones. They haven't taken up the B&B amendments yet so maybe those can come down to a smaller size. So again the signs are only going to be up now for the 45-day neighbor notice period.

Also it got rid of the requirement where the applicant went -- if they went to a public hearing before you folks they had to put notice in the newspaper three weeks in a row. It's about \$1,200 that fee. It came at the end of the process. It was something they, they took out. We recommended that they take that out. The Department still publishes a notice in the newspaper, and they're still -- the agendas are still posted. Any everybody within 500 feet still gets mailed a notice of that. So the only thing that was gotten rid of was that extra expense for the three newspaper notices.

Another big policy change was that before if there was one permitted property with a short-term rental home permit was within 500 feet, that second one came to you for a public hearing. Council changed that to the third one. It just means the first two can go through administratively. A little bit easier. We looked at having the fourth or the fifth, and Council just felt the most comfortable was the third. They really want your oversight on where these are located. And they recognized that in a lot of cases you're going to have them grouped together in a certain areas. With you folks, for sure, Lanai City, I mean, that's where the most -- it's where they are. So they still want to see you looking at it when there's, there's -- when there's the third one comes in now, or the fourth and the fifth. And they're okay with having them be approved. The recognized that they -- they see a lot of value in your individual review of those.

They added another trigger to come to you folks for review and that is if an applicant owns an interest in another short-term rental. We had a case. You know, sometimes you don't know your loop hole till you start implementing the law. So we had a case where somebody had applied under their own name, and then they opened two trusts with relatives and applied, and they essentially ended up with three. So we've thought, you know, there will be cases where there's husband, wife, or family members, and if you folks are comfortable with that, we're fine with that. We just thought it'd be a good idea to have you take a closer look at some of these types when there's multiple ownerships. And it doesn't say that you're not allowed to do, they just wanted a little bit of review. You know your community the best.

The other change that they made was...applicant -- and this is a real minute detail unless you're a permit holder. Permit renewal applications used to -- we used to require that they came in 90-days prior to the expiration date. When our attorneys took a closer look at the bill, they said, well, you know, requiring them to come in 90-days before the expiration date,

that 90-days really is the expiration date, you can't really do that. So we thought, okay, so what do we do? So, some language was written that allows people to apply within 90-days. You can still apply the day before your permit expires and you're fine. So that language was passed. One of the things we're going to talk about is then once this was passed we had applicants come to us saying well we want to come in more than 90-days. I'm taking bookings for five months from now. So one of the proposals the Department is suggesting is taking that 90 out to a 180-days.

Ms. Zigmond: Gina? Excuse me?

Ms. Flammer: Yes?

Ms. Zigmond: Before you turn that page.

Ms. Flammer: Yes.

Ms. Zigmond: So, the last line there, which is in bold, I -- I don't remember and Leilani can attest to the fact that I'm forgetting some things these days -- it says that on Lanai the Director can grant permit renewals for up to five years. Is that...was that just an administrative decision or --?

Ms. Flammer: That was part of the original bill.

Ms. Zigmond: It was? Okay.

Ms. Flammer: Yeah. So there were no changes to that. Okay. The other thing the bill did that was passed was that we created specific criteria for when we choose not to renew someone's permit. And these criteria are the same criteria used when we actually revoked and pulled somebody's permit. We did have a little bit of experience with this. It gave us a more legal eye when taking a look at the law, so we, we -- we added some more language, and then we made a whole separate section. So if we're not renewing it, it's been expired, they've come in for renewal, we decide due to problems we use these criteria. And then if we have problems when the permit is going on, we use the same criteria if we're going to revoke it. It just kind of helps us if there's an appeal or --. And it helps the applicant understands really clearly what's being expected of them.

And there was a two year wait period that's added if the permit is not renewed, so that property owner would then have to wait two years before reapplying. We did have, at least two cases, that I know, where the permit was not renewed, and then the person just reapplied three days later. So again, you don't really know your loop holes until you implement it.

I already told you about the six month amnesty period now. So if you know anybody that

does want to come in, it runs until the end of this year. So anybody that may have been advertising or wasn't aware they needed a permit, or, you know, for some reason hadn't come in, they do have an opportunity to come in now. This is for short-term rental home. That ban currently doesn't apply to bed and breakfast; people don't live on the property.

So those -- those are kind of the basic changes in the new bill. That's what we're working with. Well, now, this first one we're going to do is...we're going to take a look at the enforcement procedures. The purpose of this bill that you have is to establish mandatory timeframes for enforcement actions and update the enforcement procedures for bed and breakfast. And at the same time the Department is using this bill as a way to clarify some of the amendments that were just recently made. And just to give you a little bit of background, when the short-term rental home bill passed in 2012 there were a group of operators on the north shore that were working pretty closely with government. They had permits. They wanted to see a regulated market, and part of that regulated market is enforcement. So they feel like the unpermitted people can compete with lower prices. They don't pay their taxes. They wanted to see everybody play by the same rules. So they weren't seeing the enforcement that they wanted right after it passed. They kept meeting with the Mayor and different people in the County, and it really wasn't for about three years until the Planning Department started pro-active enforcement. Then they allowed anonymous complaints to come in. The group, even though we had been doing a lot of enforcement recently, I think we issued over 300 notices of warning from May 2015 to May 2016, and almost 90 notices of violation were issued for vacation rentals. It's really the bulk of what we're doing. This group just wants to make sure that enforcement continues in the future. If there's a change of administration, if anything changes, they just want it codified in the law.

So we have a couple of ways that we could go about it. You know, there's a lot of different amendment here. They're in -- I put them into a table, in your packet. They're kind of small. I did print out the table, bigger. We can go through the table if you want to do that or I can just take comments from you. We can go through the bill. Does anybody have a preference how you want to --?

Ms. Gima: Commissioners, do you want to go through the table or just ask --

Ms. Flammer: Or provide your comments?

Ms. Gima: Or just provides comments to Gina?

Mr. Bradford Oshiro: I have a question.

Ms. Flammer: Sure.

Mr. Oshiro: Who looks at the permit? Do they look at the property before they even submit -

- I mean accept the -- give a permit?

Ms. Flammer: Yes. Every property has their site inspection by a planner. Also as part of the application, we require that all houses have building permits or be built to code so it's probably the toughest requirement. Maui County doesn't require a certificate of occupancy for residency so they -- that's usually when an inspector comes at the end. So often you'll also have a building inspector, plumbing person that come out and look at the house.

Mr. Oshiro: The reason I ask this question is I always bring this up but, you know, on any corner, at a stop sign, they suppose to -- hedges or whatever they growing suppose to only be four feet high. Well, I know two, you know, short-term rentals that pretty much got hedges that's six feet high. So I just wondering, that's why I'm asking, does anybody look at the property before they issue the permit or is it just passable?

Ms. Flammer: No, no. They come out and look, but the requirement that you're talking about for the landscaping is actually a Department of Public Works requirement.

Mr. Oshiro: But what I'm saying is if you giving the permit, shouldn't it be up to code?

Ms. Flammer: It should, but I'm not sure that all be. We're responsible for Title 19. I think I'm familiarity -- but I think it's Title 16? I don't know, maybe Clayton probably knows.

The current planners probably aren't as familiar with all of those types of procedures. It's really when the building inspector comes out to the property that they should notice that. That's with the, the site distances. If there's problems you can always put a request in with the County for that. And, and they'll come out have them -- send them notices that they need to trim that.

Ms. Gima: Gina, I had a question. You had said when you were referring to they didn't take our recommendation for decreasing the signs. I'm pretty sure we had this discussion -- Commissioners, correct me if I'm wrong -- was we had talked about when you have to notify everyone in the 500 foot radius and the issues that we bring up here because you would be notifying so many people. And I think our recommendation was to have just notifying your neighbors on the sides, and then in the back and the front. So I'm assuming they didn't take that recommendation.

Ms. Flammer: No.

Ms. Gima: Okay.

Ms. Flammer: I think your Council Member sat in on a few of the meetings, but he's not on that Committee.

Ms. Gima: Okay.

Ms. Flammer: But we did discuss it as we went through.

Ms. Gima: Okay.

Ms. Flammer: Through it. And I think their main thing was they just want all three islands to be consistent.

Ms. Gima: Which is weird because all three islands are so different.

Ms. Flammer: Are very unique. I know. Yes, I know, we explained that. Especially -- I think it's one of the best examples of being unique. Yeah, we spent a lot of time talking about that in here. I remember that.

Ms. Gima: Okay, thank you. Commissioners, any other questions or comments for Gina? None? So I'm guessing we don't have to go line by line.

Ms. Flammer: It's super technical. I mean, I have some groups that love to do, but this isn't as meaty like it was the last time I came to you.

Ms. Gima: Right. I think the last time you came we did go pretty much through everything, and you took our feedback and whatnot.

Ms. Flammer: Do you want me to hit you up with just the major policy items and you can discuss it?

Ms. Gima: Sure. Sure, please. Thank you.

Ms. Flammer: Sure. So the first thing, major policy item would be the proposed amendment adds a 50% ownership interest for bed and breakfast. We are recommending it actually. It's the same thing with the short-term rental home. If you feel differently, you can let me know. Otherwise when you vote at the end, what you're voting on is all of the Department's recommendations. And also if you have any general comments you want me to include, but I'm not --. Does anybody have any comments about requiring the applicants that come in for a bed and breakfast to have an interest, a 50% interest? Okay, I'm not seeing any comments there.

So the core of the bill, the enforcement part, what it does is -- and we're going to go through the -- it's the same for bed and breakfast, the short-term rental home. So I'm going to go through the B&B section because that's first, but it also applies to short-term rental homes. And this is what that group, the north shore operators, wrote. The first thing that they did is that...for complaints received by the Department that have everything that that

inspector needs in it. It's got the address, it's got link to the advertising. They want to see that that notice get out within a certain amount of time. Within 30-days of the receipt for Request for Service, they want to see our Department hand out that Notice of Warning. The Department is just a little bit concerned about a "shall" and a requirement for 30-days. I don't know if you had -- a couple years ago we had a -- somebody had a sign violation, just a business, and then it kind of mushroomed into everybody turning each other in, and it kind of overwhelmed our enforcement division for a couple of months. That's all they really focused especially dealing with Front Street. So they're just worried if they have something like that come up, they might not meet those 30-days. So they're just -- the Department is recommending a "may" instead of a "shall", so I don't know if you have any comments about that.

Ms. Zigmond: Gina? Excuse me, question. So -- but "may," the word may is not enforceable.

Ms. Flammer: It's, no --. Yes, you know --. The whole core of this is shall -- using shall, does this be mandated, or may, does it allow discretion? So in this case, the Department is recommending may, but the bill says shall. I think we can live with shall if it were there.

Ms. Zigmond: May is way -- for, in most cases, is too, too loose of a boundary because then...it's a subjective thing.

Ms. Flammer: Yeah, it's discretion. Yeah. So why don't I read all five of these and then you guys can provide me your comment because I have a feeling it might -- . . . (inaudible) . . . it's going to be a little different . . . (inaudible) . . .

Ms. Gima: Gina, what page are you looking at just so we can follow along appropriately? Or you have your --

Ms. Flammer: I'm on page --. Well, let's look what's in the bill? You want me to pass this? Okay. I'm going to go ahead and just pass out -- I printed a bigger one for you guys.

