

Minutes of Meeting of Monaghan County Council held in the Garage Theatre, Armagh Road, Monaghan, on Monday 7th September, 2020 at 11.00 a.m.

Chair: Cllr C. Carthy, Cathaoirleach

Present: Cllrs. Aughey, Bennett, Campbell, Conlon, Connolly, Coyle, Gilliland, Keelan, Kerr-Conlon, Maxwell, McCooey, McElvaney, McKenna, O'Hanlon, P. Treanor, S. Treanor, R. Truell.

Mr. E. O'Sullivan, Chief Executive, Mr. J. Murray, Head of Finance, Mr. P. Clifford, Mr. A. King, Ms. P. Monahan, Directors of Services, Mr. Cathal Flynn, A/Director of Services, Mr. Adrian Hughes, Senior Planner, Ms. M. McGarvey, Senior Staff Officer and Ms. C. Thornton, Meetings Administrator.

At the outset, the Cathaoirleach informed the members that he had received a request for the suspension of Standing Orders to permit Cllr P. Connolly and Cllr C. Bennett make a statement to the members of the Council in relation to alleged breaches of Covid 19 restrictions.

On the proposal of Cllr Coyle, seconded by Cllr Conlon, it was unanimously agreed that Standing Orders be suspended to facilitate the making of statements by Cllrs Connolly and Bennett.

Statement of Cllr P. Connolly:

"I would like to apologise to you my elected Councillor colleagues and apologise to all the staff of Monaghan County Council. I would like to apologise for not taking Government advice not to travel abroad and I apologise for not restricting my movements for the required 14 days on return to the country, again as advised by our Government.

I also want to apologise for attending the Oireachtas Golf society dinner on Wednesday 19th of August – it sent out the wrong message to very many people who had suffered greatly as a result of Covid 19 and to the people who were dutifully complying with Covid restrictions.

I will fully co-operate with the standard enquiry under the Local Government Act which I expect may take place as a result of the above issue.

I hope that you accept my sincere apologies.

Go raibh maith agat."

Following his statement, Cllr Connolly handed a copy of the IHF statement – Important clarification re issues raised by Oireachtas Golf Society event – to the Meetings Administrator.

Statement of Cllr C. Bennett:

"Cllr Bennett reiterated her apology of two weeks previous and asked that it please be extended to her fellow Councillors and Council staff. She admitted that she had made a serious error of judgement in going abroad during the Covid 19 pandemic" and extended her apologies to everyone that she had hurt by her actions. Cllr Bennett also said that "she was agreeable to any investigation necessary by SIPO"

On the proposal of Cllr Coyle, seconded by Cllr McKenna it was agreed that Standing Orders be re-activated.

Votes of Sympathy:

The Cathaoirleach stated that he wished to extend a vote of sympathy to the following members and staff that had suffered bereavements since the July Council meeting:

- Cllr Sean Conlon on the death of his mother, Marina Conlon, RIP
- Cllr Hugh McElvaney on the death of his sister, Mary Lennon, RIP
- Rory Sheehan, Heritage Section on the death of his father Raymond Sheehan, RIP
- Helena McGeough, Corporate Assets, on the death of her father Patrick McGeough, RIP.
- Pauline Duffy, Ballybay Library on the death of her mother Roseanne McKenna, RIP

He also extended a vote of sympathy to the wife and family of renowned writer Eugene McCabe, RIP late of Clones.

The Cathaoirleach adjourned the meeting for a short period as a mark of respect and all present observed a minutes silence.

Following the short period of adjournment, the meeting resumed.

Urgent Business:

The Cathaoirleach informed the members that he had received a notice of urgent business in the names of Cllr P. Treanor and Cllrs Carthy, Conlon, Keelan and McKenna.

That Monaghan County Council requests the attendance of Bus Eireann's Regional Manager for School Transport at a future meeting of the Council, to discuss and find a resolution to issues and concerns raised with us by parents, in relation to the operation of the transport scheme. That we also write to Ministers Norma Foley T.D. , Eamon Ryan T.D. and the School Transport Section of the Department of Education and Skills seeking a review of the School Transport Scheme and proposing it's amendment, so that every student can access a bus seat to the school/college of their choice.

