

MINUTES OF ORDINARY MEETING OF CORK CITY COUNCIL
HELD ON TUESDAY 10th DECEMBER 2002

- PRESENT:** An tArdmheara Comhairleoir J. Kelleher in the chair.
- NORTH EAST** Comhairleoirí T. Brosnan, L. Burke.
- NORTH CENTRAL** Comhairleoir Con O'Leary.
- NORTH WEST** Seanoir D. McCarthy, Comhairleoirí M. O'Connell, J. O'Brien.
- SOUTH EAST** Seanoir T. Shannon, Comhairleoirí D. Clune, J. Corr, J. O'Flynn, D. Counihan.
- SOUTH CENTRAL** Seanoir C. O'Connell, Comhairleoirí S. Martin, D. Cregan, Chris O'Leary.
- SOUTH WEST** Comhairleoirí M. Shields, M. Ahern, B. Bermingham, P.J Hourican.
- ALSO PRESENT** Mr. J. Gavin, City Manager
Mr. M. Riordan, Director of Services, Corporate Affairs
Mr. R. McDowell, Senior Planner, Planning & Development
Mr. F. Allison, Senior Executive Officer, Corporate Affairs
Ms. U. Ramsell, Staff Officer, Corporate Affairs

Apologies: Comhairleoirí T. Falvey, D. Wallace.

An tArd-Mheara recited the opening prayer.

1. **WELCOME**

An tArd-Mheara welcomed Comhairleoir Con O'Leary back to Council and wished him well.

2. **VOTES OF SYMPATHY**

An Chomhairle unanimously extended a vote of sympathy to :-

The O'Flynn family on the death of Imelda O'Flynn
The Hallahan family on the death of Marie Hallahan

3. **MINUTES**

- (a) Minutes of Ordinary Meeting of An Chomhairle held on 25th November 2002
 - (b) Special Meeting of the Committee of Whole Council held on 2nd December 2002
- were considered and approved.

4. **QUESTION TIME**

4.1 **10 FRIARY GARDENS**

In response to question submitted by Comhairleoir S. Martin, a written reply was circulated which stated that Planning Permission was granted for the erection of a dwelling in the side garden of 10 Friary Gardens on the 26/6/96 (TP 19814/95). Although the development had commenced, to date the development has not been completed.

Planning permission (T P 23555/99) was also granted on the 8/12/99 in respect of a planning application for the alteration of two conditions (i.e. to alter vehicular access & to retain a shed for 18 months) on the initial planning permission. This subsequent permission included a condition that the development is to be carried out in accordance with the drawings & specifications submitted in 1999.

The matter of non-compliance with these planning permissions has been forwarded to the Law Agent with instructions to institute enforcement proceedings if appropriate.

In addition to planning enforcement proceedings, an instruction has also been sent to the City Council's Property Department to consider placing the property on the Derelict Sites Register. The Council's Environment Department have also investigated the matter under the Litter Acts & have advised that there are no grounds for action under littering . The matter had also been referred to the Health & Safety Authority, but they have advised that they could not take any action in the matter.

4.2 **SALE OF FLATS**

In response to question submitted by Seanoir N. O'Flynn T.D. a written reply was circulated which stated that a copy of the current insurance policy for City Council flats has been forwarded to the legal representatives of the purchasers.

The policy has also been forwarded to the Law Department who will now assure that details of the policy will be forwarded to each flat purchaser in the near future.

4.3 **CHURCHFIELD SWIMMING POOL**

In response to question submitted by Seanoir D. McCarthy a written reply was circulated which stated that a Detailed Design Drawings have been submitted to the Department of Arts, Tourism and Sport for the development of new pool at Churchfield. Approval has just been received on 5th December to proceed to the next stage which is the seeking of tenders. Tenders will now be sought from contractors in relation to the works. A Tender Report will be prepared on receipt of tenders and then forwarded to the Department for further approval. It is expected that approval to sign contracts should be given in March/April 2003 allowing for works to commence and necessitating closure of present pool.

