

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

MEETING MINUTES

Meeting Details

Date: April 5, 2022

Time: 9:00 AM

Location: Conference Room F, Government Center South and Microsoft Teams

Member Attendance

Name	Present		Means of Participation
	Yes	No	
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person

Notes

Meeting materials for this meeting can be accessed here: [Commission Meeting Materials](#).
Variance applications, attachments, and action letters can be accessed here: [Variance Files](#).

- 1. Call to Order:** At 9:00 a.m. Chairman Greeson called the April 5, 2022 Fire Prevention and Building Safety Commission (Commission) regular monthly meeting to order. The meeting was conducted in person at 302 W. Washington Street, Conference Room F, Indianapolis, IN 46204, and electronically by videoconference and teleconference call through Microsoft Teams..
- 2. Roll Call:** A roll call was conducted to determine member attendance. The results are included above. Quorum was met, and business can continue.
- 3. Review and Action on March 2022 Meeting Minutes:** The Commission reviewed the March 1, 2022, Commission Meeting Minutes, as posted in the meeting materials, and requested the following corrections: The Commission **tabled** the minutes by a vote of 11-0.
- 4. IDHS Reports and Updates**

- a. **Approval of Memorandum of Understanding with Office of Administrative Law Proceedings:** Dustin Dyer, Director of Boards and Commissions, presented the updated Memorandum of Understanding (MOU) to the Commission for review and approval. The MOU governs the process by which administrative review actions are commenced on behalf of the Commission. The Commission **approved** the updated MOU by a vote of 11-0.
- b. **State Building Commissioner's Report:** Craig Burgess, Indiana State Building Commissioner, provided updates to the Commission on the following written interpretations: [CEB-2022-06](#), [CEB-2022-07](#), [CEB-2022-09](#), and [CEB-2022-11](#).
- c. **IDHS Variance Determinations Report:** Denise Fitzpatrick provided the IDHS's report of variance determinations made between January 25, 2022, and February 24, 2022, to the Commission. A copy of the report was included in the meeting materials.
- d. **Disciplinary Actions:** Chief Inspector Matt Cronley provided the Commission an overview of the public disciplinary action against American Elevator.

5. Rulemaking Updates

- a. **Indiana Elevator Code Committee:** Dustin Dyer informed the Commission that the Proposed Draft Rule had been finalized and is awaiting approval by the Elevator Code Committee, after which time it will move to the Commission for approval of the Proposed Rule. A new meeting of the Elevator Code Committee has not been scheduled at the time of the Commission meeting. Public Notice will be given on the Commission's page when a meeting of the Elevator Code Committee has been scheduled.
- b. **Indiana Electrical Code Update Committee:** Michael Popich, Chairman of the Indiana Electrical Code Update Committee, provided the Commission an update on the Committee's recent business and rulemaking actions.
- c. **Other Committee Business and Updates:**
 - i. Contract with ICC for use of Model Codes – Director Dyer informed the Commission that Commission Staff was in the process of creating an agreement between IDHS and the International Code Council for use of their model codes in order to assist with the ongoing rules update project undertaken on behalf of the Commission.
 - ii. Steering Committee – Chairman Popich suggested that, before additional Code Committees are created, the Commission should follow the recommendation of the Exploratory Committee to create a Steering Committee to oversee progress between the various Code Committees and to ensure that there are no conflicts between versions of the proposed draft rules.

6. **Status Update on Variance Sanction - Variance No. 16-03-61 – Garvin Industrial Park, 1511 Read Street, Evansville, IN 47710:** Roger Lehman, representative for the owner, provided the Commission with an update regarding the status of coming into compliance with the previously issued variance. Fire Chief has provided an e-mail stating that Park is in full compliance. Commission voted to **remove sanctions** by a vote of 11-0.

