



Legislation Details (With Text)

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File created: 11/21/2017 **In control:** Public Service & Transportation Committee

On agenda: 12/4/2017 **Final action:**

Title: To authorize the Director of the Department of Public Service to modify and renew a service agreement with City Solutions Central Ohio LLC and Capital South Community Urban Development Corporation relative to the placement, operation, and maintenance of modular newsracks within the Voluntary Newsrack District; to waive those provisions of Title 9 of City Code that prohibit the placement of vending equipment and advertising within the public rights-of-way to the extent that those provisions may be applicable to the placement, operation, and maintenance of modular newsracks pursuant to this legislation; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/7/2017	1	CITY CLERK	Attest	
12/6/2017	1	MAYOR	Signed	
12/4/2017	1	COUNCIL PRESIDENT	Signed	
12/4/2017	1	Columbus City Council	Approved	Pass

1. BACKGROUND

The purpose of this legislation is to authorize the Director of the Department of Public Service to modify and renew a service agreement with City Solutions Central Ohio LLC (formerly City Solutions, Inc.) and Capital South Community Urban Development Corporation relative to the placement, operation, and maintenance of modular newsracks within the public rights-of-way in downtown Columbus.

Pursuant to Ordinance 0075-02, the Director of Public Service executed an exclusive agreement with City Solutions, Inc., permitting the installation, operation, and maintenance of modular newsracks with ancillary advertising within the area defined as the Voluntary Newsrack District. The Voluntary Newsrack District generally means the downtown area of the City, and more specifically the area bounded as follows:

Beginning at the intersection of Interstate 70 and the western flank of the Scioto River; thence northeasterly along the Scioto River to the first railroad right-of-way; thence northerly along said railroad right-of-way to the intersecting railroad right-of-way; thence westerly along said railroad right-of-way to the intersection of State Route 315; thence northerly along State Route 315 to the intersection of Interstate 670; thence easterly along interstate 670 to the intersection of Interstate 71; thence southerly along Interstate 71 to the intersection of Interstate 70; thence westerly along Interstate 70 to the place of beginning.

Ordinance 0075-02 also waived certain provisions of Columbus City Code prohibiting the placement of obstructions, including but not limited to, containers, vending equipment, merchandise, signs, or advertising of any kind, within the public rights-of-way.

The parties executed the original contract in February 2002, with Capital South Community Urban Development

Corporation agreeing to assume responsibility for operating and maintaining the modular newsracks in the event City Solutions is unable to execute its duties thereunder. That agreement has since expired and has reverted to a month-to-month term. This legislation authorizes the renewal and modification of the agreement for a ten-year period, with the option to renew the term for two additional five-year periods.

2. FISCAL IMPACT

There is no anticipated cost to the City relative to the aforementioned service agreement. Instead, the City is to receive a percentage of the net advertising sales fee generated by City Solutions Central Ohio LLC. Per the terms of the agreement, City Solutions Central Ohio LLC is to pay the City 5% of the advertising fees in exchange for use of the City rights-of-way, but this amount may fluctuate over the course of the contract.

3. EMERGENCY DESIGNATION

Emergency action is requested to necessary to authorize the extension of the service agreement at the earliest time possible so as to maintain the orderly condition of the public rights-of-way.

To authorize the Director of the Department of Public Service to modify and renew a service agreement with City Solutions Central Ohio LLC and Capital South Community Urban Development Corporation relative to the placement, operation, and maintenance of modular newsracks within the Voluntary Newsrack District; to waive those provisions of Title 9 of City Code that prohibit the placement of vending equipment and advertising within the public rights-of-way to the extent that those provisions may be applicable to the placement, operation, and maintenance of modular newsracks pursuant to this legislation; and to declare an emergency. (\$0.00)

WHEREAS, the Department of Public Service is responsible for the operation, use, and maintenance of public rights-of-way within the City of Columbus; and

WHEREAS, Ordinance 0075-02 authorized the Director of Public Service to execute an agreement with City Solutions, Inc., now City Solutions Central Ohio LLC, permitting the installation, operation, and maintenance of modular newsracks with ancillary advertising within the area defined as the Voluntary Newsrack District in downtown Columbus; and

WHEREAS, pursuant to that agreement, City Solutions Central Ohio LLC established the Voluntary Newsrack Program, a system of distribution whereby publishers voluntarily utilize modular newsracks within the Voluntary Newsrack District for the distribution and sale of publications; and

WHEREAS, the purpose of this legislation is to authorize an extension of the aforementioned service agreement for an initial term of 10 years, with the option to renew the term for two additional five-year periods; and

WHEREAS, as compensation for use of the City rights-of-way, City Solutions Central Ohio LLC will pay the Department of Public Service a percentage of the net advertising sales fees generated from the Voluntary Newsrack Program; and

WHEREAS, it is necessary to waive provisions of Title 9 of City Code prohibiting the placement of obstructions, including but not limited to, vending equipment, signs, and advertising of any kind, within the public rights-of-way, relative to the operation and maintenance of modular newsracks within the Voluntary Newsrack District; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is necessary to authorize the extension of said service agreement at the earliest time possible so as to maintain the orderly condition of the public rights-of-way within the Voluntary Newsrack District, thereby immediately preserving the public health, peace, property, safety and welfare; **now, therefore**,

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

SECTION 1. That the Director of Public Service be and hereby is authorized to modify and renew a service agreement with City Solutions Central Ohio, LLC and Capital South Community Urban Development Corporation relative to the

placement, operation, and maintenance of modular newsracks within the Voluntary Newsrack District.

SECTION 2. That the Department of Public Service shall receive a percentage of the net advertising sales fees generated by City Solutions Central Ohio LLC from organizations that participate in the Voluntary Newsrack Program as compensation for the use of City rights-of-way.

SECTION 3. That the monies received from City Solutions Central Ohio LLC shall be deposited in Fund 2265 Street Construction, Maintenance, and Repair Fund.

SECTION 4. That provisions of Title 9 of City Code prohibiting the placement of obstructions, including but not limited to vending equipment, signs, and advertising of any kind, within the public rights-of-way relative to the operation and maintenance of modular newsracks within the Voluntary Newsrack District are hereby waived.

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.