

Meeting of the
HAWAI`I COUNTY HOUSING AGENCY
Hilo, Hawai`i
February 19, 2013

Agency Members Present

Greggor Ilagan
Dennis "Fresh" Onishi
Dru Mamo Kanuha
Zendo Kern
J. Yoshimoto
Val Poindexter
Margaret Wille
Brenda Ford
Karen Eoff

Absent and Excused

Staff Members Present

Stephen Arnett
Anne Bailey
Susan Akiyama
Alan Rudo
Amy Self
Nadine Pomroy

Members of the Public

Jim Pappas
Warren Lee

Mr. Ilagan: Hi everybody, please take your seats and set your phones to silent, mahalo. Aloha and welcome to the Hawai`i County Housing Agency. It is February 19, 2013, the time is 9:30 a.m. and we are at the West Hawai`i Civic Center. Before I start I want to introduce the members of the Hawai`i County Housing Agency. To my far right is member Dennis "Fresh" Onishi, member Margaret Wille, member Valerie Poindexter, member Brenda Ford and to my far left is member J. Yoshimoto, member Zendo Kern, member Dru Kanuha and member Karen Eoff. And I am member Greggor Ilagan, the chair for the Hawai`i County Housing Agency. I will now call this meeting to order. At this time we will take statements from the public and be advised that you have three minutes per agenda item. We will start, I will account for statements in Waimea. Good morning Waimea. Do we have any testifiers?

Donnie: Good morning Mr. Chair. No, we do not have any testifiers in Waimea.

Mr. Ilagan: Moving to, thank you Waimea, moving to Pahoehoe. Good morning Pahoehoe, do we have any testifiers?

Mike: Good morning Mr. Chair. No, we do not have any testifiers for your agency this morning.

Mr. Ilagan: Mahalo Pahoā. Moving to Ka`u. Good morning Ka`u, do we have any testifiers?

Debra Lee: Good morning Mr. Chair. We do not have any testifiers.

Mr. Ilagan: Moving to, thank you Ka`u, moving to Hilo. Good morning Hilo. Do we have any testifiers?

Jeanette: Good morning Mr. Chair. No, we don't have any testifiers but I would like to mention that we have Deputy Corporation Counsel Amy Self, Susan Akiyama and Alan Rudo from the Housing Agency.

Mr. Ilagan: Mahalo Hilo. Hilo, if it's okay with you, could you call Warren Lee. Make sure that he's present in Hilo. Thank you.

Jeanette: I'll do that; I'll do that Mr. Chair.

Mr. Ilagan: And in Kona, do we have any testifiers? We have no testifiers at this time.

Mr. Onishi: Mr. Chair? Could you also let them know if they could bring in someone from Parks and Rec?

Mr. Ilagan: Hilo? If it's okay with you, could we have someone from Parks and Recs?

Jeanette: Okay, I'll make the calls.

Mr. Ilagan: Thank you Hilo. At this time, as there are no testifiers and we will end the statements from the public. Moving on to the approval of the minutes. May I have a motion to approve February 5, 2013 minutes? Moved by member Kern, second by member Kanuha. Any discussion? We'll take a one minute recess.

Recess

Mr. Ilagan: I will now call this meeting back to order. At this time I will take discussions and call member Ford.

Ms. Ford: Thank you. We have what is titled a summary of minutes for us to vote on. There's absolutely nothing in here

about the controversy and the discussion on the Kidd Development Corporation. It just says that we postponed the approval. Without having any of the discussion items in here, it looks like there was nothing going on, when we had a very big and very controversial discussion. So I think these minutes are inadequate because the controversy on this particular subject is not identified in the minutes, therefore I cannot support them. I think they should be redone and the, the for the public's benefit, they need to understand that there is some issues here. Thank you.

Mr. Ilagan: Anyone else?

Mr. Yoshimoto: Mr. Chairman.

Mr. Ilagan: Member Yoshimoto.

Mr. Yoshimoto: Why don't we ask Mr. Arnett what their normal protocol or procedure is in providing minutes. If we could ask Mr. Arnett to the table? Mr. Arnett, if you could identify yourself.

Steve Arnett: Stephen Arnett, Housing Director. I just asked my Private Secretary and this is the typical protocol that we normally go by. I can understand the reticence of Council Member Ford and Council Member Poindexter regarding the discussion of, it was clearly a discussion that was controversial. That discussion is not included but when I asked my secretary what we typically do, this is what we typically do. So if the controversial discussion needs to be included, we will indeed redo these minutes. I guess she's pointed out to me that at the bottom it says complete transcript of the minutes is available at the Office of Housing and Community Development. So a transcript is available to answer your question. But if you want it in the minutes, we will redo these minutes for you.

Mr. Yoshimoto: Okay. Yeah. Cause my recollection, being here for the last three terms, these are the way the minutes have always looked.

Steve Arnett: Yes sir. Yes sir. That's true.

Mr. Yoshimoto: Yeah so I don't think this is anything out of the ordinary, just so Council Members understand that. But of course if the Council wants to have more detailed minutes, you know, that's up to the Council to I guess to request that. I guess. Is that what we're saying?

Steve Arnett: I believe that's the case and we'll be happy to provide.

Mr. Yoshimoto: Okay. So yeah, I could go either way on this, just wanted to make sure the Council Members understand that this is not anything different. It's just the normal procedure that the Housing Agency is doing. Thank you.

Mr. Ilagan: Councilmember Poindexter?

Ms. Poindexter: And with much respect to our Chair. Even if it was done that way all the time, that doesn't mean it was done right all the time. I think, for me as well, for a summary of minutes, I'm not saying that the summary needs to be more detailed, but what I see, is the summary needs to include any hot topics or controversial issues that needs to be, not basically detailed out, but outlined in there that that happened. So that in the summary of minutes, we still, it's a summarized version of what happened. So we still need that in there. So I agree with Council Member Ford on this, that it not necessarily it needs to be a detailed minutes, but there needs to be a summarized version of actually what happened. So it's basically a summarized version of actually what happened and we had some controversial issues so, I would like to see that that happens to everyone because on our committees, on each of our committees, we summarize our minutes, but we also summarize all the details, especially on controversial issues. We summarize those also, so. That is common practice for us, I'd like to see it be a common practice for you as well.

Steve Arnett: I have no problem with that.

Ms. Poindexter: Thank you. Thank you very much.

Steve Arnett: You're welcome.

Mr. Ilagan: Now, before we move on to other council members, I do want to clarify that we have Council committees, and at this time we are a Hawai'i County Housing Agency. And, be aware that we are Council Members but at this agency we are just members. I'd prefer to be, because this is the Hawai'i County Housing Agency, I would prefer everybody being called, Special Agent Poindexter, but figure that was taken too far, so I'm going to address everyone as member. And member Kern?

Mr. Kern: Thank you Mr. Chair. I can go either way on this one too. I think, I'm not sure what the protocol would be for a motion to postpone, to allow the minutes to come back and forward. Or do we need to actually retract? Might as well have more information on it, it's not a big deal you guys. I move to postpone till the next Housing Agency meeting.

Ms. Ford: Second

Mr. Ilagan: Moved by member Kern, second by member Ford. Any discussion? And I'm going to start with member Wille, on postponement.

Mr. Ilagan: Oh, ok, ok.

(Inaudible)

Ms. Ford: Thank you. I want to make sure that you understand I agree with Ms. Poindexter. I'm not looking for a transcript of minutes to be stuck in here. Down here in a font at least..

Mr. Kern: Point of order Ms. Ford, we're supposed to be talking about postponement now.

Ms. Ford: I am talking to the postponement of what I expect to see done and come back to us.

Mr. Kern: Okay.

