



Community Safety Committee

Date: Tuesday, February 10, 2009

Place: Anderson Room
Richmond City Hall

Present: Councillor Derek Dang, Chair
Councillor Ken Johnston, Vice-Chair
Councillor Evelina Halsey-Brandt
Councillor Greg Halsey-Brandt
Councillor Bill McNulty
Mayor Malcolm Brodie

Also Present: Councillor Sue Halsey-Brandt

Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

1. It was moved and seconded
That the minutes of the meeting of the Community Safety Committee held on Tuesday, January 13, 2009, be adopted as circulated.

CARRIED

NEXT COMMITTEE MEETING DATE

2. Tuesday, March 10, 2009, (tentative date) at 4:00 p.m. in the Anderson Room.

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LAW & COMMUNITY SAFETY DEPARTMENT

3. **ENHANCED SMOKING REGULATIONS POTENTIAL EXEMPTION FOR CIGAR RETAILER**

(Report: January 26, 2009, File No.: 12-8060-20-8360) (REDMS No. 2566420, 2566840)

In reply to a query from Committee, Wayne Mercer, Manager, Community Bylaws, advised that under Public Health Protection Bylaw 6989, smoking in any customer service area is prohibited, regardless of the distance between a customer service area and a building.

Dr. James Lu, Medical Health Officer, Richmond Health Services, Vancouver Coastal Health, supported staff's recommendation to not grant any exemptions. Dr. Lu referred to his letter addressed to Mayor and Council, dated January 8, 2009 (included in staff's report) and emphasized that smoke from cigars contain the same toxins and carcinogens as cigarettes, but in higher concentrations. In reply to a query, Dr. Lu disputed the assertion by Robusto proponents that cigars do not pose as large a health risk as cigarettes.

Christina Tonella, Regional Manager, Tobacco Reduction, Vancouver Coastal Health, spoke in favour of staff's recommendation to not grant any exemptions and advised that (i) the Office of the Medical Health Officer is developing a tobacco policy to ensure a smoke-free 2010 Olympic and Paralympic Winter Games; (ii) it is imperative that regulations be consistent and the City of Vancouver has not granted any exemptions to its enhanced smoking regulations; and (iii) economic impact studies conducted by agencies other than those employed by tobacco companies, indicate little or no negative financial impact to business' where smoking is no longer permitted.

Norman Hoff, 11100 Chickadee Court, was opposed to staff's recommendation and wished to see an exemption be granted to Robusto. Mr. Hoff noted his wife and he visit Robusto regularly, and as non-smokers, they have never been bothered by the cigar smoke.

Ashley Duyker, Community Action Coordinator, Canadian Cancer Society, congratulated the City for its enhanced smoking regulations and was in favour of staff's recommendation to not grant any exemptions. Ms. Duyker also offered the following:

- some premium cigar brands have as much tobacco in one cigar as in an entire pack of cigarettes;
- cigar smoking has been linked to cancers of the lip, tongue, mouth, throat, larynx, lung, and so forth;
- large cigars contain between five and seventeen grams of tobacco and can take between one and two hours to smoke;
- there is no risk-free level of exposure to second hand smoke; and

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- provinces and other municipalities that have banned smoking on patios have not granted any exemptions.

A copy of Ms. Duyker's submission is attached as Schedule 1 and forms part of these minutes.

Parker Chin, #320 – 5700 Andrews Road, spoke in opposition to staff's recommendation and wanted to see an exemption be granted to Robusto.

Carolyn Ewanchyna, Public Health Nurse, Tobacco Reduction Strategies, Richmond Health Services, Vancouver Coastal Health, was in favour of staff's recommendation to not grant any exemptions. Ms. Ewanchyna spoke of a recent environmental scan conducted by her office and advised that 93 businesses, ranging from malls to lunch rooms, were surveyed to determine the level of public awareness of smoking regulations and to identify ways to assist with dissemination of information. The survey indicated that there is increased awareness regarding smoking regulations and the public is generally smoking less. Ms. Ewanchyna distributed a brochure on pipe and cigar smoking (copy on file, City Clerk's Office) and speaking as a Richmond resident, has been bothered by second hand cigar smoke when visiting businesses near Robusto.

Dean Davison, representing Thomas Orange, President of Robusto, referred to the December 9, 2008 Community Safety Committee meeting, and was of the opinion that staff were instructed to draft a bylaw amendment exempting Robusto from provisions of Bylaw 6989 to take effect March 31, 2009, but had not done so. Mr. Davison was also of the opinion that staff sought complaints against his client's business to support their recommendation of not granting any exemptions.

Mr. Davison stated that reports and pamphlets distributed by delegates supporting staff's recommendation are insubstantial, as statements found in those materials are not definite.

Mr. Davison addressed Lee Fuller's complaint by stating that Mr. Fuller purchased his condominium, situated directly above Robusto, after the business had been operating for over a year.

Mr. Davison acknowledged that although the City of Vancouver has not granted any exemptions to their bylaw, they are not actively enforcing it either. A copy of Mr. Davison's submission is attached as Schedule 2 and forms part of these minutes.

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Noah Felgar, 4260 Garry Street, co-owner of Robusto, was opposed to staff's recommendation. Mr. Felgar provided background information on the creation of Robusto and highlighted that the business has been a positive member of the community by employing residents of Richmond, donating to charities, and becoming a member of Tourism Richmond. Mr. Felgar also noted that the sale of cigars, and his clientele's ability to enjoy those cigars at Robusto, was the business' primary focus. In reply to a query, Mr. Felgar stated that some tourists cannot export certain brands of premium cigars, therefore these tourists utilize Robusto's patio.

