

Ordinance No. 2521

ORDINANCE TO AMEND THE BILOXI LAND DEVELOPMENT ORDINANCE,
SPECIFICALLY TO AMEND SECTION 23-4-3(D)(10)e3 PERTAINING TO
THE ANNUAL APPLICATION FEE FOR SHORT-TERM RENTAL

WHEREAS, on Thursday, June 20, 2023, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 23-059-PC, City of Biloxi, with respect to a proposed Text Amendment to the Biloxi Land Development Ordinance; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the City of Biloxi has proposed a Text Amendment to the Biloxi Land Development Ordinance, to amend Section 23-4-3(D)(10)e3 of the Land Development Ordinance, requiring the annual short-term rental fee to increase to \$250.00; and

WHEREAS, on June 20, 2023, the Biloxi Planning Commission, upon much discussion of this text change, voted (13-0-0) to amend Section 23-4-3(D)(10)e3 of the Land Development Ordinance, as follows:

23-4-3(D)(10)e Short-Term Rentals

3. Additional Permit Requirements

Individuals requesting short-term rental authorization shall be required to pay an annual application fee of ~~\$100.00~~ \$250.00; such fee is to be assessed and paid by applicant to the City of Biloxi Community Development Department, provide the name(s) of agencies (i.e., Airbnb, VRBO, HomeAway, etc.) they are affiliated with and obtain a Certificate of Occupancy, a Certificate of Zoning Compliance, a Privilege Tax License, and an Occupant Limit Card from the City of Biloxi. The Certificate of Occupancy, Certificate of Zoning Compliance, and Privilege Tax License shall not be transferred to any subsequent owner, and

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any change in ownership shall require new applications for all such certificates, permits, and licenses. The property owner or manager must present documentation from the Mississippi Department of Revenue or other platform demonstrating taxes have been collected and/or paid for the previous year before city license renewals will be processed; and

WHEREAS, the Biloxi City Council, after careful review of the minutes of the public hearing, adopts the report and findings of the Biloxi Planning Commission and, in so doing, determines that modifications to the short-term rental section of the Land Development Ordinance are appropriate.

NOW, THEREFORE, BE IT ORDAINED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI; AS FOLLOWS:

SECTION ONE: Portions of the text of Chapter 23 of the Code of Ordinances of the City of Biloxi, Mississippi, are hereby amended, specifically, Chapter 23 Section 23-4-3(D)(10)e as follows:

23-4-3(D)(10)e Short-Term Rentals

3. Additional Permit Requirements

Individuals requesting short-term rental authorization shall be required to pay an annual application fee of ~~\$100.00~~ \$250.00; such fee is to be assessed and paid by applicant to the City of Biloxi Community Development Department, provide the name(s) of agencies (i.e., Airbnb, VRBO, HomeAway, etc.) they are affiliated with and obtain a Certificate of Occupancy, a Certificate of Zoning Compliance, a Privilege Tax License, and an Occupant Limit Card from the City of Biloxi. The Certificate of Occupancy, Certificate of Zoning Compliance, and Privilege Tax License shall not be transferred to any subsequent owner, and

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any change in ownership shall require new applications for all such certificates, permits, and license. The property owner or manager must present documentation from the Mississippi Department of Revenue or other platform demonstrating taxes have been collected and/or paid for the previous year before city license renewals will be processed.

SECTION TWO: All other sections of said Section 23 of the Code of Ordinances of the City of Biloxi, Mississippi, shall remain in full force and effect.

SECTION THREE: This ordinance shall become effective from and after its passage and publication in accordance with applicable law.

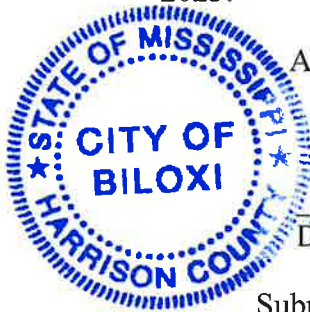
The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Tisdale, seconded by Councilmember Barrett, and was adopted by the following vote:

YEAS:	Lawrence Gines Newman	Deming Tisdale	NAYS:	None
ABSENT:	Glavan	Barrett		

The Vice-President then declared the Ordinance adopted this the 22nd day of August, 2023.

ATTEST:

APPROVED:



Michelle C. Peterson
 DEPUTY CLERK OF THE COUNCIL

[Signature]
 VICE-PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 26th day of August, 2023.

APPROVED:

[Signature]
 MAYOR



Planning Commission Application

City of Biloxi Planning Division

Mailing Address: P.O. Box 508, Blvd., Biloxi, MS 39530

Office Location: 676 Dr. MLK Blvd.,

Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188

Case No. _____ - _____ - _____

To Be Completed by Owner/Applicant		Date:
Name of Rightful Owner(s):	Name of Applicant: (if different than Owner) <i>City of Biloxi</i>	
Property Address:	Ward Number	

Tax Parcel Identification Number(s):

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Mailing Address of Property Owner:	Mailing Address of Applicant (if different than Owner):
City:	City:
State:	State:
Zip:	Zip:
County	County
Telephone: ()	Telephone: ()

Property Size (please give in acres or by dimension):

Present Zoning Classification:

Is the property located within an AHRC District? Yes ___ No ___

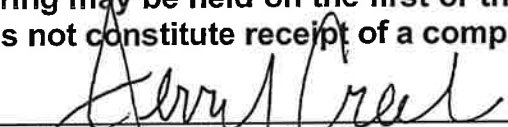

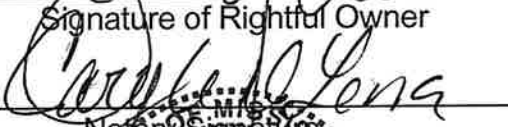

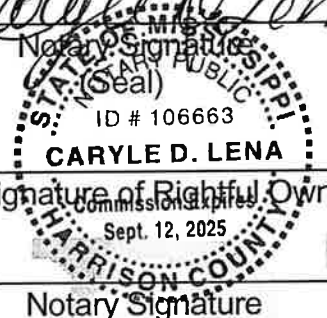
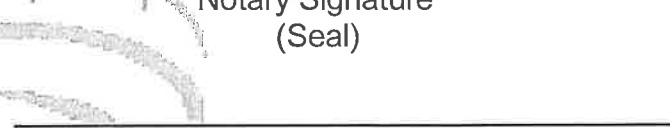
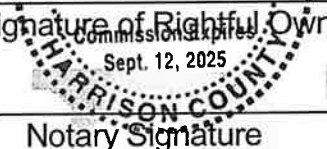
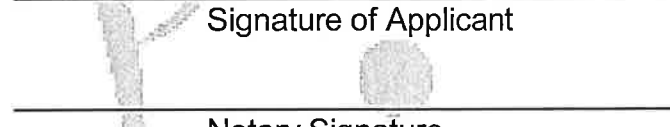
If so, which District?

	North	South	East	West
Property is most nearly bounded by what streets?				
If property directly fronts or is adjacent one of the streets above please indicate with a ✓.				

REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each): ✓

<input checked="" type="checkbox"/>	Text Amendment	<i>STR - Feb 7 2020</i>
<input type="checkbox"/>	Zoning Map Amendment – must include zone classification change in narrative	
<input type="checkbox"/>	Planned Unit Development	
<input type="checkbox"/>	Conditional Use	
<input type="checkbox"/>	Preliminary Subdivision Review	
<input type="checkbox"/>	Hospitality	
<input type="checkbox"/>	Gaming	
<input type="checkbox"/>	Master Plan/Update	
<input type="checkbox"/>	Tree Removal	
<input type="checkbox"/>	Public ROW Vacation	
<input type="checkbox"/>	Street Name Change	
<input type="checkbox"/>	Variance	
<input type="checkbox"/>	Appeal	
<input type="checkbox"/>	Administrative Appeal	

GENERAL INFORMATION, 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 application process have been fully explained and understood, including the timetable for processing of the application; the applicant has further received the following appropriate handouts: Application Processing Timetable; Instructions for Application Completion, Procedures for a Conditional Use or Community Unit Plan; and Variance Procedures. The completed application must be returned to the Planning Office not later than the first or third Thursday of any month in order that a public hearing may be held on the first or third Thursday of the following month. Receipt of fee(s) does not constitute receipt of a completed application.

 _____ Signature of Rightful Owner	 _____ Signature of Rightful Owner
 _____ Notary Signature (Seal)	 _____ Notary Signature (Seal)
 _____ Signature of Rightful Owner	 _____ Signature of Applicant
 _____ Notary Signature (Seal)	 _____ Notary Signature (Seal)

If someone other than the applicant needs to be notified concerning this case, please note name(s) and address(es) below:

NOTES: _____ _____ _____
--

NOTE: Please see attached instructions for details on documents required for a complete application.

1

BILOXI PLANNING COMMISSION MEETING
 JULY 20, 2023
 COMMUNITY DEVELOPMENT,
 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 BILOXI, MISSISSIPPI,
 BEGINNING AT 2:00 P.M.

- 9 PLANNING COMMISSION MEMBERS PRESENT:
- 10 David Washer, Chairman
 - 11 Ronnie Bogard
 - 12 Kyle Carron
 - 13 Steve Delahousey
 - 14 Charlie Dellenger
 - 15 Dr. Larry Drawdy
 - 16 Joe King
 - 17 Gary Lechner
 - 18 Debora Magee
 - 19 August Parker
 - 20 Jimmy Poulos
 - 21 David Stanovich
 - 22 Michael Todaro
- 23 ALSO PRESENT:
- 24 Jerry Creel, Director of Community Development
 - 25 Felicia Serpas, Senior Planner
 - Caryle Lena, Planner
 - Jon Lambert, Inspector
 - Dr. Paul Tisdale, Councilman Ward 5
- 26 REPORTED BY
- Melissa Burdine-Rodolfich
 - Simpson Burdine & Miguez

2

C-O-N-T-E-N-T-S

3 CONTINUED PUBLIC HEARING(S):	PAGE:
4 (None)	--
5 NEW PUBLIC HEARING(S):	
6 <u>23-059-PC</u>	5
7 TREE HEARING(S):	
8 (None)	--

3

1 CHAIRMAN WASHER:

2 Let us call the Planning Commission

3 meeting to order, please.