Ms. Gima: Okay.

Ms. Flammer: I'm just going to go ahead and give it to you that way we're all --

Ms. Gima: Okay, thank you. Perfect. Thank you.

Ms. Flammer: Okay, so what we'll talk about now is on page 6 of this table. Okay, so item #1 on this, the alleged violator and the property owner shall be notified that all advertising without a permit shall be terminated within seven days after issuance of a notice of warning. The notice of warning shall specify that failure to cease such advertising by the deadline shall result issuance of a notice of violation and ordered to pay civil fine in the amount of

\$1,000 a day...as long as the advertising continues. This is all new language they want to add. Our current practice is we do give them seven days. And instead of shall we use the word will, and I don't know -- I'm hoping none of you have ever received a notice of warning. It does say in there that...failure to cease advertising will result in there.

Okay, so for #2, a complaint of advertising -- this is the one I just talked about that has everything that they need -- without --. If you're advertising without a valid permit number, it's initiated by the public and it has come into the -- our Department with everything in it. It's got the correct address, and it's got the right link, that we have to get that out within 30-days.

For #3, they're giving us 60-days after --. A notice of violation in order -- including an order to pay fees shall be sent to the violator and the property owner within 60-days of this deadline if they're advertising without the valid permit number continues to be on that deadline unless the violator can show that they're, they're working to get that off.

Then #4, all repeat violations for advertising without a permit shall result in a notice of violation without doing a NOW, a notice of warning, which is what we do now, anyway, just as a practice. That notice of violation shall be sent to...the violator and the property owner. And...it just describes what a repeat violation is.

And then #5 it has a caveat saying the Department's failure to serve that notice of warning or violation with any time limit shall not invalidate that notice of warning or violation. So if we do get busy, something else comes up, or it's not done right away, it takes more effort than we thought. It does.

So again, the Department, really what we're saying is "may" is better than "shall." And that we really don't see a need for 3 or 4. But I'm really here just to collect your ideas about this, not so much to present what the Department thinks. So those are the five enforcement related provisions. Do you have a comments about a "shall" versus a "may?"

Ms. Zigmond: I do.

Ms. Flammer: Okay.

Ms. Zigmond: Again, you were talking about across administration so that everybody is doing the same thing. It doesn't matter who's in charge, so that's probably not going to happen if it's a may.

Ms. Flammer: So you're saying shall creates conformity over time?

Ms. Zigmond: Yes. Thank you.

Ms. Flammer: Do you want to just do a vote on, on this particular one? It will be easier with -- to the Council for me to say to -- right now the way we're presenting it to you includes the Department's recommendation of may. So if you don't like the may, you would need to tell me specifically so I can include that.

Ms. Gima: Bev, you want to make a motion? That's what she just said to vote.

Ms. Flammer: Yeah, we can do it by consensus, or we would just like to see the group have some kind of, you know, something on the record.

Ms. Gima: Okay, so going around, I mean, how many of you would like to see shall remain in there? Okay --

Ms. Flammer: Oh, unanimous.

Ms. Gima: Unanimous.

Ms. Flammer: Okay, I can put that in there. And that's for both bed and breakfast enforcement, and short-term rental? Yeah, we will -- okay. So continuing on, on page 7, the new language, and interestingly this came...we're not exactly sure. It wasn't that part of the original bill submitted to Councilmember White from the north shore operators. It went to Council Services, but what ended up coming out is that the five year ban for people that have operated illegally is been applied to bed and breakfast homes. So the Department -- we don't really support it. We'd like to give local residents more flexibility to become legal. This ultimately is Council's decision though, but I'd like to know what you folks think about applying that five year ban...to bed and breakfast where the owner operator lives on the property.

Ms. Zigmond: What is, what is now? What's the time frame now?

Ms. Flammer: There is no ban for bed and breakfast. What you do is you get your notice of warning and hopefully you come in for a permit...or stop operating, short-term and long-term or -- those are your options now.

Ms. Zigmond: Just for purposes of discussion...it seems like there should be something. I don't know if it's five years, but something for bed and breakfast as well. I mean...if the idea is to have people legitimate. Right?

Ms. Gima: So Gina you're saying for short-term rental they have that five year?

Ms. Flammer: That's currently, the policy, yes.

Ms. Gima: Okay.

Ms. Flammer: With the six month amnesty now.

Ms. Gima: And so what was the rationale to have that five year ban for short-term rental but not bed and breakfasts?

Ms. Flammer: The short-term --. Yeah, it's interesting how legislation passes. The short-term rental home came after the bed and breakfast. There was a community member in Maui Meadows that wrote the language and it was inserted into the bill, there's a lot of discussion, and it ended up in the bill at the time of Council. It was a deterrent for people. That was it was -- they wanted a punishment. The thinking at the time, and still now, is that if you're charging, you know, \$250, \$500 a day, that set fine, you can easily make that up. So people -- the feeling was people were going to operate because it's so lucrative as long as they possibly could. So they wanted to try find a way to motivate people to come in before they start operating.

Mr. Stuart Marlowe: The way it's set up now it only leads to more ambiguity. I think that the bed and breakfast should be treated the same way as the short-term, and so it would bring, I think, more semblance of these are the rules and you should abide by them. And if doing it the other way or changing one for three years, one for five years, people would use that as a reason or an excuse, so let's get rid of the ambiguity and make them parallel.

Ms. Flammer: Okay. Do you want to do a vote again on this one?

Ms. Gima: Yeah, is there --. Thank you Stu. Is there any other commissioners that want to kind of key in on this? I think for me I understand the Department's rationale. However, just like how we were talking about how they're saying if one place has signs they all should have the sign. I think it should be the same here for bed and breakfast. So...are we all in --? Okay, who's in favor of, of keeping that five year ban in place...the bed and breakfast, just as it is for short-term rental? Okay, so, it's unanimous.

Ms. Flammer: That's unanimous. Great, okay, thank you. So you want the five year ban... for consistency purposes.

Ms. Gima: Well, yeah, and then I mean, 'cause what would happen is if nothing happens then...sorry, I lost my train of thought. Because right now with the short-term rentals there's a ban, and there isn't with bed and breakfast. So they could just say well I'm not going to do a short-term rental anymore, I'm just going to do a bed and breakfast, and then it's not addressing the issue, right?

Ms. Flammer: Yeah, we get --. Right. Yeah, we get a number of those.

Ms. Gima: I bet.

Ms. Flammer: We show up to the site visit, and there's a lock box. Okay. There's --. Okay, so I recorded that. We're kind of floating an idea. We don't really -- we're not making a recommendation, but we wanted to make sure it got discussed with you folks. And now we're on to the short-term rental home section, page 9 of this chart. There's been a lot of discussion about permit transferability. Especially when we get to the next one where there's a five year requirement for owning a property. I just wanted to get a sense of how you folks feel about having a permit transferred. Right now it's only to the current owner of a property. So when the property is sold, the permit goes away. But there's been talk about making it transferrable so that there's no consequences for guests. The flip side is it then it does add some value to the property, and that has unintended consequences as well. But I wanted them to know what you think about it.

Ms. Zigmond: So assuming that the new owner wanted it, they would just have it. They wouldn't have to, like, register with you or do anything at all.

Ms. Flammer: Well how this -- how it's written in this particular case -- again, I just wanted to get a general feeling of how you feel about it. But the way it was written up it says specifically, "upon the sale of the property, provided the new owner submits the information required by the application, and provided that the transfer is approved by the same authority that approved the original permit." So if it was administrative, it'd be administrative. If they came to you, they'd come back to you.

Ms. Zigmond: Okay, so I'm reading this rationale here...so...Carroll wants to prohibit short-term rental homes and newly purchased homes.

Ms. Flammer: That's what we're going to talk about next.

Ms. Zigmond: Okay.

Ms. Flammer: So it fit better under there, but I was asked to just kind of get a -- how you feel in general about permit transferability.

Ms. Gima: And it's only to immediate -- immediate family member?

Ms. Flammer: No, that's --. How it works right now is it can be transferred at death to family members. This would expand that to anybody.

Ms. Gima: Oh, they're expanding to when you sell the home. I got it.

Ms. Flammer: Yes, yeah.

Ms. Gima: I mean it sounds like they would have to still go through...

Ms. Flammer: They still have to submit the application.

Ms. Gima: ...process. Right.

Ms. Flammer: They just wouldn't have to cancel the reservations.

Ms. Gima: Okay. Oh, okay.

Ms. Flammer: But, as, as we get in the next bill, there's a little more analysis about that. What it does is the value of the permit, the business, then gets added on to the value of the house. So that's, that's kind of a down side. And we tried to -- if anybody can think of a way that it doesn't do that. We couldn't come up with any way to isolate it out of there. But again, you know, the guests --. Escrow typically is 60, 90-days. There is time, but...it is the guest that does suffer sometimes.

Ms. Gima: Okay, Commissioners, any discussion? So right now, it's being proposed to add that highlighted blue area, correct?

Ms. Flammer: Yeah, but it's really there just for discussion purposes.

Ms. Gima: Okay.

Ms. Flammer: Yeah. So, we're not recommending it.

Ms. Gima: Okay.

Ms. Flammer: It's just if you have any strong -- we can have no comment. We can --.

Ms. Gima: Okay.

Ms. Flammer: It's up --. Some people have strong feelings about it. Others --. Okay, so we'll skip it. Hana is really where they discussed it the most out there. Okay, that's really the gist of this bill. I'm seeing if there's anything else. Council would like us, at the end of the year, to submit information -- this is on page 17 -- they want to know what all the notices of warning, all the notices of violation, and all of the appeals and the outcome of the all the appeals. And we told him we're just fine with giving you all that information. So they may review this. I guess they get some of the information --. Actually, Real Property Tax gets it, Council doesn't get it, but Council would also like to get this information.

So that's -- that's the first order of business that we have. Do you have any general comments about short-term rentals and B&Bs? I know you just went through your community plan process. There's a little bit of language in there. Is there anything you

want convey to the Council before you go -- wrap this part up?

Ms. Gima: Yeah, I mean, I know they've pretty much denied everything that we recommended, but I would still like to make that comment back to them again, if possible, that, again, you know, Maui, Lanai, and Molokai are completely different places. And I understand wanting consistency, however, I just don't see how that would work with three different places. So, again, the recommendations that we made the last time, or the comments we made about just notifying your adjacent neighbors, not 500 feet radius, and then the smaller signs. Oh, I take it back, they did listen to our recommendation about the newspaper, so that, that's good. But if that can just be mentioned again.

Ms. Zigmond: And in actuality, they already made some exceptions that permit renewal, Molokai has a one year and us, and Maui have five years, so everything isn't uniform.

Ms. Flammer: No, it's not. Yeah, I know. Yeah. So right now, I'm going to add in my report that you also support some previous things that you had recommended including notification only of adjacent neighbors. Is that across the street too?

Ms. Gima: I think we did side by side, and then --

Ms. Flammer: I think it was adjacent and across, directly across.

Ms. Gima: Yeah, yeah, directly across.

Ms. Flammer: That's what I thought. And then having a smaller notification sign.

Ms. Gima: Yes.

Ms. Flammer: Yeah, that's what I thought.

Ms. Gima: Because our lots are a lot smaller.

Ms. Flammer: Yeah. Okay, anything else? Are you okay with no caps, though, too?