4.4 **GULLEYTRAPS IN GREENMOUNT / FRIARS WALK**

In response to question submitted by Seanoir C. O'Connell a written reply was circulated which stated that :-

- (1) €3,700 under the Reinstatement Contract 2002.
- (2) €6,700 approx., under the Road Resurfacing Contract for 2000
- (3) The work was not carried out under the Road Resurfacing Contract for 2000 because of industrial relations issues
- (4) 29th November 2002

4.5 **METER BOX**

In response to question submitted by Comhairleoir B. Bermingham a written reply was circulated which stated that the Planning Authority would be of the opinion, particularly in the case of a Protected Structure or terrace of architectural merit, that the erection of a 'Meter Box' on the front façade would require planning permission.

4.6 **AVONMORE PARK**

In response to question submitted by Seanoir M. Quill a written reply was circulated which stated that the derelict Maxol site at Old Youghal Road remains on the Derelict Sites Register. No recent developments have taken place in that regard.

The only remaining option is to pursue a compulsory acquisition of this site.. As the owner has obtained planning permission for the redevelopment of the site and is actively pursuing the sale of same, that course of action would not be considered appropriate in this case.

The advancement by City Council of any proposals for infill housing between Nos. 18-19 Avonmore Park is likely to prejudice the development for which the developer has received permission. Discussions will take place with the developer in relation to integration development of both sites.

4.7 **CRECHE/CHILD CARE FACILITIES**

In response to question submitted by Comhairleoir D. Clune, a written reply was circulated which stated that: the Planning Authority, while accepting that the introduction of a commercial venture is not normally acceptable in a residential area, given the significant benefits of the provision of child care facilities and Government Policy on such facilities are generally disposed to granting planning permission for Creches in residential areas.

The 1998 City Development Plan, while recognising the demand for Creches, also specifies that they will only be permitted where they do not detract from amenities enjoyed by local residents and do not lead to increased traffic or street car parking in previously quiet areas.

It is true to say that new Creche or Child Care facilities in residential areas have normally been granted temporary planning permission by the local authority. The granting of a temporary permission enables the local authority to assess the impact of the Creche over a period of time on the residential amenities of the area.

Temporary permissions have been used in other cases e.g. Hackney cab bases so as to enable the local authority to assess the impact of same on the free flow of traffic on the adjacent street.

4.8 **FLOODING IN BLACKPOOL**

In response to question submitted by Comhairleoir B. Allen T.D., a written reply was circulated which stated that:-

- (a) The primary responsibility for maintenance of the river and its banks rests with the adjacent landowner. In the case of public open space this devolves on the City Council. The City Council however has an oversight responsibility to ensure proper working of the waterway and may intervene to clear where necessary. The City Council is generally responsible for maintenance of culverts.
- (b) I have no record of a request to the City Council to clean the River Bride and its banks being received. If such a request were received by our Drainage Section, it would be assessed on the basis of risk of impact on flow capacity of the river.
- (c) A written request addressed to the Environment Dept., was received on the 7th August 2002 from the Secretary of the Orchard Court Residents Committee, requesting the supply of 5 brushes, 50 black bags and 5 pairs of gloves for a clean up of Orchard Court on Saturday 10th August 2002. These materials were delivered.

A phone call from a resident representative on Monday 12th August 2002 in which he advised that the residents had cleared part of the River Bride and asked that these materials be removed. A total of 4 pick-up truckloads were collected during August 2002.

Contact was again made in early September 2002 asking that more material be removed. Arrangements were put in place to collect 2 pick-up truckloads. No requests were received from Orchard Court Residents Committee during 2000 and 2001.

- (d) I understand that the Drainage Section, who have responsibility for culverts were not informed by anyone of suspected blockages in the culverts at Blackpool at any time prior to the first flooding incident. After this incident the local residents however did advise Drainage staff of their suspicion that debris had collected in the culvert known as Blackpool Bridge. No assessment of the extent of build-up was possible due to the large flow and water level in the river over the following days.
- (e) I have carried out a review of the events before, during and after the flooding incidents and am satisfied of the following:

The initial flooding was primarily a result of intense rainfall in the catchment and a limitation on the capacity of the culvert downstream of Blackpool Church. The impact however was aggravated by partial blockage of the entrance to the Blackpool Bridge adjacent to Orchard Court by a large cable drum. This external obstruction was removed on the 22nd.

