



## **Board of Aldermen - Work Session Agenda**

**October 6, 2020**

**5:30 p.m. – City Hall \*\*\*Via Videoconference\*\*\***

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**NOTICE:** \*Due to the Health Officer's orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's FaceBook page through FaceBook Live. Attendance in person by members of the public will not be permitted.

- 1. Call to Order**
- 2. Adjournment to Executive Session Pursuant to Section 610.021(2) RSMo.**


**Reconvene Work Session at 6:00 p.m.**

- 3. Discussion of 2017 NEC and 2018 IBC for Building Codes**
- 4. Discussion of Property Maintenance**
- 5. Discussion of Girl Scout Requests**
- 6. Adjourn**

## Agenda Item # 2 – Adjourn to Executive Session

		<h1>City of Smithville</h1>
<b>Meeting Date:</b>	October 6, 2020	<b>Department:</b> Board of Aldermen
<b>Agenda Item:</b>	Adjournment to Executive Session Pursuant to Section 610.021(2) RSMo	
<b>Summary:</b>  To allow the Board of Aldermen to adjourn to Executive Session to discuss real estate matters.		
<b>Purpose:</b>  To discuss real estate matters.		
<b>Impact</b>		
Comprehensive Plan:		
Economic Development Plan:		
Parks Master Plan:		
Strategic Plan:		
Capital Improvement Plan:		
Budget:		
<b>Legislative History:</b>  N/A		
<b>Suggested Action:</b>  A motion to close the work session for the purpose of discussing real estate matters pursuant to Section 610.021(2) RSMo.		
<b>Attachments:</b> <input type="checkbox"/> Plans <input type="checkbox"/> Contract <input type="checkbox"/> Staff Report <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Minutes <input type="checkbox"/> Other:		

### Agenda Item # 3 – Discussion of 2017 NEC and 2018 IBC for Building Codes

	<b>STAFF</b> <b>REPORT</b>
<b>Date:</b>	October 1, 2020
<b>Prepared By:</b>	Jack Hendrix
<b>Subject:</b>	International Building Code Adoption Recommendations
<p>Staff provided notice to the public on February 6, 2020 that the City would be reviewing and adopting updates to the 2012 International Code Family to the 2018 versions. In late February, e-mails providing notice that the update process had begun were sent to all builders who applied for a building permit in the previous two. Builders were requested to provide comments and concerns about the 2018 ICC codes. Only two builders provided comments, which related to the 2018 International Residential code only. Each comment was that the builder was fine with the suggested changes of the KCHBA (Home Builder's Association) to the code provisions in the IRC.</p> <p>Since March, Jim Waddle, Building Inspector and I and Mark Manville, our consultant representative from IBTS have reviewed and discussed numerous proposed changes to the 2018 codes compared to the 2012 versions. The group began the process by reviewing the changes adopted by Mission, Kansas (one of the first to adopt the 2018 codes) as well as information provided by the KCHBA specifically on the IRC to formulate the attached recommended changes.</p> <p>The ICC recommend using a two-part adopting ordinance. The first part is to identify the actual code name and each of the appendices in the respective code the city is adopting. The second part is a list of "Additions, Insertions, Deletions and Changes to the 2018 XXXX code". The ICC provides a list of specific items that must be added (jurisdiction name, fine amount, etc.) and sets the ordinance format for any jurisdiction specific changes.</p> <p>In addition to the standard changes called for by the ICC, we also have some internal changes, primarily related to the administrative sections of each code. For example, these codes each have appeal provisions that conflict with Missouri Law. In order to rectify that, we delete the entire section in each of the codes concerning appeals and insert a provision that states:</p> <p>"All appeals of orders, decisions or determinations made by the Building Official relative to the application of this code, all appeals shall be heard and governed by the provisions of Section 400.625 et seq. of this Code."</p>	

This provision puts all appeals in our Board of Adjustment, which by Missouri Law can handle appeals from the building official(s). The International Mechanical, Plumbing, Fuel Gas and Energy Codes as well as the National Electric Code were substantially unchanged in 2012 and none are recommended for 2018. The staff proposed changes to the various codes beyond those standard changes mentioned above are discussed below under the separate headings of the codes involved.

### **International Residential Code**

Attached to this memo is a spreadsheet of the recommended changes to the 2018 International Residential Code that was reviewed and approved by the Planning Commission in June. Most of these recommendations match the adopted changes from the 2012 code requirements. There are several changes to the code from the 2012 version to the 2018 version. As was the case in 2012, staff worked directly with HBA representatives to understand their concerns and recommendations. The consensus of the staff review was to recommend adopting most of the HBA recommendations. Those recommended changes are contained in the spreadsheet.

