CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, MAY 4, 2010 - 7:00 P.M.
MUNICIPAL COURTROOM – 305 MONROE STREET

WELCOME AND CALL TO ORDER Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Hisaw followed by the pledge of allegiance to the flag led by Mayor Aultman.

ROLL CALL City Clerk, Russell Wall

Present:	Jehu Brabham – Alderman-at-Large
	Tony Hisaw – Alderman Ward 1
	William O Barnett – Alderman Ward 3
	Kathy Peace – Alderwoman Ward 4
	Mike Morgan – Alderman Ward 5
	Mike Cashion – Alderman Ward 6
Absent:	Tony Greer – Alderman Ward 2

APPROVAL OF CONSENT AGENDA ITEMS A – P

MOTION made by Alderman Cashion and **SECONDED** by Alderman Brabham to approve the Consent Agenda Items A-P. **MOTION CARRIED UNANIMOUSLY**

CONDITIONAL USE – 1100 BUSINESS PARK DRIVE – DAYSPRING COMMUNITY CHURCH

Upon presentation by Jerry Bounds, Director of Community Development, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderwoman Peace the board approved the conditional use resolution requested by Dayspring Community Church for a building to be located at 1100 Business Park Drive in the City of Clinton. The Planning and Zoning Commission recommended approval. The resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

CONDITIONAL USE AND PRELIMINARY SITE PLAN – 2001 PINEHAVEN ROAD – PINEHAVEN PRESBYTERIAN CHURCH

Upon presentation by Jerry Bounds, Director of Community Development, **MOTION** made by Alderman Brabham and **SECONDED** by Alderwoman Peace the board approved the conditional use resolution and the preliminary site plan except for the galvalume roof requested by Pinehaven Presbyterian Church for a building to be located at 2001 Pinehaven Road in the City of Clinton. During the discussion of the issues Alderman Brabham stated that he had thoroughly researched the galvalume roof proposal and that he supported the positions of the Planning and Zoning Commission and the Architecture Review Board in opposing the light colored roof proposal. He did not think that the proposed roof fit into existing and proposed residential area where the church will be located. The City has to be sensitive to the other residents of the area since this is a conditional use request. The Architecture Review Board has always been sensitive to long term development in the area. A dark colored roof would be more palatable to the area. Mark Welch, a church member, stated that the proposed roof would cost $150,000 more than an architectural shingle roof. However, he suggested that the proposed roof was more trend setting than a normal roof. He cited the Lost Rabbit Development in Madison County as an area where this type of roof was common. He was however not aware of any similar roof style in Clinton. He believed it all boiled down to a matter of opinion. A shingle roof would make the building look ordinary. George Rozini, another church member, stated that the church membership was 100% in favor of the galvalume roof. The Architectural Review Board and the Planning and Zoning Commission recommended approval of the conditional use resolution and the site plan except for the galvalume roof. The resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

CONDITIONAL USE – LOTS 1 THROUGH 5 WOODCHASE PARK – PLEASANT GREEN MISSIONARY BAPTIST CHURCH

Upon presentation by Jerry Bounds, Director of Community Development, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Brabham the board approved the conditional use resolution requested by Pleasant Green Missionary Baptist Church for a building to be located at Lots 1 through 5 Woodchase Park in the City of Clinton. The Planning and Zoning Commission recommended approval. The resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

UNKEMPT PROPERTY LOCATED AT 302 INDIAN MOUND

This property had been cleaned; therefore no action was taken on this item.

UNKEMPT PROPERTY LOCATED AT 1504 ROSEMONT

Upon presentation by Tammie Roberson, Compliance Officer, **MOTION** made by Alderwoman Peace and **SECONDED** by Alderman Brabham the board approved a resolution determining the necessity for the cleaning of private property located at 1504 Rosemont, under the authority granted to municipalities by Section 21-19-11, Mississippi Code of 1972, as amended and other applicable statutes and ordinances. The board also approved giving the owner six (6) weeks to complete the construction of the house. A public hearing was held and Clinton Cummings the contractor informed the board that he would complete the construction of the house within the six (6) week extension. No one from the public had any comments. The resolution is on file with the City Clerk. **MOTION CARRIED UNANIMOUSLY**

ACCEPT A DONATION OF $10,000.00 FROM THE CLINTON SOCCER ASSOCIATION FOR FIELD MAINTENANCE AND UPKEEP ON THE SOCCER FIELDS AND FACILITIES

Upon presentation by Ray Holloway, Director of Parks and Recreation, **MOTION** made by Alderman Hisaw and **SECONDED** by Alderman Barnett the board accepted a donation of $10,000.00 from the Clinton Soccer Association for field maintenance and upkeep on the soccer fields and facilities. **MOTION CARRIED UNANIMOUSLY**

APPROVE CHANGE ORDER #1 FOR THE SRF WASTEWATER SYSTEMS IMPROVEMENTS (SLUDGE REMOVAL) PROJECT

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Barnett and **SECONDED** by Alderwoman Peace the board approved Change Order #1 for the SRF Wastewater Systems Improvements (Sludge Removal) project. **MOTION CARRIED UNANIMOUSLY**

AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF CLINTON, MISSISSIPPI AND THE NATURAL RESOURCES CONSERVATION SERVICE FOR EMERGENCY WATERSHED PROTECTION MEASURES

Upon presentation by Richard Broome, City Engineer, **MOTION** made by Alderman Cashion and **SECONDED** by Alderman Brabham the board authorized the Mayor to sign an agreement between the City of Clinton, Mississippi and the Natural Resources Conservation Service for emergency watershed protection measures. **MOTION CARRIED UNANIMOUSLY**

ADJOURN 7:45 P.M.

MOTION made by Alderman Brabham and **SECONDED** by Alderwoman Peace to adjourn until the next regular meeting of the Mayor and Board of Aldermen to be held on May 18, 2010 at 7:00 pm. **MOTION CARRIED UNANIMOUSLY**

APPROVED: Rosemary Aultman, Mayor — Date: May 5, 2010

ATTEST: Russell L. Wall, City Clerk — Date: May 5, 2010

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

PLANNING & ZONING COMMISSION

Clinton, Mississippi
Tuesday, April 27, 2010
6:30 p.m.
Municipal Courtroom
305 Monroe Street

Meeting Minutes

Members Present: Foster Ellis, Jr., Nancy Davis, Ryan Tracy, James Martin, Pat Smith, Bettye King

City Officials: Jerry Bounds, Ken Dreher

Minutes taken by Cassie Cutrer.

1. Call To Order
Jim Martin called the meeting to order at 6:30 p.m.

II. Consideration and Approval of March 23, 2010 Minutes.
MOTION by Foster Ellis to approve the March 23, 2010 minutes. SECOND by Ryan Tracy. UNANIMOUS approval. NONE opposed.

III. New Considerations:

A. Approval of Site Plan and Architectural Design: 2001 Pinehaven Rd., Pinehaven Presbyterian Church, Mark Welch - Church Building Committee member

Jerry Bounds said that the Architectural Review Board had reviewed the architectural plans again with Mark Welch and George Rozina in attendance at their meeting. The Architectural Review Board still decided to vote against the silver metal roof that the church was proposing. The board did not have a problem with a colored metal roof.

Mark Welch, representing Pinehaven Presbyterian Church, briefly gave the history of the church's present existence: the church is a "marriage" of St. Paul Presbyterian and Mt. Salus Presbyterian Church. The congregation of Mt. Salus partly joined because St. Paul would be moving to Clinton. Mr. Welch stated theat they could not convince the Architectural Review Board of their color scheme. He showed the P & Z Commission similar pictures of a church with a silver roof in Raymond. He explained this was a cheaper version of the type of metal to be used on their building. He stated the reasons the church did not want to use a colored metal roof: 1) the colors fade on a colored metal roof, 2) the church likes the look of the silver roof 3) the silver metal roof will not fade as much as the colored metal 4) If the church does not use silver, the roof would be gray or

brown. He pointed out that the brown metal roof on the newly built Morrison Heights is already fading.

George Rozina, of Pinehaven Presbyterian Church and chairman of the building committee, stated that the design for a silver metal roof was not done spur of the moment. The church felt it would be an enhancement to the area. He stated he could understand the objection if the church would be built in the historic district, but there is nothing around the area where the church is building. He asked Jerry Bounds what the main reason for the objection to the roof is.

Jerry Bounds stated that the metal roof does not go with the neighborhood; it looks more like a metal building with the roof. The Galvalume roof will turn chalky and white.

Bettye King stated that she thought the building was beautiful. The committee was not discussing the building but the roof. The Galvalume will whiten and rust. When you add on to the church, the Galvalume will not look the same (as when first put on). She read from the Architectural Review minutes stating that the architectural shingles were approved, but samples for a color must be approved.

George Rozina stated the roof is part of the building.

Mark Welch stated that Galvalume won't rust in a time period that one would not put up a new roof anyway. The Galvalume roof is aluminum coated. It can oxidize, but it will not rust in the next 20-30 years. If they use shingles, it will look like every other church.

Jim Martin stated that (from the minutes), it looked like the Architectural Review Committee was concerned that the roof would turn white and rust, not looking like the original design. He asked Mark Welch if the congregation had considered any alternatives for a silver roof (that would not turn colors).

Bob Lewis, the architect of the church building, said that from his understanding, even if they used a color, as the Architectural Review Board had suggested, they would not be allowed to use gray. Even if the church had the money to pay for a stainless steel roof, it seems they would be turned down.

Nancy Davis stated that if the church was willing to pay for it and take the risk, they (should build it).

Jim Martin asked how much it would cost to use a stainless steel roof.

Mark Welch said that there would be a $100,000 difference.

Bettye King asked if the church agreed that the roof would whiten.
Mark Welch stated that the roof would always look silver; he was not concerned of the whitening that would take place. He stated no other roof is as stable as a Galvalume roof.

Charlie Dykes, church member, made a personal appeal stating that the congregation were all Clintonians and loved the city. He stated that the church is going to keep their property in good shape.

Jimmy Reynolds, church member, made her appeal to the board, stating that they have strong hearts.

Jim Martin stated that last month the conditional use was approved. The Zoning Ordinance states what can and can't go into an area. A church in a residential neighborhood, for example, must have a conditional use because it is not a residential structure. To obtain the conditional use, it must mesh with the neighborhood. The comments from the church that they want the building to stand out might be inconsistent with the neighborhood.

Mark Welch asked if any neighbors had truly voiced any comments or concerns as implied.

The City Attorney stated that the board could not consider comments by anyone not in attendance of the public hearing, or who had not filed a written statement to be made as part of the minutes.

Jim Whitfield, church member, stated that he lived in the undeveloped land near the church and he did not have concerns that it would devalue the land.

Fred Williams, the pastor of Mt. Hood next to the Pinehaven Presbyterian future site, stated that he believed the church would be a great asset to the area.

Ryan Tracy explained that he realized these issues were matters of tastes and opinions, but that the church roof does not fit with his idea and vision for that area. Because he is on the committee that casts that vision, he had to form an opinion, and his opinion was to object the silver metal roof.

Mark Welch stated that the church did not want other options and did not understand why they could be told what kind of roof to put on or not put on.

Ryan Tracy explained that the law allows the city to have an opinion and a "conditional use," which allows for a condition on the building.

Bettye King stated that any other municipality would require them to go through a similar process.

Charlie Dykes appealed again for the Commission to consider all that the congregation has done to plan the building.

Jim Martin asked if there were any other questions.

MOTION by Ryan Tracy to approve the site plan and architectural design subject to the conditions imposed by the Architectural Review Board as to the roof of the building. SECOND by Foster Ellis, Jr. Bettye King, Jim Martin, Ryan Tracy, and Foster Ellis APPROVED the motion. Pat Smith and Nancy Davis voted NO on the motion. A copy of the minutes of the Architectural Review Board dealing with this matter are attached.

B. Conditional Use and Site Plan: Dayspring Church at 100 Business Park Dr., Josh Broome - Engineer

Josh Broome discussed the land the church would like to purchase.

Ryan Tracy asked about the future driveway shown in the plans.

A public hearing was held. No comments were made.

MOTION by Nancy Davis. SECOND by Bettye King. UNANIMOUS approval.

C. Approval of Conditional Use and Site Plan: Pleasant Green Missionary Baptist Church, Lots 1-5 Woodchase Park, Darrell McQuirter - Pastor

Darrel McWhirter stated that the church was currently at 505 E. College St. and their congregation was one of the oldest churches. They are outgrowing their current location but land-locked. They voted to purchase the ten acres on Woodchase. He discussed some of their future growth building plans, such as a gym, walking trail, pond, and open area for baseball field.

Nancy Davis complimented the plans.

Jerry Bounds stated that the preliminary plans have passed approval by the Engineering Dept. and Fire Dept.

A public hearing was held.

