

# INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

## COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission  
Online Cisco WebEx Format

Tuesday, August 4, 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 9:01 a.m. on Tuesday, August 4, 2020. The meeting was conducted electronically by videoconference call through Cisco Webex.

(a) Commissioners present at the meeting:

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

(b) Commissioners not present at the meeting:

Joseph Heinsman

(c) The following departmental staff were present during the meeting:

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

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 nine (9) members in attendance. Commissioner Hite joined the meeting later during the Commission's discussion of the final rule readoptions, bringing the total number of members present to ten (10).

	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. Thursday, June 4, 2020 – ***tabled at Tuesday, July 7, 2020 meeting***

With no recommended amendments, Commissioner Pannicke motioned to approve the June 4, 2020 minutes as submitted. Commissioner Popich made the second. It was voted on and carried. Commissioner Berry abstained from the vote.

	Yes	No
<b>Michael Corey</b>	X	
<b>Greg Furnish</b>	X	
<b>Jim Greeson</b>	X	
<b>David Henson</b>	X	
<b>Wes Jordan</b>	X	
<b>Robin Nicoson</b>	X	
<b>Scott Pannicke</b>	X	
<b>Michael Popich</b>	X	

The June 4, 2020 meeting minutes were **approved as submitted**, with a vote of 8-0.

b. Tuesday, July 7, 2020

With no recommended amendments, Commissioner Pannicke motioned to approve the July 7, 2020 minutes as submitted. Commissioner Corey made the second. It was voted on and carried. Commissioner Berry abstained from the vote.

	Yes	No
<b>Michael Corey</b>	X	
<b>Greg Furnish</b>	X	
<b>Jim Greeson</b>	X	
<b>David Henson</b>	X	
<b>Wes Jordan</b>	X	
<b>Robin Nicoson</b>	X	
<b>Scott Pannicke</b>	X	
<b>Michael Popich</b>	X	

The July 7, 2020 meeting minutes were **approved as submitted**, with a vote of 8-0.

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 20-38 has extended the State of Indiana's public health emergency declaration through September 2, 2020. Thus, the Commission may be able to conduct its next meeting through Webex, which is tentatively scheduled for Tuesday, September 1, 2020. Director Boyle also informed the Commission that Governor Holcomb plans to reopen the Indiana Government Center and State office building to the public by the middle of August, but no additional information was provided regarding if public meetings will be required to be conducted in person once again. Philip Gordon, Deputy Attorney General and Legal Counsel to the Commission, advised that he believes Governor Holcomb will extend most of these relaxed requirements by executive order into at least October, due to the fact that the state of Indiana has yet to see a sizeable reduction in the number of COVID-19 positive cases, hospitalizations, and deaths.

- b. Introduction of the Newest Member of the Fire Prevention and Building Safety Commission – Jameson Berry, Indiana Department of Labor Commissioner’s Designee

Director Boyle informed the Commission that the Commissioner of the Indiana Department of Labor recently appointed Jameson Berry to serve as his designee on the Commission, and asked Mr. Berry to briefly introduce himself. Previously, Mr. Berry worked as a construction safety consultant for twelve years at INSafe, which is a division of the Indiana Department of Labor. Since October of last year, he has served as the Director of Construction Safety for the Indiana Occupational Safety and Health Administration (IOSHA) within the Indiana Department of Labor. Director Boyle thanked Commissioner Berry for his commitment to serving on the Commission.

- c. State Building Commissioner’s Report – Craig Burgess, State Building Commissioner

- i. Written Interpretation No. CEB 2020-22-2009 IEC-334.12(B)(4)
- ii. Written Interpretation No. CEB-2020-25-2014 IBC-T1004.1.2

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

- d. Update on Administering the Indiana Elevator Mechanic License Written Competency Examination [pursuant to Indiana Code § 22-15-5-12(b)(2)(B)] – Justin Guedel, IDHS Deputy General Counsel

