

Elevator and Amusement Device

DEPOSITION OF SAFETY BOARD HEARING

Taken June 04, 2019



615.221.1089

1 STATE OF TENNESSEE
2 ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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10 QUARTERLY MEETING OF THE
11 STATE OF TENNESSEE
12 ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

13 June 4, 2019
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24 Reported by:
25 Amber Thompson, LCR, CCR

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1 APPEARANCES:
 2 Robbie Fox, Chairman
 Fixed Amusement Device Representative
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 4 David Hale, Board Member
 Tennessee Fair Association Representative
 5 Mike H. Hardy, Board Member
 Amusement Device Manager
 6
 7 Larry R. Moore, II, Board Member
 Owner and Lessees Representative
 8 Mitch H. Rader, Board Member
 Insurance Company Representative
 9
 10 Lewis Moorer, Jr., Board Member
 Public at Large Representative
 11 Kelly O'Connor, Board Member
 Pubic at Large Representative
 12
 13 Victor LaPorte, Board Member
 Manufacturer Representative
 14 James Roy Pope, Board Member
 Traveling Amusement Device Representative
 15
 16 Thomas R. Jackson
 Assistant Chief Elevator Inspector
 17 Thomas Herrod
 Assistant Commissioner, State of Tennessee
 18
 19 Dan Bailey, Esq.
 Legal Counsel, State of Tennessee
 20 Lynn Kirby
 Board Secretary, State of Tennessee
 21
 22 ** Reporter's Note: All names are spelled
 phonetically unless otherwise provided to the
 23 Reporter by the parties.
 24
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1 A G E N D A
 2 I. CALL MEETING TO ORDER
 3 II. INTRODUCTIONS
 4 III. PLEDGE
 5 IV. PROPOSED ADDITION TO AGENDA
 6 V. ADOPTION OF AGENDA
 7 VI. APPROVAL OF THE MARCH 5, 2019, MEETING
 MINUTES
 8
 9 VII. ELEVATOR UNIT'S REPORT
 10
 11 VIII. AMUSEMENT DEVICE UNIT'S REPORT
 12
 13 IX. OLD BUSINESS
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 15 X. NEW BUSINESS
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 17 XI. OPEN DISCUSSION ITEMS
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 19 XII. ANNOUNCEMENT OF NEXT MEETING
 20
 21 XIII. ADJOURNMENT
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1 * * * * *
 2 CHAIRMAN FOX: I would like to recognize
 3 Commissioner McCord.
 4 And you have about a 30-minute speech
 5 for us, this morning?
 6 MR. McCORD: Yeah, an hour and a half.
 7 Before we get started -- before you start, I don't
 8 want to take up any agenda time, but I did want to
 9 make some introductions, some formal introductions.
 10 We've had an organizational re-org, and so we have
 11 two major divisions within Labor and Workforce
 12 Development now. One side is headed by Deniece
 13 Thomas, and she has adult ed, workforce services,
 14 and our data component on that side.
 15 And the other side is headed by Steve
 16 Hawkins. And Steve has -- before that, I guess
 17 you've been at Tennessee OSHA for two or three
 18 centuries, or something like that?
 19 MR. JACKSON: Two or three decades,
 20 actually.
 21 MR. McCORD: Two or three decades. I
 22 get those confused.
 23 So TOSHA, in case you didn't know, is
 24 the best agency of its kind in the United States. I
 25 didn't know that before I showed up, but I do now.

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1 So Steve has led that organization to basic
 2 prominence in the things that they do. And so it
 3 made sense for Steve to head what we call employment
 4 safety and security. And within those, there is
 5 Tennessee OSHA, there is unemployment insurance, and
 6 there is workplace regulations and compliance.
 7 Now, I know you've met Tom Herrod, and
 8 Tom comes out of that very stellar organization as
 9 the lead for the public sector. A lot of the
 10 industry experience as well, a lot of process
 11 experience. He's kind of mean, but besides that,
 12 we'll take him.
 13 And I have been really, really pleased
 14 to see how Tom has taken the bull by the horns and
 15 started off strong in helping us continue to get
 16 where we need to get.
 17 The second thing I will say is thank you
 18 for -- I know you're not getting rich coming to
 19 Nashville and spending time doing this, and so we
 20 need you, we need your guidance and your expertise,
 21 we need you to hold us to a high standard, so we
 22 appreciate that as well.
 23 So with that, I appreciate the few
 24 minutes, and I'll let y'all get started.
 25 CHAIRMAN FOX: Commissioner, we are both

<p style="text-align: right;">Page 6</p> <p>1 honored and thankful that you attend our meetings, 2 and would beg of you to come back and visit with 3 each meeting.</p> <p>4 MR. McCORD: Well, thank you. Now I'm 5 going to be rude and have to leave because I've got 6 to go to Chattanooga, but thank you for saying that. 7 And, yeah, I'll be here and/or Steve will be 8 attending as well. So thank you guys.</p> <p>9 CHAIRMAN FOX: Great. Thank you, sir.</p> <p>10 MR. RADER: Thank you, sir.</p> <p>11 CHAIRMAN FOX: Okay. We'll go ahead and 12 call the June 4th meeting of the Elevator & 13 Amusement Device Safety Board to order.</p> <p>14 And the first item on the agenda will be 15 introduction and announcements. Let me do the 16 announcements and then we'll start with the 17 introductions.</p> <p>18 In the event of an emergency or natural 19 disaster, security personnel will take attendees to 20 a safe place in the building or direct them to the 21 exit -- to exit the building on the Rosa Parks side.</p> <p>22 Now, with the introductions, Ms. Lynn, 23 you are first because you're sitting on the 24 right-hand side.</p> <p>25 MS. KIRBY: Yes, sir. I'm Lynn Kirby.</p>	<p style="text-align: right;">Page 8</p> <p>1 a Vanderbilt graduate -- not that he's a graduate, 2 but he's a Vanderbilt football fan. You know how 3 that is.</p> <p>4 CHAIRMAN FOX: We each have our crosses 5 to bear.</p> <p>6 MR. HARDY: As do I.</p> <p>7 MR. BAILEY: I'm Dan Bailey. I'm the 8 legal counsel for the board.</p> <p>9 MR. HAWKINS: Steve Hawkins, deputy 10 commissioner.</p> <p>11 And I'll echo what Dan said about Tom. 12 Tom has done a great job in Tennessee OSHA, and was 13 real excited to give him this opportunity, and was 14 excited for the opportunity the commissioner gave 15 me. So we're really looking forward to learning 16 more about the work and also getting to know you 17 all. So thank you.</p> <p>18 CHAIRMAN FOX: Sir?</p> <p>19 MR. CHURCH: Mike Church. I'm with KONE 20 Elevator.</p> <p>21 MS. KELLY: Linda Kelly. I work at The 22 Adventure Park at Nashville.</p> <p>23 MR. GREGORY: Jason Gregory, Elevator 24 Constructors.</p> <p>25 MS. PAIGE: Ebony Paige, WRC.</p>
<p style="text-align: right;">Page 7</p> <p>1 I'm with WRC, and I am the board secretary.</p> <p>2 MR. HARDY: Mike Hardy. I'm the 3 amusement device manager.</p> <p>4 MR. JACKSON: Thomas Jackson, assistant 5 chief elevator inspector.</p> <p>6 MR. MOORER: Lewis Moorner -- help me, 7 help me here -- member at large.</p> <p>8 MR. LAPORTE: Vic LaPorte, board member.</p> <p>9 MR. HALE: David Hale, board member.</p> <p>10 CHAIRMAN FOX: Robbie Fox, board member.</p> <p>11 MR. RADER: Mitch Rader, board member.</p> <p>12 MS. O'CONNOR: Kelly O'Connor, board 13 member.</p> <p>14 MR. POPE: James Roy Pope, board member.</p> <p>15 MR. HERROD: Tom Herrod, assistant 16 commissioner, Workplace Regulations and Compliance.</p> <p>17 MR. BAILEY: Before I give my 18 introduction, I do want to congratulate Tom for his 19 appointment. Tom has been here nine years and 20 started out in a cubical just outside of my office, 21 and the next thing I know, I turn around and he's a 22 supervisor, it seems like I turned around again and 23 he's an manager, and now he's an administrator. So 24 he's went up the ladder quickly, but deservingly. 25 And the only bad thing I can say about him is he is</p>	<p style="text-align: right;">Page 9</p> <p>1 MS. COLE: Cheryl Cole, WRC.</p> <p>2 MR. CASTRO: Jonathan and Isaac, general 3 manager and assistant general manager at AboveAll.</p> <p>4 MS. XIXIS: Tia Xixis, Tennessee 5 Department of Labor and Workforce Development.</p> <p>6 MS. ALDRIDGE: Erica Aldridge, WRC.</p> <p>7 MS. RHODES: Anita Rhodes, WRC, elevator 8 manager.</p> <p>9 MR. McPHERSON: Mike McPherson, State 10 elevator inspector.</p> <p>11 MR. FARMER: Chris Farmer, Lerch Bates.</p> <p>12 MS. BARNETT: Doris Barnett, WRC.</p> <p>13 MR. MARCHAL: Matt Marchal, HomeLift 14 Elevator.</p> <p>15 MS. MURPHY: Jennifer Murphy, safety 16 compliance officer, Middle Tennessee.</p> <p>17 MR. KLUTTS: Kevin Klutts, amusement 18 device unit, safety compliance office.</p> <p>19 CHAIRMAN FOX: Okay. Welcome, everyone. 20 In order to get us started off right, 21 Mr. Rader, would you lead us in the pledge, please?</p> <p>22 MR. RADER: I will. 23 (Whereupon, the Pledge of Allegiance was 24 recited.)</p> <p>25 CHAIRMAN FOX: Okay. For the record, we</p>

<p style="text-align: right;">Page 10</p> <p>1 have an added -- or an item that was added to the 2 agenda. Please bear with me while I read just a 3 couple of things.</p> <p>4 Item Number 4 is a proposed addition to 5 agenda, the following variance requests, including a 6 blank or precedent setting request, of KONE Elevator 7 Company.</p> <p>8 First bullet point: KONE will request 9 that a standing variance or precedent or process be 10 put in place in order that this variance be approved 11 by the chief inspector with the board's approval so 12 that all future requests not have to be acted upon 13 at the Elevator & Amusement Device Safety Board 14 meetings. That's Bullet Number 1.</p> <p>15 Bullet Number 2, for the record: 16 Maryville Municipal Parking Garage, West Church 17 Avenue, Maryville, Tennessee, 37801, install one MRL 18 in an existing elevator shaft. Pit is 19 4-foot-3-inches deep.</p> <p>20 And the third bullet point, second 21 section, would be: Crowe Building, circa 1920.</p> <p>22 And the fourth bullet point would be: 23 Mooney Building, circa 1920.</p> <p>24 Next bullet point would be: Nash 25 Building, circa 1952/Nash Annex, circa 1987.</p>	<p style="text-align: right;">Page 12</p> <p>1 horse. They've asked us to amend the agenda to 2 include them as a late item, so they would have the 3 opportunity now to tell us why we should do that, 4 why you as a board should do that.</p> <p>5 CHAIRMAN FOX: And I agree. I was going 6 to get an adoption and then go back and get them, 7 make a change to go back. But if that's the way we 8 need to do it, fine.</p> <p>9 MR. BAILEY: So you're looking at 10 adopting the agenda including the proposed 11 addition --</p> <p>12 CHAIRMAN FOX: Yes, and then allow them 13 to come --</p> <p>14 MR. BAILEY: -- and then go back to see 15 if the addition is approved?</p> <p>16 CHAIRMAN FOX: Yes.</p> <p>17 MR. BAILEY: Okay.</p> <p>18 CHAIRMAN FOX: I think we have to get it 19 on the record --</p> <p>20 MR. BAILEY: That will be fine.</p> <p>21 CHAIRMAN FOX: -- before we can do that.</p> <p>22 MR. BAILEY: That will be fine. I was 23 just making sure we're clear on what we were doing.</p> <p>24 CHAIRMAN FOX: Yes.</p> <p>25 MR. BAILEY: Okay.</p>
<p style="text-align: right;">Page 11</p> <p>1 And that is all on Item Number 4. 2 Item Number 5 would be the adoption of 3 the agenda.</p> <p>4 And what I would ask you to -- or 5 entertain would be a motion to accept those -- 6 accept Item Number 4 and then adopt the rest of the 7 agenda.</p> <p>8 MR. HALE: I make a motion to accept the 9 agenda as amended.</p> <p>10 MS. O'CONNOR: I'll second.</p> <p>11 MR. BAILEY: Mr. Chairman?</p> <p>12 CHAIRMAN FOX: I'm sorry?</p> <p>13 MR. BAILEY: Before a motion is voted on 14 on this, I think there should be some -- we should 15 hear from KONE as to why this request is late, 16 because they are asking us to go against what the 17 rules require in order to put them on the agenda.</p> <p>18 MR. HALE: Do they not need to be on the 19 agenda in order to speak, though, by Robert's Rules 20 of Order?</p> <p>21 CHAIRMAN FOX: That's where I was 22 headed.</p> <p>23 MR. BAILEY: Well, but if you adopt the 24 agenda prior to finding out why this is a late item, 25 then I think you're putting the cart before the</p>	<p style="text-align: right;">Page 13</p> <p>1 MR. HALE: My motion still stands.</p> <p>2 CHAIRMAN FOX: We have a motion and we 3 have a second.</p> <p>4 Any discussion? 5 (No verbal response.)</p> <p>6 CHAIRMAN FOX: Hearing none, all in 7 favor of the motion, let me know by saying "aye." 8 (Affirmative response.)</p> <p>9 CHAIRMAN FOX: All opposed, like sign. 10 (No verbal response.)</p> <p>11 CHAIRMAN FOX: Motion carries. 12 Okay. So now we would go back or go get 13 Item Number 4. And I'm not going to read that 14 again. It's on the -- it's on the record.</p> <p>15 And you can place that in there for us, 16 ma'am, if you will.</p> <p>17 Okay. So who is going to speak on 18 behalf of KONE?</p> <p>19 MR. CHURCH: I will.</p> <p>20 CHAIRMAN FOX: All right. If you will, 21 please come to the table.</p> <p>22 MR. CHURCH: Absolutely.</p> <p>23 CHAIRMAN FOX: Sir, state your name, 24 address, phone number, and speak loudly because that 25 lady has to hear you.</p>

