

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES – LICENSING DIVISION
2501 Woodlake Circle, Okemos, Michigan 48864-5955

CARNIVAL-AMUSEMENT SAFETY BOARD

BOARD MEETING MINUTES

March 27, 2009, 10:00 a.m.

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Carnival-Amusement Safety Board met in Regular Session on March 27, 2009 at the Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, Second Floor, Conference Room 1, 2501 Woodlake Circle, Okemos, Michigan.

CALL TO ORDER

The meeting for the Carnival-Amusement Safety Board was called to order by Chairperson Kipling at 10:02 a.m.

Present:	Kurt G. Kipling	Chairperson
	Martin J. Heppler	Vice-Chairperson
	Douglas S. Schmidt	Member
	Jeffrey D. Ledy	Member
	Nicholas J. Infante	Member
Absent:	Carrie E. Jones	Member
Staff:	Joyce Karr	Licensing Director
	Ann Millben	Licensing Administrator
	Lori Porubsky	Assistant Licensing Administrator
	Angie Diro	Secretary
	Barrington Carr	Director of Enforcement
	D. Mark Doman, PE	Inspection Manager
	Gilbert Townsend	Inspector
	Kirby Pettyjohn	Inspector
	Tim Slattery	Inspector
Visitors:	E.J. Brown	Michigan Association of Fairs & Exhibitions
	Adam Schmidt	Schmidt Amusements

ADDITIONS TO OR DELETIONS FROM AGENDA

Ms. Millben stated that there are additional documents included in the Board Members folders regarding Item 5A Staff Reports Enforcement Division.

APPROVAL OF MINUTES FROM THE MEETING HELD OCTOBER 24, 2008

MOTION: After review, Mr. Heppler moved to approve the minutes from the Board meeting held on October 24, 2008. Mr. Infante seconded and the motion passed unanimously.

PUBLIC COMMENT

Mr. Brown stated that the Michigan Association of Fairs & Exhibitions is optimistic about the season even with the way the economy is going. Also, that there are a lot of changes with the dates and locations of fairs.

STAFF REPORTS

ENFORCEMENT DIVISION

Mr. Doman discussed the "2009 Spring Carnival-Amusement Safety Board Information Package." It was distributed to Board members for their review, and included the following topics:

Amusement Season Forecast

Mr. Doman stated that he is hearing things are holding steady, probably has to do with the drop in fuel cost from last year. The fuel cost last year had a big impact on the traveling shows. Travel Michigan came out last week and our work (Amusement) is considered under Recreation. And they predict a 3-4% decline in business and they note that is on top of the 6% decline last year largely due to fuel prices. Largest decline is in small remote and less developed facilities. Traveling shows go to a lot of these remote communities so that may have a bearing on the decline.

Mr. Doman stated that they project when making assignments for next year, they look at the previous year. We are actually start with 4% more companies but looks like we have about 5% less rides then last year. It may mean more travel. We are predicting about 230 operators and 900 rides this year. There are a number of facilities that have closed most of those are go-kart tracks and seem to be the more remote ones. Mr. Doman also indicated that the City of Marquette has decided not to open their waterslide and will be taking it out. Traveling shows are constant but what seems to be happening are changes including the traditional WADE shows are focusing their operations elsewhere in other states. There will be another company Mid-America who will be doing Michigan State Fair. Mid-America is apart of North American Midway (NAME) Arrangements have been made for Mr. Slattery to travel out of state to inspect the rides. The cost of out of state travel will be paid by contractor. There is still the demand from the communities to have the fairs. Mr. Ledy asked if the inspection is good for one year. Mr. Doman stated yes unless they find something that would

warrant further inspections. Mr. Slattery stated that the inspectors actually spend more time around the equipment than once a year. Mr. Doman stated that other states require more inspections than Michigan but the reason it works is that our inspectors have a good rapport with those in the industry. Mr. Heppler stated that the companies require their rides to be inspected everyday, when you look at the 24 incidents last year probably 85% of those where riders not following the safety guidelines. Mr. Doman stated that a company based on the western part of the U.P. states they will no longer be there.

