

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

February 16, 2001

Committee
Report No.

01-21

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning Committee, having met on February 1, 2001, makes reference to County Communication No. 98-308, from the Council Chair, transmitting a petition signed by Kihei residents concerning vacant properties at Namauu Place in Kihei and the enforcement of County codes.

Your Committee notes that County Communication No. 98-308 was referred to the 1997-1999 Committee of the Whole at the Council meeting of November 9, 1998.

At its meeting of November 30, 1998, the Committee of the Whole recommended that County Communication No. 98-308 be referred to the Council Chair for the term beginning January 2, 1999, for a recommendation as to referral or other disposition.

At its meeting of January 15, 1999, the Council referred County Communication No. 98-308 to the prior Council's Planning Committee (County Communication No. 99-8, as amended).

At its meeting of November 30, 2000, the Planning Committee recommended that County Communication No. 98-308 be referred to the Council Chair for the term beginning January 2, 2001, for a recommendation as to referral or other disposition.

By letters dated December 6, 2000, the Chair of the Planning Committee requested comment from the Namauu Street petitioners as to whether County Communication No. 98-308 should be filed or referred.

At its meeting of January 12, 2001, the Council referred County Communication No. 98-308 to your Planning Committee (County Communication No. 01-23).

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

February 16, 2001
Page 2

Committee
Report No. 01-21

By memorandum dated January 23, 2001, the Chair of your Committee transmitted copies of two memoranda dated January 5, 2001, from the Director of Public Works and Waste Management, to the Highways Division Chief of the Department of Public Works and Waste Management, noting that the subject properties (102 and 176 Namauu Place) were in violation of Chapter 9.32 of the Maui County Code relating to Community Beautification, and directing that all waste be removed per the provisions of Chapter 9.32.

At its meeting of February 1, 2001, your Committee met with the Planning Director; the Director of Public Works and Waste Management; two Deputy Corporation Counsel; a Captain from the Fire Prevention Bureau, Department of Fire Control; the Commander of the Kihei Police District, Department of Police; and an Executive Assistant, Office of the Mayor.

Your Committee received public testimony from four persons who described the blighted condition of the subject Namauu Street properties and stated they had witnessed criminal activity occurring there. In addition, two informational documents and a set of color photographs were submitted.

The Captain from the Fire Prevention Bureau testified that he had sent an Inspector to inspect the subject properties the previous day. The Director of Public Works and Waste Management testified that the Highways Division would be removing the waste the next day, and that the subject properties would be reinspected for further violations. One of the Deputy Corporation Counsel testified that his Department may file a lawsuit to collect the substantial fines that had been levied upon the subject properties.

The Commander of the Kihei Police District overviewed his Department's efforts to mitigate crime in the area. The Planning Director noted that his Department did not have any regulatory jurisdiction in this matter.

Your Committee requested the following:

1. that letters be sent to the appropriate Departments requesting reports on their inspection and enforcement efforts;

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

February 16, 2001
Page 3

Committee
Report No. 01-21

2. that letters be sent to the Departments of the Corporation Counsel and the Prosecuting Attorney requesting comment on whether prior lawsuits were difficult to litigate due to overly broad or vague language within the subject codes;
3. that the State Department of Health be alerted to the situation on Namauu Place; and
4. that this matter be referred to your Committee of the Whole in order that the subject litigation and public safety issues be further monitored.

Your Planning Committee **RECOMMENDS** that County Communication No. 98-03 be **REFERRED** to the Committee of the Whole.

Adoption of this report is respectfully requested.

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