

**SHELBYVILLE BUILDING COMMISSION  
SHELBYVILLE CITY HALL  
COMMON COUNCIL CHAMBERS**

**DATE:** August 19, 2015

**TIME:** 11:30 A.M.

**CALL TO ORDER:**

**ROLL CALL:**

**READING OF THE MINUTES AND APPROVAL:**

**OLD BUSINESS:**

**NEW BUSINESS:**

1. Electrical Exams

**MISCELLANEOUS BUSINESS:**

1. Electrical Permit requirements - discussion
2. Fines & Process - discussion

**ADJOURNMENT:**

**SHELBYVILLE BUILDING COMMISSION  
MEETING MINUTES  
August 19, 2015**

Jim Marshall called the meeting to order at 11:35 a.m.

**Members Present:** Tony Nicholson, Gary Keppel, Joe Runnebohm, David Rush, Jim Marshall, Matt Wortman

**Staff Present:** Daniel Bird, Chris Hext, Rod Miller, Lisa Loveless

**Guests Present:** Lucinda Franklin, Dean Rush

**Approval of Minutes:** Gary Keppel made a motion to accept the minutes as presented and David Rush seconded the motion. Voice vote passed 6 – 0.

**Old Business:** None

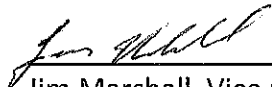
**New Business:** Dann announced that J.R. Wortman Company's employee, Jeremy Creech took the Prometric electrical contractor exam but did not pass. Matt Wortman affirmed that and said that J.R. Wortman Company has hired an electrical contractor and he will get with Lisa to get the paperwork taken care of to get him licensed. Matt also expressed his feelings regarding Brent Drake's appearance at last month's meeting and the things he said relating to J.R. Wortman Company.

**Miscellaneous Business:**

1. Electrical Permit Requirements Discussion – Dann directed the board's attention to the handouts he provided (§155.20 of the Code of Ordinances of the City of Shelbyville, minutes from the Board of Public Works & Safety's (BOW) 7/28/15 meeting & article from The Shelbyville News dated 8/18/15. At the BOW meeting, Dann was directed by the mayor to ask the Building Commission to review the ordinance and see if they wanted to make changes regarding what types of electrical work require an electrical permit. Gary Keppel asked if the commission decided to change the current ordinance, which requires all electrical work done within the city limits to have a permit, if that would change the outcome of Dean Rush's fine. Dann affirmed that it would not because the fine was issued under the current ordinance. Dann asked the board to think about it and the matter was tabled until the September meeting.
2. Fines & Process Discussion – Dann informed the board that the Building Department has been approached by some ex-employees of a local contracting firm alleging that the contractor has done a lot of work without employees. Dann advised the board that he is would like to institute a new policy whereby if someone wants to make a complaint with

our office, it has to be in writing. Jim Marshall asked if that would be affected by the Open Door Law and Dann will check on that with the city attorney.

**Adjournment:** Tony Nicholson motioned to adjourn the meeting and Gary Keppel seconded the motion. Voice vote passed 6 – 0.



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Jim Marshall, Vice Chairman

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Lisa Loveless, Secretary

(A) The provisions of this chapter shall not apply to installations in mines, ships, or railway cars, or to automotive equipment.

(B) The provisions of this chapter shall not apply to installations owned and used by electricity supply or communication agencies in the generation, transmission, or distribution of electricity.

(C) The provisions of this chapter shall not apply to electrical equipment used for radio transmission. (<sup>81</sup> Code, § 155.02) Penalty, see § 10.99

**§ 155.03 CONSTRUCTION OF CHAPTER.**

This chapter shall not be construed to relieve or lessen the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any liability by reason of any examination authorized or by reason of any license and certificate issued as herein provided. (<sup>81</sup> Code, § 155.03) Penalty, see § 10.99

**§§ 155.04 through 155.09 RESERVED.**

**§ 155.10 POWERS AND DUTIES.**

It shall be the duty of the Shelbyville Building Commission to approve persons who apply for licenses and to revoke or suspend any license on the grounds set forth in § 155.40. (Ord. 10-2658, passed 10-18-10) Penalty, see § 10.99

**§ 155.11 MEETINGS.**

(A) The Shelbyville Building Commission shall hold a regular meeting at least once during each month for the purpose of grading exams and granting electrical licenses.

(B) Four members of the Commission present at any meeting shall constitute a quorum for the transaction of business but any action taken at any meeting shall require the affirmative vote of at least four members.

