

**ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD**

**DEPOSITION OF MEETING**

**Taken September 02, 2020**



**615.221.1089**

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STATE OF TENNESSEE  
ELEVATOR AND AMUSEMENT DEVICE  
SAFETY BOARD

QUARTERLY MEETING OF THE  
STATE OF TENNESSEE  
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD  
ZOOM VIDEOCONFERENCE  
SEPTEMBER 2ND, 2020

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Jennifer G. Haynie, LCR, 403  
Stone & George Court Reporting  
2020 Fieldstone Parkway  
Suite 900 - PMB 234  
Franklin, Tennessee 37069  
615.221.1089

1 APPEARANCES: (VIA ZOOM VIDEOCONFERENCE)

2 Robbie Fox, Chairman  
Fixed Amusement Device Representative

3 Mike McPherson  
4 Elevator Inspector Supervisor

5 Thomas R. Jackson  
Elevator Inspector Supervisor

6 Mike H. Hardy  
7 Amusement Device Manager

8 David Hale, Board Member  
Tennessee Fair Association Representative

9 Larry R. Moore, II, Board Member  
10 Owner and Lessees Representative

11 Lewis Mooror, Jr., Board Member  
Public-at-Large Representative

12 Mitch H. Rader, Board Member  
13 Insurance Company Representative

14 Victor LaPorte, Board Member  
Manufacturer Representative

15 James Roy Pope, Board Member  
16 Traveling Amusement Device Representative

17 Tom Herrod  
Assistant Commissioner, State of Tennessee

18 Dan Bailey, Esq.  
19 Legal Counsel, State of Tennessee

20 Jennifer Murphy  
Board Secretary, State of Tennessee

21 Anita Rhodes, State of Tennessee  
22 Elevator Admin Secretary

23 Carlene T. Bennett, Board Secretary  
24 State of Tennessee Workplace Regulations &  
Compliance Division

25

1 GUEST APPEARANCES:

2

Mike Church, KONE

3

Chris Farmer, Thyssen Krupp Elevator(TKE)

4

Don Stock, Certified Inspector State of  
5 Tennessee

6

Scott Andrews, Challenge Course Technology

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COURT REPORTING SERVICES AND ZOOM

8

VIDEOCONFERENCING:

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Jennifer Haynie, LCR, Stone & George Court  
Reporting

10

Nan George, Stone & George Court Reporting

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## A G E N D A

1  
2 CALL MEETING TO ORDER

3 INTRODUCTIONS AND ANNOUNCEMENTS

4 In the event of an emergency, security personnel  
5 will take attendees to a safe place in the  
6 building or direct them to exit the building on  
7 the Rosa Parks side.

8 ADOPTION OF AGENDA

9 RULEMAKING HEARING

10 Fee Increases for Elevator Inspections and  
11 Permits  
12 Elevator and Amusement Device Units - Technical  
13 Changes/Updates to Rules

14 APPROVAL OF THE DECEMBER 4, 2019, MEETING  
15 MINUTES

16 ELEVATOR UNIT'S REPORT

17 AMUSEMENT DEVICE UNIT'S REPORT

18 OLD BUSINESS

19 NEW BUSINESS

20 Mike Church - KONE Hale Hall Project  
21 Deron Young - KONE BNA Concourse D

22 OPEN DISCUSSION ITEMS:  
23 Upcoming dates for board meetings for 2020  
24 December 1, 2020

25 ANNOUNCEMENT OF NEXT MEETING - The next  
regularly scheduled meeting of the Elevator &  
Amusement Device Safety Board meeting will be  
held 9:00 a.m. (CST) on Tuesday, December 1,  
2020, at the State of Tennessee Department of  
Labor and Workforce Development building located  
at 220 French Landing Drive, Nashville,  
Tennessee.

1                   CHAIRMAN FOX: We will start and  
2 call the September 2nd, 2020, meeting of the  
3 Elevator & Amusement Device Safety Board to  
4 order, and we will start with the introductions.

5                   And David Hale is in the left  
6 corner. So if you would, please, unmute  
7 yourself, David.

8                   MR. HALE: I'm David Hale, Board  
9 Member.

10                  CHAIRMAN FOX: And I have  
11 Mr. Vic LaPorte.

12                  MR. LAPORTE: Vic LaPorte, Board  
13 Member.

14                  CHAIRMAN FOX: I have Kelly  
15 O'Connor.

16                  MS. O'CONNOR: Kelly O'Connor, Board  
17 Member.

18                  CHAIRMAN FOX: I have  
19 Mr. Larry Moore.

20                  MR. MOORE: Larry Moore, Board  
21 Member.

22                  CHAIRMAN FOX: Mr. Lewis Moorer.  
23 You'll have to unmute yourself,  
24 Mr. Moorer. Down in the bottom left-hand corner  
25 on your screen, you should see a microphone.

1 MR. MOORER: Lewis Moorer, Board  
2 Member.

3 CHAIRMAN FOX: You'll have to put it  
4 back on mute. Thank you.

5 Mr. James Ray Pope.

6 MR. POPE: Yes. Yes. I'm James Ray  
7 Pope.

8 CHAIRMAN FOX: All right. Now,  
9 we'll go back up to Mr. Tom Herrod.

10 MR. HERROD: Yes. Commissioner --  
11 Assistant Commissioner for Division of Workplace  
12 Regulations and Compliance.

13 CHAIRMAN FOX: Ms. Jennifer Murphy.

14 MR. MURPHY: Jennifer Murphy,  
15 Amusement Device Safety Compliance Office  
16 Workplace Regulations and Compliance Division.

17 CHAIRMAN FOX: We have  
18 Mr. Dan Bailey.

19 MR. BAILEY: Dan Bailey, Legal  
20 Counsel.

21 CHAIRMAN FOX: Mr. Mike McPherson.

22 MR. MCPHERSON: Mike McPherson,  
23 Chief Elevator Inspector.

24 CHAIRMAN FOX: Thomas Jackson.

25 MR. JACKSON: Tom Jackson, Chief

1 Elevator Inspector.

2 CHAIRMAN FOX: Ms. Jennifer, I do  
3 not know your last name.

4 THE REPORTER: I'm Jennifer Haynie  
5 and I will be the Court Reporter for today. I'm  
6 with Stone and George Court Reporting.

7 CHAIRMAN FOX: And I have  
8 Ms. Jamie Presson.

9 MS. PRESSON: Jamie Presson,  
10 Executive Administrative Assistant for WRC.

11 CHAIRMAN FOX: Okay.  
12 Ms. Carlene Bennett.

13 MS. BENNETT: Good morning.  
14 Carlene Bennett, with the Division of Workplace  
15 Regulations and Compliance.

16 CHAIRMAN FOX: Ms. Anita Rhodes.

17 MS. RHODES: Anita Rhodes, Elevator  
18 Admin Secretary.

19 CHAIRMAN FOX: Mr. Mike Hardy.

20 MR. HARDY: Mike Hardy, Amusement  
21 Device Manager.

22 CHAIRMAN FOX: Mr. Michael Church.

23 MR. CHURCH: Michael Church. Yes,  
24 good morning. Michael Church with KONE.

25 CHAIRMAN FOX: And Mr. Kevin



1 Brinkman.

2 MR. BRINKMAN: Kevin Brinkman. I'm  
3 with the Nashville Elevator Industry, and I'm a  
4 guest.

5 CHAIRMAN FOX: And I believe that's  
6 all I show. So I think we have everybody.

7 I'm Robbie Fox, the Chairman, just  
8 for the record. And we will skip the pledge.

9 And Item Number 4 on the Agenda  
10 would be the adoption of the Agenda.

11 Now, before we vote or before we  
12 make a motion, whoever makes a motion, we would  
13 need you to unmute, say your name, make a  
14 motion, and put it back on mute, and then we  
15 will have to do a roll call vote on everything  
16 that we do, so bear that in mind.

