



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, January 7, 2020

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's (the Commission) regular monthly meeting was called to order by Chairman Robin Nicoson at 9:01 a.m. on Tuesday, January 7, 2020.

(a) Commissioners present at the Commission meeting:

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

(b) Commissioners not present at the Commission meeting:

James Greeson

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

Douglas Boyle, Director of Fire Prevention and Building Safety Commission
Craig Burgess, State Building Commissioner
Alan Blunk, IDHS Plan Review Section Chief
Denise Fitzpatrick, IDHS Code Specialist
Kim Hyten, 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. Roll Call – Douglas Boyle, Director of Fire Prevention and Building Safety Commission

Director Boyle conducted roll call and noted that quorum was present, with ten members in attendance.

3. Commission Review and Action on Meeting Minutes from Tuesday, October 1, 2019, Thursday, November 7, 2019 and Tuesday, December 3, 2019.

Director Boyle stated he was only able to get Meeting Minutes from Tuesday, October 1, 2019 completed. He called for any corrections or additions to the Commission's meeting minutes from the Tuesday, October 1, 2019 meeting. Commissioner Popich moved to **approve the Tuesday, October 1, 2019 meeting minutes as submitted**, and Commissioner Corey seconded the motion. The motion was voted on and carried.

4. IDHS/Commission Staff Reports and Updates

Director Boyle stated that they have worked with various outlets over the last couple weeks to develop an official letterhead and logo for the commission. The official letterhead would be placed on official orders and was legally driven to avoid confusion as to who the order was coming from. Director Boyle presented the letterhead and welcomed any critiques or questions regarding its format. A question was raised inquiring if there were other state agencies that do not use the Indiana state logo within their letterhead. Director Boyle stated that he believed the DNR did not use the state logo, and simply used the initials "DNR" in its official letterhead. A comment was raised stating that using the state logo makes the letterhead appear more official. Next, a suggestion was made to develop three distinctly different designs, at which point the three could be melded together. Director Boyle stated that he would continue to work with the Public Affairs office to further improve the design.

Next, Director Boyle reminded the Commission that next month's meeting will be held in the History Reference Room 211 of the Indiana State Library, located just one block north of the Indiana Government Center South Government Centers. Director Boyle also advised that he is working with the IDHS Public Affairs Office to have updated campus maps added to the Commission's web page. Lastly, Director recognized Denise for 32 years at IDHS and thanked her for her service.

5. Rulemaking Updates

a. Indiana Elevator Code Committee Update

A discussion took place regarding the Indiana Elevator Mechanic License Written Competency Examination. Director Boyle stated the biggest concern is over what qualifies an individual to take the test and what prevents an individual from sitting for the exam without the proper qualifications. Under Indiana Code 22-15-512, a license is not required to work as an apprentice. Meet one of the following criteria: (1) hold an active elevator mechanic license issued by the Commission, or its equivalent. (2) three

documented years of work experience in the Elevator Service industry, 18 months of experience in a related field that is approved by a licensed elevator contractor, or the completion of an apprenticeship that is approved by the United States Bureau of Training or a state program that is determined to be its equivalent, (3) formal training and the passage of a written exam. The Commission has not yet approved a written competency exam, which is required by law. Indiana statute 2(a)(b) only defines an acceptable form of work experience but does not discuss who would be allowed to sit for the written examination. Thus, it should be revised to require on-site work experience as an Elevator Technician or an apprenticeship under an already licensed technician, as to avoid the possibility of an individual who studies and passes the written examination but possesses no prior work experience. Justin Guedel pointed out that the statute already requires an individual to have work experience or training in a related field. The suggestion was made that the written examination require a section in which the test taker is required to sign the document under penalty of perjury, as to hopefully deter individuals that do not meet the necessary requirements established under the above Indiana Code. The goal for the next meeting is to have a draft of an application that can be presented and voted on.

In addition, Brian Selke, Mid America Elevator, expressed that the Commission should work to approve an examination relatively quickly because it is resulting in a barrier against individuals licensed in other states from obtaining their license in the state of Indiana. Mr. Selke went on to say that in 2015 he took and passed a competency exam, which is no longer valid – this is presenting technicians from places like Kentucky and Illinois from transferring to Indiana. Justin Guedel confirmed this saying that the test was contingent on being approved by Tom Hendricks, but it was denied due to the same concerns over work experience mentioned previously. The Elevator Code Committee's next meeting is scheduled for Tuesday, January 21, 2020.

b. Indiana Boiler and Pressure Vessel Rules Rewrite Committee

Director Boyle expressed that significant progress has been made in reviewing and amending the Indiana Boiler and Pressure Vessel Rules. The next meeting is scheduled for Wednesday, January 22, 2020. Primary orders of business will include finishing the review of Rule 5 (675 IAC 30-5) and to begin the review of Rules 1 and 4 (675 IAC 30-1 and 675 IAC 30-4). The Committee requested that Jeremy Miller, representative for BP Whiting, be appointed to the Indiana Boiler and Pressure Vessel Rules Rewrite Committee. Commissioner Popich made a motion to **appoint** Jeremy Miller as voting member of the Indiana Boiler and Pressure Vessel Rules Rewrite Committee. Commissioner Heinsman seconded the motion. The motion was voted on and carried.

c. Final Update on the 2020 Indiana Residential Code

Published to Indiana Register on December 26, 2019. Director Boyle stated that there have been some delays in publishing a digital version, but that it should hopefully be available no later than late January or early February.

