

Be it remembered that a public hearing before the Mayor and Board of Aldermen, Long Beach, Mississippi, was begun and held, at 5:00 o'clock p.m., Tuesday, the 14th day of June, 2011, in the Long Beach City Hall, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed by order of the Mayor and Board of Aldermen for holding said public hearing.

There were present and in attendance on said board and at the public hearing the following named persons: Mayor William Skellie, Jr., Aldermen Leonard G. Carrubba, Sr., Gary J. Ponthieux, Bernie Parker, Kaye H. Couvillon, Mark E. Lishen, Carolyn J. Anderson and City Clerk Rebecca E. Schruff.

Alderman Ronnie Hammons, Jr., and City Attorney James C. Simpson, Jr. were absent the public hearing.

There being a quorum present sufficient to transact the business of this public hearing, the following proceedings were had and done.

Alderman Carrubba arrived late and was preliminarily absent the public hearing.

The public hearing to consider the new Comprehensive Plan; the Comprehensive Zoning Map Change; and the Comprehensive Text Change to Adopt SmartCode was called to order.

The Clerk reported that, pursuant to that certain order of the Mayor and Board of Aldermen at a regular meeting duly held and convened on May 17, 2011, she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, Mississippi, Legal Notice, Public Hearing, as evidenced by the Publisher's Proof of Publication.

Alderman Lishen made motion seconded by Alderman Anderson and unanimously carried to spread said Proof of Publication upon the minutes of this meeting in words and figures, as follows:

PROOF OF PUBLICATION PAGE 1 OF 2

PROOF CONTINUED ON
PAGE 2.

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Michelle Colet who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 2 times in the following numbers and on the following dates of such paper, viz:

- Vol. 127 No., 234 dated 26 day of May, 2011
- Vol. 127 No., 235 dated 29 day of May, 2011
- Vol. _____ No., _____ dated _____ day of _____; 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

Affiant further states on oath that said newspaper has been established and published continuously in said country for a period of more than twelve months next prior to the first publication of said notice.

Michelle Colet
Clerk

Sworn to and subscribed before me this 29 day of May, A.D., 2011



Kandi Berkley
Notary Public

<p>Public Hearings 268</p> <p>residents. The SmartCode Zoning Map is available for review at the Long Beach Planning Commission Office, 1st Floor, Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, 39560, and on the city's website www.cityoflongbeach.ms.com. The COMPREHENSIVE TEXT CHANGE TO ADOPT SMARTCODE will generally include the following: The Long Beach SmartCode establishes standards and procedures for new development, infill development, or redevelopment with the city. Article 1. General Provisions, which contains information on the legal framework of the Code, including its intent, purpose and guiding principles for the Code. Article 2. General to All Zones introduces the "Transect Zones" as the structure for requirements related to density, building form an use, and provides guidance for phasing of development, lot sizes and configuration, building height, public thoroughfares and frontages, and parking standards. Article 3. Specific to Zones establishes the regulations that apply within each Transect Zone. Uses and development standards for each Transect are specified including building disposition, building configuration, building function and density, parking, environment, sign and landscape standards, etc. Article 4. Standards & Tables illustrates the components of the Code such as thoroughfare standards and density, intensity, and parking requirements by Transect Zone. Article 5. Supplemental Regulations sets forth regulations that apply in addition to those found elsewhere in the code, such as special emergency provisions, tree provisions, sand beach access, and sign standards. Article 6. Thoroughfare Standards sets forth guidelines and definitions for public thoroughfares, as well as a catalog of thoroughfares appropriate to various Transect Zones. Article 7. Procedures and Non-conformities sets out the rules for applying the Code. Article 8. Definitions of Terms & Uses defined key terms in the Code Appendixes include all regulations directly associated with the adoption of this ordinance. The purpose of this proposed change is to promote uniformed development and encourage the creation of a strong economic and civic environment, thereby enhancing the quality of life for all Long Beach residents. The SmartCode Ordinance is available for review at the Long Beach Planning Commission Office, 1st Floor, Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, 39560, and on the city's website www.cityoflongbeach.ms.com. The COMPREHENSIVE ZONING MAP CHANGE will encompass all existing districts and will adopt a new zoning map that designates a Transect Zone for all lands within the current boundaries of the City of Long Beach. The purpose of this proposed change is to ensure that the City has considered smart growth methodology, promoted uniformed development and encourage the creation of a strong economic and civic environment, thereby enhancing the quality of life for all Long Beach</p>	<p>Public Hearings 268</p> <p>gbeachms.com. The City encourages all residents, groups and organizations to contact the City with any questions or concerns and to attend the public hearings to voice their opinion. ORDERED this the 17th day of May, 2011, Mayor and Board of Aldermen, Long Beach, Mississippi. By/ signed Rebecca E. Schuff City Clerk ADV26.29.11HUN</p>	<p>Public Hearings 268</p> <p>TEXT CHANGE TO ADOPT SMARTCODE will generally include the following: The Long Beach SmartCode establishes standards and procedures for new development, infill development, or redevelopment with the city. Article 1. 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<p>Public Hearings 268</p> <p>LONG BEACH, MISSISSIPPI LEGAL NOTICE: PUBLIC HEARING NOTICE: HEREBY GIVEN that the Mayor and Board of Aldermen, Long Beach, Mississippi, will conduct public hearings Tuesday, June 14, 2011, and Wednesday, June 15, 2011, at 6:00 o'clock p.m. at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, 39560, for the purpose of considering a NEW COMPREHENSIVE PLAN, a COMPREHENSIVE ZONING MAP CHANGE, and a COMPREHENSIVE TEXT CHANGE TO ADOPT SMARTCODE. The Long Beach COMPREHENSIVE PLAN will recommend patterns of new development and redevelopment based upon the values gleaned from the community during numerous interviews, public forums, and outreach efforts. The COMPREHENSIVE PLAN recommends how and where development should occur, where public investment for road and utility improvements should be made, and where new schools, parks and other public facilities should be placed. The Plan sets policy, and provides direction and context for public and private investment within Long Beach over the next 20 years. The COMPREHENSIVE PLAN is available for review and to obtain a copy of, at the Long Beach Planning Commission Office, 1st Floor, Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, 39560, and on the city's website: www.cityoflongbeach.ms.com. The COMPREHENSIVE ZONING MAP CHANGE will encompass all existing districts and will adopt a new zoning map that designates a Transect Zone for all lands within the current boundaries of the City of Long Beach. The purpose of this proposed change is to ensure that the City has considered smart growth methodology, promoted uniformed development and encourage the creation of a strong economic and civic environment, thereby enhancing the quality of life for all Long Beach</p>	<p>Public Hearings 268</p> <p>gbeachms.com. The City encourages all residents, groups and organizations to contact the City with any questions or concerns and to attend the public hearings to voice their opinion. ORDERED this the 17th day of May, 2011, Mayor and Board of Aldermen, Long Beach, Mississippi. By/ signed Rebecca E. Schuff City Clerk ADV26.29.11HUN</p>	<p>Public Hearings 268</p> <p>TEXT CHANGE TO ADOPT SMARTCODE will generally include the following: The Long Beach SmartCode establishes standards and procedures for new development, infill development, or redevelopment with the city. Article 1. General Provisions, which contains information on the legal framework of the Code, including its intent, purpose and guiding principles for the Code. Article 2. General to All Zones introduces the "Transect Zones" as the structure for requirements related to density, building form an use, and provides guidance for phasing of development, lot sizes and configuration, building height, public thoroughfares and frontages, and parking standards. Article 3. Specific to Zones establishes the regulations that apply within each Transect Zone. Uses and development standards for each Transect are specified including building disposition, building configuration, building function and density, parking, environment, sign and landscape standards, etc. Article 4. Standards & Tables illustrates the components of the Code such as thoroughfare standards and density, intensity, and parking requirements by Transect Zone. Article 5. Supplemental Regulations sets forth regulations that apply in addition to those found elsewhere in the code, such as special emergency provisions, tree provisions, sand beach access, and sign standards. Article 6. Thoroughfare Standards sets forth guidelines and definitions for public thoroughfares, as well as a catalog of thoroughfares appropriate to various Transect Zones. Article 7. Procedures and Non-conformities sets out the rules for applying the Code. Article 8. Definitions of Terms & Uses defined key terms in the Code Appendixes include all regulations directly associated with the adoption of this ordinance. The purpose of this proposed change is to promote uniformed development and encourage the creation of a strong economic and civic environment, thereby enhancing the quality of life for all Long Beach residents. The SmartCode Ordinance is available for review at the Long Beach Planning Commission Office, 1st Floor, Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, 39560, and on the city's website www.cityoflongbeach.ms.com. The COMPREHENSIVE ZONING MAP CHANGE will encompass all existing districts and will adopt a new zoning map that designates a Transect Zone for all lands within the current boundaries of the City of Long Beach. The purpose of this proposed change is to ensure that the City has considered smart growth methodology, promoted uniformed development and encourage the creation of a strong economic and civic environment, thereby enhancing the quality of life for all Long Beach</p>

