

COMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD
AT ARAS AN CHONTAE, PROSPECT HILL, ON MONDAY, 24TH OCTOBER, 2011**

CATHAOIRLEACH:

Cllr. M. Maher

ILATHAIR FREISIN:

Baill:

Cllrs. T. Broderick, S. Canney, L. Carroll, D. Connolly, M. Connolly, S. Cunniffée, Comh S O’Cuaig, Comh T. Ó Curraoin, Cllrs. M. Fahy, P. Feeney, G. Finnerty, M. Finnerty, M. Hoade, P. Hynes, Comh. S. Ó Laoi, E Mannion, T. Mc Hugh, J McDonagh, J. Mc Clearn, M. Noone, P. Roche, K. Ryan, Comh S. Ó Tuairisg, Cllrs. S. Walsh, T. Walsh, T. Welby, B. Willers.

Oifigigh:

Ms. M. Moloney, County Manager,
Messrs. J. Cullen, K. Kelly, F. Gilmore, E. Cummins, Director of Services, Mr. G. Mullarkey, Head of Finance, Messrs. A. Farrell, A. Comer, Senior Executive Officers Messrs. E. Molloy, L. Gavin, Senior Engineers, Ms. V. Loughnane, Senior Planner, Mr. M. Owens, County Secretary&Meetings Administrator, P. O’ Neachtain, and Ms. R. O’Boyle, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

RESOLUTIONS OF SYMPATHY:-

819

Mrs. Gabrielle Barrett & Family, 13 Beach Avenue, Renmore, Galway

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Mr. Keith Finnegan & Family, c/o Galway Bay FM Radio, Sandy Road, Galway

Mr. John Mannion & Family, Lydican, Oranmore, Co. Galway

Mr. Lar O'Reilly, St. Joseph's Place, Ballinasloe, Co. Galway

Cllr. McDonagh proposed a vote of Sympathy to the family of the late Brian Callagy, former Senior Planner with Galway County Council stating that he had been an outstanding official of the Council.

Cllr. M. Finnerty proposed a vote of sympathy with the families of the late Tony Dolan and Ger Reilly former staff of Ballinasloe Town Council.

The Manager on her own behalf and on behalf of the staff extended sympathy with the families of the bereaved on their sad loss.

It was proposed by Cllr. Fahy, seconded by the Mayor and agreed that the Mayor of the County of Galway convey a letter of appreciation and best wishes to President Mary McAleese to mark the end of her term in office and to acknowledge the support provided to communities across the County during her term in office and in particular the solidarity shown with local communities impacted by the severe flooding in late 2009.

It was proposed by Cllr. McDonagh, seconded by Comh. Ó Curraoin and agreed to host a Civic Reception to mark the achievement of the Galway U21 All-Ireland Football Team.

CONFIRMATION OF MINUTES OF THE FOLLOWING MEETING

820

The Minutes of the Monthly Meeting held on 26th September 2011 were approved by the Council and signed by the Mayor on the proposal of Cllr. McClearn and seconded by Cllr. Carroll.

Arising from the Minutes and in reply to Cllr. D. Connolly, Mr. Owens confirmed that correspondence had issued to the Department of Social Protection in relation to both the terms of the relocation scheme and the provision of insurances for properties impacted by the severe flooding in late 2009 and that a reply was awaited.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION

821

The Report of the Oranmore Area Committee Meeting held on the 17th June, 2011 was considered. It was adopted by the Council on the proposal of Cllr. Carroll seconded by Cllr. McDonagh.

The Report of the Oranmore Area Committee Meeting held on the 13th September, 2011 was considered. It was adopted by the Council on the proposal of Cllr. Carroll, seconded by Cllr. McDonagh.

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The Report of the Housing Strategic Policy Committee Meeting held on the 23rd March, 2011 was considered. It was adopted by the Council on the proposal of Cllr T. Walsh, seconded by Cllr. McDonagh.

The Report of the Housing Strategic Policy Committee Meeting held on the 20th May, 2011 was considered. It was adopted by the Council on the proposal of Cllr McDonagh, seconded by Cllr. T. Walsh.

