

1 STATE OF TENNESSEE  
2 ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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

11 March 2, 2021

12 (Via Zoom Video Conference)

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17 ORIGINAL  
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22 -----  
23 CASSANDRA M. BEILING, LCR# 371  
24 STONE & GEORGE COURT REPORTING  
25 2020 Fieldstone Parkway  
Suite 900 - PMB 234  
Franklin, Tennessee 37069  
615.221.1089

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1 APPEARANCES:  
 Robbie Fox, Chairman  
 2 Fixed Amusement Device Representative  
 3 Mike McPherson  
 Elevator Inspector Supervisor  
 4  
 Thomas R. Jackson  
 5 Elevator Inspector Supervisor  
 6 Mike H. Hardy  
 Amusement Device Manager  
 7  
 David Hale, Board Member  
 8 Tennessee Fair Association Representative  
 9 Larry R. Moore, II, Board Member  
 Owner and Lessees Representative  
 10  
 Lewis Moorer, Board Member  
 11 Public-at-Large Representative  
 12 Kelly O'Connor, Board Member  
 Public-at-Large Representative  
 13  
 Mitch Rader, Board Member  
 14 Insurance Company Representative  
 15 Victor LaPorte, Board Member  
 Manufacturer Representative  
 16  
 James Roy Pope, Board Member  
 17 Traveling Amusement Device Representative  
 18 Thomas Herrod  
 Assistant Commissioner, State of Tennessee  
 19  
 Dan Bailey, Esq.  
 20 Legal Counsel, State of Tennessee  
 21 Jennifer Murphy  
 Board Secretary, State of Tennessee  
 22  
 STONE & GEORGE COURT REPORTING  
 23 Nan George, Zoom Moderator  
 Cassandra Beiling, Licensed Court Reporter  
 24  
 \*Reporter's Note: All names are phonetically  
 25 spelled unless otherwise provided to the reporter.

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1 \* \* \* \* \*  
 2 CHAIRMAN FOX: I appreciate  
 3 everyone being here this morning. We're going to  
 4 call the March 2nd, 2021 meeting of the Elevator  
 5 and Amusement Device Safety Board to order. We  
 6 are allowed under Executive Order 78, that  
 7 pertains to COVID -- allows state boards to hold  
 8 their meetings electronically, at least until  
 9 April the 28th of 2021.  
 10 And with that being said, again, we  
 11 will call the meeting to order. And under  
 12 introductions and announcements, I would ask  
 13 everyone to make sure that they put their name in  
 14 the bottom left-hand corner of your screen. Those  
 15 of you that have normal computers, not iPads, you  
 16 can right click on your name and then rename it.  
 17 David, I don't know how to do it in  
 18 an iPad, if you want to tell us, Mr. Hale.  
 19 MR. HALE: You click on  
 20 participants, and then your name should be there.  
 21 You click it and then you click rename, and you  
 22 can fix it.  
 23 CHAIRMAN FOX: All right. So I  
 24 would ask everyone to do that, that's on the iPad,  
 25 or make sure that we can see your name in the

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A G E N D A

1 I. Call Meeting to Order  
 2  
 3 II. Introductions and Announcements  
 4  
 5 III. Adoption of Agenda  
 6  
 7 IV. Approval of the meeting minutes on  
 December 1, 2020  
 8  
 9  
 10 V. Elevator Unit's Report  
 11  
 12 VI. Amusement Device Unit's Report  
 13  
 14 VII. Old Business  
 15  
 16 VIII. New Business  
 \* KONE-Mike Church Warren County Courthouse  
 \* KONE-Mike Church Stirr Restaurant  
 17  
 18 IX. Open Discussion Items  
 \* Amusement Device Unit  
 \* Elevator Unit  
 19  
 20 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)  
 21  
 22 \* Locations - TBA  
 23  
 24 XI. Adjournment  
 25

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1 bottom. Also, those of you that are going to be  
 2 speaking, under chat, if you would, put your name  
 3 and the company that you work for or represent.  
 4 The other thing that I would ask is,  
 5 when you speak, identify yourself first; such as,  
 6 this is Robbie Fox and I'm making a motion to do  
 7 whatever. Or just identify yourself as you're  
 8 getting ready to speak.  
 9 Under the adoption of -- I don't  
 10 think there's anything that we need to read here.  
 11 Well, I'll read it anyway. In the event of an  
 12 emergency, security personnel will take attendees  
 13 to a safe place in the building and will direct  
 14 them to exit the building on the Rosa Parks side.  
 15 And I'm sure that only pertains to  
 16 those who are at 220 French Landing. So we have  
 17 to read that into the minutes.  
 18 The adoption of the agenda. I would  
 19 entertain a motion for approval and adoption of  
 20 the agenda.  
 21 MS. O'CONNOR: This is Kelly  
 22 O'Connor.  
 23 I will make a motion to approve the  
 24 agenda for today.  
 25 MR. POPE: James Roy Pope.

<p style="text-align: right;">Page 6</p> <p>1 Second.</p> <p>2 CHAIRMAN FOX: I have a motion and</p> <p>3 a second. And, Ms. Jennifer, I think you need a</p> <p>4 roll call on this; is that correct?</p> <p>5 MS. MURPHY: Yes.</p> <p>6 CHAIRMAN FOX: Okay. We have a</p> <p>7 motion and a second. Any additional discussion?</p> <p>8 (No verbal response.)</p> <p>9 CHAIRMAN FOX: Hearing none, roll</p> <p>10 call, Ms. Murphy.</p> <p>11 MS. MURPHY: Vic LaPorte?</p> <p>12 MR. LaPORTE: Vic LaPorte, board</p> <p>13 member.</p> <p>14 CHAIRMAN FOX: Do you vote yes or</p> <p>15 no?</p> <p>16 MR. LaPORTE: I'm sorry. Yes.</p> <p>17 MS. MURPHY: David Hale?</p> <p>18 MR. HALE: Yes.</p> <p>19 MS. MURPHY: Mitch Rader?</p> <p>20 MR. RADER: Yes.</p> <p>21 MS. MURPHY: Larry Moore?</p> <p>22 MR. MOORE: Yes.</p> <p>23 MS. MURPHY: James Roy Pope?</p> <p>24 MR. POPE: Yes.</p> <p>25 MS. MURPHY: Mr. Lewis Moorer?</p>	<p style="text-align: right;">Page 7</p> <p>1 MR. MOORER: Lewis Moorer votes</p> <p>2 yes.</p> <p>3 MS. MURPHY: Kelly O'Connor?</p> <p>4 MS. O'CONNOR: Yes.</p> <p>5 CHAIRMAN FOX: Motion carries.</p> <p>6 I would also entertain a motion for</p> <p>7 approval of the minutes of the December 1st, 2020</p> <p>8 meeting. And those should be -- they would have</p> <p>9 been mailed to you in your packet. I would</p> <p>10 entertain a motion.</p> <p>11 MR. RADER: Board Member Rader</p> <p>12 makes a motion to approve the minutes of</p> <p>13 December 1st, 2020.</p> <p>14 MS. O'CONNOR: Kelly O'Connor.</p> <p>15 I'll second that motion.</p> <p>16 CHAIRMAN FOX: I have a motion and</p> <p>17 a second. Any discussion?</p> <p>18 (No verbal response.)</p> <p>19 CHAIRMAN FOX: Hearing none,</p> <p>20 Ms. Murphy?</p> <p>21 MS. MURPHY: Vic LaPorte?</p> <p>22 MR. LaPORTE: Yes.</p> <p>23 MS. MURPHY: David Hale?</p> <p>24 MR. HALE: Yes.</p> <p>25 MS. MURPHY: Mitch Rader?</p>
<p style="text-align: right;">Page 8</p> <p>1 MR. RADER: Yes.</p> <p>2 MS. MURPHY: Larry Moore?</p> <p>3 MR. MOORE: Yes.</p> <p>4 MS. MURPHY: James Roy Pope?</p> <p>5 MR. POPE: Yes.</p> <p>6 MS. MURPHY: Mr. Lewis Moorer?</p> <p>7 MR. MOORER: Yes.</p> <p>8 MS. MURPHY: Kelly O'Connor?</p> <p>9 MS. O'CONNOR: Yes.</p> <p>10 MS. MURPHY: Unanimous.</p> <p>11 CHAIRMAN FOX: Motion carries.</p> <p>12 Okay. Moving right along to Item</p> <p>13 Number 4, the Elevator Unit's report.</p> <p>14 Mr. McPherson or Mr. Jackson? Which</p> <p>15 one?</p> <p>16 MR. MCPHERSON: This is Mike</p> <p>17 McPherson. I'll go ahead with that. The Elevator</p> <p>18 Unit, today, we are currently inspecting 15,523</p> <p>19 units. To this date, since the last meeting,</p> <p>20 we've inspected 4,325. We've actually accepted,</p> <p>21 across the state, 100 new elevators since our last</p> <p>22 meeting. It's always good to say that we haven't</p> <p>23 had any incidents or accidents with injury to</p> <p>24 report. We currently have 458 elevators, across</p> <p>25 the state, under construction plus many more going</p>	<p style="text-align: right;">Page 9</p> <p>1 through modernizations.</p> <p>2 Currently, we are operating with</p> <p>3 29 inspectors, including Mr. Jackson and myself.</p> <p>4 We have had a first-time inspector assistant, kind</p> <p>5 of like an apprentice, he will advance to</p> <p>6 Inspector 1 on the 16th of this month. We're very</p> <p>7 proud of that.</p> <p>8 We've also had, since the last</p> <p>9 meeting, two inspectors retire, one a veteran of</p> <p>10 20 years and one of 34 years. So we will be</p> <p>11 looking to hire here in the next matter of weeks</p> <p>12 two inspectors in East Tennessee and one here in</p> <p>13 the Nashville area. So we're still moving and</p> <p>14 growing.</p> <p>15 Also, since the last meeting, some of</p> <p>16 the business was implementing posting the physical</p> <p>17 address inside the elevator cars, and so since</p> <p>18 then, we've done so. Our inspectors are passing</p> <p>19 out letters as we inspect. The office here, we're</p> <p>20 also putting in with our invoices and, also, new</p> <p>21 permits, the notification as well. And it has</p> <p>22 also been posted on our website.</p> <p>23 And that is our current report for</p> <p>24 the Elevator Unit.</p> <p>25 CHAIRMAN FOX: May I ask you a</p>