7. Variance

a. Tabled

- i. **21-10-27(c) IU Collins Center Renovation, Bloomington:** Proponent Ed Rensink requested the variance be tabled. The Commission **tabled** the variance by a vote of 11-0.
- ii. **21-12-24(a) Square Cat Vinyl, Indianapolis:** Ed Rensink requested that this variance be tabled. Commission **tabled** this motion by a vote of 11-0.
- iii. **22-02-17 Camp Livingston, Bennington:** No representative was present to speak on the motion. Commission **tabled** the motion by a vote of 11-0.
- iv. **22-02-19 and 22-02-21 Point Biopharma, Indianapolis:** No representative was present. Commission **tabled** the variance by a vote of 11-0.
- v. **22-02-26 Crum Properties LLC, Batesville:** Proponent Franklin indicated that they were seeking permission to install a 20,000 gallon tank, whereas code only allows a 12,000 gallon tank. Total aggregate capacity would be 20,000 gallons only. Mr. Franklin indicates that the LFO has not expressed concerns on the issue and was awaiting variance. Mr. Crum indicated that they do not anticipate needing additional capacity based on current acreage. Commission **approved** the variance 11-0.

b. New

- i. **22-03-30 New Migrant Housing Units, Geneva:** Christina Collister, RTM. Brad, Red Gold. Ms. Collister indicated that this type of housing is seasonal, with internal smoke detection and a two-hour fire barrier separation between the units. The alarm system is a household unit that alerts all units in the building. A supervised area, but no external monitoring. Fresh Pack operation is three months, so occupied less than four months of the year. Each unit has direct access to the exterior via door and window. Commission expressed concern that there was very little evidence of the actual financial impact on Red Gold. LFO has expressed no concerns, as the building is identical to others on the site. Commission moved to **approve with conditions** 9-2.

Condition: Property must be monitored when occupied.

- ii. **22-03-31(a)(b) Consolidated Civil and Criminal Courthouse, Indianapolis:** Commissioners Popich and _____ recused themselves from the variance. Christina Collister explained that the inclusion of handrails and different carpeting is required by code for the rise in the judge's chambers, but adding a handrail would destroy a significant amount of the current design and carpeting for a ramp that is already ADA compliant. She also explained that a security window near a stair enclosure only has six feet of protective wall at a staff exit that would require a variance. Commission **approved** the variances 9-0.

- iii. **22-03-32(a)(b) Elkhart Schools Transportation Fuel Center, Elkhart: Bob Heiden** spoke on behalf of the school. School is requesting a variance for single tank capacity over minimum limit, 15,000 gallon, for the school's on-site fueling site. The tank would be double walled with containment. Next to the diesel tank is a 6,000 gallon gasoline tank, which is still under the 48,000 gallon aggregate limit. Tanks are close to the north property line, meeting the 25 foot setback from property line. On the other side of the property line is industrial storage. Proponent states that they have requested feedback from LFO but have not received feedback currently. Commission **approved** the variance 11-0. Commission noted afterward that the wrong code had been cited, and moved to correct the motion to cite to the correct code for the variance, also approved by a vote of 11-0.
- iv. **22-03-33(a)(b) Fire Door Removal, Scottsburg:** No representative available to speak on the variance. Commission **tabled** the variance by a vote of 11-0.
- v. **22-03-34 Cress Law Group 2nd Floor Apartments, Angola:** Ed Rensink and Christina Cress presented. Variance is for a two-story office building constructed in 2001, building out three apartments on second floor. Proponent is requesting not to install sprinklers in a Group R Fire Area. Building does have required smoke alarms in the provided dwelling units. Proponent also agrees to provide hardwired smoke alarms to the entire first floor connected to detectors in second floor corridor. Bedrooms have operable windows for emergency escape and rescue. Total to provide a sprinkler system throughout would be approximately \$115,540.00, with a total project cost of \$329,061.00. Scott Lehman, Building Commissioner and Fire Marshall for the city of Angola, provided a letter of support for the project and spoke to the Commission via phone in support. Building is freestanding and very close to the fire station. Building could theoretically pass Chapter 34 with no sprinklers. Commission **approved** the variance by a vote of 11-0.
- vi. **22-03-35 Rune Restaurant, Fort Wayne:** Ed Rensink presented on behalf of the requestor. Restaurant is classified as a B occupancy as the occupant load is less than 50. Wanting to install a single accessible unisex restroom for patrons. A single fixture can serve occupant loads up to 75. Commission **approved** the motion by a vote of 11-0.
- vii. **22-03-36(a)(b) Bottleworks HCP Offices, Indianapolis:** Commissioner Pannicke recused himself. Ed Rensink presented. Proponent is seeking a variance for the location of the shower controls, and to not require a shower seat. Variance is fully compliant with ADA. Commission **approved** variance by 10-0.
- viii. **22-03-37, 22-03-38, 22-03-39, 22-03-40, 22-03-41 School Safety Pinch Guards, Scottsburg and Lexington:** School corporation indicates that school has adopted a school safety compliance program that requires doors to be closed at all times. Students entering classroom have to be let in by a teacher, and access to the door is controlled by a key. Commission expressed concerns that this variance is being requested in order to alleviate annoyance on the part of the teachers. School corporation indicates that a similar variance has been granted previously. Students train monthly on how the system should operate, as well as monthly fire drills. Commission **approved**

