

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

## COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission  
Online Cisco Webex Format

Tuesday, September 1, 2020

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's (the Commission) regular monthly meeting was called to order by Chairman Robin Nicoson at 9:02 a.m. EDT on Tuesday, September 1, 2020. The meeting was conducted electronically by videoconference call through Webex.

(a) Commissioners present at the meeting:

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

(b) Commissioners not present at the meeting:

James Jordan

(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  
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. Commissioner Jordan was the only member not in attendance.

	Present	Absent
<b>Jameson Berry</b>	X	
<b>Michael Corey</b>	X	
<b>Greg Furnish</b>	X	
<b>Jim Greeson</b>	X	
<b>Joe Heinsman</b>	X	
<b>David Henson</b>	X	
<b>Todd Hite</b>	X	
<b>Wes Jordan</b>		X
<b>Robin Nicoson</b>	X	
<b>Scott Pannicke</b>	X	
<b>Michael Popich</b>	X	

3. Commission Review and Action on Meeting Minutes

a. Tuesday, August 4, 2020

Commissioner Berry advised that the section detailing his introduction and prior work experience was incorrect and should be corrected to read that he had previously worked in construction – not with the State of Indiana – for twelve (12) years. With no additional concerns, Commissioner Popich motioned to approve the June 4, 2020 minutes as amended with Commissioner Berry’s one noted correction. Commissioner Pannicke made the second. It was voted on and carried. Commissioner Heinsman abstained from the vote, as he was not present at the Commission’s August 4, 2020 meeting.

	Yes	No
<b>Jameson Berry</b>	X	
<b>Michael Corey</b>	X	
<b>Greg Furnish</b>	X	
<b>Jim Greeson</b>	X	
<b>David Henson</b>	X	
<b>Todd Hite</b>	X	
<b>Robin Nicoson</b>	X	

<b>Scott Pannicke</b>	<b>X</b>	
<b>Michael Popich</b>	<b>X</b>	

The August 4, 2020 meeting minutes were **approved with one noted amendment**, by 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 advised the Commission that Governor Holcomb's Executive Order 20-41 has extended the State of Indiana's public health emergency declaration through October 2, 2020. Although most state agencies are now open to the public or through appointment, in-person Commission meetings are unlikely to occur, due to capacity restrictions in both the Indiana Government Center and the Indiana State Library. As such, it is Director Boyle's assumption that the Commission will continue to host its electronic meetings via Webex for the foreseeable future.

- b. Staff Update on First Proctored Indiana Elevator Mechanic Licensing Examination – Justin Guedel, IDHS Deputy General Counsel

Justin Guedel informed the Commission that the first examination was hosted at the Indiana Government Center on August 24, 2020. Out of the seven (7) total applicants that register, four (4) sat for the test and only one (1) passed. Per last month's Commission request, IDHS staff completed the elevator mechanic licensing application, and it is now available on the public safety portal (<https://publicsafety.dhs.in.gov/>). Three (3) years' work experience in construction, maintenance, and service repair is mandatory. Should the applicant not meet these requirements, the system will automatically reject their application. After IDHS staff verifies that the application meets guidelines under state statute, the application will be approved. If additional information is needed, the Indiana Elevator Committee would need to provide statutory modifications during its rulemaking process, but Mr. Guedel advised that the current application should be thorough enough to provide the department with all necessary information to prove statutory requirements are met. Commissioner Corey, who serves as chairman of the Indiana Elevator Committee, asked who would oversee reviewing the applications. Mr. Guedel stated that reviewers would have some elevator experience, be supervised by Matt Cronley, and have a set of guidelines established to make an informed decision on approval or denial of a given application. In response to Commissioner Pannicke's inquiry, equivalency for surrounding states (Michigan, Illinois, and Ohio) will be reviewed on a case-by-case basis.

