



General Purposes Committee

- Date: Monday, April 19th, 2004
- Place: Anderson Room
Richmond City Hall
- Present: Mayor Malcolm D. Brodie, Chair
Councillor Linda Barnes
Councillor Derek Dang
Councillor Evelina Halsey-Brandt
Councillor Sue Halsey-Brandt (4:05 p.m.)
Councillor Rob Howard
Councillor Kiichi Kumagai
Councillor Bill McNulty
Councillor Harold Steves
- Call to Order: The Chair called the meeting to order at 4:00 p.m., and advised that the delegation would not be making a presentation this evening.

MINUTES

1. It was moved and seconded
That the minutes of the meeting of the General Purposes Committee held on Monday, April 5th, 2004, be adopted as circulated.

CARRIED

DELEGATION

2. (1) *Allen Domaas, President and CEO, Fraser River Port Authority, regarding "Water Route for Cargo".* (File No.: 0140-20-FRHA1) (REDMS No. 1123910)
Withdrawn.

Chief Administrative Officer George Duncan introduced the new General Manager, Finance & Corporate Services, Rod Kray, to the Committee, who in turn, welcomed him to the City.

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FINANCE & CORPORATE SERVICES DIVISION

3. 2004 GRANTS PROGRAM

(Report: Mar. 22/04, File No.: 01-1085-01/CL Vol.-) (REDMS No. 1203889, 1214332)

The Manager, Customer Services, Anne Stevens, referred to the Asian Youth Worker, and advised that his contract with the Richmond Youth Services Society had not been renewed because the individual in question was currently on medical leave. She further advised that the recommended amount of \$17,000 would be used by the Society to extend the hours of operation of the youth centres into the summer months and later into the evenings. In response, the suggestion was made that half of the grant be approved, with a request that a report be submitted on the operation of the youth centres prior to any additional funding being approved. The request was also made that the Richmond Youth Services Society provide a synopsis of the services currently being provided at both of their offices.

Reference was made to the Steveston Float, and advice was given that the \$10,000 was intended to provide funding to (i) rebuild the truck engine, and (ii) decorate the float. The suggestion was made that because at this point it was unclear as to the funds which would be utilized for the float, that the funds be set aside.

Reference was made to the interpretative signs for the Richmond Nature Park, and to the in-kind contribution being provided by City staff for the design work of the signs. The comment was made that the recommendation for the Nature Park Society should be amended to reflect the \$6,000 in-kind contribution.

Reference was also made to the revenue surplus shown by the Richmond Nature Park Society, and advice was given that Society staff were working with Parks, Recreation & Cultural Services Division staff to determine their financial status. Reference was also made to the limited edition artwork and questions were raised about whether the Society had contacted the Art Gallery about promoting the artwork. Further discussion ensued, during which Cllr. Sue Halsey-Brandt, as Council Liaison to the Nature Park Society, advised that she would pursue the suggestion with the Society.

As a result of the discussion, the following **amended** motion was introduced:

It was moved and seconded

That the following grants be approved:

- (1) *a \$17,000 grant to the Richmond Youth Services Society, on the understanding that \$8,500 would be disbursed immediately, and that the Society would report on:*

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- (a) its progress in extending the hours into the summer months and later into the evening;*
- (b) the current services provided by the Society; and*
- (c) identify how the expanded hours were being utilized, i.e. were the new hours sufficiently late and were the needs of the youth being met,*
prior to disbursement of the remaining funds;
- (2) a \$10,000 grant to the Steveston Community Society for the Steveston Float, to be disbursed after a full review of needs is completed;*
- (3) a \$10,000 grant, with an in-kind contribution of \$6,000, to the Richmond Nature Park for the Richmond Nature interpretative signage; and*
- (4) a \$10,000 grant to the Minoru Seniors Society for the Seniors Wellness Coordinator.*

Prior to the question on the motion being called, staff were directed to ensure that all in-kind contributions were properly and consistently recorded.

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

4. **JP MALONE'S LIQUOR LICENCE APPLICATION**

(Report: Apr. 13/04, File No.: 12-8275-30-004) (REDMS No. 1218192)

Ms. Stevens advised that she had nothing further to add.

