

**LANA'I PLANNING COMMISSION
SUMMARY
OCTOBER 19, 2016**

A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Chair Kelli Gima, at approximately 5:32 p.m., Wednesday, October 19, 2016, in the Lanai Senior Center, Lanai City, HI 96763.

No quorum of the Commission was present (See Record of Attendance), therefore the meeting was cancelled.

Ms. Kelli Gima: Good everyone. I'm going to call the meeting to order. Let the record show we do not have quorum right now. Commissioner Ferguson is supposed to be showing up. Correct Leilani? Yeah. So he'll be running a little late. But in the mean time we can go ahead and start. It is the October 19th, 2016 Lanai Planning Commission meeting. I'm going to go ahead and start with public testimony if there's anyone who has signed up and would like to give public testimony at this time. I will be opening up public testimony after every agenda item, so if you would like to wait. But if you want to give it now and leave, now is the time. So first I have Gabe Johnson.

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. Gabe Johnson: Aloha everybody. My name is Gabe Johnson. I'm a Lanai resident. This -- I just want to testify today on the idea of the community plan and the idea that the Mayor has put forward to eliminate the Lahaina and the Molokai Planning Commissions. I disagree with it a hundred percent. I also think that behind this idea of eliminating the community plans is the idea that zoning laws are going to supersede the community plan, and I disagree with that one hundred percent. I don't even know if that's legal by the State Constitution. I think that community plans are an important part of a -- of our process and that community plans should not supersede zoning laws. In fact, that's the whole reason why we have community planning commissions. And I want to thank all the planning commission here for all of your guy's hard work, and all the rest of the communities that have been working on our community plans, and I think they're valuable assets. And I think -- I agree with what the Mayor was saying earlier in regards to, what is it? 20 years to make a community plans these days -- 25 years even. That is ridiculous and I think that doesn't show that --. I mean, it might show how our County and our government is not doing its due diligence and maybe it is ineffective, but you don't throw the baby out with the bath water. I think community plans are an important thing that we should aspire to get the community involved and have a say how we develop our islands. So the fact that we -- it takes so long

to make a community plan doesn't mean you get rid of the community plan. You work on making -- on streamlining it. But I don't want someone to throw in this idea that, okay, now that we're going to revisit our community plan process that we can kind of get rid of the -- you know, not make it not as powerful. You know, we should make our community plans as powerful as they should be because that's the law by the State Constitution. So I just want to be on record to say that I'm for making community plans not -- last -- not take for so long. But you also don't want to have them trump -- or you don't want zoning laws to trump the powers of a community plan. That's all. Thank you.

Ms. Gima: Thank you Gabe. Next we have Margaret Peary. Are you wishing to --?

Ms. Margaret Peary: . . . (inaudible) . . .

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

- 1. MR. WILLIAM SPENCE transmitting a proposed bill amending 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)**

Ms. Gima: Sure. Anyone else at this time wishing to provide public testimony? Okay, so, public testimony is closed. I was contacted by the Planning Department to put it out there that our Mayor has to leave on the 6:45 p.m. boat. His area that he was going to talk in is a little further down on the agenda. However, we don't have quorum, so we cannot vote at this time to amend the agenda. So let's just move on and then hopefully we will get through the next item quick because he'll be up after that.

So next we have, under section C, public hearings, Mr. William Spence . . . *(Chair Kelli Gima read the above project description into the record.)* . . . So I'll turn it over to you.

Mr. Joseph Alueta: Thank you Chair Gima. That pretty much summarizes the report. In essence it is a pretty short bill. It's a simple bill. One is to, again, to allow for -- amend 19.04 which would allow for certain commercial and non-commercial activities within all zoning categories. It sets out standards for commercial -- temporary commercial events in all categories. It also establishes for -- makes clear that filming is allowed within all zoning categories. Commercial -- and that commercial filming would be subject to -- certain commercial filming would be worked out with the film commission with the licensing, and again, setting up certain standards.

The two other key provisions of this bill that are important are, one, is the -- allowing us at some point in time during the budget, budget process to establish fees for ministerial permits. Currently the Planning Department does collect fees for like, you know, SMAs that are under the planning commission rules, and those fees are in the budget, you know, for SMA, Change in Zoning, things that are under Title 19.05.20. These are administrative permits that are not listed right now. They're either deal with landscaping plans that are done by the -- by staff. Parking review, we get a lot of times, consultants will come before us and ask for a parking analysis. We also review building permits, but we are not -- even though we review building permits for the zoning code, we do not -- are not in the budget or in the ordinance where the fees that you pay for a building permit, we do not get a percentage of that fees even though we do review the building permit. Right now we are not necessarily requesting or seeking to try to recoup a hundred percent of our review fees that we don't even collect. We probably collect maybe ten percent based on the current fee structure of the cost to actually process a permit. But we are trying to at least assess, at least for on the administrative permits in which we have to constantly get resubmittals. We're looking more at like we get a building, we make corrections, we send it back, they have to continually resubmit because they continually do not make the corrections correctly or they only do a partial correction and we will sometimes have to cycle through some building permit reviews two, three, four times with some applicants. And so on the first time, no problem, we'll review it, give you your comments and you're good to go. But if we have to continually go back and have you resubmit the same application or same plans, then we want to be able to assess a fee, some type of an nominal fee so they know, hey, we're not doing this for free. We're not your corrections services.

The other one is for a substandard; establishing utility purpose lots such as for wells, water tanks, roadways, utility substations. The way Title 19 as you know in all the zoning, based on the zoning various districts, they will have, in most cases, will have a minimum lot size. In the case of the agricultural district, most minimum lot size is two acres. Rural is half acre. So if you are and -- if you're doing a well site, you don't necessarily need a two acre lot to put the well on. You only need a 10,000 or a 5,000 square foot area. However, under the current code, we require you to meet the minimum lot size so you'd have to subdivide out a two acre -- a whole two acre lot for that utility substation. We recently had MECo come in. They needed to put a new substation along the highway, in a sugar cane field, and they had to cut out -- they had to do a re-subdivision, and a subdivision to create a two acre lot within HC&S's land. It was kind of a waste.

The other provision of that is because the ag district does have a sliding scale provision where we do restrict the number of lots that eventually could be created by a larger parcel, that counts towards one of the developable lots. It technically is. What this would do is be able to create a single purpose utility lot in any of the zoning districts. And it would not be able to be converted later to -- like say like a house lot later on. It would have to stay as a utility lot.

