



KAILUA NEIGHBORHOOD BOARD NO. 31

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DRAFT REGULAR MEETING MINUTES THURSDAY, NOVEMBER 6, 2008 KAILUA RECREATION CENTER

CALL TO ORDER: Chair Charles Prentiss called the meeting to order at 7:03 p.m., with a quorum of **14 members present**. Note – This 19-member Board requires 10 members for a quorum and to take official action. Chair Prentiss announced that: (a) the Board placed a donation box at the meeting for non-perishable and canned foods to distribute to appropriate service agencies; and (b) to create or revitalize a Neighborhood Security Watch through Community Policing District 4 (Waimanalo, Kailua, Kaneohe and Kahuku), call 723-8874 or 262-6555.

MEMBERS PRESENT: Larry Bartley (arrived at 8:49 p.m.), Kalana Best, Richard Bratt, Michele Brooks, Kathy Bryant-Hunter (arrived at 8:37 p.m.), Jon Chinen, Jim Corcoran, Virginia Enos, Debbi Glanstein, Joe Harding (departed at 9:37 p.m.), Knud Lindgard, Charles Prentiss, Claudine Tomasa, Linda Ure, Ronald Weinberg (departed at 10:02 p.m.), Donna Wong.

MEMBERS ABSENT: Shawn Christensen, Michael Correa, Christian Porter.

VACANCIES: There are no vacancies on this Board.

GUESTS: Capt. G. Chang (Honolulu Fire Department); Lt. J. Vines (Honolulu Police Department); Maj. A. Crouch (Marine Corps Base Hawaii – Public Affairs Office); Laura Thielen (State Department of Land and Natural Resources, Director); Glenn Sakamoto, Janelle Saneishi (State Department of Agriculture); Barry Usagawa (Board of Water Supply); Dr. Morgan Barrett (Governor Linda Lingle's Office – State Department of Health, Deputy Director); Senator Jill Tokuda; Representative Chris Lee; Ann Chung (Mayor Mufi Hannemann's Office – City Office of Economic Development, Director); Debra Wessel (ELRA); Guy Nakamoto (HLA); Maria T. Gorak (Homeless Animals); Crystale Lopez (Hawaii Pacific University); Rob Robinson (Lanikai Community Association); Ray Carbullido, Mark Maeda, Rachel Yamaguchi (Madskill); Aaron Kala-Wilsey, Shannon Kala-Wilsey (YZY Inc.); Rev. Ricky B., Art Bauckham, Ed Enos, Catie Fernandez, Joe Gilman, Joshua Hawley, Leslie Kahihikolo, Johnathon Molloy, John Naughton, Stann Reiziss, Ursula Retherford, Elaine Roberts, Tim Roberts, Bob Trujillo, Glenn Uyeshiro, Cathy Weinberg; Rachel M. Glanstein (Neighborhood Commission Office).

APPROVAL OF MINUTES:

October 2, 2008 Regular Meeting Minutes – The October 2, 2008 regular meeting minutes were APPROVED AS CORRECTED by UNANIMOUS CONSENT (14-0-0) (Aye: Best, Bratt, Brooks, Chinen, Corcoran, Enos, Glanstein, Harding, Lindgard, Prentiss, Tomasa, Ure, Weinberg, Wong), with the following corrections:

- * Page 8 – Forum – Stop Rail Now – Questions...regarding both presentations – strike out the text of item no. 1 and insert this text: "A resident expressed disappointment in the perceived sarcasm shown by Mr. Callan, and noted that he may cause people to support rail with his attitude."
- * Page 14 – Board Actions – Government and Community... – Motion 1 – Discussion – paragraph between item nos. 5 and 6 – last sentence – after "ADOPTED" strike out "~~UNANIMOUSLY 15-0-0~~" and insert "14-1-0", and change Tomasa's vote to NO.
- * Page 14 – Board Actions – Government and Community... – sentence after Motion 2 – before "Tomasia departed" insert "Correa and", and before "members present" strike out "44" and insert "13".
- * Page 15 – Committee Reports – Transportation and Public... – sentence after item no. 10, before "Enos departed", strike out "~~Correa and~~".

AGENCY REPORTS [1]:



Honolulu Fire Department (HFD) [1] – A representative arrived later in the meeting.

Honolulu Police Department (HPD) – Lt. J. Vines distributed the report and highlighted the following information:

October 2008 Statistics – There were 3 aggravated assault, 11 simple assault, 5 auto theft recovery, 26 burglary, 6 counterfeit/forgery, 2 drugs/narcotics, 8 driving under the influence, 10 family offense/neglect, 9 fraud, 9 graffiti, 5 identity theft, 1 kidnapping, 5 missing person, 3 missing person cancelled, 53 motor vehicle collision, 9 motor vehicle theft, 22 property damage, 1 rape, 3 robbery, 1 sex assault, 59 theft, 9 threatening, and 35 unauthorized entry into a motor vehicle cases.

Marine Corps Base Hawaii (MCBH) – Maj. A. Crouch relayed the following information:

- 1) Soldiers Returning – Members of the Navy Patrol and Reconnaissance Squadron VP-9 are expected to return this month.
- 2) Deployments – In November, the 3rd Marine Regimental Headquarters & Combat Logistics Battalion 3 and the USN VP-4 squadron will be deployed for combat in Afghanistan. In August and September, the 3rd and 12th Marine Regiments of the 1st Battalion were deployed for combat in Iraq.
- 3) Veteran's Day Events – The Marines support Veteran's Day on November 11, 2008 with three of their own events: (a) 10:00 a.m. OVC Memorial Ceremony; (b) 1:00 p.m. State Ceremony; and (c) 4:45 p.m. USS Missouri Memorial Ceremony.
- 4) Wahiawa Veteran's Parade – On November 12, 2008, at 10:00 a.m., Marines from MCBH will be participating in the Veteran's Day Parade in Wahiawa.
- 5) Waikiki Holiday Parade – On November 20, 2008, at 7:00 p.m., Marines from MCBH will participate in a color guard and members of the MARFORPAC band will perform in the parade.
- 6) Unit Mission – 3d Marine Regiment – The 3d Marine Regiment was formed in 1916 by consolidating Marine detachments from the various ships in the Atlantic Fleet then at anchor in Guantanamo Bay, Cuba. During World War I, the regiment was heavily involved in the occupation and pacification of the Dominican Republic. Between wars, 3d Marines became a reserve unit stationed in San Francisco, eventually being disbanded in 1937. The 3d Marines were reactivated in 1942 in North Carolina as part of the World War II military expansion. In early 1965, they provided security for the Da Nang Air Base in Vietnam. The 3d Marine Regiment was one of the first combat forces to deploy to Saudi Arabia in response to the Iraqi invasion of Kuwait on August 2, 1990. The regiment became known as "Task Force Taro" in honor of the State and people of Hawaii. Effective October 1, 1994, the 1st Marine Brigade was deactivated and the 3d Marine Division became the regiment's higher headquarters in Okinawa, Japan.

