

# Meeting Minutes

Wednesday, October 26, 2022

[Hyperlink to video](#)

## Community Plan Advisory Committee

**Attending:** Chair Rob Weltman, Vice Chair Daniel Kanahale, Tom Blackburn-Rodriguez, Tova Callender, Everett R. Dowling, Lehua Huddleston-Hafoka, Vernon Kalanikau, Mike Moran, Cody Nemet, Wayne Nishiki, Keoki Pfaeltzer, Jennifer Sullivan, Brian Ward

**Absent:** None

## County of Maui – Planning Department, Long Range Division

Pam Eaton, Program Administrator

Karen Comcowich, Planner

Brendan Conboy, Planner

Caroline Pembroke, Planner

Kawika Farm, Cultural Resources Planner

Richele Lesa, Secretary

## County of Maui – Planning Department, Plan Implementation Division

Kathleen Aoki, Program Administrator

## County of Maui – Corporation Counsel

Michael Hopper, Deputy Corporation Counsel

Call to order

## **Opening and Housekeeping (00:00 to 05:25 in meeting video)**

Chair Weltman opened the meeting in Hawaiian and explained the reason for his wanting to reinforce the legitimacy of *‘Olelo Hawai‘i* (Hawaiian language) in government or public settings. He covered a few “housekeeping” items, such as addressing each other by first name only to make things easier; what time to break for dinner; requesting that members take turns giving a brief introduction at the start of each meeting, ideally relating to the South Maui Community Plan, to begin at the next meeting; and Councilmember Kelly King’s contribution of seat cushions to make meetings more comfortable.

**Public Testimony (5:26 to 6:08 in meeting video)**

Chair Weltman requested that those interested in testifying testify when the agenda item comes up (rather than at the beginning of the meeting), but noted that anyone unable to stay until their agenda item comes up can testify at that time. No testifiers came forth.

**Presentation on Proposed Rules of Practice and Procedure for South Maui CPAC (6:10 to 10:24 in meeting video)**

Deputy Corporation Council introduced himself then gave a brief presentation on the Proposed Rules of Practice and Procedure for South Maui CPAC (6:40 to 10:24).

**Chair's Presentation on Proposed Amendments to Proposed Rules of Practice and Procedure for South Maui CPAC (10:25 to 19:53 in meeting video)**

Chair Weltman presented six amendments to the Proposed Rules of Practice and Procedure for South Maui CPAC, as follows (see [CPAC Member Handout](#)):

Page 104-5, under §10-104-6 Communications: Add **“All communications to the South Maui CPAC which were directed to the Department of Planning’s Long Range Division shall be made available to the members of the CPAC.”**

Page 104-6, under §10-104-8 Meetings, section (d): “...submit data, views, arguments, or present oral **or written** testimony...”

Page 104-7, under §10-104-10 Agenda: Add **“Agendas will be drafted by the Department and approved by the CPAC chair.”**

Page 104-7, under §10-104-11 Minutes: “The South Maui CPAC shall keep written minutes and may provide for the audio **or video** recording or transcription of meetings.”

Page 104-10, under §10-104-20 Attendance: Add **“The department will make accommodations for remote participation for a committee member prevented by sickness or injury from participating in person.”**

Regarding the proposed amendment for Attendance, Wayne Nishiki and Chair Weltman briefly discussed the latter member’s reason for the proposal, before Chair Weltman asked that all discussion be held off until after public testimony.

New paragraph: “**§10-104-21 Monitoring the plan through final adoption. Maui County Code specifies that the CPAC members are still constituted as a body until final adoption of the plan by the County Council. {MCC 2.80B.080.F “Each community plan advisory committee shall remain in existence until enactment of an ordinance adopting the decennial revision to the relevant community plan.”}** The CPAC Chair or a representative of the Chair will represent the CPAC at the Planning Commission meetings and at the County Council meetings as the document goes through the adoption process. The Chair will be a member of the staff advising the Planning Commission and County Council on the considerations that were given by the CPAC in making its recommendations to preserve the work and vision of the South Maui community.”

There was confusion from members regarding Chair Weltman’s amendments, primarily about where to find them; staff pointed out Chair Weltman’s handout that had been included within the packet given to members at the start of the meeting. Keoki Pfaeltzer suggested better clarification when presenting information from handouts.

**Public Testimony for Proposed Rules of Practice and Procedure for South Maui CPAC and Chair’s Proposed Amendments (19:54 to 25:40 in meeting video)**

Councilmember Kelly King suggested having roll calls at the start of every meeting to keep track of excused and unexcused absences. She also noted that Planning staff may not have the capability to allow for virtual participation from members, but that there should be the capability to have the archived meeting available for an absent member to access after the fact. (19:54 to 21:20)

Deputy Counsel Hopper reminded Chair Weltman that members have the option of asking questions of the testifier.

