

Minutes of June 15, 2011
Mayor and Board of Aldermen

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., Wednesday, the 15th 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, Ronnie Hammons, Jr., Mark E. Lishen, Carolyn J. Anderson, City Clerk Rebecca E. Schruuff and City Attorney James C. Simpson, Jr.

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

The public hearing to consider the new Comprehensive Plan; the Comprehensive Zoning Map Change; and the Comprehensive Text Change to Adopt Smart Code 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 Anderson made motion seconded by Alderman Lishen 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 Gelet 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 1 times in the following numbers and on the following dates of such paper, viz:

- Vol. 127 No., 235 dated 26 day of May, 2011
- Vol. 127 No., 239 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 _____

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 Gelet
Clerk

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



Kandi Berkeley
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.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 4: 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 Provisions introduces the "Transect Zones" as the public development requirements related to the city, building form and use, and provides guidance for phasing of development by sizes and configuration, including: height, public thoroughfares and frontages, and parking standards; Article 3: Standards, which 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, environment, sign, and landscape standards; Article 4: Standards, which sets forth the components of the Code such as thoroughfare standards and density, intensity, and parking requirements; 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 and 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 uniform 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.cityoflongbeach.com.</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 17th day of May, 2011, Mayor and Board of Aldermen, Long Beach, Mississippi, By: e/signed Rebecca E. Schriff, City Clerk. 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 on the Comprehensive Text Change to Adopt SmartCode on Wednesday, June 15, 2011, at 6:00 o'clock p.m. at Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, 39560, for the purpose of considering a NEW COMPREHENSIVE ZONING MAP CHANGE and a COMPREHENSIVE TEXT CHANGE TO ADOPT SMARTCODE. The Long Beach Comprehensive Plan will recommend patterns of new development and 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.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, prompted uniform 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 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.com. The COMPREHENSIVE</p>	<p>Public Hearings: 268</p> <p>signed Rebecca E. Schriff, City Clerk. ADV28 28 1THU, 15UN, 11 1483708</p>
<p>Public Hearings: 268</p> <p>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 on Tuesday, June 14, 2011, at 6:00 o'clock p.m. at Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, 39560, for the purpose of considering a NEW COMPREHENSIVE ZONING MAP CHANGE and a COMPREHENSIVE TEXT CHANGE TO ADOPT SMARTCODE. The Long Beach Comprehensive Plan will recommend patterns of new development and 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.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, prompted uniform 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 17th day of May, 2011, Mayor and Board of Aldermen, Long Beach, Mississippi, By: e/signed Rebecca E. Schriff, City Clerk. 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 on Wednesday, June 15, 2011, at 6:00 o'clock p.m. at Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, 39560, for the purpose of considering a NEW COMPREHENSIVE ZONING MAP CHANGE and a COMPREHENSIVE TEXT CHANGE TO ADOPT SMARTCODE. The Long Beach Comprehensive Plan will recommend patterns of new development and 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.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, prompted uniform 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 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.com. The COMPREHENSIVE</p>	<p>Public Hearings: 268</p> <p>signed Rebecca E. Schriff, City Clerk. ADV28 28 1THU, 15UN, 11 1483708</p>

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

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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.

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 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.cityoflongbeachms.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.

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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

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- 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.

Richard Sherlin, 548 West Beach Boulevard, Long Beach, Mississippi, came forward for comments, as follows:

- His two parcels west of Oak Gardens Avenue are zoned T-3 Suburb and should be zoned T-4B NBHD BEACH.
- Beau Clair Condominiums are presently on the property and are not allowed by right under the regulations for T-3 Suburb, which would be a problem to rebuild if more than 50% of the structure is destroyed.

After considerable discussion, Alderman Ponthieux stated that, as Alderman for that particular area, he would not have a problem with reviewing that area for a possible revision in zoning classification.

