



## COMHAIRLE CONTAE CHORCAÍ

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**Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 14<sup>th</sup> March, 2016.**

### **I LATHAIR**

Comhairleoir Ó hUrthuile, Leas-Mhéara Chontae

Comhairleoiri Mac Craith, Jeffers, Daltúin, Ní Fhúarthain, D. Ó Donnabháin, Ní Dheasmhumhnaigh, Ó Cainte, S. Ó Coileán, M. Ó Murchú, Ó hEarchaí, R. Mhic Cárthaigh, Ó Colmáin, Lombard, C. Ó Murchú, Coughlan, S. Ó Donnabháin, Moynihan, Críod, Ó Gráda, Ó Luasaigh, Ó Riain Ó Conbhúí, P. Ó Suilleabháin, C. MacCárthaigh, Ó Ceocháin, Sheppard, De Barra, Uí Chuileannáin, Rasmussen, N. Ó Coileán, A. Ó Suilleabháin, Twomey, Ó hEigearthaigh, S. Mhic Cárthaigh, Léanacháin-Foghlú, N. MacCárthaigh, O'Brien, Ó Floinn, Ó Dúghaill, Mhic Dháibhí, J. Uí Mhurchú, G. Ó Murchú, B. Ó Muimhneacháin, Uí Mhaoláin, T. Ó Coileán, D. Ó Coileán, Ó Cearúill, Ó Donnabháin, C. Ó Suilleabháin, P.G. Ó Murchú, Uí hEigearthaigh, Ó hAodha.

### **PRESENT**

Councillor D. Hurley, D/County Mayor presided.

Councillors McGrath, Jeffers, D'Alton, Forde, Ó Donnabháin, Desmond, Canty, J. Collins, M. Murphy, Harris, R. McCarthy, Coleman, Lombard, K. Murphy, Coughlan, J. O'Donovan, Moynihan, Creed, O'Grady, Lucey, Ryan, Conway, P. O'Sullivan, K. McCarthy, Keohane, Sheppard, Barry, Cullinane, Rasmussen, N. Collins, A. O'Sullivan, Twomey, M. Hegarty, S. McCarthy, Linehan-Foley, N. McCarthy, O'Brien, O'Flynn, Doyle, Dawson, J. Murphy, G. Murphy, B. Moynihan, Mullane, T. Collins, D. Collins, Carroll, N. O'Donovan, C. O'Sullivan, P.G. Murphy, Hegarty, Hayes.

D/Chief Executive, S/Senior Executive Officer, County Engineer, Mr. E. O'Callaghan, Area Officer (Housing)

### **CONFIRMATION OF MINUTES**

**1/3-1**

Proposed by Councillor K. Conway

Seconded by Councillor T. Collins

### **RESOLVED:**

“That the minutes of meeting of the Council held on 22<sup>nd</sup> February, 2016, be confirmed and signed by the Mayor.”



## **Suspension of Standing Orders – Boil Water Notice**

Councillor M. Hegarty proposed, seconded by Councillor M. Linehan–Foley the suspension of Standing Orders to discuss the current boil water notice in East Cork.

It was agreed that this matter would be taken at 1pm.

## **VOTES OF SYMPATHY**

2/3-1

TO: The family of the late Dick Hodgins, Cork Sports Athletic Club.

### **Dan Joe Fitzgerald, RIP, former Councillor**

Members passed a vote of sympathy to the wife and family of the late Dan Joe Fitzgerald, former Councillor and thanked the Mayor and the Executive for arranging a Special Council Meeting in Mallow, on Friday, 11<sup>th</sup> March. They said he was an absolute gentleman and well regarded everywhere and that he would be a huge loss.

The Deputy Chief Executive said that the Chief Executive would have gone into great detail on the loss of Dan Joe at the Special Meeting and that his interactions with the Council were always the height of co-operation and manners.

