

**MINUTES OF MAY 27, 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 Jim Heinzl, John Castleberry, Gretchen Loftus, Tonda Yandell, and Minutes Clerk Veronica Howard.

Commissioners Tony Vancourt, William "Chip" Williams, Dale Hare and Jacquie Lipski 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 June 1, 2010, and subject to a ten-day appeal in time for a Public Hearing.

* * *

After careful review and consideration Commissioner Loftus made motion seconded by Commissioner Castleberry and unanimously carried to approve the Planning Commission Minutes of May 13, 2010 with the following corrections:

Page 14, 3rd Paragraph the text added should read"...New **Private or Public structure** construction or construction of commercial or residential restructures..."

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

Final revisions were submitted to Ayers, Saint Gross. The Planning Commission is waiting for the requested Final Revisions in order to proceed to public hearing.

It came for consideration under OLD BUSINESS a letter from Lentz & Little, P.A. regarding the City of Long Beach Tree Board.

LENTZ & LITTLE, PA
ATTORNEYS AT LAW
2012 23rd Avenue
P. O. Box 927
Gulfport, Mississippi 39502
(228) 867-6050 telephone
(228) 867-6077 facsimile

William J. Little, Jr.
littlewj@bellsouth.net

May 13, 2010

William Skellie, Jr., Mayor
City of Long Beach
P. O. Box 929
Long Beach, MS 39560

RE: Long Beach Tree Board

Dear Mayor Skellie:

The Long Beach Tree Board is very appreciative of the efforts of the City to involve the Tree Board in the process of considering applications for tree removal. As a result, the Tree Board has been able to inspect a number of trees being considered for a removal permit.

At a meeting held by the Tree Board last week, the members present discussed a number of issues relating to the permit application process. The Tree Board requested that I correspond with you concerning these issues. The Tree Board respectfully requests the City to consider the following:

- There appears to be some remaining confusion concerning the composition of the Tree Board. It is our understanding that each ward would have one member appointed, but some wards remain unrepresented while others are over-represented. Some Tree Board members are not certain which ward they represent because the Mayor requested that they serve on the Tree Board. While this is not presently affecting the Tree Board's function, we would appreciate the City's advice as to whether the Tree Board's understanding as to the proper constitution of the Tree Board is correct.
- The Planning Commission has requested every tree board member to sign the Tree Board's recommendation in connection with every permit application. ^{NO} The Tree Board feels that this is not practical and respectfully suggests that when one or more of the members becomes aware of a permit application, the Tree Board members will decide among themselves as to who will inspect the subject tree. If the inspecting member feels that it is a clear cut case in favor of removal of the tree, which is usually the case, the inspecting member will advise the City that it has no objection to the issuance of a permit for removal. If there is some question as to whether the removal is appropriate, other Tree Board members will be requested to conduct an inspection. If the consensus is in favor of removal, one of the inspecting members

Yes

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will execute a statement that the Tree Board has no objection to removal. If an inspecting Tree Board member is of the opinion that a permit should be denied, the Tree Board will request the arborist to inspect the tree and a meeting of the Tree Board will be called to discuss the permit application. In the event the Tree Board opposes issuance of a permit, a full report explaining the Tree Board's recommendation will be given.]

- There have been some instances in which a request for inspection have been made on very short notice. The Tree Board would very much appreciate the City giving the Tree Board at least seven days notice in advance of the date a recommendation is needed by the City.
To Long ← 2 days
- The Tree Board would like to stress that its function is advisory only. Whether a permit should be issued is initially the function of the Planning Commission and ultimately the decision of the City Council. By making a recommendation as to whether a permit should be granted, the Tree Board is only expressing its opinion and does not make any factual representation or warranty as to any particular permit.

Again, the Tree Board appreciates the City's efforts to involve the Tree Board in the permit application process. The Tree Board would appreciate your discussing these matters with the Planning Commission and the City Counsel and advising as to whether the suggestions made above are acceptable.

Sincerely,

LENTZ & LITTLE, P.A.



William J. Little, Jr.

WJLjr/cs

c: Long Beach Tree Board

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After careful review of the submitted letter, the Planning Commission's decision was to take no action regarding the letter until each member has the opportunity to review the Long Beach Tree Ordinance and all its amendments.

