



KAILUA NEIGHBORHOOD BOARD NO. 31

P.O. BOX 487 • KAILUA, HAWAII 96734
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

DRAFT REGULAR MEETING MINUTES THURSDAY, MAY 2, 2013 KAILUA RECREATION CENTER

CALL TO ORDER: Chair Chuck Prentiss called the meeting to order at 7:01 p.m. with a **quorum of 12 members present**. Note: This 19-member Board requires 10 members to establish quorum and take official Board action.

Board Members Present: Larry Bartley, Jon Chinen, Pamela Dagrossa, Matt Darnell, Douglas Dudevoir, Debbi Glanstein, Lisa Marten (arrived 7:15 p.m.), Chuck Prentiss, Leigh Prentiss, Ursula Retherford, Claudine Tomasa, Kelly Tomioka (arrived 8:04 p.m.), Ronald Weinberg (departed 9:08 p.m.), Donna Wong, and Neil Frazer (appointed at this meeting).

Board Members Absent: Gustav Bechert, Bill Hicks and Tony Locricchio.

Vacancies: One vacancy each in sub-districts 1 (Lanikai) and 4 (Aikahi, Coconut Grove, Downtown Kailua, and Kalaheo Hills).

Guests: Joby Misakatani (Governor Neil Abercrombie's representative); Senator Laura Thielen, Senator Jill Tokuda, Janine Tully (Representative Ken Ito's Office Staff); Charlotte Farmer (Representative Cynthia Thielen's Office staff); Alenka Remec (Mayor Kirk Caldwell's representative), J.D. Aweau (Councilmember Ikaika Anderson's Office staff); Lieutenant Dave Eber (Honolulu Police Department); Captain Robert Cates (Honolulu Fire Department); Johanna Marizan-Ho (Marine Corps Base Hawaii); Tracy Burgo and Ernie Lau (Board of Water Supply), Steve Manning, Jesse Silva, Laurel Leshi, Pauline MacNeil, Breton Frazer, Geoffrey Paterson, Janet Stern, Stann Kaiiau Reiziss, Maria T. Gorak, Shaun Chung, Barbara Krasniewski, Glenn Uyeshiro, Stu Simmons, Joe Gilman, David Kroll and Adam LeFebvre (Neighborhood Commission Office staff).

ANNOUNCEMENTS:

- **Pamela Dagrossa** – This meeting is Dagrossa's last meeting with the Kailua Neighborhood Board as she is moving to the Big Island.
- **Neighborhood Board Elections** – Elections are being held until May 17, 2013, and all residents were encouraged to vote in their respective sub-districts. If a sub-district is uncontested, no vote will take place.

FILLING OF VACANCY IN SUB-DISTRICT 1 (Lanikai) and 4 (Aikahi, Coconut Grove, Downtown Kailua, and Kalaheo Hills) – A candidate must live in the sub-district and must be nominated by a Board member. Candidates may speak for two minutes, as well as others, who support the candidate. Residents interested in filling the vacant sub-district are asked to bring current proof of residency. Term would be from May 2, 2013 until June 30, 2013.

L. Prentiss nominated Dr. Neil Frazer, citing that they had worked together in the past and that he is "an outstanding person." Dr. Frazer mentioned that his philosophy is upholding the importance of residential zoning as it is important to the economy of the island and quality of life.

Questions, comments and concerns followed: **Endorsements** – Larry Bartley noted that Dr. Frazer has been an active participant in the community. Weinberg noted that Dr. Frazer is often hard at work behind the scenes, and while he works full-time, he has lent his support in other ways.

The nominations for sub-district 1 were closed. Chair C. Prentiss called for a vote. **The Kailua Neighborhood Board No. 31 appointed Dr. Neil Frazer to fill the vacancy in sub-district 1 by UNANIMOUS CONSENT 12-0-0 (AYE: Bartley, Chinen, Dagrossa, Darnell, Dudevoir, Glanstein, Prentiss, Prentiss, Retherford, Tomasa, Weinberg and Wong.)**

Neighborhood Assistant Adam LeFebvre administered the Oath of Office to Dr. Neil Frazer; **13 members present**.

Martin arrived at 7:15 p.m.; **14 members present**.



