

**MINUTES OF PROCEEDINGS OF MONTHLY MEETING
OF NORTH TIPPERARY COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, CIVIC OFFICES, LIMERICK
ROAD, NENAGH ON MONDAY 19TH SEPTEMBER, 2005
AT 2.00 P.M.**

Present Cllr. John Carroll, Mayor - Presided

Cllrs. Tom Berkery; Jim Casey; Ger Darcy; Tom Harrington; Joe Hennessy; John Hogan; Willie Kennedy; Denis Ryan; Harry Ryan; Mattie Ryan; Sean Creamer; Pauline Coonan; Seamus Hanafin; John Sheehy; Michael O'Meara; Michael Smith; John Kennedy; Dr. Phyll Bugler

Apologies Cllrs. Jim Ryan and Micheál Lowry.

Also Present Terry Ó'Niadh, County Manager; Karl Cashen, Director of Services; Paddy Heffernan, Director of Services; Matt Shortt, Director of Services; Tom Barry, Director of Services; Liam McCarthy, Head of Finance; Gerry McGarry, Financial/Management Accountant; Rosemary Joyce, Senior Executive Officer; Eamonn Brennan, Senior Executive Officer; Sharon Kennedy, Senior Executive Officer; Michael Hayes, Senior Executive Engineer; Marcus O'Connor, Senior Engineer; Frank O'Halloran, Senior Engineer; Olive Dwan, Administrative Officer; Brian Beck, Senior Executive Planner; Brian Clancy, Acting Senior Executive Officer; Annette Daly, Staff Officer; Michelle Maher, Senior Staff Officer; Mary Quigley, Acting Senior Staff Officer.

Votes of Sympathy

Votes of sympathy were passed to the following:

- Cllr. Harry Ryan on the death of his mother, Ellie.
- Senator Kathleen O'Meara on the death of her father, Tim.
- Noreen Ryan on the death of mother-in-law, Maura.
- Carmel Mooney on the death of husband, P.J.
- Anthony Graham on the death of his sister, Marian.
- The family of the late Mary Dwan, Moanfin, Nenagh.
- Mrs. Peggy Ryan and family on the death of her husband, John.
- The Quirke family on the death of their brother, Jimmy.

Mr. T. Ó'Niadh wished to be associated with the votes of sympathy.

Votes of Congratulations

- Tipperary Camogie Team on reaching the All Ireland Final.
- Tipperary Football Team on winning the Tommy Murphy Cup.
- Durlas Óg on winning the U 11 All Ireland Community Games Hurling Final.

- The Organisers of Festival Aonac Ros Cre.
- The Organisers of Terryglass Arts Festival.
- Mr. Luke Murtagh on his retirement from VEC.
- Templemore Pitch & Putt on hosting All Ireland Inter County Championships.
- Roscrea U12 Hurling Team on winning the North Final.

Mr. T. Ó'Niadh wished to be associated with the votes of congratulations.

Item 1.1
Adoption of
Minutes of
Previous Meeting

It was proposed by Cllr. T. Harrington, seconded by Cllr. S. Hanafin and unanimously agreed that the minutes of the July 2005 Monthly Meeting held on 18th July 2005 be adopted.

Item 1.2
Action Plan
Progress Report

Members noted the Action Plan Progress Report, copy of which had been sent to them via email.

A lengthy discussion took place with regard to the Members request at the July Council Meeting to review the County Development Plan in order to incorporate a number of amendments. The Members expressed their disappointment and frustration that these amendments had not yet been made and requested that the situation be resolved immediately. Mr. Tom Barry advised the meeting that the issues raised at the July meeting had been referred to a special meeting of the Strategic Policy Committee, as had been agreed at the July meeting. That Committee had examined the issues and had agreed to convene another special meeting in October. Mr. Barry requested that the Committee be allowed the time to complete their work and that the matter could then be tabled at a Council meeting. The Members expressed their serious concerns at the length of time that had already been taken to address the issues and it was finally agreed to place this as an item on the SPC meeting which was due to be held later in the week and to report on any proposed amendments at the October meeting. It was noted that any proposed amendments would then have to be placed on public display for observations.

