

The Banks County Board of Commissioners held their regular meeting on September 14, 2021 at 6:30 p.m. in the Board Room of the Banks County Courthouse Annex.

Members Present

Chairman Charles Turk
Vice Chairman Danny Maxwell
Commissioner Bo Garrison
Commissioner Sammy Reece
Commissioner Keith Gardiner

Staff Present

County Clerk Jenni Gailey
Assistant County Clerk Erin Decker
Code Enforcement Officer Paul Ruark
Fire Chief Steve Nichols
County Attorney Randall Frost
Public Utilities Director Horace Gee

Media

Angie Gary, Mainstreet News

1. Call to Order

Ch. Turk called the meeting to order.

2. Approval of Agenda

Motion to approve the agenda: Danny Maxwell
Second: Bo Garrison
Vote: 5:0
All aye votes and the motion passed.

3. Chairman's Report

Ch. Turk reported on the following items:

- E911 received a total of 4,150 calls – 402 Fire/EMS – 3,107 Sheriff – 641 Other Agency
- Steven B. Tanger Blvd. culvert replacement was complete and the road was open for traffic.
- Yonah-Homer Road was closed near Ed Reed Road because of a culvert that washed out and had to be repaired.
- Wofford Creek Road and Moss Mill Road were back open from where culvert pipes had washed out during heavy rains and had to be repaired.
- Property tax bills would be mailed out next week.

4. Pledge to the American Flag

Commissioner Reece led the Pledge to the American Flag.

5. Approval of Previous Minutes – 8/05, 8/10

Motion to approve the minutes: Bo Garrison
Second: Sammy Reece
Vote: 5:0
All aye votes and the motion passed.

6. Recognitions:

a. Fire/EMS

Steve Nichols

Fire Chief Steve Nichols stated that he had received notification on August 14, 2021 from Ron Hill, President of the Joseph Habersham Chapter, Georgia Society, Sons of the American Revolution who had presented the SAR's Fire Safety Commendation Medal to Firefighter/EMT Cody Vickery for exceptionally meritorious service as a member of the Banks County, Georgia, Fire and Emergency Medical Services Department. Mr. Vickery currently serves on the Fire Committee in which he helps create guidelines for the department along with many other tasks that help to improve the department.

Chief Nichols stated he had also received notification on August 14, 2021 from Ron Hill, President of the Joseph Habersham Chapter, Georgia Society, Sons of the American Revolution who had presented the Fire Safety Commendation Medal for exceptionally meritorious service as a member of the Banks County, Georgia, Fire and Emergency Medical Services Department to Battalion/Captain Scottie Mathis. Mr. Mathis' professionalism, perseverance, untiring devotion to duty and his outstanding contributions in fire safety and service are in keeping with the finest traditions of the fire and medical profession reflect the utmost credit upon himself and the Banks County Fire/EMS Department.

b. Fire/EMS

Steve Nichols

Chief Steve Nichols stated that he had received notification on August 14, 2021 from Ron Hill, President of the Joseph Habersham Chapter, Georgia Society, Sons of the American Revolution who had presented the EMS Commendation Medal to Firefighter/Paramedic Randall Whitlock for his exceptionally meritorious service and in recognition of dedication to the preservation of life and health under emergency conditions and/or performing beyond the duties normally called for within the MES profession. Mr. Whitlock currently serves on the EMS Committee for the department which works to tasks to improve patient care through medical protocols and quality assurance of patient care reports, along with many other tasks to improve the department.

Chief Steve Nichols stated that he had received notification on August 14, 2021 from Ron Hill, President of the Joseph Habersham Chapter, Georgia Society, Sons of the American Revolution who had presented the EMS Commendation Medal to Firefighter Paramedic Dylan Smith. Since being with Banks County Fire/EMS he had assumed a position as an EMS Coordinator, in which he managed the EMS supplies that includes every item on the ambulances needed to prevent fatalities and also served as a member of the EMS Committee, which helps create and revise Banks County EMS Medical Protocols along with Quality Assurance of Patient Care Reports to ensure the best patient care possible, along with many other tasks that continuously improve the department.

c. Extension Service Personnel Introduction

Greg Pittman

Greg Pittman the Extension Service Coordinator for Jackson County stated he had been filling in at Banks County due to the department not being fully staffed but the Banks County Extension Service was now fully staffed. He introduced the current and new staff as follows:

Susie Burton – Will become the Extension Service Coordinator beginning January 2022.

