



COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission
Indiana Government Center South
Conference Center Room B
302 W. Washington Street
Indianapolis, Indiana 46204

Tuesday, August 6, 2019

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman, Robin Nicoson, at 9:00 a.m. on Tuesday, August 6, 2019.

(a) Commissioners present at the Commission meeting:

Greg Furnish
Joseph Heinsman
David Henson
Todd Hite, representing the Commissioner, Department of Health
James Jordan
Robin Nicoson, Chairman
Scott Pannicke
Michael Popich
Jessica Scheurich, Vice-Chairman

(b) Commissioners not present at the Commission meeting:

Michael Corey
Kevin Goeden, representing the Commissioner, Department of Labor

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

Mike Anderson, IDHS Code Specialist
Kathleen Ash, IDHS Legal Assistant
Douglas Boyle, Director of Fire Prevention and Building Safety Commission
Craig Burgess, State Building Commissioner
Denise Fitzpatrick, IDHS Code Specialist
Phillip Gordon, Deputy Attorney General & Legal Counsel

Justin Guedel, IDHS Deputy General Counsel
James Schmidt, Deputy Attorney General & Legal Counsel
Kevin Troy, IDHS Code Enforcement Assistant Section Chief

2. Director Boyle conducted roll call, and noted that quorum was present.
3. Commission Review and Action on Meeting Minutes from July 2, 2019.

Director Boyle called for any corrections or additions to the Commission's meeting minutes from the Tuesday, July 2, 2019 meeting. Commissioner Pannicke moved to approve Variance No. 19-07-16, not Commissioner Popich. Commissioner Pannicke made the second motion on Variances (a) and (b) of 19-07-18, not Commissioner Henson. Commissioner Henson's name was misspelled under Variance No. 19-07-56(a)(b)(c). Commissioner Scheurich moved to **approve the July 2, 2019 Meeting Minutes as amended**, and Commissioner Heinsman made the second. It was voted on and carried. Commissioner Popich abstained.

4. IDHS/Commission Staff Reports and Updates

a. State Building Commissioner's Report

Craig Burgess, State Building Commissioner, advised the Commission that Interpretation No. CEB-2019-12 – 2009 Indiana Electrical Code, Section 410.36(B) was posted to the Indiana Register on July 3, 2019 and also posted the Commission's meeting materials web page for the Commission's and public's awareness. He also briefly explained the background and rationale behind his interpretation.

b. Fire Prevention and Building Safety Commission's Variances Data – 2018/2019 Fiscal Year (July 1, 2018 to June 30, 2019)

As part of IDHS' annual report for the 2018/2019 fiscal year, Director Boyle advised the Commission that he created a report of the Commission's variance request determinations between July 1, 2018 and June 30, 2019. The report, which was provided to the Commission on its meeting materials web page, breaks down the Commission's determinations by number of variances approved (whether as submitted or with additional conditions), number of variances not approved/denied, number of variances withdrawn, and number of NVR (no variance required) determinations. Director Boyle advised the Commission that it approved roughly 1,149 variances out of roughly 1,236 total variances considered, which equates to a 93% approval rate.

c. IDHS Variances Report (July 2, 2019 to August 6, 2019)

Director Boyle explained that he would like to provide a report at each FPBSC meeting so that both the public and the Commission will be informed of all variance application determination made by the

Department (IDHS). There was discussion regarding the variance process in other jurisdictions. Commissioner Pannicke requested the Department provide more specific information and reasoning behind any determinations in which a variance is denied or determined to not be required (NVR – no variance required). Director Boyle also advised the Commission that variances will be placed on the Commission’s agenda no later six business days before Commission’s next meeting, in order to ensure that all of the parties involved may be notified within a reasonable amount time as.

