



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

CONSTRUCTION CODE COMMISSION
Ottawa Building, Upper Level Conference Room 4
611 West Ottawa Street
Lansing, Michigan 48933

APPROVED 10/9/2024

AMENDED MINUTES

April 10, 2024
10:00 a.m.

MEMBERS ATTENDING

Shanna Draheim, Chairperson
Mark Lee, Vice Chairperson
Timothy Danielak
Todd Drouillard
Jason Finch
Sean Haskin
Jeffrey Zielke
Phillip Copeland
Pat Riney
Glen Davis

MEMBERS ABSENT

Scott Weaver
Frank Bayer
Daryl Gallant
Joe Forro
Laurie Catey
Brad Bartholomew
Vacant – Building Contracting
Vacant – General Public

DEPARTMENT PERSONNEL ATTENDING

Keith Lambert, Deputy Director, Administration, BCC
Renee Tober, Departmental Specialist, Administration, BCC
Kate Wagner, Legislative Liaison, Administration, BCC
Chad Walkey, Code Inspection Supervisor 13, Building Unit, BCC
Tracie Pack, Manager, Building Trades Section, BCC
Nikki Sklapsky, Departmental Analyst, Licensing Section, BCC
Kelly Bean, Manager, Licensing Section, BCC
Shannon Maurer, Manager, Operations Section, BCC
Lakisha Thomas, Departmental Technician, Operations Section, BCC
Megan McCool, Departmental Technician, Operations Section, BCC
Zachary Risk, Assistant Attorney General, OAG
Lindsay Schmidt, Assistant Attorney, General, OAG

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairperson Draheim called the meeting to order at 10:09 a.m. A quorum was present at that time.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

A. January 24, 2024

A **MOTION** was made by Commissioner Danielak and **SECONDED** by Commissioner Drouillard to approve the January 24, 2024, minutes. **MOTION CARRIED UNANIMOUSLY.**

4. APPLICANTS APPEALING DENIAL

A. Justin McManaway – Mechanical Inspector Application

The Commission acknowledged receipt and reviewed Justin McManaway’s appeal and supplemental materials regarding the Bureau of Construction Codes’ denial of his application for mechanical inspector registration.

Justin McManaway did not appear before the Commission.

Following discussion, a **MOTION** was made by Commissioner Danielak and **SECONDED** by Commissioner Finch to granting Justin McManaway’s appeal and allowing him to sit for the Michigan mechanical inspector examination because the Commission concluded that Justin McManaway established the necessary experience required by the Skilled Trades Regulation Act and Michigan Administrative Code, Rule 339.5309(2). **MOTION CARRIED UNANIMOUSLY.**

5. APPLICATION TO ADMINISTER AND ENFORCE

A. Township of Windsor Charter – Building, Electrical, Mechanical & Plumbing

The Commission acknowledged receipt and reviewed the Township of Windsor Charter’s Application to Administer and Enforce for the Michigan Building, Electrical, Plumbing and Mechanical Codes and all supplemental materials, including the Bureau of Construction Codes’ March 18, 2024, Memorandum.

Pete Preston, Windsor Township Assessor, and Kern Slucter, Township Supervisor, Zoning Administrator, and MAI Appraiser, appeared before and presented on behalf of Windsor Township to the Commission.

Following discussion, a **MOTION** was made by Chairperson Draheim and **SECONDED** by Vice Chairperson Lee to deny the Township of Windsor Charter's Application to Administer and Enforce due to not meeting the requirements of the State of Michigan Construction Code Act, MCL 125.1501 *ET SEQ.*, as specified in items 1-11 in the Bureau's Memorandum to the Commission dated March 18, 2024. **MOTION CARRIED UNANIMOUSLY.**

6. CONSTRUCTION CODE APPEAL

A. Rockford Public Schools vs. State of Michigan

The Commission acknowledged receipt and reviewed the Application for Construction Code Appeal and all supplemental materials submitted by Benjamin Perdok, Architect for GMB, regarding New Elementary School located at 9605 Edgerton Ave., Rockford, MI for Rockford Public Schools. Benjamin Perdok appealed a notice of violation issued by the Bureau of Construction Codes for a violation of the 2015 Michigan Building Code Section 603.1.

