



KAILUA NEIGHBORHOOD BOARD NO. 31

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DRAFT REGULAR MEETING MINUTES THURSDAY, AUGUST 1, 2013 KAILUA RECREATION CENTER

CALL TO ORDER: Chair Chuck Prentiss called the meeting to order at 7:06 p.m. with a **quorum of 13 members present**. Note: This 19-member Board requires 10 members to establish quorum and to take official Board action.

Board Members Present: Larry Bartley, Jon Chinen, Matt Darnell, Douglas Dudevoir, Tim Freeman, Michael Gallagher, Bill Hicks, Levani Lipton, Tony Locricchio (arrived 7:21 p.m.), Lisa Marten, Chuck Prentiss, Claudine Tomasa, Ronald Weinberg, and Donna Wong.

Board Members Absent: James "Skip" Byron, Kelly Tomioka, Ursula Retherford and Gary Weller.

Vacancies: One vacancy in sub-district 2, Enchanted Lake, Keolu Hills.

Guests: Randy Grune (Governor Neil Abercrombie's representative); Representative Cynthia Thielen; Representative Chris Lee; Alenka Remec (Mayor Kirk Caldwell's representative), J.D. Aweau (Councilmember Ikaika Anderson's Office staff); Lieutenant Dave Eber (Honolulu Police Department); Captain Dale Mosher (Honolulu Fire Department); Captain Pamela Marshall, Tiffany Patrick and Johanna Marizan-Ho (Marine Corps Base Hawaii); Cyndy Aylett (Department of Facility Maintenance); Jay Johnson (Noresco); Kahu Ricky Bermudez; Jack Pearson; Dawn and Erik Horn; Margaret Novack; Jern Hinsvark; Stan Reiziss; Tom Masterson; and Adam LeFebvre (Neighborhood Commission Office staff).

ANNOUNCEMENTS: There were none.

FILLING OF VACANCY IN SUBDISTRICT 2, Enchanted Lakes, Keolu Hills – There were no nominations; this item was deferred to the next regular Board meeting.

PUBLIC AGENCIES:

Honolulu Fire Department – Captain Dale Mosher reported the following:

- **July 2013 Fire Statistics** – There were 18 structure, 1 wildland, 6 rubbish and 3 vehicle fires, 145 medical emergencies, 38 search and rescues, and 20 miscellaneous calls for service. There was 1 major incident involving two building fires; 6 companies responded.
- **Fire Safety Tip** – Residents were advised to have all electrical work performed or inspected by a qualified electrician. It is recommended to only plug one heat-producing appliance into an outlet at a time, and not to use power strips or extension cords, which are intended for temporary use until more outlets can be installed. Bulbs should not exceed a lamp's maximum recommended wattage.

Questions, comments and concerns followed: **Lightning Strikes** – Weinberg asked and Captain Mosher clarified that residents should stay indoors during lightning storms.

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

- **July 2013 Crime Statistics** – Included 17 assaults, 3 auto/motorcycle thefts, 16 burglaries (residential and business), 5 drugs/narcotics, 0 graffiti, 0 robberies, 43 thefts, 55 unauthorized entries into motor vehicles (UEMV); totaling 139 calls for service.
- **Commercial Activity** – HPD issued a citation for a kayak tour above the high-water line.

Questions, comments and concerns followed:



1. Robberies – Bartley noted that the “revolving door” justice system is resulting in increased crime in Kailua. Bartley and a number of his neighbors had been recently robbed. He noted that the four (4) tiers of the justice system (HPD, prosecutor, judicial, and prisons) are not working effectively with one another. It was suggested organizing a meeting with all of the tiers to discuss how to better manage crime. Lieutenant Eber reported that HPD works closely with the Prosecutor’s Office, but has little interaction with the others.
2. “Broken Window” Policy – Dudevoir noted that New York’s “broken window” policy had proven effective, and asked if a similar approach is being considered in Hawaii. Lieutenant Eber noted that the increase in crime results from staffing shortages, but the Chief of Police will allocate resources based on crime trends.
3. Arrest Rate – Hicks asked what the arrest rate was for July 2013, and asked how many of those arrested were Kailua residents. Lieutenant Eber did not have the requested statistics prepared, but estimated that half of the criminals arrested in Kailua are from the area.
4. Commercial Activities – Marten asked if the Department of Land and Natural Resources (DLNR) supports HPD citations within their jurisdiction. Lieutenant Eber replied that they do not. Citations will be issued if officers witness any violations, but vendors are getting creative in getting around the laws, including having private citizens drive loads of kayaks to the beach so that the commercial activity does not take place at the beach park. Prentiss asked what the regulations are which require a commercial license plate.

