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M I N U T E S  
SUBCOMMITTEE ON OUTDOOR LIGHTING STANDARDS  
(PUBLIC WORKS AND TRANSPORTATION COMMITTEE)  
Council of the County of Maui  
Council Chamber  
September 25, 2002

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1      CONVENE:      9:01 a.m.

2      PRESENT:      Councilmember Michael J. Molina, Chair  
3                    Lee Altenberg, Member (In 9:06 a.m.)  
4                    Hannah Bernard, Member  
5                    Richard Chong, Member  
6                    Mike Maberry, Member  
7                    Warren McCord, Member

8                    Councilmember Danny A. Mateo, Non-Member  
9                    (In 10:28 a.m.; Out 11:45 a.m.)

10     EXCUSED:      Councilmember Charmaine Tavares, Vice-  
Chair

11     STAFF:        Gary R. Saldana, Legislative Analyst  
12                    Richelle K. Kawasaki, Legal Analyst  
13                    Camille Sakamoto, Committee Secretary

14     ADMIN.:      Greg Nakao, Electrical Inspection  
Supervisor,  
15                    Land Use and Codes Administration,  
16                    Department of Public Works and Waste  
17                    Management  
18                    Patrick Matsui, Chief of Planning and  
19                    Development, Department of Parks and  
20                    Recreation  
21                    Kalvin Kobayashi, Energy Specialist,  
22                    Department of Management  
23                    Cary Yamashita, Assistant Engineering  
Program  
24                    Manager, Engineering Division,  
25                    Department of Public Works and Waste  
26                    Management  
27                    Traci Fujita Villarosa, Deputy  
Corporation  
28                    Counsel, Department of the  
Corporation  
29                    Counsel (substituting for Deputy  
30                    Gregory J. Garneau)

31     OTHERS:      Bill George  
32                    Steve Sutrov

20 Nancy Haag  
 Terry Vencel  
 21  
 22 Rob Hoonan  
 Lynne Woods  
 Randy Nakama  
 23 James Smith  
 Danny Aagsalog  
 24 Skippy Hao  
 Additional attendees (2)  
 25  
 PRESS: None

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1 . . . . .  
 . .  
 2 CHAIR MOLINA: (Gavel). The Subcommittee on Outdoor  
 3 Lighting Standards meeting for September 25th  
 will  
 4 now come to order. For the record, in  
 attendance we  
 5 have Mr. Mike Maberry, Mr. Warren McCord, Mr.  
 Rick  
 6 Chong, and Ms. Hannah Bernard. Excused is  
 Committee  
 7 Member Dr. Lee Altenberg and Councilmember and  
 8 Vice-Chair of the Subcommittee Charmaine  
 Tavares.  
 9 We have -- from the Corporation Counsel's  
 Office,  
 10 filling in for Greg Garneau, we have Traci  
 Fujita  
 11 Villarosa, who is on call right now. Staff we  
 have  
 12 the Committee Secretary, Camille Sakamoto, and

13 Legislative Analyst Gary Saldana.  
14 Members, prior to hearing public  
testimony,  
15 I would like to provide a quick overview of the  
16 items we'll be discussing at today's meeting.  
First  
17 I'd like the Subcommittee to deliberate until  
1:15  
18 today. So we have a bit of a longer day than  
usual.  
19 At that time certain members have to be excused.  
20 Time is of the essence, members, so therefore,  
my  
21 goal is to complete the review of the remainder  
of  
22 the draft bill today. This includes developing  
a  
23 consensus on Sections .060 to Sections .170, and  
24 time permitting I'd like to continue the  
discussion  
25 from last meeting of the following items, which  
is

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Code 1 to review the language of the Volusia County  
of 2 pertaining to turtle protection and the creation  
3 guidelines for an Outdoor Lighting Standards

4 Committee, along with determining an appropriate  
5 lumen measurement to establish a maximum foot  
candle  
6 reading for light trespass violations.

7 It's necessary to complete the review of  
the  
8 draft bill at this meeting so the Subcommittee  
can  
9 send its revisions to the Corp. Counsel's Office  
and  
10 have a final draft before the final meeting, and  
if  
11 you recall -- excuse me, at the October meeting  
12 that's coming up. The Subcommittee will then  
review  
13 the draft from the Corporation Counsel and then  
14 forward a recommendation to the Public Works  
15 Transportation Committee.

16 So at this time we will commence with  
public  
17 testimony. Those wishing to testify, please  
sign up  
18 at the secretary's desk. You'll be given three  
19 minutes, with an additional minute to conclude,  
and  
20 if your testimony is not complete, you'll be  
given  
21 an additional three minutes until all others  
have  
22 finished. And testifiers are requested to state  
23 their name for the record and to indicate who  
they  
24 are representing. And to minimize any  
disturbances  
25 during the meeting, please turn off all cell  
phones,

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5

1 pagers, and any other items that could create a  
2 disturbance. So let's start off first with our  
3 testifier for now, we have Mr. Bill George, to  
4 followed by Steve Sutrov.

be

5 . . .BEGIN PUBLIC TESTIMONY. . .

6 Subcommittee

MR. GEORGE: Aloha, Chairman Molina. Aloha,

7 comments

members. I just wanted to make a few fast

8 copy a

on the latest revisions to the bill. I got a

9 we

couple weeks ago. There were some sections that

10 have

kind of went over before and it seems that they

11 just

popped back up. So I just wanted to make sure

12 that -- I'm not going to go over them, but I

13 one

wanted to make sure that these sections were

14 discussed by you at some time. And the first

15 go

was .050.B about fossil fuel light. If you'll

16 the

back and look at that you'll see that some of

17 wording popped back in there, and it's just

18 something that's questionable.  
19 The second section was .050.D, as in  
delta.  
20 It's about the water feature lighting. There's  
an  
21 inconsistency on two parts, one is the  
definition of  
22 water feature lighting includes pools and the  
23 section in .050.D doesn't include pools, so  
there's  
24 some wording that either has to be taken in,  
taken  
25 out. The third one was .070.B. It talks about

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1 mercury vapor lamps. I was under the impression  
2 that we -- that the Subcommittee kind of agreed  
that  
3 lamps would be -- to be purchased. This one  
puts it  
4 right back to where you can't purchase it, you  
can't  
5 purchase the lamps.

6 Number four was .070.C, talks about  
roadway  
7 lighting numbers, about the definitions of  
lumens.  
8 So that would be something you have to look at.

I

original 9 think it went back -- reverted back to the  
at 10 versus the revised. The fifth one I was looking  
B, 11 was .080. There's three different sections, A,  
and 12 and D, and it talks about the lumens discussion,  
13 that's another thing where the numbers kind of  
14 reverted back to the original numbers.  
about 15 The sixth one was .090.A, and it talks  
16 mounting heights of 20 feet. If you look in the  
heights 17 charts for all the vendors, they recommend  
HPS 18 for the wattages we're talking about of LPS and  
19 of 28 feet for LPS and if you have a 28-foot  
going 20 recommended height, you bring it down, you're  
something 21 to have bounce off the road. So that's  
should 22 you're going to have to look at, whether you  
either 23 lower the wattage or raise the pole height,  
24 way. And the same with the 135 watt LPS, the  
bring 25 recommended height is 30 to 32 feet and if you

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of 1 it down to 20 feet you're just bouncing a bunch  
2 light off the roadway.

activity 3 Number seven was .110.D.4, and it's  
4 usage or design. The specific question I had  
there 5 was if you designed, as an example, War Memorial  
6 Football Stadium to be, let's say, a pro of  
7 lighting, to make it adjustable to high school,  
like 8 you'd have to dim it somehow or do something  
9 that. That section is kind of ambiguous as to  
activity 10 whether you have to use it for the existing  
11 or the designed activity. So you want to  
straighten 12 up that language a little bit.

13 Eight would be .150.A, and there's a  
14 paragraph in there about the County committing  
to 15 LPS, and it kind of looks like they're saying  
that 16 the County would commit to changing over all of  
17 their street lights. It doesn't have a time  
period 18 or anything, but I think it should be cleared  
up. 19 Mahalo for your time. Any questions?

Committee 20 CHAIR MOLINA: Okay. Thank you, Mr. George.  
21 members, any questions for the testifier?  
Seeing

Chair 22 none, thank you, Mr. George, but of course the  
long 23 would request if you could hang out with us as  
24 as you can in case we have any more questions or  
25 concerns regarding --

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1 MR. GEORGE: Sure.  
2 CHAIR MOLINA: Thank you. At this time the Chair  
would 3 like to recognize Committee Member Altenberg in  
4 attendance at this time. Next to testify we  
have 5 Steve Sutrov.  
6 MR. SUTROV: Good morning, everyone. My name is Steve  
7 Sutrov. I'm representing myself today. I'm  
also a 8 member of the outdoor lighting -- the Street  
9 Lighting Committee, Maui County Street Lighting  
10 Committee, and I have some comments on that  
briefly. 11 My comments today are based upon the Corp.  
12 recommendations or just the draft that was sent  
13 this Committee on the formation of the Outdoor  
14 Lighting Standards Committee that was to be  
formed.

in 15 Two of them it looks like came out, one  
are 16 January, one in March. I have concerns if these  
17 not going to be -- I understand they're probably  
18 going to be discussed as far as formation of  
this 19 committee. I think it's very important. I  
think 20 first -- overall is the importance of the  
ordinance 21 being passed, and then the formation of this  
22 committee to help implement that ordinance.  
23 As of right now with the Street Lighting  
24 Committee that I'm on, because we just have  
25 standards, we have problems in efficiency in how  
it

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2000 1 operates. The standards were passed in January  
with 2 by the Director of Public Works at that time  
about it 3 the Mayor's signature, but no one even knew  
4 until about a year and a half later. When it  
also 5 passed, I believe it should have been funded  
6 for the switch over to full cutoff, which it

7 recommends within a five-year period. No  
funding  
8 was ever put in place. Many other departments  
9 weren't even notified that we had standards till  
10 June of last year. Even Maui Electric wasn't  
even  
11 aware of it. So there's inefficiencies with  
just  
12 standards in place. It's too arbitrary. People  
in  
13 the Administration might find the time to  
enforce it  
14 if they want to and times that they don't.  
15 We as the Street Lighting Committee have  
16 recommended some changes when people come in to  
17 recommend that a street light be shield --  
shielded  
18 or replaced with a full cutoff. We deliberate  
and  
19 we decide that -- what needs to be done. We put  
20 forth recommendations to the Department of  
Public  
21 Works and it's up to him to do what he wants to  
do.  
22 There's no enforcement or no follow up from the  
23 community or from our Committee whether or not  
it  
24 gets done or not. We have a situation right now  
25 where the Public Works has approved it, a switch

10

1 over to full cutoff in one neighborhood, but  
there's  
2 no funding to do it, and so it's just  
ridiculous.  
3 And so I believe an ordinance is  
definitely  
4 number one in importance, and a good strong  
5 committee with -- I believe five people is not  
6 enough for that. I believe I read in some other  
7 communities where there's nine. There's three  
from  
8 the business sector. There's three from maybe  
9 lighting engineers or -- the lighting engineers  
and  
10 the business sector I think three, three from  
the  
11 environmental sector, which Maui has no shortage  
of  
12 right now, of people concerned about our  
environment  
13 and the impacts of bad lighting, and then three  
from  
14 the public at large, maybe community  
associations or  
15 other people that are interested. And so I  
think it  
16 needs to be at least nine. Five is not enough,  
and  
17 then it's easier to fulfill requirements of  
people  
18 being able to attend and contribute. That's all  
I  
19 have. Thank you.

Committee

20 CHAIR MOLINA: Okay. Thank you, Mr. Sutrov.

Seeing

21 members, any questions for the testifier?

22 none, thank you.

23 SUBCOMMITTEE MEMBER BERNARD: I have one.

24 CHAIR MOLINA: Oh, sorry. Ms. Bernard.

25 SUBCOMMITTEE MEMBER BERNARD: Thank you for your

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on

1 testimony. How many members are there currently

remember.

2 the Street Lighting Committee? I can't

be a

3 MR. SUTROV: There's places for five and we only have

4 three. There seems to be -- if I can comment on

5 that real quick. It seems to be there seems to

the

6 lack of community involvement here because of

in

7 real lack of -- that we're given to do. It says

all

8 the County Code that we're allowed to deal with

9 issues of lighting that comes -- street lighting

but

10 that comes before the Public Works Department,

get

11 we don't get all issues of lighting. We just

was 12 what the Director wants to give us. If there  
13 more for us to do, there would be more community  
14 involvement, I'm sure.  
15 CHAIR MOLINA: Okay. Ms. Bernard, any more questions?  
for 16 Okay. Committee members, any other questions  
17 the testifier? Okay. Thank you, Mr. Sutrov.  
18 Mr. Maberry.  
sir, 19 SUBCOMMITTEE MEMBER MABERRY: Point of clarification,  
believe he 20 from Mr. George's testimony, if I may. I  
for 21 stated .150.A, and I think he meant .140.A, just  
22 the record, on his last point.  
We 23 CHAIR MOLINA: Mr. George, are you ready to respond?  
24 can come back to you and you can clarify that.  
I've 25 MR. GEORGE: Yes, aloha again. Under the draft that

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County 1 got .140 was a notification saying the Maui  
2 Building and Planning Department shall include a  
3 statement and then .150 was the County's role,  
.150.  
4 SUBCOMMITTEE MEMBER BERNARD: That's been changed.

older  
5           SUBCOMMITTEE MEMBER MABERRY:  You're looking at an  
6           version, I guess.  I'm sorry, I'm looking at the  
7           version that I just received.  
8           MR. GEORGE:  Oh, so the version -- okay.  That's the  
9           version -- that's the last version I got off the  
10          email.  
11          SUBCOMMITTEE MEMBER MABERRY:  Thank you very much.  
12          CHAIR MOLINA:  Thank you.  Okay.  We have one more  
13          individual to testify.  We have Nancy Haag or  
Haag.  
14          If I'm mispronouncing your name, my apologies,  
and  
15          as a reminder the Chair would like to mention  
that  
16          if there's anyone else in the gallery that would  
17          like to testify, now's your opportunity to come  
and  
18          sign up at the Committee Secretary's desk.  
Proceed.  
19          MS. HAAG:  Hi.  Good morning.  My name's Nancy Haag  
and  
20          I'm just a public citizen here.  I'm here  
testifying  
21          for myself just to share how lighting --  
residential  
22          lighting can affect a neighbor.  So anyway, I'm  
a  
23          little nervous.  I don't usually speak in front  
of  
24          people.  
25                  So anyway, I have a neighbor that just  
moved



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13

door 1 in about a year ago. They built a house next  
that I, 2 to mine on a vacant lot, and the first thing  
top 3 you know, noticed was three half moons up on the  
were 4 of their roof and they were very bright, sort of  
And, 5 like the intensity of these lights, and they  
like 6 just shining right into my bedroom windows.  
Kihei 7 you know, I have mini blinds and I don't always  
they 8 close them completely because it's very hot in  
but I 9 and if you close your blinds, you can't get any  
10 tradewinds, but these people -- I figured what  
11 were -- I didn't know what they were at first,  
12 guess they're skylights with very bright lights  
13 inside of them. So at night when they use their  
14 kitchen, they have these lights turned on and  
15 they're like moons outside my window, because  
their 16 roof is actually taller than my roof and it's  
just 17 shining bright. And I just have to wait to go  
to

18 sleep till they go to bed at night because they  
19 won't turn off those lights until they're done.  
So,  
20 you know, one thing I had to start doing was  
closing  
21 my mini blinds, but even with that, it still  
doesn't  
22 cut out that light because you know how it is  
when  
23 there's a full moon.

24 Then if that wasn't enough, a while later  
25 they installed lights all the way around their

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just 1 house. At first I thought these lights -- they  
2 forgot to turn them off, but no, they just  
stayed on 3 every night all night long until, you know,  
4 daylight. And so they are very, very bright,  
and 5 one of these lights in particular was shining  
6 upstairs to my bedroom. I'm on the second  
story.  
7 And again, it was like, you know, just this full  
8 moon illuminating my whole entire bedroom. And,  
you  
9 know, this was just not -- totally not working.

they 10 This was worse than even the other lights that  
11 had.  
12 So I called my neighbor and I said, you  
know, 13 this is really interfering with my sleep. And  
so he 14 said, well, maybe I can, you know, put another -  
- a 15 lighter watt bulb or something in the light  
16 tomorrow. He goes -- I said, well, why do you  
have 17 these lights? He said for security. So he  
feels 18 like he needs lights all the way around his  
house, 19 bright lights. You should come see it. I live  
at 20 981 Kupulau. Drive by some night. Drive by. I  
seen a 21 suggest you all drive by, because I've never  
So -- 22 house that's lit up like that all night long.  
23 I live in Maui Meadows, 981 Kupulau.  
of 24 So then he pulled a little cap at the top  
and it 25 the light on the two that are facing my house

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1           helped with some of the light coming into my  
2           bedroom, but you know what, those lights are  
bright  
3           and every night I have to deal with this. And I  
4           can't have my blinds even open to catch any  
breeze  
5           because there's just too much light. I feel  
like  
6           it's really affected my life, that, you know, it  
7           doesn't -- it's not very pleasant to live at my  
8           house. I don't need to turn on the light if I  
have  
9           to get up to go to the bathroom or go get a  
drink of  
10          water in the kitchen because there's so much  
light  
11          coming into my house from these lights. And I  
12          really think something should be looked into  
about  
13          this as far as regulations go because, you know,  
14          people are not -- they have different thoughts.  
15          They're not thinking about their neighbors. I  
think  
16          the --

17       MR. SALDANA: Three minutes.

18       MS. HAAG: Okay.

19       CHAIR MOLINA: Proceed.

20       MS. HAAG: So anyway, please give that some  
consideration.

21                Thank you.

22       CHAIR MOLINA: Okay. Thank you, Ms. Haag. Questions?

23                Oh, excuse me, Ms. Haag, could you hang on for  
just

Member 24 a second. We have a question from Committee  
25 Chong.

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Thanks 1 SUBCOMMITTEE MEMBER CHONG: Ms. Haag, Rick Chong.  
2 for testifying.  
3 MS. HAAG: Yeah.  
original 4 SUBCOMMITTEE MEMBER CHONG: Some questions. The  
house or 5 light you talked about, are they inside his  
6 outside his house?  
7 MS. HAAG: They're outside.  
8 SUBCOMMITTEE MEMBER CHONG: The ones that look like  
9 skylights?  
10 MS. HAAG: Oh, those are on top of his roof. They're  
11 skylights on the top of his roof.  
They 12 SUBCOMMITTEE MEMBER CHONG: So they are skylights?  
13 are not light fixtures.  
Like 14 MS. HAAG: They're skylights with light fixtures.  
You 15 they're little -- little half moon skylights.  
16 know, they're raised. Okay? It's like a raised  
17 skylight.

18 SUBCOMMITTEE MEMBER CHONG: I understand what you're  
19 saying.  
20 MS. HAAG: Like a bubble, and then I think there's  
light  
21 fixtures inside of them.  
22 SUBCOMMITTEE MEMBER CHONG: Or is it just the light  
23 glowing from his inner kitchen out the top?  
24 MS. HAAG: I'm really not sure. I haven't really gone  
25 over there to check it out to see just what it  
is.

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1 SUBCOMMITTEE MEMBER CHONG: Okay.  
2 MS. HAAG: But the light is coming full on intensity  
3 through those.  
4 SUBCOMMITTEE MEMBER CHONG: And the second set of  
lights  
5 he put in, do they aim into your property?  
6 MS. HAAG: Yes, they do. Well, they're illuminating  
my  
7 property. They're illuminating my house.  
8 SUBCOMMITTEE MEMBER CHONG: The specific question is  
it  
9 aimed into your property?  
10 MS. HAAG: Is it what?  
11 SUBCOMMITTEE MEMBER CHONG: Aimed directly into your

his 12 property or is it aimed straight down or along  
13 house.  
bulb 14 MS. HAAG: It's just -- you know, it's like a bare  
15 like this.  
him. 16 SUBCOMMITTEE MEMBER CHONG: I'm not trying to defend  
17 I'm just trying to get to the --  
of 18 MS. HAAG: I'm just saying it's like -- they're kind  
just 19 like this size, okay, like a football and they  
20 on the side of the house project out.  
he 21 SUBCOMMITTEE MEMBER CHONG: Did he do anything after  
22 said he was going to try --  
the 23 MS. HAAG: He put a little cap. I think it came with  
24 light but he didn't initially put it on, put a  
25 little tiny cap at the top.

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1 SUBCOMMITTEE MEMBER CHONG: Okay. Thank you.  
house. 2 MS. HAAG: But, you know, it's coming all into my  
3 SUBCOMMITTEE MEMBER CHONG: I understand. Thank you.  
4 CHAIR MOLINA: Okay. Thank you. Ms. Bernard.

I'm  
top  
are  
-  
night.  
it?  
really  
don't  
don't  
you  
that  
the  
people  
own

5 SUBCOMMITTEE MEMBER BERNARD: Thank you, Ms. Haag.

6 wondering for the ones that are outside, not the

7 ones, the skylight type ones but the ones that

8 outside, if they were on motion sensor so that -

9 MS. HAAG: No, no motion sensors are on the entire

10 SUBCOMMITTEE MEMBER BERNARD: If they were on motion

11 sensor, would that -- do you think --

12 MS. HAAG: That would be a lot more normal, wouldn't

13 I mean that's what most people do is have some

14 motion sensor lights around their house. I

15 have a dilemma here. I have a problem and I

16 want to have problems with my neighbors, but I

17 feel very neighborly to him right now. I think

18 he's -- he's very inconsiderate, you know. And,

19 know, I think personally the island is going

20 way. There's a lot of people that don't have

21 aloha spirit and the consideration for other

22 and they're a lot more thoughtful just for their

23 needs and for profit and you better think about

24 this.

25 SUBCOMMITTEE MEMBER BERNARD: I'm just --



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19

here

So I

going

it.

1 MS. HAAG: It's the type of people that are coming in

2 to this island, and I've been here since 1975.

3 want you to give it some consideration. We're

4 to build this island up and we're going to lose

5 CHAIR MOLINA: Okay. Thank you --

6 SUBCOMMITTEE MEMBER BERNARD: It sounds like motion

7 sensors would be -- that would be better in your

8 situation.

9 MS. HAAG: Oh, yeah. It wouldn't be all night long.

10 Sure. I could deal with that.

11 CHAIR MOLINA: Dr. Altenberg. Ms. Haag.

12 SUBCOMMITTEE MEMBER ALTENBERG: Nancy.

13 MS. HAAG: Yes.

14 CHAIR MOLINA: We have one more question.

15 MS. HAAG: Okay.

16 SUBCOMMITTEE MEMBER ALTENBERG: Yes, I very much

17 appreciate you coming down, taking the time to

18 testify for us. It's extremely helpful.

Question I

were in

19 had was suppose that you could -- if the law

building 20 place, that you could come to the County  
21 and file a complaint about your neighbor's light  
22 trespass such that the County would have to  
23 investigate, look for a violation of a potential  
24 ordinance, and then require that your neighbor  
put  
25 in light shielding or other light timers that  
would

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1 prevent this light trespass. Would that be a  
2 situation that you would be happy with? I mean  
3 would that --  
4 MS. HAAG: Absolutely. That's why I'm here. I mean  
5 something needs to be done. More people might  
do  
6 this. You should really come by my house.  
Check  
7 out the neighbor at night. I mean it's  
8 unbelievable. He's got like this whole  
flagship.  
9 It's a huge 4,000 square foot home, you know.  
It's  
10 really -- I mean it just happens to be next door  
to  
11 me, but, you know, other people could do this,  
and I

if 12 think there should be something in place to --  
the 13 there is a law and a neighbor can just refer to  
this or 14 law, the neighbor will think about not doing  
say, 15 he'll change it to motion detectors. I can just  
16 refer to my neighbor when I talk to him I could  
and 17 you know there's an ordinance against this. You  
can't 18 can't have bright lights like this coming over  
to 19 interfering with the neighbor's property. You  
that, 20 do this. This is against the law. I don't have  
guy 21 make a complaint. If I could just tell him  
bad. 22 that would have probably taken care of it. This  
right to 23 doesn't want to be -- you know, he's not that  
24 You know, it's just that he thinks it's his  
25 have security and have lights beaming all night.

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were 1 SUBCOMMITTEE MEMBER ALTENBERG: So you think if there  
do 2 an ordinance on the books, all you would need to

think 3 is show the neighbor that ordinance and you

4 that would probably take care of it --

5 MS. HAAG: Absolutely.

you? 6 SUBCOMMITTEE MEMBER ALTENBERG: -- between the two of

7 MS. HAAG: Absolutely. You know, it may not work for

work 8 every case. I think for this neighbor it would

rather 9 definitely. It would be extremely helpful,

10 than me have to try to figure out a way to, you

11 know, get this neighbor to make a change. I

don't 12 know. I'm thinking about it, because it bothers

me 13 every single day. It's ruined the enjoyment of

my 14 property. You know, I can't even walk out into

the 15 night sky and see the stars anymore. This guy

has 16 taken over.

17 CHAIR MOLINA: Okay, Ms. Haag. Dr. Altenberg, do you

have 18 another question?

19 SUBCOMMITTEE MEMBER ALTENBERG: If the County also

20 provided information about how -- how to bring

one's 21 lights into compliance, how to get fully

shielded 22 lighting, that kind of thing, would that be also

23 something you'd find desirable?

24 MS. HAAG: Absolutely. I think we need to think about

--

25 this. Houses are getting closer together every

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lots 1 you know, all the time. We're having smaller  
together. 2 and everything. People are living close  
this. I 3 Yes, we need this. We most definitely need  
do 4 don't think this -- I've never seen people even  
there. 5 this, but evidently it's happening here and  
6 It's ruining people's lives. This is the other  
melatonin 7 thing. You know, your body produces less  
8 as you age. You can't sleep with light, okay,  
the 9 because your melatonin -- a baby can sleep in  
10 light, but you think about it. I know you guys  
11 aren't that young either and you need a dark  
room to 12 sleep in. It's interfering with my life, you  
know.  
13 I have to deal with the full moon. That's  
enough.

14 CHAIR MOLINA: Thank you, Ms. Haag.

15 MS. HAAG: Thank you.

16 CHAIR MOLINA: You've answered the question.

17 SUBCOMMITTEE MEMBER ALTENBERG: Thank you very much.  
18 CHAIR MOLINA: And we appreciate the invitation.  
Members,  
19 we have Ms. Haag's phone number here if you  
would  
20 like to go out on your own. I think it would be  
a  
21 good idea to call her first and maybe observe  
what's  
22 happening as far as the lighting goes in that  
area.  
23 Okay. At this time is there anyone else  
in  
24 the gallery that would like to testify on  
today's  
25 agenda item? The Chair sees none, so at this  
time

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item  
1 the Chair will close public testimony on this  
2 for today.  
3 . . .END OF PUBLIC TESTIMONY. . .  
4 CHAIR MOLINA: Members, I just want to remind you as  
far  
5 as what happened at our last meeting. The  
6 Subcommittee considered the following matters:  
That  
7 the Volusia County Code be reviewed by the

8 Subcommittee -- by Subcommittee Member Bernard  
to  
9 address questions from the Department of the  
Corp.  
10 Counsel. Two, the Director of Finance provide  
11 information relating to relevant procurement  
12 procedures of the County of Maui. Three, the  
13 Director of the Department of Parks and  
Recreation  
14 review Section .110.D, specific uses of the  
draft  
15 bill and the Cottonwood, Arizona lighting  
ordinance  
16 as it relates to recreational and sports fields  
and  
17 submit comments along with recommendations. And  
18 four, determine an appropriate lumen measurement  
to  
19 establish a maximum foot candle reading for  
light  
20 trespass violations.

21 For today's session we have invited from  
the  
22 Public Works and Waste Management, Mr. Greg  
Nakao,  
23 also Cary Yamashita, and Mr. Howard Hanzawa.  
From  
24 the Department of Planning, I believe he's  
probably  
25 on call right now, is Joe Alueta. From the  
Parks

1 Department we have in the gallery Mr. Pat  
Matsui,  
2 and we have someone from the Police Department  
on  
3 call if needed. And we also have in attendance  
here  
4 Mr. Kal Kobayashi, the County Energy Specialist,  
and  
5 also we have some resource personnel that have  
6 joined us from the private sector, Lynne Woods  
from  
7 the Chamber of Commerce, Terry Vencel from the  
Maui  
8 Hotel Association, Randy Nakama from Maui  
Electric,  
9 Randy Piltz from the commercial lighting  
industry.  
10 I don't see Randy -- the two Randys in the  
audience  
11 yet. We have Bill George and Rob Hoonan from  
the  
12 hotels and resorts, and we also did send out an  
13 invitation to Uncle Les Kuloloio.  
14 So let's go ahead and begin, members.  
First  
15 let's commence with the review of the draft  
bill, if  
16 you can turn to your bill. The goal for today  
is to  
17 complete the review of the remaining sections of  
the  
18 bill. As you know, our days are numbered, as  
far as



essential 19 the Subcommittee goes. Therefore, it is  
for 20 that clear direction and consensus be developed  
our 21 the draft bill. And if we as a Subcommittee  
to 22 determine that a consensus cannot be achieved by  
23 members on a section or sections, we should make  
24 that clear as part of our overall recommendation  
25 the Public Works and Transportation Committee.

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we 1 As I mentioned earlier, to complete our  
2 assignment within the term of the Subcommittee  
3 must send the draft bill to the Corp. Counsel's  
4 Office with our revisions for their review and  
5 comment after the meeting. During our October  
6 meeting, again, I would like to review the final  
7 draft as submitted by the Department of the  
8 Corporation Counsel and send the final draft to  
the 9 Public Works and Transportation Committee.

the 10 As per the request of the Subcommittee,  
to 11 draft bill has been revised to include changes

12 sections that have received consensus from the  
13 members. The revisions to the draft bill are  
14 highlighted in red for your perusal, and for the  
15 purpose of this discussion we will reference the  
16 highlighted bill as the working document. The  
17 sections that have been underlined are proposed  
18 additions to the bill. The items that are  
crossed  
19 through are recommended for deletion from the  
bill.  
20 And for those of you in the audience, we do have  
the  
21 revised bill available, although the copies for  
the  
22 public do not have the red revision marks.

23 Any questions before we proceed with  
Section  
24 .060 at this time?

25 SECTION .060 and MARCH 4, 2002 MEMORANDUM TO  
CORPORATION COUNSEL

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1  
2 CHAIR MOLINA: Okay. If not, let's start off with  
Section  
3 .060. This section currently offers to  
establish a  
4 committee. However, the draft bill does not set

of  
to  
Lighting  
would  
bill.

5           forth duties, powers, functions, and memberships  
6           the committee. So, members, if I may ask you to  
7           reference the memorandum dated March 4th, 2002  
8           the Corporation Counsel's Office, which proposes  
9           language for the creation of the Outdoor  
10          Standards Committee. In this memorandum the  
11          language is outlined which details the creation,  
12          membership, and duties of the committee, and I  
13          like to ask the members to determine if this  
14          language should be incorporated into the draft

.060?

15                       Members, at this time do you have any  
16                       comments regarding this proposed language for

Mr. Maberry.

17                       SUBCOMMITTEE MEMBER MABERRY: Yes, sir. I would like  
18                       to  
19                       echo the earlier testimony. I do have problems  
20                       with  
21                       it. I'm fumbling here to try to get it, but the  
22                       major problems I had were already expressed,  
23                       that it  
24                       somewhat removed -- if I remember correctly, it  
25                       removes basically the powers that this ordinance  
                      would give the County and that it makes -- makes  
                      it  
                      a lot more objective and unenforceable, and I  
                      can be

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but 1 more specific once I come up with the document,  
2 just to echo the earlier testimony.

3 CHAIR MOLINA: Okay. Any other comments from the  
4 Committee regarding Section .060? Dr.  
Altenberg.

5 SUBCOMMITTEE MEMBER ALTENBERG: Yes, in this March 4th  
6 memorandum, which was originally proposed as an  
7 alternative to an outdoor lighting standards  
8 ordinance, the Section 4 is really, I would say,  
9 rendered moot by our current consensus or  
direction,

10 this outdoor lighting standards plan. Really  
the  
11 purpose of this committee is the review --  
basically

12 the review of variances from the strict  
standards of  
13 the ordinance. So it should be primarily, in my  
14 mind, organized the way the -- I don't know  
what's

15 the exact name -- the Architecture Review  
Committee  
16 that reviews architectural plans and which  
should  
17 include some professional representation as well  
as  
18 community representation.

19 CHAIR MOLINA: Okay. Thank you. Mr. Maberry.

20 SUBCOMMITTEE MEMBER MABERRY: I can be a little more  
21 specific now, sir. In Section 3, for example,  
it  
22 says, "The committee shall prepare for review by  
the  
23 Mayor and the County Council and the outdoor  
24 lighting standards plan." Hopefully we are  
moving  
25 toward establishing an ordinance, so that  
wouldn't

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1 actually be in line with it. Again, we did  
agree  
2 that I believe that we want this to sort of take  
the  
3 place of the existing Outdoor Street Light  
Standards  
4 Committee, you know, sort of incorporate the  
two,  
5 and I guess that's what part of the problem that  
6 we're facing now, that it sort of took that  
7 Committee's charge and some of the problems that  
8 Steve suggested they had with enforcing theirs,  
but  
9 that one jumps right out at me. I think that's  
one  
10 of the biggest problems that I have with it,  
sir.

