

**MINUTES OF MARCH 11, 2010
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Be it remembered that a regular meeting of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun and held at the Long Beach School District Central Office, 19148 Commission Road, in said City and the same being the time and place fixed for holding said meeting.

There were present and in attendance on said Commission and at the meeting the following named persons: Commission Chairman Frank Olaivar, Commissioners Tony Vancourt, Danny Hansen, John Castleberry, Jacquie Lipski, Tonda Yandell, Dale Hare, and Minutes Clerk Veronica Howard.

Commissioners Gretchen Loftus and William "Chip" Williams were absent the meeting.

* * *

There being a quorum present and sufficient to transact the business of this regular scheduled meeting the following proceeding were had and done.

* * *

The meeting was called to order and the Commission Chairman stated that all decisions made at this meeting would need to be ratified by the Mayor and Board of Aldermen at their next regularly scheduled meeting of March 16, 2010, and subject to a ten-day appeal in time for a Public Hearing.

* * *

After careful review and consideration Commissioner Hare made motion seconded by Commissioner Vancourt and unanimously carried to approve the Planning Commission Minutes of February 25, 2010, with the following corrections: Page 1, 4th paragraph "transect" should be spelled "transact."

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It came for consideration a PUBLIC HEARING to consider a Special Exception Use to allow teaching of continued education classes and to provide massage therapy from a residence located at 420 East 3rd Street, an R-1 Single-Family Residential Zone District submitted by Charles Wambolt as follows:

	<p>CITY OF LONG BEACH PLANNING DEPARTMENT 645 KLONDYKE ROAD / PO BOX 929 LONG BEACH, MS 39560 (228) 863-1554</p>	<p align="center">Office use only Date Received <u>2-18-10</u> Zoning <u>R-1</u> Agenda Date <u>3-11-10</u> Check Number <u>10810</u></p>
APPLICATION FOR CASE REVIEW		
I. TYPE OF CASE:	<input type="checkbox"/> VARIANCE <input checked="" type="checkbox"/> SPECIAL EXCEPTION REQUEST	
II. Advalorem Tax Parcel Number(s):	_____	
III. Address of Property Involved:	<u>420 E. 3rd Street</u>	
IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)	<u>(This is not a request to change the land area) Special Exception for:</u> <u>Teaching Classes - Continuing Education</u> <u>Massage Therapy</u>	
**PLEASE COMPLETE THE FOLLOWING:		
A. Describe any special condition that justify the granting of this variance request and that are peculiar to the property and do not apply to other properties in the general area. What are the reasons for the variance and why the applicant cannot meet the stated code requirement?	<u>Property is located immediately West of USM ballfields, immediately South of USM recreation building, East of an empty lot, & North of vacant property (an empty lot). The closest neighbor stated he needed to approve it with his wife; his wife said she has no problem with it. The same business activity I had for 14 years prior to Hurricane Katrina.</u>	
B. Describe how the special condition discussed in #1 above is not the result of actions taken by the applicant. Show that the applicant did not cause the need for this variance request.	<u>Applicant is the new owner of the property. The vacant lots surrounding the property were there upon purchase. The area also involves the entrance to St. Thomas Church - where the school was, & where the Knights of Columbus building was to the North. Previously higher traffic & educational/teaching areas - especially USM.</u>	
C. Show that an unnecessary hardship exists due to the character of the property and that this hardship makes the request for the variance necessary. State what hardship is caused if the applicant is required to meet code requirements? What is the result of this hardship? What would result if the Zoning Board denied this request?	<u>Hurricane Katrina destroyed applicants home & business of 14 yrs. Applicant is applying for a special exception to offer continuing education classes & massage therapy to earn an income as was previously done. There were zero complaints in 14 years.</u>	
D. Show that denial of this request will deprive the applicant of rights commonly enjoyed by other properties in the general area and that the granting of this variance request will make possible the reasonable use of land while not conferring any special privilege. Outline how the subject of the variance is common in the area and if the applicant were to be denied this variance a right would be taken away which is granted to other properties. State how the variance makes reasonable use of the existing land and why the same action cannot be done in a way that does not require a variance. Show that granting of this variance does not give the applicant any special privileges that the properties in the area would find desirable.	<u>Being adjacent to the ballfields, St. Thomas, Old KOC bldg., usm, & recreation facility, the area is already used 3/4</u>	
Page 1 of 2		
Application for Case Review - Variance OR Special Exception Request		

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has been used for health + education purposes. Thank you
for your review + approval.

