

# Hawaiian Shores Community Association

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## Hawaiian Shores Community Association Enforcement Review Committee

MINUTES FOR  
MEETING #5  
05/08/2019 @ 6:00 PM

In Attendance: Kathryn Kuhlman, Tom Cumming, Steve Bailey, Roger Guenette

Chair, Kathryn Kuhlman opened the meeting at 6 PM and verified that a quorum including Kathryn Kuhlman, Tom Cumming, Steve Bailey and Roger Guenette were present. Sara Tokura-Ellsworth was present representing HSCA staff.

The committee reviewed the minutes of the previous meeting that was held on 03/14/2019. Steve Bailey moved to approve the minutes, Tom Cumming seconded, and the minutes were approved with Roger Guenette abstaining because he was not in attendance or a member of the committee at that meeting.

### **NEW BUSINESS**

The next order of business was for the committee to review a tree condition that abutted both Lots 609 and 610. A very large banyan tree was straddling both properties. Both owners had been contacted and did small amounts of work that did not eliminate the hazard. Steve Bailey moved to issue fine notices to both properties, Tom Cumming seconded. During discussion Roger asked that the letters indicate that if the work done within 30 days that the fine would be dropped but both entities would need to attend the next ERC meeting should they wish to appeal or discuss the issue.

The next order of business involved Lot 276 concerning compliance with the two step home building process. Owner had step one approval 17 months ago and had installed a shed on the property but has not acquired step two approval. Roger moved that we send fine notice, Tom seconded and this was approved giving the owner 30 days to comply or attend the next meeting.

The next order of business involved Lot 1165 concerning compliance with the two step home building process. Owner had step one approval, had not acquired step two approval. However, the owner did apply for and receive a building permit and had done some work on the site. Tim went out and recently took photos and met the owner on site who committed to having step 2 plans submitted very soon. Roger moved that we send fine notice if step 2 submittal is not received within one week. Tom seconded and this was approved giving the owner 30 days to comply with the fining notice or attend the next meeting and that the owner should stop/desist all work until the step 2 approval is given. This lot also has a tree that has fallen on the lot next door but this is still going through the notification process to remove.

Katt mentioned that legislation related to albizia and removals is under consideration and that she sent this around to the members of the committee. This bill has language related to how an albizia tree has to be verified as a hazard by an arborist before it can be removed by others should the owner be nonresponsive/noncompliant.

## OLD BUSINESS

The first order of old business involved Lot 521 related to albizia tree issue. Hiro is still working on final notice/letter that will be in Japanese so this item will be held until this is completed.

The next order of old business involved Lot 1505 which has been sold and is in escrow. The violation involves albizia trees and the new order is aware that this problem exists and that the new owner needs to take care of the matter. Will wait 30 days after closing and then notify the owner.

The next order of old business involved Lot 948. This lot is owned by multiple owners and it has been difficult to get them to agree to sell the lot, let alone mitigate the tree issue. Roger moved we issue fine notice to all owners, Steve seconded. It was approved to send the fine notice to all owners and advise them of the next ERC meeting.

The next order of old business involved Lot 1827 concerning encroaching trees. Notices were sent and owner indicated that they are hiring a property manager. Roger moved to notify new property manager and give that person 30 days to deal with the encroaching trees. Roger further moved that if there is not compliance with this requirement then we should also send out the fine notice and advise the owner of the next ERC meeting. Tom seconded. It was approved to notify the property manager, giving 30 days to mitigate, which would be followed by a fine notice should this not occur. This is the end of the old business.

Prior to adjourning, the ERC discussed work type trucks and food type vans parked on lots within our neighborhood and whether or not they violated either our CC&R's or Hawaii County set back requirements. It was noted that we had previously discussed this briefly with our legal counsel who suggested we would be best off instituting a new CC&R if we wanted to simply ban vehicles of this type and then let owners appeal through our variance process. Staff agreed to investigate CCR related to inoperable vehicles and to also consult county regulations related to the use of the set back area.

The ERC also discussed the homes in real disrepair that were included on a spreadsheet prepared two meetings ago and that we should continue to review this list and deal with these properties as we are able to clearly define ownership/responsibility.

Tom asked if we could place outstanding fines as liens but the committee had been previously advised by legal counsel that we can only appeal these to small claims court.

The ERC also discussed the situation on lot 623 and that we will continue to issue monthly recurring fine notices and when the maximum is reached, take the matter to small claims. There is an interesting issue with this property related to who actually owns this lot and that this would also probably be squared away via small claims court.

There being no other business for the committee the meeting was adjourned at 6:35PM.

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Steven Bailey

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Date