



COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission
Online Cisco WebEx Format

Wednesday, May 6, 2020

APPROVED AS SUBMITTED AT 7/7/20 MEETING

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's (the Commission) regular monthly meeting was called to order by Chairman Robin Nicoson at 9:06 a.m. on Wednesday, May 6, 2020. The meeting was conducted electronically by videoconference call through Cisco Webex.
 - (a) Commissioners present at the Commission meeting:
 - Greg Furnish
 - James Greeson
 - Joseph Heinsman
 - David Henson
 - Todd Hite, representing the Commissioner, Indiana State Department of Health
 - James Jordan
 - Robin Nicoson, Chairman
 - Scott Pannicke
 - Michael Popich, Vice-Chairman
 - (b) Commissioners not present at the Commission meeting:
 - Michael Corey
 - (c) The following departmental staff were present during the meeting:
 - Douglas Boyle, Director of Fire Prevention and Building Safety Commission
 - Bryston Sprecher, Administrative Assistant to the Fire Prevention and Building Safety Commission
 - Craig Burgess, State Building Commissioner
 - Alan Blunk, IDHS Plan Review Section Chief
 - Denise Fitzpatrick, IDHS Code Specialist
 - Kim Hyten, IDHS Code Specialist
 - Marcus Ballenger, IDHS Code 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 seven (7) members in attendance. Commissioner Pannicke and Commissioner Hite joined the call shortly after the beginning of the meeting.

3. Commission Review and Action on Meeting Minutes from Thursday, November 7, 2019

Director Boyle advised the Commission that he had finished his review of the Thursday, November 7, 2019, and proposed that the Commission take a vote on whether to approve them. Commissioner Popich stated that he had only just begun to review the first few pages and would like to take more time. The other Commissioners echoed this sentiment, and it was decided that a vote of approval would be taken at June's meeting. Director Boyle added that the Commission's document noting the changes to the final rule of the 2020 Indiana Residential Code (675 IAC 14-4.4) will be added to the official record of the meeting minutes. Commissioner Popich motioned to **table**, and Commissioner Heinsman seconded the motion.

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

It was voted on and carried, with a vote of 8-0.

4. Update on the State of Indiana's COVID-19 Public Health Emergency Guidelines and Restrictions/Governor Holcomb's Executive Orders – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission & Justin Guedel, IDHS Deputy General Counsel

Director Boyle stated that Executive Order 20-25 was issued last week, thus extending the public health emergency through June 4, 2020. As such, the Indiana Open Door Law will remain in a relaxed state for the duration of this time. Concerning a reopening, some staff will gradually begin to return to the office, but phasing will continue and decisions will be

made on a week-by-week basis. Additionally, public access to the government center will be limited, so it is unclear whether the meeting in June will be allowed to be hosted at its in person location or conducted via WebEx. Director Boyle reminded the Commission that this June meeting has tentatively been moved from June 2, 2020 to June 4, 2020, as a result of the rescheduling of Primary Election Day. Philip Gordon, Deputy Attorney General, offered no additional comments and confirmed Director Boyle’s proposed timeline. The Commission raised no additional questions.

- 5. COVID-19 Public Health Emergency Rule Modification Notifications
 - a. Margaret Mary Health Alternative Health Care Spaces – Batesville, IN
 - b. Shalom Community Center Temporary Shelter – Bloomington, IN

Director Boyle stated that the above organizations recently submitted requests via email asking permission to take advantage of the Commission’s approved rule modifications. IDHS is prepared to grant permission to both businesses, and an outline of the rule modifications can be found on the FPBSC webpage. Commissioner Heinsman inquired as to how long these exceptions would remain in effect once the public health emergency ends. Justin Guedel, IDHS Deputy General Counsel, stated that forty-five (45) days are given to fall back into compliance, following the termination of the State of Indiana’s public health emergency established by Govern Holcomb by executive order.

- 6. Commission Action on Locally-Approved Variance(s) Pursuant to Indiana Code § 22-13-2-7(b)
 - a. The Reserve at White River Cottage Units, 2333 Lafayette Road, Indianapolis, IN 46222

Director Boyle stated that this project involves moving post indicator valves (PIVs) for thirteen (13) cottage units, which has already been approved by the Indianapolis Fire Department and was forwarded to the Commission for final approval. Commissioner Popich moved to **approve**, and Commissioner Heinsman seconded.