COMMUNITY ISSUES AND ANNOUNCEMENTS [1]:

Madskill Programs to Benefit Community – Ray Carbullido introduced interns Mark Maeda and Rachel Yamaguchi, and conveyed that his company, Madskill, wants to provide services to benefit the community. He gave examples involving environmental education, such as ways to decrease trash and implement beach clean-ups. Mr. Carbullido welcomed suggestions for programs; he wants to ensure that his efforts are in the right areas for the community.

Questions, comments and concerns followed:

Beach Access – Madskill could be involved with beach access issues, but the idea behind the company is to create a community service effort to come up with solutions together with the community.

Hawaii Pacific University (HPU) – Crystale Lopez from HPU shared the following information:

- 1) Grant for English Language Teaching – The U.S. Department of State awarded HPU a \$472,000 grant to develop English language teaching materials for use overseas and also to host a summer institute in June 2009 for 26 English as a Second/Foreign Language teachers selected from various regions of the world.
- 2) Global Entrepreneurship Week – HPU, with lead sponsor High Technology Development Corporation, is hosting a weeklong series of events encouraging entrepreneurship from November 17 to 22, 2008. The

week includes a wide range of opportunities including invention competitions, networking events, investor feedback sessions, individual school-based activities and an entrepreneurship summit. Events will be held at various downtown locations and the windward Hawaii Loa campus. For more information and a complete list of events, visit www.gewhawaii.org or call the HPU Entrepreneurship Center at 687-7068.

PRESENTATIONS [1]:

Wedding Permits Rules Procedures – Laura Thielen, Director of the State Department of Land and Natural Resources (DLNR), circulated handouts and summarized the following information:

- 1) Common Complaint – The most common complaint call regards a conflict between different users of the beach and ocean.
- 2) Unencumbered State Lands – There are certain State lands that are not attributed to any specific department, and these are called unencumbered State lands. These areas are usually intended to remain vacant forever (beaches, etc.), and there are terms and conditions that apply to their use.
- 3) Commercial Activities on Public Lands – The definitions of commercial activities and related compensation are contained in the Hawaii Administrative Rules (HAR), section 221-2. HAR section 221-35 requires that anyone engaging in commercial activities on public lands needs a permit from the board of DLNR.
- 4) Permits Not Always Issued – As an example of permits not being automatically issued, DLNR normally doesn't give any permits to kayaking schools since they use large areas for long periods of time.
- 5) Weddings Allowed with Permits – DLNR allows weddings because the duration of time necessary is shorter, but there are restrictions. The wedding parties can't tell anyone else to move, since it's public property, and they must limit the number of items, such as chairs, tents, altars, etc.
- 6) Statewide Film Permit – There is a difference in the rules if the bride and groom are only taking wedding pictures, and not holding the actual ceremony on public lands. There is a statewide film permit that was enacted when Hawaii was trying to encourage the film industry to come here, and it's still in effect.

Questions, comments and concerns followed:

- 1) Routine Complaints in Lanikai – The Board receives routine complaints about weddings and other commercial activities in Lanikai; however, as explained to area community associations, the rules don't allow these activities to be prohibited at this time. One of the problems is that most Lanikai complaints involve photos only, and the statewide film permit covers those activities.
- 2) Maui Agreements – On Maui, general agreements have been made because of the complaints and arguments, which now allow use of certain areas and not others, and on specific days. Parking issues are also considered in the Maui agreements.
- 3) New Permitting System – DLNR's new online permitting system will provide more information and better track the permits for the use of public lands.
- 4) Conclusions After Investigation – DLNR wants to gather information about all of the issues related to commercial use of public lands before drawing any conclusions, considering amendments to the rules, and prioritizing beaches; this will help to figure out which activities, areas, and days are appropriate. The community will be consulted before any changes are decided.
- 5) Current Agreement – DLNR is unable to issue penalties for permit violations with the current general agreement; they may only deny the next permit from the same applicant. The agreement prohibits anyone from being moved around in the public area, since it's for everyone to use. DLNR does have the authority to penalize those who conduct commercial activities without a permit, and the system is being developed. Most commercial entities want to work with DLNR and use public lands legally. The use was unregulated before, and at least the current agreement requires some terms and conditions. State law does not say that businesses can't access public lands just like a resident – only behavior may be regulated.

