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

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1 CONVENE: 9:01 a.m.

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

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

10 EXCUSED: Councilmember Charmaine Tavares, Vice-
Chair

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

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

31 OTHERS: Bill George
32 Steve Sutrov

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

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

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

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

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

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

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

S-OLS 9/25/02

5

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

be

5 . . .BEGIN PUBLIC TESTIMONY. . .

6 Subcommittee

MR. GEORGE: Aloha, Chairman Molina. Aloha,

7 comments

members. I just wanted to make a few fast

8 copy a

on the latest revisions to the bill. I got a

9 we

couple weeks ago. There were some sections that

10 have

kind of went over before and it seems that they

11 just

popped back up. So I just wanted to make sure

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

13 one

wanted to make sure that these sections were

14 discussed by you at some time. And the first

15 go

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

16 the

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

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

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

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

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

I

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

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

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

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

Committee
20 CHAIR MOLINA: Okay. Thank you, Mr. George.

Seeing
21 members, any questions for the testifier?

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

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

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

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

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

10

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

Committee

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

Seeing

21 members, any questions for the testifier?

22 none, thank you.

23 SUBCOMMITTEE MEMBER BERNARD: I have one.

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

25 SUBCOMMITTEE MEMBER BERNARD: Thank you for your

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11

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on

1 testimony. How many members are there currently

remember.

2 the Street Lighting Committee? I can't

be a

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

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

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

the

6 lack of community involvement here because of

in

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

all

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

9 issues of lighting that comes -- street lighting

but

10 that comes before the Public Works Department,

get

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

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

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

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

S-OLS 9/25/02

13

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

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

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

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14 S-OLS 9/25/02

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

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

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

17 MR. SALDANA: Three minutes.

18 MS. HAAG: Okay.

19 CHAIR MOLINA: Proceed.

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

21 Thank you.

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

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

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

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

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

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17 S-OLS 9/25/02

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

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

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18 S-OLS 9/25/02

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

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

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

6 wondering for the ones that are outside, not the

7 ones, the skylight type ones but the ones that

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

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

10 SUBCOMMITTEE MEMBER BERNARD: If they were on motion

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

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

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

14 motion sensor lights around their house. I

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

16 want to have problems with my neighbors, but I

17 feel very neighborly to him right now. I think

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

19 know, I think personally the island is going

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

21 aloha spirit and the consideration for other

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

23 needs and for profit and you better think about

24 this.

25 SUBCOMMITTEE MEMBER BERNARD: I'm just --

S-OLS 9/25/02

19

here

So I

going

it.

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

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

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

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

5 CHAIR MOLINA: Okay. Thank you --

6 SUBCOMMITTEE MEMBER BERNARD: It sounds like motion

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

8 situation.

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

10 Sure. I could deal with that.

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

12 SUBCOMMITTEE MEMBER ALTENBERG: Nancy.

13 MS. HAAG: Yes.

14 CHAIR MOLINA: We have one more question.

15 MS. HAAG: Okay.

16 SUBCOMMITTEE MEMBER ALTENBERG: Yes, I very much

17 appreciate you coming down, taking the time to

18 testify for us. It's extremely helpful.

Question I

were in

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

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

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

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

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

think 3 is show the neighbor that ordinance and you

4 that would probably take care of it --

5 MS. HAAG: Absolutely.

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

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

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

rather 9 definitely. It would be extremely helpful,

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

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

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

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

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

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

has 16 taken over.

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

have 18 another question?

19 SUBCOMMITTEE MEMBER ALTENBERG: If the County also

20 provided information about how -- how to bring

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

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

23 something you'd find desirable?

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

--

25 this. Houses are getting closer together every

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22 S-OLS 9/25/02

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

14 CHAIR MOLINA: Thank you, Ms. Haag.

15 MS. HAAG: Thank you.

16 CHAIR MOLINA: You've answered the question.

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

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

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

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

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

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

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

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

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

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

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

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26 S-OLS 9/25/02

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

of 5 forth duties, powers, functions, and memberships
6 the committee. So, members, if I may ask you to
7 reference the memorandum dated March 4th, 2002
to 8 the Corporation Counsel's Office, which proposes
9 language for the creation of the Outdoor
Lighting 10 Standards Committee. In this memorandum the
11 language is outlined which details the creation,
12 membership, and duties of the committee, and I
would 13 like to ask the members to determine if this
14 language should be incorporated into the draft
bill. 15

16 Members, at this time do you have any
17 comments regarding this proposed language for
.060? 18 Mr. Maberry.

19 SUBCOMMITTEE MEMBER MABERRY: Yes, sir. I would like
to 20 echo the earlier testimony. I do have problems
with 21 it. I'm fumbling here to try to get it, but the
22 major problems I had were already expressed,
that it 23 somewhat removed -- if I remember correctly, it
24 removes basically the powers that this ordinance
25 would give the County and that it makes -- makes
it 26 a lot more objective and unenforceable, and I
can be 27

S-OLS 9/25/02

27

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

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

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

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

12 basically
standards of the review of variances from the strict

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

what's
15 the exact name -- the Architecture Review
Committee

16 should that reviews architectural plans and which

17 include some professional representation as well
as

18 community representation.

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

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

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28 S-OLS 9/25/02

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

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

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

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29 S-OLS 9/25/02

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

4 Section --

5 CHAIR MOLINA: Mr. Maberry.

6 SUBCOMMITTEE MEMBER MABERRY: Sorry?

7 CHAIR MOLINA: Proceed.

8 SUBCOMMITTEE MEMBER MABERRY: Again, in Section 4 it

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

10 is strictly advisory.

11 CHAIR MOLINA: Okay. Mr. Chong.

12 SUBCOMMITTEE MEMBER CHONG: Who's putting together the

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

14 lighting ordinance that we're considering

15 sufficient? I mean, this --

16 CHAIR MOLINA: Good question.

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

18 are we all getting together again to do another

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

20 it's repetitive.

21 SUBCOMMITTEE MEMBER BERNARD: Right.

22 SUBCOMMITTEE MEMBER CHONG: And are we doing just

23 illustrations so that people who don't
understand

24 legalese can look at pictures and, okay, this

isn't

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

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

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

4 new committee that would be formed to replace

the

5 existing one and that they would -- correct me

if

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

track, I

7 believe -- they would replace the existing one

and

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

be

9 strictly advisory and -- to my knowledge, but

then

10 again --

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

like

12 committee would be and not generate what sounds

13 another document that the public can refer to.

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

as

15 ordinance that is created from this Subcommittee

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

17 Committee too. Mr. Maberry.

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

the

19 understanding. Again, I guess that's probably

20 main problem here. Obviously your committees

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

22 authority.

23 CHAIR MOLINA: Right.

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

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31 S-OLS 9/25/02

1 and make recommendations --

2 CHAIR MOLINA: That's it.

3 SUBCOMMITTEE MEMBER MABERRY: -- based on the
ordinance

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

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

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

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

11 should be this ordinance.

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

13 SUBCOMMITTEE MEMBER ALTENBERG: Later in the ordinance
it

14 refers to the County providing support for --

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

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32 S-OLS 9/25/02

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

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

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

21 (Gavel).

22 RECESS: 9:38 a.m.

23 RECONVENE: 9:45 a.m.

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

25 Subcommittee for September 25th is now back in

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34 S-OLS 9/25/02

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

as
up
duties.
on

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

establishment
of

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

question.
have

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

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35 S-OLS 9/25/02

better
the

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

5 County has had so far.

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

18 MR. SALDANA: Mr. Chairman.

19 CHAIR MOLINA: Mr. Saldana.

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

S-OLS 9/25/02

36

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

may

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

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

it

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

and

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

12 SUBCOMMITTEE MEMBER ALTENBERG: State law?

13 MR. SALDANA: State statute, yeah.

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

majority

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

odd

18 SUBCOMMITTEE MEMBER CHONG: I have a question

basically as

19 how are people going to get onto the committee?

Do

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

specific

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

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37 S-OLS 9/25/02

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

13 CHAIR MOLINA: Proceed, Mr. Saldana.

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

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

16 what should the membership consist of. Should
you

17 have technical lighting experts? Should you
have

18 environmentalists on it? Should you have lay
people

19 on it? These are the recommendations that the
full

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

21 establishment of membership or members. Once
you

22 determine how many members you want, you should

23 determine who they should consist of and what
their

24 background should be.

25 CHAIR MOLINA: Okay. Proceed.

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38 S-OLS 9/25/02

1 SUBCOMMITTEE MEMBER ALTENBERG: The reason I was
asking

2 about the Architectural Review Committee is
because

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

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

39 S-OLS 9/25/02

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

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

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

4 some type of expertise in lighting, a minimum.

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

6 CHAIR MOLINA: Sure.

biologist 7 SUBCOMMITTEE MEMBER BERNARD: There should be a

that 8 with some expertise in the endangered species

9 are affected by lighting, like turtles and sea

10 birds, at least one biologist.

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

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

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

14 followed by Dr. Altenberg.

you're 15 SUBCOMMITTEE MEMBER CHONG: Sorry, Hannah, I know

probably 16 passionate about your biology and we would

but 17 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
23 Personal opinion. And I don't know how many
24 biologists would share the same passion and time
make 25 that want to do it. So I -- that's the -- we

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40 S-OLS 9/25/02

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

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

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41 S-OLS 9/25/02

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

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

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

10 SUBCOMMITTEE MEMBER CHONG: Right, right.

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

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

22 SUBCOMMITTEE MEMBER MABERRY: Preference.

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

S-OLS 9/25/02

42

1 wish list. Ms. Bernard.

is

2 SUBCOMMITTEE MEMBER BERNARD: Well, the other option

members

3 that we -- we add them into the ex officio

we

4 so that there is a requirement that they -- that

lighting

5 have an astronomer and a biologist and a

6 engineer at least in ex officio presence.

7 CHAIR MOLINA: Okay.

8 SUBCOMMITTEE MEMBER BERNARD: So that we have that

9 expertise to advise the panel.

10 CHAIR MOLINA: Okay. Is there a consensus for that

11 suggestion from Ms. Bernard.

12 SUBCOMMITTEE MEMBER CHONG: Yes.

13 Subcommittee MEMBER ALTENBERG: Yes.

14 CHAIR MOLINA: Okay. Good. Any other comments on the

Let's

15 establishment of members on Number 1? Okay.

long

16 move on, members. Terms and operation. How

Three

17 should a member be part of this committee?

18 years, five years, any suggestions?

19 SUBCOMMITTEE MEMBER CHONG: What's the standard now?

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

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43 S-OLS 9/25/02

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

--

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

16 I'm trying to formulate something.

17 SUBCOMMITTEE MEMBER BERNARD: I can comment to that,

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

done

19 that, and you set that up so that certain

members

20 have three years and it rotates three and two.

So

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

name

22 who they are, but you can just have three

members

23 are three years and two members are two years

and

24 then it rolls over.

25 CHAIR MOLINA: Okay. Mr. Chong.

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44 S-OLS 9/25/02

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

2 keep the term of the membership the same, if

it's

3 two years or three years, but you stagger the

start

4 of the members. And obviously when you form the

5 committee initially, somebody's going to have to

be

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

45

or
the
the
registered
years.