Thomas Orange, President of Robusto, was opposed to staff's recommendation and emphasized he anticipates his business will close without an exemption to permit smoking of cigars on the patio. Mr. Orange noted that Robusto is a small business, and therefore, should not be compared to large tobacco companies. He stated that he has positive relations with Lee Fuller, and questioned the origin of Mr. Fuller's complaint. Mr. Orange also spoke of businesses in Vancouver that openly contravene Vancouver's smoking bylaw.

In reply to queries from Committee, staff noted that (i) the City's current Public Health Protection Bylaw has no provision for exemption; and (ii) Richmond Health Services enforce the Public Health Protection Bylaw.

It was moved and seconded

That an exemption not be granted to the existing cigar retailer, from the provisions of:

- (a) *Subdivision Six of the City's Public Health Protection Bylaw No 6989; or*
- (b) *the Municipal Ticket Information Authorization Bylaw 7321:*
 - *Schedule A, Section 9. Public Health Protection Bylaw No 6989; and*
 - *Schedule B9, Subdivision 6 – Smoking Control & Regulation.*

The question on the motion was not called as discussion ensued regarding rational to support staff's recommendation of not granting an exemption.

Mayor Brodie left the meeting at 5:41 p.m. and returned at 5:42 p.m..

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

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4. **IMPACT OF SIX-STOREY COMBUSTIBLE CONSTRUCTION IN RICHMOND**

(Report: January 22, 2009, File No.:12-8360-03-02-01) (REDMS No. 2571249)

In reply to queries from Committee, Dave Clou, Chief Fire Prevention Officer, advised that (i) the province announced in July 2008 it would be amending the BC Building Code in order to allow for six-storey combustible construction; (ii) Fire Chiefs and other professionals were asked for their input; (iii) Richmond Fire Rescue is reviewing costs related to equipment and training required to effectively fight six-storey combustible construction fires; and (iv) many other lower mainland Fire Rescue teams share Richmond's concerns.

Gavin Woo, Acting Director, Building Approvals, commented on the City's building permit procedures.

Discussion ensued regarding the ramifications of this amendment to the BC Building Code for municipalities and the current number of six-storey combustible buildings under construction in Richmond. As a result of the discussion, the following motion was introduced:

It was moved and seconded

- (1) *That the "Impact of Six-storey Combustible Construction in Richmond" report (dated January 22, 2009) from the Acting Fire Chief be received for information;*
- (2) *That a letter be written to Richmond's MLAs and the provincial Fire Commissioner regarding issues set out in the "Impact of Six-storey Combustible Construction in Richmond" report (dated January 22, 2009); and*
- (3) *That staff review the current effects and status of the legislation, and recommend further steps to be taken such as communication with UBCM and/or further civic requirements.*

CARRIED

5. **2008 JOINT EMERGENCY PREPAREDNESS PROGRAM FUNDING**

(Report: January 15, 2009, File No.: 09-5125-03-14) (REDMS No. 2552901)

Stuart Corrigan, Acting Deputy Chief – Operations, responded to a query from Committee highlighting that this specialized equipment will give Richmond Fire Rescue (RFR) the opportunity to initiate cost recovery measures via mutual aid agreements should the equipment be utilized by other jurisdictions.

It was moved and seconded

That the "2008 Joint Emergency Preparedness Program Funding" report (dated January 15, 2009) from the General Manager, Law and Community Safety be received for information.

CARRIED

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6. **FIRE CHIEF BRIEFING**

(Oral Report)

Item for discussion:

Firefighter Recruitment Update

Acting Fire Chief Ron Beaman advised that RFR has started the 2009 Firefighter intake. Chief Beaman spoke of various recruiting tactics including current members identifying new candidates, advertising in the local papers, employment websites, and so forth.

7. **FIRE CHIEF & RCMP/OIC JOINT BRIEFING**

(Oral Report)

Item for discussion:

Hamilton Fire Hall – RCMP Facility Use

Chief Beaman noted that a workstation has been created in the Hamilton Fire Hall for use by the RCMP Constable assigned to the Hamilton area. It was mentioned that the area is not open to the public, however the Constable often meets community members at the nearby community centre.

8. **RCMP/OIC BRIEFING**

(Oral Report)

Item for discussion:

Railway Crossing Enforcement

Inspector Janis Gray spoke of an ongoing joint operation among Richmond RCMP, Canadian National Railways' Police, and City bylaw officers aimed at railway crossing enforcement. Insp. Gray noted that on January 28, 2009, over 100 violations occurred.

Discussion ensued regarding (i) the types of railway crossing violations and their fines; (ii) the number of accidents in Richmond involving motor vehicles and trains; (iii) the signage surrounding railway crossings; and (iv) the intersections involved in the highest number of accidents.

9. **OTHER ITEMS**

Helmets at Arenas

Discussion ensued regarding the use of helmets in arenas, and as a result of this discussion the following **referral** was made:

It was moved and seconded

That staff investigate and report back on the use of helmets at all Richmond arenas.

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10. MANAGER'S REPORT

(i) Council's Role During Emergencies

Deborah Procter, Manager, Emergency Programs distributed materials (copy on file, City Clerk's Office) outlining the Mayor and Councillors' role during emergencies.

(ii) Emergency Exercise Program

Ms. Procter advised that the Emergency Operations Centre has been temporarily set up to help prepare Richmond for the Olympics and other emergencies. Ms. Procter invited Committee members to visit the Emergency Operations Centre (EOC) at City Hall in Room M 2.004 and noted that activity at the EOC will be simulated.

ADJOURNMENT

It was moved and seconded
That the meeting adjourn (6:30 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the Community Safety Committee of the Council of the City of Richmond held on Tuesday, February 10, 2009.

Councillor Derek Dang
Chair

Hanieh Floujeh
Committee Clerk