(Ord. 10-2658, passed 10-18-10) Penalty, see § 10.99

**§ 155.12 ELECTRICAL INSPECTOR; QUALIFICATIONS.**

(A) There is created the office of Electrical Inspector whose duty it shall be to inspect all electrical wires and apparatus which will be installed within the city, and to issue certificates of acceptance on the same.

(B) The Electrical Inspector shall be a person who has had adequate experience in electrical installations, but the person shall not be actively engaged in electrical installations during his or her term of office. The person shall also have a thorough knowledge of the National Electrical Code and all other applicable rules and regulations set out by any law or administrative code.

(<sup>81</sup> Code, § 155.09) (Ord. 97-2274, passed 11-17-97; Am. Ord. 10-2658, passed 10-18-10) Penalty, see § 10.99

**INSTALLATION STANDARDS**

**§ 155.20 INSTALLATION PERMIT REQUIRED.**

(A) No person shall place or install, or cause to be placed or installed, any electrical wires, fixtures, or apparatus within the city without obtaining a permit to do so, ~~from the Electrical Inspector.~~

(B) Any owner, contractor, subcontractor, or any other person in any way responsible for or having control over any work regulated by this chapter shall

be severally liable for any violation of this section, and each of these persons shall be subject to the penalties prescribed by § 10.99.

(`81 Code, § 155.15) Penalty, see § 10.99

**§ 155.21 APPLICATION.**

Any person desiring to place or install, or to cause to be placed or installed, any electrical wires, fixtures, or apparatus shall make application for a permit to do so in writing to the Building Department prior to starting the installation. Blank applications for this purpose shall be furnished by the Building Department. Failure to obtain a permit prior to doing any work will result in the imposition of fines as prescribed by the Permit Fee Schedule.

(Ord. 10-2658, passed 10-18-10) Penalty, see § 10.99

**§ 155.22 FEES.**

(A) Electrical permit fees shall be in accordance with the Permit Fee Schedule as recommended by the Shelbyville Building Commission and as approved by the Shelbyville Board of Public Works and Safety.

(B) If re-inspection is necessary because of faulty or incomplete work, a fee, as set forth in the Permit Fee Schedule as approved by the Board of Public Works and Safety, as recommended by the Building Commission, for each additional inspection must be paid in the Building Department prior to receiving additional inspections.

(Ord. 10-2658, passed 10-18-10) Penalty, see § 10.99

**§ 155.23 CONNECTION OF SERVICE WIRES.**

No public service company or other person shall connect service wires to any electrical system until it has been inspected and a certificate of approval therefor has been issued by the Electrical Inspector.

(`81 Code, § 155.18) Penalty, see § 10.99

*Dave Rush wants it added that City pays/calls Duke - not the contractor.*  
2011 S-8

**§ 155.24 DEFECTIVE WORK.**

Whenever any electrical work or wiring is found to have been installed in a manner conflicting with any of the provisions of this chapter, it shall be the duty of the Electrical Inspector to refuse to grant a certificate of inspection and approval, and to order services discontinued by the public utility until the condition has been corrected, inspected, and a certificate issued.

(`81 Code, § 155.22) Penalty, see § 10.99

**§ 155.25 INSPECTIONS.**

The Electrical Inspector is authorized to enter any building or premises within the city at all reasonable times or hours for the purpose of making inspections for changes in wiring and to see that the provisions of this chapter are complied with. If the Electrical Inspector, upon inspection, shall find any faulty wiring or discover any of the provisions are not being complied with, he or she shall give notice to the owners to correct same or to comply with the provisions of this chapter. If the owner fails to comply with the notice of the Inspector, the Inspector shall notify the utility furnishing the service to shut off the current, and it shall be the duty of the utility to comply with the requests of the Inspector.

(`81 Code, § 155.23) Penalty, see § 10.99

**LICENSES**

**§ 155.30 LICENSE REQUIRED.**

(A) Except as otherwise provided in § 155.02, no person shall in any manner undertake to execute or perform any work of installing, maintaining, altering, or repairing any electrical equipment unless the person is the holder of an electrical contractor's license, is registered as an electrical journeyman or apprentice and is working under the supervision of a licensed electrical contractor, nor shall any person execute or perform work otherwise than as specifically permitted under the class of license held by that person.

(B) However, no license shall be required in order to execute or perform any of the following electrical work.

(1) Minor repair work, the replacement of lamps, or the connection of portable equipment to suitable permanently installed receptacles.