- 6) Wedding Issues – It's not so much the weddings themselves, it's the associated commercial activities, such as the limousines, etc., making streets unsafe and blocking bicycle lanes, endangering motorists, pedestrians and bicyclists.
- 7) Review Process and Monitoring – It was suggested that DLNR have a review process for the permits they issue for commercial use of public lands. DLNR should be monitoring public lands for commercial users so that neighbors don't have to ask to see permits.
- 8) Business Activity in Residential Areas – It's felt that many residential communities are experiencing too much business activity, and it was recommended to disallow any permits for business activities in residential areas, especially an area like Lanikai that has no facilities or parking lots. The rules would have to be amended to disallow business activities on public lands in residential areas. Certain areas are banned from use due to historic preservation laws.
- 9) Website – Ms. Thielen will give contact information to the Board so that people may call or register concerns with the website, so that information may easily be collected from residents.
- 10) Agency Coordination – When DLNR issues a permit, it was proposed that they inform all affected agencies.
- 11) County and State Rules – Each county has its own rules regarding parks. Some counties require permits to have commercial activities in county parks, but some don't. Disregarding the small portions of beaches that may be privately owned, a general rule is that if feet are in the sand, then it's State land and the State has jurisdiction over it. The State law indicates that the boundary lines change with tides, erosion, and vegetation, which is why the general rule of "feet in sand" exists.
- 12) Statewide Film Permit – Photographers apply for the statewide film permit annually; they are notified that they will be responsible if they go further than picture-taking into commercial activities. This permit should undergo periodic review and monitoring, if it doesn't already; Ms. Thielen will follow up.
- 13) Parking Issues – It was stressed that DLNR should assess the parking situation of an area before issuing any permits; however, the rules don't allow DLNR to withhold any permits on that basis.
- 14) Bureaucracy and Residential Rights – The opinion was expressed that the State shouldn't be charging fees for beach weddings and forcing people to read legal documents before using public lands. However, DLNR feels that commercial activities have to respect residential rights to beaches, leaving the beaches clean and not monopolizing them, and DLNR is required to charge a minimum fee of \$20, which goes to the general fund. Giving businesses the ability to use a public resource to market themselves should also come with requirements to keep Hawaii's beaches unspoiled.
- 15) Permit Enforcement – The Division of Conservation and Resources Enforcement (DOCARE) works with the Land Division to complete periodic checks and respond to complaints.
- 16) Possible Permit Violations – Two vans were spotted at the Pali Heiau providing "Ghost Tours". In addition, the Hawaii Prince Hotel was supposed to provide a certain number of parking stalls for those that use the Ala Wai Yacht Harbor, in exchange for them being allowed to build the hotel; however, the stalls don't seem to be available for public harbor use. Ms. Thielen will follow up.

Lanikai Fishery Management Area – DLNR Director Laura Thielen distributed a map and specified the following:

- 1) Aquatics Division – DLNR's Aquatics Division, which handles fishery management areas, was unaware of this proposal to create a Lanikai Fishery Management Area when Ms. Thielen contacted them, so she was unable to bring more information with her to the meeting.
- 2) "Aquarium" Fishing – The State legislature requested that DLNR look at "aquarium" fishing (involving the capture and export of reef fish) and the rules that pertain to it.
- 3) Fishery Management Areas – There is currently only one fishery management area, in west Hawaii; creating more of these areas is not allowed in locations other than west Hawaii. DLNR has been monitoring the fish in that area over the years and found them to be infected.

- 4) Regulations – Regulations are being considered to handle different considerations.
- 5) Community's Opinion – The community should decide whether they want to close down the fisheries, keep them open, and/or create new areas.
- 6) Dock Replacement – DLNR is beginning to replace docks in the Kailua area.

Questions, comments and concerns followed:

- 1) Origin of Proposal – The proposal for a new fishery management area in Lanikai was from an individual, Dave Smith.
- 2) "Aquarium" Fishing – People have been witnessed engaging in aquarium fishing in the community, which is an illegal activity.

The Community Issues portion of the agenda was returned to without objection.

COMMUNITY ISSUES AND ANNOUNCEMENTS [2]:

Watershed Management Plans – Guy Nakamoto, a resident of Waiahole Valley, worked on the Koolauloa Watershed Management Plan for the past three years, and offered his help on the upcoming work for the Koolaupoko plan. Wong will keep in contact with Mr. Nakamoto on this issue.

PRESENTATIONS [2]:

Coqui Frogs – Glenn Sakamoto, from the State Department of Agriculture (HDOA), circulated a handout and presented the following information:

- 1) Coqui Frogs Found in Community – Four coqui frogs were recovered from the Kailua area during July and August 2008 (one from Lanikai and three from Enchanted Lake). Follow-up investigations revealed that a Kaneohe garden shop may have been the source of the Lanikai coqui after receiving plants from Hilo, Hawaii. The manager of the retail store was instructed to implement a treatment program by spraying the area and plants with a citric acid solution. Numerous subsequent monitoring visits to the Kaneohe site showed no calling coqui frogs.
- 2) No Further Coqui Frogs Found – Since these captures there have been no further reports or finds of coqui frogs in the Kailua area. Other areas are also being monitored.
- 3) Coqui "Calls" – A tape was played of the calls of the coqui frogs; these sounds range from 80 to 90 decibels, which is comparable to the sound level of a lawnmower.
- 4) Coqui Concerns – The concerns about coqui frogs spreading involve the noise (especially when there are many frogs "calling"), and the environment (eating insects, competing with birds, etc.).
- 5) Attention to Issue – The Board and community were thanked for bringing attention to the coqui frog issue.

Questions, comments and concerns followed:

- 1) Issue Previously Raised – The Board brought up the coqui frog issue approximately six years ago, but received no support from government agencies to prevent the problems.
- 2) Inspections – HDOA should insure that all plant material transferred between islands is inspected. They currently do some inspections and issue certifications, which must be shown to the shipping companies. Certified nurseries inspect themselves and HDOA does biennial inspections of the larger certified nurseries. Upon the realization that there was a spraying protocol in place, Enos retracted her comments made earlier to reporters.
- 3) Website – For more information, visit HDOA's website at www.hawaii.gov/hdoa.

- 4) Coqui Hysteria – The question was raised over whether people are too concerned over coqui frogs, resulting in mild hysteria.
- 5) Community Involvement – HDOA does depend on the community to report sightings of coqui frogs, since there may not be enough inspectors to look at everything.
- 6) Brown Tree Snake – HDOA is also concerned about the possible importation of the brown tree snake.
- 7) Preventive Measures – Citric acid may be used to spray plants; the use of baking soda as a preventive was not confirmed. Wear gloves if spraying citric acid and wash off plants after one-half hour. HDOA is working with the nurseries and the Superferry to prevent the spread of the frogs/eggs. It was suggested that everyone purchase their plants from reputable shops and visually inspect any plants from Hilo. A resident requested that the State be more proactive about preventing "bio-pollution", since the noise of many coqui frogs can be deafening in Hilo; he recommended that any plants from Hilo be sprayed before shipping, and then sprayed again upon arrival.
- 8) How Coqui Frogs Got to Oahu – Every landscaping plant from the Big Island is inspected visually for frogs and bugs; however, it's possible that the inspections missed eggs laid on the plants, or that eggs or frogs were present on the shipping palettes, or that the frogs/eggs came from a self-regulated nursery.
- 9) Kailua Beach Park (KBP) Coqui Frogs Caught – Coqui frogs were heard near KBP, and Mr. Sakamoto's office sent two inspectors who captured the two frogs.
- 10) Coqui Eggs – It's possible that spraying plants may not kill the coqui eggs; a female coqui frog can lay 35 to 70 eggs every two to three weeks, with a maturation period of two to three weeks.
- 11) Greenhouse Versus Coqui Frogs – Greenhouse and coqui frogs sound different – the coqui is much louder than the greenhouse. Most of the calls that Mr. Sakamoto's office receives actually concern greenhouse frogs. Go to www.hear.org for more information or to hear the calls of the different frogs.

