



AGENDA PUBLIC SAFETY COMMITTEE MEETING

September 6, 2018, 3:30 PM - 5:30 PM
Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

1. **CALL THE MEETING OF THE PUBLIC SAFETY COMMITTEE TO ORDER:**
2. **INTRODUCTION OF LATE ITEMS:**
3. **ADOPTION OF AGENDA:**
4. **ADOPTION OF MINUTES:**

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a. Minutes

Minutes of the Special Public Safety Committee Meeting held in the Training Room, 2nd Floor, City Hall, 455 Wallace Street, Nanaimo, BC, on Thursday, 2018-AUG-02, at 3:30 p.m.

5. PRESENTATIONS:

a. Discussion re: Licencing of Access to Cannabis for Medical Purposes Regulations

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At the August 2, 2018, Special Public Safety Committee Meeting it was requested that the Access to Cannabis for Medical Purposes Regulations be included on this agenda.

[Note: Link to the Access to Cannabis for Medical Purposes Regulations is available for reference on the attached page.]

6. REPORTS:

a. Supervised Consumption Service Zoning Regulations

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To be introduced by Karin Kronstal, Social Planner.

Purpose: To provide the Public Safety Committee with information related to the siting of a federally regulated and recognized Supervised Consumption Service.

Recommendation: That the report 'Supervised Consumption Service Zoning Regulations' dated 2018-SEP-06 be received for information.

1. Delegation from Dr. Hasselback, Medical Health Officer, Central Vancouver Island

Dr. Hasselback, Medical Health Officer, Central Vancouver Island, to provide a presentation regarding consumption sites and a comparison between overdose prevention sites and supervised consumption sites.

7. OTHER BUSINESS:

- a. Discussion with Norma Winsper, Manager Community Services, Nanaimo Mental Health and Substance Use, Island Health**

8. QUESTION PERIOD:

9. ADJOURNMENT:

MINUTES
SPECIAL PUBLIC SAFETY MEETING
TRAINING ROOM, 2ND FLOOR, CITY HALL
455 WALLACE STREET, NANAIMO, BC
THURSDAY, 2018-AUG-02, AT 3:30 P.M.

Present: Councillor S. D. Armstrong, Chair
David Holmes
Barbara Korabek (arrived 3:29 p.m.)
David Lemire
Muir (Thomas) Meredith
Bruce Parker
Alexis Petersen
Robert Whitton

Absent: Councillor W. M. Yoachim

Staff L. Fletcher, Operations Support Officer, Nanaimo Detachment RCMP
K. Fry, Fire Chief and Director of Public Safety
K. MacDonald, Parks and Open Space Planner (arrived 3:35 p.m.)
S. Snelgrove, Deputy Corporate Officer
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL PUBLIC SAFETY COMMITTEE MEETING TO ORDER:

The Special Public Safety Committee Meeting was called to order at 3:26 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Councillor Armstrong advised that Dave Lawrence, Vice President, Victoria Crescent Association, was in attendance and wished to address the Committee as a late delegation regarding Agenda Item 7(b) - Discussion re: Community Policing Services Office.

It was moved and seconded that Dave Lawrence, Vice President, Victoria Crescent Association, be permitted to address the Public Safety Committee as a late delegation with a five-minute time limitation. The motion carried unanimously.

David Lemire requested that Jake Rudolph, Chief Administrative Officer, meet with the various advisory committee members as a group.

It was moved and seconded that the Public Safety Committee recommend that Jake Rudolph, Chief Administrative Officer, meet with the various advisory committee members as a group. The motion carried unanimously.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Public Safety Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2018-JUL-05, at 3:30 p.m. be adopted as circulated. The motion carried unanimously.

Barbara Korabek entered the Training Room at 3:29 p.m.

5. OTHER BUSINESS:

(a) Councillor Armstrong to provide a verbal update re: Discontent City

Councillor Armstrong provided a verbal update regarding Discontent City and asked Karen Fry, Fire Chief, to provide further details.