Mr. Richard Fernyhough, of Smart & Williams, accompanied by Mr. John Grewal, owner of JP Malones, spoke about the application submitted by Mr. Grewal for a permanent extension of the opening hours of his neighbourhood pub. A copy of Mr. Fernyhough's submission is attached as Schedule A and forms part of these minutes. On file in the City Clerk's Office is a copy of correspondence circulated to the Committee by Mr. Fernyhough from Mr. Mickel J. Kljajic, a resident of Blundell Gardens.

Discussion then ensued among Committee members and staff, and in response to questions, the following information was provided:

- the RCMP submission did not provide information on the exact number of occurrences which had taken place at JP Malones
- the temporary permit issued to JP Malones would expire at the end of April, 2004; Richmond had been given 90 days to complete the application process recommended by the Liquor Control & Licencing Branch; a notice sign had been posted; letters were sent to all residents located within 50 metres of the pub; and three advertisements placed in a local newspaper

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- approval of any extension to the temporary permit, as requested by Mr. Fernyhough on behalf of his client, would be by the Liquor Control & Licencing Branch.

Mr. Terry McPhail, of 11971 Flamingo Court, and the owner and operator of the Garden City Shopping Centre and the marine pub located in East Richmond. Mr. McPhail advised that there had been an increase in vandalism and littering, etc., since the extension of hours at JP Malones. He noted that most neighbourhood pubs closed voluntarily at 12:30 a.m. to not adversely impact adjoining neighbourhoods. Mr. McPhail stated that he was not opposed to late night hours in certain areas, however, he added that neighbourhood pubs surrounded by residential areas should not have extended hours. He concluded his presentation by stating that the Blundell Road/Garden City Road area was not an appropriate location for a pub with extended hours and that a commercial area would be better suited as neighbours would not be affected by any disturbances.

A brief discussion then ensued among Committee members and Mr. McPhail on the amount and type of damage being experienced at the shopping centre.

Ms. Maureen Derkson, Strata Chair for the Blundell Gardens complex, 8760 Blundell Road, advised that she had received many complaints from residents about the extended hours currently in effect at JP Malones; that the Strata Council had made the decision to write a letter to the City on this matter, and that the Strata Council had never encouraged anyone to write a form letter as had been stated by Mr. Fernyhough.

Ms. Derkson stated that while the residents did not have a personal dispute with the owners of the pub, their complaints related to the late night openings and to the rowdiness and disorderly conduct of patrons leaving the premises, the loud music, and to the damage which frequently occurred in the Blundell Gardens parkade.

Ms. Derkson referred to correspondence received by the Committee from Mr. Mickel J. Kljajic, a resident of Blundell Gardens, and advised that she had received an apology from him for his letter. She added that Mr. Kljajic had indicated that he intended to 'tone down' his support for JP Malones as he now agreed with some of the residents' concerns.

Mr. Ray Mitchell, a resident of Blundell Gardens, expressed concern about the disturbance of the peace which residents had faced on Friday and Saturday evenings since the extension of the opening hours at JP Malones. He spoke about the many visits of the RCMP to deal with disturbances occurring outside of the pub, the increased noise from honking car horns, screeching tires, and the inappropriate behaviour of patrons leaving the facility.

Mr. Mitchell concluded his submission by stating that the disturbances could not be allowed to continue, and suggested that the pub was 'an island in an increasingly residential area' and would be more appropriate in another area.

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It was moved and seconded

That the application to amend the liquor licence for JP Malone's at 9031 Blundell Road NOT be supported (for reasons outlined in the staff report dated April 13, 2004 from the Manager, Customer Service.)

Prior to the question on the motion being called, Committee members spoke in support of the staff recommendation. Comments were made that the current situation would not be tolerated in single family neighbourhoods; and that the location was inappropriate for extended opening hours.

Concern was also expressed about additional police costs to deal with the increased number of incidents of vandalism and violence which were occurring at the pub, and to the increase in litter in the area surrounding the pub.