<p style="text-align: right;">Page 14</p> <p>1 MR. CHURCH: Okay. My name is Mike 2 Church. I'm with KONE Elevator and Escalator 3 Company. Our address is 738 Melrose, Nashville, 4 Tennessee. 5 Phone number? Is that what you needed 6 too? 7 CHAIRMAN FOX: Please. 8 MR. CHURCH: (816)365-8037. 9 CHAIRMAN FOX: Okay. Now, it's your 10 five minutes or -- 11 MR. CHURCH: Okay. 12 CHAIRMAN FOX: -- however long you need 13 to talk. 14 MR. CHURCH: My five minutes. I guess I 15 need to address why they were submitted late on to 16 the agenda. 17 Okay. Two things. We submitted two 18 variance requests for basically the same issue: One 19 at MTSU in Murfreesboro, which was ahead of the 20 30 days; and then in addition to that, we submitted 21 the Elliot condominiums ahead of the 30-day 22 deadline. 23 I have -- representing our Knoxville 24 office, I'm representing our Memphis office, and I'm 25 here based in Nashville. So the Nashville [sic] and</p>	<p style="text-align: right;">Page 16</p> <p>1 the issue that resolved in the Knoxville area. 2 So it's not something that they really 3 planned for. It's something that sort of came out 4 of the blue. I think that was one of the reasons 5 that he was wanting to get these in on a last-minute 6 basis. 7 MR. CHURCH: And -- 8 MR. BAILEY: Excuse me. When was the -- 9 when did they know that they couldn't go 5 foot at 10 Knoxville? 11 MR. JACKSON: I received -- in 12 Knoxville, probably two-and-a-half weeks ago. 13 Am I correct on that, Mike, it was 14 about -- 15 MR. CHURCH: Yes. 16 MR. JACKSON: -- two-and-a-half weeks 17 ago? 18 MR. RADER: And why couldn't you go 19 5 feet? 20 MR. CHURCH: The architect investigated 21 the building structure, and it would disrupt the 22 underpinnings of the building. So it was a 23 structural concern going the additional 1 foot down 24 into the ground. 25 MR. BAILEY: May I, Mr. Chairman?</p>
<p style="text-align: right;">Page 15</p> <p>1 Knoxville office called me within the last 30 days, 2 it wasn't going to quite make the deadline, so I 3 asked the board to consider putting the same 4 variance request for these two other projects, one 5 in Knoxville and one in Memphis. But it's basically 6 dealing with the same issue. 7 CHAIRMAN FOX: Okay. Mr. Jackson, would 8 you like to respond, sir? 9 MR. JACKSON: It's my understanding that 10 in Memphis they had started construction, they were 11 actually going to cut the pits down to a 5-foot 12 level. They ran into a structure issue. 13 Is that -- that was my understanding 14 from the gentleman that I spoke with in Memphis. 15 MR. CHURCH: That's correct. 16 MR. JACKSON: So they had planned on 17 cutting down to a 5-foot pit, and then when they 18 realized they couldn't -- this was two weeks ago? 19 MR. CHURCH: Yes. 20 MR. JACKSON: Two weeks ago that they 21 realized that they couldn't cut it down. 22 The other job that was in Knoxville, I 23 believe they had a closed-in hoistway. And when 24 they cut the hoistway in, they realized at that 25 point it was only a 4-foot pit. So I think that was</p>	<p style="text-align: right;">Page 17</p> <p>1 CHAIRMAN FOX: Yes, sir. 2 MR. BAILEY: The question I have is, you 3 knew about -- the Chattanooga issue came up two 4 weeks ago, Knoxville about two-and-a-half weeks ago, 5 and your e-mail to Ms. Kirby was May 31st, which was 6 just last Friday. I mean the issue here is public 7 notice. If she had been told about this two to 8 two-and-a-half weeks ago, there would've been an 9 additional two to two-and-a-half weeks of public 10 notice that could have been given instead of just a 11 half a day. I mean, why was it May 31st before that 12 request was made if this was known two weeks or so 13 ago? 14 MR. CHURCH: I received the information 15 from the architect on Thursday of last week, and 16 then I submitted it on to the board. So I tried to 17 act promptly, as far as my actions, but I was also 18 waiting on the architect's investigation of the 19 situation. 20 MR. BAILEY: But you knew about it two, 21 two-and-a-half weeks ago? 22 MR. JACKSON: I spoke with a gentleman 23 out of Knoxville with KONE, and I spoke with a 24 gentleman out of Memphis with KONE. And I told 25 them, I said, You're too late to get this in front</p>

<p style="text-align: right;">Page 18</p> <p>1 of the board. I said, Now -- and I advised them at 2 that time, I said, You may reach out to Mike Church, 3 he may approach the board to see if they will accept 4 this late amendment. I said, I don't know whether 5 they would accept the late amendment, but that's the 6 only thing that I know they could do at that time. 7 And that was my suggestion to Knoxville and Memphis, 8 to present it to the board to see if they were able 9 to accept hearing a possible amendment request. 10 MR. CHURCH: You know, this whole thing 11 of short notice on things, sometimes that happens, 12 and we should've -- you know, we like to follow the 13 rules, and that's why we are suggesting that maybe 14 working with the elevator inspection chief on these 15 issues in the future to where we can review the 16 details and figure -- come to a reasonable variance, 17 that maybe the elevator inspector could set a 18 program or a precedence in place -- not necessarily 19 a precedence, but a case-by-case basis where he 20 would have the authority to act upon it. 21 MR. BAILEY: Well, that's one of the 22 items on this. The issue now is whether or not it 23 should be accepted as a late addition to the agenda. 24 And what I'm, I guess, somewhat concerned about is 25 that the rules of the board are not to be just, you</p>	<p style="text-align: right;">Page 20</p> <p>1 the rules say. 2 MR. CHURCH: Yes. 3 CHAIRMAN FOX: And so you -- I guess the 4 first notice from you was May 31st? 5 MR. CHURCH: On these last two 6 additions, that's correct. 7 MR. HALE: So, Mr. Chairman, is there 8 not two different issues in question here, one being 9 whether we're willing to say, from now on, this 10 doesn't have to come before us, changing the rules 11 of the way the board operates; and then the other 12 being the issue of the buildings that need a 13 variance? 14 So we actually have two very distinct 15 issues to discuss. So I think as we progress 16 through this, we need to do so with that in mind, 17 that, you know, to me, approving a variance is one 18 thing, versus approving to say you don't ever have 19 to come ask for a variance again. 20 MR. BAILEY: Well, that is all part of 21 the late-agenda request. So, I mean, the first 22 question is whether or not to allow this to go on 23 the agenda for today's meeting. And then if it 24 does, then each of those requests can be dealt with. 25 But the first question is: Should it be allowed on</p>
<p style="text-align: right;">Page 19</p> <p>1 know, disregarded. And public notice is an issue. 2 And, you know, there seems to be a two, 3 two-and-a-half week lag from when the discovery was 4 made, Hey, we need a variance, until it's actually 5 requested. 6 Now, whether that's your fault or the 7 people that report to you, I don't know. But I just 8 want to stress the fact that if you're going to 9 request a late addition, that you should -- that any 10 company needs to give this board and our department 11 as much notice as they can. I mean, I think it 12 makes it a little easier to grant a late addition if 13 the request is not so late. You know, if it's only 14 like a week, you know, into it, and so there was 15 three weeks' notice, I think it's easier to grant a 16 late request like that instead of a last second, 17 basically 11th-hour request. And I just don't want 18 the perception to be out there that, Well, yeah, 19 they've got their rules, but, nah, you can kind of 20 disregard them, you know. So that's my concern. 21 CHAIRMAN FOX: Mr. Bailey, for the 22 record, what is the minimum amount of time or 23 maximum amount of time that they have to notify for 24 an appeal or a request? Is it 30 days? 25 MR. BAILEY: 30 days, yes. That's what</p>	<p style="text-align: right;">Page 21</p> <p>1 the agenda today? 2 MR. HALE: All right. But the wording 3 says "so that future requests do not have to be 4 acted upon." 5 MR. BAILEY: But that is -- 6 MR. RADER: A separate issue. 7 CHAIRMAN FOX: That's an item that is 8 part of what he wants to add to the agenda as a 9 late-added item. 10 So the first question is whether that 11 request gets on the agenda. Then if it is on the 12 agenda -- 13 MR. HALE: Right, I get that. 14 But if we approve that, does that mean 15 that anybody that has a variance doesn't have to 16 come to the board from this point forward? 17 CHAIRMAN FOX: No. I think, to your 18 point, they are two totally different issues. One 19 of them has to do with the late-filed, and the other 20 has to do with the precedence. 21 Am I wrong? 22 MR. BAILEY: No, I think that's right. 23 MR. HALE: And that only applies to 24 these three requests? 25 MR. BAILEY: Well, those requests are</p>

<p style="text-align: right;">Page 22</p> <p>1 part of the request to add it to the agenda late.</p> <p>2 MR. HALE: Right, I understand that.</p> <p>3 MR. BAILEY: All right. So if that's</p> <p>4 approved, then we can discuss whether or not the</p> <p>5 board would want to grant authority to the chief</p> <p>6 elevator inspector to make decisions that should --</p> <p>7 that have been coming to the board.</p> <p>8 I can discuss that, but I feel like</p> <p>9 discussing that comes after you decide whether to</p> <p>10 put it on the agenda or not.</p> <p>11 CHAIRMAN FOX: All right.</p> <p>12 MR. POPE: Mr. Chairman?</p> <p>13 CHAIRMAN FOX: Yes.</p> <p>14 MR. POPE: I would like to make a motion</p> <p>15 that we put it on the agenda solely, and that we go</p> <p>16 ahead and discuss it. Because according to Robert's</p> <p>17 Rules, you've got to have a motion to get it in</p> <p>18 front of the board before you can discuss it.</p> <p>19 MR. HALE: Well, don't you think my</p> <p>20 motion to --</p> <p>21 MR. POPE: I think it was the same</p> <p>22 thing --</p> <p>23 MR. HALE: -- adopt the agenda as</p> <p>24 amended --</p> <p>25 MR. POPE: That's what I said, I don't</p>	<p style="text-align: right;">Page 24</p> <p>1 variance, that would be a whole different ballgame</p> <p>2 that we need to look into. But I'm with David, I</p> <p>3 think we need to go ahead and discuss it, but I</p> <p>4 don't see a reason that we can't bring it before the</p> <p>5 board.</p> <p>6 I don't know how much public notice that</p> <p>7 you need for one elevator or two elevators that's --</p> <p>8 I don't know who is going to complain about it.</p> <p>9 MR. HALE: But I appreciate Dan's</p> <p>10 comments that it --</p> <p>11 MR. POPE: Again, I get --</p> <p>12 MR. HALE: -- you can't erode the</p> <p>13 board's credibility.</p> <p>14 MR. POPE: I get going by the rules, and</p> <p>15 I understand going by the rules. But I also</p> <p>16 understand that in today's rat race, if you will,</p> <p>17 sometimes you have to do what you have to do.</p> <p>18 MS. O'CONNOR: Mr. Chair, I would love</p> <p>19 to be accommodating. My concern is, by doing this,</p> <p>20 are we opening up a can of worms for precedence in</p> <p>21 getting late additions to the agenda in the future</p> <p>22 by everybody, so that then public notice is</p> <p>23 irrelevant because nobody is paying attention to it?</p> <p>24 MR. MOORER: Mr. Bailey, what's your</p> <p>25 recommendation that would apply to, you know, the</p>
<p style="text-align: right;">Page 23</p> <p>1 know that we haven't already done that.</p> <p>2 MR. HALE: Yeah.</p> <p>3 MR. POPE: But that's what we need --</p> <p>4 MR. HALE: It puts it on the --</p> <p>5 MR. POPE: -- to go ahead and do that.</p> <p>6 MR. HALE: It puts it on the agenda.</p> <p>7 MR. POPE: I get picking it apart. But</p> <p>8 I'm going to ask a question: This board meets</p> <p>9 quarterly, right? So if this gentleman was already</p> <p>10 behind the eight ball, if you would, and he's going</p> <p>11 to be three more months --</p> <p>12 MR. RADER: He'll be really behind the</p> <p>13 eight ball.</p> <p>14 MR. POPE: So, I mean, it's not</p> <p>15 something they've made a habit of doing, that I'm</p> <p>16 aware of. So I don't see that there's a big issue</p> <p>17 on bringing it before the board.</p> <p>18 MR. RADER: I don't either.</p> <p>19 MR. POPE: That the board, it shouldn't</p> <p>20 be that -- easily dealt with that we could do</p> <p>21 something there and be --</p> <p>22 MR. RADER: Be accommodating.</p> <p>23 MR. POPE: Accommodating is a great</p> <p>24 word -- for the gentleman.</p> <p>25 Now, like I said, as far as changing the</p>	<p style="text-align: right;">Page 25</p> <p>1 statutes and the law?</p> <p>2 MR. BAILEY: Well, I mean, the rules say</p> <p>3 you have to give 30 days' notice, that's what the</p> <p>4 rules say, this board's rules.</p> <p>5 Now, certainly the board can grant an</p> <p>6 exception to those rules, just like they can grant a</p> <p>7 variance, which is part of -- a variance is to the</p> <p>8 safety code, which is also part of the rules.</p> <p>9 So it's just -- you know, I just want it</p> <p>10 to be considered that, you know, there's a reason</p> <p>11 for that 30 days' prior notice. And I'm not saying</p> <p>12 that there's not times it's justified to allow</p> <p>13 something late-filed, I'm not saying that this isn't</p> <p>14 justified, I just don't want it to be took as</p> <p>15 something that's wily-nilly and easily done and</p> <p>16 there's no consequences for being late.</p> <p>17 CHAIRMAN FOX: And I think we all agree</p> <p>18 with you.</p> <p>19 But to Mr. Jackson's point, we had</p> <p>20 knowledge two-and-a-half weeks ago, and I think</p> <p>21 you're just -- I'm not belittling your position, but</p> <p>22 I think you're just a conduit to tell us; is that</p> <p>23 correct?</p> <p>24 MR. CHURCH: That's correct.</p> <p>25 CHAIRMAN FOX: The architect had met</p>