the listed variances with conditions by a vote of 11-0.

Condition: Device must be no higher than 48 inches from the floor or lower to ensure accessibility, that they be removed during a fire alarm, and that the variance will expire on June 30, 2027.

- ix. **22-03-42(a)(b)(c) Rustic Red Barn, Middletown:** Ed Rensink spoke on behalf of proponent.

(a) Barn is being converted to an event space for weddings, etc. Barn complies with standard conditions that would allow for conversion. Analysis suggests that the barn does not need reinforcement. xCommission **approved variance (a) with conditions** by a vote of 11-0.

Conditions: Lower level not accessible to public, no storage of flammable liquids in excess of 10 gallons, occupant capacity by code.

(b) and (c) Mr. Rensink indicates that building is fully alarmed and detection throughout. Because the addition is two stories, the GAR requires that buildings meet height requirements. Building passes evaluation fro two-story height, with a maximum egress distance of 60 feet. Kitchen does not contain commercial cooking equipment, equipment for warming only. Commission **approved** variances (b) and (c) by a vote of 11-0.

- x. **22-03-43 Indy Marriott Place 10, Indianapolis:** No representative was available. Commission **tabled** the variance by a vote of 11-0.

8. Review of Administrative Actions

a. W. R. Beach: The Administrative Law Judge returned their recommended order to the Commission. Commission affirmed the recommended order by a vote of 11-0.

b. Party at Trev's: The Administrative Law Judge working the case left state employment, and no new administrative law judge was appointed to the case. Commission Staff recommended the case be dismissed. As the final authority, the Commission voted to dismiss the case by a vote of 11-0.

9. Commission Review of Local Ordinances

a. Preliminary (Pre-Adoption) Review

- i. **Building Code Ordinance of Putnam County:** Director Dyer informed the Commission that this ordinance is still pending review, and staff does not have a recommendation for approval at this time.
- ii. **Town of Edinburg Fire Prevention Ordinance:** Director Dyer informed the Commission that this ordinance is still pending review, and staff does not have a recommendation for approval at this time.

iii. **City of Danville Fire Prevention Ordinance:** Director Dyer informed the Commission that this ordinance is still pending review, and staff does not have a recommendation for approval at this time.

iv. **City of Muncie Fire Code Ordinance:** Director Dyer informed the Commission that this ordinance is still pending review, and staff does not have a recommendation for approval at this time.

b. Adopted Ordinances

i. **City of Westfield Fire Prevention Ordinance:** Director Dyer informed the Commission that Commission Staff had completed the preliminary review of the Fire Prevention Ordinance submitted by the City of Westfield. Finding no conflicts, staff recommended approval. The Commission **approved** the ordinance by a vote of 11-0.

9. **Final Comments/Closing Remarks from Chairman Greeson.** Chairman Greeson provided final comments.

10. **Next Meeting:** The next meeting is scheduled for May 4, 2022, at 9:00 a.m. Eastern Time. The specific format of the meeting will be announced once it is identified whether the disaster declaration is extended which would permit the meeting to be conducted electronically. Public notice with the meeting details will be posted in accordance with the Open Door Law.

11. **Adjournment:** Chairman Greeson adjourned the meeting at 12:40 am. EST.



APPROVED: _____
James L. Greeson, Chairman

DATE: May 4, 2022