



WAIALAE-KAHALA NEIGHBORHOOD BOARD NO. 3

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DRAFT INITIAL CONVENING MEETING MINUTES THURSDAY, JULY 16, 2015 WESLEY UNITED METHODIST CHURCH

CALL TO ORDER: Chair Pro Tem Richard Turbin called the Waialae-Kahala Neighborhood Board No. 3 meeting to order at 7:02 p.m. with seven (7) members present. **A quorum was established.** Note: This nine (9) member board requires five (5) members to establish quorum and to take official board action.

Board Members Present: Marianne Au, Peter Dudgeon, Lester Fukuda, Sylvia Himeda, John Pyles, Martin Schiller, and Richard Turbin.

Board Members Absent: Kenneth Chang.

Vacancies: There was one (1) vacancy in Subdistrict 1.

Guests: Captain Tim Turgeon (Honolulu Fire Department), Sergeant Clifford Ramson and Lieutenant Clinton Sukekane (Honolulu Police Department), Director Michele Nekota, City Department of Parks and Recreation (Mayor Kirk Caldwell's representative), Michele Nagamine (Councilmember Trevor Ozawa's Office), Senator Sam Slom, Representative Bertrand Kobayashi, Lorna Heller (Board of Water Supply), Eileen Mark and Marisa Ideta (Department of Transportation Services), Clark Hatch (East Diamond Head Association), Laurie Chan (Avalon Development), Jason Healey (T-Mobile), Helen Price, Richard Chang, Bob Murakami, James Nicolay, Susan Todani, Martin Hsia, Peter Bourne, Arnold Brady, Lucinda Pyles, and Uyen Vong (Neighborhood Commission Office).

INTRODUCTION OF BOARD MEMBERS: Board members introduced themselves.

OATH OF OFFICE: Neighborhood Assistant Uyen Vong administered the Oath of Office to the newly elected board members.

ELECTION OF OFFICERS:

- **Election of Chair:** J. Pyles nominated Fukuda. Schiller nominated Turbin. Fukuda and Turbin accepted the nominations. A board member requested that the board vote via secret ballot. Schiller commented that Turbin is a dedicated member of the community and represents the community well. Community member Martin Hsia raised a concern about secret ballots and Neighborhood Assistant Vong affirmed that the board cannot vote by secret ballot. **The position of chair was NOT filled due to lack of majority consent for either candidate, 4-3 (Turbin: Au, Himeda, Schiller, and Turbin; Fukuda: Dudgeon, Fukuda, and Pyles).**
- **Election of Vice Chair:** Au nominated and Schiller seconded the nomination of Fukuda as vice chair. Fukuda accepted the nomination. **BY MAJORITY CONSENT, Lester Fukuda was ELECTED as VICE CHAIR, 5-0-0 (AYE: Au, Himeda, Pyles, Schiller, Turbin; NAY/ABSTAIN: Dudgeon and Fukuda).**

Vice Chair Lester Fukuda became the presiding officer. Chair Pro Tem Turbin relinquished the gavel to Vice Chair Fukuda.

- **Election of Secretary:** Himeda was nominated. Himeda declined the nomination. Schiller asked if the treasurer position and secretary position can be combined. Neighborhood Assistant Vong noted that the positions cannot be combined. Schiller nominated J. Pyles. J. Pyles declined the nomination. Turbin nominated Au. Au accepted the nomination. **BY UNANIMOUS CONSENT, Marianne Au was ELECTED as SECRETARY, 7-0-0 (AYE: Au, Dudgeon, Fukuda, Himeda, Pyles, Schiller, and Turbin).**
- **Election of Treasurer:** Schiller nominated Dudgeon. **BY UNANIMOUS CONSENT, Peter Dudgeon was ELECTED as TREASURER, 7-0-0 (AYE: Au, Dudgeon, Fukuda, Himeda, Pyles, Schiller, and Turbin).**
- **Election of Chair (Continue):** Schiller nominated and Himeda seconded the nomination of Turbin as chair. Turbin accepted the nomination. **BY UNANIMOUS CONSENT, Richard Turbin was ELECTED as CHAIR, 7-0-0 (AYE: Au, Dudgeon, Fukuda, Himeda, Pyles, Schiller, and Turbin).**

Chair Richard Turbin became the presiding officer. Vice Chair Fukuda relinquished the gavel to Chair Turbin.