4 We'll record the members present.

5 Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee,

6 Mr. Stanovich, Mr. Bogard, Mr. Dellenger,

7 Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King,

8 Mr. Delahousey; myself, David Washer; Felicia

9 Serpas, Senior Planner; Caryle Lena, Planner.

10 Court reporter today is Melissa Rodolfich. Next

11 to her is Jon Lambert, Inspector.

12 Mr. Delahousey, would you open the

13 meeting with a moment of prayer after we introduce

14 Dr. Tisdale?

15 (Moment of prayer.)

16 CHAIRMAN WASHER:

17 Mr. Stanovich, the pledge, please, sir.

18 (Pledge of allegiance.)

19 CHAIRMAN WASHER:

20 Jerry Creel, Director of Community

21 Development is now in attendance.

22 We would like to welcome everyone with

23 us today in the audience, both of you. When your

24 case is called, come to the podium, give us your

25 name and address for the record and also please

4

1 sign at the pad provided.

2 Ask if everyone received a copy of the

3 minutes from the last meeting, and if there is any

4 additions or corrections?

5 MR. DELAHOUSEY:

6 Move to approve.

7 MS. MAGEE:

8 Second.

9 CHAIRMAN WASHER:

10 Motion by Mr. Delahousey recommending

11 approval; seconded by Ms. Magee.

12 All those in favor say, "aye."

13 (All in favor.)

14 CHAIRMAN WASHER:

15 Any opposed?

16 (None opposed.)

17 CHAIRMAN WASHER:

18 Committee reports, Mr. Creel.

19 MR. CREEL:

20 Yes, sir. Mr. Chairman and members of

21 the Commission, over the past two weeks, the

22 department has issued 143 building permits. We

23 have a construction valuation of \$1.9 million. We

24 collected a little over \$17,000 in permit fees,

25 issued licenses for 10 new businesses and two

1 renewals. We also issued 18 certificates of
2 occupancy. None of those were for cannabis or
3 short-term rental operations. Of the permits
4 issued, we issued the sub permit for the Zaxby's
5 restaurant, which is going to be located on the
6 old El Rancho location. We are talking to
7 El Rancho about relocating to the former
8 McDonald's location on Pass Road, the one right
9 outside of Keesler. We also issued a permit for a
10 new storage building on Iron Horse and three new
11 single-family houses.

12 CHAIRMAN WASHER:

13 All right. Thank you. No continued
14 public hearings today.

15 New public hearing, Case Number
16 23-059-PC. City of Biloxi, this is a request for a
17 text amendment within the Land Development
18 Ordinance pursuant to a charge extended by the
19 City of Biloxi administration to consider a text
20 change to the Land Development Ordinance related
21 to Section 23-4-3(D)(10)e3, requesting that
22 short-term rental authorization shall be required
23 to pay an annual application fee of \$250.

24 And that's also required to give a tax
25 receipt.

1 addition to all of the processing we do on the
2 front end in preparing for the public hearings
3 whenever there is a conditional use involved, both
4 the building department and the fire department
5 have to send people out to inspect these places.
6 Not only when they're opening, but the fire
7 department continues to go out there every year
8 after that to conduct another inspection because
9 once you've changed to a short-term rental, you're
10 essentially making a commercial operation out of
11 what might have used to have been a residential
12 operation.

13 So there is a lot of cost involved in
14 this that we were just absorbing, and we feel like
15 that raising the fee will help us to offset some
16 of those costs. We also think that it will
17 probably cause people who are thinking about
18 getting into short-term rental to take a second
19 look at it, you know, and only the serious
20 applicants would proceed, you know, knowing that
21 they pay this fee.

22 Now, based on what we have heard about
23 what's being collected from short-term rental
24 operators, this increase in the permit fee is not
25 going to phase them, you know. I mean, there may

1 MS. LENA:

2 Right. You have got the updated
3 version.

4 CHAIRMAN WASHER:

5 We've got the updated, but we didn't
6 amend the agenda.

7 MS. LENA:

8 No, sir, I'm sorry. We didn't amend the
9 agenda.

10 CHAIRMAN WASHER:

11 And that also requires that they present
12 a paid tax receipt before renewals are approved.

13 You want to address that?

14 MR. CREEL:

15 Yes, sir, I'll do that.

16 We have talked a number of times about
17 some of the problems with short-term rentals and
18 verifying ownership, licenses, permits, whether or
19 not taxes are being paid, whatever. So in talking
20 with the Administration, one of the things that
21 they would like to do is raise the initial fee and
22 the renewal fees for the short-term rental
23 licenses.

24 We put at lot of work in short-term
25 rental. It's not something that's visible, but in

1 be some people that get upset about it, but this
2 is nothing compared to what they're making off of
3 these short-term rentals.

4 The second question that always seems to
5 come up, especially at Council meetings, is, well,
6 how do we know that these people are paying the
7 taxes that they're required to pay? You know, one
8 of the things that we do as soon as we issue a
9 short-term rental license is we notify the county
10 tax assessor that homestead exemption should not
11 apply anymore to these properties because it's not
12 being used as a primary home. It's being used
13 essentially as a hotel room that's rented out, so
14 they are charged at a higher rate because the use
15 of the property.