The Report of the Conamara Area Committee Meeting held on the 22nd February, 2011 was considered. It was adopted by the Council on the proposal of An Comh. O'Curraoin, seconded by An Comh O'Tuairisg.

The Report of the Conamara Area Committee Meeting held on the 17th June, 2011 was considered. It was adopted by the Council on the proposal of An Comh. O'Curraoin, seconded by An Comh O'Tuairisg..

The Report of the Conamara Area Committee Meeting held on the 27th June, 2011 was considered. It was adopted by the Council on the proposal of An Comh. S. O'Laoui, seconded by An Comh. O'Tuairisg.

DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993

822

A report was already circulated to each Member.

On the proposal of Cllr. T. Walsh, seconded by Cllr. McHugh, the Council approved the declaration of the following road to be a public road, the statutory procedure having been complied with:-

Road commencing with County Road L-64381-0 in the townland of Cloonlara North and extending north west for a distance of 620 metres in the townland of Cloonlara North and finishing at the last dwelling house (J. Timothy) in the townland of Cloonlara North.

Electoral Area: Tuam

DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993

823

A report was already circulated to each Member.

On the proposal of Cllr. T. Walsh, seconded by Cllr. McHugh, the Council approved the declaration of the following road to be a public road, the statutory procedure having been complied with:-

Road commencing at junction with Regional Road R364 in the townland of Stonetown and extending east for a distance of 308 metres in the townland of

Stonetown and bounding the townland of Swiftsacre and finishing at the last dwelling house (P.J. Maloney) in the townland of Stonetown.

Electoral Area: Tuam

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 1.052 HECTARES/ 2.6 ACRES OF LAND AT BOHOONA, SPIDDAL, CO. GALWAY 824

Report dated 12th October, 2011 was already circulated to each Member.

On the proposal of Cllr S. Walsh, seconded by An Comh. O’Tuairisg the disposal 1.052 Hectares/2.6 Acres of land at Bohoona, Spiddal, Co. Galway was approved. Cllr. McHugh requested that his objection to the disposal be noted.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 5.99 HECTARES/ 14.80 ACRES OF LAND AT BULLSEYE, WOODFORD, CO. GALWAY 825

Report dated 12th October, 2011 was already circulated to each Member.

On the proposal of Cllr. McDonagh, seconded by Cllr. Willers, the disposal of 5.99 Hectares/14.80 Acres of Land at Bullseye, Woodford, Co. Galway was approved. Cllr. McHugh requested that his objection to the disposal be noted.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.485 HECTARES/ 1.198 ACRES OF LAND AT COURTNEY’S LANE, GORT, CO. GALWAY 826

Report dated 12th October, 2011 was already circulated to each Member.

On the proposal of Cllr. G. Finnerty, seconded by Cllr. Willers, the disposal of 0.485 Hectares/1.198 Acres of Land at Courtney’s Lane, Gort, Co. Galway was approved. Cllr. McHugh requested that his objection to the disposal be noted.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.972 HECTARES/ 2.403 ACRES OF LAND AT LAVALLY, GORT , CO. GALWAY 827

Report dated 12th October, 2011 was already circulated to each Member.

On the proposal of Cllr. G. Finnerty, seconded by Cllr. Willers, the disposal of 0.972 Hectares /2.403 Acres of Land at Lavally, Gort, Co. Galway was approved. Cllr. McHugh requested that his objection to the disposal be noted.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.806 HECTARES/ 1.991 ACRES OF LAND AT MAGHERAMORE, KILLIMOR, CO. GALWAY 828

Report dated 12th October, 2011 was already circulated to each Member.

On the proposal of Cllr. McClearn, seconded by Cllr. Willers, the disposal of 0.4806 Hectares/1.991 Acres of Land at Maheramore, Killimor, Co. Galway was approved. Cllr. McHugh requested that his objection to the disposal be noted.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 1.651 HECTARES/ 4.08 ACRES OF LAND AT ROOGHAUN, ARDRAHAN, CO. GALWAY 829

Report dated 12th October, 2011 was already circulated to each Member.

