STATE OF TENNESSEE
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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

March 2, 2021

(Via Zoom Video Conference)

CASSANDRA M. BEILING, LCR# 371
STONE & GEORGE COURT REPORTING
2020 Fieldstone Parkway
Suite 900 - PMB 234
Franklin, Tennessee 37069
615.221.1089
APPEARANCES:

1. Robbie Fox, Chairman
2. Fixed Amusement Device Representative
3. Mike McPherson
   Elevator Inspector Supervisor
4. Thomas R. Jackson
   Elevator Inspector Supervisor
5. Mike H. Hardy
   Amusement Device Manager
6. David Hale, Board Member
   Tennessee Fair Association Representative
7. Larry R. Moore, II, Board Member
   Owner and Lessees Representative
8. Lewis Moorer, Board Member
   Public-at-Large Representative
9. Kelly O’Connor, Board Member
   Public-at-Large Representative
10. Mitch Rader, Board Member
    Insurance Company Representative
11. James Roy Pope, Board Member
    Manufacturer Representative
12. David Hale, Board Member
    Traveling Amusement Device Representative
13. Victor LaPorte, Board Member
    Assistant Commissioner, State of Tennessee
    Legal Counsel, State of Tennessee
15. Jennifer Murphy
    Board Secretary, State of Tennessee
16. STONE & GEORGE COURT REPORTING
17. Nan George, Zoom Moderator
    Licensed Court Reporter
18. *Reporter's Note: All names are phonetically
    spelled unless otherwise provided to the reporter.

AGENDA

I. Call Meeting to Order
II. Introductions and Announcements
III. Adoption of Agenda
IV. Approval of the meeting minutes on December 1, 2020
V. Elevator Unit’s Report
VI. Amusement Device Unit’s Report
VII. Old Business
VIII. New Business
   * KONE-Mike Church Warren County Courthouse
   * KONE-Mike Church Stirr Restaurant
IX. Open Discussion Items
   * Amusement Device Unit
   * Elevator Unit
X. Announcement of Next Meetings
   * Dates for board meetings in 2021
   * June 1, 2021 – 9:00 a.m. (CST)
   * September 14, 2021 – 9:00 a.m. (CST)
   * December 7, 2021 – 9:00 a.m. (CST)
   * Locations - TBA
XI. Adjournment

bottom. Also, those of you that are going to be speaking, under chat, if you would, put your name and the company that you work for or represent. The other thing that I would ask is, when you speak, identify yourself first; such as, this is Robbie Fox and I’m making a motion to do whatever. Or just identify yourself as you’re getting ready to speak. Under the adoption of -- I don't think there's anything that we need to read here. Well, I'll read it anyway. In the event of an emergency, security personnel will take attendees to a safe place in the building and will direct them to exit the building on the Rosa Parks side. And I'm sure that only pertains to those who are at 220 French Landing. So we have to read that into the minutes. The adoption of the agenda. I would entertain a motion for approval and adoption of the agenda. MS. O’CONNOR: This is Kelly O'Connor.

MR. POPE: James Roy Pope.
CHAIRMAN FOX: I have a motion and a second. And, Ms. Jennifer, I think you need a roll call on this; is that correct?

MS. MURPHY: Yes.

CHAIRMAN FOX: Okay. We have a motion and a second. Any additional discussion?

(No verbal response.)

CHAIRMAN FOX: Hearing none, roll call, Ms. Murphy.

MS. MURPHY: Vic LaPorte?

MR. LaPORTE: Vic LaPorte, board member.

CHAIRMAN FOX: Do you vote yes or no?

MR. LaPORTE: I'm sorry. Yes.

MS. MURPHY: David Hale?

MR. HALE: Yes.

MS. MURPHY: Mitch Rader?

MR. RADER: Yes.

MS. MURPHY: Larry Moore?

MR. MOORE: Yes.

MS. MURPHY: James Roy Pope?

MR. POPE: Yes.

MS. MURPHY: Mr. Lewis Moorer?

MR. MOORER: Lewis Moorer votes yes.

MS. MURPHY: Kelly O'Connor?

MS. O'CONNOR: Yes.

CHAIRMAN FOX: Motion carries.

CHAIRMAN FOX: I would also entertain a motion for approval of the minutes of the December 1st, 2020 meeting. And those should be -- they would have been mailed to you in your packet. I would entertain a motion.

MR. RADER: Board Member Rader makes a motion to approve the minutes of December 1st, 2020.

MS. O'CONNOR: Kelly O'Connor.

I'll second that motion.

CHAIRMAN FOX: Any discussion?

(No verbal response.)

CHAIRMAN FOX: Hearing none, Ms. Murphy?

MS. MURPHY: Vic LaPorte?

MR. LaPORTE: Yes.

MS. MURPHY: David Hale?

MR. HALE: Yes.

MS. MURPHY: Mitch Rader?

MR. RADER: Yes.

MS. MURPHY: Larry Moore?

MR. MOORE: Yes.

MS. MURPHY: James Roy Pope?

MR. POPE: Yes.

MS. MURPHY: Mr. Lewis Moorer?

MR. MOORER: Lewis Moorer votes yes.

MS. MURPHY: Kelly O'Connor?

MS. O'CONNOR: Yes.

CHAIRMAN FOX: Motion carries.

CHAIRMAN FOX: Okay. Moving right along to Item Number 4, the Elevator Unit's report.

Mr. McPherson or Mr. Jackson? Which one?

MR. MCPHERSON: This is Mike McPherson. I'll go ahead with that. The Elevator Unit, today, we are currently inspecting 15,523 units. To this date, since the last meeting, we've inspected 4,325. We've actually accepted, across the state, 100 new elevators since our last meeting. It's always good to say that we haven't had any incidents or accidents with injury to report. We currently have 458 elevators, across the state, under construction plus many more going through modernizations.

