



WAIALAE-KAHALA NEIGHBORHOOD BOARD NO. 3

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REGULAR MEETING MINUTES THURSDAY, APRIL 17, 2008 WESLEY UNITED METHODIST CHURCH

CALL TO ORDER: Chair Roberson called the meeting to order at 7:02 pm, with a quorum of eight members present. NOTE: This nine member Board requires a vote of five to adopt a motion.

ALOHA FROM BOARD MEMBERS AND GUESTS: Members of the board introduced themselves. Chair Roberson requested that the members of the audience introduce themselves. Audience members responded accordingly.

MEMBERS PRESENT: Scotty Anderson, Lester Fukuda, Kelley Roberson, Gerri Digmon, Julia Kane, Lucinda Pyles, Richard Turbin, Stan Fichtman.

MEMBERS ABSENT: Sylvia Himeda.

GUESTS: Lt. G. Lum Lee, Lt. C. Okimoto, Sgt. C. Sukekane, Ofc. S. Forman, Ofc. J. Hendricks (Honolulu Police Department); Acting Captain A. McCollum (Honolulu Fire Department); Ken MacDowell, Tommy Kono, Ron Chun, Jeanette Chun (Honolulu Marathon); Wayne Yoshioka (Mayor's Representative, Director, City Department of Transportation Services); Derek Tamura; Brad Santiago (Kamehameha Schools); Debra Balfour; Angie Larson (HVRQA); Representative Barbara Marumoto, Lorna Heller, Senator Sam Slom, Rai Chu.

HONOLULU FIRE DEPARTMENT (HFD): Captain McCollum left the meeting to attend to an emergency call. Chair Roberson read HFD report, stats and fire safety tips.

HONOLULU POLICE DEPARTMENT (HPD): Lt. Lum Lee distributed District 7 (East Honolulu) report that included area crime trend statistics. Lt. Lum Lee also mentioned that the website at www.honoluluupd.org/patrol/d7 could be used as a reference guide or tool to report any issues/complaints or other police related concerns.

Questions, comments, and concerns:

- Anderson: website worked great. Requested Lt. Lum Lee to inform District 6 officers of problem tagging on lower Diamond Head Road. Lt. Lum Lee said he will forward the information.

REPORT FROM AGENCIES:

Mayor Mufi Hannemann's Representative: Wayne Yoshioka: 1) next phase of the Cities recycling program will be rolling ahead in the surrounding communities. 2) Trees on the Hunakai Street median have been inspected by the Division of Urban Forestry (DUF) on March 28, 2008. The DUF determined that the trees are suffering from lack of water and will dispatch a water truck to provide supplemental watering until irrigation is repaired by Department of Facility Maintenance (DFM). 3) The request for a No U-Turn sign to be placed at the intersection of Malia Street and Hoakoa Place has been reviewed and determined that it is not justified.

Questions, comments, and concerns:

- Pyles: maintenance of medians was recently transferred to the Department of Facility Maintenance from Department of Parks And Recreation (DPR) without any additional staff or budget.
- Chair Roberson: Division for Urban Streams should be created to compliment the Division of Urban Forestry.
- Turbin: 1) Will the recycling program be automatic or manual pick-up? 2) Will those areas with manual rubbish pick-up have manual recycling as well? Wayne: all areas with automatic trash collection will have their recyclables picked up the same; as for the manual pick-up question, follow up will be done.
- Digmon concerned about the Malia Street and Hoakoa Place U-turn expressed herself and the opinions of her neighbors about the dangers in this area. Chair Roberson added that there have been numerous



near misses. What will it take to get some attention to this intersection? Digmon added if HPD could monitor the area. HPD Officer (Honolulu Marathon) said that he would forward the request for monitoring the intersection. Digmon asked can we at least put a solid line on Malia Street. Wayne Yoshioka responded that the solid line might have unintended consequences for residents.

- Representative Marumoto asked about the repaving on Kilauea Avenue. Wayne said that actual repaving work will begin in the summer after the tree roots issue is resolved.
- Resident Steve Davis shared with the board that he is in the process of circulating a petition for the removal of street parking closest to the curves of Kiana Street and Hunakai Street. Vehicles parked there obstruct the view of residents making a left turn. Fukuda shared that there are many traffic issues affecting the mentioned areas and Mr. Davis and Julia Kane will join the NHB traffic task force.
- Anderson: there is a need for water fountains at Kahala Park. The taller of the two fountains that he uses has been inoperable for the past four years and the other has been declining in water pressure. Wayne Yoshioka will follow-up.