Enos moved, and Glanstein seconded, that the Kailua Neighborhood Board No. 31 urges the State Department of Agriculture to implement a mandatory spraying protocol of all live plants imported from the Big Island as a first line of defense against a coqui frog infestation of Oahu. Discussion ensued:

- 1) Support – Wong expressed her support for the motion, and noted that the legislature should try to prevent the spread of coqui frogs. Brooks offered her support, but remarked that the motion may not go far enough; she suggested a quarantine of Hilo to stop the spread of coqui. Corcoran wasn't concerned with the motion's wording; he wants to make sure that the opinion is articulated. Enos specified that discussion is not enough and action needs to be taken on the issue.
- 2) Opposition – Weinberg voiced concern that the cost of implementing the motion may make the idea impractical/unrealistic. Bratt was opposed to the motion as worded and noted that he didn't want to tell HDOA how to do their job.

Bryant-Hunter arrived at 8:37 p.m. during the above discussion; **15 members present.**

The motion that the Kailua Neighborhood Board No. 31 urges the State Department of Agriculture to implement a mandatory spraying protocol of all live plants imported from the Big Island as a first line of defense against a coqui frog infestation of Oahu was ADOPTED 12-3-0 (Aye: Best, Brooks, Bryant-Hunter, Chinen, Corcoran, Enos, Glanstein, Lindgard, Prentiss, Tomasa, Ure, Wong; No: Bratt, Harding, Weinberg).

Board of Water Supply (BWS) Koolaupoko Watershed Management Plan (KWMP) – Barry Usagawa, from the BWS, distributed a handout and detailed the following information:

- 1) Background – The BWS has begun the development of the district-wide KWMP, which will be used to meet the requirements of preparing a county water use and development plan under the State Water Code and City ordinance. BWS is expanding the KWMP to include a management plan for watershed protection that identifies critical watersheds and develops a list of watershed protection strategies and projects for those watersheds because fresh water is not an infinite resource; its high quality, quantity, and sustainability are essentially linked to the existence of healthy watersheds.

- 2) Overall Goal – The overall goal of the KWMP is to formulate an environmentally holistic, community-based, and economically viable watershed management plan that will provide a balance between: (a) the preservation and management of Oahu's watersheds; and (b) sustainable ground water and surface water use and development to serve present users and future generations.
- 3) KWMP Objectives – The plan has five objectives: (a) promote sustainable watersheds; (b) protect and enhance water quality and quantity; (c) protect Native Hawaiian rights and traditional customary practices; (d) facilitate public participation, education, and project implementation; and (e) meet future water demands at reasonable costs.
- 4) Community Participation – BWS highly encourages community participation. The Board was urged to gather the community together to help to develop strategies.
- 5) Challenges – The main challenges to implementing the KWMP will be flood control, water development, land management, cultural uses, etc.
- 6) Island-wide Plans – BWS will develop similar watershed management plans for each of Oahu's eight planning districts through a planning process that will integrate land use and water resource management; the eight areas together will be considered the Oahu plan. An ocean resource management plan is also under consideration. The Koolauloa and Waianae plans are almost complete.
- 7) KWMP Status/Timetable – The BWS is currently identifying the inventory. In January 2009, BWS will begin the consultation and analysis process; this includes contacting organizations, agencies, and individuals who may want to consult on the project, specific to the Koolaupoko area. At the end of 2009, strategies for the project will be developed, and a region-wide working group will be established. When the KWMP is ready to be finalized, the Board will be asked for its support, as was done with Koolauloa and Waianae. After Board support is received, the plan will go to City Council for approval and then on to the State Water Commission.
- 8) Further Information – For more information, contact George Kuo or Mr. Usagawa at 748-5941 or gkuo@hbws.org.

Questions, comments and concerns followed:

- 1) Free Water – It was suggested to shut down all water meters on Oahu and build the price of water into the property tax rate to give everyone free water. Through the water meters, the BWS charges enough to cover the price of developing and transporting water to homes, and some feel that the prices are too low. The BWS is a semi-autonomous City agency, and so is not tied into the main City budget; their funding is accumulated through water usage fees.
- 2) KWMP Progress – The KWMP is not ready to be posted online yet; the idea is to introduce the community to the concept and the process before the project is really begun. As soon as the information is compiled, around January 2009, it will be posted online. The entire plan process will take six to seven years.
- 3) Further Information – For more information, go to www.boardofwatersupply.org, click on the Water Resources tab, and click on the links for the watershed management plans for Koolauloa and Waianae.
- 4) Board Action – The Board will establish a group to get involved with the KWMP process; Mr. Usagawa asserted that he would attend whatever meetings are necessary to accomplish this project.

Bartley arrived at 8:49 p.m. during the above comments; **16 members present**.

ELECTED OFFICIALS:

U.S. Congresswoman Mazie Hirono (Quarterly) – A representative was present in October 2008.

Governor Linda Lingle's Representative – Dr. Morgan Barrett, the Deputy Director of the State Department of Health, circulated the report and mentioned the following:

Hawaii's Economy – Hawaii's economy is currently suffering; significant State cutbacks are imminent. The State Department of Health has an eight percent restriction on spending (half from the legislature and half from Gov. Lingle). All State departments were asked to prioritize their programs, and all departments will experience budget cuts. Gov. Lingle is required to propose a balanced budget, and is looking at the estimated budget deficit of approximately \$900 million. She is trying to encourage tourism by increasing the outreach and marketing.