The Clerk further reported that said Legal Notice of Public Hearing and transect map were posted in public places, as follows:

Minutes of June 14, 2011
Mayor and Board of Aldermen

LONG BEACH, MISSISSIPPI
LEGAL NOTICE
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen, Long Beach, Mississippi, will conduct public hearings Tuesday, June 14, 2011, and Wednesday, June 15, 2011, at 5:00 o'clock p.m., at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, 39560, for the purpose of considering a NEW COMPREHENSIVE PLAN, a COMPREHENSIVE ZONING MAP CHANGE, and a COMPREHENSIVE TEXT CHANGE TO ADOPT SMARTCODE.

The Long Beach COMPREHENSIVE PLAN will recommend patterns of new development and redevelopment based upon the values gleaned from the community during numerous interviews, public forums, and outreach efforts. The COMPREHENSIVE PLAN recommends how and where development should occur, where public investment for road and utility improvements should be made, and where new schools, parks and other public facilities should be placed. The Plan sets policy, and provides direction and context for public and private investment within Long Beach over the next 20 years. The COMPREHENSIVE PLAN is available for review and to obtain a copy of, at the Long Beach Planning Commission Office, 1st Floor, Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, 39560, and on the city's website www.cityoflongbeachms.com.

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The COMPREHENSIVE TEXT CHANGE TO ADOPT SMARTCODE will generally include the following:

The Long Beach SmartCode establishes standards and procedures for new development, infill development, or redevelopment with the city.

Article 1. General Provisions, which contains information on the legal framework of the Code, including its intent, purpose and guiding principles for the Code.

Article 2. General to All Zones introduces the Transect Zones as the structure for requirements related to density, building form an use, and provides guidance for phasing of development, lot sizes and configuration, building height, public thoroughfares and frontages, and parking standards.

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Article 3. Specific to Zones establishes the regulations that apply within each Transect Zone. Uses and development standards for each Transect are specified including building disposition, building configuration, building function and density; parking, environment, sign and landscape standards, etc.

Article 4. Standards & Tables illustrates the components of the Code such as thoroughfare standards and density, intensity and parking requirements by Transect Zone.

Article 5. Supplemental Regulations sets forth regulations that apply in addition to those found elsewhere in the code, such as special emergency provisions, tree provisions, sand beach access, and sign standards.

Article 6. Thoroughfare Standards sets forth guidelines and definitions for public thoroughfares, as well as a catalog of thoroughfares appropriate to various Transect Zones.

Article 7. Procedures and Non-conformities sets out the rules for applying the Code.

Article 8. Definitions of Terms & Uses defined key terms in the Code

Appendices include all regulations directly associated with the adoption of this ordinance.

The purpose of this proposed change is to promote uniformed development and encourage public safety thereby enhancing the quality of life for all Long Beach residents. The SmartCode Ordinance is available for review at the Long Beach Planning Commission Office, 1st Floor, Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, 39560, and on the city's website www.cityoflongbeachms.com.

The City encourages all residents, groups and organizations to contact the City with any questions or concerns and to attend the public hearings to voice their opinion.

ORDERED this the 17th day of May, 2011, Mayor and Board of Aldermen, Long Beach, Mississippi.

By:/s/signed
Rebecca E. Schruff
City Clerk

- Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi.
- Long Beach Water and Sewer Utility Billing Department, 201 Jeff Davis Avenue, Long Beach, Mississippi.
- Long Beach Building Official's Office, 201 Jeff Davis Avenue, Long Beach, Mississippi.
- Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- Long Beach, Mississippi, official website, www.cityoflongbeachms.com.

In addition, the Transect Map, Comprehensive Plan and Comprehensive Changes to Adopt SmartCode were on file for public review, as follows:

- Long Beach City Hall, Office of the City Clerk, 201 Jeff Davis Avenue, Long Beach, Mississippi.
- Long Beach Building Official's Office, 201 Jeff Davis Avenue, Long Beach, Mississippi.
- Long Beach Public Library, 209 Jeff Davis Avenue, Long Beach, Mississippi.
- Long Beach, Mississippi, official website, www.cityoflongbeachms.com.

