



KULIOUOU/KALANI IKI NEIGHBORHOOD BOARD NO. 2

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 • HONOLULU, HAWAII, 96813
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov/nco>

**REGULAR MEETING MINUTES
THURSDAY, DECEMBER 6, 2007
AINA HAINA PUBLIC LIBRARY**

CALL TO ORDER: Chair Bob Chuck called the meeting to order at 7:10 p.m. with a quorum of 12 members present.

MEMBERS PRESENT: Christopher Baron, Bernie Boltz, Bob Chuck, Peter Kay, Heather Lum, Michael Parke, J. Ed Schell, Sherry Spangler, Linda Starr, Mel Yap and Joseph Young.

MEMBERS ABSENT: Ted Ashworth (notified), Bertha Leong, Jack Schneider, Jamal Siddiqui (notified) and Kevin Quinn.

GUESTS: Cindy Inouye (Deputy Director, Department of Human Resources Development, Governor Linda Lingle's representative), Senator Sam Slom, Joan Shinn (Representative Barbara Marumoto's Office Manager), Hal Barnes (Mayor's Office, Mayor Mufi Hannemann's representative); Francisco Figueiredo (Councilmember Charles Djou's Office staff), Wayne Yoshioka (Acting Director, Department of Transportation Services); Glenn Moir (Public Transit, DTS), Capt. Wayne Masuda (Honolulu Fire Department), Lt. Gary Lum Lee and Ofc. Tony Kahapea (District 7, East Honolulu, Honolulu Police Department); Scot Muraoka (Board of Water Supply); Lenore Johnson, Bok Ye Moore, Art Mori, Wilma Tarlton and Judy Nakamura (Aina Haina Community Association); Thelma Fukata, Karl Schwartz, Phyllis Schwartz, Joe Anthony (E. Hind Drive/Limu Place), John Hill, Karah Unter, Gene Unter, Mike Witteveen, Debra Witteveen, Karen Matsumura, James Campbell, JoJo Correa, Roy Yoshimura, Gayle Nakahata, Lisa Yoshimura, Roseanna Sylvester, Jodi Aurely, Cindy Hartwell, Sean Oliveira, Kim Oliveira, Jeannine Johnson (Niu Valley Community Association), Carla Fujikura, Robyn Chung, Carl Nagasako, Sharon Nagasako, Leo Enos, M.E. Spero (Friends of the Aina Haina Library), Bob Harman, Gail Yip, Petra Rofoli, Dani Nishikawa, Patricia Sanchez, Alicia Sumida, Hesh Goldstein, Nohea Colton, Cindy Schultz, Karen Matsumura, and K. Russell Ho (Neighborhood Commission Office staff).

CHAIR'S ANNOUNCEMENTS: Chair Chuck announced the third annual Kapolei City Lights is scheduled for Saturday, December 8, 2007 following the Kapolei Christmas Parade, which starts at 6:00 p.m. Members of the University of Hawaii (UH) Warriors football team, who won the Western Athletic Conference (WAC) Championship, will serve as Parade Co-Grand Marshals.

FILLING OF VACANCY IN SUBDISTRICT 7 (Niu and Niuki Circle, Hawaii Loa Ridge) - George Casen announced his resignation, as he will move out of his Subdistrict. Chair Chuck deferred this item to the next Board meeting.

HONOLULU FIRE DEPARTMENT (HFD) REPORT: Capt. Masuda reported: 1) 2 structure fires; 49 medical and 6 miscellaneous emergencies. 2) Fire Safety Tip: Dried Christmas trees, wreaths, and other natural decorations are extremely flammable. Remove them from your home as soon as possible. Your Christmas tree can be taken to a participating recycling



center. Consider leaving fireworks to the professionals. Enjoy one of the public fireworks displays on New Year's Eve. Follow all warnings and instructions for the safe use of fireworks. Never give fireworks, even sparklers, to young children. Older children should only use fireworks under the direct supervision of an adult.

HONOLULU POLICE DEPARTMENT (HPD) REPORT: Ofc. Kahapea distributed the monthly report and was available to hear residents' concerns.