Ms. Ford: The note that says the complete transcript is down in a font five. It's probably not going to be very legible. It certainly didn't catch my eye. So I'd like to see that to be larger. But, when you have, when we have somebody who's voting no, I, especially on a controversial issue, I think it's only fair to the public who's looking at the summary, that they can understand a little bit why somebody voted no. It's not just because she wants to be an, you know, adversarial type person. There was a reason. And so that's why the controversy needs to be spelled out and then maybe an asterisk that says, down here, see the full transcript, you can see what happened. I do..

Mr. Kern: Point of order, this is not discussion on whether we should postpone or not.

Ms. Ford: Excuse me, if I could please finish Mr. Kern. Please let me finish.

Mr. Kern: This is content... We're supposed to be following our rules here. (inaudible)

Mr. Ilagan: Hold on, member Kern and member Ford. Member Ford please continue but on postponement.

Ms. Ford: Thank you. So the reason I am supporting the postponement and I want to see these come back with those things in it, so that, that way, we don't have to go through this again. So I will support the postponement. Thank you.

Mr. Ilagan: Any discussion? Since there's none, all in favor say aye.

Members: Aye

Mr. Ilagan: All opposed say no. The ayes have it. Minutes will be postponed to the next meeting. Moving on, to old business. Deputy Clerk, could you please read old business? Thank you.

Jeanette: Thank you. Approval of a resolution authorizing exemptions of certain code requirements pursuant to Section 201(H)-38 and Section 46-15 of the Hawai'i Revised Statutes for the housing units to be constructed by Kidds Development Corporation and Kumulani Gardens in South Hilo.

Mr. Ilagan: May I have a, may I have an approve. May I have a motion to approve resolution, this resolution?

(Inaudible)

Ms. Poindexter: Second

Mr. Ilagan: Moved by member Kern, second by member Poindexter. And before we start, I'm going to have our Administrator Arnett and also the Kidd Developer Corporation representative to step up and say your part. Thank you. And please state your name and title.

Steve Arnett: Steve Arnett, Housing Administrator. I really don't have much more to other than what we discussed. My input from the last Housing Agency meeting regarding this resolution, obviously it is for an affordable housing project in Hilo. The more affordable housing we can get for the members of, the citizens of the County of Hawai'i, the better off we all are. And this particular project is going to bring on at least 45 or 46 affordable housing units. So, in essence, this resolution is

nothing more than asking for some exemptions from the Code. And the exemptions that are included in this resolution are pretty much standard, we, where we typically do allow, in any kind of affordable housing requests. So, I would encourage you to approve and pass this resolution.

Jim Pappas: Thank you Steve. My name is Jim Pappas and I'm the Treasurer of Kidds Development Corporation. And I understand there was some discussion and a number of questions and I first, apologize that I was not aware that I was invited to your last meeting. But I was invited to this meeting and so I'm actually here to answer any of your questions. I've got a couple of exhibits that I made copies of knowing a couple of your questions from before. And if I might distribute these to you, I think they might help in my discussion with you. May I distribute these?

Mr. Ilagan: Yes. Mr. Pappas, we're going to have staff do it for you. Could you please?

Jim Pappas: The issues that were brought to my attention had to do with, traffic was one, and I'm giving you a synopsis of the traffic report that we had prepared for this project by Witcher Engineering. And I really didn't give you the whole report but I gave you the conclusions of the report that basically indicate there is very little impact from this project on Kumulani Street. And so Kumulani Gardens, over the next 20 years, does not have a significant impact. I'm also providing you a map that you can look at the design of the subdivision as well as the intersection of the streets that will be within the project and how they interface with the surrounding area. And with that I'm certainly here to answer any of your other questions.

Mr. Yoshimoto: Mr. Chairman?

Mr. Ilagan: Member Yoshimoto.

Mr. Yoshimoto: Thank you. If I may start the discussion with Mr. Pappas. Mr. Pappas, as you are aware, there are several issues being, that were discussed last time. I just want to touch up on one of them. Actually, you know what might be easier is if we go through the exemption list and maybe you can explain the rationale behind the requests for the exemptions. Would that be okay?

Jim Pappas: Certainly.

Mr. Yoshimoto: Okay. So the first, I'm looking at Exhibit A on the exemption list and at first it talks about suspending all phasing requirements on the development of the project. This will allow the housing units to be built in one phase instead of two. If you could briefly explain the rationale behind that request.

Jim Pappas: Yes. The original developer for this project was Rudy Hirota. And when he was proposing the project, he wanted to break it into increments which would've been much easier to finance. In our case, because we're building affordable, we felt we would get significant savings by putting in all of the infrastructure at one time. And we found financing to do that. So that will just make it more cost effective for us to not break the project into phases basically.

Mr. Yoshimoto: Right. And that sound reasonable. I think everyone would rather see it being done one time. So okay. That makes sense to me. The next one talks about the elimination of curbs, gutters and sidewalks. This was, I think this was discussed in the past as well. If you can explain the rationale behind that exemption request.

Jim Pappas: Well, again given the cost of the infrastructure, at the moment there is about a four to six thousand dollar estimate of the difference between curbs and gutters in and going with swales basically. Many of the surrounding areas also have been built with subdivisions without curbs and gutters and again because it's affordable, that four to six thousand dollars per lot savings to us will help mitigate the total cost for our project. I think most of you will recognize that building affordable housing, this project would not be financially feasible if it wasn't for the fact that we're going to get some subsidy, basically, from Hilo Hillside Project because their affordable housing for that project is being provided here. And otherwise, the 43 out of the 83 lots in this subdivision, frankly are all being built at a loss.

Mr. Yoshimoto: Okay. So it's a matter of economics then I guess is the short answer to that.

Jim Pappas: Yes.

Mr. Yoshimoto: Okay. And I'm trying to think cause, you know, this is my district and I can't remember any subdivision that has sidewalks in the area. Do you recall? I don't recall any subdivision having any?

Jim Pappas: I don't recall any in the immediate area.

Mr. Yoshimoto: In the immediate area. I mean, for sure in the immediate area cause, yeah.

Jim Pappas: Yeah. The newest project, I think that the County has approved is at the end of Hokulani Street, which is close to this project. And that one will not have any curbs and gutters in it either.

Mr. Yoshimoto: Yeah. So, in addition to that, I guess it fits within the characteristics of the neighboring communities as well. Cause again, I, I mean someone can correct me if I'm wrong but I don't remember any nearby subdivision having sidewalks. Yeah, okay. Okay and the last exemption is, request is exempting the subdivision inspection fee of point two five percent and so on. If you can explain that request.

Jim Pappas: Well, it's again, one more item that's a cost item and so if we can avoid paying some fees. And again, the, this particular exemption is asked for only for the forty three affordable housing units even though it might be hard to figure that out in this case. But the idea was we would pay the fair share and everything else for the forty lots that would be market priced units. But we would only ask for exemptions essentially for the affordable side.

Mr. Yoshimoto: Okay. And the rationale again is we want to make it affordable.

Jim Pappas: I'd like to mitigate the amount of losses that they have. Yes.

Mr. Yoshimoto: Okay. Okay. And there was some mention of traffic concerns, although when I attended the community meeting, it seemed as though, this is my recollection, that the traffic concerns were, for the most part addressed cause the thought process was that the traffic wouldn't be coming from the lower, existing subdivision, but would rather use the new road that would be built with this subdivision. Is that your recollection?

Jim Pappas: Yes and we did have a meeting with the community. And at that meeting, there were a number of issues about traffic that were discussed and brought up. And if, it's one of the reasons I tried to show you perhaps, on this map or maybe can

explain. Mokiha Street, where it ties into the existing subdivision, essentially the residents were saying their concern was that people from Kumulani Gardens would be going makai and using the old roads there in their subdivision and that was of concern to them. In fact, they indicated, could we talk to the County about blocking our road off so they would not have access. Essentially, I think it was indicated the County very much wanted this circular pattern for a whole bunch of safety, fire reasons, etc... The traffic report that I provided you, the consultant pretty much said the traffic is going to go the other way. It's really the lower people, off of Mokiha Street and the two dead end streets there. Those people probably will all come through and use this. And it is better access. It has greater views up and down the street as opposed to the lower road that comes out onto Kumulani.