<p style="text-align: right;">Page 26</p> <p>1 with or spoken with you; is that correct?</p> <p>2 MR. JACKSON: I spoke with</p> <p>3 representatives from KONE.</p> <p>4 MR. CHURCH: From KONE, yeah, in Memphis</p> <p>5 and one in Knoxville.</p> <p>6 MR. BAILEY: But the issue, again,</p> <p>7 though, is public notice. I mean, yeah, the</p> <p>8 department had notice --</p> <p>9 CHAIRMAN FOX: Okay.</p> <p>10 MR. BAILEY: -- but it's public notice.</p> <p>11 CHAIRMAN FOX: Okay. All right. So we</p> <p>12 have -- I'm going to say that we have a motion, and</p> <p>13 I'm going to take yours as a second.</p> <p>14 MR. POPE: (Nodding head affirmatively.)</p> <p>15 CHAIRMAN FOX: Any other discussion on</p> <p>16 just the notice part of it? Or do you want -- is</p> <p>17 that -- you want to do both, the notice and the</p> <p>18 variance?</p> <p>19 MR. HALE: No. I mean, I think we</p> <p>20 already voted on my motion.</p> <p>21 CHAIRMAN FOX: Well, I think we have on</p> <p>22 the --</p> <p>23 MR. HALE: Because we accepted the</p> <p>24 agenda as amended.</p> <p>25 CHAIRMAN FOX: We accepted the agenda,</p>	<p style="text-align: right;">Page 28</p> <p>1 Is that proper, sir?</p> <p>2 MR. JACKSON: On his request for a</p> <p>3 standing variance?</p> <p>4 CHAIRMAN FOX: Yes.</p> <p>5 MR. JACKSON: I think we could probably</p> <p>6 work with that. We're going to have -- the board is</p> <p>7 going to be hearing a lot of different variances</p> <p>8 because they are modding hydraulic elevators, which</p> <p>9 have a 4-foot pit, and they're modding them to</p> <p>10 electric traction elevators, which are required to</p> <p>11 have a 5-foot pit.</p> <p>12 The only thing that this affects is</p> <p>13 there is an apron skirt that is required on a</p> <p>14 traction elevator that comes down 48 inches. When</p> <p>15 you reduce the size of the pit, then you reduce the</p> <p>16 size of that apron that's in front of the -- that</p> <p>17 comes down underneath the elevator door seal.</p> <p>18 Everything else that is installed on this elevator</p> <p>19 meets an A17.1-2010 code, because it's a new</p> <p>20 installation. So the only variance that they are</p> <p>21 allowed to do is to drop that 1 foot off, so they</p> <p>22 are reducing the apron that drops down 1 foot.</p> <p>23 Actually, they don't even have to drop down a</p> <p>24 complete foot. I think the board has approved</p> <p>25 39 and a half --</p>
<p style="text-align: right;">Page 27</p> <p>1 but there were two separate pieces, the notice part</p> <p>2 and the --</p> <p>3 MR. RADER: The time frame.</p> <p>4 CHAIRMAN FOX: -- the variance --</p> <p>5 MR. HALE: So I will make a motion that</p> <p>6 we consider the variances then.</p> <p>7 MR. BAILEY: Basically that motion is</p> <p>8 that we will allow this late-filed agenda item.</p> <p>9 MR. HALE: That's right.</p> <p>10 MR. BAILEY: That's basically what that</p> <p>11 motion says.</p> <p>12 CHAIRMAN FOX: So the motion is to allow</p> <p>13 the late-filed agenda.</p> <p>14 MR. POPE: I second that.</p> <p>15 CHAIRMAN FOX: Okay. Any other</p> <p>16 discussion on that particular section of the motion?</p> <p>17 (No verbal response.)</p> <p>18 CHAIRMAN FOX: Hearing none, all in</p> <p>19 favor of the motion, let me know by saying "aye."</p> <p>20 (Affirmative response.)</p> <p>21 CHAIRMAN FOX: All opposed, like sign?</p> <p>22 (No verbal response.)</p> <p>23 CHAIRMAN FOX: Motion carries.</p> <p>24 Now, is there a motion -- or I would</p> <p>25 entertain a motion to discuss the variance.</p>	<p style="text-align: right;">Page 29</p> <p>1 CHAIRMAN FOX: 39 and a half.</p> <p>2 MR. JACKSON: Yes. I think if -- my</p> <p>3 opinion is if the board approves to have the open</p> <p>4 variance, a standing variance on this request, that</p> <p>5 anything under 39-and-a-half inches has to come in</p> <p>6 front of the board. If it's 39 inches, they have to</p> <p>7 come in front of the board. That skirt has to be at</p> <p>8 least 39-and-a-half inches.</p> <p>9 It's like this case that's happened</p> <p>10 here, they were prepared to cut the pits and found</p> <p>11 out they couldn't. So if they have to wait three</p> <p>12 months to appear before the board once they discover</p> <p>13 this, it's like they can't get the elevators in time</p> <p>14 and it can actually shut a building down depending</p> <p>15 on what all is being -- how many they are doing at</p> <p>16 one time in a building.</p> <p>17 I think we can work with them as far as</p> <p>18 the elevator department. I believe that if a</p> <p>19 company requests in writing to us, tells us exactly</p> <p>20 what they want, we can survey the job, do whatever</p> <p>21 we have to do to research and be sure this is the</p> <p>22 only thing that it's going to affect, and have us a</p> <p>23 standardized -- standard letter that we can send to</p> <p>24 the company so that when they request a permit, they</p> <p>25 attach that variance request to -- or approval to</p>

<p style="text-align: right;">Page 30</p> <p>1 the permit application. And that way we can keep 2 good track and we can report back to the board on 3 any that have been -- that have come to the elevator 4 department and that we have accepted. That would be 5 my thoughts on how to handle it.</p> <p>6 CHAIRMAN FOX: Okay.</p> <p>7 MR. HALE: So if we approve that as a 8 standing variance, then these three requests right 9 here are irrelevant because he can handle them, 10 right?</p> <p>11 MR. JACKSON: Yes, sir.</p> <p>12 MR. HALE: We don't have to vote on 13 those three requests if we vote to change the... 14 CHAIRMAN FOX: That's the way I 15 understand it. Of course, I could be wrong on my 16 part.</p> <p>17 Are you comfortable with that 18 Mr. LaPorte? Are you -- you're a representative of 19 the company?</p> <p>20 MR. LAPORTE: I'm a representative of 21 the company, yes.</p> <p>22 MS. O'CONNOR: I have a question for 23 Mr. Jackson.</p> <p>24 Are there any potential circumstances 25 that you can foresee at all that any -- by a blanket</p>	<p style="text-align: right;">Page 32</p> <p>1 variance, we can request that the elevator company 2 do that on a yearly basis, that they have to -- that 3 may come under Category 1 where they actually have 4 to do that. I'd have to look at the codes. But we 5 could request that they do a yearly unintended 6 motion test on it and keep records of it where we've 7 provided these variances.</p> <p>8 MS. O'CONNOR: But we are talking KONE 9 elevators. Won't this affect any --</p> <p>10 MR. JACKSON: Yes, ma'am.</p> <p>11 MS. O'CONNOR: -- elevator that --</p> <p>12 MR. JACKSON: Yes, ma'am.</p> <p>13 MS. O'CONNOR: So any -- would there be 14 any foreseeable circumstances with any other 15 companies?</p> <p>16 MR. JACKSON: No, ma'am. Because all 17 the elevators are going to follow the same code, 18 they're going to have the same requirements. They 19 will all be installed under what we're adopted to 20 right now, A17.1-2010, and they do require all the 21 emergency backups that are in place.</p> <p>22 MS. O'CONNOR: Thank you.</p> <p>23 CHAIRMAN FOX: So what is the pleasure 24 of the board?</p> <p>25 MR. BAILEY: Mr. Chairman?</p>
<p style="text-align: right;">Page 31</p> <p>1 statement of having that variance there and 2 automatically approved, that that would be, in any 3 way, potentially dangerous?</p> <p>4 MR. JACKSON: With today's equipment, 5 and we touched base a little earlier, the equipment 6 that they are taking out and the new equipment that 7 they are putting in is actually safer than the old 8 equipment. All of the -- these KONE elevators, 9 which are what we are addressing today, not to 10 single out any company -- but addressing these KONE 11 elevators, they have an emergency brake and they 12 have a normal brake. So any unintended motion -- in 13 a real-world situation, any unintended motion on 14 that elevator, the most that it can travel is 15 48 inches. That's code. It's required to stop 16 within 48 inches of any unintended motion.</p> <p>17 Unintended motion would come about if, 18 let's say, the normal brake did no activate, the 19 elevator came down to a landing, the normal brake 20 didn't activate, and the elevator started back up, 21 then the emergency brake is going to drop and stop 22 it. And code does require we do test that, and they 23 periodically test that.</p> <p>24 We could actually put requirements in if 25 we give a variance on this that, when we give the</p>	<p style="text-align: right;">Page 33</p> <p>1 CHAIRMAN FOX: Sir?</p> <p>2 MR. BAILEY: I just want to point out, 3 currently the rules say that exceptions and use of 4 other devices and methods, the board only shall have 5 the power to grant exceptions from the requirements 6 of this chapter and to permit the use of other 7 devices and methods at its discretion within the 8 limitations stated in the elevator safety code.</p> <p>9 CHAIRMAN FOX: So they would have to 10 come to us for each one?</p> <p>11 MR. BAILEY: Or you need to -- or the 12 rules have to be changed to allow you to delegate 13 that authority to the chief inspector.</p> <p>14 CHAIRMAN FOX: Then a rule change is a 15 long, tedious process.</p> <p>16 MS. O'CONNOR: Yes, we just did that.</p> <p>17 MR. BAILEY: It is. I mean, I can give 18 you an example from the boiler board. The boiler 19 board, their rules still have the 20-minute rule, 20 where unless you get a variance from that, you have 21 to check that boiler every 20 minutes. And those 22 requests continue to come every meeting, and that 23 has never been delegated to the chief boiler 24 inspector. So I just want to point that out.</p> <p>25 CHAIRMAN FOX: Thank you very much.</p>

<p style="text-align: right;">Page 34</p> <p>1 So I want to entertain a motion to --</p> <p>2 well, we would have to bring each one of them back</p> <p>3 before the board until the rule is changed.</p> <p>4 So what's the pleasure of the board?</p> <p>5 MR. HALE: Well, I will move that -- you</p> <p>6 want to do each one of these buildings as their own</p> <p>7 independent motion?</p> <p>8 CHAIRMAN FOX: Let's do that for the</p> <p>9 record, that way there's no ambiguity.</p> <p>10 MR. HALE: So I will make a motion that</p> <p>11 the Crowe Building be approved for a variance.</p> <p>12 MR. RADER: I second.</p> <p>13 CHAIRMAN FOX: We have a motion and a</p> <p>14 second.</p> <p>15 Any discussion?</p> <p>16 (No verbal response.)</p> <p>17 CHAIRMAN FOX: Hearing none, all in</p> <p>18 favor of the motion, let me know by saying "aye."</p> <p>19 (Affirmative response.)</p> <p>20 CHAIRMAN FOX: All opposed, like sign.</p> <p>21 (No verbal response.)</p> <p>22 CHAIRMAN FOX: And the Mooney Building?</p> <p>23 MR. RADER: I'll make a motion that we</p> <p>24 approve the variance for the Mooney Building.</p> <p>25 MS. O'CONNOR: I'll second that.</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. CHURCH: That's correct.</p> <p>2 MR. JACKSON: -- one too.</p> <p>3 MS. O'CONNOR: I'll move to approve the</p> <p>4 Maryville Municipal Parking Garage variance.</p> <p>5 MR. HALE: Okay. It's the same type of</p> <p>6 variance?</p> <p>7 MR. JACKSON: Yes, sir.</p> <p>8 MR. HALE: I'll second.</p> <p>9 CHAIRMAN FOX: We have a motion and a</p> <p>10 second.</p> <p>11 Any discussion?</p> <p>12 (No verbal response.)</p> <p>13 CHAIRMAN FOX: Hearing none, all in</p> <p>14 favor of the motion, let me know by saying "aye."</p> <p>15 (Affirmative response.)</p> <p>16 CHAIRMAN FOX: All opposed, like sign.</p> <p>17 (No verbal response.)</p> <p>18 CHAIRMAN FOX: Does that take care of</p> <p>19 that section, sir?</p> <p>20 MR. BAILEY: Yes, sir.</p> <p>21 MR. CHURCH: Would the Elliot and MTSU</p> <p>22 be dealt with later in the meeting as a separate</p> <p>23 item?</p> <p>24 CHAIRMAN FOX: Yes, sir, wherever it</p> <p>25 falls.</p>
<p style="text-align: right;">Page 35</p> <p>1 CHAIRMAN FOX: We have a motion and a</p> <p>2 second.</p> <p>3 Any discussion?</p> <p>4 (No verbal response.)</p> <p>5 CHAIRMAN FOX: Hearing none, all in</p> <p>6 favor of the motion, let me know by saying "aye."</p> <p>7 (Affirmative response.)</p> <p>8 CHAIRMAN FOX: All opposed, like sign.</p> <p>9 (No verbal response.)</p> <p>10 CHAIRMAN FOX: And the Nash Building?</p> <p>11 MS. O'CONNOR: I'll move to approve the</p> <p>12 variance on the Nash Building.</p> <p>13 MR. RADER: I'll second.</p> <p>14 CHAIRMAN FOX: We have a motion and a</p> <p>15 second.</p> <p>16 Any discussion?</p> <p>17 (No verbal response.)</p> <p>18 CHAIRMAN FOX: Hearing none, all in</p> <p>19 favor of the motion, let me know by saying "aye."</p> <p>20 (Affirmative response.)</p> <p>21 CHAIRMAN FOX: All opposed, like sign.</p> <p>22 (No verbal response.)</p> <p>23 CHAIRMAN FOX: All three motions carry.</p> <p>24 MR. JACKSON: We have Maryville</p> <p>25 Municipal Parking Garage --</p>	<p style="text-align: right;">Page 37</p> <p>1 MR. CHURCH: Okay.</p> <p>2 MR. BAILEY: Mr. Chairman, if I may?</p> <p>3 CHAIRMAN FOX: Yes, sir.</p> <p>4 MR. BAILEY: There's been a few people</p> <p>5 that has joined the crowd since we took</p> <p>6 introductions, if we can get those on the record.</p> <p>7 CHAIRMAN FOX: If you have not</p> <p>8 introduced yourself, would you please stand and do</p> <p>9 so, your name, and who you work for or with.</p> <p>10 MR. BENTLEY: Lee Bentley, The Island in</p> <p>11 Pigeon Forge.</p> <p>12 MR. JOHNSON: Adam Johnson, The Island</p> <p>13 in Pigeon Forge.</p> <p>14 MR. STOCK: Don Stock, The Adventure</p> <p>15 Guild.</p> <p>16 CHAIRMAN FOX: Anyone else? Did we miss</p> <p>17 anybody?</p> <p>18 (No verbal response.)</p> <p>19 CHAIRMAN FOX: Okay. All right. Item</p> <p>20 Number 6, moving right along, approval of the</p> <p>21 March 5, 2019, meeting minutes.</p> <p>22 I would entertain a motion to approve</p> <p>23 the minutes.</p> <p>24 MR. RADER: So moved.</p> <p>25 MS. O'CONNOR: Second.</p>