Currently, we are operating with 29 inspectors, including Mr. Jackson and myself. We have had a first-time inspector assistant, kind of like an apprentice, he will advance to Inspector 1 on the 16th of this month. We're very proud of that.

We've also had, since the last meeting, two inspectors retire, one a veteran of 20 years and one of 34 years. So we will be looking to hire here in the next matter of weeks two inspectors in East Tennessee and one here in the Nashville area. So we're still moving and growing.

Also, since the last meeting, some of the business was implementing posting the physical address inside the elevator cars, and so since then, we've done so. Our inspectors are passing out letters as we inspect. The office here, we're also putting in with our invoices and, also, new permits, the notification as well. And it has also been posted on our website.

CHAIRMAN FOX: May I ask you a
question, sir?

MR. MCPHERSON: Yes, sir.

CHAIRMAN FOX: The 458 under construction, the permits that you have issued or working with, how does that compare to prior years?

MR. MCPHERSON: The last several years, since I've been here, it's close to average. It's slowed down a little bit since COVID and things. But still, here in Middle Tennessee, we're still on the upswing. About every month we are approving at least 50 new elevators. So we're staying right there in the same steady pace of keeping that same number for a while.

CHAIRMAN FOX: Okay. All right. Thank you very much.

MR. MCPherson: What is Mike Hardy with the Amusement Device Unit. Can everyone see the graphics?

MR. HALE: This is David Hale. Yes, I can see it.

MR. HARDY: Permits issued so far this fiscal year, we're at 176. And as we did the December board meeting, we went back -- you know, due to COVID and the current situation with the industry, we went back and made a comparison. As far as where we were in the last fiscal year, fiscal year '19-20, we had permitted -- during the same exact time period, we had permitted 140 companies last year. So actually, we were a little bit surprised, but we are ahead of the game right now and believe that things are going to pick up and continue to open. We all hope it will. So I think that our numbers will look really good toward the end -- at the end of June.

And I want to personally thank Jennifer Murphy for all of her work. She wears lots of hats, and she's been maintaining our permitting process, and that seems to be working well for us at this time.

Of course, we know this graph is going to eventually bell-curve. So we don't know how COVID has affected us, but we'll see how we looked at the year-end and go from there.

As far as new companies permitted, so far this fiscal year we've permitted 20 new companies. And I also think that that's a positive sign. We had a lot of closures, a lot of shutdowns, a lot of carnivals that didn't operate, of course, during the summer last summer and toward the end of -- and during the fall. But we have permitted 20 new companies.

We believe that this graph will flatten after a point, but there again, we don't know from the effects of COVID and whatever, as far as when that will happen. But we're going to continue to reach out and permit new companies as they're discovered.

And the number of devices in companies where the permits have been issued, through yesterday, we have permitted -- and that, of course, correlates to one and one to inspections, as well, 1617 devices. So I think we're on track, again, to reach last year's number, if not surpass it.

And reportable accidents, we've had zero so far this fiscal year. We have had some reports, as usual, from trampoline parks, as you can see in this center section, from 16, 17, 18, and 19. We were considering those sprained ankles and shoulders and elbows as reportable accidents, but we have since provided a little bit more investigation and determined that these accidents were not a direct result of any equipment failure on a trampoline or anything associated with those parks.

And that's my report. If anyone has any questions, I would be glad to entertain those as well.

CHAIRMAN FOX: Mr. Hardy, thank you very much. Good report.

Item Number 7, Old Business.

Mr. Herrod, do we have anything under old business that we need to discuss?

MR. HERROD: Mr. Chairman, I'm not aware of it, unless the commissioner, the chief inspector, has any items that he remembers from the last time or --

Ms. Murphy?

MS. MURPHY: Nothing.


CHAIRMAN FOX: Okay. Item Number 8, under new business, KONE, Mr. Mike
Mr. Church, Warren County Courthouse. Mr. Church, do you want to address the Board on this?

Mr. CHURCH: Yes. Good morning.

Mike Church, KONE Elevator Company. I’m here to request a variance on behalf of Warren County for their courthouse at 111 South Court Square in McMinnville, Tennessee. The County is wanting to replace an existing two-stop elevator, which is a machine room-less traction elevator, with a speed of 150 foot a minute.

The existing pit is 49 inches. And KONE is requesting an order for a variance, as in past projects that we’ve requested in front of the Board, to allow a 40 1/2-inch apron guard and use the existing pit without modification.

CHAIRMAN FOX: Okay.

Mr. McPherson, do you want to respond to that, please?

MR. MCPHERSON: Yes, sir. At 40.5, we can go for that. The max we prefer to allow would be 39 1/2, so I don’t have anything against that.

CHAIRMAN FOX: Okay. What is the pleasure of the Board? I would entertain a motion.

MR. RADER: Mitch Raider makes a motion to approve the variance for the Warren County Courthouse.

MS. O'CONNOR: Kelly O'Connor.

CHAIRMAN FOX: We have a motion and a second. Any discussion?

(No verbal response.)

CHAIRMAN FOX: Thank you, Mr. Bailey.

Ms. Murphy, roll call vote, please.

MS. MURPHY: David Hale?

MR. HALE: Yes.

MS. MURPHY: Mitch Rader?

MR. RADER: Yes.

MS. MURPHY: Larry Moore?

MR. MOORE: Yes.

MS. MURPHY: Lewis Moorer?

MR. MOORER: (No verbal response.)

CHAIRMAN FOX: Okay. Ms. Murphy, I would recognize you for the Stirr Restaurant.

MR. CHURCH: All right. Thank you so much. On behalf of the owners of the Stirr Restaurant, located at 123 3rd Avenue South in Nashville, Tennessee, the owner is removing a traction freight elevator and installing -- and wants to install a new machine room-less traction elevator in its place.

The existing pit is 51 inches. KONE is requesting, for the owner, a variance to allow a 42 1/2-inch apron guard and to use the existing pit without modification.

CHAIRMAN FOX: Mr. McPherson, do you want to respond, please?

