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PARTLOW LAW OFFICES, PLLC

Kendal E. Partlow, Attorney at Law

November 19, 2025

**SENT VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED**

State of West Virginia Municipal Home Rule Board
1900 Kanawha Blvd, East, Building 1, Suite W-300
Charleston, WV 25305

RE: Town of Danville's Submission of Initial Home Rule Plan

Dear Madams/Sirs:

As you were informed by letter dated November 5, 2025, the Town of Danville made known to your agency and the Cabinet Secretaries for all other West Virginia Departments that it would be seeking and applying for Home Rule status. This is to further inform that the Town of Danville has retained my law firm to provide it legal assistance regarding the application process.

Enclosed along with this letter you will please find the "original" and eight (8) copies of the Town of Danville's initial Home Rule Plan. While this is being sent to you well before the thirty (30) day deadline in advance of the Board's next meeting, which is set for January 7, 2026, nonetheless, due to circumstances beyond the Town's control, there are three (3) attachments to the initial Home Rule Plan that are not presently available and will not be so available until December 12, 2025, which is approximately five (5) days late.

By way of explanation, the application process required a team effort from the Town to include its elected officials, its accountant and also the undersigned. The above referenced circumstances that will ultimately delay the timely submission of the *complete* version of the initial Home Rule Plan relate to one of the above team members – specifically, the accountant – who for the months leading up to present was dealing with a serious and sudden medical situation in his family. More particularly, his daughter was diagnosed with an aggressive form of cancer for which he and his wife (also an employee at his firm) have been nearly non-stop attending to her treatment which has been exhaustive for all both physically and mentally.

Said accountant, C. Jeffrey Vallet, is the city/town/board accountant for various municipalities and boards across our state (for which many of them the undersigned is the municipal or board lawyer, too) and during the process of he and his wife attending to their daughter's treatment, he was very understandably unable to attend to his many of his professional duties, which of course was more than understood by those who employ him and/or depend on his professional services. Thankfully, the condition has finally and very recently

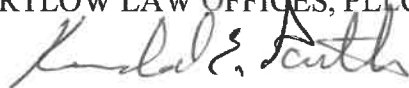
improved to the point wherein he was able to more fully and timely attend to his duties, including the ability to do his part on the Town of Danville's initial Home Rule Plan, which was of course the Fiscal Statement and Accounting affidavit that were necessary for the Town to fully consider before going forward more meaningfully.

Nonetheless, despite the situation having significantly improved, nonetheless the situation will affect the timely submission of the *complete* version of the initial Home Rule Plan, albeit by just five (5) days. On December 12, 2025, at noon, Danville will hold the requisite public hearing followed by the second reading of the Home Rule Ordinance. Immediately after approval on second reading, the undersigned will obtain/supply the three (3) outstanding attachments (which consist of only a certified copy of the Home Rule Ordinance after second reading, a copy of the meeting minutes and a letter from the undersigned attesting to the Town's legal compliance with the Home Rule process requirements), make eight (8) copies of the same and leave from Danville Town Hall directly to Charleston to hand deliver the original and the copies to the WV MHRB for supplementation to the attached initial Home Rule Plan.

In light of the specific reasons herein mentioned that caused the delay, and further due to substantial compliance as well as the fact that the vast majority of the initial Home Rule Plan has been delivered to the Board well in advance of the thirty (30) day requirement (and also, based upon information and belief, that there is only one other Class IV municipality who has applied for Home Rule status to be considered at the January 7, 2026, meeting), it is herein respectfully requested that the Board find "good cause" has been shown such that the five (5) day delay in getting the *complete* initial Home Rule Plan to the Board would not, at least in and of itself, serve as the basis for rejecting the Town's application for Home Rule status. However, to the extent it is the Board's position that it will not excuse the brief delay to the point that it will not consider the initial application, then it is respectfully requested that it be made known in advance to the undersigned in that Danville's Town Council, the accountant and myself all have scheduled it on our calendars and plan on being present at the Board's upcoming meeting to present the same for consideration.

Should you have any questions and/or concerns, please do not hesitate to contact me. Otherwise, thank you for your time and attention to this matter and, absent being informed that the Board will not accept the application due to the brief delay described above, the Town's governing body, the accountant and the undersigned will be present during the Board's January 7, 2026, meeting.

Sincerely,
PARTLOW LAW OFFICES, PLLC



BY: Kendal E. Partlow, Esq.

Enclosures

cc: The Hon. Mark McClure, Mayor of Danville

CCCR: 7021 1970 0002 0598 3060



PARTLOW LAW OFFICES, PLLC
Kendal E. Partlow, Attorney at Law

December 12, 2025

VIA HAND DELIVERY

State of West Virginia Municipal Home Rule Board
1900 Kanawha Blvd, East, Building 1, Suite W-300
Charleston, WV 25305

RE: Town of Danville's Supplemental Submission of Initial Home Rule Plan

Dear Madams/Sirs:

As you are aware, I am legal counsel to the Town of Danville, West Virginia. By letter dated November 19, 2025, I had submitted to your agency the "original" plus eight (8) copies of its Initial Home Rule Plan. In that letter, I further informed that, while said Plan was for the vast part complete, due to unforeseen and unavoidable circumstances that were explained in said letter, it was not in its final form in that I would have to supplement that initial tendering with three (3) attachments that were not available at the time (those being a certified copy of the Home Rule Ordinance, the minutes of from the public hearing/second reading of said Ordinance and the Attorney Opinion letter attesting that the Town had complied with Home Rule process requirements) in that the matter wasn't set for public hearing/second reading until December 12, 2025.

By this letter, I am pleased to report that, as fully expected, the Town of Danville has, in fact, held the public hearing and immediately after so doing put the Home Rule Ordinance up for second reading, at which time it passed. Thereafter, the Ordinance was certified, a copy of the minutes prepared and the Attorney Opinion letter drafted and executed. With these outstanding three (3) documents, the Town of Danville's Home Rule Plan is now completely final.

To that end, I am herein resubmitting the "original" and eight (8) copies of the final, complete Home Rule Plan, which of course includes the above referenced three documents.

The undersigned would again touch upon what was addressed in the prior November 19, 2025, letter, which was the matter of how the final, complete version of the Home Rule Plan ended up being five (5) days late. In that the initial submission of the Home Rule Plan was made well before thirty days from the date of the Municipal Home Rule Board's January 7, 2026, meeting, and because the delay associated therewith pertained to a team member who was dealing with a significant and serious family issue and finally in that the initial submission was nearly complete save for the above referenced three documents, it is, respectfully, the opinion of the undersigned that substantial compliance has been made with the "*Municipal Home Rule Program Guidelines*" and otherwise full compliance has been made with W. Va. Code § 8-1-5a.

As such, it is respectfully requested that “good cause” be found by the Board such that the five (5) day delay in getting the final/complete Home Rule Plan to the Board should not serve as a basis for rejecting Danville’s application. However, in the event the Board should elect not to find “good cause”, then in that Danville’s entire Town Council along with its Mayor and Recorder (not to mention the accountant and the undersigned) plan to be in attendance at the Board’s January 7, 2026, meeting.

Should you have any questions and/or concerns, please do not hesitate to contact me. Otherwise, thank you for your time and attention to this matter and our team looks forward to the privilege of presenting our Home Rule Plan to the Board.

Sincerely,
PARTLOW LAW OFFICES, PLLC


BY: Kendal E. Partlow, Esq.

Enclosures
cc: The Hon. Mark McClure, Mayor of Danville

Welcome to the Town of Danville, Boone County, West Virginia!

Located in the heart of the southern West Virginia Coal Fields!



TOWN OF DANVILLE

WEST VIRGINIA MUNICIPAL HOME RULE APPLICATION

For Presentation to the West Virginia Municipal Home Rule Board at its January 7, 2026 Meeting.

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INTRODUCTION

The Town of Danville is a town in Boone County, West Virginia. The population was estimated at 660 at the 2020 census. The Town of Danville was incorporated in 1911 and named for Dan Rock, the town's first postmaster. The Town of Danville was formerly known as Newport and Red House.

The Town of Danville is located in northwestern Boone County and is situated along the Little Coal River, with its business district lying primarily along the east bank of said river. Madison, the county seat of Boone County, borders the Town of Danville to the south.

