

**SHELBYVILLE BUILDING COMMISSION**  
**Meeting**  
**Shelbyville City Hall**  
**44 West Washington Street**  
**Shelbyville, Indiana**  
**AGENDA**

**DATE:** August 13, 2014

**TIME:** 11:00 am Pre-Meeting  
11:30 am Meeting

**CALL TO ORDER:**

**ROLL CALL:**

**READING OF THE MINUTES AND APPROVAL:**

**OLD BUSINESS:** Randall Dean Rush, Jr. Electrical License

**NEW BUSINESS:** Electrical Exams

**MISCELLANEOUS BUSINESS:**

**ADJOURNMENT:**

**BUILDING COMMISSION**  
**MEETING MINUTES**  
**August 13, 2014**

Jay Wortman: All members are present. Has everyone seen the minutes of the last meeting?

Jim Marshall: Mr. Chairman, I'd like to make a motion that the minutes from the previous meeting be approved as written.

Gary Keppel: Second.

Wortman: All in favor?

In unison: Aye.

Wortman: Old Business?

Daniel Bird: On the July 9<sup>th</sup> meeting, we had a hearing regarding Randall Dean Rush, Jr. uh the electrical license. The uh board heard testimony uh from individuals and was also provided with uh written material was accepted as part of the record. The purpose of today's meeting or of this item is to make a determination if the board is in a position to make a decision on this matter.

Tony Nicholson: What is everybody looking at me for?

David Wirrig: You're the one that wrote it all down.

Nicholson: Alright, I kinda took some notes just kinda what went on in the pre-meeting and I've come up with a list of some things that maybe you guys could uh even put some input on or say yes or no or whatever you're thinking is. You know it's been a long, drawn out affair. I know we've all read a lot, looked at a lot, heard a lot and uh and this is my thought from what I gathered from most of you people. So uh this is my thinking. Like I said, if you wanna add things to this or delete something, it's open for discussion. I think that Mr. Rush should take the contractor's test over. Uh that he be on probation for a period of 6 months minimum. That uh he call in his own electrical inspections. That you uh follow the city's procedure for performing the work and inspections. That the test should be taken before our October Building Commission and uh possibly maybe work this out where that the inspections be performed by a person other than Chris and Crystal.

Keppel(?): That's workable.

Marshall: Who would that .....

Nicholson: Well maybe Dave Adams could.

Inaudible comment.

Nicholson: What? It would something that need to be worked out but just more or less not to have a conflict there and that could be for 6 months or a year.

Keppel: Inaudible comment.

Bird: Excuse me, it would probably be helpful to speak into the microphone so the minutes can be recorded and the individuals can hear the discussion.

Keppel: We were just discussing whether that last point could be worked out or not. Is it a workable thing?

Bird: Last point being?

Nicholson: Inaudible comment.

Bird: We'd have to check into that. It would be an additional expense, but if that's the Commission's desire, we would make every effort to do that and also uh indicate what the uh cost implications are. It may be possible to work with the county on some kind of reciprocity.

Joe Runnebohm: I think if you're gonna open it up to the other inspectors, you're opening up a whole new ballgame. I see nothing wrong with the inspectors we have. Why have somebody else come?

Keppel: Well I think in the meeting, the pre-meeting, one of our members had mentioned there might be some animosity there and I think I think at least for just a period of time, whether it be 6 months or whether it be a year, uh it also removes any chance of any charges of anyone showing favoritism or not showing favoritism as the case may be. Uh if there's friction between an inspector and a contractor, give it a little time to cool off and I think everything will be fine.

Runnebohm: Well my opinion is if the inspector is doing that, then you know then if that's if that's the proven case that he is more or less say picking on somebody and if he's not professional enough to overlook, then if he's doing that, then I think they need to be get rid of 'em. I mean anybody that would not be professional enough to do that....

Marshall: The question is conduct....(inaudible)....

