

To: Board of Supervisors  
From: C. McGarry  
Re: County Administrator's Report for July 14 2026

- A. Expanded Polystyrene (EPS) Prohibition:** Pursuant to §10.1-1424.3 the phased prohibition on the delayed use of EPS containers until July 1, 2026 is now in effect. All food vendors such as a restaurant or similar retail food establishment are required to provide prepared food to a customer in something other than a Styrofoam container. Localities may grant local exemptions/extensions for a period of 1 year if the business satisfactorily demonstrates that compliance would impose an undue economic hardship on the food vendor; i.e. there is no reasonable alternative to EPS containers in use by that food vendor or compliance would cause significant economic hardship to the food vendor. County Administration has received one inquiry regarding an extension; but has not yet received a letter of request with undue hardship documentation.
- B. Gladstone Speed Limit Reduction Request (25 mph to 15 mph):** Staff has researched the discussion surrounding the previous request and found that the Board had concerns with the request coming from one or two individuals at the time and in the interim decided to have VDOT install Watch for Children signs at both ends of Gladstone Road and evaluate the effects of these on speeding in that area. The signs were installed in October 2025 and spring through summer is the busiest traffic timeframe with people cutting over to the boat ramp at Allen's Creek. The Board also expressed concerns that a decision to reduce the speed limit in the area would set a precedent for other 25mph residential/business districts. A possibility may be to have VDOT install a sign for additional fines for exceeding the speed limit. Staff has checked with Robert Brown of VDOT, and he said certain criteria had to be met with one of the main criteria to meet is the street must have an operating speed that is at least 10 mph over the posted speed limit. Mr. Brown noted that the last VDOT speed study on Rte. 656 in Gladstone revealed the 85th operating speed was 30 mph, which would not meet the 10 mph over the posted speed limit requirement. He noted he would be glad to discuss this further if the County and residents would like to pursue traffic calming on Rte. 656 in Gladstone.
- C. Nelson/Augusta Boundary Line Adjustment:** At the June meeting, the Board indicated its consensus with Supervisor Lenahan's proposal to look at a boundary line adjustment between Nelson and Augusta County that would move the line at the top of Wintergreen and the top of Afton Mountain to better enable provision of EMS services to those properties and for inclusion of the whole Afton Mountain hotel property to remedy the line splitting the property between the two counties; to enable its structural condemnation. I later got clarification to look at making the line consistent with the Blue Ridge Parkway at Wintergreen. Preliminary GIS maps show that this movement in the Wintergreen area does result in the addition of properties; further investigation is needed to confirm how many and which ones. Staff is also working to confirm if these properties are included in the RPC and Wintergreen Master Plan. A reasonable line adjustment at the top of Afton Mountain needs to be further investigated and identified. I have not yet reached out to my counterpart in Augusta to begin this conversation.

State Code authorization and procedures for boundary line adjustments between two or more localities is found in §15.2, Chapter 31, Article 2 Relocation or Change, by Agreement, of Boundary Line Between Localities; Adjustment by Court. (**§15.2-3106 et seq.**) Two primary methods are described for mutual agreement: (1) Adjustment by voluntary agreement or (2) Court-ordered adjustment after an impasse. Other methods include annexation Title 15.2 Chapter 32, which involves a complex court process. **See attached Code sections, AI (Google Gemini) generated summary, and GIS maps.**

- D. Afton Mountain - Augusta EDA Grant:** Augusta County is the lead on an EDA grant to develop the Dulaney property on Afton Mountain with Nelson's support. The latest update from Augusta County is that the property owners are working towards a request for proposals for developers. Augusta County is

working closely with them to support them in these efforts and is continuing to seek other grant opportunities for this.

- E. Nelson Memorial Library Repairs:** The repairs to the Nelson Memorial Library have been completed. A second tractor trailer entered the parking lot and damaged a tree while trying to turn around. Staff is looking into signage that would restrict tractor trailer access to the parking lot along with signage alerting them before they get to the turn. VDOT is being consulted on this signage being in the ROW between the stop light and the Visitor Center turn.
- F. DSS Building Project:** As of the construction meeting on July 1<sup>st</sup>, framing was 95% done, plumbing and electric rough-in was almost done, sprinkler and HVAC work was up next as well as sheathing, brick work and timber framing. The building is expected to be dried in at the end of July. An IT pre-planning meeting was held with the access and security contractor, with a walk through scheduled to look at electrical outlet box placement. Wires can begin to be pulled once the building is dried in. We will have a schedule update after the roof is on.

