MINUTES

SUBCOMMITTEE ON OUTDOOR LIGHTING STANDARDS
(PUBLIC WORKS AND TRANSPORTATION COMMITTEE)

Council of the County of Maui
Council Chamber
September 25, 2002
CONVENE: 9:01 a.m.

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

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

EXCUSED: Councilmember Charmaine Tavares, Vice-Chair

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

ADMIN.: Greg Nakao, Electrical Inspection Supervisor,

Land Use and Codes Administration,
Department of Public Works and Waste Management

Patrick Matsui, Chief of Planning and Development, Department of Parks and Recreation

Kalvin Kobayashi, Energy Specialist, Department of Management
Cary Yamashita, Assistant Engineering Program Manager, Engineering Division, Department of Public Works and Waste Management

Traci Fujita Villarosa, Deputy Corporation Counsel, Department of the Corporation

Counsel (substituting for Deputy Gregory J. Garneau)

OTHERS: Bill George
Steve Sutrov
2 CHAIR MOLINA: (Gavel). The Subcommittee on Outdoor Lighting Standards meeting for September 25th will now come to order. For the record, in attendance we have Mr. Mike Maberry, Mr. Warren McCord, Mr. Rick Chong, and Ms. Hannah Bernard. Excused is Committee Member Dr. Lee Altenberg and Councilmember and Vice-Chair of the Subcommittee Charmaine Tavares. We have -- from the Corporation Counsel's Office, filling in for Greg Garneau, we have Traci Fujita Villarosa, who is on call right now. Staff we have the Committee Secretary, Camille Sakamoto, and
Legislative Analyst Gary Saldana.

Members, prior to hearing public testimony, I would like to provide a quick overview of the items we'll be discussing at today's meeting.

First, I'd like the Subcommittee to deliberate until 1:15 today. So we have a bit of a longer day than usual. At that time certain members have to be excused.

Time is of the essence, members, so therefore, my goal is to complete the review of the remainder of the draft bill today. This includes developing a consensus on Sections .060 to Sections .170, and time permitting I'd like to continue the discussion from last meeting of the following items, which is to review the language of the Volusia County Code pertaining to turtle protection and the creation of guidelines for an Outdoor Lighting Standards.
Committee, along with determining an appropriate lumen measurement to establish a maximum foot reading for light trespass violations.

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

So at this time we will commence with testimony. Those wishing to testify, please sign up at the secretary's desk. You'll be given three minutes, with an additional minute to conclude, if your testimony is not complete, you'll be given an additional three minutes until all others finished. And testifiers are requested to state their name for the record and to indicate who they are representing. And to minimize any disturbances during the meeting, please turn off all cell phones,
1 pagers, and any other items that could create a
disturbance. So let's start off first with our
testifier for now, we have Mr. Bill George, to
be
followed by Steve Sutrov.

MR. GEORGE: Aloha, Chairman Molina. Aloha,
Subcommittee
comments
on the latest revisions to the bill. I got a
couple weeks ago. There were some sections that
have
kind of went over before and it seems that they
popped back up. So I just wanted to make sure
that -- I'm not going to go over them, but I
just
wanted to make sure that these sections were
discussed by you at some time. And the first
one
go back and look at that you'll see that some of
the
wording popped back in there, and it's just
something that's questionable.

The second section was .050.D, as in

It's about the water feature lighting. There's

inconsistency on two parts, one is the

water feature lighting includes pools and the

section in .050.D doesn't include pools, so

some wording that either has to be taken in,

out. The third one was .070.B. It talks about

mercury vapor lamps. I was under the impression

that we -- that the Subcommittee kind of agreed

lamps would be -- to be purchased. This one

can't

right back to where you can't purchase it, you

purchase the lamps.

Number four was .070.C, talks about

lighting numbers, about the definitions of

So that would be something you have to look at.
think it went back -- reverted back to the

original

versus the revised. The fifth one I was looking

at

was .080. There's three different sections, A, 

B, and D, and it talks about the lumens discussion,

and

that's another thing where the numbers kind of

reverted back to the original numbers.

The sixth one was .090.A, and it talks

about

mounting heights of 20 feet. If you look in the

heights

charts for all the vendors, they recommend

HPS

for the wattages we're talking about of LPS and

going

of 28 feet for LPS and if you have a 28-foot

something

to have bounce off the road. So that's

should

you're going to have to look at, whether you

either

lower the wattage or raise the pole height,

way. And the same with the 135 watt LPS, the

bring

recommended height is 30 to 32 feet and if you
of 1 it down to 20 feet you're just bouncing a bunch
light off the roadway.
Number seven was .110.D.4, and it's
activity 2 usage or design. The specific question I had
there 3 was if you designed, as an example, War Memorial
lighting, to make it adjustable to high school,
like 4 you'd have to dim it somehow or do something
that. That section is kind of ambiguous as to
whether you have to use it for the existing
activity 5 or the designed activity. So you want to
straighten 6 up that language a little bit.
Eight would be .150.A, and there's a
paragraph in there about the County committing
to 7 that LPS, and it kind of looks like they're saying
the County would commit to changing over all of
period 8 their street lights. It doesn't have a time
up. 9 or anything, but I think it should be cleared
up.
Mahalo for your time. Any questions?
CHAIR MOLINA: Okay. Thank you, Mr. George.
Committee 20 Seeing members, any questions for the testifier?
Chair
long
none, thank you, Mr. George, but of course the
would request if you could hang out with us as
as you can in case we have any more questions or
calls regarding --

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1 MR. GEORGE: Sure.

2 CHAIR MOLINA: Thank you. At this time the Chair
would like to recognize Committee Member Altenberg in
attendance at this time. Next to testify we
have Steve Sutrov.

3 MR. SUTROV: Good morning, everyone. My name is Steve
also a member of the outdoor lighting -- the Street
Lighting Committee, Maui County Street Lighting
Committee, and I have some comments on that
briefly.

4 My comments today are based upon the Corp.
recommendations or just the draft that was sent
to this Committee on the formation of the Outdoor
formed.
Two of them it looks like came out, one in January, one in March. I have concerns if these are not going to be -- I understand they're probably going to be discussed as far as formation of this committee. I think it's very important. I think first -- overall is the importance of the ordinance being passed, and then the formation of this committee to help implement that ordinance. As of right now with the Street Lighting Committee that I'm on, because we just have standards, we have problems in efficiency in how it operates. The standards were passed in January by the Director of Public Works at that time with the Mayor's signature, but no one even knew about it until about a year and a half later. When it passed, I believe it should have been funded for the switch over to full cutoff, which it
recommends within a five-year period. No funding was ever put in place. Many other departments even weren't even notified that we had standards till June of last year. Even Maui Electric wasn't aware of it. So there's inefficiencies with just standards in place. It's too arbitrary. People in the Administration might find the time to enforce it if they want to and times that they don't.

We as the Street Lighting Committee have recommended some changes when people come in to recommend that a street light be shield -- or replaced with a full cutoff. We deliberate and we decide that -- what needs to be done. We put forth recommendations to the Department of Public Works and it's up to him to do what he wants to do. There's no enforcement or no follow up from the community or from our Committee whether or not it gets done or not. We have a situation right now where the Public Works has approved it, a switch
over to full cutoff in one neighborhood, but

no funding to do it, and so it's just

And so I believe an ordinance is

definitely number one in importance, and a good strong
committee with -- I believe five people is not
enough for that. I believe I read in some other
communities where there's nine. There's three
from the business sector. There's three from maybe
lighting engineers or -- the lighting engineers
and the business sector I think three, three from
the environmental sector, which Maui has no shortage
right now, of people concerned about our
and the impacts of bad lighting, and then three
from the public at large, maybe community
other people that are interested. And so I
needs to be at least nine. Five is not enough,
and then it's easier to fulfill requirements of
being able to attend and contribute. That's all
I have. Thank you.
CHAIR MOLINA: Okay. Thank you, Mr. Sutrov. Committee members, any questions for the testifier?

none, thank you.

SUBCOMMITTEE MEMBER BERNARD: I have one.


SUBCOMMITTEE MEMBER BERNARD: Thank you for your testimony. How many members are there currently on the Street Lighting Committee? I can't remember.

MR. SUTROV: There's places for five and we only have three. There seems to be -- if I can comment on that real quick. It seems to be there seems to be a lack of community involvement here because of the real lack of -- that we're given to do. It says in the County Code that we're allowed to deal with all issues of lighting that comes -- street lighting that comes before the Public Works Department, but we don't get all issues of lighting. We just
what the Director wants to give us. If there
more for us to do, there would be more community
involvement, I'm sure.
CHAIR MOLINA: Okay. Ms. Bernard, any more questions?
Okay. Committee members, any other questions
the testifier? Okay. Thank you, Mr. Sutrov.
Mr. Maberry.
SUBCOMMITTEE MEMBER MABERRY: Point of clarification, sir,
from Mr. George's testimony, if I may. I
stated .150.A, and I think he meant .140.A, just
the record, on his last point.
CHAIR MOLINA: Mr. George, are you ready to respond?
can come back to you and you can clarify that.
MR. GEORGE: Yes, aloha again. Under the draft that
got .140 was a notification saying the Maui
Building and Planning Department shall include a
statement and then .150 was the County's role,
SUBCOMMITTEE MEMBER BERNARD: That's been changed.
SUBCOMMITTEE MEMBER MABERRY: You're looking at an older version, I guess. I'm sorry, I'm looking at the version that I just received.

MR. GEORGE: Oh, so the version -- okay. That's the version -- that's the last version I got off the email.

SUBCOMMITTEE MEMBER MABERRY: Thank you very much.

CHAIR MOLINA: Thank you. Okay. We have one more individual to testify. We have Nancy Haag or Haag. If I'm mispronouncing your name, my apologies, and that as a reminder the Chair would like to mention if there's anyone else in the gallery that would like to testify, now's your opportunity to come and Proceed.

MS. HAAG: Hi. Good morning. My name's Nancy Haag and testifying I'm just a public citizen here. I'm here for myself just to share how lighting -- residential a little nervous. I don't usually speak in front of people.

So anyway, I have a neighbor that just
in about a year ago. They built a house next
to mine on a vacant lot, and the first thing
you know, noticed was three half moons up on the
of their roof and they were very bright, sort of
like the intensity of these lights, and they
just shining right into my bedroom windows.
you know, I have mini blinds and I don't always
close them completely because it's very hot in
and if you close your blinds, you can't get any
tradewinds, but these people -- I figured what
were -- I didn't know what they were at first,
guess they're skylights with very bright lights
inside of them. So at night when they use their
kitchen, they have these lights turned on and
they're like moons outside my window, because
roof is actually taller than my roof and it's
shining bright. And I just have to wait to go
sleep till they go to bed at night because they won't turn off those lights until they're done. So, you know, one thing I had to start doing was closing my mini blinds, but even with that, it still doesn't cut out that light because you know how it is when there's a full moon. Then if that wasn't enough, a while later they installed lights all the way around their house. At first I thought these lights -- they just forgot to turn them off, but no, they just stayed on every night all night long until, you know, daylight. And so they are very, very bright, and one of these lights in particular was shining upstairs to my bedroom. I'm on the second story. And again, it was like, you know, just this full moon illuminating my whole entire bedroom. And, you know, this was just not -- totally not working.
This was worse than even the other lights that they had.

So I called my neighbor and I said, you know, this is really interfering with my sleep. And I said, well, maybe I can, you know, put another -

lighter watt bulb or something in the light tomorrow. He goes -- I said, well, why do you have these lights? He said for security. So he feels like he needs lights all the way around his house, bright lights. You should come see it. I live at 981 Kupulau. Drive by some night. Drive by. I suggest you all drive by, because I've never seen a house that's lit up like that all night long.

I live in Maui Meadows, 981 Kupulau. So then he pulled a little cap at the top of the light on the two that are facing my house.
helped with some of the light coming into my bedroom, but you know what, those lights are bright and every night I have to deal with this. And I can't have my blinds even open to catch any breeze because there's just too much light. I feel like it's really affected my life, that, you know, it doesn't -- it's not very pleasant to live at my house. I don't need to turn on the light if I have to get up to go to the bathroom or go get a drink of water in the kitchen because there's so much light coming into my house from these lights. And I really think something should be looked into this as far as regulations go because, you know, people are not -- they have different thoughts. They're not thinking about their neighbors. I think

MR. SALDANA: Three minutes.

MS. HAAG: Okay.

CHAIR MOLINA: Proceed.

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

Thank you.

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

Oh, excuse me, Ms. Haag, could you hang on for
SUBCOMMITTEE MEMBER CHONG: Ms. Haag, Rick Chong.

Thanks for testifying.

MS. HAAG: Yeah.

SUBCOMMITTEE MEMBER CHONG: Some questions. The light you talked about, are they inside his house or outside his house?

MS. HAAG: They're outside.

SUBCOMMITTEE MEMBER CHONG: The ones that look like skylights?

MS. HAAG: Oh, those are on top of his roof. They're skylights on the top of his roof.

SUBCOMMITTEE MEMBER CHONG: So they are skylights? They are not light fixtures.

MS. HAAG: They're skylights with light fixtures. You know, they're raised. Okay? It's like a raised skylight.
SUBCOMMITTEE MEMBER CHONG: I understand what you're saying.

MS. HAAG: Like a bubble, and then I think there's fixtures inside of them.

SUBCOMMITTEE MEMBER CHONG: Or is it just the light glowing from his inner kitchen out the top?

MS. HAAG: I'm really not sure. I haven't really gone over there to check it out to see just what it is.

SUBCOMMITTEE MEMBER CHONG: Okay.

MS. HAAG: But the light is coming full on intensity through those.

SUBCOMMITTEE MEMBER CHONG: And the second set of lights he put in, do they aim into your property?

MS. HAAG: Yes, they do. Well, they're illuminating my property. They're illuminating my house.

SUBCOMMITTEE MEMBER CHONG: The specific question is it aimed into your property?

MS. HAAG: Is it what?

SUBCOMMITTEE MEMBER CHONG: Aimed directly into your
property or is it aimed straight down or along
house.

MS. HAAG: It's just -- you know, it's like a bare
like this.

SUBCOMMITTEE MEMBER CHONG: I'm not trying to defend
I'm just trying to get to the --

MS. HAAG: I'm just saying it's like -- they're kind
like this size, okay, like a football and they
on the side of the house project out.

SUBCOMMITTEE MEMBER CHONG: Did he do anything after
said he was going to try --

MS. HAAG: He put a little cap. I think it came with
light but he didn't initially put it on, put a
little tiny cap at the top.

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

I'm wondering for the ones that are outside, not the top ones, the skylight type ones but the ones that outside, if they were on motion sensor so that -

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

SUBCOMMITTEE MEMBER BERNARD: If they were on motion sensor, would that -- do you think --

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

I mean that's what most people do is have some motion sensor lights around their house. I really have a dilemma here. I have a problem and I don't want to have problems with my neighbors, but I don't feel very neighborly to him right now. I think he's -- he's very inconsiderate, you know. And, you know, I think personally the island is going that way. There's a lot of people that don't have the aloha spirit and the consideration for other people own needs and for profit and you better think about this.

SUBCOMMITTEE MEMBER BERNARD: I'm just --
MS. HAAG: It's the type of people that are coming in here to this island, and I've been here since 1975. So I want you to give it some consideration. We're going to build this island up and we're going to lose it.

CHAIR MOLINA: Okay. Thank you --

SUBCOMMITTEE MEMBER BERNARD: It sounds like motion sensors would be -- that would be better in your situation.

MS. HAAG: Oh, yeah. It wouldn't be all night long. Sure. I could deal with that.

CHAIR MOLINA: Dr. Altenberg. Ms. Haag.

SUBCOMMITTEE MEMBER ALTENBERG: Nancy.

MS. HAAG: Yes.

CHAIR MOLINA: We have one more question.

MS. HAAG: Okay.

SUBCOMMITTEE MEMBER ALTENBERG: Yes, I very much appreciate you coming down, taking the time to testify for us. It's extremely helpful. Question I had was suppose that you could -- if the law
place, that you could come to the County
building
and file a complaint about your neighbor's light
trespass such that the County would have to
investigate, look for a violation of a potential
ordinance, and then require that your neighbor
put
would
in light shielding or other light timers that

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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
do
5 something needs to be done. More people might
Check
6 this. You should really come by my house.
flagship.
7 out the neighbor at night. I mean it's
8 unbelievable. He's got like this whole
It's
9 It's a huge 4,000 square foot home, you know.
to
10 really -- I mean it just happens to be next door
and I
11 me, but, you know, other people could do this,
think there should be something in place to --

if there is a law and a neighbor can just refer to

law, the neighbor will think about not doing

he'll change it to motion detectors. I can just

refer to my neighbor when I talk to him I could

you know there's an ordinance against this. You
can't have bright lights like this coming over

interfering with the neighbor's property. You
do this. This is against the law. I don't have

make a complaint. If I could just tell him

that would have probably taken care of it. This
doesn't want to be -- you know, he's not that

You know, it's just that he thinks it's his

have security and have lights beaming all night.
is show the neighbor that ordinance and you think that would probably take care of it --

MS. HAAG: Absolutely.

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

MS. HAAG: Absolutely. You know, it may not work for every case. I think for this neighbor it would work definitely. It would be extremely helpful, rather than me have to try to figure out a way to, you know, get this neighbor to make a change. I don't know. I'm thinking about it, because it bothers me every single day. It's ruined the enjoyment of my property. You know, I can't even walk out into the night sky and see the stars anymore. This guy has taken over.

CHAIR MOLINA: Okay, Ms. Haag. Dr. Altenberg, do you have another question?

SUBCOMMITTEE MEMBER ALTENBERG: If the County also provided information about how -- how to bring one's shielded lighting, that kind of thing, would that be also something you'd find desirable?

MS. HAAG: Absolutely. I think we need to think about
this. Houses are getting closer together every

you know, all the time. We're having smaller

and everything. People are living close

Yes, we need this. We most definitely need
don't think this -- I've never seen people even
this, but evidently it's happening here and
It's ruining people's lives. This is the other
thing. You know, your body produces less
as you age. You can't sleep with light, okay,
because your melatonin -- a baby can sleep in
light, but you think about it. I know you guys
aren't that young either and you need a dark
sleep in. It's interfering with my life, you
I have to deal with the full moon. That's

CHAIR MOLINA: Thank you, Ms. Haag.

MS. HAAG: Thank you.

CHAIR MOLINA: You've answered the question.
SUBCOMMITTEE MEMBER ALTENBERG: Thank you very much.

CHAIR MOLINA: And we appreciate the invitation. Members, we have Ms. Haag's phone number here if you would like to go out on your own. I think it would be a good idea to call her first and maybe observe what's happening as far as the lighting goes in that area.

Okay. At this time is there anyone else in the gallery that would like to testify on today's agenda item? The Chair sees none, so at this time the Chair will close public testimony on this item for today.

. . . END OF PUBLIC TESTIMONY. . .

CHAIR MOLINA: Members, I just want to remind you as far as what happened at our last meeting. The Subcommittee considered the following matters: That the Volusia County Code be reviewed by the
Subcommittee -- by Subcommittee Member Bernard to address questions from the Department of the Corp. Counsel. Two, the Director of Finance provide information relating to relevant procurement procedures of the County of Maui. Three, the Director of the Department of Parks and Recreation review Section .110.D, specific uses of the draft bill and the Cottonwood, Arizona lighting ordinance as it relates to recreational and sports fields and submit comments along with recommendations. And four, determine an appropriate lumen measurement to establish a maximum foot candle reading for light trespass violations.

For today's session we have invited from the Public Works and Waste Management, Mr. Greg Nakao, also Cary Yamashita, and Mr. Howard Hanzawa. From the Department of Planning, I believe he's probably on call right now, is Joe Alueta. From the
Department we have in the gallery Mr. Pat Matsui, and we have someone from the Police Department call if needed. And we also have in attendance here Mr. Kal Kobayashi, the County Energy Specialist, and also we have some resource personnel that have joined us from the private sector, Lynne Woods from the Chamber of Commerce, Terryl Vencl from the Maui Hotel Association, Randy Nakama from Maui Electric, Randy Piltz from the commercial lighting industry. I don't see Randy -- the two Randys in the audience yet. We have Bill George and Rob Hoonan from the hotels and resorts, and we also did send out an invitation to Uncle Les Kuloloio. So let's go ahead and begin, members. First let's commence with the review of the draft bill, if you can turn to your bill. The goal for today is to complete the review of the remaining sections of the bill. As you know, our days are numbered, as
the Subcommittee goes. Therefore, it is essential that clear direction and consensus be developed for the draft bill. And if we as a Subcommittee determine that a consensus cannot be achieved by members on a section or sections, we should make that clear as part of our overall recommendation to the Public Works and Transportation Committee.

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

As per the request of the Subcommittee, the draft bill has been revised to include changes
sections that have received consensus from the members. The revisions to the draft bill are highlighted in red for your perusal, and for the purpose of this discussion we will reference the highlighted bill as the working document. The sections that have been underlined are proposed additions to the bill. The items that are crossed through are recommended for deletion from the bill. And for those of you in the audience, we do have the revised bill available, although the copies for the public do not have the red revision marks. Any questions before we proceed with Section .060 at this time?

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

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CHAIR MOLINA: Okay. If not, let's start off with Section .060. This section currently offers to establish a committee. However, the draft bill does not set
forth duties, powers, functions, and memberships of the committee. So, members, if I may ask you to reference the memorandum dated March 4th, 2002 to the Corporation Counsel's Office, which proposes language for the creation of the Outdoor Lighting Standards Committee. In this memorandum the language is outlined which details the creation, membership, and duties of the committee, and I would like to ask the members to determine if this language should be incorporated into the draft bill.

Members, at this time do you have any comments regarding this proposed language for .060?

Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: Yes, sir. I would like to echo the earlier testimony. I do have problems with it. I'm fumbling here to try to get it, but the major problems I had were already expressed, somewhat removed -- if I remember correctly, it removes basically the powers that this ordinance would give the County and that it makes -- makes a lot more objective and unenforceable, and I
more specific once I come up with the document,

just to echo the earlier testimony.