It came for consideration under NEW BUSINESS a tree removal request to remove a Live Oak Tree located at 310 and 312 Jeff Davis Avenue as follows:



CITY OF LONG BEACH, MISSISSIPPI
PO BOX 929
LONG BEACH, MS 39560
TELEPHONE: 228-863-1554
FAX: 228-865-0822



5/24/10

TREE PERMIT APPLICATION

WHEN DO I NEED A TREE PERMIT IN LONG BEACH? Pine trees (Pinus Species) and Popcorn trees (Chinese Tallow, Sapium sebiferum) **do not require a permit** to be removed anywhere in the City.

Routine trimming does not require a permit. The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your and the tree protection.

Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crowned.

Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

APPLICANT INFORMATION:

1. Last Name: Elias First: _____ Middle: _____

2. Address: 310-312 Jeff Davis Ave

3. City: Long Beach State: MS Phone: 697-7576

3rd Jeff Davis Ave

Project Address (where the trees to be removed are)

Tax Parcel Number

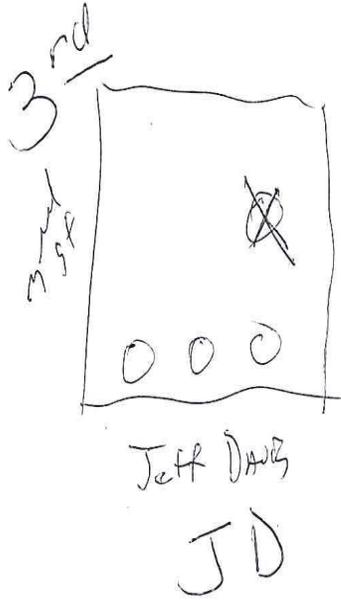
4. Are you the legal owner of the above property? Yes No _____, If No written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property. Please provide a recorded warranty deed.

5. What is the reason the tree needs to be removed? Be specific, ex. Construction, street or roadway, recreational area, patio, parking lot, diseased-tree not worthy of preservation, etc. Top of Tree Dead

Upon issuance of a Tree Removal Permit, the permit fee will be as follows:

1. For removal of a tree or trees where such removal of such tree or trees is necessitated by material damage caused by such tree or trees to permanent improvement or improvements on the parcel where such tree or trees are situated a fee of \$1.00 per tree permitted to be removed.
2. For removal of all other trees, a fee of \$45.00 per tree permitted to be removed.
As per City of Long Beach Tree Ordinance (#364) any person removing any Live Oak or Magnolia tree within the City of Long Beach, Mississippi, without a valid tree removal permit, shall be guilty of a misdemeanor; and upon conviction thereof shall be sentenced to pay a fine not less than \$500.00 nor more than \$1000.00. The removal of each tree without having first secured a valid tree removal permit shall

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NO Objections
Claire Kathleen 5/24/10 9:30 AM

CITY OF LONG BEACH TREE BOARD RECOMMENDATIONS/COMMENTS BELOW:

No objection

Dyann Lentz
Dyann Lentz

5/24/10

PRINTED NAME AND SIGNATURE OF TREE BOARD MEMBER

DATE

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Upon the recommendation of the Tree Board and in accordance with Long Beach Tree Ordinance 364, Commissioner Heinzl made motion seconded by Commissioner Loftus and unanimously carried to approve the removal of the aforementioned tree.

It came for consideration under NEW BUSINESS a tree removal request to remove a Live Oak Tree located at 213 James Drive as follows:



CITY OF LONG BEACH, MISSISSIPPI
PO BOX 929
LONG BEACH, MS 39560
TELEPHONE: 228-863-1554
FAX: 228-865-0822



TREE PERMIT APPLICATION

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Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

APPLICANT INFORMATION:

1. Last Name: Jermyn First: Paul Middle: G.
 2. Address: 213 James Drive C- 860-9258
 3. City: Long Beach State: MS Phone: 868-2342
213 James Drive Long Beach 0611P-01-003.008
 Project Address (where the trees to be removed are) Tax Parcel Number

4. Are you the legal owner of the above property? Yes No If No written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property. Please provide a recorded warranty deed.

5. What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway,
 re: The tree needs to be removed because the roots are growing under the concrete driveway and are lifting up the concrete slabs. Two of the slabs have already lifted up, broken and are hindering our ability to get in and out of the drive way. The broken slabs also constitute a tripping hazard for anyone choosing to walk down our driveway, such as the postman, utility workers, neighbors, etc....

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** As a condition of granting the tree removal permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.

