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M I N U T E S

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SUBCOMMITTEE ON OUTDOOR LIGHTING STANDARDS

12

(PUBLIC WORKS AND TRANSPORTATION COMMITTEE)

13

Council of the County of Maui

14

Council Chamber

15

July 10, 2002

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2 S-OLS 7/10/02

	1	CONVENE:	9:02 a.m.
	2	PRESENT:	Councilmember Michael J. Molina, Chair Councilmember Charmaine Tavares, Vice-
Chair	3		Hannah Bernard, Member Richard Chong, Member
	4		Mike Maberry, Member (In 9:03 a.m.) Warren McCord, Member
	5		
	6	EXCUSED:	Lee Altenberg, Member
	7	STAFF:	Gary R. Saldana, Legislative Analyst Camille Sakamoto, Committee Secretary
	8	ADMIN.:	Robert Tam Ho, Assistant Chief, Department of Police
Program	9		Cary Yamashita, Assistant Engineering Manager, Engineering Division, Department of Public Works and Waste Management
	10		
Supervisor,	11		Greg Nakao, Electrical Inspection Land Use and Codes Administration, Department of Public Works and Waste Management
	12		
	13		Clayton Yoshida, Deputy Director, Department of Planning
	14		Joseph Alueta, Planner, Department of Planning
	15		Kalvin Kobayashi, Energy Specialist, Department of Management
	16		Gregory J. Garneau, Deputy Corporation Counsel, Department of the
Corporation	17		Counsel
	18	OTHERS:	Steve Sutrov Lynne Woods, President, Maui Chamber of Commerce
	19		Randy Nakama, Maui Electric Company, Ltd.

Resort	20		Bill George, Renaissance Wailea Beach
			Leslie Kuloloio
	21		Additional attendees (6)
Oi	22	PRESS:	David DeLeon, Maui Weekly and Maui No Ka
	23	
. .			
	24		
	25		

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	1	CHAIR MOLINA:	(Gavel). Committee on Outdoor Lighting
for	2		Standards is now back in -- is now in session
	3		July 10th, 2002. For the record, we have in
Subcommittee,	4		attendance the Vice-Chairperson of the
members	5		Councilmember Charmaine Tavares, Committee
Excused	6		Warren McCord, Rick Chong, Hannah Bernard.
	7		are Mike Maberry and Lee Altenberg. From the
	8		Corporation Counsel's Office we have Mr. Greg
our	9		Garneau, and staff members we have Gary Saldana,
	10		Legislative Analyst, and Camille Sakamoto, our
	11		Committee Secretary.
while,	12		Good morning, members. It's been a

can 13 and I'm glad to see you back here again so we
14 tend to business.
15 ?: Morning.
hearing 16 CHAIR MOLINA: Good morning. Members, prior to
of 17 testimony, I wanted to provide a brief overview
meeting. 18 the items we will be discussing at today's
19
20 ITEM NO. 1: OUTDOOR LIGHTING STANDARDS (MISC.)
on 21 CHAIR MOLINA: Today I'd like to focus our discussions
22 the sections of the draft bill that the
Subcommittee 23 has selected for review, and to refresh your
memory, 24 these include Section .070 on lamp standards;
25 Section .080 on luminaire standards; Section
.130,

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1 existing light fixtures; Section .100 on street
2 light installation, illumination, removal, and
3 alteration guidelines; Section .090, luminaire
mount 4 standards; and Section .050, general exemptions,
and

to 5 I'll be giving more detail on these items prior
6 our discussion.
like 7 If there are no objections, members, I'd
8 to proceed with public testimony at this time.
9 COUNCILMEMBER TAVARES: No objections.
10 MS. BERNARD: No objections.
we 11 CHAIR MOLINA: Okay. Thank you. Our first testifier
prior 12 have today is Steve Sutrov, and, Mr. Sutrov,
13 to testimony, just to remind everyone, that all
14 those wishing to testify, you have three
minutes.
subject to 15 An additional minute will be given to you
16 the discretion of the Chair. If your testimony
is 17 not completed, an additional three minutes will
be 18 given after all others have been heard.
Testifiers 19 are requested to state their name for the record
and 20 to indicate who they are representing, and to
21 minimize any disturbances during the meeting,
please 22 turn off all pagers and cellular phones or set
them 23 to the silent mode.
ahead 24 So at this time, Mr. Sutrov, you can go
25 and begin.

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1 . . .BEGIN PUBLIC TESTIMONY. . .

2 MR. SUTROV: Hi. My name is Steve Sutrov. I'm

to

3 representing just myself this morning. I'd like

Lee

4 thank Mike Maberry for just showing up. Without

parts

5 and him both here it would be a couple body

6 missing here. It would be kind of tough to

7 function, I would think, but I think I'll have

this

8 plenty of support here for moving forward with

9 discussion.

10 I want to thank all those at this meeting

11 that are here, those not getting paid and are

12 missing work, thus being -- having to pay to be

13 here -- I'm one of those, for an hour, anyway --

good,

14 those getting pay and working for the public

open

15 our public servants, and those -- this being an

16 democratic process, I want to thank all those

are

17 getting paid to represent private parties that

18 here. I hope we can all come together for the

our

19 common good of all of Maui here and to protect

our 20 limited natural resources, which is I think what
do 21 primary goal is here, to protect our island and
bill. 22 what's right for Maui County with this draft
and I 23 It's been a while since we've met here,
24 know we've all had an opportunity to reflect on
looking 25 what's out there. I hope you've all been

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now 1 around you when you're driving down the roads
island. 2 and noticing good light and bad light on our
lots 3 We have both. There's a lot of good parking
4 with appropriate lighting, full cutoffs. The
put 5 County's installing -- having new subdivisions
6 in appropriate lighting in a couple locations in
is 7 Kihei by Kamalii Elementary, I think. The State
highway 8 actually using full cutoff fixtures in some
9 installations, and so it's -- there is some good
lot of 10 lighting being installed, but there's still a

will 11 work to be done out there, and this draft bill
what 12 take care of all those loose ends, and that's
13 we need to do.
14 By replacing poor, wasteful lighting with
island 15 good lighting we all act responsibly to our
16 community, our citizens, our critters, and our
without 17 visitors. We all have the right to sleep
night, 18 lights in our eyes, to walk a dark beach at
spotlights. 19 and watch the breakers by moonlight, not
20 Our visitors should be also rewarded with the
every 21 natural environment that we promise them in
to 22 brochure and ad that we get -- that we give them
23 get them here.
24 We've been here before, too, in this
process. 25
that 25 Maui has had a draft lighting ordinance in 1996

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1 the Subdivision Standards Committee went through

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extensive public review. They sent out to about

different community organizations and groups for

comment, ideas on a comprehensive draft lighting

ordinance for the County. Over a year's period

time this was worked on. It was formulated into

draft that went out to the community again for

review. It got -- it got sent to Public Works

draft form to be adopted. It wanted low

sodium lighting. It wanted limited lighting in

rural areas. There was other things that were

incorporated into the outdoor lighting -- the

lighting standards, but we did have an outdoor

lighting ordinance before that got lost. It got

blocked because it was supposed to go for review

MR. SALDANA: Three minutes.

MR. SUTROV: -- and public hearing and it did not, as

as I understand. It just got changed and

before a public review happened, by the Director

Public Works, and so it got stopped, and I don't

want to see this process stopped.

I think we need to keep this open

We need to move forward with this. We need to

refining 24 it passed this stage. We're supposed to be
25 and defining the current draft. If something's

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be 1 going to be deleted out of this draft, it should
point. 2 a unanimous consensus to take it out at this
draft, 3 If not, let's just discuss it, define it for the
public 4 Public Works Committee to review, rewrite the
5 put it up for public hearing. I want those
6 hearings to go --
7 MR. SALDANA: Four minutes.
possible. 8 MR. SUTROV: -- to go to different locations if
wrap 9 CHAIR MOLINA: Mr. Sutrov, if you could go ahead and
10 up.
11 MR. SUTROV: Yeah, I can wrap up right now.
12 CHAIR MOLINA: Okay. Go ahead.
full 13 MR. SUTROV: I'd just like to see it brought up for
areas 14 public review at the end, going to different
something 15 of the community for review, and so it's

16 the community can accept and live with. And so
17 that's all I have now, and I wish you all the
best
18 of luck.
19 CHAIR MOLINA: Okay. Thank you, Mr. Sutrov.
20 Committee members, any questions for the
21 testifier? Okay, Ms. Bernard.
22 MS. BERNARD: Thank you for your testimony, Steve. It
23 sounds like you're saying what you really want
is an
24 opportunity for the public, excuse me, to be
able to
25 review this and get their input. It's pretty
clear

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1 that's important to you.
2 MR. SUTROV: Yeah, that's, I think, most important.
It
3 seems like the public has -- is being left out
of
4 this. I know these are public hearings and all,
but
5 as far as discussions on the floor right now, we
6 have opportunity for public testimony, but the
7 public is waiting out there for what is
happening
8 here, and I think we need it to get to that
stage

from 9 where we can see what comes from this, comes
your 10 the Public Works Committee after they review
is 11 work, and then -- so the public can see if what
to 12 there is acceptable or not. So by opening it up
13 the public more -- as much as you can, it will
14 shorten the process.
15 MS. BERNARD: Okay.
questions 16 CHAIR MOLINA: Thank you. Members, any other
17 for the testifier at this time?
18 Seeing none, thank you, Mr. Sutrov.
19 Committee Secretary, is there anyone else
20 signed up for testimony?
one 21 Okay, seeing none, the Chair will make
gallery 22 final request. Is there anyone out in the
The 23 wishing to testify? Now is your time. Okay.
on 24 Chair, seeing none, will close public testimony
25 today's item.

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1 . . .END OF PUBLIC TESTIMONY. . .

2 CHAIR MOLINA: Okay, members, at our last meeting the
3 Subcommittee reviewed the following matters:
One,
4 which was the applicability of the Sunshine Law
to
5 the operation of this Subcommittee; a commitment
of
6 the Subcommittee to continue its mission and
pursue
7 the objective bestowed on it by the Public Works
and
8 Transportation Committee; review of the
feasibility
9 of a street light demonstration project on Kula
10 highway, the status of which is as follows: A
11 single 90 watt LPS has been installed, two full
12 cutoff HPS lights are in place, a shielded HPS -
-
13 shielded HPS lights are currently installed, and
we
14 are awaiting the installation of a 180 watt LPS
15 lamp. Okay, so that's the status currently with
16 regards to that project.

17 The -- as far as meeting dates for the
18 remainder of this term, the Chair would like to
19 inform the Committee we have a meeting scheduled
20 August 21st, Wednesday; September 25th, also on
a
21 Wednesday; and the final meeting, if needed,
October
22 23rd. So, members, if you'd like to make note
of
23 that. This information I believe will be posted
in

24 your binder, possibly.
25 And the Subcommittee requests the
following

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1 information: Disposal procedures for wasted LPS
2 lamps from the County of Hawaii, and then to
proceed
3 with the street lighting demonstration project,
and
4 a determination of ability to retrofit LPS
lights to
5 existing poles and provide an analysis of
spacing
6 requirements, pole strengths, and current street
7 lighting levels. And the responses should be in
8 your binders to some of the requests that were
made.

9 So, again, I'm just giving you all an
update
10 to get us back on track here. I know it's been
11 several months. Mr. Chong.

12 MR. CHONG: Chairman Molina, just one question on that
180
13 watt LPS luminaire. When is that going to be
14 erected?

15 CHAIR MOLINA: Staff? Mr. Saldana?

16 MR. SALDANA: Mr. Chair, there was a little bit of a

bulbs. 17 mix-up when they sent us the fixtures and the
90 18 We had been notified -- told that we would get
and 19 and 135 watt fixtures. We ended up receiving 90
- or 20 180, so as a result we -- we requested the 135 -
21 the 35 watt -- 135 watt low -- LPS lamp, but
22 obviously it didn't -- wasn't going to work. So
we 23 had to go back to Philips and ask them if they
would 24 donate a 180 watt bulb for the project and we
are 25 awaiting delivery of that and they haven't given
us

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1 a time specific yet.
2 MR. CHONG: Thank you.
3 CHAIR MOLINA: Thank you, Mr. Chong, Mr. Saldana.
And,
4 members, you'll note that the resource personnel
5 that we usually have up here, I've asked to have
6 them resituated back there. There were some
7 logistical concerns getting everybody all up
front.

8 So our personnel out there, doesn't mean we
don't
9 want you around. We still want you around, so
we
10 will call you whenever there's a question with
11 regards to the field that you represent. So
even
12 though you have been relocated, you're still
13 considered a valuable resource to the workings
of
14 this Subcommittee.
15 And for the public's information, the
people
16 the Chair's invited to participate in this
17 Subcommittee: Representing the Public Works and
18 Waste Management, we have Greg Nakao and Cary
19 Yamashita. From the Department of Planning, we
have
20 Joe Alueta. From the Department of Parks and
21 Recreation, Mr. Miyazono, who is on call if
needed,
22 and also we have Chief Tam Ho from the Police
23 Department who's here today, and our County
energy
24 specialist, Kal Kobayashi.
25 And other resource people we did invite
but

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1 cannot attend, the State Department of Health,
Solid
2 and Hazardous Waste branch. OSHA was invited
but
3 will not attend. We had Dr. Wainscoat at our
last
4 meeting from the University of Hawaii. I don't
see
5 him in the gallery today. We have today, from
the
6 Chamber of Commerce, Lynne Woods. Terryl Vencel
from
7 the Maui Hotel Association, I don't see her here
8 today, but she's a usual participant. Calvin
Dang
9 from the Safe Community of Hawaii, Incorporated.
10 Mr. Nakama, Randy Nakama from Maui Electric is
here.
11 Randy Piltz, from the commercial lighting
industry,
12 I don't see him here today, but he usually
13 participates. I see Bill George as a
representative
14 from the hotels and resorts, he's also here, and
of
15 course we have our cultural resource
representative,
16 Uncle Les Kuloloio.
17 And Dr. Altenberg is out of the country,
18 members, and unable to attend this meeting.
19 However, prior to his departure, he did provide
a
20 list of recommendations for our consideration.
So
21 his recommendations have been provided in a

binders, 22 memorandum dated July 9th, which is in your
23 members, and it involves numerous sections. So,
24 therefore, instead of reviewing each of his
up 25 recommendations that he made, I'd like to take

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1 his suggestions during the discussion of the
2 applicable sections when we get there.
3 For now I'd like to focus on -- focus our
4 attention on redrafting the bill, and as
referenced 5 earlier, we have selected six sections to be our
6 priority for discussion, and being that we only
7 have, after today, three more meetings, I'd like
to 8 get this wrapped up as soon as possible, and let
us 9 concentrate on developing language for the
10 in an effort that we can hopefully reach a
11 consensus, and after we have reached consensus
on 12 the section, I would ask that we vote to include
13 new language in the draft bill.
14

15 SECTION .070, LAMP STANDARDS

16

17 CHAIR MOLINA: The first section that I'd like to
address
18 is .070, lamp standards. And if you reference
in
19 your binders a memorandum dated March 4, 2002 to
the
20 Subcommittee, you will see a matrix which
identifies
21 the revisions that have achieved preliminary
22 consensus from the Subcommittee, and in that
matrix
23 you will note one of Dr. Altenberg's
24 recommendations, which was submitted on the July
9th
25 memorandum. At this time the Chair would like
to

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1 ask the members if you would like to include
2 Dr. Altenberg's recommendation into this
section?
3 ?: So moved.
4 CHAIR MOLINA: Okay.
5 MS. BERNARD: Second.
6 CHAIR MOLINA: All righty. The Chair will take that -
-
7 actually, we don't really need a motion. So is

any 8 that -- the Chair will just ask for a general --
wall 9 objections? No objections? Okay. Up on the
recommendations 10 Mr. Saldana has put up a matrix of
11 for your information. Okay. Any discussions --
12 additional discussions on .070?
13 Maybe, Mr. Saldana, if you'd like to go
14 ahead, we could walk through each recommendation
15 that's been made thus far.
you'll 16 MR. SALDANA: Okay. Thank you, Mr. Chair. What
17 see in the matrix are a series of wording --
18 language changes that have occurred over the
first 19 six meetings of the Subcommittee. These are our
20 recommendations that the Committee has made and
has 21 formed a consensus on for these various sections
and 22 subsections -- or actually subsections to .070,
and 23 basically what you'll note is in each of the --
each 24 of the items there are -- we identify which
language 25 was -- what language was changed in the bold --
in

1 the bold print.

2 So, for example, .070 A shall read "lamps
3 with" -- and I've just made the change that the
4 Committee has recommended, "with 3000 or greater
5 lumens of output shall be required to be low
6 pressure sodium vapor lamps, except in the
7 following," and that particular section

continues

8 on. Then the next section is .070 A.1. Excuse

me

9 one second. I want to get the actual bill in

front

10 of me.

11 COUNCILMEMBER TAVARES: Mike?

12 CHAIR MOLINA: Uh-huh.

13 COUNCILMEMBER TAVARES: Where is that matrix?

14 CHAIR MOLINA: Gary, that matrix is where specifically

in

15 the --

16 MR. SALDANA: The matrix will be at -- if you look at

--

17 in your binders --

18 ?: March 4th.

19 MR. SALDANA: -- under a memo dated March 4th, 2002.

20 ?: Thanks.

21 MR. SALDANA: It will be in there.

22 Okay. So the next change is with regards

to

23 .070, lamp standards, 1.A, and it references --

this

sales, 24 is referencing out -- lighting for outdoor
25 dining, et cetera.

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just a 1 CHAIR MOLINA: Okay. Gary, could you stand by for
2 second. Members, everybody find your matrix?
3 ?: No.
find 4 MS. BERNARD: No, but that's okay. I don't need to
5 it. I'll find it.
6 CHAIR MOLINA: Chair's going to call a short recess.
(Gavel). 7 Recess subject to the call of the Chair.
8 RECESS: 9:19 a.m.
9 RECONVENE: 9:21 a.m.
10 CHAIR MOLINA: (Gavel). Outdoor Lighting Subcommittee
11 meeting for July 10th is now back in session.
12 Members, prior to continuing on with the
13 matrix, we had a request from the Police
Department
14 to offer their comments at this time. The
15 representative from the Police Department does
have
16 to go. Are there any objections to hearing
remarks

17 from the Police Department at this time from the
18 Subcommittee?
19 SUBCOMMITTEE MEMBERS: No objections.
20 CHAIR MOLINA: Okay. If not, okay, Chief Tam Ho, if
you'd
21 like to come up to the front here and offer your
22 remarks on behalf of the Police Department.
23 MR. TAM HO: Good morning.
24 SUBCOMMITTEE MEMBERS: Good morning.
25 MR. TAM HO: Just to give you some history on the Maui

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I
meeting.
and
Police
gentlemen
gentlemen,
1 Police Department's position. I know a lot has
2 happened. You've been having numerous meetings.
3 came to the first meeting and the second
4 We made our position clear and nobody listened
5 this thing continued.
6 So let me give you the history of the
7 involvement. Months and months back three
8 came to the Police Department. I think it was
9 Mr. Maberry, Steve Sutrov, and another

staff, 10 and they requested to speak to our executive
11 and at that time they came in and they said they
had 12 this dream, and there was three of them, and
they 13 wanted to change the entire lighting in Maui
County, 14 and they told us that they knew that this would
not 15 happen, there was no hope, and we told them at
that 16 time that we were against it, totally against
it, 17 and we will be speaking up and we're not
supporting 18 this thing because it's bad for the County.
19 And next thing I knew I was called to
come 20 here because they had a committee going, a
21 Subcommittee going, and at that first meeting I
22 stated again our position, and then I attended a
23 second meeting and I asked Mr. Molina, do you
really 24 need us here, because obviously nobody's
listening 25 and you're proceeding. And at that time he told
me,

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1 yes, you're not needed anymore.