Macie Glenn – 4-H Program

Hannah Cordell – Office Manager

Zach McCann – Agriculture Agent

Mr. Pittman stated that the mission statement of the UGA Extension Service was to translate science of everyday living for farmers, families and communities to foster a healthy and prosperous Georgia.

Susie Burton - Stated she began August 1, 2021 as the Family & Consumer Science Extension Agent and in January will be transitioning into the County Extension Coordinator. She stated Banks County had a great team at the Extension Service and was thankful she could be a part of it.

7. Public Hearings:

a. Planning Commission: CU-21-04 – Zachary Lurie, Maximum Powersports. Application for conditional use of property identified as parcel #B76 039C, 30+ acres located at 221 Columbus Drive, to be used as a motocross training facility and RV parking spaces.

Ch. Turk closed the meeting and County Attorney Randall Frost explained the rules of the hearing and then opened the public hearing.

Code Enforcement Officer Paul Ruark stated CU-21-04 – Zachary Lurie, Maximum Powersports was an application for conditional use of property identified as parcel #B76 039C, 30+ acres located at 221 Columbus Drive, to be used as a motocross training facility and RV parking spaces.

Mr. Ruark stated that the Planning Commission voted to recommend this application for approval with the following three conditions:

- No more than 8 motorcycles shall be permitted to train on the track at the same time.
- Days and hours of operation shall be Tuesday, Wednesday and Thursday from 10:00 a.m. until 2:00 p.m.; if operation was canceled on one of those days due to inclement weather, a make-up session would be allowed on Friday from 10:00 a.m. until 2:00 p.m. There shall be no operation on Saturday, Sunday or Monday.
- There shall be permitted no more than 10 camping and RV spaces with electrical services provided.

In Favor of Application

Zachary Lurie provided the Commissioners with the results of a sound study that he had conducted by an engineering firm that specialized in sound studies.

Zach Lurie – Maximum Powersports of Georgia – 221 Columbus Drive, Homer – Stated his focal point tonight would be the noise that was made during the operation of his business. He stated the noise of his business was quickly classified as a nuisance by surrounding neighbors and resulted in shutting down his business for the last three months. He stated he dug deeper into the Code of Banks County because at first, he thought that it was an opinionated code but it actually had a backbone revolving around zoning and time of day that the noise takes place and the amount of noise that leaves the property lines.

He further stated that during a meeting with the County, a conclusion was made that a sound test would be the only way to figure out how much noise was coming from his property. He stated the County appointed him to have the sound test conducted and to make sure a third

party partook in the procedure. He said he then moved forward to conduct a sound test and to conduct the test he did his research and hired engineers from Pine Environmental Group, which were his third party and then he reached out to the riders that he coached in order to emulate the riding that would take place on his property. Mr. Lurie stated on the day of the sound test he contacted Officer Ruark to let him know what they were doing before they started the sound test. He further stated they began the sound test by setting proper sound meters at his property line closest to Columbus Drive and a proper sound meter set at the property line closest to the concerned neighbors. He quoted Banks County Code Article IV Section 420 that stated the ambient noise level given an activity in the zoning restriction emanating from any given property shall not exceed the maximum permitted decibels that's measured from the closest property line of property classified as ARR property zoning district. The maximum permitted decibel level was 65 according to the Banks County Municipal Code. Mr. Lurie gave an example of what 65 decibels and other decibel levels sounded like. He stated 30 decibels was like a whisper in a library, 60 decibels were like having a normal conversation or a machine that could create 60 decibels was smashing buttons on a typewriter, 90 decibels equate to a lawnmower, banding of shop tools or a truck driving on a road, 115 decibels equate to sandblasting or an automobile horn and 140 decibels can relate to a gun blast or the sound of a jet engine. The exposure to 140 decibels without ear protection could cause pain or brief exposure injuries.

