

MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE BEN HILL COUNTY COMMISSIONERS  
HELD ON AUGUST 08, 2023 AT 6:00 PM IN THE  
BEN HILL COUNTY COURTHOUSE ANNEX

Those present for the meeting were as follows:

Steve Taylor	Chairman
Hope Harmon	Vice-Chair
Bennie Calloway	Commissioner
Daniel Cowan	Commissioner
John Mooney	Commissioner
Michael Dinnerman	County Manager
Donna R. Prather	County Clerk

**Call to Order**

Chairman Steve Taylor called the meeting to order and gave the invocation.

Everyone gave the Pledge of Allegiance.

**Approval of the Agenda/Agenda Changes**

Chairman Steve Taylor added the Department of Leisure Service Swim Team to the agenda.

Commissioner John Mooney made a motion to approve the agenda to include the Department of Leisure Service Swim Team. Vice-Chair Hope Harmon seconded the motion; which passed with Commissioner John Mooney, Vice-Chair Hope Harmon, Commissioner Bennie Calloway, Commissioner Daniel Cowan, and Chairman Steve Taylor all voting for the motion.

**Acceptance of Prior Minutes**

Commissioner John Mooney made a motion to approve the Regular Monthly Meeting minutes that was held on July 11, 2023. Vice-Chair Hope Harmon seconded the motion; which passed with Commissioner John Mooney, Vice-Chair Hope Harmon, Commissioner Daniel Cowan, Commissioner Bennie Calloway, and Chairman Steve Taylor all voting for the motion.

Commissioner John Mooney made a motion to approve the Special Called Meeting minutes that was held on July 27, 2023. Vice-Chair Hope Harmon seconded the motion; which passed with Commissioner John Mooney, Vice-Chair Hope Harmon, Commissioner Daniel Cowan, Commissioner Bennie Calloway, and Chairman Steve Taylor all voting for the motion.

Chairman Steve Taylor recognized the Department of Leisure Service Swim Team. DLS Director Keith Morris introduced the Fins Swim Coach Jennifer Shoultz. Ms. Shoultz thanked the Commissioners for their support and introduced the Fins State Champions, Liam Heitzman won the 25 free and 25 butterfly, Coley Beth Croth won the 50 butterfly, and Madi Shoultz won the 50 breaststroke. Ms. Shoultz also stated they had other swimmers that placed in the swim meet.

Vice-Chair Hope Harmon made a motion to suspend the Regular Monthly Meeting to enter the Public Hearing to discuss a Special Exception. Commissioner Daniel Cowan seconded the motion; which passed with Vice-Chair Hope Harmon, Commissioner Daniel Cowan, Commissioner Bennie Calloway, Commissioner John Mooney, and Chairman Steve Taylor all voting for the motion.

### **Public Hearing/Substance Abuse & Recovery Center**

Building & Zoning Inspector Jake Hughes stated the following:

We are here for Christian Recovery Centers' Special Exception application. More details regarding this application will follow my recommendation. To the best of our knowledge, Christian Recovery Centers moved into this location at 1721 Bowens Mill Highway in August of 2021. They did not discuss this move with us - therefore, we did not approve the use, building, or zoning at that time. We have allowed Christian Recovery Centers' doors to remain open during this time, despite the zoning irregularities and other problems.

We have been told that Christian Recovery Centers owns and operates residential mental health and substance abuse facilities. It is my understanding that Christian Recovery Centers utilizes the premises to provide facilities and services for non-family ambulatory adults with a drug and/or alcohol abuse problem. Its website states that it is a "non-profit faith-based recovery center." Their representatives have told us that the building houses approximately thirty (30) patients at all times.

Based on these representations, we believe Christian Recovery Centers is a congregate personal care home under the county's ordinances. A "congregate personal care home" is "a home for adults which offers care to 16 or more persons." It falls into the larger category of "personal care home," which is defined as "[a] building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals and personal care for non-family ambulatory adults for compensation." Congregate personal care homes are only allowed as special exceptions in the General Farming zoning district.

This special exception request was presented to the Planning and Zoning Board in accordance with the Ben Hill County Code of Ordinance. The board members that were present were not in favor of approving the request. The P&Z Board voted unanimously to recommend denial of the request for Special Exception.