Honolulu Fire Department (HFD) – Captain Tim Turgeon reported the following:

- Fire Statistics: There were 2 structure fires, 4 rubbish fires, 79 medical emergencies, and 43 miscellaneous emergencies.
- Fire Safety Tip: Summer break is an opportune time to review the home surroundings for potentially dangerous situations. Take the time to childproof the home. Check for situations that may cause electrical shock, accidental falls, and/or poisoning from unsecured medications, cleaning products, and houseplants. Ensure that swimming pools are properly fenced and gated. An alarm on the door from the house to the pool can help prevent unattended children from drowning. Keep matches and lighters in a safe and secured place away from children.

Honolulu Police Department (HPD) – Lieutenant Clinton Sukekane circulated newsletters, and reported the following:

- Crime Statistics: There were 3 motor vehicle thefts, 11 burglaries, 21 thefts, and 14 unauthorized entries of motor vehicles (UEMV). There were 6,139 total calls for service.

MONTHLY REPORTS

Board of Water Supply (BWS) – Lorna Heller reported the following: The BWS and Friends of Halawa Xeriscape Garden will be holding its annual Halawa Xeriscape Garden open house and unthirsty plant sale on Saturday, August 1, 2015 from 9:00 a.m. to 3:00 p.m. The public is invited to this family-friendly event that features a wide variety of less-thirsty and native plants at moderate prices, Xeriscape workshops by garden experts, keiki activities, educational booths, a cactus display, delicious food, free compost, and more. There is no charge for admission. Proceeds from the event will help support educational programs and classes at the Halawa Xeriscape Garden. For more information, visit www.boardofwatersupply.com or call the BWS Communications Office at 748-5041.

Chair Turbin took to agenda out of order to allow a community member to announce the following: Upcoming Triathlon and Road Race: Community member Peter Bourne announced that the Tinman Triathlon will be held on Sunday, July 26, 2015 at 5:30 a.m. There will be road closures.

Questions followed: More Details: Turbin asked and Bourne replied that the race ends at around 10:15 a.m., and the list of road closures is long, but it is the same as previous years.

Chair Turbin returned the agenda to order.

FILLING OF VACANCIES: Chair Turbin announced a vacancy in subdistrict 1. Schiller explained the boundaries of subdistrict 1. Schiller asked and community member Arnold Brady replied that he is not in position to be on the board. Since there were no nominations or volunteers, the filling of the vacancy was deferred to the next meeting.

MEETING DETERMINATION – DATE/TIME/LOCATION (AUGUST 2015-JUNE 2017): Himeda suggested the use of the conference room in the new HawaiiUSA Federal Credit Union (FCU) branch in Kahala. Community member Arnold Brady noted that the current location is an excellent location, and suggested to keep the same location since the community members had grown accustomed to this location. Himeda noted that the HawaiiUSA FCU facility is free.

Schiller moved and Au seconded that the Waiialae-Kahala Neighborhood Board No. 3 retain the third Thursday of the month, 7:00 p.m. at Wesley United Methodist Church as its regular meeting date, time, and location. The motion was ADOPTED by UNANIMOUS CONSENT, 7-0-0 (AYE: Au, Dudgeon, Fukuda, Himeda, Pyles, Schiller, and Turbin).

DETERMINATION OF BOARD RECESS SCHEDULE (AUGUST 2015-JUNE 2017): Chair Turbin noted that the board usually recesses in August and December. Schiller moved and Au seconded that the Waiialae-Kahala Neighborhood Board No. 3 recess in August 2015 and August 2016. **The motion was ADOPTED by UNANIMOUS CONSENT, 7-0-0 (AYE: Au, Dudgeon, Fukuda, Himeda, Pyles, Schiller, and Turbin).**

Schiller moved and Himeda seconded that the Waiialae-Kahala Neighborhood Board No. 3 recess in December 2015 and December 2016. The motion was ADOPTED by UNANIMOUS CONSENT, 7-0-0 (AYE: Au, Dudgeon, Fukuda, Himeda, Pyles, Schiller, and Turbin).

