

Cuyahoga Falls City Council
Minutes of the Public Affairs Committee Meeting
April 18, 2011

Members: Mark Ihasz, Chair
Kathy Hummel
Jeff Iula

Mr. Ihasz called the meeting to order at 9:00 p.m. All members were present.

The minutes from the March 7, 2011 Committee meetings were approved as submitted

Legislation Discussed:

Temp. Ord. B-38

Temp. Res. B-44

Discussion

Temp. Res. B-44

A resolution expressing support for Issue 16, a operating tax levy for the benefit of the Cuyahoga Falls Library, and declaring an emergency.

Mr. Ihasz began by reading a statement written by Mrs. Colavecchio: She apologized for not being able to be present this evening and hoped these remarks would provide everyone with her thoughts on this resolution. She invited anyone to call her with any questions they may have. She stated she served as co-chair of the library levy committee along with Mayor Robart. She met with library personnel and board members who have put together an extremely well-organized campaign to create awareness on this issue. She strongly supported the levy because she believes in supporting local venues that promote community education and interaction. During the recession, the library became very busy with many people utilizing its resources to search for employment. Many others availed themselves of the free movies and music discs. More than 385,000 people visited the library last year and nearly 1,000,000 items were borrowed.

Kevin Rosswurm is the director of the library. He stated he was glad of this opportunity to speak to Council regarding the library levy. In the five years since the library's last levy, state funding has fallen 24%. It will fall another 5% this year and will continue to fall. In fact, it has fallen every year for ten years. Last year, 985,000 items were borrowed from the library, and it will mostly likely loan over 1 million items this year. Their current 1.3 mill levy expires at the end of this year. They are asking voters to approve a 1.9 mill replacement levy, which will cost the owner of a \$100,000 house approximately \$58 per year, which breaks down to \$1.12 per week or \$4.83 per month. They are open seven days and 70 hours a week. If the levy fails, they will lose one-half of their income in 2012, which will necessitate laying off half of its employees and cut the service hours in half. It will be catastrophic. Passage of the ordinance, however, will layout a stable, financial future.

Mayor Robart seconded Mrs. Colavecchio's comments and confirmed that everything Mr. Rosswurm said was accurate. People think libraries are not needed but over the last five years, the Cuyahoga Falls Library has experienced increased usage. Mrs. Klinger requested her name be added as a co-sponsor of the legislation. Mrs. Pyke requested the same.

Mrs. Hummel moved to bring out Temp. Res. B-44 with a favorable recommendation, second by Mr. Iula. Motion passed (3-0).

Temp. Ord. B-38

An ordinance amending Sections 516.01, 516.02, 516.03 and 516.04 of Chapter 516, Part Five of the Codified Ordinances, enacting new Sections 516.05 and 516.06 thereof, relating to minors' curfew, and declaring an emergency.

Mr. Janis stated a new substitute dated 4-18-11 was distributed which includes the provision requested by Mrs. Colavecchio for the immediate appointment of a member of Council to the review board. There was also a grammatical correction in line 168.

Capt. Davis did a statistical analysis. 50% of the juvenile arrests City-wide were in this area, which is only .3% of the total City area. 69% of these incidents involved juveniles, and 29% of the juveniles arrested were Cuyahoga Falls residents which means the vast majority are not citizens. The police department is trying to prevent crime. He addressed a comment that was made the previous week that the police should just enforce the ordinance currently on the books regarding assaults. He pointed out that officers cannot enforce an assault until it occurs. They estimate that between 500 – 600 kids gather in this area. They are finding more people are praying on these kids. Bringing in more officers is not the solution. It is unfortunate the City cannot just have a peaceful event. It must consider the safety of the people who attend the events. With regard to the 8:00 time issue, he stated that they want to be able to start informing the groups of kids at 8:00 that they need to leave the area. They want to enforce the curfew in a wise manner to get the kids to leave the area and, if they refuse, officers will enforce the ordinance. Sgt. Tayback stated the festivals start earlier in the evening. He stated they start slow but then pick up between 8:00 and 9:00 p.m. The number of unattended juveniles begins building at that time as well. Having the curfew set at 8:00 gives officers time to disperse the unattended juveniles and then be able to be at the festival in time to manage the increased numbers there.