Mr. Yoshimoto: Okay. And yeah, for Council Members information, you know, I walked the neighborhood and especially on Mokiha Street where you look on your map and you see on the bottom. And Jim, this road is fairly narrow, I mean, do you have a recollection as to how wide it is cause it is fairly narrow.

Jim Pappas: The lower road there which is, I'm trying to remember what the name of that street is that comes out there. Olena Street, where it comes, winds around, that is a narrower street than the Mokiha Street that will be up to County standards, that runs through our subdivision.

Mr. Yoshimoto: Okay. So basically, I mean, if it was me and I was living here, I would probably take the new proposed route, cause I think that would be wider and it'd be less curvy. Whereas the existing road for the existing subdivision, I mean, it's kind of you're going down a hill and in some places you really wouldn't want to have two cars or you'd have to kind of drive slow and pull over to the shoulder a little bit. I mean that's my recollection from driving the area.

Jim Pappas: I think your recollection is correct and of course also on that lower street, it has some deep areas where their drainage alongside the street that there's no shoulder at all so, yeah it's kind of hard, you'd be a little careful to pass through there.

Mr. Yoshimoto: Okay. Cause I remember residents asking you if you could do anything about existing, widening the existing road

in the neighboring subdivision. Was that one of the questions? It was right I thought?

Jim Pappas: I think somebody brought that up.

Mr. Yoshimoto: Yeah, yeah. But of course, you can't do anything about the existing or previous subdivision but, okay. Those are the concerns that I can recall. Anything else, Mr. Pappas, as far as the meeting with the community, issues that the Council Members, members of the agency should be aware of?

Jim Pappas: The only other issue that I remember briefly being discussed was a request by some of the residents if we would sell some of the market unit lots, if we would sell them as lot only rather than building homes on them. And we said yeah we would consider that.

Mr. Yoshimoto: Okay. That's right. That was brought up to as well. Okay. Thank you Mr. Chairman.

Mr. Ilagan: Anyone else? Member Ford.

Ms. Ford: Thank you. Mr. Lee, would you come forward please?

Warren Lee: Good morning, Warren Lee, Director of Public Works.

Ms. Ford: Thank you. I just want to make a comment on the map. Until this point in time, this new subdivision goes in, we've got a giant cul-de-sac. That stub out was put there so that we would require the next subdivision to connect, so we would no longer have a cul-de-sac. This is a public safety issue. Okay. Mr. Lee, during our discussion this past week, I asked you about this point, where is it? Point two five percent exemption from the, it looks like, inspection fees. The phrase that they say, exempt subdivision inspection fee of point two five percent of subdivision improvement costs. On the building permit, I'd asked you to check, is there a specific line item that says we're going to do an inspection, and it's going to cost point two five percent of the building permit fee.

Warren Lee: Well, first of all Ms. Ford, I believe that the feedback I got from the engineering group is that the point two five percent should actually be zero point two percent of subdivision improvement costs. And then building permit fees and other County fees, whether it be for electrical fee or plumbing fee are also in play, yeah. So if this exemption goes

forward, then, as with other affordable housing projects where exemptions have been asked for, that would apply.

Ms. Ford: So you're saying that if this is allowed to happen, it's going to impact electrical, plumbing, building and the inspection. This covers it all.

Warren Lee: Yes. I would take that as written. And other County fees, so that's pretty broad.

Ms. Ford: Okay. It is pretty broad and I have no idea what other County fees is referring to as I said in the last meeting. However, if this agency did allow this exemption, would you go out and send your people out to inspect these houses anyway?

Warren Lee: Yes, we would. We would expect that the building plans, and the infrastructure plans would be submitted to the Public Works and it would go on the review. And then when the plans are approved, the permit would be issued, without a fee.

Ms. Ford: Okay. So you would do an inspection, so that would take care of the public safety issue. However, your department would be losing a great deal of money to do all these inspections. Cause they're done by different inspectors, correct?

Warren Lee: That is correct. We have a road, basically inspection. We have a structural inspection, referred to as building, plumbing and electrical.

Ms. Ford: Okay. Do you have any idea, on these 43 homes, how much this is going to cost your department? Cause I know we're very short on money. Last time I checked, you didn't have money floating around that I could possibly get my hands on to use for something. So how much is this going to cost your department?

Warren Lee: I think that it depends. I don't have a rough number. But if you take one plumbing inspector, one building inspector, we talking about, you know, three to four people. And I would say maybe, roughly, thirty to fifty thousand. Depending on the speed and the phasing of construction, certainly one phase helps.

Ms. Ford: So, thirty to fifty thousand for the entire project of these forty three homes right?

Warren Lee: That is my estimate.

Ms. Ford: Okay. Do you have thirty to fifty thousand sitting in your budget that we can just expend to do this?

Warren Lee: Well, I have thirty to fifty thousand this year. I'm not sure about next year. It depends on the good graces of the Council and the Mayor.

Ms. Ford: But you have, you have this excess amount of money in here to, to do the inspections without getting paid for it.

Warren Lee: We would make it work. Basically, also let me say, is that the fees that are collected go into the general fund.

Ms. Ford: Okay.

Warren Lee: There isn't a building fund, so we draw from the general fund. That's how the building inspectors get financed.

Ms. Ford: Alright, thank you. I actually object to this because I don't think the County can afford this. We've been talking for weeks about how much money we don't have and how we would lose money. But this is a taxpayer issue because the taxpayers have to pick this up. So, in order to do this, the taxpayers have to pay for this amount. Secondly, the first two amendments to suspend all phasing requirements, this is, although it's in the actual ordinance, it's, this is a throwaway. Who cares if they build the increments simultaneously? Nobody from the County is going to run out and say "Stop the project. They're building both increments at the same time." It isn't going to happen. If we went to three increments, then we'd have something to discuss. So I don't think this is worth anything. I think it's a throwaway.

But the last one, the, eliminating the requirement to construct curbs, gutters and sidewalks, whether or not we want to do that. And frankly, I don't have a problem with doing this, the problem is, this is an amendment to the original ordinance coming through as an exemption. It's not. It actually amends the ordinance. I mean, the ordinance won't change, but that's what they're trying to do with this, is to amend the ordinance.

And Ms. Self and I had a very difficult discussion last week. And so therefore, I would like to amend this exemption resolution with the contents of proposed draft two, which you all have in front of you that I handed out this morning for the

sake of discussion. If we allow this type of thing to happen, instead of making the ordinance go back through the Planning Commission and come back up to us, for the appropriate changes. It is my position that what we are allowing is a developer to change the conditions of an ordinance without the Council, without a Planning Commission, without even the Planning Department being part of this. I think this is inappropriate. I don't, I understand Ms. Self is working out of HRS 201(H)38, but the problem is, there was something left out. This, it can happen, provided that number three, a three, the legislative body of the County, which means when it gets up to the Council, in which the housing project is to be situated shall have approved the project, which we did, it was done thirty one years ago, with or without modifications, which means we can make the modifications. So, these are the modifications.

There's illusions to the fair share, which is by the way not encoded anywhere in our chapters, it's only in the, there's impact fees in the HRS but no fair share. So I think that if we put this in here, if we pass this in this manner instead of doing this by amendment, I think we're going to be setting a terrible precedent. Every developer could come here and say I want to be exempted from fair share. I want to be exempted from curbs, sidewalks and gutters. I want to be exempted from everything the Planning Commission and the Council put into the ordinance. I am very much in favor of affordable housing but this process totally eliminates home rule of any sort. So I'm asking the Council to pass this amendment that I'm proposing, which basically puts all of the things that should be in the ordinance into this resolution. It puts in the twelve foot swales that we talked about last time.