11 CHAIR MOLINA: Okay. Thank you. Any other concerns

12                   regarding .060? Mr. Altenberg.  
13                   SUBCOMMITTEE MEMBER ALTENBERG: The other idea was  
that  
14                   this committee not simply be advisory to the  
15                   Director of Public Works, but be required in  
16                   addition to the Director of Public Works to give  
17                   approval to any -- you know, any -- any of the  
items  
18                   in the ordinance that require the approval of  
this  
19                   Subcommittee so that it have not simply advisory  
20                   capacity but -- I don't know what the technical  
term  
21                   is -- decision-making capacity. In other words,  
if  
22                   somebody applies for -- you know, under the  
sections  
23                   of the powers, duties, and functions, 3 B, C, D,  
and  
24                   E, that the approval of this committee be  
required  
25                   in order to get approval of a request for  
installing

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1                   lights.  
2                   CHAIR MOLINA: Okay.  
3                   SUBCOMMITTEE MEMBER MABERRY: And again, sir, in

4 Section --

5 CHAIR MOLINA: Mr. Maberry.

6 SUBCOMMITTEE MEMBER MABERRY: Sorry?

7 CHAIR MOLINA: Proceed.

8 SUBCOMMITTEE MEMBER MABERRY: Again, in Section 4 it

9 refers to a plan, a standards plan and that the  
plan

10 is strictly advisory.

11 CHAIR MOLINA: Okay. Mr. Chong.

12 SUBCOMMITTEE MEMBER CHONG: Who's putting together the

13 plan? That's my question. Isn't the outdoor

14 lighting ordinance that we're considering

15 sufficient? I mean, this --

16 CHAIR MOLINA: Good question.

17 SUBCOMMITTEE MEMBER CHONG: I mean, it's -- that's my  
--

18 are we all getting together again to do another

19 plan? That doesn't make any sense. It sounds  
like

20 it's repetitive.

21 SUBCOMMITTEE MEMBER BERNARD: Right.

22 SUBCOMMITTEE MEMBER CHONG: And are we doing just

23 illustrations so that people who don't  
understand

24 legalese can look at pictures and, okay, this  
isn't

25 going to make it so we need to come in for a

1           variance or whatever it may be? So I don't know  
2           who's doing that.

is a

3   CHAIR MOLINA: Well, I guess my understanding is this

the

4           new committee that would be formed to replace

if

5           existing one and that they would -- correct me

track, I

6           I'm wrong, Staff, because I'm on the right

and

7           believe -- they would replace the existing one

be

8           then they would be -- what they would do would

then

9           strictly advisory and -- to my knowledge, but

10          again --

like

11   SUBCOMMITTEE MEMBER CHONG: That's what I thought the

12          committee would be and not generate what sounds

13          another document that the public can refer to.

14   CHAIR MOLINA: Right. They would just go by whatever

as

15          ordinance that is created from this Subcommittee

16          well as if it makes it out of the Public Works

17          Committee too. Mr. Maberry.

the

18   SUBCOMMITTEE MEMBER MABERRY: Yes, sir. That's my

19          understanding. Again, I guess that's probably

20          main problem here. Obviously your committees

21          aren't -- they do not have law enforcement



22 authority.

23 CHAIR MOLINA: Right.

24 SUBCOMMITTEE MEMBER MABERRY: So they're not going to  
25 enforce this ordinance, but they're going to  
review

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1 and make recommendations --

2 CHAIR MOLINA: That's it.

3 SUBCOMMITTEE MEMBER MABERRY: -- based on the  
ordinance

4 and then some other -- you know, Corp. Counsel  
or

5 someone else will have to make ultimate legal  
6 determination, but yeah, again, I guess -- I  
think

7 you're real close here. It's just that I think  
8 this -- it's gotten kind of mixed up with this  
plan

9 development and the power of the plan. I think,  
10 obviously, from what Rick said, we all feel that  
it

11 should be this ordinance.

12 CHAIR MOLINA: Okay. Any other concerns? Dr.  
Altenberg.

13 SUBCOMMITTEE MEMBER ALTENBERG: Later in the ordinance  
it

14 refers to the County providing support for --

15 informational support on how designers,  
developers  
16 can install complying outdoor lighting systems,  
and  
17 it would seem appropriate that this committee be  
18 able to review and issue suggestions to the  
office  
19 in the County that would be producing such  
20 documentation.  
21 CHAIR MOLINA: Okay.  
22 SUBCOMMITTEE MEMBER ALTENBERG: As an additional  
function  
23 of the committee.  
24 CHAIR MOLINA: Okay. Members, we have -- oh, go  
ahead,  
25 Mr. Chong.

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1 SUBCOMMITTEE MEMBER CHONG: One more comment on what  
2 Mr. Sutrov was talking about, expanding the  
3 membership of the committee. I think you're  
going  
4 to be hard pressed to fill nine spots,  
personally.  
5 I mean, finding enough people who -- I'm sure  
you'll  
6 find citizens who are concerned, but finding  
people

7 who have expertise in lighting that are willing  
to  
8 sit for a period of time on the committee is  
going  
9 to be very hard to find.  
10 CHAIR MOLINA: I realize there are challenges with any  
11 volunteer committees or boards. I know we've  
been  
12 experiencing that with our traffic advisory  
counsel.  
13 I believe our -- I believe that was one  
committee  
14 that was reduced from nine members down to five  
15 members because of lack of attendance by some  
16 members of the public. At this time, members,  
we  
17 have a request from one of our resource  
personnel  
18 who would like to make a comment on Section  
.060.  
19 Ms. Vencl.  
20 MS. VENCL: Thank you, Mr. Chairman. I'd just like  
some  
21 clarification for my own peace of mind here.  
This  
22 committee, is this -- when I hear them saying  
23 they're not just advisory but they could make  
these  
24 decisions. I'd like to know the process. I'm  
just  
25 asking for clarity. Would people go to this

number 1 committee if they were asking for a variance,  
about 2 one, or does everybody who's doing anything  
my 3 lighting have to go to this committee? That's  
4 first question.  
committee 5 Second question is how does this  
and 6 then merge with Planning Commission you know,  
7 I'm going to give you -- I don't know how to say  
8 that very well, but I'm going to give you an  
who 9 example. Right now, you know, we have people  
have 10 ask to build a home Upcountry and they don't  
11 water. We need to make sure that as we're doing  
12 these things, that somehow all of this comes  
setting 13 together. So the question I have is are we  
14 aside another group of people to make a decision  
and 15 that is in a vacuum away from other commissions  
16 boards who have to make decisions about their  
is 17 projects? I just want to know what that process  
18 and what the flow is.  
time 19 CHAIR MOLINA: Okay. Thank you, Ms. Vencl. At this  
20 the Chair is going to call for a short recess.

21 (Gavel).

22 RECESS: 9:38 a.m.

23 RECONVENE: 9:45 a.m.

Standards 24 CHAIR MOLINA: (Gavel). The Outdoor Lighting

25 Subcommittee for September 25th is now back in

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as 1 session. Thank you, members, for your patience  
2 we tried to clear up some concerns regarding the  
3 formation of this new committee that will take  
over 4 the duties the current -- or actually be  
5 incorporated with the duties of the current  
Street 6 Lighting Committee. What I'd like to do -- the  
7 Chair did address the concerns of Ms. Vencl.  
8 What I would like to do is we could look at the  
9 document, the March 4th document and go through each  
10 section step by step and decide what we want for this  
11 the particular committee, because at this time in  
12 establish ordinance it says yes, let's go ahead and

as  
up  
duties.  
on

13 a committee but there's no specific parameters  
14 far as, you know, how much members should make  
15 this committee and what are their specific  
16 So let's go ahead and take it section by section  
17 this document and decide what we want or what we  
18 would recommend.

establishment  
of

19 So starting with Section 1, the  
20 of members, it says here shall consist of five  
21 members appointed by the Mayor with the approval  
22 Council and two ex officio members. Comments on  
23 that first section. Mr. Maberry.

question.  
have

24 SUBCOMMITTEE MEMBER MABERRY: Actually, I have a  
25 You know, I keep hearing people say that they

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better  
the

1 problems get a quorum. Okay, if you have more  
2 potential members of the body, isn't there a  
3 chance of getting a quorum than less? I guess  
4 that's what I need to know from experience that

5 County has had so far.

6 CHAIR MOLINA: Well, speaking from what's happening,  
say,  
7 the Traffic Council Committee, they were having  
8 trouble -- they had -- they initially had nine,  
and  
9 because they -- on a nine-member committee you  
need  
10 to have a minimum of at least five people to  
show  
11 up, and for most of the time they were getting  
maybe  
12 three, four people. So that was one -- I know  
one  
13 reason why they came in with a request to -- or  
the  
14 Public Works Director came in with a request to  
15 reduce the amount of people on the committee.  
Five,  
16 all you need is just three, so that was why that  
17 number was thrown out there.

18 MR. SALDANA: Mr. Chairman.

19 CHAIR MOLINA: Mr. Saldana.

20 MR. SALDANA: Just another thing you may want to keep  
in  
21 mind is that if you do have a nine-member  
committee  
22 and let's say you have two or three vacancies on  
23 that committee, your quorum is still five, even  
24 though you may have -- you may have maybe six  
25 members and three vacancies, you still have to  
have

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1 five members and it makes it harder to get that  
2 quorum. So that's one of the things that you  
3 want to keep in the back of your minds.

may

4 CHAIR MOLINA: Okay. Dr. Altenberg, followed by  
5 Mr. Chong.

6 SUBCOMMITTEE MEMBER ALTENBERG: Where are the quorum  
7 requirements defined? Is it in the Charter? Is  
8 in some statute? Can it be defined --

it

9 CHAIR MOLINA: I think it's standard Robert's Rules  
10 Council rules.

and

11 MR. SALDANA: State law. I believe it is State law.

12 SUBCOMMITTEE MEMBER ALTENBERG: State law?

13 MR. SALDANA: State statute, yeah.

14 SUBCOMMITTEE MEMBER McCORD: Quorum is always a  
15 of the members.

majority

16 CHAIR MOLINA: Yes. And you generally work with an  
17 number. Okay, Mr. Chong.

odd

18 SUBCOMMITTEE MEMBER CHONG: I have a question

basically as

19 how are people going to get onto the committee?

Do

20 they get appointed? And two, is it for a

specific



for 21 set term? A year, three years? Is it a problem  
enough, 22 them to just turn around and say I've had  
23 I'm off the committee?  
operation. 24 CHAIR MOLINA: Well, that's Number 2, terms and  
25 We'll get to that section in a moment. Like any

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then 1 commission or board, you can apply for it and  
has 2 get approval from the Mayor's Office and then it  
would 3 to come down to Council for final approval, I  
Altenberg. 4 believe, like any other committee. Dr.  
5 SUBCOMMITTEE MEMBER ALTENBERG: Question. In the  
specific 6 Architectural Review Committee, is there  
7 language that requires that there be some people  
8 where architectural expertise?  
9 CHAIR MOLINA: I believe that would be the preference  
to 10 have people with lighting expertise, maybe at  
least 11 have a minimum of one person.  
12 MR. SALDANA: That should be -- Mr. Chair, if I could.

13 CHAIR MOLINA: Proceed, Mr. Saldana.

14 MR. SALDANA: That should be what you're thinking of  
is

15 who do you want on this committee, and, you  
know,

16 what should the membership consist of. Should  
you

17 have technical lighting experts? Should you  
have

18 environmentalists on it? Should you have lay  
people

19 on it? These are the recommendations that the  
full

20 Committee is going to be looking for, so that's  
in

21 establishment of membership or members. Once  
you

22 determine how many members you want, you should

23 determine who they should consist of and what  
their

24 background should be.

25 CHAIR MOLINA: Okay. Proceed.

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1 SUBCOMMITTEE MEMBER ALTENBERG: The reason I was  
asking

2 about the Architectural Review Committee is  
because

3 that would be -- as I understood, there is some

and 4 requirement that there be an architect on it,  
5 that might be, then, an template that we could  
6 simply copy into this ordinance, the language  
for 7 specific expertise requirements. So if you  
could 8 find that language, it would be very helpful.  
9 CHAIR MOLINA: Okay. Members, at this time can we  
settle 10 first on the amount of people we want on this  
11 committee. I would suggest five. That's my  
12 recommendation. Is there any other number being  
with 13 recommended for this committee? Is five okay  
14 the committee? Okay, good. Ms. Bernard.  
15 SUBCOMMITTEE MEMBER BERNARD: I think one of the  
issues 16 that needs to be dealt with in terms of the  
17 numbers 18 is thinking of the composition of the committee.  
So 19 once decide who needs to be on the committee,  
then 20 you have a better sense of how many you need.  
The 21 other option is that you do -- you go with five  
for 22 simplicity and you have alternates so that you  
do 23 always have somebody representing the particular  
there's 24 stakeholders that you've decided upon and  
25 somebody there in case that person can't make  
it. CHAIR MOLINA: So I have a number five with possible

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All 1 alternates, okay, in case quorum isn't made.

look at 2 righty. Members, how about criteria? Let's

3 that area in terms of what -- one person who has

4 some type of expertise in lighting, a minimum.

5 SUBCOMMITTEE MEMBER BERNARD: I'd like to add to that.

6 CHAIR MOLINA: Sure.

biologist 7 SUBCOMMITTEE MEMBER BERNARD: There should be a

that 8 with some expertise in the endangered species

9 are affected by lighting, like turtles and sea

10 birds, at least one biologist.

11 CHAIR MOLINA: Okay. Or someone with a background in

the 12 sciences, I guess, in the biology field. Okay.

13 Comments, members? Well, let's -- okay, Mr.

Chong, 14 followed by Dr. Altenberg.

15 SUBCOMMITTEE MEMBER CHONG: Sorry, Hannah, I know

you're 16 passionate about your biology and we would

probably 17 have no problem getting you on the committee,

but

made 18 how many -- I know we're finding -- again, I  
want 19 the statement finding enough lighting guys that  
I 20 to sit on a committee is not going to be easy.  
town 21 mean, there's lots of electrical engineers in  
don't. 22 who think they know lighting but they really  
23 Personal opinion. And I don't know how many  
24 biologists would share the same passion and time  
make 25 that want to do it. So I -- that's the -- we

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1 that a requirement, are we going to be able to  
2 fulfill that spot?  
3 CHAIR MOLINA: Well, rather than a requirement, we can  
lighting 4 make it a preference, so at least we have a  
suggested 5 expert and maybe there's a preference or  
biology 6 preference for someone with the expertise in  
7 as well.  
8 SUBCOMMITTEE MEMBER BERNARD: We do have agency  
officials, 9 you know, the State and the Feds, that have

10 expertise with these -- with these species, and  
11 because of the Endangered Species Act I think  
that  
12 they could -- you know, there could be a  
requirement  
13 that we actually have an agency representative.  
It  
14 doesn't have to be a lay person. It could be an  
15 agency representative in that case.  
16 CHAIR MOLINA: Okay. Mr. McCord, followed by Mr.  
Chong.  
17 SUBCOMMITTEE MEMBER McCORD: I think we need to be a  
18 little careful in saying we have to have this  
person  
19 and that person, because you're going to get  
tied up  
20 and not get the people on the committee that you  
21 need. A recommendation to the Mayor as to who  
he  
22 appoints in the way of expertise I think is more  
23 appropriate.  
24 CHAIR MOLINA: Okay. Thank you, Mr. McCord. Mr.  
Chong.  
25 SUBCOMMITTEE MEMBER CHONG: Yeah, in going further,

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1 instead of requiring or recommending a lighting  
2 specialist, a biologist, an astronomer, can  
these

3 experts be on an advisory mode? In other words,  
4 they don't have to be -- they're not part of  
voting  
5 but at least they're expert witnesses, I mean  
expert  
6 sources and they don't have to come to all these  
7 meetings.

8 CHAIR MOLINA: Maybe used as resource personnel on  
9 occasion.

10 SUBCOMMITTEE MEMBER CHONG: Right, right.

11 CHAIR MOLINA: Sure. I think, too, one thing, we  
cannot  
12 force people from the general public to join a  
13 committee, so our ability to attract people who  
have  
14 the background that we want is somewhat limited.  
So  
15 we can have a preference for having, you know,  
16 someone who's -- like, say, a Mr. George or a  
17 Mr. Hoonan be a part of this committee, but it's  
up  
18 to the citizen if they want to be part of that  
19 committee. So I'm just throwing this out to  
you.

20 My suggestion is maybe we could -- rather than  
21 making it a requirement, again, just --

22 SUBCOMMITTEE MEMBER MABERRY: Preference.

23 CHAIR MOLINA: A suggested preference, right, to the  
24 Mayor's Office. I mean, granted it would be  
nice to  
25 have someone from each sector, but that's,  
again, a

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1 wish list. Ms. Bernard.  
2 SUBCOMMITTEE MEMBER BERNARD: Well, the other option  
is  
3 that we -- we add them into the ex officio  
members  
4 so that there is a requirement that they -- that  
we  
5 have an astronomer and a biologist and a  
lighting  
6 engineer at least in ex officio presence.  
7 CHAIR MOLINA: Okay.  
8 SUBCOMMITTEE MEMBER BERNARD: So that we have that  
9 expertise to advise the panel.  
10 CHAIR MOLINA: Okay. Is there a consensus for that  
11 suggestion from Ms. Bernard.  
12 SUBCOMMITTEE MEMBER CHONG: Yes.  
13 Subcommittee MEMBER ALTENBERG: Yes.  
14 CHAIR MOLINA: Okay. Good. Any other comments on the  
15 establishment of members on Number 1? Okay.  
Let's  
16 move on, members. Terms and operation. How  
long  
17 should a member be part of this committee?  
Three  
18 years, five years, any suggestions?  
19 SUBCOMMITTEE MEMBER CHONG: What's the standard now?



20 CHAIR MOLINA: It varies from committee to committee.  
21 I've seen three years, five years. Let's pick a  
22 number. Anything. Three, four, and five,  
whatever  
23 is the Subcommittee's preference. Ms. Bernard.  
24 SUBCOMMITTEE MEMBER BERNARD: I recommend two years.  
25 CHAIR MOLINA: Any other numbers? Okay. Is that the

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1 Subcommittee's preference, two-year terms?  
Okay, so  
2 be it, two years.  
3 Subcommittee MEMBER ALTENBERG: Mike, do you have a  
4 question?  
5 CHAIR MOLINA: Oh, I'm sorry.  
6 SUBCOMMITTEE MEMBER MABERRY: Well, the only comment I  
7 would have, a lot of boards are set up so that  
you  
8 have -- you stagger the membership so that you  
have  
9 some --  
10 CHAIR MOLINA: To have a holdover --  
11 SUBCOMMITTEE MEMBER MABERRY: Yeah, right, so you have  
12 overlap across different Mayors and different  
13 Councils.  
14 CHAIR MOLINA: Okay. What would be your  
recommendation?

--

15 Like, for example, we have a two-year term then

16 I'm trying to formulate something.

17 SUBCOMMITTEE MEMBER BERNARD: I can comment to that,

18 because I've been on committees where they've

done

19 that, and you set that up so that certain

members

20 have three years and it rotates three and two.

So

21 three of the members -- and you don't have to

name

22 who they are, but you can just have three

members

23 are three years and two members are two years

and

24 then it rolls over.

25 CHAIR MOLINA: Okay. Mr. Chong.

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1 SUBCOMMITTEE MEMBER CHONG: I think you want to make -

2 keep the term of the membership the same, if

it's

3 two years or three years, but you stagger the

start

4 of the members. And obviously when you form the

5 committee initially, somebody's going to have to

be

6 a four-year just initially or something just so  
you  
7 get that stagger. That's what you need to do.  
8 CHAIR MOLINA: Okay. Well, let's broaden it by just  
9 saying we would recommend staggered terms and  
nuts  
10 somewhere along the line we'll figure out the  
stagger  
11 and bolts as to how we're going to actually  
12 the terms in itself.  
13 SUBCOMMITTEE MEMBER MABERRY: Thank you.  
14 CHAIR MOLINA: We'll just keep it broad as staggered  
terms  
15 would be recommended with two-year -- two-year  
terms  
16 staggered. Any other comments or questions on  
terms  
17 and operations? Okay, seeing none, let's move  
down  
18 to powers, duties, and functions.  
19 MR. SALDANA: Mr. Chair.  
20 CHAIR MOLINA: Sorry.  
21 MR. SALDANA: Before you move on, we were able to pull  
up  
22 the Urban Design Review Board, and as you will  
see,  
23 it indicates its membership here. Here we go.  
The  
24 members shall consist of two registered  
architects,  
25 one registered landscape architect, two  
registered

45

or  
the  
the  
registered  
years.

1 civil engineers, and four persons with interest  
2 experience in urban planning, fine arts,  
3 beautification, conservation, or historic  
4 preservation. One member shall be a resident of  
5 island of Molokai, one shall be a resident of  
6 island of Lanai. Four alternate members shall  
7 consist of two registered architects, one  
8 landscape architect, and one registered civil  
9 engineer. It goes on to read, information here  
10 relative to the board shall be appointed by the  
11 Mayor. Members shall serve a term of five

12 Provided, however, such members shall serve for  
13 staggered terms pursuant to Section 3.21 of the  
14 Revised Charter of the County.

is,  
looks  
their

15 So it -- in terms of how the membership  
16 the staggered terms is typically addressed, it  
17 like, and if you do want some specifics here in  
18 terms of who -- the makeup of the committee, it  
19 would be good to provide what your insight is in  
20 terms of who these individuals are and what  
21 background should be.

22 CHAIR MOLINA: So, Mr. Saldana, are you saying that we  
23 could make a requirement that, say, there be one  
24 lighting expert, one biology, but what if we  
don't  
25 get that in terms -- then do we -- you know,  
it's

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1 not --  
2 MR. SALDANA: You would have to -- you would have to  
find  
3 somebody in that field if you set forth that  
4 requirement.  
5 CHAIR MOLINA: So otherwise the committee cannot  
exist,  
6 then, if we don't --  
7 SUBCOMMITTEE MEMBER BERNARD: I have a comment.  
8 MR. SALDANA: Well, that would create a problem, yes.  
9 CHAIR MOLINA: Okay, Ms. Bernard.  
10 SUBCOMMITTEE MEMBER BERNARD: You could put a  
provision in  
11 there that says that you require these people,  
but  
12 if you cannot get them, that, then, someone else  
--  
13 I mean --  
14 CHAIR MOLINA: Someone else can do it.

in. 15 SUBCOMMITTEE MEMBER BERNARD: Someone else can step  
can't 16 Although, you know, how do you decide if you  
17 get them? I mean, there has to be a transparent  
18 process that you really know that you can't get  
them  
19 and all efforts have been made to obtain them,  
but,  
20 you know, I think -- I really don't think we  
should  
21 waste that much time on this because that's kind  
of  
22 like a bridge we should cross when we get to it.  
If  
23 we can't get the people to participate, then we  
need  
24 to reassess, but I have a feeling we'll get --  
we'll  
25 get the individuals, at least for the first

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1 go-round.  
2 CHAIR MOLINA: We hope. Okay. Mr. Altenberg.  
3 SUBCOMMITTEE MEMBER ALTENBERG: Question. The Urban  
4 Design Review Board, what has been their history  
in  
5 terms of finding members? Have they always been  
6 able to fill the slots?

one of 7 CHAIR MOLINA: Proceed. This is Richelle Kawasaki,  
8 our analysts.  
9 MS. KAWASAKI: Mr. Chair, the history of the Urban  
Design 10 Review Board, as well as many of the other  
boards 11 and commissions, is that when you have  
professionals 12 that are specified as required members of that  
board 13 or commission, it's often difficult to fill  
those 14 positions. As you well know, there are a  
limited 15 number of professionals in certain fields on the  
16 island and it does become difficult to fill.  
17 Sometimes the boards will have difficulty making  
18 quorum, and therefore, they'll have difficulty  
doing 19 any business.  
20 SUBCOMMITTEE MEMBER ALTENBERG: If you could alter  
that -- 21 the text of that ordinance to your heart's  
desire to 22 solve whatever problems have happened, what  
would 23 you come up with?  
24 MS. KAWASAKI: The board could recommend -- some of  
the 25 boards and commissions have language that says  
that,

1           you know, you would show preference to certain  
types  
2           of professionals or you could say that  
reasonable  
3           efforts shall be made to fill whatever number of  
4           positions in whatever fields you would like to  
see  
5           but that would not state that it is a  
requirement or  
6           a must to fill those, and in that way it would  
be  
7           open. If you couldn't find a professional to  
fill  
8           that field, you could find somebody from -- a  
member  
9           of the public that was interested in serving on  
that  
10          particular board or commission.

11       CHAIR MOLINA: All right, members. Comments?  
Additional  
12          recommendations?

13       SUBCOMMITTEE MEMBER MABERRY: I would like to go with  
her  
14          recommendation that we don't tie ourselves into  
15          insisting that professional members be on this  
16          board, and I feel comfortable with the  
reasonable  
17          effort and specifying, again, the three charge.

18       CHAIR MOLINA: Okay. Thank you, Mr. Maberry. Any  
other  
19          comments from Committee members? Mr. Chong.



20 SUBCOMMITTEE MEMBER CHONG: It is important that the  
21 experts are available, though. I mean, you rely  
on  
22 interested citizens to make technical --  
decisions  
23 on technical aspects is asking too much of them  
and  
24 putting them under undue pressure, you know, and  
so  
25 being able to find people who are willing to be  
on

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1 an advisory mode is important, though. We can't  
2 leave that out.  
3 CHAIR MOLINA: Okay. I guess --  
4 SUBCOMMITTEE MEMBER McCORD: Mr. Chairman.  
5 CHAIR MOLINA: Mr. McCord.  
6 SUBCOMMITTEE MEMBER McCORD: I've had second thoughts,  
7 then. If we're going to have so much trouble  
8 getting people to serve on these boards, once  
9 they've served, they're going to say I've done  
my  
10 duty and get off again. Maybe two years is too  
11 short. You know, we don't want to have to go  
12 through this process again and again every two  
13 years. I'm wondering if, you know, once you've  
got

14 some guy to commit, maybe three years is going  
to be  
15 better than two years so we don't have to do  
this  
16 constantly.  
17 MS. KAWASAKI: Mr. Chair.  
18 CHAIR MOLINA: Interesting point, Mr. McCord.  
19 Ms. Kawasaki.  
20 MS. KAWASAKI: Mr. Chair, it's important to note that  
the  
21 Council has been looking at the issue of whether  
or  
22 not certain boards and commissions should be  
23 eliminated and/or whether or not the membership  
--  
24 the number of members assigned to any particular  
25 board or commission, if those numbers should be

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1 reduced, because there has been extreme  
difficulty  
2 filling the vacancies created on boards and  
3 commissions. Also, for most boards and  
commissions  
4 the standard is a five-year term. Some people  
have  
5 said that, you know, it's too lengthy of a term  
and

6 that has been a problem for them to commit to  
7 serving for the entire five years.

8 CHAIR MOLINA: Okay. Dr. Altenberg.

9 SUBCOMMITTEE MEMBER ALTENBERG: That would be my  
10 impression, that giving a longer term would  
actually  
11 deter people from wanting to sign up and that  
12 keeping a shorter term I think would -- those  
same  
13 people that might not want to sign up for a  
14 five-year term might want to sign up for a two-  
year  
15 term. That actually would make it easier to  
fill  
16 the boards if the terms were shorter, because  
that's  
17 basically a commitment. If they still wanted to  
18 stay on, you know, they would be always welcome  
to  
19 reapply, but they might never apply in the first  
20 place if they figured it was a five-year  
21 requirement, commitment.

22 CHAIR MOLINA: Okay. Ms. Bernard.

23 SUBCOMMITTEE MEMBER BERNARD: I concur with Lee, and I  
do  
24 think that, again, we are -- you know, we're  
25 spinning our wheels discussing whether this is  
going

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1 to happen or not happen. If we have the  
2 in place, I have no doubt you'll get interest  
3 qualified participants on this board. We're  
4 about five. I really don't think that's much of  
5 issue. So I'd say, again, two years, staggered  
6 terms, alternates, and then see how it goes.

7 CHAIR MOLINA: Would anybody go for three? But if  
8 the Subcommittee's -- Subcommittee's feeling for  
9 years, then we'll stay with two, because I think  
10 Mr. McCord brought up a good point, two years  
11 considered a little short, but, you know, I'm --  
12 for three, but I'll go with the majority if this  
13 what the Committee wants.

14 SUBCOMMITTEE MEMBER MABERRY: When these guys said  
15 was basically thinking three also. Whatever. I  
16 mean, we're spending too much time on this.

17 CHAIR MOLINA: The Chair agrees. Dr. Altenberg.

18 SUBCOMMITTEE MEMBER ALTENBERG: I would propose we try  
19 and see if we're the most in demand, filled up  
20 committee the County has and see if that sets a

language 21 model for everybody else. Perhaps in the  
22 we could say that, you know, the Mayor shall  
seek 23 committee members with expertise in the  
following 24 areas, and then we list, you know, illuminating  
25 engineering, astronomy, wildlife biology. Any

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1 others?  
2 CHAIR MOLINA: The Chair will proceed -- the Chair's  
just 3 going to make a recommendation. I'm going to  
call 4 for a simple vote from the Subcommittee on the  
5 length of the term. All those in favor of a  
6 two-year term --  
7 SUBCOMMITTEE MEMBERS VOICED AYE.  
8 CHAIR MOLINA: -- signify by say saying "aye." All  
those 9 in favor of a three-year term signify by saying  
10 "aye."  
11 SUBCOMMITTEE MEMBERS VOICED AYE.  
12 CHAIR MOLINA: Okay. The Chair votes aye, so the ayes  
13 have it. We're going to go with three years by  
a

with 14 vote of four to two. So let's move on at least  
15 the terms. Any other comments on terms and  
16 operation for Number 2? Ms. Bernard.  
17 SUBCOMMITTEE MEMBER BERNARD: Yeah, we were just  
talking 18 about the composition.  
19 CHAIR MOLINA: Okay.  
20 SUBCOMMITTEE MEMBER BERNARD: I'd add to the three  
that 21 we've already agreed upon, native Hawaiian  
cultural 22 expert.  
23 SUBCOMMITTEE MEMBER MABERRY: Good idea.  
24 CHAIR MOLINA: Good suggestion. Cultural specialist.  
25 Okay. So we'll have a cultural specialist,  
lighting

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1 expert, science or biology.  
2 SUBCOMMITTEE MEMBER BERNARD: Not just science.  
3 CHAIR MOLINA: Biologist.  
4 SUBCOMMITTEE MEMBER BERNARD: Astronomers are  
scientists 5 too.  
6 SUBCOMMITTEE MEMBER ALTENBERG: Not just biologist. I  
7 would say wildlife biologist.

8 CHAIR MOLINA: Okay. Wildlife biologist.  
9 SUBCOMMITTEE MEMBER MABERRY: And if I could, it would  
be  
10 astronomical or space surveillance community --  
or  
11 not community, but you know what I mean, so --  
well,  
12 it allows us to get more people.  
13 CHAIR MOLINA: Space expert.  
14 SUBCOMMITTEE MEMBER MABERRY: Space surveillance.  
15 CHAIR MOLINA: Space surveillance.  
16 SUBCOMMITTEE MEMBER MABERRY: Astronomical or space  
17 surveillance.  
18 SUBCOMMITTEE MEMBER CHONG: Stargazer.  
19 CHAIR MOLINA: Anything else? Any other prerequisites  
to  
20 be on the committee? All righty. We have  
cultural  
21 specialist, lighting expert, wildlife biologist,  
22 space surveillance at this point.  
23 SUBCOMMITTEE MEMBER CHONG: And illuminating engineer.  
24 CHAIR MOLINA: Illuminating engineer, okay. That --  
is  
25 that the same as the lighting expert or no?

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1 SUBCOMMITTEE MEMBER CHONG: Well, we call it --

2  
distinctions.

CHAIR MOLINA: I'm sorry, I don't know the

3  
4  
5  
6  
there is

SUBCOMMITTEE MEMBER CHONG: Let me clarify. Lighting  
designers are not necessarily engineers and  
engineers -- and vice versa. There's -- the  
illuminating engineering comes from because  
an Illuminating Engineering Society of North  
America. Traditionally lighting was done by  
electrical engineers because it has to do with  
electricity. There is a fast growing population

of

7  
8  
9  
10  
11  
engineering

lighting designers, people who have no

of

12  
13  
at

background -- many of them don't have any kind  
background -- that -- some of them are very good  
it and some are not, but they are lighting

designers

14  
15  
16  
you

and not lighting engineers. So --

SUBCOMMITTEE MEMBER BERNARD: So what's the term that

17  
18  
19  
20  
21  
22  
23  
24  
want to use?

CHAIR MOLINA: Illuminating engineer?

SUBCOMMITTEE MEMBER CHONG: I would say illuminating  
engineer/lighting designer. That covers the two  
sides of the lighting design community.

