



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
ACTING DIRECTOR

CONSTRUCTION CODE COMMISSION
Ottawa Building, Upper Level Conference Room 3
611 West Ottawa Street
Lansing, Michigan 48933

APPROVED 4/10/2024

MINUTES – OPEN SESSION

January 24, 2024
10:00 a.m.

MEMBERS ATTENDING

Shanna Draheim, Chairperson
Mark Lee, Vice Chairperson
Frank Bayer
Brad Bartholomew
Laurie Catey
Timothy Danielak
Todd Drouillard
Jason Finch
Joe Forro
Daryl Gallant
Sean Haskin
Scott Weaver
Jeffrey Zielke

MEMBERS ABSENT

Phillip Copeland
Glenn Davis
Vacant – Building Contracting
Vacant – General Public

DEPARTMENT PERSONNEL ATTENDING

Andrew Brisbo, Bureau Director, Administration, BCC
Keith Lambert, Deputy Bureau Director, Administration, BCC
Renee Tober, Departmental Specialist, Administration, BCC
Alesha Gensler, Division Director, Licensing, Compliance, & Administration Section, BCC
Tracie Pack, Manager, Building Trades Section, BCC
Kelly Bean, Manager, Licensing and Compliance Section, BCC
Shannon Maurer, Manager, Operations Section, BCC
Lakisha Thomas, Departmental Technician, Operations Section, BCC
Lindsay Schmidt, Assistant Attorney, General, DAG

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairperson Draheim called the meeting to order at 10:00 a.m. A quorum was present at that time.

2. APPROVAL OF AGENDA

A **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Catey to approve the agenda. **MOTION CARRIED UNANIMOUSLY.**

3. APPROVAL OF MINUTES

A. July 19, 2023

A **MOTION** was made by Vice Chairperson Lee and **SECONDED** by Commissioner Finch to approve the July 19, 2023 minutes. **MOTION CARRIED UNANIMOUSLY.**

4. NOMINATION AND ELECTION OF OFFICER

A. Vice Chairperson

A **MOTION** was made by Commissioner Danielak and **SECONDED** by Commissioner Catey to nominate and re-elect Commissioner Mark Lee as Vice Chairperson. (Aye: Commissioners Bartholomew, Bayer, Catey, Danielak, Draheim, Drouillard, Finch, Forro, Gallant, Haskin, Lee, Weaver, Zielke; Nay: None). **MOTION CARRIED UNANIMOUSLY.**

5. APPLICANTS APPEALING DENIAL

A. Forrest Kline – Building Inspector and Building Plan Reviewer Application

The Commission acknowledged receipt and reviewed Forrest Kline’s appeal and supplemental materials denying his Application for Building Inspector and Building Plan Reviewer under the requirements of R 408.30037 and R 408.30049.

Forrest Kline appeared before and presented to the Commission.

Following discussion, a **MOTION** was made by Chairperson Draheim and **SECONDED** by Commissioner Weaver to affirm the Bureau’s denial of Forrest Kline’s appeal due to the applicant failing to meet the requirements as stated in 2016 PA 407 of and the Administrative Rules, R 408.30037 and R 408.30049. **MOTION CARRIED UNANIMOUSLY.**

B. John Scott – Building Inspector and Mechanical Inspector Application

The Commission acknowledged receipt and reviewed John Scott’s appeal and supplemental materials denying his Application for Building Inspector and Mechanical Inspector under the requirements of R 339.5309 and R 339.5270.

John Scott appeared before and presented to the Commission.

Following discussion, a **MOTION** was made by Commissioner Bayer and **SECONDED** by Commissioner Gallant to affirm the Bureau's denial of John Scott's appeal due to the applicant failing to meet the requirements of 2016 PA 407. **MOTION CARRIED UNANIMOUSLY.**

C. Matthew VanHeulen – Mechanical Inspector Application

The Commission acknowledged receipt and reviewed Matthew VanHeulen's appeal and supplemental materials denying his Application for Registration of Mechanical Inspector under the requirements of R 339.5309.

Matthew VanHeulen and Bill Hordyk appeared before and presented to the Commission.

Following discussion, a **MOTION** was made by Chairperson Draheim and **SECONDED** by Commissioner Weaver to affirm the Bureau's denial of Matthew VanHeulen's appeal due to applicant failing to meet the requirements of 2016 PA 407. **MOTION CARRIED UNANIMOUSLY.**

Chairperson Draheim withdrew the motion to affirm the Bureau's denial of Matthew VanHeulen's application.

Following discussion, a **MOTION** was made by Commissioner Bartholomew and **SECONDED** by Chairperson Draheim to grant Matthew VanHeulen's appeal of the decision by the Bureau due to establishing necessary experience as required in 2016 PA 407 under special circumstances. **MOTION CARRIED UNANIMOUSLY.**

6. APPLICATION TO ADMINISTER AND ENFORCE

A. Township of Pavilion - Plumbing

The Commission acknowledged receipt and reviewed the Township of Pavilion's Application to Administer and Enforce and supplemental materials.

John Speeter did not appear before the Commission.

Following discussion, a **MOTION** was made by Chairperson Draheim and **SECONDED** by Commissioner Bayer to deny the Township of Pavilion's Application to Administer and Enforce the plumbing code due to insufficient application as outlined in the Bureau of Construction Codes' January 24, 2024 Memorandum. **MOTION CARRIED UNANIMOUSLY.**

B. Township of AuSable - Building

The Commission acknowledged receipt and reviewed the Township of AuSable's Application to Administer and Enforce and supplemental materials.

Kurt Norton did not appear before the Commission.

