

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

COMMISSION MEETING MINUTES

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

Tuesday, May 4, 2021

APPROVED AS AMENDED AT 6/2/2021 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 James Greeson at 9:00 a.m. EDT on Tuesday, May 4, 2021. The meeting was conducted electronically by videoconference and teleconference call through Webex.

- a. Commissioners present at the meeting:

Michael Corey
Harold Davidson, representing the Commissioner, Indiana Department of Labor
Gregory Furnish
James Greeson, Chairman
Joseph Heinsman
David Henson
Todd Hite, representing the Commissioner, Indiana State Department of Health
James (Wes) Jordan
James Murua
Scott Pannicke
Michael Popich, Vice Chairman

- b. Commissioners absent from the meeting:

None

- c. 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
Justin Guedel, IDHS Deputy General Counsel
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
 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 noting that quorum was met with all eleven (11) members in attendance at the beginning of the meeting.

3. Commission Review and Action on Meeting Minutes

a. Tuesday, April 6, 2021

Director Boyle called for corrections to the Commission's Tuesday, April 6, 2021 meeting minutes. Chairman Greeson identified one editorial error involving the deletion of one sentence under Item #4, b, which was not related to the contents of that section. Seeing as there were no additional concerns, Commissioner Pannicke motioned to approve the minutes, as amended, with one (1) noted correction. Commissioner Hite made the second. It was voted on and carried. Vice Chairman Popich abstained from the vote because he did not have time to review the meeting minutes.

	Y	N
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input type="checkbox"/>

The Tuesday, April 6, 2021 meeting minutes were **approved as amended**, by 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

Director Boyle advised the Commission that Governor Holcomb issued Executive Order 21-11 on April 29, 2021, extending the State of Indiana's declaration of a public health disaster emergency, and the preceding executive orders tied to it, through May 31, 2021. Director Boyle also advised that the Indiana General Assembly's 2021 Legislative Session ended on Thursday April 22, 2021. Staff intends to develop of comprehensive report for the Commission by its next meeting, summarizing the legislation approved by the legislature and signed into law by the governor that by either directly or indirectly affect the Commission and its business. Director Boyle advised that, of the legislation that has already been signed into law, HEA 1437 permanently modifies the Indiana Open Door Law to permit electronic means of communication in the setting of a public meeting, with certain guard rails and requirements. Director Boyle and Justin Guedel, IDHS Deputy General Counsel, advised the Commission that they will have more specific information regarding HEA 1437 at the Commission's next meeting and advise how it may impact the conduct of the Commission's meetings going forward.

- b. State Building Commissioner's Report – Craig Burgess, State Building Commissioner
 - i. Written Interpretation No. CEB-2021-03-2014 IBC-1029.1
 - ii. Written Interpretation No. CEB-2021-04-2009 IEC-422.31(B)
 - iii. Written Interpretation No. CEB-2021-05-2014 IBC-202

State Building Commissioner Craig Burgess advised the Commissioner that the four above-listed written interpretations were published to the Indiana Register since the Commission's last meeting. Commissioner Burgess went through each written interpretation in detail. The members of the Commission did not have any questions for Commissioner Burgess. Director Boyle and the members of the Commission thanked Commissioner Burgess for his thorough interpretations. Director Boyle remained those present that copies of all of the official written interpretations may be found on the "Non-Rule Policy Documents/Interpretations of the Commission's Rules" webpage: <https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building-safety-commission/non-rule-policy-documentsinterpretations-of-the-commissions-rules/>.

- c. IDHS Variance Determinations Report

Director Boyle advised the Commission that this month's IDHS Variance Determinations Report, containing the variance orders issued by IDHS between April 2, 2021 and April 28, 2021, was provided with the Commission's meeting material documents. He stated that staff continues to make improvements to the

report and is hopeful that the report will transition into an automated report in the near future.

5. Rulemaking Update(s)

a. Indiana Elevator Code Committee Meeting

- i. Next Meeting: Wednesday, May 19, 2021 beginning at 9:00 a.m. EDT, in-person or Webex electronic meeting details TBA

Public notice and meeting access details will be provided on the Committee's web page (<https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building-safety-commission/indiana-elevator-code-committee/>) in advance of the meeting.