MOTION by Foster Ellis, Jr. SECOND by Ryan Tracy. UNANIMOUS approval.

D. Approval of roof colors: 305 E. College St., Brian Hudson - Owner

Brian Hudson, owner, was not in attendance, so the item will be moved to the next meeting.

MOTION by Bettye King to adjourn. SECOND by Ryan Tracy. UNANIMOUS approval.

IV. The Meeting was adjourned at 7:30 p.m.

Architectural Review Committee
Clinton, Mississippi
Tuesday, March 30, 2010
4:30 p.m.
Community Development Office

Commission Members Present: Tara Lytal, George Ewing, Bettye King

Pinehaven Presbyterian Members present: Mark Welch, George Rozina
City Officials present: Jerry Bounds, Community Development Director;

Minutes Taken By Cassie Cutrer, Administrative Assistant.

The meeting began at 4:30 p.m.

The purpose of the meeting was to discuss the reasons that St. Paul Presbyterian Church (to be called Pinehaven Presbyterian Church) would like to use the Galvalume metal roof on their new church building to be built at 2001 Pinehaven Road. Mark Welch, of Pinehaven Presbyterian Church, explained that the church did not want to use a colored metal roof as the Architectural Review had suggested. There were two reasons he presented:
1. The church likes the metal roof look. He showed pictures of a church with the same look in Raymond, MS.
2. A colored metal roof would fade quickly over time. A silver roof would look the same 10 or 20 years later.

Mr. Welch showed examples of a 15 year old painted metal roof that has faded. Pictures of the building when it was new were contrasted with pictures of the building today.

Mr. Welch brought a letter from one of the church members who used a colored metal roof on his house which began to fade within the first three years of its installment. Mr. George Rozina commented that the new church would be designed so that additions may be added. If a colored roof were used, there would be a noticeable contrast between the older, faded roof and the new roof. With a silver roof, one would not need to worry about the new additions having a different color of roof from the older building.
Jerry Bounds commented that a Galvalume silver roof would also show a contrast between the older, faded roof and the new, if an addition was added.
Mark Welch responded that there would probably be a difference, but the color change would not be as drastic with the Galvalume roof. He explained that oxidation will happen to any metal roof. To a colored roof, it fades; on a silver roof, it turns whitish.

Betty King asked if there were any cleaning processes for these roofs. Mark Williams said he did not know.

George Ewing explained that at the last meeting, his objection was to a regular Galvanized roof because of the rust and mildew that would form on it.

George Ewing asked if they would be applying anything to keep the roof from rust or mildew.
Mark Welch Explained that the Galvalume roof is made more durable than the old Galvanized roofs. Galvalume has a certain percent of Aluminum that makes it last longer than the typical galvanized roof.

Mr. Welch commented they didn't know yet if they would use screw down, commercial, or residential standing seam. They would probably use residential standing seam.
Jerry Bounds pointed out that as the plans called for standing seam, that is what they would have to use.

Jerry Bounds said that the feedback he had received was that the church with a metal roof would look like a metal building. He said he had heard concerns from the neighbors, who lived across the street from the church site.

George Rozina pointed out that with the peaks on the church, there would be no way that it would look like an industrial building.

Mark Welch said that the black shingles were only an alternative for them if the budget would not allow them to use the metal roof. However, the black shingles make the building look just like every other church. Mr. Welch added that from his understanding, there is only a five-year warranty on commercial shingles.

Bettye King said that when the Galvalume roof whitens up, there would not be much contrast on the building.

Mark Welch commented once again that the silver roof is what they want. He could understand the opposition if the church were building a peach, pink, or purple building, but the reasons given for rejecting the roof were just tastes and opinions.

Mark Welch and George Rozina finished their presentation and left the meeting.

Tara Lytal said that she would like the church to consider a colored metal such as medium gray or a faux copper. Jerry Bounds pointed out that the gray color would be white in five years from fading.

After discussion the following were the concluding concerns regarding the installation of the Galvalume roof:

- The silver Galvalume roof would make the building look too much like an industrial building.
- The silver Galvalume roof would rust.
- The silver Galvalume roof would not provide much of a contrast element to the building.
- The silver Galvalume roof would whiten in two or three years.

After some more discussion, the committee voted UNANIMOUSLY to approve the metal roof on the condition that a colored metal other than white or silver (Galvalume) be used. The Architectural shingles were approved. Colors chosen for the colored metal roof or architectural shingles must be submitted before the committee.

RESOLUTION APPROVING A CONDITIONAL USE TO DAYSPRING COMMUNITY CHURCH TO OPERATE A CHURCH AT 1100 BUSINESS PARK DRIVE, CLINTON, MISSISSIPPI

WHEREAS, Dayspring Community Church, did file a request for a conditional use for the property located on 1100 Business Park Drive to operate a church; and

WHEREAS, said property is more fully described in Exhibit A attached hereto; and

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on April 27, 2010, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on April 27, 2010, adopted a motion to approve the request of Dayspring Community Church for a conditional use of the property to operate a church that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration.

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinances; and

WHEREAS, the Mayor and Board of Aldermen are fully familiar with the request and the area involved in the request; and

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the request of Dayspring Community Church for the property on 1100 Business Park Drive to operate a church and hereby granted and such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.

2. The recommendation of the Planning and Zoning Commission is advisory in nature.

3. The Mayor and Board of Aldermen have knowledge of the area involved and are aware of the need for the conditional use.

4. The requested designation meets the definitions of a Conditional Use of the Zoning Ordinance.

5. The Conditional Use will promote the general welfare of the City of Clinton and will not adversely affect adjacent property.

6. The Mayor and Board of Aldermen find that Section 1502 of the City of Clinton Zoning Ordinances has been complied with and that the requirements of Section 2405 of the City of Clinton Zoning Ordinances are satisfied based upon the presentation of the applicants and the site plan presented to the Planning Commission and to the Mayor and Board of Aldermen.

7. The final site plan for this property shall provide that all dumpsters, air conditioning units and similar external facilities be shielded from view by an enclosure as described in the City Zoning Ordinance.

8. This conditional use is granted specifically to Dayspring Community Church for the operation of a church. If Dayspring Community Church ceases to use the property for a church, the conditional use will cease.

The foregoing Resolution, having been reduced to writing, Alderman HISAW moved that said ALDERWOMAN Resolution be adopted. ~~Alderman~~ PEACE seconded. The vote was as follows:

Alderman Brabham voted: AYE

Alderman Hisaw voted: AYE

Alderman Greer voted: ABSENT

Alderman Barnett voted: AYE

Alderwoman Peace voted: AYE

Alderman Morgan voted: AYE

Alderman Cashion voted: AYE

Whereupon the Mayor declared the Motion carried and the resolution approved and adopted.

The foregoing ordinance was approved this the 4th day of MAY 2010.

CITY OF CLINTON

BY: Rosemary G. Aultman
Rosemary Aultman, Mayor

ATTEST: Russell Wall
Russell Wall, City Clerk

(SEAL)

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

REQUEST FOR CONDITIONAL USE APPLICATION

Subject Property Address 1100 Business Park Drive

Owner DaySpring Comm. Church (pastor Matt Friedeman)

Address ~~451 Hwy 80 East~~ current owner Richard Biedenharn
or P.O. Box 1224

Phone # 601-850-7474 (Josh Broome)

Current Zoning District _____

Requirements of Applicant:

1. Letter stating reason for requested conditional use.
2. Copy of the written legal description.
3. Site plan of property.
4. $250.00 fee required for processing.

Requirements for Granting Conditional Uses: *(Section 2405.01 – Zoning Ordinance)*
A conditional use shall not be granted unless satisfactory provisions and arrangements have been met concerning all the following:

(a). Ingress and egress to property and proposed structures.
(b). Off-street parking and loading areas.
(c). Refuse and service areas.
(d). Utilities, with reference locations, availability and compatibility.
(e). Screening and buffering with reference to type, dimensions and character.
(f). Required yards and other open space.
(g). General compatibility with adjacent properties and other property in the district.
(h). Any other provisions deemed applicable by the Mayor/Board of Aldermen.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.

By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for a conditional use.

[signature] 3/24/10
Signature **Date**

pd. check # 2845 (CC) 3-26-10

BROOME ENGINEERING, LLC

P.O. Box 225, Clinton MS 39060
Office 601-850-7474
broomeengineering@wildblue.net

March 23, 2010

To Whom It May Concern:

Dayspring Community Church, currently located on Highway 80 East in Clinton, desires to have certain property located in Clinton Business Park rezoned to allow the development of a church on the property. Our church has grown, and the need for additional parking cannot be accommodated at the existing location.

Water service is available by way of a 12" water main along the property frontage. Sewer service is available at the rear of the property by way of an 8" gravity sewer main. Proposed road access is onto Business Park Drive and the North Frontage Road of Interstate 20. We expect no significant impact on the traffic volume of nearby roads due to the church services being held at low-volume periods of the week. Stormwater during and after construction will be treated per the city's regulations and would drain predominantly to the adjacent lake.

We appreciate your consideration of this matter and welcome any questions and comments. I can be reached at the number above.

Sincerely,

Josh Broome, P.E.

For Dayspring Community Church:

Matt Friedeman, Pastor

C:\project_admin\c-220dayspring\rezoning-letter.doc

ROBERT B. BARNES
CIVIL ENGINEER
LAND SURVEYOR

2 OLD RIVER PLACE, SUITE K
JACKSON, MISSISSIPPI 39202
VOICE (601) 353-SURV
FACSIMILE (601) 353-7805

LEGAL DESCRIPTION

Lot 4 and part of Lot 2 of Clinton Business Park, a subdivision, the map or plat of which is recorded in Plat Cabinet "A" at Slot 80 of the Chancery Records of the Second Judicial District of Hinds County at Raymond, Mississippi, that part of Lot 2 being more particularly described by metes and bounds as follows, to-wit:

Commence at the Southwest corner of the said Lot 4 of Clinton Business Park, said Southwest corner being the **POINT OF BEGINNING** for the parcel herein described; thence North 68° 36' 53" West for a distance of 150.00 feet along the Northern right of way line of Interstate Highway No. 20 to an iron pin; thence leave said Northern right of way line and run North 21° 23' 07" East for a distance of 459.71 feet to an iron pin; thence North 19° 31' 49" West for a distance of 361.95 feet to an iron pin at the Southern right of way line of Biedenharn Cove; thence run 92.73 feet along the arc of a 50.00 foot radius curve to the left along the Eastern right of way line of the said Biedenharn Cove, said arc having a 80.00 foot chord which bears North 01° 52' 05" East; thence North 01° 52' 05" East for a distance of 89.00 feet along the said Eastern right of way line to an iron pin; thence leave said Eastern right of way line of Biedenharn Cove and run South 88° 07' 55" East for a distance of 322.47 feet to the waters edge of a lake; thence meander Southerly along the said edge of a lake for a distance of 662.75 feet, more or less, to a point on the Northern line of the said Lot 4, said edge of a lake having a chord length of 556.09 feet and a bearing of South 7° 03' 04" West; thence North 69° 17' 51" West for a distance of 35.63 feet along the said Northern line of Lot 4 to the Northwest corner thereof; thence South 16° 43' 54" West for a distance of 462.58 feet along the Western line of the said Lot 4 to the **POINT OF BEGINNING**, containing 4.8998 acres, more or less.