Questions, comments and concerns followed:

- 1) Kailua Library – It's desired that the State provide funding for the Kailua Library.
- 2) Kalaniana'ole Highway Exposed Pipes – As noted previously, the exposed pipes along Kalaniana'ole Highway, near Auloa Road, are temporary irrigation lines and will be removed when the plants take root.
- 3) Budget Surplus and Shortfall – A year ago, there was a \$700 million budget surplus, and now there's almost a \$900 million shortfall; the distribution of the surplus was questioned. The State budget is published online, and may be viewed to see how the surplus money was spent.
- 4) Sustainability – Besides tourism, Gov. Lingle is also looking at more sustainable ways to boost the economy, such as encouraging local leadership, removing obstacles to investment, and expanding energy production (wind, solar, and geothermal power).
- 5) Tourist Information – It was suggested to provide information in tourist brochures to labeling designated sites (such as bird sanctuaries, religious sites, etc.).
- 6) Sand Pile Near Buzz's Steakhouse – Across from Buzz's Steakhouse in Kailua, there is a pile of sand that may have been dredged up from the stream; it's possible that the sand may be considered "dirty" and may be unusable for sand replenishment. The State Department of Health has a duty to ensure cleanliness of sand; Dr. Barrett will follow up with the representative from Mayor Mufi Hannemann's Office, Ann Chung.

Senator Fred Hemmings – No representative or report present. Chair Prentiss thanked Sen. Hemmings for submitting testimony regarding Bill 6 (relating to Bed and Breakfasts and Transient Vacation Units) to the City Council consistent with the Board's position.

Senator Jill Tokuda – Sen. Tokuda distributed flyers about legislative internships and emphasized the following:

- 1) Intern with Sen. Tokuda – Sen. Tokuda is seeking a highly motivated Windward Oahu student for her "A Capitol Experience" internship program
- 2) Senate Reorganization – Sen. Tokuda is the new chair of the Higher Education Committee, which oversees the University of Hawaii (UH) system and was chosen to be Majority Whip. Visit www.capitol.hawaii.gov for more information.

Questions, comments and concerns followed:

- 1) Pay Raises – Attorneys are investigating to see if the legislature can refuse their raises without affecting administration and judiciary raises. One of the goals of the widespread raises was to equalize the pay of department heads. The legislature has not had a pay raise for the last 12 years. During the session, no legislator introduced legislation to refuse the raises. No single legislator may refuse their own raise, since the legislature is treated as a group. Regardless, the situation is being studied. The suggestion was made to donate the raise to charity; Sen. Tokuda does make large donations to community organizations.
- 2) Senate Reorganization – Sen. Tokuda hopes to serve also on the Education and Housing Committee.
- 3) Office of Environmental Quality Control (OEQC) – The OEQC had vacancies before the hiring freeze was implemented, and so now may be unable to fill the vacancies.
- 4) Kawai Nui Marsh – Sen. Tokuda was thanked for her work on the transfer of Kawai Nui Marsh from the City to the State and was urged to ensure that the State takes care of the marsh. Sen. Tokuda commended the City and the State for working together on the transfer and will continue to monitor Kawai Nui Marsh.

- 5) Testimony to City and State – Each legislator has their own view on testifying before the City Council; for Sen. Tokuda, it's a "home rule" issue, although she realizes that certain issues (Bed and Breakfasts, etc.) area very important to the community, and plans to consult with Maui senators to see how they are handling the issues. Typically, councilmembers will not testify before the State legislature.
- 6) Hamilton Library – Sen. Tokuda will concentrate on Hamilton Library and its needs.

Representative Pono Chong – No representative or report present.

Representative Cynthia Thielen – A representative distributed the report earlier in the meeting.

Representative Chris Lee – Rep. Chris Lee introduced himself and apologized that he was unable to provide contact numbers or email addresses because he hadn't yet been assigned office numbers or email addresses.

Questions, comments and concerns followed:

- 1) Greater Protections Against Invasive Species – Rep. Lee plans to push for greater protections against invasive species, such as coqui frogs, before the species' populations are established.
- 2) Commercial Activities on Beaches – Rep. Lee is also concerned about commercial activities on beaches.
- 3) Tax Increases – Rep. Lee felt it would be irresponsible of him to pledge to not raise taxes, since he hasn't yet studied the budget; he indicated that no large increases were planned at this time.

The report of the Honolulu Fire Department was heard at this time, without objection.

AGENCY REPORTS [2]:

Honolulu Fire Department (HFD) [2] – Capt. G. Chang provided the following information:

- 1) October 2008 Statistics – There were 0 structure, 1 wildland, 1 rubbish, and 0 vehicle fires; there were 41 medical emergencies, 3 search/rescues, and 7 miscellaneous calls.
- 2) Fire Safety Tip – This holiday season, consider a fire-resistant, artificial Christmas tree; otherwise, choose a natural tree that's as fresh as possible, and keep it hydrated and away from any heat source. Decorate with noncombustible materials. Choose only Underwriter's Laboratory-approved electrical decorations and follow manufacturer's instructions. Do not overload extension cords. A significant portion of home fires originate in the kitchen, so don't leave cooking unattended, even for a minute. Keep an ABC-rated fire extinguisher close by and know how to use it. Don't wear long, loose-sleeved clothing while cooking, turn handles on pots and pans inward to prevent accidents, and keep children away from the kitchen. If hosting overnight guests, share the home escape plan with them.

Mayor Mufi Hannemann's Representative – Ann Chung, Director of the City Office of Economic Development, offered the following responses to previous questions:

- 1) Electronic Voting in Neighborhood Board Election – The development and methodology of electronic voting versus paper ballots is under review; the Board's concerns about holding an entirely paperless election were relayed to the Neighborhood Commission.
- 2) Need for HPD Unmarked Vehicle – HPD is aware of the need for unmarked vehicles for the District 4 station. The budget does not afford the opportunity to purchase such vehicles. If forfeiture vehicles become available, they may be assigned island-wide, and it's possible that District 4 may acquire one.
- 3) Request for Marked Crosswalks on Kainui Drive – The City Department of Transportation Services (DTS) conducted another pedestrian study while school was in session at the intersections of Kainui Drive at Kainui Place and Maluniu Avenue, and found minimal pedestrian volumes crossing Kainui Drive. As such, the minimum pedestrian volume requirements for marked crosswalks to be justified were not met at this time. DTS will continue to monitor the area and install appropriate traffic controls when warranted.