On the proposal of Cllr. Fahy, seconded by Cllr. G. Finnerty, the disposal of 1.651 Hectares/4.08 Acres of Land at Rooghaun, Ardahan, Co. Galway was approved. Cllr. McHugh requested that his objection to the disposal be noted.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.2428 HECTARES/ 0.6 ACRES OF LAND AT RUSHEENAMANAGH, CARNA, CO. GALWAY 830

Report dated 12th October, 2011 was already circulated to each Member.

Following a discussion after which no agreement could be met. It was proposed by An Comh. O’Cuaig, seconded by Cllr. Ó Curraoin that the Disposal shall not to be carried out. A vote was taken and resulted as follows:

For

Cllrs. Canney, D. Connolly O’Cuaig, O’Curraoin, Hynes, E. Mannion, McHugh, O’Tuairisg, & S. Walsh, (9)

Against

Cllrs. Broderick, Carroll, M. Connolly, Cunniffe, Fahy, Feeney, G. Finnerty, M. Finnerty, Hoade, O’Laoi, Maher, McClearn, McDonagh, Noone, Roche, Ryan, T. Walsh, T. Welby & Willers. (19)

The Mayor declared the motion defeated and accordingly that the disposal shall be carried out in accordance with the terms as specified in the notice.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.607 HECTARES/ 1.5 ACRES OF LAND AT WILLIAMSTOWN, CO. GALWAY 831

Report dated 12th October, 2011 was already circulated to each Member.

Following a discussion after which no agreement could be met. It was proposed by Cllr. McHugh, seconded by Cllr. Canney that the Disposal shall not to be carried out. A vote was taken and resulted as follows:

For

Cllrs. Canney, D. Connolly, O’Cuaig, O’Curraoin & McHugh. (5)

Against

Cllrs. Broderick, Carroll, M. Connolly, Cunniffe, Fahy, Feeney, G. Finnerty M. Finnerty, O’Laoi, Maher, E. Mannion, McClearn, McDonagh, Noone, Roche, Ryan, O’Tuairisg, S. Walsh, T. Walsh, Welby & Willers (22)

Abstain

Cllr. Hynes. (1)

The Mayor declared the motion defeated and accordingly that the disposal shall be carried out in accordance with the terms as specified in the notice.

ADOPTION OF THE ROAD TRAFFIC (SPECIAL SPEED LIMITS) COUNTY GALWAY BYE-LAWS, 2011 (M18 & R446 BALLINASLOE TO GALWAY), (M18 & N18 ENNIS TO GALWAY), (N59 AN BAILE NUA, MAIGH CUILINN) 832

Report dated 18th October, 2011 was circulated to each Member

Mr. Gavin outlined the contents of the report and recommended the adoption of the Bye-Laws.

It was proposed by Cllr. D. Connolly, seconded by Cllr. Broderick and agreed that under the Speed Limit Review that the 80km speed limited be extended on the R446 in a North/East direction past the junction L7430-0 by a distance of 400 metres.

In reply to Cllr. M. Finnerty, Mr. Gavin advised that in the absence of traffic counts it was not possible to state with certainty that significant volumes of traffic continued to use the R446 (old N6) in order to avoid the payment of the toll on the M6.

Following a discussion on the Bye-Laws, it was proposed by Cllr. M. Finnerty, seconded by Cllr. P. Feeney and agreed to adopt and seal the Road Traffic (Special Speed Limits) County Galway Bye-laws, 2011 (M18 and R446 Ballinasloe to Galway), (M18 & N18 Ennis to Galway), N59 and Baile Nua, Maigh Cuilinn).

CILL RÓNÁIN HARBOUR AND CILL ÉINNE HARBOUR BYE-LAWS 833

Report dated 20th October 2011 was circulated to each Member.

It was proposed by Cllr. S. Walsh, seconded by Cllr. D. Connolly, that the Cill Rónáin Harbour & Cill Éinne Harbour Bye-Laws be rejected.

An Comh. O’Tuairisg acknowledged the significant investment in the development of Cill Rónáin and the need for the harbor to be regulated however he indicated that the charges as proposed in the draft bye-laws would increase the cost of living on the Island by 20%. He

indicated that same would be contrary to government policy to maintain sustainable communities on our Islands.