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

- i. Written Interpretation No. CEB-2020-26-2020 IRC-M1502.4.2
- ii. Written Interpretation No. CEB-2020-27-2020 IRC-M1308.2
- iii. Written Interpretation No. CEB-2020-28-2014 IBC-903.2.9
- iv. Written Interpretation No. CEB-2020-29-2014 IBC-907.5

State Building Commissioner, Craig Burgess, briefly explained each interpretation. Per Commissioner Popich's inquiry, Mr. Burgess stated that condition #4 of 2014 IBC-903.2.9 allows for "incidental overnight parking," which is reflected in the amended version of section 406.1 of the 2014 IBC. Additionally, Mr. Burgess and Jonathan Witham, IDHS General Counsel, encouraged the Commission to begin allowing members of the public, stakeholders, and industry experts to address it regarding specific needs for updates to the Commission's rules, starting at the next meeting scheduled for October 6, 2020. After brief discussion, it was determined that the Commission will begin evaluating and soliciting comments on the need to update the Indiana Electrical Code, and will then look into evaluating other rules such as the Indiana Building Code and Indiana Fire Code. Director Boyle thanked Mr. Burgess and recognized the fact that issues exist in many areas of the Commission's rules. He then stated that more information on code updates is to come in the next few months and the beginning of next year.

5. Rulemaking Updates

a. Indiana Elevator Code Committee – Next Meeting TBD

Director Boyle informed the Commission that the Indiana Elevator Committee intends to hold an electronic Webex meeting in the second or third week of September to discuss a plan moving forward and resume its meetings. No official actions will be taken at this meeting. This meeting is simply intended for the Committee's members to regroup and prepare to finish reviewing the remaining model code books in the coming months.

b. Indiana Boiler and Pressure Vessel Rules Rewrite Committee

- i. Presentation of Committee's Proposed Rule – ***see the Committee's proposed rule provided in meeting materials***

Director Boyle informed the Commission's members that the LSA version of the proposed rule had been finalized and is now available for the Commission's review. Director Boyle also noted that some revisions were made by Committee member, Steven Renner, but did not include any substantive changes. Staff reviewed these revisions and incorporated a fair amount of them. Justin Guedel continues to collaborate with some of the members to estimate the fiscal impact of the last remaining sections, but it is staff's request that the Commission move forward in submitting the

regulatory moratorium exception to the Office of Management and Budget. Mr. Guedel clarified that the emergency rule expires on July 31, 2021, so this request will essentially allow amendments to the code to be updated and take effect in a timely manner, as required by statute. The updates to the Indiana Boiler and Pressure Vessel Rules have been in the works for the past four (4) years, so the department is comfortable with formally adopting them.

- ii. Next Step: Submit Request for Exception to the Regulatory Moratorium (Executive Order 13-03) office of management and budget

Commissioner Pannicke motioned to have Commission staff file the request for exception to the regulatory moratorium. Commissioner Popich made the second. It was voted on and carried. Mr. Guedel stated he would work with IDHS staff to submit this request within the next few weeks.

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

**Breaking and Reconvening:** The Commission took a 10-minute break beginning at 10:06 a.m. EDT. The meeting was called back to order at 10:16 a.m. EDT.

- c. Commission Consideration of Comments/Proposals for Code Change to Variances Emergency Rule [LSA Document #19-333(E)] – ***see submitted written comments and IDHS' draft proposed rule provided in meeting materials***

Jacob German, Barnes and Thornburg, assisted Ron Ritchey, National Fire Sprinkler Association, in presenting his written comments. These recommendations were noted by IDHS staff and can be referred to via the links below (**if the links below are no longer accessible, these documents may be obtained upon submitting a public records request to IDHS**):

*"Public Comment on LSA Document No. 19-333(E) - Section 10(d) (Ron Ritchey).pdf" at:*

[https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333\(E\)%20-%20Section%2010\(d\)%20\(Ron%20Ritchey\).pdf](https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333(E)%20-%20Section%2010(d)%20(Ron%20Ritchey).pdf)

"Public Comment on LSA Document No. 19-333(E) - Section 10(a) (Ron Ritchey).pdf" at:

[https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333\(E\)%20-%20Section%2010\(a\)%20\(Ron%20Ritchey\).pdf](https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333(E)%20-%20Section%2010(a)%20(Ron%20Ritchey).pdf)

"Public Comment on LSA Document No. 19-333(E) - Section 5(c)(9)(B) (Ron Ritchey).pdf" at:

[https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333\(E\)%20-%20Section%205\(c\)\(9\)\(B\)%20\(Ron%20Ritchey\).pdf](https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333(E)%20-%20Section%205(c)(9)(B)%20(Ron%20Ritchey).pdf)

"Public Comment on LSA Document No. 19-333(E) - Section 5(c)(5) (Ron Ritchey).pdf" at:

[https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333\(E\)%20-%20Section%205\(c\)\(5\)%20\(Ron%20Ritchey\).pdf](https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333(E)%20-%20Section%205(c)(5)%20(Ron%20Ritchey).pdf)