City of Clinton
Mississippi
Community Development

March 29, 2010

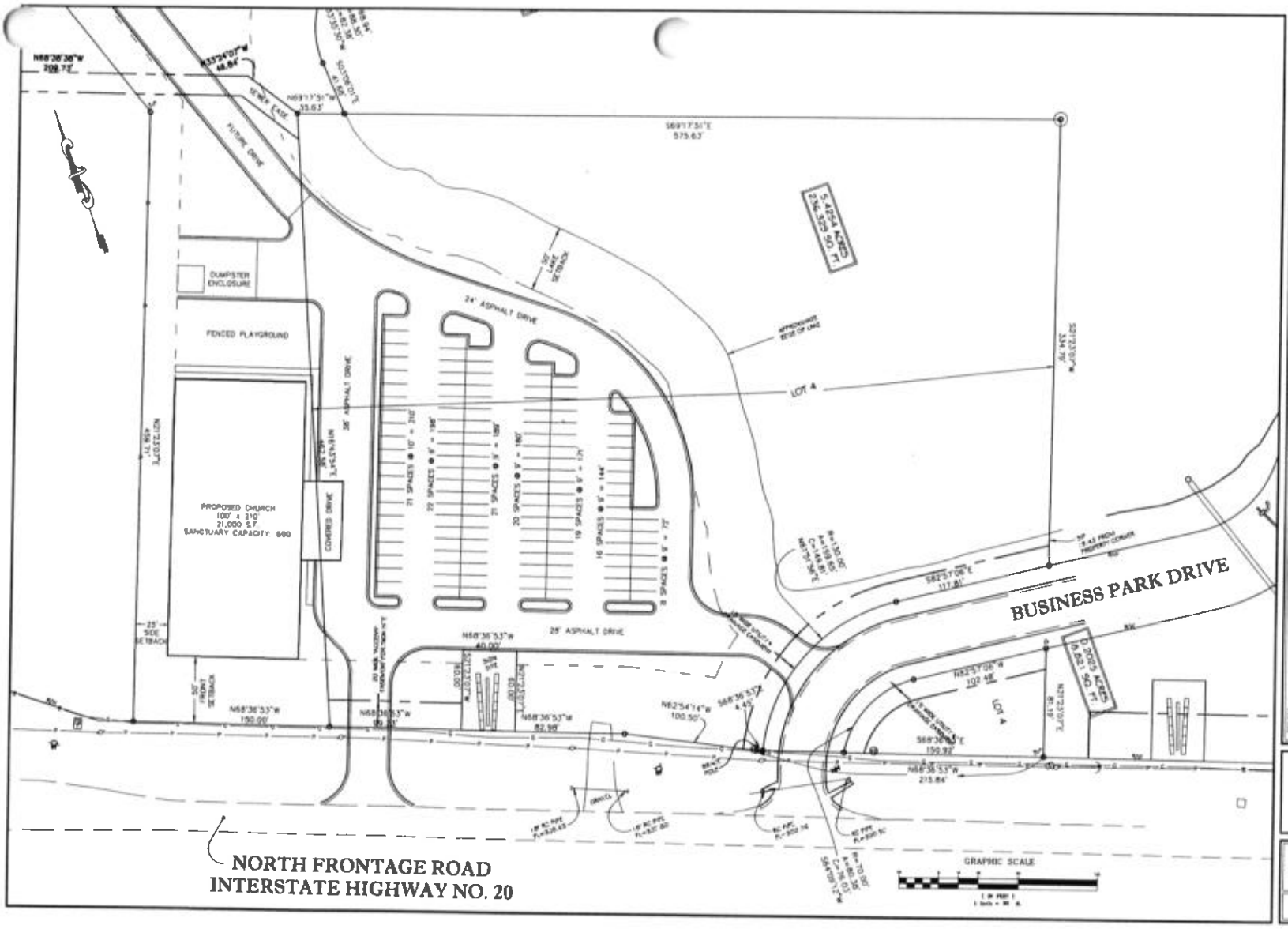
Broome Engineering, LLC
co Josh Broome
P.O. Box 225
Clinton MS 39060

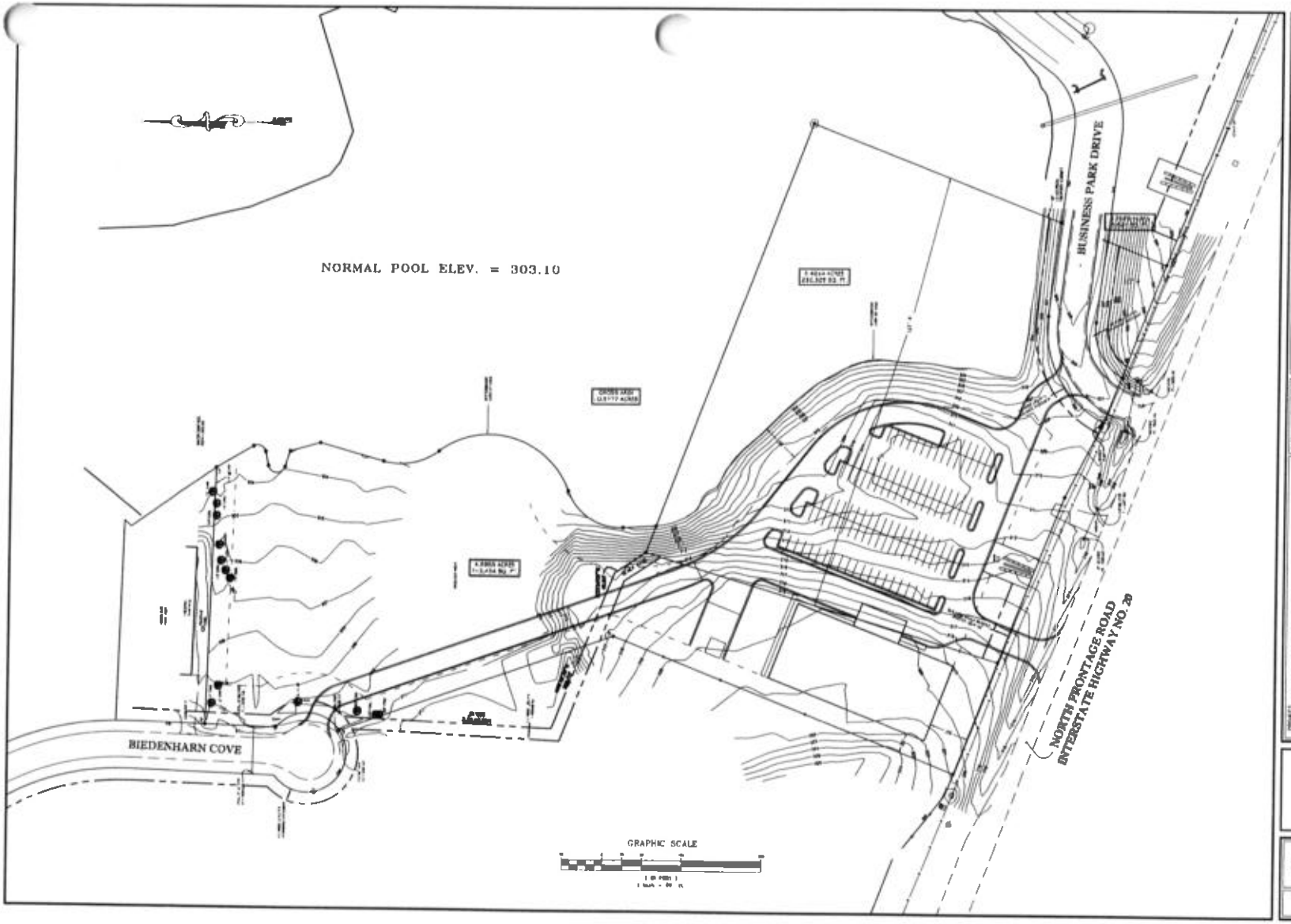
I have received your conditional use application for the construction of Dayspring Community Church. All conditional use applications must appear in front of the Planning and Zoning commission and the Mayor and Board of Alderman. The Planning and Zoning Commission will meet on April 27, 2010 at 6:30 pm and the Mayor and Board of Alderman will meet on May 4, 2010 at 7:00 pm. Both meetings will be held in the Municipal Court room of the Police Department located at 305 Monroe Street. Please make a note of these dates and times. You or a representative must be present to answer any questions the commission may have.

If you have any questions I can be reached at (601) 924-2256.

Sincerely,

Jerry "J.B." Bounds
Director
Community Development


BUSINESS PARK DRIVE
NORTH FRONTAGE ROAD
INTERSTATE HIGHWAY NO. 20
PROPOSED CHURCH
100' x 210'
21,000 S.F.
SANCTUARY CAPACITY: 600
FENCED PLAYGROUND
DUMPSTER ENCLOSURE
COVERED DRIVE
24' ASPHALT DRIVE
28' ASPHALT DRIVE
36' ASPHALT DRIVE
FUTURE DRIVE
LOT A
S 68°36'53" W 150.00'
S 68°36'53" W 40.00'
S 68°36'53" W 82.99'
N 82°54'14" W 100.50'
S 68°36'53" E 150.99'
S 68°36'53" W 215.84'
N 82°57'08" E 117.81'
N 82°57'08" W 102.48'
S 69°17'51" E 575.63'
N 68°36'36" W 209.72'
5.4724 ACRES 238,329 SQ. FT.
0.2359 ACRES 10,277 SQ. FT.
50' LAKE SETBACK
50' FRONT SETBACK
25' SIDE SETBACK
GRAPHIC SCALE
Broome Engineering, LLC
DAYSPRING COMMUNITY CHURCH
PROPOSED SITE LAYOUT
2 of 2
C-220



Broome Engineering, LLC

PROJECT: DAYSPRING COMMUNITY CHURCH
PROPOSED SITE LAYOUT

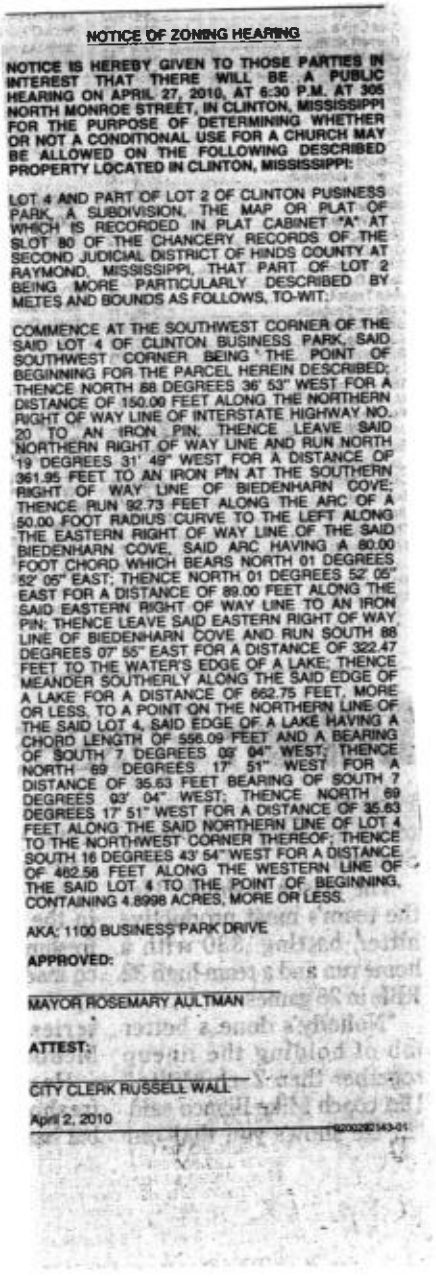
1 of 2

C-220

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PASTE PROOF HERE

C19341
CITY OF CLINTON-LEGALS,
0200292143
1100 Bus Park Dr. Notice



NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A PUBLIC HEARING ON APRIL 27, 2010, AT 6:30 P.M. AT 305 NORTH MONROE STREET, IN CLINTON, MISSISSIPPI FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A CONDITIONAL USE FOR A CHURCH MAY BE ALLOWED ON THE FOLLOWING DESCRIBED PROPERTY LOCATED IN CLINTON, MISSISSIPPI:

LOT 4 AND PART OF LOT 2 OF CLINTON PUSINESS PARK, A SUBDIVISION, THE MAP OR PLAT OF WHICH IS RECORDED IN PLAT CABINET "A" AT SLOT 80 OF THE CHANCERY RECORDS OF THE SECOND JUDICIAL DISTRICT OF HINDS COUNTY AT RAYMOND, MISSISSIPPI, THAT PART OF LOT 2 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

COMMENCE AT THE SOUTHWEST CORNER OF THE SAID LOT 4 OF CLINTON BUSINESS PARK, SAID SOUTHWEST CORNER BEING THE POINT OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED; THENCE NORTH 88 DEGREES 36' 53" WEST FOR A DISTANCE OF 150.00 FEET ALONG THE NORTHERN RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 20 TO AN IRON PIN; THENCE LEAVE SAID NORTHERN RIGHT OF WAY LINE AND RUN NORTH 19 DEGREES 31' 49" WEST FOR A DISTANCE OF 361.95 FEET TO AN IRON PIN AT THE SOUTHERN RIGHT OF WAY LINE OF BIEDENHARN COVE; THENCE RUN 92.73 FEET ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT ALONG THE EASTERN RIGHT OF WAY LINE OF THE SAID BIEDENHARN COVE, SAID ARC HAVING A 80.00 FOOT CHORD WHICH BEARS NORTH 01 DEGREES 52' 05" EAST; THENCE NORTH 01 DEGREES 52' 05" EAST FOR A DISTANCE OF 89.00 FEET ALONG THE SAID EASTERN RIGHT OF WAY LINE TO AN IRON PIN; THENCE LEAVE SAID EASTERN RIGHT OF WAY LINE OF BIEDENHARN COVE AND RUN SOUTH 88 DEGREES 07' 55" EAST FOR A DISTANCE OF 322.47 FEET TO THE WATER'S EDGE OF A LAKE; THENCE MEANDER SOUTHERLY ALONG THE SAID EDGE OF A LAKE FOR A DISTANCE OF 662.75 FEET, MORE OR LESS, TO A POINT ON THE NORTHERN LINE OF THE SAID LOT 4, SAID EDGE OF A LAKE HAVING A CHORD LENGTH OF 556.09 FEET AND A BEARING OF SOUTH 7 DEGREES 03' 04" WEST; THENCE NORTH 69 DEGREES 17' 51" WEST FOR A DISTANCE OF 35.63 FEET BEARING OF SOUTH 7 DEGREES 03' 04" WEST; THENCE NORTH 69 DEGREES 17' 51" WEST FOR A DISTANCE OF 35.63 FEET ALONG THE SAID NORTHERN LINE OF LOT 4 TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 16 DEGREES 43' 54" WEST FOR A DISTANCE OF 482.58 FEET ALONG THE WESTERN LINE OF THE SAID LOT 4 TO THE POINT OF BEGINNING, CONTAINING 4.8998 ACRES, MORE OR LESS.

