

THE COUNTY OF MAUI  
MAUI REDEVELOPMENT AGENCY

**APPROVED**

07-18-08

**ORIGINAL**

REGULAR MEETING

Held at the County of Maui Planning Conference Room, Kalana Pakui Building, 250 South High Street, First Floor, Wailuku, Maui, Hawaii, commencing at 1:00 p.m. on Friday, June 20, 2008.

REPORTED BY: JEANNETTE W. IWADO, RPR/CSR #135

## 1 ATTENDANCE

2 Maui Redevelopment Agency Board, June 20, 2008

3  
4 COMMISSION PRESENT:

5 RONALD KAWAHARA, CHAIRMAN

6 ALEXA BETTS BASINGER, VICE-CHAIR

7 KATHARINE POPENUK

8 RAYMOND PHILLIPS

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11 STAFF PRESENT:

12 JOSEPH ALUETA, PLANNER

13 DANNY DIAS, PLANNER

14 JEFFREY UEOKA, DEPUTY CORPORATION COUNSEL

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COUNTY OF MAUI  
MAUI REDEVELOPMENT AGENCY  
TRANSCRIPT OF PROCEEDINGS  
REGULAR MEETING

CHAIRMAN KAWAHARA: 1:05 pm. I'm going to call the meeting to order. My name is Ron Kawahara, I'm the Chair of the Maui Redevelopment Agency.

The first item of business is we need to approve the minutes of February 15, 2008, March 28, 2008, April 18, 2008, May 9, 2008, and May 16, 2008.

COMMISSIONER BETTS BASINGER: So moved.

CHAIRMAN KAWAHARA: I need a second.

COMMISSIONER POPENUK: Second.

CHAIRMAN KAWAHARA: Any discussion, additions deletions to the minutes? I'm sure you all read them very carefully. Since there's no discussion, all in favor please say "aye."

(A chorus of ayes)

Opposed "nay."

(None)

It's carried unanimously.

Item C-1 on the agenda, a report from the Wailuku Main Street Association, Jocelyn Perreira.

MS. PERREIRA: Are you taking public testimony

1 first? Because ours is a report.

2 CHAIRMAN KAWAHARA: It doesn't matter. Would you  
3 prefer to go after the public testimony?

4 MS. PERREIRA: Sure.

5 CHAIRMAN KAWAHARA: All right.

6 MS. PERREIRA: I think that's important, because  
7 that's what our customary is, yeah.

8 CHAIRMAN KAWAHARA: That's fine. What about the  
9 Wailuku Community Association. Alexas?

10 MS. DASCOLIAS: Good afternoon. Alexas  
11 Dascoulias of the Wailuku Community Association. The WCA  
12 had its monthly meeting on May 21st, which was followed by a  
13 parking committee meeting on May 28th, and then a special  
14 board of directors meeting on June 4th, and these extra  
15 meetings were held to discuss the Wailuku Stakeholders  
16 Parking Resolution.

17 I'd like to thank those who attended those  
18 meetings. We had guests both from the MRA as well as the  
19 Wailuku MSA who attended to answer questions and explain the  
20 long history of parking in Wailuku. So I thank those of you  
21 who attended and participated in that discussion.

22 MS. PERREIRA: And MSA is, for the record?

23 MS. DASCOLIAS: The Main Street Association. The  
24 Wailuku Community Association also met this past Wednesday,  
25 June 18th, and we are working on a survey regarding the

1 First Friday events. We are exploring the time that the  
2 events are held and the logistics involved in vendor  
3 participation, set-up, and clean-up. First Friday on June  
4 6th marked another successful event, and was successful in  
5 part by all the preparations that were made regarding the  
6 safety on Market Street.

7           Currently obviously the street is under a lot of  
8 construction with the beautification project, and so the  
9 Wailuku Community Association wants to be sure that we are  
10 taking all the precautions necessary to ensure the safety of  
11 the participants in the First Friday event. So we will  
12 continue to do that. And thank you to Yuki and Darla, who  
13 helped with that.

14           The next First Friday event is on July 4th, and we  
15 anticipate a great celebration. And the next meeting of the  
16 WCA is scheduled for Wednesday, July 16th. That's it.

17           CHAIRMAN KAWAHARA: Any questions of Alexas?  
18 Thank you, Alexas.

19           MS. DASCULIAS: Thank you.

20           CHAIRMAN KAWAHARA: Public testimony.

21           COMMISSIONER BETTS BASINGER: On any issue?

22           CHAIRMAN KAWAHARA: On any issue at this point.

23 So please identify yourself and an organization you  
24 represent, if any.

25           MR. ALUETA: She still would be able to testify at

1 the public hearing.

2 CHAIRMAN KAWAHARA: Oh, yes.

3 MR. ALUETA: You would be able to testify.

4 Normally, if someone can't stay for the agenda item on any  
5 general issue or not, or you can also wait until they hold  
6 the official public hearing.

7 MS. WENDER: Okay. I would like for the public  
8 hearing not to be held.

9 CHAIRMAN KAWAHARA: What Joe is saying is when an  
10 item comes up on the agenda then you can speak at that time,  
11 or do it now, it's up to you.

12 MS. WENDER: All right, I'll wait.

13 CHAIRMAN KAWAHARA: So, Jocelyn, the Wailuku Main  
14 Street Association.

15 MS. PERREIRA: Good afternoon members of the Maui  
16 Redevelopment Agency. This is our normal process in  
17 delivering a report based on update on project involvement  
18 relating to projects listed in the Wailuku Redevelopment  
19 Plan.

20 I'd like to inform everybody that we had a very  
21 good Wednesday in Wailuku event. It's three parts, it's  
22 part one in a three part series on the general plan that  
23 focuses in on the plan's impact to small towns. The reason  
24 why we are spending time and effort on that is because,  
25 first of all, the island Policy Plan is a gamut of

1 you-name-it of things that we want, like a gigantic wish  
2 list. We want to make sure that the needs of all the small  
3 towns are not lost, particularly the traditional small  
4 towns -- in this case, Wailuku -- and that it does get  
5 presented as a priority.

6 Now we are working on the Maui Island Plan, and  
7 again, we are further looking at making sure that  
8 incorporated in the vision -- and you can pass this out --  
9 is, again, the importance of the small towns. And it's,  
10 again, to make sure that it's not lost. That it is an  
11 important element that needs priority.

12 Finally, I would like to state that we've been  
13 very heavily involved in this effort to get the municipal  
14 parking structure moving and hopefully implemented and  
15 supported. I'm waiting to hear, I have a call in to see  
16 when we are going to have the public meeting or hearing. I  
17 do understand that Council Chair Riki Hokama will be  
18 introducing, so we're just waiting on a date.

19 Our organization is working on a strategy for  
20 bringing representation from a broad base of the community  
21 voices, and to provide different kinds of testimony at the  
22 day that we're there so we can in fact achieve the goal of  
23 getting it together.

24 And finally, what we are starting to look at is  
25 our project for the coming year, which will be an update of

1 the town assessment of Wailuku so that we get more current  
2 and up to the date, up to the minute information on the  
3 status of buildings and vacancies and what's available, and  
4 how things have changed particularly in the Maui  
5 Redevelopment Agency area.

6 And that concludes my testimony. And I do want to  
7 pass out, if you don't have it, a copy of support for the  
8 wireless group that is here today.

9 CHAIRMAN KAWAHARA: Why don't you do that after.

10 MS. PERREIRA: At that time? Okay, thank you very  
11 much, sir. Thank you for this opportunity. Aloha.

12 COMMISSIONER BETTS BASINGER: I have a question.  
13 Chair.

14 CHAIRMAN KAWAHARA: Sure.

15 COMMISSIONER BETTS BASINGER: I'm sorry, Jocelyn,  
16 I missed your testimony this morning regarding the parking  
17 spaces in front of Iao School, 13 parking spaces being  
18 turned into a loading zone for portions of the day for the  
19 school children. But I'm sorry you left, because at the end  
20 of that particular discussion Council Chair Hokama made a  
21 very clear statement saying, "And this is why we need to get  
22 that Municipal Parking Lot built."

23 MS. PERREIRA: Oh, wonderful, wonderful.

24 COMMISSIONER BETTS BASINGER: So it was an  
25 interesting moment for me to be there and hear that.



1 MS. PERREIRA: If I may, since you brought it up,  
2 I just want to update you very briefly. I had an SOS sent  
3 to me from a couple of weeks ago that they were trying to  
4 turn some of the parking stalls fronting the old Wailuku  
5 Armory, which is the Iao Intermediate School. And there was  
6 concerns for safety issues as well as the fact that how it  
7 was going to impact taking any stalls out.

8 So that was what I expressed today, was safety  
9 issues concerned. Some people felt that there wasn't enough  
10 input from the school administration with the community, so  
11 on and so forth, that fencing probably would be important,  
12 and why they couldn't do a loading zone on Kaohu Street  
13 instead of Market Street. And at that time I did express  
14 again, once again, that streets are for customers and  
15 clients. So thank you, I completely forgot that. Thank  
16 you.