One of the stories I told was that at the time when Hawaiian Tel -- GTE and Hawaiian Tel at the time was consolidating, technology had changed, they no longer needed all those little concrete substations that -- and switching stations that they used to have all along in various neighborhoods. And they were, like, only 3,000 square foot lots or less. There was one on South Kihei Road, in Kihei, and it was for sale. It was like \$20,000, and I thought, wow, that'd be kind of interesting. Well, someone bought it and put a three-story apartment on it, on this little lot. And it was -- you know, even though the minimum lot size in the apartment district is 10,000 and 20,000 square feet, this guy had basically bought a utility lot. And because there wasn't any restriction on it that says it had to stay a utility lot, he was able to maximize it out, and basically it was an existing non-conforming lot in that zoning category.

This provision would basically not allow that to happen. So if somebody does take advantage of this provision to create a utility lot, it would have to be -- stay that way. And if the lot ever -- is no longer used for that utility purpose, the only thing they could do with it is maybe do a consolidation and absorb it into an adjacent lot in the future. But they would not be able to get an additional developable lot down the road. This would not be a loophole for that purpose.

So again, the four main categories here is utility lots, being able to collect the fees, allowing for commercial -- commercial and non-commercial temporary events in all zoning categories as well as commercial and non-commercial filming. And that pretty much summarizes the -- what we're proposing here tonight.

Ms. Gima: Commissioners, questions?

Mr. Bradford Oshiro: Joe, make something clear to me. You guys going add a fee on there or you going collect a percentage of the fee that's already being collected from other agencies.

Mr. Alueta: We currently will go to -- when budget occurs, we have line items on the Planning Department's budget, the permit fee schedule. In fact it covers -- I mean, it's a budget and it has, like, public hearing, non-public hearing, we will add certain administrative type permits that we currently do to that list and it will most likely, in our discussions, is going to be only for like remittals of these certain administrative permits. Or in the case of like maybe a parking analysis, we may charge like a nominal fee. Both of these are all nominal fees like in the \$25 range. That's what we're looking at. It could be -- Council may have different plans. We don't know. Every time we've gone for increasing a fees we've been denied, so --. But, but, this is the first step of just -- giving us the ability to put it in the budget, in our, our budgetary request because our Corp Counsel has indicated several times that you have to have an enabling legislation and this would be it for us. Thank you.

Ms. Gima: Any other questions? I'm going to open up public testimony. Is there anyone that wishes to provide public testimony at this time? Okay, closing public testimony. I mean, we're supposed to vote on a recommendation and option, and unfortunately we don't have quorum right now, so maybe we can come back to this if Mr. Ferguson does show up. Thank you Joe.

D. COMMUNICATIONS

1. Ideas for “Re-Creating” the Planning Process – Mayor Alan Arakawa

This matter is for discussion purposes.

Ms. Gima: Okay, so we're going to move along to Item D which is Communications. Number one, ideas for re-creating the planning process by Mayor Alan Arakawa. And this matter is for discussion purposes.

Mayor Alan Arakawa: Thank you very much for allowing me to make a little presentation. First of all let's dispel this rumor. We're not trying to get rid of the Planning Commissions. That's -- you know, I get sick and tired of hearing people spread rumors like that because the Planning Commission, in the process of doing the Community Plan and General Plan, that's only one aspect of what you do. So in talking about the General Plan and the Community Plan...changing some of the rules and scope is what we're talking about. Shutting down the Commissions, first of all, is just not part of the discussion. And by the way, we don't have a Lahaina Planning Commission, Gabe. We have a Lanai Planning Commission, a Molokai Planning Commission, Hana, and Maui.

The purpose of what we're trying to do with the General Plan is over the years we found that the planning process takes an inordinate long time. And because it takes so long, much of the information that started the process becomes antiquated. I asked Michele to give me a, an approximate time deadline that we've been working on for this particular time period.

Now in 2003, the General Plan update process had started. . . (inaudible) . . . 2003. Okay. 2004, Chapter 2.80B was amended. In 2007, the first meeting of the GPAC. In 2010, the CWPP, the Countywide Policy Plan was adopted. In 2008 to 2009, start GPAC meetings. By the time the -- it was reviewed and adopted that was 2009 to December 2012 when it was finally adopted. Now these are 10 year plans. So if we started in 2003, all of the planning process should have been done by 2013. As a matter of fact, the period for which the plan is supposed to be active is till 2013.

Okay, it's a 10 year plan. We can go into the Lanai Community Plan. It started in 2010. The Council reviewed it, and in 2016, it was finally adopted. That's six years. The Molokai

Community Plan started in 2010, same time, simultaneously, still has not been adopted. These are just two of the nine community plans that need to be worked on. And by the time we get done -- if, if you're looking at having four to five years and being able to do this, looking at what's been happening -- by the time we get done it will be 25 to 30 years before we get done with the Community Plan process. So the plan would have been antiquated 20 years before the last one is adopted which doesn't make any sense at all. At least to me, it doesn't make any sense.

So our goal is to try and have the Council and the administration work together, and with everybody in the community to try and see how we can get everybody to work on a plan, a planning process that will actually make some sense. When you start looking at information that's for a 10 year plan that's over 10 years old, the reason it's a 10 year plan is because you want to be able to take things and be able to activate within that time period. That's what you want to be able to do. So if the information is over 10 years old, it's obviously outdated because it should have already been implemented before you even look at it. I mean, common sense tells you that this plan process does not work. So our goal as an administration is to rethink the planning process.

Now the Planning Department, I'm charging them to go through and look at other communities and see how other communities come up with a planning process. We have no preconceived methodology by which we're going to say this the way our planning process is going to take place. These are the steps are going to take place. This is the way to introduce the topic so that all of us can start looking at it and start saying this is what we would -- we think we should be looking at, and this is how we think it should be going. So all the rumors to the contrary that we already have an established goal is false. And I've been hearing these rumors coming up and people are putting it on Twitter and Facebook, and I think it's -- we should have it very clear on what the goal is.

Now when we're doing this, we also have to take into consideration that much of the information that's being worked on because it's old. The decision making on old information does not bring into play a lot of the new information. For instance with the General Plan on Maui, Maui Island, HC&S was a viable sugarcane operation at the time. There was no discussion as to what would happen if the sugarcane company folded. So none of the process that we have to look at -- 36,000 acres of agriculture, how are we going to try and re-do it. What are we going to do the -- with the 200 million gallons or so of water that is now not going to sugar, how is that supposed to be worked on? When major things like this occur, we need to be able to have the flexibility to re-think how we're going to plan the process and to be able to put this information into play. If we're stuck with a planning process that -- and the current community plan that we're looking at -- I was chair of the committee back almost 20 years ago when we did it, and that's the plan that we're using right now because we don't have a new plan yet. Okay, so we had no idea when we were doing that all these things are going to happen. The newer technologies that have evolved, being able to, for instance, use your iPhone to be able to communicate with the community

information and to be able to get the community to participate in meetings didn't exist. But on TV right now you can go to America's Favorite Stars or the song contest and they can actually vote -- the community can actually vote on issues. And if we look at the newer technologies and we incorporate them into the system that we want to be able to look, perhaps we can include the entire community into the discussion of what is happening and have their opinions and be able to get their suggestions on where we should go. So I'm suggesting that we look at the different technologies that are available that weren't available before and start incorporating those into how we're going to be doing things.