Tony Locricchio arrived at 7:21 p.m.

5. Parking Fines – Dudevoir asked why \$35 dollar fines are assessed to people who illegally park in bike lanes, but a maximum fine of \$500 is advertised. Lieutenant Eber reported that HPD does not have authority over setting the fine amounts. It is established by the State circuit court.
6. Blocking Parking – Weinberg asked if it is illegal for residents to block off potential street parking fronting their homes. Lieutenant Eber reported that it is illegal, but does not typically assess fines for the violation. Residents were encouraged to call 911 if they see any illegal activity.
7. Crime Fighting – Lieutenant Eber noted that the recent surge of officers reassigned to the district has helped to deter crime, but has pushed criminals to other areas.

A recess was called at 7:29 p.m. to administer the Oath of Office to Tony Locricchio. The meeting resumed at 7:30 p.m.; **14 members present.**

Marine Corps Base Hawaii (MCBH) – Captain Pamela Marshall reported the following:

- Furloughs – Captain Marshall reported that civilian employees are still experiencing furlough days as a result of sequestration.
- Operation Lava Viper – The operation has concluded, and the F-18 Hornets are now on Okinawa.
- Triathlon – The race will be held on August 10, 2013 for *keiki*, and August 11, 2013 for adults.

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

- Smoking – Two (2) bills have been adopted which prohibit smoking at public parks and bus stops.
- Road Repaving Program – 139 lane miles have been repaved, and an estimated 300 more will be repaved by the end of 2013. Some of the roads in Kailua that appear to have been “skipped” are waiting for the Board of Water Supply (BWS) to finish installing new fire hydrants before beginning work.
- Parking in Bike Lanes – Remec brought the chapter from the Revised Ordinances of Honolulu (ROH) that addresses parking in bike lanes.
- Commercial License Plates – The Department of Motor Vehicles (DMV) defines the type of plates needed by the owner of the vehicle, and no commercial plates are required by private citizens.
- Kalama Beach Caretaker – Recruitment has commenced for the groundskeeper and caretaker positions for full-time employment Monday-Friday. The caretaker is given free housing on the park grounds and is responsible for maintenance of the comfort stations and operation of the gates. The previous caretaker had chosen not to sign the contract as it does not allow pets to be owned while living at the property.

Questions comments and concerns followed:

1. Commercial License Plates – Prentiss noted that commercial plates are required for a business which involves delivering an item for someone else.
2. Piping – Wong noted that there is a white pipe which runs along the side of Kapaa Quarry Road, and asked what its purpose was.

3. Gas Tax – Dudewai requested confirmation that the entirety of the gas tax is used for road maintenance, as Councilmember Anderson’s April 2013 newsletter noted that a portion of the gas tax would be used to supplement bus service.
4. Territorial Savings Bank – Weinberg asked if Mayor Caldwell intends to resign from his position on the Board of the bank due to a potential conflict of interest. As had been reported at a previous meeting, the Ethics Commission ruled that there is no conflict of interest.
5. Government and Community Services Committee – Chair Matthew Darnell will be holding a meeting on Tuesday, August 6, 2013, and asked for Mayor Caldwell’s opinion on whether he approves of having more prisons in Hawaii, if he would be able to assist in getting a representative from the Judiciary and the Prosecutor’s Office to attend a committee meeting.
6. Transient Vacation Units (TVU) Complaints – Prentiss suggested that the Department of Planning and Permitting (DPP) find ways of improving the process of submitting evidence against illegal TVU owners. Local residents are the “eyes and ears” of the police, and can contribute evidence.
7. Kailua Beach Park – Hicks asked if the maintenance workers for the park are roving contractors or if the arrangement is similar to Kalama Beach Park.
8. Public Smoking – Chinen reported that there is a loophole to the ban on smoking at public parks in which residents can step below the high water mark into DLNR jurisdiction. DLNR enforcement options are limited due to low staffing.
9. Kalama Beach Park – Wong asked if arrangements could be made to open and close the facility for the Planning, Zoning and Environment Committee Meeting on Thursday, August 15, 2013.

Governor Neil Abercrombie’s Representative – Randy Grune was present to hear any community questions or concerns.