16 Second part of that, though, is that in
17 trying to determine whether these people are
18 paying their taxes on their rentals, we can't get
19 that information from the Mississippi Department
20 of Revenue because of privacy laws. Now, we have
21 had them come down and speak to the Council about
22 it, answer questions about it and they have told
23 us some things, but when it comes down do it,
24 they're not going to reveal to us whether somebody
25 is paying their taxes or not.

1 We essentially get one check every month
2 from the State of Mississippi for all the sales
3 tax revenues that are paid, so there is really not
4 a way to verify this that we're aware of.

5 One of the things that we plan to do if
6 the Council approves the budget request -- I have
7 sat in on probably a half a dozen demos on the
8 computer about companies that have created
9 software and programs that supposedly will locate
10 where short-term rentals are operating, locate the
11 address.

12 A lot of these people have gotten smart.
13 When they show the picture of the exterior of the
14 house on their web page, then they know that we're
15 going to locate where they are and we're going to
16 go out there and cite them. So what they have
17 moved to now is just showing the inside and not
18 showing the outside.

19 Supposedly, this company, Granicus, that
20 we're talking to has the ability to give us
21 longitude and latitude of the exact location of
22 where these places are advertising. They can also
23 show us when an ad went up on the internet and
24 when an ad was taken down. That, too, will help
25 us because what happens is, is that when

1 Frederick, our short-term rental code officer,
2 contacts them, a lot of times, they will say,
3 well, we're sorry. We didn't know about the
4 30-day rule and this kind of thing, you know.
5 We'll take the ad down.

6 Well, they will take it down and then a
7 couple of days later, it goes right back up. So
8 this would give us documented proof that we could
9 use in community court to show that they agreed to
10 take it down and they put it right back up, so
11 we'd have something that we could present as
12 documented evidence.

13 So what we're recommending is that the
14 fee be raised. The initial fee right now is \$150
15 with an annual renewal rate of \$100. What we're
16 proposing is that all of those rates would be
17 \$250, the initial rate and the renewal rates would
18 be that. And that the applicant, the license
19 holder would be required every year to provide
20 documented proof that they had paid their taxes
21 for the previous year before we renew their fee.

22 We think that this is something
23 necessary in the ordinance for us to do our job,
24 and we would recommend approval.

25 CHAIRMAN WASHER:

1 All right. Thank you.

2 MR. DELAHOUSEY:

3 Question for Mr. Creel, a couple of
4 questions.

5 Does designation of the property from
6 residential to short-term rental, does that affect
7 the property taxes?

8 MR. CREEL:

9 Yes, it does. Property taxes are all
10 about the use of a piece of property. You know,
11 we have had people come in before and think that
12 just because the zoning changed on their property
13 that that would cause their taxes to increase.
14 And we have talked with the tax assessor. No,
15 it's not about the zoning. It's about the use of
16 property.

17 So if the property goes from being a
18 single-family residential structure to becoming a
19 commercial short-term rental structure, yes, the
20 taxes do go up.

21 MR. DELAHOUSEY:

22 And so that -- I mean, those are public
23 records, so that would be one way to confirm
24 whether or not they're complying.

25 The other thing is, I wholeheartedly

1 agree with it. We have discussed this for years
2 and felt that your department and especially code
3 enforcement, they're -- I guess they're fully
4 staffed, but they need the funds to do their job
5 and enforce it. So I think this is moving in the
6 right direction.

7 I've looked at other cities. This is
8 not out of line with other cities our size, so I
9 think it's a great idea.

10 MR. TODARO:

11 Jerry, if somebody neglects to change
12 from residential to this commercial or hotel use
13 for the tax records, is there teeth that we'll be
14 able to hold them accountable for that -- what
15 they neglected to pay?

16 MR. CREEL:

17 Give me an example. I want to make sure
18 that --

19 MR. TODARO:

20 Well, in the short-term, say they
21 continue to pay the residential rate.

22 CHAIRMAN WASHER:

23 You'd be able to catch them really
24 quick.

25 MR. DELAHOUSEY:

13

1 You fine them.

2 MR. TODARO:

3 What you're requesting now is a copy of

4 their tax records to show that they have changed

5 from residential to commercial or business --

6 MR. CREEL:

7 That's right, yes.

8 MR. TODARO:

9 -- which is appropriate.

10 If they don't do that, if they still --

11 when they turn in to you a record of residential,

12 do we have teeth where we can fine them, or will

13 it cost them for that error?

14 MR. CREEL:

15 Well, we don't wait for that to happen.

16 We notify the tax assessor. We let them know that

17 the property is no longer being used for

18 single-family residential, that it's now being

19 used for short-term rental and then they raise the

20 rates over there.

21 So we're not leaving it in the hands of

22 the person to go notify them. We're doing that.

23 MR. TODARO:

24 I got ya.

25 MR. CREEL:

15

1 and handle that like any other code violation.

2 CHAIRMAN WASHER:

3 Any other discussion?

4 DR. DRAWDY:

5 Two questions.

6 CHAIRMAN WASHER:

7 Yes, sir.

8 DR. DRAWDY:

9 One, is \$250 enough, or should it be

10 higher than that? That's the first question.