22  
23  
24  
so

SUBCOMMITTEE MEMBER BERNARD: So for the -- Mr. Chair,

citizen at

for the fifth component I would recommend

or

large so that could be anybody from any industry



25 citizen.

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somebody  
be  
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1 CHAIR MOLINA: So that could be someone that comes out  
2 the -- say the business community?  
3 SUBCOMMITTEE MEMBER BERNARD: Exactly.  
4 CHAIR MOLINA: All righty. Anything else, members,  
5 we move on to Number 3 for powers, duties, and  
6 functions? Dr. Altenberg.  
7 SUBCOMMITTEE MEMBER ALTENBERG: Question. What about  
8 community association member as opposed to just  
9 citizen at large. I mean citizen at large is  
10 really a recommendation. It's a -- that means  
11 anybody. So I think it would be good --  
12 who's involved with community associations would  
13 somebody who is concerned about the general  
14 direction of the community on Maui, so that --  
15 would that be as a fifth rather than citizen at  
16 large? What would members think of that?  
17 CHAIR MOLINA: Committee members.  
18 SUBCOMMITTEE MEMBER BERNARD: I'm fine with that.

19 CHAIR MOLINA: The suggestion made by Dr. Altenberg is  
20 the -- rather than a citizen at large, we make  
it a  
21 requirement that one member be a president or  
chair  
22 of a particular community association. Doctor -  
-  
23 Mr. Maberry.  
24 SUBCOMMITTEE MEMBER MABERRY: For a five-member  
committee  
25 I think we're getting a little carried away with

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1 defining who should and shouldn't be on the  
2 committee.  
3 MR. SALDANA: Mr. Chair.  
4 SUBCOMMITTEE MEMBER MABERRY: For example, we've  
already  
5 excluded Warren from being on the committee now  
6 we've got it so full.  
7 CHAIR MOLINA: Okay. Mr. Saldana.  
8 MR. SALDANA: The other thing the committee might  
consider  
9 is just leaving the fifth blank to be filled,  
you  
10 know, at large.  
11 CHAIR MOLINA: Again, yeah, maybe citizen at large so  
it

12           could be anyone, a business person, community  
13           association president, et cetera. Okay.  
Chair's  
14           recommendation would be that, citizen at large.  
15           Okay. Ms. Bernard.  
16   SUBCOMMITTEE MEMBER BERNARD: I'd like to bring the  
17           question back to the number of members once  
again.  
18           I said once we got to the point where we  
discussed  
19           who should be on the committee, we might  
actually be  
20           revising how many, and it seems like maybe  
that's  
21           the direction we're going. Do you think we need  
22           more?  
23   CHAIR MOLINA: Question is for Dr. Altenberg.  
24   SUBCOMMITTEE MEMBER ALTENBERG: I don't know. I think  
25           five is the magic number in terms of what's

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1           \_\_\_\_\_.

2   SUBCOMMITTEE MEMBER CHONG: I agree.

3   CHAIR MOLINA: Five is a good start.

4   SUBCOMMITTEE MEMBER ALTENBERG: Yeah.

5   SUBCOMMITTEE MEMBER BERNARD: Five it is.

on  
lengthy.  
to  
comments  
for --  
committee  
opposed  
written to  
Public  
to  
minute

6 CHAIR MOLINA: Okay, members, Chair would like to move  
7 to Number 3, powers, duties, and functions.  
8 Comments? Concerns? I know it's rather  
9 Would the Committee members like a short break  
10 review Number 3 and then come up with their  
11 and questions, or are we prepared to go on?  
12 Mr. Maberry.  
13 SUBCOMMITTEE MEMBER MABERRY: I would like at least  
14 if you're going to do a break, that Public Works  
15 thinks about what powers and duties that a  
16 would have with regards to an ordinance, as  
17 to a plan, which is what this language is  
18 address.  
19 CHAIR MOLINA: Okay. So noted. Any comments from  
20 Works at this time? Do you need a few minutes  
21 review? Okay. Chair will call for a five-  
22 recess. (Gavel).  
23 RECESS: 10:12 a.m.  
24 RECONVENE: 10:18 a.m.  
25 CHAIR MOLINA: (Gavel). Outdoor Lighting Standards

1            Subcommittee for September 25th is now back in  
2            session. At this time the Chair will ask the  
Public  
3            Works representative, Mr. Nakao, if he has any  
4            comments on number 3, A.  
5            MR. NAKAO: This section talks about preparing a plan.  
6            I'm assuming the plan is going to be the  
ordinance,  
7            right? Okay. That clarifies that. Part B  
talks  
8            about this committee as serving as the reviewing  
9            body for all lighting installations or  
10            modifications. So is this body or committee  
going  
11            to be on the approval process for all permits?  
12            SUBCOMMITTEE MEMBER MABERRY: Mr. Chair.  
13            CHAIR MOLINA: Mr. Maberry.  
14            SUBCOMMITTEE MEMBER MABERRY: I would like to think  
that  
15            this Committee right here is willing to say that  
we  
16            would like to strike B, that the primary  
function of  
17            this committee will be C, and what we would like  
18            some help with is perhaps wording on A from you  
guys  
19            as to what -- what is the role or maybe -- maybe  
20            not, maybe just strike A, but --  
21            CHAIR MOLINA: Something else to consider too, if the

committee

22 committee -- an option would be for the

23 not to even deal with having a plan. That's

24 something else I'm throwing out.

possibly

25 SUBCOMMITTEE MEMBER MABERRY: Right. So quite

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1 strike A and B.

2 CHAIR MOLINA: Strike A and B.

that

3 SUBCOMMITTEE MEMBER MABERRY: And start at C. Does

4 sound reasonable to you guys?

5 CHAIR MOLINA: Okay. Comments from the Committee or

6 Public Works?

it is

7 MR. NAKAO: Yeah, that sounds good to me, because if

8 an ordinance, we have to make sure it's in

9 compliance before issuance of a permit. So, you

the

10 know, that would be just the contested cases or

11 ones that are not in compliance.

12 CHAIR MOLINA: Okay. Dr. Altenberg.

13 SUBCOMMITTEE MEMBER ALTENBERG: Question. The

review

14 architect -- the Urban Review Board, does it

15 all plans -- all development plans or just

16 variances?

17 CHAIR MOLINA: Urban Review Board, good question. Is  
18 there anyone here that can respond to that?

19 MR. NAKAO: I'm not familiar with that.

20 CHAIR MOLINA: Maybe later we can get an answer for  
you.

21 MR. SALDANA: I mean I can read it out of the  
ordinance.

22 CHAIR MOLINA: Okay. Mr. Saldana.

23 MR. SALDANA: Thank you, Mr. Chair. I tried to pull  
24 powers and duties on the Internet, and our  
Internet

25 apparently went down, so I kind of have to read  
it,

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1 but it says, "The board shall advise the  
appropriate  
2 Planning Commission on matters within the  
3 jurisdiction of the Planning Commission and  
shall  
4 carry out such duties as may be delegated to it  
by  
5 the appropriate Planning Commission or as  
provided  
6 by law. The board may review and advise  
Planning  
7 Department on design-related matters involving  
8 projects within the County. The board, upon

9 dissolution of the Urban Design Review Board,  
shall  
10 review project plans in accordance with the  
11 provisions of the Special Management Area rules  
and  
12 regulations of the appropriate Planning  
Commission."  
13 And then it just says the board shall adopt  
rules of  
14 practice and procedure pursuant to Hawaii  
Revised  
15 Statute Chapter 91. That's pretty much it.  
16 SUBCOMMITTEE MEMBER ALTENBERG: Does that mean that  
all  
17 SMA permits have to go through the Urban Review  
18 Board? Am I gathering that correctly?  
19 MR. SALDANA: I'm not really familiar with that  
process,  
20 but I could find out for you.  
21 CHAIR MOLINA: From the Corporate Counsel's Office,  
maybe  
22 we can get a comment on that.  
23 SUBCOMMITTEE MEMBER ALTENBERG: Maybe I can just ask  
in  
24 general. If -- you know when a developer comes  
and  
25 wants to get their permits, who reviews it now?

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1 CHAIR MOLINA: I would think someone in --  
2 SUBCOMMITTEE MEMBER ALTENBERG: Is it administrative  
3 purely?  
4 CHAIR MOLINA: Yeah, at Planning Department, I would -  
5 SUBCOMMITTEE MEMBER ALTENBERG: Planning Department?  
6 CHAIR MOLINA: Uh-huh.  
7 SUBCOMMITTEE MEMBER ALTENBERG: And it sounds like the  
8 Planning Department can then request the opinion  
9 the review board on certain matters.  
10 CHAIR MOLINA: That's correct.  
11 SUBCOMMITTEE MEMBER ALTENBERG: But things do not  
12 automatically go to that review board; is that  
13 correct?  
14 CHAIR MOLINA: I really can't answer that. I'd have  
15 get somebody from Planning. If we had Mr.  
16 here, he could respond to that question. We can  
17 relay that question to someone from Planning at  
18 later time today.  
19 SUBCOMMITTEE MEMBER ALTENBERG: Well, okay.  
20 of the question of precedent, it would seem that  
21 would be more efficient to -- if the Public  
22 Department were able to review standard -- you  
23 basically later in this draft it's their duty to

-

of

to

Alueta

a

Independent

it

Works

know,

think  
with  
24 review all outdoor lighting plans, and I would  
25 that most lighting plans could simply be dealt

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1 by the Public Works Department and -- so that it  
2 would make sense, then, to delete B from this  
3 committee composition duties.

4 CHAIR MOLINA: Mr. Nakao, comments?

5 MR. NAKAO: Well, in part 5 it says there's going to  
be a  
6 plan reviewer on this committee.

7 SUBCOMMITTEE MEMBER ALTENBERG: Where is that now?

8 SUBCOMMITTEE MEMBER MABERRY: Part 5.

9 CHAIR MOLINA: Page 3 of the March 4th letter from --

10 MR. NAKAO: So it's kind of like it's intended that  
these

11 guys are going to be part of the permit approval  
12 process.

13 SUBCOMMITTEE MEMBER CHONG: Full-time job. You're  
looking

14 at a full-time job.

15 SUBCOMMITTEE MEMBER MABERRY: No, that's not what we  
want.

16 I mean, that's -- if I may.

17 CHAIR MOLINA: Mr. Maberry.

important  
with  
far  
so  
correctly,

18 SUBCOMMITTEE MEMBER MABERRY: That's extremely  
19 if you're just dealing with a plan, but dealing  
20 an ordinance, I think we're in better shape as  
21 as having a leg to stand on and not having to be  
22 involved in the community.  
23 SUBCOMMITTEE MEMBER ALTENBERG: If I understand  
24 all references to plan are herewith deleted from  
25 this subcommittee -- I mean this committee

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1 composition proposal.  
2 CHAIR MOLINA: Right, Sections A and B of 3.  
3 SUBCOMMITTEE MEMBER ALTENBERG: So A, and then plan  
4 reviewer, the entire Section 5 would be deleted.  
5 CHAIR MOLINA: Section 5. Actually, we're looking at  
6 deleting Section 4, if we take away Sections A  
and B  
7 of 3.  
8 SUBCOMMITTEE MEMBER BERNARD: We can get a lot of  
people  
9 on this committee, I think.  
10 CHAIR MOLINA: Is there a consensus at this point for  
11 deleting A and B from Number 3?

12 SUBCOMMITTEE MEMBER BERNARD: Yes.  
13 SUBCOMMITTEE MEMBER ALTENBERG: Yes.  
14 CHAIR MOLINA: Okay. All right, members, now comments  
15 regarding C, committee shall review all requests  
16 that are in noncompliance with the plan and  
17 provisions of this chapter.  
18 SUBCOMMITTEE MEMBER McCORD: We're back to plan.  
19 SUBCOMMITTEE MEMBER ALTENBERG: Well, we've got to get  
20 of plan.  
21 SUBCOMMITTEE MEMBER CHONG: So the ordinance.  
22 CHAIR MOLINA: Maybe we should substitute that word  
23 ordinance. Dr. Altenberg.  
24 SUBCOMMITTEE MEMBER ALTENBERG: The way the ordinance  
25 crafted, the -- each of the tasks of the

rid

with

was

committee

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1 are specifically mentioned in the ordinance, and  
2 a general one could simply have a general clause  
3 that the committee shall, you know, fulfill all  
4 duties as described in the ordinance -- in the  
rest

5 of the ordinance, because they're laid out under  
6 each specific section, you know, what kind of --  
the  
7 situation under which a variance can be  
requested,  
8 et cetera.

9 CHAIR MOLINA: Okay. Additional comments?

10 MR. SALDANA: Mr. Chair.

11 CHAIR MOLINA: Mr. Saldana.

12 MR. SALDANA: I think it would be -- for the help of  
the  
13 duties of the Chair and the individuals that  
will be  
14 dealing with the committee itself, it probably  
would  
15 be best if it was -- if all the duties --  
instead of  
16 looking in different sections of the code, it  
was  
17 all defined in one section. It would be able --  
you  
18 would be able to reference one section a lot  
easier  
19 than having to thumb through the ordinance in  
trying  
20 to figure out what the various duties are.

21 CHAIR MOLINA: That would make sense in terms of  
saving a  
22 lot of time, that's for sure. Okay. Additional  
23 comments? Dr. Altenberg.

24 SUBCOMMITTEE MEMBER ALTENBERG: So, for example, under  
25 .090, luminaire mount standards, Section E, any

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1 unusual or project specific requests for  
2 non-complying lighting poles shall be reviewed,  
and  
3 there's some typos there but -- so you're  
suggesting  
4 that be taken out of .090 and put into this --  
the  
5 duties of this committee? My thought was  
perhaps  
6 we'd want to leave it there as well, because  
from  
7 the consumer's point of view, they're coming to  
see  
8 what they have to do in putting together an  
outdoor  
9 lighting project and they would like -- I think  
it  
10 would be helpful if they see, well, I don't --  
you  
11 know, I want to get -- do something other than  
12 what's specified here, what do I do, that they  
see  
13 that they're referred, then, to this committee.  
So  
14 perhaps leaving the text there and duplicating  
it  
15 under the duties of the committee would be  
helpful  
16 as far as somebody using the ordinance.

17 MR. SALDANA: Mr. Chair.

18 CHAIR MOLINA: Mr. Saldana.

19 MR. SALDANA: I would think that once the Corporation  
20 Counsel takes a look at it and sees it, it will  
21 think it's probably redundant in terms of having  
it  
22 in two sections of the bill and will probably  
want  
23 it -- will probably reduce it down to the one  
24 particular section. I just think it's -- when  
you  
25 spell it out in one section and you're looking  
in

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1 terms of what the duties should be, they should  
be  
2 defined specifically and clearly so you don't  
have  
3 to thumb through the whole bill. It's just a --  
it  
4 just seems like the ordinances are drafted that  
way  
5 to make it a little bit easier to follow.  
6 CHAIR MOLINA: For simplicity's sake. Okay. Chair  
7 agrees. Mr. Maberry.  
8 SUBCOMMITTEE MEMBER MABERRY: I greatly appreciate  
that,  
9 but let me -- let me play devil's advocate here.  
We  
10 like the idea of having a bill, and a bill would

somewhat 11 be -- I mean an ordinance, and it would be  
12 like HRS 121 whatever and there are different  
those or 13 agencies that are responsible for enforcing  
14 for regulating, you know, that HRS.  
15 So I would feel better that in defining  
the 16 committee, that the committee's -- the  
committee's 17 charge is to -- is to handle requests for  
variances 18 based on, you know, the ordinance and that you -  
- 19 this would be like the bible of the committee,  
that 20 the committee would read this ordinance just  
like -- 21 you know, I don't think that lighting engineers  
want 22 to have to dig through what the committee is  
23 supposed to do in order to determine what they  
can 24 and can't do.  
25 You know, they've got their ordinance to  
live

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1 by, and the committee's bible would be the



2 ordinance. And the committee is responsible for  
3 dealing with variance requests or things that  
the  
4 Public Works Department -- perhaps in their  
review  
5 they go, you know, we think this is a little out  
of  
6 the box but we're not sure, let's throw it to  
the  
7 committee, and then the committee would then,  
you  
8 know, do the review and make the recommendation.  
9 I'm sorry, I just -- I'd like to join you on  
that  
10 one, but I don't know. That's not the way I see  
it.

11 CHAIR MOLINA: Okay. Dr. Altenberg.

12 SUBCOMMITTEE MEMBER ALTENBERG: Following up. I would  
13 concur with Mike, and in the language I might  
14 propose would be, then, for C, the committee  
shall  
15 review all requests that are in non-compliance  
with  
16 the ordinance as specifically authorized in this  
--  
17 in this ordinance. In other words, I don't  
think we  
18 want to sort of an open -- on open-door ability  
19 to -- for the committee to approve any kind of  
20 variance. I think the scope of variances need  
to be  
21 specified in each of the standards that are set  
out,  
22 and I think that's the place to put the scope of  
the  
23 variance. So I would simply say, as Mike is

shall 24 suggesting, that this Section C say the duties  
25 review of all variances as provided for in this

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1 ordinance.  
2 CHAIR MOLINA: Okay. Is there consensus on that  
3 suggestion? Mr. Chong, I saw you --  
4 SUBCOMMITTEE MEMBER CHONG: I guess I'm not sure what  
5 you're trying to do. Are we trying to limit the  
6 variances as far as how far somebody can take  
it?  
7 CHAIR MOLINA: Dr. Altenberg.  
8 SUBCOMMITTEE MEMBER ALTENBERG: Well, those are  
9 specifically mentioned under each of these --  
each  
10 of these standards, what kind of variances can  
be  
11 applied for. So I think that's the place where  
that  
12 kind of -- that section of text should go, under  
the  
13 standards themselves, and then the committee, in  
14 terms of its duties, it's simply to process all  
the  
15 kinds of variances or requests that are  
authorized  
16 in this ordinance.

17       SUBCOMMITTEE MEMBER CHONG:  If somebody is coming in  
for a  
18               variance, he's obviously not complying with the  
19               ordinance.  So how can he be within the intent  
of  
20               the ordinance?  He would not be.  That's why  
he's  
21               coming in.  He's looking to do something special  
for  
22               whatever reason and he -- it doesn't comply and  
he  
23               wants to get approval so that he doesn't have  
legal  
24               problems later on because he violated the  
ordinance.  
25               So he obviously is outside that ordinance  
already.

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1       SUBCOMMITTEE MEMBER ALTENBERG:  Well, for example,  
like  
2               mercury vapor lamps, you know, when we talk  
about  
3               prohibiting the sale of mercury vapor, that text  
4               doesn't have provisions for applying for a  
variance.  
5               So in other words, you couldn't simply come to  
the  
6               committee and say I want to sell mercury vapor,  
can

7           you give me a variance? It's not authorized as  
8           something you can apply for a variance for. In  
9           other words, by variance, that's a shorthand for  
a  
10          request to install something that doesn't fit  
the  
11          standards, and so we explicitly state those  
12          standards for which variances can be applied  
for,  
13          and where not explicitly mentioned, then you  
can't  
14          apply for a variance. That's the basic  
principle  
15          here.

16   CHAIR MOLINA: Okay. Members, consensus or not on the  
17          proposal from Dr. Altenberg? Ms. Bernard.

18   SUBCOMMITTEE MEMBER BERNARD: I was just going to see  
if I  
19          could simplify where we're going by just -- for  
the  
20          text for C, I think we're still saying the same  
21          thing. If we just keep it, "The committee shall  
22          review all requests that are in non-compliance,"  
23          which is asking for a variance, and then strike  
24          "with the plan and provisions of this chapter"  
and  
25          just put "that are in non-compliance with the

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1 lighting ordinance."

2 CHAIR MOLINA: Okay. Dr. Altenberg.

3 SUBCOMMITTEE MEMBER ALTENBERG: I would say instead of

4 ordinance, I would say the standards as  
specified in

5 this ordinance.

6 CHAIR MOLINA: Okay. Members, are you okay with that  
use

7 of language?

8 SUBCOMMITTEE MEMBER BERNARD: I have one more comment  
to

9 add to that one. I'm okay with that change that

10 he's proposing. I would add the committee shall

11 review all requests that are in non-compliance -  
-

12 requests that are in non-compliance. There  
should

13 also be a phrase in here maybe in this sentence  
or

14 another sentence with the complaints, should  
review

15 all complaints for --

16 CHAIR MOLINA: That's another paragraph.

17 SUBCOMMITTEE MEMBER MABERRY: That's another  
paragraph,

18 another sentence.

19 CHAIR MOLINA: Yeah, we could implement that  
elsewhere.

20 Okay. Back to the original, any consensus?  
Okay.

21 The Chair will assume consensus. Okay. Let's  
move

22 on to D, "The committee shall review and comment  
on

23 any rules and regulations of County departments  
24 governing outdoor lighting standards." Any  
problems  
25 or concerns with that?

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1 SUBCOMMITTEE MEMBER CHONG: I don't get this one.  
Isn't  
2 it -- what's the purpose? I mean isn't the  
County  
3 departments required to comply, period? So --  
4 CHAIR MOLINA: So maybe just redundant?  
5 SUBCOMMITTEE MEMBER CHONG: Yeah.  
6 SUBCOMMITTEE MEMBER MABERRY: Yep.  
7 CHAIR MOLINA: Shall we delete D, then?  
8 SUBCOMMITTEE MEMBER MABERRY: Delete D.  
9 CHAIR MOLINA: Okay. All right. Mr. Saldana, the  
10 committee's recommendation is to delete D from  
11 Number 3. Okay. How about E, "The committee  
shall  
12 review requests by individuals, organizations,  
or  
13 community associations relating to the addition  
or  
14 removal of an outdoor light on County property."  
15 SUBCOMMITTEE MEMBER MABERRY: That's fine.  
16 CHAIR MOLINA: As is or deletion? Okay, Ms. Bernard,

17 followed by Dr. Altenberg.  
18 SUBCOMMITTEE MEMBER BERNARD: I would think that that  
19 would only apply if it were in non-compliance.  
20 Otherwise, why bother?  
21 SUBCOMMITTEE MEMBER MABERRY: If --  
22 CHAIR MOLINA: Hang on. I have Dr. Altenberg next.  
23 SUBCOMMITTEE MEMBER MABERRY: Sorry.  
24 SUBCOMMITTEE MEMBER ALTENBERG: No, that's okay.  
25 CHAIR MOLINA: Okay, Mr. Maberry, proceed.

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1 SUBCOMMITTEE MEMBER MABERRY: If I could address that,  
2 again, remember we're looking at replacing the  
3 existing Street Light Committee, and what this  
4 relates to is if the community would like a  
street  
5 light removed for some reason or light on, you  
know,  
6 public property. It's primarily going to be  
street  
7 lights, if I'm not mistaken, they want to have  
it  
8 removed for some reason or if they're concerned  
9 about some situation and they want to ask that a  
10 street light be added.

Keep 11 SUBCOMMITTEE MEMBER BERNARD: Sounds good. Fine.  
12 it.  
as 13 CHAIR MOLINA: So is that a recommendation for leave  
14 is?  
15 SUBCOMMITTEE MEMBER ALTENBERG: Well, question.  
16 CHAIR MOLINA: Okay, Dr. Altenberg.  
17 SUBCOMMITTEE MEMBER ALTENBERG: Under what  
circumstances  
18 would it be simpler just that the Public Works  
deals  
19 with the request? When would it need to go to  
this  
20 committee? Would it always need to go to the  
21 committee or would there be a certain number of  
22 cases where Public Works could adequately deal  
with  
23 it?  
24 CHAIR MOLINA: All right. Let's direct that question  
to  
25 Mr. Nakao, if you can respond to that at this  
time.

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1 MR. NAKAO: I'm not really familiar with the street  
2 lighting procedures, but I would think the  
3 engineering division would respond to complaints  
on



4 those things.

5 SUBCOMMITTEE MEMBER MABERRY: Mr. Chair, could I --

6 CHAIR MOLINA: Mr. Maberry.

7 SUBCOMMITTEE MEMBER MABERRY: Could I request that we

ask

8 Steve to come down as a resource person to speak

to

9 this, since he's a member of that committee, as

far

10 as the function of that committee.

11 CHAIR MOLINA: Okay. Members, any objections to

having

12 Mr. Sutrov? Okay, Mr. Sutrov, why don't you

come

13 down here and you can have a seat here up front

next

14 to the Committee Secretary.

15 SUBCOMMITTEE MEMBER McCORD: We just promoted him.

16 MR. SUTROV: Steve Sutrov. What was the question

again?

17 CHAIR MOLINA: Oh, Steve, you can come on up here. We

18 want to make you feel comfortable.

19 MR. SUTROV: What was the question again, I'm sorry?

20 SUBCOMMITTEE MEMBER MABERRY: Okay. Regarding this

21 specific section, the community -- "The

committee

22 shall review requests by individuals,

organizations,

23 or community associations relating to addition

or

24 removal of an outdoor light on County property."

We

25 were questioning as to whether or not that was

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felt

then

explain

that

reason

right

well,

a

1 necessary for this particular ordinance, and I  
2 that it probably was, since this committee will  
3 take the place of the committee that you're  
4 currently sitting on, and I was trying to  
5 that at least my rough understanding is is that  
6 allows for these people, organizations or  
7 individuals, to request that a light -- say, for  
8 example, a street light be removed for some  
9 or a street light added for some reason and that  
10 that would be beyond the scope of the normal  
11 ordinance, and since you're sitting on that  
12 committee, I'd like to ask if you could --

13 MR. SUTROV: Yeah, that is one of our primary duties  
14 now with our committee -- with our existing  
15 committee, and I think that what we do is we're  
16 doing a lot of community leg work for the Public  
17 Works Department in doing that. We go out --  
18 I do, anyway. I go out and research when I get

19 request and talk to the people in the  
neighborhood.  
20 I take pictures to bring back to the committee  
to  
21 review so a decision can be made whether or not  
it's  
22 appropriate for shielding or maybe a full -- I  
23 recommend full cutoff fixtures, because that's  
in  
24 the standards now, but whether or not it's just  
one  
25 person that needs a -- maybe a light put into  
his

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1 neighborhood and everybody else around it  
doesn't  
2 want it. So we find out that information,  
rather  
3 than Public Works having to stumble and go out  
into  
4 the community and try to get that information.  
So I  
5 think it's still going to be an asset for -- to  
move  
6 this duty over to the new committee to be able  
to  
7 handle concerns of the community and  
individuals.

8 SUBCOMMITTEE MEMBER MABERRY: Thank you, Mr. Chair.

9 CHAIR MOLINA: Thank you, Mr. Maberry. All right,

10 Mr. Chong.  
11 SUBCOMMITTEE MEMBER CHONG: This paragraph only talks  
12 about outdoor light on County properties. It  
13 not talk about light on private properties.  
14 CHAIR MOLINA: So it should read --  
15 SUBCOMMITTEE MEMBER CHONG: And I think Hannah's  
16 comment that we said it's in another paragraph  
17 about complaints from citizens that have a  
18 with their neighbor.  
19 CHAIR MOLINA: Like we heard one of our earlier  
20 testifiers. Okay. So your suggestion is to --  
21 SUBCOMMITTEE MEMBER BERNARD: Add.  
22 CHAIR MOLINA: -- add the word County and private  
23 property?  
24 SUBCOMMITTEE MEMBER CHONG: Yes.  
25 MR. NAKAO: State property, Federal property?

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1 CHAIR MOLINA: Maybe more --  
2 SUBCOMMITTEE MEMBER BERNARD: How about just outdoor  
3 light, period.  
4 SUBCOMMITTEE MEMBER CHONG: Yeah, an outdoor light,

5 period.

6 SUBCOMMITTEE MEMBER MABERRY: Okay. What's the

7 jurisdiction? I think that's what he's

8 recommending. Mr. Chair, may I --

9 CHAIR MOLINA: Okay. Proceed.

10 SUBCOMMITTEE MEMBER MABERRY: I think what would  
probably

11 be more appropriate is outdoor light on County  
or

12 private property under the circumstances.

13 CHAIR MOLINA: Since this would be a County ordinance,

14 right?

15 SUBCOMMITTEE MEMBER MABERRY: Yes.

16 CHAIR MOLINA: All righty, any objections to adding

17 private property? Okay. We shall add the word

18 private.

19 SUBCOMMITTEE MEMBER ALTENBERG: Question.

20 CHAIR MOLINA: Dr. Altenberg.

21 SUBCOMMITTEE MEMBER ALTENBERG: There is a property --  
a

22 complication here in that those kinds of  
complaints

23 would be dealing with existing lights and the --

24 right now the scope of this ordinance is dealing

25 with lights installed after its effective date.

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1 CHAIR MOLINA: Okay. Mr. Maberry.

2 SUBCOMMITTEE MEMBER MABERRY: It is a good point, but,

3 however, you know, if the ordinance was in place  
and

4 then this individual neighbor came in and put  
all

5 the lights, then they'd be able to address it,  
but,

6 you know, you're right, I think once the  
ordinance

7 is in place, then it will be okay, but yeah,  
retro,

8 then you're just going to have to tell them, you

9 know, someone's going to have to document or

10 whatever, you know, well, my lights have been in  
for

11 five years or -- Rick, go ahead.

12 CHAIR MOLINA: Mr. Chong.

13 SUBCOMMITTEE MEMBER CHONG: Do you remember at the  
last

14 meeting I raised the question of how the County  
plan

15 reviewers are going to verify that the lighting  
on

16 the drawings are in compliance and how are they  
going to determine now it needs to be kicked to

17 the  
committee? And these are basically mostly

18 commercial projects, because on residential  
projects

19 I also made the point that lighting is not even  
20 submitted and it's not reviewed. You're not

21 required to submit an electrical drawing with

22

lights 23 lighting on top. The architect will put some  
he's 24 on their drawings and show some switches, but  
is 25 not required to have any of that. So the County

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1 not reviewing it at all.  
2 Now, maybe the electrical inspector who  
goes 3 out -- if he does go out, because you're in  
demand. 4 I mean, it's obvious that you -- he just makes  
sure 5 that the electrician is now responsible to meet  
the 6 code, but there is no process that a homeowner  
who 7 is building a home gets reviewed in the review  
8 process, and now he puts up that light and his  
9 neighbor files a complaint, but this homeowner  
may 10 not have even known about this ordinance, and  
he'll 11 say what am I supposed to do? We're creating --  
12 we've got to be careful here. We've got to make  
13 sure that we're not -- not creating more  
problems.

from

14 CHAIR MOLINA: Mr. Chong, maybe we can get a response  
15 Corporation Counsel with regards to that -- can  
16 restate your question or your concern with that  
17 our Corporation Counsel's Office with regards to  
18 language?

you

to

the

how

19 SUBCOMMITTEE MEMBER CHONG: I'm just concerned about  
20 current building permit process happens. In  
21 commercial projects the people at the Building  
22 Department here in the County review plans.

Now,

23 we're required currently to meet energy  
24 requirement -- Federal government energy  
25 requirements, Hawaii Model and Energy Code. The

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State

1 County of Maui, like a lot of counties in the  
2 of Hawaii, do not have the manpower or the time  
3 verify if we actually met that energy code.

to

They

4 ask for the professional engineer of record to  
5 process a letter that says we are in compliance,



6 stamp and sign it so in case there is any, I  
guess,  
7 back action on it, the professional engineer is  
8 actually signing his life off on it and not the  
9 County. Okay. And that's true even in  
Honolulu. I  
10 mean there is no way Honolulu, as big as our  
11 population is, as many projects as they review,  
can  
12 they review that.

13 Now we're adding another burden to the  
14 Building Department here to check lighting  
plans.  
15 Are they going to require the designers to  
submit  
16 more data, burdening us more and also so that  
they  
17 can do a review? That's just on the commercial  
18 project side. When you get to residential  
single  
19 family homes, no electrical drawings are  
required  
20 for a permit. An architect building any size  
house  
21 does not need an electrical stamp to get a  
permit.  
22 So how do you catch it at that point before the  
23 owner already bought the light and hung it in  
the  
24 air and not create all kinds of commotion with  
your  
25 citizens saying, well, we need to know this up  
front

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1           and we're just a regular guy, we're trying to  
build       2           a home, that kind of commotion with your  
            3           constituents. So --

4       CHAIR MOLINA: Okay. Let's get a -- Corp. Counsel,  
are       5           you ready to respond to that? I know it's one  
            6           lengthy question, but thanks for the background  
on       7           that.

8       MS. FUJITA VILLAROSA: Yeah. This might be a question  
not       9           that is best posed to Public Works, because I'm  
            10          really familiar with what they need, you know,  
to       11          review a permit or what they currently review  
            12          with --

13       CHAIR MOLINA: Okay. Mr. Nakao.

14       MR. NAKAO: You guys want to hit me with more  
questions or       15           you want me to answer Rick's question first?