6. Commission Action on Third Party Inspection Agency Renewals

a. Pyramid1, Inc.

Pyramid1, Inc. submitted its annual third-party inspection agency certification renewal to the Indiana Department of Homeland Security. Kevin Troy, IDHS Code Enforcement Assistant Section Chief (State Fire Marshal's Office), advised the Commission that the State Fire Marshal's Office recommends approval on the renewal. Commissioner Jordan made a motion to **approve** the renewal. Commissioner Popich seconded the motion. The motion was voted on and carried.

7. Petitions for Administrative Review

a. Timely and with Standing

- i. IDHS Civil Penalty Order Identification Number BU29193-12032019
Gattitown, 316 N Green River Road, Evansville, IN 47715
- ii. IDHS Civil Penalty Order Identification Number AE1835795-121019
Brothers Bar & Grill, 1601 W University Avenue, Muncie, IN 47303
- iii. State of Indiana Construction Design Release Project No. 405526, Item No. 14B090329
American Tank Wash, 4870 Keystone Boulevard, Jeffersonville, IN 47130

Director Boyle stated that all four petitions for administrative review were timely and have been forwarded to the Attorney General's Office for assignment to an administrative law judge (ALJ).

b. Determination of Standing

- i. IDHS Order Identification Number 3965223029
Thomas A. Edison Junior-Senior High School, 3304 Parkside Ave. Lake Station, IN 46405
- ii. IDHS Order Identification Number 3973112019
Alexander Hamilton Elementary School, 2900 Lake Street, Lake Station, IN 46405
- iii. IDHS Order Identification Number AE8225244-11132019
Hornet's Nest, 11845 Petersburg Road, Evansville, IN 47725

Director Boyle advised the Commission that these petitions for review were submitted without copies of the orders that are the basis for the petitions. As such, Director Boyle could not confirm their timeliness and standing to grant the petitions for administrative review. Director Boyle stated he contacted the petitioners by email but has not received any responses. Director Boyle will

contact each party by phone, in hopes of receiving a response by the Commission's next meeting.

8. Commission Review and Action on Non-Final Orders/Non-Final Orders of Dismissal

a. Non-Final Orders of Dismissal

- i. Variance No. 19-08-18 – 21 W Canal Street Condo
Cause No. DHS-1912-FPBSC-012

Commissioner Popich moved to **affirm** the administrative law judge's Non-Final Order of Dismissal and Commissioner Heinsman made the seconded the motion. It was voted on and carried.

Breaking and reconvening: Chairman Nicoson recessed the Commission at 10:12 a.m. It was called back to order at 10:22 a.m.

9. Commission Review of Local Ordinances

a. Adopted

- i. Ordinance No. 022119A – Town of Knightstown

Justin Guedel, IDHS Deputy General Counsel, stated that IDHS staff would recommend denial of this ordinance because it followed the old template that did not include changes included in the new template. Section 9 and 22 will need to be amended. Section 16 did not include the requirement to identify the law, order, or interpretation upon which the finding of non-compliance is based, so it is also recommended that that change be made. Director Boyle added that the ordinance contained some incorrect references that will need to be revised. Commissioner Furnish moved to **deny** Ordinance No. 022119A, and Commissioner Corey seconded the motion. The motion was voted on and carried.

- ii. Ordinance No. 2019-12-01 – Town of Atlanta

This ordinance was submitted and received by IDHS commission staff via U.S. postal mail on Friday, December 20, 2019. Justin Guedel, IDHS Deputy General Counsel, stated that this ordinance followed the new template but made changes to the codes by adopting the 2015 version of all ICC codes. Mr. Guedel advises that these are conflicts with the Commission's rules and recommended that this ordinance be denied. Commissioner Furnish moved to **deny** Ordinance No. 2019-12-01, and Commissioner Popich seconded the motion. The motion was voted on and carried.

10. Variances

a. Tabled

19-08-06 Kokomo Downtown Building, Kokomo - incomplete

No proponent was available to speak on the variance. Commissioner Popich moved to **deny** and Commissioner Henson seconded the motion. The motion was voted on and carried.