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

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

is,
looks
their

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

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

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46 S-OLS 9/25/02

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

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

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47 S-OLS 9/25/02

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

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

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

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

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

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

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

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49 S-OLS 9/25/02

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

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

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

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

8 CHAIR MOLINA: Okay. Dr. Altenberg.

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

22 CHAIR MOLINA: Okay. Ms. Bernard.

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

51

ordinance

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talking

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two

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

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

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

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

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

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

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52 S-OLS 9/25/02

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

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

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53 S-OLS 9/25/02

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

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

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54 S-OLS 9/25/02

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

2
distinctions.

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

3
4
5
6
there is

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

of

7
8
9
10
11
engineering

lighting designers, people who have no

of

12
13
at

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

designers

14
15
16
you

and not lighting engineers. So --

SUBCOMMITTEE MEMBER BERNARD: So what's the term that

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

CHAIR MOLINA: Illuminating engineer?

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

22
23
24
so

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

citizen at

for the fifth component I would recommend

or

large so that could be anybody from any industry

25 citizen.

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55

of 1 CHAIR MOLINA: So that could be someone that comes out

2 the -- say the business community?

3 SUBCOMMITTEE MEMBER BERNARD: Exactly.

before 4 CHAIR MOLINA: All righty. Anything else, members,

5 we move on to Number 3 for powers, duties, and

6 functions? Dr. Altenberg.

a 7 SUBCOMMITTEE MEMBER ALTENBERG: Question. What about

8 community association member as opposed to just

not 9 citizen at large. I mean citizen at large is

10 really a recommendation. It's a -- that means

somebody 11 anybody. So I think it would be good --

be 12 who's involved with community associations would

13 somebody who is concerned about the general

how 14 direction of the community on Maui, so that --

15 would that be as a fifth rather than citizen at

16 large? What would members think of that?

17 CHAIR MOLINA: Committee members.

18 SUBCOMMITTEE MEMBER BERNARD: I'm fine with that.

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

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56 S-OLS 9/25/02

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

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

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57 S-OLS 9/25/02

1 _____.

2 SUBCOMMITTEE MEMBER CHONG: I agree.

3 CHAIR MOLINA: Five is a good start.

4 SUBCOMMITTEE MEMBER ALTENBERG: Yeah.

5 SUBCOMMITTEE MEMBER BERNARD: Five it is.

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

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

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

committee

22 committee -- an option would be for the

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

24 something else I'm throwing out.

possibly

25 SUBCOMMITTEE MEMBER MABERRY: Right. So quite

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59

S-OLS 9/25/02

1 strike A and B.

2 CHAIR MOLINA: Strike A and B.

that

3 SUBCOMMITTEE MEMBER MABERRY: And start at C. Does

4 sound reasonable to you guys?

5 CHAIR MOLINA: Okay. Comments from the Committee or

6 Public Works?

it is

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

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

9 compliance before issuance of a permit. So, you

the

10 know, that would be just the contested cases or

11 ones that are not in compliance.

12 CHAIR MOLINA: Okay. Dr. Altenberg.

13 SUBCOMMITTEE MEMBER ALTENBERG: Question. The

review

14 architect -- the Urban Review Board, does it

15 all plans -- all development plans or just

16 variances?

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

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

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

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

22 CHAIR MOLINA: Okay. Mr. Saldana.

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

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

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60

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

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

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

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know,

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

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62 S-OLS 9/25/02

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

4 CHAIR MOLINA: Mr. Nakao, comments?

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

7 SUBCOMMITTEE MEMBER ALTENBERG: Where is that now?

8 SUBCOMMITTEE MEMBER MABERRY: Part 5.

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

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

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

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

14 at a full-time job.

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

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

17 CHAIR MOLINA: Mr. Maberry.

important
with
far
so
correctly,

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

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63 S-OLS 9/25/02

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

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

rid

with

was

committee

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64 S-OLS 9/25/02

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

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

9 CHAIR MOLINA: Okay. Additional comments?

10 MR. SALDANA: Mr. Chair.

11 CHAIR MOLINA: Mr. Saldana.

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

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

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

S-OLS 9/25/02

65

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

17 MR. SALDANA: Mr. Chair.

18 CHAIR MOLINA: Mr. Saldana.

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

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66 S-OLS 9/25/02

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

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

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67 S-OLS 9/25/02

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

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

11 CHAIR MOLINA: Okay. Dr. Altenberg.

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

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

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68 S-OLS 9/25/02

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

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

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69 S-OLS 9/25/02

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

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

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

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

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1 lighting ordinance."

2 CHAIR MOLINA: Okay. Dr. Altenberg.

3 SUBCOMMITTEE MEMBER ALTENBERG: I would say instead of

4 ordinance, I would say the standards as
specified in

5 this ordinance.

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

7 of language?

8 SUBCOMMITTEE MEMBER BERNARD: I have one more comment
to

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

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

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

12 requests that are in non-compliance. There
should

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

14 another sentence with the complaints, should
review

15 all complaints for --

16 CHAIR MOLINA: That's another paragraph.

17 SUBCOMMITTEE MEMBER MABERRY: That's another
paragraph,

18 another sentence.

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

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

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

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

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

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71 S-OLS 9/25/02

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

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

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S-OLS 9/25/02

72

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

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

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73 S-OLS 9/25/02

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

4 those things.

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

6 CHAIR MOLINA: Mr. Maberry.

7 SUBCOMMITTEE MEMBER MABERRY: Could I request that we

ask

8 Steve to come down as a resource person to speak

to

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

far

10 as the function of that committee.

11 CHAIR MOLINA: Okay. Members, any objections to

having

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

come

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

next

14 to the Committee Secretary.

15 SUBCOMMITTEE MEMBER McCORD: We just promoted him.

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

again?

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

18 want to make you feel comfortable.

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

20 SUBCOMMITTEE MEMBER MABERRY: Okay. Regarding this

21 committee

specific section, the community -- "The

22 organizations,

shall review requests by individuals,

23 or

or community associations relating to addition

24 We

removal of an outdoor light on County property."

25 were questioning as to whether or not that was

S-OLS 9/25/02

74

1 necessary for this particular ordinance, and I
felt
2 that it probably was, since this committee will
then
3 take the place of the committee that you're
4 currently sitting on, and I was trying to
explain
5 that at least my rough understanding is is that
that
6 allows for these people, organizations or
7 individuals, to request that a light -- say, for
8 example, a street light be removed for some
reason
9 or a street light added for some reason and that
10 that would be beyond the scope of the normal
11 ordinance, and since you're sitting on that
12 committee, I'd like to ask if you could --
13 MR. SUTROV: Yeah, that is one of our primary duties
right
14 now with our committee -- with our existing
15 committee, and I think that what we do is we're
16 doing a lot of community leg work for the Public
17 Works Department in doing that. We go out --
well,
18 I do, anyway. I go out and research when I get
a

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

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75 S-OLS 9/25/02

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

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

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

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

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S-OLS 9/25/02

76

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

5 period.

6 SUBCOMMITTEE MEMBER MABERRY: Okay. What's the

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

8 recommending. Mr. Chair, may I --

9 CHAIR MOLINA: Okay. Proceed.

10 SUBCOMMITTEE MEMBER MABERRY: I think what would
probably

11 be more appropriate is outdoor light on County
or

12 private property under the circumstances.

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

14 right?

15 SUBCOMMITTEE MEMBER MABERRY: Yes.

16 CHAIR MOLINA: All righty, any objections to adding

17 private property? Okay. We shall add the word

18 private.

19 SUBCOMMITTEE MEMBER ALTENBERG: Question.

20 CHAIR MOLINA: Dr. Altenberg.

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

22 complication here in that those kinds of
complaints

23 would be dealing with existing lights and the --

24 right now the scope of this ordinance is dealing

25 with lights installed after its effective date.

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1 CHAIR MOLINA: Okay. Mr. Maberry.

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

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

4 then this individual neighbor came in and put
all

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

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

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

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

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

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

11 five years or -- Rick, go ahead.

12 CHAIR MOLINA: Mr. Chong.

13 SUBCOMMITTEE MEMBER CHONG: Do you remember at the
last

14 meeting I raised the question of how the County
plan

15 reviewers are going to verify that the lighting
on

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

17 the
committee? And these are basically mostly

18 commercial projects, because on residential

19 projects

20 I also made the point that lighting is not even

21 submitted and it's not reviewed. You're not

22 required to submit an electrical drawing with

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

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78 S-OLS 9/25/02

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

from

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

you

to

the

how

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

Now,

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

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79

S-OLS 9/25/02

State

1 County of Maui, like a lot of counties in the
2 of Hawaii, do not have the manpower or the time
3 verify if we actually met that energy code.
4 ask for the professional engineer of record to
5 process a letter that says we are in compliance,

to

They

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

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

S-OLS 9/25/02

80

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

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

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

13 CHAIR MOLINA: Okay. Mr. Nakao.

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

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

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

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

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81 S-OLS 9/25/02

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

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

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82 S-OLS 9/25/02

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

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

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

22 CHAIR MOLINA: Thank you. Ms. Bernard.

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

the

25

process so the permit holder, the one who pulls

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83

S-OLS 9/25/02

sound

1

permits to do the development, is required to

2

receive a copy of the lighting ordinance, the

3

ordinance, and all the kinds of things that they

4

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

5

knowing the law as a citizen of the State and

the

6

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

7

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

know.

8

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

9

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

10

especially if we make it standard that if you

pull a

11

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

12

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

somebody

13

on record for another issue that has to sign off

14

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

15

that with the lighting ordinance?

16

CHAIR MOLINA: Mr. Chong.

17

SUBCOMMITTEE MEMBER CHONG: In that same discussion in

the

18

last meeting we just -- much like the sound

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

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84 S-OLS 9/25/02

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

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

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85 S-OLS 9/25/02

be 1 of large commercial projects, the County would

plans

2 doing a service to people by reviewing their

3 beforehand. Did you have a quick comment?

in

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

5 commercial side, because the review process is

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

7 submit catalog cuts is not a big deal.

8 SUBCOMMITTEE MEMBER ALTENBERG: Right.

the

9 SUBCOMMITTEE MEMBER CHONG: It will still slow down

10 process.

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

the

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

13 developer built something wrong, it would be so

catch

14 expensive to try and fix it that you want to

15 it before it's built.

16 SUBCOMMITTEE MEMBER CHONG: That's correct.

17 SUBCOMMITTEE MEMBER ALTENBERG: So the question is on

18 these other kinds of developments, like a

19 residential development, do we have that same

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

21 SUBCOMMITTEE MEMBER CHONG: No.

isn't

22 SUBCOMMITTEE MEMBER ALTENBERG: So that there really

23 a reason to need to subject them to prior review

developer

24 before building, that if they -- if the

25 built something that was in noncompliance and

S-OLS 9/25/02

86

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

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

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

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

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

8 we leave the language as is?

9 SUBCOMMITTEE MEMBER CHONG: I thought we were trying
to

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

11 the subject up.