16       CHAIR MOLINA: Let's go with Rick's question first.

17       SUBCOMMITTEE MEMBER McCORD: Okay. Rick is correct on  
the       18           lighting fixture review, yeah. On commercial  
            19           projects, the lighting designers usually  
indicate a       20           luminaire schedule, indicates the type of

21 luminaires, mounting heights, so forth. There's  
22 plans showing where these lights will be located  
on  
23 the project. When it comes to residential, most  
24 typical single family dwellings we don't require  
25 electrical drawings. Okay. We don't get  
electrical

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1 engineers involved with the lighting for single  
2 family dwelling because it's pretty standard and  
3 it's pretty simple.  
4 Inspectors can check in the field, but if  
you  
5 guys want to put this in, it's going to slow  
down  
6 the permitting process significantly, and I  
think in  
7 the wording in the ordinance now you are  
requesting  
8 catalog cuts and things like that to be  
submitted  
9 for review. It's your guy's call, yeah, but it  
will  
10 significantly impact the permitting process.  
11 CHAIR MOLINA: Okay. Mr. Maberry.  
12 SUBCOMMITTEE MEMBER MABERRY: Yeah, after looking at  
this

to 13 a little more carefully, I don't think we want  
section 14 address private lighting in this particular  
also to 15 the way it is worded. However, I would like  
know 16 point out that there is already a -- I don't  
17 that the right term -- sound ordinance, but a  
18 maximum amount of sound that something can emit,  
19 right, and it's measurable, right? And, for  
the 20 example, there are standards -- no one -- along  
that 21 line of what he's addressing, someone specs out  
outside 22 they're going to put X air conditioning unit  
and 23 their house in order to cool their house but --  
maximum 24 there is a law on the books as to what the  
but 25 amount of sound that that thing can generate,

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1 they're in the same boat when the guy -- the  
2 neighbor complains because that particular air  
window 3 conditioner is sitting outside their kitchen

by 4 and so they call the County and the County comes  
5 with a sound meter and says, yeah, it's out of  
6 compliance and now this person's going to have  
to, 7 you know, replace it.

8 So we're already in that boat, but I  
think, 9 you know, most of the cases in private property  
that 10 we're going to see problems with or complaints  
are 11 going to be reasonable to fix. For example, you  
or 12 know, they may show that they have a dozen lamps  
not 13 lighting fixtures outside the building, that may  
problem 14 have been necessarily -- necessarily be a  
retrofitted 15 because at a reasonable price it can be  
think 16 with shields or with motion detectors, and I  
the 17 that -- in most cases we'll be able to address  
And 18 concerns of public individuals and neighbors.  
guys 19 again, I think -- I like the idea of having the  
20 committee do that as opposed to sticking these  
21 doing it.

22 CHAIR MOLINA: Thank you. Ms. Bernard.

23 SUBCOMMITTEE MEMBER BERNARD: Couldn't we see if  
there's 24 some way that we couldn't add this layer in in  
the

the

25

process so the permit holder, the one who pulls

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sound

1

permits to do the development, is required to

2

receive a copy of the lighting ordinance, the

3

ordinance, and all the kinds of things that they

4

don't have to go back. You're responsible for

5

knowing the law as a citizen of the State and

the

6

U.S. If you go out and you take an illegal size

7

lobster, you don't get to say, oh, I didn't

know.

8

You've got to know. So for me it seems kind of

9

like -- you know, I don't get this problem,

10

especially if we make it standard that if you

pull a

11

permit, you're going to get a copy of these

12

documents and, you know, if you have the --

somebody

13

on record for another issue that has to sign off

14

that says yes, I read this, then why can't we do

15

that with the lighting ordinance?

16

CHAIR MOLINA: Mr. Chong.

17

SUBCOMMITTEE MEMBER CHONG: In that same discussion in

the

18

last meeting we just -- much like the sound

what 19 ordinance has a decibel cutoff, we talked about  
light 20 would be a reasonable objective light trespass  
psychological 21 level. I mean, glare is a relative  
not 22 effect, and what may be glare to one person may  
23 be glare to another. So -- and not -- you know,  
needs 24 we're going to have -- I think this ordinance  
25 to define where we're going to hang our hat on.

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1 CHAIR MOLINA: Our parameters.  
2 SUBCOMMITTEE MEMBER CHONG: Otherwise, the committee  
is 3 really going to have a hard time and it's going  
to 4 be a never-ending battle, and the guy who you're  
violating, 5 saying -- you know, you're the guy who's  
it's 6 I mean, he's going to say why, I don't think  
7 glaring.  
8 CHAIR MOLINA: Dr. Altenberg.  
9 SUBCOMMITTEE MEMBER ALTENBERG: If we're thinking  
about 10 the process, okay, why do -- you know, why does

need 11 somebody who's going to build a big box store  
reviewed? 12 to come to the County to have their plans  
and 13 Because if they supposedly build the whole thing  
14 it turns out to be not in compliance with County  
to 15 standards, it's prohibitively expensive to try  
to 16 fix it. So in a sense, the County is doing a  
17 service to those developers by not forcing them  
through 18 have to tear down a building they just built in  
19 order to come into compliance by putting it  
20 a prior review process, if I understand it  
21 correctly.  
22 So now, in terms of these lights, it's a  
these 23 similar thing. With the new Wal-Mart with all  
pretty 24 outdoor unshielded wall packs, that would be  
case 25 expensive to have to retrofit. And so in the

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be 1 of large commercial projects, the County would



plans

2 doing a service to people by reviewing their

3 beforehand. Did you have a quick comment?

in

4 SUBCOMMITTEE MEMBER CHONG: Well, it's not so much the

5 commercial side, because the review process is

6 place. I mean they do get lighting plans and to

7 submit catalog cuts is not a big deal.

8 SUBCOMMITTEE MEMBER ALTENBERG: Right.

the

9 SUBCOMMITTEE MEMBER CHONG: It will still slow down

10 process.

11 SUBCOMMITTEE MEMBER ALTENBERG: No, I'm saying why is

the

12 there a process? Because if there weren't and

13 developer built something wrong, it would be so

catch

14 expensive to try and fix it that you want to

15 it before it's built.

16 SUBCOMMITTEE MEMBER CHONG: That's correct.

17 SUBCOMMITTEE MEMBER ALTENBERG: So the question is on

18 these other kinds of developments, like a

19 residential development, do we have that same

20 situation? And Rick probably says we don't.

21 SUBCOMMITTEE MEMBER CHONG: No.

isn't

22 SUBCOMMITTEE MEMBER ALTENBERG: So that there really

23 a reason to need to subject them to prior review

developer

24 before building, that if they -- if the

25 built something that was in noncompliance and

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1           somebody complained about it, it would be  
2           economically feasible to retrofit it. Is that a  
3           correct assumption?

4   CHAIR MOLINA: Excuse me, gentlemen, if I could  
interject.

5           The focus should be on County property. So at  
this

6           time I'd like to find out if we have consensus  
for

7           letter E. We are under some time constraints,  
so do

8           we leave the language as is?

9   SUBCOMMITTEE MEMBER CHONG: I thought we were trying  
to

10          add private property in there. That's why I  
brought

11          the subject up.

12   SUBCOMMITTEE MEMBER MABERRY: Mr. Chair, yeah, if I

13          could --

14   CHAIR MOLINA: Do the Committee members want --

15   SUBCOMMITTEE MEMBER MABERRY: Again, based on the way  
this

16          is worded and because of its intent based on

17          testimony from Mr. Sutrov, I changed my mind and  
I

18          recommend that we leave it as it is and that we  
then

19          come up with language how to address private

-  
20 property, because it specifically says removal -  
21 addition or removal, okay. We do not want to be  
22 dealing with that on public property, and yet  
those  
23 words are important for dealing with lighting on  
24 County property. So I would highly recommend  
that  
25 we leave E alone and that we come up with other

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1 language if we want to address private property.  
2 SUBCOMMITTEE MEMBER ALTENBERG: I concur.  
3 CHAIR MOLINA: Okay. Members, E will stay as is.  
Okay,  
4 moving on to F, "The committee, after  
consultation  
5 with the Department of Public Works and Waste  
6 Management, shall promulgate rules and  
regulations  
7 pursuant to Chapter 91 of the Hawaii Revised  
8 Statutes" --  
9 SUBCOMMITTEE MEMBER BERNARD: That's redundant.  
10 CHAIR MOLINA: -- "for practices and procedures for  
the  
11 following:" Any comments or concerns? Ms.  
Bernard.

can  
is  
standard  
the  
with  
the

12 SUBCOMMITTEE MEMBER BERNARD: I think this is -- we  
13 strike this, because that's what the ordinance  
14 doing.  
15 CHAIR MOLINA: Other comments?  
16 SUBCOMMITTEE MEMBER CHONG: Agree.  
17 SUBCOMMITTEE MEMBER McCORD: Agree.  
18 CHAIR MOLINA: Agree? Okay. We have consensus on F.  
19 Okay. So noted. Mr. Saldana.  
20 MR. SALDANA: Yeah, Mr. Chair. This is pretty  
21 language with a lot of our -- with a lot of our  
22 committees and commissions. Typically to help  
23 functioning of the committee, practice and  
24 procedures for the committees are consistent  
25 the -- with the appropriate department so that

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duties  
in

1 department knows how the functioning of the  
2 committee is going to be and what some of the  
3 are going to include, and so that's why this is  
4 written in there, because it's pretty standard

5 terms of -- in terms of the department knowing  
how  
6 you're going to function, how the committee's  
going  
7 to function, and the committee itself is going  
to  
8 know how they're going to function itself.  
9 CHAIR MOLINA: Okay. Mr. Chong, followed by  
10 Dr. Altenberg.  
11 SUBCOMMITTEE MEMBER CHONG: If we're going to keep it,  
12 then I think subparagraph 8 should be struck  
because  
13 the energy conservation is covered by the  
State's  
14 Hawaii Model Energy Code requirements. No? I  
mean,  
15 any project we do, commercial or County, has to  
be  
16 in compliance.  
17 CHAIR MOLINA: Okay. Mr. Nakao.  
18 MR. NAKAO: This County has not adopted the Model  
Energy  
19 Code.  
20 SUBCOMMITTEE MEMBER CHONG: You've adopted ASHRAE  
90.1,  
21 whatever version it may be?  
22 MR. NAKAO: There's I think a Chapter 53 in the  
Uniform  
23 Building Code.  
24 SUBCOMMITTEE MEMBER CHONG: Yeah, which refers to  
ASHRAE,  
25 but it -- and Hawaii Model Energy Code is just  
an

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1           adaption of that. So it's --

2           MR. NAKAO: Yeah, but it's a little bit more --

3           SUBCOMMITTEE MEMBER CHONG: But the general idea is  
the

4           same, there is already in place requirements for  
5           projects to be -- to comply with whatever energy  
6           code that the County is subscribing to.

7           CHAIR MOLINA: Okay. Dr. Altenberg.

8           SUBCOMMITTEE MEMBER ALTENBERG: Excuse me, Mr.  
Saldana.

9           CHAIR MOLINA: Gary, Mr. Saldana, you have a question  
10           from --

11           SUBCOMMITTEE MEMBER ALTENBERG: If I understood you  
12           correctly, you were saying that these rules are  
13           there for -- so that the Department of Public  
Works

14           knows how to interact with this committee; is  
that  
15           what you're saying?

16           MR. SALDANA: Well, in terms of -- in terms of the way  
I  
17           was -- I understood it is that it states in here  
the  
18           committee -- the committee, after consultation  
with  
19           the Department of Public Works and Waste  
Management,

are 20 shall promulgate rules and regulations, which  
21 administrative rules and regulations.  
22 SUBCOMMITTEE MEMBER ALTENBERG: That apply to itself.  
are 23 MR. SALDANA: Right, and those rules and regulations  
24 set forth in the following, for the practice and  
basically 25 procedure as a committee, et cetera, and

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itself 1 the way I understood it is that the committee  
rules 2 will help the Department to establish these  
and 3 and regulations for these particular purposes,  
is 4 which basically goes beyond what the ordinance  
5 saying. It's more of an implementation of the  
6 functions of the committee itself and what not.  
7 Unfortunately Greg -- Greg Garneau was the one I  
8 kind of consulted with on this and unfortunately  
9 he's not here to kind of reaffirm that.  
10 SUBCOMMITTEE MEMBER ALTENBERG: I mean the way it's  
11 written, it sounds like these are rules and  
to 12 regulations not about how the committee's going

going to

13 function, but how everybody in the County's

14 function.

be

15 MR. SALDANA: Not everybody in the County. It would

16 the applicable department --

17 SUBCOMMITTEE MEMBER ALTENBERG: Well --

with

18 MR. SALDANA:-- in terms of -- in terms of dealing

19 this particular issue, the lighting issue.

it's

20 SUBCOMMITTEE MEMBER ALTENBERG: I mean it sounds like

21 redundant to the ordinance itself in that case.

22 Something needs to be clarified.

23 CHAIR MOLINA: Thank you. Go ahead, Traci.

not

24 MS. FUJITA VILLAROSA: Yeah, I'm sorry I'm not -- I'm

being

25 really familiar with the substance of what's

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language in

1 discussed today, but just looking at the

want

2 here, it is a little bit confusing, but I just

promulgate

3 to make clear that this committee cannot

Public

4 rules and regulations for the Department of



do 5 Works. I mean, Department of Public Works would  
6 that. You know, they would pass administrative  
7 rules is basically what it is, and that's the  
8 implementation of the ordinance that you guys  
are 9 working on right now. And I'm not sure, but  
usually 10 there's rule-making authority in an ordinance  
that 11 gives the director, you know, whose department  
falls 12 within this area the authority to promulgate  
rules 13 and regulations.

-- 14 So I'm not sure -- I've never been worked  
15 I've never worked with a committee that passes  
rules 16 of practice and procedure for itself. I don't  
know 17 if maybe you're drafting these rules and  
regulations 18 for recommendation to the Department. That's a  
19 possibility of doing it that way. If you wanted  
to 20 recommend to the Department how the ordinance  
should 21 be implemented, you can certainly recommend  
that, 22 but the actual passage is done by the  
Department.

23 CHAIR MOLINA: Okay. Members, any other comments or  
24 questions regarding Section F? Leave it as is  
or we 25 can -- one suggestion was to delete Number 8.

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As  
1       SUBCOMMITTEE MEMBER ALTENBERG: I'm still confused.  
2               written it looks like it's redundant to the  
3               ordinance itself. It's talking about rules  
4               regarding things that are already, you know, as  
5               statutes, which doesn't make sense. So what are  
6               these rules? If these are administrative rules  
7               having to do with administrative implementing of  
the  
8               statutes, is that -- is this -- is that what  
you're  
9               talking about when you talk about these rules?  
10       CHAIR MOLINA: Ms. Villarosa.  
11       MS. FUJITA VILLAROSA: I'm sorry, I was trying to help  
12               look for something. Could you repeat the  
question?  
13       SUBCOMMITTEE MEMBER ALTENBERG: Well, it says,  
"practices  
14               and procedures for the following: Astronomical  
15               research." What does that mean, a rule  
regarding  
16               astronomical research? We're talking about  
17               requiring low pressure sodium within a certain  
zone,  
18               where does a rule come into relevance? Are you  
19               saying how -- I mean rules would be -- where do

20           these rules live? I mean --  
21   MS. FUJITA VILLAROSA: The -- Mr. Chair, the  
22           administrative rules are located in a separate -  
-  
23           they're separate documents from the ordinance,  
but  
24           they implement the ordinance. I'm not -- I'm  
not  
25           sure, but I guess the question that you're  
asking is

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in           1           whether or not these eight items that are listed  
2           here, whether or not they implement -- they --  
3           whether or not rules are needed to implement  
these  
4           eight items from the ordinance. Is that what  
your  
5           question is?  
6   SUBCOMMITTEE MEMBER ALTENBERG: Well, originally this  
was  
7           drafted with the idea that light pollution  
standards  
8           would be implemented as rules, administrative  
rules,  
9           instead of statutes. So to my understanding,  
the  
10          whole Section 8 -- our whole Section F has been

11 obviated by pursuing statutes to regulate  
outdoor  
12 lighting rather than having rules. So I don't  
13 understand what other kinds of rules would still  
be  
14 applicable under the idea of having statutes.  
15 CHAIR MOLINA: Ms. Villarosa, if it might make it  
easier,  
16 maybe we can for today, I guess, if there's  
17 consensus, pass -- let this through as is but  
get a  
18 recommendation from Corp. Counsel's Office at  
our  
19 next meeting to -- you know, whether to leave  
this  
20 in or delete. This will give you more ample  
time to  
21 study this matter, this concern from Dr.  
Altenberg.  
22 Would that be --  
23 MS. FUJITA VILLAROSA: That's fine.  
24 CHAIR MOLINA: Okay. Committee members, excuse me.  
We  
25 have Mr. Maberry.

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1 SUBCOMMITTEE MEMBER MABERRY: Yes, sir, what I -- if I  
2 still understand correctly, that the first part  
of

committee,

3 this F has to do with operation of the

4 then, Counsel, if you could bear with me for a

put

5 second, what my recommendation actually is is to

1

6 a period after the word "procedures" and delete

ordinance

7 through 8, because the ordinance is the

plans

8 and it's not going to have anything to do with

9 or anything that we're going to do beyond that.

10 Would that still take care of the committee's

11 day-to-day operation requirements from rules and

12 regulations and then not get us into this whole

13 other mess that Lee's talking about?

about

14 MS. FUJITA VILLAROSA: The -- when you're talking

15 committee, you're talking about the Public Works

that

16 Committee of Council? Is that the committee

you?

17 this is referring to or is this referring to

18 CHAIR MOLINA: I think this refers to the --

19 MS. FUJITA VILLAROSA: Oh, the Subcommittee?

20 CHAIR MOLINA: Well, this Outdoor Lighting Standards

21 Committee, is that the one we're --

22 SUBCOMMITTEE MEMBER MABERRY: Yeah.

new

23 CHAIR MOLINA: -- talking about, the formation of this

24 committee.

25 MS. FUJITA VILLAROSA: Oh, okay. Oh, I see.

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1 CHAIR MOLINA: I believe that's what it refers to.

2 SUBCOMMITTEE MEMBER MABERRY: That committee is us.

3 MS. FUJITA VILLAROSA: You're recommending --

4 SUBCOMMITTEE MEMBER MABERRY: Not us, but the -- yeah

--

5 CHAIR MOLINA: This new committee that's being  
formulated.

6 MS. FUJITA VILLAROSA: So the idea is that you're  
going to

7 be setting -- you're going to be having a new

8 committee of Council.

9 CHAIR MOLINA: Right.

10 MS. FUJITA VILLAROSA: Okay. Then the rules of  
practice

11 and procedure are -- they're rules of Council  
that

12 we already have in place, so you would then  
amend --

13 if needed, the Council would amend these rules.  
If

14 there was, you know, something missing in here,  
you

15 know, that pertains particularly to this new

16 committee, but otherwise, the new committee  
would

17 just follow the same rules that all the other

18 committees follow as far as practice and  
procedures

19 go.  
20 SUBCOMMITTEE MEMBER MABERRY: And they are in Chapter  
91,  
21 is that it? What is that?  
22 MS. FUJITA VILLAROSA: The rules of Council were  
passed by  
23 resolution. It's Resolution No. 01-4, and these  
24 are --  
25 SUBCOMMITTEE MEMBER MABERRY: Then, Gary, you guys,  
can't

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1 we just have a paragraph that says that this  
2 committee will operate under the rules and  
3 regulations of that chapter? I mean, why do we  
4 need --  
5 MR. SALDANA: Well, I've been looking for the section  
6 that -- you know, a lot of the stuff that we  
write,  
7 you know, we look for examples and what not, and  
8 basically this example came from the Arborist  
9 Committee and in that -- in their powers and  
duties  
10 section it says, the committee, after  
consultation  
11 with the Department of Public Works and Waste  
12 Management and the Department of Parks and

13                   Recreation, shall promulgate rules and  
regulations  
14                   pursuant to Chapter 91 Hawaii Revised Statute  
for  
15                   the following practice -- for the following:  
16                   Practice and procedure for the committee,  
17                   exceptional trees, approval of landscape plan,  
18                   planning proposal, planting and care of trees,  
19                   landscaping --  
20                   ?: Okay. Then I agree.  
21                   MR. SALDANA: -- landscape planting in public parks  
and  
22                   streets, including irrigation system for streets  
--  
23                   for street trees. When rules or regulations do  
not  
24                   cover a particular circumstance, the committee  
shall  
25                   recommend appropriate action. So in my opinion,  
I

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1                   read that as being, you know, something that is  
2                   specific to the function of the committee.  
3                   CHAIR MOLINA: Okay. Corporation Counsel.  
4                   MS. FUJITA VILLAROSA: I really apologize. I feel  
like  
5                   I'm trying to help but maybe I'm making matters



6 worse, but, okay, now I understand. So you're  
7 looking at an administrative committee, not a  
8 committee of Council; is that correct?

9 SUBCOMMITTEE MEMBER MABERRY: Yes.

10 MS. FUJITA VILLAROSA: Okay. So if you're looking at  
an  
11 administrative committee similar to the Arborist  
12 Committee, that committee would pass its own  
rules  
13 of practice and procedure. So this isn't  
something  
14 that you would need to do. That would be done  
by  
15 the members of that committee if it was formed.

16 CHAIR MOLINA: Mr. Maberry.

17 SUBCOMMITTEE MEMBER MABERRY: Okay. But the sole  
function  
18 of this committee will be supporting Public  
Works  
19 in -- you know, in enforcement of an ordinance.  
20 We're not going to change the rules as we go --  
the  
21 committee will not change the rules as they go  
22 along. There is going to be an ordinance that  
will  
23 need to be enforced. So what -- what do we need  
24 to -- I mean this still says -- the more I  
listen,  
25 the more I think we don't need this. So, you  
know,

1 help me out here.

practice

2 MS. FUJITA VILLAROSA: Yeah. Well, the rules of

between

3 and procedure are, you know, pretty standard

would

4 all the boards and commissions, but what you're

5 talking about is substantive rules, and that

now.

6 be passed in accordance with the ordinance, I'm

7 assuming this ordinance that you're working on

it

8 So this new committee, if it's established, when

9 does establish rules of practice and procedure,

maybe

10 they'll also have rules -- substantive rules,

11 another set of rules, that would implement this

has

12 ordinance. So the committee is -- the committee

13 to get its authority from some place, and it can

So

14 only act within that authority that it's given.

is

15 if it's established by this ordinance or if it's

16 working to implement this ordinance, then this

17 the limits of it. You know, the committee can't

18 just initiate rules however they want to.

19 CHAIR MOLINA: Okay. Dr. Altenberg.

here

20 SUBCOMMITTEE MEMBER ALTENBERG: I think the problem

after 21 is that this March 4th document was modeled  
what 22 the Arborist Committee rules and I think it --  
after 23 was more appropriate is for it to be modeled  
have 24 the Urban Review Board. So, you know, I would  
as 25 preferred to have that -- the Urban Review Board

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make 1 a template and then just simply alter that to  
2 it appropriate to outdoor lighting. So it looks  
3 like this is -- this whole Section F is from the  
4 wrong -- the wrong model.  
5 CHAIR MOLINA: Okay. So Committee members, the  
6 recommendation for Section F, we'll just leave  
this 7 in limbo or delete? Any consensus at all? Or  
shall 8 we just leave this and get a recommendation from  
9 Corp. Counsel's Office at our next meeting? Or  
we 10 can email you whatever recommendation comes from  
the 11 Corporation Counsel's Office prior to our next  
12 meeting. Dr. Altenberg.

would  
Review  
for  
members?  
They  
tried  
recommended

13 SUBCOMMITTEE MEMBER ALTENBERG: I would -- I guess I  
14 specifically request that Corporation Counsel  
15 provide us a model based on the Urban Design  
16 Board and see how that would need to be altered  
17 outdoor lighting standards.  
18 CHAIR MOLINA: Okay. Is there agreement on that,  
19 Okay.  
20 MR. SALDANA: Mr. Chair.  
21 CHAIR MOLINA: Mr. Saldana.  
22 MR. SALDANA: That is -- it needs to be specific.  
23 need guidelines. We tried -- this had been  
24 before. In fact, the Subcommittee had  
25 that the Corporation Counsel develop standards

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1 for -- guidelines for the committee. Basically  
2 Corporation Counsel came back to us and said we  
3 specifics. We need details. We want to know  
4 you want this board -- this committee to do. So  
to

Design 5 just say set up the committee based on Urban  
exactly 6 Review, you need to give them details as to  
7 what you want in that --  
8 CHAIR MOLINA: Examples.  
9 MR. SALDANA: -- in that particular ordinance. So if  
we  
10 send it, we're just going to get the same  
response.  
11 That's why we're out -- that's why we're working  
on  
12 this document. This particular document has  
some  
13 specifics, but it was designed to get people to  
14 think and to get people to start coming up with  
some  
15 solid recommendations for what should be part of  
--  
16 part of this aspect of the ordinance, and  
obviously  
17 there are things in there that are not liked but  
18 they're put in there to generate some kind of  
input  
19 in terms of -- in terms of what this  
Subcommittee  
20 wants for that actual committee. So I know it's  
21 been a long process, but in order to make this  
22 effective and come up with something that you  
want,  
23 you need to give the guidance on that.  
24 CHAIR MOLINA: Okay. And, members, time is of the  
25 essence. Okay, Dr. Altenberg, to be followed by

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1 Mr. Maberry.

for

2 SUBCOMMITTEE MEMBER ALTENBERG: I mean the basic task

the

3 this committee is outlined in terms of the --

to do

4 way it's mentioned elsewhere in the proposed

5 ordinance. So these other considerations have

within

6 with sort of the legal details of committees

7 the County operation, and seems like those legal

8 detail questions have already been answered in

9 something like the Urban Design Review Board.

10 That's why I'm suggesting we simply adopt those

11 aspects, you know, model it after that.

terms

12 And I think we're already doing that in

all

13 of establishment of members, terms. These are

how

14 things that need to be spelled out in this --

15 this committee is set up, and these other things

16 regarding rules, you know, it's not something

do

17 that -- that's sort of a legal issue having to

not

18 with the operation -- legal operation. That's

kinds 19 something to do with lighting itself. Those  
in 20 of things have already been solved and answered  
21 this Urban Design Review Board. That's why I'm  
22 suggesting we simply adopt -- model it after  
what 23 they have and look for any way that it's  
24 inappropriate for dealing with a particular  
topic of 25 outdoor lighting, rather than urban design.

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1 CHAIR MOLINA: Okay. Mr. Maberry.  
2 SUBCOMMITTEE MEMBER MABERRY: For expedience could we  
go 3 ahead and accept this language and then ask that  
we 4 get emailed the urban review? And then if  
there's 5 any fine tuning, I have a feeling it will only  
be in 6 that first -- that first -- is that a one  
7 sentence -- yeah, in that first one sentence. I  
8 mean, I'm guessing here. It's --  
9 CHAIR MOLINA: Yeah, thank you, Mr. Maberry.  
10 SUBCOMMITTEE MEMBER BERNARD: There's also reference  
to 11 the plan still. That needs to be removed.

12 SUBCOMMITTEE MEMBER MABERRY: Plan, where's plan?  
13 SUBCOMMITTEE MEMBER BERNARD: Number 2.  
14 CHAIR MOLINA: The Chair at this time concurs with  
that  
15 suggestion. Mr. Maberry.  
16 SUBCOMMITTEE MEMBER MABERRY: Ordinance, with the  
exception  
17 of changing that to ordinance.  
18 SUBCOMMITTEE MEMBER BERNARD: Number 2.  
19 CHAIR MOLINA: Let's give Corp. Counsel a chance to  
look  
20 it over in more detail and get their response  
via  
21 email. So, members, we need to move on.  
22 SUBCOMMITTEE MEMBER MABERRY: Mr. Chair, I'd like to  
23 recommend that we delete 4 and 5 and keep 6, and  
24 then I would like to also recommend that there  
be an  
25 insertion between E and F that says, "The  
committee

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1 shall review complaints by individuals,  
2 organizations, or community associations  
relating to  
3 light trespass on private property."  
4 CHAIR MOLINA: Okay. Mr. Maberry, sorry, I got lost a



5 little bit. E and F --

6 SUBCOMMITTEE MEMBER MABERRY: Okay. Too much. I'll  
split

7 them up.

8 CHAIR MOLINA: Okay.

9 SUBCOMMITTEE MEMBER MABERRY: At this point I'll just  
go

10 recommend we delete 4 and 5 and keep 6. Let's

11 with that first.

12 CHAIR MOLINA: Okay. All right. Comments, members?  
Any

13 consensus for deletion of 4 and 5? Okay. And  
we're

14 keeping 6. Okay, Mr. Maberry, continue.

15 SUBCOMMITTEE MEMBER MABERRY: Okay. Now, sir, I'd  
like to

16 recommend an insertion between E and F that  
again

17 states that, "The committee shall review  
complaints

18 by individuals, organizations, and community

19 associations relating to light trespass on  
private

20 property."

21 CHAIR MOLINA: Okay.

22 SUBCOMMITTEE MEMBER MABERRY: And I'm not hard over on  
23 that language, but that gets us talking.

24 CHAIR MOLINA: Okay. Comments, members? Dr.  
Altenberg.

25 SUBCOMMITTEE MEMBER ALTENBERG: I concur that that's

1 definitely something that needs to be added. I  
2 think we also need to go into more specific  
detail  
3 about the process by which a complaint is to be  
4 filed, who can -- who has standing to file a  
5 complaint.

6 SUBCOMMITTEE MEMBER MABERRY: If I may, I'm under the  
7 assumption that that's supposed to be handled by  
8 this F, as to how that's set up, but I don't  
know  
9 that -- I mean, Gary's nodding his head right.

10 SUBCOMMITTEE MEMBER ALTENBERG: I was thinking more it  
11 would fit back at the end of the ordinance where  
12 it -- to add an addition before the violations  
13 section, which is 140-B. We need to give  
specific,  
14 you know, language for who has standing to file  
a --  
15 you know, how is enforcement initiated. Here it  
16 just kind of comes out of the blue if there's a  
17 violation. I think we need to say procedures by  
18 which a complaint is initiated, so -- and I  
think  
19 then we would make specific reference to the --  
this  
20 committee in terms of when it shall come into  
21 effect.

22 I think certain -- certain complaints can  
be

is in 23 simply handled by Public Works but -- and this  
24 conversation I had with Hannah. She was saying  
Public 25 suppose that somebody made a complaint and

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whole 1 Works hadn't done anything about it, then the  
a 2 idea of this committee is in a sense to be both  
3 resource and a check and balance to the  
4 Administration. And in that case, then, there  
Public 5 should be some provision that if -- if the  
30 6 Works or -- has not handled a complaint within  
complaint, 7 days, then the committee shall review the  
8 something like this.  
9 CHAIR MOLINA: Okay. Members, comments to that  
suggestion 10 from Dr. Altenberg? Public Works, any comments?  
11 MR. SALDANA: Mr. Chair.  
12 CHAIR MOLINA: Mr. Saldana.  
13 MR. SALDANA: That's the purpose of F.  
14 SUBCOMMITTEE MEMBER BERNARD: Okay.  
15 CHAIR MOLINA: Okay. So it's there. All right.

16 Mr. McCord.

person's

17 SUBCOMMITTEE MEMBER McCORD: Just from a real lay

18 point of view, a complaint isn't necessarily a  
19 violation.

20 CHAIR MOLINA: True.

they

21 SUBCOMMITTEE MEMBER McCORD: We don't necessarily --

it

22 can deal with complaints in one direction, but

are

23 isn't necessarily a violation, and violations

24 certainly, you know, much more serious than a

25 complaint.

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1 CHAIR MOLINA: I guess there's varying degrees of  
2 complaints. Dr. Altenberg.

investigation

3 SUBCOMMITTEE MEMBER ALTENBERG: Well, a complaint is  
4 the -- a complaint is the way that an  
5 of a violation is initiated.

6 Subcommittee MEMBER McCORD: Right.

make

7 SUBCOMMITTEE MEMBER ALTENBERG: So I think it might  
8 sense that we don't have County-initiated

9 investigations of violations. In other words,  
that  
10 some -- some citizen or -- you know, citizen of  
the  
11 County has to initiate any investigation of a  
12 violation, so that way the County doesn't have  
to be  
13 constantly patrolling for violations. Basically  
if  
14 something's not bothering anybody, then it can  
be  
15 allowed to stand, that in order to sort of  
prosecute  
16 a violation, a complaint has to be made. So a  
17 complaint is the way you initiate an  
investigation  
18 of a violation.

19 CHAIR MOLINA: Maybe we can get a legal interpretation  
to  
20 from Corp. Counsel on that, if you're prepared  
21 to respond, Corp. Counsel.

22 MS. FUJITA VILLAROSA: Normally -- from what I'm  
hearing,  
23 normally the process is that -- if somebody  
files a  
24 complaint -- and I'm talking about currently  
under  
25 the current ordinances that we have. If a  
citizen

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1 files a complaint, they file that with the  
2 department and then the department follows up on  
3 that complaint, and if there's a violation, then  
the  
4 department issues the notice of violation which  
5 imposes a fine and tells them to correct it  
usually.  
6 And then depending on what area, if we're  
7 talking  
8 about the Public Works area, if the citizen  
wants to  
9 appeal the Director's decision, then they go to  
BVA.  
10 So I'm not sure if you're thinking about having  
the  
11 committee do all of that, but they would need  
some  
12 kind of investigators. I mean, you know, that's  
13 normally how the current boards and commissions  
14 operate is really through the department.  
a  
15 SUBCOMMITTEE MEMBER ALTENBERG: Question. BVA that's  
16 board of --  
17 CHAIR MOLINA: Variance and Appeals.  
18 SUBCOMMITTEE MEMBER ALTENBERG: Variance and Appeals.  
19 Well, I mean, that sounds good to me. That  
would  
20 seem to make sense, and so that in this case,  
with  
21 regard to outdoor lighting, this committee would  
22 have that function of BVA. So what do members  
think  
about that or anybody else?