17 CHAIRMAN KAWAHARA: Thank you. In connection with  
18 that, you know, I've received a number of complaints, some  
19 derogatory and some comments on this Wailuku beautification  
20 project which involved particularly with respect to the  
21 removal of parking stalls. So for the record, I just want  
22 to state so that everybody understands why the project moved  
23 forward when it did.

24 Originally the project was supposed to be done  
25 after the municipal parking structure was built. That would

1 have been ideal. But as we are all aware, this municipal  
2 parking structure was not built. So the funds, some of the  
3 funds for the beautification project were federal funds. If  
4 the project didn't proceed, the funds would have lapsed.

5           Given that scenario, every person that made the  
6 comment I said, "What would you have done?" And everybody  
7 agreed that the beautification project should have gone  
8 forward.

9           So many people still, even though all the  
10 information and all the information that's out there, many  
11 people are still under the misconception that the  
12 beautification project was done in isolation and was not in  
13 the best interest of Wailuku and et cetera, et cetera. So  
14 to set the record straight, it was just to prevent federal  
15 funds from lapsing.

16           All right, moving on, we have a public hearing  
17 item Coral Wireless, to place panel antennas on One Main  
18 Plaza. And you don't look like a Faye Otsuka, but nowadays  
19 you don't know. You are?

20           MR. DIAS: Danny Dias from the Planning  
21 Department.

22           CHAIRMAN KAWAHARA: I'm sorry, Danny?

23           MR. DIAS: Danny Dias, D-I-A-S, Planning  
24 Department.

25           MR. ALUETA: Well, as you know, the process for

1 applications, it's been awhile since we've had an  
2 application before us, is that the applicants come in and  
3 they're assigned to the current division of the Planning  
4 Department. And they've taken on the responsibilities to  
5 process and generate the report and do the analysis relative  
6 to the redevelopment plan as well as the small town code.

7 In summary today you have what you call MRA use  
8 permit, and Danny will go over the use permit as well as the  
9 applicant.

10 MR. DIAS: Good afternoon members of the MRA.  
11 I'll keep this really brief. This is a pretty simple  
12 project. Basically, Coral Wireless wants to install eight  
13 panel antennas on top of the roof of One Main Plaza. The  
14 panel antennas are pretty small, they're six feet in height,  
15 with a one foot width and one foot depth.

16 Also, they also need to install an equipment  
17 cabinet and a power protection cabinet, and those two  
18 cabinets are going to be approximately five feet in height  
19 and about two feet wide.

20 The section of the Wailuku Redevelopment Area  
21 Zoning and Development Code that requires an MRA use permit  
22 be obtained for this type of use is in Section 30.03.030 D5,  
23 which lists telecommunications and broadcasting antennas as  
24 a type of use that needs an MRA permit.

25 And performance standards indicate, "That they

1 shall be assessed for its mauka and makai visual impacts,  
2 with special consideration given to the visual impacts  
3 towards Iao Valley." And that kind of summarizes what's in  
4 the report. So I'll have the applicant come up and give a  
5 brief presentation.

6 MR. SHAW: Good afternoon, Commissioners,  
7 committee members. I'm not Faye Otsuka either. I'm Eric  
8 Shaw, I'm the director of site development for Coral  
9 Wireless dba Mobi PCS. Mr. Dias has copies of the  
10 presentation that I prepared.

11 I won't go through this page by page. As Mr. Dias  
12 indicated, Mobi is proposing to add an equipment cabinet, a  
13 power protection cabinet, both of those to be located inside  
14 the existing screen wall at the rooftop of One Main Plaza,  
15 and then eight panel antennas attached to the vertical  
16 screen wall and then painted to match that. From ground  
17 level or from any distance away from the building, those  
18 panel antennas will tend to blend right in with the color of  
19 the screen wall.

20 The purpose of the site is to provide better  
21 coverage for our subscribers essentially within the Wailuku  
22 area. We have other sites that cover the surrounding area  
23 today, and we're hoping to augment our coverage and give  
24 better in-building coverage with this site at One Main  
25 Plaza.

1 I'm prepared to answer any questions that you may  
2 have. That really concludes my portion of the presentation.

3 CHAIRMAN KAWAHARA: Okay, any comments from the  
4 public about the application? Jocelyn, why don't we ask --

5 MS. PERREIRA: Sure, go right ahead. I yield.

6 MS. WENDER: Good afternoon. My name is Elaine  
7 Wender, and I'm an adjacent property owner. I own two  
8 adjacent properties. I received this letter from the  
9 developer and, here, I have copies for you. I printed them  
10 on both sides. And this letter said, "Mobi PCS would like  
11 to hear your thoughts regarding this proposed installation.  
12 We would like to invite you to a short presentation." I  
13 circled that, that was not in the original.

14 And then on the flip side is what was attached, no  
15 date, no application number, and it says, "Please be  
16 informed that the undersigned has applied to the Maui  
17 Redevelopment Agency of the County of Maui for a" -- blank,  
18 there is nothing filled in -- "for the following parcel."  
19 And then the parcel is named. And then number eight,  
20 "Ordinances or rules affecting the request," blank.

21 So when I got this I assumed, and I think the only  
22 reasonable interpretation one could make, was this was a  
23 public informational meeting, and I was happy to see that.  
24 Often developers do that, they have much public  
25 informational meetings before they apply for a permit or

1 during the permit process.

2           And I saw, well, they used the form from the  
3 Planning Department, but obviously there's no application  
4 because there's no application number, there's no what it is  
5 filled in in these spots. I only learned yesterday when I  
6 got in touch with the Planning Department that in fact this  
7 was to be the decision-making meeting.

8           So my first point is that I would urge you to not  
9 decide on this today, and to require the applicant to go  
10 through another notification process so that people can know  
11 that this is actually the decision making meeting. If I had  
12 known that I would be better prepared to testify on the  
13 substance.

14           My concerns are not so much the aesthetics, but  
15 the cumulative impact of the electro magnetic frequencies  
16 coming not just from that building but from this whole area.  
17 And I've only just now gotten this packet from the  
18 developer, which claims -- with a 12 year old letter from  
19 the Department of Health -- that really this exposure is  
20 minimum, we need not worry. But I think we all know that in  
21 the last 12 years worldwide there's been increasing concerns  
22 about the impacts of these facilities. And in the little  
23 bit of time I had I found several articles on line where  
24 other jurisdictions have successfully banned such towers  
25 from the roofs of buildings.

1           So I'm not prepared to say what the hazards might  
2 be, because I didn't know that that was what was going to be  
3 happening here at this meeting. But I would hope that when  
4 the permit is actually discussed you would have before you  
5 not only what is coming out of these proposed antennas but  
6 what about the other ones that are already up there. What  
7 about all the rest of them in Wailuku? What might be the  
8 cumulative impact? You have a preschool as an adjacent  
9 property, although they are not a property owner, so they  
10 might not even be aware of this application.

11           You have a very good public health officer here on  
12 Maui, our state public health officer, Dr. Pang. I have no  
13 idea what his feeling might be about this, but I think he  
14 would be an important person to ask.

15           And finally, if it is found that there are risks  
16 involved to us from this private company making private  
17 profit, and you still decide that this is a good idea, then  
18 I think you should discuss mitigation, and whether  
19 mitigation exists, and whether it might be appropriate.

20           And as I say, I'm not as informed as I wish I  
21 could be, but that is what I would suggest. If you do  
22 choose to go ahead today, then I would ask you to deny the  
23 permit based on inadequate information.

24           CHAIRMAN KAWAHARA: Thank you. Your name was  
25 Lynne Wagner?

1 MS. WENDER: Wender. It's on the letter, Elaine  
2 Wender.

3 CHAIRMAN KAWAHARA: All right. Testimony from the  
4 Wailuku Main Street Association.

5 MS. PERREIRA: Jocelyn Perreira, Wailuku Main  
6 Street Association once again. Before I read our position  
7 on this particular project, I would like to state that I'd  
8 like to provide some information that you may find helpful.

9 The County Council had empowered a  
10 telecommunications committee to address this very concern a  
11 few years back. I know because I served with a host of  
12 people, including Shawn McLaughlin and Jeanne Skog, et  
13 cetera, et cetera, and we thoroughly looked at this issue.  
14 We brought in a lot of professionals and experts about the  
15 health conditions and what have you.

16 When this particular group came in and met with  
17 our group most recently, they were grilled. They were given  
18 a thorough grilling about some of the health impacts and  
19 concerns because of the things that Miss Wender notes. The  
20 things does have changes and changing times and what have  
21 you. But we were given very good assurances that the  
22 impacts were minimal.

23 And there was -- in light of the fact that a  
24 telecommunications committee had thoroughly researched this  
25 not too long before, we felt that this was something -- the



1 cumulative effects of this, because we know there are many  
2 antennas in that particular area, and it was kind of the  
3 county's desire to, instead of putting antennas all over the  
4 place, that they kind of be in a specific place on a  
5 particular specific tower that is high enough. So in light  
6 of that, I just wanted to put that forth for your  
7 information.