It was noted for the record that the transect map as posted had an error in the tinting of the parcel owned by South Mississippi Regional Center; the map showed the parcel tinted red and white striped, [T-4C NBHD Commercial], when it was designated by the Planning Commission to be purple, [Railroad Corridor], as submitted to the Mayor and Board of Aldermen on March 24, 2011; the map was corrected and posted on June 7, 2011, within the time period required by state law for the final public hearing scheduled for June 30, 2011; the public hearings scheduled for June 14, 2011, and June 15, 2011, are preliminary hearings to obtain direction and input from citizens.

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*

The Mayor opened the floor for public comments.

John (Jack) D. Donovan, 111 Summer Lane, Long Beach, Mississippi, came forward for comments as follows:

- He is trying to determine whether or not a super majority is required or a simple majority is required to adopt the zone changes and no one is able to answer his question.
- He is filing an official protest regarding the rezoning of parcel 0611K-01-017.000, 533 Klondyke Road, Long Beach, Mississippi; submitting a copy of §17-1-17 Mississippi Code Annotated; a certified copy of Harrison County Homestead Exemption Master File Maintenance; a copy of Harrison County Land Roll

Minutes of June 14, 2011
Mayor and Board of Aldermen

Maintenance; a listing of adjacent property owners within 160/200 feet; and a parcel map depicting those properties [Collective Exhibit "A"].

- He submitted an additional document [Exhibit "B"] and, after considerable discussion, Alderman Couvillon made motion seconded by Alderman Anderson and unanimously carried to make the aforementioned Exhibits "A" and "B" a part of the record of this public hearing, as follows:

June 14th, 2011

We the undersigned, as owners of the property located at 111 Summer Lane, Parcel Number 0611K-01-024.00. admit this letter in Protest against the rezoning of 533 Klondyke Road, Parcel Number 0611K-01-017.000 to T-4C Neighborhood Commercial.

John D Donovan Jr.

Dianna L Donovan

Attached is a copy of 17-1-17 from the Mississippi Code which requires a super-majority in case of a signed protest by the owners of the adjacent properties.

Attached are copies of both a Certified True Copy from the Harrison County Tax Assessor of our Homestead Exemption and also a copy of the land Roll Maintenance both listing us as owners of 111 Summer Lane.

Attached are both a copy of the owners within 160/200 feet and a map displaying the properties. Our property is labeled #5 and the map shows it is directly adjacent to the subject property, (Parcel Number 0611K-01-017.000).

State of Mississippi
County of Harrison

Sworn to and subscribed before me this 14th day of June, 2011.

Mary B Lambert
Notary



EXHIBIT
"A"
LONG BEACH, MS
PUBLIC HEARING 6/14/11

§ 17-1-17. Changes.

Zoning regulations, restrictions and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed upon at least fifteen (15) days' notice of a hearing on such amendment, supplement, change, modification or repeal, said notice to be given in an official paper or a paper of general circulation in such municipality or county specifying a time and place for said hearing. The governing authorities or any municipal agency or commission, which by ordinance has been theretofore so empowered, may provide in such notice that the same shall be held before the city engineer or before an advisory committee of citizens as hereinafter provided and if the hearing is held before the said engineer or advisory committee it shall not be necessary for the governing body to hold such hearing but may act upon the recommendation of the city engineer or advisory committee. Provided, however, that any party aggrieved with the recommendation of the city engineer or advisory committee shall be entitled to a public hearing before the governing body of the city, with due notice thereof after publication for the time and as provided in this section. The governing authorities of a municipality which had a population in excess of one hundred forty thousand (140,000) according to the 1960 census, or of a municipality which is the county seat of a county bordering on the Gulf of Mexico and the State of Alabama or of a municipality which had a population in excess of forty thousand (40,000) according to the 1970 census and which is within a county bordering on the Gulf of Mexico may enact an ordinance restricting such hearing to the record as made before the city engineer or advisory committee of citizens as herein above provided.

In case of a protest against such change signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of the members of the legislative body of such municipality or county who are not required by law or ethical considerations to recuse themselves.

Sources: Codes, 1930, § 2478; 1942, § 3594; Laws, 1926, ch. 308; Laws, 1962, ch. 553; Laws, 1971, ch. 377, § 1; Laws, 1975, ch. 396; Laws, 1979, ch. 504; Laws, 2004, ch. 551, § 1, eff from and after July 1, 2004.

EXHIBIT
"A"
LONG BEACH, MS
PUBLIC HEARING 6/14/11

Minutes of June 14, 2011
 Mayor and Board of Aldermen

HCMHIQ01	HOMESTEAD EXEMPTION MASTER FILE MAINTENANCE		HCWHIQ91/HC
Applicant	DONOVAN JOHN DONALD		Account
Spouse	DONOVAN DIANNA LYNNE		96381
Street Address	111 SUMMER LANE	Added	19990315
City/St/Zip	LONG BEACH MS 39560	Changed	00000000
Renewed Y (Y/N)	Print Flag (Y/N)	Application Date	2000
Percent - Over 65	DAV	DIS	Reg 100.00 Joint Owner
Exemption 1	1=Reg 2=065 3=SS/Letter 4=SS/Doctor 5=DAV 6=Comb	Adj Cnty	2
Marital	1 1=Married 2=Widowed 3=Separated 4=Divorced 5=Single		
Title	2 1=Fee 2=Joint Occ 3=Joint Non-Oc 4=Life Est 5=Undiv 6=Lease 7=Trust		
Addl Use	1 1=None 2=Rental 3=Business Adjoining County		
Previous Acct No:	Rent CL	Land	Building
Parcel Number	Owner Y/N	1	Value Value Reg 100 Not
0611K-01-024.000	100.00 N	Y	2760 22095 300 17355

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F1-7 TO SHOW PARCEL DETAIL, F10-NEXT SCREEN, F13-PAPERLINK, F14-HEIRS&COMMENTS
 Please RETURN For next record - of 1-7 for detail

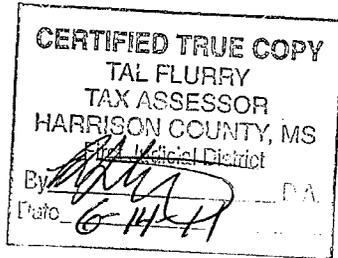


EXHIBIT
"A"
 LONG BEACH, MS
 PUBLIC HEARING 6/14/11

Minutes of June 14, 2011
 Mayor and Board of Aldermen

LRMINQ01 LAND ROLL MAINTENANCE LRWINQ01/HC
 Library 2011
 DONOVAN JOHN D & DIANNA L Parcel 0611K-01-024.000 PPIN 37219
 111 SUMMER LN Alt Parcel 0611K-01-024.000
 Exempt Code Tax District 3L
 Subdivision 00626
 SEAL SUBD
 Neighborhood