West Virginia Route 85, signed as Smoot Avenue within the Town of Danville, traverses the Town, connecting it with Madison to the south, and terminating at U.S. Route 119 on the north side of Town. From this intersection, U.S. Route 119 continues northeastward in the direction of Charleston, and southwestward to Chapmanville and Logan in Logan County.

According to the United States Census Bureau, the Town has a total area of 1.08 square miles, of which 1.07 square miles is land and 0.01 is water.

According to the census of 2010, there were 691 people, 303 households, and 150 families living within the Town's municipal boundaries. The population density was 645.8 inhabitants per square mile. There were 334 housing units at an average density of 312.1 per square mile. The racial makeup of the town was 98.1% Caucasian, 0.6% African American, 0.3% Asian, 0.6% from other races, and 0.4% from two or more races. Hispanic or Latino of any race were 1.3% of the population.

There were 303 households, of which 20.8% had children under the age of 18 living with them, 33.3% were married couples living together, 11.2% had a female householder with no husband present, 5.0% had a male householder with no wife present, and 50.5% were non-families. 44.9% of all households were made up of individuals, and 25.1% had someone living alone who was 65 years of age or older. The average household size was 1.98 and the average family size was 2.72.

The median age in the town was 53.6 years. 14.8% of residents were under the age of 18; 6.6% were between the ages of 18 and 24; 18.9% were from 25 to 44; 28.4% were from 45 to 64; and 31.4% were 65 years of age or older. The gender makeup of the Town was 44.1% male and 55.9% female.

According to the census of 2000, there were 550 people, 285 households, and 139 families living in the Town. The population density was 507.3 per square mile. There were 325 housing units at an average density of 299.7 per square mile. The racial makeup of the Town was 99.27% Caucasian, 0.36% African American, 0.18% Native American, and 0.18% from two or more races.

There were 285 households, out of which 20.0% had children under the age of 18 living with them, 35.4% were married couples living together, 10.2% had a female householder with no husband present, and 51.2% were non-families. Of all households, 48.1% were made up of individuals, and 24.6% had someone living alone who was 65 years of age or older. The average household size was 1.93 and the average family size was 2.73.

In the Town, the population was spread out, with 18.0% under the age of 18, 8.5% from 18 to 24, 27.8% from 25 to 44, 23.8% from 45 to 64, and 21.8% who were 65 years of age or older. The median age was 43 years. For every 100 females, there were 77.4 males. For every 100 females age 18 and over, there were 73.5 males.

The median income for a household in the Town was \$21,369, and the median income for a family was \$26,397. Males had a median income of \$33,125 versus \$23,333 for females. The per capita income for the Town was \$14,469. About 13.1% of families and 16.3% of the population were below the poverty line, including 18.3% of those under age 18 and 5.1% of those aged 65 or older.

The Town of Danville is serviced by the Danville Volunteer Fire Department. The Department is a fully volunteer organization with an annual budget of \$150,000 per year. It provides fire protection and rescue services to the Town of Danville and surrounding areas covering 30 miles.

SECTION 1: APPLICANT INFORMATION

Type of Submission: Initial Plan

General Information:

- a. Name of Municipality: Town of Danville
- b. Certifying Official: Mark McClure, Mayor
- c. Contact Person: Jacqueline Aleshire, Administrative Assistant
- d. Address: 731 Hopkins Avenue, P.O. Box 217, Danville, WV 25053
- e. Phone: (304) 369-5428
- f. Fax: (304) 369-7050
- g. Email: jaleshire@hotmail.com / danvilletown1911@gmail.com
- h. Website: www.danvillewv.org
- i. 2020 Census Population: 672
- j. 2025 Estimate: 618
- k. Town of Danville Council Members:
 - i. William Mullins, II
 - ii. George Chafin
 - iii. Ronald Nelson
 - iv. Roger McNeely
 - v. Mark Snow
- l. Town of Danville Recorder/Treasurer:
 - i. Anthony Carrico
- m. Town Attorney:
 - i. Kendal E. Partlow

Municipal Classification:

Class IV

Categories of Issues to be Addressed:

1. Municipal Sales and Use Tax;
2. Authority to abate eyesores and dilapidated and/or unsafe properties and to seek reimbursement of costs and expenses incurred by the ability to assert a lien on the property without a Magistrate or Circuit Court Order;
3. Authority to enter into Intergovernmental agreements by resolution of Town Council;
4. Authority to adopt an administrative procedures act and enact regulations regarding collection of B&O Taxes, Business Taxes, License Fees, Municipal Fees and Delinquent Fees;
5. Authority to issue on the spot citations for code violations concerning public nuisances, safety and health; and
6. Authority to sell Municipal Property without an auction.

SECTION 2: NARRATIVE:

Issue 1: MUNICIPAL SALES AND USE TAX (Category – Tax)

Specific Legal Barrier(s) to implementation of Issue 1:

West Virginia Code §8-13-5, §8-13C-4(a), §8-13C-4(b)

Specific Problem(s) created by State Law to implementation of Issue 1:

W.Va. Code §8-13-5 sets forth standards by which municipalities can apply a Business & Occupation Tax on all businesses operating within the corporate limits of the municipality, but prohibits municipalities from charging a tax rate higher than the maximum rate imposed by the state. Declining industry and tax base have caused this legislation to become outdated and ineffective at supporting municipal operations and their vision for growth.

W.Va. Code §8-13C-4(b) permits municipalities to charge a 1% Sales and Use Tax if they repeal their Business and Occupation Tax. The revenue generated by a 1% Sales and Use Tax will not cover the revenue shortfall created by eliminating Business and Occupation Taxes, which will cause a greater adverse effect on the Town's already strained budget.

Proposed Solution(s) to Issue 1:

With the authority pursuant to W.Va. Code 8-1-5a, the Town of Danville seeks to enact an ordinance that imposes a 1% municipal Sales and Use Tax that would be administered, collected and enforced by the West Virginia State Tax Commissioner and conform with the requirements of W.Va. Code §11-10-11c and the requirements of the Streamlined Sales and use Tax Administration Act as codified in W.Va. Code §11-15-B-1, et seq. As allowed by West Virginia Code, the Town of Danville seeks to enact a municipal Sales and Use Tax, while reducing certain categories of Business and Occupation Tax in order to benefit small business owners.

Summary Discussion of Issue 1:

The revenue generated from enacting a 1% municipal Sales and Use Tax would not simply roll into the Town of Danville's general fund. Rather, it would be dedicated to specific projects and services not currently funded within the Town's general fund budget. Dedicated funds would also include funds for existing projects, as well as matching funds to secure large federal/state grants for community improvement.

Examples of areas wherein those funds could be applied would be, but not limited to, hiring additional police officers, infrastructure development, demolition of abandoned structures deemed not only unsightly but also unsafe, improvement of streets that are in disrepair but not owned by the Town of Danville, repairs to municipal properties as necessary, etc. See "Fiscal Statement" for a detailed description of the Business and Occupation Taxes that are proposed to be either reduced or eliminated and the estimated revenue flowing from the Sales and Use Tax.

ISSUE 2: ABATEMENT OF EYESORES AND DILAPIDATED AND/OR UNSAFE PROPERTIES AND REIMBURSEMENT OF EXPENSES INCURRED BY ASSERTING LIENS WITHOUT A COURT ORDER (Category – Administrative)

Specific Legal Barrier(s) to implementation of Issue 2:

West Virginia Code §8-12-16, §8-12-5(23)

Specific Problem(s) created by State Law to implementation of Issue 2:

The Town of Danville has the ability repair, alter, or demolish dilapidated and/or unsafe property but is presently limited to merely sending a bill to the property owner to attempt to recoup the money expended in taking such abatement measures, which often leads to such bills being unpaid and consequentially acts as a disincentive for taking such measures.

W.Va. Code §8-12-16 governs the adoption by municipalities of Ordinances regulating the repair, closing, demolition, etc. of dwellings or buildings unfit for human habitation. It allows every municipality to file a lien against real property for an amount that reflects all costs incurred by the municipality for repairing, altering, improving, closing, demolishing, etc. but requires that a lawsuit first be filed in order to obtain such lien, thus adding even greater costs and time to the reimbursement process.

