

1 know, this week, and it's just -- it's  
2 zoned C-3, or Town Center, up and down  
3 Highway 90. You generally don't want  
4 residential uses on your busiest  
5 throughway.

6 COMMISSIONER JOHNSON: And when was  
7 it zoned C-3? What year was it zoned C-3?

8 MR. MEYER: It supposed it was  
9 zoned -- it was zoned C-3 when we annexed  
10 it in 2002, so I'm not sure when the  
11 County zoned it C-3.

12 COMMISSIONER JOHNSON: In 2002, but  
13 he bought the house in 2001.

14 MR. MEYER: It would have been zoned  
15 C-3. I know the County --

16 MR. RAMSEY: The County had it zoned  
17 commercial before we annexed it.

18 COMMISSIONER JOHNSON: So it's always  
19 been commercial?

20 MR. RAMSEY: Well, no.

21 MR. MEYER: It was when the County  
22 first adopted it.

23 COMMISSIONER JOHNSON: It's been  
24 commercial as of the time he bought the  
25 home, it was zoned commercial.

1 MR. RAMSEY: Well, when he bought it,  
2 it was a preexisting non-conforming use.

3 COMMISSIONER JOHNSON: Okay. So when  
4 he bought it, he could live in it, even  
5 though it was zoned commercial?

6 MR. RAMSEY: Correct. Correct. As  
7 long as they kept somebody living in it  
8 and did not have a 60-day period when  
9 nobody was there.

10 COMMISSIONER JOHNSON: When nobody  
11 was living there?

12 MR. RAMSEY: Yes.

13 COMMISSIONER WOOTEN: But all that  
14 changed when they obtained a business  
15 license and opened up a psychic reading  
16 business.

17 MR. RAMSEY: Correct.

18 COMMISSIONER DAILEY: Well, I'm still  
19 not comfortable that it did change,  
20 because if the understanding was that the  
21 tenant was living there, the procedure  
22 should have been that they just got a home  
23 office permit as opposed to getting --  
24 establishing an office there.

25 COMMISSIONER JOHNSON: I'm sorry.

1 With the restrictions of a home office,  
2 which would have meant no sign and all  
3 that kind of stuff.

4 COMMISSIONER DAILEY: Right. My  
5 concern is it appears that a tenant can  
6 negatively affect a property owner by  
7 coming to the City and without the owner's  
8 knowledge --

9 TONY LUONG: That was what was  
10 concerning me.

11 COMMISSIONER DAILEY: -- change the  
12 use of that property and affect the owner.  
13 I don't think that should be allowed. I  
14 don't think that should be allowed. I  
15 think that if -- that the owner should be  
16 involved in this at some point. And that  
17 the owner should be required, whenever a  
18 tenant is changing, that the owner at  
19 least sign on the line that he's accepting  
20 that change.

21 COMMISSIONER JOHNSON: And the risks  
22 that come with it.

23 COMMISSIONER DAILEY: And the risks  
24 that come with it, yes, of course. I'm  
25 uneasy in having a procedure set up where,

1 as I said, a tenant can negatively affect  
2 a property owner.

3 MR. MEYER: Well, the property owner  
4 should have a lease setup to where that  
5 can't happen or the property owner would  
6 generally know what's happening with their  
7 property.

8 MR. RAMSEY: The lease that they --  
9 I'm sure the City Clerk required them to  
10 present a copy of their lease showing that  
11 they had at least a lease hold interest in  
12 the property and the lease stated that it  
13 could be used as a business.

14 COMMISSIONER DAILEY: The owner's  
15 also saying that's the first time he saw  
16 that language there, too. I'm not saying  
17 that's how it happened.

18 MR. RAMSEY: How did he get that?

19 COMMISSIONER SPANIER: What if the  
20 renter wrote it in?

21 COMMISSIONER DAILEY: Yeah, maybe the  
22 renter wrote it in.

23 TONY LUONG: My mom had dealt  
24 business with them and she doesn't speak  
25 English.

1 COMMISSIONER WOOTEN: It's been  
2 signed. They have a lease.

3 MR. RAMSEY: Yeah, but the owner gets  
4 a copy of the lease and the leasee is part  
5 of the lease.

6 COMMISSIONER SPANIER: And that's  
7 your copy?

8 TONY LUONG: Yes.

9 COMMISSIONER DAILEY: I mean, again,  
10 I can accept that that could have been  
11 added without prior knowledge --

12 COMMISSIONER SPANIER: That's his  
13 copy.

14 COMMISSIONER DAILEY: -- if he says  
15 that's what happened.

16 TONY LUONG: That was the 2010. The  
17 2011 didn't have that.

18 COMMISSIONER WOOTEN: That was eight  
19 years after annexation, and it actually --

20 MR. MEYER: I mean, at a policy  
21 level, it's been zoned commercial. The  
22 comprehensive plan has it commercial. And  
23 as a general guide, we're trying to --