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

13 could --

14 CHAIR MOLINA: Do the Committee members want --

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

16 is worded and because of its intent based on

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

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

19 come up with language how to address private

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

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87 S-OLS 9/25/02

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

can
is
standard
the
with
the

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

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88 S-OLS 9/25/02

duties
in

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

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

S-OLS 9/25/02

89

1 adaption of that. So it's --

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

3 SUBCOMMITTEE MEMBER CHONG: But the general idea is
the

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

7 CHAIR MOLINA: Okay. Dr. Altenberg.

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

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

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

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

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

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

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90 S-OLS 9/25/02

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

going to

13 function, but how everybody in the County's

14 function.

be

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

16 the applicable department --

17 SUBCOMMITTEE MEMBER ALTENBERG: Well --

with

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

19 this particular issue, the lighting issue.

it's

20 SUBCOMMITTEE MEMBER ALTENBERG: I mean it sounds like

21 redundant to the ordinance itself in that case.

22 Something needs to be clarified.

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

not

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

being

25 really familiar with the substance of what's

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91

S-OLS 9/25/02

language in

1 discussed today, but just looking at the

want

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

promulgate

3 to make clear that this committee cannot

Public

4 rules and regulations for the Department of

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

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

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

S-OLS 9/25/02

92

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

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

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93 S-OLS 9/25/02

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

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

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94 S-OLS 9/25/02

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

committee,

3 this F has to do with operation of the

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

put

5 second, what my recommendation actually is is to

1

6 a period after the word "procedures" and delete

ordinance

7 through 8, because the ordinance is the

plans

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

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

10 Would that still take care of the committee's

11 day-to-day operation requirements from rules and

12 regulations and then not get us into this whole

13 other mess that Lee's talking about?

about

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

15 committee, you're talking about the Public Works

that

16 Committee of Council? Is that the committee

you?

17 this is referring to or is this referring to

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

19 MS. FUJITA VILLAROSA: Oh, the Subcommittee?

20 CHAIR MOLINA: Well, this Outdoor Lighting Standards

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

22 SUBCOMMITTEE MEMBER MABERRY: Yeah.

new

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

24 committee.

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

S-OLS 9/25/02

95

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

2 SUBCOMMITTEE MEMBER MABERRY: That committee is us.

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

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

--

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

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

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

8 committee of Council.

9 CHAIR MOLINA: Right.

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

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

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

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

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

15 know, that pertains particularly to this new

16 committee, but otherwise, the new committee
would

17 just follow the same rules that all the other

18 committees follow as far as practice and
procedures

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

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96 S-OLS 9/25/02

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

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

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97 S-OLS 9/25/02

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

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

9 SUBCOMMITTEE MEMBER MABERRY: Yes.

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

16 CHAIR MOLINA: Mr. Maberry.

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

1 help me out here.

2 MS. FUJITA VILLAROSA: Yeah. Well, the rules of
practice
3 and procedure are, you know, pretty standard
between
4 all the boards and commissions, but what you're
5 talking about is substantive rules, and that
would
6 be passed in accordance with the ordinance, I'm
7 assuming this ordinance that you're working on
now.
8 So this new committee, if it's established, when
it
9 does establish rules of practice and procedure,
10 they'll also have rules -- substantive rules,
maybe
11 another set of rules, that would implement this
12 ordinance. So the committee is -- the committee
has
13 to get its authority from some place, and it can
14 only act within that authority that it's given.
So
15 if it's established by this ordinance or if it's
16 working to implement this ordinance, then this
is
17 the limits of it. You know, the committee can't
18 just initiate rules however they want to.

19 CHAIR MOLINA: Okay. Dr. Altenberg.

20 SUBCOMMITTEE MEMBER ALTENBERG: I think the problem
here

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

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99 S-OLS 9/25/02

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

would
Review
for
members?
They
tried
recommended

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

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100 S-OLS 9/25/02

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

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

S-OLS 9/25/02

101

1 Mr. Maberry.

for

2 SUBCOMMITTEE MEMBER ALTENBERG: I mean the basic task

the

3 this committee is outlined in terms of the --

to do

4 way it's mentioned elsewhere in the proposed

5 ordinance. So these other considerations have

within

6 with sort of the legal details of committees

7 the County operation, and seems like those legal

8 detail questions have already been answered in

9 something like the Urban Design Review Board.

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

11 aspects, you know, model it after that.

terms

12 And I think we're already doing that in

all

13 of establishment of members, terms. These are

how

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

15 this committee is set up, and these other things

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

do

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

not

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

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

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102 S-OLS 9/25/02

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

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

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103 S-OLS 9/25/02

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

5 little bit. E and F --

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

7 them up.

8 CHAIR MOLINA: Okay.

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

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

11 with that first.

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

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

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

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

16 recommend an insertion between E and F that
again

17 states that, "The committee shall review
complaints

18 by individuals, organizations, and community

19 associations relating to light trespass on
private

20 property."

21 CHAIR MOLINA: Okay.

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

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

25 SUBCOMMITTEE MEMBER ALTENBERG: I concur that that's

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

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

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

22 I think certain -- certain complaints can
be

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

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105 S-OLS 9/25/02

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

16 Mr. McCord.

person's

17 SUBCOMMITTEE MEMBER McCORD: Just from a real lay

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

20 CHAIR MOLINA: True.

they

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

it

22 can deal with complaints in one direction, but

are

23 isn't necessarily a violation, and violations

24 certainly, you know, much more serious than a

25 complaint.

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S-OLS 9/25/02

106

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

investigation

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

6 Subcommittee MEMBER McCORD: Right.

make

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

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

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

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

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1 files a complaint, they file that with the
2 department and then the department follows up on
3 that complaint, and if there's a violation, then
the
4 department issues the notice of violation which
5 imposes a fine and tells them to correct it
usually.
6 And then depending on what area, if we're
7 talking
8 about the Public Works area, if the citizen
9 wants to
10 appeal the Director's decision, then they go to
BVA.
11 So I'm not sure if you're thinking about having
12 the
13 committee do all of that, but they would need
14 some
15 kind of investigators. I mean, you know, that's
16 normally how the current boards and commissions
17 operate is really through the department.
18 a
19 SUBCOMMITTEE MEMBER ALTENBERG: Question. BVA that's
20 board of --
21 CHAIR MOLINA: Variance and Appeals.
22 SUBCOMMITTEE MEMBER ALTENBERG: Variance and Appeals.
23 would
24 Well, I mean, that sounds good to me. That
25 seem to make sense, and so that in this case,
26 with
27 regard to outdoor lighting, this committee would
28 have that function of BVA. So what do members
29 think
30 about that or anybody else?
31

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

left,

24 SUBCOMMITTEE MEMBER MABERRY: I'm sorry Steve has

25 but is that what his committee is doing now

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S-OLS 9/25/02

108

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

respond

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

you,

6 SUBCOMMITTEE MEMBER MABERRY: I may need help with

because I

7 Lee, in telling him what the question is,
8 don't think he heard it.

few

9 MR. SUTROV: Yeah, what we're doing right now in the
10 Street Lighting Committee is we are taking the
11 complaint. It comes from the public. We have a
12 different functions, but one of them is taking
13 complaints or requests from the public. It goes

to

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

Department

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

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109 S-OLS 9/25/02

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

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

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110 S-OLS 9/25/02

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

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

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

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

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

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

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

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

S-OLS 9/25/02

111

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

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

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112 S-OLS 9/25/02

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

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

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113 S-OLS 9/25/02

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

that's

3 SUBCOMMITTEE MEMBER MABERRY: -- complaints, and

street

4 why I wanted clarification, if the current

5 lighting subcommittee was actually reviewing

6 complaints, and we were sort of questioning that

that's

7 language, if that was appropriate or not, and

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

9 counsel.

10 CHAIR MOLINA: So are you asking --

-

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

12 CHAIR MOLINA: Oh, okay.

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

14 CHAIR MOLINA: Okay. Dr. Altenberg.

thing

15 SUBCOMMITTEE MEMBER ALTENBERG: Yeah, I mean, the

with

16 that Steve was talking about sort of has to do

like

17 discretionary actions of Public Works. It's

18 can they satisfy a neighborhood's desire for

that

19 changing its lights all within various things

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

law.

21 processing of complaints or violations of the

propose

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

be

23 that complaints for violations of the ordinance

24 sent to Public Works and that appeals to the

25 decisions of Public Works or if Public Works has

S-OLS 9/25/02

114

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

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

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

21 CHAIR MOLINA: Okay.

22 SUBCOMMITTEE MEMBER MABERRY: Her recommendation is
that

23 complaints go to the Department and that
violations

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

25 committee. The committee, sorry.

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S-OLS 9/25/02

115

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

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

3 up.

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

6 SUBCOMMITTEE MEMBER MABERRY: Yes, yes.

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

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

10 make logical sense, because a violation is a
finding

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

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116 S-OLS 9/25/02

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

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

and

25 that Public Works does not address the complaint

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117 S-OLS 9/25/02

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

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

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

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

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

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

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118 S-OLS 9/25/02

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

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

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1 addresses the committee -- your concern.

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

3 Dr. Altenberg.

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

6 some plan advisory committee, and so by statute
it

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

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

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

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

14 In my concept, this subcommittee is that body.

15 So --

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

17 SUBCOMMITTEE MEMBER ALTENBERG: Yeah.

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

19 to give this committee additional authority,
more

20 than already as -- Mr. Maberry.

21 SUBCOMMITTEE MEMBER MABERRY: My only comment would be
if

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

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

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120 S-OLS 9/25/02

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

17 them having to do that.

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

19 Mr. Chong.

20 SUBCOMMITTEE MEMBER CHONG: I have a question. This

21 BVA --

22 CHAIR MOLINA: BVA, uh-huh.

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

24 understand now, if somebody gets a ruling from

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

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S-OLS 9/25/02

121

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

2 lighting committee advisory not only to Public
Works

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

In

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

5 recommendation to Public Works and Public Works

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

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

8 further ruling or further information but they
still

9 are the legal entity to make the appeal yea or

nay.

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

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122 S-OLS 9/25/02

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

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

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

5 they take that into consideration, that -- and
6 that's why it's good to have an advisory
committee

7 for areas like this is because the Director has
the

8 opportunity to bounce these things off of some
9 experts, rather than having to make the
decision,

10 you know, just within the Department. So I'm
sure

11 that the BVA considers that when they're hearing
the

12 appeal, they consider the fact that the Director
13 adopted the recommendation of the committee. I
14 mean, that carries weight.

15 SUBCOMMITTEE MEMBER ALTENBERG: Question.

16 CHAIR MOLINA: Okay, Dr. Altenberg.

17 SUBCOMMITTEE MEMBER ALTENBERG: So maybe is the
current --

18 does the BVA as currently set up, would it
19 automatically be the place where appeals to
matters

20 regarding outdoor lighting standards be sent?
Is it

21 set up to receive appeals from all kind of
22 administrative actions?

23 MS. FUJITA VILLAROSA: Not all. It's -- I can't cite
-- I

24 don't know if you want to look up in the --

BVA

25 SUBCOMMITTEE MEMBER ALTENBERG: In other words, maybe

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123 S-OLS 9/25/02

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

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

9 SUBCOMMITTEE MEMBER MABERRY: Uh-huh.

10 SUBCOMMITTEE MEMBER ALTENBERG: Okay. So --

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

14 CHAIR MOLINA: Okay.

15 SUBCOMMITTEE MEMBER McCORD: Second.

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

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

20 the floor.

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

22 sir. I yield.

