

**Orchidland Community Association
Board of Directors Meeting
Approved Minutes
September 15, 2020**

Call to Order: President Steve (Mongo) Lyon presiding; this is the Board of Directors meeting of September 15, 2020 at the Neighborhood Place of Puna in Keaau, the time is 6:35 pm.

This meeting is limited to 10 persons: RMC, BOD and administrative support. All social distancing standards recommended by the State are being followed and some BOD members will also be joining the meeting via conference call.

Roll Call on location: Steve (Mongo) Lyon President, Hershel Hood Treasurer, Ric Wirick Secretary, John Erickson Road Chair, Sky Platt, Brennan Low

Roll Call for via conference call: Doug Anderson Vice-President, Jeremai Cann, Tegen Greene,

Special Guests: Lloyd Swierenga and Carrie Walters

Motion to approve the Agenda for the BOD meeting of September 15, 2020 as distributed and amended to include an Executive session.

Seconded

Call motion to vote, all in favor 9, motion approved.

Executive session ended 8:30pm

Motion to approve the Minutes of the BOD meeting of August 18, 2020 as distributed.

Second

Call motion to vote, all in favor 9, motion approved.

President's welcome announcement to members and general public:

Aloha and welcome to the September OLCA Board of Director's meeting for fiscal year 2020-21. Our new fiscal-year began in July.

In accordance with State Covid-19 safety provisions: the OLCA Board and special guests are practicing social distancing, sitting about 6' apart from one another. Special guests will be given the opportunity to speak at the end of meeting. Finally, this meeting is being audio recorded.

Reports and Motions:

Motion to retain Carrie Walters as Board Assistant as needed.

Seconded

Discussion: Carrie Walters has served in the capacity as legal secretary since June 2016. Her services were critical during the primary Orchidland Voice/ Arthurs lawsuit (2015-19) and have continued as other OLCA legal issues have developed. As a paralegal, she is able to educate the OLCA Board and communicate efficiently and effectively with OLCA attorneys. To date, it is estimated that her service as legal secretary has helped to save OLCA thousands of dollars in legal related costs.

The OLCA Board of Directors will direct the activity of the Board Assistant and she will provide full disclosure of this activity to the OLCA BOD. Carrie Walters hourly rate is \$25 per hour and she will be retained as needed.

More Discussion, call motion to vote, all in favor 8 and 1 abstention, Tegen Greene.

Treasurer's report, summarized by Hershel Hood, Monthly Financials as distributed.

RMC report summarized by RMC Chair John Erickson (full report as distributed):

Updates on pothole filling: As anticipated lower Orchidland Drive, primarily used as the business access road for the commercial district, continues to crack and break away in every rain storm. The worst potholes developing where lower Orchidland Drive adjoins Hwy 130. This has created a Public Safety Hazard and Risk. OLCA maintenance crews have attempted cold patching between storms and gravel has been used while the road is flooded.

Due to this increased Public Safety Hazard and Risk during heavy rains and flooding, OLCA has requested that the County temporarily close this section of road in order to help prevent vehicular/ pedestrian injury and/ or fatality. This short section of roadway receives heavy commercial traffic, including large delivery trucks (including tandem fuel trucks) and school bus traffic (loading and unloading for and of school children). In addition, the flooding in this section is made worse by the church's lower parking lot draining directly onto lower Orchidland Drive.

Letters were sent to commercial property owners on lower Orchidland Drive in 2017 and a complaint filed with the Hawaii County Works Department in 2018 concerning the road flooding and ponding issue. Letters and/ or emails will be sent to business owners in 2020 -- plus to County, State, Federal officials, politicians and the media regarding this increased Public Safety Hazard. We anticipate a workable solution in the future, in order to avoid the closure of this section of roadway.

Other potholes are filled once a month as part of ongoing road maintenance.

***Unpaved road maintenance updates:** Hokori Construction continues maintenance -- a service rotation on the 30 miles of unpaved roads. Ashley Tractor and Hauling, is working ahead of the road maintenance crew: AT& H tractor mowing the road sides, pushing back encroaching cane/ cut grass and opening blocked natural drainages with the front-end loader.

AT& H service to date: Pohaku to Orchidland Drive from 40th Ave to 35th Ave, including dead-end streets off of Pohaku Drive and cross streets between 39th and 37th Ave, Kehaulani and Melekule.