(2) The installation, alteration, or repair of electrical equipment for the operation of signals or the transmission of intelligence by wire.

(3) Any work involved in the manufacturing, testing, servicing, altering, or repairing of electrical equipment or apparatus; however, this exemption shall not include any permanent wiring other than that required for testing purposes.

(4) The assembly, erection, and connection of electrical equipment by the manufacturer of the equipment, but not including any electrical wiring other than that involved in making electrical connections on the equipment itself or between two or more parts of the equipment.

(5) All work involved in the erection, installation, repairing, remodeling, and maintenance of elevators, dumbwaiters, and escalators, but not including electrical equipment for supplying power to the control panels of elevators, dumbwaiters, or escalators.

(`81 Code, § 155.30) (Am. Ord. 10-2658, passed 10-18-10) Penalty, see § 10.99

*Cross-reference:*

*General license requirements, see Chapter 110*

**§ 155.31 CLASSES OF LICENSE.**

(A) Five classes of licenses and certificates therefor shall be issued by the Building Commission, which shall be known respectively as Class I, electrical contractor's license; Class II, electrical maintenance license; Class III, electrical journeyman license; and Class IV, electrical apprentice license, and a residential homeowner's license.

(B) A Class I license shall entitle the holder thereof to undertake to execute or perform any work of installing, maintaining, altering, or repairing electrical equipment, and the Class I license shall also permit and entitle the holder thereof to employ licensed electricians for these purposes.

(C) A Class II license shall entitle the holder thereof to execute or perform the work of installing, maintaining, altering, and repairing electrical equipment as a part of his or her maintenance job with a local business employer. This work shall be confined to premises owned and described on the license.

(D) A Class III license shall entitle the holder thereof to undertake to execute or perform any work of installing, maintaining, altering, or repairing electrical equipment, provided he or she is employed by the holder of a Class I license.

(E) A Class IV license shall be required for all apprentice electricians, who shall be under the direct supervision of the holder of a Class I license or the holder of a Class III license. The Class IV license shall entitle the holder thereof to assist in the installing, maintaining, and repairing of electrical equipment.

(`81 Code, § 155.31) (Am. Ord. 10-2658, passed 10-18-10) Penalty, see § 10.99

**§ 155.32 CHANGE OF LICENSE CLASS.**

In the event a person licensed under the provisions of this chapter desires to change his or her license class before an examination for a change of license is granted, the following schedule shall be observed and the person shall meet the following conditions.

(A) To change from a Class IV to Class III license, the applicant or person shall have been actively engaged in electrical work not less than one year.

BOARD OF PUBLIC WORKS AND SAFETY

Regular Meeting

July 28, 2015

The regular meeting of the Board of Public Works and Safety of the City of Shelbyville, Indiana, was held in the Council Chambers of City Hall on Tuesday, July 28, 2015, at 8:31 A.M. All members were present, and Mayor DeBaun presided.

Mr. Finkel moved to approve the minutes of the previous meeting held on July 14, 2015, and Mr. Williams seconded. The motion was carried on a 2-0-1 voice vote, with Mayor DeBaun abstaining.

Mr. Williams moved to approve the minutes of the previous meeting held on July 21, 2015, and Mayor DeBaun seconded. The motion was carried on a 2-0-1 voice vote, with Mr. Finkel abstaining.

Mr. Finkel moved to approve the claims as presented, and Mr. Williams seconded. The motion was carried on a 3-0 voice vote.

Under old business, Mayor DeBaun asked for an update on the property at 324 W. Mechanic St. Attorney Tim Black said an insurance claim has been filed because a tree fell on the home, and there is some equipment in the area to possibly clean the area. Mr. Black said a Sheriff's sale will be held on August 6, and his client doesn't have an interest in it, so it can be given to whoever purchases it on August 6. Mr. Finkel moved to table this until August 11, so they'll know who the owner is, and make a decision as to where to go. Mr. Williams seconded. The motion was carried on a 3-0 voice vote.

In the prelim meeting, Mayor DeBaun said it was discussed about the limits the Animal Shelter has in its abilities and duties they could perform in taking in stray cats, and Keith Barrett, Animal Control Director, has provided protocol in the trap, neuter, return program. Mr. Finkel said Kerry Ann May offered to give data throughout the process of the first year. He requested four key data points from her. The first was to provide the number of cats on in-take. The second was the number of cats fixed and returned, back to the neighborhood. The third was the number of complaints, and the fourth was the number of repeat cats. Mr. Finkel asked Kerry Ann to send the information to Keith once a month, which will give a chance to see the trending throughout the four seasons. Mr. Williams moved to approve the Animal Shelter protocol, with the amendments that Mr. Finkel suggested regarding the performance data, and Mr. Finkel seconded. The motion was carried on a 3-0 voice vote.

