



DIGITAL EVIDENCE MANAGEMENT SYSTEM v4.2.1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

Evidence Report

Case No. Case 6 - Petrini v. Creel et al.

PETRINI v. CREEL - SELF-DEALING EXHIBITS

Report ID: VDX-2026-0413-001

Plaintiff: Pro Se Litigant

Exhibits: EXHIBIT A - EXHIBIT B

Generated: April 13, 2026 at 01:07

Defendants: Unknown

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PERSONNEL

Examiner: Litigant, Pro Se

Access Level: VDX-ALPHA

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Category: LIT-EVID

Dissemination: FRCP 26(a) PARTIES

Authority: FRCP 26(g)



SCAN TO VERIFY

EXHIBIT PACKAGE

All exhibits herein incorporated

Pursuant to Fed. R. Civ. P. 10(c)

FRCP 56(c)(1)(A) & FRE 1006 where applicable

INDEX OF EXHIBITS

Case No. Case 6 - Petrini v. Creel et al.

Exhibit	Description	Pages
EXHIBIT A	Feb 23, 2021 Biloxi Council Resolution - City contract with Mississ...	7
EXHIBIT B	April 7, 2026 Biloxi Council Agenda Item 4B - Retroactive LDO Amend...	18

Total: 2 exhibits, 25 pages

CITY OF BILOXI
AGENDA ITEM
FACT SHEET

Item No.: **5MM**

Council Meeting Date: February 23, 2021

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO *EW*
Jerry Creel, Director of Community Development

SUMMARY EXPLANATION:

Resolution authorizing entry into Lodging & Attractions Package Program Agreement with the Mississippi Hotel & Lodging Association

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify): Exhibit A: Lodging & Attractions Package Program Agreement

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	Councilmember	Yes	No	Other	Councilmember	Yes	No	Other
	Lawrence	___	___	___	Tisdale	___	___	___
	Gines	___	___	___	Glavan	___	___	___
	Newman	___	___	___	Barrett	___	___	___
	Deming	___	___	___				

ACTION TAKEN:

022321ddcon

Resolution No.

RESOLUTION AUTHORIZING ENTRY INTO LODGING & ATTRACTIONS PACKAGE
PROGRAM AGREEMENT WITH THE MISSISSIPPI HOTEL & LODGING
ASSOCIATION

WHEREAS, the City of Biloxi (the "City") operates the Biloxi Lighthouse & Biloxi Visitor's Center, in part, to serve the needs of visitors and promote the City;

WHEREAS, the City of Biloxi (the "City") Lighthouse is a significant landmark that attracts visitors and promotes the City;

WHEREAS, the Mississippi Hotel & Lodging Association ("MH&LA") operates a Lodging & Attractions Package Program, designed to facilitate a streamlined, cohesive method of promoting lodgings and attractions, thereby increasing sales revenue and exposure to new markets and visitors;

WHEREAS, participation in the MH&LA Lodging & Attractions Package Program, by acceptance of MH&LA vouchers for the City's Lighthouse, will benefit the City and serve to promote its interests, as well as promoting tourism in general;

WHEREAS, it is the recommendation of Jerry Creel, Director of Community Development, that the City enter into the Lodging & Attractions Package Program Agreement, attached hereto as Exhibit "A," with MH&LA.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION ONE: The findings, conclusions, and statements of fact contained in the foregoing preamble are hereby adopted, ratified and incorporated herein.

SECTION TWO: The Mayor is hereby authorized to execute, on behalf of the City of Biloxi, the Lodging & Attractions Package Program Agreement, attached hereto as

Exhibit "A," with Mississippi Hotel & Lodging Association, for participation in its Lodging & Attractions Package Program.

SECTION THREE: This Resolution will be in effect from and after its adoption.

MISSISSIPPI HOTEL & LODGING ASSOCIATION
LODGING & ATTRACTIONS PACKAGE PROGRAM
AGREEMENT - ATTRACTIONS
2021



This Agreement entered into by and between the Mississippi Hotel & Lodging Association (MH&LA) and its MH&LA Members (Lodgings/Casino Resorts/Packagers, etc.) and individual Attractions becomes effective immediately upon signature below, and encompasses the MH&LA LODGING & ATTRACTIONS PROGRAM (LAPP) beginning January 1, 2021 and expires December 31, 2021. Signature below constitutes full agreement and compliance of the Terms & Conditions set forth herein.

I. ATTRACTIONS TERMS & CONDITIONS

1. Attractions will honor Rates at or below (tax inclusive) listed herein at "**best rate available**", to all Members of MH&LA (including Lodging, Casino and Allied Members). Any MH&LA Member may obtain and utilize MH&LA Lodging & Attractions Package Program Ticket Vouchers for the purpose of packaging, promoting, booking and selling Attractions to Visitors/Guests/Groups to the Mississippi Gulf Coast.
2. Attractions agree to accept the official (current year) MH&LA Lodging & Attractions Package Program Ticket Vouchers, provided to all Members through MH&LA, in lieu of payment by the visitor/guest, for which each applicable Member will be billed in accordance with the Rates quoted herein by the Attractions and made a part of this Agreement. Attractions will only accept the official (current) MH&LA Lodging & Attractions Package Program Ticket Vouchers from MH&LA Members which are properly and fully completed.
3. Attractions will not accept Ticket Vouchers which are not properly marked for their business.
4. Attractions will adhere to the Billing & Payment Schedule provided herein and made a part of this Agreement. Attractions will not accept Ticket Vouchers from MH&LA Members who are in violation of the Billing & Payment Schedule and/or any Terms of this MH&LA Lodging & Attractions Package Program Agreement.
5. Attractions which require reservations will accept the reservations for MH&LA Members on a year-round basis, twelve (12) months in advance. Any Reservation changes will be accepted only from the MH&LA Member, not the visitor/guest. Attractions which require reservations will give MH&LA Members three-day (72 Hours) advance notice of any reservation cancellation due to circumstances beyond the control of the Attraction, without charge to MH&LA Member.

