



**TOWN OF ABINGDON, VIRGINIA  
TOWN COUNCIL MEETING  
MONDAY, APRIL 1, 2024 – 6:30 pm  
TOWN HALL – COUNCIL CHAMBERS**

**DRAFT AGENDA**

*Please note there will be an opportunity during the meeting for citizens to address the Town Council when the Mayor declares public comments open. We request that anyone addressing the Council sign up, approach the podium when called, state your first and last name, and provide your complete mailing address.*

- A. WELCOME** – *Mayor Pillion*
- B. ROLL CALL** – *Kim Kingsley, Clerk*
- C. PLEDGE OF ALLEGIANCE** – *Councilmember Derek Webb*
- D. PRAYER** – *Steven Vaughan, Pastor of Trigg Street Church of God, and Fire Dept. Chaplain*
- E. APPROVAL OF AGENDA** – *Mayor Pillion*
- F. APPROVAL OF MINUTES**
  - March 4, 2024
  - March 21, 2024 Finance Committee Budget Meeting
  - March 21, 2024
- G. PUBLIC COMMENTS** – Please place your name on the sign-up sheet provided; comments are limited to three (3) minutes per person.
  - Town of Abingdon residents
  - Other public comments (e.g. property owners, organizations)
- H. PROCLAMATIONS**
  - 1. Proclamation designating April 5, 2024 as Arbor Day
- I. PUBLIC HEARING** - Please place your name on the sign-up sheet provided; comments are limited to five (5) minutes per person.
  - 1. Public hearing regarding the sale of real property located on French Moore, Jr. Boulevard owned by the Town of Abingdon, namely 1.20 acres total, specifically 0.20 acre of Lot 8 (Tax Map No. 104-10-8) and 1.0 acre of Lot 10 (Tax Map No. 104-10-10)
- J. RESOLUTIONS**
  - 1. Resolution approving a sale of a portion of property from two tax parcels, Tax Map No. 104-10-8 and Tax Map No. 104-10-10
- K. FIRST READING OF ORDINANCES**
  - 1. First reading of an ordinance to repeal, amend and reenact Chapter 58 Solid Waste, Division 2 – Town Collection and Division 3 – Containers.
- L. SECOND READING OF ORDINANCES**
- M. CONSIDERATION OF BIDS**
- N. NEW BUSINESS**

**O. OLD BUSINESS**

**P. MISCELLANEOUS BUSINESS AND COMMUNICATIONS FROM TOWN MANAGER**

1. Annual “State of the Tree” report – *Kevin Sigmon, Town Arborist*
2. 2023 - Year in Review – *Mike Cochran, Town Manager*

**Q. COUNCIL MEMBER REPORTS**

**R. APPOINTMENTS TO BOARDS AND COMMITTEES**

**S. CLOSED SESSION**

**T. ADJOURNMENT**

**TOWN OF ABINGDON  
COUNCIL MEETING  
MONDAY, MARCH 4, 2024 – 6:30 pm  
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

The meeting of the Abingdon Town Council was held on Monday, March 4, 2024, at 6:30 pm in the Council Chambers of the Municipal Building.

**A. WELCOME** – *Mayor Pillion*

**B. ROLL CALL**

Members of Council Present:

Wayne Austin
Donna Quetsch
Derek Webb
Vice Mayor Anderson
Mayor Pillion

**C. PLEDGE OF ALLEGIANCE**

**D. PRAYER**

**E. APPROVAL OF AGENDA (VIDEO 9:25 – 9:51)**

**On motion of Mr. Webb, seconded by Vice Mayor Anderson, approved the agenda as presented.**

**The roll call vote was as follows:**

<b>Mr. Austin</b>	<b>Aye</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mr. Webb</b>	<b>Aye</b>
<b>Vice Mayor Anderson</b>	<b>Aye</b>
<b>Mayor Pillion</b>	<b>Aye</b>

**F. APPROVAL OF THE MINUTES (VIDEO 9:52 – 10:23)**

- February 5, 2024

**On motion of Mr. Austin, seconded by Mr. Webb, approved the February 5, 2024 minutes as presented.**

**The roll call vote was as follows:**

<b>Mr. Austin</b>	<b>Aye</b>
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<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mr. Webb</b>	<b>Aye</b>
<b>Vice Mayor Anderson</b>	<b>Aye</b>
<b>Mayor Pillion</b>	<b>Aye</b>

**G. PUBLIC COMMENTS (VIDEO 10:24 – 13:43)**

- Eddie Copenhaver
- Greg Lilly

**H. PROCLAMATIONS**

**I. PUBLIC HEARING**

**J. RESOLUTIONS (VIDEO 13:54 – 17:44)**

1. Resolution declaring Abingdon Green II Apartments project to be a revitalization area in the Town of Abingdon.

Assistant Town Manager Mayana Rice advised that People Incorporated approached the Town asking if we would support a Resolution declaring Abingdon Green II Apartments project to be a revitalization area in the Town focused on our seniors.

Brad Ailey, Vice President, and Chief Development Officer advised the Abingdon Green II apartments include thirty-two one-bedroom units that serve the elderly and disabled. The apartments are eligible for recapitalization and reinvestment with People Incorporated intending to apply for new housing tax credits in hopes of receiving allocation of credits to leverage additional funding for an additional renovation. The long-term objective for the organization is to maintain affordable housing. Mr. Ailey stated that the Resolution was essential for points and a competitive application for People Incorporated.

**On motion of Mr. Webb, seconded by Vice Mayor Anderson, approved the Resolution supporting Abingdon Green II Apartments project to be a revitalization area in the Town of Abingdon as presented.**

**The roll call vote was as follows:**

<b>Mr. Austin</b>	<b>Aye</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mr. Webb</b>	<b>Aye</b>
<b>Vice Mayor Anderson</b>	<b>Aye</b>
<b>Mayor Pillion</b>	<b>Aye</b>

**K. FIRST READING OF ORDINANCES**

**L. SECOND READING OF ORDINANCES**

**M. CONSIDERATION OF BIDS**

**N. NEW BUSINESS**

**O. OLD BUSINESS**

**P. MISCELLANEOUS BUSINESS AND COMMUNICATIONS FROM TOWN MANAGER**

1. Presentation from Betsy White, Executive Director of William King Museum of Art (**VIDEO 17:52 – 34:50**)

Mrs. White presented the Council with information regarding The Virginia Museum of Animal Art, which she refers to as “A Transformative Gift” which will include a world class art collection, new gallery wing, and a new campus. Mrs. White conveyed the complete design is March 2024; bidding, staging, and contracts in April/May 2024; construction begins on June 1, 2024; and construction completed in late 2025.

2. Presentation from Virginia Highlands Festival and Restaurant Month (**VIDEO 34:50 – 43:20**)

President Ryan Henderson and Co-Chair of Culinary Arts and Traditions Susan Mole provided an update on the 2024 Virginia Highlands Festival, including a Gala; the Community Day will be at the Visitor’s Center, and the arts and crafts returning to the Martha Washington Inn lawn. Mrs. Mole stated there will be many exciting culinary offerings to experience “Eat, Drink, Love Virginia Highlands” during the month of April. She said the events will be posted on their website soon with many interesting partnerships.

3. Quarterly presentation – Economic Development and Tourism (**VIDEO 43:26 - 54:47**)

Director of Economic Development Tonya Triplett and Marketing Coordinator Chad Thompson provided information regarding Tourism, including Nathan Wampler receiving a Gold Award from the American Advertising Federation Award for his design of Yeti sticker. The “Best of Abingdon” voting has begun for thirty of your favorites. Mrs. Triplett discussed the Fiddler’s Convention. Mr. Thompson discussed the redesign of the visitor’s guide that will have a storybook feel with interactive digital maps.

4. Presentation of Employee of the Year (**VIDEO 54:47 – 58:41**)

Abingdon Police Chief Jon Holbrook presented the 2023 Employee of the Year award to Officer John Carter. Officer Carter is dedicated to his duties as a patrol officer and an instructor to fellow officers and the Town is proud to recognize him.

**(VIDEO 58.41 – 1:03:23)**

Town Manager Mike Cochran advised Sunday hours were implemented at the Coomes Recreation Center; the mural will receive a clear protective coating soon, and the banner poles will be installed before April 1<sup>st</sup>. Mr. Cochran and Council congratulated Kim Kingsley on obtaining

her Master Municipal Clerk certification. Mr. Cochran also addressed Greg Lilly's public comment stating that agenda items the Council needs to address ebb and flow and in the interest of Council and citizen's time, the meeting is cancelled.