Ms. Zigmond: You know, that's a really good question because there are a lot of those little signs going up on this island. I mean, I walk every morning, and I see, frequently see new ones throughout the town.

Ms. Gima: Didn't we have this conversation? Do you guys remember? I mean, we talked about a cap. I don't remember what it was. Do you guys remember what it was?

Ms. Flammer: I think you were hoping to come up with something during the community plan process, but it didn't --

Ms. Gima: Was it that long ago?

Ms. Flammer: Yeah. But it didn't really lend itself to that process. So if anybody had any thought about it since then?

Ms. Zigmond: Can you share with us what some of the other caps are?

Ms. Flammer: Sure. I used to be able to do it off the top of my head, but it's been a while since I've looked at this. West Maui and the North Shore, Paia-Haiku, I think, are both 88 each. There's 400 total for the island of Maui. Do you remember it? It's 88 for West Maui, 88 for Paia-Haiku, a 100 for South Maui. Hana was 48, now they're 30. That's just for short-term rental. It's still at 48 for bed and breakfast. I think it's 40 up in Makawao-Pukalani-Kula.

Ms. Gima: How do they come up with these numbers?

Ms. Flammer: Oh, Wailuku.

Ms. Gima: How are these numbers --?

Ms. Flammer: Yeah, it's an interesting question. And so what happened is during the bed and breakfast process -- I think we're talking 10 years ago at this point, 2006 -- a study was done by the Kauaian Institute and they were a public policy group. They looked at the numbers at that time, how many there were, and I think there were 800. So the Director at the time, Jeff Hunt, just cut it in half. And then how they divided them up between the community plan areas, I'm not exactly -- I don't think there's any scientific method to it. But the 400 came from that, and it was actually Councilmember Mike Molina that said, during, after everything has been through all the commission, and they were in Council, they said why don't we try a cap, and that was a compromise that everybody liked.

There is a provision in the law that does say, though, if you reach your cap, Council can extend your cap.

Ms. Zigmond: You know, I totally understand the need for them given the prices at the hotel. Having said that, however...it really concerns me about taking those places out of the housing market.

Ms. Flammer: Our next item we're going to talk about is going to hit on that directly.

Ms. Gima: Yeah, I think should be a cap. How we come up with a number, I have, like, no idea how we would do that. Yeah, are you guys aware of how many short-term rentals we have now that are either permitted or in the process?

Mr. Yoshida: I think since last year, there's been about, maybe six. And then I think Kurt is processing a few more.

Ms. Gima: That's just for short-term rental? That's just for short-term rental. And then B&B? I know of one that's in the process.

Ms. Flammer: You already have one. I came to you with Onaona's and Kepa's.

Ms. Gima: Yeah, and I know there's one, I think, in the permitting process.

Ms. Flammer: And then Jasmine's House, I think, is already permitted. Maybe three.

Ms. Gima: I guess I'll pose this to the Commissioners before we start looking into anything else is who is in -- who agrees that there should be a cap, raise your hand. Okay. All those that don't agree raise their hand.

Ms. Stephen Ferguson: I, I -- I don't know, I just feel might be kind of premature right now. I don't know. I just think since this is all kind of new, you know, like --. I don't know, I feel if you put one cap, that might rush people into thinking, eh, get one cap, we got to do 'em now. But, I don't know, I just think people is still kind of feeling it out and I no see it as a problem yet, so, I don't know, that's just my opinion.

Ms. Gima: It's pretty -- it's unanimous that we would like to see a cap. Gina, is -- so it could -- could the cap be adjusted at any point?

Ms. Flammer: There's that provision that says when you reach it that Council will take it up again. I mean, how timely that process is, I don't know. We all know it's not a quick process.

Ms. Gima: So I guess more specifically, like, if there wasn't a cap right now, and all of sudden we see this rush, of like, you know, 50 short-term rentals, which would be pretty alarming, right? How would -- what would have to happen if at that point would come to say, hey, we really need a cap here, this is getting out of control. What is the process for that?

Ms. Flammer: You would go to your Councilmember or another Councilmember and introduce some legislation, and it would be really simple language but it would then go to all the Commission -- or I guess only yours because it only applies to Lanai -- and then to the County Council.

Ms. Zigmond: Because I hear what Fergie's saying, but I, I, I am uncomfortable without ever having any, but if there is something, I say it's fairly easy.

Ms. Flammer: What's the number of homes that you have on --? We could do a percentage of that.

Ms. Zigmond: Brad, you should know.

Mr. Oshiro: Not everybody has a house that has a P.O. A lot of families share the P. O. box.

Ms. Flammer: Molokai doesn't have a cap either, and they're actually very comfortable with that.

Ms. Gima: Right, right. Which is understandable, I think, if they're looking for kind of -- to have that.

Ms. Flammer: Economic growth.

Ms. Gima: Yeah, right, right.

Ms. Flammer: They're really feeling it now.

Ms. Gima: But with the, with the concern of not having enough rental properties here for just residents to rent. I mean, like Beverly said, that that's concerning if they all become short-term rental -- not all -- but a lot becomes short-term rentals which then takes that away residents who are looking for long term rentals. So how do we come up with a cap? I mean that's the hard thing, I mean, it's what number do you use. I guess a number can be set, Gina, and then it can be extended, right? It's easier to extend than to --

Ms. Flammer: And just a reminder, bed and breakfast homes come to you. I think short-term rentals can --

Ms. Gima: Right.

Ms. Flammer: Yeah, can be administrative...unless there are two within 500 feet. So you will end up at some point the saturation will cause them to come to you. And at that point, you do have some criteria, as well as the Department does, but you do look at the number of permitted.

Ms. Gima: So, yeah, and it's hard too when we don't have kind of the figures, like, how many homes we have on the island. So we've had already six in the last year, and according to Clayton, they're currently processing a few. So I'm saying, I'm thinking a few is like two or three.

Mr. Oshiro: Kelli?

Ms. Gima: Yes?

Mr. Oshiro: There was a meeting we had, and it was about homes that they could put on little small extension bedrooms for like a rental.

Ms. Gima: Oh the accessory dwelling.

Mr. Oshiro: Yeah, and somebody, whoever the County, gave us figures on how many houses.

Ms. Gima: Oh, that was Joe.

Mr. Oshiro: Like, somebody gave us figures on how many houses there was on Lanai.

Ms. Gima: That's right. That's right, we had that map. Is this something that --

Ms. Flammer: What you might want to do is recommend, you know, 5% of your -- the number of your single family homes or something like that and let --. Or you could just let me tell Council that you feel like there should be a cap but you just didn't know how to come up with a number. And if you wanted to work with your Councilmember on that.

Ms. Gima: Yeah.

Ms. Flammer: That's what Hana did.

Ms. Gima: Yeah, and that would make sense because I wouldn't want us also to just rush and coming up with number. And then also being able to have public and community input if they knew that this was on the agenda, and this was being discussed. I feel like there's probably a lot of residents that would like to give input there. Commissioners, I mean, are you guys okay with, with Gina providing the comment that we want a cap, but at this time cannot come up with a number?

Ms. Zigmond: But will it come back to us?

Ms. Flammer: Not in an official capacity --

Ms. Zigmond: See.

Ms. Flammer: -- but what Hana did is they worked with --. It was actually Elle Cochran is the one that, that pushed it through. So if you want to have discussions with your community, informal discussions, and then maybe work with one of the Councilmembers.

When it's at the Council, they will have ability to open up the bill again.

Ms. Gima: Do you guys just --. This is hard. Oh, go ahead Clayton.

Mr. Yoshida: Again, I think this is a public hearing, and I think the public can testify on anything that has been mentioned thus far.

Ms. Gima: Yeah, sure. Yeah, definitely, I'm going to open up public testimony, but I'm thinking -- I mean, this wasn't technically listed specifically on the agenda. Where if it was, we might have had way more people here in the audience wanted to really key in there. Yeah, you know what I'm going to open up public testimony at this time, if that's okay with you Gina. I'm going to stop you a little bit, just to get some input here. So again, really wanting to -- I mean, please provide input on anything that was discussed, but specifically your thoughts on having a cap on short-term rentals and number suggestion. Anybody wishing to provide public testimony? Please. Okay, please come up.

Ms. Basques: Thank you again. Winnie Basques. 53 years, Lanai resident. Okay, you talk about short-term rental. Okay, beside vacation rental. Okay, when the hunters -- I going talk about hunting now. When the hunters comes . . . (inaudible) . . ., okay, they have to look place for stay, for rent, okay. They cannot rent at the hotel and take the carcass over there. Right? There's no more room for put the carcass inside there, right? And they going inside there look all . . . (inaudible) . . . as dirty right? So how you gonna do this? Vacation rentals, they come, they stay two, three days, and they go. Okay, that's good.

But I can go back, way back. Dole Company time. Okay, the old man work here. Okay, they go with their family Philippine Island, they come back, they get money, right? They buy houses for their families. Okay, they can --. If you have -- just imagine those days...Kaunalapau Harbor had one house, was only \$3,000, for ½ acre, and is only five cents a foot for the other ½ acre. Okay, now you think about them -- if the people who worked for Dole, retire, came back, bought houses, if they had \$25,000, they could buy houses those days, and there was no questions asked. As long as you give them the money, they're fine. And then they neva had this kind rules and regulations. Oh, my family coming back, they going stay here, so they have to pay for that place, they have to rent out the houses. Okay, same like let the hunters come inside. Hunters come in all the time. They get businessmen come here and where they stay? Vacation rental. It's much cheaper. Why? The hotel is very expensive which they cannot pay for it, okay.

Ms. Gima: So I'm hearing that you support short-term rentals.

Ms. Basques: Yes.

Ms. Gima: Especially for hunters.

Ms. Basques: Yes.

Ms. Gima: Okay.

Ms. Basques: For hunters and as well as businessmen, whoever comes here.

Ms. Gima: And you don't feel that there's a need for a cap.

Ms. Basques: No.

Ms. Gima: Okay.

Ms. Basques: Because why, they going question that, and people going say, oh, my goodness, I can't stay in the hotel, and they going pay \$1,000 for stay only for one night. Now remember, airplane fare, hotel, meal, rental of the car or the jeep, and food, as going almost be five grand.

Ms. Gima: So thank for providing your input about support short-term rental. Thank you.

Ms. Basques: Thank you. Yeah, I support that. Thank you very much.

Ms. Zigmond: Madame Chair, if I can just comment on that? I don't think most of the hunters go to real short-term rentals, permitted ones. I mean there are some that do, but --

Ms. Gima: Yeah. Yeah. Anyone else wishing to provide public testimony for this item? Okay, I'm going to close public testimony. And we're still stuck with the issue of, of -- again, we're all in it. It was...all of us except Fergie's agreeing that there needs to be a cap for short-term rentals and now it's really coming up with a number. It sounds like if we moved on and Gina brought our comments back that we want a cap but don't have a number, this would not come back to us in this capacity. Therefore it would be someone taking on this responsibility with our Council, our Councilman, and hoping that this would be discussed. So it sounds like this actually is the best venue so that Gina can appropriately bring that back.

Ms. Zigmond: Madame Chair, can we not defer if we wanted to, to get a number of houses and to think about it? I'm thinking we still have time on this, do we not?

Ms. Gima: Gina?

Ms. Flammer: Actually no. Council wants it back by the end of the year. They have two members that want to be able to discuss this before their terms end.