### Project Financials:

| Construction Contract - Coleman-Adams |                                                                                                                                                         |                        |                 |                          |                        |                         |  |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------|--------------------------|------------------------|-------------------------|--|
| Original Contract                     |                                                                                                                                                         |                        | \$ 6,684,799.00 | <u>Paid to Date</u>      | <u>5% Retainage</u>    | <u>Contract Balance</u> |  |
| * Change Orders to Date               | 2.25%                                                                                                                                                   | \$ 150,450.18          |                 |                          |                        |                         |  |
| <b>New Contract to Date</b>           |                                                                                                                                                         | <b>\$ 6,835,249.18</b> |                 | <b>\$ (2,266,064.42)</b> | <b>\$ (119,266.55)</b> | <b>\$ 4,449,918.21</b>  |  |
| *CO-1                                 | Roof sheathing change from plywood to gypsum & metal roofing fasteners                                                                                  |                        |                 |                          |                        |                         |  |
| *CO-2                                 | Building security work station computer, water pressure valve, sprinkler system modification, CVEC electrical service distribution (transformer change) |                        |                 |                          |                        |                         |  |
| *CO-3                                 | Demo of existing sign, addition of waer filtration system, site-work related to water main break (builder's risk insurance covered)                     |                        |                 |                          |                        |                         |  |

| A&E Contract - PMA Architecture |  |  |                      |
|---------------------------------|--|--|----------------------|
| Contract                        |  |  | \$ 1,197,151.00      |
| Payments to Date                |  |  | \$ (921,746.20)      |
| <b>Contract Balance</b>         |  |  | <b>\$ 275,404.80</b> |

| VRA Series 2025B Project Financing |                        |
|------------------------------------|------------------------|
| Opening Balance                    | \$ 7,179,064.43        |
| Draws to Date                      | \$ (1,754,955.26)      |
| <b>Remaining Balance</b>           | <b>\$ 5,424,109.17</b> |

- G. Cover The Caboose:** The Invitation to Bid for the Piney River Caboose cover project is in process but is delayed until we have the necessary stamped engineer's drawings to be included. With this being a commercial structure, engineered stamped project plans are required for Building Code compliance. We have received a couple of quotes for engineering services and once drawings and specifications are completed, they can be incorporated into the IFB for issuance. A new timeline will be communicated to the Board once it is determined.
- H. Meals and Lodging Tax Collection & Lodging Entity Tracking:** See Attached Charts - Lodging Units went from 866 to 872. TOT and Meals taxes collected at the end of the FY26 are \$2,821,298 and \$1,570,037.
- I. Staff Reports:** Department and office reports for May/June have been provided. More detailed Animal Control reporting will begin in August.

Changing a [Virginia](#) locality boundary line requires a formal, legally prescribed process that involves an **agreement between the affected localities**, public hearings, and final approval by the **Circuit Court**.

### **Process for a Boundary Line Change by Mutual Agreement**

The most common method is a voluntary agreement between the governing bodies of the involved localities, as outlined in the Code of Virginia, specifically [§ 15.2-3106 et seq.](#)

1. **Agreement and Public Notice:** The governing bodies negotiate and agree on the proposed change. Each must advertise their intention to adopt the agreement for two successive weeks in a local newspaper and notify affected property owners by mail.
2. **Public Hearings:** Prior to adopting the agreement, each locality must hold at least one public hearing.
3. **Petition to Circuit Court:** After adopting the agreement, each locality must petition the circuit court for approval, including details like a map of the new boundary.
4. **Court Order and Recordation:** The Circuit Court reviews the petition and, if procedures were followed, enters an order establishing the new boundary. A certified copy is recorded in land records and sent to the Secretary of the Commonwealth.