Director Boyle advised that the Committee met on April 20, 2021 and continued to make progress on the proposed rule. Based on the extension of the public health emergency, the Committee plans to meet electronically in June for what Director Boyle anticipates will allow for the completion of the proposed rule, as well as any final revisions to ASME A-17.1. The Committee's main webpage will soon be updated to reflect the Webex meeting details. Chairman Corey thanked Director Boyle for his support with this important rulemaking effort.

b. Indiana Code Update Exploratory Committee

- i. Next Meeting: Thursday, June 10, 2021 beginning at 9:00 a.m. EDT, in-person or Webex meeting details TBA.

Public notice and meeting access details will be provided on the Committee's web page (<https://www.in.gov/dhs/boards-and-commissions/fire-prevention-and-building-safety-commission/indiana-exploratory-committee-for-code-updates/>) in advance of the meeting.

Director Boyle stated that the Committee spent the majority of its two-hour meeting discussing the general state of various rules. The Committee essentially concluded that it would be wise to accept public comments from stakeholders, code consultants, and other constituents regarding conflicts in the code that must be addressed. No official action will be taken, but this will provide direction for the Committee as it attempts to prioritize certain codes. Vice Chairman Popich added that amendments to the code, which would eliminate the need for future variances, would be greatly beneficial in attempting to simplify the process as a whole. Public comments will be accepted up until 4:30 p.m. EDT on Friday, May 21, 2021 to allow members of the Committee ample time to review recommendations before the start of the next meeting. Director Boyle stated that more information regarding these plans will soon be posted to the Committee's main webpage in the coming week.

c. Status Update on the Commission’s Proposed Final Rules

- i. Variances Rule (LSA Document #20-626)
- ii. Indiana Boiler and Pressure Vessel Rules (LSA Document #20-627)

Director Boyle advised that the Commission that Governor Holcomb had approved the Commission’s proposed final rules, and the Governor’s Office subsequently submitted them to the Legislative Services Agency (LSA) for publishing to the Indiana Register. The Publisher’s Receipts for both rules were provided with the Commission’s meeting materials. Per the effective dates provide in the rules, Director Boyle advised that both rules will become effective and enforceable on July 1, 2021.

d. Commission Action on 2021 Rule Readoptions – Justin Guedel, IDHS Deputy General Counsel – **See Notice of Intent to Readopt**

- i. 675 IAC 17-1.8 – Indiana Electrical Code, 2009 Edition

Justin Guedel advised that staff recommends readoption of the 2009 Indiana Electrical Code. Director Boyle informed the Committee that staff is aware of the age of this code, and it will likely be placed on the top of the Exploratory Committee’s agenda, in terms of codes that should be reviewed first. Additional action regarding this rule will be put forth at the Wednesday, July 7, 2021 meeting. Vice Chairman Popich motioned for Commission staff to file the Notice of Intent to Readopt 675 IAC 17-18 – Indiana Electrical Code, 2009 Edition. Commissioner Davidson seconded the motion. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The motion for Commission staff Commission staff to file the Notice of Intent to Readopt 675 IAC 17-18 – Indiana Electrical Code, 2009 Edition, carried with a vote of 10-0.

6. COVID-19 Public Health Emergency Rule Modification Notifications

- a. University of Notre Dame - 675 IAC 12-4-11(b) Modification Notification for COVID-19 Response - Compton Family Ice Arena Vaccine Clinic, 55000 Holy Cross Drive, Notre Dame, IN, 46556

Director Boyle explained that Chief Harrison, of the University of Notre Dame Fire Department, contacted Commission staff on Monday, April 12, 2021, notifying of the University’s intent to utilize the hockey arena as an additional vaccination site for students, staff, and faculty.

7. Request for Imposition of Sanctions on a Previously Issued Variance Pursuant to Section 11 of the Commission’s Emergency Rule [LSA Document #19-333(E)]

- a. Variance No. 16-03-61 – Garvin Industrial Park, 1511 Read Street, Evansville, IN 47710 – **received by Commission staff via electronic mail on Tuesday, March 23, 2021.**

Director Boyle advised the Commission that Chief Fire Marshal Greg Main, of the Evansville Fire Department, contacted staff on Friday, April 30, 2021 and requested that the hearing on his request to impose sanction(s) on Variance No. 16-03-61 be postponed until next month’s meeting, as the business is currently working to provide updated storage plans. Commissioner Heinsman motioned to table. Commissioner Corey made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The request to impose sanction(s) on Variance No. 16-03-61 was **tabled**, with a vote of 11-0.