Additionally, W.Va. Code §8-12-5(23) vests municipalities with the authority to, by Ordinance or Resolution, provide for the elimination of hazards to public health and safety and abate or cause to be abated anything which a majority of the governing body finds to be a public nuisance, but does not provide any authority for filing liens against property for fees incurred in removing such hazards or nuisances.

Proposed Solution(s) to Issue 2:

The Town of Danville seeks the ability to, after providing due notice, repair, alter or demolish property, mow overgrown grass, and collect unlawful accumulations of garbage and rubbish within its municipal boundaries, and thereafter, without court approval, place a lien on the property for the amount expended by the Town of Danville in taking such corrective actions.

Summary Discussion of Issue 2:

If granted this authority, the Town of Danville would be able to greatly improve its aesthetics – which it believes would go towards attracting additional residents and businesses to its Town – while simultaneously improving the safety and health conditions for its current residents and businesses and be able to do so in a more timely, self-contained and cost efficient manner.

ISSUE 3: INTERGOVERNMENTAL BY RESOLUTION OF TOWN COUNCIL (Category – Administrative)

Specific Legal Barrier(s) to implementation of Issue 3:

West Virginia Code §8-11-3(10), §8-11-4

Specific Problem(s) created by State Law to implementation of Issue 3:

W.Va. Code §8-11-3(10) provides that before a municipality can enter into a contract or other agreement with another jurisdiction (intergovernmental agreement), the governing body of the municipality must first, by Ordinance, authorize the agreement being executed by the municipality, while, importantly, not imposing any such requirement upon the municipalities ability to enter into an agreement with a non-governmental entity.

W. Va. Code§8-11-4 sets forth the process and procedures to be followed by a municipality in adopting an Ordinance for the entering into an agreement with another governmental entity, which requires the municipality to have two (2) readings of the above mentioned Ordinance at no less than two (2) meetings of its governing body.

Proposed Solution(s) to Issue 3:

The Town of Danville from time to time has the need to enter into agreements with other governmental entities and it firmly believes that its ability to do so is necessary for the overall betterment of the municipality and its residents and businesses. However, by its charter, the Town of Danville regularly meets one time a month; more specifically, on the first Tuesday of each month. In order to comply with W.Va. Code §8-11-4’s two meeting requirement, it would take two months for an intergovernmental agreement – no matter how simple or how time sensitive – to be approved by Town Council. The Town requests that this Honorable Board essentially take judicial notice of the fact that time is often of the essence in the negotiation and ultimate execution of such agreements.

Summary Discussion of Issue 3:

Allowing Town Council to authorize the entry into such agreements by Resolution – which requires only one meeting rather than two – is deemed quintessential by the Town Council in order to timely avail itself of contractual opportunities that may arise as between it and other governmental entities. To have to wait two months in order to have an Ordinance approved, the Town of Danville believes strongly that it would therein be needlessly risking the benefits to its residents and businesses than a quicker ability to enter into such agreements could provide.

ISSUE 4: AUTHORITY TO ADOPT AN ADMINISTRATIVE PROCEDURES ACT AND ENACT REGULATIONS REGARDING COLLECTION OF MUNICIPAL BUSINESS AND OCCUPATION TAXES, MUNICIPAL BUSINESS LICENSE FEES, MUNICIPAL SERVICE FEES, AND ANY OTHER DELINQUENT MUNICIPAL TAXES AND FEES (Category – Administrative)

Specific Legal Barrier(s) to implementation of Issue 4:

West Virginia Code §8-11-1(a), §8-11-4, §8-13-13, §8-13-15, §8-13-5(g), §11-10-5d

Specific Problem(s) created by State Law to implementation of Issue 4:

The Town of Danville has long imposed a municipal Business and Occupation Tax that is similar to the State Business and Occupation Tax in effect prior to July 1, 1987. The Town also has long imposed business license fees and municipal service fees as well as the ability to effectively recover delinquent fees from all sources.

When businesses filed both State and Municipal Business and Occupation Tax returns, both the business and the preparers of Business and Occupation Tax returns were generally familiar with what the State and Local laws required. During the ensuing years, the landscape has changed. New businesses have begun that never filed a State Business and Occupation Tax return. The ways and means of doing business have changed and many persons familiar with the old State Business and Occupation Tax statutes and regulations have retired and/or are approaching retirement age.

While that type of general history does not apply to the Municipal Service Fees, there is still some confusion. Additionally, insofar as the Municipal Business License Tax (Fee) is concerned, the authority to enact the tax (fee) is found in W.Va. Code §8-13-4. The Municipal Business License Tax (Fee) rates are capped by State law and many of the rates are the State License Tax rates in effect prior to July 1, 1970. Those rates appeared in articles 12 and 13A, chapter 11 of the West Virginia Code but have not been printed in the West Virginia Code since July 1, 1970. This can result in confusion among both municipalities and taxpayers. Further, some individuals and businesses refuse to pay the Municipal Service fee.

W.Va. Code §8-11-1(a) provides that “the governing body has plenary power and authority to: (1) Make and pass all needful ordinances, orders, bylaws, acts, resolutions, rules and regulations not contrary to the Constitution and laws of the State.” W.Va. Code §8-11-4 provides the procedure for the adoption of ordinances. However, no section in Article 11, Chapter 8 of the West Virginia Code or elsewhere in Chapter 8 provides a separate procedure for the adoption of administrative rules and regulations. Additionally, the State Administrative Procedures Act codified in 29A of the West Virginia Code does not apply to municipalities.

Furthermore, while the Town may attach a lien on the real property for unpaid and delinquent Municipal Service Fees, the Town is required to proceed under W.Va. Code §§8-13-13 and 8-13-15 by instituting a lawsuit in a court of competent jurisdiction. This results in expensive proceedings in either Magistrate or Circuit Court, often to collect amounts which do not justify the filing fees and/or legal costs required for such attempts at collection.

Proposed Solution(s) to Issue 4:

Town leaders perceive a need to provide more certainty and guidance to payers of the Municipal Business and Occupation Tax, the Municipal Business License fees, and Municipal Service Fees as well as the ability to more quickly and in a more cost effective manner be able

enhance the ability to collect those fees that have become delinquent. As such the Town seeks the authority to adopt a Town of Danville Administrative Procedures Act pursuant to which it would be able to promulgate administrative regulations for its Municipal Business and Occupation Taxes, Municipal Business License Fees, and Municipal Service Fees as for the collection of the same.

W.Va. Code §8-13-5(g) requires that a Municipal Business and Occupation Tax Ordinance include “procedures for the assessment and collection of such tax, which shall be similar to those procedures in article thirteen, chapter eleven of this code, as in existence on June thirteenth, one thousand nine hundred seventy-eight, or to those procedures in article ten, chapter eleven of this code.” As a result, it is not uncommon for municipal Business and Occupation Tax Ordinances to provide for contested administrative decisions to be appealed to the local Circuit Court. However, there is no similar requirement for other taxes and fees imposed by municipalities. Therefore, the Town further proposes that it be given the power and authority to hold and conduct hearings at the Town level to determine the amount of delinquent Municipal Business License Fees, Municipal Service Fees and any other delinquent municipal taxes and fees. The affected person or business, as authorized by W.Va. Code §51-2-2(e), would be entitled to appeal the decision by the Town to the Circuit Court of jurisdiction, dependent upon the county in which the person or business is located. Once the decision by the Town becomes final, the Town would be authorized to file and record a lien against the judgment debtor with the appropriate county clerk, as well as to pursue other forms of debt collection if the debt is not settled within two years after the judgment becomes final. In conjunction with debt collection activities described herein, the Town seeks authority to utilize the services of a collection agency to collect delinquent Municipal Business and Occupation Taxes, Municipal Business License Fees, Municipal Service Fees and/or any other municipal fees or taxes once the amount of said delinquent taxes and fees has been determined through the hearing procedure.

