INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission Video/Teleconference Microsoft Teams Format

Tuesday, January 4, 2022

- Pursuant to Indiana Code § 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's (the Commission) regular monthly meeting was called to order by Chairman James Greeson at 9:01 a.m. EST on Tuesday, January 4, 2022. Due to the State of Indiana's declaration of a public health disaster emergency under Executive Order 21-33, the meeting was conducted <u>electronically</u> by videoconference and teleconference call through Microsoft Teams, pursuant to the requirements of Indiana Code § 5-14-1.5-3.7.
 - a. Commissioners virtually/electronically present at the meeting:

Harold Davidson, representing the Commissioner, Indiana Department of Labor Gregory Furnish James Greeson, Chairman Joseph Heinsman David Henson Todd Hite, representing the Commissioner, Indiana State Department of Health James (Wes) Jordan James Murua Scott Pannicke Michael Popich, Vice Chairman John Watson

- b. Commissioners absent from the meeting:
- c. The following staff were present during the meeting electronically:

Doug Boyle, Director of the Fire Prevention and Building Safety Commission Marcus Ballenger, IDHS Code and Variance Specialist Alan Blunk, IDHS Plan Review Section Chief Craig Burgess, Indiana State Building Commissioner Denise Fitzpatrick, 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 Kim Hyten, IDHS Code and Variance Specialist 2. Roll Call – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission

Director Boyle conducted roll call, noting that all eleven (11) commissioners were present electronically at the beginning of the meeting.

- 3. Commission Review and Action on Meeting Minutes
 - a. Tuesday, December 7, 2021

Director Boyle called for corrections to the draft of the Commission's Tuesday, December 7, 2021, meeting minutes. Hearing no corrections, Commissioner Pannicke motioned to approve the Tuesday, December 7, 2021, meeting minutes as submitted. Chairman Greeson seconded the motion. A roll call vote was conducted, and the motion carried.

| | Υ | Ν |
|-----------------|-------------|---|
| Harold Davidson | \boxtimes | |
| Greg Furnish | \boxtimes | |
| Jim Greeson | \boxtimes | |
| Joe Heinsman | \boxtimes | |
| David Henson | \boxtimes | |
| Todd Hite | \boxtimes | |
| Wes Jordan | \boxtimes | |
| Jim Murua | \boxtimes | |
| Scott Pannicke | \boxtimes | |
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

The Tuesday, December 7, 2021, meeting minutes were **approved as submitted**, by a vote of 11-0.

- 4. IDHS/Commission Staff Reports and Updates
 - a. Update regarding State of Indiana's Declaration of a Public Health Disaster Emergency – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission – see <u>Executive Order 21-33</u>

Director Boyle advised that Governor Holcomb extended the State of Indiana's declaration of a public health disaster emergency through February 1, 2022, with the issuance of <u>Executive Order 21-33</u> on December 29, 2021. Staff will continue to monitor any directives coming from the Governor's Office in preparation for next month's meeting.

- b. State Building Commissioner's Report Craig Burgess, Indiana State Building Commissioner
 - i. Written Interpretation No. CEB-2021-40-2009 IEC-210.11(C)(1)
 - ii. Written Interpretation No. CEB-2021-41-2014 IBC-602.1
 - iii. Written Interpretation No. CEB-2021-43-2014 IFC-1027.5
 - iv. Written Interpretation No. CEB-2021-44-2014 IBC-1103.2.3

State Building Commissioner Craig Burgess presented the above identified written interpretations to the Commission for awareness. These interpretations consisted of interpretations published since the Commission's last meeting on December 7, 2021.

c. IDHS Non-Rule Policy Document No. 2021-4-DHS – Application of Private Use Exemption to Regulated Amusement Devices at Single Family Residences.

Justin Guedel, IDHS Deputy General Counsel, notified the Commission of the substance of the above identified nonrule policy which was published by Indiana Register on December 8, 2021.

d. IDHS Variance Determinations Report

As required by 675 IAC 12-5-6.2 (f), the Indiana Department of Homeland Security's provided its report of variance determinations made between December 3, 2021, and December 29, 2021.