MR. MCPHERSON: We will vote or go with -- that is fine as well. That's kind of the max. So that has our blessing.

CHAIRMAN FOX: Okay. I would entertain a motion from the Board.

MS. O'CONNOR: Kelly O'Connor.

I move to approve the variance.

MR. HALE: Dave Hale.

I move for a second.
CHAIRMAN FOX: We have a motion and a second to approve. Any further discussion?

(No verbal response.)

CHAIRMAN FOX: Hearing none, Ms. Murphy?

MS. MURPHY: David Hale?

MR. HALE: Yes.

MS. MURPHY: Mitch Rader?

MR. RADER: Yes.

MS. MURPHY: Larry Moore?

MR. MOORE: Yes.

MS. MURPHY: Lewis Moorer?

MR. MOORER: (No verbal response.)

MS. MURPHY: He said yes.

Kelly O'Connor?

MS. O'CONNOR: Yes.

MS. MURPHY: James Roy Pope?

MR. POPE: Yes.

MS. MURPHY: It's unanimous.

CHAIRMAN FOX: Did Mr. LaPorte -- member.

Mr. LaPORTE: Vic LaPorte, board

I recuse myself from this vote for stated conflict.

CHAIRMAN FOX: Motion carries.

Okay. Open discussion items. Is there anything else on the KONE or under new business that we've missed?

MS. MURPHY: No, sir.

CHAIRMAN FOX: Okay. Item Number 9, open discussion items.

Mr. Herrod?

MR. HERROD: Yes. This is Tom Herrod, Assistant Commissioner. I just want to update the Board on the fee increase changes that we had proposed at the last meeting.

After some consideration and talking to the Attorney General's office, we're withdrawing those fee increases for the time being until we can make some improvements in that from the standpoint that, I think, some of the fee increases conflicted with the existing statute. So we're going to come back with another proposal at the next meeting.

So otherwise, the safety code changes, that part of the rule changes, is at the Attorney General's office now and will be sent back to us and then we'll send it to the Secretary of State's office.

With the timing, we're trying to get that done so it will be approved and in place by July the 1st. As I said, the fee increase proposal changes, we'll resubmit those after the next meeting. So I just wanted to update the Board on that change in our direction, as far as the fee increases. Most of them will stay in place, some will have to be reduced, and some not changed at all. So I just wanted to clarify that for the Board. That's all I had.

CHAIRMAN FOX: Okay. Would we, then, see this or vote on it or --

MR. HERROD: Yes, sir.

CHAIRMAN FOX: Will you have the information on the June 1st meeting?

MR. HERROD: Yes, sir,

Mr. Chairman. We will have that available to you.

MR. ROBINSON: Okay. That would be great.

Anything else, sir?

MR. HERROD: That's all I have.

Does anybody else from the elevator or amusement device groups have anything?

MR. JACKSON: This is Thomas Jackson. I'm Assistant Chief Elevator Inspector.

We've got a code discrepancy that I'd like to present to the Board for your determination.

It's been determined there's a conflict between the 2018 edition of the International Building Code and the adopted version of the A17.1 2010 safety code for elevators and escalators regarding the emergency communication requirements on elevators.

The '20 edition of A17 requires a push button to actuate the two-way communication, which when pushed will initiate a call for help to authorized personnel who can address an emergency and notify emergency personnel.

The 2018 edition of the International Building Code requires a visible and text-based and a video-based 24/7 live interactive system to communicate with emergency personnel.

Now, these are two totally different applications. Since there's a conflict between the two standards, it is the Elevator Unit's opinion we should inspect the application to meet the requirements of A17.1 since it is the code adopted by the State of Tennessee that we are required to inspect elevators under. We would like the Board's opinion and guidance in this determination.
Can I answer anyone's questions?

CHAIRMAN FOX: So what are we going to be requiring each of the folks who have elevators in their business? In layman's terms, what are we going to be asking them to provide or do?

MR. JACKSON: This would be only on new installations that -- a lot of the local jurisdictions -- Nashville, Knoxville, Franklin -- a lot of them have adopted the 2018 IBC building code. We've got some of these local jurisdictions that are requesting that they put this visual text-based system on the elevators.

The A17.1 code that we inspect the elevators to does not reference this requirement until the 2019 edition of the A17.1 elevator and escalator safety standard. So as far as the cost, I'm not sure what it would cost. It would just be for new installations. But our inspectors, since it's not in A17.1, there's no guide for us to inspect this communication. There's no guide for us to inspect it to.

CHAIRMAN FOX: So when would we adopt that -- when would we adopt the 18, I guess it is? Or would we?

MR. JACKSON: Right now, we're in the process of adopting the A17.1 2016 standard. So it would be several years, quite a few years down the road, I believe, before the adoption of the 2019 would be requested.

CHAIRMAN FOX: Okay. So you're asking this board to approve this for new installations?

MR. JACKSON: No, sir. What I am requesting is that we inspect to the standard of the A17.1 safety code that the State of Tennessee has adopted. We're wanting to stick with -- we feel like there's a direct conflict with the building code and the A17.1 elevator code, that we should follow the standard of the A17.1 code.

CHAIRMAN FOX: Okay. What's the pleasure of the Board?

MR. MOORE: This is Larry Moore. I would like to make a motion that we support the Elevator Unit's recommendation. We really can't expect them to inspect in accordance with IBC, so I think we should stick with what's in A17.1. So there's my motion.

CHAIRMAN FOX: Okay.

MR. LaPORTE: Vic LaPorte.

I second.

CHAIRMAN FOX: We have a motion and a second. Any further discussion?

(No verbal response.)

CHAIRMAN FOX: Hearing none, Ms. Murphy, role call vote, please.

MS. MURPHY: Vic LaPorte, do you needs to recuse yourself from this?

MR. LaPORTE: No, I do not.

MS. MURPHY: Okay. Vic LaPorte?