- The second flooding, again occasioned by a similarly intense rainstorm, resulted from overflow of the Bride at Orchard Court. This subsequently proved to result from partial blockage of the northern arch of the culvert/Blackpool Bridge. It appears much of this debris resulted from the first severe weather event.

- After the second flooding the particular expertise of the Army Engineering Corps personnel were mobilised to clear the jammed debris with the archway. This was designed to regain the capacity of this channel and provide reassurance to residents with regard to overflow at this location.
- Alterations were carried out to wall upstream of main culvert to enable an overflow arrangement in the event of a repeat water escape through Orchard Court.
- Gratings have been commissioned for installations at a number of points upstream of Blackpool Bridge in order to minimise danger of debris being washed beneath it and again becoming lodged.
- The deficiency in the capacity of the culvert downstream of Blackpool Church is being addressed by installation of a new culvert with over double the capability. This contract was advertised for tender on the 6th December. It is expected that work may commence in March 2003 with completion before year-end.
- I presented a report to the City Council on the flooding on 9/12/02.

4.9 **SPORTS FACILITIES**

In response to question submitted by Comhairleoir T. Brosnan, a written reply was circulated which stated that the playing fields at the Camp Field are not for sale. The remainder of the land comprising the “pitch and putt”, the derelict tennis courts and the houses on the site are for sale. I am considering whether we should make an offer for them.

5. **MATERIAL CONTRAVENTION OF CORK CITY DEVELOPMENT PLAN REVIEW 1998 REGISTER REF. 02/26239 DEVELOPMENT AT 33, 34 ST. PATRICK’S STREET, CORK**

An Chomhairle agreed to defer to the next meeting of An Chomhairle consideration of the report of the Director of Services, Planning & Development on the proposed Material Contravention of Cork City Development Plan Review 1998 – Register Ref. 02/26239 – development at 33, 34 St. Patrick’s Street, Cork.

6. **SOUTH WEST REGIONAL AUTHORITY**

On the proposal of Comhairleoir M. Shields, seconded by Comhairleoir L. Burke, An Chomhairle approved Seanoir M. Quill to fill the casual vacancy on the South West Regional Authority arising from the resignation of Senator J. Minihan.

7. **SCHEDULE OF MEETINGS**

An Chomhairle approved the report of the City Manager on the proposed Schedule of Meetings for January to June 2003.

8. **TRAVELLER ACCOMMODATION CONSULTATIVE COMMITTEE**

An Chomhairle agreed to defer the nomination of a representative to fill the casual vacancies on the Traveller Accommodation Consultative Committee deferred from meeting of An Chomhairle held on 14th October 2002 arising from the resignation of Comhairleoir Kathleen Lynch T.D.

9. **RECREATION, AMENITY & CULTURE STRATEGIC POLICY COMMITTEE**

9.1 **PROPOSALS IN RELATION TO ARTS DEVELOPMENT**

An Chomhairle approved the Arts Officer's report in relation to the Arts Committee Plan 2000 – 2005. The report stated that it was now appropriate for a formal assessment and evaluation of the Arts Development Plan involving drawing up a brief for the evaluation, commissioning of the evaluation, consultative meetings with key cultural practitioners, various partners and interest groups. It would also be appropriate to change the title of the Plan to Cork City Cultural Plan.

An Chomhairle agreed that the role of the Arts Committee would be discussed at the next meeting of the Party Whips

9.2 **COMMUNITY EMPLOYMENT PROGRAMME**

An Chomhairle approved the following motion :-

‘That Cork City Council is opposed to the current cuts in the Community Employment Programme which impact both on the participants and the Community and Voluntary Sector, subsequently this will lead to the halting of the delivery of vital services across the city i.e. Community Centres, Meals on Wheels, sports facilities, childcare, youth services, services for the elderly etc. and records its opposition to the Government on the current cuts in the Community Employment Programmes, the effects and the inadequate supports put in place to maintain services in the Community and Voluntary Sector in Cork City’.