There are some major changes that are occurring. For instance, we weren't discussing alternative energies...when we did the plan. Today, we have a mandated state level to go to 100% alternative energies. We don't have a plan for that. In many parts of our community, like on Lanai, you change ownerships since then. So we don't have the ability to adjust because we're in the middle of a plan, and the old plan did not take into consideration what has occurred.

The planning process and what I'm asking for is for all of us to start reviewing the planning process, and come up with a planning process that may work much better. And I'm suggesting that we consider also looking at a short-term planning process, zero to 10 years; a mid-term planning process for projects that take a little bit longer and have to process a little bit longer; and a long-term planning process where our goals of the community are set, and we say, we would like to have clean water, we would like to be able to reforest the mountains, where we look at long-term goals and start working on that.

Also in creating the planning process that we have currently, there's no financial responsibility to be able to enact the plan. There's no -- there's no financing that goes along or is required to make what we think should happen, happen. In the approval of land use and, and, and the zoning, we don't have a process to say this is what the plan is asking, let's convert it and let's get it all done. Those kind of things, I think, need to be taken into consideration in how we're trying to organize it.

The community as I see it is suffering tremendously because of a lot of over ruled, over regulations, and...what's happening is the housing costs for the people in this community are forcing people not to be able to have housing in the community. We're seeing rents over \$2,000 a month. We're seeing the median income housing at \$600,000-\$700,000. Most of the members of our community can't afford to be able to pay for a house in our community. Is our goal, our long-term goal, shouldn't one of them be create affordable housing that the people in the community can live in and work towards with, say, 50% or 60% of their net income being towards the mortgage or to be able to go towards rent rather than two guys working in the family, paying for the whole thing, and not being able to sustain the mortgage payments? Because that's the direction we're going now. So I see the system that we have is very broken, and I'm looking for suggestions and ways to be able to change the system so that we can have people within our communities survive

within our communities.

You know, we try to become...I guess, we micromanage a lot of the process, and we try to put in these regulations for every little thing. And what that does is every time you do that, a cost is added to being able to create a house. And when you start adding all those little costs together we come out with \$600,000, \$700,000 median income housing. We have to start looking realistically at what our community can afford, what our community wants to be able to have, and to get back to setting the goals on how to get there, realistically within our process.

So, this is what I'm suggesting we look at, as a group we look at it. And by the way, the Planning Commission can't just be dissolved, it has to go through a Charter Amendment to do it. So whoever is suggesting we dissolve the Planning Commission obviously doesn't know the system that we have. We have to be able to look at the roles of each of the groups within the planning process and when should they come into play, should we have professional planners, people that are the experts in roads, people that are the experts in what kind of equipment we're going to need to be able to create our sewer systems. Those kinds of people should be the ones that create the framework of information for which we need to start the planning process. But, you know, we cannot start the planning process without good information, and that's one of the things that's missing right now. The way the GPAC was put together and the way they did it, they sort of dismissed everybody and came in with a lot of suggestions on how the community should be, but without the ability to actuate in real, in real life.

I'll give you an example. If we want, we want to be able to fix a road and we have to get Federal funds for it, for an 80-20 match, it takes close to seven years for us to be able to apply and then to be able to get funded, and then to actually construct the roadway. It's not something that you can say I want done and just have it done. When we're looking at places like our harbors, through the Corp of Engineers, it takes almost 30 years from the time they start working on it, till the time you have a real facility. That's the kind of thing we need to do for intermediate or long range planning. We have to start looking at some of the things that take a long time to be able to actuate and put those separate from the short-term plans so that we can actuate the short-term plans in a timely manner, the mid-term plans in a timely manner, and the long-term plans in a timely manner. And that's the goal of what I'm asking everybody to start looking at, and having a discussion of. But any implication that we are trying to railroad or push a process through right now is absolutely false. There is nothing that's happening right now. What we're doing is we have -- brought to the Council the issue of reviewing the planning process, and start the process of talking on how we can make the process better. That's all we put to the Council. I hope that pretty much explains what we're trying to do, why we're trying to do it, and at the end of the day, if we don't do this, we're going to find that we have some major challenges because we're not the only ones that are involved in planning Maui County. We have County responsibilities, we have State responsibilities, and we have Federal responsibilities.

One of the major challenges we're working with right now is to be able to get the State Planning, our Highways, to coincide with how the communities are being planned. And their planning group and their funding is completely separate from how the County is doing it. So, for instance, the road, Honoapiilani Highway going to Lahaina, starting at Maalaea, being able to create a new roadway system. That is State jurisdiction. So in order for us to be able to get the State to do it, you know, no matter what we plan to do, the administration has to be working with the State to be able to put those kinds of plans into play. So those are more long range plans. But if we have them in play, then at least we have the right to talk to them about it, and say, this is what we would like you to really consider and put into your long range plans because this is what the community wants in the long range plan. But just be very much aware that the jurisdictions are not all County jurisdictions. So there are State airports, there are State schools, there are -- and I can go through and then you'll find that.

Ms. Gima: Mr. Mayor, I'm sorry to interrupt, but I know you have a boat to catch and I would like to open up public testimony for the people who have come tonight. So is there anyone in the audience that is willing to provide testimony at this time? None? Okay, I'll close that. Commissioners, any questions or comments for the Mayor? None. Okay, thank you for joining us tonight and sharing that with us.

Mayor Arakawa: Thank you very much. There's one more little issue before I leave I'd like to just mention. Okay, it's been brought to me that quorum is an issue, so I'm going to ask all of the Commission members, please try and make the meetings so that you actually have a quorum so you can take action. And what we're doing from our side if people are not making the meetings, we're asking them if they intend to be, more, shall we say, responsible in showing up, or get off the board so that we can actually staff with the proper number of people so we can actually have meetings. So I'm hoping that that is something that does not become a major issue with this Commission.

Now the other thing is our staff...are not the Commission's staff. They are there to support you, but just as our, our departments are not employees of the Council, they are not employees of the Commission. They're here to support you in whatever way they can support you. So you have to work with them because if you don't work with them, they don't have to be here. We don't have to put them here, but we do because we want everybody to be able to have the best information to work together. But they are -- they are most certainly here because they want to be here, not because they have to be here, okay. So, just with that, I'll leave it. I'm going to be going to the dock so I don't miss my ferry. Thank you very much.