17 MR. BAILEY: Mr. Chairman, you had  
18 someone else that joined, Mr. Don Stock.

19 CHAIRMAN FOX: I'm sorry. Good  
20 morning, Mr. Stock. State your name and what  
21 you represent -- or who you represent.

22 MR. STOCK: Don Stock. I am the  
23 owner -- Certified Inspector in the State of  
24 Tennessee (inaudible) and owner of Adventure  
25 Parks (inaudible) --

1           CHAIRMAN FOX:    Okay.  Thank you.  
2    Again, whoever is going to make a motion, you  
3    need to state your name, make the motion, put it  
4    back on mute, and then we would have -- and then  
5    obviously there would be a need provided someone  
6    wants to do that, and then we would have a roll  
7    call vote and do that the same way.

8           So I would entertain a motion for an  
9    adoption of the Agenda.

10          MS. O'CONNOR:  Mr. Chair, I make a  
11    motion to adopt the Agenda as amended, and this  
12    is Kelly O'Connor, Board Member.

13          CHAIRMAN FOX:  Okay.

14          MR. POPE:  James Ray Pope, second.

15          CHAIRMAN FOX:  We have a motion and  
16    a second.  Any discussion?  This is going to be  
17    interesting.  Hearing none.

18          David, since you're on the top  
19    left-hand corner, let's just start with you.

20          MR. HALE:  David Hale, I vote aye.

21          CHAIRMAN FOX:  Mr. O'Connor.

22          MS. O'CONNOR:  Kelly O'Connor, I  
23    vote aye.

24          CHAIRMAN FOX:  Mr. Moore.

25          MR. MOORE:  Larry Moore, I vote aye.

1 CHAIRMAN FOX: James Ray Pope.

2 MR. POPE: James Ray Pope, I vote  
3 aye.

4 CHAIRMAN FOX: Mr. Moorers.  
5 You're going to have to unmute  
6 yourself. There you go.

7 MR. MOORER: You can hear me now?

8 CHAIRMAN FOX: We can.

9 MR. MOORER: I'm unmuted.

10 CHAIRMAN FOX: So are you voting in  
11 the affirmative?

12 MR. MOORER: Yes, I vote aye.

13 CHAIRMAN FOX: Mr. LaPorte.

14 MR. LAPORTE: Vic LaPorte, I vote  
15 aye.

16 CHAIRMAN FOX: Motion carries. All  
17 right. The next segment will be the Rulemaking  
18 Hearing, and at this point, I'm going to turn  
19 that over to Assistant Commissioner  
20 Mr. Tom Herrod. Sir.

21 MR. BAILEY: Mr. Chairman?

22 CHAIRMAN FOX: Yes, sir.

23 MR. BAILEY: Mr. Chairman, if you  
24 would, we had another person join.  
25 Scott Andrews, if you'll just get him

1 recognized.

2 CHAIRMAN FOX: I'm sorry. I didn't  
3 see you. Sorry, Mr. Scott Andrews.

4 MR. ANDREWS: No problem, Mr. Fox,  
5 and I'm with Challenge Course Technology.

6 CHAIRMAN FOX: Thank you for being  
7 here.

8 Okay, Mr. Herrod.

9 MR. HERROD: Yes, thank you. We  
10 have two rule proposed changes for the State of  
11 Tennessee Elevator Unit. The first one has to  
12 do with fee increases for inspections and  
13 permits. These fee increases will generate  
14 about a half of a million dollars for our  
15 division, which will fund additional inspectors,  
16 and I was sent a letter --

17 CHAIRMAN FOX: We had a little --  
18 we had a little audio, Tom Herrod? Assistant  
19 Commissioner?

20 MR. HERROD: Okay. I have two  
21 proposals. We have one fee increase for  
22 elevator inspections and permits. You do have a  
23 redline version available to you, and if you  
24 didn't hear what I said before, these fee  
25 increases will generate a half of a million

1 dollars in revenue, which will fund additional  
2 inspectors and overhead for the Unit, which is  
3 needed.

4           The second proposal is for technical  
5 changes to the inspections of elevators and  
6 escalators and other moving walkways that needed  
7 to bring us closer to the technology needs of  
8 our inspectors to ensure the safety of the  
9 general public. So these are needed to help us  
10 do our inspections and also to protect the  
11 general public.

12           These are the two proposals that we  
13 have on the table today, and I'll let Mr. Bailey  
14 talk about what is needed as far as the public  
15 hearing and for anyone interested in making  
16 comments or has questions associated with these  
17 proposed rule increases, rule changes.

18           MR. BAILEY: Yeah. Is anybody here  
19 to comment on either of the proposed rules? If  
20 you would, when you do offer your comment, if  
21 you will give us your name, your address,  
22 telephone number, and e-mail address, and who  
23 you represent, if anyone; or if you're just  
24 speaking on behalf of yourself, if it is an  
25 organization, what your title is. And I guess

1 that's about it.

2 We don't have a set timeframe on  
3 comments, but we would like to try to keep them  
4 around five minutes. You know, again, it's not  
5 no hard or fast rule. I want everybody to say  
6 what they wish to say, but if it starts getting  
7 into a redundancy-type situation, you know, we  
8 may ask you that if you've got -- you know, if  
9 there's nothing new to add to it, then we're  
10 going to move on, anyway.

11 And again, the purpose is to get  
12 comments; that doesn't mean that we can't have  
13 some discussion about it, but after the  
14 Rulemaking Hearing is finished, we would be  
15 drafting written responses to any comments that  
16 are made and would be sending those to you. And  
17 also the Unit would be -- would put those  
18 responses on the website also so that public --  
19 the public can see those responses as well. So  
20 with that...

21 CHAIRMAN FOX: Mr. Bailey?

22 MR. BAILEY: Yes.

23 CHAIRMAN FOX: Can I interject one  
24 second and introduce Mr. Mitch Rader, who has  
25 joined us? Mitch, if you would, just for the

1 record, identify yourself and your position on  
2 the Board. Mitch, you'll have to unmute it.

3 MR. RADER: I'm Mitch Rader, Board  
4 Member. Sorry, I'm late. Got in Knoxville  
5 traffic.

6 MR. BAILEY: It looks like  
7 Mr. Farmer has also joined us, at least by  
8 audio, it looks like.

9 CHAIRMAN FOX: Yes.

10 MR. BAILEY: Chris, can you speak  
11 and say your name for the record?

12 CHAIRMAN FOX: He's on mute as  
13 well.

14 MR. BAILEY: Well, anyways...

15 MR. FARMER: Chris Farmer, Chief  
16 Elevator Inspector.

17 MR. BAILEY: Who do you represent?

18 MR. FARMER: Chris Farmer, Thyssen  
19 Krupp Elevator(TKE) formerly Nashville Machine.

20

21 MR. BAILEY: All right. Going  
22 forward with the Rulemaking Hearing and, you  
23 know, you can speak on either one, but I'll ask  
24 first: Is there anyone that is attending that  
25 wishes to speak on the proposed fee increases?

1           Okay. Then we'll move onto the next  
2 set of proposals regarding Elevators and  
3 Amusement Device Safety Codes, and I know,  
4 Mr. Brinkman, you submitted written comments.  
5 Do you wish to verbally comment, as well?

6           MR. BRINKMAN: Yes. I'll try to  
7 keep it brief. My name is Kevin Brinkman. I  
8 represent the National Elevator Industry. We're  
9 located at 10504 Turning Leaf Lane in  
10 Spotsylvania, Virginia. The zip code is 22551;  
11 I think it is.