On the proposal of Cllr Maxwell, seconded by Cllr O'Hanlon, it was agreed to go 'Into Committee' to discuss whether to accept the motion submitted as urgent business.

Following a short discussion, it was agreed to take the motion of urgent business at the end of the meeting.

On the proposal of Cllr Maxwell, seconded by Cllr P. Treanor, it was agreed that the Council revert to public session.

1. Confirmation of Minutes

(i) Minutes of Council meetings held on 13th July, 2020

On the proposal of Cllr Coyle seconded by Cllr Keelan, it was agreed that the minutes of the Council meeting held on the 13th July 2020, be confirmed.

2. Correspondence.

The following correspondence was circulated with the agenda for the meeting:

- Letter from the Department of Housing, Planning and Local Government regarding Elected members Annual Expenses Allowance.
- Letter from the Office of the Minister for Agriculture, Food and the Marine, Mr Dara Calleary, T.D. regarding the Glas Scheme.
- Letter from the Office of the Minister for Health, Mr. Stephen Donnelly, T.D. regarding services at Monaghan General Hospital.
- Letter from the Office of the Minister for Health, Mr. Stephen Donnelly, T.D. regarding him been unable to attend a meeting about the services at Monaghan General Hospital.
- Letter from the Office of the Taoiseach Micheál Martin, T.D. regarding financial shortfall facing Monaghan County Council.
- Letter from the Office of the Taoiseach Micheál Martin, T.D. regarding VAT rate – Tourism Industry.
- Letter from the Office of the Minister for Media, Tourism, Art, Culture, Sports and the Gaeltacht, Ms. Catherin Martin, T.D. regarding VAT rate – Tourism Industry.
- Email from the Office of the Minister for Rural and Community Development, Ms. Heather Humphreys regarding an increase to funding for LIS.
- Email from the Office of the Minister for Disabilities, Ms. Anne Rabbitte, T.D regarding the Group Home, Carrickmacross.
- Email from the Office of the Minister for Public Expenditure and Reform, Mr. Michael McGrath, T.D regarding legislation to be introduce enforcing penalties on elected representatives who breach Ethics in Public Office.
- Letter from An Garda Síochána regarding Emyvale Garda Station.
- Letter from the Office of Public Works regarding Emyvale Garda Station.
- Thank you letter from An Garda Síochána regarding the death of Garda Colm Horkan RIP.
- Resolution from Derry City & Strabane District Council regarding public ownership of care homes; fully funded health service and an integrated all Ireland public health strategy
- Notice of Motion from Ballybay-Clones Municipal District regarding the increase income threshold for social housing.
- Notice of Motion from Ballybay-Clones Municipal District regarding funding for the Greenway from Middletown to Smithboro and also from Smithboro to Clones.
- Resolution from Donegal County Council regarding the A5 route funding.
- Resolution from Limerick City & County Council regarding the National Planning Framework on Rural Housing Policy.
- Resolution from Sligo County Council regarding legislation to be amended to permit the Property Registration Authority to include rights of way by necessity in their remit.
- Resolution from Sligo County Council regarding inflatable products be banned at official and non-official bathing places and sale of at any location within the county.
- Resolution from Waterford City & County Council regarding the ‘Big Start Campaign’ which demands adequate investment in early years services.
- Resolution from Roscommon County Council regarding financial support for all Tidy Towns 7 voluntary groups in Co Roscommon.
- Resolution from Kerry County Council regarding the state pension public service fund.

Proposals arising out of correspondence:

On the proposal of Cllr Coyle, seconded by Cllr Gilliland, it was agreed that the original motion in relation to the extension of the current GLAS Scheme requesting an extension of 2 years, be forwarded to the new Minister for Agriculture, Food and the Marine, Charlie McConalogue T.D.

