

## MINUTES

### **PUBLIC WORKS / PARKS & RECREATION COMMITTEE**

August 2, 2017

A meeting of the Public Works / Parks & Recreation Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Ross Kagawa, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, August 2, 2017, at 9:02 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun (*not present from 2:53 p.m. – 3:08 p.m.*)  
Honorable Mason K. Chock  
Honorable Arryl Kaneshiro  
Honorable JoAnn A. Yukimura  
Honorable Ross Kagawa  
Honorable Derek S.K. Kawakami, Ex-Officio Member  
Honorable Mel Rapozo, Ex-Officio Member

There being no objections, the Committee recessed at 9:02 a.m., to convene in the Economic Development & Intergovernmental Relations Committee.

The meeting was called back to order at 2:53 p.m., and proceeded on its agenda items:

Minutes of the July 19, 2017 Public Works / Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Chock, seconded by Councilmember Kaneshiro, and carried by a vote of 4:0:1\* (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative vote for the motion*), the July 19, 2017 Public Works / Parks & Recreation Committee Meeting was approved.

Bill No. 2612      **A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE (This item was Deferred to the First Committee Meeting in January 2018.)**

Committee Chair Kagawa:      We are still waiting for the other Counties to move on this. I want to thank Doug for trying to be the first, but I feel like we would be doing the community a disservice by being first, and it would require significant costs. I cannot see having Kaua'i being the most expensive place to build a home. I hope that by January, especially now in light of the recent Marco Polo condominium

fires, that we can get the City and County of Honolulu to pass it. I would like to see it pass simultaneously in January, so I will try to work with the Public Works Chair from O'ahu and see if they can get that moving and set a goal to pass it together with them. I think that would be a good gesture. Councilmember Yukimura.

Councilmember Yukimura: Where is the evidence that there will be significant cost?

Committee Chair Kagawa: Any upgrade requires significant increase in cost. That is just the standard.

Councilmember Yukimura: I mean especially if it is related to the Marco Polo condominium fire.

Committee Chair Kagawa: Well...

Councilmember Yukimura: Then it is a matter of weighing public good versus cost. I remember we did that after the hurricane. Two (2) weeks after the hurricane, we added all those hurricane resistant requirements and there were some concern about cost, but it was less than or equal to one percent (1%) of the total cost of the building and that was far outweighed by the safety of a building in the time of hurricane.

Committee Chair Kagawa: Well, that comes under the Fire Code and I believe that if the Marco Polo condominium building was built today, they would be required to put in sprinklers.

Councilmember Yukimura: Right.

Committee Chair Kagawa: It is just because it was built a long time ago.

Councilmember Yukimura: Right, so why is there a delay due to Marco Polo?

Committee Chair Kagawa: I am just saying in light of that occurrence, perhaps the City and County of Honolulu will find it more important to focus on getting these upgrades adopted.

Councilmember Yukimura: Okay. I do not think we should be afraid of being the leaders if it is going to be something good for the community and I have not heard any objections from the Plumbers or the trades.

Committee Chair Kagawa: I have.

Councilmember Yukimura: Is there documentation of their concerns? Have they sent testimony?

Committee Chair Kagawa: Yes.

Councilmember Yukimura: Can we address them?

Committee Chair Kagawa: They would like...I do not see what is wrong with wanting to see the County of Kaua'i follow along with other Counties in passing these types of legislation that are standard building codes. We want to be on a level-playing field. We do not want to have cost in Kaua'i be significantly higher than cost in Honolulu or cost in Maui or cost in Hawai'i County. It should be the same, basically, we are Hawai'i, the same State.

Councilmember Yukimura: Okay. I have not seen the evidence of a significant cost, but maybe you could provide that.

Committee Chair Kagawa: Maybe Doug can provide that.

Councilmember Yukimura: Alright. Thank you.

