



### Legislation Details (With Text)

**File #:** 21-0270      **Version:** 1      **Name:** Hope Street Dumpster Enclosure  
**Type:** Resolution      **Status:** Passed  
**File created:** 9/17/2021      **In control:** City Council Legislative Session  
**On agenda:** 11/10/2021      **Final action:** 11/10/2021  
**Title:** Resolution Authorizing the Grant of a Dumpster Enclosure Use Agreement to Partnership for a new Phoebus, Inc., Over a Portion of City Property Known as 8 South Hope Street for the Use of a Brick Enclosure to House Solid Waste Containers for Use by Restaurants and other Retail Business in the Vicinity of the Enclosure

**Sponsors:**

**Indexes:** , , , DO NOT USE - 21 - Safe and Clean Community

**Code sections:**

**Attachments:** 1. Exhibit A Dumpster Enclosure Use Agreement, 2. Dumpster Enclosure Agreement CAO Draft 9.16.21

Date	Ver.	Action By	Action	Result
11/10/2021	1	City Council Legislative Session	approved	Pass

Resolution Authorizing the Grant of a Dumpster Enclosure Use Agreement to Partnership for a new Phoebus, Inc., Over a Portion of City Property Known as 8 South Hope Street for the Use of a Brick Enclosure to House Solid Waste Containers for Use by Restaurants and other Retail Business in the Vicinity of the Enclosure

**PURPOSE/BACKGROUND:**

See Discussion.

**Discussion:**

A City (public) parking lot is located at the corner of County Street and Hope Street (addressed as 8 Hope Street; LRSN 12001367). In 2016, out of concern for public health and safety, the City constructed in the corner of that lot a brick enclosure for the purpose of providing a shielded area to house solid waste containers for use by certain restaurants in the vicinity of that enclosure. This service was facilitated through that certain Phoebus Dumpster Enclosure Agreement dated April 1, 2016 between the City of Hampton and Richard G. Levin (the "2016 Agreement"), an owner of much of the property bordering the parking lot, and landlord to the tenants then needing an avenue for solid waste disposal.

Phoebus has since experienced substantial economic growth, including of several more restaurants and retail establishments along Mellen Street and in the immediate vicinity of the parking lot and dumpster enclosure. With that the need for expanded waste disposal has become a necessity. The Partnership for a new Phoebus, Inc. (the "Partnership") has agreed to take responsibility for expanding that service, and intends to contract with a vendor to provide daily waste disposal (Monday - Saturday) for use by seven (7) retail and restaurant establishments adjacent to the parking lot. Mr. Levin is amenable to terminating 2016 Agreement to facilitate the Partnership's expansion

of those solid waste services.

**Impact:**

Improved health and public welfare through the more frequent removal of solid waste produced by restaurants and other retail businesses.

**Recommendation:**

Conduct a public hearing and approve the Resolution.

**WHEREAS**, the City is the owner of real property located at 8 Hope Street (LRSN 12001367) in Phoebus (the "Property");

**WHEREAS**, in 2016, the City constructed a brick enclosure on the portion of the Property to shield and house solid waste disposal containers for use by certain adjacent restaurant businesses and for the betterment of the public's health and welfare;

**WHEREAS**, since 2016, Phoebus has experienced substantial economic growth, including the addition of several more restaurants and other retail businesses;

**WHEREAS**, the Partnership for a new Phoebus, Inc. (the "Partnership") has agreed to take responsibility for expanding solid waste services and intends to contract with a vendor to provide daily waste disposal (Monday - Saturday) for use by seven (7) retail and restaurant establishments adjacent to the parking lot;

**WHEREAS**, Staff recommends supporting the Partnership in this effort and the Council has determined that the terms and conditions of the proposed use agreement are acceptable.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Hampton, Virginia, as follows:

1. That it approves the Dumpster Enclosure Use Agreement, and any revision thereto as approved by the City Attorney, with the Partnership for a new Phoebus, Inc. for the use of that certain brick enclosure located on the Property to provide solid waste disposal services; and
2. That the City Manager or her Authorized Designee is authorized to execute and deliver to the Partnership for a new Phoebus, Inc that use agreement in substantially the same form as attached hereto.