Justin Guedel, IDHS Deputy General Counsel, informed the Commission that August 24, 2020 will be the date of the first examination hosted at the Indiana Government Center and proctored by IDHS’ Division of Fire and Building Safety (Division). November 18, 2020; February 17, 2021; and May 19, 2021 are tentatively scheduled as the next three test dates. All information regarding the examination and what potential applicants can expect is located on the Division’s Elevator and Amusement Rides web page. To ensure that social distancing precautions can remain in place, prospective candidates should submit a request to take the examination. The mechanic license application is still being finalized, but it will be made available through IDHS’ Public Safety Portal (PSP) as soon as it is completed. To answer Commissioner Corey’s questions, Mr. Guedel explained that all applications would not be complete until they are reviewed and approved by a third party. Work experience must be verified by providing a signed affidavit from a supervisor detailing the work being performed, providing copies of test reports, and/or job tickets. Mr. Guedel stated that he hopes to work

with the Indiana Elevator Code Committee to develop administrative rules that will provide a more comprehensive set of guidelines.

## 5. Rulemaking Updates

### a. Indiana Elevator Code Committee – Next Meeting TBD

Director Boyle informed the Commission that he hopes to resume regularly scheduled meetings for the Indiana Elevator Code Committee at some point in the middle of September. He and staff will work with Chairman Corey to establish a plan to reform and resume the Committee's work.

### b. Indiana Boiler and Pressure Vessel Rules Rewrite Committee

- i. Next Meeting: Wednesday, August 12, 2020 beginning at 9:00 a.m. EDT, Cisco WebEx Electronic Meeting

Secretary Boyle informed the Commission that the Committee will finalize its proposed rule and its fiscal impact analysis of the proposed rule at the upcoming meeting.

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

### c. Commission Action on 2020 Rule Readoptions Final Rule – Justin Guedel, IDHS Deputy General Counsel – ***see Final Rule [LSA Document #20-309(F)]***

675 IAC 13-2.6 – 2014 Indiana Building Code  
675 IAC 18-1.6 – 2014 Indiana Mechanical Code  
675 IAC 22-2.5 – 2014 Indiana Fire Code  
675 IAC 25-3 – 2014 Indiana Fuel Gas Code

No requests to separate were received since the Commission's last meeting and since the Commission's Notice of Intent to Readopt was filed with LSA. As such, Mr. Guedel sought a motion to adopt the proposed final rule, readopting the above-listed rules, as the final rule of the Commission. Director Boyle reminded the Commission that it may still be possible to update these rules through additional rulemakings in the future. Commissioner Pannicke motioned to adopt the proposed final rule, readopting 675 IAC 13-2.6, 675 IAC 18-1.6, 675 IAC 22-2.5, and 675 IAC 25-3, as the final rule of the Commission. Commissioner Henson seconded. It was voted on and carried. Afterwards, Commissioner Pannicke urged the other members to take the time to review these rules for potential amendments and updates in the near future, as Indiana's codes are falling further behind current national standards.

	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>Wes Jordan</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 above rules were **readopted**, with a vote of 10-0.

- d. Commission Consideration of Comments/Proposals for Code Change to Variances Emergency Rule [LSA Document #19-333(E)]

Since the Commission's current emergency rule is set to expire on January 1, 2021, Director Boyle and Chairman Nicoson would like to afford stakeholders and members of the public the opportunity to provide comments on the current variances emergency rule and the variances program before the Commission moves forward with adopting a proposed final rule to replace the current emergency rule. No public comments were provided during the meeting, even though the opportunity to do so was afforded by Chairman Nicoson and Director Boyle. Director Boyle advised that time to provide comments will be again be afforded at the Commission's next meeting on Tuesday, September 1, 2020. Director Boyle respectfully requested that any public comments be submitted to the Commission's staff in writing by utilizing the Commission's Proposal for Code Change form or by utilizing the "Code Comments, Proposals, and Advice" web form provided here: <http://www.in.gov/dhs/4202.htm>. Finally, Justin Guedel, IDHS Deputy General Counsel, advised that the department (IDHS) intends to submit its own draft proposed rule for the Commission's consideration at the Tuesday, September 1, 2020 meeting.

## 6. Commission Action on Third Party Inspection Agency Annual Renewals

- a. T.R. Arnold & Associates, Inc.
- b. RADCO

Kevin Troy, IDHS Code Enforcement Assistant Section Chief – State Fire Marshal's Office, recommended the Commission's approval of the above organizations' third party inspection agency renewals. Commissioner Popich motioned to approve. Commissioner Greeson 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>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	

The third party inspection agency renewals were **approved**, with a vote of 10-0.