12           MR. BAILEY: 22551.

13           MR. BRINKMAN: Thank you. My phone  
14 number is (703) 589-9814. I am the Vice  
15 President of Codes & Safety for NEII.

16           I want to say thank you to Assistant  
17 Commissioner Herrod, the Chairman, and Members  
18 of the Elevator Safety Board for allowing me the  
19 chance to speak.

20           NEII represents large elevator  
21 installers and maintainers here in the US.  
22 Safety is our top priority, and we support the  
23 adoption of the updated Safety Code, Safety Code  
24 B44.7 version; however, we support that because  
25 the A17 code is a difficult and very redundant



1 process and the extra -- and the stakeholders  
2 from various parts of the industry, including  
3 the local jurisdictions, laborers, as well as  
4 manufacturers, consultants, et cetera, is to  
5 make all changes to code thoroughly vetted and  
6 ensure no conflict within the code itself or  
7 with other safety standards, building codes,  
8 fire codes, et cetera. For this reason, any  
9 deviations from the code potentially can create  
10 unintended consequences and, therefore, we'd  
11 like to comment on some of the changes proposed  
12 and recommend the code be adopted without  
13 deviation.

14 Briefly, those code items are the  
15 adoption of A17.7. It's a performance-based  
16 standard that allows for new technology to be  
17 vetted through independent third-party  
18 certification agencies. This would help ensure  
19 that any new technology brought into the state  
20 has been thoroughly vetted by an outside party  
21 and would provide some help for the jurisdiction  
22 in making sure that if they allow variance  
23 that's something not in the A17.1 code that, it  
24 has been thoroughly vetted.

25 We also would like to comment on the

1 recordkeeping. We feel that electronic  
2 recordkeeping should be allowed. Electronic  
3 recordkeeping can be readily assessed at the  
4 site. It's kept up-to-date more readily. You  
5 don't have to go back to the site and update  
6 paper records. As part of that unique process  
7 for certain tests or procedures on elevators and  
8 if the code -- or the proposed were amended, it  
9 would eliminate those or not require those to be  
10 retained. We think it is very important that  
11 those are maintained with the other records.

12 Another item is witnessing of tests.  
13 The current proposal would have a limitation  
14 requirement to have the test witnessed by an  
15 inspector or authorized by the agent. We feel  
16 this inspection and witnessing of tests is very  
17 important and should be continued by the  
18 jurisdiction.

19 Alternate Testing. Alternative  
20 Testing is using scientific principles and  
21 calculations to determine the stopping and the  
22 proper operation and various components on the  
23 elevators; the elevator needs to transport heavy  
24 test weights for those periodic tests and,  
25 therefore, it actually potentially can cause an

1 injury to a mechanic and it is actually damaging  
2 to the equipment. So we say that alternate  
3 testing be included.

4           And then the last item is on the  
5 adoption of A17.3-1996 the Safety Code For  
6 Existing Elevators. We certainly support the  
7 adoption of the code; however, we were curious  
8 why the '96 version is being adopted rather than  
9 the more recent such as 2017? We recommend the  
10 latest one without all the latest safety  
11 requirements included.

12           That is just a brief overview but I  
13 welcome written comments and inquiries and  
14 questions so I can go into more detail on any of  
15 those items. If not, that would be all I have  
16 for today.

17           MR. BAILEY: Is there any Board  
18 Member, Inspector, anybody, have any questions  
19 for Mr. Brinkman or wish to comment on any  
20 comments that he made or are contained in his  
21 letter?

22           You've got to unmute yourself, Tom,  
23 if you're talking.

24           MR. HERROD: I was talking to  
25 Mr. Jackson. Mr. Brinkman, we'll respond back

1 in a letter with our answer to that, if that's  
2 okay.

3 MR. BAILEY: That's fine. Is there  
4 any Board Member or anyone else that has any  
5 comments or comments of Mr. Brinkman before we  
6 move on?

7 MR. HALE: This is David Hale.  
8 Would Mr. Jackson or one of them sort of comment  
9 on concerns that have been expressed, and so I  
10 could understand their viewpoint? For instance,  
11 on the electronic recordkeeping and things like  
12 that.

13 MR. JACKSON: Receiving feedback off  
14 our computer. Just one second, please. This is  
15 Thomas Jackson, Assistant Chief Elevator  
16 Inspector regarding his concerns on the  
17 Maintenance Control Program. We would prefer  
18 that that be in writing on site. Our inspectors  
19 don't necessarily carry a computer around to  
20 each job while we're inspecting. I know some  
21 companies have you call a phone number to get  
22 access to them and it can be time consuming.

23 We stay pretty busy and we really  
24 don't have time to stand around for someone to  
25 call us back and give us the information that we

1 need at the time of our inspection. That's why  
2 we're requesting or proposing that the  
3 Maintenance Control Program be located on site.

4           As far as the testing means with  
5 A17.7, we've long adopted A17.1. We visually  
6 inspect every test on inspection. We -- I like  
7 to see the weights on one. I don't want an  
8 electronic piece of equipment telling me that's  
9 what the weight is. I want to see that weight  
10 on that elevator.

11           I've seen elevators crash into pits.  
12 I've seen elevators crash overhead the car's  
13 rack and get completely, basically, torn up on a  
14 setting safety because something malfunctions.  
15 We prefer to stay with A17.1 code.

16           We always do visual inspections.  
17 Our safety record in Tennessee is excellent. We  
18 have very few elevator accidents occur in our  
19 state. We've been very -- we have really good  
20 inspectors. We have a really good process that  
21 we follow right now, and we would like to keep  
22 it that way under A17.1.

23           MR. LAPORTE: Tom, if I could  
24 add something -- this is Vic LaPorte -- a couple  
25 of things. One, it would maybe be a

1 misunderstanding, too, with MCP. The changes  
2 actually don't completely have to do with  
3 electronic means for electronic records. If the  
4 company chose to leave a piece of electronic  
5 equipment on site, such as a tablet or laptop,  
6 that would be acceptable.

7           What has been removed is the  
8 location. It's felt very strongly by the legal  
9 department that records are kept on site. Also,  
10 procedures have not been removed. The unique  
11 procedures absolutely have stayed in. The only  
12 place your procedures were removed with regard  
13 to A17.7 is procedures.

14           And as far as A17.7, the State has  
15 never recognized A17.7. I would seek more  
16 clarification on that and see that the State is  
17 opposed to newer technologies.

18           But as far as -- I forgot your name.  
19 The gentleman from NEII had said those come  
20 through the Board variance. The Board would  
21 also ask for the backup documentation, seeing  
22 that those technologies met the A17.A criteria.  
23 But the legal department and the Board would  
24 want the opportunity to review those before  
25 automatically letting that equipment in the

1 State.

2 And the alternate testing is, as  
3 Mr. Jackson just brought up, NA17.1 it's very  
4 clear that alternate testing is only allowed  
5 with the approval of the AHJ, and I don't what  
6 anybody's scientific means of it.

7 I think the issue with it in its  
8 current form, the alternate testing, do not test  
9 every piece of the equipment such as the  
10 suspension needs as it does with a full load of  
11 weights. In the future, that will likely change  
12 but at this current time, the AHJ is not going  
13 to approve that.

14 So by removing it in the rules --  
15 this is really just a clarification -- in its  
16 state is being very transparent in saving  
17 argument and debate unnecessarily with the  
18 elevator department. That's my comments.

19 MR. BAILEY: Is there anyone else  
20 who wishes to speak on this issue before we move  
21 on? Okay. Hearing none.

22 Is there anyone else who wishes to  
23 comment on either of the proposed rules, fee  
24 increases, or the update to the safety  
25 standards? Going once? Going twice? Sold.

