

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission
Online Cisco WebEx Format

Tuesday, July 7, 2020

APPROVED AS SUBMITTED AT 8/4/20 MEETING

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

- (a) Commissioners present at the meeting:

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

- (b) Commissioners not present at the meeting:

None

- (c) The following departmental 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 ten (10) members in attendance.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

3. Commission Review and Action on Meeting Minutes

a. Tuesday, January 7, 2020 - **tabled at Thursday, June 4, 2020 meeting**

Director Boyle asked if the Commission members had any corrections or amendments. They had none. Thus, Commissioner Pannicke motioned to approve the minutes, as submitted. Commissioner Heinsman made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite		
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The minutes from Tuesday, January 7, 2020 were **approved as submitted**, with a vote of 9-0.

b. Tuesday, February 4, 2020 - **tabled at Thursday, June 4, 2020 meeting**

Director Boyle asked if the Commission members had any corrections or amendments. Commissioner Heinsman noted that his recusal from all votes on Variance No. 20-01-65 was not recorded in the minutes. Director Boyle noted this and stated it would be corrected. Thus, Commissioner Pannicke motioned to approve the minutes with the one noted correction. Commissioner Corey made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite		
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The minutes from Tuesday, February 4, 2020 were **approved as amended**, with a vote of 9-0.

c. Tuesday, March 3, 2020 - **tabled at Thursday, June 4, 2020 meeting**

Director Boyle asked if the Commission members had any corrections or amendments. They had none. Thus, Commissioner Jordan motioned to approve the minutes, as submitted. Commissioner Henson made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman		
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The minutes from Tuesday, March 3, 2020 were **approved as submitted**, with a vote of 9-0.

d. Tuesday, April 7, 2020 - ***tabled at Thursday, June 4, 2020 meeting***

Director Boyle asked if the Commission members had any corrections or amendments. They had none. Thus, Commissioner Pannicke motioned to approve the minutes, as submitted. Commissioner Greeson made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman		
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The minutes from Tuesday, April 7, 2020 were **approved as submitted**, with a vote of 9-0.

e. Wednesday, May 6, 2020 - ***tabled at Thursday, June 4, 2020 meeting***

Director Boyle asked if the Commission members had any corrections or amendments. They had none. Thus, Commissioner Greeson motioned to approve the minutes, as submitted. Commissioner Corey made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman		
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	

Michael Popich	X	
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The minutes from Wednesday, May 6, 2020 were **approved as submitted**, with a vote of 9-0.

f. Thursday June 4, 2020

Director Boyle asked if the Commission members had the opportunity to review the minutes from last month's meeting. They did not. Thus, Commissioner Pannicke motioned to **table** the Thursday, June 4, 2020 meeting minutes. Commissioner Jordan made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman		
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The minutes from Thursday, June 4, 2020 were **tabled**, with a vote of 9-0.

g. Thursday, June 11, 2020 Executive Session

Commissioner Heinsman rejoined the meeting stating that he had briefly lost connection. Director Boyle allowed legal counsel to briefly explain the provide substance of the meeting minutes from the executive session. Justin Guedel, IDHS Deputy General Counsel, stated that the substance was limited – essentially including only the relevant statute in question, noting all commission members present, and indicating that this was the only matter discussed with no official action taken during the meeting. As such, Commissioner Pannicke motioned to approve the minutes, as submitted. Commissioner Henson made the second. It was voted on and carried. Because Commissioner Popich was absent from the executive session, he abstained from the vote.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	

Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich		

The minutes from the Thursday, June 11, 2020 Executive Session were **approved as submitted**, with a vote of 9-0.

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

Director Boyle informed the Commission that Governor Holcomb issued additional executive orders the previous week further extending the state of Indiana’s public health emergency and further extending most of his previous directives. Because of this, the ability of the Commission to host electronic meetings and follow relaxed open-door law requirements will remain in effect for the coming weeks. Justin Guedel, IDHS Deputy General Counsel, clarified that the state of Indiana’s public health emergency was extended by Executive Order 20-34 and will be effective through August 3, 2020. In preparing for the possibility of an in-person August meeting, Director Boyle stated that the Commission would play it by ear, as the Indiana State Library is still closed to the public except by appointment, and may not be fully open to the public in time for the August 4, 2020 Commission meeting.