### **Process for a Disputed Boundary Location**

If localities agree a change is needed for better public services but disagree on the new boundary location, they can petition the Circuit Court to decide. The court refers the petition to the Commission on Local Government (CLG) for review, then hears evidence from the CLG and others before making a decision.

### **Other Methods**

- **Annexation:** Cities and towns can initiate annexation of county territory through a complex court process governed by the Code of Virginia, Title 15.2, Chapter 32.
- **Voluntary Settlement Agreement:** Localities can enter into broader agreements that may include boundary changes, often involving review by the Commission on Local Government.

For detailed information, refer to the [Code of Virginia Title 15.2, Chapter 31](#) and Chapter 32 online.

The two primary methods for changing a Virginia locality boundary line are **adjustment by voluntary agreement** and **court-ordered adjustment after an impasse**. Both methods ultimately require a court order, but the process and the level of Commission on Local Government (CLG) involvement differ significantly.

The procedural differences are outlined in the following table:

| <b>Feature</b>                                     | <b>Method 1: Voluntary Agreement<br/>(Code § 15.2-3106 et seq.)</b>               | <b>Method 2: Court-Ordered<br/>Adjustment after Impasse (Code §<br/>15.2-3109 et seq.)</b> |
|----------------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>Initiation</b>                                  | Both localities agree on the boundary change.                                     | Both localities agree a change is needed but not on the location.                          |
| <b>Process</b>                                     | Localities follow procedures including public hearings and adopting an agreement. | Localities jointly petition the circuit court.                                             |
| <b>Commission on Local Government (CLG) Review</b> | Not required if the location is agreed upon.                                      | The court refers the petition to the CLG for recommendations.                              |
| <b>Court Involvement</b>                           | A single judge reviews the agreement and enters an order.                         | A special three-judge court hears evidence and enters an order.                            |
| <b>Property Owner Rights</b>                       | Owners of at least one-third of affected parcels can object.                      | Affected property owners can object.                                                       |
| <b>Standard for Ruling</b>                         | Court confirms statutory procedures were followed.                                | Court establishes the line that best promotes service efficiency.                          |
| <b>Documentation</b>                               | Agreement includes a plat, metes and bounds, or GIS map.                          | Court order includes a plat, metes and bounds, or GIS map.                                 |
| <b>Final Step</b>                                  | Certified copy of the court order is sent to the Secretary of the Commonwealth.   | Certified copy of the court order is sent to the Secretary of the Commonwealth.            |

The criteria the court uses to approve a boundary change depends on whether the localities mutually agree to the change or if the court is deciding a disputed boundary location.

## **For Mutual Agreement Between Localities**

When two localities reach a voluntary agreement to relocate their boundary line, the court's review is primarily a procedural one. The court will approve the agreement and enter an order establishing the new boundary if it finds that:

- The procedures required by the Code of Virginia § 15.2-3107 have been followed (e.g., proper public notice and hearings were held).
- The petition and supporting documents (plat, metes and bounds description, or GIS map of the new boundary) are in proper order.
- The agreement is in the best interest of the parties and the Commonwealth, which includes promoting orderly growth and the continued viability of the affected local governments.

Property owners who own at least one-third of the affected parcels and object to the change are permitted to intervene and show cause why the boundary line should not be changed, which the court will consider.

## For Disputed Boundary Locations

If localities agree that a boundary change is necessary for more effective and efficient public services but cannot agree on the specific location of the new line, the court's review is more substantive. In this scenario, the court's primary criterion for its decision is to establish a new boundary line that **"best promotes the more effective and efficient provision of public services"**.

The court considers evidence and recommendations from the Commission on Local Government (CLG) and other parties on a range of factors, including:

- The need for urban services in the area and the ability of each locality to provide them.
- The community of interest between the areas, considering natural neighborhoods and man-made boundaries.
- The fiscal impact, including the effect on each locality's tax resources.
- Efforts made by the localities to comply with state policies regarding planning, environmental protection, and education.

The court determines the necessity and expediency of the change by considering the best interests of the people of both localities and the Commonwealth in promoting strong and viable units of government.

A change in a Virginia locality boundary has several key implications for affected residents, primarily concerning their **taxes, public services, schools, and voting districts**.