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

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

this outdoor lighting standards plan. Really

the

basically

the review of variances from the strict
standards of

the ordinance. So it should be primarily, in my
mind, organized the way the -- I don't know

what's

the exact name -- the Architecture Review
Committee

should

that reviews architectural plans and which
as

include some professional representation as well

community representation.

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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SUBCOMMITTEE MEMBER ALTENBERG: The other idea was that this committee not simply be advisory to the Director of Public Works, but be required in addition to the Director of Public Works to give approval to any -- you know, any -- any of the items in the ordinance that require the approval of Subcommittee so that it have not simply advisory capacity but -- I don't know what the technical term is -- decision-making capacity. In other words, if somebody applies for -- you know, under the sections of the powers, duties, and functions, 3 B, C, D, and E, that the approval of this committee be required in order to get approval of a request for installing lights.

CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER MABERRY: And again, sir, in
Section --

CHAIR MOLINA: Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: Sorry?

CHAIR MOLINA: Proceed.

SUBCOMMITTEE MEMBER MABERRY: Again, in Section 4 it refers to a plan, a standards plan and that the plan is strictly advisory.

CHAIR MOLINA: Okay. Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: Who's putting together the plan? That's my question. Isn't the outdoor lighting ordinance that we're considering sufficient? I mean, this --

CHAIR MOLINA: Good question.

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

are we all getting together again to do another plan? That doesn't make any sense. It sounds it's repetitive.

SUBCOMMITTEE MEMBER BERNARD: Right.

SUBCOMMITTEE MEMBER CHONG: And are we doing just understand illustrations so that people who don't isn't legalese can look at pictures and, okay, this going to make it so we need to come in for a
variance or whatever it may be? So I don't know

who's doing that.

CHAIR MOLINA: Well, I guess my understanding is this

is a

new committee that would be formed to replace

the

existing one and that they would -- correct me

if

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

track, I

believe -- they would replace the existing one

and

then they would be -- what they would do would

be

strictly advisory and -- to my knowledge, but

then

again --

SUBCOMMITTEE MEMBER CHONG: That's what I thought the

committee would be and not generate what sounds

like

another document that the public can refer to.

CHAIR MOLINA: Right. They would just go by whatever

ordinance that is created from this Subcommittee

as

well as if it makes it out of the Public Works

Committee too. Mr. Maberry.

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

understanding. Again, I guess that's probably

the

main problem here. Obviously your committees

aren't -- they do not have law enforcement
authority.

CHAIR MOLINA: Right.

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

and make recommendations --

CHAIR MOLINA: That's it.

SUBCOMMITTEE MEMBER MABERRY: -- based on the ordinance and then some other -- you know, Corp. Counsel or someone else will have to make ultimate legal determination, but yeah, again, I guess -- I think you're real close here. It's just that I think this -- it's gotten kind of mixed up with this plan development and the power of the plan. I think, obviously, from what Rick said, we all feel that it should be this ordinance.

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

SUBCOMMITTEE MEMBER ALTENBERG: Later in the ordinance it refers to the County providing support for --
informational support on how designers, developers and it would seem appropriate that this committee be able to review and issue suggestions to the office in the County that would be producing such documentation.

CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER ALTENBERG: As an additional function of the committee.

CHAIR MOLINA: Okay. Members, we have -- oh, go ahead, Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: One more comment on what Mr. Sutrov was talking about, expanding the membership of the committee. I think you're personally to be hard pressed to fill nine spots, you'll find citizens who are concerned, but finding
who have expertise in lighting that are willing
to sit for a period of time on the committee is
to be very hard to find.

CHAIR MOLINA: I realize there are challenges with any
volunteer committees or boards. I know we've
been experiencing that with our traffic advisory
counsel. I believe our -- I believe that was one
committee that was reduced from nine members down to five
members because of lack of attendance by some
members of the public. At this time, members,
we have a request from one of our resource
personnel who would like to make a comment on Section
.060.

MS. VENCL: Thank you, Mr. Chairman. I'd just like
some clarification for my own peace of mind here.
committee, is this -- when I hear them saying
they're not just advisory but they could make
decisions. I'd like to know the process. I'm
asking for clarity. Would people go to this
committee if they were asking for a variance, one, or does everybody who's doing anything about lighting have to go to this committee? That's my first question.

Second question is how does this committee then merge with Planning Commission you know, and I'm going to give you -- I don't know how to say that very well, but I'm going to give you an example. Right now, you know, we have people who ask to build a home Upcountry and they don't have water. We need to make sure that as we're doing these things, that somehow all of this comes together. So the question I have is are we setting aside another group of people to make a decision that is in a vacuum away from other commissions and boards who have to make decisions about their projects? I just want to know what that process is and what the flow is.

CHAIR MOLINA: Okay. Thank you, Ms. Vencl. At this time the Chair is going to call for a short recess.
(Gavel).
RECESS:  9:38 a.m.
RECONVENE:  9:45 a.m.
CHAIR MOLINA:  (Gavel). The Outdoor Lighting Standards Subcommittee for September 25th is now back in

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1          session. Thank you, members, for your patience
as
we tried to clear up some concerns regarding the
over
formation of this new committee that will take
the duties the current -- or actually be
incorporated with the duties of the current
Street
 Lighting Committee. What I'd like to do -- the
Chair did address the concerns of Ms. Vencl.
What I
would like to do is we could look at the
document, section
the March 4th document and go through each
step by step and decide what we want for this
particular committee, because at this time in
establish
a committee but there's no specific parameters far as, you know, how much members should make this committee and what are their specific duties. So let's go ahead and take it section by section this document and decide what we want or what we would recommend. So starting with Section 1, the establishment of members, it says here shall consist of five members appointed by the Mayor with the approval of Council and two ex officio members. Comments on that first section. Mr. Maberry. Actually, I have a question. You know, I keep hearing people say that they problems get a quorum. Okay, if you have more potential members of the body, isn't there a chance of getting a quorum than less? I guess that's what I need to know from experience that
County has had so far.

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

MR. SALDANA: Mr. Chairman.

CHAIR MOLINA: Mr. Saldana.

MR. SALDANA: Just another thing you may want to keep in mind is that if you do have a nine-member committee and let's say you have two or three vacancies on that committee, your quorum is still five, even though you may have -- you may have maybe six members and three vacancies, you still have to have
five members and it makes it harder to get that quorum. So that's one of the things that you may want to keep in the back of your minds.

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

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


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

SUBCOMMITTEE MEMBER ALTENBERG: State law?

MR. SALDANA: State statute, yeah.

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

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

SUBCOMMITTEE MEMBER CHONG: I have a question basically as Do they get appointed? And two, is it for a
set term? A year, three years? Is it a problem for them to just turn around and say I've had enough, I'm off the committee?

CHAIR MOLINA: Well, that's Number 2, terms and operation. We'll get to that section in a moment. Like any commission or board, you can apply for it and then get approval from the Mayor's Office and then it has to come down to Council for final approval, I would believe, like any other committee. Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: Question. In the specific Architectural Review Committee, is there language that requires that there be some people where architectural expertise?

CHAIR MOLINA: I believe that would be the preference to have people with lighting expertise, maybe at least have a minimum of one person.

MR. SALDANA: That should be -- Mr. Chair, if I could.
CHAIR MOLINA: Proceed, Mr. Saldana.

MR. SALDANA: That should be what you're thinking of who do you want on this committee, and, you know, what should the membership consist of. Should have technical lighting experts? Should you have environmentalists on it? Should you have lay people on it? These are the recommendations that the full Committee is going to be looking for, so that's establishment of membership or members. Once you determine how many members you want, you should determine who they should consist of and what background should be.

CHAIR MOLINA: Okay. Proceed.

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SUBCOMMITTEE MEMBER ALTENBERG: The reason I was asking about the Architectural Review Committee is that would be -- as I understood, there is some
and requirement that there be an architect on it, that might be, then, an template that we could simply copy into this ordinance, the language for specific expertise requirements. So if you could find that language, it would be very helpful.

CHAIR MOLINA: Okay. Members, at this time can we settle first on the amount of people we want on this committee. I would suggest five. That's my recommendation. Is there any other number being recommended for this committee? Is five okay with the committee? Okay, good. Ms. Bernard.

SUBCOMMITTEE MEMBER BERNARD: I think one of the issues that needs to be dealt with in terms of the numbers is thinking of the composition of the committee. So once decide who needs to be on the committee, you have a better sense of how many you need. The other option is that you do -- you go with five for simplicity and you have alternates so that you always have somebody representing the particular stakeholders that you've decided upon and there's somebody there in case that person can't make it.

CHAIR MOLINA: So I have a number five with possible
alternates, okay, in case quorum isn't made.

righty. Members, how about criteria? Let's

look at

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

some type of expertise in lighting, a minimum.

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

CHAIR MOLINA: Sure.

SUBCOMMITTEE MEMBER BERNARD: There should be a biologist

with some expertise in the endangered species

that are affected by lighting, like turtles and sea

birds, at least one biologist.

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

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

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

followed by Dr. Altenberg.

SUBCOMMITTEE MEMBER CHONG: Sorry, Hannah, I know you're

probably passionate about your biology and we would

but have no problem getting you on the committee,
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
make 23 Personal opinion. And I don't know how many
24 biologists would share the same passion and time
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
4 make it a preference, so at least we have a
lighting 5 expert and maybe there's a preference or
suggested 6 preference for someone with the expertise in
biology 7 as well.
8 SUBCOMMITTEE MEMBER BERNARD: We do have agency
officials,
9 you know, the State and the Feds, that have
expertise with these -- with these species, and because of the Endangered Species Act I think they could -- you know, there could be a requirement that we actually have an agency representative. It doesn't have to be a lay person. It could be an agency representative in that case.

CHAIR MOLINA: Okay. Mr. McCord, followed by Mr. Chong.

SUBCOMMITTEE MEMBER McCORD: I think we need to be a little careful in saying we have to have this person and that person, because you're going to get tied up and not get the people on the committee that you need. A recommendation to the Mayor as to who appoints in the way of expertise I think is more appropriate.

CHAIR MOLINA: Okay. Thank you, Mr. McCord. Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: Yeah, in going further,
experts be on an advisory mode? In other words, they don't have to be -- they're not part of but at least they're expert witnesses, I mean sources and they don't have to come to all these meetings.

CHAIR MOLINA: Maybe used as resource personnel on occasion.

SUBCOMMITTEE MEMBER CHONG: Right, right.

CHAIR MOLINA: Sure. I think, too, one thing, we cannot force people from the general public to join a committee, so our ability to attract people who have the background that we want is somewhat limited.

we can have a preference for having, you know, someone who's -- like, say, a Mr. George or a Mr. Hoonan be a part of this committee, but it's up to the citizen if they want to be part of that committee. So I'm just throwing this out to you.

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

SUBCOMMITTEE MEMBER MABERRY: Preference.

CHAIR MOLINA: A suggested preference, right, to the Mayor's Office. I mean, granted it would be nice to have someone from each sector, but that's,
wish list. Ms. Bernard.

SUBCOMMITTEE MEMBER BERNARD: Well, the other option is that we -- we add them into the ex officio members so that there is a requirement that they -- that we have an astronomer and a biologist and a lighting engineer at least in ex officio presence.

CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER BERNARD: So that we have that expertise to advise the panel.

CHAIR MOLINA: Okay. Is there a consensus for that suggestion from Ms. Bernard.

SUBCOMMITTEE MEMBER CHONG: Yes.

Subcommittee MEMBER ALTENBERG: Yes.

CHAIR MOLINA: Okay. Good. Any other comments on the establishment of members on Number 1? Okay. Let's move on, members. Terms and operation. How long should a member be part of this committee? Three years, five years, any suggestions?

SUBCOMMITTEE MEMBER CHONG: What's the standard now?
CHAIR MOLINA: It varies from committee to committee. I've seen three years, five years. Let's pick a number. Anything. Three, four, and five, whatever is the Subcommittee's preference. Ms. Bernard.

SUBCOMMITTEE MEMBER BERNARD: I recommend two years.

CHAIR MOLINA: Any other numbers? Okay. Is that the Subcommittee's preference, two-year terms? Okay, so be it, two years.

Subcommittee MEMBER ALTENBERG: Mike, do you have a question?

CHAIR MOLINA: Oh, I'm sorry.

SUBCOMMITTEE MEMBER MABERRY: Well, the only comment I would have, a lot of boards are set up so that you have -- you stagger the membership so that you have some --

CHAIR MOLINA: To have a holdover --

SUBCOMMITTEE MEMBER MABERRY: Yeah, right, so you have overlap across different Mayors and different Councils.

CHAIR MOLINA: Okay. What would be your recommendation?
Like, for example, we have a two-year term then

I'm trying to formulate something.

SUBCOMMITTEE MEMBER BERNARD: I can comment to that, because I've been on committees where they've
done

that, and you set that up so that certain
g

members

have three years and it rotates three and two.

So

two years and three members are three years and two members are two years

name

who they are, but you can just have three

c

members

and

then it rolls over.

CHAIR MOLINA: Okay. Mr. Chong.
a four-year just initially or something just so
get that stagger. That's what you need to do.
CHAIR MOLINA: Okay. Well, let's broaden it by just
saying we would recommend staggered terms and
somewhere along the line we'll figure out the
and bolts as to how we're going to actually
the terms in itself.
SUBCOMMITTEE MEMBER MABERRY: Thank you.
CHAIR MOLINA: We'll just keep it broad as staggered
would be recommended with two-year -- two-year
staggered. Any other comments or questions on
and operations? Okay, seeing none, let's move
to powers, duties, and functions.
Mr. Chair.
Sorry.
Before you move on, we were able to pull
the Urban Design Review Board, and as you will
it indicates its membership here. Here we go.
The
members shall consist of two registered
one registered landscape architect, two
civil engineers, and four persons with interest
or experience in urban planning, fine arts,
broadification, conservation, or historic
preservation. One member shall be a resident of
the island of Molokai, one shall be a resident of
the island of Lanai. Four alternate members shall
consist of two registered architects, one
registered landscape architect, and one registered civil
engineer. It goes on to read, information here
relative to the board shall be appointed by the
Mayor. Members shall serve a term of five
years.
Provided, however, such members shall serve for
staggered terms pursuant to Section 3.21 of the
Revised Charter of the County.

So it -- in terms of how the membership
is,
looks
like, and if you do want some specifics here in
terms of who -- the makeup of the committee, it
would be good to provide what your insight is in
terms of who these individuals are and what
their background should be.
22 CHAIR MOLINA: So, Mr. Saldana, are you saying that we could make a requirement that, say, there be one lighting expert, one biology, but what if we don't 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 somebody in that field if you set forth that requirement.

3 CHAIR MOLINA: So otherwise the committee cannot exist, then, if we don't --

4 SUBCOMMITTEE MEMBER BERNARD: I have a comment.

5 MR. SALDANA: Well, that would create a problem, yes.

6 CHAIR MOLINA: Okay, Ms. Bernard.

7 SUBCOMMITTEE MEMBER BERNARD: You could put a provision in there that says that you require these people, but if you cannot get them, that, then, someone else --

8 I mean --

9 CHAIR MOLINA: Someone else can do it.
SUBCOMMITTEE MEMBER BERNARD: Someone else can step in.

Although, you know, how do you decide if you can't get them? I mean, there has to be a transparent process that you really know that you can't get and all efforts have been made to obtain them,

but, you know, I think -- I really don't think we should waste that much time on this because that's kind like a bridge we should cross when we get to it.

If we can't get the people to participate, then we need to reassess, but I have a feeling we'll get --

got the individuals, at least for the first go-round.

CHAIR MOLINA: We hope. Okay. Mr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: Question. The Urban Design Review Board, what has been their history in terms of finding members? Have they always been able to fill the slots?
CHAIR MOLINA: Proceed. This is Richelle Kawasaki, one of our analysts.

MS. KAWASAKI: Mr. Chair, the history of the Urban Design Review Board, as well as many of the other boards and commissions, is that when you have professionals that are specified as required members of that board or commission, it's often difficult to fill those positions. As you well know, there are a limited number of professionals in certain fields on the island and it does become difficult to fill. Sometimes the boards will have difficulty making quorum, and therefore, they'll have difficulty doing any business.

SUBCOMMITTEE MEMBER ALTENBERG: If you could alter the text of that ordinance to your heart's desire to solve whatever problems have happened, what would you come up with?

MS. KAWASAKI: The board could recommend -- some of the boards and commissions have language that says...
you know, you would show preference to certain types of professionals or you could say that reasonable efforts shall be made to fill whatever number of see positions in whatever fields you would like to but that would not state that it is a requirement or be a must to fill those, and in that way it would fill open. If you couldn't find a professional to member that field, you could find somebody from -- a of the public that was interested in serving on that particular board or commission.

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

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

CHAIR MOLINA: Okay. Thank you, Mr. Maberry. Any other comments from Committee members? Mr. Chong.
20 SUBCOMMITTEE MEMBER CHONG: It is important that the experts are available, though. I mean, you rely on interested citizens to make technical -- on technical aspects is asking too much of them and putting them under undue pressure, you know, and so being able to find people who are willing to be

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

MS. KAWASAKI: Mr. Chair.

CHAIR MOLINA: Interesting point, Mr. McCord.

Ms. Kawasaki.

MS. KAWASAKI: Mr. Chair, it's important to note that

Council has been looking at the issue of whether

or not certain boards and commissions should be

eliminated and/or whether or not the membership

the number of members assigned to any particular

board or commission, if those numbers should be

reduced, because there has been extreme
difficulty filling the vacancies created on boards and
commissions. Also, for most boards and

have the standard is a five-year term. Some people

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

CHAIR MOLINA: Okay. Dr. Altenberg.

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


SUBCOMMITTEE MEMBER BERNARD: I concur with Lee, and I do think that, again, we are -- you know, we're going
to happen or not happen. If we have the ordinance in place, I have no doubt you'll get interest qualified participants on this board. We're about five. I really don't think that's much of issue. So I'd say, again, two years, staggered terms, alternates, and then see how it goes.

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

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

CHAIR MOLINA: The Chair agrees. Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: I would propose we try and see if we're the most in demand, filled up committee the County has and see if that sets a
model for everybody else. Perhaps in the language we could say that, you know, the Mayor shall seek committee members with expertise in the following areas, and then we list, you know, illuminating engineering, astronomy, wildlife biology. Any others?

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1 CHAIR MOLINA: The Chair will proceed -- the Chair's just going to make a recommendation. I'm going to call for a simple vote from the Subcommittee on the length of the term. All those in favor of a two-year term --

7 SUBCOMMITTEE MEMBERS VOICED AYE.

8 CHAIR MOLINA: -- signify by saying "aye." All those in favor of a three-year term signify by saying "aye."

11 SUBCOMMITTEE MEMBERS VOICED AYE.

12 CHAIR MOLINA: Okay. The Chair votes aye, so the ayes have it. We're going to go with three years by
vote of four to two. So let's move on at least with the terms. Any other comments on terms and operation for Number 2? Ms. Bernard.

SUBCOMMITTEE MEMBER BERNARD: Yeah, we were just talking about the composition.

CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER BERNARD: I'd add to the three that we've already agreed upon, native Hawaiian cultural expert.

SUBCOMMITTEE MEMBER MABERRY: Good idea.

CHAIR MOLINA: Good suggestion. Cultural specialist.

Okay. So we'll have a cultural specialist, expert, science or biology.

SUBCOMMITTEE MEMBER BERNARD: Not just science.

CHAIR MOLINA: Biologist.

SUBCOMMITTEE MEMBER BERNARD: Astronomers are too.

SUBCOMMITTEE MEMBER ALTENBERG: Not just biologist. I would say wildlife biologist.
CHAIR MOLINA: Okay. Wildlife biologist.

SUBCOMMITTEE MEMBER MABERRY: And if I could, it would be astronomical or space surveillance community --

or not community, but you know what I mean, so --

well, it allows us to get more people.

CHAIR MOLINA: Space expert.

SUBCOMMITTEE MEMBER MABERRY: Space surveillance.

CHAIR MOLINA: Space surveillance.

SUBCOMMITTEE MEMBER MABERRY: Astronomical or space surveillance.

SUBCOMMITTEE MEMBER CHONG: Stargazer.

CHAIR MOLINA: Anything else? Any other prerequisites to be on the committee? All righty. We have cultural specialist, lighting expert, wildlife biologist, space surveillance at this point.

SUBCOMMITTEE MEMBER CHONG: And illuminating engineer.

CHAIR MOLINA: Illuminating engineer, okay. That --

that the same as the lighting expert or no?

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

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 there is 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 lighting designers, people who have no background -- many of them don't have any kind of background -- that -- some of them are very good at it and some are not, but they are lighting designers and not lighting engineers. So --

SUBCOMMITTEE MEMBER BERNARD: So what's the term that you 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.

SUBCOMMITTEE MEMBER BERNARD: So for the -- Mr. Chair, so citizen at large so that could be anybody from any industry or
CHAIR MOLINA: So that could be someone that comes out of the -- say the business community?

SUBCOMMITTEE MEMBER BERNARD: Exactly.

CHAIR MOLINA: All righty. Anything else, members, before we move on to Number 3 for powers, duties, and functions? Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: Question. What about a community association member as opposed to just citizen at large. I mean citizen at large is not really a recommendation. It's a -- that means anybody. So I think it would be good -- somebody who's involved with community associations would be somebody who is concerned about the general direction of the community on Maui, so that -- would that be as a fifth rather than citizen at large? What would members think of that?

CHAIR MOLINA: Committee members.

SUBCOMMITTEE MEMBER BERNARD: I'm fine with that.
CHAIR MOLINA: The suggestion made by Dr. Altenberg is the -- rather than a citizen at large, we make it a requirement that one member be a president or chair of a particular community association. Doctor -

Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: For a five-member committee I think we're getting a little carried away with defining who should and shouldn't be on the committee.

Mr. Saldana.

SUBCOMMITTEE MEMBER MABERRY: For example, we've already excluded Warren from being on the committee now we've got it so full.

CHAIR MOLINA: Okay. Mr. Saldana.

MR. SALDANA: The other thing the committee might consider is just leaving the fifth blank to be filled, you know, at large.

