



**COMMISSION MEETING MINUTES**

Indiana Fire Prevention and Building Safety Commission  
Online Cisco WebEx Format

Thursday, June 4, 2020

**APPROVED AS SUBMITTED AT 8/4/20 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 9:03 a.m. on Thursday, June 4, 2020. The meeting was conducted electronically by videoconference call through Cisco WebEx.

- (a) Commissioners present at the 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 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 nine (9) members in attendance. A designee of the Commissioner of the Indiana Department of Labor is yet to be appointed to the Commission. Commissioner Pannicke and Commissioner Hite joined the call shortly after the beginning of the meeting.

	Yes	No
<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>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>	

3. Commission Review and Action on Meeting Minutes

a. Thursday, November 7, 2019 - *tabled at Wednesday, May 6, 2020 meeting*

Director Boyle informed the Commission that six months' worth of meeting minutes to present. As the Commission had only a few days' notice to begin their review of these documents, Director Boyle recognized that the majority of the minutes would likely need to be tabled until the next meeting, but he left it up to the Commission. Beginning with the minutes from the November 7, 2019 meeting, Commissioner Pannicke stated that his recusal from the vote on Variance 19-10-35 had not been recorded. Commissioner Heinsman also advised that his recusal from the vote(s) on Variance 19-10-36 (a)(b)(c) was not provided in the minutes as proposed. Director Boyle noted these changes and stated that they will be corrected in the Commission's final draft of the minutes. With that, Commissioner Pannicke motioned to approve the November 7, 2019 minutes with the two noted changes. Commissioner Popich seconded the motion. It was voted on and carried.

	Yes	No
<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>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 Commission approved the November 7, 2019 minutes as amended with the two noted corrections, with a vote of 9-0.

b. Tuesday, December 3, 2019

Moving on to discussion over the December 3, 2019 minutes, the commissioners pointed out that there was a typo in the variance number regarding Yorktown Middle School. It was written in the minutes as “19-12-30”, but the actual number assigned to this variance application is “19-12-39”. Commissioner Heinsman stated he also recused himself from that votes on Variance 19-12-39 (a)(b), even though it was not provided in the proposed minutes. In addition, there was some confusion over the Commission’s condition that was included in the approval of Variance No.19-12-39 (b). Commissioner Popich advised that he believed that on the Commission approved Variance No. 19-12-39 (b) on the condition that the variance shall be effective until January 31, 2022. However, the proposed minutes provided that the variance shall be effective until January 1, 2022. Director Boyle confirmed that his notes echoed Commissioner Popich’s belief that the Commission approved Variance No. 19-12-39 (b) on the condition that the variance shall be effective until January 31, 2022. The Commission then asked Phillip Gordon, Deputy Attorney General and Legal Counsel to the Commission, whether it would be possible for the Commission’s staff to issue a revised final action to correct the condition, even the final action letter (final order of the Commission) has already been issued to the applicant and other parties. Mr. Gordon stated he saw no issue with this and that the Commission and staff are within their legal right to reissue a modified, corrected final action letter if it is indeed necessary to ensure the Commission’s final action letter is correct. Furthermore, Commissioner Heinsman noted that he recused himself from the vote on Variance No. 19-12-44 (a)(b)(c)(d), even though it was not provided in the proposed minutes. As there were no additional comments from the other members, Commissioner Popich motioned to approve the December 3, 2019 meeting minutes with the four noted corrections. Commissioner Heinsman seconded the motion.

	<b>Yes</b>	<b>No</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>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 Commission approved the December 3, 2019 minutes with the four noted corrections with a vote of 9-0.

- c. Tuesday, January 7, 2020 through Wednesday, May 6, 2020

Due to a lack of time necessary to conduct a thorough review of the remainder of the proposed meeting minutes, Commissioner Popich suggested that the Commission continue to look these over in preparation for approval at the next meeting in July. There were no objections, so Commissioner Popich motioned to table the minutes from January 7, 2020 through May 6, 2020. Commissioner Furnish seconded the motion.