Shelly Wakefield presented her written comments. These recommendations were noted by IDHS staff and can be referred to via the links below **(if the links below are no longer accessible, these documents may be obtained upon submitting a public records request to IDHS)**:

"Public Comment on LSA Document No. 19-333(E) - Section 3 (Shelly Wakefield).pdf" at:

[https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333\(E\)%20-%20Section%203%20\(Shelly%20Wakefield\).pdf](https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333(E)%20-%20Section%203%20(Shelly%20Wakefield).pdf)

"Public Comment on LSA Document No. 19-333(E) - Section 7 (Shelly Wakefield).pdf" at:

[https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333\(E\)%20-%20Section%207%20\(Shelly%20Wakefield\).pdf](https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333(E)%20-%20Section%207%20(Shelly%20Wakefield).pdf)

"Public Comment on LSA Document No. 19-333(E) - Section 5(d) (Shelly Wakefield).pdf" at:

[https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333\(E\)%20-%20Section%205\(d\)%20\(Shelly%20Wakefield\).pdf](https://www.in.gov/dhs/files/FPBSC/September%201%202020/Public%20Comment%20on%20LSA%20Document%20No.%2019-333(E)%20-%20Section%205(d)%20(Shelly%20Wakefield).pdf)

Director Boyle asked those present if anyone else wished to provide additional comments regarding the updating the variances rule. No additional comments were offered by the present at the meeting. Justin Guedel, IDHS Deputy General Counsel, presented a draft proposed rule for the Commission's consideration, which had been prepared by himself and other IDHS staff associated with review of variance applications. Mr. Guedel briefly explained some of the minor changes that were made to the draft proposed rule compared to the currently effective emergency rule. Mr. Guedel advised that he did not expect the Commission to



take any immediate action in approving and adopting the draft proposed rule at this meeting, but presented to it to afford the Commission time to review it, and expressed his hope that the Commission may be ready to move forward with approving the proposed rule with any additional changes at the next meeting in October. Mr. Guedel also advised the Commission that he will work with Mr. German, Mr. Ritchey, and Ms. Wakefield in addressing their comments, and will update the draft proposed rule as deemed necessary in preparation for the Commission's next meeting scheduled for Tuesday, October 6, 2020. The draft proposed rule, as it was presented during the meeting, can be referred via the link below

6. School Safety and Door Security Presentation – Ken Cook (Allegion), Ron Couch (Central Indiana Hardware), and Laura Frye Weaver (DHI – Door Security + Safety Professionals)

Ken Cook, Ron Couch, and Laura Frye Weaver spoke as the presenters. A summary of the presentation is provided via the link below (**if the link below are no longer accessible, these documents may be obtained upon submitting a public records request to IDHS**):

*“DHI Presentation – Indiana Fire Prevention and Building Safety Commission FINAL SUBMISSION.pdf” at:*

<https://www.in.gov/dhs/files/FPBSC/September%201%202020/DHI%20Presentation%20-%20Indiana%20Fire%20Prevention%20and%20Building%20Safety%20Commission%20FINAL%20SUBMISSION.pdf>

A multitude of concerns were expressed by the Commission after the presentation, including: how the Commission would handle future variances related to door security devices from other school districts, addressing the costly process of retrofitting glass panels adjacent to the door, which can easily be breached by intruders, as well as potential issues with 2021 ICC codes. The overarching theme raised by many members was that a locked classroom door has never been breached in the event of a school shooting, so the implementation of additional devices would not only be costly but also provide no further security factor. Director Boyle thanked Mr. Cook, Mr. Couch, and Ms. Weaver for the thorough presentation stated that the Commission IDHS will keep these considerations in mind as issues arise and come before them in the future, including for variance request submissions.

**Breaking and Reconvening:** The Commission broke for lunch at 12:00 p.m. The meeting was called back to order at 12:31 p.m.

## 7. Variances

- a. Tabled

20-07-18 (b) Maple Leaf Performing Arts Center, Nashville

Melissa Tupper and owner, Doug Harden, spoke as the proponents. The issue lies in the tread non-uniformity on two of the six stairwells on the outermost sides of the auditorium. The estimated cost to fix this is \$329,000. Handrail, striping, and additional lighting will be provided. Mr. Harden clarified that the additional variance has to do with the dispersion of handicap seating but has since been resolved. Besides that, he assured the Commission that no additional inspection issues were found. Many circuits available and backup battery for lighting would be provided in the case of emergency situations. Michele Knoy, IDHS Code Enforcement, found the stairwell issue due to a complaint received, which was not identified by the state building inspector upon his initial review. Commissioner Berry noted this could be an OSHA (Occupational Safety and Health Administration) code violation as well. Commissioner Pannicke reminded Mr. Harden that it is the responsibility of the architect to comply with code, not that of the enforcement agency. Before stepping away from the call, Commissioner Pannicke motioned to deny. Commissioner Berry made the second. It was voted on and carried. Commissioner Heinsman abstained.

