

REGULAR MEETING

**PLANNING COMMISSION
STATE OF OHIO
COUNTY OF CUYAHOGA**

DATE: June 21, 2011

AGENDA

TIME: 5:30 P.M.

WORKSESSION – 5:00 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
 - a. Approval of Minutes of Work Session of May 3, 2011
 - b. Approval of Minutes of the Regular Meeting of May 3, 2011
4. **NEW BUSINESS**
 - a. Education Alternatives 300 Union Street Bedford, Ohio – conditional approval
5. **MISCELLANEOUS**
6. **ADJOURNMENT**

Bedford, Ohio

June 21, 2011

Bedford Planning Commission met in a work session at Bedford City Hall on Tuesday, June 21, 2011 at 5:00 p.m.

Present: Commission Members: City Manager Henry Angelo, Chairman Art Dickard, Helen Briggs, Harvey Dzomba and Robert Erdos. Administration: Building Commissioner Phil Seyboldt. Secretary: Lorree Villers, Planning Secretary.

Building Commissioner Seyboldt began the Work Session with the discussion of the Regular Meeting agenda. He explained the conditional approval was submitted by Jerry Swartz, Education Alternatives, 300 Union Street, Bedford, Ohio 44146. He explained the Supreme Court's definition of a family was: regardless of whether they were related or not by blood, color, gender, ethnicity, religion, legal adoption and so on. He noted the Commission had to follow the decision of the Supreme Court therefore the Commission was very limited.

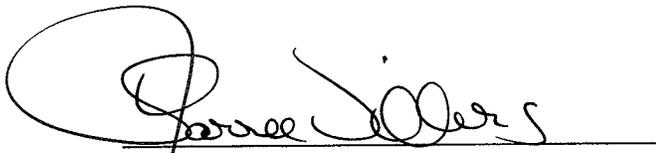
Mrs. Briggs noted this was similar to Safely Homes and she wondered if there were any issues or problems with that facility. Mr. Seyboldt showed the Commission the police report from Lt. Kohn and the report showed two (2) incidents: one (1) call for a runaway, which came back on their own, and one (1) call for unruly conduct of a child. There were several other calls but they were for faulty smoke alarms.

Mrs. Brigg had heard that some residents thought there were currently too many group homes in Bedford. Mr. Seyboldt thought there might be approximately six (6) group homes in town. The Commission asked what age ranges would be for this particular home. He wasn't positive what the age range would be for this home but the age range could be from very young to 18 years old; however the child had to be in the group home before they turned 18 years old.

The Commission agreed the best they could do in this situation was to make sure there were safety measures taken such as window/door alarms, cameras, smoke/fire detectors and appropriate number of staff members on duty during the day and night hours. The Commission thought it was important for everyone to be good neighbors.

No other discussion was had.

Work Session was adjourned at 5:28 p.m.


Secretary


Chairman

Bedford, Ohio

June 21, 2011

Planning Commission met in regular session at Bedford City Hall on Tuesday, June 21, 2011 at 5:30 P.M. The roll was called.

Present: Angelo, Briggs, Dickard, Dzomba, Erdos. Absent: None. Also in attendance was Building Commissioner Phil Seyboldt and Lorree Villers, Planning Secretary.

Motion made by Erdos seconded by Dzomba to approve the minutes of the work session of May 3, 2011. The roll was called. Vote – Yeas: Angelo, Briggs, Dickard, Dzomba, Erdos. Nays: None. Motion carried unanimously.

Motion made by Briggs seconded by Erdos to approve the minutes of the regular meeting of May 3, 2011. The roll was called. Vote – Yeas: Angelo, Briggs, Dickard, Dzomba, Erdos. Nays: None. Motion carried unanimously.

Education Alternatives 300 Union Street Bedford, Ohio – conditional approval

Present: Gerald Swartz, Executive Director, Dr. Christine Swartz, Chief Clinical Mental Health Officer, Vincent Monachino, Building Operations Director, Michael Carney, Chief Operations Officer at EA Central Office, 7777 Exchange Street, Suite 4, Cleveland, Ohio 44125.

Chairman Dickard explained this was a conditional approval of a group home at 300 Union Street for children that were in need of a temporary home. He noted the city had a similar request in 2008 from Safely Homes on Solon Road. [memo attached]

Carol Kainec, 374 Union Street, lives two houses away from this facility. She mentioned her daughter had worked with problem children and she wondered if this was the same type of children that were going to be living near her. Mr. Seyboldt suggested Mr. Swartz speak first before residents voiced their concerns because many of the questions could be answered during the presentation. The Commission agreed.