<p style="text-align: right;">Page 38</p> <p>1 CHAIRMAN FOX: We have a motion and a 2 second. 3 Any discussion? 4 (No verbal response.) 5 CHAIRMAN FOX: Hearing none, all in 6 favor of the motion, let me know by saying "aye." 7 (Affirmative response.) 8 CHAIRMAN FOX: All opposed, like sign. 9 (No verbal response.) 10 CHAIRMAN FOX: Okay. Mr. Jackson? 11 MR. JACKSON: Yes, sir. 12 CHAIRMAN FOX: Now it's time to report, 13 sir. 14 MR. JACKSON: All right. We presently 15 have 26 inspectors, including myself. We have two 16 inspectors out on sick leave following surgery. 17 We hired one new inspector last month to 18 fill the vacant route that came about from 19 Ms. Reynold's resignation, and he is presently in 20 changing. 21 We had one inspector, Jose Martinez, 22 resign and take a position in another state. That 23 opened another vacant route. Mr. Herrod has 24 approved posting for a new inspector to fill the 25 vacant position.</p>	<p style="text-align: right;">Page 40</p> <p>1 staff we have. Mr. Herrod has been very supportive 2 in getting us the inspectors and the staff that we 3 need to get us in a real-world situation, so we are 4 very pleased with his support. 5 The position for the Elevator 6 Inspector 4 was posted last week, last Wednesday. 7 It will run through next Wednesday. So by the next 8 board meeting, there will be a chief sitting in this 9 chair instead of an assistant chief. 10 On our accomplishment numbers, I passed 11 those numbers out to the members. Biannual 12 inspections from July the 1st, 2018, to June 30th, 13 2019, are a total of 20,962. The inspectors 14 performed 782 acceptance inspections. Temporary 15 inspections and renewals, which are construction 16 elevators we turn over to construction for 17 construction use, was 278. Inspectors performed 237 18 red tag verifications. That's going in and 19 verifying that an elevator that was red tagged has 20 been -- is still red tagged and has not been put 21 back in service. We performed 18 red tag removals, 22 70 special inspections, and there were 25 accident 23 inspections in that time period. 24 CHAIRMAN FOX: Any fatalities, sir? 25 MR. JACKSON: No, sir. No, sir. Most</p>
<p style="text-align: right;">Page 39</p> <p>1 We have one office manager with two 2 staff members, one of which is out on sick leave 3 following surgery. 4 All inspectors attended our annual QEI 5 recertification training in April, and all past 6 associated tests will be issued their new QEI 7 inspector cards. Inspectors were issued their 8 renewed state licenses on June the 1st. 9 We have two inspectors going to Chicago 10 to receive their QEI training and take the exam to 11 get their QEI certification next week. 12 Presently we have 486 new acceptance 13 inspections pending. 408 are new installations and 14 78 are alterations. 15 We're making progress on the past due 16 inspections and presently addressing those 17 inspections that are the furthest out. Jobs prior 18 to 1/1/19 were at 519 on April 22nd. Today we're at 19 285. So we're making good progress on getting 20 caught up to the present year. 21 I know we're still running behind. We 22 were actually 1170 total in the delinquent status 23 prior to 4/4/19. The inspectors are working 24 diligently at hitting the past due ones and trying 25 to get as close up to the present dates with the</p>	<p style="text-align: right;">Page 41</p> <p>1 of the accident inspections that come in to our 2 department are on escalators, and the majority of 3 them are at the Nashville Airport. So it's people 4 toting their luggage behind them and in a hurry and 5 running. And that's normally where the accidents 6 occur, is on escalators. 7 Any questions? 8 CHAIRMAN FOX: Anything else that we 9 need to know, sir? 10 MR. JACKSON: Not at this point. I 11 think that pretty well has us covered. 12 MR. RADER: Good job. 13 CHAIRMAN FOX: Thank you very much. 14 Good job, yes. 15 Mr. Hardy, it looks like you're up, sir. 16 MR. HARDY: Thank you, Chairman. 17 Yeah, I passed out our stats, like I am 18 accustomed to doing lately. The first one -- and 19 I'll review these. The first one are permits that 20 the unit have issued, the year to date, or through 21 last Friday, the 31st of May. And we have issued 22 421 operating permits to amusement device companies 23 during this fiscal year. And as you can see from 24 the graph, that already surpasses our number from 25 last year, so we are confident that we're going to</p>

<p style="text-align: right;">Page 42</p> <p>1 hit 450, maybe approach 500 this year with the rest 2 of June remaining.</p> <p>3 And, you know, I think you can see 4 significant growth as far as our -- as far as our 5 permit issuance. And we've talked about this 6 before, but this graph will eventually plateau and 7 may fluctuate a little bit. But whenever we capture 8 all the companies -- which we still think there may 9 be in the neighbor of 600, we don't know, but we're 10 going to get close to that next year and get even 11 closer the year after. So I think we've made 12 tremendous progress in the last few years.</p> <p>13 And I appreciate my staff, the amusement 14 device unit staff for working diligently to find 15 these noncompliant companies. The key to it is 16 finding the noncompliant companies and assisting 17 them in becoming compliant and getting an operating 18 permit.</p> <p>19 And the next graph will show that we've 20 permitted 110 new companies this year. We're below 21 the number of new companies that were permitted in 22 fiscal year '17-'18, but we're close, we're close to 23 reaching that 134. I think we will hit and surpass 24 that with the remaining weeks that we have. We 25 might not, but I think we'll hit close to that</p>	<p style="text-align: right;">Page 44</p> <p>1 year. And, again, we've got the remaining portion 2 of June left, so I think that that number will 3 obviously increase as well.</p> <p>4 Now we get into reportable accidents. I 5 think two or three board meetings ago were asked for 6 these graphs. And I want to point out that these 7 are calendar year graphs. And it looks like we 8 might have had a decrease, but we have six months to 9 go. And by the looks of that, it looks like that we 10 will go above -- I hope we don't, but it looks like 11 from the way the graph shows, in another six months, 12 it will go past the 32 accidents that we had 13 reported last year.</p> <p>14 And then the final graph, and we've 15 talked about this before, and I don't think it's any 16 secret, we can see what's escalated those numbers 17 over the last few years.</p> <p>18 And I want to mention again to the board 19 that I think everyone is aware, but with the current 20 law definition of serious incident and serious 21 personal injury, you know, the key -- the key 22 ingredient of that is a transport to local or 23 offsite medical facility. So if an accident meets 24 that criteria, we have a reportable accident in this 25 state.</p>
<p style="text-align: right;">Page 43</p> <p>1 number.</p> <p>2 This graph will eventually bell curve 3 because we will eventually get to the point where we 4 have captured all the companies that are operating 5 in the state, so that number will taper down, and 6 we'll concentrate our efforts a little bit 7 differently when that happens. But once we feel 8 like that we have captured the majority of the 9 companies in the state, then they'll be in a renewal 10 mode at that time, and it will be easier for us to 11 maintain permit renewals.</p> <p>12 We put down -- or started showing 13 statistics, and this is direct correlation with the 14 inspections that are performed by our third-party 15 inspectors. And I appreciate Mr. Bentley, 16 Mr. Johnson, and Mr. Stock, they're third-party 17 inspectors in the state. I appreciate them taking 18 an interest and being here at the board meeting.</p> <p>19 But our number of devices permitted, we 20 actually don't permit devices, but I don't know 21 another way to say it, devices that fall under our 22 companies' permits, we're at 4,066 this year. So 23 we've already surpassed the number from last year. 24 And I believe that that's a 13-and-a-half percent 25 increase over devices permit on what we had last</p>	<p style="text-align: right;">Page 45</p> <p>1 And Mr. Herrod has come in, we 2 appreciate him. He's come in and listened to some 3 ideas that we have that we might can do and 4 interject. And maybe if we can convince and have a 5 law change on those definitions, because it's been 6 the board's pleasure to combine those two 7 definitions for overnight hospital stay in order to 8 be the criteria for reportable accident in the 9 state. That would eliminate the sprained ankles, 10 sprained knees, which most of what we're seeing on 11 trampoline parks. But I mean, you know, you can 12 look in that graph and you can see it's no secret to 13 see where our issues are, and it's simply because of 14 the way that the law defines serious incident and 15 serious personal injury.</p> <p>16 Fair season. Fair season is about to 17 get going with the Clay County Fair starting up on 18 the 11th of June, and it remains the unit's intent 19 to visit all the first-time players, as we call 20 them. We do go out in the field and visit these 21 sites and these fairs. We like to catch these 22 companies the first time they come in to keep us 23 both honest. And we have found some issues in the 24 field of going out and inspecting for these first 25 times. But we do that to let the owner and the</p>

<p style="text-align: right;">Page 46</p> <p>1 operators know that we're available for them if 2 we're needed, and that we support them as they do 3 business in the state.</p> <p>4 We'll continue to do spot checks on 5 county fairs. And when we go in there, it's pretty 6 simple, our objective when we go in, number one, we 7 want to go in and make sure -- well, we already know 8 what, we want to go in and make sure and see that 9 operating permit that that company has on the ground 10 there.</p> <p>11 And the second thing we do, we have a 12 device list that you're aware of, when you're 13 permitted, you submit a device list and inspections 14 that go with each one of those devices. So we take 15 that device list in the field with us, whether it be 16 the Wilson County Fair or smaller, and we check off 17 and make sure that there are no more devices than 18 what we have permitted to operate for that company.</p> <p>19 So that's some of the things we're doing 20 in the field. And Kevin and Jennifer will put the 21 boots on and get out there as we get in fair season. 22 And hopefully some of these measures will, you 23 know -- may help make the carnivals and amusement 24 devices somewhat safer in the state. At least we're 25 providing some oversight there.</p>	<p style="text-align: right;">Page 48</p> <p>1 opportunity to select a more qualified candidate 2 that has amusement device experience this time than 3 maybe, you know, just a degree in some police or 4 judicial type. So I think we're in good shape 5 there.</p> <p>6 And that's pretty much all I have, but 7 I'd be glad to entertain any questions that anyone 8 might have of me.</p> <p>9 CHAIRMAN FOX: Any questions from the 10 board?</p> <p>11 MR. HALE: I just want to say sort of, I 12 guess, for lack of a better way of saying it, in 13 defense of the trampoline folks, and they have a 14 huge number on here, but the lion share of that is 15 twisted ankles and rider responsibility type things 16 and not a failure of the equipment.</p> <p>17 MR. HARDY: Well, it's the nature -- 18 it's the nature of what it is, Mr. Hale, yeah. I 19 mean, obviously if you get a bunch of kids jumping 20 in a football-field size trampoline park, you're 21 going to get some incidentals. And that's what 22 we're seeing.</p> <p>23 But, again, if we have that transport, 24 if it's by emergency personnel or if it's by a 25 family member or whatever, if we have a transport,</p>
<p style="text-align: right;">Page 47</p> <p>1 Personnel. Most of you know we lost our 2 safety compliance officer in the east territory back 3 in the end of April, and he was a good one for us. 4 He had an opportunity to go back to what he was 5 doing previously and change his schedule, but we 6 enjoyed having him the short time that we did. But 7 the good part about that is, and again with 8 Mr. Herrod's help, we've immediately jumped in there 9 and HR has helped us here and we've got a register. 10 I believe we had 64 to choose from, Jennifer, and 11 we've got some really good candidates. We have 12 already started interviewing those, and we'll finish 13 up interviews on Friday. And we're in hopes that we 14 can make that hire by the first week -- around the 15 first week of July. So we are talking -- we are 16 talking about a two-month turnaround. So last time 17 we got in a little quagmire and it took us somewhere 18 in the neighborhood of nine months to fill that 19 position. So I appreciate Mr. Herrod coming in and 20 helping us push these things through. It's really 21 been good for us.</p> <p>22 So we've got some good candidates here. 23 We are excited to hear the rest of them and see who 24 we pick to take that position and we'll move 25 forward. So I think we're going to have more</p>	<p style="text-align: right;">Page 49</p> <p>1 then we have a reportable accident.</p> <p>2 MR. HALE: But that shows the importance 3 of us revisiting some of the rules to make them 4 easier to comply with, more reasonable to comply 5 with.</p> <p>6 MR. HARDY: Absolutely. And I don't 7 know if -- you know, as we go through this, I don't 8 know if the State wants sprained ankles to be a 9 reportable accident. But that's something we're 10 digging through there, and we'll come to a 11 resolution and whatever we end up with is what we'll 12 live with. But I think we're on the right track.</p> <p>13 CHAIRMAN FOX: Okay. Any other 14 questions?</p> <p>15 (No verbal response.)</p> <p>16 CHAIRMAN FOX: Good job, Mr. Hardy.</p> <p>17 MR. HARDY: Thank you, Chairman.</p> <p>18 CHAIRMAN FOX: Thank you for your 19 dedication on this. This is great.</p> <p>20 Okay. Under old business, elevator sub 21 committee update and amusement device sub committee 22 update. I don't think we have either one. We were 23 sort of in a state of flux for a little while. We 24 were waiting -- or looking at a realignment, and 25 that has taken place.</p>

<p style="text-align: right;">Page 50</p> <p>1 And with that being said, is there an 2 appetite now to do a workshop on both the elevator 3 and the amusement device sub committee? Is there an 4 appetite for us to do that?</p> <p>5 MR. HARDY: Excuse me, Chairman, for 6 rules revision primarily?</p> <p>7 CHAIRMAN FOX: Yes. 8 So I guess we need to look at calendars. 9 What do we need to do to get on everyone's calendar? 10 Mr. Herrod, do you have a good or bad 11 day? We've got to look at you first because you're 12 the leader of our group.</p> <p>13 MR. HERROD: Every day is open for me 14 from now on. I got my vacation out of the way, so 15 it's all good now.</p> <p>16 CHAIRMAN FOX: Okay. Do we want to try 17 after July, or in July, or do y'all want to do it 18 the month of June?</p> <p>19 MR. HERROD: Let's go July. 20 CHAIRMAN FOX: Let's go July. 21 MR. HALE: My preference would be the 22 second or fourth week. 23 CHAIRMAN FOX: Okay. So let's look at 24 the middle of that. July the 10th? 25 MR. HALE: July 10th?</p>	<p style="text-align: right;">Page 52</p> <p>1 CHAIRMAN FOX: I can't. 2 MR. RADER: -- if I've got to come to 3 Nashville and then go back and -- 4 MR. HALE: Okay. 5 MR. RADER: -- turn around and come back 6 in two days. 7 MR. BAILEY: Mr. Chairman, I know the 8 17th is the last day of the Tennessee Safety 9 Conference. It's the 15th through 17th. 10 MR. HALE: 24th? 11 CHAIRMAN FOX: 24th? 12 MR. HERROD: That's fine. 13 CHAIRMAN FOX: 24th, going once, going 14 twice, sold. 15 MS. O'CONNOR: 9:00 a.m.? 16 CHAIRMAN FOX: July 24th, 9:00 a.m. 17 MR. MOORER: What date now? Did you say 18 July or September? 19 CHAIRMAN FOX: July the 24th at 20 9:00 o'clock. All hearts and minds are clear on 21 that, right, as we say? Everybody is good? 22 MR. POPE: As you Baptists say. 23 MR. HARDY: Mr. Chairman, will everyone 24 physically meet for that workshop? 25 CHAIRMAN FOX: Yes, sir.</p>
<p style="text-align: right;">Page 51</p> <p>1 CHAIRMAN FOX: July 10th. 2 MR. POPE: What are we looking at, just 3 a meeting?</p> <p>4 CHAIRMAN FOX: We'll have a -- we may 5 take four to five hours to do this, several -- we've 6 done this before.</p> <p>7 MR. HALE: So where are you? 8 MR. POPE: That's what I was going to 9 say, you're getting right in the middle of fair 10 season, is the only thing. If we're going to do 11 that, then I need to be middle of the week 12 somewhere, at least.</p> <p>13 CHAIRMAN FOX: The 10th is a Wednesday. 14 MR. LAPORTE: That's the one day that 15 week, Mr. Chairman, I can't do. 16 MR. RADER: I can't either. 17 MR. LAPORTE: I can do the 9th or 11th. 18 MR. RADER: I can't do the 10th or the 19 11th. 20 CHAIRMAN FOX: 17th? So say you anyone? 21 MR. HERROD: The 17th? 22 CHAIRMAN FOX: So say you all? 23 MR. HALE: So would the 9th be a better 24 day? 25 MR. RADER: Not for me --</p>	<p style="text-align: right;">Page 53</p> <p>1 MR. HARDY: And will that be held in the 2 WRC conference room upstairs? 3 CHAIRMAN FOX: You know, I don't know. 4 This is the only room -- well, I've been in two 5 rooms here, so I don't know. 6 MR. HARDY: Well, we have -- the reason 7 I'm suggesting it is we do have a SMART board up 8 there. I think we may have enough room to 9 accommodate everybody, and it might make it more 10 efficient that we could put it on a big screen and 11 somebody could edit and do the typing and -- 12 CHAIRMAN FOX: Great idea. 13 MR. HARDY: If that's permissible. I 14 assume it is. 15 CHAIRMAN FOX: That's an excellent idea. 16 MS. KIRBY: If the room is not big 17 enough to accommodate, we can also get one of the 18 other rooms and move the SMART board. It is 19 portable. So we do have that. 20 CHAIRMAN FOX: Okay. So July 24th, 21 9:00 a.m. Again, all hearts and minds are clear? 22 Okay. That was easy. 23 All right. New business -- or anything 24 else on that? We'll get some more information out 25 to you about the rule changes and whatever. We'll</p>