8           The Wailuku Main Street Association Structure and  
9 Design Committee met with Mobi Development representatives  
10 to review the proposed panel antennas and equipment cabinet  
11 on the roof of One Main Plaza on High Street in Wailuku.  
12 The review is based on the blueprint and information  
13 submittals received by the Department of Planning, and a  
14 Power Point presentation and verbal responses made by the  
15 Mobi representatives on April 15, 2008.

16           The Wailuku Main Street/Tri-Isle Main Street  
17 Resource Center's Structure and Design Committee discussed  
18 aesthetics, service and safety issues. We were very pleased  
19 with the proposed project's placement, colors, and note its  
20 importance to enhancing communication, especially in  
21 emergency circumstances.

22           The structure and design team of professionals can  
23 recommend approval of this application. We appreciate the  
24 owner's willingness to work with the community to ensure its  
25 project fits the town's character, and it will be a welcomed

1 addition to the on-going efforts to revitalize Wailuku.  
2 That's what we have to say on the project.

3 CHAIRMAN KAWAHARA: One question, maybe it's just  
4 a grammatical concern. Your sentence, the Structure and  
5 Design Committee, "the Structure and Design team of  
6 professionals can recommend." You mean "has recommended"?

7 MS. PERREIRA: They said, "We can recommend," so I  
8 wrote it exactly as they said it, "We can recommend."

9 CHAIRMAN KAWAHARA: But they haven't recommended.

10 MS. PERREIRA: Yes, they have.

11 CHAIRMAN KAWAHARA: "Can recommend."

12 MS. PERREIRA: It's semantics. I am not going to  
13 correct my volunteers. They tell me, "We can recommend."  
14 It means, and I will verify because I'm the executive  
15 director, they have recommended.

16 CHAIRMAN KAWAHARA: I'm just trying to get a  
17 clarification.

18 MS. PERREIRA: Sure. And thank you for the  
19 opportunity to make that clear. I will remind them that we  
20 have to be a little bit more careful on that. Thank you.

21 CHAIRMAN KAWAHARA: Any other public testimony on  
22 this issue?

23 COMMISSIONER BETTS BASINGER: I have questions,  
24 Mr. Chair.

25 CHAIRMAN KAWAHARA: Sure.

1           COMMISSIONER BETTS BASINGER: Jocelyn, could you  
2 please share with us what year it was that the  
3 telecommunication taskforce was convened and met?

4           MS. PERREIRA: Not realizing that this was going  
5 to come up as a question, I would have given you the exact  
6 date. Off the top of my head, I cannot remember exactly.

7           COMMISSIONER BETTS BASINGER: Can you provide us  
8 with that information?

9           MS. PERREIRA: Absolutely. Also, just for your  
10 information, I have retained a binder from the committee's  
11 work, and I'm sure they have some things in that binder that  
12 will prove to be helpful.

13           COMMISSIONER BETTS BASINGER: I'm just curious as  
14 to how long ago that was, because this technology changes so  
15 quickly.

16           MS. PERREIRA: It could have been as much as five  
17 years ago.

18           COMMISSIONER BETTS BASINGER: Well, okay.  
19 Secondly, you said that when you met and extensively grilled  
20 the Mobi by folks, you said they provided many assurances.  
21 Can you share what those assurances were? Were they  
22 recognized analysis, were they health reports?

23           MS. PERREIRA: If I had the notes in front of me  
24 from the committee meeting, where I take copious notes, I'm  
25 sure you know by now. Anyway, I could tell you specifically

1 what they were citing, but we asked them to cite  
2 specifically analysis that had been done. We asked them  
3 about surveys and health reports.

4 I even went a step further by asking them if they  
5 were aware that there had been opposition to such towers  
6 that was going to be placed in Pa'ia on the Doris Todd  
7 school site at one point, and all of that, and that there  
8 was controversy in Haiku. And I understand from the Haiku  
9 community now that the community association is in support  
10 of placing a tower in Haiku as well. So I'm sure that they  
11 got grilled quite a bit here, there, and everywhere.

12 COMMISSIONER BETTS BASINGER: Thank you. I guess  
13 I will be asking the applicant for that information while  
14 you're here.

15 And lastly, Jocelyn, I know that you talked  
16 earlier about doing an update on our town assessment. Do  
17 you have any idea prior to doing that update how many other  
18 towers or other like cellular instruments are already here  
19 in the MRA area?

20 MS. PERREIRA: In the MRA area? I know of now  
21 this is the third application that has come before the MRA.  
22 But I know that on One Main Plaza there is more than that,  
23 and I think maybe the county building as well. Again, my  
24 recollection, I'm trying my best, but I don't have it  
25 exactly before me.

1           COMMISSIONER BETTS BASINGER: I would want to  
2 request, I guess when we get closer to doing the town  
3 reassessment, that this definitely be one of the markers  
4 that we begin to gauge.

5           MS. PERREIRA: You want to request that?

6           COMMISSIONER BETTS BASINGER: Yes, as we are  
7 seeing where we stand in our town, that this be one of the  
8 things we count. Thank you.

9           CHAIRMAN KAWAHARA: Will the applicant, Mr. Shaw,  
10 care to comment on the health concerns raised?

11           MR. SHAW: Thank you, Jocelyn, for adding your  
12 support to us today, I do appreciate it.

13           As you can imagine, the health impacts are  
14 something that come up time and time again. And I have been  
15 in the business for 12 years now, and I don't foresee a  
16 future when the health impacts won't be discussed.

17           The types of information that we provided at the  
18 Main Street Association meeting were from the FCC  
19 guidelines. The Federal Communications Commission has  
20 jurisdiction over health and safety impacts for licensed  
21 telecommunications in the United States. We are a licensed  
22 telecommunications provider.

23           The presentation actually does have some web  
24 resources listed to refer to. That's towards the back of  
25 the presentation. Let me see if I can find it. It would be

1 on page 17 of our presentation. The primary documents that  
2 we refer to over and over again are from the FCC Office of  
3 Environmental Technology, Bulletin 56 and Bulletin 65.  
4 These are broad documents, they're 65 or 70 pages long, and  
5 there are portions of them that are specific to cellular and  
6 PCS type installations.

7           Essentially, the cellular installations operate  
8 with very narrow band antennas. They're not pointed  
9 everywhere, they're intended to put their energy in a very  
10 narrow cone towards the horizon, and they operate at very  
11 low power levels. The radios are 18 watt radios. By the  
12 time it comes out of the antenna it's about 100 watts of  
13 power.

14           So by the FCC guidelines, at the most stringent  
15 threshold you can be within five or six feet of these  
16 antennas for an extended period of time, a half an hour or  
17 so, before you exceed the health and safety limits. Any  
18 further from those antennas or outside the main beam,  
19 beside, behind, below, above, you never approach the health  
20 and safety limits. Any place off of the rooftop we're no  
21 longer able to measure these devices in terms of watts.  
22 It's down in the milowatt or microwatt range. So they're  
23 very, very low powered.

24           In fact, most of the research that's happening  
25 today in cellular technology is no longer focused on the

1 antenna sites, it's focused on the hand sets. It's just  
2 based on proximity. This hand set is an instrument we had.  
3 The cell site is tens of yards, hundreds of yards, thousands  
4 of yards away.

5           One of the little known pieces of cellular  
6 technology is that there's a fair amount of smarts actually  
7 built into the hand set now. The stronger the signal from  
8 the nearest cell site, the lower power your hand set will  
9 put out. The farther away, the weaker signal from the cell  
10 site, the more your hand set powers up. So indirectly,  
11 being in an area of weak coverage gives you more exposure  
12 the more you're on the phone.

13           That's basically intended as a hand set device to  
14 preserve battery power. It's when you operate at the lowest  
15 possible power setting in order to preserve battery  
16 operation, and will only power up to the maximum level when  
17 it needs to do so in order to communicate with the cell  
18 site.

19           The overwhelming body of evidence that we have  
20 seen from the scientific community is that if you meet FCC  
21 guidelines, which we do on each and every one of our  
22 installations, including the one we're proposing for One  
23 Main Plaza, that there is no health impact either cumulative  
24 or by itself.

25           COMMISSIONER BETTS BASINGER: Thank you. Could

1 you share with us the range of this particular tower?

2 MR. SHAW: I want to differentiate tower from  
3 antenna. The tower is the structure that holds the antennas  
4 in the air. The operative device is the antenna itself.  
5 It's about a hundred watts at the antenna. Are you asking  
6 for the frequency range?

7 CHAIRMAN KAWAHARA: How far, the distance.

8 COMMISSIONER BETTS BASINGER: The service range.

9 CHAIRMAN KAWAHARA: If I was up in Kula, for  
10 example, would I be able to pick up a signal from the cell?

11 MR. SHAW: Not from this site. The effective  
12 range of the cell site depends on a lot of factors. One of  
13 them is what's in between that mobile user and the cell  
14 site. Believe it or not, trees knock down the signal from  
15 our frequency pretty dramatically, particularly mango and  
16 Banyon trees with thick leaves and lots of water in them.  
17 Ironwood trees.

