



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

CONSTRUCTION CODE COMMISSION

Virtual Zoom Meeting Pursuant to MCL 15.263 and MCL 15.263a

Web Link: <https://us02web.zoom.us/j/82998194855?pwd=SmNIMkNOUExiVlgxM0hSNm9rNzZldz09>

Phone Number: 877-873-8017 (US Toll Free)

Password/Conference Code: 109987

APPROVED 02/23/2021

MINUTES

January 27, 2021

10:00 a.m.

MEMBERS ATTENDING REMOTELY*

Mr. Brad Bartholomew, City of Kalamazoo, Kalamazoo County, MI
Mr. Frank Bayer, Township of Clinton, Macomb County, MI
Mr. Ronald Campbell, City of Davison, Genesee County, MI
Ms. Laurie Catey, City of Royal Oak, Oakland County, MI
Mr. Phillip Copeland, City of Troy, Oakland County, MI
Mr. Timothy Danielak, Township of Saginaw, Saginaw County, MI
Mr. Glenn Davis, City of Bloomfield Hills, Oakland County, MI
Ms. Shanna Draheim, City of East Lansing, Ingham County, MI
Mr. Daryl Gallant, Township of Perry, Shiawassee County, MI
Mr. Jonathon Jackson, City of Dearborn, Wayne County, MI
Mr. Adam Krouse, City of Lansing, Clinton County, MI
Mr. Mark Lee, City of Kalamazoo, Kalamazoo County, MI
Mr. Justin Schott, Township of Scio, Washtenaw County, MI
Mr. David Tomlinson, City of Pontiac, Oakland County, MI
Mr. Scott Weaver, City of East Lansing, Ingham County, MI
Mr. Jeffrey Zielke, City of Birmingham, Oakland County, MI

MEMBERS ABSENT

Board of Mechanical Rules
Designee

*Each attending member stated they were attending remotely.

DEPARTMENT PERSONNEL ATTENDING

Mr. Keith Lambert, Director, Administration, BCC
Ms. Alesha Gensler, Deputy Director, Administration, BCC
Mr. Anthony Snyder, Administrative Law Specialist, Administration, BCC
Mr. Kevin Kalakay, Chief, Mechanical Division, BCC
Mr. Jon Paradine, Chief, Building and Permits Division, BCC
Mr. Andy Neuman, Chief, Plumbing Division BCC
Mr. Lance Ash, Lead Electrical Inspector, Electrical Division, BCC
Ms. Dianne Barmes, Manager, Licensing and Compliance Division, BCC
Ms. Tracie Pack, Departmental Analyst, Administrative Services Division, BCC
Ms. Sara Leiby, Secretary, Administrative Services Division, BCC
Ms. Courtney Pendleton, Deputy Director, LARA
Mr. Bryan Modelski, Deputy Operations Officer, LARA

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Mr. Lambert called the meeting to order at 10:02 a.m. A quorum was present at that time.

2. COMMUNICATION PROCEDURES

Ms. Leiby informed the meeting participants of the communication procedures.

3. APPROVAL OF AGENDA

A **MOTION** was made by Commissioner Danielak and **SECONDED** by Commissioner Draheim to approve the agenda. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

4. NOMINATION AND ELECTION OF OFFICER

Director Lambert and the members of the Commission, new and returning, introduced themselves.

A. Vice Chairperson

A **MOTION** was made by Commissioner Danielak and **SECONDED** by Commissioner Davis to nominate Commissioner Danielak as acting Vice Chairperson for this meeting. Elections will take place at the next meeting. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

5. APPROVAL OF MINUTES

A. July 22, 2020 - Regular Meeting Minutes

A **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Gallant to approve the minutes of the July 22, 2020 meeting. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

B. August 11, 2020 - Appeal Review Panel Minutes

A **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Bartholomew to approve the minutes of the August 11, 2020 Appeal Review Panel. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

6. MEET AND GREET WITH LARA ADMINISTRATION

LARA Deputy Director Pendleton and LARA Deputy Operations Officer Modelski introduced themselves to the Commission.

7. APPLICANTS APPEALING DENIAL

A. Michael Schwartz - Mechanical Inspector

Mr. Michael Schwartz's appeal of denial of his Application for Registration of Mechanical Inspector was reviewed by the Commission to the requirements of R 408.30043 of the Building Officials, Plan Reviewers, and Inspectors Rules.

The applicant was not present nor was his representation present for the review.

Following discussion, a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Campbell to deny Mr. Schwartz's appeal due to no further information provided and Mr. Schwartz does not meet the requirements for Mechanical Inspector as stated in R 408.30043. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

B. Randy Glass - Mechanical Inspector

Mr. Randy Glass appeared before the Commission to appeal the requirements for Mechanical Inspector as stated in R 408.30043 of the Building Officials, Plan Reviewers, and Inspectors Rules.

Mr. Glass provided testimony regarding his work experience for the review.

Following discussion, a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Gallant to deny Mr. Glass' appeal due to not meeting the time per the requirements for Mechanical Inspector as stated in R 408.30043. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None restraints) **MOTION CARRIED UNANIMOUSLY.**

8. CONSTRUCTION CODE APPEALS

A. Power Home Solar, LLC vs. Livingston County

Mr. Bryan Law's Application for Construction Code Appeal of the Livingston County's Construction Board of Appeals' decision for Power Home Solar, LLC was presented to the Commission.