C/S/Z LONG BEACH MS 39560
 Sect/Twn/Rng 11 08 12 Blk 000 St 111 SUMMER LN
 Cls C-Acres C-Value U-Acres U-Value T-Acres Improved True Assessed
 1 2.00 27600 2.00 220954 248554 24855
 2 2.00 27600 2.00 220954 248554 24855
 Homestead Type 4 1=065 2=DAV 3=DIS 4=Regular Regular 300.00 100
 Mtg Eligible for Class 1 Y (Y/N)
 New Value Added F-Fire O-Override Deed Ref. 1402/0094
 Drainage Code Benefit Price Total Deed Date 3 / 9 / 1998

Roll: Page Line Added
 County 5195 3 By
 City Changed 10 23 1998
 School By LSC

Levee Benefits X .05 =
 F3-NEXT PARCEL, F5-LEGAL, F6-ADDENDUM, F7-DEEDS, F8-FLAGS, F9-OPTIONS
 F3 For next record

EXHIBIT
 "A"
 LONG BEACH, MS
 PUBLIC HEARING 6/14/11

Minutes of June 14, 2011
Mayor and Board of Aldermen

ADJACENT PROPERTY OWNERS WITHIN 160/200 FEET

- | | |
|---|---|
| 1. Miss Power Co.
PO Box 4079
Gulfport, MS 39502
Parcel 0611k-01-003.000 | 8. Margaret Ann Ncaise
548 Klondyke Rd
Long Beach, MS 39560
0611J-01-060.000 |
| 2. Aaron Suddeth
19025 Commission Rd
Long Beach MS 39560 | 9. Southern Star Lodge #500 F&AM
PO Box 500
Long Beach MS 39560
0611J-01-060.001 |
| 3. Matt D. Thomas
21401 Tucker Rd
Long Beach MS 39560
0611K-01-025.000 | 10. DLDS, LLC
629 Lafayette St
Gretna, LS 70053
0611J-01-061.000 |
| 4. MC Miskell
4716 Ohio Ave
Gulfport, MS 39501
0611L-01-026.000 | 11. Anthony Gordon
117 Summer Lane
Long Beach, MS 39560 |
| 5. John D. & Dianna L Donovan
111 Summer Lane
Long Beach MS 39560
0611k-01-024.000 | |
| 6. Johnny and Patricia Lee Goodman,
Jr.
109 Summer Lane
Long Beach, MS 39560
0611k-01-023.000 | |
| 7. Marguerite Schaeffer-Cuevas
18552 Ray Rd
Long Beach, MS 39560
0611J-01-034.001 | |

EXHIBIT

"A"

LONG BEACH, MS
PUBLIC HEARING 6/14/11

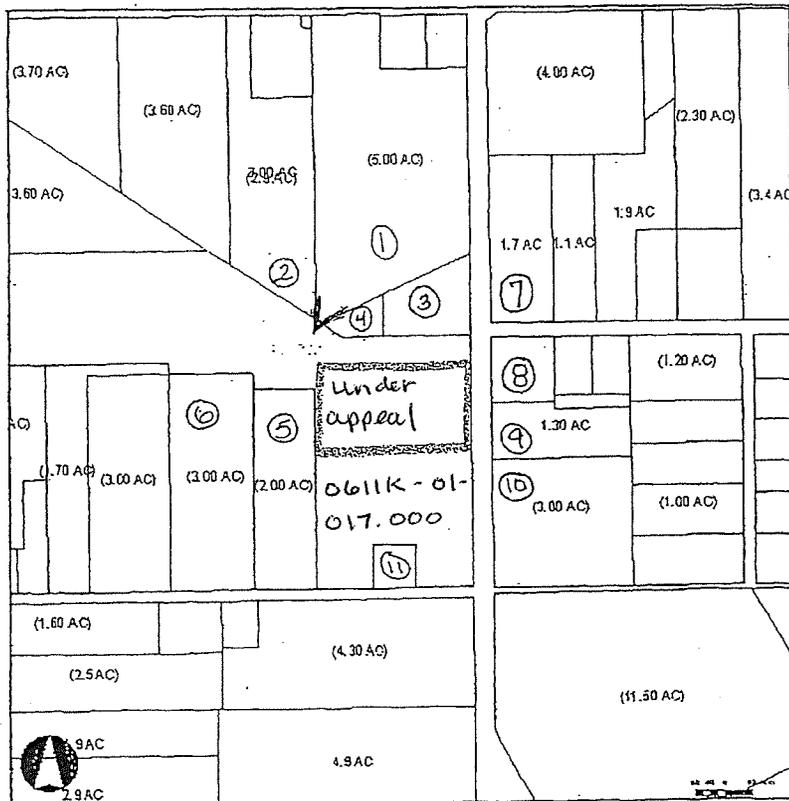
Ordinance with Article I, Section 2 of the Code of Ordinances (Zoning Regulations) of the City of Long Beach, as amended, is hereby certified that the Long Beach Planning Commission Chairman and Long Beach Mayor and Board of

responsible for the City of Long Beach

Adjacent Property within 160/200 feet

<http://gis.co.harrison.ms.us/harrisonwebmapping/>

Adjacent Property within 160/200 feet



2008 Parcels

2008 Parcels

2008 Parcels

Active Rd

County Boundary

County Boundary

City Boundary

City Boundary

Named Stream

EXHIBIT

"A"

LONG BEACH, MS
PUBLIC HEARING 6/14/11

1 of 1



2/19/2009 9:31 AM

Minutes of June 14, 2011
Mayor and Board of Aldermen

June 14, 2011

According to documentation in the Minutes of October 9, 2008 the Long Beach Planning Commission made 11 changes to the City of Long Beach Transect Map that was prepared by Ayres, Saint, Gross. These changes were approved by the Board of Alderman on October 21st. Since then many changes have been made to the map that is being presented to the city for the comprehensive re-zoning. We have examined the minutes of the Planning Commission and the Board of Alderman and have not been able to find any minutes reflecting these additional changes. We have turned in several requests for public records requesting minutes documenting these changes. All have been returned without minutes or explanation.

According to Mississippi Code no action can be taken without minutes.

§ 25-41-11. Minutes.

(1) Minutes shall be kept of all meetings of a public body, whether in open or executive session, showing the members present and absent; the date, time and place of the meeting; an accurate recording of any final actions taken at such meeting; and a record, by individual member, of any votes taken; and any other information that the public body requests be included or reflected in the minutes. The minutes shall be recorded within a reasonable time not to exceed thirty (30) days after recess or adjournment and shall be open to public inspection during regular business hours.

