



## COMHAIRLE CONTAE CHORCAÍ

---

**Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 11<sup>th</sup> July, 2016.**

### **I LATHAIR**

Comhairleoir S. MacCraith, Méara Chontae

Comhairleoiri Mac Seafrada, Daltúin, Ní Fhúarthain, D. Ó Donnabháin, Ní Dheasmhumhnaigh, Ó Cainte, S. Ó Coileán, M. Ó Murchú, Ó hEarchaí, R. Mhic Cárthaigh, Lombard, C. Ó Murchú, S. Ó Donnabháin, G. Ní Mhuimhneacháin, Críod, Ó Gráda, Ó Luasaigh, Ó Riain Ó Conbhuí, P. Ó Suilleabháin, C. MacCárthaigh, Ó Ceocháin, De Barra, Uí Chuileannáin, Rasmussen, N. Ó Coileán, A. Ó Suilleabháin, Uí Thuama, Ó hEigearthaigh, S. NicCárthaigh, Léanacháin-Foghlú, N. MacCárthaigh, Ní Bhrian, Ó Floinn, Ó Dúghaill, Mhic Dháibhí, J. Uí Mhurchú, MacGearailt, G. Ó Murchú, B. Ó Muimhneacháin, Uí Mhaoláin, T. Ó Coileán, Ó Cearúill, C. Ó Suilleabháin, Uí hEigearthaigh, Ó hAodha, Ó hUrthuile.

### **PRESENT**

Councillor S. McGrath, County Mayor presided.

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

Chief Executive, Senior Executive Officer.

### **CONFIRMATION OF MINUTES**

1/7-1

Proposed by Councillor C. Cullinane

Seconded by Councillor D. Hurley

### **RESOLVED:**

“That the minutes of the Annual meeting of the Council held on 24<sup>th</sup> June, 2016, be confirmed and signed by the Mayor.”

Proposed by Councillor G. Murphy

Seconded by Councillor M. R. Desmond

**RESOLVED:**

“That the minutes of meeting of the Council held on 27<sup>th</sup> June, 2016, be confirmed and signed by the Mayor.”

**Suspension of Standing Orders – Closure of ward at Fermoy Hospital**

Councillor D. O’Brien proposed, seconded by Councillor F. O’Flynn the suspension of Standing Orders to discuss the proposed closure of a ward at Fermoy Hospital.

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

**VOTES OF SYMPATHY**

3/7-1

TO: Cian Hallahan, former employee Corporate Affairs, on the death of his father Tom, former Principal Whitechurch N.S.

TO: The Keohane family, Glandore, on the death of Paul Keohane, former employee of the Council.

**STATUTORY BUSINESS**

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

Members noted the following disposals.

**DISPOSAL OF LAND AT NURSERY LANE, MODEL FARM ROAD, CORK**

4(a)/7-1

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 27<sup>th</sup> June, 2016.

<b><u>Situation:</u></b>	Nursery Lane, Model Farm Road, Cork City
<b><u>Area:</u></b>	649m <sup>2</sup> (0.0649 hectares)
<b><u>From Whom Acquired:</u></b>	Jennings Estate (by deed in 1953)
<b><u>To Whom It Is Proposed To Dispose:</u></b>	Aonghus Carney, Deirdre Doyle and Mary Horgan (adjoining residents).
<b><u>Consideration:</u></b>	€1

### **DISPOSAL OF LAND AT CARRIGANE, MITCHELSTOWN, CO. CORK**

**4(b)/7-1**

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 27<sup>th</sup> June, 2016.

<b><u>Situation:</u></b>	Carrigane, Mitchelstown
<b><u>Area:</u></b>	1.159 Hectares
<b><u>From Whom Acquired:</u></b>	Patrick O'Connor
<b><u>To Whom It Is Proposed To Dispose:</u></b>	Mary Clancy, Cooleregan, Mitchelstown, Co. Cork
<b><u>Consideration:</u></b>	€9,000.00

### **DISPOSAL OF LAND AT DERRYNASAGGART, BALLYVOURNEY, CO. CORK**

**4(c)/7-1**

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 27<sup>th</sup> June, 2016.

