

**HEALTH & SAFETY COMMITTEE MINUTES**  
**OF JUNE 8, 2020**

Municipal Council of the City of Vermilion

**In Attendance:**      **Vermilion City Council:**  
*Steve Herron, President of Council; Monica Stark, Council at Large; Emily Skahen, Ward One; F. Loucka, Ward Two; Steve Hlovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five; Gwen Fisher, Certified Municipal Clerk.*

**Administration:**  
*Jim Forthofer, Mayor; Chris Howard, City Engineer; Chris Hartung, Police Chief; Amy Hendricks, Finance Director; Tony Valerius, Service Director; Chris Stempowski, Fire Chief*

**Call to Order:**      Chairman Brian Holmes, RESOLVED THAT this Health & Safety Committee comprised of the committee of the whole does now come to order.

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**TOPIC ONE:            Safety/Public Expression**

Mayor Forthofer said as Safety Director he wanted to give a brief overview of the City's position as follows:

**Free speech in Vermilion.**

Sunday, May 31<sup>st</sup>, there was a peaceful prayer vigil against social injustice at the United Church of Christ Congregational. Last Saturday there was a peaceful march of about 30 protesters through downtown Vermilion. I have had literally dozens of calls for me to "close down the city" to avoid the violence that these events might bring. I have not and I will not shut down the City of Vermilion.

Vermilion is a small town and is certainly large enough to accommodate First Amendment Rights no matter their view. There's no tolerance for violence and no tolerance for any attempt to suppress people exercising their First Amendment right. I lived through the 60's and I know that a push for change often comes with push back. I have great faith in our police and fire department to plan for safe events.

**21<sup>st</sup> Century Police Department**

You may have heard proposals around the county of disbanding police forces. Aside from the fact that it is wildly impractical, I want to bring attention to the fact that if a police department was disbanded you could only hope to replace it with one that resembles our Vermilion PD. Council has the 2019 VPD report. In it you will see that there was not one incident in 2019 of the deployment of either lethal or non-lethal weapons by VPD. Not even pepper spray. And let us not kid ourselves that the criminal population has suddenly become better behaved. Also, under Chief Hartung, we have witnessed his zero-tolerance policy toward any unprofessional behavior to the point of dismissing or even prosecuting offending officers. One former officer was prosecuted to the point of imprisonment. We should all be proud of our VPD, Chief Hartung's leadership and their 21<sup>st</sup> Century Policing Practices.

## **Fire Siren**

I have also received several emails and a lot of comments about our 6 pm Fire Department siren test. Unknown to me and Chief Stempowski is there appears to have been a history of an evening siren being a call for people of color to leave town, particularly in the south. Long-time residents of Vermilion can remember no association of the siren and that meaning. But, still there is demand for it to be discontinued because of its symbolism. The VFD siren has a practical purpose for the department and for its members. I have asked Chief Stempowski to review the use of the siren and alternatives. No decision about the siren has been made, but he is looking into it.

## **Free Speech in the time of COVID-19**

On another safety issue. COVID-19 is still with us. Vermilion's numbers are stable. Understandably, there are questions about how gatherings of more than 10 can be permitted for protests when parades and other gatherings in town are not permitted. This situation occurs in Vermilion, Amherst, Lorain, Sandusky, Avon, and Put in Bay. It is a balancing act for City Executives. We mayors meet to exchange thoughts and experiences on these issues. Ultimately, the Governor's order states, "Ohio will keep its ban on mass gatherings of more than 10 people, other than existing exceptions of First Amendment expression like protests and places of worship. "The Governor's order guides my decisions. Plus, there is also the practical side of the balancing decision. It is common sense that a march of 30 people does not cause the same threat to public safety as the 30,000 that comes to town for one Vermilion's festival or 100,000 for another.

The Chiefs and I will continue to do our best to make the safest decisions for Vermilion residents.

I will gladly take any questions from Council or the public that the Committee Chair wishes to entertain.