AKA: 1100 BUSINESS PARK DRIVE

APPROVED:

MAYOR ROSEMARY AULTMAN

ATTEST:

CITY CLERK RUSSELL WALL

April 2, 2010

0200292143-01

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

GLORIA WEAKLEY

an authorized clerk of THE CLARION-LEDGER, a newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

4/2/2010

Size: 524 words / 2.00 col. x 75.00 lines
Published: 1 time(s)
Total: $71.38

Signed _____
Authorized Clerk of
The Clarion-Ledger

SWORN to and subscribed before me on 4/2/2010.

_____
Notary Public
RICK TYLER

Notary Public State of Mississippi at Large. Bonded thru Notary Public Underwriters

(SEAL)

STATE OF MISSISSIPPI
RICK TYLER
NOTARY PUBLIC
ID# 90075
Commission Expires
June 29, 2012
RANKIN COUNTY

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: May 4, 2010 AGENDA ITEM NO. 7B

CONSENT AGENDA:

TO:
FOR:
ACCT. NO :

DISCUSSION/ACTION: Request Site Plan approval for Pinehaven Presbyterian Church 2001 Pinehaven Road, Mark Welch - representative

INTRODUCED BY: Jerry Bounds TELEPHONE: 924-2256

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other: _____
Ordinance	Plans, Maps	
Resolution	Contract	

RECOMMENDATION: Architectural Review and Planning and Zoning Commission recommend to approve with conditions stated in minutes.

BOARD ACTION: MOTION MADE BY: _____

SECONDED BY: _____

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	_____	_____	_____
Hisaw	_____	_____	_____
Greer	_____	_____	_____
Barnett	_____	_____	_____
Peace	_____	_____	_____
Morgan	_____	_____	_____
Cashion	_____	_____	_____
Mayor Aultman	_____	_____	_____

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

RESOLUTION APPROVING ARCHITECTURAL PLANS AND A CONDITIONAL USE TO PINEHAVEN PRESBYTERIAN CHURCH TO OPERATE A CHURCH AND APPROVE AT 2001 PINEHAVEN ROAD, CLINTON, MISSISSIPPI

WHEREAS, Pinehaven Presbyterian Church, did file a request for a conditional use and architectural approval for the property located on 2001 Pinehaven Road to operate a church; and

WHEREAS, said property is more fully described in Exhibit A attached hereto; and

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on March 23, 2010 and April 27, 2010, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on March 23, 2010, adopted a motion to approve the request of Pinehaven Presbyterian Church for a conditional use of the property to operate a church that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration; and

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on April 27, 2010, adopted a motion to approve the request of Pinehaven Presbyterian Church for architectural approval of the structure to be built at 2001 Pinehaven Road with the conditions that a Galvalume roof or silver colored roof not be used, and that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration.

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinances; and

WHEREAS, the Mayor and Board of Aldermen are fully familiar with the request and the area involved in the request; and

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the request of Pinehaven Presbyterian Church for the property on 2001 Pinehaven Road to operate a church and to approve the architectural plans hereby granted and such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.
2. The recommendation of the Planning and Zoning Commission is advisory in nature.
3. The Mayor and Board of Aldermen have knowledge of the area involved and are aware of the need for the conditional use.

4. The requested designation meets the definitions of a Conditional Use of the Zoning Ordinance.

5. The Conditional Use will promote the general welfare of the City of Clinton and will not adversely affect adjacent property.

6. The Mayor and Board of Aldermen find that Section 1502 of the City of Clinton Zoning Ordinances has been complied with and that the requirements of Section 2405 of the City of Clinton Zoning Ordinances are satisfied based upon the presentation of the applicants and the site plan presented to the Planning Commission and to the Mayor and Board of Aldermen.

7. The final site plan for this property shall provide that all dumpsters, air conditioning units and similar external facilities be shielded from view from all main streets and roads.

8. This conditional use is granted specifically to Pinehaven Presbyterian Church for the operation of a church. If Pinehaven Presbyterian Church ceases to use the property for a church, the conditional use will cease.

9. As stated in the Planning and Zoning meeting of April 27, 2010, the roof must not be silver in color or of Galvalume color, but may use architectural shingles or a colored metal roof. Colors chosen for either type of roof must be submitted before the Architectural Review Committee and Planning and Zoning Committee.

The foregoing Resolution, having been reduced to writing, Alderman BRABHAM moved that said Resolution be adopted. ~~Alderman~~ ALDERWOMAN PEACE seconded. The vote was as follows:

Alderman Brabham voted: AYE

Alderman Hisaw voted: AYE

Alderman Greer voted: ABSENT

Alderman Barnett voted: AYE

Alderwoman Peace voted: AYE

Alderman Morgan voted: AYE

Alderman Cashion voted: AYE

Whereupon the Mayor declared the Motion carried and the resolution approved and adopted.

The foregoing ordinance was approved this the 4th day of MAY 2010.

CITY OF CLINTON

BY: Rosemary G. Aultman
Rosemary Aultman, Mayor

ATTEST:
Russell L Wall
Russell Wall, City Clerk

(SEAL)

St. Paul Presbyterian Church

5125 Robinson Road, Jackson, Mississippi 39204
Tel (601) 372-7497 - (601) 373-9241

February 3, 2010

Dear City of Clinton Planning and Zoning Commission and Mayor/Board of Aldermen,

The purpose of this letter is to affirm that the building to be erected at 2001 Pinehaven Dr. will be used by our church, to be renamed Pinehaven Presbyterian Church, for worship and other church-related activities. Thank you.

Sincerely,

Robert S Hill

Robert S. Hill, pastor, St. Paul Presbyterian Church

jsc/jvs

EXHIBIT B

PROPERTY DESCRIPTION

5.25 Acres

Commencing at the apparent southwest corner of the Northwest Quarter (NW ¼) of Section 8, Township 6 North, Range 1 West, Hinds County, Mississippi, said point being a ½ " iron rebar found and thence run North for a distance of 1,853.15 feet to a point; thence run East for a distance of 3,317.46 feet to a ½" iron rebar set, said point being the Point of Beginning for the tract herein described:

From the Point of Beginning run South 89 degrees 59 minutes 42 seconds East for a distance of 127.83 feet to a ½" iron rebar set; thence run South 45 degrees 14 minutes 52 seconds East for a distance of 379.21 feet to a ½" iron rebar set on the west right-of-way line of Pinehaven Drive; thence run South 44 degrees 45 minutes 08 seconds West, along said right-of-way, for a distance of 485.00 feet to a ½" iron rebar set; thence leave said right-of-way and run North 45 degrees 14 minutes 52 seconds West for a distance of 402.08 feet to a ½" iron rebar set; thence run North 89 degrees 59 minutes 42 seconds West for a distance of 72.29 feet to a ½" iron rebar set; thence run North 00 degrees 00 minutes 18 seconds East for a distance of 100.00 feet to a ½" iron rebar set; thence run South 89 degrees 59 minutes 42 seconds East for a distance of 75.78 feet to a ½" iron rebar set; thence run North 44 degrees 45 minutes 08 seconds East for a distance of 321.53 feet back to the Point of Beginning, said tract being 5.25 acres, more or less, and located in the West Half (W ½) of the Northeast Quarter (NE ¼) of Section 8, Township 6 North, Range 1 West, Hinds County, Mississippi.

Prepared By:
January 9, 2006
Colin L. Baird, P.L.S.
Floyd Engineering and Surveying, Inc.
222 Highway 80 East, Suite D
Clinton, Mississippi 39056
(601) 925-5015

REQUEST FOR CONDITIONAL USE APPLICATION

Subject Property Address 2001 Pinehaven R.D.

Owner St. Paul Presbyterian Church / Pinehaven Presbyterian Church

Address 5125 Robinson R.D.

Jackson, MS 39204

Phone # 601-372-7497

Current Zoning District A-1

Requirements of Applicant:

1. Letter stating reason for requested conditional use.
2. Copy of the written legal description.
3. Site plan of property.
4. $250.00 fee required for processing.

Requirements for Granting Conditional Uses: *(Section 2405.01 – Zoning Ordinance)*

A conditional use shall not be granted unless satisfactory provisions and arrangements have been met concerning all the following:

(a). Ingress and egress to property and proposed structures.
(b). Off-street parking and loading areas.
(c). Refuse and service areas.
(d). Utilities, with reference locations, availability and compatibility.
(e). Screening and buffering with reference to type, dimensions and character.
(f). Required yards and other open space.
(g). General compatibility with adjacent properties and other property in the district.
(h). Any other provisions deemed applicable by the Mayor/Board of Aldermen.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.

By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for a conditional use.

Mark Welch — 2-3-2010

Signature — **Date**

Robert S Hall, pastor — 2/3/2010

City of Clinton
Mississippi
Community Development

February 4, 2010

Mr. Mark Welch
5243 Greenway Dr. Ext.
Jackson, Ms 39204

Dear Mr. Welch:

I have received your request to build a church on Pinehaven Rd. in the City of Clinton. A church is a conditional use in all districts in the City, ***requiring*** you or a representative to attend the Planning and Zoning meeting and the Mayor and Board of Alderman meeting. The Planning and Zoning meeting will be on February 23, 2010 starting at 6:30 and the Mayor and Board of Alderman meeting will be on March 2, 2010 starting at 7:00 pm. Both meeting will be held in the Municipal Courtroom located at 305 Monroe Street.

If you have any further questions or need any further assistance, I can be reached at (601) 924-2256.

Sincerely,

Jerry "J.B." Bounds
Director
Community Development

City of Clinton
Mississippi
Community Development

January 11, 2010

Mr. Mark Welch
5243 Greenway Dr.
Jackson, MS 39204

Dear Mr. Welch:

Your request to build the Pinehaven Presbyterian Church on Pinehaven Road in Clinton has been reviewed by the Site Plan Review Committee. One of the main concerns is water and if there is enough to serve the church's sprinkler system. This could be a major setback with starting the construction, so I am postponing the meeting with the Planning and Zoning and the Board of Alderman until a later date. At this time North Hinds Water Association is supplying the water to your area. You will need to contact them to determine if sufficient water is available. You will also need to contact the developer who sold you the property. The developer is responsible for the construction of the utilities to the site. Listed below are other issues that you will need to address before proceeding. Because of

1. The silt fencing around the work site will need to be supported with steel posts.
2. You will need to furnish a life safety, sprinkler and a fire suppression plan.
3. Provide a list of sub-contractors.
4. A large project permit form DEQ must be submitted along with a storm water runoff control plan.
5. The entrance on Pinehaven Road needs to have a 25' radius, along with storm water inlets to prevent water from going into Pinehaven Road.
6. A color board showing all colors and samples of materials that will be used on the exterior of the building.

P. O. Box 156 · 200 W. Leake Street · Clinton, MS 39056 · (601) 924-2256 · fax (601) 924-0837

City of Clinton
Mississippi
Community Development

7. One copy of plans with all engineers signing over their stamp in red or blue ink.
8. An MPC number from the State Tax Commission is required.
9. The concrete for the dumpster pad and a 20' apron has to be 8" thick with a 3000 psi mix.

If you have any questions concerning the list or if you need any further assistance I can be reached at (601) 924-2256.

Sincerely,

Jerry "J.B." Bounds
Director
Community Development

City of Clinton
Mississippi
Community Development

April 2, 2010

Mr. Mark Welch
5243 Greenway Dr.
Jackson, MS 39204

Dear Mr. Welch:

Your request to build the Pinehaven Presbyterian Church with a Galvalume roof was reviewed on Tuesday March 30, 2010. It was decided, by a unanimous vote by the Architectural Review Committee not to allow a Galvalume (shiny) metal roof. They felt it would not be in the best interest of the community to use this color of material. A colored metal roof will be allowed or a traditional shingle roof. Whichever material your committee decides to use, will need to be presented to the Architectural Review Committee.

I have you scheduled for the Planning and Zoning Commission on April 27, 2010, at 6:30 p.m. and with The Mayor and Board of Alderman on May 4, 2010, at 7:00 p.m. Both meetings will be held in the Municipal Courtroom at 305 Monroe Street.

If you have any questions concerning the list or if you need any further assistance I can be reached at (601) 924-2256.