18 In urban Honolulu we will have cell sites every  
19 four or five blocks because of the impact of concrete  
20 buildings, tinted windows, steel reinforced concrete  
21 buildings. In a wide open area with absolutely nothing in  
22 your way, in a desert, you could see a range of about 10  
23 miles in our frequency in a radius from the cell site. The  
24 effective range for this site will be somewhere less than a  
25 mile.



1           COMMISSIONER PHILLIPS: I have a question for this  
2 applicant. I used to run a company that had several RF  
3 generators pretty high, 15 kilowatt up to 100 kilowatt, and  
4 when we applied to the FCC their question was how close are  
5 people, operators, or people going to be in proximity to it  
6 and for what length of time.

7           So I'm going to ask you the same question. During  
8 your normal hours of operation what is your anticipated  
9 human exposure in distance as well as numbers of humans to  
10 this antenna? How close is the closest human being, do you  
11 anticipate?

12           MR. SHAW: Vertically the closest human would be  
13 on the floor below, probably. These antennas are mounted on  
14 a rooftop. The bottoms of the antennas are eight or nine  
15 feet above the roof decks. So they're high to begin with.  
16 So unless there is somebody actually working on the rooftop  
17 directly in front of the main antennas, there's no way for  
18 anybody to get on the wrong side of the health and safety  
19 standards.

20           COMMISSIONER PHILLIPS: And the roof material in  
21 this case, is it a concrete structure?

22           MR. SHAW: This is a concrete structure. There's  
23 steel reinforced concrete decking. I believe it's  
24 approximately six inches thick at the rooftop, between where  
25 our equipment is going to sit and the floor below.

1 COMMISSIONER PHILLIPS: And the maximum amount of  
2 output at any one time is 100 watts?

3 MR. SHAW: 100 watts.

4 COMMISSIONER PHILLIPS: And this is continuous  
5 operation during work hours?

6 MR. SHAW: It's 24/7/365.

7 COMMISSIONER PHILLIPS: In the past when you have  
8 installed this type of equipment have you ever seen any  
9 damage to humans, have you ever had any exposure,  
10 references, has anybody litigated with you concerning this?

11 MR. SHAW: Certainly not with Mobi. There has  
12 been litigation at the national level. That litigation  
13 without fail has been overturned and not proceeded all the  
14 way to trial.

15 COMMISSIONER PHILLIPS: Is there a possibility of  
16 surrounding the antennas with a wire enclosure, something  
17 that might --

18 MR. SHAW: That would render them ineffective.

19 COMMISSIONER PHILLIPS: All right, thank you.

20 CHAIRMAN KAWAHARA: Go ahead.

21 MR. ALUETA: You said they weren't  
22 omni-directional, is that correct?

23 MR. SHAW: That's correct.

24 MR. ALUETA: So they would not be transmitting  
25 downward?

1 MR. SHAW: That's correct.

2 MR. ALUETA: So they're just going to be  
3 transmitting out, not downward?

4 MR. SHAW: Right. The antennas are designed to  
5 put their power in a narrow zone towards the horizon. The  
6 antennas that are typically put on a building are 65 degree  
7 horizontal band width. So think 180 degrees, 90 degrees,  
8 this is about 65 degrees. In a vertical plane the antennas  
9 are about a six degree plane.

10 So if you were to look at the size of an  
11 antenna -- I can sketch one here real quickly. Pardon my  
12 rude sketch. But if this were the antenna, this is the  
13 back, looked at vertically.

14 COMMISSIONER POPENUK: And does that go in all  
15 directions?

16 MR. SHAW: No, it's about a 65 degree slice coming  
17 off the front of that antenna. We're proposing eight  
18 antennas. Four of those would actually be transmitting, and  
19 four would be receive only, and between those antennas we  
20 divide up the coverage area. So each antenna is covering  
21 only a select section.

22 The easiest way I've found to describe this in  
23 public meetings is if we were to turn off all the lights and  
24 put a candle on the table and light that flame, you would  
25 see an equal amount of light pretty much going in every

1 direction except where it's blocked by the candle itself.

2           If we were then to blow out that candle and take a  
3 little mini-mag flashlight and turn it on and point it at  
4 the wall, there would be a spot of light on the wall, and  
5 everything outside that spot goes fairly quickly to shadow.  
6 Behind that flashlight, below it, above it, there's no  
7 light. That's essentially what these panel antennas do,  
8 they focus that beam of energy exactly where our engineer  
9 wants to put it, and that's not down into the building.

10           Typically if you're on the ground floor of an  
11 eight or ten story building that we have got a cell site on  
12 and you try to use your phone, you're not being covered by  
13 that site, you're being covered by the next site over,  
14 because all the energy from that cell site is going away  
15 from the building.

16           COMMISSIONER POPENUK: How many antennas did you  
17 say there would be?

18           MR. SHAW: A total of eight from us.

19           COMMISSIONER POPENUK: And which direction are  
20 they focused?

21           MR. ALUETA: They're on your handouts in the staff  
22 report, as well as the handout on page eight -- I should say  
23 on the Power Point slide that was presented.

24           MR. SHAW: Pages eight and eight are the correct  
25 sites.

1           COMMISSIONER PHILLIPS: I have a question for  
2 Jeff. In the past when I have gone out for a permit to do a  
3 commercial or residential development we've had to request a  
4 meeting for everybody within 500 feet, I think it is, of  
5 where the site is going to be, to come in and make public  
6 comment. Is that provision necessary in what we're doing  
7 now?

8           MR. ALUETA: That's what we're doing today.

9           COMMISSIONER PHILLIPS: So this would be -- okay,  
10 so the developer does need to -- is required to do this 500  
11 foot meeting?

12          CHAIRMAN KAWAHARA: He has already done so.

13          COMMISSIONER PHILLIPS: I was confused about it  
14 when Elaine handed this letter out and it said, you know,  
15 this was not noticed. I thought there wasn't a meeting that  
16 actually occurred.

17          MS. WENDER: This was what I received, and it  
18 references today's meeting.

19          COMMISSIONER PHILLIPS: I see. My apologies.

20          MS. WENDER: My assumption was it was a public  
21 informational meeting. I mean that's what it portends to  
22 be, but actually it's not. And I think you're right, there  
23 is that additional requirement for a community meeting.

24          COMMISSIONER BETTS BASINGER: I have one final  
25 question, and that's about energy consumption of these eight

1 antenna going 24/7. Do you have an estimate?

2 MR. SHAW: Are we talking about kilowatt hours of  
3 electricity use?

4 COMMISSIONER BETTS BASINGER: Yes.

5 MR. SHAW: The equipment that we're using in our  
6 neighbor island network is considering between 500 and 600  
7 hours of kilowatt power in a typical site. So in a dollar  
8 value, that's running a little under \$200. That's per  
9 month. They're relatively low powered both in consumption  
10 and output. They're pretty efficient.

11 I would like to address Elaine Wender's comments  
12 as well, and point out that behind the letter the form is on  
13 a Maui Planning Department form, and it does say, "Notice of  
14 application" at the very top of that form. So I'd like to  
15 point out that I think the casual observer would typically  
16 say that yes, this would be an application, just by the  
17 header alone.

18 MR. ALUETA: It says, "Notice of application and  
19 meeting date."

20 MR. SHAW: Right.

21 CHAIRMAN KAWAHARA: Thank you. Any other public  
22 testimony? Did you want to say something?

23 MS. OTSUKA: Yes.

24 CHAIRMAN KAWAHARA: Can you identify yourself?

25 MS. OTSUKA: I'm Faye Otsuka, and part of the

1 requirements that was required by the Planning Department  
2 was that we send out letters adjacent and across the street  
3 from One Main Plaza. And I, in good faith, you know, sent  
4 it out even further than what was required. So therefore,  
5 Wailuku Townhouse where Elaine Wender is a landlord received  
6 this notification.

7 CHAIRMAN KAWAHARA: Any other public testimony?

8 MS. HOAPILI: Good afternoon. My name is Lorraine  
9 Hoapili. I actually live on the Island of Oahu, but we are  
10 an owner of unit 405 at Wailuku Townhouse.

11 My question is, I know I've heard about the  
12 camouflage or whatever for wherever the antennas are going  
13 to be. We also have heard about health, you know, the  
14 health and how it will not affect our health per se.  
15 However, in our area in Waimanalo we have had the same kind  
16 of thing happening there, and my question is to the  
17 gentleman that was here earlier.

18 We've talked about health, but you have not told  
19 us or come down to specifically what kind of health. I'm  
20 more so looking at people that have pacemakers. How would  
21 this affect a person that has a pacemaker? And like Miss  
22 Elaine said, we are adjacent to the area that is proposed  
23 for these antennas. That's what I'm asking.

24 CHAIRMAN KAWAHARA: Mr. Shaw?

25 MR. SHAW: Thanks, I'd be happy to address that

1 question. Typically the advice that doctors give to  
2 pacemaker patients is simply not to put their phone in their  
3 chest pocket, and keep it on their belt instead. And as we  
4 discussed a little bit earlier, the hand set is the piece  
5 where most of the research is focused today. The actual  
6 cell site will not have any impact on any pacemaker or any  
7 other medical device.