Mr. Law, Power Home Solar, LLC, Mr. Nick Malouf, Livingston County Electrical Inspector, Mr. Jim Rowell, Livingston County Building Official, Mr. Rick Swanson, Livingston County Building Inspector and Plan Reviewer, and Mr. Donald Schnettler,

Washtenaw County Building Official, Building and Electrical Inspector, and Plan Reviewer, attended the meeting and provided testimony for the review.

Following discussion, a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Draheim to create a subcommittee to review and provide recommendation to the Commission and table the item. The appeal review subcommittee will consist of Commissioners Weaver, Danielak, and Gallant, with Commissioner Weaver as Chairperson. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

B. Wizinsky vs. Leelanau County

Mr. William Wizinsky's Application for Construction Code Appeal of Leelanau Township's denial of a certificate of occupancy was presented to the Commission.

Mr. Chet Janik, Leelanau County Administrator, and Matthew Zaleski, Leelanau County Attorney, attended the meeting and provided testimony for the review.

Following discussion, a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Davis to table Mr. Wizinsky's appeal for consultation with counsel for decision. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Jackson, Krouse, Lee, Schott, Tomlinson, and Weaver; Nay: Commissioners Gallant and Zielke) **MOTION CARRIED.**

9. PETITION APPLICATIONS FOR CERTIFICATE OF ACCEPTABILITY

A. AG-CO LLC, Footing Pad Brand Post Foundations, FO-10, FP-12, FP-16, FP-20, and FP-24

Mr. Paul Kluempers' Petition Application for Certificate of Acceptability for the Footing Pad Brand Post Foundations, FO-10, FP-12, FP-16, FP-20 and FP-24, was presented to the Commission.

Mr. Kluempers, AG-CO LLC, and Ms. Kay Demey, Hansen Marketing, provided testimony for the review.

Following discussion, a **MOTION** was made by Commissioner Gallant and **SECONDED** by Commissioner Weaver to approve Mr. Kluempers' Petition Application for Certificate of Acceptability as submitted. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

B. Supportworks, PowerBrace Wall Bracing System

Mr. Ned Waltz's Petition Application for Certificate of Acceptability for the PowerBrace Wall Bracing System was presented to the Commission.

Mr. Waltz, Supportworks, provided testimony for the review.

Following discussion, a **MOTION** was made by Commissioner Bartholomew and **SECONDED** by Commissioner Zielke to deny Mr. Waltz's Petition Application for Certificate of Acceptability due to lack of approval from an accredited agency; therefore, effectiveness cannot be determined. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

10. UNFINISHED BUSINESS

A. Subcommittee Report

No discussion took place regarding the Subcommittee Report.

B. Permits Prescribed by the Commission

Director Lambert advised the Commission that LARA Director Hawks encourages the Commission to have uniform permit applications statewide.

Following discussion, a **MOTION** was made by Commissioner Bartholomew and **SECONDED** by Commissioner Weaver to direct the Bureau to gather stakeholder information on permit applications in use now and input for uniform permit applications to be used statewide for the next regularly scheduled meeting. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

11. NEW BUSINESS

A. Inspector Approval Report

A **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Bartholomew to approve the list of inspectors as presented. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

A **MOTION** was made by Commissioner Bartholomew and **SECONDED** by Commissioner Draheim to request clarification from the Office of Attorney General on whether MCL 339.5531 of the Skilled Trades Regulation Act, 2016 PA 407, allows the Commission to consider experience rather than time. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

12. BUREAU QUARTERLY REPORT

Director Lambert reported on the following:

Mr. Dean Austin, Electrical Chief, retired on January 9, 2021. Mr. Lance Ash is the Acting Electrical Chief until the position is posted and filled.

Mr. Jon Paradine, Building and Permits Division Chief, was admitted to the International Code Council 400 Log Standard Committee.

The LARA Executive Office has been reorganized and Ms. Courtney Pendleton is the new Deputy Director for LARA overseeing the Bureau.

Director Lambert and Deputy Director Gensler will begin to have quarterly meetings with the Chairperson and Vice Chairperson of each of the Bureau's Boards and Commissions.

The Ski Area Safety General Rules were filed with the Office of the Great Seal and are in effect as of December 10, 2020.

The Office of the Auditor General audit that began in April should be completed soon.

Citation implementation began October 1, 2020 for unlicensed/unpermitted construction work or work performed without proper identification as regulated by the Skilled Trades Regulation Act and the Occupational Code.

Board and Commission meeting information is transitioning to Egress.

13. PUBLIC COMMENT

Ms. Cindy Maher, MPMCA, explained that as a member of the work group that combined the different trade acts into the Skilled Trades Regulation Act, her understanding is that Articles 7 - 11 would take precedent over the prior general articles.

Ms. MJ D'Smith, MIACCA, thanked the members for seeking uniform permit applications throughout the state and stated she emailed permit form to the Director.

14. NEXT MEETING DATE - APRIL 14, 2021

The Commission is scheduled to meet next at 10:00 a.m. at 611 West Ottawa Street, Lansing, MI 48933 in Upper Level Conference Room 4 on April 14, 2021.

15. ADJOURNMENT

A **MOTION** was made by Commissioner Campbell and **SECONDED** by Commissioner Davis to adjourn the meeting at 1:03 p.m. (Aye: Commissioners Bartholomew, Bayer, Campbell, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Tomlinson, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**