**DUNDALK TOWN COUNCIL**

**MINUTES OF MONTHLY MEETING OF DUNDALK TOWN COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, DUNDALK ON TUESDAY 28th MAY 2013**

**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

C Duff, Town Engineer

U Conlon, Executive Planner

T Savage, Senior Executive Planner

S Cull, Project Manager Regeneration

B Lynch, Financial Accountant

**ALSO IN ATTENDANCE**

Fionnuala May, County Architect, Fingal County Council

David Byrne, Senior Architect, Fingal County Council

Dearbhla McClean, Senior Executive Architect, Fingal County Council

The Meeting commenced with Prayers at 7pm

**116/13 VOTE OF SYMPATHY**

On the proposition of Cathaoirleach J Green and seconded by Councillor E O’Boyle the members agreed to extend a vote of sympathy to the family of the late Margaret Todd, wife of Councillor Harry Todd.

On the proposition of Cathaoirleach J Green and seconded by Councillor E O’Boyle the members agreed to extend a vote of sympathy to the family of the late Gregory Duffy, stepson of Olive Duffy, Clerical Officer Dundalk Town Council.

**117/13** **PLANNING AND RELATED MATTERS**

13/30 Hilda Kirk Permission for development works

etc at 45 St Alphonsus Road, Dundalk, Co Louth

The Members were advised that a decision to grant was issued on this application

13/31 S Rooney Permission for demolition for existing

commercial buildings and associated site works at Coe’s Road Industrial Estate, Coe’s Road, Dundalk, Co Louth

The Members were advised that a decision to grant was issued on this application.

13/32 Garry Hoey Permission for the construction of a

single storey rear extension and associated site works at 61 Belfry Drive, Dundalk, Co Louth

The Members were advised that a decision to grant was issued on this application.

13/33 Health Service Executive Permission for a proposed

Estates Department development and associated site

works at St Oliver Plunkett’s Hospital, Dublin Road, Dundalk, Co Louth

The Members were advised that a decision to grant was issued on this application.

13/34 McCaughey Developments Extension of Duration of planning

Permission 07/351 for site

development works etc and associated site development works at Lower Point Road, Dundalk, Co Louth

The Members were advised that a decision to grant was issued on this application. Councillor M Dearey remarked that the residential zoning in the development description no longer applies. F Pentony confirmed that the development description for applications for Extension of Duration permissions must be consistent with the initial permission.

13/35 Alan Murray & Linda Callan Permission for the conversion of the

existing garage to habitable accommodation etc at The Bungalow, Mill Street, Dundalk, Co Louth

The Members were advised that Further Information was requested on this application.

13/36 Anthony Lynch Permission to construct a boundary

wall at the rear of 63 and part 64 Willow Grove, Carrick Road, Dundalk, Co Louth

The Members were advised that a decision to grant was issued on this application.

13/37 Rodney Marron Permission for development and

associated works at 107 Pearse Park, Dundalk, Co Louth

The Members were advised that a decision to grant was issued on this application.

13/38 Ann Walsh Retention of development consisting

of relocation of front door etc at 28 Road No 2, Muirhevnamor, Dundalk, Co Louth

The Members were advised that a decision to grant was issued on this application.

13/39 Donal & Grainne Keating Permission for two storey extension

to the rear and associated site works at 2 Park View, Dundalk, Co Louth

The Members were advised that Further Information was requested on this application.

13/40 Kilgar Management Co Ltd Permission for proposed new security

gates for pedestrian & vehicular use at Kilgar Apartments, Jocelyn Street, Dundalk, Co Louth

The Members were advised that a decision to grant was issued on this application.

13/41 Gerry Matthews Retention of existing structure to rear

and full planning permission for new facade etc at Tooffix, 87-89 Dublin Street, Dundalk, Co Louth

There was no comment from the Members on this application.

13/42 Christian Maas Retention of conversion of attic

space of an existing two storey dwelling and associated site works at 89 Chapel Street, Dundalk, Co Louth

There was no comment from the Members on this application.

13/43 Clan Naofa Boxing Academy Extension of duration of planning

permission 08/38 which consists of permission for a single storey extension and associated works to rear of existing clubhouse.

