

MINUTES OF ORDINARY MEETING OF CORK CITY COUNCIL
HELD ON MONDAY, 8th MAY, 2006

- PRESENT** An tArdmhéara, Comhairleoir D. Clune in the chair.
- NORTH EAST** Comhairleoirí M. Quill, T. Brosnan, J. Kelleher, D. Murphy, A. Spillane.
- NORTH CENTRAL** Comhairleoirí M. Barry, C. Clancy, G. O' Flynn, D. Wallace, P. Gosch.
- NORTH WEST** Comhairleoirí J. O' Brien, D. McCarthy, C. Burke, M. O' Connell, T. Fitzgerald.
- SOUTH EAST** Comhairleoirí D. Counihan, C. O' Leary, D. O' Flynn, T. Shannon, J. Corr.
- SOUTH CENTRAL** Comhairleoirí C. O' Connell, C. Lynch, S. Martin, T. O' Driscoll, D. Cregan.
- SOUTH WEST** Comhairleoirí J. Buttimer, F. Dennehy, M. Shields, B. Birmingham, M. Ahern.
- ALSO PRESENT** Mr. J. Gavin, City Manager.
Mr. D. Buggy, Assistant City Manager, Roads & Transportation. Mr. D. O'Mahony, Director of Services, Corporate Affairs.
Mr. S. Kearney, Director of Services, Housing & Community
Mr. P. Moynihan, Senior Executive Officer, Housing & Community
Mr. Finbarr Allison, Senior Executive Officer, Corporate Affairs
Ms. N. Mulcahy, A/Senior Executive Officer, Corporate Affairs.
Ms. M. Fanning, A/Administrative Officer, Corporate Affairs

An tArdmhéara recited the opening prayer.

1. FREEDOM OF THE CITY OF CORK TO MARY MCALEESE, PRESIDENT OF IRELAND

On the proposal of An tArd-Mhéara, Comhairleoir D Clune, seconded by Comhairleoir D. Wallace, An Chomhairle agreed the date of May 30th, 2006 to confer the Freedom of the City on Mary McAleese, President of Ireland and also adopted the following resolution:

“RESOLVED that the Freedom of the City be conferred on Mary McAleese, President of Ireland. In recognition of her leadership in promoting greater

understanding and building bridges between all the peoples of this island. In recognition of being the first woman to attain a second term in the highest office in the land, that of Uachtaran na hEireann. In recognition of her outstanding personal and academic achievements, and as a token of the high esteem in which she is held by the people of Cork, for all this and much more, the Lord Mayor and Councillors of Cork City Council consider her worthy to be enrolled in the Roll of Honorary citizens and so direct.”

1. (b) **VOTES OF SYMPATHY**

A vote of sympathy was passed unanimously with An Chomhairle standing in silence to:-

- John Walsh on the death of his wife Mary Walsh
- The O’ Connell family on the death of John O’ Connell
- The Buckley family on the death of Máire Buckley

1.(c) **VOTES OF CONGRATULATIONS**

An Chomhairle extended a vote of congratulations to:

- Cork Ladies football team on their victory in the Suzuki National Football League Division
- The pupils of Mayfield Community School, their teacher Ms. Condon and principal Mr. Walsh on winning the Young Environmentalist Award.
- The Gardaí and ambulance service for their commendable service during the bus hi-jacking in Dublin.

2. **MINUTES**

The Minutes of the Ordinary Meeting of An Chomhairle held on 24th April, 2006 were considered and approved.

3. **QUESTION TIME**

3.1 **CAR PARKING ON THE COURTHOUSE PLAZA**

In response to question submitted by Comhairleoir S. Martin, a written reply was circulated which stated that the cars parked in the Courthouse Plaza are actually within the curtilage of the building and are effectively in a ‘private’ area. Parking regulations therefore do not apply to them. Our understanding is that the cars belong to court judges, court registrar, etc.

Cars parked on Dyke Parade regularly receive parking tickets, although some of the residents claim part of the footpaths is private property. Cork City Council does not accept this and continues to maintain the use of all the footpaths for pedestrians.

3.2 **TRAFFIC MANAGEMENT CONTROLS, BOREENMANNA ROAD**

In response to question submitted by Comhairleoir T. Shannon, a verbal reply was given which stated that Vehicle Control Barriers will be provided to align the new road onto the existing road at Crab lane junction.

3.3 **DEVELOPMENT FEES COLLECTED BY CORK CITY COUNCIL**

In response to question submitted by Comhairleoir J. Buttimer, a written reply was circulated which stated that

- a) The value of the Development Financial Contributions collected in 2005 was €11million.
- b) The General Development Contribution scheme is a *city at large charge*. The monies collected are not broken down within wards. The monies collected under the General Scheme are to fund the provision of the eligible infrastructural projects & facilities
- c) It is proposed to fund the following projects from these resources :
 - o Grand Parade renewal.
 - o Blackrock Village Renewal.
 - o Water & Drainage Schemes.
 - o Public Renewal Works on the Northside of the City.

3.4 **PEDESTRIAN CROSSING ON TOGHER ROAD**

In response to question submitted by Comhairleoir T. O' Driscoll, a written reply was circulated which stated that the area adjacent to the Shopping Centre on Togher Road has been identified as a location where a pedestrian crossing facility is required. It is on the current list of locations where pedestrian crossing facilities are to be provided and it is marked as a priority. It is planned that work will begin on the installation of the facility in the near future.

3.5 **ASBESTOS WATER TANKS**

In response to question submitted by Comhairleoir D. Clune, a written reply was circulated which stated that the Housing Directorate have been advised that asbestos cement water storage tanks pose no safety hazard to householders, except in the situation where maintenance work involving drilling or cutting the tank occurs. Cork City Council policy is to replace this type of tank whenever any such maintenance work to the tank is required.

The approved procedures for handling and disposal of asbestos products are adhered to in all such situations.

3.6 **MARDYKE WALKWAY**

In response to question submitted by Comhairleoir D. McCarthy, a written reply was circulated which stated that it is anticipated that work on the section

of walkway from Thomas Davis Bridge to Lee Fields incorporating new pathway and bridge will commence later in the year once matters relating to land acquisition have been finalized, with works expected to be completed by Summer 2007.

3.7 DETAILS OF ALL PLANNING PERMISSIONS GRANTED SINCE 2000

In response to question submitted by Comhairleoir M. Barry, a written reply was circulated which stated that in the years 2000 to 2005 5350 planning decisions were made. No separate record has been maintained of cases where estate management companies were proposed. Considerable resources would have to be applied to examine all the files.

Details of all Planning Permissions Granted since 2000 – Following a supplementary question from Comhairleoir M. Barry, the City Manager agreed to provide figures requested at one meeting, once same are compiled.

3.8 DEVELOPMENT AT SOUTH RIDGE, SILVERSPRINGS

In response to question submitted by Comhairleoir T. Brosnan, a written reply was circulated which stated that the value of the relevant Development Financial Contributions levied as a condition on planning permission granted to O'Brien & O'Flynn --- TP 01/25316 (which supersedes TP 99/23842) were IR£ 84,800 (€107,674).

These contributions have been paid in full.

The City Council's Roads & Transportation Directorate have confirmed that the necessary works to construct & repave the existing estates access roads (Silverheights Avenue/Silverheights Road/Lotabeg Road) & to construct speed tables & junction treatment on the above named access routes, will be carried out under the current year's Roads programme.

3.9 REDUCE AMOUNTS OF PAPER AND POSTAGE IN CORK CITY COUNCIL

In response to question submitted by Comhairleoir F. Dennehy, a written reply was circulated which stated that Cork City Council aims to reduce the considerable amount of paperwork it makes available, both internally and externally, primarily through the use of new technology.

The use of e-mail, broadband and intranet has resulted in a considerable reduction in paperwork generated relating to Council matters.

All elected members, City Council Staff and members of the media receive council documentation electronically where possible. Broadband has to date

been rolled out to 26 elected members and 6 members have since advised that they no longer require hard copies of documentation.

A corporate contact management system was introduced in September 2002 to deal with correspondence and service requests from members of council and other public representative. During 2005 a total of 631 requests were logged on the system.

Cork City Council website continues to afford members of the public the opportunity to download documentation, application forms and publications very easily and efficiently.

An e-consultation tool was recently introduced whereby submissions relating to the Blackrock Village Area Plan could be submitted online. This pilot was a success and electronic submissions will be considered for future projects.

Initiatives like the above continue to be advanced and promoted by Cork City Council in an attempt to reduce volumes of paperwork and to ensure that operations are carried out in an environmentally sustainable manner.

3.10 **SECURITY LEVELS IN FITZGERALD'S PARK**

In response to question submitted by Comhairleoir M. O'Connell, a written reply was circulated which stated that the City Council Parks staff provide security in Fitzgeralds Park between 8.30am and 5pm Monday to Friday, with a private security company providing a security guard from 5pm on during weekdays and at weekends whilst the park is open. Only on occasion do problems arise with drinking in the park but if it occurs the Gardai are notified and the matter is dealt with promptly.

3.11 **PUBLIC LIGHTING AND FOOTPATHS AT PENROSE WHARF**

In response to question submitted by Comhairleoir J. Kelleher, a written reply was circulated which stated that the public lighting in the Penrose Wharf area (between Ship Street and the car-park at the rear of Kent Railway Station) will be examined and any identified measures required to upgrade the lighting to modern satisfactory levels will be put forward for consideration to be included in the roads programme.

The footpaths on the south side of Alfred Street (Railway Street end), which are in a poor condition, will be renewed this year as part of the resurfacing of Albert Street. We will carry out some local repairs to the footpath at Penrose Quay which is in reasonable condition overall.

3.12 **DOWNSIZING HOUSING SCHEME**

In response to question submitted by Comhairleoir C. O'Leary, a written reply was circulated which stated that the scheme proper commenced in 2006 and 44 applications were received to 31st December 2005.

At the 31st December 2005 nine applicants have been accommodated.
 The number of applicants at 1st of May 2006 stands at 56.
 On receipt of complete and certified applications, applicants are considered and tenancies allocated when properties of their preference become available.

3.13 **COMMERICAL REFUSE AND WATER CHARGES**

In response to question submitted by Comhairleoir C. O'Connell, a written reply was circulated which stated that with regard to water the current arrears stand at €4.1m. This represents 1,200 accounts. It is anticipated that the continuation of our ongoing disconnection policy will result in the current level of arrears being significantly reduced in the coming months.

We will also be initiating legal proceedings for non-payment of charges against a number of customers in the coming weeks in respect of uncollected arrears.

These policies will ensure that we secure the income that is due to Cork City Council.

With regard to Waste the current arrears in respect of Commercial Refuse Collection is €615,000. This represents 338 accounts. The procedure followed in these cases is that the refuse collection service is discontinued immediately. The arrears are also pursued whenever possible.

We will be initiating legal proceedings for non-payment of Commercial Refuse against a number of customers shortly in respect of uncollected arrears.

3.14 **SHANDON RENEWAL SCHEME**

In response to question submitted by Comhairleoir C. Clancy, a written reply was circulated which stated that

(a) Phase 2 Contract for Shandon Street is due for completion in July this year.

(b) The expected overall street and footpath renewal of Shandon Street will cost in the order of €4m for the entire street.