	Yes	No
<b>Jameson Berry</b>	<b>X</b>	
<b>Michael Corey</b>	<b>X</b>	
<b>Greg Furnish</b>	<b>X</b>	
<b>Jim Greeson</b>	<b>X</b>	
<b>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Robin Nicoson</b>	<b>X</b>	
<b>Scott Pannicke</b>	<b>X</b>	
<b>Michael Popich</b>	<b>X</b>	

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

20-07-24 Knapp Supply Company, Muncie

Christina Collester spoke as the proponent. She stated that she is working with the fire department to get some additional paperwork gathered. She will work with the variance staff to submit an additional variance. As such, she requests that the variance be tabled. Commissioner Greeson motioned to table. Commissioner Hite made the second. It was voted on and carried.

	Yes	No
<b>Jameson Berry</b>	<b>X</b>	
<b>Michael Corey</b>		
<b>Greg Furnish</b>	<b>X</b>	
<b>Jim Greeson</b>	<b>X</b>	



<b>Joe Heinsman</b>	<b>X</b>	
<b>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Robin Nicoson</b>	<b>X</b>	
<b>Scott Pannicke</b>		
<b>Michael Popich</b>	<b>X</b>	

The variance was **tabled**, with a vote of 8-0.

#### 20-07-25 Indy Horror Story, LLC

Before proponent, Andrew Dalstrom, joined the call, there was some discussion between the commissioners regarding extending the expiration date of the currently approved version of this variance until October 2021. Thus, allowing the party to operate without stringent restrictions and social-distancing guidelines. Commissioner Popich reiterated that, should the Commission make this decision, the ability of Indy Horror Story to operate in the current season would be disallowed and the original expiration date would essentially be considered null-and-void. Mr. Dalstrom explained that, though the business operated at a loss last year, selling every ticket next season would generate adequate funds to pay for the \$20,000 sprinkler system. Additionally, he reminded the Commission that there are never more than twelve (12) employees on the premise – one of whom could shut off all lighting and special effects, as well as activate the alarm system. Commissioner Greeson motioned to approve on the condition that: **(1)** the emergency alarm system shall be tied to the local fire department, and **(2)** the variance shall be effective from September 24, 2021 (9/24/2021) to October 31, 2020 (10/31/2021) and only operational on Thursdays, Fridays, Saturdays, and Sundays. Commissioner Heinsman made the second. It was voted on and carried.

	<b>Yes</b>	<b>No</b>
<b>Jameson Berry</b>	<b>X</b>	
<b>Michael Corey</b>	<b>X</b>	
<b>Greg Furnish</b>	<b>X</b>	
<b>Jim Greeson</b>	<b>X</b>	
<b>Joe Heinsman</b>	<b>X</b>	
<b>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Robin Nicoson</b>	<b>X</b>	
<b>Scott Pannicke</b>		
<b>Michael Popich</b>	<b>X</b>	

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

#### 20-07-26 Velocity 70, Greenfield

Director Boyle advised that the submitter had formally **withdrawn** this variance. No further action is necessary.

20-07-28 Scroggs Barn Event Center, Warsaw

Jeff Kumfer spoke as the proponent. Mr. Kumfer stated that the original structural engineer was uncomfortable in fulfilling the Commission's requested changes. Therefore, another engineer was hired and is now in the process of completing his assessment. Commissioner Corey motioned to table. Commissioner Heinsman made the second and also requested that gravity and lateral loads be included in the final report. Commissioner Berry abstained.