Board of Water Supply (BWS): Lorna Heller: 1) No water main breaks in March 2008. 2) General Water Announcements: Water is our most essential resource--every living thing needs water to survive. A handout was shared explaining where water comes from, how watersheds capture rainfall to replenish our groundwater supply, and what we can do to help protect our watersheds. For more information on our watersheds please go to www.boardofwatersupply.com.

Councilmember Charles Djou: Stan Fichtman: 1) Councilman Djou just returned from a trip and regrets not being able to attend this evening's meeting. 2) Last evening's City Council vote on Bill 80 relating to mass transit technologies did not pass and the Mayor has directed his Director of Transportation Services (DTS) to start the process of steel on steel technology.

Questions, comments, and concerns:

- Kane: Is Mayor's decision to move forward is based on a default position because of current stalemate on council vote. Fichtman answered no one has gone through this situation before and next Wednesday, April 23, 2008, a final decision will be made or not made by the council. Kane then mentioned that she hopes Djou can help manage the situation. Fichtman responded that we are trying hard to make that a reality.
- Turbin inquired if the Bus System or Rubber on concrete is still on the table. Fichtman responded, yes it exists in Bill 80.
- Digmon: residents in her community are outraged by the consultancy fees being charged off by the city. Yoshioka stated that the primary contract was passed by the City Council by a vote of 7-2 and that the next steps, involves a Draft Environmental Impact Statement (EIS) and preliminary engineering. Kane comment: Don't you have to decide on the system first before the design. Yoshioka - that's why it's so important to have all of our T's crossed and I's dotted before anything is taken before the Federal Transportation Department in D.C. We don't want the Feds to fumble the ball again.

BOARD HOUSEKEEPING:

Approval of March 20, 2008 Regular Meeting Minutes: The following corrections were made:

- The dates on the header pages 2-6 should read, Thursday, March 20, 2008.
- Page 2, QCC under the Mayor's Representative should read...
- Pyles stated concern that the trees on the Hunakai Street median are dying and only half the median's grass was cut last month. The weeds more than a foot high and have gone to seed. The irrigation lines are frequently broken and the maintenance crews do not report dying grass due to lack of irrigation. The site is an eyesore. She noted that several months ago landscaping maintenance changed from the Department of Parks and Recreation to the Department of Facility Maintenance (DFM). Brennan will follow up on it.
- Same Page, QCC under Councilmember Djou should read...
- Pyles expressed dismay that the B&B and TVU bills (4) bills pending before the Council are basically the same as 186 & 187 on which the Planning Commission received volumes of testimony in two public hearings and whose 9 members voted unanimously to reject. This process of allowing loopholes and variances to laws is an example of the process that expends a lot of time for working people who prepare and testify in opposition to this bill.

Page 3, QCC under Governor's Representative should read...

- Pyles acknowledged and thanked Director Anderson for his role in initiating collaborative meetings with DBEDT Office of Planning, DLNR/OCCL, CZM, City & County DPP, elected officials and community groups to work together to address the vegetation overgrowth issue that has resulted in the shrinking of Kahala Beach Park.
- Pyles criticized the State DOT for lack of landscape maintenance along Waiialae Avenue under the viaduct. Like the Hunakai Street median, it is an eyesore. Anderson will follow up on it.

Page 3 & 4 Representative Barbara Marumoto should read...

- Item 2) Introduced HR219/HCR258. These resolutions request the Office of State Planning to coordinate the City and State agencies in addressing the encroaching vegetation problem on Kahala Beach and adopt a strategy and plan to rectify it.

Page 5 under Land Use and Zoning — City Council Action or Pending Hearings - should read...

- “. . .meeting on Thursday, March 28, 2008 to address Bed and Breakfast prohibition repeal, Bills 6 & 7 and TVU ad. Requirements aimed at strengthening enforcement. Bills 8 & 9. She urges the Council to reject...”
- Last sentence “The fines are up to \$5,000 per illegal Bed and Breakfast operation.” Should be removed.

Page 5, bullet 2, QCC under Kahala Mall Report should read...

Turbin inquired: About the status of the Yen King Restaurant (which has closed). Kauinana recommended that the Board consider supporting and trying Aloha Salads, a new locally-owned business in the Mall. When Mr. Turbin persisted and commented about enjoying Chinese Food, Kauinana recommended he patronize Panda Express in the Mall or perhaps our neighbor across the street, Chin's Chinese Restaurant.

Without objections, the March 20, 2008 Regular Meeting Minutes was approved as amended by a unanimous vote, 8-0-0. Aye: Anderson, Turbin, Pyles, Digmon, Kane, Fichtman, Fukuda, Roberson.

