

MINUTES

PUBLIC WORKS & VETERANS SERVICES COMMITTEE

January 30, 2019

A meeting of the Public Works & Veterans Services Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Felicia Cowden, Vice Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, January 30, 2019, at 8:31 a.m., after which the following Members answered the call of the roll:

Honorable Luke A. Evslin
Honorable KipuKai Kuali'i
Honorable Felicia Cowden
Honorable Arryl Kaneshiro, Ex-Officio Member

Excused: Honorable Mason K. Chock
 Honorable Ross Kagawa
 Honorable Arthur Brun, Ex-Officio Member

The Committee proceeded on its agenda item as follows:

Bill No. 2612 **A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE (This item was deferred to February 27, 2019.)**

Councilmember Kuali'i moved to approve Bill No. 2612, seconded by Councilmember Evslin.

Council Chair Kaneshiro: I know the request from Committee Chair Kagawa was to defer. The main issue has been a battle between the two (2) unions. I know there have been significant changes in leadership there and I think they told him that they needed time to work on this Plumbing Code before we move any further.

Councilmember Cowden: Can we talk to the Department of Public Works for a moment? Are you folks able to come up?

There being no objections, the rules were suspended.

LYLE TABATA, Deputy County Engineer: Lyle Tabata, Deputy County Engineer. Committee Vice Chair Cowden and members of the Council, we are here today to answer any questions you might have. The subject matter experts are the Building Division, Doug Haigh and Leolynne Escalona.

Councilmember Cowden: I just wanted to thank Doug Haigh who did spend some time explaining this to me. I know it is under consideration for deferment.

I am looking at the history of this Bill and it looks like it has been in front of us for three (3) years, is that correct?

DOUGLAS HAIGH, Chief, Building Division: That is correct. Doug Haigh, Building Division.

Councilmember Cowden: I am trying to count how many deferments have been here. It is something like beyond ten (10) deferments.

Mr. Haigh: It is possible.

Councilmember Cowden: Can you tell me why it keeps being deferred indefinitely?

Mr. Haigh: From our perspective, there was hesitancy to move forward with the County of Kaua'i being the first to adopt the 2012 Plumbing Code. While it had been adopted as part of the State Plumbing Code, there is concern...actually, only the State Plumbing Code has been adopted, but the amendments had been resolved at the State-level over three (3) years ago. We had some issues because of the State process. There was concern of Kaua'i being the leader, but from the Building Division's perspective, it is 2019, and we started this process in 2016.

Councilmember Cowden: Correct, in January.

Mr. Haigh: That was the 2012 Code, so we felt it was long overdue. There are a lot of benefits to adopting the Code. Some of that primarily in allowing greywater reuse or lower fixture volume use; therefore, there are a lot of benefits to the Code and very little significant cost impact anywhere in the Code. We felt it was important to move forward, to try and be on the current codes, but there were concerns that Kaua'i should not be the first County to move forward. The other Counties had...it was not really a "code" issue why the other Counties have not moved forward, but more administrative, manpower issues, and other priorities, so they had not been working on any codes over this period. The Building Division, Department of Public Works, have strongly supported moving forward with this Code.

Councilmember Cowden: Okay, so you would like it?

Mr. Haigh: That is correct.

Councilmember Cowden: When I have looked and try to see some of the differences, I see one (1) is with these waterless urinals, another one in the International Plumbing Code, and then also the exhaust valves, like there is a vent that comes...

Mr. Haigh: Air admittance valve? One (1) of the options that the International Plumbing Code provides is allowance use of an air admittance valve, which reduces the potential amount of vents. In a climate like ours, the less roof penetrations you have, the better off, in some instances. That was one (1) of the benefits of allowing these. But to be perfectly honest, even if we remove the provision that we have in our Code, which has been in our Code for at least fifteen (15) years, allowing the use of the International Plumbing Code under restrictive conditions, we

still could allow it through the alternative materials and methods. So actually, it would loosen the potential use of the Code to take that provision out, because now we would not have those requirements set or written by ordinance of having to have a mechanical engineer design the system and have it solely be that. In a way, it is more restrictive by having it explicitly stated how we are allowing the use of the Internationally Plumbing Code rather than allowing it just to be used as an alternative material and method.

Councilmember Cowden: If we did adopt this, could we change an item here or there and make amendments to it over the years if we did not like something?

Mr. Haigh: Absolutely, that is correct. We will be working on the 2018 Code, probably, sometime this year for adoption of that code.

Councilmember Cowden: I bothered to look at what it means to have one of these waterless urinals, because I do not have any direct experience. I guess there is like a blue fluid that is used from time to time to clean them.

Mr. Haigh: There is alternative technologies for the waterless urinals.

Councilmember Cowden: Do we have any knowledge if that "blue fluid" is a pollutant that is problematic or are we comfortable with that blue fluid?

Mr. Haigh: That is not something we studied.

Councilmember Cowden: Okay.

Mr. Tabata: If I may, Committee Vice Chair, we prepared a white paper back in 2017 and I can have staff share with you all. The intent of us bringing these codes forward prior to other jurisdictions in the State, is just exactly what you stated, so that we can tailor-make the code to our needs or our island. What we have done was specifically carve out certain items that does not necessarily fit our needs.