Mr. Kipling stated that he has spoken to some Prosecutors Offices and they are not aware of their abilities in dealing with those who are unlicensed or are operating unsafe carnival rides. But there is a Prosecutors Association that can help educate them and promote what their abilities and rights are in those situations. Ms. Porubsky asked if this was something we could place on the website. Mr. Kipling stated that yes and possibly the MAFE would place it on their website. Mr. Brown stated that over all in the State of Michigan we are doing a good job and would like to promote that rather than looking at that aspect I think we should make them aware but display the good aspects. Mr. Slattery stated that it has not been a problem with the mobile carnivals. Mr. Kipling stated that it's a problem within 20-30 miles of the state line that carnivals come in and then disappear Monday morning without being licensed. Mr. Doman stated that it's important to educate the public and industry the more they know the more they will become licensed. Will write something up and present to the Department. Mr. Kipling stated most communities do not know there is a Safety Board. Mr. Infante asked if there was a publication that we could provide to the municipalities. Mr. Brown stated that the municipalities will start to get overly cautious and start calling in inspectors all the time when companies come in that they are not familiar with. All of a sudden you will have all the cities, towns and communities calling in asking if they are licensed to work in their area. Mr. Doman stated that in the Public Service announcement they can contain the link to find the list of licensed Carnival-Amusement operators. Mr. Slattery stated that those communities that believe they are following the rules because they are not educated then become upset with us when we need to either shut the carnivals down or delay them in their areas. And those communities will be the first to contact the Governor's office to make a complaint.

Zip-line Regulation

Mr. Doman summarized a zip-line as a device you attach yourself to that is attached to a cable and you slide to the other end. A number of other states are now regulating this. Updates from the Fall 2009 meeting are that Virginia intends to regulate zip-lines. The Boyne Mountain Zip-Rider is currently on-hold. There are also two new high-capacity zip-lines going in at Pirates Cove, they are two 350'x12' zip-lines from existing waterslide tower the design has not been completed at this time. It should include the new continuous belay system. The Department has also referred the topic of Zip-Lines and their regulation to the Attorney General's Office for Opinion, at this time we have

not had a response from the Attorney General's Office. A copy of the letter sent was included in the Board packet.

New Rides - Winter

Mr. Doman stated that Kokomo's has installed a rollercoaster SDC Galaxi that came out of Indiana. They were able to get it licensed and opened up on Halloween with the stipulation that only one train operates.

Mr. Doman stated that there are a few new simulators that were licensed. One the Department stumbled upon was the Force Dynamics Ford F150 Raptor simulator at the Detroit Auto Show. Ford Motor Company was unaware that the simulator was regulated but, they were willing to go through the process once they learned of the regulation. The Department worked with Ford Motor Company to get the simulator properly licensed. A second simulator to be licensed was the McFadden Systems "VR Express" that apparently operated for 12 years unlicensed but was then bought by a new company that wanted to be licensed in order to take as a promotion at trade shows. The third simulator to be licensed was the MaxFlight FS2000 simulator at the Detroit Science Center in the Star Wars exhibit.

Other New Rides

Mr. Doman stated that after reviewing the moving seat theater at Detroit Science Center he decided that it was not enough like a simulator to be regulated. This moving seat is similar to the one at Kalamazoo Air History that was decided upon previously not to regulate. Also stated that the one that turns 360° degrees on 2 axes needs to be regulated but others types may not. The Board has the authority to define the definitions and some simulators are licensed because historically we always have. Mr. Heppler asked how do you determine the limits/range to be licensed. Mr. Schmidt stated if they move along a fixed track as the definition states. Mr. Doman stated that he will look into the amps, size, power, weight, acceleration and range of the simulators and develop a draft standard that should and shouldn't be regulated to present to the Board before the next Board Meeting.

Upcoming New Rides – Spring 2009

Mr. Doman discussed upcoming new rides. The GyroXtreme (Air Zoo) is powered by a hydraulic motor which this ride is regulated. The non-powered version are not regulated. Other new rides are the Zamperla "Jumpin Star" (Air Zoo), Miracle Waterslide (Sandy Pines), Wisdome 2-trailer dry slide (Wade), Zamperla "Kite Flyer" (Mid-America NAME), Zamperla "Mouse Coaster" (Mid-America NAME) and the Zamperla "Rockin Tug" (Mid-America NAME).

