



## WAIALAE-KAHALA NEIGHBORHOOD BOARD NO. 3

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### **DRAFT REGULAR MEETING MINUTES THURSDAY, APRIL 16, 2009 WESLEY UNITED METHODIST CHURCH**

**CALL TO ORDER:** Chair Kelley Roberson called the meeting to order at 7:01 p.m. with **seven (7) members present**. Note – This nine-member Board requires five (5) members for a quorum and to take official Board action.

**Members Present** – Scotty Anderson, Stan Fichtman, Lester Fukuda, Linda Fulton, Sylvia Himeda, Lucinda Pyles, Kelley Roberson, Richard Turbin (arrived at 7:20 p.m.).

**Members Absent** – Gerri Digmon (notified).

**Guests** – Firefighter 1 J. Horibata, Captain G. Katayama (Honolulu Fire Department – Kaimuki Fire Station); Lieutenant G. Lum Lee, Sergeant G. Perreira, Officer K. Takamiya (Honolulu Police Department – District 7, East Honolulu); Ross Tanimoto (Mayor Mufi Hannemann's Office – City Department of Environmental Services, Second Deputy Director); Bryan Gallagher (Board of Water Supply); Kainoa Kaumeheiwa-Rego (Councilmember Charles Djou's Office); Mark Anderson (Governor Linda Lingle's Office – State Department of Business, Economic Development and Tourism, Deputy Director); Representative Barbara Marumoto; Senator Sam Slom; Director Wayne Yoshioka, Mark Kikuchi, (City Department of Transportation Services); Stanley Chang; Rachel M. Glanstein (Neighborhood Commission Office).

**INTRODUCTION OF BOARD MEMBERS AND GUESTS:** Those present introduced themselves.

#### **HONOLULU FIRE AND POLICE DEPARTMENTS:**

**Honolulu Fire Department (HFD)** – Firefighter 1 J. Horibata reported the following information:

- 1) **March 2009 Statistics** – There were 6 structure, 3 rubbish, and 2 vehicle fires, 105 medical emergencies, 2 search/rescues, and 7 miscellaneous emergencies. No major incidents were reported.
- 2) **Fire Safety Tip** – House numbers must be visible from the street to assist first responders in an emergency.

Questions, comments, and concerns followed:

- 1) **Kahala Nui Emergencies** – None of the medical emergencies reported involved Kahala Nui because it is located in right outside of their area.
- 2) **Fire Safety Tips** – The fire safety tips are created by the public relations section.

**Honolulu Police Department (HPD)** – Lieutenant G. Lum Lee distributed the report and highlighted the following:

- 1) **Report Contents** – The report included monthly statistics, home security safety tips, and contact information for District 7 – East Honolulu. The District 7 – East Honolulu website is [www.honolulupd.org/patrol/d7](http://www.honolulupd.org/patrol/d7); use the "Report to Us" link to receive a response within 48 hours.
- 2) **Reaccreditation** – HPD is scheduled for on-site assessment as part of a program to achieve reaccreditation by verifying it meets professional standards. The accreditation program requires agencies to comply with state-of-the-art standards in four basic areas: policy and procedures, administration, operations, and support services. The public is invited to provide their comments; for more information, call 547-2781.

Questions, comments, and concerns followed:

- 1) **Recent Thefts in Kahala** – Some of the recent thefts in the Kahala area were committed by neighbors and some by groups of teenagers. Often there are increases in property crimes when school is not in session. HPD does monitor the area and track statistics.



- 2) Crimes Against Elders – There have been reports of scams involving the elderly, and warnings were issued about people conducting mole checks and setting up artificial car accidents in parking lots.
- 3) Kilauea Avenue Traffic – No problems have been observed so far with traffic on west Kilauea Avenue.

