



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed  
**File created:** 7/2/2021      **In control:** City Council Legislative Session  
**On agenda:** 7/14/2021      **Final action:** 7/14/2021  
**Title:** Resolution Approving Encroachment Agreements with Certain Restaurants on Queens Way in Downtown Hampton, to Allow Outdoor Dining to Continue Under Substantially the Same Terms and Conditions as the Previously Approved Temporary Outdoor Dining Permits Issued During the COVID-19 Pandemic

**Sponsors:**

**Indexes:** , Economic Vitality

**Code sections:**

**Attachments:** 1. Encroachment Agreement, 2. Licensed Areas

Date	Ver.	Action By	Action	Result
7/14/2021	1	City Council Legislative Session	approved	Pass

Resolution Approving Encroachment Agreements with Certain Restaurants on Queens Way in Downtown Hampton, to Allow Outdoor Dining to Continue Under Substantially the Same Terms and Conditions as the Previously Approved Temporary Outdoor Dining Permits Issued During the COVID-19 Pandemic

**PURPOSE/BACKGROUND:**

The COVID-19 pandemic resulted in restriction of indoor dining service for restaurants within the City of Hampton. Accordingly, the City created Temporary Outdoor Dining permits, which allowed restaurants to temporarily expand their seating and dining outdoors under certain conditions. Temporary Outdoor Dining permits were issued by the City to allow the following restaurants (the "Restaurants") the right to use portions of East Queens Way in Downtown Hampton for the purpose of outdoor seating and dining as depicted on Exhibit A entitled, "East Queens Way Street Dining:" Marker 20, located at 21 E. Queens Way; Pour Girls, located at 17 E. Queens Way; Brown Chicken Brown Cow, located at 13 E. Queens Way, Goody's Deli and Pub, located at 11 E. Queens Way; Venture Kitchen and Bar, located at 9 E. Queens Way; and the Downtown Taphouse, located at 5 E. Queens Way. Because the statewide and local declarations of emergency associated with the pandemic have been terminated as of July 1, 2021, the Temporary Outdoor Dining permits are set to expire July 31, 2021 unless permission to continue the use is extended by the City. Over the last year, the City made improvements to East Queens Way, including the addition of tables, chairs, and umbrellas, for use by the Restaurants that received Temporary Outdoor Dining permits and, thus, desires to extend the permission of the Restaurants to continue to use the areas for outdoor seating and dining.

Approval of this resolution would authorize the City Manager to enter into encroachment agreements with the Restaurants to extend the permission to use the street for outdoor seating and dining for an

additional year with 4 annual renewal opportunities.

**Recommendation:**

Adopt the resolution.

**WHEREAS**, the City is the owner of the public right-of-way known as East Queens Way in Downtown Hampton, including adjacent sidewalks and green areas (the “Property”);

**WHEREAS**, due to the COVID-19 pandemic, indoor dining service for restaurants was restricted by the Statewide Declaration of Public Health Emergency;

**WHEREAS**, Temporary Outdoor Dining permits were issued by the City to allow the following restaurants (the “Restaurants”) the right to enter upon a portion of the Property (the “Licensed Areas”) for the purpose of outdoor seating and dining as depicted on Exhibit A entitled, “East Queens Way Street Dining:” Marker 20, located at 21 E. Queens Way; Pour Girls, located at 17 E. Queens Way; Brown Chicken Brown Cow, located at 13 E. Queens Way, Goody’s Deli and Pub, located at 11 E. Queens Way; Venture Kitchen and Bar, located at 9 E. Queens Way; and the Downtown Taphouse, located at 5 E. Queens Way;

**WHEREAS**, the Statewide Declaration of Public Health Emergency, as well as the accompanying City of Hampton Declaration of Emergency, have been terminated as of July 1, 2021;

**WHEREAS**, the Temporary Outdoor Dining permits will expire thirty (30) days from the termination of the emergency declarations described above, unless extended by the City;

**WHEREAS**, the City made improvements to the Licensed Areas, including the addition of tables, chairs, and umbrellas, for use by the Restaurants that received Temporary Outdoor Dining permits; and

**WHEREAS**, the City desires to extend the permission of the Restaurants to use the Licensed Areas for outdoor seating and dining purposes under substantially the same terms as the prior Temporary Outdoor Dining permits through encroachment agreements.

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

1. That it authorizes the City Manager to execute Encroachment Agreements in substantially the same form and content as the attached agreement with the concurring approval of the City Attorney.