Karen Fry, Fire Chief, spoke regarding the following:

- difficulties regarding enforcement of the fire safety order and differences between the 1 Port Drive tent city and the previous tent city located at City Hall;
- Court hearings were held in July requesting 3 items;
- the Fire Commissioner of BC submitted the request for the fire safety order not the City of Nanaimo;
- the Judge has ordered that a fire safety order be imposed and is currently reserving his judgement regarding whether to impose an eviction notice or not;
- the Fire Chief cannot force action;
- the fire safety order will be going back to court on August 13th for an enforcement order;
- currently engaging with BC Housing and Island Health; and,
- a health order has been placed on the site.

Councillor Armstrong noted that Child Protection Services BC and Snuneymuxw First Nation are involved.

L. Fletcher, Operations Support Officer, Nanaimo Detachment RCMP, spoke regarding recent events at Discontent City and noted the following:

- the injunction falls under the Supreme Court Civil Rules;
- RCMP's perspective is public safety for people at the site and in the surrounding community;
- they are working with other organizations and attending the site on a daily basis;
- the population of Discontent City continues to evolve and change;
- the bike patrol have dedicated a lot of time and resources to that location;
- there has been commentary regarding a potential protest march this Sunday and the RCMP are aware of this event and are engaging with the organizers.

Kirsty MacDonald entered the Training Room at 3:35 p.m.

Committee discussion took place regarding:

- history of the Sons of Odin within Nanaimo;
- progress being made to identify a piece of property for modular housing;
- media releases regarding the proposed protest;
- disclosure required when the City is the primary purchaser of property;
- what planning is being done if Discontent City remains through the winter;
- contaminants in the land at 1 Port Drive;
- how did Maple Ridge enforce their action plans; and,
- how to achieve compliance with the orders.

(b) Discussion re: Community Policing Services Office

Delegations:

1. Kevan Shaw, President, Victoria Crescent Association, spoke regarding the Community Policing Services Office (CPSO) and noted the following:
 - keeping the CPSO building open;
 - types of garbage found around the downtown area;
 - recent altercations on the streets in the downtown area and concerns for personal safety due to drug use and mental health issues in the area;
 - open drug use and intoxication is becoming a common event;
 - physical attack recently on a local shop owner;
 - adding resources to the CPSO office;
 - Footprints Security has moved their office to the parkade;
 - does the City monitor what Footprints Security guards are doing;
 - does not believe it is a problem having social workers sharing the CPSO building with bylaw officers; and,
 - staffing the CPSO building.

Committee discussion took place regarding garbage found near the A&W downtown.

2. Dave Lawrence, Vice President, Victoria Crescent Association, spoke regarding the Community Policing Services Office and noted the following:
 - supplies for charity organization being stolen from his building;
 - CPSO building being kept open with RCMP officers located there; and,
 - creating a task force for mental health.

Committee discussion took place regarding:

- the union being involved in staffing the CPSO building and issues relating to police officers located at CPSO building;
- frequency of meetings between Island Health, RCMP and Bylaw Officers;
- need to communicate more to the community about what is being done;
- possibility of asking Council to hire more police officers;

- bylaw officers have voiced some concerns about having outside employees within their workplace when handling confidential information;
- concerns that individuals with mental health will not want to use the resources of the CPSO building if they know there are RCMP and Bylaws at the location;
- barring any physical changes to the building the bylaws staff would like to keep the building as status quo;
- aggressive and volatile individuals within the downtown area;
- a uniform presence around the area helps to address the concerns of the community and visitors;
- what community issues would be solved within the CPSO building? Many current issues are better handled directly on the street rather than inside a building;
- could the entire bylaw division be moved to the CPSO building? One of the issues with this is some members of the bylaw department need to be involved with other departments located within the Service and Resource Centre;
- what is the unmet need and what is the value on the CPSO building; and,
- is the CPSO building addressing the issues.

Dave Lawrence, Vice President, Victoria Crescent Association, asked if the bike patrol was a downtown unit. It was noted that the RCMP Bike Patrol is not assigned to the downtown area. Many people are upset that money and manpower is not being shared amongst areas and claim that the focus has been only on the downtown issue.

