



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/83674502793?pwd=WFZPRWwxME10eUxJVWpLeGRUQytMQT09>

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

Password/Conference Code: 109987

APPROVED 10/13/2021

MINUTES - OPEN SESSION

June 17, 2021

10:00 a.m.

MEMBERS ATTENDING REMOTELY*

Ms. Laurie Catey, City of Muskegon, Muskegon County, MI
Mr. Glenn Davis, City of Bloomfield Hills, Oakland County, MI
Ms. Shanna Draheim, City of East Lansing, Ingham County, MI
Mr. Jason Finch, City of Fremont, Newaygo County, MI
Mr. Daryl Gallant, City of Perry, Shiawassee 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 East Lansing, Ingham County, MI
Mr. Jeffrey Zielke, City of Birmingham, Oakland County, MI

MEMBERS ABSENT

Mr. Brad Bartholomew
Mr. Frank Bayer
Mr. Ronald Campbell
Mr. Phillip Copeland
Mr. Timothy Danielak
Mr. Jonathon Jackson
Mr. David Tomlinson

*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. Lance Ash, Chief, Electrical Division, BCC
Mr. Andy Neuman, Chief, Plumbing Division, BCC
Mr. Jon Paradine, Chief, Building and Permits Division, BCC
Ms. Hillary Millen, Departmental Analyst, Administrative Services Division, BCC
Ms. Tracie Pack, Departmental Analyst, Administrative Services Division, BCC
Ms. Sara Leiby, Secretary, Administrative Services Division, BCC
Mr. Joseph Froehlich, Assistant Attorney General, OAG
Ms. Jessica Mullen, Assistant Attorney General, OAG
Ms. Debbie Taylor, Chief, Labor Division, OAG

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Commissioner Weaver called the meeting to order at 10:05 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 Draheim and **SECONDED** by Commissioner Finch to approve the agenda. (Aye: Commissioners Catey, Davis, Draheim, Finch, Gallant, Krouse, Lee, Schott, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

4. APPROVAL OF MINUTES

A. April 14, 2021 - Open Session Minutes

B. April 14, 2021 - Closed Session Minutes

A **MOTION** was made by Commissioner Draheim and **SECONDED** by Commissioner Finch to approve the open session and closed session minutes of the April 14, 2021 meeting. (Aye: Commissioners Catey, Davis, Draheim, Finch, Gallant, Krouse, Lee, Schott, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

5. NOMINATION AND ELECTION OF VICE CHAIRPERSON

This matter was revisited under agenda item 11 to allow AAG Mullen time to determine which Commissioners are eligible to hold the Vice Chairperson office per statute.

6. CONSTRUCTION CODE APPEAL

A. Muskegon Public Schools vs. State Plumbing Board

On behalf of Muskegon Public Schools, Ms. Jennifer Starlin, Thrun Law Firm, P.C., presented an Application for Construction Code Appeal of the State Plumbing Board's March 5, 2021 final decision for the request for plumbing code variance for Charles Hackley Middle School for relief from the requirements of Section 403.2 of the 2015 Michigan Plumbing Code (MPC).

Ms. Jennifer Starlin, Mr. Matthew Cortez, Superintendent of Muskegon Public Schools, attended the meeting, spoke in support of the requested variance, and answered questions from the Commission. AAG Froehlich attended the meeting on behalf of the State Plumbing Board and answered questions from the Commission. The Commission also gave opportunity for and heard public comment.

i. Closed Session - Consultation with Counsel

At 10:51 a.m., a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Draheim 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 memo dated June 17, 2021 which is subject to attorney client privilege. (Aye: Commissioners Catey, Davis, Draheim, Finch, Gallant, Krouse, Lee, Schott, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

The Commission came back into Open Session at 11:15 a.m. A roll call was completed to affirm that all the Commissioners present during the closed session returned to the open session.

ii. Open Session Review

Following discussion, a **MOTION** was made by Commissioner Draheim and **SECONDED** by Commissioner Schott to approve Ms. Starlin's Application for Construction Code Appeal and therefore, reverse the State Plumbing Board's decision to deny the variance requested for Charles Hackley Middle School as the code requirement would result in an exceptional practical difficulty, the variance request is not a substantial variance from the code, and the very specific design requested is not so general or recurrent in nature. (Aye: Commissioners Draheim, Finch, Gallant, Krouse, Lee, and Schott; Nay: Commissioners Catey, Davis, Weaver, and Zielke) **MOTION CARRIED.**

7. UNFINISHED BUSINESS

A. Village of Decatur Application to Administer and Enforce - Electrical and Plumbing

The Commission reviewed the Village of Decatur's Application to Administer and Enforce and all supplemental materials provided.

Mr. Glenn Lindsey, Village Building Official from SAFEbuilt LLC, attended the meeting for the review.

Following discussion, a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Gallant to approve the Village of Decatur's Application to Administer and Enforce as submitted, effective in thirty (30) days. (Aye: Commissioners Catey, Davis, Draheim, Finch, Gallant, Krouse, Lee, Schott, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

8. NEW BUSINESS

None.

9. BUREAU QUARTERLY REPORT

Director Lambert reported on the following:

The Bureau is in the process of filling 3 elevator inspector vacancies and 2 mechanical inspector vacancies.

The Bureau is forming a new Residential Builders Division and Ms. Felicia Badger is the new manager for the division.

The 2018 Michigan Plumbing Code will be effective September 18, 2021.

The revisions of Chapters 1 and 2 of the 2015 Michigan Residential Code will be effective October 4, 2021.

The 2018 Michigan Mechanical Code and 2018 Michigan Building Code are currently going through the rule making process.

The residential and commercial provisions of the Michigan Energy Code are open to consider the 2021 standards.

10. PUBLIC COMMENT

Mr. Robert Konyndyk commented that JCAR determines the length of time for the rule making process as the administrator, public comment is an important part of the process, and the International Code is not always fully adopted in Michigan. He also stated that privacy issues go throughout the restroom and up to the lavatory.

11. 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 Mullen advised the Commission that officers of the Commission shall be elected from those members appointed to the Commission by the Governor per MCL 125.1503a (3); therefore, a designee from one of the Boards cannot hold the Vice Chairperson office for Agenda Item 5.

12. ADJOURNMENT

A **MOTION** was made by Commissioner Davis and **SECONDED** by Commissioner Finch to adjourn the meeting at 12:22 p.m. (Aye: Commissioners Catey, Davis, Draheim, Finch, Gallant, Krouse, Lee, Schott, Weaver, and Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**