



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

**BARRIER FREE DESIGN BOARD**

Virtual Zoom Meeting Pursuant to MCL 15.263 and MCL 15.263a

Web Link: <https://us02web.zoom.us/j/82184227323?pwd=eW16WUppqM3AxK1grNmNDQ3lyWGZVQT09>

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

Password/Conference Code: 109987

**APPROVED 03/18/2021**

**MINUTES - OPEN SESSION**

January 21, 2021

10:00 a.m.

**MEMBERS ATTENDING REMOTELY\***

Mr. Frank Bayer, Township of Clinton, Macomb County, MI  
Mr. Ronald Campbell, City of Davison, Genesee County, MI  
Ms. Lisa Franklin, City of Dearborn, Wayne County, MI  
Mr. Mark Loch, City of Livonia, Wayne County, MI  
Mr. Christopher MacKay, City of Farmington Hills, Oakland County, MI  
Mr. Michael Powell, City of Warren, Macomb County, MI  
Ms. Jamie Spore, City of Ludington, Mason County, MI

**MEMBERS ABSENT**

Mr. Jamal Al  
Mr. Jeffrey Eischen

\*Each attending member stated they were attending remotely.

**DEPARTMENT PERSONNEL ATTENDING**

Mr. Keith Lambert, Director, Administration, BCC  
Mr. Jon Paradine, Chief, Building and Permits Division, BCC  
Mr. Kevin Kalakay, Chief, Mechanical 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. Pier George Zaroni, Engineering Specialist, Health Facilities Engineering Section, BCHS  
Mr. Larry Horvath, Director, BCHS  
Mr. Bill Denner, Assistant Attorney General, Office of the Attorney General  
Mr. Joseph Froehlich, Assistant Attorney General, Office of the Attorney General

**1. CALL TO ORDER AND DETERMINATION OF QUORUM**

Vice Chairperson MacKay called the meeting to order at 10:05 a.m. A quorum was present at that time.

**2. COMMUNICATION PROCEEDURES**

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

**3. APPROVAL OF AGENDA**

A **MOTION** was made by Board Member Loch and **SECONDED** by Board Member Franklin to approve the agenda. (Aye: Board Members Bayer, Campbell, Franklin, Loch, MacKay, Powell, and Spore; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

**4. APPROVAL OF MINUTES**

A. November 19, 2020

A **MOTION** was made by Board Member Campbell and **SECONDED** by Board Member Spore to approve the minutes of the November 19, 2020 meeting. (Aye: Board Members Bayer, Campbell, Franklin, Loch, MacKay, Powell, and Spore; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

**5. NOMINATION AND ELECTION OF OFFICERS**

A. Chairperson

A **MOTION** was made by Board Member MacKay and **SECONDED** by Board Member Bayer to table the nomination and election of Chairperson until the next regularly scheduled meeting. (Aye: Board Members Bayer, Campbell, Franklin, Loch, MacKay, Powell, and Spore; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

B. Vice Chairperson

A **MOTION** was made by Board Member Franklin and **SECONDED** by Board Member Spore to nominate Board Member Powell as Vice Chairperson. (Aye: Board Members Bayer, Campbell, Franklin, Loch, MacKay, Powell, and Spore; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

Board Member MacKay continued to direct the meeting upon the request of Vice Chairperson Powell.

**6. EXCEPTION APPLICATION**

A. PR2020BFD-000004, 718 Ashmun Street

Ms. Danna Sanderson's Application for Barrier Free Design Rule Exception for 718 Ashmun Street was presented to the Board for relief from the requirements of Sections 410.4.1 and 410.8.1 of the 2015 Michigan Rehabilitation Code (MRHC) and Section 1105.1 of the 2015 of the Michigan Building Code (MBC).

Ms. Sanderson, Sanderson Land Management, LLC, and Mr. Steven Akkanen, City of Sault Ste. Marie Building Official, provided testimony for the review.