	Yes	No
<b>Jameson Berry</b>		
<b>Michael Corey</b>	X	
<b>Greg Furnish</b>	X	
<b>Jim Greeson</b>	X	
<b>Joe Heinsman</b>	X	
<b>David Henson</b>	X	
<b>Todd Hite</b>	X	
<b>Robin Nicoson</b>	X	
<b>Scott Pannicke</b>		
<b>Michael Popich</b>	X	

The variance was **tabled**, with a vote of 8-0.

b. New

20-08-25 Bottleworks Building 13, Indianapolis

Ed Rensink spoke as the proponent. The fire department connection supplying the sprinkler-standpipe system will be located in a pedestrian arcade just off Massachusetts Avenue in lieu of the front of the building facing Massachusetts Avenue. The fire department connection is required to be on the street side of the building. The arcade is approximately 30 feet wide, so fire trucks could easily maneuver through the alleyway. Parking is also not permitted in the walkway, which could otherwise obstruct fire department access. Battalion Chief, Dave Cook, and Margie Bovard, of the Indianapolis Fire Department, were both in support of this variance. As such, Commissioner Greeson motioned to approve as submitted. Commissioner Heinsman made the second. It was voted on and carried.

	Yes	No

<b>Jameson Berry</b>	<b>X</b>	
<b>Michael Corey</b>	<b>X</b>	
<b>Greg Furnish</b>	<b>X</b>	
<b>Jim Greeson</b>	<b>X</b>	
<b>Joe Heinsman</b>	<b>X</b>	
<b>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>		
<b>Robin Nicoson</b>	<b>X</b>	
<b>Scott Pannicke</b>		
<b>Michael Popich</b>	<b>X</b>	

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

#### 20-08-26 Torsion Group Building Expansion, Evansville

Roger Lehman spoke as the proponent. The business is requesting to forego the requirement of a fire access road to service the expanded section of the facility. The building size will be double and creating a road capable of servicing all parts of the addition would pose an undue hardship cost of approximately \$28,000. After conversation with the local fire department, Mr. Lehman states that the owner will upgrade the existing FDC to 5" Storz connection. In addition to that, another fire hydrant will be installed along the waterline and within one hundred (100) feet of each FDC. A clear aisle, including Class 1 standpipes, will be constructed along the shared wall to separate the existing structure from the expanded addition. In the case that a fire access road was ever added, these features would prevent hoses from blocking the drainage swales. Finally, an ESFR sprinkler system will be installed throughout the facility, along with smoke exhaust fans capable of providing 10,000 cfm of smoke relief – a 10% increase above the minimum requirement. Commissioner Heinsman motioned to approve as submitted. Commissioner Greeson made the second. It was voted on and carried.

	<b>Yes</b>	<b>No</b>
<b>Jameson Berry</b>	<b>X</b>	
<b>Michael Corey</b>	<b>X</b>	
<b>Greg Furnish</b>	<b>X</b>	
<b>Jim Greeson</b>	<b>X</b>	
<b>Joe Heinsman</b>	<b>X</b>	
<b>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Robin Nicoson</b>	<b>X</b>	
<b>Scott Pannicke</b>	<b>X</b>	
<b>Michael Popich</b>	<b>X</b>	

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

20-08-27 (a)(b)(c)(d)(e)(f) Purdue University Engineering & Polytechnic Gateway, West Lafayette

Ed Rensink spoke as the proponent. It was first noted that variance **(a)** would be **withdrawn**. The project involves construction of a five (5) story basement structure for the College of Engineering and Purdue Polytechnic Institute, including: project-based instructional space and teaching labs, design studios, collaborative spaces, and administrative functions. The building is designed as Type IB construction with nonseparated B and A-3 occupancies.

The code states an interior exit stairway and ramp shall not continue below its level of exit discharge unless an approved barrier is provided at the level of exit discharge to prevent persons from unintentionally continuing into levels below. The request of variance **(b)** is to not provide barriers at the level of exit discharge in each of the three (3) enclosed stairs. The proponent states there will be openings to the interior of the building with exterior glazing to make the level of exit discharge obvious. Signage will also be provided. Commissioner Henson motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

The code states openings in interior exit stairways and ramps other than unprotected exterior openings shall be limited to those necessary for exit access to the enclosure from normally occupied spaces and for egress from the enclosure. The request of variance **(c)** is to have convenience openings for pedestrian use in two of the three enclosed stairs on the first floor. The proponent states the openings will be protected by fire assemblies with a minimum ninety (90) minute fire rating. One of these assemblies is a fire shutter and the other will be a rated side-hinged swinging door on hold-opens. Commissioner Heinsman motioned to approve. Commissioner Henson made the second. It was voted on and carried.

