

Danville-Pittsylvania Regional Industrial Facility Authority

**CITY OF DANVILLE, VIRGINIA
COUNTY OF PITTSYLVANIA, VIRGINIA**

SPECIAL MEETING AGENDA

THURSDAY, MAY 3, 2012

2:00 P.M.

**DANVILLE REGIONAL AIRPORT
EASTERN CONFERENCE ROOM
424 AIRPORT DRIVE, DANVILLE, VIRGINIA**

COUNTY OF PITTSYLVANIA MEMBERS

**COY E. HARVILLE, CHAIRMAN
JAMES H. SNEAD
JESSIE L. BARKSDALE, ALTERNATE**

CITY OF DANVILLE MEMBERS

**SHERMAN M. SAUNDERS, VICE CHAIRMAN
T. DAVID LUTHER
FRED O. SHANKS, III, ALTERNATE**

STAFF

**JOSEPH C. KING, CITY MANAGER, DANVILLE
WILLIAM D. SLEEPER, PITTSYLVANIA COUNTY ADMINISTRATOR
CLEMMENT & WHEATLEY, ATTORNEY FOR AUTHORITY
SUSAN M. DEMASI, AUTHORITY SECRETARY
BARBARA A. DAMERON, AUTHORITY TREASURER**

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

1. MEETING CALLED TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT PERIOD

Members of the public who desire to comment on a specific agenda item will be heard during this period. The Chairman/Vice Chairman of the Authority may restrict the number of speakers. Each speaker shall be limited to a total of three minutes for comments. (Please note that the public comment period is not a question-and-answer session between the public and the Authority.)

4. NEW BUSINESS

- A. Consideration of Resolution No. 2012-05-03-Special-4A to approve an Amendment to that Certain Declaration of Restrictive Covenants for the Cyber Park, dated September 20, 2004, and recorded in the Clerk's Office of the Circuit Court of the City of Danville, Virginia, as Instrument No. 05-1671, at page 107, a copy of which is attached hereto as "Exhibit A".
- B. Consideration of Resolution No. 2012-05-03-Special-4B to authorize Viridia to install a proposed wall sign of 35" x 115" on the SENTEC Building in the Cyber Park.

5. COMMUNICATIONS FROM:

Jessie L. Barksdale
Coy E. Harville
T. David Luther
Sherman M. Saunders
Fred O. Shanks, III
James H. Snead
Staff

6. ADJOURN

**AGENDA
ITEM NUMBER 4A**

Danville - Pittsylvania Regional Industrial Facility Authority



Coy E. Harville, Chairman

427 Patton Street
Danville, Virginia 24541
(434) 797-8928
(434) 799-5041 – FAX



Sherman M. Saunders, Vice-Chairman

MEMO TO: RIFA AUTHORITY MEMBERS

MEMO FROM: KENNETH C. GILLIE JR., DIRECTOR OF PLANNING DIVISION

RE: SIGNAGE

DATE: APRIL 19, 2012

Section 5.7 of the covenants mentions information signs. The City of Danville Zoning Code defines informational signs as:

Informational Sign. A sign of a public or quasi-public nature which identifies or locates a hospital, public building, college, university, public parking area, historic area, major tourist attraction, public recreation area or similar public or quasi-public activity, which shall be approved on a case-by-case basis by the Director of Planning/Zoning Administrator.

The commercial uses now occupying some of the structures have transformed some of the public-quasi public nature of the buildings. These commercial tenants rightfully want advertising announcing their presence. To address the tenants concerns, the Institute is preparing to install certain signage directing what activities occur within each building. This is more in keeping with the City of Danville definition of directory sign.

This is how that is defined:

Directory Sign. A subsidiary sign listing the names, uses, or location of various businesses conducted within a building or group of buildings.

RECOMMENDATION:

City staff suggests changing the wording of Section 5.7 from information signs to directory sign. Staff believes that if the review committee changes the title of that sub-section from Information Sign to Directory Sign and changes the first line, then these signs will be covered under the City of Danville Zoning regulations.

It is recommended that the Review Committee approve a resolution amending Section 5.7 of the Covenants changing the title of the subsection on Information Signs to that of Directory Signs and amending the first line of that subsection to read the same.

Attachments: Resolution
Proposed signage

Resolution No. 2012-05-03-Special-4A

A RESOLUTION APPROVING AN AMENDMENT TO THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANTS FOR THE CYBER PARK, DATED SEPTEMBER 20, 2004, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF DANVILLE, VIRGINIA, AS INSTRUMENT NO. 05-1671, AT PAGE 107.