Treasurer's Report: Chair Roberson inadvertently reported the treasurer's report for April instead of March. The following report reflects March's expenditures and balances. Previous operating account balance was \$2094.55; current expenses were \$24.50; current operating account balance to date is \$2070.05. The publicity account balance remains at \$665.84. The refreshment account balance remains at \$120.00. **Without objections, the March 2008 treasurer's report was approved by a unanimous vote, 8-0-0. Aye:** Anderson, Turbin, Pyles, Digmon, Kane, Fichtman, Fukuda, Roberson.

Pyles moved and Kane seconded to add to the agenda to consider new business the repeal of City & County Bills # 6, 7, 8, and 9 relating to Bed and Breakfast (B&B) and Transient and Visitor Units (TVU). Without objections the motion to amend the agenda and add item to new business passed by unanimous consent, 8-0-0. Aye: Anderson, Turbin, Pyles, Digmon, Kane, Fichtman, Fukuda, Roberson.

Chair Roberson mentioned that he will take New Business out of order and hear new business after elected officials and before Task Force Committee Reports.

Pyles moved and Anderson seconded to add onto this evening's agenda under old business the issue of beach encroachment. Without objections the motion to amend the agenda and add item to old business passed by unanimous consent 8-0-0. Aye: Anderson, Turbin, Pyles, Digmon, Kane, Fichtman, Fukuda, Roberson.

RESIDENTS' CONCERNS: Derek Tamura of East Oahu Sun, introduced to the Board an Independence Day Fundraiser scheduled for July 4, 2008 at Maunaloa Bay. This event is sponsored in partnership with the Mayor's Office and the City & County of Honolulu.

- Roberson asked if a presentation can be given to the board in June. Tamura said that would not be a problem and he would be happy to (Add to June agenda).

Clement Bautista, on half of Kahala School Community Council, announced the vacancy of two positions. The two positions are Community Representative and Parent Representative. Interested individuals can grab the pink form on the community table and submit it to me either by mail, email, or in person.

- Roberson: what are the conditions of the representative. Bautista: this is an advisory group which meets once a month August to May, with two year terms.

REPORTS FROM ELECTED OFFICIALS:

Governor Linda Lingle's Representative: No one present. Fukuda: State Department of Transportation awarded a contract for the beautification of Kalaniana'ole Highway. This project includes the planting of two hundred vertical growing trees.

Representative Barbara Marumoto: 1) Kahala Beach Resolution will be heard in the Senate's Water and Land Committee chaired by Senator Hee. 2) Hawaii's first all girls robotics team from Sacred Hearts Academy will be competing in the national FIRST/NASA Robotics tournament on the Continental U.S. 3) The Hawaii Chapter of the American Red Cross held a blessing for its renovated headquarters on Diamond Head Road.

- Kane: what is the new streamline sales tax. Marumoto - it was a new internet service tax for computers bought from mainland.

Lyla Berg: Shared her mahalo to Rep. Marumoto for tracking the Bills currently in the Senate and had noted: 1) Aina Haina Elementary was named a 2008 Blue Ribbon School. 2) The Kahala Beach Shoreline issue has been stalled in the Senate Finance Committee. 3) Tuesday, April 22, 2008 will be Earth Day.

- Pyles: Wanted the inclusion of East Honolulu in the county plan. Berg responded that she has not heard, but encourages Boards to be aware, four area neighborhood boards took positions to be included into the East Honolulu area resolution, possibility \$2 million funding for sustainability council options managed by University of Hawaii Policy Study's.

Senator Sam Slom: 1) this year is a do-nothing Legislature. 2) Citizens will be receiving a one dollar tax refund from a \$500 million state surplus. 3) Appeals Court ruling could invalidate state special funds. 4) Streamline tax is a backdoor for internet tax. 4) The information shared by Mayor's representative Wayne Yoshioka regarding Mass Transit was considered misinformation and the Mayor and City does not want the people to vote on the issue. Some companies who have received monies regarding this project have been fined for campaign spending violations.

- Yoshioka defended the information he shared with his own facts and said that the statement shared by the senator was misinformation.
- It was mentioned during this discussion of Sen. Slom accepting a debate with Mayor Hanneman in a town hall setting regarding the mass transit issue.

Chair Roberson takes new business out of order.

NEW BUSINESS | PRESENTATION:

Honolulu Marathon After Action Report: Ken MacDowell shared his report concerning the impact of the marathon on the economy, communication and resident inconveniences.

Doris Duke Foundation Conditional Use Permit: Deborah Ho Balfour issued her findings regarding the foundations numerous violations of their conditional use permit. She informed the board that the director of Planning and Permitting, Henry Eng, amended the original permit allowing the foundation to use 24 passenger vans and extended operational hours on weekends.