- 4) Request for Marked Crosswalks on North Kalaheo Avenue – DTS is still conducting their investigation for a marked crosswalk on North Kalaheo Avenue at Kailuana Place and Kai One Place; additional site observations and pedestrian/vehicle volume analyses are being done. DTS will report back by the end of January 2009.
- 5) Updates on Area Parks – Regarding Kailua District Park, the tennis courts are playable, with only one net needing replacement, and the pool is ready for use, with a few more repairs to be completed. Regarding KBP, the sprinkler systems are now up and running, and the wheel-chair access issues have been referred to DLNR (relating to sand erosion), and the sand fences installed to control some sand migration are still being developed. The exposed tree roots are being regularly inspected for possible removal.
- 6) Grant for Defense Dual Use Tech Center – The City was awarded a grant to start a Defense Dual Use Tech Center; the neighbor islands all have these tech centers, but there is not one located on Oahu (the Manoa Innovation Center is not a full tech center). The goal is to find private uses for the technologies.

Questions, comments and concerns followed:

- 1) Maunawili Neighborhood Park – The community would like the four picnic tables with benches repaired and re-installed, and asked if there were still funds in the budget for it.
- 2) Pohakupu Park – The slats of various park benches were replaced and repainted.
- 3) Grant for Tech Center – The amount of the grant to build a Defense Dual Use Tech Center on Oahu is \$300,000, mainly to get the project started.
- 4) Rail Transit Route – The route for the \$5 billion rail transit project was questioned, since it doesn't initially include the airport or UH at Manoa. It was explained that the Minimum Operating Segment (MOS) is what's being worked on now, and these areas may be included in future spurs. Council is reconsidering the route chosen, since the current MOS doesn't include the airport.
- 5) Mayor Hannemann's Plans – Mayor Hannemann wants to be the best mayor possible, but doesn't want to eliminate other options.
- 6) Kailua Library Sidewalks – The sidewalks all around the Kailua Library are in serious disrepair, and people have been injured; it was requested that these areas be fixed immediately.

Councilmember Barbara Marshall – No representative or report present.

COMMITTEE OF THE MONTH:

Planning, Zoning & Environment Committee (PZE) – The following updates were provided:

- 1) Bill 6 CD1, Relating to Bed and Breakfasts (B&B) – Bartley reported that the Kuliouou-Kalani Iki Neighborhood Board No. 2 voted unanimously to oppose Bill 6 CD1 at their meeting tonight. Bill 6 has passed second reading, although the majority of testimony was consistent with the Board's position against Bill 6. The goal of the bill is to take the issue from the Land Use Ordinance, create a section with business regulations, and establish a commission to oversee B&Bs. Everyone was urged to testify against Bill 6.
- 2) Proposed Zoning Change from P-2 Preservation to I-2 Industrial at Current Green Waste Site in Kapaa Industrial Park – Chair Prentiss received a request from to have a presentation on this issue.
- 3) Aikahi Park Shopping Center Driveway Location Change to Accommodate Pre-school – PZE Chair Wong indicated that the property owners seem able to compromise on adjusting the driveway location.

Harding departed at 9:37 p.m.; **15 members present.**

- 4) Proposed Montessori Pre-school at St. Christopher's Church – PZE Chair Wong mentioned that this proposal is pending.

- 5) Zoning Variance for 1336 Mokulua Drive – PZE Chair Wong recapped that the applicants for the zoning variance at 1336 Mokulua Drive had assured the Board that they would complete a shoreline certification for their property to ensure a lot size of 20,000 square feet. The item was kept on the agenda for the applicants to return, but they never did; today a hearing was held on the issue. It was felt that the applicants duped the Board and the community. The hearing, however, was not a decision-making meeting, so the Board has time to take action on the issue.

PZE Chair Wong moved, and Best seconded, that the Kailua Neighborhood Board opposes the zoning variance at 1336 Mokulua Drive to allow two (2) single-family dwellings on a single zoning lot, which lacks the required lot area because the applicant does not meet the three (3) criteria (Land Use Ordinance LUO-Section 6-909 and 6-910) for a variance – (1) The applicant would be deprived of the reasonable use of such land or building if it were used only for the purpose allowed in that zone; (2) The request of the applicant is due to unique circumstance and not the general conditions in the neighborhood; and (3) the use sought to be authorized by the variance will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning ordinance. Discussion ensued:

- a) Support – PZE Chair Wong stated that the Board previously withdrew the motion to oppose the variance because the applicants assured the Board that they would return with a shoreline certification to prove that the lot size was 20,000 square feet, which they did not. Best supported the motion and expressed that two houses are not necessary for the two brothers (applicants); she continued to voice the opinion that the Board was duped since the applicants went before the Lanikai board (of the Lanikai community association) for their approval, which was received since they asserted again that they would provide shoreline certification.
- b) Opposition – Ure contributed that the Board is mainly seeking clarification, including information on any revetment, which is classified differently.

The motion that the Kailua Neighborhood Board opposes the zoning variance at 1336 Mokulua Drive to allow two (2) single-family dwellings on a single zoning lot, which lacks the required lot area because the applicant does not meet the three (3) criteria (Land Use Ordinance LUO-Section 6-909 and 6-910) for a variance – (1) The applicant would be deprived of the reasonable use of such land or building if it were used only for the purpose allowed in that zone; (2) The request of the applicant is due to unique circumstance and not the general conditions in the neighborhood; and (3) the use sought to be authorized by the variance will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning ordinance, was ADOPTED 12-3-0 (Aye: Bartley, Best, Brooks, Bryant-Hunter, Chinen, Corcoran, Enos, Glanstein, Lindgard, Prentiss, Tomasa, Wong; No: Bratt, Ure, Weinberg). Chair Prentiss noted the standard procedure of submitting the motion to all appropriate agencies.