<p style="text-align: right;">Page 10</p> <p>1 question, sir?</p> <p>2 MR. MCPHERSON: Yes, sir.</p> <p>3 CHAIRMAN FOX: The 458 under</p> <p>4 construction, the permits that you have issued or</p> <p>5 working with, how does that compare to prior</p> <p>6 years?</p> <p>7 MR. MCPHERSON: The last several</p> <p>8 years, since I've been here, it's close to</p> <p>9 average. It's slowed down a little bit since</p> <p>10 COVID and things. But still, here in Middle</p> <p>11 Tennessee, we're still on the upswing. About</p> <p>12 every month we are approving at least 50 new</p> <p>13 elevators. So we're staying right there in the</p> <p>14 same steady pace of keeping that same number for a</p> <p>15 while.</p> <p>16 CHAIRMAN FOX: Okay. All right.</p> <p>17 Thank you very much.</p> <p>18 Does anyone have any comments or</p> <p>19 questions of Mr. McPherson on his report?</p> <p>20 (No verbal response.)</p> <p>21 CHAIRMAN FOX: Okay. Moving right</p> <p>22 along. Thank you, sir.</p> <p>23 Mr. Hardy?</p> <p>24 MR. HARDY: This is Mike Hardy with</p> <p>25 the Amusement Device Unit. Can everyone see the</p>	<p style="text-align: right;">Page 11</p> <p>1 graphics?</p> <p>2 MR. HALE: This is David Hale.</p> <p>3 Yes, I can see it.</p> <p>4 MR. HARDY: Permits issued so far</p> <p>5 this fiscal year, we're at 176. And as we did the</p> <p>6 December board meeting, we went back -- you know,</p> <p>7 due to COVID and the current situation with the</p> <p>8 industry, we went back and made a comparison. As</p> <p>9 far as where we were in the last fiscal year,</p> <p>10 fiscal year '19-'20, we had permitted -- during</p> <p>11 the same exact time period, we had permitted</p> <p>12 140 companies last year. So actually, we were a</p> <p>13 little bit surprised, but we are ahead of the game</p> <p>14 right now and believe that things are going to</p> <p>15 pick up and continue to open. We all hope it</p> <p>16 will. So I think that our numbers will look</p> <p>17 really good toward the end -- at the end of June.</p> <p>18 And I want to personally thank</p> <p>19 Jennifer Murphy for all of her work. She wears</p> <p>20 lots of hats, and she's been maintaining our</p> <p>21 permitting process, and that seems to be working</p> <p>22 well for us at this time.</p> <p>23 Of course, we know this graph is</p> <p>24 going to eventually bell-curve. So we don't know</p> <p>25 how COVID has affected us, but we'll see how we</p>
<p style="text-align: right;">Page 12</p> <p>1 looked at the year-end and go from there.</p> <p>2 As far as new companies permitted, so</p> <p>3 far this fiscal year we've permitted 20 new</p> <p>4 companies. And I also think that that's a</p> <p>5 positive sign. We had a lot of closures, a lot of</p> <p>6 shutdowns, a lot of carnivals that didn't operate,</p> <p>7 of course, during the summer last summer and</p> <p>8 toward the end of -- and during the fall. But we</p> <p>9 have permitted 20 new companies.</p> <p>10 We believe that this graph will</p> <p>11 flatline after a point, but there again, we don't</p> <p>12 know from the effects of COVID and whatever, as</p> <p>13 far as when that will happen. But we're going to</p> <p>14 continue to reach out and permit new companies as</p> <p>15 they're discovered.</p> <p>16 And the number of devices in companies</p> <p>17 where the permits have been issued, through</p> <p>18 yesterday, we have permitted -- and that, of</p> <p>19 course, correlates to one and one to inspections,</p> <p>20 as well, 1617 devices. So I think we're on track,</p> <p>21 again, to reach last year's number, if not surpass</p> <p>22 it.</p> <p>23 And reportable accidents, we've had zero</p> <p>24 so far this fiscal year. We have had some</p> <p>25 reports, as usual, from trampoline parks, as you</p>	<p style="text-align: right;">Page 13</p> <p>1 can see in this center section, from 16, 17, 18,</p> <p>2 and 19. We were considering those sprained ankles</p> <p>3 and shoulders and elbows as reportable accidents,</p> <p>4 but we have since provided a little bit more</p> <p>5 investigation and determined that these accidents</p> <p>6 were not a direct result of any equipment failure</p> <p>7 on a trampoline or anything associated with those</p> <p>8 parks.</p> <p>9 And that's my report. If anyone has any</p> <p>10 questions, I would be glad to entertain those as</p> <p>11 well.</p> <p>12 CHAIRMAN FOX: Mr. Hardy, thank you</p> <p>13 very much. Good report.</p> <p>14 Item Number 7, Old Business.</p> <p>15 Mr. Herrod, do we have anything under old business</p> <p>16 that we need to discuss?</p> <p>17 MR. HERROD: Mr. Chairman, I'm not</p> <p>18 aware of it, unless the commissioner, the chief</p> <p>19 inspector, has any items that he remembers from</p> <p>20 the last time or --</p> <p>21 Ms. Murphy?</p> <p>22 MS. MURPHY: Nothing.</p> <p>23 MR. HERROD: Nothing? Okay.</p> <p>24 CHAIRMAN FOX: Okay. Item</p> <p>25 Number 8, under new business, KONE, Mr. Mike</p>