II. MH&LA MEMBERS (Lodgings/Casino Resorts/Allied/Packagers) TERMS & CONDITIONS

1. MH&LA Members will package, promote, book & sell Attractions which are a part of this MH&LA Lodging & Attractions Package Program to Visitors/Guests/Groups.
2. MH&LA Members agree to utilize the official (current year) MH&LA Lodging & Attractions Package Program Ticket Vouchers provided to all MH&LA Members to be accepted by each of the participating Attractions in lieu of payment by the visitor/guest, for which each applicable MH&LA Member issuing the Ticket Voucher will be billed at the Rates quoted herein by the Attractions and made a part of this Agreement. MH&LA Members will be certain that only the official MH&LA Lodging & Attractions Package Program Ticket Vouchers for the current year, which are properly and fully completed.
3. MH&LA Members agree to issue only one MH&LA Lodging & Attractions Package Program Ticket Voucher per Attraction, properly marked for that business.
4. MH&LA Members will adhere to the Billing & Payment Schedule provided herein and part hereof. MH&LA Members will not issue any MH&LA Lodging & Attractions Package Program Ticket Vouchers to any Attraction which is in violation of the Billing & Payment Schedule and/or any Terms of this MH&LA Lodging & Attractions Package Program Agreement.
5. MH&LA Members, when applicable, agree to make reservations at the Attractions which require reservations on a year-round basis, twelve (12) months in advance. Any Reservation changes will be accepted only from the MH&LA Member, not the visitor/guest, including reservation cancellations of up to three-days (72 Hours) advance notice, due to circumstances beyond the control of the MH&LA Member, without charge to MH&LA Member.

III. MH&LA TERMS & CONDITIONS

1. MH&LA will issue the MH&LA Lodging & Attractions Package Program Agreement including Attractions Rates and additional information to all MH&LA Members who wish to participate in the Package Program. MH&LA will notify the MH&LA Members any Specials and/or Value Added features offered by the participating Attractions
2. MH&LA will provide official MH&LA Lodging & Attractions Package Program Ticket Vouchers to all participating MH&LA Members signing this Agreement. MH&LA Members and Attractions signing onto the MH&LA Lodging & Attractions Package Program by the established print deadline will have the name of their Lodging/Business pre-printed on the Ticket Vouchers. Any other MH&LA Members and/or Attractions signing on after the printing of the Ticket Vouchers will require the MH&LA Member to write in the name of their Lodging/Business and/or the Attraction.
3. MH&LA will establish a procedure for the Attractions to provide the Ticket Vouchers presented by the Visitors/Guests/Groups to them in lieu of payment, to MH&LA in accordance with the Pay Schedule billing period(s) provided herein.
4. MH&LA will process all Ticket Vouchers presented to MH&LA by the Attractions and will issue Invoices to the applicable MH&LA Members. MH&LA will establish a procedure for the MH&LA Members to remit payment for the Ticket Vouchers billed, payable to MH&LA in accordance with the Pay Schedule billing period(s) provided herein.
5. MH&LA will establish a procedure for MH&LA to remit payments to the Attractions for the Ticket Vouchers submitted, processed and paid by the applicable MH&LA Members in accordance with the Pay Schedule billing period(s) provided herein, deducting 7% per Ticket Voucher or Visitor/Guest for Administrative expenses.
6. MH&LA will immediately notify the Attractions of any MH&LA Members which are in violation of the MH&LA Lodging & Attractions Package Program and/or the Pay Schedule, in which case the Ticket Vouchers for that MH&LA Member are Void until the violation is resolved. MH&LA will immediately notify the MH&LA Members of any Attractions which are in violation of the MH&LA Lodging & Attractions Package Program and/or the Pay Schedule in which case the Ticket Vouchers for that Attractions will not be honored by MH&LA until the violation is resolved.

RATES: Attractions Rates for the upcoming year (beginning January 1, 2021) will be provided by each individual Attraction to MH&LA to be compiled and included in the MH&LA Lodging & Attractions Package Program Contract to be presented by MH&LA to MH&LA Members no later than January each year. This will allow sufficient time for the MH&LA Members to include these Rates and other information in Packages and/or promotions to their Visitors/Guests/Groups for the upcoming season. Attractions are encouraged to provide any and all additional information about their Attraction, including Value Added Items, which will assist the MH&LA Member in promoting and selling bookings including the various Attractions.

RAINOUTS / CLOSURES: In the event of a rainout or closure by an Attraction, the Rainout/Closure Policies listed on the Rate Sheet made a part hereof this Agreement shall prevail.

NO SHOWS: In the event that a Visitor/Guest/Group fails to show up for a reservation at an Attraction, the Attraction must notify the MH&LA Member (Lodging/Casino Resort within one hour of any No-Show's reservation, and the MH&LA Member will be charged for the No Show, notwithstanding extenuating circumstances.

CREDIT CARD PAYMENTS/DISPUTES: In the event that a Visitor/Guest's payment by Credit Card is declined or disputed, resulting in a reversal of charges against the MH&LA Member (Lodging/Casino Resort/Allied/Packager) and the charges are, therefore, unrecoverable, the applicable Attraction will not charge and/or will credit the disputed charges to the MH&LA Member issuing the Ticket Voucher. In this instance, there will be no charge.

An MH&LA Arbitration Committee will be appointed by the MH&LA President, comprised of 3 MH&LA Members (Lodgings/Casino Resorts/Packagers), 3 Attractions, 1 Allied Member, 1 At-Large Member, and including the President and Executive Director of MH&LA. The Committee will be called upon to settle any disputes in the MH&LA Lodging & Attractions Package Program. If any Arbitration Committee Member is involved in a dispute, that Committee Member will recuse themselves from serving at that time, and will be replaced by another representative. All decisions of the Arbitration Committee shall be final.