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

5. **ICARUS AVIATION LTD./NAUTILUS EXPLORER**

(Report: Mar. 30/04, File No.: 12-8275-30-001) (REDMS No. 1216543)

It was moved and seconded

That Council decline comment to the Liquor Control and Licensing Branch with regard to the Icarus Aviation Ltd/ Nautilus Explorer Liquor Primary Licence application.

CARRIED

PARKS, RECREATION & CULTURAL SERVICES DIVISION

6. **2010 OLYMPIC AND PARALYMPIC GAMES**

(Report: Apr. 7/04, File No.: 01-0100-20-OLYM1/2004-Vol 01) (REDMS No. 1219536)

It was moved and seconded

(1) *That the guiding principles (as outlined in the report dated April 7th, 2004, from the General Manager, Parks, Recreation & Cultural Services), be adopted;*

(2) *That the Terms of Reference for a Richmond 2010 Community Opportunity Task Force be adopted; and*

(3) *That Council advertise and recruit for the Richmond 2010 Community Opportunity Task Force.*

CARRIED

It was moved and seconded

That Councillor Bill McNulty be appointed as the Council Liaison to the Richmond 2010 Community Opportunity Task Force.

CARRIED

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CHIEF ADMINISTRATIVE OFFICE

7. TAXPAYERS' SURVEY

(Report: Apr. 15/04, File No.: 01-0168-01) (REDMS No. 1216508)

The Director, Corporate & Intergovernmental Relations, Lani Schultz, advised that the consultant wished to have the work completed by the end of April, and could be requested to add additional questions. She further advised however that to request a breakdown of the results could extend the work beyond the April 30th deadline.

Discussion then ensued on the proposed survey questions, during which it was noted that Questions 3 and 4 were duplicates. Comments were also made about the wording of a number of the questions, with suggestions being made on possible amendments. Also discussed were the following matters, during which many Committee members indicated that they would not support the proposed recommendation:

- the cost of the survey, especially when the information obtained from the survey may not be specific to Richmond
- the need to include information with the tax notice which provided a breakdown of costs for the provision of community safety as compared to other City expenses
- the inability of residents to make informed decisions with regard to the survey questions because of their lack of knowledge as to how the City functioned
- the results of previous surveys which indicated that the public did not support increased user or parking fees, but would be willing to pay additional taxes
- the feasibility of developing an insertion to accompany the property tax notice which would provide a breakdown of the day-to-day costs to the average taxpayer of the services provided by the City.

Mayor Brodie spoke about the proposed survey, and circulated to the Committee, a series of potential questions which he felt could be added to the Ipsos-Reid survey. (A copy of these questions is on file in the City Clerk's Office.) He indicated that he would like the survey to be distributed with the property tax notices as he felt that it was important that the people paying their taxes be given the opportunity to provide their viewpoints.

Discussion ensued with further opposition to the inclusion of a survey with the property tax notices being expressed. However, the opinion was also expressed that the survey would be an excellent opportunity to obtain valuable statistically valid information.

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(Councillor Evelina Halsey-Brandt left the meeting at 5:47 p.m., and returned at 5:54 p.m., during the above discussion.)

Councillor Evelina Halsey-Brandt circulated to Committee members, information which she had received on the day-to-day operating costs paid by the average taxpayer. She suggested that the information could form the basis of an insert into local newspapers, and she spoke about the need to educate the community about how the City functioned before having them respond to a survey.

Discussion continued, with opposition being expressed to the inclusion of a survey with the property tax notices, but support given for the creation of an information sheet to which residents could respond within a certain period of time. The request was made that community safety expenditures be separated from the remainder of City costs. The suggestion was also made that the information provided by Cllr. E. Halsey-Brandt be published in local newspapers.

It was moved and seconded

- (1) *That staff be directed to engage Ipsos-Reid to conduct a telephone survey (as outlined in the report dated April 15th, 2004, from the Director, Corporate & Intergovernmental Relations);*
- (2) *That staff report to Council with the results of the Ipsos Reid Survey, along with recommended questions and topics for follow-up focus group discussions and process regarding City taxation and service level matters.*

DEFEATED

OPPOSED: Mayor Brodie
Cllr. Barnes
Dang
E. Halsey-Brandt
Kumagai
McNulty
Steves

It was moved and seconded

That an information sheet be created for insertion into the 2004 property tax notice.

