



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/82665629986?pwd=SnJJaU83UEN5R1l6U0pnZXhBUjRIUT09>

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

Password/Conference Code: 109987

APPROVED 06/17/2021

MINUTES - OPEN SESSION

April 14, 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
Ms. Laurie Catey, City of Davenport, Polk County, FL
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 Brighton, Livingston County, MI
Mr. Jonathon Jackson, City of Dearborn, Wayne County, MI
Mr. Adam Krouse, Township of Dewitt, Clinton County, MI
Mr. Mark Lee, City of Kalamazoo, Kalamazoo County, MI
Mr. Justin Schott, Township of Scio, Washtenaw County, MI
Mr. Scott Weaver, City of Sunfield, Ionia County, MI
Mr. Jeffrey Zielke, City of Birmingham, Oakland County, MI

MEMBERS ABSENT

Mr. Christopher MacKay
Mr. David Tomlinson
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. Andy Neuman, Chief, Plumbing Division, BCC
Mr. Jon Paradine, Chief, Building and Permits Division, BCC
Mr. Lance Ash, Lead Electrical Inspector, Electrical Division, BCC
Ms. Dianne Barmes, Manager, Licensing and Compliance Division, BCC
Ms. Amanda Johnson, Departmental Analyst, Administrative Services Division, BCC
Ms. Tracie Pack, Departmental Analyst, Administrative Services Division, BCC
Ms. Sara Leiby, Secretary, Administrative Services Division, BCC
Mr. Jason Hawkins, Assistant Attorney General, OAG

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Commissioner Danielak called the meeting to order at 10:00 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 Weaver and **SECONDED** by Commissioner Draheim to approve the agenda. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

4. NOMINATION AND ELECTION OF OFFICERS

A. Vice Chairperson

A **MOTION** was made by Commissioner Draheim and **SECONDED** by Commissioner Weaver to table the nomination and election of the Vice Chairperson. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

5. APPROVAL OF MINUTES

A. February 23, 2021 - Open Session Minutes

A **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Bartholomew to approve the open session minutes of the February 23, 2021 meeting. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

B. February 23, 2021 - Closed Session Minutes

A **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Bayer to approve the closed session minutes of the February 23, 2021 meeting. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

6. APPLICANT APPEALING DENIAL

A. George F. Beattie - Mechanical Inspector

Mr. George F. Beattie appeared before the Commission to appeal denial of his Application for Registration of Mechanical Inspector.

Mr. Beattie provided testimony regarding his work experience for review to the requirements of R 408.30043.

Following discussion, a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Draheim to deny Mr. Beattie's appeal as he does not meet the qualifications. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

(Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

Commissioner Lee joined the meeting at 10:23 a.m.

7. APPLICATION TO ADMINISTER AND ENFORCE

A. Village of Decatur - Electrical and Plumbing

Mr. Glenn Lindsey, Village Building Official from SAFEbuilt LLC, presented the Village of Decatur's Application to Administer and Enforce to the Commission.

Following discussion, a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Draheim to table the Village of Decatur's Application to Administer and Enforce to allow the applicant to provide additional documentation within 45 days to show the stipulations for issuance of certificate of occupancy per Section 111.2 of the 2015 Michigan Building Code and include conflict of interest provisions for the contract with SAFEbuilt per 1972 PA 230, MCL 125.1509 (2). (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

AAG Hawkins informed the Commission that it must decide on the application within 90 days, no later than July 13, 2021.

Commissioner Schott joined the meeting at 10:40 a.m.

8. CONSTRUCTION CODE APPEAL

A. Bowdish vs. Township of Saugatuck

On behalf of Mr. Tyler and Ms. Josiline Bowdish, Mr. Aaron Phelps, Esq., Varnum LLP, presented an Application for Construction Code Appeal of the Township of Saugatuck Construction Board of Appeals' February 12, 2021 decision for the property located at 3487 66th Street in the Township of Saugatuck to the Commission.

Mr. Aaron Phelps, attorney for the Bowdishes and Mr. James Straub, attorney for the Township of Saugatuck, provided testimony for the review.

At 10:58 a.m., a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Bartholomew to meet in Closed Session under Section 8(h) of the Open Meetings Act to consider material exempt from discussion or disclosure by state or federal statute under Section 13(1)(g) of the Freedom of Information Act, specifically the memorandum dated April 12, 2021 subject to attorney client privilege. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Gallant, Jackson, Krouse, Lee, Schott, Weaver, and Zielke; Nay: Commissioner Draheim) **MOTION CARRIED.**

The Commission came back into Open Session at 12:16 p.m. A roll call was completed to affirm that all of the Commissioners present during the Closed Session returned to the Open Session.