There was no comment from the Members on this application.

13/44 Joanne Byrne Permission for development will

consist of the change of use of light warehouse unit to canine crèche and training facility etc at 28 North Link Business Park, Coe’s Road, Dundalk, Co Louth.

There was no comment from the Councillors on this application.

13/45 Avril Duffy Permission for development for first

floor extension to side of 4 Oakvale, Bay Estate, Dundalk, Co Louth

There was no comment from the Members on this application.

**118/13** **PLANNING PROGRESS REPORT**

The report was noted by the Members

**119/13** **CONSIDERATION OF MINUTES**

On the proposition of Councillor O Morgan and seconded by Councillor S Bellew the Members agreed to adopt the Minutes of the Monthly Meeting of the 23rd April 2013.

Planning MPC Minutes 22nd January 2013 were noted by the Members.

**120/13** **MATTERS ARISING**

Councillor H Todd referred to Minute No 102/13 (Energy Efficiency Retrofit) and requested that a manual be provided for tenants for the new heating systems. D Storey replied that this has been included as part of the training officers brief.

Councillor O Morgan referred to Minute No 101/13 (McCaughey –v- DTC) and F Pentony advised that the breakdown will be forwarded to the Members.

Councillor C Keelan referred to Minute No 105/13 (Newry Dundalk Joint Committee Meeting) and F Pentony advised that dates received from Newry were 6th, 13th 20th June and that 20th was the most suitable date.

Councillor M Bellew referred to Minute No 091/13 (works at lower Clanbrassil Street) and queried when the repairs to the footpaths would be carried out. C Duff responded that a report would be presented to the Members when complete.

**121/13** **HOUSING PROGRESS REPORT**

D Storey updated the Members on recent developments and information contained within the report.

D Storey confirmed for Members that it was the responsibility of an applicant to ensure that their correct and up to date details were held by the Housing Department. Councillor M Butler remarked on the low Housing Loan allocation in comparison with the County Council and Drogheda Borough Council and D Storey advised that this was due to incremental purchase schemes in both areas. Councillor E O’Boyle queried what steps the Council can take to help tenants pay their rent. D Storey responded that there were many ways to pay and that tenants have an obligation to pay their rent.

County Manager J Martin advised Members that arrears on charges due were a major problem across all income streams and processes for collection of monies outstanding are being examined.

Councillor K Meenan raised an issue regarding flooding in gardens at Bothar Na Feirme and D Storey advised that he was not aware of this issue until now and would check it out with the Housing Engineer.

Councillor J Ryan queried the criteria used for removal of applicants from the approved housing list and D Storey confirmed that some applicants have gone away, others no longer qualify on income grounds and some were deemed to have adequate accommodation available to them.

Councillor M Doyle queried how many tenants with arrears were on payment plans and D Storey agreed to revert with information. Councillor M Dearey remarked that those who can but won’t pay should be pursued for all outstanding arrears.

**122/13 CONSIDERATION OF THE MANAGER’S REPORT ON SUBMISSIONS TO THE PROPOSED VARIATION TO THE DUNDALK AND ENVIRONS DEVELOPMENT PLAN 2009 – 2015: VARIATION NO 2 ASHLING PARK PILOT SCHEME**

T Savage, Senior Executive Planner, advised the Members on the detailed local public consultation that was undertaken and that no objection to the proposed variation was received.

Councillor H Todd remarked that the residents were totally opposed to the plan and that there were sufficient homes already constructed in the Cox’s Demesne area.

F Pentony advised that the Members had a decision to make on whether to accept amend or reject the proposed variation. Councillor K Meenan queried whether the fact that no submissions had been made did not set off alarm bells with the planners and he queried whether the executive have the authority to go beyond the minimum Statutory Regulations in relation to public consultation. County Manager, Joan Martin confirmed that the Council can and did on this occasion. Councillor M Dearey remarked that the consultation on all regeneration issues had been of the highest order.

Councillor H Todd responded that he was only expressing the views of residents and that he was fully behind the Regeneration Project.