In addition, W.Va. Code §11-10-5(d) and case law interpreting the section currently prohibits the disclosure of any information received from the State Tax Commissioner by the Town Treasurer in connection with Municipal Business and Occupation Taxes; arguably, the restrictions may also apply to Municipal Business and Occupation Tax information generated by the Town, and also to the Municipal Business License, Municipal Service Fees and other Municipal Taxes. Section 8-13-5(g) requires the municipality to administer its Municipal Business and Occupation Tax through procedures that are similar to those in existence for the State Business and Occupation Tax on June 30, 1978. As there have been no West Virginia Supreme Court of Appeals decisions interpreting the term “similar” as it relates to Section 8-13-5(g), the Town respectfully disagrees with the application of those restrictions to municipal taxes and fees other than taxpayer information obtained from the State Tax Commissioner. The Town would like to be able to publish, in the medium of its choice, very limited information, specifically, name, tax year(s) and amount(s) owed, for persons or businesses with delinquent Municipal Business and Occupation Taxes, Municipal Business License, Municipal Service Fees and any other municipal taxes and fees, and requests authority to make such publication.

Summary Discussion of Issue 4:

If granted this authority, the Town of Danville would be able to streamline and internalize administrative policies and procedures designed to make the process more certain, efficient, and cost effective to both the Town and the taxpayer while at the same time carefully ensuring it is done in a manner that does not in any way compromise the taxpayers due process rights, as shown above by both the hearing process as well as appeal options to the Circuit Court.

ISSUE 5: AUTHORITY TO ISSUE ON THE SPOT CITATIONS FOR CODE VIOLATIONS CONCERNING PUBLIC NUISANCES, SAFETY AND HEALTH (Category – Administrative)

Specific Legal Barrier(s) to implementation of Issue 5:

West Virginia Code §7-1-3(k), §8-12-5(23), §8-12-16

Specific Problem(s) created by State Law to implementation of Issue 5:

Presently, the Town of Danville official responsible for Code Enforcement is unable to issue citations “on the spot” for external public nuisances that affect the safety and health of the Town’s citizenry at large such as, but not limited to, sanitation, garbage, tall grass, etc. Rather, said official is required to send preliminary notices and provide an opportunity to respond, which automatically increases costs to the Town and further delays resolution of the issue. This requires additional manpower and the lack of immediate citation power results in decreased compliance by property owners and/or occupants.

W.Va. Code §7-1-3(k) provides authority to county commissions to enact ordinances, issue orders and take appropriate actions to eliminate hazards of public health and safety and to abate any condition which it determines to be a public nuisance. Said ordinances of the county commission may provide for a misdemeanor penalty for its violation and the applicability of any such ordinances of the county commission may be applicable to the entire county or any portion thereof it determines appropriate. However, it does not specifically give municipalities the ability to issue “on the spot” citations once an ordinance is passed allowing municipalities to do so. As such, as the law stands, municipalities, acting through their appropriate agents, such as police officers or Code Enforcement Officials, are unable to issue “on the spot” citations to offenders.

Likewise, W.Va. Code §8-12-5(23) also allows municipalities to, by ordinance or resolution, provide for the elimination of hazards to the public health and safety and to abate or cause to be abated any condition which a majority of the governing body determines to be a public nuisance, but again does not provide authority to the municipality for granting citation powers to the appropriate municipal officials charged with code enforcement.

W.Va. Code §8-12-16 allows municipalities to adopt Ordinances regulating the repair, closing, demolition, etc. of dwellings or buildings unfit for human habitation. Additionally, municipalities may adopt ordinances requiring the owner of any such building to pay for the costs of repairs, alterations, improvements, demolition, etc. In the event said owner fails to make said payment, however, this same statute also requires a time consuming and cost increasing

process wherein the municipality must institute a legal proceeding in Circuit Court in an attempt to be able to assert a lien on the subject property and to seek costs and expenses.

Specific Solution(s) to Issue 5:

If granted the authority sought herein, the Town of Danville will enact an ordinance providing its code enforcement official with the power and authority to issue “on the spot” citations for certain, specified violations. The citation power will extend, but not be limited to, sanitation, drainage, sidewalks in disrepair, high weeds, grass or both, graffiti, exterior garbage accumulation and open storage. The citations authorized by said ordinance may be issued to the owner, lessee, sublessee, tenant, occupant or agent or manager thereof, presently having control over the property in question, and an opportunity to respond will be afforded to the cited party by having the opportunity to contest the citation in Municipal Court. It is noted that the City of Charleston sought and was granted this authority and has reported faster compliance with external sanitation violations and public nuisances. *See Special Report: Municipal Home Rule Pilot Program*, pg. 12. Of 63 citations issued under the same authority sought by the Town of Danville in this issue, there were only 2 appeals.

Summary Discussion of Issue 5:

The Town of Danville believes that with the authority sought herein, it will see, just as Charleston and other cities who have received this authority have seen, dramatic improvements in the Town’s ability to effectively, efficiently and in a timely manner remedy public nuisances affecting the safety and health of the citizenry at large as well as the ability to recover the costs associated with such abatement measures and also the deterrent affect it will hopefully have on property owners/occupants that will go towards reducing the instances of needing to abate such conditions in the first place.

**ISSUE 6: AUTHORITY TO SELL PUBLIC PROPERTY WITHOUT AN AUCTION
(Category – Administrative)**

Specific Legal Barrier(s) to implementation of Issue 6:

West Virginia Code §8-12-18(b)

Specific Problem(s) created by State Law to implementation of Issue 6:

W.Va. Code §8-12-18(b) states that a municipality must sell property at a public auction. The process of selling all public property at public auction is a very involved process that often creates extra work on departments that are already running at maximum capacity of workload. There is also the risk of losing potential revenue from property that undersells at an auction.

Specifically, W.Va. Code §8-12-18(b) mandates that municipalities hold public auctions for the sale of all real and personal property worth in excess of one thousand (\$1,000.00) dollars and announce such auction in a Class II legal advertisement. When the primary purpose is to facilitate economic development within the Town and/or the availability of necessary or

convenient resources for the benefit of its citizenry at large, the Town proposes that it be permitted to convey real and/or personal property valued in excess of one thousand (\$1,000.00) dollars and not more than twenty-five thousand (\$25,000.00) dollars for fair market value without having to follow the auction procedures outlined in the above referenced code section. This would allow the Town to avoid costly and time-consuming auction procedures and the possibility that the Town would be precluded from conveying such property for the desired use in a situation wherein the primary goal is to facilitate economic growth and/or to make available necessary and convenient resources for the benefit of the Town and its citizenry at large.

Specific Solution(s) to Issue 6:

The Town of Danville desires to sell personal and/or real property of any value by negotiation and transfer without the requirement for public auction, if the sale is deemed by the Town Council to be for a public purpose by municipal resolution, adequate notice is provided to the public, and the sale is for adequate consideration, which may consider but not be limited to fair market value.

Summary Discussion of Issue 6:

If granted the authority sought as to this issue, the Town of Danville believes it will be in a better position to facilitate the desired economic growth at maximum benefit to its citizenry at large, as well as avoiding an overly burdensome auction process which would necessarily lead to faster results and cost containment.

APPENDIX

NOTICE

At a meeting held on November 4, 2025, the Town Council of Danville approved, on first reading, a Home Rule Ordinance authorizing the Mayor to submit a Home Rule Pilot Program Application to the West Virginia Municipal Home Rule Board. In accordance with §8-1-5(h)(1) et seq., of the West Virginia Code, notice is hereby given that the Town of Danville's Home Rule Ordinance and Home Rule Pilot Program Application will be available for public inspection starting November 12, 2025, at Danville Town Hall, located within the Danville Community Center, located at 731 Hopkins Avenue, Danville, WV 25053. A Public Hearing regarding the Home Rule Ordinance and Home Rule Pilot Program Application, to be immediately followed by a second reading by the Danville Town Council, will be held on December 12, 2025, at 12:00 p.m., at Danville Town Hall (same location and address as above). The Town of Danville's Home Rule Pilot Program Application will include proposed ordinances for (1) Municipal Sales and Use Tax, (2) Authorization to abate eyesores and dilapidated and/or unsafe properties and to seek reimbursement of costs and expenses incurred by the ability to place a lien on the property without a Magistrate or Circuit Court Order, (3) Authority to enter into Intergovernmental agreements by resolution of Town Council, (4) Authority to adopt an administrative procedures act and enact regulations regarding collection of Municipal Business and Occupation Taxes, Municipal Business License Fees, Municipal Service Fees, and any other delinquent Municipal Taxes and Fees, (5) Authority to issue on the spot citations for code violations concerning public nuisances, safety and health, and (6) Authority to sell Municipal Property without an auction.