- 5. Rulemaking Update(s)
 - a. Indiana Elevator Code Committee
 - i. Next Meeting: Thursday, January 20, 2021, beginning at 9:00 a.m. EST; virtual/electronic Microsoft Teams meeting details TBA.

Public notice and virtual/electronic meeting access details will be provided on the <u>Committee's web page</u> in advance of the meeting.

Director Boyle advised the Commission that the Indiana Elevator Code Committee (the Committee) did not meet on Thursday, December 16, 2021, at staff's request, because staff did not have time to prepare any substantive materials for discussion and action. As provided above, Director Boyle advised the Commission that the Committee hopes to host a meeting on Thursday, January 20, 2021, and the meeting will be conducted as a completely virtual meeting via Microsoft Teams pursuant to the requirements Indiana Code § 5-14-1.5-3.7, with the extension of the declaration of a public health disaster emergency under <u>Executive Order 21-</u><u>33.</u>

- b. Status Update on Administrative Rulemaking to Amend 675 IAC 12-3-2(c) Schedule of Fees for Site Built Construction – Category I (Expedited Plan Review) – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission – see Commission's updated <u>Rulemaking Docket for LSA</u> <u>Document #21-461</u>
 - i. Commission Review and Consideration of All Public Comments Received on the Proposed Rule, pursuant to <u>Indiana Code § 4-22-2-27</u> – see all written comments and summary of comments from December 15, 2021, public hearing provided in meeting materials.

Staff notified the Commission that no comments were received on the proposed rule.

ii. Commission Review and Action on Adopting Proposed Rule as the Commission's Final Rule, pursuant to Indiana Code § 4-22-2-29 – see draft of final rule provided in meeting materials.

After discussion on the substance of the proposed rule with members of the IDHS plan review team, Vice Chairman Popich motioned to adopt the Proposed Rule, published in the Indiana Register as LSA Document #21-461, as the Final Rule of the Fire Prevention and Building Safety Commission. Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion carried.

| | Υ | Ν |
|-----------------|-------------|---|
| Harold Davidson | \boxtimes | |
| Greg Furnish | \boxtimes | |
| Jim Greeson | \boxtimes | |
| Joe Heinsman | \boxtimes | |
| David Henson | \boxtimes | |
| Todd Hite | Χ | |
| Wes Jordan | Χ | |
| Jim Murua | \boxtimes | |
| Scott Pannicke | \boxtimes | |
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

The proposed rule, published in the Indiana Register as LSA Document #21-461, was **adopted as the Final Rule of the Commission**, by a vote of 11-0.

c. Update on the Formation of the Indiana Electrical Code Update Committee – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission

Staff updated on the Commission on the progress made on soliciting membership for the committee and indicated additional time would be needed as staff had not received recommendations to fill all identified membership positions.

 Status Update on the Requirements of the Commission's Imposed Sanction on Variance No. 16-03-61 – Garvin Industrial Park, 1511 Read Street, Evansville, IN 47710

Roger Lehman, representative for the owner, spoke and provided the Commission with an update regarding the actions that were being taken to abide by the Commission's variance sanction order that was issued in June 2021.

Breaking & Reconvening: The Commission took a short break, beginning at 10:20 a.m. EST. The meeting was called back to order at 10:36 a.m. EST.

- 7. Variances
 - a. Tabled

21-10-27 (c) IU Collins Center Renovation, Bloomington

Carrie Ballinger, submitter, had submitted an email to staff requesting that the Commission table the variance request again until the Commission's next meeting in February. As such, Commissioner Furnish motioned to table variance (c). Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion carried.

| | (0 | C) |
|-----------------|-------------|----|
| | Υ | Ν |
| Harold Davidson | Χ | |
| Greg Furnish | Χ | |
| Jim Greeson | Χ | |
| Joe Heinsman | Χ | |
| David Henson | Χ | |
| Todd Hite | Χ | |
| Wes Jordan | Χ | |
| Jim Murua | Χ | |
| Scott Pannicke | \boxtimes | |
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

Variance (c) was tabled, by a vote of 11-0.