On the proposition of Councillor M Butler and seconded by Councillor M Dearey the Members agreed to the variation as proposed

**123/13 PART VIII COX’S DEMESNE REGENERATION SCHEME; PHASE 11 – ASHLING PARK PILOT PROJECT**

The Fingal County Council design team gave a presentation to the Members on the design that was now going out on display for public consultation as required under Part VIII.

**124/13** **CAPITAL PROJECTS REPORT**

The report was noted by the Members.

**125/13 PART VIII PLANNING NOTICE OF PROPOSED DEVELOPMENT FOR INSTALLATION OF SOLAR PHOTOVOLTAIC PANELS AT THE COUNTY MUSEUM**

F Pentony confirmed that the Manager’s Report will be tabled at the June meeting for Members consideration.

**126/13** **ANNUAL FINANCIAL STATEMENT 2012 (UNAUDITED)**

B Lynch, Financial Accountant, presented the AFS (Unaudited) Statement.

D Storey confirmed for Councillor M Butler that the Council reserves fund will be depleted if more than 2.2 million is written off in rates.

On the proposition of Councillor M Butler and seconded by Councillor J Ryan the Members agreed to approve the unaudited Annual Financial Statement for 2012, as presented.

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**127/13 SECTION 104 OF THE LOCAL GOVERNMENT ACT 2001 – AUTHORISING OVER EXPENDITURE IN YEAR ENDING 2012**

On the proposition of Councillor M Bellew and seconded by Councillor S Bellew the Members approved the over expenditure in year ending 2012, as presented.

**128/13 TO FIX A DATE FOR ANNUAL GENERAL MEETING**

On the proposition of councillor K Meenan and seconded by Councillor M Butler the Members agreed to hold the AGM on 25th June 2013.

**129/13 TAKING IN CHARGE – LIS NA DARA, CARRICKMACROSS ROAD, DUNDALK**

Councillor K Meenan queried whether issues with apartments could be addressed and D Storey confirmed that the taking in charge process was not the panacea for tenant’s problems. It was confirmed also that the process will take 6 weeks to conclude.

**130/13 RAISING OF A LOAN FROM HFA €500,000 FOR 2013 FOR HOUSE PURCHASE AND IMPROVEMENT LOANS**

On the proposition of Councillor M Butler and seconded by Councillor S Bellew the Members agreed to drawdown €500,000 from the HFA for the funding of House Purchase and Improvement Loans.

It was noted by the Members that this item had been incorrectly worded on the Agenda

**131/13 REPLY TO NOTICE OF QUESTION – COUNCILLOR O MORGAN – DRINKING WATER**

The reply was noted by Councillor O Morgan who queried by way of a supplementary question why the costs had been low in 2007 and 2008. F Pentony confirmed that the cost of chemicals in these years was borne directly by the HSE.

**132/13 REPLY TO NOTICE OF MOTION – COUNCILLOR K MEENAN – PAVING OUTSIDE NO.’S 48-63 DOOLARGY AVENUE AND 1-6 GLENMORE PARK, MUIRHEVNAMOR, DUNDALK**

Councillor K Meenan expressed satisfaction with the response.

**133/13 NOMINATION TO LOUTH HERITAGE FORUM (1NO.)**

On the proposition of Councillor M Butler and seconded by Councillor M Doyle the Members agreed to nominate **Councillor M Dearey** to represent the Council on the Louth Heritage Forum

**134/13 NOTES ON THE EUROPEAN UNION HOUSEHOLD FOOD AND BIO-WASTE REGULATIONS 2013**

The report was noted by the Members.

**135/13** **CONFERENCES / EVENTS – TO APPROVE MEMBERS’ ATTENDANCE AT THE ENCLOSED CONFERENCES**

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

**136/13 NOTICES OF MOTION – COUNCILLOR J GREEN**

1. That this council endorses the ‘Turn Off The Red Light’ campaign supported by trade unions and a wide range of civic society organisations.

*The motion was seconded by Councillor K Meenan and agreed by the Members.*

1. That this council rescind the rule that penalises people for their displaying of posters around the town for anymore than 10 days.

