

COMMISSION MEETING MINUTES

**Indiana Fire Prevention and
Building Safety Commission**

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

February 2, 2010

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:06 a.m. on February 2, 2010.

(a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Michael Christoffersen
Michael Corey
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health
Kevin Goeden, representing the Commissioner, Department of Labor
David Hannum, Chairman
John Hawkins
M. Burke Jones

(b) Commissioners not present at the Commission meeting:

Ted Ogle

(c) The following departmental and support staff were present during the meeting:

Legal and Code Services:

Mara Snyder, Director, Legal and Code Services
Gary Bippus, Administrative Law Judge
John Hibner, Code Specialist
John Haines, Code Specialist
Denise Fitzpatrick, Code Specialist
Cecilia Ernstes, Code Specialist
Beth Sutor, Secretary

(d) Deputy Attorney General James Schmidt was present.

2. Old Business.

Chairman Hannum called for any corrections or a motion to approve the minutes of the January 5, 2010 meeting as distributed. A motion to approve the minutes as distributed was made by Commissioner Cundiff and seconded by Commissioner Jones. It was voted upon and carried.

3. Ordinances

Building Code Ordinance No. 2009-02
East Germantown, Indiana

Shelly Wakefield, Director, Fire and Building Code Enforcement, introduced the East Germantown ordinance to the Commission, recommending approval. Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

4. Variances.

Tabled Variances.

Variance 09-11-11 Marina Ltd. Dock Construction Building, Fortville, was represented by Steve Roudebush. The original variance had been tabled to allow the proponent to file with Plan Review, and they had done so. The original variance was to allow a mezzanine which has now been expanded into a second floor with shelving. Decking had been installed to make a third floor. The proponent offered to remove the third floor decking, but requested to be allowed to keep the joists which stabilize his second-floor shelving. The girders, which had been called into question by the Fishers Fire Department, were constructed to support three boats at 4,000 pounds each per girder. After discussion, it was decided that the third floor decking would be removed and the variance would be withdrawn. Variance 09-12-4 Brickyard Condominiums Building #6, Evansville, was represented by Marlin Goebel. Also speaking in support of the variance was Benjamin Miller, Evansville Building Commissioner. The condominiums had been started in 2004. They were single story, slab foundation buildings which met townhouse requirements except for the property line. They had been built without sprinklers. After discussion, Commissioner Cundiff moved to approve with the condition that a 2-hour fire wall must separate each two units and a 1-hour fire barrier must separate each unit from the other. Commissioner Christoffersen made the second. It was voted upon and carried with one nay vote being cast. Variance 10-01-4 Larwill Building, Larwill, was represented by owner Jerry Reiff. The company assembled boxes from finished lumber for the shipping of bottles. A letter from Craig Wagner, Whitley County Chief Inspector, was distributed in which he stated that he was familiar with the business and would consider the dust collection system installed in the building as an acceptable alternative to the sprinkler system required by code. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Brenner. It was voted upon and carried. Variance 10-01-6 Mt. Pleasant Christian Church, Greenwood, was represented by Christina Collester, RTM Consultants. Also present were Eric Brown and Jeremy Pell of White River Township Fire Department. The tree in question was constructed of fire-retardant foam, but the resin used to coat the tree had not been tested and approved, thereby causing flame-spread concerns. After meetings between the church and inspectors, an agreement had been reached and outlined in a letter submitted to the Commission. Most of the items had already been completed. Concerns about altering the plenum were raised by the proponent, and concerns about smoke being carried in the duct system were raised by the fire department. Commissioner Cundiff moved to table with the second by Commissioner Christoffersen. Shelly Wakefield, Fire and Building Code Enforcement, noted that she would look at the tree as decorative materials. Following further discussion and the proponents desire to cause no further delay in the project, the maker and second of the motion withdrew it. Commissioner Cundiff then moved to approve if the duct is moved from above the tree. Commissioner Christoffersen made the second. It was voted upon and carried. Variance 10-01-14 Westport Baptist Church Accessibility Addition, Westport, was represented by Byron Boyd. Requested information concerning the proposed unit had been provided. Following discussion of the unit, code requirements and safety issues, Commissioner Christoffersen moved to deny with the second by Commissioner Brenner. It was voted upon and carried. Variances 10-01-42 Walnut Woods Windows / 802-812 Miller Drive, Bloomington, 10-01-43 Walnut Woods Windows / 892-898 Miller Drive, Bloomington, 10-01-44 Walnut Woods Windows/ Park Avenue, Bloomington, 10-02-22 856-890 E. Miller Dr. / Walnut Woods Windows, Bloomington and 10-02-23 818-854 E. Miller Dr / Walnut Woods Windows, Bloomington were represented by Rhonda Moore and David Smith, Bloomington Housing Authority, and Jim Gerstbauer, Monroe County Building Department. When the buildings were constructed in 1981, the windows did not meet code at that time but went without citation until the current inspection. The windows were wider than they needed to be, but were not tall enough. After discussion, Commissioner Cundiff moved to approve all five variances with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote.