Mr. Ilagan: Mahalo Member Ford. If you want to move that amendment, may I have a motion?

Ms. Ford: So I move to amend this exemption with the contents of proposed draft two that I've handed out for the purposes of discussion.

Mr. Ilagan: Do we have a second?

Mr. Onishi: Second.

Mr. Ilagan: Moved by Member Ford, second by Member Onishi, any discussion on the amendment?

Ms. Ford: Yes. It's my amendment.

Mr. Ilagan: It sure is. Member Ford.

Ms. Ford: Thank you. I'll keep this short. Basically, what I put in here is everything that should have gone into the ordinance that I tried to get into last week, or last meeting. But I spelled it out. I spelled out what the fair share should be. I spelled, despite the fact I think fair share is illegal. I spelled out that all the homes besides the forty three supposedly affordable homes will be paying fair share. Because certainly Hilo deserves to have some fair share in this kind of a thing. I put in everything here, as you can see, and I'm asking you to pass this amendment to this resolution and let's move forward. Thank you.

Mr. Ilagan: Member Kern.

Mr. Kern: Thank you Chair. I think this takes a relatively simple issue of a few exemptions that generally works this way and makes it much more complex. Which, again, gives people the wrong impression when they want to come in to do a project here that will actually increase our tax base. While this, the exemption of the inspection fees will have a negative financial impact on us right at this, maybe particular moment, the benefit to actually having that taxable base and the taxes that we will receive on that over the years to come, will far outweigh any minor break that we give these folks to secondly, build affordable homes. This is, this is crazy. This is what we should be doing, working with peoples, working with developers and agencies to find the middle ground, to find balance. And again, this takes three simple exemptions that, according to Mr. Arnett, are pretty common. And it's not even that heavy compared to some other projects that we've had come in and makes it complicated. Again, the more we do this, we won't have any affordable housing and we won't have any tax base, we won't have any jobs and our kids can leave. I will not support that. I will never support that. So, therefore I believe we need to vote this amendment down and I'll talk on the original motion when that time comes. Thank you.

Mr. Ilagan: Member Wille?

Ms. Wille: Yes, thank you Chair. I want to focus on the exemption concerning the sidewalks.

Mr. Ilagan: Member Wille, we're on the amendment currently.

Ms. Wille: Yeah. Yeah. That's what we are, on the amendment.

Mr. Ilagan: Okay.

Ms. Wille: Okay. There are three, as I see it, and I'm just trying to take this all in, quickly, basically, three different points that Member Ford brought up. One is the phasing. I don't have a problem with the phasing, how they're doing it. And let me just say that on the County fees, that there is a balancing. I tend to agree with Member Kern on that. I think that this is, again, balancing. We are supporting this, I don't have a problem and we'll just have to get more money for Warren Lee.

But, I do have a problem, a big problem on the eliminating the sidewalks in the subdivision. Pedestrian safety is, we have the highest number of pedestrian deaths and accidents, at least in my district. This has been in our CDP's, the, probably the highest priority. There's also State legislation to make pedestrian traffic in circulation, even a higher priority than accommodating automobiles. At the same time, I'm not necessarily saying it has to be six foot wide sidewalks and, I don't have a problem trying to reduce the hardscape. But I do have a problem eliminating it. I will oppose this. I think it's very important. I also feel that there's some precedent. I was working with a developer representative concerning Waikoloa in order, not necessarily to put in sidewalks, but to provide adequate pathways that are traversable on a practicable level. So, I would entertain some kind of exemption, but not where it's eliminating. It's just, to me, this, I also feel, I've just been in Honolulu saying we won't tolerate avoiding home rule. We won't tolerate exempting if we don't, have a problem with a requirement; we ought to change the requirement if it's not good enough.

So, again, just to summarize, I agree with the, I'm okay with the exemption phasing. I'm okay with the exemption on fees. I'm not okay with the complete exemption of all pedestrian access ways. Thank you.

Mr. Ilagan: Member Onishi?

Mr. Onishi: Thank you Mr. Chair. Home rule was brought up twice so far in discussion. I think that's, this is the body that does the home rule. So I don't see why you folks are saying it's being exempt, the home rule. Cause we are the ones making decisions for the home rule, for this County. So, I

don't see what you guys are arguing about home rule. But, I just needed to say that. Thank you.

Mr. Ilagan: Member Kern?

Mr. Kern: Thank you Chair. I think there's maybe a misperception of what the swales are in eliminating the curbs, gutters, sidewalks. Have you ever been in, Ms. Wille, can I. Chair can I ask Ms. Wille a question?

Mr. Ilagan: Yes you may.

Mr. Kern: Have you ever been into Sunrise Estates? In Hilo, off of Kaumana, I mean Komohana.

Ms. Wille: No.

Mr. Kern: No.

Ms. Wille: But we do have that in, around, in Waimea. Even around the Parker Ranch Center and Luiala'i subdivision.

Mr. Kern: Okay. Mr. Lee, would you please come forward? Please identify yourself one more time. Please identify yourself one more time.

Warren Lee: Warren Lee, Director of Public Works.

Mr. Kern: Thank you. The way that I understand, if we exempt this project from curbs, gutters, sidewalks, they will have to pave out the swales which will be about what, ten to twelve feet wide? Is that accurate? On the shoulders.

Warren Lee: The size of the swale will depend on what the hydraulic studies that the developer comes up with and you know, how then want to make it. We have standards that they can work from, but each project in itself, you know, has its own personality or characteristics. But it could be ten to twelve. It could be less.

Mr. Kern: What would be the minimum width on the shoulder?

Warren Lee: I'm sorry. Can you repeat the question?

Mr. Kern: What would be the minimum width they could go? On the shoulder, on the shoulder width.

Warren Lee: Shoulder width?

Mr. Kern: Yeah. Could they go four feet wide if that worked?

Warren Lee: Usually shoulders are, anywhere from at minimum three feet. We certainly, we'd like to have it wider. This is a, would be a designated pedestrian, bike way. Not necessarily to normal standards but certainly wide enough so public health and safety would not be compromised.

Mr. Kern: And what you will be in charge of overseeing that part, to make sure that the shoulders are wide enough? Public health and safety is not compromised?

Warren Lee: We generally are, yes. And the plan review, during the plan review process, and during the construction, of course.

Mr. Kern: Yeah. Okay. Thank you, Mr. Lee. Mr. Pappas, do you have a, would you be okay with putting a minimum width on the shoulder?

Jim Pappas: Yeah. I know we've had this discussion. Gordon Inaba is our engineer and he's the one who works with Public Works and I know that we'll do whatever is necessary according to health and safety there. And that's always been discussed and part of, what I think, everybody would want. We're not trying to avoid any standards in anything that we've asked. Everything will be built to the County standards as they shall decide, of course.

Mr. Kern: You have the civil drawings done, complete yet?

Warren Lee: No. We've had to wait, basically, because this is a key element for us, as you know, the cost that I've mentioned. So, we've stopped our plans until we have a final determination of is this feasible for us to go forward.

Mr. Kern: Okay. Do you, Mr. Lee, feel that we should have maybe put in there a minimum shoulder width in this exemption? Because right now it's exempting its curbs, gutters, sidewalks. My concern is we exempt curb, gutters, sidewalks, I'm seeing it as a picture in my mind with a nice, wide shoulder you can walk, do the, you know, the baby stroller or whatever. But, if it comes out to be three feet wide, I'm not going to feel really good about that.

Warren Lee: If you want to put something definitive in to the bill...

Mr. Kern: Into the exemption.

Warren Lee: Into the exemption, which to say it follows the County standards, I think that'd probably be more applicable.