**Q. COUNCIL MEMBER REPORTS (VIDEO 1:03:23- 1:05:32)**

Councilmember Austin stated he was not opposed to having a public exchange forum with structure once quarterly or monthly.

Mayor Pillion reminded everyone of the Washington County/Town of Abingdon Day of Service on April 20<sup>th</sup>.

Councilmember Webb advised the Recreation Advisory Committee would be meeting soon to discuss the rebuilding of the playground at the Coomes Recreation Center with some allocated funding but also collaboration with the community.

**R. APPOINTMENTS TO BOARDS AND COMMITTEES (VIDEO 1:05:32 – 1:07:17)**

1. Abingdon Redevelopment and Housing Authority

- Appointment to fill vacancy of Mike Rush, who is ineligible to serve an additional term

**On motion of Vice Mayor Anderson, seconded by Mr. Webb, appointed Mike Cochran to serve on the Abingdon Redevelopment and Housing Authority.**

**The roll call vote was as follows:**

<b>Mr. Austin</b>	<b>Aye</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mr. Webb</b>	<b>Aye</b>
<b>Vice Mayor Anderson</b>	<b>Aye</b>
<b>Mayor Pillion</b>	<b>Aye</b>

**S. CLOSED SESSION**

Mayor Pillion declared the meeting adjourned.

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Mayor Amanda Pillion

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Kimberly Kingsley, Clerk

**TOWN OF ABINGDON  
COUNCIL MEETING  
THURSDAY, MARCH 21, 2024 – 2:30 pm  
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

The meeting of the Abingdon Town Council was held on Thursday, March 21, 2024, at 2:30 pm in the Council Chambers of the Municipal Building.

**A. WELCOME – *Mayor Pillion***

**B. ROLL CALL**

Members of Council Present: Donna Quetsch  
Derek Webb  
Vice Mayor Anderson  
Mayor Pillion

Member(s) Absent: Wayne Austin

**C. PLEDGE OF ALLEGIANCE**

**D. APPROVAL OF AGENDA (VIDEO 9:27 – 9:56)**

**On motion of Mr. Webb, seconded by Vice Mayor Anderson, approved the agenda as presented.**

**The roll call vote was as follows:**

<b>Mr. Austin</b>	<b>Absent</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mr. Webb</b>	<b>Aye</b>
<b>Vice Mayor Anderson</b>	<b>Aye</b>
<b>Mayor Pillion</b>	<b>Aye</b>

**E. PUBLIC COMMENTS (VIDEO 9:56 – 13:15)**

- Eddie Copenhaver

**F. PROCLAMATIONS**

**G. PUBLIC HEARING**

**H. RESOLUTIONS (VIDEO 13:32 – 16:29)**

1. Resolution authorizing the Town Manager to dispose of certain personal property.

Town Manager Mike Cochran advised Public Works conducted a spring cleaning and discovered some personal property exceeding its life expectancy and beyond repair. He also stated three chassis were kept for repurpose.

**On motion of Vice Mayor Anderson, seconded by Mr. Webb, approved the Resolution authorizing the Town Manager to dispose of certain personal property as presented.**

**The roll call vote was as follows:**

<b>Mr. Austin</b>	<b>Absent</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mr. Webb</b>	<b>Aye</b>
<b>Vice Mayor Anderson</b>	<b>Aye</b>
<b>Mayor Pillion</b>	<b>Aye</b>

**I. FIRST READING OF ORDINANCES**

**J. SECOND READING OF ORDINANCES**

**K. CONSIDERATION OF BIDS (VIDEO 16:31 – 19:17)**

1. Consideration of bids for annual asphalt paving project for the 2023-2024 fiscal year

Director of Public Works Michael Surrett conveyed one bid was received from W-L Construction in the amount of \$160,702.90, stating that not as much paving would be completed due to construction projects. He recommended the Council accept the bid from W-L Construction.

**On motion of Mr. Webb, seconded by Vice Mayor Anderson, approved the bid of \$160,702.90 from W-L Construction for annual asphalt paving.**

**The roll call vote was as follows:**

<b>Mr. Austin</b>	<b>Absent</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mr. Webb</b>	<b>Aye</b>
<b>Vice Mayor Anderson</b>	<b>Aye</b>
<b>Mayor Pillion</b>	<b>Aye</b>

**L. NEW BUSINESS**

**M. OLD BUSINESS**

**N. MISCELLANEOUS BUSINESS AND COMMUNICATIONS FROM TOWN MANAGER**

1. Update regarding the Sinking Spring Cemetery Preservation Plan (VIDEO 19:21 – 37:13)

Senior Planner Gabe Cristofari presented the Sinking Spring Cemetery Preservation Plan. Mr. Cristofari said Noah Halls, and ETSU student, is doing a thesis focusing on the identification of graves solely in the African American section, which included topographic infrared and LiDAR imagery. He discussed the Adopt-A-Plot program which focuses on the landscape



maintenance of the enclosed family plots. Mr. Cristofari updated the Council on the African American Civil Rights Grant program application.

2. Presentation of Sinking Spring Cemetery Annual Report (**VIDEO 37:17 – 42:22**)

Chair Donnamarie Emmert provided the Council with the annual report for the Sinking Spring Cemetery, including the mowing conditions, twenty of the forty Adopt-A-Plot was a success, the Preservation Plan grant, and the replacement of the roof on the cabin. She thanked the Council, Mayana Rice, Gabe Cristofari and Mike Cochran for their support.

3. Discussion regarding Virginia Department of Transportation Project Pipeline Court Street (**VIDEO 42:22 – 1:05:31**)

Assistant Town Manager and Director of Economic Development Mayana Rice discussed VDOT's Project Pipeline Court Street, specifically Main Street from Walgreens to CVS to study the traffic, beautification, pedestrian safety, etc. She conveyed the project was adequately advertised and several options were available to receive information regarding the project. Mrs. Rice stated a final decision was not made regarding Court Street and if VDOT continues as proposed and the Town makes any changes, the Town will be responsible for the costs.

Mrs. Rice stated that Court Street was turned into a one-way street during the construction phase of the Washington County Courthouse with the street being very cramped and narrow. Once the construction project is completed, it could return to a two-way street, VDOT's proposal of a partial one-way or a partial two-way. She stated most had an interest in leaving Court Street as one way to add additional parking diagonally.

Abingdon Police Department Chief Holbrook provided the Council with crash data relating to Main and Court Street and site distance was discussed.

The following addressed the Council regarding Court Street:

- Tyler Reynolds Taylor, part owner of Wolf Hills Coffee  
Supports one-way and diagonal parking with perhaps curb extension and overhead flashing light
- David Dalton, resident of 108 Court Street  
Supports one way with diagonal parking on both sides and perhaps a small out for plant strip and the opportunity to have a Social District
- Nathan Berg, Summers Roof Top and Cellar  
Supports diagonal parkin on both side as it is a critical factor for businesses and once the Courthouse is completed for the increase pressure for parking

- Chad Thomspson, The Book Cellar  
Supports one way with diagonal parking stating the sustainability of a business is attainability; creates safer environment; and the Virginia Tourism Council report is to expect increase tourism in Virginia, specifically in the southwestern region.

Discussion ensued with Mrs. Rice stating that the streets are the Towns, however if we want projects completed, VDOT must approve.

**O. COUNCIL MEMBER REPORTS (VIDEO 1:05:31 – 1:09:30)**

Mr. Webb reminded that April 5 is Arbor Day at Abingdon Elementary School and the online reservations for the tree giveaway will open in a week or so. Also, the Recreation Advisory Committee discussed rebuilding of the Coomes Recreation Center playground with Town Council contributing approximately \$400,000 and wants to solicit community involvement.

Mayor Pillion reminded April 20<sup>th</sup> is Community Service Day and Earth Day and volunteers are still needed. The day will kick-off at 9:00 am at the Coomes Recreation Center.

Mrs. Quetsch attended the Washington County Business Challenge awards this morning and encouraged everyone to support local business.

**P. APPOINTMENTS TO BOARDS AND COMMITTEES**

**Q. CLOSED SESSION**

Mayor Pillion declared the meeting adjourned.

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Mayor Amanda Pillion

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Kimberly Kingsley, Clerk

**TOWN OF ABINGDON  
FINANCE COMMITTEE BUDGET MEETING WITH COUNCIL MEETING  
THURSDAY, MARCH 21, 2024 – 9:00 am  
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

The meeting of the Abingdon Finance Committee Budget Meeting with Town Council was held on Thursday, March 21, 2024, at 9:00 am in the Council Chambers of the Municipal Building.