David Goode noted that he didn’t know about Chair Weltman’s proposed amendments and that it would have been nice to see it prior to the meeting. Regarding §10-104-21 Monitoring the plan through final adoption, he felt that it was a lot of responsibility and pressure to put on a Chair. He also noted that inserting yourself into other committees seems “awkward.” (22:02 to 24:08)

Wayne Nishiki commented to Chair Weltman that it seems like he is trying to become a little “heavy-handed” in representing the committee, and expressed his reluctance in giving him that power. Deputy Counsel Hopper and Chair Weltman both noted that deliberation on this topic could continue after public testimony is complete; no one else stood up to testify, so Chair Weltman closed testimony.

**Member Discussion for Proposed Rules of Practice and Procedure for South Maui CPAC and Chair’s Proposed Amendments (25:40 to 1:05:28 in meeting video)**

Chair Weltman opened discussion by responding to Wayne Nishiki’s comment regarding §10-104-21 Monitoring the plan through final adoption. He shared his worry that CPAC members will put a lot of work into the Plan, only for it to get revised and rejected (by Maui Planning Commission and Council) at the end of the day, and that members have a responsibility to stay engaged so that the vision and guidance they come up with are followed through adoption.

Tom Blackburn-Rodriguez thanked Chair Weltman for putting the time and thought into his proposed amendments, and felt that they deserve a thoughtful response. **He made a motion to postpone the matter until the next CPAC meeting** so that members have the opportunity to read and digest everything.

Chair Weltman asked Deputy Counsel Hopper whether postponing discussion on the Proposed Rules would affect CPAC proceedings. Deputy Counsel Hopper replied that deferring means that CPAC wouldn’t have rules in place; he noted that members have a legal right to defer action, but that it would be odd for CPAC members to go into a third meeting without adopted rules. He suggested passing a basic framework of the rules that everyone agrees with, and having a public hearing at on the rules that members have concerns with at a future meeting. He also noted that certain things (for example, authorizing the Chair or another person as a representative for CPAC) do not need to be in the procedural rules.

Tova Callender asked for clarification on whether Chair Weltman was okay with being available on an ongoing basis to perform the function of CPAC representative; Tom Blackburn-Rodriguez made a point of order to allow for a second to the motion so that discussions on the matter could continue.

Wayne Nishiki asked Deputy Counsel Hopper if any other CPAC body has ever had such a procedural rule (§10-104-21 Monitoring the plan through final adoption) in County history. Deputy Counsel Hopper asked that there be a second before discussion continued; **Wayne Nishiki seconded the motion.** Deputy Counsel Hopper said that he does not know a case where such a rule was included in a CPAC's procedural rules in the past, but noted that he has only advised three different CPACs prior to this. He reiterated that members *can* put the rule in their procedural rules, but that they don't *have* to.

Additional discussion included the timeliness of receiving and responding to handouts from the Chair; clarifying the process for distributing handouts from CPAC members; sharing concerns with only the Chair being able to approve or change meeting agendas.

Vice Chair Kanahale suggested adopting Chair Weltman's more non-substantive amendments and deferring the amendments that members have concerns about to the next meeting. Chair Weltman asked that Vice Chair Kanahale make a motion; Vice Chair Kanahale noted that there is already a motion on the floor that needs to be settled first. Deputy Counsel Hopper suggested that members table Tom Blackburn-Rodriguez's motion to defer action until the next meeting, and have a member make a new motion to adopt a decided set of rules (with or without some of Chair Weltman's amendments). He noted that once the South Maui CPAC's Rules of Practice and Procedure are adopted, any new changes must have a 30-day notice in the newspaper and must have a Public Hearing before they can be adopted.

**Tom Blackburn-Rodriguez moved to table his motion; Brian Ward seconded the motion.**

As Chair Weltman called for votes, Wayne Nishiki asked if West Maui CPAC's Administrative Rules mimicked the language in South Maui CPAC's Administrative Rules. Pam Eaton replied that the Planning Department has not had amendments like this before. She noted that many West Maui CPAC members attended and represented themselves as individual CPAC members at Maui Planning Commission and Maui County Council meetings. Tom Blackburn-Rodriguez made a point of order and asked if the vote on the motion to table had been taken; **Chair Weltman confirmed that members had adopted the motion to table.**

**Everett Dowling made a motion to approve Chair Weltman’s edits with two exceptions: §10-104-10 Agenda and §10-104-21 Monitoring the plan through final adoption. Wayne Nishiki seconded the motion.**

Planner Karen Comcowich noted that fully hybrid CPAC meetings would be a challenge, and **requested that the wording for §10-104-20 Attendance be changed to (The department will) “try their best” (to make accommodations for remote participation).**

Members and Deputy Counsel Hopper discussed how to best go about the process of amending the language to accommodate Karen Comcowich’s request. **Cody Nemet made a friendly amendment to Everett Dowling’s motion to include a variation of Karen’s language; Everett accepted the friendly amendment.**

Members discussed §10-104-10 Agenda, including the level of review by the Chair and/or members; the logistics of getting agendas approved and distributed in such a short time frame between meetings; the possibility of adding meetings as needed; and not putting unintentional impediments into the Rules of Practice and Procedure.

At this point, members spoke about the difficulty of following the process; the quality of the sound system and difficulty in hearing other members; how staff are keeping track of things; and expressing the desire to find a way to make the process more efficient and less confusing.

