



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/89757168618?pwd=WklicitiMmJLSGFMRHloek84TmR5dz09>

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

Password/Conference Code: 109987

**APPROVED 04/14/2021**

**MINUTES - OPEN SESSION**

February 23, 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 Royal Oak, Oakland County, MI  
Mr. Phillip Copeland, Township of Clinton, Genesee 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, City of Lansing, Ingham 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. Mark Lee  
Mr. David Tomlinson  
Barrier Free Design Board Designee  
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. Lance Ash, Lead Electrical Inspector, Electrical Division, BCC  
Ms. Amanda Johnson, Departmental Analyst, Administrative Services 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  
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 Bartholomew to approve the agenda. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Gallant, Jackson, Krouse, Schott, Weaver, Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

**4. NOMINATION AND ELECTION OF OFFICERS**

A. Vice Chairperson

None of the Commissioners expressed an interest in the Vice Chairperson position; therefore, this item will continue to be tabled.

**5. APPROVAL OF MINUTES**

A. January 27, 2021

A **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Davis to approve the minutes of the January 27, 2021 meeting. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Gallant, Jackson, Krouse, Schott, Weaver, Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

**6. UNFINISHED BUSINESS**

A. Power Home Solar, LLC vs. Livingston County

The Construction Code Commission Appeal Review Subcommittee Minutes were reviewed by the Commission for Mr. Bryan Law's Application for Construction Code Appeal of the Livingston County Construction Board of Appeals' decision for Power Home Solar, LLC.

Commissioner Weaver summarized the discussion of the Electrical Administrative Board and that of the Commission Appeal Review Subcommittee. The Subcommittee recommended approval of Mr. Law's appeal due to code compliance with the caveat that a disconnect closer to the board would be prudent and the electricians do not prefer this installation.

Mr. Law, Power Home Solar, LLC, Mr. Nick Malouf, Livingston County Electrical Inspector, Mr. Jim Rowell, Livingston County Building Official, Mr. Rick Boisvert,

Brighton Fire Department, and Mr. Donald Schnettler, Washtenaw County Building Official, Building and Electrical Inspector, and Plan Reviewer, attended the meeting for the review.

Following discussion, a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Gallant to approve Mr. Law's appeal, reversing the Livingston County Construction Board of Appeals' decision, due to the installation being compliant with Sections 690.13 and 690.15 of the 2017 National Electrical Code. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Gallant, Jackson, Krouse, Schott, Weaver, Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

B. Wizinsky vs. Leelanau County

i. Closed Session - Consultation with Counsel

At 10:45 a.m., a **MOTION** was made by Commissioner Davis and **SECONDED** by Commissioner Jackson 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 February 22, 2021 which is subject to attorney client privilege. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Gallant, Jackson, Krouse, Schott, Weaver, Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

Commissioner Draheim joined the meeting at 11:34 a.m.

The Commission came back into Open Session at 12:13 p.m. A roll call was completed to affirm that all of the Commissioners present during the Closed Session returned to the Open Session.

ii. Open Session Review

Mr. William Wizinsky's Application for Construction Code Appeal of Leelanau County Construction Board of Appeals' decision was presented to the Commission.

Mr. Wizinsky, Mr. Chet Janik, Leelanau County Administrator, Mr. Matthew Zaleski, Leelanau County Attorney, and Mr. Paul Hunter, Leelanau County Building Official and Inspector, attended the meeting for the review.

Following discussion, a **MOTION** was made by Commissioner Gallant and **SECONDED** by Commissioner Weaver to deny Mr. Wizinsky's appeal, affirming Leelanau County Construction Board of Appeals' decision, because the structure at issue no longer exists on the property and therefore the issuance of a Certificate of Occupancy as requested by Mr. Wizinsky was a moot point. (Aye: Commissioners Bartholomew, Bayer, Catey, Draheim, Danielak, Davis, Gallant, Krouse, Schott, Weaver, Zielke; Nay: Copeland and Jackson) **MOTION CARRIED.**

**7. NEW BUSINESS**

None.

**8. PUBLIC COMMENT**

Mr. Wizinsky asked for clarification on when the final decision for his appeal will be provided.

AAG Hawkins informed Mr. Wizinsky that the final decision will be issued within 5 business days in accordance with 1972 PA 230.

**9. 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.

**10. ADJOURNMENT**

A **MOTION** was made by Commissioner Davis and **SECONDED** by Commissioner Weaver to adjourn the meeting at 1:15 p.m. (Aye: Commissioners Bartholomew, Bayer, Catey, Copeland, Danielak, Davis, Draheim, Gallant, Jackson, Krouse, Schott, Weaver, Zielke; Nay: None) **MOTION CARRIED UNANIMOUSLY.**