<p style="text-align: right;">Page 14</p> <p>1 Church, Warren County Courthouse. Mr. Church, do  2 you want to address the Board on this?  3 MR. CHURCH: Yes. Good morning.  4 Mike Church, KONE Elevator Company. I'm here to  5 request a variance on behalf of Warren County for  6 their courthouse at 111 South Court Square in  7 McMinnville, Tennessee. The County is wanting to  8 replace an existing two-stop elevator, which is a  9 machine room-less traction elevator, with a speed  10 of 150 foot a minute.  11 The existing pit is 49 inches. And  12 KONE is requesting an order for a variance, as in  13 past projects that we've requested in front of the  14 Board, to allow a 40 1/2-inch apron guard and use  15 the existing pit without modification.  16 CHAIRMAN FOX: Okay.  17 Mr. McPherson, do you want to respond  18 to that, please?  19 MR. MCPHERSON: Yes, sir. At 40.5,  20 we can go for that. The max we prefer to allow  21 would be 39 1/2, so I don't have anything against  22 that.  23 CHAIRMAN FOX: Okay. What is the  24 pleasure of the Board? I would entertain a  25 motion.</p>	<p style="text-align: right;">Page 15</p> <p>1 MR. RADER: Mitch Raider makes a  2 motion to approve the variance for the Warren  3 County Courthouse.  4 MS. O'CONNOR: Kelly O'Connor.  5 I'll second that motion.  6 CHAIRMAN FOX: We have a motion and  7 a second. Any discussion?  8 (No verbal response.)  9 CHAIRMAN FOX: Hearing none --  10 MR. BAILEY: Mr. Chairman, are  11 there any conflicts?  12 MR. LaPORTE: Yes. Vic LaPorte,  13 board member. I'll recuse myself from the vote on  14 this, as I am a KONE employee.  15 CHAIRMAN FOX: Thank you,  16 Mr. Bailey.  17 Ms. Murphy, roll call vote, please.  18 MS. MURPHY: David Hale?  19 MR. HALE: Yes.  20 MS. MURPHY: Mitch Rader?  21 MR. RADER: Yes.  22 MS. MURPHY: Larry Moore?  23 MR. MOORE: Yes.  24 MS. MURPHY: Lewis Moorner?  25 MR. MOORER: (No verbal response.)</p>
<p style="text-align: right;">Page 16</p> <p>1 MS. MURPHY: I saw his lips move  2 yes.  3 Kelly O'Connor?  4 MS. O'CONNOR: Yes.  5 MS. MURPHY: James Roy?  6 MR. POPE: (No verbal response.)  7 MS. MURPHY: You're muted, James.  8 MR. POPE: (No verbal response.)  9 MS. MURPHY: I'm not sure he's  10 there anymore.  11 CHAIRMAN FOX: Who is the actual  12 host? Is that you, Jennifer?  13 MS. MURPHY: No, sir. It is Nan.  14 CHAIRMAN FOX: Nan, is there any  15 way that you can unmute him?  16 MS. GEORGE: I can ask to unmute  17 him. There he is.  18 MR. POPE: Yes.  19 CHAIRMAN FOX: Okay.  20 MR. POPE: Sorry about that.  21 CHAIRMAN FOX: That's okay. This  22 is all new to everybody.  23 Okay. Ms. Murphy, have we got  24 everyone?  25 MS. MURPHY: Yes, sir. And it was</p>	<p style="text-align: right;">Page 17</p> <p>1 unanimous.  2 CHAIRMAN FOX: Okay. Mr. Church, I  3 would recognize you for the Stirr Restaurant.  4 MR. CHURCH: All right. Thank you  5 so much. On behalf of the owners of the Stirr  6 Restaurant, located at 123 3rd Avenue South in  7 Nashville, Tennessee, the owner is removing a  8 traction freight elevator and installing -- and  9 wants to install a new machine room-less traction  10 elevator in its place.  11 The existing pit is 51 inches. KONE  12 is requesting, for the owner, a variance to allow  13 a 42 1/2-inch apron guard and to use the existing  14 pit without modification.  15 CHAIRMAN FOX: Mr. McPherson, do  16 you want to respond, please?  17 MR. MCPHERSON: We will vote or go  18 with -- that is fine as well. That's kind of the  19 max. So that has our blessing.  20 CHAIRMAN FOX: Okay. I would  21 entertain a motion from the Board.  22 MS. O'CONNOR: Kelly O'Connor.  23 I move to approve the variance.  24 MR. HALE: Dave Hale.  25 I move for a second.</p>

<p style="text-align: right;">Page 18</p> <p>1 CHAIRMAN FOX: We have a motion and 2 a second to approve. Any further discussion? 3 (No verbal response.) 4 CHAIRMAN FOX: Hearing none, 5 Ms. Murphy? 6 MS. MURPHY: David Hale? 7 MR. HALE: Yes. 8 MS. MURPHY: Mitch Rader? 9 MR. RADER: Yes. 10 MS. MURPHY: Larry Moore? 11 MR. MOORE: Yes. 12 MS. MURPHY: Lewis Moorer? 13 MR. MOORER: (No verbal response.) 14 MS. MURPHY: He said yes. 15 Kelly O'Connor? 16 MS. O'CONNOR: Yes. 17 MS. MURPHY: James Roy Pope? 18 MR. POPE: Yes. 19 MS. MURPHY: It's unanimous. 20 CHAIRMAN FOX: Did Mr. LaPorte -- 21 MR. LaPORTE: Vic LaPorte, board 22 member. 23 I recuse myself from this vote for 24 stated conflict. 25 CHAIRMAN FOX: Motion carries.</p>	<p style="text-align: right;">Page 19</p> <p>1 Okay. Open discussion items. Is 2 there anything else on the KONE or under new 3 business that we've missed? 4 MS. MURPHY: No, sir. 5 CHAIRMAN FOX: Okay. Item 6 Number 9, open discussion items. 7 Mr. Herrod? 8 MR. HERROD: Yes. This is Tom 9 Herrod, Assistant Commissioner. I just want to 10 update the Board on the fee increase changes that 11 we had proposed at the last meeting. 12 After some consideration and talking 13 to the Attorney General's office, we're 14 withdrawing those fee increases for the time being 15 until we can make some improvements in that from 16 the standpoint that, I think, some of the fee 17 increases conflicted with the existing statute. 18 So we're going to come back with another proposal 19 at the next meeting. 20 So otherwise, the safety code 21 changes, that part of the rule changes, is at the 22 Attorney General's office now and will be sent 23 back to us and then we'll send it to the Secretary 24 of State's office. 25 With the timing, we're trying to get</p>
<p style="text-align: right;">Page 20</p> <p>1 that done so it will be approved and in place by 2 July the 1st. As I said, the fee increase 3 proposal changes, we'll resubmit those after the 4 next meeting. So I just wanted to update the 5 Board on that change in our direction, as far as 6 the fee increases. Most of them will stay in 7 place, some will have to be reduced, and some not 8 changed at all. So I just wanted to clarify that 9 for the Board. That's all I had. 10 CHAIRMAN FOX: Okay. Would we, 11 then, see this or vote on it or -- 12 MR. HERROD: Yes, sir. 13 CHAIRMAN FOX: Will you have the 14 information on the June 1st meeting? 15 MR. HERROD: Yes, sir, 16 Mr. Chairman. We will have that available to you. 17 MR. ROBINSON: Okay. That would be 18 great. 19 Anything else, sir? 20 MR. HERROD: That's all I have. 21 Does anybody else from the elevator or amusement 22 device groups have anything? 23 MR. JACKSON: This is Thomas 24 Jackson. I'm Assistant Chief Elevator Inspector. 25 We've got a code discrepancy that I'd like to</p>	<p style="text-align: right;">Page 21</p> <p>1 present to the Board for your determination. 2 It's been determined there's a 3 conflict between the 2018 edition of the 4 International Building Code and the adopted 5 version of the A17.1 2010 safety code for 6 elevators and escalators regarding the emergency 7 communication requirements on elevators. 8 The '20 edition of A17 requires a 9 push button to actuate the two-way communication, 10 which when pushed will initiate a call for help to 11 authorized personnel who can address an emergency 12 and notify emergency personnel. 13 The 2018 edition of the International 14 Building Code requires a visible and text-based 15 and a video-based 24/7 live interactive system to 16 communicate with emergency personnel. 17 Now, these are two totally different 18 applications. Since there's a conflict between 19 the two standards, it is the Elevator Unit's 20 opinion we should inspect the application to meet 21 the requirements of A17.1 since it is the code 22 adopted by the State of Tennessee that we are 23 required to inspect elevators under. We would 24 like the Board's opinion and guidance in this 25 determination.</p>

