

COUNCIL PRESIDENT-JENNIFER WASILK
COUNCIL AT LARGE-DAVID JANIK
COUNCIL AT LARGE-MARTIN HEBERLING
COUNCIL AT LARGE- CHUCK WINIARSKI

COUNCIL WARD ONE-BRIAN DEMBINSKI
COUNCIL WARD TWO-BECKY HARMYCH
COUNCIL WARD THREE-JAKE WACHHOLZ
COUNCIL WARD FOUR-MATT NAHORN

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Minutes of the Police and Fire Committee Meeting held January 16, 2024, at 7:22 p.m. Present in Council Chambers were Chairman Winiarski, Mr. Dembinski, Mr. Heberling, Mr. Janik, Mr. Wachholz, Mr. Nahorn, President Wasilk, Auditor Phillips, Safety/Service Director Jeffreys, and Assistant Law Director Ward, residents and retail owners. Ms. Harmych, Mr. Pecora and Mr. Ramsey were absent and were excused earlier.

A-24-01 Tobacco Retail Licensing (TRL)

Chair Winiarski noted that this has been discussed at prior meetings. There was no ordinance before us at the beginning, but now has been hammered out and distributed.

Mr. David Coleman of 812 Lincoln Street, Amherst, with his business being 109 Cleveland Street. He feels that ordinance that is being considered will not pass the test. What will pass the test is information he has from the Ohio Department of Health. He spoke to the information that was provided him. It's laws that have been approved by the state and we need to follow. He discussed the information that has been provided him. He noted that the information has changed over time. He discussed each section of the information and provided his outlook on it. He answered questions posed by Mr. Dembinski and Mr. Heberling.

Mr. Ali Mohammed of Ali's Sunoco of 979 N. Leavitt said he agreed with Mr. Coleman that we already have enough laws on our books. He also understands that Amherst is looking for something with more substance (teeth) in it. He feels that Council will push this through. He would like Council to look at something that will not eliminate the retailers from doing business and to be able to be competitive with the neighboring cities. He spoke to provisions in the proposed ordinance. He particularly questioned the violations portions of the proposed ordinance. Mr. Heberling explained what he has learned from his students as to how they purchase these items when underage, and how employees may get into trouble without intention of selling the products illegally.

Mr. Atsou Komlavi of Ogletree Deakins, located at Key Tower in downtown Cleveland. He presented information to Council and Administration. His goal is to direct City Council to become consistent with state law. This way it won't be challenged in courts. He spoke to parts of the proposed ordinance. He gave examples of how people may be convicted.

There was information provided prior to the meeting which council has not had a chance to digest. Mr. Dembinski asked questions about definitions and how/if they apply to whole sections of the Code. Mr. Ward said it can be, depending on the context.

Police Chief Cawthon said some of what Mr. Coleman questioned is covered in 537.16 of our local ordinance which mirrors the Ohio Revised Code. So those are in place. What that section fails to do is provide the tobacco retail licensing. He spoke to the power the police officers have and what powers they don't have. He spoke further. He spoke of the goals of this ordinance, which is flexible and has been written to allow that to be accomplished. He answered questions posed by Council and others. Mr. Ward answered questions about how violations would affect an owner that owns more than one business. He said it would affect the applicant rather than the business.

Mr. Nahorn said this evening there were several suggestions and questions that need to be digested and addressed before this item goes further. He motioned to table this. Seconded by Mr. Heberling. Mrs. Wasilk agreed that there has been much information provided and agrees with tabling.

Mayor Costilow said we discussed many things and he agrees about the "teeth" portion. This is something the state has passed a law for. Part of that "teething" is the actual licensing portion. He agrees with that. He wondered if any of the changes made by our city are going to be valid with the State? He spoke to the laws adopted by the State. There are officials in the State that actually did not want these laws to be approved locally. He spoke to the Governor's veto and attempt by state legislator to override. This again blocks local municipalities from changing this law. If this is over-ridden, all this work done by council will be nil. The laws already passed by cities will be voided. Mr. Hoffinger is quoted in these articles disputing this veto. Yet, he stood in front of us and left us blind and let us go through all this effort. He wondered why this was not brought up by Mr. Hoffinger? Our efforts will probably not even mean anything at the end of the day. He will pass the information on that he has so council can study it before bringing this back up. He felt Mr. Hoffinger should have been upfront with us. We could have waited to see if we should even pass this. It should have been brought before us. Voice vote 6-0 to table.

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Mr. Dembinski motioned to adjourn, seconded by Mr. Wachholz. Voice vote
6-0 to adjourn.

The meeting adjourned at 9:20 P. M.

Chuck Winiarski, Chairman
Police and Fire Committee

This meeting may be viewed at amherstohio.org Live stream and archived video.