

# Ordinance No. 1389-16

## AN EMERGENCY ORDINANCE

Authorizing the Director of Community Development to consent to the assignment of HOME Loan Contract No. 57501 from Glenville Development Corporation to Famicos Foundation for the Glenville Elderly Project; and authorizing the director to enter into an amendment to the assigned contract regarding certain terms.

**Council Members Conwell, Brancatelli and Kelley (by departmental request)**

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WHEREAS, under Ordinance No. 751-2000, passed June 19, 2000, this Council authorized the Director of Community Development to enter into agreements with various housing development entities, or their designees, to implement the Housing Trust Fund Program; and

WHEREAS, one of the contracts entered into under that ordinance was HOME Loan Contract No. 57501 with Glenville Development Corporation ("Glenville") to implement its Glenville Elderly Project located at 9380 St. Clair Avenue, which is a low-income housing tax credit project; and

WHEREAS, Glenville has ceased operations and is now defunct; and

WHEREAS, in 2013 the Famicos Foundation ("Famicos") actively started managing the building located at 9380 St. Clair Avenue; and

WHEREAS, Famicos is seeking to acquire the property and to refinance the existing first mortgage in order to sustain the operation of the building and the Glenville Elderly Project; and

WHEREAS, Glenville has consented to the assignment of the HOME Loan Contract to Famicos; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Community Development is authorized to consent to the request of Glenville to assign the obligations of HOME Loan Contract No. 57501 to Famicos.

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Section 2. That the Director of Community Development is authorized to enter into an amendment to HOME Loan Contract No. 57501, assigned by Section 1 of this ordinance ("Amendment"), with Famicos, containing the following new terms:

- a. Extend the City's loan maturity date to June 1, 2031 which represents 30 year from the original placed in service date of May 2001.
- b. At maturity the \$200,000 loan is forgiven assuming that the project remains and continues to operate as affordable housing for seniors at 60% of the Area Median Income ("AMI").
- c. The City agrees to subordinate the loan upon Famicos' successful attempt to recapitalize the property with additional equity/loans if a new first position loan is required by a recapitalization.
- d. Amend the interest rate to 0.00%.
- e. Forgive the \$22,217 of deferred interest and any accrued interest as of the amendment date.
- f. Amend the agreement to forgive any debt service payments out of the net cash flow as long as the property continues to operate as affordable housing for seniors at 60% AMI. Famicos will need to fund an operating reserve with any surplus cash flow due to the anticipated increase in taxes with the expiration of the abatement and the increase in water and sewer expenses.

Section 3. That the Director of Community Development is authorized to execute all documents and do all things necessary and appropriate to effect the consent to the Assignment and amendments authorized by this legislation. A copy of the Assignment shall be filed in the office of the Commissioner of Accounts.

Section 4. That the amendment shall be prepared by the Director of Law

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

GEP:nl  
11-21-16

FOR: Acting Director Cosgrove

**Ord. No. 1389-16**

**Council Members Conwell, Brancatelli and Kelley  
(by departmental request)**

**AN EMERGENCY ORDINANCE**

Authorizing the Director of Community Development to consent to the assignment of HOME Loan Contract No. 57501 from Glenville Development Corporation to Famicos Foundation for the Glenville Elderly Project; and authorizing the director to enter into an amendment to the assigned contract regarding certain terms.

**READ FIRST TIME on NOVEMBER 21, 2016**

**and referred to DIRECTORS of Community Development, Finance, Law;  
COMMITTEES on Development Planning and Sustainability, Finance**

**REPORTS**

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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**REPORT  
after second Reading**

**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

FILED WITH COMMITTEE

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE**

FILED WITH COMMITTEE

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# Ordinance No. 1390-16

## AN EMERGENCY ORDINANCE

Authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government, for a period of one year.