Mr. Swartz, Executive Director, submitted two pictures to the commission for review. [pictures attached] He introduced the staff members that were present at the meeting so they could address any questions or concerns: Dr. Christine Swartz, Chief Clinical Mental Health Officer, Michael Carney, Chief Operations Officer and Vincent Monachino, Building Operations Director.

Mr. Swartz explained Education Alternatives (EA) was a non-profit agency, a day treatment mental health agency which services approximately 300 children from K through high school in five (5) locations (Willoughby Hills, Elyria, Cuyahoga Falls, Brookpark, Bedford) in five (5) different counties. He noted the Bedford facility was the second largest with the attendance with approximately 75 children. He stressed these children were placed by school districts, not by the Court system or their parents. He added approximately 70 school districts currently contract with them for assistance. He noted most of the children were placed with Education Alternatives because of emotional disturbances. These children were placed on Individual Educational Plans (IEP) by the schools, then the schools contract with EA to educate them. He said in the past 12 years he had seen several children end up on the streets because the family home was incredibly dysfunctional. He told a story about a child that had hung himself in a group home which one would like to think was a safe place to live and at that point the entire staff at EA wanted to help because this incident was unacceptable. He said EA then wanted to get involved more in the aid of helping children. He noted the EA staff was highly trained staff plus they were involved in Commission on Accreditation of Rehabilitation Facilities (CARF). [attached] He stated they were going to practice CARF into the group home because he knew he and his staff could do it better than anyone in Cleveland. He had hoped to have a group home near each of their facilities. [listed above]

Mr. Seyboldt asked for particulars of their operation in Bedford. Mr. Swartz explained the licensing for a group home was listed as a Level B which allowed eight (8) residents under the age of 18 years old at the time of admittance and could only stay until they were 21 years old. He noted after the child graduated from high school they would have to move to an adult group home. He said the license was through the Ohio Department of Job and Family Services (ODJFS) along with CARF. He said they were required to have one (1) staff member awake over night but during the day there was a one (1) staff member to four (4) children ratio because the children would be in school. He said there would be more staff members on the weekends. He anticipated little or no impact on Bedford schools. He explained the law stated "where you lay your head" was the school district that was responsible for the child but the cost would go to the district where the child was removed from. He stressed he worked very close with Bedford Schools to assure there was no cost to their schools. He noted these were EA children; not the community's.

Mr. Angelo asked what the licensing criterion was for ODJFS. Mr. Swartz listed: staffing, medical issues, enrollment process, policies, and procedures. Mr. Angelo asked how often ODJFS evaluated the facility. Mr. Swartz stressed before EA could even open their doors ODJFS required food, waste baskets, and bed clothing be in place. He said ODJFS was very picky. Mr. Angelo asked if ODJFS could be contacted if there was a problem. Mr. Swartz replied, yes and EA would be contacted immediately. He pointed out the CARF was more stringent accreditation than ODJFS required.

Mrs. Briggs asked if CARF was a national organization. Mr. Swartz replied, actually International.

Mr. Seyboldt noted this particular home was a four (4) bedroom dwelling and asked what EA plans were. Mr. Swartz explained there would be eight (8) children on the second floor each with full bathrooms attached to their bedrooms. He added the staff would be placed in the upstairs corridor just outside the bedrooms, which was also monitored by cameras to assure the staff was awake, acting accordingly and performing their duties. He said every person in the building had to be monitored. The rooms downstairs would be used for classrooms. He noted they were not allowed to make any structural changes to the facility per the Diocese. He added EA was willing to purchase the property when Rome came upon a decision. Mr. Seyboldt asked if they were allowed to install alarms or cameras. Mr. Swartz replied, yes. He noted there were several cameras throughout the school building with exterior alarms.

Carol Kainec, 374 Union Street, said she had witnessed the Bedford police at the facility over the past 3 or 4 years so she questioned whether these children were behavior problems or violent and wondered if she was going to find them on her property. She asked what was going to prevent these children from climbing out windows. Mr. Monachino, Building Operations Director, explained he was responsible for the five (5) school facilities along with the Bedford facility. He said it standard operational procedures for EA to place ADA compliant fire alarms and detection systems, a complete security system with all door and all window contacts and security cameras. He noted these systems currently existed at the school and they would extend to this home on the property. He noted two (2) exterior sides of the house were already covered by the security cameras located at the school. Mrs. Kainec asked if the children were accompanied when they left the home. Mr. Swartz replied, yes. He said EA had strict standards and there had to be "eyeball to eyeball" contact. He explained EA had a police officer present for therapeutic reasons during school hours which was contracted with them and paid by EA. He said part of the purpose was for these children to desensitize to the negativity that sometimes surrounds a man in uniform. The off-duty police officers will help the children with homework or reading. He expressed that he could not say enough good things about the Bedford police officers that have been assisting with the children. He also pointed out that if there were 2 or 3 cars at the facility it was usually the officers having lunch together.