11 MR. TODARO:

12 I'm with him.

13 DR. DRAWDY:

14 Well, I mean, you say -- because they're

15 making a lot of money on these short-term rentals.

16 And the second part of the question is:

17 Once they make the application and the fee, is

18 that nonrefundable?

19 MR. CREEL:

20 Yes. Well, first of all, they make the

21 application.

22 Okay. There are places where short-term

23 rental is not allowed at all. Single-family

24 residential, not allowed, except in agricultural,

25 which is classified as a single-family zone. It's

14

1 And Frederick sends that updated list

2 over there like once every month or once every two

3 months to the tax assessor to make sure that all

4 those properties are listed.

5 MR. DELAHOUSEY:

6 To follow up on that, is there anything

7 that the City would do if you had proof that the

8 property was being used as short-term rental, yet

9 they were using it as -- paying residential rates?

10 Is there anything in the ordinances that the City

11 has to enforce the action against the violators?

12 MR. CREEL:

13 Well, I mean, it would be treated like

14 any other code violation and we would write them

15 up and take them to court, you know.

16 And again, a lot of times what will

17 happen, a first-time offender we will write them

18 up. Frederick will communicate with them.

19 They'll say, we're sorry, we didn't know the City

20 had a rule against this. We'll take the ad down

21 and we'll stop doing it for less than 30 days.

22 And then you'll turn around and the ad will be

23 right back up. Usually, what we will do is give

24 the first person the benefit of the doubt, but if

25 it happens a second time, then we'll just go ahead

16

1 allowed there as a conditional use, meaning it

2 would have to come to the Planning Commission and

3 have to go to City Council for approval.

4 And then there are places where it's

5 allowed as a conditional use which is RM-20 and

6 RM-30, multifamily zone. Both of those would have

7 to go through the full process.

8 Then there are places where it's allowed

9 as a use by right, and that would be any

10 commercial zoning where a hotel is allowed. I

11 mean, if a hotel is allowed there in that zone and

12 you have got a single-family house that happens to

13 be located in, let's say, CB or RB, then it would

14 be allowed as a use by right provided it complied

15 with all of the fire department regulations and

16 building department regulations for, say, a hotel

17 room.

18 MR. CARRON:

19 How about Entertainment District?

20 MR. CREEL:

21 But if somebody makes an application and

22 goes through the process, that fee that they pay

23 to advertise for the public hearing is spent. We

24 use that for advertising, so, certainly, that

25 money would not be refundable. But we would know

1 when they come in to get their license for the
2 short-term rental whether they had been approved
3 or not, so that part wouldn't be in question.

4 If they are not zoned for it, if the
5 issue has been turned down by Planning, they
6 wouldn't be issued a license, so they wouldn't pay
7 a fee.

8 MR. KING:

9 Jerry, how many short-term rentals do we
10 have now?

11 MR. CREEL:

12 We have right at 400.

13 MR. TODARO:

14 Answer to his first question, can we
15 increase the \$250? Do we have the liberty to say
16 it should be more?

17 MR. CREEL:

18 We can -- y'all can --

19 CHAIRMAN WASHER:

20 We would have to advertise it.

21 MR. TODARO:

22 Huh? You have to advertise it?

23 MR. CREEL:

24 We'd have to advertise it because it's
25 an increase in intensity. But, you know, right

1 now, I mean, the Planning Commission can send a
2 recommendation over there that we don't think \$250
3 is enough and we would recommend -- and then the
4 Council can charge us with readvertising and we
5 can go back and advertise for a higher rate. So
6 whatever the Planning Commission thinks is
7 appropriate.

8 MR. DELAHOUSEY:

9 How long does that take to readvertise?

10 MR. CREEL:

11 Well, any -- what we tell people on any
12 case that requires a public hearing, sometimes it
13 takes six to eight weeks to get through the
14 system, you know. We have to write the -- in this
15 case, all we would have to do is change some
16 figures and turn around and readvertise it, but we
17 don't have any control over that advertising
18 period. That's a state law requirement.

19 Absolutely have to advertise to comply with state
20 law.

21 MR. TODARO:

22 And the reality is it costs a lot. I
23 mean, the fire department has to go out there
24 annually and inspect just like it's, you know, a
25 business. The code people have to check it more

1 often than they would a residential. So after our
2 public hearing on this, I think we should -- I
3 mean, it would be my opinion we should ask for
4 more.

5 CHAIRMAN WASHER:

6 Why don't we break the ice with the \$250
7 increase and then come back here, be it six months
8 or a year down the road, and go ahead and increase
9 it again.

10 MR. STANOVICH:

11 Jerry, what's the licensing fee for
12 commercial businesses?

13 MR. CREEL:

14 A lot of it depends. If it's a small
15 business, typically it's, \$20, \$25. Now, some of
16 them, larger businesses, depend on the number of
17 employees you've got and the size of the building,
18 so those are calculated a little bit differently.

19 But this is a business that we've talked
20 about many times. People either love it or they
21 hate this, and we find very few people in the
22 middle, you know, that don't have an opinion one
23 way or the other.