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

The variance was voted on and carried, with a vote of 9-0.

7. Variances

a. Tabled

20-01-66 Indy Jet West Expansion, Greenfield

Director Boyle stated that he received an email from the submitter of the application on behalf of the applicant stating that they were withdrawing their request for the variance. The applicant and the submitter will review their options, and potentially file a revised application in the future. Submitter Carrie Ballinger provided no additional comments/testimony, and no vote by the Commission was necessary.

20-02-32 AC Moxy Hotels, Indianapolis

This variance involves a large eight (8) story hotel, which is difficult for emergency personnel to maneuver around because of the narrow alley way running behind the building. Fire truck access will soon be constricted even further, due to an addition on the northern most adjacent building. Commissioner Pannicke and Commissioner Popich reminded the Commission that site and building plans were requested but had not yet been received. Margie Bovard, of the Indianapolis Fire Department, stated she had no objections to the approval of this variance, so long as no additional variances concerning fire resistance are filed. Director Boyle said that IDHS staff could not mandate this, but reminded Mrs. Bovard that future variances could always be opposed. Justin Guedel suggested that the proponent also cite specific code sections in their building plans. With that, Commissioner Pannicke motioned to **table**, and Commissioner Heinsman seconded.

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

It was voted on and carried, with a vote of 9-0.

20-02-38 (c) Consolidated Civil and Criminal Courthouse, Indianapolis

Christina Collester spoke as the proponent. She stated that she sent Director Boyle an updated version of the variance application and inquired as how this would affect the decision made by the Commission. Director Boyle stated that the alternative proposal would be granted upon the Commission’s approval of the variance, as it was included in the written request form. With no further discussion, Commissioner Pannicke motioned to **approve**. Commissioner Greeson seconded. Commissioner Heinsman and Commissioner Popich recused themselves from the vote.

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

It was voted on and carried, with a vote of 7-0.

20-03-40 (a)(b) Bramble Berry Event Center, Indianapolis

Carrie Ballinger spoke as the proponent. She stated that she sent a late email after the site plans were received from the architect. Regarding the septic center space, the business owns the land where the septic system would be installed. This updated site plan includes the new space required for the larger septic system, due to the inadequacy of its current location to support one. Commissioner Pannicke raised concerns regarding parking on the property while this project was under construction. Joyce Johnson stated that a timeline for parking would be developed after the variance’s approval, but an adjacent five (5) acre field would temporarily be used, similar to Conner Prairie. Commissioner Greeson asked how emergency equipment would be accessed, and Mrs. Johnson stated that a driveway is being paved around the barn, which would give access to this equipment. Commissioner Hite voiced his concerns about the use of temporary restrooms but motioned to approve (a), with the condition that: the variance remain in effect until November 30, 2021. Commissioner Heinsman seconded. It was voted on and carried, with a vote of 9-0

The second variance involves the efficacy of the structural analysis. Commissioner Jordan stated that this analysis was reviewed and seemed reasonable, so he motioned to approve (b). Commissioner Heinsman seconded. It was voted on and carried, with a vote of 9-0.

	(a)	(b)

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

20-03-43 (g) Waelz Kiln Facility, Logansport

Christina Collester spoke as the proponent. This variance was withheld from last month's agenda because it was filed right before the meeting date. Commissioner Pannicke stated the Commission had previously approved variances for this same design. Thus, he motioned to **approve**. Commissioner Henson seconded.

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

It was voted on and carried, with a vote of 9-0

b. New

20-04-56 New Life Christian Fellowship Church, Fortville

Mark Adock, who is the pastor of the church, spoke as the proponent. The project involves a new church being constructed, which will consist primarily of a sanctuary and office space – approximately 13,000 square feet. The hardship involves finding an available waterline to service the sprinklers, due to the lack of city water and the cost of installing a well or retention pond far exceeding the anticipated budget. The town of Fortville would require the church to install 1,600 linear feet of water line, as well as a fire suppression system which would cost about \$2,000. The total budget for the building is \$1.56 million. Due to the lack of sprinklers, Mr. Adock stated that the architect could go back and update the site plans to include fire-rated egress and corridors.

