

# GENERAL PURPOSES COMMITTEE

Date: Monday, July 17<sup>th</sup>, 2000

Place: Anderson Room  
Richmond City Hall

Present: Mayor Greg Halsey-Brandt, Chair  
Councillor Linda Barnes  
Councillor Malcolm Brodie  
Councillor Derek Dang  
Councillor Lyn Greenhill  
Councillor Kiichi Kumagai  
Councillor Ken Johnston  
Councillor Bill McNulty  
Councillor Harold Steves

Call to Order: The Chair called the meeting to order at 4:00 p.m., at which time he advised that Item 4 would be dealt with at the end of the agenda.

## MINUTES

1. It was MOVED and SECONDED  
***That the minutes of the meeting of the General Purposes Committee held on Tuesday, July 4<sup>th</sup>, 2000, be adopted as circulated.***

**CARRIED**

## FINANCE & CORPORATE SERVICES DIVISION

2. **AMENDMENTS TO BYLAW RELATING TO MASSAGE THERAPISTS AND RELATED BUSINESSES**

(Report: July 12/00, File No.: 8060-20-7135) (REDMS No. 165318, 159179, 151423)  
(Referral from July 10<sup>th</sup>, Council Meeting.)

City Solicitor Paul Kendrick briefly reviewed the proposed amendment, during which he advised that Ms. Penny Green (the lawyer representing 4 massage parlour operators who challenged the City's bylaws in court) had suggested that the City allow those businesses which had been in operation prior to the enactment of the bylaw, to be 'grandfathered', which would allow the operators to remain open until 2:00 a.m.; in addition, the City would require that these operators pay the higher licence fee. Mr. Kendrick stated, however, that he did not support the suggestion put forward by Ms. Green.

Mr. Tony Kwan, of Pryke Lambert Leathley Russell, representing the Palm Spring Executive Club, reviewed his submission during which he provided additional information on the contents. A copy of Mr. Kwan's letter is attached as Schedule A and forms part of these bylaws.

Discussion then ensued among Committee members, staff and Mr. Kwan, during which the following information was provided in response to questions:

- Mr. Kwan's client did not operate a body rub studio, instead the services offered were shiatsu and other forms of therapeutic massage and relaxation techniques
- Mr. Kwan's client required their massage therapists to have a minimum 2 years experience and these individuals must take a six month training course if they do not have the required experience; the operators were required to update their skills twice each year
- the 'therapeutic touch therapy' definition in the Business Regulation Bylaw included shiatsu, reflexology and other alternative massage therapies
- the proposed closing hours would mean that all massages would have to be completed by midnight (or 1:00 a.m. depending on the weekday), and that therapists would not be permitted to begin a massage just prior to the closing time and expect to finish after that time.

It was moved and seconded

***That Business Regulation Amendment Bylaw No. 7135, which establishes closing hours for both Registered and Unregistered Massage Therapists at 9:30 p.m. daily, and closing hours for Body Painting/Body Rub Studios at midnight Sunday through Thursday and 1:00 a.m. on Friday and Saturday, be forwarded to Council for first, second and third readings.***

Prior to the question being called, discussion ensued among Committee members on the proposed closing hours, during which advice was given by Mr. Kendrick that:

- these hours would come into effect at the time the bylaw was adopted;
- a similar establishment to the Palm Spring Executive Club had chosen to obtain a body painting/body rub studio business licence to remain open later in the evening;
- because of the difficulties which some massage therapy studio and body rub operators were having in ensuring that rooms were visible from reception counters, the operators were being permitted to meet that requirement by installing video cameras with monitors at the front desk;
- definitions of the various massage therapies were vague out of necessity because the City was dealing with techniques which were not regulated by an overall licencing organization; if problems did arise with the definitions, a review would have to be undertaken

- the Palm Spring Executive Club could continue to call themselves a health studio, however the owner would have to obtain a licence to operate a body rub studio.

The question on the motion was then called, and it was **CARRIED**.