21-10-34 Bodner Residence, Indianapolis

Ed Rensink, submitter, spoke as the proponent.

After additional discussion, Commissioner Pannicke motioned to deny the variance request. Vice Chairman Popich seconded the motion. A roll call was conducted, and the motion carried.

| | Υ | Ν |
|-----------------|-------------|-------------|
| Harold Davidson | | X |
| Greg Furnish | Μ | |
| Jim Greeson | | \boxtimes |
| Joe Heinsman | Χ | |
| David Henson | \boxtimes | |
| Todd Hite | | \boxtimes |
| Wes Jordan | | |
| Jim Murua | Χ | |
| Scott Pannicke | \boxtimes | |
| Michael Popich | \boxtimes | |
| John Watson | | \boxtimes |

The variance request was **denied**, by a vote of 6-4.

21-12-24 (a) Square Cat Vinyl, Indianapolis

Prior to the Commission's meeting, Ed Rensink, submitter, sent an email to Director Boyle on behalf of the owner/applicant, requesting that variance (a) be tabled again by the Commission until the Commission's next meeting in February. Based on this information, Vice Chairman Popich motioned to table variance (a). Commissioner Furnish seconded the motion. A roll call vote was conducted, and the motion carried.

| | (a) | |
|-----------------|-------------|---|
| | Υ | Ν |
| Harold Davidson | Χ | |
| Greg Furnish | Χ | |
| Jim Greeson | Χ | |
| Joe Heinsman | Χ | |
| David Henson | X | |
| Todd Hite | \boxtimes | |
| Wes Jordan | | |
| Jim Murua | Χ | |

| Scott Pannicke | \boxtimes | |
|----------------|-------------|--|
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

Variance (a) was tabled, by a vote of 10-0.

b. New

21-12-58 Stutz Building Renovation – Bid Package 2, Indianapolis

Ed Rensink, submitter, spoke as the proponent.

After additional discussion, Commissioner Davidson motioned to approve the variance request as submitted. Chairman Greeson seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Heinsman recused himself from the vote.

| | Υ | Ν |
|-----------------|-------------|---|
| Harold Davidson | X | |
| Greg Furnish | \boxtimes | |
| Jim Greeson | Χ | |
| Joe Heinsman | | |
| David Henson | \boxtimes | |
| Todd Hite | \boxtimes | |
| Wes Jordan | | |
| Jim Murua | \boxtimes | |
| Scott Pannicke | \boxtimes | |
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

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

21-12-59 (a)(b) Globe Industries Paint Building SFM Filing, New Pekin

Ed Rensink, submitter, and John Hawkins, design professional/architect for the project, spoke as the proponents.

After additional discussion, Commissioner Murua motioned to approve variance (a) with the following additional conditions: 1. This variance shall be limited to the current paint spray operation of the owner's business (painting of large-scale steel fabrications). 2. Mixing of paint is prohibited within the structure. Commissioner Pannicke seconded the motion. A roll call vote was conducted, and the motion carried.

| | (a) | |
|-----------------|-------------|---|
| | Υ | Ν |
| Harold Davidson | Χ | |
| Greg Furnish | \boxtimes | |
| Jim Greeson | \boxtimes | |
| Joe Heinsman | Χ | |
| David Henson | \boxtimes | |
| Todd Hite | Χ | |
| Wes Jordan | | |
| Jim Murua | \boxtimes | |
| Scott Pannicke | \boxtimes | |
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

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

Variance (b)

After additional discussion, Commissioner Pannicke motioned to approve variance (b) as submitted. Commissioner Murua seconded the motion. A roll call vote was conducted, and the motion carried.

| | (b) | |
|-----------------|-------------|---|
| | Υ | Ν |
| Harold Davidson | Χ | |
| Greg Furnish | Χ | |
| Jim Greeson | Χ | |
| Joe Heinsman | Χ | |
| David Henson | Χ | |
| Todd Hite | Χ | |
| Wes Jordan | | |
| Jim Murua | Χ | |
| Scott Pannicke | \boxtimes | |
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

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

Breaking & Reconvening: The Commission took a short break, beginning at 10:52 a.m. EST. The meeting was called back to order at 11:10 a.m. EST.