S. Herron thanked the Mayor for his comments in capacity of Safety Director and with respect to the question of festivals versus the First Amendment, the First Amendment is mandatory. The laws are not negotiable when it comes to First Amendment Rights. The question on whether they have festivals he thinks is ultimately a health and safety issue and is within the purview of the administrative abilities of executive branches of government; being the Governor for the United States or the Mayor, so to him it's a very legitimate question that people ask and he gets the same question as well; it doesn't seem fair, but one of them is constitutionally driven and the other is not, so at the end of the day while it may comport with an outcome that one of them doesn't like, it's very critical that the First Amendment Rights of all citizens; even if the painful ones, are adhered to.

B. Holmes expressed his thanks to both Chief Hartung and Chief Stempowski for their professionalism and leadership, and thanks to their staff that works side by side with them.

E. Skahen asked if it was against their First Amendment Right to enforce wearing masks. Mayor Forthofer did not believe they could enforce them to wear masks. This comes under the Health Department as it is not written in the Constitution.

## **TOPIC TWO: Fire Chief's Report**

Chris Stempowski said the Fire Department is continuing to daily monitor all the information received from the CDC, the Health Departments, the Governor, and the Mayor for direction and guidance on how they operate day to day. It's challenging because of their job, so they do the best they can. Social distancing for fire fighters can be a little bit challenging, but when they see them out and about on training, he wanted to remind everyone that they still need to train and keep their equipment operational and ready to go at a moments notice. They are following this guidance at the best they can to protect the personnel and their families, yet they still have a job to do, so the daily updates are sent from him to the officers and on down through the ranks every single day. They are continuing their training in small groups. They did stop for a while and did do weekly maintenance equipment checks and set up online training for personnel. This is still ongoing, but they are back into small groups for the hands-on training aspect of things.

He reported that in the month of May the fire department responded to 24 incidents for a total of 82 responses through the end of May 31. He said they sent pickups out to have the chargers installed, which has been completed and they're both back in service. The same charger that went out on Engine #96 did arrive last week, so they're in the process of installing it and this will resolve any issues with this engine. He said he recently spoke with the finance director as they have a couple small maintenance concerns with their trucks, and noted they are not out of service, but they will have some maintenance done sooner than anticipated.

He said it has been brought to his attention that some of the public had been trying to contact the Fire Department on their 967 copper lines. He said they kept those lines as a redundancy to the new system – the IP phones (204) and the complaint is that these numbers are producing a fax tone. He said this is accurate and they don't know what's going on, but he has been in contact with IT to help resolve this problem. However, the posted numbers for the Fire Department are 204 numbers and those will get the public to a voicemail, so if they do not get an answer from personnel it will go to voicemail. He said the public can call his office at 440-204-2472 and they will address any concerns the public may have. The fax line (967-3217) is still functional, so any faxing to the Fire Department is operational.

He said they had a request from a local business for occupancy load restrictions post COVID, and he made it clear that anybody who needs assistance can certainly call the Fire Department or the Fire Marshall and he will help. He asked the Fire Marshall to coordinate with the Building Department and the Building Inspector so they can work together with resolving any issues that any of the business owners may have. In the meantime, if any assistance is needed with this, there is sections of the Fire Code where they can assist with those occupancy loads. Fire Marshall Rodney Johnston can be reached on his city cell number at 440-653-0385 or can be emailed at [rodnejohnston@vermilion.net](mailto:rodnejohnston@vermilion.net). Again, if there is any breakdown in this, they can call his office and he will make sure the Fire Marshall gets the information that is being requested.

On a personal note, he thanked the Vermilion Police Department; specifically, Officer Woods as last night they had a family emergency with his father which required EMS. He noted that EMS responded as well as Officer Woods and he did a phenomenal job. He said he sees this every time he works with both agencies – as Life Care is very professional as well as the Vermilion Police Department. It doesn't matter which officer he is with as they do a phenomenal job. He thanked Officer Woods for his professionalism in this setting.

Lastly, he said on behalf of the entire Vermilion Fire Department he wanted to congratulate all the graduating seniors. He knows it has been tough on them and things have not gone the way they're supposed to as this is a special time in their life, so he wanted to extend the Department's appreciation for them going through this and staying strong. He said it's a tough time, but he wanted to congratulate them; both the Vermilion High School and the Firelands High School, which are both in the district.

### **TOPIC THREE: Police Chief's Report**

Chief Hartung said they found out today that former Dispatcher Diane Dlugos passed away. He said they are sad to hear this as she was a great lady and was a great Dispatcher for the City, and a nice person.