Ms. Zigmond: But we could do it at the next meeting.

Ms. Flammer: They --. In order for that to happen, I need to have it to them by next week.

Ms. Zigmond: Ah, crap.

Ms. Flammer: And this meeting was delayed already because of HCPO. We started in August. Even if you were to give a specific number today, you would still need to follow up with the Council just in a practical...for it to really happen. So you still have that avenue with to do. It will be --. They may take up -- I'm not sure which bill they're going to take up first, but it does give you a couple of months to think of a number and reach out to your Councilmembers and --. Hana didn't say 30. Or did they? They did recommend reduced, but it really got picked up at the end just by Councilmember Cochran, and she was the one that pushed it through.

Ms. Zigmond: If you're saying that we cannot defer, what if we -- is there a way that we could still give recommendations for this tonight saying that we have a cap and we'll be working on it and discuss it at the next meeting, with some additional information? I don't know if we can do that or not.

Ms. Gima: Yeah, I think it would be helpful to have that discussion, whether you're here or not, Gina, with this in front of us. If this is something that is going to go back to the Councilmembers, obviously Councilmember Hokama is going to hear that...this -- we want a cap. Maybe not. Okay, Bev's right, he's not the committee. Clayton?

Mr. Yoshida: Well, I think that is possible, but you know, realizing that, you know, this is an election year and I guess the term ends on January 2nd. Essentially the Council Committees probably will start shutting down around the end of November and they will defer unfinished business, whatever is on their unfinished business docket to the next Council. So there are some folks, at least two, who have been through a year and a half of discussion on this and they won't be back on January 2nd.

Ms. Stacie Koanui Nefalar: I, I -- my feeling is we come up with a number, not too low, not too high, you know, 30. And if we -- when we reach that limit, then we can request for -- to go higher. 30 or 40.

Mr. Oshiro: What is the --? Excuse me, Stacie. What's the population of Hana? Bigger than Lanai? Smaller than Lanai? If it's smaller then, you know, maybe we should just go with 30, you know.

Ms. Flammer: We're thinking it's a little bit smaller.

Mr. Oshiro: Okay.

Ms. Gima: So yeah I hear what you're saying. Have a number and if...obviously if there's a need or a want for it to go more that's a possibility. But if not, we know that this is pretty much it. 30...30 seems like a fair number. Again, we had, what, six on one year. Okay, so I'm just going to put it out there so we can move along. It's due --. How many agree, again, for the cap and to have it at 30 raise your hand? Okay, opposed? Okay, so...majority.

Ms. Flammer: Okay, and I like your rationale. I'll explain that to them.

Ms. Gima: Thank you. Sorry to take --

Ms. Flammer: No, you gotta go through the process.

Ms. Gima: Yeah, absolutely, so thank you.

Ms. Flammer: Okay, so our next step is -- hold on let me just capture this. Okay, so the next step is you have, like any bill that comes before you, you have the following options. You can go ahead and recommend approval of the bill without any of the amendments. You can recommend approval of the proposed bill with the amendments the Department is recommending minus those two other changes that you talked about. You can recommend denial of the bill. Or, you can vote to defer action in order to gather additional information.

Ms. Zigmond: . . . (inaudible) . . .

Ms. Flammer: I mean you could, it would just slow things down.

Ms. Gima: So we would go with one of these options, and again you would bring back our comments, whether, whatever option we, we choose.

Ms. Flammer: Yes. I'm going to guess no. 2 where you would recommend approval of the proposed bill with the amendments, with the two exceptions that you told me. You like the "shall" versus the "may," and you would like to see that the ban be applied to B&B for consistency purposes.

Ms. Zigmond: And where does the cap come in?

Ms. Flammer: That's an additional comment that, that you also -- so you are, in addition to the bill, you have specific amendments which would be you like -- for notification purposes, you would like to notify adjacent neighbors and directly across the street, you'd like a smaller notification sign, and you would like to see a cap of 30...with the provision that it can be reviewed, yeah, once you reach that cap.

Ms. Zigmond: Madame Chair, I'll, I'll make a motion to accept -- to approve -- to recommend approval of the resolution with the amendments as stated, except for our two exceptions,

and with the comments that we gave. Is that sufficient?

Ms. Gima: Do I hear a second? Okay. So it's been moved by Bev, second by Stu, to recommend approval of the proposed bill with amendments to the Maui County Council, except for those two that's noted, and with our additional comments. All in favor raise your hand. So it's unanimous.

It was moved by Ms. Beverly Zigmond, seconded by Mr. Stuart Marlowe, then unanimously

VOTED: to recommend approval of the proposed bill with amendments to the Maui County Council, except for those two that's noted, and with our additional comments.

(Assenting: M. Badillo, M. Baltero, S. Ferguson, S. Koanui Nefalar, S. Marlowe, B. Oshiro, B. Zigmond)

Ms. Flammer: Great, thank you.

2. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 16-94 to the Lanai, Maui and Molokai, Planning Commissions containing a Proposed Bill Amending Section 19.65.030 of the Maui County Code to Establish Ownership Durational Requirements for Short-Term Rental Home Applications. (G. Flammer)

Ms. Gima: Thank you Gina. Okay, so we're going to move along here and go on to no. 2 . . .
(Chair Kelli Gima read the above project description into the record.) . . .

Ms. Flammer: Can I just ask you one clarifying thing about your cap? Is that for short-term rentals and B&Bs? Each?

Ms. Gima: Total.

Ms. Flammer: Combined, cap of 30. That would make it 15 short-term rentals? I'm sorry, it just occurred to me that there are two separate sections of the code. Do you want me to just recommend it for short-term rentals for now since you see all the B&B applications?

Ms. Gima: Yeah. That would make sense.

Ms. Flammer: Okay. Great, okay. So I'm on? So you're ready for no. 2? Okay. Alright, so the second bill, this was an idea that came up, actually...this came up after the committee referred it to the Full Council. It's really rare you that you see something added that late. This is how much discussion was going on with the Council over short-term

rentals. So it was introduced during the first reading. Maybe it came up in the second reading. Anyway, this is what it is. And it does deserve its full consideration on its own and not just thrown at the end of the meeting. I'm glad Council did that.

The purpose of these amendments from the County Council are to require that short-term rental home permit applications own a property for at least five years prior to applying for a permit with three exceptions. Those exceptions are, no. 1, it would provide a grace period of six months after the bill is adopted so anybody in the process could finish the process.

Secondly, the second exemption would be for property owners where the structure, the building itself -- and that will be talked about at Council whether it's the building of the property -- but for right now, if the building is high enough and worth enough to take it out of the long-term residential housing market. After discussion Council came up with a building value of a million dollars, would then put it out of the residential market. So any residential structure as, as appraised by the real property tax division of the Maui County with a value of less than million dollars -- I mean, over a million dollar, would be eligible to get a short-term rental home permit prior to the five years.

The third exemption allows properties previously used for short-term rental homes with a permit to be eligible again if the owner applies within three years of purchasing the property. And just to give you some background on this. This came from Councilmember Carroll out in Hana. Hana has a number of homes sold that were in long-term rental that went to short-term. Small community, big impact, so this is where it came from. So he stated that the purpose of the measure is to discourage investors from speculating with long-term rental properties by buying them and then immediately converting them into short-term rentals. He stated that we have a limited land area for housing and it's difficult for residents to obtain. They should be allowed a crack at it before we allow short-term rentals. There was recognition that Hawaii residents earn low wages but have very high property values, and it makes it very difficult for current residents to buy a property, and that increases the demand for rental housing.

There was also a lot of talk about the demand for housing by off shore buyers due to Maui's low tax rate. And then there was talk about how high LA and some of those other west coast counties are and it makes it attractive to them. And also the state of the economy and how buying houses now is another investment option just like a stock or a bond would be, too, and that also increases the demand for these investment properties. Now on the flip side Councilmember Baisa did talk about tourism is a significant part of the economy, and that she was concerned about the unintended consequences for putting the five year requirement on it. And also that the effect of short-term rentals is minimal because many of these homes are high end already. So I did do a big, long chart which I'm sure you saw in there an analysis of that. And also the Council did admit that this is just a band aid. The real solution to affordable housing is to build housing. They recognize that's all it is, but the band aid is better than nothing is what they said.

And so again, I'm here to get your comments on --. Again, there's analysis at the end, so what you would be voting on is the Department is okay with...hold on, let me get to that page. So I included your new community plan policies in part of the analysis. So the Department was okay with the five year wait period. We're okay with the grace period. We're not sure about the million dollars, but we know Council is going to talk about that, so we'll be there during that discussion. We thought maybe it should be just a little bit higher. We noticed when we did the analysis of all the rental properties, and it was really interesting, most of them are under a million dollars, the building value. You get a couple that are \$1.2, \$1.3., and then you jump right to \$3-, \$4-, \$6-million. I was surprised when I did this. There's not a whole lot in the million range. You're either under or you're over, so Council can pick that number. We're comfortable with that.

The only thing that we were not comfortable with was the permit transferability, and we're worried that it's going to have -- it's going to increase the value of those houses that have a permit, and in doing so it's going to increase, drive up the prices of neighboring houses. And it's not going to do that so much through the tax structure because they have different tax classification, so their taxes won't go up. But what will happen is when you go to sell it, the appraisal, then the market appraisal will take into the value of that house was sold for more money, and that's how it drives up prices. And it kind of creates the perpetual cycle of rising home values. So we're...we're not recommending. We're recommending the bill with the exception of the transfer.

So based on the analysis that's in the report, we support the proposed bill with the revision, that they take another look at the valuation and also without the transferability exception. We recognize that this bill really speaks to public policy and competing policies. You're looking at economic policies versus housing policies, and they really are pitted against each other so we're trying to fine line, and so is Council, in between it.

So we feel like this bill does try to walk a fine line. It doesn't restrict the total number of permits that can be issued for short-term rental use. Instead, it restricts the type of home that may be used. So when the permit caps have been reached, they will be held by owners who have a long-term investment in Maui because they had to wait the five years, or, and, they will also be held by high end homes that will provide a higher economic value in terms of tax assessments and local employment opportunities, and continue to attract the real high end visitor.

So again you have the same choice where you can recommend approval of the bill just as it is. You can recommend approval with amendments. You can recommend denial. I think Molokai chose to deny...recommend denial. Or, again, the fourth, defer.

Ms. Zigmond: Gina, why did Molokai deny?

Ms. Flammer: They don't want any restrictions. They had just had the canoe races, the paddling races, and they had a really hard time finding places for people, and they want to see more tourism dollars come in.

Ms. Gima: Again, probably why they had no caps...no cap on the short-term rental.

Ms. Flammer: Yeah, so they saw the restriction is hurting their tourism.

Ms. Gima: Well, then I can see why. Commissioners, any questions for Gina? Discussions? Comments?

Mr. Marlowe: What is the definition of short-term, not bed and breakfast?

Ms. Flammer: Short-term means the owner doesn't live on the property.

Mr. Marlowe: But it can be one night, or 30-days, or --?

Ms. Flammer: And it's under 180-days, so it can be anywhere between one night to 179 nights.

