



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, March 3, 2020

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's (the Commission's) regular monthly meeting was opened by Chairman Robin Nicoson at 9:00 a.m. on Tuesday, March 3, 2020.

(a) Commissioners present at the Commission meeting:

Michael Corey
Greg Furnish
Kevin Goeden, representing the Commissioner, Indiana Department of Labor
James Greeson
Joseph Heinsman
David Henson
Todd Hite, representing the Commissioner, Indiana State Department of Health
James Jordan
Robin Nicoson, Chairman
Michael Popich, Vice-Chairman

(b) Commissioners not present at the Commission meeting:

Scott Pannicke

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

Douglas Boyle, Director of Fire Prevention and Building Safety Commission
Bryston Sprecher, Administrative Assistant to the Fire Prevention and Building Safety Commission
Craig Burgess, State Building Commissioner
Alan Blunk, IDHS Plan Review Section Chief
Denise Fitzpatrick, IDHS Code Specialist
Philip Gordon, Deputy Attorney General & Legal Counsel to the Commission
Justin Guedel, IDHS Deputy General Counsel

Kevin Troy, IDHS Code Enforcement Assistant Section Chief
Karla Vanblaricum, IDHS Variance Coordinator

2. Director Boyle conducted roll call, and noted that quorum was present, with ten commission members in attendance.
3. Commission Review and Action on Meeting Minutes from Thursday, November 7, 2019, Tuesday, December 3, 2019, Tuesday, January 7, 2020 and Tuesday, February 4, 2020.

No meeting minutes were ready to present to the Commission for approval. Director Boyle advised that he will try to have but at least two or three months of meeting minutes ready for the Commission's next meeting.

4. IDHS/Commission Staff Reports and Updates

a. New IDHS Staff Introductions

Director Boyle introduced two new employees of the Indiana Department of Homeland Security (IDHS) who will be working with Commission. Stephen Cox will be serving as the new Executive Director of the Indiana Department of Homeland Security. Mr. Cox briefly introduced himself and stated that he was excited to be working with all members to promote the safety of all residents within the state of Indiana. Second, Bryston Sprecher will be serving as the Administrative Assistant to the Fire Prevention and Building Safety Commission. He will be primarily assisting with drafting meeting minutes and other administrative tasks for the Commission. Director Boyle stated that he hopes the Commission to have a few more meeting minutes available for approval by April's meeting with Mr. Sprecher's assistance. Director Boyle welcomed Mr. Sprecher and asked that the members of the Commission take a few seconds to introduce themselves to Mr. Sprecher when they have the chance.

b. State Building Commissioner's Report – Craig Burgess

State Building Commissioner Craig Burgess advised the Commission that he had four official written interpretations to bring to the Commission's attention that are published in the Indiana Register: Interpretation No. CEB-2020-01-2012 IPC-419.3, Interpretation No. CEB-2020-02-2009 ICC A117.1-606.5.2, Interpretation No. CEB-2020-04-2014 IBC-714.3.2 Interpretation No. CEB-2020-05-2014 IBC-903.3.1.1.1.

All of these written interpretations were posted to the Indiana Register on September 18, 2019, and were also provided to the Commission as part of the Commission's meeting materials (<https://www.in.gov/dhs/3878.htm>). Commissioner Burgess briefly explained the background and rationale behind each of the interpretations. Director Boyle asked the commissioners if they had any questions or concerns. The commissioners did not have any questions for Commissioner Burgess.