*Councillor J Green retracted the motion.*

**137/13 NOTICE OF MOTION – COUNCILLOR C KEELAN**

"That this Council calls on the Government to implement the National Epilepsy Care Programme in full, in particular the critically needed Epilepsy Monitoring Units as a matter of urgency, and that this motion be sent as a resolution to other Local Authorities?”

*The motion was seconded by Councillor S Bellew and agreed by the Members.*

**138/13 NOTICE OF MOTION – COUNCILLOR S BELLEW**

“That this Town Council calls for the expedition of the passage through Dáil Éireann of the Poor Relief Ireland (Amendment) Bill, 2013, in an effort to boost commerce and regeneration.

“That this call is made upon the Ministers for Finance; for Public Expenditure and Reform; for Jobs, Enterprise and Innovation; and for Environment, Community and Local Government.

“And, should this Motion be passed, that a copy thereof be forwarded to the above-mentioned.

The motion was seconded by Councillor M Dearey.

On the proposition of Councillor M Dearey and seconded by Councillor C Keelan the Members agreed to call on, as well as the various Ministers listed, all Local Authorities in the State to support the Poor Relief Ireland (Amendment) Bill 2013.

**139/13 NOTICE OF MOTION – COUNCILLOR O MORGAN**

1.That this Council commence the process of engaging with Dublin Port Authority with a view to acquiring ownership of Dundalk Port, Harbour and Lands for the objective of managing the transition of the Port from its historical and current but seriously declining commercial use to uses which more appropriately exploit this asset`s potential for active and passive recreational and tourism use, as well as providing the site for the solution to our town`s serious problem of breaching EU regulations on coastal pollution reduction targets with our sewage effluent to our river estuary and bay and, additionally, giving us better control of the objective of reducing the serious tidal flood-risk to 3,500 of our homes and businesses.

*Councillor C Keelan supported the motion. Councillor O Morgan reiterated that there is a breach of EU Regulations on coastal pollution targets. Councillor C Keelan stated that he had no knowledge of this or the flooding element of the motion; however it was his view that Dundalk Port was a strategic port and there may be some merit in discussing the issue with Dublin Port Authority.*

*Councillor M Dearey remarked that local small businesses were alarmed with the motion as they continue to use the port. Councillor Dearey felt the motion was premature and that Dundalk Town Council did not know how to run a port and that the Port Company disbanded with some disgrace. He therefore opposed the motion. Councillor S Bellew queried where this was coming from and supported Councillor M Dearey in his opposition to the motion. Councillor Morgan expressed his appreciation for the Members comments and apologised for not consulting with the local businesses. He further remarked that it was well known who the motion was coming from and advised the Members that it was from the Louth Environmental Group (LEG) who had in his view made a substantial contribution to this town.*

*Councillor J Green remarked that LEG were a local company based in Jonesborough, Co Armagh. Councillor K Meenan remarked that there was a lot to discuss on the motion and that the Council should not rush to decision on this matter.*

*Councillor M Doyle remarked that the motion was broad and needs further information before making a decision.*

*Councillor M Bellew advised of his inability to fully understand the motion and requested Councillor Morgan to explain it.*

*Councillor O Morgan replied that Dundalk faces flooding.*

*F Pentony advised of his difficulties with the motion as it was filled with inaccuracies and in any event Members do not have the power to acquire land. He queried why would the Council take on an entity when we have no remit and confirmed that the Executive would not be approaching Dublin Port Company to acquire the Port.*

*Some Members had expressed their opposition to the motion and it was agreed to have a vote on same.*

*In favour One*

*Against Seven*

*Abstain Three*

*Absent One*

*The motion was deemed lost.*

2.That, notwithstanding the fact that we Members were advised by the Town Clerk, when I last raised this matter almost 18 months ago that, because our current Dundalk and Environs Development Plan 2009-2015 had so little time left to run until the commencement of its statutory review period, it would be a waste of time and resources to correct some of the more serious residential zoning mistakes with which our current Development Plan is riddled, and in view of the fact that he has now, almost 18 months later placed a resolution before us recommending that we now exercise our statutory powers to vary the current Development Plan to turn Recreational Amenity Open Space (RAO) zoned land at Cox`s into Residential 1 zoning, in an area in which much of the RAO zoned land has already been built up with houses, that this Council initiate the statutory process for varying our Development Plan to correct at least 5 inappropriate residential zonings in the Point Road area, by changing them to the much more appropriate RAO zoning.

