

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

## MEETING MINUTES

### Meeting Details

**Date:** June 6, 2023  
**Time:** 9:00 AM  
**Location:** Government Center South – Conference Room A

### Member Attendance

Name	Present		Means of Participation
	Yes	No	
Mike Beard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Logan Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Scott Pannicke	<input type="checkbox"/>	<input type="checkbox"/>	NA
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
John Watson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person
Michael Zehner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In Person

### Notes

Additional information may be available at the [Commission's Web Page](#).

Also in attendance:

Dustin Dyer, Director of Boards and Commissions, IDHS

1. Call to Order — Commissioner Popich called the meeting to order at 9:00am.
2. Roll Call — All but one present. Quorum met.
3. Review and Action on May 2023 Meeting Minutes — Commission voted to **approve** the minutes with no corrections.
4. IDHS Reports and Updates
  - i. IDHS Variance Determinations Report as required by 675 IAC 12-5-6.2(f) – Isaac Delgadillo.
5. State Building Commissioner Interpretations

- i. None

## 6. Rulemaking Update(s)

- i. **NFPA 1126** – Standard for the Use of Pyrotechnics Before a Proximate Audience. Statute requires that the Commission review the newest version when rule making resumes.
- ii. **NFPA 855** – Standard for the Installation of Stationary Energy Storage Systems adopted by statute. Commission may review and amend.
- iii. **Electrical and Lift Device Codes** – Pending fiscal analysis.
- iv. **HEA 1575 Proposed Rulemaking Schedule for Building Codes and Related Standards:** International Fire Code, International Building Code, International Existing Building Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, International Energy Conservation Code, International Residential Code, International Swimming Pool and Spa Code, National Electrical Code.

## 7. Variances

### a. Tabled

- i. **23-03-42 New Fire Alarm Panel for Bally's Evansville (Evansville)** — Variance withdrawn.
- ii. **23-04-30 Olin Road (Indianapolis)** — Bolin, General Contractor presented. Single family residence. Asking for variance for convenience outlets on kitchen backsplash. Pre-war house, looking to preserve aesthetic. Chairman Popich asked whether pop-up receptacles had been considered. Proponent states that pop-up receptacles would void stonework warranty. Commissioner Heinsman expressed doubt that a future owner wouldn't want to put an appliance along the walls in question. Proponent notes that double-sill window creates an operational difficulty for outlet installation as there would not be room to attach a cover plate. Chairman Popich looked up dimensions and concluded that they would fit, and installation of an outlet under the window horizontally would not necessarily interfere with aesthetic. Noted during final inspection, not during rough inspection. Twenty convenience outlets installed on 3 GFCI circuits, additional eight outlets on island. Commission **approved** variance 7-3.
- iii. **23-04-32 Elevator Cylinder Replacement (Evansville)** — County Building Authority presented. Elevator is in a civic center. Estimate from elevator contractor is for \$700,000 for elevator cylinder replacement. Asking to allow for delay or sequential replacement. All elevators installed 1969. Commissioner Zehner explained that there was a code change requiring safety bulkheads around elevator cylinders to prevent blowout from corrosion. Commissioner Zehner asked if alternatives had been

considered, such as a Pittman Gripper on the jack. Inspector disallowed and required replacement. Commissioner also suggested inspection of the jack by removal of the piston and insertion of a scope. Two public elevators have had cylinders replaced. Other elevators are for freight and inmate transport. Commissioner Murua notes that two-story elevators are not required and could be shut down while other elevators are worked on. Commissioner Zehner notes that he's disinclined to grant a variance without a monthly pressure test and oil monitor with replacement inside a year. Commission **approved with the following conditions** 9-1: One per year on a five-year timeline with monthly pressure testing and oil level monitoring until jacks are replaced or demonstrated as not needing replacement, starting with passenger elevator and highest rise.

- iv. **23-04-35 Camelot Inn (Jasper)** — No proponent. Commissioner **tabled** 10-0.
- v. **23-04-36 Beech Grove Sprinkler Variance (Beech Grove)** — No proponent. Commission **tabled** 10-0.
- vi. **23-04-40 Dining Porch Addition (Terre Haute)** — Roger Lehman presented. Proponent notes that with consultation with local fire department, country club has decided to install compliant fire alarm system. Still requesting not to install sprinkler system. Commission **approved the variance with the following conditions:** must install NFPA 72 compliant alarm system.
- vii. **23-04-44 Cork Liquor Storage/Office Addition (Columbus)** — Shelly Wakefield. Ms. Wakefield requested that the variance be tabled while the fire department requests the city extend water to the site. Commission **tabled** 10-0.