Item 2.1
Finance Quarterly
Report

Members noted the contents of the Finance Quarterly Report, copy of which was circulated via email.

A discussion took place regarding the shortfall of revenue from the Civic Amenity-Landfill, details of which had been circulated to each Member a few weeks earlier. Concerns were expressed by the Members in relation to same which were replied to by Mr. T. Ó'Niadh, Mr. K. Cashen and Mr. L. McCarthy.

Item 3.1
To consider and
adopt the Draft
Parking Byelaws
for Roscrea

Mr. M. Shortt advised the Members that the Draft Parking Byelaws for Roscrea had been placed on public display earlier in the year and considered at a number of Area Meetings. Following same, he was recommending to the Council that the Draft Byelaws be adopted,

details of which had been circulated. It was then proposed by Cllr. J. Hogan, seconded by Cllr. D. Ryan and agreed to adopt the Draft Parking Byelaws for Roscrea.

Item 4.1
Housing
Quarterly Report

Members noted the contents of the Housing Quarterly Report, copy of which was circulated via email.

Mr. P. Heffernan replied to queries raised by the Members with regard to specific issues contained in the Report.

Item 5.1
Planning &
Development
Registers

Members noted the Planning and Development Register for the months of July and August 2005.

Item 5.2
Contravention of
the Thurles &
Environs
Development Plan
2002 – 2008

Mr. T. Barry referred to the proposed contravention of the Thurles and Environs Development Plan in order to grant permission to Barlo Motors – the original notification of which had been issued to the Members prior to the placing of same on public display. Following this process, he was recommending to the Members to approve the contravention.

It was proposed by Cllr. S. Hanafin, seconded by Cllr. H. Ryan and resolved :

“That in accordance with Section 34(6) of the Planning and Development Act, 2000 a Decision to Grant Permission shall be made, subject to appropriate conditions, to Barlo Motors Ltd. (Thurles), Nenagh Road, Thurles, for construction of two showrooms, workshops, office, valeting area and all associated site development works at Bawntameena, Thurles, under file ref. 05/51/0310

Item 5.3
Planning &
Development
Quarterly Report

Members noted the contents of the Planning & Development Quarterly Report, copy of which was circulated via email.

A number of issues were raised by the Members which were replied to by Mr. T. Barry.

Item 6.1
Environment
Quarterly Report

Members noted the contents of the Environment Quarterly Report, copy of which was circulated via email. The Members welcomed the grant which was given by Sustainable Energy Ireland.

An issue was also raised with regard to the quality of drinking water in Roscrea. Mr. M. Shortt assured Members that the water was perfectly safe for consumption.

Discussions also took place with regard to the implementation of the WEEE Directive and the Silvermines Rehabilitation project.

Item 6.2
Annual Burial
Ground
Maintenance
Grants

It was proposed by Cllr. S. Hanafin, seconded by Cllr. S. Creamer and agreed to by the Members to approve payment of the Annual Maintenance Burial Ground Grants to Burial Ground Committees included in a list which had been previously circulated.

It was agreed to approve applications for three more committees which

were received late.

Item 7.1
Community &
Enterprise
Quarterly Report

Members noted the contents of the Community & Enterprise Quarterly Report, copy of which was circulated via email.

Item 8.1
Amendment to the
Standing Orders

Ms. S. Kennedy referred to a report that was circulated to the Members with regard to proposed amendments to the Standing Order No. 13 in order to ensure that notices of motion are tabled at the monthly meetings no later than 4.30 pm. unless they have been dealt with at an earlier time.

It was proposed by Cllr. M. Ryan, seconded by Cllr. J. Carroll and agreed to adopt the proposed amendment to Standing Orders.

Item 9.1
Election of
Chairperson for
the Environment
& Emergency
Services Strategic
Policy Committee

It was proposed by Cllr. J. Sheehy, seconded by Cllr. M. Ryan and agreed by all the Members to elect Cllr. T. Harrington as Chairperson of the Environment & Emergency Service Strategic Policy Committee. It was noted that Cllr. J. Hennessey will take Cllr. Harrington's position on the Planning and Development, Community and Enterprise SPC.