**Council Members K. Johnson and Kelley  
(by departmental request)**

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Works is authorized to make one or more written standard purchase and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period of one year, for the necessary items required for the purchase, lease, or lease with option to purchase, of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle rehabilitation, training, and inspections, as needed, in the estimated sum of \$6,900,798, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

### **2016 Enterprise Capital Vehicle Plan Description of Equipment**

Item Number	Item Description	Division	Qty.	Estimated Cost	Extended Estimated Cost
1	SUV AWD	Water	3	\$31,400	\$94,200
2	Pickup 4x4	Water	2	\$30,000	\$60,000
3	Pickup Heavy Duty (A) 4x4	Water	3	\$40,000	\$120,000
4	Pickup Heavy Duty (B) 4x4	Water	4	\$50,000	\$200,000
5	Cargo Van (A) Transit - 250	Water	3	\$30,000	\$90,000
6	Cargo Van (B) Transit - 250	Water	3	\$33,000	\$99,000
7	Cargo Van (C) Transit - 350	Water	2	\$31,000	\$62,000
8	Transit Connect Mini-Van	Water	4	\$30,000	\$120,000
9	Medium Utility Service Vehicle	Water	6	\$81,600	\$489,600
10	Large Utility Service Vehicle	Water	3	\$95,000	\$285,000

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11	Tandem Axle Dump Truck	Water	2	\$225,000	\$450,000
12	Utility Plant Vehicles	Water	3	\$23,000	\$69,000
13	Fork Lift	Water	2	\$23,700	\$47,400
14	Backhoe w/4-way bucket	Water	6	\$135,000	\$810,000
				<b>TOTAL</b>	<b>\$2,996,200</b>
15	Finance Leasing of 5 Catch Basin Cleaning Machines (year 2/5)	WPC	5	\$60,000	\$300,000
16	Crew Truck	WPC	3	\$130,000	\$390,000
17	Tandem Axle Dump Truck	WPC	1	\$200,000	\$200,000
18	Lease: (1) Sewer Cleaning Equipment	WPC	1	\$100,000	\$100,000
19	SUV 4x4	WPC	4	\$35,000	\$140,000
20	Heavy Duty Pick Up Trucks	WPC	2	\$70,000	\$140,000
21	TV Truck	WPC	1	\$280,000	\$280,000
22	VAC-ALL (lease yr. 1 of 5)	WPC	2	\$60,000	\$120,000
23	Backhoe w/Trailer	WPC	1	\$260,000	\$260,000
				<b>TOTAL</b>	<b>\$1,930,000</b>
24	SUV AWD	CPP	6	\$40,000	\$240,000
25	Cargo Van - Heavy Duty (DRW)	CPP	3	\$55,000	\$165,000
26	Transit Connect Mini-Van	CPP	1	\$30,000	\$30,000
27	Pickup Heavy Duty 4x4	CPP	1	\$40,000	\$40,000
28	Stake Body Truck	CPP	1	\$50,000	\$50,000
29	Bucket Truck - 60" Knuckle	CPP	2	\$290,000	\$580,000
30	Line Truck - Derrick Digger	CPP	2	\$275,000	\$550,000
31	Brush Chipper	CPP	1	\$35,000	\$35,000
				<b>TOTAL</b>	<b>\$1,690,000</b>
				<b>GRAND TOTAL</b>	<b>\$6,616,200</b>

Alternate bids for a period less than one year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of

# Ordinance No. 1390-16

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the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 7015, RL 2016-36)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

HM:nl  
11-21-16

FOR: Director Cox

**Council Members K. Johnson and Kelley (by departmental request)**

**AN EMERGENCY ORDINANCE**

Authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government, for a period of one year.

**READ FIRST TIME on NOVEMBER 21, 2016**

**and referred to DIRECTORS of Public Works, Finance, Law;  
COMMITTEES on Municipal Services and Properties, Finance**

**REPORTS**

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**CITY CLERK**

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**READ SECOND TIME**

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**PRESIDENT**

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**CITY CLERK**

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**APPROVED**

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**MAYOR**

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES**

FILED WITH COMMITTEE

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COMMITTEE ON  
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# Ordinance No. 1391-16

**Council Members Brancatelli and Kelley  
(by departmental request)**

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Community Development to lease certain property, formerly known as the Memphis School site, located at 4103 Memphis Avenue to the Cuyahoga County Land Reutilization Corporation, or its designee, to sublease portions to other tenants for the purposes of urban farming, community gardening, and a vineyard, including processing and wine distribution, for a term of twenty-five years, and four options to renew for five-years each, exercisable by the Director of Community Development.