8 COMMISSIONER PHILLIPS: What is the energy  
9 drop-off just, for instance, as you'd say go out 5 feet, 10  
10 feet, 15 feet, 20 feet from these antennas?

11 MR. SHAW: It's a distance squared loss. The  
12 output at the antenna is essentially fixed, so as you move  
13 away from the antenna not only is your distance greater, but  
14 the surface area relative to the cone of energy is also  
15 reduced. So it's distance squared is the rate of drop-off  
16 from the antennas.

17 COMMISSIONER PHILLIPS: So let's say at 20 feet,  
18 let's say it's a hundred watts being pumped out. At 20 feet  
19 what would your approximation be for the RF energy?

20 MR. SHAW: Boy, I didn't --

21 COMMISSIONER PHILLIPS: Percentage-wise 30  
22 percent, 40 percent, 50 percent?

23 MR. SHAW: I know the actual readings that we've  
24 done with an RF probe. More than 10 feet from the antenna  
25 we're switching down to milowatts. More than 20 feet from



1 the antenna we're switching down to microwatts to measure  
2 the energy. So it goes off very, very rapidly.

3 COMMISSIONER PHILLIPS: It goes down  
4 proportionately as a function of the square, the distance.

5 MR. SHAW: Yes, that's correct.

6 COMMISSIONER BETTS BASINGER: One last question,  
7 and thank you so much for answering all these questions.  
8 How many other towers to your knowledge, or antenna, are  
9 with you on top of One Main Plaza or within the Wailuku  
10 area?

11 MR. SHAW: There are two other commercial telecom  
12 carriers on One Main Plaza. There's additional antennas up  
13 there that I'm not entirely sure who they belong to.  
14 There's a few satellite dishes. It looks like some paging  
15 type installations. I tend to focus more on the  
16 communication service providers rather than county, FBI, or  
17 fire, police, any of those types of uses.

18 In Wailuku itself I'm aware of four or five other  
19 structures that have telecom antennas on them that belong to  
20 the various carriers. Very typically there's more than one  
21 carrier at a particular site. In Honolulu we'll see as many  
22 as five or six carriers on a single building.

23 COMMISSIONER BETTS BASINGER: In your engineering  
24 or in your placement is that a factor? Do you guys, you  
25 know, interact with each other?

1           MR. SHAW: We are on licensed frequencies. We  
2 have a very specific frequency band assigned to us by the  
3 FCC, and we can mount our antennas as close as a foot from  
4 the other antennas and not have an interference issue.

5           COMMISSIONER BETTS BASINGER: Thank you.

6           CHAIRMAN KAWAHARA: Any other public testimony on  
7 the application, the Mobi PCS application? If not,  
8 Commissioners, would someone care to make a motion?

9           MR. ALUETA: You need to close public hearing, and  
10 then the department will make its recommendation.

11           CHAIRMAN KAWAHARA: Okay. So unless there's any  
12 objection, we are going to close the public hearing and have  
13 the Planning Department report.

14           MR. DIAS: Recommendation. Pursuant to the  
15 foregoing, the Maui Planning Department recommends approval  
16 of the proposed project subject to five standard conditions  
17 and two project-specific conditions.

18           The Planning Department recommends that the Maui  
19 Redevelopment Agency adopt the Planning Department's report  
20 and recommendation prepared for the June 20, 2008 meeting as  
21 its findings of fact, conclusions of law, decision and  
22 order, and authorize the Director of Planning to transmit  
23 said decision and order on behalf of the Maui Redevelopment  
24 Agency.

25           COMMISSIONER BETTS BASINGER: Could you please

1 read those two non-standard conditions?

2 MR. DIAS: Okay. Condition number 6 reads, "The  
3 full compliance with the development standards of the  
4 Commercial Mixed Use District shall be rendered."

5 Number 7 states, "That the panel antennas,  
6 equipment cabinet, and power cabinet be painted to match the  
7 existing building color of One Main Plaza."

8 CHAIRMAN KAWAHARA: Would someone care to make a  
9 motion?

10 COMMISSIONER PHILLIPS: I'll make a motion that  
11 the MRA accept the application as stated.

12 COMMISSIONER BETTS BASINGER: I'll second that for  
13 discussion.

14 CHAIRMAN KAWAHARA: Okay, let's discuss it.

15 COMMISSIONER BETTS BASINGER: I agree that we  
16 should accept the Planning Department's recommendation.  
17 However, I'm concerned because we have had two testimonies  
18 from the public where it was very unclear that this was  
19 their opportunity to speak before we made a vote.

20 So although I agree, I think that we need to  
21 firstly have this notice of application and meeting date  
22 filled out completely and re-notified in the area that's  
23 required to re-notify, and schedule this for the next  
24 available after-notification period.

25 MR. ALUETA: I'll discuss this with our

1 Corporation Counsel, and he will advise you on what the  
2 notification requirements were and whether or not the  
3 applicant did meet them.

4 MR. UEOKA: From reading through the Maui  
5 Redevelopment code, this application is sufficiently filled  
6 out.

7 COMMISSIONER PHILLIPS: Everything else about the  
8 application was done, Jeff, I mean it was mailed on time,  
9 timely mailed, and they got a listing of all the people that  
10 lived in the neighborhood.

11 MR. UEOKA: Yes, according to the Planning  
12 Department staff the notification was proper.

13 COMMISSIONER PHILLIPS: Registered mail, the whole  
14 deal?

15 MR. UEOKA: Yes.

16 CHAIRMAN KAWAHARA: Any other discussion on the  
17 motion?

18 MR. ALUETA: Just to add a little clarity.  
19 Because this application is used for both variances as well  
20 as MRA use permits, that's why those blanks are left.  
21 Because the blanks are only filled out for variance  
22 applications, and this is not a variance application.

23 MS. WENDER: What is it an application for?

24 MR. ALUETA: It's an MRA use permit.

25 MS. WENDER: But that's not stated on the paper.

1 MR. ALUETA: The MRA does three types of  
2 applications. They do MRA administrative approvals, there's  
3 also an MRA use permit, and then there's MRA variance  
4 permits.

5 MS. WENDER: How would you know from this piece of  
6 paper that it's an application for anything?

7 MR. ALUETA: I understand your argument on it.  
8 It's just that the intent of the notification was to provide  
9 notice of a hearing, and they met their minimum requirements  
10 to provide notice of a hearing. Besides public notice to  
11 run, which you received, the date of which the public  
12 hearing was to be held, as well as publication within the  
13 paper, all done within the 30-day period. So from that  
14 aspect that was completed.

15 MS. WENDER: We were invited to a short  
16 presentation, not a hearing.

17 CHAIRMAN KAWAHARA: Any further discussion on the  
18 motion?

19 COMMISSIONER BETTS BASINGER: Could you point out  
20 on this application where it says that this is a public  
21 hearing?

22 MR. ALUETA: On the top.

23 COMMISSIONER BETTS-BASINGER: "Notice of  
24 application and meeting date."

25 MR. ALUETA: And then on the bottom it says,

1 "Public hearing time."

2 COMMISSIONER BETTS BASINGER: No it says, "MRA  
3 meeting time." I think this is ambiguous enough that I  
4 would probably have responded similarly, thinking that this  
5 was an informational meeting by the applicant. It does not  
6 say that this is a public hearing and the MRA -- meaning  
7 it's going to be voted on. It doesn't say that anywhere.

8 It doesn't say that it's for an MRA use permit,  
9 which is a simple thing to have put in. I'd rather err on  
10 the side of letting all of our good neighbors know what's  
11 happening, and that's just my two cents.

12 CHAIRMAN KAWAHARA: Any further discussion on the  
13 motion? If not, all those in favor of the motion, which is  
14 to approve Mobi PCA application for the eight panel antennas  
15 place raise your hand.

16 (Chairman Kawahara and Commissioner Phillips).

17 Opposed?

18 (Commissioner Popenuk and Commissioner Betts  
19 Basinger)

20 For the first time in MRA's history we have got a  
21 split vote.

22 COMMISSIONER PHILLIPS: Your request is for  
23 another public hearing?

24 COMMISSIONER BETTS BASINGER: That is correct, a  
25 true and clear public hearing.

1 COMMISSIONER PHILLIPS: You mean notification?

2 COMMISSIONER BETTS BASINGER: Correct

3 notification, so that people know what's happening.

4 Also, I also would like to hear back from Wailuku  
5 Main Street Association on the further details that were  
6 asked for, and check on some of these things myself.

7 MS. PERREIRA: Excuse me, I don't know what  
8 further details you're asking us to go and communicate to  
9 you.

10 CHAIRMAN KAWAHARA: Jeff, you're anxiously waiting  
11 to be heard.

12 COMMISSIONER BETTS BASINGER: The assurances that  
13 Mobi gave you.

14 MS. PERREIRA: We have a written report.

15 MR. UEOKA: Just to clear the record, you stated a  
16 correct notice. This was a sufficient notice.

17 COMMISSIONER BETTS BASINGER: A clearer notice.

18 MR. UEOKA: I just wanted to clarify that for the  
19 record. This notice was not incorrect or insufficient.  
20 Thank you.