5. Rulemaking Updates

a. Indiana Elevator Code Committee

Commissioner Corey summarized the Elevator Code Committee's progress. ASME 17.3 is the last of the codes that needs to be finished. This should be wrapped up by the end of the next meeting or two. Regarding the Written Competency Examination, it is heading in the right direction and should be handed over to Justin Guedel soon. Additional discussions may be needed at next month's meeting to discuss suggested applications.

b. Indiana Boiler and Pressure Vessel Rules Rewrite Committee

Director Boyle gave a brief update on the progress of the Committee. He stated that the Committee is on schedule. They are currently finishing the review of Rule 1 and plan to begin the review of Rules 2 and 3 shortly. A draft is expected to be presented by the May/June meeting. The next meeting is scheduled for Wednesday, March 11, 2020 and will take place in Conference Room 29 at 9:00a.m.

c. 2020 Indiana Residential Code

Director Boyle stated that a Non-Rule Policy was drafted to resolve a the small discrepancy in the 2020 Indiana Residential Code. This applies to 675 IAC 14-4.4-5, which can be found in Table R301.2(1). The classification of Monroe County's seismic design should be in the "B" category, not "C." Commissioner Furnish moved to **approve** the policy and Commissioner Popich seconded the motion. The motion was voted on and carried.

Next, Director Boyle gave an update on the publication of the 2020 Indiana Residential code Book. A PDF copy is now available for download, and a link was provided to the Commission in their meeting materials. For those that would like a soft cover copy, it is now available for pre-order on the International Code Council's website, but an official release date has still not yet been announced.

6. Petitions for Administrative Review

a. Timely and With Standing

Order of Denial of Ordinance No. 2019-12-01 – Building Code of the Town of Atlanta, Indiana

IDHS Report of Inspection No. B98E-D231, Violation No. 2
Jintown Intermediate School, 58703 County Road 3, Elkhart, IN 46517

AND

IDHS Report of Inspection No. C218-393A, Violation No.1
Jintown South Elementary School, 58901 County Road 3, Elkhart, IN 46517

Written Interpretation of the State Building Commissioner No. CEB-2020-06-2020 IRC-E3401.2

State of Indiana Construction Design Release Project No. 412616
Clyde Club Room, 1806 Bluffton Road, Fort Wayne, IN 46809

Director Boyle advised the Commission that all four petitions for administrative review were granted as timely and with standing and have already been forwarded to the Attorney General's Office for assignment to an administrative law judge.

7. Commission Review and Action on Non-Final Orders/Non-Final Orders of Dismissals

a. Non-Final Orders of Dismissal

- i. IDHS Civil Penalty Order Identification Number AE1835795-121019
Brother's Bar
Cause No. DHS-1926-FPBSC-026

A Non-Final Order of Dismissal was issued by the ALJ, as the respondent agreed to dismiss the civil penalty. Director Boyle recommended affirmation of the ALJ's Non-Final Order of Dismissal. Commissioner Jordan moved to **affirm**, and Commissioner Corey seconded the motion. The motion was voted on and carried.

- ii. State of Indiana Construction Design Release Project No. 405526, Item No. 14B090329 – American Tank Wash
Cause No. DHS-1927-FPBSC-027

A joint motion to dismiss was filed by both parties, as the conditions placed on the construction design release were removed by Respondent. Commissioner Jordan moved to **affirm**, and Commissioner Corey seconded the motion. The motion was voted on and carried.

- iii. Variance No. 19-1061(a) MSD of Pike Township Early Learning Center
Cause No. DHS-1923-FPBSC-023

Commissioner Popich recused himself. A motion to **affirm** was made by Commissioner Jordan and seconded by Commissioner Heinsman. The motion was voted on and carried.

- iv. Variance No. 19-10-62 Mariah Creek Christian Church
Cause No. DHS-1924-FPBSC-024

Commissioner Jordan motioned to **affirm** and Commissioner Heinsman seconded the motion. The motion was voted on and carried.

8. Commission Review of Local Ordinances

a. Adopted

Ordinance No. 855 Building Code of the Town of Ogden Dunes, IN

Director Boyle stated that he received this ordinance by electronic mail on Friday, January 24, 2020. It was tabled at last month's meeting, and he once again asked the Commission to table the ordinance to afford staff more time to review the ordinance. Commissioner Furnish moved to **table** and Commissioner Corey seconded the motion. The motion was voted on and carried.

