



KAILUA NEIGHBORHOOD BOARD NO. 31

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DRAFT REGULAR MEETING MINUTES THURSDAY, MARCH 1, 2007 KAILUA RECREATION CENTER

Olelo Broadcast Channel 49 Monday 9:00 p.m. Visit: <http://www.neighborhoodlink.com> for more information from Kailua Neighborhood Board

CALL TO ORDER: Chair Kathy Bryant-Hunter called the meeting to order at 7:05 p.m.; a quorum was present with 15 members. Bartley did a quick sound system check and encouraged 1) keep microphones pointed away from the speakers, 2) watch when stepping over mike cords when approaching the Board, and 3) speak directly into the microphone and face the Board for Olelo taping clarity; the sound quality is important.

MEMBERS PRESENT: Larry Bartley, Kalana Best, John Brown, Kathy Bryant-Hunter, Jon Chinen, Michael Correa, Susan Dowsett, Faith Evans, Debbi Glanstein, Joe Harding, Knud Lindgard, Christian Porter, Charles Prentiss (7:27 p.m.), Claudine Tomasa, Linda Ure, Josh Wisch and Donna Wong (7:08 p.m.).

MEMBERS ABSENT: Jim Corcoran and Mike Dudley.

GUESTS: Rick Bratt, Tony Campasua, Paul Spriggs, Alma and Stephen Funke, Maria T. Gorak, Kathy Souza, Sylvia Baldwin, John R. Elliot, Meredith Gray, Ann Chung (Mayor's representative), Jessica McDunn (Hawaii Pacific University), Rich Garvin, N. Gunther, Monica Alder, Art Bauchkham, S. Gunther, John Naughton, Stann Reiziss, John Foster (Representative Cynthia Thielen Office staff), Marjorie Beddow, Colleen Jay, Rick Shem, Michael Lim, Terry Bauchkham, Jean Reiziss, Joe Gillman, Wanda Porter, Nicholette Johnson, Ursula Retherford, Brian Bagnuolo, Helene and Kurt Bhaer, Mollie Foti, Lindsay McAneeley, Robin Mark, Philip Foti, Paul Tomar, Bryan Mick, Jim Wood, George Marantz, Diana Nicholson, Senator Jill Tokuda, Senator Fred Hemmings, David Carr, S. Brahm, Glenn Uyeshiro, Fred Larson, David Bremner, Lisa Martin, Dick Hegstrom, Debbie Delmach, Phil Hatori, Angie Larson, Acting Captain Mark Kuwaye (Honolulu Fire Department), Lt. Richard Robinson (Honolulu Police Department), Josh Rubino, John Monge (Castle Medical Center), Alexandria Avery, Stu Simmons, Jane Morris, Libby Tomar, Adrienne King, Bob Grantham, Daniel Port, Rick Valasquez, Suzanne Gilbert, Andrew Malahoff (Council Chair Marshall' Office staff), Mike Wilcox (S.O.R.T.), Suzanne Bryson, Gerald Park and Bryce Uyehara (Planning Consultant – Mid Pacific), Marie Richardson (Neighborhood Commission Office).

Chair Bryant-Hunter made the following announcements:

- The passing of Mr. Ben Kama, former Executive Secretary of the Neighborhood Commission Office and a member of the Waimanalo Neighborhood Board. Mr. Kama was a fair and kind man, and many of the KNB members worked with him for a very long time. On behalf of the Board a card will be sent to his family acknowledging what a wonderful resource and asset he was to the Neighborhood Board System. He, more than any other Executive Secretary, really championed the mission of the Neighborhood Boards to provide a forum for citizen participation in government. He fully embraced that mission, tried really hard to get people to participate and work within the Neighborhood Board System and left an incredibly wonderful legacy. This Board would like to make sure his family knows how much this Board appreciated all the work he did for the system; a sad day but a wonderful legacy he left behind.
- The Board received a copy today of a letter, written by unknown parties, which was distributed to households in Lanikai which included the signature blocks of Kalana Best (a member of this Board) and another resident of the Kailua community (not of this Board) who have been accused of targeting residents of Lanikai by a Lanikai neighborhood watch and various grass roots groups. Residents have been accused of operating illegal vacation rentals based on the number of parked rental cars and internet advertising. Unfortunately, and quite distressing, is that these two individuals did not write the letter. It was written by someone else and distributed in an effort to smear their reputations. This type of behavior is not condoned and the Board strongly condemns the actions of individuals who send such a letter to damage the reputations of these two people. The Board does not take this lightly. The Neighborhood Commission Office (NCO) has been notified that this letter was not sent by a member of this Board. The NCO had already received a call from a resident in Lanikai to complain about the actions of the Board member. HPD



has been contacted and an investigation opened by Kailua Police Department. Councilmember Marshall and State legislators have been alerted should they also be contacted so that they might understand the significance and ugliness of this event. To anyone who is a recipient of this letter, Chair Bryant-Hunter, on behalf of the Board, apologizes and assures that the letter was not sent by a member of the Board, nor the member of the Kailua community. The Board, and the HPD, will do everything possible to help find who did this. Chair Bryant-Hunter will personally stand behind Kalana Best (a member of the Board) throughout the process. Neighborhood Board members are volunteers and work very hard on the community's behalf and it is not a good sign when some members of the community choose to threaten, or harass, people who are doing their very best on behalf of the community. The Board will do its best to make sure that everyone in the community knows the act was fraudulent. Anyone with information about the source of letter is encouraged to call Detective, Sgt. John McCarthy at 261-6106 or email him at jmccarthy@honolulu.gov.

APPROVAL OF MINUTES FEBRUARY 1, 2007: Glanstein gave a copy of suggested corrections to the Secretary:

- Page 2, question and answers, item 4, line 2, should read Beach Park;
- Page 4, paragraph 1 beginning with "Terry George..." fill in blank Marisa Castuera; and on the first line of the following paragraph.
- Page 8, middle of the page, paragraph beginning with "Bartley..." fourth line down should read, "...County get waylaid having to start a new reporting process."
- Page 11, Q&A # 3, sixth line from bottom: insert: "There was a traffic study..."
- Page 12, Add to the discussion on the alternatives: "A copy of the Environmental Assessment is available in the Records Section of the Kailua Public Library."

Other corrections were not substantive.

Evans moved, Harding seconded to adopt the minutes as amended. The motion carried, 15-0-1. Aye: Bartley, Best, Brown, Bryant-Hunter, Chinen, Correa, Evans, Glanstein, Harding, Lindgard, Porter, Tomasa, Ure, Wisch and Wong. **Abstain:** Dowsett,

UNFINISHED BUSINESS:

Various motions and requests sent to Departments of Transportation Services & Parks and Recreation with no response or promise to do the project and no action to date – The Board has had difficulty getting responses from some of the City and State agencies to the letters the Board sent. It was decided to include a section on the agenda every month for letters the Board has not received responses to.

The outstanding letters are:

- A letter from the Planning, Zoning & Environmental (PZ&E) Committee to the Department of Planning & Permitting (DPP) on Resolution 06-31 on affordable housing;
- A letter to the State Department of Transportation (DOT) commending former Director Rod Haraga; not really expecting a response, but a letter was sent;
- A letter to the State Department of Accounting and General Services (DAGS) transmitting the position on the Kailua High School access road; and
- A letter to Parson's Brinkerhoff of the Board's response to the draft Environmental Assessment (EA).

The Board will continue to go through its letters and hopes the list does not grow. It is important that the community knows that letters have gone out and have not received timely responses.

DLNR Draft Report on Ocean Recreation findings and recommendations – A draft report was sent to the Board just before the meeting. There was not time for the Board to review the draft. It has been circulated to Board members and requested of DLNR for an extension while the Board conducts its review for comments. A response to the letter of request for a time extension has not been received.

Chair Bryant-Hunter was asked by Ginnie Enos, a former Board member who did have a chance to review the draft report, to read her statement in for the record: "After reviewing the document ("Island of Oahu – Kailua Focus Site") - I remain convinced that its intent is to overrun the will of the majority of the community and Kailua Neighborhood Board motions evident by the heavy promotion of safety training, environmental and cultural briefings by tour

operators as a means to justify outright exploitation of our community beach park and the offshore islets. This is Kailua and not Waikiki.”

The Board is hopeful to get more time to review the document and it will be looked at by the Parks & Recreation Committee as well. Wong noted the importance of getting comments in and that even if the time is not allowed, perhaps the committees can meet next week or so. Chair Bryant-Hunter said the Board needed more time to get a formal Board reply, but individual comments can be given and will be forwarded.

Evans stated regarding the letter for former State Department of Transportation Director Rod Haraga; she located where he is currently working and sent the letter to him there, so he has received it.

AGENCY REPORTS:

Honolulu Fire Department (HFD) – Acting Captain Mark Kuwaye reported the statistics for the Olomana, Aikahi and Kailua Fire Stations:

- 3 structure, 3 brush, 4 rubbish, 1 vehicle fire, 100 medical, 2 search/rescue, and 36 miscellaneous emergencies.
- One incident - five fire companies responded to an accident on Kapa'a Quarry Road; there were two fatalities and five injured.
- **Fire Safety Tip: Every home should have a working smoke detector installed near each sleeping area and on every level. Since cooking vapors and steam can set off a smoke detector, the detector should be located away from the kitchen or bathroom. Wall-mounted detectors should be positioned 4 to 12 inches below the ceiling and away from air vents.**

Questions and answers followed:

1. Wong's inquiry was whether HFD determined the cause of the accident on Kapa'a Quarry Road. The cause of the accident is out of HFD's jurisdiction and not for them to determine cause.
2. In response to Gorak, the fire at St. Anthony's is still under investigation and cause still undetermined.

Honolulu Police Department (HPD) – Lt. Richard Robinson reported the statistics for February:

- 8 burglaries, 54 other property thefts, 29 thefts from automobile (UEMV), 2 robberies, and 6 auto/motorcycle thefts. The computer was unable to print a full complete statistic report today.
- HPD introduced four bills into legislature regarding retention and recruitment and has an authorized staff level of 2,112 officers. There are 221 vacancies and 182 officers eligible to retire currently. The purpose of these bills is to increase the appeal to people looking to get hired and to retain those we already have. Currently, there are 190 authorized positions in District 4 and 155 (referred to as warm bodies) on the beat.
- Due to the shortage of staffing, HPD has to look at how their resources are allocated. The basis is life or death focusing on fatal MVC's (motor vehicle collision) and pedestrian MVC's--a high priority in the department and the district with several programs ongoing to address them. The second focus is on quality of life – and that's when you can live without fear for yourself, your family or your property. To give you an idea of how it is in Kailua itself, in the last four months there were 77 burglaries, 213 other thefts, 132 UEMV's, 7 robberies and 55 auto thefts. These are the things that would mostly impact your life on a day-to-day basis and where HPD tries to focus the majority of their resources. Sometimes the perception may seem that HPD is not addressing the problems, but if you call HPD they will come. On a parking complaint they may not get there right away because of its lower priority, but they will come and address it. HPD needs the cooperation of the community, and the board, to help find those (parking complaints) because HPD is focusing in the areas of greater significant impact. (Legislative bills are: HB1817, HB1818, HB1819, and HB1820).