(c) The present contract is Shandon Street Renewal Phase 2 and the contractor is McGinty & O'Shea Ltd. The previous contract which was Shandon Street Phase 1 and was undertaken by P. Clarke & Son Ltd. is now completed. The scheme was tendered as two distinct phases and no extra cost has incurred to Cork City Council in relation to this.

3.15 **SALE OF COUNCIL FLATS**

In response to question submitted by Comhairleoir C. Lynch, a written reply was circulated which stated that:

1. The procedures for the sale of flats to local authority tenants will be put in place when the legislation framework is put in place to deal with same.
2. The Legislation Framework has not yet been put in place.

4. **ENGLISH MARKET**

An Chomhairle considered the report of the City Manager dated the 4th May 2006 on the English Market. An Chomhairle requested that further meetings between Cork City Council Officials and representatives from the Traders committee take place.

5. **MOTION DEFERRED FROM MEETING OF AN CHOMHAIRLE HELD ON 24TH APRIL, 2006:-**

5.1 **HIRING OF CONTRACTORS**

An Chomhairle approved the report of the City Manager dated the 18th April 2006 on the following motion which was referred to the Corporate Policy Group by An Chomhairle.

‘That the elected members of Cork City Council, pursuant to section 130 of the Local Government Act 2001, hereby determine that the policy of the Council in relation to the hiring of Contractors for the provision of services to or on behalf of the Council is as set out in the Schedule to this resolution.’

SCHEDULE

A. The general standards required of a Contractor in providing services to or on behalf of the Council have governance implications for the Council. Non-performance by a Contractor, or performance by a Contractor at less than acceptable delivery or behaviour standards, or both, has implications for the Council itself. For its own protection, the Council must have the means both to take action in such circumstances and to be seen to be capable of taking such action when required.

B. Therefore, in the interests of good governance, when hiring a Contractor the Council shall include the following provisions in its contracts.

(1) The Council shall explicitly reserve the means to terminate a Contractor’s contract on grounds of either non-performance or of less than acceptable standards of performance or behaviour by the Contractor. The Council shall make explicit the level of performance and behaviour required of a Contractor and the Contractor’s management and staff in the provision of services under each particular contract.

(2) Each Contractor shall be obliged to make an annual ‘Governance Assurance Report’ to the Council, signed by the Chief Executive of the contracting company and dealing, at the least, with the following matters:

- (a) adherence to the full and complete terms of the contract.
 - (b) health and safety legislation - provision of copies of compliance documentation and policies.
 - (c) Fire Authority Regulations - Contractor's certificate of compliance.
 - (d) environmental protection - Contractor's certification in relation to any impact, together with full disclosure of any complaints received or investigations carried out during the year and details of any remedial action taken.
 - (e) fiscal obligations - provision by the Contractor of Revenue Commissioners' certification of full tax compliance in the year under report,
 - (f) necessary insurance - the Contractor shall inform the Council of the appropriate insurance cover carried by the Contractor,
 - (g) Contractor's certification of full compliance with employment legislation obligations, together with notification of any complaints received or investigations carried out during the year under report and details of remedial action taken,
 - (h) Contractor's certification in relation to the application of good standards in human resource management practice.
- C. The Council shall provide an Annual Report to the elected members and to its employee trade unions on compliance by Contractors with the requirements of paragraph B.
- D. The Council is not confined to the reporting requirements measures set out above and, following experience and/or advice, may extend the content of governance reporting measures, as required.
- E. In appropriate cases, the Council shall have an additional term in its contracts with Contractors, providing for a random 'spot check' obligation. In such a case, a Contractor would be obliged to facilitate and co-operate with the Council if it wishes to check on the accuracy of any or all of the governance assurance reporting measures. The Council shall consider appointing a competent independent party to carry out and report back on such spot checks.
- F. While it is not appropriate that the Council be expected or requested to police the employee relationships of its Contractors, it is nonetheless responsible that the Council explicitly provide in its contracts that -
- (1) the Contractor will abide by the code of practice scheduled to the Industrial Relations Act 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order 2000 (SI 146 of 2000) in regard to grievance and disciplinary procedures,

- (2) the employees of the Contractor will have the same right of access to the Labour Relations Commission conciliation service, the Labour Court and the Rights Commissioners service, as appropriate, as do the Council's own employees, and
- (3) the Contractor will commit to giving the determinations and/or recommendations of these bodies their due regard under Irish Law and in accordance with best industrial relations practice.'

(Proposer: Cllr. C. Lynch 05/451)

The report of the City Manager stated that all written contracts for the provision of services to or on behalf of Cork City Council are regulated by the Contract and Conditions of Agreement made with the Contractor.

- In relation to works involving building and construction, the City Council in common with other Local Authorities uses the GDLA 82 Form of Agreement and Conditions of Contract for Building Work together with the Supplements thereto and tenders are prepared and advertised accordingly.
 - In relation to works of civil engineering construction, the Council in common with other Local Authorities uses the Conditions of Contract, Third Edition 1980 (revised and reprinted October 1990) published by the Institution of Engineers of Ireland and tenders are prepared and advertised accordingly.
- These contracts have been approved by the Department of Finance and are required to be used when the works are to be paid for wholly or partly from Exchequer Funds. Because contracts are prepared and advertised on the basis of the standard contracts which are intended to be used as standard contracts, only very limited amendments are permitted thereto. These contracts together with contract documents comprising inter alia specifications and drawings prescribe the obligations of the Contractor, its employees and or agents to the City Council in terms of the works and the timing and manner in which they are required to be executed.

In relation to Paragraph A and B(1) of the Motion

These contracts make appropriate provision for the expulsion of the Contractor and or the determination of the contract where the Contractor fails to execute the works in accordance with the contract with reasonable diligence. The terms of the Council's written contracts for the provision of services specifically include an obligation on the part of the Contractor to comply with and give all notices required by any Act of the Oireachtas, any instrument, rule or order made under any Act of the Oireachtas and any regulations or bye-laws of any Local Authority relating to the Works. The Contractor is also obliged to keep the Council indemnified against all penalties and liability of every kind for breach of any such Act, regulation or bye-law.

In relation to the Specific Points in Paragraph B(2) of the Motion

(a) I wish to advise that Cork City Council maintains regular and on-going supervision of its contracts in terms of the Contractor's *adherence to the full and complete terms of the contract*.

(b) Additionally, the City Council's written contracts are subject to production by the Contractor of the following documentation as appropriate:

The Contractor's Safety Statement;

Developed Safety and Health Plan;

The Contractor's Original current C2 or Tax Clearance Certificate and its Sub-

Contractor's Original current C2 or Tax Clearance Certificate;

Contractor's All Risks Policy of Insurance in the joint names of the Contractor and Cork City Council;

Public Liability Insurance Policy in the joint names of the Contractor and Cork City Council;

Employer's Liability Policy of Insurance with confirmation that Cork City Council is indemnified under the policy;

Site Specific Certificate of compliance with a recognised pension and sick pay scheme.

(c) In relation to Fire Authority Regulations, the Contractor is required to comply with the Building Control Regulations 1997 as amended as appropriate with respect to the giving of Commencement Notices and the obtaining of Fire Safety Certificates. The Contractor's Architect or Engineer as appropriate certifies substantial compliance with planning permission, the Building Regulations and the Building Control Regulations.

(d) In relation to environmental protection, the Council's written contracts place an obligation on the Contractor to comply with environmental legislation. In particular contracts, where an environmental impact assessment has been carried out, the Contract places an obligation on the Contractor to implement all measures identified in the environmental impact statement to reduce any identified environmental impacts. In certain contracts where the Contractor is required to operate the completed development or works, the contract requires the Contractor to provide to the Council on a regular basis a record of all complaints received together with any remedial measures taken.

(e) It is a condition of all of the Council's written contracts that the Contractor shall maintain and produce a current C2 or Tax Clearance Certificate and it should be noted that payments made to Contractors are subject to production of same. Additionally, in respect of construction and civil engineering contracts, Contractors are required to enter into a Collateral Agreement with the Council whereby they accept their appointment and agree to perform and observe the obligations of Project Supervisor Construction for the purposes of the Safety, Health and Welfare at Work (Construction) Regulations 2001 and 2003.

(f) In relation to insurances, contractors have a continuing obligation to produce evidence of renewal of the insurances required by the Council and in the event of their failure to do so, the Council is entitled to withhold all payments due to the contractor until such time as such evidence is produced to the Council.

(g) In relation to the Contractor's certification of full compliance with employment legislation together with notification of any complaints received or investigations carried out during the year under report and details of remedial action taken, I have to advise that the standard forms of contract used for construction/civil engineering works do not require such certification from the contractor. Accordingly, it would not be possible to impose such obligations upon a Contractor in construction/civil engineering contracts. Furthermore it would not be reasonable to require a Contractor to report complaints received in respect of works unrelated to the Contractor's contract with the Council. Please note, however, that the standard conditions of contract require the contractor to-

- Pay rates of wages and observe hours of labour and conditions of employment not less favourable than those laid down by the National Joint Industrial Council for the Construction Industry and the contractor is responsible to the Council for the due observance of the foregoing by all sub-contractors;
- Exhibit permanently a copy of the foregoing for the information of the contractor's workpeople on the premises where work is being executed under the contract;
- Keep proper Wages Books and Time Sheets showing the wages paid and the time worked by the workpeople employed in and about the execution of the contract works and same are required to be produced for inspection of any person authorized by the Council whenever required;
- Pay to the contractor's workpeople employed in and about the execution of the contract works all wages and sums of money due and payable to them and in this regard the contractor is precluded from allowing more than one month's wages to be in arrears or unpaid. Also, within five working days after receiving a request in writing from the Council, the contractor must submit a Statement of the amount of wages due at the date of such request to each work-person employed in or about the works;

If the contractor fails to comply with any of the foregoing, the Council has power

(without prejudice to any of its rights under any other provisions of the contract) to determine the contract provided the contractor is first given notice to rectify such noncompliance and has failed to do so within ten days.

(h) In relation to the Contractor's certification as to the application of *good standards in human resource management practice*, the determination of what may be regarded as "good standards" is a subjective matter. The standard contracts for the provision of services related to construction/civil engineering works do not require the Contractor to certify to the Council the operation and maintenance of the highest standards for the time being applicable to its human resource management practice. Any amendments of such contracts in this regard would require the approval of the Department of Finance. Thus, in relation to the suggestion that the Council's Contractors be required to furnish an annual 'Governance Assurance Report', I am of the opinion that the standard forms of contracts provide the Council with adequate protection and moreover are not capable of being amended without the prior approval of the Department of Finance to require production of such a report.

In relation to Paragraph C of the Motion

Having regard to the foregoing, the submission of an annual report to the Elected Members of compliance by Contractors with paragraph B does not arise.

In relation to Paragraph D of the Motion

It is noted that the Council is not confined to the reporting requirement measures set out in paragraph B of the motion and that following experience and advice it may extend the content of such reporting measures as appropriate and as required.

In relation to Paragraph E of the Motion

The standard contracts used by the Council do not entitle the Council to enter upon the contractor's premises for the purposes of ensuring due compliance by the Contractor with the conditions of the contract on the part of the Contractor to be performed and observed. However, I understand that officials of the Department of Enterprise and Employment have an entitlement to enter upon places of employment for the purpose of satisfying themselves that employers are complying with their obligations under relevant employment legislation.