Sincerely,

Jerry "J.B." Bounds
Director
Community Development

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PRELIMINARY
NOT FOR CONSTRUCTION
DESIGN DEVELOPMENT SUBMITTAL

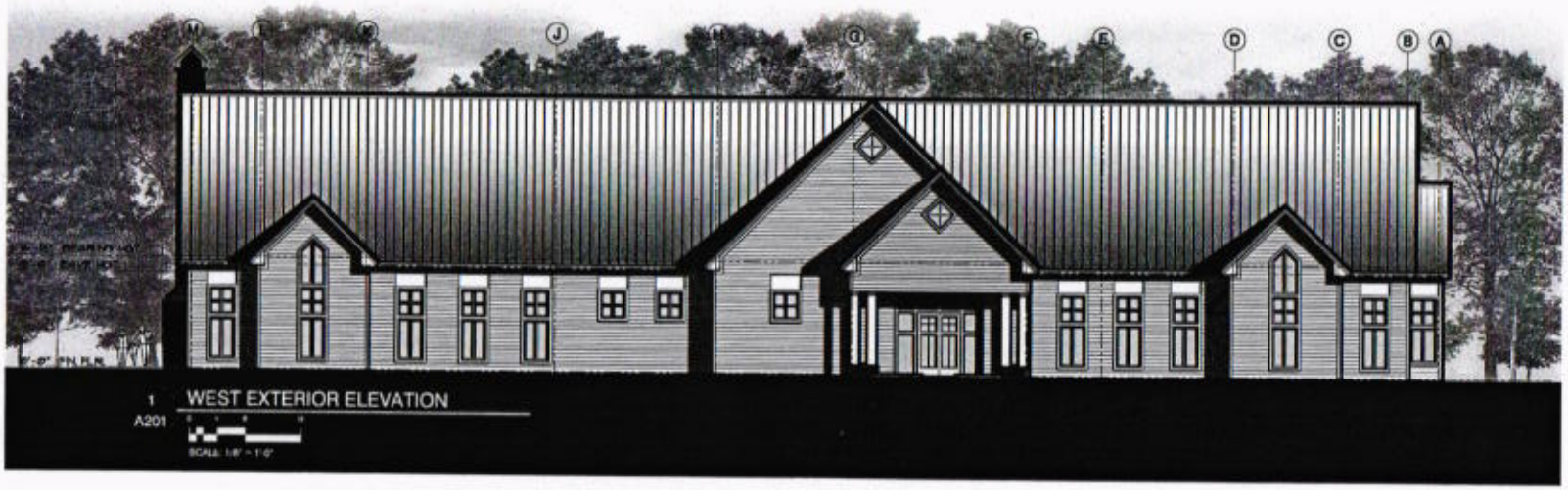
ROBERT LEWIS
ARCHITECT
P.O. BOX 1254 • CLINTON, MS 39060-1254
PHONE: (601) 925-8820 • FAX: (601) 925-8826

A NEW FACILITY FOR
PINEHAVEN PRES. CHURCH
NORTH PINEHAVEN DRIVE
CLINTON, MISSISSIPPI

DRAWN BY: DMD
CHECKED BY: JLC
DATE:

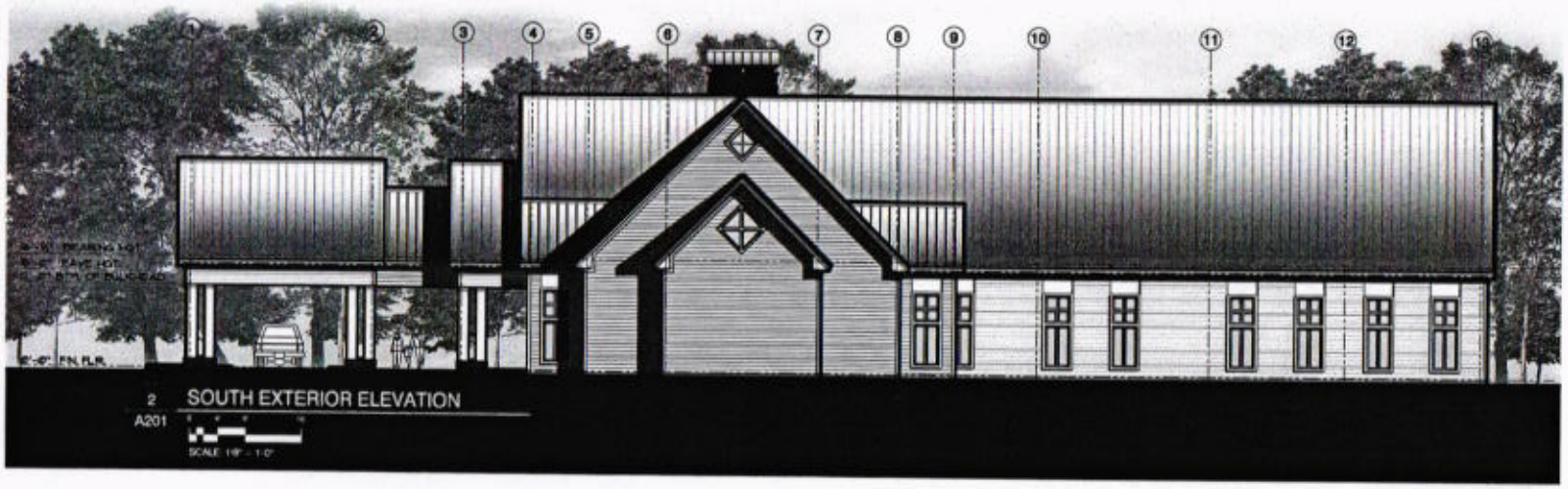
09 RESTRAINED XXXX

A202



1 A201 WEST EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"



2 A201 SOUTH EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION
DESIGN DEVELOPMENT SUBMITTAL

ROBERT LEWIS ARCHITECT

A NEW FACILITY FOR
PINEHAVEN PRES. CHURCH
NORTH PINEHAVEN DRIVE
CLINTON, MISSISSIPPI

PROJECT NO: 0540
DRAWN BY: JLG
CHECKED BY: DWL
REVISIONS:

05 SEPTEMBER 2009
DATE

SHEET NO: A201
OF

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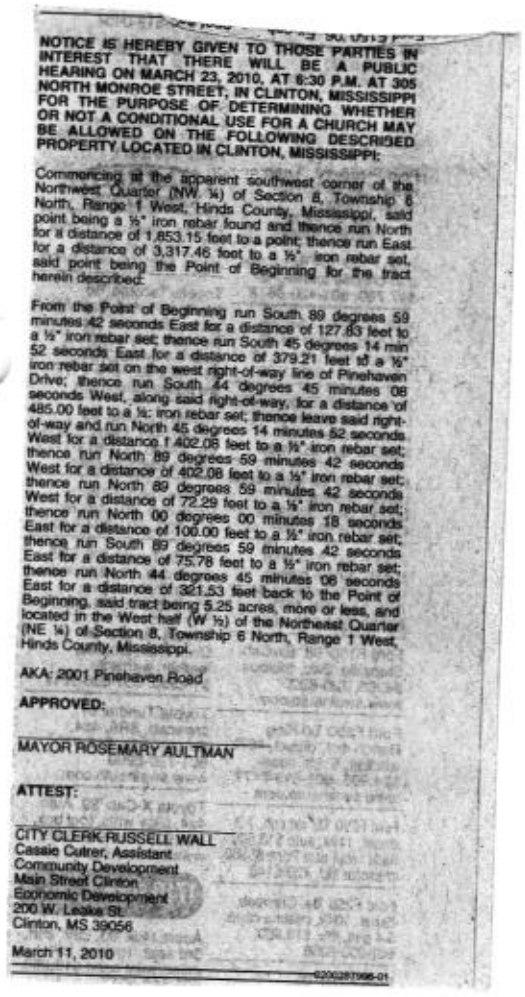
PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PASTE PROOF HERE

C19341
CITY OF CLINTON-LEGALS,
0200287998
Zoning Hearing, Ad, church



NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A PUBLIC HEARING ON MARCH 23, 2010, AT 6:30 P.M. AT 305 NORTH MONROE STREET, IN CLINTON, MISSISSIPPI FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A CONDITIONAL USE FOR A CHURCH MAY BE ALLOWED ON THE FOLLOWING DESCRIBED PROPERTY LOCATED IN CLINTON, MISSISSIPPI:

Commencing at the apparent southwest corner of the Northwest Quarter (NW ¼) of Section 8, Township 6 North, Range 1 West, Hinds County, Mississippi, said point being a ½" iron rebar found and thence run North for a distance of 1,853.15 feet to a point; thence run East for a distance of 3,317.46 feet to a ½" iron rebar set, said point being the Point of Beginning for the tract herein described:

From the Point of Beginning run South 89 degrees 59 minutes 42 seconds East for a distance of 127.83 feet to a ½" iron rebar set; thence run South 45 degrees 14 min 52 seconds East for a distance of 379.21 feet to a ½" iron rebar set on the west right-of-way line of Pinehaven Drive; thence run South 44 degrees 45 minutes 08 seconds West, along said right-of-way, for a distance of 485.00 feet to a ½" iron rebar set; thence leave said right-of-way and run North 45 degrees 14 minutes 52 seconds West for a distance 1,402.08 feet to a ½" iron rebar set; thence run North 89 degrees 59 minutes 42 seconds West for a distance of 402.08 feet to a ½" iron rebar set; thence run North 89 degrees 59 minutes 42 seconds West for a distance of 72.29 feet to a ½" iron rebar set; thence run North 00 degrees 00 minutes 18 seconds East for a distance of 100.00 feet to a ½" iron rebar set; thence run South 89 degrees 59 minutes 42 seconds East for a distance of 75.78 feet to a ½" iron rebar set; thence run North 44 degrees 45 minutes 08 seconds East for a distance of 321.53 feet back to the Point of Beginning, said tract being 5.25 acres, more or less, and located in the West half (W ½) of the Northeast Quarter (NE ¼) of Section 8, Township 6 North, Range 1 West, Hinds County, Mississippi.

AKA: 2001 Pinehaven Road

APPROVED:

MAYOR ROSEMARY AULTMAN

ATTEST:

CITY CLERK RUSSELL WALL
Cassie Cutrer, Assistant
Community Development
Main Street Clinton
Economic Development
200 W. Leake St.
Clinton, MS 39056

March 11, 2010

0200287998-01

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

GLORIA WEAKLEY

an authorized clerk of THE CLARION-LEDGER, a newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

3/11/2010

Size: 469 words / 2.00 col. x 63.00 lines
Published: 1 time(s)
Total: $64.78

Signed Gloria Weakley
Authorized Clerk of
The Clarion-Ledger

SWORN to and subscribed before me on 3/11/2010.

Notary Public Rick Tyler
RICK TYLER

Notary Public State of Mississippi at Large. Bonded thru Notary Public Underwriters

(SEAL)

STATE OF MISSISSIPPI
RICK TYLER
NOTARY PUBLIC
ID# 90075
Commission Expires
June 29, 2012
RANKIN COUNTY

RESOLUTION APPROVING A CONDITIONAL USE TO PLEASANT GREEN MISSIONARY BAPTIST CHURCH TO OPERATE A CHURCH AT LOTS 1-5 WOODCHASE PARK, CLINTON, MISSISSIPPI

WHEREAS, Pleasant Green Missionary Baptist Church, did file a request for a conditional use for the property located on Lots 1-5 of Woodchase Park to operate a church; and

WHEREAS, said property is more fully described in Exhibit A attached hereto; and

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Clinton were accomplished and a public hearing was held on April 27, 2010, as required; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of the public hearing on April 27, 2010, adopted a motion to approve the request of Pleasant Green Missionary Baptist Church for a conditional use of the property to operate a church that the motion be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration.

WHEREAS, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinances; and

WHEREAS, the Mayor and Board of Aldermen are fully familiar with the request and the area involved in the request; and

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the request of Pleasant Green Missionary Baptist Church for the property on Lots 1-5 of Woodchase Park to operate a church and hereby granted and such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Clinton, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.

2. The recommendation of the Planning and Zoning Commission is advisory in nature.

3. The Mayor and Board of Aldermen have knowledge of the area involved and are aware of the need for the conditional use.

4. The requested designation meets the definitions of a Conditional Use of the Zoning Ordinance.

5. The Conditional Use will promote the general welfare of the City of Clinton and will not adversely affect adjacent property.

6. The Mayor and Board of Aldermen find that Section 1502 of the City of Clinton Zoning Ordinances has been complied with and that the requirements of Section 2405 of the City of Clinton Zoning Ordinances are satisfied based upon the presentation of the applicants and the site plan presented to the Planning Commission and to the Mayor and Board of Aldermen.

7. The final site plan for this property shall provide that all dumpsters, air conditioning units and similar external facilities be shielded from view by an enclosure as described in the City Zoning Ordinance.

