



**Special Council Meeting
Monday, July 7, 2008**

Time: 4:00 p. m.

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie
Councillor Linda Barnes
Councillor Cynthia Chen
Councillor Derek Dang
Councillor Sue Halsey-Brandt
Councillor Rob Howard
Councillor Bill McNulty
Councillor Harold Steves
Director, City Clerk's Office – David Weber

Absent: Councillor Evelina Halsey-Brandt

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

RES NO. ITEM

BUSINESS & FINANCIAL SERVICES DEPARTMENT

1. **ZODIAC KARAOKE BUSINESS LICENCE SUSPENSION**
(Report: May 12, 2008 File No.: 12-8275-06) (REDMS No. 2451494, 2433502, 1120728, 1120447, 1122397, 202862, 2031555, 2276158, 2459253)

Amarjeet S. Rattan, Chief Licence Inspector, advised that on May 9, 2008, approximately one month after J&B Investments Ltd. dba: Zodiac Karaoke's Show Cause Hearing held on April 17, 2008, the Joint Inspection Team found further smoking violations.

Peter Whyte, legal counsel representing Francis Yip, principal owner of J&B Investments Ltd. dba: Zodiac Karaoke, advised that his client was seeking further consideration on the length and date of commencement of the business licence suspension.



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Mr. Whyte indicated his client's efforts to comply included the development of a 'Corrective Action Plan' (CAP). Mr. Whyte noted that his client anticipates that the CAP will aid in addressing many of the problems the small group of young unruly clients create. Mr. Whyte then listed some of the provisions of this CAP including:

- installing smoke detectors in all karaoke rooms;
- keeping extra smoke detectors ready to replace tampered ones immediately;
- having staff check each smoke detector daily and maintain a 'Smoke Detector Log';
- hiring a security guard to be on site from 9:00 p.m. to 2:30 a.m. each Friday and Saturday; and
- installing an outdoor patio heater to encourage clients to smoke outside.

In developing the CAP, Mr. Whyte advised that his client has incurred costs such as hiring legal counsel, new staff, and purchasing new smoke detectors and an outdoor patio heater.

Mr. Whyte stated that the length of suspension has doubled each time since his client's first suspension. Mr. Whyte distinguished that his client has made efforts since his most recent business licence suspension, lasting two weeks, to comply with the smoking bylaw. Thus, Mr. Whyte's view was that the proposed 30 day suspension was unduly lengthy.

Mr. Whyte further advised that the proposed dates of suspension would occur during Mr. Yip's busiest time of year, therefore, potentially harming Mr. Yip's ability to maintain the business.

In reply to Mr. Rattan's comment regarding further violations on May 9, 2008, Mr. Whyte stated that the hired security guard had called in sick on that date. Since then, Mr. Yip has a back-up plan to have himself present at the business should the security guard call in sick in the future.

Mr. Whyte advised that two other inspections occurred on March 9, 2008 and July 6, 2008, and no further tickets were issued on those dates. Mr. Whyte remarked that these two inspections are testament that his client is on the right track to fully addressing the smoking violations.



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In reply to several questions from Council, Mr. Whyte advised the following:

- the patio heater was purchased prior to his client being aware of the City's new smoking regulations;
- a designated outdoor smoking area, in compliance with the new smoking regulations, has not yet been identified; and
- should the security guard not be available, Mr. Yip will act in such capacity.

Council expressed concern regarding Mr. Yip's well-being should he be required to carry out security guard duties.

Mr. Whyte also advised that if the proposed date of suspension were deferred until September 2008, then his client would not have to close his business during the busiest time of year. Mr. Whyte stressed that the summer months are his client's busiest time of year as the majority of clients are university students.

In reply to several queries, Mr. Rattan emphasized that consistent violations could not be overlooked. Mr. Rattan advised that this company has had two Show Cause Hearings in the past two and a half years. Mr. Rattan further noted that he has not seen a change in business practices or a change in the rate of violations.

Mr. Rattan advised that the suspension serves as a financial deterrent to this particular business, but also demonstrates to the rest of the business community that bylaw infractions are serious and that Council takes appropriate action on violations. Mr. Rattan remarked that in the past two and a half years he has seen little change in behaviour and action other than Mr. Yip hiring legal counsel and creating a 'Corrective Action Plan'.

