



City of Cleveland Heights Charter Review Commission

Submissions to the Commission

Committee of the Whole
2 July 2018

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The following messages and other materials have been submitted to the Facilitator since the last sharing of Submissions. The materials are ordered by date received.

1. Diane Hallum – 21 June 2018

Dear Prof.:

I am providing the records that support my claims in my last email regarding appointments to the Charter Review Commission dated 6/11/18.

The names of the files are self-explanatory.

Briley points out to Council that if Ungar removes the "emergency measure" from the content of the legislation the city and Council cannot act on the Charter Review Commission for 30 days after its passage.

Ungar insists in two different email records that he wants the emergency measure removed from the Charter Review Commission Legislation.

Yet, the Cobb email accepting an invitation to be on the Commission is from Ungar before Council had even brought this legislation to the whole Council in any form. Email records for Roe and Yasinow reflect they sent out their invitations within hours of Council passing that non-emergency legislation.

These emails demonstrate that Council and City Hall staff were aware of the law stated in the City Charter regarding emergency measures and non-emergency

legislation, yet they intentionally broke that law.

The final 3 records attached to this email reveal how a quorum of Council members had met outside of the whole Council as had been decided by the whole Council to determine appointments to the Charter Review Commission. While Seran [sic] voiced his complaints at this abuse of the law, I suspect Councilman Stein may also have been in the dark about the unannounced meeting of Ungar, Roe, Yasinow, Dunbar and Stephens, again a quorum [sic], to decide on appointments to the CRC.

Appendix 1

First Hallum Document

62. Re: First reading of Charter Review Committee Legislation

From: Terisha Driley <TDriley@ckvhs.com>
To: "Unger, Michael" <mungar@ulmer.com>
Cc: Carol Roe <CRoe@ckvhs.com>, Jim Juliano <JJuliano@ckvhs.com>, Elizabeth Rotherberg <ERotherberg@ckvhs.com>, "Kevin P. Roberts" <KRoberts@ckvhs.com>
Sent Date: Sun Apr 03 12:24:05 EDT 2017
Processed Date: Sun Apr 09 12:24:05 EDT 2017
Subject: Re: First reading of Charter Review Committee Legislation

Good afternoon Mike,

I have been out of commission between my Dallas trip and tending to my mom who is still in the hospital and I haven't been very responsive. My apologies.

I noted your and Carol's request, however, I would suggest we discuss the draft legislation and suggested changes with the body of Council since the draft was presented to the group as a whole.

Regarding the emergency clause in particular, I trust you know that if it is removed the legislation is not effective for 20 days after it is passed. That would also mean that no appointments could be made until after its effective date. That may very well be your intent, just wanted to make sure you understood this point before you take it next Wednesday.

Terisha

Sent from my iPhone

> On Apr 5, 2017, at 7:31 PM, Unger, Michael <mungar@ulmer.com> wrote:

>
> Also my council packet arrived today and, upon review, I note that, despite earlier requests, the document still has us declaring an emergency. This is not an emergency in any manner whatsoever, so please eliminate that provision in the revised document as well, assuming that Carol agrees. Thank you, Mike

>
> Sent from my iPhone. Please excuse any typos.

>
> On Apr 7, 2017, at 5:48 PM, Unger, Michael <mungar@ulmer.com> wrote:

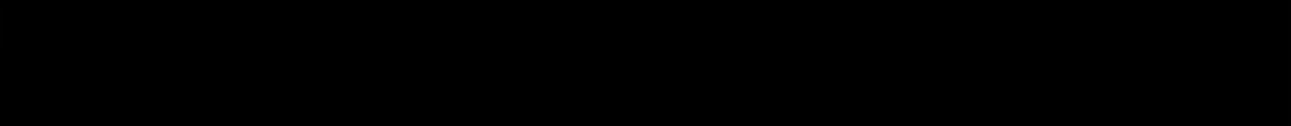
>

Appendix 2

Second Hallum Document

Amy Solis

From: Ungar, Michael <munger@ulmer.com>
Sent: Sunday, April 09, 2017 12:40 PM
To: Tanisha Briley
Cc: Carol Roe; Jim Juliano; Elizabeth Rothenberg; Kevin Roberts
Subject: Re: First reading of Charter Review Committee Legislation