<p style="text-align: right;">Page 22</p> <p>1 Can I answer anyone's questions?</p> <p>2 CHAIRMAN FOX: So what are we going</p> <p>3 to be requiring each of the folks who have</p> <p>4 elevators in their business? In layman's terms,</p> <p>5 what are we going to be asking them to provide or</p> <p>6 do?</p> <p>7 MR. JACKSON: This would be only on</p> <p>8 new installations that -- a lot of the local</p> <p>9 jurisdictions -- Nashville, Knoxville, Franklin --</p> <p>10 a lot of them have adopted the 2018 IBC building</p> <p>11 code. We've got some of these local jurisdictions</p> <p>12 that are requesting that they put this visual</p> <p>13 text-based system on the elevators.</p> <p>14 The A17.1 code that we inspect the</p> <p>15 elevators to does not reference this requirement</p> <p>16 until the 2019 edition of the A17.1 elevator and</p> <p>17 escalator safety standard. So as far as the cost,</p> <p>18 I'm not sure what it would cost. It would just be</p> <p>19 for new installations. But our inspectors, since</p> <p>20 it's not in A17.1, there's no guide for us to</p> <p>21 inspect this communication. There's no guide for</p> <p>22 us to inspect it to.</p> <p>23 CHAIRMAN FOX: So when would we</p> <p>24 adopt that -- when would we adopt the 18, I guess</p> <p>25 it is? Or would we?</p>	<p style="text-align: right;">Page 23</p> <p>1 MR. JACKSON: Right now, we're in</p> <p>2 the process of adopting the A17.1 2016 standard.</p> <p>3 So it would be several years, quite a few years</p> <p>4 down the road, I believe, before the adoption of</p> <p>5 the 2019 would be requested.</p> <p>6 CHAIRMAN FOX: Okay. So you're</p> <p>7 asking this board to approve this for new</p> <p>8 installations?</p> <p>9 MR. JACKSON: No, sir. What I am</p> <p>10 requesting is that we inspect to the standard of</p> <p>11 the A17.1 safety code that the State of Tennessee</p> <p>12 has adopted. We're wanting to stick with -- we</p> <p>13 feel like since there's a direct conflict with the</p> <p>14 building code and the A17.1 elevator code, that we</p> <p>15 should follow the standard of the A17.1 code.</p> <p>16 CHAIRMAN FOX: Okay. What's the</p> <p>17 pleasure of the Board?</p> <p>18 MR. MOORE: This is Larry Moore. I</p> <p>19 would like to make a motion that we support the</p> <p>20 Elevator Unit's recommendation. We really can't</p> <p>21 expect them to inspect in accordance with IBC, so</p> <p>22 I think we should stick with what's in A17.1. So</p> <p>23 there's my motion.</p> <p>24 CHAIRMAN FOX: Okay.</p> <p>25 MR. LaPORTE: Vic LaPorte.</p>
<p style="text-align: right;">Page 24</p> <p>1 I second.</p> <p>2 CHAIRMAN FOX: We have a motion and</p> <p>3 a second. Any further discussion?</p> <p>4 (No verbal response.)</p> <p>5 CHAIRMAN FOX: Hearing none,</p> <p>6 Ms. Murphy, role call vote, please.</p> <p>7 MS. MURPHY: Vic LaPorte, do you</p> <p>8 needs to recuse yourself from this?</p> <p>9 MR. LaPORTE: No, I do not.</p> <p>10 MS. MURPHY: Okay. Vic LaPorte?</p> <p>11 MR. LaPORTE: Yes. I vote to</p> <p>12 support the elevator inspectors.</p> <p>13 MS. MURPHY: David Hale?</p> <p>14 MR. HALE: Yes.</p> <p>15 MS. MURPHY: Mitch Rader?</p> <p>16 MR. RADER: Yes.</p> <p>17 MS. MURPHY: Larry Moore?</p> <p>18 MR. MOORE: Yes.</p> <p>19 MS. MURPHY: Kelly O'Connor?</p> <p>20 MS. O'CONNOR: Yes.</p> <p>21 MS. MURPHY: Mr. Lewis Moorer?</p> <p>22 MR. MOORER: (No verbal response.)</p> <p>23 MS. MURPHY: Yes.</p> <p>24 James Roy Pope?</p> <p>25 MR. POPE: Yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 MS. MURPHY: It's unanimous,</p> <p>2 Chairman.</p> <p>3 CHAIRMAN FOX: Motion carries.</p> <p>4 Thank you.</p> <p>5 Mr. Jackson, I don't know whether you</p> <p>6 or Mr. Herrod wants to address the issue with the</p> <p>7 elevator and the cabins.</p> <p>8 MR. HERROD: I'm going to turn that</p> <p>9 over to my assistant chief.</p> <p>10 CHAIRMAN FOX: All right.</p> <p>11 MR. JACKSON: It has been brought</p> <p>12 to our attention that elevators are being</p> <p>13 installed in cabins that are constructed solely</p> <p>14 for short-term rental in Sevier County, and not</p> <p>15 being permitted or inspected by the State of</p> <p>16 Tennessee Elevator Unit.</p> <p>17 Apparently, there's been some</p> <p>18 confusion on the installation of these elevators</p> <p>19 by others since they are constructed under</p> <p>20 residential Group R section of the International</p> <p>21 Building Code. Larger cabins fall under the IBC</p> <p>22 standard, where smaller cabins fall under the</p> <p>23 International Residential Code.</p> <p>24 It's our understanding these</p> <p>25 properties are not private residences and are</p>

<p style="text-align: right;">Page 26</p> <p>1 built for short-term rentals, the same as hotels  2 and motels. This being the case, the Elevator  3 Unit feels these elevators should fall under the  4 jurisdiction of our department to verify the units  5 being installed meet the standards adopted by the  6 State of Tennessee to ensure the safety of the  7 riding public.</p> <p>8           While we don't have jurisdiction over  9 private residence elevators, we're concerned some  10 of the existing installations at these rental  11 locations may have been installed with a  12 private-resident unit that does not meet the  13 safety requirements of the A17.1 elevator code or  14 the A18.1 safety standard for platform lifts and  15 stairway chairlifts, if any of these type units  16 have been installed.</p> <p>17           I've been in contact with Chris  18 Jenkins, who is a Sevier County codes inspector,  19 and he informed me there is a significant number  20 of elevators that have been installed over the  21 years. I also spoke with a State of Tennessee  22 Fire Marshal, Mr. Bainbridge, who approves plans  23 and inspects the larger cabins, and advised both  24 we were going to approach the Elevator Board for  25 their guidance on how to address this issue.</p>	<p style="text-align: right;">Page 27</p> <p>1 They've both informed me they would assist us in  2 any manner we request. We really don't know how  3 many of these have been installed because nobody  4 is permitted. We found this out by accident. We  5 actually had an elevator company, and he had  6 called me in the past and asked -- they were going  7 to put a LULA, limited use limited accessibility,  8 elevator in a unit and he asked me if it needed to  9 be permitted. And I asked him, is this a  10 private-residence elevator, and he said no, it's  11 strictly for rental.</p> <p>12           So they permitted it and put it in,  13 and when the owner of the lodge found out that the  14 State was going to inspect it, he got upset and  15 said that the State didn't have jurisdiction over  16 it because it wasn't a hotel or a motel and that  17 it was being installed under the residential code.  18 Residential code, hotel and motel, fall under R3  19 in the International Building Code.</p> <p>20           I feel like if this is going to be  21 rental property only and it's not a private  22 residence, then it falls under the same category.  23 These people are renting this out for -- as a  24 commercial property, in our opinion, and we feel  25 like we should be inspecting these units just to</p>
<p style="text-align: right;">Page 28</p> <p>1 verify that they are safe for the public to use.  2 These home elevators have collapsable gates on  3 them.</p> <p>4           They put them in homes, which is  5 fine, but you put one on a commercial property and  6 you've got people or kids running around playing  7 on this thing, you know, you can stick your hand  8 in a gate and you can open that gate up and little  9 fingers would be smashed up pretty bad. Plus they  10 could also reach through the gate and touch the  11 wall as the unit is moving. The walls are flush,  12 but there's still a possibility of them getting  13 their arm hung and their arm sucked down between  14 the gate and the wall itself.</p> <p>15           So what we need is a recommendation  16 from the Board or what the Board feels -- how they  17 feel this should be handled on an inspection basis  18 for our department.</p> <p>19           CHAIRMAN FOX: Comments from the  20 Board?</p> <p>21           MR. HALE: David Hale,  22 Mr. Chairman.</p> <p>23           Mr. Jackson, so what is your  24 recommendation as far as existing elevators? Are  25 you suggesting that we need to go back and make</p>	<p style="text-align: right;">Page 29</p> <p>1 those elevators all be changed?</p> <p>2           MR. JACKSON: That is a really good  3 question, because I really don't know what the  4 answer would be on that. As far as a safety  5 standpoint, I feel like we should look at every  6 unit that's out there and put it under our  7 umbrella of inspecting, our inspection process.</p> <p>8           As far as going back in on existing  9 units, that's probably a little bit over my head  10 on what kind of decision is to be made on that.  11 It's going to be a huge expense to some of these  12 folks that have put these units in, unknowing that  13 they should have permitted it.</p> <p>14           I really feel like these elevator  15 companies that are installing them, I feel like  16 they should've reached out and done a little bit  17 more homework on seeing what was code compliant  18 and what wasn't. If it's strictly rental, I would  19 think that they would know it should be under the  20 State's umbrella.</p> <p>21           But as far as going in on existing  22 units, that one goes a little over my head. I  23 guess I would defer back to Mr. Bailey on that. I  24 don't know what the legal aspects are on what  25 would be grandfathered and what wouldn't and what</p>