CHAIR MOLINA: Again, yeah, maybe citizen at large so
could be anyone, a business person, community association president, et cetera. Okay.

Chair's recommendation would be that, citizen at large. Okay. Ms. Bernard.

SUBCOMMITTEE MEMBER BERNARD: I'd like to bring the question back to the number of members once discussed actually be revising how many, and it seems like maybe the direction we're going. Do you think we need more?

CHAIR MOLINA: Question is for Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: I don't know. I think five is the magic number in terms of what's

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SUBCOMMITTEE MEMBER CHONG: I agree.

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CHAIR MOLINA: Five is a good start.

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SUBCOMMITTEE MEMBER ALTENBERG: Yeah.

5

SUBCOMMITTEE MEMBER BERNARD: Five it is.
CHAIR MOLINA: Okay, members, Chair would like to move on to Number 3, powers, duties, and functions. Comments? Concerns? I know it's rather lengthy. Would the Committee members like a short break to review Number 3 and then come up with their comments and questions, or are we prepared to go on? Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: I would like at least for -- if you're going to do a break, that Public Works committee thinks about what powers and duties that a opposed would have with regards to an ordinance, as written to a plan, which is what this language is address.

CHAIR MOLINA: Okay. So noted. Any comments from Public Works at this time? Do you need a few minutes to review? Okay. Chair will call for a five-minute recess. (Gavel).

RECESS: 10:12 a.m.

RECONVENE: 10:18 a.m.

CHAIR MOLINA: (Gavel). Outdoor Lighting Standards
Subcommittee for September 25th is now back in session. At this time the Chair will ask the Public Works representative, Mr. Nakao, if he has any comments on number 3, A.

MR. NAKAO: This section talks about preparing a plan. I'm assuming the plan is going to be the ordinance, right? Okay. That clarifies that. Part B talks about this committee as serving as the reviewing body for all lighting installations or modifications. So is this body or committee going to be on the approval process for all permits?

SUBCOMMITTEE MEMBER MABERRY: Mr. Chair.

CHAIR MOLINA: Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: I would like to think that this Committee right here is willing to say that we would like to strike B, that the primary function of this committee will be C, and what we would like some help with is perhaps wording on A from you guys as to what -- what is the role or maybe -- maybe not, maybe just strike A, but --

CHAIR MOLINA: Something else to consider too, if the
committee -- an option would be for the committee not to even deal with having a plan. That's something else I'm throwing out.

SUBCOMMITTEE MEMBER MABERRY: Right. So quite possibly

CHAIR MOLINA: Strike A and B.

SUBCOMMITTEE MEMBER MABERRY: And start at C. Does that sound reasonable to you guys?

CHAIR MOLINA: Okay. Comments from the Committee or Public Works?

MR. NAKAO: Yeah, that sounds good to me, because if it is an ordinance, we have to make sure it's in compliance before issuance of a permit. So, you know, that would be just the contested cases or the ones that are not in compliance.

CHAIR MOLINA: Okay. Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: Question. The review architect -- the Urban Review Board, does it all plans -- all development plans or just
CHAIR MOLINA: Urban Review Board, good question. Is there anyone here that can respond to that?

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

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

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

CHAIR MOLINA: Okay. Mr. Saldana.

MR. SALDANA: Thank you, Mr. Chair. I tried to pull powers and duties on the Internet, and our Internet apparently went down, so I kind of have to read it, but it says, "The board shall advise the appropriate Planning Commission on matters within the jurisdiction of the Planning Commission and shall carry out such duties as may be delegated to it by the appropriate Planning Commission or as provided by law. The board may review and advise Planning Department on design-related matters involving projects within the County. The board, upon
dissolution of the Urban Design Review Board,
review project plans in accordance with the
provisions of the Special Management Area rules
and
regulations of the appropriate Planning
Commission."
And then it just says the board shall adopt
practice and procedure pursuant to Hawaii
Revised
Statute Chapter 91. That's pretty much it.
SUBCOMMITTEE MEMBER ALTENBERG: Does that mean that
SMA permits have to go through the Urban Review
Board? Am I gathering that correctly?
MR. SALDANA: I'm not really familiar with that
process,
but I could find out for you.
CHAIR MOLINA: From the Corporate Counsel's Office,
we can get a comment on that.
SUBCOMMITTEE MEMBER ALTENBERG: Maybe I can just ask
in
general. If -- you know when a developer comes
and
wants to get their permits, who reviews it now?
CHAIR MOLINA: I would think someone in --

SUBCOMMITTEE MEMBER ALTENBERG: Is it administrative purely?

CHAIR MOLINA: Yeah, at Planning Department, I would -

SUBCOMMITTEE MEMBER ALTENBERG: Planning Department?

CHAIR MOLINA: Uh-huh.

SUBCOMMITTEE MEMBER ALTENBERG: And it sounds like the Planning Department can then request the opinion of the review board on certain matters.

CHAIR MOLINA: That's correct.

SUBCOMMITTEE MEMBER ALTENBERG: But things do not automatically go to that review board; is that correct?

CHAIR MOLINA: I really can't answer that. I'd have to get somebody from Planning. If we had Mr. Alueta here, he could respond to that question. We can relay that question to someone from Planning at a later time today.

SUBCOMMITTEE MEMBER ALTENBERG: Well, okay.

of the question of precedent, it would seem that it would be more efficient to -- if the Public Works Department were able to review standard -- you know, basically later in this draft it's their duty to
review all outdoor lighting plans, and I would think that most lighting plans could simply be dealt with by the Public Works Department and -- so that it would make sense, then, to delete B from this committee composition duties.

Chair Molina: Mr. Nakao, comments?

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

Subcommittee Member Altenberg: Where is that now?

Subcommittee Member Maberry: Part 5.

Chair Molina: Page 3 of the March 4th letter from --

Mr. Nakao: So it's kind of like it's intended that these guys are going to be part of the permit approval process.

Subcommittee Member Chong: Full-time job. You're looking at a full-time job.

Subcommittee Member Maberry: No, that's not what we want.

Chair Molina: Mr. Maberry.
SUBCOMMITTEE MEMBER MABERRY: That's extremely important if you're just dealing with a plan, but dealing with an ordinance, I think we're in better shape as far as having a leg to stand on and not having to be so involved in the community.

SUBCOMMITTEE MEMBER ALTENBERG: If I understand correctly, all references to plan are herewith deleted from this subcommittee -- I mean this committee composition proposal.

CHAIR MOLINA: Right, Sections A and B of 3.

SUBCOMMITTEE MEMBER ALTENBERG: So A, and then plan reviewer, the entire Section 5 would be deleted.

CHAIR MOLINA: Section 5. Actually, we're looking at deleting Section 4, if we take away Sections A and B of 3.

SUBCOMMITTEE MEMBER BERNARD: We can get a lot of people on this committee, I think.

CHAIR MOLINA: Is there a consensus at this point for deleting A and B from Number 3?
SUBCOMMITTEE MEMBER BERNARD: Yes.

SUBCOMMITTEE MEMBER ALTENBERG: Yes.

CHAIR MOLINA: Okay. All right, members, now comments regarding C, committee shall review all requests that are in noncompliance with the plan and provisions of this chapter.

SUBCOMMITTEE MEMBER MCCORD: We're back to plan.

SUBCOMMITTEE MEMBER ALTENBERG: Well, we've got to get rid of plan.

SUBCOMMITTEE MEMBER CHONG: So the ordinance.

CHAIR MOLINA: Maybe we should substitute that word with ordinance. Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: The way the ordinance was crafted, the -- each of the tasks of the committee are specifically mentioned in the ordinance, and a general one could simply have a general clause that the committee shall, you know, fulfill all duties as described in the ordinance -- in the
of the ordinance, because they're laid out under each specific section, you know, what kind of -- the situation under which a variance can be requested, et cetera.

CHAIR MOLINA: Okay. Additional comments?

MR. SALDANA: Mr. Chair.

CHAIR MOLINA: Mr. Saldana.

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

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

SUBCOMMITTEE MEMBER ALTENBERG: So, for example, under .090, luminaire mount standards, Section E, any
unusual or project specific requests for non-complying lighting poles shall be reviewed, and there's some typos there but -- so you're suggesting that be taken out of .090 and put into this -- the duties of this committee? My thought was perhaps we'd want to leave it there as well, because the consumer's point of view, they're coming to see what they have to do in putting together an outdoor lighting project and they would like -- I think would be helpful if they see, well, I don't -- know, I want to get -- do something other than what's specified here, what do I do, that they that they're referred, then, to this committee. perhaps leaving the text there and duplicating under the duties of the committee would be helpful as far as somebody using the ordinance.

MR. SALDANA: Mr. Chair.

CHAIR MOLINA: Mr. Saldana.
MR. SALDANA: I would think that once the Corporation Counsel takes a look at it and sees it, it will think it's probably redundant in terms of having it in two sections of the bill and will probably want it -- will probably reduce it down to the one particular section. I just think it's -- when you spell it out in one section and you're looking in terms of what the duties should be, they should be defined specifically and clearly so you don't have to thumb through the whole bill. It's just a -- just seems like the ordinances are drafted that way to make it a little bit easier to follow.

CHAIR MOLINA: For simplicity's sake. Okay. Chair agrees. Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: I greatly appreciate that, but let me -- let me play devil's advocate here. We like the idea of having a bill, and a bill would
be -- I mean an ordinance, and it would be somewhat like HRS 121 whatever and there are different agencies that are responsible for enforcing for regulating, you know, that HRS. So I would feel better that in defining the committee, that the committee's -- the committee's charge is to -- is to handle requests for variances based on, you know, the ordinance and that you -- this would be like the bible of the committee, the committee would read this ordinance just like -- you know, I don't think that lighting engineers want to have to dig through what the committee is supposed to do in order to determine what they can and can't do. You know, they've got their ordinance to live by, and the committee's bible would be the
ordination. And the committee is responsible for dealing with variance requests or things that the Public Works Department -- perhaps in their review they go, you know, we think this is a little out of the box but we're not sure, let's throw it to the committee, and then the committee would then, you know, do the review and make the recommendation. I'm sorry, I just -- I'd like to join you on that one, but I don't know. That's not the way I see it.

CHAIR MOLINA: Okay. Dr. Altenberg.

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

CHAIR MOLINA: Okay. Is there consensus on that suggestion? Mr. Chong, I saw you --

SUBCOMMITTEE MEMBER CHONG: I guess I'm not sure what you're trying to do. Are we trying to limit the variances as far as how far somebody can take it?

CHAIR MOLINA: Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: Well, those are specifically mentioned under each of these -- of these standards, what kind of variances can be applied for. So I think that's the place where kind of -- that section of text should go, under the standards themselves, and then the committee, in terms of its duties, it's simply to process all kinds of variances or requests that are authorized in this ordinance.
SUBCOMMITTEE MEMBER CHONG: If somebody is coming in for a variance, he's obviously not complying with the ordinance. So how can he be within the intent of the ordinance? He would not be. That's why he's coming in. He's looking to do something special for whatever reason and he -- it doesn't comply and he wants to get approval so that he doesn't have legal problems later on because he violated the ordinance. So he obviously is outside that ordinance already.

SUBCOMMITTEE MEMBER ALTENBERG: Well, for example, like mercury vapor lamps, you know, when we talk about prohibiting the sale of mercury vapor, that text doesn't have provisions for applying for a variance. So in other words, you couldn't simply come to the committee and say I want to sell mercury vapor,
you give me a variance? It's not authorized as something you can apply for a variance for. In other words, by variance, that's a shorthand for request to install something that doesn't fit the standards, and so we explicitly state those standards for which variances can be applied and where not explicitly mentioned, then you can't apply for a variance. That's the basic principle here.

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

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

CHAIR MOLINA: Okay. Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: I would say instead of ordinance, I would say the standards as specified in this ordinance.

CHAIR MOLINA: Okay. Members, are you okay with that use of language?

SUBCOMMITTEE MEMBER BERNARD: I have one more comment to add to that one. I'm okay with that change that he's proposing. I would add the committee shall review all requests that are in non-compliance - requests that are in non-compliance. There should also be a phrase in here maybe in this sentence or another sentence with the complaints, should all complaints for --

CHAIR MOLINA: That's another paragraph.

SUBCOMMITTEE MEMBER MABERRY: That's another paragraph,

another sentence.

CHAIR MOLINA: Yeah, we could implement that elsewhere.

Okay. Back to the original, any consensus?

The Chair will assume consensus. Okay. Let's move on to D, "The committee shall review and comment on
any rules and regulations of County departments
governing outdoor lighting standards." Any
problems or concerns with that?

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1 SUBCOMMITTEE MEMBER CHONG: I don't get this one.

2 Isn't it -- what's the purpose? I mean isn't the County departments required to comply, period? So --

3 CHAIR MOLINA: So maybe just redundant?

4 SUBCOMMITTEE MEMBER CHONG: Yeah.

5 SUBCOMMITTEE MEMBER MABERRY: Yep.

6 CHAIR MOLINA: Shall we delete D, then?

7 SUBCOMMITTEE MEMBER MABERRY: Delete D.

8 CHAIR MOLINA: Okay. All right. Mr. Saldana, the committee's recommendation is to delete D from Number 3. Okay. How about E, "The committee shall review requests by individuals, organizations, community associations relating to the addition or removal of an outdoor light on County property."

9 SUBCOMMITTEE MEMBER MABERRY: That's fine.

10 CHAIR MOLINA: As is or deletion? Okay, Ms. Bernard,
SUBCOMMITTEE MEMBER MABERRY: If I could address that, again, remember we're looking at replacing the existing Street Light Committee, and what this relates to is if the community would like a light removed for some reason or light on, you know, public property. It's primarily going to be lights, if I'm not mistaken, they want to have removed for some reason or if they're concerned about some situation and they want to ask that a street light be added.
SUBCOMMITTEE MEMBER BERNARD: Sounds good. Fine.

CHAIR MOLINA: So is that a recommendation for leave as is?

SUBCOMMITTEE MEMBER ALTENBERG: Well, question.

CHAIR MOLINA: Okay, Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: Under what circumstances would it be simpler just that the Public Works deals with the request? When would it need to go to this committee? Would it always need to go to the committee or would there be a certain number of cases where Public Works could adequately deal with it?

CHAIR MOLINA: All right. Let's direct that question to Mr. Nakao, if you can respond to that at this time.

MR. NAKAO: I'm not really familiar with the street lighting procedures, but I would think the engineering division would respond to complaints on
SUBCOMMITTEE MEMBER MABERRY: Mr. Chair, could I --
CHAIR MOLINA: Mr. Maberry.
SUBCOMMITTEE MEMBER MABERRY: Could I request that we ask
Steve to come down as a resource person to speak to
this, since he's a member of that committee, as far
as the function of that committee.
CHAIR MOLINA: Okay. Members, any objections to having Mr. Sutrov? Okay, Mr. Sutrov, why don't you come
down here and you can have a seat here up front next
to the Committee Secretary.
SUBCOMMITTEE MEMBER McCORD: We just promoted him.
MR. SUTROV: Steve Sutrov. What was the question again?
CHAIR MOLINA: Oh, Steve, you can come on up here. We want to make you feel comfortable.
MR. SUTROV: What was the question again, I'm sorry?
SUBCOMMITTEE MEMBER MABERRY: Okay. Regarding this specific section, the community -- "The committee shall review requests by individuals,
or community associations relating to addition or removal of an outdoor light on County property."
We were questioning as to whether or not that was
necessary for this particular ordinance, and I felt that it probably was, since this committee will then take the place of the committee that you're currently sitting on, and I was trying to explain that at least my rough understanding is is that allows for these people, organizations or individuals, to request that a light -- say, for example, a street light be removed for some reason or a street light added for some reason and that would be beyond the scope of the normal ordinance, and since you're sitting on that committee, I'd like to ask if you could --

MR. SUTROV: Yeah, that is one of our primary duties now with our committee -- with our existing committee, and I think that what we do is we're doing a lot of community leg work for the Public Works Department in doing that. We go out -- I do, anyway. I go out and research when I get a
request and talk to the people in the neighborhood. I take pictures to bring back to the committee to review so a decision can be made whether or not it's appropriate for shielding or maybe a full -- I recommend full cutoff fixtures, because that's the standards now, but whether or not it's just one person that needs a -- maybe a light put into

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

SUBCOMMITTEE MEMBER MABERRY: Thank you, Mr. Chair.

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

SUBCOMMITTEE MEMBER CHONG: This paragraph only talks about outdoor light on County properties. It does not talk about light on private properties.

CHAIR MOLINA: So it should read --

SUBCOMMITTEE MEMBER CHONG: And I think Hannah's earlier comment that we said it's in another paragraph was about complaints from citizens that have a problem with their neighbor.

CHAIR MOLINA: Like we heard one of our earlier testifiers. Okay. So your suggestion is to --

SUBCOMMITTEE MEMBER BERNARD: Add.

CHAIR MOLINA: -- add the word County and private property?

SUBCOMMITTEE MEMBER CHONG: Yes.

MR. NAKAO: State property, Federal property?
SUBCOMMITTEE MEMBER MABERRY: Okay. What's the jurisdiction? I think that's what he's recommending. Mr. Chair, may I --

CHAIR MOLINA: Okay. Proceed.

SUBCOMMITTEE MEMBER MABERRY: I think what would probably be more appropriate is outdoor light on County or private property under the circumstances.

CHAIR MOLINA: Since this would be a County ordinance, right?

SUBCOMMITTEE MEMBER MABERRY: Yes.

CHAIR MOLINA: All righty, any objections to adding private property? Okay. We shall add the word private.

SUBCOMMITTEE MEMBER ALTENBERG: Question.

CHAIR MOLINA: Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: There is a property --

a complication here in that those kinds of complaints would be dealing with existing lights and the -- right now the scope of this ordinance is dealing with lights installed after its effective date.
CHAIR MOLINA: Okay. Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: It is a good point, but, however, you know, if the ordinance was in place and all this individual neighbor came in and put the lights, then they'd be able to address it, but, you know, you're right, I think once the ordinance is in place, then it will be okay, but yeah, retro, then you're just going to have to tell them, you know, someone's going to have to document or whatever, you know, well, my lights have been in for five years or -- Rick, go ahead.

CHAIR MOLINA: Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: Do you remember at the last plan on the the meeting I raised the question of how the County reviewers are going to verify that the lighting on the drawings are in compliance and how are they going to determine now it needs to be kicked to the committee? And these are basically mostly commercial projects, because on residential projects I also made the point that lighting is not even submitted and it's not reviewed. You're not required to submit an electrical drawing with
lighting on top. The architect will put some
lights on their drawings and show some switches, but
he's not required to have any of that. So the County
is not reviewing it at all.

Now, maybe the electrical inspector who
goes out -- if he does go out, because you're in
demand.

I mean, it's obvious that you -- he just makes
sure the electrician is now responsible to meet
who code, but there is no process that a homeowner
is building a home gets reviewed in the review
process, and now he puts up that light and his
neighbor files a complaint, but this homeowner
may not have even known about this ordinance, and
he'll say what am I supposed to do? We're creating --
we've got to be careful here. We've got to make
sure that we're not -- not creating more
CHAIR MOLINA: Mr. Chong, maybe we can get a response from Corporation Counsel with regards to that -- can you restate your question or your concern with that to our Corporation Counsel's Office with regards to the language?

SUBCOMMITTEE MEMBER CHONG: I'm just concerned about how current building permit process happens. In commercial projects the people at the Building Department here in the County review plans. Now, we're required currently to meet energy requirement -- Federal government energy requirements, Hawaii Model and Energy Code. The County of Maui, like a lot of counties in the State of Hawaii, do not have the manpower or the time to verify if we actually met that energy code. They ask for the professional engineer of record to process a letter that says we are in compliance,
stamp and sign it so in case there is any, I back action on it, the professional engineer is actually signing his life off on it and not the County. Okay. And that's true even in Honolulu. I mean there is no way Honolulu, as big as our population is, as many projects as they review, can they review that.

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

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

MS. FUJITA VILLAROSA: Yeah. This might be a question that is best posed to Public Works, because I'm really familiar with what they need, you know, review a permit or what they currently review with --

CHAIR MOLINA: Okay. Mr. Nakao.

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

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

SUBCOMMITTEE MEMBER McCORD: Okay. Rick is correct on the lighting fixture review, yeah. On commercial projects, the lighting designers usually indicate a

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

Inspectors can check in the field, but if guys want to put this in, it's going to slow down the permitting process significantly, and I think in the wording in the ordinance now you are requesting catalog cuts and things like that to be submitted for review. It's your guy's call, yeah, but it will significantly impact the permitting process.

CHAIR MOLINA: Okay. Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: Yeah, after looking at this
a little more carefully, I don't think we want to address private lighting in this particular section the way it is worded. However, I would like point out that there is already a -- I don't know that the right term -- sound ordinance, but a maximum amount of sound that something can emit, right, and it's measurable, right? And, for example, there are standards -- no one -- along the line of what he's addressing, someone specs out they're going to put X air conditioning unit outside their house in order to cool their house but -- there is a law on the books as to what the amount of sound that that thing can generate.

they're in the same boat when the guy -- the neighbor complains because that particular air conditioner is sitting outside their kitchen window.
and so they call the County and the County comes by with a sound meter and says, yeah, it's out of compliance and now this person's going to have you know, replace it.

So we're already in that boat, but I you know, most of the cases in private property we're going to see problems with or complaints going to be reasonable to fix. For example, you know, they may show that they have a dozen lamps lighting fixtures outside the building, that may have been necessarily -- necessarily be a because at a reasonable price it can be with shields or with motion detectors, and I that -- in most cases we'll be able to address concerns of public individuals and neighbors. And again, I think -- I like the idea of having the committee do that as opposed to sticking these guys doing it.


