**DUNDALK TOWN COUNCIL**

**MINUTES OF MONTHLY MEETING OF DUNDALK TOWN COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, DUNDALK ON TUESDAY 23rd OCTOBER 2012**

**PRESENT**

Cathaoirleach, Councillor J Green, presided.

**ALSO PRESENT**

Councillor M Bellew, Councillor S Bellew, Councillor M Butler, Councillor M Dearey, Councillor M Doyle, Councillor C Keelan, Councillor K Meenan, Councillor O Morgan, Councillor E O’Boyle, Councillor J Ryan and Councillor H Todd

**IN ATTENDANCE**

J Martin, County Manager

F Pentony, Director of Services and Town Clerk

D Storey, Senior Executive Officer

J Lawrence, Administrative Officer

P O’Hora, Senior Executive Engineer

U Conlon, Executive Planner

B Lynch, County Accountant

S Cull, Project Manager Regeneration

F May, Fingal County Council Architects Team

D McClean, Fingal County Council Architects Team

The Meeting commenced with Prayers at 7pm

**263/12** An Cathaoirleach J Green thanked the Members for wearing pink attire to mark Breast Cancer Awareness month.

**264/12** **VOTE OF SYMPATHY**

On the proposition of Councillor J Green and seconded by Councillor E O’Boyle, the Members agreed to extend a vote of sympathy to Martin and Paul Watters on the death of their father, Gerry.

**265/12** **PLANNING AND RELATED MATTERS**

12/93 Paul Duffy Permission for development

consisting of alterations etc to shop at 19/20 Park Street, Dundalk

There was no comment from the Members on this application.

12/94 Niall Wiseman Permission for the provision of

signage to an existing building at Coe’s Road, Dundalk

There was no comment from the Members on this application.

12/95 Peter & Kate McEntee Permission for development that will

consist of the construction of a single storey extension to the front and rear of the existing single storey dwellinghouse at Shore Road, Dundalk

There was no comment from the Members on this application.

12/96 PJ Boyle Permission for new single storey

veterinary surgery associated signage and site works at Inner Relief Road, Dundalk

There was no comment from the Members on this application.

12/97 Thomas Lennon Retention permission for an existing

traditional style cottage and associated site works at Shore Road, Dundalk

There was no comment from the Members on this application.

12/98 Carmel Mee Permission for development that

consists of 2 storey extension and alterations to rear of existing dwelling house and all associated site works at 5 Mountain View, Point Road, Dundalk

There was no comment from the Members on this application.

12/99 O’Hagan Brothers Builders Ltd Extension of Duration of planning

permission 07/114 which consists of permission for demolition of an existing habitable house and the construction of 12 No. houses in 3 terrace blocks of 4 together with all associated site works at Marshes Upper (formerly known) Lennon’s Lane, Dundalk

There was no comment from the Members on this application.

12/100 Barnbay Ltd Permission for development

consisting of an overground 5000 litre capacity integrally-bunded tank and associated site development works at Spar /Texaco Service Station, Carrickmacross Road, Dundalk

There was no comment from the Members on this application.

12/101 Seamus Murphy Permission for development

consisting of revision of opening hours granted under planning 09/99 from 8.00am – 10.00pm to 12.30pm to 1.30am at 1 Yorke Street, Dundalk

There was no comment from the Members on this application.

12/102 Joseph McArdle Permission for development that will

consist of the construction of 2 No light industrial units and for all associated site works at Coe’s Road, Dundalk

There was no comment from the Members on this application.

12/103 Bernadette Gunne Retention of extensions and

alterations to an existing dwellinghouse and associated site development works at Husheen, Ardee Road, Dundalk

There was no comment from the Members on this application.

12/104 Dealgan House Nursing Home Ltd Outline permission for the

construction of new single storeyed extensions to the South and West side and two storeyed extension to the North side of the existing nursing home and all associated site development works at Dealgan House Nursing Home Ltd, Bellewsbridge Road, Toberona, Dundalk

There was no comment from the Members on this application.

**266/12** **PLANNING PROGRESS REPORT**

The report was noted by the Members

**267/12** **CONSIDERATION OF MINUTES**

On the proposition of Councillor M Butler and seconded by Councillor M Doyle the Members agreed to adopt the Minutes of the Monthly Meeting of the 25th September 2012.