REQUEST TO PARTICIPATE IN THE OLELO BROADCAST PROGRAM OR TO REQUEST FUNDS FOR AN ANNUAL NEWSLETTER: Chair Turbin asked and received reply that the Neighborhood Commission Office will

provide funding for the Olelo broadcast. Schiller noted that the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 voted for an annual newsletter, however the end product failed to meet board expectations.

Fukuda moved and Dudgeon seconded to defer the request to participate in the Olelo broadcast program or request funds for an annual newsletter. The motion was ADOPTED by UNANIMOUS CONSENT, 7-0-0 (AYE: Au, Dudgeon, Fukuda, Himeda, Pyles, Schiller, and Turbin).

ADOPTION OF ORAL TESTIMONY RULES: Chair Turbin read the oral testimony rules as currently listed on the July 2015 agenda.

Fukuda moved and J. Pyles seconded to keep the same oral testimony rules as listed on the current agenda. The motion was ADOPTED by UNANIMOUS CONSENT, 7-0-0 (AYE: Au, Dudgeon, Fukuda, Himeda, Pyles, Schiller, and Turbin).

REPORTS OF MEMBERS' ATTENDANCE AT OTHER MEETINGS: Neighborhood Assistant Vong explained that this item was added to the agenda to encourage board transparency in light of the recent adoption of Senate Bill (SB) 419, which allows board members to attend free public meetings without violating Sunshine Law. Himeda asked and Vong replied that members should report their attendances at such meetings.

Mayor Kirk Caldwell's Representative – Director Michele Nekota, City Department of Parks and Recreation (DPR), reported the following:

- Twilight Summer Concert Series: The 2015 Twilight summer concert series will be held every Thursday for the rest of July 2015 at Foster Botanical Garden from 5:45 p.m. to 6:30 p.m.
- Homeless Individuals at Diamond Head Cliffs: In response to a previously raised concern, on Monday, July 13, 2015, an HPD Sergeant walked down the path that surfers use from the top of the lookout to the beach. Sergeant Pimenta did not see any homeless individuals or camps in the area. All calls for police service, including non-emergency reports, can be made to 911. The caller can indicate to the 911 emergency response operator that it is a non-emergency call for police service. Officers will be dispatched to assess the situation. However, no enforcement action can be taken against homeless individuals unless they are committing a criminal violation. Illegal encampments are cleared away by the City Department of Facility Maintenance (DFM) when they conduct Stored Property Ordinance (SPO) enforcement. An SPO operation was held in the area in June 2015.
- Mayor Caldwell's Initiative on Paving of Streets: In response to a previously raised question, the City has several road repaving projects currently taking place. Since Thursday, January 1, 2015, the City has repaved 132 lane miles across Oahu.
- Feral Chickens: In response to a previously raised question regarding feral chickens, the City contracted with Sandwich Isle Termite and Pest Control to address the feral chickens issue on City-owned facilities such as golf courses, public parks, and BWS yards. Approximately 1,500 chickens were identified to be on City property. If the chickens are crossing the road, they are most likely coming from Waialae Country Club, a private golf course.
- Off-Leash Dogs: In response to a previously raised concern regarding dogs that are off-leash, on Monday, July 13, 2015, an HPD Sergeant went to Kulamanu Beach Rights-of-Way (BROW) but did not observe any dogs in the area. Officers will continue to make checks in the area. HPD can enforce the leash law. Persons who see such violations are encouraged to call 911 and provide a description of the dog and the owner.
- No Parking Signs and Illegal Drinking: In response to a previously raised concern regarding noise complaints and possible illegal alcohol consumption, on Tuesday, July 14, 2015 officers checked this area but did not observe anyone there. They will continue to make checks and take enforcement action for violations. HPD encourages the community to call 911 when the noise and illegal drinking are occurring so that officers can be dispatched to observe the violations and take appropriate enforcement action. DTS' review of the traffic collision history on Hunakai Street between Aukai Avenue and Kolohala Street and on both sides of Aukai Avenue for the past three (3) years did not indicate any unusual conditions that would necessitate a parking restriction at this time. However, if the board wishes to pursue a "No Parking: 10:00 p.m. to 4:00 a.m." parking restriction, a survey of all the affected residents should be conducted. This survey, with a goal of roughly 90 percent occurrence, should be submitted to DTS through the Waialae-Kahala Neighborhood Board No. 3 while having the support of the neighborhood board does not guarantee that the requested change will be implemented, it is the best forum for residents to express their viewpoints regarding parking issues. *The survey form was handed out.*
- Coconut Trees: Regarding a previously raised concern, with assistance from Councilmember Ozawa's Office and the DPR staff, the coconut trees at Koko Place have been removed.