PRESENTATION:

Department of Facility Maintenance (DFM) Pavement Preservation: “Managing and Maintaining Our Roads” – Cyndy Aylett reported that potholes should continue to be reported to the pothole hotline 768-7777. She then presented DFM’s proposed road maintenance program which would prevent roads from deteriorating. All roads in Honolulu were rated on a Pavement Condition Index (PCI) scale, and many were found to be in poor to very poor condition. The new program would make sure that the roads in Honolulu would be maintained at an average PCI of 80 (good condition), and would never fall below a PCI of 60 (fair condition). New preservation technology would be implemented to coat roads with preservative oils which would protect them from heat and sun damage. Regular maintenance would be performed to fill cracks before they open into potholes, which would save the City tremendous amounts of money in the long run. To repave one (1) lane mile costs (on average) \$1 million. To maintain that road would cost closer to \$40,000 per lane mile.

Questions, comments and concerns followed:

1. Road Repaving – Bartley noted that some roads which are in dire need of repair are not being repaved in favor of other roads which were in better condition. Aylett noted that those roads may need complete reconstruction, and will be revisited by the Department of Design and Construction. Locricchio suggested prioritizing dilapidated roads. The pavement preservation can only be applied to newly-repaved roads.
2. State Effort – Tomasa asked and it was clarified that DFM will work closely with the State Department of Transportation (HDOT) if the program proves successful and cost-effective.
3. Pali Highway – Weinberg noted that the highway is still in poor condition following repaving efforts, but Aylett noted that the Pali Highway is a State road and not under City jurisdiction. Captain Marshall noted that Councilmember Ikaika Anderson told her that there was only enough money allocated for the highway to repair the worst parts of it.
4. Pavement Preservation – Lipton asked and Aylett clarified that the proposed treatment will extend the useful life of roads that are already in good condition, and cannot be used to substitute for repaving.
5. Potholes – Lipton asked and Aylett clarified that DFM is looking into better equipment for patching roads.
6. Complete Streets – Hicks asked and Aylett clarified that Complete Streets is a DDC initiative, but bike lanes and dividers will be repainted following treatment.

RESIDENTS’/COMMUNITY CONCERNS:

Community Workshops – Tom Masterson reported workshops were an effective way of resolving community disputes and coming up with reasonable and effective solutions to community problems, citing as an example the

cleaning of Lanipo Stream. He explained that the 'truth and reconciliation' process has been employed successfully in the United South Africa and in major cities across the United States of America. Masterson suggested employing the process to resolve issues between the community and kayak rental companies.

Questions, comments and concerns followed: Community Workshops – Bartley explained that the process had been discussed in the past, but was determined not to be an acceptable alternative to the Neighborhood Board.

ELECTED OFFICIALS

Representative Chris Lee – Representative Lee reported the following:

- Lanipo Stream – The City had previously been responsible for maintaining the stream, but it has been found to be private property and the adjacent owners are responsible for its upkeep.
- Pali Highway – The legislature has appropriated \$15 million for the project, which is scheduled to begin in 2014. \$400,000 in repairs were performed to patch the worst places in order to keep the highway useable until the repaving can be completed.
- Kailua Crime Issue – Representative Lee is working on a bill to provide harsher penalties for repeat offenders. Similar programs have been implemented successfully in New York. He will attempt to get the different tiers of justice to work together to provide the best law enforcement possible.
- Lanikai "Pillbox" Hike – Representative Lee is working with DLNR and other appropriate agencies to address the community concerns in order to keep the trail open.

Questions, comments and concerns followed:

1. Kailua Crime Issue – Bartley expressed that a major contributor to the crime problem has been that HPD, the prosecutor's office, judges and prisons have not been collaborating. He noted that mandatory sentencing has proven ineffective and has adverse effects. There needs to be more space available in prisons so that repeat offenders are not released early. Representative Lee noted that it would be a step in the right direction to give judges the discretion to increase penalties for repeat offenders.
2. Lanipo Stream – Locricchio noted that blockage in the stream has caused flooding during times of heavy rain. Though maintenance of the stream is the responsibility of surrounding landowners, it was noted that the City should clear it in preparation of a potential natural disaster.
3. Lanikai "Pillbox" Hike – Wong asked and it was clarified that increased popularity of the trail has resulted in increased problems of erosion and parking in the surrounding community. Representative Lee urged the community to find balance for visitors and the community.
4. Group Living Homes – Prentiss asked if State agencies can be mandated to follow local county zoning, specifically with ensuring that group living homes are spaced a minimum of 1000 feet apart.
5. Drugs – Weinberg noted that as long as drugs are glorified, people will steal in order to attain them, and suggested that they be given away. Representative Lee noted that he supported the legalization of marijuana, but for different reasons.

Councilmember Ikaika Anderson – J.D. Aweau was present to hear any community questions or concerns.