2 So now today I get this notice, and

obviously

3 you've accomplished a lot and you're moving

forward,

4 but I just want you to know that our executive

5 staff, our entire command staff -- we have 455

6 employees. We have 335 sworn officers. This is

a

7 bad thing. We're against it. We -- obviously

8 you're not in agreement with us, and that is

okay,

9 and I, you know, admire your initiative to go

10 forward and try to accomplish -- and from three

11 people you've grown. You've got this room

almost --

12 you know, you've got people here listening. So

13 you're accomplishing things, but this is a bad

14 thing, and we'll testify wherever we have to to

put

15 this thing down. This is not good for the

County.

16 Any questions for me before I leave?

17 CHAIR MOLINA: Okay, Mr. Maberry.

18 MR. MABERRY: Mr. Chairman, Chief, sir, just for

19 clarification, your primary concern was from a

20 safety and security standpoint as far as -- and

21 primarily against low pressure sodium lamps and

not

22 necessarily against shielding; is that correct?

23 MR. TAM HO: No, that's not correct.

24 MR. MABERRY: Okay. Please clarify, then.

25 MR. TAM HO: You know, the thing is that we met with
you.

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1 We met with you for a while.
2 MR. MABERRY: Yes, sir.
3 MR. TAM HO: We discussed this thing, and we gave you
our
4 clear position on this, so don't try to twist
this
5 thing around with shielding and stuff like that.
6 The thing is we said it's bad. Now, that's our
7 position. Now, shielding, you've got to deal
with
8 Public Works or the Highway Division, whoever
you
9 want. If they want to shield, it's fine with
us.
10 That's not our concern. Our thing is the
lighting.
11 We never talked about shielding.
12 MR. MABERRY: Again, clarification. So the primary
thing
13 that you're against is low pressure sodium lamps
14 because of color rendition and this is related
to
15 safety and security; is that correct?
16 MR. TAM HO: Okay. The point is this, what you're
trying

17 to do is you're trying to get me to compromise.
18 MR. MABERRY: No. No, sir.
19 MR. TAM HO: That's what you're asking me. I'm
telling
20 you our position is no. Now, whatever else you
do,
21 that's up to you. Okay. And I made it very
clear
22 on the very first day, and our Chief made it
clear
23 to you and you didn't listen to us, and that's
why
24 we're not happy with you.
25 CHAIR MOLINA: Okay. Members, any other questions for

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1 Chief Tam Ho? Ms. Bernard.
2 MS. BERNARD: I appreciate your coming down here to
say
3 these things, and I know it means a lot to you.
And
4 I want you to know that, at least from my
5 perspective, it's not that we're ignoring you
and
6 that we aren't hearing you. There does need to
be a
7 discussion about where we can go from here. So
we
8 asked to have the Big Island Police Department
give

9 us some information.

10 In San Diego they have low pressure

sodium

11 lighting, and from what we've heard there is not

a

12 safety issue from -- so far as we know in terms

of

13 the rendition of the color. Now, in terms of

14 decreasing the lighting on the beaches and

places

15 like that, I can understand your concern, and

we're

16 looking at how do we do this and find a place

where

17 it's still safe and can we do this and just hold

our

18 ground. If you're happy with things the way

they

19 are now, can we at least hold ground rather than

20 increasing lighting on Maui?

21 MR. TAM HO: Okay. The thing is with any issue you're

22 going to have opposing sides, right? So

whatever

23 information you gather is going to support your

24 side. So if you go do studies in the mainland

and

25 get their studies and you go to the Big Island -

- I

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1 know the chiefs on the Big Island. I talked to
them
2 about this thing. They hate those lightings,
but
3 you're going to go and gather information that's
4 going to pad your side to support your position,
but
5 the Maui Police Department, we're taking a
stand.
6 We took it from day one, and we're not wavering
7 here. We're not compromising. We're not
wavering.
8 I just left my Chief and he said, you go up
there
9 and you tell these people like it is. And
that's
10 what I'm doing today.
11 CHAIR MOLINA: Okay. Mr. Chong, followed by Mr.
McCord.
12 MR. CHONG: Hi. If you've been at these meetings you
know
13 that I'm probably the only guy here that's
against
14 low pressure sodium.
15 COUNCILMEMBER TAVARES: Not necessarily.
16 MR. CHONG: Okay. Thank you. Just some food for
thought.
17 In our information that we got, San Diego County
is
18 now changing back to high pressure sodium.
Okay.
19 They are creating a zone around Mount Palomar --
20 which is what drove the low pressure sodium
issue --

they 21 as a low pressure sodium zone, but it is now --
22 are now pushing to switch back to high pressure
23 sodium. And just for clarification, I mean, I
24 understand the Police's concern, and also, on
the 25 other side, even though I don't like low
pressure

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like 1 sodium, I do believe that cutoffs and things
2 that, design correctly and things like that have
a 3 place here on Maui and all this -- and
throughout 4 the State, and I think it would not compromise
your 5 job if it's high pressure sodium or metal
halide. I 6 do think it will compromise your job if it's low
7 pressure sodium.

8 CHAIR MOLINA: Thank you, Mr. Chong. Mr. McCord.
9 MR. McCORD: I think it's time to revisit the Police
10 Department. I think that we have a little
11 miscommunication here, because I'm on this panel
to 12 try and do some light depredation reversal as
well

need 13 as maintain a balance between those people that
thing 14 light for sports facilities and that sort of
concerns 15 and beach protection and some of the other
16 of Haleakala, turtles, et cetera.
17 I think we need to come back and tell you
low 18 where this has progressed to. It is not just
a 19 pressure sodium anymore. We are now looking at
20 whole spectrum of lights, and surely the Police
that we 21 Department can't be concerned about the fact
example, 22 want to make lighting on play fields, for
All 23 be more in compliance with modern standards.
at 24 you have to do is go to King K and take a look
see 25 what it's done to the neighborhood and you can

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implemented 1 that there is a program that needs to be
2 to change those light invasions of the private
3 residences and that sort of thing.

We're 4 And that's part of what we're doing.

we 5 not just doing low pressure sodium, so I think

where 6 need to come back and talk to you and tell you

object 7 this whole thing is going and then have you

than 8 to those parts where you're concerned, rather

9 the whole ordinance.

10 CHAIR MOLINA: Chief, any comments?

doing 11 MR. TAM HO: Okay. You just mentioned that you're

that 12 other lightings. Okay. Is -- in that packet

anything 13 you're reading, that ordinance, is there

14 about low pressure sodium?

15 MR. McCORD: Yes.

sodium. 16 MR. TAM HO: So you're pushing for low pressure

17 MR. McCORD: No, no, no. You misunderstand. The

alternatives. 18 Committee is looking at a whole lot of

19 Low pressure sodium is one out of, say, five

issues. 20 MR. TAM HO: Okay. So if you take low pressure sodium

21 out, then we'll look at your package.

22 MR. McCORD: Well, I thought --

out. 23 MR. TAM HO: Take it -- that's our position, take it

know, 24 MR. McCORD: Yeah. Because you initially said, you

to 25 you object to the whole thing. I think you need

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low 1 know that it's become a lot broader than just
2 pressure sodium.
3 MR. TAM HO: Oh, I realize that, but I know the main
4 initial push is low pressure sodium. So take it
5 out, we'll look at your packet. I'll take one
with 6 me today.
7 MR. McCORD: Well, we don't -- we don't have that
position 8 totally solidified yet, but I think we need to
9 about this, because there must be a need in some
10 areas to reduce, you know, ambient light that's
11 going to affect the Haleakala National
Observatory 12 business up there and the turtles, but it
doesn't 13 mean that we have to put low pressure sodium all
14 over the island. So I think we need --
15 MR. TAM HO: So you're in agreement that you're going
to 16 take low pressure sodium out of this ordinance?
17 MR. McCORD: No. I think we can use it. It just
doesn't 18 mean that we're going to use it totally.

19 MR. TAM HO: See, the thing is you want me to
compromise,
20 but --
21 MR. McCORD: No.
22 MR. TAM HO: -- you're telling me --
23 MR. McCORD: We want you to become informed as to
where
24 we're headed.
25 MR. TAM HO: No, I'm informed. I know exactly what
you're

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trying 1 doing. I know from the very day what you're
what 2 to do. I mean, it's not that I'm not aware of
doing. 3 you're doing. I'm fully aware of what you're
4 CHAIR MOLINA: Okay.
don't 5 MR. McCORD: You know more than I do then, because I
6 know where it's going to end up.
we've 7 CHAIR MOLINA: Okay, Mr. McCord, thank you. I think
8 discussed this matter enough, this particular
9 session of questioning here.
the 10 And, again, I want to inform everybody

island 11 Chair's intent is not to convert this whole
look 12 into low pressure sodium. We're just taking a
lighting. 13 at all avenues of this issue of outdoor
14 Nothing is finalized yet, and the input from the
is 15 Police as well as every other entity or industry
16 valued by this Committee.
up 17 And, again, whatever this Committee comes
the 18 with is not final because then it has to go to
so 19 Public Works and Transportation Committee. And
but, 20 it's -- it will be somewhat of a long process,
21 again, I think it's at least healthy for the
for 22 community to hear all of the concerns, whether
need 23 or against, to look at alternatives and what we
24 to do if there is a real serious problem.
myself, 25 But one of the priorities, I know for

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1 and I'm just guessing for some of the Committee

think 2 members, is its impact on public safety. I
Tavares, 3 for myself, as a legislator, and for Ms.
me, 4 the safety of the public comes first. So for
would 5 that's my angle. And if Councilmember Tavares
you 6 like to comment from her perspective, you know,
question 7 can give that perspective as well.
8 I'm sorry, Ms. Bernard, you had a
9 for the Chief.
10 MS. BERNARD: I just wanted to clarify the position, I
us 11 think, of this Subcommittee has not been one of
12 having a particular perspective that we want to
and 13 drive forward without any sense of compromise,
think 14 I'm dismayed and I'm sorry to hear that you
we're 15 that there is no spirit of compromise and that
16 asking you to --
17 MR. McCORD: Me too.
because 18 MS. BERNARD: -- come up with all the compromise,
we've 19 that certainly hasn't been what we've -- what
we're 20 been doing here. And quite the contrary, what
21 talking about is how do we reduce intensity in
we 22 certain places and how do we hold ground so that

that 23 don't end up with a place that is so overlit
24 our turtles no longer nest here and you can no
25 longer see the night sky.

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island 1 We're not talking about turning this
completely 2 into a place that's so dark that you're
That 3 out manned and you're unable to do your jobs.
to 4 certainly isn't our intention. Our intention is
5 make Maui and keep Maui a good place to live and
with 6 visit, that balances the needs of the community
7 the wildlife that also live here.

8 So please, you know, if you take anything
speak 9 away from this day, understand that I think I
and 10 for all of us here, we have been compromising
getting a 11 looking for ways to compromise, and we're
getting 12 little hung up on the language, but we're
13 closer and closer. So we're hearing the low
saying, 14 pressure sodium is not popular. Already I'm

the 15 okay, I can live without low pressure sodium on
16 beaches if that's really where we have to go.
best 17 There's other alternatives. That's just the
18 one for the turtles. That's all.
19 MR. TAM HO: Yeah, the thing is if you can, you know,
gave 20 understand our frustrations. From day one -- I
21 you the history. These three gentlemen came to
us 22 from day one and we told them our position, and
we 23 came to the hearing again and we said it again,
but 24 it seems like nobody listens to us, and that's
part 25 of our expertise, public safety. Nobody's

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forward 1 listening, and this thing continues going
2 and there's still low pressure sodium in that
3 ordinance that you're going to review today, and
4 that's why it's very frustrating to the Police.
You 5 know, we want to cooperate. You know, if you're
6 doing something good, we're going to back you
up,

listens 7 but from day one we told you no, and nobody
8 to us.
9 MS. BERNARD: We're listening. We are.
your 10 CHAIR MOLINA: Okay. Thank you very much, Chief, for
11 comments. Mr. Maberry.
have 12 MR. MABERRY: Real quick. Just to let you know, I
Committee 13 learned an awful lot while sitting on this
14 since the day I met with you, and my mind is
15 changing on a lot of issues too, so I would
16 appreciate that you understand that.
17 MR. TAM HO: That's good.
18 MR. MABERRY: Thank you.
19 CHAIR MOLINA: Okay. Thank you very much, Chief.
20 MR. TAM HO: Thank you.
.070? 21 CHAIR MOLINA: Okay, members, comments on Section
22 Oh, I'm sorry, Mr. Saldana, turn it back over to
this 23 you. Would you like us to lower the lights in
24 case? Members, are you having --
25 COUNCILMEMBER TAVARES: You can't read it anyway.

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1 ?: Now that we've --

2 ?: They're going to follow their chart.

3 COUNCILMEMBER TAVARES: Now that we found the chart.

4 CHAIR MOLINA: Okay. So you guys are okay with it.

Okay.

5 I just wanted to make sure nobody has any

problems

6 with vision or anything. Okay. As you read it

7 along, Mr. Saldana, we'll follow along.

8 MR. SALDANA: Okay, great. So the next section that

we

9 were talking about is .070.A.1, and in there

you'll

10 notice the recommendation is eliminate the

wording

11 "LPS lamps are not required," and that is the

last

12 few words of that particular paragraph. So it

was

13 recommended that we eliminate that.

14 The next recommendation is .070.A.1.A,

where

15 we would add the words "hours of operation"

after

16 the word "during." So it would read "outdoor

sales,

17 eating or dining areas during hours of

operation."

18 The next section is .070.A.1.B, shall be

19 rewritten to read, "industrial or mechanical

20 assembly or repair areas."

21 .070.A.1.C shall read as follows:

22 "recreational, sports, or public assembly

facilities

23 and other similar applications."
24 And then we added -- there was a
25 recommendation to add a Section E, which would
refer

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1 to architectural accent lighting.
2 Moving on to .070.B, there was some level
of
3 discussion regarding the use of -- use and sale
of
4 mercury vapor lamps here in the County, and
there
5 hadn't been a consensus at that time. However,
6 there was going to be some further discussion
7 between Dr. Altenberg and Member Chong, and
there
8 has -- at this point there hasn't been a
discussion
9 at the Committee level, so it wasn't included as
a
10 potential recommendation here. So that's an
area
11 that may -- the Committee may want to focus in
on.
12 The next one is .070 C. .070 C
references
13 the wattage of the LPS lamps that are
recommended

Division 14 for roadways, and it was recommended by the
15 of Engineering that we change those numbers for
16 internal road -- road sections and intersections
to
17 90 watt. So that section would read, "For
roadways
18 within rural or agricultural areas, the maximum
19 allowable wattage shall be 90 watt LPS for
internal
20 roads and intersections with major or minor
21 collector roads."
22 The next change would be added to both
23 Section C -- at the end of Section C and D,
would be
24 the wording "unless IESNA, Federal, and State
25 standards require greater illumination for this

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1 usage."
2 And then finally, .070 D would also
change
3 the wattage for internal roads and intersections
4 with major and minor collector roads, and the
5 internal roads wattage would be 90 watt LPS and
then
6 135 watt low pressure sodium at the
intersections.

Saldana. 7 CHAIR MOLINA: Okay. Thank you very much, Mr.

8 Members, any questions on the proposed

9 recommendations or any revisions, suggestions at

10 this time for Section .070? Okay. Seeing none,

11 members, let's --

12 MR. McCORD: Yes.

13 CHAIR MOLINA: Oh, Mr. McCord.

14 MR. McCORD: I guess I'm getting a little confused. I

15 argued with the Chief because I felt that he

came in 16 with -- to dump the whole thing, and I don't

believe 17 that's really what the Police Department means.

I 18 just think he didn't understand what we were

trying 19 to do here. However, I am concerned in that we

talk 20 about a lot of this low pressure sodium

throughout 21 the County, and frankly, I just haven't made up

my 22 mind that, you know, that's the best thing for

the 23 County. Now I'm taking the Chief's side.

24 You know, I think there's got to be some

25 compromise. I don't think we can go to a low

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I've 1 pressure sodium throughout the County. I guess
think 2 kind of come to that conclusion. I just don't
I'm 3 that it's a practical thing for Maui County, and
we're 4 not sure that, you know, I like what's -- what
standards up 5 saying right here is that we're setting
6 for every light standard in the County for low
7 pressure sodium. I just don't know that that's
8 where I want to head, and I may be a minority of
9 only two, but I think that I'm getting a little
10 confused in that we're talking about this stuff,
I'm 11 we're putting it back into the ordinance, and
12 not sure that's where I want to go.
just 13 CHAIR MOLINA: At this time, Mr. McCord, these are
the 14 proposals. Nothing is finalized yet, and that's
15 purpose for discussing it right now. If it's
change 16 something that the Subcommittee maybe has a
17 of heart -- of course when these proposals were
had 18 made, this was back in March, and now that we've
additional 19 the break to adjust -- to digest all the
20 information that has come related to outdoor
21 lighting, you know, there may be room for
compromise

22 now, and that's the purpose of having this
23 discussion right now. If some of you feel there
24 should be changes made now to these initial
25 recommendations made back in February and March,

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1 now's the time to do so.

2 I saw Mr. Chong's hand up. I'm sorry,
3 Mr. Maberry.

4 MR. MABERRY: Yes, sir, thank you very much, Mr.
Chairman.

5 I attended a conference last week. Some of the
6 other members did as well, and probably some of
the
7 people in this room attended a conference where
we
8 talked about Maui's economic future, and we kind
of
9 were told that there's sort of a three-legged
stool
10 that Maui sits on as far as its future economy
goes,
11 of course with one of the most important ones
being
12 tourism -- or the most important one being
tourism,
13 and -- but we talked about the -- what is now
the
14 third newest leg as being technology. And the

15 cornerstone of technology in Maui County is the
16 activities that are undertaken at the summit.
17 As was mentioned awhile ago, that even as
San
18 Diego, you know, changed back to HPS, that they
19 recognized that there needed to be sort of a
buffer
20 area around the observatories in order to
protect
21 those assets. I am -- as I stated, I'm moving
more
22 and more away from what probably was our
original
23 intent in order to save, you know, the whole
night
24 sky and, you know, going LPS across the whole
25 County. One of the problems is is the close

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1 proximity of very major large areas of
residences
2 and businesses to Haleakala and the clear view
that
3 it has.
4 You know, hypothetically speaking, if we
were
5 to be able to get shielding, if we had the funds
to

likely 6 get shielding on all the lights, which isn't
7 to happen any time in the near future with our
8 current economical condition, that would hold
the 9 ground at a certain level that would still be
beyond 10 what is deemed, you know, acceptable for
11 observatories, but it would be better than
seeing an 12 increase.
13 If we take the position that we are not
going 14 to use LPS at all anywhere, like, say, for
example 15 restricting LPS only to new street light
16 installations and new parking lots, then the
only 17 other alternative that we have is no increase in
18 light in Maui, or inevitably, eventually, even
with 19 shielding, because of the way the photons
reflect 20 off the ground, they eventually go up to the
21 mountain and damage our assets up there.
22 So I am flexible. I'm willing to move,
but 23 I'm also at a bit of a quandary here because we
were 24 told at this same conference what -- the future
25 growth of people on Maui, and as you continue to

trying
trying to
of
have on
in
something,
help.
the
their
all
stance of
of
put

1 grow, they want more lights. And what I was
2 to get to with the Chief is is verifying exactly
3 what his concern was and -- which I wasn't
4 trick him, in all honesty, but along the lines
5 what Hannah asked, is the amount of light we
6 Maui right now sufficient? Can we draw a line
7 the sand, so to speak, can we stop, or
8 but if we simply --
9 Just to let you know, shielding will
10 It will definitely help our people enjoy -- have
11 ability to continue to enjoy the night sky at
12 homes, but it won't necessarily protect your at
13 assets at the summit. Thank you.
14 CHAIR MOLINA: Okay. Thank you, Mr. Maberry. As we
15 heard, the Chief made it very clear on the
16 the Police Department. The Chair's appreciative
17 you being real flexible on this. Mr. Chong.
18 MR. CHONG: I find this new found enthusiasm for
19 compromise very nice to hear. Sorry. I had to

that, 20 that in. I'd also like to bring up a point
21 you know, Dr. Wainscoat, when he went to the
Chile 22 conference in Chile, mentioned that, you know,
knowledge, 23 is in -- I guess, in my weak astronomical
observation 24 on the southern hemisphere the pristine
Chile 25 site in the southern hemisphere, so much that

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1 has enacted a country-wide lighting ordinance of
enough, 2 shielding requirements, but interestingly
not 3 you've got to remind yourself that Chile does
high 4 require low pressure sodium. Okay. They are a
not 5 pressure sodium country throughout. They have
Dr. 6 created any buffer zones by their mountain that
never 7 Wainscoat mentioned. Maybe I'm wrong. I've
8 been to Chile, but I find it very interesting.
9 CHAIR MOLINA: Okay. Thank you, Mr. Chong.
10 MR. MABERRY: May I just respond to that?