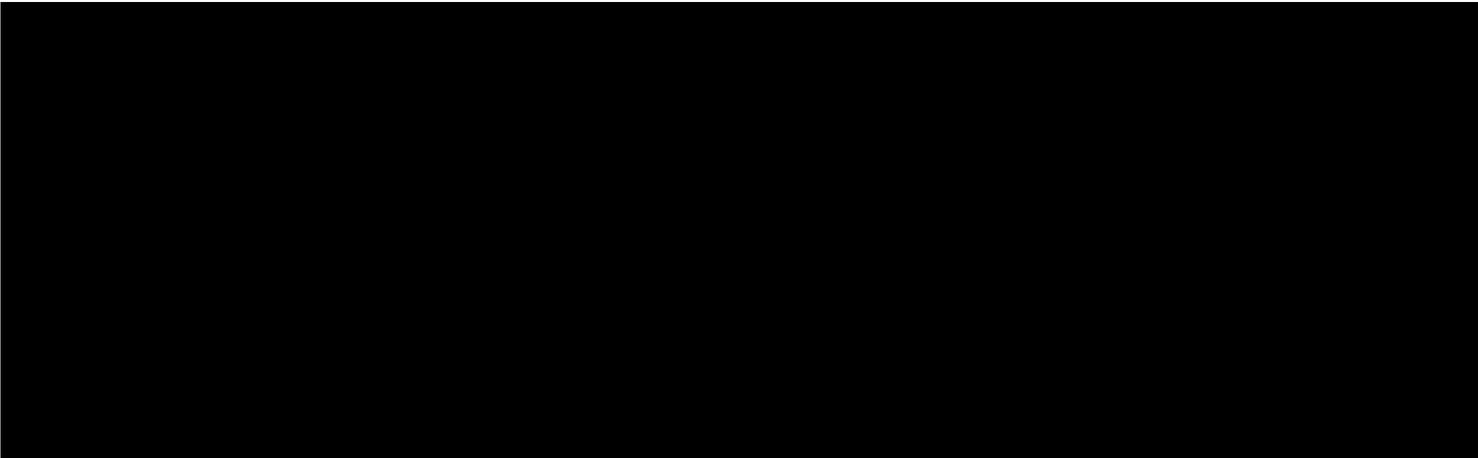
Thanks. 

I hope your Mom gets well soon.

Best, Mike

Sent from my iPhone. Please excuse any typos.

On Apr 9, 2017, at 12:23 PM, Tanisha Briley
<TBriley@clvhts.com<<mailto:TBriley@clvhts.com>>> wrote:

Good afternoon Mike,


Tanisha

Sent from my iPhone

On Apr 8, 2017, at 7:31 PM, Ungar, Michael
<munger@ulmer.com<<mailto:munger@ulmer.com>>> wrote:

Also-my council packet arrived today and, upon review, I note that, despite earlier requests, the document still has us declaring an emergency. This is not an emergency in any manner whatsoever, so please eliminate that provision in the revised document as well, assuming that Carol agrees. Thank you. Mike

Sent from my iPhone. Please excuse any typos.