- Neighbor Genie Davis - the area is really noisy now that the crowds have increased.
- Chair Roberson asked if Balfour considered legal council. Balfour stated that costs money.
- Fukuda - there was a disregard for the permitting process, community accepted initial proposal in good faith, and City & County of Honolulu and the Honolulu Academy of Arts should be held accountable.

Pyles moved and Anderson seconded that a meeting with Henry Eng be scheduled with a letter drafted by the board stating that he acknowledge the original content of the original conditional use permit passed by this board and the community. The motion was adopted 7-1-0. Ayes: Anderson, Turbin, Pyles, Digmon, Fichtman, Fukuda, Roberson **Nays:** Kane **Abstain:** None

Chair Roberson takes old business out of order.

OLD BUSINESS:

Beach Encroachment: Chair Roberson requests Pyles to update the board on the status of Department of Land and Natural Resources (DLNR) presentation next month. Pyles reported: 1) DLNR will send a letter out and ask

for voluntary assistance. 2) Rep. Marumoto has been helpful in inviting Kahala Beach residents. 3) She has a mailing list of Kahala Beach residents, letter from the board, and a invitation to May 15, 2008 Board Meeting and DLNR presentation on the "Impact of Vegetation Encroachment." Approximately 200 invitations needed.

Pyles moved and Anderson seconded that the Waiialae-Kahala Neighborhood Board No. 3 appropriate no more than \$150.00 of the Board's funds to mail out 200 invitations to Kahala Beach residents and refreshments. Without objections, the motion was adopted by a vote of 8-0-0. Ayes: Anderson, Turbin, Pyles, Digmon, Fichtman, Fukuda, Roberson, Kane

Chair Roberson takes new business out of order.

NEW BUSINESS:

Regarding the repeal of Bills 6, 7, 8, and 9 dealing with Bed and Breakfasts (B&B) and Transient Visitor Units (TVU), Chair Roberson indicated that Pyles was the lead person on this issue. Pyles stated that the board should hear the concerns of residents first.

- Rai Saint Chu a thirty-year Waiialae/Kahala resident shared: 1) there is more opinions than the one shared in the local Kahala paper regarding the support of Bed and Breakfasts in the community. 2) That these businesses are a reasonable use of property. 3) Distributed two articles to the board relating to the topic.
- Angie Larson, president of HVROA informed the board that: 1) the members of my organization want our industry to be legalized and co-exit with neighbors. 2) Distributed four letters supporting sensible regulation and licensing of B&Bs and vacation rentals. Pyles asked how many members were operating legally. Larson shared that there are a handful which operate legally, but, statistically there are forty lost annually.
- Pyles: 1) being good neighbors is just self-serving rhetoric because none of these illegal operations acknowledges the law. 2) As a community, do we want to have this? If we do, what do we want the conditions to be? 3) Currently, communities and neighboring properties are powerless to stop the impact of short-term vacation rentals. Kane asked if 51% of surrounding homeowners can change it. Pyles responded, yes, it can be if you have the support of 51% of neighbor's within 300 feet radius and if you meet all the respondent deadlines. Kane said that it is minimal use of property and feels that it must be nice for the homeowners to have an extra income. Digmon added that B&Bs are a lucrative business, expensive invitation to short-term tourists, and disrupting to a neighborhood. Chair Roberson asked if there was a position the Board wanted to take on this issue. Turbin asked for a point of order that the board already decided on this issue. Pyles said that it differs from the previous Board's action. Turbin asked when it will come to City Council. Pyle responded that there is no scheduled date set by Councilmember Tam's committee to hear these bills. Kane asked what type of financial impact or contribution do these businesses have on the City & County of Honolulu. Pyles answered that she has called land use, no numbers, the only comparable information she received is from Kailua Chamber of Commerce stating that it's good for business. Larson answered that the City & County of Honolulu collects the General Excise Tax (GET) and the Transient Accommodation Tax (TAT). Fichtman concluded discussion by saying that Councilmember Tam deferred all bills in committee, it can stay 18 months.

Pyles moved and Kane seconded that a Permitted Interaction Group (PIG) is formed to look into the issue of B&B's and TVU's and its impacts or benefits on the Waiialae-Kahala Neighborhoods with its membership consisting of Pyles, Kane and Turbin. Without objections the motion passed by a unanimous vote, 8-0-0. Ayes: Anderson, Turbin, Pyles, Digmon, Fichtman, Fukuda, Roberson, Kane.

ADJOURNMENT: Chair Roberson adjourned the meeting at 9:30 p.m.

Submitted by Orrin Kupau, Neighborhood Assistant