**A. WELCOME – Mayor Pillion**

**B. ROLL CALL**

Members of Council Present: Donna Quetsch  
Derek Webb  
Vice Mayor Anderson  
Mayor Pillion

Member(s) Absent: Wayne Austin

**C. APPROVAL OF AGENDA**

**On motion of Mayor Pillion, seconded by Vice Mayor Anderson, approved the agenda as presented.**

**The roll call vote was as follows:**

<b>Mr. Austin</b>	<b>Absent</b>
<b>Mrs. Quetsch</b>	<b>Aye</b>
<b>Mr. Webb</b>	<b>Aye</b>
<b>Vice Mayor Anderson</b>	<b>Aye</b>
<b>Mayor Pillion</b>	<b>Aye</b>

**D. Budget presentation for FY2024-2025**

9:00 am Discussion with Finance Committee

Director of Finance Steve Trotman presented information regarding Current FY2024 year-end estimate, fund cash balances as of February 29, 2024, and various revenues.

9:15 – 9:35 Abingdon Fire Department - *Chief Estes*

Chief Tim Estes presented the Abingdon Fire Department proposed budget and discussion ensued.

9:40 – 10:00 Abingdon Police Department - *Chief Holbrook*

Chief Jon Holbrook presented the Abingdon Police Department proposed budget and discussion ensued.

10:05 – 10:25            Public Works – *Michael Surrett*

Michael Surrett presented the Public Work proposed budget and discussion ensued.

10:30 – 10:55            The Meadows and Coomes Recreation Center – *Kyle Pollard*

Kyle Pollard presented The Meadows and Coomes Recreation Center proposed budget and discussion ensued.

11:00 – 11:20            Information Technology – *CJ McGlothlin*

CJ McGlothlin presented the Information Technology budget and discussion ensued.

11:25 – 12:00            Community Development - *Mayana Rice*

Mayana Rice presented Community Development proposed budget and discussion ensued.

12:05 – 12:20            Economic Development and Tourism – *Tonya Triplett*

Tonya Triplett presented the Economic Development and Tourism budget and discussion ensued.

12:25 – 12:45            Wolf Creek Water Reclamation - *Mayana Rice, Michael Surrett*

Mayana Rice presented the Wolf Creek Water Reclamation budget and discussion ensued.

12:50 – 1:05            Administration, Finance and Treasurer – *Mike Cochran, Steve Trotman, Tammy Baldwin*

Tammy Baldwin, Steve Trotman and Mike Cochran presented the Treasurer, Finance and Administration budgets and discussion ensued.

Veterans Advisory Board, Arts Commission, Sustain Abingdon, Barter,  
Others - *Mike Cochran*

Mike Cochran presented the various boards budget and discussion ensued.

Finance Committee Chair Donna Quetsch declared the meeting adjourned.

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Finance Committee Chair Donna Quetsch

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Kimberly Kingsley, Clerk





## MEMO

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**TO:** ABINGDON TOWN COUNCIL

**FROM:** MAYANA RICE, ASSISTANT TOWN MANAGER

**SUBJECT:** LAND PURCHASE

**PUBLICATION DATE:** March 25, 2024

**MEETING DATE:** April 1, 2024

**LOCATION:** COUNCIL CHAMBERS, TOWN HALL  
133 WEST MAIN STREET, ABINGDON, VA

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Wellspring Foundation is wanting to find a permanent home. They recently reached an agreement to purchase 848 French Moore Jr. Boulevard (parcel 104-10-9). In the process they determined that the building would require both a parking lot and structure addition. The current lot is not large enough for expansion. Wellspring approached Staff and requested a review of the parcels within the vicinity of their future location for expansion for purchase.

Staff's review indicated that the most economically viable option would be to sell a portion of each of the lots to the east and west of the parcel. This allows the Town to retain 2 future developable lots and Wellspring to precision purchase for their expansion.

The steps for this transaction to be complete include:

1. Public notice / hearing for sale of property
2. Motion by the Town Council for sale of property
3. Survey by Wellspring to produce the real property being transferred
4. Transfer of 0.2 acres from parcel 104-10-8 to Wellspring
5. Transfer or 1.0 acres from parcel 104-10-10 to Wellspring
6. Lot division of parcel 104-10-8
7. Lot division of parcel 104-10-10
8. Lot combination of the 2 remainders with 848 French Moore Jr. Boulevard (parcel 104-10-9)



February 23, 2024

Certified Return Receipt #: 9589 0710 5270 1061 7886 75

Town of Abingdon, Virginia

Attn: Mr. Michael Cochran, Town Manager

Copy: Ms. Mayana Rice, Assistant Town Manager

P.O. Box 789

Abingdon, VA 24212

Re: ***Letter of Intent to Purchase Town Real Estate***

Dear Mr. Cochran:

The purpose of this letter is to request assistance from the Town of Abingdon to purchase approximately 1.20 Acres of the Town's real estate on French Moore, Jr. Boulevard. Wellspring Foundation of Southwest Virginia is proud to serve as a philanthropic partner and key driver of resources for Washington County residents, and we want to make Abingdon the long-term home of our administrative offices.

To that end we have reached an agreement in principle to purchase the current Spiegler & Blevins property at 848 French Moore, Jr. Boulevard. While that building will serve our immediate office needs, we fully anticipate the need to expand that building in the future, and we will need more land to do so. The Town owns a lot on either side of the Spiegler & Blevins building (Tax Map No. 104-10-9), and our agreement with Spiegler & Blevins is contingent on Wellspring's ability to purchase from the Town 0.20 Acre of Lot 8 (Tax Map No. 104-10-8), and 1.0 Acre of Lot 10 (Tax Map No. 104-10-10). I am attaching a sketch based on the County's GIS maps that graphically depicts our request. We believe that this approach will also serve the Town's future needs by allowing you to maintain two complete, albeit smaller lots on either side of our desired site.

851 French Moore Jr. Blvd.  
Suite 110 – Box 25  
Abingdon, Virginia 24210

[info@wellspringva.org](mailto:info@wellspringva.org)  
[wellspringva.org](http://wellspringva.org)



Based on the town's appraisal information which we have reviewed, Wellspring is offering the Town \$90,000.00 for the 1.20 Acres. We will appreciate you initiating the process to allow the Abingdon Town Council to consider our request at the March 21, 2024, Council meeting. If you need additional information from the Wellspring Foundation prior to that time, please let me know. We look forward to working with you and the Council to allow Wellspring to continue its efforts to assist the residents of Abingdon and its neighbors. Your assistance will be greatly appreciated.

Sincerely,

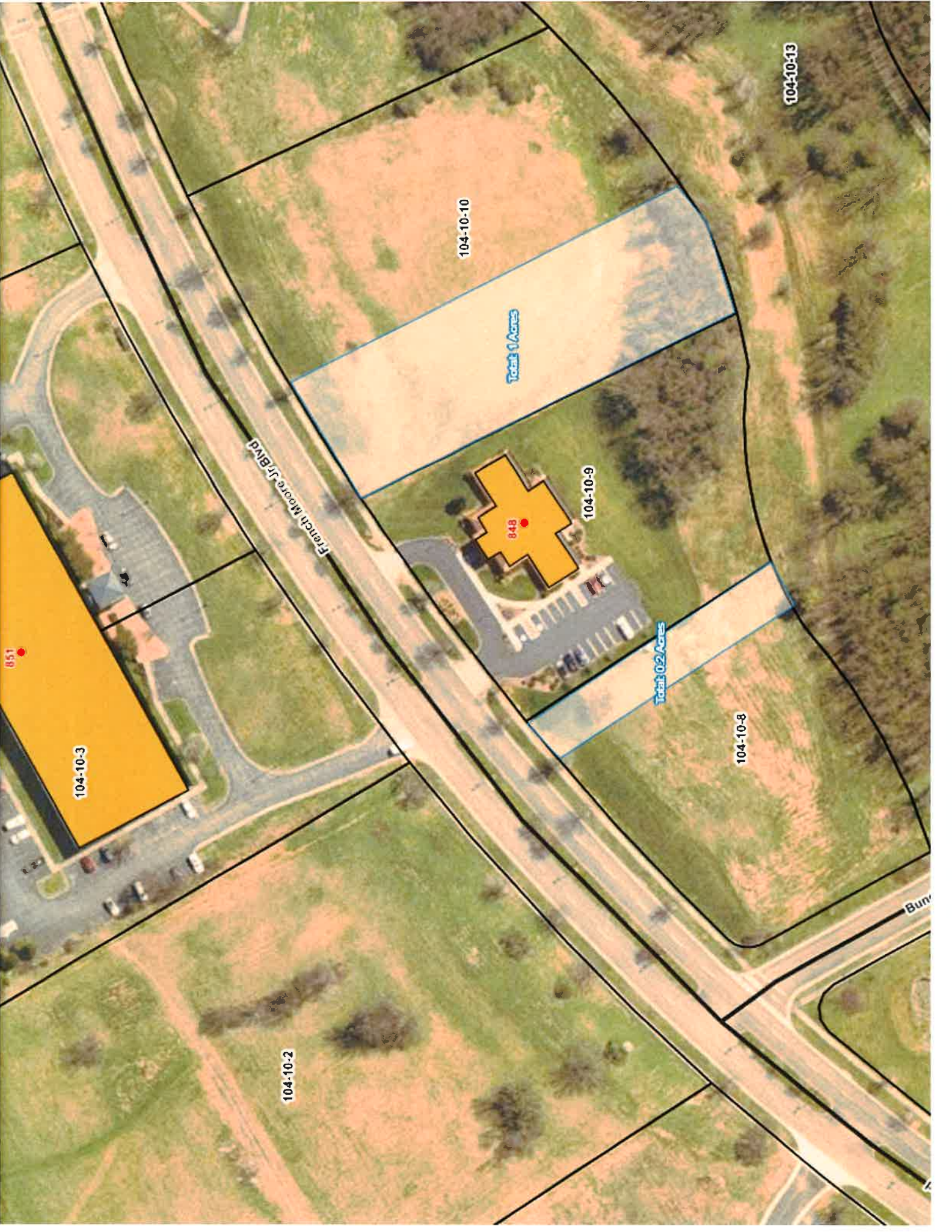
A handwritten signature in black ink that reads "Sean McMurray". The signature is fluid and cursive.