Town of Danville

Mark McClure, Mayor
Anthony Carrico, Recorder/Treasurer
Jacqueline Aleshire Hill, Administrative Assistant
Jerry Brown, Town Manager
Council: William Mullins, II, George Chafin,
Ronald Nelson, Roger McNeely, Mark Snow
E.E. Arthur, Police Chief

P.O. Box 217
731 Hopkins Avenue
Danville, WV 25053
Phone: 304-369-5428
or 304-369-5429
Fax: 304-369-7050
Managers numbers: 304-476-0103



November 5, 2025

SENT VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED

State of West Virginia Municipal Home Rule Board
1900 Kanawha Blvd, East, Building 1, W300
Charleston, WV 25305

Dear Madams/Sirs:

Notice is hereby given that a public hearing, to be immediately followed by a second reading, will be held at a special meeting of the Town of Danville on December 12, 2025, at 12:00 p.m., concerning the Home Rule Ordinance authorizing submission of the Town's Municipal Home Rule application and written report to the West Virginia Municipal Home Rule Board.

A copy of the wording of the public notice that has been sent to the Coal Valley News for publication is attached to this letter and said notice will be published as a Class II Legal Advertisement in said newspaper with the first running being on November 12, 2025.

As of November 12, 2025, a copy of the Home Rule Ordinance and Home Rule Application will be available for inspection at Danville Town Hall during the course of its regular business hours, which are Monday through Friday from 8:00 a.m. to 4:00 p.m.

This letter shall also serve as official notification by the Town of Danville to apply for Home Rule status at the Municipal Home Rule Board's next meeting, which is currently set for January 7, 2026.

Sincerely,

A handwritten signature in blue ink that reads "Mark McClure".

Mark McClure, Mayor

Town of Danville

CCCR: 7021 1970 0002 0598 3008

APPENDIX
NO. 2

Town of Danville

Mark McClure, Mayor
Anthony Carrico, Recorder/Treasurer
Jacqueline Aleshire Hill, Administrative Assistant
Jerry Brown, Town Manager
Council: William Mullins, II, George Chafin,
Ronald Nelson, Roger McNeely, Mark Snow
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Managers numbers: 304-476-0103



November 5, 2025

**SENT VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED**

State of West Virginia Department of Revenue
Eric Nelson, Cabinet Secretary
ATTN: Chairman of the West Virginia Municipal Home Rule Board
1900 Kanawha Blvd., East
Charleston, WV 25305

Dear Secretary Nelson:

Notice is hereby given that a public hearing, to be immediately followed by a second reading, will be held at a special meeting of the Town of Danville on December 12, 2025, at 12:00 p.m., concerning the Home Rule Ordinance authorizing submission of the Town's Municipal Home Rule application and written report to the West Virginia Municipal Home Rule Board.

A copy of the wording of the public notice that has been sent to the Coal Valley News for publication is attached to this letter and said notice will be published as a Class II Legal Advertisement in said newspaper with the first running being on November 12, 2025.

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This letter shall also serve as official notification by the Town of Danville to apply for Home Rule status at the Municipal Home Rule Board's next meeting, which is currently set for January 7, 2026.

Sincerely,

A handwritten signature in blue ink that reads "Mark A. McClure".

Mark McClure, Mayor
Town of Danville

Town of Danville

Mark McClure, Mayor
Anthony Carriero, Recorder/Treasurer
Jacqueline Aleshire Hill, Administrative Assistant
Jerry Brown, Town Manager
Council: William Mullins, II, George Chafin,
Ronald Nelson, Roger McNeely, Mark Snow
EE. Arthur, Police Chief

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731 Hopkins Avenue
Danville, WV 25053
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or 304-369-5429
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Managers numbers: 304-476-0103



November 5, 2025

**SENT VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED**

State of West Virginia Department of Transportation
Stephen Todd Rumbaugh, Cabinet Secretary
1900 Kanawha Blvd., East, Building 5
Charleston, WV 25305

Dear Cabinet Secretary Rumbaugh:

Notice is hereby given that a public hearing, to be immediately followed by a second reading, will be held at a special meeting of the Town of Danville on December 12, 2025, at 12:00 p.m., concerning the Home Rule Ordinance authorizing submission of the Town's Municipal Home Rule application and written report to the West Virginia Municipal Home Rule Board.

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This letter shall also serve as official notification by the Town of Danville to apply for Home Rule status at the Municipal Home Rule Board's next meeting, which is currently set for January 7, 2026.

Sincerely,

A handwritten signature in blue ink that reads "Mark McClure".

Mark McClure, Mayor
Town of Danville

Town of Danville

Mark McClure, Mayor
Anthony Carrico, Recorder/Treasurer
Jacqueline Aleshire Hill, Administrative Assistant
Jerry Brown, Town Manager
Council: William Mullins, II, George Chafin,
Ronald Nelson, Roger McNeely, Mark Snow
EE. Arthur, Police Chief

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or 304-369-5429
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Managers numbers: 304-476-0103



November 5, 2025

SENT VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED

State of West Virginia Department of Administration
Eric Householder, Cabinet Secretary
1900 Kanawha Blvd., East, Building 1, Room E119
Charleston, WV 25305

Dear Cabinet Secretary Householder:

Notice is hereby given that a public hearing, to be immediately followed by a second reading, will be held at a special meeting of the Town of Danville on December 12, 2025, at 12:00 p.m., concerning the Home Rule Ordinance authorizing submission of the Town's Municipal Home Rule application and written report to the West Virginia Municipal Home Rule Board.

A copy of the wording of the public notice that has been sent to the Coal Valley News for publication is attached to this letter and said notice will be published as a Class II Legal Advertisement in said newspaper with the first running being on November 12, 2025.

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This letter shall also serve as official notification by the Town of Danville to apply for Home Rule status at the Municipal Home Rule Board's next meeting, which is currently set for January 7, 2026.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark McClure".

Mark McClure, Mayor
Town of Danville

Town of Danville

Mark McClure, Mayor
Anthony Carrico, Recorder/Treasurer
Jacqueline Aleshire Hill, Administrative Assistant
Jerry Brown, Town Manager
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or 304-369-5429
Fax: 304-369-7050
Managers numbers: 304-476-0103



November 5, 2025

SENT VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED

State of West Virginia Department of Commerce
Dr. Matthew Herridge, Cabinet Secretary
1900 Kanawha Blvd., East, Building 3, Suite 600
Charleston, WV 25305

Dear Cabinet Secretary Herridge:

Notice is hereby given that a public hearing, to be immediately followed by a second reading, will be held at a special meeting of the Town of Danville on December 12, 2025, at 12:00 p.m., concerning the Home Rule Ordinance authorizing submission of the Town's Municipal Home Rule application and written report to the West Virginia Municipal Home Rule Board.

A copy of the wording of the public notice that has been sent to the Coal Valley News for publication is attached to this letter and said notice will be published as a Class II Legal Advertisement in said newspaper with the first running being on November 12, 2025.

As of November 12, 2025, a copy of the Home Rule Ordinance and Home Rule Application will be available for inspection at Danville Town Hall during the course of its regular business hours, which are Monday through Friday from 8:00 a.m. to 4:00 p.m.

This letter shall also serve as official notification by the Town of Danville to apply for Home Rule status at the Municipal Home Rule Board's next meeting, which is currently set for January 7, 2026.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark McClure".

Mark McClure, Mayor
Town of Danville

Town of Danville

Mark McClure, Mayor
Anthony Carriero, Recorder/Treasurer
Jacqueline Aleshire Hill, Administrative Assistant
Jerry Brown, Town Manager
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November 5, 2025

SENT VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED

State of West Virginia Department of Veterans Assistance
Ryan Kennedy, Cabinet Secretary
1900 Kanawha Blvd., East, Building 5, Room 205
Charleston, WV 25305

Dear Cabinet Secretary Kennedy:

Notice is hereby given that a public hearing, to be immediately followed by a second reading, will be held at a special meeting of the Town of Danville on December 12, 2025, at 12:00 p.m., concerning the Home Rule Ordinance authorizing submission of the Town's Municipal Home Rule application and written report to the West Virginia Municipal Home Rule Board.