1 All right. I guess that gets us out  
2 of the Rulemaking Hearing part of this meeting,  
3 and I'll turn it back over to the Chairman.

4 CHAIRMAN FOX: Thank you, sir. The  
5 next item on the agenda is an approval of the  
6 December 4, 2019, meeting minutes, and I would  
7 entertain a motion to approve.

8 MR. HALE: So move.

9 CHAIRMAN FOX: Please state your  
10 name for the record.

11 MR. RADER: Mitch Rader, second the  
12 motion.

13 CHAIRMAN FOX: All right. Any  
14 discussion? Hearing none. Okay. Mr. Hale?

15 MR. HALE: David Hale, voting aye.

16 CHAIRMAN FOX: Ms. O'Connor?

17 MS. O'CONNOR: Kelly O'Connor, aye.

18 CHAIRMAN FOX: Mr. Pope?

19 MR. POPE: James Ray Pope, voting  
20 aye.

21 CHAIRMAN FOX: Mr. Moorer?

22 MR. MOORER: Lewis Moorer, aye.

23 CHAIRMAN FOX: Mr. LaPorte?

24 MR. LAPORTE: Vic LaPorte, aye.

25 CHAIRMAN FOX: Mr. Mitch Rader?



1 MR. RADER: Mitch Rader, aye.

2 CHAIRMAN FOX: Mr. Moore?

3 MR. MOORE: Larry Moore, aye.

4 CHAIRMAN FOX: I believe I've got  
5 them all. Moving to the next section of the  
6 elevator report.

7 MR. MCPHERSON: Chairman?

8 CHAIRMAN FOX: Yes, sir.

9 MR. MCPHERSON: The last meeting we  
10 had, still being busy with the COVID pandemic,  
11 but we did establish some kind of or made our  
12 delinquencies go up and got it back under  
13 control. We did also 619 acceptances since  
14 then. We have now a total of 15,278 conveying  
15 objects in the state. We do have the delinquent  
16 rate at 5 percent. We did reach a 12 percent  
17 during the COVID. We have had a total number of  
18 inspectors of two, and we're up to 28 inspectors  
19 now, including the Assistant Chief and myself.  
20 We did hire an Assistant Inspector position  
21 that's in the apprentice program for the first  
22 time. It's actually going real well.

23 Let's see. That's about all I've  
24 got. I guess we are looking to inspect or --  
25 excuse me, hire more inspectors across the

1 state, probably three more, real soon.

2           Actually, we got really lucky. We  
3 only had one injury in East Tennessee and it was  
4 a head injury on an elevator and I haven't  
5 gotten an update yet. Hopefully, they're fine.

6           As of now, that is in our report.

7           CHAIRMAN FOX: Okay. Any questions  
8 from the Board? Any comments?

9           MS. O'CONNOR: Mr. Chairman, I have  
10 a question on the injury. Was that -- I hate to  
11 say it, was that user error, or was there some  
12 kind of malfunction?

13           MR. MCPHERSON: It was a slip more  
14 of an accident. It was change of direction and  
15 started going down the unit and turned around  
16 and walked back up, slipped.

17           MS. O'CONNOR: Thank you.

18           CHAIRMAN FOX: Any other questions  
19 or comments? Okay. Moving to the Amusement  
20 Device Safety, Mr. Hardy.

21           MR. HARDY: Thank you, Chairman Fox.

22  
23           As Mike mentioned, COVID has had an  
24 affect on our volume as well.

25           I'm sorry. I'm Mike Hardy,

1 Amusement Device Manager. I did want to run  
2 through some charts really quick that I sent the  
3 Board. We were able to permit, in this fiscal  
4 year, 412 companies. So we were at 90.4 percent  
5 of permitting companies than we were for the  
6 previous year for new companies we permitted,  
7 which for the new companies which that number  
8 was down. Also due to the COVID virus, the  
9 number of devices, we permitted 37 and 40  
10 devices, which was 88 percent of last year's  
11 volume, which is expected and correlates to the  
12 total number of permits issued.

13 Our accidents, reportable accidents,  
14 we had four, which I think that's relatively a  
15 good number, and I have sent you guys a  
16 breakdown of the accidents, but you can't see  
17 very well on this chart, but I will go through  
18 that really quick this morning.

19 Out of the four accidents, we did  
20 have a recordable trampoline party incident. It  
21 was a minor ankle sprain on the youngster. The  
22 faulty equipment was a metal rope clip or a clip  
23 that failed. It just was distressed until it  
24 just ate through the metal there. So that  
25 device was shut down as is our procedure, and a

1 post-accident inspection report was performed  
2 and passed, and we cleared that accident.

3           We also had a zipline incident  
4 closer to Nashville involving an employee. It  
5 was an employee error/communication error. It  
6 had nothing to do with the equipment but the  
7 injury was pretty substantial and the company  
8 closed down the zipline. They retrained the  
9 employees and we did have a reinspection where  
10 we cleared that accident as our procedure.

11           We had a mountain coaster rail, a  
12 coaster incident in East Tennessee, also  
13 involving an employee where the employee failed  
14 to secure themselves properly on the mountain  
15 coaster, and they were ejected or thrown from  
16 the coaster, and again, the company went through  
17 the proper procedures, and we had a  
18 post-accident inspection report that passed and  
19 we cleared that one, too. So two of those  
20 involved employees.

21           And then finally, we had a trackless  
22 train incident where a car slipped off a busy --  
23 a car slipped on the pavement and went off the  
24 pavement and it caused the train to fishtail and  
25 one of the cars became unaccompanied and the

1 safety chain broke, and there were a couple  
2 minor injuries and one overnight stay in the  
3 hospital, I believe, with that one.

4 But the owner of the company was  
5 very cooperative, as with the other three, had a  
6 post-accident inspection report that passed and  
7 then we cleared that accident as well.

8 So, you know, it's not really too  
9 bad. If you look at the numbers of the three  
10 previous years, the reasons those were so high  
11 because of the bad trampoline party incident, in  
12 which we have a different approach on those now.  
13 So I think our numbers on our graph look more in  
14 line and realistic and really actual reportable  
15 recordable incidents.

16 I want to talk just a little bit  
17 about our fair status of a -- our fairs in our  
18 state, and we have roughly -- I think it's 60  
19 fairs that are a part of the Tennessee  
20 Association of Fairs. Out of those 60, 42 were  
21 canceled this year; 18 operated or are scheduled  
22 to operate during the remaining of the season.

23 Now, we have had carnivals opened in  
24 malls, parking lots, and even pastures, but we  
25 were made aware of these beforehand, and we

1 verified the permit status and actually went on  
2 site there and audited the devices, making sure  
3 the companies had on the ground what we had  
4 registered as devices and basically the same  
5 audit-type of approach that we were doing for  
6 the (inaudible) or regular fairs.

7           And lastly, I want to thank the  
8 Board and Elevator group. They have employees  
9 over the State and have been good to give us  
10 carnivals that are operating obscure and with  
11 abnormal locations. And so I encourage the  
12 Board Members, anyone, as well, to give us a  
13 call if you see something you think we might not  
14 know about and address it accordingly.

15           Finally, I want to thank Jennifer  
16 Murphy, member of our team, Board Secretary --  
17 Jennifer and as well as some others here; did an  
18 extremely good job putting this together and I  
19 appreciate them, and that's it.

20           I got as far as the amusement device  
21 report. I would be glad to entertain any  
22 questions.

23           CHAIRMAN FOX: Any questions from  
24 the Board? Any comments?

25           MR. RADER: I'm curious. On the

1 mountain coaster, what was the employee doing  
2 riding the coaster? Why would the employee be  
3 riding the coaster?

4 MR. HARDY: There were patrons that  
5 were on the coaster. I believe it was a young  
6 lady -- and kind of got scared and they had to  
7 brake it down. This particular coaster had a  
8 manual braking, as do most of them. And she  
9 stopped her cart on the middle of the track.