MR. LaPORTE: Yes. I vote to support the elevator inspectors.

MS. MURPHY: David Hale?

MR. HALE: Yes.

MS. MURPHY: Mitch Rader?

MR. RADER: Yes.

MS. MURPHY: Larry Moore?

MR. MOORE: Yes.

MS. MURPHY: Kelly O'Connor?

MS. O'CONNOR: Yes.

MS. MURPHY: Mr. Lewis Moorer?

MR. MOORER: (No verbal response.)

MS. MURPHY: Yes.

James Roy Pope?

MR. POPE: Yes.

MS. MURPHY: It's unanimous, Chairman.

CHAIRMAN FOX: Motion carries.

Thank you.

MR. JACKSON: I don't know whether you or Mr. Herrod wants to address the issue with the elevator and the cabins.

MR. HERROD: I'm going to turn that over to my assistant chief.

CHAIRMAN FOX: All right.

MR. JACKSON: It has been brought to our attention that elevators are being installed in cabins that are constructed solely for short-term rental in Sevier County, and not being permitted or inspected by the State of Tennessee Elevator Unit.

Apparently, there's been some confusion on the installation of these elevators by others since they are constructed under residential Group R section of the International Building Code. Larger cabins fall under the IBC standard, where smaller cabins fall under the International Residential Code.

It's our understanding these properties are not private residences and are...
built for short-term rentals, the same as hotels and motels. This being the case, the Elevator Unit feels these elevators should fall under the jurisdiction of our department to verify the units being installed meet the standards adopted by the State of Tennessee to ensure the safety of the riding public.

While we don't have jurisdiction over private residence elevators, we're concerned some of the existing installations at these rental locations may have been installed with a private-resident unit that does not meet the safety requirements of the A17.1 elevator code or the A18.1 safety standard for platform lifts and stairway chairlifts, if any of these type units have been installed.

I've been in contact with Chris Jenkins, who is a Sevier County codes inspector, and he informed me there is a significant number of elevators that have been installed over the years. I also spoke with a State of Tennessee Fire Marshal, Mr. Bainbridge, who approves plans and inspects the larger cabins, and advised both we were going to approach the Elevator Board for their guidance on how to address this issue.

They've both informed me they would assist us in any manner we request. We really don't know how many of these have been installed because nobody is permitted. We found this out by accident. We actually had an elevator company, and he had called me in the past and asked -- they were going to put a LULA, limited use limited accessibility, elevator in a unit and he asked me if it needed to be permitted. And I asked him, is this a private-residence elevator, and he said no, it's strictly for rental.

So they permitted it and put it in, and when the owner of the lodge found out that the State was going to inspect it, he got upset and said that the State didn't have jurisdiction over it because it wasn't a hotel or a motel and that it was being installed under the residential code. Residential code, hotel and motel, fall under R3 in the International Building Code.

I feel like if this is going to be rental property only and it's not a private residence, then it falls under the same category. These people are renting this out for -- as a commercial property, in our opinion, and we feel like we should be inspecting these units just to verify that they are safe for the public to use. These home elevators have collapsable gates on them. They put them in homes, which is fine, but you put one on a commercial property and you've got people or kids running around playing on this thing, you know, you can stick your hand in a gate and you can open that gate up and little fingers would be smashed up pretty bad. Plus they could also reach through the gate and touch the wall as the unit is moving. The walls are flush, but there's still a possibility of them getting their arm hung and their arm sucked down between the gate and the wall itself.

So what we need is a recommendation from the Board or what the Board feels -- how they feel this should be handled on an inspection basis for our department.

CHAIRMAN FOX: Comments from the Board?

MR. HALE: David Hale,
Mr. Chairman.
Mr. Jackson, so what is your recommendation as far as existing elevators? Are you suggesting that we need to go back and make those elevators all be changed?

MR. JACKSON: That is a really good question, because I really don't know what the answer would be on that. As far as a safety standpoint, I feel like we should look at every unit that's out there and put it under our umbrella of inspecting, our inspection process.

As far as going back in on existing units, that's probably a little bit over my head on what kind of decision is to be made on that. It's going to be a huge expense to some of these folks that have put these units in, unknowing that they should have permitted it.

I really feel like these elevator companies that are installing them, I feel like they should've reached out and done a little bit more homework on seeing what was code compliant and what wasn't. If it's strictly rental, I would think that they would know it should be under the State's umbrella.

But as far as going in on existing units, that one goes a little over my head. I guess I would defer back to Mr. Bailey on that. I don't know what the legal aspects are on what would be grandfathered and what wouldn't and what
we could do, as far as going into these existing establishments.

CHAIRMAN FOX: Mr. Jackson, I would submit to you that a lot of times these folks will fill out a permit and they'll say it's for my second home, and then about the time they get ready to get the CO on it, they say, "Oh, it's now going to be a cabin rental. I've changed my mind."

MR. JACKSON: Very good point.

CHAIRMAN FOX: So something that -- I tried to figure this out this morning -- is how would you be notified if it were that we have an elevator proposed in that construction piece?

Would you get that from the individual counties and cities that issue the permits for the cabins?

MR. JACKSON: Yes, sir. I feel like, after speaking with the inspector in Sevier County and speaking with the State Fire Marshal that approves the larger units, both of those gentlemen said they would be more than happy to let us know when one of these elevators is being installed. So we would be able to be ahead of the game. And it's also a process, I feel, we would have to reach out to anybody we could as far as other inspecting units or other code units in cities and counties to try to get them to work with us.

When these plans are submitted to them to approve, if there's an elevator, if we could get them to notify us that the unit is going in, we would be ahead of the game. And, also, educating a lot of the smaller elevator companies that are installing these units, let them know that if it's going in a rental property, it has to be permitted. And then if they don't permit it after we let them know, then I feel like we should possibly have them come in front of the Board and explain why they're installing the units after they've been advised they have to contact us. That would be my recommendation.