Senator Jill Tokuda – Senator Tokuda reported the following:

- Weighted Student Formula – Senator Tokuda is in the process of speaking with every school principal to get feedback on the formula. She noted that the process has been productive.
- Charter Schools – There has been considerable discussion about charter school reform, including how they can be improved, providing better equity and accountability of funding.
- Group Living Homes – The Clean and Sober Task Force will be having meetings to address this issue, and will be looking into voluntary registries to monitor accountability. Other goals of the task force will be to make recommendations for legislative bills, and to organize meetings with representatives from each county to discern whether the existing homes are compliant.

Questions, comments and concerns followed:

1. Clean and Sober Task Force – Prentiss noted that county zoning is not the only regulation being ignored by group living homes, but addressing it will be a good start. Senator Tokuda replied that the task force is comprehensive, and will be working with members of the community as well as area legislators. She has

been seeking the advice of the Attorney General who reported that the broadness of the ordinances contributes to the issues in Hawaii. Residents were encouraged to file a complaint if a neighboring group living home is suspected of a violation, and to ensure adequate follow-up. Wong asked and it was clarified that no representative from the federal government is present for task force meetings, though the federal 'fair housing' act effects group living homes nation-wide.

2. Weighted Student Formula – Wong asked and it was clarified that 'multi-tracking' has been considered as a possible solution to density concerns in Hawaii schools. Charter schools have also been suggested.
3. Dry Streams – Wong noted that water has not been running the way that it used to, with flow traveling to Waimanalo instead of Kawainui stream, and asked that DLNR run an investigation.
4. Charter Schools – Dudevoir asked how charter school funding is being made equitable. Senator Tokuda replied that the question warrants a longer conversation, but noted that they receive an equitable share of funding from the State Department of Education (DOE) that is evenly distributed to each student and also covers additional special needs costs. Charter schools tend to get a higher share than public schools, but facility funding is not included. She noted that this is a contentious issue.
5. School Safety – Locricchio requested that a conference hearing be held and bills be passed to address how children can be better protected at school in light of the recent Sandy Hook Elementary School shooting. He suggested looking at school designs and altering them with safety in mind, and calling in experts to advise DOE on school safety. Senator Tokuda welcomed any suggestions for better school safety, and mentioned that she attended a presentation by the assistant superintendent for school safety, who noted that altering school designs as suggested would cost billions of dollars. Senator Tokuda is working on a resolution to change the school statute, which currently requires that schools be built in the "plantation style," which is not a design that has safety in mind. She also noted that she has a vested interest in this issue as her child just started kindergarten, and she is taking every possible step to ensure that children are safe in school. Locricchio suggested adding surveillance systems to schools to trigger alarms in the event of a security breach.

Senator Laura Thielen – Senator Thielen reported the following:

- Pali Highway – There is money in the budget to repave the entire highway, which was originally going to be performed by the end of 2013, but the State Department of Transportation (HDOT) decided to redo the lighting on the highway instead. HDOT Highways Division claimed that environmentalists are increasing the costs of construction, and asked for certain exemptions from environmental laws, but provided no evidence to support this claim.
- Tourism – Bills 5 and 11, relating to commercial activities at beach parks, are encountering ongoing problems of enforcement through the judicial system. The State has difficulty enforcing these regulations with over 8 million tourists per year. The number of tourists is expected to increase dramatically with restrictions being lifted in Asia and an estimated 50% increase in tourism over the next seven (7) years.
- Crime – The "revolving door" criminal justice system was noted to be a problem. Representative Lee is doing research on past proposals, including an annual "dashboard report," which analyses repeat offenders, and how well the system is collectively working, and suggests how resources can be better applied to combat trends. Increased penalties for repeat offenders, denying bail, and mandatory minimum sentencing were suggested.
- Group Living Homes – Senator Thielen noted that one of the primary problems is the lack of a central database in the State. The State Department of Health (DOH) and the State Department of Human Services (DHS) each have different types of group living homes, but their data is not consolidated. Senator Thielen supports the concept of having the State follow county regulations pertaining to group living homes, but would want to investigate density and proximity.

Questions, comments and concerns followed:

1. Tourism – Bartley suggested that the Hawaii Tourism Administration (HTA) investigate the net effect of tourism on residents to determine whether there is a positive or negative effect for residents. If there is a negative effect, it may be preferable to decrease advertising expenses encouraging tourism.
2. Asian Tourism – Weinberg considered Senator Thielens comments regarding increased tourism from Asian markets to be racist and asked for an apology. Senator Thielen replied that she made no comment on the types of tourists, but the simple fact that there will be increased tourism from the combined Asian population of 1.4 billion people who will now be allowed to travel to the United States.
3. Group Living Homes – Wong asked and it was clarified that there is no way of gathering information on how many group living homes were approved in Hawaii under the "fair housing" act.