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

a. Bottleworks Building 13, 820 Massachusetts Avenue, Indianapolis, IN 46220

A letter provided by Margie Bovard, Indianapolis Fire Department, recommended approval of the variance request in relief of the requirements of Section 591-406, Chapter 591 of the Indianapolis-Marion County Fire Prevention Code. Commissioner Popich motioned to approve. Commissioner Furnish 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>David Henson</b>	X	
<b>Todd Hite</b>	X	
<b>Wes Jordan</b>		
<b>Robin Nicoson</b>	X	
<b>Scott Pannicke</b>	X	
<b>Michael Popich</b>	X	

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

**Breaking and Reconvening:** The Commission took a ten (10) minute break beginning at 10:00 a.m. The meeting was called back to order at 10:11 a.m.

8. Variances

a. New

20-07-17      a)(b)(c)(d)(e)(f)(g) Electric Works, Fort Wayne

Christina Collester spoke as the proponent. This facility served as the old General Electric campus built in the late 1800s to early 1900s. The plan is to maintain the historical aspect of the various courtyards and buildings by turning the campus into a mall with offices, restaurants, food courts, and other forms of entertainment. Jim Murua, Fort Wayne Fire Department, voiced his support of the following variances. Per Commissioner Pannicke's request, Ms. Collester briefly explained each request, so the Commission could easily vote on the seven variances combined.

Variance (a) involves code that requires the small three-story opening to be considered an atrium. The request is to allow a vertical three-story unseparated floor opening not designed as an atrium where provisions are made to protect the smaller atrium, with draft stops and closely spaced sprinklers.

Variance (b) involves code that requires an enclosed elevator lobby to be provided at each floor where an elevator shaft enclosure connects more than three stories. The building will have six (6) stories above grade, plus a lower level. The request is to allow enclosed elevator lobbies to be omitted in the existing building.

Variance (c) involves code that states that the building area of any covered mall or open mall building, including anchor buildings, of Type I, II, III and IV construction shall not be limited provided the anchor buildings do not exceed three stories above grade plane. The request is to use buildings 19 and 26 as the anchor buildings. Both buildings are high rises.

Variance (d) involves code that requires new buildings to comply with the 2010 Indiana Energy Conservation Code. The request is to allow the 1,334 sq. ft. addition to not comply with the building envelope and not meet prescriptive requirements of the Energy Code, nor pass COMcheck. Proponent states that similar variances have been approved for small additions to buildings constructed prior to energy codes.

Variance (e) involves code that limits the use of pedestrian walkways to pedestrian traffic. The proponent states the construction of these buildings' pre-date the adoption of the codes and the buildings are classified as historic. The existing pedestrian walkway will be used as an occupied area.

Variance (f) involves code that requires hose connections to be located at an intermediate floor level landing between floors. The request is to allow the new standpipes in the existing buildings to have hose connections located at the main floor landings. Proponent states all the standpipe hose connections in the building will be consistently located at the main floor landing, due to the



intermediate stair landings being small. Installing a hose connection on the intermediate stair landings would impede upon the path of egress.

Variance (g) involves code that would require addition be served by complying egress stairs. The existing stair will be used to serve the new roof top patios on buildings 19 and 26. The proponent states the existing building is a historically significant structure and as many features as possible, including the stairs and enclosure are being maintained to preserve the historic integrity of the building. Commissioner Pannicke motioned to approve variances (a) through (g), as submitted. Commissioner Corey 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>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</b>		
<b>Robin Nicoson</b>	<b>X</b>	
<b>Scott Pannicke</b>	<b>X</b>	
<b>Michael Popich</b>	<b>X</b>	

Variances **(a-g)** were **approved**, with a vote of 9-0.