10 So an attendant/employee jumped on  
11 the next cart behind -- and kind of jumped in  
12 there real fast to clear the track and he was  
13 ejected on one of the turns.

14 But again, it didn't have -- it  
15 wasn't any kind of mechanical failure or  
16 anything of that nature. It was more of a, you  
17 know, employee error on that one and -- but the  
18 company did go through the proper protocol and  
19 we did have a post-accident inspection that came  
20 back favorable, and we advised them they can  
21 resume their operation.

22 MR. RADER: Okay. Thank you.

23 CHAIRMAN FOX: Any other questions  
24 or comments?

25 MR. HALE: This is David Hale.

1 Mike, I had received a call from an inspector  
2 that had some concerns about whether we were  
3 going to stop inspecting inflatables. Do you  
4 have any information on that or what's your  
5 statement on that, I guess?

6 CHAIRMAN FOX: Mike, you'll have to  
7 unmute.

8 MR. HARDY: Yeah. We've been  
9 working on continuous improvement projects and  
10 one of those is a legislative proposal. No, we  
11 are not stopping inspecting inflatables. You  
12 know, this Board and everyone knows inflatables  
13 was recognized as a device that we would  
14 regulate, and we're continuing to do that and  
15 until there are legislature changes as a result  
16 of our proposal. If not, we are continuing to  
17 run business as usual and inspect inflatables  
18 until anything in the law changes and dictates  
19 otherwise.

20 MR. HALE: But at this time are we  
21 asking for legislative change to eliminate  
22 inflatables, or where do we stand on that?

23 MR. HARDY: Dan, am I allowed to  
24 discuss that as far as proposal? Dan Bailey?

25 MR. BAILEY: Yeah. I had to get it



1 unmuted. Yeah, you can discuss it if that's  
2 something we're contemplating pursuing, yeah.

3 CHAIRMAN FOX: You need to unmute,  
4 Mike.

5 MR. HARDY: Sorry. The proposal,  
6 Mr. Hale, mirrors the law in Oklahoma to where  
7 inflatable companies are regulated or permitted.  
8 The original inflatables, when you get a permit,  
9 if you have ten inflatables, every inflatable  
10 that you put in operation in accordance to  
11 Oklahoma law is initially inspected. However,  
12 those inspections, for example, those ten are  
13 grandfathered in each year thereafter. So it  
14 reduces the burden a little bit for the  
15 inflatable operators not to have every  
16 inflatable inspected every year. We want that  
17 initial inspection but the proposal is to  
18 relieve the burden from the inflatable operators  
19 and grandfather inflatables in that have  
20 previously been inspected and registered to not  
21 to have to do that year after year for the life  
22 or as long as they own that inflatable.

23 I hope I made that clear.

24 MR. HALE: So how, going forward,  
25 would you know that an inflatable device still

1 maintained its integrity; for instance, the  
2 loops where the stakes attaches, point that the  
3 stakes attached to that they -- that 65 hatches  
4 are still functioning properly, that they're  
5 being maintained properly?

6 MR. HARDY: We'll still be doing  
7 spot checks on our own. But from our history of  
8 accidents on inflatables, we really haven't  
9 seen, you know, any significant injuries or  
10 accidents regarding inflatables as far as in  
11 numbers. We'll continue to spot check these  
12 companies and ensure that they are up to par.

13 But I think most of the inspectors  
14 will tell you that a lot of problems with  
15 inflatables as far as operation come down to the  
16 blowers and, of course, the integrity of the  
17 seams and things of that nature.

18 And, Mr. Hale, this is going to be  
19 one of the things we have to work through, if  
20 this is adopted.

21 MR. HALE: I don't want us to get  
22 into a situation where we start watering down  
23 our regulations, because that could become a  
24 dangerous trend, you know, if we water down  
25 inflatables.

1           Well, then maybe we are doing too  
2 much on trackless trains, and so where does that  
3 end, I guess would sort of be my concern about,  
4 you know, starting to take things back out of  
5 this? We tried to work pretty diligently to  
6 get -- to get these go-cart tracks, too, and  
7 without much success and now we, you know -- if  
8 we start having a record of, well, they're  
9 already watering it down, you know, where does  
10 that put us going forward?

11           MR. HARDY: Yeah, I understand your  
12 concerns and the proposal is strictly limited to  
13 the inflatable devices. Nothing else is being  
14 discussed as far as any of the other devices  
15 that we regulate. And again, you know, we have  
16 some companies -- a man down in Murfreesboro  
17 that he has between 50 and 100 of those things  
18 and he does a good job with them, he does a good  
19 job with his business. But it's a burden for  
20 these inflatable companies to blow up, to set up  
21 and to have 50-some-odd inflatables inspected  
22 every year.

23           And the Oklahoma -- the Oklahoma  
24 program is working. I don't think they have a  
25 lot of adverse effects, you know, on that

1 position of their law. But we will -- we will  
2 be very diligent if this -- if this is  
3 adopted -- and we, too, you know -- our goal is  
4 safety, Mr. Hale. I don't think we would ever  
5 do anything to compromise that.

6 MR. HALE: I certainly wasn't  
7 indicating that; however, I want us to be  
8 cautious that we don't water down your authority  
9 to go in and look at devices. If we say  
10 inflatables are no longer inspected and you come  
11 to a carnival and you know the inflatables  
12 barely are staying up because the seams are bad  
13 and half of the anchor points are moving, you  
14 still need the authority to be able to address  
15 that.

16 MR. HARDY: Yes, sir. And I don't  
17 think anything that we've discussed as far as  
18 proposal would compromise that authority.

19 MR. POPE: Chairman Fox, if I  
20 could?

21 CHAIRMAN FOX: Sure.

22 MR. POPE: The way I'm understanding  
23 this and my issue -- I'm not against what  
24 Mr. Hardy is saying as far as bouncy houses  
25 somewhere on the record in saying there's not a

1 lot to inspect on bouncy house in one of these  
2 meetings. I guess I have an issue with maybe  
3 not bringing anything before the Board. I think  
4 that's what this Board is for. And this would  
5 have been something had we not heard it -- had  
6 we not heard it from the inspector -- if we had  
7 not heard it, the Board wouldn't even know about  
8 it.

9 So, Mr. Hardy, I don't understand  
10 how we're going to the legislators with  
11 something to change without utilizing this  
12 Board? That happened in the previous  
13 administration and it was a big black eye to the  
14 right safety division, and I don't know that if  
15 we continue to do this, there won't be another  
16 one.

17 CHAIRMAN FOX: Mr. Hardy, would it  
18 be possible for you to send the Board Members a  
19 copy of the actual proposal so we have some  
20 understanding of what's going on?

21 MR. HARDY: Yes, that's a  
22 possibility. I will discuss that with Tom.  
23 He's away from the meeting but we'll possibly do  
24 that.

25 CHAIRMAN FOX: Okay.

1           MR. POPE: And just for me to  
2 understand, is that not the -- is that not the  
3 reason for this Board?

4           MR. HARDY: Dan or Tom, you may want  
5 to help me.

6           MR. BAILEY: Well, it's one of the  
7 reasons for the Board is to, you know, propose  
8 recommendations to the department regarding, you  
9 know, amusement device safety and things of that  
10 nature and to whatever else is set out in the  
11 statute regarding amusement devices. But, sure,  
12 that's one of the functions.