An Comh O’Cuaig welcomed the Islanders to the Council Meeting and stated that it was the only island in Ireland where such charges would be imposed and stated that if the charges as proposed in the draft bye-laws were adopted they would serve as a template to be implemented in other locations both in Galway and other counties and accordingly supported Cllr. S. Walsh’s proposal to reject the draft bye-laws.

An Comh O’Curraoin also agreed and said that islanders were being penalized for living on the Islands, that it should be promoted as a way of life and accordingly he also opposed the charges. Cllr. Hynes said that he also supported the Islanders position and requested that the officials go back to the drawing board and review the bye-laws.

Cllr. McHugh referred to the investment in the development of the harbor, the need to regulate the use of same and the costs associated with such regulation and the ongoing maintenance costs. It was proposed by Cllr. McHugh, seconded by Cllr. Broderick that the revenue to be generated by the charges would instead be provided for from the Roads Budget for the Conamara Electoral Area. Cllr. S. Walsh indicated that he would support the provision of funding required for the operation and maintenance of the harbor being provided from the roads budget for the Conamara Electoral Area instead of the charges as proposed in the draft Bye-Laws.

It was proposed by Cllr. E. Mannion, seconded by Comh. O’Laoi that the necessary funding be provided from the roads budget for the County.

Mr. Gilmore advised that whilst it was not possible to provide an exact figure for the costs associated with the operation and maintenance of the harbour that the additional costs would be significant and in the region of €120,000 and accordingly the provision of such funding from the roads budget for the Conamara Electoral Area or the roads budget for the County would have a significant adverse impact on road maintenance and the employment of staff.

In reply to Cllr. T. Mannion and Cllr. S. Walsh, Mr. Molloy advised that it was always intended that there would be harbour charges to cover the costs associated with the operation, maintenance and regulation of the harbour on the completion of the project. Mr. Molloy confirmed that whilst it may be possible to achieve additional savings on the operation and maintenance of the harbour that the costs associated with same would remain significant. Mr. Molloy highlighted the importance of the bye-laws to allow the Council fulfill its statutory responsibilities as a Harbour Authority and that the majority of the charges were intended to allow the Council to regulate the use of the harbour and prevent a small minority of users abusing the facility.

Cllr. McClearn stated that the draft bye-laws had been the subject of significant consideration by the Strategic Policy Committee and cautioned against an element of mis information and highlighted the importance of clarifying exactly what was being proposed.

Cllr. Welby highlighted the need to support island communities and proposed that to facilitate the implementation of government policy in this regard that a reduced rate of VAT should apply on the island and that a central fund should be provided by the exchequer to support island communities. He referred to the lobbying being undertaken by the islanders on the issue and noted with regret that a small minority had opted to circulate abusive text messages as part of this campaign.

Cllr. Hoade highlighted her concerns in relation to the impact of the proposal to fund the costs from the roads budget particularly given the reduced funding available and the significant demands that exist. In reply to a query raised by Cllr. Hoade, Mr. Molloy confirmed that the officials had engaged in an extensive consultation process in relation to the draft bye-laws including public meetings on the island.

SUSPENSION OF STANDING ORDERS

834

On the proposal of An Comh O'Tuairisg, seconded by Cllr. S. Walsh it was agreed that Standing Order 5 be suspended to allow the Meeting to proceed after 6 p.m.

An Comh O'Cuig referred to the importance of the Island from a tourism point of view and stated that the number of tourists is dropping, and that if charges are implemented as proposed the number would drop further. He stated that the Council should be able carry the costs associated with the maintenance and regulation of the harbour.

In reply to Cllr. McDonagh, Mr. Gilmore stated that in the absence of the income from the charges as proposed, it would be necessary to meet the costs arising from the revenue budget and same would impact on the Roads Programme.

In reply to Cllr. T. Mannion, Mr. Gilmore confirmed that the allocation of resources from the Local Government Fund does not specifically make an allowance for additional funding for coastal counties. Cllr. T. Mannion stated that the issue of funding to support island communities was a national issue as well as a local issue. Cllr. Canney stated that he was in agreement with Cllr. T. Mannion and that the provision of appropriate funding should be addressed by central government.

In reply to Cllr. M. Finnerty, Mr. Gilmore confirmed that the Regulation and Penalties as contained in the draft bye-laws are necessary in order to provide for effective regulation of the harbour.