Ben Perdock appeared before and presented to the Commission on behalf of Rockford Public Schools. Chad Wakley, Code Inspection Supervisor, attended the meeting and answered questions on behalf of the Bureau.

Assistant Attorney General Lindsay Schmidt provided the Commission with the legal authority to consider the appeal.

Following discussion, a **MOTION** was made by Commissioner Copeland and **SECONDED** by Commissioner Drouillard to grant the appeal and reverse the notice of violation because the Commission concluded that the assembly of materials is not part of the structural load path of the building and is not required to be rated per separation distances from other buildings, and that the final cladding meets any flame spread requirements based on the definition of "exterior wall covering" found in Chapter 2 of the 2015 Michigan Building Code. **MOTION CARRIED UNANIMOUSLY.**

B. Marquette County vs. Jerzi's Amusement Arcade

- i. At 10:43 a.m., a **MOTION** was made by Chairperson Draheim and **SECONDED** by Commissioner Danielak 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, which is subject to attorney client privilege. (Aye: Commissioners Copeland, Danielak, Draheim, Davis, Drouillard, Finch, Haskin, Lee, Zielke, Riney; Nay: None). **MOTION CARRIED UNANIMOUSLY.**

The Commission came back into Open Session at 11:03 am.

ii. Open Session Review

The Commission acknowledged receipt and reviewed the Application for Construction Code Appeal submitted by Marquette County Building Official Paul Knox and all supplemental materials related to Knox's appeal of the local board of appeals' decision to grant Jerzi's Amusement Arcade's request for a variance.

Wendy Marcotte, Attorney on behalf of Marquette County and Building Official Paul Knox, and Matt Aho, Chief Building Inspector for Marquette County, appeared before and presented to the Commission.

Following discussion, a **MOTION** was made by Commissioner Davis and **SECONDED** by Chairperson Draheim to deny the appeal due to the Commission not having jurisdiction as stated in MCL 125.1516. (Aye: Commissioners Copeland, Danielak, Davis, Draheim, Drouillard, Finch, Haskin, Zielke, Riney; Nay: Lee,). **MOTION CARRIED UNANIMOUSLY.**

C. Phil Forner vs. Michigan Township Services Muskegon

- i. At 11:25 a.m., a **MOTION** was made by Chairperson Draheim and **SECONDED** by Commissioner Danielak 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, which is subject to attorney client privilege. (Aye: Commissioners Copeland, Danielak, Draheim, Davis, Drouillard, Finch, Haskin, Lee, Zielke, Riney; Nay: None). **MOTION CARRIED UNANIMOUSLY.**

The Commission came back into Open Session at 11:45 am.

ii. Open Session Review

The Commission acknowledged receipt and reviewed a Construction Code Appeal submitted by Phil Forner, the holder of the mechanical license for Allendale Heating Company and contractor of record, and all supplemental materials related to the appeal against Spring Lake Township and Michigan Township Services Muskegon.

Phil Forner appeared before and presented to the Commission on behalf of his appeal. Crystal Morgan, Attorney for Spring Lake Township, and Greg Mason, Muskegon Building & Plumbing Official for Michigan Township Services Muskegon, appeared before and presented to the Commission in opposition to the appeal.

Following discussion, a **MOTION** was made by Chairperson Draheim and **SECONDED** by Vice Chairperson Lee to deny Phil Forner's request that the Township submit its mechanical permit application form to the Commission for its review because the request does not constitute an actionable appeal, and the request is inconsistent with MCL 125.1510(1) and the Commission's decisions at the January 24, 2024 meeting. **MOTION CARRIED UNANIMOUSLY.**

Following discussion, a **MOTION** was made by Chairperson Draheim and **SECONDED** by Vice Chairperson Lee to refer the remaining request, that the Commission find that the Township or Michigan Township Services Muskegon erred in requiring certain gas leak testing after it approved a rough-in inspection and that the Commission order the payment of costs for providing access after rough-in approval was given, to the Board of Mechanical Rules for consideration. **MOTION CARRIED UNANIMOUSLY.**

Chairperson called recess at 11:48 a.m.

Meeting returned to open session at 11:55 a.m.