V. **REQUIRED ATTACHMENTS:**

- A. **Interest and Ownership.** The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.
- B. **Survey and Site Plan.** a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures;
- C. **Recorded Warranty Deed.** A deed which includes a legal description of the specific piece of property involved in the request. If, several parcels are included in a request, individual parcel deeds AND a composite legal description of all parcels involved in the request must be provided.
- D. **Fee.** Attach a check in the amount of \$100.00. This check should be made payable to the City of Long Beach to cover administrative cost. You will also be responsible to actual costs, such as advertising and mailing incurred with the processing of your application.

*****NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

VI. **OWNERSHIP AND CERTIFICATION:**

READ BEFORE EXECUTING. Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application, the completed application with all necessary documents and payments must be returned to the Planning office not later than 21 days before the 2nd or 4th Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

Ownership: I the undersigned due hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

<u>Charles B. Wambolt</u>	
Name of Rightful Owner (PRINT)	Name of Agent (PRINT)
<u>109 Oak Gardens Ave</u>	
Owner's Mailing Address	Agent's Mailing Address
<u>Long Beach MS 39560</u>	
City State Zip	City State Zip
<u>228-234-4567</u>	
Phone	Phone
<u>Charles B. Wambolt 2/12/2010</u>	
Signature of Rightful Owner Date	Signature of Applicant Date

**MINUTES OF MARCH 11, 2010
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March, 2010

To my new neighbors,

I have been a citizen of Long Beach since 1970, went through elementary, middle, and high school here, and graduated from USM here at the Gulf Park Campus. I also graduated from Mississippi Gulf Coast Community College in Gulfport and the University of South Alabama in the BSN to MSN program in nursing. I'm an RN, Certified Personal Trainer, Licensed Massage Therapist, Certified Aquatic Professional and Certified/state board approved instructor for continuing education.

I have been your close neighbor in this area of Long Beach since 1994, as I lived close by on Kerr Street. I was the owner of Wellness Therapies and Education Center before Hurricane Katrina. I lived upstairs and worked downstairs, and the youth of several churches came together for 6 years to spend their Saturday nights there singing Christian songs, doing Bible study, asking for advice, and praying for one another. My business was quiet and I never had a single complaint, that I know of, from any neighbor for the 14 years I lived there. Of course, Hurricane Katrina destroyed what was there.

Prior to that time, I spent 10 years as a government relations chairman to work at passing a state law requiring certain standards of education, ethics, and professionalism in the field of massage therapy. Nine years ago, Governor Ronnie Musgrove invited me to the final signing of the legislation into law. All of this is said to share my education, experience and track record in holding high standards.

My father, Lord willing, will be 80 years old this week (Thursday, March 11). He is the main reason that I've chosen to remain here and be close by to take care of him, when needed. Long Beach City Hall requires a special exception for me to be able to again practice at this location as I did a few streets over for 14 years. It is my hope that they find the circumstances of Hurricane Katrina, combined with my track record, a special exception. The house/building is the last one on 3rd St (420 3rd St), there are no other houses next to it. Having a Recreation/Wellness center to the back, USM to the East, and St. Thomas to the South, it is already surrounded by wellness and education, the two facets of what I will be doing, so it seems to be a good fit.

Thank you for your review of this letter. With hope that we will be good neighbors, I wanted to introduce myself and request your support as I make this transition. There is no known opposition by any neighbors. Feel free to call me if you have any questions or just to offer your support. Thank you.