Mr. Ihasz asked whether Bob Early needed all 16 officers assigned to Rockin on the River. Capt. Davis felt it was an appropriate number and that much less than that would not be good. They need to have enough officers to cover the number of people attending, money issues, security for vendors, alcohol monitoring, etc. It is a good number for the festival site but not for what is also happening under the bridge. Mr. Ihasz asked whether the police enforcing the curfew would come from those hired by Bob Early. Capt. Davis indicated they discussed that and decided, for now, they will use the officers from the festival site. He feels that once word gets out, people will not be coming down or will come in smaller numbers and just leave by 8:00. For the first couple weeks, they may use some festival officers and some other officers who would be patrolling the City. Mr. Ihasz stated if this passes, he would like to see a report on the incidents that occur between May 1, 2011 and July 8, 2011 to compare it to what occurred last year. Mr. Iula stated he received two calls earlier that day from individuals who had been harassed and said they will not go to Rockin on the River anymore. He indicated he is in favor of the 8:00 curfew because the officers feel it is necessary. It will give them more time to disperse the kids. If a juvenile is not in the troubled area, he or she is not going to be arrested.

Sgt. Tayback stated they do not want to create mass arrests. They just want to provide a safe area for people to enjoy themselves. They do not want to arrest 500 juveniles. As people become accustomed to the curfew and word gets out to the citizens and schools letting them know this is coming, the City is hoping there will not be many problems. The goal is to have something to enforce to keep the area safe. Mrs. Pyke asked about events for kids that extend past the curfew. Capt. Davis stated there could be exemptions for educational events. Mrs. Pyke indicated she also supported the 8:00 curfew. When a chief, captain and sergeant state this is what they need, she is not going to be the one to say they are wrong. Mr. Walters asked if the City had any loitering laws if the juveniles continue to congregate outside the curfew area. Capt. Davis stated that on private property, the owner has the right to utilize officers to have loiterers dispersed. However, if the juveniles were to move to a business, such as a car dealership, that is typically closed at that hour, officers do not have the authority to ask them to leave without direction by the property owner. Mr. Walters felt that the Mayor should have the power to relax the curfew hours during certain events. Capt. Davis stated there are some youth events. Relaxing the times would be up to Council and the Administration. Mr. Walters stated if the relaxed times were put in the paper, the events would not then suffer due to the curfew. Capt. Davis stated the juveniles they are targeting

with this legislation are not attending the festivals. They are in the area at the end where there are no adults. Mr. Janis indicated the legislation can be amended to provide for the Mayor having the power to relax the time. Mr. Walters stated he will make the amendment, and it can pass or fail. Mrs. Klinger asked about R.I.O.T. on the River which is a Christian concert that ends around 11:00. There have been no incidents in the past, yet this event will suffer. That is her problem with this ordinance. Most of the problems are at the events serving alcohol. Without a waiver, she cannot support this legislation as written. Mr. Barnhart stated he is in favor of this legislation. The time of the curfew should be decided by the police officers and not be Council. Mrs. Pyke liked Mr. Walter's idea of the Mayor having discretion on the times.

Mr. Ihasz commented on the appeal process. He stated that everyone can appeal if they feel justified. He asked whether those individuals would submit a form to set up a date, such as with moral claims. Mr. Janis stated the process provides a civil penalty against the parent. They have not yet gotten to the procedures but it will be a simple process. The review board will have the authority to modify or waive a fine, in whole or in part.

Tyler Fisher, 170 Bermont Ave., was against the curfew. He feels the cause of the problems is tobacco. He has talked to the Mayor. Adults do not know what goes through kids minds. Kids go there to smoke because the police will not be on them as much. Kids also go by the Sheraton where it is shadowy and dark to take and sell drugs. Most of these kids are from inner city Akron and not from Cuyahoga Falls. He suggested that the City block off the boardwalk completely. Also, if he is walking home from a friends' house and his route takes him through the curfew area, he does not want to incur a curfew charge. He stated he was caught returning home one night at ten minutes past midnight and had to serve community service for breaking that curfew. If this curfew is 8:00, it is not appropriate to give someone a break at 8:20 when he got in trouble for being ten minutes late.