He stated the data from his sound test first showed the south property line, which is nearest to Columbus Drive, and the chart showed the most common decibel which was 39 decibels from that property. The next chart showed the ambient noise and started around 55 and lowered itself to around 39. He stated the bottom chart showed the highest and lowest frequency that showed it was around 56 to 59 decibels.

Mr. Lurie also stated the north property line, which was nearest to the neighbors, showed instead of 39 being the most common ambient noise the most common ambient noise in this location was 46. He said with this side being closer to the racetrack, it did get closer to 65 decibels but it decreased quickly because of the ambient noise. He stated that sometimes it was a little louder when the race began or the microphone came on.

He stated on the third chart the noise was taken right at the end of the neighbor's driveway on Hwy. 63 taken at 3:30 p.m. in the afternoon when a lot of traffic was coming by so everybody could have an idea of what the decibel reading was there. He stated the highest decibel reading was all the way up to 85 decibels. He stated the ambient noise wasn't consistent because of traffic going by and construction of houses across the street.

He stated the last chart was at the line of another concerned neighbor down a dirt road that was quieter and 46 decibels was the most common. He said the ambient noise stayed between 46 and 47 decibels. He also said there was one sharp spike that went all the way up to 66 and this happened when a truck eased its way by the house on the dirt road.

Comm. Garrison asked Mr. Lurie, at any given time how many motorcycles were running during the sound test? Mr. Lurie stated a 65-cc two stroke, 85-cc two stroke, 125-cc two stroke and a 250-cc two stroke running altogether at the same time. Comm. Garrison stated so you only ran four at a time and Mr. Lurie stated yes but if you looked at the data adding additional bikes only

added less than one decibel for each bike added. He stated Taylor Griffith with the Planning Commission did the research.

Ch. Turk asked what the maximum engine size was that he ran? Mr. Lurie stated a 250-cc two stroke was probably one of the loudest bikes you could run. Ch. Turk stated he asked the maximum size of the motor was what he asked. Mr. Lurie said he also runs a 450-cc four stroke with a low muffler. Ch. Turk stated if you were allowed to run 8 -450-cc four stroke motorcycles what would the decibel level be? Mr. Lurie stated he didn't have that information. Ch. Turk stated the decibel level of a 450-cc engine using the FIM Method was 127 decibels, a 250-cc was 125 decibels. He stated his research from Perdue University stated that with every 6 decibels increase, you double the noise. Ch. Turk further stated that even though it didn't sound like much, if you added 2 extra decibels you could actually be doubling your sound. Ch. Turk stated that the sound study should have been done on the maximum number of motorcycles that could be at the track at one time.

Ch. Turk also asked Mr. Lurie if he ran 4 stroke engines. Mr. Lurie replied that he primarily ran 2-strokes but did run some 4-strokes. Ch. Turk stated that he also found in his research that the noise from a 4-stroke carried farther because they have a higher rpm and a shorter exhaust and when on the track, jumps up and down were when you would be accelerating hard and decelerating hard.

Ch. Turk asked Mr. Lurie which track did he get the sound study from? Mr. Lurie said the main track, the one that covers most of the property.

Mr. Lurie stated the studies that Ch. Turk presented with 125 to 127 decibels were from a distance of 1 ½ meters and if someone stood behind his pickup truck when it was cranked that would be loud. Mr. Lurie stated you had to take into consideration factors including distance, trees, buffers, the home that was on the other side of the highway that gave off 85+ decibels when a truck came by, when conducting the sound test. Ch. Turk again stated from his research, it was pretty loud due to the fast acceleration and deceleration and that was where the noise came from. Mr. Lurie stated the research results that Ch. Turk had was for professional motor cross indoor racing facilities where it had to be OSHA approved and the outdoor motor cross events do not have sound test since it is held outdoors.