### **Lucas Keating**

The Mayor welcomed Lucas Keating to the Chamber and said he is an ex Youth Mayor of Cobh and would be representing Ireland at the Council of Europe. He was nominated by Cllr. C. Cullinane through the AILG and will be spending time in Europe during March and October. The Mayor wished him well for the future.

### **Deputy Mayor**

On the proposal of Councillor M. D’Alton, seconded by Councillor C. Rasmussen, Cllr. K. Conway was nominated Deputy Mayor for the day.

## **STATUTORY BUSINESS**

### **FILLING OF CASUAL VACANCIES IN THE MEMBERSHIP OF COUNCIL**

3/6-2

Councillor S. McGrath proposed, seconded by Councillor F. O’Flynn resolved as follows:-

“That Deirdre O’Brien be hereby co-opted to Cork County Council to replace former Councillor Kevin O’Keeffe, who was elected to Dail Eireann.”

Councillor S. McGrath proposed, seconded by Councillor B. Ryan, the following proposal:

“That Gobnait Moynihan be hereby co-opted to Cork County Council to replace former Councillor Aindrias Moynihan, who was elected to Dail Eireann.”

Councillor S. McGrath proposed, seconded by Councillor M. R. Desmond, the following proposal:

“That Gillian Coughlan be hereby co-opted to Cork County Council to replace former Councillor M. Murphy-O’Mahony, who was elected to Dail Eireann.”

Councillor M. Mullane proposed, seconded by Councillor P. Hayes, the following proposal:

“That Danielle Twomey be hereby co-opted to Cork County Council to replace former Councillor P. Buckley, who was elected to Dail Eireann.”

Councillor M. Mullane proposed, seconded by Councillor P. Hayes, the following proposal:

“That Eoghan Jeffers be hereby co-opted to Cork County Council to replace former Councillor D. O Laoghaire, who was elected to Dail Eireann.”

Councillor D. Hurley proposed, seconded by Councillor K. Conway, the following proposal:

“That Danny Collins be hereby co-opted to Cork County Council to replace former Councillor M. Collins, who was elected to Dail Eireann.”

At this juncture Cllrs. D. O’Brien, G. Moynihan, G. Coughlan, D. Twomey, E. Jeffers and D. Collins, joined the Meeting. The Mayor welcomed the new Councillors to the Council and wished them well for the future. He also congratulated all former Councillors who were elected to Dail Eireann.

## **STATUTORY BUSINESS**

### **Section 183 of the Local Government Act, 2001:**

The following disposal notice was noted by Members.

### **DISPOSAL OF LAND AT CURRAGHBINNY, CARRIGALINE, CO. CORK**

**4(a)/3-1**

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 16<sup>th</sup> February, 2016.

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| <b><u>Situation:</u></b>                         | <b>Curraghbinny, Carrigaline, Co Cork.</b>  |
| <b><u>Area:</u></b>                              | <b>0.03 Hectares</b>  |
| <b><u>From Whom Acquired:</u></b>                | <b>Unknown – in Council ownership since 1986, in possession of Mr Richard Geary.</b>    |
| <b><u>To Whom It Is Proposed To Dispose:</u></b> | <b>Richard Geary</b>  |
| <b><u>Consideration:</u></b>                     | <b>In exchange for lands measuring 0.0013 hectares to facilitate road safety works.</b> |

The following disposal notice was noted by Members.

**DISPOSAL BY WAY OF LEASE OF CHURCH OF IRELAND BUILDING, MACROOM, CO. CORK**

4(b)/3-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 29<sup>th</sup> February, 2016.

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| <b><u>Situation:</u></b>                         | <b>Church of Ireland Building, Macroom</b>         |
| <b><u>To Whom It Is Proposed To Dispose:</u></b> | <b>Lee Valley Enterprise Board by way of lease</b> |
| <b><u>Term:</u></b>                              | <b>5 years</b>                                     |
| <b><u>Consideration:</u></b>                     | <b>€1 per annum</b>                                |

The following disposal notice was noted by Members.

