

**Cuyahoga Falls City Council  
Minutes of the Public Affairs Committee Meeting  
April 4, 2011**

**Members:** Mark Ihasz, Chair  
Kathy Hummel  
Jeff Iula

Mr. Ihasz called the meeting to order at 6:45 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. Ord. B-39

Discussion

**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 he distributed a substitute to B-38, which contains minor changes. Chapter 516 of the Codified Ordinances has restrictions as to minors' curfew. Currently, it is from 11:00 p.m. until 5:00 a.m. Sunday through Thursday, and 12:00 a.m. until 5:00 a.m. on the weekend. This ordinance establishes a special curfew area in the downtown area. Minors will be prohibited from this area from 8:00 p.m. until 5:00 a.m. every day of the week, 365 days a year. The ordinance also repeals the criminal penalty associated with breaking curfew and instead provides a civil penalty of \$50. Minors who are caught breaking curfew will be held until a parent arrives. Minors will not be detained for longer than three hours. If a parent fails to arrive within the three hours, the minor will be transported to juvenile detention. Introduction of this ordinance is the result of the incidents that took place last summer. Present on behalf of the City Police Department were Capt. Davis and Sgt. Tayback.

Capt. Davis stated that over the past couple summers, the Police Department has seen an increase in unattended young people coming to the Front Street Mall. Last summer saw the largest crowd. The curfew area covers the area from Falls River Square to the Hibachi fountain. There have been many violent incidents in that area, and they wanted to get something in place before this season started. The idea is to ban anyone under 18 years of age from coming to the area unless they are with a parent or an adult who would be responsible for them. The goal is to increase safety. Mr. Ihasz felt this was a great ordinance. There definitely needs to be a curfew in this area. He stated he would like to see the curfew start time changed to 9:00 p.m. from May 1 through September 1. It does not get dark until 9:15 – 9:30 in the summer. Capt. Davis stated the reason behind the 8:00 time was because that is when attendance at events begins to increase. If the police are going to be dealing with a multitude of people at the events, it will be easier and safer for everyone if the youth groups are gone. Events start at 5:00 p.m. so the youth have three hours to come down and hang for a little while. The curfew may also cut down on the number of parents from outside the City who just dump their kids off in the downtown area and come pick them up later at night. Mr. Ihasz asked whether kids who would be attending an event with a parent were required to be at their parent's side at all times. Capt. Davis stated officers will exercise reasonableness. If an unattended youth is in the festival area and an officer has confirmed that the youth has a parent/responsible adult attending the festival with them, the youth will not be detained. However, the problems they are trying to

address do not involve youths who have parents in the area. The issues are mostly with youths who are dropped off or who arrive via a Metro bus. Mr. Ihasz also stated he would like to see the \$50 fine waived on the first offense and apply starting with the second offense. He would like to see parents given a warning. There will be a lot of people who will not have heard of this ordinance. Mr. Iula stated he has attended festivals and witnessed some of the problems. He was in favor of leaving the time at 8:00 because while June and July may be light at 9:00, it is darker in May and August. He wondered if this ordinance would cause the youths to leave the Special Curfew Area and migrate to The Glens, which is the new park on the other side of the Sheraton. Capt. Davis stated there is already an ordinance on the books for parks. However, some of the areas around The Glens is private property so the property owner can call and ask the Police to get the kids to leave.

Mrs. Klinger asked how many of the assaults included on the list occurred during Rockin' on the River. Capt. Davis stated he would have to get an event schedule and compare it to the list of incidents. Mrs. Klinger was concerned that people will think this ordinance will solve all of the problems when, in fact, it deals only with minors. There are also incidents that involve individuals over 18. Sgt. Tayback stated that the problems that have been documented are only about one-third of the actual number of incidents. Officers were so busy running from the festival site to the area under the Portage Trail bridge responding to reports of fighting that they just addressed the more serious ones and disbanded the others. The draw for the young adults was the unsupervised juveniles, so he believes that implementing this ordinance would help eliminate the element of young adults hanging around. Mrs. Klinger asked about the R.I.O.T. on the River event, which is an annual Christian concert held at Falls River Square. Sgt. Tayback was not familiar with that event and would have to check on it.

Mr. Walters stated that parks are closed at sunset and felt it would be more appropriate to follow that timeframe in this ordinance. The latest sunset is at 9:03 in July and the earliest is 5:00 in December. He'd also like to make an amendment to authorize the Mayor to amend the curfew hours as he sees fit. Sometimes, kids will stop by the Oktoberfest after a high school football game. Capt. Davis stated that when football games end, the kids stream to the proposed curfew area not to attend any events that may be taking place at that time, but to hang out. Mr. Walters stated he'd still like to see it fall under the Mayor's discretion and give him the power to amend it.