For clarity, Karen Comcowich read out the motion still on the floor: **To approve the Chair’s amendments except for §10-104-10 (Agenda) and §10-104-21 (Monitoring the plan through final adoption), with a friendly amendment to change the wording in §10-104-20 (Attendance) to (The department will) “make the best efforts” (to make accommodations for remote participation).**

Chair Weltman did a roll call vote; **the motion was passed unanimously.**

## **10-MINUTE RECESS**

**Overview of Community Planning Process and Draft South Maui Community Plan (1:05:29 to 1:36:09 in meeting video)**

Planners Caroline Pembroke, Brendan Conboy, and Karen Comcowich, as well as Plan Implementation Division Program Administrator Kathleen Aoki, gave presentations on the Community Planning Process and the Draft South Maui Community Plan and answered a question from Tom Blackburn-Rodriguez regarding whether the 3.2ft SLR-XA line is out of date.

Before breaking for dinner, Chair Weltman verified with Karen Comcowich which sections would be discussed for the remainder of the meeting.

**DINNER BREAK**

Before proceeding with the next agenda item, Chair Weltman asked if there were any testifiers for the previous presentations given by staff; there were none. Members briefly discussed whether they were okay with going over the 8:30pm end time if needed (for the current meeting and for any CPAC meeting in general).

**Review and Recommendations – Section 1 | Plan Framework (1:36:18 to END in meeting video)**

Chair Weltman shared his thoughts about Section 1's history section (1.3 South Maui Yesterday, Today and Tomorrow). Pam Eaton gave some background about the South Maui *Alaka'i* (stakeholder group) and credited them for helping with the section. Vernon Kalanikai, who was an *Alaka'i* member, went into more detail about the group's contributions to the section and shared his thoughts about the overall process.

Other discussion included the difficulty of connecting the cultural side of things to planning, since the *moku* (districts), which extend from *mauka* (mountains) to *makai* (oceans), are split into two different Community Plan areas (South Maui and Upcountry Maui); adding verbiage to the South Maui Today and South Maui Tomorrow sections to highlight Native Hawaiian traditions' continued influence on the present and future; the importance of protecting the wetlands and how to deal with the impacts of flooding in South Maui; the concern regarding lack of implementation from the previous Kihei-Makena Plan; the fragility of the ecosystem and the importance of wetlands within the ecosystem; and changing the language in the section through motions.

**Vice Chair Kanahale made a motion to add “mauka viewplanes” to the second sentence in the first paragraph of the South Maui Today section (see page 22 of Section 1); Lehuanani Huddleston-Hafoka seconded the motion. The motion passed unanimously.**

Vernon Kalanikau noted that the ahupua’a on the South Maui Ahupua’a map is truncated due to the separated Community Plan areas (South and Upcountry Maui). After some member discussion and Planning staff input, **Vernon made a motion to change the map’s title from “South Maui Ahupua’a” to “Ahupua’a in South Maui Community Plan District Boundary,” and to add a gray shading to show where the ahupua’a extends past the district boundary; Cody Nemet seconded the motion.** Member discussion included taking the word “ahupua’a” out of the title entirely, and how to adjust the verbiage to respect the cultural importance of ahupua’a. Planner Karen Comcowich noted that since the current motion has verbiage that Vernon does not actually agree with, it needs to be taken off the floor before another motion can be made; **Vernon withdrew the motion.**

Karen then suggested having a map titled “Ahupua’a” with the entire ahupua’a, with the South Maui Community Plan district boundary outlined. After some discussion, **Cody Nemet made a motion to create a map that shows the entire ahupua’a, and a second map that shows the South Maui district boundaries; Keoki Pfaeltzer seconded the motion.** Members continued to discuss how to title the Ahupua’a map in a culturally respectful way. Karen asked if it would be acceptable for staff to create some options to present to members at the next meeting; **Cody agreed and withdrew his motion.**

**Tom Blackburn-Rodriguez made a motion to create two maps; Cody Nemet seconded the motion.** Member discussion included clarification on the motion, and the cultural significance of ahupua’a. Karen Comcowich strongly encouraged members to allow staff to come up with options to present at the next meeting; Pam Eaton agreed and asked that members not limit staff to just two maps. At Chair Weltman’s request and in the interest of moving the discussion forward, **Tom withdrew his motion.**

**Cody Nemet made a motion to add some verbiage to page 11, prior to the last sentence in the final paragraph preceding the blue text: “These traditions are still being perpetuated today. For example, the organization ‘Ao ‘ao...” Everett Dowling seconded the motion. The motion passed unanimously.**

**Vice Chair Kanahale made a motion to add “dark skies” to the second sentence in the first paragraph of the South Maui Today section (See page 22 of Section 1); Everett Dowling seconded the motion.** Member discussion included support for Vice Chair Kanahale’s motion, and caution not to get trapped in the “western linear thinking” of the layout of land. **The motion passed unanimously.**

Keoki Pfaeltzer made a final comment on the importance of the cultural aspect of planning, and thanked members for their patience and openness in having “Hawaiian discussions.”

**NEXT MEETING IS ON NOVEMBER 2, 2022. MEETING ADJOURNED at 8:55PM.**