In relation to Paragraph F of the Motion

The standard forms of construction and civil engineering contracts are not capable of being amended by the Council to explicitly provide for the matters set out in sub-paragraphs (1), (2) and (3) of paragraph F of the motion. Any such amendments would require the prior approval of the Department of Finance.

6. **ROADS AND TRANSPORTATION FUNCTIONAL COMMITTEE – 2nd MAY, 2006**

6.1 **ROADWORKS PROGRAMME**

An Chomhairle approved the report of the Assistant City Manager dated 27th April, 2006, on the progress of ongoing Roadworks Programme for month ended April, 2006.

6.2 **EXTINGUISHMENT OF THE PUBLIC RIGHT OF WAY AT 79/81 GLENTHORN DRIVE, DUBLIN HILL, CORK.**

An Chomhairle approved the report of the Assistant City Manager dated 27th April, 2006, regarding the Extinguishment of the Public Right of Way at 79/81 Glenthorn Drive, Dublin Hill, Cork. On the proposal of Comhairleoir D.

Counihan seconded by Comhairleoir M. Quill, An Chomhairle also agreed to adopt the following resolution

“ Now Council here **RESOLVES THAT**

The existing open area between No. 79 Glenthorn Drive and No 81 Glenthorn Drive, from the rear of the southern footpath at Glenthorn Drive in a southerly direction for approximately 30.5 metres shall be extinguished forthwith City Manager to prepare and arrange for immediate execution by Cork City Council the required Form Of Order “

The Report of the Assistant City Manager stated that arising from a request received from the residents of the area, it is proposed to extinguish the Public Rights of Way at 79 / 81 Glenthorn Drive, Dublin Hill. In accordance with Section 73 of the Roads Act 1993, notice of intention to extinguish this Public Right of Way was published on 16th March 2006. The notice confirmed that maps showing the Public Rights of Way to be extinguished were available for public inspection at The Reception Desk, City Hall, from 9.00am to 5.00pm, Monday to Friday inclusive, up to 5.00pm on Thursday 13th April 2006. The notice provided for objections or submissions to be made in writing to the Assistant City Manager, Roads and Transportation not later than 4.30pm on Thursday 27th April 2006. A submission was received from Cork City Council’s Water and Drainage section confirming that there is a public sewer at this location, Adequate legal wayleaves will be put in place to ensure that access is maintained to these services

6.3 **EXTINGUISHMENT OF THE PUBLIC RIGHT OF WAY AT KERRYHALL ROAD, FAIRHILL, CORK**

An Chomhairle approved the report of the Assistant City Manager dated, 27th April, 2006, regarding Extinguishment of the Public Right of Way at KerryHall Road, Fairhill, Cork. On the proposal of Comhairleoir C. Burke seconded by Comhairleoir G. O’ Flynn, An Chomhairle also agreed to adopt the following resolution

“ Now Council here **RESOLVES THAT**

The existing pedestrian access at the western end of Kerryhall Road, between the front boundaries of No 33A Kerryhall Road and 32 Kerryhall Road, which links with the adjacent open green area shall be extinguished forthwith City Manager to prepare and arrange for immediate execution by Cork City Council the required Form Of Order “

The report of the Assistant City Manager stated that arising from a request received from the residents of the area , it is proposed to extinguish the Public Right of Way at Kerryhall Road , Cork. In accordance with Section 73 of the Roads Act 1993 , notice of intention to extinguish this Public Right of Way was published on 16th March 2006. The notice confirmed that maps showing

the Public Rights of Way to be extinguished were available for public inspection at The Reception Desk , City Hall , from 9.00am to 5.00pm ,Monday to Friday inclusive , up to 5.00pm on Thursday 13th April 2006. The notice provided for objections or submissions to be made in writing to the Assistant City Manager , Roads and Transportation not later than 4.30pm on Thursday 27th April 2006 . Five submissions were received predominantly relating to the method of the Extinguishment of the Right of Way and these will be taken into account when the closure method is being chosen.

6.4 **EXTINGUISHMENT OF THE PUBLIC RIGHT OF WAY AT STANNARDS GROVE, BESSBORO CROSS, SKEHARD ROAD, CORK**

An Chomhairle approved the report of the Assistant City Manager dated, 27th April, 2006, regarding Extinguishment of the Public Right of Way at Stannards Grove, Bessboro Cross, Skehard Road, Cork. On the proposal of Comhairleoir T. Shannon seconded by Comhairleoir C. Clancy, An Chomhairle also agreed to adopt the following resolution:-

“ Now Council here **RESOLVES THAT**

The existing pedestrian laneway between “Lima”, No 7 Stannards Grove and “The Bungalow”, Bessboro Cross, Skehard Road, from the rear of the northern footpath on Skehard Road in a northern direction for approximately 40 metres shall be extinguished forthwith City Manager to prepare and arrange for immediate execution by Cork City Council the required Form Of Order”

The report of the Assistant City Manager stated that arising from a request received from the residents of the area, it is proposed to extinguish the Public Right of Way at Stannards Grove, Cork. In accordance with Section 73 of the Roads Act 1993, notice of intention to extinguish this Public Right of Way was published on 16th March 2006. The notice confirmed that maps showing the Public Rights of Way to be extinguished were available for public inspection at The Reception Desk, City Hall, from 9.00am to 5.00pm, Monday to Friday inclusive, up to 5.00pm on Thursday 13th April 2006. The notice provided for objections or submissions to be made in writing to the Assistant City Manager, Roads and Transportation not later than 4.30pm on Thursday 27th April 2006. A submission was received from Cork City Council’s Water and Drainage Section confirming that there is a public sewer and water pipe at this location. Adequate legal wayleaves will be put in place to ensure access is maintained to these services . One objection was also received. The basis of this objection was that extinguishing the Right of Way would lead to increased journey time to Skehard Road / Bessboro Cross. Following consideration of this objection it was deemed that extinguishing the Public Right of Way would not lead to any undue increase in journey time.

6.5 **EXTINGUISHMENT OF THE PUBLIC RIGHT OF WAY AT PATRICK O’DONOGHUE PLACE/EDWARD WALSH ROAD, BALLYPHEHANE, CORK.**

An Chomhairle considered the report of the Assistant City Manager dated, 27th April, 2006, regarding Extinguishment of the Public Right of Way at Patrick O'Donoghue Place/Edward Walsh Road, Ballyphehane, Cork. On the proposal of Comhairleoir T. Shannon seconded by Comhairleoir D. Counihan, An Chomhairle also agreed to adopt the following resolution

“Now Council here **RESOLVES THAT**

The existing pedestrian laneway connecting Patrick O'Donoghue Place with Edward Walsh Road, from the projection of the front boundary of No. 22 Patrick O'Donoghue Place in a south easterly direction for approximately 42 metres to the projection of the front boundary of No. 43 Edward Walsh Road shall be extinguished forthwith City Manager to prepare and arrange for immediate execution by Cork City Council the required Form Of Order “

The Report of the Assistant City Manager stated that arising from a request received from the residents of the area, it is proposed to extinguish the Public Rights of Way at Patrick O Donoghue Place / Edward Walsh Road. In accordance with Section 73 of the Roads Act 1993, notice of intention to extinguish this Public Right of Way was published on 16th March 2006. The notice confirmed that maps showing the Public Rights of Way to be extinguished were available for public inspection at The Reception Desk, City Hall, from 9.00am to 5.00pm, Monday to Friday inclusive, up to 5.00pm on Thursday 13th April 2006. The notice provided for objections or submissions to be made in writing to the Assistant City Manager, Roads and Transportation not later than 4.30pm on Thursday 27th April 2006. A submission was received from Cork City council's Water and Drainage section confirming that there is a public sewer and watermain at this location , Adequate legal wayleaves will be put in place to ensure that access is maintained to these services.

6.6 **EXTINGUISHMENT OF THE PUBLIC RIGHT OF WAY AT MURMOUNT ROAD/MURMOUNT CRESCENT, MAYFIELD, CORK.**

An Chomhairle considered the report of the Assistant City Manager dated, 27th April, 2006, regarding Extinguishment of the Public Right of Way at Murmount Road/Murmount Crescent, Mayfield, Cork. On the proposal of Comhairleoir T. Brosnan seconded by Comhairleoir M. Quill, An Chomhairle also agreed to adopt the following resolution

“Now Council here **RESOLVES THAT**

“The existing pedestrian walkway between No. 52 Murmount Road and No. 50 Murmount Road, from the rear of the northern footpath on Murmount Road in a northerly direction for approximately 17 metres shall be extinguished

forthwith City Manager to prepare and arrange for immediate execution by Cork City Council the required Form Of Order”

The report of the Assistant City Manager stated arising from a request received from the residents of the area, it is proposed to extinguish the Public Rights of Way at Murmount Crescent / Murmount Road. In accordance with Section 73 of the Roads Act 1993, notice of intention to extinguish this Public Right of Way was published on 16th March 2006. The notice confirmed that maps showing the Public Rights of Way to be extinguished were available for public inspection at The Reception Desk, City Hall, from 9.00am to 5.00pm, Monday to Friday inclusive, up to 5.00pm on Thursday 13th April 2006. The notice provided for objections or submissions to be made in writing to the Assistant City Manager, Roads and Transportation not later than 4.30pm on Thursday 27th April 2006. None were received.

6.7 **EXTINGUISHMENT OF THE PUBLIC RIGHT OF WAY AT GEARNEY’S BOREEN, COMMONS ROAD/FAIRHILL DRIVE, FAIRHILL, CORK.**

An Chomhairle considered the report of the Assistant City Manager dated, 27th April, 2006, regarding Extinguishment of the Public Right of Way at Gearney’s Boreen, Commons Road/ Fairhill Drive, Fairhill, Cork. On the proposal of Comhairleoir C. Burke seconded by Comhairleoir M. Quill, An Chomhairle also agreed to adopt the following resolution

“ Now Council here **RESOLVES THAT**

The existing roadway, footpath and open space linking Gearney’s Boreen with Fairhill Drive, formerly Lucey’s Boreen, from the rear of the eastern footpath on Fairhill Drive in an easterly direction for approximately 44 metres shall be extinguished forthwith City Manager to prepare and arrange for immediate execution by Cork City Council the required Form Of Order “

The report of the Assistant City Manager stated that arising from a request received from the residents of the area, it is proposed to extinguish the Public Rights of Way at Gearney’s Boreen / Fairhill Drive. In accordance with Section 73 of the Roads Act 1993, notice of intention to extinguish this Public Right of Way was published on 16th March 2006. The notice confirmed that maps showing the Public Rights of Way to be extinguished were available for public inspection at The Reception Desk, City Hall, from 9.00am to 5.00pm, Monday to Friday inclusive, up to 5.00pm on Thursday 13th April 2006. The notice provided for objections or submissions to be made in writing to the Assistant City Manager, Roads and Transportation not later than 4.30pm on Thursday 27th April 2006. None was received.