REPORT FROM CITY AGENCIES:

Mayor Mufi Hannemann's Representative – Ross Tanimoto, the Second Deputy Director of the City Department of Environmental Services (ENV), circulated the Mayor's newsletter and a handout related to the Improvement District Process, and specified the following information:

- 1) Feral Chickens – The exact location of the feral chickens (such as park, beach, roadway, pond, stream, bus stop, private property, etc.) is required to determine to which agency the concern should be forwarded.
- 2) Sidewalks and the Improvement District Process (IDP) – The IDP refers to the installation of sidewalks in areas that have none. IDP may be initiated by the City or by an individual; however, regardless of who initiates the process, a percentage of the cost to install sidewalks will be passed on to individual owners. Due to the drainage issues in the area, the installation of sidewalks will be costly to owners.

Questions, comments, and concerns followed:

Feral Chickens – There are many feral chickens on some of the properties owned by Genshiro Kawamoto. Mr. Tanimoto will follow up with the Hawaii Kai Neighborhood Board (NB) No. 1, who experienced some of the same problems. It was noted that the chickens may not be exterminated.

Turbin arrived during the below report; **eight (8) members present.**

Malia Street / Ainakoa Avenue Intersection: Mr. Tanimoto introduced Wayne Yoshioka, the Director of the City Department of Transportation Services (DTS), and Mark Kikuchi, who presented the following information –

- 1) Intersection Concerns – Concerns regarding the intersection focus on speeding and pedestrian safety.
- 2) Current Conditions – A survey was done of the current conditions at the intersection. A total of 85% of vehicles travel the roads at 34 miles per hour (mph) or less. The location includes four crosswalks and a bus stop, and the pavement width is 20 feet in each direction.
- 3) Solutions – A solution is to narrow the lane widths with pavement markings, and the installation of medians would visually narrow the road. In addition, as recommended by the Board, an extra right turn lane will be painted. Rumble strips were also suggested but could be loud for neighbors; a compromise would be to install bumps on the edges of the medians. In other locations, a speed reduction of two to five mph was realized by visually narrowing the road. Even greater success was achieved using vertical delineators, but they are not aesthetically pleasing and may be inappropriate for the area. The medians will first be painted, and if the paint is now narrowing the road enough, then curbs will be installed; the curbs are easily removable. Sometimes solar-powered driver feedback signs are installed to show motorists' speeds, and these may be installed at the ends of the intersection on Ainakoa Avenue; however, vandalism may occur.
- 4) Cost – The entire project would most likely, at the least expensive estimate, cost \$50,000. Specifically, the solar-powered driver feedback signs cost \$20,000 to \$25,000.

**The motion related to the Ainakoa Avenue / Malia Street intersection was added to the agenda by UNANIMOUS CONSENT (8-0-0) (AYE: Anderson, Fichtman, Fukuda, Fulton, Himeda, Pyles, Roberson, Turbin).**

**Fukuda moved, and Turbin seconded, that the Board support the City Department of Transportation Services (DTS) recommended traffic management actions for the Ainakoa Avenue / Malia Street intersection.** Discussion ensued:

- 1) Motorist Lines of Sight – It's difficult for motorists to see left or right when stopped behind the crosswalk on Malia Street, and it was suggested to move that crosswalk closer to the intersection; it was pointed out that motorists are permitted to edge out into crosswalks after a complete stop.
- 2) Cost Breakdown – The driver feedback signs cost \$20,000 to \$25,000 and the installation of the medians, painting, and restriping of crosswalks will cost \$25,000 to \$30,000.
- 3) New City Budget General Item – The process to program these sorts of transportation projects usually takes at least two years before any action happens. DTS is planning to propose to the City Council a new general item to allow money to be budgeted for transportation projects suggested by DTS; everyone was invited to attend the budget hearing to support the idea to increase the speed of transportation projects.
- 4) Local Support for Project – The residents of the area were found to be in favor of the project as presented.

**The motion that the Traffic Committee recommends the Board support the City Department of Transportation Services (DTS) recommended traffic management actions for the Ainakoa Avenue / Malia Street intersection was ADOPTED UNANIMOUSLY, 8-0-0 (AYE: Anderson, Fichtman, Fukuda, Fulton, Himeda, Pyles, Roberson, Turbin).**

Board of Water Supply (BWS) – Bryan Gallagher, from the BWS, furnished the following information:

- 1) No Main Breaks – There were no main breaks in March 2009.
- 2) Water Meter Maintenance – BWS conducts water quality tests and maintains over 2,000 miles of pipeline to ensure that water delivered directly to water meters is safe to drink. BWS is responsible for maintaining and repairing the water mains, the meter boxes, and the meter itself. Customers are responsible for the water delivered after the meter into the home or business, and should check for leaks since they will pay for any water wasted through a leak. Call 748-5000 to request help in locating leaks.