Sean McMurray  
Executive Director

SM/pgh

Attachment – Map of Town of Abingdon Parcels in Stone Mill Park





104-10-13

104-10-10

Total 1 Acres

104-10-9

Total 0.2 Acres

104-10-8

104-10-2

104-10-3

French Moore Blvd

851

848

Burn



**A RESOLUTION OF THE TOWN OF ABINGDON, VIRGINIA  
APPROVING A SALE OF A PORTION OF PROPERTY FROM TWO TAX PARCELS  
TAX MAP NO. 104-10-8 AND TAX MAP NO. 104-10-10**

**WHEREAS**, the request for purchase of property has been properly submitted to the Town and reviewed by the staff; and

**WHEREAS**, Article VII, Section 9 of the Virginia Constitution allows for the selling of real property to be granted above approval by Town Council, after public notification, public hearing and recording with the Washington County Clerk; and

**NOW THEREFORE BE IT RESOLVED** the Council approves and certifies the sale of a survey verified 0.2 acres of Tax Map No. 104-10-8 and survey verified 1.0 acres of Tax Map No. 104-10-10 and authorize the Town Attorney to draft appropriate documents and Town Manager to endorse the appropriate documents.

\_\_\_\_\_  
*Amanda Pillion, Mayor*

The undersigned Clerk of the Town of Abingdon, Virginia (the “Town”) hereby certifies that the foregoing constitutes a true and correct copy of a resolution duly adopted at a meeting of the Council held on April 1, 2024. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing resolution was as follows:

Member	Attendance	Vote
Amanda Pillion, Mayor		
Dwyane Anderson, Vice Mayor		
Derek Webb		
Donna Quetsch		
Wayne Austin		

WITNESS my hand and seal of the Town of Abingdon as of April 1, 2024.

(SEAL) \_\_\_\_\_  
Kimberly Kingsley, Clerk

# ABINGDON TOWN COUNCIL

## Agenda Item Summary

**MEETING DATE:** April 1, 2024

**AGENDA ITEM:** K - 1

**ITEM TITLE:** First reading of an ordinance to repeal, amend and reenact Chapter 58 Solid Waste, Division 2 – Town Collection and Division 3 – Containers.

**SUMMARY:** Request to repeal, amend and reenact Section 58-50 Termination and renewal of solid waste service for uninhabitable premises

**Present:**

**§ 58-50 Termination of collection service to vacant premises.**

The collection of solid waste and the service charge therefore shall be terminated upon presentation of satisfactory proof to the Town Manager or designee that any dwelling unit or other establishment is unoccupied; however, service to any such dwelling unit or establishment shall be recommenced upon renewed occupancy thereof.

**Proposed:**

Solid waste collection and associated service charges shall cease upon submission of satisfactory proof of uninhabitability to the Town Manager or designee for any dwelling unit or establishment. Uninhabitability includes lack of essential utilities, structural problems, infestation, hazardous substances, violation of certain building codes, and/or lack of security. Uninhabitability does not include mere vacancy of occupants from the premises. Waste collection service and charges will be reinstated upon the premises becoming habitable. Property owners must notify the Town upon occupancy to establish waste collection.

PRIOR ACTION(S):

FISCAL IMPACT:

STAFF CONTACT(S): Mike Cochran, Town Manager

RECOMMENDATION: To adopt and waive second reading as presented.

**An Ordinance of the Council for the Town of Abingdon, Virginia  
to repeal, amend and reenact the Town Ordinance Chapter 58 Solid Waste,  
Division 2 - Town Collection and Division 3 - Containers**

**WHEREAS**, §15.2-1425, 15.2-1429, 15.2-927 of the Code of Virginia 1950, as amended, grants the local governing body in the performance of its duties, obligations and functions may adopt, as appropriate, ordinances and resolutions and motions; and

**WHEREAS**, the Town of Abingdon's current Code, Chapter 58 Solid Waste, Division 2 – Town Collection and Division 3 - Containers, the Council for the Town of Abingdon has found it in the best interest to repeal, amend, and reenact the body of its ordinance; and

**NOW, THEREFORE BE IT ORDAINED** by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

2. The Town of Abingdon's current Code, Chapter 58 Solid Waste, Division 2 – Town Collection and Division 3 - Containers, that are proposed for amendment currently appear as follows:

**DIVISION 2 - TOWN COLLECTION**

**§ 58-41 Collection generally.**

- a. The Town shall provide for the collection of all basic solid waste within the Town, provided that the Town employees and vehicles necessary for solid waste collection can access the Town- issued solid waste container(s) while remaining on public rights-of-way. The Town may provide the collection service by contracting with an individual, corporation, county or other Town or a combination thereof, for the entire Town or portions thereof, as deemed to be in best interest of the Town. All other generators of other types of solid waste shall through arrangement under private contract, provide for the safe, legal, and timely disposal of solid waste.
- b. As part of the collection of solid waste, and to meet state mandated recycling goals, the Town may provide for a recycling program for the basic solid waste, single-family, residential refuse customers of the Town. Under the program, the Town may provide to such customers once a week curbside pickup from special containers or the Town's contractor for recyclable materials, which may include paper, aluminum, plastics, metal and bimetal cans and other materials determined by the Town Manager or the Town's contractor. The Town or its contractor may transport, market, and dispose of the recycled material which, upon collection, shall become the property of the Town. As part of the recycling program, the Town may also assist private and public recycling efforts that take place within the Town and benefit Town citizens, especially those not currently served by the Town's recycling program.

- c. The service of collecting solid waste is designed as an integral part of the Town's program of health and sanitation, to be operated as an adjunct to the Town's system for providing sanitary sewage disposal. All liquid waste (nonhazardous) shall be drained from garbage before the garbage is placed in a Town-issued solid waste container, and the liquid shall then be disposed of in the sanitary sewer system.
- d. Solid waste collectors employed by the Town, or a solid waste collection agency operating under contract with the Town, shall be responsible for the collection of solid waste from the point of collection. Any spillage or blowing of waste because of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

**§ 58-42 Rules and regulations governing storage, collection, processing, and disposal of basic solid waste by the Town.**

- a. The Town Manager or designee, shall make, amend, revoke, and enforce reasonable and necessary rules and regulations governing, but not limited to the following:
  - 1. Preparation, drainage and wrapping of garbage deposited in Town-issued solid waste containers.
  - 2. Specifications for Town-issued solid waste containers, including the type, composition, equipment, size, and shape thereof.
  - 3. Maximum number of units or entities within a parcel, property, or development eligible for Town solid waste collection service, and the maximum number of Town-issued solid waste containers per same units, entities, properties, or developments.
  - 4. Identification of Town-issued solid waste containers and of the cover thereof, and of equipment thereto appertaining, if any.
  - 5. Weight limitations on the combined weight of Town-issued solid waste containers and the contents thereof, and weight and size limitations on solid waste too large for Town-issued solid waste containers.
  - 6. Storage of solid waste in Town-issued solid waste containers. Upon paying for a Town-issued solid waste container it becomes the property of the purchaser. All cans shall be maintained by the purchaser. If damage occurs due to Town collection protocols, the Town will replace the solid waste container in whole or part based on the damage.
  - 7. Sanitation, maintenance, and replacement of Town-issued solid waste containers.
  - 8. Schedules of and routes for collection and transportation of solid waste.
  - 9. Collection, transportation, processing, and disposal of solid waste.
  - 10. Processing facilities and fees for the use thereof.
  - 11. Disposal facilities and fees for the use thereof.
  - 12. Records of quality and type of wastes received at processing and disposal facilities.
  - 13. Handling of special wastes such as toxic wastes, sludges, ashes, agriculture and construction wastes, bulk items, tires, automobiles, oils, grease, etc.
  - 14. Recycling.