Based upon some of the most prevalent concerns or complaints on building sites, staff has included a new maintenance provision to address those needs. This represents the most significant change from the current 2012 IRC. While these maintenance provisions are listed in the attached spreadsheet, the new provisions of R306.5 and .6 are specifically included below:

#### ***Section R306 Sanitation***

*Section R306.5 New single-family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the Building Code Official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.*

*R306.6 New single-family dwellings construction site maintenance. All construction sites shall be maintained in a good, clean, and safe condition, including, but not limited to, the following minimum requirements:*

- 1. Construction materials shall be stored, maintained, and secured to prevent safety risk or danger. Accumulated construction debris shall be hauled away and disposed of at an approved landfill. Dumpsters shall be emptied or removed when full and may be used only for construction debris. Construction materials shall not be stored in a public right-of-way.*

- 2. All mud, dirt, or debris deposited on any street, crosswalk, sidewalk, or other public property as a result of excavation, construction, or demolition shall be immediately broom cleaned to the extent possible and disposed of in an acceptable manner.*
- 3. It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public or private sewer.*
- 4. Airborne particles shall be controlled on the property at all times during work by means of a water truck and/or spraying equipment, or other water sources capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.*
- 5. Every contractor shall be responsible for all actions of their employees, agents, and subcontractors under this Subsection and shall be responsible for all violations of the provisions of this Subsection committed by such employees, agents, or subcontractors.*

### **International Swimming Pool and Spa Code**

In addition to the residential code changes above, the ICC has also separated various Pool construction codes from an appendix to the IRC, (Appendix G) into its own Code, called the International Swimming Pool and Spa Code (ISPSC). Other than separating the provisions into its' own code, there is only one significant textual change. Specifically, the proposed new code now considers automatic, powered pool covers to constitute a proper 'barrier' or protective device. The current 2012 code does not address this new technology. Staff recommends adopting the ISPSC without significant changes.

### **Other/Commercial Codes**

In addition to the IRC code, the ICC code family includes the International Building Code (Commercial), Plumbing Code, Fuel Gas Code, Energy Conservation Code, Mechanical Code, as well as the 2017 National Electric Code. Those codes were adopted with little to no significant changes in 2012. The 2018 codes are similar to the 2012 versions with a few additions to the code for "Live and Work" construction. With the growth in the Live/Work uses, the type of construction needed to meet the combination residential and commercial uses has changed, and these code provisions address those changes. The staff recommendations include these new the Live/Work portions, and continues the limited adjustments made in 2012 in the new code.

Staff Recommendation is to adopt the 2018 version of the IRC with the proposed changes as submitted to the Planning Commission; the IBC (Commercial Construction) to include the new Live/Work construction provisions; the IFGC (Fuel Gas), IMC (Mechanical), IPC (Plumbing), IEEC (Energy Efficiency) and ISPSC (Pools). In addition, the 2017 NEC (Electrical).

**Schedule of Fees**

Staff recommends amending Section 500.100 Permit Fee Schedules to simply refer the reader to the Comprehensive Schedule of Fees that is regularly reviewed by the Board of Aldermen and avoids any possible conflict between the Schedule and this provision.

Proposed 2018 IRC Changes  
City of Smithville, Missouri


Section	Smithville, MO
302.13 Fire Protection of Floors	Add an additional exception 5. Wood I-joists
303.4 Mechanical ventilation- less than 5 air changes per hour	Amend to less than 3 air changes per hour
R306 Sanitation	Add two provisions to require sanitary toilet facilities nearby and certain provisions for cleaning the site.
Section 319.2 Site Address Lighting (added 2012)	Single family dwellings shall have the ability to illuminate the address numbers during the hours of darkness with a power source connected to the electrical system of the house or other source of illumination.
R405.1 Foundation Drainage	Membrane not required w/ 18" of clean gravel
Section 507.9.2 Lateral Connection (Decks)	Amended to add: Installation of 1/2" lags or bolts spaced not less than 12" on center will be sufficient to attach the band or ledger joist in our area.
R602.6.1 Drilling and notching of top plate (plumbing related)	Requires minimum of 4 (Reduced from 8) - 10d nails per side for plates with > 50% of plate cut for piping.
Chapter 11 Energy Efficiency	Amend the testing requirements throughout the section
Insert Table 1102.1.1 Insulation and Fenestration Requirements	Only significant change from 2012 is improved U factors in windows from .35 to .32.
Section 1104.1 Electrical Power and Lighting Systems	This was deleted in the 2012 code due to cost and ability to get reasonably priced high-efficacy lamps. Now, LED fixtures are both reasonably priced and available. The new standard is that 90% of all permanent lighting must contain high efficacy lamps.
Section P2503 (Plumbing Inspections)	Amend all provisions to include "Where required by the Code Official"
Chapter 33 Storm Drainage	Amended to include specific requirements for sump pit, sump pump and associated piping, including provisions to meet the Radon Gas infiltration protection requirements.
E3901.9 Receptacle Outlets	Amend the portion on garages to require one plug per garage, not per garage bay. Also remove the outlet requirement outside the house adjacent to the HVAC unit since it isn't used by contractors (due to risk of tripping circuits in the house)

