

South Tipperary County Council

Minutes of South Tipperary County Council Meeting held in The Council Chamber, County Hall on 7th November, 2011

- In the Chair** Cllr. Michael Fitzgerald
- Present** Cllrs. L. Ahearn, S. Ambrose, M. Anglim, J. Brennan, J. Crosse, J. Crowe, J. Donovan, P. English, J. Fahey, M. Fitzgerald, M. Hanna Hourigan, D. Landy D. Leahy, S. Lonergan, L. McLoughlin, R. Molloy, M. Murphy, MI Murphy, J. O'Brien, E. O'Meara, B. Shoer, T. Wood.
- Apologies** Cllrs. T. Acheson, D . Ryan, S. Cooney Sheehan
- In attendance** B. McEvoy, P. Slattery, S. Carr, J. Harney, J. O'Mahoney, L. McKenna
- Meetings Administrator** Mr. John O'Mahoney
- Good Wishes** The Cathaoirleach conveyed the good wishes of the members to Michael D. Higgins on his election as the 9th President of Ireland.
- Minutes** On the proposal of Cllr. Pat English and seconded by Cllr. Liam Ahearn the Minutes of the Council Meeting held on 3rd October, 2011 were adopted.

Matters Arising

- St. Patrick's Hospital, Cashel** In response to an enquiry by Cllr. Wood, members of the Regional Health Forum informed the meeting that they had received assurances from the H.S.E. that there were no threats to St. Patrick's Hospital, Cashel and a meeting would be arranged with HSE officials to confirm the current situation.

**Courthouse,
Tipperary**

In response to an enquiry by Cllr. Leahy, the meetings administrator informed the meeting that a reply from the Minister for Justice was awaited.

Conferences

On the proposal of Cllr. Liam Ahearn and seconded by Cllr. Joe Brennan it was agreed that: -

Cllrs. Marie Murphy, J. Fahey and S. Ambrose be nominated to attend conference organised by Roscommon County Council entitled "Douglas Hyde Conference 2011" to be held at Ballaghaderreen, Co. Roscommon on 4th November, 2011

Cllr. T. Acheson be nominated to attend conference organised by Esperanza Enterprises entitled "Local Government Powers to create/abolish Rights of Way" to be held at The Kingsvalley Hotel, Merlin Park, Dublin Road, Galway City on 4th – 6th November, 2011

Cllrs. T. Acheson and J. Fahey be nominated to attend conference organised by Esperanza Enterprises entitled "Waste Water Discharge Control Design, Operation and Maintenance" to be held at the Carlton hotel, Tralee, Dan Spring Road, Tralee, Co. Kerry on 11th – 13th November, 2011

Cllr. L. Ahearne be nominated to attend conference organised by South Eastern CFRAM entitled "Introduction to the South Eastern CFRAM Study and Notice of Public Open Evening at Hotel Kilkenny, College Road, Kilkenny on 16th November, 2011

Cllrs. L. McLoughlin, D. Leahy, S. McCarthy, M. Hanna Hourigan & J. Fahey be nominated to attend conference organised by Superior Training entitled "The Local Government Budget 2012" to be held at The Carlton Millrace Hotel,

Bunclody, Co. Wexford on 18th – 20th November, 2011.

Cllrs. L. McLoughlin & D. Ryan be nominated to attend conference organised by Esperanza Enterprises entitled “Renewable Energy 20-20-20 Transforming Ireland into a highly energy-efficient, low carbon economy” at The Lucan Spa Hotel, Junction 4A, N4 Westbound, Lucan, Co. Dublin on 25th and 26th November, 2011

Public Notice of Proposed Works – N24 Footway and Cycle Track Cahir Road Roundabout (Clonmel) to Heywood Road Junction

Pat Slattery, Director of Services outlined details of the proposal to construct a footway and cycle track along the N24 from Haywood Road Junction to Cahir Road Roundabout on the southern edge of the roadway for a distance of 1.9km, with associated signage road markings, lighting and guard rail provision. The plans as proposed were agreed to.

Section 183 Notice – Disposal of 145 Elm Park to Clonmel Borough Council

It was proposed by Cllr. S. Ambrose
Seconded by Cllr. R. Molloy
And Resolved: -
“That in accordance with the provision of Section 183 of the Local Government Act, 2001 we hereby approve of the disposal of the property at 145 Elm Park, Clonmel, Co, Tipperary to Clonmel Borough Council, Town Hall, Clonmel in accordance with the terms of the Notice under the above Section, as circulated on 2nd November, 2011.