The Town Manager or designee may allow an exception to the above rules and regulations if deemed a benefit to public health and safety, and if it does not interfere with the safe and efficient operation of the Town solid waste collection service.

- b. A copy of all rules and regulations made and promulgated under the provisions of this section shall be filed in the office of the Town Clerk and shall have the same force and effect as if set forth fully in this article.

**§ 58-43 Frequency of collection.**

Residential and light commercial basic solid waste shall be collected once a week. Recyclable materials, when offered, shall be collected once a week, and the collection routes and schedule shall be the same as the basic solid waste collection. The Town Manager or designee may vary the frequency of collection prescribed by this section to accommodate Town observed holidays.

USE	RESIDENTIAL	COMMERCIAL		GREASE AND HAZARDOUS	
	-	Light Commercial	Heavy Commercial	Grease Trap	Hazardous Waste
	Owner or tenant may purchase up to 2 garbage cans	Owner or tenant may purchase up to 3 garbage cans	Commercial service required.	Commercial service required.	
Single Family resident	X	X			
Duplex	X	X			
Tri-Plex	X	X			
Quad	X	X			
Mobile Home	X				
Mobile Home Parks			X		
Office usage (15 or fewer spaces or tenants)		X			
Office usage (15 or greater spaces or tenants)			X		
Café, restaurant or other food establishment			X	X	
Food production / Catering			X	X	
Retail less than 10,000 sf or Home Business		X			
Retail larger than 10,000 sf			X		
Medical Office			X		X

Landscaping Company			X		
Entertainment facilities			X		
Other uses not defined	**As determined by the Town Manager or designee			-	
USE	RESIDENTIAL	COMMERCIAL		GREASE AND HAZARDOUS	
	-	Light Commercial	Heavy Commercial	Grease Trap	Hazardous Waste
	Owner or tenant may purchase up to 2 garbage cans	Owner or tenant may purchase up to 3 garbage cans	Commercial service required.	Commercial service required.	
Single Family resident	X	X			
Duplex	X	X			
Tri-Plex	X	X			
Quad	X	X			
Mobile Home	X				
Mobile Home Parks			X		
Office usage (15 or fewer spaces or tenants)		X			
Office usage (15 or greater spaces or tenants)			X		
Café, restaurant or other food establishment			X	X	
Food production / Catering			X	X	
Retail less than 10,000 sf or Home Business		X			
Retail larger than 10,000 sf			X		
Medical Office			X		X
Landscaping Company			X		
Entertainment facilities			X		
Other uses not defined	**As determined by the Town Manager or designee			-	

**§ 58-44 Placement for collection; permitted and excluded contents.**

- a. All Town-issued solid waste containers containing basic solid waste for collection by the Town shall be set out not later than 7:00 a.m. on collection days, and not later than 6:30 a.m. on collection days for those that place their Town-issued solid waste containers along Main Street for collection, and shall be placed in such location as may be specified by the Town Manager or his designee so that they can be reached easily and conveniently by the Town's employees and solid waste collection vehicles and equipment. No Town employee shall enter any building for the removal of solid waste.
- b. All basic solid waste from premises to which collection services are provided by the Town, as well as bulky rubbish, brush, and white goods, as described in sections 58-46 and 58-69 respectively, shall be placed at the curb or edge of the street or alley for collection. Recycled materials must be placed in the container provided by the Town or its agent and placed at the curb or edge of the street or alley for collection. Any Town-issued solid waste containers, recycling containers, or other solid wastes either required or permitted to be placed at the curb or edge of the street or alley for collection shall be placed so as not to create a nuisance, obstruct the flow of stormwater, or block sidewalks or other traveled ways. Empty containers shall be removed from the right-of-way and returned to their place of storage (out of sight from the public right of way.)
- c. All garbage containing liquid or vegetable matter subject to decay or fermentation shall be drained of moisture before being placed in the receptacles provided, therefore. Liquid wastes may not be disposed of in Town-issued solid waste containers.
- d. Demolition and construction waste, factory cuttings, trade wastes, commercial landscaping waste not generated on the site, or similar materials shall not be set out for removal by the Town or its agent. Such materials shall be disposed of by the occupants of the premises on which they are collected.
- e. All garbage cans that contain more than 50% animal waste shall not be collected.

**§ 58-45 Collection charges.**

- a. There is hereby imposed, for the collection and disposal of solid waste, and for the improvement of the public health and environment, a solid waste collection charge for each dwelling unit and each light commercial solid waste business—within the Town. The charges for solid waste, interest, penalties, and fees shall be as established by the Town Council from time to time.



- b. The Town Manager or designee is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of the disposal service charges provided for in this section. A copy of all such rules and regulations shall be filed in the office of the Town Clerk.
- c. The Town may enforce collection of the charges provided for in this section by bringing proper collection action to recover any sums due, plus a reasonable attorney's fee to be fixed by the court, plus the cost of such action as well as any applicable fees and interest.
- d. The charges provided for in this section and the bills therefore shall be governed by the applicable provisions of this Code or applicable Town rules and regulations relating to charges for sanitary sewer service and interest and penalties on late payments among other provisions. However, if solid waste collection charges are not paid, collection will be refused when the charges become two months past due.
- e. The Town Manager or designee is authorized and directed, on application, to exempt from the payment of charges imposed by this section those citizens who qualify for (but do not necessarily participate in) the real estate tax exemption or deferral program. These latter exemptions shall apply to the exemption herein created, with necessary changes, except no requirement of real estate ownership shall exist, the scheduling of application for exemptions and notification to participants may be flexible, and there shall be no proration of the exemption.

**§ 58-46 Brush collection.**

Brush, consisting of trimmings from trees and shrubbery, less than 10 feet in length and six inches in diameter to be collected by the Town or its agents, shall be placed in stacks parallel to the street in a manner which will not block vehicular travel, vehicular sight distance, storm drainage, sidewalks, entrances, or fire hydrants. Brush stacks shall be placed along the road frontage of the property that generates the brush, unless doing so creates one of the previous blockages.

- a. If the brush stack for one property is greater than one truckload, the remainder of the brush stack will be hauled at such time as a vehicle is available in order not to interrupt the regular collection schedule.
- b. Shrubby trimmings and leaves shall be placed in stacks parallel to the street in the same manner as brush which will not block vehicle travel, vehicle sight distance, storm drainage, sidewalks, entrances, or fire hydrants. Materials shall not be of a hazardous nature nor shall any individual item weigh more than 50 pounds.
- c. Clearing of a lot for development is not considered brush and must be collected and disposed of by the property owner. Brush collection services shall not be provided for development waste through the removal of herbaceous material by a landowner or contractor.

**§ 58-46-A Brush collection charges for commercial properties.**

- a. Each commercial solid waste business, where brush is present, shall be charged a brush collection fee when service is provided. The brush collection charge, interest, penalties, and fees shall be as established by the Town Manager or designee from time to time.
- b. The Town Manager or designee is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of the brush charges provided for in this section. A copy of all such rules and regulations shall be filed in the office of the Town Clerk.
- c. Each residential customer shall be provided brush pick up once a week.
- d. Any and all additional required pick-ups shall be requested for an additional fee.
- e. If brush is placed at curb more than 48 hours prior to pick up, the Town will charge the customer the additional pick-up fee.

**§ 58-47 Collection of bulky rubbish.**

Bulky rubbish will be collected if separated from other waste and set out as prescribed by regulations to be made and promulgated by the Town Manager or designee pursuant to Section 58-42.