WHEREAS, the Danville-Pittsylvania Regional Industrial Facility Authority (the "**Authority**") is a political subdivision of the Commonwealth of Virginia duly created pursuant to the Virginia Regional Industrial Facilities Act (Virginia Code §§ 15.2-6400 *et seq.*) as amended; and

WHEREAS, the Authority made that certain Declaration of Restrictive Covenants for the Cyber Park, dated September 20, 2004, and recorded in the Clerk's Office of the Circuit Court of the City of Danville, Virginia, as Instrument No. 05-1671, at page 107 (the "**Declaration**"); and

WHEREAS, the Authority desires to amend the Declaration to permit Directory Signs instead of Informational Signs, as set forth on that certain Amendment to Declaration of Restrictive Covenants for the Cyber Park, attached hereto and incorporated herein as **Exhibit A** (the "**Amendment**"); and

WHEREAS, the Authority has determined that the Amendment is necessary and proper to align the terminology in the Declaration with the terminology used in the City of Danville Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that

1. The Authority hereby authorizes and directs the Chairman of the Authority to execute and deliver, and otherwise pursue, the Amendment, together with such amendments, deletions or additions to the Amendment as may be approved by the Chairman, and such execution of the same by the Chairman to conclusively establish his approval of any amendments, deletions or additions thereto.
2. The Authority hereby authorizes the Chairman to execute and deliver such other documents in connection with the Amendment, as may be approved by the Chairman, such execution by the Chairman to conclusively establish his approval of such other documents.
3. The Authority hereby authorizes and directs staff and other agents and representatives working on behalf of the Authority to take such actions and to do all such things as are contemplated by the Amendment or as they in their discretion deem necessary or appropriate in order to carry out the intent and purposes of this Resolution.
4. The Authority hereby approves, ratifies and confirms any and all actions previously taken by the Authority, its agents and representatives, in respect to the Amendment and the matters contemplated in this Resolution.

Resolution No. 2012-05-03-Special-4A

5. This Resolution shall take effect immediately upon its adoption.

CERTIFICATE

I, the undersigned Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority, hereby certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by a majority of the directors of the Danville-Pittsylvania Regional Industrial Facility Authority at a special meeting duly called and held on May 3, 2012, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof.

WITNESS my hand as Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority this 3rd day of May 2012.

Susan M. DeMasi, Secretary
Danville-Pittsylvania Regional Industrial Facility
Authority

(SEAL)

Resolution No. 2012-05-03-Special-4A

Exhibit A

**THIS INSTRUMENT WAS PREPARED BY AND
AFTER RECORDING SHOULD BE RETURNED TO:**
CLEMENT & WHEATLEY, A Professional Corporation
549 Main Street (24541), P.O. Box 8200
Danville, VA 24543-8200

PINs: 78358, 77831, 78471, 78461, 78460, 78360, 78359, 77837, 76472, 76471, 76442, 76441,
76368

**AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS FOR THE
CYBER PARK**

**THIS AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS
FOR THE CYBER PARK** (this "Amendment") is made and entered into as of the ____ day
of _____ 2012.

WHEREAS, Danville-Pittsylvania Regional Industrial Facility Authority, a political subdivision of the Commonwealth of Virginia (the "**Authority**"), made that certain Declaration of Restrictive Covenants for the Cyber Park, dated September 20, 2004, and recorded in the Clerk's Office of the Circuit Court of the City of Danville, Virginia, as Instrument No. 05-1671, at page 107 (the "**Original Declaration**");

WHEREAS, the Authority desires to voluntarily amend the Original Declaration as provided herein;

WHEREAS, Article 9.2 of the Original Declaration permits the Original Declaration to be amended "with the written consent of the record title holders (excluding the City of Danville, Virginia and trustees under deeds of trust) of sixty-five (65) percent of the land area of Property subject to these restrictions plus fifty-one (51) percent of the Owners of Parcels (excluding trustees under deeds of trust), provided such owners are 51% in number;"

WHEREAS, the Authority is the record title holder of at least sixty-five percent (65%) of the land area of the Property (as defined in the Original Declaration) and is the owner of at least fifty-one percent (51%) of the Parcels (as defined in the Original Declaration); and

WHEREAS, all restrictions in the Original Declaration are to be reaffirmed and to remain in full force and effect, except as specifically amended herein.