Mr. Kern: That the shell be built to County standards, is that right, basically?

Warren Lee: That is correct.

Mr. Kern: Okay, very good. I'm going to, after we deal with this motion, I'll make a move to make a motion on that one. So we do have that requirement in there. Again, I support this, this makes sense. We're going to have a tremendous amount of value both in the community as well as tax base through a project like this. It's important that we're not, you know, penny smart and dollar foolish. We tend to flip flop back and forth on that in situations and I think we really have to look at what the best impact for our community would be. And in this case, I think being penny smart and dollar foolish will have a really negative impact on us moving forward in Hawai'i County as a whole. The less money we have, less parks, less roads, less infrastructure, less public safety. Again, it's all about finding that balance and doing the right thing and doing it right. I think we can do that here with keeping the exemptions the way that they are with maybe adding in the verbiage to County standards, which will make it, make sure that shoulder width that we need, a yield.

Mr. Ilagan: Member Wille?

Ms. Wille: Yes. Thank you. Warren, in Waimea we do have those swales such as along the Bank of Hawai'i building and into the, in front of the Post Office, on one side and most, a lot of people find that really dangerous. Anyway, there is no real separation from the cars to the pedestrian traffic. I support what Member Kern said, and I just wonder if we were to say something, swales to County standards or as otherwise required by Public Works to ensure pedestrian safety. I mean, I just want to give a little more flexibility. One thing that happens in some areas is flooding in those swales, and then everybody jumps into the road. And I've just seen a lot of problems with it in Waimea. So, I don't mind trying to strike a balance, moving it forward, but again, I want to stress, pedestrian

safety is really important to me and I'd like to give you maybe a little bit more discretion. So I'm going to, whatever time it's appropriate, perhaps make Member Kern's amendment a little bit stronger and provide you a little more flexibility, unless you say, Margaret, you know, it's not going to do any good, or you're, you feel there's plenty of pedestrian safety the way it's set up and adding anymore would really not add anything. I don't know. I mean that's my feeling. I'd like to give you a little, empower you a little bit more on this and just to focus on the pedestrian safety issue. So, Member Kern I was supporting you. I might try to a little more language to strengthen it.

Mr. Ilagan: Member Wille. Any more discussion on the amendment? We're going to go to Member Yoshimoto.

Mr. Yoshimoto: Thank you Mr. Chairman. If I could call Corporation Counsel Amy Self to the table in Hilo?

Amy Self: Good morning. Deputy Corporation Counsel Amy Self.

Mr. Yoshimoto: Good morning Ms. Self. Have you had an opportunity to review the current proposal we have before us?

Amy Self: I have briefly looked through it while the meeting was going on. I haven't, well the first question I would have is it looks like it's amending an ordinance by resolution. And I don't understand why you wouldn't, if you're going to amend the ordinance, it should be a bill to amend the ordinance rather than a resolution amending the ordinance. Cause they're simply asking for, this is, you know, this is pursuant to 201(H)-38 where they simply request exemptions from any law, whether, any County law, rule, whatever for an affordable housing project. And it, you know, the State law requires it to be by resolution and to be approved or approved with modifications or denied by the County Council. So, I don't, from what I've looked at thus far, I don't think this is a proper way to do this. We, you know, it's just a, we start out with just a resolution asking for the exemptions and that's what's required under two oh one h dash thirty eight.

Mr. Yoshimoto: Okay so the present, well prior to this amendment being made, the process was fine the way we were doing it. Is that correct then Ms. Self?

Amy Self: Yes.

Mr. Yoshimoto: And so what you're saying here is that this submission, well, isn't consistent then with how you're supposed to amend an ordinance with a bill rather than a resolution. So, I understand what you're saying. Okay. Any other comments you wanted to provide for us while we're on this amendment?

Amy Self: No. That's, that's all I have.

Mr. Yoshimoto: Okay. Thank you Ms. Self. Thank you Mr. Chairman.

Mr. Ilagan: Any other discussion on the amendment? Member Eoff.

Ms. Eoff: Thank you. It, it seems to me that possibly this is not the proper process to amend the ordinance. Ms. Ford has incorporated the exemptions from Exhibit A into, into her amendment. However, I think if we were to elaborate upon the swales, as we've talked about, by providing stronger language about how that requirement would be met to exempt this development from the curbs, gutters and sidewalks. I would prefer to see us do it in this manner. And the resolution that the Housing Agency brought forward has already been amended to make a few corrections that were necessary. So we have an amended version of the resolution and we need to amend the exemptions, and then I think that might be, because otherwise this proposal by Ms. Ford, whether it's correct or not, I'm not totally sure, but in any rate it would have to go back to the Planning Commission, which is going to delay this project for affordable housing, which I know we need. Thank you.

Mr. Ilagan: Member Ford, would you like to withdraw your amendment?

Ms. Ford: No, I'd like to talk to it.

Mr. Ilagan: Member Ford.

Ms. Ford: Thank you. First of all, I'd like to add something to what Ms. Wille said regarding the swales. There's no bike lanes in here. We are completely lacking multi-modal transportation. Even if the pedestrians can walk on here, this isn't a, they need to be separated from a potential bike lane. And that's not on here.

Second, this Council apparently, the new people may not understand, that when you build housing at a hundred forty

percent of median income, that is market based housing. People who make sixty and seventy thousand dollars a year for the family income, can afford to buy housing. It's the people who make a hundred percent and less who can't find it affordable housing. And this particular issue will come up over and over again because most of the developers will try to build as much of the housing at a hundred and forty percent as they possibly can. And if you look at the amendment, you will see that 22 of the 43 homes are going to be for people earning less than a hundred and forty percent of median income. That means, semantically that they can build it at a hundred and forty percent, that's not affordable housing. Mr. Arnett can explain to you that that's not affordable housing. Maybe by law, it is in the affordable housing range, but it is not affordable. And that's the problem we have here. We keep building market value based housing, and our affordable housing is way too expensive for people to buy. And you can see that all over on affordable housing.

The next, the last issue is, Ms. Self, I have a question for you. On this exemption resolution, my understanding is when you have a resolution the law portion of it takes place from the be it resolved by the Council, this says by the Council, of the County of Hawai'i, it doesn't say the agency, it says the Council, because this will go up to the Council. Everything below that becomes quote, I hate to say the law, but that's all I can think of, unquote is, and everything above it is just an explanation of what's going on. Is that correct?

Amy Self: Well, the whereas' is what indicates what's going on and be it resolved is what you're actually accomplishing through the resolution.

Ms. Ford: Thank you. Thank you. So the whereas statements are informational but unless all of these things in the whereas statement follow the be it resolved, the developer does not have to adhere to it because it's what becomes after the be it resolved by the County Council of Hawai'i is what has to be done. So if we pass this, we're saying Exhibit A, that's all they have to do and they don't have to do the affordable housing portion. There's nothing, legally, after the be it resolved that says they're going to do this. They talk about it. All the things we talked about today and last time, have been talked about. None of it is in the be it resolved stuff as the what has to be implemented.

Amy Self: Well, there's also the housing agreement that they have with OHCD. And,

Ms. Ford: What housing agreement?

Amy Self: I also wanted to...

Ms. Ford: Excuse me but what housing agreement? What housing agreement?

Amy Self: There's, the affordable housing agreement. They have to have an affordable housing agreement

Ms. Ford: I don't have that.

Amy Self: under the Housing code. That's under the Housing code.

Ms. Ford: Do we have, where is it? I haven't seen that.

Amy Self: It's at the Housing department.

Ms. Ford: Okay so this, this agency is not privy to whatever that agreement might be? Please go on.

Amy Self: Anyway there's also a problem, if you, I'm, so I'm referring to the amendment, I don't know what happened to Exhibit A but now it's saying Exhibit B. So I don't know what happened to that.

