

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission
Video/Teleconference Cisco Webex Format

Tuesday, December 1, 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 9:00 a.m. EST on Tuesday, December 1, 2020. The meeting was conducted electronically by videoconference call through Webex.

(a) Commissioners present at the meeting:

Jameson Berry, representing the Commissioner, Indiana Department of Labor
Michael Corey
Gregory Furnish
James Greeson
Joseph Heinsman
David Henson
Todd Hite, representing the Commissioner, Indiana State Department of Health
James (Wes) Jordan
Robin Nicoson, Chairman
Michael Popich, Vice-Chairman

(b) The following department (IDHS) staff were present during the meeting:

Douglas Boyle, Director of the Fire Prevention and Building Safety Commission
Bryston Sprecher, Administrative Assistant to the Fire Prevention and Building Safety Commission
Craig Burgess, Indiana State Building Commissioner
Alan Blunk, IDHS Plan Review Section Chief
Denise Fitzpatrick, IDHS Code and Variance Specialist
Kim Hyten, IDHS Code and Variance Specialist
Marcus Ballenger, IDHS Code and Variance Specialist
Philip Gordon, Deputy Attorney General & Legal Counsel to Fire Prevention and Building Safety Commission
Justin Guedel, IDHS Deputy General Counsel
Kevin Troy, IDHS Code Enforcement Assistant Section Chief (State Fire Marshal's Office)
Karla Vanblaricum, IDHS Variance Coordinator

2. Roll Call – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission

Director Boyle conducted roll call and noted that quorum was present with all eleven (11) members in attendance at the beginning of the meeting.

Jameson Berry:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Michael Corey:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Greg Furnish:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Jim Greeson:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Joe Heinsman:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
David Henson:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Todd Hite:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Wes Jordan:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Robin Nicoson:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Scott Pannicke:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Michael Popich:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent

3. Commission Review and Action on Meeting Minutes

a. Wednesday, November 4, 2020

Commissioner Popich suggested a few changes. First, he indicated that the roll call vote on the review of the October meeting minutes showed eight (8) members voting; yet the summary states that it was passed by a vote of 10-0. This should be corrected as Commissioner Henson and Pannicke were absent at the time, and Commissioner Jordan had chosen to abstain from the vote. Additionally, on variance 20-10-37, Commissioner Popich was indicated as having made the second even though he voted against this variance. As such, this should be corrected to read that Commissioner Corey made the second. Lastly, there were some editorial errors that the Commission corrected, namely correcting “Ms. Hite” to “Mr. Hite” within the discussion of variance 20-10-41, and correcting the misspelling of the word “wood-joyced” to “wood joist” within the discussion of variance 20-10-38. Commissioner Corey made the second. It was voted on and carried, with Commissioner Pannicke abstaining from the vote.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The November 4, 2020 meeting minutes were **approved as amended**, with a vote of 10-0.

4. IDHS/Commission Staff Reports and Updates

- a. Status Update on Indiana Open Door Law and Public Meeting Requirements during the State of Indiana’s COVID-19 Public Health Emergency – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission & Justin Guedel, IDHS Deputy General Counsel
- b. Indiana Fire Prevention and Building Safety Commission’s 2021 Scheduled Meeting Dates and Locations

Director Boyle explained that the meeting dates for next year have been tentatively scheduled to take place in History Reference Room of the Indiana State Library. He noted this is subject to change, as the History Reference Room currently only allows a maximum capacity of thirty-five (35) persons, and this would obviously not be a large enough occupancy to accommodate all guests, proponents, and commission members. As such, the Commission should be prepared for these meetings to be switched to an electronic format through at least the first few months of 2021. Per usual, Director Boyle will remain in contact with the Commission members to relay meeting updates, and additional information can always be found on the Commission’s main webpage.

- c. State Building Commissioner’s Report – Craig Burgess, State Building Commissioner
 - i. Written Interpretation No. CEB-2020-34-2014 IBC-903.4
 - ii. Written Interpretation No. CEB-2020-36-2020 IRC-R302.5
 - iii. Written Interpretation No. CEB-2020-37-GAR-12-4-9
 - iv. Written Interpretation No. CEB-2020-38-2020 IRC-R310.6

State Building Commissioner Craig Burgess explained each written interpretation. Commissioner Heinsman and Popich both thanked Commissioner Burgess for the well-thought-out and detailed approach he brings while explaining his interpretations at each meeting.