21 COMMISSIONER BETTS BASINGER: It's not even dated.  
22 I mean this is kind of sloppy. And I'm not saying it's  
23 incorrect, it's just not completely filled out. It's not  
24 incorrect.

25 CHAIRMAN KAWAHARA: So lacking a majority, it's

1 two for and two against the motion, I guess the motion  
2 fails. So moving on to item --

3 MR. ALUETA: Well, you need to try maybe another  
4 motion either to deny the application, a motion to defer,  
5 and seeking that the applicant provide additional  
6 notification.

7 I have a little problem with, you know, again,  
8 although it may be somewhat incomplete, or sloppy might be  
9 the best term, as far as I think also the letter may have  
10 provided more confusion than just the notice itself.  
11 Meaning that if you received the notice, just the notice  
12 without, again, the indication of the letter, it might have  
13 been a little more clear.

14 By legal standards this is what is the  
15 department's notification letter. We provided this form to  
16 them. It is the one that you and this agency and this  
17 department uses for all of our public hearings.

18 We can try to make this a little more clear, but  
19 that's more of a structural issue on the Planning  
20 Department. Because it does say if you want to intervene,  
21 it talks about how to file for a Petition to Intervene on  
22 the bottom of it. So I don't understand how there was  
23 inadequate notice. Obviously people showed up to this  
24 hearing who had a concern with the item.

25 I will defer to your action, but I have a hard



1 time making them redo a legal notification, okay. I can see  
2 where you would request that you defer action and that the  
3 applicant maybe renotify everybody, but if they try to do it  
4 by redoing the whole legal notification, that would include,  
5 one, all of the certified mail receipts as well as  
6 publication in the papers, and that would be two months out.

7 CHAIRMAN KAWAHARA: What is it about the  
8 application itself, attachment B, that is incomplete or  
9 unsatisfactory, besides the date?

10 COMMISSIONER BETTS-BASINGER: Members, I think I  
11 am responding to public testimony, and we've had two public  
12 testimonies with concerns about this, and one in support.  
13 And my own sense before voting is I would like to be a  
14 little bit better educated to make an educated determination  
15 here. And I do think that this letter is weak, and the  
16 application is not completely filled out.

17 So when you say Mobi PCS would like to hear your  
18 thoughts and invite you to a short presentation, it doesn't  
19 say that it's at the MRA meeting where they're going to vote  
20 on this application. This letter is not clear to me, and it  
21 obviously wasn't clear to the public that did show up.

22 So, again, my thoughts. If it's easier to defer  
23 this to the next meeting and have it noticed in our agenda,  
24 again, if that will serve as not having to renotify.

25 MR. ALUETA: I don't think --

1           COMMISSIONER BETTS-BASINGER: Because  
2 word-of-mouth can get to the neighbors.

3           MR. ALUETA: Well, I don't think that you're going  
4 to -- I think it's either you go all the way, meaning you  
5 have them renotice everybody with the correct letter,  
6 telling them. Because if you feel that the notification is  
7 such a deficiency, then there may have been people that  
8 didn't show up at all.

9           COMMISSIONER BETTS BASINGER: I will stay with my  
10 original motion.

11           COMMISSIONER POPENUK: I feel like this letter  
12 from Mobi is misleading in that it says short presentation,  
13 "invite you to a short presentation," which is significantly  
14 different than there's going to be a hearing on this and we  
15 are going to vote yes or no.

16           In good faith, I understand that you say that it's  
17 legally correct, but in good faith to the community, my  
18 personal feeling is that it would be more prudent to have  
19 them re-notify and be more straight forward about what is  
20 the purpose of the meeting. It's a hearing.

21           MR. ALUETA: And if you defer at this point in  
22 time based on the information you have, or you don't have,  
23 is there other information you want? Because I don't want  
24 to have us go through the whole notification requirement  
25 procedure and then you have concerns about health issues.

1           Again, the whole purpose -- I want to make sure  
2 like if you want additional information with regards to this  
3 application, it would be helpful to the department as well  
4 as the applicant to know now.

5           Secondly, I'd like to just remind you that the  
6 reason that it's an MRA use permit, as clearly stated in  
7 your rules, is the primary concern is visual aspects with  
8 regards to the mauka to makai view corridor and planes. And  
9 that the authority, I guess you could say, over the health  
10 safety issues is the regulations of the FCC as well as the  
11 Department of Health.

12           So if you want to defer on those actions I would  
13 -- do you feel that you are a better board of experts to  
14 determine health and safety than those agencies? I just  
15 want to ask.

16           COMMISSIONER BETTS BASINGER: I clearly thought  
17 the department's presentation was good, and I thought the  
18 answers that came from the applicant were good and  
19 sufficient and educated me about the FCC and all of the  
20 guidelines that they have conformed to. I don't have a  
21 problem with that. The problem I have has been stated.

22           MR. ALUETA: That's fine.

23           MR. SHAW: If I might say something at this point  
24 as well. It seems to me that the application itself and  
25 what Mobi is proposing is not the primary issue here, the

1 primary issue is was notice properly given. And by the  
2 testimony of the Corporate Counsel, we complied with the  
3 standards of the Planning Department.

4 The letter that covered the notice of application,  
5 the meeting date, was intended to be a warm friendly letter  
6 and not misleading in any way, and I'm sorry that it's being  
7 interpreted as being misleading. But I feel like by denying  
8 action based on the notice, and we have complied with the  
9 rules of the Planning Department, I don't think that's fair.

10 We've been in this process for a full year now on  
11 this particular application, and by denying action today  
12 when it doesn't sound like anybody has an issue with the  
13 proposed installation itself, we are going to be denied the  
14 ability to go forward for at least another two months, and  
15 that does have an impact on us. It has an impact on our  
16 ability to do business, it has an impact to our existing  
17 subscribers who wish to use our devices to their fullest  
18 capabilities.

19 If there's an issue with the notice, I would  
20 encourage that the format of the notice itself be cleared up  
21 on a going-forward basis, rather than us being held  
22 accountable for any deficiencies in the format itself.

23 CHAIRMAN KAWAHARA: For the record, Mr. Shaw, what  
24 would be the additional cost to redo the notice?

25 MR. SHAW: Just on certified mailing and postage

1 alone, it's about a thousand dollars.

2 CHAIRMAN KAWAHARA: Is there any other cost?

3 MR. SHAW: There's a cost for our consultant to  
4 redo all those letters and send them out. We could incur an  
5 additional cost for that. There's an additional cost in  
6 time value in money, in that that site is not going to be on  
7 the air, and that's difficult to calculate.

8 CHAIRMAN KAWAHARA: So by sending out the notice,  
9 how much of a delay do you expect this would take?

10 MR. SHAW: It appears to me that the next  
11 available date that would be available for us is at least 60  
12 days away.

13 MR. ALUETA: The August meeting.

14 MR. SHAW: So depending on what happened at that  
15 meeting, it could go out further. But at the very least  
16 it's another two month's delay for an application that we  
17 have had in process essentially since this time last year.

18 COMMISSIONER BETTS-BASINGER: Thank you very much.  
19 Chair, I request that we go into executive  
20 session.

21 CHAIRMAN KAWAHARA: For what purpose?

22 COMMISSIONER BETTS-BASINGER: I want to discuss --  
23 I guess they're legal department rules.

24 CHAIRMAN KAWAHARA: Make a motion.

25 COMMISSIONER BETTS BASINGER: I move that we go

1 into executive session to discuss legal procedures,  
2 department procedures.

3 CHAIRMAN KAWAHARA: Any second to that motion?

4 COMMISSIONER POPENUK: Second.

5 CHAIRMAN KAWAHARA: Any how long do you anticipate  
6 this to last?

7 COMMISSIONER BETTS BASINGER: Ten minutes.

8 CHAIRMAN KAWAHARA: Ten minutes. First of all,  
9 all in favor the executive session please say "aye."

10 (A chorus of ayes)

11 The majority carries, we will have an executive  
12 session. Be back, please check back at about 1:20 -- 2:20,  
13 excuse me. 10 minutes.

14 (Whereupon the board went into executive session)

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## REGULAR SESSION RESUMED

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3 CHAIRMAN KAWAHARA: I am going to call the meeting  
4 back to order. So here is what the MRA plans to do. We  
5 believe that the notice was sent out legally and that it met  
6 all of the requirements under the law. But because the  
7 public has expressed concerns about certain issues, and the  
8 MRA Commissioners had a split vote on this, we are not  
9 requiring that the applicant redo the notices, but that they  
10 send out another letter clarifying that the MRA will take  
11 action at the July meeting on this issue.

12 So if those present and those who will receive the  
13 revised letter can respond, the MRA definitely will take  
14 action at the July meeting. So I'm asking for a motion for  
15 a deferral on this.