**DISPOSAL OF 1-5 GLEANN BUI, BALLYMACODA, CO. CORK**

4(c)/3-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 29<sup>th</sup> February, 2016.

**Situation:** **Nos. 1 – 5 Gleann Bui, Ballymacoda  
(5 partially constructed townhouses)**

**From Whom Acquired:** **ECK Construction**

**To Whom It Is Proposed To Dispose:** **Tipson Ltd.**

**Consideration:** **Nos. 10 & 11 Gleann Bui, Ballymacoda  
(2 fully constructed semi-detached houses)**

The following disposal notice was noted by Members.

**DISPOSAL OF LAND AND RIGHT OF WAY AT NEWTOWN, BANTRY, CO. CORK**

4(d)/3-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 29<sup>th</sup> February, 2016.

**Situation:** Newtown, Bantry.

**Area:** Disposal of land measuring 0.2335 hectares and Grant of Right-of-Way measuring 0.0192 hectares

**To Whom It Is Proposed To Dispose:** Dr. Denis Cotter & Dr. Michael Kingston

**Consideration:** €65,000

The following disposal notice was noted by Members.

**DISPOSAL OF 6 ORCHARD GARDENS, SHANAGARRY, MIDLETON, CO. CORK** 4(e)/3-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 29<sup>th</sup> February, 2016.

**SITUATION:** 6 Orchard Gardens,  
Shanagarry,  
Midleton,  
Co. Cork.

**AREA:** Dwellinghouse

**TO WHOM IT IS PROPOSED TO DISPOSE:** Gregory & Susan Frogatt

**CONSIDERATION:** €68,130.02 (subject to change depending on month and year of redemption)

**PURPOSE:** Acquire the Council's interest under the Shared Ownership Scheme.

**AMENDMENT TO DISPOSAL OF COBH LIBRARY, COBH** 4(f)/3-1

Members noted amendment to Disposal of Cobh Library, Cobh, by the substitution of "Cobh & Harbour Chamber of Commerce" in lieu of "Cobh Chamber" being the persons to whom the said property is being disposed and the substitution of "Lease of Ground Floor for 5 years" in lieu of "Lease of Room for 5 years" being the term of said disposal.

**AMENDMENT TO DISPOSAL OF 27A ELM GROVE, CASTLEMARTYR, CO. CORK**

4(g)/3-1

Members noted amendment to Disposal of 27A Elm Grove, Castlemartyr, Co. Cork, by the substitution of “Lukasz Tychon and Agnieszka Tychon” in lieu of Rafal Fifipowicz and Ildiko Szaabo” being the persons to whom the property is to be disposed.

**Section 4(2) and Sections 32-35 of the Local Community Development Committee (Section 128E) Regulations 2014 (SI No. 234 of 2014):**

**FILLING OF CASUAL VACANCY ON THE NORTH CORK LOCAL COMMUNITY DEVELOPMENT COMMITTEE**

5/3-1

Proposed by Councillor I. Doyle

Seconded by Councillor G. Murphy

**RESOLVED:**

“A casual vacancy has arisen on the North Cork LCDC. In accordance with the provisions of Section 4(2) and Sections 32-35 of the Local Community Development Committee (Section 128E) Regulations 2014 (SI No. 234 of 2014), approval is conveyed for the appointment of Mr. Pdraig Casey, CEO of Ballyhoura Development Ltd as a replacement representative for Ballyhoura Development Ltd on the North Cork LCDC. The previous nominee Ms Carmel Fox is hereby de-selected.”