b. New

- i. **23-05-30(a)(b)(c)(d)(e) Southern Indiana Tennis Center Expansion (Sellersburg)** — Christina Collester presented. Air supported structure. Requesting to not install sprinkler system in A4 occupancy. Cannot provide required number of exits due to structural concerns. Limited amount of flammable materials in a tennis center. Adjacent building is old tennis center. Commissioner Popich expressed concern about the constellation of variances being requested, with distance from access road and hydrants, required number of exits, etc. Ms. Collester notes that she has been in contact with local fire department, who is unopposed. Commissioner Murua expressed concern about an unopposed stance, as a neutral stance often shows hesitancy to make a decision. Local fire joined conversation via Teams, noted that they feel they have adequate water supply. Commission **approved** variance 10-0.
- ii. **23-05-31(a)(b) Tri-State Athletic Club (Evansville)** — Roger Lehman. Constructing new tennis courts. Existing building is over area, and new addition would be over-area. 480 square feet over 12,000 foot allowed area. All required exits, no travel distance issues. Commission **approved** variance 8-2.

**Commission broke from 10:13 to 10:30.**

- iii. **23-05-32 YMCA Evansville (Evansville)** — Ed Rensink. Seeking a variance to use gymnasium for event space, but calculated occupant load requires use of voice alarm system. Looking to retain existing pull-station fire alarm system. Actual max occupancy would typically be approximately 800. Commission **approved** 10-0.
- iv. **23-05-33 WES Courtyard Waiver Request (Winslow)** — Looking for a variance related to school safety. Locking interior courtyard doors otherwise disallowed by code. Commission **approved** 10-0.
- v. **23-05-34 PES Courtyard Waiver Request (Petersburg)** — Same as 23-05-33, except **approved with the following conditions:** panic hardware removed from doors, exit signs removed from doors, all doors unlocked when courtyard is in use.
- vi. **23-05-35(a)(b) IU Health Central Utility Plant (Indianapolis)** — Seeking Category A seismic rating for non-structural components. Commission notes that variance (a) is void and blank, seemingly incorrectly submitted. A category saves \$750k. Overall project cost \$150M. Chairman Popich asked what the cost difference in going to a B would be, proponent could not answer. Limited steam for central sterile. Chairman Popich notes that the financial hardship aspect does not meet 10% minimum that the Commission has required for decades, and wants to know what the cost to build to Seismic Category B would be like the rest of Marion County. Commissioner Heinsman notes that they are not asking to go from C to A, that's simply the result of using the short period calculation. Commission moved to **table** until more information could be presented next month.
- vii. **23-05-36 IUHMCP-South Support Building (SSB) SE Corner (Indianapolis)** — Commissioner Popich asked about costs for this building as well. \$2M savings on approximately \$140M building. Commission **tabled** 10-0.
- viii. **23-05-37(a)(b)(c) Michigan City 11 Central – Parking Garage (Michigan City)** — Commissioner Heinsman recused. Melissa Tupper presented. Garage owned by city, adjacent apartment building will be owned by developer. Looking to not provide standby generator for open parking garage. Power supply encased by minimum 1” concrete. Upper levels open parking garage. Battery backup. Claiming hardship cost for maintenance of generator. Also seeking variance for openings in firewall due to property line between two buildings but required for garage ventilation and access to parking garage. Some confusion seemed to exist about whether other projects were able to do something similar without a variance. Commission **approved** with the following conditions: closed-space sprinklers at door openings on apartment side, easement in place prior to construction.
- ix. **23-05-38 Fresco Tea Bar Location 3 (Clarksville)** — Owner presented. New location used to be a restaurant with commercial hood in kitchen area. Tea bar has no kitchen, does not cook. Looking to either remove or not maintain existing hood. Chairman Popich asked whether she was a tenant or the owner, proponent indicated she is a tenant. Chairman asked whether owner is aware of variance. Proponent

indicated owner is aware. Shelly Wakefield indicated that fire marshal is aware that the hood is out of service. Chairman asked what the annual testing and maintenance fee. Proponent indicated that testing is quarterly and runs approximately \$750, hood removal is approximately \$15k. Chairman expressed concern that allowing a system to remain intact and untested could create potential hazards for a new tenant.

Commissioner Murua suggested placing the system in an out of service state.

Commission **approved with the following conditions:** remove fire suppression tanks and nozzles with an out of service tag at the pull station and an out of service placard on the front of the hood for the duration of tenant's occupancy.

- x. **23-05-39 Purdue Herrick Labs – CNG Trailer (West Lafayette)** — Commissioner Davidson recused. CNG trailer too close to exterior door per current code, would be compliant if using 2023 NFPA 55. Alternatively could build a 2-hour wall, but in the case of explosion energy would be channeled to public walkways. Trailer cannot be moved, per Purdue Fire Marshal. Commissioner asked whether they would be fully compliant with 2023 NFPA 55 or just with this particular section. Proponent indicated that they would be fully compliant. Purdue Fire Marshal supports variance to comply with 2023 NFPA 55. More frequent detachment of trailer causes a different safety concern, as well as travel 20 miles to a filling station. Commission **approved** 9-0.
  