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

- The property adjacent to the Woodfield property was zoned T-3 Plus on the transect map dated October 15, 2008, and is presently zoned T-4C on the transect map being considered; can anyone explain why the change was made and when.
- How close is the T-4C zone on Klondyke Road to his father-in-law's property at 117 Summer Lane, Long Beach, Mississippi; the distance is not clear on the transect map and the depth of the T-4C zone along that side of Klondyke Road is not consistent.
- He suggested that the Mayor and Board of Aldermen review the zoning in that area and consider revising the zoning classification.
- He requested information regarding when the software to edit the transect map was purchased by the city.

After considerable discussion, it was noted for the record that the transect map is not an officially adopted document. Until the transect map is officially adopted, any revisions resulting from public work sessions, public meetings, public hearings, etc., are merely suggestions, which is the purpose of this and other public hearings. The process has been ongoing for several years.

The distance between the property owned by Mr. Donovan's father-in-law and the T-4C Zone on Klondyke Road is probably 150' to 200'. Prior to final adoption, all zoning classifications will be clearly defined.

The date software to edit the transect map was purchased will have to be researched.

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Susan DeBlanc, 401 East 4th Street, Long Beach, Mississippi, came forward to comment, as follows:

- She rebuilt her home after Hurricane Katrina and is opposed to the proposed T-3 Plus Suburb Plus in her neighborhood.
- She loves her home and her area and does not want to look at duplexes.
- Zoning her neighborhood for duplexes is premature.

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

- Reviewed text documents posted on the city's website.
- Page 44, Article 4. Table 3 shows Bed & Breakfast (1-5 rms) allowed by right in a T-3 Plus which is inconsistent with the zoning classification.
- Page 46, Article 4. Table 3 shows Live Bait Stores by right in the Harbor District when there are lease holders at the harbor and any store would require prior approval from the Port Commission.
- Fuel (oil and gas) is not addressed in the Harbor District and there is a fuel facility operational.
- Page 93, pertaining to signs, needs clarification and does not address LED lighting or LED motion graphic signs nor does it define "neon".
- The zoning classification, T-4C NBHD Commercial, east of Nicholson Avenue appears to be an error and should be zoned T-4B NBHD BEACH.

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William Fell, Denise Fell, Bronwen Fell, 20529 Johnson Road, Long Beach, Mississippi, stated that their questions were answered during prior discussions.

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

- Ms. Kruse submitted a letter reiterating her position as stated at the public hearing duly held and convened on July 14, 2011.

After considerable discussion, Alderman Carrubba made motion seconded by Alderman Anderson and unanimously carried to make the aforementioned letter a part of the record of this public hearing Exhibit "A", as follows:

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Smartcode for Long Beach is NOT Smartcode.

Long Beach Smartcode eliminates functions such as the CRC and substitutes the current Planning process based on land use/ Euclidean code/ single use.

Smartcode-(Introduction of version 9.2) states "it is a form-based code, meaning it envisions and encourages a certain physical outcome—the form of the region, community, block, and/or building."

Long Beach Smartcode begins with verbiage similar to Smartcode 9.2 then deviates to the old law based/single use/code language.

The Long Beach Smartcode has obviously been cut and pasted from the Smartcode template but fails to be a reasonable resemblance to Smartcode version 9.2.

The Head of the Planning Commission on 4/27/2011 stated the commission's proposal was in fact a watered down version of Smartcode. It is not watered down—it simply is not Smartcode.

The Head of the Planning Commission on 4/27/2011 stated the proposed Long Beach Smartcode was recalibrated to fit what we have on the ground. Consulting Smartcode version 9.2, calibration is not done in this manner.

The Head of the Planning Commission stated that for transects the current zones were used as the basis and gave an example that R-1 was now T3, on 4/27/2011, and went on to explain that the transects were designed to meet what we already have.