Kind regards,



Charles Wambolt
228-234-4567

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Personal Trainer 

Charles Wambolt is nationally certified by the American Council on Exercise (ACE), which many believe to be the best, or among the best certifications to look for when choosing a personal trainer. Mr. Wambolt has taught Sports Kinesiology at the college level, and he has been certified in sports massage since 1988. He has worked with world class athletes since 1988. Having worked in the hospital setting in orthopedics for five years, with additional experience in four physical therapy clinics, including the management of a rehabilitation clinic under the supervision of a neurologist, he is familiar with various pathologies. He is also a former Body for Life winner. Charles Wambolt has a specialty degree in Biology, which provides him a solid foundation for not only understanding the art of fitness, but also the SCIENCE.

(228) 234-4567

BENEFITS OF EXERCISE

- * Physical, mental & emotional benefits include: Reduces anxiety, helps fat loss, muscle tone, energy level, posture, self-image, anti-aging, injury protection, endurance, balance, coordination, boosts immunity; benefits involving heart disease, relaxation, high blood pressure, muscle and bone strength, flexibility, cholesterol, and even cancer prevention. Mental improvements in concentration, sharpness, stress reduction, confidence & better sleep. In general, a higher quality of life & social rewards.

BENEFITS OF MASSAGE

- * Relief of muscle tension and stiffness
- * Improved circulation
- * Increased metabolic efficiency
- * Increased ease of movement
- * Deeper relaxation
- * stress reduction
- * Relief of tension-related headaches
- * Faster healing time from injuries
- * Increased flexibility
- * Decreased acute and chronic pain
- * Strengthened immune system
- * Relaxed state of alertness
- * Increased capacity for clearer thinking
- * Feeling of well-being
- * Helps provide need for nurturing touch

* These statements are based on various studies, are generalized, and make no claims to cure or improve anything; they might not reflect your situation or your results.

(228) 234-4567



Massage Therapy

You have chosen to utilize the services of a professional who has over 20 years of massage therapy experience. He graduated from one of the best massage schools in the nation, The Florida School of Massage in Gainesville with over 1,000 hours of credit. His continuing education includes over 400 additional hours of training in massage. He is a registered nurse who graduated from the University of South Alabama in the BSN/MSN accelerated program. He has been an instructor of massage related modalities and Science of the Human Body for 18 years, and has developed many specialized techniques for pain management and to achieve efficient and effective results.

Email:

CWWT777@gmail.com

www.cehours.net

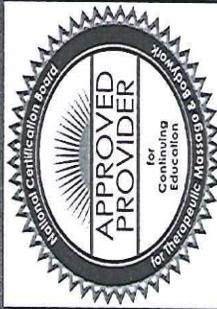
(228) 234-4567

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CHARLES WAMBOLT

Choose Professional
Services by a Qualified &
Experienced Professional

- * Registered Nurse
MSR880830
- * Massage Therapy LMT03
AMTA 15030
- * Massage CE Instructor
MAP19, NCBTMB450136-06
- * Personal Training
ACE122317
- * Aquatic Fitness
Professional AEA184856



**Personal Training
Massage Therapy**

**CALL FOR YOUR
APPOINTMENT**

Wellness Therapies

Mail Address: 109 Oak Gardens Ave
Long Beach, MS 39560

(228) 234-4567
cwwt777@gmail.com

www.cehours.net
www.educatewell.com

(228) 234-4567
cwwt777@gmail.com
www.cehours.net

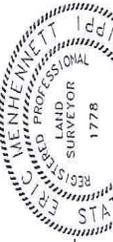
(228) 234-4567



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Survey of the East 1/2 of Lot 11, Block 5, Original Long Beach, Harrison County, Mississippi; as per Plat Book 11, Page 6, (Copy Book 4A, Page 365).

This is to CERTIFY that I have surveyed the property hereon described and delineated, and that the measurements and other data indicated are correct to the best of my knowledge and belief.