- b. State Building Commissioner’s Report – Craig Burgess, State Building Commissioner
 - i. Written Interpretation No. CEB 2020-13-2012 IPC-708.3.3
 - ii. Written Interpretation No. CEB-2020-15-2020 IRC-R302.11
 - iii. Written Interpretation No. CEB-2020-19-2014 IBC-414.1.3
 - iv. Written Interpretation No. CEB-2020-20-2014 IBC-T415.5.2

The State Building Commissioner, Craig Burgess, briefly explained each interpretation. Following that, Director Boyle informed the members that these written interpretations are currently provided on the Commission’s Rules and Interpretations web page, as well as being included in the Commission’s meeting materials.

- c. Effective Statutory Changes regarding Administrative Law Proceedings and the Establishment of the Office of Administrative Law Proceedings (OALP) – Justin Guedel, IDHS Deputy General Counsel

Justin Guedel, Deputy General Counsel, explained that the Office of Administrative Law Proceedings will now assign petitions to its respective ALJ. As such, the Commission will no longer be required nor permitted to appoint its own ALJ. Director Boyle clarified that all non-final orders will still be presented before the Commission for a final decision following the ALJ's review. In addition, Judge Chelsea E. Smith has now been transferred to a different office and is no longer working directly with IDHS. Overall, this is more of a procedural change, and Mr. Guedel assured the members that it shall have no effect on the Commission's month-to-month business.

5. Rulemaking Updates

- a. Indiana Elevator Code Committee

Due to the public health emergency and some members retiring and/or resigning from their positions on the committee due to job changes, it has been difficult for the Elevator Code Committee to operate under its typical schedule. Director Boyle stated he will communicate with Commissioner Corey to formulate a plan to get the Elevator Code Committee back up and running in the coming months.

- b. Indiana Boiler and Pressure Vessel Rules Rewrite Committee

- i. Next Meeting: Wednesday, July 15, 2020 beginning at 9:00 a.m. EDT, Cisco Webex Electronic Meeting

Director Boyle stated that the Committee will review a draft of the proposed rule, as prepared by Bryston Sprecher, Administrative Assistant to the Fire Prevention and Building Safety Commission. Additionally, it will begin its fiscal impact analysis of said proposed rule. The proposed rule and fiscal impact should be set before the Commission for approval at September's monthly meeting.

Public notice and meeting details will be provided on the Committee's web page (<http://www.in.gov/dhs/4314.htm>) in advance of the meeting.

- c. Plan for Adopting New Final Rule to 675 IAC 12-5 – Variances to Replace Current Emergency Rule [LSA Document #19-333(E)]

Because the current emergency rule is set to expire July 1, 2021, Director Boyle informed the Commission that IDHS will draft and present a proposed rule within the next few months, so that the Commission can begin the formal rulemaking process on a final rule before the end of the year. Even through this is a large task, staff does not feel that the formation of a subcommittee to oversee this process is necessary. To allow for adequate revisions to be incorporated into the proposed rule, Director Boyle proposed that the Commission should dedicate

time during upcoming meetings to hear and consider stakeholders' and the public's comments on the Commission's variance rules, similar to how a public hearing is conducted during the official rulemaking process. Director Boyle proposed that the Commission should dedicate some time during its August and September meetings to consider any comments, before moving forward with adopting a final rule during the last quarter of the year. Justin Guedel, IDHS Deputy General Counsel, added that any public members in attendance for today's meeting should ideally submit their comments to staff in writing as soon as possible, to allow time for receipt, review, and feedback. No additional comments, questions, or concerns were raised by the Commission, so Director Boyle advised that the Commission will move forward with this plan starting at the next meeting scheduled for Tuesday, August 4, 2020.