24 But this fee is -- the reason for the
25 recommendation for this fee is just because of all

1 the work that has to be put into it by city
2 departments, and we just are trying to offset some
3 of those costs and to find out who are the real
4 people that want to engage in this business.

5 You know, we have had people come to us
6 with houses that weren't anywhere near in
7 compliance with being rented out, I mean, just
8 houses that were in really, really bad shape, but
9 yet, they wanted to do short-term rental on it.
10 And we think that once some of those people hear
11 what the fees are that are involved they won't
12 waste our time coming to us with applications for
13 that.

14 MR. DELAHOUSEY:

15 So is the current fee \$100 initially,
16 plus \$100 renewal?

17 MR. CREEL:

18 It's \$150 the first time, and then for a
19 renewal it's \$100 each year.

20 MR. CARRON:

21 Jerry, what I was curious about -- we
22 don't have very many of these, but the
23 entertainment districts, like up on the Biloxi
24 River, are they -- can you have short-term rentals
25 in those?

21

1 MR. CREEL:
 2 If it's zoned agricultural, you can come
 3 to the Planning Commission and the Council.
 4 Councilman Barrett --
 5 MR. CARRON:
 6 That's actually zoned Entertainment
 7 District. Isn't that a zone?
 8 MR. CREEL:
 9 No. No. Councilman Barrett had some --
 10 knew some people that had some larger properties
 11 on the river. And they said, you know, we can't
 12 even see our neighbors. Our property is so big.
 13 We have got a house in the middle of it and we
 14 can't see our neighbors. We're zoned
 15 agricultural. We're on the river, and we think
 16 that this would be an ideal spot to put a
 17 short-term rental so that people can use the river
 18 and do whatever. And so we ran that through
 19 Planning Commission and Council and that was
 20 approved.
 21 There has been discussion -- y'all know
 22 we have been through this many, many times, going
 23 back and forth about should we remove it from all
 24 residential zoning, even the multifamily, but
 25 every time that it goes through the process that

23

1 conduct these investigations.
 2 MR. DELLENGER:
 3 Yes. I guess what I'm saying is, you
 4 say there is all of these expenses that go with
 5 this, which there are, but we have no idea if this
 6 is enough to cover it or not if we don't know what
 7 the expenses are. This may not be ample enough to
 8 cover it.
 9 MR. CREEL:
 10 If y'all want it broken it down into an
 11 hourly rate, I can get with the fire department
 12 and we can say that, you know, here's --
 13 MR. DELLENGER:
 14 Just to have an idea, you know, because
 15 without knowing what the costs are, how do you
 16 know if you're covering it? I mean, honestly.
 17 CHAIRMAN WASHER:
 18 All right. I appreciate the discussion.
 19 Anyone want to make a motion?
 20 MR. TODARO:
 21 We have got to have a public hearing.
 22 MR. DELAHOUSEY:
 23 I make a motion that we --
 24 MR. CREEL:
 25 Discussion from the audience.

22

1 gets turned down, you know, for any changes.
 2 So right now -- right now, it's allowed.
 3 It's not allowed in the single-family zoning. It
 4 is allowed in some commercial zonings as a
 5 conditional use. It's allowed in commercial
 6 zonings as a use by right, and it's allowed as a
 7 conditional use in the RM-20 and RM-30.
 8 MR. DELLENGER:
 9 Jerry, do we have -- I mean, I know you
 10 say it costs us money to provide these services
 11 and do all of that. I mean, do we have any idea
 12 of what our actual cost is for these 400
 13 applicants?
 14 MR. CREEL:
 15 We can put that together for you. It
 16 would be -- let me just give you an example.
 17 Frederick Mannino is our short-term rental code
 18 enforcement officer, and he works full-time. This
 19 is what he does every day of his workweek, is
 20 follow up on these things.
 21 And, you know, Frederick's salary alone,
 22 I think, is, what, 56- a year, so certainly, some
 23 of this would be needed to offset the cost of
 24 that, and you add to that the cost of whatever it
 25 takes for the fire department to go out there to

24

1 MR. TODARO:
 2 We've got to have a public hearing.
 3 CHAIRMAN WASHER:
 4 You're right. I'm sorry.
 5 MR. TODARO:
 6 That's why I wasn't going to make a
 7 motion until after the public hearing.
 8 CHAIRMAN WASHER:
 9 All right. We'll ask if there is anyone
 10 in the audience that wants to voice their opinion
 11 on this matter one way or the other.
 12 MR. TODARO:
 13 I had to tell you what to do, David. We
 14 did that once before.
 15 CHAIRMAN WASHER:
 16 I figured if I needed to do something
 17 different, Melissa would let me know.
 18 THE COURT REPORTER:
 19 I mean, I'll start doing it for you.
 20 CHAIRMAN WASHER:
 21 Anyone want to speak in favor? No one
 22 speaking in favor.
 23 Anyone speaking in opposition? No one
 24 speaking in opposition.
 25 We will consider that hearing closed.