On the proposal of Cllr Coyle, seconded by Cllr Gilliland, it was agreed that Monaghan County Council demands of the Minister for Agriculture, Food and the Marine, Charlie McConalogue T.D. and the Department of Agriculture the immediate withdrawal and scrapping of the Bovine TB Herd History Risk Statement and Report issued to farmers and herdowners in recent weeks, as it is the categorisation of herds in County Monaghan, a County with a very high incidence of TB, leading to a devaluation of herds, additional financial cost to farmers. (Motion if adopted to be circulated to all Oireachtas Members for Cavan-Monaghan).

On the proposal of Cllr O'Hanlon, seconded by Cllr Carthy, it was agreed that a letter be sent to Anne Rabbitte, TD, Minister for Disabilities – in relation to funding for the Carrickmacross Group Home and requesting that she meet with representatives from Monaghan Co. Co. and Government T.D.'s and Senators – in relation to this issue.

On the proposal of Cllr Connolly, seconded by Cllr S. Treanor it was agreed that the Council writes to the Minister for Justice, An Garda Síochána and the Office of Public Works seeking an update in relation to the current situation regarding the re-opening of Emyvale Garda Station.

On the proposal of Cllr Carthy, seconded by Cllr O'Hanlon, it was agreed that this Council calls on Minister for Health, Stephen Donnelly T.D. and the Minister for Finance, Paschal Donohoe T.D. to ensure, at a minimum, that the HSE budget for 2021 includes provision for the Carrickmacross Group Home Operational Costs.

On the proposal of Cllr Connolly, seconded by Cllr S. Treanor, it was agreed that Monaghan County Council endorse the proposal from Waterford City & County Council expressing support for SIPTU and the "Big Start Campaign" which demands adequate investment in the Early Years Services to make it affordable, accessible, high quality service with professional pay for childcare workers.

On the proposal of Cllr Coyle, seconded by Cllr P. Treanor it was agreed that the Council supports the motion from Derry City and Strabane District Council – that the Council agrees that two divergent public health strategies to deal with a pandemic on the island of Ireland, North and South is irrational, impractical and dangerous. Council calls for a fully integrated all-Ireland public health strategy. Council supports the campaign for an all-Ireland health service free at the point of delivery from the cradle to the grave.

3. To consider Proposed Variation to County Development Plan 2019-25

Mr. A. Hughes, Senior Planner outlined the background to the report which had been circulated with the agenda. He stated that it was a requirement of the Planning Act to undertake a review of the alignment of the Monaghan County Development Plan (MCDP) with the National Planning Framework and the NWRA RSES. The variation of the MCDP is required to ensure legal compliance with Section 11(1)(b) of the Planning and Development Act 2000. The Variation will have no implications on how the plan is managed and

implemented. A 6 week public consultation period will commence before 26 September 2020 and a report will be back before full Council in Nov/Dec 2020 for approval.

On the proposal of Cllr Maxwell, seconded by Cllr Keelan, it was agreed to commence the public consultation process in relation to the proposed Variation of the Monaghan County Development Plan to ensure legal compliance with Section 11(1)(b) of the Planning and Development Act 2000.

4. To consider Material Contravention of County Development Plan

- P19/571 Application from C&M Coldstores Ltd to develop dry goods store at Naferty, Carrickmacross

Mr. A. Hughes, Senior Planner outlined the background to the report which had been circulated with the agenda. The report relates to an application from C&M Coldstores Ltd to develop a dry goods store at Naferty, Carrickmacross (Ref P19/571). The land is presently zoned for Industrial, Enterprise and employment use and residential development. The proposal has been out for public consultation with no objections received by the Council.

The proposal is considered to be in accordance with the proper planning and sustainable development of the area. The report Director of Planning Services recommended that planning permission be granted subject to the attached conditions.

On the proposal of Cllr Carthy, seconded by Cllr O'Hanlon it was agreed that the Council unanimously approve the Material Contravention of the Monaghan County Development Plan 2019-2025 to grant planning permission for the construction of a dry goods store with ancillary offices, external dock leveller under canopy and all associated works as per application Ref 19/571, subject to the conditions contained in the report of the Director of Planning Services dated 3rd September 2020.