PUBLIC AGENCIES:

Honolulu Police Department (HPD) – Lieutenant Dave Eber reported the following:

- April 2013 Crime Statistics – Included 8 assaults, 6 auto/motorcycle thefts, 17 burglaries (residential & business), 7 drugs/narcotics, 7 graffiti, 1 robbery, 66 thefts, 63 unauthorized entries into motor vehicles; totaling 124 calls for service.

Questions, comments and concerns followed:

1. Crime Trends – A 40% increase in crime was noted from last month, mostly from thefts and UEMVs. Lieutenant Eber cautioned against determining trends on a month-to-month basis as crime fluctuates.
2. Commercial Activities at Public Parks – At least one (1) citation was issued during Lieutenant Eber's shift the week prior to the Neighborhood Board meeting. Companies are using trucks which do not officially represent the company to transport kayaks to the shore.
3. Drinking on Public Beaches – Military personnel have been drinking on the beaches and causing disturbances. Residents were advised to call 911 if such behavior is witnessed. It was asked if HPD personnel could make occasional patrols of the beach to act as a deterrent.
4. Military Casualty – A moment of silence was observed for Air Force Captain Reid Nishizuka.

Honolulu Fire Department (HFD) – Captain Robert Cates reported the following for the Kailua, Aikahi, and Olomana Fire Stations:

- April 2013 Fire Statistics – Included 2 structure, 2 wildland, 5 rubbish and 6 vehicle fires, 105 medical emergencies, 4 search and rescues, and 50 miscellaneous calls. There were no major incidents to report.
- Safety Tip – Compact Fluorescent (CFL) bulbs use less electricity than standard light bulbs, but contain small traces of mercury and can pose a hazard when they break. In such an event, residents were advised to open a window and leave the room for a short while. Visit www.earth911.org for proper disposal information.

Questions, comments and concerns followed:

1. CFL Mercury Poisoning – Captain Cates was unaware of HFD ever responding to a CFL mercury poisoning incident.
2. CFL Disposal – The disposal is similar to bulky item pickup, in that residents may call the office and representatives will come to dispose of the broken bulbs or instruct the resident where to go.
3. Animal Cruelty – Maria Gorak reported that nets had been installed at the Kailua Library to capture birds and kill them by starvation. On April 21, 2013, firefighters came and rescued the birds. Gorak thanked HFD for their help in this matter.

Marine Corps Base Hawaii (MCBH) – Johanna Marizan-Ho reported the following:

- MCBH Community Service – Marines participated in community service events at the human society and an island wide Boy Scout Makahiki. There will be a sprint triathlon on May 5, 2013, and residents were invited to sign up at www.mccshawaii.com.
- Public Information – MCBH is hosting a public information event at Aikahi Elementary School on Tuesday May 14, 2013 from 6:00 p.m. to 8:00 p.m.

Questions, comments and concerns followed:

1. Rotary Aircraft Training – The training schedule should be returning to normal soon, but residents were encouraged to call the public service number with any noise complaints. Pilots generally fly over water to reduce noise, but may occasionally alter their course for safety reasons.
2. Public Information – The recent public information event was advertised through the MCBH website, Neighborhood Boards, and press releases to be picked up by local media outlets.
3. Military Personnel – Marines have been seen drinking and being rowdy on Lanikai Beach, and it was asked if MCBH command could speak with marines advising them on public decorum. MCBH military police (MP) cannot enforce the law off-base, but Marizan-Ho will follow up on the Inspector's Office contact information.

Mayor Kirk Caldwell's Representative – Alenka Remec reported the following:

- Town Hall Meetings – Mayor Caldwell will be hosting a Town Hall meeting on May 20, 2013 from 6:30 p.m. to 8:00 p.m. at the Kaneohe Community Center.
- Neighborhood Board Elections – The elections will be held until May 17, 2013. Any residents having difficulty voting were advised to call the Neighborhood Commission Office (NCO).
- Bed and Breakfast (B&B) Inspections – Investigations into B&B violations are done unannounced. The owner will be interviewed and asked for documentation. George Atta, the Director of the Department of Planning and Permitting (DPP), will expand on this later in the agenda.
- Oneawa Hillside Dance Studio – DPP investigated on April 24, 2013, and found that the owner teaches ballet lessons to children. There are no employees, and additional parking is provided by the homeowner.
- Palione Place B&B Violations – A notice of violation was issued at 6 Palione Place, but investigation is ongoing for the remaining units.
- City Contracts – Contracts are awarded by competitive bidding. However the lowest bidding contract will be rejected if the service rendered is unacceptable. If the project involves unique, specialized or complex work, only especially qualified contractors are allowed to bid.
- TheBus Service – The Department of Transportation Services (DTS) will consider 24/7 Windward Coast service when the City's financial resources allow for service expansion. At this time all available resources are being directed toward restoration of service levels which were reduced last year, including Route 55, scheduled for the week of May 26, 2013. DTS is in the process of analyzing route 56, and would appreciate specific complaints about the route to better understand the problem.
- Honolulu Authority for Rapid Transit (HART) – Public input will be accepted, but there are limits to what can be implemented at this stage in rail development.
- Hawaii Leash Law – HPD officers make regular patrols and have issued eight (8) warnings and two (2) citations from April 14-21, 2013. Remec noted that City Council approved a bill permitting residents to traverse a park with their dogs using the most direct route to the beach.
- Flooding Issue – The Department of Design and Construction (DDC) investigated the intersection of Kalaheo Avenue and Kailua Road, and will send a request to the Department of Facility Maintenance (DFM) to remove vegetative buildup and sand buildup to alleviate the nuisance ponding.
- Kailua Beach Sand Restoration – The issue of the sand piles has been referred to the Department of Parks and Recreation (DPR), who will be meeting with various state agencies to determine how to handle it.
- North Kainalu Drive – DFM will follow up at the next regular Board meeting on the irrigation system for the Poinciana trees.

Questions comments and concerns followed:

1. Contracts – The City follows State procurement code, which was noted to be a “race to the bottom.”
2. Kailua Public Swimming Pool – Later in the agenda, the Board will vote on suggestions for Capital Improvement Project (CIP) funding for Kailua, including replacing the gas heating system installed in the public pool and the nearby showers.
3. Traffic Light – A light was requested at the intersection of Alulike Street and Kuulei Street, and it was suggested using safe routes to school funding, as the intersection was noted to be dangerous.
4. HART Archaeological Inventory Survey (AIS) – It was asked when the public will be able to respond to the Rail AIS which was mandated by the Hawaii Supreme Court.
5. B&B Inspections – Inspectors will ask residents at the suspected B&B for their lease and contract information and for their driver's licenses.
6. City Events – Residents were advised to check the Honolulu City Calendar for a list of upcoming events.
7. Town Hall Meetings – A number of cabinet members are expected to be in attendance.
8. Public Beach Access – DPR is actively working on replacing a sign denoting a public beach access right of way.
9. Parking Fines – It was asked if there were any fines for parking a vehicle in a bicycle lane, and if there could be increased enforcement of parking violations in Lanikai. Remec will follow up.

Governor Neil Abercrombie's Representative – Joby Misakatani, the Director of the Department of Hawaiian Homelands (DHHL) reported the following:

- Legislative Session – The bills which were passed in the session now sit on Governor Abercrombie's desk, awaiting approval. The legislature needs to be notified of any potential vetoes by June 24, 2013, but has

until early July 2013 to sign bills into law. Governor Abercrombie is accepting community feedback on bills. Comments can be left at 586-0034.

- Union Contracts – Four (4) Hawaii Government Employee Association (HGEA) bargaining units are awaiting ratification; supervisory employees in blue-collar positions, non-supervisory employees in white collar positions, administrative and technical positions at State colleges and universities, and State Department of Health (DOH) employees including ambulance personnel and licensed practical nurses.
- MCBH Noise Complaints – The State has reached out to MCBH requesting that training exercises start earlier and end earlier to reduce night-time noise. The F-18s stopping over in July, 2013 will be conducting night-time operations to test new night-vision equipment, but will try to shut engines down by 11:00 p.m.

Questions, comments and concerns followed: Public Land Development Corporation (PLDC) – Misakatani reported that Governor Abercrombie signed the PLDC repeal bill, which the Kailua Neighborhood Board had supported.