The minutes of the CPG meeting of the 17th September 2012, Housing MPC minutes of the 28th May 2012 and Infrastructure MPC minutes of the 11th September 2012 were noted by the Members.

**268/12** **MATTERS ARISING**

Councillor C Keelan referred to Minute No 246/12 – Landfill site and P O’Hora, Senior Executive Engineer advised that DTC have been in contact with Cork and Waterford local Authorities. Settlement was the main issue at the landfill and it was proposed to have a survey carried out on settlement progress and report back to the Members on same. He further advised that funding availability for redevelopment of the landfill would be an issue in the future.

Councillor M Doyle referred to Minute No 227/12 and P O’Hora responded that no start date was set for works at Stapleton Place and that the NTA report on the Chapel Street/Jocelyn Street junction had not been received.

Councillor M Bellew referred to Minute No 247/12 and P O’Hora advised that the consultants appointed by the Council were looking at the issues of flashing lights and road markings at the Square and their report was awaited. He further advised that tenders have been sought for the surface water issues.

Councillor M Dearey referred to Minute No 245/12 and expressed his satisfaction on the accuracy of same. F Pentony responding advised the Members that a meeting was held on 17th October 2012 and that Mr McCaughey had requested that the deliberations at this meeting remain private. A further meeting was probable and Mr Pentony will update the Members in due course.

**269/12** **HOUSING PROGRESS REPORT SEPTEMBER 2012**

D Storey presented the report. Councillors M Dearey, M Bellew and K Meenan commended the Housing Section on the record low number of void properties.

**270/12** **REGENERATION REPORT**

D Storey gave the Members an update on progress todate and future actions and invited representatives of Fingal County Council Architects Department to make a presentation to the Members on Phase II Ashling Park Pilot Scheme – Regeneration.

Following the presentation by Ms Finola May the Members queried various aspects of the project including shared services, Urban Vision document and future proof design. Councillor M Dearey acknowledged the Council’s support of the Turas Counselling Services of which he is Chairperson.

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**271/12** **ARTS PROGRESS REPORT – CREATE LOUTH**

The report was noted by the members.

**272/12** **FIRE PROGRESS REPORT LOUTH LOCAL AUTHORITIES**

The report was noted by the Members.

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**273/12** **CAPITAL PROJECTS REPORT SEPTEMBER 2012**

The report was noted by the Members.

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**274/12** **SECTION 104 OF THE LOCAL GOVERNMENT ACT 2001 – AUTHORISING OVER EXPENDITURE IN YEAR ENDING 2011**

On the proposition of Councillor E O’Boyle and seconded by Councillor M Bellew the Members authorised the over expenditure in 2011 as presented.

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**275/12** **REFURBISHMENT OF DUNDALK SPORTS CENTRE**

D Storey advised the Members that this project has been readvertised under Part 8 following amendments that were made to the design due to new funding availability for energy efficiency measures. The Part 8 report will, it is envisaged be presented to the Members at the December meeting.

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**276/12** **REFORM OF LOCAL GOVERNMENT**

A general discussion took place on the recently published Local Government Reform document – Putting People First. Members generally regarded the document as incomplete and absent of finer details necessary to allow proper consideration of the proposals by them.

On the proposition of Councillor M Bellew and seconded by Councillor J Green the Members agreed to write to Minister Phil Hogan for further detail on the proposals.

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**277/12** **CONFERENCES / EVENTS – TO APPROVE MEMBERS’ ATTENDANCE AT THE ENCLOSED CONFERENCES**

On the proposition of Councillor M Butler and seconded by Councillor E O’Boyle, the Members attendance at Conferences listed with the agenda and recorded in the Conference Register was approved.

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**278/12** **NOTICES OF MOTION – COUNCILLOR OLIVER MORGAN**

1. That this Council engage in talks with McCaughey Developments, the owner of land at Lower Point Road, with a view to the County Manager considering the exercise of his executive function under Schedule 15 of the 2001 Act to acquire 10.85 acres of flood plain/natural habitat/soccer pitch land to facilitate the Quay Celtic Football Club, a community volunteer organisation, re-acquiring its home-base pitch to continue its selfless dedicated service to the community

And should said land be acquired by the Town Council in its pursuance of worthy community objectives, that subject to full compliance with all necessary requirements of section 183, such land be disposed of by granting a 99 year lease to Quay Celtic Football Club at a rent of €1 per annum”.