Commissioner Heinsman expressed interest in upgrading to a non-combustible type III construction to mitigate the risk to life safety. Proponent had no objections to including this suggestion, as the site plans have not yet been submitted to local officials. Commissioner Pannicke motioned to table while a design professional provides an updated code summary to include a new legend of proposed changes. Commissioner Jordan seconded.

Greg Furnish	X	
Jim Greeson		
Joe Heinsman	X	
David Henson	X	
Todd Hite	X	
Wes Jordan	X	
Robin Nicoson	X	
Scott Pannicke	X	
Michael Popich	X	

It was voted on and carried, with a vote of 8-0.

20-04-57 IU East Tom Raper Hall Fire Shutters, Richmond

Ed Rensink spoke as the proponent. The project involves a three story building of classrooms, which was originally built in 1993. Some classrooms were constructed based on B occupancy, while others were A3 occupancy. Fire shutters were also installed to enclose the stairs on the second and third floors. The university would like to remove these shutters, as they no longer function properly and would be costly to replace – estimates have been conducted and set between \$300,000-400,000. Commissioner Pannicke motioned to **approve**, and Commissioner Jordan seconded.

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

It was voted on and carried, with a vote of 8-0.

20-04-58 Nature Center Barn at LC Nature Park, Roanoke

Carrie Ballinger spoke as the proponent. The project involves the utilization of Chapter 34 to convert a barn into a two story building with a mezzanine. Proponent stated that the facility will be sprinklered on the outside with a means of egress at each level. Commissioner Heinsman motioned to **approve**, and Commissioner Jordan seconded.

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

It was voted on and carried, with a vote of 8-0.

20-04-59 (a)(b) Noblesville Schools Barricade Devices

Dr. Heather Hendricks, Director of Safety at Noblesville Schools, spoke as the proponent. The project involves the installation of barricade devices within the Noblesville West Middle School for use in the case of an active shooter. Proponent stated that, upon approval of this variance, subsequent variances will be filed for all other schools in the corporation. Justin Guedel stated that Indiana Code 22.11.17.2 says that a path to egress man not be blocked, however exceptions are afforded long enough for an investigation to be completed when there is an active shooter on site. His concern was that the use of these barricades could conflict with statutory requirements if the allotted time extends beyond that found in the language of the statute. Dr. Hendricks clarified that these barricades would only be used when an active shooter is on the premise and only be put in place for the time needed to ensure student safety. Additionally, an anchorman device will be used, giving the staff access to quickly employ barricades. Local fire departments, emergency services, and police departments would also have access to these anchorman devices. These devices would facilitate the breaching of classroom doors, and according to Shane Ginnan and Sergeant Rice, students can even use their foot to breach the doors. Previous active shooter drills have instructed students and teachers to barricade the doors with chairs and other classroom materials. This poses an egress hazard, as it can be a difficult and time-consuming process to remove the materials. Darrel Cross, the state fire marshal in Noblesville, stated that, compared to the aforementioned alternatives, the barricade devices in question would be safe. Commissioner Heinsman motioned to approve, and Commissioner Greeson seconded.

	(a)		(b)	
	Yes	No	Yes	No
Greg Furnish	X		X	

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

Variances (a) and (b) were voted on and carried, with a vote of 9-0.

Breaking & Reconvening: Director Boyle called for a 10 minute break at 10:27 a.m. The meeting was called back to order at 10:41 a.m.

20-04-60 (a)(b)(c)(d)(e) Barnes & Thornburg Fitness Room Remodel, Indianapolis

Ed Rensink spoke as the proponent. This project involves a renovation for an existing fitness center. There are issues relating to accessibility, including: construction not being reflected on plans, as well as incorrect dimensions.

The code requires a folding seat to be provided on an end wall of a shower and is required to be 15" in width. The request is to allow a fixed seat with a width of 12 5/8 inches in depth to be installed in lieu of the required folding seat. Fixed seats will be provided in each of the two (2) accessible showers in the renovated Fitness Room. Additionally, the overall length of the shower space is 59 inches in lieu of the required 60 inches. Commissioner Jordan motioned **to approve (a)**, and Commissioner Heinsman seconded. It was voted on and carried, with a vote of 7-0. Commissioner Pannicke and Commissioner Popich recused themselves from the vote.