WHEREAS, the City of Cleveland owns certain property, formerly known as the Memphis School site, located at 4103 Memphis Avenue which is not needed for public use; and

WHEREAS, the Cuyahoga County Land Reutilization Corporation, or its designee, (the "County Land Bank") has proposed to lease the property from the City; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to lease to the County Land Bank ("Lessee"), certain property formerly known as the Memphis School site, located at 4103 Memphis Avenue to sublease portions to other tenants for the purposes of urban farming, community gardening, and a vineyard, including processing and wine distribution and which is not needed for public use more fully described as follows:

Legal Description  
4103 Memphis Avenue  
Permanent Parcel Number 014-13-014

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublots Numbers 203, 204, 205, 186, 187 and 188 in The Brooklyn Realty Company's Subdivision No. 2 of part of Original Brooklyn Township Lot No. 58 as shown by the recorded plat of said Subdivision in Volume 40 of Maps, Page 11 of Cuyahoga County Records. Said Sublots Numbers 203, 204, and 205 together form a parcel of land having a frontage of 120 feet on the Southerly side of Memphis Avenue, S.W., and extending back 121 86/100 feet on the



# Ordinance No. 1391-16

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Easterly line, 121 92/100 feet on the Westerly line and having a rear line of 120 feet. Said Sublots Numbers 186, 187 and 188 together form a parcel of land having a frontage of 120 feet on the Northerly side of Henritze Avenue, S.W., and extending back between parallel lines 122 feet according to said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublots 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201 and 202 in the Brooklyn Realty Company's Subdivision No. 2 of a part of Original Brooklyn Township Lot No. 58 as shown by the recorded plat of said Subdivision in Volume 40, Page 11 of Cuyahoga County Records. Said Sublots together forming a parcel of land having a frontage of 280.28 feet on the Southerly line of Memphis Avenue, S.W., 243.72 feet on the Westerly line of West 41st Street and 280.28 feet on the Northerly line of Henritze Avenue, S.W., and measuring 243.86 feet on its Westerly line, be the same more or less, but subject to all legal highways.

Section 2. That the term of the lease authorized by this ordinance shall not exceed twenty-five years, and four options to renew for five-years each, exercisable by the Director of Community Development.

Section 3. That the property authorized by this ordinance shall be leased at a rental of \$150.00 per month, and other valuable consideration, which is determined to be fair market value, exclusive of utilities.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law.

Section 6. That the Director of Community Development, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

GEP:nl  
11-21-16  
FOR: Acting Director Cosgrove

**Council Members Brancatelli and Kelley (by departmental request)**

**AN EMERGENCY ORDINANCE**

Authorizing the Director of Community Development to lease certain property, formerly known as the Memphis School site, located at 4103 Memphis Avenue to the Cuyahoga County Land Reutilization Corporation, or its designee, to sublease portions to other tenants for the purposes of urban farming, community gardening, and a vineyard, including processing and wine distribution, for a term of twenty-five years, and four options to renew for five-years each, exercisable by the Director of Community Development.

**READ FIRST TIME on NOVEMBER 21, 2016**

**REPORTS**

**and referred to DIRECTORS of Community Development,  
City Planning Commission, Finance, Law;  
COMMITTEES on Development Planning and Sustainability, Finance**

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**CITY CLERK**

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**MAYOR**

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

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# Ordinance No. 1392-16

## AN EMERGENCY ORDINANCE

Authorizing the Director of Finance to enter into various written standard purchase and requirement contracts for the purchase of medical materials, equipment, supplies, and services, for the various divisions of City government, for a period of one year with two one-year options to renew, exercisable by the Director of Finance.