The code states where nonrated walls or unprotected openings enclose the exterior of the stairway and the walls or openings are exposed by other parts of the building at an angle of less than one hundred eighty (180) degrees, the building's exterior walls within ten (10) feet horizontally of a nonrated wall or unprotected opening shall have a fire-resistance rating of not less than one (1) hour. The request of variance **(d)** is to have nonrated exterior windows and doors to be located within ten (10) feet of unprotected exterior windows and exterior exit doors on the first floor. The proponent states that sprinklers will be located at ceiling level within twelve (12) inches of exterior openings to protect the stairway from fire exposure. Commissioner Pannicke motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

The code states a two-way communication system shall be provided at the elevator landing on each accessible floor that is one or more stories above or below the story of exit discharge complying with Sections 1007.8.1 and 1007.8.2. The request of variance **(e)** is to not have a two-way communication system

provided at the elevator landing on the lower level, second, third, fourth, and fifth floors. The proponent states that cell phones are widely used as communication and will provide a more readily available means of communication for the intended purpose. Commissioner Pannicke motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

The code states smoke detectors shall not be installed in unsprinklered elevator hoistways unless they are installed to activate the elevator hoistway smoke relief equipment. The request of variance **(f)** is to provide smoke detectors in elevator hoistways. The proponent states that smoke detector is permitted in Section 21.3.6 of the 2016 Edition of NFPA 72 based on the function, which would initiate Phase I emergency recall operations. Commissioner Corey motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

	(b)		(c)		(d)		(e)		(f)	
	Y	N	Y	N	Y	N	Y	N	Y	N
<b>Jameson Berry</b>	X		X		X		X		X	
<b>Michael Corey</b>	X		X		X		X		X	
<b>Greg Furnish</b>	X		X		X		X		X	
<b>Jim Greeson</b>	X		X		X		X		X	
<b>Joe Heinsman</b>	X		X		X		X		X	
<b>David Henson</b>	X		X		X		X		X	
<b>Todd Hite</b>	X		X		X		X		X	
<b>Robin Nicoson</b>	X		X		X		X		X	
<b>Scott Pannicke</b>	X		X		X		X		X	
<b>Michael Popich</b>	X		X		X		X		X	

Variance **(b)** was **approved**, with a vote of 10-0. Variance **(c)** was **approved**, with a vote of 10-0. Variances **(d)-(f)** were **approved**, with a vote of 10-0.

#### 20-08-28 Leatherman Supply Renovation, Goshen

Ed Rensink spoke as the proponent. The second story of this facility is currently being renovated to accommodate offices, as it was previously used as storage space. Because of the existing structure of the building, the ceiling height dips below the code-required 7'6" in some areas. According to Mr. Rensink, the uppermost portion of the building reaches a height above 7'6", but as the ceiling runs towards the outermost sections, it slowly tapers down to a height of 6'6" on the left-hand side and 6'2" on the right-hand side. The installation of a gypsum board ceiling on furring channels will further reduce ceiling height, as well as cause the egress height at the stairwell to fall short of the required seven (7) feet. The request is to allow these discrepancies, as most of the building meets the required ceiling height. Commissioner Heinsman motioned to approve as submitted. Commissioner Corey made the second. It was voted on and carried.

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	Yes	No
<b>Jameson Berry</b>	X	
<b>Michael Corey</b>	X	
<b>Greg Furnish</b>	X	
<b>Jim Greeson</b>	X	
<b>Joe Heinsman</b>	X	
<b>David Henson</b>	X	
<b>Todd Hite</b>	X	
<b>Robin Nicoson</b>	X	
<b>Scott Pannicke</b>	X	
<b>Michael Popich</b>	X	

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

#### 20-08-29 Renovations of Sycamore Elementary School – 2020, Kokomo

Dave Cook spoke as the proponent. This project had previously been approved under a prior variance, but due to budget shortfalls, the renovations had to be split into two separate tasks. No additional changes to the site plans will be made. Commissioner Popich motioned to approve. Commissioner Corey made the second. It was voted on and carried.

	Yes	No
<b>Jameson Berry</b>	X	
<b>Michael Corey</b>	X	
<b>Greg Furnish</b>	X	
<b>Jim Greeson</b>	X	
<b>Joe Heinsman</b>	X	
<b>David Henson</b>	X	
<b>Todd Hite</b>	X	
<b>Robin Nicoson</b>	X	
<b>Scott Pannicke</b>	X	
<b>Michael Popich</b>	X	

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

#### 20-08-30 2020 WM Kelley Additions, New Albany

Charlie Keyes spoke as the proponent. This facility is a steel fabrication plant and the building additions are to relocate a current maintenance area (approximately 44'x51') and add a small expansion to an existing production area (approximately 40'x44'). The existing building has three (3) sides that exceed the sixty (60) foot clearance required for an F-2 unlimited area building. The east side of the building is adjacent to a privately owned, but non-active, railroad (CSX Railroad).