6.8 **EXTINGUISHMENT OF THE PUBLIC RIGHT OF WAY AT 28. BOYCES STREET, BLARNEY STREET, CORK.**

An Chomhairle considered the report of the Assistant City Manager dated, 27th April, 2006, regarding Extinguishment of the Public Right of Way at 28 Boyces Street, Blarney Street, Cork. On the proposal of Comhairleoir J. Kelleher seconded by Comhairleoir J. Corr, An Chomhairle also agreed to adopt the following resolution

“Now Council here **RESOLVES THAT**

- 1) The existing Public Right of Way extending southwards from McSwiney Villas to Boyce’s Street between No 28 and No 29 McSwiney Villas for a total of approximately 33metres
- 2) The existing Public Right of Way extending northwards from Boyces between No 11 and No 12 Boyces Street for a total of approximately 22 metres
- 3) The existing Public Right of Way extending eastwards from Friar’s Avenue to Boyces Street for a total of approximately 61 metres to include the ramped and stepped area adjacent to No 25 Boyces Street
- 4) Section of existing footpath on Friar’s Avenue extending northwards from No 3 Friar’s Avenue for a distance of approximately 4 metres
- 5) The existing pedestrian walkway extending northwards from Blarney Street between No 334 and No 335 Blarney Street for a total of approximately 13 metres
- 6) The existing stepped pedestrian walkway known as Morris’s Lane extending northwards from Blarney Street for a total of approximately 14 metres.
- 7) The existing stepped pedestrian walkway extending northwards from Blarney Street between No 342 and No 343 Blarney Street for a total of approximately 10 metres
- 8) The existing laneway extending northwards from Blarney Street between No 347 and No 348 Blarney Street for a total of approximately 14 metres shall be extinguished forthwith City Manager to prepare and arrange for immediate execution by Cork City Council the required Form Of Order “

The report of the Assistant City Manager stated that arising from a request received from Cork City Council’s Housing & Community Directorate, it is proposed to extinguish 8 Public Rights of Way at Boyce’s Street. In accordance with Section 73 of the Roads Act 1993, notice of intention to extinguish this Public Right of Way was published on 04th March 2006. The notice confirmed that maps showing the Public Rights of Way to be extinguished were available for public inspection at The Reception Desk, City Hall, from 9.00am to 5.00pm, Monday to Friday inclusive, up to 5.00pm on Friday 31st March 2006. The notice provided for objections or submissions

to be made in writing to the Assistant City Manager, Roads and Transportation not later than 4.30pm on Friday 14th April 2006. 2 submissions were received. Both submissions supported the proposed Extinguishments but offered alternative methods of extinguishing the Rights of Way. These submissions will be considered by the Housing & Community Directorate.

Extinguishment of the Public Right of Way at 28 Boyces Street, Blarney Street, Cork – Comhairleoir P. Gosch requested that the existing stepped laneway known as Morris’s Lane would be gated at specific times.

6.9 **TAKING IN CHARGE OF SOUTH CORK INDUSTRIAL ESTATE, VICARS ROAD, CORK.**

An Chomhairle considered the report of the Assistant City Manager dated, 27th April, 2006, regarding Taking In Charge of South Cork Industrial Estate, Vicars Road, Cork. On the proposal of Comhairleoir J. Corr seconded by Comhairleoir S. Martin, An Chomhairle also agreed to adopt the following resolution

An Chomhairle **HEREBY RESOLVES** that

“Pursuant to the provisions of section 11 (1) of the Roads Act 1993, that the roads at South Cork Industrial Estate, Vicar’s Road, Cork, be taken in charge.”

The Report referred to development at South Cork Industrial Estate, Vicars Road, Cork. I can confirm that the development has been completed to my satisfaction.

Notice of intention to declare roads at South Cork Industrial Estate, Vicar’s Road, Cork, to be public roads was published on 22nd July 2005. Objections or representations with regard to this proposal were invited. None were received.

The roads are of general public utility. The financial implications of declaring these roads to be public roads have been considered.

6.10 **INSTALL RAMPS ON HOLLYHILL LANE**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council install ramps on Hollyhill Lane (between Blarney Road and Harbour View Road).’

(Proposer: Cllr. D. McCarthy 06/26)

The report of the Assistant City Manager stated that Hollyhill Lane (between Blarney Road and Harbour View Road) is already on the list of areas, where a request for traffic calming has been received. Traffic volume and speed surveys will be carried out to determine the extent of the problems in order to

identify any possible mitigation measures that could be provided there. Appropriate traffic calming measures will be put forward for consideration to be included in the Roads Programme.

6.11 **TRAFFIC CALMING MEASURES IN BALLYVOLANE ROAD**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council Roads Department would put Traffic Calming Measures in Ballyvolane Road.’

(Proposer: Cllr. C. Clancy 06/66)

The report of the Assistant City Manager stated that Ballyvolane Road will be added to the list of areas, where a request for traffic calming has been received. Traffic volume and speed surveys will be carried out to determine the extent of the problems in order to identify any possible mitigation measures that could be provided there. Appropriate traffic calming measures will be put forward for consideration to be included in the Roads Programme.

6.12 **TRAFFIC CALMING MEASURES IN ARDMORE AVE**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council put in place traffic calming measures in Ardmore Avenue and Killiney Heights.’

(Proposer: Cllr. M. O’Connell 06/145)

The report of the Assistant City Manager stated that Ardmore Avenue and Killiney Heights will be added to the list of areas, where a request for traffic calming has been received. Traffic volume and speed surveys will be carried out to determine the extent of the problems in order to identify any possible mitigation measures that could be provided there.

6.13 **REPLACEMENT OF FOOTPATHS AT THE CORNER OF HOUSE NO. 12 BELMONT PARK**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That the footpaths at the corner of house No. 12, Belmont Park, would be replaced as a matter of urgency, as they are in very poor condition. Also that they would be included in the estimates for 2006.’

(Proposer: Cllr. D. O’Flynn 06/150)

The report of the Assistant City Manager stated that the section of defective footpath at No 12 Belmont Park will be replaced and is now on the current work programme.

6.14 **TRAFFIC NOISE POLLUTION ON THE SOUTH LINK ROAD**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council will carry out an examination of traffic noise pollution on the section of the South Link Road (N27) running parallel to the back gardens of homes in Capwell Avenue, with the intention to introduce measures, such as erecting barriers where necessary, which will reduce the current levels of traffic noise pollution, that is impacting upon residents living in the area.’

(Proposer: Cllr. C. Lynch 06/154)

The report of the Assistant City Manager stated that The National Roads Authority (N.R.A.) are responsible for all National Roads. The contents of this motion have been forwarded to the N.R.A. for comment/action. The Roads & Transportation Functional Committee will be kept informed of N.R.A. response.

6.15 **ROAD MARKINGS AND SIGNS AT ARDMANNING AVE.**

An Chomhairle approved the report of the Assistant City Manager dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council will ensure that sufficient road markings and signs are put in place at the junction of Ardmanning Avenue and Patrick Trahy Road. At present no indication is given to show motorists that they must either stop or yield at this junction.’

(Proposer: Cllr. C. Lynch 06/155)

The report of the Assistant City Manager stated that, the junction of Ardmanning Avenue and Patrick Trahy Road will be examined in conjunction

with the Gardaí and any necessary road markings or signs required to set out priority and to improve road safety in the area will be installed.

6.16 **STUDY OF TRAFFIC FLOW THROUGH UAM VAR ESTATE**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council would immediately carry out a feasibility study of the traffic flow through Uam Var Estate and introduce appropriate traffic control measures to slow motorists down in consultation with residents who have to endure high volumes of traffic and motorists often travelling at speed on a daily basis.’

(Proposer: Cllr. J. Buttimer 06/157)

The report of the Assistant City Manager stated that Uam Var Estate is already on the list of areas where a request for traffic calming has been received. Traffic calming measures have already been installed in sections of the estate. Surveys will be carried out in the areas without traffic calming devices to determine the extent of the problems and to identify appropriate mitigation measures that could be provided there. Identified traffic calming measures will be put forward for consideration to be included in the Roads Programme.

6.17 **EXTRA PARKING FOR RESIDENTS IN ARDMORE HEIGHTS**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council would investigate the possibility of providing extra parking places for residents in Ardmore Heights.’

(Proposer: Cllr. M. O’Connell 06/146)

The report of the Assistant City Manager stated that Cork City Council will investigate the possibility of providing extra parking places for the residents pending clarification as to which part of the Ardmore Avenue or Killiney Heights is required.

6.18 **REPAIR THE FOOTPATHS OF ST. CLARES AVENUE**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council will urgently repair the footpaths of St. Clares Avenue as a matter of priority.’

(Proposer: Cllr. M. O’Connell 06/147)

The report of the Assistant City Manager stated that the footpaths in St Clare’s Avenue will be considered for inclusion in the 2007 Footpath Renewal Programme. In the meantime any remedial works considered necessary will be carried out.

6.19 **NAME PLATE SIGN IN MOUNT ST. JOSEPHS DRIVE**

An Chomhairle approved the amended report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council as a matter of urgency, erect a name plate sign in Mount St. Josephs Drive as Doctors, ambulances etc are having great difficulty in finding the park.’

(Proposer: Cllr. D. McCarthy 06/160)

The amended report of the Assistant City Manager stated that Mount St. Josephs Drive will be assessed during the current year and if the signage if found to inadequate the above location will be included in the work programme for 2006.

6.20 **PAYING FOR PARKING FACILITIES**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council takes steps to ensure that motorists have the option of paying for parking facilities using mobile phones or from the Internet in order to (a) reduce the amount of cardboard tickets and (b) to provide important information concerning parking requirements of motorists.’

(Proposer: Cllr. T. O’Driscoll 06/163)

The report of the Assistant City Manager stated that

- a) Cork City Council’s ‘Park by Phone’ system was launched in August 2005. Motorists can pay for on-street parking by phone by:
- Registering as a user and displaying a barcode sticker on the windscreen and
 - Pay for parking by dialling a Park by Phone number and logging the parking period by following the instructions provided.

The system was installed initially in the City Centre/Central Business District and a programme is on going to install it in areas more remote from the City Centre.

b) The system is an addition or alternative to the disc parking system and as well as reducing the amount of paper (parking discs), it offers a very convenient payment method to the motorists. It is planned in the future that various traffic/parking information will be sent to Park by Phone customers by SMS (text). In the meantime, the Traffic Divisions section of Cork City Council's website has just been upgraded so that live or 'real-time' occupancy levels for the City's multistory car parks are displayed and available to those with access to the internet.

6.21 **PARKING AND ROAD RESURFACING - 'THE SQUARE' UPPER CONNOLLY ROAD**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

'Cork City Council will carry out an examination 'The Square' between No. 1 and 47 Connolly Road with the intention to introduce measures, such as improving the present road surface, along with providing appropriate parking space outside resident's homes.'

(Proposer: Cllr. C. Lynch 06/186)

The report of the Assistant City Manager stated that 'The Square' between No. 1 and 47 Connolly Road will be considered for inclusion in the 2007 Estates Resurfacing Programme. An examination of the need for any additional car parking spaces will be undertaken as part of this work.

6.22 **REPAIR HALF MOON BRIDGE ON SOUTH DOUGLAS ROAD**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

'That Cork City Council will urgently carry out an examination of the cladding on the Half Moon Bridge on the South Douglas Road which crosses over the South Link Road (N27) and make necessary repairs. Presently sections of the cladding have broken away and should further deterioration take place it has the potential to result in a very serious accident.'

(Proposer: Cllr. C. Lynch 06/187)

The report of the Assistant City Manager stated that Half Moon Bridge on the South Douglas Road will undergo a technical examination shortly. Any required remedial works found during this examination will be undertaken as soon as possible within any funding constraints.

6.23 **FOOTPATHS IN SOMERTON PARK**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That the footpaths in Somerton Park, would be included in the Estimates for 2006, as they are in very poor condition and are a danger to the public.’