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

Melissa Tupper spoke as the proponent. Construction of this facility was completed in 2019. The issue lies in the height of the ticket counter and concession stand – both of which stand above the thirty-six (36) inches required by code. Although proponent stated there are mobile kiosks and employees to assist customers if need be, Commissioner Pannicke voiced concern over the apparent blatant disregard for code's requirements prior to construction. Additionally, the facility's failure to include ledges at both counters would result in customers not having a space to sign receipts. Because of these shortcomings in the initial design, Commissioner Pannicke motioned to deny variance (a). Commissioner Popich 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>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</b>		
<b>Robin Nicoson</b>	<b>X</b>	
<b>Scott Pannicke</b>	<b>X</b>	
<b>Michael Popich</b>	<b>X</b>	

Variance **(a) was denied**, with a vote of 9-0.

The stairs leading to the upper-level seating of the facility also does not a uniform tread. Proponent stated that it reaches a depth of fifteen (15) inches on the short end and twenty-five (25) inches on the longer end. To remedy this, handrails, striping, and lighting have been put in place to protects patrons. Thus far, there have been no tripping or falling issues. Nonetheless, the commissioners saw this as a potential exit hazard, due to pseudo-landings and the inability to adjust to these inconsistencies in the case that a large crowd is rushing to exit as quickly as possible. Kevin Troy, IDHS Code Enforcement Assistant Section Chief, also informed the Commission that additional variance requests will likely be filed for this facility soon. After discussion, Commissioner Corey motioned to table variance (b). Commissioner Hite made the second. It was voted on and carried. Commissioner Jordan abstained from the vote, as he was not present during the discussion.

	<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>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</b>		
<b>Robin Nicoson</b>	<b>X</b>	
<b>Scott Pannicke</b>	<b>X</b>	
<b>Michael Popich</b>	<b>X</b>	

Variance **(b) was tabled**, with a vote of 9-0.

20-07-19 Valley Grove Elementary, Anderson

Jeff Sells spoke as the proponent. This variance involves a system used for fryers in the school's kitchen that is no longer in use. Mr. Sells stated that the hood is still in effect, but the fire suppression system will no longer be needed. State and local fire marshals approved of the removal of the fire suppression system. As such, Commissioner Greeson motioned to approve with the

additional conditions that: (1) appliances that may create or produce or grease-laden vapors may no longer be installed and provided in the kitchen, and (2) the existing hood ductwork must be cleaned by a qualified contractor to remove any grease deposits within the ductwork. Commissioner Berry 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>Jim Greeson</b>	<b>X</b>	
<b>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</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 conditions**, by a vote of 9-0.

20-07-20 Alpha Systems Beck Drive North Addition, Elkhart

Dennis Bradshaw spoke as the proponent. The facility is Type 2B construction and will be fully sprinklered. Mr. Bradshaw stated that the building was designed to have yard space around it. The goal is to have sixty (60) feet of yard space on all sides, but due to a land-binding contract, the west side only possesses fifteen (15) feet of yard space. The request is to allow this discrepancy in yard space on the west side until the contract is terminated in January of 2023 – at which point the property line shall be replotted to allow for the intended yard space.

Commissioner Pannicke motioned to approve, on the condition that the variance shall be effective until December 31, 2023 (12/31/2023). Commissioner Corey 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>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</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>	
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The variance was **approved**, with a vote of 10-0.

20-07-21 (a)(b)(c) Marian, Inc. Third Floor Addition

Melissa Tupper spoke as the proponent. The project involves an addition to the existing third story of a building consisting of 31,000 square feet and Type 3B construction. Proponent states that the addition is needed due to site space limitations and the vertical operation style of the business. Alan Blunk, IDHS Plan Review Section Chief, noted that previous additions to the building had been done through Type 2B construction separated by wood frame partitions, not type 3B. Commissioner Pannicke motioned to approve (a), with the additional condition that the third floor addition project is required to be completed as Type 2B construction for the entire addition. Commissioner Corey 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>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</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>	

Variance **(a) was approved**, with a vote of 10-0.

The next variance requests that a ramp be permitted connecting the second and third floors. A draft curtain to cover all existing openings shall be installed. Proponent stated that similar ramps already connect the basement to the first and second floors. Commissioner Pannicke motioned to approve (b), with the additional condition that a draft curtain and closely spaced sprinklers are required to be provided and provide protection at all levels. Commissioner Corey 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>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</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>	

Variance **(b)** was **approved with conditions**, by a vote of 10-0.