- a. White goods shall be collected only during those days designated by the Town Manager or designee. This service is available only to locations receiving residential collection or multi-family / mobile home park services. Bulky rubbish shall be placed roadside no more than 48 hours before scheduled collection.
- b. For all white goods which contain refrigeration units, the owner must remove the refrigeration unit and dispose of it according to federal and state regulations prior to setting the item out for collection by the Town or its agent. Any white goods that still have refrigeration units shall not be collected by the Town.
- c. Bulky rubbish shall only be collected during days designated by the Town Manager or designee. This service is only available to locations receiving residential collection or multi-family / mobile home park service.
- d. Bulky rubbish shall not be placed for collection in such a manner that it blocks vehicular travel, vehicular sight distance, storm drainage, sidewalks, entrances, or fire hydrants. Bulky rubbish shall be placed along the road frontage of the property that generates the bulky rubbish, unless doing so creates one of the previous blockages. Bulky rubbish shall be placed roadside no more than 24 48 hours before scheduled collection.
- e. Any residential property owner is eligible to receive, for the service charge to be established by the Town Manager or designee, and as equipment and staff availability allows a service whereby the Town will deliver a trailer to a property within the Town corporate limits, allow up to a week for the user to load the trailer with bulky rubbish, then transport the trailer to the appropriate waste facility. The user will then be billed the applicable charge. This service is restricted to one time per month per property.

**§ 58-47-A- Bulky Trash collection charges.**

- a. Each Apartment Complex and Mobile Home Park shall be charged a Bulky Trash collection charge. The Bulky Trash collection charge, interest, penalties, and fees shall be as established by the Town Manager from time to time.
- b. The Town Manager or designee is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of the Bulky Trash charges provided for in this section. A copy of all such rules and regulations shall be filed in the office of the Town Clerk.
- c. Any bulky trash placed more than 48 hours prior to the established pick-up day shall be charged the additional pick-up fee. If the invoice for pick up is not paid, the Town reserves the right to place a lien on the property until such time payment is received.

**§ 58-48 Ownership after collection.**

All solid waste, but not hazardous waste, collected for disposal or recycling shall become the property of the Town.

**§ 58-49 Interference with collection equipment or collectors.**

It shall be unlawful for any person to interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collector shall be those of the Town or those of a solid waste collection agency operating under contract with the Town.

**§ 58-50 Termination of collection service to vacant premises.**

The collection of solid waste and the service charge therefore shall be terminated upon presentation of satisfactory proof to the Town Manager or designee that any dwelling unit or other establishment is unoccupied; however, service to any such dwelling unit or establishment shall be recommenced upon renewed occupancy thereof.

**§ 58-51 Disposal generally.**

- a. Solid wastes shall be deposited at a processing facility or disposal area or recycled. It shall be unlawful for any person to dispose of solid waste at any facility or location that is not approved by the Town and the state department of health.
- b. The Town Manager or designee may classify certain wastes as hazardous wastes. Hazardous wastes shall not be accepted for collection by the Town but shall be disposed of in a manner that meets all local, state, and federal regulations by the generators of such waste.

**§ 58-52 General requirements for vehicles transporting solid waste.**

All vehicles used for the transportation of solid waste shall be maintained in a safe, clean, and sanitary condition and shall be so constructed, maintained, and operated as to prevent spillage of solid waste there from. Every such vehicle shall be constructed with a watertight body and with a cover which may be an integral part of the vehicle or may be a separate cover of suitable material

with fasteners designed to secure the vehicle in transporting solid waste, or, as an alternate, the entire body thereof shall be enclosed, with only the loading hopper exposed. No solid waste shall be transported in the loading hopper.

**§ 58-53 Transportation of earth, rock, and other loose material.**

Earth, rock, and other loose material shall be conveyed in tight vehicles, trucks, or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way. Vehicles shall be equipped with approved functioning covers, which shall be utilized to prevent the contents from blowing from the vehicle whenever it is in operation upon the public rights-of-way.

**§ 58-54 Required.**

- a. The occupant of any dwelling unit generating residential solid waste, and of every institutional, commercial, business, and/or agricultural establishment producing light commercial solid waste within the corporate limits of the Town, will be provided with up to two Town-issued solid waste containers for a fee. The fee for the Town-issued solid waste containers shall be set by the Town Manager. Such occupant shall place ~~all~~ solid waste generated on the premises in the Town-issued solid waste containers, except for bulky rubbish, large brush, white goods, and hazardous waste. The solid waste shall be placed in the Town-issued solid waste container so that the lid closes completely.
- b. The requirements of Subsection (a) of this section, and the other rules in this article dealing with specifications for solid waste containers shall not apply to solid wastes to be recycled. Where recycling service is available, the Town or the Town's agent shall provide a suitable container or containers prescribed by the Town Manager, for recycling. The Town Manager and/or the Town's agent shall take appropriate steps to replace the recycling containers as necessary.

**§§ 58-55 - 58-65 (Reserved)**

**§ 58-68 Commercial containers.**

Any commercial, industrial, institutional, or agricultural establishment that generates more solid waste than specified in the definition of light commercial solid waste, and any multi-family dwellings consisting of more than six units, shall be required to contract with a private solid waste collection provider for containers to be used for placing solid waste between collections, and for the collection of solid waste. The containers shall be waterproof and leak proof and shall meet all requirements of the state department of health.

- a. Any one unit or entity receiving Town solid waste collection service that regularly exceeds the capacity of three Town-issued solid waste containers may be required to contract with a private solid waste collection provider for solid waste containers and collection. At that time, the Town-issued solid waste container will be recovered by the Town.

### **DIVISION 3 - CONTAINERS**

#### **§ 58-69 No containers for brush and yard wastes.**

Small yard wastes, such as grass clippings, shall be placed fully within the Town- issued solid waste containers. Bulky yard waste shall be disposed of as provided by ordinance.

#### **§ 58-70 Solid waste to be kept covered.**

- a. Solid waste containers shall not be filled more than level full and shall be kept always covered except when depositing waste therein or removing the contents thereof. Basic solid waste set out for collection shall be enclosed within the required container with the lid completely closed.
- b. Commercial dumpsters which habitually violate the closed lid requirement, or habitually have solid waste deposited outside of the container, will be deemed a public nuisance and health hazard, and will be subject to compliance with the Town of Abingdon, Virginia Code of Ordinances Chapter 30, § 30-52.

#### **§ 58-71 Maintenance.**

It shall be the duty of the occupant or owner of every dwelling unit or establishment for which Town-issued solid waste containers are provided by this division to always maintain such containers in good repair and to maintain such containers and the area surrounding them in a clean, neat, and sanitary condition always. A fee will be imposed on the user to replace a Town- issued solid waste container if it the container is damaged by misuse on the part of the user or lost.

#### **§ 58-72 Storage.**

Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property.

#### **§ 58-73 Unlawful use.**

It shall be unlawful for any person to deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container, or with the intent of avoiding payment of the service charge provided in this article for solid waste collection and disposal. It shall be unlawful for any person living outside the corporate limits of the Town or any business not located in the Town to make use of Town solid waste collection services by bringing any solid waste into the Town limits and placing the same in or near any receptacles set out for Town collection.

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Council for the Town of Abingdon Code, Chapter 58 Solid Waste, Division 2 – Town Collection and Division 3 – Containers be repealed, amended, and reenacted as follows:

**DIVISION 2 - TOWN COLLECTION**

**§ 58-41 Collection generally.**

- a. The Town shall provide for the collection of all basic solid waste within the Town, provided that the Town employees and vehicles necessary for solid waste collection can access the Town- issued solid waste container(s) while remaining on public rights-of-way. The Town may provide the collection service by contracting with an individual, corporation, county or other Town or a combination thereof, for the entire Town or portions thereof, as deemed to be in the best interest of the Town. All other generators of other types of solid waste shall, through arrangement under private contract, provide for the safe, legal, and timely disposal of solid waste.
- b. As part of the collection of solid waste, and to meet state mandated recycling goals, the Town may provide for a recycling program for the basic solid waste, single-family, residential refuse customers of the Town. Under the program, the Town may provide to such customers once a week curbside pickup from special containers or the Town's contractor for recyclable materials, which may include paper, aluminum, plastics, metal and bimetal cans and other materials determined by the Town Manager or the Town's contractor. The Town or its contractor may transport, market, and dispose of the recycled material which, upon collection, shall become the property of the Town. As part of the recycling program, the Town may also assist private and public recycling efforts that take place within the Town and benefit Town citizens, especially those not currently served by the Town's recycling program.
- c. The service of collecting solid waste is designed as an integral part of the Town's program of health and sanitation, to be operated as an adjunct to the Town's system for providing sanitary sewage disposal. All liquid waste (nonhazardous) shall be drained from garbage before the garbage is placed in a Town-issued solid waste container, and the liquid shall then be disposed of in the sanitary sewer system.
- d. Solid waste collectors employed by the Town, or a solid waste collection agency operating under contract with the Town, shall be responsible for the collection of solid waste from the point of collection. Any spillage or blowing of waste because of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