<p style="text-align: right;">Page 30</p> <p>1 we could do, as far as going into these existing 2 establishments.</p> <p>3 CHAIRMAN FOX: Mr. Jackson, I would 4 submit to you that a lot of times these folks will 5 fill out a permit and they'll say it's for my 6 second home, and then about the time they get 7 ready to get the CO on it, they say, "Oh, it's now 8 going to be a cabin rental. I've changed my 9 mind."</p> <p>10 MR. JACKSON: Very good point.</p> <p>11 CHAIRMAN FOX: So something that -- 12 I tried to figure this out this morning -- is how 13 would you be notified if it were that we have an 14 elevator proposed in that construction piece? 15 Would you get that from the individual counties 16 and cities that issue the permits for the cabins?</p> <p>17 MR. JACKSON: Yes, sir. I feel 18 like, after speaking with the inspector in Sevier 19 County and speaking with the State Fire Marshal 20 that approves the larger units, both of those 21 gentlemen said they would be more than happy to 22 let us know when one of these elevators is being 23 installed. So we would be able to be ahead of the 24 game. And it's also a process, I feel, we would 25 have to reach out to anybody we could as far as</p>	<p style="text-align: right;">Page 31</p> <p>1 other inspecting units or other code units in 2 cities and counties to try to get them to work 3 with us.</p> <p>4 When these plans are submitted to 5 them to approve, if there's an elevator, if we 6 could get them to notify us that the unit is going 7 in, we would be ahead of the game on that, and, 8 also, educating a lot of the smaller elevator 9 companies that are installing these units, let 10 them know that if it's going in a rental property, 11 it has to be permitted. And then if they don't 12 permit it after we let them know, then I feel like 13 we should possibly have them come in front of the 14 Board and explain why they're installing the units 15 after they've been advised they have to contact 16 us. That would be my recommendation.</p> <p>17 MS. O'CONNOR: Mr. Jackson -- Kelly 18 O'Connor -- let me ask you. And I'm just playing 19 devil's advocate here. I don't own my own house. 20 I live in a rental house. This was built for and 21 by residential codes. I'm a long-term renter. 22 I've lived in this place for 20 years. What is 23 the definition or where is the drawing line 24 between long-term rentals and short-term rentals? 25 I know we're talking more Airbnb and</p>
<p style="text-align: right;">Page 32</p> <p>1 high turnover. But I think we're getting into 2 some murky areas here as to what constitutes 3 commercial and what constitutes residential, 4 aren't we?</p> <p>5 MR. JACKSON: This is Thomas 6 Jackson.</p> <p>7 I agree a hundred percent. There is 8 a fine line that needs to be walked on this. 9 Because, you're a long-term rental. Okay. To us, 10 that would -- to me/us I feel like that would be 11 nontransient. You're there for the long-term. It 12 sort of falls under the same category as private 13 residence where we strictly do not enforce any 14 private residence inspections.</p> <p>15 On the transient rentals, where you 16 have people rolling in and out every week, that's 17 the main issue I feel we need to address, because 18 it's not someone that's renting that property and 19 that's their home. This is somewhere they're 20 going on vacation. I was in Florida a couple of 21 weeks ago and I was in a condo. It didn't have an 22 elevator, but it's a rental property.</p> <p>23 So we inspect elevators in apartments 24 as long as it's not in a single-family unit. And 25 these are not single-family units. This is just</p>	<p style="text-align: right;">Page 33</p> <p>1 like a -- it's like an apartment or a hotel. So 2 it sort of falls under the same classifications as 3 a lot of the units we inspect, as far as the way 4 we see it.</p> <p>5 MS. O'CONNOR: So these cabins are 6 multifamily?</p> <p>7 MR. JACKSON: No, ma'am, we don't 8 consider them multifamily. But -- all right, an 9 example -- and I'm not an expert on this. This is 10 all pretty new stuff to me. So as far as all the 11 residential and IBC-R codes, there's a lot of 12 differentiation in it. But we look at it as -- 13 multifamily would be like an apartment complex. 14 These are lodges that they're building, and then 15 they're renting these lodges out to -- let's say 16 the Elevator Board wanted to have a meeting or a 17 get-together away, you might go in and rent one of 18 these lodges and each of you have your own 19 individual rooms, then, with a big, joint family 20 room downstairs, such as that. So we're looking 21 at the thing as a hotel.</p> <p>22 CHAIRMAN FOX: This is Robbie Fox. 23 What spurred this, Ms. O'Connor, 24 they're building cabins here now that have -- 25 there's one that I know of that has 22 bedrooms</p>

<p style="text-align: right;">Page 34</p> <p>1 and 22 bathrooms -- well, actually, more 2 bathrooms. But they have an elevator in it, and 3 so they classified that as a residence, not as a 4 commercial venture. And, you know, they're 5 getting a couple thousand dollars a night, up to 6 three or four thousand dollars a night in some 7 cases in some of these places. So that's where 8 the -- that's a commercial venture versus a 9 residence.</p> <p>10           And then, like yourself in the 11 apartments, there's certainly a difference there.</p> <p>12           MS. O'CONNOR: Let me ask, again, 13 Mr. Jackson, has there been any research done in 14 other states, particularly Florida, other tourist 15 areas? Because, you know, this is not the first 16 time this has happened, this Airbnb-kind-of- 17 phenomenon. And I don't know if these are Airbnb 18 or not, but it sounds like that is what's kind of 19 spurred this on. What are other states doing on 20 this? Do we know?</p> <p>21           MR. JACKSON: This is Thomas 22 Jackson.</p> <p>23           No, ma'am. We haven't researched to 24 this point. And I'm not sure of the differences 25 in an Airbnb and the type of installations that</p>	<p style="text-align: right;">Page 35</p> <p>1 we're talking about on these rental cabins, these 2 large rental cabins. There again, I'm not really 3 sure what other states are doing and how they're 4 addressing it. We can do some research and check 5 into it. I can reach out to some other AHJs and 6 find out if they've had this come up in their 7 jurisdictions.</p> <p>8           But, like I said, it's one of these 9 how do you weigh it out and what approach should 10 we take, or should we take an approach. That's 11 why we wanted to bring it in front of the Board to 12 get your opinion and get your thoughts of the 13 process.</p> <p>14           MR. MOORE: This is Larry Moore, 15 board member.</p> <p>16           From my perspective, I wholeheartedly 17 believe that they should be inspected and should 18 be permitted. For one thing, the elevators are 19 being installed. As far as the money for the 20 owners, the elevator is being used as a selling 21 point or a renting point to these owners. So as 22 far as the expense for the permit, I don't see 23 that as a problem.</p> <p>24           My second point is if I was a renter 25 and my children were on these elevators, I would</p>
<p style="text-align: right;">Page 36</p> <p>1 want to know that they had been inspected, and not 2 just assume that because it's an elevator, it's 3 been inspected. And I would venture to say that 4 most people that rent these automatically assume 5 that the elevator did go in in accordance with 6 code and has been inspected by a state inspector 7 and is safe for their family members to ride on.</p> <p>8           And, you know, that's, in my opinion, 9 what this Board is for, is keeping the public safe 10 by making sure our elevators are safe and 11 installed and inspected in accordance with code. 12 So I wholeheartedly support performing the 13 inspections and permitting these elevators 14 because, you know, it's a conveyance. It's a 15 conveyance for people and not private individuals 16 and their private residences. So that's my 17 opinion.</p> <p>18           MR. LaPORTE: Vic LaPorte, board 19 member.</p> <p>20           We just did all the rule changes for 21 the upcoming 2016 code. And as far as private 22 residence elevators, we've basically matched what 23 was already in place in the 2010 code.</p> <p>24           Mr. Jackson, I understand your point 25 about not inspecting residences. I think the code</p>	<p style="text-align: right;">Page 37</p> <p>1 that we follow has nothing to do with the property 2 for the Elevator Unit. We don't inspect 3 residential elevators. So if there's a 4 residential elevator, for some reason, in a 5 commercial setting, you guys still would not 6 inspect that.</p> <p>7           It sounds to me like this is a wrong 8 piece of equipment, maybe, in the wrong 9 application. But if you start inspecting these 10 residential elevators, I think you're setting a 11 precedence of where do we stop inspecting 12 residential elevators.</p> <p>13           I would believe more that, moving 14 forward, that if they are going to be permitted, 15 they should be LULAs or the type of units that the 16 elevator department does inspect. As far as the 17 existing ones, I don't believe that we should 18 start inspecting them. And a couple of things, 19 maybe -- we'd have to really think this through, 20 but it would be not popular with the owners, but 21 we can ask that they be removed from service or 22 maybe that they're locked out of just regular 23 public use. And that if somebody comes and rents 24 these cabins, that is handicapped, that's actually 25 in the need of the use of the elevator, that it is</p>