Bird: If I may interject, um I believe that's my job as a department head. If there's issues related to the performance of uh employees that work with me, that's for me to deal with uh as appropriate if an individual is not uh if someone is not satisfied un in terms of uh my handling of a particular situation, uh they've got two routes to go. They can go to the mayor. Uh they can go to the Building Commission and ultimately if they wanted to go to Council from that standpoint. Uh part of my job is to see that uh the people who work for me act as appropriately and in also uh are competent in handling the situations and I believe they are. And uh if there's a problem, individuals can come to me and I will give it due consideration. I think that's been my reputation since I've been here.

Runnebohm: I'd go along with everything you said except for the last part. I don't like that part. I'm not talking....yeah I was talking about his getting another inspection. I don't do not want another inspectors. We go two. I don't see why we'd have to bring a third one in that we've already hired.

Wirrig: I brought that up to Tony. My thought was it's not, instead of, but in addition to.... (inaudible)....just because there is emotions, there were emotions running through a lot of the inspections and I think just the fact it's an opinion, a second view is a healthy thing. It wasn't my intent was not to call into question anybody's (?). The intent was to bring three people in and the emotion would kinda come out of it. When you put three people together, the emotion tends to be ....(inaudible)....

Inaudible mumbling.

Bird: Well let me uh offer another opportunity.

Wirrig: I think the commission understands the money in the budget, but I think with the unusual....(inaudible)....that can be done. I think we ....(inaudible)....'cause we're not talking about .....(inaudible)....

Nicholson: Matt, you got any experience in electrical?

Keppel: I didn't know he was the city engineer.

Inaudible reply.

Nicholson: Well we thought with your being city engineer it might be an opportunity for you there, so....

Laughter.

Bird: Let me uh pose another alternative. Uh you know if you want a second person to go out you know with the inspector, I don't believe that's necessary, but I would be inclined to do that

myself as a department head. Uh again, uh I think my staff is competent. I think they're customer-oriented. I think sometimes things get out of hand from both sides. I don't even wanna say both sides, just because of the situation. And uh uh if it takes me going out on every inspection you know from that standpoint, I will do that. I don't think I'll have to. I'll work with the tradesmen involved and I'm sure that all parties involved will act professionally.

Inaudible mumbling.

Nicholson: Okay I will make a motion which review uh that uh I'll give it a try, that uh Mr. Rush re-take the contractor's test, that Mr. Rush be on probation for a period of 6 months minimum, that uh that he call in his own inspections, that he follow follow city procedure performing work and inspections, that the test be taken before October Building Commission 2014 and that inspections be performed by Chris Hext, uh Crystal Nanney or other city official.

(?): Is that a motion?

Nicholson: That's a motion.

Keppel: I would second that.

Wortman: It's been moved and seconded that we ask Mr. Rush to take the contractor's test prior to our October, 2014 meeting, he call in his own inspections and work things out from there.

Bird: Uh I would ask that if uh that the city attorney has any comments?

Trent Meltzer: I mean I think there probably needs to be uh you know a finding that he did violate some codes under local (?) or incompetent before we get to unless that's not what the board's deciding.

Inaudible comment.

Meltzer: Huh? I mean the first step is the first step before you can suspend his license or revoke his license, there needs to be a finding that he violated the ordinance or the code, either willfully or .....

Nicholson: Well we're not revoking 'em or suspending 'em.

Meltzer: Okay.

Nicholson: We're just puttin' him on probation to take the test.

Runnebohm: But if he don't pass, what happens? Are they revoked then?

Keppel: I'd use the word suspended if it was me.

Runnebohm: The way I understand it right now, until he takes the test, he still has a license and can pull permits but then if he does not pass, then he license stops at that point?

Nicholson: It's not in the motion, but uh....

(?): I think we ....(inaudible)...

Keppel: Well he has to take the test by the October meeting, correct?

Nicholson: That's correct.

Keppel: So if we find at the October meeting that he has either not taken it or taken it and not passed, we could address it at that point and revoke it as a separate motion or issue.