Ms. Ford: May I explain that? Exhibit A is with the original ordinance. It is the map of the subdivision, it's the last page of, should be the last page of this amendment. And if you look in the lower left hand corner, you will see Exhibit A. I changed this to Exhibit B so there'd be no confusion.

Amy Self: Okay but I want to point out that, there, the exemptions they're asking for aren't only contained in ordinance seven sixteen, they're also asking for a change of, they're also asking for an exemption from building permit fees, subdivision inspection fees, so those aren't even part of the original seven, ordinance number seven sixteen. So this resolution is

Ms. Ford: Actually they are. Actually they are. The phasing is in condition b and the curbs, gutters and sidewalks are in condition f.

Amy Self: No, I'm talking about exemption number three. Hawai'i County fees.

Ms. Ford: Oh, that's the only one, that's the only one that truly is an exemption. The other two are amendments to the ordinance that you're doing by resolution.

Amy Self: But the resolution covers any exemptions that are contained in, I'm trying to the statute for you, they can be exempt, they can ask for exemptions from all statutes, ordinances, charter provisions and rules of any government agency relating to planning and zoning construction standards for subdivisions and so forth. So that's why, and it's required to be done by resolutions. So that's why there's a resolution that is, that's why this thing is brought by resolution cause it's per statute. And it merely requests, it sets forth the exemptions from any ordinances, laws, codes, whatever, in one resolution. And the whole purpose behind this is to fast track affordable housing and to make it affordable so that affordable housing can be built. So, the whole point is to make a simpler process when you're trying to get affordable housing built. So the resolution merely states what they're asking for and then the Council just votes, you know, within 45 days after receiving it. The Council will either vote for or approve, vote to approve the exemptions, approve it with modifications or deny it. So it's just up to the Council to vote for it or to deny it. And so at the Housing Agency, I guess your, it's just for purposes of discussion at this level and then later it goes up to the Council.

Ms. Ford: Ms. Self, would you please answer the question about the fact that nothing after the be it resolved contains anything that's in the whereas statements is not enforceable? We do not have a Housing Agency whatever it was that you called it. This, this agency is not privy to that document, so the only thing we have is what's in this resolution. And there's nothing in the be it resolved that indicates that they're going to do fair housing, at all, much less the swales and much less anything else. The only thing that I see in the exemption that is truly an exception is the point two five percent of the inspection. The rest of it are amendments to the ordinance and now you're denying that we can, that this agency has the authority to make additional amendments to the ordinance, or to this resolution for that matter.

Amy Self: Well,

Mr. Ilagan: Ms. Self and Member Ford, hold on. We, I'm just going to clarify some things. From my understanding right now, the technical part of this resolution is kind of murky. And let's start back to the subject and the substance of this amendment. And start from there Member Ford.

Ms. Ford: Thank you, I would be glad to.

Mr. Ilagan: Go ahead.

Ms. Ford: Thank you. Because this, the original exemptions came through with amendments to the content of the ordinance, I feel that if you are going to allow that, if Corporation Counsel is saying that's okay to do it this way by resolution, then it's okay to add other amendments to this resolution exemption. And I have added everything I think is important to protect the people and the taxpayers of this County. If the Council chooses not to do that, that's okay, it's you know, up to the Council. But please be aware that the exemption resolution, as it stands, has nothing after the be it resolved clause to enforce anything that they're asking except what is in Exhibit B. There's nothing in there to say you're going to build 43 homes that meet HRS, nothing in here about the roads, I'm sorry, strike that, nothing about fair share for the rest of the property. Fair share was not addressed 31 years ago. This is, this came out, what is it, is it 31 or 22? Decades ago, we didn't even have fair share back then. So the rest of the housing will not be subject to fair share, in whether I think it's legal or not. That means this developer is getting preferential treatment compared to every other developer, development that brings forward an ordinance. That is arbitrary, capricious and discriminatory. It's not right, which is why I had to do it this way.

Now, if the Council prefers, I can withdraw this, I can go back, if as long as it's postponed, this whole issue, I will go back and I will amend the ordinance and put it through the proper channels. I want to get affordable housing in here too. But this resolution is not written correctly.

Mr. Ilagan: Member Ford? I'm going to ask Member Yoshimoto, would you, how do you feel? Would you rather have Member Ford withdraw this amendment? Or we go for a call for the question.

Mr. Yoshimoto: Both are attractive actually. But no, I leave it up to Ms. Ford. I think we voiced our concerns quite clearly. I think we need to stay on the amendment, which is

what we're doing now. I think Ms. Poindexter wanted to speak, but since you gave me a brief opening Mr. Chair,

Mr. Ilagan: Go ahead. This is in your district.

Mr. Yoshimoto: Yeah. We only have 45 days, so we need to move this forward to Council in whatever way shape or form. Ms. Ford can do whatever she wants. We can vote it down or vote it up or whatever we want to do. But let's finish up with Ms. Poindexter and then call for the question.

Mr. Ilagan: I just want to also clarify, the time does not, does not start right now. It's when it gets to the Council, then the time starts ticking. But, I know there's a lot of Council Members that want to voice out their concerns. But in all due respect to the developer, I'm going to have him say what he needs to say. And then I'm going to go on to the other Council Members.

Jim Pappas: Thank you. Let me shed a little light cause I think Ms. Ford has brought up some interesting discussion points that have actually been addressed. There is another document that is executed between the developer and the department of Housing. And that document actually has very specific requirements in it. And if that document was here, and I'm sorry I don't have it with me, but we have executed an affordable housing agreement. It actually gets recorded and that one provides, of the 43 lots that will be available, and I may be wrong in my numbers a little bit, but it's either eight or nine of them have to be developed and sold at the eighty percent affordable level. The next tranche, and I think there is a Council approved new housing requirement on affordability, and we, this, we meet that. I think there's also then 11 units or 12 units that are built at a hundred percent. And then the balance of affordable housing is all built to a hundred, and I believe it's a hundred and twenty percent only, I think in the agreement, but there's limitations on it that meet that Council approved statute number one. In our written agreement, we have been very clear and the agreement states that the affordable housing are the only ones that are exempt from any of the other fair share, so specifically the forty lots that are market units will all pay their fair share, just for clarification. And that's in a written agreement.

Ms. Ford: Thank you, point of order sir.

Mr. Ilagan: What's your point of order?

Ms. Ford: I think that this Council can't make an informed decision without seeing the document that Mr. Pappas is recommending, or is referring to.

Mr. Ilagan: I hear your point of order. Right now we are going to discuss on the amendment and I'm going to go with Member Poindexter.

Ms. Poindexter: And I just wanted to make a clarification on a statement, with no disrespect to you Ms. Ford. But I just want to get this clear so we don't have a misperception out in the public that Ms., when Ms. Ford stated, the new people may not understand affordable housing. I just want to let you know, I'm one of the new Council Members and I totally understand affordable housing because I have worked for many years with the Hawai'i Housing Authority and our County agency when I was working with the Office of Social Ministry. So I just want the public to be aware of that a lot of us new people here on the Council are, not oblivious to issues that come before the Council, cause we have been out working in the private sector and sometimes in the public sector. So I just want to make that clarification that, so with no disrespect. Thank you.

Mr. Ilagan: Council Member Kern.

Mr. Kern: Thank you Mr. Chair. Again, taking a relatively simple subject and getting very deep into something that should be relatively simple, we have a very competent Housing Director, Mr. Arnett. We have an attorney, our attorney, Deputy Attorney Amy Self saying that this is all allowable, we're on track here. We should just simply vote for this. Again, it's simple. It's going to have a good impact. The more that, my caution is, I want things to be right, but my caution is the more that we nitpick, take our time, dilly dally, postpone, it sends the message out to anyone else looking at doing anything, oh it's hoop after hoop after hoop after hoop. I don't want to have a open door policy anything happens but I think we should be working together and be, have a mutual respect on what the developer, the people of the public need out there. And I agree that affordable housing is not a hundred and forty percent of the value. They obviously have in their agreement that it's not all a hundred and forty percent of the value but that's a separate issue, that's separate law. What we need to deal with right now is this project so it can move forward and people can actually start getting to work. With that, I move to call for the question.