## Key Implications for Residents

- **Taxes:** Residents will begin paying taxes to the new locality, which may have different property tax rates, sales tax provisions, and other fee structures compared to their previous jurisdiction. In cases

of annexation, the court may require compensation for the county's loss of tax revenue, but residents will still face the new tax regime.

- **Public Services:** The new locality will extend its services to the annexed or transferred area. This includes things like:

- Law enforcement
- Fire protection
- Garbage disposal systems
- Water mains and sewers
- Maintenance of public roads and streets

The level and quality of these services may change, potentially improving with investments in new infrastructure, or changing commute patterns for certain services.

- **Schools:** School attendance zones and specific school assignments can change as a result of boundary adjustments. This can influence commute times and property values, as access to top-performing schools is a key factor in home valuation.
- **Voting and Representation:** Residents will be assigned to new voting precincts and will vote for representatives in their new locality's governing body and potentially different state and federal legislative districts. This means they will lose the ability to vote for officials in their former county or city. Residents must update their voter registration information to ensure they can vote in the correct location.
- **Property Values and Land Use:** Boundary changes and subsequent municipal investments in infrastructure (like schools, libraries, and transportation) can influence property values in the area. The new locality's zoning laws and comprehensive plan for development will apply to the properties, which may change permitted uses or development potential of land.
- **Community Identity:** Changes can also have a social impact, affecting a neighborhood's long-standing community cohesion and identity by altering school assignments or local governance.

Residents in an affected area have the right to be notified and appear in court proceedings to voice objections or concerns regarding the proposed changes

## Article 2. Relocation or Change, by Agreement, of Boundary Line Between Localities; Adjustment by Court.

### **§ 15.2-3106. Establishment by agreement.**

Whenever any two or more localities wish to relocate or change the boundary line between them, the governing bodies of such localities may, by agreement, establish, relocate or change such boundary line between them.

1977, c. 277, § 15.1-1031.1; 1983, c. 594; 1993, c. 392; 1997, c. 587.

### **§ 15.2-3107. Publication of agreed boundary line.**

A. Before adopting an agreement pursuant to § 15.2-3106, each governing body shall advertise its intention to approve such an agreement at least once a week for two successive weeks in a newspaper having general circulation in its locality, and such notice shall include a descriptive summary of the proposed agreement. The summary shall describe the new boundary, but need not include a metes and bounds description. The publication shall include a statement that a copy of the agreement is on file in the office of the clerk of the governing body which is considering the proposed agreement. A joint publication of the proposed agreement by the localities which otherwise meets the requirements of this section shall satisfy this requirement. If joint publication is used, the publication costs shall be apportioned between the participating localities in the manner agreed upon by them. After providing the notice required by this section, each locality shall hold at least one public hearing on the agreement prior to its adoption.

B. Notice of any agreement as provided in subsection A hereof shall be served upon the affected property owners, if any, of the area affected by the agreement, and if the owners of at least one third of the affected parcels object to the change, they shall be permitted to intervene in the proceedings as prescribed in § 15.2-3108 and show cause why the boundary line should not be changed. For purposes of this article "affected parcel" means a parcel of real property that is the subject of the boundary relocation or change, as shown on the current real estate tax assessment records. One notice sent by first class mail to the last known address of the owners of such parcels as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of each local governing body shall make affidavit that such mailings have been made and file such affidavit with the papers in the petition as prescribed in § 15.2-3108. Nothing in this subsection shall be construed as to invalidate any subsequently adopted boundary line agreement because of the inadvertent failure by the representatives of the local governments to give written notice to the owner, owners, or their agent of any parcel involved.

1977, c. 277, § 15.1-1031.2; 1983, c. 594; 1993, c. 392; 1997, c. 587; 2014, c. 503.