I agree with the Planning and Zoning Committee and do not recommend approval of this special exception. However, I recommend that the Board table the decision for approximately 60 days to allow Christian Recovery Centers to come into compliance with and/or allow inspections by Ben Hill County, the State Fire Marshal, and the Department of Public Health. The inspection will allow my office to provide a more thorough and accurate report for your consideration.

With that backdrop, here are the facts related to this property:

Per Irwin EMC, the power on the property was transferred to Hank Steverson's name on July 8, 2021 from the previous owner Bowens Mill Christian Center. The ownership of the property reflects the same date on Qpublic.com.

To the best of our knowledge in or around August 2021, Christian Recovery Centers moved into the Premises.

On or around February 1, 2022, the previous Ben Hill County Building and Zoning Director, Lawton Lovett, discovered that Christian Recovery Centers was in operation at the Premises.

Throughout 2022, Mr. Lovett communicated with various representatives on numerous occasions about the necessity of a Special Exception. An application for a special exception was never filed.

Therefore, on October 11, 2022, the Ben Hill County Manger, Mike Dinnerman, mailed a certified letter to Mr. Shealey that the Christian Recovery Centers was in violation of the Ben Hill County zoning ordinances and had thirty (30) days to cease operations. Mr. Ray discussed this letter with Mr. Lovett and stated that the packet had been submitted to our office. No evidence was found that this actually occurred.

After receipt of Mr. Dinnerman's letter, Mr. Ray contacted Mr. Lovett and Attorney Nick Kinsley. Mr. Ray explained that approximately thirty (30) men were residing at the Premises and, thus, the Premises should not be closed.

On October 25, 2022, Mr. Ray filed a completed Special Exception application and corresponding application fee to request approval of a Special Exception for Christian Recovery Centers to operate a drug rehabilitation center at the Premises.

On February 7, 2023, the first Special Exception public hearing was held.

Here are the complaints we received or issues we've had regarding the property:

September 15, 2022. Ben Hill County E911 received a call to a person suspected of having overdosed on fentanyl at the Christian Recovery Center.

January 26, 2023. Ben Hill County E911 received a call to another person suspected of having overdosed on fentanyl at the Christian Recovery Center. Unfortunately, we were told this person did not survive the overdose.

Overall, from August 2021 to February 2022, there were at least eleven E-911 calls from the property.

On February 23, 2023, I received a complaint regarding the septic system at the property and requested clarification from the Ben Hill County Health Department. On March 2, 2023, Alex Collins, the Environmental Health Specialist at the Ben Hill County Health Department, responded by sending me a lengthy description of problems at the property. Mr. Collins believes the well will serve 30+ people, so the EPD must determine whether it regulates the well.

Mr. Collins also addressed his concerns about the lot size. The sewage flow for a property served by an individual well cannot exceed 600 gallons per acre. The property at issue is 3.51 acres, meaning the maximum sewage flow is 2,106 gallons per day. The sewage manual sizes the flow for this type of operation at 75 gallons per day per person. Long story short - the maximum occupancy (including employees and visitors) is 28 people.

Lastly, Mr. Collins stated that he has received insufficient information regarding the nature of the operation, so he cannot determine whether the kitchen must be permitted as a food service establishment.

On April 5, 2023, Lisa Myler, the District Manager for Georgia's Environmental Protection Division, sent a letter to Christian Recovery Centers advising the need to: (1) consult with the Health Department to determine the maximum population capacity given the current septic tank capacity and the next steps to remedy any issue with the septic tank capacity; (2) initiate routine monthly microbiological (coliform) sampling; and (3) initiate public notification for the violation.

We cannot confirm whether these actions were taken.

I attended an inspection of the property with Mr. Collins on July 27, 2023 for the purpose of examining the septic system area. However, I observed multiple violations unrelated to the septic system due to insufficient handicap accessibility. For example, there are no parking spaces reserved for handicapped individuals and no handicap accessibility to the main "public" buildings, i.e., the office and the meeting building. The International Building Code and International Existing Building Code require to be brought up to ADA standards including handicap accessibility to "public" buildings, handicap parking designation, and handicap accessible restrooms when there is a qualifying change of occupancy classification.