The motion was seconded by Councillor E O’Boyle.

An Cathaoirleach J Green advised Councillor O Morgan and other Members that on discussing the Notice of Motion with Members of Quay Celtic Football Club, the club have distanced themselves from the motion, An Cathaoirleach asked Councillor O Morgan to explain his reasoning for the motion.

Councillor S Bellew queried who was really behind the motion and queried the evaluation process for the terms of the lease proposed in the motion.

Councillor O Morgan expressed his reluctance to withdraw the motion as prompted by Councillor J Ryan and therefore An Cathaoirleach called for a vote on the motion.

**For the motion**: Two

**Against the motion**: Ten

The motion was declared lost.

2. That this Council comply fully with our duty to enforce all statutory provisions in respect of the fire damaged remains of the red brick semi-detached houses on the Avenue Road to prevent its use for various types of anti-social behaviour and to mitigate the danger which its present condition and lack of security represents for children and youths who frequent its environs.”

The motion was seconded by Councillor E O’Boyle and agreed by the Members.

Councillor O Morgan expressed his view that the demolished building is now more dangerous than in its former state. F Pentony advised the Members that he will circulate a synopsis on actions open to the Council as provided for in the Sanitary Services Act 1964. F Pentony further advised the Members that recouping cost incurred if the Council do works can be protracted.

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**279/12** **NOTICES OF MOTION – COUNCILLOR EAMONN O’BOYLE**

**Notice of Motion (1) Re: Illumination of Town Hall for special occasions.**

That this Council investigate the possibility of illuminating at night the Town Hall building (and perhaps other public buildings in its control) with appropriate colour lighting to commemorate particular special occasions such as with emerald green lighting for St. Patrick’s Day, with pink lighting for breast cancer week, with Christmas lights for Christmas week, etc.

The motion was seconded by Councillor M Doyle and agreed by the Members. F Pentony advised that he will bring a report back to the Members on this motion.

**Notice of Motion (2): Re: Feasibility of cycleway/walkway to De La Salle, St. Louis and Fatima Schools from Árd Easmuinn/Cox’s Demesne residential neighbourhood.**

That this Council’s own personnel carry out a preliminary investigation into the practicality, feasibility and affordability of providing an off-road cycleway/walkway from the Árd Easmuinn/Cox’s Demesne/Farndreg residential neighbourhood to the three schools/colleges (i.e. De La Salle College, St. Louis Secondary School and Fatima National Schools) which are bounded by the Castleblayney Road, the Mill Road and the Bellewsbridge Road in Dundalk and present the findings to the Members for consideration.

The motion was seconded by Councillor O Morgan and agreed by the Members. P O’Hora will arrange for the carrying out of a preliminary investigation and report back to the Members. He advised that funding availability to do any works will be an issue.

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**280/12** Councillor K Meenan excused himself from the meeting at 8.50pm

**281/12** **NOTICES OF MOTION – COUNCILLOR MARIA DOYLE**

1. “That this Council provide in its budget for 2013 for the resurfacing of Union Street and James Street outside the CBS Primary School and for the road markings to be reinstated thereafter.”

The motion was seconded by Councillor E O’Boyle and agreed by the Members. P O’Hora advised that minor resurfacing works will be completed shortly and new road markings laid.

1. “That this Council carry out whatever works would be required to provide a safe area for buses to pull in outside Kingswood on the Blackrock Road so that people to alight safely.”

The motion was seconded by Councillor E O’Boyle and agreed by the Members. P O’Hora advised the Members that the proposal will be investigated.

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**282/12** **NOTICES OF MOTION – COUNCILLOR MARK DEAREY**

That this Council, welcomes the recent announcement by the Dept of Transport of funding for a 6.2km Greenway along an old railway line between Greers Quay, Omeath and Carlingford, notes in the announcement the Department's view that this has the future potential to form part of a 32km route from Dundalk to Carlingford and on to Newry, and in response resolves to initiate discussions with the Department on the development of the 32km route from the Dundalk end.   
  
Furthermore the Council observes that in order to complete the Greenway along the old rail line, that a pedestrian bridge would be needed to link the Racecourse side and Bellurgan across the mouth of Ballymacscanlon Bay.

This motion was seconded by Councillor M Butler and agreed by the Members.