Ch. Turk stated that campgrounds that were 10 or less camping sites had to be approved as a conditional use according to the Banks County Code. Campgrounds with not more than 10 spaces shall not have to comply with Chapter 50 or Chapter 51 Banks County Code. In addition, there must be 20 acres of contingent land to qualify for Conditional Use. Ch. Turk stated he had a picture showing there were already campers on the property and asked what made Mr. Lurie think this was ok when the code stated campgrounds with 10 spaces or less had to have a conditional use. Mr. Lurie stated those were just campers sitting on his property where he had 10 electrical hookups and no sewer or water hookups. Ch. Turk asked if those electrical hookups were approved? Mr. Lurie stated he just installed the correct amperage for the electrical hookups.

Jeff Lurie – Zachary Lurie's father stated that when Zach built on the property, they had the proper permits and everything had been inspected by the County Inspector and he had inspected all the electrical services inside and outside the building.

Comm. Garrison asked Mr. Lurie if they were running drop cords or do you have individual hookups? Mr. Lurie stated he had ten electrical hookups that were spaced out by 25 yards and there were 30-amp plugins in boxes. If there was a customer that came to stay for a day or two up to a week, they could plug into the power so they could run their RV. Jeff Lurie stated that each plug had a GFI and was rated and each had its own breaker. Ch. Turk asked Officer Ruark if these sites qualified as a campground? Officer Ruark stated without the Code in front of him he was afraid to answer that. Mr. Lurie stated that at the Planning Commission meeting they told him that if a site didn't have water or sewer hookup it did not qualify as a campsite.

Comm. Maxwell asked if the sites were already in place? Mr. Lurie said the plugins were already in place and had been there for 2 ½ years.

Comm. Reece asked if the plugins were put in when he built the shop? Mr. Lurie stated yes, they were put in when the shop was built.

Comm. Reece stated if you came before the Commissioners to build a shop then why did you put 10 plugins outside the shop. Mr. Lurie stated that it was very common in their sport that when people were traveling to tracks from up North or Florida, they were traveling with their families in their motorhomes or campers so he wanted to create a situation where they didn't have to park at a Walmart or have to run off a generator, if he needed to get their bike ready while they were traveling.

Ch. Turk stated that was still a conditional use and Mr. Lurie replied stating that was why the Commissioners had all the information today. Ch. Turk stated Mr. Lurie was given a conditional use to build a shop and he had been asked numerous times to get a business license and he had failed to do so, why? Ch. Turk asked Mr. Lurie, so why should the Commissioners give you a Conditional Use on two more operations when you have not fulfilled the obligations on the first one? Mr. Lurie stated because he would get a business license when he found out what the County wanted him to do. Ch. Turk stated he was permitted at the first meeting to open up a shop and that was all he asked for and had failed to get a business license. Mr. Lurie stated that he had been paying a business license to the State.

Comm. Reece stated he had called Mr. Lurie two days after the original meeting where the Conditional Use had been approved and told Mr. Lurie that he needed to get a business license for his shop. Mr. Lurie stated he remembered he talked to Comm. Reece about coming out and visiting his business and he refused. Comm. Reece stated they spoke about that also but the purpose of the call was to get a business license.

Ch. Turk asked if Mr. Lurie had a business license in Buford when he had a store front? Mr. Lurie stated yes and Ch. Turk asked why Banks County would be any different. Mr. Lurie stated that they were paying their monthly business license bill and was unaware it was to the wrong County. Ch. Turk stated the business license was a yearly charge in Banks County.

Mr. Lurie stated he had been trying to do everything right and apologized for what had been done wrong and that this was his first big business and he was trying to prosper in Banks County. He stated he just wanted to know if the Commissioners were for it or not. If not, he needed to know and if they were, he was going to do his best to get back going again because

three months of no business had hurt him pretty bad and they've been doing everything they can to stay afloat.

In Opposition to the Application

Jodi Parks – 2051 Hwy. 63 – Stated the reason they moved here was because of the rural area. The motor sports and the noise that came from it was not conducive to the area and the rural way of life. She also stated decibels were talked about but to her that didn't mean anything when she was a person out there in her yard who enjoyed being outside and farming. She stated the noise literally hurts her and she can't handle the noise. She stated there were 14 people in the area that signed a petition against the track.