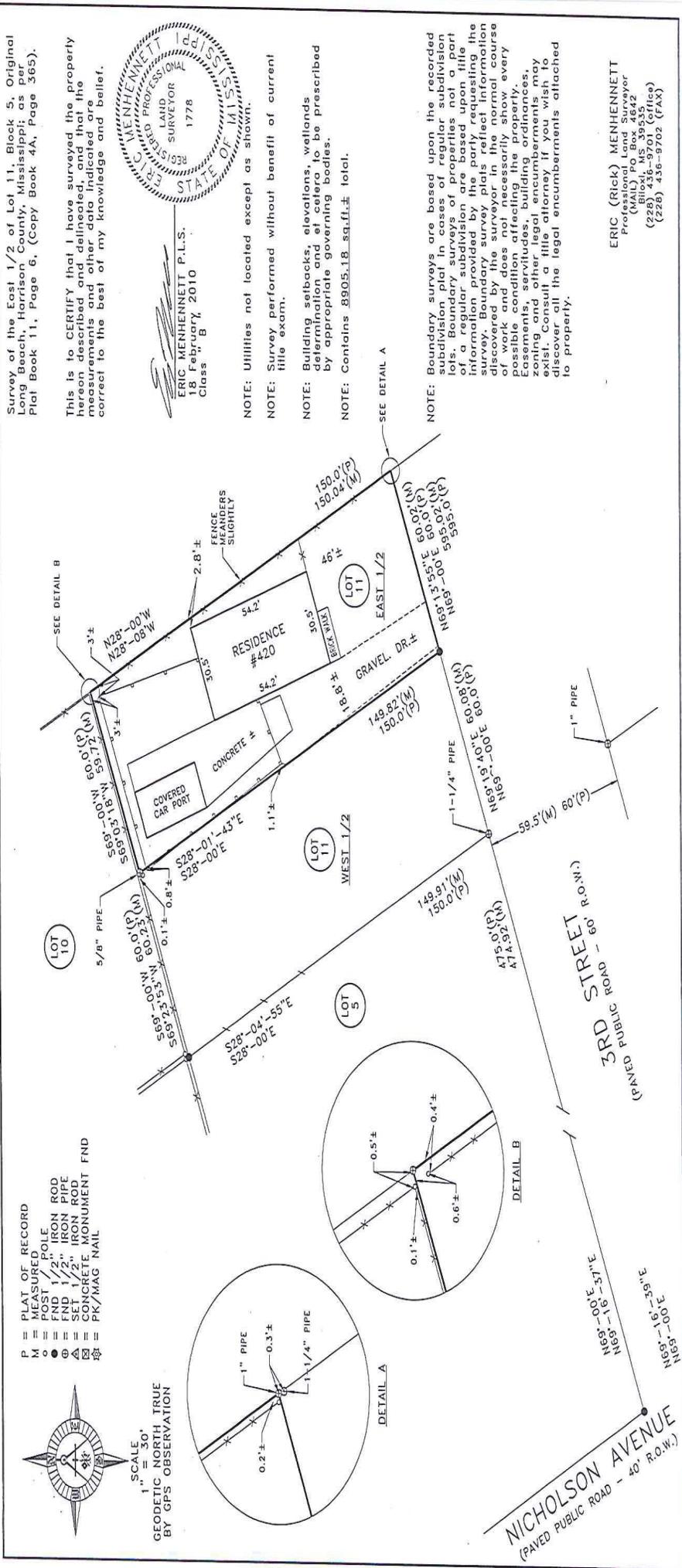


ERIC MENHENNETT P.L.S.
18 February, 2010
Class "w, B"

- NOTE: Utilities not located except as shown.
- NOTE: Survey performed without benefit of current title exam.
- NOTE: Building setbacks, elevations, wetlands determination and et cetera to be prescribed by appropriate governing bodies.
- NOTE: Contains 8905.18 sq.ft.± total.

