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PUNA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Thursday, January 21, 2010
Meeting Minutes (Draft)

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CALL TO ORDER

1. Frank Commendador called the 3rd meeting of the PCDP Action Committee to order at 3:02 p.m. at the Kea'au Community Center with the following persons present:

   Action Committee: Frank Commendador, Madie Greene, Larry Higgins, Keikialoha Kekipi, Jeffrey Krepps, Wesley Owens, Daniel Taylor, Tim Tunison (Excused: Barbara Bell)

   Staff: Bobby Jean Leithead Todd (Planning Director), Amy Self (Deputy Corporation Counsel), Larry Brown (Planning Department, Project Manager), Rachelle Ley (Community Planning Assistant), Cynthia Lahilahi Verschuur (Recorder)

   Public servants: RJ Hampton (Legislative Assistant, 5th District, arrived at 4 p.m.)

   Members of the public: 25 members of the public

APPROVAL OF MINUTES

Dan moved to approve minutes. Madie seconded. December minutes approved as written by unanimous vote.

PUBLIC TESTIMONY

1. Kim Tavares, former steering committee member and working committee liaison for the natural resources and cultural resources working groups. Thanked the AC and told them she signed up to join the Malama I ka 'Aina subcommittee.

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Sub-Committee Reports (item 3 on agenda, bumped up since Planning Director wasn't present)

   A. Transportation

      (i) Members Wes Owens and Barbara Bell; Wes gave report.

- (ii) Reviewed proposed amendments, most don't relate to transportation. Looked at making contacts in state & county hwy depts for transportation, Hele-On bus issues.
- (iii) Reviewed Keaau-Pahoa Hwy Task Force recommendations: 7-10 yrs from now proposals include crosswalks at signals and roundabouts, transit pull-outs, turn lanes, bike lanes, realignments (3-4 intersections).
- (iv) Environmental Assessment for Shoulder Lane Conversion Project between Kea'au Humane Society and Shower Drive didn't consider a lot of things. Felt Planning Dept. responses were valid.
- (v) Meeting date not set, asked public to sign up; three people so far
- (vi) Dan asked for status on alternate corridor (PMAR). Wes said they haven't discussed, big can of worms. Larry B. said lacking funding for EA study and engineering, waiting for state/fed funds/County A bonds. Request in to Mazie Hirono's office for possible earmark funding. New capital improvement funds don't look likely.

B. Managing Growth

- (i) Members Larry Higgins and Jeffrey Krepps, Jeffrey made report.
- (ii) Reviewed amendments
- (iii) Looking at creating Working Groups based on sub-chapters of managing growth chapter of PCDP.
- (iv) Next meeting Feb. 4, 5 p.m. at Kea'au Community Center back room.

C. Malama I Ka 'Aina

- (i) Members Dan Taylor and Tim Tunison, Tim made report
- (ii) Highest priorities: water and shoreline, cultural resources in land areas, containment of black water waste within 100 ft mean sea level, protection of aquifer makai of Wao Kele O Puna.
- (iii) Considered forest resources
- (iv) Enacting biosphere reserve in Volcano area, would deal with forest degradation
- (v) Prioritizing: Depending on other committee members to guide them since they don't have connections in Lower Puna.
- (vi) Meeting not set.

D. Budget and Finance

- (i) Frank Commendador and Madie Green, Madie made report.
- (ii) Met Jan. 4, want to figure out how to seek funds from Planning Dept. to pay for CDP staff support.
- (iii) Meeting not set.

2. BJ Leithead Todd presentation (item 1 on agenda)

A. Budget: March 1, Mayor's budget comes out, awaiting state legislative budget. May loose $17 million TAT funds. County may get additional taxing authority. Talking about 2.5% sales tax on tangible personal property. Planning Dept. may have two furlough days/mo.

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B. CDP amendment process

(i) Public can propose amendments and submit to Action Committee (AC)

(ii) County Council (CC) can submit to Planning Director (PD), PD will forward to AC review for review and comment

(iii) Recommendations from AC may include proposed amendments from public, sub-committees, or members

(iv) After review by AC, PD forwards with comments to Planning Commission (PC) for review and recommendations to CC. If AC disagrees with PD recommendations, can send testimony or appear at PC hearings. PC holds public hearing and forwards recommendations to CC. CC can make non-substantive amendments without going back to AC & PC. Tag-on amendments can't be added to others in process.

(v) AC Members can testify before PC and CC as individuals, but must be authorized by AC to speak on their behalf. AC might want to designate a representative to testify before the PC and CC. Amendments adopted by CC and signed by the Mayor then become incorporated into the PCDP.

(vi) Amendment timeline

1. The Planning Director has 60 days or a longer period, as may be agreed to by the CC to submit recommendations to the PC. AC review and comment period is part of Planning Director review and comment period. Although AC is not being given an absolute deadline for submitting recommendations to the Planning Director, the process should be completed as quickly as possible. All AC decision making shall be in public meetings which provide for public testimony. When of the Planning Director receives the amendments proposed in Bill 194 from CC, they will be placed on next month's agenda.
2. For process to move, amendments need to get back to CC within a year, esp. if not extensive.

(vii) May want to break up amendments into sections to address at different meetings.

C. CDP implementation

(i) Capital Improvement Projects: AC should make recommendations to the CC regarding projects that should be included in the CIP if they would help implement the CDP.

(ii) AC needs to advocate for things like infrastructure, parks and public use structures in order to get money for those things. AC has more weight than average citizen. AC's role is to get County to do some things for the community's vision of Puna.