PRESENTATION:

Planning and Zoning in Kailua – DPP director George Atta reported he following:

- History – Atta had previously worked with Chair C. Prentiss in the Department of General Planning. The department had since combined with other departments including the Building and Public Works Department to become the DPP, which performs a wide variety of functions.
- Priorities – Atta has been the director of DPP for 2.5 months, and will focus on defining and mapping O'ahu's agricultural lands. He will also take a comprehensive look into revising the Land Use Ordinances (LUO).
- Building Rail Better – DPP is focusing on Transit Oriented Development (TOD) for 21 stations. Two (2) stations in Kaka'ako will not have TOD because the City has no jurisdiction at those stops.
- General Plan (GP) – The review of the GP and local Sustainable Community Plans (SCPs) is underway. Comments submitted by Neighborhood Boards will still be taken into consideration.
- Historic Buildings – Concern has been raised over retro-fitting photovoltaic (PV) systems to houses that are over 50 years old. These buildings are considered historic by the State Historic Preservation Department (SHPD), and suffer long delays in acquiring PV permitting. An unprecedented number of houses are now applicable as they were built during the "construction boom" of the mid twentieth century. Atta will set up a task force to better manage these types of properties.
- B-1 Business Zoning – The zoning code regulates certain kinds of activities mainly through limiting the footprint and height of the building. The type of business run in these districts is not defined by the zoning code. Kayak and surfboard rental companies are considered "retail," which is permitted in B-1 zoning. These types of businesses are frequented by tourists, but the zoning code cannot restrict who is served by the business.
- B&B Facilities – There are some existing permitted B&B's in Kailua, and a number of unpermitted ones. The department is complaint driven, and will investigate when a B&B is suspected. It is difficult to prove a B&B is being run illegally. Upon investigation, the lease agreement is taken as evidence, though some operators will coach their tenants not to respond to inspectors. Some B&B's will consider the fines as part of the operating cost, as the business is so profitable. Repeat offenders will see their fines increase over time. If fines go unpaid, liens can be placed on the property. The system was noted to be cumbersome.
- Transient Accommodations – The GP has received comments about diversifying the visitor industry, but the Kailua Neighborhood Board opposition has been noted.

Tomioka arrived at 8:07 p.m.; **15 members present.**

Questions, comments and concerns followed:

1. GP Revisions – The Kailua Neighborhood Board submitted 37 pages of comments on the proposed revisions to the GP.
2. Vacation Rentals – The legal B&B owners had operated their B&B before it was prohibited, and were "grandfathered" in. No new permits are issued. It was recommended performing "sting" operations, as has been done successfully on Maui. It was suggested asking all legal B&B's to remove their websites for a period of time to see which illegal websites remain. It was also suggested requiring the license to be displayed on legal B&B websites.

3. Enforcement – DPP lacks the funding and staffing to adequately police the B&B violations, and needs neighbors to serve as the “eyes and ears” of the department. Atta will ask the Office of Corporation Counsel (COR) what kinds of evidence would serve in a court of law. Since Atta became Director, DPP has investigated every complaint received. Residents were invited to track the progress of their complaints.
4. Fines – DPP has never used fines to generate income, and fines are often reduced when the violators show signs of compliance. It was noted that this may not strongly incentivize paying fines in a timely manner. It was suggested fining to the maximum to ensure that illegal B&B’s are no longer profitable.
5. Kailua SCP – There is no automatic sequence determining if the Land Use Ordinance (LUO) comes before the SCP, however work on the individual SCP’s continues, and the LUO will be modified if needed.
6. Public Input – The community will need to remain vigilant to have their voices heard, as leadership is constantly changing. Future City Councils may want to amend the height limit for Kailua development. DPP takes all input into consideration in determining what types of development are best for an area.
7. B-1 Business Zoning – All exchanges of money are allowed in business zoning. The zoning only limits height, size and setbacks, and does not limit the types of uses. Lower density zoning ensures that retail operations or restaurants will move there, which typically benefit the surrounding community. The code does not prohibit tourist-related activity. The Master Use Table was deemed to have confusing language on the matter. Only City Council action can change the zoning of an area.
8. Visitor Lodging – The majority of the Kailua community opposes Policy 10 in the proposed amendments to the GP proliferating visitor lodging throughout the island, and feels that resort lodging should be limited to specific communities.
9. Residential Zoning – There is an issue of businesses being run in residential districts. DPP requires hard evidence to prosecute these offenses, such as “catching people in the act,” and witnessing money exchanging hands. Witnesses can be used as supplementary evidence, but is not strong enough by itself to prosecute.
10. Tour Buses – All buses have equal access to the roadway, and the zoning of an area cannot permit a passenger or tour bus from loading or unloading passengers on the street. Zoning can regulate the number of parking stalls and service stalls, but generally does not regulate vehicle use on the lot. Change in this policy would require an alteration of the LUO.
11. Business Zoning – B-2 and B-3 zoning allow for more varieties of business use and building density.