NOTE: Boundary surveys are based upon the recorded subdivision plat in cases of regular subdivision lots. Boundary surveys of properties not a part of a regular subdivision are based upon title information provided by the party requesting the survey. The surveyor is not responsible for any errors or omissions discovered by the surveyor in the normal course of work and does not necessarily show every possible condition affecting the property. Easements, servitudes, building ordinances, zoning and other legal encumbrances may exist. Consult a title attorney if you wish to determine what the legal encumbrances attached to property.

ERIC (Rick) MENHENNETT
Professional Land Surveyor
(Miss.) P.O. Box 5542
(601) 436-9701 (office)
(228) 436-9702 (FAX)



**MINUTES OF MARCH 11, 2010
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PREPARED BY AND RETURN TO:
DAVIS & DAVIS, P.L.L.C.
Christopher A. Davis
250 Beauvoir Road, Ste. 4C
Biloxi, MS 39531
(228) 275-9922
(228) 275-9881 (fax)

30-3989



J. Harper
1st Judicial District
Instrument 2009 3823 D -J1
Filed/Recorded 6 2 2009 9 53 A
Total Fees 12.00
3 Pages Recorded

STATE OF MISSISSIPPI

COUNTY OF HARRISON

FIRST JUDICIAL DISTRICT

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned JOHN B. HARPER, do hereby sell, convey and warrant unto MICHAEL M. JOHNSON, the following described land and property, located and being situated in the First Judicial District of Harrison County, Mississippi, and more particularly described as follows, to wit:

East ½ of LOT 11, BLOCK 5, ORIGINAL LONG BEACH, a subdivision of the City of Long Beach, First Judicial District, of Harrison County, Mississippi, as per the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi.

Tax Parcel No. 0612A-01-033.000 (tax parcel number for information purposes only).

Subject to all restrictions, reservations and easements affecting said property of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

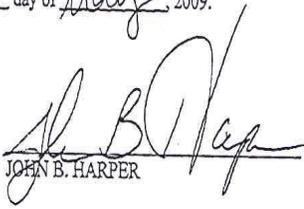
THIS DEED IS AN ABSOLUTE conveyance of title in effect as well as in form and is not intended as a mortgage, trust conveyance, or security of any kind. This deed is executed in lieu of foreclosure on the default existing on the Note and Deed of Trust dated April 1, 2008, executed by

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JOHN B. HARPER, to TED BATSON, Trustee for the use and benefit of MICHAEL M. JOHNSON, in the principal sum of ONE HUNDRED SEVENTY-THREE THOUSAND FIVE HUNDRED AND NO/100 Dollars (\$173,500.00), which Deed of Trust is on file and recorded as Instrument Number 2008-4938-T-J1 in the Land Records of the First Judicial District of Harrison County, Mississippi and the Note and Deed of Trust dated April 1, 2008, executed by JOHN B. HARPER, to TED BATSON, Trustee for the use and benefit of MICHAEL M. JOHNSON, in the principal sum of NINE THOUSAND AND NO/100 Dollars (\$9,000.00), which Deed of Trust is on file and recorded as Instrument Number 2008-4940-T-J1 in the Land Records of the First Judicial District of Harrison County, Mississippi.

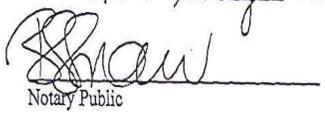
WITNESS OUR SIGNATURE, this the 19th day of May, 2009.

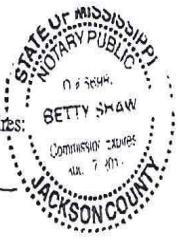

JOHN B. HARPER

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the aforesaid jurisdiction, the within named JOHN B. HARPER, who acknowledged to and before me that he signed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned.

GIVEN under my hand and official seal of office, this 19th day of May, 2009.