6. COVID-19 Public Health Emergency Rule Modification Notifications

- a. Franciscan Health COVID-19 Testing Temporary Structures – 8111 S Emerson Avenue, Indianapolis, IN 46237
- b. Franciscan Health COVID-19 Testing Temporary Structures – 965 E Emerson Avenue, Greenwood, IN 46143
- c. Franciscan Health COVID-19 Testing Temporary Structures – 1703 Stones Crossing Road, Greenwood, IN 46143
- d. Franciscan Health COVID-19 Testing Temporary Structures – 1201 Hadley Road, Mooresville, IN 46158
- e. Franciscan Health COVID-19 Testing Temporary Structures – 1701 S Creasy Lane, Lafayette, IN 47905
- f. Franciscan Health COVID-19 Testing Temporary Structures – 1710 Lafayette Avenue, Crawfordsville, IN 47933
- g. University of Notre Dame Irish Indoor Athletic Center COVID-19 Testing Site – 18170 Courtney Lane, Notre Dame, IN 46556

Director Boyle stated that the above-listed entities had recently submitted notifications of their utilization of the Commission's rule modifications to establish temporary COVID-19 testing sites. Director Boyle stated that these notifications were included on the agenda and provided in the Commission's meeting materials simply for the members' awareness. Additionally, a second notification for an additional testing site at Notre Dame was received and is provided within the Commission's meeting materials.

7. Commission Discussion and Action on Approving an Indiana Elevator Mechanic License Written Competency Examination [pursuant to Indiana Code § 22-15-5-12(b)(2)(B)]

Due to recent threats of litigation against the State of Indiana and IDHS for the failure of two individuals to gain reciprocity licensure, staff requests immediate approval of its proposed Indiana elevator mechanic license written competency examination. According to Justin Guedel, IDHS Deputy General Counsel, the test shall be a closed book, multiple choice test provided by Elevator World. It draws from a seven hundred and thirty-three (733) question bank coming from four (4) categories. The State of Indiana will offer the examination quarterly and will also allow for flexibility, due to COVID-19. Elevator World’s testing is widely accepted by most states, and Commissioner Corey felt this format was permissible – given that the questions will be randomly generated by this third-party company. Additionally, Commissioner Corey emphasized the importance of experience as a secondary factor in gaining reciprocity or licensure. Mr. Guedel agreed and stated that the Elevator Committee may clarify the statute’s language regarding licensure requirements, if it wishes. In terms of testing sites, it is the department’s hope that eventually third-party entities such as Ivy Tech will be permitted to host these tests in locations across the state of Indiana, so that individuals will not be required to travel to Indianapolis. Lastly, Commissioner Popich questioned whether the most recent version of the code would be utilized for the test. Mr. Guedel stated that this is the case, but the questions will be drawn from the newest version of the code once one is adopted. As there were no other questions, Commissioner Popich motioned to approve the written competency examination as submitted. Commissioner Heinsman made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The Indiana Elevator Mechanic License Competency Examination was **approved as submitted**, with a vote of 10-0.

Breaking and Reconvening: The Commission took a break beginning at 10:20 a.m. The meeting was call back to order at 10:30 a.m.

- 8. Variances
 - a. Tabled

20-05-27 (a)(b) Ricochet Tacos, Crown Point

Corey Detamore, Brian Van Ryn, and Chief David Crane (Crown Point Fire Department) spoke as the proponents. Mr. Detamore stated that a written approval form from the local fire chief had been uploaded to the variance application, as well as proposal received from all sub-contractors involved in the project. Commissioner Popich voiced his concern that the proponents were looking into the installation of a 13R sprinkler system, as opposed to the 13D system, which the Commission had initially requested. Due to an inadequate water supply, proponent stated that local building officials and the local fire department concluded that the 13R system was not feasible. In response to Commissioner Popich’s concern, proponents said they were under the impression that a 13D system was not permissible in the State of Indiana. While it is true that code does not allow for such a system, Commissioner Popich clarified that, with the Commission’s approval, certain exceptions can be made for mitigation purposes. Commissioner Heinsman recalled that the Commission had also requested a price be obtained for the installation of the 13D system. Proponent stated this simply would not be cost effective and outlined additional measures taken, such as: the installation of pull stations, strobes, and fire extinguishers to ease any concerns coming from the local fire department. Chief Crane reiterated the aforementioned efforts and added that significant improvements to means of egress had been made. Due to their failure to obtain a quote for the 13D system, which was explicitly established in the Commission’s conditions at last month’s meeting, Commissioner Greeson recommended that this variance be tabled. After some brief clarification to make sure that the proponents understood what was expected of them moving forward, Commissioner Greeson motioned to table 20-05-27 (a)(b). Chairman Nicoson made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan		
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