8. Commission Action on Locally Approved Variance(s) Pursuant to Indiana Code § 22-13-2-7(b)

a. Varsity Lofts, 1515 N. Pennsylvania Street, Indianapolis, IN 46202

Vice Chairman Popich motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The variance was **approved as submitted**, with a vote of 10-0.

9. Variances

a. Tabled

20-12-77 New Beginnings Child Care, Crawfordsville

Steve Wilke, submitter of the variance application and Associate Pastor and Advisory Board Member for New Beginnings Child Care, emailed Director Boyle the night before the meeting and requested that the variance request be tabled once more, until the Commission’s scheduled Wednesday, June 2, 2021 meeting, while the additional information and plans regarding installing additional doors, stoops, and sidewalks for easier and safer egress are finalized. Commissioner Corey motioned to table. Commissioner Heinsman made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-02-27 Lowe's Home Improvement, Columbus

Director Boyle stated that the applicant/submitter asked that his variance request be tabled an additional month while he continues working on obtaining the additional sprinkler information needed by the Commission. Commissioner Furnish motioned to table. Commissioner Hite made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-03-29 318 Iowa, Indianapolis

Nicholas Krudy spoke as the proponent. Mr. Krudy first proposed the use of intumescent paint in lieu of installing a fire wall. After some discussion, Commissioner Pannicke motioned to approve without the use of this paint on the condition(s) that: in order to retain the egress windows on east elevation of the structure, an NFPA 13D sprinkler system, compliant to the 2020 Indiana Residential Code, is required to be installed throughout the structure. If the egress windows on the east elevation of the structure are not retained, then the east elevation of the structure must be completely constructed with a one-hour-rated

fire wall, per code. Commissioner Heinsman made the second. It was voted on and carried. Vice Chairman Popich recused himself from the discussion and vote.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input type="checkbox"/>

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

Breaking & Reconvening: The Commission took a short break, beginning at 10:50 a.m. EDT. Director Boyle reconvened the meeting at 11:00 a.m. EDT.

21-03-35 Bodenbender Barn Rescue, Salem

No proponent was present to speak. As such, Commissioner Hite motioned to table. Vice Chairman Popich made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-03-37 Barn at Tulip Trestle, Bloomfield

Roger Lehman spoke as the proponent. After some discussion, Commissioner Heinsman motioned to approve, based on additional information provided by the applicant. Commissioner Jordan made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input type="checkbox"/>

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

b. New

21-04-18 LaPorte Medical Office Building, LaPorte

Charles Keslin spoke as the proponent. The project involves the addition of a medical office building to the existing LaPorte hospital. The request is to allow the Design Category for non-structural components that are permanently attached to structures and their supporting attachments to be based solely on determination of Short Period (0.2 seconds) Response Accelerations. Commissioner Hite motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-04-19 Mount Comfort South – Building A, Greenfield

Carl Pebworth and Brad Leimer spoke as the proponents. The request is to allow 1/8" inch per foot slope in lieu of code-required 1/4" per foot. The 1/8" slope is a tried and true system that has been utilized on many projects throughout the state of Indiana and across the country. There are no adverse public health, safety or welfare issues with this design, and Hancock County has approved of these plans. Commissioner Jordan was satisfied in noting that between column lines A-C and K-M, slope appeared to exceed 1/4" but was skeptical about the stated cost-savings, given that extra materials would be needed. Mr. Leimer advised that the material pricing, including pre-cast walling and steel, had already been locked in; thus, renegotiating this could potentially cost several million more dollars. As the request and structural elements of both projects were identical, Commissioner Jordan motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Variance 21-04-19 and 21-04-20 were **approved as submitted**, with a vote of 10-1.

21-04-20 Mount Comfort South – Building B, Greenfield

The variance was **approved as submitted**, with a vote of 10-1. See the above discussion.

21-04-21 Trailyard Café, Valparaiso

Noah Cahan spoke as the proponent. The business is seeking a reduction in the sprinkler run time duration from 60-90 minutes to twenty (20) minutes, in order to accommodate a smaller storage tank. The site only has well water, but in 3-5 years the water line will be connected to municipal water, which will bring the sprinkler into compliance. The café is approximately 3.5 miles from two separate fire departments, and the fire chief believed that a reasonable response time would be 7-8 minutes. The Fire Department will also be responsible for enforcing fire safety evacuation protocols. Commissioner Murua motioned to approve on the condition(s) that: 1) fire safety training and evacuation drills are required to be conducted on a monthly basis, as opposed to the code-required quarterly basis, and 2) this variance shall expire on September 30, 2024 (9/30/2024). Commissioner Pannicke made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Breaking & Reconvening: The Commission took a lunch break, beginning at 12:00 p.m. EDT. Director Boyle called the meeting back to order at 12:35 p.m. EDT.