23 CHAIR MOLINA: Okay. Mr. Altenberg.

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

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124 S-OLS 9/25/02

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

4 SUBCOMMITTEE MEMBER MABERRY: Correct.

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

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

11 mean --

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

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125 S-OLS 9/25/02

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

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

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

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

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127 S-OLS 9/25/02

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

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

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128 S-OLS 9/25/02

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

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

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

129 S-OLS 9/25/02

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

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

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130 S-OLS 9/25/02

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

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

The

for

Standards

vote.

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131 S-OLS 9/25/02

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

5 RECONVENE: 12:03 p.m.

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

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

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

25 SUBCOMMITTEE MEMBER ALTENBERG: A question. Suppose
that

132

with a
that
would
may
will
has

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

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

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133 S-OLS 9/25/02

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

question?

15 SUBCOMMITTEE MEMBER MABERRY: Can you repeat the

just

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

--

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

18 by not adding this language, by withdrawing the

-

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

20 you understand that then the process is that a

21 complaint would go to Public Works and then if

Public

22 somebody's not satisfied with the action of

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

24 Appeals.

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

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134

S-OLS 9/25/02

the

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

2 Light Standards Committee that exists right now,

goes

3 complaint goes to Public Works, okay, then it

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

5 themselves, it goes to the committee. Then the

for

6 committee makes a recommendation to the Director

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

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

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

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

24 last comments on the March 4th document?

25 SECTION .070

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136 S-OLS 9/25/02

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

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

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

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

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137 S-OLS 9/25/02

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

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

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138 S-OLS 9/25/02

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

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

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

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

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139 S-OLS 9/25/02

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

make

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

as we

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

--

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

19 we're all working under the same premise.

other

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

to

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

7

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

23 at a later time. Dr. Altenberg.

24 SUBCOMMITTEE MEMBER ALTENBERG: One question I had is

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

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140

S-OLS 9/25/02

sodium

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

2 Mr. Maberry from Dr. Altenberg.

3 SUBCOMMITTEE MEMBER ALTENBERG: Certainly within the

4 astronomy zone we want to have low pressure

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

6 make -- need to make any requirements that would

7 differentiate between low pressure sodium, high

of

8 pressure sodium, or metal halide or other kinds

9 light?

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

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

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

Any
there's

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

Maberry.

8 SUBCOMMITTEE MEMBER MABERRY: I would just like to be
--

9 I'm kind of looking to Rick here to see if he's
10 comfortable with the exemptions that are in this
--

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

12 looking at --

13 SUBCOMMITTEE MEMBER CHONG: Yeah, which one are we
looking

14 at exactly now?

15 CHAIR MOLINA: I presume the red line document.

16 SUBCOMMITTEE MEMBER MABERRY: Yeah, I would look at
the

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

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

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

21 the one before then.

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

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

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

help

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S-OLS 9/25/02

142

1 with color unless you have a color fax.

2 SUBCOMMITTEE MEMBER McCORD: Oh.

can

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

anything

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

5 at this time.

this

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

to

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

8 really look at it closely.

changes

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

members,

10 from the last meeting that we had. Okay,

.080,

11 with that the Chair would like to move on to

.070,

12 and if anything comes to mind which relates to

the

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

to

14 Subcommittee has concurred on certain revisions

15 Subsection 3 of .080.

16 MR. SALDANA: Mr. Chair.

17 CHAIR MOLINA: Yes, Mr. Saldana.

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

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

20 the consensus on .070?

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

22 suggestions?

23 MR. SALDANA: No. I was --

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

25 MR. SALDANA: I had stepped out.

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S-OLS 9/25/02

143

1 CHAIR MOLINA: Okay. Would you like to restate your

2 concerns for .070 to Mr. Saldana.

3 SUBCOMMITTEE MEMBER MABERRY: I specifically I guess
want

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

5 second, but -- so I don't guess it affects lamp

6 standards, but the bottom line was that this

7 ordinance would establish the astronomy zone, so
to

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

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

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

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

guess
line
went

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

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145

S-OLS 9/25/02

of
out
to
terrain
that
bounces
but
can
to

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

that's

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

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

15 question over there, sir.

still

16 SUBCOMMITTEE MEMBER ALTENBERG: So you're saying that

17 there may be areas beyond 25 miles that were

18 within the line of sight of Haleakala. It seems

the

19 like we need to protect anything that's within

it?

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

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

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

23 could put that in the section.

section,

24 SUBCOMMITTEE MEMBER MABERRY: I'm not sure which

25 though.

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146

S-OLS 9/25/02

rather

1 CHAIR MOLINA: Is there a consensus for 25 miles

2 than 15 from the Committee? Mr. Chong.

what

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

areas

4 the landowners of those areas -- in the resort

if,

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

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

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

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

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148 S-OLS 9/25/02

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

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

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149 S-OLS 9/25/02

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

5 pressure sodium.

6 SUBCOMMITTEE MEMBER MABERRY: Street lights, parking
lot

7 lights, yes.

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

10 SUBCOMMITTEE MEMBER CHONG: Why am I not surprised?

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

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

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

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

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

16 CHAIR MOLINA: Go ahead.

17 SUBCOMMITTEE MEMBER MABERRY: Yeah, definitely energy
--

18 SUBCOMMITTEE MEMBER ALTENBERG: There's energy
efficiency

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

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

24 SUBCOMMITTEE MEMBER MABERRY: Okay.

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

150

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

2 SUBCOMMITTEE MEMBER MABERRY: That's correct.

3 CHAIR MOLINA: -- already in existence.

4 SUBCOMMITTEE MEMBER MABERRY: That's correct.

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

6 that as a recommendation from the Subcommittee
for

7 .080.

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

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

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

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

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

16 CHAIR MOLINA: Thank you, Mr. Maberry.

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

18 luminaire mount standards. The Subcommittee --

19 SUBCOMMITTEE MEMBER ALTENBERG: What happened --

20 CHAIR MOLINA: Yes, Dr. Altenberg.

21 SUBCOMMITTEE MEMBER ALTENBERG: Are we going to deal
with

22 .080?

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

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

25 SUBCOMMITTEE MEMBER ALTENBERG: We just finished with

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S-OLS 9/25/02

151

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

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

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

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

6 approach --

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

9 .080. Okay.

10 SECTION .080

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

12 have any concerns with regards to the revisions
made

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

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

draft

on --

to

confused

term

15 if I may. And I'm actually addressing Rick on
16 this, and it was because of the comments made by
17 Mr. George earlier. Was he not looking at the
18 that we have or do you agree with his concerns
19 say, for example, on .080 number 2 with regards
20 lumens and such? I mean, I got a little
21 there, Rick.

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

23 SUBCOMMITTEE MEMBER CHONG: Yeah, well --

24 SUBCOMMITTEE MEMBER MABERRY: I guess the use of the

25 lumens, is that still a problem as we go through

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152

S-OLS 9/25/02

1 this?

2 CHAIR MOLINA: Okay, Mr. Chong.

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

5 SUBCOMMITTEE MEMBER MABERRY: Okay. Thank you.

60

6 SUBCOMMITTEE MEMBER CHONG: Although to correlate the
7 lumens with the 60 watt bulb is wrong, because a

stick it

8 watt bulb may have a lumen rating, once you

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

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

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

7 CHAIR MOLINA: Okay.

8 SUBCOMMITTEE MEMBER MABERRY: Friendly recommendation.

9 CHAIR MOLINA: Mr. Maberry.

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

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

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

20 CHAIR MOLINA: Mr. Maberry.

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

there's --
24
25
have

presented, and I guess we want to know if

can we pluck out from these or do you actually

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154 S-OLS 9/25/02

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

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

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

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

17 SUBCOMMITTEE MEMBER MABERRY: Would --

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

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S-OLS 9/25/02

155

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

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

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156 S-OLS 9/25/02

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

5 SUBCOMMITTEE MEMBER ALTENBERG: So a motion?

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

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

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

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

17 SUBCOMMITTEE MEMBER ALTENBERG: A motion.

18 CHAIR MOLINA: Dr. Altenberg.

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

21 CHAIR MOLINA: Incandescent?

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

25 SUBCOMMITTEE MEMBER MABERRY: Second.

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

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

7 SUBCOMMITTEE MEMBER CHONG: I'm fine.

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

11 SUBCOMMITTEE MEMBERS VOICED AYE.

12 CHAIR MOLINA: All those opposed?

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

17 MOTION CARRIED.

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

19 CHAIR MOLINA: Thank you. Motion carries unanimously.

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

21 CHAIR MOLINA: All right, Dr. Altenberg.

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

S-OLS 9/25/02

158

but
to
to
light

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

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

7 SUBCOMMITTEE MEMBER MABERRY: Second.

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

9 Discussion?

the

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

12 SUBCOMMITTEE MEMBER MABERRY: We thought we needed it.

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

existing?

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

communities

16 SUBCOMMITTEE MEMBER ALTENBERG: A number of

detailed

17 have that in their ordinance, but upon more

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

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

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159 S-OLS 9/25/02

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

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

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160 S-OLS 9/25/02

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

language

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

6 at this time?

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

8 height of the pole, then.

language in

9 SUBCOMMITTEE MEMBER MABERRY: Well, can we put

--

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

up

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

LPS

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

13 it doesn't matter. I guess --

the

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

15 pole can be too high and your lighting would be

by

16 ineffective. The light -- the light falls off

point

17 the square of the distance, so at a certain

out

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

a

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

as

20 good designer is not going to just take the pole

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

22 height to get the best spread and best coverage

23 given the wattage of the lamp and the luminaire

is

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

it's

25 just keep the pole at a reasonable height so

S-OLS 9/25/02

161

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

2 CHAIR MOLINA: Okay. Dr. Altenberg.

mean

3 SUBCOMMITTEE MEMBER ALTENBERG: The question is -- I

foot is

4 the original intent, as I understand, why 20

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

to

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

their

7 protect residences from lights glaring into

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

circumstances

9 accurate consideration. Are there any

10 where a lighting engineer would want to put in a

create a

11 pole height of a certain height that would

would

12 problem for somebody that a lower pole height

13 not create.

14 CHAIR MOLINA: Mr. Chong.

with

15 SUBCOMMITTEE MEMBER CHONG: You could have a problem

to

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

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

the

18 requirements for full cutoff addresses most of

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

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162 S-OLS 9/25/02

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

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

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

21 over the place.

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

23 SUBCOMMITTEE MEMBER MABERRY: We only have a problem
with

24 it here really bad right now at Gateway Plaza.

25 CHAIR MOLINA: Purple lights.

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S-OLS 9/25/02

165

1 SUBCOMMITTEE MEMBER McCORD: Purple lights.

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

3 trying to figure out how to avoid.

4 CHAIR MOLINA: Of course this is for future.

5 SUBCOMMITTEE MEMBER CHONG: What about the gas station

6 owners, the Chevrons and the --

7 CHAIR MOLINA: 24-hour stations.

8 SUBCOMMITTEE MEMBER CHONG: The ones that have canopy

9 lighting, I mean, metal halide --

10 SUBCOMMITTEE MEMBER ALTENBERG: This statement is

11 specifically targeted at that practice, because
it's

12 basically saying that using light that spills

out of

13 your property as a means of advertising is not

good.

14 It's causing light trespass and light pollution

just

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

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166 S-OLS 9/25/02

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

8 illumination?