Joe Ciprian, 45 Paul Street, had concerns if he were to sell his home how would he inform the buyer that the police officers at this facility would chase children through the yard on a regular basis or the noise of the children. He thought the "eyeball to eyeball" contact would be the children running away from the police officers. Other issues he had were as follows: children yelling down the street disrupting the

neighborhood, the taxi cabs that block the drives blaring their radios and taxi drivers yelling and screaming at each other making more noise. He noted the new facility would add more children, more noise 24/7 and there would be stuff going on all hours of the night. He said he witnessed a child being chased and the yelling and screaming. He said the police had been called twice that he knew of because of problems with the children. He felt all this was adding more police activity. He questioned how the staff was going to stop the children from leaving the building because the school hasn't. He felt if a child wanted out they would climb out a window and run through the yards, woods, jumping in car with their friends or going to the vacant nun house, vacant church, and/or the vacant parking lot. He said he has called the police many times because of the children checking doors, rattling windows, and trying to get in a neighbor's garage. He asked what EA was going to do to keep the neighborhood safe.

Dr. Christine Swartz said she didn't in anyway want to minimize the intensity of Mr. Ciprian's concerns. She explained she gets called when there are clinical incidences at the facilities. She didn't want to get into a ping pong match but she questioned whether these were the children of their facility. She pointed out there were other children in Bedford and EA's children do not leave the building without a staff member with them. She noted the children do not leave the building unless they want to go home. The children were safe and if anyone visited the facility they would experience what feels, looks, smells and acts like a school. She stated these children were struggling relationally. The children will "test" the staff knowing that they are following them and they usually never walk out the door, however, they will open and close door while watching the staff watching them. She assured everyone that EA knew how to respond to such behavior. She said she would never say a police officer did not chase one of their children but she doubted if the child Mr. Ciprian saw was one of their children. She explained they had a young female placed in the Bedford facility that was in foster care that had a very significant history of abuse and trauma. She was placed in a foster care home and was frightened of the foster care parent so she ran to the bridge with the staff in tow. The child had no intent to injure anyone; it was her own internal process and the staff kept her safe. She also told Mr. Ciprian that as far as selling a house it was tough times for everyone and we were all living in a world wide economic crisis so it was difficult for everyone.

Mr. Angelo asked what the student adult ratio was at the school that had the 75 students. Dr. Swartz replied about one (1) staff person to three (3) students ratio with varying ages. She said the EA home on Union Street the ages would range from 10 to 18 years of age. Mr. Angelo asked if these group home children had more or less emotional problems than the average school children. Dr. Swartz stressed they would not take any children that would be a significant threat to any person in the home; "it's a home". Mr. Angelo asked if the one (1) to four (4) ratio would be a less threat to the neighborhood. Dr. Swartz said generally speaking, yes because there were more controls. Mr. Angelo mentioned he was going to check the police department log to review if calls were made to the police department.

Mr. Seyboldt anticipated the subject of police activity might be part of the discussion this evening so he had already requested the information. He said this activity was for the 290 Solon Road Safely Home residence over the past three (3) year period (2008 to 2011). He felt this location was apples to apples comparison for this facility: one (1) call was for a runaway that returned on their own, and one (1) call for an unruly 17 year old who was arrested for disorderly conduct for fighting with the staff, 22 calls for smoke detector alarm related incidents and 4 calls related to resident children that did not escalate to any level of arrest.

Mr. Swartz offered Mr. & Mrs. Ciprian his business card so he could be called direct because of some of the concerns he had been told by them both this evening. He said EA wants to be good neighbors to the residents.