Questions and answers followed:

1. Best received an email from someone in Sub district 1 about a recent armed robbery, and they're looking to form a Neighborhood Watch. She wanted clarity of Beats 462 (Aikahi) and/or 461 (Coconut Grove) and defining Kaimalino as all the homes makai of Mokapu Boulevard from Kalaheo Avenue to the Marine Base. Lt. Robinson noted creating a neighborhood watch would be the easiest and most effective way; also a less likely targeted area is one patrolled by a neighborhood watch. Call the Kaneohe Station at 247-2166 and

ask for the Community Policing Team. Lt. Robinson will be sharing highlights on the robbery mentioned by Best.

2. Chair Bryant-Hunter asked that the four legislative bills be referred to Evans' Transportation and Safety Committee, which Evans was open to...but verified with Lt. Robinson whether there were concurrent bills in the Senate. Robinson believed the bills all made it out of committee and crossed over to finance.
3. Glanstein asked how many officers' were called to active duty with the National Guard within the county. Lt. Robinson could only speak for District 4 that there were seven officers called to active duty; he had no knowledge of the whole county. In response to Glanstein's second question, recruitment efforts at the academy are pretty non-stop (another class is about to graduate) averaging approximately 60 recruits, graduating about 40 recruits, while losing a few during the field training course.

Board member Prentiss arrived at 7:27 p.m. (17 members present).

4. In response to Wong's inquiry, Lt. Robinson noted that the positions of officers' called to active duty are on hold and cannot be replaced or filled.
5. Evans thanked Lt. Robinson for including the title, Lanikai and Kailua Beach Park, on the monthly statistic police report.
6. Lt. Robinson highlighted on the robbery mentioned earlier by Best. The incident was at Pizza Hut, the male person brandished a weapon and it is being investigated by the Robbery Division first, as a robbery. As it is an ongoing investigation other details are not yet available.

Marine Corps Base Hawaii (MCBH) – Major Christopher Perrine reported:

- Last weekend was the annual Swamp Romp – where 270 teams participated in Oahu's dirtiest 4 ½ mile footrace; also the annual amphibious vehicle 'mud ops', where assault vehicles in conjunction with the environmental department under specific supervision to tear up and clean out the nesting areas of the Hawaiian Stilt bird. The nesting of the Hawaiian Stilt has increased in population from 60 to 160 over the last several years and MCBH is very proud.
- March 2 – 5 will be Makahiki season. For the third consecutive year, a traditional Hawaiian welcoming ceremony will be conducted on Saturday morning, 3 March, for a number of Makahiki celebrants who will paddle canoes across Kaneohe Bay, from Kuoloa Beach Park to Mokapu Peninsula. A pre-dawn processional and an at-dawn ceremony are also planned on Sunday morning, 4 March, at Pyramid Rock Beach near Ku'au (Pyramid Rock).
- March 3 – the USO will present the Lieutenant Dan Band Celebrity Tour Show and perform for Marines and Sailors, their families and Department of Defense employees on Saturday at Pop Warner Field.
- March 7 – Farewell Concert: U.S. Marine Corps Forces, Pacific presents the Marine Forces Pacific Band in a "Conductor's Farewell Concert at the Hale Koa Hotel at 6:30 p.m. on March 7, 2007.
- March 17, St. Patrick's Day Parade – The U.S. Marine Corps Forces Band and a Marine Corps color guard will participate in this annual Honolulu community event.
- March 6 and 7 - Open House Meetings – MCBH will host two public meetings next week to discuss the possibility of forming a Restoration Advisory Board (RAB) with the local communities in two neighborhood board areas, Kaneohe and Kailua. On Tuesday, March 6, 7- 9 p.m. at Aikahi Elementary School cafeteria; and Wednesday, March 7, 7 - 9 p.m. at Waiahole Elementary School cafeteria.

There were no questions for MCBH liaison.

There were no reports for Emergency Services Department (EMS), Board of Water Supply (BWS), or Honolulu Liquor Commission (HLC).

COMMUNITY ISSUES & ANNOUNCEMENTS: Attendees were asked earlier if they wish to speak on tonight's agenda to please to sign in at the table. Comments will be limited to two (2) minutes. Before proceeding forward, Chair Bryant-Hunter will be turning the mike over to the Neighborhood Assistant Richardson for a quick overview.

Richardson gave the following highlights of this year's election process: paper ballots and candidate profiles will be mailed to all registered voters living in districts with **CONTESTED** races. This is the same practice as in past elections. Included with the paper ballots will be **Voter Numbers** that may be used for ONLINE voting. Registered voters living in districts/sub districts with **CONTESTED** races will now have the option to vote online, if they wish. For registered voters living in districts/sub districts with **UNCONTESTED** races, voting online will now be an option. Voters may request a Voter Number by visiting the online voting website today. As in the past elections, paper

ballots will not be sent in the mail to voters living in districts/sub districts win **UNCONTESTED** races. The online voting website is www.nbvote.com. The Neighborhood Board District - Street Index is available at www.honolulu.gov/nco/. Candidate Profiles may be viewed at www.honolulu.gov/nco.

Chair Bryant-Hunter said there is one sub district is running uncontested (one candidate in each of the four seats) in the Maunawili, Olomana, Kukanono areas. Voters living in this area do have the chance to vote online and it is important to vote because the outcome of the elections will also determine the chair pro-tem for June. In the past, those sub district candidates (in uncontested races) were not able to be chair pro-tem for the first meeting in June; and it is an honor to be able to service as chair pro-tem. The NCO will also have a chance to see how the online voting goes and for those living in those areas, Bryant-Hunter really encouraged voting. If there are any questions please ask NA Richardson after the meeting or go to the website for more information. Glanstein said that the Neighborhood Plan calls for mailed, and secret, ballots and this demonstration project calls for online secret ballots, so how is the NCO going ensure the secrecy of the ballot. Richardson replied that the ballot is tri-folded when the NCO receives it back it is technically unable to see the actual voting. Glanstein inquired about the effectiveness of it online. The Mayor's representative, Ann Chung, explained there are security measures and that in order to vote online the user will need both a voter ID number, which will be mailed to them, as well as the last four digits of their social security number.

Neighborhood Board Election and Introduction of Candidates – Neighborhood Board election candidates were invited to introduce themselves:

- Richard Bratt of Sub District 2 (Enchanted Lake and Keolu Hills area), married, two children, resident for a year and a half, retired from the Department of Homeland Security since January and with more time available to be with his children and the community.
- Bob Grantham, a 30-year resident of Enchanted Lake (Sub District 2) and retiree from First Insurance. He thanked the Board for the opportunity to introduce himself.
- Daniel Port, Sub District 4 and stated it was a pleasure to see so many people here tonight.
- Rick Valasquez, Sub District 4, a five year resident of Kaipii Street.
- Mary Beddow, Kailua resident since 1959, Sub District 1, serves on the Honolulu Board of Realtors.
- Josh Rubino, Sub District 1 (Kaimalino, Kalaheo and Lanikai), lived in Hawaii for five years – two years as a resident in Kailua and three years prior at Kaneohe Marine Corps Base; licensed Real Estate Agent and hopes to get a career in long term property management and sales.
- Libby Tomar, Sub District 4, former president of the Coconut Grove Community Association; appeared before the board a number of times, a practicing attorney with offices in Kailua, lived on Oahu for 40+years, and lived and raised her children here in Kailua for the last 20+years.
- Arnie Tellez, Sub District 4, born in Kailua, Kailua High School graduate.
- Brian Bagnuolo, Sub District 4, a recent resident of Kailua from Los Angeles of little less than a year now is looking forward to being a part of this community for a long time.

Chair Bryant-Hunter gave brief introduction of Board members present that are running in the current Neighborhood Board election and they include: Claudine Tomasa (Sub District 4), Knud Lindgard (Sub District 4), Josh Wisch (Sub District 2), Debbi Glanstein (Sub District 4), Donna Wong, running uncontested (Sub District 3), Jon Chinen (Sub District 2), Susan Dowsett (Sub District 2), Larry Bartley (Sub District 4), Chuck Prentiss (Sub District 2), Kathy Bryant-Hunter (Sub District 4), Linda Ure, running uncontested (Sub District 3), Kalana Best (Sub District 1), Christian Porter (Sub District 4), John Brown (Sub District 4), Mike Correa (Sub District 2), and Joe Harding (Sub District 1); and Faith Evans, currently of Sub District 3 and is not running again for the Board.

Chair Bryant-Hunter thanked all the candidates for coming and introducing themselves (understanding this was not a forum for campaigning) and wanted everyone to familiarize themselves with the candidates.

Community Announcements:

Rubino encouraged any interested persons to attend the "Meet the New Candidates Night" meeting on Friday, March 9 at 6:30 p.m. at St. John Lutheran Church, 1004 Kailua Road.

Bartley stated he did not receive a notice and wondered if all the candidates were invited. Rubino stated he was only making the announcement and making flyers available. Bartley asked of all Board candidates had been

invited. Rubino understood it was for the new candidates. Barley asked if all new candidates were invited. Rubino stated he did not personally invite the candidates, only make the announcement and distribute the flyers, including at the sign-in table.

Hawaii Pacific University (HPU) – Jessica McDunn, Assistant Director for University Relations, presented the following: 1) Spring Semester begins January 22 through May 13; and Spring break is from March 26 to 30. 2) Campus News: a) HPU graduated nearly 600 students, including about 100 new nurses at Winter 2007 Commencement, January 10; Commencement Speaker and Fellow of the Pacific Award Recipient: Dr. Alissa Arp, HPU VP of Research & Dean of College of Natural Science; Valedictory Speakers: Kyle Galdeira (BA in Journalism) representing on-campus undergraduate programs, Kathleen Wilson (MBA) in Marketing) representing on-campus graduate degree programs, and Master Chief representing on-campus graduate degree programs, and Master Chief Petty Officer Ace S. Tufu (BSBA in Human Resource Management) representing Military Campus Programs. b) HPU is working with the State and City & County of Honolulu to connect the Hawaii Loa Campus (HLC) to the City & County sewer system. The connection point will be the Hale Kou Pumping Station, on Kam Highway near the intersection of Kam Highway and H-3 (across from the east end of the Veteran's Cemetery/Memorial Park). We will use a micro-tunneling, environmentally friendly boring technique, meaning there will be few open trenches. The sewer connection will allow HPU to begin serious planning for expansion of the HLC, the first steps of which will be new residence halls (400 more on-campus students), a Student Center, a Theater and Performing Arts Center, and additional classrooms and faculty offices; perhaps 4-5 years away. Planning committees are being formed to develop expansion plans. 3) Upcoming Events: a) Green Campus Project on Upper Fort Street Mall – presented by HPU's Proud to Be Pinoy Club, March 9, 6 – 8 p.m.; will feature three local Filipino performers, including international stage sensation Kristian Lei; will also feature environmentally themed games, activities, and exhibits. b) Movie on the Mall – “An Inconvenient Truth” March 9, 8 – 10 p.m.; c) Da Freakshow – HPU's 2nd annual Talent Show, March 16, 7:30 p.m., Hawaii Theatre; d) Art Gallery: “Items of History” and “Preservation” runs through March 9; “HPU Ohana Annual Exhibition” of student, staff and faculty artwork runs March 18 to April 27; e) HPU's Paul & Vi Loo theatre presents “The Cherry Orchard,” March 30 to April 29; for ticket information call 375-1282. f) Seminars: Masters of Science in Nursing, 5:30 p.m. March 7; MBA, 5:30 p.m., March 13; MA in Communication, 5:30 p.m., March 15; and MA in Diplomacy and Military Studies, 5:30 p.m., March 19; g) Reception: Professional Studies, 6 p.m., March 20; h) Seminar: MA in Teaching English as A Second Language, 5:30 p.m., March 22. For more information on any of these seminars call 543-8034.