9. Variances

a. Tabled

19-12-45 Morgan Acres Barn, Indianapolis

Tim Callas spoke as the proponent. He first introduced Mr. and Mrs. Williams, who own the property. Mr. Williams stated that they left last month's meeting feeling very discouraged and wanted to make sure that any possible missed points were addressed. Mr. Williams said that a structural engineer had evaluated the barn and found no deficiencies. The main concern is whether, under the current point system, the barn will pass inspection. Mr. Williams further inquired as to what else needed to be accomplished for the structure to comply with Chapter 34. The owners are willing to make upgrades to improve the safety of the structure but do not want to make any changes that will alter the historicity of the barn. Commissioner Heinsman acknowledged that, although the building is old and still in good condition, it must still comply to lateral load requirements. Mr. Williams voiced his need for an analyst that has knowledge of old ash and oak wood beams, but Commissioner Heinsman stated that it needs to be someone who is a certified lumber grader, per Indiana code. Additional variances would be needed for other added features, such as bathrooms. Commissioner Popich moved to **table** and Commissioner Corey seconded. It was voted on and carried.

20-01-02 8 Unit Senior Patio Villas, Warsaw

Director Boyle stated that this variance application had been withdrawn. No further action needed to be taken by the Commission.

20-01-55 Howard County Government Center Coroner Addition, Prosecutor's Offices and Interiors, Kokomo

Melissa Tupper spoke as the proponent. The request is to not provide a wheelchair lift due to the cost of installing and maintaining the lift, which was quoted at around \$21,000. Commissioner Jordan moved to **approve** on the condition that striping and signage be

added to prevent the space from being used as storage. This was seconded by Commissioner Popich. It was voted on and carried.

20-01-61 Bluffton Street Fair, Bluffton

No proponent was available to speak. Based on revised written comments, the two parties had come to an agreement regarding fire lanes and spacing. A motion to **table** was made by Commissioner Furnish and seconded by Commissioner Henson. It was voted on and carried.

20-01-63 Rustic Barn at Hopewell, Urbana

Dann Keiser spoke as the proponent. He stated that a west addition has been added, and new flooring has been installed. At last month's meeting, the Commission asked that a report on the lateral load analysis be done. The joints were checked, and the floor capacity calculations seem to comply to Chapter 34 requirements. Additionally, any deteriorating elements were replaced. Keiser admitted that it is difficult to evaluate joints because the exact type of wood cannot be determined, but from a visual standpoint, they seemed to remain in good condition. Installing steel plates would detract from the historicity of the structure, so that is not something that would be feasible. A motion to **approve** was made by Commissioner Jordan and seconded by Commissioner Heinsman. It was voted on and carried.

Breaking and Reconvening: Chairman Nicoson recessed the meeting at 10:28 a.m., and it was called back to order at 10:44 a.m.

20-01-64 (i) 421 N. Penn, Indianapolis

Ralph Gerdes spoke as the proponent. This was tabled at last month's meeting due to a lack of information. It deals with the return air intake being approximately five (5) feet from the oven, as opposed to the required ten (10) feet. Proponent stated that Indiana Residential Code restrictions seem to be geared towards commercial kitchens that could produce noxious fumes, not residential ones. Commissioner Jordan moved to **approve** on the condition that 5 foot spacing be changed to 8 feet. This was seconded by Commissioner Heinsman. It was voted on and carried.

20-01-66 Indy Jet West Expansion, Greenfield

All parties agreed to table until an agreement is reached. Commissioner Popich moved to **table** and Commissioner Corey seconded. It was voted on and carried.