Item 10.1
Appointment of
two persons to the
South Eastern
River Basin
District Advisory
Council

It was noted that as two persons were required to be appointed, each appointment would be taken separately.

In respect of the first appointment, it was proposed by Cllr. J. Casey and seconded by Cllr. J. Sheehy to nominate Cllr J. Hogan to represent this Council.

As no other proposals were tabled, it was agreed that Cllr. J. Hogan will represent this Council on the South Eastern River Basin District Advisory Council.

In respect of the second appointment, it was proposed by Cllr. J. Casey, seconded by Cllr. J. Sheehy to nominate Cllr. M. Smith to represent this Council.

As no other proposals were tabled, it was agreed that Cllr. M. Smith will represent this Council on the South Eastern River Basin District Advisory Council.

Appointment of
two persons to the
Shannon River
Basin District
Advisory Council

It was noted that as two persons were required to be appointed, each appointment would be taken separately.

In respect of the first appointment, it was proposed by Cllr. J. Hogan and seconded by Cllr. M. Ryan to nominate Cllr J. Carroll to represent this Council.

As no other proposals were tabled, it was agreed that Cllr. J. Carroll

will represent this Council on the Shannon River Basin District Advisory Council.

Nominations were then taken for the second post as follows:

It was proposed by Cllr. T. Berkery and seconded by Cllr. J. Kennedy to nominate Cllr. G. Darcy.

It was proposed by Cllr, T. Harrington and seconded by Cllr. S. Hanafin to nominate Cllr. J. Sheehy.

A vote was then taken by the raising of hands which resulted as follows:

In favour of Cllr. Darcy. Cllrs Tom Berkery; Ger Darcy; Willie Kennedy; Denis Ryan; Sean Creamer; Pauline Coonan; Michael O'Meara; John Kennedy; Dr. Phyll Bugler (9)

In favour of Cllr. J. Sheehy. Cllr. John Carroll, Jim Casey; Tom Harrington; Joe Hennessy; John Hogan; Harry Ryan; Mattie Ryan; Seamus Hanafin; John Sheehy; Michael Smith (10)

As Cllr. Sheehy received the majority of votes, he was deemed to be nominated by the Council.

Item 11.1
Mid term Reports
on the
Implementation of
the
Corporate/Custo
mer Action Plans
2005 – 2009

It was agreed to defer consideration of this item to the next meeting of the Council.

Item 12.1
Strategic Policy
Committees

Summaries of the following meetings were noted:

- Special Meeting of the Planning & Development/Community & Enterprise SPC.
- Environment and Emergency Services SPC Meeting.

Item 13.1
Area Committees

Summaries of the following meetings were noted:

- Thurles Area Committee.
- Borrisokane Area Committee.
- Nenagh/Newport Area Committee.
- Templemore/Roscrea Area Committee.

It was proposed by Cllr. M. Ryan, seconded by Cllr. J. Sheehy and resolved to receive a Deputation from Upperchurch /Kilcommon/Rearcross/Newport area at the October Council meeting to address the Council with regard to a roads issue.

Suspension of standing orders

It was proposed by Cllr. D. Ryan, seconded by Cllr. J. Sheehy and resolved to suspend standing orders at 5.30 pm in order to allow for a continuation of the meeting until 6 pm.

Item 14.1 Conferences

It was proposed by Cllr.J. Sheehy, seconded by Cllr. M. Ryan and resolved “That pursuant to Section 142 (5) of the Local Government Act 2001 and having regard to (i) the benefits likely to accrue, (ii) the general interest of this administrative area and of the local community (iii) the estimated cost of the proposed attendance and the provision made for such purposes in the annual estimates, hereby nominate those listed hereunder to attend the following Conference/Seminar”