A copy of the wording of the public notice that has been sent to the Coal Valley News for publication is attached to this letter and said notice will be published as a Class II Legal Advertisement in said newspaper with the first running being on November 12, 2025.

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This letter shall also serve as official notification by the Town of Danville to apply for Home Rule status at the Municipal Home Rule Board's next meeting, which is currently set for January 7, 2026.

Sincerely,

A handwritten signature in blue ink that reads "Mark McClure".

Mark McClure, Mayor

Town of Danville

CCCR: 7021 1970 0002 0598 2964

Town of Danville

Mark McClure, Mayor
Anthony Carrico, Recorder/Treasurer
Jacqueline Aleshire Hill, Administrative Assistant
Jerry Brown, Town Manager
Council: William Mullins, II, George Chafin,
Ronald Nelson, Roger McNeely, Mark Snow
EE. Arthur, Police Chief

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or 304-369-5429
Fax: 304-369-7050
Managers numbers: 304-476-0103



November 5, 2025

**SENT VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED**

State of West Virginia Department of Homeland Security
Douglas Buffington, Cabinet Secretary
1900 Kanawha Blvd., East, Building 1, W400
Charleston, WV 25305

Dear Cabinet Secretary Buffington:

Notice is hereby given that a public hearing, to be immediately followed by a second reading, will be held at a special meeting of the Town of Danville on December 12, 2025, at 12:00 p.m., concerning the Home Rule Ordinance authorizing submission of the Town's Municipal Home Rule application and written report to the West Virginia Municipal Home Rule Board.

A copy of the wording of the public notice that has been sent to the Coal Valley News for publication is attached to this letter and said notice will be published as a Class II Legal Advertisement in said newspaper with the first running being on November 12, 2025.

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This letter shall also serve as official notification by the Town of Danville to apply for Home Rule status at the Municipal Home Rule Board's next meeting, which is currently set for January 7, 2026.

Sincerely,

A handwritten signature in blue ink that reads "Mark McClure".

Mark McClure, Mayor
Town of Danville

Town of Danville

Mark McClure, Mayor
Anthony Carriero, Recorder/Treasurer
Jacqueline Aleshire Hill, Administrative Assistant
Jerry Brown, Town Manager
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Ronald Nelson, Roger McNeely, Mark Snow
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or 304-369-5429
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Managers numbers: 304-476-0103



November 5, 2025

**SENT VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED**

State of West Virginia Department of Health & Human Services
Alex J. Mayer, Cabinet Secretary
One Davis Square, Suite 100 East
Charleston, WV 25301

Dear Cabinet Secretary Mayer:

Notice is hereby given that a public hearing, to be immediately followed by a second reading, will be held at a special meeting of the Town of Danville on December 12, 2025, at 12:00 p.m., concerning the Home Rule Ordinance authorizing submission of the Town's Municipal Home Rule application and written report to the West Virginia Municipal Home Rule Board.

A copy of the wording of the public notice that has been sent to the Coal Valley News for publication is attached to this letter and said notice will be published as a Class II Legal Advertisement in said newspaper with the first running being on November 12, 2025.

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This letter shall also serve as official notification by the Town of Danville to apply for Home Rule status at the Municipal Home Rule Board's next meeting, which is currently set for January 7, 2026.

Sincerely,

A handwritten signature in blue ink that reads "Mark McClure".

Mark McClure, Mayor

Town of Danville

CCCR: 7021 1970 0002 0598 2971

Town of Danville

Mark McClure, Mayor
Anthony Carrico, Recorder/Treasurer
Jacqueline Aleshire Hill, Administrative Assistant
Jerry Brown, Town Manager
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or 304-369-5429
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Managers numbers: 304-476-0103



November 5, 2025

SENT VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED

State of West Virginia Department of Environmental
Protection
Harold D. Ward, Cabinet Secretary
601 57th Street, SE
Charleston, WV 25304

Dear Cabinet Secretary Ward:

Notice is hereby given that a public hearing, to be immediately followed by a second reading, will be held at a special meeting of the Town of Danville on December 12, 2025, at 12:00 p.m., concerning the Home Rule Ordinance authorizing submission of the Town's Municipal Home Rule application and written report to the West Virginia Municipal Home Rule Board.

A copy of the wording of the public notice that has been sent to the Coal Valley News for publication is attached to this letter and said notice will be published as a Class II Legal Advertisement in said newspaper with the first running being on November 12, 2025.

As of November 12, 2025, a copy of the Home Rule Ordinance and Home Rule Application will be available for inspection at Danville Town Hall during the course of its regular business hours, which are Monday through Friday from 8:00 a.m. to 4:00 p.m.

This letter shall also serve as official notification by the Town of Danville to apply for Home Rule status at the Municipal Home Rule Board's next meeting, which is currently set for January 7, 2026.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark McClure".

Mark McClure, Mayor
Town of Danville

Ad Number 370712
HD Media Co LLC
946 5th ave
Huntington WV. 25701

Affidavit of Legal Publication and Posting

STATE OF WEST VIRGINIA

COUNTY OF Boone, TO-WIT

I Elisha Queen, Classified Advertising

Representative of Coal Valley News , a newspaper
published in the county of Boone, West Virginia, hereby
certify that the annexed publication was inserted in said
newspaper _____

The cost of publishing said annexed advertisement
as aforesaid was \$ 45.03

Commencing On: 11/12/2025

Ending On: 11/19/2025

Given under my hand this day 11/19/2025

Sworn to and subscribed before me 11/19/2025
at Madison, Boone County, West Virginia

Chey Lewis

Notary Public of, in and for Boone County, West Virginia

MY COMMISSION EXPIRES: 4-8-30

Elisha Queen



NOTICE

At a meeting held on November 4, 2025, the Town Council of Danville approved, on first reading, a Home Rule Ordinance authorizing the Mayor to submit a Home Rule Pilot Program Application to the West Virginia Municipal Home Rule Board. In accordance with §8-1-5(h)(1) et seq. of the West Virginia Code, notice is hereby given that the Town of Danville's Home Rule Ordinance and Home Rule Pilot Program Application will be available for public inspection starting November 12, 2025, at Danville Town Hall, located within the Danville Community Center, located at 731 Hopkins Avenue, Danville, WV 25053. A Public Hearing regarding the Home Rule Ordinance and Home Rule Pilot Program Application, to be immediately followed by a second reading by the Danville Town Council, will be held on December 12, 2025, at 12:00 p.m., at Danville Town Hall (same location and address as above). The Town of Danville's Home Rule Pilot Program Application will include proposed ordinances for (1) Municipal Sales and Use Tax, (2) Authorization to abate eyesores and dilapidated and/or unsafe properties and to seek reimbursement of costs and expenses incurred by the ability to place a lien on the property without a Magistrate or Circuit Court Order, (3) Authority to enter into intergovernmental agreements by resolution of Town Council, (4) Authority to adopt an administrative procedures act and enact regulations regarding collection of Municipal Business and Occupation Taxes, Municipal Business License Fees, Municipal Service Fees, and any other delinquent Municipal Taxes and Fees, (5) Authority to issue on the spot citations for code violations concerning public nuisances, safety and health, and (6) Authority to sell Municipal Property without an auction.

LH-370712
11-12,19,2025

Acc.Id: 50161
 Name: TOWN OF DANVILLE
 Phone: 304-369-5428
 Address: PO BOX 217
 City: DANVILLE
 State: WV
 Postcode: 25053
 Class: 9010 Legal Notices
 Edition: CVN CVN
 Start: 11/12/2025
 Stop: 11/19/2025
 Issues: 2
 Units: 83.0
 Order ID: HC 370712
 TFN: C
 TFN cycle:
 Rep: EQUEN
 Status: CF
 Source: EM
 Paytype: BI
 Rate: LG
 Cost EXC
 GST: 45.03
 Tax: 0.00
 Total Charge: 45.03
 Printed on: 11/05/2025 10:15:33
 Printed by: EQUEN

Council Meeting

Town of Danville

Danville, WV


December 12, 2025

The council of the Town of Danville met in special session with the following members present:
Mark McClure, Mayor. Anthony Carrico, Recorder/Treasurer.


Councilmen: Ronald Nelson, Roger McNeely, Bill Mullins, George Chafin, and Mark Snow.