Ms. Beverly Zigmond: Mr. Mayor, if I can just say that, I think, this is the third time only in a number of years where we haven't had quorum. It is typically not an issue. I think the records will bear that out.

Mayor Arakawa: Well, I didn't think it was, but somebody from this community came to my office, or talked to me when we were here for budget and made it a big issue like there was a real problem with quorum so --

Ms. Zigmond: Again, the records will, will prove us out. Thank you.

Mayor Arakawa: Okay, thank you.

2. Lanai Planning Commission Meeting Schedule – Deputy Planning Director Michele Chouteau McLean

This matter is for discussion purposes.

Ms. Gima: Thank you Mr. Mayor. We'll move on to our next item on the agenda, which is Item No. 2, the Lanai Planning Commission Meeting Schedule by Deputy Planning Director Michele McLean. And again, this matter is for discussion purposes.

Ms. Michele McLean: Good evening Chair and Commission members. I'm Michele McLean, the Deputy Planning Director, and I came over -- it was three weeks ago when the Mayor had his budget meeting and I spoke to someone who was asking about the schedule and why we had made it such an issue for the past year or two about looking at options to revise the schedule. And I was asked how much it costs to have the meetings, and the cost of taking the ferry versus flying, and I said that our desire to look at the schedule really wasn't a budgetary issue. Because if it was a really a cost issue and we had to ask the County Council for more funding to come over to these meetings we don't doubt that the Council would provide that funding. So I wanted to clear up that misconception that our wanting to revisit the schedule isn't about the cost. Yes, there is a cost associated with it, but that's not -- but that really wasn't the point.

I did draft a memo that should be in your packets that talks about the options for travel; taking the ferry and taking flights. And the issue is really the demand that it puts on staff to come over and have to stay overnight. And so when I was drafting the memo --. It's -- staying overnight is, is challenging for staff with families and other responsibilities that they have on Maui. And also now, our options for accommodations are really quite limited. So when I was drafting --. Another thing to mention that I didn't put in the memo is the way it works with the County system is to stay -- to make a hotel reservation coming here or going to a conference, if any of you have traveled on County business, you've experienced this, you need to put the hotel charge on your credit card. There isn't a County credit card to do that, so you have to charge it and then you have to get reimbursed. And depending on the timing of that, and how quickly we're able to process the reimbursement, often times you need to pay that credit card bill before you get your reimbursement check, and that can be

difficult sometimes.

As I was drafting the memo, it just occurred to me that, you know, it's been a very contentious issue and I just wanted to come and talk with you about it because it seems that we've never really just had a calm and thoughtful discussion about the schedule. It seems that lines have been drawn and there -- there wasn't really an opportunity for open dialogue. We might not have that chance tonight, but it occurred to me that perhaps depending on agendas as they come out, there might be meetings that we could purposely agree that this meeting probably won't entail a whole lot of discussion and so staff could plan to return to Maui. But with other items, if we're not certain, or if we know for sure it's going to be bigger discussions, then we would plan to stay overnight. So maybe it's just as simple as being flexible as each agenda comes out...that it's not...that we, that we conduct the meeting in such a way that it can finish early if we know that staff has made arrangements to return to Maui. But in other cases make the arrangements to stay overnight so we're not pressed for time. So I know we're not able to discuss it, but I just wanted to let you know that really it's not a budgetary concern. It's more of a...issue of timing and resources for the staff, but that I just want to have an open dialogue with the Commission on it to find what can work for everybody.

Ms. Zigmond: So we can discuss it. I mean, we're not voting.

Ms. McLean: I don't believe that you are able to discuss, unfortunately.

Ms. Zigmond: So it's one sided. We get to hear you, but you don't get to hear to us.

Ms. McLean: I think I'll come back at another meeting. I was hoping to have the discussion tonight. I --. Decisions can't be made tonight, and we can't have that interaction so -- I suppose we can leave it for a future meeting.

Ms. Zigmond: But, but discussion and not --. I mean, we're not voting on anything. We're not planning on voting anything, but just as with the Mayor, there was some discussion. And so what's the difference between that and this?

Ms. McLean: I don't believe with the sunshine law limitation, I think you're allowed to receive presentations. I don't think you're supposed to ask questions. I don't think there is supposed to be discussion. And what's supposed to happen is if there's a matter that was before you, that you will be voting on -- for example, the bill that Joe brought forward, he will present it at a meeting, and those who were present for that discussion are supposed to recount the presentation that they received, and they're supposed to be provided with the information that was presented. And really the purpose of allowing that is so when people come to testify, they're able to testify. But I don't believe there's supposed to be back and forth, there's certainly not allowed to be any decisions.

Ms. Gima: So it's too bad that Corp Counsel isn't here. I noticed Corp Counsel hasn't been here in a while. I think especially in these times it's good to get their feedback. I'm assuming we can still have the public testify. There's not going to be an exchange and I really hope that you can come back because I think we do have questions and comments, and, and do want to have an open dialogue. So I'm going to open up public testimony at this time. Is there anyone in the audience wishing to testify? Okay, go ahead and close public testimony, and we will go on to the -- the next item which is Number Three, Status Update on the Permitting for the Jet Fuel Storage Tank at the Pulama Lanai Baseyard in Lanai City, and this is Mr. Yoshida?

3. Status Update on the Permitting for the Jet Fuel Storage Tank at the Pulama Lanai Baseyard in Lanai City. (C. Yoshida)

Mr. Clayton Yoshida: Thank you Madame Chair and Members of the Lanai Planning Commission. My understanding is that Pulama has withdrawn their Fire Department application for Jet Fuel Storage. I'll turn it over to Pulama.

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. Quick summary of this is that Pulama Lanai thought we were filing for a permit to put jet fuel into a tank at the fleet yard, and the Planning Department believed that we were filing for a gasoline tank permit. So, that's the quick summary. I thought I'd give you the sequence of how it all went so you can understand that clearly this was not deceptive anything. We believed that we were right in going ahead and filing for it. We subsequently found out we were not, so we didn't try to hide anything. We talked in public meetings that this is what we were doing, so it was never a matter of we're trying to put one over on the community. I wanted to be really, really clear on that.