Variance 20-05-57 (a)(b) was **tabled**, with a vote of 9-0. At the end of the meeting, Mr. Van Ryn joined the call to inform the Commission that the owner was convinced to move forward with the project on the condition that the variance be approved with the promise of installing an NFPA13D

sprinkler system. Following the recommendation of Philip Gordon, Deputy Attorney General, Commissioner Greeson motioned to un-table Variance 20-05-57 (a)(b). Commissioner Popich made the second. The motion was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

Chief Crane stated he was in agreeance with the proposed plan and would ensure the owner’s compliance moving forward. Commissioner Pannicke added that he thought it would be necessary to sprinkler the entire building. Lastly, Director Boyle informed Mr. Van Ryn that he would no longer be required to come back to next month’s meeting. Commissioner Greeson motioned to approve 20-05-57 (a)(b), on the condition that an NFPA 13D sprinkler system shall be installed throughout the entirety of the building in accordance with the requirements of NFPA 13D-2010 (per current code). Commissioner Popich made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

Variance 20-05-57 (a)(b) was **approved with conditions**, by a vote of 10-0.
20-05-32 Belle Grange Events, LLC, Mitchell

Melissa Tupper spoke as the proponent. She stated that the incorrect fire official listed on the previous application has now been corrected. Additionally, there are still a few typos in the application because the system tried to charge her each

time she would make a change. Mrs. Tupper stated that additional conditions were set forth by the Town of Mitchell. This includes item two (2), which states that the smoke/heat detection system shall be tied to the fire alarm system with sounders, and item three (3), being that the shunt trip shall connect to the smoke/heat detection system – not the fire alarm system. Commissioner Heinsman also added a condition to include posted load signage at the mezzanine entrance. Director Boyle stated that, because the above conditions are different from those listed on the previous application, the items mentioned by Mrs. Tupper will need to be included as new conditions. Commissioner Heinsman motioned to approve on the condition that: **(1)** per the submitter’s testimony at the Commission’s public meeting on Tuesday, July 7, 2020, a fire alarm system will not be provided throughout the building. The smoke/heat detection system provided throughout the building will be tied to sounders, **(2)** the provided shunt trip will be tied to the smoke/heat detection system so that any music will be turned off when the smoke/heat detection system is activated, and **(3)** the “loft” spaces above the “bride’s room” and “groom’s room” shall not be accessible to the public and shall not be utilized as occupied spaces. The platform light storage live load of fifty (50) pounds per square foot (psf), used in the structural evaluation, is required to be posted in these spaces. Commissioner Corey made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson		
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

Variance 20-05-32 was **approved with conditions**, by a vote of 9-0.

b. New

20-05-54 Flats at 610, Bloomington

Carrie Ballinger spoke as the proponent. The issue at hand was cited during rough-in inspections and proponent stated that it would be to go back and fill the gap with wood blocking. The double top plate of the one-hour rated partitions with double stud construction interrupts the fire-rated ceiling membrane of a one-hour floor-ceiling assembly. The gap ranges from one-and-a-quarter (1 1/4”) to one-and-five-eighths inch (1 5/8”). Requesting variance for gap to be filled with

three (3) inches of compressed mineral wool insulation. Tim Clapp, the Bloomington Fire Marshal, stated that this was a good start, but he would like to see the gap also coated with some fire caulk. Ms. Ballinger stated that would not be possible, as the area has already been drywalled and mudded. Although proponent lacked a written comment form, an email from **Bobby and Jim (not sure of last names)** was sent to Director Boyle, which stated the two did not object to the proposed variance. Per rule, Director Boyle reminded Ms. Ballinger to submit written comment forms in the future. As Mr. Clapp said he would back any decision made by the Commission, Commissioner Pannicke motioned to approve as submitted. Commissioner Corey made the second. It was voted on and carried. Per Commissioner Pannicke's request, the email provided by Ms. Ballinger at the Commission's public meeting should be included in the official record of the variance application.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The variance was **approve as submitted**, by a vote of 10-0.