### **§ 15.2-3108. Petition and hearing; recordation of order; costs.**

Within a reasonable time after a voluntary boundary agreement is adopted by the affected localities, each affected locality shall petition the circuit court for one of the affected localities to approve the boundary agreement. The petition shall set forth the facts pertaining to the desire to relocate or change the boundary line between the localities, and the petition shall include or have attached to it either (i) a plat depicting the change in the boundaries of the localities as agreed; (ii) a metes and bounds description of the new boundary line as agreed upon by the two localities; or (iii) a Geographic Information System (GIS) map depicting the change in the boundaries of the localities as agreed, having been established by Virginia State Plane Coordinates System, South Zone or North Zone, as applicable, meeting National Geodetic Survey standards. If the court finds that the procedures required by § 15.2-3107 have been complied with and that the petition is otherwise in proper order, the court shall enter an appropriate order establishing the new boundary. The order shall include a plat depicting the change in the boundaries of the locality, a metes and bounds description of the new boundary line of the locality, or a GIS map depicting the change in the boundaries of the localities that includes the Virginia State Plane, South Zone or North Zone coordinates, as applicable, and that order shall be entered in the land records of

the court and indexed in the names of the localities which were involved. Costs shall be awarded as the court may determine. Whenever such an order is entered, a certified copy of the order shall be sent to the Secretary of the Commonwealth by the clerk of the court.

1977, c. 277, § 15.1-1031.3; 1983, c. 594; 1993, c. 392; 1997, c. 587; 2013, c. 773; 2016, c. 153; 2018, cc. 85, 319; 2019, cc. 118, 385, 705.

**§ 15.2-3109. Court-ordered adjustment of boundary lines.**

A. Whenever any two localities have agreed that a change should be made to their common boundary line so that public services in an area may be provided more effectively and more efficiently, but are unable to agree as to the proper location for the new boundary line, their governing bodies may petition jointly either of the circuit courts for their respective localities for an order establishing the new boundary line within the terms of the petition. The court shall refer the petition to the Commission on Local Government, and shall also certify the filing of the petition to the Supreme Court with a request that a three-judge court be convened pursuant to § 15.2-3000 to decide the matter. The Commission shall conduct a hearing to receive evidence concerning the location of the new boundary line. Any interested persons may present evidence. The Commission shall publish notice of its hearing at least once a week for two successive weeks in newspapers of general circulation in each locality. Based upon the evidence and the report of its staff, the Commission shall determine a new boundary line that best promotes the more effective and efficient provision of public services. The Commission shall transmit its findings to the court in writing, where they shall be received in evidence. The court shall hear evidence with respect to relocating the boundary line and shall enter an order establishing the new boundary line so as to promote, to the extent possible, the more effective and more efficient provision of public services. Such order shall set forth the terms for the transfer of territory and shall be recorded in the common-law order book and in the current deed book for both localities' courts and indexed in the name of the localities as the case may be. A certified copy of the order shall be sent to the Secretary of the Commonwealth by the clerk of the circuit court.

B. Notice of any application as provided in subsection A hereof shall be served upon the property owners, if any, of the area affected by the agreement, and if such property owners object to the change, they shall be permitted to intervene in the proceedings and show cause why the boundary line should not be changed.

1979, c. 85, § 15.1-1031.4; 1997, c. 587.



# Nelson County, Virginia

— Roads

# Nelson County Property Map

1" = 1,872'



Nelson County, Virginia

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Site-specific information is best obtained after an onsite visit by a competent professional.

— Roads

# Nelson County Property Map

1" = 302'



Nelson County, Virginia

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Site-specific information is best obtained after an onsite visit by a competent professional.