23 CHAIR MOLINA: Okay. Comments? Mr. Maberry.

24 SUBCOMMITTEE MEMBER MABERRY: I'm sorry Steve has  
left,

25 but is that what his committee is doing now

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1 theoretically or no, only because it deals with  
2 County property and doesn't deal with private  
3 property?

4 CHAIR MOLINA: Mr. Sutrov, could you come down and  
respond  
5 to Mr. Maberry's question.

6 SUBCOMMITTEE MEMBER MABERRY: I may need help with  
you,

7 Lee, in telling him what the question is,  
because I

8 don't think he heard it.

9 MR. SUTROV: Yeah, what we're doing right now in the  
10 Street Lighting Committee is we are taking the  
11 complaint. It comes from the public. We have a  
few

12 different functions, but one of them is taking  
13 complaints or requests from the public. It goes  
to

14 Public Works. They fill out a form and then it  
15 gets -- all these matters are supposed to be  
16 referred to our committee for investigation or

Department

17 response and recommendation back to the  
18 of Public Works and then they make their  
19 determination at that point. We also have a  
20 function of -- if a new subdivision goes in with  
21 lighting, turning on all those lights after 50  
22 percent or more of the occupancy of that area is  
23 being occupied, and that's another one of our  
24 functions, removing, adding lighting, and  
25 energizing.

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1 CHAIR MOLINA: Okay. Does that answer your question,  
2 Mr. Maberry?  
3 SUBCOMMITTEE MEMBER MABERRY: Yes. Thank you.  
4 CHAIR MOLINA: Ms. Bernard.  
5 SUBCOMMITTEE MEMBER BERNARD: So could you step me  
through  
6 one of these examples? For instance, if someone  
7 comes to you and says, okay, there's this road  
in  
8 Wailea and it's got all these new lights that  
were  
9 just installed that are not in compliance with  
our  
10 current standards, then what happens?  
11 MR. SUTROV: Right now?



12 SUBCOMMITTEE MEMBER BERNARD: Right now.  
13 MR. SUTROV: I've been waiting for Public Works for  
our  
14 next meeting, maybe next week if we have  
anything on  
15 our agenda. Public Works is supposed to respond  
to  
16 my request of finding out who is responsible.  
17 Because right now who is responsible -- if Maui  
18 Electric installed lights after the standards --  
19 existing standards went into place, we were told  
at  
20 one time -- Public Works told us that Maui  
Electric  
21 would be responsible for retrofitting all those  
22 lights if they went in after that standard went  
into  
23 place, and there might be some kind of question  
24 about that at this point. We just had some  
lights  
25 approved for shielding and Maui Electric refused  
to

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1 do it until they were paid to do it, and they've  
2 been taking care of this without pay, according  
to  
3 what I've been told, up to this point, but now

for  
paying  
at  
4 they're starting to charge. And so I'm waiting  
5 determination on who is responsible as far as  
6 for it and whether or not it's going to be done  
7 all.

complaint  
8 SUBCOMMITTEE MEMBER BERNARD: And when was this  
9 brought to your attention, to the committee's  
10 attention? How long ago did you receive the  
11 complaint?

12 MR. SUTROV: How long was that? It was two months ago  
13 that I was asking for Public Works -- they were  
14 going to find out about that.

for  
15 SUBCOMMITTEE MEMBER BERNARD: So you've been waiting  
16 two months for a response from Public Works?

17 MR. SUTROV: Well, they wait till our meetings to  
18 communicate with us and if we don't have  
19 our agenda, then we don't have meetings.

20 SUBCOMMITTEE MEMBER MABERRY: Steve, if I could, I  
21 think  
22 what she would like to hear is for a standard  
23 complaint scenario what the process would be.

Let's  
light  
sort  
would --  
24 say someone in Kula complains about a street  
25 at the end of their street, could you give us  
of the steps as to what the process is they

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1           that person would then, like you say, what, go  
down       2           to Public Works and do what? Could you walk us  
3           through that?  
4       MR. SUTROV: Well, if it's an individual or a  
community   5           association or a neighborhood board, they would  
call       6           up Public Works and request for a form to fill  
out       7           which could be faxed to them, and they have to  
go to       8           get -- as many people that are actually in the  
area       9           that are being affected by it, they want all  
people     10          within 200 feet it states right now. I'm in the  
getting    11          process of rewriting the form for them and  
12         that approved, but right now it says all people  
13         within 200 feet they have to get signatures  
from,     14         and then it gets sent back in to Public Works  
and       15         then it gets put on the agenda for the Street  
16         Lighting Committee. And then some people -- one  
17         person just had a light shielded. It took them  
18         about five months to have that done after

19 communicating a lot with Public Works on it, why  
it  
20 wasn't done, and they were waiting for funds  
from --  
21 special funds had to be released to pay Maui  
22 Electric to take care of one shielding.  
23 SUBCOMMITTEE MEMBER BERNARD: So a point of  
clarification.  
24 So do you see the committee currently as acting  
as  
25 the liaison to keep on -- you know, going  
between

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1 this complainant and Public Works to find out  
where  
2 are we, what's happening next, where are we at?  
Are  
3 you like the watch dog?  
4 MR. SUTROV: I seem to think that we don't have --  
we're  
5 only given very little -- limited responsibility  
by  
6 Public Works and we're doing very little  
compared to  
7 what we could be doing as benefitting the  
efficiency  
8 of taking care of requests for lighting being  
9 installed or lighting being adjusted. It's  
because

right 10 of the inefficiency that we're experiencing  
are 11 now -- it's the way we're being -- the duties  
doing a 12 given to us from Public Works. We could be  
13 lot more, I believe.  
at 14 CHAIR MOLINA: Okay. Any other questions? Members,  
15 this time the Chair would like to move on, okay,  
16 with the recommendations that have been made by  
the 17 Subcommittee on the March 4th document.  
18 Mr. Maberry, you have one more?  
19 SUBCOMMITTEE MEMBER MABERRY: I can't tell that any  
action 20 has been made on my recommendation for language  
21 between E and F.  
22 CHAIR MOLINA: Okay.  
23 SUBCOMMITTEE MEMBER MABERRY: Is it dead?  
24 CHAIR MOLINA: Between E and F, right?  
25 SUBCOMMITTEE MEMBER MABERRY: Yes, the language about  
the

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1 committee reviewing --  
2 CHAIR MOLINA: With the community association, uh-huh.

that's

3 SUBCOMMITTEE MEMBER MABERRY: -- complaints, and

street

4 why I wanted clarification, if the current

5 lighting subcommittee was actually reviewing

6 complaints, and we were sort of questioning that

that's

7 language, if that was appropriate or not, and

8 what -- you know, we had this discussion with

9 counsel.

10 CHAIR MOLINA: So are you asking --

-

11 SUBCOMMITTEE MEMBER MABERRY: No, I think I'll yield -

12 CHAIR MOLINA: Oh, okay.

13 SUBCOMMITTEE MEMBER MABERRY: -- the floor to Lee.

14 CHAIR MOLINA: Okay. Dr. Altenberg.

thing

15 SUBCOMMITTEE MEMBER ALTENBERG: Yeah, I mean, the

with

16 that Steve was talking about sort of has to do

like

17 discretionary actions of Public Works. It's

18 can they satisfy a neighborhood's desire for

that

19 changing its lights all within various things

20 are allowed by law. Here we're talking about

law.

21 processing of complaints or violations of the

propose

22 So I would -- as specific language, I would

be

23 that complaints for violations of the ordinance

24 sent to Public Works and that appeals to the

25 decisions of Public Works or if Public Works has

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30  
1 failed to act within a specific time limit, say  
2 days, those go to this committee for action.  
3 CHAIR MOLINA: So complaints go to Public Works,  
appeals  
4 go to the Outdoor Lighting Committee?  
5 SUBCOMMITTEE MEMBER MABERRY: Yeah, but that -- that  
exact  
6 language -- I understand what he's saying,  
7 Mr. Chair, sorry, but that exact language would  
be  
8 inappropriate, because what we're addressing is  
the  
9 duties of this committee. So we don't need to  
put  
10 in where they go. We just need to tell what  
this  
11 committee's going to do, right?  
12 SUBCOMMITTEE MEMBER ALTENBERG: So the language would  
be  
13 this committee handles appeals for complaints  
that  
14 have been decided by Public Works or that have -  
-  
15 complaints -- reviews complaints that have not  
been  
16 satisfied by Public Works within a certain  
period.

17 CHAIR MOLINA: Dr. Altenberg, members, if there's no  
18 objections, one of our resource personnel,  
19 Ms. Vencl, would you like to comment?

20 MS. VENCL: Yeah, I just told Mike.

21 CHAIR MOLINA: Okay.

22 SUBCOMMITTEE MEMBER MABERRY: Her recommendation is  
that

23 complaints go to the Department and that  
violations

24 come to us -- or us, I keep saying us like we're  
a

25 committee. The committee, sorry.

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1 SUBCOMMITTEE MEMBER CHONG: Stop signing us up for  
this.

2 SUBCOMMITTEE MEMBER MABERRY: Yeah, I'm signing you  
guys

3 up.

4 CHAIR MOLINA: We're making the decision between  
5 complaints and actual violations?

6 SUBCOMMITTEE MEMBER MABERRY: Yes, yes.

7 CHAIR MOLINA: So violations to the Outdoor Lighting  
8 Committee and complaints to Public Works?

9 SUBCOMMITTEE MEMBER ALTENBERG: To me that doesn't  
quite

10 make logical sense, because a violation is a  
finding



11 of a violation -- or that doesn't need to go to  
this  
12 committee. That needs to go back to the person  
13 who's in violation. This committee needs to  
deal  
14 with situations where Public Works has not  
handled a  
15 violation to their satisfaction, an appeal in  
other  
16 words.  
17 SUBCOMMITTEE MEMBER MABERRY: Yeah, appeals, appeals.  
18 SUBCOMMITTEE MEMBER CHONG: Or clarification.  
19 SUBCOMMITTEE MEMBER ALTENBERG: I mean, I think -- so  
in  
20 terms of -- Rick mentioned clarification. That  
21 would be as -- the committee would serve as a  
22 resource to Public Works to provide  
clarifications,  
23 doing the leg work in the community that Steve  
24 Sutrov mentioned, so that's one duty, is to be a  
25 resource to Public Works. Number two duty is to

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1 process appeals to decisions by Public Works on  
2 complaints that have been filed with Public  
Works.  
3 Number three is to review complaints that

4            have not been responded to by Public Works  
within  
5            some time limit after being filed. In case  
Public  
6            Works has been negligent, then I think it needs  
to  
7            come to the attention of the committee for  
action.  
8            There needs to be some kind of check and balance  
if  
9            something -- if Public Works is sitting on some  
10           complaint for a certain period of time. In  
other  
11           words, Public Works needs to be required to act  
12           within a certain time to give somebody  
satisfaction.  
13           If it's an open-ended time limit, then, you  
know,  
14           there may not be due process. So in the case  
that  
15           Public Works has failed to act on a complaint,  
then  
16           it comes before this committee.  
17                      And the last duty that we've already  
18           described is for reviewing variance requests,  
not  
19           complaints, but variance requests before lights  
are  
20           installed. So these would be the essential  
duties  
21           that I would conceive that this committee would  
22           undertake.  
23           CHAIR MOLINA: Members, comments? Mr. Chong.  
24           SUBCOMMITTEE MEMBER CHONG: If we -- if that time  
limit

and

25 that Public Works does not address the complaint

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1 it gets kicked to the committee, it still has to  
go  
2 back to Public Works for official action. We  
are  
3 not -- we're not a governing body.

4 CHAIR MOLINA: Strictly advisory, right  
5 SUBCOMMITTEE MEMBER CHONG: The committee is not a  
6 governing body. We cannot -- we cannot give  
action.

7 We have to let Public Works give the violation.  
8 SUBCOMMITTEE MEMBER ALTENBERG: Well, it all depends  
on  
9 what we put in the statute.

10 CHAIR MOLINA: Gentlemen, we have a comment from the  
11 Corporation Counsel's Office.

12 MS. FUJITA VILLAROSA: I just thought maybe I would  
set  
13 forth another scenario, and I'm not sure if this  
is  
14 what you have in mind, but this is currently  
what's  
15 happening with, say, the Urban Design Review  
Board.  
16 For instance, what happens is when something  
comes

the 17 to the Department -- a complaint, say, comes to  
and 18 Department, the Department will investigate it  
submit it 19 they may submit it to you. So say they'll  
recommendation, 20 to the Street Lighting Committee for  
21 and then the committee can then make its  
22 recommendation to the Department and then the  
along 23 Department can -- normally the Department goes  
experts. 24 with the recommendation because they're the  
experts 25 The people on the committee are usually the

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still 1 in that area. And then if the aggrieved party  
then 2 is not satisfied with the Director's decision,  
3 it goes to BVA, Board of Variances and Appeals.  
4 So it's separate bodies. I mean, if the  
5 Street Lighting Committee is going to be the one  
6 making the decision, then it cannot also hear  
the 7  
guess appeal. So you have to kind of think about I

8                   the role that the committee is -- is the  
committee  
9                   going to be advisory to the Department of Public  
10                  Works or is it going to have more authority than  
11                  that? And if they do have more authority, who's  
12                  going to hear that appeal from the committee?  
13                                 And also one more thing, the Department  
of  
14                  Public Works currently has administrative --  
rules  
15                  of administrative practice and procedure on  
16                  administrative fines and penalties, and I  
believe  
17                  those rules which govern all of the enforcement  
18                  actions from the Department sets forth the  
amount of  
19                  the fine and the procedures. I believe that  
already  
20                  has a time limit in it because that is -- State  
law  
21                  requires there to be a time limit that the  
22                  Department has to act -- you know, act on  
something.  
23                  So that may be another thing you might want to  
take  
24                  a look at and take a look at those rules and see  
25                  maybe there's already something in place that

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1 addresses the committee -- your concern.

2 CHAIR MOLINA: Okay. Members, are we -- is that  
clear?

3 Dr. Altenberg.

4 SUBCOMMITTEE MEMBER ALTENBERG: It seems like there's  
5 still some confusion. In my mind this is not to  
be

6 some plan advisory committee, and so by statute  
it

7 would have authority similar to the Board of  
8 Variances and Appeals. Now, I think we should  
try

9 to reach some consensus on that. In my mind  
it's

10 important that there be some kind of check and  
11 balance within the Administration so that if --  
if

12 somebody doesn't get satisfaction, say, from  
Public  
13 Works, that they have something they can turn  
to.

14 In my concept, this subcommittee is that body.

15 So --

16 CHAIR MOLINA: Members, I'm sorry, let me interject.

17 SUBCOMMITTEE MEMBER ALTENBERG: Yeah.

18 CHAIR MOLINA: And it basically boils down to do we  
want

19 to give this committee additional authority,  
more

20 than already as -- Mr. Maberry.

21 SUBCOMMITTEE MEMBER MABERRY: My only comment would be  
if

22 we were still talking about this as being a  
plan,

23           yeah, I agree with you, but we've got -- it's an  
24           ordinance, okay, so it has the authority of law.  
So  
25           I personally don't have a problem with the  
committee

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1           being advisory at this point. I really don't.  
2           CHAIR MOLINA: Okay. All those in favor of the  
committee  
3           being advisory, say "aye."  
4           Subcommittee MEMBER ALTENBERG: Discussion.  
5           CHAIR MOLINA: Or does someone want to frame that in a  
6           motion? Members, it's getting late, so I'm just  
7           trying to --  
8           SUBCOMMITTEE MEMBER ALTENBERG: Yeah, I appreciate  
that.  
9           CHAIR MOLINA: I don't mean to be hurrying you.  
10          SUBCOMMITTEE MEMBER ALTENBERG: No, I mean, because if  
11          it's advisory, then it doesn't have any real  
power  
12          and basically all -- everything -- it's Public  
13          Works -- nobody has any -- nothing -- it has no  
14          recourse if they're not getting satisfied by  
what  
15          Public Works is doing, except to sue the County.  
16          All right. This is to provide an alternative to

17           them having to do that.

18   CHAIR MOLINA:   Okay.  Thank you, Dr. Altenberg.

19           Mr. Chong.

20   SUBCOMMITTEE MEMBER CHONG:  I have a question.  This

21           BVA --

22   CHAIR MOLINA:  BVA, uh-huh.

23   SUBCOMMITTEE MEMBER CHONG:  -- appeals entity, from  
what I

24           understand now, if somebody gets a ruling from

25   Public Works and they don't like it, they can go  
to

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1           this BVA Committee.  Now, does -- if we make the

2           lighting committee advisory not only to Public  
Works

3           but to BVA, do we still serve the same function?

In

4           other words, so if somebody -- if we give a

5           recommendation to Public Works and Public Works

6           gives them a violation and fine and they don't  
like

7           it, they go to BVA and BVA comes back to us for

8           further ruling or further information but they  
still

9           are the legal entity to make the appeal yea or

nay.



10 CHAIR MOLINA: Okay. Would you like to ask that of  
the  
11 Corporation Counsel's Office or -- okay. Ms.  
Fujita  
12 Villarosa.  
13 SUBCOMMITTEE MEMBER CHONG: The question was if the  
14 committee -- the lighting committee is an  
15 advisory -- in an advisory position, so if a  
16 complaint comes into Public Works and they come  
to  
17 us for our -- for our expertise and then they  
pass a  
18 ruling on this violation -- to make it a  
violation  
19 and then that person that got cited comes to  
BVA,  
20 can BVA go back to the same lighting committee  
for  
21 more advisory information?  
22 MS. FUJITA VILLAROSA: What happens is that if -- if  
23 somebody is not satisfied with the BVA's  
decision,  
24 then they go to court. Basically that's their  
next  
25 step.

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1 SUBCOMMITTEE MEMBER CHONG: But going back to BVA, can  
BVA

2 consult with the lighting committee to help with  
3 their ruling on the appeal?

4 MS. FUJITA VILLAROSA: I'm sure that they would look  
at --  
5 they take that into consideration, that -- and  
6 that's why it's good to have an advisory  
committee  
7 for areas like this is because the Director has  
the  
8 opportunity to bounce these things off of some  
9 experts, rather than having to make the  
decision,  
10 you know, just within the Department. So I'm  
sure  
11 that the BVA considers that when they're hearing  
the  
12 appeal, they consider the fact that the Director  
13 adopted the recommendation of the committee. I  
14 mean, that carries weight.

15 SUBCOMMITTEE MEMBER ALTENBERG: Question.

16 CHAIR MOLINA: Okay, Dr. Altenberg.

17 SUBCOMMITTEE MEMBER ALTENBERG: So maybe is the  
current --  
18 does the BVA as currently set up, would it  
19 automatically be the place where appeals to  
matters  
20 regarding outdoor lighting standards be sent?  
Is it  
21 set up to receive appeals from all kind of  
22 administrative actions?

23 MS. FUJITA VILLAROSA: Not all. It's -- I can't cite  
-- I  
24 don't know if you want to look up in the --

BVA

25 SUBCOMMITTEE MEMBER ALTENBERG: In other words, maybe

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1 is already -- has the function that I'm thinking  
2 that this committee would have, and maybe it  
3 currently is -- already statutorily would be the  
4 place where such things would go. Otherwise, do  
we  
5 need to amend the ordinance that establishes BVA  
to  
6 handle outdoor lighting standards issues?

7 MS. FUJITA VILLAROSA: It sounds like this is a Public  
8 Works area, and Public Works matters do go to  
BVA.

9 SUBCOMMITTEE MEMBER MABERRY: Uh-huh.

10 SUBCOMMITTEE MEMBER ALTENBERG: Okay. So --

11 SUBCOMMITTEE MEMBER MABERRY: I'm ready for the motion  
12 now, Mr. Chair. I will make the motion that  
this  
13 committee be advisory.

14 CHAIR MOLINA: Okay.

15 SUBCOMMITTEE MEMBER McCORD: Second.

16 CHAIR MOLINA: Okay. The motion has been made by  
17 Mr. Maberry to have this committee be advisory  
and  
18 it's been seconded by Mr. McCord. Discussion,

19 Mr. Maberry? As the maker of the motion, you  
have

20 the floor.

21 SUBCOMMITTEE MEMBER MABERRY: I think it's been  
covered,

22 sir. I yield.

23 CHAIR MOLINA: Okay. Mr. Altenberg.

24 SUBCOMMITTEE MEMBER ALTENBERG: So that I understand,  
25 you're making this motion with the idea that  
appeals

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1 to Public Works' decisions having to do with  
outdoor  
2 lighting standards would go to the Board of  
3 Variances and Appeals?

4 SUBCOMMITTEE MEMBER MABERRY: Correct.

5 SUBCOMMITTEE MEMBER ALTENBERG: Okay. So that there's  
6 already function in that place and we don't need  
to  
7 put it in this committee. Can you -- all right.

8 would -- a friendly amendment. I would amend it  
to  
9 be specifically in regards to appeals, that it's  
10 advisory with respect to -- that doesn't have --  
I

11 mean --

12 Subcommittee MEMBER CHONG: Then you're eliminating  
13 yourself. Then you're eliminating the  
committee.  
14 SUBCOMMITTEE MEMBER ALTENBERG: No, no.  
15 CHAIR MOLINA: Hang on. Are you -- excuse me. I'm  
sorry.  
16 SUBCOMMITTEE MEMBER MABERRY: If I may address --  
17 CHAIR MOLINA: Dr. Altenberg, are you --  
18 SUBCOMMITTEE MEMBER ALTENBERG: I mean, the idea was  
that,  
19 for example, if somebody wants to do a variance  
to  
20 the lighting standards, that they have to get  
the  
21 approval of this committee, that they not --  
that --  
22 if the committee -- in other words, if the  
committee  
23 advises one thing and the Public Works decides  
24 another, then the person is out of luck. I  
wanted  
25 the original concept of this committee is that  
its

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1 approval would be required for approving of  
2 variance. Okay. It's not simply that it be  
giving  
3 advice to Public Works about whether to accept a

it 4 variance. So in that case that -- I would like  
5 to have some power, not simply be advisory with  
6 regard to that kind of decision. With regard to  
7 appeals, I think because of this Board of  
Variance 8 and Appeals already is in existence and that's  
9 its function, that this committee only be advisory,  
10 but in regards to approving variances, I think it  
11 needs to have decision-making power.  
12 CHAIR MOLINA: Okay, Dr. Altenberg, would you like to  
13 frame that as an amendment to the motion on the  
14 floor?  
15 SUBCOMMITTEE MEMBER ALTENBERG: That the -- this  
16 committee -- the language should be changed that  
17 this subcommittee is advisory with respect to  
18 appeals to decisions of Public Works.  
19 CHAIR MOLINA: Okay. Is there a second to the  
proposed 20 amendment?  
21 SUBCOMMITTEE MEMBER BERNARD: Second.  
22 SUBCOMMITTEE MEMBER MABERRY: Point of information.  
23 CHAIR MOLINA: Okay. Hang on. Hang on.  
24 SUBCOMMITTEE MEMBER MABERRY: Point of order.  
25 CHAIR MOLINA: Okay. Your point, Mr. Maberry.

1       SUBCOMMITTEE MEMBER MABERRY:  At the moment I'm trying  
2                    very hard to see where it specifies that --  
we've  
3                    kind of thrown a few -- where does it specify  
right  
4                    now that it is advisory?  I think what the  
concern  
5                    is is that you're wanting it to be something  
other  
6                    than a standard committee within current County  
7                    makeup.  
8       SUBCOMMITTEE MEMBER ALTENBERG:  Right.  
9       SUBCOMMITTEE MEMBER MABERRY:  So you're actually  
looking  
10                   at introducing language into what we've been  
working  
11                   on.  
12       SUBCOMMITTEE MEMBER ALTENBERG:  No.  
13       SUBCOMMITTEE MEMBER MABERRY:  Because it doesn't say  
in  
14                   here specifically that it's advisory.  It was  
more  
15                   that we were talking about the concept of  
whether or  
16                   not it was an enforcement branch.  The other  
thing,  
17                   as a friendly thing, I'd point out that, you  
know,  
18                   you and I are around right now, but we may not  
be in  
19                   20 years and you don't know who's going to be

want 20 appointing people to this board. Do you really  
21 to give them that much power? I'd feel more  
22 comfortable having the process of the Board of  
23 Variances handle this, as opposed to some  
committee.  
24 CHAIR MOLINA: Okay, members, getting back, we have a  
25 proposed amendment on the floor. Is there a  
second?

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1 If there's no second, the proposed amendment  
dies.  
2 Is there a second to the amendment? Okay.  
Seeing  
3 no second, the amendment --  
4 SUBCOMMITTEE MEMBER MABERRY: Again, point -- okay.  
5 CHAIR MOLINA: We're back to the main motion on the  
floor.  
6 Discussion. If not, the Chair will call for the  
7 question. Okay. For the last time on this  
motion,  
8 Dr. Altenberg.  
9 SUBCOMMITTEE MEMBER ALTENBERG: Okay. Various places  
in  
10 the proposed ordinance it talks about requiring  
11 approval of both the committee and the Director  
of



the  
a  
out  
obviate  
proposal  
of  
Chong.  
like  
the

12 Public Works for a variance. So in that case  
13 other language specifies a non-advisory role but  
14 decision-making role of the committee, and so I  
15 would propose that -- basically I would point  
16 that your amendment -- or your motion would  
17 all that language in the rest of the draft  
18 that requires the approval of the committee for  
19 variances and that's why I would not be in favor  
20 this motion.  
21 CHAIR MOLINA: Okay, seeing none. Okay, next, Mr.  
22 SUBCOMMITTEE MEMBER CHONG: Historical question. In  
23 Land Use Committee recommendations or Arborists  
24 or -- has Public Works ever gone against what  
25 committee has recommended?

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1 CHAIR MOLINA: Well, maybe someone from Public Works  
2 can --  
3 SUBCOMMITTEE MEMBER CHONG: And that may be a  
political

He's  
of  
to  
variance,  
my  
mean,  
it?  
- I  
been  
the  
that  
they  
throw  
out

4 question, but have they ever done that? I mean  
5 it's -- I understand what Lee's trying to do.  
6 trying to make sure that the lighting committee  
7 experts should have some weight and not leave it  
8 a Director whose buddy is trying to get a  
9 to stretch it real far, but, you know, you get  
10 meaning. So -- but has that ever happened? I  
11 if the Land Use Committee says we recommend that  
12 this building be limited to this, do they change  
13 CHAIR MOLINA: Okay. Hang on, Mr. Chong. Okay,  
14 Mr. Nakao, are you going to yield to Corporation  
15 Counsel to respond to Mr. Chong's question?  
16 MS. FUJITA VILLAROSA: This is also just to give you -  
17 can't answer that question because I haven't  
18 here nearly that long, but in the area of BVA,  
19 Board of Variances and Appeals, they determine  
20 variances. So I just wanted to let you know  
21 there is a body currently out there that has the  
22 authority to grant or deny variances and they  
23 have -- they have standards in their rules that  
24 have to operate under. So I just wanted to  
25 that out, that there is such a body that exists

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1           there.  So they wouldn't -- a variance wouldn't  
go  
2           to the Director.  It would go to BVA.  
3   SUBCOMMITTEE MEMBER ALTENBERG:  Question.  Do they  
handle  
4           Planning Department variance requests as well as  
5           Public Works?  
6   MS. FUJITA VILLAROSA:  Yeah, they handle -- yes, they  
do  
7           handle Planning and Public Works.  I was just  
going  
8           to give you the titles, but I can't seem to find  
it  
9           right now, but there's certain titles of the  
Maui  
10          County Code that BVA has jurisdiction in.  
11   SUBCOMMITTEE MEMBER CHONG:  But that's just for  
appeals or  
12          just -- or for regular -- for normal process of  
13          planning and permitting?  
14   MS. FUJITA VILLAROSA:  For --  
15   SUBCOMMITTEE MEMBER CHONG:  Just for appeals?  
16   MS. FUJITA VILLAROSA:  For variances and appeals.  So  
if  
17          it's a variance -- if it's a request for a  
variance

18 from the Maui County Code, it goes to BVA. If  
it's  
19 an appeal, that means the Director has made a  
20 decision and the person doesn't like that  
decision.  
21 So they handle both.  
22 SUBCOMMITTEE MEMBER ALTENBERG: So --  
23 MS. FUJITA VILLAROSA: And their decision's final.  
24 SUBCOMMITTEE MEMBER ALTENBERG: So all departments,  
25 Planning, Public Works, all variances that those

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1 departments would be dealing with go to the  
Board of  
2 Variances?  
3 MS. FUJITA VILLAROSA: Right. There's the -- certain  
4 titles which include, you know, Title 19, the  
zoning  
5 ordinance, and Public Works, most of -- I think  
all  
6 of their titles would all go to BVA for a  
variance.  
7 CHAIR MOLINA: Okay. Thank you. The Chair calls for  
the  
8 question. The motion on the floor. All those  
in  
9 favor of the motion -- if I could restate the  
10 motion, to keep this committee as advisory, all

11           those say "aye."  
12       SUBCOMMITTEE MEMBERS VOICED AYE.  
13       CHAIR MOLINA: All those opposed?  
14       SUBCOMMITTEE MEMBER ALTENBERG: Nay.  
15       SUBCOMMITTEE MEMBER BERNARD: Nay.  
16       CHAIR MOLINA: Okay. All right. We have two nays.  
17           Chair votes aye.  
18       VOTE: AYES:           Subcommittee members Chong, Maberry,  
                                  McCord, and Chair Molina.  
19       NOES:                Subcommittee member Altenberg and  
                                  Bernard.  
20       ABSTAIN:           None.  
          ABSENT:           None.  
21       EXC.:                Vice-Chair Tavares.  
22       MOTION CARRIED.  
23       ACTION:            APPROVE recommend "advisory" status  
                                  the proposed Outdoor Lighting  
24                                   Committee.  
25       CHAIR MOLINA: The motion carries by a four-to-two  
                                  vote.

The

for  
Standards  
vote.

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1                            Okay, members, it is 11:45. The Chair  
would  
2                            like to take a 15-minute break. We shall  
reconvene  
3                            at 12:00 o'clock. (Gavel).  
4       RECESS: 11:45 a.m.

5 RECONVENE: 12:03 p.m.

6 CHAIR MOLINA: (Gavel). Subcommittee on Outdoor  
Lighting  
7 Standards meeting for September 25th is now back  
in  
8 session. Members, at this time the Chair will  
yield  
9 the floor to Committee Member Maberry for his  
10 comments.

11 SUBCOMMITTEE MEMBER MABERRY: Yes, sir, I'd like to  
12 withdraw my earlier recommendation for adding a  
new  
13 sort of something between E and F regarding the  
14 committee dealing with issues of lighting --  
light  
15 trespass on private property, because it's  
actually  
16 covered under C, because there will be  
definitions  
17 in the ordinance regarding light trespass. So I  
18 withdraw that, and I would like to very quickly  
19 revisit F, with a recommendation that we keep F  
as  
20 it is except we delete 2 through 8, and that --  
21 that's it, sir.

22 CHAIR MOLINA: Okay. Thank you, Mr. Maberry. Any  
23 comments from the Committee? Okay. Hearing  
none,  
24 do we have consensus? Okay.

25 SUBCOMMITTEE MEMBER ALTENBERG: A question. Suppose  
that

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with a  
that  
would  
may  
will  
has

1           like Ms. Haag who came -- suppose she came in  
2           complaint that some neighbor installed lights  
3           were in violation of the ordinance, then where  
4           that complaint go? It would go to Public Works?  
5   SUBCOMMITTEE MEMBER MABERRY: The initial complaint --  
6           I respond, sir?  
7   CHAIR MOLINA: Proceed, Mr. Maberry.  
8   SUBCOMMITTEE MEMBER MABERRY: Just like in the Street  
9           Light Standards Committee, the complaint will  
10          originally be filed at Public Works, and Public  
11          Works will either address it themselves or they  
12          kick it to the committee.  
13   SUBCOMMITTEE MEMBER ALTENBERG: Okay. And then if the  
14          person is not satisfied with what Public Works  
15          done, then, as I understand, it would go to the  
16          Board of Variances and Appeals; is that your  
17          understanding?  
18   SUBCOMMITTEE MEMBER MABERRY: No.  
19   CHAIR MOLINA: Well, let's get a comment from maybe  
20          Corporation Counsel.  
21   SUBCOMMITTEE MEMBER MABERRY: Or Public Works.