16 COMMISSIONER BETTS BASINGER: So moved.

17 COMMISSIONER PHILLIPS: Second.

18 MR. ALUETA: The motion is for deferral.

19 CHAIRMAN KAWAHARA: The motion is for deferral on  
20 this and for the request to the applicant to simply send out  
21 a letter to those affected within the 500 square foot area.

22 MR. ALUETA: The notification requirement I  
23 believe is adjacent and adjoining properties, as well as  
24 across the street.

25 COMMISSIONER BETTS BASINGER: Not noticed.

1 CHAIRMAN KAWAHARA: Not a legal notice.

2 COMMISSIONER BETTS BASINGER: Just a regular  
3 letter. That's all we want.

4 CHAIRMAN KAWAHARA: So any further discussion on  
5 the motion? All those in favor of the motion please say  
6 "aye."

7 (A chorus of ayes)

8 Opposed "nay."

9 (None)

10 The motion is carried unanimously. Thank you.

11 MS. WENDER: What is the date of that meeting, do  
12 you know?

13 CHAIRMAN KAWAHARA: It's the third Friday in July,  
14 I believe.

15 MR. ALUETA: It would be July 18th.

16 CHAIRMAN KAWAHARA: Item E on our agenda deals  
17 with the security within the MRA on the police use of the  
18 Market Street substation.

19 MR. ALUETA: I will ask for a deferral on that at  
20 this point in time.

21 CHAIRMAN KAWAHARA: All right. So MRA's position  
22 on this is that great effort went to building the substation  
23 and trying to address certain merchants' complaints about  
24 the lack of security and rowdiness by certain elements of  
25 the population in the Wailuku area. So at some future



1 meeting we will request that the commander for the  
2 Wailuku-Kahului area, we will send a request that the police  
3 substation be manned and other security measures be  
4 implemented.

5 COMMISSIONER BETTS BASINGER: Additionally, Chair,  
6 I know in response to some testimony from the Wailuku  
7 Community Association and others in the Wailuku community we  
8 did commit to a program, implementing a program of some  
9 sort. And now that we know what our budget is, we will be  
10 able to report at our next meeting the kind of security  
11 program that MRA is going to be providing.

12 MS. PERREIRA: Can we request that you give the  
13 Wailuku Main Street Association some of that information  
14 beforehand so we're prepared to make comments on it, since  
15 you have already discussed some of this with the Wailuku  
16 Community Association. We are unaware of it.

17 COMMISSIONER BETTS BASINGER: No, the Wailuku  
18 Community Association came before us with testimony, that's  
19 the conversation I'm talking about, Terri Edmunds.

20 MS. PERREIRA: Oh, this is awhile back.

21 COMMISSIONER BETTS BASINGER: Through time, yes.  
22 There's been a big concern about security in Wailuku, and  
23 the MRA had committed to implementing some sort of program.  
24 Now that we know what our budget is, we are going to design  
25 what that could be. So we don't know yet, Jocelyn, but as

1 soon as we do, we will tell you.

2 MS. PERREIRA: Thank you. Then I can go back and  
3 get input.

4 CHAIRMAN KAWAHARA: Item F on the agenda, Planning  
5 Department update. Joe.

6 MR. ALUETA: Thank you, Mr. Chair. Again, on your  
7 Cash in Lieu we have that in the hopper, and as soon as the  
8 MRA wants me to schedule it for a public hearing we can go  
9 ahead and schedule it for a public hearing. We have had  
10 this just on the back burner, and we are ready to go if  
11 there's a desire to pursue that ordinance.

12 With regards to the design guidelines, reviewing  
13 comments, again, you do have the updated design guidelines.  
14 There has been a rule amendment drafted and the notice has  
15 been published. It will be on your July 18th meeting, or  
16 your next meeting, for public hearing. And obviously action  
17 on the rule amendment, and part of that rule amendment is  
18 adoption of this document. It makes reference to this  
19 document being your guiding document with regards to design.

20 And you can adopt this, you can adopt this  
21 document with amendments, and we can just do the amendments  
22 at the next meeting if you so choose. If we do have some  
23 significance and you feel that some areas need to be  
24 redrafted, then we will defer action and come back. But I  
25 think that was a document that you are pretty comfortable

1 with, and hopefully there are just typographical errors that  
2 need to be corrected.

3 Proposed projects, I don't have anything to  
4 report. Again, we do have -- I'm having a senior moment.  
5 There is going to be -- you will have two items.

6 CHAIRMAN KAWAHARA: I didn't realize you were a  
7 senior.

8 COMMISSIONER PHILLIPS: Give it a while, Joe.

9 MR. ALUETA: I keep getting AARP letters to join.  
10 But you do have two items for next month, including the one  
11 you just deferred, so you will have two public hearings, and  
12 I just can't remember them right now.

13 CHAIRMAN KAWAHARA: That's it. All right, item G  
14 on the agenda, report from and recommendation by the  
15 subcommittee for the selection of the MRA manager position.  
16 So Alexa, can you report on the status of the manager  
17 position for the MRA, or lack thereof?

18 COMMISSIONER BETTS BASINGER: Yes. We were really  
19 fortunate to have several applicants, and we interviewed  
20 them. We met this morning with Planning Director Jeff Hunt  
21 and Joe to share with them some of these applicants for  
22 their consideration, as we are in the process of drafting an  
23 RFP for the municipal parking structure consultant. So that  
24 meeting this morning regarding this I thought was positive.

25 CHAIRMAN KAWAHARA: Thank you. Item H, adoption

1 of a new mission/vision statement for the MRA. This is  
2 something I've been pushing for, but I haven't heard from  
3 the Commissioners. I sent out a suggestion. My feeling is  
4 that the mission and the vision statement, the mission  
5 statement simply states very simply what the mission of the  
6 MRA is, and the vision is basically how you are going to  
7 carry it out or the end result.

8 COMMISSIONER PHILLIPS: Ron, I have created a few  
9 of these ideas. If you don't mind, I'll float them over.

10 MS. PERREIRA: May we request a copy, please?

11 COMMISSIONER PHILLIPS: I don't know if I have  
12 enough of them. We can make one for you. I'm sorry.

13 CHAIRMAN KAWAHARA: Okay, let me read Ray  
14 Phillips' mission statement. He has several, he has four.  
15 "Guidance for the future while respecting traditional  
16 values," number one. Number two, "Guidance for the future,  
17 building on the past." Number three, "Maintaining Maui's  
18 traditions while redeveloping for the future." And four,  
19 "Redevelopment of Maui's traditional core, planning for the  
20 future, respecting the past, and involving the needs of the  
21 community." So my suggestion is --

22 COMMISSIONER PHILLIPS: My wife liked it.

23 CHAIRMAN KAWAHARA: I have two mission statements  
24 and one vision statement, and my mission statement was, "The  
25 mission of the Maui Redevelopment Agency is to revitalize

1 historic Wailuku through appropriate economic development."  
2 Or "The mission of the Wailuku Redevelopment Agency is to  
3 advocate, assist, and create a revitalized historic Wailuku  
4 through appropriate economic development." And my vision  
5 statement was, "The Maui Redevelopment Agency's vision for  
6 Wailuku is a sustainable small town community that would be  
7 a desirable place to live, work and play."

8           Simple. You don't want to have to wade through  
9 pages of stuff that nobody can really remember, but it  
10 should be clear and broad enough to encompass what it is  
11 that we are empowered to do. So whenever we take on a  
12 project does it meet the mission and the vision of the MRA.  
13 Because sometimes you take on projects that really have  
14 nothing to do with our purpose, although it might sound good  
15 to do so. So I think this brings a focus to our actions.

16           Anyway, so you have these. It will be on next  
17 month's agenda. And this is something that's going to  
18 require a lot of thought, because it's not cast in stone.  
19 But I believe that the one that we have right now, which is  
20 a page and a half long, is inappropriate.

21           COMMISSIONER BETTS BASINGER: Slips right off the  
22 tongue.

23           CHAIRMAN KAWAHARA: Miss Perreira, do you have a  
24 comment?

25           MS. PERREIRA: Thank you. Jocelyn Perreira. I

1 really like your second one, Ron. The only suggestion that  
2 I have on the revitalized one, the second one that you gave  
3 on the sustainable small town community, I think you need to  
4 say "in the Redevelopment Agency area," because the MRA  
5 doesn't have jurisdiction over all of Wailuku, and all of  
6 Wailuku is the small town community. So I think you have to  
7 have some sort of --

8 CHAIRMAN KAWAHARA: No, our vision is for all of  
9 the greater Wailuku, not just our area.

10 MS. PERREIRA: Then I think you need to state that  
11 somewhere, that Maui Redevelopment Agency's actions will  
12 benefit the greater small town community. It's just clearer  
13 and it's much more understood, just so no one is  
14 misunderstanding your jurisdiction. It's just a  
15 recommendation.

16 CHAIRMAN KAWAHARA: Thank you for your comment.  
17 Anyway, Joe has a good point on the mission statement.  
18 Instead of saying, "The mission of the Maui Redevelopment  
19 is," just take out that phrase and say, "The mission  
20 statement is to revitalize" whatever I suggested, which is  
21 what Ray attempts to do here.