Seminar/Conference /Similar event	Dates	Venue	Nominees	Estimated Cost
Merriman Summer School	20 th – 27 th August 05	Lisdoonvarna, Co. Clare	Cllr. John Kennedy Cllr. Harry Ryan Cllr. Denis Ryan Cllr. Willie Kennedy Cllr. Phyll Bugler	€500
Creating Pathway’s to Employment	10 th – 11 th May 05	University of Ulster, Derry	Cllr. John Carroll	€500
Local Government and the Arts	26 th – 27 th Aug 05	The Silver Tassie Hotel, Milford Road, Letterkenny, Co. Donegal	Cllr. Mattie Ryan Cllr. Jim Casey Cllr. John Sheehy Cllr. Gerard Darcy	€500
IRDA Rural Housing – A Rural Right	31 st – 1 st Sept 05	Kilkee Bay Hotel, Kilkee, Co. Clare	Cllr. Michael Smith Cllr. Phyll Bugler	€500
Cork County Councils Annual Mayors Conference “Meeting the Challenges of Economic & Tourism Development in Rural Ireland”	14 th – 15 th April 05	Westlodge Hotel, Bantry, Co.Cork	Cllr. Phyll Bugler	€500
A.M.A.I. Annual Conference	15 th – 17 th September 05	Oakwood Arms, Shannon, Co. Clare	Cllr. Phyll Bugler Cllr. Pauline Coonan	€500
Tom Johnson School	9 th – 11 th September 05	Kells, Co. Meath	Cllr. Sean Creamer	€500
Workplace Bullying – Tackling the Menace	4 th October 2005	The Burlington Hotel, Dublin	Cllr. Pauline Coonan	€500
Planning – Rural v’s Urban	5 th - 7 th October 05	Bay View Hotel, Killbegs, Co. Donegal	Cllr. Phyll Bugler Cllr. Michael Smith Jnr.	€500

Item 14.2
Reports on
Conferences

Members noted the following Reports on Conferences: -

Conference/Seminar Title	Date Of Conference	Reports Received from:
Merrimann Summer School	20 th – 27 th August 05	Cllr. John Kennedy Cllr. Denis Ryan
Delivering eGovernment Locally	14 th – 15 th June 05	Cllr. John Carroll
The Future of Rural Tourism	23 rd - 25 th June 05	Cllr. Willie Kennedy
Childcare Conference	30 th June 05	Cllr. Jim Casey Cllr. Mattie Ryan Cllr. John Kennedy Cllr. John Carroll Cllr. Willie Kennedy Cllr. Denis Ryan
Media Skills	21 st May 05	Cllr. Michael O'Meara Cllr. Harry Ryan
The North – South 5 Years On	27 th May 05	Cllr. Michael O'Meara
Meeting the Challenges of Economic & Tourism Development in Rural Ireland	14 th – 15 th April 05	Cllr. Dr. Phyll Bugler
Creating Pathways to Employment – Thinking Strategy or Tactics?	10 th – 11 th May 05	Cllr. John Carroll
Tionol an tSamhraidh	8 th – 10 th July 05	Cllr. John Kennedy
Supporting Rural Communities Beyond the Farm Gate	21 st – 22 nd April 05	Cllr. Dr. Phyll Bugler
Association of Municipal Authorities of Ireland	11 th – 12 th February 05	Cllr. Dr. Phyll Bugler
Implementing the National Spatial Strategy MWRA	3 rd – 4 th February 05	Cllr. Dr. Phyll Bugler
Kick-Off Ireland Wood Fuel & Heat Pump Conference	26 th – 27 th April 05	Cllr. Dr. Phyll Bugler Cllr. Pauline Coonan
The Local Housing Service	22 nd – 23 rd April 05	Cllr. Pauline Coonan

Item 15.1
Mavors Business

Mr. J. Carroll drew the Councils attention to the following correspondence he had received:

- Waterways Corridor Study 2005
- An Garda Síochána Policing Plan 2006.

- A letter received from Derry City Council which had been circulated to the Members with the correspondence list – it was agreed by the Members to support the request contained in the letter and to convey same to Derry City Council and the appropriate Government Departments.

Item 16.1
County
Managers/Directors/Heads of
Functions
Business

No matters arising.