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

10 interrupt. I know that the Illuminating
Engineering

11 Society Outdoor Lighting Committee or maybe the

12 Light Trespass Committee was considering some
very

13 strict recommendations on canopy lighting and

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

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

16 committee, I heard of them talking that the
gasoline

17 stations of the world were threatening a lawsuit
on

18 the IES for passing an ordinance that was going
to

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

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

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

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

23 they would hesitate to sue the County for

24 restricting their right to do business.

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

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

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

7 CHAIR MOLINA: Okay. So --

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

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

13 SUBCOMMITTEE MEMBER CHONG: That first statement.

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

16 SUBCOMMITTEE MEMBER CHONG: I do recommend it.

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

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

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

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

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

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168 S-OLS 9/25/02

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

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

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169 S-OLS 9/25/02

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

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

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170 S-OLS 9/25/02

1 inserted neon into this thing, would that
suffice to

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

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

5 SUBCOMMITTEE MEMBER BERNARD: I would have a problem
with

6 that. Neon lighting -- especially red neon
lighting

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

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

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

10 that. And getting back to the discussion on the

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

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

13 unless you wanted to do a modification to say

14 excessive lighting of such areas shall not be
used,

15 because that's just as subjective as the second

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

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

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

19 SUBCOMMITTEE MEMBER CHONG: Well, excessive is also
one

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

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

22 another motion to say lighting levels that are

23 recommended, you know, in other words, IES

24 recommended standards or whatever are okay in

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

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171 S-OLS 9/25/02

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

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

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172 S-OLS 9/25/02
move 1 Hopefully we can maybe call for the motion and
2 on.
3 CHAIR MOLINA: Okay. All righty. We have a motion to
4 amend the motion on the floor. All those in
favor 5 say "aye."
6 SUBCOMMITTEE MEMBERS VOICED AYE.
7 CHAIR MOLINA: All those opposed?
Bernard, 8 VOTE: AYES: Subcommittee members Altenberg,
9 Chong, Maberry, McCord, and
Chair Molina.
10 NOES: None.
ABSTAIN: None.

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

13 MOTION CARRIED.

14 ACTION: APPROVE amendment to main motion.

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

16 SUBCOMMITTEE MEMBERS VOICED AYE.

17 CHAIR MOLINA: All those opposed?

18 SUBCOMMITTEE MEMBER McCORD: I'm opposing.

19 CHAIR MOLINA: Thank you. Pardon me?

20 SUBCOMMITTEE MEMBER McCORD: I'm opposing.

21 CHAIR MOLINA: Okay.

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

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173 S-OLS 9/25/02

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

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

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

8 MOTION CARRIED.

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

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

12 CHAIR MOLINA: Mr. Maberry.

13 SUBCOMMITTEE MEMBER MABERRY: I agree. I still am
14 concerned about the purple lights, but this
15 section
16 lighting,
17 and
18 I've got to think about -- hopefully we should

19 think about where to address it, because it --
20 it's
21 also on buildings. It's not just canopy
22 lighting.

23 Thank you, sir.

24 CHAIR MOLINA: Thank you. Dr. Altenberg.

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

30 SUBCOMMITTEE MEMBER MABERRY: That's right.

174

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

5.
and
in

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

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175

S-OLS 9/25/02

the
-
existing
remember
is
on

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

ordinances

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

16 sitting in front of me.

17 CHAIR MOLINA: From somewhere on the mainland.

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

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

20 shall be limited to a maximum of 60 initial lamp

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

town

22 example. In another example, this is from the

this

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

24 says, "Lighting for canopy service stations and

two

25 similar uses shall be restricted to no more than

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176

S-OLS 9/25/02

flush on

1 320 watt recessed lighting fixtures mounted

2 the bottom of the canopy on each side of the gas

the

3 station pump island or other design that meets

canopies

4 standards of this ordinance. Lighting for

shall

5 for service stations and other similar uses

measured

6 not exceed an average of 12 foot candles as

edge of 7 at ground level at the inside of the outside

8 the canopy."

Saldana. 9 SUBCOMMITTEE MEMBER ALTENBERG: Question for Mr.

10 CHAIR MOLINA: Mr. Altenberg.

11 SUBCOMMITTEE MEMBER ALTENBERG: Is your Internet

12 connection back up?

13 MR. SALDANA: I hope so.

on 14 SUBCOMMITTEE MEMBER ALTENBERG: Because if you search

probably 15 Google for the section of the text, you'll

16 find the source, the ordinance that this was

17 borrowed from.

18 CHAIR MOLINA: If I may ask, Mr. Chong, what would you

19 recommend the numbers be, I guess, adjusted to?

to 20 SUBCOMMITTEE MEMBER CHONG: I don't know. I was going

21 call somebody over at Chevron --

22 CHAIR MOLINA: Oh, okay.

and 23 SUBCOMMITTEE MEMBER CHONG: -- or something like that

their 24 ask them what their design standards are for

done 25 stations, just to know what it is. We haven't

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1 them. I'm sure they're cookbook. Corporate
2 requires this, this is what it's going to look
like,
3 and just find out for our own knowledge. I'm
not
4 saying I advocate it. I'm just saying let's go
find
5 out and --
6 CHAIR MOLINA: Okay. So we can let this go for now
until
7 you come back with your research or
recommendations.
8 You can email Mr. Saldana. Okay, we'll start
with
9 Ms. Bernard, followed by Mr. Altenberg and
10 Mr. Maberry.
11 SUBCOMMITTEE MEMBER BERNARD: There was another one,
12 another example, just for Gary's information.
He
13 sent it to us from Cottonwood, Arizona, the
lighting
14 service -- lighting for service stations.
15 CHAIR MOLINA: Okay. All right.
16 SUBCOMMITTEE MEMBER ALTENBERG: Did you want to read
it?
17 CHAIR MOLINA: Dr. Altenberg.
18 SUBCOMMITTEE MEMBER BERNARD: You want me to read it?
19 CHAIR MOLINA: Oh, go ahead.
20 SUBCOMMITTEE MEMBER ALTENBERG: If it's brief.
21 SUBCOMMITTEE MEMBER BERNARD: It's brief. All
luminaires
22 shall be flush with the lower surface of
canopies,

light 23 utilize flat glass or plastic covers. Total
24 output used for illuminating service station
initial 25 canopies, defined as the sum of under-canopy

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178 S-OLS 9/25/02

1 bare-lamp outputs in lumens, shall not exceed 40
2 lumens per square foot of canopy. All lighting
3 mounted under the canopy except internally
4 illuminated signs, shall be included in the
total.
5 50 percent of the lumen output of all lamps
mounted
6 within or under a canopy, except internally
7 illuminated signs, is included in the lumen caps
in
8 Subsection H.10.

9 CHAIR MOLINA: Okay. Thank you. Dr. Altenberg.
10 SUBCOMMITTEE MEMBER ALTENBERG: Just a general comment
in
11 terms of our considerations of what the
corporations
12 of the world are doing. The whole point is this
13 is -- these are regulations to regulate an
industry
14 that has caused an environmental problem, and so
15 these will be -- these are, you know, industrial

the
own,
afoul
problem
much,

16 regulations, pollution regulations, and because
17 marketplace has not solved the problem on its
18 this is a governmental action. So we may run
19 of the desires of some corporations, but the
20 is that the desires of those corporations are
21 running afoul of Maui's environment.
22 SUBCOMMITTEE MEMBER CHONG: I don't disagree.
23 CHAIR MOLINA: Mr. Maberry.
24 SUBCOMMITTEE MEMBER MABERRY: Yes, thank you very
25 and what he covered was pretty much what I was

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179 S-OLS 9/25/02

what I
that's
possible,

1 interested in saying, but I guess what we --
2 would really like to address is is what are the
3 standards for safety for doing this particular
4 function for gassing up your car, and I think
5 what we ought to strive for. You know, we
6 definitely need to restrict it as much as
7 but in order to keep us from having to deal with
8 litigation in the future by picking one of these

9 other sources, what they've come up with, we
don't
10 know how much research they did. So I don't
care,
11 you know, what the corporations say they want to
12 put. I mean, I'd like to know, you know, are
there
13 any safety standards that we can use to go by
for
14 this --
15 CHAIR MOLINA: Federal standards.
16 SUBCOMMITTEE MEMBER MABERRY: -- for this particular
17 activity, Federal standards for this activity.
18 CHAIR MOLINA: This is where I think we could use
19 Mr. Chong's help in --
20 SUBCOMMITTEE MEMBER CHONG: I'll try to find out.
21 CHAIR MOLINA: -- the research for the Committee.
Thank
22 you. Okay, members, I see Mr. Matsui anxiously
23 awaiting for us to move to Subsection D. This
24 subsection has been the focus of a lot of
debate.
25 However, no consensus was achieved at the last

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180 S-OLS 9/25/02

1 meeting. The Subcommittee requested a review of
the
2 draft bill and the Cottonwood, Arizona lighting

Recreation.

3 ordinance by the Department of Parks and

4 At this time I'd like to ask for Mr. Matsui's

5 comments with regards to this.

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

7 run.

8 CHAIR MOLINA: Okay. Thank you, Mr. Chong. We'll get
and
9 back to you with the rest of today's happenings,

10 by the way, the Chair is planning to adjourn at
11 1:15. After we get through with Mr. Matsui's
12 comments and Section D, the Chair is going to --

has

13 a request to make -- or suggestion to throw out
at

14 the Subcommittee at this juncture.

15 Proceed, Mr. Matsui.

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

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

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

20 CHAIR MOLINA: September 16th, okay.

21 MR. MATSUI: I can go over it. We looked at the --
your

22 present ordinance, that Section .110.D, and for
each

23 of the provisions -- in the first provision we
were

24 not in favor of -- that fully shielding with

25 15-degree cutoff would really make it almost

S-OLS 9/25/02

181

1 impossible for us to light like ballfields,
soccer
2 fields, football fields, any large field. We
would
3 be able to light tennis courts or like
basketball
4 courts, but it would cost a lot more money,
5 basically because we're going to have to put a
lot
6 more light poles to get the kind of coverage.
7 You know, fully shielded with 15-degree
8 cutoff, you're just talking about pretty much
what's
9 under the light. So in order to get that
lighting
10 levels we need, you're going to have to put a
lot of
11 lights around the courts, and that's a lot of
poles,
12 that's a lot of fixtures. Right now what we
have is
13 flood lights that's shielded, but it's not fully
14 shielded, and we also mount them on 40-foot
poles so
15 we minimize the amount of spill off.
16 Okay. The second point -- you know, we
had
17 no problems with that, except there's a couple
of

18 events that we run later than I think it was --

19 SUBCOMMITTEE MEMBER ALTENBERG: Midnight.

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

21 like cancer walk, so you need to provide some
kind

22 of provision that would allow this kind of use.

23 Third provision, hours of operation, we have no

24 objections to that.

25 The fourth provision, we had no
objections to

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S-OLS 9/25/02

182

1 that also, but we did want a clarification on
the

2 maintained lighting levels, because when you

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

4 then I think over time I saw one where after 100

5 hours of operation it will lose 80 percent of
the

6 original. So we would like to look at --
clarify it

7 by saying maintained and not the initial.