(2) Minutes of a meeting conducted by teleconference or video means shall comply with the requirements of Section 25-41-5.

(3) Minutes of legislative committee meetings shall consist of a written record of attendance and final actions taken at such meetings.

Why were these changes made?

Who made the changes?

All changes made without documentation are considered arbitrary and should be reversed.

EXHIBIT
"B"
LONG BEACH, MS
PUBLIC HEARING 6/14/11

*

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Marcia Kruse, 19015 Redbud Drive, Long Beach, Mississippi, came forward for comments, as follows:

- Considerable discussion regarding the transect verbiage, i.e., page 42 , Smart Code Summary, Article 4. Table 2, variances, warrants, land based codes/ordinances.

- In her opinion, it is not by the book and does not meet the required ten (10) principles for Smart Code/Smart Growth.

*

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Alderman Carrubba arrived at the public hearing.

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Mr. Buddy Ray, 470 West Beach Boulevard, Long Beach, Mississippi, came forward for comments, as follows:

- Considerable discussion was held regarding his e-mail of June 13, 2011, [Exhibit "C"] whereupon, Alderman Couvillon made motion seconded by Alderman Anderson and unanimously carried to make said e-mail a part of the record of this public hearing, as follows:

Minutes of June 14, 2011
Mayor and Board of Aldermen

EXHIBIT

"C"

LONG BEACH, MS

PUBLIC HEARING 6/14/11

William Skellie, Jr.

From: Bud Ray [budray@cableone.net]
Sent: Monday, June 13, 2011 9:15 PM
To: LEONARD G CARRUBBA; CAROLYN J ANDERSON; MARK LISHEN; KAYE H COUVILLON;
 BERNIE PARKER; GARY J PONTHEUX; BILLIE SKELLIE; RONNIE HAMMONS
Subject: SMARTCODE & TRANSECT MAP
Importance: High

Honorable elected Officials,

Soon you will vote on, what could possibly be the most important vote you will cast as an elected official of the city of Long Beach. Casting a vote for what is the very best for the citizens of Long Beach is without a doubt what each of you want to do. The Smartcode and Transect Map, if adopted, alters and lays the long term property tax base for the city. Please, seriously consider the following information when making your decision as to how you will cast your vote.

The members of The Panning Commission have worked long and hard on trying to put together something workable for the future of our city. The citizens say THANK YOU! During the three (3) years plus they have worked on this project many things have changed nationally, namely the crashing housing market, including the condominium market, which fell especially hard. This crash has a direct bearing on how our city can expect to grow and develop in the coming years. Many of the SmartCode guidelines are in direct conflict with what the Federal Government will now allow banks and financial institutions to lend money for development and/or permanent financing. The city saw this first hand when the Bull Restuarant property had to be altered because the newly imposed Federal Bank Regulations prohibited the local bank from lending money as the development was originally designed(SmartCode format) for mixed-purpose (residential and retail) use. The Transect Map as presented to you, the Mayor and Board, particularly T-4B NBHD BEACH encourages primarily condominium and hotel/motel development; high density, although it also allows for restaurants, lounges and single/duplex homes. Having the potential for a restaurant such as a Hooters or a lounge such as the Alibi next to a single/duplex home would certainly eliminate any expected development of such homes. Single/duplex homeowners are just like commercial developers, they want to know what they are allowed to build and what can be built next to them. T-4B NBHD BEACH allows properties(condominiums) that financing for development and/or permanent financing is not and will not be available. The Federal Government will not permit it. Any zoning having to do with Condominiums will assure that, that property will be left undeveloped and earning minimum tax revenues for the city. Heavy Federal Government Regulations have been placed on banks that keeps them from getting into the arena of financing Condos, either for development or permanent financing. The requirement for lenders to certify that condo projects meet all U. S. Housing and Urban Development standards is a requirement banks just are not willing to accept. This is just one of many requirements the Federal Government has instituted (www.FHAMortgageeLetter2009-46B). Speaking with two local bank presidents and a senior construction loan officer at another bank, they unanimously said condo lending is dead and will not come back as we know it now, if bank financing is involved. The topic of the future and financing of condos is heavily discussed on the Web, such as, (www.federalruleswreakhavoconcondosales). Please take the time to learn for yourself, first hand why our city does not need to have condominiums zoning where previous zoning was for single and/or duplex homes. The Mississippi Coast is presently flooded with properties available for condominium development. When the financial crash happened there were over twenty condominium projects under some stage of development on The Coast, now there are none. Why would our city want to add to this inventory when there is no demand now or in the foreseeable future for this kind of zoning according to information on the Web and people in the "know"? Our city has a much better chance of developing a good tax source from developments that have financing available for the developer and the buyer.

One of the bank presidents pointed out, society is maturing and they are attracted to ownership of smaller individual homes in desirable secure areas (gated) with very small yards. The exact type of development that would minimally burden our school system, police and fire departments, and would create a "uniqueness" for our city as opposed to another "me too". These types of developments in other parts of the country are flourishing. The Villages in Florida(www.thevillages.com) are one example. The people attracted to them are not a burden to the services of the city. The beach and being a college town are major attraction to these kind of people and Long Beach has both of these. Properly constructed, insurance is available and affordable to an owner in a development like this.

Recently in a discussion with a local doctor, who is heavily invested in the hotel industry on a national basis, his comment was hotel development in South Mississippi can only be successful with a premium flagged hotel in the airport area or in

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Biloxi in the casino district. He further said without direct access from I-10 (which Long Beach does not have) any successful development along the beach away from casinos is very doubtful. He would not invest in a hotel in Long Beach. His position seems to be supported by local tourist leaders that recently said available hotel rooms are not our problem, since the occupancy rate on the coast is only 68%. Additional tourist attractions is what is needed. This information, coupled with the fact hotel debt financing remains scarce and construction lending for hotels is virtually non-existent provides for a dismal outlook, both now and for the future of the hotel industry. SBA has tightened their underwriting rules to the point many banks are no longer participating. (www.sba.gov/sites/default/files/bank_eligibility_questionnaire_0.pdf) Unfortunately, the hospitality (hotel) industry has entered a "new normal": underwriting for any amount of debt is extremely stringent and borrowers must demonstrate impeccable collateral quality, and be prepared to pay higher interest rates, accept shorter loan terms and LTV ratio between 60% and 65%. Hotel and/or motel history in Long Beach has shown when the property does not have a flag or loses its flag and converts to a Mom and Pop establishment it becomes a problem for the city. Ask our police department about the many problems, among them being prostitution, drugs and murders, that have occurred at the Gulf View Motel, the motel that was located at the corner of Highway 90 and Douglas Avenue and the motel that operated under a Ramada Inn flag, but eventually became a non-flagged motel.