21-04-22 Everdry, Indianapolis

Melissa Tupper spoke as the proponent. The code requires building or portion of a building that is required to be accessible, to have an accessible route to each portion of the building. The request is to allow the elevated loading dock and storage areas to not be connected to the remainder of the first floor with an accessible route. Proponent states the loading dock is four (4) feet above the first floor, so trucks can back into the building and unload inside the building for weather protection. Per the proponent, the area is not open to the public and employees working in the area must be able-bodied. Commissioner Davidson had concerns over the lack of a protective barrier at the ledge of the loading dock, but Shelly Wakefield, Jacobi Toombs & Lanz, informed him that there is an exception in the building code that allows for this. With that, Commissioner

Heinsman motioned to approve. Commissioner Furnish made the second. Vice Chairman Popich recused himself from the vote.

	Y	N
Michael Corey	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Harold Davidson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input type="checkbox"/>

The motion to approve as submitted failed, with a vote of 5-5, as it did not achieve a majority vote in the affirmative. A subsequent motion to table was made by Commissioner Heinsman and seconded by Chairman Greeson, to allow the applicant an opportunity to acquire additional information and/or propose alternative solutions. Vice Chairman Popich recused himself from the vote.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input type="checkbox"/>

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

21-04-23 (a)(b) Wilson St. Pierre Funeral Home Casket Lift, Avon

Carrie Ballinger spoke as the proponent. The funeral home would like to replace its current lift with one with a slightly larger surface area capable of moving larger caskets. The request is that the total allowable surface area be increased from

eighteen (18) square feet to twenty-one (21) square feet. Additionally, the maximum load will be increased to 1,400lb exceeding the current 750lb capacity. Commissioner Corey was worried about increasing the maximum capacity load, as there was a fatality involving a vertical platform lift last week. He further clarified that hydraulics, roping system, and safety factors are all much less rigorous than that of those included in elevator shafts making this even more dangerous. Director Boyle added that material lifts also would not be suitable due to the code prohibiting those from being occupied, which would need to occur during loading and unloading of the casket. With that, Commissioner Corey motioned to deny both variances. Commissioner Pannicke made the second. It was voted on and carried.

	(a)		(b)	
	Y	N	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<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"/>
Jim Murua	<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 denied, with a vote of 11-0.

21-04-24 Henry County Sheriff's Office & Detention Center, New Castle

Dennis Bradshaw and Tony Vie spoke as the proponents. The request is to allow security glazing to exceed the 1,296 square inches allowed by code within sidelights and above the door separating a corridor from the book-in area and housing core. Because this is a jail, there is a need to provide visibility for the staff to all areas between the book-in area and the housing core. Additional close-space sprinklers will be provided, and the corridor is monitored by staff twenty-four (24) hours a day. Commissioner Heinsman motioned to approve. Commissioner Murua made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

21-04-25 Tecumseh Renovation, Indianapolis

Melissa Tupper and Jamila Martin spoke as the proponents. After some discussion, Ms. Tupper informed of their intent to **withdraw** the variance. No additional action was necessary.

21-04-26 Stutz Building – Building F Conversion, Indianapolis

Ed Rensink and Jeremy Welu spoke as the proponents. The current project will provide an updated museum space for historic automobiles associated with the building’s historic past. The variance request is to permit the evaluation of Building F only, though not separated from the remainder of the Stutz Building complex of buildings with a fire wall, which is required in order for this section of the building to be evaluated under Chapter 34. The facility is made up of a series of interconnected buildings – labeled A-G – separated by a one-story connector made of noncombustible materials and sprinkler protection, which adjoins parts of every building except Building A. After some discussion, Commissioner Jordan motioned to approve. Commissioner Davidson made the second. It was voted on and carried. Chairman Greeson and Commissioner Heinsman recused themselves from the vote.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The variance was **approved as submitted** by a vote of 9-0.