Item 17.1
County
Managers/Directors Orders

The members noted the County Managers/Directors Orders for the months of July and August 2005.

Item 18.1
Tenders

Schedule of tenders accepted as follows:

House Construction

Scheme	Contractor	Contract Sum including VAT
6 Houses at Rearcross	Thomas Nolan & Sons	€590,000

Extensions:

Scheme	Contractor	Contract Sum including VAT
Ext at 31 Clonbealy, Newport	Thomas Nolan & Sons	<u>€52,782.50</u>
Ext at 4 Ballycormack, Aglish	Martin Mulcahy & Sons	<u>€64,808.50</u>
Ext at 38 Sheehane, Roscrea	John Delaney, Ballinafad Construction, Templemore	<u>€45,270.97</u>
Ext at 41 Sheehane, Roscrea	John Delaney, Ballinafad Construction, Templemore	<u>€52,585.02</u>

Item 19.1
Deferred Notice of Motion

It was agreed to defer consideration of the following Notice of Motion until the next meeting.

“That this Council support a motion seeking a waiver of all rates due from childcare facilities under the Local Government (Rates) Act 1970, Section 2, Part 1”

Item 19.2
Notices of Motion

It was agreed to defer consideration of the following Notice of Motion until the next meeting.

“That North Tipperary County Council enter into negotiations with North Tipperary Civil Defence and the Department of Defence with a

view to enhancing and upgrading facilities at the existing property on the Courthouse site which is currently advertised for sale with a view to retaining the building for accommodation for the Civil Defence”.

It was agreed to defer consideration of the following Notice of Motion until the next meeting.

“That this Council take in charge road and infrastructure at Mooneen Court, Roscrea.”

Item 20.1
Correspondence

The following Correspondence was noted by the members: -

1. Letter of thanks from FBD Insurance Rás for our co-operation in ensuring the roads used by the race were in the best possible condition for the recent 8 Day International Cycle Race.
2. Letter received from Derry City Council requesting your response and comments to the Notice of Motion.
3. Letter received from Office of the Minister for Justice, Equality & Law Reform regarding the proposed Bill to codify the licensing laws and to say that the views of North Tipperary County Council have been noted and will be taken into account in the drafting of the Bill.
4. Letter received from Clonakilty Town Council.

At the July Meeting of Clonakilty Town Council the following notice of motion was unanimously adopted by the members and it was agreed to circulate it to all Local Authorities for their support:

“That Clonakilty Town Council asks the Minister for Education to scrap the points system for Leaving Certificate students and consult with pupils, parents and teachers, to examine a broader and fairer system of assessment.”

5. Letter received from Fermoy Town Council.
At the July Monthly Meeting of Fermoy Town Council held on 19th July 2005, the following motion was adopted by the Members and requested to be forwarded to all Councils for their support.

“That Fermoy Town Council write to the Taoiseach expressing condemnation at the failure of the Disabled Person Bill to incorporate rights base legislation into the bill and circulate same to every Local Authority in the hope of securing support.”

6. Letter from Office of Minister for for Community, Rural and Gaeltacht Affairs to our letter concerning Section 10 of the Official Languages Act 2003.

7. Letter received from Macroom Town Council as follows:

At the July meeting of Macroom Town Council the following motion was unanimously adopted and it was agreed to forward it to all local authorities, relevant Ministers and the AMAI

“That this Council calls on the Department of the Environment, Heritage and Local Government and the Department of Finance to introduce financial incentives to encourage the use of alternative forms of energy to encourage their use in the Irish Construction Industry”.

8. Reply from Shannon Development to our letter requesting them to attend a meeting of the Council.
9. Reply from the Health Service Executive to our letter regarding Nenagh Hospital
10. Reply from Office of Minister for Environment, Heritage & Local Government to our letter in relation to development plans and the Official Languages Act.

Item
Any Other
Business

No matters arising,

This Concluded the Business of the Meeting, a true copy of which we hereby certify.

Signed: _____
Cllr. J. Carroll
Mayor.

Date: _____

Signed : _____
Ms. Sharon Kennedy,
Senior Executive Officer

Date: _____