

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

COMMISSION MEETING MINUTES

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

Tuesday, February 2, 2021

APPROVED AS AMENDED AT 3/2/2021 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. EST on Tuesday, February 2, 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) 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
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 achieved, with eight (8) commissioners present at the beginning of the meeting. Commissioner Davidson, Commissioner Hite, and Commissioner Jordan were recorded as being present upon resolving computer issues, bringing the total number of commissioners in attendance to eleven (11).

3. Commission Review and Action on Meeting Minutes

a. Tuesday, January 5, 2021

Director Boyle called for any amendments/corrections and/or additions to the Commission’s Tuesday, January 5, 2021 meeting minutes. Vice Chairman Popich provided the following corrections: first, Variance 20-09-38 showed a total of eight (8) votes marked in the table while only seven (7) were recorded, and it was subsequently confirmed that Commissioner Furnish had been accidentally included in the vote. Second, Variance 20-12-99 stated an incorrect travel distance of one hundred and four (104) feet, as opposed to the one hundred and forty-four (144) feet stated in the variance application. Third, “one-fourth (1/4) hour rating” need to be corrected to “three-fourths (3/4) hour rating” in the notes regarding Variance 20-12-99(d). Finally, Variance 21-01-06 stated that the motion to approve the variance with condition(s) passed 10-0, but the provided table of the roll call vote failed to note that Commissioner Berry voted “Yes.” As there were no further concerns from any of the other commissioners, Vice Chairman Popich motioned to approve the meeting minutes with the noted amendments. 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 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 type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Tuesday, January 5, 2021 meeting minutes were **approved as amended**, with a vote of 7-0. Commissioner Davidson and Commissioner Murua abstained from the vote, as they had not yet been appointed as members of the Commission as of the Commission's Tuesday, January 5, 2021 meeting.

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 that Governor Holcomb issued Executive Order No. 21-03, extending the State of Indiana declaration of a public health emergency disaster through March 1, 2021. Director Boyle reiterated his comments from previous meetings, stating that he does not expect anything will change within the next few months regarding the current modifications to the Indiana Open Door Law for conducting public meetings, especially given the fact that the Indiana General Assembly is utilizing the meeting spaces of the Indiana Government Center South Conference Center for the 2021 Legislative Session. Legal Counsel, Philip Gordon, affirmed Director Boyle's comments.

- b. Governor Holcomb's Appointment of James L. Greeson as the Commission's Chair – ***pursuant to IC 22-12-2-5(a)***

Director Boyle advised that Governor Holcomb had recently appointed Chairman Greeson to serve as the new chair of the Commission, following Former Chairman Robin Nicoson's resignation. Chairman Greeson provided a brief statement and thanked Governor Holcomb for appointing him as the Commission's chair.

- c. Introduction of the Newest Members of the Fire Prevention and Building Safety Commission

- i. Harold Davidson, Indiana Department of Labor Commissioner's Designee

Director Boyle informed the Commission that Harold Davidson had recently been appointed as the designee for Indiana Department of Labor Commissioner Joe Hoage – replacing Commissioner Jameson Berry, who had to step down from the role to focus on other important business and projects for the Indiana Department of Labor. Commissioner Davidson briefly introduced himself and explain his role at the Indiana Department of Labor. Chairman Greeson and Director Boyle thanked Commissioner Davidson for his willingness to serve on the Commission.

- ii. James P. Murua, Assistant Chief and Fire Marshal, Fort Wayne Fire Department

Director Boyle also introduced James (Jim) Murua as Governor Holcomb's newly appointed member of the Commission, in replacement of Robin Nicoson. Commissioner Murua serves as the assistant chief and fire marshal for the Fort Wayne Fire Department. Commissioner Murua also provided a brief statement and thanked Governor Holcomb for appointing him to the Commission. Chairman Greeson and Director Boyle thanked Commissioner Murua for his willingness to serve on the Commission.

d. State Building Commissioner's Report – Craig Burgess, State Building Commissioner

i. Written Interpretation No. CEB-2020-40-2014 IBC-2902.2

Indiana State Building Commissioner Craig Burgess briefly summarized and explained the official written interpretation referenced above.