5. Rulemaking Update(s)

- a. Indiana Elevator Code Committee Meeting

Director Boyle advised the Commission that the Committee is making progress with its review of ASME A17.3-2017 and should be finished with ASME A17.3-2017 with the next meeting or two. Commissioner Corey concurred with Director Boyle's update.

- i. Next Meeting: Tuesday, December 15, 2020 beginning at 9:00 a.m. EST, Webex Electronic Meeting – Finish Review of ASME A17.3-2017

Public notice and meeting access details will be provided on the Committee's web page (<https://www.in.gov/dhs/4200.htm>) in advance of the meeting.

- b. Status Update on the Indiana Boiler and Pressure Vessel Rules Proposed Rule

Justin Guedel, Deputy General Counsel, stated that he submitted the Commission's exception request to the regulatory moratorium, and hopes to have a response from the Office of Management and Budget at some point next week.

- c. Status Update on the Variances Proposed Rule

- i. Update on Submission of Request for Exception to the Regulatory Moratorium

Justin Guedel, Deputy General Counsel, stated that the request was filed and currently being processed by the Office of Management and Budget. No fiscal impact should be incurred as this was only meant to establish an emergency rule. Mr. Guedel stated that he hoped to receive a determination by the end of the month, so that IDHS staff can accomplish the final steps in the rulemaking process before the July 31, 2021 deadline. Commissioner Popich asked whether this proposed rule would be valid for the next seven (7) years. Mr. Guedel stated that, while the GAR expires in 2025, this portion will extend through 2027.

- d. Commission Discussion and Consideration of State's Need/Industry's Desire to Update the Indiana Building, Fire, Mechanical, Fuel Gas, and Plumbing Codes (675 IAC 17) – **see written comments provided with meeting materials.**

Director Boyle encouraged the public to utilize the Fire Prevention and Building Safety Commission's web form (<https://www.in.gov/dhs/boards-and-commissions/code-comments,-proposals-and-advice/>) to submit proposals for code change, as the building, fire, plumbing, and mechanical codes are all in need of public comments in preparation for discussion at next month's meeting. Written comments and position letters were received in advance of the meeting and were provided in the Commissioner's meeting materials. Each presenter was provided with five (5) minutes of oral testimony to address any of the aforementioned codes. Others were allowed to speak after the presenters submitting written comments had been afforded the opportunity.

Public comments from a multitude of individuals concerning the need for updates to these codes can be found beginning at the following timestamp of the recording – 1:01. Oral comments in support of having the Commission move forward with updating these codes were provided by the following individuals:

1. Ron Ritchey (NFSA) – spoke on the importance of factoring in cost savings when considering the adoption of new model codes. Specifically, a 2019 mitigation presentation that showed an \$11 savings for every \$1 spent.
2. Kurt Heidenreich (ACEC Indiana) – spoke on the importance of updating Indiana’s most outdated codes to the latest national code editions that account for significant improvements in code research and technology.
3. Randy Gulley (Wayne Township Fire Department) – spoke on the need to update Class I structure commercial building codes to meet higher standards presented in the ISO Building Effectiveness Grading Schedule. Mr. Gulley also expressed concern that Indiana will be in jeopardy of losing significant federal grant funding if the State’s commercial codes are not updated in the near future.
4. Katie Beth Maddox (Indiana Apartment Association) – requested that the Commission utilize and base its decisions on Indiana-specific data, if it indeed begins to move forward with updating the commercial codes.
5. Joshua Frost (Zionsville Fire Department and Indiana Fire Chief’s Association) – presented a letter on behalf of the Indiana Fire Chief’s Association, requesting that IBC, IFC, IMC, IPC, IFGC codes, and NFPA standards be updated to ensure life safety.
6. Jason Shelley (AIA Indiana) – presented a letter on behalf of AIA Indiana requesting that all building codes be kept up to date on a fair and consistent basis.
7. Shad Paul (Indiana Association of Building Officials) – stated that the Indiana Association of Building Officials (IABO) is thrilled to see that the Commission is considering updating the commercial building, fire, mechanical, plumbing, and fuel gas codes, and encourages the Commission to update Indiana’s codes to the latest 2021 editions of the ICC’s codes.