Committee Chair Kagawa: We can ask him if he has a breakdown. When you look at the electrical side and I am assuming plumbing is the same thing, but they said a standard switch is probably ten times the cost of the original switch. The original switch, I believe, is under one dollar (\$1). The new ground fault circuit interrupter (GFCI) switch is upwards of ten dollars (\$10).

Councilmember Yukimura: Why is it being proposed?

Committee Chair Kagawa: The electrical?

Councilmember Yukimura: Yes.

Committee Chair Kagawa: Because the State Council that meets...

Councilmember Yukimura: Yes, but is it safer or something?

Committee Chair Kagawa: It trips with any spark. You can do the "safer," if you want to. The newer code that is being proposed to be adopted, you can implement that get approval.

Councilmember Yukimura: Yes, but like the Marco Polo condominium fire, we do not want to make it optional, if it is about safety.

Committee Chair Kagawa: You have a vote and you can vote no. I am requesting, as Committee Chair, that we defer it. I have told our Chief of Buildings, over and over again, I think we have been deferring it for about a year, that I would like to see us pass it simultaneously with at least another County. We are still waiting. I do not know how long we are going to wait, yes, it is frustrating to keep seeing it on the agenda, but at the end of the day it is not being proposed by the other Counties for some reason.

Councilmember Yukimura: Okay.

Committee Chair Kagawa: I do not know what else to tell you on this, but if you talk to the Contractors Association of Kaua'i, they are not fully educated on all the implementation and cost that we are talking about because if it is not adopted, they do not see the realistic complaints because everybody is not doing it. They are concerned about increase cost and how it will hamper buildings. Right now, we have a good leader, Supervising Building Inspector Leo Escalona. She is doing a tremendous job. I am hearing some praise coming about the way we are doing inspections and passing permits. So I think building permitting has actually improved in recent months, that is a positive sign. Like I said, what I will try and do is I will try and work with the City and County of Honolulu's Public Works Chair and try and see if maybe we can shoot for passing it simultaneously in January.

Councilmember Yukimura: Okay.

Committee Chair Kagawa: Councilmember Kawakami.

Councilmember Kawakami: Thank you. I am not a member of the Committee, but I could support the deferral and I see the rationale behind it. Just for informational purposes for the public, these types of code changes are so technical in nature. For us, it is hard to grasp what the impact is actually going to be and that is kind of why we rely on seeing bigger municipalities, like City and County of Honolulu, because they have access to far more advocates on both sides with General Contractors Association of Hawai'i (GCA), General Contractors Association, Plumbers & Pipefitters Union, and GIA; all these agencies that kind of "bird dog" these issues to inform us as to what the impact of these changes are going to be, what the cost is going to be down to the homeowner or to do retrofit. For the most part, we tend to take a prudent approach to these types of changes because if you were to look at these changes, I would not know what it would do. It is so technical in nature that I think slowing down is warranted, and in this case, I think it is warranted. Thank you.

Committee Chair Kagawa: Thank you. Are there further discussion?

Councilmember Yukimura: Yes.

Committee Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: Yes, I am going to vote for a deferral this time, but come January, if we are not ready, I think I will probably be against it. Thank you.

Committee Chair Kagawa: Thank you.

Councilmember Kaneshiro moved to defer Bill No. 2612 to the First Committee Meeting in January 2018, seconded by Councilmember Chock, and carried by a vote of 4:0:1\* (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative vote for the motion.*)

Bill No. 2613      **A BILL FOR AN ORDINANCE TO AMEND CHAPTER 13 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE ELECTRICAL CODE (This item was Deferred to the First Committee Meeting in January 2018.)**

Councilmember Kaneshiro: Move to approve.

Committee Chair Kagawa: Hold on.

Councilmember Kaneshiro: Are we going to defer it right away?

Committee Chair Kagawa: Can you withdraw? Does any Councilmember want to have discussion on this Bill? It is the same thing. Councilmember Yukimura.