5. Rulemaking Update(s)

a. Indiana Elevator Code Committee Meeting

i. Next Meeting: Tuesday, February 16, 2021 beginning at 9:00 a.m. EST, Webex Electronic Meeting

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.

Director Boyle advised the Commission that the Indiana Elevator Code Committee is still working through its review of ASME A17.3-2017, and will meet again on Tuesday, February 16, 2021 via Webex. Commissioner Corey also encouraged stakeholders and the public to attend the Committee's meetings and participate in the code development discussions before the new code becomes a final rule of the Commission.

b. Commission's Exploratory Committee for Code Updates

i. First Meeting: Thursday, February 11, 2021 beginning at 9:00 a.m. EST, Webex Electronic Meeting

Director Boyle stated that the Exploratory Committee for Code Update's first meeting will primarily be an orientation meeting and set the foundation for developing a plan moving forward. Vice Chairman Popich, who will serve as the Committee's chairman, said he was looking forward to getting started.

c. Status Update on the Indiana Boiler and Pressure Vessel Rules Proposed Rule – ***see latest rulemaking documents/docket provided with meeting materials.***

d. Status Update on the Variances Proposed Rule – ***see latest rulemaking***

documents/docket provided with meetings materials.

Director Boyle informed the Commission that the Commission's proposed rules were officially published to the Indiana Register on Wednesday, January 27, 2021. The Commission's Notices of Public Hearing for these proposed rules were also published to the Indiana Register on Wednesday, January 27, 2021. The public hearings will take place via Webex on Wednesday, February 24, 2021 at 9:00 a.m. EST for the Variances Proposed Rule (LSA Document #20-626) and 2:00 p.m. EST for the Indiana Boiler and Pressure Vessels Rules Proposed Rule (LSA Document #20-627), respectively.

To try and provide as much structure and order as possible for these hearings, Director Boyle advised that any interested individuals should contact the Commission's staff at buildingcommission@dhs.in.gov if they wish to be added to the list(s) of those interested in presenting oral comments at the public hearings. Anyone individual who does not sign up in advance will still be afforded the opportunity to speak during the public hearing(s). Director Boyle also stated that all are welcome and encouraged to submit written comments to the Commission's staff at buildingcommission@dhs.in.gov, and, as provided in the Commission's rulemaking dockets, public comments will be accepted until the close of business on Wednesday, February 24, 2021. Justin Guedel, IDHS Deputy General Counsel, reminded the Commission that it is on a tight schedule to finalize and complete the rulemaking process for these rules before the current emergency rules expire on July 1, 2021, and the Commission will likely need to be prepared to adopt the proposed rules as the Commission's final rules at the next scheduled meeting on Tuesday, March 2, 2021.

6. COVID-19 Public Health Emergency Rule Modification Notifications

- a. University of Notre Dame Joyce Athletic and Convocation Center COVID-19 Testing Site - Changes to Phase 1 from October 2020 – 18801 Moose Krause South, Notre Dame, IN, 46556

Director Boyle briefly explained the University of Notre Dame's revision to its utilization of this rule modification, submitted by Notre Dame Fire Chief Bruce Harrison. Notre Dame originally notified the Commission of its utilization of this modification back in October 2020.

7. Variances

- a. Tabled

20-09-38 185 Madison Ave, Peru

Kim Hyten explained that he spoke to the owner, Jerry McClure, who informed him that Christina Collester would be speaking on his behalf. Ms. Collester requested that the variance be tabled for an additional month to allow for her to

develop an adequate approach. Commissioner Hite 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 variance was **tabled**, with a vote of 11-0.

20-12-77 New Beginnings Child Care, Crawfordsville

Steve Wilke spoke as the proponent. After some discussion, the commissioners asked that a cost estimate to add escape windows and code-compliant doors be obtained, as well as a fire alarm system with smoke detection capabilities. Commissioner Heinsman 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 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.