Questions, comments, and concerns followed:

1. Parking Rules: J. Pyles reiterated that 90% of residents must be in consensus to change parking rules.
2. Loitering: Dudgeon commented that there were two (2) people who were parked next to his home. Director Nekota replied to call HPD with description of their location. Dudgeon commented that they were lighting fires at night. Chair Turbin commented that lighting fires at night is illegal, and should be reported to HFD. Chair Turbin also noted that lighting fires at night is a City issue. J. Pyles commented that it is better to call the police.
3. Feral Chickens: Chair Turbin asked if the City is asking Waialae Country Club if they can get rid of the chickens, and suggested that the City asks. Director Nekota will follow up. A resident commented that the chickens are not coming from Waialae Country Club but from a home. The resident will provide Director Nekota with the address.
4. Overgrown Property: Community member Lucinda Pyles commented on an overgrown property. L. Pyles will provide an address to Director Nekota.

Councilmember Trevor Ozawa – Michele Nagamine circulated Councilmember Ozawa's newsletter, and reported the following:

- Director Nekota: Nagamine thanked Director Nekota for her fast response to requests by residents and Councilmember Ozawa's Office.
- Ala Moana Regional Park Community Action Plan (CAP): The CAP for Ala Moana Regional Park which is a list of nine (9) priorities have been released. The plan includes hiring more staff, renovating comfort stations, beautifying the park and making the park safer.

Questions, comments, and concerns followed: Homeless Issue: Chair Turbin asked what the plans are to deal with the homeless issue in Kaka'ako. Nagamine replied that there are several components such as mental health, and various departments are working together to tackle the issue. Nagamine noted that the reasons for the homelessness is vast and there are many contributing factors. Chair Turbin commented that there needs to be some type of permanent housing as well as concerted action and leadership from the government.

Representative Bertrand Kobayashi – Representative Kobayashi circulated his newsletter, and reported the following:

- Volunteer Opportunities: The Young Men's Christian Association (YMCA) is looking for volunteer projects in the Kaimuki area.
- Jean Charlot House: The University of Hawaii (UH) has no official position about the proposed building construction project, and is not sure when they will have a position.

Questions, comments, and concerns followed:

1. Jean Charlot Residence: Chair Turbin asked and Representative Kobayashi replied that a presentation was given at the last meeting regarding the proposed construction project which will extend the existing parking lot. Himeda asked for the building permit number.
2. Impact on Jean Charlot Residence: Resident James Nicolay, who gave the presentation last month, answered Chair Turbin's question about how the construction project will impact the Jean Charlot residence. Nicolay replied that specifics of the construction project are unknown at this time. Schiller suggested Nicolay talk to the general manager of the Waialae Country Club to ask for specific plans. Chair Turbin echoed the same suggestion.
3. UH: Chair Turbin commented that UH should be making the inquiry, and that the board can be apprised of the responses to UH's inquiry. Schiller asked if this construction project involves Kamehameha Schools.
4. Board Resolution: Nicolay asked for the board to write a letter in support of preserving the Jean Charlot residence. Chair Turbin noted that this is not an agenda item, and that it can be added to the agenda at the next meeting in September 2015. Au commented that this agenda item has to be added in September by 2/3 votes. Chair Turbin clarified that the agenda item can be added at tonight's meeting by 2/3 votes.
5. Agenda Item in September 2015: Chair Turbin noted this topic is disrupting Representative Kobayashi's presentation, however the topic can be added to the September 2015 agenda. Au commented that September 2015 may be too late and construction will be finished, and that a request was made at the last meeting to put this agenda item in the August meeting. Au noted that the request is not in the minutes. Chair Turbin noted that the board should defer to UH.
6. Building Permit: Fukuda asked if a building permit for the parking lot has been obtained. Nicolay responded no, but applications have been submitted.