Councilmember Yukimura: I spoke to the representative of the electrical company who was here the last time and he said they have no objections as long as the amendment that Doug was proposing, so I do not know why we are delaying this either. I just want to say that I saw a memorandum from Howard Wig in the DBDT Energy Office and from Seattle or Portland, that these codes are adjusted now for sustainability and climate change. That is what is happening in those big cities and so these are actually contained ways to reach our goal with respect to energy and sustainability. I do not understand why we are delaying it either.

Committee Chair Kagawa: Can we get a motion to approve, first?

Councilmember Kaneshiro moved to approve Bill No. 2613, seconded by Councilmember Yukimura.

Committee Chair Kagawa: My response is this—Randy Nishimura and Richard Jose, from the unions, were both here at the first Committee Meeting. They support it because it does not affect them. What it will affect is the homeowners and the commercial businesses. They are the ones who are going to pay.

Councilmember Yukimura: Again, it is a matter of cost.

Committee Chair Kagawa: It is a matter of significant cost. Like what I just mentioned about the one (1) light switch, is just a small example. We talk about the safety features and we heard about some inefficiencies. There was one (1) business, 7-Eleven, the old Matsuura Store, that upgraded the store voluntarily and encountered significant problems with refrigerations tripping, food spoilage, F'real machines that did not work, and then they switched back to the old code. They were advised by the Building Division to follow the new code and when they did follow those codes, they encountered significant losses financially, and they switched back to the old code. Now, everything works fine. As we switch to the new code, we will have to work out some kinks. Businesses will have to possibly retrofit their refrigeration appliances so that they do not trip, I do not know what it is going to take. Maybe they need newer appliances. I am not sure what Matsuura Store did if they just used the existing ones, but again, there is going to be changes and growing pains and I just do not see it fit that County of Kaua'i is going to be "guinea pig" in something like this where significant costs are going to be burdened to residents and commercial businesses when we do not really know how efficient those new codes will be. You could have refrigerators in homes that are tripping and going off when you are on a trip and we are not encountering those types of problems now. Therefore, the question is, why change? Change for safety, but if you change for safety, you might be on a trip and your refrigerator might be off and you can come home to an entire refrigerator of rotten food. Yes, safety is good, but safety requires outlets to trip more often and that is to prevent fires. Again, a lot of technical things that I have zero knowledge about. I am just regurgitating what I have heard and some of the potential dangers and maybe that is why O'ahu is hesitant. You are as free as me to call them and see why the other Counties are hesitant to do it. I have no idea, but I would think if it was health and safety of residents, I am sure those people on the other islands are just as concerned about health and safety of their residents as we are.

Councilmember Yukimura: Okay.

Committee Chair Kagawa: I do not know what else to say. Why did they not pass it if it is such a great idea?

Councilmember Yukimura: Well, they did not pass the legislation that was proposed to make buildings like Marco Polo condominiums retrofit, right?

Committee Chair Kagawa: Yes.

Councilmember Yukimura: That was definitely, as we all now see it, a health and safety issue. I do not know if part of the problem at the 7-Eleven was that the electrical contractor was not familiar with all the matching that needs to happen to abide by the code, but I will try to find out. I do not want to just “follow the leader” without knowing why the leader is deferring things. I will try to find out especially if there are no real objections. Okay. Thank you very much.

Committee Chair Kagawa: Are there any further discussion?

Councilmember Kaneshiro moved to defer Bill No. 2613 to the First Committee Meeting in January 2018, seconded by Councilmember Chock, and carried by a vote of 4:0:1\* (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative vote for the motion.*)

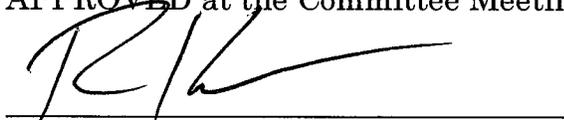
There being no further business, the meeting was adjourned at 3:08 p.m.

Respectfully submitted,



Darrellyne M. Caldeira  
Council Services Assistant II

APPROVED at the Committee Meeting held on August 16, 2017:



ROSS KAGAWA  
Chair, PWPR Committee