20-01-71 West of Eden Event Center, Perrysville

Roger Lehman (submitter) and John Graves (applicant) spoke as the proponents. A revised report from the structural engineer was acquired, and Mr. Lehman provided physical copies of the report to the Commission. The proponent added that they would be

happy to add all needed bracings. Once installed, Lehman stated that the local Fire Department would be called on-site to inspect all improvements. Director Boyle asked Mr. Lehman to submit an electronic copy of the report to staff, which will be added to the complete record of the application. The only additional concern raised by Commissioner Jordan and Commissioner Greeson was regarding the hay loft door. Mr. Graves stated that the hay loft door will be protected/guarded by an iron handrail 42 inches high going down and secured by a lock. Denise Fitzpatrick added that the Perrysville's fire chief submitted a letter advising that he believes the exits are adequate. Commissioner Jordan moved to **approve**, and Commissioner Greeson second the motion. The motion was voted on and carried.

b. New

Self-Representing Applicants/Design Professionals/Non-Consultants Outside of Indianapolis Metropolitan Area:

20-02-32 AC Moxy Hotels, Indianapolis

No proponent was available to speak. Commissioner Popich moved to **table**, and Commissioner Heinsman seconded. It was voted on and carried.

Self-Representing Applicants/Design Professionals/Non-Consultants Inside of Indianapolis Metropolitan Area:

20-02-31 Eastern Hancock Elementary School, Charlottesville

Russell Mink, design professional for the project, spoke as the proponent. The code requires existing layers of roof covering to be removed down to the roof deck before new roof covering be installed. The request is to allow only one layer to be removed. Proponent states by removing one existing roof membrane and replacing with our new membrane the overall weight will be reduced by 5 pounds per square foot and increase R-value. Commissioner Jordan moved to **approve** and Commissioner Heinsman seconded. It was voted on and carried.

Consultants:

20-02-33 Salon Diva, Avon

Ed Rensink spoke as the proponent. The building was built in the late 1800s as a residential space and was previously converted, per Rule 13, to M Occupancy in 2013, with an update to B Occupancy in 2017. The 550 square foot 3rd floor will be used as expansion space for the Salon. Rule 13 does not permit the use of the 3rd floor for the public. Mr. Rensink addressed objections made by local officials. First, Rule 13 does not regulate allowable height. Secondly, the stairs are not required to be brought up to code. Thirdly, there is an occupant load objection, but this can be negotiated. There are two means of egress and smoke alarms. Mr. Rensink also said they would be willing to

consider a reduction in the number of salon stations. State Building Commissioner Craig Burgess said that the request sounds reasonable, as long as there is an agreement on occupancy load of the third-floor space. Commissioner Henson moved to **approve** with the condition that third floor shall be limited to four occupants only (accommodating two salon stations). Commissioner Corey seconded the motion. It was voted on and carried.

20-02-34 Imperial Auto Building Addition, Indianapolis

Melissa Tupper spoke as the proponent. The project involves an addition to the back side of the existing unlimited area building. The addition will reduce the space from 60 feet to around 31-35 feet from back wall to property line. The variance is to still consider the building as “unlimited area.” The wall will be lined with sprinklers. A zoning ordinance requires thirty-foot setback and the adjacent building also has that same setback of 30 feet, so the 60-foot spacing requirement will be met. A motion to **approve** was made by Commissioner Jordan and seconded by Commissioner Greeson. It was voted on and carried.

20-02-35 Stacks Rooftop Dining Awning Addition, Valparaiso

Carrie Ballinger spoke as the proponent. The request is to allow a retractable awning and sidewall curtain system added over a rooftop deck, without complying with all rules for new construction. Proponent states that this awning will be linked to the existing fire alarm system, so it will automatically retract in the case of a fire. The requirement of sprinklers would be too costly. Additionally, the rooftop is considered an outdoor space, so an occupancy classification should not be required. Not included in the variance, but added onto an additional comment sheet, was the agreement of the owners to permanently disable the alleyway awning. Director Boyle suggested that the alley and rooftop should be considered as two different issues, but Mrs. Ballinger stated there will be a stairwell that provides an exit from the rooftop to the alleyway, so it is pertinent due to a means of egress. Commissioner Corey moved to **approve** on the condition that the alleyway awning be permanently disabled. Commissioner Heinsman seconded. It was voted on and carried.