24 COMMISSIONER DAILEY: But you  
25 understand what I'm saying. This owner

1 has been using it as a non-conforming  
2 permitted use, and there is an argument  
3 that a tenant, because they had a desire  
4 to use the property, but then it was at  
5 least discussed to be rented, has it  
6 negatively affected him? And I think the  
7 City should have procedures so that  
8 doesn't happen. And you're saying that  
9 the procedure is the lease --

10 MR. MEYER: They would have looked to  
11 the lease.

12 COMMISSIONER DAILEY: -- simply says  
13 that he's allowed to have a business,  
14 but --

15 COMMISSIONER WOOTEN: When was the  
16 privilege license granted the first time?

17 MR. MEYER: June 201, is that what  
18 you said? Babs, June 2010?

19 MS. LOGAN: Let me doublecheck the  
20 date on it.

21 COMMISSIONER WOOTEN: What year?

22 MS. LOGAN: June 2010.

23 COMMISSIONER WOOTEN: That's when the  
24 privilege license was granted?

25 MR. RAMSEY: That's when the lease

1 was signed.

2 COMMISSIONER JOHNSON: Was the  
3 business owner -- were they leasing the  
4 house to live in?

5 TONY LUONG: Yes, as residential to  
6 live in.

7 COMMISSIONER JOHNSON: Or just  
8 occupying the building as a business.

9 TONY LUONG: It's a house to live in.

10 COMMISSIONER JOHNSON: So they were  
11 leasing the home to reside in it?

12 TONY LUONG: To live in it.

13 COMMISSIONER JOHNSON: While also  
14 maintaining a quote/unquote business?

15 TONY LUONG: After we rented to them,  
16 then they came to us later and said, do  
17 you mind if we do this psychic reading in  
18 our home? And I said, I don't care. I  
19 don't know. If it works for you. Just  
20 pay rent on time. You're living in it,  
21 pay rent on time and don't tear up my  
22 house. And you bring that up with the  
23 City, if they allow you to do that.

24 COMMISSIONER JOHNSON: Did you ever  
25 discuss with them the type of business

1 activity?

2 TONY LUONG: They told me it was  
3 going to be psychic reading.

4 COMMISSIONER JOHNSON: Right, I mean,  
5 but what did that mean to you?

6 TONY LUONG: I was not familiar. I  
7 was not familiar how that works. I just  
8 know they live there.

9 COMMISSIONER JOHNSON: Does anybody  
10 know what -- how the psychic reading  
11 works?

12 COMMISSIONER SPANIER: Well, I'm sure  
13 it's just like a tarot card. Someone  
14 comes to the house and she reads you your  
15 fortune.

16 COMMISSIONER WOOTEN: My mother went  
17 there a couple of times.

18 COMMISSIONER SPANIER: It's a one on  
19 one thing. They're probably in one room  
20 at a dining room table or something like  
21 that. To me, it's an in-home business.

22 COMMISSIONER JOHNSON: And I guess my  
23 point is, I mean, we're really -- we're  
24 kind of like, you know, is it really a  
25 business? I mean, yeah, I'm sure psychic

1 reading is a business, but, I mean, it's  
2 not -- it's not normally what you would  
3 expect a business to be, though, as far as  
4 business activity and it's like, you know,  
5 somebody comes to the house.

6 TONY LUONG: Apparently, they don't  
7 make any money because they owe rent from  
8 the second month. That's why we had to  
9 evict them, they kept owing money.

10 COMMISSIONER WOOTEN: At one point in  
11 time we didn't have an issue of what the  
12 business is, because the City granted them  
13 a privilege license.

14 MR. MEYER: They had a privilege  
15 license for a business.

16 COMMISSIONER WOOTEN: By law, it was  
17 a defined business.

18 MR. MEYER: And they were permitted  
19 to even put a business sign out front.

20 COMMISSIONER WOOTEN: And so in 2010  
21 you signed a lease, somebody signed a  
22 lease, that if you read the copy it has a  
23 notation that says, commercial -- could be  
24 used commercially. You said the privilege  
25 license was issued on June the 2nd, the

1 same day the lease was signed. So, to me,  
2 this thing was planned all along to be a  
3 commercial business.

4 MR. MEYER: The commercial sign,  
5 also, to me, this wasn't just a home  
6 occupation, you know, where friends would  
7 come in with referrals. They were  
8 advertising out on Highway 90.

9 COMMISSIONER DAILEY: Again, I can  
10 appreciate the tenant may push it as far  
11 as he can and place in jeopardy a land  
12 owner without the land owner's knowledge.  
13 And so, yes, I think that tenant probably  
14 put a commercial sign up there when he  
15 shouldn't have, wasn't allowed to, under  
16 one interpretation of this lease.

17 TONY LUONG: If I knew that I was  
18 going to lose the residential status, by  
19 all means I'm not going to allow it to  
20 happen.

21 COMMISSIONER JOHNSON: Well, were you  
22 aware that you were operating under a  
23 preexisting non-conforming use?

24 TONY LUONG: Did not know at all.

25 COMMISSIONER JOHNSON: You didn't