Regular Variances.

Chairman Hannum called for any variances to be pulled from the block vote for individual consideration. There being none, Commissioner Jones made the motion to approve the following variances with an "A" or "B" review rating by staff with the second being made by Commissioner Corey. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 10-02-3 Monroe Primary Center, South Bend
- (2) 10-02-5 430 W. Northlane Drive Window, Bloomington
- (3) 10-02-6(b) St. Barnabas Catholic Parish, Indianapolis
- (4) 10-02-7 Jarden Home Brands Warehouse 2, Muncie
- (5) 10-02-9 Kirkwood Place, Bloomington
- (6) 10-02-10 Outokumpu MBSP Building, New Castle
- (7) 10-02-16 Turkey Hill Minit Market Store #603, Indianapolis
- (8) 10-02-21 432 W. Northlane Windows, Bloomington

Proponents for variances 10-02-14 Garvin Industrial Associates, Evansville, and 10-02-19 Positron Sprinkler Deactivation, Elkhart, requested the Commission to table their applications for a period of thirty days. Commissioner Jones moved to table with the second by Commissioner Corey. It was voted upon and carried.

The following variances were heard separately:

- (9) 10-02-1 Grandview Elementary School, Connersville
10-02-31 Connersville High School Complex, Connersville

Mark Pflum, HBH Associates, spoke as proponent. The request was to be allowed to remove one layer of roofing, inspect for damage, replace whatever necessary, then re-roof the buildings. The code required the removal of all layers. The buildings had two layers of roofing. They can stay within their time restraints if they are allowed to remove only one layer, correct defects, and re-roof. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (10) 10-02-4 Rittenhouse Senior Living of Portage, Portage
10-02-13 Rittenhouse Senior Living of Valparaiso, Valparaiso
10-02-15 Rittenhouse Senior Living of Michigan City, Michigan City

Doug Trent, RTM Consultants, spoke as proponent. The request had been the use of an electronic bracelet for residents of Memory Care Unit which would trip a lock on the doors to the hallway when it came within a certain distance of the doors. This would ensure residents would remain safely within the unit. The building was sprinklered throughout. After discussion, Commissioner Christoffersen moved to approve all three with the second by Commissioner Brenner. It was voted upon and carried.

- (11) 10-02-6(a) St. Barnabas Catholic Parish, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. A narthex of 2,800 square feet was being added to the buildings, and they requested the use of a fire barrier instead of the code-compliant fire wall. The existing building's shed roof and the addition's hip roof didn't interface well for drainage. After

discussion, Commissioner Brenner moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (12) 10-02-8(a)(b) Harrison County Government Center, Corydon

Ed Rensink, RTM Consultants, spoke as proponent. The request in variance (a) was to be allowed to evaluate the means of egress for the building according to the proposed code change accepted by the Chapter 34 ad hoc review committee. Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance (b) was a request to allow the government center to be considered a separate building from both the Purdue building and the connector/tunnel when allowable area was evaluated. A 2-hour wall was to be used at the entrance to the pedestrian tunnel and at the door by the nearest point to the Purdue building. Del Schrader, Plan Review, noted that the buildings shared a covered walkway. The proponent offered to remove the roof. After discussion, Commissioner Hawkins moved to approve with the condition that the roof of the covered walkway be removed. Commissioner Christoffersen made the second. It was voted upon and carried.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:32 a.m. He then reconvened the meeting, calling it back to order at 10:51 a.m.

- (13) 10-02-11(a)(b)(c) Brother's Keeper Residence, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. The 80-year-old building was being changed in the adaptive reuse of an existing building from a funeral home to a halfway house for local offenders re-entering society. The entire building won't be sprinklered, but the new section will be separated by a 2-hour fire barrier and will be sprinklered with a 13R system. A request to allow a 2-hour fire wall which doesn't comply its full length due to the slope of the roof was made. The wall wasn't structurally independent since it supported the roof for the hearse drive-through. After discussion, Commissioner Christoffersen moved to approve all three applications with the second by Commissioner Cundiff. It was voted upon and carried.