Transects have been and are not understood. The Head of the Planning Commission opined that he did not know what transects were. Transects are in fact a scientific term, used in ecology and have a specific sector meaning and intent. New Urbanism developed the 6 transect system for the form based planning.

Page 42 of the Long Beach Smartcode attempts to combine two incongruent processes in one table, variances or warrants.

Smartcode 9.2 page SC115 states Variance: a ruling that would permit a practice that is not consistent with either a specific provision or the Intent of this Code.

MARCIA KRUSE

EXHIBIT
"A"
LONG BEACH, MS
PUBLIC HEARING 6/15/11

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Zoning (land based/single use/code) have procedures for granting variances, usually because of a perceived hardship at a public hearing.

Smartcode 9.2 page SC115 states Warrant: a ruling that would permit a practice that is not consistent with a specific provision of this Code. Warrants are usually granted administratively.

Long Beach Smartcode does not appear to be organized with the amount of pictures/diagrams that Smartcode is known to have to demonstrate outcomes or processes. Smartcode 9.2 is known for the ease of use by citizens and developers.

Smartcode 9.2(Introduction page 4) "It also ensures that community will not have to scrutinize all proposed projects, because the intentions of the citizens will have already been determined in the process that leads to the code."

Long Beach Smartcode as proposed is not developed by Smartcode and 9.2 standards. It is not Smartcode.

Long Beach Smartcode as proposed is not developed for the ease of use by citizens or developers. As proposed it is a compilation of incomprehensible verbiage not readily understood by most.

MARCIA KRUSE

EXHIBIT
"A"
LONG BEACH, MS
PUBLIC HEARING 6/15/11

The proposed adoption of the Comprehensive Plan, Long Beach Smartcode and the Transect Map are not currently of the substance and quality to be adopted on a City wide basis. Citizen confusion and misunderstanding of the documents was readily evident at the first night of hearings. Sadly this should alert our leaders that these document are not ready to be adopted.

Taking a zoning system from 9 readily identifiable areas to more than 15 comprehensive areas that take pages and numerous articles to describe is a laborious process, rife with miscommunication and misunderstandings. These document are not ready for the general public or official adoption.

Return to the land based/single use/ codes, with updates seems most appropriate at this time. The Planning Commission has injected the current code processes throughout the development of the documents, even when it contraindicated and resulted in an incongruent product.

Marcia Kruse

References used:

SMARTCODE version 9.0 and manual; Duany, Andres; Sorlein, Sandy;
Wright, William; New Urban News Publication, 2010

The Smart Growth Manual; Duany, Andres; Speck, Jeff; McGraw Hill, 2010

EXHIBIT
"A"
LONG BEACH, MS
PUBLIC HEARING 6/15/11

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Basic Principles

There are 10 accepted principles that define Smart Growth

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

History

Transportation and community planners began to promote the idea of compact cities and communities in the early 1970s. The cost and difficulty of acquiring land (particularly in historic and/or areas designated as conservancies) to build and widen highways caused some politicians to reconsider basing transportation planning on motor vehicles.

Architect Peter Calthorpe promoted and popularized the idea of urban villages that relied on public transportation, bicycling, and walking instead of automobile use. Architect Andrés Duany promoted changing design codes to promote a sense of community, and to discourage driving. Colin Buchanan and Stephen Plowden helped to lead the debate in the United Kingdom.

Government subsidies for infrastructure have disguised the true cost of sprawl. Examples include subsidies for highway building, fossil fuels, and electricity.

Electrical subsidies

With electricity, there is a cost associated with extending and maintaining the service delivery system, as with water and sewage, but there also is a loss in the commodity being delivered. The farther from the generator, the more power is lost in distribution. According to the Department of Energy's (DOE) Energy Information Administration (EIA), 9 percent of energy is lost in transmission. ^[1] Current average cost pricing, where customers pay the same price per unit of power regardless of the true cost of their service, subsidizes sprawl development. With electricity deregulation, some states now charge customers/developers fees for extending distribution to new locations rather than rolling such costs into utility rates. [1] (http://www.ornl.gov/sci/btc/apps/Restructuring/tm2003_152.pdf).