21-12-60 The Edge, Indianapolis

Ed Rensink, submitter, spoke as the proponent.

After additional discussion, Commissioner Murua motioned to deny the variance request. Vice Chairman Popich seconded the motion. A roll call vote was conducted, and the motion carried.

| | Υ | Ν |
|-----------------|-------------|---|
| Harold Davidson | \boxtimes | |
| Greg Furnish | \boxtimes | |
| Jim Greeson | \boxtimes | |
| Joe Heinsman | \boxtimes | |
| David Henson | \boxtimes | |
| Todd Hite | \boxtimes | |
| Wes Jordan | \boxtimes | |
| Jim Murua | Ø | |
| Scott Pannicke | \boxtimes | |
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

The variance request was **denied**, by a vote of 11-0.

21-12-61 BSU North Residential Neighborhood, Muncie

Ralph Gerdes, submitter, and Nick Wissing spoke as the proponents.

After additional discussion, Commissioner Pannicke motioned to approve the variance request with the following additional condition: One set of the double doors on second floor of the structure, connecting either residential wing to the center common space of the structure, must swing in the direction of egress, and the doors must be provided with the proper (required) egress (exit) signage. Commissioner Davidson seconded the motion. A roll call vote was conducted, and the motion carried.

| | Υ | Ν |
|-----------------|-------------|---|
| Harold Davidson | Χ | |
| Greg Furnish | \boxtimes | |
| Jim Greeson | \boxtimes | |
| Joe Heinsman | \boxtimes | |
| David Henson | \boxtimes | |
| Todd Hite | \boxtimes | |

| Wes Jordan | \boxtimes | |
|----------------|-------------|--|
| Jim Murua | \boxtimes | |
| Scott Pannicke | \boxtimes | |
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

The variance request was **approved with one additional Commission condition**, by a vote of 11-0.

21-12-62 Republic Airways Training Center & Hotel, Carmel

Christina Collester, submitter, spoke as the proponent.

After additional discussion, Vice Chairman Popich motioned to approve the variance request as submitted. Commissioner Murua seconded the motion. A roll call vote was conducted, and the motion carried. Commissioner Pannicke recused himself from the vote.

| | Υ | Ν |
|-----------------|-------------|---|
| Harold Davidson | Χ | |
| Greg Furnish | Χ | |
| Jim Greeson | \boxtimes | |
| Joe Heinsman | \boxtimes | |
| David Henson | \boxtimes | |
| Todd Hite | \boxtimes | |
| Wes Jordan | Χ | |
| Jim Murua | Χ | |
| Scott Pannicke | | |
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

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

- 8. Commission Review of Local Ordinances
 - a. Preliminary (Pre-Adoption) Review see report provided in meeting materials
 - b. Adopted Ordinances
 - i. Ordinance No. 2020-11 Solar Energy System (SES) Ordinance of Huntington County, Indiana – *received by Commission staff via electronic mail on Tuesday, October 12, 2021. Tabled at the Commission's Tuesday, December 7, 2021, meeting.*

Director Boyle requested that the Commission table Ordinance No. 2020-11 – Solar Energy System (SES) Ordinance of Huntington County, Indiana, until the Commission's next meeting, to afford staff additional time to review the ordinance for conflicts with the Commission's rules. As such, Vice Chairman Popich motioned to table Ordinance No. 2020-11 – Solar Energy System (SES) Ordinance of Huntington County, Indiana, until the Commission's next meeting on Tuesday, February 1, 2022. Commissioner Murua seconded the motion. A roll call vote was conducted, and the motion carried.

