

**SHELBYVILLE BUILDING COMMISSION
MEETING AGENDA
SHELBYVILLE CITY HALL
44 W. WASHINGTON STREET
SHELBYVILLE, IN 46176**

DATE: October 8, 2014

TIME: 11:30 a.m.

CALL TO ORDER:

ROLL CALL:

READING OF THE MINUTES AND APPROVAL:

OLD BUSINESS: Board of Works – Dean Rush Appeal

NEW BUSINESS: Electrical Exams

MISCELLANEOUS BUSINESS:

ADJOURNMENT:

**SHELBYVILLE BUILDING COMMISSION
MEETING MINUTES
October 8, 2014**

Jay Wortman called the meeting to order at 11:42 a.m.

Members Present: Tony Nicholson, Gary Keppel, Jay Wortman, David Rush

Members Absent: Jim Marshall, Dave Wirrig, Joe Runnebohm

Guests Present: Charlie Daugherty

Staff Present: Daniel Bird, Lisa Loveless, Chris Hext, Michele Hansard

**The rest of the minutes follow as they were recorded and transcribed verbatim.

**CITY OF SHELBYVILLE
BUILDING COMMISSION
MEETING MINUTES
October 8, 2014**

Jay Wortman: Okay we'll call the October meeting of the Shelbyville Building Commission to order. We do have a quorum. We're missing Jim Marshall, Dave Wirrig and Joe Runnebohm. Have everybody seen the minutes of the last meeting?

Gary Keppel: Yes. I make a motion they be approved as written.

David Rush: Second.

Wortman: Moved and seconded we approve the minutes as written. All in favor?

In Unison: Aye.

Wortman: I'll turn the meeting over to

Daniel Bird: Okay. Yes, the next item on the agenda is the Board of Works the Dave Rush appeal. I'm sorry; Dean Rush, Jr. appeal.

Rush: Gonna say; did I do something?

Bird: No. Okay, at the September meeting, September 10th meeting, the Building Commission passed a motion regarding the disposition of the Dean Rush, Jr. case. Since that time, we have been contacted by Mr. Rush's legal counsel to discuss the Building Commission decision. In the process of discussing Mr. Rush's case, the city and Mr. Rush's legal counsel prepared an amended decision for the Commission's consideration and a copy of the decision or copy of the proposed amendment has been provided to the Building Commission. It's dated October the 6th. Very briefly, the proposed amendment takes the place of the motion passed on September the 10th and allows item number 1, finds that Building Commission would find that (Dean Rush, Jr.) committed violations to the ordinance and be placed on probation for 12 months beginning October the 1st through September the 30, 2015. Mr. Rush would be required to take and pass the Shelbyville's electrical test or one that is accepted to the city by January 1, 2015 in order to retain his electrical license. The city would acknowledge that Mr. Rush has a recognized disability under the American Disabilities Act that requires reasonable accommodations to be made. Also Mr. Rush would provide information to the Building Commissioner prior to taking that test to verify the disability and provide for accommodations. Mr. Rush continue to pull permits, be issued new permits in accordance with the City of Shelbyville's Building Commission policies and procedures, provided he passes the test by January 1, 2015. Those are the items that were included (see attached). They address the items in the September 10th decision and then they also provide for a period of probation which in terms that we're putting it is a continued performance evaluation. It's not a punitive action, but it is intended to be a period of performance evaluation done in an objective manner. I would recommend approval of the proposed amendment. I understand the representative of Mr. Dean Rush, Jr.'s legal counsel is here should he want to say anything.

Charlie Daugherty: Thank you, Dann. I justmy name's Charlie Daugherty. I'm here from Lee McNeely's office just coming in to.....my understanding is that to amend a decision that was gonna be discussed today and I came in to just I think make sure that everything seems to be in order and I think that Dann has summarized everything on this amended decision nicely and I don't really have any additional comments to make at this time other than I appreciate your consideration and time and effort on this and I thank you very much for your consideration.

Keppel: Mr. Chairman, it appears that Mr. Rush is aware of what's in here. In light of that, if the other board members agree, I would like to vote that we uh pass this as written.

Rush: I second.

Wortman(?): All in favor?

In Unison: Aye.

Bird: We've not had any individuals take the test today, so

Wortman: No exams? No Other Business?

Bird: Exams, no other business.

Tony Nicholson: You wanna do it all?

Keppel: Why not? Mr. Chairman, would you entertain a motion to adjourn?

Wortman: I would.

Keppel: So moved.

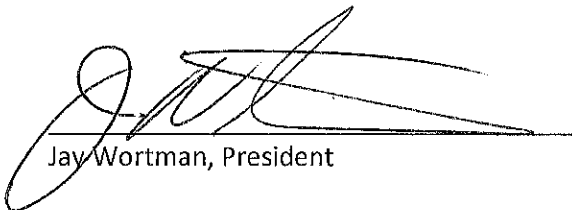
Nicholson: I'll second that.

Wortman: All in favor?

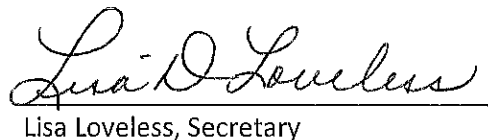
In Unison: Aye.

Bird: Thank you, gentlemen. I appreciate it. Thank you.

Meeting adjourned.



Jay Wortman, President



Lisa Loveless, Secretary

BEFORE THE CITY OF SHELBYVILLE BUILDING COMMISSION

IN RE THE MATTER OF)
Randall Dean Rush, Jr.)
Dean Rush Electrical License)

Randall Dean Rush Jr.)
15 4th Street)
Shelbyville, IN 46176)
(317) 512-1035)

AMENDED BUILDING COMMISSION DECISION

Please be informed that the City of Shelbyville Building Commission's Decision issued on September 10, 2014, in the above matter is hereby vacated. The City of Shelbyville Building Commission now finds the following:

1. The City of Shelbyville Building Commission finds that Dean Rush, Jr. committed violations of the Electric Code and, as a result, is hereby placed on probation for twelve (12) months, beginning on October 1, 2014, and continuing through September 30, 2015 ("Probation Period").
2. Dean Rush, Jr. shall be required to take and pass the Shelbyville Contractors Electric Test or another Electric test that is accepted by the City of Shelbyville by January 1, 2015, in order to retain his Electrician's License.
3. The City of Shelbyville acknowledges that Dean Rush, Jr. has a recognized disability under the Americans with Disabilities Act that requires reasonable accommodation during the taking of the Electric test and agrees to accommodate his disability by providing an untimed Electric test. Dean Rush, Jr. shall provide information regarding his disability to the Building Commissioner on or before he takes the Electric Test.
4. Dean Rush, Jr. may continue to pull existing permits and be issued new permits in accordance with the City of Shelbyville Building Commission's policies and procedures provided he passes the Electric test by January 1, 2015.

Dated: October 6, 2014


Daniel D. Bird, FAICP
Building Commissioner