Finally, under old business, Mayor DeBaun said he had an update on the Ranochak property that was discussed last week. Compliance Officer Troy Merrick met with Kevin Ranochak, and toured the site. Troy explained to Kevin the concern and nature of the violations that were brought to the Board last week, and Kevin agreed he understood the concerns. Troy gave him a time line to complete the clean-up, and if it's not met, then a ten day letter would be sent to Kevin. It would then be handled as a nuisance property. Mayor DeBaun said the adjoining property owners would be notified that this action has taken place, and then the situation will be monitored.

Under new business, Mayor DeBaun said he had a request from Police Chief Mark Weidner to reinstate Billy Leffler to the Reserve force. Chief Weidner said when Mr. Leffler left, he was in good standing, and his training can be made current without any inconvenience to the Police Dept. Mr. Finkel moved to reinstate Mr. Leffler to the Police Reserve force, and Mr. Williams seconded. The motion was carried on a 3-0 voice vote.

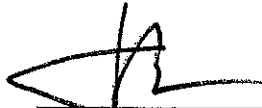
Phil Stieneker came forward, on behalf of Grover Museum, the Class of 1965, and world renowned sculptor/artist Mike Helbing, from Chicago, who was also in the Class of 1965. Phil said the Grover Museum was gracious enough to exhibit Mike's work through the months of August and September, and he would like to put two of his sculptures out on the sidewalk, between the flag pole and the planters. It would require putting in four anchors into the sidewalk just to keep them from blowing over or getting messed with. Phil would like to put them up on August 5, before the Class Reunion on August 7 and 8, and keep them there through September. Phil said he would patch the holes in the sidewalk once the sculptures are removed. When asked

by Mr. Finkel if Mike was concerned about his sculptures being damaged by skateboarders or anything else, Phil said Mike has a 2 million dollar insurance policy to cover damages to his work. Mr. Williams moved to approve allowing the art display outside the Grover Museum, and Mr. Finkel seconded. The motion was carried on a 3-0 voice vote.

Mayor DeBaun said the appeal hearing on Dean Rush would now be held, and he asked that everyone be respectful and honest on what they say. Building and Plan Commission Director Dann Bird spoke first saying work that Dean did took place at 923 Eaglebrook Drive without a permit, without a licensed contractor, and there was not an inspection called to be done on the property. He said that was why Dean is being fined a total of \$1,050.00. Dann gave a breakdown as to how that figure came about according to a City Ordinance. Dean said he had a long-time friend that asked him if he would drop four ceiling fans where old ceiling fans had been. He said no wiring, no switching, and no altered wiring needed to be done. He said it was his assumption that he didn't have to pull a permit if nothing was altered, and he wasn't notified until two months after doing the job for \$75.00. Dean said he doesn't do any electrical work in the City at the current time, but he does electrical work for every other city in the State. From what he's heard, Mayor DeBaun said fines were assessed based on a fee schedule that was adopted by the Building Commission, and we have a dispute over whether or not the work required a permit, inspections, and a licensed electrician. Mr. Finkel said the code is very clear on this, and the Board was here to discuss the fines as it's related to the code. He said he didn't see where the Building Department is out of line for what they found. Dann said a homeowner can install such things as a ceiling fan with a registration and a license. Mayor DeBaun said what Dann's speaking to is something a little different, and he thinks it's a discussion the Building Commission needs to have. He said Dean raised some valid points as far as what the scope is that can be performed by a homeowner, what can be performed by a contractor, and when is a permit required. Mayor DeBaun said he felt Dann and the Building Commission need to go back and make sure they are firm and consistent on their application fees because Dean is making allegations that this is happening all over town. Dean just had the misfortune of being brought before the Board. Mayor DeBaun wanted this to be clarified for contractors so they know what needs to happen, and he wants it to be applied universally and consistently. He didn't want this to be a situation where the Board is making an example of Mr. Rush, while others are doing this without being addressed. Dann said he would follow up on that with the Building Commission to take a look at it. Dean's wife, Brittany, said many on the Building Commission don't like Dean, they're in direct competition with him, and that type of meeting won't go anywhere. She said they don't like him being a business owner in town trying to make a living, and stealing business from them. She said his customers love him, he does good work, and he treats them fairly. There being no further comments, Mr. Finkel moved to affirm the decision of the Building Commission, and Mr. Williams seconded. The motion was carried on a 3-0 voice vote.