**Council Member Kelley  
(by departmental request)**

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Finance is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976 for a period of one year with two one-year options to renew, exercisable by the Director of Finance, for the necessary items of medical materials, equipment, supplies, and services, including but not limited to first responder supplies, first aid supplies, pharmaceutical services, laboratory testing, and related items and services, for the various divisions of City government, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 2. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That the cost standard contracts authorized shall be paid from Fund No. 01-1505-6410 and other funds approved by the Director of Finance, Request No. RQN 1505, RL 2016-9.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.



# Ordinance No. 1393-16

**Council Members K. Johnson and Kelley  
(by departmental request)**

## **AN EMERGENCY ORDINANCE**

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for improving a portion of Lakeside Avenue; to apply for and accept any gifts or grants from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; to employ one or more professional consultants to design the improvement; and causing payment of the City's share to the State for the cost of the improvement.

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WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: repairing and resurfacing Lakeside Avenue from East 12<sup>th</sup> Street to East 26<sup>th</sup> Street and subject to the availability of sufficient funds to pay the cost, resurfacing Lakeside Avenue from East 9<sup>th</sup> Street to East 12<sup>th</sup> Street, PIK 100260 (the "Improvement").

Section 2. That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement. The share of the cost of the City is estimated in the amount of \$229,000, but the estimated amount is to be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined.

# Ordinance No. 1393-16

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Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. Utilities and Right-of-Way Statement. The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. Maintenance. Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 6. That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 7. That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees

## Ordinance No. 1393-16

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to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 8. That this Council requests the State to proceed with the Improvement.

Section 9. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity, including but not limited to NOACA; and that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 10. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

Section 11. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the improvement.

Section 12. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 13. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

# Ordinance No. 1393-16

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Section 14 That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

Section 15. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 16. That this Council authorizes payment to the State of the City's share of the Improvement.

Section 17. That the cost of the professional services and the City's share of the improvement shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, and any all funds approved by the Director of Finance, including future bond funds if issued for this purpose, Request No. RQS 0103, RL 2016-119.

Section 17. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RC:nl  
11-21-16

FOR: Director Spronz



**Council Members K. Johnson and Kelley (by departmental request)**

**AN EMERGENCY ORDINANCE**

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for improving a portion of Lakeside Avenue; to apply for and accept any gifts or grants from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; to employ one or more professional consultants to design the improvement; and causing payment of the City's share to the State for the cost of the improvement.

**READ FIRST TIME on NOVEMBER 21, 2016**  
**and referred to DIRECTORS of Capital Projects,**  
**City Planning Commission, Finance, Law;**  
**COMMITTEES on Municipal Services and Properties, Finance**

**REPORTS**

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**PRESIDENT**

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**CITY CLERK**

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**MAYOR**

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES**

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
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# Ordinance No. 1394-16

## AN EMERGENCY ORDINANCE

Authorizing the Director of Human Resources to exercise the second option to renew Contract No. CT 0402 PS 2015-053 with The Fedeli Group to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management services.

**Council Member Kelley  
(by departmental request)**

WHEREAS, under the authority of Ordinance No. 621-14, passed June 2, 2014, the Director of Human Resources entered into Contract No. CT 0402 PS 2015-053 with The Fedeli Group to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management services; and

WHEREAS, Ordinance No. 621-14 requires further legislation before exercising the second option to renew on this contract; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Human Resources is authorized to exercise the second option to renew Contract No. CT 0402 PS 2015-053 for an additional year at a cost not to exceed \$150,000, with The Fedeli Group to provide professional services necessary to analyze health care providers, benefits, and claims, and to evaluate proposals received for benefit management services. This ordinance constitutes the additional legislative authority required by Ordinance No. 621-14 to exercise this option.

(RQS 0402, RL 2016-123)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RC:nl  
11-21-16

FOR: Director West



# Ordinance No. 1395-16

## **AN EMERGENCY ORDINANCE**

Determining the method of making the public improvement of constructing, replacing, or otherwise improving the Camp Forbes Recreation Center multi-purpose room; and authorizing the Director of Capital Projects to enter into one or more public improvement contracts for the making of the improvement; authorizing professional services to design the improvement; and to accept gifts, grants or other funding.