1 MR. DELAHOUSEY:
 2 I make a motion that we increase the
 3 initial fee to \$300 and the renewal be \$250.
 4 CHAIRMAN WASHER:
 5 But the initial fee is more than \$300.
 6 MR. CARRON:
 7 Discussion on that. Do you have any
 8 idea what some of the other cities are charging,
 9 Jerry?
 10 MR. CREEL:
 11 No, I don't. They have different rules.
 12 MS. LENA:
 13 Someone had stated that some of the
 14 places in Florida, some of the cities in Florida
 15 were charging upwards of \$500 for the year and
 16 more. I mean, it just depends.
 17 MR. PARKER:
 18 Well, we're making up on that by taxes,
 19 right? You're no longer paying homestead
 20 exemptions.
 21 DR. DRAWDY:
 22 It takes a year for the taxes to change.
 23 MR. PARKER:
 24 The taxes change when you're --
 25 CHAIRMAN WASHER:

1 All right. Let's get a motion on the
 2 case that's before us. That's regarding
 3 increasing the annual fees to \$250 and providing
 4 the proof of paid taxes.

5 MR. TODARO:

6 What are you thinking?

7 MR. CREEL:

8 All right. If y'all believe -- you've
 9 got some options here. If you believe that \$250
 10 is inadequate, then what you would do is vote to
 11 turn down the \$250, but then render a
 12 recommendation to the Council that we need to
 13 increase it more than that, you know.

14 If y'all would like to give me a figure,
 15 we will take that up. We'll get the Council, if
 16 they agree, to charge us with going back and
 17 advertising a higher rate and then we'll do it
 18 that way.

19 Y'all can table it if you want to, and
 20 we can -- I can talk with Council members and get
 21 a feel from them.

22 MR. TODARO:

23 In all your interactions when you
 24 interact with people every day -- we don't want to
 25 overcharge, but we don't want to undercharge

1 because we may need a second officer or compliance
 2 person if we continue to grow. You said he's
 3 being stretched right now. Is that what you said?
 4 MR. CREEL:
 5 Yes, sir.
 6 MR. TODARO:
 7 Okay. So we just -- we don't want to
 8 overcharge, but we don't want to undercharge.
 9 So knowing what you know, would it be
 10 appropriate if we -- say we charge \$150 for
 11 up-front, sort of like Mr. Delahousey said, only
 12 say \$250 and then \$500 for each additional year
 13 once they are making money off of their property,
 14 would that be -- would that make reasonable sense?
 15 MR. CREEL:
 16 Well, certainly, you could recommend
 17 that or you can do what Mr. Washer suggested.
 18 Let's do the -- instead of doing the jump all at
 19 once, why don't we do it in increments. Let's go
 20 to \$250 now. We'll see if that's offsetting the
 21 costs. We can still do the research on the costs.
 22 And then if we decide in a year that we're still,
 23 you know, in the red on this, then let's recommend
 24 another increase.
 25 MR. DELAHOUSEY:

1 Right now, the initial cost is \$150 and
 2 the renewal cost is \$100? Is that what you said
 3 earlier?

4 MS. LENA:

5 Okay. Initial cost is \$50 for the
 6 inspection fee for the certificate of occupancy
 7 and \$100 for the application fee, which is what
 8 the ordinance reads.

9 And then I will let Jerry --

10 MR. DELAHOUSEY:

11 And then each year --

12 CHAIRMAN WASHER:

13 -- \$100 renewal.

14 MR. DELLENGER:

15 So we're saying just \$250, \$250?

16 MR. CREEL:

17 Uh-huh.

18 MR. TODARO:

19 Yeah.

20 MS. SERPAS:

21 Because you're going to get charged the
 22 extra \$50 because -- that's the CO price, period,
 23 for anybody.

24 MR. DELAHOUSEY:

25 So if we left it at \$250, that \$50

1 additional would be there.
 2 MS. SERPAS:
 3 It's going to be there, yes.
 4 MR. DELAHOUSEY:
 5 I change my motion to approve -- well,
 6 do we need --
 7 MR. TODARO:
 8 As recommended according to them.
 9 MR. DELAHOUSEY:
 10 Do we need first --
 11 MR. TODARO:
 12 No. That's the motion. I second his
 13 motion.
 14 MR. DELAHOUSEY:
 15 I change the motion to approve it as
 16 written.
 17 CHAIRMAN WASHER:
 18 All right. We have a motion by
 19 Mr. Delahousey, seconded by Mr. Todaro,
 20 recommending approval of the case as presented.
 21 We'll ask that all those in favor of
 22 approval, raise your hand. Mr. Lechner,
 23 Mr. Parker, Mr. Todaro, Ms. Magee, Mr. Stanovich,
 24 Mr. Bogard, Mr. Dellenger, Mr. Poulos, Dr. Drawdy,
 25 Mr. Carron, Mr. King, Mr. Delahousey; myself,

1 happened, if you will remember, when we had that
 2 meeting, that we were served with a decision of
 3 the Supreme Court that we really didn't have the
 4 right to regulate the size or the time frame for
 5 political signs. And it wasn't just political
 6 signs; it was other types of signs as well.
 7 So what happened is that I talked with
 8 our city attorney. He told us to go ahead and
 9 carry through with the public hearing just as we
 10 had advertised it and he would take a look at it
 11 afterward.
 12 Well, during that period of time, after
 13 the Planning Commission meeting and he had a
 14 chance to research it, he made some revisions to
 15 it that essentially removed any limitation on the
 16 time that they could put up the signs before an
 17 election and any limitation on the size of those
 18 signs.
 19 Now, the only thing that we can do,
 20 according to this decision, is we can make sure
 21 that they maintain the signs in good condition and
 22 that they have to remove them within seven days
 23 after the election is over. The good part of that
 24 is, is that traditionally people don't put up the
 25 signs until maybe three months -- three or four