11 CHAIR MOLINA: Mr. Maberry.
12 MR. MABERRY: He's absolutely correct. The only --
the
13 only thing I'd point out is that the nearest
14 villages are hundreds of miles away from the
15 observatories. There's no direct line of sight,
so
16 there is a natural buffer zone that we don't
enjoy
17 here. Thank you.
18 CHAIR MOLINA: Thank you, Mr. Maberry. Members --
19 Mr. McCord.
20 MR. MCCORD: I guess in the spirit of compromise I
think
21 what I was trying to say was, for example, we're
22 talking about light standards -- low pressure
sodium
23 for intersections as well as collector roads.
It
24 seems to me that, you know, we could do
something in
25 the way of reducing the impact to the
observatory

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1 and the turtles if, for example, we didn't
change
2 the lighting pattern on intersections, which is

traffic 3 certainly the more dangerous situations for
we 4 accidents, you know, that sort of thing. Maybe
the 5 leave the intersections alone and just go into
6 subdivisions and reduce the light impact on the
7 standards that are out there in front of houses.
8 I think there's a whole lot of compromise
9 that can go on here that we really haven't even
of, 10 talked about yet, and it's going to take a lot
thing 11 you know, nitty-gritty compromise to make this
get 12 work and to get the Police Department happy, to
turtles 13 the observatory happy, and to make all the
14 smile.
15 CHAIR MOLINA: That's hopefully a goal that we can all
all 16 consider, something that we can -- we may not
17 necessarily be totally happy with, but something
18 that we can at least live with without
compromising 19 public safety.
20 Any other comments or suggestions for
Section 21 .070 at this time, members? Okay. Seeing none
at 22 this time -- please feel free to interject if
along 23 the way you want to refer back to Section .070
if 24 something sparks your mind to say something,
please

25 don't hesitate to do so.

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1 Okay, members, let's go to Section 8, but
2 before we do, Mr. Saldana, I know you had
offered
3 something to me, but I was in the middle of
hearing
4 one of our Subcommittee members and trying to
listen
5 to you also. Would you like to share what you
had
6 with me for the Committee?
7 MR. SALDANA: Thank you, Mr. Chair. All I was going
to
8 suggest is during the break that the
Subcommittee
9 had, I had the opportunity to read a few
10 ordinances -- lighting ordinances from
throughout
11 the county -- or from throughout the country.
It
12 seems like a lot of them, when they're
referencing
13 outdoor lighting, will make a blanket statement
such
14 as all exterior lighting shall be full cutoff
15 fixtures with the light source fully shielded,
and

to 16 then it gives a variety of different exceptions
or 17 the rule. And instead of getting into whether
low 18 not the light should be high pressure sodium,
leaves 19 pressure sodium, metal halide, it pretty much
20 that to the discretion of the designer or the
21 individuals that are -- or the area itself.
22 However, it does set some level of criteria.
looking 23 So if the -- if the Subcommittee was
24 to get away from the use of low pressure sodium,
to 25 they may want to utilize that as a compromise,

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cutoff 1 go -- to utilize the language such as fully
2 or partially shielded type lighting.
3 The other thing that comes to mind is a
4 discussion that we had with the representatives
from 5 Dark Skies, and the Chair sat in on that
meeting, 6 and one of the things that he recommended, and
he 7 showed us photographs of this, was the use of
low

you -- 8 pressure sodium with white light. He said if
receive 9 if you use the combination, you could still
10 color retention, and he showed us pictures of
light 11 every -- every third light that was a white
12 and -- but all the rest of the lights were the
low 13 pressure sodium, and you could actually see the
14 colors of the cars under the light. So there
are 15 other types of alternatives that can be utilized
to 16 help the process. If you don't want to go
totally 17 low pressure sodium, you can combine it with a
18 white -- some type of white lighting.
19 CHAIR MOLINA: Because that was one of the concerns
20 mentioned, especially from the Police
Department, 21 about the discoloration of certain items. So
this 22 gentleman, I don't seem to recall his name,
23 Mr. Saldana, maybe you can brief the Committee
on 24 it, but he said you can use a combination of the
25 white light mixed in with the low pressure
sodium so

41

no
of
1 at least it achieves the objective that there's
2 discoloration, especially when there's matters
3 crime involved and identifying a vehicle and so
4 forth.

5 I'm sorry, Mr. McCord or --

6 MR. McCORD: No.

7 CHAIR MOLINA: -- is it Mr. Maberry?

8 MR. McCORD: I was just agreeing.

9 CHAIR MOLINA: Oh.

10 MR. McCORD: I think that's the solution is to, you
know,

11 do some of these compromises so that we --

12 CHAIR MOLINA: Oh, I'm sorry.

13 MR. McCORD: Do some of these compromises so that the
14 Police Department understands that they can
carry on

15 with what they need to do in the way of
16 identification and apprehension, if necessary,
but

17 that there are areas where we can use some of
this

18 technology to -- I don't want to draw a line in
the

19 sand, because I'm told that we've already
20 compromised our observatory. I want to see, you
21 know, the lights at King K shielded. I want to
see

22 some of the subdivision lights reduced. I want
to

that we 23 see this technology industry on Maui grow so
24 don't rely just on one leg of a stool.
25 CHAIR MOLINA: Okay. Thank you, Mr. McCord. Mr.
Maberry.

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I'd 1 MR. MABERRY: Sir, I'd be interested -- Mr. Chairman,
that 2 be interested in hearing Mr. Chong comment on
3 as a designer, you know, if that's --
4 MR. CHONG: On what --
5 MR. MABERRY: What he just said.
6 CHAIR MOLINA: Mr. Chong.
street 7 MR. CHONG: Obviously if you're going to design any
8 roadway with alternating light sources, you
still 9 have to meet all the requirements of the
standards 10 that you're designing to, whether it's State
11 Highways, Federal Highways, IESNA, but if --
12 assuming you could meet all those requirements,
I 13 would -- I would then be worried about a
strobing 14 effect. I mean, we've never designed a street
that

15 way, but now you're running --
16 CHAIR MOLINA: Mr. Chong, can you design strobing
effect.
17 I'm a non-techie.
18 MR. CHONG: Strobing is what -- most people think of
19 strobing as you experience in a nightclub. You
20 know, it's a light that flashes, and it -- and
it
21 just flashes at you, and that's a real basic
22 strobing concept, but -- and you have strobing
23 effects from tunnels, tunnel lighting. That's
24 always an issue in tunnel lighting. You have
25 strobing effect from the -- an HID lamp source,

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the 1 actually, in the old magnetic ballast will cause
2 lamp -- it actually strobes. So if you're -- if
3 you're working on a piece of machinery that has
the
4 same cycling as that lamp, that piece of
machinery
5 will appear that it's not moving, and it's very
6 dangerous in an industrial application.
7 So there's lots of strobing effects. So
if

and 8 you're driving down this highway at a set speed
next, 9 you're going from one color rendition to the
the 10 that at a certain speed will become a problem I
11 think visually for people. And I don't know if
12 gentleman here was Dr. Crawford? Okay.
13 Dr. Crawford, he's the founder of Dark-Sky
14 Association, and he lives in Arizona. Formerly
would 15 worked up at Kitt Peak and all this, but that
would 16 be my concern as a designer, how does -- how
17 that work?
where 18 I think in, say, like a parking lot,
can 19 speed is not an issue, that's -- that probably
to 20 work to a certain degree, although you're going
like. 21 wonder what this parking lot's going to look
mean, 22 And maybe the retail people won't like it. I
most 23 retail people right now nationwide there is --
halide 24 of us designers, again, are putting in metal
25 because of the color rendition and the
appearance.

halide,
for a
I'm
see.
to
Mokulele
highway
it's
the

1 Maui Mall, unfortunately I did it, is metal
2 but it's fully -- full cutoff. And we did it
3 reason.
4 So if you start to interject low pressure
5 sodium, there's an aesthetic issue there that
6 not sure property owners or developers want to
7 If the ordinance requires it, obviously we have
8 live with it. That's some general comments.
9 CHAIR MOLINA: So noted, Mr. Chong. Thank you. Okay,
10 members.
11 MR. McCORD: Mr. Chairman.
12 CHAIR MOLINA: Mr. McCord.
13 MR. McCORD: Just if you want an example of strobe
14 lighting, all you have to do is drive down
15 Highway in the late afternoon. That's the worst
16 strobe lighting anywhere on this island.
17 Fortunately, they're going to redesign that
18 and put in four lines.
19 MS. BERNARD: Because of the trees.
20 MR. McCORD: It's the trees that make the strobe, and
21 very difficult to drive down Mokulele Highway in

where 22 late afternoon. I would think, though, that
that's 23 we're talking about constant speed highways,
24 not a great idea, because if you get to that
25 constant speed, you do strobe, but in a
residential

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you're -- 1 neighborhood you don't do that. You know,
2 that's where we can do this kind of thing, and
3 that's where it's going to be tricky to put this
4 into the ordinance, but I think that's where we
can
5 start to make some impact on the light
depredation
6 on this island, is like in residential areas and
7 parking lots. For Maui Mall and Kaahumanu, they
8 aren't the -- I don't think they're the worst
9 offenders in this place. The worst offenders
are,
10 unfortunately, some of our recreation areas and
that
11 kind of thing, and those areas can be dealt
with.
12 CHAIR MOLINA: Okay. Thank you, Mr. McCord. Ms.
Bernard.
13 MS. BERNARD: In light of moving things along, it
looks

here, 14 like we're moving towards some actual language
discussion on 15 possibly, and so before I ask for some
that 16 language, I'd just like to make the statement
This 17 there's been a lot of talk about compromise.
18 ordinance was drafted by folks who looked at
those 19 existing ordinances and saw the problems with
saw 20 ordinances and saw problems with enforcement and
make 21 problems with definitions and they said let's
22 it the best that we can.
it 23 They came up with this model knowing that
24 was coming to this table for discussion, and I
all 25 understand Rick's feeling outnumbered. However,

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is 1 we've said the whole timing from the beginning
has 2 what do we need to do to make it work, and there
table, 3 never been any uncooperative spirit at this

the 4 and I really want to remind people of that, for
5 record, and also to say that it's time for some
now? 6 language. Do we want to go ahead and do that
language 7 Does somebody feel like making a motion for
like 8 for that type of lighting in stationary areas
9 parking lots? Are we ready?
to 10 CHAIR MOLINA: Members, Ms. Bernard, I guess we'll get
we 11 that bridge when we cross it, but we can -- as
12 look at these recommendations for .070, is there
far as 13 any -- which of these concerns the members as
14 language that needs to be adjusted? Anything on
15 .070.A, which reads "lamps with 1800 or greater
16 lumens of output shall be required to be low
17 pressure sodium vapor LPS lamps, except in the
particular 18 following," any concerns regarding that
19 recommendation? Mr. Chong.
20 MR. CHONG: Well, this whole discussion has been about
21 that. I mean, we --
22 CHAIR MOLINA: Yeah.
23 MR. CHONG: I think this Committee has not come to any
require 24 kind of consensus as to where we're going to
Police 25 low pressure sodium, if at all, and keep the

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is 1 Department happy, and this paragraph right here

we're 2 the key. I mean, if we're -- for example, if

3 not going to do low pressure sodium, this whole
4 paragraph needs to be just chunked.

5 CHAIR MOLINA: It's all about LPS.

I 6 MR. CHONG: Because that's what it's all about. So --

made 7 mean if -- so I think the decision has to be

do 8 where we're going to -- if at all we're going to

look 9 low pressure sodium, and then from there we can

10 at writing or rewriting this section, and if the
11 decision is to, again, go any lamps with full
12 cutoff, then this paragraph is not needed.

this? 13 CHAIR MOLINA: Okay. Feedback from the members on

14 Of course this particular section is the key to
15 everything at this point, or the area where
there's

16 the most -- if I should -- if this is the
17 appropriate word, contention, so -- well,
members,

Maberry. 18 let me get feedback from each of you. Mr.

19 MR. MABERRY: Okay. This is not going to sound in the

within, 20 same spirit as which we said we were working
under no 21 but what I -- what I hear from Mr. Chong is
any 22 circumstances can he see doing designs that will
23 meet the criteria and the needs that includes
24 low pressure sodium, and what I'm saying is I am
25 willing to move away from low pressure sodium as

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either 1 being blanket across the whole County, but I
pressure 2 need some help in certain areas with low
are 3 sodium or he needn't design any more lighting
4 systems for Maui and we hold it right where we
from 5 plus we shield everything. So I need to hear
as 6 him that there is some compromise as far as --
7 far as his position goes, that there is some way
8 that we can meet the needs and protect the
9 observatories.
10 CHAIR MOLINA: Chair's comments on that is I think we
have
11 to determine where it is essential to have LPS,
if

most 12 needed at all. I'm getting a feel that -- from
shielding, 13 of the members that people can live with
14 rather than instituting LPS. Comments, members?
15 Well, Mr. Maberry, you wanted feedback from
16 Mr. Chong? Your response at this time, Mr.
Chong.
17 We can --
18 MR. CHONG: I think you're correct in the sense -- in
19 saying that I don't think anybody on this
Committee
20 has a problem with full cutoff full shielding.
I
21 think that's -- and I don't have a problem with
22 that. I've stated that before. I do have a
problem
23 with LPS. I will never as a designer like LPS.
24 I've worked with it on the Big Island. It is no
25 fun. That's just my position.

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1 CHAIR MOLINA: Okay. Thank you, Mr. Chong.
2 MR. McCORD: I think there's a use for LPS in certain
3 circumstances, but I agree that, you know, if we
4 talk about every lamp with 180 -- 1800 lumens,
we're

revise

Lahaina

I

full

light

not

at

to

5 talking about an island-wide blanket. I think
6 that -- you know, that's not going to fly, in my
7 opinion, and so I think what we need to do is
8 some of this wording so that we can work low
9 pressure sodium into areas where it can be used
10 effectively and work on making intersections and
11 parking lots and maybe the whole historic
12 downtown area exceptions to low pressure sodium.
13 don't know how to write that, but this paragraph
14 obviously isn't going to fly.
15 CHAIR MOLINA: Okay. Ms. Tavares, any comments?
16 COUNCILMEMBER TAVARES: Yes. I think way back when we
17 first started we talked -- or I supported the
18 shielding/full cutoff as our approach to our
19 problem here on the island, and, you know, I'm
20 so much interested in the low pressure sodium
21 business, but I was looking at the -- in looking
22 the ordinance the way it's written, you know,
23 with -- we've got a whole bunch of exceptions to
24 things once we set a standard, and I'm beginning
25 wonder if rather than having a whole bunch of

within 1 sections, that if we divide up and have areas
2 the ordinance that will address the types of
3 lighting we're talking about by areas, you know,
4 like rural, streets --
5 CHAIR MOLINA: Coastline.
6 COUNCILMEMBER TAVARES: -- urban streets, coastline,
7 sports facilities, and then have the -- what's
the 8 allowable going to be in there, but I -- if we
were 9 to go in the direction that we're going to
support 10 full cutoff and shielded lighting as our goal
for 11 Maui County, then we wouldn't need to, you know,
12 describe each and every type -- different type
of 13 activity, but if there's going to be a mix of
14 lighting, as has been suggested, then I think we
15 need to look at some of the things by area and
by 16 purpose. Like we're talking just here about
17 intersections. Intersections will be a
different 18 standard. Well, if you have an intersection and
19 it's lit with the current lighting but it's
fully 20 shielded and cut off, then you're going to solve
a 21 lot of the problem.

22 I'm just not convinced that there's
enough
23 examples out there that low pressure sodium is
the
24 answer, and we do have to listen to what the
Police
25 are telling us. You know, it's important.
We're

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1 not -- they have a tough job out there, and I
think
2 you can see that Mr. -- our Chief was very
3 frustrated. I don't think the frustration just
4 comes from this discussion. I think it's one
little
5 part of the whole world of Police right now in
Maui
6 County, where you're shorthanded and people are
7 working double time, overtime, whatever, there's
not
8 enough applicants and those things. So, you
know,
9 while I didn't particularly appreciate his
style, I
10 can understand his frustration. So, I mean, you
11 know, I think we need to deal with this low
pressure
12 sodium issue first, and that will give us the

13 direction for the rest of the way.
14 CHAIR MOLINA: Okay. Thank you, Ms. Tavares.
15 Ms. Bernard.
16 MS. BERNARD: Sounds like we're ready for some
language.
17 CHAIR MOLINA: Okay.
18 MS. BERNARD: Because we already have a fully shielded
back to
19 section, which is Section .080. So if we go
20 7, .070, instead of saying, "Low pressure sodium
21 vapor lamps shall be the only allowed lamp" --
I'm
22 directing this especially to you, Mike -- if we
23 change the wording at this place to: Low
pressure
24 sodium vapor lamps shall be the only allowed
lamp,
25 and then like Charmaine suggested, in these

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1 particular areas and then with these standards
for
2 this -- for the intensity and for light -- for
color
3 rendition.
4 What I need to know is is that something
that
5 you could live with if we changed certain
coastal

the 6 areas? Because I know we're not going to change
I've 7 entire coast of Maui to low pressure sodium.
they're 8 already heard from the hotel industry that
interested 9 not interested in that. And I'm really
10 in having this not die right here and not losing
turtle 11 ground. So if -- in the spirit of protecting
me. 12 nesting habitat, holding ground is acceptable to
but, I 13 I would love to recover some nesting habitat,
that we 14 mean, wouldn't it be great if Maui could say
rather 15 actually helped recover endangered species,
okay, 16 than just kept them from going extinct. But
17 all right, I'm willing --
18 CHAIR MOLINA: Okay.
want 19 MS. BERNARD: -- we're going to go there. So what I
20 to know from you, Mike, is --
21 CHAIR MOLINA: Ms. Bernard, yeah --
22 MS. BERNARD: -- can you live with that?
had 23 CHAIR MOLINA: -- let's let Mike respond. I know you
digest 24 several questions, and I think Mike can only
25 so much at a time. And I was going to ask you a

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1 couple of questions too, but I'll let Hannah go
2 first. You can respond to her questions first.
3 MR. MABERRY: As far as coastal areas go, I personally
4 feel that if you were to do some serious
5 grandfathering to existing beach front lighting
that
6 is already in existence and that you work with
them
7 and hopefully that they will -- I mean, maybe
within
8 an ordinance maybe dealing with them directly
that
9 we can get them to do some shielding, and, if
10 possible, depending on the light that they're
using,
11 to maybe move toward an amber shield, which is -
- we
12 were shown as still provides very good color
13 rendition, a lot better than LPS.
14 MR. CHONG: I _____ disagree.
15 MR. MABERRY: And that in all new areas that will be
16 developed, where there aren't lights on the
beach
17 right now, that they follow the same standards
that
18 have been established in Florida. I think that
19 would protect our turtles. That's my
20 recommendation.

21 CHAIR MOLINA: Okay.

22 MR. MABERRY: Again, it's not that I love LPS so much.

23 It's just that if we -- the bottom line is with
the

24 natural growth of Maui County, inevitable growth
of

25 Maui County, if we fully shield every single
light

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1 and we stick to the standards that are required
for
2 insurance and safety, you know, et cetera, the
3 growth of light, I don't care if it's fully
4 shielded, will eventually make the observatories
5 useless, period.