**Council Members K. Johnson and Kelley  
(by departmental request)**

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WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, replacing, or otherwise improving the Camp Forbes Recreation Center multi-purpose room (the "Improvement"), for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the Director of Capital Projects is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments

# Ordinance No. 1395-16

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of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

Section 5. That the Director of Capital Projects is authorized to apply for and accept gifts, grants, or other funding from various public and private entities needed to implement the Improvement. The Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated to implement the Improvement.

Section 6. That the cost of the contracts and other expenditures authorized shall be paid from Fund No. 10 SF 094 and from the fund or funds to which are credited any gifts, grants, or other funds accepted under this ordinance. RQS 0103, RL 2016-113.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RC:nl  
11-21-16

FOR: Director Spronz

**Council Members K. Johnson and Kelley (by departmental request)**

**AN EMERGENCY ORDINANCE**

Determining the method of making the public improvement of constructing, replacing, or otherwise improving the Camp Forbes Recreation Center multi-purpose room; and authorizing the Director of Capital Projects to enter into one or more public improvement contracts for the making of the improvement; authorizing professional services to design the improvement; and to accept gifts, grants or other funding.

**READ FIRST TIME on NOVEMBER 21, 2016**  
**and referred to DIRECTORS of Capital Projects,**  
**City Planning Commission, Finance, Law;**  
**COMMITTEES on Municipal Services and Properties, Finance**

**REPORTS**

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**CITY CLERK**

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**READ SECOND TIME**

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**CITY CLERK**

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**READ THIRD TIME**

\_\_\_\_\_  
**PRESIDENT**

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**CITY CLERK**

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**APPROVED**

\_\_\_\_\_  
**MAYOR**

Recorded Vol. \_\_\_\_\_ Page \_\_\_\_\_

Published in the City Record \_\_\_\_\_

**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES**

FILED WITH COMMITTEE

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE**

FILED WITH COMMITTEE

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# Ordinance No. 1398-16

## AN EMERGENCY ORDINANCE

Council Member Brancatelli

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 660, Income Tax Preparers, Sections 660.01 through 660.07 and 660.99, to require information disclosure, a customer bill of rights, training, and registration in order to protect consumers seeking help preparing their taxes from sub-standard practices.

WHEREAS, the storefront income tax preparer industry, including Liberty Tax Service, H & R Block, and Jackson-Hewitt, prepares tax returns for millions of low and middle-income Americans; and

WHEREAS, income tax preparers are unregulated by federal statute and state law in Ohio; and

WHEREAS, some cities, including Chicago and New York City, and several states, including Maryland, New York, California, and Oregon regulate the income tax preparer industry; and

WHEREAS, a lack of educational credential and training requirements for preparers has led to preparation of incorrect returns and bad advise to customers, and a lack of best practices for fees and their disclosure have allowed excessively high fees without fee disclosure up front to customers; and

WHEREAS, the City of Cleveland recognizes the need to protect Cleveland consumers seeking help preparing their taxes from sub-standard practices by requiring tax preparers to obtain standardized testing, training, and certificates, disclose information regarding fee estimation and a customer bill of rights, and register by meeting minimum requirements; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Codified Ordinances of Cleveland, Ohio 1976, are supplemented by enacting new Chapter 660, Sections 660.01 through 660.07 and 660.99 as follows:

### CHAPTER 660, INCOME TAX PREPARERS

#### Section 660.01      Definitions

- (a) "Assisted direct deposit" means a mechanism or agreement through which a consumer's individual income tax refund is deposited in a bank account other than the consumer's bank account, and then the remaining portion of the refund, minus fees, is deposited in the consumer's own bank account.
- (b) "Consumer" means a person for whom an individual income tax return is being prepared by a tax preparer.