The city of Long Beach Comprehensive Plan that is being proposed for adoption and shown in the Planning Commission minutes of March 24, 2011 under "ECONOMIC & LAND USE PROSPECTS" cast suspicion on this zoning when it states: "In terms of weaknesses, the national housing crisis will likely reduce the rate of new residential construction, particularly condominiums in the region". Doesn't this suggest we should steer away from T-4B NBHD BEACH zoning?

Is this the zoning that we think will best serve the future of our City?

The Planning Commission held meetings to explain what they were proposing for the City to use and to get input from the public. According to the Minutes of October 14, 2010, regular meeting for the Planning Commission the Chairman stated "despite some minimal changes in some areas the intent was to keep the zoning districts as close to what they currently are." According to the same minutes the Chairman opened the floor for anyone wishing to speak in favor and/or opposition to what they were proposing. Several people spoke expressing various concerns. The minutes further state, Commissioner Yandell made a motion seconded by Commissioner Vancourt and unanimously carried to close the Public Hearing, taking no official action. The minutes continued stating, "It was the consensus of the Commission to conduct a work session Wednesday, October 20, 2010, at 5:30 p.m. in the I.T. trailer at City Hall Complex in order to compile all questions, comments and concerns received in this Public Meeting and the Ward Meetings held August 30, 2010 and August 31, 2010, and make a decision at the next regular scheduled meeting in due course". According to Veronica Howard, Minutes Clerk and the City Web page there are no recorded minutes of any October 20, 2010 meeting. At the next regular meeting of the Planning Commission on October 28, 2010, the minutes make no reference to addressing the concerns of the citizens who attended the hearings that were held in August or the one held October 14, 2010. The only reference was on page 16 and stated "It came for consideration under old business the recommendation of the SmartCode Plan and Transect Map (Public Hearing held October 14, 2010.) Commission Chairman stated an agreement was made in a conference call between Ayers Saint Gross and the City of Long Beach to allow the City access to an editable copy of the Smart Code plan allowing necessary changes to be made expeditiously". The Transect Map used at those hearings and a map given to me by the Planning Commission at an earlier work session showed my property, (470 West Beach Blvd.) and the properties to the east of my property up to the property of the Episcopal Church, as being T-3Plus Suburb Plus. The Map on display at city hall now shows my property as T-4B NBHD BEACH. This change appears to have been done without proper documentation and arbitrarily, without any due process and no consideration given to the input the citizens gave at those three hearings. This change certainly is not in keeping with what the Chairman said at the public meeting: the intent was to keep the changes close to what they currently are. Changing the zoning from church (Episcopal) use to a restaurant/lounge isn't, in the largest stretch of the imagination, close to the current zoning, neither is going from single/duplex zoning to condominium/hotel built as high as six stories plus base flood elevation. At best this map change is a major mistake and will be corrected, or it is a very flawed process that spawns major concerns. The Chairman was asked via e-mail dated May 27, 2010 for an explanation as to how, where and when this happened. To this date no response has been received. On June 11, 2010 a copy of the e-mail sent to the Chairman was sent to all member of the Planning Commission. Only one has responded and he suggested I talk to the Alderman of this ward.

Flaws like the ones cited above should raise serious questions for you about the correctness and integrity of the rest of the zoning of the city. Implementing SmartCode/ Transect Map, may appear to be a good thing, but could cause unintentional consequences that could be far worse for our city than declining to implement it.

Thank you for reading this. Hopefully it will be helpful to you in some way.

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After considerable discussion regarding said e-mail, Alderman Lishen disagreed with statements regarding condominium development, stating that the Comprehensive Plan, Transect Map and Text Changes to adopt Smart Code are for future development over the next twenty-five years, not just current circumstances.

Alderman Ponthieux stated that he disagrees with the zoning in the area around Mr. Ray's property.

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Linda Blakeney, 222 Oak Street, Long Beach, Mississippi, came forward for comments, as follows:

- Expressed concern that lot lines are not depicted on the transect map, particularly in the area around Willow Lane and requested that lot lines are shown on the final map prior to adoption.

After considerable discussion, it was noted for the record that the metes and bounds, legal description in the Comprehensive Plan and Smart Code ordinance will define and regulate the zoning districts; however, lot lines should be included on the transect map.

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Johnny Goodman, Jr., 109 Summer Lane, Long Beach, Mississippi, came forward for comments, as follows:

- He is filing an official protest regarding the rezoning of parcel 0611K-01-017.000, 533 Klondyke Road, Long Beach, Mississippi; submitting a copy of §17-1-17 Mississippi Code Annotated; a certified copy of Harrison County Homestead Exemption Master File Maintenance; a copy of Harrison County Land Roll Maintenance; a listing of adjacent property owners within 160/200 feet; and a parcel map depicting those properties [Exhibit "D"].

After considerable discussion, Alderman Ponthieux made motion seconded by Alderman Couvillon and unanimously carried to make said Exhibit "D" a part of the record of this public hearing, as follows:

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June 14th 2011

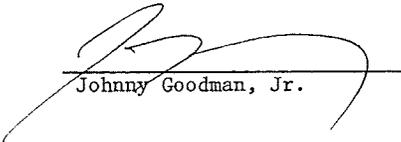
We the undersigned, as owners of the property located at 109 Summer Lane, Parcel Number 0611K-01-023.000. admit this letter in Protest against the rezoning of 533 Klondyke Road, Parcel Number 0611K-01-017.000 to T-4C Neighborhood Commercial.

Johnny Goodman Jr.

Attached is a copy of 17-1-17 from the Mississippi Code which requires a super-majority in case of a signed protest by the owners of the adjacent properties.

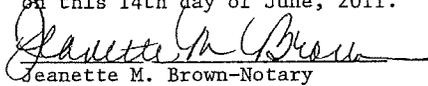
Attached are copies of both a Certified True Copy from the Harrison County Tax Assessor of our Homestead Exemption and also a copy of the land Roll Maintenance both listing us as owners of 109 Summer Lane.

Attached are both a copy of the owners within 160/200 feet and a map displaying the properties. Our property is labeled #6.


Johnny Goodman, Jr.

State of Mississippi
County of Harrison

I, hereby, witnessed the signature of Johnny Goodman, Jr, in my presence on this 14th day of June, 2011.


Jeanette M. Brown-Notary

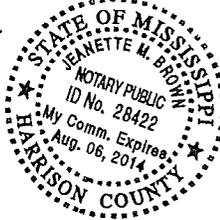


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§ 17-1-17. Changes.