20-06-76 Tippecanoe Lake Country Club Pool Replacement, Leesburg

Jim Anderson (applicant) and Joe Bishop (designer and submitter) spoke as the proponents. The request is to continue using a six-hour turnover rate for the country club's pool instead of the two-hour turnover rate required by code. The party cites a financial hardship, as upgrading to the required turnover rate would cost the club \$16,000 – only including the equipment, not installation or maintenance expenses. Utilizing the six-hour turnover rate would allow the club to reuse old equipment and result in a savings of \$14,000. Proponent stated the club would perform additional chlorine inspections to make up for the lack of turnover. Commissioner Pannicke proposed a temporary variance spanning the length of two (2) seasons, which would allow the club to raise any needed funds before coming into compliance with the two-hour turnover rate. The owner agreed to those terms. Commissioner Hite motioned to approve on the condition that: **(1)** the variance remain in effect until December 31, 2022 (12/31/2022), at which time the pump and filter must be replaced and compliant to the turnover rate requirements of the code, and **(2)** the applicant must also adhere to any

additional health and testing requirements of the Kosciusko County Health Department. Commissioner Jordan made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich		

The variance was **approved with conditions**, by on a vote of 9-0.

20-06-77 FWA Bonterra, LLC Swimming Pool, Fort Wayne

Melinda Wilson, the agent for the owner, spoke as the proponent. Similar to the previous variance, Ms. Wilson is seeking the ability to utilize a six-hour turnover rate, as opposed to the two-hour turnover rate required by code. This pool includes a tanning ledge where the water is only four to five inches in depth. Each ledge also contains approximately three to four jets apiece, so Ms. Wilson is under the impression that these areas would have a higher turnover rate, but she stated she would have to double check with the pool's constructionist. According to Ms. Wilson, the reason for this request is because the first inspector to review and approve the pool's compliance did not notice the tanning ledges. Based on these circumstances, Commissioner Hite motioned to approve on the condition that: **(1)** the standard tanning ledge chairs/lounges are not permitted to moved or removed from the tanning ledge during in-season use, except for general cleaning of the tanning ledge and the pool, and **(2)** the tanning ledge shall, under no circumstances, be utilized as a wading pool. Commissioner Corey made the second. It was voted on and carried. Commissioner Popich abstained from the vote due to a temporary loss of connection.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	

Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich		

The variance was **approved with conditions**, by on a vote of 9-0.

20-06-78 Murdock Gardens Apartments, Lafayette

Melissa Tupper spoke as the proponent. The request is to permit the standard opening size of 20x30, rather than the 20x40 opening required by code. Ms. Tupper stated that the model code only requires a 20x30 size and that the State of Indiana more than exceeds the typical requirements. The current opening at the apartment complex falls four (4) inches short in length, although the fire department is not opposed to this discrepancy. Commissioner Heinsman was not opposed either but felt that if this provided for a significant expense, the Commission would receive more variances regarding this issue more often. Ralph Gerdes also provided input stating that twelve years ago firemen wearing a suit and air pack typically required a larger opening to fit through the space. Randy Gully, the local fire official, seconded this sentiment but stated that he did not have an issue with the variance's approval, so long as the local fire department approved. Commissioner Pannicke motioned to approve. Commissioner Greeson made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan		
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The variance was **approved as submitted**, with a vote of 9-0.

Breaking and Reconvening: The Commission broke for lunch at 12:08 p.m. The meeting was called back to order at 12:41 p.m.

20-06-81 (a)(b)(c)(d)(e)(f)(g)(h)(i) Riverfront Promenade, Fort Wayne

Ed Rensink and Jim Murua (Fort Wayne Fire Department) spoke as the proponents. Variances (a) and (b) both concern podium requirements. Code permits a building to have one podium level. The request dealing with (a) is to allow for a four-level podium. In addition, the Type IA podium structure is required to be assembled horizontally to the Type IIA adjoining structure. The request of (b) is to allow for a portion of the wall to be vertically assembled., which will be supported by a three-hour fire rated construction. Variance (c) is to allow the elevator in the dormitory to not have hoist way venting, as the 2015 International Building Code no longer requires venting of elevators. Variance (d) requests that the swimming pool omit the use of a lifeguard and first aid kit, as residents will swim at their own risk. Variance (e) requests that required two-way communication at each floor's elevator landing be omitted, as cell phones could be used in lieu of this communication system. Variance (f) requests that the water service equipment and fire pump be located in the same room, as opposed to in separate areas. Variance (g) requests that only five (5) feet of separation be between the kitchen air intake and the oven, though code mandates ten (10) feet of separation. Variance (h) requests that a four-foot-high fence be placed around the pool in lieu of a six-foot-high fence. Variance (i) requests that required items, such as: dressing rooms, sanitation facilities, and drinking fountains be omitted from the swimming pool area. Commissioner Pannicke motioned to approve the variances (a), (b), (c), (e), (f), (g), (h) and (i) **as submitted**, and approve variance (d) **with the additional condition that a first aid kit is required to be provided in the pool club house**. Commissioner Heinsman made the second. It was voted on and carried.