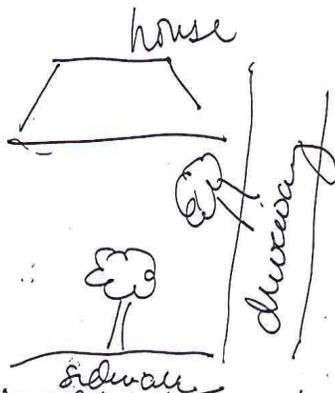
I Hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owners agent for the herein described work.

Signature Paul Jermyn Date 5-13-10

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TREE SITE PLAN:

Please provide a map or diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area. Please include the following: 1) location of all trees on the property, their size and species 2) Designate which are disease/or damaged, 3) designate which are endangering any roadway, pavement, or utility line, 4) any proposed grade changes that might adversely affect or endanger any trees on the site and specify how to maintain them 5) designate the trees to be removed and the trees to be maintained, and 5) location of existing and/or proposed structures.



*Clayton
Franklin
5/24/10
9:45
AM*

sidewalk
No objection to both trees to come down. Safety hazard - buckling up concrete driveway + side walk. Called Public Works 52410 (5/24) to inspect side walk on easement on private property.

CITY OF LONG BEACH TREE BOARD RECOMMENDATIONS/COMMENTS BELOW:

No objection

Dyann Lentz

Dyann Lentz

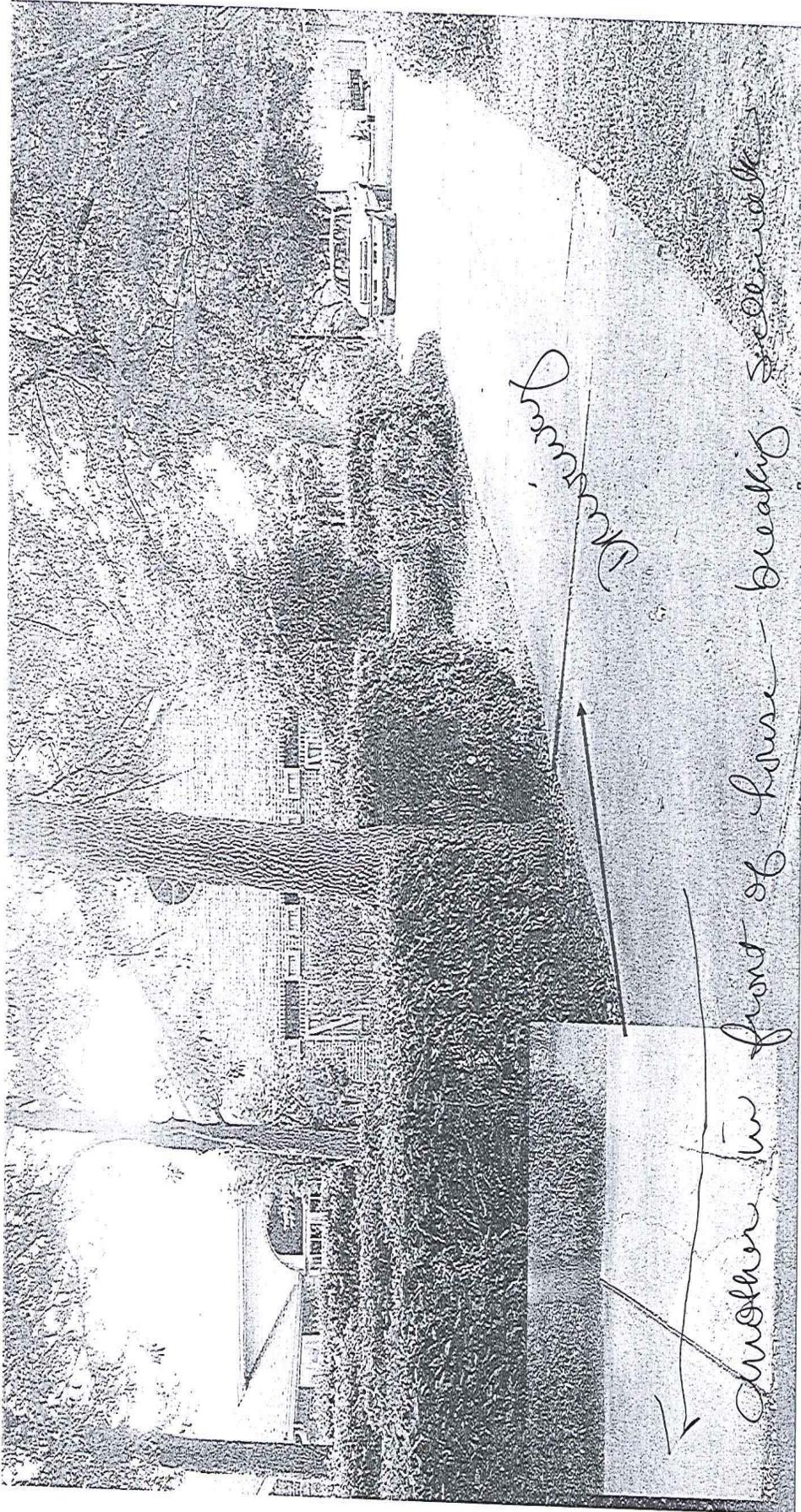
5-22-10

PRINTED NAME AND SIGNATURE OF TREE BOARD MEMBER

DATE

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Live Oak to be
REMOVED
↓



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Upon the recommendation of the Tree Board and in accordance with Long Beach Tree Ordinance 364, Commissioner Heinzl made motion seconded by Commissioner Loftus and unanimously carried to approve the removal of the aforementioned tree.

It came for consideration under NEW BUSINESS a tree removal request to remove a Live Oak Tree located at 109 Royal Drive as follows:



CITY OF LONG BEACH, MISSISSIPPI
PO BOX 929
LONG BEACH, MS 39560
TELEPHONE: 228-863-1554
FAX: 228-865-0822



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Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

APPLICANT INFORMATION:

1. Last Name: Fries First: Tom & Margo Middle: R
 2. Address: 109 Royal Dr.
 3. City: Long Beach State: MS Phone: 383-91168
109 Royal Dr.
- | | |
|---|-------------------|
| Project Address (where the trees to be removed are) | Tax Parcel Number |
|---|-------------------|
4. Are you the legal owner of the above property? Yes No . If No written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property. Please provide a recorded warranty deed.
 5. What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc.
potential danger to property

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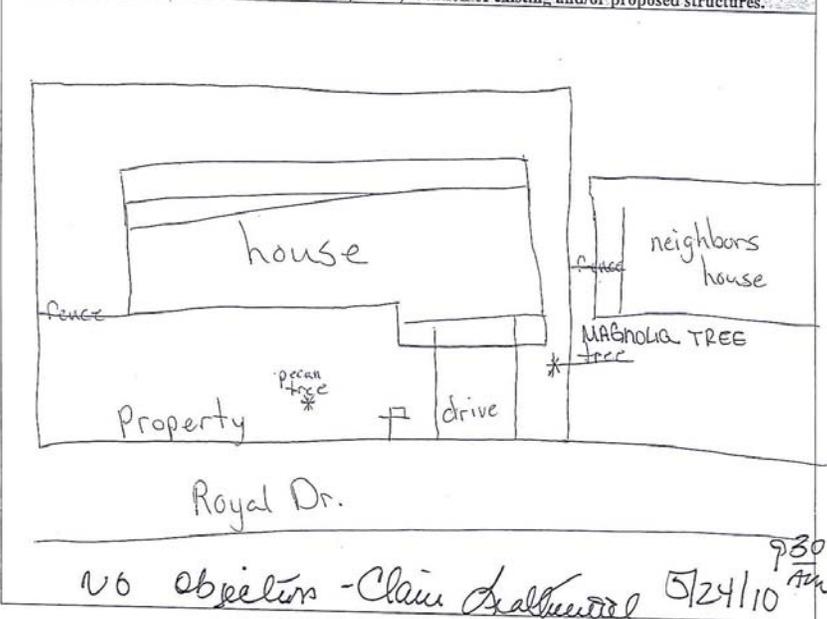
I Hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owners agent for the herein described work.

Signature: [Signature] Date: 5-6-2010

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CITY OF LONG BEACH TREE BOARD RECOMMENDATIONS/COMMENTS BELOW:

Tree board has no objection

Dyann Lentz

Dyann Lentz

5/10/10

PRINTED NAME AND SIGNATURE OF TREE BOARD MEMBER DATE

Upon the recommendation of the Tree Board and in accordance with Long Beach Tree Ordinance 364, Commissioner Castleberry made motion seconded by Commissioner Yandell and unanimously carried to take no action on the request, until more information could be obtain as to the condition of the tree.

There being no further business to come before the Planning Commission at this time Commissioner Yandell made motion seconded

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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:

Veronica Howard, Minutes Clerk