21-01-05 Maple Manor Christian Home – Room Addition, Sellersburg

Director Boyle informed that the variance had been **withdrawn** by the submitter. No further action was necessary.

b. New

21-01-31 Truth Centers, Indianapolis

Tyrone Allen spoke as the proponent. The center provides aid for women battling opioid and other addiction problems, so that they may be reunited with their families upon recovery. The request is to permit a single family dwelling to be converted to a R-4 occupancy. Mr. Allen stated that he was not currently working with a design professional, but the facility did have emergency evacuation plans in place, fire extinguishers on every floor, and backup lighting. As there still seemed to be some confusion on Mr. Allen’s part regarding sprinkler requirements for residential buildings, Commissioner Pannicke recommended that he reach out to one of the various code consultants on the call to walk him through the next steps in the process. Melissa Tupper offered some insight stating that because R-3 and R-4 classifications did not exist at the time that the GAR was written, the proponent would need to first seek a variance to utilize Chapter 13. Commissioner Heinsman stated he did not have a problem with this and motioned to approve – later revising his motion to include 21-01-36, as it had a similar request. Commissioner Furnish 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"/>

Variances 21-01-31 and 21-01-36 were **approved as submitted**, with a vote of 10-0.

21-01-32 Abundant Faith Church, Evansville

Roger Lehman spoke as the proponent. The request is that close-spaced sprinklers be provided in the sanctuary in lieu of installing the mandated Chapter

34 voice alarm system, which was estimated to be a \$20,000 cost. A one hour fire barrier will separate the sanctuary from the Sunday school classrooms, which the proponent also requests be treated like a two hour fire barrier. The church has plans to provide additional sprinklers as the congregation expands beyond the current occupancy load of three hundred (300). Commissioner Davidson motioned to approve on the condition that: (1) the provided one-hour (1 hr.) fire barrier shall be treated as a two-hour (2 hr.) fire barrier, with the close-spaced sprinklers provided on the “sanctuary side” of the barrier and other side of the barrier being completely sprinklered, and (2) the structure is required to become sprinklered, per code commensurate, upon expansion of its occupancy. Chairman Greeson made the second. It was voted on and carried. Commissioner Jordan abstained 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 type="checkbox"/>	<input type="checkbox"/>
Jim Murua	<input 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 10-0.

Breaking and Reconvening: The Commission took a short break, beginning at 11:01 a.m. EST. The meeting was called back to order at 11:10 a.m. EST.

21-01-33 (a)(b)(c) Lawrence North High School Pool Addition, Indianapolis

Ed Rensink spoke as the proponent. The project involves the construction of a natatorium. Variance (a) is for egress travel distance from bleachers, which extends beyond that which is permitted by code. The addition of the pool will extend travel distance from the upper south corner of the bleachers to three hundred and fifty (350) feet; currently, it sits at one hundred and fifty (150) feet. Due to sprinklers being provided throughout areas that are not currently sprinklered and four ideal exit locations at each corner of the gym, Mr. Rensink stated that he believed the extended travel distance would not pose a risk to public safety. Commissioner Pannicke motioned to approve variance (a). Commissioner Murua made the second. It was voted on and carried. Commissioner Heinsman recused himself from the vote.

The request of variance (b) is to omit sprinklers over the pool itself, with the rest of the remaining sprinklers. Variance (c) requests that the two-way communication system be omitted, which is routinely granted. Commissioner Pannicke motioned to approve variances (b) and (c). Commissioner Corey made the second. It was voted on and carried. Commissioner Heinsman 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 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"/>

Variances (a), (b), and (c) were **approved as submitted**, with a vote of 10-0.