After hearing oral comments, the Commission had a short discussion regarding the next steps and if it would be feasible to begin updating additional codes as early as the beginning of next year with the current level of support, resources, and staff provided by the department (IDHS). After this discussion, Commissioner Pannicke made the following motion: “I’d like to offer a motion to form an exploratory committee to select the next code to be updated. That committee would be made up of the following:

1. One (1) licensed architect;
2. One (1) licensed engineer;
3. One (1) representative from the Builders Association (Indiana Builders Association);
4. One (1) representative from the Apartment Association (Indiana Apartment Association);

5. One (1) representative from the fire officials – that representative could be either a chief or another fire official;
6. One (1) building official representative; and
7. One (1) code consultant representative.

That’s a seven (7) member committee. Assuming the chair is one of those representatives, that would give an equal number plus a tiebreaker vote by the chair. The purpose of the committee right now would be to look at all of the codes that are becoming outdated and select the next code to be updated, and then proceed with the updating of that code when staff is available, and the code is available.”

Commissioner Popich then said: “I like the motion. I think the purpose of what we have been hearing since October is that we know that the codes need to be updated. The idea is, okay, which one needs to be updated first, which one needs to be updated second, which ones need to be updated concurrently because they cross-reference one another so much, and I think that the committee that Commissioner Pannicke has described would be able to adequately do a very good job. I guess adequately is not the appropriate term because I think they will do a far more adequate job. I think they will do an excellent job at identifying that. So, I would second Commissioner Pannicke’s motion.”

With the motion and second, Director Boyle conducted the roll call vote, and the motion carried, with a vote of 9-1. Commissioner Jordan was not present on the call at the time of the roll call vote.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Director Boyle advised that IDHS commission staff will be in communication with Chairman Nicoson after the meeting regarding establishing the membership of this exploratory committee. Director Boyle also advised that he will work on having information posted to the Commission’s main web page (<https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building->

safety-commission/) for the purposes of accepting requests for consideration to be appointed to the membership of the committee. Based on submitted requests, IDHS commission staff will work with Chairman Nicoson to put together a recommendation for the committee’s membership, and then plan to present this recommendation to the entire Commission at the next scheduled meeting on Tuesday, January 5, 2021. Finally, Director Boyle asked the commissioners if they are all amenable to this proposed short-term plan. The commissioners affirmed that they are amenable to the proposed short-term plan.

6. Commission Action on Locally Approved Variance(s) Pursuant to Indiana Code § 22-13-2-7(b)
 - a. Sullivan Hardware & Garden Greenhouse and Building Expansion, 6955 N Keystone Avenue, Indianapolis, IN 46220

Director Boyle informed the Commission that this was a post-indicator valve variance request approved by the Indianapolis Fire Department, as has been seen submitted to the Commission for approval on numerous occasions in the past. With no further discussion, Commissioner Popich motioned to approve. Commissioner Pannicke made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The variance was **approved**, with a vote of 11-0.

Breaking & Reconvening: The Commission broke for a ten-minute break beginning at 10:50 a.m. EST. The meeting was called back to order at 11:00 a.m. EST.

7. Variances

- a. Tabled

20-09-38 185 Madison Ave, Peru

No proponent was present to speak. As such, Commissioner Corey motioned to table. Commissioner Henson made the second. It was voted on and carried. Commissioner Hite abstained from the vote.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The variance was **tabled**, with a vote of 9-0.

20-10-36 Victor Polen, Celestine

Alan Blunk informed that the site's initial drawings utilized the IRC but was designed based on the IBC. Due to lengthy review process, the reviewer did not think that there would be adequate time to update the drawings to reflect the IBC. State Building Commissioner, Craig Burgess, stated that revised drawings would be required to be reissued by Plan Review in order to meet definitions of Class II structures and seasonal building cabins. Because Class II structures are not subject to IBC regulations, this project was determined to not require a variance. As such, Commissioner Pannicke motioned to rule no variance required. Commissioner Greeson made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The motion that **no variance is required** passed, with a vote of 10-0. Per Commissioner Heinsman’s request, the action letter will stipulate that these structures be permitted for residential, seasonal use only.

20-10-41 (a)(b) Spiceland Event Center, Spiceland

Crystal Kent spoke as the proponent. She stated that, per the Commission’s request at last month’s meeting, a revised letter from the structural engineer to include gravity, wind, and seismic load requirements was submitted to IDHS staff prior to the beginning of today’s meeting. Commissioner Jordan motioned to approve variance (a) with the additional condition that the variance shall expire on December 31, 2022 (12/31/2022), and approve variance (b) as submitted. Commissioner Heinsman made the second. It was voted on and carried.