5. Rulemaking Updates

a. 2018 Elevator Code Committee Update

Director Boyle provided the Commission a brief update on the Committee’s progress in reviewing ASME A17.1-2016 Appendix L. He stated that the Committee’s next meeting will be on Tuesday, August 20, 2019, starting at 9:00 a.m. in Conference Center Room D of Indiana Government Center South, 302 W. Washington Street, Indianapolis, IN 46204. The Committee will continue to review Appendix L of ASME A17.1-2016.

b. 2018 Indiana Residential Code Committee Update: Director Boyle stated that the notice of intent has been published and the next step is to get permission from OMB. The rulemaking document has been posted on the Commission’s webpage: it will be updated so that people may see when the public meeting will be held and when it will go to the ATG’s office and Governor’s office.

c. Proposed Emergency Rules: Emergency Rule 675 IAC 30-1-1– Indiana Boiler and Pressure Vessel Rules Adopted Standards

Justin Guedel, ISHS Deputy General Counsel, explained that this emergency rule is separate from the emergency rule that the Commission approved at its July 2, 2019 meeting. This rule will adopt the model codes by reference. This is the 2019 update to keep the boiler and pressure vessel rules up to date, so that they do not revert back to the 1992 standards. Mr. Guedel also advised the Commission that Department intends to have the Commission approve the formation of a new code committee within the next couple of months, and the committee’s objective will be to rewrite the boiler and pressure vessel rules through the full administrative rulemaking process (I.C. 4-22). Commissioner Popich moved to **adopt** Emergency Rule 675 IAC 30-1-1, and Commissioner Furnish made the second. It was voted on and carried.

6. Commission Action on Third Party Inspection Agency Renewals

a. RADCO

Walter Knaepple, State Fire Marshal’s Office/IDHS Code Enforcement, advised the Commission that RADCO had submitted its required annual fees for its third party inspection agency renewal, and

recommended approval of the renewal. Commissioner Scheurich moved to **approve** and Commissioner Furnish made the second. It was voted on and carried.

7. Petitions for Administrative Review

a. Timely

- i. IDHS Inspection Report Order State Number AE7441 (Civil Penalty)
Century Center, 120 S. Dr. Martin Luther King Jr. Boulevard, South Bend, IN 46601

Director Boyle stated that this petition for review was submitted timely, and was forwarded to the Attorney General's Office for assignment to administrative law judge (ALJ). The petitioner is appealing the civil penalty order that he/she received.

- ii. State Building Commissioner's Written Interpretation Number CEB-2019-15-2014
Indiana Fire Code, Section 910.4

Petitioner has withdrawn the petition prior to assignment to an ALJ. No further action is needed.

- iii. IDHS Inspection Report Order State Number AE3213896
Monster Mini Golf, 7591 E. U.S. Highway 36, Avon, IN 46123

Petitioner has withdrawn the petition prior to assignment to an ALJ. No further action is needed.

8. Commission Review of Local Ordinances

- a. Ordinance No. 6-2019
Town of Trail Creek, Indiana Building Code

This ordinance was submitted and received by IDHS commission staff via U.S. postal mail on 7/8/2019. This building code ordinance directly follows the building code ordinance template that is provided on Commission's main web page. IDHS staff did not identify any significant problems or conflicts with this ordinance. Director Boyle will advise the attorney of a few editorial errors in the ordinance. He stated that the staff recommends approval of the ordinance. There was an additional discussion regarding the ordinance's provisions that reference variance requirements. Commissioner Pannicke moved to **approve** Ordinance No. 6-2019, and Commissioner Popich made the second. It was voted on and carried.

9. Commission Action on Locally-Approved Variance(s) pursuant to IC 22-13-2-7(b)

- a. James H. Drew Office Building, 8701 Zionsville Road, Indianapolis, IN 46268
- b. Pike Early Learning Center, 7839 New Augusta Road, Indianapolis, IN 46268
- c. Wabash Valley Power Alliance Corporate Headquarters, 6702 Intech Boulevard, Indianapolis, IN 46278

Sam Bruner, Pike Township Fire Department, spoke as the proponent. He explained that all three of these variances pertain to the post indicator valve location. Commissioner Henson moved to **approve** and Commissioner Scheurich made the second. It was voted on and carried. Commissioners Heinsman and Pannicke recused themselves from the locally approved variance for Wabash Valley Power Alliance Corporate Headquarters.

Breaking and reconvening: Chairman Nicoson recessed the Commission at 9:58 a.m. It was called back to order at 10:10 a.m.

10. Variances

- a. Tabled

19-05-03 Hubbard Gardens, Indianapolis

No proponent was available to speak on the variance. Commissioner Scheurich moved to **table** and Commissioner Furnish made the second. It was voted on and carried.