21-01-34 North Central High School Auditorium Renovation, Indianapolis

The project scope involves renovations to the existing auditorium and stage including: removal of the existing fire curtain, lowering of the stage pit area, modification of the main auditorium doors to provide sound and light locks, a new cross aisle, and new ramp access to the stage. Existing structural footings and other existing elements prevent the construction of a standard stair from within the pit to the main floor. As such, a portable stairway, not complying with Section 1009, will be used as the required means of egress. The stair will have a vertical height of approximately five (5) feet from the pit floor to the floor level of the auditorium at the front of the stage. Per Chairman Greeson’s concern, the pit will remain at house level during school hours or whenever theatrical performances are not ongoing. Commissioner Davidson motioned to approve on the condition(s) that: (1) the temporary stair is required to be a minimum width of thirty six (36) inches from top to bottom, and locked, latched, and flushed to the structure when in use; (2) a code-compliant railing is required to be provided at the house level when the orchestra pit is open and in use; and (3) the maximum occupant load of the orchestra pit shall be posted at thirty-five (35) occupants. 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Michael Popich	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The variance was **approved with conditions**, by a vote of 7-2.

21-01-35 Project Ariana, Greenfield

Carl Pebworth (attorney representing applicant), Brad Leimer, Rick Kauffman, John Lewis, and Shelly Wakefield (on behalf of the City of Greenfield) spoke as the proponents. The request is to allow the roof slope to be 1/8" per foot, as opposed to the 1/4" per foot slope, as prescribed by code. Commissioner Jordan voiced structural concerns over the 1/8" slope allowing for little fabrication error and potentially resulting in a collapse due to drainage blockages, as well as setting a precedent for future variances of this sort. Christina Collester informed that this design is much more common than one might believe and was especially prevalent in the early 2000s, but she believed that it became common practice to the point that facilities would not file variances for this slope discrepancy. Mr. Kaufman advised that the last seventy (70) feet on either side of the roof slope closer to 1/4" as it nears the drain. Per the commissioners' inquiries, overflow drains are provided at every point where a primary drain is located and placed two (2) inches above the primary drain head in the event of a blockage. Commissioner Heinsman motioned to approve. Chairman Greeson 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 checked="" 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 checked="" type="checkbox"/>
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The variance was **approved as submitted**, with a vote of 8-3.

21-01-36 Truth Centers (2), Indianapolis

This variance was **approved as submitted**, due to Truth Centers having two facilities filing for the same request. See Variance 21-01-31 above.

Breaking and Reconvening: The Commission took a break for lunch beginning at 12:20 p.m. EST. The meeting was called back to order at 12:50 p.m. EST.

21-01-37 MQJ5 - AR Sortation Center, Plainfield

Mark Riffey spoke as the proponent. The request is for twelve (12) sprinklers to not be included in the hydraulic calculation for sprinklers installed above and below obstructions in a warehouse facility. Newer editions of NFPA 13 remove this condition for calculating heads under obstructions. Furthermore, the sprinkler systems located under mezzanines and conveyors will be protected with dedicated risers as indicated on the attached fire protection sheets. Mr. Riffey further specified that this specification was originally approved under the 2013 NFPA edition and was adopted by reference in 2016. As such, the design plans will conform to all specifications set forth in the 2016 edition. The Plainfield Fire Department had no conflicts with the proposal. With that, Commissioner Murua motioned to approve on the condition that: the sprinkler system shall comply to the requirements of NFPA 13 – 2016 Edition. 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 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 10-0.

21-01-38 Wren Building, Carmel

Ed Rensink spoke as the proponent. The project involves the creation of a lot line within a building that is currently under construction in order to create a financing mechanism for each half of the building, as two separate businesses will operate under this single code-compliant building. The north will be operated by the Carmichael Hotel and the south will be an apartment complex. The entire building is under the same management group, so conventional financing mechanisms are not ideal. The upper floors are separated by a two hour fire wall, sprinklers running throughout the entirety of the building, and a podium structure on the lower level. Commissioner Pannicke 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 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 10-0.

21-01-39 St. John The Baptist Eritrean Orthodox Christian Church, Indianapolis

Christina Collester spoke as the proponent. The building plans were modified to include a two hour fire barrier at the basement level to address noncompliance as a correction to the building plans released by the state, which indicated sprinklers were not required since the building complied with the Indiana Exception for areas of worship under 7,000 square feet. The request is to not provide a sprinkler system within the 3,200 square foot addition. The proponent states there was a construction design upgrade, so that a two hour fire barrier was constructed in the basement level. Ms. Collester stated that construction costs would be \$400,000 – including \$100,000 to retrofit the new and existing building with an automatic sprinkler system. After some back and forth discussion, Ms. Collester requested that this be tabled to give the party some time to discuss potential solutions with the local building official and fire department. Commissioner Pannicke motioned to table. Commissioner Corey made the second. It was voted on and carried. 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.