	<b>Yes</b>	<b>No</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>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 meeting minutes from January 7, 2020 through May 6, 2020 were tabled with 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 informed the Commission that Governor Holcomb signed and issued Executive Orders 20-30 and 20-31 on Wednesday, June 3, 2020. These executive orders have extended the State of Indiana’s public health emergency declaration as well as

relaxed requirements for compliance with the Indiana Open Door Law. These extensions will remain in effect until July 4, 2020, unless they are further renewed by Governor Holcomb. Director Boyle stated that a timeline to return to in-person public meetings is still unknown at this time, due to the importance of continuing to adhere to social distancing guidelines. The Commission had no additional questions or concerns, and Chairman Nicoson thanked Director Boyle for his hard work and dedication in keeping the Commission's business a priority during these uncertain times.

- b. State Building Commissioner's Report – Craig Burgess, State Building Commissioner
  - i. Written Interpretation No. CEB-2020-06-2020 IRC-E3401.2
  - ii. Written Interpretation No. CEB-2020-07-2020 IRC-309.1
  - iii. Written Interpretation No. CEB-2020-11-2009 IEC-210.8

Due to technical/audio difficulties, State Building Commissioner Craig Burgess was not able to give his monthly report on the above written interpretations. Director Boyle advised that Commissioner Burgess' published interpretations are now posted online to the Indiana Register as well as the Commission's "Non-Rule Policy Documents/Interpretations of the Commission's Rules" web page (<http://www.in.gov/dhs/3780.htm>).

- c. Administrative Law Judge Chelsea E. Smith

Director Boyle advised the Commission that Judge Smith had recently returned from military leave and will resume her duties as the Commission's Administrative Law Judge. Director Boyle added that she has already received a petition for administrative review, and its proceedings will be initiated soon. Commissioner Popich thanked Judge Smith for her service and welcomed her back.

## 5. Rulemaking Updates

- a. Indiana Elevator Code Committee

Director Boyle stated he has not had much time to talk to Commissioner Corey, Chairman of the Elevator Code Committee, because both he and Commissioner Corey have had a lot of work on their plates over the past several months. Nevertheless, Director Boyle promised the Commission that he would work on developing a plan to get the Elevator Code Committee back up and running, as adopting a new Indiana Elevator Code and addressing other issues within the elevator service industry are still important business for the Commission to complete in the near future.

- b. Indiana Boiler and Pressure Vessel Rules Rewrite Committee

- i. Next Meeting: Wednesday, June 10, 2020 beginning at 9:00 a.m. EDT

The Committee's next meeting is scheduled for Wednesday, June 10, 2020. It will again be conducted via WebEx, beginning at 9:00 a.m. EDT. Director Boyle advised that the Committee will finish reviewing Sections 18-25 of Rule 3.

Additionally, Mr. Sprecher, the Administrative Assistant to the Fire Prevention and Building Safety Commission, has prepared a draft of the Committee's proposed rule, which includes all amendments and repeals that the Committee made to the various rules. This draft will be provided to the Committee at next week's meeting for one final review, as it begins its drafting of the fiscal impact analysis to go along with the proposed rule. Director Boyle informed the Commission that he hopes that the Committee's proposed rule and fiscal impact analysis statement will be ready to present to the Commission by August.

***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 – Justin Guedel, IDHS Deputy General Counsel – ***See Notice of Intent to Readopt***
  - i. 675 IAC 13-2.6 – 2014 Indiana Building Code
  - ii. 675 IAC 18-1.6 – 2014 Indiana Mechanical Code
  - iii. 675 IAC 22-2.5 – 2014 Indiana Fire Code
  - iv. 675 IAC 25-3 – 2014 Indiana Fuel Gas Code

Justin Guedel, IDHS Deputy General Counsel, informed the Commission on IDHS' request for the Commission to file a Notice of Intent to readopt the above rules of the Commission. Once the Commission tasks its staff to file the Notice of Intent to Readopt, The Commission will then have to wait an additional thirty (30) days to allow time for any requests to separate to be filed, before it may proceed with filing the final rule to readopt the rules. These rules are set to expire on January 1, 2020. Director Boyle stated that the rules will likely expire if any requests to separate are filed, because there will likely not be enough time to complete the full rulemaking process by the end of the year. Commissioner Popich asked if the Commission could potentially evaluate updating these codes through separate rulemaking processes from the current readoption. Mr. Guedel stated that the Commission could potentially consider starting separate rulemakings in the coming year, but the current priority is to ensure that the Commission's rules will be readopted by the end of the year. Director Boyle echoed Mr. Guedel's sentiment, stating that this is likely the appropriate course of action that the Commission could pursue.