6 So, you know, to me, I kind of like what
7 Warren is saying, that if we can find at least
in

8 some areas where -- for example, like the big
box

9 parking lots, there's so much light in those
parking

10 lots. You can't tell me that they couldn't live
11 with some LPS in order to reduce the overall
12 pollution from those places. And, again, I'm
13 willing to say, grandfather and then only new

like 14 places, and I'm sorry if the new owners don't
this 15 it. If it means losing these assets, losing
that's 16 third leg of our economic stool, then maybe
17 something we have to get them to compromise on.
18 But that's -- that's my answer to your
19 question. I hope it wasn't too long, but that's
is 20 sort of my bottom line. If there's -- if there
that 21 no opportunity either, you know, for us to say
there 22 you simply cannot put any more lights up, then
moved 23 must be -- LPS must be a tool. I'm totally
where 24 away from when we first met with the Chief and
Island, 25 we wanted the whole island LPS like the Big

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of 1 but, again, it's inevitable. We will lose use
2 the observatories period, even with full cutoff
3 shielding.
4 CHAIR MOLINA: Mr. Maberry, at this point in time, the
stage 5 so-called light pollution, is this at a crisis

major 6 right now for the observatory and causing a
7 interference in their work?
document 8 MR. MABERRY: We have been waiting on this latest
9 that just came in the mail in order for
Professor 10 Wainscoat to run some -- he received a program
that 11 will help define exactly what it is, and we were
12 waiting on these standards -- on this
information on 13 the spacing and et cetera, and I haven't gotten
it 14 to him and he is on an observing run on the Big
15 Island, so he wasn't able to attend. Hopefully
I 16 can tell you, you know, from the -- from the
17 preliminary data work up that he did that he
18 reported to the Committee at our last meeting,
yes, 19 there is an impact right now. And, again, the
20 problem is the close proximity and the direct
line 21 of sight from, you know, areas like Kihei and
22 Kahului and Wailuku. They're very close.
They're a 23 lot closer than, say, Hilo is to Mauna Kea, and,
24 again, there's a great distance from populated
areas 25 in Chile to the observatories, and basically
they're

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and 1 not allowing development near the observatories,

2 that's why they're not going LPS.

3 CHAIR MOLINA: Okay. Thank you, Mr. Maberry.

point? 4 Members, any other comments at this

5 The Chair is getting a sense that possibly

in 6 scrapping, as was suggested, the language that's

the 7 .070 and just enforce the proposal of shielding

problems, 8 lights, that could alleviate a lot of the

9 rather than making it a mandatory or requirement

10 that we have LPS. I know we're missing one

just 11 Subcommittee member and his opinions, but I'm

and 12 throwing that out at the Committee to consider,

13 maybe at this time if -- as Ms. Bernard had

or 14 suggested earlier, if someone -- maybe herself

15 someone would like to make a motion to this

16 particular matter or others. Ms. Bernard.

17 MS. BERNARD: I would not like to see that completely

perhaps a 18 scrapped. What I'd propose is that we get

can 19 map of Maui and look at the places -- maybe they

and, 20 be identified by Mike -- that are the hot spots
the 21 you know, really go area by area and think about
do 22 trends and then go from there. You know, can we
have 23 a mixture and what can we do and look at it that
24 way. I think that would be more helpful if we
25 the maps and we can see where the turtle nesting

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where 1 habitat is, where the current development is,
2 the development is slated, and then talk about
and 3 specifically do we now -- are we in agreement,
members. 4 I'd like to hear from the other Committee
5 Would you be willing to support new development
6 having LPS?
7 CHAIR MOLINA: Mr. Maberry, can you provide for the
possible 8 Subcommittee Ms. Bernard's request, is that
9 by the next meeting?
to 10 MR. MABERRY: I would hope so, sir. Again, I'd have
of 11 talk to Professor Wainscoat, but that was sort

that he 12 what he planned to do with this new software
13 received.
14 CHAIR MOLINA: Okay. Mr. McCord.
we 15 MR. McCORD: Well, I'll make a motion, because I think
16 need to move this thing along. We've only got
three 17 more meetings to work on this thing, and I'd
like to 18 make a motion that the Committee consider
scrapping 19 the language in .070.A for a compromise on a
within 20 multiple use of different kinds of lighting
21 specific areas for Maui County.
by 22 CHAIR MOLINA: Okay. The motion is on the floor made
23 Mr. McCord. Is there a second to that motion?
24 MR. McCORD: Was it too complicated?
25 CHAIR MOLINA: Mr. Chong, would you like the motion

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1 restated?
2 MR. CHONG: Yeah, could you restate that again.
Sorry.
3 MR. McCORD: I'll try again.
4 CHAIR MOLINA: If you could simplify it a little bit
or

5 shorten it.

6 MR. McCORD: All right. I move we scrap .070.A
language

7 for a paragraph which would read to consider

8 lighting standards for specific areas of Maui
County

9 using different models, low sodium, shielding,
high

10 sodium pressure, whatever your tactical language
is.

11 I think it needs to be more inclusive, rather
than

12 just saying low pressure sodium. Does that make

13 sense?

14 CHAIR MOLINA: Okay. So in other words, you're
talking

15 about amending the language --

16 MR. McCORD: Amending the language to -- of .070 to
say

17 that we have to include other kinds of lighting,

18 that we're not going to go all low pressure
sodium.

19 CHAIR MOLINA: Okay. Is there a second? Is that
clear

20 enough for you, Mr. Chong?

21 MR. CHONG: No. I can't say -- I don't think that's
the

22 way to go. I mean, if low pressure sodium is
still

23 part of it but they're going to allow other lamp

24 types and it depends on the area that you're
going

25 to be in, then this section is -- still needs to
be

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the 1 scrapped and we should be writing sections on
2 different area types. If you're working coastal
3 areas, these are the lamp types you can use. If
of 4 you're working in areas within a ten-mile radius
5 the top of Haleakala, then LPS is it, I mean,
6 whatever, but this paragraph is purely written
to 7 tell you LPS is the lamp source, and that's not
what 8 I think --
9 MR. McCORD: That doesn't give you the impression that
--
10 MR. CHONG: No.
11 MR. McCORD: That's essentially what I'm trying to say
is 12 that, you know, maybe we need to scrap the whole
13 .070 entirely and have it rewritten for this
14 attempted compromise.
15 CHAIR MOLINA: Okay. Well, at this time would you
16 withdraw your motion for now and then we'll
continue 17 the discussion on what to do?
18 MR. McCORD: Why don't I try rephrasing the motion to
see 19 if I can get Mr. Chong to agree.

20 CHAIR MOLINA: Okay. Or any of the other members.
21 MR. McCORD: Let's scrap .070 at this point and
rewrite
22 the whole thing in compliance with an area-by-
area
23 development. Does that make sense?
24 MR. CHONG: I just think the lamp section is not
needed if
25 you're going to allow all the lamps in an

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1 area-by-area analysis. This -- this is -- you
2 wouldn't need a lamp section. You're not trying
--
3 I mean you're going to regulate the lamp types
on an
4 area-by-area basis, so that verbiage would go in
5 each of those sections, versus being one
section.
6 Then you have to always refer back to this
section
7 and then you're just cross referencing yourself
and
8 you're just going to cause more confusion.
9 CHAIR MOLINA: What would you suggest, Mr. Chong, I
mean
10 to alleviate the --
11 MR. CHONG: I mean, if we're going to go that route,
then

be 12 I would scrap this section and you're going to
13 creating a whole bunch of new sections that talk
14 about specific areas, coastal, again, and
whatever 15 other areas that we start to break up the island
16 into, commercial zone, historical zone, you
know, 17 residential, rural.
18 CHAIR MOLINA: So let's say we do one blanket
ordinance or 19 break it up into specific sections that address
20 various areas of the island, one or the other.
21 Ms. Bernard, your comments?
22 MS. BERNARD: I don't know that that's -- I don't know
23 that we have to go that route. I mean, what I'm
24 thinking is that -- okay. I take that back. We
can 25 go that way, by area. For purposes of
discussion,

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live 1 I'm wondering if the rest of the Committee can
2 with that.
3 MR. CHONG: Well, I'm not proposing by area, but I'm
4 just --

does
like
have
I'm
goes
efforts
we're
something
to
happy

5 MS. BERNARD: No, just for purposes of discussion,
6 that make sense, or is that going to be really
7 micromanagement, it's going to be really
8 challenging?
9 CHAIR MOLINA: Okay, Mr. Chong.
10 MR. CHONG: Let's take a step back here. We still
11 not addressed the issue of LPS. Now, the Police
12 Department is on regard today of saying -- and
13 not saying the Police Department is completely
14 correct, but they're saying if this ordinance
15 ahead with LPS in it, they're going to fight it
16 tooth and nail until it dies. Then all our
17 here for the last six months and the next three
18 months and whoever -- however longer we'll go is
19 going to go down the tubes.
20 And so you -- we as a Committee, I think,
21 need -- not let that necessarily dictate what
22 doing, but maybe we need to come up with
23 and we need to bring the Police Department back
24 the table somewhere where they're going to be
25 and you're not -- we're not wasting our time. I

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1 mean, he -- Chief said point blank we are not
2 supporting this ordinance if LPS is in it. So
all
3 this talk is great, but it's not going to get us
4 past the Police Department, and they will kill
this
5 bill.
6 CHAIR MOLINA: And it still of course has to go before
the
7 Public Works Committee, and like I stated
earlier,
8 public safety is a number one concern for --
9 especially for elect officials, just running
that by
10 you all. Mr. Maberry.
11 MR. MABERRY: Yes, my comment to that is is that we
12 already have on the books right now in Maui
County
13 street light standards that require fully
shielded
14 high pressure sodium vapor lamps. So in that
case,
15 you know, we're basically nowhere or we don't
have
16 anything here, if that's what we're going to
settle
17 on. The difference of course is that it doesn't
18 address the current -- the current ordinance is
only
19 for street lights. It does not address parking

20 lots. It does not address private residences or
21 private developments to some extent. I just
wanted
22 that -- it was just a point of information to
share,
23 and I -- I was -- I have experienced being a law
24 enforcement officer and I have the greatest
respect
25 for them, but they -- like the Chairman said,
they

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1 won't kill the bill by themselves.
2 CHAIR MOLINA: Okay. Thank you, Mr. Maberry. Any
other
3 comments? Ms. Bernard.
4 MS. BERNARD: And isn't it true that we do have low
5 pressure sodium lighting currently in the -- on
the
6 island in various locations? It's not as if
we're
7 dying because of it. We're talking about making
it
8 not the norm, not the standard, but filtered in,
so
9 to speak, in various locations. So rather than
10 getting side tracked, I think we're close to
making
11 a decision. Do we need this to be a lamp
standards

asking 12 issue or area regulation issue? And what I'm
start 13 this Committee -- or Subcommittee is does it
out 14 to look a little bit harder for people to figure
15 if you have to go area by area, or does that
16 actually make it easier? I live here. This is
17 where I want to develop. I go right to my area.
18 CHAIR MOLINA: Okay. Mr. Maberry.
19 MR. MABERRY: If I was going to do that, the problem
is I 20 think that we would really need -- I mean, to
stay 21 in the spirit of community rule, I think you
would 22 want to -- you would want to involve the
community 23 associations at some point, because they have --
you 24 know, if you're going to break it up, it's not
going 25 to be fair to target certain areas of the island

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live 1 without involving those people who specifically
the 2 in that -- if you're going to do a blanket for

Chair, 3 whole County, that's one thing. I mean, Vice-

4 I mean, would you -- do you have any comment on

5 that? That's sort of --

6 COUNCILMEMBER TAVARES: Well, yeah, I think -- when we

7 talked about this earlier, that if you have an

area 8 that you know in your profession is the

sensitive 9 area, then there's, you know, what they call the

10 rational nexus. You're going to develop

regulations 11 for this particular area because of its impact

to X, 12 and there's a direct relationship. So you would

13 have stricter -- or more restrictive standards

in 14 that area, whereas the rest of the island

wouldn't, 15 but we cannot arbitrarily pick an area and say,

16 well, you know, we think this one's bad so we

should 17 do something here and then leave the next one

alone, 18 then go to the next one.

19 When it's arbitrary, that's when we run

into 20 problems, but if there is an impact that can be

21 measured that makes -- that can be sold as

something 22 that is this is an impact on this, so therefore,

we 23 need to do something here, then it can go. So I

24 don't have a problem with your -- your group or

the

you 25 scientific community identifying -- you know,

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sight 1 talked about line of sight. Is that line of
there a 2 360 degrees from the top of Haleakala or is
3 line of sight that is more critical to what you
4 folks do up there?
5 You know, you mentioned Kihei, so is that
6 where a lot of the stuff in the skies is
happening 7 that you want to capture, and so Kihei
interferes 8 with it? Or, you know, what if you're shooting
out 9 toward over Haiku, is that the same -- you know,
Haiku 10 they don't have the sexy stars over there over
a 11 or, you know, whatever it may be, but if there's
12 reasonable connection between what the
regulations 13 are and the area, then I don't see that there
would 14 be a problem in having different standards for
15 different areas -- geographic areas.
16 You know, part of the .070 section, I
mean,

you 17 even starts to talk about different types of --
in 18 know, there's rural in there and there's urban
19 there, partially shielded. There's some -- you
about 20 know, some start I think of what we're talking
urban 21 here. Oh. Where was I? Yeah, roadways in
22 areas and then roadways within rural and
23 agricultural areas.
some 24 So there is some -- you know, there are
places 25 hints of looking at things because different

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think 1 are different, and actually the only section I
we 2 that needs to go out of there is A. Because B,
3 want to keep B in, so we don't want to scrap the
4 whole section, and then C and D start describing
into 5 roadways. So, you know, it's starting to get
6 that --
7 CHAIR MOLINA: Specifics.
that 8 COUNCILMEMBER TAVARES: -- specific areas. So maybe

9 whole section of .070 just needs to fall into
10 looking at the different areas that are the more
11 sensitive areas.
12 CHAIR MOLINA: Okay. Thank you, Ms. Tavares.
13 Members, at this time there's been a lot
of
14 healthy and interesting dialogue on this
particular
15 matter. The Chair would like to call for a
short
16 recess, and when we reconvene we'll continue
this
17 discussion and also ask our resource personnel
in
18 the gallery if they would like to offer their
19 insight as to what we can look at with regards
to
20 compromise on this matter. So I'd like to get
some
21 feedback from them, and, members, if you have
any
22 specific resource personnel you'd like to call
up
23 here, please feel free to do so. So this
meeting is
24 in recess till 10:35. (Gavel).
25 RECESS: 10:25 a.m.

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1 RECONVENE: 10:38 a.m.

2 CHAIR MOLINA: Outdoor Lighting Subcommittee for July
10th

3 is now back in session. Thank you, members, for
like

4 your indulgence. At this time the Chair would

5 to offer the opportunity to any of our resource
6 personnel to give their general comments with
7 regards to Section .070 and the possible
eradication

8 of LPS from the ordinance. We had a request
here

9 from the representative of the Maui Chamber of
10 Commerce,
11 Ms. Lynne Woods.

12 Ms. Woods, if you'd like to come up and
take

13 the proverbial hot seat next to our Committee
14 Secretary.

15 MR. McCORD: Mr. Chairman.

16 CHAIR MOLINA: Mr. McCord.

17 MR. McCORD: I'd like to put my motion on the table
for a

18 moment, and then after your public -- or
resource

19 input revise the motion.

20 CHAIR MOLINA: Okay. Thank you very much, Mr. McCord.

21 The Chair will take that into consideration.

22 Ms. Woods.

23 MS. WOODS: Mr. Chair, thank you for the opportunity,
24 Committee members. Speaking from the Chamber's

that 25 point of view, we would certainly like to see

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some 1 we don't use the low sodium. We have certainly
Police 2 concerns, and we have full sympathy for the
would 3 and what their issues are, but I think what I
back 4 like to make clear here, and I'd like you to go

really 5 and just take a look at, is that there is a
6 strong ordinance that -- now that is not being
7 enforced, and that if we enforced the existing
8 ordinance, we would probably control
approximately 9 80 percent of our lighting issues, and I think
10 that -- and, Hannah, I do believe that you said
11 this, is that we have to deal with enforcement.

12 And it's going to be tough to carve the
13 island up. It's going to be tough to go back to
our 14 communities and say we want you to identify the
15 kinds of lighting you'll have in the community,
16 because it's going to divide the community
again,

17 and it's going to make the community really
argue,
18 and I have concerns about that, because we spend
a
19 lot of time arguing and being divided.
20 But I would once again really like you to
21 address our lack -- our incredible lack of
22 enforcement. We give permits to -- occupancy
23 permits to companies that are not in compliance.
24 They build a new project, things are not in
25 compliance, we still give it to them, and I
think

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1 that's an issue we need to take to look at.
Thank
2 you, Mr. Chair.
3 CHAIR MOLINA: Thank you, Ms. Woods. You've made some
4 very interesting points there. Any other
resource
5 personnel that would like to comment at this
time
6 or -- okay, we have the cultural resources
7 representative, Uncle Les Kuloloio to offer his
8 thoughts on this matter. After Uncle Les, the
Chair
9 would like to ask someone from Public Works to
offer

10 their thoughts with regards to the enforcement
11 issue.
12 MR. KULOLOIO: Mahalo, Chair. Uncle Les Kuloloio on
the
13 cultural part. I was going to -- I kind of
picked
14 up a lot of information this morning. I picked
15 up -- you know, I think on a cultural part,
cultural
16 issue, I think anything that deals with
shielding
17 will help whatever cultural zones or historical
18 zones in some kind of nature's way of
protecting,
19 whether it's the birds, the bees, or the
turtles,
20 you shield any impact. So I can see shielding
as
21 part of a remedy.
22 I don't see zones in the future, because
it
23 can be -- in the Kihei shoreline a thousand feet
24 perhaps is a hotel zone, then another thousand
feet
25 is a cultural zone, then you have a thousand
feet, a

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1 residential zone, then you have a thousand feet,
you

2 have a hotel zone again. So I don't know. I
3 haven't zoned each cultural area by light, and
then
4 you got the -- going out towards the ocean, you
5 know, the distance of light for reflection, and
many
6 of the buildings reflect lights not by only the
7 shielding but through the glass. I mean, most
of
8 the hotels facing the ocean is by glass.
9 I bring this concern because as a
fisherman
10 from Maalaea I go down to La Perouse and, wow,
if
11 you would take a study of the light reflection
12 horizontally, and that's what we need to do.
13 Somebody -- you folks all did the aerial from
the
14 satellite, but nobody doing the horizontal from
the
15 ocean, and that's the kind of reflection goes
out
16 and blinds the eye, and there's a bounce back.
As a
17 fisherman, when certain clouds come down, Maui's
in
18 an inversion situation. It bounces. The clouds
19 start getting green. So what about that? And
any
20 light that reflects on the clouds, the eyes get
21 blind looking at a dark night, and so I'm
talking
22 from a fisherman's point of view.
23 I'd like to see -- I care for the Police

sure 24 because -- and I care for the firemen because I
25 don't want this to be shut down and I think they

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got 1 should be part of the process. No matter what,
bring 2 bring them in. No matter how much the issue,
3 them in and work it out. If somebody told me
4 between the turtle and the observatory, which I
the 5 would like to protect, honestly, I would move
Because I 6 observatory. I would go for the turtle.
track 7 think the Federal government somewhere lost
knowing 8 about -- with all the millions of dollars
9 that Maui was going to grow.
first we 10 I mean, why -- I mean, why -- I mean
with 11 had observatories that had problems, Mr. Chair,
12 dew on the glass on the observatory or the cloud
Gap. 13 coming out and blocking the view of the Kaupo
Now 14 They had millions of dollars to correct that.
15 we have light. I don't know what the future

we 16 planning of Maui is culturally, but I know that
the 17 do have Hawaiian homes that we'll be building on
18 slopes of Keokea, and so I don't know culturally
adding 19 what to protect more, yeah, or we'll be just
20 to the impact.
21 The more homes out there, the more
22 residential, the more light you're going to see.
Paia 23 And I've seen lights from Makawao since 1950.
24 is encroaching, going up. Those are the lights.
getting 25 Whatever light is light to me now, and I'm

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with 1 kind of -- kind of worrisome now is how can I
2 address culturally the issues that -- dealing
3 light here in America or here in Maui, and, wow,
just 4 it's a new one for me. It's new one for me. I
me. 5 wanted to share my feelings. It's a new one for
the 6 Light does impact, but the priority is where's
7 line culturally? I have no idea right now. I'm

8 getting kind of nervous.

new 9 CHAIR MOLINA: Thank you, Uncle Les. I know this is

10 ground for all of us --

11 MR. KULOLOIO: Thank you.

12 CHAIR MOLINA: -- too, as you said, where are the

13 boundaries for light.