The ramp providing access to the raised area for treadmills and stair steppers has an as-built slope of 8.97%, which exceeds the maximum permitted slope of 8.33% - 1:12. The as-built ramp has a rise of 7 inches over a horizontal distance of 78 inches. Commissioner Jordan motioned **to approve (b)**, and Commissioner Heinsman seconded. It was voted on and carried, with a vote of 7-0. Commissioner Pannicke and Commissioner Popich recused themselves from the vote.

The code requires handrails to be provided on both sides of stairs and ramps exceeding 6 inches of rise. The as-built ramp has a rise of 7 inches. Proponent states the ramp provides access to an area that is solely for lower body/leg workouts, and will not be accessed by wheelchair-bound individuals. Upper body exercise functions are all located on the accessible level of the fitness room. Commissioner Henson motioned **to approve (c)**, and Commissioner Jordan seconded. It was voted on and carried, with a vote of 7-0. Commissioner Pannicke and Commissioner Popich recused themselves from the vote.

The code requires benches to have seats 42 inches minimum in length, and 20 inches minimum and 24 inches maximum in depth. The request is to allow the as-built bench in each of the locker rooms to have a depth of 15 inches. Per the proponent, the fitness center is for the use of Barnes and Thornburg employees and will not be used by the general public. Commissioner Furnish motioned to **approve (d)**, and Commissioner Heinsman seconded. It was voted on and carried, with a vote of 7-0. Commissioner Pannicke and Commissioner Popich recused themselves from the vote.

The code requires there to be a floor or landing on each side of a door. The floor or landing is to be at the same elevation on each side of the door. Landings are to be leveled. The request is to allow a level landing to not be provided immediately inside the Fitness Room entrance door from the corridor. The area immediately inside the entrance door has a rise 2 1/4 inches over a length of 3 feet, 1 1/4 inches - or a slope of 6.1%. A contrasting stripe will be provided at the door threshold and at the top of the short section of ramp. The striping will make evident the transition from the threshold to the fitness floor level. Commissioner Jordan motioned to **approve (e)**, and Commissioner Heinsman seconded. It was voted on and carried, with a vote of 7-0. Commissioner Pannicke and Commissioner Popich recused themselves from the vote.

	(a)		(b)		(c)		(d)		(e)	
	Yes	No								
Greg Furnish	X		X		X		X		X	
Jim Greeson	X		X		X		X		X	
Joe Heinsman	X		X		X		X		X	
David Henson	X		X		X		X		X	
Todd Hite	X		X		X		X		X	
Wes Jordan	X		X		X		X		X	
Robin Nicoson	X		X		X		X		X	
Scott Pannicke										
Michael Popich										

20-04-61 Promise Lane Barn Renovation, Peru

Dann Keiser spoke as the proponent. The request is to use portable restrooms in order to comply with Chapter 29. The owner plans on surveying with the Indiana State Department of Health after the public health emergency ends. Mr. Keiser stated that he was at last month's meeting but didn't realize a variance would be needed for temporary plumbing fixtures. As such, the proponent is asking for an additional year to verify profits and install the system, due to the health crisis. A preliminary review with county officials and the contractor has already been conducted. Director Boyle acknowledged Mr. Keiser's request to extend the deadline, noting that other organizations have also contacted IDHS about an extension, due to a loss in the season as a result of COVID-19. Commissioner Hite motioned to **approve with the condition** being a November 30, 2022 deadline. Commissioner Pannicke seconded.



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

It was voted on and carried, with a vote of 9-0.

20-04-62 (a)(b) Duck Pin Bowling Phase II, Franklin

Carrie Ballinger spoke as the proponent. She stated that variances regarding this property have been seen before for occupancy load in the offices, but an additional stairway is now being added. According to the proponent, a mezzanine will be included and will function as an area to serve alcohol. The State Building Commissioner, Craig Burgess, asked how this structure could be classified as a mezzanine, considering it is similar to a small 2nd story. Proponent stated that it would be a private space and would not have the same use as the rest of the bar. The Commission also had concerns regarding the occupancy load, as it has increased from 10 persons to 80. Because of this safety hazard, Commissioner Popich motioned to **deny**, and Chairman Nicoson seconded.

The motion to deny was voted on and failed, with a vote of 5-4. Commissioner Pannicke motioned to **table** both variances, and Commissioner Heinsman seconded.