BILLING & PAYMENT SCHEDULE:

Monthly Billings: Within the 1st – 5th day of each Month, each Attraction will provide to the MH&LA Office by Fax, Email Scan or in-person delivery all Ticket Vouchers it has received from MH&LA Members for the previous Month. All Ticket Vouchers for the previous Month must be received by MH&LA no later than the 5th day of the Month for billing to MH&LA Members.

By the 10th day of each Month, each MH&LA Member will receive MH&LA Invoices and Itemized Spreadsheets of all Ticket Vouchers issued by that Member to each of the Attractions for the previous Month. MH&LA Members are instructed to review and reconcile the Invoice & Charges immediately. If any discrepancies are discovered, the MH&LA Member should first contact the appropriate Attraction, in order to seek a clarification. If the discrepancy is not resolved through the communication and/or results in an amount to be deducted or changed from the Invoice, MH&LA must be notified in writing (by Fax or Email), including a copy of the Invoice with the Ticket Voucher details including a written explanation thereon and/or evidence or supporting documentation; the total amount to be deducted from the payment and the total (adjusted) amount of the payment must be indicated by the MH&LA Member. **Any and all discrepancies must be received by MH&LA prior to the Payment Due Date in order to be considered and applied.**

Monthly Payments: By the 15th day of each Month, each MH&LA Member must remit payment to MH&LA for the Invoice received, by Check, Venmo or another electronic payment form established between MH&LA and each applicable Member.

On the 20th day of each Month, MH&LA will remit payment to each applicable Attraction via Check, Venmo or another electronic payment form established between MH&LA and each Attraction for the Ticket Vouchers submitted for the previous Month, from which the applicable Administrative Fee will be deducted. The Attraction will receive an Itemized Spreadsheet to correspond with the applicable payment.

There will be no Ticket Vouchers processed by MH&LA for previous months other than the current billing period.

All participants in the MH&LA Lodging & Attractions Package Program are encouraged to provide MH&LA with a copy of their promotional items.

The Attractions Rates and additional information are included herein and made a part of this Agreement to be submitted to the MH&LA Members.

ACCEPTED AND AGREED to the Terms and Conditions set forth in this Agreement on this ____ day of _____, 20__.

ATTRACTIONS:

NAME & AUTHORIZED SIGNATURE

NAME OF ATTRACTION

Phone

Email

Mailing Address

Contact Name

Phone

Email

Other Information



Mississippi Hotel & Lodging Association

MH&LA LODGING & ATTRACTIONS PACKAGE PROGRAM – 2021 RATE REQUEST FORM - ATTRACTIONS

Each Attraction is invited to complete the following information for 2021 and return this form to MH&LA, P. O. Box 116, Biloxi, MS 39533 (keeping a copy for your records). Your 2021 Rates will be immediately compiled and provided to the MH&LA Members (Lodgings/Casino Resorts/Packagers, etc.) who will be participating in the new MH&LA Lodging & Attractions Package Program. Please provide your "best possible rate" and any other applicable information, including Discounts, Value Added Items, etc. to MH&LA by February 15, 2021 in order to have the name of your Attraction included on the MH&LA Ticket Vouchers to be printed as soon as possible. Attractions which are Allied Members of MH&LA will be featured in **BOLD** on the Ticket Vouchers and on any other promotional materials. All rates and terms must be complete, guaranteed and firm, with no increases after they are submitted. (Type or print – Signature required).

ATTRACTION NAME: (Exactly as to be printed on the Ticket Vouchers): _____

BUSINESS NAME (If different from above): _____

PHYSICAL ADDRESS (Street, City, State, Zip / Location): _____

MAILING ADDRESS (If different from above): _____

TEL: _____ FAX: _____ WEB: _____

NAME DIRECT PHONE FAX EMAIL

Program Administrator _____

Other _____

MH&LA LODGING & ATTRACTIONS PACKAGE PROGRAM RATES

All Rates include Admission, Taxes and 7% Administrative Fee

DATES/SEASONS (if applicable)		DATES/SEASONS (if applicable)		WEEKDAY DISC.	GROUP DISC.
_____ 2021 - _____ 2021	_____ 2021 - _____ 2021			(Mon – Thurs)	# Ppl: _____
Adults < Yrs/Height	Adults < Yrs/Height				
\$ _____ \$ _____	\$ _____ \$ _____			\$or% _____	\$or% _____

Reservations Required? _____ Instructions: _____

RAINOUT/CLOSURE POLICY: _____

In addition to Admission, list any and all special items included in the above Rates (i.e.F&B), Promotions, Incentives, Value Added Items, and/or any other competitive marketable tools to assist the Lodging in marketing and booking your Attraction:

By signature below, I agree to honor the 2021 MH&LA Lodging & Attractions Package Program Rates as submitted above, and to honor all Terms & Conditions of the 2021 MH&LA Lodging & Attractions Package Program Agreement, including, but not limited to the "best rate available" clause.

Authorized Signature _____ Submitted by (Typed/Printed Name) _____ Date _____

Headquarters Office:

P.O. Box 116 * Biloxi, MS 39533 * Tel: 228-374-8611 * 888-388-1006 * Fax: 228-374-8681

Email: MSHotel@aol.com * Web: www.MSHLA.com

CITY OF BILOXI
AGENDA ITEM
FACT SHEET

Item No.: **4B**

Council Meeting Date: April 7, 2026

ITEM TITLE: ORDINANCE (1st Reading)

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: Rick Weaver, CAO
Jerry Creel, *JC* Director of Community Development

SUMMARY EXPLANATION:

An ordinance to amend text within the Land Development Ordinance, to update section 23-4-1 (C) use Table: Nonresidential and Planned Development Districts.