Questions, comments, and concerns followed:

Leaks – If all water sources are shut down and the water meter is spinning, then there is probably a leak. BWS was thanked for their diligence in assisting a resident to immediately stop a leak. Everyone was reminded to check their pressure releasing valve for any inconsistencies.

Councilmember Charles Djou – Kainoa Kaumeheiwa-Rego distributed the report and touched on the following:

- 1) City Budget – Councilmember Djou recently submitted changes to the City budget, including a 5% cut across the board in salary and expenses, which were rejected; Mayor Hannemann's budget still has a shortfall. Councilmember Djou's goal is to provide basic services while trimming excess expenses. There will most likely also be an increase in motor vehicle weight tax, which affects the cost of car registration.
- 2) Bill 4 (2009) Relating to Using Electronic Devices While Driving – Bill 4 passed out of committee and will likely go to third reading on April 22, 2009. Recently radio operators assisting in emergencies were exempted from the prohibition on using electronic devices while driving.
- 3) Feral Chickens – The City contracts with Royals Farming to put out traps to catch feral chickens; there are currently traps set at the Diamond Head Cemetery.

Questions, comments, and concerns followed:

Feral Chickens – Either the City Departments of Facility Maintenance (DFM) or Planning and Permitting (DPP) is involved in the issue of feral chickens. More than 16 chickens were seen by the lighthouse. It was facetiously suggested to use the feral chickens to feed the homeless.

BOARD HOUSEKEEPING:

Approval of the March 19, 2009 Regular Meeting Minutes – The March 19, 2009 regular meeting minutes were APPROVED AS CORRECTED by UNANIMOUS CONSENT (8-0-0) (AYE: Anderson, Fichtman, Fukuda, Fulton, Himeda, Pyles, Roberson, Turbin), **with the following corrections:**

- \* Page 2 – Reports from City Agencies – Councilmember Charles Djou – bullet no. 1 – Bill 67 was vetoed by the Mayor and council has it on its agenda to try and override the mayor's veto. Councilmember Djou attempted to orchestrate a veto override, but was unable to successfully acquire the necessary votes.
- \* Page 2 – Reports from City Agencies – Councilmember Charles Djou – bullet no. 3 – Djou is concerned with the administration's \$3.5 billion proposed budget. It was noted that there is a .29 percent decrease in spending in the operation budget and that \$1.1 billion from the budget is designated for use on rail transportation. It is 29 percent less than last year. It is of concern because of the \$1.1 billion; \$150 million is from the transit fund while \$951 million will come in the form of general obligation bonds. This is important because the amount of debt service the City will need to pay on these bonds will be substantial.
- \* Page 2 – Reports from City Agencies – Councilmember Charles Djou – bullet no. 4 – The hand held cell phone ban was passed yesterday by City Council. Cell phones may still be used anytime in case of an emergency. Turbin asked if using one's cell phone in an emergency was exempted under the proposed legislation. Kaumeheiwa-Rego clarified that it is presently an affirmative defense, which means one will still be cited and required to go to court to get the ticket cleared.

Treasurer's Report (March 2009) – Treasurer Pyles reported that: (a) the Operating account expended \$22.41, leaving a balance of \$1,263.60; (b) the Publicity account had no expenses, leaving the balance at \$936; and (c) the Refreshment account had no expenses, leaving the balance at \$120.

#### RESIDENTS' CONCERNS:

Feral Chickens – A great deal of concerns, including health concerns, were raised about feral chickens. Chair Roberson offered to put the item on next month's agenda.

