Regional Municipality of Waterloo
Licensing and Retail Committee
Minutes

Wednesday, September 17, 2014
5:00 p.m.
Regional Council Chamber
150 Frederick Street, Kitchener, Ontario

Present were: Chair G. Lorentz, L. Armstrong, J. Mitchell, K. Seiling*, and J. Wideman
Members absent: D. Craig

Declarations of Pecuniary Interest Under The Municipal Conflict of Interest Act
None declared.

*K. Seiling entered the meeting at 5:02 p.m.

Delegations
a) CR-CLK-LIC-14-002, Salvage By-law
   i. Residents of Bluerock Crescent

Andrea Macintosh and Bob Sweeney appeared before the Committee on behalf of the residents of Bluerock Crescent in Cambridge. They provided a document that outlined their issues with the noise produced by Combined Metal Industries (CMI) and contained a petition signed by residents in the area. A copy of the document is appended to the original minutes.

B. Sweeney explained that he lives 123 metres away from CMI and is one of the closest properties to this business that operates twenty-four hours a day every day of the week. A. Macintosh stated that they have contacted the City of Cambridge and have been told that CMI complies with the City’s noise by-law, however there is nothing between CMI
and the residents to lessen the noise. She showed a video that demonstrated the noise that residents are exposed to at their houses. They requested that the Region amend the Salvage By-law to prevent salvage yards from operating at night and during weekends.

In response to a question from the Committee, A. Macintosh stated that Cambridge staff have stated that the noise by-law excludes industrial noise and does not apply to the noise at night because it is less than the noise during the day.

ii. Combined Metal Industries

Hans Madan, Consultant to CMI, Steve Gibson, Cambridge General Manager, David Herr, Chief Financial Officer, and Michael Young, Solicitor, appeared before the Committee on behalf of CMI. H. Madan explained that two years ago CMI began the process to construct a building to protect the loading area and reduce the noise. They have been working with the City of Cambridge and CP Rail to obtain approval for the construction.

S. Gibson informed the Committee that CMI loads train cars during the hours of 5 a.m. – 11 p.m. on weekdays and from 5 a.m. – 5 p.m. on weekends. They have no control over when trains arrive and are subject to a penalty if they take too long to load. He also noted that trucks will offload materials at any time, and that this is the noise that residents are hearing at night. In response to a question from the Committee, S. Gibson stated that a realistic timeline for construction of the new building would be eighteen months.

Reports – Corporate Resources

a) CR-CLK-LIC-14-002, Salvage By-law

A. Apfelbaum, Manager, Licensing and Enforcement, provided overview of the salvage by-law and stated that the by-law only addresses hours of operation if a salvage yard is within twenty metres of a residential property. Kris Fletcher, Regional Clerk, explained that in order to amend the by-law, staff would need to investigate the desired changes and issue public notice to all licence holders.

The Committee thanked the delegations for their presentations. The Committee sympathized with the residents but stated that there was very little that the Region could do at this point.

Moved by K. Seiling
Seconded by L. Armstrong

That The Regional Municipality of Waterloo refer a review of the Salvage By-Law to the next Regional Council;
And That staff be directed to work with the appropriate parties to expedite the mitigation of noise made by Combined Metal Industries.

Carried

b) CR-CLK-LIC-14-003, Amendment to the Taxi Meter By-law

Moved by J. Wideman

Seconded by L. Armstrong

That The Regional Municipality of Waterloo amend the Taxi Meter By-law, to change the license renewal for drivers and owners to their birthdates, in accordance with By-law attachment and appendix “A” to Report CR-CLK-LIC-14-003, dated September 17, 2014.

Carried

Information/Correspondence

a) Regional Clerk Licensing Hearings Minutes - April 2, 2014

Received for information.

b) Regional Clerk Licensing Hearings Minutes - April 4, 2014

Received for information.

Other Business

J. Mitchell stated that she was disturbed to find out, through the media, that there have been multiple issues involving taxi-cab drivers licenced by the Region and sexual assaults. She noted that this should have been brought to the Committee in order to ensure that passengers are being protected.

A. Apfelbaum informed the Committee that staff are investigating changes to the Taxi-cab Meter By-law and are working with legal staff to ensure that it is strong in relation to safety issues. In response to a question from the Committee, A. Apfelbaum stated that the issue of cameras in taxi-cabs is part of the current review. He reminded the Committee that the current by-law only requires a driver to surrender their licence upon being convicted not being charged.

Adjourn

Moved by L. Armstrong

1707648
Seconded by J. Mitchell

That the meeting adjourn at 5:47 p.m

    Carried

Committee Chair, G. Lorentz
Committee Clerk, T. Brubacher
A Brief History of Bluerock Residents and our Issues with CMI Metals Inc.

Let me begin by describing CMI Metals Inc. from our perspective. They are an outdoor salvage yard located behind us. We are separated by a railroad track and an empty lot. There are no buildings between us and the Company. CMI is surrounded by a 9 foot corrugated steel fence, which does not help to provide as a sound barrier from the loading of scrap metal into the train cars, stationed outside of the fencing. The Company recycles all types of metal and steel products. They move the material all around the yard with rather large magnetic cranes that lift the material up into the air and toss them across the yard. When loading the train cars, these same magnets pick up the materials and drop them from very high into the cars. They then stomp down the materials, to maximize the weight as much as they can.