Works? 22 CHAIR MOLINA: Can you respond at this time, Public  
23 MR. NAKAO: Okay. If the individual who filed the  
24 complaint is not satisfied with the resolution  
that  
25 the Department came up, then they could go to  
the

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1 Board of Variance and Appeals, yeah.  
2 SUBCOMMITTEE MEMBER ALTENBERG: Okay. And is that  
what  
3 you want to see happen, Mike?  
4 SUBCOMMITTEE MEMBER MABERRY: Yeah.  
5 SUBCOMMITTEE MEMBER ALTENBERG: Okay. And then it  
would  
6 seem to me that we don't need any additional  
7 language.  
8 SUBCOMMITTEE MEMBER MABERRY: (Inaudible).  
9 SUBCOMMITTEE MEMBER ALTENBERG: (Inaudible).  
10 CHAIR MOLINA: Hang on, gentlemen. One at a time.  
Who  
11 are we recognizing right now? Question from  
12 Dr. Altenberg to Mr. Maberry. Mr. Maberry, can  
you  
13 respond?  
14 SUBCOMMITTEE MEMBER ALTENBERG: So in other words --



question?

15 SUBCOMMITTEE MEMBER MABERRY: Can you repeat the

just

16 SUBCOMMITTEE MEMBER ALTENBERG: In other words -- I'm

--

17 trying to clarify. In other words, what you're

18 by not adding this language, by withdrawing the

-

19 language you had proposed to be added, you are -

20 you understand that then the process is that a

21 complaint would go to Public Works and then if

Public

22 somebody's not satisfied with the action of

23 Works, it would go to the Board of Variances and

24 Appeals.

25 SUBCOMMITTEE MEMBER MABERRY: Okay. You're missing a

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the

1 step. Based on what I'm going by by the Street

2 Light Standards Committee that exists right now,

goes

3 complaint goes to Public Works, okay, then it

4 to the committee. If they don't deal with it

5 themselves, it goes to the committee. Then the

for

6 committee makes a recommendation to the Director

7 action, right? Then if -- then if the person

they 8 doesn't like the decision of the Director, then  
9 go to the Board of Variances.  
10 MR. NAKAO: No, I think they sue.  
11 SUBCOMMITTEE MEMBER MABERRY: Well, they sue.  
Whatever.  
12 But there is a process. There is a process  
13 available to the individual is the point, and  
there  
14 are several steps, and this committee is one --  
this  
15 committee that would be established would be one  
of  
16 those steps.  
17 SUBCOMMITTEE MEMBER ALTENBERG: Well, there's no  
language  
18 that requires that the Public Works Director get  
the  
19 advice of the committee on a complaint.  
20 SUBCOMMITTEE MEMBER MABERRY: There is in the  
ordinance.  
21 You've established it in the ordinance.  
22 SUBCOMMITTEE MEMBER ALTENBERG: There's nothing  
dealing  
23 with citizen-initiated complaints. It talks  
about  
24 proposals by somebody who's proposing to install  
25 lighting.

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1           SUBCOMMITTEE MEMBER MABERRY: Okay. Then may I just  
2           suggest that we deal with that when we get to  
the  
3           section of the ordinance.  
4           CHAIR MOLINA: Thank you.  
5           SUBCOMMITTEE MEMBER MABERRY: As far as establishing  
the  
6           committee, this is all we need to do. I mean,  
to  
7           finish up this document and to move on and that  
the  
8           actual committee of -- what you want the  
committee  
9           to do --  
10          CHAIR MOLINA: Okay. Mr. Maberry, so your withdraw  
will  
11          be recognized by the Chair. And, Dr. Altenberg,  
12          maybe you can forward those questions in writing  
at  
13          a later time so we can get a response either via  
14          Public Works or maybe even Corporation Counsel  
can  
15          comment on that.  
16          SUBCOMMITTEE MEMBER MABERRY: And also, Mr. Chair,  
we're  
17          accepting the changes in F as a consensus?  
18          CHAIR MOLINA: Yes. Is there a consensus for the  
changes  
19          that's been proposed by Mr. Maberry?  
20          SUBCOMMITTEE MEMBER MABERRY: Okay. Then may I  
suggest  
21          that we're finished with this document, then,  
for  
22          now, sir?

other 23 CHAIR MOLINA: Okay. All right. Thank you. Any

24 last comments on the March 4th document?

25 SECTION .070

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.070, 1 CHAIR MOLINA: Seeing none, let's go to Section  
2 lamp standards. Okay. Certain revisions have  
3 already been recommended by the Subcommittee for  
4 this section. The changes are highlighted  
within 5 the working document. The Subcommittee directed  
6 that Section .070 lamp standards be redrafted to  
7 incorporate the use of LPS and HPS, and Staff  
has 8 submitted three options to consider for this  
9 section.

10 The Subcommittee members were sent these  
11 options prior to today's meetings and the Chair  
12 would like to determine if any of the proposed  
13 options satisfy the concerns of the  
Subcommittee.

14 If no one option addresses the concerns of the  
15 Subcommittee, we may consider combining the  
options 16 to meet our goals. If these options will not

need 17 achieve the goals of the Subcommittee, then we  
18 to develop a clear direction of what the members  
19 desire for this section.  
20 So regarding Section .070, anyone with  
proposed 21 comments or recommendations regarding the  
22 options? Anyone need a minute or two to review  
23 prior to making comments? No concerns for .070?  
24 Can we move on?  
25 SUBCOMMITTEE MEMBER MABERRY: No, no.

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1 CHAIR MOLINA: Just kidding.  
2 SUBCOMMITTEE MEMBER MABERRY: I won't say that.  
3 CHAIR MOLINA: Okay, Mr. Maberry.  
what 4 SUBCOMMITTEE MEMBER MABERRY: If I could, sir, again,  
we 5 I came away with from our last meeting was that  
6 have agreed that the ordinance will only address  
7 light that is installed -- lighting systems that  
are 8 installed or lighting that is installed at which  
9 point this ordinance would go into effect,  
should it 10 go into effect, and that there be an intent to

of 11 provide a buffer zone. And I've seen a couple  
if we 12 different options, but -- and I can't remember  
is a 13 discussed it in detail, but what it needs to be  
existing 14 25-mile radius around the summit of Haleakala  
lights 15 centered on Haleakala High Altitude Observatory  
not 16 site, and that in that case all new -- all  
trying 17 stays, right, but all new lighting for street  
18 and parking lots, major lighting installations,  
19 including, of course, the sporting that we're  
20 to address separately would be LPS.  
21 Whatever height necessary in order to be  
there 22 appropriate to meet the standards, right now  
was 23 is a 20-foot height limit, but that height limit  
we're 24 based on using the type of HPS lighting that  
not 25 using -- currently using on the roads. So I'm

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are 1 real fixed on -- you know, I think that there

then  
premise,  
these,  
these  
looking  
of  
where  
Comments?  
mile  
again,  
which  
that's  
problem.

2 standards for a reason and if we're using LPS,  
3 they should be the height appropriate for the  
4 wattage of the LPS. So moving under that  
5 as far as trying to dig out from which one of  
6 I'm not positive that any one single one of  
7 options addresses that. I am confident by  
8 it over that there are several different pieces  
9 these that, yes, will work, but, again, that's  
10 I'm sort of sitting here is thinking that that's  
11 what we're trying to do. Thank you.  
12 CHAIR MOLINA: Okay. Thank you, Mr. Maberry.  
13 Mr. Chong.  
14 SUBCOMMITTEE MEMBER CHONG: Sorry. Where does the 25-  
15 circle encompass? I need some --  
16 SUBCOMMITTEE MEMBER MABERRY: And the discussion,  
17 was going back to sort of what San Diego did,  
18 was actually 30 miles. The reason I say 25 is  
19 because looking carefully on the map, the area  
20 around Ukumehame, anyplace along that line  
21 line of sight of Haleakala is a potential  
22 In fact even -- even the lighting that's being  
23 installed at the shooting range, for example, is

mile 24 direct line of sight of Haleakala. So the 25  
still 25 would still protect -- not protect -- yeah,

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would 1 protect Haleakala abut would exempt everything  
course, 2 basically from Olowalu on around Lahaina side,  
3 not include Molokai or Lanai. It will, of  
4 include basically everything else. But, again,  
5 we're talking about lighting that is installed.  
retrofit. 6 We're not talking at this time about any  
you 7 So there's no requirements to change anything,  
8 know, new highways, new parking lots.  
9 SUBCOMMITTEE MEMBER CHONG: With the exception of the  
10 exceptions that are allowed in the ordinance.  
ordinance, 11 SUBCOMMITTEE MEMBER MABERRY: In the current  
for 12 yeah, the way it's written right now of course  
13 light -- for color rendition, and some of that  
14 language you may want to clean up, right? You  
know, 15 like for example in option one it goes in -- you



make

16 know, it's -- I mean, some of this we need to

as we

17 sure is set, but I just want to make sure that

--

18 start down this road that I'm working under the

19 we're all working under the same premise.

other

20 CHAIR MOLINA: Okay. Thank you, Mr. Maberry. Any

to

21 comments on .070? Status quo. Would you like

7

22 move on and we can always revert -- come back to

23 at a later time. Dr. Altenberg.

24 SUBCOMMITTEE MEMBER ALTENBERG: One question I had is

25 when -- when should we make a distinction --

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sodium

1 CHAIR MOLINA: Excuse me. We have a question for

2 Mr. Maberry from Dr. Altenberg.

3 SUBCOMMITTEE MEMBER ALTENBERG: Certainly within the

4 astronomy zone we want to have low pressure

5 as much as possible, but outside that zone do we

6 make -- need to make any requirements that would

7 differentiate between low pressure sodium, high

of

8 pressure sodium, or metal halide or other kinds

9 light?

10 SUBCOMMITTEE MEMBER MABERRY: Mr. Chair, at this point  
in  
11 time we're not concerned about that. It, you  
know,  
12 may be necessary to address at some point in the  
13 future, but the one thing that I didn't cover,  
of  
14 course, is that outside the 25-mile astronomy  
buffer  
15 zone is that we still are going to need to look  
at  
16 the illumination of our beaches, but I believe  
there  
17 is a very cost effective, reasonable manner for  
18 doing that from what we saw in months back  
regarding  
19 using spotlights that have an amber lens that  
does  
20 not seem to bother the turtles or the night  
flying  
21 birds, and I think that the hotel folks have  
22 agreed -- I may be wrong, we may look to our  
23 resource people to see, but I think that's  
something  
24 they're willing to look at for future lighting  
of  
25 beaches, even though we pointed out, for  
example,

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1 that on the Big Island they're not allowed to  
2 illuminate their beaches.

3 CHAIR MOLINA: Is that confirmed with the hotel -- can  
4 Mr. Hoonan and Mr. George -- okay, thank you.

Any

5 other issues relating to .070? So I take it

there's

6 consensus with the present changes made to the

7 section. Okay. Thank you. Go ahead, Mr.

Maberry.

8 SUBCOMMITTEE MEMBER MABERRY: I would just like to be

--

9 I'm kind of looking to Rick here to see if he's

10 comfortable with the exemptions that are in this

--

11 I mean that are in the red line document or are

we

12 looking at --

13 SUBCOMMITTEE MEMBER CHONG: Yeah, which one are we

looking

14 at exactly now?

15 CHAIR MOLINA: I presume the red line document.

16 SUBCOMMITTEE MEMBER MABERRY: Yeah, I would look at

the

17 red line document, Rick, and then see if under

the

18 exemptions that that looks right to you. No, I

19 downloaded that.

20 SUBCOMMITTEE MEMBER McCORD: I think I'm still working

on

21 the one before then.

22 SUBCOMMITTEE MEMBER MABERRY: You don't have email.

23 You've got to move up to the 21st --

24 SUBCOMMITTEE MEMBER McCORD: We do have fax.  
25 SUBCOMMITTEE MEMBER MABERRY: Okay. Well, fax won't

help

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1 with color unless you have a color fax.

2 SUBCOMMITTEE MEMBER McCORD: Oh.

can

3 CHAIR MOLINA: Mr. Chong, anything at this time? We

anything

4 always come back to .070 if you don't have

5 at this time.

this

6 SUBCOMMITTEE MEMBER CHONG: I don't have anything at

to

7 time. I'd like a little -- obviously more time

8 really look at it closely.

changes

9 CHAIR MOLINA: Okay. So these are the agreed upon

members,

10 from the last meeting that we had. Okay,

.080,

11 with that the Chair would like to move on to

.070,

12 and if anything comes to mind which relates to

the

13 we can always revert back there. Okay. So far

to

14 Subcommittee has concurred on certain revisions

15 Subsection 3 of .080.

16 MR. SALDANA: Mr. Chair.

17 CHAIR MOLINA: Yes, Mr. Saldana.

18 MR. SALDANA: I'm sorry, before -- I was a little bit

19 distracted there, but before we move on, what  
was

20 the consensus on .070?

21 CHAIR MOLINA: Other than Mr. -- did you get Mr.  
Maberry's

22 suggestions?

23 MR. SALDANA: No. I was --

24 CHAIR MOLINA: Mr. Maberry, would you like to restate  
--

25 MR. SALDANA: I had stepped out.

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1 CHAIR MOLINA: Okay. Would you like to restate your  
2 concerns for .070 to Mr. Saldana.

3 SUBCOMMITTEE MEMBER MABERRY: I specifically I guess  
want

4 to -- you know, I'm not offering language right  
this

5 second, but -- so I don't guess it affects lamp  
6 standards, but the bottom line was that this

7 ordinance would establish the astronomy zone, so  
to

8 speak, to use the language used from -- I think  
the

radius 9 language used from San Diego to be a 25-mile  
10 around Haleakala High Altitude Observatory site,  
11 from the center of, and I think I see a map over  
12 there. Do you want to show --  
13 MR. SALDANA: Yeah, I'd like to show you the map.  
14 SUBCOMMITTEE MEMBER MABERRY: Okay.  
15 MR. SALDANA: And that will kind of help you -- give  
you a  
16 perspective. I was trying to pull it up on my  
17 computer because I have a disk for it and it  
just --  
18 I'm so computer illiterate I can't figure it  
out,  
19 but I have the maps to back me up.  
20 CHAIR MOLINA: Okay. Is that a map we can post up  
there?  
21 MR. SALDANA: What we have -- that's basically -- all  
we  
22 did was we, not knowing -- I'm sorry. Not  
knowing  
23 if the Committee wanted to go this direction in  
24 terms of establishing radiuses and having the  
25 examples of other communities utilizing  
radiuses, I

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1 just gave our GIS people radiuses of five, ten,  
and  
2 15 miles. So of course the outer district --  
the  
3 outer circle is the 15 miles, which covers  
almost  
4 this entire section of Maui, leaving the west  
5 portion of Maui out of it, and then the ten-mile  
6 pretty much will take portions of Pukalani,  
Makawao,  
7 and portions of the backside of the island from  
8 Kaupo on over to -- closer to the La Perouse  
area,  
9 not quite getting to La Perouse, and then the  
10 five-mile just pretty much gets Kula into the --  
11 into the district.

12 What this map also signifies is  
illumination  
13 too, so -- or the numbers of population, I'm  
sorry.  
14 As these little dots represent approximately  
about  
15 500 people per dot, so where you see the  
clusters of  
16 dots, you'll see where the populations are  
located  
17 throughout the island as well. So you'll note  
that  
18 it -- the 15-mile radius handles pretty much so  
all  
19 of Upcountry, Kihei, Wailea area and none of the  
20 central area and none of the West Maui area,  
where  
21 you'd see a bulk of the -- bulk of the  
population.

guess  
line  
went

22 SUBCOMMITTEE MEMBER MABERRY: Mr. Chair, if I may, I  
23 you need me to be on this, but the reason I had  
24 recommended 25 miles was to try to take in the  
25 of sight -- and, again, remember that San Diego

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of  
out  
to  
terrain  
that  
bounces  
but  
can  
to

1 30 miles. I was trying to take in the majority  
2 the line of sight population areas so it went  
3 to, say, Olowalu, but if I had gone 30 miles, it  
4 would have gotten into Lahaina and I was trying  
5 exclude Lahaina, primarily because of the  
6 shielding from West Maui Mountains, not to say  
7 that doesn't have an impact. Anything that  
8 off the dust in the sky is a potential problem,  
9 again, trying to remove this area over here but  
10 catch this. Now, part of the problem, as you  
11 see, if I do that, is that as Waihee area grows,  
12 there's a potential problem there, but we've got



that's

13 start somewhere, I guess, is my point, and so

14 why I suggested 25 miles. I think there's a

15 question over there, sir.

still

16 SUBCOMMITTEE MEMBER ALTENBERG: So you're saying that

17 there may be areas beyond 25 miles that were

18 within the line of sight of Haleakala. It seems

the

19 like we need to protect anything that's within

it?

20 line of sight of Haleakala, so why not just say

21 CHAIR MOLINA: Well, if it's the Committee's wish to

22 extend the line of sight from 15 to 25, then we

23 could put that in the section.

section,

24 SUBCOMMITTEE MEMBER MABERRY: I'm not sure which

25 though.

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rather

1 CHAIR MOLINA: Is there a consensus for 25 miles

2 than 15 from the Committee? Mr. Chong.

what

3 SUBCOMMITTEE MEMBER CHONG: I'm just a little curious

areas

4 the landowners of those areas -- in the resort

if,

5 have to say. I'm just curious, and I don't know

and 6 you know, \_\_\_\_\_ or Rob's out on that coast,  
7 so there's George, but I don't know if they can  
8 speak for the landowners.  
9 CHAIR MOLINA: Any objections to having comments made  
from 10 Mr. Hoonan or Mr. George on that at this time?  
11 Ms. Vencl, come on up.  
12 MS. VENCL: What jumps to my mind immediately, and I  
13 totally understand where Mike's trying to go,  
but to 14 have -- looking at a broad perspective of all of  
my 15 members, to have one be able to do something  
that 16 somebody else isn't will cause me a problem.  
17 CHAIR MOLINA: Mr. Maberry.  
18 SUBCOMMITTEE MEMBER MABERRY: If the Committee and the  
again, 19 group would agree, ideally, you know -- and  
20 we've had some complaints from people on  
Molokai. I 21 mean, ideally the ordinance should apply  
Countywide, 22 but I was trying to work out some balance, but I  
23 would recommend -- I mean my initial  
recommendation 24 is that it be a Countywide ordinance.  
25 CHAIR MOLINA: Okay. Dr. Altenberg.

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1       SUBCOMMITTEE MEMBER ALTENBERG: Well, as far as this  
is  
2               dealing strictly with the low pressure sodium  
lamp  
3               requirement and -- have you gotten complaints  
from  
4               Molokai that we don't have low pressure sodium?  
light  
5       SUBCOMMITTEE MEMBER MABERRY: No, sir, just on the  
6               trespass.  
dealing  
7       SUBCOMMITTEE MEMBER ALTENBERG: Okay. So I think  
8               in terms of low pressure sodium, that's really  
9               strictly of interest to the astronomers and as a  
way  
10              to have light that's not harmful to wildlife, so  
--  
11       SUBCOMMITTEE MEMBER CHONG: Nothing to do with  
trespass.  
she's  
12       SUBCOMMITTEE MEMBER MABERRY: However, if I may, and  
13              not here, but as we build more and more highways  
and  
14              bigger highways, you know, along the beach  
areas,  
15              you know, you're -- because of the requirements  
for  
16              safety of putting street lights at intersections  
and  
17              such, you're going to see more and more light on  
18              your beach, spilt on your beach from your roads  
and

19                   it would make more sense ultimately for  
protection  
20                   of the turtles in areas that may not have direct  
21                   negative impact on the astronomers to have LPS,  
you  
22                   know, elsewhere in the County.  
23           CHAIR MOLINA:   Okay.   Mr. Chong.  
24           SUBCOMMITTEE MEMBER CHONG:   I'm going to, again,  
probably  
25                   speak out of line here, but I don't think the

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1                   property owners in those areas that would be  
2                   encompassed by this 25-mile radius, or whatever  
this  
3                   radius ends up being, would have a problem with  
4                   usage of low pressure sodium for things like  
parking  
5                   lots and using the gel material on high pressure  
6                   sodium for beach security that the biologists  
7                   have -- already in Florida have accepted.  
Again,  
8                   like I mentioned, what's going to be key is what  
the  
9                   ordinance allows us as exceptions to create that  
10                  ambience for the resorts that the people like to  
11                  come to and see and feel and enjoy.   That's --  
that

12 will be the key, and I don't think they want to  
be  
13 bad citizens and not help with the astronomy  
14 community and the biological wildlife community,  
15 just a little balance on the other side with the  
16 exceptions and what we can do with landscape  
17 lighting and water feature lighting and things  
like  
18 that.  
19 SUBCOMMITTEE MEMBER MABERRY: I'm very comfortable  
with  
20 that, and again, probably so that we don't get  
into  
21 any problems, maybe we should make the LPS  
situation  
22 Countywide and that we look forward to Rick  
23 reviewing the details and the exemptions and  
we'll  
24 be happy to, you know, work with him at the next  
25 meeting on the exemptions.

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1 CHAIR MOLINA: Okay. So that will go as a  
recommendation  
2 from the Committee. Dr. Altenberg.  
3 SUBCOMMITTEE MEMBER ALTENBERG: So, in other words,  
you're  
4 proposing that new lights on Molokai or Lanai be  
low

5 pressure sodium.

6 SUBCOMMITTEE MEMBER MABERRY: Street lights, parking  
lot

7 lights, yes.

8 SUBCOMMITTEE MEMBER ALTENBERG: I don't have a problem  
9 with that myself.

10 SUBCOMMITTEE MEMBER CHONG: Why am I not surprised?

11 SUBCOMMITTEE MEMBER MABERRY: It's just that we've  
kind of

12 gone through this process of, you know, figuring  
out

13 to work together here and, you know, it's  
looking

14 pretty good at the moment, so let's do it.

15 Subcommittee MEMBER ALTENBERG: I mean, there's energy  
--

16 CHAIR MOLINA: Go ahead.

17 SUBCOMMITTEE MEMBER MABERRY: Yeah, definitely energy  
--

18 SUBCOMMITTEE MEMBER ALTENBERG: There's energy  
efficiency

19 considerations that in addition to astronomy and  
20 turtles that may weigh in the benefit of low  
21 pressure sodium, but -- so if you don't -- if  
you

22 don't want to add a Haleakala zone to the lamp  
23 standards, I would not oppose you.

24 SUBCOMMITTEE MEMBER MABERRY: Okay.

25 CHAIR MOLINA: Of course this is just for  
clarification,

150

1           this is for future lighting, not what's --

2           SUBCOMMITTEE MEMBER MABERRY: That's correct.

3           CHAIR MOLINA: -- already in existence.

4           SUBCOMMITTEE MEMBER MABERRY: That's correct.

5           CHAIR MOLINA: Okay. Thank you. So the Chair will  
take

6           that as a recommendation from the Subcommittee  
for

7           .080.

8           SUBCOMMITTEE MEMBER MABERRY: Yeah, thank you very  
much.

9           So that means -- you know, that's what I was  
trying

10          to look over, Mr. Chair, because I didn't see it  
11          right? It's not in this current red line draft,  
and

12          I guess it doesn't need to be now, as long as we  
13          have the language that's already in there, that  
14          after the effective date of the ordinance, so  
thank

15          you very much, Mr. Chairman. We can now move  
on.

16          CHAIR MOLINA: Thank you, Mr. Maberry.

17                   Members, let's go now to Section .090,

18          luminaire mount standards. The Subcommittee --

19          SUBCOMMITTEE MEMBER ALTENBERG: What happened --

20          CHAIR MOLINA: Yes, Dr. Altenberg.

21          SUBCOMMITTEE MEMBER ALTENBERG: Are we going to deal  
with

22 .080?

23 CHAIR MOLINA: I'm sorry, was that -- I thought we  
were --

24 MR. SALDANA: I thought we were just --

25 SUBCOMMITTEE MEMBER ALTENBERG: We just finished with

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1 .070, but we haven't dealt with .080 yet.

2 CHAIR MOLINA: Okay. That was -- was that part of  
.070 or

3 .080? I'm sorry, I got lost.

4 SUBCOMMITTEE MEMBER MABERRY: Well, it was .070, sir,  
5 because it affected, you know, how we were going  
to

6 approach --

7 CHAIR MOLINA: Okay. I'm sorry. Okay. Let's go to  
8 .08 -- I -- for some reason I thought we had  
done

9 .080. Okay.

10 SECTION .080

11 CHAIR MOLINA: All right. Looking at .080, any  
members

12 have any concerns with regards to the revisions  
made

13 there, I think on Section 3, motion sensor?

14 SUBCOMMITTEE MEMBER MABERRY: I guess I have a  
question,



15 if I may. And I'm actually addressing Rick on  
16 this, and it was because of the comments made by  
17 Mr. George earlier. Was he not looking at the  
draft  
on --  
to  
confused  
20 lumens and such? I mean, I got a little  
21 there, Rick.  
22 CHAIR MOLINA: That's the 1,000 lumens per fixture?  
23 SUBCOMMITTEE MEMBER CHONG: Yeah, well --  
24 SUBCOMMITTEE MEMBER MABERRY: I guess the use of the  
term  
25 lumens, is that still a problem as we go through

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1 this?  
2 CHAIR MOLINA: Okay, Mr. Chong.  
3 SUBCOMMITTEE MEMBER CHONG: No, I don't think that's a  
4 problem of lumens.  
5 SUBCOMMITTEE MEMBER MABERRY: Okay. Thank you.  
6 SUBCOMMITTEE MEMBER CHONG: Although to correlate the  
7 lumens with the 60 watt bulb is wrong, because a  
60  
stick it  
8 watt bulb may have a lumen rating, once you

the 9 in a luminaire not all those lumens come out of  
It 10 luminaire. So there's no correlation really.  
may 11 depends on what kind of luminaire it is. You  
and 12 not get all the lumens out of a 60 watt bulb,  
lumens 13 usually not. There is no such thing as a 100  
all 14 percent efficient luminaire, meaning all the  
15 of the -- the raw lumens coming out of the bulb  
16 come out the opening of the luminaire. All  
17 luminaires absorb through reflections within the  
to 18 lamp itself in the luminaire. So you might want  
19 strike the 60 watt bulb reference and just talk  
20 about lumens.  
21 CHAIR MOLINA: Okay. Dr. Altenberg.  
that 22 SUBCOMMITTEE MEMBER ALTENBERG: The only purpose of  
so 23 parenthetical statement was as an illustration  
is 24 that somebody has an idea of what 1,000 lumens  
there's 25 about equal to. So it doesn't have that --

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1 no legal consequence to that parenthetical  
2 statement, so --

3 SUBCOMMITTEE MEMBER CHONG: Understood. Then I even  
4 more -- because anybody who is doing lighting  
design  
5 understands what a lumen is and I would just  
strike  
6 it.

7 CHAIR MOLINA: Okay.

8 SUBCOMMITTEE MEMBER MABERRY: Friendly recommendation.

9 CHAIR MOLINA: Mr. Maberry.

10 SUBCOMMITTEE MEMBER MABERRY: Friendly recommendation,  
11 then, as well on number 1, .080 number 1, can we  
12 strike the language in the parentheses both on  
13 number 1 and number 2, then? Would that be  
okay?

14 SUBCOMMITTEE MEMBER CHONG: That would make sense, but  
15 again, going back to my comment about working on  
the  
16 exceptions, the 260 and the 1,000 watt numbers,  
we  
17 may want to recommend a little higher number.

18 SUBCOMMITTEE MEMBER MABERRY: Okay, Mr. Chair, I  
19 apologize.

20 CHAIR MOLINA: Mr. Maberry.

21 SUBCOMMITTEE MEMBER MABERRY: But I guess that gets  
back  
22 to these options that were presented to us,  
because  
23 I think that's something that different people  
have

there's --  
24  
25  
have

presented, and I guess we want to know if

can we pluck out from these or do you actually

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1 some numbers you want to recommend at this time  
2 or -- because otherwise I know Gary went to all  
the  
3 trouble to generate this stuff for us.

4 CHAIR MOLINA: For clarification, again, the  
Committee's  
5 recommending striking out the language in  
6 parentheses, right, for both Section 1 and 2 of  
7 .080. Okay, Dr. Altenberg.

8 SUBCOMMITTEE MEMBER ALTENBERG: Just a comment. Other  
9 ordinances have such language to make them  
10 essentially more user friendly to the general  
11 citizen so that somebody reading this has an  
idea of  
12 what they're talking about. Whether we want to  
13 maintain that, I don't see any harm in  
maintaining  
14 that.

15 SUBCOMMITTEE MEMBER CHONG: As long as it's not  
16 misinterpreted.

17 SUBCOMMITTEE MEMBER MABERRY: Would --

18 CHAIR MOLINA: Okay.  
19 SUBCOMMITTEE MEMBER MABERRY: Mr. Chair.  
20 CHAIR MOLINA: Mr. Maberry.  
21 SUBCOMMITTEE MEMBER MABERRY: Would it be clearer if  
you  
22 put the fact that it's a bare bulb or something  
23 along those lines. It's not in a fixture.  
24 CHAIR MOLINA: Mr. Chong, any comments as the light  
25 expert?

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1 SUBCOMMITTEE MEMBER CHONG: I -- you know, technically  
2 it's two different -- it's just two different  
3 things. It's -- so that's the problem I have.  
4 CHAIR MOLINA: Okay. We have a comment from the Hotel  
5 Association. Ms. Vencl.  
6 MS. VENCL: Thank you, Mr. Chairman. Sitting back  
there  
7 as a lay person, understanding that the  
Committee is  
8 going to use this as guidelines, if that's what  
9 they're using for their example, just want that  
to  
10 be noted, you know, is it right or is it wrong.  
11 Let's just try to get it as good as we can if in  
12 fact a lay person is going to look at this and  
they

13 don't know what, like me, 260 lumens is or  
whatever  
14 the numbers may be and they're going to look to  
15 something that we understand, which might be a  
60  
16 watt or a 20 watt. That's how I see this.  
17 CHAIR MOLINA: Okay. Ms. Bernard.  
18 SUBCOMMITTEE MEMBER BERNARD: Okay. So can we -- will  
we  
19 satisfy you if we insert in between  
"incandescent"  
20 and "bulb," "bare"?  
21 SUBCOMMITTEE MEMBER CHONG: I guess that makes it a  
little  
22 bit more reasonable.  
23 SUBCOMMITTEE MEMBER BERNARD: Because I'm like Terryl.  
I  
24 would like it -- I would love to have -- and  
likely  
25 I would love to have something for everybody  
that's

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1 sort of a standard that they can kind of go, oh,  
oh,  
2 that, yeah, I can't read by that, or, oh, yeah,  
3 that's fine.  
4 CHAIR MOLINA: More user friendly language, right?

5 SUBCOMMITTEE MEMBER ALTENBERG: So a motion?

6 SUBCOMMITTEE MEMBER CHONG: Maybe this is more just  
7 legalese. I mean if it's in parentheses, it's  
8 not -- it's not something that's critical to the  
9 document, you know, like, for example, and  
instead  
10 of putting for example this is --

11 CHAIR MOLINA: I would just use it as a clarification  
for  
12 what's stated before it. We don't have our  
legalese  
13 person here right now.

14 SUBCOMMITTEE MEMBER BERNARD: It says approximate. I  
15 mean --

16 CHAIR MOLINA: So it's just a clarification, then.

17 SUBCOMMITTEE MEMBER ALTENBERG: A motion.

18 CHAIR MOLINA: Dr. Altenberg.

19 SUBCOMMITTEE MEMBER ALTENBERG: I move that the word  
20 "bare" be inserted after "one" in --

21 CHAIR MOLINA: Incandescent?

22 SUBCOMMITTEE MEMBER ALTENBERG: In that -- in those  
23 parenthetical phrases in 1, 2 -- in both  
Sections 1  
24 and 2.

25 SUBCOMMITTEE MEMBER MABERRY: Second.

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1 CHAIR MOLINA: Okay. The motion has been made by  
2 Dr. Altenberg and seconded by Mr. Maberry.  
3 Discussion, Dr. Altenberg, as the maker of the  
4 motion?

5 SUBCOMMITTEE MEMBER ALTENBERG: I'm hoping that will  
6 satisfy Rick's concerns.

7 SUBCOMMITTEE MEMBER CHONG: I'm fine.

8 CHAIR MOLINA: Okay. All right. Seeing no other  
9 discussion, all those in favor of the motion say  
10 aye.

11 SUBCOMMITTEE MEMBERS VOICED AYE.

12 CHAIR MOLINA: All those opposed?

13 VOTE: AYES: Subcommittee members Altenberg,  
Bernard, Chong, Maberry, McCord, and  
14 Chair Molina.  
NOES: None.  
15 ABSTAIN: None.  
ABSENT: None.  
16 EXC.: Vice-Chair Tavares.

17 MOTION CARRIED.

18 ACTION: APPROVE amendment to Sections  
.080.A.1 and 2.

19 CHAIR MOLINA: Thank you. Motion carries unanimously.

20 SUBCOMMITTEE MEMBER ALTENBERG: Another motion, if I  
may.

21 CHAIR MOLINA: All right, Dr. Altenberg.

22 SUBCOMMITTEE MEMBER ALTENBERG: That's to delete the  
text  
23 in blue under A, "with a 15-degree cutoff." The  
24 reason for that is because that's -- it's very  
hard  
25 to enforce, to objectively measure, and where  
fully



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1 shielded is very easy to determine objectively,  
but  
2 the 15-degree cutoff is more -- more difficult  
to  
3 measure and it doesn't really add substantially  
to  
4 the protection of -- from light pollution or  
light  
5 trespass.