Following discussion, a **MOTION** was made by Commissioner Drouillard and **SECONDED** by Commissioner Weaver to deny the Township of AuSable's Application to Administer and Enforce the building code due to insufficient application as outlined in the Bureau of Construction Codes' January 17, 2024 Memorandum. **MOTION CARRIED UNANIMOUSLY.**

C. Township of Fenton –Electrical, Mechanical & Plumbing

The Commission acknowledged receipt and reviewed the Township of Fenton's Application to Administer and Enforce and supplemental materials.

Mike Deem, and Mike Mueller, State Representative, appeared before and presented on behalf of the Township of Fenton to the Commission.

Assistant Attorney General (AAG) Lindsay Schmidt reminded the Commission MCL 125.1508A (5) and what should be included in the decision.

Following discussion, a **MOTION** was made by Commissioner Bartholomew and **SECONDED** by Vice Chairperson Lee to approve the Township of Fenton's Application to Administer and Enforce the plumbing, mechanical and electrical codes pending satisfactory corrections of Items 1-11 as outlined in the Bureau of Construction Codes' (BCCs) January 17, 2024 Memorandum within 60 days of the Commission's January 24, 2024 meeting. The effective date of application will be within 30 days after the date of the BCCs Review and Approval of the Township of Fenton's corrected application. **MOTION CARRIED UNANIMOUSLY.**

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

A. Code Update Status Report

Shannon Maurer provided a status report of all currently open rule sets.

B. Fee Changes

Keith Lambert addressed fee changes proposed in the Bureau of Construction Codes' January 24, 2024 Memorandum presented to the Construction Code Commission.

Following discussion, a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Drouillard to approve the proposed fees as submitted. **MOTION CARRIED UNANIMOUSLY.**

C. Prescribed Forms

Keith Lambert addressed proposed forms in the Bureau of Construction Codes' January 24, 2024 Memorandum presented to the Construction Code Commission (CCC).

AAG Lindsay Schmidt informed the CCC the Department of Attorney General reviewed the forms presented to the Commission at the CCCs January 24, 2024 meeting and confirmed the forms comply with the revisions of MCL 125.1510.

Following discussion, a **MOTION** was made by Chairperson Draheim and **SECONDED** by Commissioner Weaver to approve the permit and plan review forms presented to the Commission at its January 24, 2024 meeting as well as permit and plan review forms that are substantially similar to the Bureau of Construction Codes' forms. **MOTION CARRIED UNANIMOUSLY.**

9. CONSTRUCTION CODE APPEAL

A. Phil Forner vs. Charter Township of Holland

- i. At 11:54 a.m., a **MOTION** was made by Commissioner Danielak and **SECONDED** by Commissioner Bayer 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 24, 2024 which is subject to attorney client privilege. (Aye: Commissioners Bartholomew, Bayer, Catey, Danielak, Draheim, Drouillard, Finch, Forro, Gallant, Haskin, Lee, Weaver, Zielke; Nay: None). **MOTION CARRIED UNANIMOUSLY.**

The Commission came back into Open Session at 12:31 p.m.

- ii. Open Session Review

Phil Forner's Application for Construction Code Appeal against Charter Township of Holland was presented to the Commission.

Phil Forner appeared before and presented to the Commission on behalf of his appeal and Dan Radeki, Building Official of Charter Township of Holland (Township) appeared before and presented to the Commission on behalf of the Township.

Following discussion, a **MOTION** was made by Chairperson Draheim and **SECONDED** by Commissioner Weaver to affirm the Charter Township of Holland's Board of Appeals decision and deny Phil Forner's appeal due to failing to present a proper appeal to the local board of appeals pursuant to MCL 125.1514(1) and to deny and dismiss Phil Forner's appeal to the Commission for seeking relief that is beyond the jurisdiction of the Commission pursuant MCL 125.1516(1). **MOTION CARRIED UNANIMOUSLY.**

10. BUREAU QUARTERLY REPORT

Deputy Director Lambert reported on the following:

On February 5, 2024, the Bureau's licensing and enforcement programs will be separating. Kelly Bean will manage the Licensing Section and Felicia Badger will manage the Enforcement Section.

Shannon Maurer is the new manager for the Bureau's Operations Section as Bryan Bryson accepted a new position outside of LARA. Lakisha Thomas is one of the new departmental technicians handling boards and commissions for the Operations Section.

The 2021 Mechanical and Plumbing Codes and the 2023 Electrical Code will become effective March 12, 2024.

Tracie Pack reported the Administrative Section has changed names and is now called the Operations Section.

11. PUBLIC COMMENT

Bill Hordyk, Building Official, City of Grand Rapids asked the Commission, with regard to 2016 PA 407, Section 1019, if it would consider certification by the International Code Council (ICC) toward registration. Chairperson Draheim stated the question could be submitted in writing for consideration.

Matt VanHeulen asked if the Department of Licensing and Regulatory Affairs (LARA) will send communication regarding code updates on 2021 Mechanical and Plumbing Code. Chairperson Draheim stated those interested in code and rules updates can sign-up for notifications on the Bureau's website.

Phil Forner – Asked when the 2021 Mechanical Code will be available for purchase.

12. NEXT MEETING DATE – APRIL 10, 2024

The Commission is scheduled to meet next at 10:00 a.m. at 611 West Ottawa, Lansing, MI 48933 in the Upper Level Conference Room 4 on April 10, 2024.

13. ADJOURNMENT

A **MOTION** was made by Commissioner Weaver and **SECONDED** by Vice Chairperson Lee to adjourn the meeting at 12:45 p.m. **MOTION CARRIED UNANIMOUSLY.**