L. Fletcher, Operations Support Officer, Nanaimo Detachment RCMP, noted that the RCMP have had an unprecedented level of criminal code offenses and they would not be opposed to hiring more RCMP officers.

Committee discussion took place regarding:

- rotating employees between RCMP and Bylaw within the CPSO building;
- working group addressing issues with Discontent City;
- the CPSO building becoming a mental health facility;
- examples of other housing alternatives; and,
- name of the CPSO building being changed to Community Safety Office.

It was moved and seconded that the Public Safety Committee recommend that Nanaimo Mayor and Council continue to fund the CPSO building, on an annual basis, and change the name of the building to Community Safety Office. The motion carried unanimously.

Committee discussion took place regarding:

- what are the expanded roles of the CPSO building;
- need to determine what the community need is now and going forward;
- explore the value of this unused facility;
- staff needing to discuss options and concerns relating to a change at the CPSO building; and,
- fire safety being a priority at the CPSO building and discussions with Vancouver Island Health Authority, regarding the use of the CPSO building for mental health purposes.

It was requested that discussion regarding a plan for expanded roles of the CPSO building be added to the October Public Safety Committee meeting agenda.

- (c) Correspondence dated July 24, 2018, from Departure Bay Neighbourhood Association re: Needle Problem
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Committee discussion took place regarding:

- City parks department looking into this issue; and,
- City Social Planner working with the Departure Bay community.

6. QUESTION PERIOD:

- Kevan Shaw re: downtown business members wanting to attend meetings.

Committee discussion took place regarding the motion to ask Jake Rudolph, Chief Administrative Officer, to meet with the various committee members.

It was requested that licencing of Access to Cannabis for Medical Purposes Regulations (ACMPR) be included on the next Public Safety Committee meeting agenda, scheduled for 2018-SEP-06, for committee feedback regarding potential safety related issues for the community.

7. ADJOURNMENT:

It was moved and seconded at 4:44 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

Link to Access to Cannabis for Medical Purposes Regulations:

<http://laws.justice.gc.ca/PDF/SOR-2016-230.pdf>

Committee Information Report

DATE OF MEETING September 6, 2018

AUTHORED BY KARIN KRONSTAL, SOCIAL PLANNER

SUBJECT SUPERVISED CONSUMPTION SERVICE ZONING REGULATIONS

OVERVIEW

Purpose of Report

To provide the Public Safety Committee with information related to the siting of a federally regulated and recognized Supervised Consumption Service.

Recommendation

That the report 'Supervised Consumption Service Zoning Regulations' dated 2018-SEP-06 be received for information.

DISCUSSION

Council, at its Regular Council Meeting of 2018-JUN-09, passed the following motion:

"That Council refer review of Zoning Bylaw Amendments related to Supervised Consumption Services to the Community Planning and Development Committee, and the Public Safety Committee, for recommendations."

Currently, there is a temporary overdose prevention service (OPS) on the ground floor of the supportive housing facility located at 437 Wesley Street, which is a City-owned property. The OPS established following a public health emergency declared by the BC Chief Medical Health Officer in April of 2016 and enabled by Ministerial Order M488, issued 2016-DEC-09. The OPS is funded by Island Health and operated by the Canadian Mental Health Association Mid-Island Branch.

This report provides information regarding the municipal role and considerations in the siting of a permanent Supervised Consumption Service (SCS). On 2017-JUN-01, Council denied an application from the City of Nanaimo to rezone 437 Wesley Street that would have allowed for a site-specific SCS to be located on that site. Island Health has indicated that the OPS will continue to operate at this location as long as the emergency order is in effect. Staff have continued to work with Island Health to identify potential amendments to the Zoning Bylaw that may facilitate a resolution to this issue.