14 MR. KULOLOIO: Thank you.

15 CHAIR MOLINA: Okay. Thank you, Uncle Les.

at 16 Public Works, would you like to comment

brought 17 least on the enforcement concerns that was

18 about by Ms. Woods of the Chamber of Commerce.

Greg 19 MR. NAKAO: I'm not sure about ordinance -- my name's

20 Nakao, Department of Public Works, Land Use and

21 Codes Administration. I'm not sure specifically

22 what lighting ordinance she may be referring to.

lighting 23 CHAIR MOLINA: I believe that might be the street

24 ordinance that she's referring to, I believe.

25 MS. WOODS: Yeah.

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lighting 1 CHAIR MOLINA: That is correct, yes, the street

2 ordinance, Mr. Nakao.

3 MR. NAKAO: Then I would need to refer that to
Engineering

4 Division representative, Mr. Yamashita.

5 CHAIR MOLINA: Okay. Mr. Yamashita.

6 MR. YAMASHITA: Okay. My name is Cary Yamashita. I'm
--
7 with the Engineering Division. I'm not too sure
the
8 what was the question again? Could you repeat
9 question?

10 CHAIR MOLINA: Mr. Yamashita, the concern was, if I'm
11 correct, if I can state it appropriately, her
12 concern dealt with many of our light pollution
13 problems could be solved if there were stricter
14 enforcement of the lighting standards. She said
15 that permits are still being issued even though
some
16 of these projects may be in violation of the
17 lighting code.

18 COUNCILMEMBER TAVARES: Seals.

19 CHAIR MOLINA: Seals. Ms. Woods, go ahead. Why don't
you
20 go ahead and take the podium and clarify for us.

21 COUNCILMEMBER TAVARES: (Inaudible).

22 MS. WOODS: What I said was that we are allowing
permits
23 of occupancies to be granted when in many cases
we
24 have lighting problems. I think, for instance -
-
25 and I'm not sure whether we had to give a permit
of

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1 occupancy to the college, but we have a blatant
2 issue with lighting in the parking lots at the
3 college. So I want to take it -- let's be
clear.

4 It's not that we're giving permits. It's that
we're
5 acknowledging work being done and allowing
people to

6 occupy when in fact they're not in compliance.

7 CHAIR MOLINA: Okay. Mr. Yamashita or Mr. Nakao.

8 MR. NAKAO: She's referring more towards private
9 construction versus roadway lighting, then. Am
I

10 correct? You're talking like private parking
lots

11 and structures when you're talking about a
12 certificate of occupancy?

13 MS. WOODS: Well, private structures are --
certificates

14 of occupancy, yes, or structures.

15 MR. NAKAO: Structures.

16 MS. WOODS: Buildings.

17 MR. NAKAO: Well, you're not concerned with --

18 MS. WOODS: But there's parking lots involved with
those.

privately 19 MR. NAKAO: Okay. But those parking lots are
20 owned, correct? They're not part of the roadway
21 improvements.
they're 22 MS. WOODS: They're not -- in this particular case
23 not part of the roadways.
24 MR. NAKAO: Okay. To my knowledge, there's only a
foot 25 lighting wattage limit per, I believe, square

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Building 1 is for parking lots. It's in the Uniform
2 Code. There's a -- it's more towards energy
levels or 3 conservation versus as far as illumination
4 anything like that, and at this time what our
5 department does is they just ask for a letter of
6 compliance from the lighting designers that the
and 7 design complies with those wattage limitations
8 that's accepted as an approval for the permit
9 issuance.
10 As far as anybody going out there and
lights, 11 investigating whether they actually added

an 12 increased the wattage of those lights, it's not
the 13 Electrical Code criteria and it's not part of
14 electrical inspector's duties at this time. So
15 basically it's just we're asking the lighting
16 designer to certify that his design meets those
then 17 wattage requirements, and if it does meet it,
18 the permit is issued.
19 CHAIR MOLINA: Thank you, Mr. Nakao.
20 MS. WOODS: Thank you.
21 CHAIR MOLINA: Thank you, Ms. Woods. Ms. Bernard.
22 MS. BERNARD: Would you address the issue of the new
code? 23 lights going down to Makena that are not to
24 Who's -- is that -- is that public road, private
25 road, County?

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1 MR. NAKAO: I'm not familiar with what -- which area
2 you're speaking of.
3 CHAIR MOLINA: Okay. Mr. Maberry, you have a
4 clarification to specific --
job, 5 MR. MABERRY: I'm not sure if I can do a much better

that 6 but there has been new street lights installed
7 are not per the current street standard in the
8 Makena area, as far as being fully shielded,
full 9 cutoff HPS. My understanding is that they were
10 approved prior to -- supposedly they were
approved 11 prior to the new law being passed or the new
12 regulation being passed but were installed
13 afterwards, and that's just best of my memory.
14 CHAIR MOLINA: Mr. Yamashita or Mr. Nakao.
15 MR. YAMASHITA: Yeah, I'm not really familiar with the
16 installation of those lights. However, we do
have a 17 Street Lighting Committee that would take action
18 upon any new requests to install shields or to
have 19 cutoff fixtures replacing those lights, but,
yeah, 20 we do have a Street Lighting Committee that
would 21 investigate that upon request, yes.
22 CHAIR MOLINA: Okay. Mr. Maberry, are you done?
23 Ms. Bernard.
24 MS. BERNARD: Who requests it? The public?
25 MR. YAMASHITA: The public does, yes.

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1 MS. BERNARD: So we're -- can we request it?

2 MR. YAMASHITA: Sure.

3 CHAIR MOLINA: Subcommittee can make a request.

4 MR. YAMASHITA: We have a street lighting application

5 that -- it's a form that is reviewed once a

month by

6 our Committee, and Mr. Sutrov is a member of the

7 Committee also.

8 CHAIR MOLINA: Okay. Thank you. Mr. Chong.

9 MR. CHONG: I just want to clarify. The current

street

10 lighting ordinance only applies to County

streets.

11 MR. YAMASHITA: Correct.

12 MR. CHONG: And not State highways or private roads,

roads

13 that are not controlled and County has all the

14 access to. So I just want -- you know, so if

the

15 road -- I don't know what road in Makena it is,

but

16 if it's a private road in Makena, then -- it's a

17 County road? Okay.

18 MR. YAMASHITA: So, yeah, we would review requests for

19 County maintained highways, yes.

20 CHAIR MOLINA: Okay. Thank you. Any other questions

for

21 our Public Works representatives? Seeing none,

22 okay.

23 COUNCILMEMBER TAVARES: What's the Code reference?

is

24 CHAIR MOLINA: Ms. Tavares, is that a question? What
25 the Code reference?

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about

actually

and

1 COUNCILMEMBER TAVARES: (Inaudible).
2 MR. YAMASHITA: Is this the Code?
3 MR. CHONG: It's in here. Where is it?
4 MR. SALDANA: Councilmember Tavares, are you talking
5 the street -- our street lighting standards? Is
6 that what you're looking for? Oh, they're
7 found -- there are separate street lighting
8 standards that are found in the -- that were
9 promulgated by the Department of Public Works
10 Waste Management. There's a full copy in your
11 binder.
12 COUNCILMEMBER TAVARES: Oh, it's not in the Code?
13 MR. MABERRY: It's MC --
14 MR. CHONG: Maui County Code Section 12.17.010. Okay.
15 12.17.010.
16 MR. SALDANA: Right, but there's also street lighting
17 standards that --
18 MR. MABERRY: Correct, which is 15, MC 15.

19 COUNCILMEMBER TAVARES: Thank you.
20 CHAIR MOLINA: Okay. Thank you. Thank you,
gentlemen.
21 MS. BERNARD: Another question.
22 CHAIR MOLINA: Oh, I'm sorry.
23 MS. BERNARD: One more question.
24 CHAIR MOLINA: Ms. Bernard.
25 MS. BERNARD: Have you ever had a case that's been
brought

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1 before you where you found that someone was not
in
2 compliance? What action has been taken?
3 MR. YAMASHITA: No, there have been no --
4 CHAIR MOLINA: Okay. Does that answer your question,
5 Ms. Bernard?
6 MS. BERNARD: Uh-huh, thank you.
7 CHAIR MOLINA: Thank you. Okay. Thank you.
8 MR. NAKAO: Just a few things --
9 CHAIR MOLINA: Go ahead, Mr. Nakao.
10 MR. NAKAO: -- regarding the low pressure sodium
lamps.
11 Well, first of all, I've got to apologize.
Howard
12 isn't here today, Howard Hanzawa, but he deals

13 mainly with the roadway improvements and
engineering
14 side. My position at Land Use and Codes
primarily
15 deals with private construction, basically
16 installations from the utility meter on down.
So
17 that would include private parking lots as well
as
18 lightings on the exterior of structures and
19 buildings and so forth.
20 With regards to low pressure sodium, you
21 know, I think there is -- there are places where
22 it's applicable. If you look at, I guess,
23 manufacturers of low pressure sodium luminaires,
24 there's applications for street lighting,
parking
25 lot lighting, but when you start getting to

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1 illuminating the structures, the selection
becomes
2 really limited and there's very few applications
3 really where you would want low pressure sodium
on
4 the exterior of your structures.

5 With regards to residential construction,
I

that 6 don't think there's anybody really out there
7 would want to have low pressure sodium on the
huge, 8 exterior of their dwellings. The fixtures are
9 and by the Electrical Code you're required to
have a 10 lighting outlet on the exterior of every exit
out of 11 your dwelling. If you go and look at your
homes, 12 there should be a lighting outlet by every door,
13 except for the garage door. So to have a huge
wall 14 fac low pressure sodium fixture mounted on every
15 exterior door out of your dwelling, yeah, I
don't 16 think that would really fly with a lot of
17 homeowners. It's not aesthetically appealing.
18 As far as an enforcement issue on private
based 19 construction, we could regulate the permits
20 on -- you know, for the commercial projects as
far 21 as parking lot lighting or even the type of
building 22 exterior lighting as far as the lighting limits
if 23 you're open to other types of lighting on it,
but 24 for residential construction, to regulate the
25 lighting types on the exterior of homes would be
--

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1 would be a nightmare.

2 As it is, we're having a hard time just

3 keeping building construction permitted and

4 inspected. I mean, it's rampant out there,

just

5 unpermitted activity. So to try to regulate

more

6 the lighting on these dwellings would be even

7 of a nightmare.

8 CHAIR MOLINA: Thank you, Mr. Nakao. Okay, seeing no

Public

9 other questions for our representatives from

that

10 Works, the Chair would like to thank them for

11 input on this matter.

12 We had a request from one of our resource

his

13 personnel, Mr. George from the hotels, to offer

now.

14 view on the LPS dilemma that we're facing right

15 Yeah, Bill, you can have a seat up here.

ask a

16 MR. GEORGE: Aloha, Chair. Thank you for letting me

ask, I

17 few questions, and members. I just wanted to

18 think it was Cary again, I've been trying to get

19 information about Chapter 901, and there's a

the

20 deadline coming up on October of 2004 which was

my 21 five-year deadline for that 901 Chapter. Is --
22 question was is the County going to meet that
full 23 deadline in October of 2004 for the fully --
lights 24 cutoff shielded fixtures for all the street
25 in the County?

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and 1 CHAIR MOLINA: Mr. Yamashita, I'll let you go ahead
2 answer the question from Mr. George, but,
just 3 Mr. George, if after that question if you could
4 primarily give your comments on the --
5 MR. GEORGE: Sure.
Section 6 CHAIR MOLINA: -- issue regarding the LPS for the
7 of .070.
8 Go ahead, Mr. Yamashita.
9 MR. YAMASHITA: Yeah, that issue came up at our last
Street 10 Street Lighting Committee meeting, and the
11 Lighting Committee's going to draft a letter to
12 Council to pursue that matter of replacing the -
- 13 well, installing cutoffs, replacing the existing

14 fixtures with cutoff fixtures. I did get a
15 preliminary cost estimate from Maui Electric,
and
16 I'm going to relay that information to our
Committee
17 so they can forward a letter to Council to have
that
18 funded, but as of this point, we don't have any
19 funding to do any replacements to cut off --
fully
20 cut off shields -- I mean fixtures.
21 CHAIR MOLINA: Okay. Mr. Chong, your questions for
22 Mr. Yamashita.
23 MR. CHONG: Mr. Yamashita, what's that number cost
24 roughly?
25 MR. YAMASHITA: Roughly \$1.8 million.

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1 MR. CHONG: And was there any analysis if you're going
2 from a nonshielded overhead to a fully shielded
3 overhead, does that affect your light levels,
4 uniformity, and all of the above?
5 MR. YAMASHITA: No, no. It meets our requirements,
and
6 it's just a matter of keeping the -- I guess the
7 lighting down focused towards the roadway
system.

8 CHAIR MOLINA: Okay.

9 MS. BERNARD: Point of clarification.

10 CHAIR MOLINA: Ms. Bernard.

11 MS. BERNARD: So the question is is the County going
to be
the
in compliance by the year of expectation, and
answer is no?

12

13

14 MR. YAMASHITA: It all depends on the funding, and we
need
through
any
it on
like
just
for the replacements, yes.

15 support from the public to help us push it

16 Council, because as of this point we don't have

17 funding to do the replacements. We were doing

18 a -- as requests come in and it's a -- we have

19 how many -- over 4,000 fixtures that need to be

20 replaced. So, yeah, it's quite a bit of money

21

22 CHAIR MOLINA: Sounds like a hefty sum.

23 COUNCILMEMBER TAVARES: Excuse me.

24 CHAIR MOLINA: Ms. Tavares.

25 COUNCILMEMBER TAVARES: Yes, point of clarification.

This

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1 law that you're talking about, Mr. George, the
2 compliance date was what, now?
3 MR. GEORGE: October 2004.
4 COUNCILMEMBER TAVARES: October 2004, and when did
Public
5 Works find out about this law? Or when was this
law
6 passed?
7 MR. GEORGE: 1999, October.
8 COUNCILMEMBER TAVARES: October '99. So has the
Public
9 Works Department been aware of that law?
10 MR. YAMASHITA: Yes, we have been aware of that, yeah,
but
11 actually was -- I thought it was 2001 that -- we
had
12 a five-year period to do the replacements, yes.
13 COUNCILMEMBER TAVARES: So you've just been replacing
them
14 on a case-by-case?
15 MR. YAMASHITA: Correct.
16 COUNCILMEMBER TAVARES: So next year, then, you're
going
17 to have to really speed up the whole process to
make
18 the deadline.
19 MR. YAMASHITA: Yeah, right.
20 COUNCILMEMBER TAVARES: Okay. So we'll be expecting
that
21 to come through Budget, I presume.
22 CHAIR MOLINA: Big budget ticket item.
23 COUNCILMEMBER TAVARES: 2004 Budget, which effective
date

24 is July 1 and compliance is --

25 CHAIR MOLINA: October.

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you 1 COUNCILMEMBER TAVARES: -- that year, October. Maybe
if 2 need to take that back to the Director and see
a 3 they can work something out with the Mayor to do
4 supplemental budget.

5 MR. YAMASHITA: Right.
going 6 COUNCILMEMBER TAVARES: Because if not, you guys are
what 7 to crunch really hard and bad. I don't know
to 8 the fines are for noncompliance, but you've got
money 9 look at that too, because I sure hate spending
10 on fines, because fines don't give us anything.
11 Thank you.

12 CHAIR MOLINA: No return at all. Okay. Thank you.
Okay.

13 Mr. George, if you would like to go ahead --
to 14 MR. GEORGE: So as a resource person I was just trying
15 bring this topic up for this Section .070 for
the --

by 16 to tie it in that if they are all fully shielded
17 that date, would it be a help to the
observatories
18 and the turtles? That's what I'm just trying to
get
19 at, that there was laws on the books, you know,
that
20 can help the situation. So that's the only
reason
21 why I brought that up. So thank you.
22 CHAIR MOLINA: Good point, Mr. George. Thank you.
Any
23 comments from either Mr. Maberry or Ms. Bernard
for
24 Mr. George with regards to the law? Ms.
Bernard.
25 MS. BERNARD: I think you probably -- I think you've
heard

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a 1 throughout the testimony that it will satisfy to
2 certain extent but not completely, certainly
not.
3 That's better than nothing.
4 CHAIR MOLINA: Mr. Maberry.
5 MR. MABERRY: Yeah, every little bit -- every little
bit

mean, 6 helps, but like she said, it's short term. I
it's 7 it's inevitable that we're going to grow and
more 8 inevitable that we're going to put up more and
ground 9 street lights, and the light reflects off the
off 10 and as -- as Uncle Les told us, it also reflects
11 of the clouds and bounces all around. So it's
12 definitely not going to cure the problem, and
instruments, 13 from -- you know, just without using
lots, as 14 but looking down, some of the large parking
lot 15 I've said before, of our big box stores are a
16 worse than some of the street lights.
Chong. 17 CHAIR MOLINA: Okay. Thank you, Mr. Maberry. Mr.
18 MR. CHONG: Have the Public Works people, just out of
as 19 curiosity, tried to price those 4,000 luminaires
this 20 being changed to LPS, just in the foresight of
HPS 21 ordinance being passed, and not putting up new
two 22 and full cutoff and having to change it to LPS
it's 23 more years later down the road? I'm just --
24 looking ahead here. Has that been addressed,
25 including the issue of spacing of poles?

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1 MR. YAMASHITA: Howard Hanzawa did -- Howard Hanzawa
did

2 reply by memorandum with some figures.

3 CHAIR MOLINA: Yeah, it should be in the binder, yeah.
I

4 think somewhere in your binder it should be
located.

5 MR. YAMASHITA: I think that cost came from the Big
6 Island.

7 CHAIR MOLINA: Okay. Any other questions?

8 MR. GEORGE: Just to follow up on that. As an
individual,

9 I took our parking lot at the Renaissance Wailea

10 Beach Resort and it came out to \$240 per room,
and

11 that would be an average for any hotel. So if

you

12 had 800 hotel rooms, it would cost you \$240

times

13 800, so it would be \$160,000 just to do their

14 parking lots alone. So that was roughly per

room

15 cost based on, you know, square footage of how

many

16 stalls were allowed for each room, et cetera, et

17 cetera. So the cost became fairly high if you

take

18 the amount of hotel rooms in the County and you

for 19 times it by \$240, that would be the cost just
20 parking lots in the hotels, not the ground
areas.
21 Yes.
22 MS. BERNARD: I'm sorry, is that shielding or low
pressure
23 sodium?
24 MR. GEORGE: That would be a full cutoff low pressure
25 sodium.

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1 MS. BERNARD: Thank you.
2 CHAIR MOLINA: Okay. Thank you, Mr. George. Any
other
3 comments from our resource personnel?
4 Okay. Hearing none, okay, members, I've
5 bandied about this consideration during the
6 recess -- or this thought of possibly scrapping
the
7 current bill and having it rewritten to
specifically
8 address outdoor lighting trespass. Since the
9 current proposed bill is based on LPS, we may
want
10 to consider doing away with this bill and have a
new
11 ordinance written up. I'm just tossing that out
for

12 your consideration, members. Comments or
13 suggestions?
14 MR. McCORD: Are you suggesting that the new bill
include
15 the use of low pressure sodium or exclude it
16 completely?
17 CHAIR MOLINA: Exclude it completely.
18 MR. McCORD: Well, that doesn't seem to accomplish, I
19 don't think, some of the goals that we had in
mind.
20 However, I believe that to go to all low
pressure
21 sodium, you know, isn't going to fly either. So
22 maybe it's time to revisit the motion on the
floor.
23 With the Chairman's permission, let's take the
24 motion off the table and I'll try and restate it
25 before it dies for lack of a second.