8. This conditional use is granted specifically to Pleasant Green Missionary Baptist Church for the operation of a church. If Pleasant Green Baptist Church ceases to use the property for a church, the conditional use will cease.

The foregoing Resolution, having been reduced to writing, Alderman HISAW moved that said Resolution be adopted. Alderman BRABHAM seconded. The vote was as follows:

Alderman Brabham voted: AYE

Alderman Hisaw voted: AYE

Alderman Greer voted: ABSENT

Alderman Barnett voted: AYE

Alderwoman Peace voted: AYE

Alderman Morgan voted: AYE

Alderman Cashion voted: AYE

Whereupon the Mayor declared the Motion carried and the resolution approved and adopted.

The foregoing ordinance was approved this the 4th day of MAY 2010.

CITY OF CLINTON

BY: Rosemary A. Aultman
Rosemary Aultman, Mayor

ATTEST: Russell L Wall
Russell Wall, City Clerk

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

REQUEST FOR CONDITIONAL USE APPLICATION

Subject Property Address Lot 1,2,3,4&5 Woodcase Park, Woodcase Dr.

Owner Pleasant Green MB Church

Address 505 E College St
Clinton MS 39056

Phone # 601-924-5112. Cell 601-927-3962

Current Zoning District ~~C-3~~ C-2

Requirements of Applicant:

1. Letter stating reason for requested conditional use.
2. Copy of the written legal description.
3. Site plan of property.
4. $250.00 fee required for processing.

Requirements for Granting Conditional Uses: *(Section 2405.01 – Zoning Ordinance)*
A conditional use shall not be granted unless satisfactory provisions and arrangements have been met concerning all the following:

(a). Ingress and egress to property and proposed structures.
(b). Off-street parking and loading areas.
(c). Refuse and service areas.
(d). Utilities, with reference locations, availability and compatibility.
(e). Screening and buffering with reference to type, dimensions and character.
(f). Required yards and other open space.
(g). General compatibility with adjacent properties and other property in the district.
(h). Any other provisions deemed applicable by the Mayor/Board of Aldermen.

Applicant shall be present at the Planning and Zoning Commission meeting and Mayor/Board of Aldermen meeting. Documents shall be submitted thirty (30) days prior to the Planning and Zoning Commission meeting.

Applicant is responsible for complying with all applicable requirements of the Zoning Ordinance.

By signing this application, it is understood and agreed that permission is given to the Zoning Administrator to have a sign erected on subject property, giving notice to the public that said property is being considered for a conditional use.

David M Ward
Signature

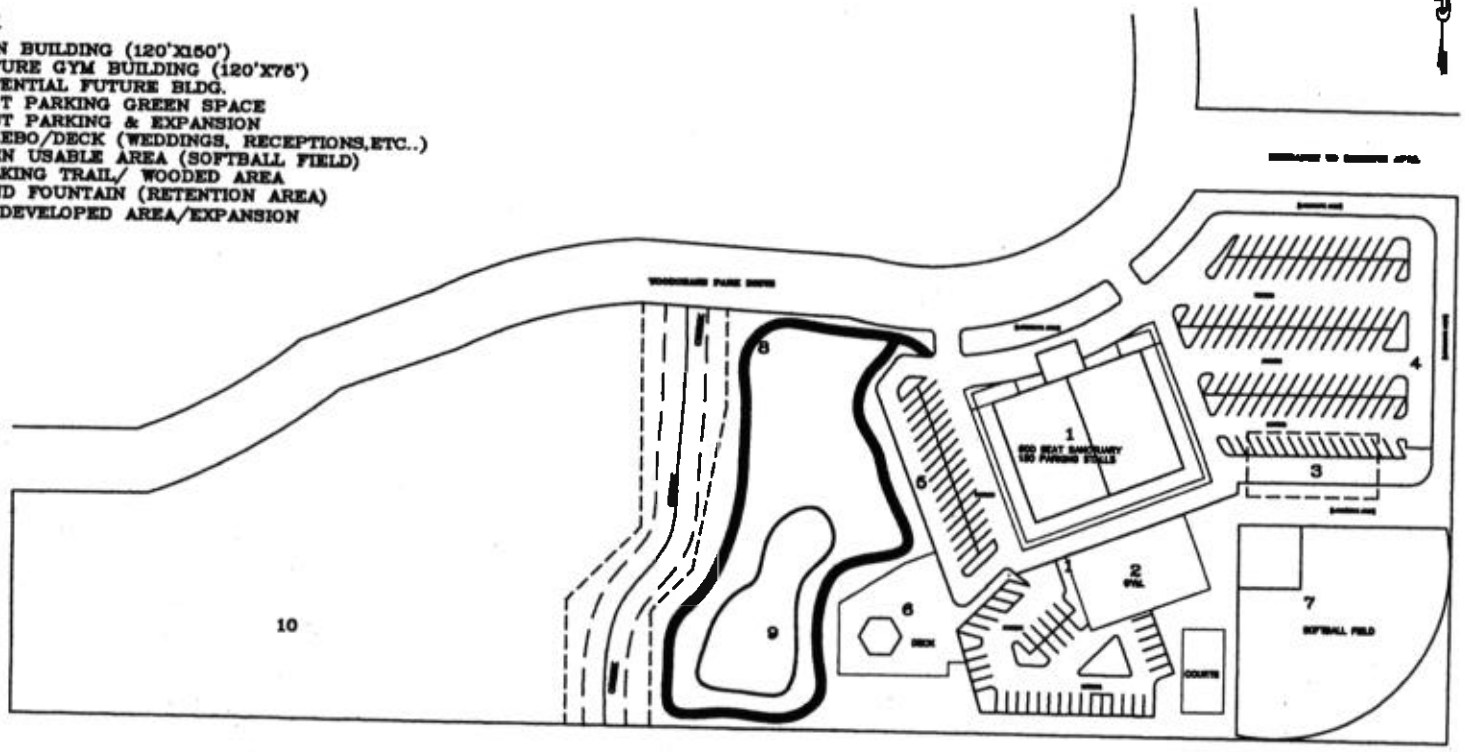
3-30-10
Date

PLEASANT GREEN BAPTIST CHURCH

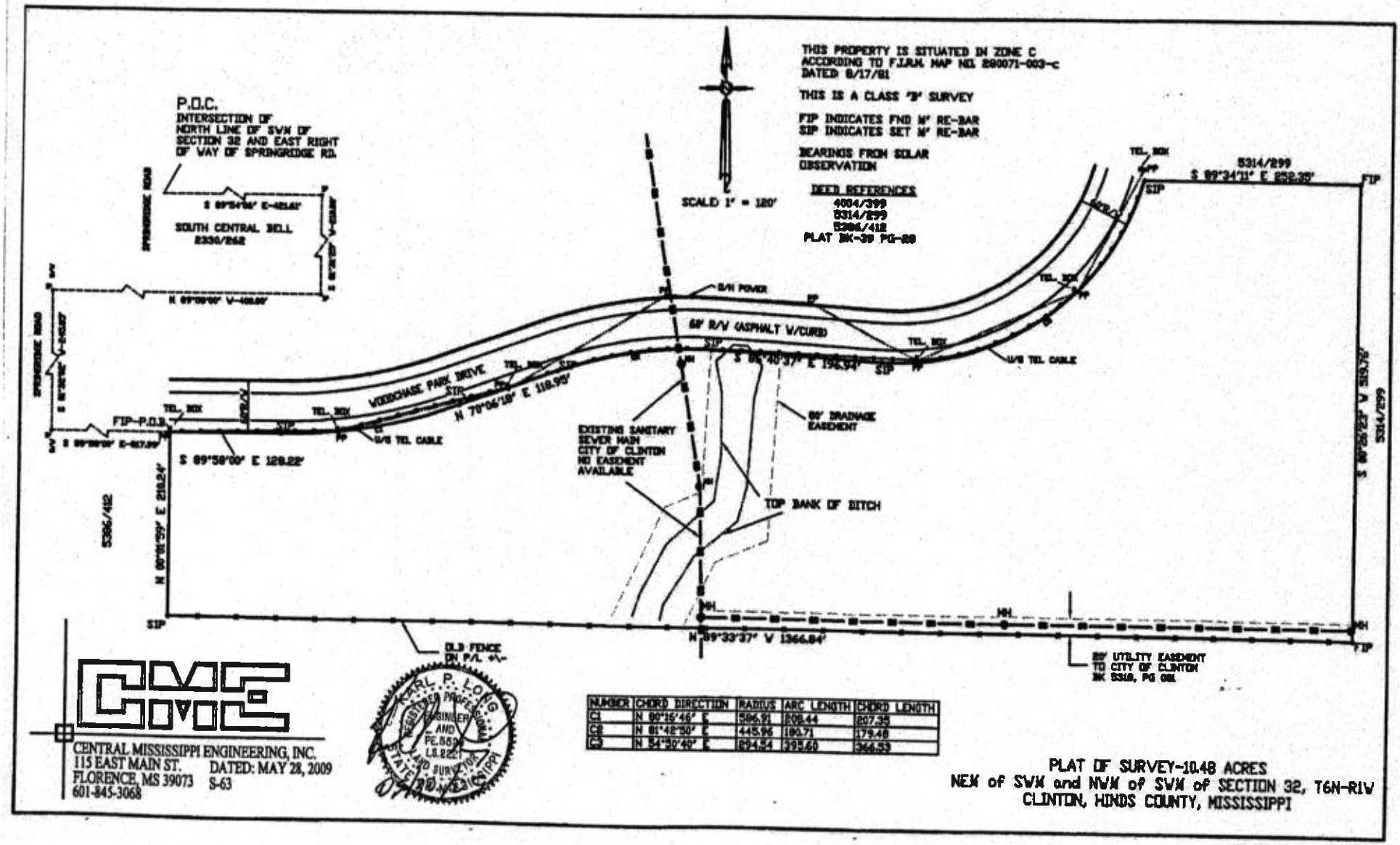
CONCEPTUAL SITE LAYOUT

LEGEND

1 – MAIN BUILDING (120'X150')
2 – FUTURE GYM BUILDING (120'X75')
3 – POTENTIAL FUTURE BLDG.
4 – EAST PARKING GREEN SPACE
5 – WEST PARKING & EXPANSION
6 – GAZEBO/DECK (WEDDINGS, RECEPTIONS,ETC..)
7 – OPEN USABLE AREA (SOFTBALL FIELD)
8 – WALKING TRAIL/ WOODED AREA
9 – POND FOUNTAIN (RETENTION AREA)
10 – UNDEVELOPED AREA/EXPANSION



DATE: 6/2009



NUMBER	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	N 80°16'46" E	596.91	209.44	207.35
C2	N 61°48'30" E	445.95	180.71	179.48
C3	N 54°30'40" E	894.54	395.60	366.59

CENTRAL MISSISSIPPI ENGINEERING, INC.
115 EAST MAIN ST.
FLORENCE, MS 39073
601-845-3068

DATED: MAY 28, 2009
S-63

KARL P. LONG REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR P.E. 8626 L.S. 2221 STATE OF MISSISSIPPI

PLAT OF SURVEY-10.48 ACRES
NEK of SWK and NWK of SWK of SECTION 32, T6N-R1W
CLINTON, HINDS COUNTY, MISSISSIPPI

Pleasant Green Missionary Baptist Church
505 East College Street
Clinton, Mississippi 39056
601/924-5112

Darrel D. McQuirter, Pastor

March 30, 2010

City of Clinton

To Whom It May Concern:

Pleasant Green Baptist Church has acquired 10.4 acres of property on Woodchase Drive. We understand the current zoning to be C-3. We are requesting a Conditional Use permit for the purpose of developing a new campus to construct our worship facility and activity building.

Very truly yours,

Darrel McQuirter, Pastor
Herticene Maberry, Recording Secretary
Ottowa Carter, Trustee President
Hardy Crudup, Board President
Dan Rayford, FDC Chairman

DESCRIPTION

A 10.48 acre parcel being situated in the NE ¼of SW ¼ and the NW ¼ of SW ¼ of Section 32, T6N-R1W, City of Clinton, Hinds County, Mississippi, and being more particularly described as follows:

Commencing at the intersection of the north line of the SW ¼ of said Section 32, and the east right of way line of Springridge Road, run thence S 89°54'06" E – 421.61 ft. to the NE corner of the SOUTH CENTRAL BELL parcel as described in BK 2330 at Pg 262; thence S 01°31'25" W – 210.00 ft. along the east line of said SOUTH CENTRAL BELL parcel; thence N 89°58'00" W – 400.00 ft. along the south line of said SOUTH CENTRAL BELL parcel to the easterly right of way of Springridge Road; thence S 01°32'02" W – 245.05 ft. along said right of way to the intersection of the southerly right of way of Woodchase Park Drive; thence S 89°58'00" E – 817.99 ft. along said right of way to the POINT OF BEGINNING; thence run S 89°58'00" E – 128.22 ft. along said right of way; thence 208.44 ft. along said right of way in the arc of a curve to the left, said curve having a radius of 586.91 ft. and a chord bearing N 80°16'46" E – 207.35 ft.; thence N 70°06'18" E – 118.95 ft. along said right of way; thence 180.71 ft. along said right of way in the arc of a curve to the right, said curve having a radius of 445.96 ft. and a chord bearing N 81°42'50" E – 179.48 ft.; thence S 86°47'30" E – 196.94 ft. along said right of way ; thence 395.60 ft. along said right of way in the arc of a curve to the left, said curve having a radius of 294.54 ft. and a chord bearing N 54°50'40" E – 366.53 ft.; thence S 89°34'11" E – 252.35 ft.; thence S 00°26'23" W – 519.76 ft.; thence N 89°33'37" W – 1366.84 ft.; thence N 00°01'59" E – 210.24 ft. to the POINT OF BEGINNING.

