

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

September 1, 2009

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:05 a.m. on September 1, 2009.

- (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Michael Christoffersen
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health
Michael Corey
Kevin Goeden, representing the Commissioner, Department of Labor
David Hannum, Chairman
John Hawkins
M. Burke Jones
Ted Ogle
James Ridley

- (b) The following departmental and support staff were present during the meeting:

Legal and Code Services Section
Mara Snyder, Director, Legal and Code Services
John Haines, Code Specialist
John Hibner, Code Specialist
Denise Fitzpatrick, Code Specialist
Beth Sutor, Secretary

- (c) Deputy Attorney General James Schmidt was present.

Chairman Hannum introduced Denise Fitzpatrick, the newest member of Legal and Code Services, to the members of the Commission and wished her well. Chairman Hannum also announced that Commissioner John Hawkins had been awarded the Ball State College of Architecture and Planning Alumni Society 2009 Outstanding Achievement Award. This award is given to selected alumni who are making outstanding contributions to their profession and to society.

2. **Old Business.**

Chairman Hannum called for any corrections or a motion to approve the minutes of the August 4, 2009 meeting as distributed. A motion to approve the minutes as distributed was made by Commissioner Ridley and seconded by Commissioner Christoffersen. It was voted upon and carried.

3. **Third Party Inspections**

NTA, Inc.
305 North Oakland Avenue
P.O. Box 490
Nappanee, IN 46550

Shelly Wakefield, Director, Fire and Building Code Enforcement, presented the application for third party inspection and recommended approval for one year. Commissioner Ridley moved to approve for a period of one year. Commissioner Christoffersen made the second. It was voted upon and carried.

4. **Variances.**

Tabled Variances.

Variance 09-06-16 Winchester Retirement Community, Ft. Wayne, had been tabled at the request of the proponent at the August 4, 2009 meeting. Timothy Callas, J & T Consulting, spoke as proponent. The owner had been unable to find a way to divide the 14 unit building into two smaller buildings to comply with the request of the Commissioners. The building will have a monitored fire alarm system with fire department access completely around the single story structure. The slab-on-grade, Type V-A construction building will meet accessibility guidelines. Commissioner Brenner moved to approve with the second by Commissioner Ogle. The motion failed to carry. Commissioner Cundiff moved to accept the withdrawal with the second by Commissioner Hawkins. It was voted upon and carried. Variance 09-08-19(a) Community Hospital South Expansion, Indianapolis, had been withdrawn by the proponent.

Regular Variances.

Chairman Hannum called for any variances to be pulled from the block vote for individual consideration. None were called out. Commissioner Jones made the motion to approve the following variances with an "A" or "B" review rating by staff with the second being made by Commissioner Christoffersen. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 09-09-2 Cascade Apartments, Bloomington
- (2) 09-09-4 Zore's Storage Building, Indianapolis
- (3) 09-09-6 St. Vincent Carmel Third Floor Remodel, Carmel
- (4) 09-09-8 Westville Correctional Facility Fire Hose, Westville
- (5) 09-09-11(d) & (g) Columbus East High School Additions and Renovations, Columbus
- (6) 09-09-13 Herron High School Temporary Classrooms, Indianapolis
- (7) 09-09-14 Christian Park Elementary School #82, Indianapolis
- (8) 09-09-18(b) & (c) NCAA Headquarters Expansion, Indianapolis
- (9) 09-09-21 Tippecanoe County Jail Addition 2009, Lafayette
- (10) 09-09-22 Western Boone Jr/Sr High School, Thorntown
- (11) 09-09-23 Marriott Courtyard / Springhill Suites, Indianapolis
- (12) 09-09-29 Le Petit Café Exhaust Fans, Bloomington
- (13) 09-09-32(b) Carmel Regional Performing Arts Center, Carmel
- (14) 09-09-37 Einterz & Einterz, Zionsville
- (15) 09-09-38 Fairfield Inn & Suites, Indianapolis
- (16) 09-09-39 Texas Roadhouse Restaurant, Terre Haute

The following variances were heard separately:

- (17) 09-09-1 Oregon Territory Cabin - Camp Tecumseh, Brookston

Steven Gloyeske, Scholer Corporation, spoke as proponent. The request was to omit the sprinkler system for the building. The YMCA camp is on a well system, and a storage tank and fire pumps would be cost prohibitive. The cabin is of Type V-B construction and is separated into two 15-person bunkrooms with three exits directly to the exterior and a travel distance of 25 feet. Each bunkroom is provided with a smoke detector, and both are interconnected. The restrooms are separated by 1-hour rated fire barriers. There will be no cooking or fireplaces in the cabins. Commissioner Hawkins suggested that the proponent look into a 13R and a 13D sprinkler system, these using not much more pressure than the six showers in the cabin. Commissioner Ridley moved to table with the second by Commissioner Hawkins. It was voted upon and carried.