Commissioner Popich added that he would reach out the International Code Council (ICC) to determine when the ICC's 2021 national model code updates are expected to be complete. He also reiterated that it is important for the Commission to begin the process of readoption sooner rather than later, to prevent the Commission's current rules from expiring at the end of the year. As such, Commissioner Popich motioned for Commission staff to file the Notice of Intent to readopt the following rules: 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, and 675 IAC 25-3 - 2014 Indiana Fuel Gas Code.

Commissioner Heinsman seconded the motion, but before an official vote could be

conducted, Christina Collester, RTM Consultants, Inc., asked to be afforded the opportunity to provide a couple of additional comments regarding the need to consider updating these rules as well as other rules of the Commission.

Ms. Collester reminded the Commission that, with the development of new technology, many of these codes are becoming very outdated. She stated that the State's adopted editions of NFPA 14 and 20 were expected to expire last year by many industry professionals, but they were instead readopted. Choosing to readopt these codes, as opposed to adopted more current editions, is causing Indiana to fall behind. As a result, the state continues to have codes that date back to the early 2000s. This poses a serious hazard to life safety because it is often much cheaper for design professionals to base their plans off of old fire suppression system requirements. Ms. Collester concluded her comments by stating that a rewrite of the codes would significantly help the industry, as well as ensure life safety is kept at its peak. Director Boyle stated that her comments would be considered for future code modifications. Mr. Guedel also asked that all members of the public may submit their code change suggestions on the State's Proposal for Code Change form (State Form 41186) or on the Commission's "Code Comments, Proposals and Advice" web form provided on the Commission's webpage, so that staff may keep a record of any proposals and concerns until rulemaking proceedings are officially initiated. Commissioner Popich then questioned whether a fiscal impact would need to be prepared if the Commission chooses to allow NFPA 17 to lapse. Mr. Guedel stated that a fiscal impact would indeed need to be conducted anytime an adoption by reference is made, so as to gain an understanding of the differential cost from year to year.

Commissioner Heinsman asked if there were some codes more technologically outdated than others or if they all are so intertwined that they need to be updated together. Director Boyle believed they are intertwined, but he asked for additional input. Ed Rensink, RTM Consultants, Inc. stated that the Indiana Building Code and Indiana Fire Code contain overlapping sections, so it would be quite chaotic if both codes are not updated at the same time. Further, Mr. Rensink said that the Plumbing and Fuel Codes have more flexibility. Commissioner Popich added that he's heard many individuals are calling for the Indiana Electrical Code to be updated. Ms. Collester recommended that all codes ten (10) years or older be repealed and updated, as well as ensure that all adopted editions of NFPA standards are tied back to the same editions adopted in any updated Indiana Building Code and Indiana Fire Code. Philip Gordon, Deputy Attorney General and Legal Counsel to the Commission, clarified that the statutory requirements for the expiration of administrative rules, which can be found in IC 4-22-2.55, set a seven (7) year limit on the effectiveness of administrative rules so that states agencies and bodies like the Commission will be encouraged to have conversions regarding the continued necessity for the rules and/or the need to update the rules. With that, the Commission conducted a vote on Commissioner Popich's motion. The motion to have staff file the Notice of Intent to readopt the noted rules of the Commission was approved by the Commission, with a vote of 9-0.

	Yes	No
<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	

6. Commission Clarification on Conditions of Variance No. 18-09-31 – 2020 Indiana Convention Center National Truck Driving Championships

Christina Collester, RTM Consultants, stated that this event was anticipated to be held in August 2020, but due to current circumstances surrounding the coronavirus pandemic, it will likely be rescheduled to a new date in 2022. She questioned whether the current variance could be applied to a new date in 2022 or if a new variance would need to be filed. Justin Guedel, IDHS Deputy General Counsel, stated that, since it appeared no specific date or time frame was included in the original variance, it would be within the Commission’s jurisdiction to allow this specific event to take place at a later date. He further clarified that the intent of including this on the Commission’s agenda was so that the Commission could be made aware of the circumstances.