Zoning regulations, restrictions and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed upon at least fifteen (15) days' notice of a hearing on such amendment, supplement, change, modification or repeal, said notice to be given in an official paper or a paper of general circulation in such municipality or county specifying a time and place for said hearing. The governing authorities or any municipal agency or commission, which by ordinance has been theretofore so empowered, may provide in such notice that the same shall be held before the city engineer or before an advisory committee of citizens as hereinafter provided and if the hearing is held before the said engineer or advisory committee it shall not be necessary for the governing body to hold such hearing but may act upon the recommendation of the city engineer or advisory committee. Provided, however, that any party aggrieved with the recommendation of the city engineer or advisory committee shall be entitled to a public hearing before the governing body of the city, with due notice thereof after publication for the time and as provided in this section. The governing authorities of a municipality which had a population in excess of one hundred forty thousand (140,000) according to the 1960 census, or of a municipality which is the county seat of a county bordering on the Gulf of Mexico and the State of Alabama or of a municipality which had a population in excess of forty thousand (40,000) according to the 1970 census and which is within a county bordering on the Gulf of Mexico may enact an ordinance restricting such hearing to the record as made before the city engineer or advisory committee of citizens as herein above provided.

In case of a protest against such change signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of the members of the legislative body of such municipality or county who are not required by law or ethical considerations to recuse themselves.

Sources: Codes, 1930, § 2478; 1942, § 3594; Laws, 1926, ch. 308; Laws, 1962, ch. 553; Laws, 1971, ch. 377, § 1; Laws, 1975, ch. 396; Laws, 1979, ch. 504; Laws, 2004, ch. 551, § 1, eff from and after July 1, 2004.

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HCMHIQ01	HOMESTEAD EXEMPTION MASTER FILE MAINTENANCE	HCWHIQ91/HC
Applicant	GOODMAN JOHNNY JR	Account
Spouse	GOODMAN PATRICIA LEE	22649
Street Address	109 SUMMER LANE	Added 20040331
City/St/Zip	LONG BEACH MS 39560	Changed 00000000
Renewed Y (Y/N)	Print Flag (Y/N)	Application Date 3 31 2004
Percent - Over 65	DAV DIS	Reg 100.00 Joint Owner
Exemption 1	1=Reg 2=065 3=SS/Letter 4=SS/Doctor 5=DAV 6=Comb	Adj Cnty 2
Marital 1	1=Married 2=Widowed 3=Separated 4=Divorced 5=Single	
Title 2	1=Fee 2=Joint Occ 3=Joint Non-Oc 4=Life Est 5=Undiv 6=Lease 7=Trust	
Adtl Use 1	1=None 2=Rental 3=Business	Adjoining County
Previous Acct No:	Rent CL Land Building	Reg 100 Not
Parcel Number	Owner Y/N 1 Value Value	300 Alwd
0611K-01-023.000	100.00 N Y 3933 7862	300 4295

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F1-7 TO SHOW PARCEL DETAIL, F10-NEXT SCREEN, F13-PAPERLINK, F14-HEIRS&COMMENTS
 Please RETURN For next record - of 1-7 for detail

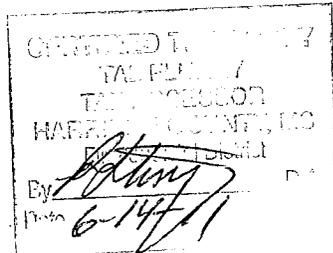


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LRMINQ01 LAND ROLL MAINTENANCE LRWINQ01/HC
 Library 2011
 GOODMAN JOHNNY JR & PATRICIA LEE Parcel 0611K-01-023.000 PPIN 37227
 109 SUMMER LN Alt Parcel 0611K-01-023.000
 Exempt Code Tax District 3L
 Subdivision 00626
 SEAL SUBD
 Neighborhood

C/S/Z LONG BEACH MS 39560
 Sect/Twn/Rng 11 08 12 Blk St 109 SUMMER LN
 Cls C-Acres C-Value U-Acres U-Value T-Acres Improved True Assessed
 1 3.00 39330 3.00 78624 117954 11795
 2 3.00 39330 3.00 78624 117954 11795
 Homestead Type 4 1=065 2=DAV 3=DIS 4=Regular Regular 300.00 100
 Mtg Eligible for Class 1 Y (Y/N)
 New Value Added F-Fire O-Override Deed Ref. 1616/0167
 Drainage Code Benefit Price Total Deed Date 2 / 7 / 2003

Roll: Page Line Added
 County 5195 2 By
 City Changed 8 22 2003
 School By LSC

Levee Benefits X .05 =
 F3-NEXT PARCEL, F5-LEGAL, F6-ADDENDUM, F7-DEEDS, F8-FLAGS, F9-OPTIONS
 F3 For next record

EXHIBIT
 "D"
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ADJACENT PROPERTY OWNERS WITHIN 160/200 FEET

- | | |
|--|---|
| 1. Miss Power Co.
PO Box 4079
Gulfport, MS 39502
Parcel 0611k-01-003.000 | 8. Margaret Ann Ncaise
548 Klondyke Rd
Long Beach, MS 39560
0611J-01-060.000 |
| 2. Aaron Suddeth
19025 Commission Rd
Long Beach MS 39560 | 9. Southern Star Lodge #500 F&AM
PO Box 500
Long Beach MS 39560
0611J-01-060.001 |
| 3. Matt D. Thomas <i>Frank Oliven</i>
21401 Tucker Rd
Long Beach MS 39560
0611K-01-025.000 | 10. DLDS, LLC
629 Lafayette St
Gretna, LS 70053
0611F-01-061.000 |
| 4. MC Miskell
4716 Ohio Ave
Gulfport, MS 39501
0611L-01-026.000 | 11. Anthony Gordon
117 Summer Lane
Long Beach, MS 39560 |
| 5. John D. & Dianna L Donovan
111 Summer Lane
Long Beach MS 39560
0611k-01-024.000 | |
| 6. Johnny and Patricia Lee Goodman,
Jr.
109 Summer Lane
Long Beach, MS 39560
0611k-01-023.000 | |
| 7. Marguerite Schaeffer Cuevas <i>Paige Electric</i>
18552 Ray Rd
Long Beach, MS 39560
0611J-01-034.001 | |