20-02-36 American Welding & Gas Addition and Renovation, Indianapolis

Carrie Ballinger spoke as the proponent. The request is to allow additions to an existing building. This addition will be used as a fill to house flammable materials and gases, with the goal of cleaning up the existing work environment. The new addition will be protected by a four-hour rated fire wall, no sprinklers. The fire chief from Wayne Township explained that the addition will better facilitate a means of egress, and that a smoke alarm system will be put into place. He had no objections to the project and believed that separating a potentially flammable fill from existing operations would improve safety of workers. Commissioner Popich moved to **approve** and Commissioner Furnish seconded. It was voted on and carried.

20-02-37 The Laurel Flats Interior Renovation, Crawfordsville

Melissa Tucker. The project involves the conversion of a portion of an existing mixed uses building. The building is a 3-story historic (1911) building, on the National Register, that was converted in 1999 from the Crawfordsville High School to the Athena Center, which contained apartments, commercial space, fitness center, and Headstart. Areas that were used as offices, classrooms, and an auditorium will be made into apartments. The variance request is to permit a change of use of the portion of the existing building without complying with the rules for new construction or without evaluating the change of use using Chapter 34. The existing building is sprinklered and is equipped with a fire alarm system and corridor smoke detection system. The variance has been reviewed with the local fire official who is not opposed. The State Building Commissioner was confused as to where compliance issues lied, but Mrs. Tucker clarified this. Some discussion was had regarding the fact that, under rule 8, the building passed, but with the current structure of Chapter 34, it has become a tremendous burden to overcome points system. Proponent expressed the need for an amendment to Chapter 34 that would reward large buildings for sprinkler systems. Commissioner Jordan moved to **approve**, and Commissioner Corey seconded. It was voted on and carried.

20-02-38 (a)(b)(c)(d)(e)(f)(g)(h) Consolidated Civil and Criminal Courthouse, Indianapolis

Christina Colleter proponent. Code requires an elevator lobby to be provided at each floor where an elevator shaft enclosure connects more than 3 stories. The request is to not have fire-rated elevator lobby vestibules in this 12 story high rise building. Commissioner Jordan moved to **approve** 20-02-38 (a) and Commissioner Henson seconded. It was voted on and carried. Commissioner Popich and Commissioner Heinsman recused themselves from the vote.

The code requires trap primers to be provided for emergency floor drains and other traps subject to evaporation. The request is to allow floor drains to not be provided with trap primers. Traps will be provided with a barrier-type floor drain trap seal device. Commissioner Corey moved to **approve** 20-02-38 (b) and Commissioner Henson seconded. It was voted on and carried. Commissioner Popich and Commissioner Heinsman recused themselves from the vote.

The request is to allow smoke proof enclosures to be omitted. After a lengthy discussion, Commissioner Greeson moved to **table** 20-02-38 (c) and Commissioner Furnish seconded. It was voted on and carried. Commissioner Popich and Commissioner Heinsman recused themselves from the vote.

The code permits two story vertical floor openings as long as the floor openings do not connect more than 2-stories, don't contain stairway or ramp, don't penetrate horizontal assembly that separate fire areas or smoke barriers, are not concealed within the construction of a wall or floor/ceiling assembly, not open to corridor in Group I or R occupancies, not open to corridor on non-sprinklered floors, and are not separated from floor openings and air transfer openings. The request is to allow a vertical non-separated

floor opening between level 00 and 01. Floor openings will be protected with 18-inch draft curtain and close spaced sprinklers, per NFPA 13. Commissioner Jordan moved to **approve 20-02-38 (d)** and Commissioner Corey seconded. It was voted on and carried. Commissioner Popich and Commissioner Heinsman recused themselves from the vote.

The code requires standpipe outlets to be provided on the intermediate level landings. The request is to allow the outlets to be provided different location due to the arrangement of the stairs. Commissioner Corey moved to **approve 20-02-38 (e)** and Commissioner Henson seconded. It was voted on and carried. Commissioner Popich and Commissioner Heinsman recused themselves from the vote.