## CHIEF ADMINISTRATIVE OFFICER

### 3. **PROGRAMMING OF THE NEW CITY HALL**

(Report: June 19/00, File No.: 2052-30-01) (REDMS No. 160318)

The Manager, Policy & Research, Lauren Melville, briefly reviewed the report with Committee members. Discussion then took place, during which the following comments were made with regard to the use of the meeting rooms:

- public events should be the first priority
- any event which involved retail or animals should not be permitted
- the City should not be in competition with the private sector
- the rates proposed by the City for the rental of rooms, etc., within the new City Hall should reflect staff and maintenance costs incurred to hold the event, if any
- the programs implemented by community associations to rent their facilities should be taken into account when developing options for the new City Hall
- political meetings and events which occur during election campaigns should not be permitted; however, a more appropriate event would be if a Provincial or Federal elected official wished to use a room to give a talk.

Reference was made to the many requests which had been received to use the Council Chambers for conducting workshops, teleconferencing, etc., and staff advised that guidelines should be put in place if events were to be held in this room.

During the discussion which ensued on this particular issue, the following comments were made:

- holding a music recital in the Council Chambers, where guests would sit in the gallery, was significantly different to having participants in a workshop sitting at the Councillors' seats; concern was expressed about possible damage which might occur to the leather chairs; the comment was reiterated that if City staff were brought in to provide assistance, the cost of operating the program should reflect this expense
- any events held in the Council Chambers would have to be strictly controlled, with the room being available for Council needs on short notice
- the School District has been renting their school facilities to outside organizations for a number of years, and they should be contacted to determine how their facility rental system functioned

- consideration should be given to whether food and beverages would be permitted in the Council Chambers.

Discussion then ensued on the "Next Steps" component of the staff report, and the following comments were made:

- with respect to No. 6, staff should prepare a policy on what an 'affiliated group' would be
- those events which would require food preparation raises a number of issues such as (i) would the event organizer be allowed to prepare food; (ii) would the event organizer be allowed to use the City's coffee area to prepare food, (iii) cleanup costs; and (iv) the feasibility that allowing such a service would put the City in competition with food establishments in the area.

It was moved and seconded

***That staff prepare a report on programming options for the new City Hall, and report to Council, through the General Purposes Committee.***

**CARRIED**

## ENGINEERING & PUBLIC WORKS DIVISION

### 5. **NO. 5 ROAD BOX CULVERT CONSTRUCTION - HORSESHOE WAY TO MACHRINA WAY**

(Report: July 5/00, File No.: 6340-20-P.99301) (REDMS No. 163170)

It was moved and seconded

***That City forces construct the No. 5 Road Box Culvert from Horseshoe Slough to Machrina Way, for a total estimated cost of \$1,544,000.00 including GST.***

**CARRIED**

## URBAN DEVELOPMENT DIVISION

### 6. **PARKING PROGRAM**

(Report: July 12/00, File No.: 6455-01) (REDMS No. 163295, 89004)

The Acting General Manager, Urban Development, Gordon Chan advised that the purpose of the report was to obtain comments from Committee members, after which a further report would be submitted to Council, through the General Purposes Committee, in September of this year.

The Manager, Community Bylaws and Administration, Sandra Tokarczyk, then reviewed the various components of the "Parking Program" report with the Committee. Discussion then took place on such issues as:

- whether yellow markings should be painted around fire hydrants to alert motorists that they should not park any closer than the line (it was noted that the City was not required to place markings around fire hydrants; as drivers learn that they are not to park next to a fire hydrant as part of obtaining their motor vehicle licences, and the suggestion was made that this fact could be reinforced as part of an education program)

- whether it was the intent of the City to generate revenue from its parking program; whether revenue should be raised to offset the cost of operating the program, and why it might be necessary to enter into a public/private partnership to operate the program
- the lack of (i) available public parking, and (ii) parking enforcement on weekends in the Steveston downtown core (the suggestion was made that meters should be installed in one parking lot in the Steveston downtown core as a means of encouraging motorists whose vehicles might be parked for long periods of time, to park in areas which were located outside of the area
- whether a public consultation process was necessary, especially when the public in the past, had made their views known with regard to the implementation of pay parking (the suggestion was made that different rules and regulations should be considered with respect to parking in preferred areas).

Advice was given by Ms. Tokarczyk during the discussion that part of the review would be to determine whether the City should be developing a partnership with a private company to deal with 'time' infractions and using City staff to deal with safety and liability issues. She further advised that the review would include the preparation of options to address the *'Time and Business Infractions (Priority 3 and 4)'*.