Ms. Parks asked what the policy was to police the conditions? How do you know if there are more campers or motorcycles than there was supposed to be and would there be any penalties if the conditional use was broken? Lastly, she stated would there be any EPD penalties for Mr. Lurie?

Cheryl Fredrick – 353 E. Coker Road – Stated she was a mile away and would go outside and she could hear the noise from the motorcycles. She stated it was loud

Carol Harrison, Jack Stewart's Sister. Representing Mr. Stewart – Westbrook Road – Ms. Harrison stated that Mr. Stewart had Covid and couldn't be here tonight but she had a statement from him. She stated that her brother had talked to her several times about how this had changed his and his wife's life and their ability to enjoy their property. She stated it was detrimental to them and to the other neighbors around them that were retired because the hours that Mr. Lurie would be riding their motorcycles would be the time Mr. Stewart would probably be outside working in the yard or garden. Ms. Harrison stated that Mr. Stewart had spoken many times about the business. She also stated there were more houses being built in the Franklin County area and the noise would not be enjoyable to them.

Tim Boyer – 1044 Bennett Road – He asked when was the time of day the sound study was conducted. Did Mr. Lurie have it done on Saturday or Sunday or through the week. Mr. Boyer stated he had heard them run on Saturday and Sunday. Comm. Reece stated the new conditions allowed certain days of the week and hours from 10 am to 2 pm. Mr. Lurie stated that he had only run on a Saturday or Sunday three times in the past 2 years.

Atty. Frost closed the public hearing and Ch. Turk opened the meeting.

Motion to overturn the Planning Commission decision and deny the application: Charles Turk

Second: Sammy Reece

Vote: 2 Ayes: 3 Nays

Charles Turk: Aye

Sammy Reece: Aye

Danny Maxwell: Nay

Bo Garrison: Nay

Keith Gardiner: Nay

Three nay votes and the motion failed.

Ch. Turk asked the Commissioners that voted nay if they were approving the Planning Commission decision. Vice Ch. Maxwell stated yes.

Atty. Frost stated there needed to be a vote approving the application.

Motion to approve the Planning Commission recommendation and conditions except to decrease the camping site to eight sites and no water or sewer hookups would be allowed. Also, no Saturday, Sunday or Monday racing: Keith Gardiner

Second: Danny Maxwell

Vote: 3 Ayes: 2 Nays

Charles Turk: Nay

Sammy Reece: Nay

Danny Maxwell: Aye

Bo Garrison: Aye

Keith Gardiner: Aye

Three aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minutes Book 10-4)

8. Public Utilities: Additional Waterline Request – Purcell Road

George Ward

George Ward – 415 Purcell Road, Homer – Stated he moved here about 6 years ago and now the issue is there is not enough water and at times the water pressure is so low they can barely get a shower. He thought there was a 6” line on one end and a 3” line on the other end of the road. He stated he talked to Horace Gee Public Utilities Director and Mr. Gee seemed to think the best way to solve the problem was to tie the two lines together.

Tom Ward – 387 Purcell Road, Homer (currently under construction) – Stated there was a line coming from Mt. Olivet and a line coming from Hwy 51. He stated tying the lines together would not provide a fire hydrant. He stated he would like to have a 6” line installed.

Carol Harrison – 424 Purcell Road, Homer – Stated she and her husband moved to Purcell Road in 2007 and there was no water on her end of the road so they paid for a 3” line to be installed. She stated additional homes had been built on Purcell Road and they were able to tie onto the 3” line that that she and her husband had installed. She further stated they never thought they would have a problem with water and she was requesting that the Commissioners research and estimate the cost and see what the County could do for the citizens on Purcell Road. They would just like to have water they could use anytime of the day. She also stated they had no fire hydrants and therefore the home insurance rates were higher.