	(a)		(b)	
	Y	N	Y	N
Jameson Berry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robin Nicoson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance (a) was **approved with the condition that the variance shall expire on December 31, 2022 (12/31/2022)**, and variance (b) was **approved as submitted**, with a vote of 11-0.

20-10-46 Hoosier Hardwood Floors, Goshen

Carrie Ballinger spoke as the proponent requesting that the variance be **withdrawn**. No further action was needed.

b. New

20-12-37 (a)(b)(c)(d)(e) Evergreen Rentals, West Lafayette

Melissa Tupper spoke as the proponent. Unprotected exterior openings of an apartment complex will exceed allowable area on the fifth through twelfth floors. The architect's original percentages were incorrect, so a revised copy showing correct elevations had to be submitted. In lieu of compliance, quick response sprinklers will be located within twelve (12) inches of each window. A fire alarm will also be installed, and this entire portion of the building will include an NFPA 13 sprinkler system. Commissioner Pannicke motioned to approve variances (a) through (e) as submitted, Commissioner Heinsman made the second. It was voted on and carried.

	(a)		(b)		(c)		(d)		(e)	
	Y	N	Y	N	Y	N	Y	N	Y	N
Jameson Berry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robin Nicoson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variances (a) through (e) were **approved as submitted**, with a vote of 11-0.

20-12-38 Watersong, Fort Wayne

David Ringer spoke as the proponent. The request is for a facility 6,000 square foot facility to include a 13R sprinkler system in lieu of the standard NFPA 13 system due to a cost differential of \$60,000. As it stands, the building is currently not required to be sprinkler, but a program that houses children with autism plans on occupying a 3,000 square foot portion of the building, which necessitates the installation of sprinklers. To further ensure life safety, the 13R system will also possess a greater water flow than what is required, and egress time will be increased to approximately one-and-a half (1.5) times the normal rate. Per Commissioner Greeson's inquiry, Mr. Ringer stated an alarm system will also be included. Fire Chief Boren, of the Hometown Fire Department, is in agreeance with this proposed design; thus, Commissioner Greeson motioned to approve. Commissioner Corey made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The variance was **approved as submitted**, with a vote of 11-0.

20-12-39 Riverstart Solar Park, Modoc

Matt Price spoke as the proponent. The request is to utilize sections 690.7 and 690.8 of the 2017 National Electric Code in lieu of the 2008 edition, as the 2017 version is generally recognized as much more stringent. Additionally, Mr. Price stated that these sections provide for more precise calculation methods to determine PV source voltage and currents, which are based on the greater industry knowledge gained since the publishing of the 2008 NEC. As such, utilizing these sections of the 2017 code should lead to safer, more accurate, and more efficient designs. Furthermore, Mr. Price estimated that this would provide a cost savings of approximately \$5,000,00.00. Commissioner Popich motioned to approve. Commissioner Pannicke made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The variance was **approved as submitted**, with a vote of 11-0.

Breaking & Reconvening: The Commission broke for lunch at 12:00 p.m. EST. The meeting was called back to order at 12:30 p.m. EST.

20-12-40 (a)(b) Liberty Place at Lockerbie Square, Indianapolis

Mark Riffey, representing Ryan Fire Protection, spoke as the proponent. This project involves the construction of a series of townhouses under the 2018 Indiana Residential Code. Class III standpipes are required in Class I structures over thirty (30) feet in height to the highest floor. According to Indiana statute, defining buildings as “townhouses” classifies them as Class I structures; thus, they would require those standpipes. Because the stairways do not provide adequate locations for standpipe and hose outlets, the request is to forego this requirement and install an NFPA 13D sprinkler system. Commissioner Heinsman and Popich raised concerns that the IRC capped townhouses at three (3) stories. Because these are in design category B, proponent stated they do not fall under the three-story limit of the seismic provisions. Building Commissioner Burgess stated he was unsure as to the accuracy of these limitations. Margie Bovard, of the Indianapolis Fire Department, also requested that a two-hour firewall be installed instead of a one-hour firewall. Carrie Ballinger offered a comment suggesting that installing a two-hour firewall would allow for each floor to be structurally independent; thus, no variance would be required in accordance with Chapter 9. Proponent stated that the height to the top floor was twenty-nine (29) feet. Commissioner Greeson was concerned that granting a variance for a building over three (3) stories could potentially force the Commission to grant future variances based on precedent. As such, Commissioner Pannicke motioned to table while the proponent obtains a cost-benefit analysis. Commissioner Popich made the second. It was voted on and carried.

