

MINUTES

PUBLIC WORKS / PARKS & RECREATION COMMITTEE

September 5, 2018

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, September 5, 2018, at 8:30 a.m., after which the following Members answered the call of the roll:

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

Excused: Honorable Arthur Brün

The Committee proceeded on its agenda item as follows:

Bill No. 2710, Draft 1 **A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ENERGY CODE (This item was Deferred.)**

Committee Chair Kagawa: Before we take a motion, we had a meeting scheduled last week and due to Hurricane Lane, it was canceled. As all County employees were off on that Thursday, we were supposed to meet with the Contractors Association of Kaua'i (CAK) at their quarterly meeting at Kaua'i Island Utility Cooperative (KIUC). The County, on our end, canceled the meeting. I did not want to have staff work with me on a day that we had Administrative Leave (AL) for all employees, so that is the reason why I canceled it. The next meeting I have scheduled with CAK, and Don Lutao will be attending as an expert witness who served with Doug on the Energy Code in Honolulu. We are just going to see if we can come up with amendments that could possibly satisfy both sides and move this Energy Code Bill forward. The next meeting is scheduled for next Wednesday, so I am going to asking for a deferral until we can hold that meeting and see if we can get a compromise between CAK, Don, as well as the Building Division. Go ahead, Councilmember Yukimura.

Councilmember Yukimura: If you get these amendments, will they be proposed for discussion at the next Committee Meeting following that?

Committee Chair Kagawa: That is what we hope, yes.

Councilmember Yukimura: Okay, so what meeting is that?

Committee Chair Kagawa: Staff, do you have the next Committee Meeting date? September 19th.

Councilmember Yukimura: September 19th. As you know because I mentioned that I have some amendments that came out of the proposal that I think will make it better. There are less requirements, but it allows people to add things on in the future without a huge investment, because you are changing the basic framework. I would like to be able to introduce that at the next Committee Meeting, if that is okay with you.

Committee Chair Kagawa: Yes.

Councilmember Yukimura: Okay, great. Thank you.

Council Chair Rapozo: I have a real quick comment.

Committee Chair Kagawa: Council Chair Rapozo.

Council Chair Rapozo: If those amendments should pass or at least have those amendments discussed--will you be meeting with CAK?

Committee Chair Kagawa: Yes.

Council Chair Rapozo: I would suggest that those amendments be part of that discussion as well.

Committee Chair Kagawa: If Councilmember Yukimura wants to, she can provide those proposals to Aida that she intends to introduce, and Aida could have those ready for our meeting.

Council Chair Rapozo: Thank you.

Councilmember Yukimura: Okay. I can do that.

Committee Chair Kagawa: I am not ready to vote on any amendments not having heard from CAK and Don as far as the current proposal, so voting on other amendments will be difficult at this time. I just want to wait until I have that meeting. Again, no one expected Hurricane Lane. It pushed us back, but oh well.

Councilmember Yukimura: That is not a problem. The decision-making is not only with CAK. We definitely need their input, but it will come back to this forum and we will have a discussion.

Committee Chair Kagawa: Yes.

Councilmember Yukimura: Okay, thank you.

Committee Chair Kagawa: Is there further discussion?

Councilmember Yukimura: Before we get a motion to defer, there was a masonry amendment that was proposed to us and I would like to have a discussion on that, because I think it may be another amendment to prepare and I would like to know where the Building Division stands on it.

Committee Chair Kagawa: Masonry amendment?

Councilmember Yukimura: It came from The Masonry...

Committee Chair Kagawa: Are you talking about the Plumbing Code?

Councilmember Yukimura: No, it is the Energy Code.

Committee Chair Kagawa: Okay. We need a motion on the floor before we suspend the rules.

Councilmember Kaneshiro moved to approve Bill No. 2710, Draft 1, seconded by Councilmember Yukimura.

Committee Chair Kagawa: We do not want to belabor it too long because I have the meeting scheduled for next week with Don and Karen, and we are going to see what we can compromise, but Councilmember Yukimura has a question.

There being no objections, the rules were suspended.

DOUGLAS HAIGH, Chief of the Building Division: Good morning, Doug Haigh, Department of Public Works. This is the first time I have seen the letter, but I was aware that they were going to be submitting the letter. It is a letter from The Masonry Institute of Hawai'i (MIH). I had discussed this with them at the State Building Code Council and actually, the State Building Code Council has supported this amendment. They are allowing concrete masonry units (CMU) mass walls, which would be a masonry wall, to not require wall insulation. If you look at the language proposed and it is for, "continuous insulation for wood, metal framed, and mass walls are not required when one of the following conditions are met," and they have added, "Concrete, CMU and similar mass walls are six (6) inches or greater in thickness." We have no objection to adding that into the Code.

Councilmember Yukimura: Thank you. I guess the underlying principle is that these walls are so thick that they are actually insulated inherently. Is that correct?

Mr. Haigh: Yes, they have a certain insulation value of their own, so that is the intent.

Councilmember Yukimura: It is hard to imagine putting insulation in concrete.

Mr. Haigh: Well, you would be putting insulation on one (1) side of the wall, typically, if you were going to insulate it.

Councilmember Yukimura: Oh, okay. However, the example is this building, itself, I am guessing, right? Are these walls not greater than six inch (6") concrete?

Mr. Haigh: I do not believe you are getting the full R13 value out of the concrete walls, but it is something.

Councilmember Yukimura: So those who are the experts, like the lead experts and others, do they agree with this amendment?

Mr. Haigh: I would say that the Department of Business, Economic Development & Tourism (DBEDT) Energy Division have supported this amendment.