13           MR. POPE: And that is just not  
14 done.

15           MR. BAILEY: I'll let Tom answer  
16 that.

17           MR. HERROD: Well, it is my  
18 understanding that it was out in the past. It's  
19 something out there for some time, and looking  
20 at proposal to the legislature, it was deemed  
21 that this would be an improvement and an  
22 enhancement to the amusement device industry as  
23 a whole. It will save money for the amusement  
24 device owners. But what we can do is make a  
25 presentation, present this proposal at the next

1 meeting. Officially, anything that had been  
2 presented to the legislature was nixed for this  
3 year and won't be brought before them until next  
4 year. So if we overstepped or bypass the Board,  
5 we can do it properly and submit it in the next  
6 Board meeting. If that's -- if that's okay with  
7 the rest of the Board Members?

8 MS. O'CONNOR: Tom, that would be  
9 greatly appreciated because, you know, we all  
10 want the owners to make money but that's not the  
11 purpose of this Board. The purpose of this  
12 Board is public safety, and this is very much a  
13 public safety issue.

14 MR. HARDY: We can certainly do that  
15 and we'll be glad to do that. And I, Mike Hardy  
16 and Dan Bailey, we will get together and make  
17 sure that happens and apologize to everybody.  
18 But we'll get it and do it the right way.

19  
20 MR. HALE: I will say, Commissioner,  
21 I guess the only other thing I would say about  
22 that is as a Board Member, we just don't want to  
23 be -- I have inspectors call me and he knows  
24 more than I do and I'm sitting on the Board and  
25 he knows about what's being proposed than I do

1 and, you know, I guess I'll take a little blame,  
2 they didn't get out -- I didn't go through and  
3 search everything in the legislature that might  
4 have been referencing amusement devices and  
5 maybe I should have, but we just don't want to  
6 be blind-sided when people call us and say, hey,  
7 do you know this is going on. I guess that's my  
8 point about that.

9 MR. POPE: My thoughts exactly.

10 MS. O'CONNOR: And admittedly, this  
11 is a very sore subject with us, with the Board.  
12 We experienced the same thing with the previous  
13 administration.

14 CHAIRMAN FOX: Correct.

15 MR. HARDY: Okay. We accept your  
16 input there and we will make sure that we do  
17 this correctly. Present it at the next Board  
18 meeting and we'll go this route, and my  
19 apologies to everybody on the Board for us  
20 overstepping and bypassing the Board.

21 CHAIRMAN FOX: Thank you. We're  
22 all good. Please understand that we're the  
23 biggest cheerleaders you'll have. You have no  
24 idea how we appreciate the job that you do.  
25 Like I said, we are your biggest cheerleaders.



1 MR. HARDY: Thank you.

2 CHAIRMAN FOX: Anything else? Too  
3 many answered questions and suggestions on the  
4 amusement device unit. Okay. Hearing none.  
5 We'll go to old business. There's no old  
6 business to discuss at this point.

7 We will move in to new business and  
8 it appears as though Mr. Mike Church has asked  
9 to address the Board in reference to KONE and  
10 the Hale Hall Project -- Mr. Church.

11 MR. POPE: Mr. Chairman, one minute  
12 first. I have another meeting at 10 o'clock.  
13 I'm going to bail out to make it to this other  
14 meeting, if there's no objection.

15 CHAIRMAN FOX: Sir, I understand.  
16 Thank you very much for being here.

17 MR. POPE: Thank you. Bye-bye.

18 CHAIRMAN FOX: Mr. Church?

19 MR. LAPORTE: I should probably  
20 recuse myself from this discussion for voting.

21 CHAIRMAN FOX: We would ask you to  
22 to abstain from voting. Yes.

23 MR. LAPORTE: Thank you.

24 CHAIRMAN FOX: Mr. Church, please,  
25 identify yourself, give us your address, phone

1 number, and e-mail address.

2 MR. CHURCH: Sure. My name is Mike  
3 Church. I'm with KONE, Inc., our office is at  
4 738 Melrose Avenue, Nashville 37211. My phone  
5 number is 816-365-8037, and my e-mail is  
6 Mike.church, C-H-U-R-C-H, @KONE.com.

7 CHAIRMAN FOX: Please, proceed.

8 MR. CHURCH: Okay. Actually, I  
9 wrote up a little text and I'm just going to  
10 read that.

11 So KONE Elevator is here on behalf  
12 of Tennessee State University. Tennessee State  
13 University is requesting a variance for the  
14 replacement of a hydraulic elevator with a new  
15 gearless traction machine room less elevator.

16 The project where the variance is  
17 being requested by Hale Hall, H-A-L-E H-A-L-L,  
18 had originally two 6-landing hydraulic elevators  
19 with 50 feet of travel which means that the  
20 hydraulic jack goes 50 feet in the ground. The  
21 elevators are side by side and made to work to  
22 best serve the building.

23 In 2014, KONE was contracted by  
24 Tennessee State University to install a  
25 replacement traction elevator to replace the

1 Number 2 elevator at Hale Hall due to the  
2 failure of the hydraulic jack. KONE completely  
3 removed the hydraulic elevator (except for  
4 entrance frames in the wall) eliminating the  
5 50-foot hydraulic cylinder and moved the control  
6 room to the sixth floor. The existing shaft of  
7 poured concrete has a 53.5 pit and a 12 inch  
8 overhead. A17.1 calls for a 60 pit and 12.4  
9 inch overhead in order to maintain clearances  
10 for an apron guard and a car top handrail.

11 KONE was allowed by the State in  
12 2014 to provide a 45.5-inch apron guard and a  
13 retractible handrail on the car top that is  
14 folded down when elevator personnel are not on  
15 top of the car servicing the elevator.

16 The microprocessor logic control on  
17 the new elevator Number 2 and the older control  
18 on elevator Number 1 cannot communicate with  
19 each other, and TSU ran both elevators  
20 independent of each other with a hall station  
21 for each elevator at each landing, which is very  
22 inefficient for (inaudible) the students in the  
23 building.

24 In 2019, last year, elevator Number  
25 1 failed and has been shut down for over a year

1 until TSU allocated the funds to replace this  
2 elevator. KONE is under contract to replace  
3 this elevator based upon a variance same  
4 conditions as the installation of Elevator  
5 Number 2 back in 2014.

6 KONE is requesting for the owner the  
7 same variance be allowed that was granted in  
8 2014, which allowed a 45.5-inch apron guard in  
9 lieu of 48-inch apron guard and to use the  
10 existing pit without modification. In addition,  
11 this project shares the same shaft as Elevator  
12 Number 2 also has a 12-0 inch overhead. In  
13 order to provide code required clearances which  
14 includes a 43-inch refuge space on the car top,  
15 it will be necessary to install a 7-foot 6-inch  
16 cap and normally caps are typically 80-foot and  
17 receive a variance to reduce the cart top  
18 handrail by 2-and-a-half inches from 42-inches  
19 to 39-and-a-half inches.

20 Retractable handrails, like the one  
21 used in '14 are no longer allowed by the State.  
22 The reduction of the car's top handrail is  
23 necessary to provide 4 inches of clearance above  
24 the handrail at the car maximum upward movement.  
25 In addition, KONE will provide signage on the

1 hositway wall cautioning anyone on the car top  
2 of a low overhead condition.

3           This campus has a history of  
4 underground water issues that have caused  
5 several cylinders to fail on campus. The  
6 University desires to replace any failed  
7 hydraulic elevators with traction elevators that  
8 does not use an underground cylinder. The  
9 existing machinery room located in the basement  
10 at Hale Hall has water issues and at times has  
11 running water passing through the machine room.  
12 Under this project the controls will be moved to  
13 the fifth floor for the new elevator.

14           In summary, TSU requests this  
15 variance for the following reasons:

16           The history of cylinder failures at  
17 the campus. Several down units due to jack  
18 failure. Water issues in the machine room and  
19 then Elevator Number 2 was replaced with a  
20 traction machine room less elevator and TSU  
21 wants to duplex this elevator with similar  
22 traction technology.