8 And then we looked at the Cottonwood
Outdoor

9 Lighting Code, and we found there was even more

10 restrictive than what you have here, and, you
know,

we
11 I think it would restrict us to the point where
12 would not be able to light some of our fields at
13 all, you know, without going into some kind of
14 variance. Their restriction on the amount of
15 spillover light, I think they had .5 foot
candles at
16 the property line, and that's really, really
severe.
17 I was told like -- almost like moonlight, full
18 moonlight, .5, pretty close to full moonlight.
So
19 that's pretty severe.
20 We did submit these proposals to a
lighting
21 engineer and his comments were pretty much the
same,
22 was that the Cottonwood was too severe, and also
on
23 the fully shielded for basketball courts, you
know,
24 we would be -- we could do it, but it would cost
a
25 lot more. For sports fields, you know, I don't

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183 S-OLS 9/25/02

1 know, it would be difficult too. And he also
2 recommended that -- like some kind of a
committee,

3 subcommittee be formed, you know, of experts.

4 CHAIR MOLINA: Task force.

5 MR. MATSUI: You know, just to look at this to tighten
up

6 and if you really wanted to regulate sports --

7 sports facilities. So pretty much that's our

8 comment. The Cottonwood one, they did mention
that

9 Cottonwood is a really small community. It was

like

10 population 6,000, and the way I see it, you

know,

11 the lighting levels they're talking about, I

don't

12 know, they must not have any stadiums or any

kind

13 of -- you know, they must have just like

14 recreational play. I don't know if they have

15 ballfields. I don't know. But that's my
comments.

16 CHAIR MOLINA: Okay. Thank you, Mr. Matsui. Question

17 from Dr. Altenberg.

18 SUBCOMMITTEE MEMBER ALTENBERG: I wonder if you
consulted

19 with Soft Lighting Systems, because they install

20 lighting that's fully shielded for football
fields,

21 baseball fields, soccer fields, and they light

at

22 levels up -- just to below professional

standards.

23 Apparently there's no fields on Maui that are

24 lighted to professional levels. So as far as I

was 25 understood, they could basically do any job that

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184 S-OLS 9/25/02

1 required on Maui and do that fully shielded and
2 they -- for a football field they have something
3 like six or eight poles typically at 80 feet.

So I

4 think there may be the technology there to
achieve

5 the standards already in place. Did you ever
talk
6 with the Soft Lighting Systems?

7 MR. MATSUI: I never talked to Soft Lighting, but the
8 person we talked to was Eric Miyasato,
professional

9 engineer. He's from Pacific Electrical Sales,
and
10 we also consulted with Musco.

11 CHAIR MOLINA: Mr. Matsui, at this time at Eddie Tam
you
12 have Musco Lighting there in place?

13 MR. MATSUI: That's right.

14 CHAIR MOLINA: Okay. Can you just give us a brief I
guess
15 assessment of, you know, the performance of the
16 lighting there.

17 MR. MATSUI: Well, at Eddie Tam we had an existing

18 lighting system where the poles were pretty low,
and
19 because it was a multi-purpose field, it was a
20 soccer field and also a baseball field, we had
to
21 place the poles pretty far away, one side
anyway,
22 pretty far away from the sidelines because if we
23 were to put it strictly for the soccer field,
one
24 row of lights would be in the baseball field.
So we
25 had some low level poles. The lighting was not

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185 S-OLS 9/25/02

1 adequate. The angle of the lighting was pretty
2 poor, so you had a lot of glare.
3 We designed a new system, Musco Lighting.
4 The poles on one end was -- is 90 feet, because
5 to -- you have a higher angle, so minimizes the
6 spillover. And we just turned it on, say, about
a
7 month ago and we've had no complaints. In fact,
the
8 people living right next door said actually it's
9 less than -- a lot less than it was before. So
we
10 improved the overall lighting levels on the
field

spilling 11 itself and decreased the amount that was
12 over.
13 CHAIR MOLINA: Okay. Mr. Maberry.
14 SUBCOMMITTEE MEMBER MABERRY: This was part of a slide
15 show that we gave earlier on sometime ago, and
if I 16 may share this with him, this is Soft Lighting
17 Systems, and you can see that the glare -- that
this 18 system totally meets the requirements as are
written 19 currently in our draft. I mean, like he said,
they 20 can do everything up to just below professional
21 level lighting. Notice the light spill around
the 22 area, and if you can, this is -- this is an area
23 that is one mile away that does not have this
24 lighting system, and you can see the difference
in 25 the glare. And then there's another one over
here

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186 S-OLS 9/25/02

1 that's five miles away that is not this type of
2 system. As you can see, the system has been in
for

3 three years, I believe it is.

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

5 SUBCOMMITTEE MEMBER MABERRY: In our earlier
presentation,

6 which led to I think the formation of this
7 particular Committee, we gave a slide show and
gave

8 this particular presentation, and I'd like to
share

9 this information with Pat afterwards and maybe
he

10 can investigate it, but the -- this lighting
system

11 meets all the requirements of this draft
document as

12 it's written right now, and visually you can see
13 that there's very minimal spill out outside the
14 playing area.

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

16 SUBCOMMITTEE MEMBER ALTENBERG: Now, question about --
I

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

19 that? Is this what you drafted?

20 MR. MATSUI: Pardon me?

21 MR. SALDANA: I'm guilty of that.

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

23 SUBCOMMITTEE MEMBER ALTENBERG: Okay, Gary. Have you
had

24 a chance to look at that?

25 MR. SALDANA: No, I did not forward it to Pat.

S-OLS 9/25/02

187

ask
proposed
Actually,
2
members,
this
curious
regarding
that
those
at

1 SUBCOMMITTEE MEMBER ALTENBERG: Because I wanted to
2 you if you would feel comfortable if that
3 language was substituted for Section D.1?
4 this -- yeah, this whole proposed thing, D.1 and
5 would replace Section 1 under D here.
6 CHAIR MOLINA: While Mr. Matsui's reviewing that,
7 any objections to comments from Ms. Vencl at
8 time?
9 SUBCOMMITTEE MEMBER MABERRY: No.
10 CHAIR MOLINA: Go ahead, Terryl.
11 MS. VENCL: Thank you again, Mr. Chair. I'm just
12 if in the examination that the Parks did
13 this, if they took into consideration events
14 the visitor industry brings to town and if there
15 are -- for example, with Hula Bowl and some of
16 types of things, do we put up the poles needed
17 that point if they were -- if there was extra

event 18 illumination? Now, this would be more like an
19 as opposed to an ongoing thing, but one of the
20 directions of the industry is to try to bring in
need 21 sports events to our community. So we really
22 to think ahead.

23 One of the things we're trying to get the
build 24 County to do as they look toward that is to
25 new soccer fields and build new stadiums or
whatever

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188 S-OLS 9/25/02

we 1 we get into with that thought in mind and that
2 need to have all that stuff in place so we don't
So 3 have to patch every time we need to do an event.
4 with regard to swimming pool areas, with regard
to 5 stadium areas, all those things where we might
need 6 that, I'd just like to make sure that we are
7 addressing some of those concerns as we move
along.

8 SUBCOMMITTEE MEMBER MABERRY: Question for Ms. Vencl.

9 CHAIR MOLINA: Okay.

10 SUBCOMMITTEE MEMBER MABERRY: Do you see any
deficiencies

11 in this proposed code, specific ones? I mean
that's

12 the aim, is to try deal with it just as you
said,

13 but I want to know if we've fallen short.

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

15 SUBCOMMITTEE MEMBER MABERRY: Okay.

16 MS. VENCL: Because I'm not -- I don't know enough of
the

17 technical part of it. That's why I wondered if
when

18 the Parks reviewed it -- because they're working
19 with us in this direction and trying to figure
out

20 what to do and how to make it work for the
future

21 particularly, but if there's a way that we have
to

22 put up -- you know, if in fact cutting down on
the

23 light glare presented a problem, let's say, with
TV

24 people who came to town, unfortunately that's
MVB's

25 bag, not my bag, and so I'm not real adept to
answer

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there. 1 that question, but Parks is. They've been
just 2 They've done it. They know what is needed. I
if we 3 want to make sure that all that's covered, and
that's 4 can do it with temporary for an event, then
that's 5 one way to look at it. On the other hand,
on 6 also an ongoing cost if we're going to do things
7 an ongoing manner. So I just wanted that whole
8 thought process to be included.
your 9 CHAIR MOLINA: Okay. Thank you. Okay, Mr. Matsui,
10 comments to the draft given to you.
is 11 MR. MATSUI: Yeah, it looks okay. My only reservation
from 12 the definition of full cutoff. From what --
13 what Mike showed me, it looks like those are not
14 like fully shielded, the box type, but they are
15 flood lights with, you know, cutoff, and that's
what 16 Musco has also. So, you know, I would have no
17 problem with installing that type of fixtures.
see 18 SUBCOMMITTEE MEMBER ALTENBERG: Mike, I didn't get to
Soft 19 the picture you showed him. Was that of the
20 Lighting Systems?
21 SUBCOMMITTEE MEMBER MABERRY: Yep.
22 SUBCOMMITTEE MEMBER ALTENBERG: All those are fully

flat 23 shielded. Those are full cutoff, completely
24 bottom. So there's no up light whatsoever.
25 SUBCOMMITTEE MEMBER MABERRY: Which means they've got
to

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190 S-OLS 9/25/02

1 be tall. They've got to be bright.
2 MR. MATSUI: Yeah, but I don't think it's 15 degrees,
3 though.
4 SUBCOMMITTEE MEMBER ALTENBERG: No. In fact I would
5 again -- maybe can we do this right now? I move
6 that the 15-degree cutoff text be deleted.
7 SUBCOMMITTEE MEMBER MABERRY: Second.
8 CHAIR MOLINA: Okay. It's been moved by Dr. Altenberg
9 that the 15-degree cutoff be deleted and
seconded by
10 Mr. Maberry. Any discussion?
11 MR. SALDANA: Clarification.
12 CHAIR MOLINA: Okay. Point of -- I'm sorry, you're
not a
13 member, but go ahead, Gary, if you want to
interject
14 comments. It's all right.
15 MR. SALDANA: I can wait, Chair, if you need to. I
just
16 need --

17 SUBCOMMITTEE MEMBER MABERRY: If he wants
clarification
18 for the motion, Mr. Chairman, all fixtures used
for
19 such lighting shall be fully shielded. Is that
20 what --
21 CHAIR MOLINA: Okay. Is that clear? All right. Any
22 other discussion on the motion that's on the
floor?
23 Seeing none, all those in favor say "aye."
24 SUBCOMMITTEE MEMBERS VOICED AYE.
25 CHAIR MOLINA: All those opposed?