Director Boyle was unsure if a motion to extend the date would be allowed. The Commission stated that it affirmed IDHS’ interpretation of the variance, and Mr. Guedel assured the proponent that a letter on official letterhead could be issued explaining that this event may take place at a later date. Commissioner Pannicke voiced the potential need to extend any future variances, so that the entertainment industry could get back on track. Director Boyle advised the Commission that he has already received many requests from event barns and festivals asking that their expiration dates be extended, due to COVID-19 and the resulting loss in revenue because they will not be open for their seasons. Unfortunately, due the explicit scopes of the variances, they may need to reapply to receive extensions.

Commissioner Pannicke believed the Commission should grant each party an opportunity to appear and explain their case with the idea that each would receive an extension to make up for the loss in operating time. However, Commissioner Popich was hesitant to support this approach, arguing that parties already in their second or third years of operating under a given variance may have already had an adequate amount of time to generate the appropriate revenue needed to make any changes needed to work toward complying with code.

Essentially, he believed that certain parties would take advantage of the process, but he did support the Commission’s desire to waive fees depending on circumstances if an applicant must indeed need to reapply for their variance. Mr. Guedel stated that he would further



evaluate the potential to modify the Commission's rules regarding the payment of fees for variance fees, as may be currently permitted by Governor Holcomb's executive orders.

**Breaking & Reconvening:** The Commission broke for a ten-minute break at 10:30 a.m. Chairman Nicoson called the meeting back to order at 10:45 a.m.

## 7. Variances

### a. Tabled

#### 20-02-32 AC Moxy Hotels, Indianapolis

Director Boyle reminded the Commission that it had decided to table this variance at last month's meeting, due to the need for additional site and building plans. Shortly after that the last meeting, Director Boyle received an email from the submitter of the variance application advising that they are withdrawing their request for the variance application. Thus, no further action is necessary. Commissioner Popich added that the Indianapolis Fire Department did attempt to navigate fire trucks and other necessary equipment through the alleyways adjacent to this hotel, and it was deemed to be impossible.

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

Pastor Mark Adcock spoke as the proponent. Dan White, the chief architect, also joined the call. Pastor Adcock reiterated the hardship of obtaining a local water source for sprinkler use adding that the closest water source would be located at Mount Union School Cooperation, which is 1,600 linear feet away. Mr. White added that the church will have an exit width of three hundred and forty (340) inches, which would accommodate five hundred (500) people and exceed the required width of one hundred (100). Proponents also agreed that the mezzanine level would serve as storage space and never be occupied. Commissioner Heinsman asked Mr. White if the wood components of the structure would be replaced with steel. Mr. White emphasized replacing wood with steel, fire resistant wood frame and plywood on top along with light gauge, steel joists on the mezzanine with fire resistant plywood on top. The structure could be Type IIB but IIIA would allow for flexibility. Commissioner Heinsman asked whether the commissioners would like to allow for maximum flexibility. Considering that the nearest fire department is quite a distance away, Commissioner Greeson thought that, in absence of a sprinkler system, Type IIB construction would be best. Following recommendations on the part of himself and Commissioner Pannicke, Commissioner Heinsman motioned to **approve with the following conditions:** (1) the building is permitted to be classified as Type IIB construction per the revised plans attached to the application., (2) the building is required to be fire-rated in accordance with the revised plans attached to the application, (3) the occupant load of the mezzanine space shall be limited to and posted at a maximum of eight (8) people, and (4) the floor of the mezzanine space may be decked with fire-retardant treated plywood. Commissioner Pannicke seconded the motion. It was voted on and carried by a vote of 8-1.

	Yes	No
	<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

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

Carrie Ballinger spoke as the proponent. She stated that the mezzanine had since been reevaluated and is now being considered as the second floor, due to the Commission's previous concerns. Commissioner Pannicke motioned to **approve (a), as submitted**. Commissioner Henson seconded the motion. It was voted on and carried by a vote of 7-2.

The second variance requests that an additional 115 square feet be permitted for the installation of new restrooms without being counted towards the overall allowable area of the building. Commissioner Jordan motioned to **approve (b), as submitted**. Commissioner Heinsman seconded the motion. It was voted on and carried by a vote of 5-4. Lastly, Director Boyle asked Denise Fitzpatrick to make sure that these revised plans are included in the final record of the variance application.