19-05-82 (a)(b)(c) Berry Event Barn, Greencastle

No proponent was available to speak on the variance. Commissioner Scheurich moved to **table** and Commissioner Furnish made the second. It was voted on and carried.

19-05-83 (a)(b) Zink Properties, LLC CEW Expansion, Indianapolis

Dennis Bradshaw, Fire Protection & Code Consultants, and Darren Peterson, Peterson Architecture, spoke as the proponent. This was previously tabled so that the proponent could meet with IFD to discuss the access road and the fire hydrant issue. Proponent has agreed to add the hydrant (in the upper left hand side of the submitted drawing); thus, they are requesting to withdraw Variance (a). Margie Bovard, City of Indianapolis, supports this. **Variance (a) is withdrawn.** Based on topography, the access road requirement would be impossible to meet. Proponent will provide an updated plan for the record. Commissioner Popich moved to **approve Variance (b)** and Commissioner Scheurich made the second. It was voted on and carried.

19-06-02 Lowe's Store 0215, Terre Haute

No proponent was available to speak on the variance. Commissioner Scheurich moved to **table** and Commissioner Henson made the second. It was voted on and carried.

19-07-19 (a)(b) Iron Timbers, Osgood

Dustin Payne, owner, and James Fritsch, Fritsch Architect, spoke as the proponent. Proponent took several pictures of the building under construction as well as the adjacent property. Proponent also obtained a letter from the town of Osgood Town Council regarding the south wall. Proponent obtained a right of first offer from the owner of the adjacent property. This has all been updated on the application. Chief Negangard, Osgood, stated that he calculated the fire wall and water supply and indicated there was more than enough. Walter Knaepple, IDHS, noted that even if the proponent acquires the additional property, it will need to be replatted, as it will still be two separate parcels. Craig Burgess, State Building Commissioner, noted that there are several future unknowns, including the sale possibly falling through. The proponent has every intention to acquire the property and the house and either sell the house or divide it up. No one is currently living in the house. There was discussion on the locally approved variance and the presence of a fire wall and its potential impact. The number of hydrants in the vicinity was discussed, as well as the number of firefighters in the area who are capable of responding to an incident. Because this building is an F-1, it must be greater than 10 feet; proponent only has five feet. There was discussion on utilizing metal skin on the inside of the building for durability; plus, insurance companies want it to be used because of the nature of the work performed in the building. Commissioner Pannicke moved to **approve Variances (a) and (b) with the condition** that: the owner must acquire and replat the adjacent property, so that the one property is contiguous OR the fire wall in question must be brought into compliance with the code by August 5, 2021 (08/05/2021) OR the owner must obtain additional variances/an extension of the variances after August 5, 2021 (08/05/2021); If the owner attempts to obtain additional variances/an extension after August 5, 2021, the variance requests must be considered by the Commission, not the Department of Homeland Security. Commissioner Scheurich made the second. It was voted on and carried (5-3.) Commissioner Jordan abstained.

19-07-62 HRH Pulmonary Clinic – MOB II, Danville

Christina Collester, RTM Consultants, spoke as the proponent. This is an existing office building. A problem was discovered during pre-design review, which would be almost impossible to fix. The entire electrical system would have to be torn out to fix the stairs. Commissioner Hite moved to **approve** and Commissioner Pannicke made the second. It was voted on and carried.

b. New

Category A/B

19-08-06 Kokomo Downtown Building, Kokomo
19-08-07 Commerce Center, South Bend
19-08-08 201 S Main Street, South Bend
19-08-09 Sleep Inn Fort Wayne, Fort Wayne
19-08-10 Brookside Park – City of Indianapolis Parks, Indianapolis
19-08-11 Target West Lafayette, West Lafayette
19-08-14 South Newton School Corporation, Kentland

Director Boyle explained that Variance Nos. 19-08-06, 19-08-07, 19-08-08, 19-08-09 and 19-08-11 are typical elevator code variance requests. However, these applications must be revised, as the submitters incorrectly listed themselves as the applicants/owners of the structures. The owners did not sign/affirm these applications. Commissioner Popich moved to **table** 19-08-06, 19-08-07, 19-08-08, 19-08-09 and 19-08-11. Commissioner Scheurich made the second. It was voted on and carried.