Ms. Zigmond: Regarding the value amount, you're saying a million or above a million, or Council's going to --

Ms. Flammer: Council is the one that came up with the million dollar building value. I think we're going to have a lot of discussion on the floor about what's the appropriate number for that. So if you have any comments. If you like the five year wait, if you like the idea of having the higher homes excluded, if you have any comments...about where to find that number, or do you like a million for the building, you know?

Ms. Gima: I think the rationale behind this is good. And it makes sense, you know, for our community as well being a small community just like Hana where it would, like Gina said, kind of first crack to -- instead of right away doing short-term rentals -- first crack to residents who want to have housing, and then excluding these high end housing that majority of our residents couldn't afford to rent anyways. Again, I mean, yeah, that's for like, I guess, the Council to address is that number amount.

Ms. Zigmond: The five year appeals to me.

Ms. Gima: Yeah. It makes sense. The rationale is good. Would anybody would like to make a motion or any other discussion?

Mr. Yoshida: Madame Chair, again, this is a public hearing, and --

Ms. Gima: Oh, I'm sorry, I apologize. Okay, open up public hearing. Anybody else would like to come up and testify? Okay, public testimony is closed. So Commissioners?

Ms. Zigmond: I move to recommend approval.

Ms. Gima: So there's two options here to recommend approval of the proposed bill to the Maui County Council, or recommend approval of the proposed bill with these amendments to the County Council. Again, when, Gina, when it say with these amendments those are the three amendments that you went over, correct?

Ms. Flammer: Yeah, they're all in the bill. The only --. And maybe you can just tell me what you like and what you don't like, and I can --. So do you like the overall concept? Do you like the idea of six months grace period? Do you like idea of the high end homes being excluded from this? And are you okay with the transferability for these --? Or no, it's not transferability. Are you okay with these high end homes being able -- those permits being able to, I guess, be transferred essentially or that person to come in before the five years?

Ms. Gima: So that's the one, the third exception which allows properties previously used for short-term rental home will the permits be eligible for a permit again if the owner applies within three years of purchasing a property. So Bev, are you --?

Ms. Zigmond: Yes.

Ms. Gima: Yes, what? For the record please? On page 18 there's the list of our options if you would like to refer to that.

Ms. Zigmond: So it would be...no. 2...recommend approval of the proposed bill with amendments to the Maui County Council.

Ms. Gima: Okay, Bev made the motion, do I hear a second? Second by Brad. So it's been moved by Bev, second by Brad to recommend approval of the proposed bill with amendments to the Maui County Council. Any discussion Commissioners? All in favor of the motion raise your hand. All opposed? None, so that's unanimous. Thank you.

It was moved by Ms. Beverly Zigmond, seconded by Mr. Bradford Oshiro, then unanimously

VOTED: to recommend approval of the proposed bill with amendments to the Maui County Council.

(Assenting: M. Badillo, M. Baltero, S. Ferguson, S. Koanui Nefalar, S. Marlowe, B. Oshiro, B. Zigmond)

Ms. Flammer: Thank you very much.

3. MR. WILLIAM SPENCE, Planning Director, transmitting proposed amendments to Chapter 19.62 of the Maui County Code relating to Flood Hazard Areas to incorporate changes required by the Federal Emergency Management Agency (FEMA). (C. Cortez)

Ms. Gima: Okay, so we're moving along to our last resolution and I don't know -- which is . . .
(Chair Kelli Gima read the above project description into the record.) . . .

Ms. Carolyn Cortez: Hi, good afternoon Madame Chair and Commissioners. My name is Carolyn Cortez, and I am the supervising planner of the Zoning Administration and Enforcement Division. Our division is charged with maintaining the National Flood Insurance Program (NFIP) for the County of Maui. I'm also the County Flood Plain Manager, and how this -- how these amendments came about was that in November of last year, FEMA changed some of their Digital Flood Insurance Rate Maps. And when that happens they take a look at our ordinance which is 19.62 and they had some...changes that they wanted us to do. So these -- these amendments are...what FEMA wants us to adopt for our flood hazard ordinance.

Now the National Flood Insurance Program provides flood insurance for our properties that are in the flood zone, and it also provides federal assistance in times of national declarations of disaster. If our community was not to participate in the National Flood Insurance Program, then these, the flood insurance and then the federal assistance would not be available to us. So I just wanted to make you aware of that.

So the changes and amendments that are being proposed are really not anything drastic. They're more housekeeping. We had an ordinance change in 2009, and some flood zones were inadvertently left out at that time, that we're correcting that. We are also correcting the severability clause. We're adding it in to 19.62. We have it in Maui County Code, but in a different title, but FEMA wanted us to put it specifically in the Flood Hazard Ordinance. Another thing is that they wanted the Director of the Department of Planning to be named as the person responsible for the National Flood Insurance Program. Whereas that was sort of an implied thing. They wanted it to be actually stated, so they added that also into the ordinance. So what I provided for you is...the change and the rationale for each of the changes in the ordinance, the flood hazard ordinance. And I'm available if you have any questions on any of the amendments.

Ms. Zigmond: Can I ask you a question please?

Ms. Cortez: Yes, Commissioner Zigmond.

Ms. Zigmond: Sorry...I will admit I briefly glanced through this. If there was a pop quiz I couldn't tell you what it contained. Could I ask you if there was anything specific that we here on Lanai should be concerned about or that might apply to us specifically?

Ms. Cortez: Sure. A lot of it is...kind of like housekeeping. We're updating like our office address, we're updating the uniform and international residential code because the County adopted that in 2012, I believe. It is not really anything substantive really. It's very correcting some typographical areas, and as I said, inadvertently we left out like adding flood zone AO...so those types of things. It's really not a substantive bill.

Ms. Zigmond: Okay, that's what I thought looking at the chart, but I just wanted to confirm it and I didn't mean to have you take a pop quiz. Sorry.

Ms. Gima: And, and again, question. And again this would mean all these amendments is - - would get everything up to par with FEMA so that if flooding happens, like you said, for the flood insurance and federal assistance.

Ms. Cortez: Yes.

Ms. Gima: So this is obviously significant because we obviously want to see that happen.

Ms. Cortez: Yes, that's correct.

Ms. Gima: Commissioners, any other questions, comments, discussions? It's pretty clear, you have more housekeeping stuff.

Ms. Cortez: Yes. We changed some definitions to be --

Ms. Gima: Right.

Ms. Cortez: -- consistent with FEMA definitions. And in some cases they didn't want us to quote like specific insurance rates because the insurance rates change. We had actually put in \$25 per -- you know, we actually put in. They didn't want us to do that. Also there was some services that FEMA had offered before, but they no longer offer it, so they wanted us to take that out.

Ms. Gima: I'm going to open up public testimony, so if there's anyone that would like to provide comments please --. John? Okay.

Mr. John Ornellas: This is John Ornellas, resident. There's a few things when it comes to flood hazard areas. I think most of us here already knew that the water got extremely -- the rains that we had recently, got extremely close to Kaunapali Highway. If it would have gone over, then we probably wouldn't have a way to get to the airport or to the harbor.

Lanai City has a drainage plan that was done by TM Towell many years ago, and which the County of Maui has adopted. We must maintain that, that...drainage plan and it cannot be forgotten. So -- and then, of course, I've got my, my petty bitch about the three FEMA containers down at the airport. The weeds are taller than the containers, so they need -- so somebody needs to go down there, put them on a slab and maintain those containers because when we need them, they'll be all rotten by the time we get down there, so that's it.

Ms. Gima: Thank you. Anyone else? Okay, we'll close public testimony. Commissioners?

Mr. Oshiro: I don't know if you know this question -- to answer this question, but does Lanai have any places that you could consider as a flood zone?

Ms. Cortez: Not Lanai City. But there are areas near the coast, like, by the harbor, that area, I believe is in V-zone. So a lot of the coastal areas are in the V-zone. But you don't really have that much A-zone, which is caused by riverine flooding.

Ms. Gima: Sure.

Ms. Caron Green: My name is Caron Green. I happen to live down at Manele. We moved here in 2006. But I know that -- was it 2004 that there was the flooding down there? And there has been some remediation that was done after that. But it would be very helpful for people who live down there to know if any of us are in flood zones. And is that information available somehow?

Ms. Cortez: Yes. That information is available. You can call our office at the Department of Planning. There is also a website. FEMA has both, a website and I can give you that information, or we also have a better website with what the State of Hawaii does, Department of Land and Natural Resources. And what's helpful about that site, and what's different about that site as compared to FEMA is that it has property lines on that. The FEMA website and FIRM maps, Flood Insurance Rate Maps, do not have parcel lines on it. So you have to look at the imagery and kind of guess where your property is. So the most recent change we had was November 4th, 2015. But the panels that were changed at that time were Waikapu, Molokai, and Kihei. So Lanai was not included. Well, panels for Lanai were not changed at that time.

Ms. Gima: Thank you. Thank you. So I'm assuming you're recommending that we --

Ms. Cortez: Yes, I'm sorry. So you have the same options as what Gina mentioned. You can, no. 1, recommend approval of the proposed bill to the Maui County Council. No. 2, recommend approval of the proposed bill with amendments, if you have any amendments to propose. No. 3, recommend denial of the proposed bill to the Maui County Council. And no. 4, vote to defer action on the proposed bill in order to gather specific additional information.

Ms. Koanui Nefalar: I'd like to recommend approval of the proposed bill to the Maui County Council with the revisions that you mentioned or the changes.

Ms. Gima: The revisions and the changes is the proposed bill, correct? This whole chart.

Ms. Cortez: Yes.

Ms. Gima: Okay.

Ms. Cortez: But the Commission has not recommended any amendments either.

Ms. Gima: Yeah. So as -- yeah.

Ms. Cortez: Okay, thank you.

Ms. Gima: Okay, so it's been moved by Stacie, and second by Bev, to recommend approval of the proposed bill to the Maui County Council. Any discussion Commissioners? All in favor of the motion please raise your hand. All opposed? None, so unanimous. Thank you.

Ms. Cortez: Thank you very much.

It was moved by Ms. Stacie Koanui Nefalar, seconded by Ms. Beverly Zigmond, then unanimously

VOTED: to recommend approval of the proposed bill to the Maui County Council with the revisions and changes that were mentioned.

(Assenting: M. Badillo, M. Baltero, S. Ferguson, S. Koanui Nefalar, S. Marlowe, B. Oshiro, B. Zigmond)

Ms. Gima: I'm going to call a quick break, a 10 minute break before we go on to our next agenda item.

(The Lanai Planning Commission recessed at approximately 7:05 p.m., and reconvened at approximately 7:15 p.m.)

E. COMMUNICATIONS

1. AUGUST 16, 2016 Third Semi-Annual Report (January through June

2016) submitted by MS. LYNN McCRORY, Senior Vice-President of Governmental Affairs, PULAMA LANAI regarding the project irrigation demand associated with the Residential and Multi-Family Development at Manele, TMK: 4-9-017-001, 002, 003, 004, 005 and 4-9-002:049, Manele, Island of Lanai. (95/SM1-015) (95/PH2-001)

The Commission may provide its comments on the report.

Ms. Gima: . . . started since everyone's back in the room. We'll move onto Item E, which is Communications, starting off with the first item . . . (*Chair Kelli Gima read the above project description into the record.*) . . . Lynn, would you like to come up please?

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. This is the same report we've been basically giving you for the last, about, three years now. The report originally was all numbers and it was difficult for me to understand all the numbers, so we put it into a graph format so that you can see the water usage and change to all the gallons per day which then provides the consistency as to what it is. So I'll take any questions that you happen to have on it. Otherwise, it looks similar.