MS. O'CONNOR: Mr. Jackson -- Kelly O'Connor -- let me ask you. And I'm just playing devil's advocate here. I don't own my own house. I live in a rental house. This was built for and by residential codes. I'm a long-term renter. I've lived in this place for 20 years. What is the definition or where is the drawing line between long-term rentals and short-term rentals?

I know we're talking more Airbnb and high turnover. But I think we're getting into some murky areas here as to what constitutes commercial and what constitutes residential, aren't we?

MR. JACKSON: This is Thomas Jackson.

I agree a hundred percent. There is a fine line that needs to be walked on this. Because, you're a long-term rental. Okay. To us, that would -- to me/us I feel like that would be nontransient. You're there for the long-term. It sort of falls under the same category as private residence where we strictly do not enforce any private residence inspections.

On the transient rentals, where you have people rolling in and out every week, that's the main issue I feel we need to address, because it's not someone that's renting that property and that's their home. This is somewhere they're going on vacation. I was in Florida a couple of weeks ago and I was in a condo. It didn't have an elevator, but it's a rental property.

So we inspect elevators in apartments as long as it's not in a single-family unit. And these are not single-family units. This is just like a -- it's like an apartment or a hotel. So it sort of falls under the same classifications as a lot of the units we inspect, as far as the way we see it.

MS. O'CONNOR: So these cabins are multifamily?

MR. JACKSON: No, ma'am, we don't consider them multifamily. But -- all right, an example -- and I'm not an expert on this. This is all pretty new stuff to me. So as far as all the residential and IBC-R codes, there's a lot of differentiation in it. But we look at it as -- multifamily would be like an apartment complex. These are lodges that they're building, and then they're renting these lodges out to -- let's say the Elevator Board wanted to have a meeting or a get-together away, you might go in and rent one of these lodges and each of you have your own individual rooms, then, with a big, joint family room downstairs, such as that. So we're looking at the thing as a hotel.

CHAIRMAN FOX: This is Robbie Fox.

What spurred this, Ms. O'Connor, they're building cabins here now that have -- there's one that I know of that has 22 bedrooms...
and 22 bathrooms -- well, actually, more
bathrooms. But they have an elevator in it, and
so they classified that as a residence, not as a
commercial venture. And, you know, they're
getting a couple thousand dollars a night, up to
three or four thousand dollars a night in some
cases in some of these places. So that's where
the -- that's a commercial venture versus a
residence.

And then, like yourself in the
apartments, there's certainly a difference there.

Ms. O'Connor: Let me ask, again,
Mr. Jackson, has there been any research done in
other states, particularly Florida, other tourist
areas? Because, you know, this is not the first
time this has happened, this Airbnb-kind of-
phenomenon. And I don't know if these are Airbnb
or not, but it sounds like that is what's kind of
spurred this on. What are other states doing on
this? Do we know?

Mr. Jackson: This is Thomas
Jackson.

No, ma'am. We haven't researched to
this point. And I'm not sure of the differences
in an Airbnb and the type of installations that

want to know that they had been inspected, and not
just assume that because it's an elevator, it's
been inspected. And I would venture to say that
most people that rent these automatically assume
that the elevator did go in in accordance with
code and has been inspected by a state inspector
and is safe for their family members to ride on.

And, you know, that's, in my opinion,
what this Board is for, is keeping the public safe
by making sure our elevators are safe and
installed and inspected in accordance with code.
So I wholeheartedly support performing the
inspections and permitting these elevators
because, you know, it's a conveyance. It's a
conveyance for people and not private individuals
and their private residences. So that's my
opinion.

Mr. LaPorte: Vic LaPorte, board
member.

We just did all the rule changes for
the upcoming 2016 code. And as far as private
residence elevators, we've basically matched what
was already in place in the 2010 code.

Mr. Jackson, I understand your point
about not inspecting residences. I think the code

we're talking about on these rental cabins, these
large rental cabins. There again, I'm not really
sure what other states are doing and how they're
addressing it. We can do some research and check
into it. I can reach out to some other AHJs and
find out if they've had this come up in their
jurisdictions.

But, like I said, it's one of these
how do you weigh it out and what approach should
we take, or should we take an approach. That's
why we wanted to bring it in front of the Board to
get your opinion and get your thoughts of the
process.

Mr. Moore: This is Larry Moore,
board member.

From my perspective, I wholeheartedly
believe that they should be inspected and should
be permitted. For one thing, the elevators are
being installed. As far as the money for the
owners, the elevator is being used as a selling
point or a renting point to these owners. So as
far as the expense for the permit, I don't see
that as a problem.

My second point is if I was a renter
and my children were on these elevators, I would
want to know that they had been inspected, and not
just assume that because it's an elevator, it's
been inspected. And I would venture to say that
most people that rent these automatically assume
that the elevator did go in in accordance with
code and has been inspected by a state inspector
and is safe for their family members to ride on.

And, you know, that's, in my opinion,
what this Board is for, is keeping the public safe
by making sure our elevators are safe and
installed and inspected in accordance with code.
So I wholeheartedly support performing the
inspections and permitting these elevators
because, you know, it's a conveyance. It's a
conveyance for people and not private individuals
and their private residences. So that's my
opinion.
unlocked for that person. That's the only
authorized person and that he's trained on how to
use it. And it's not just open for, like you
said, anybody's kids, dogs, whatever. That might
avoid the impact of removing these from service.
But definitely that they are locked off, limited
use, only with proper training.

But, again, I think if we start
saying that we want to go back and start
inspecting residential elevators that we just
specifically excluded in our rule changes, I can
dee that as a huge conflict and I don't know where
that can of worms stops at that point.

MR. JACKSON: Thomas Jackson.
I think that's a really good
suggestion, as far as it's sort of, like,
grandfathering, but then putting a restriction on
it to where only someone who's handicapped would
have access to it. And then the rental property
or the owner could actually hand that person the
key that could turn it on and use it while he was
renting the property. That would be a very good
suggestion.