Fukuda moved and Au seconded to add "Jean Charlot Residence" to tonight's agenda.

Discussion followed:

1. Board Rules: Himeda commented that the board should not add this item on tonight's agenda since board rules state that "items may not be added if they are of major importance and will affect a significant number of people."
2. Abstention: Schiller noted that there is not enough information about the construction project, and will abstain from voting.
3. Opposition from Himeda: Himeda echoed the same sentiments as Schiller, and an opportunity should be given to the Waialae Country Club to present their case.
4. DPP Letter: Au asked if the board could request DPP to postpone granting the permit until there is time for the community input. Chair Turbin noted that this item should also be on the agenda if that is a board request.
5. Support from Fukuda: Fukuda asked that this item should be added tonight before it is too late for discussion.

The motion to add "Jean Charlot Residence" to the agenda WAS NOT ADOPTED, 4-2-1 (AYE: Au, Dudgeon, Pyles, and Fukuda; NAY or ABSTAIN: Himeda, Schiller, and Turbin).

Chair Turbin noted that "Jean Charlot Residence" will be on the September 2015 agenda.

Representative Mark Hashem – Representative Hashem was not present; no reports were circulated.

Senator Sam Slom – Senator Slom reported the following:

- Governor Ige's Veto List: Governor Ige vetoed eight (8) bills including a bill involving trafficking.
- Town Hall Meeting: There was a town hall meeting on Tuesday, July 14, 2015 in Hawaii Kai to discuss the expansion of the National Oceanic and Atmospheric Administration (NOAA) sanctuary in Maunaloa Bay. The preservation of humpback whales have been so successful that the whales are no longer considered an endangered species. The period for public input has been extended.
- Legislative Ideas: Contact Senator Slom's Office to give legislative ideas for the 2016 legislative session.
- State Elections Commission: There is terrible leadership at the State Election Commission. Chief Election Officer (CEO) Scott Nago was given a \$10,000 raise. There were many mistakes made during the past elections under the direction of CEO Scott Nago.

Questions, comments, and concerns followed: Salary of Chief Election Officer: Schiller asked and Senator Slom replied that the raise was from \$80,000 to \$90,000. Senator Slom added that the commissioners wanted to give the maximum amount to his salary in 2014. Schiller asked and Senator Slom replied that the last increase was six (6) years ago.

At 8:43 p.m., Schiller departed the meeting. 6 members were present.

RESIDENTS' AND COMMUNITY CONCERNS

1. Illegal Use of Diamond Head Park Land: Resident Martin Hsia provided an update regarding a neighbor who is encroaching on public property on the side of Diamond Head Park. Chair Turbin apologized for being unable to attend the May 2015 meeting, and that the board had passed a resolution regarding the Diamond Head Park. Chair Turbin noted that the resolution will be given to the neighborhood assistant and be mailed to the appropriate entities. Chair Turbin read the following portion of the resolution: Be it resolved that the Neighborhood Board requests that the Department of Land and Natural Resources of the State of Hawaii take appropriate action to preserve the pristine beauty of the slopes of Diamond Head and not allow private landowners to encroach open State land to build gardens, farms or structures and take action to prevent the people of Hawaii from accessing State preservation and recreation lands. Immediate action should be taken by DLNR to take back State land that has been expropriated for private use. A copy of this resolution shall be sent to the Director of the Department of Land and Natural Resources, the Governor, the Mayor, and all members of the Honolulu City Council.

BOARD BUSINESS/PRESENTATIONS

Opposition by Residents of East Diamond Head regarding T-Mobile's request for 65' Tower at Arc in Hawaii: Clark Hatch presented the following: There are height limits in the Diamond Head Special District. The special district does not allow certain developments. Neighbors of The Arc are opposed to T-Mobile's plan for a 65' tower which will disrupt the view planes of Diamond Head. The East Diamond Head Association (EDHA) requests the board's support.