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1 CHAIR MOLINA: Okay. All righty. So you'll withdraw
your
2 original motion?
3 MR. McCORD: Correct.
4 CHAIR MOLINA: Okay. The motion's been withdrawn.
5 Mr. Chong, will you withdraw your second to --

6 MR. CHONG: I didn't second it.

7 MR. McCORD: No one seconded it.

8 CHAIR MOLINA: No one seconded it? Okay. I thought
for a

9 minute Mr. Chong seconded it. I apologize.

10 COUNCILMEMBER TAVARES: He said he --

11 CHAIR MOLINA: So technically there's no motion
because

12 there's --

13 MR. McCORD: That's right. It's dead.

14 CHAIR MOLINA: Okay. Go ahead and restate your
motion,

15 Mr. McCord.

16 MR. McCORD: Well, to rewrite the whole ordinance
without

17 low pressure sodium I don't believe really

18 accomplishes some of the things that could be

19 accomplished to make this work. So I would
offer

20 the following motion: To rewrite Section .070.A

21 through D with the intent to include low
pressure

22 sodium in the matrix of lighting availability on

23 Maui without making it exclusive. Does that
make

24 sense?

25 COUNCILMEMBER TAVARES: Uh-huh. Second.

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1 CHAIR MOLINA: Okay. It's been -- motion made by
2 Mr. McCord. Seconded by Councilmember Tavares.
We
3 are in discussion. Again, the Chair would --
can
4 you restate that just for the record to make
sure
5 that we have that on record.
6 MR. McCORD: I move that rewrite Section .070.A
through D
7 to reflect a use of low pressure sodium lighting
on
8 Maui County without being the only lighting. It
can
9 be a -- it can be rewritten so that -- that's
going
10 to confuse everybody.
11 CHAIR MOLINA: So not to totally leave out --
12 MR. McCORD: Let's just say rewrite Section .070.A
through
13 D to make low pressure sodium an option rather
than
14 an exclusive. Does that make sense?
15 CHAIR MOLINA: Okay. Much more clearer for me now.
16 MS. BERNARD: Can we have discussion now?
17 CHAIR MOLINA: Comments.
18 MS. BERNARD: I'd like to offer a friendly amendment,
that
19 it's not an option, that it's -- because it
makes it
20 seem like then we're offering options, but
rather
21 we're looking -- I think the point you're trying
to

other 22 make is you're looking at offering in a mix of
rather 23 lights and not exclusive LPS. So to that --
want 24 than saying that LPS is just an option, what we
it 25 to do is rewrite this particular section so that

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1 can include other types of lighting or filters.
2 MR. McCORD: I accept that.
3 CHAIR MOLINA: Okay. Is there a second to the --
4 COUNCILMEMBER TAVARES: Second.
5 CHAIR MOLINA: -- proposed amendment? Seconded by
Bernard, 6 Tavares, so the motion, as amended -- Ms.
body's 7 state your amended motion again just for the
8 sake.
usage 9 MS. BERNARD: To rewrite Section .070 to reflect the
addition 10 of other types of lighting and filters in
11 to low pressure sodium.
12 CHAIR MOLINA: In addition to LPS, okay. All right,
13 members, discussion on the motion as amended.
Okay.

14 All in favor of the amended -- Mr. Chong.
15 MR. CHONG: No, I'm just --
16 CHAIR MOLINA: It looked like you had your -- okay.
17 MR. CHONG: The mind's twirling, turning.
18 CHAIR MOLINA: All in favor of the motion as amended,
say
19 "aye."
20 MR. McCORD: Aye.
21 MS. BERNARD: Aye.
22 COUNCILMEMBER TAVARES: Mr. Chair.
23 CHAIR MOLINA: Yes.
24 COUNCILMEMBER TAVARES: Could we have a little
discussion?
25 CHAIR MOLINA: Okay. I'm sorry. I didn't see
anybody's

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1 hand. My apologies.
2 COUNCILMEMBER TAVARES: I'm thinking yet, you know.
3 CHAIR MOLINA: Okay, okay. You're still thinking.
4 COUNCILMEMBER TAVARES: Still thinking.
5 CHAIR MOLINA: Proceed, Ms. Tavares.
6 COUNCILMEMBER TAVARES: I'm thinking of -- so what
we're
7 discussing is for something to be written. It's
not
8 that we're changing what's in here now.

9 CHAIR MOLINA: No.

10 COUNCILMEMBER TAVARES: We're just asking for staff or
11 whoever to get together and rewrite the section
so
12 that it reflects a mix of --

13 CHAIR MOLINA: Light -- various light uses.

14 COUNCILMEMBER TAVARES: I don't want to use the word
15 option. Choices. Okay. I think I understand
it.

16 MS. BERNARD: And I'd like to recommend that Lee
Altenberg
17 and Rick Chong and Mike Maberry, whoever else
wants
18 to, two at a time, I guess, discuss this between
now
19 and our next meeting, not so that we come back
and
20 we're going through it, but that we actual have
--
21 we have some choices to look at at our next
meeting,
22 rather than trying to figure it out at our next
23 meeting, if that's possible.

24 CHAIR MOLINA: Okay.

25 MR. McCORD: Just for a point of information -- or
point

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1 of clarification.

2 CHAIR MOLINA: Mr. McCord.

3 MR. McCORD: We have dropped the word option from the

4 motion and have substituted a mix of lighting

5 fixtures in this section.

6 CHAIR MOLINA: Okay. Is that clear to all the
members,

7 rather than -- is to drop the word option and

8 include the word mix? Okay, Mr. Chong.

9 MR. CHONG: Explain mix.

10 MR. McCORD: I think what that means is that if we
rewrite

11 this in the spirit of what we're trying to do

12 it means that we can use low pressure sodium in

13 certain instances. For example, perhaps in
rural

14 subdivisions in areas where it would be
particularly

15 impacting coastal situations it -- what I don't
want

16 to do is exclude low pressure sodium. What I
don't

17 want to do is make it the only fixture that we
can

18 apply --

19 MR. CHONG: I understand.

20 MR. McCORD: -- to our development.

21 CHAIR MOLINA: Mr. Chong.

22 MR. CHONG: On another note -- and I see Mike here,
he's

23 frustrated. This may not be related to the
motion,

Police 24 but if we can find a common ground with the
sodium 25 that they are willing to accept low pressure

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lights 1 on certain types of applications, like street
with 2 or rural street lights, I don't have a problem
one of 3 that, but I understand their side, and that's
sodium, 4 the big reasons why I'm against low pressure
there 5 because it is a safety issue, and -- but if
the 6 can be some kind of meeting of the minds with
7 Police Department to allow LPS to remain in the
- I 8 ordinance in any form or fashion, then I'm all -
9 have nothing against that.

10 MR. McCORD: May I give an example, Mr. Chairman?

11 CHAIR MOLINA: Hang on, Mr. McCord. Mr. Maberry, you
12 wanted to respond? Okay, go ahead, Mr. McCord.

13 MR. McCORD: I live in Kula. We like the night sky.
We

14 were appalled at the fact that the State
Division of

all 15 Highways came in and put intersection lights at
16 our intersections in our rural community, and it
17 really is unfortunate because it may be a safety
18 thing, but if they're going to do something like
19 that, it would seem to me that there would be an
20 application for low pressure sodium if they want
to
21 have some indication that this is an
intersection,
22 this is a place to be more cautious. It does
not
23 have to be, you know, downtown Kahului.
24 We have resisted lights in Kula. Up
until
25 King K came along we were doing very well, but
now

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1 the State Division of Highways has put all these
2 lights at our intersections, and it would seem
to me
3 that there are applications out there where we
can
4 have this, because we managed to get along fine
5 without those lights to start with. If they
were
6 just low pressure sodium to indicate a
cautionary

relative 7 thing, it would seem to me that that's a
8 good compromise. So there's just an example.
9 CHAIR MOLINA: Okay. Thank you. No comments from
you,
10 Mr. Maberry, at this point? Okay.
11 MR. MABERRY: Well.
12 CHAIR MOLINA: Oh. You have this look on your face
like
13 you want to say something.
14 MR. MABERRY: I've been biting my tongue here. Well,
15 it -- yes, I am frustrated, because I don't see
16 that -- I mean, as I admitted, that every little
bit
17 will help, but I don't see us addressing this as
a
18 long-term problem, and I will just be faced with
19 having to address -- you know, try to find some
way
20 to address it again later at a later date, but
as --
21 yes, to go back to the Police Department, the
bottom
22 line on the Police Department -- and the Vice-
Chair
23 will remember the testimony some time ago --
that
24 they would like to have bright spotlights hung
25 from -- every ten feet, you know, all over the
whole

1 island in order to provide them and protect
their
2 people in the process of doing their job. So I
was
3 hoping -- I wasn't trying to trick him, but I
was
4 trying to get him to tell us that and to tell us
5 that basically even in rural areas, even in
areas
6 where there aren't any street lights right now,
they
7 would -- they would object to putting up a low
8 pressure sodium light, even on a place where
there
9 isn't any light. If any new lights are put up,
they
10 want them to be white light for color rendition.
11 I am frustrated because I had hoped that
we
12 could find -- you know, when we start looking at
the
13 motion that's on the floor, you know, the reason
I
14 was sitting there with things cranking in my
head
15 about the only way to do this correctly, you
would
16 end up having -- having to work with the correct
17 people and define, for example, the number of
18 photons on the ground that is acceptable and
then,
19 you know, define that some mix of that would be
low

20 pressure sodium in order to reduce the overall
21 impact, and how to draft that is just --
especially
22 when it doesn't seem like we're cooperating at
this
23 point in time, I don't know how to do that. So
24 that's sort of my comments.
25 CHAIR MOLINA: Okay. The Chair would like to
hopefully

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1 get an ordinance created that's somewhat
simplified
2 without going into detail specifics. To me,
just --
3 that, again, is just my opinion. If we get into
too
4 much specifics, you know, it may be somewhat
5 endless. Go ahead, Mr. Maberry.
6 MR. MABERRY: Yeah, I mean, just to go back to what
you
7 were saying, we've quite -- for some time now
moved
8 away from seeing big LPS packs mounted on
houses.
9 So I think what we're -- what we're trying to
10 address, and I think what the -- the hotels and
11 commerce folks would probably move toward is
some

12 overall, you know, big offender type control.
13 We have a good street lighting standard
14 ordinance in place right now, and we've just
heard
15 the problems of trying to enforce it and move
toward
16 compliance, but it would help if we do more --
and
17 this is -- I'm just speaking. If we do move
away
18 from doing anything as good as what we were
trying
19 to accomplish here, that hopefully we would find
20 some way to come out of this with something with
21 fully shielded that could be enforced on public
and
22 private with some reasonable grandfathering.
23 I had, coming into here today, felt that
24 probably 100 percent grandfathering of
everything in
25 place, but if this is -- if we're -- if we're
not

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1 going to be able to have any mix or any control,
2 then I may not be able to support that. You
know,
3 we -- even in other Subcommittee meetings of --
for

our 4 example, Maui Economic and Development, some of
5 discussion has been that, you know, five to ten
retrofit, 6 years is a reasonable amount of time for
7 but we need to do as much as we possibly can.
It 8 needs to be as simple as possible. It needs to
be 9 enforceable, and it needs to be painless and
10 reasonable.
11 But, I mean, we all need to -- I think --
I'm 12 afraid now it's been so many months we're
forgetting 13 some of the initial testimony that we heard from
14 private individuals coming in complaining about
15 light pollution, and even Uncle Les and Uncle
16 Charlie had told us about their concerns from a
17 cultural standpoint about general light
pollution.
18 So I hate that we've -- it's been so many
19 months now and we start to lose track of that or
20 lose sight of that, and in as far as what Steve
said 21 this morning -- Steve Sutrov said this morning,
22 maybe we do end up having to just dig in our
heels 23 and kick this thing out and let the discussion
get 24 broader and dirtier and -- I mean messier, not
25 dirtier, with the general public, if we end up -
-

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personal 1 you know, if I find that we're -- from my
thing 2 standpoint, that we're not coming out of this
3 with any -- with anything that's going to help.
4 Thank you.
5 CHAIR MOLINA: Okay. Thank you for your comments,
6 Mr. Maberry. Any other comments? We do have an
7 amended motion on the floor. Any other
discussion 8 related to the amendment? Ms. Bernard is not
here. 9 She left the room for a second.
10 ?: (Inaudible).
11 CHAIR MOLINA: Okay. Since there's no discussion, I
would 12 like to have her here as part of the vote on the
13 amendment. So the Chair will call a brief
recess. 14 Brief recess, subject to the call of the Chair.
15 (Gavel).
16 RECESS: 11:20 a.m.
17 RECONVENE: 11:21 a.m.
18 CHAIR MOLINA: (Gavel). Outdoor Lighting Subcommittee
19 meeting for July 10th is now back in session.
When 20 we last left off we had an amended motion on the

was to 21 floor which was proposed by Ms. Bernard which
of 22 rewrite Section .07 -- .070 to reflect the usage
include 23 mixed lighting -- other mixed lighting to
amended 24 LPS. Is there any other discussion to the
25 motion?

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1 MR. McCORD: Call for the question.
2 CHAIR MOLINA: Okay. Question has been called.
3 MS. BERNARD: Wait. I'm sorry.
4 CHAIR MOLINA: Ms. Bernard.
5 MS. BERNARD: Point of clarification. It's not mix of
6 other lighting to include LPS. It's LPS is the
--
7 was the main -- it's allowing the opportunity to
8 examine other types of lighting in addition to
LPS.
9 CHAIR MOLINA: Okay.
10 MS. BERNARD: That's a little different, yeah?
11 CHAIR MOLINA: Okay. All right. So as stated by
12 Ms. Bernard, that is the amended motion on the
13 floor. Mr. Maberry.
14 MS. BERNARD: Yeah, and filters.

use
that

15 MR. MABERRY: Intent clarification. So that you can
16 LPS and have color -- better color rendition,
17 is the intent?
18 MS. BERNARD: Exactly.
19 MR. MABERRY: Thank you.
20 CHAIR MOLINA: Okay. Hearing no other discussion, all
21 those in favor say "aye."
22 SUBCOMMITTEE MEMBERS VOICED AYE.
23 CHAIR MOLINA: All those opposed?
24
25

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1 VOTE: AYES: Subcommittee members Bernard, Chong,
2 Maberry, McCord, Vice-Chair Tavares,
3 NOES: None.
4 ABSTAIN: None.
5 ABSENT: None.
6 EXC.: Subcommittee member Altenberg.
7 MOTION CARRIED.
8 ACTION: APPROVE amendment to main motion
9 (Section .070, lamp standards).
10
11 CHAIR MOLINA: Okay. The Chair will mark it
unanimous.
12
13 The motion as amended passes.

proposed 10 Now back to the original motion as

11 by Mr. McCord. Any discussion on that motion?

12 Hearing none, all those in favor say "aye."

13 SUBCOMMITTEE MEMBERS VOICED AYE.

14 CHAIR MOLINA: All those opposed?

15 VOTE: AYES: Subcommittee members Bernard, Chong,
16 Maberry, McCord, Vice-Chair Tavares,
and Chair Molina.

17 NOES: None.

18 ABSTAIN: None.

19 ABSENT: None.

20 EXC.: Subcommittee member Altenberg.

21 MOTION CARRIED.

22 ACTION: APPROVE main motion as amended
(Section .070, lamp standards).

23 CHAIR MOLINA: Okay. Thank you. Motion is carried.

the 24 Members, with regards to the possible --

25 rewriting of this bill, Staff has requested

suggestions, additional feedback from you as far as

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new 1 direction, what to implement into this proposed

have 2 ordinance, if we're looking at it. You don't

soon 3 to give all your answers now, but preferably as

August 4 as possible before our next meeting, which is
5 21st. Ms. Bernard.
6 MS. BERNARD: I'm sorry, are you back to the question
of
7 should we scrap this and start over to address
light
8 trespass?
9 CHAIR MOLINA: Yeah, well --
10 MS. BERNARD: Is that the question?
11 CHAIR MOLINA: You know, I threw out the consideration
to
12 rewrite the -- rewrite the bill.
13 MS. BERNARD: That's what you're talking --
14 CHAIR MOLINA: So now -- yeah, we're discussing this
right
15 now.
16 MS. BERNARD: You're back to that again?
17 CHAIR MOLINA: Yeah.
18 MS. BERNARD: Oh, that's why I proposed a friendly
19 amendment to Warren's amendment, because I feel
so
20 strongly that that would be such the wrong way
to
21 go. I'd rather work on what we have,
personally.
22 CHAIR MOLINA: Okay. All right. Thank you. Okay.
So,
23 members, any discussion to this matter on
Section
24 .070?
25 COUNCILMEMBER TAVARES: I thought we just voted.

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--

1 CHAIR MOLINA: Yeah, we did. No, no. What I'm saying

2 so let me get this straight. So the motion on

the

3 floor -- sorry -- that Mr. McCord made was to

.070.A

4 through D to have LPS as part of the light

5 solutions, I guess, to consider that as light,

and

6 in the amendment that was made by Ms. Bernard

was to

7 look at other uses along with LPS, to include

8 filtering --

9 MS. BERNARD: Right, to add in other options in

addition

10 to filters and other light types.

11 CHAIR MOLINA: All right. So what I was getting back

to

12 was my original suggestion of considering

scrapping

13 the bill, and I just want clarification from the

14 body that we don't want a rewritten bill at this

15 point, other than what was mentioned.

16 COUNCILMEMBER TAVARES: Just that section?

17 CHAIR MOLINA: Just that section, right. Okay.

18 Mr. Maberry.

19 MR. MABERRY: I would request that you bring up that

20 option again at the next meeting.

21 CHAIR MOLINA: Okay. Thank you. Ms. Tavares, any
22 comments?
23 COUNCILMEMBER TAVARES: Well, I thought you were going
to
24 refer to Dr. Altenberg's recommendations on
other
25 than Section 70, and if we discuss that part --
I

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1 mean, I don't know -- I'd sure like to see a
clean
2 copy of, you know, everything now up to date --
or
3 to date on the bill, the proposed bill. I've
got
4 notes all over here. I can hardly read anything
any
5 more.

6 CHAIR MOLINA: Just like me. All righty.
7 MR. McCORD: Mr. Chair, do we know when Lee's going to
be
8 back?

9 Gary, do you have any idea?
10 CHAIR MOLINA: Did he state he would be back by --
well,
11 he'll be present for the August 21st meeting, I
12 assume.

for

13 MR. SALDANA: Yeah, he did say that he would be back

14 that meeting. However, he indicated that he was

the

15 going to be out of the country I believe until

16 end of -- end of this month.

17 CHAIR MOLINA: Okay.

say

18 MR. SALDANA: I don't have the exact date, but he did

19 towards the end of the month.

20 CHAIR MOLINA: We'll be -- in the meantime, we can

as

21 communicate via email with Dr. Altenberg as far

we'll

22 what happened here at today's proceedings. So

23 keep the lines of communication open there.

24 Members, the Chair would like to call for

25 just a brief recess. (Gavel).

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1 RECESS: 11:26 a.m.

2 RECONVENE: 11:33 a.m.

for

3 CHAIR MOLINA: (Gavel). Outdoor Lighting Subcommittee

4 July 10th is now back in session.

The

5 Thank you, members, for your indulgence.

couple of 6 Chairman consulted with Staff to discuss a
7 items. Any other discussion or questions with
8 regard to section .070 that you would like to
bring 9 up?
10
11 SECTION .080, LUMINAIRE STANDARDS
12
13 CHAIR MOLINA: Chair would like to go into Section
.080.
14 Before that, the Chair's intent was to end at
12:00 15 today because of other commitments. So I just
16 wanted to make the members aware of that.
17 Any questions or concerns regards to
.080?
18 MS. BERNARD: Excuse me.
19 CHAIR MOLINA: Ms. Bernard.
20 MS. BERNARD: Do we have -- I lost my place. Do we
have 21 amendments from --
22 CHAIR MOLINA: Yes.
23 MS. BERNARD: -- Lee Altenberg?
24 CHAIR MOLINA: Yes. If you -- oh, Dr. Altenberg's --
25 MS. BERNARD: For 8, for Section 8.

