

## CITY OF AMHERST, OHIO

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Minutes of the Police and Fire Committee Meeting held December 4, 2023, at 7:40 P.M. Present were Chairman Winiarski, Mr. Cowger, Mr. Dembinski, Mr. Wachholz, Mr. Janik, President Wasilk, Mayor Costilow, Auditor Phillips, Assistant Law Director Ward, Treasurer Ramsey, Law Director Pecora, Safety/Service Director Jeffreys, council elect Nahorn, Police Chief Cawthon, and members of the press. Ms. Smith and Mr. Heberling were excused earlier.

*Please note: the video had stopped after the Finance Committee Meeting.*

A-23-53 Tobacco Retail Sales

Chair Winiarski noted that this was the third meeting of the TRL. He summarized the time this has been discussed, the number of speakers and discussion by Council and Administration. He introduced Police Chief Cawthon.

Chief Cawton discussed the revisions/amendments to the previous document. Mr. Ward reviewed the first four amendments. The last two included real-time modifications.

*The video resumed.*

Mayor Costilow asked regarding Page 5, Section E, if the transfers were allowed or not. The section was changed to allow for conditional license transfers pending approval by the Safety/Service Director and the County.

Mr. Ali Mohammed representing Sunoco on 979 N. Leavitt Road spoke and thanked them for sending out the letter advising of this meeting. He was not aware that this was being considered. He said he has been involved with Amherst for over 20 years. He said in all this time, there has actually been one or two instances where there has been a sale to a minor. They do their best not to sell to minors. For reference, a single stick of cigarettes costs him 71 cents and it's sold for 89 cents. It does not benefit him to make 11 cents or any amount of dollars by selling to a minor. So, they are very, very strict in coaching their employees and having other routes in place to not sell to minors. No matter what you do, sometimes it will slip. When he reads these penalties, he knows a strong penalty will act as a

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deterrent. With the turn around in our industries and hiring new employees and bringing them on and having too strong of penalties, could adversely affect their business. He felt the penalty was too high. Mr. Winiarski said that was amended to the word "may." Mr. Adams was more about "coaching up front." This was implemented for the Health Department to be involved in more coaching and much less on the penalty part. Mr. Mohammed agreed that this is the way to go. He agrees that as a father and retailer, this will benefit our community and protect our children.

Mr. James Murray with the American Heart Association, said their goal is to prevent heart disease and strokes and that leads them to do a lot of tobacco control and tobacco policy work. They work at keeping these products out of the hands of kids. There is a state law that says you have to be 21 to buy tobacco products but without enforcement the law really means nothing and that is what the TRL is set to do. The fees are meant to fund clients. He congratulated them for taking up this issue. He looks forward to working with them on this.

Mr. Mohammed asked about section 763.05 (providing ID) and asked if this means that they have to verify every single purchase? Chief Cawthon agreed that this is so. Mr. Mohammed said this creates an undue burden on the customers. Mr. Janik said customers that come back over and over, he can see Mr. Mohammed's point. Mr. Mohammed does not want to put an undue burden on customers. There was a further discussion on this. Chief Cawthon felt this section should remain. Mr. Mohammed admitted that if "75 year old Mr. Smith" comes in every two days to purchase a pack of cigarettes, he will break the ordinance. He would like other language for this section. Mayor Costilow said he'd like to see this investigated more.

Ms. Wendy Hyde with the Preventing Tobacco Addiction Foundation said the penalties for the violations that were stated, that would be under aged compliance checks that are being done. So if an under aged client would come in, that's where those fines would come in. She explained further. Mr. Winiarski said we have some time before the next meeting to study this further.

Mr. Cowger said they are talking about putting the cost and the burden on the 23 people that are in town that are currently selling products like this. This will prevent heart issues. What is the smoking contribution to this disease say vs. obesity? So will we go after the food vendors next that provide food that contribute to the obesity? Mr. Murray said he did not have the numbers but will get them. They do have policies when it comes to healthy food in

restaurants. As far as tobacco, they are not saying this will reduce the heart problems. What their goal is to globally reduce what we know especially about youth addiction. Mr. Cowger said they are asking for a \$450 license fee and that goes into the health department. The Health Department is required to do one check. He would think this is not as detailed as a food check where they are checking the whole facility. We are asking these people to fork over \$450 for an hour's worth of inspection? He felt this ordinance was not well thought out; he does not think it's going to solve the problem. He feels that the Heart Association and Health Department should focus more on the education in the schools regarding the further dangers on this and going forward to keep them from the use of the products. Just because it's illegal to use or purchase something does not stop those under 21 from purchasing or acquiring or using other products. They will get it somewhere if they want those products. That's why it should be addressed why they should not use these products earlier in the course of raising the kids. He spoke further. He does not feel this plan can be put forward and take care of the problem.

Mr. Wachholz motioned to send this to the floor of Council. Seconded by Mr. Dembinski. Roll call vote 4-1 with Mr. Cowger voting no to send to the floor of Council.

Mr. Dembinski motioned to adjourn, seconded by Mr. Wachholz. Voice vote 5-0 to adjourn.

The meeting adjourned at 8:25 P. M.

Chuck Winiarski, Chairman  
Police and Fire Committee