MR. LaPORTE: Vic LaPorte, board
member again.

So I think part of the point is --
part of Mr. Jackson's point is, is these aren't
residences; so therefore, they shouldn't have
residential elevators. And from another angle of
that, from my 30 years in the fire service, it
concerns me that fire departments are responding,
expecting those elevators to be commercial
elevators to find that they're residential
elevators, and they're trying to deal with
emergencies in those situations.

MS. O'CONNOR: But doesn't this go
back to codes and who is inspecting it initially?
And if they're inspecting to residential codes, I
don't know where we get into that.

MR. JACKSON: This is Thomas
Jackson.
Right now these units are not being
inspected. I spoke with Mr. Jenkins in Sevier
County, and we were talking and I asked him -- I
said, is anybody inspecting these units. And he
said, the only thing that I know is I actually
have found out some of the measurements. And he
said, I asked just to go in and take some
measurements just to do the basics. He said he
don't know anything about elevators, that he's

As far as inspecting them, while I
don't think, again, because of the rule changes
that are current and the ones that are hopefully
going to be in place July 1st prevent us from
doing so, there are other avenues to get those
inspected, if you are comfortable recommending a
private inspection company, a consultant with a
QEI license or someone who is not barred by our
state rules from inspecting those for that private
customer. I don't know that you can enforce that,
but we can certainly, you know, highly suggest
that a qualified elevator inspector, other than
someone employed by the state elevator department
inspects those.

MR. HALE: Mr. Chairman, David
Hale.
I think part of the point of this is,
though, that these aren't residences. If you
build a 22-bedroom -- you know, unless you're a
movie star, you didn't build a 22-bed room house.
And if you build a 22 -- the example that Chairman
Fox gave, for instance, you built that and you
built it for the purpose of making money, it's not
a residence. It's a money-making venture just
like the Hilton Hotel is or whatever.

not, you know, licensed to inspect, but that he
knew nobody was looking at these, and he was just
going in and just, basically, just taking
measurements to make sure that the running
clearance between the car and the wall was right.
I don't think he was going through
safety circuits and going through the process that
our inspectors go when they accept an elevator or
when they do a bi-annual inspection.

But he was doing the best he could.
I mean, that gentleman, I'll give him credit. He
did something. And there's a lot of people that
would have just said I don't know anything about
that and just walk away. So I think the gentleman
has tried to look at them and make sure they're as
safe as he can. But as he's stated to me, he's
not an elevator inspector. He's just doing the
best he could. So right now no one is looking at
these units other than this one gentleman. And I
don't know what --

MS. O'CONNOR: I --

MR. JACKSON: I don't know what
other jurisdictions. I don't know if this is
going on all over the state. We have different
areas that, you know, there may be an area where
people go in and vacation or spend time, and we don't know if other units have been installed like this in other parts of the state.

MS. O'CONNOR: I agree that this is a problem. I just don't know -- it feels like it's out -- we're straying out of our lane in doing this, though.

MR. LaPORTE: Vic LaPorte --

MR. JACKSON: Thomas Jackson.

I agree.

MR. LaPORTE: Ms. O'Connor, to your point, there's rental homes -- there are single-family homes in downtown Nashville that people rent. And people might have a 20-year lease or a 1-year lease that they renew 20 times, or they might only be there every six months and you have a new family in there. It's almost an identical situation and just the frequency is different. I mean, if it's a residential elevator in a residential structure built for a single family, even though they rented it every weekend, again, it's the type of unit that we're looking at the elevator department permitting and inspecting, and we have specifically written that out of our rules. I'm not saying it doesn't need attention.

MR. LaPORTE: Vic LaPorte.

Yeah. I guess I wasn't completely clear with that. I'm talking about single family, one lease to one family. If you have a 22-room cabin that you've got 22 different leases on, that's clearly commercial.

MR. JACKSON: Right.

MR. LaPORTE: And then a private residence elevator should not be in that building, and that should be removed from service, period.

That's the wrong piece of equipment, for many reasons, for that application, including use and duty, not just safety, but capacity usage. Those units are not made to run that much. So that's clearly a misapplication.

or shouldn't have attention; just not from the elevator department.

MR. JACKSON: Thomas Jackson.

I really haven't been looking or really haven't tried to address the individual single dwelling. I'm more concerned right now with these multiple-room units that they're renting out, as far as what Chairman Fox spoke of a minute ago to where they're having 14 or 20 rooms that they rent out, and then they stick an elevator over to the side and no one is checking it out.

The single-home units -- and really I haven't even tried to touch base on that at this point. I'm more concerned with these big rental units that they're building. I feel like if I go rent a property, and I'm the only one -- me and my family are the only ones that are going to be in that residence, then that's a different circumstance from what I'm trying to address. I may not have been real clear on that. But if I go rent a cabin and it's got an elevator in it, I'm the only one that's in there, me and my family. And it's not like there's 20 different people that are renting 20 different rooms and they've got an elevator set out in the middle and it's not being checked or inspected, in any case. It's a little bit different circumstance. It may not be legally -- I'm not sure. But I'm looking at it, as far as just the aspect of if it looks more like a hotel than it does a private residence or a single-family home or a single-home rental property, I feel like it falls under a different category. And there again, I may be totally out in left field with my thinking, but...

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somewhere was allowed. And somebody made a big mistake is what it sounds like to me. So the question here is how to cure that mistake.

CHAIRMAN FOX: This is Robbie Fox, Chairman.

Going back to give just a little bit of background, this is sort of an anomaly here in Sevier County, as they're building these large cabins everywhere. They're overnight rentals. They are not -- they don't have anything to do with a family coming to visit, spend the night, go home. I mean, this is a deal where you'll have 40, 50, 60 people in one home, one house. It's not a house. It's a mini hotel, Mr. LaPorte. That's a good point.