Questions and answers followed:

1. A woman resident strongly expressed some concern about a sewer project. There was difficulty hearing her concern because she was speaking from the back of the room and not open to speaking into the microphone. Chair Bryant-Hunter tried to get the woman's attention to explain the importance that in order for everyone to hear what is being asked that people wishing to ask a question to please come up and speak into the microphone for everyone in the audience, Olelo and the Board to hear. At this point Bryant-Hunter will have McDunn come back with the answers to the next meeting; and Bryant-Hunter repeated the question - who is handling the sewer project, whose paying for it and what type of technology is being used. Bryant-Hunter asked that McDunn try and get the answer by the next Board meeting.
2. Wong said issue of the sewer project was looked at before and there were concerns. If interested please attend the PZ&E Committee meeting held on the third Tuesday of the month, 7 p.m. at Kalama Beach Park. Chair Bryant-Hunter noted trying to get some information by the night of the meeting.

S.O.R.T. (Save Oahu's Race Tracks) – Mike Wilcox reported S.O.R.T. is a group of auto racing enthusiast that are trying to save the sport of auto racing on Oahu. The group's mission is to have a safe and controlled place for the enjoyment of motorsports on Oahu. With the closing of Hawaii Raceway Park in 2006, Oahu was left without a racetrack after 42 years. For many racers it has left them without a place to enjoy their hobby and passion. This is not just an issue of a place for auto racing enthusiast to play but, also is happening in our neighborhoods. S.O.R.T. is currently working on both the City and State level to reopen a raceway park here on Oahu. On the City & County side Resolutions, which is asking the City of Honolulu to acquire the property formerly known as Hawaii Raceway Park and to keep it as a racetrack. On the State level, House Bill 567 which is asking the state to conduct a study to determine the cost of developing an all-purpose motor sports facility on the leeward coast of Oahu. S.O.R.T. has been going to Neighborhood Boards across the island to gain support for our cause. Wilcox is here tonight to ask to put S.O.R.T. on your upcoming month's agenda to give a short presentation (10 minute) and ask for your support for the city resolution.

Chair Bryant-Hunter will refer this matter to the Transportation Committee and let him know.

Save Honolulu Family Court – Adrienne King, defense attorney, presented Save Honolulu Family Court. The Judiciary is proposing to relocate the Family Court, currently in Honolulu, out to Kapolei; so if you have any of the following actions: divorce, child custody, visitation problems, paternity case, temporary restraining order or to get guardianship or finalize an adoption, YOU will have to drive out to Kapolei instead of the option to go to downtown Honolulu to do it. Two years ago the Legislature was asked to mandate the Judiciary to detain Family Court services in Honolulu and have those services split between Honolulu and Kapolei; so if you live on the Windward side you would be serviced at the Honolulu office and if you live on the Leeward side you'd be service at Kapolei. King is requesting that the Board pass a resolution to the effect that opposes the relocation of the entire Family Court from downtown Honolulu to Kapolei and support keeping services proportionate to the population. She has been to the Waimanalo and Waikiki Neighborhood Boards and people are upset when they find out about this issue. She would appreciate the support and getting on the agenda for the next meeting (some handouts were available). A copy of the handout was given to Jon Chinen, Chair of Government & Community Services Committee.

Letter to Kailua Residents – Concerned resident, Susan Bryson said, regarding a letter that went out with Kalana Best and another Kailua resident's signatures; another letter distributed through Kailua several months ago to more than 350 owner's -- the same exact letter was sent and signed "vigilant Lanikai resident". The letter said they formed a group to combat illegal vacation rentals and bed & breakfast. The letter was traced to a group of "concerned citizens" called "Keep It Kailua" and to members of that group. We took it to the police and it was considered harassment and terroristic threatening. Bryson claimed the letter did get mailed out by someone in Lanikai (she did not know who that person was) and that she was surprised it went out again. The letter had been distributed several months ago and she had received four of them; one house a vacation rental and the other three were to her long-term rental tenants. The exact, same letter was anonymous before.

Bartley asked, for clarification, the letter was traced to whom? Bryson said a group of "concerned citizens" and everybody knows who the citizens in Lanikai that are members of "Keep It Kailua". Now we know that "concerned citizens" are all members of "Keep it Kailua". It is very obvious where it came from, and the police agree it is very obvious. We don't wish to make a big deal out of it, but we though you should know this letter has been around a long time.

Order and decorum was lost.

Chair Bryant-Hunter addressed the members of the community to make clear that the purpose of the Board is to advise government (City, State, and Federal agencies). It is important, when addressing the Board, to try to be factual and to address the issue and not people. The Board tries to be as courteous and respect to the speakers, the community, and Board members. The same courtesy and respect is requested from the residents, neighbors, and the community. Speakers were reminded that as they come before the Board, tonight, they are encouraged to focus on the issue, or the motion, before the Board. Do not engage in personal attacks on any individual--on the Board or in the community. This allows the maintenance of a healthy dialogue which is important on these different issues which the collective group, and the Board, may not always agree.

Pedestrian Crossing Concern – Nicholette Johnson, a parent at Kailua Elementary School, shared concern that there is no signage for the crosswalk at Ku'ulei Road indicating that it is a school zone. She and 85 students conducted a sign-holding event to increase awareness of drivers in the area. The crosswalk from Aulike Street across Ku'ulei Road has already posed dangerous to the Kailua Elementary children. Johnson stated a child was hit by a car (in that crosswalk) and she would be willing to do the necessary foot work in the effort to get the signage. Chair Bryant-Hunter said this matter had come before the Board before and will refer it to the Transportation & Public Safety Committee, again, to be worked on. Also, to Ann Chung, the Mayor's representative, for follow-up. Bryant-Hunter was sad to hear that a child was hurt. Evans invited Johnson to the Transportation & Public Safety Committee meeting on the third Wednesday, March 21, 7 p.m. at Kalama Beach Park.

Community Concern – Member Evans stated it was really terrible to hear about the letter that was sent out in Lanikai using the name of one of the Board members. Last week a flyer appeared announcing a "New Candidates meeting" on March 9th at St. John Lutheran Church and none of the incumbents were invited. She takes great umbrage at the statement on the flyer and she read, "Many believe that as presently constituted, the Kailua Neighborhood Board is out of touch with the many changes happening to Kailua. Most members of the Board are merely **NIMBYS** (Not in My Back Yard) folks or **CAVE** people (Citizens Against Virtually Everything). They rarely attempt to solve challenges or bring folks together. They still believe in the Kailua of the 50's. We need new

members who are more in touch with today's Kailua and who know how to bring folks together to reach reasonable solutions. Since the majority of candidates running are incumbents, their positions on issues are known to many of us." Evans expressed the statement, "if you believe in the Kailua of the 50's" that that is not such a bad idea. The audience erupted in applause.

Evans stated she had no conflict of interest as she was not running (for the Board) again. She felt the people who wrote (the flyer) have forgotten that Kailua is a residential community and not a tourist Mecca. She, born and raised in Hawaii, did not believe this was the Hawaiian Way. She also does not believe these people know about the Aloha Spirit. There is no way that the Board can support anything that is illegal. Board members have taken an Oath of Office to uphold the ordinances and laws of the City & County and the State of Hawaii. She has known many of these members for a long time and they have worked very hard for the Kailua community. They are open to new people who want to run for the Board – that is the democratic process. But, she will not stand idle and let anybody criticize this current neighborhood board in such a manner.

The audience erupted in applause.

Chair Bryant-Hunter reminded the Board and the audience that erupting in applause delays the meeting and requested restraint. Latitude was given in this case as Board member Evans would not be running for a position on the Board in the upcoming election.

Chair Bryant-Hunter asked everyone's patience a little longer while the Board addresses agenda items: Elected Officials and two presentations. Then the agenda will be taken out of order to address a motion concerning SB750 Relating to Transient Accommodations Tax and transient vacation rentals.

ELECTED OFFICIALS: Chair Bryant-Hunter suggested it would be appreciated that elected officials stand on their written reports. An introduction was made for Director Barry Fukunaga of the State Department of Transportation (DOT), who is replacing Mark Recktenwald as the Governor's representative to the Board. (Mark Recktenwald is having a judgeship hearing tomorrow.) Fukunaga is well aware of the Board's fond "Aloha" for his predecessor, Rod Haraga. The Board welcomed Director Fukunaga.

Governor's Representative – Director Fukunaga wished he could have been in attendance last month and conveyed Recktenwald's regrets for not being able to be here tonight. Fukunaga responded to a question raised at the last meeting: 1) regarding the work on the rockfall mitigation, on Kailua Road, continuing on schedule; currently, the anchors are being grouted into the wire mesh section on the left side and the application of a net covering on the right (mauka) side. DOT anticipates restoring the detour lane configuration in May; therefore, there will be short periods of interruption to traffic during that process. It is anticipated the work to be completed by July 5, 2007. 2) Another question regarded the installation of the concrete berm on the mountain side. It is designed to deflect the runoff into the berm and channel the runoff so as to stop erosion on the slope. It is all part of the engineering design.

Evans was happy to have Director Fukunaga present tonight and is very pleased with the mitigation project presented by Brennan Morioka, Deputy DOT. Evans would like the ability to email Fukunaga directly should a problem arise. Fukunaga would certainly welcome the opportunity and like to continue the dialogue whenever possible.

Mayor's Representative – Ann Chung, Director of the Office of Economic Development and the Mayor's representative, will provide all the responses from previously asked questions to the Chair to be inserted into the minutes. 1) In response to Dudley, flooding issues across from Kailua Beach Park: while the Department of Facilities Maintenance assisted in clearing an opening at the outlet, it appears that the drainage canal used to drain the water through the park has been filled in by either the contractor for the bike path or by the Department of Parks and Recreation. The area has been elevated above the grade of the road and water along the road has nowhere to go. Councilmember Marshall has proposed a CIP project in the Kawailoa Road area to address the drainage problem and the Department of Design and Construction has been studying the area. 2) In response to Glanstein, Increased Greenwaste caused by bad weather: As long as the excess green waste is due to the recent storm, the Department of Environmental Services is providing additional pickups of green waste, upon request. 3) In response to Evans, difficulty getting responses to letters sent to Department of Transportation Services: please provide a list to which the Administration can respond. 4) In response to Lindgard, large pool of water fronting the bus stop near 742 Kailua Road and people splashed while waiting for the bus: The Department of Facilities Maintenance is aware of the issue and will be taking action to fill the pothole. However, the reason people are

getting splashed is primarily due to water collecting between the curb and the bus pad. The Department of Facilities Maintenance has already put up for bid, raising the bus pad; but for the interim, they will also be responding to the pothole. 5) In response to Best, Film permit at Lanikai FIPAC # 07-266, December 11, 2006 and violations: No complaints were filed at the time of the filming.