5. To consider Chief Executives Report prepared in accordance with Part VIII of the Planning and Development Regulations 2001 (as amended) in respect of the following:

- (i) 20/8001 – Brackly Bridge, Lough Egish - Replacement and Realignment of Junction & Road

The members noted the Chief Executive's report dated 28 August 2020 in relation to planning permission for the replacement of Brackly Bridge together with associated road alignment and safety improvement works.

On the proposal of Cllr Gilliland, seconded by Cllr Coyle, it was resolved that the Council proceed with the development as proposed, namely; the replacement of Brackly Bridge, Lough Egish together with associated road alignment and safety improvement works (Ref 20/8001) to comply with the report from the Chief Executive dated 28 March 2020, in accordance with Part VIII of the Local Government (Planning and Development) Regulations 2001 (as amended).

(ii) **20/8002 – Main St., Ballybay - Courtyard Car Park**

The members noted the Chief Executive's report dated 28 August 2020 in relation to planning permission for the construction of a public car park and associated landscaping and site works located to the west of Main Street, Ballybay.

On the proposal of Cllr Coyle, seconded by Cllr Gilliland it was resolved that the Council proceed with the development as proposed, namely; the construction of a public car park and associated landscaping and site works located to the west of Main Street, Ballybay (Ref 20/8002) to comply with the report from the Chief Executive dated 28 August 2020, in accordance with Part VIII of the Local Government (Planning and Development) Regulations 2001 (as amended).

(iii) **20/8003 – 13 Church Hill, Clones – Provision of 2 houses**

The members noted the Chief Executive's report dated 28 August 2020 in relation to planning permission for the change of use, renovation and extension of an existing two stores mid terrace property to provide 2 residential units.

On the proposal of Cllr P. Treanor, seconded by Cllr R. Truell, it was resolved that the Council proceed with the development as proposed, namely; the change of use, renovation and extension of an existing two stores mid terrace property to provide 2 residential units at Church Hill Clones (Ref 20/8003) to comply with the report from the Chief Executive dated 28 August 2020, in accordance with Part VIII of the Local Government (Planning and Development) Regulations 2001 (as amended).

6. To consider Section 183 Notices

(i) **Lease of Art Studio 104, Clones Post Office**

The members noted the report which had been circulated recommending the disposal of studio space 104 in the former An Post Office, Clones by way of lease for a period of 7 years to Ms. Joanne Behan.

On the proposal of Cllr P. Treanor, seconded by Cllr S. Coyle, it was agreed that the Council approve the disposal of studio space 104 in the former An Post Office, Clones to Joanne Behan in accordance with notice dated 7 August, 2020 under Section 183 of the Local Government Act 2001.

(ii) **Lease of Art Studio 205, Clones Post Office**

The members noted the report which had been circulated recommending the disposal of studio space 205 in the former An Post Office, Clones by way of lease for a period of 7 years to Ms. Eileen Ferguson.

On the proposal of Cllr P. Treanor, seconded by Cllr S. Coyle, it was agreed that the Council approve the disposal of studio space 205 in the former An Post Office, Clones to Eileen Ferguson in accordance with notice dated 7 August, 2020 under Section 183 of the Local Government Act 2001.

(iii) Disposal of land at Essmore Hall, Drummond Otra, Carrickmacross

The members noted the report which had been circulated recommending the disposal of 0.0389 hectares in the townland of Drummond Otra, Carrickmacross.

Cllr Maxwell referred to a decision of the Council dating back to 2006 when it was agreed that any land acquired as a result of CPO that was surplus to requirements would be offered back to the original owner in the first instance. He asked that clarification would be sought in the matter. A decision was deferred until later in the meeting pending clarification.

At a later stage in the meeting, Ms. P. Monahan, Director of Roads, clarified that the original landowner had disposed of his property to the Crillys and no longer resided in the area and was recently deceased. The plot in question was very small and was being purchased in order to regularise boundaries. An offer back to the original owner would not be meaningful in the circumstances.