EXHIBIT

"A"

LONG BEACH, MS

PUBLIC HEARING 6/15/11

http://en.wikipedia.org/wiki/Smart_growth

6/13/2011

The Long Beach Smartcode and Comprehensive Plan are NOT Smart Growth.

The Head of the Planning Commission on 4/27/2011 stated that we should change Smartcode to Smart Growth.

Smart Growth cannot be used to change land based/single use/codes to Smartcode or Smart Growth. The Smart Growth Manual (page 2.10) "... conventional suburban code into Smart Growth is difficult, if not impossible, as the two models are incompatible."

Smart Growth has 10 principles that define Smart Growth. (See attached and The Smart Growth Manual Appendix pages 3-4).

Smart Growth is form based not land based/single use—(The Smart Growth Manual Chapter 12 page 2)"Smart growth codes describe buildings not in terms of their single use or simple statistical measures, but in terms of their form. These are known as formed based codes"

Currently Long Beach proposals do not achieve; taking advantage of compact building designs; creates a range of housing opportunities; creating walkable neighborhoods; making development decisions predictable, fair and cost effective; and encourage citizens and stakeholders participation in the development decision.

Creating a range of housing opportunities. The only two areas that support affordable housing for those earning less than 30% AMI (area median income) are located in the Long Beach Housing Authority on Railroad, Girard, Kohler and off Alexander across from the Police Station, and are proposed to be rezoned to Railroad Corridor and T3 Plus Suburb Plus. This rezoning directly affects the character of the neighborhood.

The proposals are not Smartcode or Smart Growth and they have not used/considered Smart Growth methodology, promoted uniform development... thus rendering your advertisement for this Hearing untrue and erroneous.

MARCIA KRUSE

EXHIBIT
"A"
LONG BEACH, MS
PUBLIC HEARING 6/15/11

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

- Mr. Ray submitted his official protest regarding the rezoning of his property.

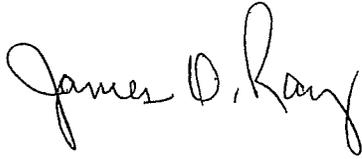
Alderman Carrubba made motion seconded by Alderman Anderson and unanimously carried to make the aforementioned document a part of the record of this public hearing, Exhibit "B", as follows:

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To The City of Long Beach, Mississippi

I James O. Ray (Buddy) owner of 470 West Beach Blvd. parcel # 0612F-02-070.001 submit this letter of protest of the rezoning of my property and all properties within 160 and or 200 feet of my property. I am protesting in accordance with City ordinance #344 and Miss. Annotated code 17-1-17.

Signed by:



June 15, 2011

EXHIBIT
"B"
LONG BEACH, MS
PUBLIC HEARING 6/15/11

SEC. 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 hereinabove 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.

EXHIBIT

"B"

LONG BEACH, MS

PUBLIC HEARING 6/15/11

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NOTARY ACKNOWLEDGMENT

State of Mississippi

County of Harrison

Personally appeared before me, the undersigned authority in and for the said County and State, on this 15th day of June, 2011, within my jurisdiction, the within named James O. Ray, who acknowledged that he signed, executed and delivered the above and foregoing for the purposes mentioned on the day and year therein mentioned.