SUBCOMMITTEE MEMBER BERNARD: Couldn't we see if some way that we couldn't add this layer in in
process so the permit holder, the one who pulls

permits to do the development, is required to
receive a copy of the lighting ordinance, the
ordinance, and all the kinds of things that they
don't have to go back. You're responsible for
knowing the law as a citizen of the State and
U.S. If you go out and you take an illegal size
lobster, you don't get to say, oh, I didn't
You've got to know. So for me it seems kind of
like -- you know, I don't get this problem,
especially if we make it standard that if you
pull a permit, you're going to get a copy of these
documents and, you know, if you have the --
on record for another issue that has to sign off
that says yes, I read this, then why can't we do
that with the lighting ordinance?
CHAIR MOLINA: Mr. Chong.
SUBCOMMITTEE MEMBER CHONG: In that same discussion in
last meeting we just -- much like the sound
ordinance has a decibel cutoff, we talked about would be a reasonable objective light trespass level. I mean, glare is a relative effect, and what may be glare to one person may not be glare to another. So -- and not -- you know, we're going to have -- I think this ordinance needs 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 really going to have a hard time and it's going to be a never-ending battle, and the guy who you're violating, it's I mean, he's going to say why, I don't think it's glaring.
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8 CHAIR MOLINA: Dr. Altenberg.
9 SUBCOMMITTEE MEMBER ALTENBERG: If we're thinking about the process, okay, why do -- you know, why does
somebody who's going to build a big box store

to come to the County to have their plans

Because if they supposedly build the whole thing

it turns out to be not in compliance with County

standards, it's prohibitively expensive to try

fix it. So in a sense, the County is doing a

service to those developers by not forcing them

have to tear down a building they just built in

order to come into compliance by putting it

a prior review process, if I understand it

correctly.

So now, in terms of these lights, it's a

similar thing. With the new Wal-Mart with all

outdoor unshielded wall packs, that would be

expensive to have to retrofit. And so in the

of large commercial projects, the County would
doing a service to people by reviewing their plans beforehand. Did you have a quick comment?

SUBCOMMITTEE MEMBER CHONG: Well, it's not so much the commercial side, because the review process is in place. I mean they do get lighting plans and to submit catalog cuts is not a big deal.

SUBCOMMITTEE MEMBER ALTENBERG: Right.

SUBCOMMITTEE MEMBER CHONG: It will still slow down the process.

SUBCOMMITTEE MEMBER ALTENBERG: No, I'm saying why is there a process? Because if there weren't and the developer built something wrong, it would be so expensive to try and fix it that you want to catch it before it's built.

SUBCOMMITTEE MEMBER CHONG: That's correct.

SUBCOMMITTEE MEMBER ALTENBERG: So the question is on these other kinds of developments, like a residential development, do we have that same situation? And Rick probably says we don't.

SUBCOMMITTEE MEMBER CHONG: No.

SUBCOMMITTEE MEMBER ALTENBERG: So that there really isn't a reason to need to subject them to prior review before building, that if they -- if the developer built something that was in noncompliance and
somebody complained about it, it would be economically feasible to retrofit it. Is that a correct assumption?

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

The focus should be on County property. So at this time I'd like to find out if we have consensus for letter E. We are under some time constraints, so do we leave the language as is?

SUBCOMMITTEE MEMBER CHONG: I thought we were trying to add private property in there. That's why I brought the subject up.

SUBCOMMITTEE MEMBER MABERRY: Mr. Chair, yeah, if I could --

CHAIR MOLINA: Do the Committee members want --

SUBCOMMITTEE MEMBER MABERRY: Again, based on the way this is worded and because of its intent based on testimony from Mr. Sutrov, I changed my mind and I recommend that we leave it as it is and that we then come up with language how to address private
property, because it specifically says removal -
addition or removal, okay. We do not want to be
dealing with that on public property, and yet
words are important for dealing with lighting on
County property. So I would highly recommend
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.
4 Okay,
5 moving on to F, "The committee, after
6 consultation
7 with the Department of Public Works and Waste
8 regulations
9 pursuant to Chapter 91 of the Hawaii Revised
10 Statutes" --
11 SUBCOMMITTEE MEMBER BERNARD: That's redundant.
12 CHAIR MOLINA: -- "for practices and procedures for
13 the
14 Bernard." Any comments or concerns? Ms.
SUBCOMMITTEE MEMBER BERNARD: I think this is -- we can strike this, because that's what the ordinance is doing.

CHAIR MOLINA: Other comments?

SUBCOMMITTEE MEMBER CHONG: Agree.

SUBCOMMITTEE MEMBER McCORD: Agree.

CHAIR MOLINA: Agree? Okay. We have consensus on F. Okay. So noted. Mr. Saldana.

MR. SALDANA: Yeah, Mr. Chair. This is pretty standard language with a lot of our -- with a lot of our committees and commissions. Typically to help the functioning of the committee, practice and procedures for the committees are consistent with the -- with the appropriate department so that the department knows how the functioning of the committee is going to be and what some of the duties are going to include, and so that's why this is written in there, because it's pretty standard.
terms of -- in terms of the department knowing how you're going to function, how the committee's to function, and the committee itself is going to know how they're going to function itself.

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

SUBCOMMITTEE MEMBER CHONG: If we're going to keep it, then I think subparagraph 8 should be struck because the energy conservation is covered by the State's Hawaii Model Energy Code requirements. No? I mean, any project we do, commercial or County, has to be in compliance.

CHAIR MOLINA: Okay. Mr. Nakao.

MR. NAKAO: This County has not adopted the Model Energy Code.

SUBCOMMITTEE MEMBER CHONG: You've adopted ASHRAE 90.1, whatever version it may be?

MR. NAKAO: There's I think a Chapter 53 in the Uniform Building Code.

SUBCOMMITTEE MEMBER CHONG: Yeah, which refers to ASHRAE, but it -- and Hawaii Model Energy Code is just
adaptation of that. So it's --

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

SUBCOMMITTEE MEMBER CHONG: But the general idea is the

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

CHAIR MOLINA: Okay. Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: Excuse me, Mr. Saldana.

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

SUBCOMMITTEE MEMBER ALTENBERG: If I understood you correctly, you were saying that these rules are there for -- so that the Department of Public Works knows how to interact with this committee; is that what you're saying?

MR. SALDANA: Well, in terms of -- in terms of the way I was -- I understood it is that it states in here the committee -- the committee, after consultation with the Department of Public Works and Waste
shall promulgate rules and regulations, which are administrative rules and regulations.

That apply to itself.

Right, and those rules and regulations are set forth in the following, for the practice and procedure as a committee, et cetera, and basically

the way I understood it is that the committee will help the Department to establish these and regulations for these particular purposes, which basically goes beyond what the ordinance is saying. It's more of an implementation of the functions of the committee itself and what not. Unfortunately Greg -- Greg Garneau was the one I kind of consulted with on this and unfortunately he's not here to kind of reaffirm that.

I mean the way it's written, it sounds like these are rules and regulations not about how the committee's going to
function, but how everybody in the County's function.

MR. SALDANA: Not everybody in the County. It would be the applicable department --

SUBCOMMITTEE MEMBER ALTENBERG: Well --

MR. SALDANA: -- in terms of -- in terms of dealing with this particular issue, the lighting issue.

SUBCOMMITTEE MEMBER ALTENBERG: I mean it sounds like redundant to the ordinance itself in that case. Something needs to be clarified.

CHAIR MOLINA: Thank you. Go ahead, Traci.

MS. FUJITA VILLAROSA: Yeah, I'm sorry I'm not -- I'm not really familiar with the substance of what's being discussed today, but just looking at the language in here, it is a little bit confusing, but I just want to make clear that this committee cannot promulgate rules and regulations for the Department of Public
Works. I mean, Department of Public Works would do that. You know, they would pass administrative rules is basically what it is, and that's the implementation of the ordinance that you guys working on right now. And I'm not sure, but usually there's rule-making authority in an ordinance that gives the director, you know, whose department falls within this area the authority to promulgate rules and regulations.

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

CHAIR MOLINA: Okay. Members, any other comments or questions regarding Section F? Leave it as is can -- one suggestion was to delete Number 8.
SUBCOMMITTEE MEMBER ALTENBERG: I'm still confused. As written it looks like it's redundant to the ordinance itself. It's talking about rules regarding things that are already, you know, as statutes, which doesn't make sense. So what are these rules? If these are administrative rules having to do with administrative implementing of statutes, is that -- is this -- is that what you're talking about when you talk about these rules?

CHAIR MOLINA: Ms. Villarosa.

MS. FUJITA VILLAROSA: I'm sorry, I was trying to help look for something. Could you repeat the question?

SUBCOMMITTEE MEMBER ALTENBERG: Well, it says, "practices and procedures for the following: Astronomical research." What does that mean, a rule regarding astronomical research? We're talking about requiring low pressure sodium within a certain zone, where does a rule come into relevance? Are you saying how -- I mean rules would be -- where do
these rules live? I mean --

MS. FUJITA VILLAROSA: The -- Mr. Chair, the administrative rules are located in a separate --

but they're separate documents from the ordinance,

they implement the ordinance. I'm not -- I'm not sure, but I guess the question that you're asking is

whether or not these eight items that are listed in here, whether or not they implement -- they -- whether or not rules are needed to implement these eight items from the ordinance. Is that what your question is?

SUBCOMMITTEE MEMBER ALTENBERG: Well, originally this was drafted with the idea that light pollution standards would be implemented as rules, administrative rules, instead of statutes. So to my understanding, the whole Section 8 -- our whole Section F has been
obviated by pursuing statutes to regulate outdoor lighting rather than having rules. So I don't understand what other kinds of rules would still be applicable under the idea of having statutes.

CHAIR MOLINA: Ms. Villarosa, if it might make it easier, maybe we can for today, I guess, if there's consensus, pass -- let this through as is but get a recommendation from Corp. Counsel's Office at our next meeting to -- you know, whether to leave this in or delete. This will give you more ample time to study this matter, this concern from Dr. Altenberg.

Would that be --

MS. FUJITA VILLAROSA: That's fine.

CHAIR MOLINA: Okay. Committee members, excuse me. We have Mr. Maberry.
this F has to do with operation of the committee,

then, Counsel, if you could bear with me for a second, what my recommendation actually is is to put a period after the word "procedures" and delete through 8, because the ordinance is the ordinance and it's not going to have anything to do with plans or anything that we're going to do beyond that. Would that still take care of the committee's day-to-day operation requirements from rules and regulations and then not get us into this whole other mess that Lee's talking about?

MS. FUJITA VILLAROSA: The -- when you're talking about committee, you're talking about the Public Works Committee of Council? Is that the committee that you're referring to or is this referring to that new committee.

CHAIR MOLINA: I think this refers to the --

MS. FUJITA VILLAROSA: Oh, the Subcommittee?

CHAIR MOLINA: Well, this Outdoor Lighting Standards Committee, is that the one we're --

SUBCOMMITTEE MEMBER MABERRY: Yeah.

CHAIR MOLINA: -- talking about, the formation of this new committee.

MS. FUJITA VILLAROSA: Oh, okay. Oh, I see.
CHAIR MOLINA: I believe that's what it refers to.

SUBCOMMITTEE MEMBER MABERRY: That committee is us.

MS. FUJITA VILLAROSA: You're recommending --

SUBCOMMITTEE MEMBER MABERRY: Not us, but the -- yeah formulated.

CHAIR MOLINA: This new committee that's being going to be setting -- you're going to be having a new committee of Council.

CHAIR MOLINA: Right.

MS. FUJITA VILLAROSA: Okay. Then the rules of practice that amend -- if needed, the Council would amend these rules. If there was, you know, something missing in here, you would know, that pertains particularly to this new committee, but otherwise, the new committee would just follow the same rules that all the other committees follow as far as practice and procedures.
SUBCOMMITTEE MEMBER MABERRY: And they are in Chapter 91, is that it? What is that?

MS. FUJITA VILLAROSA: The rules of Council were passed by resolution. It's Resolution No. 01-4, and these are --

SUBCOMMITTEE MEMBER MABERRY: Then, Gary, you guys, can't we just have a paragraph that says that this committee will operate under the rules and regulations of that chapter? I mean, why do we need --

MR. SALDANA: Well, I've been looking for the section that -- you know, a lot of the stuff that we write, you know, we look for examples and what not, and basically this example came from the Arborist Committee and in that -- in their powers and duties section it says, the committee, after consultation with the Department of Public Works and Waste Management and the Department of Parks and
Recreation, shall promulgate rules and regulations pursuant to Chapter 91 Hawaii Revised Statute for the following practice -- for the following:

- Practice and procedure for the committee,
- Exceptional trees, approval of landscape plan,
- Planning proposal, planting and care of trees,
- Landscaping --

? Okay. Then I agree.

MR. SALDANA: -- landscape planting in public parks and streets, including irrigation system for streets for street trees. When rules or regulations do not cover a particular circumstance, the committee shall recommend appropriate action. So in my opinion, I read that as being, you know, something that is specific to the function of the committee.

CHAIR MOLINA: Okay. Corporation Counsel.

MS. FUJITA VILLAROSA: I really apologize. I feel like I'm trying to help but maybe I'm making matters
worse, but, okay, now I understand. So you're looking at an administrative committee, not a committee of Council; is that correct?

SUBCOMMITTEE MEMBER MABERRY: Yes.

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

CHAIR MOLINA: Mr. Maberry.

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

MS. FUJITA VILLAROSA: Yeah. Well, the rules of practice and procedure are, you know, pretty standard between all the boards and commissions, but what you're talking about is substantive rules, and that would be passed in accordance with the ordinance, I'm assuming this ordinance that you're working on now.

So this new committee, if it's established, when it does establish rules of practice and procedure, they'll also have rules -- substantive rules, another set of rules, that would implement this ordinance. So the committee is -- the committee has to get its authority from some place, and it can only act within that authority that it's given.

if it's established by this ordinance or if it's working to implement this ordinance, then this is the limits of it. You know, the committee can't just initiate rules however they want to.

CHAIR MOLINA: Okay. Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: I think the problem
is that this March 4th document was modeled after the Arborist Committee rules and I think it -- was more appropriate is for it to be modeled after the Urban Review Board. So, you know, I would have preferred to have that -- the Urban Review Board as a template and then just simply alter that to make it appropriate to outdoor lighting. So it looks like this is -- this whole Section F is from the wrong -- the wrong model.

CHAIR MOLINA: Okay. So Committee members, the recommendation for Section F, we'll just leave this in limbo or delete? Any consensus at all? Or shall we just leave this and get a recommendation from Corp. Counsel's Office at our next meeting? Or can email you whatever recommendation comes from Corporation Counsel's Office prior to our next meeting. Dr. Altenberg.
would specifically request that Corporation Counsel provide us a model based on the Urban Design Board and see how that would need to be altered outdoor lighting standards.

CHAIR MOLINA: Okay. Is there agreement on that, members?

Okay.

MR. SALDANA: Mr. Chair.

CHAIR MOLINA: Mr. Saldana.

MR. SALDANA: That is -- it needs to be specific. We need guidelines. We tried -- this had been before. In fact, the Subcommittee had recommended that the Corporation Counsel develop standards.
just say set up the committee based on Urban
Design
review, you need to give them details as to
exactly
exactly
what you want in that --
CHAIR MOLINA: Examples.
MR. SALDANA: -- in that particular ordinance. So if
we
we
response.
response.
That's why we're out -- that's why we're working
on
on
some
some
specifics, but it was designed to get people to
think and to get people to start coming up with
some
solid recommendations for what should be part of
--
--
part of this aspect of the ordinance, and
obviously
obviously
there are things in there that are not liked but
input
input
they're put in there to generate some kind of
Subcommittee
Subcommittee
in terms of -- in terms of what this
wants for that actual committee. So I know it's
been a long process, but in order to make this
want,
want,
you need to give the guidance on that.
CHAIR MOLINA: Okay. And, members, time is of the
essence. Okay, Dr. Altenberg, to be followed by
Mr. Maberry.

SUBCOMMITTEE MEMBER ALTENBERG: I mean the basic task for this committee is outlined in terms of the -- way it's mentioned elsewhere in the proposed ordinance. So these other considerations have to do with sort of the legal details of committees within the County operation, and seems like those legal detail questions have already been answered in something like the Urban Design Review Board. That's why I'm suggesting we simply adopt those aspects, you know, model it after that.

And I think we're already doing that in terms of establishment of members, terms. These are things that need to be spelled out in this -- this committee is set up, and these other things regarding rules, you know, it's not something that -- that's sort of a legal issue having to do with the operation -- legal operation. That's
kinds in what topic of something to do with lighting itself. Those kinds of things have already been solved and answered in this Urban Design Review Board. That's why I'm suggesting we simply adopt -- model it after what they have and look for any way that it's inappropriate for dealing with a particular topic of 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 ahead and accept this language and then ask that we get emailed the urban review? And then if there's any fine tuning, I have a feeling it will only be in that first -- that first -- is that a one sentence -- yeah, in that first one sentence. I mean, I'm guessing here. It's --

9   CHAIR MOLINA: Yeah, thank you, Mr. Maberry.

10  SUBCOMMITTEE MEMBER BERNARD: There's also reference to 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 recommend that we delete 4 and 5 and keep 6, and then I would like to also recommend that there be an 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
little bit. E and F --

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

them up.

CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER MABERRY: At this point I'll just recommend we delete 4 and 5 and keep 6. Let's go

with that first.

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

Any consensus for deletion of 4 and 5? Okay. And we're keeping 6. Okay, Mr. Maberry, continue.

SUBCOMMITTEE MEMBER MABERRY: Okay. Now, sir, I'd like to recommend an insertion between E and F that again states that, "The committee shall review complaints by individuals, organizations, and community associations relating to light trespass on private property."

CHAIR MOLINA: Okay.

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

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

SUBCOMMITTEE MEMBER ALTENBERG: I concur that that's
definitely something that needs to be added. I think we also need to go into more specific detail about the process by which a complaint is to be filed, who can -- who has standing to file a complaint.

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

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

I think certain -- certain complaints can
simply handled by Public Works but -- and this conversation I had with Hannah. She was saying suppose that somebody made a complaint and

Works hadn't done anything about it, then the idea of this committee is in a sense to be both a resource and a check and balance to the Administration. And in that case, then, there should be some provision that if -- if the Works or -- has not handled a complaint within days, then the committee shall review the something like this.

Chair Molina: Okay. Members, comments to that suggestion from Dr. Altenberg? Public Works, any comments?

Mr. Saldana: Mr. Chair.

Chair Molina: Mr. Saldana.

Mr. Saldana: That's the purpose of F.

Subcommittee Member Bernard: Okay.

Chair Molina: Okay. So it's there. All right.
Mr. McCord.

Just from a real lay point of view, a complaint isn't necessarily a violation.

Chair Molina: True.

We don't necessarily -- they can deal with complaints in one direction, but it isn't necessarily a violation, and violations are certainly, you know, much more serious than a complaint.

Chair Molina: I guess there's varying degrees of complaints. Dr. Altenberg.

Well, a complaint is the -- a complaint is the way that an investigation of a violation is initiated.

Chair Molina: Right.

So I think it might make sense that we don't have County-initiated
investigations of violations. In other words, some -- some citizen or -- you know, citizen of the County has to initiate any investigation of a violation, so that way the County doesn't have to be constantly patrolling for violations. Basically if something's not bothering anybody, then it can be allowed to stand, that in order to sort of prosecute a violation, a complaint has to be made. So a complaint is the way you initiate an investigation of a violation.

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

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

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files a complaint, they file that with the department and then the department follows up on that complaint, and if there's a violation, then the department issues the notice of violation which usually imposes a fine and tells them to correct it usually. And then depending on what area, if we're talking about the Public Works area, if the citizen wants to appeal the Director's decision, then they go to BVA. "So I'm not sure if you're thinking about having the committee do all of that, but they would need some kind of investigators. I mean, you know, that's normally how the current boards and commissions operate is really through the department.

SUBCOMMITTEE MEMBER ALTENBERG: Question. BVA that's a board of --

CHAIR MOLINA: Variance and Appeals.

SUBCOMMITTEE MEMBER ALTENBERG: Variance and Appeals. Well, I mean, that sounds good to me. That would seem to make sense, and so that in this case, with regard to outdoor lighting, this committee would think have that function of BVA. So what do members think about that or anybody else?
CHAIR MOLINA: Okay. Comments? Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: I'm sorry Steve has left, but is that what his committee is doing now theoretically or no, only because it deals with County property and doesn't deal with private property?

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

SUBCOMMITTEE MEMBER MABERRY: I may need help with you, Lee, in telling him what the question is, because I don't think he heard it.

MR. SUTROV: Yeah, what we're doing right now in the Street Lighting Committee is we are taking the complaint. It comes from the public. We have a few different functions, but one of them is taking complaints or requests from the public. It goes to Public Works. They fill out a form and then it gets -- all these matters are supposed to be referred to our committee for investigation or
response and recommendation back to the Department of Public Works and then they make their determination at that point. We also have a function of -- if a new subdivision goes in with lighting, turning on all those lights after 50 percent or more of the occupancy of that area is being occupied, and that's another one of our functions, removing, adding lighting, and energizing.

CHAIR MOLINA: Okay. Does that answer your question, Mr. Maberry?

SUBCOMMITTEE MEMBER MABERRY: Yes. Thank you.

CHAIR MOLINA: Ms. Bernard.

SUBCOMMITTEE MEMBER BERNARD: So could you step me through one of these examples? For instance, if someone comes to you and says, okay, there's this road in Wailea and it's got all these new lights that were just installed that are not in compliance with our current standards, then what happens?

MR. SUTROV: Right now?
SUBCOMMITTEE MEMBER BERNARD: Right now.

MR. SUTROV: I've been waiting for Public Works for anything on our next meeting, maybe next week if we have our agenda. Public Works is supposed to respond to my request of finding out who is responsible. Because right now who is responsible -- if Maui Electric installed lights after the standards -- existing standards went into place, we were told at one time -- Public Works told us that Maui Electric would be responsible for retrofitting all those lights if they went in after that standard went into place, and there might be some kind of question about that at this point. We just had some lights approved for shielding and Maui Electric refused to do it until they were paid to do it, and they've been taking care of this without pay, according to what I've been told, up to this point, but now
they're starting to charge. And so I'm waiting
determination on who is responsible as far as
for it and whether or not it's going to be done
all.
SUBCOMMITTEE MEMBER BERNARD: And when was this
brought to your attention, to the committee's
attention? How long ago did you receive the
complaint?
MR. SUTROV: How long was that? It was two months ago
that I was asking for Public Works -- they were
going to find out about that.
SUBCOMMITTEE MEMBER BERNARD: So you've been waiting
for two months for a response from Public Works?
MR. SUTROV: Well, they wait till our meetings to
communicate with us and if we don't have
anything on
our agenda, then we don't have meetings.
SUBCOMMITTEE MEMBER MABERRY: Steve, if I could, I
think what she would like to hear is for a standard
complaint scenario what the process would be.
Let's say someone in Kula complains about a street
light at the end of their street, could you give us
of the steps as to what the process is they
that person would then, like you say, what, go
down
to Public Works and do what? Could you walk us
through that?