Addresses

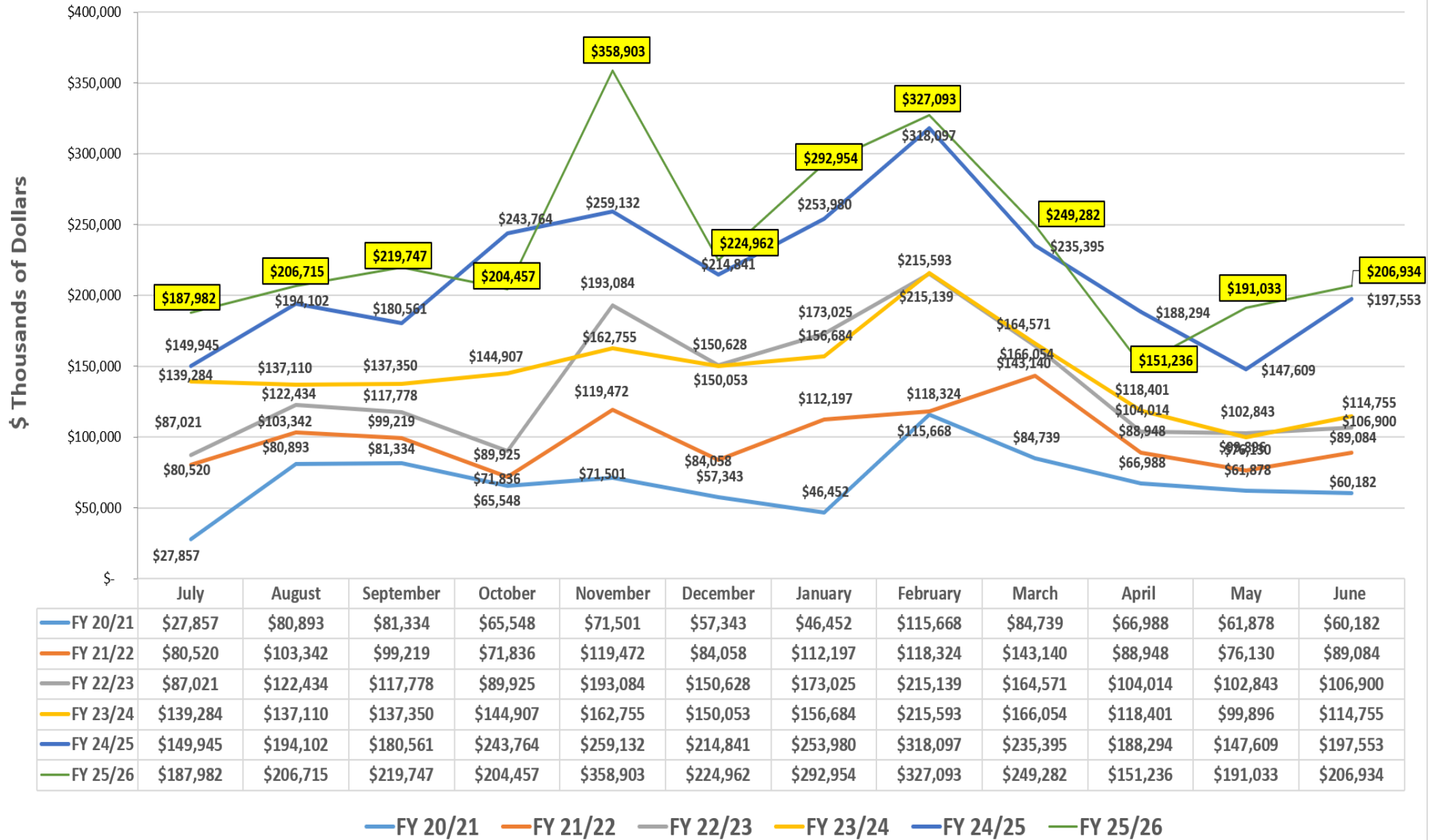
Roads

## June 2026 Collection – July 14, 2026, BOS Report

### Transient Occupancy Tax Collection - Monthly Trend By Fiscal Year

\*Amounts Shown Reflect Payments for Prior Month(s) Tax Levy