He noted that Rich Labis has officially retired, and tomorrow is Detective Steve Davis' last day. He said S. Davis expressed that he didn't want any recognition, or any fuss made for his last day, so if anyone wants to stop by the station and wish him a farewell, please do. He said he has been a blessing to have in their Detective Bureau. He was critical when they had the Simko homicide and he has done a great job for this community and it will be tough losing him.

Chief Hartung noted that as the mayor touched on, this has been an interesting time with the protests and the issues of the protests. When they gather and when they know things are coming up, they're cognizant about the nature of the events and what's being protested, so they're very understanding about protecting the people's rights and they will support this. He said what happened to George Floyd was inexcusable – any officer who saw that video hit their head as soon as they saw that – this was ridiculous! There is a lot of talk about change that nobody ever really addresses, "How do you do that change". In 2016, when he went to the White House and they had the introduction of President Obama's Task Force on 21<sup>st</sup> Century Policing, there were six pillars that were incorporated into that. This lays a foundation and good policies and good training and paying attention when you're hiring – accountability is number one. If you have an officer who is slamming somebody's head into a car door, you must get rid of them. If you have somebody that is not doing their job, you've got to get rid of them. Accountability is the watch word. This is very much his responsibility, but that's very much everybody's responsibility in the room. You must know what your police department is doing; are they training them correctly, are they following these standards. Unfortunately, they got into a situation these last couple of weeks where they are painting every agency with the same brush. He couldn't speak of policing in Minneapolis or Los Angeles – he couldn't even imagine having 3,000 guys under him. There is no comparison to policing in Vermilion as everything is different. He doesn't know what their standards are or how they train, so it's important to take these things into consideration. However, accountability is also a community thing – make sure your cops are doing what they're supposed to be doing, and this is how they avoid tragedies. The irony is that the Vermilion Police Department had a bad period two years back and they got rid of a lot of officers and they made a lot of changes, and then when the Mayor was elected he had a meeting with the local paper, and one of the first things they said was, "What are you doing about that Chief? You got to get rid of that guy; everyone is getting fired and getting crazy". So, the irony is taking these correct steps, so it's a Catch 22.

He said he an opportunity to speak with a lot of the young protestors and it was nice to see them. They were very passionate about their beliefs. They had some interesting discussions about their views and he did a little research himself as Netflix as a documentary called "13" that

discusses the 13<sup>th</sup> Amendment and then the transformation from slavery to how the criminal justice system permitted labor use. He said it was interesting to learn about the things he didn't know, so they have to take this opportunity to look at the other side of the coin. He said he asked one young lady what orange juice has to do with how the courts interpret an officer's use of force and she couldn't answer this question, so he told her this was her homework assignment because as much as he needs to know what they're thinking, they need to know how they do it and why force is used, and what conditions they can use force. They must take the time to educate themselves on both sides.

He thanked the Fire Department as it got a little intense. They weren't sure who was going to show up as they were watching the news. He said Sandusky got 1,000 protestors and things got a little crazy over there for them. He said Fremont had 500 and Avon had 400; maybe a little closer to a 1,000, so they weren't sure what was going on.

He gave the Mayor a kudos for everything that has been thrown at him – the COVID, and everything else, and for him being put in the position as the Safety Director for the City and dealing with the magnitude of issues they have had this year. Considering everything, Chief Hartung jokingly asked that Council pass a Resolution making tomorrow January 1, 2021. The City Council chuckled.

E. Skahen said she received a call about residents down on Decatur Street that were not complying with the leash laws and wondered if there was anything the City could do to enforce this law. Chief Hartung said it's important that when you observe this to call the station. He said they have recently had some pretty nasty dog bites in the City and unfortunately, they had to kill one dog, and there was an individual that was torn up pretty bad by another dog a few weeks ago. He said if anyone observes somebody in violation of the leash law, call dispatch. They must observe the violation for them to issue a citation. They cannot issue a citation based on somebody else's observation in this circumstance. He said if they know who the individual is, they can talk to them.

B. Holmes adjourned the meeting after no further discussion came before the committee.

*Next Meeting: July 20, 2020 – 7:00 p.m. at Vermilion Municipal Complex, 687 Decatur Street, Vermilion, Ohio*

*Gwen Fisher, Certified Municipal Clerk*