MR. SUTROV: Well, if it's an individual or a
community
call
up Public Works and request for a form to fill
out
which could be faxed to them, and they have to
go to
get -- as many people that are actually in the
area
that are being affected by it, they want all
people
within 200 feet it states right now. I'm in the
process of rewriting the form for them and
getting
that approved, but right now it says all people
from, and
then it gets sent back in to Public Works
then it gets put on the agenda for the Street
Lighting Committee. And then some people -- one
person just had a light shielded. It took them
about five months to have that done after
Communicating a lot with Public Works on it, why it wasn't done, and they were waiting for funds from -- special funds had to be released to pay Maui Electric to take care of one shielding.

SUBCOMMITTEE MEMBER BERNARD: So a point of clarification.

So do you see the committee currently as acting as the liaison to keep on -- you know, going between

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This complainant and Public Works to find out where are we, what's happening next, where are we at?

Are you like the watch dog?

MR. SUTROV: I seem to think that we don't have -- only given very little -- limited responsibility by Public Works and we're doing very little compared to what we could be doing as benefitting the efficiency of taking care of requests for lighting being installed or lighting being adjusted. It's
of the inefficiency that we're experiencing right now -- it's the way we're being -- the duties are given to us from Public Works. We could be doing a lot more, I believe.

CHAIR MOLINA: Okay. Any other questions? Members, at this time the Chair would like to move on, okay, with the recommendations that have been made by the Subcommittee on the March 4th document.

Mr. Maberry, you have one more?

SUBCOMMITTEE MEMBER MABERRY: I can't tell that any action has been made on my recommendation for language between E and F.

CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER MABERRY: Is it dead?

CHAIR MOLINA: Between E and F, right?

SUBCOMMITTEE MEMBER MABERRY: Yes, the language about the committee reviewing --

CHAIR MOLINA: With the community association, uh-huh.
SUBCOMMITTEE MEMBER MABERRY: -- complaints, and why I wanted clarification, if the current street lighting subcommittee was actually reviewing complaints, and we were sort of questioning that language, if that was appropriate or not, and that's what -- you know, we had this discussion with counsel.

CHAIR MOLINA: So are you asking --

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

CHAIR MOLINA: Oh, okay.

SUBCOMMITTEE MEMBER MABERRY: -- the floor to Lee.

CHAIR MOLINA: Okay. Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: Yeah, I mean, the thing with that Steve was talking about sort of has to do with discretionary actions of Public Works. It's like can they satisfy a neighborhood's desire for changing its lights all within various things that are allowed by law. Here we're talking about processing of complaints or violations of the law.

So I would -- as specific language, I would propose that complaints for violations of the ordinance be sent to Public Works and that appeals to the decisions of Public Works or if Public Works has
failed to act within a specific time limit, say 30 days, those go to this committee for action.

CHAIR MOLINA: So complaints go to Public Works, appeals go to the Outdoor Lighting Committee?

SUBCOMMITTEE MEMBER MABERRY: Yeah, but that -- that exact language -- I understand what he's saying, Mr. Chair, sorry, but that exact language would be inappropriate, because what we're addressing is the duties of this committee. So we don't need to put in where they go. We just need to tell what this committee's going to do, right?

SUBCOMMITTEE MEMBER ALTENBERG: So the language would be that this committee handles appeals for complaints that have been decided by Public Works or that have been complaints -- reviews complaints that have not satisfied by Public Works within a certain period.
CHAIR MOLINA: Dr. Altenberg, members, if there's no objections, one of our resource personnel, Ms. Vencl, would you like to comment?

MS. VENCL: Yeah, I just told Mike.

CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER MABERRY: Her recommendation is that complaints go to the Department and that violations come to us -- or us, I keep saying us like we're a committee. The committee, sorry.

SUBCOMMITTEE MEMBER CHONG: Stop signing us up for this.

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

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

SUBCOMMITTEE MEMBER MABERRY: Yes, yes.

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

SUBCOMMITTEE MEMBER ALTENBERG: To me that doesn't quite make logical sense, because a violation is a finding
of a violation -- or that doesn't need to go to the committee. That needs to go back to the person who's in violation. This committee needs to deal with situations where Public Works has not handled a violation to their satisfaction, an appeal in other words.

SUBCOMMITTEE MEMBER MABERRY: Yeah, appeals, appeals.

SUBCOMMITTEE MEMBER CHONG: Or clarification.

SUBCOMMITTEE MEMBER ALTENBERG: I mean, I think -- so in terms of -- Rick mentioned clarification. That would be as -- the committee would serve as a resource to Public Works to provide clarifications, doing the leg work in the community that Steve Sutrov mentioned, so that's one duty, is to be a resource to Public Works. Number two duty is to process appeals to decisions by Public Works on complaints that have been filed with Public Works.

Number three is to review complaints that
have not been responded to by Public Works within some time limit after being filed. In case Public Works has been negligent, then I think it needs come to the attention of the committee for action.

There needs to be some kind of check and balance if something -- if Public Works is sitting on some complaint for a certain period of time. In other words, Public Works needs to be required to act within a certain time to give somebody satisfaction. If it's an open-ended time limit, then, you know, there may not be due process. So in the case that Public Works has failed to act on a complaint, it comes before this committee.

And the last duty that we've already described is for reviewing variance requests, not complaints, but variance requests before lights are installed. So these would be the essential duties that I would conceive that this committee would undertake.

CHAIR MOLINA: Members, comments? Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: If we -- if that time
that Public Works does not address the complaint and

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

CHAIR MOLINA: Strictly advisory, right

SUBCOMMITTEE MEMBER CHONG: The committee is not a governing body. We cannot -- we cannot give action. We have to let Public Works give the violation.

SUBCOMMITTEE MEMBER ALTENBERG: Well, it all depends on what we put in the statute.

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

MS. FUJITA VILLAROSA: I just thought maybe I would set forth another scenario, and I'm not sure if this is what you have in mind, but this is currently what's happening with, say, the Urban Design Review Board.

For instance, what happens is when something
to the Department -- a complaint, say, comes to the Department, the Department will investigate it and they may submit it to you. So say they'll submit it to the Street Lighting Committee for recommendation, and then the committee can then make its recommendation to the Department and then the Department can -- normally the Department goes along with the recommendation because they're the experts. The people on the committee are usually the experts.

in that area. And then if the aggrieved party still is not satisfied with the Director's decision, it goes to BVA, Board of Variances and Appeals. So it's separate bodies. I mean, if the Street Lighting Committee is going to be the one making the decision, then it cannot also hear the appeal. So you have to kind of think about I
the role that the committee is -- is the
committee going to be advisory to the Department of Public
Works or is it going to have more authority than
that? And if they do have more authority, who's
going to hear that appeal from the committee?
And also one more thing, the Department
of Public Works currently has administrative --
of administrative practice and procedure on
administrative fines and penalties, and I
believe those rules which govern all of the enforcement
actions from the Department sets forth the
amount of the fine and the procedures. I believe that
already has a time limit in it because that is -- State
law requires there to be a time limit that the
Department has to act -- you know, act on
something.
So that may be another thing you might want to
take a look at and take a look at those rules and see
maybe there's already something in place that
addresses the committee -- your concern.

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

Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: It seems like there's still some confusion. In my mind this is not to be some plan advisory committee, and so by statute it would have authority similar to the Board of Variances and Appeals. Now, I think we should try to reach some consensus on that. In my mind it's important that there be some kind of check and balance within the Administration so that if -- somebody doesn't get satisfaction, say, from Public Works, that they have something they can turn to. In my concept, this subcommittee is that body.

So --

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

Yeah.

CHAIR MOLINA: And it basically boils down to do we want more to give this committee additional authority, than already as -- Mr. Maberry.

My only comment would be if we were still talking about this as being a
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
power
11     it's advisory, then it doesn't have any real
12     and basically all -- everything -- it's Public
what
13     Works -- nobody has any -- nothing -- it has no
14     recourse if they're not getting satisfied by
15     Public Works is doing, except to sue the County.
16     All right. This is to provide an alternative to
them having to do that.

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

Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: I have a question. This BVA --

CHAIR MOLINA: BVA, uh-huh.

SUBCOMMITTEE MEMBER CHONG: -- appeals entity, from what I understand now, if somebody gets a ruling from Public Works and they don't like it, they can go to this BVA Committee. Now, does -- if we make the lighting committee advisory not only to Public Works but to BVA, do we still serve the same function? In other words, so if somebody -- if we give a recommendation to Public Works and Public Works gives them a violation and fine and they don't like it, they go to BVA and BVA comes back to us for further ruling or further information but they still are the legal entity to make the appeal yea or nay.
CHAIR MOLINA: Okay. Would you like to ask that of the Corporation Counsel's Office or -- okay. Ms. Fujita Villarosa.

SUBCOMMITTEE MEMBER CHONG: The question was if the committee -- the lighting committee is an advisory -- in an advisory position, so if a complaint comes into Public Works and they come to us for our -- for our expertise and then they pass a ruling on this violation -- to make it a violation and then that person that got cited comes to BVA, can BVA go back to the same lighting committee for more advisory information?

MS. FUJITA VILLAROSA: What happens is that if -- if somebody is not satisfied with the BVA's decision, then they go to court. Basically that's their next step.
consult with the lighting committee to help with their ruling on the appeal?

MS. FUJITA VILLAROSA: I'm sure that they would look at --

they take that into consideration, that -- and that's why it's good to have an advisory committee for areas like this is because the Director has the opportunity to bounce these things off of some experts, rather than having to make the decision, I'm sure that the BVA considers that when they're hearing the appeal, they consider the fact that the Director adopted the recommendation of the committee. I mean, that carries weight.

SUBCOMMITTEE MEMBER ALTENBERG: Question.

CHAIR MOLINA: Okay, Dr. Altenberg.

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

MS. FUJITA VILLAROSA: Not all. It's -- I can't cite -- I don't know if you want to look up in the --
SUBCOMMITTEE MEMBER ALTENBERG: In other words, maybe is already -- has the function that I'm thinking that this committee would have, and maybe it currently is -- already statutorily would be the place where such things would go. Otherwise, do we need to amend the ordinance that establishes BVA to handle outdoor lighting standards issues?

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

SUBCOMMITTEE MEMBER MABERRY: Uh-huh.

SUBCOMMITTEE MEMBER ALTENBERG: Okay. So --

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

CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER McCORD: Second.

CHAIR MOLINA: Okay. The motion has been made by Mr. Maberry to have this committee be advisory and it's been seconded by Mr. McCord. Discussion,
Mr. Maberry? As the maker of the motion, you have the floor.

I think it's been covered, sir. I yield.

Okay. Mr. Altenberg.

So that I understand, you're making this motion with the idea that appeals to Public Works' decisions having to do with outdoor lighting standards would go to the Board of Variances and Appeals?

Correct.

Okay. So that there's already function in that place and we don't need to put it in this committee. Can you -- all right. I would -- a friendly amendment. I would amend it to be specifically in regards to appeals, that it's advisory with respect to -- that doesn't have --
Subcommittee MEMBER CHONG: Then you're eliminating yourself. Then you're eliminating the committee.

SUBCOMMITTEE MEMBER ALTENBERG: No, no.

CHAIR MOLINA: Hang on. Are you -- excuse me. I'm sorry.

SUBCOMMITTEE MEMBER MABERRY: If I may address --

CHAIR MOLINA: Dr. Altenberg, are you --

that, for example, if somebody wants to do a variance to the lighting standards, that they have to get approval of this committee, that they not -- if the committee -- in other words, if the committee advises one thing and the Public Works decides another, then the person is out of luck. I wanted the original concept of this committee is that approval would be required for approving of variance. Okay. It's not simply that it be giving advice to Public Works about whether to accept a
it variance. So in that case that -- I would like

to have some power, not simply be advisory with
regard to that kind of decision. With regard to
appeals, I think because of this Board of
Variance
and Appeals already is in existence and that's
its function, that this committee only be advisory,
but
in regards to approving variances, I think it
needs
to have decision-making power.

CHAIR MOLINA: Okay, Dr. Altenberg, would you like to
frame that as an amendment to the motion on the
floor?

SUBCOMMITTEE MEMBER ALTENBERG: That the -- this
committee -- the language should be changed that
this subcommittee is advisory with respect to
appeals to decisions of Public Works.

CHAIR MOLINA: Okay. Is there a second to the
proposed amendment?

SUBCOMMITTEE MEMBER BERNARD: Second.

SUBCOMMITTEE MEMBER MABERRY: Point of information.


SUBCOMMITTEE MEMBER MABERRY: Point of order.

CHAIR MOLINA: Okay. Your point, Mr. Maberry.
SUBCOMMITTEE MEMBER MABERRY: At the moment I'm trying very hard to see where it specifies that -- kind of thrown a few -- where does it specify right now that it is advisory? I think what the concern is is that you're wanting it to be something other than a standard committee within current County makeup.

SUBCOMMITTEE MEMBER ALTENBERG: Right.

SUBCOMMITTEE MEMBER MABERRY: So you're actually looking at introducing language into what we've been working on.

SUBCOMMITTEE MEMBER ALTENBERG: No.

SUBCOMMITTEE MEMBER MABERRY: Because it doesn't say in more whether or not it was an enforcement branch. The other thing, as a friendly thing, I'd point out that, you know, you and I are around right now, but we may not be in 20 years and you don't know who's going to be
want appointing people to this board. Do you really want to give them that much power? I'd feel more comfortable having the process of the Board of Variances handle this, as opposed to some committee.

CHAIR MOLINA: Okay, members, getting back, we have a proposed amendment on the floor. Is there a second?

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If there's no second, the proposed amendment dies. Is there a second to the amendment? Okay. Seeing no second, the amendment -- Again, point -- okay.

CHAIR MOLINA: We're back to the main motion on the floor. Discussion. If not, the Chair will call for the question. Okay. For the last time on this motion, Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: Okay. Various places in the proposed ordinance it talks about requiring approval of both the committee and the Director
Public Works for a variance. So in that case a other language specifies a non-advisory role but a decision-making role of the committee, and so I would propose that -- basically I would point out that your amendment -- or your motion would obviate all that language in the rest of the draft proposal that requires the approval of the committee for variances and that's why I would not be in favor of this motion.

CHAIR MOLINA: Okay, seeing none. Okay, next, Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: Historical question. In like Land Use Committee recommendations or Arborists or -- has Public Works ever gone against what the committee has recommended?
question, but have they ever done that? I mean it's -- I understand what Lee's trying to do. He's trying to make sure that the lighting committee experts should have some weight and not leave it to a Director whose buddy is trying to get a variance, to stretch it real far, but, you know, you get my meaning. So -- but has that ever happened? I mean, if the Land Use Committee says we recommend that this building be limited to this, do they change it?

CHAIR MOLINA: Okay. Hang on, Mr. Chong. Okay, Mr. Nakao, are you going to yield to Corporation Counsel to respond to Mr. Chong's question?

MS. FUJITA VILLAROSA: This is also just to give you - I can't answer that question because I haven't been here nearly that long, but in the area of BVA, the Board of Variances and Appeals, they determine variances. So I just wanted to let you know there is a body currently out there that has the authority to grant or deny variances and they have -- they have standards in their rules that have to operate under. So I just wanted to throw that out, that there is such a body that exists
SUBCOMMITTEE MEMBER ALTENBERG: Question. Do they handle Planning Department variance requests as well as Public Works?

MS. FUJITA VILLAROSA: Yeah, they handle -- yes, they handle Planning and Public Works. I was just going to give you the titles, but I can't seem to find right now, but there's certain titles of the Maui County Code that BVA has jurisdiction in.

SUBCOMMITTEE MEMBER CHONG: But that's just for appeals or just -- or for regular -- for normal process of planning and permitting?

MS. FUJITA VILLAROSA: For --

SUBCOMMITTEE MEMBER CHONG: Just for appeals?

MS. FUJITA VILLAROSA: For variances and appeals. So it's a variance -- if it's a request for a variance
from the Maui County Code, it goes to BVA. If
an appeal, that means the Director has made a
decision and the person doesn't like that
So they handle both.
SUBCOMMITTEE MEMBER ALTENBERG: So --
MS. FUJITA VILLAROSA: And their decision's final.
SUBCOMMITTEE MEMBER ALTENBERG: So all departments,
Planning, Public Works, all variances that those
those say "aye."

SUBCOMMITTEE MEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

SUBCOMMITTEE MEMBER ALTENBERG: Nay.

SUBCOMMITTEE MEMBER BERNARD: Nay.

CHAIR MOLINA: Okay. All right. We have two nays.

The Chair votes aye.

VOTE: AYES: Subcommittee members Chong, Maberry, McCord, and Chair Molina.

NOES: Subcommittee member Altenberg and Bernard.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Tavares.

MOTION CARRIED.

ACTION: APPROVE recommend "advisory" status for the proposed Outdoor Lighting Committee.

CHAIR MOLINA: The motion carries by a four-to-two vote.

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

RECESS: 11:45 a.m.
RECONVENE: 12:03 p.m.

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

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

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

SUBCOMMITTEE MEMBER ALTENBERG: A question. Suppose
like Ms. Haag who came -- suppose she came in with a complaint that some neighbor installed lights that were in violation of the ordinance, then where would that complaint go? It would go to Public Works?

SUBCOMMITTEE MEMBER MABERRY: The initial complaint --

I respond, sir?

CHAIR MOLINA: Proceed, Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: Just like in the Street Light Standards Committee, the complaint will originally be filed at Public Works, and Public Works will either address it themselves or they will kick it to the committee.

SUBCOMMITTEE MEMBER ALTENBERG: Okay. And then if the person is not satisfied with what Public Works has done, then, as I understand, it would go to the Board of Variances and Appeals; is that your understanding?

SUBCOMMITTEE MEMBER MABERRY: No.

CHAIR MOLINA: Well, let's get a comment from maybe Corporation Counsel.

SUBCOMMITTEE MEMBER MABERRY: Or Public Works.
CHAIR MOLINA: Can you respond at this time, Public Works?

MR. NAKAO: Okay. If the individual who filed the complaint is not satisfied with the resolution that the Department came up, then they could go to

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1 Board of Variance and Appeals, yeah.

2 SUBCOMMITTEE MEMBER ALTENBERG: Okay. And is that you want to see happen, Mike?

3 SUBCOMMITTEE MEMBER MABERRY: Yeah.

4 SUBCOMMITTEE MEMBER ALTENBERG: Okay. And then it would seem to me that we don't need any additional language.

5 SUBCOMMITTEE MEMBER MABERRY: (Inaudible).

6 SUBCOMMITTEE MEMBER ALTENBERG: (Inaudible).

7 CHAIR MOLINA: Hang on, gentlemen. One at a time.

8 are we recognizing right now? Question from Dr. Altenberg to Mr. Maberry. Mr. Maberry, can you respond?

9 SUBCOMMITTEE MEMBER ALTENBERG: So in other words --
SUBCOMMITTEE MEMBER MABERRY: Can you repeat the question?

SUBCOMMITTEE MEMBER ALTENBERG: In other words -- I'm just trying to clarify. In other words, what you're by not adding this language, by withdrawing the language you had proposed to be added, you are - you understand that then the process is that a complaint would go to Public Works and then if somebody's not satisfied with the action of Public Works, it would go to the Board of Variances and Appeals.

SUBCOMMITTEE MEMBER MABERRY: Okay. You're missing a step. Based on what I'm going by by the Street Light Standards Committee that exists right now, the complaint goes to Public Works, okay, then it goes to the committee. If they don't deal with it themselves, it goes to the committee. Then the committee makes a recommendation to the Director for action, right? Then if -- then if the person
doesn't like the decision of the Director, then they go to the Board of Variances.

MR. NAKAO: No, I think they sue.

SUBCOMMITTEE MEMBER MABERRY: Well, they sue. Whatever.

But there is a process. There is a process available to the individual is the point, and there are several steps, and this committee is one -- committee that would be established would be one of those steps.

SUBCOMMITTEE MEMBER ALTENBERG: Well, there's no language that requires that the Public Works Director get the advice of the committee on a complaint.

SUBCOMMITTEE MEMBER MABERRY: There is in the ordinance. You've established it in the ordinance.

SUBCOMMITTEE MEMBER ALTENBERG: There's nothing dealing about with citizen-initiated complaints. It talks proposals by somebody who's proposing to install lighting.
SUBCOMMITTEE MEMBER MABERRY: Okay. Then may I just suggest that we deal with that when we get to section of the ordinance.

CHAIR MOLINA: Thank you.

SUBCOMMITTEE MEMBER MABERRY: As far as establishing committee, this is all we need to do. I mean, finish up this document and to move on and that actual committee of -- what you want the to do --

CHAIR MOLINA: Okay. Mr. Maberry, so your withdraw will be recognized by the Chair. And, Dr. Altenberg, maybe you can forward those questions in writing a later time so we can get a response either via Public Works or maybe even Corporation Counsel can comment on that.

SUBCOMMITTEE MEMBER MABERRY: And also, Mr. Chair, we're accepting the changes in F as a consensus?

CHAIR MOLINA: Yes. Is there a consensus for the that's been proposed by Mr. Maberry?

SUBCOMMITTEE MEMBER MABERRY: Okay. Then may I suggest that we're finished with this document, then, now, sir?
CHAIR MOLINA: Okay. All right. Thank you. Any last comments on the March 4th document?

SECTION .070

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

The Subcommittee members were sent these options prior to today's meetings and the Chair would like to determine if any of the proposed options satisfy the concerns of the Subcommittee. If no one option addresses the concerns of the options to meet our goals. If these options will not
achieve the goals of the Subcommittee, then we need to develop a clear direction of what the members desire for this section. So regarding Section .070, anyone with comments or recommendations regarding the proposed options? Anyone need a minute or two to review prior to making comments? No concerns for .070? Can we move on?