Evans asked whether Chung would be present during the BOARD ACTION on the Department of Emergency Management section of the agenda; Chung responded favorably. Bryant-Hunter said that "Mayor's Complaint/Concern Forms" are available at the sign-in table and are to be handed to the Mayor's rep or the Neighborhood Assistant for follow-up.

Senator Thielen, Representative Waters and Representative Chong stood on their written reports as circulated.

Senator Fred Hemmings – Senator Hemmings distributed his report and reported that he would stand on his report but had one caveat: 1) he feels he has a good team working cooperatively with Senator Tokuda to address both sides of the isle and which he enjoys, finding it a pleasure. 2) Referring to his report section 'Time for the Truth' about education—where your dollars are going. 3) His statements in his report will clearly show where he stands on the issue of commercialization of Kailua, the Bay, and Kailua's residential neighborhoods.

Senator Jill Tokuda – Senator Tokuda distributed her report and highlighted on: 1) the introduction of Senate Concurrent Resolution to ask that all parties with Kapaa Quarry Road (because there are multiply jurisdictions involved City, State and private entities), that they sit down during this interim decide on some safety measures how we can create a better atmosphere and keep it safer for our residents; and propose measures to the legislature for 2008. 2) Senator Tokuda has two ace student interns – a Castle High School Senior and a Kamehameha School Junior. The Kamehameha School Junior did a piece on the impact the accident involving the two Kamehameha graduates had on the school and what the intern would like done concerning the road. 3) Also, being encouraged is the Citizen Road Watch Resolution to look at ways to reduce speeding and reckless driving in our neighborhoods and on our streets; ways that we can empower community members to be involved. 4) Included in the report are a number of other issues about education.

Questions and answers followed for Senators Hemmings and Tokuda:

1. Bartley thanked Senator Hemmings for being the watchdog of SB1603 and bringing it to everyone's attention. This bill has additional language asking the counties to expand vacation rentals in neighborhoods. Thank you for being a watchdog on that and getting the message out in a timely manner. Senator Hemmings stated that no legislator does anything by himself and noted the tremendous cooperation from Senator Tokuda and colleagues from both sides of the isle for the Windward district.
2. Glanstein would like Senator Tokuda to get back to her if there is a companion for her Senate Committee Report (SCR) regarding road safety, and whether there was a House companion, a HCR regarding road safety. Tokuda said they are looking at Representative Chong to introduce the companion House Concurrent Resolution. Tokuda stated, in reference to security guards, they will be talking to Kailua High School regarding those security issues. Glanstein thanked Senator Hemmings and Councilmember Marshall for providing the information.
3. Prentiss thanked Senator Tokuda for moving forward that bill requiring Supplemental Environmental Impact Statements; and appreciates that very much.
4. Referring to both Senators, Evans reminded that the Board had supported the AARP suggestion for pedestrian safety, understand that that AARP has been lobbying for pedestrian security and safety, and she wants to know where the bill is now. The bill is in the Ways and Means Committee because it includes State expenditures. The Legislators are taking some of the recommendations of the AARP because they have been well researched, and well done. The Legislature will conduct additional research to coordinate with the City & County because of County and State road jurisdictions so as to be sure there is a comprehensive effort. AARP recommendations are being taken to heart--there will be appropriations because of the seriousness of the problem--and it is a complex problem. It is not just the cars or one single reason for the pedestrian crisis. If we can improve the State and County infrastructure, the bill is moving and the attempt will be, to do so. Evans said one of the things asked for and is included in the Board's motion is to have programs in different languages because some of the elderly do not seem to be speak much English.
5. Harding referred to Senator Tokuda's report, a member of the Weights and Means Committee – that it's going out to the general public and perhaps it should be proof read better (Ways and Means Committee). Tokuda apologized for the misprint and thanked Harding for noticing.

6. Bryant-Hunter sees on March 7 a meeting with Windward Legislators and City Council Representatives on the Kailua Waste Water Treatment Plant and asked if a Board representative could attend that meeting. Tokuda said Councilmember Marshall's office is coordinating that meeting and she will let them know, but she does not see a problem. Chair Bryant-Hunter noted continuing receiving complaints about the treatment plant operations and the effects on the surrounding residents and school. Tokuda expressed concern and stated that DOH and the Legislature want to get the issues resolved once and for all.

No representative was present for **U.S. Congresswoman Mazie Hirono**. Andrew Malahoff, representing **Councilmember Barbara Marshall**, was present earlier and left Councilmember Marshall's report at the sign-in table.

COMMUNITY PRESENTATIONS AND PROJECTS:

Mid-Pacific Country Club Special Management Area Permit Major (discussion and action) – Gerald Park, planning consultant, working with Bryce Uyehara, architect for a project at Mid-Pacific Country Club proposing improvements at the Golf Course. Two new structures built entirely on the golf course. One structure is proposed to be built to the north west of the existing club house. This will be an operation support building used for storing country club supplies (golf carts and golf cart parts). The building is approximately 2,200 sq. ft. area, not to exceed 25 feet in height. The second structure is a maintenance building to be built in an existing maintenance cluster located between the 9th, 10th, and 11th fairways on the golf course. This structure is L-shaped and approximately 8,000 sq. ft. area and house fertilizer, fertilizer equipment, and a general workshop for maintenance employees. The cost of the project is estimated at \$1 million and funded by Mid-Pacific Country Club. The project is located in the City & County of Honolulu's Special Management Area (SMA) and a major Special Management Area Permit (SMAP) will be required. An application has been submitted to the Department of Planning and Permitting and it is Gerald Park's belief that DPP will be soliciting comments from the Board shortly.

Wong said that the PZ&E Committee reviewed this issue when Mid-Pacific Country Club came to give a presentation. The Committee did not take a position and wanted to wait to see the full presentation tonight. The Committee did not hear any opposition, concerns, or issues from anyone, including the committee.

Wong moved that the KNB support the Special Management Area Permit application by Mid-Pacific Country Club; Glanstein seconded the motion. Discussion followed: 1) In response to Best, Park verified that the mid-2007 construction startup is optimistic. They are a little further behind than expected; construction maybe pushed back to August or September. Best asked if the project envisions any impacts to Kaelepulu roadway or will it be contained within Mid-Pac. Park replied that they expect construction vehicles to use Kaelepulu during the construction period. Once the buildings are completed there should be no construction vehicle traffic and traffic would be primarily members going to and from the golf course and club house. Best clarified her understanding that there will not be any unusual traffic on Kaelepulu on a regular basis; Park replied correct, that by "a regular basis" means after both buildings are completed. **The motion carried, 16-1-0. Aye:** Bartley, Best, Brown, Bryant-Hunter, Chinen, Correa, Dowsett, Evans, Glanstein, Harding, Lindgard, Porter, Prentiss, Ure, Wisch and Wong. **Nay:** Tomasa. Chair Bryant-Hunter requested notification when construction will begin would be helpful. Park acknowledged.

Castle Medical Center – John Monge, Vice President of Operations, is presenting a plan to increase the number of parking stalls on campus at Castle Medical Center. Five years ago, Monge made a presentation to the Board to increase the number of parking stalls, but there has been a delay due to financial constraints. Currently, Castle is under much pressure to increase parking stalls because of the influx of out-patients to the hospital. Monge presented an illustration of the parking plan showing where Kalaniana'ole Highway and the south end of the campus, the helicopter pad, and the proposal to add 71 parking stalls around the helicopter pad area. There are currently 14 parallel parking stalls along Kalaniana'ole Highway and the proposal is to add 10 more diagonal parking stalls and six more parking stalls in the back. For the last seven years Castle has been parking cars on the dirt and grassy areas and they now believe its time to go ahead and pave that area to make it more appropriate for parking. Castle would like to add 20 stalls from the previous proposal from five years ago, which basically included just the parking area around the helicopter pad.

Questions and answers followed:

- 1) Evans asked how will the paved parking will affect the heli-pad itself. Monge said no impact. At the most, there are only one or two helicopters that come onto the helicopter pad per year and those are used mostly for touch-

and-go practices by MAST (Military Assistance to Safety and Traffic) and other medi-vac units. The will be approximately 75 feet away from the heli-pad with a barrier built up around the heli-pad. In speaking with the helicopter pilots, they have indicated there would be no difference to their operations. Evans asked, regarding the diagonal parking area, whether any plantings will be taken away from that area. Park responded there would be additional Lauhala trees and shrubbery added. Castle is working with a landscape architect presently. According to the Plan Review Use (PRU) it will also be appropriate with the landscape already at Castle Medical Center. 2) In response to Glanstein's inquiry regarding handicapped parking stalls, Monge indicated that all handicapped stalls are fronting the hospital. Glanstein said, given the additional parking stalls, will there be additional handicapped stalls added to the present location fronting the hospital? Monge replied "no" – there is actually the appropriate number of handicapped stalls for the numbers of beds in the hospital. There are a total of 500 parking stalls at the hospital and 250 more at the upper (employee) parking area. Glanstein asked if parking is going to remain free. Monge said there are no intentions to have anyone pay for parking. This is one of the hospitals that have free parking. 3) Jean Reiziss, a Lauhala weaver, understands that new Lauhala trees will be planted and asked whether any will be removed; Monge replied there are no plans to remove, or destroy, anything right now; Castle just wants to basically improve it.

With the permission of the Board, Chair Bryant-Hunter would like to take the agenda out of order and take agenda item XIII D - Non-Committee motion regarding SB750 – relating to Transient Accommodations Tax and Vacation Rentals first. There were no objections.

BOARD ACTIONS: Chair Bryant-Hunter requested Bartley to read the motion.

Non Committee: Transient Vacation Rentals SB750 Relating to Transient Accommodations Tax – Bartley read the motion: **The KNB, in conjunction with its existing policy to oppose the expansion of vacation rentals in Kailua to pursue enforcement efforts against illegal vacation rental uses, supports efforts such as SB750, SD2 that will help the State Department of Taxation, insure the proper payment of taxes from such operations and to help the City & County of Honolulu in its enforcement efforts against illegal vacation rentals in Kailua.**

Before moving forward with discussion, Chair Bryant-Hunter made the following comments: Should you wish to review the bill see the Chair Bryant-Hunter for a recent copy. Everyone will be asked to speak on the issue at hand. Be respectful and keep comments to one minute per person. In the effort to give everyone a chance to speak on the issue, speakers will be timed (one minute) by Mr. Harding and Mr. Wisch. Speakers will be called in the order which they have signed up. Line up for the microphone when you hear your name called. Introduce yourself. It would also be very helpful to say whether you support, or oppose, the motion.