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1 COUNCILMEMBER TAVARES: It's the last couple --
2 MS. BERNARD: Oh, yeah, we do. I see it.
3 COUNCILMEMBER TAVARES: Or second to the last thing.
4 MR. SALDANA: Mr. Chair.
5 CHAIR MOLINA: Prior to Dr. Altenberg's suggestions,
is
6 there anything else -- we can get into
7 Dr. Altenberg's suggestion.
8 Mr. Saldana, you had a --
9 MR. SALDANA: No. I was just going to say in answer
to
10 Ms. Bernard's question that the recommendations
that
11 came from Dr. Altenberg did not reference any
12 recommendations or changes to Section .080.
13 CHAIR MOLINA: Okay.
14 COUNCILMEMBER TAVARES: We had some earlier
15 recommendations, though, for .080.
16 CHAIR MOLINA: There was -- according to the matrix,
yes,
17 .080.A.3. Would the members like to have that
put
18 on the wall or --
19 MS. BERNARD: Please.
20 CHAIR MOLINA: -- read it on their own?
21 MS. BERNARD: Oh, wait. I can see it.
22 COUNCILMEMBER TAVARES: It's on the chart.
23 CHAIR MOLINA: So it shall read, "Motion sensor
activated
24 lighting may be unshielded provided it is
located in

25 such a manner as to prevent direct illumination

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others 1 and/or glare and lighting into properties of
light 2 or into a public right-of-way and provided the
off 3 is set to only go on when activated and to go
and 4 within five minutes after activation has ceased
the 5 the light shall not be triggered by activity off
6 property." Comments, concerns?

7 COUNCILMEMBER TAVARES: Just --

8 CHAIR MOLINA: Hearing none.

9 COUNCILMEMBER TAVARES: Mr. Chair.

10 CHAIR MOLINA: Uh-huh.

11 COUNCILMEMBER TAVARES: Earlier, I guess it was in
that 12 February, according to my notes over here, in
around 13 Number 2 under the Section 80 I have a circle
Was 14 the 1000 lumens per fixture in point Number 2.

15 there further discussion about that or is that
16 standing right now?

17 CHAIR MOLINA: Maybe Rick could --

18 MR. CHONG: Yeah, I mean, Dr. Altenberg and I tossed
19 lumens around like you toss sand in the air. We
20 just -- there was a lot of discussion between
21 Dr. Altenberg and I as to what these threshold
22 numbers should be or are acceptable or
23 compromisable, and a lot of it actually goes
back to
24 Section 07, which had set a number at 1800, and
some
25 of these numbers I guess he had pulled -- or the
ad

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as 1 hoc committee had pulled out of other ordinances
2 numbers that other counties or other
municipalities
3 were already using. I think those numbers,
4 depending on what .070 ends up looking like,
need to
5 be revisited.
6 COUNCILMEMBER TAVARES: Or might have to be adjusted.
7 MR. CHONG: Right.
8 COUNCILMEMBER TAVARES: Okay.
9 MR. CHONG: They may not be needing a threshold if
.070 is
10 written the way it may be written. I mean, it
11 depends.

12 COUNCILMEMBER TAVARES: Thank you.

13 CHAIR MOLINA: Okay. Thank you, Ms. Tavares. Thank
you,

14 Mr. Chong. Any other questions or concerns
15 regarding the recommendation for Section 8?
16 Ms. Bernard.

17 MS. BERNARD: I'm sorry, did we accept Lee's changes
to 3,
18 his suggested changes?

19 CHAIR MOLINA: I don't think we've specifically
addressed
20 these changes. Which recommendation are you
talking
21 about for Mr. Altenberg?

22 MS. BERNARD: Section A.3. He's added the word motion
in
23 front of sensor.

24 CHAIR MOLINA: My guess is I guess we did. I don't
know.
25 Right now we're in the discussion phase of it.

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1 MS. BERNARD: So I think that -- I would just like to
2 throw out there that I'd like to accept that and
see
3 if the other Committee --

4 CHAIR MOLINA: Would you like to frame that in a
motion?

5 MS. BERNARD: I'd like to make a motion that we accept
Lee
6 Altenberg's changes to Section 8 -- 8.A.3.
7 CHAIR MOLINA: Okay. Is there a second to the motion?
8 MR. McCORD: Second.
9 CHAIR MOLINA: Okay. It's been seconded by Mr.
McCord.
10 Is there a discussion? Ms. Bernard, as the
maker of
11 the motion, you have the floor.
12 MS. BERNARD: I think --
13 CHAIR MOLINA: No discussion from --
14 MS. BERNARD: -- the changes are pretty
straightforward.
15 CHAIR MOLINA: Okay. Any other comments or discussion
16 from the members?
17 COUNCILMEMBER TAVARES: Just for clarification, what
are
18 you reading from?
19 MS. BERNARD: Okay. The matrix.
20 CHAIR MOLINA: The matrix.
21 MS. BERNARD: The table, if you flip it over, back
side.
22 COUNCILMEMBER TAVARES: This one, okay.
23 MS. BERNARD: Turn it over.
24 COUNCILMEMBER TAVARES: I thought we just accepted
that.
25 No, we didn't accept it yet?

110

in

1 CHAIR MOLINA: No other discussion? Okay. All those

2 favor say "aye."

3 SUBCOMMITTEE MEMBERS VOICED AYE.

4 CHAIR MOLINA: All those opposed?

5 VOTE: AYES: Subcommittee members Bernard, Chong,
6 Maberry, McCord, Vice-Chair Tavares,
and Chair Molina.

7 NOES: None.

8 ABSTAIN: None.

9 ABSENT: None.

10 EXC.: Subcommittee member Altenberg.

11 MOTION CARRIED.

12 ACTION: APPROVE amendment to Section

13 .080.A.3,

14 luminaire standards.

15 CHAIR MOLINA: Motion carries.

16 COUNCILMEMBER TAVARES: Ho, we're moving.

17 MS. BERNARD: Ho.

18 CHAIR MOLINA: Okay. Well, that was fast.

19 ? : Wow. Big step.

20 CHAIR MOLINA: Members, at this point, looking at our

21 clock here, let's see if we can go ahead and --

22 is

23 it the pleasure of the body to continue?

24 COUNCILMEMBER TAVARES: Yes.

25 CHAIR MOLINA: Okay. All right. Let's look at

26 Section

27 .130.

28 COUNCILMEMBER TAVARES: Was it a lone yes? I'm sorry.

29 CHAIR MOLINA: Well --

25 MS. BERNARD: No, we're with you. I'm with you.

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1 CHAIR MOLINA: Nobody has any planes to catch at this
2 time? Mr. Chong, what time is your flight?

3 MR. CHONG: 1:00 o'clock. I'll make it.

4 CHAIR MOLINA: You'll make it?

5 MR. CHONG: Yeah, I'm --

6 CHAIR MOLINA: Section .130, members.

7 COUNCILMEMBER TAVARES: And Section .090?

8 CHAIR MOLINA: Section .090? I have here on my script
9 here Section .130 regarding existing light
fixtures.

10 COUNCILMEMBER TAVARES: I'm looking at Dr. Altenberg's
11 recommendations on that memo that's dated July
9th.

12 CHAIR MOLINA: Okay. I'm sorry. We didn't officially
get
13 into Dr. Altenberg's, but okay, if it's the
pleasure

14 of the body to address .090, Dr. Altenberg's
15 suggestion.

16 MS. BERNARD: Yes.

17

18 MEMBER ALTENBERG'S RECOMMENDATION #3

19

.090, 20 CHAIR MOLINA: All right. Let's do that, members.
21 Dr. Altenberg's recommendations.
22 MR. MABERRY: So moved.
23 COUNCILMEMBER TAVARES: Second.
24 CHAIR MOLINA: Okay. No prediscussion, right? Okay.
25 COUNCILMEMBER TAVARES: Well, let's just get it --

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1 CHAIR MOLINA: All righty. Go ahead. Let's just cut
2 through the chase. The motion has been made by
3 Mr. Maberry and seconded by Ms. Tavares.
4 Discussion.
5 COUNCILMEMBER TAVARES: Mr. Chair, unless Mike, as the
6 maker of the motion, would like to say something
7 first.
8 CHAIR MOLINA: Any comments from you, Mr. Maberry, as
the 9 maker of the motion?
10 MR. MABERRY: Yes, sir, I would. The reason I would
11 support this is if it turns out that we do move
away 12 from low pressure sodium to strictly high
pressure 13 sodium, that it's absolutely necessary to
control

I'm 14 the height, and so I would support this motion.
on 15 confident that we would have been more flexible
16 pole height if it was LPS, but since it isn't, I
17 think it's very essential that we have a height
height 18 limit of 20 feet, which is currently the same
19 limit in the County street light 901.
20 COUNCILMEMBER TAVARES: Yeah, Administrative Rules.
21 MR. MABERRY: Uh-huh.
22 CHAIR MOLINA: Okay. Any other discussion --
23 COUNCILMEMBER TAVARES: Yes, Mr. Chair.
24 CHAIR MOLINA: -- or comments to the proposed
amendment?
25 Ms. Tavares.

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1 COUNCILMEMBER TAVARES: While we're looking at this
2 particular height limit, I wanted to know what
the 3 impact would be if the pole height limit was
dropped 4 to 15 feet instead of 20. What would that mean
for 5 the design people because of the light?
6 MR. CHONG: The lower the pole, the closer the spacing
7 becomes. Simple.

8 MR. MABERRY: Right, so the more lights.
9 MR. CHONG: Means you may more money.
10 COUNCILMEMBER TAVARES: Because there is a subdivision
11 that I think may come up in the future that
they're
12 proposing to use 15 feet as their maximum
height.
13 MR. CHONG: Sorry. That's -- that's their
prerogative.
14 COUNCILMEMBER TAVARES: Yeah, that's up to them.
15 MR. CHONG: I mean we've done projects where we've
gone
16 with 14-foot poles.
17 COUNCILMEMBER TAVARES: Uh-huh.
18 MR. CHONG: Because of aesthetic issues and lots of
19 issues. It just means the poles are closer
20 together.
21 COUNCILMEMBER TAVARES: Right.
22 MR. CHONG: If we're going to meet all the
requirements of
23 IESNA and --
24 COUNCILMEMBER TAVARES: Okay. Thank you. Thank you
for
25 that information.

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1 CHAIR MOLINA: Okay. Hearing no other discussion, all

2 those favor of the proposed amendment say "aye."
3 SUBCOMMITTEE MEMBERS VOICED AYE.
4 CHAIR MOLINA: All those opposed?
5 VOTE: AYES: Subcommittee members Bernard, Chong,
6 Maberry, McCord, Vice-Chair Tavares,
7 and Chair Molina.
8 NOES: None.
9 ABSTAIN: None.
10 ABSENT: None.
11 EXC.: Subcommittee member Altenberg.
12 MOTION CARRIED.
13
14 ACTION: APPROVE amendment to Section .090,
15 luminaire mount standards).
16 CHAIR MOLINA: Thank you. Chair marks it unanimous.
17
18 MEMBER ALTENBERG'S RECOMMENDATION #4
19
20 CHAIR MOLINA: Moving on to the next proposed
21 amendment
22 from Dr. Altenberg, Section .110, specific uses.
23 Comments? Questions? Motions?
24 COUNCILMEMBER TAVARES: Mr. Chair, I'm not sure how
25 the
26 motion should be read, but I don't believe that
27 sports field lighting should be exempt from
28 anything
29 or grandfathered. I think it is one of the --
30 if
31 you had to single out a source, sports field
32 lighting is awful in this County and we try to
33 get
34 some of it controlled, but we still have -- we
35 still

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1 have parks that need some -- need to be
addressed, 2 and the people Upcountry that suffer through the
3 King Kekaulike Football Stadium lights, you
know, 4 that's ridiculous.
5 There are, and as -- I don't know if
members 6 had a chance to read the thing that I sent to
7 Committee about sports lighting. There are
8 companies who now -- it's not just a single
thing. 9 It's not one guy experimenting with stuff. They
10 have some now that have proven to work, and I
think 11 that we have a responsibility as a County to do
12 part in -- or lessening the impact of lighting
our 13 our ambience.
14 And so I don't know how it would be
worded, 15 but I don't want to see sports fields
16 in, and I would certainly support something that
17 requires retrofitting of our existing parks
18 facilities within a certain number of years, and
I

but 19 don't know if this is the place to do it or not,
addressing 20 somewhere in here I think we should be
21 this particular activity.
other 22 CHAIR MOLINA: Okay. Thank you, Ms. Tavares. Any
proposal? 23 comments or questions to Dr. Altenberg's
write 24 COUNCILMEMBER TAVARES: You know, Mr. Chair, let me
25 something up and submit it as a --

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1 CHAIR MOLINA: Suggestion.
2 COUNCILMEMBER TAVARES: Because he -- I guess his
3 quotation --
4 CHAIR MOLINA: (Inaudible).
5 COUNCILMEMBER TAVARES: I don't know if that quotation
6 would go --
7 MS. BERNARD: Yeah, that's not quite --
8 MR. MABERRY: It's not a motion.
9 COUNCILMEMBER TAVARES: Yeah, it's not something
movable.
10 MS. BERNARD: Correct. You have to cut through --
some of
11 the text out.

regarding 12 COUNCILMEMBER TAVARES: So let me work on one
13 the sports fields and sports lighting.
14 MR. MABERRY: I'd support that.
15 COUNCILMEMBER TAVARES: And then I'll submit it to the
16 Staff.
17 CHAIR MOLINA: Okay. So for Section .110, is there
this 18 consideration for withdrawing the proposal at
19 time, leave that on hold while Ms. Tavares --
20 COUNCILMEMBER TAVARES: Yeah, just defer that one.
21 CHAIR MOLINA: Pardon me?
22 COUNCILMEMBER TAVARES: If we could just defer that
23 section.
24 CHAIR MOLINA: Okay. We'll go ahead and defer the
25 amendment for Section .110 from Dr. Altenberg.
Any

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1 objections?
2 COUNCILMEMBER TAVARES: No objection.
3 CHAIR MOLINA: Okay. Thank you. All right. Members,
we're 4 let's move on here. I guess Number 5, what
5 looking at. No, I'm sorry. I think that's it
as 6 far as sections go from Dr. Altenberg?

7 MS. BERNARD: No.

8 CHAIR MOLINA: Revert back to Section .050.

9 COUNCILMEMBER TAVARES: Mr. Chair, I'm sorry.

10 MS. BERNARD: I think we're still on .110, aren't we?

11 COUNCILMEMBER TAVARES: On Number 5 for Altenberg's

12 recommendation, is that still part of .110?

13 MR. McCORD: I think so.

14 MS. BERNARD: Yeah, it looks like it is.

15 COUNCILMEMBER TAVARES: Because I only wanted to
address

16 the sports lighting thing.

17 CHAIR MOLINA: Okay. Okay.

18 COUNCILMEMBER TAVARES: I didn't want to rewrite
sections.

19 CHAIR MOLINA: I was under the assumption this was --
you

20 know, everybody was in consensus for deferring
the

21 whole proposal or amendment.

22

23 MEMBER ALTENBERG'S RECOMMENDATION #5

24

25 CHAIR MOLINA: Discussion on Number 5 with regards for

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1 beach illumination during turtle nesting season.

2 Any recommendations?

3 MR. CHONG: You mean adopting the recommendations,
4 standards?

5 CHAIR MOLINA: Uh-huh.

6 MR. CHONG: I apologize. I don't -- I actually don't
7 recall what those standards are.

8 MS. BERNARD: They're attached. It's attached to his
memo
9 from July 9. Yeah, yeah, there you go. You
have
10 them.

11 CHAIR MOLINA: Okay. That's Exhibit B, Ms. Bernard,
that
12 you're referencing?

13 MS. BERNARD: Correct. They're pretty strict.

14 COUNCILMEMBER TAVARES: You know, Mr. Chair, I notice
that
15 in -- their development code is written in a
16 different style, I guess, than the County of
Maui
17 codes are written. Maybe, Mr. Garneau, you
could
18 take a look at that attachment, which is Exhibit
B,
19 and perhaps translate that into what fit -- what
20 would fit our style of a code. This almost
sounds
21 like something you'd find like in a community
plan
22 almost or something specific to a region or a
23 project district.

24 CHAIR MOLINA: So are you suggesting language that
would

25 implement cultural concerns as well?

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1 COUNCILMEMBER TAVARES: No. I'm suggesting that if
2 Mr. Garneau could take a look at all this, how
they
3 have it written, and kind of come up with a
similar
4 construction to include the intent of what this
is
5 but constructed in a way that our County Code is
6 worded, it might be easier for us to look at it
and
7 see where it --
8 CHAIR MOLINA: Comparative analysis, I guess.
9 COUNCILMEMBER TAVARES: -- would fall. Yeah.
10 CHAIR MOLINA: Okay. Any other comments or questions
with
11 regard to Number 5? The Chair would recommend,
12 then, a deferral on this recommendation at this
time
13 until we can get clarification from the
Corporation
14 Counsel. Is there any objections to the
deferral?
15 SUBCOMMITTEE MEMBERS: No objections.
16 CHAIR MOLINA: Okay. Thank you.
17

18 MEMBER ALTENBERG'S RECOMMENDATION #6

19

20 CHAIR MOLINA: Looking at Number 6, "Add an explicit
21 section to give property owners recourse against
22 light trespass from neighbors, even from fully
23 shielded lights." Any comments? Mr. Maberry.

24 MR. MABERRY: Sir, hypothetically, if we are able to
pass
25 something in, say, the Lighting Ordinance

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1 Committee -- Street Lighting Ordinance Committee
2 becomes a more an all-inclusive, I would think
that
3 would be a process that the County is used to
that
4 might work well for addressing this kind of a
5 problem.

6 CHAIR MOLINA: Okay.

7 MR. MABERRY: I would welcome a comment from you.

8 CHAIR MOLINA: From Mr. Nakao. Proceed, Mr. Nakao.

9 MR. MABERRY: As opposed to having two committees. I
10 mean, sort of an inclusive.

11 MR. NAKAO: I have to apologize. I'm not familiar
with

12 the roadway lighting requirements. I'm strictly

13 private installations, yeah.

14 CHAIR MOLINA: Would that be Mr. Yamashita?

15 MR. MABERRY: Someone was addressing the Street Light

16 Committee earlier.

17 MR. NAKAO: He's gone, yeah.

18 CHAIR MOLINA: Mr. Yamashita's gone for the day.

19 MR. MABERRY: I apologize. I apologize.

20 CHAIR MOLINA: Mr. Maberry, what we can do is if you

want

21 to go ahead and make a request to get a response

22 from Mr. Yamashita, we can go ahead and get one

for

23 you.

24 MR. MABERRY: Let's see. I'd be willing to make a

motion,

25 but I'm not sure where it would go, but my

motion

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Standards

1 would be that the Street Lighting Standards

2 Committee would become an Outdoor Lighting

3 Committee and that that would be the venue that

a

4 private owner or private individual could go to

to

5 address the concerns, just as they are doing

right

create a 6 now with street light problems, rather than

 7 new -- Lord knows we don't need another

committee --

 8 COUNCILMEMBER TAVARES: That's right.

 9 MR. MABERRY: -- that we can't get --

10 CHAIR MOLINA: So in other words, adding an additional

11 responsibility --

12 ?: (Inaudible).

getting 13 MR. MABERRY: That's what I was going to say, even

 14 a quorum.

15 MS. BERNARD: I think --

16 CHAIR MOLINA: Okay. Go ahead, Ms. Bernard.

would 17 MS. BERNARD: I think it's a great idea, if maybe it

 18 be possible to include the addition of one of

the 19 members of this Subcommittee, if there isn't

already 20 one on that Committee.

 21 MR. MABERRY: Well, that would change from Council to

 22 Council and Mayor to Mayor, I mean, who sits on

 23 those committees.

are 24 COUNCILMEMBER TAVARES: Yeah, it changes. The members

each 25 replaced because they have five-year terms. So

1 term there will be maybe two or three --

2 CHAIR MOLINA: Can we get a clarification of
Corporation

3 Counsel on this proposal?

4 MR. GARNEAU: Maybe I can just ask you a couple
questions

5 to see if I'm understanding what you're saying.

6 Currently there's an ordinance in place that

7 provides for a Street Lighting Committee. We
also

8 have some standards that we've talked about
earlier.