SUBCOMMITTEE MEMBER MABERRY: No, no.

RA

CHAIR MOLINA: Just kidding.

SUBCOMMITTEE MEMBER MABERRY: I won't say that.

CHAIR MOLINA: Okay, Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: If I could, sir, again, I came away with from our last meeting was that have agreed that the ordinance will only address light that is installed -- lighting systems that are installed or lighting that is installed at which point this ordinance would go into effect, should it go into effect, and that there be an intent to
provide a buffer zone. And I've seen a couple
of
different options, but -- and I can't remember
if we
discussed it in detail, but what it needs to be
is a
25-mile radius around the summit of Haleakala
existing
centered on Haleakala High Altitude Observatory
lights
and that in that case all new -- all
not
existing stays, right, but all new lighting for street
lights
and parking lots, major lighting installations,
not
trying
including, of course, the sporting that we're
trying
to address separately would be LPS.
Whatever height necessary in order to be
there
appropriate to meet the standards, right now
was
is a 20-foot height limit, but that height limit
we're
based on using the type of HPS lighting that
not
using -- currently using on the roads. So I'm
real fixed on -- you know, I think that there
then standards for a reason and if we're using LPS,
they should be the height appropriate for the
wattage of the LPS. So moving under that
premise,
as far as trying to dig out from which one of
these,
I'm not positive that any one single one of
these looking
options addresses that. I am confident by
of
it over that there are several different pieces
where
these that, yes, will work, but, again, that's
I'm sort of sitting here is thinking that that's
what we're trying to do. Thank you.

Comments?

Mr. Chong.

Sorry. Where does the 25-mile
circle encompass? I need some --

And the discussion,
was going back to sort of what San Diego did,
was actually 30 miles. The reason I say 25 is
because looking carefully on the map, the area
around Ukumehame, anyplace along that line
that's
line of sight of Haleakala is a potential
problem.
In fact even -- even the lighting that's being
installed at the shooting range, for example, is
direct line of sight of Haleakala. So the 25

would still protect -- not protect -- yeah,

still

protect Haleakala abut would exempt everything

basically from Olowalu on around Lahaina side,

would

not include Molokai or Lanai. It will, of
course,

include basically everything else. But, again,

we're talking about lighting that is installed.

We're not talking at this time about any

retrofit.

So there's no requirements to change anything,

you

know, new highways, new parking lots.

SUBCOMMITTEE MEMBER CHONG: With the exception of the

exceptions that are allowed in the ordinance.

SUBCOMMITTEE MEMBER MABERRY: In the current

ordinance,

yeah, the way it's written right now of course

for

light -- for color rendition, and some of that

language you may want to clean up, right? You

know,

like for example in option one it goes in -- you
know, it's -- I mean, some of this we need to make sure is set, but I just want to make sure that start down this road that I'm working under the we're all working under the same premise.

CHAIR MOLINA: Okay. Thank you, Mr. Maberry. Any comments on .070? Status quo. Would you like move on and we can always revert -- come back to at a later time. Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: One question I had is when -- when should we make a distinction --

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CHAIR MOLINA: Excuse me. We have a question for Mr. Maberry from Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: Certainly within the astronomy zone we want to have low pressure as much as possible, but outside that zone do we make -- need to make any requirements that would differentiate between low pressure sodium, high pressure sodium, or metal halide or other kinds
light?

SUBCOMMITTEE MEMBER MABERRY: Mr. Chair, at this point in time we're not concerned about that. It, you know, may be necessary to address at some point in the future, but the one thing that I didn't cover, of course, is that outside the 25-mile astronomy buffer at there is that we still are going to need to look at the illumination of our beaches, but I believe is a very cost effective, reasonable manner for doing that from what we saw in months back regarding does not seem to bother the turtles or the night flying birds, and I think that the hotel folks have agreed -- I may be wrong, we may look to our resource people to see, but I think that's something they're willing to look at for future lighting of example,
that on the Big Island they're not allowed to illuminate their beaches.

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

Any other issues relating to .070? So I take it consensus with the present changes made to the section. Okay. Thank you. Go ahead, Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: I would just like to be I'm kind of looking to Rick here to see if he's comfortable with the exemptions that are in this I mean that are in the red line document or are looking at --

SUBCOMMITTEE MEMBER CHONG: Yeah, which one are we looking at exactly now?

CHAIR MOLINA: I presume the red line document.

SUBCOMMITTEE MEMBER MABERRY: Yeah, I would look at the red line document, Rick, and then see if under exemptions that that looks right to you. No, I downloaded that.

SUBCOMMITTEE MEMBER McCORD: I think I'm still working on the one before then.

SUBCOMMITTEE MEMBER MABERRY: You don't have email.

You've got to move up to the 21st --
SUBCOMMITTEE MEMBER McCORD: We do have fax.

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.
3    CHAIR MOLINA: Mr. Chong, anything at this time? We can
anything
4          always come back to .070 if you don't have
5          at this time.
6    SUBCOMMITTEE MEMBER CHONG: I don't have anything at this
time. I'd like a little -- obviously more time to
7          really look at it closely.
8    CHAIR MOLINA: Okay. So these are the agreed upon
changes
9          from the last meeting that we had. Okay,
10          with that the Chair would like to move on to
.080,
11          and if anything comes to mind which relates to the
.070,
12          we can always revert back there. Okay. So far
the
13          Subcommittee has concurred on certain revisions
Subsection 3 of .080.

MR. SALDANA: Mr. Chair.

CHAIR MOLINA: Yes, Mr. Saldana.

MR. SALDANA: I'm sorry, before -- I was a little bit distracted there, but before we move on, what was the consensus on .070?

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

MR. SALDANA: No. I was --

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

MR. SALDANA: I had stepped out.

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

SUBCOMMITTEE MEMBER MABERRY: I specifically I guess to -- you know, I'm not offering language right second, but -- so I don't guess it affects lamp standards, but the bottom line was that this ordinance would establish the astronomy zone, so speak, to use the language used from -- I think
language used from San Diego to be a 25-mile radius around Haleakala High Altitude Observatory site, from the center of, and I think I see a map over there. Do you want to show --

MR. Saldana: Yeah, I'd like to show you the map.

SUBCOMMITTEE MEMBER MABERRY: Okay.

MR. Saldana: And that will kind of help you -- give you a perspective. I was trying to pull it up on my computer because I have a disk for it and it just -- I'm so computer illiterate I can't figure it out, but I have the maps to back me up.

CHAIR MOLINA: Okay. Is that a map we can post up there?

MR. Saldana: What we have -- that's basically -- all we did was we, not knowing -- I'm sorry. Not knowing if the Committee wanted to go this direction in terms of establishing radiuses and having the examples of other communities utilizing

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just gave our GIS people radiuses of five, ten, 15 miles. So of course the outer district --
the outer circle is the 15 miles, which covers this entire section of Maui, leaving the west portion of Maui out of it, and then the ten-mile pretty much will take portions of Pukalani, Makawao, and portions of the backside of the island from Kaupo on over to -- closer to the La Perouse area, not quite getting to La Perouse, and then the five-mile just pretty much gets Kula into the -- into the district. What this map also signifies is too, so -- or the numbers of population, I'm sorry. As these little dots represent approximately about 500 people per dot, so where you see the clusters of located dots, you'll see where the populations are throughout the island as well. So you'll note it -- the 15-mile radius handles pretty much so all of Upcountry, Kihei, Wailea area and none of the central area and none of the West Maui area, where you'd see a bulk of the -- bulk of the population.
SUBCOMMITTEE MEMBER MABERRY: Mr. Chair, if I may, I guess you need me to be on this, but the reason I had recommended 25 miles was to try to take in the line of sight -- and, again, remember that San Diego went 30 miles. I was trying to take in the majority of the line of sight population areas so it went to, say, Olowalu, but if I had gone 30 miles, it would have gotten into Lahaina and I was trying to exclude Lahaina, primarily because of the terrain that shielding from West Maui Mountains, not to say that doesn't have an impact. Anything that bounces off the dust in the sky is a potential problem, but again, trying to remove this area over here but catch this. Now, part of the problem, as you can see, if I do that, is that as Waihee area grows, there's a potential problem there, but we've got
that's start somewhere, I guess, is my point, and so

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

question over there, sir.

SUBCOMMITTEE MEMBER ALTENBERG: So you're saying that

there may be areas beyond 25 miles that were

still within the line of sight of Haleakala. It seems

like we need to protect anything that's within

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

it?

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

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

could put that in the section.

SUBCOMMITTEE MEMBER MABERRY: I'm not sure which

section,

though.

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CHAIR MOLINA: Is there a consensus for 25 miles

rather than 15 from the Committee? Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: I'm just a little curious

what the landowners of those areas -- in the resort

areas if,
and you know, ________ or Rob's out on that coast, so there's George, but I don't know if they can speak for the landowners.

CHAIR MOLINA: Any objections to having comments made from Mr. Hoonan or Mr. George on that at this time? Ms. Vencl, come on up.

MS. VENCL: What jumps to my mind immediately, and I totally understand where Mike's trying to go, have -- looking at a broad perspective of all of my members, to have one be able to do something that somebody else isn't will cause me a problem.

CHAIR MOLINA: Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: If the Committee and the group would agree, ideally, you know -- and again, we've had some complaints from people on Molokai. I mean, ideally the ordinance should apply Countywide, but I was trying to work out some balance, but I would recommend -- I mean my initial recommendation is that it be a Countywide ordinance.

CHAIR MOLINA: Okay. Dr. Altenberg.
SUBCOMMITTEE MEMBER ALTENBERG: Well, as far as this is dealing strictly with the low pressure sodium lamp requirement and -- have you gotten complaints from Molokai that we don't have low pressure sodium?

SUBCOMMITTEE MEMBER MABERRY: No, sir, just on the light trespass.

SUBCOMMITTEE MEMBER ALTENBERG: Okay. So I think dealing in terms of low pressure sodium, that's really strictly of interest to the astronomers and as a way to have light that's not harmful to wildlife, so --

SUBCOMMITTEE MEMBER CHONG: Nothing to do with trespass.

SUBCOMMITTEE MEMBER MABERRY: However, if I may, and she's not here, but as we build more and more highways and areas, for you know, you're -- because of the requirements and safety of putting street lights at intersections and such, you're going to see more and more light on your beach, spilt on your beach from your roads
it would make more sense ultimately for protection of the turtles in areas that may not have direct negative impact on the astronomers to have LPS, you know, elsewhere in the County.

CHAIR MOLINA: Okay. Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: I'm going to, again, probably speak out of line here, but I don't think the property owners in those areas that would be encompassed by this 25-mile radius, or whatever this radius ends up being, would have a problem with usage of low pressure sodium for things like parking lots and using the gel material on high pressure sodium for beach security that the biologists have -- already in Florida have accepted. Again, like I mentioned, what's going to be key is what the ordinance allows us as exceptions to create that ambience for the resorts that the people like to come to and see and feel and enjoy. That's --
be will be the key, and I don't think they want to be bad citizens and not help with the astronomy community and the biological wildlife community, just a little balance on the other side with the exceptions and what we can do with landscape lighting and water feature lighting and things like that.

SUBCOMMITTEE MEMBER MABERRY: I'm very comfortable with that, and again, probably so that we don't get into any problems, maybe we should make the LPS situation Countywide and that we look forward to Rick reviewing the details and the exemptions and we'll be happy to, you know, work with him at the next meeting on the exemptions.

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CHAIR MOLINA: Okay. So that will go as a recommendation from the Committee. Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: So, in other words, you're proposing that new lights on Molokai or Lanai be
pressure sodium.

SUBCOMMITTEE MEMBER MABERRY: Street lights, parking lot lights, yes.

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

SUBCOMMITTEE MEMBER CHONG: Why am I not surprised?

SUBCOMMITTEE MEMBER MABERRY: It's just that we've gone through this process of, you know, figuring out to work together here and, you know, it's pretty good at the moment, so let's do it.

Chair Molina: Go ahead.

Chair Molina: Of course this is just for clarification,
this is for future lighting, not what's --

That's correct.

-- already in existence.

That's correct.

Okay. Thank you. So the Chair will take that as a recommendation from the Subcommittee for .080.

Yeah, thank you very much. So that means -- you know, that's what I was trying to look over, Mr. Chair, because I didn't see it right? It's not in this current red line draft, and I guess it doesn't need to be now, as long as we have the language that's already in there, that after the effective date of the ordinance, so thank you very much, Mr. Chairman. We can now move on.

Thank you, Mr. Maberry.

Members, let's go now to Section .090, luminaire mount standards. The Subcommittee --

What happened --

Yes, Dr. Altenberg.

Are we going to deal with
.080?

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

MR. SALDANA: I thought we were just --

SUBCOMMITTEE MEMBER ALTENBERG: We just finished with

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

CHAIR MOLINA: Okay. That was -- was that part of .070 or .080? I'm sorry, I got lost.

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

CHAIR MOLINA: Okay. I'm sorry. Okay. Let's go to .08 -- I -- for some reason I thought we had done .080. Okay.

SECTION .080

CHAIR MOLINA: All right. Looking at .080, any members made any concerns with regards to the revisions there, I think on Section 3, motion sensor?

SUBCOMMITTEE MEMBER MABERRY: I guess I have a question,
if I may. And I'm actually addressing Rick on this, and it was because of the comments made by Mr. George earlier. Was he not looking at the draft that we have or do you agree with his concerns say, for example, on .080 number 2 with regards to lumens and such? I mean, I got a little confused there, Rick.

CHAIR MOLINA: That's the 1,000 lumens per fixture?

SUBCOMMITTEE MEMBER CHONG: Yeah, well --

SUBCOMMITTEE MEMBER MABERRY: I guess the use of the term lumens, is that still a problem as we go through this?

CHAIR MOLINA: Okay, Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: No, I don't think that's a problem of lumens.

SUBCOMMITTEE MEMBER MABERRY: Okay. Thank you.

SUBCOMMITTEE MEMBER CHONG: Although to correlate the lumens with the 60 watt bulb is wrong, because a watt bulb may have a lumen rating, once you stick it
in a luminaire not all those lumens come out of the luminaire. So there’s no correlation really. It depends on what kind of luminaire it is. You may not get all the lumens out of a 60 watt bulb, and usually not. There is no such thing as a 100 percent efficient luminaire, meaning all the lumens of the -- the raw lumens coming out of the bulb all come out the opening of the luminaire. All luminaires absorb through reflections within the lamp itself in the luminaire. So you might want to strike the 60 watt bulb reference and just talk about lumens.

CHAIR MOLINA: Okay. Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: The only purpose of that parenthetical statement was as an illustration so that somebody has an idea of what 1,000 lumens is about equal to. So it doesn't have that --
no legal consequence to that parenthetical statement, so --

SUBCOMMITTEE MEMBER CHONG: Understood. Then I even more -- because anybody who is doing lighting understands what a lumen is and I would just

it.

CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER MABERRY: Friendly recommendation.

CHAIR MOLINA: Mr. Maberry.

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

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

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

CHAIR MOLINA: Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: But I guess that gets back to these options that were presented to us, I think that's something that different people
presented, and I guess we want to know if there's -- can we pluck out from these or do you actually have some numbers you want to recommend at this time or -- because otherwise I know Gary went to all the trouble to generate this stuff for us.

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

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

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

SUBCOMMITTEE MEMBER MABERRY: Would --
CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER MABERRY: Mr. Chair.

CHAIR MOLINA: Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: Would it be clearer if you put the fact that it's a bare bulb or something along those lines. It's not in a fixture.

CHAIR MOLINA: Mr. Chong, any comments as the light expert?

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1 SUBCOMMITTEE MEMBER CHONG: I -- you know, technically it's two different -- it's just two different things. It's -- so that's the problem I have.

CHAIR MOLINA: Okay. We have a comment from the Hotel Association. Ms. Vencl.

MS. VENCL: Thank you, Mr. Chairman. Sitting back there as a lay person, understanding that the Committee is going to use this as guidelines, if that's what they're using for their example, just want that to be noted, you know, is it right or is it wrong. Let's just try to get it as good as we can if in fact a lay person is going to look at this and
don't know what, like me, 260 lumens is or whatever the numbers may be and they're going to look to something that we understand, which might be a watt or a 20 watt. That's how I see this.


SUBCOMMITTEE MEMBER BERNARD: Okay. So can we -- will we satisfy you if we insert in between "incandescent" and "bulb," "bare"?

SUBCOMMITTEE MEMBER CHONG: I guess that makes it a little bit more reasonable.

SUBCOMMITTEE MEMBER BERNARD: Because I'm like Terryl. I would like it -- I would love to have -- and likely I would love to have something for everybody that's sort of a standard that they can kind of go, oh, oh, that, yeah, I can't read by that, or, oh, yeah, that's fine.

CHAIR MOLINA: More user friendly language, right?
SUBCOMMITTEE MEMBER ALTENBERG: So a motion?

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

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

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

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

SUBCOMMITTEE MEMBER ALTENBERG: A motion.

CHAIR MOLINA: Dr. Altenberg.

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

CHAIR MOLINA: Incandescent?

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

SUBCOMMITTEE MEMBER MABERRY: Second.
CHAIR MOLINA: Okay. The motion has been made by Dr. Altenberg and seconded by Mr. Maberry. Discussion, Dr. Altenberg, as the maker of the motion?

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

SUBCOMMITTEE MEMBER CHONG: I'm fine.

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

SUBCOMMITTEE MEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

VOTE: AYES: Subcommittee members Altenberg, Bernard, Chong, Maberry, McCord, and Chair Molina.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Tavares.

MOTION CARRIED.

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

CHAIR MOLINA: Thank you. Motion carries unanimously.

SUBCOMMITTEE MEMBER ALTENBERG: Another motion, if I may.

CHAIR MOLINA: All right, Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: That's to delete the text in blue under A, "with a 15-degree cutoff." The reason for that is because that's -- it's very hard to enforce, to objectively measure, and where
shielded is very easy to determine objectively, but the 15-degree cutoff is more -- more difficult to measure and it doesn't really add substantially to the protection of -- from light pollution or light trespass.

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

SUBCOMMITTEE MEMBER MABERRY: Second.

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

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

SUBCOMMITTEE MEMBER MABERRY: We thought we needed it.

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

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

SUBCOMMITTEE MEMBER ALTENBERG: A number of communities have that in their ordinance, but upon more detailed consideration, it's not easy -- it adds a lot of
Chair Molina: Okay. Any other discussion to the motion that's on the floor to delete the words "with a 15-degree cutoff" under section A? Seeing none, those in favor say "aye."

Subcommittee Members Voiced Aye.

Chair Molina: All those opposed?

Vote: Ayes: Subcommittee members Altenberg, Bernard, Chong, Maberry, McCord, and Chair Molina.

Noes: None.

Abstain: None.

Absent: None.

Exc.: Vice-Chair Tavares.

Motion Carried.

Action: Approve amendment to Section .080.A.

Chair Molina: Thank you. The motion carries unanimously.

Any other concerns relating to Section .080, members?

?: Do you have some numbers?

Subcommittee Member Chong: No, I'm sorry, I don't have
any numbers to offer for the lumens at this time.

Apologies.

CHAIR MOLINA: Okay. No apologies needed.

SECTION .090

CHAIR MOLINA: Okay. Seeing no other concerns for .080, members, let's move on to Section .090. Okay.

One revision for Subsection A, which is highlighted in the working document, as you see. Any other revisions to Section .090? Okay, we'll start first with Mr. Maberry, followed by Dr. Altenberg.

SUBCOMMITTEE MEMBER MABERRY: Are you going to do the same thing? I guess I would like to address here my earlier comments regarding the height of 25 feet. I think we need to change the language in order to allow the lighting designers to address that appropriately. I'd kind of look to Rick, maybe, for some help with language.
CHAIR MOLINA: Okay. Mr. Chong, can you offer us language at this time?

SUBCOMMITTEE MEMBER CHONG: Well, I wouldn't limit the height of the pole, then.

SUBCOMMITTEE MEMBER MABERRY: Well, can we put language in there so that, I mean, we don't end up with like -- pardon me, Mr. Chair, if I may -- we don't end up with a situation like -- well, I guess if it's LPS it doesn't matter. I guess --

SUBCOMMITTEE MEMBER CHONG: I mean, at a certain point the pole can be too high and your lighting would be ineffective. The light -- the light falls off the square of the distance, so at a certain point by the higher you go, you're just wasting lumens out into the sky, no matter where it's directed. So a good designer is not going to just take the pole as high as he wants. He's going to optimize that height to get the best spread and best coverage given the wattage of the lamp and the luminaire performance. So I know what you're trying to do just keep the pole at a reasonable height so
1 not above somebody's roof line at 30 feet and --
2 CHAIR MOLINA: Okay. Dr. Altenberg.
3 SUBCOMMITTEE MEMBER ALTENBERG: The question is -- I mean
4 the original intent, as I understand, why 20 foot is a limit that's in the current rules for street
5 lights, and 15 I think, MC 15, was that -- was to protect residences from lights glaring into
6 their windows, but I'm wondering if that's really an accurate consideration. Are there any circumstances where a lighting engineer would want to put in a pole height of a certain height that would create a problem for somebody that a lower pole height would not create.
7
8 CHAIR MOLINA: Mr. Chong.
9 SUBCOMMITTEE MEMBER CHONG: You could have a problem with a low pole too, given the proximity of the pole to somebody's window. Full cutoff -- having the
I don't see a reason to limit the height of the pole.

CHAIR MOLINA: Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: Then I would recommend that the Committee consider deleting Section A, then.

CHAIR MOLINA: Okay. Would you like to frame that in the form of a motion?

SUBCOMMITTEE MEMBER MABERRY: I would rather hear discussion first.

CHAIR MOLINA: Okay. I guess that will go Dr. Altenberg first, your comments.

SUBCOMMITTEE MEMBER ALTENBERG: I can't -- frankly I can't see any circumstances to really have to limit the height of a pole either, so I would concur.

CHAIR MOLINA: Any other suggestions or comments with regards to deleting Section A of .090?