So let me kind of step you through what we -- what we did and how it came about. So the initial fuel tank building permit was filed back in October of 2013. And that intent was to have the tank filled with premium gasoline. So the responses that we received from ZAED, which is Zoning & Enforcement Division, came back and told us that in order to approve this permit, we would have to plant trees in the fleet yard. Now we thought planting trees in the fleet yard was not appropriate for the historic purpose of that site, so we withdrew the permit. We pulled it back, and said, we're not going to put it in there, so we're not going to do it. And that, we withdrew was in October of 14. On June 8th of 2015, we received a notice from Maui County Planning that the placement of the trees in the fleet yard should not be done, that it was a historic site and you don't put trees in something that never had trees. So at that point, we were looking to put in jet fuel tank, and we said, okay, well there's gasoline, there's diesel, there's all types of other fuel there, let's put the jet fuel tank there. So we went forward with filing for a new permit. The issue became that the permit was written as though it was for premium gasoline. It did not say jet fuel on it and that should have been on the permit application. The building permit set of plans that went in

with that did not clearly state on the header that it was jet fuel. Only the equipment details that needed to be changed in that set of plans were changed to accommodate what you needed to do with jet fuel versus premium gasoline. So both should have been clearly labeled; they were not.

The tank installation permit and applicable plans were sent on February 4th, 2016 to the Fire Department for their approval because you needed both two different permits in order to get that -- or two sets of approval, not permits. Those plans were label correctly, and we were waiting for their approval. They did not approve it, the permit was not issued. If we had understood that what we needed for jet fuel permit was a Special Use Permit, which meant we had to come in front of the Planning Commission in order to get that approved, we would not have done that because the cost of getting a Special Use Permit is -- is kind of out of range in terms of a fuel tank. It makes no sense. So, so that's the history on the sequence.

Now, where are we now? We have stated that the tank is not filled, and it is not. Jet fuel is a very low grade fuel that when a lighted match is put into a container with jet fuel it extinguishes the match. In order for jet fuel to be ignited it needs to be airiated or put out as a mist and then it will ignite. But in the tank, it won't ignite.

We've notified the Fire Department. As Clayton said, we will not go forward with the permit, and we had asked them to confirm the withdrawal of the permit. We do have that letter from the Fire Department confirming the withdrawal.

We have applied for a demolition permit now to remove the tank and the surrounding structure, and are waiting for this to be approved. But that has been applied for. When we have that approval, then we can go in, remove the tank, and remove all of the structures that see. So we are intending just to move the tank to the Manele Golf Course maintenance area. It will replace an existing tank that is used for gasoline. And not differently than any of the other tank -- not differently than the tank that's down there. The tank is somewhat old, and we're finding we have to refill it fairly regularly, so this will allow us not to have to refill it regularly. So there will be the normal permit that goes through for gasoline at Manele.

Jet fuel arrives on the island in what's called iso tanks. Not different than the gasoline, or diesel fuel, or oil from Maui Oil -- all of that comes in these iso tanks. The jet fuel now, the Jet-A fuel now will go to the airport. We have a fueling truck that is located at the airport. It will pick up the fuel from the iso tank that is located at Miki Basin, and then we'll transport it to the airport when they go to fuel a plane, or a helicopter, as the case may be. And the iso tanks will be stored at Miki Basin, and the empty ones are stored at the shuttle yard.

So, once again, we were looking at working with DOT to put this at the airport. The duration was going to be a fairly long duration. We're still looking at doing that, but we've come up with a way to do this in which everything is completely correct, and we are not having an

issue. So, long range is jet fuel facility at the airport. And that's the story. So my apologizes certainly to the community. You can tack that up to one that Lynn made a mistake, no two ways around it, but it was not intentional, and it was not in such a way as to believe that there would be any harm. Thank you.

Ms. Gima: Thank you Lynn. I will open up public testimony. Margaret, I know you had your name signed up so feel free to come up and provide testimony.

Ms. Peary: I wanted to thank the board for moving this item to October. And...there's just a few things. I think Lynn said that...they...filed or they thought they filed for jet fuel, and the County of Maui made a mistake, so all I've asked in writing, of Lynn, I've asked it of the County of Maui. I've got my copies here, everything that I've asked for months. Is that -- let's just provide the application that was originally submitted for jet fuel that I'm understanding was submitted to Maui County Fire Prevention Bureau. That seems to be a sticking point because neither Lynn nor Paul Haake have provided me with that application. The other thing I asked for was the e-mail that Lynn submitted to the County of Maui to change everything to jet fuel because in correspondence that Lynn and I had back in August she said her email to change everything -- or my e-mail to change everything to jet fuel is clear. And so I just asked for a copy of that, you know, just for the sake of transparency, okay. That was not forthcoming. That has not been forthcoming. And, the third thing is...well, Lynn reported tonight that they have applied for a permit to demo the tank that's there. So I just find it really pretty disturbing how something -- the process, that's what I questioned all along, the process. How is it that a consultant, and I don't know if they're here tonight -- how is that...they, of all people, should know what's legal and what isn't, what's a permitted use and what isn't.

When -- when it went from a gasoline permit and then it was withdrawn by Pulama because they were required to plant trees. Then a couple of years later, the County of Maui said, you don't have to plant trees because it wouldn't be a compatible use. And then -- so how does it morphed to that into jet fuel? So I've just asked could I see the permit, I mean, the application. Could I see the e-mail from Lynn saying we're changing, we're not doing gasoline, we're doing jet fuel. And at some point either the County of Maui should've seen that that wasn't a permitted use, and yet we almost ended up with it. And I daresay had I not pursued it, and other members of the community pursued this because we don't want jet fuel in the middle of our neighborhood. I daresay that tank, that is still there, would be fully loaded with jet fuel and I just, I find this not acceptable.

Ms. Gima: Thank you Margaret for providing testimony. Thank you Lynn for coming up with an update; Clayton as well. It sounds like it's a discussion that you guys need to have separate from this. I mean, again, just putting on record, Planning Commission has no jurisdiction over this matter, nor did it ever come to us for a permit review. You brought it up as a concern through public testimony, it sparked some of our interest, and asked for Planning Department and Pulama to come up with an update. So, it sounds like it's

something that, you know, you'll have to discuss with Lynn and Pulama, separate from the Planning Commission meeting, and if any follow up needed with the perspective Planning Department enforcement permitting. But thank you. Anybody else wishing to provide public testimony at this time? Thank you. I'm going to close public testimony.

Michele just shared with me, just on the record, she called Corp Counsel, Mike Hopper, to discuss about our quorum issue. We are allowed to ask questions, but not deliberate or vote, so Michele, you can come back up so we can finish asking our questions. Thank you Margaret.

So just to make sure I'm clear, we -- can we provide comments and feedback to you or is it just specifically questions?

Ms. McLean: You're -- you're not allowed to deliberate among yourselves, but if you have opinions then I think you can share those.

Ms. Gima: Okay. Okay. Commissioners?

Ms. Zigmond: Thank you for checking on that. I remembered in the past we had been able to do that so I was kind of surprised to hear that we weren't. Have you, and if you haven't, why not consider Saturday meetings or chartering your own Expeditions ferry as has been suggested in numerous occasions?

Ms. McLean: We have considered those and those are less desirable options for our staff than staying over.