<p style="text-align: right;">Page 54</p> <p>1 ask Lynn to send back to everyone what we have 2 proposed and your proposals as well. We'll get that 3 to all the groups. So we'll get that out to you 4 shortly.</p> <p>5 New business. Penalty appeal, AboveAll 6 Extreme Air Sports.</p> <p>7 And is there anyone here to address 8 that?</p> <p>9 Gentlemen, come forward, and give us 10 your name, address, and phone number, please. And 11 speak loudly so that lady can hear you. And, also, 12 I'm hard of hearing, so...</p> <p>13 MR. BAILEY: Mr. Chairman, if I may, 14 since this involves an appeal of departmental 15 action, I'd ask that they both be put under oath.</p> <p>16 CHAIRMAN FOX: Okay. So swear in the 17 witnesses.</p> <p>18 (The witnesses were sworn.)</p> <p>19 CHAIRMAN FOX: Thank you, gentlemen. 20 All right. So tell us about the appeal.</p> <p>21 MR. CASTRO: Jonathan Castro from 22 AboveAll Extreme Air Sports, 1647 Mallory Lane, 23 Brentwood, Tennessee.</p> <p>24 Okay. So first and foremost, we're a 25 trampoline park facility. And I'm just hearing</p>	<p style="text-align: right;">Page 56</p> <p>1 did cover every other step in accordance with the 2 regulations in place under the assumption that we 3 were in line with the State's regulations.</p> <p>4 So this is how it followed. Our guest 5 was injured. We treated him, helped him, assisted 6 him. He requested to be picked up by an ambulance. 7 We provided that. We did close off the attraction 8 to the public. We did not make it available.</p> <p>9 Within that first hour, we did file a 10 company-required report, injury report, because it's 11 within our company requirements that when injuries 12 of this nature happen, that we file them 13 immediately.</p> <p>14 We then -- I then called Mr. Wayne Right 15 and told him about the incident, told him that we 16 had closed off the area and that we needed him to 17 come and inspect it. It remained closed.</p> <p>18 Mr. Wayne performed the inspection. He 19 went ahead and submitted that. It continued to be 20 closed until we received the State resumption 21 letter, and we then went ahead and opened it.</p> <p>22 On May 2nd, I received a phone call from 23 Jennifer, the morning of when she had been contacted 24 by Wayne Right, in regards to submitting the report. 25 And she said, Jonathan, you need to file your</p>
<p style="text-align: right;">Page 55</p> <p>1 Mr. Hardy speak with everything that is occurring in 2 the last several years and what's happening in the 3 industry; it's been great to feel the support that 4 you guys have in regards to safety for the public. 5 And also working with Mr. Hardy, with Jennifer, with 6 Mr. Wayne Right, the inspector, have all been the 7 greatest experience. For us as management, to be 8 able to work with. We respect what they do and we 9 try to really appease them and understand the amount 10 of work and pressure that is on them right now and 11 are completely understanding.</p> <p>12 In regards to coming to the board today 13 is to appeal a mishap on our behalf, and 14 accountability on my behalf in regards to not 15 necessarily following -- in regards to the first 16 incident that we had that needed to be filed within 17 the State. And it wasn't necessarily done properly 18 due to just not being familiar with the regulations. 19 And I'll go ahead and read what I have here.</p> <p>20 So we'd like to request an appeal of the 21 penalty assessment of the injury that occurred on 22 April 28th, 2019. Taking into consideration of it 23 being our first reported incident to the State of 24 Tennessee, the process of completing the State's 25 newly required report were not familiar to us. We</p>	<p style="text-align: right;">Page 57</p> <p>1 report. Do that as soon as possible.</p> <p>2 At that moment, I had my, Oh, whoops, 3 moment, and I went ahead and hopped on the laptop, 4 filed the report. And at that time, I knew that I 5 probably would be in a situation like this, asking 6 for your guidance and approval on an appeal.</p> <p>7 Since then, though, we did have another 8 injury that occurred this last month. We did 9 everything in regulation and did the right reporting 10 now that we are more familiar with how to proceed in 11 those instances.</p> <p>12 I just want to say that we take injuries 13 at our park seriously and in no way are we shying 14 away from the reporting requirements in place by the 15 State of Tennessee. This case has served as a 16 valuable learning experience for us and I hereby 17 understand all that is needed to avoid any 18 misunderstandings or violations moving forward.</p> <p>19 CHAIRMAN FOX: May I ask you a question, 20 sir?</p> <p>21 MR. CASTRO: Yes, sir.</p> <p>22 CHAIRMAN FOX: When did you open your 23 business?</p> <p>24 MR. CASTRO: AboveAll was opened 25 June 15th, 2015.</p>

<p style="text-align: right;">Page 58</p> <p>1 CHAIRMAN FOX: So you've been in 2 business for four years? 3 MR. CASTRO: Correct. 4 CHAIRMAN FOX: Okay. When did you first 5 apply for a permit or an inspection? 6 MR. CASTRO: So I became the general 7 manager about a year ago. I understand that there 8 was already a permit -- a device permit in place 9 prior to getting there. And then I believe this 10 year we started a new permit on February -- early 11 February, not sure on the date, of this year. 12 CHAIRMAN FOX: Okay. Were you furnished 13 a copy of the rules and regulations as it pertains 14 to reporting from the State of Tennessee? 15 MR. CASTRO: Jennifer did visit us, did 16 drop those off to us. We did speak about it, and 17 that did happen, yes. 18 CHAIRMAN FOX: Let me understand what I 19 think I heard you say. You knew about the rules 20 prior to the incident or not? 21 MR. CASTRO: Briefly, yes. 22 CHAIRMAN FOX: Briefly. 23 MR. CASTRO: In brief, yes. 24 CHAIRMAN FOX: Okay. So let's narrow 25 that down. How briefly?</p>	<p style="text-align: right;">Page 60</p> <p>1 this injury that occurred in April, yes. Yes. 2 MR. HARDY: I don't know, am I allowed 3 to ask a question, Dan, or not? 4 MR. BAILEY: If the Chairman recognizes 5 you. 6 CHAIRMAN FOX: Ask the question. 7 MR. HARDY: Jonathan, were you under the 8 impression that Wayne White was a State-employed 9 inspector and not a third-party inspector? 10 MR. CASTRO: I guess I was, yes. 11 CHAIRMAN FOX: Is it Wayne White or 12 Wayne Right? 13 MR. JACKSON: It's White. 14 CHAIRMAN FOX: That's what I thought. 15 MR. CASTRO: Sorry. 16 MR. HARDY: Thank you. 17 MR. POPE: Mr. Chairman? 18 CHAIRMAN FOX: Sir? 19 MR. POPE: Coming from the amusement 20 industry and having amusement rides myself, I can 21 see where the gentleman tried to do the right thing, 22 and I can see where he could be confused. I have 23 even spoke with Jennifer about this matter. And, 24 you know, it's his first offense. I could see 25 somebody making that mistake. I could have made</p>
<p style="text-align: right;">Page 59</p> <p>1 MR. CASTRO: In regards to the reports 2 to the State? 3 CHAIRMAN FOX: Yeah. 4 MR. CASTRO: Call the inspector, close 5 off the arena. In my doing so of calling Mr. Wayne 6 Right, I thought I was reporting to the State. That 7 was my misjudgment. 8 MR. RADER: Mr. Chairman, can I ask a 9 question? 10 CHAIRMAN FOX: Sure. 11 MR. RADER: So when you have an accident 12 to occur, do you call your insurance carrier or do 13 you file a claim report? 14 MR. CASTRO: So we submit that within 15 our company injury report system, and that 16 automatically goes into an insurance claim. 17 MR. RADER: Via just a phone call or 18 e-mail or an actual report? 19 MR. CASTRO: The actual platform that we 20 use that's set up, that automatically does it. 21 MR. RADER: But you'd have to facilitate 22 that? 23 MR. CASTRO: Correct. Within 24 hours. 24 MR. RADER: Right. 25 MR. CASTRO: Which it did occur with</p>	<p style="text-align: right;">Page 61</p> <p>1 that mistake. 2 I will tell you, if I had an accident 3 today on one of my rides, and God forbid I do, I 4 don't know that I would know exactly the steps to 5 take and do it quite as diligently as he did it, 6 other than not calling the State. So, I mean, you 7 know, I can see where the fault is there, but I can 8 see where I wouldn't want to fine somebody for that. 9 CHAIRMAN FOX: Okay. 10 MR. POPE: He tried to do the right 11 thing. 12 CHAIRMAN FOX: Any other questions? 13 MR. POPE: Let me say this, I'll even go 14 further to say, I have had accidents on my rides 15 before and I've had to call Mr. Hardy to ask what to 16 do and how we need to handle that. And it's -- like 17 I said, sometimes it's a misconception, again, going 18 back and reiterating that we need some rule changes 19 on some things, this transport issue and things like 20 that. I've had very minor incidents, but they 21 requested to be transported because they did not 22 have a ride, so those became reportable accidents. 23 And I've had other accidents that I thought 24 should've been reportable that under our State rules 25 and guidelines are not.</p>

<p style="text-align: right;">Page 62</p> <p>1 So you're going to have them in his 2 industry, in our industry, you know, these things. 3 That's why they call them accidents; you're going to 4 have them.</p> <p>5 CHAIRMAN FOX: I've had those exact same 6 experiences.</p> <p>7 MR. POPE: Exactly. And we all know 8 that. Coming from this industry, we know it's not 9 just something -- you know, and it's enough -- and 10 I'll go even further to say, I don't know how much 11 of his park he has to close down when he does it, I 12 know if I'm working an event and it's a smaller-type 13 event and we have to close down a ride for something 14 that I think is superficial, it's very detrimental 15 to the event and to the coordinators and to the 16 outcome of the whole thing. So we have some issues.</p> <p>17 CHAIRMAN FOX: I think in his 18 practice -- or his business normally -- I'll do that 19 with emphasis, normally -- he closed -- he or his 20 company or someone similar to him closed down the 21 particular trampoline device, and that --</p> <p>22 MR. POPE: And we can all understand 23 that -- and I don't have the exact percentages, but 24 I would say a very high percentage of them are 25 either rider error or just a mishap of some type.</p>	<p style="text-align: right;">Page 64</p> <p>1 something that all general managers are going to 2 have to add to their plate.</p> <p>3 In all honesty, I think that if there is 4 a test, a test to injury report in regards to the 5 processes of how to do everything and there's 6 already like a -- maybe we could submit one, and it 7 just kind of goes through the plain practices of 8 what we need to do in order for that to really teach 9 us, or at least go through the steps of what we need 10 to do, it would be -- it would give us the protocol 11 of mind of how to do it.</p> <p>12 And it's not too -- like I would also 13 just want to state that what you guys are asking us 14 and what I failed to do, it's not hard, and it's not 15 something we're not familiar with at all. It's 16 already something in practice that we do within our 17 own company guidelines.</p> <p>18 So I just think that the -- and Jennifer 19 did a good job at -- if anything, it's on my side. 20 But she did a good job at telling me the site to go 21 to, to get familiar with it, I believe is what she 22 told me a few times. But obviously we have a 23 thousand things to do at the same time, and -- but 24 if it's a required test that we have to do within 25 that year, when that inspection happens at the top</p>
<p style="text-align: right;">Page 63</p> <p>1 You know, like I said, it's not normally the 2 equipment. The equipment is inspected, the 3 equipment has gone through and it's done everything 4 it's supposed to do, and I think Mr. Hardy will 5 reiterate that. But a lot of times it's just the 6 child or the adult or the rider being a little 7 excited or something like that and having an 8 accident.</p> <p>9 MR. HALE: I think this shows the 10 importance of us visiting that part of the rules, 11 too --</p> <p>12 MR. POPE: Exactly.</p> <p>13 MR. HALE: -- to clarify.</p> <p>14 MS. O'CONNOR: May I ask Mr. Castro?</p> <p>15 CHAIRMAN FOX: Sure.</p> <p>16 MS. O'CONNOR: What could we do as a 17 board to make the rules and communicate the rules 18 better to you as an owner/operator/manager, so that 19 if this were to happen again, you'd know? Assuming 20 that this hadn't happened.</p> <p>21 MR. CASTRO: Right. It's only a matter 22 of time before all states pick up something like 23 this. And representing CircusTriX, which is the 24 company that, you know, owns a lot of trampoline 25 parks throughout the United States, it's going to be</p>	<p style="text-align: right;">Page 65</p> <p>1 of every year, I think that would be a great way to 2 be -- the formalities to be set in place.</p> <p>3 CHAIRMAN FOX: Okay. Is there anything 4 else that you want to tell us regarding the appeal?</p> <p>5 MR. CASTRO: In regard to the appeal, 6 no, other than I'm in agreeance to everything that 7 you guys are saying about the devices and what you 8 guys are projecting in bettering the regulations. I 9 think I represent a lot of people with saying thank 10 you.</p> <p>11 CHAIRMAN FOX: Okay. Mr. Pope.</p> <p>12 MR. POPE: I'm going to say one more 13 time, the people -- the companies that have 14 accidents know how to file accident reports and 15 things. The companies that don't have them, it's a 16 new ballgame.</p> <p>17 MR. RADER: Good point.</p> <p>18 MR. POPE: A lot of times -- and that's 19 what we need to understand, the gentleman's first 20 reported accident, things like that. Again, you 21 know, like myself, a smaller company, I'm not as 22 used to it as a larger company may be, so 23 therefore -- and I don't have a staff that does 24 that, just does that. So it falls on the owner a 25 lot of times, or the manager or whoever they've got,</p>

