

MINUTES

Quarterly Meeting of the State of Tennessee Elevator & Amusement Device Safety Board, September 6, 2023 at 9:00 a.m.

- I. Chairman Fox called the meeting to order at 9:00 a.m.
- II. Board Members present: David Hale, James Roy Pope, Larry R. Moore, II, Kelly O'Connor, Victor LaPorte and Mitch Rader

Department Staff present: Dewayne Scott, Tom Herrod, Kenneth Nealy, Dan Bailey, Melissa Owens, James Steele, Mike H. Hardy, Lance Scott, Jennifer Murphy, Jamie Diefenbach, Michele Irion, Chance Deason, and Matthew Grove.

Guests were: Don Freeman, Steve Richardson, Mary Ellis Richardson and Suzanne Freeman; Church Street United Methodist Church. Michaela Hayward; Liftup North America. Rich Elder; HomeLift. Jeff Tarkington; Tarkington Elevator. Rachel Hurt, Esq.; Arnett Baker Draper & Hagood, LLP.
- III. ADOPTION OF THE AGENDA - Mr. Pope made a motion to adopt the Agenda. Mr. Rader seconded the motion. After voting, the Agenda was adopted.
- IV. APPROVAL OF THE MINUTES of the Meeting of March 28, 2023 - Mr. Rader made a motion to approve the Minutes. Mr. Moore seconded the motion. After voting, the Minutes were approved
- V. ELEVATOR UNIT REPORT - Chief's Report (attached)
- VI. AMUSEMENT DEVICE UNIT REPORT - (attached)
- VII. NEW BUSINESS:
 - Church Street United Methodist Church - Mr. Don Freeman is requesting Board approval of a variance to allow for application for an operating permit of a previously installed non-Code vertical platform lift, which also serves as a stair and platform lift for wheelchair access to the communion table in the church. A video

of the operation of the lift was shown, and church member Steve Richardson narrated its presentation. Mary Ellis Richardson also engaged in extensive discussion. Chief Inspector Steele visited the church twice and covered the deficiencies of the lift in meeting Code. Mr. Rader made a motion to grant a variance and work with the church to obtain the permit. Mr. Hale seconded the motion. Mr. Bailey proposed a motion to approve a variance contingent upon the completion of modifications to the lift and passing an inspection by the Elevator Unit. After extensive discussion, Mr. Rader revised his motion to be contingent upon the church working with Chief Inspector Steele, making the modifications to the lift and passing inspection. Mr. Hale accepted that. After voting, the motion carried.

- J&J Global Investments d/b/a Smoky Mountain Alpine Center - Attorney Rachel Hurt represented Smoky Mountain on an Appeal of a \$72,600 penalty for failure to report an accident and asked for the penalty to be removed or revised. Following extensive discussion, Chairman Fox proposed entertaining a motion to either uphold the \$72,600 fine or a reduction in the fine to fit a shorter time period. Mr. Rader made a motion to lower the fine to \$28,200 to fit that time period. Mr. Hale seconded the motion. After a vote of 4 Board members in favor and 2 Board members opposed, the motion carried.

VIII. THE NEXT MEETING OF THE ELEVATOR & AMUSEMENT DEVICE BOARD IS SCHEDULED FOR DECEMBER 5, 2023

IX. The meeting adjourned at 11:03 a.m.