Annual Environmental Awards

The members were informed that the Annual Environmental Awards would take place in Boru Bru on 5th December, 2011 at 7.30pm.

Revised Loan Approval – Cluid Voluntary Housing Association

It was proposed by Cllr. Marie Murphy
Seconded by Cllr. Louise McLoughlin
And Resolved: -
“That in accordance with Section 106 of

the Local Government Act 2011, we the members of the South Tipperary County Council hereby authorise the raising of a loan in the revised sum of €7,887,373.00 for the provision of housing by Cluid Housing Association at Windmill Road, Cashel, Co. Tipperary in accordance with the approval of the Department of the Environment, Heritage & Local Government dated the 6th July, 2011".

**Financial Report
to 30th
September,
2011**

The Financial Management Report for the quarter ended 30th September, 2011 had been circulated to members.

As at 30th September, 2011, €54 million of an annual expenditure budget of €76 million has been spent or committed. This amounted to 71% of the overall budget. 71% of the budgeted income of €76 million had also been collected or accrued.

Capital expenditure: €17.8 million of the 2011 element of the Capital Programme had been committed and €16.9 million receipted in the first three quarters of 2011.

**Internet based
GPS Tracking
System**

It was proposed by Cllr. J. Brennan
Seconded by Cllr. P. English
And Resolved: -

"That in accordance with the provisions of Section 85 of the Local Government Act, 2001, we hereby approve that South Tipperary County Council and Wexford County Council enter into an agreement allowing Wexford County Council to execute powers and functions on behalf of South Tipperary County Council in relation to the joint procurement and supply of an internet based GPS Fleet Tracking System.

Mr. Pat Slattery outlined the route planning, and efficiency advantages that would be gained with the introduction of this system.

**Roads Winter
Maintenance
Programme
2011/2012**

A copy of the Council's policy and procedures in relation to roads winter maintenance and salt spreading for 2011/2012 was circulated to the members.

Members welcomed the report and Mr. Pat Slattery responded to questions in relation to salt supplies, availability of grit to communities and the clearing of footpaths by retailers and householders.

**Appointment of
Representative
to Traveller
Accommodation
Consultative
Committee**

It was proposed by Cllr. L. Ahearn
Seconded by Cllr. M. Anglim
And Resolved: -
"That having regard to the resignation of Margaret Casey from the South Tipperary Local Traveller Accommodation Consultative Committee, that Corena Ward be nominated as a representative of the Tipperary Rural Traveller Project on this committee".

**Fix Meeting
Dates**

The following meeting dates were agreed: -
Special Housing Meeting 2nd December, 2011 at 10am
Budget Meeting 12th December, 2011 at 10am

**County
Managers
Orders for
November**

County Managers Orders for the month of November were noted.

Notice of Motion

**Amplification
System for the
Council
Chamber**

The Council considered the following Notice of Motion in the name of Cllr. Seanie Lonergan: -

"That this Council give an update on the provision of an amplification system for the chamber. This was discussed some time ago and there is a concern that it is not under consideration".

Various options were examined in relation to amplification in the Chamber. The cost of installing an adequate system was estimated at €25,000. It was agreed at the May meeting of the Council that the matter be referred in the first instance to the Standing Orders Committee for further consideration subject to adequate funding being available. The issue of funding for the system would require to be further considered by the Council in their consideration of the Budget for 2012.

Access to water during the summer months for residents associations

The Council considered the following Notice of Motion in the name of Cllr. Joe Brennan: -

“Before the introduction of water charges that this Council develop a policy for residents associations and tidy village committees to have access to water during the summer months for the maintenance of flowers, shrubs etc. so as not to cause the unnecessary hardship of an additional financial burden on the residents who carry out this voluntary work”.

(a)The Government has indicated that it is proposing to introduce water charges for domestic consumers throughout the Country and the charge would be based on consumption, this will necessitate the installation of a water meter for every domestic household.

(b)The Government have also indicated that provision will be made in the overall water charges scheme to cater for those with an inability to pay.