(iii) Amendments: What is needed to further items in original action plan, i.e. propose amendments to other codes: subdivision code, zoning code. AC would send recommendations to the Planning Director for review and possible action.

(iv) Look not only at the CDP, but the county code and budget in terms of getting implemented what you want. Budget process is just starting.

(v) Dan asked if studies would qualify for CIP budgeting. BJ said it would depend on the type of project and which department would be appropriate and have primary responsibility.

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(vi) Summary: takes consistent, sustained effort. Build alliances in communities and with other organizations, sometimes need Federal money. Have to be committed and willing to identify priorities. Can't have scattered approach, 20 projects. Better to focus on three. Make use of CC representatives, three in Puna area. Talk to other CC members, remember it takes 5 votes to pass something. Even in weak economy it's possible to get projects placed on the CIP. There may be a second federal stimulus package. Once on CIP budget, on for three years. Look for other funding opportunities.

(vii) Frank asked for deadline to get CIP list to PD. BJ said end of April need list to forward to CC. CC votes on CIP at first meeting in June. Even with all the amendments on the agenda, she said don't lose site of CIP or a year will be lost.

(viii) Frank asked for format to make recommendations. BJ said be specific in terms of reference/language/mapping in CDP.

D. Frank asked about agenda item 2 (requesting state legislation). BJ said deadline passed for introducing legislation this session. Can ask for amendment to state law. Send something to CC in letter. In lieu of selling lots, want authority at auction for county to bid on value of delinquent taxes. Then County would be able to get those lots. Have to have enabling legislation and have to protect private property rights. Need fund on which to draw money in order to bid on land, and authority from CC to put in bid. Right now county doesn't accept land transfer in lieu of delinquent taxes, but should be able to.

E. Frank asked the AC how they want to proceed in dealing with amendments? Form separate sub-committee or have sub-committees tackle them? BJ said some amendments may need to be dealt with as a package, might depend on other amendments passing.

Dan moved to form sub-committee to consider amendment package which can then make recommendations about parceling them out to other sub-committees.

BJ expressed concern that amendments were not on the agenda. Can form a sub-committee but an action to send amendment package to that sub-committee has to be done at a meeting at which amendments are on the agenda. Community needs opportunity to comment on the amendments before they are sent to sub-committee.

Larry H. seconded. Jeffrey abstained, all others in favor.

Wes asked who would be on the sub-committee. Frank and Dan volunteered.

3. Action Item 3.1.3. (B) item 4 and 3.2.3 (E): (item 2 on agenda)

A. Frank said land pooling or other methods are needed so village center concept can move forward. May want to look at other monies already out there to be able to retain property. Frank suggested sending a letter from AC to CC calling for implementation of this CDP action. Ask State to revise statutes. Frank said, Sen. Kokubun said the CC needs to address the issue before the state can look at it. BJ said that no one has made this request. Need to make a motion to ask CC to do this. CC will draft language.

B. **Keiki moved to make a recommendation to the County Council to submit a resolution to the State House and Senate proposing legislation enabling the County to retain lots delinquent in property taxes. Dan seconded. All in favor.**

4. Action Committee Support Budget

   A. BJ has already asked mayor to cut contractor budget. AC can ask CC to reconsider or ask the mayor to put money back in for island-wide CDP ACs.

   B. Madie suggested a letter to the mayor and that the AC go to the three county council members to request the 2010-2011 budgets of all AC and SC be reinstated. BJ said the PD will draft a letter for AC signature if the motion passes.

   C. **Wes made motion to forward letter to mayor requesting 2010-2011 budgets for AC be reinstated. Keiki seconded. All in favor.**

5. Action Committee Workshops

   Public testimony from Stephanie Bath- Spoke to Noelani Whittington at DPW about a workshop to educate on the process of requesting and implementing projects, i.e. how to request speed humps. DPW is in process of generating brochure… mini workshops might be helpful.

   A. Grant writing: three-hour grant-writing workshop during week of Feb. 22-26 to train on the eCivis web-based grant search engine, open to 25 participants. Larry B. mentioned that Bobby Jean's son could be a future grant-writing resource as he has written grants for the fire department. Set training for Feb. 24 at Aupuni Center or 25th if space is not available.

   B. Land owner presentations: workshop or AC meeting? Larry B. reminded the AC that they asked Bill Walters to be invited to speak to AC, and he is tentatively on the agenda for Feb 18. Dept. of Hawaiian Homes is also a potential guest.

   C. Dan asked about getting training on zoning codes, looking at Puna zoning specifically, to look at potential problems with ag and residential lands. Larry B. said that could get into a Sunshine Law conflict, need to stay on a very generic level. Details of state land use zoning, LUPAG designations, how they could impact development. Larry B. said he would look at putting something together.

ANNOUNCEMENTS

Frank talked about subcommittees, invited public to get involved, dates/times/locations of sub-committee meetings will be posted on website.

AGENDA PROPOSALS FOR NEXT MEETING

1. Presentations: Cheryl Soon status report, Dept. of Transportation, Mass Transit, Hawaiian Homes, Kamehameha Schools, fill into Feb, March, April, May agendas
2. Bill Walters was present and agreed to come to Feb 18. meeting to discuss Shipman Estate Master Plan
3. Amendments
4. Standing item for sub-committee reports

ADJOURNMENT

Meeting adjourned at 4:45 p.m..

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