Councilmember Cowden: I have looked through them and I had Doug Haigh help me review some of those white papers, so I appreciate that effort that was made to help my understanding. I know that I will be going to the Water Department meeting very soon and I have been going to the Water Department meetings, but coming from Kilauea, we cannot have a laundry mat. The entire North Shore does not have a laundry mat, something deeply needed because we do not have enough water capacity. We have to put in a whole new well before we can consider that or any kind of affordable housing that we have proposed. When I look at this and see that this has been deferred for three (3) years...when there are water saving devices within this, and when there is greywater and water catchment, and I know we could use water catchment easily with just a very simple system that any family could put in if they wanted to help water their lawn. I am just concerned that why we defer it endlessly if it is going to make us be able to have more water usage. Am I inaccurate? Is there something that I do not understand that is the reason that we need to continue to defer?

Mr. Tabata: At this point, I guess the response would be that we are trying to work with our external agency partners to gain agreement.

Councilmember Cowden: Are the "external agency partners" specifically unions?

Mr. Tabata: I believe so.

Councilmember Cowden: Okay. Thank you. Members, do you have any questions?

Councilmember Evslin: I have one (1) question. I do not want to get too involved in this, I know that Committee Chair Kagawa has been working on this and I want to, hopefully, save much of our substantial conversation for when he is here. Mr. Haigh, you mentioned that you folks were working on the 2018...

Mr. Haigh: Yes, right now at the State Building Code Council, we are reviewing the 2018 Uniform Plumbing Code and as soon as we finish that work at the State Building Code Council, we will be looking at working on it on our side, but we really have to look at updating the International Building Code and International Residential Code. Our main focus for this year will be to work on those two (2) codes, if we can get the 2016 Code in place, at least we have come closer to being where we need to be, so it would not be such a high priority to go to 2018. Once we finish up with the International Building Codes, bringing them up to the 2018, then I will probably be ready to look at the 2018 Uniform Plumbing Code.

Councilmember Evslin: Okay. So that would not be for another...

Mr. Haigh: It would be toward the end of this year, at the earliest.

Councilmember Evslin: Would there be any reason for us to skip over this 2012 and wait for 2018?

Mr. Haigh: You could argue either way on that. We did that with the Electrical Code. We postponed so long on the Electrical Code when we first came in, because it went through a similar process as this. We started with the 2014 when we started the process and then at the very last minute, we jumped it up to the 2017. For the Electrical Code, that is a little bit easier because we really do not amend the Electrical Code, technically, so jumping to a new year is not as hard. The Plumbing Code, we do have some technical changes in there and I would certainly want to wait until we have completed it at the State Building Code Council level before we make the move here. That is a key step for us where we get wide range of input into our code amendments at the State Building Code level where we have a wide group of players representing industry, representing design industry, representing all four (4) County building officials, fire, and code experts. We need to get that work done before we consider it at our level.

Councilmember Evslin: Thank you.

Councilmember Cowden: Are there any other questions? Okay, thank you. Is there any members of the public wishing to speak on this issue?

DARRELLYNE M. CALDEIRA, Council Services Assistant II: We have one (1) registered speaker.

Councilmember Cowden: Okay.

Ms. Caldeira: Kev Mesch.

Councilmember Cowden: *Aloha*, thank you for speaking on the Plumbing Code.

KEV MESCH: My name is Kev Mesch. I am not speaking on the Plumbing Code.

Councilmember Cowden: You have three (3) minutes.

Mr. Mesch: I bet I do.

Councilmember Cowden: We will do that as a courtesy. You have come here and we want to hear what you have to say even though it is not on the Plumbing Code.

Mr. Mesch: Oh, it is not a courtesy, it is my American right, lady.

Councilmember Cowden: Okay, let us hear it.

Mr. Mesch: Felicia Cowden. I invoke *ke akua* and his presence, the eternal father be here as I address the County Council, that I actually get to say what I need to say within three (3) minutes, because I know once that goes out, who knows what might happen. I want to let you know, I am expressing my freedom of speech and I feel that as long as I am cogent and in fact, I am not sure, I guess these are the three (3) sitting here...four (4) of them, okay.

Councilmember Cowden: Yes, Kev? Can you try and put this into the Plumbing Code because otherwise I have to cut you off, but we can speak after...

Mr. Mesch: Oh, I am sorry, I thought I was speaking on me being released from Mahelona Medical Center for being suicidal?

Councilmember Cowden: I am happy to talk to you afterwards. Just right now there is a Sunshine Law and a rule that I cannot violate, so can you adapt this to plumbing or we can speak afterwards?

Mr. Mesch: Obviously, I am not here to talk about plumbing and I do not want to be played. This is like a mind game. Do not play a mind game with me. You know I came up here to talk about Mahelona.

Councilmember Cowden: I have to call a recess.

There being no objections, the Committee recessed at 8:46 a.m.

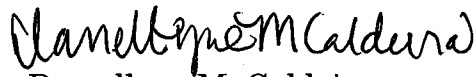
The meeting was called back to order at 8:47 a.m., and proceeded as follows:

Councilmember Cowden: Is there anyone else who has testimony on the Plumbing Code? Do we have a motion on the floor relative to either deferring or...

Councilmember Kualii moved to defer Bill No. 2612 to the February 27, 2019 Committee Meeting, seconded by Councilmember Evslin, and carried by a vote of 3:0:2 (*Councilmember Chock and Committee Chair Kagawa were noted as excused*).

There being no further business, the meeting was adjourned at 8:48 a.m.

Respectfully submitted,



Darrellyne M. Caldeira
Council Services Assistant II

APPROVED at the Committee Meeting held on February 27, 2019:



ROSS KAGAWA
Chair, PWVS Committee