<b><u>Situation:</u></b>	Derrynasaggart, Ballyvourney
<b><u>From Whom Acquired:</u></b>	Acquisition predates Property Section's records.
<b><u>To Whom It Is Proposed To Dispose:</u></b>	Grant of Right-of-Way to Micheál Ó Ceallaigh
<b><u>Consideration:</u></b>	€1 plus Council's costs.

### **DISPOSAL OF LAND AT MASSEYTOWN, MACROOM, CO. CORK**

**4(d)/7-1**

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 27<sup>th</sup> June, 2016.

<b><u>Situation:</u></b>	Masseytown, Macroom
<b><u>Area:</u></b>	0.01286 hectares (128.6 square metres)
<b><u>From Whom Acquired:</u></b>	McInerney Homes Ltd. under Part V Acquisitions
<b><u>To Whom It Is Proposed To Dispose:</u></b>	Macroom Family Resource Centre Ltd.
<b><u>Consideration:</u></b>	€1 and wayleave to be granted to Cork County Council on purchaser's land.

**DISPOSAL OF 9 ARDAN, BANDON, CO. CORK.**

**4(e)/7-1**

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 27<sup>th</sup> June, 2016.

**LAND HELD UNDER**

**LEASEHOLD INTEREST:** 9, Ardan, Bandon, Co. Cork.

Folio No. 22637L

**FREEHOLD INTEREST:** Folio No. 162987F

**FROM WHOM ACQUIRED:** Unknown

**PERSON TO WHOM FREEHOLD INTEREST IN LAND IS TO BE DISPOSED OF:**

Joseph Donegan

**CONSIDERATION:** €350.00 inclusive of administration charges

**COVENANTS, CONDITIONS AND AGREEMENTS:**

Conditions pursuant to Housing Act, 1966 and Landlord & Tenant Acts, 1947 – 1984.

**DISPOSAL OF APARTMENT NO. 25A ELM GROVE, GORT AN OIR, CASTLEMARTYR, CO. CORK**

**4(f)/7-1**

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 28<sup>th</sup> June, 2016.

**Location:** Apartment No.25A Elm Grove, Gort an Oir, Castlemartyr, Co. Cork.

**Area:** Re-possessed property as above.

**From Whom Acquired:** Lane Homes Limited.

**To Whom It Is Proposed To Dispose:** Camilla & Ioan Medves, 8 Manor Court, Glanmire.

**Consideration:** €75,000.00.

**DISPOSAL OF 23 OWENTARAGLEN, RIVER VALLEY, MALLOW, CO. CORK.**

**4(g)/7-1**

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 7<sup>th</sup> June, 2016.

**Property:** 23 Owentaraglen, River Valley, Mallow, Co. Cork.

**From Whom Acquired:** Re-possessed Council Housing Stock.

**To Whom It Is Proposed To Dispose:** Joanna Kempa.

**Consideration:** €116,000.00

**AMENDMENT TO DISPOSAL OF LAND AT BUTLERSTOWN, BANDON, CO. CORK.** 3(h)/7-1

Members noted amendment to Disposal of land at Butlerstown, Bandon, Co. Cork, originally approved at Council Meeting on 11<sup>th</sup> January, 2016, by the substitution of “Disposal of land and Grant of Right of Way measuring 0.0469 hectares at Butlerstown, Bandon, Co. Cork” in lieu of “Disposal of Site at Butlerstown, Bandon, Co. Cork” being the location of the property to be disposed.

**AMENDMENT TO DISPOSAL OF 21 THE BEECHES, MALLOW, CO. CORK.** 3(i)/7-1

Amendment to Disposal of 21 The Beeches, Mallow, Co. Cork, originally approved at Council Meeting on 26<sup>th</sup> April, 2016, by the substitution of “Mr. Michael & Caroline Bourke” in lieu of “Mr. Michael Bourke” being the persons to whom the property is to be disposed.

**APPOINTMENT OF CHAIR OF ECONOMIC DEVELOPMENT & ENTERPRISE SPC** 4/7-1

Proposed by Councillor B. Ryan

Seconded by Councillor D. Fitzgerald

**RESOLVED:**

“That Cllr. F. O’Flynn be hereby appointed as Chair of the Economic Development & Enterprise SPC.”