Reference was made during the discussion to the proposed parking program, and comments were made that staff had to use their discretion when issuing tickets to make the program more pro-active rather than confrontational. The statement was made that the Bylaw Enforcement Officers are the 'ambassadors' of the City and should be prepared to answer questions and provide assistance.

It was moved and seconded

***That:***

- (1) ***The City's parking program, (as outlined in the report dated July 12<sup>th</sup>, 2000, from the Manager, Community Bylaws & Administration), be approved in principle.***
- (2) ***An additional Parking Patroller position be created and added to the City's position complement control.***
- (3) ***Staff:***
  - (a) ***develop and conduct a public consultation process to determine the level of enforcement services the community would like to see for "on" and "off" street overtime parking as well as commercial vehicle infractions; and***
  - (b) ***develop a proposal call based on the outcome of the public consultation process.***

**CARRIED**

## COMMUNITY SERVICES DIVISION

### 7. **HAMILTON COMMUNITY CENTRE EXPANSION**

(Report: July 12/00, File No.: 7140-01) (REDMS No. 165276)

The Manager, Arenas Services, Vern Jacques, advised that the Manager, Facilities & Buildings for the Richmond School District, Garry McLean, was present to respond to any questions which the Committee might have.

Mr. McLean, in reply to a query, advised that when the new school was constructed, the site had been preloaded with sand and piles then driven through the preload material. However, as part of the construction process for the expansion to the school, the site was not preloaded with sand but instead, Styrofoam was used, with the result that the piles had to be longer in length and more were required to be constructed of steel rather than wood. Mr. McLean explained that this process had resulted in a cost saving, however, the project engineer failed to increase the cost of pilings for the project, at the same time as he reduced the cost of preloading because it was no longer required.

Discussion ensued, during which concern was expressed about the continuing increase in costs to complete the project. Questions were raised about whether there was a better location in the Hamilton area on which to build a new facility, which would not have the same subsoil problems as the present site. Advice was given however that this type of subsoil was predominant throughout the area.

It was moved and seconded

**(1) *That funding be increased for the Hamilton Community Centre expansion from \$225,000 to \$286,000.***

**(2) *That the additional \$61,000 be made available by pre-approving the amount from the 2001 Capital Program.***

**CARRIED**

### 4. **JOINT EMERGENCY LIAISON COMMITTEE - ANNUAL REPORT**

(Report: June 30/00, File No.: 0100-20-JEL11) (REDMS No. 157021, 157470)

The Manager, Emergency Programs, Suzanne Bycraft briefly reviewed the report with Committee members.

It was moved and seconded

**(1) *That the action statements (outlined in Table 2 of the report dated June 30, 2000, from the General Manager, Engineering & Public Works), regarding the Joint Emergency Liaison Committee – Annual Report, be endorsed.***

**(2) *That a copy of the staff report be sent to the Joint Emergency Liaison Committee Co-Chairs, Ms. Judy Rogers, City Manager, City of Vancouver, and Mr. Merv Harrower, Director – Provincial Emergency Program.***

**CARRIED**

## ADJOURNMENT

It was MOVED and SECONDED  
***That the meeting adjourn (5:40 p.m.).***

**CARRIED**

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Monday, July 17<sup>th</sup>, 2000.

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Mayor Greg Halsey-Brandt  
Chair

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Fran J. Ashton  
Executive Assistant

**PRYKE  
LAMBERT  
LEATHLEY  
RUSSELL**

BARRISTERS AND  
SOLICITORS  
  
TRADE-MARK AGENTS

F. ROGER M. PRYKE  
JOHN L. LEATHLEY  
K. BRUCE PANTON  
ARTHUR D.C. ROSS  
KATHLEEN A. JONES  
ERIC KAUFMANIS  
TONY S.T. KWAN  
DAVID L. KOZAK

**SCHEDULE A TO THE MINUTES OF  
THE GENERAL PURPOSES  
COMMITTEE MEETING HELD ON  
MONDAY, JULY 17<sup>TH</sup>, 2000.**

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July 17, 2000

FILE NO.: 51101  
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**BY HAND**

Members of the General Purposes Committee  
City of Richmond  
Richmond, B.C.

Dear Sir or Madam:

**Re: Proposed Bylaw No. 7135 (the "Bylaw") – Palm Spring Executive Club**

Further to our letter and our oral submission on July 4, 2000, we reiterate our client's position that our client should be allowed to operate without restrictions on its hours. We have reviewed the report to the Committee dated June 28, 2000 and July 12, 2000. We note a number of concerns pointed out in these reports which we will address in this letter.