Comments followed: 1) Kay pointed out that there was only one week of statistics for December. Ofc. Kahapea mentioned that the monthly stats are on the second to the last page of the report and are updated daily; he cannot get the individual monthly breakdowns. 2) Spangler reported a "rash" of UEMV (unauthorized entry into a motor vehicle) and house break-ins in the Waialae golf course area. Ofc. Kahapea replied that this is the holiday season with more shopping break-ins. He advised to lock your vehicle doors, not to leave purchases in plain view in vehicle, know your neighbors and call 911. Spangler also added to approach strangers and ask if they needed assistance. 3) Johnson reported in Niu Valley there are three suspects who are asking if residents need power washing. 4) Resident Goldstein asked how to prevent his truck from being stolen. HPD did not suggested car alarms, as they have become noise nuisances, but anti-theft devices, like the one that locks the steering wheel or the one that locks the brake/gas pedal. One drawback to the steering wheel device is that the steering wheel is usually made of hard rubber and can be sawed off.

PRESENTATIONS:

Discussion and possible adoption of 2008 Legislative Resolutions - Jeannine Johnson proposed that the Board adopt the **Resolution Regarding the Definition of ("SLAPP")**, which was e-mailed to Board members and is as follows:

WHEREAS, Section 634F-1, Hawaii Revised Statutes (HRS) defines "SLAPP" to mean a **strategic lawsuit against public participation** and refers to a lawsuit that lacks substantial justification or is interposed for delay or harassment and that is solely based on the party's public participation before a governmental body.

WHEREAS, the existing statute, HRS 634F is a good initial attempt at providing some protection from frivolous lawsuits intended solely to intimidate citizens from expressing their opinion on issues concerning governmental or electoral action - a right guaranteed by the Federal Constitution. These suits have been used to divert limited citizen resources and energy from expressing opposition to such things as hiring legal counsel and conducting extensive discovery. The existing statute, however, applies only to an action "that is solely based on the party's public participation before a government body." This provision is too limited to provide protection for citizens who may use other venues to express their opinions such as in citizen group meetings, letters to the editor, petitions, etc.

WHEREAS, Honolulu Waldorf School in Niu Valley has sued 20 of its neighbors in an intimidation tactic designed to preclude them from exercising their constitutional rights and rights to due process under our laws and discourage the neighborhood's participation in City and County's land use policies.

WHEREAS, Hawaii's Thousand Friends have sponsored a bill that adds important provisions to the existing SLAPP statute to include language regarding acts to further the constitutional right to petition:

"SLAPP" means a strategic lawsuit against public participation [and refers to a lawsuit that lacks substantial justification or is interposed for delay or harassment, and [that is solely based on the party's public participation before a governmental body.] is in response to an act by a person done substantially in the furtherance of the person's constitutional right to petition under the United States Constitution or Constitution of the State of Hawaii, including seeking relief, influencing action, informing, communicating, and otherwise participating in the process of government to procure any governmental or electoral action, result, or outcome." Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

BE IT RESOLVED THAT Schell moved, and seconded by Spangler, that the Kuli'ou'ou/Kalani Iki Neighborhood Board No. 2 supports adding important provisions to the existing statute on the filing of frivolous law suits against those who are just doing their best on their community's behalf and protects the public's right to object to development projects and government actions without being harassed by frivolous lawsuits aimed at discouraging exercise of their right to express their position.

Discussion followed. Johnson gave some background information. The Honolulu Waldorf School sued the Zoning Board of Appeals and Niu Valley neighbors, who complained against the expansion to include the high school. In response to the traumatized neighbors, many of whom are retirees and cannot afford attorneys, this resolution would strengthen the SLAPP law.

Schnell moved, Spangler seconded, that the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2 adopt the proposed SLAPP resolution that was previously distributed. The motion was ADOPTED unanimously, 12-0-0.

RESIDENTS' CONCERNS:

Changes in TheBus Route 1, Route 1L and 233 - Chair Chuck introduced Acting Director Wayne Yoshioka, DTS, who was present to hear concerns by the community, and followed with an overview, a summary of the changes and a proposed a list of speakers - Phyllis Schwartz, Art Mori, Debra Witteveen, James Campbell, Bok Ye Moore and, if necessary, Lenore Johnson. Phyllis Schwartz explained the changes as they affected safety and frequency, especially for seniors. Art Mori gave a brief review of his article in the Honolulu Advertiser. Debra Witteveen has a son, who has a disability and he works at Macy's at the Ala Moana Center. He had many problems with the new schedule, for example, at Kahala Mall, there is an early cut-off of service and no Upper Aina Haina service at nights. Also, riders have to pay double fares, as only one transfer is allowed and there was no notification of the changes. James Campbell also has a disability and the new schedule has created hardships. Bok Ye Moore complained that a new bus stop was erected directly in front of her house at 526 West Hind Drive. It is a safety and noise hazard for her. Chair Chuck asked for a "show of hands" of how many people wanted to have the bus schedule returned to the schedule before December 2, 2007. The entire audience raised their hands.