Public Utilities Director Horace Gee stated that Purcell Road was 6,500 ft. long and currently has a 2” line coming from Mt. Olivet to the Dale Purcell property. He further stated there was a 6” line coming from Hwy. 51 approximately 200 ft. that reduces down to a 3” waterline at Carol Harrison property and extends about 2,300 ft. up to Mr. Ward’s property. The gap on Purcell Road where there is currently no waterline was 3,500 ft. Mr. Gee stated the rate for installing water mains currently was about \$100 per foot which was about \$650,000. There was also the problem of acquiring rights-of-way down Purcell Road. He stated the majority of the road was owned by one landowner and that property would never be sold so there would be no new customers. He also stated they had checked and the PSI was 90 but that could depend on the time of day it was checked.

George Ward stated that he would be willing to give an easement across his property if that would help.

9. Fire/EMS: FEMA Equipment Grant

Steve Nichols

Chief Nichols stated two years ago he had identified that they needed to replace all the cardiac monitors on the med units. He said they currently had various models on the units and they are looking to bring consistency to the cardiac monitors when they were replaced. He further stated that the cost estimate that he had come up with was \$230,000 which had been put into the new SPLOST that would be voted on in November. Chief Nichols said he also started looking into different grants and found a FEMA Firefighter grant in the amount of \$224,000. He stated the total project would cost \$235,000 and the County would match the grant with \$21,866.67 which included \$11,240 in kind match and \$10,626.67 for grant writing. Chief Nichols stated this grant would allow them to purchase seven identical units which had a five-year warranty for all the ambulances including the spares.

Comm. Gardiner asked how long a monitor lasted? Chief Nichols stated generally a monitor would last ten years.

Motion to approve the matching funds in the amount of \$21,866.67 and authorize the Chairman to sign grant documents: Danny Maxwell

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

10. Multifamily Housing Moratorium: Expires September 14, 2021

Ch. Turk stated that the Multifamily House Moratorium expired on September 14, 2021 and asked the Board if they would like to extend it until December 14, 2021. Ch. Turk stated this would allow time to advertise and run through the Planning Commission as required by county code.

Motion to extend the Multifamily Housing Moratorium to December 14, 2021: Keith Gardiner

Second: Bo Garrison

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minutes Book 10-4) 2021-14

11. Alcohol License Transfer: Applebee's

Paul Ruark

Officer Ruark stated this was just a management transfer and all background checks and fees had been cleared and processed.

Motion to accept the transfer of alcohol license: Charles Turk

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.

12. Contracts & Agreements:

a. Superior Court: Indigent Defense Contract

Ch. Turk stated this was a yearly contract for indigent defense within the Piedmont Judicial Circuit.

Motion to approve the contract: Bo Garrison

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.
(Copy of Contract filed in Attachment to Minutes Book 10-4)

b. GEFA Loan Amendment

Horace Gee

Mr. Gee stated this was an amendment to the GEFA Loan Agreement to extend the time to September 2022. He stated this extension in time was due to the length of time it took to get the EDA Grant approved.

Motion to approve the GEFA Loan Amendment and authorize the Chairman to sign the documents: Keith Gardiner

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.

(Copy of Resolution filed in Attachment to Minutes Book 10-4) 2021-13

c. Martin Bridge Sewer Expansion Project – EDA Grant Administration – GMRC

County Clerk Jenni Gailey stated this was an extension to a contract for administration of the EDA Grant with Georgia Mountain Regional Commission. She stated this would amend the contract until May 14, 2024.

Motion to approve the contract and authorize the Chairman to sign the contract: Sammy Reece

Second: Keith Gardiner

Vote: 4:0

Vice Ch. Maxwell had previously stepped out of the meeting temporarily and was not present to vote.

All aye votes and the motion passed.

(Copy of Contract filed in Attachment to Minutes Book 10-4)

Vice Ch. Maxwell returned to the meeting.

d. Emergency Project Award Ratification: Yonah Homer Road Culvert Replacement

Ch. Turk stated due to a culvert washing out on Yonah Homer Road an emergency maintenance repair had to be made. He stated a concrete double barrel 8 ft. pipe would be installed and three bids were received and KCI reviewed all the bids. North Georgia Concrete won the bid in the amount of \$243,907.00 and this was approximately \$132,000 less than the second lowest bid. Ch. Turk stated he needed a motion to ratify the bid award and contract.