4. School Safety – Locricchio noted that a variety of technology can be employed to increase security at schools, and asked that the Senate appropriate money to investigate possible technological solutions. Senator Thielen is open to any technological solutions, but noted that Sandy Hook Elementary had a secure school system and surveillance equipment, yet was unable to stop the massacre. Senator Thielen respects Senator Tokuda's efforts to upgrade school security. Locricchio noted that he had heard of a technology that could have denied entry to the shooter, and asked Senator Thielen to bring in experts to investigate. Senator Thielen requested that Locricchio share any information or documentation that he may have regarding this technology so that she may read up on it.

Representative Cynthia Thielen – No representative was available, but a printed report was distributed. Prentiss suggested that residents read the letter on the back of the report from the Chief of Police.

APPROVAL OF REGULAR MEETING MINUTES: The minutes of July 11, 2013 were not available at this time; this item was deferred to the next regular Board meeting.

BOARD MOTIONS:

Bartley moved and Marten seconded that since the official City and County of Honolulu policy is to phase out Bed and Breakfasts (B&B) and Transient Vacation Units (TVU) in residentially-zoned areas, the Kailua Neighborhood Board No. 31 requests that the Hawaii Tourism Authority (HTA) discontinue its web site promotion encouraging visitor lodging in Kailua.

Weinberg moved that the above motion be tabled indefinitely. As there was no second to the motion, the motion was denied.

Discussion followed:

1. Board Action – Bartley suggested moving the motion back to committee, noting that he works with an organization to fight against vacation rentals. In 2006, the committee aided in removing illegal TVU's from the HTA list. Other violations are still occurring, but legal TUV's will not be fought.
2. Tourism – Weinberg opposed the motion as he believed it to be Asian-phobic and inappropriate. Wong countered that the above resolution makes no mention of any nationality whatsoever, and merely addresses TVUs which are already illegal.
3. HTA Website – Prentiss noted that the website is encouraging tourists to come to Kailua, and there are concerns that the listed B&Bs are not entirely legal. It was suggested revising the motion in the form of a resolution to include other reasons why HTA should not be doing this, noting that \$80 million of taxpayer money is being used to support an initiative which is contrary to the desires of the community.

Without objection, Larry Bartley withdrew the motion.

COMMITTEE REPORTS:

Public Health, Public Safety, and Civil Defense (PHPSCD) – Chair Claudine Tomasa had no updates to the circulated report, but invited residents to enroll in Community Emergency Response Team (CERT) classes in preparation for hurricane season.

Questions, comments and concerns followed: Disaster Preparedness – Prentiss noted that thanks to the hard work of Tomasa and other residents, Kailua has a comprehensive disaster preparedness plan. In light of the recent tropical storm scare, he advised residents to familiarize themselves with the plan, which is available on the Neighborhood Commission Office Website under the Kailua Neighborhood Board documents. Tomasa will be updating the plan with other refuge areas, noting that churches and schools have volunteered to serve.

Government and Community Services – Chair Matthew Darnell had no updates to the circulated report, and noted that recorded copies of Neighborhood Board meetings are available for download on the Olelo website by visiting "On Demand" and searching for "Kailua Board."

Planning, Zoning & Environment – Chair Donna Wong had no updates to the circulated report, and noted that the next meeting is the third Tuesday, August 20, 2013, Kalama Beach Park, 7:00-9:00 p.m. The HTA item will be on the agenda.

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

- Commercial Activity – New information regarding a loophole in enforcement of commercial activity at Kailua Beach Park will be investigated at the committee meeting.
- Smoking – Bill 25 prohibiting smoking at beach parks was signed July 21, 2013 and will go into effect January 21, 2014. The committee desires that signage will be in place by implementation to ensure that the bill is enforced uniformly.
- Next Meeting – The next committee meeting will be held on August 15, 2013 at the Kailua Recreation Center, Arts and Crafts Room.

Transportation and Public Works – Chair William Hicks reported that the next committee meeting will be held on August 14, 2013 at 8:00 p.m. The agenda will include discussion of traffic calming measures on Hele Street and the Kailua Pedi Cab.

Treasurer's Report – Tomasa reported that the Kailua Neighborhood Board was issued a budget of \$3,326 for Fiscal Year 2014. \$2,280 was deducted to pay for audio-visual recording services, and \$994.80 remains as of July 2013. The report was filed.

CHAIR'S REPORT:

Committees – Agendas for the September 2013 meetings will be due on August 25, 2013.

ADJOURNMENT – The meeting adjourned at 9:25 p.m.

Submitted by
Adam LeFebvre, Neighborhood Assistant

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