Nicholson: At that point, maybe you could revoke it or suspend it with whatever ....(inaudible)...

Inaudible mumbling.

Wirrig: Better make it clear...(inaudible)...

Marshall: Somebody re-read the motion.

Keppel: You're the author.

Nicholson: But I'd like to know what you wanna add. What do you wanna add to this motion?

Lisa Loveless: Okay, just so I understand, the motion was that Dean is to re-test by the October meeting, that um now after that meeting, is that when the 6 month probation starts or today?

Nicholson: It starts today.

Loveless: Okay. And then um he's to call in for inspections....

Nicholson: Yeah his own inspections.

Loveless: ....follow the city's procedures for getting permits prior to beginning any work and 24-48 hour notice on inspections.

Nicholson: Yeah whatever the city procedure is for that.

Loveless: That's what the procedure is.

Nicholson: Okay.

Loveless: And then take the test before the October meeting.

Nicholson: Right.

Marshall: Was there a note about the inspections by....

Nicholson: And any inspections to be performed by Chris and Crystal or other city official.

Loveless: I would I would almost say that since our exam is not a nationally recognized exam and he has taken our exam before and evidently that there was some issue or...I would almost recommend that he take like the Block & Associates or Prometric or one.....

Lee McNeely: She she's .....(inaudible interruption)....

Bird: At at this point, uh we're not to express you know opinions and that standpoint. I....

Loveless: The only reason I'm saying that is because we grade our exam....

Bird: I understand. I understand that.

Inaudible comment.

Bird: There is there is a motion on the floor.

Keppel: Uh I second the motion.

Inaudible mumbling.

Wirrig(?): I will offer to amend that our test or a nationally recognized test.

Nicholson: Either one.

Wirrig: Yeah.

Runnebohm: Whatever we accept, yes.

Nicholson: Give him his choice.

Marshall: Both.

Laughter.

Wirrig: He's on a roll.

Inaudible comment.

Marshall: That would fall back to follow of course the city procedure, right?

Nicholson: Right.

Marshall: 'Cause it gives you that option.

Nicholson: Right.

Marshall: Is that true?

Nicholson: That's true.

Marshall: Okay.

Crystal Nanney: Inaudible question about the conditions of the probation.

Bird: Uh excuse me, the chair has to recognize anyone who wishes to make a comment.

Inaudible comment.

McNeely: I don't know what the motion is now. If somebody would restate the motion so I understand it, then I might have a comment.

Marshall: Well it's like Obamacare, you've gotta pass it to find out what's in it, Lee.

McNeely: That's not fair.

Laughter.

Loveless: The motion as I understand it is that Dean is to re-test by the October meeting, either the Block & Associates or a nationally recognized exam or the city's exam, that he is on probation for 6 months beginning today, that he is to call for his inspections and he's to follow city procedures as far as obtaining permits prior to beginning any work and calling 24-48 hour notice for his inspections and Chris and crystal will continue to do his inspections.

Nicholson: Or other city official.



Loveless: Or other city official.

McNeely: I understand the motion.

(?): No further....

Bird: The let me....if uh that amendment has not been approved yet or has it?

No audible reply.

Bird: Okay. Uh there would be there may possibly be a uh question in terms of the time period uh to have them take uh the national test uh prior uh to October's meeting. Uh that may have to be arranged if it's to be taken outside of the city or if it taken inside the city uh and administered by another uh group who administers uh a national tests and that's just a consideration at this point.

Keppel: But we're accepting either test, correct?

Bird: If the motion stands as is, uh they would take uh one of our two two tests.

Michele Hansard: Can I make something clear on that national test real quick? If Dean wishes to take the masters equivalent(?) to Prometric, he should make us notified you have, Prometric wants approval from a jurisdiction that you should be taking a test and it's three weeks that they need to set him so he should, if that's the decision, please make it quickly so we can get you set up to take that test. And there is a \$100 fine or not fine, a \$100 fee that Prometric charges for that test.