- (14) 10-02-12 Deaconess Hospital Main Campus Emergency Power Expansion, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. The emergency power generating facility for the hospital had three separate 300 gallon diesel fuel tanks to feed the generators, exceeding the amount of fuel allowed by code. They asked to use listed double-walled containment tanks instead of secondary spill containment systems. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote cast.

- (15) 10-02-17 Clarian West Medical Center Cardiac Rehabilitation Build-Out, Avon

Renee Smith, Senior Project Manager, Clarian Health, requested the removal of strobe lights from the speech therapy room. The majority of patients who used the facility are stroke or seizure patients, and exposure to strobe flashes may induce seizure activity. Commissioner Cundiff moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

- (16) 10-02-18(a)(b)(c)(d) Evansville Arena, Evansville

Andrew Neuman, Howe Engineers, spoke as proponent. Variance (a) was a request to use ribbon sign boards and the scoreboards, with code-compliant strobes, as part of an emergency notification system. The ceiling had a 91' peak and mounting strobes would not be practical. Variance (b) was a request to

use the public address system for notification. After discussion, Commissioner Cundiff moved to approve both (a) and (b) with the second by Commissioner Christoffersen. Variance (c) was a request to omit some sprinklers over the seating area. The area over the playing floor was to be sprinkled. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried. Variance (d) was a request to omit fireproofing on structural roof elements within 20 feet of the floor. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

(17) 10-02-20 The Villages Condominiums, Newburgh

Roger Lehman, RLehman Consulting, spoke as proponent. The request was to omit sprinklers in six 4-plex condominium units, and to use UL listed wall assemblies instead of 2-hour firewalls. After discussion, Commissioner Christoffersen moved to approve with the condition that a 2-hour fire wall separate each two units and a 1-hour fire barrier separate each unit from the other. Commissioner Hawkins made the second. It was voted upon and carried with one nay vote being cast.

(18) 10-02-24 707 E. North Street Condominiums, Indianapolis

Mark Riffey, Ryan Fireprotection, spoke as proponent. The request was to allow the use of ceiling and sidewall sprinklers aimed at the columns in an effort to maintain the open concept in the office building. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Jones. It was voted upon and carried.

(19) 10-02-25(a)(b) Lafayette Urban Ministry, Lafayette

Harry Mohler, architect, spoke as proponent. This building had been built 15 years ago as a homeless shelter with offices on the second floor. The request was to change the first floor to assembly and move the shelter to the second floor with sprinklers installed. An exterior stairway would be replaced with an interior stair, but they wanted to continue to use the building during the period when the second floor was served by one exit. A fire watch was offered, and occupancy was to be limited to 37. Ron Ritchey, Lafayette Fire Department, addressed the Commission and was not opposed to the variance. Commissioner Jones moved to approve both (a) and (b), with the second by Commissioner Corey. It was voted upon and carried.

(20) 10-02-26 Riverside MFG Expansion, Ft. Wayne

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. An addition to an existing manufacturing plant used to store Class 2 commodities was to be sprinklered, but fell 250 gallons per minute short of the required 500 gallons per minute for use by the fire department. Jim Maura, Ft. Wayne Fire Department, addressed the Commission and had no objections to the variance. Commissioner Jones moved to approve with the second by Commissioner Corey. It was voted upon and carried.

(21) 10-02-27 Wigwam Building, Franklin

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to be allowed to omit sprinklers in the basement of the building. The first and second floors were sprinklered. The basement won't be used for anything other than the building's mechanical equipment. Commissioner Brenner

moved to approve with the condition that the access to the basement be locked and entry restricted. Commissioner Christoffersen made the second. It was voted upon and carried.

(22) 10-02-28 Puerto Vallarta Mexican Restaurant, Greenwood

Tim Callas, J & T Consulting, spoke as proponent. The request was to omit sprinklers in the existing building. They had installed a third exit and full fire alarm system in the tenant space, and had separated the unit with a 2-hour fire wall. Lowell Weber, Greenwood Building Commissioner, also addressed the Commission and supported the variance. After discussion, Commissioner Hawkins moved to approve with the condition that no live music be allowed. Commissioner Brenner made the second. It was voted upon and carried with one nay vote.

(23) 10-02-29 Center for Mental Health Facility, Anderson

Tim Callas, J & T Consulting, spoke as proponent. The building, previously a boys' school, had been converted to a mental health facility. The request was to omit the code-required sprinkler system. Each sleeping unit had been separated by a 1-hour fire barrier, a monitored, full fire alarm system had been installed, and all windows were egress windows. A discussion of the mezzanine and the possibility of it being used for storage was held. Commissioner Christoffersen moved to approve with the condition that the mezzanine access be blocked with drywall. Commissioner Cundiff made the second. It was voted upon and carried.