Discussion followed: 1) Fred Larson gave testimony on behalf of a concerned citizen from the North Shore. To Whom It May Concern Concerning the Legalization of Vacation Rentals: It was not that long ago when Hawaii was a place where strangers would come and Hawaiians would invite them to stay in their homes. This was considered to be the least a Hawaiian person would do. The guest was more important than family and so it was considered to be barbaric to treat a guest with anything less than the true spirit of aloha. Where has this time gone? What has Hawaii become? What and where is the true spirit of aloha? Who is a true Hawaiian? Since when have we, as citizens of Hawaii, become mean spirited and unwelcoming and of all things controlling? Have we arrived at a time in Hawaii when our own neighbor is the terrorist we need to fear? Should we be afraid to love and welcome strangers from far away places into our homes? Chair Bryant-Hunter asked Larson to wrap up his testimony. Larsen explained the testimony was written by a resident who is herself, Hawaiian and her family has been here for many generations. Larson explained, in brief, the testimony says the aloha spirit is gone and the terrorism and the acts that are going on now are out of control and she would like to see that stop. Legalize and regulate vacation rentals so all Hawaii citizens can benefit and so Hawaii can maintain its reputation and its true spirit of aloha. 2) Don Bremner, spokesperson for "Keep It Kailua" (K.I.K.) stated that K.I.K. had nothing to do with either of those letters. The letters were designed to discredit K.I.K., and that this is the second attempt to do so. Somebody out there seems to be oriented in that direction. K.I.K. does not have to involve itself in dirty tricks to get its job done. But, somebody out there does. K.I.K. is asking for support for SB750. It is certainly in keeping with the Board's existing policy on enforcement. Chair Bryant-Hunter requested Bremner to wrap up. Bremner stated the opposition to this bill is basically coming from the illegal vacation operators in Kailua. K.I.K. would like the Board to hear the law abiding part of the community.

Applause and booing were heard.

Chair Bryant-Hunter asked the audience not to clap or boo the speakers and requested everyone to be respectful and supportive of those who have the opportunity to speak. It can be stressful to speak before a large crowd and some find it difficult to do.

The discussion continued: **3)** Lisa Martin, a first timer to a Board meeting, is very much affected. She lives between two vacation rentals – filling both houses with large groups (up to 18) and, as a result, she has no neighbors—just strangers coming and going at all hours. With the direction it is going in she will not have any neighbors because of long-distance investors from the mainland. Although it is illegal she lost her immediate neighbors. If it becomes legal - think of the long-distance investors who would find it a “good deal”. The local people living here and having a small, legal, B&B will also be bought by investors. It is not an issue of “aloha”, it has become a business. It is not illegal to bring people into your home--for free, or rent long-term. But, it is illegal to charge them for short-term vacation rentals. **4)** Debbie Delmach, 35-year resident of Hawaii, 10 in Kailua, pointed out that as far back as Statehood (if not earlier), there were two hot topics in Hawaii – one is the use of our beaches. People were adamant that it be open to the public, free and with access. The second was land use. People were adamantly opposed with having a hotel in every community and a hotel on every street corner. That is the reason we have zoning laws, and why they need to be enforced. Delmach supports any action to aid our government with the power to enforce those laws. **5)** Phil Hatori, a Kailua resident since 1949, 3/4th Hawaiian, sat at the committee that passed the bill, and knows about the process. The common sense approach is putting people together in a committee and hammering out all the concerns and issues and he does not mind loosing as long as it's fair, and just. He feels the two sides do not know what Kailua was like long ago. **6)** Angie Larson is a Kailua resident and spokesperson for a grassroots group of people now numbering 300 members. It is no longer bed and breakfast and TVU's that are a part of this any more. There are people in the community who want to come together and get it resolved – get permitted and get regulations. They no longer want to hear the fighting and enforcing all the time. They want to get along. The Director of Taxation: this Department does not believe there is substantial non-compliance with tax obligations. President and CEO of Hawaiian Tourism Authority says, “the counties already have the information the bill is asking for. With that information they can proceed with any administrative or enforcement actions that are necessary.” The Tax Foundation asked why the Department of Taxation should be tasked with identifying vacation rentals and bed and breakfast operators when.... Chair Bryant-Hunter requested Ms. Larson to wrap up. Larson continued, “...such use is dictated by county zoning and licensing requirements.” The foundation feels this proposal creates added work and expense for the state to take on what should be done by individual counties.” How much tax dollars do you want spent? How long do you want it spent? When do you want it to end? How many out there have your signs? **7)** Josh Rubino regarding SB750 I support the intent of this bill in that it will bring into compliance anyone who is not paying their transient accommodations tax. I also voice my opposition to the measure. I oppose the portion of this bill which allows the counties to have access to confidential state tax payer information. What concerns me is this will be set in allowing the county access to any confidential state tax information. Not just TAT information. I also oppose this bill on the grounds that the State should not be involved in the enforcement of county zoning regulations. This responsibility belongs to the counties, alone. And, if the counties are unable to do it on their own it signifies a need for the counties to change their means of enforcement or regulations—not a need for the state to become involved. I would like to note one of the measures sent to DPP would address the TVU issue. But there has been nothing from DPP on that and that is what needs to happen. **8)** S. Gunther lived in Kailua for over 30 years and would like to see Kailua maintained as a residential community and let the laws be enforced. Let us not further the proliferation of illegal bed and breakfasts and TVU's. Vote yes on SB750. **9)** Ursula Rutherford testified in support for SB 750. My community is too under siege--siege by the attempts of forces that are trying to transform our community into a high-priced resort destination. There are less than one million people on the island and we are being over-run by seven million tourists a year. Now, should we not respect the laws that have set aside special areas zoned residential as our last refuge? Under fairness to all we bought into residential neighborhoods and counted on no encroachment into the quiet life and environment to bring up our children. And, out of compassion for our local residents who are being closed out of the rental market and endangering the quality of life and health of our residential community, I support SB750. I also support all the good people of Kailua who have worked for years to keep our community viable and a good place to live. Now we seem to be victims of our own success. **10)** Alexandria Avery urged all Board members to pass the motion in support of SB750. Resident of Kailua since 1952 and having seen Kailua go through a number of contentious issues: the expansion of Kailua Beach Park for one. Kailua has been very good at working through all the contentious issues. Avery would like to see everyone look more to a solution on this issue. What about long-term renting for all the operators of illegal short-term rentals and illegal B&Bs? Let us find a solution together. **11)** Stu Simmons testified in support of SB750 and asked the board to support it also. Basically, the law is the law. If you are breaking the law, you should have consequences. If you are not breaking the law, then you have nothing to worry about. SB750 will not affect you. Only those breaking the law are opposing SB750. **12)** Stann Reiziss owner of a legal bed and breakfast and there are no licenses. They are Non-Conforming Use Permits. And non-

conforming use indicates that a bed and breakfast is a non-conforming use for a residential neighborhood. That is why you need a non-conforming use permit. Paying your taxes does not make your business legal. That stops you from being prosecuted for tax evasion like Al Capone. Paying your taxes is fine to keep you from being prosecuted. That does not qualify to make your business legal. You need a Non-Conforming Use Permit to run a legal (B&B TVU) business here. We have been accused of trying to put the brakes on tourism. Breaks are not to stop something. Breaks are used to move forward in control. Rules are the breaks that control it. All the people running illegal businesses don't want breaks—they just want to plow right on. Chair Bryant-hunter requested Reiziss to sum up. Reiziss continued; my neighborhood is full of loud units and overloaded infrastructure. I pay my business taxes and I support SB 750; and I support the State telling the City I pay my taxes. **13)** Jane Morris, member of "Keep It Kailua" and testifying in support of SB750. It is very reassuring to see the State working with the City and County and trying to help them in this problem. **14)** Mollie Foti testified in support of SB750. We are a nation of laws and basically the people opposed to this bill are in favor of illegal activities in residential neighborhoods. There are many different kinds of illegal activities that could go on in residential neighborhoods besides bed and breakfast and transient vacation rentals. I am sure none of us would like to see an auto body repair and paint shop in a garage next to them. That would be an illegal activity. Bottom line, if we are going to discriminate and say you can have illegal vacation rentals why should we not allow other illegal activities in our residential neighborhoods also. Foti urged the Board to support SB750. **15)** Dick Hegstrom, resident of Lanikai for 35 years, raised four boys and has seen what has happened to Lanikai with the traffic and the strangers coming into Lanikai. Hegstrom supports SB 750. The bill addresses the transfer of information from the State to the County and there are three Senate drafts. The 3rd Senate draft provided to the department does not release any information for taxes collected under TAT. It is specific information. Since this illegal activity is really about money, if these people didn't have this money in their pocket then they would not be here tonight—this is especially true for the TVU's. **16)** Suzanne Gilbert testified in support of SB750. She was ambivalent until one moved in next door to her. The people bought the house, immediately turned it into a transient vacation rental and my life has really been miserable ever since. People making noise all the time, babies crying—and when a baby cries and you know the neighbor it is one thing, but when you have strangers in there, day after day it is very different. It has been very difficult for me. Fortunately, the owner has agreed to stop doing this and I currently have a neighbor who is a long term renter. **17)** George Morantz, CAVEman from Kahaluu, remains uncomfortable with the plan from the folks that believe we need more vacation rentals in our residential neighborhoods. He believes we have our residential neighborhoods for a reason. And when you look back at Waikiki, you can still see some of the old houses are still there, surrounded by the large buildings. They can't survive on the trade-winds; they are landlocked and have to have air conditioners. Waikiki went from being a residential neighborhood to being a hotel community. Morantz supports SB750. **18)** Paul Spriggs, supporter of SB750 and resident of Kailua for four years has seen short-term rentals, in his area, become long term rentals, or be sold. Not as lucrative as short-term rentals, but now there are people living there that his children can play with or provide babysitting. It is hoped that if SB750 passes that other areas of Kailua and Lanikai will have the same benefit as his area. He thinks it will do that for neighborhoods and be much better than having transient people moving in and out. That does not create a neighborhood or produce aloha. Additional testimony was provided the Board in support of SB750 and was received via emails from residents Mary King, Tiff Lawyer, Sue Featherman, Randy West, Emilia M. Tomas, Viiu Lawyer; and Laurie West.

Chair Bryant-Hunter re-read the motion before the Board: **The KNB, in conjunction with its existing policy to oppose the expansion of vacation rentals in Kailua an pursue enforcement efforts against illegal vacation rental uses, supports efforts such as SB750, SD2 that will help the State Department of Taxation, insure the proper payment of taxes from such operations and to help the City & County of Honolulu in its enforcement efforts against illegal vacation rentals in Kailua.**

Discussion was opened to Board members: **1)** Wisch asked if it would be helpful to re-read the February 2004 Resolution that defines the prior policy? It was agreed that it would.