Sherry E. Whitell
Notary Public



EXHIBIT
"B"
LONG BEACH, MS
PUBLIC HEARING 6/15/11

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There came on for consideration an e-mail from Patrick Hamel dated June 15, 2011; Alderman Couvillon made motion seconded by Alderman Carrubba and unanimously carried to make said e-mail a part of the record of this public hearing, Exhibit "C", as follows:

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City Clerk

From: William Skellie, Jr. [mayor@cityoflongbeachms.com]
Sent: Wednesday, June 15, 2011 12:30 PM
To: Becky Schruff
Subject: FW: Public Hearings on the Transect Map, Smart Code, and the Comprehensive Plan

-----Original Message-----

From: P.E.Hamel [mailto:pehamel@cableone.net]
Sent: Wednesday, June 15, 2011 9:17 AM
To: kaye couvillon
Cc: Henderson, Dan N1ND; David A. Norris; Chris Imlay; Mickey KSMC Cox; William Skellie, Jr.; w5xx@arrl.org
Subject: Re: Public Hearings on the Transect Map, Smart Code, and the Comprehensive Plan

Kaye,

Thank you for your polite attention after I arrived at the end of the meeting last night. The planning commission last year had told me that my radio concerns were being met. Please read all four points below and the email from last year I sent last night.

First:

Over the years I have been in the homes of both wealthy and poor people who use antennas to receive television or talk on radio.

My current state of life is full-time caretaker.

Radio is my link to a wider circle of human interaction.

My antennas are screened from the street by trees, but I fear the unkept promises I received from the planning commission last year that the arbitrary height limit parenthetical expression in table 4 (towers for personal use) would be corrected.

Weak-signal experimentation requires antennas which are different from local

chatting. Various levels of Autistic and Asburgers people do not do much local chatting, instead getting satisfaction from months of work overcoming the technical challenge and accomplishing a few-seconds of otherwise impossible weak-signal-contacts around the world. Reality tells me that the wealthy will find a legal way to do what they want, but the city zoning law should not be written to contradict a state law and two federal administrative laws - that way leads to wealthier lawyers at the expense of the water, sewer, and roads. "In accordance with good engineering practice" is a phrase which has always

covered adequate technical restrictions. The "eye of the beholder" belongs in deed restrictions, not law.

Second:

The insistence that a place be set aside for sex businesses is a mistake.

Simply requiring the full-time-presence of a licensed medical doctor and police for illegal drug screening at that type of business will serve the public-health requirement.

Third:

At my last reading, there was no provision for a Mosque or Shinto Shrine.

This will bring the same predatory lawyers that you claim will attack Long Beach because there is no provision for sex businesses. With the current federal administration expecting reelection it may be federal lawyers doing the attacking.

Fourth:

Page after page of oak tree protection is still included. The cedar trees that sheltered my house during Katrina are not protected, just the big oaks that fall on houses and crush them. It should not require months of meetings

EXHIBIT

"C"

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to remove a tree with dead or damaged root system. Qualified professionals should be allowed to get permits within a week when their professional expertise shows that a tree will topple or break in the next windstorm.
Trimming dead or dangerous branches over houses, walkways, or play areas should be allowed as normal maintenance and not require months of meetings.

As a caretaker I am subject to unscheduled duties. I may not be able to attend the meeting tonight. If I cannot attend, please make my concerns known.

Thank you,
Patrick Hamel
(one vote me, one vote my wife, 910 pages of relatives in her family book)

No virus found in this incoming message.
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Version: 8.5.449 / Virus Database: 271.1.1/3704 - Release Date: 06/15/11 06:34:00

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Upon discussion, the City Attorney reported that he will research state law regarding regulations for tower heights.

* *

There were no further public comments.

After considerable discussion regarding the transect map and associated documents, Alderman Anderson made motion seconded by Alderman Carrubba and unanimously carried to schedule a public work session, Monday, June 27, 2011, at 5:00

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o'clock p.m., City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi, to further discuss the new Comprehensive Plan; the Comprehensive Zoning Map Change; and the Comprehensive Text Change to Adopt Smart Code. Building Official Earl Levens and Clerk Veronica Howard were directed to attend.

There being no further business to come before the Mayor and Board of Aldermen at this time, Alderman Carrubba made motion seconded by Alderman Anderson and unanimously carried to adjourn until the next regular meeting in due course.

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