Proposed 2018 IRC Changes  
City of Smithville, Missouri

E3902.2 Garages and Accessory Building Receptacles	Added Exception - Receptacles utilizing the provisions of this section shall be permanently marked to indicate "[Type of Equipment] Only - No GFCI Protection". (1) A dedicated receptacle supplying only a garage door opener. (2) A dedicated receptacle supplying only a refrigerator and/or freezer.
E3902.5 Unfinished Basement Receptacles	added Exception 2. A dedicated receptacle supplying only a sump pump. 3. A dedicated receptacle supplying a refrigerator and/or freezer.
E3902.12 Arc-fault Circuit-interrupter Protection	Removed the requirement for AFCI protection in family rooms, dining rooms, living rooms, parlors, libraries, dens, sun rooms, recreation rooms, closets, hallways and similar rooms and areas.
All Swimming Pool Provisions are now contained in a separate code and are addressed in those provisions.	



## Agenda Item # 4 – Discussion Property Maintenance

	<b>STAFF</b> <b>REPORT</b>
<b>Date:</b>	October 1, 2020
<b>Prepared By:</b>	Jack Hendrix
<b>Subject:</b>	Property Maintenance Code Adoption Discussion
<p>The Property Maintenance Code is a part of the ICC code family, several sections require adjustments to comply with state law and often require local adjustments based on local desires. Those adjustments relate primarily to the weed and grass heights and commercial trash enclosure maintenance. Following years of service as Code Enforcement Inspector for Smithville, Keowa Norton has compiled a list of suggestions that are based upon the most common complaints she receives. These recommendations are outlined below.</p> <p><b>Weeds and Grass Provisions</b></p> <p>Calls regarding unkempt tall grass and weeds on vacant land adjacent to housing is the most frequent complaint received. It is recommended that the weed and grass height be changed from 7 inches in some areas and 16 inches in others to one, consistent height. It is recommended that the height requirement be no more than 10" for ALL land, excluding land actually used for agricultural uses. The purpose of these changes is to reduce blight in neighborhoods. Additionally, application of one universal rule is easy to explain and understand and eliminates any interpretation issues.</p> <p><b>Vehicle Parking and Storage</b></p> <p>The second leading complaint of residents is parking and storing vehicles. For purposes of this staff report, these recommendations are limited to parking and storing vehicles on private property. While there are regular complaints of vehicle parking on city streets, that provision is considered a police matter and those complaints are referred to and handled by the Police Department.</p> <p>As for parking on private property, the issues fall into one of several categories. One category is abandoned, inoperable or unlicensed vehicles. Our codes state these vehicles can be kept in an enclosed garage on private property, but not outside. The parking of these vehicles is sometimes just in the actual driveway, but often is in an unprepared grass area of the yard. No matter where these vehicles are parked, we have code provisions to address them. The more problematic issue relates to where vehicles are parked, whether licensed and operable or not. Parking any vehicle in the grass area of private property often leads to other property maintenance problems.</p>	


Regular parking in grass leads to a couple of problems – failure to keep the grass and weeds mowed, and/or killing the vegetation under the vehicle. The weed and grass height problem is more common with recreational vehicles, boats and other trailers that are stored in rear yard areas, but there are currently no provisions to prohibit this storage in front yards. The areas under the parked vehicles also become persistently wet making maintenance even more unlikely. These wet areas can become a breeding ground for mosquitos.

Both long term storage and regular parking areas are subject to killing the vegetation in the yard. When the vegetation is killed, the area will become muddy during rain events and will encourage erosion. If the area is used as an additional parking area for regularly used vehicles, this mud is then tracked into the streets, or across sidewalks if present. A secondary concern is present if the vehicle is driving across the sidewalk area from grass – the actual sidewalk condition. Sidewalks are not designed and constructed for regular vehicle crossing so regular crossing will break and crack the sidewalks, making them potentially dangerous conditions for pedestrians.

Staff suggests a couple of considerations for the Board. Specifically, the first consideration would be to require ANY parking of a vehicle (cars, trucks, RV's, Boats and trailers) to be on a prepared hard surface – *asphalt, concrete or compacted gravel* – to reduce nuisance violations as well as protect the appearance of the city. The most significant impact of these violations is obviously in the area in front of the building on the property. If the Board has concerns with the first option above (hard surface parking in all locations) then a secondary consideration would be to require hard surface parking in the front yard area to protect the sidewalk from damage, reduce the nuisance of mud, etc. and improve the aesthetics of the community.

Staff seeks direction from the Board as to how to proceed on these two nuisance issues.

## Agenda Item # 5 – Discussion of Girl Scout Requests

	<b>STAFF</b> <b>REPORT</b>
<b>Date:</b>	October 1, 2020
<b>Prepared By:</b>	Linda Drummond
<b>Subject:</b>	Girl Scout Project
<p>Girl Scout Troop 1919 would like to discuss a service project that they are working on for their Silver Award. They would like to plant some trees and do other Missouri native landscaping at a development that is happening in our community. They have prepared a presentation to provide at the meeting.</p>	