Hokori Construction: roads will be serviced and maintained for 15 mph travel, which means small potholes and exposed rock may remain and serve as 15 mph speed bumps and dips. Sections of roadway requiring service (multiple potholes, washouts, etc.) will be graded creating a center-lane, materials added, crowned to promote runoff and compacted. In areas that require a natural drainage

from mauka to makai, 15 mph "speed dips" may be created to allow natural drainage from one side of the road to the other and to a natural drainage location.

The estimated cost of this maintenance/ service: \$40,000 in materials (1 ½" to 2 ½" base course and gravel -- about eighty 20-ton truckloads delivered). Plus, \$20,000 for labor and equipment (grader, roller/ compactor, skid-steer loader). The estimated time of completion, about 30-days.

Horkori Construction, unpaved road maintenance completed to date:

Upper Pohaku Drive; from Pohaku to Orchidland Drive -- 40th to 35th Ave, also cross streets and dead ends.

Next sections to be completed, from Orchidland to Auli'i Drive – 34th to 41st Ave, also cross streets.

Finally, from Auli'i to Illima – 34th to 37th Ave.

***New Business Updates:**

Horkori Construction has announced that this will be their last unpaved road maintenance service rotation. Horkori Construction will still be working with us on upcoming asphalt paving projects and asphalt repair projects.

Ashley Tractor and Hauling (AT & H, LLC), working with a Class A contractor, will be able to assist OLCA with unpaved road maintenance in the future. Plus, AT&H has experience with unpaved road maintenance, providing this service for OLCA from July 2015 to 2018.

Over the past years AT&H has completed the road maintenance including pothole repairs on dead end roads off of 40th Ave including: Napua, Oliana, Pikake and Pualani. This road service has just been completed for this latest unpaved road maintenance rotation as well.

***New Business Motions:**

The RMC approved the following Motions and recommends approval by the BOD:

1) Motion to approve the asphalt pavement repair on Auli'i Drive between 37th and 38th Ave. Repair large dip/ sink in roadway, about the size of one lane in width and length (about 10' x 10'). The road damaged section is marked, it is in the outbound lane, closer to 38th Ave.

Clean, tack coat, asphalt fill and compact over existing roadway to match up with existing roadway or slightly higher by an inch or two.

Seconded

Discussion: cost estimate for asphalt paving repair = \$2,560.00

Previous motions passed from 2019-2020 for this repair are nullified.

More discussion, call motion to vote, all in favor 9, motion approved.

2) Motion tabled, awaiting additional bids.

Motion to approve the asphalt pavement repair, crack sealing on Auli'i Drive from 36th to 40th where needed. Clean, and seal cracks where needed.

3) Motion tabled, awaiting additional bids.

Motion to approve the asphalt pavement repair on Laniuma Drive between 38th and 39th Ave. Repair dozer track damage in the inbound lane, closer to 38th Ave. Clean, tack coat, asphalt fill and compact over existing roadway to match up with existing roadway or slightly higher by an inch or less.

***Additional New Business:**

OLCA received a letter from Kern & Associates, Request for Comment, regarding the proposed elementary school campus – see attached pdf of the letter.

The RMC has approved the following reply and recommends approval by the BOD:

To: Kern & Associates

From: Orchidland Community Association, Inc.

To whom it concerns,

The Orchidland Community Association (OLCA) Road Maintenance Committee and OLCA Board of Directors (BOD) request more specific information regarding the proposed elementary school near the corner of Orchidland Drive and 34th Ave. Please include a copy of the proposed site plan with entrances and exits onto Orchidland Drive, plus loading and unloading zones and parking. Also, could you please provide us with a presentation at your earliest convenience. The next OLCA Board meeting is scheduled for Tuesday October 20, 2020 at 6:30pm, at the Neighborhood Place of Puna in Keaau.

Sincerely,

OLCA RMC and BOD

More discussion: Following last week's RMC meeting, President Lyon had requested and received some more information from Kern & Associates. Some of the items requested in the letter above were received. President Lyon has been directed by the OLCA Board to re-write a response to Kern & Associates -- and to share and report all information with the OLCA Board.

The letter listed above is now null and void.

Call Reply letter to vote, all in favor 0, motion failed

***Old Business:**

Announced last month, due to the fact that RMC Chair, Sky Platt, has not been in attendance for some months, the RMC has now appointed John Erickson to position of RMC Chair. And to fill Sky Platt's vacancy on the RMC, newly elected OLCA Treasurer Hershel Hood has agreed to join the RMC as the fifth member. The 2020-21 RMC consists of members: Chair John Erickson, Secretary Ric Wirick, Doug Anderson, Brennan Low and Treasurer Hershel Hood.