City of Biloxi, Case No. 26-013.2-PC

Resolution _____ Ordinance Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes Plans/Maps _____ Deed _____ Lease _____

Other (Specify): Case Fact Sheet

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Gray	___	___	___	___	Tisdale	___	___	___	___
	Marshall	___	___	___	___	Glavan	___	___	___	___
	Nail	___	___	___	___	Shoemaker	___	___	___	___
	Creel	___	___	___	___					

ACTION TAKEN:

cdl/040726bpc

THE CITY OF BILOXI, MISSISSIPPI, THAT: the City Council will conduct a public hearing in reference to a text change as contained within Case No. 26-013.2-PC, City of Biloxi, on a date to be set and in accordance with all requirements as prescribed by the City of Biloxi Land Development Ordinance governing the conduct of public hearings.
..... B

Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 26-013.2-PC, a charge initiated by the Director of Community Development, to consider a **Text Amendment** within the Land Development Ordinance in **Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**; and

WHEREAS, on March 19, 2026, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that this text amendment would add the Household Living Uses for Single-Family Dwelling Detached and Zero Lot Line as allowed in a PD-C to **Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**; and

WHEREAS, after some discussion of the particulars of this case, the Biloxi Planning Commission voted 13-0-0 to approve the proposed **Text Amendment** to the **Land Development Ordinance** as follows:
Ordinance as follows:
Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts

TABLE 23-4-1(C): USE TABLE - NONRESIDENTIAL AND PLANNED DEVELOPMENT DISTRICTS
 A = ALLOWED SUBJECT TO A PLANNED DEVELOPMENT MASTER PLAN BLANK CELL = PROHIBITED USE
 P = PERMITTED USE C = CONDITIONAL USE

USE CATEGORY	SPECIFIC USE	NONRESIDENTIAL BASE DISTRICT										PLANNED DEVELOPMENT DISTRICT				USE-SPECIFIC STANDARD (SECTION)
		COMMERCIAL USES														
		B	NB	CB	RB	TD	U	WF	SB	PD-GE	PD-HB	PD-C	PD-R	PD-N	PD	
Household Living	Dwelling, Single-Family Detached-	P	P	P	P	P	P	P	P	P	P	A	A	A	A	
	Dwelling Single-Family Detached	P										A				23-4-3(B)(1)d
	Zero Lot Line															

**Planning Commission
Case Fact Sheet**

Case No.: 26-013-PC
Name of Applicant: City of Biloxi
Address of Property: N/A
Tax Parcel/Ward: N/A

Request: Text Amendment

Purpose of Request:

The purpose of this hearing is to consider an application requesting several **Text Amendments** to the Biloxi Land Development Ordinance, to amend certain sections, as follows:

Article 23-10: Definitions and Interpretations, Table 23-4-1(C)
Use Table – Nonresidential and Planned Development Districts, Article 23-4-3(D)(10)e, Article 23-4-3(D)(10)e4, and Table 23-4-1(B) Use Table – Residential Districts

Size of Property: N/A
Present Zoning: N/A
Present Use: N/A
Most Nearly Bounded By (streets): N/A

Adverse Influences: N/A

Positive Influences: This Text Amendment, as presented, would correct several confusing definitions, providing clarity.

Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this proposed Text Amendment to the LDO, as of March 12, 2026.

**Comments/
Recommendations:** The section of text to be considered for change/modifications is as follows:

construction requirements of the currently adopted edition of the International Building or Residential Code.

Table 23-4-1(B) Use Table –Residential Districts:

TABLE 23-4-1(B): USE TABLE - RESIDENTIAL DISTRICTS
 P = PERMITTED USE C = CONDITIONAL USE
 A = ALLOWED SUBJECT TO A PLANNED DEVELOPMENT MASTER PLAN BLANK CELL = PROHIBITED USE

USE CATEGORY	SPECIFIC USE	NONRESIDENTIAL BASE DISTRICT	PLANNED DEVELOPMENT DISTRICT	USE-SPECIFIC STANDARDS (SECTION)
Visitor Accommodations	Short-Term Rentals	C	C	C

Options:

1. Recommend approval of this Text Amendment to the Land Development Ordinance, to amend said **Articles and Sections**, as noted.
2. Recommend denial of this Text Amendment to the Land Development Ordinance, as offered.

12 Kyle Carron
 13 Robert Collins
 14 Dr. Harry Drewry
 15 Joe King
 16 Gary Lechner
 17 Rebecca Magee
 18 Robert Shaw
 19 Shante Shaw
 20 John Snow
 21 Michael Todaro

ALSO PRESENT:
 18 Jerry Creel, Director of Community Development
 19 Felicia Seppas, Senior Planner
 20 Caryle Lena, Planner
 21 Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY
 22 Melissa Burdine-Rodolph
 23 Simpson Burdine & Migués

24
 25

Simpson Burdine & Migués 228.388.3130

12 CHAIRMAN DELLENBERG:
 13 Please stand for the Pledge.
 14 Mr. Todaro, if you'll lead us in the
 15 Pledge.
 16 (Pledge of Allegiance.)

