

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

## MEETING MINUTES

### Meeting Details

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**Date:** September 6, 2023

**Time:** 9:00 AM

**Location:** Government Center South – Conference Room A

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### Member Attendance

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Name	Present		Means of Participation
	Yes	No	
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
John Crisp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Scott Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
James Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Patarino	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
David Porter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Kenneth Wagner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person

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### Notes

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

Also in attendance:

Dustin Dyer, Director of Boards and Commissions, IDHS

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1. **Call to Order** – Chairman Murua called the meeting to order at 9:01am.
2. **Roll Call** – 10 present. 2 online but cannot be counted as present or counted for votes until a new electronic meeting policy is adopted. Scott Miller joined in person later.
3. **Commissioner and Staff Introductions** – Commissioners introduced themselves and explained their professional backgrounds.
4. **Review and Action on July 2023 Meeting Minutes** – Commission unanimously approved minutes as presented.

## 5. IDHS Reports and Updates

- i. IDHS Variance Determinations Report as required by 675 IAC 12-5-6.2(f) – Isaac Delgadillo
- ii. OALP Memorandum of Understanding – Justin Guedel presented the Memorandum to the Commission and offered a detailed explanation of its contents. Commission approved the memorandum unanimously.
- iii. Delegation of Denial Authority – Justin Guedel presented the proposal to the Commission. Commission approved unanimously.

6. **Vice-Chair Election** – Vice-Chair Popich was appointed unanimously.

## 7. State Building Commissioner Interpretations

- i. None

## 8. Rulemaking Updates

- i. Set 2024 Rulemaking Schedule – Commission discussed whether to reimplement subcommittees for rulemaking.
- ii. Electrical Code – Commission was made aware that a draft proposed rule for the electrical code exists and could be readopted if they wished to avoid re-reviewing the electrical code. Public comment was made about the dire need to update the electrical code. Commission directed staff to start collecting names for subcommittee while staff reviews changes. Reach out to NFPA to see if they're willing to discuss differences between 2020 and 2023. Tabled 10-1.
- iii. Regulated Lift Device Rules – Matt Cronley suggested moving forward with 2022 ASME 17.1. Public comment was solicited, and it was noted that it's impossible to test to current standards and that re-designing elevators designed to current code for compliance with an older code is not a fiscal savings, and creates a liability issue.

9. **Proposal – Allow copy of 2007 ASME A17.1 in Testing Area for Indiana Elevator Mechanic Exam** – Initial Discussion and Solicitation of Public Comment. Matt Cronley and Bart Geisler commented.

Commission took a break from 10:33 – 10:45.

## 10. Variances

a. Tabled

- i. **23-06-16(a)(b) Sunrise Recovery Building Renovation (Clarksville)** – B approved last month. A is withdrawn.

- ii. **23-06-27(a)(b) Chronicles Event Center (Brownstown)** – Melissa Tupper. Requested table. Commission tabled.

b. New

- i. **23-07-18 40x80 Tent (Warsaw)** – Randy Cooley presented. Tent request for 4 years. 30 days maximum by rule. Lloyd Baling proponent. Proponent runs an auction house. Tent will house lumber, siding, other building materials. Erecting tent himself. Vice-Chair Popich asked about calculations, loads, and fire rating. Proponent indicated that tent was steel and vinyl. Proponent grew frustrated and walked out. Commission **denied**.
- ii. **23-07-19 The Outlook at Hamilton (Noblesville)** – Randy Cooley presented. Requesting to not meet hinged/swinging type door in lieu of a sliding door. Commission **approved** on the condition that there is an illuminated exit sign above the door and door has no locking devices. 1 opposed.
- iii. **23-07-20 Fulton (Indianapolis)** – Asking to allow R3 occupancy to not be designed as Type B occupancy when residential elevator is installed. Commission **approved** as submitted.
- iv. **23-07-21 Serenity RV & Boat Storage (Corydon)** – Parking surfaces required to be of concrete or other non-combustible material. Nathan Grimes presented on behalf of the proponent. Three-sided open storage building to park RVs and boats. Requesting alternate material to be used. Commission **approved** as submitted.
- v. **23-07-22(a)(b) Cook Profile Park (Bloomington)** – Commissioner Cook **recused**. Non-combustible medical device construction facility. Bobby Larue does not oppose variance. Currently running a five-year construction and expansion plan. Asking to not install a sprinkler system in an unoccupied storage facility. Worked with LFO on exiting and travel distance. Commission **approved** as submitted.
- vi. **23-07-23 Tri-Point Merchandise – New Building** – Requested table by proponent. Commission **tabled**.
- vii. **23-07-24 Sullivan County Correctional Facility (Sullivan)** – Proponent requested table. Commission **tabled**. Christina Collester requested that it be untabled, as tabling request was mistaken. Commission **untabled**. Minimum water demand requirements includes hose stream allowance. Requesting to only use hydraulic calculation without hose stream allowance. Commission **approved**.
- viii. **23-08-34(a)(b) The Estelle Apartments (Bloomington)** – A is approved. B is requesting a similar smoke damper system to what the Commission has approved previously. Bobby Larue in favor, notes that prior testing indicates the systems function well and alleviates certain maintenance concerns. Commission **approved**.
- ix. **23-08-35 Into the Woods Event Space (Greensburg)** – A2 occupancy with fire area exceeding 100 occupants requires sprinkler. Asking not to sprinkler with an occupancy of over 300. Jim Dunbar presented on behalf of owner, Bruce Bowman.