<p style="text-align: right;">Page 38</p> <p>1 unlocked for that person. That's the only  2 authorized person and that he's trained on how to  3 use it. And it's not just open for, like you  4 said, anybody's kids, dogs, whatever. That might  5 avoid the impact of removing these from service.  6 But definitely that they are locked off, limited  7 use, only with proper training.</p> <p>8           But, again, I think if we start  9 saying that we want to go back and start  10 inspecting residential elevators that we just  11 specifically excluded in our rule changes, I can  12 see that as a huge conflict and I don't know where  13 that can of worms stops at that point.</p> <p>14           MR. JACKSON: Thomas Jackson.  15           I think that's a really good  16 suggestion, as far as it's sort of, like,  17 grandfathering, but then putting a restriction on  18 it to where only someone who's handicapped would  19 have access to it. And then the rental property  20 or the owner could actually hand that person the  21 key that could turn it on and use it while he was  22 renting the property. That would be a very good  23 suggestion.</p> <p>24           MR. LaPORTE: Vic LaPorte, board  25 member again.</p>	<p style="text-align: right;">Page 39</p> <p>1           As far as inspecting them, while I  2 don't think, again, because of the rule changes  3 that are current and the ones that are hopefully  4 going to be in place July 1st prevent us from  5 doing so, there are other avenues to get those  6 inspected, if you are comfortable recommending a  7 private inspection company, a consultant with a  8 QEI license or someone who is not barred by our  9 state rules from inspecting those for that private  10 customer. I don't know that you can enforce that,  11 but we can certainly, you know, highly suggest  12 that a qualified elevator inspector, other than  13 someone employed by the state elevator department  14 inspects those.</p> <p>15           MR. HALE: Mr. Chairman, David  16 Hale.</p> <p>17           I think part of the point of this is,  18 though, that these aren't residences. If you  19 build a 22-bedroom -- you know, unless you're a  20 movie star, you didn't build a 22-bedroom house.  21 And if you build a 22 -- the example that Chairman  22 Fox gave, for instance, you built that and you  23 built it for the purpose of making money, it's not  24 a residence. It's a money-making venture just  25 like the Hilton Hotel is or whatever.</p>
<p style="text-align: right;">Page 40</p> <p>1           So I think part of the point is --  2 part of Mr. Jackson's point is, is these aren't  3 residences; so therefore, they shouldn't have  4 residential elevators. And from another angle of  5 that, from my 30 years in the fire service, it  6 concerns me that fire departments are responding,  7 expecting those elevators to be commercial  8 elevators to find that they're residential  9 elevators, and they're trying to deal with  10 emergencies in those situations.</p> <p>11           MS. O'CONNOR: But doesn't this go  12 back to codes and who is inspecting it initially?  13 And if they're inspecting to residential codes, I  14 don't know where we get into that.</p> <p>15           MR. JACKSON: This is Thomas  16 Jackson.</p> <p>17           Right now these units are not being  18 inspected. I spoke with Mr. Jenkins in Sevier  19 County, and we were talking and I asked him -- I  20 said, is anybody inspecting these units. And he  21 said, the only thing that I know is I actually  22 have found out some of the measurements. And he  23 said, I asked just to go in and take some  24 measurements just to do the basics. He said he  25 doesn't know anything about elevators, that he's</p>	<p style="text-align: right;">Page 41</p> <p>1 not, you know, licensed to inspect, but that he  2 knew nobody was looking at these, and he was just  3 going in and just, basically, just taking  4 measurements to make sure that the running  5 clearance between the car and the wall was right.</p> <p>6           I don't think he was going through  7 safety circuits and going through the process that  8 our inspectors go when they accept an elevator or  9 when they do a bi-annual inspection.</p> <p>10           But he was doing the best he could.  11 I mean, that gentleman, I'll give him credit. He  12 did something. And there's a lot of people that  13 would have just said I don't know anything about  14 that and just walk away. So I think the gentleman  15 has tried to look at them and make sure they're as  16 safe as he can. But as he's stated to me, he's  17 not an elevator inspector. He's just doing the  18 best he could. So right now no one is looking at  19 these units other than this one gentleman. And I  20 don't know what --</p> <p>21           MS. O'CONNOR: I --  22           MR. JACKSON: I don't know what  23 other jurisdictions. I don't know if this is  24 going on all over the state. We have different  25 areas that, you know, there may be an area where</p>

<p style="text-align: right;">Page 42</p> <p>1 people go in and vacation or spend time, and we 2 don't know if other units have been installed like 3 this in other parts of the state.</p> <p>4 MS. O'CONNOR: I agree that this is 5 a problem. I just don't know -- it feels like 6 it's out -- we're straying out of our lane in 7 doing this, though.</p> <p>8 MR. LaPORTE: Vic LaPorte -- 9 MR. JACKSON: Thomas Jackson. 10 I agree.</p> <p>11 MR. LaPORTE: Ms. O'Connor, to your 12 point, there's rental homes -- there are 13 single-family homes in downtown Nashville that 14 people rent. And people might have a 20-year 15 lease or a 1-year lease that they renew 20 times, 16 or they might only be there every six months and 17 you have a new family in there. It's almost an 18 identical situation and just the frequency is 19 different. I mean, if it's a residential elevator 20 in a residential structure built for a single 21 family, even though they rented it every weekend, 22 again, it's the type of unit that we're looking at 23 the elevator department permitting and inspecting, 24 and we have specifically written that out of our 25 rules. I'm not saying it doesn't need attention</p>	<p style="text-align: right;">Page 43</p> <p>1 or shouldn't have attention; just not from the 2 elevator department.</p> <p>3 MR. JACKSON: Thomas Jackson. 4 I really haven't been looking or 5 really haven't tried to address the individual 6 single dwelling. I'm more concerned right now 7 with these multiple-room units that they're 8 renting out, as far as what Chairman Fox spoke of 9 a minute ago to where they're having 14 or 20 10 rooms that they rent out, and then they stick an 11 elevator over to the side and no one is checking 12 it out.</p> <p>13 The single-home units -- and really I 14 haven't even tried to touch base on that at this 15 point. I'm more concerned with these big rental 16 units that they're building. I feel like if I go 17 rent a property, and I'm the only one -- me and my 18 family are the only ones that are going to be in 19 that residence, then that's a different 20 circumstance from what I'm trying to address. I 21 may not have been real clear on that. But if I go 22 rent a cabin and it's got an elevator in it, I'm 23 the only one that's in there, me and my family. 24 And it's not like there's 20 different people that 25 are renting 20 different rooms and they've got an</p>
<p style="text-align: right;">Page 44</p> <p>1 elevator set out in the middle and it's not being 2 checked or inspected, in any case. It's a little 3 bit different circumstance. It may not be 4 legally -- I'm not sure. But I'm looking at it, 5 as far as just the aspect of if it looks more like 6 a hotel than it does a private residence or a 7 single-family home or a single-home rental 8 property, I feel like it falls under a different 9 category. And there again, I may be totally out 10 in left field with my thinking, but...</p> <p>11 MR. LaPORTE: Vic LaPorte. 12 Yeah. I guess I wasn't completely 13 clear with that. I'm talking about single family, 14 one lease to one family. If you have a 22-room 15 cabin that you've got 22 different leases on, 16 that's clearly commercial.</p> <p>17 MR. JACKSON: Right. 18 MR. LaPORTE: And then a private 19 residence elevator should not be in that building, 20 and that should be removed from service, period. 21 That's the wrong piece of equipment, for many 22 reasons, for that application, including use and 23 duty, not just safety, but capacity usage. Those 24 units are not made to run that much. So that's 25 clearly a misapplication.</p>	<p style="text-align: right;">Page 45</p> <p>1 MS. O'CONNOR: Kelly O'Connor. 2 But still, doesn't that go back to 3 who's issuing that building occupancy? I mean, if 4 it was initially inspected as a residence, you 5 know, regardless of whether there's an elevator or 6 not, how that elevator is a residential unit, 7 that -- we're straying -- aren't we straying out 8 of our lane by saying yes, this -- you know, it's 9 a 22-room lodge that is being rented out 10 frequently -- aren't we straying out of our lane? 11 If that building occupancy is for residential -- 12 and there again, I agree that there's a problem 13 here, but I don't know that it's within our 14 jurisdiction to stray over in that lane.</p> <p>15 MR. LaPORTE: Vic LaPorte. 16 No. Because that's what you're 17 saying is basically the same thing as an apartment 18 building. And that's very clear, that's 19 commercial. And we do not allow residential 20 elevators installed in an apartment building with 21 multiple units and multiple dwellings.</p> <p>22 So I think, clearly, somebody here 23 made a mistake by allowing an elevator to be 24 installed under a permit, whether -- not an 25 elevator permit, but, obviously, a building permit</p>