| | Υ | Ν |
|-----------------|-------------|---|
| Harold Davidson | \boxtimes | |
| Greg Furnish | \boxtimes | |
| Jim Greeson | \boxtimes | |
| Joe Heinsman | \boxtimes | |
| David Henson | \boxtimes | |
| Todd Hite | \boxtimes | |
| Wes Jordan | \boxtimes | |
| Jim Murua | \boxtimes | |
| Scott Pannicke | \boxtimes | |
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

Ordinance No. 2020-11 – Solar Energy System (SES) Ordinance of Huntington County, Indiana, was **tabled** until the Commission's next meeting on Tuesday, February 1, 2022, by a vote of 11-0.

ii. Ordinance No. 2021-0024 – Fire Prevention Code of the City of Martinsville, Indiana – received by Commission staff via electronic mail on Tuesday, November 16, 2021. Tabled at the Commission's Tuesday, December 7, 2021, meeting.

After additional discussion, and based on staff's recommendation, Vice Chairman Popich motioned to approve Ordinance No. 2021-0024 – Fire Prevention Code of the City of Martinsville, Indiana. Commissioner Heinsman seconded the motion. A roll call vote was conducted, and the motion carried.

| | Υ | Ν |
|-----------------|-------------|---|
| Harold Davidson | Χ | |
| Greg Furnish | \boxtimes | |
| Jim Greeson | \boxtimes | |
| Joe Heinsman | \boxtimes | |

| David Henson | \boxtimes | |
|----------------|-------------|--|
| Todd Hite | \boxtimes | |
| Wes Jordan | \boxtimes | |
| Jim Murua | \boxtimes | |
| Scott Pannicke | \boxtimes | |
| Michael Popich | \boxtimes | |
| John Watson | \boxtimes | |

Ordinance No. 2021-0024 – Fire Prevention Code of the City of Martinsville, Indiana, was **approved** by the Commission, by a vote of 11-0. Director Boyle advised the Commission that he will issue the Commission's Order of Approval of Ordinance No. 2021-0024 to the City of Martinsville after the meeting.

 iii. Ordinance No. 2019-G-15 – Building Code of the Town of Clarksville, Indiana – received by Commission staff via electronic mail on Monday December 13, 2021.

After additional discussion, and based on staff's recommendation, Commissioner Heinsman motioned to deny Ordinance No. 2019-G-15 – Building Code of the Town of Clarksville, Indiana. Commissioner Jordan seconded the motion. A roll call vote was conducted, and the motion carried.

| | Υ | Ν |
|-----------------|-------------|-------------|
| Harold Davidson | | Χ |
| Greg Furnish | \boxtimes | |
| Jim Greeson | \boxtimes | |
| Joe Heinsman | \boxtimes | |
| David Henson | \boxtimes | |
| Todd Hite | \boxtimes | |
| Wes Jordan | \boxtimes | |
| Jim Murua | | \boxtimes |
| Scott Pannicke | \boxtimes | |
| Michael Popich | | \boxtimes |
| John Watson | \boxtimes | |

Ordinance No. 2019-G-15 – Building Code of the Town of Clarksville, Indiana, was **denied** by the Commission, by a vote of 8-3. Director Boyle advised the Commission that he will issue the Commission's Order of Denial of Ordinance No. 2019-G-15 to the Town of Clarksville after the meeting.

9. Final Comments/Closing Remarks from Chairman Greeson

Director Boyle informed the Commission that he has accepted a new position with the Indiana Professional Licensing Agency and will therefore be resigning from his position as the Commission's director.

 Next Meeting – Tuesday, February 1, 2022, beginning at 9:00 a.m. Eastern Time in Conference Room F, Indiana Government Center South Conference Center, 302 W. Washington Street, Indianapolis, IN 46204. Virtual meeting details TBA.

A public notice with specific details regarding the format of the meeting will be provided on the <u>Commission main web page</u> in advance of the meeting date.

Director Boyle advised the Commission that its next meeting is scheduled for Tuesday, February 1, 2022, and that Conference Room F of the Indiana Government Center South Conference Center has been reserved for the meeting.

11. Adjournment

Chairman Greeson adjourned the meeting at 12:14 p.m. EST.

APPROVED: _____

James L. Greeson, Chairman