Ms. Gima: Commissioners, any questions or comments for Lynn?

Ms. Zigmond: The other Manele potable water usage, the first period of 2016 was kind of significantly higher. Just any -- anything that you know about that might have caused that?

Ms. McCrory: Not particularly. It was the multi family was higher. I don't know of any leaks, which would be one reason that you would have significantly higher. But I don't know of any leaks and it's back down again. So it may have been a leak, but I can't tell you that for sure. I did not ask that question.

Ms. Gima: Commissioners, any other questions? If not, I'm going to open up public testimony. So if there's anyone in the audience that would like to ask Lynn any questions or provide any comments. Anyone? Okay. Close, thank you Lynn.

2. MS. KELLI GIMA, Chairperson of the Lanai Planning Commission referring phone communications from the State's Ombudsman's Office regarding Lanai Planning Commission meetings.

Ms. Gima: Alright, moving along to Item no. 2. . . (*Chair Kelli Gima read the above project description into the record.*) . . . So this, I spoke about briefly at our last meeting to get this on the next agenda. Again, I've been in contact with the State's Ombudsman's Office probably for about the past three months. And I was approached by -- his name is Renee dela Cruz, informing me as the Chairperson that there has been a complaint against the

Lanai Planning Commission for not having monthly meetings. And so he had asked questions as to why this was happening, who was cancelling the meetings, and, and I just want to make it very clear to, to the Commission that the complaint and investigation is against us, as the Lanai Planning Commission, not against the Planning Department.

So I had on and off conversations with him. Again, he was just trying to gather various information, and you know, shared with him that it was never the Planning Commission or any of the Planning Commissioners canceling the meeting, that it was in fact, the Planning Department which we do receive e-mail communications, sometimes from Leilani or Clayton. And two of the reasons or I guess the most common reasons of why meetings are canceled because there will be no quorum, and that's happened a few times, but majority of the time because there are no action items on the agenda for us to vote on. So provided him with those reasons and also dates that meetings have been canceled. And again, he, you know, on the County's website they do have that information if a meeting is canceled. And again, this, this complaint was made back in July of 2015, and I don't know why there was such a long delay of them following up on this. From what -- it sounded like it was kind of passed along to different people in the Ombudsman's Office and finally someone got it and decided to do their follow up.

So when talking with him it was really, you know, what do we as a Planning Commission need to do, what we need to be aware of, and it's basically, you know, stating he had told me that we need to have this conversation on record where we can all be here at the meeting to discuss, therefore we got it on the agenda. So, yeah, that's, that's the gist of it.

I'm going to if no -- if commissioners if none of you object, I'm going to ask Mr. John Ornellas to come up. He was the complainant and also the Chair for the Planning Commission at that time. I think it would be helpful to get some context, John, for the newer members of what made you initiate this.

Mr. Ornellas: John Ornellas. Some of you were part of our Commission when we were having our commission meetings and then of course we had the plane crash, and then from then kind of on it was just...Spence and the Planning Department canceling meetings because they said there was nothing on the agenda. Well, according to the Maui County ordinance there is an ordinance that says that the Planning Commission has to meet once a month, period. Go ahead.

Ms. Gima: I can read that because this was what was referenced to me. So it's the -- the Department of Planning Sub Title 4, Lanai Planning Commission, Chapter 401, and under -- what is this here? -- 12-401-14, Section E, it says:

“Regular meetings shall be held at least once a month, at the Lanai Public Library, Lanai City. The regular meeting maybe held elsewhere, when necessary, to enable the Commission to effectively conduct its business.”

So that is what is stated in our rules of practice and procedures.

Mr. Ornellas: So when I found that -- when -- in our disc -- my discussions with, with Spence and Clayton, Clayton would say there was nothing on the agenda. But when talking to Spence about canceling these meetings it was always about the money. How much money it took to get the Planning Department here and then, you know, so --. But I kept, I kept telling him, I said, wait a minute, you sit before the County budget, and you submit a budget, so you know how much money it takes to run the Lanai Planning Commission on a monthly basis. So for you to go and say, you know, it costs too much money, that's crap. He doesn't -- he's got the money because it's been approved by the Maui County Council. So that's how I got involved with calling the Ombudsman, and getting this, this complaint started. You know, I mean, he canceled, they cancel but there's all of us and during that time there was plenty of room for, for training, there was plenty of room for discussions about what's going on with this community and so there shouldn't have been any cancellations per se. And I was kind of thinking how far back, I mean, I was Chair for, what, three years? And I think only twice during those three years as a -- only twice in the five years that I sat on the planning Commission that quorum was an issue. Other than that, it was the Planning Department canceling these meetings. And they would cancel, what, four, four months in a row. So...that's what got me going.

Ms. Gima: Yeah, there is a period from March to June 2015 when there were no meetings held. Commissioners, any questions that you may have for John?

Ms. Zigmond: I think it's not so much a question as, as restating if I can what you said, so there, there's two things here. The...Ombudsman made the complaint against us even though we never canceled anything. The issue of the money which as we see those numbers are really inflated, number one, and number two, we have given a number of alternatives that never went anywhere, so that isn't really an issue. So, so your original complaint was that the Department canceled a lot of meetings and then I'm not sure how the complaint actually got to be against us. Do, do you know that?

Mr. Ornellas: My complaint was against the Maui, Maui Planning Department. I don't know how they -- how it switched to the Planning Commission.

Ms. Gima: I'm not quite sure.

Mr. Ornellas: But you don't make the agenda.

Ms. Gima: Right.

Mr. Ornellas: I mean, you approve the agenda, but you don't make the agenda.

Ms. Gima: Correct. I'm not quite sure where that switch happened, but from my understanding with the talks to the Ombudsman Office is that, you know, they look into us first to see if there was anything happening where we were making those decisions, voting on it, or proposing to cancel. And then if it's clear that that was not the case, then they would move on to investigating with the Planning Department, and that's what I was told. How Bev it was switched I have no idea. It might just be that they have to look at us first and then go from there. But again it's a pretty serious complaint and understandably, you know, hearing why.

Mr. Ornellas: It's kind of ironic that Ron's testimony earlier today that the Mayor wants to get rid of the Lanai Planning Commission and the Molokai Planning Commission, what better way of getting it if we can't get quorum. I mean, I hear -- every time I would listen to the County meetings that go on Maui and stuff, this issue came up in the Cost of Government that, that Michele, the Deputy Director, said that there was quorum issue for this island. And, you know, I'm yelling at the television set, you're lying. So, I mean, it's not, it's not the Lanai Planning Commission that, that's screwing up, it's the Planning Department because they're trying to save money for something, I don't know, something down the road. But that was Spence's --

Ms. Gima: Rationale.

Mr. Ornellas: -- rationale for canceling meetings.

Ms. Gima: Thanks for providing that clarification. I'm guessing I'm going to turn it over to you Clayton because Corp Counsel is not here nor is Director, Director Spence. I guess my first question would be is there anything -- and I mean, I was looking through all of LPC's rules and procedures and whatnot. Is there anything that says a meeting cannot happen if there's no quorum? I understand we can't vote, but can a meeting still take place without quorum?

Mr. Yoshida: I believe annually the Corp Counsel does a training on the sunshine law, and basically if there is less than a quorum, Commission cannot take any action. It can have a meeting to hear testimony and report to the Commission at a future meeting on what transpired at that scheduled meeting. I think it's happened before where we've had three members show up, and so we didn't have a quorum, but the public was here, so we did -- the three members did accept public testimony from the people that were here, but they couldn't take --

Ms. Gima: -- Okay, so short answer, yes, you can have a meeting without a quorum. That's what I'm hearing.

Mr. Yoshida: You could but you couldn't take --

Ms. Gima: -- Correct. You can't take action, you can't vote, but you can still have a meeting. Okay. So, I mean, we -- we had this discussion last month to put it on the agenda. We got in our packet a letter dated July 23, 2015 to the Ombudsman's Office from Director Spence. I don't know if you were tasked at all, Clayton, to come tonight and go over things or respond to, to any of this?

Mr. Yoshida: Well, I think our response dated July 23, 2015 to the Ombudsman, Robin Matsunaga, sort of explains the situation relative to how the Commission gets agenda items, and I guess the cost of funding some of the meetings, paying for staff and so forth. And I guess we have, to my recollection, we haven't receive a response from the Ombudsman since our July 23rd, 2015 letter.

Ms. Zigmond: Madame Chair, can I ask a question? So Clayton, in the past, we have enumerated a number of very viable alternatives to reduce the cost, which I still say is very inflated...and there's no mention of that. And, and my understanding is that our, our suggestions for alternatives didn't go anywhere so if we're all trying to work for a solution and this still doesn't mean that we have canceled any meetings. I want to emphasize that again. But you know, we're trying to work with you all and, and they've been ignored...so I'm confused.

Mr. Yoshida: Well, again, I think, we explained in the letter that there are two primary ways of which the Commission exercises authority on matters that come before the Commission. One is as you saw tonight in your advisory role to the Council in reviewing proposed amendments to the Zoning Code or other ordinances. Second is decision making with regards to discretionary permit applications. If there aren't a lot of discretionary permit applications that we're proposing, then, you know -- and the Council isn't producing a lot of proposed amendments to the Code, there's not much business, I mean, for the Commission to discuss.

Ms. Zigmond: That doesn't address what I asked you. I said, what happened to all those alternatives to help save money even though I believe that money is not the issue. But we did have cost saving alternatives and they went nowhere. They're not mentioned in here. Nobody seems to know about them, although we had them on the record. For instance, chartering a Expeditions Ferry to go home. The hotel accommodations, \$250 to \$400 a night per person a hotel a night, I'm not sure about that. We -- about the possibility of you all coming in later. You know, we, we get the whole thing about how inconvenient it is even if it's for your job to go off island, overnight, and to have to care for children and your pets. We get that, we do it all the time, so it's not like we're being insensitive. We're saying that there are other ways and, and nobody's even acknowledging them, let alone discussing them.

Ms. Gima: I'm going to piggy back on you Bev here. In, in Director Spence's letter he referenced during a December meeting which I'm assuming is December 2014. I mean,

this is how long we've been having this discussion as a Commission involving input from, from the community who've attended these meetings. Like Beverly said offering what I think is viable alternatives to, to address this issue of saving cost. And again, as John referenced, I don't know what the issue is when it's already been budgeted, this is what's going to be spent. But, yes, we also -- on top of what Bev said we said we could do Saturday morning meetings like we did when we were reviewing the community plans so therefore not having to stay overnight. We talked about video conferencing. You know, sometimes like so many people come over, someone speaks for all of five minutes just to spend all that money to speak for five minutes. Go on video conference. I mean, it's clear, someone like Leilani, you know, always needs to be here, she's recording, she has a very important job, or the planners who are, you know, providing overview of the resolution or the application. And, yeah, it is a bit frustrating because this letter that Director Spence had sent was basically like we just need to save money and had totally failed to mention that the Planning Commissioners, again, we're very sensitive and willing to work with coming up with really good solutions and compromises. So is -- do you know, I mean, you were here at all these meetings, Clayton, were those alternatives brought back on those numerous times we discussed it? Did you guys sit around a table and say, hey, okay, let's really look at how, how viable and feasible these alternatives are? Or was it just, no, that isn't what we want to do, so we're not going to listen because that's how it's feeling like right now. And again, this was not just comments from the Commission, but comments from the community, many comments, and people really trying to find ideas to save costs, but to ensure that our meetings still take place at a time that it's historically always been, in the evenings, because we'll get better participation especially with the Commissioners.