BOARD ACTIONS:

Planning, Zoning and Environment Committee (PZE) –

Motion: PZE Chair Wong moved, on behalf of the PZE, that the Kailua Neighborhood Board supports the draft for a proposed bill to amend Chapter 196 Solar water heater system required for new single family residential construction, and Chapter 269 Solar water heater system standards. Discussion ensued:

- 1) Support – Prentiss offered that the Board could be proactive by supporting this amendment to add other renewable energy technologies to the requirement for solar water heaters for new construction; a goal of the amendment is to move away from the use of oil. PZE Chair Wong remarked that the proposed amendments will take two to three years to pass, not counting implementation, so there will be time to address concerns. Prentiss stressed the benefit of providing homeowners with a home that will generate no electric bills, and shared that his last electric bill was for \$300.
- 2) Opposition – Brooks commented that, if approved, these requirements would add thousands to the construction expense, and supporting the amendment may be premature. Bryant-Hunter can't support the motion without knowing the status of tax credits that could make the requirements viable for homeowners. Bratt is opposed to this motion until the efficiency of other renewable energy technologies is increased.

- 3) Tax Credits – Bryant-Hunter questioned the availability of tax credits for renewable energy technologies and noted that the mandate of solar water heaters was accompanied by a substantial tax credit. Prentiss responded that the federal tax credit for solar water heaters was just extended; in addition, the State offers generous credits, but the expiration date is unknown.
- 4) Renewable Energy Technologies – Bratt conveyed concern that the efficiency of photovoltaic sheets is only 30% to 32%, and he would like to see it increase to 75%; he added that wind farms require 30-foot towers to operate. An audience member relayed that the technology is improving rapidly, but time is needed for mass production; he remarked that next year photovoltaic ink will be available for use with inkjet printers. He continued to say that 80% of Hawaii's energy is provided by fossil fuel, when the State should be utilizing the water power that surrounds it. The audience member added that the permitting process for renewable energy technologies take five to seven years. He concluded by stating that the recycling programs and trash industries could be profitable if properly designed.

During the above discussion, Chair Prentiss relinquished the gavel to Vice-Chair Chinen.

The motion that the Kailua Neighborhood Board supports the draft for a proposed bill to amend Chapter 196 Solar water heater system required for new single family residential construction, and Chapter 269 Solar water heater system standards was NOT adopted 8-5-2 (Aye: Best, Bratt, Bryant-Hunter, Chinen, Corcoran, Lindgard, Prentiss, Wong; No: Brooks, Enos, Glanstein, Ure, Weinberg; Abstain: Bartley, Tomasa).

Chair Prentiss reclaimed the gavel and resumed presiding over the meeting.

Weinberg departed at 10:02 p.m.; **14 members present.**

Neighborhood Assistant (NA) Rachel M. Glanstein departed at 10:03 p.m. Secretary Ure composed the remainder of the minutes.

Chair Prentiss noted there were only four persons remaining in the audience.

Executive Committee / Non-Committee – Chair Prentiss stated he had two motions from the committee and would take them out of order and take the second motion first. Corcoran objected stating on the agenda, the Executive committee motion was to be followed by the non-committee motion, and requested the motions be addressed as they were noticed. Chair Prentiss said he would take the second motion first (the non-committee motion). Corcoran requested the Board vote on taking the agenda out of order. Chair Prentiss asked for a motion to take the agenda out of order and take the second motion (non-committee motion) first.

Bartley moved, and Best seconded, to take the agenda out of order and move the second motion (Non-committee motion) first. Chair Prentiss stated in order to take the second motion first the Board would need to vote and asked for a show of hands. Chair Prentiss stated the motion takes a two-thirds vote, and then asked if the maker of the motion would withdraw the motion to save time.

Bartley and Best withdrew the motion to take the agenda out of order and move the second motion (Non-committee motion) first.

On behalf of the Executive committee, Chair Prentiss introduced the Executive Committee motion: **Shall the Kailua Neighborhood Board reschedule the January 1, 2009 regular board meeting to Thursday, January 8, 2009.** Discussion followed:

- 1) Legislative Concerns and Support – Corcoran spoke in favor of the motion as the Board has held its January meeting regularly as the opening of the State Legislature needs to be considered. Glanstein agreed with Corcoran and spoke in favor of the motion as the Legislative session opens January 21, 2009 and this Board may need to address issues toward that opening and it is assumed stating the room had already been reserved as there is a standing committee meeting on that date; she stressed the importance of not skipping this Board meeting. Bryant-Hunter added her support of the motion as former Board Chair.
- 2) Chair's Debate – Corcoran stated that the gavel had not been passed to the Vice-Chair by Prentiss.
- 3) Availability of Neighborhood Assistant – Ure stated NA Glanstein's calendar reflected her availability for the January 8, 2009 day for the meeting, but regardless of her availability, the Neighborhood Commission

Office (NCO) would be responsible for providing an NA for the meeting. Chair Prentiss supplied that the Board's NA would not be available so the meeting should be cancelled. Tomasa requested clarification on the availability of an NA for the meeting. Chair Prentiss reiterated that NA Glanstein would not be available; Ure thought she was available, but reminded the Board that it's the NCO's responsibility to provide NAs for regular Board meetings, if the assigned NA is unavailable. Ure displayed NA Glanstein's calendar, which was taken from her and disposed of by Chair Prentiss. **Corcoran raised a point of order saying that Chair Prentiss's actions (taking the calendar and disposing of it) comprised a loss of order and decorum. Chair Prentiss did not rule on the point of order, noting his dislike for papers being waved in front of his face.**

- 4) Room Considerations – Corcoran asked if the room would be available for January 8. Tomasa stated she did not have a reservation for the room for the committee as the permits for Kailua District Park are by calendar year and she had not yet applied for the committee permit. Corcoran asked if the Chair had an objection to requesting the room for January 8. Chair Prentiss asked Bryant-Hunter to address the room permitting. Corcoran stated the permit for January 1, 2009 should have already been addressed by the Chair and that a room in the gym building could also be utilized if this multi-purpose room was not available. Kathy Bryant-Hunter informed the Board that in prior years the permits ran with the Board term year, but now the District Park and Kalama Beach Park are permitted on the calendar year. However, Chair Prentiss should be able to request the room for January 8; Bryant-Hunter added that this issue was a housekeeping issue. She felt that the permit for the Board was the Chair's responsibility while the permits for the committees were the responsibility of the committee chairs, as they meet in different locations. Brant-Hunter stated that in her opinion, either the classroom or the multi-purpose room would be available for the January 8 meeting, and if the Board adopts the motion it is probable that the room can be permitted for the meeting.
- 5) Other Neighborhood Board Recesses – Chair Prentiss stated that he had checked the website and that 25 of the neighborhood boards would be in recess in December or January; Ure stated that it was premature to state that 25 neighborhood boards would not be meeting in December and January, since not all of the information was available.