Carol Kainec, 374 Union Street, wanted to know how this was going to affect their property values. She wanted to know if this was going to make the market even worse. Mr. Angelo stated there was a depressed housing market everywhere. He listed a few suffering housing markets: Northeast Ohio, California, Florida and the state of Ohio. Mrs. Kainec mentioned a few areas such as: Boston, Washington

DC, San Francisco that were not suffering, however, they were different type markets that can't be compared to Bedford, Ohio. Mr. Angelo stressed it would be hard to guess what the future might hold based on the current market. He doesn't know of anyone that could answer her question. He did not feel the home would cause anything worse than what had already happened from the market itself. Mr. Seyboldt figured there was a 99.9% chance St. Mary's was closed for good. He pointed out it was better to have someone in the buildings to keep up the maintenance of the buildings plus the buildings would not be vacant. He knew there were upsides and downsides to the buildings sitting empty or being occupied. He thought the best thing was to address the issues now so they can be addressed with the EA staff this evening. He noted there were some maintenance issues already cropping up so it was best for everyone to work together because it was best to find alternative uses for these buildings. Mr. Angelo stressed the City of Bedford has some of strongest property codes he has ever encountered. He said it was important to maintain all City buildings and properties for the betterment of the City. He stated Councilwoman Zolata was very active in her Ward and reports often any and all issues within her Ward.

Willy Edwards, 362 Union Street, asked where the Planning Committee was in regards to their final decision on this request. Mr. Dickard explained that EA was very thoughtful in coming to the City regarding the use of this facility but technically they did not have to submit anything to the City to have their operation. He added the City being City Council and Planning Commission had very limited authority on this issue. The Federal Government considered this a permitted use regardless of what local governments felt. He reiterated that the City was limited in their ability to limit these types of operations in all communities in the U.S.A. He noted Mr. Seyboldt made sure that all the safety devices were in place. Mr. Edwards asked since this was a non-profit organization if it would change the zoning use. Mr. Seyboldt stated the only way the use could be changed would be if this home was being run by the church. He explained this facility was zoned for a single family home. He said EA was doing just that; placing a single family in this home which was not any different than any other single family home except that this home was going to have alarms and cameras. Mr. Edwards stated a single family was a mother, a father and their children. Mr. Seyboldt replied, "Welcome to the United States". Mr. Edwards asked if this was the first residential facility that EA was opening out of all their school locations. Mr. Swartz said this was the first EA but personally he has been in the business for a long time. Mr. Edwards thought Mr. Swartz had not any experience in operating a residential group facility. He felt that everyone had not heard enough about EA. He felt EA was leasing property off of a Bedford landowner and he felt the landowner had a responsibility to the residents. He asked for clarification whether the City or Planning Commission could stop this group home from operating in Bedford. The reply he got was that the City cannot stop EA from operating this facility.

Mr. Angelo explained the Supreme Court's definition of a family was: regardless of whether they were related or not, color, ethnicity, religion and so on. He said anyone could put four (4) people in a house totally unrelated and they were considered a family under the Supreme Court ruling. He pointed out the issue was not whether they were a family or not. He said the group home fell under an R-4 residential area and this organization fell under that zoning. He said there was no problem having a group home in an R-4 zoning. He reiterated that EA had no legal or technical requirement to discuss with the City in the first place. He said the City's concerns were: building maintenance and safety for everyone involved. He also pointed out that Mr. Edwards questioned EA's experience so he suggested a representative address that issue. He stressed the major concern regarding this request was the legal stand as far as what the Supreme Court had decided.

Mr. Swartz felt like he was splitting hairs, however, EA had not opened any homes to date; however, 16 years ago he was the original incorporator for Safely Home with George Purgert. He explained he worked with Mr. Purgert for four (4) years and had opened a school within the facility and then incorporated EA. He said 12 years later he was coming back around and he saw there was a need for EA to have both the educational and residential within the same organization. He stressed this was not his first time ever running a group home and he had a very experienced staff. He assured everyone that he felt he had a responsibility to any community, which included the residents, the City and school district. He noted if St.

Mary's was empty it would be a great target for a community school to come in to Bedford. He said EA had spent \$500,000 upgrading or remodeling the building.

Francine Edwards, 362 Union Street, had the following concerns: were there other properties considered for this home, when she heard the words "alarm and/or camera" it threw up a red flag, how long was the current lease, what would determine the renewal of the lease, what was the lease time period, she asked if there was a group home located near any of the Planning Commission members homes, and how would they feel with a group home two (2) doors away.

Dr. Swartz replied this organization was constantly looking for homes because these type of children needed a home. She noted the location of the school and the home was perfect being placed beside each other. She noted a lot of people have alarms and cameras in their own personal homes. She told a story about a young boy approximately nine years of age that did not want to leave the building and after many calls the child did leave willingly with a police officer. She stressed the reason the child did not want to go home and leave the safety of the staff was because his mother held him out a third story window by his leg when he was younger and threatened to drop him. She noted the child had enough sense to want to stay where it was safe and not return to his home. She wished this family had a camera in their home so this type of behavior would have been taped. She mentioned some of these children arrive in the mornings having issues because of their home life.