Mr. Yoshida: Well again we -- I think Director Spence has been here on several occasions to talk about this issue, hear from the Commissioners, hear from the public. We have looked at various alternatives. We looked at trying to start meetings earlier. We were unable to obtain a quorum.

Ms. Gima: Right, and we also made that very clear on the record. I think majority of the Commissioners said that would never work, and we would not be able to be here for a quorum. So to take the one alternative that the majority of the Commissioners are saying that does not work and just run with that and not look at all the others kind of doesn't make sense to me.

Ms. Zigmond: And, and the, the alternatives that Spence brought up was not about what we had offered to help you all. It was what he wanted to help him. Change it to 4:00 p.m. in the afternoon.

Ms. Gima: Yeah, and it's unfortunate, you know, Clayton, I don't mean to have this all go on you. I mean I wish Director Spence was here because you're right, he has been here numerous times and we have had these discussions. I just, I kind of like, I don't even know what to do anymore. We have, like I said, had discussions, offered solutions, and then now

we have this in front of us with this Ombudsman Office complaint, it doesn't seem like we can get much information from you Clayton. I don't know how --. I don't know. I'm going to let other Commissioners key in here. I know Medigale and Marlene, and Fergie, I don't know if you were here. You might have come in around the time. You guys weren't here when this was happening. Do you guys have any questions about kind of the context, or any thoughts about this?

Ms. Marlene Baltero: I've been hearing from your suggestions before for like other alternative meeting schedules, but it seems that Clayton was not being following it up or whatsoever and I think that should be considered too instead of like having this conversation right now with the Ombudsman. I think we better look some alternative with the meeting schedule as well.

Ms. Gima: So basically right now we're not in compliant with, with the rules. That's what the Ombudsman Office is saying which is true, we're not, and therefore having this discussion. Again, we understand the Planning Department's point of view, and I think it's going to have to have this discussion thoroughly again because it seems like it's gone nowhere in the past two years. At the end of the day this needs to be resolved or else it's going to be an ongoing issue, and I don't want the worst case scenario of a, of a lawsuit or something like that coming towards us or towards the Planning Department. I don't want to see that either. So it's how do we work, as two entities here, suppose to be working together to make this work. And one thing that the Ombudsman Office had shared with me is the Planning Department does not have the authority to cancel meetings, and so just to have that clear. And again, I mean, there has been times that I don't think any of us have objected to canceling a meeting that had nothing on the agenda. You know, no one is putting up a fight saying, wait, why aren't we? I mean, we talked about finding alternatives like doing workshops or trainings or things like that that would be beneficial. But it is, I think, and I talked with Corp Counsel and too bad she wasn't here tonight. I really expected her to be here was maybe possibly having to look at amending our rules cause this is pretty outdated, to have this kind of further discussion so that we can put, you know, put some amendments in place that would make sense.

And so, first off, I'm going to request that on our October agenda that we do have that discussion because again this is going to kind of go back and forth, and I think, to protect all of us here, is coming up with some solid solutions and amending the rules if need be. So then at least Corp Counsel can be here who can guide us through that process, we'll be able to ask her questions, you know, legal questions as we move forward.

Ms. Zigmond: Madame Chair, the primary objective tonight, though...is to...to put on the record that the Lanai Planning Commission has never canceled a meeting. Is that correct?

Ms. Gima: Correct. It's never been canceled or initiated by us. Is there -- I mean, is there anything further that you want to share Clayton? I would definitely recommend having the

Director here next month if we're going to sit down and really have this discussion and look at possibly amending rules.

Mr. Yoshida: I believe we have spoken to the Chairperson prior to cancellation of meetings. I agree that the rules need to be -- the rules of practice and procedure need to be updated. I mean it's been a while since we've had a meeting at the Lanai Public Library. You know, we used to have it there, but then the DOE wouldn't let us use it. So then we moved to the cafeteria, then we moved here, then they did the renovation of this building, so we moved back to the cafeteria, then back here. Yeah, it should be updated.

Ms. Gima: And I'm also going to put on the record that -- and please Commissioners object if you don't agree with me on this -- is that we want to continue to have our monthly meetings. If there is no quorum, a meeting like Clayton clarified tonight can still go on. Again, I think looking at moving forward with possibly having to amend the rules if there's no action items, but, you know, we can make it work. We still have some, you know, some things to review. I think workshops are always great, especially for those who are new, for those of us who definitely need a fresher. So I just want to put on the record, and if you all agree that we want to have monthly meetings. Does anybody object to that? Okay. I'm going to open up public testimony to allow the residents of our community share any thoughts or ask any questions. John?

Mr. Ornellas: John Ornellas. That's -- that's -- you know amending the rules...amending the rules, I, you know, I have a hard time with that, but...you know, there's always something to talk about. This is the only Commission that has Lanai residents, Lanai residents and it's on this island. We have -- we have plenty of people that sit on boards and commissions, but their meetings are over on Maui. So this, this is basically the community's time. I mean, you heard it from Ron. I mean, totally had nothing to do with you guys, but yet he brought it up. But he was able to get it on record which, which Leilani has, and which now being videoed. But this is the only way that where the community has a voice and can be heard. And it was plainly obviously last night that it wasn't -- there wasn't too many people listening to the community, but they -- you guys listen. You allow the community to sometimes vent and that helps because those issues then become part of a record, and then people then start to discuss it more.

This Ombudsman thing, I mean, I thought it was getting buried. I mean, I made the complaint. First of all, the County's got to make it a lot easier to file a complaint. This took an act of God to get. And then finally Corp Counsel says, well, maybe you should go talk to the Ombudsman. Maui has an Ombudsman? No, the State of Hawaii has an Ombudsman, so then I started talking to them. But it was -- it was like pulling teeth to get this thing though in the beginning and I thought it died, but then it came back to life. So, yeah, so, you know, again, having the rules change -- having the rules discussed is, I think, would be a better term than the rules being changed because there is always something that the Planning Commission can learn through workshops and to, and to -- and technology

changes all the time, you know. So look at the high level, the water level, the sea level rise. I mean, you know, when I first came to the Planning Commission we didn't talk that much about it. But at the end, it was a big deal, so.

Ms. Gima: I just want to share my thinking and rationale for looking at amending the rules is because, well, now, for two years we've kind of been going back and forth. We've offering alternatives, nothing changing, and at the end of the day we're still not in compliant with the rules, so is -- it's not saying we will but do we have to look at it -- and you're right, having that discussion. Because it's not just -- you know, as I was skim -- reading through all of this here for this purpose, it's noticing a lot of things that may need to be discussed and reviewed.

Mr. Ornellas: So -- so, I mean, you guys been talking -- we've been talking about this for ages and Butch has been talking about it during, during CPAC and all that other stuff -- enforcement. Who's enforcing those regulations? You can pull regulations down until the cows come home, but if nobody enforces them, what's the sense having them?

Ms. Gima: That's a good discussion to have. Thank you. Anyone else? You can use Clayton's mic.

Mr. Reynold "Butch" Gima: Butch Gima. I had the opportunity to talk to...Michele McLean, the Deputy Director, last night at the budget meeting. She said right off the bat the issue is not money. She said the budget is put in and if they, the Planning Department, needs more money for extra meetings, she doesn't feel that's going to be a problem and she feels that Riki Hokama will ensure that, you know, money is provided.

I think you have to remember this is your Planning Commission and you have a choice of kind of reacting to what the Planning Department wants you to do, or you can also by virtue of your rules make motions and say this is how we want our meetings to be, what you want to have at the meetings. Back in mid-2000's when there was not much on the agenda, we proposed and we had workshops. One of the workshops that's being considered right now is having a joint Lanai Planning Commission and Lanai Water Advisory Committee site visit so you guys have a better idea of the water resources and the challenges and the successes of the Water Department because so much of the Pulama applications that come before you have water implications.

You can talk about how --. Well back, back when we had that one workshop that's when they had that big wind thing that was going on and we had to determine how we wanted open space to be utilized. And there's some other things where I think during down periods the Planning Department can kind of provide you cheat sheets on, like, applications that come from say Pulama and then some of the things that came, like, tonight from the, from the Planning Department and from the County. Because it's very, it's very confusing, and a lot of times depending on who the planner is you really don't know what your options are

and you don't know how it's going to impact our community or how it's going to impact, you know, the County.

So my suggestion is flat out and say we will have 12 meetings a year, at minimum, and the only way that they're going to be canceled is by motion by the, the Planning Commission. And then work together with the Planning Department on, on workshops and how you can be better educated on all aspects of serving, you know, on the Commission.

One last thing, when we were talking with Michele yesterday, I said, so what's the issue? And she said it's a man power issue. She was saying when, when the County, Planning Department comes over they're losing like two days. I said, wait, wait, how the hell are you going lose two days of work? I say, you guys come in at 3:15 p.m., come up here, set up, get something to eat, meet for three hours, go sleep, catch the 8:00 a.m. boat, you're back in Wailuku at 10:00 a.m. So I don't where they're coming up with this two day stuff.

Then she asked, well, can we just meet at four o'clock. I said, look, at four o'clock you've got a shift change. Half of Four Seasons going down, half of them going back up so you're going to lose those groups of Four Seasons workers not coming to the meetings. Then she said, okay, what about, you know, noon time meetings? And I said well you have to remember that the only people who are getting paid at a noon time meeting would be Pulama and the County people. All the people that are testifying and all you guys would -- are volunteers. And four of you, I think, will have to take vacation in order to attend a noon time meeting. I said, that, you know, that's not fair. And I said, for the last, since 1992, the evening meetings have worked, and so what changed? And she well, it was, it was the plane crash. I said, okay, understandably so, but have you guys have followed up on the, the recommendation of having Expeditions take you guys back at 8:30 p.m., 9:00 p.m. because that's what they do for Pineapple Festival, Fifth Friday, the Lahaina Halloween stuffs. So that, that was the extent of our, our conversation.

Ms. Gima: Thank you, and thank you for the suggestions. And just to let you know last month we make a vote to have the meetings at 5:30 p.m. so there really shouldn't be any discussion again on meetings times because that vote went through.

Ms. Zigmond: Madame Chair, I'd just like to thank Butch for that little bit of background. I attended -- I was on the Commission back then and I attended some of those, those workshop and they were so very helpful in helping us to understand some of the applications that came before us. In fact when John was Chair he had asked to have workshops on the SMA and possibly changing our SMA rules. Well, it has been how many years and I think we had two, maybe, right, and so I agree Butch there is no lack of pertinent important topics that we could have workshops on. And I don't think Kelli, I didn't get the impression that you were saying amend the rules so that we don't have to. Correct? Because we, we want them. We want to be able to, to make the best choices and we have to be informed, so thank you.

Ms. Gima: Yeah, and also to put on the record, as Beverly said, back when John was still Chair, we have requested workshops and that has never happened. I don't know why. Because usually at the end of our meeting, right, we go over what's on next month's agenda, and there has been times, and I specifically remember when John was Chair he would bring that up. So...I will at this time, and I will make a motion. I will make a motion that we have our monthly meetings...regardless of agenda items or quorum, and that we will work with the Planning Department to find, if there's no agenda items, to find ways to make that a productive meeting.