The motion to have the Kailua Neighborhood Board reschedule the January 1, 2009 regular board meeting to Thursday, January 8, 2009 was ADOPTED 10-4-0 (Aye: Bartley, Bratt, Brooks, Bryant-Hunter, Chinen, Corcoran, Glanstein, Lindgard, Tomasa, Ure. No: Best, Enos, Prentiss, Wong). The adoption of this motion resulted in the non-committee motion not being considered.

COMMITTEE REPORTS:

Civilian-Military Council (CMC) – CMC Chair Corcoran concurred with Major A. Crouch's report and reminded information for the base activities can be found at www.mcbh.usmc.mil.

Permitted Interaction Groups (PIGroups) –

Enforcement of B&B and TVUs: No report.

Neighborhood Plan MMVIII: Chinen, Chair, reported that on October 20, 2008 the Neighborhood Plan became effective. The Neighborhood Plan 2008 is in some ways, more restrictive than the sunshine law, especially with quorum issues. There was no meeting of the Neighborhood Commission in October, however a Special meeting will be held November 10, 2008. Discussion followed:

Hard Copies – Glanstein asked when the Neighborhood Plan will be printed and made available to all Board members and when workshops and orientation for Boards and Board Chairs will be given by the NCO concerning the Neighborhood Plan. It needs to be done quickly to prepare Board members to understand the changes in the Neighborhood Plan. When the PIGroup goes to the Neighborhood Commission (NC) meeting the training will be requested immediately. Ure expressed that the paper copy of the plan and training for Boards and Chairs of Boards is a high priority due to the changes in the plan in a number of areas. When this Board asked the NCO for paper copies for its Board members, they were told that the budget would be charged for the 19 copies.

Transportation and Public Works Committee (TPW) – TPW Chair Bratt reported the following updates:

- 1) Lanikai Traffic Study Request – Over time, two letters have been sent to DTS concerning the request for a renewed study of overall traffic related conditions in the Lanikai area and a response has not been received by the committee, however, Ms. Chung will forward a copy to me tomorrow for that second request.
- 2) Oahu Bicycle Master Plan (OBMP) – The OBMP workshop was held on October 21, 2008, and the plan reflects at least 15 miles of bike lanes in Kailua in the next 5-10 years depending on the budget. Anticipate a presentation in the coming months.
- 3) Traffic and Bicycle Safety – The committee continues to work on and monitor several traffic safety and bicycling issues with the State & City Departments of Transportation and HPD.
- 4) Kaiolena Drive – The Committee is awaiting DTS input on several issues including Kaiolena Drive.
- 5) Lani Huli Parking Structure Concerns – HPD and DTS will report on the concerns over the security in the parking structure at Lani Huli (Aulike Street).
- 6) Other Issues – The committee will continue to address concerns over Wanaao Road resurfacing, North and South Kalaheo and other bicycling lanes and crosswalks.
- 7) Next Meeting – **Next Meeting: 3rd Thursday, November 20, 2008, from 7-9:00 p.m., Kailua District Park Multi Purpose Room.**

Executive Committee – Chair Prentiss the following information (except for the Treasurer's report):

- 1) Agenda Requirements – December agenda items are due November 24, 2008 to Chair and Secretary from all committees.
- 2) Bill 6 CD 1 Testimony – City Council Bill 6, DC1 has been sent to committee and the Board and others testified in opposition.
- 3) Board Activities and Liability – Neighborhood board activities and Board members' potential individual liability will be discussed when the Board members are in possession of paper copies of the Neighborhood Plan.
- 4) Treasurer's Report – Glanstein stated that although postage has gone up, printing costs have not increased. It has been requested of the NCO to know the number of postal mail recipients. The Board's Operating budget balance is \$1,086.00, Publicity budget balance is \$1,876.00 and the Refreshment budget balance remains at \$120.00.
- 5) Conference of Chairs – This item will remain on the committee agenda for further reports.
- 6) Next Meeting – **Next Meeting: 4th Tuesday, November 25, 2008, 8:30 a.m., at Agnes' Bakery-Kailua.**

Sustainability and Environment Committee (SEC) – No report.

Government and Community Services Committee (GCS) – GCS Chair Chinen reported:

- 1) Neighborhood Commission (NC) – The NC had no meeting in October; however, it's known that a new commission member has been appointed, Robert Finley (also Chair of the Waikiki Neighborhood Board No. 9), who filled the expired term left by Kalene Sakamoto. Clara Ching's seat is to be filled in the future as her term has also expired.
- 2) Next Meeting – **Next meeting: 3rd Saturday, November 15, 2008, 10:00 a.m. at Zippy's Kailua.**

Parks and Recreation Committee (PRC) – PRC Chair Ure reported the minutes will reflect the responses from Ann Chung as relates to Parks & Recreation, and that the **next meeting would be on the 2nd Thursday, November 13, 2008, 7-9:00 p.m., at Kailua District Park Multi-Purpose Room.**

Public Health, Public Safety & Civil Defense Committee (PHPSCD) – PHPSCD Chair Tomasa requested the minutes reflect the committee report that the committee is working on physicians' medical liability reform (with a presentation on the December 4, 2008 agenda), will continue discussion about exploratory efforts to enhance law enforcement for District 4, will continue to examine the CIP budget for emergency shelters, will look for updates on the lead pellets on Kaimalino Beach. **The next meeting will be on the 2nd Thursday, November 13, 2008, 7-9:00 p.m., at Kailua District Park Multi-Purpose Room.**

ANNOUNCEMENTS: December Agenda items are due November 24, 2008 to Chair and Secretary from all committees for the Board and committee agendas.

ADJOURNMENT: The meeting adjourned at 10:23 p.m.

Submitted by:

Rachel M. Glanstein
Neighborhood Assistant

and

Linda Ure
Board Secretary