Prior to the question on the motion being called, staff were directed to include a day-to-day breakdown of operating expenses, in dollars and cents, which were paid by the average taxpayer. Staff were also asked to present this information as part of the Five Year Financial Plan public consultation process.

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

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It was moved and seconded

That staff prepare education and feedback materials for insertion into local newspapers, the City web site and other forms of communication.

CARRIED

(Councillor Sue Halsey-Brandt left the meeting at 6:15 p.m.)

URBAN DEVELOPMENT DIVISION

8. NEW PROVINCIAL GOVERNMENT SAFETY STANDARDS ACT AND REGULATIONS – IMPACT OF CHANGES TO RICHMOND

(Report: Mar. 29/04, File No.: 01-0035-01) (REDMS No. 1216275, 1119064)

Designated Speaker: Gavin Woo

It was moved and seconded

That the report (dated March 29th, 2004, from the Code Engineer), regarding the impact to the City of the new provincial government Safety Standards Act and Safety Authority Act and their associated regulations, be referred to the Community Safety Committee.

CARRIED

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (6:16 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, April 19th, 2004.

Mayor Malcolm D. Brodie
Chair

Fran J. Ashton
Executive Assistant, City Clerk's Office

INTRODUCTION

Committee Members - Mr. Mayor

My name is Richard Fernyhough

I'm a lawyer with the Vancouver criminal law firm of Smart and Williams

I'm hear today with John Grewal – owner of JP Malones

I come before you with some knowledge of the recent history of Richmond. My parents moved to Richmond in 1962 and have resided here ever since. I went to elementary school and high school here and graduated from McNair in 1976. I worked for the city during the summers when I attended UBC in the early 80's and again when I went to the University of Western Ontario for my law degree in the early 90's. I have since moved back to Richmond and own a home here, as do my parents and my sister.

HISTORY OF JP MALONES

JP Malones opened in 1978 and along with the Kingswood arms was one of the first two neighborhood pubs opened in Richmond. Mr. Grewal has owned and operated the pub from the outset. Many of you may recall the vocal opposition expressed at that time to allowing pubs in residential areas. Similar concerns were voiced then as are being voiced today about extended opening hours: noise disturbances; traffic issues; increased consumption of liquor; and the negative impact on the community. And yet it was recognized by city council that neighborhood pubs have a social utility and that the benefits outweighed the costs and 25 years later neighborhood pubs are for the most part an accepted part of our neighborhoods.

JP Malones has been a contributing corporate citizen in Richmond for the past 25 years. During that time Mr. Grewal informs me that there has only been 2-3 police complaints against the pub prior to the temporary license being granted on January 1st of this year, which I will address in a moment.

JP Malone's has contributed sponsorship funds to numerous amateur sports teams over the years; they've helped various groups raise considerable funds for charities; they've worked with local school groups for the same purpose. I first met Mr. Grewal about 25 years ago when he sponsored the team I played for in the Steveston men's fastball league, back when the pub was called the Coach and Crown.

In addition to contributing financially to various worthy causes in the community, JP Malone's has also contributed to the community through municipal and corporate taxes. Mr. Grewal informs me that originally his municipal taxes were

approximately \$10,000 and that he currently pays in the neighborhood of \$40,000 a year to the city of Richmond.

BENEFIT/COST ANALYSIS

JP Malone's, in bringing this application, is aware that many people may not see the social utility in extending opening hours of drinking establishments until the wee hours of the morning. Not everyone wants to drink or socialize from two to four in the morning. That being said, not everyone supports the sun run because of the traffic chaos it creates downtown. Not everyone wants the fireworks display at English Bay because of the noise, vandalism, and violence it causes. The point I'm trying to make is that in large urban centers like Richmond and Vancouver, part of living in these places will entail some inconvenience and aggravation to certain residents at certain times in certain places, it is simply unavoidable.

Neighborhood pubs have a social utility. If they didn't, we wouldn't have them. So what are the benefits of extending the opening hours? From the outset, it has to be recognized that there is a demand from the public for extended opening hours. If there were not, we wouldn't be here today. As evidence of that is the 34-page petition signed by patrons of JP Malone's.

