

Hawaiian Shores Community Association

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Hawaiian Shores Community Association Enforcement Review Committee DRAFT MINUTES FOR MEETING #3 8/6/2018 @ 6:00 PM

In Attendance: Kathryn Kuhlman, Tom Cumming, Steve Bailey
Absent, Caroline Weber

Chair, Kathryn Kuhlman opened the meeting at 6 PM and verified that a quorum including Kathryn Kuhlman, Tom Cumming, and Steve Bailey was present, while Caroline Weber was not present.

The committee reviewed the minutes of the previous meeting on February 26, 2018 and Tom Cumming moved to approve the minutes, Kathryn Kuhlman seconded, and the minutes were approved with unanimous consent.

The first order of business concerned the noise level CC&R and possible violations due to noise emanating from a wood working business operated by James Browne. Their neighbors, the Munday's, indicated that the noise occurred much more frequently than that which might be related to working on hobbies or other small projects. The Munday's also had also indicated that they did not believe the CC&R's permitted operating a business of this type out of one's home.

Staff investigation into the matter revealed that noise measurements were taken on three separate occasions and were measured from a portion of the Munday property closest to the Browne property. At no time during the three observations was the 60 dB level as indicated within the CC&R's exceeded. Staff also reported that Hawaii County Zoning does actually allow the type of business being operated to occur within a residence zone and that it also did not appear that the noise level was in violation of any Hawaii County codes. Staff did indicate that there was a possibility that they did not witness noise coming from the loudest piece of equipment and that they would attempt to measure this both at the Munday property line and within their home should we be notified that this equipment is operating. The Committee verified that staff was approaching the documentation for this issue correctly and that they should send a letter to the Munday's describing action taken so far which would indicate that there is no current violation of CC&R #9, Lot Designation, or #15, Equipment Noise.

The next item on the agenda concerned albizia trees on lot 1446. The owner had been sent two notices and remains non-compliant. However, the owner did contact HSCA and requested a time extension. The Committee instructed staff to grant the owner of lot 1446 a 90 day extension and to include within the letter the degree of hazards presented by the trees and whether or not they could be poisoned.

The next item on the agenda concerned albizia trees on lot 1123. The owner and T & K Hawaii Corp. who we believed to be the owner's agent, both received two notices and remain non-compliant. Review of the file also indicated that the owner was resistant to cut down any trees, may have dissolved his relationship with his agent and clearly could only communicate directly

with us in Japanese. The Committee instructed staff to prepare a letter in Japanese using HSCA's contract with Hiro. The letter should better describe the inherent and dangerous hazard these trees present and to also seek clarification of whether or not the agent/owner relationship had been dissolved. Lastly, the Committee asked staff to check on the current status of the assessment account for this owner, which is past due for one year and currently being assessed finance charges. This will also be added to the letter. If the owner still refuses to cut down the trees after this contact in Japanese, the Committee instructed staff to issue a Japanese worded fining notice.

The next item on the agenda concerned albizia trees on lot 1393. The owner received two notices and has not replied to either one. The Committee instructed staff to issue a fine notice and to include within the fine notice a very specific description of the hazard that the trees present.

The next item on the agenda concerned albizia trees on lot 1530. The owner was sent two notices and has not responded to either one. The Committee instructed staff to verify the address and the status of their assessment account. The contact information for the owner is correct and they are on a payment plan for the assessment. The Committee instructed staff to prepare a notice of fine/violation that includes a very specific description of the hazard caused by the trees and also indicating whether we believe they can be poisoned.

The next item on the Agenda concerned how much work HSCA staff should do when they see overhanging trees/branches that are hazardous but that also can be easily removed. Under these circumstances, staff can mitigate the immediate hazard provided that doing so would not exceed the \$1,000 spending authority and that staff should typically only do this if the owner is hard to reach or otherwise not in a position to immediately mitigate the hazard themselves. The committee also agreed to drop references to general nuisances for CC&R #26 if the only issue is the trees.

The next item on the Agenda was a discussion about how best to approach a number of homes/lots within the community that are in a significant state of disrepair. It was noted that staff wanted to review this list to see if any improvements had been made to any of the locations. Staff is going to survey the entire subdivision to see if any other temporary type structures were placed to aide in the lava related evacuations and will use this opportunity to update the list and prepare a detailed description/photos of each location on the list.

The last item on the agenda, under Old Business, concerned activity on Lot 623. This long standing issue is also being investigated by Hawaii County. Hawaii County has required the owner to provide proof of residency at a habitable dwelling other than at this location which they have determined cannot legally be inhabited. Failure to provide this information could result in the owner being fined by Hawaii County. This property is also in non-compliance with HSCA CC&R's because there are structures/trailers on the lot and no evidence of pending Step 1 or Step 2 approval. HSCA has previously withdrawn an earlier Step 1 approval. The Committee instructed staff to prepare a fine notice and include specific language as to what items must be removed and what the owner would need to do to re-establish a legitimate step 2 building process.

There being no other business for the committee the meeting was adjourned at 6:50 PM.

Steven Bailey

Date