Mrs. Colavecchio appreciated the legislation. She felt it was long overdue. She expressed concern that the case that was cited in the legislation was not on point with what the City was trying to do. Mr. Janis stated the purpose of citing that case was to justify that imposing a civil penalty was authorized under the constitution. He added there was no conflict with the City's home rule powers. Mrs. Colavecchio stated that line 205 mentions that a member of Council would be appointed annually each January to serve on the appeals board. She was concerned that if this legislation passes, Council would not have a member on the board until January, 2012. She requested language be added to immediately appoint a Council member upon passage of the ordinance.

Matt Butcher, 2957 Cedar Hill, felt that the ordinance conflicted with the City Charter. He asked how many incidents on the list involved minors. Capt. Davis stated 37 out of 50 occurred during the summer months. Mr. Butcher stated that the one incident involved a 53-year-old man hitting a 15-year-old girl, which means that incident was caused by an adult and not by a minor. Capt. Davis stated the incident occurred because the 15-year-old was unaccompanied. Mr. Butcher asked how many officers handled complaints. Capt. Davis stated it depended on the call volume. Mr. Butcher was concerned about several other items. With regard to the comment that "common sense" would be used by officers, he stated laws are supposed to be black and white. According to this ordinance, if his 17-year-old was driving down Portage Trail during the curfew, he would be fined. His son also walks to a friend's house on the other side of the downtown area. In order to avoid the curfew area when he walked back home after 8:00, he would have to go down to Howe Rd. That is not acceptable. Charging a civil penalty would violate an individual's due process. The review board is biased, and there is no appeal process beyond the review board. There needs to be rules in place regarding how a minor should be taken into custody. He is against this legislation and does not feel it is warranted. The actions of the few do not dictate the actions of the many.

Mayor Robart stated that not everything is black and white as Mr. Butcher seems to believe. Police often use their discretion. For example, if someone is going five miles over the speed limit, the officer uses his/her discretion whether to write a ticket. What the City is intending with this ordinance is to get rid of the unsavory element causing trouble near the river. We would just be inviting this element more and more if amendments are made to weaken the ordinance. There are many instances in other municipalities where the leadership did not take a firm stand, and the area acquired a negative reputation. Our City needs to be firm and aggressive on this matter and let the police officers do their job.

Alice Altwies is a senior citizen. She has a concern that the City currently has laws on the books that should cover the misbehavior of young people. If those laws are enforced, then the young people who obey would not have to be banned from summer events. People are encouraged to come to Riverfront. Why should the young people be denied the opportunity to enjoy themselves. Whoever is misbehaving should be taken to task. Do not punish all of the kids. She is a middle school principal in Akron. She can only punish those students who are causing problems. It would be detrimental if she punished all students just because of those few.

Sgt. Tayback stated what they are trying to do is to protect the good kids. Most of the kids causing trouble do not attend the festivals. The biggest concern is the unsupervised kids being dropped off. Even the good kids are being preyed upon. The City wants to prevent that before it becomes an even bigger problem. He worked the events every Friday night last year from May to September. They started seeing more and more kids without parents, and most of those were coming from Cleveland, Canton, Akron and other cities. Those kids became aware of this opportunity to hang out by word-of-mouth, Facebook, and Twitter. The area under the bridge have become the place to come congregate. Every night he worked, he had people asking him if it was safe for them to walk through the area. The Department does not have enough officers to arrest every juvenile who is misbehaving.

Chief Pozza stated the intent of this law is not to ban good kids. It is to stop the misbehavior of juveniles not attending Rockin' on the River and creating problems under the bridge, which then endangers the juveniles of this and other cities. Last year, the City had the Akron Police Department Gang Unit Detectives come and identify whether there were any gangbangers from inner-city Akron present and creating havoc during Rockin' on the River. They found that the gangbangers were present. The City is not utilizing this ordinance as a weapon. They are utilizing it to help keep peace and order for the people who want to come to Rockin' on the River. They will be patrolling down the riverfront. Kids are using it as a place to congregate, and this ordinance will be a tool for officers to target juveniles who are there for unlawful purposes to cause trouble and victimize other people. Mayor Robart read a letter from the owner of Hibachi Japan which supported the City's position.