**REPORT UNDER SECTION 179 PLANNING & DEVELOPMENT ACT, 2000:**

6/3-1

Proposed by Councillor T. Lombard

Seconded by Councillor M. D’Alton

**RESOLVED:**

“Noting that in accordance with Article 179 of the Local Government (Planning and Development) Act, 2000, notice of the proposed development was published, that 4 no. submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

**Installation of a pontoon and gangway in the West Pier of Camden Fort Meagher.”**

## **REPORTS & RECOMMENDATIONS OF COMMITTEES**

### **Corporate Policy Group:**

#### **CONFERENCE LIST – MARCH, 2016**

7/3-1

Proposed by Councillor K. Conway

Seconded by Councillor S. Sheppard

#### **RESOLVED:**

“That the Conference List for March, 2016, be hereby approved.”

#### **2<sup>ND</sup> COUNCIL MEETING IN MARCH**

8/3-1

Proposed by Councillor K. Conway

Seconded by Councillor M. Creed

#### **RESOLVED:**

“That the Council Meeting due to be held on Monday, 28<sup>th</sup> March, 2016, will now be held on Tuesday, 29<sup>th</sup> March, 2016.”

### **Housing SPC:**

#### **ANTI SOCIAL BEHAVIOUR STRATEGY 2015**

9/3-1

Proposed by Councillor S. McGrath

Seconded by Councillor D. Forde

#### **RESOLVED:**

“That the Draft Anti-Social Behaviour Strategy 2015 be hereby adopted.”

During a discussion, Members made the following points:-

- Is there a complaints procedure for Anti Social Behaviour;
- People are afraid to make complaints and are in fear of intimidation and threats;
- Confidentiality must be guaranteed;
- Are there enough staff to deal with Anti Social Behaviour;

Mr. E. O’Callaghan advised that under the new Act confidentiality is guaranteed and the Council will not disclose any details to a member of the public only to a judge. The Council is obliged not to disclose the complainant’s name and is always available to discuss any issues that members of the public may have.

**Cobh Municipal District:**

**WORKS AT MARION POINT**

**10/3-1**

Councillor C. Cullinane proposed, seconded by Councillor Sheppard the following notice of motion:-

“That Cork County Council write to Irish Rail requesting that they complete the agreed works at Marion Point. The old stone wall was to be repaired once the new fencing was erected last summer. At the time the concerns were the need for it to be completed before the winter weather could compromise this old stone walling which is part of our entry to the Heritage Town. Many stones have fallen, in several areas the stones have been removed and now a main part of the wall has belled out towards the road since the recent storms. It is not acceptable that Irish Rail ignores their agreement for this length of time and certainly unacceptable they continue not to respond to Councillors, Engineers and Manager on behalf of Municipal District. A good working relationship between Irish Rail and Cork County Council is vital for planning and development into the future. This has to be resolved now before the coming season as we rely on creating the right impression as tourists make their way into our Heritage Town.”

The D/Chief Executive said that he would be meeting with Irish Rail shortly and would raise the issue with them there.

**West Cork Municipal District:**

**POLICY FOR URGENT ROAD CLOSURES**

**10(a)/3-1**

Councillor D. Hurley proposed, seconded by Councillor C. O’Sullivan, the following notice of motion:-

“That a policy be developed to allow for urgent road closures in the circumstances where community events such as road trotting have to be postponed from the original date.”

**SIGNAGE FOR MICHAEL COLLINS IN WEST CORK**

**10(b)/3-1**

Councillor D. Hurley proposed, seconded by Councillor C. O’Sullivan, the following notice of motion:-

“That an update be provided on the provision of signage for Michael Collins at various associated locations throughout West Cork.”

During a discussion on both items, Members made the following points:-

- The Council should be in a position to facilitate a policy for road closures, it would mean a lot to small communities;
- It is important that West Cork has a connection to Michael Collins and signage is vital;
- Other events could be incorporated into a policy for road closures;
- A number of locations connected to Michael Collins such as his birthplace, ambush site etc., have no signage;
- There is huge tourism attraction for Michael Collins and proper signage is needed;

In response, the D/Chief Executive said in order to have a policy for events, you would first need to identify circumstances and to have emergency provisions to be put in place. He said that there is good progress with the provision of signage in West Cork and that a schedule of signs has been developed by the Architects' Department. He said that the Council has been in contact with the TII, who are supportive of the matter.