**NOW, THEREFORE, THE ORIGINAL DECLARATION IS AMENDED AS
FOLLOWS:**

1. The last paragraph of Article 5.7 with the heading "Information Signs" is deleted and replaced in its entirety with the following new paragraph:

“Directory Signs

A “Directory Sign” means a subsidiary sign listing the names, uses, or location of various businesses conducted within a building or group of buildings. Directory Signs are permitted. The number of Directory Signs should be limited to the most reasonable number possible to convey the intended information and to comply with the City of Danville Zoning Ordinance.”

2. Except as amended herein, all restrictions in the Original Declaration are reaffirmed and shall remain in full force and effect, and such covenants, as amended, are to run with the land and shall be binding on all parties and persons claiming under them.

IN TESTIMONY WHEREOF, witness the signature to this **AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS FOR THE CYBER PARK** as of the date first above written:

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY, a political subdivision of the Commonwealth of Virginia

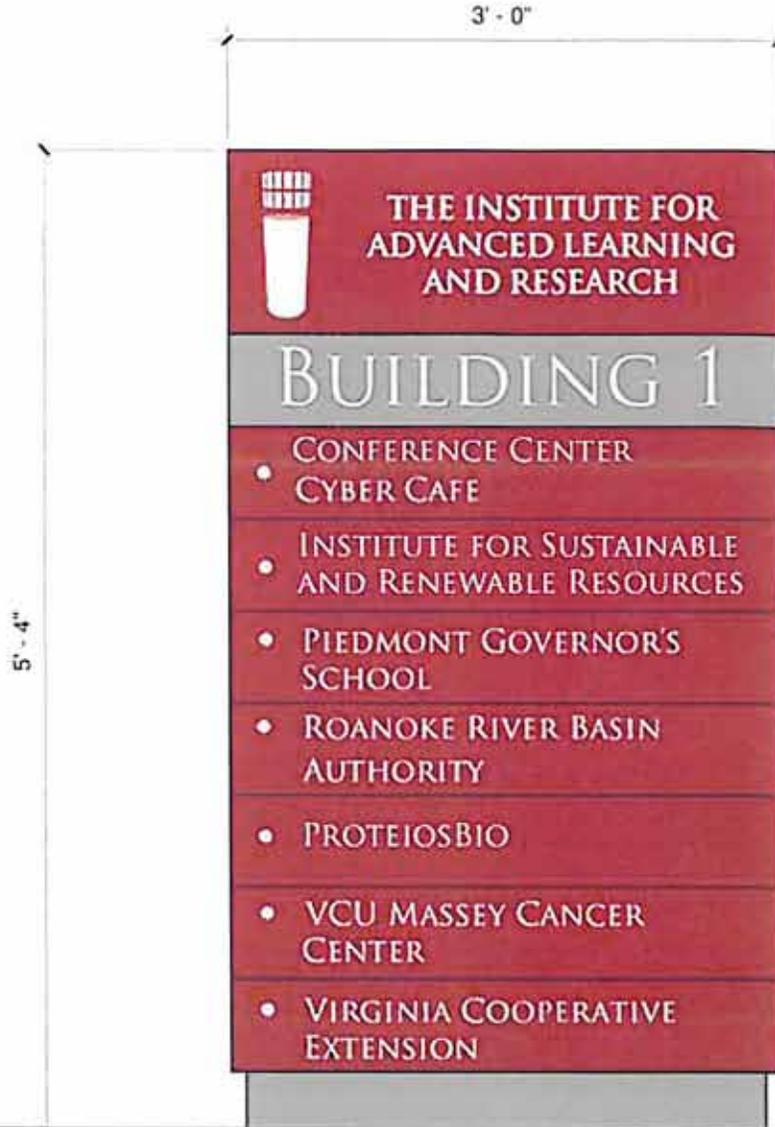
By: _____
Coy E. Harville, Chairman

COMMONWEALTH OF VIRGINIA, AT LARGE
CITY OF DANVILLE, to-wit:

The foregoing instrument was acknowledged before me by **Coy E. Harville** in his capacity as Chairman of **DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY**, a political subdivision of the Commonwealth of Virginia, this _____ day of May 2012.

My commission expires: _____.

Notary Public
Registration No. _____



1 CAMPUS SIGNAGE
 SA-26 SCALE: 1" = 1'-0"



Dewberry[®]
 Dewberry & Davis, Inc.