**§ 58-42 Rules and regulations governing storage, collection, processing, and disposal of basic solid waste by the Town.**

- a. The Town Manager or designee, shall make, amend, revoke, and enforce reasonable and necessary rules and regulations governing, but not limited to the following:

1. Preparation, drainage and wrapping of garbage deposited in Town-issued solid waste containers.
2. Specifications for Town-issued solid waste containers, including the type, composition, equipment, size, and shape thereof.
3. Maximum number of units or entities within a parcel, property, or development eligible for Town solid waste collection service, and the maximum number of Town-issued solid waste containers per same units, entities, properties, or developments.
4. Identification of Town-issued solid waste containers and of the cover thereof, and of equipment thereto appertaining, if any.
5. Weight limitations on the combined weight of Town-issued solid waste containers and the contents thereof, and weight and size limitations on solid waste too large for Town-issued solid waste containers.
6. Storage of solid waste in Town-issued solid waste containers. Upon paying for a Town-issued solid waste container it becomes the property of the purchaser. All cans shall be maintained by the purchaser. If damage occurs due to Town collection protocols, the Town will replace the solid waste container in whole or part based on the damage.
7. Sanitation, maintenance, and replacement of Town-issued solid waste containers.
8. Schedules of and routes for collection and transportation of solid waste.
9. Collection, transportation, processing, and disposal of solid waste.
10. Processing facilities and fees for the use thereof.
11. Disposal facilities and fees for the use thereof.
12. Records of quality and type of waste received at processing and disposal facilities.
13. Handling of special wastes such as toxic wastes, sludges, ashes, agriculture and construction wastes, bulk items, tires, automobiles, oils, grease, etc.
14. Recycling.

The Town Manager or designee may allow an exception to the above rules and regulations if deemed a benefit to public health and safety, and if it does not interfere with the safe and efficient operation of the Town solid waste collection service.

- b. A copy of all rules and regulations made and promulgated under the provisions of this section shall be filed in the office of the Town Clerk and shall have the same force and effect as if set forth fully in this article.

#### **§ 58-43 Frequency of collection.**

Residential and light commercial basic solid waste shall be collected once a week. Recyclable materials, when offered, shall be collected once a week, and the collection routes and schedule shall be the same as the basic solid waste collection. The Town Manager or designee may vary the frequency of collection prescribed by this section to accommodate Town observed holidays.

USE	RESIDENTIAL	COMMERCIAL		GREASE AND HAZARDOUS	
	-	Light Commercial	Heavy Commercial	Grease Trap	Hazardous Waste
	Owner or tenant may purchase up to 2 garbage cans	Owner or tenant may purchase up to 3 garbage cans	Commercial service required.	Commercial service required.	
Single Family resident	X	X			
Duplex	X	X			
Tri-Plex	X	X			
Quad	X	X			
Mobile Home	X				
Mobile Home Parks			X		
Office usage (15 or fewer spaces or tenants)		X			
Office usage (15 or greater spaces or tenants)			X		
Café, restaurant or other food establishment			X	X	
Food production / Catering			X	X	
Retail less than 10,000 sf or Home Business		X			
Retail larger than 10,000 sf			X		
Medical Office			X		X
Landscaping Company			X		
Entertainment facilities			X		
Other uses not defined	**As determined by the Town Manager or designee			-	



**§ 58-44 Placement for collection; permitted and excluded contents.**

- a. All Town-issued solid waste containers containing basic solid waste for collection by the Town shall be set out not later than 7:00 a.m. on collection days, and not later than 6:30 a.m. on collection days for those that place their Town-issued solid waste containers along Main Street for collection, and shall be placed in such location as may be specified by the Town Manager or his designee so that they can be reached easily and conveniently by the Town's employees and solid waste collection vehicles and equipment. No Town employee shall enter any building for the removal of solid waste.
- b. All basic solid waste from premises receiving Town collection services, including bulky rubbish, brush, and white goods, as described in sections 58-46 and 58-69 respectively, shall be placed at the curb or edge of the street or alley for collection. Recycled materials must be placed in the container provided by the Town or its agent and placed at the curb or edge of the street or alley for collection. Any Town-issued solid waste containers, recycling containers, or other permitted waste must be placed in a manner that does not create a nuisance, obstruct stormwater flow, or block sidewalks or traveled ways. Empty containers shall be promptly removed from the right-of-way and stored out of sight of the public.
- c. All garbage containing liquid or vegetable matter subject to decay or fermentation shall be drained of moisture before disposal. Liquid waste should not be disposed of in Town-issued solid waste containers.
- d. Materials such as demolition and construction waste, factory cuttings, trade wastes, commercial landscaping waste not generated on-site are prohibited from being set out for removal by the Town or its agency. Occupants of the premises where these materials are collected are responsible for their disposal.
- e. Containers with more than 50% animal waste shall not be collected.

**§ 58-45 Collection charges.**

- a. A solid waste collection charge is imposed to cover the costs associated with the collection and disposal of solid waste, contributing to the improvement of public health and the environment of the Town. Each dwelling unit and light commercial solid waste business within the Town is subject to this charge. The charges for solid waste collection, along with any applicable interest, penalties, and fees are determined by the Town Council and may be adjusted periodically.
- b. The Town Manager or designee is authorized to establish reasonable and necessary rules and regulations for billing and collecting disposal service charges outlined in this section. These rules aim to ensure efficient and fair billing processes. Copies of all rules and regulations related to billing and collection must be filed in the office of the Town Clerk for public access and reference.
- c. The Town has the authority to enforce the collection of charges outlined in this section. The Town may initiate collection actions to recover any outstanding sums

due, including reasonable attorney's fees determined by the Court. The costs associated with such legal actions, as well as any applicable fees and interest, may also be recovered.

- d. The charges outlined in this section, along with associated bills, are governed by relevant provisions of the Town's Code or applicable rules and regulations. If solid waste collection charges are not paid, collection services will be refused if charges remain unpaid for two months past the due date.
- e. The Town Manager or designee is authorized, on application, to exempt citizens from charges imposed by this section upon application (but do not necessarily participate in) the real estate tax exemption nor deferral program. Applicants meeting the qualification criteria will be exempted from charges, with necessary adjustments made to accommodate differences from the real estate tax exemption program. Application scheduling and participation notification may be flexible to accommodate applicants' needs. Exemptions granted under this provision will not be prorated.

**§ 58-46 Brush collection.**

Brush refers to trimmings from trees and shrubbery, each piece being less than 10 feet in length and six inches in diameter. Brush designated for collection by the Town, or its agents must be stacked parallel to the street. Stacks must be positioned in a manner that does not obstruct vehicular travel, vehicular sight distance, storm drainage, sidewalks, entrances, or fire hydrants. Brush stacks should be placed along the road frontage of the property where the brush is generated. Exception: If placing the stacks along the road frontage would cause any of the described blockages, an alternate location should be chosen.

- a. If the brush stack for one single property exceeds the capacity of one truckload, the remaining portion of the stack will be hauled away when another vehicle becomes available. This practice ensures that regular collection schedules are not interrupted due to the size of the brush stack.
- b. Shrubby trimmings and leaves must be stacked parallel to the street, like brush, ensuring they do not obstruct vehicle travel, sight distance, storm drainage, sidewalks, entrances, or fire hydrants. Materials should not pose a hazard, and individual items should not weigh more than 50 pounds.
- c. Waste resulting from lot clearing for development purposes is not considered brush and is the responsibility of the property owner for collection and disposal. Brush collection services will not be provided for waste generated during lot clearing for development, including the removal of herbaceous material by the landowner or contract.

**§ 58-46-A Brush collection charges for commercial properties.**

- a. Each commercial solid waste business that has brush present will incur a brush collection fee whenever service is provided. The brush collection charge, along with any associated interest, penalties, and fees, will be determined by the Town Manager

- or designee and may be adjusted periodically.
- b. The Town Manager or designee is empowered to create and implement reasonable and necessary rules and regulations for billing and collecting brush charges as outlined in this section. Copies of all rules and regulations pertaining to the billing and collection of brush charges must be filed in the office of the Town Clerk for public access and reference.
  - c. Each residential customer is entitled to have their brush picked up once a week.
  - d. Any additional pick-ups beyond the scheduled once-a-week service must be requested and will incur an additional fee.
  - e. If brush is placed at curb more than 48 hours before the scheduled pick-up, the Town will charge the customer an additional pick-up fee.

**§ 58-47 Collection of bulky rubbish.**

Bulky rubbish will be collected if it is separated from other waste and set out according to regulations established by the Town Manager or designee as outlined in Section 58-42.