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**283/12** **NOTICE OF QUESTION – COUNCILLOR OLIVER MORGAN**

1. What is the difference between, on the one hand, this Council recently inviting the Louth GAA and the DKIT to a special meeting of the Council to discuss a S.183 land disposal and some six years ago inviting Harcourt Developments Ltd. to a formal meeting with this Council to consider and decide upon giving an undertaking to that company on the S.183 matter of disposing of our long stay carpark at the Longwalk to that company if and when the company subsequently demanded it, while on the other hand refusing, doggedly, to even invite another development company, McCaughey Developments Ltd, to brief the Council on the provision of much-needed and very beneficial public transportation infrastructure to the town which, as the relevant statutory local authority, we have been unable to provide in over 40 years since it became needed?

**REPLY:** In the case of the Stadium project, the elected members requested a presentation from the Louth GAA/DkIT at the July meeting of the Council, following a briefing from the acting Town Clerk on discussions taking place between the Council and the promoters. The special meeting was not called to discuss a section 183 land disposal as no such Notice had issued. In the case of the Harcourt Developments Ltd project there had been extensive pre-planning discussions between Council officials and the company regarding their project and the company requested an opportunity to make a presentation to the elected members, as the development would involve the acquisition of some Council owned land. The Council were asked to agree in principle to the disposal of land to the company, to enable them to proceed with the detailed design. No pre planning or other discussions have taken place with McCaughey Developments Ltd regarding ‘the provision of much-needed and very beneficial public transportation infrastructure to the town’.

Councillor O Morgan expressed his satisfaction with the reply.

1. Could the Members of this Council have the favour and benefit of a

detailed report into the unauthorised dump of multi-assorted waste, including asbestos waste, which is being kept at Clarkes forest, with particular reference to the fact that this general area is completely unsecured from public access and is being used on an ongoing basis by children to play in and youths and adults as a drinking/drugging den?

**REPLY**: This incident of unauthorised dumping is currently being investigated by the Environment Enforcement Section of Louth County Council and I understand that they are pursuing the owner of the property in this regard.

Councillor O Morgan expressed his satisfaction with the reply.

3. Following on from the widely reported comments from certain Members of this Council and from our Town Clerk about the urgency and acute necessity of the provision of river and bay life-saving and search & rescue 24/7/365 boat launching facilities, does either the Council or our staff still believe that we have a duty to proactively pursue the provision of such life-saving facilities?

F Pentony advised the Members that the matter rests with the Dundalk Sub Aqua Club following Mr Pentony’s letter to them in May 2012. F Pentony agreed to circulate to the Members a copy of his letter.

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**284/12** **NOTICES OF QUESTION – COUNCILLOR EAMONN O’BOYLE**

**Notice of Question (1): The Proper/Recommended Protocol for crossing over cycle lanes at road junctions.**

To ally any further expressions of dissatisfaction with the implementation of the excellent concept of providing Dundalk with a network of dedicated grade or barrier separated cycleways, particularly in regard to a number of potential ‘death-traps’ that they appear to have created, could the Town Engineer outline for the members’ benefit and for the benefit of the general public/road-user, the intended/prescribed procedure for drivers, pedestrians and cyclists who are using junctions such as the one where Jocelyn Drive (Forest Road) joins Jocelyn Street, with particular reference to the following points: (a) must a motorist give way to a cyclist who is using the cycleway across his/her path or must the cyclist stop and give way to the motorist?; (b) if a motorist stops at the mouth of Jocelyn Drive to await the opportunity of a break in the flow of traffic moving along Jocelyn Street and thereby blocks the cycleway, must the cyclist who is using the cycle lane stop at the driver’s vehicle and wait for the driver to get a safe opportunity to move out onto Jocelyn Street or may the cyclist cut around the front or around the back of the driver’s vehicle? and (c) if a driver is turning right from Jocelyn Street into Jocelyn Drive must s/he stop and give way to a cyclist who is on the cycle lane crossing the mouth of Jocelyn Drive thereby blocking the west-bound lane to oncoming vehicular traffic or should such a traffic situation be left unresolved?

**REPLY:**

**Q. Must a motorist give way to a cyclist who is using the cycleway across his/her path or must the cyclist stop and give way to the motorist?**

A. If you are approaching a T-junction, the traffic that is already on the road that you are preparing to join – including cyclists – has right of way. This means that any traffic on the road ending at the junction must wait for the other traffic – including cyclists – to pass, before turning left or right. This is the case whether or not there is a cycle lane or cycle track on the other road. The provision of a cycle lane or cycle track does not of itself alter priority at simple junctions. Where cyclists are travelling straight ahead, they will expect to have main road priority.