Commissioner Pannicke moved to **approve** Variance Nos. 19-08-10 and 19-08-14 and Commissioner Scheurich made the second. It was voted on and carried. Commissioner Popich recused himself from 19-08-10.

Category C/D/NVR

Self-Representing Applicants/Design Professionals/Non-Consultants outside of Indianapolis metropolitan area:

19-08-12 Sauder Feeds, Grabill

Matt Kelty, Kelty Tappy Design, Inc., and Jerry and Mrs. Sauder, owners, spoke as the proponent. This is a request to make a penetration that is larger than that allowed by code. It is 40 square feet larger, which will allow vehicles to pass through more easily when they are loading or offloading materials. This building is almost 100 years old: the area in question was originally set-up for buggy traffic. Commissioner Pannicke moved to **approve** and Commissioner Henson made the second. It was voted on and carried.

19-08-15 University of Notre Dame New Women's Residence Hall, Notre Dame

Ed Rensink, RTM Consultants, spoke as the proponent. This is a four-story dormitory. A variance was granted last June to omit closers on the dorm room doors. Smoke dampers will not be provided. There is an outside air duct on each of the four floors. There is a smoke detection system in the corridor connected to the alarm system. The building is protected with an NFPA 13 sprinkler system. The Notre Dame Fire Department provided a letter in support of this variance. Commissioner Pannicke moved to **approve** and Commissioner Heinsman made the second. It was voted on and carried.

19-08-18 21 W. Canal Street Condo, Wabash

Dave Vandermark, owner, spoke as the proponent. This is a request to not install a sprinkler system in a historic building, but to use an alarm system instead. These buildings will be turned into retail spaces in downtown Wabash. Although the building appears to be three-stories, the top floor is basically an attic. It is a two-story building with a basement on the canal street side. There are two complete exits, which are easily accessible. One allows a person to exit without going through the retail space. The other exit requires a person to go through the retail space. After speaking with the local Fire Chief, proponent asserted that if a fire alarm system is installed, heat sensors must be added in the retail space and the condo spaces. That way if one goes off, they all go off. It would cost approximately \$50,000 to install sprinklers. The drywall is fire-rated. The main expense would be to bring water to the building; this could cost \$30,000. All of the windows in the building, with the exception of one, is an accessible egress window. There was discussion on the type of assembly, as well as the cost of other types of sprinkler systems. A 13D system would be significantly less expensive. Commissioner Scheurich moved to **table** and Commissioner Pannicke made the second. It was voted on and carried. Commissioner Scheurich moved to untable and Commissioner Pannicke made the second. It was voted on and carried. Ed Rensink, RTM Consultants, stated that he had spoken with Ron Riffey. It is over an hour so there is substantial separation. A 13D system will be on the first floor. Any penetrations in the assembly will be protected. Commissioner Pannicke moved to **approve with the condition** that: the owner shall install an NFPA 13D suppression system in the condo; the owner shall install a fire (smoke and heat) detection system in the retail space that will be tied to the fire alarm system in the condo; and the owner shall protect any penetrations in the assumed 90-minute-rated floor-ceiling assemblies of the existing construction. Commissioner Scheurich made the second. It was voted on and carried.

19-08-35 Columbia City Baby Box

Thomas LaRue, Fire Chief, Columbia City, spoke as the proponent. The department intends to install a baby box in the south wall of the building; nothing else is there. An individual may place a baby in the box and close the door, and an alarm is triggered to notify the firefighters in the building. The baby box's location will not confuse the general public in terms of ingress or egress from the building. Commissioner Popich moved to **approve** and Commissioner Pannicke made the second. It was voted on and carried.

Self-Representing Applicants/Design Professionals/Non-Consultants inside of Indianapolis metropolitan area:

19-08-13 Blackhawk Commons Apartments, Sheridan

Mark Riffey, Ryan Fire Protection, spoke as the proponent. This is an existing high school and middle school that is being converted to affordable housing. The recreational area will be fully-sprinklered.

There will be a 13R system in the residential area and in the gym. Commissioner Pannicke moved to **approve** and Commissioner Popich made the second. It was voted on and carried.