Mr. Ilagan: Do we have a second?

Mr. Onishi: Second.

Mr. Ilagan: Moved by Member Kern, second by Onishi, there's no discussion on call to question. All in favor say aye.

Mr. Kern: Mr. Chair, this is for the, just point of

Mr. Ilagan: This is for the amendment.

Mr. Kern: Correct.

Mr. Ilagan: This is call to the question for the amendment for clarification,

Ms. Ford: With no discussion?

Mr. Ilagan: There is no discussion for call the question. It goes straight to vote and since this is, seems like a controversial issue, we're going to do a roll call. Deputy Clerk would you please...

?: Point of order, before, but there was a motion on the floor from Member Kern as to his, he made a motion for an amendment to add that language

Mr. Kern: I said I was going to.

?: No.

?: Oh okay.

Mr. Ilagan: We're going to move on. Deputy Clerk, could you call for roll? On the

Jeanette: Call for the question.

Mr. Ilagan: What we're voting on is the amendment.

Mr. Kern: No, we're voting on call for the question.

Mr. Ilagan: Actually, what we're voting on is the call for the question. If this goes through then we're going to vote for the amendment.

Jeanette: Okay, on the call for the question, Member Eoff?

Ms. Eoff: Aye.

Jeanette: Member Ford?

Ms. Ford: Aye.

Jeanette: Member Kanuha?

Ms. Kanuha: Aye.

Jeanette: Member Kern?

Mr. Kern: Aye.

Jeanette: Member Onishi?

Mr. Onishi: Aye.

Jeanette: Member Poindexter?

Ms. Poindexter: Aye.

Jeanette: Member Wille?

Ms. Wille: No.

Jeanette: Member Yoshimoto?

Mr. Yoshimoto: Aye.

Jeanette: Chair you have eight ayes on the call for the question.

Mr. Ilagan: Thank you. Now moving on to the amendment, and Deputy Clerk? Now this is, for clarification, we are now voting on the amendment for the main motion of the resolution. This is Member Ford's amendment.

Jeanette: Yes, on the motion to amend with proposed draft two. Member Eoff?

Ms. Eoff: No.

Jeanette: Member Ford?

Ms. Ford: Aye.

Jeanette: Member Kanuha?

Ms. Kanuha: No.

Jeanette: Member Kern?

Mr. Kern: No.

Jeanette: Member Onishi?

Mr. Onishi: No.

Jeanette: Member Poindexter?

Ms. Poindexter: No.

Jeanette: Member Wille?

Ms. Wille: No.

Jeanette: Member Yoshimoto?

Mr. Yoshimoto: No.

Jeanette: Chair Ilagan?

Mr. Ilagan: No.

Jeanette: Chair Ilagan you have one aye.

Mr. Ilagan: Thank you Deputy Clerk. Moving on to the main motion on the floor on this resolution, any discussion?

Mr. Kern: Mr. Chair?

Mr. Ilagan: Council, Member Kern.

Mr. Kern: Thank you. On exemption number two where it, after it says drainage and swales, I'd like to amend it to continue to say built to County standards.

Ms. Ford: Point of order.

Mr. Ilagan: What's your point of order?

Ms. Ford: We're supposed to be using written changes, especially if it's substantive. Only typographical errors are supposed to be on the floor amendment.

Mr. Kern: Thank you Ms. Ford, I did check with LRB and I was told that I could do this by voice. This is, with one of our LRB representatives here. Being that this is not a

Ms. Ford: I'm sorry, point of order.

Mr. Ilagan: Hold on, hold on, hold on, hold on.

Mr. Kern: This is a County agency, it's not, our rules don't apply the same as in Committee.

Mr. Ilagan: That's correct and I'm going to let Member Kern carry on.

Mr. Kern: Thank you. So it would read in section two after it says the Hawai'i Zoning Ordinance seven one six etcetera, it'll say eliminate the requirement to construct concrete curbs, gutters and sidewalks and allow subdivision roads to be improved with paved shoulders and drainage swales built to County standards, and then the rest of it would continue as is written.

Mr. Ilagan: The amendment on the floor is to eliminate the requirements to construct concrete curbs, gutters and sidewalks and allow subdivision roads to be improved with paved shoulders and drainage swales built to County standards. Is that correct?

Mr. Kern: That is correct.

Mr. Ilagan: Do we have a second?

Mr. Onishi: Second.

Mr. Ilagan: Second by Member Onishi, any discussion on the amendment?

Mr. Onishi: I do.

Mr. Ilagan: Member Onishi.

Mr. Onishi: Thank you Mr. Chair. Mr. Lee, can you move, come forward please? Cause I think when we go by saying County standards, it could be different widths. Correct?

Warren Lee: Warren Lee, Director of Public Works. Yes, we do have several County, there are multiple County standards.

Mr. Onishi: Right, right. So I think if we, you know, like, what is the minimum that they could go? The width.

Warren Lee: The minimum width on the shoulder? Is that what we're referring to?

Mr. Onishi: Yes, yes.

Warren Lee: Well we've seen anything from three feet to four feet minimum and some cases it has been wider.

Mr. Onishi: Right, right. And I've seen that too. And so, what I think you're meaning is, you need to specify, cause like we, they mentioned about bike lanes, cause this going include the bike lanes and this is going include where people are going to be walking with, you know, with the baby carriage and stuff like that, so safety wise. Plus the swale like Ms. Wille had mentioned, about that's going be part of the flood, of the water, the drainage, correct?

Warren Lee: Right.

Mr. Onishi: So if it's raining, especially maybe in that area, yeah so the people going get one hard time, if it's three feet wide right. And so I think that's where we got to look at maybe the changing of the amendment. But then also, you know we have to also look at the developer too because you don't want to make it too wide then they're going to have to take too much property and then the cost going be high again, correct?

Warren Lee: Mr. Pappas?

Mr. Onishi: Do you have any comments on that?

Jim Pappas: I think you'll find the streets are sixty feet wide in the subdivision and so I don't know what the minimum requirement is and what has been designed. But I certainly know that there's a fair amount of room there, I don't think this is at a minimum. But the drainage issue by the way is all taken care of on-site with dry wells so,

Mr. Onishi: You have dry wells?

Jim Pappas: Yeah, so no water is basically going off-site.

Mr. Onishi: Yeah, but I mean, but there still would be, like, areas where it has to go through a swale to the dry well, correct? And cause, right above my parents' home, this subdivision, and I don't understand, the Council prior to me passed the zoning, but it's like hundred fifty no, two hundred thousand dollar lots, with no curbs and sidewalks. It's all swales and so what, so it's done in different areas. But I think too, maybe, we should do this amendment once we pass this in Council. Because then we'll give time for Members to talk to Public Works and also to the developer to make sure what is the, I guess, the most efficient width of the sidewalk should be or the swales. Thank you.

Mr. Ilagan: I'm going to get the, have the floor to Member Kern on your amendment. How do you feel after hearing that?

Mr. Kern: Yeah, I was originally inclined to actually put a minimum width on it as well but with that being said, I'm okay with amending it at Council and withdrawing my motion now and moving this forward, with the intention of moving this forward, talking story more with, you know, our Director Warren Lee and coming up with the right number. Cause right now while we may throw out a number, we may throw out a number, it might not have the due diligence necessary to make the best decision. So with that, I'll withdraw my motion.

Mr. Onishi: And I'll withdraw my second.