551 PINEY FOREST ROAD
 DANVILLE, VA 24540
 PHONE: 434.797.4497
 FAX: 434.797.4341

DATE
 2012.01.30
 PROJ. NO.
 50037450

TITLE CAMPUS SIGNAGE
 PROJECT
 Sustainable Energy
 Technology Center
 (SEnTeC)

SHEET NO.
SA-26





**AGENDA
ITEM NUMBER 4B**

Danville-Pittsylvania Regional Industrial Facility Authority



Coy E. Harville, Chairman

427 Patton Street
Danville, Virginia 24541
(434) 797-8928
(434) 799-5041 – FAX



Sherman M. Saunders, Vice-Chairman

MEMO TO: RIFA AUTHORITY MEMBERS

MEMO FROM: KENNETH C. GILLIE JR., DIRECTOR OF PLANNING DIVISION

RE: SIGNAGE

DATE: APRIL 19, 2012

Viridia has requested to install signage on the wall of the SENTEC building announcing their presence within the facility. Section 5.7 of the Restrictive Covenants for the Cyberpark requires review commission approval for any signage installed that is visible from a public right-of-way.

More specifically the covenants require *"A wall mounted identification sign shall comply with the City's Zoning Ordinance and if permitted by said ordinance, shall not exceed 300 square feet nor cover more than five (5) percent of the area of the building elevation, building side or architectural element on which it is placed. Wall mounted signs shall not project above the eave line."*

The sign proposed by Viridia is 27.2 sq. ft., and is substantially less than five (5) percent of the area of the building elevation. It is also consistent with City of Danville Zoning requirements.

RECOMMENDATION:

It is recommended that the Review Commission approve a resolution authorizing Viridia to install a wall sign of 35" x 115" on the SENTEC building per the attached drawing.

Attachments: Resolution
Viridia sign diagram/photo

Resolution No. 2012-05-03-Special-4B

A RESOLUTION APPROVING THE PROPOSED VIRDIA WALL SIGN FOR INSTALLATION ON THE SENTEC BUILDING IN THE CYBER PARK.

WHEREAS, the Danville-Pittsylvania Regional Industrial Facility Authority (the “**Authority**”) is a political subdivision of the Commonwealth of Virginia duly created pursuant to the Virginia Regional Industrial Facilities Act (Virginia Code §§ 15.2-6400 *et seq.*) as amended; and

WHEREAS, the Authority made that certain Declaration of Restrictive Covenants for the Cyber Park, dated September 20, 2004, and recorded in the Clerk’s Office of the Circuit Court of the City of Danville, Virginia, on April 7, 2005, as Instrument No. 05-1671, at page 107 (the “**Restrictive Covenants**”); and

WHEREAS, Virdia, Inc. has requested to install signage on the wall of the SENTEC building in the Cyber Park announcing its presence within the facility, as shown on Exhibit A, attached hereto and incorporated herein (the “**Proposed Wall Sign**”); and

WHEREAS, Section 5.7 of the Restrictive Covenants requires approval by the Review Commission for any signage installed that is visible from a public right-of-way; and

WHEREAS, the Authority desires to approve the Proposed Wall Sign; and

WHEREAS, the Authority has determined that the approval of the Proposed Wall Sign is in furtherance of the Authority’s purpose of developing and enhancing its Cyber Park project.

NOW, THEREFORE, BE IT RESOLVED, that

1. The Authority hereby approves the Proposed Wall Sign.
2. The Authority hereby authorizes the Chairman to execute and deliver such other documents in connection with the approval of the Proposed Wall Sign, as may be approved by the Chairman, such execution by the Chairman to conclusively establish his approval of such other documents.
3. The Authority hereby authorizes and directs staff and other agents and representatives working on behalf of the Authority to take such actions and to do all such things as are contemplated by the approval of the Proposed Wall Sign or as they in their discretion deem necessary or appropriate in order to carry out the intent and purposes of this Resolution.
4. The Authority hereby approves, ratifies and confirms any and all actions previously taken by the Authority, its agents and representatives, in respect to the approval of the Proposed Wall Sign and the matters contemplated in this Resolution.
5. This Resolution shall take effect immediately upon its adoption.

CERTIFICATE

I, the undersigned Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority, hereby certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by a majority of the directors of the Danville-Pittsylvania Regional Industrial Facility Authority at a special meeting duly called and held on May 3, 2012, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof.

WITNESS my hand as Secretary of the Danville-Pittsylvania Regional Industrial Facility Authority this 3rd day of May 2012.

Susan M. DeMasi, Secretary
Danville-Pittsylvania Regional Industrial Facility
Authority

(SEAL)

Exhibit A