<p style="text-align: right;">Page 66</p> <p>1 as it did this gentleman here.</p> <p>2 And with that said, I would like to ask</p> <p>3 that we waive this fine.</p> <p>4 CHAIRMAN FOX: Is that going to be a</p> <p>5 motion?</p> <p>6 MR. BAILEY: Mr. Chairman?</p> <p>7 CHAIRMAN FOX: Sir.</p> <p>8 MR. BAILEY: There's just one aspect of</p> <p>9 this thing that I want to bring before the board.</p> <p>10 The statute says 24 hours', you know, notice. Okay.</p> <p>11 So this accident occurred April 28th at 6:52 p.m.</p> <p>12 So they would not have been out of compliance until</p> <p>13 April 29th at 6:53 p.m.</p> <p>14 CHAIRMAN FOX: Correct.</p> <p>15 MR. BAILEY: All right. And then at</p> <p>16 6:53 p.m. on April 30th -- so that would've been one</p> <p>17 day. The 30th would have been two days. The 1st</p> <p>18 would have been three days. It was reported to us</p> <p>19 May 2nd at 2:21, before the fourth 24-hour period</p> <p>20 kicked in.</p> <p>21 CHAIRMAN FOX: Correct.</p> <p>22 MR. BAILEY: The way I look at this, and</p> <p>23 the way I look at the statute, is that should've</p> <p>24 only been a three-day fine instead of a four-day</p> <p>25 fine. Now, I just wanted to bring that out before,</p>	<p style="text-align: right;">Page 68</p> <p>1 CHAIRMAN FOX: Mr. Bailey, I agree with</p> <p>2 you.</p> <p>3 MR. HARDY: Because you haven't</p> <p>4 violated -- you haven't violated the statute until</p> <p>5 actually the second 24-hour period.</p> <p>6 CHAIRMAN FOX: That's correct, yeah.</p> <p>7 MR. BAILEY: Right.</p> <p>8 MR. POPE: With that said, does this</p> <p>9 board have the authority to levy or take away the</p> <p>10 fine?</p> <p>11 MR. HALE: Yes.</p> <p>12 CHAIRMAN FOX: I think we can do</p> <p>13 everything but increase.</p> <p>14 MR. POPE: Again, I'm going to make my</p> <p>15 motion that we --</p> <p>16 MR. HALE: And I'm going to second it.</p> <p>17 MR. POPE: -- that we take this fine</p> <p>18 away from this gentleman. I feel like he tried to</p> <p>19 do what was right. He may or may not have made all</p> <p>20 the right decisions, but I think it's already proved</p> <p>21 in the second incident that he has learned from it,</p> <p>22 and I don't see any need in having to do that.</p> <p>23 MR. HALE: I second.</p> <p>24 CHAIRMAN FOX: And we have a second.</p> <p>25 MR. HALE: And I also want to say in</p>
<p style="text-align: right;">Page 67</p> <p>1 you know, issuing further fines. I think we have to</p> <p>2 look at each 24-hour period. I just want to bring</p> <p>3 that out.</p> <p>4 I mean, y'all can do what you feel is</p> <p>5 right as far as this particular assessment, but I</p> <p>6 just felt like we assessed them one day too many,</p> <p>7 personally.</p> <p>8 MR. HARDY: And to respond to that, I</p> <p>9 pretty much did what my supervisor at the time told</p> <p>10 me, to calculate from the time of the accident.</p> <p>11 MR. BAILEY: Okay. You --</p> <p>12 MR. HARDY: So that's how I arrived at</p> <p>13 four days, Dan, is from the 28th, 29th, 30th, 1st,</p> <p>14 and 2nd.</p> <p>15 MR. BAILEY: Yeah, you just counted each</p> <p>16 date as a new day.</p> <p>17 MR. HARDY: Right.</p> <p>18 MR. BAILEY: But I think you've got to</p> <p>19 take 24-hour -- each 24-hour increment as a day</p> <p>20 because the legislature put 24 hours in there as for</p> <p>21 when they report. So a day to them is 24 hours.</p> <p>22 So, I mean, I think just because the calendar moves</p> <p>23 to the next date doesn't mean, boom, there's another</p> <p>24 fine. I think you've got to just go to another</p> <p>25 24-hour period, is my only point.</p>	<p style="text-align: right;">Page 69</p> <p>1 discussion of that, and not to talk disparaging</p> <p>2 about somebody that's not here to defend themselves,</p> <p>3 but I'm a little disappointed that their inspector</p> <p>4 didn't say, Hey, have you filed the report.</p> <p>5 CHAIRMAN FOX: Exactly.</p> <p>6 MR. HALE: Mr. White is familiar with</p> <p>7 the reporting, and I would've thought he would've</p> <p>8 said, Hey, guys, you should've done this right here;</p> <p>9 if you didn't, let's get it in progress.</p> <p>10 MR. RADER: And they did all the right</p> <p>11 things with the exception of filing the report.</p> <p>12 MR. HALE: Exactly.</p> <p>13 MR. POPE: And I don't want that to</p> <p>14 reflect anything on the department, because I think</p> <p>15 the department did everything they were supposed to</p> <p>16 do.</p> <p>17 MR. HALE: Absolutely.</p> <p>18 MR. POPE: And I think you've handled it</p> <p>19 the way you were supposed to.</p> <p>20 And like I said, if I had not -- I had</p> <p>21 spoke with Jennifer about this previously and had</p> <p>22 time to think about it, and that's the reason I'm</p> <p>23 making that motion.</p> <p>24 MR. RADER: And I think as a board we</p> <p>25 all agree that when we have our workshop, these</p>

<p style="text-align: right;">Page 70</p> <p>1 discussions about the incidents that occur at a 2 trampoline park really are no reflection on the 3 industry itself as it relates to amusements, because 4 those things are going to happen, and it's obvious 5 when you look at the numbers --</p> <p>6 MR. POPE: In this day and age --</p> <p>7 MR. RADER: -- and it's 20 to 1 in the 8 number of incidents that occur at a trampoline park. 9 It's kind of a different industry. And I think that 10 needs to be addressed in our workshop.</p> <p>11 MR. POPE: I haven't seen anything that 12 the person doesn't want reported. You know, it 13 doesn't matter if they trip, they fall, if they trip 14 over their own feet, they want it reported that we 15 put the ground there. So it's going to be -- it's 16 just the day and age that we live in.</p> <p>17 CHAIRMAN FOX: Any other discussion? 18 (No verbal response.)</p> <p>19 CHAIRMAN FOX: All in favor of the 20 motion, let me know by saying "aye." 21 (Affirmative response.)</p> <p>22 CHAIRMAN FOX: All opposed, like sign. 23 (No verbal response.)</p> <p>24 CHAIRMAN FOX: Motion carries.</p> <p>25 MR. CASTRO: Thank you, members.</p>	<p style="text-align: right;">Page 72</p> <p>1 and the wording can reflect that the board, as a 2 whole, approved it. But I do think there's got to 3 be some kind of order entered.</p> <p>4 CHAIRMAN FOX: Kind of like I do at the 5 City of Sevierville, I sign off for the board. So 6 I'll sign off for this, if that works.</p> <p>7 MR. BAILEY: All right.</p> <p>8 CHAIRMAN FOX: Okay. Next item, 9 variance, elevator unit. KONE. Kirksey Old Main. 10 Request a variance to allow a reduction of 8 foot 11 5 inches in the required 48-inch toe guard when 12 installing a Machine Room Less Traction elevator in 13 an existing elevator shaft that has a 48-inch pit. 14 A17.1 code calls for a 48-inch toe guard. KONE is 15 requesting this variance specifically for an 16 elevator project at Kirksey Old Main on Middle 17 Tennessee State University campus where KONE is 18 replacing a hydraulic elevator with a Machine Room 19 Less Traction elevator, and further requests a 20 precedence for future projects be granted when these 21 conditions are met so a variance does not have to be 22 requested on individual projects.</p> <p>23 MR. LAPORTE: Mr. Chairman? 24 CHAIRMAN FOX: Sir? 25 MR. LAPORTE: Being this is new</p>
<p style="text-align: right;">Page 71</p> <p>1 CHAIRMAN FOX: Thank you. 2 Okay. The next item on the agenda --</p> <p>3 MR. BAILEY: Mr. Chairman?</p> <p>4 CHAIRMAN FOX: Sir?</p> <p>5 MR. BAILEY: On that, since this was a 6 penalty that had been assessed by the department and 7 now has been appealed and overturned, I think there 8 should be some kind of order that comes from the 9 board retracting it for the record and the 10 paperwork. I mean, there's got to be a reason 11 that -- basically you're granting them relief from a 12 penalty assessment by our department, so I think 13 there's got to be some kind of order issued 14 reflecting that.</p> <p>15 CHAIRMAN FOX: I would agree with you, 16 Mr. Bailey. I would ask for your help in writing 17 that order for us. And if we need -- if I need to 18 sign it on behalf of the board, I will, however that 19 process needs to work. I have to tell you that I'm 20 ignorant of that process on issuing the order.</p> <p>21 MR. BAILEY: Yeah, I can draft an order 22 or work with Mike in getting an order drafted. 23 You know, I don't know if each board 24 member would need to sign it since the board has 25 voted, and you may be able to sign on their behalf,</p>	<p style="text-align: right;">Page 73</p> <p>1 business, I just want to say again that I'm going to 2 recuse myself from this discussion, and I'm going to 3 excuse myself real quick.</p> <p>4 CHAIRMAN FOX: All right.</p> <p>5 MR. POPE: Did I misunderstand you, is 6 it not 8 inches, 8-and-a-half inches instead of 7 8-foot?</p> <p>8 CHAIRMAN FOX: I'm sorry, 8-and-a-half 9 inches.</p> <p>10 MR. RADER: Same representative from 11 KONE?</p> <p>12 MR. CHURCH: Want me to state it all 13 again?</p> <p>14 CHAIRMAN FOX: Yes, sir.</p> <p>15 MR. CHURCH: All right. Mike Church, 16 KONE Elevator, Nashville, Tennessee, (816)365-8037.</p> <p>17 CHAIRMAN FOX: You're requesting an 18 appeal or an action on this --</p> <p>19 MR. CHURCH: Yes. And we can -- of 20 course, I move to drop the precedent, because that's 21 already been discussed in the prior discussion. So 22 we will drop that from our request for a variance. 23 But the variance for Middle Tennessee 24 State University, we're replacing a hydraulic 25 elevator that currently has a machine room in the</p>

<p style="text-align: right;">Page 74</p> <p>1 boiler section of the building, which is very hot, 2 dusty, dirty. We are relocating the elevator 3 machine room up to the third floor, a code-approved 4 machine room in a controlled environment with HVAC. 5 So we're improving the elevator for Middle Tennessee 6 State. It's the same variance that were granted on 7 the first three projects that we requested at the 8 beginning of the meeting.</p> <p>9 So we are looking to install the 10 elevator with a 39-and-a-half-inch toe guard -- or 11 platform apron.</p> <p>12 CHAIRMAN FOX: Mr. Jackson? 13 MR. JACKSON: It's the same variance we 14 approved previously.</p> <p>15 CHAIRMAN FOX: Okay. What's the 16 pleasure of the board? 17 MR. RADER: I make a motion we approve 18 this, with the exception of the request for a 19 precedence for future products be granted when these 20 conditions are met so a variance does not have to be 21 requested on individual projects.</p> <p>22 CHAIRMAN FOX: Did you second? 23 MR. MOORER: I agree with that. I 24 wouldn't want that in there, all future approval. 25 CHAIRMAN FOX: Okay. Did you second?</p>	<p style="text-align: right;">Page 76</p> <p>1 with a Machine Room Less elevator, traction 2 elevator, and we're taking the elevator up one floor 3 to the roof level for the condominium. We're 4 increasing it from 2500 to 3500 pounds capacity in 5 order to meet ADA requirements and stretcher 6 requirements as well. So whenever we can, we try to 7 meet as many code requirements as possible in these 8 renovation projects. And we are requesting to 9 install a traction elevator with a 10 39-and-a-half-inch apron guard.</p> <p>11 CHAIRMAN FOX: Mr. Jackson? 12 MR. JACKSON: The only variance that 13 you're requesting is a pit variance; am I correct? 14 MR. CHURCH: That's correct. 15 MR. JACKSON: So the rest of this 16 elevator is going to be installed, everything is 17 going to be inspected to the A17.1-2010 code with a 18 variance of the change in pit depth? 19 MR. CHURCH: That's correct. 20 MR. JACKSON: Okay. That's the same -- 21 MR. BAILEY: I'm sorry, what's the 22 difference in the pit depth? 23 MR. JACKSON: 5 foot on a traction is 24 required, and they're replacing a -- they're 25 replacing a hydraulic elevator that has a 4-foot</p>
<p style="text-align: right;">Page 75</p> <p>1 MS. O'CONNOR: Second. 2 CHAIRMAN FOX: Okay. We have a motion 3 and a second. 4 Any discussion? 5 MR. POPE: It all falls within the same 6 guidelines. 7 CHAIRMAN FOX: Yes. 8 Hearing none, all in favor of the 9 motion, let me know by saying "aye." 10 (Affirmative response.) 11 CHAIRMAN FOX: All opposed, like sign. 12 (No verbal response.) 13 CHAIRMAN FOX: Thank you very much. 14 All right. So KONE -- and, again, I 15 want to reflect that Mr. LaPorte had a conflict; he 16 excused himself and he did not participate in the 17 discussion. 18 On the next item, KONE, Elliot school 19 condo, requesting a singular variance. One MRL 3500 20 pounds. The capacity is increasing from 2500 pounds 21 to 3500 pounds and changing from three stops to four 22 stops. Building is being renovated into condos. 23 Sir? 24 MR. CHURCH: That's correct. We are 25 replacing a current three-stop hydraulic elevator</p>	<p style="text-align: right;">Page 77</p> <p>1 pit. So this is technically the same variance that 2 we've issued on all the other ones. 3 MR. BAILEY: As a 48-inch pit? 4 MR. JACKSON: Yes. 5 CHAIRMAN FOX: And what's the pleasure 6 of the board? 7 MR. HALE: I move we grant it. 8 CHAIRMAN FOX: We have a motion. 9 MR. POPE: Second. 10 CHAIRMAN FOX: A motion and a second. 11 Any discussion? 12 (No verbal response.) 13 CHAIRMAN FOX: Hearing none, all in 14 favor of the motion, let me know by saying "aye." 15 (Affirmative response.) 16 CHAIRMAN FOX: All opposed, like sign. 17 (No verbal response.) 18 CHAIRMAN FOX: Motion carries. 19 MR. RADER: Mr. Church, it's the 20 pleasure of the board for us to always be 21 accommodating, we never want to put KONE or anybody 22 else behind the eight ball, but as far as the 23 requests for variances on a timely manner be 24 submitted for public hearing, we'd like for that to 25 kind of be honored in the future if you can do that.</p>