Whereas, In 1989, City and County of Honolulu (City) changed the zoning code to allow the continued use of pre-existing Bed and Breakfast (B&B) operations in residential zoned areas through Non-Conforming Use Permits properties; and

Whereas, Over the past few years Kailua and other parts of Oahu have experienced a significant increase in the number of B&Bs and Transient Vacation Units (TVU), both hotel-type operations, operating without the necessary Non-Conforming Use Permit; and

Whereas, The City Department of Planning and Permitting (DPP) is charged with enforcing the zoning code as is applies to B&Bs and TVU's; and

Whereas, Despite the City's enforcement efforts through its DPP, it has had insufficient effect on the growth of this profitable illegal industry; and

Whereas, The City's failure to enforce the zoning code is a failure of the City to protect the property rights of everyone else in the affected communities; and

Whereas, The mix of temporary vacationers residing in stable residential neighborhoods is a destabilizing influence; and

Whereas, This hotel-type use of residential neighborhoods seriously threatens the nature and character of the affected communities; and

Whereas, The increased property sales values for the hotel-type operations have caused property tax increases for others in their neighborhoods; and

Whereas, Property owners in the affected areas have complained to the Neighborhood Board, the City and other elected officials of the negative impacts of the hotel-type operations in their neighborhood; and

Whereas, Operators of these hotel-type operations are in effect selling the property rights of their neighbors for profit; now,

Therefore, be it Resolved, That the Kailua Neighborhood Board insists that the City enforce the zoning code through applying greater City resources, encouraging and organizing citizens to aid in the enforcement efforts, and changing the zoning code to improve enforcement capabilities. The amended motion passed 14-3-0.

Wisch continued – this is what we are discussing here tonight and what the current motion addresses. Two further points of information are: **a)** the motion specifically refers to SB750, SD2 and there is language in SD2 that addresses some of the concerns that were presented here tonight. Specifically, part of the language says the department shall provide the County the location of vacation rentals and bed and breakfast establishments subject to taxes under this chapter provided the department shall not release any information regarding the taxes collected under this chapter. Testimony and emails were concerned about privacy rights and SD2 tries to address that which was not in SD1. **b)** And talking to another member of the Permitted Interaction Group was an interesting point of how homeowner's insurance would deal with bed and breakfasts and transient vacation units. Some units may not be operating with a non-conforming use permit and if there is some kind of accident that happens on that property their may be a question as to whether, or not, the homeowner's insurance would cover the person who owns the property, the people who are injured there, etc. **2)** Bartley has checked into the homeowner's insurance, Allstate and one other, and it was stated that the regular homeowner's policy would not cover commercial activities of any kind; therefore, people staying there would not be covered. Further, if a person stayed there without the knowledge of the property owner and try to sue the operator the owner would be stuck with the suit without knowing anything about the operator agreements; unless there was special umbrella coverage. Bartley corresponded with Director Eng of DPP and he is generally supportive of this bill and says it will help them identify short-term rental properties. There is a discrepancy between the State's Transient Accommodations Tax period of 180 days and the City's definition of a B&B or TVU which is under 30 days. This is not a cure-all. Everybody that pays TAT is not necessarily a short-term rental TVU or Bed and Breakfast. However, Director Eng says it helps them identify that these are under 180 day rentals and that they are rentals. And on the TAT tax form, they would become address specific. It is not now. That is the only information that would be passed from the State to the County DPP—that indeed this address is a rental for less than 180 days. This is a tool we really need and Director Eng agreed. Bartley urged the Board to support the motion. **3)** Wong recalled that one of the speakers mentioned passing of SB750 means the State will be involved with enforcement. The State will not be involved in County enforcement issues. What the State will be doing is providing information. That should happen all the time. We should want the State, County and Federal government to work together for the citizens they work for. And, secondly, DPP previously had access to tax records. How that stopped we do not know. However, the process is not new. DPP previously had that ability. **4)** Best, having grown up in Lanikai and remembering how it used to be, is concerned that her neighborhood is being called the "ground zero" of this problem—but unfortunately, it is. Enforcement is difficult because this is a crime. It is premeditated, it is planned, and it is persistent and it is against not just the person who lives next door to it, it is a crime against the entire community. This is also a crime behind closed doors. It is very difficult to catch people when they are hiding behind the internet and not giving their addresses and they tell their renters to pay cash or travelers checks and if the City comes, tell them you are my cousin or my brother. We need every tool in our arsenal and it is finally a relief to see the State and the City working together. I have no problem with this bill on any level. The only fear you should have is if you are not a law abiding citizen or business person. Best supports SB750, SD2.

There being no further discussion the Chair re-read the motion and conducted a roll-call vote was called. **The motion carried 16-1-0. Aye:** Bartley, Best, Brown, Bryant-Hunter, Chinen, Correa, Dowsett, Evans, Glanstein, Lindgard, Porter, Prentiss, Tomasa, Ure, Wisch and Wong. **Nay:** Harding.

Transportation & Public Safety Committee: Committee Chair Evans read Motion 1: relating to Kapa'a Quarry Road – **The KNB requests that DTS and other government agencies implement safety improvements on Kapa'a Quarry Road such as guardrails, low lighting (so as not to disturb the birds), grading of the "hill", and flashing warning lights and closure of the road from 10:00 pm - 4:00 am and increased enforcement of 25 mph speed limit.** Evans stated the motion concerns a long standing issue and after the recent tragedy, the deaths of the two young women, brings it to the fore again. You will notice the 10:00 P.M. to 4:00 A.M. because there are a lot of businesses in Kapaa Valley and the City Transfer Point begins the day quite early.

Chair Bryant Hunter shared a letter she received from Joanie Cash who has a farm adjacent to Kapaa Quarry Road. They are often the first responders to any accident as she was in the case of the tragedy of last week.

Dear Kathy, sorry I have to be at work, but to get to the point, I can't understand how they can spend hundreds of thousands of dollars to remove hillsides to prevent accidents from happening if they can't even spend a dollar to remove a portion of a little hill which caused over eight deaths, or more numerous injuries and accidents. What is wrong with this picture? Personally, I am tired to seeing these accidents and tending to them. It hurts. The last one was the worst. We have all done what the girls did when we were younger. We may not be able to stop the speeding but your car can take the thrill out of hill. Thank you for your time. Sincerely, Joanie Cash.

Ms. Cash called. She wanted to make sure her letter was read. She supports the motion before you tonight.

Discussion followed:

1) Wong was opposed to the part about low light. She did not know of any low-lighting you could put there. It is a fly area for endangered water birds and it is one of the last areas we have, so she is concerned about that particular request. Other than that Wong supports the motion. 2) Wisch was concerned about closing the road from 10:00 p.m. to 4:00 a.m. Have we determined whether any individual or company needs to use the road between those hours? And if so, is there any accommodation to deal with that? Evans responded that she felt all the businesses closed by 9:00 p.m. at least. And we say 4:00 a.m. because that is when the City Refuse people start up. This is a suggestion so that a determination by DTS can be made. The road was not meant to be a thoroughfare at night. And regarding the low-lights, there are some that are low and would just determine the shoulder. Both low in wattage and in height. 3) Wong stated the road requirement for height and wattage may be an issue.

Chair Bryant-Hunter passed the gavel to the Vice-Chair to enter the discussion:

4) Bryant Hunter spoke in favor of the motion. Having attended the committee meeting it is purposeful that the motion reads "such as". This is not the first time any of the suggestions have come before the Board or the community. The idea was to capture the ideas, especially those with more merit and have been repeated over the years. When we were working on the clean-up on the road we met with HPD, the tenants in the industrial park and the folks that were trying to improve the road and City officials. These things were talked about no only to improve safety on the roadway but to prevent dumping on the road as well. The subject of lighting was discussed. There are appropriate lights that would be sensitive to, and not harmful, the birds. People were mindful of the birds. We are sending a message to the City. This road is dangerous. More people are using it. We have a school on one end; there are more and more businesses in the industrial park that rely on heavy equipment, and at what point do we say enough is enough. Bryant-Hunter encouraged the Board to support the motion. 5) Bartley supports the motion but has to wonder if there is any realistic chance of closing the road at night and what are those mechanics—a gate or what? Bryant-Hunter reviewed some of the suggestion, closing only a part of the road so that the industrial park could be accessed but not the whole road. Industrial park employees offered to volunteer to man closing a gate along with the HPD and the City workers to create a mechanism and discourage dumping. 6) Glanstein assuming there is approval and some mechanism for closing the road during those hours or some hours, how would emergency vehicles get through if they needed to access the area? Would it be the same as for a gated community, would they have a key to the gate? Evans said surely those keys would be made available to emergency vehicles; or as Ure says, they would just knock them down. It can be worked out. We need to send a very strong message to the City that this is very important to us.

Chair Bryant-Hunter took back the gavel.

Discussion continued: **7)** Prentiss will vote in favor of this motion because it says “such as” guardrails. But he felt it was a shame that it appears that the Board does not take strong action until someone gets killed. The speeding on my road, Wanaao Road, is just as bad as the speeding on Kapaa Quarry Road. And people have not been killed by only a matter of a few inches or one or two miles an hour. Little girls have been seriously injured from the speeding that occurs daily on the street even though we haven’t talked about it for a while. Prentiss will vote in favor of the motion but cautions the Board, when talking about speeding, not to wait until someone get killed. **The motion carried, 17-0-0. Aye:** Bartley, Best, Brown, Bryant-Hunter, Chinen, Correa, Dowsett, Evans, Glanstein, Harding, Lindgard, Porter, Prentiss, Tomasa, Ure, Wisch and Wong.

Planning, Zoning and Environmental Committee: Committee Chair Wong read Motion 1: regarding Shoreline Setback Variance (after-the-fact) and Zoning Variance for 1368 Mokulua Drive. **The KNB recommends that the after-the- fact shoreline setback variance 2006/SV-2 for 1368 Mokulua Drive be denied because of the Board’s policy against hardening of the shoreline and details and information provided to the Planning, Zoning and Environment Committee do not justify deviating from the Board policy.**

Discussion followed: **1)** Best noted it had come before the board and could not be heard as it was not on the agenda. The Committee should bring this on the agenda tonight because it is important for people to know this is the same property as before. **2)** Tomasa acknowledged it was on the agenda but asked if the owners were notified even though the issue was “sun-shined”? Wong responded the owner’s consultant came before the PZE Committee. **3)** Wisch asked what the consultant said at the meeting. Wong said the consultant said it was an after-the-fact variance because when the waves were high one year and the wall fell down and the landowner hired a contractor who just put up another wall and didn’t bother to get any permits. Can’t do that. Anything you put up without a permit--you get caught--there are consequences. Unfortunately, we see many after-the-fact permits. The attitude is to “just do it” and we will make it okay...doesn’t apply and in this case, the committee did not feel it was justified. **4)** Bartley stated the lot number is 507A, so I asked why there were two houses on the lot. Because they split the lot and build the second house closer to the water. That is a risk someone is taking—playing with nature, splitting a lot like that. A person buying the house must realize that they are nearer the ocean and it may, someday, reclaim part of that property. It is a tough thing to say, but this is a risk somebody took. We could make Holland out of this if we didn’t take a stand. **5)** Best stated the house was 50 feet from the water and not in danger as the land is higher in that area.

Chair Bryant-Hunter passed the gavel to Vice-Chair to speak on the issue.

6) Bryant-Hunter also has a policy about supporting after-the-fact variances in general for the reasons Wong stated. It is not good policy to allow citizens and residents to do something and beg for forgiveness afterwards and that is what has happened here. It happens regularly. People build walls that are too tall or encroach in setbacks and do all sorts of things; some intentional, some unintentional. As a general rule, Bryant-Hunter does not support after-the-fact variances unless there is a very good reason to do so. In this case there is not a threat to life or property. Bryant-Hunter supports the motion to oppose the after-the-fact variance.

Chair Bryant-Hunter took back the gavel.