- a. White goods will be collected only on days designated by the Town Manager or designee. This service is exclusively available to locations receiving residential collection or multi-family/mobile home park services. Bulky rubbish should be placed on the roadside no more than 48 hours before scheduled collection.
- b. Prior to setting out white goods with refrigeration units for collection by the Town or its agent, the owner must remove the refrigeration unit. The removed refrigeration unit must be disposed of in accordance with federal and state regulations. White goods that still contain refrigeration units will not be collected by the Town.
- c. Bulky rubbish will only be collected on days specified by the Town Manager or designee. This collection service is exclusively offered to locations receiving residential collection or multi-family / mobile home park service.
- d. Bulky rubbish must not obstruct vehicular travel, sight distance, storm drainage, sidewalks, entrances, or fire hydrants. Bulky rubbish should be placed along the road frontage of the property that generated it, unless doing so would create one of the obstructions. Bulky rubbish should be placed on the roadside no more than 24 to 48 hours before the scheduled collection.
- e. Residential property owners are eligible to receive a service, for charge determined by the Town Manager or designee, where the Town will deliver a trailer to property within the Town limits. Users are allowed up to a week to load trailer with bulky rubbish. The Town will then transport the loaded trailer to the appropriate waste facility. Users will be billed the applicable charge for this service. This service is restricted to one timer per month per property.

**§ 58-47-A- Bulky Trash collection charges.**

- a. Each apartment complex and mobile home park will incur a bulky trash collection charge. The bulky trash collection charge, along with any associated interest, penalties, and fees will be determined by the Town Manager and may be adjusted periodically.
- b. The Town Manager or designee is empowered to create and implement reasonable and

necessary rules and regulations for the billing and collection of bulky trash charges as outlined in this section. Copies of all rules and regulations for billing and collection of bulky trash charges must be filed in the office of the Town Clerk for public access and reference.

- c. Bulky trash placed more than 48 hours before the scheduled pick-up day will incur an additional pick-up fee. Failure to pay the invoice for pick-up may result in the Town placing a lien on the property until payment is received.

**§ 58-48 Ownership after collection.**

All solid waste collected for disposal or recycling, excluding hazardous waste, will become the property of the Town.

**§ 58-49 Interference with collection equipment or collectors.**

Interfering with solid waste collection and transportation equipment, or with waste collectors while they are performing their duties, is strictly prohibited. This rule applies to all equipment and collectors owned by the Town, as well as those of any contracted waste agency.

**§ 58-50 Termination and renewal of solid waste service for unhabitable premises.**

Solid waste collection and associated service charges shall cease upon submission of satisfactory proof of uninhabitability to the Town Manager or designee for any dwelling unit or establishment. Uninhabitability includes lack of essential utilities, structural problems, infestation, hazardous substances, violation of certain building codes, and/or lack of security. Uninhabitability does not include mere vacancy of occupants from the premises. Waste collection service and charges will be reinstated upon the premises becoming habitable. Property owners must notify the Town upon occupancy to establish waste collection.

**§ 58-51 Disposal generally.**

- a. Solid waste shall be deposited at a processing facility or disposal area, or recycling center approved by both the Town and the state department of health. It is unlawful for any person to dispose of solid waste at any facility or location not sanctioned by these authorities.
- b. The Town Manager or designee may classify certain waste as hazardous waste. Hazardous waste shall not be accepted for collection by the Town but shall be disposed of in a manner that meets all local, state, and federal regulations by the generators of such waste.

**§ 58-52 General requirements for vehicles transporting solid waste.**

All vehicles used for the transportation of solid waste shall be maintained in a safe, clean, and sanitary condition. They must be so constructed, maintained, and operated in a manner that prevents spillage of solid waste. Every vehicle must have a watertight body and cover, either integral or separate, made of suitable material with secure fasteners to prevent spillage during transportation. Alternatively, the entire body of the vehicle must be enclosed, with only the loading hopper exposed. Solid waste is prohibited from being transported in the loading hopper.

**§ 58-53 Transportation of earth, rock, and other loose material.**

Earth, rock, and other loose material shall be transported in vehicles, trucks or other receptacles that are tightly constructed and maintained to prevent any spillage onto public rights-of-way. These vehicles must be equipped with functioning covers approved by the authorities. These covers must be always utilized when the vehicle is in operation on public rights-of-ways to prevent the contents from blowing off.

**§ 58-54 Required.**

- a. The occupant of any dwelling unit generating residential solid waste, as well as any institutional, commercial, business, and/or agricultural establishment producing light commercial solid waste within the corporate limits of the Town, will be provided with up to two solid waste containers issued by the Town for a fee determined by the Town Manager. All solid waste generated on the premises must be placed in these Town-issued containers, except for bulky rubbish, large brush, white goods, and hazardous waste. The solid waste should be placed in the container in a manner that ensures the lid closes completely.
- b. Town-issued solid waste containers are available for a fee determined by the town Manager. Occupants are required to place all solid waste generated on the premises into these containers, except for bulky rubbish, large brush, white goods, and hazardous waste. Solid waste must be placed in the Town-issued containers in a manner that ensures the lid closes completely.
- c. The requirements outlined in Subsection (a) of this section, as well as other rules in this article concerning specifications for solid waste containers, do not apply to solid waste intended for recycling. When a recycling service is available, the Town or its agent will provide suitable container(s) as prescribed by the Town Manager for recycling purposes. The Town Manager and/or his agent will take appropriate measures to replace the recycling containers as needed.

**§§ 58-55 - 58-65 (Reserved)**

**§ 58-68 Commercial containers.**

Any commercial, industrial, institutional, or agricultural establishment generating more solid waste than specified in the definition of light commercial solid waste, as well as multi-family dwellings consisting of more than six units, must contract with a private solid waste collection provider for containers to be used between collections and for collection of solid waste. These containers must be waterproof, leak-proof, and comply with all requirements set by the state department of health.

- a. Any one unit or entity receiving Town solid waste collection service that consistently exceed the capacity of three Town-issued solid waste containers may be required to contract with a private solid waste collection provider for containers and collection services. In such cases, the Town-issued solid waste containers will be recovered by the Town.

## **DIVISION 3 - CONTAINERS**

### **§ 58-69 No containers for brush and yard wastes.**

Small yard waste, such as grass clippings, must be placed entirely within the Town- issued solid waste containers. Bulky yard waste shall be disposed of as specified by ordinance.

### **§ 58-70 Solid waste to be kept covered.**

- a. Solid waste containers shall not be filled beyond their capacity and should always be kept covered, except when waste is being deposited or removed. Basic solid waste intended for collection should be enclosed within the designated container, ensuring the lid is completely closed.
- b. Commercial dumpsters that consistently fail to comply with the requirement of keeping the lid closed or repeatedly have solid waste deposited outside of the container will be considered a public nuisance and health hazard. Such dumpsters will be subject to enforcement under the Town of Abingdon, Virginia Code of Ordinances Chapter 30, § 30-52.

### **§ 58-71 Maintenance.**

It is the responsibility of the occupant or owners of every dwelling unit or establishment provided with Town-issued solid waste containers by this division to always keep such containers in good repair and to maintain them, along with the surrounding area, in a clean, neat, and sanitary condition. A fee will be imposed on the user for the replacement of a Town-issued solid waste container if it is damaged due to misuse by the user or if it is lost.

### **§ 58-72 Storage.**

Residential solid waste containers must be stored on the residential premises. Commercial solid waste containers should be stored on private property.

### **§ 58-73 Unlawful use.**

It is illegal for any individual to deposit solid waste in a solid waste container other than their own, unless they have obtained written consent from the owner of the container or if the intent is to avoid payment of the service charge for solid waste collection and disposal as outlined in this article.

Furthermore, it is prohibited for any person residing outside the corporate limits of the Town or any business not situated within the Town to utilize Town solid waste collection services. This includes bringing solid waste into the Town limits and placing it in or near receptacles designated for Town collection.

**CERTIFICATE**

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend, and find it to be in correct form, as set forth above.

\_\_\_\_\_  
Cameron Bell, Counsel

This ordinance was adopted on the \_\_\_\_ day of \_\_\_\_\_, 2024 to take effect on the \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Amanda Pillion, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the “Town”), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on \_\_\_\_\_. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
Amanda Pillion, Mayor		
Dwyane Anderson, Vice Mayor		
Derek Webb		
Donna Quetsch		
Wayne Austin		

WITNESS MY HAND and the seal of the Town of Abingdon as of \_\_\_\_\_, 2024.

(SEAL)

\_\_\_\_\_  
Kimberly Kingsley, Clerk