<p style="text-align: right;">Page 46</p> <p>1 somewhere was allowed. And somebody made a big 2 mistake is what it sounds like to me. So the 3 question here is how to cure that mistake.</p> <p>4 CHAIRMAN FOX: This is Robbie Fox, 5 Chairman.</p> <p>6 Going back to give just a little bit 7 of background, this is sort of an anomaly here in 8 Sevier County, as they're building these large 9 cabins everywhere. They're overnight rentals. 10 They are not -- they don't have anything to do 11 with a family coming to visit, spend the night, go 12 home. I mean, this is a deal where you'll have 13 40, 50, 60 people in one home, one house. It's 14 not a house. It's a mini hotel, Mr. LaPorte. 15 That's a good point.</p> <p>16 And that's what's going on. And 17 these things are cropping up everywhere. And, you 18 know, I don't want us inspecting residential 19 elevators. I do not. I don't think that's 20 something that -- but in this case, you've got a 21 lot of people -- to Mr. Moore's point a minute 22 ago -- who think that this elevator in these large 23 cabins has been inspected and it's safe. That's 24 why I would stray and -- or say that we need to 25 have some oversight. Now, again, what that is,</p>	<p style="text-align: right;">Page 47</p> <p>1 I'm not totally clear on what I think we need to 2 do, but part of the process, to me, would be 3 notification from the permit writer to the State 4 of Tennessee. And at some point, the State Fire 5 Marshal's office should be notified. And then if 6 they're putting an elevator in it, that's probably 7 a red flag or at least a notice over to the 8 elevator group as to what's happening with the 9 elevator. To me that would be the process.</p> <p>10 And I don't know how to make that 11 happen. And that may be Mr. Herrod or Mr. Bailey 12 who does the process or notification. And then, 13 obviously, if we inspect them, that comes down to 14 Mr. Jackson and Mr. McPherson.</p> <p>15 MR. MOORE: Larry Moore, board 16 member.</p> <p>17 Is there not a commercial business 18 license that these owners are applying for? 19 Robbie? Mitch? You know, it would seem to me 20 like that that would be the triggering factor. 21 You know, if you go out to do -- you know, write 22 an insurance policy for this particular building, 23 or if you are, you know, somebody that's building 24 a residential home and then, all of a sudden, 25 going to start renting it, I would think they</p>
<p style="text-align: right;">Page 48</p> <p>1 would have to have a commercial license to do so. 2 And I don't know if that's what would trigger this 3 or not.</p> <p>4 You know, if it is a single-home 5 residence, even if that's rented, I don't see that 6 as being something that we would ask the 7 inspectors to find and police. But, you know, 8 something -- and I'm aware of what's going in down 9 there. And you're right. They're hotels. 10 They're mini hotels, is what they are.</p> <p>11 So I don't know, Mitch. Is there any 12 way you, for instance, would be flagged that that 13 is happening? Not that you should be the police, 14 but that, you know -- what would trigger that?</p> <p>15 MR. RADER: You know, that's a good 16 question. I really don't know. A lot of these 17 cabins go with these property management 18 companies. They're not rented by the individual. 19 They're not rented through Airbnb or VRBO. 20 They're going on to Cabins USA or the various 21 property management companies.</p> <p>22 I would say that possibly could be a 23 starting point, would be the property management 24 companies. Of course, they also have to receive a 25 CO, once the construction is done, by the City.</p>	<p style="text-align: right;">Page 49</p> <p>1 So in order to grant a CO, they would need to make 2 sure that the elevator is inspected.</p> <p>3 But to Robbie's point, this is a huge 4 industry up here, and it is a for-profit business. 5 And these cabins are getting larger and larger. 6 In fact, it's a big part of my industry and my 7 agency. We write a lot of it. You're seeing the 8 cabins getting bigger and bigger, and, certainly, 9 I didn't really realize that a lot of these 10 elevators that would go in there were residential 11 elevators. But I do know of several cabins, just 12 as Robbie was saying, that are 20-plus rooms. So 13 they're acting just like a hotel.</p> <p>14 But to my point, to get a CO, that 15 would be a good starting point.</p> <p>16 MR. HALE: David Hale.</p> <p>17 Mr. Chairman, is it that -- would it 18 be possible that we set some type of length of 19 residency that is required to establish it as a 20 residence versus a commercial piece of property? 21 In other words, if somebody is going to occupy it 22 for greater than 30 days, then it's a residence. 23 If they're not somebody that's going -- the same 24 family occupying it for whatever that amount of 25 time is, it's a commercial property. There's got</p>

<p style="text-align: right;">Page 50</p> <p>1 to be some kind of a way to determine what makes 2 it a residence, and just the fact that it's got a 3 bedroom doesn't make it a residence. I think 4 there's got to be some kind of trigger there, and 5 whether that's the length of residency by that 6 single person. Otherwise, I could go over here 7 and build a hotel and build me an apartment in it 8 and say nope, it's a residence, and all those 9 other rooms are just, you know, there for my 10 friends to stop by.</p> <p>11           You've got to have some kind of 12 trigger.</p> <p>13           CHAIRMAN FOX: Mr. Hale, in 14 response, I think there is, in the building 15 permit-type legislation and rules and regulations, 16 there is a rule that states that you must -- if 17 you declare it a residence, you must stay there a 18 minimum of 30 consecutive days. I think that's 19 correct.</p> <p>20           MS. O'CONNOR: Kelly O'Connor. 21           I think this is where I keep getting 22 hung up, too, is, in my understanding, there's two 23 different building codes. There's one for 24 residential building codes; there's another one 25 for commercial properties, which requires</p>	<p style="text-align: right;">Page 51</p> <p>1 sprinklers, which require a lot of different 2 safety standards that a residence doesn't require. 3 And that's where I am seeing where the difference 4 is. So with regard to the elevators, if it were a 5 hotel being built -- using Mr. LaPorte's example, 6 if it were a hotel being built and we found out 7 they had built it using a residential elevator, I 8 mean, how did they get their CO, doing that, that 9 we would find out? I mean, in my mind, it's a 10 codes violation, and whoever issued that CO really 11 made a huge mistake. And that's the dividing 12 line, if that makes sense.</p> <p>13           CHAIRMAN FOX: This is Robbie Fox. 14           It does. Ms. O'Connor, one of the 15 things -- again, part of the residency requirement 16 is 30 consecutive days. And in these cabins, or 17 the cabins being built -- and I think this is 18 according to the Fire Marshal and the building 19 inspectors -- if there are over 8 -- no, over 20 12 people staying in the cabin at any one time, 21 that that facility has to be sprinkled. And then 22 what happens is these folks come in and sign a 23 document that says that there will never be more 24 than 8 inside that facility, but no one goes by 25 and does the cabin police to check them, because</p>
<p style="text-align: right;">Page 52</p> <p>1 they just don't have time. And there are 2 approximately -- Mitch, keep me honest here -- 3 between 16,000 and 18,500 cabins here in Sevier 4 County.</p> <p>5           MR. RADER: That would be accurate. 6 That would be accurate.</p> <p>7           CHAIRMAN FOX: So -- 8           MR. RADER: I mean, how many have 9 an elevator, I wouldn't know, but I'm sure there 10 are several.</p> <p>11           CHAIRMAN FOX: I say that based 12 upon intimate knowledge. My sister is the one who 13 issues the building permits for those. She is the 14 person who issues the building permits for Sevier 15 County. And there are numerous cabins being built 16 with the elevators proposed in them.</p> <p>17           MR. HALE: Mr. Chair, would there 18 be a way that we could say if there's greater than 19 four bedrooms, and those rooms are being rented 20 out for less than 30 days at a time, that it's 21 commercial?</p> <p>22           MR. RADER: If it's an overnight 23 rental cabin, it's getting 200-plus nights rented. 24 So they differentiate it as an overnight rental 25 and it's on a property management company or it's</p>	<p style="text-align: right;">Page 53</p> <p>1 VRBO or Airbnb. It's getting 180 to 225 nights 2 rented a year.</p> <p>3           MR. HALE: David Hale. 4           But not by the same person. 5           MR. RADER: Correct. Yeah. 6           MR. HALE: Right. I think that's 7 the key to it, right? Not the same person staying 8 there for 30 days.</p> <p>9           MR. RADER: Right. 10           MR. LaPORTE: Vic LaPorte. 11           So if this was a small 20-room 12 Hampton Inn, we wouldn't even be having this 13 discussion, right? We would be locking that unit 14 out and asking them to tear it out. This is kind 15 of the same situation. This is just a 16 cabin-looking Hampton Inn to match East Tennessee. 17 It's no different. It's -- and again, if it was a 18 Hampton Inn or a Hilton, we would be there making 19 sure this unit was taken out of service.</p> <p>20           CHAIRMAN FOX: Robbie Fox. 21           Any other comment on this or 22 questions? 23           MR. HALE: David Hale. 24           I still think -- to Mr. Jackson's 25 question, I think as a Board, we need to give them</p>