Chair Bryant-Hunter re-read the motion: **The KNB recommends that the after-the- fact shoreline setback variance 2006/SV-2 for 1368 Mokulua Drive be denied because of the Board’s policy against hardening of the shoreline and details and information provided to the Planning, Zoning and Environment Committee do not justify deviating from the Board policy. The motion carried, 17-0-0. Aye:** Bartley, Best, Brown, Bryant-Hunter, Chinen, Correa, Dowsett, Evans, Glanstein, Harding, Lindgard, Porter, Prentiss, Tomasa, Ure, Wisch and Wong.

Wong read **Motion 2: The KNB opposes the zoning variance 2006/VAR-49(DT) for 1368 Mokulua Drive that would allow a seawall to exceed the permitted 6 ft. wall height limit in a residential zoned area.** There was no discussion. **The motion carried, 17-0-0. Aye:** Bartley, Best, Brown, Bryant-Hunter, Chinen, Correa, Dowsett, Evans, Glanstein, Harding, Lindgard, Porter, Prentiss, Tomasa, Ure, Wisch and Wong.

Wong read **Motion 3** concerning the Verizon Wireless new stealth rock antenna facility in Lanikai: **The KNB appreciates Verizon’s stealth antenna proposal in Lanikai but feels the radiation hazard needs to be mitigated.** Wong explained the difficulty in that the board has requested stealth antennas and now they have gotten one however, the Board also works with the communities where the antennas are proposed. This is located in Lanikai and the Lanikai Community Association voted to oppose it. The motion before the Board mirrors the

Lanikai Community Association's concerns on the radiation hazard associated with the proposed antenna. The Board may remember that while the antenna is low and looks like rocks, it is really close to the path that goes up to the look-out and there was concern that people would sit on it, gather around it and be exposed to "hot rocks".

Discussion followed: **1)** Prentiss liked everything about the proposal especially that it would not be visible anywhere because it was going to be disguised to blend into the landscape. The issue about the radiation; if that can be solved—if Verizon can come in with a solution to the radiation problem then Prentiss thinks the Board should approve it. Until that happens, this motion is appropriate. **2)** Wisch requested clarification that this motion was not to oppose the installation; it was that the Board is asking Verizon to add something to mitigate the radiation danger. Wisch recalled it would be dangerous to sit on the rock. The intent is not to prevent Verizon from installing a stealth antenna, just take care of this particular problem. Wong responded that the Board and the Committee do appreciate Verizon coming up with stealth however, supporting the Lanikai Community Association and concern for the hazard to human health and safety needs to be addressed. If they negate that, the Board has to reconsider the proposal. Wisch asked if Verizon had proposed a way to mitigate. **3)** Ure responded Verizon's consultant said the only solution they might have is to move the "rock" farther from the path, however the distance is constrained by the down-slope of the land. **The motion carried, 13-2-2. Aye:** Bartley, Best, Chinen, Correa, Dowsett, Evans, Glanstein, Harding, Lindgard, Prentiss, Tomasa, Ure and Wong. **Nay:** Bryant-Hunter and Porter. **Abstain:** Brown and Wisch.

Wong read **Motion 4** concerning Transient Vacation Rentals HB 1603 HD1 Relating to Transient Accommodations Tax **—The KNB opposes any legislation that promotes short term rentals such as HB 1603, HD1 in residentially zoned neighborhoods.** Wong understand the bill may not have made cross-over and could conceivably be dead. However, never say anything is dead in the legislature until the session is completely over. Even though the measure may not have made it out of the House, Wong thinks the motion is appropriate.

Discussion followed: **1)** Bartley supports the motion citing a great need for the language. Importantly, the Board has not come out with a specific statement such as this, not even in the previously read February 2005 Resolution of the Board. **2)** Wisch read the "resolved" portion of the Resolution:

Be it Resolved, That the Kailua Neighborhood Board insists that the City enforce the zoning code through applying greater City resources, encouraging and organizing citizens to aid in the enforcement efforts, and changing the zoning code to improve enforcement capabilities.

Bartley continued, the policy statement was not about whether we wanted Vacation Rentals, it was about enforcement. This is a different statement—about changing zoning to law to allow more in our neighborhoods. Bartley thinks this statement must be made to be solidly on record in opposition to any further expansion of the industry in residential neighborhoods regardless of the HB1603 status and supports the motion.

Vice-Chair Prentiss called for testimony from the audience.

Rubino offered testimony regarding HB1603 voicing his opposition to this bill. It is Rubino's position that the State should not be involved in the enforcement of any county zoning measure. Honolulu County currently has two measures which have been under review for well over a year which would address both the licensing issue as well as the enforcement issue regarding vacation rentals. These measures should be sent back from DPP to the City Council for public hearings and a representative vote by the City Council and the State should not interfere with County Zoning Laws.

There being no further discussion, Chair Bryant-Hunter re-read the motion: **The KNB opposes any legislation that promotes short term rentals such as HB 1603, HD1 in residentially zoned neighborhoods. The motion carried, 16-1-0. Aye:** Bartley, Best, Brown, Bryant-Hunter, Chinen, Correa, Dowsett, Evans, Glanstein, Lindgard, Porter, Prentiss, Tomasa, Ure, Wisch and Wong. **Nay:** Harding.

Government and Community Services Committee – Committee Chair Chinen read **Motion 1: The KNB supports both intent and concept of the following: HB128; HB849; HB994; and HB1512 relating to Chapter 92 HRS the "Sunshine Law"**. Chinen explained that these four bills are supported by the Neighborhood Commission Office, numerous Neighborhood Boards. These bills allow Neighborhood Board to function in the absence of quorum and so that Board can hear testimony, agency reports and elected officials. Under current circumstances, closing the meeting is a disservice is done to the public. Of note, HB 128 and HB1512 have an opportunity to make the full house debate. There was not discussion. **The motion carried, 17-0-0. Aye:** Bartley,

Best, Brown, Bryant-Hunter, Chinen, Correa, Dowsett, Evans, Glanstein, Harding, Lindgard, Porter, Prentiss, Tomasa, Ure, Wisch and Wong.

Boardmember Harding left the meeting at this time (16 members present).

Chinen read **Motion 2: The KNB recommends the City Council reject Resolution 07-037 relating to the establishment of a new Department of Emergency Management as it lacks clarity and fails to provide for full discussion and deliberation.** Discussion followed: **1) Evans** disclosed she was a member of the Civil Defense Commission of the City and County of Honolulu and requested the chair of the Government and Community Services Committee to consider withdrawing the motion as the City Council has already acted on this Bill and it passed 8-1 on February 21st. Chinen deferred to Glanstein. **2) Glanstein** stated this is precisely why the committee is in opposition to this Resolution. The issue came before the City Council in a Resolution form to change the City Charter. Chair Bryant-Hunter requested an answer to whether or not the Committee would withdraw the motion. The response was “no”. **3) Evans** stated she opposed the motion and would allow the committee to speak first before she voiced her reasons for opposition. **4) Glanstein** continued: The proper form for a Charter Amendment is not a Resolution. The Resolution lacks clarity. The Resolution does not provide for full discussion and deliberation. The Resolution was provided to the City Council in a Committee by Resolution for a very short period of time so that this would take effect before the end of February, although the Resolution says 60 days. What we try to do here is discuss measures that are before the Council, that are before the Legislature so that they reflect the will of the people in the community. You saw that here tonight. We understand what the Mayor is trying to do. He is trying to conform to what the rest of some States do. But it is too fast. It went through too quickly and did not allow us to provide sufficient information and more importantly it did not allow for full public disclosure and discussion. That is why we are opposing it at this time. **5) Evans** spoke in opposition to the motion. First of all, the Charter provides (you all have a copy in front of you) “City beefs up Civil Defense” and there is a letter attached from the Mayor to the Council—it was an early copy, so it is was not signed—but believe me it was a letter that was sent. The clipping from the newspaper was pretty good about explaining what happened. First of all, the Charter provides the Mayor the power to make departments. There can be up to 20 departments and this is the 18th department. He submits a letter to the Council, which he did, in December to the Council Chair, notifying him of his intent to create the Department of Emergency Management. They have 60 days to respond. If they do not respond in 60 days the Mayor can move to create this department. They responded, and they had a hearing. They were not happy with the hearing and they went before Ann Kobayashi’s committee because some Administrative people did not give exact information. Then they had another hearing and they still were not satisfied. So, the Mayor sent this letter and the Administrative people went and talked with the individual council members. So much so that on the 21st the law, the Bill, it was 8-1 with Charles Djou voting no. It wasn’t so much content but he didn’t want to increase government. Now, the current size of the Civil Defense Office is 9 ½ position. This Bill would make 4 more position and make the Director of the Department a Civil Servant position as the Charter indicates. So, the current acting administrator would become a Deputy Director. It is not a huge office for the large task they have. I would like to take a little bit more time to read what the Mayor said in his State of the City Address on February 22nd. Chair Bryant-Hunter requested quickly. Evans continued. Department of Emergency Management—the last item affecting safety is my proposal to elevate the Oahu Civil Defense Agency into a full-fledged Department to be called the Department of Emergency Management. Let me publicly thank the member of the City Council for their resounding vote yesterday on the wisdom of this change in policy. The organization reflects the increased responsibilities and larger role this agency plays in protecting the public. The new Department of Emergency Management will be responsible for coordinating all disaster mitigation, preparedness, response and recovery on Oahu. It will be a Cabinet-Level position that replaces the Oahu Civil Defense Agency to help lead what is being called the long war against terrorism as well as pandemics, natural and man-made disasters in the post-911 world. Since 1999, I might add, the OCDA has administered 44 million dollars in Justice and Homeland Security Department Grants, 20.6 million dollars in the last three years alone. As my colleagues in the Conference of Mayors have so aptly pointed out, before we can have Homeland Security, we must have Hometown Security. We overhauled our emergency... When I asked the makers of the motion if they were at the hearing on the 21st they said no. So that could have been an opportunity to vote against, or for this motion. **6) Wisch** asked if the Mayor’s representative had anything to add on this. Evans said she asked the Mayor’s rep to stay just for this purpose. Wisch asked to hear what Chung had to say.

Ann Chung said the Mayor did go through the proper process and actually what it is really doing is enlarging what is really necessary. They are already doing the job; we are just giving them the title in some respects. On the issue of homeland Security, Chung thinks the Mayor is correct; it is a very local issue. Chung has worked with people in the pandemic area and stated if you read what comes out of the National Health Organization—it is a little frightening because it is a very local issue. It has to come from the City and the local government. It is really at the

front in terms of that type of issue. Now that it has already been passed, maybe we can get someone over here to do a briefing to describe more about the new department—that might be helpful.