\*\* TOT Tax Rate Changed from 5% to 7% Effective July 1, 2024



## June 2026 Collection – July 14, 2026, BOS Report

### Transient Occupancy Tax Collection by Month and Fiscal Year

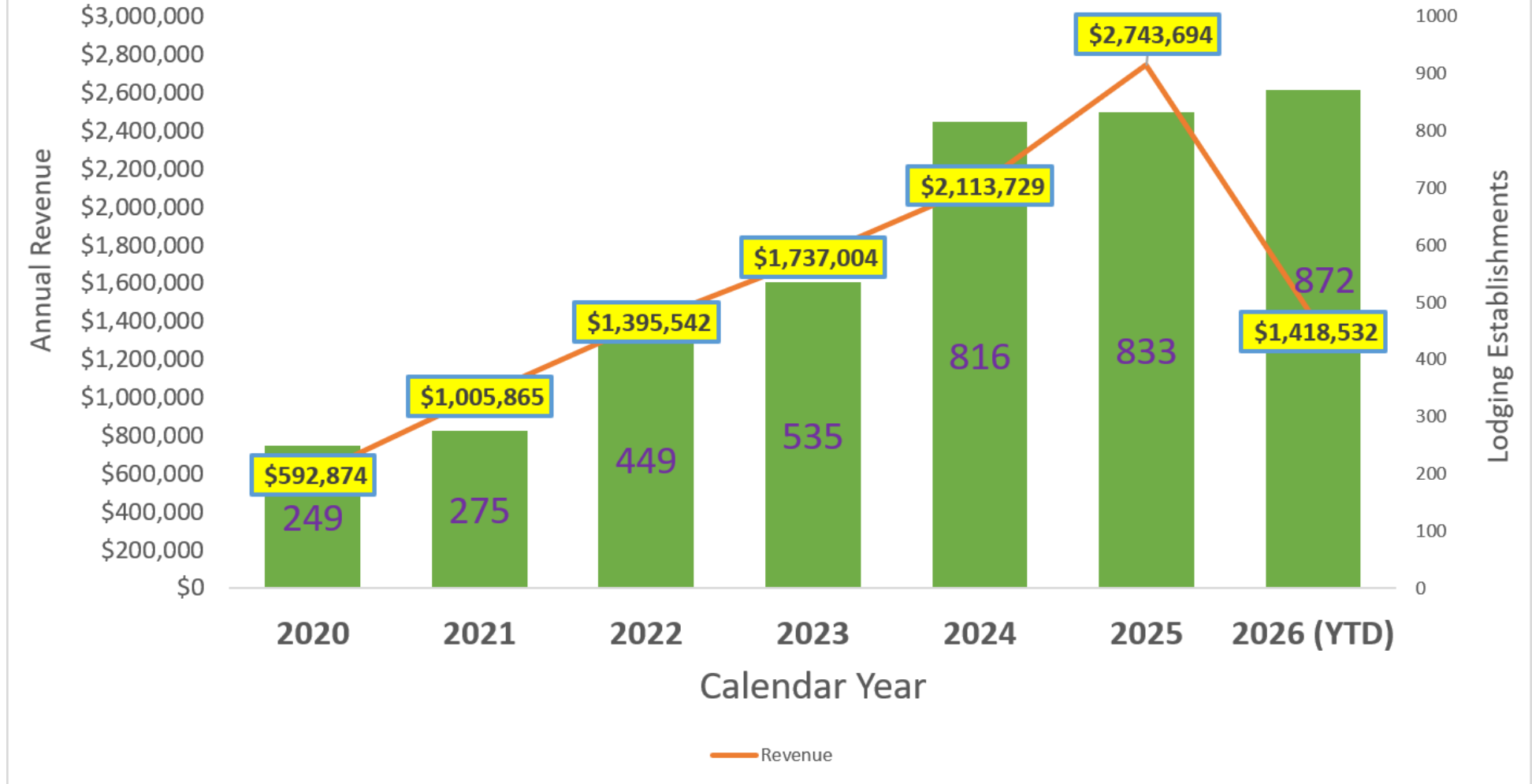
\*Amounts Shown Reflect Payments for Prior Month(s) Tax Levy

