

COUNCIL OF THE COUNTY OF MAUI
PARKS AND RECREATION COMMITTEE

December 17, 2002

**Committee
Report No.**

02-201

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

Chair and Members:

Your Parks and Recreation Committee, having met on November 13, 2002 and December 4, 2002, makes reference to County Communication No. 02-171, from Councilmember Jo Anne Johnson, relating to concerns of noise and nuisance at the Wailuku Community Center (WCC) and Papohaku Park.

By correspondence dated September 12, 2002, your Committee Chair requested the Department of Parks and Recreation to provide recommendations to abate noise and nuisance concerns at the WCC.

By correspondence dated September 13, 2002, your Committee Chair requested the Department of Police to provide recommendations to abate noise and nuisance concerns at the WCC.

By correspondence dated October 22, 2002, your Committee Chair advised the Departments of Police and Parks and Recreation that your Committee would be meeting on the above-referenced subject matter on November 13, 2002 and requested that comments and recommendations be submitted by November 1, 2002.

By correspondence dated October 30, 2002, the Chief of Police submitted information relative to disorderly conduct calls at WCC and Papohaku Park.

By correspondence dated November 4, 2002, the Director of Parks and Recreation outlined efforts by the Department to address concerns of noise and nuisance matters at the WCC.

At its meeting of November 13, 2002, your Committee met with the Director of Parks and Recreation; a Community Police Officer, Department of Police; and a Deputy Corporation Counsel.

COUNCIL OF THE COUNTY OF MAUI

PARKS AND RECREATION COMMITTEE

December 17, 2002
Page 2

Committee
Report No. 02-201

Your Committee received testimony from six individuals requesting that the following mitigation measures be implemented at the WCC: reduce the amount of noise emanating from the facility; enforce curfew hours to prevent activity from taking place beyond 10:00 p.m.; install timers on lights and sound systems to guarantee that noise is restricted to certain hours; ensure that gates are locked at specific times; monitor the distribution of alcohol; make certain maintenance repairs to the facility; erect barriers to prevent people from parking on the grass surrounding the facility; and require that police and parks and recreation personnel patrol the facility before, during, and after the events.

Your Committee received the following items at the meeting:

1. A petition containing 56 signatures, requesting certain measures to reduce noise and restrict certain activity at the WCC, submitted by Ms. Pearl Souza; and
2. A copy of Hawaii Revised Statutes, Chapter 711, Offenses Against Public Order, from Community Police Officer Bajadali.

Your Committee received an overview of the matter from the Director. He stated that he recently met with the Resident Manager and representatives of the Iao Parkside Association of Apartment Owners to discuss their concerns relating to the WCC. He indicated that the Department has initiated a staff monitoring program, which consists of Department personnel meeting with individuals utilizing the WCC prior to their event and returning at 10:00 p.m. to turn off the electrical power for the sound system. He also indicated that the staff returns again at 11:00 p.m. to turn off the lights and lock the doors. The Director stated that the Department will be meeting with sound engineers to obtain recommendations to reduce the noise emanating from the WCC. He noted that the staff must be more diligent in ensuring that the gates are locked in a timely fashion. He also noted concerns about the staff interacting with individuals that may be under the influence of alcohol. He stated that some situations can be very sensitive, and as a result, the police must be contacted to assist. He further indicated that the service area in the back should be enlarged to accommodate deliveries and to prevent vehicles from driving on the grass. He also noted that barriers should be erected to stop vehicles from parking and driving on the grass.

COUNCIL OF THE COUNTY OF MAUI
PARKS AND RECREATION COMMITTEE

December 17, 2002
Page 3

Committee
Report No. 02-201

The Community Police Officer reviewed the definition of “disorderly conduct” from the Hawaii Revised Statutes. He provided your Committee with the number of disorderly conduct calls from 1999 to 2002. He noted that a reduction in calls has occurred, decreasing from a high of 66 in 1999 to 39 in 2002. He also noted that most of the disorderly conduct calls occur after 9:30 p.m.

In response to an inquiry by your Committee, the Community Police Officer stated that most of the disorderly conduct calls are alcohol related.

Your Committee noted that various maintenance repairs must be addressed, including improvements to the service area, barriers surrounding the facility to prevent driving on the grass, reduction of sound emanating from the facility, and certain minor repairs.

Your Committee also expressed concerns about serving alcohol at the facility and felt that Department of Parks and Recreation’s staff or off-duty police officers should be hired by the individuals utilizing the facility to guarantee that certain privileges are not abused.

As a result, your Committee requested the following information from the Department of Parks and Recreation:

1. recommendations to reduce the sound emanating from the WCC and cost estimates to resolve the problem;
2. its position on restricting the use of alcoholic beverages at the WCC;
3. cost estimates for:
 - a. enhancements to the service area at the back of the WCC;
 - b. general repairs and maintenance to the facility; and
 - c. posting signs and railings to prevent vehicles from driving on the grass; and

COUNCIL OF THE COUNTY OF MAUI
PARKS AND RECREATION COMMITTEE

December 17, 2002
Page 4

Committee
Report No. 02-201

4. recommendations for permit fee adjustments to utilize County personnel or off-duty police officers as staff monitors for functions held at the WCC and other community centers.

Your Committee deferred the matter pending further discussion.