	(a)		(b)	
	Yes	No	Yes	No
<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>Wes Jordan</b>	X		X	
<b>Robin Nicoson</b>		X		X
<b>Scott Pannicke</b>	X			X
<b>Michael Popich</b>		X		X

b. New

20-05-27 (a)(b) Ricochet Tacos, Crown Point

Bryan Van Ryan and Cory Detamore spoke as the proponents. The request is that the requirement of two means of egress on basement floor be waived. Mr. Van Ryan stated that the basement functions as the kitchen, so the occupancy level in that space is very limited. The Commission questioned the status of a fire escape that was included on the site plans, but Mr. Van Ryan said that escape had been bricked in and was no longer in use. A liquor license was granted by the city, and the total occupancy was calculated at ninety-nine (99) for all floors, including employees. The local building commissioner and city attorney supported proponents' plans, per a letter of support submitted to the Commission. The proponents noted that additional pull stations and extinguishers could be added if needed. Nevertheless, due to the risk of a fire hazard in the kitchen, the Commission requested that a sprinkler system be implemented before a vote of approval could be made. Furthermore, the Commission stated it could allow for a residential fire sprinkler to be installed in lieu of a commercial sprinkler. Mr. Detamore said that the initial design release did not account for sprinkler costs, and being that construction is already underway, he did not feel that any additional costs could be incurred. The Commission asked that he at least attempt to acquire the cost estimate of a sprinkler system, along with obtaining any comments from the appropriate local fire official. With that, Commissioner Greeson motioned to **table (a) and (b)**. Commissioner Heinsman seconded the motion. It was voted on and carried by a vote of 9-0.

	<b>(a)</b>		<b>(b)</b>	
	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
<b>Michael Corey</b>	<b>X</b>		<b>X</b>	
<b>Greg Furnish</b>	<b>X</b>		<b>X</b>	
<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>Wes Jordan</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>	

20-05-28 Jefferson Community Church, Goshen

Ed Rensink spoke as the proponent. This project involves additions to the existing first floor and basement area of the church (indicated on the site plans as "Area B"), as well as a construction of a gymnasium (labeled as "Area C"). The main worship space will remain unchanged. The request to not provide sprinkler. Both additions are Type VA construction, which includes a combination of wood and non-combustible materials. Mr. Rensink added that the exit width exceeds that which is needed to accommodate the anticipated occupancy load. Furthermore, smoke detection, a travel distance of eighty

(80) feet, and corridors in Area B are connected to fire alarm system. The local fire department is in support of this variance. With that, Commissioner Pannicke motioned to **approve with the following condition**: the occupant load of “Building Area C,” as it is identified in the plans attached to the application, shall be limited to and posted at a maximum of four hundred (400) people. Commissioner Furnish seconded the motion. It was voted on and carried by a vote of 9-0.

	Yes	No
<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	

20-05-29 (a)(b) Brauns Fun Time Campers Remodel, Indianapolis

Dennis Bradshaw and April Hensley, the architect for this project, spoke as the proponents. This project involves a very old building of Type IIB construction. Because of the interior wood buildout, the building has gone further out of compliance. The request is to allow the addition of canopies, composed of wood construction, to be added to the exterior of the building. Commissioner Heinsman motioned to **approve (a)**. Commissioner Jordan seconded the motion. It was voted on and carried by a vote of 9-0.

An existing partial sprinkler is located within the building, but it lacks check valves and other necessary requirements. Even with these modifications, the sprinkler would not be in all locations necessary to be considered adequate under code. Due to the fees from the City of Lawrence and the lack of insurance premiums offered to the owner, the installation and upkeep of sprinklers is very costly. Mr. Bradshaw stated that the proposed fire barriers would make up for the lack of sprinklers, as this will divide the building up into three separate spaces. No comments from the fire department were received, which would indicate their approval. Commissioner Jordan asked if an additional exit door could be installed. The chief architect stated that existing offices and bathrooms would make it difficult to add this door, but that she would present it to the owners as the only solution. Commissioner Jordan motioned to **approve (b) with the following condition**: one additional exit (man door) shall be provided on the east exterior wall of the entry showroom. Commissioner Pannicke seconded the motion. It was voted on and carried by a vote of 9-0.