The final variance concerns the stairway that will serve the addition. Proponent states that it was constructed as an original component to the building in the 1930s and 1940s. Because of the age of the stairway, it does not comply with current tread depth code, but a guardrail and handrail will be added to increase the safety factor. Proponent states that the facility will continue utilizing this stairway but will also construct an additional stairway for its patrons' convenience. Per the owner's estimates, the anticipated occupant load is less than fifty (50) in employee-designated areas and no more than one hundred (100) in the event space. Each stairway will be capable of accommodating two hundred (200) people. With that, Commissioner Corey motioned to approve (c). Commissioner Furnish 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>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</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>

Variance **(c)** was **approved** as submitted, with a vote of 9-1.

**Breaking and Reconvening:** The Commission recessed for lunch at 12:00 p.m. The meeting was called back to order at 12:34 p.m.

20-07-22 County Line Road Retail Building, Indianapolis

Ed Rensink spoke as the proponent. The project involves a 3,600 square foot retail building. As it stands now, there is currently no public water supply and adding city water to the facility would cause a cost increase of approximately

110%. In lieu of sprinklers, proponent states that construction will be non-combustible and include an automatic monitored fire alarm system. Additionally, because of the lack of water, a tanker would be required for fire-related emergencies. The commissioners and Margie Bovard raised concerns regarding the time it would take for first responders to arrive, considering the nearest fire department is over a half mile away. The owners were well aware of this risk and wished to move forward regardless. Commissioner Greeson motioned to approve, on the condition that, per Mr. Rensink's testimony and clarification, the building is required to be built of non-combustible construction. Commissioner Corey 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>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</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 conditions**, by a vote of 10-0.

20-07-23 (a)(b) New Horizon Conversions, Nappanee

Carrie Ballinger spoke as the proponent. The project involves an existing woodworking facility built in 2007. It consists of a 6,000 square foot storage area, which was added in 2018 and bypassed the Plan Review process. Proponent states that an R system would not be feasible, per Commissioner Greeson's inquiry. After discussion, Commissioner Jordan motioned to approve (a) with the additional condition that the new two-hour fire barrier is required to be built of non-combustible construction. Variance (b) will be approved, as submitted. Commissioner Greeson made the second.

	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>Wes Jordan</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>	

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

20-07-24 Knapp Supply Company, Muncie

Christina Collester and owner, Jim Feick, spoke as the proponents. The property adjacent to the owner's current building (420 South Ohio) has a common wall and was acquired by Knapp Supply Company. The building is approximately 80,000 square feet and type III-B construction. The building is used for storage under twelve (12) feet in height, class I-V Commodity and some PVC pipes stored to no higher than six (6) feet. The existing sprinkler system was not maintained by the previous owner and is in need of complete replacement. The existing sprinkler system will not be maintained; a smoke detection system and third-party tie in notification will be provided in lieu of the sprinkler system. Aaron Wood, of the Muncie Fire Department, opposed the variance due to the size of building. He stated that he would like to see what the repairs would cost and believes they could be done for less than \$50,000. Mr. Feick objected stating that an engineering inspection would cost him \$15,000 simply to see what features would pass initial inspection. The estimate to repair the existing system is approximately \$450,000.00, including demolition. Commissioner Corey motioned to table, awaiting updated site plans and cost estimate(s). Commissioner Jameson 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>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</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 **tabled**, with a vote of 10-0.

20-07-25 Indy Horror Story, LLC

No proponent was present to speak. As such, Director Boyle suggested that the variance be tabled. Commissioner Corey motioned to table. Commissioner Hite 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>David Henson</b>	X	
<b>Todd Hite</b>	X	
<b>Wes Jordan</b>	X	
<b>Robin Nicoson</b>		
<b>Scott Pannicke</b>	X	
<b>Michael Popich</b>	X	

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

20-07-26 Velocity 70, Greenfield

Proponent notified Karla Vanblaricum, IDHS Variance Coordinator, that she intended to withdraw the variance. Director Boyle suggested tabling the variance until IDHS staff officially receives a notification of the withdrawal in writing. Thus, Commissioner Pannicke motioned to table. Commissioner Hite 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>David Henson</b>	X	
<b>Todd Hite</b>	X	
<b>Wes Jordan</b>	X	
<b>Robin Nicoson</b>		
<b>Scott Pannicke</b>	X	
<b>Michael Popich</b>	X	