Discussion continued: **7) Wong** asked if the Mayor has the authority—can a new department be created through a Resolution. Chung said she would have to double check—I don't know all the rules. Wong further asked, does the Mayor have the authority to create a new Department that does not appear in the City Charter. Chung said she would have to get back to Wong on that. Wong stated there was a real issue with process. This is a Resolution and as we all know, a resolution does not have the power of law. And unless a department is identified in the Charter—that's why we have a Charter Commission and Charter Amendments—to make those adjustments; Wong does not think anybody, the Council or the Mayor, to create a Department on their own. **8) Evans** stated the Charter allows him to create, have, 20 departments. And that is what was done. Everything was done by process. The procedures were correctly used. The Council would never have passed this out if this had not been done. He has the power to do it. If the Council objected, and they did, that's why they put these resolutions together and why they had these hearings. **9) Prentiss** recalled the people worked very hard to get items before the Charter Commission and proposed the City Planning Commission have a one-person staff-Executive Secretary. The Mayor came before the Charter Commission and testified in opposition to the Planning Commission having the staff because of the money it would cost. Now, if there is no money for one Executive Secretary for the City Planning Commission, there is no money for a new department. Glanstein stated that actually there will be—Homeland Security money--which is precisely why this resolution was introduced January 29, heard a couple of week later as a resolution. There was objection at the City Council level because it was a resolution. It should have been a Bill and have full and complete discussion. And it didn't have it. Glanstein understands what the Mayor is trying to do and she is sure there will be a notice in the paper advertisement for the position for a Director because the Director has to be Civil Service; which means the Mayor can't fire him, or her. So, we have to see what happens. Glanstein supports this motion because this procedure was inappropriate. This was the wrong procedure. We have a Charter. We had a full City Charter Commission and that Commission heard all kinds of measures. This is not one that came before the Charter Commission and that Charter Commission met after 911. There was full opportunity to do that and they did not do it and have found another way to do it through the back door.

Chair Bryant-Hunter called for the vote on the motion. **The motion failed, 6-7-3. Aye:** Brown, Chinen, Glanstein, Prentiss, Ure and Wong. **Nay:** Best, Bryant-Hunter, Dowsett, Evans, Lindgard, Porter and Wisch. **Abstain:** Bartley, Correa and Tomasa.

Chinen read **Motion 3: The KNB restates its consistent support for a 3-1-1 non-emergency system. The motion carried by unanimous consent, 16-0-0. Aye:** Bartley, Best, Brown, Bryant-Hunter, Chinen, Correa, Dowsett, Evans, Glanstein, Lindgard, Porter, Prentiss, Tomasa, Ure, Wisch and Wong.

Chinen read **Motion 4: The KNB request the City to clarify, for the public, its policy and schedule for green waste pick-up dates, containers, and how to request, and receive, additional containers.**

Chair Bryant-Hunter announced the Board has received a letter from Councilmember Marshall on this asking the Board look at this issue. Chair Bryant-Hunter asked that the committee take a close look at the proposals related to "fee for service" for regular waste, solid waste pickup—to look at this issue in general. She was not sure whether the committee looked at the solid waste pickup as well or if they wanted to take this back to committee based on Councilmember Marshall's letter and look at both. What her requests are, as well as this issue, and bring it back to the Board. **1) Evans** stated she did not understand--that Marshall has a proposal, or what? Chair Bryant-Hunter said yes, the City is proposing a couple of new fee structures for, not green waste but solid waste—to go to one pick up per week and they will charge you for the second pickup--and those kinds of things. So, since there is a proposal on the table to look at the restructuring of the waste pickup system, perhaps before we take final action on this motion, we look at both. Marshall did request that. It just came today. **2) Chinen** stated this motion was generated from concerned citizens regarding green waste pickup. Apparently it has gotten inconsistent lately. Bins that are out for the proper days are not being picked up, sometimes for days. No one seems to know what is going on anymore and the City is to be asked to clarify. Chair Brant-hunter asked if Chinen wanted to take this motion back to committee. Chinen said he would consider it reluctantly. **3) Ure** stated the committee was addressing green waste pickup. The announcement for fees and restructuring came in after-the-fact. We still want the policy for green waste pickup. So we will continue to look at this in committee however, we will probably go ahead and write a letter requesting that policy. Chair Bryant-Hunter stated committees can write and ask for City policy anytime. **4) Glanstein** said there was additional information. We are asking for the City to clarify and you are sending it back to committee. Let the City clarify because it changes from week to week. Now a new budget is out. Policy is going to be next week. We just want the City to clarify. If you need an additional bin, call Barbara

Marshall's office and ask to speak to Gail. She will get you in touch with the proper person who will call you back and find out why you need it and what color the bin is. They are no longer going to be picking up plastic bags—and that is the latest information I have from that Department. Chair Bryant-Hunter stated any committee, at any time, can write a letter to get clarity of city policy—a committee does not need a motion to do this. Write the letter, get the information, and share it with the Board. We don't need action on this.

COMMITTEE REPORTS:

Civilian-Military Council – report previously given.

Kailua Chamber of Commerce – Harding left earlier, no report.

Permitted Interaction Groups:

Enforcement of B&B and TVU's – Josh Wisch, Chair reported: 1) A response has been received concerning a meeting with DPP and that will be scheduled in April most likely and confirmation of a date as the message just came in today. 2) There has been some discussion about folding the Permitted Interaction Group into the Sustainability Committee – it is preferable to do that after the April meeting so as to have something to report out to the Sustainability Committee. 3) Ask the Mayor's rep about fines being lowered, a \$100,000 fine being reduced to \$20,000 in Lanikai. The fine was apparently assessed by DPP and was lowered \$80,000 and we want the Mayors rep to find out if, and how, that happened. It would have been for operating without a non-conforming use permit. Best asked that if the Permitted Interaction Group does go into the Sustainability Committee while she agrees in principal, should any information have to do with enforcement it would not be prudent to have it in that committee. Perhaps there should be further discussion on this possibility. Wisch stated that since the Permitted Interaction Group is tasked only with fact-finding in any case that should not be an issue.

Property Tax Reform – Chuck Prentiss, Chair reported that the committee met and defined the problem which is the high residential property tax. In that discussion we determined there are structural problems in the system; and advalorem taxing system is used to collect taxes from residential properties. At the present time we are researching some data. For example: the tax rates for the various categories, and the revenue that is received from each category. We also have copies of the bills that have recently been submitted to be considered at City Council. We are looking at what they have done on Maui and, also, what they have done on Kauai; whose Charter Amendment was very similar to what was done in California. Our next meeting will be very shortly. Glanstein asked if, under Chapter 32, where it deals with permitted interaction groups, to have members of the community as members of the permitted interaction group. Chair Bryant-Hunter said no. Glanstein asked why. Chair Bryant-Hunter restated the question: can members of the public be on a permitted interaction group, as a member. They can participate in the discussion but they may not be a member of the committee.

Evans called **point of order**. It is after 10:00 p.m., we need a motion to extend.

A motion to extend the meeting was entertained: **Evans moved, Glanstein seconded to extend the meeting. The motion carried by unanimous consent, 15-1-0. Aye:** Bartley, Best, Brown, Bryant-Hunter, Chinen, Correa, Dowsett, Evans, Glanstein, Lindgard, Porter, Prentiss, Ure, Wisch and Wong. **Nay:** Tomasa

Glanstein confirmed that a member of the public may participate in a permitted interaction group but not be a member. Chair Bryant-Hunter affirmed.

Government & Community Services Committee – Jon Chinen, Chair reported: 1) Sunshine Law Legislation – Update reported earlier in the meeting. 2) Kailua High School Access Road Draft Environmental Assessment – Update Glanstein reported that as far as we know alternative one was accepted by the Department of Accounting and General Services (DAGS) pursuant to the Environmental Assessment prepared by Parsons Brinkerhoff et. al. 3) Neighborhood Plan 2007 Update - Glanstein reported the entire plan is currently with Corporation Council. 4) Neighborhood Board Election Electronic Balloting Demonstration – covered earlier in the meeting. 5) **Next Committee Meeting: Third Saturday, March 17, 10:00 a.m. at Zippy's Kailua**

Parks and Recreation Committee – Chuck Prentiss, Chair reported: 1) Commercial activities at Kailua Beach Park – Prentiss reported that a commercial vender has received the first citation from the police department and has a court date at the end of this month. We will follow up on that and inform the board the results of that.

2) Commercial buses east of Kalapawai Market – a follow up via email to the Mayor requesting he reconsider his earlier response with additional information provided to the Mayor. No response has been received. It was hoped the Mayor's rep could follow up on that. 3) Chair Bryant-Hunter reminded the Board that the DLNR Ocean Resources Report that was email to all members of the Board will be discussed at the committee. It was received too late to place on the Board or Committee agenda. 4) **Next Committee Meeting: Tuesday, March 20, 7-9:00 p.m. Kalama Beach Park**

Planning, Zoning and Environmental Committee – Donna Wong, Chair, deferred report to next month. 1) **Next Committee Meeting: Tuesday, March 20, 7-9:00 p.m. Kalama Beach Park**

Transportation & Public Safety Committee – Faith Evans, Chair, reported: 1) Update - protected left turn lanes at Hoolai and Kailua Road. The City states it is included in other project of protected left turn lanes. They do not expect anything to start until December. Mike Oshiro is in charge of the other protected left turn lanes and we have no response at this time. 2) The parking restrictions on Kina Street, a letter received, dated January 30th, for a parking restriction at Onioni Street where the road narrows from 28 to 23 feet, therefore a work order is being issued to post no parking anytime signs on the makai side of Kina Street on approach to Onioni Street to further improve traffic safety. 3) Update - on the ambulance request for windward Oahu, and legislation. Patty Duke says there is a request in the legislation for 5 vehicles (five new ambulances) but nothing for Windward Oahu. So the Rapid Response will be in place and is doing its job. It has been said that Honolulu needs the additional ambulance according to population. 4) **Next Committee meeting is on Wednesday, March 21, 7-9:00 p.m. Kalama Beach Park**

Sustainability Committee – Chris Porter, Chair, reported: 1) The first meeting addressed the Committees scope of work, review of relevant plans: Sustainable Committee Plan, the Oahu Tourism Plan, and the Facilities Plan. 2) **Next Committee meeting is on Thursday: March 8, 7-9:00 p.m. Kailua District Park, Tiny Tots Room**

Executive Committee – Board Chair, Vice Chair, & Secretary/Treasurer reported: 1) Complaints have some disposition by the NCO – report next month. 2) I Love Kailua Town Party: KNB activity to be discussed at committee. 3) Correspondence: Committee to review previous year for outstanding responses. 4) **Next Committee Meeting: Tuesday, March 27, 8:30 a.m. at AGNES' BAKERY**

NEW BUSINESS: None.

Wong asked the Health Fair outcome. Chair Bryant-Hunter said those she knows who attended said it was successful. No problem with having closed the street. 2) Best inquired how much money they raised. Chair Bryant-Hunter did not know, but offered the question was a good one.

BOARD ANNOUNCEMENTS: The following announcements were made:

- March Board and/or Committee Agenda items to Chair by Monday, March 26, 2007
- Committee correspondence copied to Chair and Secretary
- Committees to continue with CIP projects for City and State budgets
- Health Fair Block Party was very successful; there were no issues raised and the feedback was positive.

ADJOURNMENT: There was no other board business, the meeting adjourned by unanimous consent at 10:20 p.m. **16-0-0. Aye:** Bartley, Best, Brown, Bryant-Hunter, Chinen, Correa, Dowsett, Evans, Glanstein, Lindgard, Porter, Prentiss, Tomasa, Ure, Wisch and Wong.

Submitted by
Linda Ure, Board Secretary

And Marie Richardson,
Neighborhood Assistant