Mr. Oshiro: She asked you because?

Ms. McLean: Those are their -- those are their personal preferences. It's not for me to question what they would choose to do in terms of their family responsibilities and their personal schedules. That's not something that I would insist that they tell me.

Mr. Oshiro: Okay, I got a long story for you. You know, the Maui Planning Department personnel, they get paid for doing this, okay, by taxpayer's money. Us here on Lanai, Molokai, the land commissioners, we sit on these boards because the love for the aina. We don't get paid, okay. Everybody from the Commissioners that sit on the board and people that testify are Lanai residents, and most of them work full-time. You find very few people that come testify that are retired. On the board right now, Stu and myself are the only retired ones, so we could make a five o'clock meetings, but nobody else would be here. There wouldn't be no chairman, no vice-chairman. Nobody could make that, okay?

Okay, when I first got on the board long ago, meetings was 6:30 p.m., okay, but the plane was flying back then. We didn't have the aircraft incident that we had. Now the time set is

5:30 p.m. We tried -- we trying doing it 5:00 p.m., but we couldn't get quorum, we couldn't even get the vice or the chairman to show up. The reason why is we cannot be taking -- they cannot taking vacation time just to come to this meeting. They gotta work. Somehow they gotta provide for their families. Like I said, Planning Department, you get paid for coming. I mean --. So, just guys take the 12:45 p.m. coming from Lahaina to Lanai, and then you leave the next day at 10 o'clock. That's what you provided. Okay. Place, is Lanai City where we do the meetings. The thing you grumble about is the hotel. Okay, cost for the hotel. We use the Senior Center all the time. And then you guys --. And right now you guys using the ferry from Lahaina to Lanai. The dates has always been Wednesday as far back as I can remember. People that attend the meeting are people from Lanai, and the land, land, land department, Planning Commission. The dates, I'd like to try propose some of these things to you guys. You can listen to it, you can tell me what you think about it, but I just want to throw something out there because what you suggested before, many people have suggested from your office does not work for the people on Lanai.

I suggest -- I have three suggestions. Do a Friday -- do a Friday meeting, start it at 6:00, 6:30, you can take the 3:15 p.m. ferry from Lahaina to Lanai, leave the next day at 10 o'clock or earlier and get Monday off so you can come -- you can come on Friday to do this meeting. The second suggestion is do a Saturday meeting. Come in, do the meeting at eight o'clock. Take the early ferry out of Lahaina, 6:45, come in, do the meeting at eight o'clock. You can go home either on the 10:00, depends on how much we've got going that day. Do the 10 or 2 o'clock ferry and ask for Monday off. The last but not least is Wednesday's meeting, 5:30, 6 o'clock, take the 12:45 or 3:15 ferry from Lahaina to Lanai. The meeting time 5:30, 6 o'clock, take the 8 o'clock or 10:30 boat back on the next day, and then ask for a Friday or a Monday off.

Place, because if you're gonna do here on Lanai you gotta have hotel rooms. You have to book your reservations, book your reservations in advance. Our meetings are scheduled one year in advance, so why do we -- why do you all wait one month before the meeting happens. It doesn't make sense to me. You got one year to provide reservations to Hotel Lanai or wherever you gonna stay. And also schedule the meetings here in the Senior Center you, you know what, what the meetings -- what dates the meetings gonna be so schedule it a year in advance. I don't see nothing wrong with that.

The County of Maui via -- uses via internet for the Council meetings. Now if you want to testify, Lanai people want to testify, we'd have to go to Mr. Hokama's office back there and testify there. Why doesn't the County do something like that here? Then you don't have to come every month. You can do once a month. Come one month, the next month do it by via internet. It's --. I just don't understand -- you know, I just can't understand because here on Lanai, most people work for Pulama or have some kind of revenue from Pulama so they cannot be taking off and --. Because we have two members over there. They probably working tonight. Three members, Pulama. So what I'm saying is we can't even get them to come to a meeting. They live here, but they have to work.

So that's some suggestions that I had, you know, for us and for you to think about. Mostly you folks because whatever you were suggesting before just is not -- cannot work for these people of Lanai. I not just talking about the Commissioner, I talking about everybody of the community.

And, the most important thing for public testimony is they want the community's input before we make any suggestions, before we even pass this on to the Council, so I'm, I'm hoping you take any of this, whatever I said, into consideration. Because, like, if we go what we doing now, I don't know. And we need, we need to get members on the board. The Mayor has turned down so many already which to me doesn't make sense because they would be here today if they were on the board. But he's turn 'em down so --.

Ms. Gima: Thank you. Michele, did you have any...thing to say back?

Ms. McLean: Yes, thank you. Thank you for your suggestions. We will talk with staff about those and see if any of those are...are workable. For the teleconferencing, it's telephone conferencing now with the Council, and we are looking into having video conference capabilities on Lanai and on Molokai. It would require upgrades with our IT System, but we are looking into it. That is something that they're working on anyway for their -- you know, that was a project that already had in the works, so that might be a possibility in the future. It would probably still require a least one person coming over to set it up, but it, it would be an option. For example, Corp Counsel could probably be here, other County departments would be available. So that is a good possibility in the future. I don't have a time frame on that.

The thing about reserving the hotel far in advance, as I mentioned, that's something -- that's a cost that the employee has to put on their credit card and so they would get charged for that and have to pay that bill and not get reimbursed until the actual travel occurs. It's just a really, a flawed, junk system, but that's how the hotel reservation works and the County system for all departments so that's why that's --. You know, your point is very well taken that the calendar is set far in advance, but that's why staff typically doesn't do that. But the other suggestions I will certainly talk with folks about and see if any of those might be workable.

Mr. Stuart Marlowe: Wouldn't the simplest thing be to charter a late, late ferry that way no one has to stay overnight? There's no other per diem for food etcetera, etcetera. I don't understand why that option isn't really considered.

Ms. McLean: Staff -- there's some staff who are very uncomfortable on the boat late at night. And to the extent that we can we want to give them the option of a, of a mode of travel that they're comfortable with.

Ms. Gima: I just want to add a few things. We've been having this conversation for quite some time. I think it started back in 2014. We're at the cafeteria, so that was our December meeting, Director Spence was there. And you're saying it's not a budgetary thing, but what has been portrayed to us this entire past two years has been that is a budgetary thing. So that -- and correct me if I'm wrong Commissioners that's -- I mean, they gave us, I remember a sheet that had the breakdown of costs, and how much they're spending, and how do you cut that, so this is, is news, I think, to all of us here that it's not a budgetary issue. So I don't know where the confusion went there, but that has been, on record, stated many times.