(Proposer: Comhairleoir Chris O’Leary 02/225)

10. **RECREATION AMENITY & CULTURE FUNCTIONAL COMMITTEE**

10.1 **GLEN CELTIC**

An Chomhairle approved the report of the Director of Services on the following motion :-

‘That Cork City Council grant a lease to Glen Celtic in respect of the pitch at the Glen as the club has been the exclusive user of the pitch for over 5 years and the absence of a lease is preventing the club from qualifying / applying for grant aid under the Sports Capital Programme.

(Proposer: Comhairleoir T. Brosnan 02/242)

The report of the Director of Services stated that Leeds F.C. had already been provided with two pitches and that Cork City Council would have no difficulty in recommending allocation of the pitch at the Glen Amenity Park to Glen Celtic was also considered. The report also stated that the matter would be taken up with the Munster Football Association shortly.

10.2 **BIRTHPLACE OF FRANK O'CONNOR**

An Chomhairle approved the report of the Director of Services on the following motion :-

‘That Cork Corporation would consider purchasing the house in Douglas Street that was the birthplace of Frank O’Connor.’

(Proposer:- Comhairleoir S. Martin 01/356)

The report of the Director of Services which stated that if the Committee were in agreement, the possibility of purchasing the premises with a view to its possible use as a focal point for literature in the City could be pursued.

10.3 **ICE SKATING RINK IN CORK CITY**

An Chomhairle approved the report of the Director of Services on the following motion :-

‘Further to my motion 01/152 which asked ‘That this Council seek developers interested in the provision of an ice skating rink in Cork City, adding to its stock of amenities that its citizens can enjoy and attracting others into the City’

The Report of the Assistant City Manager stated ‘that research would be undertaken into the provision of ice rinks, demand for same etc. elsewhere and a further report will be brought before the committee at an early date’

I now request the Manager to bring before Council results of the said research, further consideration, and likely venues such as Educational Institutions, Sporting Clubs, and Public areas that could ensure high activity and enjoyment of sporting amenity.’

(Proposer: Comhairleoir B. Bermingham 02/244)

The report of the Director of Services stated that the history of ice rinks in Ireland was poor with a number of disused cinemas/old warehouses converted to ice rinks over the past decade and closing within a short time of opening. The space required is roughly equivalent to five swimming pools with high operational costs included. The only ice rink operating in the country was the Dundonald International Ice Bowl at Castlereagh (Belfast) which was heavily subsidised by Castlereagh Borough Council. In view of the above, it was considered fruitless to pursue the matter further. However, it was noted that Dublin City Council was operating a temporary ice rink at Smithfield for Christmas and this project could be examined regarding doing something similar in Cork next Christmas.

11 **CONFERENCES**

An Chomhairle approved the attendance at the following Conferences:-

11.1 **‘EXPLORING SPORT TOURISM’ CONFERENCE**

An Chomhairle approved the attendance of Comhairleoir T. O’Driscoll at the ‘Exploring Sport Tourism’ Conference held in The Falls Hotel Ennistymon, Co. Clare, on 29th – 30th November.

11.2 **‘NATIONAL SEMINAR ON HOMELESS STRATEGY’**

An Chomhairle approved the attendance of Comhairleoiri K. Lynch T.D. and B. Allen T.D. at the National Seminar on Homeless Strategy held in the Mercer Hotel Dublin 2 on 10th December 2002.

11.3 **‘NATIONAL SPATIAL STRATEGY CONFERENCE**

An Chomhairle approved the attendance of Seanoir D. McCarthy and Comhairleoiri D. Wallace, D. Counihan, Con O’Leary and M. O’Connell at the National Spatial Strategy Conference to be held in Tralee on 16th December 2002.

11.4 **FINANCING STRATEGIES FOR LOCAL AUTHORITIES**

An Chomhairle approved the attendance of Comhairleoiri D. Clune, P. J. Hourican, T. Brosnan and M. Aherne at the Financing Strategies for Local Authorities to be held in the Corrib Great Southern Hotel, Galway on 17th January 2003.

