

# FIRE PREVENTION AND BUILDING SAFETY COMMISSION

## MEETING MINUTES

### Meeting Details

**Date:** March 7, 2023

**Time:** 9:00 AM

**Location:** MADE @ Plainfield – 1610 Reeves Road, Plainfield, IN 46168

### Member Attendance

Name	Present		Means of Participation
	Yes	No	
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Joe Heinsman	<input type="checkbox"/>	<input type="checkbox"/>	NA
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person

### Notes

Additional information may be available at the [Commission's Web Page](#).

Also in attendance:

Dustin Dyer, Director of Boards and Commissions, IDHS

1. Call to Order
2. Roll Call
3. Review and Action on February 2023 Meeting Minutes – Commission **approved the minutes 10-0.**
4. IDHS Reports and Updates
  - i. IDHS Variance Determinations Report as required by 675 IAC 12-5-6.2(f) – Denise Fitzpatrick.
5. Rulemaking Update(s)

- i. Mechanical Code submissions due by 4:30pm.

6. Approval of Applications for Renewal as Authorized Inspection Agency for Industrialized Building Systems

- i. Intertek – Commission **approved** renewal 10-0.

7. Variances

a. Tabled

- i. **22-10-28 – Ruby’s Little Red Barn (Woodburn)** – Proponent requested variance be withdrawn.
- ii. **22-12-33 – Red Bicycle Hall (Madison)** – No proponent. Proponent did not appear. Commission **denied** variance 10-0 based on proponent’s failure to demonstrate that non-compliance with the code would not be adverse to public health and safety or create undue hardship.
- iii. **22-12-44 – Transformer 1E (Scottsburg)** -- No proponent. Proponent did not appear. Commission **denied** variance 10-0 based on proponent’s failure to demonstrate that non-compliance with the code would not be adverse to public health and safety or create undue hardship.
- iv. **22-12-47 – Pass Fire Inspection with Variance (Fort Wayne)** – No proponent. Proponent did not appear. Commission **denied** variance 10-0 based on proponent’s failure to demonstrate that non-compliance with the code would not be adverse to public health and safety or create undue hardship.
- v. **23-01-42 – Founders Pointe (Franklin)** – David Wills, DOW Construction Company. Tanning ledge in question is significantly larger than past variances. Tanning ledge turnover is 52 minutes, quicker than the two-hour requirements. Commission **approved** variance 10-0.

b. New

- i. **23-02-32 – Center of the Arts Apartments (Michigan City)** – Melissa Tupper, RTM. Project converted from a library to apartments in 2021 by a different architect and design team. New architect became involved to do another portion of the building. Melissa noted that mistakes were made in Chapter 34 evaluation, such as having complying means of egress with only one exit and no sprinklers. Offering an NFPA 13-D sprinkler system instead of a 13-R, as 13-D is half the cost. Project is already far into construction. Melissa states that construction was 80% complete as of the time of writing the variance. Building would pass Chapter 34 but for the lack of means of egress, which is required. Vice-Chairman Pannicke asked whether the owner of the building had any conversation with the previous designer about faulty design

and standard of care. Ms. Tupper did not know. Vic-Chairman Pannicke asked if a sprinkler contractor had been contacted for a bid. Ms. Tupper responded that a quote had been submitted. Commissioner Beard asked about the overall project budget and the percentage of cost for the systems in questions. Melissa reports that 13-D system is approximately 50k on a budget of 800k from an original budget of 625k, 13-R is 67k. Smoke detection and fire alarm throughout. Commissioner Beard believes that the overall savings is not significant in comparison to overall project cost and that the tradeoff to life safety is not worth the tradeoff. Commission **denied** the variance 10-0.