**Section 85 of the Local Government Act, 2001:**

**BRIDGE REHABILITATIONS 2016** 6/7-1

Proposed by Councillor D. Forde

Seconded by Councillor D. Hurley

**RESOLVED:**

“It is hereby resolved that Cork County Council, being of the opinion that certain powers, functions and duties relating to the rehabilitation of structures within the functional area of Cork County Council should be exercised and performed by Kerry County Council and Kerry County Council accepts that it is willing and able to exercise and perform those powers, functions and duties, should enter into an agreement with Kerry County Council for this purpose pursuant to Section 85 of the Local Government Act, 2001.”

## **APPOINTMENT OF COUNCIL MEMBER AS DIRECTOR OF PROMOTING CORK**

7/7-1

It was agreed that consideration of this item would be deferred to a future Council Meeting.

## **REPORTS & RECOMMENDATIONS OF COMMITTEES**

### **B BRIEFING NOTE FROM MEETING WITH TRANSPORT INFRASTRUCTURE IRELAND**

8/7-1

The Chief Executive outlined the main items of discussion at the meeting with the TII, as follows:-

- Progress on Major Schemes, particularly N22 Macroom, Ballyvourney, Dunkettle Interchange, N28/N40
- Need for interim works while major Schemes are on hold/being developed (Mallow N72/N73 Northern Relief Road, N28 Carr's Hill Interim Measures)
- Need for a firm commitment to a programme of realignment works on the N71 between Bandon and Skibbereen and Bantry Relief Road;
- Timelines for progression of realignment schemes (N71 Owenahincha to Newmills, N73 at Annakisha and from Clogher Cross to Waterdyke, N72 Kilcanway to Ballygriffin)
- Road Pavement Resurfacing (Clarity on programme for year's works, appropriate prioritisation for Schemes in urban areas, opportunities for resurfacing of short sections, progress on flooded section on N25)
- Motorway Maintenance Contract (Noise issues related to removal of roadside trees at Bloomfield and on the Glanmire By-Pass, surface water on N25 near Carrigtwohill)
- Need for TII to open toll barriers at Corrin on M8 ramp when Fermoy Bridge is closed due to erection of flood barriers
- Funding of Noise Barriers where noise levels on National Roads exceed acceptable thresholds at nearby residences
- Requests for periodic speed limits at schools on National Roads in particular in rural areas;
- Damage to Local Road Network resulting from traffic diversions from National Road Projects;
- Restrictions on tourist type signage on National Roads and possibilities for strategic tourism signage
- Underpasses on National Roads;
- N20 Annabella Roundabout Upgrade.

***It was agreed to take Item 17 at this point***

Proposed by Councillor I. Doyle

Seconded by Councillor F. O'Flynn

#### **RESOLVED:**

“That Cork County Council would write to the Minister for Transport seeking an update on the status of the M20 Cork to Limerick Motorway and a realistic time line for construction.”

During a detailed discussion, Members made the following points:-

- Thanked the Members who attended the briefing;
- M20 is putting other projects on hold as funding is not available until 2021;
- All economic decisions are based on this motorway;
- We need to put pressure on the Minister to release the funds;
- There needs to be an annual meeting with the TII;
- Request a meeting with the Minister for Transport to express the urgency of the M20;
- Disappointed that report was not circulated to Members sooner;
- Not fair on the people in Glanmire that the TII is not replacing the removal of trees on the bypass with sound barriers;
- Heavy traffic coming through the town of Bantry;
- There is a lack of investment in critical infrastructure in the Cork Area;
- Dismissive that the TII are not dealing with the noise barriers
- There is a gap between TII responsibility and the responsibility of the Council in relation to noise barriers;
- Surface of the N71 is totally unacceptable;
- Funding should not be an issue with the amount of Motor Tax collected in Cork;
- Charleville has been neglected for years;
- The Minister himself should see the amount of haulage going through Mallow town;
- Road to Whitegate needs upgrading, could Council consider getting a loan from NAMA;
- Queried which projects are shovel ready in the Council;
- Funding for roads is down 60% since 2008;
- Can the Council undertake a noise impact study in Glanmire, estates affected have been taken in charge by the Council;
- The TII is showing a lack of respect towards the Council;
- The Northern Relief Road should be progressed;
- No change in their response to the N71;
- There should be no change to the route selection for the M20;
- No interest in anything outside Dublin, lobby the Minister for funding;
- The TII is responsible for protecting residents from noise, flaw in the legislation;
- The timeframe set out in the report is disappointing.