By correspondence dated November 20, 2002, Councilmember Charmaine Tavares transmitted recommendations for permit fees, staffing monitoring, and issuance of liquor licenses at County community centers and public facilities.

By correspondence dated November 27, 2002, the Director of Parks and Recreation submitted cost estimates for various improvements and noise reduction measures at the WCC.

At its meeting of December 4, 2002, your Committee met with the Director of Parks and Recreation; the Director of Liquor Control; a Sergeant and a Community Police Officer, Wailuku District, Department of Police; and a Deputy Corporation Counsel.

Your Committee received an overview of the matter from the Director. He stated that serving alcohol at certain County community centers and public facilities may contribute to various noise and nuisance concerns. He noted that the creation of a site monitor to remain at the facility throughout the duration of the function would assist in reducing certain abuses at the facilities. He indicated that events that serve alcohol and provide entertainment should require site monitors. He noted that the site monitors should consist of County personnel that are hired by the event sponsor or coordinator and paid through permit fees.

The Director also reviewed proposed improvements to the WCC to reduce noise and enhance the facility. He recommended the following:

1. contract with a sound engineer to provide suggestions for reducing noise generated from the WCC;
2. increase the existing service area behind the WCC;

COUNCIL OF THE COUNTY OF MAUI
PARKS AND RECREATION COMMITTEE

December 17, 2002
Page 5

Committee
Report No. 02-201

3. provide general repairs and maintenance; and
4. erect signs, posts and railings to prevent vehicles from driving on the grass.

Your Committee expressed concerns about the cost estimate for contracting the services of a sound engineer. However, it was noted that noise levels in community centers may be attributable to poor acoustics in the facility. Therefore, if sound levels are improved in the facility, the need to raise the volume of entertainment may be eliminated.

Your Committee also noted that new community centers have been built with air conditioning, which helps to reduce noise levels. Your Committee further noted that new community centers should be built in commercial or industrial areas to prevent impacts to surround residential communities.

The Community Police Officer stated that the use of off-duty police officers for site monitors may be problematic. He also noted that the noise issues and loitering may be attributable to the gates surrounding the WCC not being locked in a timely fashion.

The Sergeant stated that site monitors for certain events at community centers would be very helpful to reduce the occurrence of abuses at County facilities. He stated most complaints at the WCC stem from loud music, entertainment and alcohol-related matters. He indicated that the cost for an off-duty police officer ranges from \$22 to \$25 per hour with a required two-hour minimum. However, he stated that off-duty officers cannot be contracted for events where liquor is served. He concluded by stating that much of the abuse of facilities have occurred since the reduction of permit fees and deposits for use of community centers and public facilities. He suggested that the potential loss of a large deposit was incentive enough to maintain decorum at County facilities.

The Director of Liquor Control stated that the Liquor Control Commission has no jurisdiction over events where liquor is not sold. Therefore, the Commission does not monitor an event such as baby luaus, wedding receptions and family reunions where liquor is distributed, but not sold. He noted that air conditioning and double door entries could assist with the reduction of noise.

COUNCIL OF THE COUNTY OF MAUI
PARKS AND RECREATION COMMITTEE

December 17, 2002
Page 6

Committee
Report No. 02-201

In response to an inquiry by your Committee, the Director of Liquor Control stated that sound-monitoring equipment used by the Commission cannot be loaned out for use by other County departments. However, he stated that the Commission can provide training for use of such equipment. He also stated that special liquor licenses may be issued for such events as political fundraisers. He noted that certain events may have "contained areas" where liquor can be consumed and access to children is restricted.

Your Committee voted to file the communication and refer the following items to the Council Chair for the term beginning January 2, 2003:

1. an appropriation of \$60,000 for the following maintenance, repairs and noise abatement measures at the WCC:
 - a. contract with a sound engineer to provide suggestions for reducing noise generated from the WCC;
 - b. increase the existing service area behind the WCC;
 - c. provide general repairs and maintenance; and
 - d. erect signs, posts and railings to prevent vehicles from driving on the grass.

2. the matter relating to permit fees, staff monitoring of certain events and issuance of liquor licenses at community centers and public facilities.

Your Parks and Recreation Committee RECOMMENDS the following:

1. That the matter of appropriating \$60,000 for improvements and noise abatement measures to the Wailuku Community Center be REFERRED to the Council Chair for the term beginning January 2, 2003 for consideration in the Fiscal Year 2004 Budget Session;

2. That the matter relating to permit fees, staff monitoring of certain events and issuance of liquor licenses at community centers and public facilities be REFERRED to the Council Chair for the term beginning January 2, 2003; and

COUNCIL OF THE COUNTY OF MAUI
PARKS AND RECREATION COMMITTEE

December 17, 2002
Page 7

Committee
Report No. 02-201

3. That County Communication No. 02-171 be FILED.

Adoption of this report is respectfully requested.

pr:cr:0204ca:grs

COUNCIL OF THE COUNTY OF MAUI
PARKS AND RECREATION COMMITTEE

December 17, 2002
Page 8

Committee
Report No. 02-201

JO ANNE JOHNSON Chair

MICHAEL J. MOLINA Member

ROBERT CARROLL Vice-Chair

CHARMAINE TAVARES Member

DANNY A. MATEO Member