- xi. **23-05-40(a)(b) Renovation for Indiana Donor Network (Indianapolis)** — Medical secured facility. Sprinklered, fire alarmed, looking to use horizontal sliding doors in conference rooms. Commission notes that changing one door from sliding to swing would create compliance. **Commission approved with the following conditions:** One swing door per room for large training room on second level and large fourteen person conference room on third level.
  
- xii. **23-05-41 Ag Express Electronics (Sulphur Springs)** — Architect and general manager presented. Control various aspects of electrical farm equipment. Work performed at individual workstations. Asking for variance for sprinkler requirements: no water available at site (closest water more than two miles away), low risk of fire due to nature of the business, 22 foot ceiling makes sprinkler response less likely than fire response due to smoke detection, expensive electronic equipment would be damaged. Cost to sprinkler is approximately \$500k on a \$3M project. Commissioner Henson notes that construction is ongoing and some of the problem could have been mitigated with construction of firewalls. Commission **approved with the following conditions:** 20,000-30,000 gallon retention pond with a filtered dry hydrant, NFPA 72 compliant fire alarm system, fully monitored, type II construction. 9-1.
  
- xiii. **23-05-42 Noblesville Restaurant (Noblesville)** — Ed Rensink. Seeking to comply with fire rating by using various gypsum board and intumescent coating. Passes Chapter 34 with fire alarm system. Basement is storage and building service, no public. Fully compliant system involves four layers of gypsum which would require floor reinforcement. Commissioner Murua expressed concern about using intumescent paint over a rated system. Commissioner Heinsman asked about using Type C drywall. Mr. Rensink expressed no objection. Noblesville Fire spoke, expressed concerns about the engineering testing of the intumescent paint. Chairman Popich notes that the concern about intumescent paint is less about the product, and more

about the proper installation and training of the installer. Commission **denied** variance 6-4.

- xiv. **23-05-43 Arc Lofts (Hammond)** — Adapted reuse in downtown Hammond. Converting to multi family apartment building. Asking to reduce Type B accessible unit to 50% of requirement. Large existing structure beams interfere with accessible route to units. Commissioner Cook expressed concerns about possibly converting the second floor where a ramp could be provided. Question arose as to whether the variance would be required, as they are already in compliance with the number of required Type A units. There was some question as to whether Type B units are required with Type A units, and a discussion ensued between multiple parties about code requirements and general exceptions to accessibility. There are multiple possible readings on whether the current reading of the text matches the interpretation of the text. Commissioners are unclear on whether they can continue without a more formal interpretation of the code. Chairman Popich suggested that an interpretation from Commissioner Burgess might be appropriate before moving forward. Commission **approved the variance with the following conditions:** ramp at second level, type B units on entire second level, tower remains unchanged. 10-0.
  
- xv. **23-05-44 Diamond Pet Foods – Mill Tower (Rushville)** — General contractor and structural engineer presented. Pet food manufacturing, ingredient holding. F1 occupancy exceeding 12k square feet. Requires sprinklers. Requesting to sprinkle occupied spaces only, not product holding spaces and equipment/access area as to not compromise structural integrity. Water added to product would add significant weight to bins and potentially cause collapse or structural failure. Fire alarm system in equipment/access area. Dry standpipe running height of the building along egress stair. Noncombustible materials and contents in equipment access areas. Two full-height firewall-separated egress stairwells. Two employees located in control room. Commission **approved** 10-0.
  
- xvi. **23-05-45(a)(b) Stellantis-Samsung SDI Battery Cell Building 1 (Kokomo)** — Architects, project engineers, and fire protection engineers presented. Requesting to use exterior sprinkler protection system instead of wall where a nearby canopy is located within separation distance. Requesting to have a zero percent floor slope for drainage system in space with a second floor combustible liquid storage. Watertight flooring with metal walls, no fiber. Several floor drains placed at strategic points for drainage and containment. Commission **approved** variance 10-0.

c. Local

- i. **1117 E. Market St. (Indianapolis)** — Commission does not have legal authority to grant or deny the variance as statute has abrogated the ordinance underlying the variance. Discussion ensued as to whether local ordinances were abrogated by statute. Commission suggests that guidance from the Attorney General is required. No action taken.

8. Industrialized Building Systems Renewals

- i. **ICC NTA, LLC.** — Commission **approved** 10-0.

9. Report on Administrative Review

OALP has issued no new Findings of Fact, Conclusions of Law, and Recommended Orders at this time.

10. Final Comments/Closing Remarks – Chairman Popich

11. Next Meeting – Thursday, July 6, 2023, at 9:00 a.m. Eastern Time in **CONFERENCE ROOM 1 and 2 of the Indiana Government Center, 302 W. Washington Street, Indianapolis, IN 46204.** Virtual meeting details TBA.

*A public notice with specific details regarding the format of the meeting will be provided on the [Commission main web page](#) in advance of the meeting date.*

12. Adjournment – 3:30pm.