Notary Public

My Commission Expires: _____


**MINUTES OF MARCH 11, 2010
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3

Grantor:

John B. Harper

Address: 170 Munden Rd Biloxi Ms 39534

Phone: 228-547-8997

Grantee:

Michael M. Johnson

Address: PO Box 209, Palmer, Puerto Rico, 00721

Phone: 787-613-6492

DOCUMENT PREPARED BY AND RETURN TO:

Davis & Davis, P.L.L.C.

Christopher A. Davis

250 Beauvoir Road, Ste. 4C

Biloxi, MS 39531

(228) 275-9922

(228) 275-9881 (fax)

Our File No. 320-3989

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The Clerk reported that Thirteen (13) notices of Public Hearing were sent by Certified Mail, Electronic Return Receipt, to property owners with two hundred feet of the subject property. Said return receipts were ordered as part of the record of these proceedings.

City of Long Beach

BOARD OF ALDERMEN
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XII of the Comprehensive Zoning Ordinance (#344) of the City of Long Beach, Mississippi (1987) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a **Special Exception Use**.

Charles B. Wambolt, 109 Oak Gardens Avenue, Long Beach, Mississippi has filed an application for Special Exception Use from the Comprehensive Zoning Ordinance. The request is to allow the applicant to teach continuing education classes on massage therapy and to provide massage therapy from his home located at 420 East 3rd Street, an R-1, Single-Family Residential Zoning District. Tax Parcel Number 0612A-01-033.000, the legal description is as follows:

East ½ of LOT 11, BLOCK 5, ORIGINAL LONG BEACH, a subdivision of the City of Long Beach, First Judicial District, of Harrison County, Mississippi, as per the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi.

The public hearing to consider the above Special Exception Use will be held in the City of Long Beach, Mississippi 39560, Thursday, March 11, 2010 at 6:00 p.m., in the Long Beach School District Administration Office located at 19148 Commission Road. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

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The Clerk reported that she did cause to be published in The Sun Herald, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, LEGAL NOTICE, PUBLIC HEARING, as evidence by the Publisher's Proof of Publication as follows:

PROOF OF PUBLICATION



STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LAUX 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. 266 No., 466 dated 26 day of Feb, 20 10
- 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 _____
- 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.

MAR 02 2010 Crista Laux
Clerk

Sworn to and subscribed before me this 26 day of Feb, A.D., 20 10

Kandi Berkley
Notary Public

KANDI A. BERKLEY
Notary Public, State of Mississippi
Harrison County
My Commission Expires
April 05, 2010

**MINUTES OF MARCH 11, 2010
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Applicant came forward to state that prior to Hurricane Katrina his residence was located in a commercial area which allowed him to operate a massage therapy business and conduct continued education classes, his home was lost in the hurricane and he would like to reopen his business, he has searched for commercial locations to operate his business, but he has not found a location that is economically feasible.

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Commission Chairman called for anyone wishing to speak in **FAVOR** in of the request and no one came forward to be heard.

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Commission Chairman called for anyone wishing to speak in **OPPOSITION** of the request Letter submitted as follows:

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Mr. John Scranage
PO Box 843
Long Beach, MS 39560

HISTORY OF 400 BLOCK OF EAST 3RD STREET LONG BEACH

Prior to Hurricane Katrina, the 400 block of east 3rd street was a part of the much preferred bedroom community called Long Beach, boasting quiet, friendly neighborhoods and superior schools for our children. City fathers had vigilantly protected our R-1 neighborhoods to preserve the main features which have attracted new community members to the safe, friendly & crime-free daily life. Additionally, they have set aside ample zones for the conduct of business & commerce, where I have located my current business (The Stoneman & Gem Lady, 98 Jeff Davis Ave.).

Following the fall-out from Hurricane Katrina, city fathers have maintained the very important separation of business/neighborhoods. Additionally, citizens have repeatedly voiced their objections of business intrusions into our neighborhoods i.e NO-VOTES on Casino proposals, thus mandating a status-quo on preservation & separation of R-1 vs. Commercial zoning.