# Ordinance No. 1398-16

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- (c) “Refund anticipation check” means a check or other payment mechanism representing the proceeds of the consumer’s individual income tax refund which was issued by a depository institution or other person that received a direct deposit of the consumer’s individual income tax refund and for which the consumer must pay a fee or other consideration.
- (d) “Refund anticipation loan” means any loan a consumer may receive against his anticipated individual income tax refund.
- (e) “Refund settlement product” means assisted direct deposit, a refund anticipation check, a refund anticipation loan, or other similar mechanism, agreement, or transaction that allows a consumer to receive an advancement of money against an anticipated individual income tax refund from a person other than state or federal government, or allows another person to collect fees from the proceeds of the consumer’s individual income tax refund.
- (f) “Tax preparation services” means advice or assistance in the preparation of individual income tax returns.
- (g) “Tax preparer” means a person who, for a fee, provides or who holds himself out as providing tax preparation services. A “tax preparer” shall not include:
  - (1) An attorney-at-law, and the employees of an attorney-at-law, who is a tax preparer;
  - (2) A certified public accountant, and the employees of a certified public accountant, who is a tax preparer;
  - (3) An enrolled agent, a federally-authorized tax practitioner who has technical expertise in the field of taxation and who is empowered by the U.S. Department of the Treasury to represent taxpayers before all administrative levels— examination, collection, and appeals—of the Internal Revenue Service;
  - (4) An officer or employee of a federal, state, or local governmental agency who provides tax preparation services in the scope of his employment; or
  - (5) An administrator, conservator, guardian, executor, trustee, receiver or other representative appointed by the court who provides tax preparation services in the scope of that appointment.

## Section 660.02      Consumer bill of rights regarding tax preparation services

The Manager of Fair Housing and Consumer Affairs (“Manager”), under the direction of the Director of Community Development, shall produce a document in English and Spanish know as a “Consumer Bill of Rights Regarding Tax Preparation Services”. The document shall be written in plain language, published on the Community Development Department’s website, and shall contain the following information:

- (a) A detailed explanation of commonly offered tax preparation services;
- (b) A statement that a consumer has the right to file a complaint with the Manager concerning a tax preparer;
- (c) Information on how to file a complaint with the Manager concerning a tax preparer;
- (d) A statement that a consumer has the right to receive all of the information listed in Section 660.03 of this chapter from the tax preparer before the tax preparer renders any tax preparation services to the consumer;
- (e) A statement that a tax preparer, who individually or in conjunction with another, makes or offers to make a refund anticipation loan is required to make certain disclosures pursuant to Section 10 of the Tax Refund Anticipation Loan Disclosure Act, 815 ILCS 177/10; and



# Ordinance No. 1398-16

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- (f) A statement that a consumer is not required to utilize a refund settlement product in order to receive tax preparation services from the tax preparer.

## Section 660.03      Mandatory disclosures

- (a) Prior to rendering any tax preparation services to a consumer, a tax preparer must provide the consumer with the following information, in writing:
  - (1) A copy of the Consumer Bill of Rights Regarding Tax Preparation Services, which the Manager shall make available on-line for the tax preparer to print and give to the consumer;
  - (2) A Disclosure Form that contains the following information:
    - A. A written list, description, and price of the tax preparation service offered by the tax preparer;
    - B. A written list, description, and price of all miscellaneous fees associated with tax preparation services, including filing fees and processing fees;
    - C. A written estimate of the total charge to the consumer based upon the tax preparation services the consumer has selected to purchase;
    - D. A written estimate of the period of time the consumer can reasonably expect to wait for his tax refund; and
    - E. A certification from the tax preparer indicating that the tax preparer has reviewed each disclosure with the consumer and that the tax preparer has verbally reviewed all the required disclosures with the consumer.
- (b) The Disclosure Form shall be written and approved annually by the Manager prior to any tax preparation services being rendered to any consumer. The Manager shall make such form available on-line for the tax preparer to print and give to the consumer.
- (c) The tax preparer must verbally review each and every disclosure contained on the Disclosure Form with the consumer before the tax preparer renders any tax preparation services to the consumer. No tax preparation services shall be rendered to any consumer until the tax preparer has reviewed the Disclosure Form with the consumer and has certified to such review on the Disclosure Form.
- (d) The tax preparer must offer the consumer the choice between English and Spanish versions of the Disclosure Form and must verbally review each and every disclosure in English or Spanish as appropriate.
- (e) If the consumer does not understand English or Spanish, the tax preparer must allow the consumer an opportunity to secure the services of a translator prior to continuing with the tax preparation service.