It was agreed that the full report on the motion would be emailed to Members.

## **CORRESPONDENCE FROM GOVERNMENT DEPARTMENTS**

### **NOTICE OF TERMINATION**

**11(a)/3-1**

Members noted letter dated 15<sup>th</sup> February, 2016, from the Department of the Environment, Community & Local Government, in response to Council's letter of 10<sup>th</sup> February, 2016, regarding the Residential Tenancies (Amendment) Act, 2015 and the provision to prevent a Notice of Termination.

### **FLOODING IN CORK**

**11(b)/3-1**

Members noted letter dated 18<sup>th</sup> February, 2016, from Department of the Environment, Community & Local Government, in response to Council's motion of 25<sup>th</sup> January, 2016 regarding flooding events in Cork County.

During a discussion, Members made the following points:-

- Will Midleton town and Lauriston Estate have flood defences installed immediately following the recent flooding;
- When will public alert system be up and running to warn people of flooding;
- How much funding has been drawn down by the Council;
- Has the damage done in East Cork been fully costed by the Council;
- What is the result of discussions with consultants regarding Lauriston Estate;

The D/Chief Executive said that the OPW is conducting a review to include both groundwater and surface water as the high level was a contributory factor in the events. He said he would ask the County Engineer to revert to Members on the issue.

The D/Chief Executive said that the first claim for flood damage of €135,000 has now been fully paid and the Council lodged a further claim of €1.4m at the end of February and this is still with the Department. A claim of €156,000 was made in recent days. He said he would raise the issue at Waterrock with the County Engineer and revert to Members.

The D/Chief Executive said that Lauriston Estate has been significantly impacted and a proper analysis needs to be undertaken before work can commence on it.

## **PERSONNEL FOR TEAGASC**

**12/3-1**

Members noted letter dated 17<sup>th</sup> February, 2016, from the Department of Agriculture, in response to Council's motion of 8<sup>th</sup> February, 2016, regarding personnel for Teagasc.

## **NOTICES OF MOTION**

### **UNFINISHED HOUSING ESTATES**

13/3-1

Councillor M. D’Alton proposed, seconded by Councillor M. Linehan-Foley, the following notice of motion:-

“That Cork County Council would invoke its powers under Section 35 of the Planning & Development Act 2000 and refuse to grant planning permission for new developments to developers who have left unfinished residential estates in either County Cork or any other county in Ireland.”

Members made the following points:-

- Developers can go on to build other estates, even when they have left estates unfinished;
- Is there any legislation that could stop developers from making further applications;
- Some housing estates have fumes from untreated sewage;
- There are no repercussions for developers who leave estates unfinished;
- The only way forward is to draw down the bonds;
- We need to show residents that the Council supports them;
- Difficult to track developers down when they are trading under a different name;
- The Council is picking up the tab for unscrupulous developers;
- Children are exposed to dangerous conditions where they live;
- TDs need to do more to help the situation;
- Put a system in place so that developers can be picked up and rejected for planning.

The Deputy Chief Executive said that Section 35 has been in the Planning and Development Act since 2000 and has never been invoked by any local authority because of difficulties with company name changes and the costs involved in High Court action. The local authority would have to prove that substantial unauthorised development has taken place.

The Deputy Chief Executive also said that the Department of the Environment did make emergency funding available a few years ago and work was carried out. They are now looking into further measures to help local authorities and this matter needs to be considered further at national level, in particular in relation to burden of proof.

On the proposal of Cllr. M. D’Alton, seconded by Cllr. F. O’Flynn, it was agreed to refer the matter to the Planning SPC to consider the following:-

- To identify difficulties Cork County Council has with the current legislation,
- to gain clarity on these issues from the department
- to request amendment of the legislation where necessary.