Mr. Ilagan: Just to clarify, there's no amendment on the floor. We are back to the main motion. And on discussion, I'm going to bring it to Member Wille.

Ms. Wille: Thank you very much. I would like to make a motion that goes along with the intent of Member Kern's but as I'm trying to give the Public Works a little more leeway in terms of assuring sufficient standards for pedestrian safety. What I've written out is, and this is on number two, regarding curbs, gutters and sidewalks, and it would read: eliminate the requirement to construct concrete curbs, gutters and sidewalks and instead require, cross out the word allow, the subdivision roads to be improved with paved shoulders and drainage swales to County standards and as otherwise required by the Director of Public Works to ensure safe pedestrian access in and abutting the residential development. Basically this, instead of..

Mr. Ilagan: Wait. Before you make your amendment, could you please clarify that one more time?

Ms. Wille: Yes

Mr. Ilagan: So we all are...

Ms. Wille: Let me make one point, is in the way it reads now, the conditions amending, it uses, it says eliminate such and such and then allow something else to be done. Allowing something else to be done, doesn't require it to be done. So, just in terms of that, and allow subdivision roads to be, to have swales and shoulders, I'm changing that language to say instead require shoulders and drainage swales to County standards and as otherwise required by the Director of Public Works to ensure safe pedestrian access in and abutting the residential development. So I just tried to turn it over so you're working

(Inaudible)

Ms. Wille: Yeah. And I know it has to be in writing and..

(Inaudible)

Mr. Ilagan: Hold on.

Ms. Wille: No it doesn't? Anyway, I'm making it (inaudible)

Mr. Ilagan: We first need to understand what the amendment is. Now Member Wille, I'm going to work with you on this one. This chair has to restate the motion, at least so we understand. (Inaudible) Thank you. Okay so the amendment on the floor, the motion for amendment is to, okay, what's being amended is eliminate the requirement to construct concrete curbs, gutters and sidewalks and, added in, instead require the subdivisions roads to be improved with shoulders, drainage and swales to County standards and as otherwise required by the Director of Public Works to ensure safety, safe access and abutting the residential development. Can we have a second?

Ms. Ford: Second.

Mr. Ilagan: Second by Member Ford. Any discussion on the amendment?

?: Ms. Wille.

Mr. Ilagan: Member Wille?

Ms. Wille: Yes. I'm basically trying to expand what Member Kern was saying and let's ensure that we are providing safe access without adding on more cost and more hardscape than is necessary to do so. So, I there are areas where swales and shoulders may not be adequate where, for example, problems with kids using them on their, whatever those skateboards are or something. But I'm trying to give the developer and the Public Works to work out this. We need to have adequate safety regardless of if it's affordable housing or any kind of housing. And I don't feel I can figure out the width and what this is, but I am hopeful this is something that Warren Lee and his staff, including Ron Thiel, who is very knowledgeable about pedestrian issues, can help with, and again, for me, it's also the more we can eliminate hardscape, the better the environment is. But I'm not willing to, I want to be sure that there is pedestrian safety. That's all.

Mr. Ilagan: So for clarification on the amendment, the only thing that's being changed is instead of and allow subdivisions, it's, that wording is changed to require. And it's going to be to County standards and as otherwise required by the Director of Public Works. So that's the clarification of the amendment, so it's pretty much like Member Kern's amendment, except it's added with and Director of Public Works input and instead of allow, it's require. So that's the change of amendment.

Ms. Ford: Oh my god, no, no.

Ms. Wille: That's a little confusing.

Ms. Ford: Point of order. She read it correctly, you're changing it now so are you making a subordinate motion?

Mr. Ilagan: No. I'm making a clarification on the amendment.

Ms. Wille: I had a little trouble following you. If you just, when you read the language

Mr. Ilagan: Yeah, the language is what you changed is the sidewalks and instead of sidewalks and allow subdivisions, you had put instead require subdivisions.

Ms. Wille: It requires, it requires the swales and whatever to County standards, is the important point, and the second point,

and as otherwise required by the Director of Public Works to ensure public safety.

Mr. Ilagan: Yes, that's what I just pointed out.

Ms. Wille: Yeah, okay. I just was a little confused. Okay.

Mr. Ilagan: Okay. Since we're short on time and the next committee is going to start at ten, eleven, I'm going to take a five minute recess, ordered by the Chair.

Recess

Mr. Ilagan: Currently the Council, the Member of the Housing, the Hawai'i County Housing Agency, the amendment on the floor is similar to Mr. Kern's the only thing that's added is and otherwise required by the Director of Public Works.

Ms. Ford: Point of order. I'm sorry Mr. Chairman, point of order. No offense, you have no right to try to restate this differently, Ms.

Mr. Ilagan: Member Ford,

Ms. Ford: Wait, please let me finish

Mr. Ilagan: I heard your point of

Ms. Ford: Ms. Wille read it the way she wanted it. I seconded it. You cannot restate it in a different manner.

Mr. Ilagan: Member Ford, I'm clarifying the amendment. The way Member Wille read it and have it down, no one can understand it. No offense. I'm making it so everybody here can understand it. There's two ways we could do this, and Member Wille if you'll work with me on this, is we can withdraw this motion or we can move this to Council and have a written amendment so everybody can understand it. Now Member Wille, you have the floor. What do you, what would you like to do?

Ms. Wille: Yes. I will withdraw and move it forward and I will be submitting an amendment at that time.

Mr. Ilagan: Thank you. Thank you very much. Now, I, we're short on time, and I will

Mr. Kern: (inaudible)

Ms. Ford: My hand was up first Mr. Chairman

Mr. Ilagan: Member Kern?

Mr. Kern: Thank you Mr. Chair. We are back to the main motion now, correct? I move to call for the question.

Mr. Yoshimoto: Second.

Mr. Ilagan: Moved by Kern, second by Yoshimoto. Deputy Clerk?

Jeanette: Member Eoff?

Ms. Eoff: Aye.

Jeanette: Member Ford?

Ms. Ford: No.

Jeanette: Member Kanuha?

Ms. Kanuha: Aye.

Jeanette: Member Kern?

Mr. Kern: Aye.

Jeanette: Member Onishi?

Mr. Onishi: No.

Jeanette: Member Poindexter?

Ms. Poindexter: Aye.

Jeanette: Member Wille?

Ms. Wille: Aye.

Jeanette: Member Yoshimoto?

Mr. Yoshimoto: Aye.

Jeanette: Chair Ilagan?

Mr. Ilagan: Aye.

Jeanette: Chair Ilagan, you have seven ayes on the call for the question.

Mr. Ilagan: Call for the question has passed. Now moving on to the main motion, Deputy Clerk, please?

Jeanette: Member Eoff?

Ms. Eoff: Aye.

Jeanette: Member Ford?

Ms. Ford: No.

Jeanette: Member Kanuha?

Ms. Kanuha: Aye.

Jeanette: Member Kern?

Mr. Kern: Aye.

Jeanette: Member Onishi?

Mr. Onishi: No.

Jeanette: Member Poindexter?

Ms. Poindexter: Aye.

Jeanette: Member Wille?

Ms. Wille: Aye.

Jeanette: Member Yoshimoto?

Mr. Yoshimoto: Aye.

Jeanette: Chair Ilagan?

Mr. Ilagan: Aye.

Jeanette: Chair Ilagan, you have seven ayes.

Mr. Ilagan: Thank you Deputy Clerk.

Jeanette: You're welcome.

Mr. Ilagan: Moving on to the oral report, and there is no oral report and it looks like, may I have a motion for adjournment?

Mr. Kern: So moved.

Mr. Yoshimoto: Second.

Mr. Ilagan: Moved by Member Kern, second by Member Yoshimoto, all in favor say aye.

Council Members: Aye.

Mr. Ilagan: All opposed say no. The ayes have it. This meeting is adjourned.