SUBCOMMITTEE MEMBER MCCORD: I so move.

SUBCOMMITTEE MEMBER MABERRY: Second.

CHAIR MOLINA: Okay. It's been moved by Mr. McCord,
seconded by Mr. Maberry. Discussion, Mr. McCord, as the maker of the motion.

SUBCOMMITTEE MEMBER McCORD: I think it’s pretty well discussed. Call for the question.

CHAIR MOLINA: Okay. All right. All those in favor of the deletion of Section A say "aye."

SUBCOMMITTEE MEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

VOTE: AYES: Subcommittee members Altenberg, Bernard, Chong, Maberry, McCord, and Chair Molina.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Tavares.

MOTION CARRIED.

ACTION: APPROVE amendment to Section .090.A.
CHAIR MOLINA: Okay. Thank you. Any other comments with regards to Section .090?

SECTION .100

CHAIR MOLINA: Seeing none, the Chair will move to Section .100. To date there have been no revisions recommended to this section. Any revisions suggested at this time? If there's nothing suggested, then the Chair will move on to .110. So everyone I assume concurs with Section .100 as is.

SECTION .110

CHAIR MOLINA: Okay, Section .110, much of the deliberations have been focused on Subsection D, outdoor sports or recreation fields or areas. Before we address Section D, I would like to see if there are any proposed revisions or recommendations to Subsections A through C. Anything for A through C, members? Okay, Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: Just to start, Section C, paragraph 1, lighting for such areas shall not be
I'm afraid that that's what the business wants, right?

I mean any commercial business, whether it's a gas station or not, lights it -- they put lights up to attract business. I mean you see it everywhere, and that -- that statement alone is going to cause a lot of grief for a lot of property owners.

CHAIR MOLINA: Can you give me an example of what kinds of businesses -- I mean you're talking about near park areas or --

SUBCOMMITTEE MEMBER CHONG: Just businesses. I mean I think businesses aimed at -- canopy lighting, you know, you're talking about a gas station, you're talking about something in Lahaina that's got an overhang over their sidewalk, and, I mean, it --

you see it in Honolulu, not that Honolulu's a good example. It's a bad example, probably. The shop owner puts up florescent all the way around the store just so that they get visibility on all junk that they're selling to the tourists. It's
CHAIR MOLINA: Okay. Mr. Maberry, comments.

SUBCOMMITTEE MEMBER MABERRY: We only have a problem with it here really bad right now at Gateway Plaza.

CHAIR MOLINA: Purple lights.

SUBCOMMITTEE MEMBER McCORD: Purple lights.

SUBCOMMITTEE MEMBER MABERRY: I think that's what we're trying to figure out how to avoid.

CHAIR MOLINA: Of course this is for future.

SUBCOMMITTEE MEMBER CHONG: What about the gas station owners, the Chevrons and the --

CHAIR MOLINA: 24-hour stations.

SUBCOMMITTEE MEMBER CHONG: The ones that have canopy lighting, I mean, metal halide --

SUBCOMMITTEE MEMBER ALTENBERG: This statement is specifically targeted at that practice, because it's basically saying that using light that spills out of your property as a means of advertising is not just
for advertising purposes and -- rather than for
making it possible for people to use the
business.

So, you know, basically this is saying that's
not
what outdoor lights are for, is to just attract
people's attention, because then you have an
arm's
race and more and more lights going into just
why
attracting business and that -- you know, that's
particularly
there's a lot of light pollution, and
gas stations with their canopies are a source of

Now, this Section 1 would not deal with

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

8  SUBCOMMITTEE MEMBER CHONG: They -- I know -- sorry to
9  interrupt. I know that the Illuminating
10  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
gasoline
on
16  committee, I heard of them talking that the
17  stations of the world were threatening a lawsuit
18  to
19  So I
20  throw caution -- I don't know if this is true or
carry a
21  not, but I throw caution to the wind. They
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
recommend deleting that sentence or are you suggesting adding language for C, Number 1?

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

CHAIR MOLINA: Okay. So --

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

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

SUBCOMMITTEE MEMBER CHONG: That first statement.

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

SUBCOMMITTEE MEMBER CHONG: I do recommend it.

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

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

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

SUBCOMMITTEE MEMBER BERNARD: I'll second for the purpose of discussion.
Ms. Bernard. Okay. The motion on the floor is to delete the first sentence of Section 1, "Lighting of such areas shall not be used to attract the business." Motion made by Mr. Chong. Seconded for discussion by Ms. Bernard. Discussion, Mr. Chong, would you like the floor now or would you like to yield to a member, Mr. McCord?

SUBCOMMITTEE MEMBER CHONG: I yield to a member first.

CHAIR MOLINA: Okay, Mr. McCord, your comments.

SUBCOMMITTEE MEMBER McCORD: I don't see the problem with the canopy lighting. After all, if you drive a car underneath the canopy, you want to be able to see what you're doing. It's the purple lights that drive me to distraction, and that's why I think we need something in there to say, you know, this really is not what we want in our County.
CHAIR MOLINA: Okay. Thank you, Mr. McCord.

Dr. Altenberg, fold followed by Ms. Bernard.

SUBCOMMITTEE MEMBER ALTENBERG: In terms of light trespass and light pollution, if canopy lighting is fully shielded, which most of the gas stations are not, then it's not going to be contributing to light pollution and light trespass, so -- but I think the reason that they're not fully shielded is to attract attention to the business. So Number 3 deals with objectively enforceable design considerations basically requiring fully shielded light in canopies. So, you know, Numbers 1 and 2 are, in a sense, subjective and I think the principles are good, but as something to enforce, they're not clear.

SUBCOMMITTEE MEMBER CHONG: I don't have a problem with paragraph C 2, "Lighting levels shall be adequate to..."
facilitate the activities taking place in such location," although that's, to me, a vague statement. In order -- and paragraph 3, I don't think -- I think that's workable, requiring almost fully shielding, and you say 85 degrees is also workable I think for most of the gas stations. It's just that first statement is so contradictory. It defines, I mean, they're not doing it for attraction or they are doing it for attraction, and so I suggest that we just scratch that sentence as I motioned and leave the rest in place and hope the gas station owners don't get upset.

CHAIR MOLINA: Okay, Mr. Chong. Mr. McCord.

SUBCOMMITTEE MEMBER McCORD: I wonder if we could insert something in there that -- apparently, you know, neon is the choice of attracting because it comes in colors, easily molded, et cetera, et cetera. If we inserted neon into this thing, would that
deal with the problem and not make it, you know, all-inclusive?


SUBCOMMITTEE MEMBER BERNARD: I would have a problem with that. Neon lighting -- especially red neon lighting is good for turtles. It may not be good for us, but it's better for turtles than what we currently have with the canopy lighting, so I have a problem with that. And getting back to the discussion on the first -- Number 1, I agree, if we can keep intact, I think we could dispense with Number 1, unless you wanted to do a modification to say excessive lighting of such areas shall not be used, because that's just as subjective as the second sentence, but I'm also okay to get rid of Number 1, as long as we keep Number 3 intact.

CHAIR MOLINA: Okay. Mr. Chong, your comments on one of another -- and I agree, Number 2 is still vague, and maybe that needs to be cleaned up in another motion to say lighting levels that are recommended, you know, in other words, IES recommended standards or whatever are okay in
going -- what's excessive again? The gas station owners obviously like what you define as excessive, so...

CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER ALTENBERG: It seems --

CHAIR MOLINA: Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: -- Number 5 specifies the objective measurements of what is appropriate lighting for a service station and I -- I would be comfortable with deleting 1 and 2 and keeping the rest.

CHAIR MOLINA: Okay. Members, comments? Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: I move to -- move to --

CHAIR MOLINA: Amend? We do have a motion on the floor.

SUBCOMMITTEE MEMBER MABERRY: I move to amend the motion for -- I want to offer an amendment to
motion, that we in addition to removing the first sentence in Number 1 that we also delete Number 2.

CHAIR MOLINA: Okay. Is there a second?

SUBCOMMITTEE MEMBER BERNARD: Second.

SUBCOMMITTEE MEMBER CHONG: Second.

CHAIR MOLINA: Okay. It's been seconded by Ms. Bernard, motion to amend made by Mr. Maberry.

Discussion,

Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: I think it's covered.

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Hopefully we can maybe call for the motion and move on.

CHAIR MOLINA: Okay. All righty. We have a motion to amend the motion on the floor. All those in favor say "aye."

SUBCOMMITTEE MEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

VOTE: AYES: Subcommittee members Altenberg, Bernard, Chong, Maberry, McCord, and Chair Molina.

NOES: None.

ABSTAIN: None.
ABSENT: None.
EXC.: Vice-Chair Tavares.

11 MOTION CARRIED.
12 ACTION: APPROVE amendment to main motion.
13 CHAIR MOLINA: Okay. Thank you. We're back to the main motion. All those in favor say "aye."
14 SUBCOMMITTEE MEMBERS VOICED AYE.
15 CHAIR MOLINA: All those opposed?
16 SUBCOMMITTEE MEMBER McCORD: I'm opposing.
17 CHAIR MOLINA: Thank you. Pardon me?
18 SUBCOMMITTEE MEMBER McCORD: I'm opposing.
19 CHAIR MOLINA: Okay.
20 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.

RA

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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.
ABSTAIN: None.
ABSENT: None.
EXC.: Vice-Chair Tavares.

MOTION CARRIED.

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

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

CHAIR MOLINA: Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: I agree. I still am concerned about the purple lights, but this section that we're dealing with is only for canopy lighting, and I think we need to address it somewhere else all I've got to think about -- hopefully we should think about where to address it, because it's also on buildings. It's not just canopy lighting.

Thank you, sir.

CHAIR MOLINA: Thank you. Dr. Altenberg.

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

SUBCOMMITTEE MEMBER MABERRY: That's right.
SUBCOMMITTEE MEMBER ALTENBERG: Or by -- is it or by p.m.? Let's see.

SUBCOMMITTEE MEMBER CHONG: It does not say.

SUBCOMMITTEE MEMBER McCORD: Does not have a time limit.

SUBCOMMITTEE MEMBER CHONG: We need to put it -- to page 10.

CHAIR MOLINA: All righty, members.

SUBCOMMITTEE MEMBER MABERRY: I think we're getting out of order, though, but let's hold that thought.

CHAIR MOLINA: Yeah.

SUBCOMMITTEE MEMBER ALTENBERG: That was an error, but let's -- we'll get to that.

CHAIR MOLINA: Okay. Members, if there's nothing else on C, let's move to Subsection D, outdoor sports and recreation.

SUBCOMMITTEE MEMBER CHONG: Sorry, Chairman.

CHAIR MOLINA: Oh, go ahead, Mr. Chong.

SUBCOMMITTEE MEMBER CHONG: We haven't designed a gas station in a long time, so I'm not sure if the levels that are stated in 5 -- and I've been in enough gas stations, we all have, on a weekly basis,
that I'm sure they are well above the levels in
5.

What -- one, what the IES recommends, two, what
and
those gas station owners of the world design to,

in
what -- again, just not trying to get the County

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any trouble with any of the big corporations of
the
world who want to do business in Maui. We might
want to relook at those numbers just before we -

Lee, where did you get them?
existing
SUBCOMMITTEE MEMBER ALTENBERG: These are from an
remember
ordinance. I can't off the top of my head
is
which community this is on the books, but this
on
from an ordinance that's on the books somewhere

the mainland.

MR. SALDANA: Mr. Chair.

SUBCOMMITTEE MEMBER CHONG: That doesn't have any gas
stations.

CHAIR MOLINA: Excuse me. We have a comment from

Mr. Saldana.
MR. SALDANA: I just happen to have a couple ordinances sitting in front of me.

CHAIR MOLINA: From somewhere on the mainland.

MR. SALDANA: One ordinance, let's see, is from Albuquerque, and in there it says, "Canopy areas shall be limited to a maximum of 60 initial lamp lumens per square foot of canopy." That's one example. In another example, this is from the town of Cary, I'm not sure what the location is, but this says, "Lighting for canopy service stations and similar uses shall be restricted to no more than 320 watt recessed lighting fixtures mounted flush on the bottom of the canopy on each side of the gas station pump island or other design that meets standards of this ordinance. Lighting for canopies shall not exceed an average of 12 foot candles as measured..."
edge of at ground level at the inside of the outside
the canopy."

SUBCOMMITTEE MEMBER ALTENBERG: Question for Mr. Saldana.

CHAIR MOLINA: Mr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: Is your Internet connection back up?

MR. SALDANA: I hope so.

SUBCOMMITTEE MEMBER ALTENBERG: Because if you search on probably Google for the section of the text, you'll find the source, the ordinance that this was borrowed from.

CHAIR MOLINA: If I may ask, Mr. Chong, what would you recommend the numbers be, I guess, adjusted to?

SUBCOMMITTEE MEMBER CHONG: I don't know. I was going to call somebody over at Chevron --

CHAIR MOLINA: Oh, okay.

SUBCOMMITTEE MEMBER CHONG: -- or something like that and their done ask them what their design standards are for stations, just to know what it is. We haven't
them. I'm sure they're cookbook. Corporate requires this, this is what it's going to look like, and just find out for our own knowledge. I'm not saying I advocate it. I'm just saying let's go out and --

CHAIR MOLINA: Okay. So we can let this go for now until you come back with your research or recommendations.

You can email Mr. Saldana. Okay, we'll start with Ms. Bernard, followed by Mr. Altenberg and Mr. Maberry.

SUBCOMMITTEE MEMBER BERNARD: There was another one, another example, just for Gary's information. He sent it to us from Cottonwood, Arizona, the lighting service -- lighting for service stations.

CHAIR MOLINA: Okay. All right.

SUBCOMMITTEE MEMBER ALTENBERG: Did you want to read it?

CHAIR MOLINA: Dr. Altenberg.

SUBCOMMITTEE MEMBER BERNARD: You want me to read it?

CHAIR MOLINA: Oh, go ahead.

SUBCOMMITTEE MEMBER ALTENBERG: If it's brief.

SUBCOMMITTEE MEMBER BERNARD: It's brief. All luminaires shall be flush with the lower surface of canopies,
utilize flat glass or plastic covers. Total light output used for illuminating service station canopies, defined as the sum of under-canopy initial outputs in lumens, shall not exceed 40 lumens per square foot of canopy. All lighting mounted under the canopy except internally illuminated signs, shall be included in the total. 50 percent of the lumen output of all lamps mounted within or under a canopy, except internally illuminated signs, is included in the lumen caps in Subsection H.10.

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

SUBCOMMITTEE MEMBER ALTENBERG: Just a general comment in terms of our considerations of what the corporations of the world are doing. The whole point is this is -- these are regulations to regulate an industry that has caused an environmental problem, and so these will be -- these are, you know, industrial
regulations, pollution regulations, and because the marketplace has not solved the problem on its own, this is a governmental action. So we may run afoul of the desires of some corporations, but the problem is that the desires of those corporations are running afoul of Maui's environment.

SUBCOMMITTEE MEMBER CHONG: I don't disagree.

CHAIR MOLINA: Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: Yes, thank you very much, and what he covered was pretty much what I was interested in saying, but I guess what we -- would really like to address is is what are the standards for safety for doing this particular function for gassing up your car, and I think that's what we ought to strive for. You know, we definitely need to restrict it as much as possible, but in order to keep us from having to deal with litigation in the future by picking one of these
other sources, what they've come up with, we don't know how much research they did. So I don't care, you know, what the corporations say they want to put. I mean, I'd like to know, you know, are any safety standards that we can use to go by this --

CHAIR MOLINA: Federal standards.

SUBCOMMITTEE MEMBER MABERRY: -- for this particular activity, Federal standards for this activity.

CHAIR MOLINA: This is where I think we could use Mr. Chong's help in --

SUBCOMMITTEE MEMBER CHONG: I'll try to find out.

CHAIR MOLINA: -- the research for the Committee. Thank you. Okay, members, I see Mr. Matsui anxiously awaiting for us to move to Subsection D. This subsection has been the focus of a lot of debate. However, no consensus was achieved at the last meeting. The Subcommittee requested a review of the draft bill and the Cottonwood, Arizona lighting
ordinance by the Department of Parks and Recreation.

At this time I'd like to ask for Mr. Matsui's comments with regards to this.

SUBCOMMITTEE MEMBER CHONG: Sorry, Chairman. I've got to run.

CHAIR MOLINA: Okay. Thank you, Mr. Chong. We'll get back to you with the rest of today's happenings, by the way, the Chair is planning to adjourn at 1:15. After we get through with Mr. Matsui's comments and Section D, the Chair is going to -- a request to make -- or suggestion to throw out the Subcommittee at this juncture.

Proceed, Mr. Matsui.

MR. MATSUI: You have our comments in writing that we submitted, right? From --

CHAIR MOLINA: What's the date of the document again?

MR. MATSUI: -- the Director. September 16th.

CHAIR MOLINA: September 16th, okay.

MR. MATSUI: I can go over it. We looked at the present ordinance, that Section .110.D, and for each of the provisions -- in the first provision we were not in favor of -- that fully shielding with 15-degree cutoff would really make it almost
impossible for us to light like ballfields, soccer fields, football fields, any large field. We would be able to light tennis courts or like basketball courts, but it would cost a lot more money, basically because we're going to have to put a lot more light poles to get the kind of coverage. You know, fully shielded with 15-degree cutoff, you're just talking about pretty much what's under the light. So in order to get that lighting levels we need, you're going to have to put a lot of lights around the courts, and that's a lot of that's a lot of fixtures. Right now what we have is flood lights that's shielded, but it's not fully shielded, and we also mount them on 40-foot poles so we minimize the amount of spill off. Okay. The second point -- you know, we had no problems with that, except there's a couple
events that we run later than I think it was --

SUBCOMMITTEE MEMBER ALTENBERG: Midnight.

MR. MATSUI: -- midnight, which was the County fair

like cancer walk, so you need to provide some

of provision that would allow this kind of use.

Third provision, hours of operation, we have no

objections to that.

The fourth provision, we had no

that also, but we did want a clarification on

maintained lighting levels, because when you

initially put in a light bulb, it's a lot higher

then I think over time I saw one where after 100

hours of operation it will lose 80 percent of

original. So we would like to look at --

by saying maintained and not the initial.

And then we looked at the Cottonwood Outdoor

Lighting Code, and we found there was even more

restrictive than what you have here, and, you
I think it would restrict us to the point where we would not be able to light some of our fields at all, you know, without going into some kind of variance. Their restriction on the amount of spillover light, I think they had .5 foot candles at the property line, and that's really, really severe. I was told like -- almost like moonlight, full moonlight, .5, pretty close to full moonlight. So that's pretty severe. We did submit these proposals to a lighting engineer and his comments were pretty much the same, was that the Cottonwood was too severe, and also on the fully shielded for basketball courts, you know, we would be -- we could do it, but it would cost a lot more. For sports fields, you know, I don't know, it would be difficult too. And he also recommended that -- like some kind of a committee,
subcommittee be formed, you know, of experts.

CHAIR MOLINA: Task force.

MR. MATSUI: You know, just to look at this to tighten
up
and if you really wanted to regulate sports --
sports facilities. So pretty much that's our
comment. The Cottonwood one, they did mention
that
Cottonwood is a really small community. It was
like
population 6,000, and the way I see it, you
know, the lighting levels they're talking about, I
don't
know, they must not have any stadiums or any
kind
of -- you know, they must have just like
recreational play. I don't know if they have
ballfields. I don't know. But that's my
comments.

CHAIR MOLINA: Okay. Thank you, Mr. Matsui. Question
from Dr. Altenberg.

SUBCOMMITTEE MEMBER ALTENBERG: I wonder if you
consulted
with Soft Lighting Systems, because they install
fields, lighting that's fully shielded for football
at
levels up -- just to below professional
standards.

Apparently there's no fields on Maui that are
lighted to professional levels. So as far as I
understood, they could basically do any job that was required on Maui and do that fully shielded and they -- for a football field they have something like six or eight poles typically at 80 feet. So I think there may be the technology there to achieve the standards already in place. Did you ever talk with the Soft Lighting Systems? MR. MATSUI: I never talked to Soft Lighting, but the person we talked to was Eric Miyasato, professional engineer. He's from Pacific Electrical Sales, and we also consulted with Musco. CHAIR MOLINA: Mr. Matsui, at this time at Eddie Tam you have Musco Lighting there in place? MR. MATSUI: That's right. CHAIR MOLINA: Okay. Can you just give us a brief I guess assessment of, you know, the performance of the lighting there. MR. MATSUI: Well, at Eddie Tam we had an existing
lighting system where the poles were pretty low, because it was a multi-purpose field, it was a soccer field and also a baseball field, we had to place the poles pretty far away, one side pretty far away from the sidelines because if we were to put it strictly for the soccer field, one row of lights would be in the baseball field. So we had some low level poles. The lighting was not adequate. The angle of the lighting was pretty poor, so you had a lot of glare. We designed a new system, Musco Lighting. The poles on one end was -- is 90 feet, because to -- you have a higher angle, so minimizes the spillover. And we just turned it on, say, about a month ago and we've had no complaints. In fact, the people living right next door said actually it's less than -- a lot less than it was before. So we improved the overall lighting levels on the field.
itself and decreased the amount that was spilling over.

CHAIR MOLINA: Okay. Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: This was part of a slide show that we gave earlier on sometime ago, and if I may share this with him, this is Soft Lighting Systems, and you can see that the glare -- that system totally meets the requirements as are written currently in our draft. I mean, like he said, they can do everything up to just below professional level lighting. Notice the light spill around the area, and if you can, this is -- this is an area that is one mile away that does not have this lighting system, and you can see the difference in the glare. And then there's another one over here that's five miles away that is not this type of system. As you can see, the system has been in
three years, I believe it is.

CHAIR MOLINA: Yeah, if you can use the mike to --

SUBCOMMITTEE MEMBER MABERRY: In our earlier presentation,

which led to I think the formation of this particular Committee, we gave a slide show and gave this particular presentation, and I'd like to share this information with Pat afterwards and maybe he can investigate it, but the -- this lighting system meets all the requirements of this draft document as it's written right now, and visually you can see that there's very minimal spill out outside the playing area.