Road and road related maintenance for fiscal year 2020-21 includes:

- 1) -- Completion of paving projects previously scheduled when funding becomes available.
- 2) -- At least one-full maintenance rotation – of unpaved roads and 2 or 3 follow-ups, as needed -- service rotations (fill large potholes, washouts, excessive traffic wear, etc.) to maintain the 15 mph speed limit.
- 3) -- Road-side mowing: along Main Access Roads about four-times (about every 3 months), and along unpaved roads about two-times (about every 6 months).
- 4) -- Main Access road-side vegetation removal and crack sealing.
- 5) -- Other paving projects as funding becomes available.

Motion to approve funding for road and road related maintenance for fiscal year 2020-21 as funding becomes available.

Seconded

Discussion: this funding is necessary to complete the road projects addressed above.

Specific road and road related projects with bids include: number 2, 3 and 4.

Motion was RMC and BOD approved in July 2020.

The OLCA letter regarding the Public Safety Hazard and Risk at lower Orchidland Drive and Hwy 130 -- will be to be sent soon (via mail and/ or email) to the businesses and the church on lower Orchidland Drive as well as County, State and Federal agencies and representatives, reporters and more.

At the March 2020 RMC meeting a few motions were discussed regarding the potential costs and funding for necessary repairs and the overdue reconstruction of lower Orchidland Drive from Hwy 130 to the intersection of 34th Ave. Repairs and reconstruction are needed in order to prevent the temporary road closure of lower Orchidland Drive during heavy rains and flooding which creates hazardous road conditions.

It was determined by the RMC that it would be best to wait until after the 2020 letter was sent to businesses, church and County, State and Federal officials/ representatives and reporters before moving forward with costs and funding suggestions. The RMC suggested meeting with all parties to discuss a workable solution.

This meeting with all parties was proposed for April or May 2020, but with the recent virus scare and stay a home orders the meeting will be postponed.

The letter is scheduled to be sent/ emailed soon -- Carrie will provide the updates to the RMC.

Abandoned Vehicles (AVs) on OLCA roads and/ or in the right-of-way:

Discussion: Abandoned vehicles and the arson of abandoned vehicles in Orchidland Estates has been on rise over the past years. One major reason is that vehicle recycle centers stopped paying for metal

recycling and now charge a fee. Technically, dumping vehicles is a criminal littering offense, up to \$1000 fine and 200 hours of community service.

If an abandoned vehicle (AV) is dumped on an Orchardland road or in the right of way, and it is reported to the HPD and they follow-up with an incident report. The AV should be towed or removed by the County within a week or two. If not, follow-up with the HPD on a weekly basis until the vehicle is removed.

The process is to call the HPD non-emergency number at 808-935-3311

Report an abandoned vehicle: provide the HPD with the date of incident, location, type vehicle and be sure to get an incident number and HPD officer contact name.

More topics of discussion:

Criminal littering, abandoned vehicles, squatting on vacant land and vacant homes has become a bigger issue since the Covid-19 pandemic.

OLCA is attempting to make contact with absentee property owners, bringing them up to date the issues at hand. The RMC will likely have to take the lead on this, and try our best to keep it under control working with absentee property owners and the HPD.

The BOD agreed to review the legal aspects of moving forward with a new Procedure and Policy regarding this growing issue. Carrie Walters, OLCA's legal assistant will update us on the possible letter to and from absentee owners, giving OLCA the ability to file a complaint in the owner's absence.

More RMC discussion:

Now that some Covid-19 restrictions have been lifted and some government offices have reopened. Some RMC members will follow-up with the USDA Rural Development.

-- USDA Rural Development grants and/ or loan options for possible additional road repair, maintenance and improvement funding. For instance, additional gravel, basecourse, materials to bring unpaved roads up to minimum Federal standards.

That completes the RMC reports and updates.

Social and Community Lot Committee final update by Secretary Wirick:

This will be the last report for this Committee -- Jeremai Cann and myself, Ric Wirick, are the final two Board and Committee members.

OLCA established the Social and Community Lot Committee in 2016 and began the monthly OLCA Community Harvest Share, potluck social and agri-cultural presentations. This monthly event was considered a “social event or social gathering” – and no permit was required.

In the revised 2018 Bylaws, the Social and Community Lot Committee was referenced under Article X, Committees, Section 2: Community Committee: shall promote personal and community development through educational, cultural, recreational and social activities which will be open to OLCA members and guests. This committee shall work toward the development of a community gathering place, Hui Hoaloha.”

In November 2019, the OLCA Community Lot Development Committee was reactivated by the OLCA Board to revise the Community Center site plans and prepare to fundraise for a pavilion.