21-04-29 New Bridge Apartments, Indianapolis

Ed Rensink, on behalf of Tim Callas, spoke as the proponent. In order to acquire some additional information related to the current fire alarm system, Mr. Rensink requested that the variance be tabled. Vice Chairman Popich motioned to table. Commissioner Hite made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

10. Petitions for Administrative Review

a. Informally Resolved/Withdrawn Prior to Initiation of Administrative Review Proceedings

- i. IDHS Notice of Violations Order No. 1A9E-5B9F, Violation No. 4 - Bedford Middle School

Director Boyle advised the Commission that the Petitioner had agreed to withdraw her petition for administrative review after the Indiana Department of Homeland Security (IDHS) (the Respondent) removed the violation citation that was the basis for the petition for administrative review. No additional action needed to be taken by the Commission and staff, and Director Boyle advised the Commission that staff did not submit the petition for administrative review to the Office of Administrative Law Proceedings (OALP).

b. Commission Determination

i. IDHS Sanctions Order No. 1851-2062 – Fairbridge Inn Express

Chairman Greeson motioned to grant the petition for administrative review. Vice Chairman Popich made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Davidson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Furnish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Greeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Heinsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Hite	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wes Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The petition was **granted**, with a vote of 11-0.

Breaking & Reconvening: The Commission took a short break, beginning at 2:17 p.m. EDT. Director Boyle called the meeting back to order at 2:31 p.m. EDT.

11. Final Orders/Final Orders of Dismissal Issued by the ALJ – ***for the Commission’s awareness only***

- a. IDHS Sanctions Order No. 589-792 - Madison Consolidated High School (Cause No. DHS-0321-000773)
- b. IDHS Sanctions Order No. 1595-1801 - Lydia Middleton Elementary School (Cause No. DHS-0321-000774)
- c. IDHS Sanctions Order No. 1596-1802 - Anderson Elementary School (Cause No. DHS-0321-000800)

Director Boyle advised the Commission that all three of the above-listed Final Orders of Dismissal were issued by the ALJ to the same Petitioner and Respondent, since the sanction orders were issued by the Respondent to schools within the same school corporation. Per the ALJ’s Final Order of Dismissal, the parties agreed to stipulated dismissal of the administrative review cases. Per the parties’ Agreed Order and Stipulation of Dismissal, the Respondent agreed to reduce the sanction amount from \$1,250 to \$250 total. The Petitioner agreed to pay this fine, and all sanctions for each facility will remain open until the \$250 sanction has been satisfied. In accordance with the

MOU between the Commission's and the Office of Administrative Law Proceedings (OALP), no additional action was required by the Commission.

12. Commission Review of Local Ordinances

- a. Preliminary (Pre-Adoption) Review – ***see report provided in meeting materials***
 - i. Fire Prevention Ordinance of the City of Muncie, Indiana – ***received by Commission staff via electronic mail on Wednesday, April 7, 2021.***
 - ii. Fire Prevention Ordinance of the City of Martinsville, Indiana (Version 3) – ***received by Commission staff via electronic mail on Wednesday, April 28, 2021.***

Director Boyle advised the Commission that staff had received the two above-listed fire prevention ordinance drafts, submitted for preliminary review, since the Commission's last meeting, and staff will review the drafts and provide comments to the representatives of the jurisdictions. Director Boyle also advised that the "Preliminary Review Ordinances Report," provided in the meeting materials, was updated to reflect receipt of these ordinance drafts as well as the current statuses of staff's other ordinance reviews.

13. Final Comments/Closing Remarks from Chairman Greeson

Chairman Greeson asked the members of the Commission if they had any other questions, concerns, or comments to bring forward before the adjournment of the meeting. Hearing none, Chairman Greeson thanked everyone for a great meeting and expressed his pleasure regarding the more efficient pace of the meeting; finishing the day's business before 3:00 p.m. Chairman Greeson also expressed that he is looking forward to an in-person meeting, at least in a limited capacity. Director Boyle advised the Commission that he will try to provide more specific information regarding how the both in-person and electronic meeting will work closer to the Commission's meeting date.

14. Next Meeting – Tentatively scheduled for Wednesday, June 2, 2021, beginning at 9:00 a.m. Eastern Time 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.

15. Adjournment

Chairman Greeson adjourned the meeting at 2:42 p.m. EDT.

APPROVED: 
James L. Greeson, Chairman