(18) 09-09-3 Tonne Winery, Muncie

Larry Simmons, owner, spoke as proponent. The request was to omit the sprinkler system due to lack of a public water supply. The building has a 1,400 square foot sales and tasting area and a 3,500 square foot production and storage area used by 4 employees. There is panic hardware on the doors and a monitored fire, smoke and security system with horns, strobes and battery backup. The local fire and building officials have no objections to the variance. Commissioner Ridley moved to approve the variance with the second by Commissioner Ogle. It was voted upon and carried.

(19) 09-09-5 Richmond Hospital Administration Building Rehab, Richmond

Benjamin Elfrech, Kone Elevators, spoke as proponent. The request was to allow the use of an Ecospace elevator which does not require the use of a machine room and therefore does not comply with current Indiana code. Commissioner Corey asked if the unit complies with the ASME A17.1 supplements, and after Mr. Elfrech stated that it did, moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

(20) 09-09-7 St. Elizabeth Hospital East, Lafayette

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow 30 second delayed egress devices on exit doors to create a security perimeter for staff and patients. These will release upon activation of the fire alarm system or water flow. The building is sprinklered, and corridors are protected by smoke detectors. Commissioner Cundiff moved to approve with the second by Commissioner Jones. It was voted upon and carried.

(21) 09-09-9 Lafayette Christian School, Lafayette

Dean Schultz, Excel Engineering, spoke as proponent. An exit in the southwest corner of the school serving three classrooms and an exit from the gymnasium will be affected by construction, and the request was to allow temporary exiting during this time. No plans accompanied the application, and Commissioner Brenner moved to table to allow time for plans to be provided. Commissioner Cundiff made the second. further discussion revealed that the exits would empty onto graveled paths lined by chain link fencing while the foundation is going in. This will be replaced with a passageway with walls, ceiling and slab floors during the construction of the building. Exiting will always be maintained from the building and construction should be completed by January 2010 for the start of the second semester. The maker and second of the motion withdrew their motion to table. Commissioner Christoffersen made a motion to approve with the second being made by Commissioner Cundiff. It was voted upon and carried.

(22) 09-09-10 Wal-Mart Store #5728, Newburgh

Michael Heilevs, Wal-Mart Stores Inc, spoke as proponent. Mara Snyder, Director of Legal and Code Services, advised the Commission that this was a case of an applicant being unable to secure written acknowledgement from a local official after repeated attempts. The variance request was to allow fire alarm strobes to be placed on the ceiling instead of at a code-compliant height due to merchandise shelving, and had been placed in an "A" category by staff. Commissioner Cundiff moved to approve with the second by Commissioner Ridley. It was voted upon and carried.

(23) 09-09-11(a)(b)(c)(e)(f)(h)(i) Columbus East High School Addition and Renovation, Columbus

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request in variance (a) was to omit the 4-hour walls required between new and existing construction. The additions will be sprinklered which will result in 66% of the total building being sprinklered when construction is completed. The local officials are not opposed to the variance. Commissioner Ridley moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variances (b) and (c) were to allow vertical openings which connected the basement and first floor, first and second floor, and the second and third floor. The area will have close spaced sprinklers on the tempered glass in the addition and the area where the stairs are being constructed. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Ridley. It was voted upon and carried. Variance (e) was a request to install the Class I standpipe system on the main floor landing. The local fire department does not object. Commissioner Ridley moved to approve with the second by Commissioner Corey. It was voted upon and carried. Variance (f) was a request to allow the auxiliary gym, wrestling/weight room and pool to have an unenclosed stair as a second means of egress without being fully sprinklered. Recent flooding in the area necessitated a dam to be constructed to protect this area of the building, thereby affecting the exiting. The corridor smoke detection and increased sprinkler coverage in the school provides an increase in the safety of the occupants over current levels. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (h) was a request to remove two Class II standpipes from the domestic water system and reconnect to the new, compliant system. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Ridley. It was voted upon and carried. Variance (i) was a request to allow unrated corridors in a building which is not fully sprinklered. The corridors in the existing building are unrated, and corridors in the addition will have smoke detectors. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Ridley. It was voted upon and carried.