On the proposal of Cllr Keelan, seconded by Cllr O'Hanlon, it was agreed that the Council approve the disposal of 0.0389 hectares in the townland of Drummond Otra, Carrickmacross in accordance with notice dated 13th August, 2020 under Section 183 of the Local Government Act 2001.

7. To consider the Local Adjustment Factor - LPT 2021

The members noted the Report from the Chief Executive that had been circulated with the agenda for the meeting, along with Circular Fin12/2020. The report explained that a local authority may, as a reserved function, resolve to vary the basic rate of the Local Property Tax within its functional area by a maximum of +/- 15%. Any decision by a local authority to vary the basic rate of Local Property Tax must be taken by 30th September. In determining the rate of LPT a local authority must take account of its financial position and have regard to a number of factors:

- The local authority's estimation of the income it will receive and the expenditure it will incur in the period for which LPT is to apply.
- The financial position of the local authority.
- Feedback from any consultation held.
- The financial effect of any variation to the rate of LPT.

Cllr Carthy proposed, Cllr P. Treanor seconded that Monaghan County Council leave the LPT base rate for 2021 at 0% (no increase or decrease).

Cllr O'Hanlon proposed, Cllr Campbell seconded, that the Local Property Tax be kept the same as last year – a 15% increase on the baseline – in order to continue to drive economic in our county.

A debate followed to which a number of members contributed.

Mr. E. O'Sullivan, Chief Executive stated that the LPT has been put in place by Government. The funding of the local government operates within the constraints and legal principles decided by the Oireachtas. Members of local authorities had been given the power to decide on the local adjustment factor - +/- 15%, which re-sets to the baseline each year. While accepting that funding for local Government is not perfect, he was confident that the LPT

report outlined why it should be increased by 15% this year. As Chief Executive, he is bound to do the best with the funding available to the Council. If the LPT is not increased by 15% there will be very little discretionary funding available at Budget time. Members are aware that the LPT increase is ring-fenced to the Municipal Districts and the increase allows the Council to tackle dereliction and contribute to urban and rural regeneration. He recommended that the members adopt a 15% increase on the LPT baseline figure for 2021.

The Cathaoirleach then put both proposals to the meeting.

A recorded vote was called for which resulted as follows:

Cllr Carthy/Treanor's proposal

For: Cllrs Bennett, Carthy, Conlon, Keelan, McKenna and P. Treanor **Total 6**

Against: Cllrs. Aughey, Campbell, Connolly, Coyle, Gilliland, Kerr-Conlon, Maxwell, McCooey, McElvaney, O'Hanlon, S. Treanor, R. Truell. **Total 12**

The Cathaoirleach declared the proposal defeated.

Cllr O'Hanlon/Campbell's proposal

For: Cllrs. Aughey, Campbell, Connolly, Coyle, Gilliland, Kerr-Conlon, Maxwell, McCooey, McElvaney, O'Hanlon, S. Treanor, R. Truell. **Total 12**

Against: Cllrs Bennett, Carthy, Conlon, Keelan, McKenna and P. Treanor **Total 6**

The Cathaoirleach declared the proposal carried.

8. To approve PPN Representatives to serve on Monaghan Local Community Development Committee (LCDC)

On the proposal of Cllr Coyle, seconded by Cllr Maxwell it was agreed that the following PPN representatives be approved to serve on the Monaghan Local Community Development Committee:

Community & Voluntary seat - Eileen Gordon Lonergan (Carrickmacross Local Development Group)

Social Inclusion seat – Noeline O'Neill (Castleblayney Trust)

Adjournment:

The Cathaoirleach informed the members that in order to have regard to public health guidance relating to Covid 19 (the meeting having been ongoing for 2 hours) he proposed to adjourn the balance of the agenda to another date.

Following consultation with the members it was agreed that the adjourned meeting would be held on Tuesday 22nd September at 2.00 p.m.

The meeting then concluded.

Signed: _____
Cathaoirleach

Meetings Administrator

Date: _____