On Apr 7, 2017, at 5:48 PM, Ungar, Michael
<mungar@ulmer.com<<mailto:mungar@ulmer.com>><<mailto:mungar@ulmer.com>>> wrote:



Thanks very much. Mike

-----Original Message-----

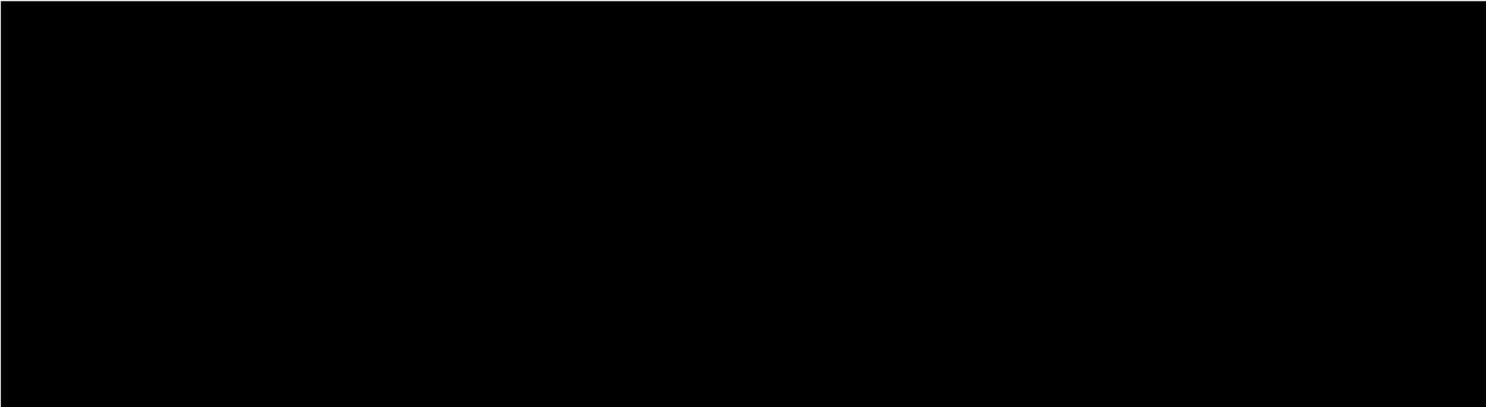
From: Carol Roe [<mailto:CRoe@clvhts.com>]

Sent: Monday, April 03, 2017 2:31 PM

To: Jim Juliano; Elizabeth Rothenberg; Kevin P. Roberts

Cc: Tanisha Briley; Ungar, Michael

Subject: First reading of Charter Review Committee Legislation



Carol

Sent from Carol Roe

Appendix 3

Third Hallum Document

Amy Solis

From: Ungar, Michael <mungar@ulmer.com>
Sent: Thursday, May 04, 2017 4:42 PM
To: Carol Roe; Yassinov Melissa
Cc: Michael Ungar
Subject: Fwd: Request re: Cleveland Heights Charter Review Commission

Spoke with Posch today. He will apply. He'd be excellent.

Sent from my iPhone. Please excuse any typos.

Begin forwarded message:

From: Jim Posch <j_posch@chuh.org<mailto:j_posch@chuh.org>>
Date: May 3, 2017 at 9:54:23 PM EDT
To: "Ungar, Michael" <mungar@ulmer.com<mailto:mungar@ulmer.com>>
Subject: Re: FW: Request re: Cleveland Heights Charter Review Commission
Reply-To: Jim Posch <J_Posch@chuh.org<mailto:J_Posch@chuh.org>>

Hi Michael:

I'm very interested in this, and would love to be part of it. So yes I would serve, if given the opportunity. It was my plan to submit my credentials when the city opened it up.

Maybe a quick call so I can share with you my perspectives on this? But, nothing has really changed since our last call.