6 CHAIR MOLINA: Okay. Is there a second to the motion?

7 SUBCOMMITTEE MEMBER MABERRY: Second.

8 CHAIR MOLINA: It's been seconded by Mr. Maberry.

9 Discussion?

10 SUBCOMMITTEE MEMBER CHONG: Then why was it put in in  
the  
11 first place?

12 SUBCOMMITTEE MEMBER MABERRY: We thought we needed it.

13 SUBCOMMITTEE MEMBER ALTENBERG: A number of ordinances  
14 have that provision.

15 CHAIR MOLINA: So it's already something that is  
existing?

16 SUBCOMMITTEE MEMBER ALTENBERG: A number of  
communities

17 have that in their ordinance, but upon more  
detailed

18 consideration, it's not easy -- it adds a lot of

19           burden to enforcement without producing much  
20           advantage.  
21   CHAIR MOLINA:   Okay.   Any other discussion to the  
motion  
22           that's on the floor to delete the words "with a  
23           15-degree cutoff" under section A?   Seeing none,  
all  
24           those in favor say "aye."  
25   SUBCOMMITTEE MEMBERS VOICED AYE.

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1   CHAIR MOLINA:   All those opposed?  
2   VOTE: AYES:           Subcommittee members Altenberg,  
Bernard,  
                          Chong, Maberry, McCord, and  
3                           Chair Molina.  
          NOES:           None.  
4           ABSTAIN:       None.  
          ABSENT:       None.  
5           EXC.:           Vice-Chair Tavares.  
6   MOTION CARRIED.  
7           ACTION:        APPROVE amendment to Section  
.080.A.  
8   CHAIR MOLINA:   Thank you.   The motion carries  
unanimously.  
9           Any other concerns relating to Section .080,  
10           members?  
11          ?:   Do you have some numbers?  
12   SUBCOMMITTEE MEMBER CHONG:   No, I'm sorry, I don't  
have

time. 13 any numbers to offer for the lumens at this  
14 Apologies.  
15 CHAIR MOLINA: Okay. No apologies needed.  
16 SECTION .090  
17 CHAIR MOLINA: Okay. Seeing no other concerns for  
.080,  
18 members, let's move on to Section .090. Okay.  
One  
19 revision for Subsection A, which is highlighted  
in  
20 the working document, as you see. Any other  
21 revisions to Section .090? Okay, we'll start  
first  
22 with Mr. Maberry, followed by Dr. Altenberg.  
23 SUBCOMMITTEE MEMBER MABERRY: Are you going to do the  
same  
24 thing? I guess I would like to address here my  
25 earlier comments regarding the height of 25  
feet. I

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1 think we need to change the language in order to  
2 allow the lighting designers to address that  
3 appropriately. I'd kind of look to Rick, maybe,  
for  
4 some help with language.

language

5 CHAIR MOLINA: Okay. Mr. Chong, can you offer us

6 at this time?

7 SUBCOMMITTEE MEMBER CHONG: Well, I wouldn't limit the

8 height of the pole, then.

language in

9 SUBCOMMITTEE MEMBER MABERRY: Well, can we put

--

10 there so that, I mean, we don't end up with like

up

11 pardon me, Mr. Chair, if I may -- we don't end

LPS

12 with a situation like -- well, I guess if it's

13 it doesn't matter. I guess --

the

14 SUBCOMMITTEE MEMBER CHONG: I mean, at a certain point

15 pole can be too high and your lighting would be

by

16 ineffective. The light -- the light falls off

point

17 the square of the distance, so at a certain

out

18 the higher you go, you're just wasting lumens

a

19 into the sky, no matter where it's directed. So

as

20 good designer is not going to just take the pole

21 high as he wants. He's going to optimize that

22 height to get the best spread and best coverage

23 given the wattage of the lamp and the luminaire

is

24 performance. So I know what you're trying to do

it's

25 just keep the pole at a reasonable height so

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1 not above somebody's roof line at 30 feet and --

2 CHAIR MOLINA: Okay. Dr. Altenberg.

mean

3 SUBCOMMITTEE MEMBER ALTENBERG: The question is -- I

foot is

4 the original intent, as I understand, why 20

5 a limit that's in the current rules for street

to

6 lights, and 15 I think, MC 15, was that -- was

their

7 protect residences from lights glaring into

8 windows, but I'm wondering if that's really an

circumstances

9 accurate consideration. Are there any

10 where a lighting engineer would want to put in a

create a

11 pole height of a certain height that would

would

12 problem for somebody that a lower pole height

13 not create.

14 CHAIR MOLINA: Mr. Chong.

with

15 SUBCOMMITTEE MEMBER CHONG: You could have a problem

to

16 a low pole too, given the proximity of the pole

17 somebody's window. Full cutoff -- having the

the

18 requirements for full cutoff addresses most of

I 19 problems right off the bat, right? I mean -- so  
20 don't see a reason to limit the height of the  
pole.  
21 CHAIR MOLINA: Mr. Maberry.  
22 SUBCOMMITTEE MEMBER MABERRY: Then I would recommend  
that  
23 the Committee consider deleting Section A, then.  
24 CHAIR MOLINA: Okay. Would you like to frame that in  
the  
25 form of a motion?

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1 SUBCOMMITTEE MEMBER MABERRY: I would rather hear  
2 discussion first.  
3 CHAIR MOLINA: Okay. I guess that will go Dr.  
Altenberg  
4 first, your comments.  
5 SUBCOMMITTEE MEMBER ALTENBERG: I can't -- frankly I  
can't  
6 see any circumstances to really have to limit  
the  
7 height of a pole either, so I would concur.  
8 CHAIR MOLINA: Any other suggestions or comments with  
9 regards to deleting Section A of .090?  
10 SUBCOMMITTEE MEMBER McCORD: I so move.  
11 SUBCOMMITTEE MEMBER MABERRY: Second.  
12 CHAIR MOLINA: Okay. It's been moved by Mr. McCord,



with  
7 CHAIR MOLINA: Okay. Thank you. Any other comments  
8 regards to Section .090?  
9 SECTION .100  
Section  
10 CHAIR MOLINA: Seeing none, the Chair will move to  
11 .100. To date there have been no revisions  
12 recommended to this section. Any revisions  
13 suggested at this time? If there's nothing  
being  
14 suggested, then the Chair will move on to .110.  
So  
15 everyone I assume concurs with Section .100 as  
is.  
16 SECTION .110  
17 CHAIR MOLINA: Okay, Section .110, much of the  
18 deliberations have been focused on Subsection D,  
19 outdoor sports or recreation fields or  
performance  
20 areas. Before we address Section D, I would  
like to  
21 see if there are any proposed revisions or  
22 recommendations to Subsections A through C.  
23 Anything for A through C, members? Okay, Mr.  
Chong.  
24 SUBCOMMITTEE MEMBER CHONG: Just to start, Section C,  
25 paragraph 1, lighting for such areas shall not  
be

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1           used to attract attention to the business. I'm  
2           afraid that that's what the business wants,  
right?  
3           I mean any commercial business, whether it's a  
gas  
4           station or not, lights it -- they put lights up  
to  
5           attract business. I mean you see it everywhere,  
and  
6           that -- that statement alone is going to cause a  
lot  
7           of grief for a lot of property owners.  
8           CHAIR MOLINA: Can you give me an example of what  
kinds of  
9           businesses -- I mean you're talking about  
businesses  
10          near park areas or --  
11          SUBCOMMITTEE MEMBER CHONG: Just businesses. I mean I  
12          think businesses aimed at -- canopy lighting,  
you  
13          know, you're talking about a gas station, you're  
14          talking about something in Lahaina that's got an  
15          overhang over their sidewalk, and, I mean, it --  
and  
16          you see it in Honolulu, not that Honolulu's a  
good  
17          example. It's a bad example, probably.  
Waikiki,  
18          shop owner puts up florescent all the way around  
the  
19          store just so that they get visibility on all  
the  
20          junk that they're selling to the tourists. It's  
all

21 over the place.

22 CHAIR MOLINA: Okay. Mr. Maberry, comments.

23 SUBCOMMITTEE MEMBER MABERRY: We only have a problem  
with

24 it here really bad right now at Gateway Plaza.

25 CHAIR MOLINA: Purple lights.

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1 SUBCOMMITTEE MEMBER McCORD: Purple lights.

2 SUBCOMMITTEE MEMBER MABERRY: I think that's what  
we're

3 trying to figure out how to avoid.

4 CHAIR MOLINA: Of course this is for future.

5 SUBCOMMITTEE MEMBER CHONG: What about the gas station

6 owners, the Chevrons and the --

7 CHAIR MOLINA: 24-hour stations.

8 SUBCOMMITTEE MEMBER CHONG: The ones that have canopy

9 lighting, I mean, metal halide --

10 SUBCOMMITTEE MEMBER ALTENBERG: This statement is

11 specifically targeted at that practice, because  
it's

12 basically saying that using light that spills

out of

13 your property as a means of advertising is not

good.

14 It's causing light trespass and light pollution

just

15 for advertising purposes and -- rather than for  
16 making it possible for people to use the  
business.  
17 So, you know, basically this is saying that's  
not  
18 what outdoor lights are for, is to just attract  
19 people's attention, because then you have an  
arm's  
20 race and more and more lights going into just  
21 attracting business and that -- you know, that's  
why  
22 there's a lot of light pollution, and  
particularly  
23 gas stations with their canopies are a source of  
24 that.  
25 Now, this Section 1 would not deal with  
the

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1 purple cold catheter lights at the Kihei Gateway  
2 Plaza because those are not canopy or service  
3 station lights. So, you know, legally, though -  
-  
4 there's a question that this is not an objective  
5 well, I don't know how you would -- how do you  
6 objectively determine whether somebody was using  
7 lights just for advertising, rather than

8 illumination?

9 SUBCOMMITTEE MEMBER CHONG: They -- I know -- sorry to

10 interrupt. I know that the Illuminating  
Engineering

11 Society Outdoor Lighting Committee or maybe the

12 Light Trespass Committee was considering some  
very

13 strict recommendations on canopy lighting and

14 things, and I had heard -- I'm not on the  
committee,

15 but I had heard -- I know some people on the

16 committee, I heard of them talking that the  
gasoline

17 stations of the world were threatening a lawsuit  
on

18 the IES for passing an ordinance that was going  
to

19 limit what they could do under their canopies.  
So I

20 throw caution -- I don't know if this is true or

21 not, but I throw caution to the wind. They  
carry a

22 lot of money and they -- I don't think they'd be  
--

23 they would hesitate to sue the County for

24 restricting their right to do business.

25 CHAIR MOLINA: So, Mr. Chong, are you saying you would

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1 recommend deleting that sentence or are you  
2 suggesting adding language for C, Number 1?

3 SUBCOMMITTEE MEMBER CHONG: Well, I think the first  
4 sentence is contrary to what you do for lighting  
for  
5 businesses. You light the business to attract  
6 people.

7 CHAIR MOLINA: Okay. So --

8 SUBCOMMITTEE MEMBER CHONG: If you don't want to  
attract  
9 people, you turn out lights, nobody's ever going  
to  
10 stop.

11 CHAIR MOLINA: Okay. So you have some reservations  
with  
12 that passage?

13 SUBCOMMITTEE MEMBER CHONG: That first statement.

14 CHAIR MOLINA: Okay. So would you like to recommend  
that  
15 be deleted?

16 SUBCOMMITTEE MEMBER CHONG: I do recommend it.

17 CHAIR MOLINA: Okay. Frame that -- the Chair will  
assume  
18 you'll frame that in a motion?

19 SUBCOMMITTEE MEMBER CHONG: Okay. Make a motion that  
we  
20 delete the first sentence in paragraph C 1.

21 CHAIR MOLINA: Okay. Is there a second? Okay. The  
22 Chair, hearing no second at this time --

23 SUBCOMMITTEE MEMBER BERNARD: I'll second for the  
purpose  
24 of discussion.

you, 25 CHAIR MOLINA: For purpose of discussion, okay, thank

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1 Ms. Bernard. Okay. The motion on the floor is  
to  
2 delete the first sentence of Section 1,  
"Lighting of  
3 such areas shall not be used to attract  
attention to  
4 the business." Motion made by Mr. Chong.  
Seconded  
5 for discussion by Ms. Bernard. Discussion,  
6 Mr. Chong, would you like the floor now or would  
you  
7 like to yield to a member, Mr. McCord?  
8 SUBCOMMITTEE MEMBER CHONG: I yield to a member first.  
9 CHAIR MOLINA: Okay, Mr. McCord, your comments.  
10 SUBCOMMITTEE MEMBER McCORD: I don't see the problem  
with  
11 the canopy lighting. After all, if you drive a  
car  
12 underneath the canopy, you want to be able to  
see  
13 what you're doing. It's the purple lights that  
14 drive me to distraction, and that's why I think  
we  
15 need something in there to say, you know, this  
16 really is not what we want in our County.

17 CHAIR MOLINA: Okay. Thank you, Mr. McCord.  
18 Dr. Altenberg, fold followed by Ms. Bernard.  
19 SUBCOMMITTEE MEMBER ALTENBERG: In terms of light  
trespass  
20 and light pollution, if canopy lighting is fully  
21 shielded, which most of the gas stations are  
not,  
22 then it's not going to be contributing to light  
23 pollution and light trespass, so -- but I think  
the  
24 reason that they're not fully shielded is to  
attract  
25 attention to the business. So Number 3 deals  
with

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1 objectively enforceable design considerations  
2 basically requiring fully shielded light in  
those  
3 canopies. So, you know, Numbers 1 and 2 are, in  
a  
4 sense, subjective and I think the principles are  
5 good, but as something to enforce, they're not  
so  
6 clear.  
7 SUBCOMMITTEE MEMBER CHONG: I don't have a problem  
with  
8 paragraph C 2, "Lighting levels shall be  
adequate to

9 facilitate the activities taking place in such  
10 location," although that's, to me, a vague  
11 statement. In order -- and paragraph 3, I don't  
12 think -- I think that's workable, requiring  
almost  
13 fully shielding, and you say 85 degrees is also  
14 workable I think for most of the gas stations.  
It's  
15 just that first statement is so contradictory.  
It  
16 defines, I mean, they're not doing it for  
attraction  
17 or they are doing it for attraction, and so I  
18 suggest that we just scratch that sentence as I  
19 motioned and leave the rest in place and hope  
the  
20 gas station owners don't get upset.  
21 CHAIR MOLINA: Okay, Mr. Chong. Mr. McCord.  
22 SUBCOMMITTEE MEMBER McCORD: I wonder if we could  
insert  
23 something in there that -- apparently, you know,  
24 neon is the choice of attracting because it  
comes in  
25 colors, easily molded, et cetera, et cetera. If  
we

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1 inserted neon into this thing, would that  
suffice to



2 deal with the problem and not make it, you know,  
3 all-inclusive?

4 CHAIR MOLINA: Okay. Thank you, Mr. McCord. Ms.  
Bernard.

5 SUBCOMMITTEE MEMBER BERNARD: I would have a problem  
with

6 that. Neon lighting -- especially red neon  
lighting

7 is good for turtles. It may not be good for us,  
but

8 it's better for turtles than what we currently  
have

9 with the canopy lighting, so I have a problem  
with

10 that. And getting back to the discussion on the

11 first -- Number 1, I agree, if we can keep  
Number 3

12 intact, I think we could dispense with Number 1,

13 unless you wanted to do a modification to say

14 excessive lighting of such areas shall not be  
used,

15 because that's just as subjective as the second

16 sentence, but I'm also okay to get rid of  
sentence

17 Number 1, as long as we keep Number 3 intact.

18 CHAIR MOLINA: Okay. Mr. Chong, your comments on  
that.

19 SUBCOMMITTEE MEMBER CHONG: Well, excessive is also  
one

20 of -- another -- and I agree, Number 2 is still

21 vague, and maybe that needs to be cleaned up in

22 another motion to say lighting levels that are

23 recommended, you know, in other words, IES

24 recommended standards or whatever are okay in

is 25 paragraph 2, but I don't think adding excessive

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station 1 going -- what's excessive again? The gas  
excessive, 2 owners obviously like what you define as  
3 so...  
4 CHAIR MOLINA: Okay.  
5 SUBCOMMITTEE MEMBER ALTENBERG: It seems --  
6 CHAIR MOLINA: Dr. Altenberg.  
the 7 SUBCOMMITTEE MEMBER ALTENBERG: -- Number 5 specifies  
8 objective measurements of what is appropriate  
be 9 lighting for a service station and I -- I would  
the 10 comfortable with deleting 1 and 2 and keeping  
11 rest.  
12 CHAIR MOLINA: Okay. Members, comments? Mr. Maberry.  
13 SUBCOMMITTEE MEMBER MABERRY: I move to -- move to --  
14 CHAIR MOLINA: Amend? We do have a motion on the  
floor.  
15 SUBCOMMITTEE MEMBER MABERRY: I move to amend the  
the 16 motion for -- I want to offer an amendment to

first 17 motion, that we in addition to removing the  
2. 18 sentence in Number 1 that we also delete Number  
19 CHAIR MOLINA: Okay. Is there a second?  
20 SUBCOMMITTEE MEMBER BERNARD: Second.  
21 SUBCOMMITTEE MEMBER CHONG: Second.  
Bernard, 22 CHAIR MOLINA: Okay. It's been seconded by Ms.  
Discussion, 23 motion to amend made by Mr. Maberry.  
24 Mr. Maberry.  
25 SUBCOMMITTEE MEMBER MABERRY: I think it's covered.

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move 1 Hopefully we can maybe call for the motion and  
2 on.  
3 CHAIR MOLINA: Okay. All righty. We have a motion to  
4 amend the motion on the floor. All those in  
favor 5 say "aye."  
6 SUBCOMMITTEE MEMBERS VOICED AYE.  
7 CHAIR MOLINA: All those opposed?  
Bernard, 8 VOTE: AYES: Subcommittee members Altenberg,  
9 Chong, Maberry, McCord, and  
Chair Molina.  
10 NOES: None.  
ABSTAIN: None.

11 ABSENT: None.  
12 EXC.: Vice-Chair Tavares.

13 MOTION CARRIED.

14 ACTION: APPROVE amendment to main motion.

15 CHAIR MOLINA: Okay. Thank you. We're back to the  
main motion. All those in favor say "aye."

16 SUBCOMMITTEE MEMBERS VOICED AYE.

17 CHAIR MOLINA: All those opposed?

18 SUBCOMMITTEE MEMBER McCORD: I'm opposing.

19 CHAIR MOLINA: Thank you. Pardon me?

20 SUBCOMMITTEE MEMBER McCORD: I'm opposing.

21 CHAIR MOLINA: Okay.

22 SUBCOMMITTEE MEMBER McCORD: I don't think that will  
get rid of that purple light, and I don't know how  
many red neon lights we have on the beaches, but I  
don't think too many.

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1 CHAIR MOLINA: Okay. For the record, we have Mr.  
McCord in opposition to the motion.

2 VOTE: AYES: Subcommittee members Altenberg,  
Bernard, Chong, Maberry, and Chair Molina.  
3 NOES: Subcommittee member McCord.  
4

5 ABSTAIN: None.  
6 ABSENT: None.  
7 EXC.: Vice-Chair Tavares.

8 MOTION CARRIED.

9 relating ACTION: APPROVE main motion as amended,  
10 to Sections .110C.1 and 2.

11 sir. SUBCOMMITTEE MEMBER MABERRY: If I may make comments,

12 CHAIR MOLINA: Mr. Maberry.

13 SUBCOMMITTEE MEMBER MABERRY: I agree. I still am  
14 concerned about the purple lights, but this  
15 section that we're dealing with is only for canopy  
16 lighting, and I think we need to address it somewhere else  
17 and

18 I've got to think about -- hopefully we should  
19 think about where to address it, because it --  
20 it's also on buildings. It's not just canopy  
21 lighting.

22 Thank you, sir.

23 CHAIR MOLINA: Thank you. Dr. Altenberg.

24 I SUBCOMMITTEE MEMBER ALTENBERG: Following up on that,  
25 believe that it is covered under architectural  
26 accent lighting and there's a proposed -- the  
27 ordinance requires that it be turned off after  
28 business hours, after hours of operation.

29 SUBCOMMITTEE MEMBER MABERRY: That's right.

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11:00 1 SUBCOMMITTEE MEMBER ALTENBERG: Or by -- is it or by  
2 p.m.? Let's see.  
3 SUBCOMMITTEE MEMBER CHONG: It does not say.  
4 SUBCOMMITTEE MEMBER McCORD: Does not have a time  
limit.  
5 SUBCOMMITTEE MEMBER CHONG: We need to put it -- to  
10, 6 page 10.  
7 CHAIR MOLINA: All righty, members.  
8 SUBCOMMITTEE MEMBER MABERRY: I think we're getting  
out of 9 order, though, but let's hold that thought.  
10 CHAIR MOLINA: Yeah.  
11 SUBCOMMITTEE MEMBER ALTENBERG: That was an error, but  
12 let's -- we'll get to that.  
13 CHAIR MOLINA: Okay. Members, if there's nothing else  
on 14 C, let's move to Subsection D, outdoor sports  
and 15 recreation.  
16 SUBCOMMITTEE MEMBER CHONG: Sorry, Chairman.  
17 CHAIR MOLINA: Oh, go ahead, Mr. Chong.  
18 SUBCOMMITTEE MEMBER CHONG: We haven't designed a gas  
19 station in a long time, so I'm not sure if the  
20 levels that are stated in 5 -- and I've been in  
21 enough gas stations, we all have, on a weekly  
basis,

5.  
and  
in

22 that I'm sure they are well above the levels in  
23 What -- one, what the IES recommends, two, what  
24 those gas station owners of the world design to,  
25 what -- again, just not trying to get the County

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the  
-  
existing  
remember  
is  
on

1 any trouble with any of the big corporations of  
2 world who want to do business in Maui. We might  
3 want to relook at those numbers just before we -  
4 Lee, where did you get them?  
5 SUBCOMMITTEE MEMBER ALTENBERG: These are from an  
6 ordinance. I can't off the top of my head  
7 which community this is on the books, but this  
8 from an ordinance that's on the books somewhere  
9 the mainland.  
10 MR. SALDANA: Mr. Chair.  
11 SUBCOMMITTEE MEMBER CHONG: That doesn't have any gas  
12 stations.  
13 CHAIR MOLINA: Excuse me. We have a comment from  
14 Mr. Saldana.

ordinances

15 MR. SALDANA: I just happen to have a couple

16 sitting in front of me.

17 CHAIR MOLINA: From somewhere on the mainland.

18 MR. SALDANA: One ordinance, let's see, is from

19 Albuquerque, and in there it says, "Canopy areas

20 shall be limited to a maximum of 60 initial lamp

21 lumens per square foot of canopy." That's one

town

22 example. In another example, this is from the

this

23 of Cary, I'm not sure what the location is, but

24 says, "Lighting for canopy service stations and

two

25 similar uses shall be restricted to no more than

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flush on

1 320 watt recessed lighting fixtures mounted

2 the bottom of the canopy on each side of the gas

the

3 station pump island or other design that meets

canopies

4 standards of this ordinance. Lighting for

shall

5 for service stations and other similar uses

measured

6 not exceed an average of 12 foot candles as



edge of 7 at ground level at the inside of the outside  
8 the canopy."  
9 SUBCOMMITTEE MEMBER ALTENBERG: Question for Mr.  
Saldana.  
10 CHAIR MOLINA: Mr. Altenberg.  
11 SUBCOMMITTEE MEMBER ALTENBERG: Is your Internet  
12 connection back up?  
13 MR. SALDANA: I hope so.  
14 SUBCOMMITTEE MEMBER ALTENBERG: Because if you search  
on  
15 Google for the section of the text, you'll  
probably  
16 find the source, the ordinance that this was  
17 borrowed from.  
18 CHAIR MOLINA: If I may ask, Mr. Chong, what would you  
19 recommend the numbers be, I guess, adjusted to?  
20 SUBCOMMITTEE MEMBER CHONG: I don't know. I was going  
to  
21 call somebody over at Chevron --  
22 CHAIR MOLINA: Oh, okay.  
23 SUBCOMMITTEE MEMBER CHONG: -- or something like that  
and  
24 ask them what their design standards are for  
their  
25 stations, just to know what it is. We haven't  
done

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1           them. I'm sure they're cookbook. Corporate  
2           requires this, this is what it's going to look  
like,  
3           and just find out for our own knowledge. I'm  
not  
4           saying I advocate it. I'm just saying let's go  
find  
5           out and --  
6   CHAIR MOLINA: Okay. So we can let this go for now  
until  
7           you come back with your research or  
recommendations.  
8           You can email Mr. Saldana. Okay, we'll start  
with  
9           Ms. Bernard, followed by Mr. Altenberg and  
10          Mr. Maberry.  
11   SUBCOMMITTEE MEMBER BERNARD: There was another one,  
12          another example, just for Gary's information.  
He  
13          sent it to us from Cottonwood, Arizona, the  
lighting  
14          service -- lighting for service stations.  
15   CHAIR MOLINA: Okay. All right.  
16   SUBCOMMITTEE MEMBER ALTENBERG: Did you want to read  
it?  
17   CHAIR MOLINA: Dr. Altenberg.  
18   SUBCOMMITTEE MEMBER BERNARD: You want me to read it?  
19   CHAIR MOLINA: Oh, go ahead.  
20   SUBCOMMITTEE MEMBER ALTENBERG: If it's brief.  
21   SUBCOMMITTEE MEMBER BERNARD: It's brief. All  
luminaires  
22          shall be flush with the lower surface of  
canopies,

light 23 utilize flat glass or plastic covers. Total  
24 output used for illuminating service station  
initial 25 canopies, defined as the sum of under-canopy

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1 bare-lamp outputs in lumens, shall not exceed 40  
2 lumens per square foot of canopy. All lighting  
3 mounted under the canopy except internally  
4 illuminated signs, shall be included in the  
total.  
5 50 percent of the lumen output of all lamps  
mounted  
6 within or under a canopy, except internally  
7 illuminated signs, is included in the lumen caps  
in  
8 Subsection H.10.

9 CHAIR MOLINA: Okay. Thank you. Dr. Altenberg.  
10 SUBCOMMITTEE MEMBER ALTENBERG: Just a general comment  
in  
11 terms of our considerations of what the  
corporations  
12 of the world are doing. The whole point is this  
13 is -- these are regulations to regulate an  
industry  
14 that has caused an environmental problem, and so  
15 these will be -- these are, you know, industrial

the  
own,  
afoul  
problem  
much,

16 regulations, pollution regulations, and because  
17 marketplace has not solved the problem on its  
18 this is a governmental action. So we may run  
19 of the desires of some corporations, but the  
20 is that the desires of those corporations are  
21 running afoul of Maui's environment.  
22 SUBCOMMITTEE MEMBER CHONG: I don't disagree.  
23 CHAIR MOLINA: Mr. Maberry.  
24 SUBCOMMITTEE MEMBER MABERRY: Yes, thank you very  
25 and what he covered was pretty much what I was

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what I  
that's  
possible,

1 interested in saying, but I guess what we --  
2 would really like to address is is what are the  
3 standards for safety for doing this particular  
4 function for gassing up your car, and I think  
5 what we ought to strive for. You know, we  
6 definitely need to restrict it as much as  
7 but in order to keep us from having to deal with  
8 litigation in the future by picking one of these

9 other sources, what they've come up with, we  
don't  
10 know how much research they did. So I don't  
care,  
11 you know, what the corporations say they want to  
12 put. I mean, I'd like to know, you know, are  
there  
13 any safety standards that we can use to go by  
for  
14 this --  
15 CHAIR MOLINA: Federal standards.  
16 SUBCOMMITTEE MEMBER MABERRY: -- for this particular  
17 activity, Federal standards for this activity.  
18 CHAIR MOLINA: This is where I think we could use  
19 Mr. Chong's help in --  
20 SUBCOMMITTEE MEMBER CHONG: I'll try to find out.  
21 CHAIR MOLINA: -- the research for the Committee.  
Thank  
22 you. Okay, members, I see Mr. Matsui anxiously  
23 awaiting for us to move to Subsection D. This  
24 subsection has been the focus of a lot of  
debate.  
25 However, no consensus was achieved at the last

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1 meeting. The Subcommittee requested a review of  
the  
2 draft bill and the Cottonwood, Arizona lighting

Recreation.

3 ordinance by the Department of Parks and

4 At this time I'd like to ask for Mr. Matsui's

5 comments with regards to this.

6 SUBCOMMITTEE MEMBER CHONG: Sorry, Chairman. I've got  
to

7 run.

8 CHAIR MOLINA: Okay. Thank you, Mr. Chong. We'll get  
and  
9 back to you with the rest of today's happenings,

10 by the way, the Chair is planning to adjourn at  
11 1:15. After we get through with Mr. Matsui's  
12 comments and Section D, the Chair is going to --

has

13 a request to make -- or suggestion to throw out  
at

14 the Subcommittee at this juncture.

15 Proceed, Mr. Matsui.

16 MR. MATSUI: You have our comments in writing that we  
17 submitted, right? From --

18 CHAIR MOLINA: What's the date of the document again?

19 MR. MATSUI: -- the Director. September 16th.

20 CHAIR MOLINA: September 16th, okay.

21 MR. MATSUI: I can go over it. We looked at the --  
your

22 present ordinance, that Section .110.D, and for  
each

23 of the provisions -- in the first provision we  
were

24 not in favor of -- that fully shielding with

25 15-degree cutoff would really make it almost

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1 impossible for us to light like ballfields,  
soccer  
2 fields, football fields, any large field. We  
would  
3 be able to light tennis courts or like  
basketball  
4 courts, but it would cost a lot more money,  
5 basically because we're going to have to put a  
lot  
6 more light poles to get the kind of coverage.  
7 You know, fully shielded with 15-degree  
8 cutoff, you're just talking about pretty much  
what's  
9 under the light. So in order to get that  
lighting  
10 levels we need, you're going to have to put a  
lot of  
11 lights around the courts, and that's a lot of  
poles,  
12 that's a lot of fixtures. Right now what we  
have is  
13 flood lights that's shielded, but it's not fully  
14 shielded, and we also mount them on 40-foot  
poles so  
15 we minimize the amount of spill off.  
16 Okay. The second point -- you know, we  
had  
17 no problems with that, except there's a couple  
of

18 events that we run later than I think it was --

19 SUBCOMMITTEE MEMBER ALTENBERG: Midnight.

20 MR. MATSUI: -- midnight, which was the County fair  
and

21 like cancer walk, so you need to provide some  
kind

22 of provision that would allow this kind of use.

23 Third provision, hours of operation, we have no

24 objections to that.

25 The fourth provision, we had no  
objections to

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1 that also, but we did want a clarification on  
the

2 maintained lighting levels, because when you

3 initially put in a light bulb, it's a lot higher  
and

4 then I think over time I saw one where after 100

5 hours of operation it will lose 80 percent of  
the

6 original. So we would like to look at --  
clarify it

7 by saying maintained and not the initial.

8 And then we looked at the Cottonwood  
Outdoor

9 Lighting Code, and we found there was even more

10 restrictive than what you have here, and, you  
know,



we  
11 I think it would restrict us to the point where  
12 would not be able to light some of our fields at  
13 all, you know, without going into some kind of  
14 variance. Their restriction on the amount of  
15 spillover light, I think they had .5 foot  
candles at  
16 the property line, and that's really, really  
severe.  
17 I was told like -- almost like moonlight, full  
18 moonlight, .5, pretty close to full moonlight.  
So  
19 that's pretty severe.  
20 We did submit these proposals to a  
lighting  
21 engineer and his comments were pretty much the  
same,  
22 was that the Cottonwood was too severe, and also  
on  
23 the fully shielded for basketball courts, you  
know,  
24 we would be -- we could do it, but it would cost  
a  
25 lot more. For sports fields, you know, I don't

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1 know, it would be difficult too. And he also  
2 recommended that -- like some kind of a  
committee,

3 subcommittee be formed, you know, of experts.

4 CHAIR MOLINA: Task force.

5 MR. MATSUI: You know, just to look at this to tighten  
up

6 and if you really wanted to regulate sports --

7 sports facilities. So pretty much that's our

8 comment. The Cottonwood one, they did mention  
that

9 Cottonwood is a really small community. It was

like

10 population 6,000, and the way I see it, you

know,

11 the lighting levels they're talking about, I

don't

12 know, they must not have any stadiums or any

kind

13 of -- you know, they must have just like

14 recreational play. I don't know if they have

15 ballfields. I don't know. But that's my  
comments.

16 CHAIR MOLINA: Okay. Thank you, Mr. Matsui. Question

17 from Dr. Altenberg.

18 SUBCOMMITTEE MEMBER ALTENBERG: I wonder if you  
consulted

19 with Soft Lighting Systems, because they install

20 lighting that's fully shielded for football  
fields,

21 baseball fields, soccer fields, and they light

at

22 levels up -- just to below professional

standards.

23 Apparently there's no fields on Maui that are

24 lighted to professional levels. So as far as I

was 25 understood, they could basically do any job that

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1 required on Maui and do that fully shielded and  
2 they -- for a football field they have something  
3 like six or eight poles typically at 80 feet.