Board of Water Supply (BWS) – Tracy Burgo reported the following:

- Online Billing – Customers now have the option to pay their combined water and sewer bills online.
- Contact BWS – Residents were invited to email contactus@hbws.com or Ernie Lau directly at 748-5061 or by email at manager@hbws.org.

Weinberg departed at 9:08 p.m.; **14 members present.**

Questions, comments and concerns followed:

1. Board Motion – Board Member Locricchio drafted a motion which will be discussed later in the agenda. The motion reads “The Kailua Neighborhood Board seeks that the Board of Water supply identify all companies and individuals associated with the software company report that has recommended what appears to be an expenditure of tens of millions of dollars to remedy software difficulties that now require monthly on site inspections of all of the homes and commercial businesses on Oahu due to inability to use bi-monthly data with present software and or other alleged technical reasons.”
2. Customer Information System – The electronic system used previously by BWS was nearly three (3) decades old, and the computers were falling into disrepair. The new system is an oracle project using modern technology and equipment. BWS provides joint water and sewer billing for 86% of its customers, and the Waterworks Association strongly recommends more frequent billing to be in line with other utilities.
3. Monthly Billing – BWS had intended to switch to monthly billing since 2011, and even if BWS switched back to bi-monthly billing, the customer billing charge would be roughly the same annual cost to address aging infrastructure. Monthly billing also helps to detect costly leaks sooner. A one (1) gallon per minute leak can cost \$260 monthly.
4. Battery Replacement Project – BWS had installed a battery-powered wireless meter-reading system in 2001, and the batteries have been in need of replacement for five (5) years. 51,000 batteries have already been replaced.
5. Meter Reading – It costs approximately \$1.8 million annually to read the meters.

6. BWS Facility – It was requested that the historic BWS building on Berretania Street be retained during renovations.
7. Water Rates – The increase of the cost of water is “locked” until 2017.
8. Oneawa Sewer Tunnel – The Department of Environmental Services (ENV) is working with BWS to ensure that the tunnel does not disrupt water services.
9. Hexavalent Chromium – The Honolulu Star Advertiser has reported that the Honolulu water supply has the second highest amount of hexavalent chromium in the country. BWS works closely with the State Department of Health (DOH) and the Environmental Protection Agency (EPA) to ensure that the drinking water is safe. BWS is monitoring levels.
10. Monthly Billing Scam – It was noted to be convenient that BWS has switched to a system that requires that they receive more money to pay more staff. It was noted to be odd that customers need to pay to receive a bill to pay for their water, and it was suggested including that cost in the usage fee.

RESIDENT AND COMMUNITY CONCERNS:

CFL Bulbs – Home Depot recycles CFL bulbs.

APPROVAL OF THE DECEMBER 6, 2012 and FEBRUARY 7, 2013 REGULAR MEETING MINUTES – **The December 6, 2012 and February 7, 2013 regular meeting minutes were approved as circulated.**

BOARD MOTIONS:

Motion 1 – **L. Prentiss moved and Darnell seconded that the Kailua Neighborhood Board no. 31 hereby reschedules its July 4, 2013 meeting to July 11, 2013. The motion WAS ADOPTED by UNANIMOUS CONSENT 14-0-0 (AYE: Bartley, Chinen, Dagrossa, Darnell, Dudevoir, Frazer, Glanstein, Marten, C. Prentiss, L. Prentiss, Retherford, Tomasa, Tomioka, and Wong.)**

Motion 2 – No action was taken on the motion regarding the BWS billing system.