City of Clinton
Mississippi
Community Development

April 6, 2010

Darrell McQuirter
505 East College Street
Clinton, Ms 39056

I have received your application requesting a Conditional Use. Your request to build the Pleasant Green MB Church on Woodchase Park Drive will be presented to the Planning and Zoning Commission on April 27, 2010 at 6;30 p.m. and the Mayor and Board of Alderman on May 4, 2010. Both meetings will be held in the Municipal Courtroom of the Police Department, 305 Monroe Street. Please make a note of the times and location. You or your representative must be present for any action to be taken on your request.

If you have any questions I can be reached at (601) 924-2256.

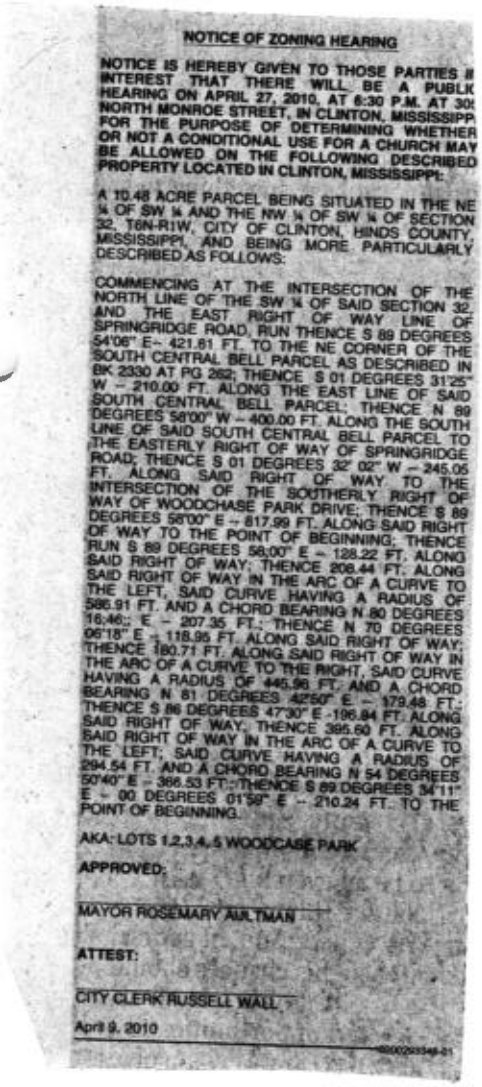
Sincerely,

Jerry "J.B." Bounds
Director
Community Development

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PASTE PROOF HERE

C19341
CITY OF CLINTON-LEGALS,
0200293348
Pleasant Green MB Church



NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A PUBLIC HEARING ON APRIL 27, 2010, AT 6:30 P.M. AT 300 NORTH MONROE STREET, IN CLINTON, MISSISSIPPI FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A CONDITIONAL USE FOR A CHURCH MAY BE ALLOWED ON THE FOLLOWING DESCRIBED PROPERTY LOCATED IN CLINTON, MISSISSIPPI:

A 10.48 ACRE PARCEL BEING SITUATED IN THE NE ¼ OF SW ¼ AND THE NW ¼ OF SW ¼ OF SECTION 32, T6N-R1W, CITY OF CLINTON, HINDS COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF THE SW ¼ OF SAID SECTION 32, AND THE EAST RIGHT OF WAY LINE OF SPRINGRIDGE ROAD, RUN THENCE S 89 DEGREES 54'06" E – 421.61 FT. TO THE NE CORNER OF THE SOUTH CENTRAL BELL PARCEL AS DESCRIBED IN BK 2330 AT PG 262; THENCE S 01 DEGREES 31'25" W – 210.00 FT. ALONG THE EAST LINE OF SAID SOUTH CENTRAL BELL PARCEL; THENCE N 89 DEGREES 58'00" W – 400.00 FT. ALONG THE SOUTH LINE OF SAID SOUTH CENTRAL BELL PARCEL TO THE EASTERLY RIGHT OF WAY OF SPRINGRIDGE ROAD; THENCE S 01 DEGREES 32' 02" W – 245.05 FT. ALONG SAID RIGHT OF WAY TO THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF WOODCHASE PARK DRIVE; THENCE S 89 DEGREES 58'00" E – 817.99 FT. ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING; THENCE RUN S 89 DEGREES 58;00" E – 128.22 FT. ALONG SAID RIGHT OF WAY; THENCE 208.44 FT. ALONG SAID RIGHT OF WAY IN THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 586.91 FT. AND A CHORD BEARING N 80 DEGREES 16;46;; E – 207.35 FT.; THENCE N 70 DEGREES 06'18" E – 118.95 FT. ALONG SAID RIGHT OF WAY; THENCE 180.71 FT. ALONG SAID RIGHT OF WAY IN THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 445.96 FT. AND A CHORD BEARING N 81 DEGREES 42'50" E – 179.48 FT.; THENCE S 86 DEGREES 47'30" E -196.84 FT. ALONG SAID RIGHT OF WAY; THENCE 395.60 FT. ALONG SAID RIGHT OF WAY IN THE ARC OF A CURVE TO THE LEFT; SAID CURVE HAVING A RADIUS OF 294.54 FT. AND A CHORD BEARING N 54 DEGREES 50'40" E – 366.53 FT.; THENCE S 89 DEGREES 34'11" E – 00 DEGREES 01'58" E – 210.24 FT. TO THE POINT OF BEGINNING.

AKA: LOTS 1,2,3,4,5 WOODCASE PARK

APPROVED:

MAYOR ROSEMARY AULTMAN

ATTEST:

CITY CLERK RUSSELL WALL

April 9, 2010

0200293348-01

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

GLORIA WEAKLEY

an authorized clerk of THE CLARION-LEDGER, a newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

4/9/2010

Size: 497 words / 2.00 col. x 69.00 lines
Published: 1 time(s)
Total: $68.14

Signed _____
Authorized Clerk of
The Clarion-Ledger

SWORN to and subscribed before me on 4/9/2010.

_____
Notary Public
RICK TYLER

Notary Public State of Mississippi at Large. Bonded thru Notary Public Underwriters

(SEAL)

STATE OF MISSISSIPPI
RICK TYLER
NOTARY PUBLIC
ID# 90075
Commission Expires
June 29, 2012
RANKIN COUNTY

RESOLUTION FOR UNKEMPT PROPERTY IN THE CITY OF CLINTON, MS

There came on for public hearing before the Mayor and Board of Aldermen of the City of Clinton, Mississippi, the matter of unkempt property located at 1504 Rosemont, Clinton, Mississippi, and after full consideration of the matter, ~~Alderman~~ ALDERWOMAN PEALE offered the following Resolution:

Resolution of the Mayor and Board of Aldermen of the City of Clinton, Mississippi, determining the necessity for the cleaning of private property located at 1504 Rosemont, Clinton, Mississippi, under the Authority granted to Municipalities by Section 21-91-11, Mississippi Code of 1972 As Amended, and other applicable Statutes and Ordinances.

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that the property located at 1504 Rosemont, Clinton, Mississippi, may constitute a menace to the public health and safety of the community because of its present condition and state of uncleanliness; and

WHEREAS, notice was given to the owner of said property as required Section 21-19-11 of the Miss. Code of 1972, as amended, of a public hearing on this matter; and

WHEREAS, a public hearing was held at 7:00 p.m., May 4, 2010, at the Municipal Room of the Public Safety Complex, 305 Monroe Street, Clinton, Mississippi; and

WHEREAS, based upon the information and evidence provided at said public hearing, the Mayor and Board of Aldermen of the City of Clinton, Mississippi, has determined that this property, in its present condition and state of uncleanliness, constitutes a menace to the public health and safety of the community and does adjudicate said property in its present condition to be a menace to the public health and safety of the community. The Director of Community Development is directed to take such action as appropriate under Section 21-19-11 of the Miss. Code of 1972, as amended, and other applicable statutes and ordinances, to use municipal employees or, by contract, cut weeds and grass, remove trash and debris, dilapidated buildings and fences, and demolish the single family dwelling.

NOW BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Clinton, Mississippi, as follows:

1. It is hereby adjudicated that the property located at 1504 Rosemont , Clinton, Mississippi, in its present condition, constitutes a menace to the public health and safety of the community.

2. The Director of Community Development is hereby directed to take such action as appropriate under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances, cut weeds and grass, remove trash and debris, dilapidated buildings and fences, and demolish the single family dwelling.

3. The Director of Community Development is hereby directed that upon completion of this cleaning that he advise the Mayor and Board of Aldermen of the City of Clinton, Mississippi, of the actual costs incurred in cleaning the property so that the Mayor and Board of Aldermen for the city of Clinton, Mississippi may adjudicate the costs of such action and impose such penalty as it adjudicates, all as provided by under Section 21-19-11, Miss. Code of 1972, as amended, and other applicable statutes and ordinances.

A Motion for adoption was seconded by Alderman Brabham and the foregoing having been first reduced to writing, and no request by the Mayor or any member of the Board of Aldermen that it be read by the City Clerk, before the vote was taken, it was submitted to the Board of Alderman for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham voted:	AYE
Alderman Hisaw voted:	AYE
Alderman Greer voted:	ABSENT
Alderman Barnett voted:	AYE
Alderwoman Peace voted:	AYE
Alderman Morgan voted:	AYE
Alderman Cashion voted:	AYE

Whereupon the Mayor declared the Motion carried and the Resolution approved and adopted.

The foregoing Resolution was approved this the 4th day of MAY 2010.

CITY OF CLINTON

BY: Rosemary G. Aultman
ROSEMARY G. AULTMAN, Mayor

ATTEST:

Russell L. Wall
RUSSELL L. WALL, City Clerk

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

1504 Rose Mont St.
Clinton, MS

Permit Dept.

Owner: Lawrence Jones

Topic: Schedule of Repairs

1. HV / AC duck work to be inspected.
2. Repair front window or replace.
3. Install drywall, tape, mud, and sand.
4. Install interior doors; install trim and base boards.
5. Install kitchen cabinets.
6. Paint interior
7. Install plumbing and electrical fixtures.
8. Install line set and condenser unit.

*All repairs to be completed within 6 weeks of extension and renewal of the permit.

Contractor / Partner: Clinton Cummings 601-624-4478

Owner: Lawrence Jones 601-399-1508

Clinton Cummings
Contractor / Partner
235 Parkside PL
Jackson, MS 39209

CONTRACT CHANGE ORDER FORM

OWNER:	CITY OF CLINTON	CHANGE ORDER NO.	ONE
PROJECT NAME:	2009 SRF Wastewater Improvements		
ENGINEER:	WILLIFORD, GEARHART & KNIGHT, INC.		2008-299-00
CONTRACTOR:	HEMPHILL CONSTRUCTION CO., INC.		
CHANGE ORDER DATE:	April 1, 2010	CONTRACT DATE:	December 17, 2009
REASON FOR CHANGE:	See attached sheets		

YOU ARE HEREBY REQUESTED TO COMPLY WITH THE FOLLOWING CHANGES FROM THE CONTRACT PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS: (USE ADDITIONAL SHEETS IF DESIRED.)

ITEM NO.	DESCRIPTION OF CHANGES)	EST QTY	ITEM UNIT	UNIT PRICE	TOTAL ELIGIBLE COST
A	Add 1 - GENERAL CONDITIONS	1	LS	$ 16,667.00	$ 16,667.00
B	Add 1 - SITE WORK	1	LS	$ 25,600.00	$ 25,600.00
C	Add 1 - SOLAR DRYER SLAB REINFORCEMENT	1	LS	$ 25,183.00	$ 25,183.00

TOTAL CONTRACT CHANGE		**$ 67,450.00**
		TOTAL ELIGIBLE
ORIGINAL CONTRACT AMOUNT: As Bid		$ 3,536,689.00
CURRENT CONTRACT AMOUNT:		$ 3,536,689.00
THIS CONTRACT CHANGE:		**$ 67,450.00**
REVISED CONTRACT AMOUNT:		**$ 3,604,139.00**
CURRENT CONTRACT COMPLETION DATE:		September 8, 2010
TIME EXTENSION REQUIRED BY CHANGE:		40
REVISED CONTRACT COMPLETION DATE:		October 18, 2010

THIS DOCUMENT SHALL BECOME AN AMENDMENT TO THE CONTRACT AND ALL PROVISIONS OF THE CONTRACT WILL APPLY.