Ms. Zigmond: I'll second that.

Ms. Gima: So it's been moved by myself and second by Bev to have consistent monthly meetings, regardless of no quorum or no agenda items, and again working with the Planning Department to make it an appropriate, feasible meeting. Commissioners, discussion?

Ms. Zigmond: Just, just a quick reminder, as John said, in five years, there were only two times when there wasn't quorum, no quorum, and I, I --

Ms. Gima: That meetings were canceled for that.

Ms. Zigmond: Yes, for that reason. And so if we were slacking off, if we were not putting forth our best effort that would be one thing, but that's certainly not the case as the records show, and so I totally agree with you.

Ms. Gima: And a side note to this motion as well and this can be discussed at the end of our every meeting when Clayton usually brings up what's on the agenda, and sometimes he says there's nothing, and I think that's when we, as Commissioners, can make a recommendation, of hey, you know, I'd really like to maybe have a workshop on the SMA boundaries, or on climate change, or whatever it may be and being able to give feedback to the Planning Department of what our needs are. Or we might know that, you know, Clayton could share, okay, you're going to have this application coming up soon for a Special Use Permit in the next three months, and maybe finding a way to tie in a workshop there so that that really prepares us, and again, especially for those who are new, and us who needs refreshers so that when the application comes we kind of have that fresh in our minds. I think that's going to be beneficial for all of us, and also for the applicant as well. So, any other discussion?

Ms. Zigmond: One other, one other point especially for the newer members, again, to remember that we do get, as Butch says, it is our Commission and we do get to set the agenda. You do get to approve it, and so it's not the other way around, correct?

Ms. Gima: So go ahead, we have a motion on the table. You guys all understand the motion. Any other discussion? Okay, we're going to take a vote. All in favor of the motion please raise your hand. So that's one, two, three, four, five, six, seven. All opposed? Are you not voting Stu?

Mr. Marlowe: No.

Ms. Gima: Okay, so you're abstaining. So that's --

Ms. Zigmond: Abstain is . . . (inaudible) . . .

Ms. Gima: Yeah. And it, and it, and it passes. So let's go ahead and move on to Item F, the Director's Report. Clayton?

It was moved by Ms. Kelli Gima, seconded by Ms. Beverly Zigmond, then

VOTED: to have monthly meetings regardless of agenda items or quorum, and that the Commission will work with the Planning Department to find, if there are no agenda items, feasible ways to make it a productive meeting.

(Assenting: M. Badillo, M. Baltero, S. Ferguson, S. Koanui Nefalar, S. Marlowe, B. Oshiro, B. Zigmond)

F. DIRECTOR'S REPORT

1. Meeting Schedule for Calendar Year 2017

The Commission may act to adopt the meeting schedule or take some other action.

Mr. Yoshida: Under no. 1, under Director's Report, we distributed the meeting schedule for calendar year 2017. We ask that you approve it or amend it and approve it so we can reserve the facility.

Ms. Gima: These are all third Wednesdays, correct Clayton?

Mr. Yoshida: Yes.

Ms. Gima: Okay.

Ms. Zigmond: Madame Chair, I move that we approve the 2017 schedule.

Ms. Gima: It's been moved by Bev, second by Brad to approve the proposed Lanai Planning Commission 2017 schedule. Commissioners, any discussion? All in favor of the motion please raise your hand. It's all, and none opposing, so that's unanimous, and that passes.

It was moved by Ms. Beverly Zigmond, seconded by Mr. Bradford Oshiro, then unanimously

VOTED: to approve the proposed Lanai Planning Commission 2017 meeting schedule.

(Assenting: M. Badillo, M. Baltero, S. Ferguson, S. Koanui Nefalar, S. Marlowe, B. Oshiro, B. Zigmond)

2. 2016 Hawaii Congress of Planning Officials (HCPO) Conference - September 21-23, 2016 at the Kauai Grand Hyatt Hotel.

Board members who attended the Conference may report to the Commission on the highlights of the Conference.

Mr. Yoshida: The second item is the 2016 Hawaii Congress of Planning Official Conference of last week on Kauai. I guess hearing from Board members who attended the conference reporting on the highlights of the conference.

Ms. Koanui Nefalar: I was one of the Commissioners that attended HCPO on Kauai. It, it was my first time on Kauai so it was a enjoyable experience. I was able to attend several cultural and land conservation type sessions. I have some information if anybody needs or wants some. And I also attended one of the activities was to visit the salt ponds in Hanapepe. Visited the missile range down at Barking Sands, and I personally I didn't know there was a missile range over there. We were able to get on the base and see everything, and go to places that they said public is not privileged to, so that was an experience. And my, my suggestion is if you -- if any of the Commissioners ever have a chance or the opportunity to attend an HCPO it's a wonderful experience. You get to meet a lot of people throughout the State, and you make a lot of good connections, and...you, you make, you build bonds that if you have any questions you can always call them and get more information.

Ms. Gima: So I also attended and I was very grateful. This is my first time since being on the Planning Commission that I could attend that my work schedule didn't conflict and so it was really nice to be on Kauai. I haven't been there in a while. It was hot, but that's alright. They had some really great speakers and some breakout sessions. I went to some breakout sessions involving affordable housing. One about...health and planning and how that kind of ties in which, which I thought was fascinating. That was something that I never

really thought about. We had this great speaker and I don't know where he's from -- Pennsylvania, maybe. I don't know. But really talking about planners and how they plan for communities to be, you know, physically active. You know, walking communities, biking communities, and it was kind of like, well duh, yeah, that would make sense, but never really saw that connection from a planner's perspective. So I really appreciate it that that was a really great --. And I attended another breakout session on that. So, yeah, a lot of good speakers, good breakout sessions. Yeah, and like Stacie said, it's a good way to network and meet other people. I think that's it. Anything else Stacie?

3. Open Lanai Applications Report as distributed by the Planning Department with the September 28, 2016 agenda.

Mr. Yoshida: Okay, with that we distributed our Open Lanai Applications Report, if there are any questions?

Ms. Zigmond: Clayton, on the open...right above Dreams Come True, the 1036 Lanai Avenue, what is install metal trellis for PV and who is that? It's Country Town Business, right? And I'm thinking 1036 Lanai Avenue.

Mr. Yoshida: Yes. I...I thought they said it was across from the Dollar Rent-A-Car facility, but I guess not.

Ms. Gima: Yeah, no applicant name, just the address, yeah?

Ms. Zigmond: So that's where the rovers used to be? Remember what's his name had all those rovers?

Mr. Oshiro: . . . (inaudible) . . .

Ms. Gima: Okay. Any other questions about the open applications Commissioners? Okay.

4. Agenda Items for the October 19, 2016 Lanai Planning Commission meeting.

Public Hearing on the following:

- a. **MR. WILLIAM SPENCE transmitting a proposed bill regarding amendments to Chapter 19.04 of the Maui County Code that would allow the Planning Department to establish fees in the annual budget for the review of ministerial and discretionary applications. The proposal would exempt roadway lots or utility**

lots from minimum lot area requirements and would allow commercial and non-commercial filming, photography and other temporary commercial events in all zoning districts under certain restrictions and standards. (J. Alueta)

Mr. Yoshida: Next item is agenda items for the October 19th meeting. Under public hearings we do have a department initiated bill amending -- proposing amendments to Chapter 19.04 of the County Code allowing for various items, and Joe Alueta will be here to present that.

Ms. Gima: So given our discussion tonight, I think, adding to the agenda as well, discussion of our Planning Commission Rules and Procedures. It should be on the agenda. That's --

Ms. Zigmond: Madame Chair, I think we had asked previously, again, as an informational item, it's not anything we have any jurisdictions over, but it was Margaret Peary's continuance, and I don't see that here unless I'm missing a page.

Ms. Gima: Nope it's not on here, and you're right, we had that thorough discussion and it is in the minutes that that be on the agenda as well.

Ms. Zigmond: Okay, so we have three things, correct, Clayton? We have...that item, we have Kelli's item, and we have Margaret Peary's item on the agenda, which is what we are asking for and if we have to vote and approve, we can do that as well. We used to do that in the old days.

Ms. Gima: Do you need for us to, to vote and approve those two additional agenda items, Clayton?

Mr. Yoshida: Well, we've gotten the input from the Commission as to what they want to have on the next meeting agenda.

Ms. Gima: Okay. So we don't need a motion. It's duly noted. Alright, again, opening up public testimony one last time if there's any, anything else? Really? Okay, you haven't been here to one of these in while since you left, and so now you're here tonight and you're all here ready to speak.

Mr. Ornellas: You know, I, I've had this thing before, and I think Sally also had, a previous Planning Commission Chair, is the Chairperson -- and we talked about this that this is the Lanai community's meeting. This is a -- it's your meeting. But I think every year a chairperson has to be trained. County's gotta give some sort of training to the chair so that the chairs know exactly where they're suppose to lead this Commission, and not let the Planning Department lead this Commission.

Ms. Gima: Did you have a training when you were chair?

Mr. Ornellas: No. But we've asked. Sally asked for it, I asked for it.

Ms. Gima: Okay.

Mr. Ornellas: You know, but it -- that should be all --. I mean, Lanai --. The Molokai Planning Commission, the Hana Advisory and even the Maui Planning Commission needs, needs -- the chairs need to know the scope of their job.

Ms. Gima: Sure.

Mr. Ornellas: You know, 'cause, you're what, on the job training. So, I mean, I was on the job training, so it's hard, you know, so that should be part of the County's -- when your, when the new chair is elected, they should send you to Maui for two or three days and they should give instructions on how to run a, how to run a commission meeting and what your -- what the scope is.

Ms. Gima: Are you hinting that I'm not running it well?

Mr. Ornellas: No, no. I'm just saying -- I mean, you're doing a great job. I'm just saying somebody else is not.

Ms. Gima: I'm just joking. No, you're right, and, and I agree there, when you take on the role of being a chair, and you're right, you're thrown into it, it's on the job training and you learn as you go.

Mr. Ornellas: And, you know, when you're a new chair, you know, you depend a lot on, on Clayton. But there's sometimes, there's -- the Chair has to run their own meeting so that's why I'm saying it. Yeah, but know the, know the diameters are -- their parameters within their jobs, not necessarily what Clayton . . . (inaudible) . . .

G. NEXT REGULAR MEETING DATE: OCTOBER 19, 2016

H. ADJOURNMENT

Ms. Gima: I appreciate those comments. I think that is definitely a thought. Thank you. Anyone else? Okay with no objections, Commissioners, I am going to adjourn the meeting. It is now 8:04 p.m.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:04 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

PRESENT:

Medigale Badillo
Marlene Baltero
Stephen Ferguson
Kelli Gima, Chair
Stacie Lee Koanui Nefalar, Vice-Chair
Stuart Marlowe
Bradford Oshiro
Beverly Zigmond

OTHERS:

Clayton I. Yoshida, Planning Program Administrator, Current Planning Division
Carolyn Cortez, Staff Planner, Zoning Administration and Enforcement Division
Gina Flammer, Staff Planner, Current Planning Division
Michael Hopper, Deputy Corporation Counsel (On-Call)