In December 2019, the OLCA Board approved the establishment of a separate entity, a 501c3, to be named the OLCA Agri-Cultural Center (ACC).

In April 2020 the IRS approved the ACC as a 501c3 -- able to receive tax-deductible donations, fundraise and apply for grants and more. With the stated Purpose: **“To provide a space for the Orchidland community to host educational presentations and community agricultural and cultural events in an effort to promote diversified agriculture and increased agricultural self-sufficiency throughout the island.”**

In July 2020, the monthly OLCA Harvest Share event was formally converted into the OLCA Farmers Market, and was given the new status as Standing Committee, under Section 3 of the Bylaws.

In August 2020, the OLCA Community Lot Development Committee approved the revised site plan for the Community Center and a large pavilion. This Motion was also approved by majority vote of the OLCA Board in September 2020 and is now a directive for the OLCA Agri-Cultural Center (501c3) to fundraise.

In September 2020, the OLCA Community Lot Development Committee (CLDC) approved the long-term lease agreement for the ACC at the OLCA Community lot. This approval will be taken to the OLCA Board and OLCA’s attorney for final approval. This long-term lease will allow the ACC to move forward with fundraising for the pavilion and other improvements at the Community lot. The CLDC, with OLCA Board approval will direct improvements at the OLCA Community lot. The ACC will fundraise and manage the Agri-Cultural Center/ Community Center.

In closing -- a Big Mahalo to all OLCA Social and Community Lot Committee members that have participated since 2016. And as noted in the paragraphs above – the essential role of the Community Committee – has now been replaced by the new entity – OLCA Agri-Cultural Center (501c3).

Community Lot Development Committee Report and Motions summarized by Secretary Wirick:

1) The Community Lot Development Committee approved the following Motions on August 25, 2020, then the Motions were taken to OLCA Board vote via email on September 1, 2020.

Motion was approved 6 in favor with 2 abstentions.

Motion to approve the 2020 OLCA Community Center site plan as distributed.

Seconded

Discussion: this 2020 OLCA site plan was revised to reflect the original 2000 site plan. The 2000 site plan is currently on-record with the County, included with the approved OLCA Community Center special use permit. The original 2000 site plan as well as the 2020 revision has been attached as pdfs for reference. Basically, we are approving a very similar site plan with large pavilion, restrooms, office and storage facilities. Added to the 2020 revised site plan are covered post office mailboxes. This 2020 OLCA Community Center site plan was reviewed and approved by the OLCA Community Lot Development Committee in late-August 2020, members: Doug Anderson, John Erickson, Hershel Hood, Brennan Low and Ric Wirick.

This revised 2020 OLCA plan once approved will be submitted and added to the original special use permit at Hawaii County Planning.

In addition, the 2020 OLCA site plan gives the OLCA Agri-Cultural Center (501c3) a specific site plan to work from for fundraising, grant proposals and more.

More Discussion: two abstentions, both Mongo and Tegen stated that the plan needed more review and discussion.

Call motion to vote, all in favor 6, abstentions 2 – Motion Approved

2) Motion to approve the proposed pavilion as distributed in order to allow the OLCA Agri-Cultural Center, 501c3 -- to fundraise for the purchase and construction of the pavilion and other related site improvements and costs.

Seconded

Discussion: the proposed pavilion is 40' x 120' – this is similar in size to the original 2000 site plan showing a 60' x 140' pavilion.

This pavilion is engineered to building code standards, Hawaii engineer stamped and is wind rated to 120 mph.

The manufacturer, R&M Steel Company's estimate for the 40'x120' pavilion = \$43,900. Shipping, site preparation, concrete slab with footer/ foundation and installation about the same price as the pavilion \$43,900 + \$43,900 = \$87,800. Rounded up to \$90,000 total.

The link provided below shows a pavilion similar to the pavilion referenced above. The pictured pavilion is much smaller, about one-half the length, about 40'x60'. The pictured pavilion's pillars and beams are painted green, whereas the pavilion estimate from R&M Steel -- pillars and beams are red:

link to pavilion image <https://images.app.goo.gl/gURy9Bg6HKv6YRtu9>

Pavilion maintenance is minimal, it is built to last for decades and the open structure is easier to monitor and is less vulnerable to theft and vandalism.

This OLCA BOD Motion places the responsibility of and for fundraising, funding, construction and pavilion maintenance on OLCA Agri-Cultural Center, 501c3.

More Discussion: both Mongo and Tegen stated that the plan needed more review and discussion.