The code requires in Group A occupancies where the occupant load is 1,000 or more, the fire alarm system is to activate an emergency voice/alarm communication system. The request is to allow the fire alarm to have the positive alarm sequence operation. Commissioner Greeson moved to **approve 20-02-38 (f)** and Commissioner Corey seconded. It was voted on and carried. Commissioner Popich and Commissioner Heinsman recused themselves from the vote.

The code requires exits to discharge to the exterior of the building. The request is to allow the courthouse/sheriff's building stair to not discharge directly to the building's exterior. Commissioner Jordan moved to **approve 20-02-38 (g)** and Commissioner Corey seconded. It was voted on and carried. Commissioner Popich and Commissioner Heinsman recused themselves from the vote.

The code permits two story vertical floor openings if the floor openings do not connect more than 2-stories. The request is to allow a 3-story opening at the main lobby corridor connecting levels 00, 01, and 02. Commissioner Jordan moved to **approve 20-02-38 (h)** and Commissioner Corey seconded. It was voted on and carried. Commissioner Popich and Commissioner Heinsman recused themselves from the vote.

Breaking and Reconvening: Chairman Nicoson recessed the meeting at 12:48 p.m. The meeting was called back to order at 12:55 p.m.

20-02-39 Rolls Royce Plant 5 Demolition, Indianapolis

Tim Callas spoke as the proponent. As the demolition of the existing plant progresses from west to the east, there will be no means of egress to the west. Chief Gulley has already reviewed this information with owners and will continue to meet with employees each week to keep them updated. Rolls Royce is providing fencing, signage, etc. to make sure that employees working on the demolition are aware of the new means of egress. The owner stated that the building will be handed over to the demolition contractor in May, and expected end date is set for December of 2020. Temporary egress variance is needed due to the older half of the building, which was built in the 1940s and contains asbestos. Because of this, a special demolition process is needed to prevent any contamination. Commissioner Popich made a motion to **approve** with the condition that

the variance shall be effective until January 31, 2021 (1-31-2021). Commissioner Corey seconded the motion. It was voted on and carried.

20-02-40 (a)(b)(c)(d) Iotron Industries Building Addition, Columbia City

Ed Rensink spoke as the proponent. The project involves an addition of 4,000 square feet to the existing building. The area will house a linear accelerator, which will be enclosed by a concrete structure and containing two (2) conveyor openings. A 1-hour rated fire barrier will separate the linear accelerator and will be protected by a sprinkler curtain in lieu of fire-rated openings. This structure will be classified as H-3/H-4 occupancy due to the generation of ozone gas as a by-product of the electron beam used to sterilize various products that are fed through the electron beam via the conveyor system. An exhaust ventilation system will also be provided. Commissioner Popich motioned to **approve** 20-02-40 **(a)** and Commissioner Henson seconded the motion. The motion was voted on and carried.

The second variance requires 25% of H-3 on the perimeter of the building. The proponent states the linear accelerator structure is not occupied during the time of operation, only when being inspected or maintenance, access for emergency personnel will be through the conveyor, ozone gas is a non-flammable gas, and building will be protected throughout with an automatic sprinkler system, per NFPA 13, as required. Commissioner Henson moved to **approve** 20-02-40 **(b)** and Commissioner Hite seconded the motion. The motion was voted on and carried.

The third request concerns means of egress. It is to allow a travel distance of 258 feet from within the concrete structure. The proponent states there is no occupancy within the enclosure when the hazard of ozone gas is greater than 0.1 ppm. Commissioner Popich moved to **approve** 20-02-40 **(c)** and Commissioner Hite seconded the motion. The motion was voted on and carried.

The code states that 25% of the perimeter of an H3 occupancy be on the exterior wall. The request is to construct 0% of the concrete structure on the exterior wall. The proponent states the placement of the concrete enclosure will complicate the efficiency of the operation. Commissioner Greeson moved to **approve** 20-02-40 **(d)** and Commissioner Corey seconded the motion. The motion was voted on and carried.

10. Comments and Closing Remarks – Chairman Nicoson

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

11. Adjournment

The meeting was adjourned at 1:08 p.m.

APPROVED: _____
Robin Nicoson, Chairman