11.5 **‘PLANNING AFTER THE CELTIC TIGER’ THE NATIONAL SPATIAL STRATEGY AND ITS IMPACT ON RURAL AND URBAN IRELAND.’**

An Chomhairle approved the attendance of Seanoir Con O’Connell and Comhairleoiri Michael O’Connell, Sean Martin, Tim Brosnan, Terry Shannon and Con O’Leary at the Annual Seminar of the General Council of County Councils to be held at the Abbey Court Hotel, Nenagh, Co. Tipperary on 7/8 February 2003.

12. **MOTIONS DEFERRED FROM MEETING OF AN CHOMHAIRLE HELD ON 25TH NOVEMBER 2002**

12.1 **STUDENTS ACCOMMODATION**

An Chomhairle approved the following motion which was deferred from the meeting of Chomhairle held on 25th November, 2002 :-

‘That Cork City Council calls on the Minister for Finance to introduce a regulation whereby parents who have children attending College and where rent is being paid for the accommodation of those children that the said rent would be a tax-deductible expense.’

(Proposer: Comhairleoir C. Burke 02/248)

12.2 **REINSTATE THE FIRST TIME BUYERS GRANT**

An Chomhairle considered the following motion which was deferred from meeting of An Chomhairle held on 25th November 2003 :-

‘That Cork City Council condemns the F.F. and P.D. Government for the proposed savage cutbacks in government spending which were announced in the estimates, and that The City Council calls on the Minister for Finance Mr. Charlie Mc Creevy

to do the honorable thing and resign immediately. This council also calls on the Government to immediately reinstate the first time buyer's grant'.

(Proposer: Comhairleoir M. O'Connell 02/267)

A vote was called for on the where there appeared :-

FOR: An tArdmheara Comhairleoir J. Kelleher, Seanoir C. O'Connell, Comhairleoiri Con O'Leary, M. O'Connell, D. Clune, J. Corr, Chris O'Leary, M. Ahern, P.J. Hourican **-9**

AGAINST: Seanoir T. Shannon, Comhairleoiri T. Brosnan, J. O'Brien, D. Counihan, S. Martin, **-5**

An Chomhairle agreed to forward a copy of the motion to all Local Authorities.

13. **MOTIONS**

13.1 **BULLYING IN CORK CITY COUNCIL**

An tArdmheara declared the following motion to have fallen in the absence of a seconder.

'That this Council agrees that in view of complaints/reports of widespread bullying in several sections of Cork City Council, that the anti-bullying unit be invited in as a totally impartial body to investigate such complaints and that the council urge the Manager to act accordingly'.

(Proposer: Seanoir C. O'Connell 02/282)

13.2 **CORK SCHOOL OF MUSIC**

An Chomhairle approved the following motion :-

'That this Council calls on the Minister for Education to take the relevant action to enable work on the proposed new CORK SCHOOL OF MUSIC to proceed without further delay'.

(Proposer: Seanoir M. Quill & Seanadoir J. Minihan 02/283)

14. **MOTIONS**

The following motions due notice of which had given were referred to the next meeting of the appropriate Committee:-

14.1 **EXTEND DISC PARKING PROGRAMME**

"That Cork Corporation extend Disc Parking Programme into Mount Sion Road, Greenmount Avenue, Greenmount Crescent, Bonaventure Place, Presentation Place and Mount Carmel Road and, following consultation with the residents, proceed as quickly as possible to implement the agreed programme."

(Proposer: Comhairleoir S. Martin – 01/05)

- Roads & Transportation Functional Committee

14.2 **LEE ROWING CLUB**

“That funding be put in place in next years Estimates to complete and overhaul or replace the Lee Rowing Club pier.”

(Proposer: Comhairleoir S. Martin – 01/066)

- **Environment Functional Committee**

14.3 **FOOTPATH IN CONVENT AVENUE**

‘That repairs to the footpath in Convent Avenue be carried out immediately’.

(Proposer: Comhairleoir M. O’Connell 02/240)

- **Roads & Transportation Functional Committee**

14.4 **REINSTATE FOOTPATH AT BAKERS RD & MOUNT ST. JOSEPH’S BLARNEY ST**

‘That the footpath between Bakers Road and the entrance to Mount St. Joseph’s Blarney St. be reinstated as a matter of urgency’.