1. One of the points which is raised in the reports is that other registered and unregistered massage therapists have been consulted and they are satisfied with the suggested closing time of 9:30 p.m. The July 12 report to the Committee states that our client is the only licensed unregistered massage therapist who wishes to open later than 9:30 p.m. This emphasizes the point that our client is unique in that they provide holistic therapeutic health services which includes facials, exercise equipment, saunas, whirlpool, TV lounge facilities as well as massages. This also highlights our suggestion that our client should be exempted from the Bylaw as they do not fit the category of "unregistered massage therapists".

Our client estimates that about 50-60% of their business occurs between the hours of 9 pm to 2 am and 20% of their business occurs after midnight. They are differentiated from body rub parlours and other unregistered massage therapists due to the following:

- (a) they are located inside a hotel (alleviating many safety concerns);
- (b) they provide services for both male and female customers;
- (c) the majority of their square footage is not used for massage therapy.





- (d) they offer other health, relaxation and beautification services such as facials, whirlpools, saunas, snacks and a T.V. lounge;
  - (e) they do not hold themselves out to providing medicinal treatments for specific ailments.
2. The report of July 12, 2000 goes on to state that without restricting the hours of unregistered massage therapists, there would be no reason for any business to register themselves under the body rub classification and no incentive to meet the Bylaw requirements regarding physical layout, lighting, clothing and any other regulations that were brought in to ensure the safety of staff and customers. We would respond to this concern by saying that the regulations have provided for a differentiation between body rubs and massage therapists and in Mr. Kendrick's submission to Council on July 4, 2000, Mr. Kendrick advised the Committee that the licensing department could distinguish between an unregistered massage therapist and a body rub. In addition, our client meets and exceeds all requirements of body rub parlours outlined in Bylaw amendment 7048 other than 5A.2.1(c)(iii) and 5A.3.1(c) (it is impossible for all rooms to be visible from the reception area since our client's premises cover 2 floors and over 7200 square feet and our client's massage therapists dress in shorts or pants and polo shirts) If there are licensing concerns, our client would be happy to work with the City to address these concerns.
3. The July 12, 2000 report goes on to state that body rubs are limited to C6 automobile oriented commercial districts to ensure that these types of businesses are not located in residential areas. City Staff state that there are no such restrictions on massage therapists (unregistered) in terms of where they are located. The simple solution would be for the same restriction to apply to unregistered massage therapists and our client would not object to such a restriction.

We believe that if the Bylaw is passed in its present form, it would encourage our client to obtain a body rub license which would be the incorrect license based on the clearly distinctive services our client provides. There would also be negative connotations associated with obtaining a body rub license. Our client's location is not a concern and we believe that our client already provides a safe environment that exceeds the requirements of the City for massage therapists and customers. Our client has never had policing concerns nor has the City advised us of any of these concerns related to unregistered massage therapists.

Based on the foregoing, we would recommend the following options for the Committee's consideration:

1. In consultation with unregistered massage therapists, to have restrictions regarding the physical layout, lighting, clothing and other regulations to ensure the safety of staff and customers for unregistered massage therapists but not to restrict the hours of operations of these businesses;

2. If hours of operations are to be limited, to limit the hours of operation for unregistered massage therapists to midnight on weekdays and 1:00 a.m. on weekends so long as in our client's case, our client be allowed:
  - (a) apply for two business licenses: one as a massage therapist (unregistered) whereby they would only be allowed to provide body massage until midnight on weekdays and 1:00 a.m. on weekends; and a second license as a health studio whereby they will be able to offer all other health facilities and services to members and hotel guests until 2:00 a.m.;
  - (b) Redefine the words "open during the following hours" to mean that so long as customers start their massage therapy prior to midnight on weekdays and 1:00 a.m. on weekends, customers will be allowed to finish their massage (much like meals in restaurants).
3. To have an exemption from the Bylaw for health studios which will be defined as fitness and health facilities which may provide therapeutic touch therapy so long as the business is not located in residential areas and no more than 25% of the square footage of the premises is used for massage therapy.

Yours truly,

**PRYKE LAMBERT LEATHLEY RUSSELL**

Per:

Tony S.T. Kwan

TK:bm