19-08-09 Sleep Inn Fort Wayne, Fort Wayne – incomplete

No proponent was available to speak on the variance. Commissioner Popich moved to **deny** and Commissioner Heinsman seconded the motion. The motion was voted on and carried.

19-08-11 Target West Lafayette, West Lafayette

No proponent was available to speak on the variance. Commissioner Corey moved to **approve** and Commissioner Furnish seconded the motion. The motion was voted on and carried.

19-10-33 Blue Olive Café, Milan

No proponent was available to speak on the variance. Justin Guedel, IDHS Deputy General Counsel, noted that the party may be confused as to how to fill out the application. Director Boyle recommended that they seek assistance in properly completing the application. Commissioner Popich moved to **deny** and Commissioner Heinsman seconded the motion. The motion was voted on and carried.

19-12-38 Franklin Farms Event Venue, Marysville

The proponent, Christina Collester, stated that the party had submitted updated calculations that included wind and snow load on December 23, 2019. After reviewing this information Commissioner Pannicke moved to **approve** and Commissioner Heinsman seconded the motion. The motion was voted on and carried.

19-12-45 Morgan Acres Barn, Indianapolis

The proponent, Tim Callas, asked the Commission to table the variance request for another month until the Commission's next meeting. Commissioner Popich moved to **table** and Commissioner Corey seconded the motion. The motion was voted on and carried.

b. New

A/B Category:

20-01-03 (a)(b) Union at Crescent, Bloomington

20-01-04 (a)(b) Building 1 16 Tech, Indianapolis

20-01-05 (a)(b)(c) IU Health North Cancer Center Expansion, Carmel

Commissioner Pannicke moved to **approve** all the above-listed variance application and Commissioner Furnish seconded the motion. The motion was voted on and carried. Commissioner Heinsman recused himself from 20-01-03 (a)(b). Commissioner Corey recused himself from 20-01-03 (a)(b) and 20-01-04 (a)(b).

C/D/NVR Category:

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

No proponent was present to speak on behalf of the variance request. Director Boyle asked staff to notify the applicant that his/her request will be on the Commission's agenda, and he/she should be present to explain the variance request and answer questions. Commissioner Furnish moved to **table** and Commissioner Corey seconded the motion. The motion was voted on and carried.

Consultants:

20-01-15 SBCC Factory and Museum, South Bend

Tim Callas, J & T Consulting, spoke as the proponent. Mr. Callas stated that there was an error in the square footage of the facility – it is 80,000 feet, not 60,000 feet. The building is type 2b construction, fully equipped with sprinklers. One side is factory storage, support offices, museum, and a daycare center. Because of these multiple occupancies, sums of ratios were not met. A water curtain design is intended to be put in place to separate the factory processing area from the chocolate factory. A full fire alarm system will be installed throughout the entire building. Callas stated that they had attempted to reach out to the local building compliance agency but received no answer. Proponent asserted that he did not have any mechanical designs prepared, only architectural renderings of the building. It was suggested that a fire wall could be feasible in certain areas of the building and should be installed where applicable, as opposed to the water curtain. Mr. Callas asked to table the variance, promising to acquire mechanical renderings, as well as an LFO response. Commissioner Corey made a motion to **table** and Commissioner Popich seconded the motion. The motion was voted on and carried.

20-01-16 Southwestern Jr.-Sr. High School Gym Addition, Shelbyville

Ed Rensink, RTM Consultants, spoke as the proponent. This project involves the addition of an auxiliary gym to the existing Shelbyville Jr.-Sr. High School. It will be just over 20,000 square feet – including: locker rooms and concession stands. Mr. Rensink requested a variance that permitted the facility to not contain a sprinkler system, which is

required in all facilities exceeding 12,000 square feet. No public water supplied. There will be four exits – only three are required. The travel distance from within the gym to the exits is 280 feet. Bleachers seat 500 occupants in addition to the gym floor, which is calculated at 50 square feet per person, bringing the total occupancy load to 700. There will be a fire alarm system, as well smoke detection throughout the gymnasium that will be connected to the fire alarm system. Because there is no public water supply, the gymnasium would have to utilize an independent tank and pump in order to have enough water to operate the sprinkler system, which has been estimated at \$215,000. Mr. Rensink confirmed that additional exit doors can be added on the north side of the facility. The gymnasium will not be utilized for any other events besides sports and physical education classes. After discussion, Commissioner Jordan moved to **approve** the variance with the following additional conditions: 1. A fully code-compliant smoke detection system is required to be installed and connected to the standard fire alarm system; and 2. An extra set of doors is required to be added to the vestibule on the north side of the addition, to provide another an additional means of egress from the field house/gymnasium addition. Commissioner Popich seconded the motion. The motion 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 11:05 a.m.

APPROVED: _____
Robin Nicoson, Chairman