One of the new additions will be located within approximately twenty-six (26) feet of the property line on this side. These additions will not impede on the property line any further than previously approved additions. Furthermore, the owner has agreed to install two (2) new fire hydrants around the facility. Commissioner Greeson motioned to approve. Commissioner Heinsman made the second. It was voted on and carried.

	Yes	No
<b>Jameson Berry</b>	X	
<b>Michael Corey</b>	X	
<b>Greg Furnish</b>	X	
<b>Jim Greeson</b>	X	
<b>Joe Heinsman</b>	X	
<b>David Henson</b>	X	
<b>Todd Hite</b>	X	
<b>Robin Nicoson</b>	X	
<b>Scott Pannicke</b>	X	
<b>Michael Popich</b>	X	

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

20-08-31 (a)(b) Eastwood Middle School, Indianapolis

Ed Rensink spoke as the proponent. He stated that these are both resubmitted copies – the only difference includes an extension of the expiration date through August 2021. Commissioner Popich motioned to approve (a) and (b). Commissioner Corey made the second. They were voted on and carried. Commissioner Heinsman recused himself from the vote.

	(a)		(b)	
	Y	N	Y	N
<b>Jameson Berry</b>	X		X	
<b>Michael Corey</b>	X		X	
<b>Greg Furnish</b>	X		X	
<b>Jim Greeson</b>	X		X	
<b>Joe Heinsman</b>				
<b>David Henson</b>	X		X	
<b>Todd Hite</b>	X		X	
<b>Robin Nicoson</b>	X		X	
<b>Scott Pannicke</b>	X		X	
<b>Michael Popich</b>	X		X	

Variances **(a) and (b) were approved as submitted**, with a vote of 9-0.



20-08-32 (a)(b) Muncie Area Career Center Relocation, Muncie

Ed Rensink spoke as the proponent. The project involves a career center that will service high school juniors and seniors in the Muncie-Anderson area. Because the building was formerly an elementary school, a change in occupancy is needed to convert the space from a “B” to “E” occupancy. Variance (a) requests that the project exceed the allowable area of 20,000 square feet to approximately 30,000 square feet. Variance (b) requests that a sprinkler system not be installed, due to the resulting 150% cost increase. Commissioner Greeson motioned to approve variances (a) and (b). Commissioner Corey made the second. It was voted on and carried.

	(a)		(b)	
	Y	N	Y	N
<b>Jameson Berry</b>	X		X	
<b>Michael Corey</b>	X		X	
<b>Greg Furnish</b>	X		X	
<b>Jim Greeson</b>	X		X	
<b>Joe Heinsman</b>	X		X	
<b>David Henson</b>	X		X	
<b>Todd Hite</b>	X		X	
<b>Robin Nicoson</b>	X		X	
<b>Scott Pannicke</b>	X		X	
<b>Michael Popich</b>	X		X	

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

20-08-33 (a)(b) Heritage Event Center, Greensburg

Scott Perez spoke as the proponent. The project involves a 4,300 square foot barn built in 1991. The First floor will be utilized for events, but the loft will not be accessible. The request is to reclassify this as a Class I structure. Mr. Perez stated that the structural analysis meets vertical and horizontal lateral loads. The request is to temporarily use portable restrooms to comply with the fixture count requirements. In terms of permanent restrooms, one is available in the barn itself, along with men’s and women’s restrooms in the greenhouse. The local fire official, Alan Campbell, approves of these plans. Commissioner Hite motioned to approve (a) on the condition that it shall expire December 31, 2022 (12/31/2022) and (b) as submitted. Commissioner Heinsman made the second. It was voted on and carried.

	(a)		(b)	
	Y	N	Y	N
<b>Jameson Berry</b>	X		X	
<b>Michael Corey</b>	X		X	
<b>Greg Furnish</b>	X		X	

<b>Jim Greeson</b>	<b>X</b>		<b>X</b>	
<b>Joe Heinsman</b>	<b>X</b>		<b>X</b>	
<b>David Henson</b>	<b>X</b>		<b>X</b>	
<b>Todd Hite</b>	<b>X</b>		<b>X</b>	
<b>Robin Nicoson</b>	<b>X</b>		<b>X</b>	
<b>Scott Pannicke</b>	<b>X</b>		<b>X</b>	
<b>Michael Popich</b>	<b>X</b>		<b>X</b>	

Variances (a) was approved with conditions and (b) was approved as submitted, by a vote of 10-0.