<p style="text-align: right;">Page 78</p> <p>1 MR. CHURCH: Yes. I recognize that, and 2 today I will send that correspondence off to my 3 Memphis office and my Knoxville office and all the 4 sales reps involved saying we -- if we're going to 5 request a variance, it's got to be 30 days in 6 advance whenever possible. And if we're up against 7 the wall, as in some of these cases -- 8 MR. RADER: Let us know. 9 MR. CHURCH: -- we will speak directly 10 to Mr. Jackson or whoever the chief inspector is and 11 file it the same day. 12 MR. RADER: Yeah, and you need to make 13 sure that they're aware that we meet quarterly. So 14 we don't want to, again, put you in a situation 15 that, you know, we shut you down for any reason. We 16 want to be accommodating as much as possible, but we 17 also have guidelines to go by as well as a board. 18 MR. CHURCH: I understand. 19 CHAIRMAN FOX: Thank you. 20 All right. HomeLift, request for a 21 10-inch variance for a lift at The Ramble 22 restaurant. 23 Who is here to speak to that? 24 MR. MARCHAL: Good morning. Matt 25 Marchal, HomeLift, LLC, 3901 Charlotte Avenue</p>	<p style="text-align: right;">Page 80</p> <p>1 board has passed on the variances on these 2 wheelchair lifts in the past. I really don't see an 3 issue with the 10 inches. I don't think I would go 4 anymore than a 10-inch variance. It's still going 5 to be a safe unit. I don't see any issues on safety 6 on granting a 10-inch variance on this. 7 CHAIRMAN FOX: Okay. 8 MR. BAILEY: What is the 10-inch 9 variance regarding? 10 MR. JACKSON: Code requires that these 11 lifts not be over 14 foot. That is maximum on what 12 the code requires or allows. And the 10 inches, 13 they run into an issue where their landing is more 14 than the 14 foot of travel. They're actually adding 15 that extra 10 inches of travel on to be able to meet 16 the building requirements for height, should I say. 17 MR. BAILEY: I'm just trying to 18 understand. So the code requires that it have a 19 14-foot -- 20 MR. JACKSON: Maximum. 21 MR. BAILEY: -- maximum lift? 22 MR. JACKSON: Yes, sir. Yes, sir. 23 MR. BAILEY: And they're asking for 14 24 and 10 inches? 25 MR. JACKSON: Yes, sir. Yes, 10 inches</p>
<p style="text-align: right;">Page 79</p> <p>1 Nashville, 37209. Phone number, (615)385-5438. 2 CHAIRMAN FOX: Sir, please tell us what 3 you're asking for. 4 MR. MARCHAL: So The Ramble is a new 5 restaurant being -- an addition is being built just 6 north of the Sounds' stadium in Germantown area. 7 The specs on the drawings call for 14 feet, 8 10 inches of travel and our unit that we recommended 9 is an enclosed shaftway wheelchair lift, which the 10 spec is 14 feet. So we're asking for a 10-inch 11 variance for this unit, which will be used for 12 handicap folks to get up to seating upstairs. 13 CHAIRMAN FOX: Okay. Mr. LaPorte, is 14 this part of your company, or do you have -- 15 MR. LAPORTE: No, this is not. 16 CHAIRMAN FOX: Okay. Good deal. 17 All right. So Mr. Jackson? 18 MR. JACKSON: You say it is an enclosed 19 hoistway? 20 MR. MARCHAL: Yes, sir. 21 MR. JACKSON: Is this just a standard -- 22 MR. MARCHAL: It's a hydraulic drive. 23 MR. JACKSON: -- hydraulic drive? 24 MR. MARCHAL: Yes, sir. 25 MR. JACKSON: I'm not sure what the</p>	<p style="text-align: right;">Page 81</p> <p>1 of additional travel. 2 MR. BAILEY: And that's in order for the 3 lift to get to the next level? 4 MR. MARCHAL: Correct. 5 MR. BAILEY: Okay. I'm just trying to 6 figure out what was being asked. 7 MR. JACKSON: Yes, sir. 8 MR. RADER: And your recommendation is 9 no problem? 10 MR. JACKSON: I don't see an issue with 11 the 10 inches. 12 MR. RADER: I make a motion we approve 13 it. 14 MS. O'CONNOR: I'll second that. 15 CHAIRMAN FOX: We have a motion and a 16 second. 17 Any discussion? 18 (No verbal response.) 19 CHAIRMAN FOX: Hearing none, all in 20 favor of the motion, let me know by saying "aye." 21 (Affirmative response.) 22 CHAIRMAN FOX: All opposed, like sign. 23 (No verbal response.) 24 CHAIRMAN FOX: Motion carries. 25 MR. MARCHAL: Thank you.</p>

<p style="text-align: right;">Page 82</p> <p>1 CHAIRMAN FOX: Thank you, sir. 2 Okay. Item Number 11, open discussion 3 item. Inspections of fire service access elevators. 4 Are you going to speak to this, sir? 5 MR. JACKSON: Yes, sir. 6 CHAIRMAN FOX: All right. 7 MR. JACKSON: After 911, the 8 International Building Code recognized the issues 9 with the amount of people trying to evac a building. 10 They have put into the codes requirement that fire 11 access elevators be included. They are actually a 12 beefed-up elevator, is what they are, for fire 13 department use. Any building that has over 120 foot 14 of occupied space is required to have two of these 15 elevators. Like I said, they are beefed-up 16 elevators for the fire department to help evac 17 people, plus they're also for the fire department to 18 stage a couple floors below the fire so that they 19 can get their equipment up quicker. 20 The issue we're having as inspectors -- 21 all of this comes out of the International Building 22 Code. Our A17.1 elevator code does not address fire 23 service access elevators. We, as inspectors, 24 sometimes are being -- how am I going to phrase 25 this? When we're going out to inspect these</p>	<p style="text-align: right;">Page 84</p> <p>1 MR. LAPORTE: Can I interrupt you one 2 second? 3 MR. JACKSON: Yes, sir. 4 MR. LAPORTE: Just to clarify, because 5 you made the statement that the fire service access 6 elevator is a beefed-up elevator -- 7 MR. JACKSON: Yes. 8 MR. LAPORTE: -- just so the board 9 understands, it's beefed up as for how it's placed 10 in the building and the building structure. The 11 elevator itself is nothing special. There is not -- 12 a manufacturer does not manufacture a special fire 13 service access elevator. 14 CHAIRMAN FOX: It's just the 15 infrastructure around it? 16 MR. JACKSON: Yes, sir. 17 MR. LAPORTE: The surrounding of the 18 structure, yes. 19 MR. JACKSON: Thank you, Mr. LaPorte, 20 for clarifying that. 21 3007.3, automatic sprinkler system, we 22 feel that is the fire department's responsibility. 23 We don't go through and verify that the building is 24 fully sprinkled. We don't, as elevator inspectors, 25 know what those requirements might be.</p>
<p style="text-align: right;">Page 83</p> <p>1 elevators, we're having a little bit of conflict 2 with other inspecting units, such as electrical 3 inspectors and plumbing inspectors and fire 4 inspectors, as far as what our responsibility is and 5 what we consider their responsibility to be. I 6 wanted to address the board to highlight what we 7 feel like our responsibilities are, and that way 8 we're in clear understanding amongst ourselves on 9 what our inspectors are checking. 10 I've highlighted in -- this handout that 11 I gave you, this is the building code that addresses 12 the fire service access elevators. The items that I 13 have highlighted I feel fall under another 14 inspecting -- another inspector's -- 15 MR. HALE: Entity. 16 MR. JACKSON: Yes, sir. 17 So I'm going to highlight -- I'm going 18 to get through the ones that I feel like we're not 19 responsible for. And if the board has a question on 20 it or feels like it's something that maybe we should 21 address, if you would please advise us, and that's 22 something that we will set in motion and items that 23 we will start looking for in the future. 24 On 3007.3, automatic sprinkler 25 systems --</p>	<p style="text-align: right;">Page 85</p> <p>1 CHAIRMAN FOX: Okay. So just for 2 clarification, are you asking us to rule on that or 3 make a motion and vote on that particular section 4 and then each one of these sections? Or how are we 5 going to do that? 6 MR. JACKSON: I think -- I'm not really 7 looking for a vote as much as I'm just looking for 8 agreement with the board on items that I feel the 9 inspectors are -- what our -- as elevator 10 inspectors, we're required to look at. 11 And I don't know point of order, or I 12 don't know if this is something that would have to 13 be voted on, or if it's just advising us. I don't 14 know the point of order on that. 15 MR. POPE: Can I make a motion we group 16 all these together at one time if we're going to 17 make a vote? 18 CHAIRMAN FOX: You can. 19 MR. RADER: I think it needs to be in 20 the form of a motion. 21 MS. O'CONNOR: I think it needs to be on 22 the record. 23 CHAIRMAN FOX: That's why I'm asking -- 24 MR. POPE: That's how we do it on our 25 level on our --</p>

<p style="text-align: right;">Page 86</p> <p>1 CHAIRMAN FOX: So we have a motion. 2 Do we have a second? 3 MR. RADER: What's the motion, we lump 4 them all together? 5 CHAIRMAN FOX: Put them all together. 6 MR. RADER: I second. 7 MR. HALE: All the ones that we agreed 8 with? 9 MR. POPE: The ones he's got -- the ones 10 that he's got marked here. He's got them marked. 11 MR. JACKSON: That we're not responsible 12 for. 13 MR. LAPORTE: What may be easier is the 14 opposite, voting for the ones that they are 15 responsible for. I think that would be a much 16 shorter list, and it would pertain to exactly what 17 we would expect the elevator inspectors to look at. 18 CHAIRMAN FOX: Okay. 19 MR. JACKSON: Good with me. I can just 20 reverse what I've highlighted. 21 MR. LAPORTE: Exactly. 22 CHAIRMAN FOX: Okay. 23 MR. HALE: Is your motion -- 24 CHAIRMAN FOX: We will have to modify 25 the motion.</p>	<p style="text-align: right;">Page 88</p> <p>1 change? 2 MR. FARMER: I would. 3 MR. POPE: Okay. Can we table this 4 until then? 5 CHAIRMAN FOX: Well, or the -- here's 6 the problem with tabling is, if we table it, you 7 have to bring it back up, and you may or may not be 8 here. 9 So if you rescind your motion at this 10 time, we can take it off the -- we can take it off, 11 make the motion to -- well, let's do that first. 12 MR. POPE: I rescind my motion. 13 CHAIRMAN FOX: And you accept? 14 MR. HALE: Yes, I withdraw my second. 15 CHAIRMAN FOX: Okay. Now, starting 16 over. We would take this to -- we would refer this 17 to our workshop where we would have a little bit 18 more information and more time to discuss, and you 19 can help walk us through each one of these. 20 MR. JACKSON: Yes, sir. 21 CHAIRMAN FOX: And I'm going to ask you 22 a question, I'm not being mean or ugly, but you said 23 something about the chief inspector. Will a chief 24 inspector be in place at that time, on the 24th? 25 MR. HERROD: Should be.</p>
<p style="text-align: right;">Page 87</p> <p>1 MR. POPE: I rescind my motion, and I'll 2 modify it to include the things that we are going to 3 require them or we're going to expect them to 4 inspect. 5 CHAIRMAN FOX: What we expect them to 6 inspect. 7 MR. RADER: Second. 8 MR. HALE: I will second that. 9 CHAIRMAN FOX: Okay. We have a motion 10 and a second. 11 Any discussion? 12 MR. FARMER: Mr. Chairman? 13 CHAIRMAN FOX: Sir? 14 MR. FARMER: I would think that I would 15 advise to wait until you do your rules update and 16 maybe putting this in the rules, just for 17 clarification purposes. 18 CHAIRMAN FOX: We would have to have -- 19 somebody would have to rescind their motion if we -- 20 MR. FARMER: Because I think you need 21 somebody from the other AHJs to say they will be 22 responsible for it, you know, the other parts. Just 23 a thought. 24 MR. BAILEY: So you're saying that we 25 need to consider this in the workshop for rule</p>	<p style="text-align: right;">Page 89</p> <p>1 MR. JACKSON: Should be, yes, sir. 2 CHAIRMAN FOX: Okay. And will you be 3 there with that chief inspector? 4 MR. JACKSON: Yes, sir. Yes, sir. 5 CHAIRMAN FOX: Okay. All right. 6 MR. LAPORTE: Mr. Chairman? 7 CHAIRMAN FOX: Sir? 8 MR. LAPORTE: Can I ask Mr. Farmer a 9 question? 10 So in your opinion, to go through a rule 11 change to identify other AHJs that are going to do 12 this, doesn't this currently fall under different 13 AHJs now? Isn't this something that they are trying 14 to pass off on to the elevator inspectors? 15 MR. FARMER: Well, you know, the A17.1 16 code book references the IBC, so we took the 17 elevator portions out of the IBC and we enforce it, 18 because there is no other agency that will enforce 19 it. I just think that the clarifications on like 20 the -- let's not go in to what we don't enforce, 21 let's go in to what we do enforce -- 22 MR. LAPORTE: And I agree -- 23 MR. FARMER: -- and the rest will fall 24 on other AHJs. 25 MR. LAPORTE: -- with that. But</p>