\*\* TOT Tax Rate Changed from 5% to 7% Effective July 1, 2024



## June 2026 Collection – July 14, 2026, BOS Report

**\*Lodging Establishments/Revenue - Calendar Year**  
**\*\*TOT Tax Rate Changed from 5% to 7% Effective July 1, 2024**

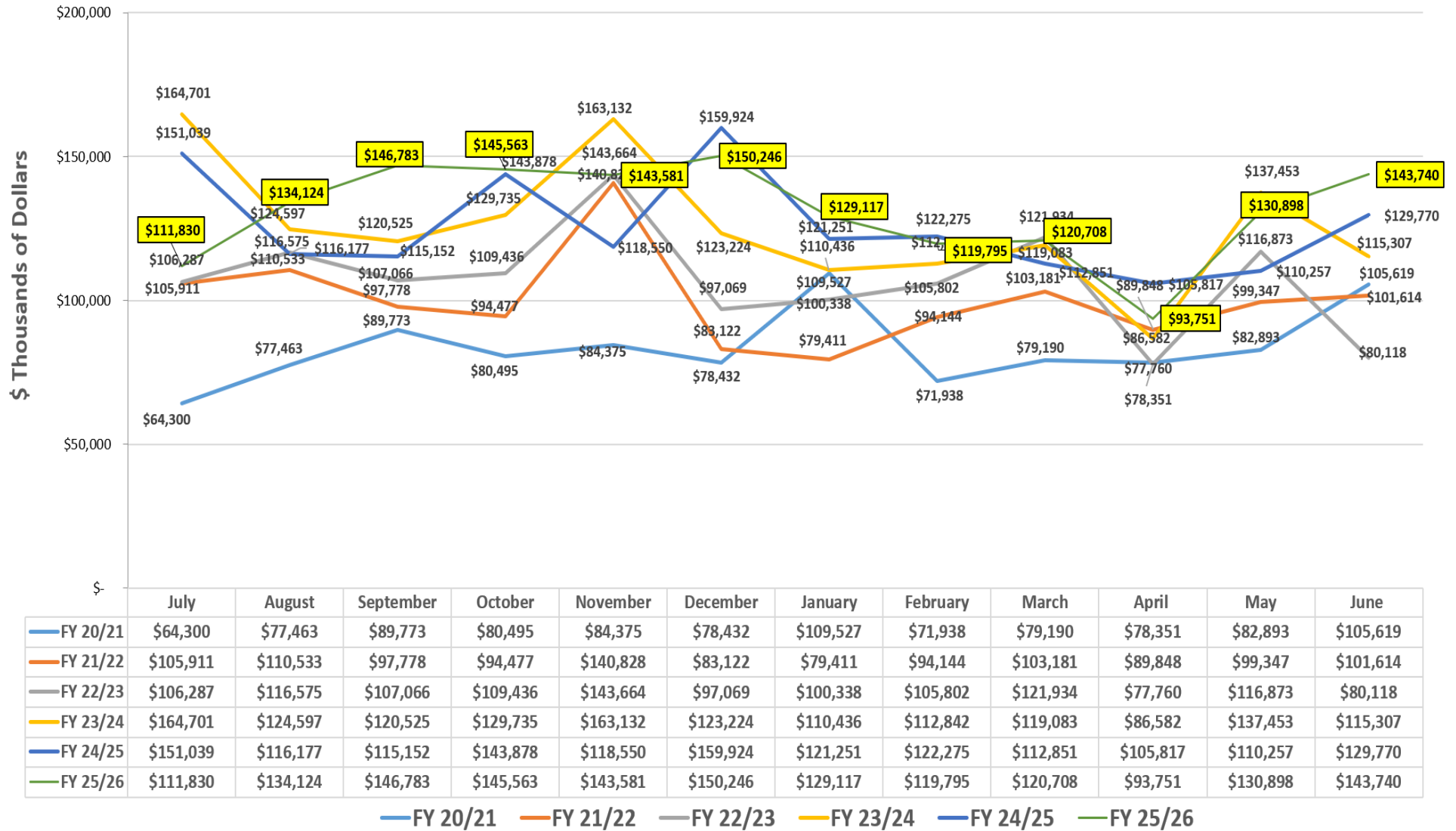


\*Lodging Establishments is the number of businesses who are registered with the Commissioner of the Revenue for lodging in Nelson County. This number is up 6 from 866 to 872, in the previous month's report. The number includes businesses who may have multiple properties who remit for all units with one payment. Some businesses remit their taxes quarterly, and due to their start date, may not be on a January-March-June-September schedule. Many businesses utilize services such as AirBnB who remit on their behalf and by State Code, these revenues are only to be disclosed in aggregate; no personal information can be shared (State Code Section 55.1-1209).

## June 2026 Collection – July 14, 2026, BOS Report

### Meals Tax Collection - Monthly Trend By Fiscal Year

\*Amounts Shown Reflect Payments for Prior Month(s) Tax Levy



## June 2026 Collection – July 14, 2026, BOS Report

### Meals Tax Collection by Month and Fiscal Year

\*Amounts Shown Reflect Payments for Prior Month(s) Tax Levy