21-01-40 3501 N Illinois Street, Indianapolis

Sarah Walters and Jason Burke spoke as the proponents. The proponents request a variance to allow two new openings for the bedrooms along the north wall on the east side of the building within three (3) feet of the property line, which will serve as a required emergency escape and rescue openings. The existing building is positioned very close to if not on the property line on three sides with virtually no options for providing compliant emergency escape and rescue. Furthermore, the configuration of the mixed use building prohibits the dwelling unit from being laid out in a way where an emergency escape and rescue opening can be installed for the second bedroom in a compliant manner. The owner stated that he is willing to commit to the window frame being constructed of non-combustible materials (aluminum or steel, based on most fire-resistant material) and one-hour fire rated insulated glazing, and that the window be a casement type as opposed to double hung. There is a direct exit to the public way from the dwelling unit in question. Justin Guedel, Deputy General Counsel, reminded the Commission to not approve in the event that no variance is needed. The project has been evaluated using Chapter 34, but new construction – including the window opening in question – is required to comply with current rules of the Commission. Commissioner Pannicke motioned to approve on the condition(s) that: (1) an egress door with a fire-rating equal to the fire wall of the north elevation of the masonry garage addition shall be provided in the north elevation of the masonry garage addition in lieu of one of the proposed windows, and (2) the second proposed window is required to be moved to the east elevation of the masonry garage addition. Commissioner Henson made the second. It was voted on and carried.

	Y	N
Michael Corey	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Harold Davidson	<input 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 10-0.

21-01-41 526 Main St. Apartments Remodel, Lafayette

Melissa Tupper spoke as the proponent. A single exit will be provided from the occupied roof, whereas code requires that two (2) exits be installed on every story over the third story. The third floor is occupied by the owner of the complex and the roof is only accessible from this unit. The roof will be posted for a maximum occupant load of twenty (20) persons. It was also recommended that a notification system be installed on the roof to alert any personnel to evacuate in case of an emergency. Commissioner Heinsman motioned to approve on the condition that: a horn strobe wired to the sprinkler system and the monitored smoke alarm system is required to be provided at the roof area of structure. 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 with conditions**, by a vote of 11-0.

21-01-42 Nice-Pak Mooresville 2.0, Mooresville

Michael Armstrong and Jeff Lunsford spoke as the proponents. The request is to allow a 1/8 inch per linear foot slope instead of the 1/4 inch per linear foot roof slope. They will design and provide engineering calculations and references to upsize the joist and girder roof framing to withstand slightly increased ponding and snow loads as a result of the slightly decreased roof slope. The commissioners did not seem to have concerns with approving this variance but requested that a third party inspection be performed to ensure that the slope was the proper measurement. Director Boyle advised that the variance can be contested in the event that the proponent does not submit proper paperwork detailing the results of the inspection. Commissioner Jordan motioned to approve on the condition that: a licensed survey is required to be conducted on the one-eighth (1/8) inch slope portions of the roof to ensure compliance with the granted one-eighth (1/8) inch minimum slope. Commissioner Heinsman made the second.

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

The variance was **approved with conditions**, by a vote of 10-1.

21-01-43 Goshen Brewing Company Igloo, Goshen

Jesse Sensenig spoke as the proponent. The project consists of erecting a series of eight (8) plastic igloos to create some more options for customers during the pandemic, as the restaurant is utilizing less than half of its indoor seating to comply with social-distancing guidelines. Mr. Sensenig requested that extension cords be permitted to connect space heaters. Per the commissioners' inquiries, the igloos are fastened to the ground using stakes and sandbags, which Mr. Sensenig claimed could withstand forty (40) mile winds. The extensions cords are also rated for outdoor use. Despite this, the commissioners did not believe that the cost was much of a hardship. As such, the Commission requested that the applicant consult an electrician and obtain a quote for what it would cost to supply the igloos with code-compliant conduit. Commissioner Pannicke motioned to table. Commissioner Davidson 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.