	(a)		(b)	
	Y	N	Y	N
Jameson Berry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robin Nicoson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variances (a) and (b) were **tabled**, with a vote of 11-0.

20-12-41 Bolt & Tie, Clarksville

Christina Collester spoke as the proponent. A comparable building elements analysis was conducting including a calculated fire resistance performed by an engineer. The UL 558 floor assembly mandates that this building must contain a single layer of 5/8 inch type-c drywall as the membrane structure but, due to a mistake on the contractor's part, type-x drywall was installed on all floors. Type-x drywall allows for approximately 57 minutes before cracking while type-c provides for just over two hours. Approximately ten minutes of loss occurs under the drywall that was installed. The variance request was that a straight 13 sprinkler system be permitted in lieu of 13R system to allow for building reductions and the ability to meet the one-hour code requirement. Shelly Wakefield, representing the City of Clarksville, stated this was an unfortunate design flaw, and this would be the closest the engineers could get to remedying the issue. Commissioner Pannicke motioned to approve. Commissioner Corey made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The variance was **approved as submitted**, with a vote of 11-0.

20-12-42 American Sealants Addition, Fort Wayne

Carrie Ballinger spoke as the proponent. The project involves an addition to an existing unlimited area building, which will add 25,000 feet. This would put the west wall within thirty-one (31) feet of the property line. To remedy this code violation, Ms. Ballinger stated that the facility will be sprinklered, and a water curtain will be provided on the west wall of the facility adjacent to the property line. All construction will be non-combustible except for the wood flooring in the mezzanine level office space. Commissioner Jordan motioned to approve. Commissioner Furnish made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The variance was **approved as submitted**, with a vote of 11-0.

20-12-43 COVID-19 Hand Sanitizer Flammable Storage, Huntington

Abbey McManus spoke as the proponent. Ms. McManus sought a variance to store antiseptic alcohol topical solution, otherwise known as hand sanitizer, in a single warehouse. This is because the product is high demand from a variety of businesses across the country, and orders are constantly being shipped. Having the product in a central location would allow for ease of access and allow the facility's management team to constantly have eyes on the warehouse to mitigate risk of a fire. She stated that no leaks or spills have been recorded to date. Currently, the facility also utilizes trailers to store excess product, but Ms. McManus stated this would be eliminated following the approval of the variance. The Huntington Fire Marshal had concerns over storing the product above six (6) feet, but proponent suggested they could store on every other rack to allow the water from the sprinklers to flow through every rack. Per Commissioner Greeson's inquiry, an analysis from a hydraulic engineer regarding the efficacy of the sprinkler system had not yet been obtained. Non-flammables, such as soaps and detergents are also stored on the same racking system. Per Director Boyle's concern, there is no ignition source in the warehouse to cause combustion. Gas leak detectors are also in place. Commissioner Greeson and Chairman Nicoson were concerned that a fire would overwhelm the sprinkler system. Commissioner Jameson stated he would like to see an inspector assess the design against OSHA standards. With that, Commissioner Greeson motioned to table, and Commissioner Berry made the second.

This motion was later rescinded after some further discussion, as proponent inquired whether an extension for the previously approve variance could be granted or whether a new variance could be filed to meet these needs until the current variance is decided on. Commissioner Greeson stated he would be comfortable with a one to two-month extension. Commissioner Heinsman stated that unless there was an issue with the old variance, they should grant the old variance to prevent both from conflicting with one another at a later date. Director Boyle also reminded the Commission that it may condition the variance in a way that puts a height limit on the previously granted variance. After additional

discussion, Commissioner Heinsman motioned to approve with conditions. Commissioner Corey made the second. It was voted on and carried.

Jameson Berry:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The variance **was approved with following three conditions**, with a vote of 10-1:

- 1. The hand sanitizer products may continue to be stored in the S-1 occupancy group area of the structure at a maximum of six feet (6 ft.) in height, as previously permitted by Variance No. 20-07-61;**
- 2. Overflow production of the hand sanitizer products that cannot be stored in the H-3 and S-1 occupancy group areas of the structure may continue to be stored in the refrigerated trailers (reefers) located outside of the structure, as previously permitted by Variance No. 20-07-61; and**
- 3. This variance shall expire on December 31, 2021 (12/31/2021).**

20-12-44 Jasper Cultural Center, Jasper

Tom Blythe, submitter and design professional for the project, and Carl Dodson, representing Advantage Fire Safety, spoke as the proponents.