In the instance case of seeking exception to the R-1 zoning of our neighborhood, one must seriously weigh the positive & negative points of introduction of a massage school & massage parlor in the midst of our R-1 community. Many of us living in the neighborhood have invested our life's savings into the rebuilding of homes & businesses in the sacred place known as Long Beach, Ms.. We must thus, ask the obvious question "How does the introduction of a massage parlor/school benefit & protect our life's saving invested in rebuilding the cornerstone of Long Beach, The Friendly City.

A review of existing vacant commercial locations reveals an abundance of commercially zoned property available for the conduct of business. With that thought in mind, one must seriously question the introduction of a massage parlor into a neighborhood filled with school aged children & retired elderly people & ANY BENEFIT accruing to those affected. I strongly urge a resounding NO VOTE to any exception.

THE STONE MAN & THE GEM LADY

• Jewelry • Gems • BEADS • Fossils
• Gold/Silver Jewelry Repair

Tues-Sat ~ 10am-6pm
228.864.9269
stonemanone@netscape.com

98 Jeff Davis Ave. • Long Beach, MS

Congratulations!
Saints Win Super Bowl &
Jeff Davis Ave is OPEN

B

*

*

Commissioner Lipski made motion seconded by Commissioner Hare and unanimously carried to CLOSE the public hearing.

**MINUTES OF MARCH 11, 2010
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After considerable discussion Commissioner Vancourt made motion to DENY the request stating that this type of commercial enterprise should be located within a commercial zone district not in an R-1 Single-Family.

Upon continued discussion, Commissioner Lipski made a substitute motion to APPROVE the request giving the applicant permission to provide individual massage therapy sessions with the following stipulations: 1.) no more than five (5) clients per day, 2.) one (1) appoint at a time, and 3.) to operate within the hours of 8:00 a.m. until 8:00 p.m.; and to DISALLOW the continued education classes. Due to lack of a second the Chairman declared the motion FAILED.

Upon continued discussion, the original motion was seconded by Commissioner Lipski and unanimously carried to DENY the request as submitted.

It came for consideration under OLD BUSINESS approval / review of the Comprehensive, Smart Code Plan and Architectural guidelines.

Work Session was scheduled for Tuesday, March 16, 2010, at the City Hall Complex, 645 Klondyke Road, 5:30 p.m.

It came for consideration under NEW BUSINESS an application to remove one (1) Live Oak Tree located at 129 Dearman Avenue submitted by The City of Long Beach as follows:

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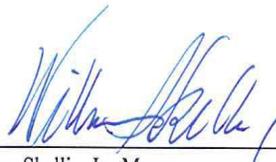
March 9, 2010, Derrel Wilson, Supervisor of Public Works Department, was called to inspect a Live Oak at 129 Dearman Avenue. The tree had been in question since pre-Katrina with a large split and severely damaged crotch, presenting a threat to utility lines and personal property. Due to the fact, the tree is located on a City easement; Mr. Wilson called Nahlen Maintenance Services to obtain an estimate for pruning or for the removal of the Live Oak. Mr. Nahlen inspected the tree and determined it was beyond repair, which he specified in his remarks and tree service bid. Mr. Wilson informed the Mayor of the situation; therefore, the Mayor contacted Eddie Hair; Mississippi Power Arborist and Supervisor for Tree Maintenance and Rights of Way. Mr. Hair inspected the tree and saw the threat presented to Ms Power utilities and the hazard it presented. He therefore agreed the tree was a hazard and dangerous. Mr. Hair, being the 2nd certified arborist to give an opinion, determined Mississippi Power Company would remove the Live Oak at their cost and the City of Long Beach would remove the debris.

Two Tree Board persons, Ms. Dyann Lantz and Ms. Marcia Kruse, were contacted as to the situation.

All Board members and City Attorney, Jim Simpson were notified.

Aldermen Ronnie Hammons, Leonard Carrubba, Gary Ponthieux, and Mark Lishen were notified by telephone and agreed verbally to the removal of the tree.