(Proposer: Cllr. D. O’Flynn 06/190)

The report of the Assistant City Manager stated that the footpaths in Somerton Park will be considered for inclusion in the 2007 Footpath Renewal Programme. In the meantime any remedial works considered necessary will be carried out.

6.24 **ROADS IN SOMERTON PARK**

An Chomhairle approved the report of Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘ That the roads in Somerton Park, would be repaired as a matter of urgency, as they are in very poor condition. Also that they would be included in the Estimates for 2006.’

(Proposer: Cllr. D. O’Flynn 06/191)

The report of the Assistant City Manager stated the road in Somerton Park will be considered for inclusion in the 2007 Road Resurfacing Programme. In the meantime any remedial works considered necessary will be carried out.

6.25 **STRATEGY TO DEAL WITH ONGOING TRAFFIC PROBLEMS IN HAWTHORN MEWS**

An Chomhairle approved the report of the Assistant City Manager, dated 27th April, 2006, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council as a matter of urgency introduce a proper strategy to deal with the ongoing traffic problems in Hawthorn Mews, Dublin Hill.’

(Proposer: Cllr. G. O’Flynn 06/192)

The report of the Assistant City Manager stated that Hawthorn Mews already has traffic calming measures and the speed of traffic on the roadway has been reduced as a result of these devices. However, the road is an attractive link between Dublin Hill and Ballincollie Road/North Ring Road and still suffers

from 'through traffic' or rat running. The area will be surveyed and examined again in order to identify further appropriate measures that will alleviate the ongoing traffic problems in Hawthorn Mews. Any identified measures will be put forward for consideration to be included in the roads programme.

7. **HOUSING & COMMUNITY FUNCTIONAL COMMITTEE – 2nd MAY, 2006**

7.1 **MONTHLY REPORT**

An Chomhairle approved the report of the Director of Services on Housing for the month of April, 2006.

7.2 **RE-DEVELOPMENT OF THE DEANROCK FLATS IN TOGHER**

An Chomhairle approved the report of the Director of Services dated 27th April, 2006 in relation to the proposed re-development of the Deanrock Flats in Togher, Cork.

The report of the Director of Services stated that the development was advertised as a development proposed to be carried out by Cork City Council. Members were aware from previous reports of the proposals to demolish the flats in Deanrock Estate and to re-develop this area in a Public-Private Partnership model. The demolition works now proposed are being undertaken to facilitate the re-development of the area and will allow for the Council to advertise for proposals for the new development. The selected development scheme will be advertised under a separate planning process at a later date. Cork City Council has advertised the proposed demolition work as required by Article 81 of the Planning and Development Regulations, 2001. Plans and particulars of the proposed development were available for public inspection for the prescribed period. The period within which any submissions or observations were to be made ended on March 24th, 2006. No submissions/observations were received in connection with the proposed development. The proposed development is consistent with the Development Plan objectives and is in the interests of the proper planning and development of the area. It is now proposed to proceed with the proposed demolition of the flat blocks as advertised.

7.3 **RE-DEVELOPMENT OF THE DEANROCK FLATS IN TOGHER**

An Chomhairle approved the report of the Director of Services dated 27th April, 2006 in relation to the proposed re-development of the Deanrock Flats in Togher, Cork.

The report of the Director of Services stated that the formal planning process for the demolition of flats in Deanrock Estate had now been completed following which it is proposed to proceed with the carrying out of the demolition works.

Members were aware from previous reports that the demolition of the flats was proposed to facilitate the re-development of the area to provide Affordable Housing in a Public-Private Partnership model. In this regard the approach being taken was set out in the report to Members dated February 26th, 2004. This report outlined the intention to re-locate the then existing tenants and to advertise the site as a development site in line with a pre-determined Development Brief. A copy of the Brief, which set out the parameters for the new development, was provided to the Members. The Brief provided for a design that would allow for construction of a mixture of dwelling types ranging in height on different parts of the site from 2 to 4 storeys. Following the approval of Council to the approach proposed, a successful process of transferring the existing tenants was commenced in Spring, 2004 and has now been substantially completed. The successful re-location of tenants now puts the City Council in a position to advertise the site to the market and to invite the submission of development proposals. In recent weeks the Ward Members have expressed their desire that the proposed new development should not exceed three storeys in height. This revision to the original Brief obviously has implications in terms of the value of the site and the number of dwellings which will be achievable. It is now proposed to proceed with the proposed demolition of the flat blocks as advertised and to publicly advertise the re-development project to the market.

7.4 DEVELOPMENT OF THE NURSERY SITE AT SKEHARD ROAD, CORK

An Chomhairle approved the report of the Director of Services dated 2nd May, 2006 in relation to the proposed development of the Nursery Site at Skehard Road, Cork.

The report of the Director of Services stated that the development was advertised as a scheme proposed to be carried out by Cork City Council in partnership with Abode Doorway to Life, pursuant to a contract to be entered into with the City Council in accordance with the provisions of Section 179 of the Planning and Development Act, 2000. The proposed development consists of a total of 57 no. dwellings, 37 of which are to be built by the City Council as Affordable Housing units for sale to eligible persons nominated by the City Council. The balance of 20 no. units are to be built by Abode Doorway to Life for occupation by eligible special needs applicants nominated by Abode Doorway to Life. The proposed development will allow Abode to expand and improve upon the services which they currently provide from their premises at Mahon. The Mahon operation will transfer to Skehard Road where much-needed purpose-built accommodation is also being provided as part of this project for occupation by disabled persons.

The report also stated that Cork City Council advertised the proposed development as required by Article 81 of the Planning and Development Regulations, 2001. Plans and particulars of the proposed development were available for public inspection for the prescribed period. The period within which any submissions or observations were to be made ended on February 23rd, 2006. A total of 44 no. submissions/observations were received in

relation to the proposed development. The names and addresses of those who made the submissions/observations are listed in the attached Appendix. A number of amendments to the advertised scheme are now being proposed in response to concerns raised. These amendments will first be detailed before the issues raised in the various submissions are subsequently dealt with.

PROPOSED AMENDMENTS:

• SHIFTING OF ACCESS ROADWAY

Concerns were expressed in a number of the submissions in relation to the potential impacts of the proposed development on existing residents in Kilbrack Lawn due to the proposed routing of traffic through the estate. In response to the concerns expressed, the access road is now proposed to be re-routed to run along the side of the adjacent amenity park accessing directly onto Skehard Road. This amendment is also detailed on the attached revised site layout plan.

• OMISSION OF PEDESTRIAN LINK THROUGH PROPOSED SCHEME

The advertised scheme provided for a pedestrian pathway linking the proposed development onto the road to the rear of the site (the access road to Clover Hill House). Concerns were expressed in a number of the submissions in relation to the potential impacts of this link in terms of creating nuisance and anti-social-behaviour. In response to the concerns expressed, this link is now proposed to be omitted. This amendment is detailed on the attached revised site layout plan.

• OMISSION OF REAR ACCESS GATES FROM THE HOUSES ON THE NORTHERN BOUNDARY

The advertised scheme provided for the inclusion of gates for pedestrian access to the rear gardens of the dwelling-houses on the northern boundary from the road serving the City Council's Parks Depot and Nursery. Concerns were expressed in a number of the submissions in relation to the potential impacts of this link in terms of creating nuisance and anti-social behaviour. In response to the concerns expressed, this link is now proposed to be omitted. As a further measure intended to guard against the occurrence of anti-social behaviour on the access road to the Parks premises, it is intended to gate this roadway to restrict access outside day-time hours. These amendments are detailed on the attached revised site layout plan. The submissions/observations made in relation to the proposed development have been considered and the issues raised are summarised below, with responses to these issues given:

A: ROADS / TRAFFIC

ISSUES RAISED:

(1) A substantial number of the submissions raised concerns in relation to the proposed vehicular access coming through Kilbrack Lawn. It is stated that the proposed access would pose a risk to children who use the green area in the estate and to the safety of traffic and pedestrians from the proposed development due to the site gradient and the unsuitability of the existing entrance and internal road and footpaths. It was further stated that the existing usage of the junction with Skehard Rd is at a very level and that the current parking patterns would cause congestion when entering and exiting from the proposed development. It is stated that the proposed development will increase resident's difficulty of

vehicular access onto Skehard Road. A number of the submissions suggested the relocation of the access carriageway onto the green area, thus providing an alternative access to the proposed development through the Community Park via Skehard Rd.

(2) The entrance to the proposed development is at an acute angle which gives limited driver visibility. It is stated that the entrance / exit will create a “Yield - Right of Way” junction at No’s 39/40, Kilbrack Lawn and will constitute an infringement of privacy and devalue the property at No. 40 due to increased flow of hazardous traffic (3) Concerns are expressed in relation to the capacity of the road infrastructure to cater for the increased volume of both vehicular and pedestrian traffic that will arise from both the residents of the affordable houses as well as the day visitors and residents of ABODE. It is stated that the proposed development will increase traffic and further aggravate congestion on Skehard Rd. The submissions highlight the increase in current traffic volumes arising from the development of Mahon Point Shopping Centre and The Jack Lynch Tunnel. It is stated that the installation of traffic lights at the Skehard Road junction is not a viable solution.

(4) Objections are raised to the proposed use of lane (particularly as a pedestrian access via Kilbrack Lawn through the proposed development to the Golf Club). There are calls for the exclusion of the access onto the lane from the development and for the omission of the rear accesses off the lane to proposed dwellings. It is stated that in the past agreement was reached with residents that the lane would be one way except for Council employees and existing house owners. The lane, which is quite narrow, is currently being used as rat run to evade traffic lights and congestion, has become a location for anti-social behaviour and is unsuitable for an increase in traffic flow. The recent closure of a laneway adjacent to Clover Lawn due to anti-social behaviour is referred to. The restriction of the use of the laneway to pedestrian and vehicular traffic from Skehard Road only is requested. There are requests made for the up-grading of the lane and the existing footpath at the lane entrance.

(5) It is stated that there is inadequate parking arrangements for residents and visitors to the proposed development.

RESPONSE TO ISSUES RAISED :

(1) As outlined above and as detailed on the attached revised site layout plan, it is proposed to re-route the access route through the adjacent park.

(2) This issue is no longer relevant in the context of the amendment described at (1).

(3) The site for the proposed development is located in an urban residential area. In the context of it being an urban development, it is considered that the local road network is capable of accommodating the demands that will be generated. Arising from (1), the proposed access road will now connect to Skehard Road via the existing public park.

(4) As outlined above and as detailed on the attached revised site layout plan, the pedestrian link through the proposed scheme and the rear access gates to the houses on the Northern boundary are to be omitted from the development.

(5) It is considered that the parking provision being proposed is adequate to serve the proposed development and in line with City Development Plan standards.