It's, it's frustrating because we have provided numerous alternatives. I think we've all stated that we agree, you know, in areas that you can save costs, provided everything from like Brad said the Saturday meetings, teleconferencing, all of this, and nothing ever happened to it. It was like we, we -- and not just we as the commissioners, the community as well coming up and testifying, and then it was...nothing was done. And so it's frustrating because I think there is a perception that the Planning Commission doesn't want to work with the Planning Department, wants to just, you know, frustrate you guys and, and cause all of these problems, when in fact, for the past two years, we have really been providing, which I think, has been really great solutions and compromises. And then I just kind of wanted to correct Brad because the five o'clock meeting we had quorum. It was when it was four o'clock that Director Spence changed that, and, you know, boom, you're at four o'clock and even though we voiced that there wouldn't be quorum. But at five o'clock, there was. The reason we asked to go back to 5:30 p.m. was...we changed it back to five, it was no longer to four, and then it was like, okay, well if you guys are staying overnight anyway, you know, can we go back to 5:30?

So I think there -- your idea of maybe starting a meeting a little earlier, maybe at five o'clock when know it's a short agenda, I think that's definitely doable. I think we are here to, to really look at alternatives and solutions. It's -- I just need to share with you, it's really frustrating when we've had this perception that it's been a money thing the entire time, and then provided solutions, and it has gone absolutely nowhere.

Also, I mean, I think, simple suggestions of, you know, you guys come with a pretty big team of people here and how, how do you cut that down. You know, Corp Counsel is not here tonight, but great, he was accessible by phone, that's awesome. You know, obviously Leilani has to be here. You know, she does all of our audio and whatnot. And, you know, if there's a planner that has to present, sure, needs to be here, but that could also be done via video conference. It's, I think, looking at who really has to physically be on island, and if it can be done by teleconference, if it can be done by video conference, and all you're paying is a little bit overtime versus overtime, per diem, travel, expenses, I think that's a very simple solution. I think we've all in the past -- and I understand maybe some staff not wanting to come on Saturdays. We did it when we reviewed the CPAC; it really worked. I think we did like nine to 12, but obviously that could be looked at too. So I just want to put

on record that the Planning Commissioners are willing to look at solutions, willing to offer alternatives, and hopefully what we share can go back to Maui, to the Planning Department and can be seriously looked at. In the past when we've asked where has our suggestions gone, we've never really gotten any answers. So, yes, at times it can get a little heated or passionate because as I said two years, and we've -- I can only state for myself, but sometimes feeling like we're not being heard, it's frustrating.

But I appreciate you coming, and I appreciate you, you know, having this discussion with us, and hopefully the next time we can get this on the agenda and have quorum and can really look at...at solutions. But the main thing is, and this was on the agenda last month, was the Ombudsman's complaint against the Planning Commissioners, and so we're really wanting to make sure we're following the rules that are in place that we're having these monthly meetings until we can discuss otherwise or come up with something. You know, that's why we voted last month to have continuous meetings is we don't want to continue to be under investigation and it comes back to us, not, not the Planning Department.

Ms. McLean: Thank you for your comments, and I did want to come here today because when I did...talk with folks at the budget, the Mayor's budget meeting and did find out that there was that belief that it was all budgetary related. That's why I wanted to come and, and say that yes, that budget is a concern. Of course it is, its taxpayer's dollars, we have to be mindful of that. And when we started needing to stay overnight, you know, when the charter was no longer an option, you know, we had to look at the budgetary implications of that. Of course you do, that, that's just a responsible thing to do and started looking at the costs. And there were inquires how much is this costing, and we were finishing the community plans, so there were costs related to that. So it did become an issue, but that wasn't the sole impetus behind bringing up the scheduling. So...if it was portrayed as that and only that, then that's an inconsistency on our part, and I apologize for that.

Ms. Gima: So just --. Thank you for clarifying that, and just to clarify a little bit more. So right now it sounds more of a staff preference and having to --. I mean, we all get it, you know, we have to travel for work...and, and whatever and have to plan out our lives and -- I mean, we get it. But it's sounding more of that's the issue, not the budgetary issue. Am I correct by saying that?

Ms. McLean: It's more of the staff --

Ms. Gima: Okay.

Ms. McLean: -- the staff time and the, the full day or day and half that staff is gone.

Ms. Gima: Would you be able to come back next month if we have this on the agenda, and hopefully have quorum, to then really --. I, I don't want to delay this anymore because it's been delayed long enough. I think we need to really have a serious conversation and also

include the others that can't be here. Would -- are you able to do that?

Ms. McLean: I would need to look at my calendar, but if my calendar allows it, then yeah.

Ms. Gima: Sure.

Ms. McLean: And if not next month then, you know . . . (inaudible) . . .

Ms. Gima: I just want to make sure it just doesn't slip away like it has in the past and we actually get it on the agenda and make some decisions if need be.

Ms. McLean: And if it --. I also wanted to comment on giving feedback to you and I, you know, I realized that we never really had this kind of discussion about it. Because unless we can agree to a change, then it will just stay the way it is. I mean, adjusting the time perhaps that had been tried a few times. But until there is a change, then it will stay more or less as it is. And, you know, it is -- I did want to note that this is the only Board or Commission that we support that does meet at night. All the others meet during the day. I am curious now. I will ask Maui and Molokai Planning Commissioners, how do they get out of work? You know, how does that work for them? That's certainly isn't going to change how you folks feel about it, but I am curious because that is -- it, it's intriguing to me...why we don't have those issues on Maui and Molokai. But if...yeah, if I'm able to come next month, I'd be happy to.

Ms. Gima: I'm going to open up public testimony one more time since Michele is back here. Anybody wishing to provide? Caron? Come on up and grab a mic. State your name for the record please.

Ms. Caron Green: Caron Green. Is it on? Okay. Well, in listening to this I think that you all had some really good ideas. What I might suggest that you look at, and I don't know if it is possible, but instead of having the individual members do their own credit cards, etcetera, could you work with, say, Hotel Lanai, and see if they would be willing to book out, without charging you up front, for the whole year or, you know, every other month if you get video conferencing or whatever. And, secondarily, see if they would bill the Planning Department directly rather than have you have to pay for it and then be reimbursed. I don't know if they would do that, but I think it's something that should be investigated before the next meeting, so maybe have an answer for that. That's my only thought.

Ms. Gima: Thank you. Anyone else? Come on up.

Mr. Myles Saruwatari: My name is Myles Saruwatari. I just want to comment on two points, and ask questions on two points. Because Maui County is kind of --

Ms. Gima: Myles, can you address the Commissioners, please? Thank you.