(c)In the absence of any clear details as to the Governments intention regarding the Domestic Water Charges proposal and pending clarification on the proposed establishment of an independent Water Authority it is considered premature for the Council to develop a policy such as

requested in this motion.

(d) Pending clarification of the Governments intentions, it is felt that Residents Associations and Tidy Towns Committees should capture and utilise rain water for maintenance purposes and not resort to the public water supply which would have undergone a very expensive treatment process.

**Cycle lane
between Carrick
on Suir and
Clonmel**

The Council considered the following Notice of Motion in the name of Cllr. Joe Brennan: -

“In the interest of safety for road users, this Council apply to the Department of Transport and the NRA for the provision of a cycle lane between the towns of Carrick-on-Suir and Clonmel on the N24 as this road is very popular with tourists.”

The Roads Section of South Tipperary County Council would write to the Department of Transportation and the National Roads Authority requesting funding towards the provision of a cycle lane on the N24 between the towns of Carrick-on-Suir and Clonmel.

**Kickham
Barracks,
Clonmel**

The Council considered the following two Notices of Motion together in the names of Cllr. Billy Shoer and Pat English: -

“That this Council call on the Government to abandon any proposals to close Kickham Barracks, Clonmel, not alone for the 350 years historical connection to the town of Clonmel, but for the commercial damage to the retail trade in Clonmel and South Tipperary as a whole”.

“That we call on Mr. Alan Shatter, T.D., Minister for Justice, Equality and Defence to ensure that Kickham

Barracks, Clonmel remains open as a fully operational Army Barracks”.

Clonmel Area Members spoke of the devastating effect the closure of Kickham Barracks would have on South Tipperary. A deputation had been received by Minister Shatter and members stressed the importance of maintaining the protest against its closure.

It was agreed that both motions would be forwarded to the Minister for Justice.

Retention of Town Councils

The Council considered the following Notice of Motion in the name of Cllr. Tom Wood: -

“That in support of local government and local democracy, South Tipperary County Council calls on the Minister, Mr. Phil Hogan to retain Cashel Town Council, extend its urban boundary and support the retention of Tipperary Town and Carrick-on-Suir Town Councils”.

Members discussed the motion and it was agreed that the Minister would be requested to reform Town Councils and to give them extra powers and responsibilities in order that they could fulfil their democratic mandate.

Litter Bins in lay-bys on the Cork/Dublin Motorway

The Council considered the following Notice of Motion in the name of Cllr. Tom Wood: -

“That litter bins are erected in the lay-bys on the Cork/Dublin motorway (South Tipperary Section) and that consideration be given to the erection of information/advertising signs on the said lay-bys”.

In accordance with the National Roads Authority's recommendations, motorists were encouraged to stay in their vehicles

at lay-by locations in the interest of health and safety for road users. Therefore, it would not be appropriate to provide litter bins which may encourage or influence people to leave their vehicles. It was also NRA policy to prohibit the provision of any non-standard signage on the motorway, in the interest of safety.

Cllr Wood disagreed with the recommendation of the NRA and reiterated his wish to have litter bins provided. The County Manager stressed the safety concerns of people getting out of their vehicles at motorway lay-bys and that the onus was on motorists to take their litter with them. It was agreed to write to the NRA regarding Cllr. Wood's wish to have litter bins provided.

Revision of Rateable Valuations

The Council considered the following Notice of Motion in the name of Cllr. Michael Murphy: -

“That South Tipperary County Council, mindful of the effect which decreasing turnovers, in the current economic climate, are having on the ability of retailers to pay their rates, calls on the Minister for the Environment, Community and Local Government to amend the Valuation act, 2011, to permit the revision of a rateable valuation, or, indeed, the determination of an initial rateable valuation, in respect of a retail outlet, to take cognisance of the turnover of that retail outlet, so that the ability of retail outlets to pay their rates would be more realistically reflected by their turnovers”.

Following discussion Cllr. Michael Murphy amended the wording of the motion as follows: -

“that South Tipperary County Council,

mindful of the effect which decreasing turnovers, in the current economic climate, are having on the ability of retailers to pay their rates, calls on the Minister for the Environment, Community and Local Government to amend the Valuation Act, 2011, to permit the revision of a rateable valuation in respect of a retail outlet, to take cognisance of the profit of that retail outlet, so that the ability of retail outlets to pay their rates would be more realistically reflected by their profit”.