	(a), (b), (c), (d), (e), (f), (g), (i)		(h)	
	Y	N	Y	N
Michael Corey	X		X	
Greg Furnish	X		X	
Jim Greeson	X		X	
Joe Heinsman	X		X	
David Henson	X		X	
Todd Hite	X		X	
Wes Jordan	X		X	
Robin Nicoson	X		X	
Scott Pannicke	X		X	
Michael Popich	X			X

Variances (a), (b), (c), (d), (e), (f), (g), and (i) **were approved**, with a vote of 10-0, and variance (h) **was approved**, with a vote of 9-1.

20-06-80 (a)(b)(c)(d)(e)(f)(g) New Castle Middle School Addition and Renovation, New Castle

David Cook and Laura Blankenburg spoke as the proponents. This project involves a school remodeling of the 1970s New Castle middle school building. An addition will be added onto the current gymnasium, which is located on the left-hand side of the floor plan. Besides the auditorium, everything else is being completely gutted. A two-hour fire wall separates the three-story building from the single-story gymnasium and auditorium. Additionally, sprinklers will cover eighty-five percent (85%) of the single-story space and one hundred percent (100%) of the three-story space by 2022. The request of variance (a) is to not rate the newly constructed corridors. The request of variance (b) is to allow the travel distance to be two hundred sixty (260) feet – ten (10) feet short of the required exit distance. The request of variance (c) is to allow a new 7,800 sq. ft. auxiliary gym/vestibule addition, which puts the building into noncompliance for allowable area. The request of variance (d) is to allow close spaced sprinklers to be used in lieu of ninety (90) minutes openings, so that the additional openings can be used as a natural light source for the art room. The request of variance (e) is to allow two new shafts to be of unprotective steel, as opposed to the required one-hour fire rating, which will affect a total of eight (8) column locations. The request of variance (f) is to allow the manual fire alarm boxes to be omitted, due to the presence of an automatic sprinkler system. The request of variance (g) is to allow two-way communication to be omitted from the elevator landing of each floor, as cell phones can be used in lieu of this. Mr. Cook advised the Commission that the request for variance (g) was **withdrawn**. Commissioner Heinsman motioned to approve variances (a), (b), (c), (d), (e), and (f), as submitted. Commissioner Corey made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

Variances (a), (b), (c), (d), (e), and (f) **were approved as submitted**, by a vote of 10-0.

20-06-81 Evergreen Village at Fort Wayne, Fort Wayne

This variance was **withdrawn** by the submitter. No further action was necessary.

20-06-82 Bolt & Tie, Clarksville

Ed Rensink and Shelly Wakefield, representing the Town of Clarksville, spoke as the proponents. The variance application was prepared with the help of the architect and cites issues related to sections 707.5 and 701.4 Upon inspection, the design engineer determined that it would be necessary to include an expansion joint, due to the natural movement of the land under the building over time. Per these findings, this variance requests that construction utilizes UL 2079 tested wood framing. Commissioner Heinsman motioned to approve, on the condition that all special inspection documentation completed, per the requirements of the model code (2012 International Building Code), is required to be provided to the local authorities having jurisdiction (LBO and LFO) of the Town of Clarksville, Indiana. Commissioner Jordan made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The variance was **approved with conditions**, by on a vote of 10-0.

9. Petitions for Administrative Review

a. Granted as Timely and with Standing

i. Variance No. 20-05-33 – Torsion Group Corp Building Expansion

Director Boyle informed the Commission that this petition was processed before the July 1, 2020 statutory deadline. As such, it was forwarded to ALJ Chelsea E. Smith for review.