19-08-19 Collective Beauty, Westfield

Madelyn Heffelmire, owner, Collective Beauty, spoke as the proponent. This is a variance request for a handicap bathroom. The bathroom is located by an exit and the hallways are very narrow. Stairs must be used to enter and exit the building. This building was formerly an art gallery and is now a salon. Art galleries are A-3, but if the occupancy load is under 50 then it's a D. Commissioner Nicoson moved to **table** and Commissioner Scheurich made the second. It was voted on and carried.

Commissioner Scheurich moved to untable and Commissioner Pannicke made the second. It was voted on and carried. The measurements were 25 feet by 50 feet in length. IDHS never issued a violation. Commissioner Pannicke moved that **no variance was required** and Commissioner Henson made the second. It was voted on and carried.

Consultants:

19-18-16 (a)(b) White Rock Barn, Ossian

Dennis Bradshaw, Fire Protection & Code Consultants, spoke as the proponent. This project involves the conversion of an existing barn into a seasonal event facility. It will be used during the warm months of the year. The pergola area is being constructed with open sides. This request is to allow the proponent to use Chapter 34 to convert an existing barn to an A-2. The existing loft area is not suitable to be used because of the lack of head room. The owner will secure off the existing stairway so that the public will not be able to access it. More egress capacity will be provided than necessary. There will be exit signs and exit lighting. There is an existing well and tank on the property, but the proponent is not sure whether they have a system. There was discussion regarding whether the proponent can get on septic. Proponent needs to speak with the county to confirm this. The soil is what makes this variance request different. Commissioner Pannicke moved to **approve Variance (b) with the condition** that the owner shall provide a shunt trip at any outlets used for live music. Commissioner Scheurich made the second. It was voted on and carried. Commissioner Hite moved to **table Variance (a)** and Commissioner Furnish made the second. It was voted on and carried.

19-08-17 Allison Transmission Technical Innovation Center, Speedway

Ralph Gerdes, Ralph Gerdes Consultants, spoke as the proponent. This request deals with the fire resistance of several columns in the building. It is a new, four-story office structure. Proponent is bringing in transmission displays for clients in the high-bay area. The architect wants exposed steel. This is type I-B construction. These columns are only supporting a roof. Proponent wants to follow ASCE 29-05, which talks about concrete-filled columns. This standard limits the height to 13 feet. These

will be approximately 27 feet. The building is fully-sprinklered. Commissioner Heinsman moved to **approve** and Commissioner Jordan made the second. It was voted on and carried.

19-08-20 (a)(b)(c)(d)(e)(f) South Pointe Apartments, Fishers

Ralph Gerdes, Ralph Gerdes Consultants, spoke as the proponent. Variances (a)(b)(c) and (f) are in the A/B category. Commissioner Furnish moved to **approve Variances (a)(b)(c) and (f)** and Commissioner Scheurich made the second. It was voted on and carried. Variance (d) pertains to the height of a swimming pool fence. There is an interior courtyard. Proponent is proposing that the fence be four feet high instead of six feet. The 2012, 2015 and 2018 editions of the ICC swimming pool code allow for a four foot fence. This variance has been approved at least five times in the past. Commissioner Pannicke moved to **approve Variance (d)** and Commissioner Henson made the second. It was voted on and carried. Variance (e) pertains to kitchens. The furnaces and appliances are electric. The range hood is recirculating. There is a warm-air furnace. The cooking appliances are supposed to be ten feet away from the return; these are five feet away. This has previously been approved eleven times. Commissioner Pannicke moved to **approve Variance (e)** and Commissioner Furnish made the second. It was voted on and carried. Commissioner Heinsman recused himself.

19-08-21 North Gibson Elementary Hydronic Piping Upgrade, Princeton

Roger Lehman, R Lehman and Son, spoke as the proponent. North Gibson School Corporation is doing a remodel and an addition to a school. The request is to not have all of the ceiling tiles in place in the corridor during the project. The local fire official is okay with this. Walter Knaepple, IDHS, explained that the contractors are being diligent in keeping tiles in and removing them only in immediate areas where they are working. Commissioner Popich moved to **approve** and Commissioner Henson made the second. It was voted on and carried.

11. Comments and Closing Remarks

Chairman Nicoson thanked everyone for coming, and wished everyone a safe drive home.

12. Adjournment

Chairman Nicoson adjourned the meeting at 12:15 p.m.

APPROVED: _____



Robin Nicoson, Chairman