	(a)	(b)
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	Yes	No	Yes	No
<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>Wes Jordan</b>	X		X	
<b>Robin Nicoson</b>	X		X	
<b>Scott Pannicke</b>	X		X	
<b>Michael Popich</b>	X		X	

**Breaking & Reconvening:** The Commission broke for lunch at 12:30 p.m. Chairman Nicoson reconvened the meeting at 1:00 p.m.

20-05-30 (a)(b)(c) Alpine Amish School, Connersville

David Inderstrod spoke as the proponent. Pending approval for two privies instead of bathrooms, so as to allow for the avoidance of a septic tank installed for such a small school. Domestic water service from adjacent home. Commissioner Hite stated a that source of water for handwashing and means of sanitation to be provided on the site. Commissioner Hite motioned to **approve (a) and (b)** on the condition that: a source of water for handwashing and a means of sanitation will be provided on site. Commissioner Jordan seconded the motion. It was voted on and carried by a vote of 9-0.

Director Boyle informed the Commission that staff recommended “no variance required” and asked that Denise Fitzpatrick, IDHS Code Specialist, provide clarification. Ms. Fitzpatrick stated that the code permits bottled water to be provided in lieu of drinking fountains. As such, the applicant already meets the code with the offered condition. Commissioner Pannicke motioned **no variance is required for variance (c)**. Commissioner Hite seconded the motion. It was voted on and carried by a vote of 9-0.

	(a) and (b)		(c)	
	Yes	No	Yes	No
<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>Wes Jordan</b>	X		X	
<b>Robin Nicoson</b>	X		X	
<b>Scott Pannicke</b>	X		X	
<b>Michael Popich</b>	X		X	

20-05-31 (a)(b)(c) Fall Creek Pavilion, Indianapolis

Ed Rensink spoke as the proponent. The project involves reconstruction of the existing swine barn while retaining front façade. The project scope is construction of a new multi-use pavilion on the State Fairgrounds. The lower level pavilion will have approximately 117,500 sq. ft. of floor area that can be used for a variety of functions in addition to its function as a State Fair exhibit barn, including concerts, conventions, sports, and banquet use. Below the street level offices will be a lower level shop and storage area. The assembly space will be used for A-2, A-3, and A-4 Occupancy uses. Mr. Rensink stated that all construction will be non-combustible, and the building will contain a robust sprinkler system. In addition, a 2-hour fire barrier will separate the main pavilion from the east support building, which houses offices and other administrative functions. Finally, egress from the assembly space on the 1st floor includes four (4) banks of exterior exit doors, as well as two (2) 12-ft stairs leading to the street level north entry. The main exit to the south includes a bank of 54 doors leading directly to the exterior that will serve one-half of the total occupant load accommodated by the total egress capacity. Commissioner Heinsman recused himself from this vote, as well as the votes pertaining to (b) and (c). Commissioner Greeson motioned to **approve (a), as submitted**. Commissioner Furnish second the motion. It was voted on and carried by a vote of 7-0.

With no further discussion, Commissioner Pannicke motioned to **approve (b), as submitted**. Commissioner Henson seconded the motion. It was voted on and carried by a vote of 7-0.

The final variance concerns the pedestrian connector, which will feature a non-combustible mezzanine walkway. Mr. Rensink stated that there will be a sprinkler curtain at either end of the walkway. Commissioner Greeson motioned to **approve (c), as submitted**. Commissioner Henson seconded the motion. It was vote on and carried by a vote of 7-0.

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

20-05-32 Belle Grange Events, LLC, Mitchell

Melissa Tupper spoke as the proponent. She acknowledged that the incorrect fire official had been contact but inquired as to whether the Commission could continue to discuss this variance to avoid any further delays. Director Boyle advised that the Commission could discuss this, but it cannot take action due to the emergency rule stating that a local fire official must first be notified. Ms. Tupper asked for feedback over the structural evaluation, so additional information can be gathered if needed. Commissioner Jordan and Heinsman believed the report was thoroughly completed. The project involves the conversion of an existing barn to an event space. The variance request is to permit the building to be evaluated using Chapter 34. Safety features include: monitored smoke detection, shunt trips, short egress distance of approximately fifty-one (51) feet, four (4) exits while code only requires two (2), enough exit width to cover eight hundred (800) people and the interior being fire retardant treated. Director Boyle recommended that no action taken to avoid possible legal ramifications. As such, the application will be brought back into processing status to provide notification to the correct local fire official and then placed back on the Commission's agenda at next month's meeting.