Mr. Saruwatari: Sorry. Because Maui County is kind of unique in a way because of the three islands, you know, compared to Honolulu and Big Island, and whatnot, wouldn't it be easier for Maui County to somehow set up a County account with airlines and hotels or whatnot. That would solve some of the problems of the individuals have to pay, you know, for, for travel expenses. And...the second point I wanted to talk about was would it be -- I think it would be a good idea, if, when you go back to Maui, talk to your people because there's people who come here regularly for these meetings. Talk to them, see what they feel is a good time in scheduling for them to come, and then discuss it with the Council. And, you know, because we don't know what their feeling is. I mean, Michele has talked about how their personal preferences, but if she can talk to the people get their views, present them to you, and maybe you can have a discussion then about meeting times and all these other stuff, you know, that everybody can agree with. Because, yeah, it's nice that, you know, somebody in charge would say, okay, yeah, we're going to come, we can come, so and so, so and so, but if the employees are reluctant to come, you know, it's kind of tough. And I understand why, and I'm sure you understand why. But, I think, if they can open up a discussion with their people and try to get an idea of what they feel is good for them to come over also, and then discuss it with you. I think it would be a lot easier than you trying to dictate to them, or them trying to dictate to you what times are good, what days are good, and whatnot. Thank you.

Ms. Gima: Thank you. Anyone else? Okay, we're going to close public testimony. Thank you Michele. And next, moving along is...Item E, Director's Report. So Clayton, starting off with open Lanai application report as distributed by the Planning Department.

E. DIRECTOR'S REPORT

1. Open Lanai Applications Report as distributed by the Planning Department with the agenda.

Mr. Yoshida: Thank you Madame Chair. The Department has circulated its listing of open Lanai applications if there are any questions of the board?

Ms. Gima: Commissioners, any questions? None?

2. Agenda Items for the November 16, 2016 Lanai Planning Commission meeting.

Mr. Yoshida: Okay. The next item is the agenda items for the November 16th meeting. First we have our Item C-1 which we can't take action on tonight because there's no quorum, and I guess a report will have to be given at the next meeting regarding what happened

tonight. I don't know if there are other items that the board would want to have on that agenda.

Ms. Gima: I think I would just suggest having the conversation with Michele again, if her, you know, if her schedule works out. And if she can make the November, then I would ask that that be put on the November agenda. Commissioners?

Mr. Yoshida: Yeah, I guess she would check her schedule.

Ms. Gima: Yeah.

Ms. Zigmond: Clayton, I'm sorry, I'm confused, were you referring to an agenda item that is being planned already? Because there's nothing on here.

Mr. Yoshida: No, I'm saying that --

Ms. Gima: C-1.

Mr. Yoshida: -- on today's agenda, the public hearing item, the Commission cannot act on it tonight because it doesn't have a quorum so that has to come back to you.

Ms. Gima: Okay. Anything else Clayton?

Mr. Yoshida: That's...that's all.

F. NEXT REGULAR MEETING DATE: NOVEMBER 16, 2016

G. ADJOURNMENT

Ms. Gima: Okay, I'll open up public testimony one last time. Margaret?

Ms. Peary: Margaret Peary. Since the County of Maui, Planning Department made me a project, TMK: 24900509 and a whole bunch of zeros, and even gave me a permit number, and I see I'm still open. I asked them, in an e-mail, after the August 17th meeting -- I wrote it on August 19th, to Evelyn Aako, and it wasn't clear to me why I became a project when all I did was question the jet fuel process and now I'm a project. And I've asked the County of Maui Planning Department, since August 19th, as the applicant, which I've now become for the above referenced project, I'm asking you to furnish me with the following. One, applicant requests your department to withdraw the gas storage permit and apply for jet fuel storage. Two, FTMK applications submitted to the Fire Prevention Bureau and subsequent approval letter for that project. Three, permit number given to the jet fuel storage project

and inspection performed. Now, I got a response saying, you know, thank you and we'll look into it. Thanks for your patience. I got another one on the 6th in response to my question, when I can expect a response, it's been two weeks. I just want to know --

Ms. Gima: So did you get answer for why you were on this project list?

Ms. Peary: I've gotten nothing. Nothing.

Ms. Gima: Clayton, are you aware why she's on this open project list as an applicant with a permit?

Mr. Yoshida: I believe that RFC should've been closed, but we have experienced a clerical shortage.

Ms. Gima: So normally when there's Requests For Comments (RFC) then they would show up on, on this list.

Mr. Yoshida: Yes.

Ms. Gima: So, if someone else in the future has a request for comments, specifically through you guys, you add it.

Mr. Yoshida: Right. Right.

Ms. Gima: Okay.

Ms. Peary: I would like to ask you Clayton and the Deputy Director Michele, even as of Monday, October 17th...I'm still asking and Evelyn keeps saying we're researching it, we'll give you a response. I've gotten nothing, and I don't understand why. And I even said if I have to use the freedom of information act to get the information I'm asking for --

Ms. Gima: Margaret, I'm sorry interrupt. I'm, I'm really confused because we were just talking about the open projects. So you're asking information of why you are on this list?

Ms. Peary: . . . (inaudible) . . . why I was on the list, and specifically requested documents from your department, and I've gotten nothing, and I don't understand why.

Ms. Gima: So to clarify, again, what Clayton said, is when someone puts in a request for comment with the Planning Department they will appear on this open projects list -- kind of strange -- but that's what they say they're going to do. In, in regards to your asking the questions and not getting any information, I mean, I'm guessing, again, that's not in our control. We can't ask them to give you the information.

Ms. Peary: Right, but as long as they're here and people are watching Akako, I want them to know that County of Maui Planning Department has not been responsive to my request and I don't understand why. Can you give me an answer?

Ms. McLean: I'm not familiar with your request, but we can look into it when we get back to Maui. It sounds like she has been responsive in telling you that she's researching it. I don't know. I don't know what the communication has been like. I don't know what documents she has to research, but I'm happy to follow up on it when we get back tomorrow.

Ms. Gima: So I will let you guys -- you can talk to Michele. Anybody else for public testimony? Okay, no objections, I'm going to close public testimony, and it is now 6:56 p.m. Any objections to adjourning the meeting? No? Okay, meeting adjourned. Thank you everyone for coming tonight.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 6:56 p.m.

Respectfully submitted by,

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

PRESENT:

Kelli Gima, Chair
Bradford Oshiro
Stuart Marlowe
Beverly Zigmond

EXCUSED:

Medigale Badillo
Stephen Ferguson
Stacie Lee Koanui Nefalar

ABSENT:

Marlene Baltero

OTHERS:

Mayor Alan Arakawa
Michele McLean, Deputy Planning Director
Clayton Yoshida, Planning Program Administrator, Current Planning Division

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Joseph Alueta, Administrative Planning Officer
Richelle Thompson, Deputy Corporation Counsel (On-Call)
Michael Hopper, Deputy Corporation Counsel (On-Call)