Mr. Rattan confirmed that violation tickets were not issued during the past two inspections, as for the first visit, the RCMP attended on gang and drug related activities, thus, the RCMP were not looking for smoking violations. During the second inspection, conducted by the Joint Inspection Team, there were no violations. Nevertheless, the business has otherwise consistently violated the bylaw.



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Mr. Rattan further remarked that this business’ record indicates to the public that this is a place to smoke indoors. The business licence suspension would demonstrate zero tolerance toward indoor smoking to the business owner and to its clientele.

Mr. Rattan advised that delaying the suspension would have been considered, however, this business in particular has a long history of violations and this was not the first time this business owner had appeared before Council. Therefore, this business has demonstrated year after year that it cannot comply with the smoking bylaw.

SP08/5-1

It was moved and seconded

That the Business Licence of J&B Investments Ltd. dba: Zodiac Karaoke operating from premises located at Unit 155 – 8291 Alexandra Road, Richmond, B.C., be suspended for a period of 30 days commencing July 15, 2008 to August 13, 2008, both dates inclusive, for violations of the Business Licence Bylaw 7360 Section 5.1 (b) and the Public Health Protection Bylaw No 6989 Section 6.1.1.1 (k).

CARRIED

LAW & COMMUNITY SAFETY DEPARTMENT

- 2. **SITE CLEAN UP OF AN UNSIGHTLY PROPERTY**
CIVIC ADDRESS: 6400 GARDEN CITY ROAD
LEGAL DESCRIPTION: SEC: 10-4-6 PL: 1305

(Report: June 23, 2008, File No.: 12-8080-05/Vol 01) (REDMS No. 2468645, 2451844, 2432954, 2469944)

Jodie Shebib, Supervisor Community Bylaws, distributed recent photos of the subject site (copy on file, City Clerk’s Office) and advised that Community Bylaws received a complaint on March 11, 2008 and has since received three others.

Ms. Shebib reviewed the site context and noted there are two derelict vehicles in the rear yard, overgrown and noxious weeds, grass over 20 cm in height, and a large amount of discarded materials such as a tub and tires. Ms. Shebib remarked that an area of vegetation has encroached onto the adjacent sidewalk, creating a potential safety hazard. Ms. Shebib also noted that this is the fourth unsightly file for this property since April 2006.



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Allen Shen, owner of 6400 Garden City Road, advised that he came to Richmond in 1979 and has since always complied with City bylaws. Mr. Shen was concerned that he was being treated unfairly as, in his opinion, the neighbouring site is also unsightly, yet does not have an Order to Comply.

Mr. Shen remarked that he has contacted his tenant on several occasions requesting that his tenant comply with the bylaw.

Mr. Shen claimed that the developer of an adjacent property has discarded some concrete and debris on his property and has not followed through in removing these materials.

Mr. Shen referenced the fallen tree in the backyard and stated that the tree is still alive and therefore, does not want to cut it.

In reply to a query, Ms. Shebib advised that the adjacent property does not have an unsightly file as the property does not meet the unsightly criteria under the bylaw.

In reply to a query, Mr. Shen stated that the materials located on the property belong to his tenant.

Ms. Shebib advised that assertions against the developer of an adjacent site cannot be substantiated. Nevertheless, the City collects a damage deposit from all developers to ensure City property is restored to its original state.

Wayne Mercer, Manager, Community Bylaws, advised that the Community Bylaws division responds to unsightly premises bylaw infractions on a complaint basis.

Ms. Shebib provided information regarding the process of tidying unsightly premises.

A suggestion was made that staff provide a grace period of approximately one week prior to contacting the City's contractor for removal of the discarded materials.

SP08/5-2

It was moved and seconded

- (1) That the appeal submitted by Allen Shen, (owner of 6400 Garden City Road, Richmond) against the "Order to Comply" issued on May 26, 2008 regarding the condition of his property under the Unsightly Premises Regulation Bylaw No. 7162 and section 17(1) of the Community Charter, be denied; and**



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(2) *That the City’s contractor, Walden Disposal and Tractor Service, be authorized to remove all of the discarded materials at 6400 Garden City Road, Richmond, in accordance with the “Order to Comply” of May 15, 2008 issued under the Unsightly Premises Bylaw No. 7162 and section 17(1) of the Community Charter, at an estimated cost of \$1966.31 to be recovered from the property owner.*

CARRIED

ADJOURNMENT

SP08/5-3

It was moved and seconded
That the meeting adjourn (5:11 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, July 7, 2008.

Mayor Malcolm D. Brodie

Corporate Officer (David Weber)