9 So is your intent to do a more comprehensive

10 lighting ordinance so that in -- that we would
no

11 longer need to have a Street Lighting Committee
and

12 those other standards? If that's the case, then
we

13 should include in this draft ordinance the

14 establishment of whatever you want to call the
new

15 committee, and of course this is all about

16 standards, they're in the ordinance, so you
probably

17 don't need separate ones, but then you would
need as

18 part of the draft bill to repeal those section -
-

19 those applicable sections of the codes that
create

20 the Street Lighting Committee and set that up.
I

two. 21 mean, to me it doesn't make any sense to have

22 MR. MABERRY: Right.

23 MR. GARNEAU: But then you should include in this --

24 MR. MABERRY: The whole street light standards into

25 this -- into this as well.

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So 1 MR. GARNEAU: Right. A lot of these overlap already.

2 you would need to go comprehensively through the
3 Administrative Rules against what you're
proposing

4 and make sure that you've covered everything the
5 same before -- and then as part of the draft
6 ordinance, which I can assist with at the
beginning,

7 we would repeal all the sections that would no
8 longer apply and then this would take its place.

So 9 the end result would be there would no longer be
a

10 Street Lighting Committee. There would be a new
11 Outdoor Lighting Committee, or whatever you want
to

12 call it.

13 CHAIR MOLINA: Okay. Ms. Tavares.

14 COUNCILMEMBER TAVARES: Yeah, if we could enlist the
15 assistance of Mr. Garneau in that Number 6 to
have
16 him take a look at that, you know, adding an
17 explicit section to give property owners
recourse
18 against light trespass, that if the ordinance
says
19 you're -- you cannot trespass -- or you cannot -
-
20 your lights cannot trespass on somebody else --
21 beyond your property line, then it would be a
22 violation of one of the condition -- one of the
23 requirements in the Code.
24 So would it fall under, you know, under -
- in
25 .150, which is the County's role, and then C is

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1 violations, D is violations and legal action,
2 penalties, and the next page, you know, it might
--
3 it might fit in there or it might already be
covered
4 in there, but I think, you know, with the intent
of,
5 let's say, we're replacing that Street Lighting
6 Committee with an Outdoor Lighting Committee,
for

7 example, you know, make sure that we don't let
8 something like this slip through and that people
are
9 clear as to what their recourse is, should they
have
10 a complaint. If Mr. Garneau could take a look
at
11 that and maybe advise us at the next meeting.
12 CHAIR MOLINA: Okay.
13 MR. GARNEAU: Sure.
14 CHAIR MOLINA: So the Chair would recommend a deferral
on
15 this recommendation to allow Mr. Garneau to look
16 into the concerns expressed by Councilmember
17 Tavares. Any objections?
18 MS. BERNARD: No.
19 CHAIR MOLINA: Okay. Thank you. All right, members,
20 Number 7.
21 MR. McCORD: Oh.
22 CHAIR MOLINA: Excuse me. Mr. McCord.
23 MR. McCORD: I would have suggested for Mr. Garneau,
in
24 light of this, a number of our County-appointed
25 committees have some specific recommendations as
to

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that
we
or
bring

1 who sits on the committee, and I would suggest
2 we include some of that so that not necessarily
3 would sit on the committee but that someone
4 representing, for example, maybe the observatory
5 something that, you know, could specifically
6 some expertise to bear on this thing would make
7 sense as to who sits on that Outdoor Lighting
8 Committee.

was
done

9 MR. GARNEAU: If you could just give me a moment, I
10 going to look up the ordinance and see how it's
11 now and --

12 CHAIR MOLINA: Members, in the meantime, as we await
13 Mr. Garneau's response -- go ahead, Mr. Maberry.

just
.060
be
or

14 MR. MABERRY: I apologize. It looks like in -- it's
15 been a while since I've looked at this, but in
16 the Outdoor Lighting Standards Committee is to
17 established, and so I guess it would be in that
18 section that we would address as far as overlaps
19 replacing.

20 CHAIR MOLINA: You're saying .060?

this,

21 MR. MABERRY: Unless I'm off in the wrong version of
22 but --

23 CHAIR MOLINA: "The County shall establish an Outdoor

duties 24 Lighting Standards Committee to fulfill the
25 described herein."

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1 MS. BERNARD: Right.
2 CHAIR MOLINA: Okay.
3 MR. McCORD: That's the one that needs to be
rewritten.
4 COUNCILMEMBER TAVARES: The existing Street Lighting
5 Committee has no qualifications for its members.
6 ?: Correct.
7 ?: Are you looking --
8 COUNCILMEMBER TAVARES: Yeah, I looked it up.
9 ?: Oh, okay.
10 CHAIR MOLINA: No prerequisites or anything of that
11 nature?
12 COUNCILMEMBER TAVARES: No, huh-uh, unlike other
13 committees that do have one member has to be
this,
14 one member has to be that.
15 CHAIR MOLINA: From a geographical area or --
16 COUNCILMEMBER TAVARES: Yeah, this one has none.
17 CHAIR MOLINA: Nothing. Mr. Garneau, your response.
18 MR. GARNEAU: Right. I would say in -- a lot of

19 committees have ex officio members, you know,
20 certain departments have representatives. So we
can
21 modify that proposed ordinance to be much more
22 explicit on what the new Outdoor Lighting
Committee
23 would have, but then I would need to know from
the
24 Subcommittee members who they would like to see.
25 Oftentimes our committees are nine people, some
lay

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1 people from the community. I know, you know, an
2 example of -- you know, I think it's with the
3 Arborist Committee, they have a requirement that
a
4 landscape architect be on that, for example.
5 So if there's -- if you want an
astronomer,
6 someone to be on it, you can say that, but I
also
7 caution, sometimes it's hard to get people to
serve
8 on the committees, so -- especially if they're
9 professional people. So depending on how we
wrote
10 it -- you know, you can write it that it's your
--

has 11 that it's recommended, as opposed to absolutely
your 12 to be or it's -- but I would need to know what
think 13 thoughts are of what type of professionals you
14 should be on the Committee.
15 COUNCILMEMBER TAVARES: Right.
16 CHAIR MOLINA: Okay. Thank you, Mr. Garneau.
17 COUNCILMEMBER TAVARES: So are you -- I'm sorry,
18 Mr. Chair.
19 CHAIR MOLINA: No, go ahead.
20 COUNCILMEMBER TAVARES: Are you suggesting that we
21 concentrate, then, on the .060 in this proposed
22 ordinance and not try to rewrite -- what we
could do 23 is just repeal the other one afterwards?
24 MR. GARNEAU: I would just repeal the other one, but I
25 would -- if there are things that you liked
about

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Committee 1 the way that the current Street Lighting
2 functions or there's current things in the
3 Administrative Rules that you like, we can make
sure

then
would
don't
of
a
their,
of
--
code
that
so

4 that we've covered all that in the new one and

5 we'll just repeal those other sections. But I

6 include a separate section here establishing the

7 committee.

8 COUNCILMEMBER TAVARES: Because I think I -- now I

9 know. I just thought that I noticed that in all

10 the boards and commissions there was like almost

11 separate place where they were created with

12 you know, qualifications or how the members are

13 selected, by whom.

14 MR. GARNEAU: I think there's a whole long list in the

15 beginning of the Maui Code that establishes all

16 the committees, but then within their individual

17 COUNCILMEMBER TAVARES: Ordinances.

18 MR. GARNEAU: -- sections where they're found in the

19 then they'll set forth who's in the membership.

20 COUNCILMEMBER TAVARES: Right.

21 MR. GARNEAU: So there would be more than one section

22 we'd have to -- but that wouldn't be repealing,

23 we may have to add and, you know --

24 COUNCILMEMBER TAVARES: Uh-huh, right.

25 MR. GARNEAU: But I can look at those sections --

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1 COUNCILMEMBER TAVARES: Okay.

2 MR. GARNEAU: -- and make suggestions, if that's the

3 intent, but I guess what I'd like to know now
is,

4 you know, are you looking at a committee of nine

5 people? If you are, what type of professionals

6 would you recommend be on that committee?
That's

7 the information I would need to be able to

draft.

8 MS. BERNARD: Question.

9 CHAIR MOLINA: Okay, Ms. Bernard.

10 MS. BERNARD: I would like to see if we could get a
copy

11 of the -- how the Committee was established, the

12 current Lighting Committee, so that we can
compare

13 it, or are you going to do that separate from

us?

14 So you can bring us the language and see if we

can

15 just incorporate that and tailor it to this,

because

16 you were saying it would be good to look at that

to

17 see, you know, if we wanted to pull from the

18 languaging in that. I don't know where it is,

so...

16th, 19 COUNCILMEMBER TAVARES: It's attached to the January
two 20 2002, so it's toward the front of the book about
enough 21 or three documents in. Mr. Maberry was kind
share 22 to find it and tell me where it was, so I'll
23 that with you too.
24 MS. BERNARD: Oh, right.
25 COUNCILMEMBER TAVARES: Yeah, the Chapter 12.17 is the

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a 1 Street Lighting Committee. And that one's only
be at 2 five-member committee, and I believe it should
have 3 least a seven-member committee. It might not
4 to be nine, but it should be at least seven.
5 MR. McCORD: I've heard they have a hard time getting
6 quorum.
lighting? 7 COUNCILMEMBER TAVARES: Which one? The street
8 MR. McCORD: Yeah.
Now 9 COUNCILMEMBER TAVARES: Well, they do boring stuff.
10 it's going to be exciting.

type

11 MS. BERNARD: I can think of at least one sea turtle

12 biologist who might be interested.

13 COUNCILMEMBER TAVARES: Sure.

a

14 MR. McCORD: I was thinking maybe Richard ought to be

15 permanent member.

16 CHAIR MOLINA: Members --

17 MR. CHONG: You can't pay me enough money to be on the

18 committee. I'm sorry.

19 CHAIR MOLINA: Members. Your responses have been

20 answered, Ms. Tavares, from Mr. Garneau?

that,

21 COUNCILMEMBER TAVARES: Yeah, I was going to suggest

we

22 you know, if we work on this, maybe, you know,

boards

23 can look at what other committees were -- or

usually

24 and commissions were made up of, but they're

-

25 nine-member committees or boards and there are -

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Safety

1 there is one seven-member one, I think, the

2 Council. I think we in the Council reduced the

3 number --

4 MR. GARNEAU: To five.

5 COUNCILMEMBER TAVARES: -- to five because they were
6 having trouble with the quorum, but I think with
7 this outdoor lighting, it's going to be so
exciting
8 that we won't have a problem with quorum once we
9 get people selected. I think because it's
expanded,
10 it's not just street lighting, it's going to
involve
11 a whole lot of other things. So I think there
would
12 be more interest. I'm sure that the -- you
know,
13 the Chamber would be interested in having a
member
14 on there, the Hotel Association would interested
in
15 having a member. So I don't think we'll have
any
16 trouble, you know, really finding people who
would
17 like to serve on this particular board, if it
shall
18 be created.

19 CHAIR MOLINA: That's refreshing to hear, people
wanting
20 to participate, you know. Mr. Chong.

21 MR. CHONG: I don't mean to burst the your bubble, but
I
22 think -- and this is my opinion of the
electrical
23 engineering community that does most of the
lighting
24 design in the State of Hawaii, I think you're
going

to 25 to be hard-pressed to find one of us lucky guys

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one 1 sit -- or girls to sit on that Committee. I for

It's a 2 would never want to serve on that Committee.

3 tough job.

4 COUNCILMEMBER TAVARES: Yeah.

very 5 MR. CHONG: And our design community as a whole is

to 6 inactive and complacent, actually, when it comes

somebody 7 good lighting design. So having -- finding

time I 8 who is, one, knowledgeable and wants to spend

there 9 think is going to be tough, my opinion, and

on -- 10 aren't that many guys on Maui. Most of us are

11 in Honolulu. So just --

12 COUNCILMEMBER TAVARES: Yeah, we might not --

13 MR. CHONG: Dream big and --

requirement 14 COUNCILMEMBER TAVARES: We may not make that a

15 to have a --

16 CHAIR MOLINA: Trust me, Ms. --

17 COUNCILMEMBER TAVARES: A person of your caliber to
sit on
18 the Committee would be certainly a great
blessing,
19 but I know the realities of life are not that
great.
20 CHAIR MOLINA: Trust me, Mr. Chong, with -- our
21 experiences with you, if that Committee is ever
22 formed, we'd definitely have you on the mailing
list
23 to get your insights at least, although -- if
you
24 couldn't be here, you know, in person.
25 Okay. Any other comments with regard to

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1 Dr. Altenberg's Recommendation No. 6?
2
3 MEMBER ALTENBERG'S RECOMMENDATION #7
4
5 CHAIR MOLINA: Okay. Members, let's move on to the
last
6 recommendation, which is to "put in a 5500 lumen
per
7 acre exclusion from shielding requirements
(about
8 one 100 watt bulb per quarter acre house lot).
On

per 9 land zoned Agricultural, it would be .5 lumens
unshielded 10 square foot of building. This 'quota' on
pools, 11 light could be used for any purpose, lighting
lights, et 12 fountains, trees, grandfathering existing
exempt 13 cetera. The exclusion, however, would not
14 lights from Recommendations 4 and 5 above." The
15 draft bill currently does not address this
matter.
only 16 There is no applicable section. The draft bill
17 discusses street lighting in agricultural areas.
18 Comments, Mr. Maberry, to be followed by
19 Mr. Chong.
20 MR. MABERRY: I believe that it would go under .080
21 personally, and then I have a question for
22 Mr. Chong. Is this a number that he consulted
with
23 you to come up with?
24 MR. CHONG: No.
25 MR. MABERRY: Or is this something on his own?

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1 MR. CHONG: He got it on his own.

2 MR. MABERRY: Okay. Thank you.

3 CHAIR MOLINA: Okay. Mr. Chong, additional comments?

4 MR. CHONG: I'm not against a lumen per area
limitation on
is
areas,
but
to
and
fountain
there's a
include
500
dozen
you're
any
- in

5 up lighting. I do think, personally, the 5500

6 too low, you know, especially for some resort

7 and we're not trying to turn resorts into Vegas,

8 5500 would definitely be very, very challenging

9 do the grounds justice.

10 Other -- also he mentions lighting pools

11 fountains. I do believe that all pool and

12 lighting should be exempt from the ordinance

13 because, one, it's not a big offender and

14 lot of -- a lot of safety issues in keeping your

15 pool lights on dusk to dawn, and to have to

16 that in that number -- I mean one pool light is

17 watts in a decent size pool, and in a large pool

18 you've already got four to eight of them or a

19 of them. I mean, you'll never meet -- I mean

20 never going to light any trees, yet alone put

21 lights in your pool.

22 So I -- one of my recommendations is to -

exclude 23 the exceptions, all the exceptions, is to
24 any pool or fountain lighting, water feature
fossil 25 lighting from the Code, period. Sort of like

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to 1 fuel is, but I think Dr. Altenberg has gone on
because 2 say -- to take that off the exemption list
3 fossil fuel is a full-spectrum light.
comments 4 CHAIR MOLINA: Thank you, Mr. Chong. Any other
5 on Recommendation No. 7? Ms. Bernard.
6 MS. BERNARD: I'm sorry, so did you offer a different
7 number or --
thought, 8 MR. CHONG: No. I mean, I haven't given it much
not 9 but it would probably be at least double, but
be 10 more -- but not four times the amount. It would
11 something in that range. I'd have to give it a
12 little more thought.
you 13 MR. MABERRY: Could we ask that he do that have it,
14 know, come to us with a suggestion at the next
15 meeting?

16 CHAIR MOLINA: Sure.

17 MR. CHONG: Be happy to.

18 CHAIR MOLINA: So Chair's recommendation is to defer

19 Dr. Altenberg's Recommendation No. 7. Any

20 objections? Ms. Tavares.

21 COUNCILMEMBER TAVARES: Yeah, not an objection, but I

22 think that in looking at this, he started to go
into

23 land zoned Agricultural, so we're looking at

24 different standards, perhaps, based on the type
of

25 use or designation of the land.

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1 MR. CHONG: This might be a good application of that.

2 COUNCILMEMBER TAVARES: Because, you know, in the

3 Agricultural area, I mean, let's face it,
there's a

4 lot of activity up there that's not agricultural
and

5 they're lighting up stuff like they're in a
resort,

6 and those lands are still zoned Agricultural, so
I

7 think that this would help. And since those

8 Agricultural lands are -- you know, a lot of it
on

help 9 the base or on the slopes Haleakala, this might
10 in this area too.
11 CHAIR MOLINA: Okay. Ms. Bernard.
would 12 MS. BERNARD: So, then, my question to you, Rick, is
13 you be comfortable if this was -- if this was a
like in 14 little tighter recommendations for Ag lands,
15 the very beginning?
for 16 MR. CHONG: I would not have a problem if it was just
17 Ag lands.
18?: That number.
lumens if 19 MR. CHONG: I would not have a problem with 5500
20 this paragraph was specific to Ag lands.
here 21 MS. BERNARD: So can we -- do we have some language
22 or does the Subcommittee feel to wait until Lee
is 23 here --
24 COUNCILMEMBER TAVARES: No, let's wait.
25 MS. BERNARD: -- to discuss that? Okay.

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1 CHAIR MOLINA: Yeah, the Chair's recommendation is to

Okay, 2 defer and get some more information on this.

3 so hearing that, no objections to the deferral.

LA) 4 SUBCOMMITTEE MEMBERS VOICED NO OBJECTIONS. (Excused:

5 ACTION: DEFER pending further discussion.

6

point it 7 CHAIR MOLINA: Okay. All right, members, at this

catch. 8 is 12:07. I know Mr. Chong has a flight to

9 We had a very active and full day today.

10 COUNCILMEMBER TAVARES: We didn't have a lunch.

11 CHAIR MOLINA: And I know Ms. Tavares's clock for

lunch is 12 starting to tick.

13 COUNCILMEMBER TAVARES: That's right.

14 CHAIR MOLINA: So is the Chair's.

15 COUNCILMEMBER TAVARES: That's what happens when you

don't 16 eat breakfast.

17 CHAIR MOLINA: So, again, a reminder, our next meeting

is 18 set for Wednesday, August 21st, and if you could

in 19 the meantime communicate with Mr. Saldana any

other 20 recommendations or suggestions specifically to

ordinance 21 Section 7, or any other sections of the

22 for that matter, that would be appreciated. And

23 we'll try to keep the lines open with Dr.

Altenberg 24 while he is away on his trip and inform him as

to

synopsis. 25 what happened here today, give him a brief

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1 Any announcements?

2 MS. BERNARD: I will not be here on August 21st, I
regret

3 to say.

4 CHAIR MOLINA: Okay.

5 COUNCILMEMBER TAVARES: Me neither.

6 CHAIR MOLINA: Okay. We're down to two members --
down

7 two members, so we do need four to maintain
quorum,

8 so -- okay. So as far as Mr. Maberry, you're
fine.

9 Mr. Chong, you'll be here?

10 MR. CHONG: I'm fine.

11 CHAIR MOLINA: And Mr. McCord, myself, and Dr.
Altenberg.

12 Okay. So noted. And thank you for letting the

13 Chair know.

14 Hearing no announcements, this meeting is

15 adjourned.

16 ADJOURN: 12:08 p.m.

17

18

19
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1 C E R T I F I C A T E

2 STATE OF HAWAII)
3) SS.
4 CITY AND COUNTY OF MAUI)

5
6 I, Jessica R. Perry, Certified Shorthand
Reporter
7 for the State of Hawaii, hereby certify that the
8 proceedings were taken down by me in machine shorthand
and
9 was thereafter reduced to typewritten form under my
10 supervision; that the foregoing represents to the best
of
11 my ability, a true and correct transcript of the
12 proceedings had in the foregoing matter.

13 I further certify that I am not attorney for any
of

14 the parties hereto, nor in any way concerned with the
15 cause.

16 DATED this 31st day of July, 2002, in Honolulu,
17 Hawaii.

18

19

20

21 Jessica R. Perry, CSR NO. 404
22 Notary Public, State of Hawaii
My Commission Expires: 5/11/03

23

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