(24) 09-09-12(a)(b)(c)(d) Commons South Parking Garage and Housing, Columbus

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. This is a modification to the original variance application, #09-04-25. Variance (a) was a request to change the sprinkler system from an NFPA 13 system, as in the original application, to a 13R system. The change was found to be necessary after construction of the building had begun. Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance (b) was a request to allow the first floor to contain apartments and retail areas protected by sprinklers and three-hour separations, as well as parking. They would like to use wood construction for the residential areas above the Type 1-A construction of the first floor. After discussion, Commissioner Ridley moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c) was a request to allow the firewalls to terminate at the three-hour slab instead of the foundation as code requires. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Brenner. It was voted upon and carried. Variance (d) was a request to have exterior bearing walls of Type V-A construction facing public ways which are fire-rated for fire exposure from the inside only, not from both sides as code requires. The closest building is thirty

feet away from these walls. After discussion, Commissioner Christoffersen moved to deny with the second by Commissioner Cundiff. It was voted upon and carried with one nay vote.

(25) 09-09-15 Berry Plastics 2009 Building Addition, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. Six percent of the perimeter of the office and warehouse addition will not have the code-required 60 foot clearance. The building is sprinklered and the addition separated from the existing building by a two-hour fire barrier. The fire department will have complete access around the building via a new road being installed. The walls affected are of concrete tilt-ups with metal panels above. Commissioner Hawkins moved to approve with the condition that mineral fiber and fire caulking creating fire-rated protection be applied to the concrete tilt-up/metal panel wall joints. Commissioner Ridley made the second. It was voted upon and carried.

(26) 09-09-16(a)(b) Indiana Tech Seitz Center Renovation, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. The building is historic and will be gutted and remodeled for offices. The request in variance (a) was to allow the use of a single enclosed stair from the 1,500 square foot third floor which is currently served by only one stair. The stair will discharge to the exterior at the ground floor of the sprinklered building. The building will also have a new elevator installed with phase one and two operations. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance (b) is a request to allow the use of an existing 4 foot by 4 foot door for an exit. To comply with code, the field stone foundation would need to be undercut at risk of damage to the building itself. The door will serve a room which contains only a heat pump, fire riser and elevator equipment room, and such with no boilers or furnaces. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

(27) 09-09-17(a)(b) 429 North Pennsylvania Condominiums Roof Deck, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request in variance (a) was to allow a travel distance on the roof deck which exceeds the distance allowed by code. A fence will be installed to define the space available to the residents and a walkway with handrails will be used to keep the residents within the boundaries. Variance (b) was to allow the deck and walkways to be of wood construction. After discussion, Commissioner Cundiff moved to approve both variances. The second was made by Commissioner Ridley. It was voted upon and carried.

(28) 09-09-18(a) NCAA Headquarters Expansion, Indianapolis

Ed Rensink, RTM Consultants, was present as proponent. It was noted that the variance had been rated a "C" at the staff review, but additional information received by staff from the proponent had changed the rating to a "B". Commissioner Christoffersen moved to approve with the second by Commissioner Ridley. It was voted upon and carried.

(29) 09-09-19 Lilly K153 Warehouse Addition, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The building will have an H-3 occupancy area with less than twenty five percent of the perimeter as required by code to be located on an exterior

wall. The room will be used for closed-container storage of hazardous materials and will be sprinklered per NFPA 13. Containment will be provided and an exit door will be located on that wall. The fire department does not object. Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:23 a.m. He then reconvened the meeting, calling it back to order at 10:40 a.m.