(Proposer: Comhairleoir M. O’Connell 02/255)

- **Roads & Transportation Functional Committee**

14.5 **POULADUFF RD BE INCLUDED IN RESURFACING PROGRAMME**

‘That the section of Pouladuff Road to the South of Green Street be included in the forthcoming Resurfacing Programme’.

(Proposer: Comhairleoir T. O’ Driscoll 02/269)

- **Roads & Transportation Functional Committee**

14.6 **PROVISION OF PEDESTRIAN FACILITIES**

‘That Cork City Council adopt a policy on the provision of pedestrian facilities, such as pedestrian crossings, which would be more appropriate for specific locations, e.g. Togher Road/ Ardmanning Avenue junction, and adjacent to Scoil An Spioraid Naoimh (Cailíní) Bishopstown, rather than the presently used –6- “warrants” system, which is of a very restrictive nature and which does not allow for localised dangerous aspects’.

(Proposer: Seanoir J. Dennehy 02/270)

- **Roads & Transportation Functional Committee**

14.7 **PEDESTRIAN CROSSING AT RIVERVIEW ESTATE**

‘That a pedestrian crossing at Riverview Estate would be put in place as a deterrent to speeding traffic’

(Proposer: Comhairleoir K. Lynch 02/271)

- **Roads & Transportation Functional Committee**

14.8 **YELLOW BOX JUNCTION AT PARK COURT & RIVERVIEW ESTATE**

‘That a yellow box junction would be put in place at the entrance to Park Court and Riverview Estate’.

(Proposer: Comhairleoir K. Lynch 02/272)

- **Roads & Transportation Functional Committee**

14.9 **TRAFFIC LIGHTS AT HARBOUR VIEW RD /BAKERS RD**

‘That traffic lights be put in place at the junction of Harbour view Rd Bakers Rd.’

(Proposer: Seanoir D. McCarthy 02/281)

- **Roads & Transportation Functional Committee**

14.10 **COMMUNITY DEVELOPMENT PROJECT**

‘That Cork Corporation would co-operate with Teamworks, Hollymount Industrial Estate, Hollyhill, regarding the setting up of a Community Development Project in Gurranabraher and the development of a suitable premises in the area for use as a Community Centre’.

(Proposer: Comhairleoir B. Allen, T.D. 02/284)

- **Planning & Development Functional Committee**

14.11 **CLEAN UP OF COMMUNAL GARDEN AT KELLEHER’S BUILDINGS**

‘That Cork City Council carry out immediate work at Kelleher’s Buildings to clean up the ‘communal garden’ as it is an eyesore, a refuge for vermin and in its current state a disgrace to the reputation of this Council.’

(Proposer: Comhairleoir T. Brosnan 02/285)

- **Housing & Community Functional Committee**

14.12 **CLEAN UP OF THE NORTH RING RD**

‘That Cork City Council arrange for an immediate clean up of Rubbish on the southern side of the North Ring Road from Boyne Crescent to Tinker’s Cross’.

(Proposer: Comhairleoir T. Brosnan 02/286)

- **Environment Functional Committee**

14.13 **MEDICAL CENTRE AT KNOCKNAHEENY**

That Cork City Council calls on the Southern Health Board to provide a Medical Centre to cater for the residents of the Knocknaheeny area which said centre would provide for General Practitioners, Dentist, Community Nurse, Councillors and Physiotherapists and that the Cork Council would make every effort to accommodate the requirements of the Health Board for the erection of this Centre.'

(Proposer: Comhairleoir C. Burke 02/287)

- **Housing Strategic Policy Committee**

14.14 **DISC PARKING AT SUNDAYS WELL & SHANAKIEL**

'That Cork City Council would proceed with the introduction of disc parking in the Sundays Well and Shanakiel area of Cork City'.

(Proposer: Comhairleoir C. Burke 02/288)

- **Roads & Transportation Functional Committee**

This concluded the business of the meeting.

ARDMHEARA
CATHAOIRLEACH

Chuig gach ball de Chomhairle Cathrach Chorcaí

9 Eanáir 2003