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191 S-OLS 9/25/02

Bernard,
1 VOTE: AYES: Subcommittee members Altenberg,
Maberry, McCord, and Chair Molina.
2 NOES: None.
ABSTAIN: None.
3 ABSENT: None.
4 EXC.: Subcommittee member Chong and
Vice-Chair Tavares.
5 MOTION CARRIED.
6 ACTION: APPROVE amendment to Section
.110.D.1.
7 CHAIR MOLINA: Okay. Chair marks it unanimous.
8 SUBCOMMITTEE MEMBER MABERRY: So again -- well, pardon
me.
9 CHAIR MOLINA: Go ahead, Mr. Maberry.
10 SUBCOMMITTEE MEMBER MABERRY: So again, to address
your

we
okay,
order
to
sport
type
events.
do
that
for
revisions

11 concerns, we believe that there is technology --
12 know that there's technology available today,
13 if you're not restricted to 15-degree cutoff and
14 pole height or the type of light, you know, in
15 to get the full color rendition that's necessary
16 safely accomplish the game or whatever type of
17 activity you're doing and to illuminate it
18 sufficiently in order to accommodate whatever
19 of activity we have that may include television
20 broadcasting for specific areas and specific
21 There's technology available right now today to
22 that and we support that. I think I can say
23 for the whole group of us left, maybe, except
24 Warren.
25 CHAIR MOLINA: Okay. Any other suggestions or

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192 S-OLS 9/25/02

1 for Section .110? Okay, Dr. Altenberg.

important
is
Outdoor
that,
that
"Unless
this
have
Bernard.
guys
here.
that?
is.

2 SUBCOMMITTEE MEMBER ALTENBERG: I think it is
3 that there be this escape clause, that if there
4 some kind of lighting purpose where there is no
5 vendor, where it is impractical, that the
6 Lighting Standards Committee, if it determines
7 can allow these specified exceptions that are in
8 this proposed language. So I would move, then,
9 the -- beginning with the text that says,
10 determined by the Outdoor Lighting Standards
11 Committee," that all the text following that in
12 proposed language be added to Section D.1 as we
13 just amended it.

14 CHAIR MOLINA: Okay. Is there a second to the motion?
15 SUBCOMMITTEE MEMBER BERNARD: Second.

16 CHAIR MOLINA: Okay. It's been seconded by Ms.
17 Discussion?

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

20 SUBCOMMITTEE MEMBER McCORD: Yeah, (inaudible) down
21 SUBCOMMITTEE MEMBER ALTENBERG: Oh, you don't have
22 SUBCOMMITTEE MEMBER MABERRY: I probably do. It's
23 probably a matter -- oh, wait a minute. Here it

24 Here it is.

25 SUBCOMMITTEE MEMBER ALTENBERG: Yeah, that's it.

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S-OLS 9/25/02

193

minute 1 CHAIR MOLINA: Members, do you need a one- or two-

2 recess?

3 SUBCOMMITTEE MEMBER MABERRY: Just real quick.

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

5 (Gavel).

6 RECESS: 1:15 p.m.

7 RECONVENE: 1:16 p.m.

Lighting 8 CHAIR MOLINA: (Gavel). Subcommittee on Outdoor

excuse 9 Standards Committee meeting for October --

10 me, October -- September 25th is now back in

11 session.

12 Dr. Altenberg, you have the floor.

Mike 13 SUBCOMMITTEE MEMBER ALTENBERG: So it sounded like

proposed 14 was asking why don't we just use the entire

15 language. I would just amend that. I would say

16 fully shielded luminaires. I'd rather -- that's

17 recommended language over full cutoff. So with

a

18 friendly amendment, it would be that we -- for
19 Section D.1 as currently read we substitute this
20 sheet proposed language where the word "full
cutoff"
21 has been changed to "fully shielded."
22 CHAIR MOLINA: Okay.
23 SUBCOMMITTEE MEMBER ALTENBERG: And then "maintains
the
24 full cutoff characteristics" be amended to
25 "maintains the fully shielded characteristics."

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194 S-OLS 9/25/02

1 CHAIR MOLINA: Okay. It's a friendly amendment or we
can
2 do it in a formal -- let's do it as a formal
3 amendment. Is there a second?
4 SUBCOMMITTEE MEMBER MABERRY: Second.
5 CHAIR MOLINA: Okay. Second. Any discussion? Okay.
All
6 those in favor of the amendment say "aye."
7 SUBCOMMITTEE MEMBERS VOICED AYE.
8 CHAIR MOLINA: All those opposed?
9 VOTE: AYES: Subcommittee members Altenberg,
Bernard,
Maberry, McCord, and Chair Molina.
10 NOES: None.
11 ABSTAIN: None.
12 ABSENT: None.
EXC.: Subcommittee member Chong and
Vice-Chair Tavares.

13 MOTION CARRIED.

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

15 CHAIR MOLINA: Okay. Now we're back to the main
motion.

16 Discussion?

17 SUBCOMMITTEE MEMBER MABERRY: Clarification, I guess.

18 Mr. Chairman, so the first paragraph -- or the
first

19 thing under D stays there and so this is --

20 CHAIR MOLINA: I think the --

21 SUBCOMMITTEE MEMBER MABERRY: -- or are we replacing
that

22 as well?

23 SUBCOMMITTEE MEMBER ALTENBERG: No.

24 CHAIR MOLINA: I think we're deleting the first
sentence.

25 SUBCOMMITTEE MEMBER MABERRY: Okay.

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195 S-OLS 9/25/02

1 CHAIR MOLINA: And the --

2 SUBCOMMITTEE MEMBER MABERRY: No, no, no, I'm not
talking

3 about D.1, okay, both -- we've got both of these

4 things here.

5 SUBCOMMITTEE MEMBER ALTENBERG: D not remains
unchanged.

6 SUBCOMMITTEE MEMBER MABERRY: Okay. D not remains

this 7 unchanged, and so we're -- I thought you wanted
8 language about unless otherwise determined?
9 Subsection SUBCOMMITTEE MEMBER ALTENBERG: That replaces D
10 1 only.
11 SUBCOMMITTEE MEMBER MABERRY: Okay.
12 CHAIR MOLINA: So we're replacing Subsection 1.
13 SUBCOMMITTEE MEMBER MABERRY: So it's --
14 the SUBCOMMITTEE MEMBER ALTENBERG: So it needs to be --
15 numbering on this proposed language needs to be
16 changed.
17 SUBCOMMITTEE MEMBER MABERRY: Okay.
18 needs SUBCOMMITTEE MEMBER ALTENBERG: It needs to be -- D
19 to be changed to 1.
20 SUBCOMMITTEE MEMBER MABERRY: Thanks.
21 changed SUBCOMMITTEE MEMBER ALTENBERG: And 1 needs to be
22 something to A and 2 needs to be changed to B, or
23 along those lines.
24 clear. SUBCOMMITTEE MEMBER MABERRY: Thank you. That's
25 CHAIR MOLINA: Is it clear?

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1 SUBCOMMITTEE MEMBER MABERRY: Okay.

2 SUBCOMMITTEE MEMBER ALTENBERG: Warren has a question.

3 CHAIR MOLINA: Okay, Mr. McCord, would you like
further

4 clarification on that? My understanding is
we're

5 just changing the designation, instead of D,
we're

6 just changing it to the Number 1, and the

7 subsections that are 1 and 2, the two paragraphs

8 below, we're changing those to A and B.

9 SUBCOMMITTEE MEMBER McCORD: But doesn't that
duplicate D

10 up here?

11 SUBCOMMITTEE MEMBER ALTENBERG: No, because this --

12 SUBCOMMITTEE MEMBER MABERRY: Is this all legal?
Because

13 this defines -- this defines what type of

14 activities, which isn't covered here.

15 SUBCOMMITTEE MEMBER McCORD: Okay. Even though the

16 wording is exactly the same in the first

17 paragraph --

18 SUBCOMMITTEE MEMBER MABERRY: First sentence.

19 SUBCOMMITTEE MEMBER BERNARD: Sentence.

20 SUBCOMMITTEE MEMBER McCORD: Okay.

21 SUBCOMMITTEE MEMBER ALTENBERG: Actually --

22 SUBCOMMITTEE MEMBER McCORD: I just need to read this
one

23 more time.

24 CHAIR MOLINA: Okay. Hang on, Mr. McCord. Mr.
Saldana.

Committee

25 MR. SALDANA: I would just recommend that the

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197

S-OLS 9/25/02

1 may want to consider removing the first line --

2 SUBCOMMITTEE MEMBER MABERRY: Thank you.

3 MR. SALDANA: -- in B.

4 SUBCOMMITTEE MEMBER ALTENBERG: Agreed.

5 MR. SALDANA: Because it is redundant.

6 SUBCOMMITTEE MEMBER ALTENBERG: That is redundant.

7 SUBCOMMITTEE MEMBER McCORD: That confuses you.

8 CHAIR MOLINA: Okay. So we'll do that as a friendly

9 amendment. We'll just delete that first line.

10 SUBCOMMITTEE MEMBER McCORD: In 1.

11 CHAIR MOLINA: In 1, right.

12 SUBCOMMITTEE MEMBER MABERRY: So 1 will now start --

13 CHAIR MOLINA: Which was formerly D.

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

15 CHAIR MOLINA: That's correct, we will start with the

16 world "all."

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

18 CHAIR MOLINA: Thank you. Don't feel bad, Mr. McCord.

I

19 was somewhat out there too. Okay. Any other

20 proposals? Okay. At this time, members, the

Chair

21 would like to present two options to the
Committee.
22 We can terminate -- well, the Chair had intended
to
23 go all the way up to Section .170. As of this
time
24 we've reached .110. First option is to not
address
25 these and send these off to Corporation Counsel

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198 S-OLS 9/25/02

1 without any recommendations, or, if the
Committee
2 prefers, we could meet on October 9th.
3 I did state earlier in the year that if
4 necessary we could schedule a second meeting in
5 October. Now, our last scheduled meeting for
this
6 Committee is October 23rd. We could address
7 Sections .120 up till Section .170 for the
October
8 9th meeting, from where we will then send it out
to
9 Corporation Counsel and get their
recommendations
10 back hopefully by October 23rd.
11 Mr. Saldana, did you get any word from
12 Corporation Counsel if that would give them

13 sufficient time to get the -- I guess their
14 recommendations back to us by the 23rd, if we
did
15 meet on the 9th?
16 MR. SALDANA: I did talk to -- I actually have two
17 opinions. I was able to talk to Greg, and then
I
18 mentioned it to Traci about the two-week
turnaround.
19 It's very tight. They would have to prioritize
it
20 to -- because basically they're not only going
to
21 just include our -- our revisions. They're
going to
22 check the bill for form and legality to
guarantee
23 that the things that are said in this draft bill
are
24 consistent with law and, you know, consistent
with
25 the State regulations and what not. So they've

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199 S-OLS 9/25/02

1 got -- they've got quite a process. There's 17
2 sections in this bill, so it would -- it would
make
3 it tough, but they would have to prioritize it
to
4 get it done within that two-week period.

5 SUBCOMMITTEE MEMBER McCORD: Mr. Chairman, could I
make a
6 suggestion?
7 CHAIR MOLINA: Hang on, Mr. McCord. One last
question.
8 So this came from both Greg and Traci?
9 MR. SALDANA: Uh-huh.
10 CHAIR MOLINA: Okay. Mr. McCord.
11 SUBCOMMITTEE MEMBER McCORD: Why couldn't we forward
to
12 Corporate Counsel that portion which we
essentially
13 have completed? Because that's really the --
you
14 know, most of it, and that would give them a lot
of
15 lead time so that when they got just the tail
end,
16 then they could do, you know, a continuation,
but it
17 would certainly give them more time to review
the
18 meat of this thing.
19 CHAIR MOLINA: I think today we've covered most of the
20 areas of concern. I think it was .60 -- .060,
.070,
21 and .110. So I leave it up to the Committee.
Do we
22 need another meeting on October 9th or can we
just
23 forward this on to the Corporation Counsel's
Office
24 for their review and then it comes back to us on
25 October 23rd? Mr. Maberry.