So I 4 think there may be the technology there to  
achieve 5 the standards already in place. Did you ever  
talk 6 with the Soft Lighting Systems?

7 MR. MATSUI: I never talked to Soft Lighting, but the  
8 person we talked to was Eric Miyasato,  
professional 9 engineer. He's from Pacific Electrical Sales,  
and 10 we also consulted with Musco.

11 CHAIR MOLINA: Mr. Matsui, at this time at Eddie Tam  
you 12 have Musco Lighting there in place?

13 MR. MATSUI: That's right.

14 CHAIR MOLINA: Okay. Can you just give us a brief I  
guess 15 assessment of, you know, the performance of the  
16 lighting there.

17 MR. MATSUI: Well, at Eddie Tam we had an existing

18 lighting system where the poles were pretty low,  
and  
19 because it was a multi-purpose field, it was a  
20 soccer field and also a baseball field, we had  
to  
21 place the poles pretty far away, one side  
anyway,  
22 pretty far away from the sidelines because if we  
23 were to put it strictly for the soccer field,  
one  
24 row of lights would be in the baseball field.  
So we  
25 had some low level poles. The lighting was not

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1 adequate. The angle of the lighting was pretty  
2 poor, so you had a lot of glare.  
3 We designed a new system, Musco Lighting.  
4 The poles on one end was -- is 90 feet, because  
5 to -- you have a higher angle, so minimizes the  
6 spillover. And we just turned it on, say, about  
a  
7 month ago and we've had no complaints. In fact,  
the  
8 people living right next door said actually it's  
9 less than -- a lot less than it was before. So  
we  
10 improved the overall lighting levels on the  
field

spilling 11           itself and decreased the amount that was  
12           over.  
13   CHAIR MOLINA:   Okay.   Mr. Maberry.  
14   SUBCOMMITTEE MEMBER MABERRY:   This was part of a slide  
15           show that we gave earlier on sometime ago, and  
if I 16           may share this with him, this is Soft Lighting  
17           Systems, and you can see that the glare -- that  
this 18           system totally meets the requirements as are  
written 19           currently in our draft.   I mean, like he said,  
they 20           can do everything up to just below professional  
21           level lighting.   Notice the light spill around  
the 22           area, and if you can, this is -- this is an area  
23           that is one mile away that does not have this  
24           lighting system, and you can see the difference  
in 25           the glare.   And then there's another one over  
here

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1           that's five miles away that is not this type of  
2           system.   As you can see, the system has been in  
for

3 three years, I believe it is.

4 CHAIR MOLINA: Yeah, if you can use the mike to --

5 SUBCOMMITTEE MEMBER MABERRY: In our earlier  
presentation,

6 which led to I think the formation of this  
7 particular Committee, we gave a slide show and  
gave

8 this particular presentation, and I'd like to  
share

9 this information with Pat afterwards and maybe  
he

10 can investigate it, but the -- this lighting  
system

11 meets all the requirements of this draft  
document as

12 it's written right now, and visually you can see  
13 that there's very minimal spill out outside the  
14 playing area.

15 CHAIR MOLINA: Okay. Thank you. Dr. Altenberg.

16 SUBCOMMITTEE MEMBER ALTENBERG: Now, question about --  
I

17 have this thing it says proposed language for  
18 Section .110, is that what you drafted? Who  
drafted

19 that? Is this what you drafted?

20 MR. MATSUI: Pardon me?

21 MR. SALDANA: I'm guilty of that.

22 CHAIR MOLINA: Section .110, oh, that was Gary.

23 SUBCOMMITTEE MEMBER ALTENBERG: Okay, Gary. Have you  
had

24 a chance to look at that?

25 MR. SALDANA: No, I did not forward it to Pat.

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ask  
proposed  
Actually,  
2  
members,  
this  
curious  
regarding  
that  
those  
at

1 SUBCOMMITTEE MEMBER ALTENBERG: Because I wanted to  
2 you if you would feel comfortable if that  
3 language was substituted for Section D.1?  
4 this -- yeah, this whole proposed thing, D.1 and  
5 would replace Section 1 under D here.  
6 CHAIR MOLINA: While Mr. Matsui's reviewing that,  
7 any objections to comments from Ms. Vencl at  
8 time?  
9 SUBCOMMITTEE MEMBER MABERRY: No.  
10 CHAIR MOLINA: Go ahead, Terryl.  
11 MS. VENCL: Thank you again, Mr. Chair. I'm just  
12 if in the examination that the Parks did  
13 this, if they took into consideration events  
14 the visitor industry brings to town and if there  
15 are -- for example, with Hula Bowl and some of  
16 types of things, do we put up the poles needed  
17 that point if they were -- if there was extra

event 18 illumination? Now, this would be more like an  
19 as opposed to an ongoing thing, but one of the  
20 directions of the industry is to try to bring in  
need 21 sports events to our community. So we really  
22 to think ahead.

23 One of the things we're trying to get the  
build 24 County to do as they look toward that is to  
25 new soccer fields and build new stadiums or  
whatever

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we 1 we get into with that thought in mind and that  
2 need to have all that stuff in place so we don't  
So 3 have to patch every time we need to do an event.  
to 4 with regard to swimming pool areas, with regard  
need 5 stadium areas, all those things where we might  
6 that, I'd just like to make sure that we are  
7 addressing some of those concerns as we move  
along.

8 SUBCOMMITTEE MEMBER MABERRY: Question for Ms. Vencl.

9 CHAIR MOLINA: Okay.



10           SUBCOMMITTEE MEMBER MABERRY: Do you see any  
deficiencies

11                     in this proposed code, specific ones? I mean  
that's

12                     the aim, is to try deal with it just as you  
said,

13                     but I want to know if we've fallen short.

14       MS. VENCL: I don't know the answer to that.

15       SUBCOMMITTEE MEMBER MABERRY: Okay.

16       MS. VENCL: Because I'm not -- I don't know enough of  
the

17                     technical part of it. That's why I wondered if  
when

18                     the Parks reviewed it -- because they're working  
19                     with us in this direction and trying to figure  
out

20                     what to do and how to make it work for the  
future

21                     particularly, but if there's a way that we have  
to

22                     put up -- you know, if in fact cutting down on  
the

23                     light glare presented a problem, let's say, with  
TV

24                     people who came to town, unfortunately that's  
MVB's

25                     bag, not my bag, and so I'm not real adept to  
answer

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there.

just

if we

that's

that's

on

your

is

from

what

see

Soft

1           that question, but Parks is. They've been  
2           They've done it. They know what is needed. I  
3           want to make sure that all that's covered, and  
4           can do it with temporary for an event, then  
5           one way to look at it. On the other hand,  
6           also an ongoing cost if we're going to do things  
7           an ongoing manner. So I just wanted that whole  
8           thought process to be included.

9   CHAIR MOLINA: Okay. Thank you. Okay, Mr. Matsui,  
10           comments to the draft given to you.

11   MR. MATSUI: Yeah, it looks okay. My only reservation  
12           the definition of full cutoff. From what --

13           what Mike showed me, it looks like those are not  
14           like fully shielded, the box type, but they are  
15           flood lights with, you know, cutoff, and that's

16           Musco has also. So, you know, I would have no  
17           problem with installing that type of fixtures.

18   SUBCOMMITTEE MEMBER ALTENBERG: Mike, I didn't get to

19           the picture you showed him. Was that of the

20           Lighting Systems?

21   SUBCOMMITTEE MEMBER MABERRY: Yep.

22   SUBCOMMITTEE MEMBER ALTENBERG: All those are fully

flat 23 shielded. Those are full cutoff, completely  
24 bottom. So there's no up light whatsoever.  
25 SUBCOMMITTEE MEMBER MABERRY: Which means they've got  
to

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1 be tall. They've got to be bright.  
2 MR. MATSUI: Yeah, but I don't think it's 15 degrees,  
3 though.  
4 SUBCOMMITTEE MEMBER ALTENBERG: No. In fact I would  
5 again -- maybe can we do this right now? I move  
6 that the 15-degree cutoff text be deleted.  
7 SUBCOMMITTEE MEMBER MABERRY: Second.  
8 CHAIR MOLINA: Okay. It's been moved by Dr. Altenberg  
9 that the 15-degree cutoff be deleted and  
seconded by  
10 Mr. Maberry. Any discussion?  
11 MR. SALDANA: Clarification.  
12 CHAIR MOLINA: Okay. Point of -- I'm sorry, you're  
not a  
13 member, but go ahead, Gary, if you want to  
interject  
14 comments. It's all right.  
15 MR. SALDANA: I can wait, Chair, if you need to. I  
just  
16 need --

17 SUBCOMMITTEE MEMBER MABERRY: If he wants  
clarification  
18 for the motion, Mr. Chairman, all fixtures used  
for  
19 such lighting shall be fully shielded. Is that  
20 what --  
21 CHAIR MOLINA: Okay. Is that clear? All right. Any  
22 other discussion on the motion that's on the  
floor?  
23 Seeing none, all those in favor say "aye."  
24 SUBCOMMITTEE MEMBERS VOICED AYE.  
25 CHAIR MOLINA: All those opposed?

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Bernard,  
1 VOTE: AYES: Subcommittee members Altenberg,  
Maberry, McCord, and Chair Molina.  
2 NOES: None.  
ABSTAIN: None.  
3 ABSENT: None.  
4 EXC.: Subcommittee member Chong and  
Vice-Chair Tavares.  
5 MOTION CARRIED.  
6 ACTION: APPROVE amendment to Section  
.110.D.1.  
7 CHAIR MOLINA: Okay. Chair marks it unanimous.  
8 SUBCOMMITTEE MEMBER MABERRY: So again -- well, pardon  
me.  
9 CHAIR MOLINA: Go ahead, Mr. Maberry.  
10 SUBCOMMITTEE MEMBER MABERRY: So again, to address  
your

we  
okay,  
order  
to  
sport  
type  
events.  
do  
that  
for  
revisions

11 concerns, we believe that there is technology --  
12 know that there's technology available today,  
13 if you're not restricted to 15-degree cutoff and  
14 pole height or the type of light, you know, in  
15 to get the full color rendition that's necessary  
16 safely accomplish the game or whatever type of  
17 activity you're doing and to illuminate it  
18 sufficiently in order to accommodate whatever  
19 of activity we have that may include television  
20 broadcasting for specific areas and specific  
21 There's technology available right now today to  
22 that and we support that. I think I can say  
23 for the whole group of us left, maybe, except  
24 Warren.  
25 CHAIR MOLINA: Okay. Any other suggestions or

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1 for Section .110? Okay, Dr. Altenberg.

important  
is  
Outdoor  
that,  
that  
"Unless  
this  
have  
Bernard.  
guys  
here.  
that?  
is.

2 SUBCOMMITTEE MEMBER ALTENBERG: I think it is  
3 that there be this escape clause, that if there  
4 some kind of lighting purpose where there is no  
5 vendor, where it is impractical, that the  
6 Lighting Standards Committee, if it determines  
7 can allow these specified exceptions that are in  
8 this proposed language. So I would move, then,  
9 the -- beginning with the text that says,  
10 determined by the Outdoor Lighting Standards  
11 Committee," that all the text following that in  
12 proposed language be added to Section D.1 as we  
13 just amended it.

14 CHAIR MOLINA: Okay. Is there a second to the motion?  
15 SUBCOMMITTEE MEMBER BERNARD: Second.

16 CHAIR MOLINA: Okay. It's been seconded by Ms.  
17 Discussion?

18 SUBCOMMITTEE MEMBER MABERRY: I need to see what you  
19 are looking at.

20 SUBCOMMITTEE MEMBER McCORD: Yeah, (inaudible) down  
21 SUBCOMMITTEE MEMBER ALTENBERG: Oh, you don't have  
22 SUBCOMMITTEE MEMBER MABERRY: I probably do. It's  
23 probably a matter -- oh, wait a minute. Here it

24 Here it is.

25 SUBCOMMITTEE MEMBER ALTENBERG: Yeah, that's it.

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minute 1 CHAIR MOLINA: Members, do you need a one- or two-

2 recess?

3 SUBCOMMITTEE MEMBER MABERRY: Just real quick.

4 CHAIR MOLINA: Chair calls for a one-minute recess.

5 (Gavel).

6 RECESS: 1:15 p.m.

7 RECONVENE: 1:16 p.m.

Lighting 8 CHAIR MOLINA: (Gavel). Subcommittee on Outdoor

excuse 9 Standards Committee meeting for October --

10 me, October -- September 25th is now back in

11 session.

12 Dr. Altenberg, you have the floor.

Mike 13 SUBCOMMITTEE MEMBER ALTENBERG: So it sounded like

proposed 14 was asking why don't we just use the entire

15 language. I would just amend that. I would say

16 fully shielded luminaires. I'd rather -- that's

17 recommended language over full cutoff. So with

a

18 friendly amendment, it would be that we -- for  
19 Section D.1 as currently read we substitute this  
20 sheet proposed language where the word "full  
cutoff"  
21 has been changed to "fully shielded."  
22 CHAIR MOLINA: Okay.  
23 SUBCOMMITTEE MEMBER ALTENBERG: And then "maintains  
the  
24 full cutoff characteristics" be amended to  
25 "maintains the fully shielded characteristics."

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1 CHAIR MOLINA: Okay. It's a friendly amendment or we  
can  
2 do it in a formal -- let's do it as a formal  
3 amendment. Is there a second?  
4 SUBCOMMITTEE MEMBER MABERRY: Second.  
5 CHAIR MOLINA: Okay. Second. Any discussion? Okay.  
All  
6 those in favor of the amendment say "aye."  
7 SUBCOMMITTEE MEMBERS VOICED AYE.  
8 CHAIR MOLINA: All those opposed?  
9 VOTE: AYES: Subcommittee members Altenberg,  
Bernard,  
Maberry, McCord, and Chair Molina.  
10 NOES: None.  
11 ABSTAIN: None.  
12 ABSENT: None.  
EXC.: Subcommittee member Chong and  
Vice-Chair Tavares.



13 MOTION CARRIED.

14 ACTION: APPROVE amendment to Section .110.D.

15 CHAIR MOLINA: Okay. Now we're back to the main  
motion.

16 Discussion?

17 SUBCOMMITTEE MEMBER MABERRY: Clarification, I guess.

18 Mr. Chairman, so the first paragraph -- or the  
first

19 thing under D stays there and so this is --

20 CHAIR MOLINA: I think the --

21 SUBCOMMITTEE MEMBER MABERRY: -- or are we replacing  
that

22 as well?

23 SUBCOMMITTEE MEMBER ALTENBERG: No.

24 CHAIR MOLINA: I think we're deleting the first  
sentence.

25 SUBCOMMITTEE MEMBER MABERRY: Okay.

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1 CHAIR MOLINA: And the --

2 SUBCOMMITTEE MEMBER MABERRY: No, no, no, I'm not  
talking

3 about D.1, okay, both -- we've got both of these

4 things here.

5 SUBCOMMITTEE MEMBER ALTENBERG: D not remains  
unchanged.

6 SUBCOMMITTEE MEMBER MABERRY: Okay. D not remains

this 7 unchanged, and so we're -- I thought you wanted  
8 language about unless otherwise determined?  
9 SUBCOMMITTEE MEMBER ALTENBERG: That replaces D  
Subsection 10 1 only.  
11 SUBCOMMITTEE MEMBER MABERRY: Okay.  
12 CHAIR MOLINA: So we're replacing Subsection 1.  
13 SUBCOMMITTEE MEMBER MABERRY: So it's --  
14 SUBCOMMITTEE MEMBER ALTENBERG: So it needs to be --  
the 15 numbering on this proposed language needs to be  
16 changed.  
17 SUBCOMMITTEE MEMBER MABERRY: Okay.  
18 SUBCOMMITTEE MEMBER ALTENBERG: It needs to be -- D  
needs 19 to be changed to 1.  
20 SUBCOMMITTEE MEMBER MABERRY: Thanks.  
21 SUBCOMMITTEE MEMBER ALTENBERG: And 1 needs to be  
changed 22 to A and 2 needs to be changed to B, or  
something 23 along those lines.  
24 SUBCOMMITTEE MEMBER MABERRY: Thank you. That's  
clear. 25 CHAIR MOLINA: Is it clear?

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1 SUBCOMMITTEE MEMBER MABERRY: Okay.

2 SUBCOMMITTEE MEMBER ALTENBERG: Warren has a question.

3 CHAIR MOLINA: Okay, Mr. McCord, would you like  
further

4 clarification on that? My understanding is  
we're

5 just changing the designation, instead of D,  
we're

6 just changing it to the Number 1, and the

7 subsections that are 1 and 2, the two paragraphs

8 below, we're changing those to A and B.

9 SUBCOMMITTEE MEMBER McCORD: But doesn't that  
duplicate D

10 up here?

11 SUBCOMMITTEE MEMBER ALTENBERG: No, because this --

12 SUBCOMMITTEE MEMBER MABERRY: Is this all legal?  
Because

13 this defines -- this defines what type of

14 activities, which isn't covered here.

15 SUBCOMMITTEE MEMBER McCORD: Okay. Even though the

16 wording is exactly the same in the first

17 paragraph --

18 SUBCOMMITTEE MEMBER MABERRY: First sentence.

19 SUBCOMMITTEE MEMBER BERNARD: Sentence.

20 SUBCOMMITTEE MEMBER McCORD: Okay.

21 SUBCOMMITTEE MEMBER ALTENBERG: Actually --

22 SUBCOMMITTEE MEMBER McCORD: I just need to read this  
one

23 more time.

24 CHAIR MOLINA: Okay. Hang on, Mr. McCord. Mr.  
Saldana.

Committee

25 MR. SALDANA: I would just recommend that the

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1 may want to consider removing the first line --

2 SUBCOMMITTEE MEMBER MABERRY: Thank you.

3 MR. SALDANA: -- in B.

4 SUBCOMMITTEE MEMBER ALTENBERG: Agreed.

5 MR. SALDANA: Because it is redundant.

6 SUBCOMMITTEE MEMBER ALTENBERG: That is redundant.

7 SUBCOMMITTEE MEMBER McCORD: That confuses you.

8 CHAIR MOLINA: Okay. So we'll do that as a friendly

9 amendment. We'll just delete that first line.

10 SUBCOMMITTEE MEMBER McCORD: In 1.

11 CHAIR MOLINA: In 1, right.

12 SUBCOMMITTEE MEMBER MABERRY: So 1 will now start --

13 CHAIR MOLINA: Which was formerly D.

14 SUBCOMMITTEE MEMBER MABERRY: -- with the word "all."

15 CHAIR MOLINA: That's correct, we will start with the

16 world "all."

17 SUBCOMMITTEE MEMBER McCORD: Okay. Now I'm with you.

18 CHAIR MOLINA: Thank you. Don't feel bad, Mr. McCord.

I

19 was somewhat out there too. Okay. Any other

20 proposals? Okay. At this time, members, the

Chair

21 would like to present two options to the  
Committee.  
22 We can terminate -- well, the Chair had intended  
to  
23 go all the way up to Section .170. As of this  
time  
24 we've reached .110. First option is to not  
address  
25 these and send these off to Corporation Counsel

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1 without any recommendations, or, if the  
Committee  
2 prefers, we could meet on October 9th.  
3 I did state earlier in the year that if  
4 necessary we could schedule a second meeting in  
5 October. Now, our last scheduled meeting for  
this  
6 Committee is October 23rd. We could address  
7 Sections .120 up till Section .170 for the  
October  
8 9th meeting, from where we will then send it out  
to  
9 Corporation Counsel and get their  
recommendations  
10 back hopefully by October 23rd.  
11 Mr. Saldana, did you get any word from  
12 Corporation Counsel if that would give them

13 sufficient time to get the -- I guess their  
14 recommendations back to us by the 23rd, if we  
did  
15 meet on the 9th?  
16 MR. SALDANA: I did talk to -- I actually have two  
17 opinions. I was able to talk to Greg, and then  
I  
18 mentioned it to Traci about the two-week  
turnaround.  
19 It's very tight. They would have to prioritize  
it  
20 to -- because basically they're not only going  
to  
21 just include our -- our revisions. They're  
going to  
22 check the bill for form and legality to  
guarantee  
23 that the things that are said in this draft bill  
are  
24 consistent with law and, you know, consistent  
with  
25 the State regulations and what not. So they've

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1 got -- they've got quite a process. There's 17  
2 sections in this bill, so it would -- it would  
make  
3 it tough, but they would have to prioritize it  
to  
4 get it done within that two-week period.

5 SUBCOMMITTEE MEMBER McCORD: Mr. Chairman, could I  
make a  
6 suggestion?  
7 CHAIR MOLINA: Hang on, Mr. McCord. One last  
question.  
8 So this came from both Greg and Traci?  
9 MR. SALDANA: Uh-huh.  
10 CHAIR MOLINA: Okay. Mr. McCord.  
11 SUBCOMMITTEE MEMBER McCORD: Why couldn't we forward  
to  
12 Corporate Counsel that portion which we  
essentially  
13 have completed? Because that's really the --  
you  
14 know, most of it, and that would give them a lot  
of  
15 lead time so that when they got just the tail  
end,  
16 then they could do, you know, a continuation,  
but it  
17 would certainly give them more time to review  
the  
18 meat of this thing.  
19 CHAIR MOLINA: I think today we've covered most of the  
20 areas of concern. I think it was .60 -- .060,  
.070,  
21 and .110. So I leave it up to the Committee.  
Do we  
22 need another meeting on October 9th or can we  
just  
23 forward this on to the Corporation Counsel's  
Office  
24 for their review and then it comes back to us on  
25 October 23rd? Mr. Maberry.

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200

forward

Lee

something

think

section

there's

to

and I

of

coordinated

reasonable

1 SUBCOMMITTEE MEMBER MABERRY: Sir, I'm willing to  
2 it as is. I don't believe there's anything else  
3 that we need to check, but I need to see what  
4 says with regards to -- I think there was  
5 in the penalties area or something like that.

6 SUBCOMMITTEE MEMBER ALTENBERG: Well, yeah, I think --  
7 yeah, I think there's some missing stuff. I  
8 you need to have a time -- a time limit on  
9 architectural accent lighting, and then the  
10 on how complaints are initiated. Currently  
11 no language as to when Public Works shall start  
12 investigate a violation, potential violation,  
13 think we need to explicitly create a complaint  
14 process for citizens to initiate investigations  
15 violations.

16 SUBCOMMITTEE MEMBER MABERRY: That needs to be  
17 with discussion with them as to what's



18 too, doesn't it, Mr. Chair?

Nakao,

19 CHAIR MOLINA: Yes, I agree. Any comments from Mr.

20 Public Works, with regard to that concern from

21 Dr. Altenberg?

RFS

22 MR. NAKAO: Well, right now County has instigated the

complaint

23 system, yeah. I mean we have a Countywide

24 receiving system that's reviewed, goes down to

25 division heads, and sent to the appropriate

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1 sections.

2 CHAIR MOLINA: So we have something in existence.

3 MR. NAKAO: We do have a procedure for receiving

4 complaints Countywide right now.

to do

5 SUBCOMMITTEE MEMBER ALTENBERG: So all we would need

ordinance.

6 is make reference to that system in this

should

7 MR. NAKAO: I would just think we would just make

8 reference to the Department, I guess. That

to be

9 be adequate because -- you know, if it's going

any

10 an ordinance, I mean any type of complaint to

that 11 ordinance gets routed to the departments, yeah,  
12 are appropriate.  
13 SUBCOMMITTEE MEMBER ALTENBERG: Right, okay. In other  
14 words, it sounds to me that that machinery is  
15 already there. We don't need to create that in  
our 16 ordinance.  
17 MR. NAKAO: Correct.  
18 SUBCOMMITTEE MEMBER ALTENBERG: But what we -- I think  
we 19 do need to be specific about how the -- you  
know, 20 what turns on Public Works to investigating a  
21 possible violation. There's nothing mentioned  
in 22 that currently. I think it should be dependent  
on 23 somebody filing a complaint, which basically  
means 24 that if everybody around you is happy with your  
25 light, even though it may be out of conformance,  
the

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you 1 County can't come to you and say you have to --  
2 have to change your -- you know, you have to fix

Those 3 that. Similar to, say, noise pollution laws.  
just 4 have to be -- the State Health Department can't  
to 5 come to somebody and say you have to -- you have  
6 fix this air conditioning unit. There has to be  
So 7 somebody who filed a complaint to initiate that.  
draft 8 that's what I'm suggesting be inserted in this  
9 ordinance.  
10 MR. NAKAO: That's going to create an enforcement  
11 nightmare because if it's an ordinance, it's the  
12 law. You follow it or you pay the fine, right?  
I 13 mean, I don't know how you can pass an ordinance  
or 14 law and expect to enforce it when it's only  
15 complaint driven. It's like what she was saying  
16 about taking lobsters, yeah, well, nobody  
complained 17 about me taking lobsters.  
18 SUBCOMMITTEE MEMBER MABERRY: They don't have the  
19 personnel to go around beating on everybody's  
door 20 measuring their light outputs.  
21 CHAIR MOLINA: The light police, right.  
22 SUBCOMMITTEE MEMBER ALTENBERG: So you're saying that  
23 no -- you don't need -- first of all, you don't  
need 24 any additional text to allow a citizen to file a  
25 complaint, and number two, you shouldn't make  
that a

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1 requirement for initiating enforcement.  
2 MR. NAKAO: Right. It shouldn't just be complaint  
driven,  
3 and I know enforcement is not black and white.  
I  
4 mean we've seen it with the vacation rentals  
issue,  
5 right, you know, but it's very difficult from an  
6 enforcement perspective if, you know, we go out  
7 there and there are violations, well, then now  
I'm  
8 going to file a complaint, then.  
9 SUBCOMMITTEE MEMBER ALTENBERG: I see.  
10 MR. NAKAO: You know, I mean it's -- the rules are on  
the  
11 books, yeah, and we have to follow it, yeah.  
12 CHAIR MOLINA: Okay. Mr. McCord.  
13 SUBCOMMITTEE MEMBER McCORD: I'd like to make a  
motion.  
14 CHAIR MOLINA: Proceed.  
15 SUBCOMMITTEE MEMBER McCORD: I move that we forward  
the  
16 entire document to Corporate Counsel, and if  
there  
17 are any fine tunings that need to be done at the  
18 next meeting, we can take them up there, but  
let's

19 get their opinion on the whole package.  
20 CHAIR MOLINA: Okay. The motion has been made by  
21 Mr. McCord to forward the document to the  
22 Corporation Counsel's Office. Is there a  
second?  
23 SUBCOMMITTEE MEMBER MABERRY: Second.  
24 CHAIR MOLINA: Okay. Mr. Maberry has seconded.  
25 Discussion? Mr. McCord, as the maker of the  
motion,

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1 do you have anything to say or do you yield?  
2 SUBCOMMITTEE MEMBER McCORD: No, actually, the only  
thing  
3 I would like to say is that, you know, there may  
be  
4 a few more points to consider, but let's get an  
5 overview on this whole thing, because we don't  
want  
6 to put a time constraint on this thing and then  
have  
7 it fail. I really want to see this thing move  
into  
8 the next stage.  
9 CHAIR MOLINA: Okay. So noted, Mr. McCord. Mr.  
Maberry.  
10 SUBCOMMITTEE MEMBER MABERRY: Yes, sir, I agree. I  
think

11 maybe we're going to be changing a couple of  
12 numbers, but I don't think it's going to affect  
the  
13 overall legality of the document. So I think  
it's  
14 probably a good, safe time to have the review.  
15 CHAIR MOLINA: Any other discussion to the motion on  
the  
16 floor? Hearing none, all those in favor say  
"aye."  
17 SUBCOMMITTEE MEMBERS VOICED AYE.  
18 CHAIR MOLINA: All those opposed?  
19 VOTE: AYES: Subcommittee members Altenberg,  
Bernard,  
Maberry, McCord, and Chair Molina.  
20 NOES: None.  
21 ABSTAIN: None.  
22 ABSENT: None.  
23 EXC.: Subcommittee member Chong and  
Vice-Chair Tavares.  
24 MOTION CARRIED.  
25 ACTION: TRANSMIT draft bill to the  
Department of  
the Corporation Counsel to  
incorporate  
revisions.

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1 CHAIR MOLINA: Okay. Thank you very much. Chair will  
2 mark it unanimous. Well, members, thank you.  
If  
3 there's anything -- yes, give yourselves a round  
of

do 4 applause. Thank you. We will -- okay, yes, I  
completed 5 have one announcement. Maui Electric has  
6 the installation of the demonstration lighting  
7 project along Kula Highway which fronts King  
8 Kekaulike High School. The project includes the  
9 installation of two LPS lights, fully cutoff  
high 10 pressure sodium lights and partially shielded  
high 11 pressure sodium, and unshielded high pressure  
sodium 12 lights. So anyway, at your own time if you want  
to 13 go up and take a look at it.  
14 Mr. Saldana, about approximately how long  
15 will this be -- this is not permanent, I  
presume, 16 right?  
17 MR. SALDANA: No, it wasn't permanent, but they -- the  
18 Committee I think did ask that we keep it in  
through 19 the term of the Committee.  
20 CHAIR MOLINA: Okay. So at least October 31st, at the  
21 earliest.  
22 MR. SALDANA: So, yeah, it will be in at least that  
long. 23  
24 CHAIR MOLINA: Okay.  
25 SUBCOMMITTEE MEMBER ALTENBERG: Question.  
CHAIR MOLINA: Okay. Dr. Altenberg.

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1 SUBCOMMITTEE MEMBER ALTENBERG: Can the County issue  
some  
2 kind of public notice to make the public aware  
of  
3 this?

4 CHAIR MOLINA: As a matter of fact, Mr. Saldana was  
going  
5 to issue a press release.

6 SUBCOMMITTEE MEMBER ALTENBERG: Excellent.

7 CHAIR MOLINA: So we will be doing that. Our thanks  
go  
8 out to Maui Electric, along with Dowling and  
9 Company, Philips Lighting, and Dimensions  
Electric  
10 for their assistance in providing the staffing,  
11 equipment, and everything else that goes with  
this  
12 demonstration project.

13 So the Chair also again thanks you all  
for  
14 your hard work. We've got one more meeting on  
15 October 23rd. Can I get a confirmation from  
16 everybody that they will be here, 9:00 o'clock?  
17 Okay, good, and I'm sure Mr. Chong will be here  
too.

18 Mr. McCord.

19 SUBCOMMITTEE MEMBER McCORD: Could you define a little  
20 more closely exactly which light is which on the



21 highway?  
22 CHAIR MOLINA: Good question.  
23 SUBCOMMITTEE MEMBER McCORD: One more time just so  
that --  
24 CHAIR MOLINA: Okay. According to what I have in  
front of  
25 me, the installation of two low pressure sodium

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lights, 1 lights, fully cutoff high pressure sodium  
lights, 2 and partially shielded high pressure sodium  
3 and unshielded high pressure sodium lights. So  
that's 4 there's like four different types of lighting  
5 going on over there.  
6 SUBCOMMITTEE MEMBER McCORD: So it's low, fully  
shielded,  
7 partially shielded, and then the fourth is just  
--  
8 CHAIR MOLINA: Yeah, fully cutoff high pressure  
sodium,  
9 partially shielded high pressure sodium, and  
10 unshielded, uh-huh.  
11 SUBCOMMITTEE MEMBER McCORD: Okay.  
12 CHAIR MOLINA: And also the installation of two --  
13 SUBCOMMITTEE MEMBER MABERRY: Mr. Chair.

14 CHAIR MOLINA: -- low pressure sodium lights.  
15 Mr. Maberry.  
16 SUBCOMMITTEE MEMBER MABERRY: If you will, it's -- as  
17 you're going toward your house at night on the  
18 left-hand side just after -- primarily just --  
it  
19 starts just after the turn-in to Kekaulike High  
20 School, on your left, start looking at the  
lights  
21 along there.  
22 CHAIR MOLINA: Okay. All right. With no other  
23 announcements, the Chair will adjourn this  
meeting.  
24 Next meeting is October 23rd, 9:00 a.m. This  
25 meeting is adjourned. (Gavel).

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RC, CT) 1 SUBCOMMITTEE MEMBERS VOICED NO OBJECTIONS. (Excused:  
bill 2 ACTION: DEFER pending receipt of revised  
Corporation 3 from the Department of the  
4 ADJOURN: 1:31 p.m.  
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1 C E R T I F I C A T E  
2 STATE OF HAWAII )  
3 ) SS.  
4 CITY AND COUNTY OF MAUI )

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Reporter  
  
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Honolulu,

I, Jessica R. Perry, Certified Shorthand  
for the State of Hawaii, hereby certify that the  
proceedings were taken down by me in machine shorthand  
was thereafter reduced to typewritten form under my  
supervision; that the foregoing represents to the best  
my ability, a true and correct transcript of the  
proceedings had in the foregoing matter.

I further certify that I am not attorney for any  
the parties hereto, nor in any way concerned with the  
cause.

DATED this 22nd day of October, 2002, in  
Hawaii.

Jessica R. Perry, CSR NO. 404  
Notary Public, State of Hawaii  
My Commission Expires: 5/11/03