The purpose of the meeting was to hold a public hearing on the proposed Home Rule Ordinance. To be followed by a second reading of said ordinance. Whereupon the public hearing was opened at 12:02 p.m., at which time no members of the public was present. Whereupon the public hearing was adjourned at 12:12 p.m. Whereupon the matter was then put before the Town Council of Danville for second reading of said ordinance, whereupon it passed unanimously.

Being no further business the meeting adjourned at 12:25 p.m.



Anthony Carrico,
Recorder/Treasurer



Mark A. McClure,
Mayor

This is a true and certified copy of the special meeting of the Town of Danville Council held on December 12, 2025.

AN ORDINANCE BY THE TOWN COUNCIL OF DANVILLE, WEST VIRGINIA, AUTHORIZING THE MAYOR TO SUBMIT A HOME RULE APPLICATION AND WRITTEN PLAN TO THE MUNICIPAL HOME RULE BOARD IN ACCORDANCE WITH §8-1-5a et. seq. OF THE WEST VIRGINIA CODE

BE IT HEREIN ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, BOONE COUNTY, WEST VIRGINIA, that the Mayor is hereby authorized to submit a written plan to the Municipal Home Rule Board in accordance with West Virginia Code §8-1-5a et seq., as amended, and to otherwise carry into effect and execute all necessary documents required for the consideration of the Town of Danville for the Municipal Home Rule Program. A copy of said written plan, as approved by Town Council, is attached hereto and incorporated herein.


FIRST READING:

Nov. 9, 2025

PUBLIC HEARING/SECOND READING:

Dec. 12, 2025

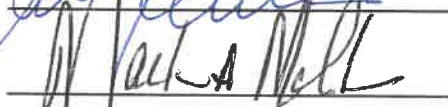
RECORDER:



DATE:

12/12/25

MAYOR:



DATE:

12/16/25

APPROVED BY MAJORITY VOTE ON FIRST READING:

Yes or No

APPROVED BY MAJORITY VOTE ON SECOND READING:

Yes or No

Town of Danville
Detail of B & O Tax

Period April 1, 2024 through March 31, 2025

	Total	Rate %	Current Gross Tax	Proposed Rate	Proposed Tax	Total B&O Tax Reduction
Natural Resources	0.00	1.00	0.00	1.00	0.00	0.00
Timber	0.00	0.55	0.00	0.55	0.00	0.00
Retailers	5236121.71	0.13	68069.46	0.11	57597.24	10472.22
Wholesalers	1516359.64	0.06	909.82	0.05	758.18	151.64
Water Companies	673844.11	1.10	7412.29	1.10	7412.29	0.00
Electric Power	1098209.04	1.07	11750.84	1.07	11750.84	0.00
Natural Gas	117302.80	1.07	1255.14	1.07	1255.14	0.00
Other Public Utility	0.00	0.71		0.71	0.00	0.00
Contracting	3715854.77	0.55	20437.21	0.55	20437.21	0.00
Banking	1098657.35	0.28	3076.24	0.28	3076.24	0.00
Amusement	0.00	0.17		0.17	0.00	0.00
Service and all Others	24135581.80	0.28	67579.63	0.26	62752.52	4827.11
Rents, Royalties and Fees	579127.72	0.26	1621.56	0.28	1621.56	0.00
Bus Companies	0.00	1.17		1.17	0.00	0.00
Manufacturing	111680.80	0.22	245.70	0.15	167.53	0.00
Total	<u>85407739.74</u>		<u>182357.89</u>		<u>166828.75</u>	<u>15529.14</u>
Total Taxable Sales	19233053.14					
Additional Council Charges						
Home Rule Tax Rate	1.00					
Home Rule	<u>192330.54</u>					
Net Change	192330.54					
Less 2% Tax Admin Fee	(3846.61)					
Less Annual Assessment	(2000.00)					
Less: B & O Reduction	<u>(15529.14)</u>					
Net Available for New Projects	<u>170954.79</u>					

APPENDIX
NO. 6

TOWN OF DAVILLE

sales

Quarters 6-30-24 through 3-31-25

	Retail	Taxable Sales	Wholesale	Construction	Electric	Service	Taxable	Rentals	Interest		
Advanced Auto	1363491.30	676748.65	911792.41	16585.00							2042029.26
A J Vetter											16585.00
American Bottling			84011.85								84011.85
Amplex	1025693.45	1025693.45									2051386.90
Appalachian Power				118478.70	4098209.04						1216687.74
Ashley Elder						16358.00					16358.00
A T Miller								31071.43			31071.43
Babe's Cave Nutrition						47750.96					47750.96
Baldwin & Sons				48664.00							48664.00
Barkers Hardware	811420.65	405710.33	634230.16								1751361.14
EBL Carlton				1229860.76							1229860.76
Boone Co Armesal & Pawn									82002.67		82002.67
Boone Memorial Healthcare						2791109.67					2791109.67
Brooklyn Miller								4025.00			4025.00
Caldwell Insurance Co						666462.08		29000.00			29000.00
CDH Realty LLC						11235.00					11235.00
Cheryl Springs											
Chick-fil-e	1507.30	1507.30									1507.30
CP Rankin				156275.00							156275.00
Craddock Produce LLC	47035.89	0.00		55991.51							47035.89
Crtes Construction								15950.95			15950.95
D&R Leasing						1518864.98					1518864.98
Danville Animal Clinic								2100.00			2100.00
Danville Central LLC	281077.96	252970.17									534048.13
Danville Floral & Gifts						83354.00					2698251.69
Danville Nails & Spa	2570715.89	128535.80									264542.64
Danville Pharmacy								284542.64			330000.00
Danville Plaza											
Danville Tobacco	165000.00	165000.00									937883.09
Davis H Elliot Const				938770.14		142301.87					43200.00
Diesel Electric	781589.24	158313.85						43200.00			43200.00
DMS Properties LLC											151861.08
E&D Auto	126252.72	28250.55	67.61					3000.00			3000.00
Doug Hill											
Elco Mechanical Contractors				36869.56		967.00					2660.00
EMC Italian Kisties	1330.00	1330.00									142779.50
ESC Properties	7165094.40	2839057.10	1430092.23	2601494.67	1098208.04	5420103.04	0.00	392890.02	82002.67	0.00	2182843.17

TOWN OF DAVILLE

Sales - Page 2

Quarters 6-30-24 to 3-31-25

	Field	Taxable Sales	Wholesale	Construction	Electric	Service	Taxable	Rentals	Interest	Manufacturing	
Exclusive Wireless	135799.35	67898.68									203699.04
Family Dollar	1982792.00	1189875.20									3172467.20
Ford & Sweeney Acct											
Funky Flamingo	286732.98	272396.32				74272.73	74272.73				559129.28
Gail Snyder						13890.00					
Gino's	1825788.09	1829499.28									
Gomart	3114824.83	165741.23						13182.10			3755287.95
Gracie & Tate Merchan	935353.09	889585.44									3285747.78
Handley Funeral Home	838224.08	838224.08									1829938.53
HD Media	15926.80	15926.80				662144.01					2338592.17
Hillcrest Healthcare										111680.80	158213.86
Holly Nichols											1298053.39
Homestead Catering											10786.00
Hope Gas											59364.00
Hope-A-Lot	4155206.82	623280.88					29882.00				82008.41
Idrows					82008.41						4778488.70
J&R Repairs											40569.80
Jervey's I	595682.78	595682.78									1129864.66
K Boe	195116.00	19116.00									1191165.56
Kaisi Hall											214232.00
Kent's Barber Shop											6700.00
KFC Franchise											10796.00
Kristin Miller											41318.80
Kroger Gas	6357234.61	63572.35									18580.00
Las Vance											8420808.95
Lissa Foltus											21291.00
Little Bow Peep											11050.00
Little General	3984092.51	198204.63									163916.52
Logan Outdarts											4162297.14
Lorrison Pool	331122.19	331122.19									662244.36
Loveloy's Automotive	411531.00	0.00									411531.00
Loveloy's Pre-Owned											2168829.28
Lucky Dog Thrift	108414.64	108414.64									21028943.17
Page 2	7165094.40	2839057.10									69597218.82
	32518836.46	10036298.58	1444771.69	2801494.67	1180217.45	5420103.04	259888.60	382890.02	82002.67	111680.80	0.00