Members spoke in support of the motion and referred to the financial difficulties being faced by businesses in South Tipperary. It was agreed that the Valuation Office would also be requested to revalue properties in South Tipperary as a priority.

It was also agreed to forward the motion to All Local Authorities for their support.

**Caiseal na Rí
Estate, Golden
Road, Cashel**

The Council considered the following two Notices of Motion together in the names of Cllr. Pat English and Sean McCarthy: -

“That the members be given an up to date report on the serious difficulties being experienced by residents in Caiseal na Rí Estate, Golden Road, Cashel and what proposals the planning authority have to resolve these matters”.

“That this Council takes every possible step to insure the completion of the Estate at Caiseal Na Rí, Golden Road, Cashel which is in South Tipperary County Council area and also to ensure that the dangerous walls which are around the estate are replaced with safer structures as in their present condition they pose a

serious physical danger to people including children”.

The walls identified with structural issues have been fenced off from public access by means of “Herras” fencing by the Cashel Area and Town Engineer staff.

A Dangerous Structures Notice was being prepared by Environment Section (under the Local Govt –San Servs Act 1964) –

It was expected that the parties served with Dangerous Structures Notices would consult with the Local Authority on receipt of Notice, and remedial action would be considered and agreed and appropriate structural works carried out in the shortest possible time frame.

If a swift resolution does not ensue the Local Authority will apply to the District Court to do, either,

- a. Direct the persons to carry out works or
- b. Authorise the Sanitary Authority to carry out the works and recoup costs incurred as a simple contract debt.

There are no current extant permissions on the Site and therefore no further works of construction (except works of repair, renewal or reconstruction) can be carried out without a new permission first having been obtained.

Members spoke of the dangerous conditions on the state. Ms. Sinead Carr informed the meeting that an interdepartmental team had been set up to work on the matter and that the Council would take whatever action was necessary within the framework of the law.

Employment Creation in South Tipperary

The Council considered the following Notice of Motion in the name of Cllr. Bobby Fitzgerald: -

“Given the high unemployment rate in the constituency compared with the national average could South Tipperary County Council request the Industrial Development Authority to attend a meeting with a view to explaining what constructive actions and efforts have been, and are being pursued by that organisation to increase and promote employment creation and sustainability in South Tipperary”.

The motion was seconded by Cllr. Joe Brennan. It was agreed to invite representatives from the IDA to a Special Meeting and the following issues were mentioned for discussion at the meeting: -

- Levels of grant assistance paid to South Tipperary based companies and details of any other IDA investments in the county
- Current efforts in the area of promotion and advertising of South Tipperary as an investment location
- Details of the number of jobs supported in the county including the cost of such support and the activity type

“Jobbridge”

The Council considered the following Notice of Motion in the name of Cllr. Bobby Fitzgerald: -

“That the Manager provide a report to the members on the engagement of this Local Authority with the current employment initiative for interns known as “jobbridge”, outlining the number of positions created within the Council under this initiative, and of the respective roles and sectoral

analysis of the participants involved to date”.

As a result of this discussion members requested that Minister Joan Bruton be requested to hold an information seminar in South Tipperary to promote the use of the Job Bridge Scheme by employers across the county as it was felt that the scheme could be more widely used in a positive manner by employers in the county.

Waterways Foreward Presentation

Ms Labhaoise McKenna made a presentation to the members on the Waterways Forward and other River Suir Heritage Projects. She summarised River Suir Projects underway currently with a focus on people and communities:

- a. Capacity building local communities
- b. Changing perceptions & raising awareness
- c. Maximising resources
- d. Innovative collaborations at a local, national and European level

She referred to the European funded Waterways Forward Project which was examining the heritage tourism potential of the River Suir. STCC were one of 17 European partners participating in the project from 13 EU countries plus Serbia and Norway and funded under the INTERREG IVC programme of the European Regional Development Fund. It was a 3 year project which was currently approaching the end of Year 2. To date on a local level a Regional Analysis of the River Suir area was undertaken – 184km, which was available publically on website www.southtipperheritage.ie/riversuir along with River Suir newsletter and other project documents. The project budget for STCC is €112,000 over 3 years, €84,000 of which is grant aid. There are short, medium and long term goals: Promotion

of existing walking routes along the river; developing the tow path as a public amenity and in the long term looking at the navigational potential of the river for shallow draught craft.