17 CHAIRMAN DELLENBERG:
 18 I would also like to recognize Felicia
 19 Seppas, Senior Planner; Jerry Creel, Director of
 20 Community Development and Caryle Lena, Planner,
 21 and Melissa Burdine-Rodolph, our court reporter
 22 today, and Dr. Paul Tisdale, Councilman, in the
 23 audience.
 24 I would like to welcome everybody here
 25 to the Planning Commission meeting. If you could,

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	C-O-N-T-E-N-T-S	PAGE:
2	CONTINUED PUBLIC HEARING(S):	--
3	(None)	
4		
5	NEW PUBLIC HEARING(S):	5
6	26-012-FC (Withdrawn by Applicant)	6
7	26-013-FC	31
8	26-014-FC	37
9	26-015-FC (Continued)	
10	TRIEE HEARINGS:	--
11	(None)	
12		
13		
14		
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1 silence your cell phones. And if you come up to
 2 speak at the podium, please, state your name and
 3 address for the record, please, so we can get that
 4 down.
 5 I would like the record to reflect that
 6 Ms. Magee and Ms. Shaw are now in attendance.
 7 Has everyone had a chance to read the
 8 minutes from the prior meeting and if so, can we
 9 have a motion to approve those?
 10 MR. DELBHOUSEY:
 11 So moved.
 12 MR. SNOOK:
 13 Second.
 14 CHAIRMAN DELLENBERG:
 15 Motion by Mr. Delbhousey; seconded by
 16 Mr. Snow.
 17 All those in favor, please, state by
 18 saying "aye."
 19 (Unanimous vote.)
 20 CHAIRMAN DELLENBERG:
 21 Any opposed?
 22 (None opposed.)
 23 CHAIRMAN DELLENBERG:
 24 Motion carries.
 25 Jerry, do we have any committee reports?

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12 2781 C.F. Switzer Drive. One is for interior
 13 remodeled at 10135 Woodlands Drive.
 14 We've issued permits for five new
 15 single-family houses and nine townhomes. Those
 16 nine townhomes are located down in East Biloxi
 17 right across from the senior housing that's down
 18 there on Maple Street, so a good sign for East
 19 Biloxi.
 20 CHAIRMAN DELLENBERG:
 21 Thank you, Jerry.
 22 We have no continued public hearings.
 23 New public hearings: The first case
 24 being 26-012-FC Cadence Bank, owner, and Jared
 25 Graham, applicant. This is a request for

12 they get to the City Council, if there is one they
 13 agree and one they don't, they have the ability to
 14 do that.
 15 The first one is -- if you'll recall, we
 16 had an application for a halfway house going in
 17 at -- off Debby's Road. And the language, there
 18 was some confusion about the language that was in
 19 our definition for a halfway house, so Peter
 20 Abide, our attorney, looked up some language that
 21 he thought was more appropriate for that so that
 22 the neighbors would feel a little bit more
 23 protected about what was going there.
 24 So what you see underlined under 2310,
 25 in Definitions and Interpretations is the "who

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1 conditional use approval to authorize an existing
 2 single-family residence to be utilized as a bed
 3 and breakfast for a property presently situated
 4 within an RM-10, low density, multi-family
 5 residential zone and identified as 1012 Beach
 6 Boulevard, Tax Parcel Number 14100-05-057.000.
 7 RR. CREEL:
 8 We have been informed that that one has
 9 been withdrawn by the applicant.
 10 CHAIRMAN DELLENBERG:
 11 That has been withdrawn by the
 12 applicants.
 13 The next case that we will hear would be
 14 Case Number 26-013-FC, City of Biloxi. This is a
 15 request for several text amendments to the Biloxi
 16 Land Development Ordinance to amend certain
 17 sections as follows: Article 23-10, Definitions
 18 and Interpretations; Table 23-4-1(C) Use Table
 19 Non-residential and Planned Development Districts;
 20 Article 23-4-3(D) (10)e, Article 23-4-3(D) (10)e4
 21 and Table 23-4-1(B), Use Table Residential
 22 Districts. This was advertised on March 6th and
 23 March 13th.
 24 MS. SERRAS:
 25 Don't have a video.

1 are" with the (a) there and also "or (b), who are
 2 not currently illegally using or addicted to a
 3 controlled substance but are recovering from abuse
 4 of alcohol or a controlled substance." The
 5 attorney feels that this is the language that's
 6 needed in there to protect the neighbors and to
 7 accommodate that definition more clearly. So
 8 that's Number 1.
 9 If you want me to, I will go ahead and
 10 go to Number 2 and then we can all talk about
 11 what's left.
 12 Okay. With the short-term rental, the
 13 23-4-3(D)10(e), the City Council has asked us to
 14 consider removing short-term rental -- this is, I
 15 think, probably the third or fourth time we've had
 16 this request to remove short-term rental from
 17 RM-20 and RM-30 as a conditional use. So that
 18 came as a request from one of the council members
 19 and we can discuss that.
 20 The second one also has to do with
 21 short-term rentals. And if you will recall, in
 22 the past, there was some concern about some
 23 elevated structures that did not have two means of
 24 egress to get in and out. The way the language
 25 was written seemed to indicate that if it was a --

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12 excluded, so what this would mean is if someone
 13 comes in with an PD-C, they would be allowed to do
 14 single-family structures or zero-lot-line
 15 structures provided that they presented it with a
 16 master plan. So that's what the table is about.
 17 And then the next one has to do with
 18 removing short-term rental from RY-20 and RY-30 as
 19 a conditional use.
 20 And then the last one to be considered
 21 has to do with elevated structures. You'll recall
 22 that a couple of years ago the ordinance was
 23 changed and required elevated structures to have
 24 two means of ingress, two independent staircases
 25 coming out of there.

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1 Ball -- but the way that it was written
 2 created some confusion. It made it sound like
 3 that even if it was a two-story structure, at
 4 grade level, it had to have two means of egress
 5 coming outside of the structure and that was never
 6 the intent. It was always so that the elevated
 7 structures would have two means of getting there.
 8 You could imagine what the houses in town would
 9 look like if we required two outside staircases on
 10 two-story houses all over town. That just
 11 wouldn't make sense. So that's what the last one
 12 is for.
 13 And then you can see the table at the
 14 end where it talks about removing the short-term
 15 rentals from RY-20 and RY-30, so that's what's
 16 before you today.
 17 And we'll be happy to entertain any
 18 questions y'all might have about that.
 19 CHAIRMAN DELLENGER:
 20 So you want to vote on that
 21 individually?
 22 MR. CREEL:
 23 I think that would be the best way to do
 24 it so that way, when it gets to the Council, they
 25 can vote on them individually.