22 So anyway, play with these. I will have these  
23 emailed to you again, and come up with suggestions and  
24 anybody in the community can. I'll include you on the  
25 email, Jocelyn.

1 MS. PERREIRA: Thank you very much.

2 CHAIRMAN KAWAHARA: And Alexas, if you can give me  
3 your email before you leave today, I would like to have the  
4 Wailuku Community Association also give us input on this  
5 thing.

6 MS. DASCOULIAS: Thank you.

7 CHAIRMAN KAWAHARA: Item I, presentation on  
8 website design.

9 COMMISSIONER BETTS BASINGER: Thank you, Chair.  
10 I'd like to ask to defer this as well, based on the fact  
11 that we now know our budget so we will know how much money  
12 we will be able to spend on the website project. Defer  
13 until next meeting.

14 CHAIRMAN KAWAHARA: All right. Item J, creation  
15 of an MRA advisory board. My comment on this is I thought  
16 that I came up with a very brilliant idea, but apparently  
17 it's not a legal thing for the MRA to do. We have opinions  
18 from two Corporation Counsels, including Jeff sitting here,  
19 and his replacement last week, who indicated that they have  
20 a very serious concern. It doesn't matter whether we call  
21 it a panel or a board.

22 And even though it's not legally constituted, they  
23 feel that -- when just asked a straight yes or no question  
24 last meeting, I asked Corporation Counsel, "Can we do this?"  
25 Attorneys usually respond with a lot of qualifications, but

1 she just said, "No." And I had a telephone conversation  
2 with Jeff prior to the last meeting and he also said, "No."  
3 So as great and wonderful of an idea as it is, we cannot  
4 have an ongoing board.

5           However, having said that, I think if we come up  
6 with a specific project there's no reason why we can't have  
7 volunteers from the community work on an ad hoc committee  
8 for a specific item. So I think we can still do this, but  
9 not with the intensity that I had hoped for. So it's a dead  
10 issue and we will move on.

11           COMMISSIONER BETTS BASINGER: Well, not quite a  
12 dead issue. I had so much fun reading that part of the  
13 minutes, Chair. However, it was encouraged and not  
14 qualified a big no by counsel, that every member of this  
15 board in fact can seek expertise from the community singly  
16 or up to doubly, and bring that information to the body  
17 without there being an appearance of direction.

18           And we can invite all kinds of people with  
19 expertise to testify at every one of our meetings without  
20 there being an appearance of us directing a project. So  
21 there was goodness in following up on your great idea.

22           CHAIRMAN KAWAHARA: You're so wonderful, Alexa.  
23 You find a silver lining in every cloud.

24           COMMISSIONER BETTS BASINGER: Thank you.

25           CHAIRMAN KAWAHARA: Mr. Kimura.



1 MR. KIMURA: Yes, sir. I won't take too much  
2 time.

3 CHAIRMAN KAWAHARA: Promise?

4 MR. KIMURA: Getting back to or shifting gears and  
5 reversing to H, adoption of a new mission and vision  
6 statement for the MRA, I'll only take just a minute. Now,  
7 the law in this MRA program or body actually is created and  
8 given by a state law, HRS, you see. So my question is  
9 whether the mission has to be carefully looked at to suit  
10 the intent of the law. I've come across that in the past.

11 Because frankly speaking, you can have all of the  
12 different situations as new intentions, but when the chapter  
13 says what it said originally, or the way it's approved, then  
14 you need to do that yourself. In other words, the intent of  
15 the law has to be followed. Otherwise, you are going to  
16 have questions along the way that you can't do that, and you  
17 can do that. So I just brought up that situation to  
18 exercise your thinking process. Okay, thank you very much  
19 for the time.

20 CHAIRMAN KAWAHARA: Thank you, Bob. Your comments  
21 are always welcome.

22 Let's set the agenda for the July meeting. So  
23 what we have so far is the public hearing item on the Coral  
24 Wireless application.

25 COMMISSIONER BETTS BASINGER: And the other public

1 hearing, the secret one in Joe's head.

2 MR. ALUETA: Well, you will have two public  
3 hearings, two for projects, I believe, and then you will  
4 have the public hearing for your rule amendment to 701 to  
5 adopt new redevelopment design guidelines. Those are the  
6 public hearing ones.

7 CHAIRMAN KAWAHARA: All right. So we still want  
8 to keep Cash in Lieu.

9 MR. ALUETA: Yes.

10 CHAIRMAN KAWAHARA: Wailuku Municipal Parking  
11 Structure, let's keep it in there in case it needs to come  
12 up. And we are going to adopt, like you said, the Wailuku  
13 Redevelopment Area design guidelines.

14 COMMISSIONER BETTS BASINGER: We deferred item  
15 one, I mean item I, the website budget.

16 MR. ALUETA: And the police substation.

17 CHAIRMAN KAWAHARA: And the budget.

18 COMMISSIONER BETTS BASINGER: It should be on the  
19 agenda.

20 MR. ALUETA: Where did you see parking lot?

21 CHAIRMAN KAWAHARA: Just leave it as a standing  
22 item in case it comes up. Cash in Lieu is a standing item  
23 for every meeting.

24 MR. UEOKA: If the item isn't intended to be  
25 talked about, don't just leave stuff on the agenda as

1 standing items just so you can talk about them.

2 CHAIRMAN KAWAHARA: What's wrong with it?

3 MR. UEOKA: It may lead the public to think they  
4 may want to come to this meeting to talk about this issue,  
5 when in actuality the agency has no real intention to talk  
6 about the issue.

7 COMMISSIONER BETTS BASINGER: I think that we have  
8 some updates about the parking structure.

9 CHAIRMAN KAWAHARA: We do.

10 COMMISSIONER BETTS BASINGER: So I think it should  
11 be an agenda item on the next one.

12 MR. ALUETA: But he's making reference to Cash in  
13 Lieu.

14 MR. UEOKA: I was just saying in general don't say  
15 things are going to be on the agenda standing. That's  
16 improper.

17 COMMISSIONER BETTS BASINGER: I actually don't  
18 think we will have time for Cash in Lieu at the next  
19 meeting.

20 CHAIRMAN KAWAHARA: But then we have to remember  
21 to put it on the next meeting.

22 MR. ALUETA: My job is to remember that.

23 CHAIRMAN KAWAHARA: So for the August meeting.  
24 This thing has been going on too long.

25 COMMISSIONER BETTS-BASINGER: So the Municipal

1 Parking Lot will be on the agenda.

2 MR. ALUETA: So quickly, you will have the  
3 approval, the meeting will be called to order, B will be  
4 approval of the minutes, if we get them in time to have  
5 them. You will have your public testimony again as always.  
6 Your public hearing items I believe are two new items as  
7 well as the public hearing on Coral Wireless. You can take  
8 public testimony, but it's not a noticed required public  
9 hearing item. It will be old business under public  
10 hearings.

11 So under old business you will have Coral  
12 Wireless, but under new business for public hearing you will  
13 have those two new projects as well as the rule amendment to  
14 adopt your Wailuku redevelopment design guidelines. And  
15 then you will have an update on the security for the MRA,  
16 the police. I will try to get a letter out. I will get a  
17 letter out.

18 And then under Planning Department update all we  
19 will do is number three, since we are not going to talk  
20 about Cash in Lieu at all. We are not anticipating talking  
21 about it and we are taking it off. And because your design  
22 guidelines has finally been moved to a public hearing item,  
23 we can remove that item under planning. So planning will  
24 only have update on projects.

25 G will be gone, mission statement H will stay

1 there, and item I also will be on there again.

2 COMMISSIONER BETTS BASINGER: Could we, Joe, maybe  
3 make item I MRA FY09 budget, and two dots under that being  
4 the website and the security plan.

5 MR. ALUETA: FY09 budget. And then J is  
6 scratched, and all the rest is the same, and then the new  
7 one would be the August date. So then that will be your  
8 agenda. And Jeff Hunt will be sitting in for me next month.

9 CHAIRMAN KAWAHARA: He will?

10 MR. ALUETA: Yes, I will be on vacation.

11 COMMISSIONER BETTS BASINGER: So will Katherine.  
12 So the three of us will be a quorum.

13 CHAIRMAN KAWAHARA: Unless a Commissioner gets  
14 confirmed.

15 COMMISSIONER BETTS-BASINGER: I don't know when  
16 it's going to Council, but we can find out.

17 CHAIRMAN KAWAHARA: Any other business to come  
18 before the MRA? If not, I will call the meeting adjourned  
19 at 2:45 pm. Thank you all for coming.

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21 (The proceedings were concluded at 2:45 p.m.)

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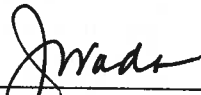
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C E R T I F I C A T I O N

I, JEANNETTE W. IWADO, Notary Public for the State of Hawaii, certify:

That the proceedings contained herein were taken by me in machine shorthand and were thereafter reduced to print under my supervision by means of computer-aided transcription; that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

Dated the 24 day of JUNE, 2008

  
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NOTARY PUBLIC, State of Hawaii

My commission expires 2/5/2012