Matt Butcher, 2957 Cedar Hill Rd., mentioned it was stated earlier that common sense would be used in enforcing the 8:00 curfew. Where was that common sense when Tyler received 12 hours of community service? Why not try something else. He reminded members about the Boot Scoot Saloon. The City shut it down. Everyone is supposed to be treated equally. He felt 16 officers should be plenty. The City should close down the boardwalk. The City thinks the problem is the riverfront area. This ordinance goes far beyond that. He is still against it. Mr. Ihasz stated what the City is trying to do is to nip this in the bud. This is a good ordinance and is a starting point. He feels this is the right move. Mr. Butcher asked what kind of message is the City sending to the kids when everything is being taken away. These kids will vote someday and we want them to stay in the community. He is against giving one person the power to adjust everything.

Greg Rausch, 2372 Giffels Dr., stated most of what he wanted to say has already been stated. He felt that if the curfew were to be amended to 9:00 and then something happens, Council would feel bad. He feels first-time offenders should be issued a warning. Mr. Ihasz stated he had suggested the warning but there is an appeal process in place so he is leaning towards going with the appeal process. Mr. Rausch stated the fine was \$50. If the City wants to make a statement, perhaps the fine for a second offense should be raised. He understood the concern about Christian events and assumed those kids would not be the ones under the bridge. He feels officers can use discretion if the kids are well-behaved but there would have to be something in writing. He is in full support of the 8:00 curfew. If someone is caught more than once, the fine should be raised.

Mark McCullough, 2300 Larchdale, commented on the high percentage of kids not being from Cuyahoga Falls. The City needs to make a strong statement to keep this from getting out of proportion. He asked if there was any repercussion to the kids other than the parents being fined. Capt. Davis replied that the juveniles will be charged. If they have not been in trouble before, they will be referred to the Diversion Unit. If they have been in trouble, they will go before the Summit County courts. Mr. McCullough felt that was a good idea and supports this 100%.

Bob Brown, 2940 13th St., spent 28 years as a teacher in the Cuyahoga Falls school system and has seen a lot of kids. The good kids are not part of the 500 or so going down to the bridge. People who park at that end and

then walk to Falls River Square are harassed by the mass of kids hanging out. There is no respect. This ordinance is for unattended kids, which is the key. It is those kids the City is having a problem with. Apparently, some parents are looking at these events as a free babysitting service where they can drop their kids off and pick them up later. Regarding the kid who served community service for being ten minutes past curfew, Mr. Brown pointed out that if the youth knew it is starting to get late, he needed to get home. That's common sense. Do not get into a car with someone who is driving like that. That's common sense. The City's officers have that common sense. If you are walking home at 9:30 through the mall and stop to listen to the band, you are not in the part of the congregation. However, when you go under the bridge and it is a sea of 17 and under who have no respect, that is the problem. This is a beautiful area that the City made for everyone and those young kids are turning it into an area people want to avoid. A \$50 fine is important. You have to hit the parents hard. This has been needed for a long time. He hopes Council will vote yes.

Janyse Heidy, 440 Marian Lake Blvd., is a member of the R.I.O.T. on the River committee. She has heard the pros and cons for this curfew. People need to put their focus on kids. There is no where for kids to go. They are trying to go to an event but they are being pushed out. She felt there should be teen events on Saturday nights or maybe a teen center. She has a 40-page business plan on activities and things to keep teens busy and out of trouble. She does not feel getting rid of the teens by the river is the answer. Closing the boardwalk would be better. Kids are roaming the streets due to lack of guidance and structure. We should provide a safe haven for the teens of Cuyahoga Falls. Mrs. Klinger pointed out that the YMCA has a program for teens as does the church on Chestnut Blvd. They have events for teens all the time.

Hank Inman, 2324 Riverfront Parkway, stated this problem area is in his backyard. He echoed everything the teacher said. The clientele of Rockin on the River has digressed over the years. He respectfully disagreed with the statement that Rockin on the River is a family event. It is definitely for adults. You cannot mix adolescents and adults. He agreed they need to work something out with R.I.O.T. on the River. He supports the curfew.

Tyler Fisher stated there is the DARE program in elementary schools but then it drops off. The high school is known as Pharmacy Falls. There have been drug busts at the high school. He would like to bring dances back to the auditorium. Mr. Ihasz stated there are still dances at the Natatorium on Friday nights.

Mrs. Hummel moved to bring out B-38 dated 4-18-11 with a favorable recommendation, second by Mr. Iula. Motion passed (3-0).

Meeting adjourned at 10:08 p.m.