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12 But which one? How would we know?
 13 CHAIRMAN DELLENGER:
 14 I will ask if there is anyone.
 15 Okay. Is there any discussion with the
 16 Planning Commission on article -- the first one
 17 dealing with the definition of a halfway house?
 18 Is there any discussion?
 19 MR. DELAHOUSEY:
 20 I would just like to say we have had
 21 this before us for a long time, and I think it's
 22 finally ready to be put forward for a final vote.
 23 The language Mr. Abide has recommended here seems
 24 certainly reasonable, and we have demonstrated --
 25 our community has demonstrated a pretty

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1 significant need to have this type of facility as
 2 long as it's regulated properly. And I think what
 3 we have here is really good language that's going
 4 to provide for the regulation and oversight that's
 5 needed, so I think it's a really good idea.
 6 CHAIRMAN DELLENGER:
 7 Thank you.
 8 Any other discussion?
 9 (No response.)
 10 CHAIRMAN DELLENGER:
 11 Is there anyone that wants to speak in
 12 favor? In favor of this request?
 13 (No response.)
 14 CHAIRMAN DELLENGER:
 15 Is there anyone that would like to speak
 16 in opposition of this request?
 17 No one to speak in opposition. Then, we
 18 will consider that hearing closed.
 19 MR. TODARO:
 20 I move that we approve. As explained to
 21 us, I move that we approve.
 22 MR. DELAHOUSEY:
 23 Second.
 24 CHAIRMAN DELLENGER:
 25 We have a motion by Mr. Todaro?

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12 sorry.
 13 CHAIRMAN DELLENGER:
 14 We have a motion to approve by
 15 Mr. Todaro; a second by Mr. Delahousey.
 16 Is there any discussion? There being no
 17 discussion, please vote in favor of raising your
 18 hand. Mr. Lechner, Mr. Parker, Mr. Todaro,
 19 Ms. Kagee, Ms. Shaw, Mr. Bogard, Mr. Collier,
 20 Mr. Delahousey, Dr. Drasky, Mr. Carson, Mr. King,
 21 Mr. Snow; myself, Mr. Dellenger. Let the record
 22 show that's unanimous.
 23 The second would be the table, the use
 24 table for the Non-residential and Planned
 25 Development District that would add zero-lot lines

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1 in this. 14
 2 Is there any discussion on this? There
 3 being no discussion, is there anyone in the
 4 audience that would like to get up and speak in
 5 favor of this? Anyone to speak in favor?
 6 (No response.)
 7 CHAIRMAN DELLENGER:
 8 Is there anyone to speak in opposition?
 9 In opposition?
 10 There being no one, we'll consider that
 11 hearing closed.
 12 We can entertain a motion.
 13 MR. TODARO:
 14 I'll move.
 15 MS. SHAW:
 16 Second.
 17 CHAIRMAN DELLENGER:
 18 Motion by Mr. Todaro to approve;
 19 seconded by Ms. Shaw.
 20 Is there any discussion? There being no
 21 discussion, please vote, signify by raising your
 22 hand. Mr. Lechner, Mr. Parker, Mr. Todaro,
 23 Ms. Kagee, Ms. Shaw, Mr. Bogard, Mr. Collier,
 24 Mr. Delahousey, Dr. Drasky, Mr. Carson, Mr. King,
 25 Mr. Snow; myself, Mr. Dellenger. Let the record

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12 that are already in R#-20 and R#-30?
 13 MR. CREEL:
 14 They would be grandfathered in as long
 15 as they continue to renew their license.
 16 MR. CARSON:
 17 Okay. So if they do not renew their
 18 license, then that building can no longer be used
 19 as a short-term rental?
 20 MR. CREEL:
 21 That's correct, yeah.
 22 MR. DELAHOUSEY:
 23 Jerry, the last sentence of that
 24 addresses the threshold, not to exceed 75. I see
 25 that's being removed. Does that mean there would

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1 be no threshold, each case will be reviewed 16
 2 individually?
 3 MR. CREEL:
 4 Well, it will just eliminate anyone
 5 being able to do a new one in R#-20 and R#-30, so
 6 the limit is kind of irrelevant now.
 7 MR. DELAHOUSEY:
 8 Oh, okay. I see. I got ya.
 9 CHAIRMAN DELLENGER:
 10 Jerry, what would this mean, that they
 11 would be able to do short-term rentals in just
 12 commercial?
 13 MR. CREEL:
 14 Well, all of the --- what we did was we
 15 allowed short-term rental in all of the commercial
 16 zones that allow a hotel for obvious reasons. I
 17 mean, if you allow a hotel there, why not allow
 18 short-term rental there? We do have some
 19 single-family houses that are located in like CB
 20 zoning, Community Business, and they would be
 21 eligible, you know, provided they can meet the
 22 five requirements and the building department
 23 requirements.
 24 But your --- yes, the question is ---
 25 well, it would still be allowed as a conditional

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12 So if somebody has a house on the beach
 13 that they wanted to do short-term rental going
 14 forward and it was zoned RH-20 or RH-30, they have
 15 no shot whatsoever being able to do a short-term
 16 rental in that home?
 17 MR. CREEL:
 18 If this is approved, the only way that
 19 they can do it is to file an appeal. In other
 20 words, if this goes through and someone comes to
 21 me with an application to do short-term rental in
 22 RH-20 or RH-30, I would have to turn that
 23 application down, and then they would have the
 24 right to file an appeal of that decision.
 25 CHAIRMAN DELLENBERG:

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1 Who wanted this removed?
 2 MR. CREEL:
 3 Mr. Gray is the one that requested this,
 4 Ward I.
 5 CHAIRMAN DELLENBERG:
 6 Was there a reason why?
 7 MR. CREEL:
 8 He didn't -- he didn't give a reason. I
 9 think a lot of it has to do with the fact that
 10 there is a lot of opposition in certain areas.
 11 There is vocal opposition in some of the areas
 12 where single-family zoning is located close to
 13 RH-20 and RH-30. And I think there is a fear that
 14 if it's allowed as a conditional use in an area
 15 close to single-family that eventually it would
 16 start to encroach over into the single-family
 17 zone. Of course, short-term is not allowed at all
 18 in single-family zoning right now. It's
 19 prohibited, so I think --
 20 CHAIRMAN DELLENBERG:
 21 I mean, I think we --- I mean, that's the
 22 whole point of it being a conditional use in those
 23 two zonings, is that we get to hear it and you
 24 know, we get to see where it is, if there is
 25 anything around it, if it's in an area that, you

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12 I'm not taking either side. I'm just telling you.
 13 What you have right now is you have the ability to
 14 consider every application on a case-by-case
 15 basis. You know, if you feel it is an appropriate
 16 area, you can approve it. If you feel it's an
 17 inappropriate area, you can deny it and you can
 18 tell the reasons why.
 19 The other thing about the conditional
 20 use, too, is that if someone does get approved for
 21 a conditional use and they're violating the
 22 conditions or they're causing problems and we get
 23 a report on it, we have to give them a certain
 24 period of time to resolve it themselves. But if
 25 they don't resolve it --

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1 CHAIRMAN DELLENBERG:
 2 We can revoke it.
 3 MR. CREEL:
 4 -- within that period of time, we can
 5 bring it back to the Planning Commission and City
 6 Council to have that conditional use revoked. So
 7 there are some safeguards in place.
 8 MR. GARGON:
 9 I would like to bring another point too.
 10 I mean, we're very close to that 75 number and I
 11 mean it's not like this is going to bleed out to a
 12 bunch of different areas once we reach the 75
 13 number. And I know we're still waiting to get a
 14 ruling on that, but like I say, I don't see how
 15 it's going to involve any single-family zoning if
 16 -- once we reach that number.
 17 MR. DELAHOUSEY:
 18 Mr. Creel, let me ask you a question.
 19 Your office is responsible for enforcement of
 20 short-term rental provisions in the IDU; is that
 21 correct?
 22 MR. CREEL:
 23 Yes, sir.
 24 MR. DELAHOUSEY:
 25 Do you see any significant problems that

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12 that they had tied to a rope out there. I think
 13 that was when they had the rodeo at the Coliseum.
 14 Somebody brought it in. But aside from that, we
 15 just -- we don't get a lot of complaints about the
 16 short-term rentals.
 17 I remember when Chief Miller was called
 18 up to the podium and asked about this, his
 19 argument was that we get a lot more complaints
 20 about single-family residential problems than we
 21 do about short-term rental problems.
 22 MR. DELAROUSSEY:
 23 And in terms of the alleged concern the
 24 Councilman may have voiced about short-term
 25 rentals encroaching onto other areas, do you have

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1 adequate staff to ensure that that would not
 2 happen?
 3 MR. GREENE:
 4 Well, he didn't say that. He didn't
 5 mention that as the reason.
 6 MR. DELAROUSSEY:
 7 Oh, okay.
 8 MR. GREENE:
 9 I'm just trying to give y'all my best
 10 guess as to why. I know that we have people that
 11 are adamantly opposed to short-term rental in
 12 RH-20 and RH-30 when it's close to their
 13 particular neighborhood and, you know, they're
 14 just protecting their neighborhood, you know.
 15 But we do have staff -- I have Frederick
 16 Manalino that that's his job, is short-term rental,
 17 to monitor short-term rental, make sure that the
 18 people who are operating have licenses and that
 19 they've gone through the process and gotten the
 20 necessary approvals for it.
 21 MR. TODARO:
 22 So, Jerry, this really is an overkill.
 23 This is like doing away with them everywhere,
 24 except business or you said agricultural. And I
 25 agree with Mr. Delinger, I think this is just

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12 about this with the city attorney. And I
 13 mentioned this to you before that we have probably
 14 78 that have been approved short-term rentals in
 15 those two zoned districts, conditional use in
 16 those two. And over the last year, we've had
 17 about 20 people that have informed Frederick that
 18 they want to get out of the business. They're
 19 just -- they're not -- it's not what they thought
 20 it was. It's too demanding. It's taking up too
 21 much of their time and they're not making the kind
 22 of money that they thought they were going to make
 23 off of it.
 24 However, the argument on the other side
 25 is that once a conditional use is approved on a

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1 piece of property, that conditional use runs with
 2 the land and so if those people change their mind
 3 and decide to come back and say, well, you know
 4 what, we made a bad decision, we should have
 5 continued to do short-term rental, and we want to
 6 go back to doing it again, that would leave the
 7 door open for them to do it.
 8 However, what we did last year toward
 9 the end of the year when we were sending out
 10 license renewals, we put in a letter to the
 11 short-term rental people that if you did not renew
 12 your license by the end of the year, that we had
 13 people on a waiting list, that it was going to
 14 open the door for them to take that vacant spot
 15 and that if they decide to come back, they would
 16 have to wait until a vacancy becomes available to
 17 do it.
 18 MR. TODARO:
 19 It's things like that that it -- in my
 20 opinion, it looks like y'all are managing it or
 21 the staff has been managing it really well. And
 22 we've gone through a lot of hearings individually
 23 and some made it. Some didn't. It's just -- we
 24 know that short-term is just real productive for
 25 some houses and for people to come in.