July 28, 2023. Mr. Collins sent a letter to Christian Recovery Centers stating that he visited the property the day prior and found multiple Georgia and Ben Hill County Board of Health violations.

Based on what we've been told, we believe that Christian Recovery Centers added eight shower units in the building since the date of the purchase. Installation of additional plumbing requires a permit from the County. No permit was obtained to install additional showers.

At this time, we cannot say whether or not there are additional violations of the technical codes. The International Fire Code is handled by the state fire marshal's office.

For a special exception, the Board is to consider certain factors for special exceptions in addition to the usual standards for the exercise of zoning powers. Generally, the factors focus on the proposed use of the property and its effects on neighboring properties. Is the proposed use appropriate for the property or will it put an undue strain on county property and services? Will the proposed use adversely affect the use or value of the nearby properties? There are many specific standards of which y'all are aware, but they generally relate to these broad issues.

The proposed use will not create an isolated zoning district. It is located on a sufficient type street. Access into and out of the property is adequate. The height of the buildings are appropriate for the location. With the limited information provided, we believe the comprehensive plan allows for this use if all other code regulations are followed.

However, the high frequency of E-911 calls and drug-related illnesses, there is a potential for an undue burden being placed on the County's Sheriff, E-911 and EMS. After receiving the inspection report from GA DPH, the current septic system is not up to current standards and the property has the potential to cause adverse environmental effects.

The proposed change would likely cause adverse effects on the surrounding property. For example, having a number of people freely roaming the surrounding forested property and the facility's non-compliance with government regulations may negatively impact the use and the value of nearby properties.

Christian Recovery Centers' non-compliance with state and local standards, along with the facts I previously mentioned, this facility does not promote the public health, safety, morality, or general welfare. In other words, it does not fit the needs of the neighborhood or Ben Hill County.

**Public comments in favor of the Special Exception:**

Nicke Campbell, Clinical Director of East Dublin Ga Facility, addressed some of the issues previously stated by Building & Zoning Administrator Jake Hughes. Mr. Campbell stated they want to come into compliance and work with Ben Hill County and not against. We want to provide a premier facility for alcohol and drug abuse.

Gregory Ray, Program Director of Bowens Mill, addressed some of the issues previously stated by Building & Zoning Administrator Jake Hughes. Mr. Ray stated they are not trying to run a flop house; but trying to help those that are dependent on drugs and alcohol to get off it. He stated they are willing to come into compliance and work with Ben Hill County. He said he doesn't understand why it is so tough to try and help people.

Jason Oglesby, 216 Wrightsville Avenue, East Dublin, stated this place is in between two counties in the middle of nowhere and Greg will jump through hoops to be in compliance. After being on the team for 18 years, he only knows of two people passing. Mr. Oglesby wants to know what is needed to come into compliance because he doesn't want to see the facility shut down because they are honestly trying to help people. Mr. Oglesby said he is proof the program work because he came through the program 18 years ago. He stated we are not the enemy; help us be successful.

Allen Conger, Fitzgerald, GA., stated he has worked with the facility for several years by employing those that attend the facility. Yes, they have problems. If he had any problems with anyone from the facility, all he had to do was make a phone call and they would come pick-up the ones that are problematic. Mr. Conger stated that he spoke with Sheriff Lee Cone and he said he hadn't heard of any recent problems at the facility. Mr. Conger stated we can't deny the problems with alcohol and drugs in our community. He asked the Commissioners were they going to open something up? He also asked if they would give them a chance to come into compliance.

**There were no comments against the Special Exception.**

Vice-Chair Hope Harmon made a motion to close the Public Hearing to re-enter the Regular Monthly Meeting. Commissioner Bennie Calloway second the motion; which passed with Vice-Chair Hope Harmon, Commissioner Bennie Calloway, Commissioner Daniel Cowan, Commissioner John Mooney, and Chairman Steve Taylor all voting for the motion.