The project consists of a new single story 60,000 square foot building. Code requires separation due to exceeding the maximum allowable area of 45,000 square feet. The proposal is to use an enhanced two-hour fire barrier in lieu of a two-hour fire wall. The building will also be fully sprinklered and have 10 exits, which exceeds code. The sprinkler system is designed to saturate and cool the roof membrane, which proponents say will prevent the spread of fire from one area of the building to another.

The previous variance 18-04-11 for this facility will be rescinded because this one includes a more detailed description of how proponents intend to provide the extra level of protection for the two-hour fire barrier. Letters and drawings

received from Advantage Fire and Safety and Reliable Automatic Sprinkler Co. detailed these plans and were provided as part of the application. There was an agreement between these parties that installation of fire sprinklers as illustrated in the attachments would provide necessary means of protection in conjunction with the proposed fire barrier.

In order to build compliant fire walls, the current multi-level and multi-slope roof line building design would have to be altered. Proponents stated that the above described alternative would provide safe conditions without impacting the current architectural layout. After a lengthy conversation, Commissioner Greeson motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Todd Hite:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

The variance was **approved as submitted**, with a vote of 8-3.

Breaking & Reconvening: The Commission broke for a short break beginning at 3:00 p.m. EST. The meeting was called back to order at 3:05 p.m. EST.

8. Petitions for Administrative Review

a. Granted and Forwarded to the Office of Administrative Law Proceedings (OALP)

- i. IDHS Sanctions Order No. 315-441 – AMC Theatres Bloomington 12
- ii. IDHS Sanctions Order No. 318-444 – Five Star Dive Bar

Director Boyle advised that the above two petitions for administrative review have been granted in accordance with the requirements of IC 4-21.5-3-7 and have been forwarded to the Office of Administrative Law Proceedings (OALP) for assignment to the administrative law judge (ALJ).

b. Commission Determination (Recommendation for Denial for Untimeliness)

iii. IDHS Notice of Violations Order No. 475628 – Historic Broadway Hotel & Tavern

Director Boyle stated that this was received approximately seventy (70) to eighty (80) days late, as the recipient stated the notice had not been given to her directly, but rather another employee. Though Commissioner Pannicke raised concerns that the correct individual was not served the order and that the Commission may need to provide a benefit of the doubt, Philip Gordon, Deputy Attorney General and Legal Counsel to Fire Prevention and Building Safety Commission, stated that the Commission could focus primarily on timeliness when making determinations. Furthermore, Director Boyle stated that based on a subsequent order, the party did not qualify for administrative review of the violation in question; thus, he recommended that the Commission uphold staff’s recommendation to deny the petition for administrative review for untimeliness. Commissioner Popich motioned to deny. Commissioner Corey made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The petition for administrative review was **denied**, with a vote of 11-0.

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

a. Non-Final Orders of Dismissal

i. IDHS Sanctions Order No. 26-70 - Shoe Sensation (Cause No. DHS-0820-000382)

Commissioner Popich motioned to affirm the ALJ’s Non-Final Order of Dismissal. Commissioner Jordan made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The Non-Final Order was **affirmed**, with a vote of 10-0.

- b. Commission Consideration and Action on Delegating Ultimate Authority Powers to the Administrative Law Judge (ALJ)/Office of Administrative Law Proceedings (OALP) for Certain Final Orders and Final Orders of Dismissal – ***tabled at Commission’s November 4, 2020 meeting.***

Director Boyle reminded the Commission that this was tabled at last month’s meeting to provide time for further reflection. Commissioner Popich voiced his concern that delegating these decisions to the ALJ would take away from the Commission’s responsibilities. Philip Gordon, Deputy Attorney General and Legal Counsel to Fire Prevention and Building Safety Commission, reassured the members that this would allow the Commission to better manage its time and delegate its duties in a more efficient manner. Critical decisions or those orders that need further consideration will still be placed in front of the Commission for determination. With that, Commissioner Jordan made the following motion: “I move to authorize any administrative law judge (ALJ) assigned by the Indiana Office of Administrative Law Proceedings to serve as the ultimate authority and issue Final Orders and Final Orders of Dismissal, concluding and disposing of administrative review proceedings under the requirements of Indiana Code § 4-21.5-3, ***only and explicitly when*** the following conditions are met:

- 1. The Petitioner requests to voluntarily dismiss the administrative review and terminate further proceedings.**
- 2. The parties of the administrative review submit a Stipulated, Agreed Motion to Dismiss (Joint Motion to Dismiss) to the ALJ, terminating further proceedings.**
- 3. The petition for administrative review requests a stay of enforcement of the order in dispute and the ALJ is issuing an order regarding the request for stay.**
- 4. The petition for administrative review is an appeal of an Emergency Order issued with respect to one or more violations of the Commission’s rules or state statutes administered by the Commission.**

The Commission shall retain its right to modify or revoke this delegation of authority to the Office of Administrative Law Proceedings (OALP) at any time. This authorization is effective immediately.” Commissioner Popich seconded the motion.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Commissioner Jordan’s motion was voted on and carried, with a vote of 11-0.

10. Commission Review of Local Ordinances

a. Adopted

- i. Ordinance No. 2020-17 – Unified Development Ordinance of the Town of Whitestown, Indiana – ***received by Commission via electronic mail on Tuesday, September 15, 2020, and tabled by the Commission at the 10/6/2020 and 11/4/2020 meetings.***

Commission staff had provided the Commission a memo, detailing the findings of its review, with the Commission’s meeting materials. Director Boyle informed the Commission that Commission staff determined that the building material specifications and performance criteria requirements provided in Section 9.4(A)(6) of the ordinance conflict with the requirements of Chapters 7 and 8 of the 2020 Indiana Residential Code. As such, Commission staff recommended denial of the ordinance. Commissioner Corey motioned to deny. Commissioner Heinsman made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The ordinance was **denied**, with a vote of 11-0.

- ii. Ordinance No. 20-40 - Fire Prevention Ordinance of the City of Westfield, Indiana – ***received by Commission staff via electronic mail on Monday, September 28, 2020, and tabled by the Commission at the 11/4/2020 meeting.***

Director Boyle informed the Commission that staff had finished its review of this ordinance and identified similar conflicts to the City of Greenfield’s fire prevention ordinance that was denied by the Commission recently. However, Director Boyle advised the Commission that staff still needed to draft a memo, clearly detailing all the conflicts within the ordinance. Director Boyle advised the Commission that staff will recommend denial of the ordinance, but asked the Commission to table the ordinance for an additional month, until staff can complete its memo and provide it to the Commission at its next meeting. Commissioner Popich motioned to table. Commissioner Hite made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The ordinance was **tabled**, with a vote of 11-0.

- iii. Ordinance No. 2020-29 (Amending Ordinance No. 2019-25) – Chapter 91 Fire Prevention Code of the City of Greenfield, Indiana – **received by Commission staff via electronic mail on Friday, October 30, 2020.**

After a thorough review, Director Boyle stated that staff found no conflicts and recommended approval of Greenfield’s revised, readopted, and resubmitted ordinance. Commissioner Greeson motioned to approve. Commissioner Popich made the second. It was voted on and carried.

Jameson Berry:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Corey:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Greg Furnish:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Jim Greeson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Joe Heinsman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
David Henson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Todd Hite:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wes Jordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Robin Nicoson:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Scott Pannicke:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Popich:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The ordinance was **approved**, with a vote of 11-0.

11. Final Comments/Closing Remarks from Chairman Nicoson

Director Boyle thanked the Commission’s members for their hard work and dedication to ensuring the Commission’s business was completed in a timely manner amidst the numerous changes that took place as a result of the COVID-19 public health emergency. Chairman Nicoson thanked the members as well and wished everyone a Merry Christmas and a Happy New Year.

12. Next Meeting – Tentatively scheduled for Tuesday, January 5, 2021, beginning at 9:00 a.m. EST in History Reference Room 211 of the Indiana State Library, 315 W. Ohio Street, Indianapolis, IN 46202

If the Commission’s meeting must be conducted electronically/remotely due to the ongoing COVID-19 public health emergency, details will be provided on the Commission main web page (<https://www.in.gov/dhs/2375.htm>) in advance of the meeting date.

13. Adjournment

The meeting was adjourned at 4:13 p.m. EST.

APPROVED: _____
Michael Popich, Vice Chairman