- ii. **23-02-33(a)(b) 23-02-44 – IUHMCP – New Downtown Hospital (Indianapolis) –** RTM. Wanting to eliminate elevator lobbies based on prior NIST report that states elevator lobbies do not significantly help with fire safety as sprinkler systems normally extinguish fires before there is significant heat or smoke exchange into hoistways. Ed Rensink notes that the variance has been granted multiple times in previous high-rise buildings. Margie was asked if she had any concerns, and noted that she does not wish to comment on building code. Hospital building is divided into multiple smoke compartments per floor. Commission **approved** 23-02-33(a) and (b) as submitted. Also seeking variance for rule requiring being able to see outside exit doors from stair discharge. Each stair tower is surrounded by a light well. In the event of fire patients are moved from one smoke compartment into another smoke compartment. Commission notes that not everyone in the hospital is a patient; students, visitors, hospital staff. Commissioner Beard suggested that additional signage and floor reflectors be added. Commission **approved** the variance as submitted 10-0.
- iii. **23-02-34(a)(b)(c)(d)(e) – Indiana Law Enforcement Academy (Plainfield) –** Ralph Gerdes presents. Logal Cook **recused** himself, Commissioners Hite and Davidson **abstained**. Second floor draft stops only allow for 12” draft stop compared to 18” as required. Adding close-spaced sprinklers. Commission **approved** (c)(d)(e) as submitted 7-0. Commission **approved** (a) 7-0 with the following conditions: close-spaced sprinklers will be installed. Commission approved variance (b) as submitted 7-0.
- iv. **23-02-35(a)(b)(c)(d)(e)(f)(g) – Indiana Archives and Records Administration (Indianapolis) –** Ed Rensink, RTM. Commissioners Hite and Davidson **abstained**. Seeking to allow locking of exterior second-floor terrace. Will provide signage, window by terrace to see if anyone is present, stairway as alternate means of egress. Commission **approved** variance 8-0.
- v. **23-02-36 – IUHMCP – New Downtown Hospital (Indianapolis) –** Seeking a variance in seismic design category. Current code is based on potentially outdated earthquake science. Popponentt presented specific calculations for the project in question based on west coast algorithms. Hospital is well outside of expected dangerous earthquake area and designed for a higher standard than the projected risk. Vice-Chair Pannicke asked what the total savings is compared to the total budget. Total savings is approximately 12M, project budget is 2B. Commissioner Cook asked about dampening systems. Structural engineers have designed to Zone C dampening. Commission **approved** the variance as submitted.

- vi. **23-02-37(a)(b)(c)(d)(e)(f)(g) – Republic Airways Parking Garage (Carmel) –** Christina Collester, RTM. Open on one side, future project will wrap apartments around three sides to make an enclosed parking garage. Three hour party wall will need unprotected openings to allow access to future apartment project. Door pressurization system in stairs prevents easy inclusion of smokeproof enclosure. Stair enclosures do not discharge to outside but have clear markings on how to exit. High-rise buildings required to have fire department smoke mop-up system. Mechanical system for car exhausted included, open on one side. Standby power normally required for smoke removal system. Additionally asking for a class 1 manual standpipe system. Fire pump is prior to service disconnect and on generator power. Commission **approved** variance 10-0.
- vii. **23-02-38 – Costco (Noblesville) –** No proponent. Commission **tabled** 10-0.
- viii. **23-02-39 – Wasmuth Residence (Indianapolis) –** Randy Wasmuth presented. Existing house is in a flood zone, signed a restrictive covenant with the city and is fully permitted. One-time addition allowed in 2017 before purchase. Garage lower than base flood zone, but will not be inhabited. Property going through map amendment. Living space is 728 feet, base flood elevation is 720. Mr. Pannicke asked whether proponent would be willing to apply a waterproofing coating. Mr. Cook noted that allowing the wood to stay exposed and breathe would create less risk of rot. Commissioners discussed post-application of preservative treatment but were unsure what products were available. Commission **approved** the variance as submitted 10-0.
- ix. **23-02-40(a)(b)(c)(d)(e)(f)(g)(h)(i)(j)(k) – Carmel Midtown (Carmel) –** Commission **approved** (a) and (e)-(k) 10-0. Proposing that doors be 90-minute rated fire assemblies in entry doors through party wall. Lot line included for zoning issues creates code complications that would not be present without lot line. Balconies extend past property line, combustible, wood slatted, but could go to pavers. North of townhomes is an extended fire lane for enhanced access to building. Commission **approved** (b) 10-0. Height on (d) is 67ft 9in. Commission **approved** (d) 10-0. Commission **approved** (c) 9-1 with the following condition: non-combustible pavers system on pedestals on roof adjacent to third floor units.
- x. **23-02-41(a)(b)(c)(d)(e)(f)(g)(h) – Elanco HQ (Indianapolis) –** Ed Rensink Commission **approved** (e) 10-0. Seeking to use thermally modified wood on some balconies, which code prohibits on 40+ feet on Type I building. Offering sprinkler protection on balconies at 40+ feet. Commission **approved** (a) 10-0. Seeking to allow 8 columns that span two floors protected with a sidewall sprinkler at top of column in lieu of one hour rating required. Commission **approved** (b) 10-0. Seeking structural steel for entrance canopy to be non-rated. Only shelter for entrance, architectural feature. Commission **approved** (c) 10-0. Egress door on second floor with delayed-egress device. Commission **approved** (d) 10-0. Seeking fire department standpipe system to be relocated to north side of road in lieu of White River Parkway. Commission **approved** (f) 10-0. Seeking elevator lobby vestibule variance. Commission **approved** (g) 10-0. Seeking to utilize NFPA 92A smoke control systems due to reported issues with door openings in certain situations, Indiana does not use