<p style="text-align: right;">Page 54</p> <p>1 something to -- a platform to stand on, you know, 2 whether it's the number of rooms or something. We 3 need to give them something that says 22 rooms is 4 not a residence. You know, 22 rooms being rented 5 individually or for less than X amount of time, 6 something to qualify that. I think they deserve 7 to have something to work from.</p> <p>8 MR. HERROD: Mr. Chairman? 9 CHAIRMAN FOX: Yes? 10 MR. HERROD: This is Tom Herrod. 11 The discussion sways me one way or 12 the other, depending on who is speaking at the 13 time. So I think maybe we need, as the elevator 14 group, to do a little more research, as someone 15 suggested, to find out what other states have done 16 and maybe get with our legal counsel and look at 17 the law a little bit closer and just see if we 18 have any jurisdiction at all on how we can handle 19 this. 20 It probably would be good to either 21 come back at a special meeting in 30 days or 22 45 days or wait until the next board meeting to 23 have more clarification on this issue and give 24 everybody time to think about it. 25 CHAIRMAN FOX: Mr. Herrod, could we</p>	<p style="text-align: right;">Page 55</p> <p>1 have the meeting within 30 days or 45? 2 MR. HERROD: I think we could 3 within 45 days. If we had it within 30 -- we need 4 to give a 30-day notice. So anything over 5 30 days, we could announce that and have it a 6 month and one day from now, actually. But we can 7 do that if that's the Board's recommendation. 8 We'll do it at a certain time that meets the 9 requirements of posting for the public to be aware 10 of it. 11 CHAIRMAN FOX: Well, the reason I 12 ask that, the 45 days, is that's the time when 13 everything opens up here, about April the 15th. 14 And so we're going to be in full swing at that 15 time. And I can tell you right now that the 16 building is going on like crazy. 17 MS. MURPHY: Forty-five days is 18 April 13th. 19 MR. HERROD: Is that a Tuesday? 20 MS. MURPHY: Yes, sir. 21 MR. HERROD: Okay. Mr. Chairman, 22 we can do that on the April the 13th, a Tuesday, 23 if that meets with everybody's approval. 24 CHAIRMAN FOX: Does anybody have a 25 hard conflict?</p>
<p style="text-align: right;">Page 56</p> <p>1 (No verbal response.) 2 CHAIRMAN FOX: Okay. 9:00 Central 3 Standard time? 4 MR. HERROD: No, sir. Daylight. 5 CHAIRMAN FOX: Oh, that's right. 6 We do change to daylight savings. All right. 7 MR. HERROD: And it will be 8 virtual, this special meeting. It will be a Zoom 9 meeting. 10 CHAIRMAN FOX: Well, this has been 11 good discussion, and we've identified a few 12 issues. I appreciate everybody bringing that to 13 our attention. 14 MR. MOORE: Mr. Fox, this is Larry 15 Moore, board member. 16 Would it be possible for someone with 17 access to several different versions of, like, the 18 international residential code, International 19 Building Code, and, of course, the elevator code 20 to have specific definitions for what is a 21 residence, what is -- you know, different 22 definitions for us to use in our discussion in 23 45 days? Does that sound okay? 24 MR. JACKSON: This is Thomas 25 Jackson.</p>	<p style="text-align: right;">Page 57</p> <p>1 I have access to the International 2 Building Code. I do not have a residential code, 3 but I can probably come across one. I can speak 4 with one of the fire marshals locally and see if 5 he's got one that I can look at, or I can purchase 6 one. 7 But I can get the definitions and try 8 to get some terminology and see if there's any 9 more information in the residential code that I 10 haven't pulled out of the International Building 11 Code. I know there's going to be a difference. I 12 know right now that the State Fire Marshal gets 13 involved if a unit is over so many rooms, if the 14 capacity is so many. And I can get back with him 15 and verify. I'm thinking that -- and I may be 16 mistaken. I probably shouldn't even say anything, 17 but I will. If it's over five rooms, I think the 18 category changes, and whether it falls under the 19 IBC R-3 structure or whether it falls under a 20 residential code. 21 So I'll do some research on those and 22 I can definitely come up with a little bit more 23 information. This came on us real quick. This is 24 something that just came up a week or two ago, and 25 I've researched it, you know, as fast as I could</p>

<p style="text-align: right;">Page 58</p> <p>1 so I could present it to the Board. But I can 2 definitely go and do some more research on the 3 definitions and see if there's anything that 4 differentiates which code these units are being 5 built under.</p> <p>6 MR. LaPORTE: Vic LaPorte. 7 Larry, I was just thinking the same 8 thing. There's also very good definitions of not 9 only the structure, but in A17.1 2010 and '16, 10 Section 5.3 of private residence elevators and 11 where they're applicable. So I can provide those 12 definitions and email them out to everybody.</p> <p>13 CHAIRMAN FOX: That would be great. 14 Okay. So we're looking at 15 April 13th, 9:00 a.m. daylight savings time, and 16 reconvene to discuss the elevator issue. 17 Is there anything else for the good 18 of the order?</p> <p>19 MR. HARDY: Chairman Fox, I have 20 something from the Amusement Device Unit -- I'll 21 be brief -- for open discussion.</p> <p>22 CHAIRMAN FOX: All right. 23 MR. HARDY: The law requires -- 24 and, Dan, you help me if I misspeak here -- but 25 the law requires that the Commissioner will supply</p>	<p style="text-align: right;">Page 59</p> <p>1 listings of qualified inspectors that typically 2 inspect amusement devices. Now, we accomplish 3 this in the law on our find-an-inspector page of 4 our website, and we have a direct link to NAARSO, 5 AIMS, and ACCT, which are the three certifying 6 agencies.</p> <p>7 Recently, NAARSO has changed their 8 configuration on their website. It makes it 9 extremely hard because I think there are thousands 10 of names and inspectors on that inspector listing 11 through NAARSO alone. And it makes it extremely 12 hard for, you know, some smaller amusement 13 companies to actually find an inspector from these 14 listings. So we accomplished the law's intent by 15 continuing to supply these lists, but we also have 16 recently added a condensed listing to the website. 17 It's not up yet, but the proposal is -- it's being 18 created now, that our customers can go to that 19 condensed listing and they can find smaller 20 listings from each, AIMS, ACCT, and NAARSO, to 21 help them more easily find an inspector.</p> <p>22 So that's in the works for us, and I 23 think it's going to be beneficial for, you know, 24 the mom and pop inflatable operator down the 25 street that might have limited computer</p>
<p style="text-align: right;">Page 60</p> <p>1 capability, and I think it will help our customer 2 base to more readily and easily find an inspector. 3 It's almost impossible now, with the changes that 4 NAARSO has made, to go in and navigate to someone 5 in our area that provides those services. So 6 that's something that's up and coming, and we're 7 going to maintain that on a monthly basis, if 8 needed, just like we do our compliant and 9 noncompliant list on the website.</p> <p>10 And the only other thing is that -- 11 and thanks to you, Chairman, for the original 12 invitation. When this meeting is over we're going 13 to head over to East Tennessee and observe the 14 inspections. Dollywood is undergoing their annual 15 inspections, and we like to go over there and meet 16 with those guys and kind of observe what they're 17 doing, try to learn a little bit about the 18 inspection techniques and points on major rides 19 like we find in Dollywood.</p> <p>20 And that's all I had. I just wanted 21 to report those two activities. And I would be 22 glad to answer any questions on those if anyone 23 has any.</p> <p>24 CHAIRMAN FOX: Any questions from 25 the group?</p>	<p style="text-align: right;">Page 61</p> <p>1 (No verbal response.) 2 CHAIRMAN FOX: Okay. Thank you, 3 Mr. Hardy.</p> <p>4 Announcement of the next meetings: 5 The date for the board meetings of 2021 would be 6 June 1st, 9:00 a.m. Central daylight time; 7 September 14th, 2021, Central daylight; and 8 December the 7th, Pearl Harbor Day, 2021, 9 9:00 a.m. Central Standard Time.</p> <p>10 And Ms. Murphy said earlier it's 11 possible that we might get to meet in person on 12 June 1st.</p> <p>13 MS. MURPHY: Fingers crossed. 14 MR. HALE: Mr. Chair, should we 15 recess instead of adjourn -- that might be a Dan 16 Bailey question -- so that we can still conduct 17 business on April the 13th?</p> <p>18 CHAIRMAN FOX: Mr. Bailey? 19 MR. BAILEY: I think that would 20 probably be -- if the purpose for the April 13th 21 meeting is only to discuss this item of these 22 cabins, then I think it's probably best to recess 23 instead of adjourn.</p> <p>24 CHAIRMAN FOX: Okay. So I would 25 entertain a motion to recess until April 13th.</p>


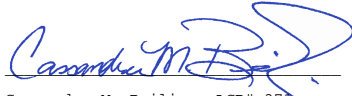


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1 MR. HALE: So moved.  
 2 MR. RADER: Second.  
 3 CHAIRMAN FOX: Okay. We have a  
 4 motion and a second.  
 5 It's been a great meeting. Thank  
 6 you-all. I appreciate everyone's attendance and  
 7 your attention and your information. Very good.  
 8 Thank you.  
 9 (Board meeting recessed until  
 10 April 13th, 2021, 9:00 a.m. Daylight Savings  
 11 Time.)  
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C E R T I F I C A T E

1 STATE OF TENNESSEE )  
 2 COUNTY OF WILLIAMSON )  
 3  
 4 I, Cassandra M. Beiling, a Notary Public  
 5 in the State of Tennessee, do hereby certify:  
 6 That the within is a true and accurate  
 7 transcript of the proceedings taken via Zoom Video  
 8 Conference before the Elevator and Amusement  
 9 Device Safety Board and the Chief Inspector or the  
 10 Chief Inspector's Designee, Tennessee Department  
 11 of Labor and Workforce Development, Division of  
 12 Workplace Regulations and Compliance, Elevator and  
 13 Amusement Device Unit, on the 2nd day of March,  
 14 2021.  
 15 I further certify that I am not related to  
 16 any of the parties to this action, by blood or  
 17 marriage, and that I am in no way interested in  
 18 the outcome of this matter.  
 19  
 20 IN WITNESS WHEREOF, I have hereunto set my  
 21 hand this 27th day of March, 2021.  
 22  
 23    
 24 Cassandra M. Beiling, LCR#-371  
 Notary Public State at Large  
 25 My commission expires: 3/10/2024

<hr/> <b>1</b> <hr/>	<b>20-year</b> 42:14	<b>49</b> 14:11	<b>accidents</b> 8:23 12:23 13:3,5
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