B: IMPACTS OF PROPOSED DEVELOPMENT

ISSUES RAISED :

- (1) A number of the submissions state that the layout and design of the proposed development will impact on established housing estates, that the proposed development will create noise pollution and will create traffic that will endanger the health and safety of children using the play area in Kilbrack Lawn. The view is expressed that the proposed development will reduce the residential amenity value of adjoining estates by the creation of access to the proposed scheme via Kilbrack Lawn. Concern is also expressed that the creation in the advertised scheme of a gated access from the development into the adjoining amenity park will attract anti-social activity into Kilbrack Lawn and beyond to Clover Lawn Estate. Assurances are sought that the development will not have a negative impact on established estates and it is stated that the Design Report provided by Michael Williams Architects does not consider the impact on these adjoining estates.
- (2) The opinion is expressed that the proposed development will impact on the mobility and vehicular usage of the resident of No. 39 Kilbrack Lawn who is an M.S sufferer.
- (3) It is stated that the proposed development will result in a reduction in open space / green area in the locality.
- (4) It is stated that the use of the adjoining laneway will interfere with the privacy and reduce the security of homeowners. The proposed pedestrian access through the park, which of late has become a location for drug dealing, will further encourage usage of existing laneways for unsocial activities which in turn could carry through to existing adjoining estates. The concern is expressed that increased usage of the lane may lead to its closure at some future date due to anti-social behaviour (see also A-4 above).
- (5) The concern is expressed that construction work will cause damage to existing dwellings, especially if piling occurs.
- (6) It is stated that all viable options have not been considered to lessen the impact of proposals.
- (7) It is stated that the proposed development will increase the occasions of flooding and additional information is sought in relation to engineering requirements for flooding. The concern is expressed that the location and use of soak away and outflow into Kilbrack Lawn may cause future structural damage to property which has already occurred in some dwellings due to site conditions. It is further indicated that the lane-way presently suffers the effects of over use with flooding and road subsidence.

RESPONSE TO ISSUES RAISED :

- (1) As previously outlined above, this site is located in an urban residential area. There is considerable need in all areas of the city for new housing of all tenures, and in this context the development of the site for housing purposes is considered very desirable. The likely impacts of a development of this site were fully considered in the design of the scheme proposed. Acknowledging the concerns expressed in the submissions in relation to a number of the features of the scheme, the amendments outlined above are now being proposed. The amendments will effectively make a cul-de-sac of the proposed scheme with no linkages to either Kilbrack Lawn or the adjacent

laneways. It is not considered that the development as now recommended will have any significant impact in terms of noise pollution, health and safety of children or residential amenity.

(2) This issue is no longer relevant in the context of the amending proposal to re-route the access road as outlined above.

(3) As stated above, the development of this site for housing purposes is considered very desirable in the context of demands for housing in the area. The site was previously used by the City Council as a nursery. The site is not now in full use and is not available for general public use as an active amenity/green area. There is a substantial formal amenity area located to the east of the development site and the Municipal Golf Course is also closeby.

(4) As previously outlined above, the accesses to the adjoining lanes from the proposed development are now being omitted.

(5) The construction phase will be appropriately managed and the relevant engineering and design expertise will be in place to deal with any ground conditions or other issues that require specialised attention.

(6) See (1) above.

(7) The appropriate engineering solution will be applied to deal effectively with and contain the surface water arising from the proposed development and to minimise flooding risk. This solution will be applied with the relevant approval from the relevant City Council once the necessary ground surveying and testing have been undertaken.

C: DESIGN / LAYOUT

ISSUES RAISED:

(1) Concerns are expressed in relation to the three storey dwellings being proposed. Reference is made to the three storey dwellings being on the highest part of the site and overlooking Kilbrack Lawn. There are calls to reduce the height of dwellings from three to two storeys.

(2) It is stated that the privacy and the lighting of existing houses will be affected by the density and height of the proposed development and that privacy could also be compromised by the possible conversion of the roof of the utility room into veranda / balcony.

(3) Dissatisfaction is expressed with the concentration of higher density on the eastern side of the development site adjacent to Clover Lawn, while the southern side has a lower density.

(4) It is stated that there is insufficient open space and green area in the proposed development.

(5) Design not in keeping with surrounding development.

RESPONSE TO ISSUES RAISED:

(1) Whilst one of the house-types proposed was advertised as three storey, the dwelling will effectively present visually as a two storey house, with the difference in height between the two storey and three storey dwellings being in the order of 1.5 metres. The attic space in this house-type is to be used as a third bedroom and the design is consistent with good design principles of efficiency and sustainability.

(2) The separation distances between the proposed dwellings and existing dwellings is in excess of the minimum design guidelines. It is not considered that the proposed dwellings will have any significant impact in the manner suggested. The roofs of the utility rooms attaching to the rear of dwellings on

the western boundary will be pitched at an angle to discourage their use as an active living space.

(3) The dwellings on the southern boundary are in terraced configuration representing a denser form of housing than that on the western end which includes for semi-detached units.

(4) The open space provision within the site is considered sufficient to serve the development and is consistent with Development Plan Standards. As previously outlined above, there is also a substantial public park adjoining the site.

(5) A contemporary design is being proposed which is considered appropriate to the site.

D: OTHER ISSUES

ISSUES RAISED:

(1) Concerns are expressed in relation to the impacts of noise, traffic and dirt during the construction phase of the project and the route for construction traffic is queried.

(2) It is stated that the removal of vegetation will impact on wildlife.

(3) A query is raised in relation to the routing of utilities.

(4) There is a call to retain, upgrade and increase height of existing boundary limestone wall and to re-instate the hedging.

(5) It is stated that Affordable Housing would not be an advantage to the area.

(6) The capacity of the current sewage / surface water network to cater for the proposed development is queried.

(7) The suggestion is made to build in the Community Park and to use the Nursery Site as a green area.

(8) It is stated that the site is unsuitable for construction.

(9) The use of the Part 8 Planning Process is queried.

(10) It is stated that conditions should be imposed on the developer to ensure minimum disruption to residents, with penalties for delays in construction timetable.

RESPONSE TO ISSUES RAISED:

(1) It is the City Council's intention that appropriate condition will be imposed on the necessary Building Contract to deal with the matters referred to. It is intended that the construction traffic will be routed along the line of the proposed permanent access road for the development (ie directly from Skehard Road through the amenity park).

(2) The carrying out of the proposed development which will provide these much-needed dwellings will require the removal of vegetation.

(3) The arrangements for routing of utilities have not yet been finalised. This is likely to happen closer to the tendering stage for the project and in consultation and agreement with the utility companies.

(4) Works for the repair and upgrading of the existing limestone boundary wall will be carried as part of this building project. A scheme for the landscaping of the site will also be undertaken.

(5) As outlined earlier in this report there are huge demands for housing rightcross the entire city. The development of Affordable Housing as part of this scheme will mean that people will be in a position to own homes in this area where previously they would not have been able to do so.

(6) The capacity of the sewage / surface water network in the area is sufficient to cater for the proposed development.

(7) The use of the Nursery Site as a green area in replacement for the existing park is not desirable. The proposal would make the amenity more remote for members of the general public and being more remote would be likely to create for a high risk of anti-social behaviour. In this regard the proposal would also be in direct conflict with many of the concerns expressed in the submissions.

(8) As outlined earlier in the report, the development of the site as proposed is considered desirable. The site is physically suitable for construction.

(9) The site is in the ownership of the City Council. The ABODE element of the proposed development is to be carried out in partnership with the Council using funds to be channelled through the City Council from the Department of the Environment, Heritage and Local Government. The Affordable Housing units are to be built for sale to persons on the City Council's Affordable Housing List. In these circumstances, the Part 8 Planning Process is the correct process to be applied to the proposed development.

(10) Appropriate conditions will be imposed on the relevant Building Contract to secure the efficient execution of the building works.

The report further stated that the site of the proposed development is located in an area zoned for residential, community and local services in the current City Development Plan and is considered suitable for the development of housing.

The density of the development being proposed accords with the general recommendations of the Residential Density Guidelines, the mix of house sizes is consistent with the Housing Strategy, and the design and layout of the proposed houses meet the criteria set out in the City Development Plan. There is substantial demand for housing across the entire city. At April 27th, 2006 there were 1,354 eligible applicants seeking Affordable Housing from Cork City Council. The proposed scheme will provide much needed quality accommodation and

will help to meet these demands for affordable housing in this area. The proposed development is considered to be consistent with the proper planning and sustainable development of the area having regard to the provisions of the Development Plan. The proposal has been considered by the Planning and Development Directorate, the Roads and Transportation Directorate, the Environment Directorate and the Recreation, Amenity and Culture Directorate and all are supportive of and consider the development being proposed to be acceptable.

7.5 **THE GLEN REGENERATION PROJECT – PHASE II**

An Chomhairle approved the report of the Director of Services dated 27th April, 2006 on progress in relation to The Glen Regeneration Project – Phase II.

The Report of the Director of Services stated that The Glen Regeneration Masterplan identified the lack of infrastructure and the isolated situation of the estates as the main reasons for problems associated with the area. The Masterplan stated that there are few recreational facilities, that security to private rear gardens and public open space is weak and that the layout of many areas makes them prone to anti-social behaviour. It lists the main objectives of the Regeneration Project:

- Create an Integrated Community

- Improve the overall appearance of the area
- Eliminate sites of anti-social behaviour
- Develop Infrastructure

Members were aware that the Glen Regeneration Project Phase 1 was completed late last year and that the demolition of four blocks of flats is currently underway to facilitate Phase 2 of the project. Plans are being completed for Phase 2 which will involve the construction of 59 no. units and purpose built community building. The site for this phase of development is bounded by Glen Avenue to the South and Arderin Way / Comeragh Park to the North. The underlying site strategy is to inhabit Glen Avenue by building continuous terraces to the south. The proposals will improve the context of the existing housing in Arderin Way and Comeragh Park by creating two new separate courtyards to the north. It is proposed to create a third courtyard adjacent to the church which will be enclosed by housing and a new community centre. The Community Centre will be embedded within the built form and is to be accessible from both Glen Avenue and the church courtyard. The design approach also responds to the topography of the site which lies on a north-facing slope. The positioning of new housing responds to the need to create a more coherent environment and to eliminate areas prone to anti-social behaviour. The majority of new houses are arranged back-to-back so that the amount of private open space backing onto public open space is minimised. The estimated cost of the project is in the region of €20m. Discussions have taken place with the Department of the Environment, Heritage and Local Government with a view to advancing the project. It is intended to advertise the development for Part 8 in May.

7.6 **KNOCKNAHEENY REGENERATION**

An Chomhairle approved the report of the Director of Services dated 27th April, 2006 on progress in relation to Knocknaheeny Regeneration Phases E, F, G, & H.

The report of the Director of Services stated that members were aware of the ongoing work on Block D of the Knocknaheeny Regeneration Project. The regeneration of the overall area is guided by the Knocknaheeny Masterplan which identified the following key principles for the re-development of the area:

- Favour a social mix and a diversity of family units
- Integrate new facilities and amenities into the new urban neighbourhood
- Allow for the provision of new educational, health and social welfare services and facilities for all levels.
- Create an attractive urban neighbourhood centre.
- Improve the urban landscape.

Plans are being completed for the phase of regeneration to cover the areas known as Blocks E,F,G & H. The area for this phase of work is bounded by Kilmore Road Lower to the North and Harbour View Road to the South. Plans will involve the refurbishment of existing units and the construction of new infill housing as well as the provision of new-build community space.

The Project includes the following specific works:

The refurbishment of 244 no. existing units to include insulating and refinishing to external facades, provision of new electrical installations, new gas heating systems, construction of new boundaries, new parking layouts and new garden layouts.

The construction of 55 no. new housing units and associated site works.

The closure and removal of a number of vehicular access alleyways.

The re-alignment and reconstruction of a number of existing rear garden boundaries.