92A. Commission **approved** (h) 10-0.

- xi. **23-02-42 – Indiana Automotive Fasteners DS Enclosures (Greenfield)** – Existing enclosure. Seeking to use sprinkler mist system, combination of water and nitrogen that does not react with chemicals in the same way that a standard wet pipe system would. Recommended by manufacturer in case of fire due to negative reactions to galvanizing chemical. Not occupied while in use. Typically less than five gallons of chemical being used. Controls to run machine on outside of enclosure. Local fire has no concerns, suggested possible fire extinguishers. Commission **approved** 10-0.
- xii. **23-02-43(a)(b)(c)(d)(e)(f)(g) – Kirkwood Lofts Apartments (Bloomington)** – Ed Rensink. Commission **approved** (e), (f), (g) 10-0. Existing two-story bank building being converted to mixed use occupancy, two-hour lid over first floor. Converting second-story to residences, adding two stories of wooden residential structures on top. 13 System on main floor, 13R on residential floors. Bobby LaRue presented, notes that he prefers standard construction versus sprinklers for structural safety issues but is otherwise not opposed. Quick-response sprinklers being used. Commission **approved** variance (a) 10-0. Commission **approved** (b) 10-0. Using perforated aluminum instead of gypsym to prevent water trapping. Commission **approved** (c) 9-1. Seeking variance for bathroom and dryer exhaust outlets two feet from operable window or property line instead of three feet. Using additional width of public ways. Commission **approved** variance (d) 10-0.
- xiii. 23-02-45(a)(b)(c)(d)(e)(f)(g) – University of Notre Dame (Notre Dame) – 1B construction, two-hour frame and floors. Seeking to allow two mechanical rooms on the top floor of the building. No variance would be required if called a penthouse, but can't be called that due to business occupancy on part of floor. Commission **approved** (a) 10-0. Commission **approved** (b) 10-0. Pedestrial walkway will not have sprinklers on both sides of door between McCortney Hall, but will have close-spaced sprinklers. Commission **approved** (c) 10-0. Commission **approved** (d) 10-0. Stair enclosures will be protected at opening with extra sprinkler. Commission **approved** € 10-0. Standpipe outlets on main floor. Commission **approved** (f) 10-0. Building does not have rated construction separating two-story opening from five-story opening, but will use draft stop and sprinkler. Commission **approved** (g) 10-0.

## 8. Report on Administrative Review

- i. The Parker Company vs. Department of Homeland Security – Commission **affirmed** ALJ order 10-0.

## 9. Commission Review of Local Ordinances

No post-adoption ordinances are pending review at this time.