(30) 09-09-20(a)(b)(c)(d)(e) Columbus North High School Additions and Renovations, Columbus

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was to allow a non-compliant building to be put into further non-compliance by an addition. The owner is unable to provide structurally independent fire walls between additions and existing construction. The new construction will be of Type II-B construction and will be sprinklered. An updated corridor smoke and fire alarm system will also be installed. Commissioner Christoffersen moved to approve with the second by Commissioner Jones. It was voted upon and carried. Variance (b) was to allow a travel distance which exceeded that allowed by code. A corridor smoke detection system will be installed. Commissioner Hawkins moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c) was to permit two unenclosed, 2-story stairways which are not separated by fire rated barriers. The areas will be sprinklered and an updated corridor smoke detection system and fire alarm will be installed. Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance (d) was to allow a new exit passageway which had been constructed from an existing corridor to have two normally non-occupied rooms opening onto it. With the condition that the doors are to be fitted with self-closers, Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried. Variance (e) was to allow non-rated corridors in the existing, partially sprinklered building. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ridley. It was voted upon and carried.

(31) 09-09-24 Evansville North Academy, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow a travel distance which exceeds code by 30 feet for four classrooms on the second floor. The corridor will have smoke detection tied to the main fire alarm and the building will be sprinklered throughout. Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried with 2 nay votes being cast.

(32) 09-09-25 Prairie Lakes Apartments Pool Cabana, Noblesville

Ed Rensink, RTM Consultants, appeared as proponent. Mara Snyder, Director of Legal and Code Services, advised the Commission that the fire department had been heard from, and that further information received would have put the variance into the "A" category. Commissioner Cundiff moved to approve with the second from Commissioner Christoffersen. It was voted upon and carried.

(33) 09-09-26 Monroe Central Elementary School, Parker City

(34) 09-09-27 Monroe Central Jr/Sr High School, Parker City

Ed Rensink, RTM Consultants, spoke as proponent for both variances. The doors to the toilet

rooms had been removed in the mid-1990's. The code of record required 1-hour corridors and 20 minute doors. The variance was a request to omit these doors in an effort to maintain supervision of the students. Commissioner Ridley moved to approve both variances with the second by Commissioner Jones. It was voted upon and carried.

(35) 09-09-28 New Community School, Lafayette

Ed Rensink, RTM Consultants, spoke as proponent. The charter school had been put into a mixed-use building which is being remodeled. The request was to allow a 100 foot path of travel for the classroom areas on the lower level. The building is historic and construction of a stairway is not an option. The building is sprinklered, has smoke detectors and a voice alarm system in the corridors. Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

(36) 09-09-30 Ricker's Facility ID #10545, Ft. Wayne

Sam Taylor, Ricker's, spoke as proponent. The owner had allowed the one-year limit on temporary closure of a gasoline underground storage tank to expire before completing IDEM paperwork to fill it in on site. The request was to allow the tank to remain on site until March 1, 2010, when the paperwork is expected to be completely processed. The tank is empty with vent line open and fill port locked closed. The dispenser has been disabled. Commissioner Ridley moved to approve with the condition that the variance be valid until March, 2010. Commissioner Ogle made the second. It was voted upon and carried.

(37) 09-09-31 Noblesville Senior, Noblesville

No proponent was available for questions. Timothy Callas, J & T Consulting, stepped forward, stating he had been associated with the project and suggested that the application be tabled. Commissioner Ridley moved to table with the second by Commissioner Ogle. It was voted upon and carried.

(38) 09-09-32(a) Carmel Regional Performing Arts Center, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow an atrium to be open to four floors instead of the three allowed by code. The building will have an automatic sprinkler system per NFPA 13, and a smoke control system will be provided to evacuate smoke from the atrium. The building will then comply with NFPA 101 (2009) Section 8.6.7 Exception 1 which allows unlimited open floors with sufficient atrium smoke removal. Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

(39) 09-09-33(a)(b)(c)(d)(e)(f) Carmel Arts District Lofts, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was a request to be allowed to consider the "M" occupancy and parking area of the first floor as a separate building from the four floors above it. The retail areas will be sprinklered, and there will be no residential occupancy on the first floor. Commissioner Brenner moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (b) was a request to fire rate only the interior walls from the second floor upward. After discussion,

Commissioner Ridley moved to approve with the second by Commissioner Ogle. It was voted upon and did not carry. Commissioner Christoffersen moved to deny with the second by Commissioner Cundiff. It was voted upon and carried. Variance (c) was a request to be allowed to design to ASHRAE 62 and have a minimum exhaust ventilation rate of .75 cfm/sq ft. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Variance (d) was to allow the clothes dryer exhaust system to exceed the twenty-five foot duct length allowed. The system will be going vertically on the wall. Commissioner Christoffersen moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (e) was a request to locate the standpipe on the main landings. Commissioner Ridley moved to approve with the second by Commissioner Cundiff. It was voted upon and carried. Variance (f) was a request to terminate the fire wall at the 3-hour slab separation above the parking garage instead of at the foundation. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