**Breaking and Reconvening:** The Commission took a 10-minute break at 3:37 p.m. EDT. The meeting was called back to order at 3:46 p.m. EDT.

#### 8. Petitions for Administrative Review

- a. Granted and Forwarded to the Office of Administrative Law Proceedings (OALP)
  - i. IDHS Notice of Violations Order No. 474372 – The Crystal Coop – ***received by IDHS staff via electronic mail on Thursday, August 6, 2020***
  - ii. IDHS Sanctions Order No. 26-70 – Shoe Sensation – ***received by IDHS staff via electronic mail on Tuesday, August 4, 2020***

Director Boyle stated that the above petitions for administrative review were granted as timely and forwarded to the Office of Administrative Law Proceedings (OALP) for assignment to the administrative law judge (ALJ).

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

- a. Non-Final Orders of Dismissal
  - i. Non-Final Order of Dismissal – Variance No. 20-04-71 – Catholic Charities Terre Haute Food Bank  
Cause No. DHS-0520-000042

Based on the petitioner's request to withdraw the petition for administrative review, the ALJ submitted a non-final order of dismissal. Upon Director Boyle's recommendation, Commissioner Heinsman motioned to affirm the ALJ's Non-Final Order of Dismissal as the Final Order of Dismissal of the Commission. Commissioner Popich made the second. It was voted on and carried.

	<b>Yes</b>	<b>No</b>
<b>Jameson Berry</b>	<b>X</b>	

<b>Michael Corey</b>	<b>X</b>	
<b>Greg Furnish</b>	<b>X</b>	
<b>Jim Greeson</b>	<b>X</b>	
<b>Joe Heinsman</b>	<b>X</b>	
<b>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Robin Nicoson</b>	<b>X</b>	
<b>Scott Pannicke</b>	<b>X</b>	
<b>Michael Popich</b>	<b>X</b>	

The non-final order was **affirmed**, with a vote of 10-0.

## 10. Commission Review of Local Ordinances

### a. Adopted

- i. Ordinance No. 2019-25 – Fire Prevention Code of the City of Greenfield, Indiana – ***received by Commission via electronic mail on Wednesday, May 27, 2020, and tabled by the Commission at 7/7/2020 and 8/4/2020 meetings***

Director Boyle stated that Brian Lott, Greenfield Fire Territory Fire Marshal, is working with Justin Guedel to clean up the original ordinance, so that it may be placed on the Commission's October meeting agenda. As such, Marshal Lott had advised Director Boyle that the City of Greenfield was **withdrawing** Ordinance No. 2019-25 from the Commission's consideration and request for approval.

- ii. 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, and tabled by the Commission at 7/7/2020 and 8/4/2020 meetings***

Director Boyle stated that Shelly Wakefield is working with the City of Charlestown to create a rewritten property maintenance code. As such, Director Boyle advised that the City of Charlestown had requested that this ordinance be tabled once more. Commissioner Corey motioned to table. Commissioner Popich made the second. It was voted on and carried.

	<b>Yes</b>	<b>No</b>
<b>Jameson Berry</b>	<b>X</b>	
<b>Michael Corey</b>	<b>X</b>	
<b>Greg Furnish</b>		
<b>Jim Greeson</b>	<b>X</b>	
<b>Joe Heinsman</b>	<b>X</b>	

David Henson	X	
Todd Hite	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

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

***Note: Because this ordinance will appear on the agenda for the fourth consecutive time, the Commission must issue an order approving or denying the ordinance at the next meeting, or the ordinance will be deemed automatically approved and effective without an order of the Commission, pursuant to IC 22-13-2-5.5(2).***

11. Final Comments/Closing Remarks from Chairman Nicoson

Chairman Nicoson thanked everyone for their hard work and wished everyone a pleasant evening.

12. Next Meeting – Tentatively scheduled for Tuesday, October 6, 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's main web page (<https://www.in.gov/dhs/2375.htm>) in advance of the meeting date.***

13. Adjournment

The meeting was adjourned at 3:59 p.m. EDT.

APPROVED: \_\_\_\_\_  
Robin Nicoson, Chairman