## 10. Code Change Proposals

- i. New – Fuel Gas Code – Chairman Popich noted that no code change proposals were submitted for the Fuel Gas Code, and that only eight Mechanical Code change proposals had

been submitted despite there being only two hours before the deadline. Chairman Popich also noted that there are several bills moving through the legislature that could potentially change how rulemaking works, as well as the makeup of the current body. We're also approximately six months away from the release of the 2024 Codebooks. Vice-Chair Pannicke suggested that current efforts may lead to an uncertain outcome. Commissioner Beard believes that reviewing the most current code would be most beneficial. Vice-Chair Pannicke questioned whether it was fair to constituents to ask them to review codes before knowing what might come out of the legislature. Chairman Popich added that there is a good deal of concern in the industry about the speed at which the process is moving. Commissioner Beard questioned how much additional time it would take to wait for the 2024 codes. Vice-Chair Pannicke believed that it would not add a significant amount of time, but notes that it would likely be 2025 before everything went into effect. Commissioner Hite asked whether a book of significant changes would be published. Chairman Popich questioned whether staff had any opinion. Building Commissioner Burgess notes that he cannot speak for staff, but his personal opinion is that it might be beneficial to postpone. Mr. Popich questioned how long the Commission has to finish the code process with the federal funding provided. Director Dyer answered that the performance period runs to mid-2025. Commissioner Cook suggested that waiting on a future code cycle might create a situation where waiting for the next, improved code could be counterproductive. Commissioner Murua believes that we should continue moving forward, as the 2021 is better than nothing. Shelly Wakefield notes that the rulemaking process alone takes almost a year. Vice-Chair Pannicke suggested that bylaws and committee commitments could be drafted beforehand, ready to go to work when the 2024 Codebooks are published. Commissioner Hite wondered if part of the problem might be that the public isn't aware of the ways in which their voices can be heard during the review process. Mr. Cook suggested that an obvious, iterative process could provide a potential solution, but that a sense of urgency needs to be maintained. BC Burgess suggests that two code committees should be seated at all times due to the size and complexity of the body of codes in question. Bobby LaRue notes that many projects are delayed because new construction materials and projects are only available in new codes. Charles White noted that the public has multiple opportunities to present their case in a public forum, starting with the actual code creation process itself before the books are published. Chairman Popich notes that the Indiana process is different from the national-level process, and that many states adopt or edit out parts of the model code for various reasons. Commission moved to extend the current submittal deadline for all code deadlines that have not passed to the next proposed submittal deadline beginning with the mechanical code (deadline April 4<sup>th</sup>), with all subsequently scheduled codes likewise shifted appropriately. **Approved** 10-0.

*No proposals for code change were submitted for the Fuel Gas Code.*

b. Proposals Pending Review – Plumbing Code – No action taken.

- i. 115 – 311 – Toilet Facilities for Workers
- ii. 116 – 312.1 – Tests and Inspections – Required Tests
- iii. 117 – 312.5 – Tests and Inspections – Water Supply System Test
- iv. 118 – 312.10.1 – Tests and Inspections – Inspection and Testing of Backflow Prevention Assemblies – Inspections
- v. 119 – 312.10.2 – Tests and Inspections – Inspection and Testing of Backflow Prevention Assemblies – Testing
- vi. 120 – 401.2 – Prohibited Fixtures and Connections
- vii. 121 – 708.1.3 – Cleanouts Required – Building Drain and Building Sewer Junction
- viii. 122 – 714.1 – Backwater Valves – Sewage Backflow
- ix. 123 – 918.1 – Air Admittance Valves – General

- x. 124 – 918.3 – Air Admittance Valves – Where Permitted
- xi. 125 – 918.4 – Air Admittance Valves – Location
- xii. 128 – Appendix A
- xiii. 129 – Appendix F

11. Final Comments/Closing Remarks – Chairman Popich

12. Next Meeting – April 4, at 9:00 a.m. Eastern Time at the MADE @ Plainfield facility, 1610 Reeves Road, Plainfield IN 46168. Virtual meeting details TBA.

*A public notice with specific details regarding the format of the meeting will be provided on the [Commission main web page](#) in advance of the meeting date.*

13. Adjournment