Breaking and Reconvening: The Commission took a short break, beginning at 2:45 p.m. EST. The meeting was called back to order at 2:55 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. 411-596 – Hobart Comfort Inn

Director Boyle advised the Commission that staff granted this petition for administrative review, as timely and with standing, and forwarded it to Office of Administrative Law Proceedings (OALP) for assignment to the administrative law judge (ALJ).

b. Commission Determination

i. IDHS Notice of Violations Order No. 34E0-B54D, Violation 9 – Coolspring Elementary School

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

Director Boyle informed the Commission that this petition for administrative review was received after the fifteen (15) day deadline afforded to the petitioner by statute, and as such was considered untimely. Director Boyle recommended that the petition for administrative review be denied for untimeliness. Commissioner Furnish motioned to deny the petition for administrative review for untimeliness. Commissioner Heinsman made the second. It was voted on and carried, by a vote of 10-0, with Commissioner Davidson abstaining from the vote.

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

a. Non-Final Orders of Dismissal

- i. IDHS Notice of Violations Order No. 474372 - The Crystal Coop (Cause No. DHS-0820-000383)

Director Boyle recommended that the Commission affirm the ALJ's Non-Final Order of Dismissal. Commissioner Pannicke motioned to affirm. 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 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 type="checkbox"/>	<input type="checkbox"/>
Scott Pannicke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Non-Final Order of Dismissal was **affirmed**, with a vote of 11-0.

- ii. IDHS Sanctions Order No. 318-444 – Five Star Dive Bar (Cause No. DHS-1120-001313)

Director Boyle recommended that the Commission affirm the ALJ's Non-Final Order. Vice Chairman Popich motioned to affirm. Commissioner Pannicke made the second. It was voted on and carried.

	Y	N
Jameson Berry	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 Non-Final Order of Dismissal was **affirmed**, with a vote of 11-0.

- iii. IDHS Sanctions Order No. 315-441 – AMC Theatres Bloomington 12 (Cause No. DHS-1120-001230)

Director Boyle recommended that the Commission affirm the ALJ's Non-Final Order. Commissioner Corey motioned to affirm. 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 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 Non-Final Order of Dismissal was **affirmed**, with a vote of 10-0.

10. Commission Review of Memorandum of Understanding (MOU) between the Office of Administrative Law Proceedings (OALP) and the Fire Prevention and Building Safety Commission for Fiscal Year 2021 – **tabled at Commission’s Tuesday, January 5, 2021 meeting.**

The provided memorandum of understanding (MOU) was tabled by the Commission at its previous meeting, to afford the commissioners additional time to review it. Hearing no comments or discussion, Commissioner Pannicke motioned to approve. 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 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 MOU for Fiscal Year 2021 was **approved as submitted**, with a vote of 11-0.

11. Commission Review of Local Ordinances

a. Preliminary (Pre-Adoption) Review

- i. Columbus Fire Prevention Ordinance – Amending Columbus Municipal Code Section 8.12.190 – Consumer Fireworks – **received by Commission staff via electronic mail on Friday, January 8, 2021.**

Director Boyle advised that this was on the agenda for the Commission’s awareness only. IDHS staff will finish its preliminary review of the city’s ordinance in the coming days. No further action or discussion was necessary.

12. Final Comments/Closing Remarks from Chairman Greeson

Chairman Greeson thanked everyone for their participation and wished everyone a pleasant evening.

13. Next Meeting – Tentatively scheduled for Tuesday, March 2, 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.

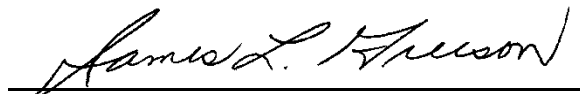
14. Adjournment

Chairman Greeson motioned to adjourn the meeting. 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Michael Popich	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The meeting was **adjourned** at 3:16 p.m. EST, with a vote of 9-1.

APPROVED:


James L. Greeson, Chairman