Motion 3 – **Parks and Recreation Committee Chair Chinen moved that the Kailua Neighborhood Board requests that Mayor Caldwell and City Council consider the following projects for the Capital Improvement Projects (CIP) Budget: 1) New playground equipment for Pohakupu Mini-Park; 2) Heat pumps for Kailua District Park Pool; 3) Shower heaters for Kailua District Park Pool restrooms; 4) New comfort station for Kailua Beach Park.**

Discussion followed:

1. Committee Discussion – The Parks and Recreation Committee discussed the possible improvement projects at length and decided that the above projects were the most necessary. The list was designed to be as modest as possible.
2. Kailua Beach Park – It was suggested altering the wording to read “a new comfort station to replace the existing comfort station/concession stand.”
3. Kalama Beach Park – Renovation of the meeting room at the park was never discussed during the committee meetings.
4. Kailua District Park – The request is for separate heat pumps for the pool and water heaters for the showers.

The motion WAS ADOPTED by UNANIMOUS CONSENT 14-0-0 (AYE: Bartley, Chinen, Dagrossa, Darnell, Dudevoir, Frazer, Glanstein, Marten, C. Prentiss, L. Prentiss, Retherford, Tomasa, Tomioka, and Wong.)

COMMITTEE REPORTS:

Public Health, Public Safety, and Civil Defense (PHPSCD) – Chair Claudine Tomasa had no updates to the circulated report, and noted that the next meeting is the second Thursday, May 9, 2013 at Kailua Recreation Center Arts and Craft Room from 7:00-8:00 p.m.

Government and Community Services – Chair Matthew Darnell noted that the committee will be discussing two (2) bills, the first pertaining to online public access to City forms, and another to include Windward beaches to the public smoking ban.

Questions, comments and concerns followed: Neighborhood Commission Office (NCO) – Mayor Caldwell has appointed Nicole Velasco to serve as the Executive Secretary of the NCO. City Council confirmation of the appointment is pending.

Planning, Zoning & Environment – Chair Donna Wong had no updates to the circulated report, and noted that the next meeting is the third Tuesday, May 21, 2013, Kalama Beach Park, 7:00-9:00 p.m.

Parks and Recreation Committee – Chair Jon Chinen reported the following:

- Smoking Ban – Bill 24 corrects a technical error in Bill 72, and Bill 25 expands the smoking ban to all public parks and beaches on O’ahu.
- Traversing Beach Parks – Bill 8 allowing residents to traverse through parks after hours to access the beach has been signed by Mayor Caldwell.
- Commercial Activities on Beach Parks – Kayak rentals on Kailua Beach have been mitigated to a certain extent, and the Department of Parks and Recreation (DPR) is investigating the advertisement of exercise classes being held on the beach. It was suggested hiring a groundskeeper.
- Next Meeting – Third Thursday, May 16, 2013, Kailua District Park Arts & Crafts Room 7:00-8:00 p.m.

Transportation and Public Works – Chair William Hicks was not present.

Questions, comments and concerns followed: Dangerous Intersection – An intersection on Ku’ulei Road may not get a traffic light for three (3) years, and it was recommended discussing the possibility of speeding up the process.

Treasurer’s Report – As of April 2013, \$811.97 remains in the Board’s budget. The Board’s video contract is on a calendar year basis and has already been renewed. The report was filed.

CHAIR’S REPORT:

- Committees – Agendas for the June 2013 meetings will be due on May 26, 2013.
- New Meeting Date – The next Kailua Neighborhood Board meeting has been **RESCHEDULED to July 11, 2013**. Committee meetings with conflicts will need to reschedule.
- Pamela Dagrossa – The Board wished a fond farewell to Dagrossa and thanked her for her service.

ADJOURNMENT – The meeting adjourned at 9:59 p.m.

Submitted by
Adam LeFebvre, Neighborhood Assistant

Reviewed by
K. Russell Ho, Neighborhood Commission Office
Chuck Prentiss, Chair