Jim
216-403-9422

----- Original Message -----

From: "Ungar, Michael" <mungar@ulmer.com<mailto:mungar@ulmer.com>>
To: "J_Posch@chuh.org<mailto:J_Posch@chuh.org>"
<J_Posch@chuh.org<mailto:J_Posch@chuh.org>>
Sent: 5/3/2017 5:39:18 PM
Subject: FW: Request re: Cleveland Heights Charter Review Commission

Jim—I hope you and yours are well. I write this e-mail wearing my Cleveland Heights Council Member hat. As we discussed previously and as anticipated, we are now putting together a Charter Review Commission to review the Charter (aka constitution) for Cleveland Heights. See attached Resolution. This is likely to be both a spirited and highly substantive exercise, as some are advocating for major changes to the Charter, including our overall form(s) of governance. This is going to be one of the most important things to happen in our community in a long time and I (and other members of Council) want to make sure we've got our best and brightest engaged along with diverse representation on

the Commission itself. That's where you come in. I'm writing to ask you if you'd be willing to serve, as I think you'd be an outstanding addition to the Commission and I also believe that it is important to have the experience and perspectives that you bring to the table.

Please let me know if you are willing to do this. If so, I'll be in touch re: the next steps. I know that you remain very much in demand in terms of your other commitments, so I understand if you have to decline, and will not be insulted. That said, I really hope you'll say yes, as you'd be a perfect fit and just what we need on this Commission. No doubt in mind about that.

Thanks for considering this Jim.

Best regards, Mike

Amy Solis

From: Ungar, Michael <mungar@ulmer.com>
Sent: Tuesday, May 02, 2017 2:24 PM
To: Melissa A. Yasinow; Carol Roe (caroejd@aol.com)
Subject: FW: Your email on charter commission.

Craig Cobb, Chair of our Planning Commission, former Judge and all around smart guy and good guy, teed up for CRC! Good stuff.

From: Ungar, Michael
Sent: Tuesday, May 02, 2017 2:21 PM
To: 'Craig Cobb'
Subject: RE: Your email on charter commission.

Fantastic!! Thanks Craig.

From: Craig Cobb [<mailto:craig.cobb@farmersinsurance.com>]
Sent: Tuesday, May 02, 2017 10:46 AM
To: Ungar, Michael
Subject: Your email on charter commission.

Just tried to call and your legal assistant said you are on a conference call.
I am humbled that you would think of me, and of course would be willing to serve if selected.

Craig S. Cobb
Law Offices of Craig S. Cobb
(Employees of Farmers Insurance Exchange,
A Member of the Farmers Insurance Group of Companies)
55 Public Sq. #1580
Cleveland, Ohio 44113
216-937-2057
216-937-2299 (fax)
216-496-1203 (cell)

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Appendix 4

Fourth Hallum Document

From: "Karl Senn" <KSenn@chvhs.com>mailto:KSenn@chvhs.com>>

Date: Mon, Sep 18, 2017 at 12:09 PM -0400

Subject: Charter review commission appointment process

To: "Cheryl Stephens" <majorstephens@chvhs.com>mailto:majorstephens@chvhs.com>>, "Jason Stein" <JStein@chvhs.com>mailto:JStein@chvhs.com>>, "Mary Dunbar" <MDunbar@chvhs.com>mailto:MDunbar@chvhs.com>>, "Melissa Yasnow" <MYasnow@chvhs.com>mailto:MYasnow@chvhs.com>>, "Carol Roe" <CRoe@chvhs.com>mailto:CRoe@chvhs.com>>, "Michael Ungar" <MUngar@chvhs.com>mailto:MUngar@chvhs.com>>

Colleagues,

I have some concerns that I need to address with you all regarding the process by which we made our individual preferences known for the appointments to the charter review commission. The process as outlined in the revised agenda for the 9/17/2017 Administrative Services Committee meeting provided the opportunity to express our individual preferences for the eight collective appointments, with an eye toward seeing if any of the applicants had a large amount of support by council members and an opportunity for each Council member to make the case for their preference. I thought that this would be an efficient process that would allow for a real discussion of the merits of various applicants.

What we actually experienced was that four of us, Council members Roe, Yasnow, Dunbar, and Ungar, somehow had the exact same list of eight preferred applicants in the first round of preferences, immediately garnering support for those eight applicants by the entire Administrative Services Committee and a majority of Council.