### **REHABILITATION OF YOUNG OFFENDERS**

14/3-1

Proposed by Councillor N. Collins

Seconded by Councillor M. Linehan-Foley

#### **RESOLVED:**

“That this Council call on the Departments of Justice, Health & Education to establish a detention centre in the Cork Area, for the assessment and rehabilitation of young offenders.”

It was agreed also to seek an update on the Council's previous motion regarding a Youth Officer for the East Cork Area.

## **TRANSATLANTIC TRADE & INVESTMENT PARTNERSHIP**

15/3-1

Councillor K. McCarthy proposed, seconded by Councillor P. Hayes, the following motion:-

“That Cork County Council calls on the Irish Government to protect Irish interests in the ongoing Transatlantic Trade and Investment Partnership (TTIP) negotiations between the EU and USA.

That it will take all measures to remove investment state dispute settlements (ISDS) from the agreement. Publish the findings of the Copenhagen Economics Study on TTIP's potential impact on Ireland.

That all measures are taken to protect County Cork's environment, economy and food standards from unregulated trade imports. This motion further calls on Cork County Council to declare Cork a TTIP Free Zone.”

During a discussion, Members raised the following points:-

- This has big implications and will affect Ireland negatively;
- The matter is not appropriate to Council business and should not be discussed at a Council Meeting;
- The government will look after the Irish workers in any agreement, this is scare mongering;
- The best outcome for Ireland will prevail;
- Full Council is the ideal forum to discuss this;
- Parts of the motion should be amended, results of Copenhagen Study have been published;
- No indication of benefits of this and no prior consultation.

The D/Chief Executive said that EU Member States have over 1400 bilateral agreements already in force and it is strange that one has not been done thus far in relation to the USA. He said the current government position supports the TTIP and that it is not possible to declare Cork a TTIP free zone.

Councillor K. McCarthy said that a referendum on the matter should be called and further debate to take place in the future.

## **Suspension of Standing Orders – Boil Water Notice East Cork**

Members spoke about the Boil Water Notice that is currently in place in East Cork and asked about the reasons for the notice and how long it would be in place. The length of time advised by Irish Water of 6-8 months is excessive and unacceptable.

The County Engineer stated that the decision to place a boil water notice in East Cork was taken by Irish Water in conjunction with the HSE. This was taken as a precautionary measure as a result of cloudiness in the water and in the short term they are looking to improve the treatment process and at an alternative source of water. He said that there is nothing wrong with the water once it is boiled, therefore there is no need for tankers. He said that the unprecedented level of rainfall recently may have contaminated the water.

Cllr. M. Hegarty said he would call on Irish Water to remove the boil water notice forthwith, in particular at a time of commencement of the tourism season.

It was agreed that representatives from Irish Water and the HSE would be asked to attend the next Council Meeting to give Members an update on the position.

## **CORRESPONDENCE FROM OTHER BODIES**

### **WATER MAIN BREAK IN FERMOY**

**16/3-1**

Members noted letter from Irish Water dated 16<sup>th</sup> February, 2016, in response to Council's correspondence of 26<sup>th</sup> January, 2016, regarding a water main break in Fermoy. It was agreed to write back to Irish Water asking them to address the issue of communication regarding water breaks.

## **VOTES OF CONGRATULATIONS**

**17/3-1**

TO: Hazel Symons on winning a Gold Medal at the National Kettlebell Championship.

TO: Mitchelstown Rugby Club on their success in the South Munster Junior League

### **Reading of Proclamation**

The Mayor said that the proclamation which was previously in the old Council Chamber on Floor 16 has now been re-instated in the Chamber. Councillor F. O'Flynn read out the Proclamation of 1916.

## **ANY OTHER BUSINESS**

**18/3-1**

### **Opening of Tenders:**

The following tenders were opened at the meeting:-

- Provision of Ecological Baseline Data for the main settlements of Cork County – 9 no.
- Haulbowline Island East Tip Remediation Project – Contract for Deconstruction, Dismantling and Site Preparation – 5 no.

**This concluded the business of the Meeting**