	(a) – to deny		(b) – to deny		(a) – to table		(b) – to table	
	Yes	No	Yes	No	Yes	No	Yes	No
Greg Furnish	X		X		X		X	
Jim Greeson	X		X		X		X	
Joe Heinsman		X		X	X		X	
David Henson		X		X	X		X	
Todd Hite		X		X	X		X	
Wes Jordan		X		X	X		X	
Robin Nicoson	X		X		X		X	
Scott Pannicke		X		X	X		X	
Michael Popich	X		X		X		X	

It was voted on and carried, with a vote of 9-0.

20-04-63(a)(b)(c) Holy Spirit Catholic Parish Improvements, Indianapolis

Ed Rensink spoke as the proponent. The code prohibits buildings and structures from exceeding the allowable height and area based on the occupancy classification and construction type. The request is to allow the proposed 1-story in-fill Parish Center addition of 3,605 sq. ft. and the 600 sq. ft. pedestrian connector between the 1946 and 1966 classroom buildings to not be separated with a fire wall from the existing building which will put the existing building over allowable area for Type II-B construction and exceed the 12,000 sq. ft. threshold for sprinkler system. Commissioner Pannicke motioned to **approve (a)**, and Commissioner Popich seconded. It was voted on and carried with a vote of 7-0. Commissioner Heinsman recused himself from the vote.

The code requires corridors to be fire-resistance rated in Group A-3 occupancy where the corridor serves an occupant load greater than 30. The request is to allow the 3,605 sq. ft. 1-story in-fill Parish Center addition to not have a fire-rated corridor. Direct exits to the north and south will be provided from the Parish Center addition. Commissioner Pannicke motioned to **approve (b)**, and Commissioner Popich seconded. It was voted on and carried, with a vote of 7-0. Commissioner Heinsman recused himself from the vote.

The code requires approved fire apparatus access roads to extend within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured around the perimeter of the exterior of the building or facility. The request is to allow the gymnasium addition to not have a fire access road 20 feet in width provided within 150 feet of all portions of the exterior walls as measured around the perimeter of the exterior of the addition. Commissioner Pannicke motioned to **approve (c)** with the condition that: a fully operational private fire hydrant is installed within four hundred (400) feet of the church’s facilities, in accordance with the 2014 Indiana Fire Code. Commissioner Henson seconded. It was voted on and carried, with a vote of 8-0. Commissioner Heinsman recused himself from the vote.

	(a)		(b)		(c)	
	Yes	No	Yes	No	Yes	No
Greg Furnish	X		X		X	
Jim Greeson	X		X		X	
Joe Heinsman						
David Henson	X		X		X	
Todd Hite					X	
Wes Jordan	X		X		X	
Robin Nicoson	X		X		X	
Scott Pannicke	X		X		X	
Michael Popich	X		X		X	

Breaking & Reconvening: The Commission broke for lunch at 12:14 p.m. Director Boyle called the meeting back to order at 12:45 p.m.

8. Commission Action on Third Party Inspection Agency Renewals

a. NTA, Inc.

Kevin Troy, with the state fire marshal’s office, recommended approval. Commissioner Jordan motioned to **approve**, and Commissioner Heinsman seconded.

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

It was voted on and carried, with a vote of 9-0.

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

a. Non-Final Orders of Dismissal

- i. IDHS Civil Penalty Order No. AE8225244-11132019 – Hornet’s Nest Cause No. DHS-2004-FPBSC-004

Commissioner Heinsman motioned to **affirm** with no explanation necessary. Commissioner Greeson seconded.

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

It was voted on and carried, with a vote of 9-0.

- ii. IDHS Civil Penalty Order Nos. SC8706-110619, SC8694-110619, SC8693-110619 – O.J. Neighbors Elementary School, Wabash Middle School, and Wabash High School

Cause No. DHS-2020-FPBSC-020

Director Boyle stated that Respondent filed a motion to dismiss and waived the penalty after the opposing party came into compliance. Commissioner Heinsman motioned to **affirm**, and Commissioner Jordan seconded.

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

It was voted on and carried, with a vote of 9-0.

- iii. IDHS Report of Inspection Order No. BU29104 – ICFR Residence LLC
Cause No. DHS-1808-FPBSC-007

No explanation was needed. Commissioner Pannicke motioned to **affirm**, and Commissioner Heinsman seconded.