I find it very difficult to simply accept that four members of Council selected the exact same eight applicants out of 57 by random chance and without prior consultation among those four Council members. The probability of that is astronomically small, though technically possible.

Adding further insult is that this was directly following an email on Friday [REDACTED] [REDACTED] Don't get me wrong, I thought that all 57 of the applicants had a great deal to offer and I have no particular problems with any of the applicants that

2. Diane Hallum – Message 21 June 2018

Dear CRC Members:

The City Charter clearly declares that 4 members of Council represent a quorum.

Any and all meetings involving a quorum must be announced to the public ahead of time providing the meeting time and place.

Yet, four members of Council (Dunbar, Roe, Ungar and Yasinow) broke this law to discuss, deliberate, and write a joint letter [titled, Letter-from-Councilmembers, on the CRC list of documents] to the Charter Review Commission to complain about the view's of another member of City Council when that member spoke to this Commission.

Again, these four individuals have no respect for the law and this City's Charter.

Their comments written while breaking the law should be ignored and condemned.

Regards,
Diane L. Hallum

3. Message – Diane Hallum 21 June 2018

It appears that when I had to resend the initial email to you containing this email and its 3 attachments, the attachments were not included when I resent it. Since these attachments are material to my arguments regarding the responsiveness of the City Manager, I am re-submitting these items along with the original email.

Diane L. Hallum----- Forwarded Message -----

Subject: Responsiveness of City Manager and City
Date: Fri, 25 May 2018 11:36:01 -0400
From: Diane Hallum <dhallum@earthlink.net>
To: Prof. Lawrence F. Keller <L.KELLER@csuohio.edu>

Dear Prof. Keller:

I read with interest the comments made by City Manager Tanisha Briley about how responsive her office is to citizens and their concerns. Here on the north side of the city we recently had a teenager shot who later died and a woman shot while driving to Oxford Elementary School. Both these and other

crimes have many of us here quite alarmed.

The Chief of Police arranged a meeting at the Community Center to discuss safety. I wrote the following email as an invalid who was unable to attend that very important meeting.

Nothing in my email reflects that I, as a citizen, was making a "public records request". This was a communication to the Chief of Police from a resident who lives on this side of town, could work with her, the police department, and the city to improve the situation here. I asked the questions that so many living around me were wanting answers to.

However, the "city", under the direction of Ms. Briley, declared my letter to the Chief of Police a "public records request", totally ignoring my concerns regarding the safety of our neighborhood.

I am attaching the image of the city's "response" to my email to the Chief of Police. I am also attaching an image of a formal public records request that the city requires of people when they want records, such as documents, related to how the city governs. The format is based on specific demands placed on me by the law department over the years when I wanted access to specific records that are documents or emails that demonstrate how the city governs us. As you can see, I am forced, as a non-legally trained individual with a cognitive disability, to write very specific content in a "public records request", since I have learned the city will find any, and I mean any, excuse to deny this citizen access to public records that should be readily available. I provide a typical "public records request" email to demonstrate that, over the years, I have been taught by the city about what must be in a "public records request" because, as written in this response from the city, as a resident I have repeatedly been told that I am not entitled to "information".

It is truly disturbing when an alarmed resident contacts the Police Chief to explain why she and others are so alarmed and makes an attempt to understand the whys, hows, wheres, etc. of just why we have so much crime here the the City Manager removes that simple communication from the hand's [sic] of the Chief and turns it into a "public records request".

That view regarding this resident's allowance to carry on any conversation with a City Hall staffer is further demonstrated in my final comment in the email to the Chief.

I simply asked the Chief about how to deal with the excessive debris I and others find when we pick up litter along our streets. Any reasonable person would have to wonder just how the city can declare my question concerning such an innocuous topic as "information" that I, a citizen, am not entitled to.

My attempt is to demonstrate the excessive absence of open dialog and communication between residents and City Hall. This particular issue was about our safety here on the north side of Cleveland Heights. Yet, I am relegated to a position of the press or an attorney when attempting to communicate about my safety and that of my neighbors or to ask about debris from car crashes.