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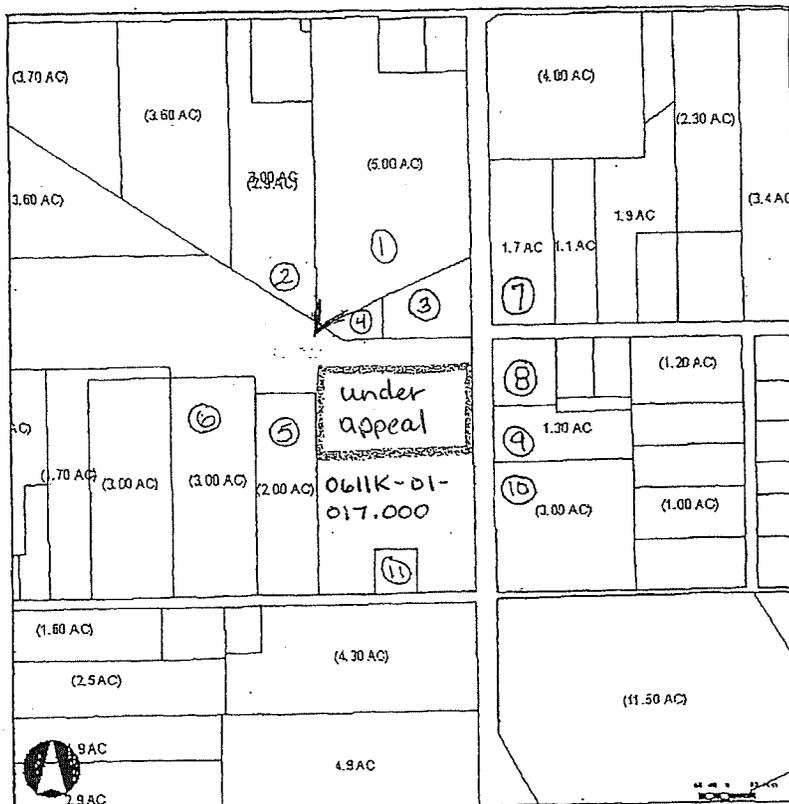
in accordance with Article 2, Section 5 of the Code of Ordinances (Subordinate Regulations) of the City of Long Beach, as amended by a number entitled that the Long Beach Planning Commission Chairman and Long Beach Mayor upon the first of

1. hereby certifies that any one of the a requested subdivision of the city of La

Adjacent Property within 160/200 feet

<http://gis.co.harrison.ms.us/harrisonwebmapping/>

Adjacent Property within 160/200 feet



2008 Parcels
 2008 Parcels
 Active Rail
 County Boundary
 City Boundary
 Named Stream

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1 of 1

2/19/2009 9:31 AM

Harry Hirsch, East Beach Boulevard, Long Beach, Mississippi, came forward for comments, as follows:

- He is a former resident of Long Beach, however, he does not reside in Long Beach currently.
- He lost his home in Hurricane Katrina and, with insurance and taxes, he cannot afford to rebuild, especially at his age.

- The area between Ocean Wave and Richards Avenue where he previously resided is not rebuilding.
- The areas on the east side are rebuilding and appear to be commercial hotels and condominiums, citing Beau Clair Condominiums and the Holiday Inn Express Hotel.

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Susan Woodward, 411 East 4th Street, Long Beach, Mississippi, came forward for comments, as follows:

- The residences that have rebuilt in her neighborhood are all single family dwellings.
- There is a considerable amount of traffic due to St. Thomas Church and East 4th Street is not a through street, abutting the private road belonging to St. Thomas Parish.
- Considerable discussion was held regarding her e-mail dated June 8, 2011 [Exhibit "E"]; Alderman Carrubba made motion seconded by Alderman Anderson and unanimously carried to make said e-mail a part of the record of this public hearing, as follows:

- There is a lot of traffic due to USM and St. Thomas Church and the neighborhood cannot handle additional traffic from higher density construction.
- She wants her neighborhood to remain single family residential.

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Diane Johnson, 118 Shady Grove Avenue, Long Beach, Mississippi, came forward for comments, as follows:

- Submitted minutes of the Planning Commission dated October 9, 2008; minutes of the Mayor and Board of Aldermen dated October 21, 2008; and various drafts and versions of the transect map, on file in the Office of the City Clerk.
- Requested clarification as to why the maps have Ayers Saint Gross printed on them when the maps have been changed from what they originally submitted; and why and when the maps were changed.
- Why, if the City paid Ayers Saint Gross to prepare a map, has the map been changed and at what additional cost to the City.
- Were changes made to the map approved by Ayers Saint Gross.

It was noted for the record that the maps are preliminary maps and are the property of the City of Long Beach to be revised and changed to fit the particular needs of Long Beach. No official map has yet to be adopted. Ayers Saint Gross is the planning and consulting firm who prepared the maps under a \$430,000 CDBG grant, however, they have no authority to stipulate what, if any, map is to be adopted; that authority is the responsibility of the Mayor and Board of Aldermen. The City purchased software that allows them to edit the map and expended funds to have copies made of the map.

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Steve Nicosia, 515 Gulf View Avenue, Long Beach, Mississippi, came forward for public comments, as follows:

- Considerable discussion was held regarding the transect definitions as they appear on the map.
- He stated that the definitions as they appear on the map are confusing and need to be clarified.
- He stated that the rezoning on East 4th Street to allow for higher density would be better on East 3rd Street where USM has a through street into the neighborhood since potential housing for USM was cited as one of the reasons for changing the zoning.

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Mr. Nicosia was advised that all zoning documents, including detailed description of zoning classifications, are posted on the city's website.

* * *

Glenn Mitchell, 444 Klondyke Road, Long Beach, Mississippi, arrived late and did not sign up for public comments. Upon consent from the Mayor and Board of Aldermen, he came forward for comments, as follows:

- Suggested a transparent overlay depicting the present zoning on the transect map.
- In areas where there are drastic changes in zoning, he suggested that property owners be identified and specifically notified.

The Mayor announced that a public hearing will be held Wednesday, June 15, 2011, at 5:00 o'clock p.m., Long Beach City Hall, 201 Jeff Davis Avenue, to further consider and discuss the new Comprehensive Plan; the Comprehensive Zoning Map Change; and the Comprehensive Text Change to Adopt Smart Code.

There being no further comments or discussion at this time, Alderman Couvillon made motion seconded by Alderman Lishen and unanimously carried to close the public hearing.

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APPROVED:

Alderman Leonard G. Carrubba, Sr., At-Large

Alderman Gary J. Ponthieux, Ward 1

Alderman Bernie Parker, Ward 2

Alderman Kaye H. Couvillon, Ward 3

Alderman Ronnie Hammons, Jr., Ward 4

Alderman Mark E. Lishen, Ward 5

Alderman Carolyn J. Anderson, Ward 6

Date

ATTEST:

Rebecca E. Schruff, City Clerk