The re-alignment and resurfacing of a number of existing roads.

Construction of new landscaped areas in existing green areas.

The estimated cost of the project will be in the region of €60m. Discussions have taken place with the Department of the Environment, Heritage & Local Government with a view to advancing the Project. It is intended to advertise the development for Part 8 in May.

7.7 **MOTIONS**

7.7.1 **INFILL HOUSING BETWEEN LAGAN GROVE AND LIFFEY PARK**

An Chomhairle approved the report of the Director of Services dated 27th April, 2006 on the following motion which was referred to the Committee by An Chomhairle.

‘That in-fill housing be provided at the vacant site and walk-way between Lagan Grove and Liffey Park, Mayfield.’

(Proposer: Cllr. J. Kelleher 06/141)

The report of the Director of Services stated that there have been a number of requests in recent times to provide infill housing at a number of locations in Mayfield. These requests arise predominantly from the incidence of antisocial behaviour and illegal dumping at the locations in question. Members will be aware that measures are currently being formulated to improve the public realm on the Northside of the City. Proposals for infill housing need to be tackled in a holistic and coordinated manner and in the context of plans for the general improvement of the public realm. With a view to bringing forward plans for housing, it is proposed to arrange for a meeting in the coming weeks with the Ward Members to identify the areas of concern. When these sites have been identified and assessed a further report will issue to Council setting out how it is intended to proceed.

7.7.2 **PART 8- SPECIAL MEETING OF HOUSING FUNCTIONAL COMMITTEE**

An Chomhairle approved the report of the Director of Services dated 27th April, 2006 on the following motion which was referred to the Committee by An Chomhairle.

‘That a Special Meeting of the Housing Functional Committee be called to discuss Part 8 before they go before Council and that all information pertaining to that Part 8 be made available to members at that meeting.’

(Proposer: Cllrs. S. Martin & T. Shannon 06/175)

The report of the Director of Services stated that a revised Protocol for Part 8 Developments has recently been agreed by Council.

7.8 **DISPOSALS**

An Chomhairle approved the following property disposals.

7.8.1 **PROPERTY DISPOSAL**

- a) Disposal of land approximately 85 sq. metres in area, situated at Albert Street, Cork, to O’Flynn Construction Limited, c/o P.J. O’Driscoll & Sons, Solicitors, 73, South Mall, Cork, by Deed of Rectification.
- b) Disposal of wayleave approximately 4m in width situated at Trabeg, South Douglas Road, Cork to E.S. B., Lower Fitzwilliam Street, Dublin 2, for the sum of €5.00 plus costs.

Fee Simple

- a) Freehold interest in property situated at and known as “St. Brendan’s”, Derrynane Road, Cork, for the sum of €101.60 plus costs of €460.00 to Derarca O’Callaghan, c/o Piers & Fitzgibbon, Solicitors, Market Street, Listowel, Co. Kerry.
- b) Freehold interest in property situated at and known as “Lindisfarne”, Sli Gartan, Iona Park, Mayfield, Cork, for the sum of €76.18 plus costs of €460.00 to Mary O’Callaghan c/o Michael Powell, Solicitors, 5, Lapps Quay, Cork.

8. **CORRESPONDENCE**

An Chomhairle noted correspondence.

9. **CONFERENCES**

An Chomhairle approved the attendance at the following Conferences:-

9.1 **WHAT LIES AHEAD – HOW WILL WE HEAT OUR HOMES AND BUSINESS IN AN UNCERTAIN ENERGY FUTURE**

An Chomhairle approved the attendance of Comhairleoir D. Cregan at the What Lies Ahead Conference held at the Longford Arms Hotel, Longford on the 28th April 2006.

9.2 **15th ANNUAL KERRY ENVIRONMENTAL RECOGNITION CONFERENCE**

An Chomhairle approved the attendance of Comhairleoirí B. Bermingham, P. Gosch, T. Fitzgerald and F. Dennehy at the 15th Annual Kerry Environmental Recognition Conference held at the Golf Hotel, Ballybunion, Co. Kerry on the 26/29 April 2006.

9.3 **THE FUTURE OF LOCAL AUTHORITIES – SERVICE PROVIDERS OR REGULATORS?**

An Chomhairle approved the attendance of Comhairleoirí M. O’Connell and J. Corr at The Future of Local Authorities Conference held at The Knockranny House Hotel, Westport, Co. Mayo on the 18/19 May 2006.

9.4 **ENHANCING AN ENTERPRISE CULTURE – THE ROLE OF LOCAL AUTHORITIES**

An Chomhairle approved the attendance of Comhairleoirí P. Gosch and D Murphy at the Enhancing an Enterprise Culture Conference held at Glór Irish Music Centre, Ennis, Co. Clare on the 25/26 May 2006.

9.5 **THE POST BLG COUNCILLOR**

An Chomhairle approved the attendance of Comhairleoir T. Brosnan at The Post BLG Councillor conference held at Bellingham Castle Hotel, Castlebellingham, Co. Louth on the 26 – 27 May, 2006.

9.6 **STOKING THE MARINE TOURISM ENGINE**

An Chomhairle approved the attendance of Comhairleoir J. Kelleher at the Marine Tourism conference held in Holy Trinity Heritage Centre, Carlingford, Co. Louth on the 31st May and 1st June.

9.7 **THE IMPORTANCE OF THE ARTS IN URBAN REGENERATION**

An Chomhairle approved the attendance of Comhairleoir J. Kelleher at the Arts in Urban Regeneration conference held in Kerry Literary & Cultural Centre, Listowel, Co. Kerry on the 11th and 12th May.

9.8 **WHO OWNS IRISH HEALTHCARE CONFERENCE**

An Chomhairle approved the attendance of Comhairleoirí T. Brosnan and J. Kelleher at the Who Owns Irish Healthcare Conference held in Auburn Lodge Hotel, Ennis on 18th – 20th May 2006.

10. **CONTINUATION OF MEETING**

Comhairleoir T Shannon proposed, Comhairleoir D Murphy seconded that the meeting be extended beyond 8.00PM. A vote was called for where there appeared as follows:

FOR: Comhairleoirí T. Brosnan, D. Murphy, M. Barry, C. Clancy, P. Gosch, J. O' Brien, C. Burke, T. Fitzgerald, D. Clune, D. Counihan, C. O' Leary, D. O' Flynn, T. Shannon, J. Corr, C. Lynch, F. Dennehy, M. Shields, M. Ahern. [18]

AGAINST: Comhairleoirí D. Cregan, J. Buttimer. (2)

An t-Ard-Mheara declared the vote carried and the meeting continued.

11.MOTIONS WHICH WERE DEFERRED FROM MEETING OF AN CHOMHAIRLE HELD ON 24th APRIL, 2006:-

11.1 AMEND COUNCIL STANDING ORDERS

An Chomhairle considered the following motion which was deferred from the last meeting of An Chomhairle.

‘That Council would amend its own Standing Orders so that item 11 (Order of Business), part (g) (Question Time), section (i) would be changed from “each member to be allowed ask one question per meeting” to “each member to be allowed ask two questions per meeting” and that 11(g)(iv) would be changed from “only the questioner to be allowed ask one supplementary question” to “only the questioner to be allowed ask a maximum of one supplementary question even where two questions have been submitted”.’

(Proposer: Cllr. M. Barry 06/153)

On the proposal of Comhairleoir M Barry, seconded by Comhairleoir C. O' Leary a vote was called where there appeared as follows:

FOR: Comhairleoirí M. Barry, C. Clancy, J. O' Brien, C. O' Leary, D. O' Flynn, C. Lynch, J. Buttimer, M. Ahern. [8]

AGAINST: Comhairleoirí T. Brosnan, D. Murphy, P. Gosch, C. Burke, T. Fitzgerald, D. Clune, D. Counihan, T. Shannon, J. Corr, D. Cregan, F. Dennehy, M. Shields. [12]

As the number of members voting in favour of the motion was less than one half of the total number of the members of Council as required by Standing Orders, An t-Ard-Mhéara declared the motion lost.

11.2 FINANCE FOR CENTRAL HEATING FOR TENANTS

An Chomhairle approved the following motion which was deferred from the last meeting of An Chomhairle.

‘That City Council calls on the Government to provide finance to enable the City Council install central heating for tenants who do not already have it.’

(Proposer: Cllr. T. Brosnan 06/188)

11.3 **ELIMINATE THE PRACTICE OF CONSUMERS BEING FORCED TO PAY STAGE PAYMENTS**

An Chomhairle approved the following motion which was deferred from the last meeting of An Chomhairle.

‘That Cork City Council calls on the government to introduce legislation to eliminate the practice of consumers being forced to pay stage payments for houses in housing estates across the country.’

(Proposer: Cllr. J. Buttimer 06/194)

12. **MOTIONS WHICH WERE REFERRED FROM MEETING OF AN CHOMHAIRLE HELD ON 24th APRIL, 2006:-**

12.1 **CONDEMN ALL PUBLIC REPRESENTATIVES WHO ARE AND WHO HAVE BEEN INVOLVED IN WIDE SCALE CORRUPTION**

An Chomhairle considered the following motion which was referred from the last meeting of An Chomhairle.

‘That Cork City Council condemns all public representatives who are and have been involved in wide scale corruption and scandals, through shady land and planning deals, taking monies for votes on such issue’s, which the tribunal are currently proceeding with, and that all political parties expel such public representatives.’

(Proposer: Cllr. C. O’Leary (06/199))

Comhairleoir T Shannon proposed and Comhairleoir T. Brosnan seconded that the motion be amended to read as follows:-

‘ That Cork City Council condemns all public representatives who have been found guilty of being involved in wide scale corruption and scandals, through shady land and planning deals, taking monies for votes on such issue’s, which the tribunal are currently proceeding with, and those found guilty of criminality, and that all political parties expel such public representatives.

An Chomhairle approved the amended motion proposed by Comhairleoir T. Shannon.

12.2 **PROVISION OF THE BACCALAUREATE SECOND LEVEL QUALIFICATION IN CORK**

An Chomhairle approved the following motion which was referred from the last meeting of An Chomhairle.

‘That Cork City Council opens discussions with local schools about the provision in the Cork region of the international baccalaureate second level qualification.

This course is for “international” students (mostly the children of people who find themselves frequently moving countries due to their jobs). It allows their children have continuity in their education. It would of course also benefit Irish people who are working abroad and intend to come home. The course is available in 83 countries and over 800 schools. Due to the high number of international companies in Cork I believe there is already a market for this provision within one of our schools. More importantly as this course is only available on a partial basis in one school in Dublin I believe it would be a very beneficial incentive in attracting further international investment to our City and region.

(Proposer: Cllr. D. Murphy (06/202))

12.3 **AN END FOR REQUIRING STAGE PAYMENTS FROM HOUSE PURCHASERS**

An Chomhairle approved the following motion which was referred from the last meeting of An Chomhairle.

bring ‘That Cork City Council calls on both the Taoiseach and the Law Society to about an end to the anti consumer practice of builders in Cork requiring and getting stage payments from house purchasers. Both Taoiseach and the Law Society could bring about change quite simply had they a mind to so do.’

(Proposer: Cllr. T. Brosnan (06/207))

12.4 **CORK SWANSEA FERRIES LTD.**

An Chomhairle considered the following motion which was referred from the last meeting of An Chomhairle.