These communications, I hope, demonstrate just how unresponsive, how abusive, and how uncivil the environment at City Hall has become under the direction of Ms.

Briley.

Regards,

----- Forwarded Message -----

Subject: Thank you.
Date: Wed, 7 Mar 2018 14:23:23 -0500 (GMT-05:00)
From: Diane Hallum <dhallum@earthlink.net>
Reply-To: Diane Hallum <dhallum@earthlink.net>
To: Chief Mecklenburg <chief@clvhts.com>

Dear Chief Mecklenberg:

Thank you, for taking the time and effort to arrange an informative meeting on Feb. 28 for all those who could attend.

Unluckily, I was one of many who could not. A few could find no parking; others could not park in the handicapped spaces since they, too, were full; many had other obligations; and people like me were too weak or infirm to leave their homes to attend. I believe that sharing of all available information can only do good; hence, my contacting you to ask if I may obtain the presentation materials you and your officers used at that meeting. My hopes are to write an article for publication in the Sun News, Sun Press, and possibly The Plain Dealer – since none of these newspapers are actually in wide distribution in our city, the more places this information can be shared, the better. I also will post any such article on Nextdoor and disseminate it among my Citizens Leadership participants who live and work across this city. Many comments on Nextdoor.com were appreciative of what you shared. Others had many questions. For that reason, I hope to ask you a few questions so that what I write will provide those people some answers.

Among those questions are the possibility of working with your Police Department so that residents can create and operate Block Watches – hopefully with signage of such. Please let me know just how and who citizens must contact to get this going on their block.

I have my own questions that I naively hope will eliminate the drivers that bring these thugs into our neighborhoods. If we all understand just what drives these individuals to come here in the first place, we may be able to identify just how to deter their presence and future acts of crime and violence.

With regard to the shooting of the woman driving to Oxford Elementary, I hope you may be able to provide some answers.

Why was this individual who lives in Cleveland on that Cleveland Height street at that time of the day, with a gun?

Was he or his friend visiting someone in particular?

Was it drug related with regard to either buying, selling, or distributing?

Was there a particular house, group of houses, vacant lot, or another feature that provided them a place to visit or gather?

What other calls to the police or possible other calls to the city regarding vandalism, trespassing, suspicious activity, or crime were made a month or so before this particular shooting in the 4-5 block area of that shooting location?

How many other times did this shooter or his companions come to this particular street in the past and how many others accompanied them during those “visits”?

If we all have an understanding of just what draws these types of individuals here in the first place, maybe we can all do things to reduce those environmental, business, or joy-riding factors.

I, myself, am tired of the repeated appearance of low-level drug dealers on my street and along Noble Road from Monticello Blvd. to Pennfield.

Frustratingly, past efforts by the drug task force have not provided any long-lasting deterrence since this was the situation over 4 years ago when citizens on this side of town rose up in anger and frustration about crime.

On one fairly warm, clear afternoon around 2:30 PM when Monticello Middle School was still open and kids were about to be let out for the day, there were nearly 8 different drug dealers on Noble Road, with one sitting quite arrogantly on the guardrail at the corner of Monticello and Noble, with his duffle bag of wares over his shoulder.

When I entered the Police Academy to simply request if two trainees could take a short 2-block stroll along Noble Road to get those thugs to move along, I was met with what I felt was an angry rebuff from the officer in charge there. I do not own a high-tech cellphone that can take pictures; but, I was taken aback when this officer demanded that the only option was that I appear in court to testify against these people. Yet, he felt no need to even check the cameras aimed at the streets to observe or report the actions of these interlopers. However, when I mentioned that one duffle-bag carrying individual rode his bicycle up the apron of the Academy parking lot, his dander against that individual rose up! How dare anyone drive into the parking lot was his view. Yet, nothing was done, because I asked to speak to a supervisor and waited and waited and waited.