Motion to ratify the bid award/contract and ratify the Chairman's signature: Danny Maxwell

Second: Bo Garrison

Vote: 5:0

All aye votes and the motion passed.

(Copy of Contract filed in Attachment to Minutes Book 10-4)

e. Georgia Forestry Memorandum of Understanding for Loan or Lease Equipment

Steve Nichols

Chief Nichols stated this MOU concerned equipment that the Forestry Service provided to Banks County and also authorized the Forestry Service to come into Banks County and help with brush fires.

Motion to approve the Memorandum of Understanding and authorize the Chairman to sign:

Keith Gardiner

Second: Sammy Reece

Vote: 5:0

All aye votes and the motion passed.
(Copy of MOU filed in Attachment to Minutes Book 10-4)

f. Recovery Funds Broadband Program Application Windstream Partnership

Ch. Turk stated the State was doing a Recovery Funds Broadband Program and Windstream had put in an application. He further stated the map that Windstream presented him covered the whole county which includes 5,100 households and if the County would sign and agree to let Windstream complete the forms and apply for the funds, the State would give them \$8.7M, and Windstream would provide the remaining \$7.8M. He further stated the County portion would be \$0. Ch. Turk stated if this passed Windstream would install approximately \$16.5M in broadband in Banks County and that would pretty much cover all areas. He stated the projected date for completion was December 2023.

Comm. Gardiner asked if this was the only company that had approached us? Ch. Turk said there was another company but their map only showed one road going through the County where they would install fiberoptic. Windstream had a much better coverage area.

Motion to approve the partnership and authorize the Chairman to issue the commitment letter:
Sammy Reece

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.
(Copy of Contract filed in Attachment to Minutes Book 10-4)

g. Fort Lamar Elevated Water Tank Bid Award & Contract Approval

Mr. Gee stated this had been a long time coming and had been on the 2017 SPLOST referendum to provide an elevated water tank in the South end of the County to increase the pressure in that area. Mr. Gee stated the initial bid was advertised on August 4, 2021 and were opened on September 8, 2021. The two bids that were received were from Caldwell Tanks in the amount of \$2,424,000 and Phoenix Fabricators in the amount of \$3,165,000. Mr. Gee stated that he was asking to approve the bid for Caldwell Tanks, Inc. and authorize the Chairman to sign the notice of award and contract.

Comm. Gardiner asked about using 2017 SPLOST? Mr. Gee stated yes, they were using 2017 SPLOST for this project.

Comm. Garrison asked was their bid in line with the original estimate? Mr. Gee stated Matt Smith with Carter & Sloope estimated \$1.9M just for the tank but it did not include the additional booster pump station that had to be installed. He stated according to the bid the tank was \$1.640,000 and stated that \$600,000 was not something they had originally had planned for but was needed after the tabletop and design studies were completed.

Motion to approve the bid/contract and notice of award and authorize the Chairman's signature: Bo Garrison

Second: Danny Maxwell

Vote: 5:0

All aye votes and the motion passed.
(Copy of Contract filed in Attachment to Minutes Book 10-4)

13. Executive Session: Personnel & Land Acquisition

Motion to enter into executive session concerning personnel and land acquisition: Bo Garrison

Second: Charles Turk

Vote: 5:0

All aye votes and the executive session began at 8:04 p.m.

Motion to close the executive session: Danny Maxwell

Second: Sammy Reece

Vote: 5:0

All aye votes and the executive session ended at 8:31 p.m.

(Copy of Affidavit filed in Attachment to Minutes Book 10-4)

14. Adjournment

Motion to adjourn the meeting: Bo Garrison

Second: Keith Gardiner

Vote: 5:0

All aye votes and the meeting was adjourned at 8:32 p.m.

Chairman

Assistant County Clerk