**Q. If a motorist stops at the mouth of Jocelyn Drive to await the opportunity of a break in the flow of traffic moving along Jocelyn Street and thereby blocks the cycleway, must the cyclist who is using the cycle lane stop at the driver’s vehicle and wait for the driver to get a safe opportunity to move out on to Jocelyn Street or may the cyclist cut around the front or the back of the driver’s vehicle?**

A. Motorists preparing to turn right or left onto Jocelyn Street from Jocelyn Drive must give way to traffic – including cyclists – already travelling along Jocelyn Street. Motorists proceeding to turn onto Jocelyn Street should only do so when there is sufficient gap in the traffic on Jocelyn Street. Vehicles emerging from Jocelyn Drive progress first across the area where pedestrians may cross and then across the cycle lane in order to enter traffic on the Jocelyn Street. If a vehicle emerging from Jocelyn Drive straddles the cycle lane on Jocelyn Street and a cyclist is travelling along Jocelyn Street then the cyclist may manoeuvre around the front of the vehicle in order to continue his/her journey, if it is safe for them to do so. Since the vehicle is emerging from a side road, the cyclist on Jocelyn Street retains priority. At all times and in all circumstances all road users should proceed with caution. Right of way on the road is not absolute and you must proceed with caution while showing regard for other road users.

**Q. If a driver is turning right from Jocelyn Street into Jocelyn Drive must s/he stop and give way to a cyclist who is on the cycle lane crossing the mouth of Jocelyn Drive thereby blocking the west-bound lane to oncoming vehicular traffic or should such a traffic situation be left unresolved?**

A. When turning right at a junction, the traffic coming straight through the junction from the opposite direction – including cyclists – has right of way. This is the case, whether or not there is a cycle lane or cycle track provided on the road. In order to turn right from Jocelyn Street onto Jocelyn Drive, motorists should give a right turning signal and take up a position just to the left of the centre of the road. When a safe gap occurs in the oncoming traffic (including cycle traffic), the right turn manoeuvre can then be carried out.

I have attached an extract from the National Cycle Manual – “side road joining street with Cycle Track” to be consulted for illustrative purposes in conjunction with the above.

**References:**

Rules of the Road, published by the Road Safety Authority, 2007

National Cycle Manual, published by the National Transport Authority, 2011

Councillor E O’Boyle noted the detailed written response to his question that was furnished at the meeting. As a supplementary question Councillor E O’Boyle queried how this information was relayed to the public. F Pentony advised that he would be speaking to the Road Safety Officer on this issue.

**Notice of Question (2): Improving traffic management at several Dundalk**

**Town Centre junctions.**

Can our Council’s Traffic Management Section implement the same junction traffic-lane traffic management strategy as is currently in place at the Earl Street/Market Square/Crowe Street junction, at the several other junctions around the town centre at which such a traffic management solution would eliminate the need for traffic lights and yield signs and markedly enhance traffic flow and road-users’ convenience and safety, to incorporate proper standardised visually distinctive pedestrian crossings which comply fully with the provisions of the Road Traffic Acts?

**REPLY:** The implementation of similar traffic management strategy at other locations throughout the town can be investigated, following the completion of the works at Market Square. However, it should be pointed out that the creation of a pedestrian friendly public realm space, at the Square, contributed significantly to the inclusion of such traffic management arrangements.

Councillor E O’Boyle expressed his satisfaction with the reply.

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**285/12** **RESOLUTIONS**

On the proposition of Councillor J Ryan and seconded by Councillor M Dearey the Members agreed to support the resolution of Muinebheag Town Council.

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**286/12** **CORRESPONDENCE**

D Storey advised the Members that he was at an advanced stage in negotiations with a provider for the large screen at Market Square.

P O’Hora advised the Members of disruption to road traffic with works planned for the Inner Relief Road, Dundalk.

Councillor M Butler expressed disappointment with the letter from the Department of Jobs Enterprise and Innovation

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**The meeting concluded with prayers @ 9.15pm**

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Minutes confirmed at Meeting

Held on the day of November 2012

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**CATHAOIRLEACH**

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**CLEIREACH AN BHAILE**