Copy of Nahlen Maintenance Services Work Order/Bid Form and Notice to Aldermen and City Attorney are enclosed for viewing.



William Skellie, Jr., Mayor
City of Long Beach



Date

**MINUTES OF MARCH 11, 2010
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

NAHLEN MAINTENANCE SERVICES

P.O. BOX 1271
LONG BEACH, MS 39560
MS LIC #1559
PHONE: 228-868-6547
CELL: 228-669-9974

**CONTRACT WORK ORDER
AND BID FORM**

Name of Customer: CITY of Long Beach Date: 2-12-10
Address: _____ Telephone: _____

City & State: Long Beach, MS Job Location(s): 129 DEARBORN DR
Work to be performed: _____ Bid/Price: _____

Remove Large Split Live Oak AND REMOVE Debris.

TREE HAS CO-DOMINANT STEMS AND HAS SPLIT DOWN THE MIDDLE. TREE SHOULD BE REMOVED ASAP AS IT IS A HAZARDOUS TREE, TREE PARTS COULD FALL ON HOUSE OR ON STREET AND POWER LINE.

ISA CERTIFIED ARBORIST 50-0541A

This bid expires in 15 days.

Starting date:
OPEN

Nahlen Maintenance Services agrees to supply labor and materials in order to execute the work as outlined above in a workmanlike manner.

For work as outlined in this Contract work Order, customer agrees to pay the sum of \$2500.00. Customer further agrees to pay in accordance with the terms of the payment hereafter set forth.

Title: DWyer Date: 2-12-10

Title: _____ Date: _____

By: Leonard Nahlen

By: _____

Acceptance of Bid - This bid becomes a legal and binding contract 72 hours from the date of signing by both parties. Customer agrees to pay Nahlen _____% of the total cost, or \$_____ prior to the work beginning with the balance due on or before the 10th of the month following the completion of the work. Nahlen reserves the right to charge 1.5% per month for each month the account is past due. Customer will be responsible for all collection costs on any unpaid balance. It is understood that office overhead allocations, court costs, and attorney's fees paid to collect this account are included in the term "all collection costs."

**MINUTES OF MARCH 11, 2010
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

William Skellie, Jr.

From: City Clerk [cityclerk@cityoflongbeachms.com]
Sent: Tuesday, March 09, 2010 4:27 PM
To: BERNIE PARKER; 'Carolyn Anderson'; Gary Ponthieux; 'James Simpson'; 'Kaye H. Couvillon'; 'Leonard G. Carrubba, Sr.'; 'Mark Lishen'; Ronnie Hammons Jr. ; 'WILLIAM SKELLIE, JR.'
Subject: LIVE OAK TREE REMOVAL - URGENT - REPLY ASAP

The Mayor asks me to say:

There is a severely damaged live oak tree on city easement at 129 Dearman Avenue, split all the way down to the roots, threatening private property and utility lines. The estimated cost for removal is \$3,800.00, however, the Mississippi Power Company has agreed to take the tree down and cut it up at no charge then Utility Partners will haul it off. The tree is ready to split in half and is a hazard to the personal safety of the residents in the area. The Mississippi Power Co. can take care of it on Thursday.

Please call the Mayor a.s.a.p. on his cell phone 228-324-3611 and/or respond to this e-mail.

Thanks,
Becky

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Upon the recommendation the City of Long Beach Tree Board and in accordance with Ordinance 364 Commissioner Hansen made motion seconded by Commissioner Vancourt and unanimously carried to APPROVE the removal of the aforementioned tree.

There being no further business to come before the Planning Commission at this time Commissioner Vancourt made motion seconded by Commissioner Castleberry and unanimously carried to ADJOURN the meeting until the next regularly scheduled meeting in due course.

APPROVED:

Commission Chairman, Frank Olaivar

Date:_____

ATTEST:

Minutes Clerk, Veronica Howard