Ltd ‘That Council expresses its opposition to the practice of Cork Swansea Ferries of operating ships which fly a flag of convenience and calls on the company to answer the serious charges put to it by the International Transport Workers’ Federation that crew on board the Superferry are being paid less then the national minimum wage.’

(Proposer: Cllr. M. Barry (06/213))

On the proposal of Comhairleoir D. O' Flynn seconded by Comhairleoir F. Dennehy, an Chomhairle agreed to defer a decision on this motion to a further meeting of An Chomhairle to allow the view of SIPTU be sought on the matter.

12.5 **LACK OF PLACES IN NATIONAL SCHOOLS FOR CHILDREN WITH LANGUAGE IMPAIRMENTS**

An Chomhairle approved the following motion which was referred from the last meeting of An Chomhairle. It was also agreed that a delegation of Council should meet with the Minister for Education and Science.

‘That Council expresses its concern at the lack of places for children affected by verbal dyspraxia and specific language impairment in language classes attached to national schools for the new school year 2006/2007.’

(Proposer: Cllr. M. Barry (06/216))

13. **MOTIONS**

An Chomhairle referred the following motions to the relevant Committees:-

13.1 **INNER SECTION OF CLAREVILLE**

‘That the inner section of Clareville be included in the 2007 Estate Road Resurfacing Programme which would also include footpath renewal.’

(Proposer: Cllr. S. Martin 06/112)

Roads & Transportation Functional Committee

13.2 **CONNOLLY PARK**

‘That Connolly Park be included in the 2007 Estate Road Resurfacing Programme.’

(Proposer: Cllr. S. Martin 06/113)

Roads & Transportation Functional Committee

13.3 **PRUNE THE TREES IN HILLCREST RISE**

‘That Cork City Council prune the trees in Hillcrest Rise, on the Harbour View Road side.’

(Proposer: Cllr. D. McCarthy (06/205))

Recreation, Amenity and Culture Functional Committee

13.4 **CATHEDRAL WALK/ BACK WATERCOURSE ROAD**

‘That Cork City Council Recreation and Amenity Department carry out an assessment of the River Bride and land at the junction of Cathedral Walk/ Back Watercourse Road with a view to landscaping and protecting the wildlife.’

(Proposer: Cllr. C. Clancy 06/220)

Recreation, Amenity and Culture Functional Committee

13.5 **PART 5 SETTLEMENTS WITH DEVELOPERS**

‘That a mechanism be put in place to inform Council of all proposed Part 5 settlements with Developers.’

(Proposer: Cllr. C. Clancy 06/221)

Planning & Development Functional Committee

13.6 **PELICAN CROSSING AT JUNCTION OF SOUTH DOUGLAS ROAD AND SKEHENAMORE**

‘ That Cork City Council would up grade the Pelican crossing at the junction of South Douglas Road and Skehenamore to full traffic signal control to facilitate the large numbers of residents wishing to exit onto the South Douglas Road, but are unable to, due to large volume of vehicles using the main road.’

(Proposer: Cllr. T. Shannon 06/223)

Roads & Transportation Functional Committee

13.7 **YELLOW BOXES AT ENTRANCE TO CHRIST THE KING CHURCH**

‘That yellow boxes would be placed outside the car park entrance at Christ the King Church, Turners Cross, as this would create easy access for the public during Mass times.’

(Proposer: Cllr. D. O’Flynn 06/227)

Roads & Transportation Functional Committee

13.8 **RESTORE THE PRESIDENTS/ LORD MAYORS PAVILION IN THE MARDYKE**

‘That Cork City Council would as a matter of urgency and civic pride, restore the Presidents / Lord Mayors Pavilion in the Mardyke as it is in a serious state of disrepair.’

(Proposer: Cllr. D. McCarthy 06/228)

Recreation, Amenity & Culture Functional Committee

13.9 **V.E.C – PLAYING GROUNDS FARRANLEA RD.**

‘That Cork City Council instruct the City Manager to enter into negotiations with the V.E.C to purchase the playing fields situated on Farranlea Rd, which said lands would be retained for sports clubs in the Bishopstown area.’

(Proposers: Cllr. C. Burke 06/230)

Recreation, Amenity & Culture Functional Committee

13.10 **MERCY/ SOUTH INFIRMARY/ VICTORIA HOSPITALS – NEW HOSPITAL**

‘That Cork City Council would consult with the management of the Mercy Hospital and South Infirmary/ Victoria Hospital with a view to identifying a site which would be suitable for a new hospital for the Cork region.’

(Proposer: Cllr. C. Burke 06/231)

Referred to the next meeting of An Chomhairle

13.11 **MUNSTER VICTORY – VICTORY PARADE VIEWING STAGE**

An Chomhairle approved the following motion.

‘That in the hope of a Munster victory in the European Rugby Cup Final Cork City Council will put in place plans to hold a victory parade and a viewing stage for the Munster team. Discussions should be opened with the Munster rugby officials to discuss the celebrations.’

As capital city and largest county in Munster it is vital that in the event of a victory on the 20th of May the occasion be celebrated and acknowledged in the appropriate manner. Each time Cork is in an All Ireland Hurling or Football final such plans are put in place. This does not of course presume the result of these matches but reflects the requirement to put plans in place. A victory in one of Europe’s premier sporting events (indeed the worlds top club rugby event) would be Munster’s greatest collective sporting achievement. The people of Cork and Munster have travelled far and wide to support their team, the least they deserve is a celebration at home.

(Proposer: Cll. D. Murphy 06/235)

13.12 **RESURFACING OF FOOTPATHS AND ROADS NEAR OLD DOUGLAS ST. POST OFFICE**

‘That that footpaths and road surfaces near the old Douglas Street Post Office be resurfaced as soon as possible as they are in very poor condition.’

(Proposer: Cllr. T. O’Driscoll 06/237)

Roads & Transportation Functional Committee

13.13 **EUROPEAN REFUGEE FUNDING**

‘Council expresses its astonishment at the decision to stop European Refugee funding for NASC.’

(Proposer: Cllr. M. Barry 06/238)

Referred to the next meeting of An Chomhairle

13.14 **STATUTORY FORM OF INQUIRY INTO THE SCANDAL OF ORGAN RETENTION**

‘Council calls for the establishment of a statutory form of inquiry into the scandal of organ retention.’

(Proposer: Cllr. M. Barry 06/239)

Referred to the next meeting of An Chomhairle

13.15 **LIST OF PROJECTS IN NON RAPID AREAS**

‘That Cork City Council would compile a list of projects within its remit in non Rapid areas with a view to completing such projects as funding becomes available.’

(Proposer: Cllr. T. O’Driscoll 06/240)

Corporate Policy Group

13.16 **TRAFFIC LIGHTS – JUNCTION OF MILITARY ROAD AND OLD YOUGHAL ROAD**

‘That Cork City Council would erect Traffic Lights at the junction of Military Road and Old Youghal Road as the junction is quite dangerous for motorists turning right or left from Military Road due to speeding traffic on Old Youghal Road and the fact that cars parked on either side of the junction obstruct the view of motorists adds further to the danger.’

(Proposer: Cllr. T. Brosnan 06/241)

Roads & Transportation Functional Committee

13.17 **TAKE IN CHARGE SOUTH RIDGE ESTATE, SILVERSPRINGS**

‘That Cork City Council would take in charge South Ridge, Silversprings, now that the Estate has been completed by the builder.’

(Proposer: Cllr. T. Brosnan 06/242)

Roads & Transportation Functional Committee

13.18 **BRING WORLD IRISH DANCING CHAMPIONSHIPS TO CORK**

‘That Cork City Council would explore the possibility with the World Irish Dancing Organization of bringing the World Irish Dancing Championships to Cork.’

(Proposer: Cllr. M. O'Connell 06/243)
Recreation, Amenity & Culture Functional Committee

13.19 **GREEN AREA AT KNOCKNAHEENY**

‘That the green area between No. 9 to No. 12 Courtown Drive Knocknaheeny would be converted into a parking area for residents and that the footpath which runs along at the side of No. 9 be repaired as soon as possible.’

(Proposer: Cllr. M. O'Connell 06/244)
Roads & Transportation Functional Committee

13.20 **TRAFFIC SURVEY AT DEERPARK**

‘That this Council agrees that a complete traffic survey of Deerpark Estate, be undertaken as a matter of urgency with the view to putting extensive traffic calming measures in place. This is essential given the large number of young children resident on the Estate. Speeding traffic is a great hazard particularly at school holiday time.’

(Proposer: Cllr. C. O'Connell 06/245)
Roads & Transportation Functional Committee

13.21 **RATE REBATE SYSTEM**

‘That Cork City Council will give consideration to putting in place a rate rebate system for the temporary use of retail units in the City Centre in relation to chartable and artistic events.

This proposed system would come into effect, when a retail unit is temporarily not in use, in examples such as:

- Due to a change of ownership or change of lease holder.
- When a building is due to undergo development and is awaiting either planning permission or a schedule for works to begin.
- And whereby the premises are being used on a short basis to host either a chartable organisation or an artistic event.’

(Proposer: Cllr. C. Lynch 06/246)
Corporate Policy Group

13.22 **CENTRAL HEATING AND INSULATION FOR COUNCIL TENANTS**

‘That Cork City Council will ensure that tenants, who have put in place central heating measures in their homes through their own expense, but have not had their attics insulated, will have this work carried out as part of Council’s Central heating programme.

(Proposer Cllr. C. Lynch 06/247)
Housing Functional Committee

13.23 **ELECTORAL COMMISSION**

‘That Cork City Council calls on the Minister for the Environment Dick Roche TD to establish an Electoral Commission immediately, to correct the current inaccuracies in the system, which would be independent of Government, and would have responsibility for compiling the electoral register with the assistance of the local authorities.’

(Proposer: Cllr. C. O’ Leary 06/248)

Referred to next meeting of An Chomhairle

13.24 **TRANSPORT OF HAZARDOUS SUBSTANCES**

‘That Cork City Council seeks that national legislation is brought into being that would ensure the transport of hazardous substances be carried by means other than on road, when such options represent a safer option.’

(Proposer Cllr. C. O’ Leary 06/249)

Environment Functional Committee

13.25 **ROAD MARKINGS AT WOODLANDS, MIDDLE GLANMIRE ROAD**

‘That, in order to reduce the possibility of traffic accidents occurring, proper road markings be put in place at the entrance to Woodlands, Middle Glanmire Road, Montenotte.’

(Proposer: Cllr. J. Kelleher 06/251)

Roads & Transportation Functional Committee

13.26 **NEW PEDESTRIAN CROSSING – CLASHDUV PARK**

‘That Cork City Council would in the interest of health and safety and to avoid any potential injury to all who use the playground install a new pedestrian crossing at the entrance to the playground on Clashduv park on Clashduv road.’

(Proposer: Cllr. J. Buttimer 06/252)

Roads & Transportation Functional Committee

13.27 **TRAFFIC CALMING SYCAMORE PLACE, TOGHER**

‘That Cork City Council would in consultation with residents install traffic calming in Sycamore Place, Togher.’

(Proposer: Cllr. J. Buttimer 06/253)

Roads & Transportation Functional Committee

14. **TENDERS**

The following tenders were opened:-

- 6 no tenders for the supply and installation of loose furniture for Civic Offices.

This concluded the business of the meeting.

ARDMHÉARA
CATHAOIRLEACH