Call Motion to vote, all in favor 6, abstentions 2 – Motion Approved

**(OLCA Board members in favor, 6, Doug Anderson, John Erickson, Ric Wirick, Hershel Hood and Brennan Low, and Jeremai Cann
Abstentions, 2, Steve Lyon and Tegen Greene)**

2) The Community Lot Development Committee approved the following Motion and recommends approval by the BOD:

Motion to approve the formal lease agreement drafted by the OLCA Agri-Cultural Center’s attorney as distributed -- and to be presented to the OLCA Board to be reviewed by their attorney of choice.

Seconded

Discussion: Once this final lease agreement is approved by both the OLCA Board and the OLCA Agri-Cultural Center Board the lease will be signed and recorded with the State of Hawai’i.

For reference: as the OLCA Board we approved the following Motion on January 21, 2020:

New Business:

Motion to approve a long-term lease from Orchidland Community Association (501c4) to the OLCA Agri-Cultural Center (501c3) for the improvements and construction on the OLCA Community 2-acre lot located at 16-1674 36th Ave.

Seconded

Discussion: proposed site plans include pavilions, restrooms, community garden, off-street parking, covered mailboxes and more. These facilities would be available to OLCA for meetings and social events. The OLCA Agri-Cultural Center (501c3) would be responsible for fundraising, submitting site plans, site development, construction and maintenance costs. Also, the OLCA Agri-Cultural Center would be responsible for general liability and other related insurance costs.

More discussion, call to vote, all in favor 5, 1 opposed – motion approved.

See attached pdf, this formal lease agreement (provided as an attachment) is a required legal document.

This lease agreement once approved by the OLCA Community Lot Development Committee and the OLCA Board will be reviewed by the OLCA attorney, signed and recorded with the State of Hawaii.

This recorded formal lease agreement is required in order for the OLCA Agri-Cultural Center (501c3) to formally begin grant proposals and fundraising for the permanent pavilion and other site improvements at the OLCA Community Lot.

Notice, OLCA Board members have one week, from September 15th to September 22nd, to email their specific concerns to Secretary Wirick. Comments will be shared with Board Assistant Carrie Walters,

who will contact the OLCA attorney to set up an appointment for review of the lease agreement including OLCA Board concerns.

More Discussion, call Motion to vote, all in favor 6, motion approved.

3) The following motion was approved by the OLCA Community Lot Development Committee and is recommended for approval by the OLCA Board of Directors:

-- **Motion** to direct the newly established OLCA Farmers Market Committee to formally register with the State and County in order to receive a permit and an exemption to operate as a Farmers Market during the Covid-19 pandemic.

Seconded

Discussion: In July 2020 the monthly OLCA Harvest Share was formally converted into the OLCA Farmers Market, with its own Committee. The most recent Covid-19/ Hawaii State restrictions regulate “social gatherings” to no more than 10 persons – inside or outside. Whereas, State and County registered and permitted Farmers Markets are considered “essential” and are able to operate under the current restrictions.

During this Covid-19 pandemic -- OLCA has additional safety concerns and liability risks regarding the unpermitted OLCA Farmers Market -- and recently OLCA had to cancel the monthly event scheduled for Saturday September 5, 2020. The OLCA Farmers Market is to remain closed until the OLCA Farmers Market obtains the formal permit from the County and State. Registration may require a business license, tax number, financial accounting, insurance and more.

More discussion, call Motion to vote, all in favor 5 and 1 abstention Steve Lyon

OLCA Farmers Market Report: no summary provided and no report received by Secretary Wirick.

OLCA Agri-Cultural Center (ACC/ 501c3) Board report summarized by Secretary Wirick:

At the August 28, 2020 ACC BOD meeting: Minutes were reviewed and are being finalized, Doug Anderson was elected to the ACC BOD and the DCCA business registration was updated. Additional ACC business was completed including the drafting of the long-term lease agreement by the ACC attorney, book and record keeping established at DPSI; initiated corporate checking account, website and email address established, and began registration for Federal grants and more.

That completes the OLCA reports and motions.

Additional input:

President Lyon distributed copies of the site plan as provided by Kern & Associates.

In addition, provided his “Orchidland Estates Design Guide 2020 for review and comment at a later date.

Final Announcement: As announced previously, the election of two new interim Board members, Tara Brandon and Brian Murphy, this election is now scheduled for the next Board meeting of October 20, 2020.

That concludes the OLCA BOD meeting for September 15, 2020, motion to adjourn, call to vote, 6 in favor -- the time is 10:00 pm.

Submitted by:

Frederic Wirick, Secretary

Date