

**Hawaiian Shores Community Association**  
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**Hawaiian Shores Community Association**  
**Enforcement Review Committee**  
**Draft Minutes for**  
**Meeting #8**  
**10/09/19 @ 6 p.m.**

Meeting called to order at 6 p.m.

In Attendance: Kathryn Kuhlman, Roger Guenette, Tom Cumming, Caroline Weber.  
Sara Tokura-Ellsworth and Barbara Barr were present representing HSCA staff.  
Absent: Steve Bailey.

Chair, Kathryn Kuhlman verified a quorum was established.

The committee reviewed the August 8, 2019 minutes. Roger Guenette moved to approve them and Tom Cummings seconded. Minutes were approved by Roger Guenette, Tom Cummings and Kathryn Kuhlman. Caroline Weber abstained due to absence from the August 8, 2019 meeting.

Old Business

First order of business was Lot 1165 seeking Design Review Committee's (DRC) step two compliance. ERC member and of DRC, Tom Cumming advised lot owner received step two approval. Sara Takura-Ellsworth advised HSCA is waiting for payment of \$700 for Impact Fee. As fine was levied due to past noncompliance, Roger Guenette motioned to waive fine. Tom Cummings seconded the motion. Motion passed unanimously. HSCA staff to follow up on Impact Fee payment.

The next order of business was Lot 521 concerning an albizia tree issue. Fine notice was translated and sent by first class mail and certified mail, signature requested. It was signed as received on September 22nd. HSCA to monitor and advise ERC.

Next order of business was Lot 1505, an albizia tree issue. Lot was recently sold. New owner requested more time to remedy the problem which was done. Issue resolved.

Next order of business was Lot 1827 concerning encroaching trees. Owner received quotes to resolve the problem. Issue resolved.

Next order of business was Lot 326 concerning tree threatening the neighbor's fence and home. It was determined at ERC's last meeting that trees could be easily poisoned. Owner is working on issue. HSCA flagged waterline. Sara will follow up with owner in 2 weeks.

Old Business (continued)

Lots 609/610 was next order of business concerning the removal of a banyan tree on property line. Issue resolved. Roger Guenette moved to remove fine and Tom Cummings seconded the motion which passed unanimously. Issue resolved.

Next order of business was Lot 723 involving coconut trees dropping debris on abutting property. Sara advised the owner is back and remodeling. Owner advised issue will be taken care of as he plans to have trees trimmed within 30 days. HSCA staff to monitor.

Next order of business was Lot 1556 which involved trash around a chain link fence in front of property. Letter sent to owner to request placing recyclables out of sight which they did and to remove the abandoned vehicle. Delinquent in paying assessments and possible issues with abandoned dogs. Staff drove by property. Staff concerned about an unregistered truck that appears to be inoperable in front yard, clear view. Staff to update ERC.

Next order of business was lot 246 regarding albizia trees on vacant lot. Letter sent to owner. ERC agreed to allow owner 30 more days to poison trees. Staff to update.

Next order of business was Lot 1937 concerning a noise violation. ERC reviewed Steve Bailey's September 30 email whereby documentation on a noise meter reading of 63 db was a read to owner on job site. This reading was in excess of 60 dB established in CC&R #15. ERC instructed staff to follow established procedure protocol and send the lot owner a written notice of the violation.

New Business

Chair suggested that the ERC hear opinions regarding CCR #15's intent and therefore moved the subject up on the New Business agenda. Tom Cummings and Caroline Weber served on the DRC together when CCR#15 was crafted prior to approval by the board and general membership. Tom Cumming's understanding of CCR#15 was that it was intended to control noise levels of new construction on weekends and was not intended to eliminate new construction on weekends if it is under the noise level of 60 dc. Caroline Weber said its intention was to enforce a no new construction policy on weekends. Katt Kuhlman pointed out construction would be allowed on weekends if a variance was granted by the boards of directors. Caroline said she read CCR#15 that day and the Monday through Friday reference in the CCR implies no new construction on Saturday and Sunday. Roger Guenette recommended a need to discuss reasonability. ERC agreed CCR#15 needs to be re-crafted using more specific language as to new construction and noise allowances. Katt Kuhlman stated staff has been enforcing a no new construction policy on weekends since the CCR was passed by the members, and agrees with Caroline Weber's interpretation of CCR #15 which does not permit new construction on weekends. As DRC Chair, Tom Cummings agreed to revise CCR#15 and advise the ERC. The revision needs board and membership approval.

Next order of business was Lot 1553 regarding trees encroachment complaint. Two letters sent in accordance with procedures which yielded no response from the owner. Owner signed certified receipt of letter. Roger Guenette motioned to fine owner. Tom Cummings seconded the motion which was passed unanimously.

New Business (continued)

Next order of business was Lot 916 concerning albizia trees complaint. Trees are small now ERC agreed to monitor. Staff to reach out to the owner to seek his/her permission to cut/poison said trees.

Next order of business was Lot 519 concerning albizia trees. Two letters sent. No response. Staff will see if trees can be poisoned as they are small.

Next order of business was Lot 575 regarding several concerns filed in a complaint which include a lighting violation, parking on easement overnight, truck in disrepair in street view. ERC agreed to defer reviewing these issues until its next meeting due to volume of correspondence presented at the October 9th meeting which didn't allow time for the committee to read it.

Staff to forward the correspondence to the committee in advance of the next ERC meeting which is yet to be determined.

Next order of business was lot 1036 regarding no response from two letters sent addressing albizia trees. Pictures were presented. ERC instructed staff to verify if this is an issue with lot 1036 or 1038 next to it. Although Sara Tokura-Ellsworth stated it is lot 1036, the ERC asked that staff double check and advise at ERC's next meeting.

Discussion on enforcement of stop and desist order options ensued. Steve Bailey suggested in an email that the ERC should discuss how or if it can enforce a stop and desist order and how we might do that. Tom Cumming pointed out that there can be emergency situations caused by an owner such as water line damage, power line issues. Caroline Weber recommended we take this up with our attorney as it could involve county assets to execute a stop and desist order. Roger Guenette feels the association is not equipped to handle enforcement issues of this nature and recommended the ERC defer this until Steve Bailey weighs in due to his past experience working for a city on the mainland. Group agreed.

There being no further business, the meeting was adjourned at 7:05 p.m.

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Kathryn Kuhlman for Steven Bailey

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Date