Despite this lack of “Community Policing” on our streets, I have learned that friendliness and cheerful “hellos” to these people as I scooter by on my mobility device makes these thugs slightly uncomfortable.

I have also learned that a slightly older person on such a device who slowly travels toward them picking up trash and engaging in conversation with anyone who walks by soon gets these unsociables to take their leave of Noble Road to find more comfortable business environs.

Just my small part here on the north side of this city.

I do hope that all of us can develop tactics to dissuade these people from coming here so that, instead of your department having to chase or hunt down violent criminals, we can more permanently prevent such crime from happening here in the first place. My neuromuscular disability does interfere with my goals, so I hope that should my article take about a month to write, I hope you will understand and not find me unreliable.

Another question I hate to bother with has to do with accident debris. On one of my recent clean-up efforts after a thaw revealed all the garbage on the streets and tree lawns, I recovered what amounted to nearly the complete corner panel of a Toyota (based on the headlight, plastic shroud pieces, and blinkers). I even found the bar used to proper up the hood. This debris was scattered across 4-5 tree lawns and extended into 2 lawns. Are insurance companies responsible for removing the debris from these accidents? I would hope that residents should not have to be burdened by this extensive clean up that filled a complete trash bag when a driver irresponsibly deposits their car pieces and parts on the curb.
Thanks, again, for your work and outreach.

Respectfully,
Diane L. Hallum
Director, Citizens Leadership
1059 Oxford Road
216-691-9386

4. Nick Downer – Message 21 June 2018

Hello,

My name is Nick and I'd like to weigh in on the issues before the Charter Review Commission.

First, I think that this entire conversation would make most sense if it were put to the public directly, rather than having a committee appointed that will be able to choose what kind of revisions will be proposed for adoption. **Now that we have a Commission, their job should be simply to identify the best options available and put them on the ballot for the people to decide**, along with information that would help the layperson understand - it is incredible to me that there seems to be a real possibility that the public will not be able to weigh in on this issue.

Second, **I strongly support having a popularly elected mayor**. It is very clear to me that Cleveland Heights needs leadership that is accountable to the public and able to agilely negotiate the real-world challenges facing this, my favourite municipality in Cuyahoga county. I have followed with great interest the aggressive and forward-thinking tactics employed by Sally Martin around real estate in South Euclid - Cleveland Heights can see the same stabilization and private investment if we employ the same tactics, but they're predicated on having a responsive government that can aid such work.

Third, **I oppose switching to a ward system.** I have worked in community development in Cleveland and have seen firsthand what happens in a system where councilmen compete to divert city dollars into their particular ward.

In closing, I would say simply that if the Commission fails to bring this issue to voters in a way that gives them agency, I will support a petition drive and work to ensure that we get the signatures we need. It is not fair to have this important conversation in a nontransparent way.

Respectfully,
Nick Downer

5. Michael Bennett – Message 29 June 2018

Dr. Keller, please include the following in the written submissions to the Charter Review Commission. Thanks so much.

Have a great holiday week.

Michael

Appendix 5

Michael Bennett Letter to Heights Observer

The following was submitted as a Letter to the Editor of the Heights Observer:

The Charter Review Commission endorsed the status quo, deciding at-large council/hired city manager government is just fine. What a missed opportunity to create badly needed change for a better future. After months of interviews and input, there was little discussion before voting. The few who wanted an elected mayor and possible council changes had no chance of turning this Titanic in a bathtub; the majority apparently came into the process with minds made up.

Maybe they think everything is fine. Key questions before them were “what is the problem, and how will a change in government solve it?” Advocates for change answered both. Advocates for the status quo did not say how keeping government the same would make the city better.

The commission still can create change as it dives into details. They could revise council’s powers, the city manager’s role or how department heads get their jobs. Let’s hope they don’t settle for more status quo.

Michael E. Bennett

michael@bennettstrategic.com