And that's what's going on. And these things are cropping up everywhere. And, you know, I don't want us inspecting residential elevators. I do not. I don't think that's something that -- but in this case, you've got a lot of people -- to Mr. Moore's point a minute ago -- who think that this elevator in these large cabins has been inspected and it's safe. That's why I would stray and -- or say that we need to have some oversight. Now, again, what that is,

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to be some kind of a way to determine what makes it a residence, and just the fact that it's got a bedroom doesn't make it a residence. I think there's got to be some kind of trigger there, and whether that's the length of residency by that single person. Otherwise, I could go over here and build a hotel and build me an apartment in it and say nope, it's a residence, and all those other rooms are just, you know, there for my friends to stop by.

You've got to have some kind of trigger.

CHAIRMAN FOX: Mr. Hale, in response, I think there is, in the building permit-type legislation and rules and regulations, there is a rule that states that you must -- if you declare it a residence, you must stay there a minimum of 30 consecutive days. I think that's correct.

MS. O'CONNOR: Kelly O'Connor.

I think this is where I keep getting hung up, too, is, in my understanding, there's two different building codes. There's one for residential building codes; there's another one for commercial properties, which requires sprinklers, which require a lot of different safety standards that a residence doesn't require. And that's where I am seeing where the difference is. So with regard to the elevators, if it were a hotel being built -- using Mr. LaPorte's example, if it were a hotel being built and we found out they had built it using a residential elevator, I mean, how did they get their CO, doing that, that we would find out? I mean, in my mind, it's a codes violation, and whoever issued that CO really made a huge mistake. And that's the dividing line, if that makes sense.

CHAIRMAN FOX: This is Robbie Fox. It does. Ms. O'Connor, one of the things -- again, part of the residency requirement is 30 consecutive days. And in these cabins, or the cabins being built -- and I think this is according to the Fire Marshal and the building inspectors -- if there are over 8 -- no, over 12 people staying in the cabin at any one time, that that facility has to be sprinkled. And then what happens is these folks come in and sign a document that says that there will never be more than 8 inside that facility, but no one goes by and does the cabin police to check them, because they just don't have time. And there are approximately -- Mitch, keep me honest here -- between 16,000 and 18,500 cabins here in Sevier County.

MR. RADER: That would be accurate.

That would be accurate.

CHAIRMAN FOX: So --

MR. RADER: I mean, how many have an elevator, I wouldn't know, but I'm sure there are several.

CHAIRMAN FOX: I say that based upon intimate knowledge. My sister is the one who issues the building permits for those. She is the person who issues the building permits for Sevier County. And there are numerous cabins being built with the elevators proposed in them.

MR. HALE: Mr. Chair, would there be a way that we could say if there's greater than four bedrooms, and those rooms are being rented out for less than 30 days at a time, that it's commercial?

MR. RADER: If it's an overnight rental cabin, it's getting 200-plus nights rented. So they differentiate it as an overnight rental and it's on a property management company or it's VRBO or Airbnb. It's getting 180 to 225 nights rented a year.

MR. HALE: David Hale.

But not by the same person.

MR. RADER: Correct. Yeah.

MR. HALE: Right. I think that's the key to it, right? Not the same person staying there for 30 days.

MR. RADER: Right.

MR. LaPORTE: Vic LaPorte.

MR. HALE: If this was a small 20-room Hampton Inn, we wouldn't even be having this discussion, right? We would be looking that unit out and asking them to tear it out. This is kind of the same situation. This is just a cabin-looking Hampton Inn to match East Tennessee. It's no different. It's -- and again, if it was a Hampton Inn or a Hilton, we would be there making sure this unit was taken out of service.

CHAIRMAN FOX: Robbie Fox.

Any other comment on this or questions?

MR. HALE: David Hale.

I still think -- to Mr. Jackson's question, I think as a Board, we need to give them...
something to -- a platform to stand on, you know, whether it's the number of rooms or something. We need to give them something that says 22 rooms is not a residence. You know, 22 rooms being rented individually or for less than X amount of time, something to qualify that. I think they deserve to have something to work from.

MR. HERROD: Mr. Chairman?

CHAIRMAN FOX: Yes?

MR. HERROD: This is Tom Herrod. The discussion sways me one way or the other, depending on who is speaking at the time. So I think maybe we need, as the elevator group, to do a little more research, as someone suggested, to find out what other states have done and maybe get with our legal counsel and look at the law a little bit closer and just see if we have any jurisdiction at all on how we can handle this. It probably would be good to either come back at a special meeting in 30 days or 45 days or wait until the next board meeting to have more clarification on this issue and give everybody time to think about it.

CHAIRMAN FOX: Mr. Herrod, could we have the meeting within 30 days or 45?

MR. HERROD: I think we could within 45 days. If we had it within 30 -- we need to give a 30-day notice. So anything over 30 days, we could announce that and have it a month and one day from now, actually. But we can do that if that's the Board's recommendation. We'll do it at a certain time that meets the requirements of posting for the public to be aware of it.

CHAIRMAN FOX: Well, the reason I ask that, the 45 days, is that's the time when everything opens up here, about April the 15th. And so we're going to be in full swing at that time. And I can tell you right now that the building is going on like crazy.

MS. MURPHY: Forty-five days is April 13th.

MR. HERROD: Is that a Tuesday?

MS. MURPHY: Yes, sir.

MR. HERROD: Okay. Mr. Chairman, we can do that on the April the 13th, a Tuesday, if that meets with everybody's approval.

CHAIRMAN FOX: Does anybody have a hard conflict?

(No verbal response.)

CHAIRMAN FOX: Okay. 9:00 Central Standard time?

MR. HERROD: No, sir. Daylight.

CHAIRMAN FOX: Oh, that's right. We do change to daylight savings. All right.

MR. HERROD: And it will be virtual, this special meeting. It will be a Zoom meeting.

CHAIRMAN FOX: Well, this has been good discussion, and we've identified a few issues. I appreciate everybody bringing that to our attention.