#### 8. Petitions for Administrative Review

##### a. Granted as Timely and with Standing

###### i. Variance No. 20-04-71 – Catholic Charities Terre Haute Food Bank

Director Boyle informed the Commission that this petition has been granted as timely and with standing and has been forwarded to the appropriate ALJ to begin the review proceedings.

#### 9. Commission Review of Local Ordinances

##### a. Pre-Adoption Review

###### i. City of Martinsville, Indiana Fire Prevention Code Ordinance – *received by IDHS commission staff via electronic mail on Thursday, May 14, 2020*

###### ii. City of Greensburg, Indiana Burn Ordinance – *received by IDHS commission staff via electronic mail on Wednesday, May 27, 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. 02032020 - Building Code of Fulton County, Indiana – *received by IDHS commission staff via electronic mail on Wednesday, May 13, 2020.*
- ii. Ordinance No. \_\_\_\_ – Building Code of the Town of Fulton, Indiana – *received by IDHS commission staff via electronic mail on Wednesday, May 13, 2020.*

Director Boyle stated that previous ordinances for the Fulton County were, at one point, denied. After taking a quick glance at it, Director Boyle said that this one seemed to comply with the Commission’s building code template, so he hopes that this can be reviewed and approve relatively quickly. As these ordinances were recently received, Director Boyle recommended the tabling of both ordinances to afford the IDHS staff an adequate amount of time to complete their reviewal process. Commissioner Heinsman motioned to **table** the above ordinances. Commissioner Hite seconded the motion. It was voted on and carried with a vote of 9-0. Let the record reflect that this roll call vote involves both ordinances for the County of Fulton and the Town of Fulton, Indiana.

	Yes	No
<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	

- iii. Ordinance No. 2020-15 – Building Code of the Town of Ellettsville, Indiana – *received by IDHS commission staff via electronic mail on Wednesday, May 20, 2020.*

A version of this ordinance was presented a couple of months ago. It was denied for several reasons. Director Boyle stated that Mr. Guedel has reviewed the updated ordinance, and he recommends approval. Commissioner Jordan motioned to approve Ordinance No. 2020-15. Commissioner Popich seconded the motion. It was voted on and carried with a vote of 9-0.

	Yes	No
<b>Greg Furnish</b>	X	
<b>Jim Greeson</b>	X	



<b>Joe Heinsman</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>	

10. Final Comments/Closing Remarks from Chairman Nicoson

Justin Guedel, IDHS Deputy General Counsel, advised the Commission that IDHS received a letter from an attorney threatening federal legal action against the Commission and the State (IDHS) regarding recent denials of elevator mechanic license applications from applicants from outside of the state of Indiana. Mr. Guedel recommended that this letter be discussed at an executive session at some point next week. Commissioner Pannicke highly suggested that Commissioner Corey take part in the executive session. A two (2) day notice will still be required to give the public notice. Director Boyle asked about the Commissioners' availability. Commissioner Pannicke recommended that Director Boyle send out a "Doodle Poll" to the Commission, in which the members can vote on a date and time that they prefer. Chairman Nicoson thanked everyone for their time and wished them an enjoyable evening.

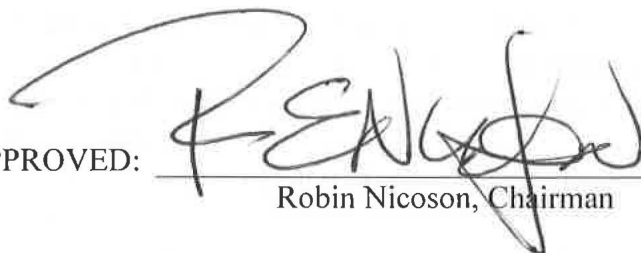
11. Next Meeting – Tentatively scheduled for Tuesday, July 7, 2020, beginning at 9:00 a.m. in History Reference Room 211 of the Indiana State Library, 315 W. Ohio Street, Indianapolis, IN 46202

*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.*

12. Adjournment

Chairman Nicoson adjourned the meeting at 1:48 p.m.

APPROVED:



Robin Nicoson, Chairman