7. **NEW BUSINESS**

A. City of Grand Rapids Mechanical Permit Application

- i. At 11:59 a.m., a **MOTION** was made by Chairperson Draheim and **SECONDED** by Commissioner Danielak 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, which is subject to attorney client privilege. (Aye: Commissioners Copeland, Danielak, Draheim, Davis, Drouillard, Finch, Haskin, Lee, Zielke, Riney; Nay: None). **MOTION CARRIED UNANIMOUSLY.**

The Commission came back into Open Session at 12:14 p.m.

- ii. Open Session Review

The Commission acknowledged receipt and reviewed the City of Grand Rapids' request that the Commission review and approve the City of Grand Rapids' Mechanical Permit Application form submitted with the request.

Steve Devlaeminck, City of Grand Rapids Building Official, appeared before and presented to the Commission on behalf of the request.

Following discussion, a **MOTION** was made by Chairperson Draheim and **SECONDED** by Commissioner Copeland to deny the City of Grand Rapids' request because the request does not invoke the Commission's appellate jurisdiction under MCL 125.1516(1). **MOTION CARRIED UNANIMOUSLY.**

B. Code Update Status Report

Shannon Maurer, Operations Section Manager, provided a status report of all currently open rule sets.

C. Discussion of 2021 MI Energy Code Rules

Chairperson Draheim presented the Commission with a draft Memorandum regarding the 2021 Michigan Energy Code.

Following discussion, a **MOTION** was made by Chairperson Draheim and **SECONDED** by Vice Chairperson Lee to approve the draft Memorandum in the April 10, 2024, open meeting packet to be provided to the Michigan Department of Licensing and Regulatory Affairs Director, Marlon Brown. (Aye: Commissioners Danielak, Draheim, Davis, Drouillard, Finch, Lee, Riney; Nay: Copeland, Haskin, Zielke). **MOTION CARRIED UNANIMOUSLY.**

8. UNFINISHED BUSINESS

A. Opinion of the Construction Code Commission

- i. At 12:47 p.m., a **MOTION** was made by Chairperson Draheim and **SECONDED** by Commissioner Drouillard 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, which is subject to attorney client privilege. (Aye: Commissioners Copeland, Danielak, Draheim, Davis, Drouillard, Finch, Haskin, Lee, Zielke, Riney; Nay: None). **MOTION CARRIED UNANIMOUSLY.**

The Commission came back into Open Session at 12:57 p.m.

Commissioner Danielak left the meeting at 1:01 p.m.

ii. Open Session Review

The Commission acknowledged receipt and reviewed the City of Grand Rapids Deputy Building Official William Hordyk's request for an opinion of the Construction Code Commission and all supplemental materials. The City of Grand Rapids requested that the Commission issue an opinion regarding whether certification by the International Code Council (ICC) is equivalent to State of Michigan Certification pursuant to MCL 339.6019.

William Hordyk appeared before the Commission on behalf of the City of Grand Rapids submission.

Following discussion, a **MOTION** was made by Chairperson Draheim and **SECONDED** by Commissioner Copeland to deny the request for opinion due to the Commission lacking authority to issue legal opinions and due to the request being an improper request for a declaratory ruling under the Administrative Procedures Act, MCL 24.263. **MOTION CARRIED UNANIMOUSLY.**

9. BUREAU QUARTERLY REPORT

Director Lambert reported on the following:

The State of Michigan's updated forms and fees approved by the Commission at the January 24, 2024, meeting went into effect on April 1, 2024.

Megan McCool and Lakisha Thomas are the new Michigan Department of Licensing and Regulatory Affairs Technicians that will be handling the Boards and Commissions for the Operations Section.

Kate Wagner is the Michigan Bureau of Construction Code's new Legislative Liaison.

10. PUBLIC COMMENT

Wendy Marcotte, Attorney for Marquette County and Building Official Paul Knox, commented on the Commission's decision on agenda item 6A.

Phil Forner, the holder of the mechanical license for Allendale Heating Company and contractor of record, commented on the Commission's decision on agenda item 6C.

William Hordyk, City of Grand Rapids Deputy Building Official, commented on the Commission's decision on agenda item 8A.

11. NEXT MEETING DATE – JULY 17, 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 July 17, 2024.

12. ADJOURNMENT

A **MOTION** was made by Commissioner Fich and **SECONDED** by Commissioner Davis to adjourn the meeting at 1:10 p.m. **MOTION CARRIED UNANIMOUSLY.**