It was proposed by Cllr. McHugh and agreed to withdraw his motion and it was proposed by Cllr E. Mannion and agreed to withdraw her motion at this point.

It was proposed by An Comh Ó Curraoin and seconded by Cllr. S. Walsh to defer consideration of the item and to hold a Special Meeting of Council to consider the matter in a weeks time. A vote taken on the proposal resulted as follows:

For

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Cllrs. Canney, D. Connolly, M. Connolly, O’Cuaig, O’Curraoin, G. Finnerty, Hoade, Hynes, T. Mannion, Noone, O’Tuairisg, & S. Walsh (12)

Against

Cllrs. Broderick, Carroll, Cunniffe, Feeney, M. Finnerty, O’Laoi, Maher, E. Mannion, McClearn, McDonagh, McHugh, Roche, Ryan, T. Walsh, Welby & Willers (16)

The Mayor declared the motion defeated.

It was proposed by the Mayor, seconded by Cllr. Feeney that the Council adopt and seal the Bye-Laws as presented, subject to the following amendments:

Second Schedule: Harbour Charges

Second Schedule Part 1:

Removal of Charge 5 – Cargo:

Use of the Harbour in connection with loading and discharging Cargo €0.50 tonne.

Removal of Charge 6 – Landing of Fish

Use of the Harbour in connection with discharging of fish €0.50 tonne.

Amendment of Charge 12 – Passenger Rates

Use of Harbour by Passenger Vessels. This charge will be payable monthly. €0.80 per passenger, per entry.

The charge will be reduced to €5.00 per Passenger, per annum in respect of multiple journey tickets (5 return journeys or more). To avail of this reduction the Vessel Operator must provide satisfactory evidence to the Harbour Master of such multiple journey ticket sales on a monthly basis.

In the absence of accurate Passenger numbers the permitted Vessel Passenger Certificate will be charged per arrival.

A vote taken on the proposal resulted as follows:

For

Cllrs. Broderick, Carroll, Cunniffe, Feeney, M. Finnerty, O’Laoi, Maher, E. Mannion, McClearn, McDonagh, McHugh, Roche, Ryan, T. Walsh, Welby & Willers (16)

Against

Cllrs. Canney, D. Connolly, M. Connolly, O’Cuaig, O’Curraoin, G. Finnerty, Hoade, Hynes, T. Mannion, Noone, O’Tuairisg, & S. Walsh (12)

The Mayor declared the motion carried.

It was proposed by the Mayor, seconded by Cllr. J. McClearn and agreed to defer the remaining items on the Clár to the November Monthly Meeting of Council.

NOTICE OF MOTIONS

NOTICE OF MOTION NO 25 – CLLR. J. MCDONAGH 835

The following reply was given:-

“These works will be carried out in early 2012.”

NOTICE OF MOTION NO 26 – CLLR. J. MCDONAGH 836

The following reply was given:-

“These works will be carried out in early 2012.”

NOTICE OF MOTION NO 27 – CLLR. J. MCDONAGH 837

The following reply was given:-

“The relevant documentation to proceed with taking this road in charge is currently being completed.”

NOTICE OF MOTION NO 28 – CLLR. M. FAHY 838

The following reply was given:-

“The Roads and Transportation Section of Galway County Council has submitted proposals to the NRA under the Low Cost Safety Improvement Works Scheme to reduce traffic speeds through the village of Ballinderreen. These proposals have been submitted as part of the overall submission for funding under this scheme in 2012. Approval for the schemes which are to proceed in 2012 will be notified to the Council in early 2012.”

NOTICE OF MOTION NO 29 – CLLR. M. FAHY 839

The following reply was given:-

“There is currently ongoing work on the extension to this burial ground. However the construction of the car park and the proposed new entrance must initially go through the planning process which will take a number of months.”

NOTICE OF MOTION NO 30 – CLLR. M. FAHY

840

The following reply was given:-

“Underground ducting was installed here recently prior to the recent road pavement which was done at this location, to facilitate the provision of traffic lights. However, there are no plans in the near future to install traffic lights at the Loughrea Road Junction at George’s Street, Gort.”

Criochnaigh an Cruinniú Ansin