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12 R3-30, you can put an apartment building on there
 13 by right without a conditional use. So you can
 14 either have an apartment, a multi-family apartment
 15 structure or you can have a short-term rental
 16 there.
 17 MR. TODARO:
 18 Based on that, I would just like to
 19 recommend that we deny this.
 20 CHAIRMAN DELLENBERG:
 21 Well, let's call for ... we haven't
 22 called for anyone in favor or opposition of this.
 23 So is there anyone in the audience in
 24 favor of this request? Anyone in favor?
 25 (No response.)

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1 CHAIRMAN DELLENBERG:
 2 Is there anyone in opposition?
 3 (No response.)
 4 MR. CARSON:
 5 I still have one more question for
 6 Jerry. It's kind of on the sidebar on the
 7 elevators. In business districts, if they've got
 8 a --- right now, is that covered, or that may be a
 9 problem? As far as like if it's a business area,
 10 is it still required for them to have two means of
 11 an ingress/egress of an elevated structure?
 12 MR. CREEL:
 13 If it's a short-term rental, an elevated
 14 structure short-term rental, regardless of the
 15 zoning, it has to have the two independent
 16 stairways, yes.
 17 MR. CARSON:
 18 I was just concerned about like some of
 19 these places that have apartment buildings and
 20 stuff and they only really have one means of
 21 ingress and egress, but they're allowed just being
 22 that to be able to put a short-term rentals.
 23 MR. CREEL:
 24 They can, yes, sir.
 25 MR. CARSON:

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12 marshlands and things like that. And we could
 13 draw a line through that as well, but it's really
 14 not --
 15 MS. SERPAS:
 16 Can I say something?
 17 MR. CREEL:
 18 Yes.
 19 MS. SERPAS:
 20 It's short-term rentals are not
 21 permitted in these zones, and that was left in
 22 from a previous case when we actually look and
 23 made agriculture a conditional use, so we're just
 24 fixing a problem from years ago. So that's
 25 listing the ones they're not allowed in.

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1 MR. CREEL:
 2 So AR would not allow short-term rental?
 3 MS. SERPAS:
 4 Correct.
 5 MR. CREEL:
 6 Okay. And we took agriculture out
 7 because it will be allowed as a conditional use in
 8 there. That's why the line is through it.
 9 DR. DRAXBY:
 10 Just a little confusing, I think, to me.
 11 MR. CREEL:
 12 We'll probably have to do some
 13 explaining to the Council about that, too, when it
 14 gets there.
 15 MR. DELAHOUSEY:
 16 Mr. Chairman, if there is no other
 17 discussion, I would like to make a motion that we
 18 deny this request.
 19 MR. TODARO:
 20 Second.
 21 MR. DELAHOUSEY:
 22 We have a motion by Mr. Delahousey to
 23 deny; a second by Mr. Todaro.
 24 Is there any discussion? There being no
 25 further discussion, please vote by raising your

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12 So this doesn't compromise any safety
 13 like with the fire department? That's just for
 14 the third story?
 15 MR. CREEL:
 16 No. What this does, it would only apply
 17 if it is an elevated structure above the ground,
 18 then it would apply.
 19 If it's at grade level, it would not
 20 apply. They would not have to do it, no, sir.
 21 MR. TODARO:
 22 I got it.
 23 MR. CARRON:
 24 Do we need to address the table of this
 25 one also?

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12 Any discussion? There being no
 13 discussion, please vote by raising your hand.
 14 Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Hagen,
 15 Ms. Shaw, Mr. Bogard, Mr. Collier, Mr. Delahousey,
 16 Dr. Drazdy, Mr. Carron, Mr. King, Mr. Snow?
 17 myself, Mr. Dellenger. That is unanimous.
 18 I think that's all the articles for that
 19 request.
 20 Next case we will hear is Case
 21 26-014-PC, City of Biloxi and Keesler Air Force
 22 Base, a charge from the City of Biloxi
 23 Administration and Keesler Air Force to explore
 24 the possibility of renaming two sections of
 25 roadways currently located on Keesler Air Force.

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1 CHAIRMAN DELLENGER:
 2 No. That's a separate item, the table.
 3 MR. CREEL:
 4 Yes. The table, since y'all voted to
 5 deny that, we'll make sure the table is right next
 6 to the short-term rental that y'all just voted on
 7 so that it would both be considered one.
 8 CHAIRMAN DELLENGER:
 9 Mr. Delahousey, do you charge your
 10 motion to include the table to be denied?
 11 MR. DELAHOUSEY:
 12 Yes, sir.
 13 CHAIRMAN DELLENGER:
 14 Mr. Todaro, do you?
 15 MR. TODARO:
 16 Yes.
 17 CHAIRMAN DELLENGER:
 18 Okay. We will consider that table
 19 denied.
 20 There being no further discussion on
 21 the ingress and egress on raised structures, we
 22 will see if anybody in the audience is in favor of
 23 this? Anyone in favor?
 24 (No response.)
 25 CHAIRMAN DELLENGER:

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1 The section of Larcher Boulevard running north
 2 from the intersection of White Avenue and Irish
 3 Hill Drive to West Howard Avenue is proposed to be
 4 renamed Cyber Boulevard. Also, the roadway
 5 currently known as West Howard Avenue extending
 6 from Larcher Boulevard to Judge Sekul Avenue is
 7 proposed to be renamed Innovation Drive. This was
 8 advertised on March 6th and March 13th. Do we
 9 have a video, please?
 10 MS. SERPAS:
 11 (Video played.)
 12 That is one entrance and then I have
 13 another video showing the other entrance.
 14 (Second video played.)
 15 Okay.
 16 CHAIRMAN DELLENGER:
 17 Okay.
 18 MR. CREEL:
 19 What's being proposed here is that --
 20 y'all may already know about this -- White Avenue,
 21 Keesler is going to open that gate up from the
 22 railroad tracks to the north up to where the east
 23 gate would come in from Judge Sekul so that they
 24 will both run together. White Avenue would run
 25 into the Judge Sekul extension coming in there.

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