RECOMMENDED BY:	WILLIFORD, GEARHART & KNIGHT, INC.	4/1/2010 DATE
ACCEPTED BY:	HEMPHILL CONSTRUCTION CO., INC.	4/6/10 DATE
APPROVED BY:	CITY OF CLINTON	5.5.10 DATE

Change Order No. 1
2009 SRF Wastewater Improvements
WPRCLF SRF Project No. C280805-04
Clinton
April 1, 2010

Justification

Item A – General Conditions

The City of Clinton has requested a 20' wide 6" thick crushed limestone access road to be located on the Northside of the property to have trucks enter and exit the sludge drying facility. This change is reflecting the bonds, additional survey, soil testing and final clean-up of the project. This change will remove the asphalt entrance to the facility entirely. This change will Add 1 – "General Conditions" at a lump sum cost of $16,667.00.

Item B – Site Work

The City of Clinton has requested a 20' wide 6" thick crushed limestone access road to be located on the Northside of the property to have trucks enter and exit the sludge drying facility. This change is reflecting the top soil stripping, additional limestone, erosion control, place topsoil, final grassing roadway prep, type V filter fabric underlayment and linear ditch grading of the project. This change will remove the asphalt entrance to the facility entirely. This change will Add 1 – "Site Work" at a lump sum cost of $25,600.00.

Item C – Solar Dryer Slab Reinforcement

It has been determined that the number of contraction joints should be limited. This will prevent the mole from becoming lodged in a joint while in operation. By limiting the number of joints, the slab can be constructed more level throughout limiting the possibility of water ponding. In order to reduce the number joints, additional reinforcing steel is required. The concrete slab will be reduced from 8" to 7" in thickness. This change will add 1 – "Solar Dryer Slab Reinforcement" at a lump sum cost of $25,183.00.

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: May 4, 2010 AGENDA ITEM NO. 12

CONSENT AGENDA: TO:

FOR:

ACCT.

DISCUSSION/ACTION: NRCS Project Agreement Broadway Street

INTRODUCED BY: Richard L. Broome, City Engineer TELEPHONE: 601-925-6102

EXHIBITS FOR REVIEW:

Minutes	Invoice	Other:
Ordinance	Plans, Maps	
Resolution	Contract	

RECOMMENDATION:

BOARD ACTION: MOTION MADE BY: Cashion

SECONDED BY: Brabham

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	✓		
Hisaw	✓		
Greer	A		
Barnett	✓		
Peace	✓		
Morgan	✓		
Cashion	✓		
Mayor Aultman			

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

STATE: MISSISSIPPI
EWP: Hinds COUNTY
AGREEMENT NO._____

UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

PROJECT AGREEMENT
LOCALLY LED CONTRACTING

THIS AGREEMENT, made this 4th day of May, 2010, by and between **City of Clinton,** called the **Sponsor** and the **Contracting Local Organization**; and the **Natural Resources Conservation Service, United States Department of Agriculture**, called **NRCS**.

WITNESSETH THAT:

WHEREAS, under the provisions of Section 216 of the Flood Control Act of 1950, Public Law 81-516, 33 U.S.C. 701b-1; and Section 403 of the Agricultural Credit Act of 1978, Public Law 95-334, as amended by Section 382, of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127, 16 U.S.C. 2203 (CFDA 10.923), NRCS is authorized to assist the Sponsor in relieving hazards created by natural disasters that cause a sudden impairment of watershed, and

WHEREAS, NRCS and the Sponsors agree to install emergency watershed protection measures to relieve hazards created by a storm on 1-20-10.

NOW THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by the parties hereto as set forth, the Sponsor and NRCS do hereby agree as follows:

A. **It is agreed** that the following described work is to be performed at an estimated cost of **$86,000.00**.

DSR Number(s):

280491001

Description of Work:

Hampstead Blvd / Broadway St

B. **The Sponsor will:**

1. Provide 15 percent of the cost of constructing the emergency watershed protection measures described in Section A. This cost to the sponsor is estimated to be **$12,900.00**.

2. Prepare a design, construction specifications, and drawings in accordance with standard engineering principles and be in compliance with NRCS programmatic requirements. The construction plans shall be reviewed and approved by the Sponsor prior to submittal to NRCS. The construction plans for works of improvement will be reviewed and approved by a Professional Engineer **registered in State of Mississippi**, prior to submittal to NRCS.

3. Provide in-kind contribution of design, construction, inspection, and contract administration.

4. Designate an individual to serve as liaison officer between the Sponsor and NRCS, listing his or her duties, responsibilities, and authorities. Furnish this information in writing to NRCS.

5. Provide certification that real property rights have been obtained for installation of emergency watershed protection measures prior to advertising for construction. Certification will be provided on Form NRCS–ADS-78, Assurances Relating to Real Property Acquisition. An Attorney's opinion as to the adequacy of landrights is required.

6. Accept all financial and other responsibility for excess costs resulting from their failure to obtain, or their delay in obtaining adequate land and water rights, permits, and licenses needed for the emergency watershed protection measures described in Section A.

7. Contract for engineering services, professional services, and construction of the emergency watershed protection measures described in Section A in accordance with 7 CFR 3016.36, applicable state requirements and the Sponsor's procurement regulations. The Sponsor will provide NRCS a copy of each solicitation (Invitation for Bids, Request for Quotations), bid abstract, and awarded contract.

8. Issue an invitation for bids, which is to contain NRCS requirements including Form NRCS-AS-43, drawings and specifications, and Contracting Local Organization requirements.

9. Receive, protect and open bids. Determine the lowest qualified bidder, and with written concurrence of the State Administrative Officer, make award.

10. Comply with the requirements of the provisions included in Attachment A to this agreement. If applicable, complete the attached "Clean Air and Water Certification" included in Attachment A.

11. Ensure that all contracts for construction of emergency watershed protection measures include the provisions contained in *Attachment B* to this agreement.

12. Provide copies of site maps to appropriate Federal and State agencies for environmental review. Sponsor will notify NRCS of environmental clearance, modification of construction plans, or any unresolved concerns prior to award of the contract(s) for construction of the emergency watershed protection measures.

13. Ensure that requirements for compliance with environmental and/or cultural resource laws are incorporated into the project.

14. Pay the contractor as provided in the contract(s). Submit billings for reimbursement of incurred costs to NRCS on Form SF-270, Request for Advance or Reimbursement. The request will be supported by documents that will permit NRCS to reasonably assure itself that such costs were adequately documented and incurred for the NRCS cost-shared items of work described in Section A of this agreement.

15. Receive payment under this agreement using electronic funds transfer (EFT) procedures in accordance with 31 CFR 208. EFT procedures will comply with USDA National Finance Center (NFC) requirements.

16. Take reasonable and necessary actions to dispose of all contractual and administrative issues arising out of contract(s) awarded under this agreement. This includes, but is not limited to, disputes, claims, protests of award, source selection and evaluation and litigation that may result from the project. Such actions will be at the expense of the sponsor including legal expenses.

17. Hold and save NRCS free from any and all claims or causes of action whatsoever resulting from the obligations undertaken by the Sponsor under this agreement or resulting from the work provided for in this agreement.

18. Arrange for and conduct final inspection of completed emergency watershed protection measures. Provide a certification statement to NRCS that the project was installed in accordance with contractual requirements and the terms of this agreement.

19. Upon completion and acceptance of all work, when provided by the terms of the contract obtain a written release form the contractor of all claims against the Contracting Local Organization arising by virtue of the contract.

20. Upon acceptance of the work from the contractor(s), assume responsibility for operation and maintenance **(in accordance with the Operation and Maintenance Agreement)**.

21. Be responsible for all administrative expenses necessary to arrange for and carry out the works of improvement described in Section A. These administrative matters include but shall not be limited to facilities, clerical expenses, and legal counsel, including the fees of such attorney or attorneys deemed necessary by NRCS to resolve any legal matters.

22. If needed, upon completion of emergency protection measures and the elimination of the threat, take action to bring the measures up to reasonable standards by other means and/or authority. Unless the measures are brought up to reasonable standards, the sponsor will not be eligible for future funding under the Emergency Watershed Protection Program.

23. Administer action under this agreement in accordance with 7 CFR 3015, 7 CFR 3016, OMB Circulars A-102, A-87, A-133, and other Rules referenced in 7 CFR 3015.

24. Retain all records dealing with the award and administration of contract(s) for 3 years from the date of the sponsor's submission of the FINAL Request for Reimbursement or until final audit findings have been resolved, whichever is longer. If any litigation is started before the expiration of the 3-year period, the records are to be retained until the litigation is resolved or the end of the 3-year period, whichever is longer. Make such records available to the Comptroller General of the United States or his or her duly authorized representative and accredited representatives of the U.S. Department of Agriculture or cognizant audit agency for the purpose of making audit, examination, excerpts, and transcripts.

C. NRCS will:

1. Provide 85 percent of the cost of constructing the emergency watershed protection measures described in Section A. This cost to NRCS is estimated to be **$73,100.00**.

2. Not be substantially involved with the technical or contractual administration of this agreement. However, NRCS will periodically check progress and agreement compliance by the Sponsor; and provide advice and counsel as needed.

3. Review and concur with construction plans as identified in Section B. of this agreement.

4. Make payment to the Sponsor covering NRCS' share of the cost upon receipt and approval of Form SF-270, Request for Advance or Reimbursement, with supporting documentation.

5. Upon notification of the completion of construction, NRCS shall promptly review the performance of the Sponsor to determine if it has met the requirements of this agreement and fund expenditures as agreed.

6. Designate an individual to serve as liaison officer between the NRCS and the sponsor. The NRCS engineer assigned to the project will serve in this position. The major duties, responsibilities and authorities of the liaison officer will be to assist in the final inspection; certify along with the Sponsor's Professional Engineer when all work has been completed according to the specifications and drawings. Review and approve SF-270 and supporting documents for reimbursement to the Sponsor.

D. It is mutually agreed that:

1. This agreement is effective the date it is fully executed by all parties to this agreement. It shall become null and void 90 calendar days after the date NRCS has executed this agreement if a contract has not been awarded. All work required under this agreement must be completed by **November 7, 2010**.

2. The contracts for design services and construction described in Section A will not be awarded to the Sponsor or to any firm in which any Sponsor official or any member of such official's immediate family has direct or indirect interest in the pecuniary profits or contracts of such firms.

3. In the event of contractor default, any additional funds properly allocable as construction costs required to ensure completion of the project described in Section A. are to be contributed by the parties under the terms of this agreement. Any excess costs including interest resulting from a judgment collected for the defaulting contractor, or his or her surety, will be prorated between the Sponsor and NRCS in the same ratio as construction funds are contributed under the terms of the agreement.

4. This agreement may be amended as mutually agreed by written amendment duly executed by authorized officials of the signatory parties to this agreement.

5. The furnishing of financial and other assistance by NRCS is contingent upon the continuing availability of appropriations by Congress from which payment may be made and shall not obligate NRCS if Congress fails to so appropriate.

6. This agreement may be temporarily suspended by NRCS if NRCS determines that corrective action by the Sponsor is needed to meet the provisions of this agreement. Further, NRCS may suspend this agreement when it is evident that a termination is pending.

7. NRCS may terminate this agreement in whole or in part if it is determined by NRCS that the Sponsor has failed to comply with any of the conditions of this agreement. NRCS shall promptly notify the sponsor in writing of the determination and reasons for the termination, together with the effective date. Payments made by or recoveries made by NRCS under this termination shall be in accord with the legal rights and liabilities of NRCS and the Sponsor.

8. No member of or delegate to Congress or Resident Commissioner shall be admitted to any share of part of this agreement, or to any benefit that may arise there from; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

9. By signing this agreement the recipient assures the Department of Agriculture that the program or activities provided for under this agreement will be conducted in compliance with all applicable Federal civil rights laws, rules, regulations, and policies.

Sponsor: **City of Clinton**

By: Rosemary G. Quetman
(Signature)

Title: MAYOR

Date: 5.5.10

This action authorized at an official meeting of City of Clinton on the 4th day of May, 2010 at 7:00 pm _____, State of Mississippi.

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI

ATTEST: Russell G Wall
(Signature)

City Clerk
(Title)

UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

By: _____

Title: _____

Date: _____