The Chief Executive said that extensive issues across all the Municipal Districts were raised with the TII. He said that the M20 would require ministerial decision to revisit. He said there is no funding for noise barriers or for noise impact studies.

The Chief Executive said there is a need to develop a tourism signage strategy which can be looked at through the SPC.

On the proposal of Councillor D. O'Grady, seconded by Councillor F. O'Flynn it was agreed that the matter would be discussed further at the next Divisional Committee meetings, to bring issues to the attention of the Minister for Transport.

**Corporate Policy Group:**

**CONFERENCE LIST JULY, 2016**

9/7-1

Proposed by Councillor F. O’Flynn

Seconded by Councillor N. McCarthy

**RESOLVED:**

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

**West Cork Municipal District:**

**REPORT UNDER SECTION 179 PLANNING AND DEVELOPMENT ACT, 2000**

10/7-1

Proposed by Councillor J. Carroll

Seconded by Councillor C. O’Sullivan

**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 8 no. submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

**Skibbereen Town Centre Public Realm Improvement Scheme.”**

Members welcomed this report and said that it is a huge opportunity for the town and that open communication should be kept with businesses and disability groups. Members also queried the timeline for the plan.

The Chief Executive advised that Phases 1, 2 & 5 will be funded from the Town Council reserves and Phases 3 and 4 will be funded after drainage works. He said that the designs are with the Council’s Architects and there is no start date at present. This was noted by Members.

**Roads and Transport SPC:**

**DRAFT POLICY ON URGENT ROAD CLOSURES WHERE APPROVED PLANNED CLOSURE DID NOT PROCEED**

11/7-1

On the proposal of Councillor D. Hurley, seconded by Councillor G. Murphy, the draft policy on Urgent Road Closures where approved planned closure did not proceed, was approved.



**Fermoy Municipal District:**

**REPORT UNDER SECTION 179 PLANNING AND DEVELOPMENT ACT, 2000**

**12(a)/7-1**

Proposed by Councillor F. O’Flynn

Seconded by Councillor I. Doyle

**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 2 no. submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

**Refurbishment of Facilities at the Leisure Centre, Town Park, Fermoy.”**

**REPORT UNDER SECTION 179 PLANNING AND DEVELOPMENT ACT, 2000**

**12(b)/7-1**

Proposed by Councillor F. O’Flynn

Seconded by Councillor D. O’Brien

**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 1 no. submission was received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

**R639 Beechfield Junction Upgrade, Fermoy.”**

**East Cork Municipal District:**

**REPORT UNDER SECTION 179 PLANNING AND DEVELOPMENT ACT, 2000**

**13(b)/7-1**

Proposed by Councillor Ml. Hegarty

Seconded by Councillor N. Collins

**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 19 no. submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

**Store Street-Lower Brown Street, Youghal Improvement Plan**

## **Development Committee:**

### **APPROVAL TO REVISED STANDING ORDERS**

14/7-1

Proposed by Councillor Ml. Hegarty

Seconded by Councillor N. Collins

#### **RESOLVED:**

“That the Revised Standing Orders, July 2016, be hereby approved.”

## **NOTICES OF MOTION**

### **NUMBER OF APPLICANTS ON SOCIAL HOUSING LIST**

15/7-1

Councillor D. O’Grady proposed, seconded by Councillor M. Mullane, the following notice of motion:-

“To seek a written report on the number of approved applicants on the Social Housing list at 1<sup>st</sup> July 2016. The report to include the number of applicants presently living in overcrowded conditions and the number of former applicants housed by Cork County Council and Approved Housing Bodies in 2016 so far.”

Members note d report from the Director of Housing, which outlined as follows:-

As of the 1<sup>st</sup> July, 2016, Cork County Council has 7,814 approved housing applicants on its Social Housing List. 111 applicants or 1.4% of the total number of approved applicants are categorised as overcrowded. To date in 2016, 191 applicants have been housed by Cork County Council and the Approved Housing Bodies (AHBs). Of the 191, 137 were housed by Cork County Council and 54 by the AHBs. There are a further 39 units under offer.