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

20-07-27 The Reserve at White River, Indianapolis



Mark Riffe spoke as the proponent. This facility involves fourteen (14) four-unit single story townhouse accommodations and two multifamily four-story buildings (not a part of this request). Each dwelling unit will be separated with a one-hour firewall and each unit will be equipped with a NFPA 13D sprinkler system. This proposed alternative is an internationally recognized method according to the international residential code. Proponent cited a financial burden of installing the NFPA 13R system, as it is 50% more costly than a NFPA 13D system. Commissioner Popich motioned to approve with the following additional conditions: 1) per Mr. Riffe's testimony and clarification, this variance shall only be applicable to the one-story, four-unit complexes (fourplexes), and 2) only one (1) control valve is required to be provided to the NFPA 13D (2010 edition) sprinkler systems in each four-unit complex (fourplex). Commissioner Jordan 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>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	

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

20-07-28 Scroggs Barn Event Center, Warsaw

Jeff Kumfer spoke as the proponent. This project involves converting a historic barn into an event center of 3,200 square feet. Due to some uncertainty, Director Boyle clarified that Mr. Kumfer needed to apply for the variance because the code prohibits utilizing Chapter 34 to convert the barn/agricultural building into an assembly space (Group A Occupancy). The event center will be seasonal use only, and no food will be prepared inside the facility. Instead, food will be catered or provided using food trucks. The owners would like to use the basement and third story as separate spaces but never at the same time. After discussion, Commissioner Furnish motioned to table, to afford Mr. Kumfer more time to obtain more detailed information regarding the structural evaluation report. Commissioner Jordan made the second. It was voted on and carried.

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

<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>Wes Jordan</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 **tabled**, with a vote of 10-0.

20-07-29 Brown County Inn Tents, Nashville

Barry Herring spoke as the proponent. He stated that each year tents are set up on the property as part of a seasonal business that runs from May through October. The owners were recently told that the tents would need to be reassembled each day, which would cost approximately \$3,500 per day. As this is too costly, Mr. Herring requests that the tents stay permanently erected for the entirety of the season, as well as for the next two (2) years. Meanwhile, he will look into the possibility of constructing a "greenhouse-like" structure that may serve as a replacement for the tents in the coming years. Commissioner Pannicke motioned to approve the variance on the condition that: 1) the tents may be erected annually from May 1<sup>st</sup> through October 31<sup>st</sup>, and 2) this variance shall be effective until October 31, 2022 (10/31/2022). 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>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</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 conditions**, by a vote of 10-0.

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

a. Non-Final Orders

- i. IDHS Civil Penalty Order No. BU29193-12032019 – Gattitown Cause No. DHS-1925-FPBSC-025 – **see ALJ's Non-Final Order, Petitioner's Objection(s) to ALJ's Non-Final Order, and Respondent's Response to Petitioner's Objection(s)**

Director Boyle noted that the petitioner submitted an objection on the final day possible. Subsequently, the respondent submitted a response to the petitioners' objection. The respondent also submitted a response to the petitioner's objection. Director Boyle advised that the Commission now needs to decide whether it will affirm the ALJ's Non-Final Order or further modify the ALJ's order, based on the petitioner's objections. Philip Gordon, Deputy Attorney General and Legal Counsel to the Commission, advised that no further oral testimony should be permitted. Ultimately, the Commission determined that the ALJ's Findings of Fact and conclusions were straightforward and sufficient. As such, Commissioner Popich motioned to affirm. Commissioner Furnish 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>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	

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

10. Commission Review of Local Ordinances

a. Pre-Adoption/Preliminary Review Requested

- i. Town of Porter, Indiana Smoke and Carbon Monoxide Detectors Ordinance – **received by IDHS commission staff on Wednesday, July 22, 2020**

Director Boyle reminded the Commission that this particular ordinance had been discussed 18-24 months ago, but the town decided not to move forward process at that time. Despite the recent adoption of new requirements for the installation of carbon monoxide detectors in the 2020