(40) 09-09-34 South Side Christian Church, Munster

Charles Keslin, Keslin Engineering, spoke as proponent. The church had been damaged in the 2008 floods and was completing their restoration work. The interior courtyard is being enclosed and a 405 square foot warming kitchen added at a lower cost than reconstructing the courtyard. The request was to omit the sprinkler system in the enclosure and kitchen. The additional cost of the sprinkler system is more than the church can manage after paying for the restoration and reconstruction of their building. Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

(41) 09-09-35 Hendricks Regional Health YMCA, Avon

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow the support structures for the roof of the Type I-B construction building to be of concrete-filled steel columns. These will act as a heat sink and function as one-hour rated columns. They will be 21 and 37 feet tall, exceeding the code-allowed 13 feet in the sprinklered building. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

(42) 09-09-36 Grant County Courthouse, Marion

Kevin Steur, Able Elevator, spoke as proponent. The request was to allow the installation of a type of machine room-less elevator which had not previously been seen by the Commission. The proponent provided Commissioner Corey with a set of plans for the intended elevator. Commissioner Hannum suggested they take a break to allow time for Commissioner Corey to go over the information.

6. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 11:34 a.m. He then reconvened the meeting, calling it back to order at 11:41 a.m.

(42) 09-09-36 Grant County Courthouse, Marion - continued

Kevin Steur, Able Elevator, again acted as proponent. Commissioner Corey asked if the intended unit would meet the requirements of A17.1, 2007 edition, and Mr. Steur said it did.

Commissioner Corey then moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

(43) 09-09-40 Lerner Theater Renovation, Restoration & Expansion, Elkhart

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The historic theater is being renovated and a two-story addition is to be built on one side. In variance (a), the exit passageway will have openings from the freight elevator and storage room, plus HVAC and lighting penetrations, all of which would not be allowed per code. The exit passageway will be sprinklered and will have closers installed on the storage room doors. After discussion, Commissioner Cundiff moved to approve with the condition that self-closers be installed on the storage room doors. Commissioner Ogle made the second. It was voted upon and carried. Variance (b) was to omit the shunt trip device on the electrical supply for the new orchestra pit lift. The owner feels that the GFCI will provide adequate protection from electrical shock should sprinklers activate. After noting that stage lifts are exempted from the code requirement, Commissioner Cundiff moved no variance required with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c) was to allow handrails for the aisle stairs to be on one side instead of both as required by code to avoid obstructing the patron line of sight. Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Variance (d) was to allow the existing slope of the floor and landings at the existing doors to be non-compliant. The slope and landings will be corrected as much as the limitations imposed by existing space will allow. Commissioner Brenner moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

(44) 09-09-42 2601 Shelby Street, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to omit the sprinklers in the R-2 occupancy. The existing 4-unit apartment building had been built in the 1970's and had been changed to a commercial use without remodeling. The owner now wishes to return to the original use of the building. The building will have interconnected smoke detectors and pull station alarms in the hallway. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

(45) 09-09-43 Bray Home / Office Addition, Indianapolis

Timothy Callas, J & T Consulting, spoke as proponent. The request was to omit the sprinklers in the existing building. The basement and first floor of the building are office space, while the second floor and roof-top deck are residential areas of the owner. The addition to the building will be separated by a two-hour fire barrier. An existing monitored fire alarm system will be expanded, and the addition will also have horns and strobes. After discussion, Commissioner Brenner moved to approve with the condition that requirements outlined in the August 26, 2009 letter from the Indianapolis Fire Department are followed. Commissioner Cundiff made the second. It was voted upon and carried.

(46) 09-09-44(a)(b)(c)(d) Project Centerline, Monrovia

The proponent had requested the variance be tabled. Commissioner Ogle moved to table, with the second by Commissioner Cundiff. It was voted upon and carried.

(47) 09-09-45 IND 2, Carmel

Marty Underwood, Otis Elevators, appeared as proponent. The request was to allow the installation of three Gen 2 machine room-less elevators in the Opus Landmark Building. The elevators comply with the requirements of the 2007 edition of A17.1. Training for inspectors and required specialized tools will be provided. Commissioner Corey moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried.