23           And that's the basis of my request.

24           CHAIRMAN FOX:    Okay.

25           Mr. McPherson?

1           MR. MCPHERSON: Mr. Church, will you  
2 put your mute -- put your speaker on mute or  
3 microphone on mute.

4           This is going to go a couple of  
5 different ways. Here, we spoke previously about  
6 this via e-mail and phone calls. First and  
7 foremost, I'll piggyback off of Mr. Hale about  
8 variances. We feel very much it's a  
9 case-by-case basis of the two. With that being  
10 said, I do want to use Mr. Hale's statement  
11 about watering down our codes that are meant  
12 there for people's safety.

13           With that being said, I do have a  
14 statement here for that step-by-step. The  
15 variances and overhead, while the Elevator Unit  
16 is not in favor of granting variances clearance,  
17 we have strived to accommodate in working with  
18 the company. Pit variances have been granted by  
19 the Elevator Board on many occasions.

20           We are now being requested so far to  
21 reduce the clearance in the overhead or allow  
22 instance the replacement handrail not code  
23 complies in A17.1 codes have pit clearance. We  
24 are against reducing any overhead clearance  
25 requirement and no longer five variances accept

1 in the extreme circumstance where no other  
2 option is available and most cases require code.  
3 Clearance can be met by replacing the existing  
4 elevator with new installation of the same type.  
5 New installation is the same as anything  
6 replaced no variance will be required in  
7 installation and would be code compliant.

8 As far as overhead goes and the  
9 handrail, that was actually accepted by mistake  
10 before.

11 As far as replacing it with the same  
12 unit, the new hydraulic units actually have  
13 significant coding. They have a different outer  
14 coding so it's now not as corrosive as as they  
15 used to be.

16 With that being said, we like to  
17 know -- before we do go for a variance, I want  
18 to know that all of the options I have, have  
19 been exercised and investigated or looked at  
20 before we, once again, reduce the safety on  
21 behalf of the public, which we do not accept  
22 handrails. That's my statement.

23 CHAIRMAN FOX: And to summarize or  
24 paraphrase, you recommend against granting any  
25 sort of variance.

1                   MR. MCPHERSON: Yes, sir. That's  
2 the only option we have to replace it this way.  
3 I think if their other option has been  
4 exhausted, we could probably talk about the  
5 variance. That's up to the Board to decide.

6                   MR. RADER: This is Mitch Rader.  
7 I'm not an elevator expert. So could you  
8 summarize or give me cliff notes as to what  
9 they're asking for in terms of a variance? I'm  
10 a little confused on what they're asking for. I  
11 may be the only one.

12                   MR. FARMER: If you're shortening  
13 the overhead when the elevator goes to stop, you  
14 have handrails that are required. So there's  
15 not head clearance (inaudible) use the  
16 retractible is mainly short. So there is safety  
17 there. Same thing for a pit. When you have a  
18 traction elevator versus a hydraulic, the pits  
19 are different. So we have to guard and platform  
20 guard.

21                   They're asking to shorten that and  
22 shorten your safety.

23                   CHAIRMAN FOX: Okay. Thank you.  
24 Mr. Hale?

25                   MR. HALE: David Hale. I guess I



1 misunderstood. I thought the gentleman said  
2 they were not going to use retractible safety  
3 elevators but instead just shorten the --

4 Did I misunderstand that,  
5 Mr. McPherson?

6 CHAIRMAN FOX: Just one second.

7 MR. CHURCH: May I comment?

8 CHAIRMAN FOX: Mr. Hale, can you  
9 repeat that? You cut out.

10 MR. HALE: I think that the  
11 gentleman from KONE speaking said that they  
12 weren't going to use a retractible handrail;  
13 instead, they just wanted to shorten the fixed  
14 handrail by 2 inches.

15 Did I misunderstand his explanation,  
16 Mr. McPherson?

17 MR. MCPHERSON: That is correct. If  
18 you shorten it, it doesn't meet codes -- if you  
19 shorten it at the top. They're asking to reduce  
20 the top and bottom clearances.

21 CHAIRMAN FOX: Any other questions  
22 from the Board?

23 Now, what is the problem with the  
24 Board regarding this variance?

25 MR. RADER: Am I understanding you,

1 you do not want to grant them a variance unless  
2 there's other options?

3 MR. MCPHERSON: That's correct. I'm  
4 not in favor.

5 CHAIRMAN FOX: Mr. Kelly?

6 MS. O'CONNOR: Mr. Church, have  
7 other options been explored on this?

8 MR. CHURCH: No, they have not. The  
9 options that would be -- that could be explored  
10 is you put another hydraulic elevator in and  
11 replace it with -- completely replacing that  
12 elevator, which we would, then, have to utilize  
13 a 7-foot cap on that as well, and that's why  
14 when we do replace it, we do 7-foot instead of  
15 8-foot-cap, concerned about the headroom that  
16 Mr. McPherson actually spoke about.

17 So what we try to maintain in this  
18 situation is the revenue space, guys that work  
19 on the table that are not going to get crushed  
20 and get into trouble. A handrail, which the  
21 code says 42 inches is that the elevator has to  
22 have 42-inches maximum upward travel. So when  
23 the elevator goes all the way up to the board  
24 and compresses and hits the run by a half  
25 (inaudible) graft upward maximum calculation --

1 we were going to 2-and-a-half inches short on  
2 the handrail for 4 inches because they don't  
3 want anybody's hand to be crushed with that  
4 upper movement. I know 42 inches is in the code  
5 but OSHA does allow plus or minus handrail.

6 I see you're shaking your head,  
7 Tommy. I'm okay. I respect all you guys. Let  
8 me let the Board understand this. I respect  
9 these gentlemen with the highest regard. So we  
10 also agree to disagree on some things, but at  
11 the end of the day, we always go along with each  
12 others' decisions.

13 So I look at that OSHA code, and it  
14 specifically asks to reduce the car top handrail  
15 2-and-a-half inches while maintaining revenue  
16 (inaudible) is the answer.

17 We have not investigated putting  
18 full hydraulic elevators in shafts. Okay. That  
19 can be done. Okay. I sometimes question maybe  
20 we're an inch short on that handrail,  
21 12-foot-zero (inaudible) deal and again, Tom, we  
22 can talk about it and maybe talk about  
23 (inaudible) but we had quite a bit of  
24 correspondences on this one.

25 And another option is actually

1 moving the overhead up. Okay. So we asked our  
2 general contractor to price actually increasing  
3 the overhead of that concrete shaft, and he came  
4 back with the cost of \$45,000 to increase the  
5 overhead.

6 So there are a couple of options:  
7 Number 1, to increase the overhead for \$45,000,  
8 in addition to the project costs; and Number 2  
9 is to put a new hydraulic elevator in.

10 MR. LAPORTE: Mr. Chairman?

11 CHAIRMAN FOX: Yes, sir,  
12 Mr. LaPorte?

13 MR. LAPORTE: May I make one  
14 suggestion or possible comment?

15 CHAIRMAN FOX: Mr. LaPorte, because  
16 you do work for them, we probably should steer  
17 away from that.

18 MR. LAPORTE: I had another  
19 suggestion that may solve the problem, but  
20 that's fine. I understand.

21 CHAIRMAN FOX: Okay. Any other  
22 questions, comments, suggestions, from the  
23 Board? Mr. McPherson, is there an additional  
24 response?

25 MR. MCPHERSON: No, sir. I heard

1 the other options and I do know hydraulic would  
2 work in this situation, and that's my last  
3 comment.

4 CHAIRMAN FOX: Okay. All right.  
5 Any more questions of the Board?

6 MR. HALE: I have one more question,  
7 Chairman Fox.

8 How much is the financial impact on  
9 putting in the hydraulic elevator versus what  
10 you're putting in with the variances?