Other New Rides In Process

Mr. Doman discussed the following rides that are in process. Kokomo's SDC Galaxi rollercoaster are preparing a new control system and brake system in order for them to operate two trains. Arzo Park is having an engineer come from the manufacturer of the Eli Bride Ferris Wheel for review and erection supervision. Amusements Unlimited would like there rides to be approved to operate in Michigan but at this time have not been approved they are Pirates Revenge, Tubs of Fun, Intermediate Swing and Sandstorm. Kart-2-Kart go-kart tracks have been purchased by the previous owners and may re-open. Pirate's Island water slides construction is on and off.

Mr. Heppler asked about a kiddie train that is hand powered by the kids. Mr. Slattery stated that they were not able to see the original design and a inspection had not been established. Mr. Doman stated that just being powered or not powered is not a good criteria for being regulated.

Outreach

Mr. Doman discussed the Michigan Association of Fairs and Exhibitions Ride Safety Round Table on January 9th. The Department participated in the Round Table and came to the realization that people want to know about the operators, inspectors, inspections and maintenance that they perform. And it promoted safety and recognition of what is being done now. Also discussed was the Amusement Ride Safety Week scheduled for the week of May 25th that includes the Governor's Proclamation and a press release.

Mr. Doman stated that the Department is looking at the possibility of having a Family Fun Center Safety Seminar with tentative subjects of Over-representation in incident statistics, new trends: electric go-karts, indoor tracks and atypical additional rides and the potential in specially commissioned inspectors. Also would like to have Dick Sexton from Formula K, Mike Beckman from Beckman Insurance and other operators with experience beyond go-karts and bumper boats to be present to speak or have as a resource.

Mr. Carr stated that since he began as Director of Enforcement that the question of what is or is not a carnival ride has come up. There are a number of complexities to make that decision, review the Act and Rules for the definition that says a Carnival or amusement ride means a device that carries or conveys passenger along, around or over a fixed or restricted rout or course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. Carnival or amusement ride does not include a hobby locomotive operating on narrow gauge tracks less than 24 inches and powered by steam, electricity, gas, or other fuel, whether or not it is operated on the owner's property. And that he expects to continue to have a good working relationship with the Board.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS

Mr. Kipling asked about the possibility of increasing the licensing and inspection fees for the Carnival-Amusement industry stating that the fees have not been increased since 1966. That the industry is not paying for itself and had spoken to a few operators that stated to him they were ok with the fee increase since they have had such cheap fees since 1966. Mr. Carr stated that the Act would need to be amended and that goes through the legislature. Mr. Kipling asked about the steps that need to be taken to accomplish this. Mr. Carr stated that the Board cannot do this but can be done individually they would need to find a sponsor. Check with their State Representative or an Association. Ms. Karr stated that when they are asking for amendment they may want to ask for the fees to be removed from the Act and to have them determined by the Administrative Rules.

Mr. Kipling stated that he would like to invite the Governor to the next Board meeting and do a brief recap of how the Carnival-Amusement industry has improved under her leadership. Mr. Kipling will send a request to the Governor's office.

Mr. Brown stated that the Michigan Association of Fairs & Exhibitions will be having there 125th Convention on January 7-9, 2010. And that they are invited to host the National Convention on March 5-7, 2010.

NEXT MEETING DATE

The next regularly scheduled meeting of the Board of Carnival-Amusement Safety Board will be on October 23, 2009 at 10:00 a.m.

ADJOURNMENT

MOTION: Mr. Heppler moved to adjourn the meeting. Mr. Ledy seconded and the motion passed unanimously.

There being no further business at this time, the meeting was adjourned at 11:55 a.m.

_____/s/_____
Kurt G. Kipling, Chairperson

_____10/23/09_____
Date

_____/s/_____
Ann Millben, Licensing Administrator

_____10/23/09_____
Date