No access to city water, only rural. Owner is not opposed to installation of a fully-compliant 2010 NFPA 72 fire alarm system. Commissioner Pannicke also requested shunt trip circuit to kill music and allow individuals to hear alarms. Warning kitchen only, reverse swing of door to be egress door. No combustibles or open flames, occupant load 250. Commission **approved** with stated conditions.

*Commission took a 15 minute break from 1:40 to 1:55.*

- x. **23-08-36(a)(b) YMCA of Muncie – New Downtown YMCA (Muncie)** – Denise Fitzpatrick presented for DHS. Requesting not to put a sprinkler system over pool, whirlpool, and deck areas. Normally would recommend approval save for no sprinklers over the deck. Type IIA construction, requires one-hour fire rating. Requesting not to rate exposed steel structure and columns. Spectator seating is non-combustible. Condition approved with **conditions**: Sprinklers above spectator seating area, additional heads around columns, two-hour fire barrier behind seating area on second floor.
- xi. **23-08-37(a)(b) Kids Empire (Fort Wayne)** – Children’s play structure must not exceed 300 square feet in area. Space is 4000 square feet. Fully sprinklered, adding additional heads. Project managers presented. Proponents indicate that every item in the structure has undergone significant materials testing. Structure is open netting, allowing for full coverage from sprinklers. Chairman met with proponents in his capacity as fire chief, feels that the project is fully protected. Commission **approved** as submitted.
- xii. **23-08-38 Cinema Apts Alteration (Evansville)** – Building code requires single or multi-station smoke alarms outside of separate sleeping area. Asking to install heat detectors in lieu of smoke detectors. Commission approved as submitted.
- xiii. **23-08-39 Whitko Career Academy Day Care (Larwill)** – Marcus Ballenger presented. LFO is opposed. Referred to Commission due to question on whether hardship statement qualifies. Ed Rensink presented. Matt Cronley noted that issue stems from licensing changes to FSSA rules that are in conflict with building codes. Requesting to only use one exit on room housing eight children under thirty months, using posted load instead of calculated load. Commission **approved** on the condition that this room remains an infant room and becomes void if use or occupancy changes. 3 opposed.
- xiv. **23-08-40 Stedman Apartments – Pool (Carmel)** – Mike Patarino recused. Marcus Ballenger presented. Requesting 30-minute turnover rate on sun shelf which makes up 2/3 of the pool, 6 hour turnover rate on other areas of the pool. Nathan Grimes presented on behalf of proponent. Commission approved as submitted.
- xv. **23-08-41 and 23-08-42 A Building Addition for Timberline Crating (Spencerville)** – Woodworking operation over 2500 square feet. Requesting not to have a sprinkler system in an F1 occupancy over 12000 square feet. Proponent brought letter from LFO, sent to Denise to add to DFBS record. Also provided updated plans. Commission approved 41 with the following conditions: Exit emergency lights above interior exits, 10 foot marked clear floor area in frisson

lumber area, case egress openings. Commission **approved** 42 as submitted.

- xvi. **23-08-43 Fall Creek Pavilion Renovation (Indianapolis)** – Commissioners Hite and Davidson recused. 4M cubic feet with 30 foot ceilings create audibility issues. Ed Rensink presented on behalf of the proponent, Indiana State Fairgrounds. David Carpenter, IFD, presented as well, asking why this building would not be compliant with code as a state-owned building that should be setting code compliance examples. Commission debated whether there were genuine life safety issues. Ed Rensink argues that no life safety issues are created when building is reconfigured as they can't block exits. Mike Patarino believes that the code exists to address such an issue as a life safety issue. Logan Cook asked what the emergency recording would say. Mr. Rensink believes that it would be a simple pre-recorded message directing people to proceed to the nearest exit. Commission **tabled** to allow time for pricing on mass-alert and PA systems.

## 11. Industrialized Building System Renewals

- i. None.

## 12. Report on Administrative Review

- a. OALP Recommended Orders – Commission Review / Action Required as Ultimate Authority
  - i. Non-Final Order of Dismissal – Direct from China Fireworks – Commission **affirmed**.
- b. New Cases Referred to OALP
  - i. Scannell Properties
  - ii. Lone Star Equities Inc. c/o JRB Management
  - iii. Singh Basra LLC
  - iv. The Paramount Heritage Foundation, Inc.
- c. Ongoing Cases
  - i. Mesker Park Zoo and Botanic Gardens
  - ii. Southlake/Tri-City RBA Corporation
- d. New Filings requiring Commission Action
  - i. Rickandy Rentals LLC – Commission denied for **timeliness**.

## 13. Final Comments / Closing Remarks – Chairman Murua

1. Next Meeting – Tuesday, October 3, 2023 at 9:00 a.m. Eastern Time in **CONFERENCE ROOM 1&2 of the Indiana Government Center, 302 W. Washington Street, Indianapolis, IN 46204**. 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.*