#### REPORTS FROM ELECTED OFFICIALS:

Governor Linda Lingle's Representative – Mark Anderson, the Deputy Director of the State Department of Business, Economic Development and Tourism (DBEDT), circulated the Governor's report and emphasized:

State Budget – Gov. Lingle is required to have a balanced budget, and with the decreasing revenue projections from the Council on Revenue, the shortfall keeps increasing. She has proposed to use some of the State fiscal stabilization fund, and is working with the State Department of Education (DOE) and the Federal government on how to properly use the funds to cover some of the shortfall. Gov. Lingle does not want to raise taxes. DBEDT had to make a 19% budget reduction; about 90% of DBEDT's budget covers salaries, so any further cuts will result in decreased salaries or benefits, or layoffs.

Questions, comments, and concerns followed:

- 1) State Budget Solutions – It was suggested to balance the budget with some cuts from public workers and some tax increases. It may be difficult for a republican governor to work with a democratic legislature; Gov. Lingle has had more vetoes overridden than any other governor in Hawaii. Some declared the government unions irresponsible for refusing to give up benefits; private companies already were forced to make cuts. If there are no cuts for public workers, and no tax increases, then thousands of jobs will have to be cut.
- 2) Fee Collections – A resolution was suggested to investigate and charge unlicensed contractors with fees and penalties; the State Department of Taxation drafted a bill to address this but the bill didn't pass.
- 3) Vegetation Encroachment – House Bill 1447 (HB 1447) regarding vegetation encroachment was deferred in committee, but is still alive for next year's legislative session.

- 4) Legislative Process – There is often less than 24 hours notice of hearings in the legislature; determined lobbyists need to block off the entire session in their calendars to make sure that they will be able to attend the hearing and testify with almost no advance notice. Some felt it was amazing any legislation is passed.

Representative Barbara Marumoto – Rep. Marumoto distributed her report along with a handout listing the property violations of Genshiro Kawamoto, and detailed the following information:

- 1) Shark Tours Meeting – Rep. Marumoto attended the shark tours meeting in Hawaii Kai tonight.
- 2) Property Fines – Some property owners, such as Genshiro Kawamoto, who own several properties in a small neighborhood, allow their properties to deteriorate, which lowers property values in the area. Everyone was requested to support the resolution, introduced by this Board, regarding increasing fines for these types of property owners. It's often too easy for a property owner like Mr. Kawamoto to pay off the initial fee of each fine and then continue the violation.
- 3) Genshiro Kawamoto Violations – From 2002 until the present, there have been: (a) 106 total Notice of Violations (NOVs) issued; (b) 85 NOVs corrected or closed; (c) 21 NOVs unresolved; (d) 40 Notice of Orders (NOOs) issued; (e) 14 NOOs corrected or closed; and (f) 26 NOOs unresolved.

Questions, comments, and concerns followed:

Mr. Kawamoto's Property Violations –One goal is to treat all of Mr. Kawamoto's properties as one, which would greatly increase the fine amounts; the idea will be proposed to the director of DPP. There is a "lawsuit group" that will convene and contribute funds to hire an attorney to assist the group in filing civil violations against Mr. Kawamoto for violating the covenants of the Kahala Homeowners' Association. Mr. Kawamoto is hard to locate in order to serve papers. The process may take six months or more. There is a meeting of the group on May 2, 2009. Contact Turbin for more information on these issues.

Representative Lyla Berg – Rep. Marumoto circulated the report; Rep. Berg is attending the shark tour meeting.

Senator Sam Slom – Sen. Slom distributed his report and called attention to the following points:

- 1) Board Meeting Priority – He noted that his priority was the Board meeting, not the shark tours meeting.
- 2) Feral Chickens – There are feral cats and chickens in Hawaii Kai; however, since people seem to feed both animals, the cats do not chase after and eat the chickens.
- 3) Legislative Process – There are only 12 days left in the current legislative session. The legislature is going into the conference committee process. Deals between Senate and House committee chairs are often made behind closed doors. The legislature can override gubernatorial vetoes with a two-thirds vote; some legislators have been voting yes with reservations, so it's possible not all vetoes will be overridden.
- 4) Tax Increase – Many bills relating to tax increases (general excise, transient accommodations tax, fuel tax, conveyance tax) were introduced, but many won't pass in their current format. A suggestion was to levy the fuel tax based on mileage instead of gallons. Raising the general excise tax 1% was also proposed.
- 5) State Budget Cuts – Sen. Slom suggested the State stop starting new programs that often run out of money in a few years. Vacant positions in many departments may be eliminated to save money. Many public employee benefits are better than those in the private sector. There will be a 5% salary cut for the legislative, executive and judicial salaries; however, the legislature recently received a 36% pay increase from the Salary Commission (Sen. Slom is opposed to this commission because of the lack of public input).
- 6) Shangri La Estate Construction – The Doris Duke Foundation for Islamic Art at the Shangri La estate is undergoing a permitting process before they construct a new two-story building on the property near Black Point. An Environmental Assessment (EA) is being prepared; call 545-2055 with any comments. The Board previously received a presentation on the new construction.

Questions, comments, and concerns followed:

- 1) Tobacco Tax Increases – In general, people that smoke tobacco tend to be poorer. It's possible there could be a wave of people stealing tobacco products. The price of a cigarette pack will increase by 13 cents, and the prices of other tobacco products will increase as well to generate revenue.
- 2) Voting Yes with Reservations – Examples were given of legislation where many vote yes with reservations, such as on Karen's Law (HB 819) which charges minors who commit first degree murders as adults, and before amendment included second degree murder as well. Often legislators want to support the intent of the legislation, but they don't agree with the exact language.
- 3) Senate Bill 350 (SB 350) – SB 350, which would have allowed residents to use deadly force to protect themselves in their own homes, passed out of the House with amendments, and may require the resident to retreat. It was clarified that some legislators felt the scope was too broad to pass without amendment, that it may allow deadly force to be used outside of the home.
- 4) Revenue Generation – Hawaii law may be changed to allow pensions to be taxed as the Federal government does. A goal is to foster a good business environment to create jobs and generate revenue.
- 5) Government Unions – Hawaii is second only to New York in amount and strength of unions, both public and private. Questions were raised about government existing to provide union jobs.

OLD BUSINESS: There were no items under this heading.

PERMITTED INTERACTION GROUP (PI GROUP) REPORTS: No reports given.

NEW BUSINESS: There were no items under this heading.

TASK FORCE / COMMITTEE REPORTS:

Oahu Metropolitan Planning Organization (OMPO) Traffic – Fiscal Years 2008, 2009, 2010, 2011 Transportation Improvement Plan Revision No. 10 – Fukuda reported that the Kalaniana'ole Highway sewer systems improvement project draft environmental assessment (EA) was completed and the project was put out to bid. Preliminary specifications were done, and the EA was amended with comments received. The earliest time to start the work is in September or October 2009.

Land Use & Zoning – City Council Actions or Pending Hearings – The draft EA for the culinary institute to be built on Diamond Head, at the old cannon club, was received. The layout is quite extensive, and fundraisers are currently being considered. Chair Roberson offered to place the culinary institute item on the next agenda.

Questions, comments, and concerns followed:

Unfinished Curb Ramps – Many curb ramps were put in along Kilauea Avenue, except for the intersection at Pahoehoe Avenue, on the Koko Head side, where only the electrical work was done.

CORRESPONDENCE AND ANNOUNCEMENTS:

Chair's Comments – Chair Roberson briefly ran down the correspondence received and offered items to interested Board members. He noted the upcoming City energy contest. An April 3, 2009 letter from the Neighborhood Commission Office (NCO) Executive Secretary Joan Manke was received, setting forth an agenda template and minute-taking policy for Boards adopted by the Neighborhood Commission (NC); it's unclear whether the agenda template is mandatory or not. The long length of some Board meetings was used as a rationale for the agenda template, and a goal is to standardize minute-taking. Mr. Tanimoto, Mayor Hannemann's representative, was requested to stay through resident concerns at meetings. Chair Roberson will consider using the agenda template.

ADJOURNMENT: The meeting adjourned at 8:40 p.m.

Submitted by: Rachel M. Glanstein, Neighborhood Assistant

Reviewed by: Kelley Roberson, Chair