Councilmember Yukimura: Can you get a letter from them in writing to that effect? One of the questions I have is, if the State Committee supported it, why is it not in the present Bill?

Mr. Haigh: It was missed when we adopted the State Energy Code.

Councilmember Yukimura: It was overlooked.

Mr. Haigh: This item was not addressed and since then we did get communication from DBEDT, who is actually the Chair of the State Building Code Council now, and he is the Chair of the 2015 International Energy Conservation Code (IECC) Sub-Committee of the State Building Code Council. He submitted written recommendations for allowing the exception for mass walls.

Councilmember Yukimura: Is that Howard Wigg?

Mr. Haigh: Yes, that is correct.

Councilmember Yukimura: Okay, can you maybe just make that communication available to us?

Mr. Haigh: Yes, absolutely.

Councilmember Yukimura: Okay. Do you have objections to the wording that...I forget what the organization is called. What is their name?

Mr. Haigh: The Masonry Institute of Hawai'i. I would like to double-check.

Councilmember Yukimura: Okay.

Mr. Haigh: Because I think for a fully air conditioned home, this may not be appropriate and I am not sure exactly where this exception sits in the Code, so I need to review.

Councilmember Yukimura: That is why the wording is so important because it crafts the exception or the exclusion and so, thank you if will double-check and get some alternative wording back to us, if the proposed wording needs to be further refined.

Mr. Haigh: Okay.

Councilmember Yukimura: I do not know if we need it in time for your CAK meeting, Committee Chair. When is your meeting scheduled for?

Committee Chair Kagawa: Next Wednesday.

Councilmember Yukimura: Which is the 12th?

Committee Chair Kagawa: Yes.

Councilmember Yukimura: Okay, so if we could have it for the CAK meeting with the Committee Chair, then at least they can see that amendment, too. Can you let me know before that meeting?

Committee Chair Kagawa: Many of the concerns that CAK has, has to do with cost. I would think they would be supportive of this amendment, because his proposal would definitely reduce costs in that area.

Councilmember Yukimura: Okay.

Committee Chair Kagawa: I would think that for them, they would not have a problem with that amendment, but not to answer for them. But seeing where their concerns have been, it has been on costs and Eugene's amendment with MIH is

trying to reduce cost by not requiring insulation on masonry walls...I would think they would be supporting it.

Councilmember Yukimura: Hopefully the CAK in considering cost will consider the payback period and the savings, so it is really net cost. Thank you very much for your input and assistance.

Mr. Haigh: You are welcome.

Committee Chair Kagawa: With that, are there further questions for the Building Division? If not, we will see them in a couple weeks. We also sent the letter that we talked about...we need good memory to go back on this Energy Code, but one of the homework assignments we had was to get a ruling from the State as far as how deep our Kaua'i amendments could go before the State would not accept those amendments. We did not get the answer we were hoping from the State. What they did was the State controller referred us to a section of Hawai'i Revised Statutes (HRS) and told us to give it to our County Attorney and have our County Attorney do his own research on the matter. Basically, we did not get anything as far as that response from the State, but what is new, I guess, right? Councilmember Yukimura.

The meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: I just wanted to call to the Council's attention this *Building Industry* article from April 2018, it says, "Hawai'i's new Energy Code is now in effect on State projects." They talked about a two hundred million dollar (\$200,000,000) new high school in Kihei, Maui, that is being built to Energy Code standards and the savings for the operations will be substantial and will lower the operating costs for the Department of Education (DOE), ultimately, because of the Energy Code. I think it is unbalanced, a really positive thing, and I will make copies and circulate this to you. Thank you.

Committee Chair Kagawa: Is there further discussion? Seeing none, I just want to add a little bit in that CAK is not against the Energy Code and its purpose. What they are against is mandating it. Mandating things that will cost more than the homeowner may not see as useful at the time. What CAK wants to have is something in the language where we recommend that the public think greener and live greener, however, to mandate it when cost of housing is already high on Kaua'i and in the State of Hawai'i, CAK has some concerns and so do I. With that, I will entertain a motion to defer.

Councilmember Kaneshiro moved to defer Bill No. 2710, Draft 1, seconded by Councilmember Yukimura, and carried by a vote of 4:0:1 (*Councilmember Brun was excused*).

The Committee proceeded on its agenda items, as shown in the following Committee Reports, which are incorporated herein by reference:

CR-PWPR 2018-09: on PWPR 2018-07

Communication (08/22/2018) from Council Chair Rapozo, requesting the presence of the Administration, to provide a briefing on the Administration's plans for Salt Pond Beach Park and surrounding areas. **(Received for the Record.)**

(Note: The Committee was in recess from 10:26 a.m. to 10:36 a.m. for a caption break.)

CR-PWPR 2018-10: on PWPR 2018-08

Communication (08/30/2018) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to provide a briefing on the status of the Kaua'i Resource Center HI5 redemption center and other recycling programs/locations. **(Received for the Record.)**

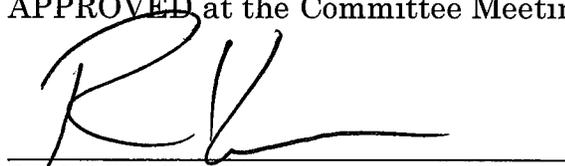
There being no further business, the meeting was adjourned at 11:44 a.m.

Respectfully submitted,



Darrellyne M. Caldeira
Council Services Assistant II

APPROVED at the Committee Meeting held on September 19, 2018:



ROSS KAGAWA
Chair, PWPR Committee