Following discussion, a **MOTION** was made by Commissioner Draheim and **SECONDED** by Commissioner Zielke to deny the appeal and affirm the Township of Saugatuck Construction Board of Appeals' February 12, 2021 decision, and therefore, deny the Bowdishes' appeal because the building permit application did not meet the requirements of the Township of Saugatuck's fire code which is an applicable law or ordinance under Section 11(1) of 1972 PA 230, MCL 125.1511(1). (Aye: Commissioners Bartholomew, Bayer, Catey, Danielak, Davis, Draheim, Gallant, Krouse, Schott, Weaver, and Zielke; Nay: Commissioners Copeland, Jackson, and Lee) **MOTION CARRIED.**

9. UNFINISHED BUSINESS

A. Uniform Permit Applications Feedback

The Bureau provided the feedback received for uniform permit applications to the Commission.

Mr. Bill Benoit, Cascade Charter Township Building Inspector/Plan Reviewer and former Construction Code Commission Chairperson, provided history of the request for a uniform permit application to the Commission and explained that per 1972 PA 230 the permit applications proposed for use were approved by the Commission when the municipality received approval to administer and enforce the act and code(s). Mr. Benoit also explained that in accordance with the Act the permit fees shall be based on operational costs.

Commissioner Weaver responded that a standard form would not prohibit a municipality from having an addendum for its own requirements.

Ms. MJ D'Smith, MIACCA, verified that MIACCA did bring the matter before the Commission for consideration due to the desire for simplicity, but never desired set fees.

Director Lambert notified the Commission that a declaratory ruling request was made by Director Hawks regarding a Freedom of Information Act request received. A uniform permit application would provide predictability when requesting permits and uniformity would assist the bidding process. A uniform permit application will not include uniform fees.

Following discussion, a **MOTION** was made by Commissioner Gallant and **SECONDED** by Commissioner Bartholomew to table the matter until materials are reviewed and a recommendation is provided by the Bureau. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

10. NEW BUSINESS)

In January, the Court of Appeals issued a decision affirming the Commission's decision for the Phil Forner vs. Tallmadge Charter Township Construction Code Appeal. Mr. Forner is appealing the Court of Appeals' decision.

11. CODE ADMINISTRATION AND ENFORCEMENT

A. Current Application

Director Lambert provided an update regarding the application to Administer and Enforce the Act and code(s).

B. MCL 125.1508b (6) - Additional Information Deemed Necessary

The Bureau does not intend to change the application unless it is deemed necessary.

C. Procedural and Application Changes

In an effort to improve the existing process, staff will review new applications received, request information, and provide a report to assist the Commission's review.

D. Enforcing Agency Jurisdictional Transitions

When the Commission approves an Application to Administer and Enforce an effective date beginning 60 days after approval is desired to provide time for the transition.

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 new Electrical Chief.

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

Mr. Pete Ingalls, Plumbing Inspector and Plan Reviewer, retired on December 31, 2020. Mr. Allon Robbins filled the vacant position.

The Bureau is in the process of filling elevator inspector vacancies.

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 2018 Michigan Plumbing Code and the 2018 Michigan Building Code are currently going through the rule making process and detailed information is provided on the Bureau website.

The Bureau initiated a six-month temporary project to reduce the residential builder complaint backlog.

13. PUBLIC COMMENT

Commissioner Draheim inquired if the Commission can have a divider and summary for each agenda item for Commission meeting packets.

Ms. Leiby explained that each agenda item is bookmarked and labeled with the respective agenda number within the meeting packets.

Ms. Cindy Maher of the MPMCA stated they support uniform permit applications.

Mr. Jim Williams thanked the Commission for the decision made on the Bowdish vs. Township of Saugatuck Construction Code Appeal.

Mr. Glenn Lindsey thanked the Bureau for the procedural changes for the Applications to Administer and Enforce and requested clarification on the transition in cases where the Bureau issues permits after a jurisdiction change if it performed the plan review prior.

14. NEXT MEETING DATE - JULY 21, 2021

The Commission is scheduled to meet next at 10:00 a.m. at 702 West Kalamazoo Street, Lansing, MI 48915 in the 1st Floor Forum on July 21, 2021.

AAG Hawkins advised a special meeting will be scheduled in order for the Commission to decide on item 7.A. within the specified timeframe.

15. ADJOURNMENT

A **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Copeland to adjourn the meeting at 1:13 p.m. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Lee, Schott, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**