*There was no seconder to the motion.*

**140/13 NOTICES OF MOTION – COUNCILLOR M BUTLER**

1. That Dundalk Town Council initiates the process to extinguish the right of way at the rear of numbers 7-18 St Joseph's Park. (petition to follow)

*The motion was seconded by Councillor M Bellew and agreed by the Members.*

1. That Dundalk Town Council thoroughly investigates, determine an appropriate long term resolution and provide for said resolution in next year's budget to the ongoing issues at the front of numbers 3 to 8 Hazelwood Avenue, Bay Estate. The issues include serious subsidence, cracks to footpaths and driveways

*The motion was seconded by Councillor M Doyle and agreed by the Members*.

**141/13 NOTICES OF QUESTION – COUNCILLOR J GREEN**

1. In regards to the displaying of posters around the town who and when was this rule devised and what implications has this got for election posters?

**REPLY:** Section 19 (1) of the Litter Pollution Act 1997 prohibits the exhibition of articles and advertisements on certain structures visible from a public place unless authorised to do so in writing by the owner of the structure. In relation to election posters, a local authority may not take a prosecution, unless the poster is in place for seven days or longer after the latest date upon which the poll was taken for the election.

The response was noted by Councillor J Green who asked a supplementary question – was there a hierarchy of poster removal.

F Pentony replied no and that postering was prohibited around Market Square. It was confirmed for Councillor C Keelan that ties left on poles were illegal and could be subject to Fixed Penalty Notice under the Litter Pollution Act if the Council can identify the responsible persons.

1. Also in regards to the displaying of posters around the town under what law can the fines (if they occur) be issued?

**REPLY:** Section 28 of the Litter Pollution Act 1997 covers the issue of fixed penalty notices for an offence under the Act.

Councillor Green expressed satisfaction with the reply.

**142/13 SUSPENSION OF STANDING ORDERS**

On the proposition of Councillor S Bellew and seconded by Councillor M Doyle it was agreed by the Members to suspend Standing Orders until 9.45pm to allow for completion of the Agenda.

**143/13 NOTICES OF QUESTION`- COUNCILLOR M DEAREY**

1. What percentage of the 5.1 million euro in outstanding development contributions relates to unsold residential units?

**REPLY**: The percentage is approximately 36.69%.

*Councillor M Dearey expressed his satisfaction with the response.*

2. Has the unfinished estates unit worked through a resolution process for Ard Dealgan on Quay St. and if so could a report be provided?

**REPLY:**

Coalport Building Company Limited, the owner and developer of Ard Dealgan, has not submitted a site resolution plan in response to written requests to do so or engaged in any way with Dundalk Town Council in relation to resolving the unfinished aspects of the development. It should be noted in this regard that the submission of a site resolution plan was a requirement of The Department of Environment, Community & Local Government’s Guidance Manual **“Managing & Resolving Unfinished Housing Developments 2011”**, which has not been underpinned by subsequent legislation. Therefore the submission of a site resolution is not a mandatory legally enforceable requirement. Dangerous structures notices have been served on Coalport Building Company Limited pursuant to Section 3(1) & Section 3 (2) (b) of the Local Government (Sanitary Services) Act 1964 on foot of which Dundalk Town Council and its agents has carried out necessary safety works to prevent and protect the public from accessing the development.

*The response was noted by Councillor M Dearey who asked a supplementary question querying had any response been made by Coalport. D Storey advised no, however the Bank had responded.*

**144/13 NOTICES OF QUESTION – COUNCILLOR O MORGAN**

1. In the context of the damning and demoralising report by Mr. Paddy Malone of Dundalk Chamber of Commerce which confirms that our town, although commercially and socially, if not industrially, the most strategically placed settlement on the island of Ireland, is last among the “gateways” and the most socially deprived town of the BMW region, why did the Town Clerk contrive to miss the expensive but wonderful €200/€300 million funding/investment/development/regeneration opportunity report and recommendation which was delivered to him by the premier town planning consultants in the country in October 2005, but kept from the Members of the Council until November 2007, by which time the €200/€300 million funding opportunity to implement the recommendation of the study and report had been missed?