## Section 660.04      Prohibited activity

No tax preparer shall require as a condition of offering or rendering tax preparation services to a consumer that the consumer utilize a refund settlement product.

## Section 660.05      Certificate of Tax Preparer Registration

A tax preparer shall be registered and issued a Certificate of Tax Preparer Registration by the Commissioner of License and Assessments before the individual may provide individual tax preparation services in Cleveland.

# Ordinance No. 1398-16

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- (a) *Application for Certificate of Tax Preparer Registration.* An applicant for a Certificate of Tax Preparer Registration shall submit the application to the Commissioner of Assessments and Licenses on a form created and provided by the Manager of Fair Housing and Consumer Affairs (“Manager”), together with a fee in an amount set by the Board of Control.
- (b) *Registration Certificate Requirements and Issuance.* The Commissioner of Assessments and Licenses shall issue a Certificate of Registration only after the applicant meets the following requirements:
- (1) The applicant shall be at least eighteen years old;
  - (2) The applicant shall possess a high school diploma or have passed an equivalency examination;
  - (3) The applicant shall complete the training requirements in accordance with division (c) and provide proof of completion; and
  - (4) The applicant shall pass an examination in accordance with division (c), and provide proof.
- (c) *Training and Examination.* The applicant shall complete the following training and examination requirements:
- (1) The applicant shall complete the Basic Course Curriculum of individual tax preparer training administered by the Volunteer Income Tax Assistance program (VITA) or an equivalent, approved training provider identified by the Manager; and
  - (2) The applicant shall pass the test administered by VITA or an approved test provider identified by the Manger.
- (d) *Certificate Renewal.* A Certificate of Tax Preparer Registration shall be renewed one year from the date of the original certificate, upon the tax preparer submitting the following to the Commissioner of Licenses and Assessments:
- (1) A renewal application provided by the Manager;
  - (2) A renewal fee in an amount set by the Board of Control; and
  - (3) Proof of completion of four hours of continuing education training administered by VITA or an approved continuing education provider identified by the Manager.
- (e) *Posting of Certificate.* A tax preparer shall post the required Certificate of Tax Preparer Registration conspicuously at all times at the main entrance of their place of business. If the certified tax preparer is an employee of a tax preparer business, the individual tax preparer employee shall post the required Certificate conspicuously at their work station. No tax preparer subject to the requirements of this Chapter shall fail to post the required Certificate.

## Section 660.06

## Joint and several liability

Any person who employs or contracts with another person to provide tax preparation services as a tax preparer for a consumer shall be jointly and severally liable with the tax preparer for any violations of this chapter.

# Ordinance No. 1398-16

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Section 660.07            Rules and Enforcement

The Manager of Fair Housing and Consumer Affairs (“Manager”), under the direction of the Director of Community Development shall enforce this Chapter, and shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this Chapter.

Section 660.99            Penalties

- (a) The City or any person aggrieved by a violation of this chapter may pursue the remedies authorized by Section 643.11 of this Code.
- (b) The remedies provided by division (a) of this section shall be the exclusive remedy available under this chapter. Whoever violates any provision of this chapter shall not be subject to the penalties provided in division (b) of Section 643.99.
- (c) The Commissioner of Assessments and Licenses may revoke any certificate issued under this Chapter on basis of a violation of this Chapter.

Section 2.            That new Chapter 660, Sections 660.01 through 660.07 and 660.99 shall take effect thirty days after the effective date of this ordinance.

Section 3.            That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

jho    11-21-16            FOR: Council Member Brancatelli