TOWN OF DAVENPORT
Sales - Page 3
Quarters 8-30-24 through 3-31-25

	Retail	Terminal Sales	Wholesale	Construction	Electric	Service	Taxable	Retiree	Interest	Info
BBQ Restaurants	2122785.49	2016076.27				22603.00				
Madison Moose	102895.98	69795.88				7900.00				
Mary Anna McCune						1500.00				
Massage by Tara						2770.00				
McDoy Esters LLC										
McKofy Month										
MMAHUI LLC										
No Filter Assessments	451839.51	438747.54				10835.00				
Park Ave Restaurant						8149.00				
Paula Miller										
Peonina Llywella										
Peonina Solutions										
Peking Restaurant	878322.39	834408.27		84500.00						
Phillya Specialty										
Pizza Hut	848787.32	807307.48				48895.48				
Pizzeria Ten	44255.01	44255.01				4914.00				
Psalm's Beauty & Barber	100.00	100.00				84480.17				
Quinn's Dry Cleaning										
Rex Barton Rentals										
Rodney Latta & Son										
Roger Hetherington										
S&S Dhablin	52447.16	52447.16				16057.00				
Southern Public						143463.12				
Southern Shaws										
Southern WV Physical Therapy										
Sperry										
Stanley Schenker	281.28	281.28				11000.00				
Studenland						3819550.82				
Sturgis Home Specialists										
TS Inc	3442233.24	1721118.82		6788.00		14013.25	14073.25	19000.00		
Yard Ball	1868854.08	1867371.30		1023091.10		141689.28	7200.00			
Yummy Smith										
The Baba Cafe										
Thompson Rentals										
Thompson Rental										
Trails										
United Bank										
value	608538.04	578286.39								
Vigent										
Vigorens										
Vokomers	8314632.19	485781.81				6170.10				
VW Trading Academy										
WVAWVZ										
WZAC										
Page 2										
B&O Rate	3251885.48	1005638.88	1444771.69	2601486.87	1189217.45	2895864.88	289886.60	486972.02	82002.87	111680.80
B&O returns	5289121.71	18939154.28	4516389.84	3719884.77	1889335.88	2415591.80	273904.85	578427.72	1088857.25	111680.80
Rollled Back Rate	0.13		0.06	0.55	2.07	0.38		0.28	0.28	0.21
Rollled back B&O Revenue	5208346		909.83	20437.21	28216.11	67593.63		1621.55	3076.24	245.70
Sales Tax Rate	0.11		0.05			0.26				0.35
Home Rule Revenue	57387.24		758.18	20487.21	20216.11	62752.52		1621.55	3076.24	167.53
Drop in B&O Income		1.00					3.00			
		189391.52					2739.02			
										192330.54
										4198881.89
										202781.84
										7893.00
										1740.00
										47883.57
										2770.00
										508587.05
										10845.00
										6743.00
										84890.00
										1712728.65
										57905.76
										1587104.78
										47130.46
										102182.87
										84480.17
										18889.00
										1588277.30
										18087.00
										268357.44
										35294.89
										380350.62
										10000.00
										28899.02
										141889.28
										6789.00
										69470.71
										873844.11
										48480.00
										89840782.88
										Total
										182155.73
										168626.52
										41529.16

C. Jeffrey Vallet, CPA

Vallet Tax and Accounting Service, AC

401 Cole Street
Logan, WV 25601
(P) 304-752-1272
(F) 304-752-3254

601 E Street
South Charleston, WV 25303
(P) 304-768-6730
(F) 304-768-6031

AFFIDAVIT

STATE OF WEST VIRGINIA
COUNTY OF LOGAN, to-wit:

I, C. Jeffrey Vallet, having been duly sworn, do hereby state and affirm the following:

1. That I am the CPA of the Town of Danville, having served from May 1, 2025 to the present; and
2. That as CPA, I am familiar with the financial affairs for the Town of Danville; and
3. That I hereby certify to the best of my ability, that the Town of Danville is not delinquent in, nor does it have any outstanding payments due to the State of West Virginia.

This affidavit is sworn by me and submitted this 4 day of November, 2025.

C. Jeffrey Vallet, CPA
Vallet Tax & Accounting Service AC
P. O. Box 927
Logan, WV 25601
civallet@vallettax.com

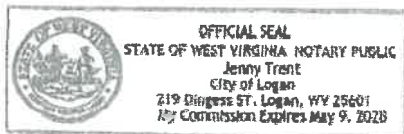
STATE OF WEST VIRGINIA
COUNTY OF LOGAN, to-wit:

I, Jenny Trent, a Notary Public in and for the County and State aforesaid, do hereby certify that C. Jeffrey Vallet, known and known to me, did swear to and subscribe before me the above affidavit.

Given under my hand and this 4th day of November, 2025.
My commission expires May 9 2023.

Signature

Notary Public



APPENDIX
NO. 7

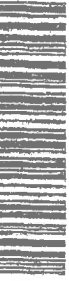


Taxpayer Services Division
P.O. Box 3784
Charleston, WV 25337-3784



WEST VIRGINIA
TAX DIVISION

00024301010000



Matthew R. Irby, Tax Commissioner

Letter ID: L1367762336
Issued: 11/03/2025

DANVILLE TOWN OF
PO BOX 217
DANVILLE WV 25053-0217

West Virginia Tax Division

Letter of Good Standing

EFFECTIVE DATE: 11/03/2025

A review of tax accounts indicates that DANVILLE TOWN OF is in good standing as of the effective date of this document.

Please note, this Letter of Good Standing expires on **February 1, 2026**.

The issuance of this Letter of Good Standing shall not bar any audits, investigations, assessments, refund or credits with respect to the taxpayer named above and is based only on a review of the tax returns and not on a physical audit of records.

Sincerely,

Nicole Grant, Tax Unit Supervisor
Taxpayer Services Division

APPENDIX
NO. 8

Partlow Law Offices, PLLC
Location: 319 Keyser Street, Wayne, WV 25570
Mailing: PO Box 1122 Wayne, WV 25570



Phone: (304) 688-1449
Fax: (304) 362-9829
kpartlowlawoffices@gmail.com

PARTLOW LAW OFFICES, PLLC
Kendal E. Partlow, Attorney at Law

December 12, 2025

The Hon. Mark McClure
Mayor, Town of Danville
731 Hopkins Avenue
Danville, WV 25053

**ATTORNEY OPINION LETTER CONCERNING THE TOWN OF DANVILLE'S
APPLICATION FOR MUNICIPAL HOME RULE**

Dear Mayor McClure:

As you are aware, the Town of Danville retained my law firm to provide it with legal assistance regarding applying for Home Rule status before the West Virginia Municipal Home Rule Board.

Part of the application process requires that the applicant town offer a legal opinion attesting that the application has complied with all legal requirements. Please allow this correspondence to serve as the above referenced legal opinion.

While it is the case that the final/fully complete version of the Home Rule Plan was not provided to the Municipal Home Rule Board until December 12, 2025 (when according to the "*Municipal Home Rule Program Guidelines*" it was to be received thirty days prior to their January 7, 2026, meeting, which was December 7, 2025, making it five days late), it is the opinion of the undersigned however that substantial compliance was made with the above referenced guidelines by virtue of the initial – albeit incomplete – submission to the Municipal Home Rule Board on November 19, 2025, well before the December 7, 2025, deadline therein imposed and further because the only documents absent from that initial tendering were three documents that, due to unforeseen and unavoidable circumstances, could not be provided by December 7, 2025, and were not available until this very day, at which time they are being submitted.

Therefore, after review of the Home Rule Application referenced above, and save only for the matter addressed in the prior paragraph wherein nonetheless it is respectfully and in good faith believed that substantial compliance was made, the undersigned is of the opinion that, on balance, said Application is fully legally compliant with the statutory requirements set forth in W.V. Code § 8-1-5(a) et seq. governing the application process for the Home Rule Pilot Program.

APPENDIX
NO. 9

Should you require any additional information and/or have any questions/concerns regarding the contents of this letter, please so advise.

Sincerely,
PARTLOW LAW OFFICES, PLLC



BY: Kendal E. Partlow, Esq.