Following discussion, a **MOTION** was made by Board Member Loch and **SECONDED**

by Board Member Campbell to table Ms. Sanderson's application for 718 Ashmun Street for the applicant to consult with an engineer to seek a solution to integrate the step with the existing sidewalk, if feasible, and the relative cost for the next meeting date. (Aye: Board Members Bayer, Campbell, Franklin, Loch, MacKay, Powell, and Spore; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

## **7. UNFINISHED BUSINESS**

### A. PR2020BFD-000002, Deep Blue Labs, LLC

Mr. Douglas Stewart's Application for Barrier Free Design Rule Exception for Deep Blue Labs, LLC dba 420 Spruce, LLC was presented to the Board for relief from the requirements of Sections 1104.3 and 1104.4 of the 2015 MBC.

Mr. Stewart, Deep Blue Labs, LLC, Mr. Tim Musser, City of Marshall Department of Building Safety, and Mr. Jeff Peltier provided testimony for the review.

Following discussion, Mr. Stewart withdrew his application as the he no longer requests relief from the code.

### A. PR2019BFD-000003, UP Health Systems - Marquette Hospital

#### i. Closed Session - Consultation with Counsel

At 11:07 a.m., a **MOTION** was made by Board Member Campbell and **SECONDED** by Board Member Spore 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 January 20, 2021, subject to attorney client privilege. (Aye: Board Members Bayer, Campbell, Franklin, Loch, MacKay, Powell, and Spore; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

A **MOTION** was made by Board Member Campbell and **SECONDED** by Board Member Spore to resume the Open Session at 11:50 a.m. Aye: Board Members Bayer, Campbell, Franklin, Loch, MacKay, Powell, and Spore; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

#### ii. Open Session Review

The request to withdraw Mr. Brent Hughes' Application for Barrier Free Design Rule Exception for UP Health Systems - Marquette Hospital for relief from the requirements of Sections 1107.5.3 and 1107.5.3.1 of the 2015 MBC and Sections 604.5, 608.3.2, 608.4.2, 608.5, and 608.2.2.3 of the 2009 ICC/ANSI A117.1 was reviewed by the Board.

Mr. Greg Gore, Gresham Smith, Mr. Paul Knox, Marquette County Building Official, Mr. Eric Klein, Dykema Gossett PLLC, Mr. Greg Zarnick, LifePoint Health, and Mr. Ben Mance were present for the review.

Following discussion, a **MOTION** was made by Vice Chairperson Powell and **SECONDED** by Board Member Campbell to accept the withdraw of Mr. Hughes' application for UP Health Systems- Marquette Hospital as the Board has no further authority in the matter. (Aye: Board Members Bayer, Campbell, Franklin, Loch, MacKay, Powell, and Spore; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

#### **8. NEW BUSINESS**

None.

#### **9. BUREAU QUARTERLY REPORT**

Director Lambert had nothing new to report for this meeting. He advised the Board to contact Administrative Services Division for assistance prior to a meeting and Mr. Paradine can assist with code questions if the Board has any during a meeting.

#### **10. PUBLIC COMMENT**

None.

#### **11. NEXT MEETING DATE - MARCH 18, 2021**

The Board is scheduled to meet next at 10:00 a.m. on March 18, 2021.

A **MOTION** was made by Board Member Loch and **SECONDED** by Board Member Spore to approve the next meeting date. (Aye: Board Members Bayer, Campbell, Franklin, Loch, MacKay, Powell, and Spore; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

Vice Chairperson Powell requested rescission of his nomination and election as Vice Chairperson due to system issues.

A **MOTION** was made by Board Member Franklin and **SECONDED** by Board Member Campbell to accept the request to rescind the nomination and election for Vice Chairperson and table the matter until the next regularly scheduled meeting. (Aye: Board Members Bayer, Campbell, Franklin, Loch, MacKay, Powell, and Spore; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

#### **12. ADJOURNMENT**

A **MOTION** was made by Board Member Campbell and **SECONDED** by Board Member Powell to adjourn the meeting at 12:02 p.m. (Aye: Board Members Bayer, Campbell, Franklin, Loch, MacKay, Powell, and Spore; Nay: None) **MOTION CARRIED UNANIMOUSLY.**