Indiana Residential Code, the Town of Porter would now like to resume its adoption process of its proposed ordinance. Director Boyle reminded the Commission that no direct action by the Commission is required at this time. However, the members of the Commission may review and submit question or concerns to staff as needed.

b. Adopted

- i. Ordinance No. 02032020 - Building Code of Fulton County, Indiana – ***received by IDHS commission staff via electronic mail on Wednesday, May 13, 2020, and tabled by the Commission at 6/4/2020 and 7/7/2020 meetings***
- ii. Ordinance No. 2020-02 – Building Code of the Town of Fulton, Indiana – ***received by IDHS commission staff via electronic mail on Wednesday, May 13, 2020, and tabled by the Commission at 6/4/2020 and 7/7/2020 meetings***

Director Boyle advised the Commission that the above two ordinances were withdrawn by the jurisdiction after updated adopted ordinances were recently submitted to IDHS staff, which amended the original submissions based on Mr. Guedel's feedback.

- iii. Ordinance No. 2020-03 (Amending Ordinance No. 2020-02) – Building Code of the Town of Fulton, Indiana – ***received by IDHS commission staff via electronic mail on Wednesday, July 22, 2020***
- iv. Ordinance No. 07202020 (Amending Ordinance No. 02032020) – Building Code of Fulton County, Indiana – ***received by IDHS commission staff via electronic mail on Wednesday, July 22, 2020.***
- v. Ordinance No. 07-20-2020 – Building Code of the Town of Akron, Indiana – ***received by IDHS commission staff via electronic mail on Wednesday, July 22, 2020***

Director Boyle stated that he was advised that the above amended and re-adopted ordinances and the ordinance submitted on behalf of the Town of Akron are carbon copies of one another. Staff recommended approval based on the corrections made in the revised copies. As such, Commissioner Corey motioned to approve **Ordinance No. 2020-03, Ordinance No. 07202020, and Ordinance No. 07-20-2020.** Commissioner Furnish made the second. It was voted on and carried.

	Yes	No
Jameson Berry	X	

<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>Wes Jordan</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 above ordinances for Fulton County, the Town of Fulton, and the Town of Akron were **approved**, with a vote of 10-0.

- vi. 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 meeting***

Director Boyle recommended the Commission table this ordinance to allow IDHS staff additional time to review the relevant documents, as Mr. Guedel believed that he had found some conflicting language in his initial review. Commissioner Hite motioned to table. Commissioner Corey made the second. It was voted on and carried. Commissioner Popich asked Mr. Guedel take a close look at Section 91-302 – Firefighter Safety Notification, to make sure there is no conflicting language between the provisions of the section and state statute.

	<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>David Henson</b>	<b>X</b>	
<b>Todd Hite</b>	<b>X</b>	
<b>Wes Jordan</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 ordinance for the City of Greenfield was **tabled**, with a vote of 10-0.

- vii. 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 meeting**

Director Boyle again reiterated that the scope of this ordinance is so large that it may be difficult to identify conflicting language with multiple editions of the statewide codes. Additionally, Director Boyle received an email from Tony Jackson, Building Commissioner of the City of Charlestown, recommending that the Commission and IDHS work with him and the city's attorney to try and resolve any building and fire safety law-related concerns, so that the ordinance may potentially not be subject to the Commission's approval. Commissioner Jordan motioned to table, to allow department staff additional time or work with Mr. Jackson and the city's attorney. Commissioner Hite made the second. It was voted on and carried. Commissioner Furnish respectfully requested that staff reach out to the city to formulate a solution as soon as possible, given that the issues surrounding the City of Charlestown's Property Maintenance Code have persisted for several months now.

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

The ordinance for the City of Charlestown was **tabled**, with a vote of 10-0.

11. Final Comments/Closing Remarks from Chairman Nicoson

Chairman Nicoson thanked the commissioners for their time and wished them a pleasant evening.

12. Next Meeting – Tentatively scheduled for Tuesday, September 1, 2020, beginning at 9:00 a.m. in History Reference Room 211 of the Indiana State Library, 315 W. Ohio Street, Indianapolis, IN 46202

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

### 13. Adjournment

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