Discussion followed:

1. Clarification: Chair Turbin clarified that the petition that is being passed around is for residents living on Kaulio Place who are in opposition of T-Mobile's plan to install a 65' telecommunications facility at The Arc.
2. Fee: Au asked for confirmation if T-Mobile is paying The Arc \$5,000 per month as part of the deal. Hatch replied that the amount is undisclosed. Community member Arnold Brady commented that representatives from Avalon and T-Mobile said at the last meeting that they were unable to disclose the amount.
3. Support by J. Pyles and Dudgeon: J. Pyles and Dudgeon voiced support for the opposition of the T-Mobile's proposed plan.
4. Avalon Development: Lori Chan introduced herself as a representative for Avalon Development. Chan reported that the amount is still being negotiated between T-Mobile and The Arc.
5. Location: Fukuda asked if there are void areas of coverage, and if The Arc is the only location being considered by Avalon Development. Chan replied that The Arc is the preferred location. Jason Healey from T-Mobile explained more about the decision for the location. Chan circulated maps of the proposed plan.
6. Kaimuki: Chair Turbin asked if the telecommunications tower can be placed in Kaimuki. Healey replied no.
7. Telecommunication Poles: Resident Martin Hsia commented that residents including himself do not want to see telecommunication poles.
8. Height Limit: Chan commented that there is a height limit in the Diamond Head Special District, but there are exemptions that may apply to the proposed plan.

J. Pyles moved and Dudgeon seconded that the Waialae-Kahala Neighborhood Board No. 3 pass a resolution to support residents in keeping the characteristics of the neighborhood.

Discussion followed: Clarification: Chair Turbin clarified that the resolution would be in support of the residents in the Diamond Head Special District who are opposed to T-Mobile's proposed plans to install a 65' telecommunications facility located at 5989 Diamond Head Road, and request DLNR to force its lease with The Arc and not disrupt the view planes of Diamond Head.

The motion was ADOPTED by MAJORITY CONSENT, 5-1-0 (AYE: Dudgeon, Fukuda, Himeda, Pyles, and Turbin; NAY: Au; ABSTAIN: None).

Department of Transportation Services, Public Transit Division: Title VI Policy: Marisa Ideta from DTS provided a hardcopy draft report regarding Title VI, and presented the following: Title VI Report: Every three (3) years, DTS is required to report to the Federal Transit Administration (FTA) on how its services and programs were equally available to the public regardless of race, color, national origin, gender, or disability. Forms are available for public comments, and the comments will be included in the final report. There will be a public hearing regarding this issue on Tuesday, September 1, 2015 at 9:30 a.m. at the Mission Memorial Building. The deadline for public comments is Tuesday, September 15, 2015. The date for submitting the final draft to the City Council is in October 2015 and to the FTA in December 2015.

Approval of the June 18, 2015 Regular Meeting Minutes – The Waialae-Kahala Neighborhood Board No. 3 regular meeting minutes of June 18, 2015 were APPROVED, as amended, by MAJORITY CONSENT, 5-0-1 (AYE: Au, Dudgeon, Fukuda, Himeda, Pyles; NAY: None; ABSTAIN: Turbin). Amendment: Page 3, under Illegal Use of Diamond Head Park Land: Should read "...regarding an issue with a neighbor who privatized Diamond Head State Monument."

OTHER REPORTS

- Treasurer's Report – Dudgeon read the Treasurer's report and noted expenditures of \$15.84 and final remaining balance of \$239.64. The report was filed.
- Oahu Heart Walk: Chair Turbin announced that flyers on the 22nd annual Oahu Heart Walk is available at the meeting.

ANNOUNCEMENTS

- Next Meeting: The next regular meeting of the Waialae-Kahala Neighborhood Board No. 3 is scheduled for Thursday, September 17, 2015, 7:00 p.m. at the Wesley United Methodist Church.

ADJOURNMENT: The meeting adjourned at 9:05 p.m.

Submitted By: Uyen Vong, Neighborhood Assistant
Reviewed and Finalized By: Richard Turbin, Chair

Reviewed By: Jordan Ozaki, Neighborhood Assistant