Before Yoshioka responded, he apologized for being late, because he caught TheBus and forgot about the Kaimuki Christmas Parade traffic. Having been newly appointed to start on Monday, December 3, 2007, he went into emergency operations on Tuesday because of high winds. He has been a consultant in the transportation field for the last thirty years and recognized Chair Chuck from an Iolani School band fundraiser event. He lives in Hawaii Kai (Kalama Valley) and rides TheBus regularly. He apologized for the way the changes and the public notifications were handled; and is willing to work with the community on solutions. Starr requested that TheBus temporarily go back to the old schedule. Yoshioka mentioned that the drivers' schedule can change in March 2008, but he may be able to restore the Hind Drive Loop. Chair Chuck appointed Mori and Schwartz to work with DTS and report back at the February 2008 meeting.

There were over 40 people in attendance, who left after their comments and concerns were expressed.

MAYOR MUFI HANNEMANN 'S REPRESENTATIVE: Barnes reported: 1) Mayor Hannemann invited everyone to the 23rd annual Honolulu City Lights at Honolulu Hale, which is a gift of the City & County of Honolulu's employees to the people of Oahu. 2) Regarding the Niu Valley playground equipment, Barnes suggested watching the Mayor's Capital Improvement Projects (CIP) budget which comes out in March 2008. 3) Regarding the ARCH II on Limu Place, the Department of Planning and Permitting (DPP) responded that inspections on October 17, 2007 and November 9, 2007 revealed interior work in progress and in accordance with approved plans (building permit No. 605635).

A comment followed that the lights are out at Aina Haina Park.

Barnes left the meeting, as he had to report to Pearl Harbor at 5:00 a.m. tomorrow morning to commemorate the 66th anniversary of the December 7th surprise attack on Pearl Harbor.

Resolution regarding Bed and Breakfasts (B & Bs) and Transient Vacation Rentals (TVRs) - Johnson proposed the adoption of the resolution, which was previously e-mailed to Board members. Chair Chuck mentioned that the illegal Bed and Breakfasts may not be a "big" issue in this district and postponed the "Bed and Breakfast" resolution to February 2008. Figueiredo mentioned the City Council hearing was moved to January.

Report of the second annual City & County of Honolulu Transit Symposium on November 13, 2007 - Kay reported that it was about Transit-Oriented Development (TOD), increased density and development around stations. He thanked the Board for paying the \$45 registration fee.

ELECTED OFFICIALS:

Senator Sam Slom - Senator Slom reported: 1) The Superferry did not sail today, but will sail next week. 2) Hawaiian Airlines is buying new airplanes. 3) The Judiciary has a new computer system that does not work well. However, the Department of Commerce and Consumer Affairs (DCCA) has good software. 4) The Education Committee had two "Kiddies' Days." 5) In his newsletter Katherine Leonard was confirmed Associate Judge to the Intermediate Court of Appeals, former Department of Transportation (DOT) Director Barry Fukunaga was named Governor Lingle's Chief of Staff and Brennon Morioka will serve as DOT's Acting Director.

There was also an article about the Waldorf School suing the City Zoning Board of Appeals and Niu Valley neighbors, who opposes the school's expansion. 6) Senator Slom exclaimed, "Go Warriors! Beat Georgia! UH Warriors quarterback Colt Brennan for Heisman Trophy on Saturday!"

Representative Barbara Marumoto - Shinn had earlier distributed Representative Marumoto's newsletter.

Representative Lyla Berg - Representative Berg's newsletter was distributed.

Councilmember Charles Djou - Figueiredo reported: 1) 250 people signed up to testify at the Planning Committee hearing on the bill, relating to Bed and Breakfasts. So, it was deferred to January. Spangler added that it was not only a Kailua issue, but may be starting in this district. Councilmember Djou favors the City Council bill over the Administration's bill. 2) Councilmember Djou's office has been working on TheBus route changes issue since March 2007. It received notices for Hawaii Kai, but nothing for Aina Haina.