Mr. Ihasz felt the legislation should be held for two more weeks in order to discuss changes to the time curfew as Mr. Walter's suggested. He also wanted to discuss possibly changing the fine for a first offense to a warning.

Mrs. Hummel moved to hold B-38, second by Mr. Ihasz. Motion passed (2-1).

**Temp. Ord. B-39**

An ordinance enacting new Section 133.01 of Title 5, Part 1 of the Codified Ordinances, amending Sections 1306.01, 1306.02, 1306.03 and 1306.05 of Title 1, Part 13 thereof, relating to duties of the Chief Building Official, and declaring an emergency.

Mr. Janis stated this ordinance enacts a new section. It is a follow-up to the transfer of the Building Department to Summit County. References to "Building Official" or "Chief Building Official" regarding duties, functions or responsibilities under the Residential Code of Ohio and the Ohio Building Code would be deemed to refer to the Summit County Building Official. Those not arising out of the Residential Code of Ohio or Ohio Building Code would be deemed to refer to the City Engineer. This ordinance also refers to the Department of Public Service in place of "Building and Zoning Inspection" regarding inspections. Mrs. Carr added that it is just a

final sign-off on the inspection report. She had been doing that anyway. Mr. Ihasz asked if Mr. Kring would still be doing inspections. Mrs. Carr stated he would. Nothing has changed other than who is signing the final form. Mrs. Hummel commented that line 52 stated the inspection would be done at the City's cost and asked how much that was. Mr. Demasi stated it is zero. The City does not charge for that.

Mrs. Hummel moved to bring out B-39 with a favorable recommendation, second by Mr. Iula. Motion passed (3-0).

Meeting adjourned at 7:30 p.m.



April 1, 2011

Susan Truby  
Director of Community Development  
City of Cuyahoga Falls

Dear Ms. Truby,

I sincerely appreciate the invitation to speak at the April 4 meeting regarding the proposed summer curfew. I am unfortunately not able to attend, but I would like to share our perspective on the issue with the Council.

We feel that crowds of unattended minors have had a profoundly negative impact on the Riverfront area. As well as making the Riverfront less attractive as a recreational space, the issue is creating a real hardship for local businesses.

In our case, summer revenue is down about 15% versus years past. We do not believe that economic weakness is the cause, as the drop in sales has coincided with the arrival of the crowds of teens and has been limited to the summer months. In fact, revenue is slightly up for the remainder of the year.

We believe that the issue of unattended minors on the Riverfront is a real problem for area citizens and businesses, and that the proposed curfew would be a great help. We therefore strongly support the proposal and appreciate the Council's attention to the matter.

Sincerely yours,

Morgan Yagi  
Owner  
Hibachi Japan

The following incident reports are taken from Police Dept. official records and reflect all reported incidents involving juveniles occurring within the proposed Special Curfew Area on weekend (Friday and Saturday) nights between May 21, 2010 and August 27, 2010.

These reports do not reflect additional incidents that may have been addressed informally by officers on scene. Also, incidents are included in this list only if the report specifically indicates juvenile involvement. Other incident reports that do not distinguish between adult and juvenile actors are omitted even though there is a strong likelihood that a great many of the underlying incidents involved juveniles.

## ASSAULTS

10-12276 6-11-2010 @ 8:52 pm 17 year old punched in mouth and broke a tooth on boardwalk.

10-13370 6-25-2010 @ 9:48 pm 18 year old victim was struck 3 to 4 times by unknown 14- 15 year old male. Resulted in broken glasses.

10-13378 6-25-2010 @ 10:38 pm 17 year old female, 16 year old male and 16 year old female were assaulted by a group of juveniles who struck them and pushed them into the street. The group was yelling northside during the incident.

10-13394 6-25-2010 @ 11:53 pm 16 year old male was followed by 9-10 males from 2<sup>nd</sup> and Portage to 9<sup>th</sup> and Broad was he was struck in the face causing injuries to his nose and lip. This group also was reported to having shouted northside.

10-13928 7-02-2010 @ 10:27 pm a 16 year old male was jumped at Stow and Front by 4-5 males causing injury to his nose and elbow. The squad treated him.

10-13935 7-02-2010 @ 11:10 pm a 15 year old victim was struck by a 17 year old in the eye by the north fountain. The assault resulted in a black eye.

10-15067 7-19-2010 @ 10:56 pm a 13 year old male was sucker punched by a male. Was later transported to Children's hospital.

10-16211 7-30-2010 @10:55 pm 15 year old male punched in the eye by unknown male on the boardwalk.