MR. MOORE: Mr. Fox, this is Larry Moore, board member. Would it be possible for someone with access to several different versions of, like, the international residential code, International Building Code, and, of course, the elevator code to have specific definitions for what is a residence, what is -- you know, different definitions for us to use in our discussion in 45 days? Does that sound okay?

MR. JACKSON: This is Thomas Jackson.

I have access to the International Building Code. I do not have a residential code, but I can probably come across one. I can speak with one of the fire marshals locally and see if he's got one that I can look at, or I can purchase one. But I can get the definitions and try to get some terminology and see if there's any more information in the residential code that I haven't pulled out of the International Building Code. I know there's going to be a difference. I know right now that the State Fire Marshal gets involved if a unit is over so many rooms, if the capacity is so many. And I can get back with him and verify. I'm thinking that -- and I may be mistaken. I probably shouldn't even say anything, but I will. If it's over five rooms, I think the category changes, and whether it falls under the IBC R-3 structure or whether it falls under a residential code.

So I'll do some research on those and I can definitely come up with a little bit more information. This came on us real quick. This is something that just came up a week or two ago, and I've researched it, you know, as fast as I could
so I could present it to the Board. But I can
definitely go and do some more research on the
definitions and see if there’s anything that
differentiates which code these units are being
built under.

MR. LaPORTE: Vic LaPorte.
Larry, I was just thinking the same
thing. There’s also very good definitions of not
only the structure, but in A17.1 2010 and ’16,
Section 5.3 of private residence elevators and
where they’re applicable. So I can provide those
definitions and email them out to everybody.

CHAIRMAN FOX: That would be great.
Okay. So we’re looking at
April 13th, 9:00 a.m. daylight savings time, and
reconvene to discuss the elevator issue.
Is there anything else for the good
of the order?

MR. HARDY: Chairman Fox, I have
something from the Amusement Device Unit -- I’ll
be brief -- for open discussion.
CHAIRMAN FOX: All right.
MR. HARDY: The law requires --
and, Dan, you help me if I mispeak here -- but
the law requires that the Commissioner will supply
listings of qualified inspectors that typically
inspect amusement devices. Now, we accomplish
this in the law on our find-an-inspector page of
our website, and we have a direct link to NAARSO,
AIMS, and ACCT, which are the three certifying
agencies.
Recently, NAARSO has changed their
configuration on their website. It makes it
extremely hard because I think there are thousands
of names and inspectors on that inspector listing
through NAARSO alone. And it makes it extremely
hard for, you know, some smaller amusement
companies to actually find an inspector from these
listings. So we accomplished the law’s intent by
continuing to supply these lists, but we also have
recently added a condensed listing to the website.
It’s not up yet, but the proposal is -- it’s being
created now, that our customers can go to that
condensed listing and they can find smaller
listings from each, AIMS, ACCT, and NAARSO, to
help them more easily find an inspector.
So that’s in the works for us, and I
think it’s going to be beneficial for, you know,
the mom and pop inflatable operator down the
street that might have limited computer
capability, and I think it will help our customer
base to more readily and easily find an inspector.
It’s almost impossible now, with the changes that
NAARSO has made, to go in and navigate to someone
in our area that provides those services. So
that’s something that’s up and coming, and we’re
going to maintain that on a monthly basis, if
needed, just like we do our compliant and
noncompliant list on the website.
And the only other thing is that --
and thanks to you, Chairman, for the original
invitation. When this meeting is over we’re going
to head over to East Tennessee and observe the
inspections. Dollywood is undergoing their annual
inspections, and we like to go over there and meet
with those guys and kind of observe what they’re
doing, try to learn a little bit about the
inspection techniques and points on major rides
like we find in Dollywood.
And that’s all I had. I just wanted
to report those two activities. And I would be
glad to answer any questions on those if anyone
has any.

CHAIRMAN FOX: Any questions from
the group?
(NO-verbal response.)
CHAIRMAN FOX: Okay. Thank you,
Mr. Hardy.
Announcement of the next meetings:
The date for the board meetings of 2021 would be
June 1st, 9:00 a.m. Central daylight time;
September 14th, 2021, Central daylight; and
December the 7th, Pearl Harbor Day, 2021,
9:00 a.m. Central Standard Time.
And Ms. Murphy said earlier it’s
possible that we might get to meet in person on
June 1st.

MS. MURPHY: Fingers crossed.
MR. HALE: Mr. Chair, should we
recess instead of adjourn -- that might be a Dan
Bailey question -- so that we can still conduct
business on April the 13th?
CHAIRMAN FOX: Mr. Bailey?
MR. BAILEY: I think that would
probably be -- if the purpose for the April 13th
meeting is only to discuss this item of these
cabins, then I think it’s probably best to recess
instead of adjourn.
CHAIRMAN FOX: Okay. So I would
entertain a motion to recess until April 13th.
MR. HALE: So moved.

MR. RADER: Second.

CHAIRMAN FOX: Okay. We have a motion and a second.

It's been a great meeting. Thank you-all. I appreciate everyone's attendance and your attention and your information. Very good. Thank you.

(Board meeting recessed until April 13th, 2021, 9:00 a.m. Daylight Savings Time.)

C E R T I F I C A T E

STATE OF TENNESSEE

COUNTY OF WILLIAMSON

I, Cassandra M. Beiling, a Notary Public in the State of Tennessee, do hereby certify:

That the within is a true and accurate transcript of the proceedings taken via Zoom Video Conference before the Elevator and Amusement Device Safety Board and the Chief Inspector or the Chief Inspector's Designee, Tennessee Department of Labor and Workforce Development, Division of Workplace Regulations and Compliance, Elevator and Amusement Device Unit, on the 2nd day of March, 2021.

I further certify that I am not related to any of the parties to this action, by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of March, 2021.

[Signature]

Cassandra M. Beiling, LCR# 371
Notary Public State at Large

My commission expires: 3/10/2024
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