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

It was voted on and carried, with a vote of 9-0.

10. Commission Review of Local Ordinances

- a. Pre-Adoption Review

- i. City of Westfield, Indiana Fire Prevention Code Ordinance – *received by IDHS commission staff via electronic mail on Monday, April 20, 2020*

- ii. City of Charlestown, Indiana Property Maintenance Code Ordinance – ***received by IDHS commission staff via electronic mail on Monday, April 20, 2020***

Director Boyle advised the Commission that these proposed ordinances were submitted to staff for pre-adoption/preliminary staff review, as afforded by statute. 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 them and submit question or concerns to staff as needed.

b. Adopted

- i. Ordinance No. 855 – Building Code of the Town of Ogden Dunes, Indiana – ***received by IDHS commission staff via electronic mail on Friday, January 24, 2020, and tabled by the Commission at 2/4/2020, 3/3/2020, and 4/7/2020 meetings.***

Pursuant to statutory requirements under IC 22-13-2-5.5, Director Boyle reminded the Commission that this ordinance will be approved without an order from the Commission if direct action is not taken by the Commission at this final meeting. Commissioner Furnish addressed a concern of the planning commission being able to enforce this ordinance, even though the commission is not an employed by the town. He also raised a question regarding the permit period being set at 30 days or as soon as possible, which conflicts with state statute only allowing for a period of 12 days. Stakeholders in Ogden Dunes submitted public comments to Director Boyle echoing Commissioner Furnish’s concerns.

Justin Guedel stated that there is little the Commission can do in terms of the language involved in local building permits, as the statute limits the Commission to issue a denial only if the ordinance in question conflicts with state regulations. Director Boyle echoed this, stating that while there may be concerns on the review and approval process, the Commission must cite a specific building and/or fire safety law that would provide grounds for denial.

Commissioner Popich, while in agreeance with these concerns, expressed the importance of the Commission to not overreach the explicit scope of its review of building and fire safety laws. Even though the Commission may not be able to issue a denial, it was noted that they could provide a memo to the town asking the town to review and address these concerns. Charles Parkinson, Town Attorney for the Town of Ogden Dunes, advised that he utilized the same code that Mr. Guedel had previously mentioned, stating that the timeline for review has been in place since 1998 and certain duties are being delegated to the employees of the town (i.e. the building commissioner). As, Mr. Parkinson advised that he believes that Commissioner Furnish’s and others’ concerns were addressed. Commissioner Heinsman motioned to approve, but Commissioner Popich stated he would prefer to wait for legal counsel before issuing a decision, so the motion was withdrawn.

Breaking & Reconvening: Director Boyle called for a ten (10) minute break at 1:17 p.m. to await Legal Counsel Philip Gordon’s return to the call. The meeting was called back to order at 1:30 p.m.

Philip Gordon, Deputy Attorney General and legal counsel to the Commission, echoed Justin Guedel’s summary and interpretation of the statute. Ultimately, he agreed that there was little the Commission could do to prevent this ordinance from being approved since no fire or building safety law is being jeopardized. After further discussion, Commissioner Heinsman made a motion to **approve**, and Commissioner Jordan seconded the motion.

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

The motion was voted on and carried, with a vote of 8-1.

11. Next Meeting – Tentatively scheduled for Thursday, June 4, 2020, beginning at 9:00 a.m.

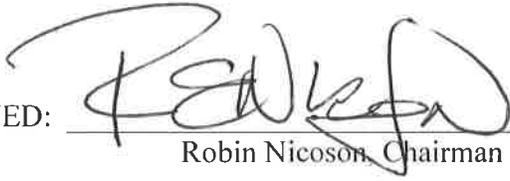
Due to the rescheduling of Indiana’s Primary Election Day, the Commission’s next meeting was rescheduled from Tuesday June 2, 2020 to Thursday, June 4, 2020. Primary Election Day is a State holiday and State offices will be closed on Tuesday, June 2, 2020. Director Boyle advised that he is awaiting further guidance via Governor Holcomb’s executive orders in determining if the meeting will be electronic or in person.

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.

12. Adjournment

Chairman Nicoson thanked Director Boyle and staff for their work and thanked the other members for their attendance and service. Chairman Nicoson adjourned the meeting at 1:48 p.m.

APPROVED:



Robin Nicoson, Chairman