GOVERNOR LINDA LINGLE'S REPRESENTATIVE: Cindy Inouye distributed the Governor's Update and the Neighborhood Board Update and reported regarding the release of funds for the Niu Valley playground equipment, Budget and Finance is waiting for the letter from the Mayor; and as of December 5, 2007, received no letter. On June 30, 2008 the funds will lapse. 2) A DOT study was done on the intersection of Kalaniana'ole Highway and Waa Street in April 2006. There is no pedestrian signal and they had one fatality.

Comments followed. 1) Starr added that the one fatality was her uncle; and encouraged more lighting, a pedestrian signal and better landscaping would make the area safer. 2) Spangler was "offended" that money was going to Transit-Oriented Development (TOD) instead of the train (the Honolulu High-Capacity Transit Corridor Project).

(8:36 p.m.) Parke arrived (13 members present).

Paiko Ridge - Residents were concerned about possible development. Chair Chuck assured them that the Board has been watching this and is "on it."

BOARD OF WATER SUPPLY (BWS): Muraoka reported: 1) No water main breaks in November. 2) **GENERAL WATER ANNOUNCEMENTS:** To accommodate the increase in seasonal holiday traffic around Ala Moana Shopping Center, work on the Kapiolani Boulevard Water & Sewer System Improvements Project has been temporarily suspended. The morning and afternoon contraflow lanes on Kapiolani Boulevard have been reinstated and all the construction equipment has been removed from Kapiolani Boulevard, Atkinson Drive and Kamakee Street. Construction activity on Kapiolani Boulevard and Kamakee Street will resume on Sunday, January 13, 2008. For more information about this project, visit - www.kapiolanewatersewer.com. On behalf of BWS and all of their employees and families, Muraoka wished everyone a very safe and happy holiday season!

Spangler reported that the road leading up to the water tank had debris.

UNFINISHED BUSINESS:

Residents' Concerns - Resident Patricia Sanchez lives behind Opihi Street at 5500 Hoana Place. She was concerned about preservation lands and heard a rumor that it was zoned for condos. Chair Chuck, who lives near there, mentioned that someone built a house. Figueiredo mentioned P-1 (preservation) zoning allows only cabins. Figueiredo would follow up.

Niu Valley playground equipment update - Chair Chuck summarized that the state Legislature appropriated \$100,000 to the City. Kay reported on the November 29, 2007 meeting, where there was consensus that the state funds would go to a "501 (C) 3" non-profit organization that will manage the construction of the playground equipment and gift the park back to the City. The Governor sent a letter of "thanks, but she'll think about it."

Adult Residential Care Home (ARCH II) at Limu Place update - This item was previously reported.

Aina Haina Shopping Center update - Casen reported he met with realtor Dolman, who mentioned that the architect is working on the final plans. When the plans are completed, the new owners want to meet with Chair Chuck, Casen and Leong. Figueiredo called Fred Noah, another real estate agent, who added the plans would be ready in a couple of months. They want to have set hours and a different tenant mix.

APPROVAL OF THE NOVEMBER 1, 2007 REGULAR MEETING MINUTES - Schell moved, Boltz seconded that the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2 approve the November 1, 2007 regular meeting minutes as circulated. The minutes were APPROVED by unanimous consent.

TREASURER'S REPORT - The Treasurer's report was filed.

REPORTS FROM COMMUNITY ASSOCIATIONS:

Niu Valley - On behalf of Niu Valley, Johnson thanked Board members for their representation on the Board.

ANNOUNCEMENTS:

- Boltz reminded the Board that the Honolulu Marathon is scheduled for this Sunday, December 9, 2007. He advised everyone to move the car to the mauka-side of Kalaniana'ole Highway.
- The Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2 will recess in January 2008. The next Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2 regular meeting is scheduled for Thursday, February 7, 2008 at the Aina Haina Public Library, 5246 Kalaniana'ole Highway at 7:00 p.m. Merry Christmas! Happy New Year! Happy Chinese New Year of the Rat!

ADJOURNMENT: Schell moved, and Boltz seconded, to adjourn. As there were no objections, the meeting adjourned at 8:55 p.m.

Submitted by K. Russell Ho, Neighborhood Assistant
Reviewed by Bob Chuck, Chair and Heather Lum, Secretary