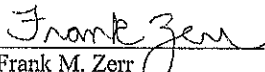
Mayor DeBaun said various representatives from the City had the pleasure of attending an event in Shelbyville, Kentucky, and the City received a Certificate of Achievement that acknowledges that Shelbyville, Indiana is the Sister-City of Shelbyville, Kentucky. The Mayor said the Certificate is suitable for framing and display, the Shelbyville, Kentucky Mayor and his staff will be coming here for a like event, and he will let everyone know when that takes place.

There being no further business, Mr. Williams moved to adjourn.



Thomas D. DeBaun  
Mayor

ATTEST:



Frank M. Zerr  
Clerk-Treasurer



## Local electrician feels like he's fighting city

Andy Proffet Staff writer | Posted: Monday, August 17, 2015 2:54 pm

Dean Rush leaves home at 5 a.m. every morning for the long commute to Bedford, a drive that takes him 2½ to 3 hours.

It's not a commute that Rush wants to make, not with two young children at home.

But he wants to do the job he learned from his father. It's a job that he can't do in his hometown of Shelbyville.

Rush's electrical license was revoked by the Shelbyville Building Commission over an incident in May 2014.

According to a request for appeal filed with the Shelbyville Board of Works last year by Rush's attorney, Lee McNeely, Rush had wired temporary power for a construction job through a current transformer panel inside Bible Holiness Church, 2911 E. Michigan Road. The appeal noted that city inspector Crystal Nanney told Rush that he needed to wire temporary power through the exterior transformer panel instead. Rush complied, but a Duke Energy lineman unaware that the exterior panel had been energized suffered a "near miss."

"So the very next day after I got a green tag from the city signed off, the very next day that near miss from Duke is filed. It's a green tag from the city, I couldn't figure out why they're holding me liable. The inspectors got no grief about it, all they did was write long reports on what I did wrong. How did I do so much wrong when you guys green tagged it?" Rush said.

Since then, Rush has been fined \$1,050 for installing four ceiling fans for a friend.

Shelbyville Building Commissioner Dann Bird said the fines were for working without a permit, \$200 plus the \$50 permit fee; working without a license, \$500 plus the \$150 registration fee; and not having an inspection by the city, \$150.

Rush is appealing those fines, and he told The Shelbyville News that he feels like city inspectors and members of the building commission are out to put him out of business.

Bird said he could not comment because of Rush's pending appeal to the state regarding the fines.

Rush said there were several instances where city inspectors disagreed with how he was doing a job. Although he's been in business for several years, it was only recently that he began getting red tags for his work.

"I've had more red tags in the past year-and-a-half, two years ... than my dad had in 25 years," said Rush, whose father, Randy, owned Randy Rush Electric Inc. until his death in 2006. "... I could see if I had crappy work all along, and I was getting red tags all along. Why is it all good and then it jumps off a cliff?"

It's Rush's assertion that he and Senior Deputy Building Commissioner Chris Hext differ when it comes to what's code and what isn't.

"There's 20 different ways to do a job. Just because it's not done your way doesn't mean it's not code," Rush said. "... If he would just do his job and tell me what code is, I would have no problem meeting code."

Rush also believes there's a conflict of interest when the members of the building commission are ruling on situations involving competitors.

Rush noted that McNeely suggested that commission members David Rush -- no relation -- and Jay Wortman not vote on his case because of the potential conflict of interest.

"I think having a business owner from this town voting against another business owner in this trade (doesn't work)," Dean Rush said.

Rush now must pass a test, then approach the commission to get his license reinstated. In the meantime, he's able to work elsewhere -- as he told the Board of Works in July, he's able to do electrical work in "every other city in the state of Indiana."

However, he and his wife, Brittany, concede they've thought about moving.

"I work here at the hospital, and I love my job, I don't want to leave my job," Brittany Rush said. "... We might not be able to fight it much longer. We would love to get an attorney to sue, but you've got to have money to do that, and they're nickel and diming us on everything. I work two jobs, Dean works seven days a week, 16 hours a day. We're just trying to keep our little family of four together.

"It's kind of a pride thing. It's unfair and we want everyone to see that it's unfair and see if it will change."

"If I could just pick up my phone and do work here in Shelbyville, I could stay plenty busy," Dean Rush said.

Andy Proffet is a staff writer for The Shelbyville News. Follow him on Twitter @AndyProffetTSN.