Harm Reduction Services

OPSs and SCSs are both health services that monitor persons who are at risk of opioid overdose and provide rapid intervention as necessary. However, where an OPS provides only an immediate

emergency response, an SCS would provide more permanent and sustained harm reduction interventions. Island Health has identified three main goals of SCSs:

1. Reduce the number of drug overdoses;
2. Engage people who use drugs in health services that can enhance treatment for substance use and mental health, and potentially reduce transmission of diseases; and,
3. Reduce community impacts, such as public drug use and improperly discarded needles.

SCSs are part of a broad overdose response strategy which also includes: education, prevention, counselling, substance use treatment and supports, and access to mental health services.

Zoning Bylaw 4500

None of the land uses currently defined in the Zoning Bylaw accurately reflect the services offered by a Supervised Consumption Service. The closest zoning definition currently found in Zoning Bylaw No. 4500 is 'Drug Addiction Treatment Facility,' which is defined as "the use of a building to treat persons with substance abuse problems, and includes needle exchange facilities, safe injection sites, Methadone clinics, and the like." Under the status quo, any new 'Drug Addiction Treatment Facility' must be approved by Council through rezoning on a site-specific basis.

The definition for 'Drug Addiction Treatment Facility' was adopted in the City's Zoning Bylaw on 2005-FEB-07 (Bylaw No. 4000.365) as part of a set of general Zoning Bylaw amendments for Nanaimo's downtown that were created in response to the Nanaimo Downtown Plan. While the definition of Drug Addiction Treatment Facility was introduced within Bylaw No. 4000.365, the use was not permitted by right within any zone, a situation which continues to this day.

As part of the same bylaw, new definitions for Social Service Centre and Social Service Resource Centre were introduced into the Zoning Bylaw. Social Service Centre is an administrative use similar to an office, and is allowed in most downtown zones and Community Service zones. A Social Service Resource Centre is a more intensive use as it allows activities such as a drop-in centre and would only be allowed in the downtown through rezoning.

The siting of a Supervised Consumption Service is a business function of Island Health; however, moving forward with an application to the federal government for an exemption to the *Controlled Substances Act* requires that Island Health have a site with the appropriate zoning.

Legal Framework

Federal legislation provides for the establishment of SCSs through an exemption for medical purposes by the Minister under Section 56.1 of the *Controlled Drugs and Substances Act* (CDSA). Any application for a SCS requires a federal exemption regardless of local zoning regulations. Obtaining an exemption requires meeting the criteria outlined in S56.1 of the *Controlled Substances Act*. It should be noted that Zoning is necessary, but is not a sufficient condition of obtaining an exemption. One of the requirements for an application is that it include information related to "expressions of community support or opposition" for the specific site. The application process details further expectations regarding community engagement that includes in BC provincial Ministerial support. The Ministry has been explicit and expects local governments to be involved in SCS siting discussions.

Zoning Considerations in the Siting of a Supervised Consumption Service

In order to consider whether to allow an SCS in more zones, Staff recommend that there be a review of several aspects of the Zoning Bylaw. Specifically, Staff recommend reviewing the following:

- The definitions of 'Drug Addiction Treatment Facility,' 'Office Medical/Dental' and 'Personal Care Facility';
- Whether to add a new definition for the land use 'Supervised Consumption Service'; and,
- Whether to establish zones where an SCS is permitted (either by right or on a site-specific basis).

Staff will return to the Public Safety Committee and the Community Planning and Development Committee in October with options for amending the Zoning Bylaw to allow for this use, and will be asking the Committee for a recommendation at that time.

SUMMARY POINTS

- Under the current Zoning Bylaw, a Supervised Consumption Service is considered a 'Drug Addiction Treatment Facility' and is approved on a site-specific basis.
- Island Health's application to the federal government for an exemption to the *Controlled Substances Act* requires that a site with appropriate zoning, though this is a condition that is necessary but not sufficient for approval.
- Staff will return to the Public Safety Committee in October with options for amending the Zoning Bylaw to allow for this use, and will be asking the Committee for a recommendation at that time.

Submitted by:

Lainya Rowett
Manager, Current Planning and Subdivision

Concurrence by:

Bill Corsan
A/Director of Community Development