**Appointments: NONE**

**Constitutional Officer: NONE**

**Department Head Reports:**

DLS Director Keith Morris gave an update on DLS football, soccer, and cheerleading registration. Mr. Morris stated 325 kids have registered for the three sports and they will start soon on team selection. He also thanked the Commissioners for the SPLOST contributions because DLS were able to complete some projects.

**County Board Reports: NONE**

**County Manager's Report:**

County Manager Michael Dinnerman reported:

- Work is in progress on the Media Center Building. He hopes the project is completed by the first of the year.
- Working with Georgia Power on Ed Ward Road.
- Working on the Monitor project.

**Annexation Request: NONE**

**Rezoning Application: NONE**

**Alcohol Application: NONE**

**Appointments:**

County Manager Michael Dinnerman stated we have received our December 31, 2022 audit. Mr. Dinnerman asked CPA Tony Eckler to come to the podium.

Tony Eckler, Eckler CPA Firm, gave a brief summary of the audit. He informed the Commissioners once they had a chance to go through the audit, if they had questions, they could call him. The fund balance is \$1,808,761 million.

**Old Business: NONE**

**New Business:**

*Special Exception/ Substance Abuse & Recovery Center*

County Manager Michael Dinnerman stated we do not turn a blind eye to the drug and alcohol problems in Ben Hill County. We are here to protect the citizens in our community. The recovery center does not fall on death ears; but there is a long list of out of compliance regarding the facility. The Commissioners were kind enough to allow the facility to operate for two years out of compliance and after a letter was submitted to the recovery center to come into compliance. Don't penalize the Commissioners for doing their job. Mr. Dinnerman said he wants to work with the center to come into compliance.

Mr. Dinnerman stated another letter has been drafted to allow the facility to come into compliance within 60 days. He also stated if they had followed procedure from the start we wouldn't be here today. Chairman Steve Taylor read the letter aloud.

Commissioner Daniel Cowan made a motion to table the agenda item, authorize the

Chairman to sign the letter, and hand deliver it to the facility Director Gregory Ray. Vice-Chair Hope Harmon seconded the motion; which passed with Commissioner Daniel Cowan, Vice-Chair Hope Harmon, Commissioner Bennie Calloway, Commissioner John Mooney, and Chairman Steve Taylor all voting for the motion.

*ACCG legislative Leadership Conference Voting Delegate*

Commissioner Daniel Cowan made a motion to nominate Vice-Chair Hope Harmon as the ACCG legislative Leadership Conference Voting Delegate. Commissioner Bennie Calloway seconded the motion; which passed with Commissioner Daniel Cowan, Commissioner Bennie Calloway, Vice-Chair Hope Harmon, Commissioner John Mooney, and Chairman Steve Taylor all voting for the motion.

*Fitzgerald Ben Hill County Development Authority Vacancy/Lawton Tinley*

Commissioner John Mooney made a motion to appoint Lawton Tinley to the Fitzgerald Ben Hill County Development Authority to replace Ron Paulk. Vice-Chair Hope Harmon seconded the motion; which passed with Commissioner John Mooney, Vice-Chair Hope Harmon, Commissioner Bennie Calloway, Commissioner Daniel Cowan, and Chairman Steve Taylor all voting for the motion.

*Ben Hill County Board of Health Vacancy*

Chairman Steve Taylor stated Jim Turner has resigned from the Ben Hill County Board of Health. He asked the Commissioners to be thinking of nominees to serve on the Board.

**Agenda Changes and/or add on:**

**Legislative Report: NONE**

**Public Comments:**

Wilma Jean Clemons, 136 Thistle Lane, stated she came to follow up on the dog ordinance. She said Mr. Dinnerman did answer some of her questions. She thanked Commissioner Daniel Cowan for helping her get money back from her dog's veterinary bill. She asked the Commissioners to keep her in regarding her dog being attacked in her yard.

**Executive Session/Legal**

**Commissioner's Remarks:**

Vice-Chair Hope Harmon thanked everyone for supporting the backpack drive. She gave out over 600 bookbag and school supplies.

**Meeting adjourned.**

\_\_\_\_\_ Steve Taylor, Chairman

\_\_\_\_\_ Donna R. Prather, County Clerk