10-17403 8-13-2010 @ 9:08 pm 18 year old punched in the jaw by another 18-year surrounded by juveniles. This incident resulted in a broken jaw and was broadcast on youtube.

10-18004 8-20-2010 @ 10:06 pm 17 year old female had purse stolen and was assaulted

10-18006 8-20-2010 @ 10:12 pm 16 year old victim was punched and had a cell phone stolen by a 19 year old male.

10-18018 8-20-2010 @ 10:50 pm 16 year old female punched by a 14 year old female resulting in 2 black eyes and a sore head.

\*10-26551 12-10-2010 @ 7:00pm 16 year old male punched in face, by a 16 year old male, suffered broken nose, skull fracture, and spinal injury

### Miscellaneous Activity

10-10630 5-21-2010 @ 5:51 pm 13 year old under influence smoking in the parking deck

10-10637 5-21-2010 @ 8:00 pm 16 year old riding unlicensed bike in the parking deck

10-10638 5-21-2010 @8:00 pm 15 year old skateboarding in the parking deck

10-10650 5-21-2010 @ 11:06 pm window at Levinson's broken out by two 17 year old males throwing a rock

10-11204 5-28-2010 @ 8:53 pm 53 year old intoxicated male arrested for disorderly conduct after hitting on a 15 year old female

10-11209 5-28-2010 @ 9:16 pm 19 year old male arrested for fighting with a 17 year old male

10-11699 6-04-2010 @ 7:32 pm 12 year old male arrested for tagging the parking deck

10-11704 6-04-2010 @ 8:30 pm report of disorderly juveniles at the red parking deck

10-11710 6-04-2010 @ 9:18 pm 14 year old with marijuana under the bridge

10-11711 6-04-2010 @ 9:18 pm disorderly juveniles by the riverboat

10-11713 6-04-2010 @ 9:26 pm juveniles throwing items off of red deck striking a person in the head

10-11721 6-04-2010 @ 10:12 pm juveniles fighting in front of Hibachi

10-12274 6-11-2010 @ 8:42 pm 17 year old arrested with a knife

10-12451 6-13-2010 @ 9:14 pm Juveniles on roof of theater

10-13355 6-25-2010 @ 8:15 pm juveniles throwing items from the deck

10-13360 6-25-2010 @ 8:45 pm juveniles on roof at 2231 Front

10-13373 6-25-2010 @ 10:20 pm 17 year old suspected of theft by pick pocketing

10-13386 6-25-2010 @ 11:00 pm Disorderly arrest of 17 year old and 16 year old fighting

10-13395 6-26-2010 @ 0015 am 10 juveniles throwing things at people on the mall area

10-13910 7-02-2010 @ 8:36 pm juveniles throwing items off parking deck

10-13932 7-02-2010 @ 10:47 pm juveniles spitting from parking deck

10-14508 7-09-2010 @10:39 pm 15 year old male arrested for possession of marijuana

10-14512 7-09-2010 @ 11:12 pm 17 year old male arrested for drinking a can of beer

10-14510 7-09-2010 @ 10:50 pm 17 year old male arrested for fighting and resisting arrest

10-15057 7-16-2010 @ 9:43 pm railroad tie set on fire in parking lot

10-15059 7-16-2010 @ 9:59 pm 16 year old arrested for cigarettes and marijuana

10-15615 7-23-2010 @ 8:09 pm 16 year old arrested for intoxication

10-16186 7-30-2010 @ 9:01 pm 22 year old male found selling marijuana by pontoon boats

10-16205 7-30-2010 @ 10:23 pm report of juveniles fighting

10-16764 8-06-2010 @ 7:30pm 16 year old male arrested for DUI in natatorium parking lot, also two 15 year females and 16 year old male charged with him for underage drinking. They were on way to Riverfront.

10-16770 8-06-2010 @ 9:40 pm 17 year old male arrested for drinking beer

10-16776 8-06-2010 @ 10:18 pm 17 year old male and 16 year old female found having sex.

10-17427 8-14-2010 @ 12:02 am 16 year old female arrested for graffiti

10-17981 8-20-2010 @ 7:05 pm 14 year old male arrested for marijuana and pipe

10-17992 8-20-2010 @ 8:48 pm 17 year male arrested for marijuana

10-18582 8-27-2010 @ 10:20 pm 15 year old female and 18 year old female arrested for fighting on the boardwalk

\*11-5868 3-17-2011 @ 8:33 pm five juveniles ranging from 13 to 16 were arrested for trespassing and drug charges on the closed boardwalk.

\* events occurred in the proposed curfew area outside of the specified dates