Wirrig: ....(inaudible)....after the three week period, ....

Hansard: He can take the test....they just say we need three weeks notice to set up the test and inspections and, or not the inspections, sorry, the test and the site and all that. That's just their requirement (?) submit to take a test ....(inaudible)...tomorrow. They require three weeks.

Nicholson: So we have the time?

Hansard: Yeah, yeah.

Marshall: Either way.

Nicholson: Okay

Marshall: Either way.

Keppel: I guess the last question would be I know they give the city test once a month. I don't when that is.

Nicholson: It's on the day of our meeting.

Marshall: So there's two, two (?) outs there?

Nicholson: Yeah.

Keppel: Yeah.

Inaudible mumbling.

Nanney: I'm not sure this is in order in order to approve the amendment or not. I have a question about the conditions of the probation you mentioned, if there's details of that to be worked out.

Marshall: I don't believe we have, have we?

Nicholson: I don't think we made any details. Uh I just have a 6 month minimum. Once the test is taken you know we can determine that.

Wirrig: ...(inaudible)....maybe we could have uh an update in a month to the board and what permit's issued and .....

Nicholson: Procedures.

Wirrig: ...and inspections cleared...(inaudible)....

Bird: I will take I will take the responsibility of providing that report to the board, the commission if they desire.

Nanney: Are there any conditions of this uh probation or circumstances rather as they arise that would cause the board to take other action uh and if so, what would they be? I think uh Mr. rush deserves to know what he's gonna be expected to do exactly.

Runnebohm: I think each case would be separate as it appeared I mean when it came to us.

Marshall: ...(inaudible)....these six points pretty well summarize it, don't they?

Nicholson: It does in my mind.

Bird: Uh again has the national test been made one of those conditions?

Nicholson: Yes.

Bird: Has that amendment been made?

Several members answered in the affirmative.

Bird: The amendment has to be uh made and second and a vote taken on that separately before you take a vote on the the main uh motion if you're going to amend it that way.

Marshall: Mr. Chairman, I'll make a motion to add the amendment that the national test uh accepted by city's either ordinance or statute, whatever that word is, uh be incorporated into the amendment.

Keppel: Second that.

Wortman: For clarification, does that mean he has to take the test.....

Marshall: Either or.

Wortman: ....or it's an option?

Marshall: Either or.

Nicholson: He has the option.

Marshall: Yeah; his convenience.

Wortman: All in favor of approving the amendment?

In Unison: Aye.

Wortman: All in favor of approving the original motion?

In Unison: Aye.

Inaudible mumbling.

Nicholson: Mr. Second.

Inaudible comment.

Wortman: Any further Old Business?

No audible reply.

Nicholson: Any tests taken?

No audible reply.

Nicholson: No.

Keppel: Mr. Chairman, would you entertain a motion for adjournment?

Inaudible comment.

Wortman: I would.

Keppel: Motion so moved.

Nicholson: Second.

Wortman: All in favor?

In Unison: Aye.

Meeting adjourned.

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Jay Wortman, President

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Lisa Loveless, Secretary

8/13/14

The motion regarding the Dean Rush matter was as follows:

1. Dean must re-take the electrical contractor exam prior to the regular October Building Commission meeting. He can take our exam or a nationally recognized electrical contractor exam.
2. Dean will be on probation for a minimum of 6 months beginning 8/13/14.
3. Dean must call for his own inspections.
4. Dean must follow the City's procedures including obtaining permits prior to doing any electrical work and giving 24-48 hour notice for inspections.
5. Chris & Crystal will continue to do his inspections and may be accompanied by other city personnel.

Tony Nicholson made the motion and Gary Keppel seconded it. ~~Jim Marshall~~ amended the motion to include giving Dean the option to take a nationally recognized electrical contractor exam instead of ours.

The motion passed orally 7 – 0.

The board also asked for monthly reports concerning Dean's work and compliance with the above, but it wasn't part of the motion.