S-OLS 9/25/02

200

forward

Lee

something

think

section

there's

to

and I

of

coordinated

reasonable

1 SUBCOMMITTEE MEMBER MABERRY: Sir, I'm willing to
2 it as is. I don't believe there's anything else
3 that we need to check, but I need to see what
4 says with regards to -- I think there was
5 in the penalties area or something like that.

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

16 SUBCOMMITTEE MEMBER MABERRY: That needs to be
17 with discussion with them as to what's

18 too, doesn't it, Mr. Chair?

Nakao,

19 CHAIR MOLINA: Yes, I agree. Any comments from Mr.

20 Public Works, with regard to that concern from

21 Dr. Altenberg?

RFS

22 MR. NAKAO: Well, right now County has instigated the

complaint

23 system, yeah. I mean we have a Countywide

24 receiving system that's reviewed, goes down to

25 division heads, and sent to the appropriate

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201

S-OLS 9/25/02

1 sections.

2 CHAIR MOLINA: So we have something in existence.

3 MR. NAKAO: We do have a procedure for receiving

4 complaints Countywide right now.

to do

5 SUBCOMMITTEE MEMBER ALTENBERG: So all we would need

ordinance.

6 is make reference to that system in this

should

7 MR. NAKAO: I would just think we would just make

8 reference to the Department, I guess. That

to be

9 be adequate because -- you know, if it's going

any

10 an ordinance, I mean any type of complaint to

that 11 ordinance gets routed to the departments, yeah,
12 are appropriate.
13 SUBCOMMITTEE MEMBER ALTENBERG: Right, okay. In other
14 words, it sounds to me that that machinery is
15 already there. We don't need to create that in
our 16 ordinance.
17 MR. NAKAO: Correct.
18 SUBCOMMITTEE MEMBER ALTENBERG: But what we -- I think
we 19 do need to be specific about how the -- you
know, 20 what turns on Public Works to investigating a
21 possible violation. There's nothing mentioned
in 22 that currently. I think it should be dependent
on 23 somebody filing a complaint, which basically
means 24 that if everybody around you is happy with your
25 light, even though it may be out of conformance,
the

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202 S-OLS 9/25/02

you 1 County can't come to you and say you have to --
2 have to change your -- you know, you have to fix

Those 3 that. Similar to, say, noise pollution laws.
just 4 have to be -- the State Health Department can't
to 5 come to somebody and say you have to -- you have
6 fix this air conditioning unit. There has to be
So 7 somebody who filed a complaint to initiate that.
draft 8 that's what I'm suggesting be inserted in this
9 ordinance.
10 MR. NAKAO: That's going to create an enforcement
11 nightmare because if it's an ordinance, it's the
12 law. You follow it or you pay the fine, right?
I 13 mean, I don't know how you can pass an ordinance
or 14 law and expect to enforce it when it's only
15 complaint driven. It's like what she was saying
16 about taking lobsters, yeah, well, nobody
complained 17 about me taking lobsters.
18 SUBCOMMITTEE MEMBER MABERRY: They don't have the
19 personnel to go around beating on everybody's
door 20 measuring their light outputs.
21 CHAIR MOLINA: The light police, right.
22 SUBCOMMITTEE MEMBER ALTENBERG: So you're saying that
23 no -- you don't need -- first of all, you don't
need 24 any additional text to allow a citizen to file a
25 complaint, and number two, you shouldn't make
that a

203 S-OLS 9/25/02

1 requirement for initiating enforcement.
2 MR. NAKAO: Right. It shouldn't just be complaint
driven,
3 and I know enforcement is not black and white.
I
4 mean we've seen it with the vacation rentals
issue,
5 right, you know, but it's very difficult from an
6 enforcement perspective if, you know, we go out
7 there and there are violations, well, then now
I'm
8 going to file a complaint, then.
9 SUBCOMMITTEE MEMBER ALTENBERG: I see.
10 MR. NAKAO: You know, I mean it's -- the rules are on
the
11 books, yeah, and we have to follow it, yeah.
12 CHAIR MOLINA: Okay. Mr. McCord.
13 SUBCOMMITTEE MEMBER McCORD: I'd like to make a
motion.
14 CHAIR MOLINA: Proceed.
15 SUBCOMMITTEE MEMBER McCORD: I move that we forward
the
16 entire document to Corporate Counsel, and if
there
17 are any fine tunings that need to be done at the
18 next meeting, we can take them up there, but
let's

19 get their opinion on the whole package.
20 CHAIR MOLINA: Okay. The motion has been made by
21 Mr. McCord to forward the document to the
22 Corporation Counsel's Office. Is there a
second?
23 SUBCOMMITTEE MEMBER MABERRY: Second.
24 CHAIR MOLINA: Okay. Mr. Maberry has seconded.
25 Discussion? Mr. McCord, as the maker of the
motion,

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204 S-OLS 9/25/02

1 do you have anything to say or do you yield?
2 SUBCOMMITTEE MEMBER McCORD: No, actually, the only
thing
3 I would like to say is that, you know, there may
be
4 a few more points to consider, but let's get an
5 overview on this whole thing, because we don't
want
6 to put a time constraint on this thing and then
have
7 it fail. I really want to see this thing move
into
8 the next stage.
9 CHAIR MOLINA: Okay. So noted, Mr. McCord. Mr.
Maberry.
10 SUBCOMMITTEE MEMBER MABERRY: Yes, sir, I agree. I
think

11 maybe we're going to be changing a couple of
12 numbers, but I don't think it's going to affect
the
13 overall legality of the document. So I think
it's
14 probably a good, safe time to have the review.
15 CHAIR MOLINA: Any other discussion to the motion on
the
16 floor? Hearing none, all those in favor say
"aye."
17 SUBCOMMITTEE MEMBERS VOICED AYE.
18 CHAIR MOLINA: All those opposed?
19 VOTE: AYES: Subcommittee members Altenberg,
Bernard,
Maberry, McCord, and Chair Molina.
20 NOES: None.
21 ABSTAIN: None.
22 ABSENT: None.
23 EXC.: Subcommittee member Chong and
Vice-Chair Tavares.
24 MOTION CARRIED.
25 ACTION: TRANSMIT draft bill to the
Department of
the Corporation Counsel to
incorporate
revisions.

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205 S-OLS 9/25/02

1 CHAIR MOLINA: Okay. Thank you very much. Chair will
2 mark it unanimous. Well, members, thank you.
If
3 there's anything -- yes, give yourselves a round
of

do 4 applause. Thank you. We will -- okay, yes, I
completed 5 have one announcement. Maui Electric has
6 the installation of the demonstration lighting
7 project along Kula Highway which fronts King
8 Kekaulike High School. The project includes the
9 installation of two LPS lights, fully cutoff
high 10 pressure sodium lights and partially shielded
high 11 pressure sodium, and unshielded high pressure
sodium 12 lights. So anyway, at your own time if you want
to 13 go up and take a look at it.
14 Mr. Saldana, about approximately how long
15 will this be -- this is not permanent, I
presume, 16 right?
17 MR. SALDANA: No, it wasn't permanent, but they -- the
18 Committee I think did ask that we keep it in
through 19 the term of the Committee.
20 CHAIR MOLINA: Okay. So at least October 31st, at the
21 earliest.
22 MR. SALDANA: So, yeah, it will be in at least that
long. 23
24 CHAIR MOLINA: Okay.
25 SUBCOMMITTEE MEMBER ALTENBERG: Question.
CHAIR MOLINA: Okay. Dr. Altenberg.

S-OLS 9/25/02

206

1 SUBCOMMITTEE MEMBER ALTENBERG: Can the County issue
some
2 kind of public notice to make the public aware
of
3 this?

4 CHAIR MOLINA: As a matter of fact, Mr. Saldana was
going
5 to issue a press release.

6 SUBCOMMITTEE MEMBER ALTENBERG: Excellent.

7 CHAIR MOLINA: So we will be doing that. Our thanks
go
8 out to Maui Electric, along with Dowling and
9 Company, Philips Lighting, and Dimensions
Electric
10 for their assistance in providing the staffing,
11 equipment, and everything else that goes with
this
12 demonstration project.

13 So the Chair also again thanks you all
for
14 your hard work. We've got one more meeting on
15 October 23rd. Can I get a confirmation from
16 everybody that they will be here, 9:00 o'clock?
17 Okay, good, and I'm sure Mr. Chong will be here
too.

18 Mr. McCord.

19 SUBCOMMITTEE MEMBER McCORD: Could you define a little
20 more closely exactly which light is which on the

21 highway?
22 CHAIR MOLINA: Good question.
23 SUBCOMMITTEE MEMBER McCORD: One more time just so
that --
24 CHAIR MOLINA: Okay. According to what I have in
front of
25 me, the installation of two low pressure sodium

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207 S-OLS 9/25/02

lights, 1 lights, fully cutoff high pressure sodium
lights, 2 and partially shielded high pressure sodium
3 and unshielded high pressure sodium lights. So
that's 4 there's like four different types of lighting
5 going on over there.
6 SUBCOMMITTEE MEMBER McCORD: So it's low, fully
shielded,
7 partially shielded, and then the fourth is just
--
8 CHAIR MOLINA: Yeah, fully cutoff high pressure
sodium,
9 partially shielded high pressure sodium, and
10 unshielded, uh-huh.
11 SUBCOMMITTEE MEMBER McCORD: Okay.
12 CHAIR MOLINA: And also the installation of two --
13 SUBCOMMITTEE MEMBER MABERRY: Mr. Chair.

14 CHAIR MOLINA: -- low pressure sodium lights.
15 Mr. Maberry.
16 SUBCOMMITTEE MEMBER MABERRY: If you will, it's -- as
17 you're going toward your house at night on the
18 left-hand side just after -- primarily just --
it
19 starts just after the turn-in to Kekaulike High
20 School, on your left, start looking at the
lights
21 along there.
22 CHAIR MOLINA: Okay. All right. With no other
23 announcements, the Chair will adjourn this
meeting.
24 Next meeting is October 23rd, 9:00 a.m. This
25 meeting is adjourned. (Gavel).

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208 S-OLS 9/25/02

RC, CT) 1 SUBCOMMITTEE MEMBERS VOICED NO OBJECTIONS. (Excused:
bill 2 ACTION: DEFER pending receipt of revised
Corporation 3 from the Department of the
4 Counsel.
5 ADJOURN: 1:31 p.m.
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209 S-OLS 9/25/02

1 C E R T I F I C A T E
2 STATE OF HAWAII)
3) SS.
4 CITY AND COUNTY OF MAUI)

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Reporter

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Honolulu,

I, Jessica R. Perry, Certified Shorthand
for the State of Hawaii, hereby certify that the
proceedings were taken down by me in machine shorthand
was thereafter reduced to typewritten form under my
supervision; that the foregoing represents to the best
my ability, a true and correct transcript of the
proceedings had in the foregoing matter.

I further certify that I am not attorney for any
the parties hereto, nor in any way concerned with the
cause.

DATED this 22nd day of October, 2002, in
Hawaii.

Jessica R. Perry, CSR NO. 404
Notary Public, State of Hawaii
My Commission Expires: 5/11/03