6. **New Business – General.**

Discussion and Possible Commission Action

Greater New Hope Baptist Church
Administrative Cause No. 09-42
Order – Pike Township Fire Department
Nonfinal Order of Dismissal

Commissioner Hawkins moved to approve the Nonfinal Order of Dismissal. Commissioner Cundiff made the second. It was voted upon and carried.

Jackson Square Apartments
Administrative Cause No. 09-35
LBO Appeal of Variance
Notice of Filing Report, Findings of Fact, and
Decision of Administrative Law Judge

Commissioner Hawkins moved to affirm the Notice of Filing Report, Findings of Fact and Decision of Administrative Law Judge. Commissioner Cundiff made the second. It was voted upon and carried.

Discussion and Commission Action on Petitions for Review (All are timely field unless otherwise noted.)

China Wok
Order – Fire and Building Code Enforcement

Avon Creek Apartments
Order – Avon Fire Department

Main Gate Sports Bar
Order – Fire and Building Code Enforcement

Commissioner Corey moved to approve all the timely filed petitions for review. Commissioner Jones made the second. It was voted upon and carried.

7. Discussion and Commission action LSA Document #09-388

A copy of the Summary of Public Hearing on LSA Document #09-388 held on January 28, 2010, and Public Comments received prior to the Public Hearing, a memorandum from Mara Snyder, Commission staff, dated January 29, 2010, listing proposed changes to address comments from the Attorney General's office, and a memorandum from Mara Snyder dated February 2, 2010, had been distributed to the members of the Commission. Chairman Hannum opened the floor to comments and questions from the Commissioners.

Commissioner Christoffersen made the comment that, in his discussions with many people from around the state, those he spoke with were not opposed to the ASHRAE 90.1 document. They felt that if the IECC were adopted, then they would have a code addressing the standard instead of the standard addressing the code, thus making enforcement in the field easier. It was noted that if anyone wishes to design to the IECC, they may do so, proposing it as an alternative method under the GAR in 675 IAC 12-6-11. The State Fire Marshal or State Building Commissioner can then allow that as an alternative design. A non-rule policy could be issued to make this option known to the design and enforcement communities.

Commissioner Brenner asked about the amendments proposed by the AIA. Mara Snyder explained that they had been turned into rule text and included in the memorandum distributed to the Commissioners.

Commissioner Cundiff moved to approve LSA Document #09-388, as published in the Indiana Register on December 23, 2009, as Document 20091223-IR-675090388PRA, as amended by:

1. the proposed changes contained in staff's memo dated January 29, 2010; and
2. the proposed changes contained in the letter from RTM Consultants identified as Attachment 9 to the Summary of Public Hearing and Public Comments, with the change in 675 IAC 19-4-3 inserted as subdivision (1) and the proposed subdivisions (1) through (6) renumbered as (2) through (7) and with the change in 675 IAC 19-4-7 inserted as subdivision (2) in place of the language deleted in the January 29, 2010 staff memo; and
3. the proposed code change from Jason Shelly identified as Attachment 1 to the Summary of Public Hearing and Public Comments, as modified in the memo from staff dated February 2, 2010; and
4. the proposal by Ralph Gerdes, identified as Attachment 4 to the Summary of Public Hearing and Public Comments, to change the name of the code to the Indiana Energy Conservation Code, 2010 edition.

Commissioner Hawkins made the second. It was voted upon and carried with one nay vote being cast.

8. Comments

Mara Snyder, Director, Legal and Code Services, advised the Commission that the proposed Elevator Safety Code notice would be published in the Indiana Register on February 7, 2010 with the public hearing on March 31. She noted that the Swimming Pool Code was lagging due to needed fiscal impact information, and that she may need to withdraw the notice of intent or get an extension. The Residential Code was moving forward with a draft expected to be available for the Commission and committee by March 1st. The fiscal impact information came from sample projects. The Plumbing Code committee was scheduled to be at 9:00am on February 9, 2010, in Conference Rooms 4 & 5. Cecilia Ernstes would be the chairperson. They are to use the ICC 2006 Plumbing Model Code, and Ms. Snyder will be looking into ways to fund NFPA 13 books for the committee.

9. **Adjournment.**

Chairman Hannum called for further business, and upon hearing none, he adjourned the meeting at 11:57 a.m.

APPROVED _____
David Hannum, Chairman

DRAFT