1 David Washer. We'll let the record show that's
 2 unanimous.
 3 No Tree Hearings today.
 4 City Council action?
 5 MR. CREEL:
 6 No action.
 7 CHAIRMAN WASHER:
 8 Any old business to come before us
 9 today?
 10 (No response.)
 11 CHAIRMAN WASHER:
 12 Any new business?
 13 MR. DELAHOUSEY:
 14 I'm sorry. I feel -- one thing I saw in
 15 the City Council is where action -- where they
 16 amended something that we presented to them.
 17 MR. PARKER:
 18 Political signs.
 19 MR. CREEL:
 20 Well, the political signs, if that's
 21 what you're talking about.
 22 MR. DELAHOUSEY:
 23 Yeah.
 24 MR. CREEL:
 25 Okay. On the political signs, what

1 months before the election. And most of the signs
 2 that they put up -- the largest they put up is
 3 usually the four-by-eight which is what we were
 4 recommending, you know. I haven't seen any other,
 5 a billboard, which they are not allowed to do. I
 6 haven't seen any that were larger than the
 7 four-by-eight size piece of plywood. So hopefully
 8 everybody will continue to comply with those
 9 sizes.
 10 MR. DELAHOUSEY:
 11 I know Mr. Abide is a great attorney,
 12 but I think I told y'all last time that the
 13 Supreme Court case was against the City of
 14 Gilbert, Arizona. And I spoke to the city manager
 15 there, and he said the crux of the case was not
 16 the size of the sign, but they were discriminating
 17 who could put them up. They were discriminating
 18 against religious entities, but allowing political
 19 entities to put them up, and that -- he said that
 20 was the decision that the Supreme Court made.
 21 The City absolutely did have the
 22 authority to regulate the size of the signs and
 23 how long they stayed up before and after.
 24 Mr. Abide researched this?
 25 MR. CREEL:

1 He is the one that actually made the
 2 changes on that document and sent it back to us to
 3 remove those parts in there.
 4 MR. DELAHOUSEY:
 5 So we're going to see the Lester
 6 Thompson signs still up for hundreds of years to
 7 come?
 8 MR. CREEL:
 9 Well, you know, that was discussed at
 10 the Council meeting, though. There's a Trump sign
 11 still up, you know. How do we know that it was --
 12 and I told them that what we would have to do is
 13 just look at it and try to determine the age of
 14 the sign. If it was clear that it was a sign from
 15 the previous election, then we would address it.
 16 But if it's clear that it's a new sign that's
 17 being put up for the future election, then
 18 essentially we would have to leave it alone.
 19 CHAIRMAN WASHER:
 20 Put it up, what, four years in advance,
 21 huh?
 22 MR. CREEL:
 23 Yeah. Unless it has the election year
 24 printed on the sign.
 25 DR. TISDALE:

1 be here on Thursday, August 3rd, 2:00 o'clock.
 2 If there's nothing else to come before
 3 the Planning Commission, we stand adjourned.
 4 (Adjourned at 2:31 p.m.)
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1 May I approach, Your Honor?
 2 CHAIRMAN WASHER:
 3 Yes, sir.
 4 DR. TISDALE:
 5 If you have not seen the discussion on
 6 the City's video from that Council meeting, it's
 7 worth watching. That's what I would tell you.
 8 You should watch it if you're really curious about
 9 that. That's all.
 10 MR. DELAHOUSEY:
 11 Could you give us the CliffsNotes, in
 12 your opinion?
 13 DR. TISDALE:
 14 I probably could, but I know these
 15 people are waiting. They're not interested in
 16 political signs. They have a case before the
 17 Planning Commission, but I will hold court after
 18 this, if you would like.
 19 CHAIRMAN WASHER:
 20 All right. Any other new business? No
 21 other new business.
 22 Citizens' comments, anyone in the
 23 audience have any comments they want to add?
 24 None.
 25 Just a reminder, our next meeting will

1 **CERTIFICATE OF COURT REPORTER**
 2 I, MELISSA BURDINE-RODOLFICH, Court Reporter
 3 and Notary Public, in and for the County of
 4 Harrison, State of Mississippi, hereby certify that
 5 the foregoing pages, and including this page,
 6 contain a true and correct copy of my stenotype
 7 notes and/or electronic tape recording of the
 8 testimony of the witness, as taken by me at the
 9 time and place heretofore stated, to the best of my
 10 skill and ability.
 11 I further certify that I am not in the employ
 12 of, or related to, any counsel or party in this
 13 matter, and have no interest, monetary or
 14 otherwise, in the final outcome of the proceedings.
 15 Witness my signature and seal, this the
 16 _____ day of _____, 2023.
 17 _____
 18
 19
 20 Melissa Burdine-Rodolfich
 My Commission Expires 4/28/24
 21
 22
 23
 24
 25