11 MR. CHURCH: Without investigating  
12 the undersoil conditions, the hydraulic elevator  
13 would be similar in cost. Okay. But with the  
14 replacement of a hydraulic jack, there's also  
15 the unknown of a 50-foot hole collapsing and  
16 again there's a chance. I'm not going to say  
17 there's a great chance that the whole hole could  
18 collapse. We bring in Deere drilling rig and the  
19 cost is 70 or 80, 90,000 to drill a hole 50 feet  
20 into the ground. So the University eliminates  
21 the hydraulic from their campus where they don't  
22 have to look at these expenses in the future.

23 MS. O'CONNOR: Mr. Chairman, I  
24 really feel for TSU and I'm a fundraiser so I  
25 really would like to help them out here, but in

1 the same respect, our responsibility is the  
2 safety of the public, and I'm of the opinion of  
3 Mr. McPherson on this.

4 CHAIRMAN FOX: Is that a motion?

5 MS. O'CONNOR: That was a statement.  
6 Not a motion.

7 CHAIRMAN FOX: Okay. Okay. So I  
8 would entertain a motion?

9 MR. BAILEY: Mr. Chairman?

10 CHAIRMAN FOX: Yes, sir?

11 MR. BAILEY: Regarding Mr. LaPorte,  
12 I was looking back over how we handle conflicts  
13 of interest and what we had decided on that was  
14 the conflicted Board Member must state on the  
15 record which he conflict -- which he or she is  
16 employed by KONE, and can take part in the  
17 discussion so long as his questions do not  
18 relate to his conflict.

19 Now, we don't know what his comment  
20 is and if that relates to the conflict. So, I  
21 mean, you can either say, no, he can't comment  
22 at all because he works for them; or you can  
23 hear the comment.

24 I mean, it's kind of like trying to  
25 unring a bell; you can hear the comment, and

1 then determine whether that comment relates to  
2 his conflict, if that's somewhat clear.

3 CHAIRMAN FOX: To your point, I  
4 think that's kind of like unringing the bell.

5 MR. BAILEY: Yeah.

6 CHAIRMAN FOX: Look, I value  
7 Mr. LaPorte's knowledge on this. He's far and  
8 away more knowledgeable about this than I am,  
9 but I think that it could affect the vote.

10 MS. O'CONNOR: Mr. Chairman, I'll  
11 move to make a motion to not accept a variance  
12 as requested.

13 CHAIRMAN FOX: Okay. We have a  
14 motion. Mitch Rader?

15 MR. RADER: I know the intent of the  
16 Board is to always hear about the variance and  
17 try to digest the information and work with the  
18 person that's asking for a variance.

19 For instance, I've got trouble  
20 agreeing for the variances when they've got  
21 other options. So I'll second that.

22 CHAIRMAN FOX: Okay. We have a  
23 motion and a second. Any further discussion?  
24 Hearing none. Mr. Hale?

25 MR. HALE: Aye.

1 CHAIRMAN FOX: Ms. O'Connor?

2 MS. O'CONNOR: Aye.

3 CHAIRMAN FOX: Mr. Moore?

4 MR. MOORE: Aye.

5 CHAIRMAN FOX: Larry Moore?

6 MR. MOORE: Aye.

7 CHAIRMAN FOX: Mr. Rader?

8 MR. RADER: Aye.

9 CHAIRMAN FOX: And we have one  
10 abstention by Mr. LaPorte.

11 Motion to deny passes.

12 Moving along to Mr. Deron Young or  
13 Darian Young. Is it Darian? No response.

14 The next item is KONE BNA Concourse  
15 D. Mr. McPherson, I don't see anybody. Unless  
16 Mr. Church is representing them, I don't see who  
17 the representative is.

18 MR. MCPHERSON: I don't either.

19 This is also a KONE job.

20 CHAIRMAN FOX: Okay.

21 MR. CHURCH: I'm not involved in that  
22 project. So I'm not here to represent them;  
23 unfortunately.

24 CHAIRMAN FOX: Okay. Should we  
25 hold this in abeyance until next time,



1 Mr. Hardy?

2 MR. HARDY: Yes, sir. We can do  
3 that, or we can do that or ask them to submit  
4 another variance request.

5 CHAIRMAN FOX: Okay. Since they're  
6 not here, let's do that. And we will move along  
7 to the open discussion items. Do we have any?

8 Mr. Hardy?

9 Okay. Moving right along to the  
10 update for the next Board meeting will be  
11 December 1st, 2020, and I guess we will wait to  
12 hear from your office whether we'll be meeting  
13 virtually or in person; is that fair?

14 MR. HARDY: That's fair.

15 CHAIRMAN FOX: Okay. All right.  
16 Mr. Bailey, do I have to read the announcement  
17 just for the record? Item Number 12 is the  
18 announcement of the next regularly scheduled  
19 Elevator & Amusement Device Safety Board meeting  
20 will be held 9:00 a.m. Central Standard Time,  
21 Tuesday, December the 1st, again, here  
22 virtually. If in person, we will be at the  
23 State of Tennessee Department of Labor and  
24 Workforce Development building, located at 220  
25 French Landing Drive, Nashville, Tennessee.

1           Do I have a motion for an  
2 adjournment?

3           MR. BAILEY: No more than you don't  
4 have to read that.

5           CHAIRMAN FOX: Well, thank you.

6           MS. GEORGE: Could I request that  
7 everyone in attendance please go to the chat box  
8 and type in your name and the company that you  
9 represent. We have 23 participants, and we have  
10 very little in the chat box right now, so if we  
11 could have everyone do that.

12           If you don't know how to do that,  
13 let us know.

14           UNIDENTIFIED SPEAKER: Who shows up?

15           MS. GEORGE: We've got Kelly  
16 O'Connor, Mike Hardy, Jamie Presson, Mike  
17 McPherson, and I've got -- I'm seeing more come  
18 in now: Mitch Rader and Don Stock.

19           And, Mr. Stock, I do recall when you  
20 announced yourself and who you represented but  
21 it was pretty fast, and so for the record, could  
22 you just type in the chat box who you represent,  
23 please. Thank you.

24           And then also, Mr. Church, could I  
25 request that you send the Court Reporter a copy

1 of the report that you read from? If you could  
2 just e-mail it to me or Jennifer. You can  
3 e-mail it to Jennifer or e-mail it to me,  
4 whichever is easiest. Thank you.

5 CHAIRMAN FOX: Okay. Anything else  
6 for the good of the order and all hearts and  
7 minds are clear?

8 Ladies and gentlemen, we will talk  
9 to you later or see you on December the 1st.  
10 Thank you all very much, great job, and see you  
11 in December. Bye-bye.

12  
13 (The proceedings adjourned at 10:20 a.m.)  
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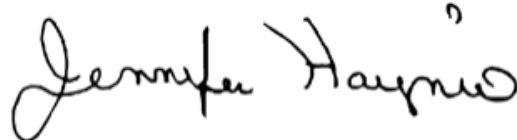
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REPORTER'S CERTIFICATE

I certify that foregoing Transcript was taken at the time and place therein named; that the testimony of said witnesses was reported by me, a Shorthand Reporter and Notary Public of the State of Tennessee authorized to administer oaths and affirmations, and said testimony, pages 5 through 58 was thereafter transcribed into typewriting.

I further certify that I am not counsel or attorney for either or any of the parties to said Transcript, nor in any way interested in the outcome of the cause named in said Transcript.

IN WITNESS WHEREOF, I have hereunto set my hand the 29th Day of September, 2020.



JENNIFER HAYNIE (License No. 403)  
My Commission Expires: 11/08/2022

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