In the current year, Cork County Council has received 73 refusals of properties by approved applicants. The Housing Department is currently carrying out a Housing Needs Assessment which is to be completed by 21<sup>st</sup> September, 2016, and which will give an updated Housing Need figure for Cork County.

During a discussion, Members made the following points:-

- A growing number of applicants are in overcrowded accommodation;
- The Council is only standing still as the housing list is growing;
- Queried if those in overcrowded accommodation have not yet been housed or are on the transfer list;
- HAP should not be forcing people into accommodation that does not suit their needs;
- Queried the reference to the number of refusals;
- Has there been any correspondence from the Department regarding the purchase or construction of new houses;
- 7,814 on the housing list is quite large and the number is growing;
- Upsetting situations when families are overcrowded;
- 111 overcrowded is quite low, numbers are probably higher;

The Chief Executive advised that 111 are on the housing list and not on the transfer list. He said there is no suggestion that the Council would force applicants into a particular type of accommodation. Refusals are a significant issue and it is appropriate that this would form part of the report.

### **CAR INSURANCE FOR YOUNG EMIGRANTS**

16/7-1

Proposed by Councillor N. Collins

Seconded by Councillor T. Collins

#### **RESOLVED:**

“That this Council call on the Government to prioritise and take on board the obstacles that young emigrants have to contend with, on their return to Ireland, by way of sky-high car cover costs.”

- The issue of car insurance rip off for young emigrants needs to be addressed;
- Those gone longer than 2 years their no claims discount does not apply, even though they were driving in a different country;
- It should not be impossible to check their driving history from another country;
- Emigrants are important for the economy and this will only increase the situation of those driving without insurance;
- Claims allocated in court are totally unrealistic and need to be addressed.

### **BREXIT AND NORTHERN IRELAND**

18/7-1

Councillor E. Jeffers proposed, seconded by Councillor D. O’Grady, the following notice of motion:

“Following the recent result of Brexit in the North of Ireland, this Council supports the strong case for Irish unity and calls on An Taoiseach to raise this issue with the British Prime Minister and at a European level and that we as a Council convey our support to call a referendum on Irish unity to the Secretary of State in the north.”

Councillor G. Murphy said that the Good Friday Agreement lays down the parameters for the holding of such a referendum and that it would premature to agree this motion now.

The Mayor requested that a vote be taken on the motion, which resulted as follows:-

**FOR:** Councillors Jeffers, Ml. Murphy, R. McCarthy, O’Grady, Keohane, Cullinane, Rasmussen, Twomey, Linehan-Foley, J. Murphy, Mullane, Hayes, Hurley [13]

**AGAINST:** Councillors McGrath, Forde, Canty, Harris, Lombard, K. Murphy, J. O’Donovan, Lucey, Barry, Ml. Hegarty, N. McCarthy, O’Brien, O’Flynn, Doyle, Dawson, Fitzgerald, G. Murphy, Carroll [18]

**ABSTAINED:** Councillor M. D’Alton [1]

The Mayor declared the motion defeated.

### **Suspension of Standing Orders – Closure of Ward at Fermoy Hospital**

Councillor D. O'Brien said that the HSE has announced that due to staffing issues, that a convalescent ward at Fermoy Hospital is to be closed until September. She said that this is causing undue stress on the patients and families and that the Minister should intervene. The hospital provides great care and people's fears need to be allayed.

It was agreed that the Council would write to the HSE seeking a timeframe for the closure and a guarantee that the ward would re-open.

### **VOTES OF CONGRATULATIONS**

19/7-1

TO: West Cork Bar Association on the reversal of the decision to close Skibbereen Courthouse.

TO: Karen McDermott, Clonakilty on her success in Badminton at the Transplant Games in Finland.

TO: Cork City FC on reaching the second round of the Europa League.

TO: Hannah Sexton on her achievements at the U16 bowling.

### **ANY OTHER BUSINESS**

20/7-1

#### **Joint City and County Libraries**

Councillor I. Doyle asked if there are plans for the City and County Libraries to merge. The Chief Executive said that there is no question of that happening but there may be talks of shared services nationally.

#### **Toll booths in Fermoy E-Tags**

Cllr. P. Hayes said that E-Tags are no longer being accepted at toll booths in Fermoy and requested that clarification be sought from the TII on the matter.

**This concluded the business of the Meeting**