Rosemary Oldenburg, 237 Union Street, said she was the parish house secretary for six (6) years and she was very familiar with the layout of the home which she thought had a lot of hiding places. She hoped that she would never be put in a position to say no to group a home but her concerns were the safety and security of the neighborhood. She was worried that there was only going to be one (1) staff member at night. She had concerns of the age ranges with only one (1) person supervising. She asked if the convent and other homes that were going up for sale in Bedford might be considered as group homes. Mr. Swartz clarified that there were two (2) staff members on duty during the night hours.

Jerry Oldenburg, 237 Union Street, asked if EA would be interested in the total property or just what they were currently leasing. Mr. Swartz replied they were only interested in what they were currently leasing.

Jennifer Ciprian, 45 Paul Street, referred to the house at 44 Paul Street and wanted to know if this family was interviewed because the police officers had been seen at the house four (4) times. She questioned whether this same activity was going to happen at this group home because she did not want certain activities in their neighborhood. She stated she was "all" for group homes because they have had things happen to their own daughter. Mr. Swartz explained the family at the 44 Paul Street home had two (2) boys who just graduated. EA had been working with this East Cleveland family for about five (5) years. He said they had been working with these boys and knew if they had stayed in East Cleveland their efforts would have been wasted. He knew of one (1) police call but not of the other three (3) but he would check into it. He explained EA instructed this family on how to maintain a home which was paid for by EA. He said this family represented EA and they needed to be good neighbors or they would be removed. Mr. Ciprian requested the boys pull up their pants and tuck in their shirts. Mr. Swartz said he would address these issues with the family. This family had been reminded that they no longer live in East Cleveland and they were living in a quiet neighborhood so they should conduct themselves as such.

Dr. Swartz assured everyone that the concerns brought to their attention tonight will be addressed. She offered a business card to anyone who wanted one. She also said it wasn't their intent to be a nuisance in any neighborhood.

Chairman Dickard thought everyone had witnessed the cooperation of EA and what they were willing to bring to the City. He felt this home would be an asset to the City. He mentioned we all go through periods of adjustments as it was currently happening across the country. He thought the spirit of cooperation and willingness to do what needs to be done to be a good and friendly neighbor. He felt it was evident that EA

was going to do what needed to be done to be a part of the neighborhood. He commended the EA staff for their efforts. He reminded the residents that the Planning Commission was limited in their abilities to uphold the will of the people; not just at the local level but at the federal level as well. There was conversation between Mrs. Kainec and Mr. Dickard as to the "home" like feeling Bedford had always had and the excellent services the city offered and upheld. Chairman Dickard hoped EA was coming on board with good neighborly feelings toward the City.

Mr. Angelo stressed if the residents don't let the City departments know of concerns and issues then the City can't address them accordingly.

Mr. Erdos thought the Planning Commission should establish some stipulations for this conditional approval.

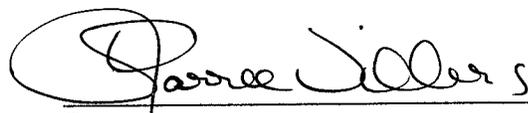
Motion made by Briggs seconded by Erdos to accept the conditional use of 300 Union Street, Bedford, Ohio 44146 by Education Alternatives with the following conditions: 1.) Education Alternatives must have one (1) adult supervisor for every four (4) children. 2.) Education Alternatives must have internal alarms on all windows and doors. 3.) Education Alternatives can have no Juvenile Court referrals, be it delinquent, referrals or recommendations by the courts but only the referrals were to be from the school system. 4.) Education Alternatives must submit to the Building Department on a monthly basis the number of clients. The roll was called. Vote – Yeas: Briggs, Dickard, Erdos, Dzomba, Angelo. Nays: None. Motion carried unanimously.

Mr. Swartz referenced number three (3) of the motion. He explained EA would not accept any child that was court ordered to their facility but sometimes courts and schools work in conjunction with each other. He said usually the child would be placed through Ohio Department of Job and Family Services. The Planning Commission understood it was a social agency not a court/police agency.

Mr. Seyboldt clarified that the decision of the Planning Commission would go to Council for final approval on July 11, 2011.

There being no further business to come before the Board, it was moved by Briggs seconded by Erdos to adjourn. The roll was called. Vote – Yeas: Angelo, Briggs, Dickard, Dzomba, Erdos. Nays: None. Motion carried unanimously.

Meeting adjourned at 6:55 P.M.


Secretary


Chairman