10. Commission Review and Action on Non-Final Orders/Non-Final Orders of Dismissals

a. Non-Final Orders

i. IDHS Civil Penalty Order No. BU29193-12032019 – Gattitown

Director Boyle stated that, per statutory requirements, both parties had until July 6, 2020 to submit objections to the Commission. Because the Petitioner’s objection was submitted within this timeframe, he recommended that the Commission consider the Petitioner’s objection, and refrain from taking any substantive action on the ALJ’s Non-Final Order at this meeting. Philip Gordon, Deputy Attorney General and Legal Counsel to the Commission, said this course of action would be permissible, and recommended that the Commission take a formal vote to table the ALJ’s Non-Final Order at this time. Additionally, the Respondent can submit a response, which will be forward to the Commission if one is received before next month’s meeting. Commissioner Pannicke motioned to **table**. Commissioner Popich made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The ALJ’s Non-Final Order was **tabled**, with a vote of 10-0.

11. Commission Review of Local Ordinances

a. Adopted

- i. Ordinance No. 02032020 - Building Code of Fulton County, Indiana – ***received by IDHS commission staff via electronic mail on Wednesday, May 13, 2020, and tabled by the Commission at 6/4/2020 meeting.***
- ii. Ordinance No. 2020-02 – Building Code of the Town of Fulton, Indiana – ***received by IDHS commission staff via electronic mail on Wednesday, May 13, 2020, and tabled by the Commission at 6/4/2020 meeting.***

Justin Guedel, IDHS Deputy General Counsel, said that IDHS staff reviewed previous versions of the county’s and town’s ordinance unadopted drafts, but there were some outstanding issues within sections four (4) and ten (10). Because of this discrepancy, he recommended that the Commission table these ordinances at this time, especially because these sections were not included in

the pre-adoption copies. Commissioner Heinsman motioned to table. Commissioner Corey made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish		
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

Ordinance No. 02032020 and Ordinance No. 2020-02 were **tabled**, with a vote of 9-0.

- iii. Ordinance No. 2019-25 – Fire Prevention Code of the City of Greenfield, Indiana – ***received by Commission via electronic mail on Wednesday, May 27, 2020.***

Director Boyle informed the Commission that this ordinance was submitted days before the June meeting, but did not meet the statutory requirements to be placed on the Commission’s June meeting agenda. Director Boyle still suggested that the Commission allow staff additional time to review this extensive ordinance. Commissioner Corey motioned to table. Commissioner Jordan made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The ordinance was **tabled**, with a vote of 10-0.

- iv. Ordinance No. 2020-OR-05 – Property Maintenance Code of the City of Charlestown, Indiana – **received by Commission via electronic mail on Wednesday, May 27, 2020.**

Justin Guedel, IDHS Deputy General Counsel, stated that he identified several legal issues regarding this ordinance, which have been passed along to the Charlestown city attorney for further consideration. Additionally, Mr. Guedel and Director Boyle again advised the Commission that it will be difficult to fully review this ordinance for compliance with all of the Commission’s rules, both current and past versions, due to the ordinance’s scope and applicability to “**all existing residential and nonresidential structures...**”. Mr. Guedel and Director Boyle requested the Commission table the ordinance at this time, so that staff may be able to work with the City of Charlestown in identifying a solution. Commissioner Heinsman motioned to table. Commissioner Jordan made the second. It was voted on and carried.

	Yes	No
Michael Corey	X	
Greg Furnish	X	
Jim Greeson	X	
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

The ordinance was **tabled**, with a vote of 10-0.

12. Final Comments/Closing Remarks from Chairman Nicoson

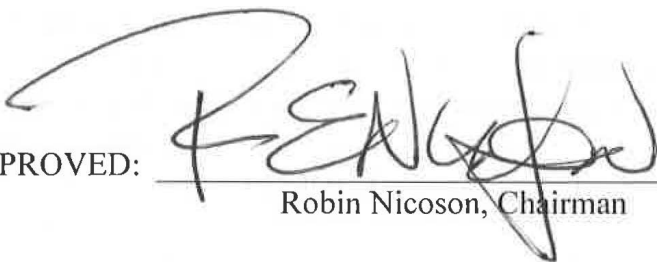
Commissioner Corey encouraged the Commission to read the letter submitted by the National Elevator Industry, Inc. (NEII), and apologized for not being able to attend the past few meetings due to his job. Chairman Nicoson thanked the members for their time and wished them a good afternoon.

13. Next Meeting – Tentatively scheduled for Tuesday, August 4, 2020, beginning at 9:00 a.m. 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 (<http://www.in.gov/dhs/2375.htm>) in advance of the meeting date.

14. Adjournment

The meeting was adjourned at 2:28 p.m.

APPROVED: 
Robin Nicoson, Chairman