*F Pentony advised Councillor O Morgan that he has taken exception to the question and referred Councillor O Morgan to the Code of Conduct for Members and read out as follows :-*

***Extract from Code of Conduct for Councillors****:-*

***“9.3*** *Both Councillors and staff have the common interest of serving the community. But their responsibilities are distinct. Councillors are responsible t the electorate for their elected term of office. Staff are responsible to the Manager in carrying out their duties. Mutual respect and courtesy between Councillors and employees is essential to good local government and should be maintained at all times.”*

*F Pentony asked for a withdrawal of the question as it contained many inaccuracies and that in his many years service to the Council never contrived to do anything. Councillor O Morgan stated that he was withdrawing the motion*

1. One assumes that the proposal to “squeeze” a massive 1,000 student secondary school into The Marshes site was not taken on someone’s whim and that the assessment/rationale underpinning the proposal has generated some form of preliminary evaluation/report/recommendation. This, hopefully, being the case, when is the comprehensive briefing report to Members of this Council by the Town Clerk, which I have requested on several occasions and dealing with such aspects of the proposed 1,000 student secondary school at The Marshes as:-
   1. The exact size, location and specification of public park which is proposed to be provided in order to deliver on the long-standing commitment to the public upon which the destruction of Clarke’s forest was permitted.

* 1. The draft enforceable agreement which enshrines and ensures that the recreational facilities of the proposed school will be fully available for use by the public.

* 1. The cost to the Council of the felling and clearing of the fine, tall, straight, mature timber in Clarke’s forest.

* 1. The present position in respect of the commitment by Mr. Derry McPhillips’ company to contribute €500,000 to the effort to provide the public park.

* 1. The detailed process-timescale of the programme for delivering the school and associated infrastructures.

* 1. The preliminary “scopings” of the proposals to manage the potential 5,000 additional AADT movements per school-day which will be generated by the proposed school.

* 1. The proposed provision of school staff car parking at the proposed school

going to be made available to members?

**REPLY:** As indicated in the monthly Capital Progress Report the Part 8 planning process has commenced, with a closing date for submissions of 10th July 2013. The Manager’s report will be tabled for consideration by the members at the July Council meeting. A comprehensive briefing was given to the Council by the architect and Dept. of Education at the March Council meeting. Members were afforded the opportunity to raise questions and queries in advance of the public consultation process.

*Councillor O Morgan expressed his satisfaction with the answer. Councillor O Morgan asked a supplementary question querying would the pitch be available to the public at weekends.*

*Councillor M Bellew stated that it was VEC policy to open their facilities to the public where possible.*

1. Could the members have the favour of a short report briefing them on the situation in respect of the Waste Treatment facility which is being operated by Oxigen on the Inner Relief Road adjacent to the junction with Centenary Road and the Inner Relief Road and which is cause of deep concern of local residents and users of business premises?

**REPLY:** The Council is not aware of the concerns that the member refers. However, the licensing of this facility is a matter for the Environment Protection Agency, and any environment concerns should be referred to the Agency for investigation

*Councillor O Morgan noted the response.*

**145/13 NOTICE OF QUESTION – COUNCILLOR C KEELAN**

At the Special Meeting of September 4th last regarding the cycle lanes in Chapel Street and Jocelyn Street it was agreed to provide a report back to the members on how the various issues that they had raised could be addressed. What is the status of this report?

*C Duff advised that matters had progressed in the previous two months. Councillor C Keelan asked could the Members be advised when matters were completed.*

*Councillor M Doyle remarked that the flexi bollards were in a dreadful condition.*

**146/13** **RESOLUTIONS**

The Resolutions were noted by the Members

**147/13 CORRESPONDENCE**

The correspondence was noted by the Members.

**The meeting concluded with prayers @ 9.35pm**

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Minutes confirmed at Meeting

Held on the \_\_\_\_\_\_\_\_\_ day of June 2013

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**CATHAOIRLEACH**

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**CLEIREACH AN BHAILE**