In South Tipperary the Waterways Forward project involved developing a shared vision for the River Suir through community participation. The biggest project to date was the Suir River Café at Clonmel Junction festival. There was also a series of outreach 'Lay of the Land' workshops in Carrick-on-Suir, Clonmel, Ardfinnan and Cahir in conjunction with the Suir River Café.

Members thanked Ms. McKenna for her informative presentation and for the work achieved to date.

Ms. L. McKenna and Mr. Pat Slattery responded to queries from members in relation to the development of the tow path and the tourism potential of the river.

**Resolutions
from other Local
Authorities**

Donegal County Council

"That Donegal County council refrain from collecting any charge that may be imposed on owners of Septic Tanks that are working properly, as this is a discriminative form of collecting revenue".

"That this Council recognises the need to upgrade many septic tank systems in Ireland in order to meet the 1975 and 1991 European Directives on waste water but affirms that the Directives should not be used as a mechanism to raise revenue from struggling home owners in rural communities and calls for:

- The costs of works on septic tanks which need to be upgraded, to be grant aided from central Government funds such as waste water capital programmes

- A system, similar to that in the north of Ireland, where a desludging service is provided yearly, free of charge to homeowners financed by the Department of Environment
- A programme to be put in place to protect our ground water and surface water, based on the information gathered in the recent River Basin Management Plans and that a hierarchy of threats to our ground water and surface water statute be put in place, including threats posed by septic tanks."
- "That Donegal County Council address the issue of EU regulations of Septic Tanks in our County, also all Sewage Treatment Plants and Waste disposal".

Donegal County Council

"That this Council discuss the Family Home Bill on Families facing severe mortgage difficulties that was supported by all opposition parties and Independent Senators, and had the full backing of the Free legal Aid Centre (FLAC) and the New Beginning Group, as there is widespread recognition from interest groups and politicians alike that this bill would give strong legal protection to families facing the prospect of losing their homes because of mortgage difficulties".

Donegal County Council

"That Donegal County Council call on this Government to immediately amend the Redundancy Payment Acts 1967 – 2007 so as to ensure that an employer is legally obliged to sign the RP50 upon dismissal and if he/she fails to do so that an increased penalty should be enforced and also recognise that the current waiting time for the employment appeal tribunal is excessive and call for the hearings to be expedited".

Monaghan Town Council

(1) Recognising that families in Monaghan are already struggling to make ends meet at present and further recognising that many local businesses have been devastated by the reduction of spending power of the people of the town through job losses, tax increases and austerity measures; Monaghan Town Council notes with concern the Governments proposals to introduce water charges and property taxes. That this Council recognises that such a move will deflate our local economy even further and prolong the current recession. We call on the Government to desist from introducing these additional taxes at this time".

(2) "That this Council seeks that the Government fast track the Criminal Justice Community Service Bill 2011 in order to further develop the community service provision as an alternative to offenders being a burden on the State and the taxpayer and in addition that recruitment of community service supervisors who will ensure that offenders have the opportunity to serve their full sentences in community service work quickly, appropriately and fully".

Kilkee Town Council

"That Kilkee Town Council calls on the Minister of Education to review the dates that primary and secondary schools reopen at the end to Summer to begin the new school year".

Clare County Council

"That this Council calls on the Minister for Agriculture to fight to protect the Single Farm Payment to Irish farmers in the negotiations on CAP reform".

**Votes of
Congratulations**

- Michael D. Higgins on his election at the 9th President of Ireland
- Mullinahone Intermediate Football Team and the Minor Hurling Team on their successes in the County Finals
- Aherlow Junior Ladies Hurling Team on their success in the recent county semi-final

**Votes of
Sympathy**

- William O'Brien and family on the death of his wife Roberta
- Richard and Chris Prendergast on the death of their daughter Claire
- Catherine Lennon on the death of her mother Mary

**Votes of Good
Wishes**

- Sonja Reidy for a speedy recovery
- Samantha Ryan for a speedy recovery

The meeting then concluded.

Signed/_____. Dated/_____.
Cathaoirleach.

Signed/_____. Dated/_____.
Meetings Administrator.