6. **New Business – General.**

Discussion and Possible Commission Action

Active Day Medical Adult Day Care
Administrative Cause No. 08-45
Agency Enforcement Order
Nonfinal Order of Dismissal

River Park Furniture
Administrative Cause No. 09-26
Order – Division of Elevator Safety
Nonfinal Order of Dismissal

South Ripley Jr/Sr High School
Administrative Cause No. 08-33
Conditions of CDR
Nonfinal Order of Dismissal

Envus Building
Administrative Cause No. 07-26
Denial of Variance
Nonfinal Order of Dismissal

South Ripley Elementary & South Ripley Jr/Sr High School
Administrative Causes Nos. 08-32, 08-33
Conditions of CDR
Nonfinal Order of Dismissal

Community Hospital South
Administrative Cause No. 09-33
Common Path of Travel Issue

Nonfinal Order of Dismissal

West Lafayette Apostolic Christian Church
Administrative Cause No. 09-39
Design Release
Nonfinal Order of Dismissal

Fraternity House
Administrative Cause No. 05-68
Order – Office of the State Fire Marshal
Nonfinal Order of Dismissal

Commissioner Ridley moved to approve the Nonfinal Orders of Dismissal. Commissioner Jones made the second. It was voted upon and carried. Commissioner Hawkins abstained from voting upon South Ripley Jr/Sr High School.

Crazy Horse Bar, Alley Bar, Jakes,
The Blue Bird, Upstairs Pub
Administrative Causes Nos. 08-74, 08-75, 08-76,
08-77, 08-78
Order – Bloomington Fire Department
Notice of Filing Report, Findings of Fact, and
Nonfinal Order of Administrative Law Judge

Commissioner Jones moved to affirm the Nonfinal Order of the Administrative Law Judge. Commissioner Christoffersen made the second. It was voted upon and carried.

Garvin Industrial Associates
Administrative Order No. 08-34
(No action taken. Administrative Law Judge
is to set hearing.)

C.C.E, Inc.
Administrative Cause No. 07-30
Order – Fire and Building Code Enforcement
Notice of filing Report, Findings of Fact, and
Nonfinal Order of Administrative Law Judge

- Objections of Findings of Fact, and Nonfinal Order of Administrative Law Judge

- Objections by C.C.E. to Findings of Fact, and Nonfinal Order of Administrative Law Judge

Commissioner Ogle moved to set October 16, 2009 as the deadline by which the parties are to file briefs. Commissioner Corey made the second. It was voted upon and carried.

Discussion and Commission Action On Petitions For Review (All are timely filed unless otherwise noted.)

American Service Group, Inc.
Cayuga Generating Station FGD Project
Denial of Variance 09-07-3

- Discussion of Variance 09-07-3 Cayuga Generating Station FGD Project, Cayuga

Ray Askins, ASG Elevators, explained that they had been told by the Elevator Division that they did not need to appear at the Commission meeting. This action had led to the denial of the application and the subsequent appeal. The proponent stated they met code except for the additional one hundred pounds platform weight. Commissioner Corey moved to approve variance 09-07-3. Commissioner Jones made the second. It was voted upon and carried. The appeal was withdrawn.

7. Discussion of Variance 09-06-15 ARC Opportunities Respite Care, Howe

Tim Callas appeared as proponent of the variance. A question had been raised about the possible inaccuracy of the information presented in the variance application. The six exits listed in the variance did not appear to correspond to the five exits filed with Plan Review. Mr. Callas stated that there had been an error made when he marked the location of the two-hour wall on the plans. After he completed his explanation of the firewall and exits, Commissioner Christoffersen moved to accept. Chairman Hannum stated that no formal action on the variance need be taken.

8. **Comments.**

Mara Snyder, Director, Legal and Code Services, announced that the new Building and Fire Code change amendments had been sent to the Attorney General's office eleven days ago, and that the Notice of Intent for the Elevator Code had been filed. There are five business days remaining for comments from the regulated amusement industry for fiscal impact information to be submitted. ASHRAE 90.1 fiscal information may affect the adoption schedule by a month.

9. **Adjournment.**

Chairman Hannum called for any further business. Hearing none, he adjourned the meeting at 12:23 pm.

APPROVED _____
David Hannum, Chairman