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

SUBCOMMITTEE MEMBER ALTENBERG: Now, question about --

I have this thing it says proposed language for Section .110, is that what you drafted? Who drafted that? Is this what you drafted?

MR. MATSUI: Pardon me?

MR. SALDANA: I'm guilty of that.

CHAIR MOLINA: Section .110, oh, that was Gary.

SUBCOMMITTEE MEMBER ALTENBERG: Okay, Gary. Have you had a chance to look at that?

MR. SALDANA: No, I did not forward it to Pat.
SUBCOMMITTEE MEMBER ALTENBERG: Because I wanted to ask you if you would feel comfortable if that proposed language was substituted for Section D.1? Actually, this -- yeah, this whole proposed thing, D.1 and 2 would replace Section 1 under D here.

CHAIR MOLINA: While Mr. Matsui's reviewing that, members, any objections to comments from Ms. Vencl at this time?

SUBCOMMITTEE MEMBER MABERRY: No.

CHAIR MOLINA: Go ahead, Terryl.

MS. VENCL: Thank you again, Mr. Chair. I'm just curious regarding if in the examination that the Parks did this, if they took into consideration events that the visitor industry brings to town and if there are -- for example, with Hula Bowl and some of those types of things, do we put up the poles needed at that point if they were -- if there was extra
illuminated? Now, this would be more like an event as opposed to an ongoing thing, but one of the directions of the industry is to try to bring in sports events to our community. So we really need to think ahead. One of the things we're trying to get the County to do as they look toward that is to build new soccer fields and build new stadiums or whatever.

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we get into with that thought in mind and that need to have all that stuff in place so we don't have to patch every time we need to do an event. with regard to swimming pool areas, with regard to stadium areas, all those things where we might that, I'd just like to make sure that we are addressing some of those concerns as we move along.

SUBCOMMITTEE MEMBER MABERRY: Question for Ms. Vencl.

CHAIR MOLINA: Okay.
SUBCOMMITTEE MEMBER MABERRY: Do you see any deficiencies in this proposed code, specific ones? I mean that's the aim, is to try deal with it just as you said, but I want to know if we've fallen short.

MS. VENCL: I don't know the answer to that.

SUBCOMMITTEE MEMBER MABERRY: Okay.

MS. VENCL: Because I'm not -- I don't know enough of the technical part of it. That's why I wondered if the Parks reviewed it -- because they're working with us in this direction and trying to figure out what to do and how to make it work for the future particularly, but if there's a way that we have put up -- you know, if in fact cutting down on light glare presented a problem, let's say, with people who came to town, unfortunately that's bag, not my bag, and so I'm not real adept to
that question, but Parks is. They've been there. They've done it. They know what is needed. I just want to make sure that all that's covered, and can do it with temporary for an event, then one way to look at it. On the other hand, also an ongoing cost if we're going to do things an ongoing manner. So I just wanted that whole thought process to be included.

CHAIR MOLINA: Okay. Thank you. Okay, Mr. Matsui, your comments to the draft given to you.

MR. MATSUI: Yeah, it looks okay. My only reservation is the definition of full cutoff. From what -- what Mike showed me, it looks like those are not like fully shielded, the box type, but they are flood lights with, you know, cutoff, and that's Musco has also. So, you know, I would have no problem with installing that type of fixtures.

SUBCOMMITTEE MEMBER ALTENBERG: Mike, I didn't get to see the picture you showed him. Was that of the Soft Lighting Systems?

SUBCOMMITTEE MEMBER MABERRY: Yep.

SUBCOMMITTEE MEMBER ALTENBERG: All those are fully
shielded. Those are full cutoff, completely flat.

bottom. So there's no up light whatsoever.

SUBCOMMITTEE MEMBER MABERRY: Which means they've got to

be tall. They've got to be bright.

MR. MATSUI: Yeah, but I don't think it's 15 degrees, though.

SUBCOMMITTEE MEMBER ALTENBERG: No. In fact I would again -- maybe can we do this right now? I move that the 15-degree cutoff text be deleted.

SUBCOMMITTEE MEMBER MABERRY: Second.

CHAIR MOLINA: Okay. It's been moved by Dr. Altenberg that the 15-degree cutoff be deleted and seconded by Mr. Maberry. Any discussion?

MR. SALDANA: Clarification.

CHAIR MOLINA: Okay. Point of -- I'm sorry, you're not a member, but go ahead, Gary, if you want to interject comments. It's all right.

MR. SALDANA: I can wait, Chair, if you need to. I just need --
SUBCOMMITTEE MEMBER MABERRY: If he wants clarification for the motion, Mr. Chairman, all fixtures used for such lighting shall be fully shielded. Is that what --

CHAIR MOLINA: Okay. Is that clear? All right. Any other discussion on the motion that's on the floor?

Seeing none, all those in favor say "aye."

SUBCOMMITTEE MEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

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VOTE: AYES: Subcommittee members Altenberg, Bernard, Maberry, McCord, and Chair Molina.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Subcommittee member Chong and Vice-Chair Tavares.

MOTION CARRIED.

ACTION: APPROVE amendment to Section .110.D.1.

CHAIR MOLINA: Okay. Chair marks it unanimous.

SUBCOMMITTEE MEMBER MABERRY: So again -- well, pardon me.

CHAIR MOLINA: Go ahead, Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: So again, to address your
we believe that there is technology --

know that there's technology available today,

if you're not restricted to 15-degree cutoff and

pole height or the type of light, you know, in

to get the full color rendition that's necessary

safely accomplish the game or whatever type of

activity you're doing and to illuminate it

sufficiently in order to accommodate whatever

of activity we have that may include television

broadcasting for specific areas and specific

do that and we support that. I think I can say

for the whole group of us left, maybe, except

Warren.

CHAIR MOLINA: Okay. Any other suggestions or

for Section .110? Okay, Dr. Altenberg.
SUBCOMMITTEE MEMBER ALTENBERG: I think it is important that there be this escape clause, that if there is some kind of lighting purpose where there is no vendor, where it is impractical, that the Outdoor Lighting Standards Committee, if it determines that, can allow these specified exceptions that are in this proposed language. So I would move, then, the -- beginning with the text that says, "Unless determined by the Outdoor Lighting Standards Committee," that all the text following that in this proposed language be added to Section D.1 as we have just amended it.

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

SUBCOMMITTEE MEMBER BERNARD: Second.

CHAIR MOLINA: Okay. It's been seconded by Ms. Bernard.

Discussion?

SUBCOMMITTEE MEMBER MABERRY: I need to see what you guys are looking at.

SUBCOMMITTEE MEMBER McCORD: Yeah, (inaudible) down here.

SUBCOMMITTEE MEMBER ALTENBERG: Oh, you don't have that?

SUBCOMMITTEE MEMBER MABERRY: I probably do. It's probably a matter -- oh, wait a minute. Here it is.
Here it is.

SUBCOMMITTEE MEMBER ALTENBERG: Yeah, that's it.

CHAIR MOLINA: Members, do you need a one- or two-minute recess?

SUBCOMMITTEE MEMBER MABERRY: Just real quick.

CHAIR MOLINA: Chair calls for a one-minute recess.

(Gavel).

RECESS: 1:15 p.m.

RECONVENE: 1:16 p.m.

CHAIR MOLINA: (Gavel). Subcommittee on Outdoor Lighting Standards Committee meeting for October -- excuse me, October -- September 25th is now back in session.

Dr. Altenberg, you have the floor.

SUBCOMMITTEE MEMBER ALTENBERG: So it sounded like Mike was asking why don't we just use the entire proposed language. I would just amend that. I would say fully shielded luminaires. I'd rather -- that's recommended language over full cutoff. So with
friendly amendment, it would be that we -- for
Section D.1 as currently read we substitute this
sheet proposed language where the word "full
cutoff"
has been changed to "fully shielded."
CHAIR MOLINA: Okay.
SUBCOMMITTEE MEMBER ALTENBERG: And then "maintains
full cutoff characteristics" be amended to
"maintains the fully shielded characteristics."

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1 CHAIR MOLINA: Okay. It's a friendly amendment or we
can
do it in a formal -- let's do it as a formal
amendment. Is there a second?

4 SUBCOMMITTEE MEMBER MABERRY: Second.


6 all 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
unchanged, and so we're -- I thought you wanted this language about unless otherwise determined?

SUBCOMMITTEE MEMBER ALTENBERG: That replaces D Subsection 1 only.

SUBCOMMITTEE MEMBER MABERRY: Okay.

CHAIR MOLINA: So we're replacing Subsection 1.

SUBCOMMITTEE MEMBER MABERRY: So it's --

SUBCOMMITTEE MEMBER ALTENBERG: So it needs to be --

the numbering on this proposed language needs to be changed.

SUBCOMMITTEE MEMBER MABERRY: Okay.

SUBCOMMITTEE MEMBER ALTENBERG: It needs to be -- D needs to be changed to 1.

SUBCOMMITTEE MEMBER MABERRY: Thanks.

SUBCOMMITTEE MEMBER ALTENBERG: And 1 needs to be changed to A and 2 needs to be changed to B, or something along those lines.

SUBCOMMITTEE MEMBER MABERRY: Thank you. That's clear.

CHAIR MOLINA: Is it clear?
SUBCOMMITTEE MEMBER MABERRY: Okay.

SUBCOMMITTEE MEMBER ALTENBERG: Warren has a question.

CHAIR MOLINA: Okay, Mr. McCord, would you like further clarification on that? My understanding is we're just changing the designation, instead of D, we're just changing it to the Number 1, and the subsections that are 1 and 2, the two paragraphs below, we're changing those to A and B.

SUBCOMMITTEE MEMBER McCORD: But doesn't that duplicate D up here?

SUBCOMMITTEE MEMBER ALTENBERG: No, because this --

SUBCOMMITTEE MEMBER MABERRY: Is this all legal?

because this defines -- this defines what type of activities, which isn't covered here.

SUBCOMMITTEE MEMBER McCORD: Okay. Even though the wording is exactly the same in the first paragraph --

SUBCOMMITTEE MEMBER MABERRY: First sentence.

SUBCOMMITTEE MEMBER BERNARD: Sentence.

SUBCOMMITTEE MEMBER McCORD: Okay.

SUBCOMMITTEE MEMBER ALTENBERG: Actually --

SUBCOMMITTEE MEMBER McCORD: I just need to read this one more time.

CHAIR MOLINA: Okay. Hang on, Mr. McCord. Mr. Saldana.
MR. SALDANA: I would just recommend that the Committee may want to consider removing the first line --

SUBCOMMITTEE MEMBER MABERRY: Thank you.

MR. SALDANA: -- in B.

SUBCOMMITTEE MEMBER ALTENBERG: Agreed.

MR. SALDANA: Because it is redundant.

SUBCOMMITTEE MEMBER ALTENBERG: That is redundant.

SUBCOMMITTEE MEMBER McCORD: That confuses you.

CHAIR MOLINA: Okay. So we'll do that as a friendly amendment. We'll just delete that first line.

SUBCOMMITTEE MEMBER McCORD: In 1.

CHAIR MOLINA: In 1, right.

SUBCOMMITTEE MEMBER MABERRY: So I will now start --

CHAIR MOLINA: Which was formerly D.

SUBCOMMITTEE MEMBER MABERRY: -- with the word "all."

CHAIR MOLINA: That's correct, we will start with the world "all."

SUBCOMMITTEE MEMBER McCORD: Okay. Now I'm with you.

CHAIR MOLINA: Thank you. Don't feel bad, Mr. McCord. I was somewhat out there too. Okay. Any other proposals? Okay. At this time, members, the
would like to present two options to the Committee.

We can terminate -- well, the Chair had intended to go all the way up to Section .170. As of this time we've reached .110. First option is to not address these and send these off to Corporation Counsel without any recommendations, or, if the Committee prefers, we could meet on October 9th.

I did state earlier in the year that if necessary we could schedule a second meeting in October. Now, our last scheduled meeting for this Committee is October 23rd. We could address Sections .120 up till Section .170 for the October 9th meeting, from where we will then send it out to Corporation Counsel and get their recommendations back hopefully by October 23rd.

Mr. Saldana, did you get any word from Corporation Counsel if that would give them
sufficient time to get the -- I guess their recommendations back to us by the 23rd, if we did meet on the 9th?

MR. SALDANA: I did talk to -- I actually have two opinions. I was able to talk to Greg, and then I mentioned it to Traci about the two-week turnaround.

It's very tight. They would have to prioritize to -- because basically they're not only going to just include our -- our revisions. They're going to check the bill for form and legality to guarantee that the things that are said in this draft bill are consistent with law and, you know, consistent with the State regulations and what not. So they've got -- they've got quite a process. There's 17 sections in this bill, so it would -- it would make it tough, but they would have to prioritize it to get it done within that two-week period.
SUBCOMMITTEE MEMBER McCORD: Mr. Chairman, could I make a suggestion?

CHAIR MOLINA: Hang on, Mr. McCord. One last question.

So this came from both Greg and Traci?

MR. SALDANA: Uh-huh.

CHAIR MOLINA: Okay. Mr. McCord.

SUBCOMMITTEE MEMBER McCORD: Why couldn't we forward to Corporate Counsel that portion which we essentially have completed? Because that's really the -- you know, most of it, and that would give them a lot of lead time so that when they got just the tail end, then they could do, you know, a continuation, but it would certainly give them more time to review the meat of this thing.

CHAIR MOLINA: I think today we've covered most of the areas of concern. I think it was .60 -- .060, .070, .110. So I leave it up to the Committee. Do we need another meeting on October 9th or can we just forward this on to the Corporation Counsel's Office for their review and then it comes back to us on October 23rd? Mr. Maberry.
1    SUBCOMMITTEE MEMBER MABERRY: Sir, I'm willing to forward it as is. I don't believe there's anything else that we need to check, but I need to see what Lee says with regards to -- I think there was something in the penalties area or something like that.

2    SUBCOMMITTEE MEMBER ALTENBERG: Well, yeah, I think -- yeah, I think there's some missing stuff. I think you need to have a time -- a time limit on architectural accent lighting, and then the section on how complaints are initiated. Currently there's no language as to when Public Works shall start investigate a violation, potential violation, and I think we need to explicitly create a complaint process for citizens to initiate investigations of violations.

3    SUBCOMMITTEE MEMBER MABERRY: That needs to be coordinated with discussion with them as to what's reasonable
too, doesn't it, Mr. Chair?

CHAIR MOLINA: Yes, I agree. Any comments from Mr. Nakao, Public Works, with regard to that concern from Dr. Altenberg?

MR. NAKAO: Well, right now County has instigated the RFS complaint system, yeah. I mean we have a Countywide receiving system that's reviewed, goes down to division heads, and sent to the appropriate sections.

CHAIR MOLINA: So we have something in existence.

MR. NAKAO: We do have a procedure for receiving complaints Countywide right now.

SUBCOMMITTEE MEMBER ALTENBERG: So all we would need to do is make reference to that system in this ordinance.

MR. NAKAO: I would just think we would just make reference to the Department, I guess. That should be adequate because -- you know, if it's going any
ordinance gets routed to the departments, yeah, are appropriate.

SUBCOMMITTEE MEMBER ALTENBERG: Right, okay. In other words, it sounds to me that that machinery is already there. We don't need to create that in our ordinance.

MR. NAKAO: Correct.

SUBCOMMITTEE MEMBER ALTENBERG: But what we -- I think we do need to be specific about how the -- you know, what turns on Public Works to investigating a possible violation. There's nothing mentioned that currently. I think it should be dependent on somebody filing a complaint, which basically means that if everybody around you is happy with your light, even though it may be out of conformance, County can't come to you and say you have to -- have to change your -- you know, you have to fix
Those just to those. Similar to, say, noise pollution laws.

have to be -- the State Health Department can't come to somebody and say you have to -- you have

fix this air conditioning unit. There has to be somebody who filed a complaint to initiate that.

that's what I'm suggesting be inserted in this
draft ordinance.

MR. NAKAO: That's going to create an enforcement nightmare because if it's an ordinance, it's the law. You follow it or you pay the fine, right? I mean, I don't know how you can pass an ordinance or law and expect to enforce it when it's only complaint driven. It's like what she was saying about taking lobsters, yeah, well, nobody complained about me taking lobsters.

SUBCOMMITTEE MEMBER MABERRY: They don't have the personnel to go around beating on everybody's door measuring their light outputs.

CHAIR MOLINA: The light police, right.

SUBCOMMITTEE MEMBER ALTENBERG: So you're saying that no -- you don't need -- first of all, you don't need any additional text to allow a citizen to file a complaint, and number two, you shouldn't make that a
MR. NAKAO: Right. It shouldn't just be complaint driven, and I know enforcement is not black and white. I mean we've seen it with the vacation rentals issue, right, you know, but it's very difficult from an enforcement perspective if, you know, we go out there and there are violations, well, then now I'm going to file a complaint, then.

SUBCOMMITTEE MEMBER ALTENBERG: I see.

MR. NAKAO: You know, I mean it's -- the rules are on the books, yeah, and we have to follow it, yeah.

CHAIR MOLINA: Okay. Mr. McCord.

SUBCOMMITTEE MEMBER McCORD: I'd like to make a motion.

CHAIR MOLINA: Proceed.

SUBCOMMITTEE MEMBER McCORD: I move that we forward the entire document to Corporate Counsel, and if there are any fine tunings that need to be done at the next meeting, we can take them up there, but
get their opinion on the whole package.

CHAIR MOLINA: Okay. The motion has been made by

Mr. McCord to forward the document to the

Corporation Counsel's Office. Is there a

second?

SUBCOMMITTEE MEMBER MABERRY: Second.

CHAIR MOLINA: Okay. Mr. Maberry has seconded.

Discussion? Mr. McCord, as the maker of the

motion,

do you have anything to say or do you yield?

SUBCOMMITTEE MEMBER McCORD: No, actually, the only

I would like to say is that, you know, there may

a few more points to consider, but let's get an

overview on this whole thing, because we don't

want to put a time constraint on this thing and then

it fail. I really want to see this thing move

the next stage.

CHAIR MOLINA: Okay. So noted, Mr. McCord. Mr.

Maberry.

SUBCOMMITTEE MEMBER MABERRY: Yes, sir, I agree. I
maybe we're going to be changing a couple of numbers, but I don't think it's going to affect overall legality of the document. So I think probably a good, safe time to have the review.

CHAIR MOLINA: Any other discussion to the motion on the floor? Hearing none, all those in favor say "aye."

SUBCOMMITTEE MEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed?

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

MOTION CARRIED.

ACTION: TRANSMIT draft bill to the Department of the Corporation Counsel to incorporate revisions.

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CHAIR MOLINA: Okay. Thank you very much. Chair will mark it unanimous. Well, members, thank you. If there's anything -- yes, give yourselves a round
applause. Thank you. We will -- okay, yes, I do have one announcement. Maui Electric has completed the installation of the demonstration lighting project along Kula Highway which fronts King Kekaulike High School. The project includes the installation of two LPS lights, fully cutoff high pressure sodium lights and partially shielded high pressure sodium lights. So anyway, at your own time if you want to go up and take a look at it.

Mr. Saldana, about approximately how long will this be -- this is not permanent, I presume, right?

MR. SALDANA: No, it wasn't permanent, but they -- the Committee I think did ask that we keep it in through the term of the Committee.

CHAIR MOLINA: Okay. So at least October 31st, at the earliest.

MR. SALDANA: So, yeah, it will be in at least that long.

CHAIR MOLINA: Okay.

SUBCOMMITTEE MEMBER ALTENBERG: Question.

CHAIR MOLINA: Okay. Dr. Altenberg.
SUBCOMMITTEE MEMBER ALTENBERG: Can the County issue some kind of public notice to make the public aware of this?

CHAIR MOLINA: As a matter of fact, Mr. Saldana was going to issue a press release.

SUBCOMMITTEE MEMBER ALTENBERG: Excellent.

CHAIR MOLINA: So we will be doing that. Our thanks go out to Maui Electric, along with Dowling and Company, Philips Lighting, and Dimensions Electric for their assistance in providing the staffing, equipment, and everything else that goes with this demonstration project.

So the Chair also again thanks you all for your hard work. We've got one more meeting on October 23rd. Can I get a confirmation from everybody that they will be here, 9:00 o'clock? Okay, good, and I'm sure Mr. Chong will be here too.

MR. McCORD.

SUBCOMMITTEE MEMBER McCORD: Could you define a little more closely exactly which light is which on the
highway?

CHAIR MOLINA: Good question.

SUBCOMMITTEE MEMBER McCORD: One more time just so that --

CHAIR MOLINA: Okay. According to what I have in front of me, the installation of two low pressure sodium lights, fully cutoff high pressure sodium lights, and partially shielded high pressure sodium lights, and unshielded high pressure sodium lights. So there's like four different types of lighting that's going on over there.

SUBCOMMITTEE MEMBER McCORD: So it's low, fully shielded, partially shielded, and then the fourth is just sodium, --

CHAIR MOLINA: Yeah, fully cutoff high pressure partially shielded high pressure sodium, and unshielded, uh-huh.

SUBCOMMITTEE MEMBER McCORD: Okay.

CHAIR MOLINA: And also the installation of two --

SUBCOMMITTEE MEMBER MABERRY: Mr. Chair.
CHAIR MOLINA: -- low pressure sodium lights.

Mr. Maberry.

SUBCOMMITTEE MEMBER MABERRY: If you will, it's -- as you're going toward your house at night on the left-hand side just after -- primarily just -- it starts just after the turn-in to Kekaulike High School, on your left, start looking at the lights along there.

CHAIR MOLINA: Okay. All right. With no other announcements, the Chair will adjourn this meeting.

Next meeting is October 23rd, 9:00 a.m. This meeting is adjourned. (Gavel).
CERTIFICATE

STATE OF HAWAII

CITY AND COUNTY OF MAUI

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I, Jessica R. Perry, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the proceedings were taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of 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 of the parties hereto, nor in any way concerned with the cause.

DATED this 22nd day of October, 2002, in Honolulu, Hawaii.

Jessica R. Perry, CSR NO. 404
Notary Public, State of Hawaii
My Commission Expires: 5/11/03

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