And it is important to recognize where that demand is coming from. Our society has changed dramatically over the years and continues to change. Not too long ago it was an offence under the Lord's Day Act to open a business on Sunday, and the normal workweek was nine to five Monday through Friday. Not today. Richmond has numerous hotels and other businesses where staff work until midnight or later and when they get off work they want a place to go and socialize and have a drink. We can no longer make assumptions about who goes to drink at a pub in the early morning hours.

Mr. Grewal informs me that well over 90% of his patrons live in Richmond, work in Richmond or are staying in Richmond at one of the hotels. So the demand for the extended opening hours is coming from within Richmond itself, and it is those patrons who benefit from the extended opening hours.

JP Malone's would of course be another beneficiary of the extended opening hours. I have no doubt that this council is anxious to ensure that the businesses located here have the ability to compete in the market place, not only to ensure future businesses will locate here but to ensure existing businesses are successful and can continue to contribute to our city. And in order to compete in this market place, JP Malone's needs the extended opening hours.

In recent years, numerous factors have arisen which have adversely affected business for the neighborhood pubs in Richmond. The smoking ban for one,

however that affected everyone equally. However other factors have not applied equally. Changes to liquor licensing regulations have enabled certain restaurants to essentially operate as bars, thereby eroding the business of the existing neighborhood pubs. Restaurants fitting into this category would be Sammy J Peppers, Moxies and Boston Pizza. Mr. Grewal informs me that the Boston Pizza on Steveston Highway has more draft beer sales than JP Malone's.

In addition, there are a number of local establishments, which have late opening hours already, such as the Karaoke clubs and certain restaurants, not to mention the illegal after hour clubs. And soon the casino will be open, and all night from what I understand, and it is very likely they will seek to have extended hours for liquor sales.

But the factor, which perhaps is the most competitively disadvantageous one to pubs such as JP Malone's, is the extended opening hours of the Vancouver bars. Vancouver has obviously decided the benefits outweigh the costs even though the news reports suggest the costs have been considerable. However, the dynamic in Vancouver is drastically different than the one in Richmond, and it is doubtful Richmond would have the same sort of problems. For one, most of the problems have occurred downtown where there is a very high concentration of bars in a relatively small area. For another, it is likely most of the patrons don't live downtown, but come in from other areas.

With the Vancouver bars open later, JP Malone's would lose the business of people who want to go out past midnight or one A.M., as it is unlikely they will go to a pub in Richmond and then drive to Vancouver when it closes.

So what this application for extended opening hours really comes down to is this: JP Malone's is asking for the right to compete on a level playing field, to provide a service to satisfy a demand created by people who live, work or are staying in Richmond as tourists or otherwise.

Against the benefits of extending the opening hours, this council will undoubtedly be asking the question "but at what cost?" Which brings me to the report tendered by the Manager, Customer Services that purports to summarize the comments from interested parties. JP Malone's takes issue with the tenor and conclusions reached in this report.

City Council has gone on record as being opposed to extended opening hours and perhaps it is not surprising that the recommendation from the city staff is to not support JP Malone's application. However, it would appear that some of the comments are either unsubstantiated or misleading.

THE RESIDENT'S COMMENTS

We have not had the opportunity to read the letters submitted by residents. Certain objections it seems were raised by the resident's who responded to the advertisements. It should be noted that only 40 letters were received and perhaps it is not surprising that the majority of those were against the application, as the people in support or who didn't care one way or the other would likely not respond at all.

The comments cite:

- 1) Noise disturbance – I would ask this committee to take into consideration the fact that since January 1st when the temporary license went into effect there have only been two noise complaints made that JP Malone's is aware of, and they are noted under the Health comments. The first was on February 1, Superbowl Sunday. Mr. Grewal informs me that a large group of patrons entered his pub after the other bars closed and were out on his patio making considerable noise. This was close to the beginning of his temporary license and he admits he was not properly prepared for that eventuality. However, since that time he has added additional staff to man the later hours and he closes his balcony early so no one is outside during the later hours. Mr. Grewal informs me the second complaint was an allegation that there was an after hours party at approximately 5:30 A.M. on February 14. Mr. Grewal further informs me he closed up that night and all the staff were gone at 4 A.M. so there was no substance to that complaint.
- 2) Traffic Issues – We are uncertain what these issues would be as there would be very little traffic at that time of the morning.
- 3) Vandalism – Mr. Grewal informs me that he has noticed no increase in vandalism since the extended hours started and nothing has been brought to his attention that can be attributed to the patrons of the pub. It should be noted that there is an all night Mac's convenience store across the street that attracts young persons in the early morning hours as well as a subway in the immediate area.
- 4) Littering of beer bottles – There will be the occasional irresponsible patron and it is difficult to police them after they have left the premises. However, JP Malone's would question the contention that there are more incidents as a result of the extended hours. JP Malone's employs four doormen who are instructed not to let anyone leave with alcohol. In addition, JP Malone's now serves alcohol in plastic cups after midnight.
- 5) This is a neighborhood setting – This concern may be directed to the question as to whether pubs should be allowed in neighborhoods at all.

JP Malone's is not aware of any criminal charges being laid against any of their patrons associated with the extended hours. They are not aware of any impaired charges being laid against any patron of JP Malone's leaving the premises after the extended hours were put in place.

In addition to the added police presence since the extended hours began, Mr. Grewal was informed by a member of the Richmond fire department that they had been requested to drive by JP Malone's two to three nights a week at 1:30 A.M. and 3:30 A.M. JP Malone's is not aware of any negative reports from the fire department as a result of those drive bys.

CLOSING COMMENTS

JP Malone's employs twelve staff members for their extended openings, including 4 doormen. The servers have taken the "serve it right" course and are trained not to serve intoxicated patrons. They wear signs around their necks instructing them to require two pieces of I.D. from all patrons. They have posted large signs on the premises reminding patrons to be quiet when leaving. JP Malone's operates its business in a professional and responsible manner. They have a continuing stake in this community and an incentive to be a good neighbor.

Although JP Malone's has an application for a permanent change to its opening hours, it also has an application outstanding for a temporary change to its license. On behalf of John Grewal and JP Malone's, I am asking this council to grant a six-month extension to the existing license and to defer making a decision on the permanent license to allow council an opportunity to fairly evaluate the impact of extended opening hours on all interested parties.

HEALTH COMMENTS

I have already discussed the two noise complaints listed in the Health comments section. What is of concern here is it appears that based on those two complaints, one of which was unsubstantiated, the health authority recommended that the extended operating hours not be renewed, even though Mr. Grewal took appropriate steps to rectify the situation which led to the complaint.

RCMP COMMENTS

Ms. Stevens notes in her report that there will be an additional cost to the city due to the increase in police manpower. It should be noted that JP Malone's has asked the police to attend on only two occasions since they commenced their extended operating hours. Mr. Grewal informs me that the number of calls is consistent with the call out rate before the extended hours.

What this report doesn't indicate is that the police very early on in February indicated to Mr. Grewal they wouldn't be supporting his application for extended hours. They then started attending JP Malone's unbidden almost every night at closing time looking for violations. Mr. Grewal informs me that on occasions there would be a number of police cars parked across the street just watching his premises.

Under the police comments there is a litany of complaints. However most of these police complaints relate to one or two nights and most of the complaints written up by the police are contested. In her report, Ms. Stevens cites the potential for an increase in violence, as stated in the police comments. In the police comments it states there was possession of prohibited weapons. That relates to an incident where the doorman of JP Malone's had confiscated a set of brass knuckles from a patron upon entry. When the patron was leaving, the doorman attempted to return them and the police became involved. While the police were dealing with the doorman, the patron walked out with a beer. The police cited JP Malone's for allowing someone to have an open bottle of beer outside and for not keeping the brass knuckles behind the bar. JP Malone's has since terminated that particular doorman. Of note is that there have been no incidents involving guns or knives, nor any reports of actual violence.

The police also state there was evidence of fights among patrons. I am informed the evidence was blood found on the floor among some broken glass. It was explained to the officer that someone had simply cut his or her hand on a broken glass.

It should be noted that Mr. Grewal was informed recently that the police weren't coming around as much because they felt they had enough to shut him down.