CMI was purchased in approximately 2006 or 2007 from ABC Metals. ABC metals did not operate evenings or weekends and abided by the Regional By-law Section 20 for Salvage yards. There was never any excessive noise during their operation or by any other company located in the Industrial properties behind us.

The noise levels began increasing over the past few years. As CMI has grown its operation so have their hours.

Our battle with this Company began when one of our neighbors noticed an ad in the paper. CMI was asking City Council to remove a condition whereby they were to plant trees along their back property line. These trees had previously been planted, but had since died. Our neighbor John, shared this information with several neighbors and we attended the council meeting to discuss our concerns about the noise in the area. We expressed to council that the trees would likely not help and explained what we have been dealing with. It was suggested that the motion be tabled until the Company met with the residents to discuss our concerns.
A few weeks later some neighbors met with two employees from CMI, along with their legal representative, Hans. Also in attendance were Frank Monteiro, our neighborhood Alderman, and 2 City Planning employees. We as residents were given the opportunity to express our concerns to CMI. Mr. Monteiro on at least three occasions stated quote “Bluerock should never have been built there”. The Company listened and said they would take back our concerns. We planned to meet again in the near future.

The concerns of the residents were as follows:

(a) Excessive noise created by the magnetic cranes dropping materials from such heights.
(b) The beeping of the heavy equipment being excessive and louder than needed.
(c) The lighting was shining into our back windows and could it be redirected?
(d) The operation was running 24 hours per day, 7 days per week and could that not be curtailed?
(e) The increase of noise and frequency of trains due to CMI.
(f) Why doesn’t the City of Cambridge Noise By-law apply to Industries?
(g) Could a sound dampening wall be an option to decrease the noise?

There was a second meeting with CMI, City of Cambridge Planning Dept Representatives, Frank Monteiro and several more residents of Bluerock Crescent. Again the residents expressed their concerns and those that had not attended before tried to share their frustrations.
Results were as follows:

(a) The Company had lessened the noise by having employees trained on lowering the magnets before dropping materials. (this reverted back to original noise level the day after)
(b) They said the beepers on the equipment could not change due to safety reasons. (refused to have decibel testing done to confirm within guidelines)
(c) The lighting has still not been changed. They adjusted some of their lights but the main one that shines on our homes is still there.
(d) They would not and could not change the hours of operation according to CMI.
(e) The trains were not an issue the City would or could address.
(f) We were informed that The City of Cambridge Noise by-law does not apply to Industrial zoned land, although the by-law does not clarify that. We were told that because they create the same level of noise during the night that they do through the day, the City feels the noise is not excessive.
(g) Because CMI is proposing to build a building over their yard, the City does not feel the noise dampening wall is warranted.

CMI Metals told us they were planning on putting a building over their yard, but that the City would have to approve their plans. The City Planning Dept, said they would rush this, and call a meeting to update the residents. They had predicted it would take 6 weeks, but that was over 6 months ago. Our concerns about the building were that the bay for the train cars would have at least one side open. The loading and the shunting of the cars would be echoed even more directly into our yards. No time frame was given as to when this building would be built and we are requesting immediate relief from the excessive noise.

The number of trains passing through has also increased considerably. Partially due to Toyota Manufacturing, but the noise has worsened perhaps for two reasons. They now stop in our backyards and then back the train cars into CMI loading area. The squealing from this is loud and lasts sometimes up to 15 minutes. They also stop when they are picking up the cars that are loaded with
heavy metal material. The vibrations we feel in our homes seems to have increased, perhaps due to the weight of the train cars.

In August I found the By-Law Number 05-163 of The Regional Municipality of Waterloo, and discovered the licensing of Salvage yards is governed by the Region. We are hoping that since the City of Cambridge will not enforce the Noise By-law that the Region will.

We understand that CMI Metals is not within 20 meters of our properties, however there is nothing between us that would lessen the noise we have to tolerate.

We ask that you make exception to the distance and enforce CMI to comply with the hours of operation as indicated in Section 20. We are not asking that CMI cease operation totally, but as that we be able to enjoy our properties, avoid the values plummeting, and simply the right to sleep during the night.

Please note that several of the signatures on this petition are from residents of Clyde Rd. They are separated from CMI Metal by two rows of homes and they too are affected by the same noise issues we are. It is also our understanding that is not one other salvage yard in Waterloo Region that operates over night.

Thank you

Bluerock Crescent and Neighbors.
The Residents neighboring CMI Metals Inc. on Dobbie Drive Cambridge, hereby petition the Region of Waterloo Licensing Board to enforce the bylaw 05-063 Section 20 to the operation of CMI Metals. That the hours of operation be restricted to 7 a.m. to 7 p.m. Monday through Friday and Saturday or Sunday 8 a.m. – 5 p.m. The residents below are 18 years of age or older and are overtly inconvenienced by the excessive and disruptive noise and operation of the outdoor salvage yard.
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64 Blue Rock Cres. Louis Xyng
44 Blue Rock Cres Park
44 Blue Rock Cres
46 Blue Rock Cres Helen Lucas
99 Blue Rock Cres Mona Sally
99 Blue Rock Cres Barry & Karen
127 Blue Rock Cres R. Lee
131 Blue Rock Cres [signature]
131 Blue Rock Cres
135 Blue Rock Cres Jean Daly
147 Blue Rock Cres Yvonne Hogg
151 Blue Rock Cres [signature]
151 Blue Rock Cres [signature]