



Special Council
Monday, May 28, 2018

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie
Councillor Chak Au
Councillor Derek Dang
Councillor Carol Day
Councillor Ken Johnston
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Harold Steves

Acting Corporate Officer – Claudia Jesson

Absent: Councillor Linda McPhail

Call to Order: Mayor Brodie called the meeting to order at 4:00 p.m.

RES NO. ITEM

COMMUNITY SAFETY DIVISION

- 1. **BUSINESS LICENCE SUSPENSION - ZODIAC KARAOKE**
(File Ref. No.: 12-8275-20-AMANDA) (REDMS No. 5798225)

Carli Edwards, Manager, Community Bylaws and Licencing, offered comments relating to the suspension period recommended in the staff report and stated that, due to the date of the suspension hearing, staff propose that the suspension dates be amended to June 15 to June 24, inclusive. Ms. Edwards introduced Constable Adam Carmichael, Richmond RCMP, noting that he was in attendance to answer any questions Council may have regarding the police inspections and RCMP involvement. Ms. Edwards further commented that the proponent to the business and a co-owner were in attendance and wished to address Council.



Special Council
Monday, May 28, 2018

RES NO. ITEM

In response to questions from Council, Ms. Edwards advised that the business had received several warnings and a municipal ticket for permitting smoking inside the establishment, and that staff recommend a suspension as a next step. Ms. Edwards also commented that the suspension period is consistent with past instances of licence suspensions for similar situations. She also advised that cancellation of the business licence is at Council's discretion and noted that there is no historical example of Council cancelling a licence prior to issuing a suspension. Ms. Edwards further noted that the three smoking violations had only recently been brought forward.

Bert Hick, President, Rising Tide Consultants, a representative for the owners of Zodiac Karaoke Inc., introduced himself and Kenny (Jun Gang) Gu, a co-owner of Zodiac Karaoke Inc., to Council and advised that he was present on behalf of the owners of the establishment. Mr. Hick commented that his firm is working with the business with regards to the smoking violation issue. He further noted that there have been no issues since the last incident was noted, and that substantial changes to staffing, policies, and procedures had been implemented. Mr. Hick referenced a letter sent from Zodiac Karaoke Inc. dated March 21, 2018 included in the report to Council, which outlined the corrective actions taken by the owners since the three incidents noted by staff and issuance of the municipal ticket (MTI 53876). He highlighted that the owners have implemented additional staff training to ensure customer compliance.

Mr. Hick expressed concern on behalf of Zodiac Karaoke Inc. with the severity of the penalty and noted that the 10 day time frame would be a burden to the owners and staff. He commented that in comparison, penalties for Liquor Regulation violations are far less severe, noting that the suspension for overcrowding is between 4 and 7 days and a fine of at least \$7500 is levied for establishments caught serving a minor. Mr. Hick also noted that Zodiac Karaoke Inc. had taken corrective measures since the last infraction and requested that Council give consideration to a 2 to 4 day suspension period to be carried out at a later date.



Special Council
Monday, May 28, 2018

RES NO. ITEM

In response to further questions from Council, Mr. Hicks advised that the business has posted signage around the establishment outlining the no smoking policy, as noted in the staff report. He also detailed that the owners have ensured that staff are increasing their vigilance in monitoring rooms every fifteen minutes within the establishment, in order to maintain visual control. Mr. Hicks further noted that a designated smoking area had been established away from the building and that staff is making a concerted effort to catch any violators. In response to further queries from Council, he advised that the current business licensees have operated the establishment since 2013 and the smoking violations are recent but effort has been made to curb the behaviour.

In response to a question from Council, Mr. Gu confirmed that there have been no smoking violations at the establishment since March 11. Constable Carmichael also confirmed that RCMP had visited the premises twice since then and have found no instances of bylaw infractions.

Constable Carmichael further noted that during the two RCMP inspections since March, there have been no further smoking violations and that staff at Zodiac Karaoke Inc. have been cooperative. In response to queries from Council, Constable Carmichael and Ms. Edwards clarified that a different owner was operating the business in 2012 when previous violations had been issued.

In response to additional queries from Council, Ms. Edwards advised that staff and owners would be allowed access to the building during a suspension and that staff reviewed historical Council decisions regarding suspensions from similar cases. Ms. Edwards commented that reducing the suspension period would most likely not have an impact on any future business licence suspension hearings for other businesses and that staff have recommended a moderate penalty given the type of infractions. She further clarified that staff had only reviewed cases within Richmond when determining a penalty recommendation.

Discussion then took place on reducing the suspension period from 10 days to 7 days and as a result, the following **motion** was introduced:



Special Council
Monday, May 28, 2018

RES NO. ITEM

SP18/2-1 It was moved and seconded
That the business licence of Zodiac Karaoke Inc., doing business as Zodiac Karaoke Cabaret, operating from a premises located at Unit #155 – 8291 Alexandra Road, Richmond BC, be suspended for a period of 7 consecutive days from June 15, 2018 to June 21, 2018, inclusive.

The question on the motion was not called as Council further discussed that the business has been in compliance since the last infraction was recorded on March 11, 2018, and that any further violations from the business may result in a longer suspension. Council also noted concern for the safety of the employees of the establishment in working in a facility that may not have proper ventilation to allow smoking indoors.

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

ADJOURNMENT

SP18/2-2 It was moved and seconded
That the meeting adjourn (4:24 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the Special meeting of the Council of the City of Richmond held on Monday, May 28, 2018.

Mayor (Malcolm D. Brodie)

Acting Corporate Officer (Claudia Jesson)