<p style="text-align: right;">Page 90</p> <p>1 currently, wouldn't this section all fall under, 2 being the building code, the building inspector? 3 MR. FARMER: You would say that, 4 wouldn't you? I mean -- 5 MR. LAPORTE: I did -- 6 MR. FARMER: -- it's logical, but it's 7 not -- it don't happen. 8 MR. LAPORTE: In some cases, correct, 9 the fire inspector to -- 10 MR. JACKSON: What -- I'm sorry, go 11 ahead. 12 MR. LAPORTE: No, just to clarify, what 13 we're saying then is, the rule change would be us, I 14 guess, asking or recommending that the elevator 15 department look at certain IBC codes for an 16 inspection, kind of going beyond their typical 17 authority or jurisdiction. Because, quite frankly, 18 I mean, we've talked about this, there's a lot of 19 things in here that because it says elevator, I 20 think other AHJs are trying to refer to elevator, 21 but no offense, quite frankly, most of the elevator 22 inspectors aren't qualified to inspect a lot of 23 things that fall in this section. So we're taking 24 on responsibility that I don't necessarily see a 25 clear line to, but it may be the right thing to do.</p>	<p style="text-align: right;">Page 92</p> <p>1 MR. JACKSON: Yes, sir. Yes, sir. 2 MR. HALE: -- for instance. 3 MR. JACKSON: That's what I'm wanting to 4 bring out so we're all on same page. 5 MR. BAILEY: Mr. Chairman, let me ask, 6 is this part of the elevator safety code that we're 7 currently operating under? 8 MR. JACKSON: This is under the 9 International Building Code. As Chris mentioned a 10 moment ago, the International Building Code is 11 referenced in A17.1, so that throws us back into 12 where we actually inspect out of the building code. 13 There's several issues that we inspect out of -- 14 MR. BAILEY: And A17.1 is the elevator 15 safety code that we operate under? 16 MR. JACKSON: Yes, sir. 17 MR. BAILEY: And this is referenced in 18 there? 19 MR. JACKSON: Yes, sir. 20 MR. BAILEY: So I think also that if the 21 pleasure is to exempt our inspectors from inspecting 22 certain things, I think we need some evidence that 23 somebody is inspecting it. You know, the fire 24 marshal or the electric -- you know, somebody so 25 it's not being looked at by nobody before I would</p>
<p style="text-align: right;">Page 91</p> <p>1 CHAIRMAN FOX: You've certainly made our 2 case that -- or a case for the fact that this needs 3 to be in our workshop. 4 MR. LAPORTE: Yeah. 5 CHAIRMAN FOX: And so if we could defer 6 this until that time, everybody good with that? On 7 the 24th, we'll bring this up at that time. 8 MR. JACKSON: My main concern is we're 9 having -- I'm seeing these elevators go in and we're 10 inspecting our equipment, we're inspecting the 11 elevators as we're required to do, I feel. But some 12 of these other inspecting elevator -- electrical 13 inspectors or fire inspectors, an issue is brought 14 up -- I'll see something, I'll say, you know, That's 15 not right. I'm not inspecting it, but that's not 16 right, and it's just not getting done. 17 So I don't want something coming back on 18 the elevator department where somebody says, Hey, 19 this isn't right, why didn't you inspect it. And I 20 just want -- that's what I want, is clarification 21 from the board so that we're all on the same page 22 that that's not our responsibility. 23 MR. HALE: You shouldn't be expecting 24 elevator inspectors to make determinations about 25 fire sprinkler systems --</p>	<p style="text-align: right;">Page 93</p> <p>1 exempt it from our inspectors. 2 CHAIRMAN FOX: I don't want to get down 3 in the weeds, but I think upon discovering it, I 4 think we have a responsibility to notify that entity 5 or that group who would inspect that, Hey, you've 6 got a problem, here it is. I mean, I think we have 7 a note -- or we have a responsibility to notify them 8 and then close the loop. 9 MR. BAILEY: Correct. But that's 10 because we're currently required to inspect for 11 those things, as I understand what -- 12 MR. JACKSON: No, sir, I don't think -- 13 I don't think we're required. What we're required 14 to inspect is the elevator itself. The machine 15 room, control space, the elevator hoistway, the 16 elevator itself. But when you start getting outside 17 of that elevator hoistway and they're supposed to 18 keep water -- for example, they're supposed to keep 19 water from infiltrating in to that hoistway. Well, 20 I'm not a -- I don't know what the grade of that 21 floor is. I'm not going to pour a bucket of water 22 out on the floor and see if it drains to the 23 elevator or away from the elevator. I feel like 24 that's either building codes or plumbing inspectors. 25 I don't know who would check that. But it's not</p>

<p style="text-align: right;">Page 94</p> <p>1 something that I'm trained to do or would have an 2 idea on really how to check that. Now, that's just 3 one example of it.</p> <p>4 MR. BAILEY: Right.</p> <p>5 MR. JACKSON: I feel like the building 6 code, they're building -- they're putting these 7 buildings in by the building code, and each entity 8 that inspects, the fire department needs to be 9 inspecting their part of it, the electrical 10 inspectors should be checking to verify that it's a 11 two-hour rating protecting the power to the elevator 12 from downstairs to the 25th floor. That's not 13 something that we would be trained to do or even 14 know where to begin checking that requirement.</p> <p>15 So I feel like this is the building 16 code, and I feel like every inspecting unit should 17 be inspecting off of this. I just don't want people 18 thinking that just because it says elevator that 19 we're going to be required to check everything under 20 that terminology.</p> <p>21 MR. RADER: When you say "people," who 22 are you referring to?</p> <p>23 MR. JACKSON: I'm referring to the fire 24 inspectors, electrical inspectors. I had an 25 electrical inspector on one building that I went</p>	<p style="text-align: right;">Page 96</p> <p>1 that's not being taken care of.</p> <p>2 MR. HALE: So for instance, though, and 3 I come from a fire service background, so if memory 4 serves me, the elevator doors have to meet -- on 5 these fire elevators has to have a three-quarter of 6 an hour, 45-minute protection rating --</p> <p>7 MR. JACKSON: On the hoistway doors.</p> <p>8 MR. HALE: Yes, on the hoistway doors.</p> <p>9 MR. JACKSON: Yes, sir, we check that. 10 That's ours.</p> <p>11 MR. HALE: So that part of it would fall 12 under the elevator inspector.</p> <p>13 MR. JACKSON: Yes, sir. The fire rating 14 on the elevator lobby doors would not fall on us. 15 That would fall on the fire department, because 16 they're the ones that inspect fire doors outside of 17 the elevator.</p> <p>18 MR. HALE: So the elevator lobby door 19 has to have a fire rating?</p> <p>20 MR. JACKSON: Yes, sir.</p> <p>21 MR. HALE: And the elevator inspector 22 wouldn't check for that?</p> <p>23 MR. JACKSON: No, sir. No, sir.</p> <p>24 MR. HALE: Even though it's 25 intrinsically part of the elevator?</p>
<p style="text-align: right;">Page 95</p> <p>1 downtown to help another inspector, and the 2 superintendent on the job said, Can you come down 3 here and look at something, and I --</p> <p>4 MR. RADER: So you're talking about 5 other artisan contractors involved in --</p> <p>6 MR. JACKSON: Yes, sir. Yes, sir. This 7 is -- the fire access elevators is huge -- I mean, 8 it is a huge -- it's a combination of all units 9 inspecting, electrical inspectors, fire inspectors, 10 building inspectors, plumbing inspectors. And I 11 just want to be sure that we're not being -- it's 12 not being all poured back on us and then when 13 something comes up down the road somewhere and they 14 say, Well, this isn't right, well, it says elevator, 15 so why didn't you check that.</p> <p>16 And I've brought out -- I've got letters 17 on -- if I see something that's not working right, I 18 want a letter. I call the fire department and tell 19 them, Hey, this is -- you've got to have this, or 20 you can't have this. No, we're going to leave that 21 sprinkler there. I'm like, Send me a letter.</p> <p>22 I can't overrule the fire department, 23 you know, but I want a letter. I want a letter 24 saying it. And I've got letters on several jobs 25 where we've noticed different issues with this</p>	<p style="text-align: right;">Page 97</p> <p>1 MR. JACKSON: Not really. It's part of 2 the -- because the building code has different 3 terminology on what they require on these access 4 lobbies, the fire rating that has to be in that, and 5 that's outside of the elevator enclosure. So we 6 would be -- I feel like we would be stepping outside 7 of our bounds going in and telling somebody they've 8 got --</p> <p>9 MR. HALE: But we have to approve if 10 there's a variance in the lobby doors.</p> <p>11 MR. LAPORTE: I think you're talking 12 about two separate things. If you're talking about 13 the elevator doors in the lobby that open and close, 14 that's a component of the elevator. What Tom was 15 talking about is doors leading into the lobby and 16 walking --</p> <p>17 MR. HALE: Oh, okay.</p> <p>18 MR. LAPORTE: -- to the elevator. 19 That's a different --</p> <p>20 MR. JACKSON: Not the elevator hoistway 21 door.</p> <p>22 MR. HALE: I gotcha. Okay.</p> <p>23 MR. JACKSON: It's a different door.</p> <p>24 MR. HALE: Okay.</p> <p>25 MR. RADER: Mr. Chairman, do you need a</p>

<p style="text-align: right;">Page 98</p> <p>1 motion to table this?</p> <p>2 CHAIRMAN FOX: Well, I don't want to --</p> <p>3 I'd rather not table it. I would say that we defer</p> <p>4 it and talk to --</p> <p>5 MR. RADER: Same, yeah.</p> <p>6 CHAIRMAN FOX: -- and talk about this in</p> <p>7 the workshop.</p> <p>8 MR. RADER: Workshop.</p> <p>9 CHAIRMAN FOX: So if somebody wants to</p> <p>10 make a motion to that effect, then please do.</p> <p>11 MR. RADER: I make a motion that we</p> <p>12 discuss this in our workshop on the 24th of July.</p> <p>13 CHAIRMAN FOX: 24th of July or June?</p> <p>14 MR. HERROD: July.</p> <p>15 CHAIRMAN FOX: 24th of July.</p> <p>16 MS. O'CONNOR: I'll second that.</p> <p>17 CHAIRMAN FOX: We have a motion and a</p> <p>18 second.</p> <p>19 Any discussion?</p> <p>20 (No verbal response.)</p> <p>21 CHAIRMAN FOX: Hearing none, all in</p> <p>22 favor of the motion, let me know by saying "aye."</p> <p>23 (Affirmative response.)</p> <p>24 CHAIRMAN FOX: Motion carries. Thank</p> <p>25 you.</p>	<p style="text-align: right;">Page 100</p> <p>1 year we will have the payment portal for amusement</p> <p>2 devices.</p> <p>3 CHAIRMAN FOX: That would be great.</p> <p>4 That would be fantastic.</p> <p>5 MS. BARNETT: I thought that would</p> <p>6 please you, Mr. Chairman.</p> <p>7 CHAIRMAN FOX: We won't hold you to</p> <p>8 that --</p> <p>9 MS. BARNETT: That's what I'm hoping</p> <p>10 for, but as I said, I can't promise that date.</p> <p>11 CHAIRMAN FOX: Well, we look forward to</p> <p>12 that. That would be a great thing for all the</p> <p>13 amusement device folks in our state.</p> <p>14 MS. BARNETT: I think so, too. We have</p> <p>15 had a lot of questions on that in the past, and many</p> <p>16 of the companies have asked if they can have that as</p> <p>17 a plus.</p> <p>18 CHAIRMAN FOX: Thank you very much.</p> <p>19 MR. HARDY: It just increases our</p> <p>20 efficiency.</p> <p>21 MS. BARNETT: It does.</p> <p>22 CHAIRMAN FOX: That's right.</p> <p>23 MR. HARDY: And, you know, a lot of</p> <p>24 times, some of these folks are last minute and have</p> <p>25 to overnight checks to us because we don't accept</p>
<p style="text-align: right;">Page 99</p> <p>1 All right. Do we need to discuss the</p> <p>2 division's update on Jurisdiction Online for the</p> <p>3 following programs, elevator unit and amusement</p> <p>4 device unit? Is there anything we need to know</p> <p>5 there?</p> <p>6 MR. JACKSON: Doris, do you have a</p> <p>7 report?</p> <p>8 MS. BARNETT: Doris Barnett, 2121 Paula</p> <p>9 Drive, Madison, Tennessee, (615)741-7707.</p> <p>10 And most of the points I have for the</p> <p>11 Jurisdiction Online presentation have been covered</p> <p>12 ably by both Mike Hardy and J.J. Jackson.</p> <p>13 The main thing that I want to bring out,</p> <p>14 one of the points that was brought out to the board</p> <p>15 and was asked as a question at a previous board</p> <p>16 meeting was, we had talked about referrals, we</p> <p>17 talked about whether or not we had a payment portal</p> <p>18 for amusement devices. We do do referrals, and we</p> <p>19 are in the process of working towards getting the</p> <p>20 payment portal. It will be a couple of months yet,</p> <p>21 but we will have -- it has to be programmed and</p> <p>22 everything else. So Jurisdiction Online has agreed</p> <p>23 to it and we're working on getting the funding for</p> <p>24 it. And hopefully by the end of the year -- I won't</p> <p>25 promise that date, but I'm hoping by the end of the</p>	<p style="text-align: right;">Page 101</p> <p>1 online. So continuous improvement is our desire.</p> <p>2 MR. RADER: The name of the game.</p> <p>3 MR. HARDY: The name of the game.</p> <p>4 CHAIRMAN FOX: That's right.</p> <p>5 MS. BARNETT: That's the main thing I</p> <p>6 had. Thank you.</p> <p>7 CHAIRMAN FOX: Thank you very much,</p> <p>8 ma'am.</p> <p>9 Okay. And that leads us to the</p> <p>10 announcement of the next meeting. The next</p> <p>11 regularly scheduled meeting of the Elevator &</p> <p>12 Amusement Device Safety Board will meet -- will be</p> <p>13 held at 9:00 a.m. Central standard time, Tuesday,</p> <p>14 September 24th, 2019, at this same building on 220</p> <p>15 French Landing Drive, Nashville, Tennessee.</p> <p>16 And the following one, just for the</p> <p>17 record, will be held on December the 4th. That will</p> <p>18 be the last one for this year.</p> <p>19 MR. HERROD: Sir, Central daylight time</p> <p>20 on that?</p> <p>21 CHAIRMAN FOX: Central daylight time or</p> <p>22 whatever it is.</p> <p>23 MS. KIRBY: Central daylight time,</p> <p>24 Central standard time.</p> <p>25 CHAIRMAN FOX: It's all good. It's all</p>

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1 good.

2 Anything else before we adjourn?

3 (No verbal response.)

4 CHAIRMAN FOX: Do I have a motion for
5 adjournment?

6 MR. POPE: A motion, sir.

7 MR. HALE: Second.

8 CHAIRMAN FOX: We are adjourned. Thank
9 you all very much for being here.10 (WHEREUPON, the proceedings were adjourned
11 at 10:45 A.M.)12
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1 REPORTER'S CERTIFICATE

2

STATE OF TENNESSEE

3

COUNTY OF WILSON

4

5 I, AMBER A. THOMPSON, Licensed Court
6 Reporter and Notary Public, hereby certify that I
7 reported the foregoing Elevator and Amusement Device
8 Safety Board by machine shorthand to the best of my
9 skills and abilities, and thereafter the same was
10 reduced to typewritten form by me.11 I further certify that I am not related to
12 any of the parties named herein, nor their counsel,
13 and have no interest, financial or otherwise, in the
14 outcome of the proceedings.15 I further certify that in order for this
16 document to be considered a true and correct copy,
17 it must bear my original signature, and that any
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22 Services.19
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24 Certified Court Reporter and
25 Notary Public
State of Tennessee

24

25 My Commission Expires: 03/04/2020
LCR #289 - Expires: 06/30/2020

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