

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
22 Marta 2011

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 28 Marta, 2011,
ag **11.00 r.n. in Áras an Chontae, Leifear**

DO GACH BHALL DEN CHOMHAIRLE

A Chara

Iarrtar ort a bheith i láthair ag an chruinniú seo den Chomhairle. Ta Clár an chruinnithe leis seo.

Beidh Clár Orduithe an Bhainisteora Contae le feiceáil ag an gcruinniú.

Mise, le meas

A. MacSuibhne

Riarthóir Cruinnithe(RÚNAI CHONTAE)

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
22nd March, 2011

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 28th March, 2011, at
11.00am in the County House, Lifford.

TO EACH MEMBER OF DONEGAL COUNTY COUNCIL

Dear Councillor

You are summoned to attend this meeting of the Council. The Agenda is attached.

The Register of County Manager's Orders will be available for inspection at the meeting.

Yours sincerely

E. Sweeney

Meetings Administrator (County Secretary)

AGENDA

1. Confirmation of Minutes

- a) Confirmation of Minutes of the Adjourned January Meeting of Donegal County Council held on the 28th February, 2011.
- b) Confirmation of Minutes of Meeting of Donegal County Council held on the 28th February, 2011.

2. Filling of casual vacancy in the office of Deputy Mayor.

3. Filling of casual vacancies in the membership of the following Strategic Policy Committees:-

- a) Planning and Economic Development Strategic Policy Committee – 1 No vacancy (former Clr. Charlie McConalogue).
- b) Roads and Transportation Strategic Policy Committee – 1 No. vacancy (former Clr. Padraig MacLochlainn).
- c) Community, Cultural and Enterprise Strategic Policy Committee – 2 No vacancies (former Clrs. Charlie McConalogue and Thomas Pringle).

4. Filling of casual vacancies in the Chairs of the following Strategic Policy Committees:-

- Roads and Transportation
- Community Culture and Enterprise

5. Filling of other vacancies consequential on the election of Clrs. McConalogue, MacLochlainn and Pringle to Dáil Éireann

- Inishowen Electoral Area Committee (2. No)
- Donegal Electoral Area Committee (1. No)
- Coiste na Gaeilge (2. No)
- Cultural Committee (1 No)
- Donegal Joint Policing Committee (2. No)
(To be referred to Inishowen & Donegal Electoral Area Committees)
- Vocational Education Committee (1. No)
- Border Regional Authority (1. No)

- Operational Committee Border Regional Authority
(1 No member from representation on Border Regional Authority)
- Border Midland Western Regional Assembly (1 No)
(from representation on Border Regional Authority)
- North West Region Cross Border Group (2 No)
- Assembly of European Regions (1 No)
- City Of Derry Airport Committee (2 No)
- Bord of Fort Dunree Military Committee (1 No)
- Cross Border Rail Group (1 No) (Reserved for Chair of Roads & Transportation SPC)
- Donegal Peace 111 Partnership Board (1 No)
(Reserved for Chair of Community Culture & Enterprise SPC)

6. Disposal of Land – Section 211 Planning and Development Act, 2000

- a) Notice under Section 183 of the Local Government Act, 2001 to dispose of land at No 8 Cruckarra to John Hegarty, No. 8 Cruckarra, Kilcar.
- b) Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Drung, Redcastle to Margaret Duddy, Legal Personal Representative of the Late Rena McCole.
- c) Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Ardfarn, Bundoran to Oliver McSharry.

7. Taking of decision pursuant to Planning & Development Act, 2000 (Part XI), and Planning & Development Regulations, 2001 (Part 8).

- a) To approve carrying out of works with regard to the construction of a wastewater pumping station in the townland of Dunglow, Dungloe.
- b) To approve carrying out of works with regard to the construction of a pedestrian footbridge crossing the Clonmany River located in the townlands of Straid and Gaddyduff in the Inishowen Electoral Area.

8. Water and Environment

To resolve that the Bye-laws made under Sections 13, 39 and 40 of the Control of Horses Act, 1996 and the Local Government Act

2001 (Bye-Laws) Regulations 2006, adopted at the Council Meeting on 28th February, 2011 shall, come into operation on 9th May, 2011.

9. Roads and Transportation

- a) That Donegal County Council hereby resolve to enter into agreement with Buncrana Town Council under Section 85 of the Local Government Act, 2001 and the Section 14 of the Roads Act, 1993 (“the 1993 Act”) whereby Buncrana Town Council will carry out road realignment works on the L1781 Aghilly Road in the Donegal County Council area.
- b) That Donegal County Council hereby resolves to enter into an agreement, under Section 85 of the Local Government Act 2001, with Cavan County Council in respect of improvement works to the N87 Bawnboy Bridge and N87 Killyneary Bridge No. 2 whereby Donegal County Council will be enabled to carry out all work, including preparation of Contract Tender Documents, Supervision of Contract, etc as may be necessary in the Administrative Area of Cavan County Council.
- c) That Donegal County Council hereby resolves to enter into an agreement, under Section 85 of the Local Government Act 2001, with Roscommon County Council in respect of improvement works to the N61 Bridge at Castleland, N60 Cloondacarra Bridge, N60 Bridge at Ballinloughquarter and N60 Roadquarter Bridge whereby Donegal County Council will be enabled to carry out all work, including preparation of Contract Tender Documents, Supervision of Contract, etc as may be necessary in the Administrative Area of Roscommon County Council.

10. Finance

- a) To consider and note the Report on Irrecoverable County Rates 2010.
- b) To consider the three year Capital Programme for Donegal County Council for the period 2011 – 2013 inclusive.

11. Housing and Building

To adopt 2011 Purchase Scheme for Long Standing Tenants.

12. Community, Culture and Enterprise

To approve Museum Disaster Plan 2011.

13. Endorsement of Minutes

- a. Endorsement of the Confirmed Minutes of Meeting of the Letterkenny Electoral Area Committee held on the 17th January, 2011.

14. Deputations/Presentations

- a) To consider requests for reception of deputations:-
 - Donegal Mountain Rescue.
 - Eirgrid.
- b) To consider correspondence from Gweebarra Conservation Group in response to Council's decision to allow the Group address the Planning and Economic Development SPC.

15. Authorisation of representation at a Seminar, Meeting or Event

Authorisation of representation at a seminar, meeting or event under Section 142 (5) of Local Government Act, 2001, S.I. No 668 of 2006, Local Government (Expenses of Local Authority Members) Regulations 2006, S.I. No 37 of 2010, Guidelines given by the Minister for the Environment, Heritage and Local Government in relation to the Local Government Act, 2001 (Section 142) Regulations 2010:-

- i. Nuclear Free Local Authorities Ireland Seminar – Key Nuclear Policy issues for Irish local authorities in 2011 to be held Friday 1st April, 2011 at The Boardroom, Council Offices, O'Hagan House, Monaghan Row, Newry, County Down, BT35 8DJ, Northern Ireland.
- ii. Celtic Conferences – How to be an effective Chairperson to be held from Friday 1st to Sunday 3rd April, 2011 at the Celtic Ross Hotel, Rosscarbery, Co Cork.
- iii. Celtic Conferences – The Future of Local Politics to be held Friday 15th to Sunday 17th April, 2011 at Glendine, Tawnies Upper, Clonakilty, West Cork.
- iv. Professional Development for Councillors – How to Master Your Time to be held Friday 15th to Sunday 17th April, 2011 at the Best Western Sligo Southern Hotel, Strandhill Road, Sligo.
- v. Elected Member's Training Seminar – The Good Friday Agreement – Local Government North and South to be held Friday 15th to Sunday 17th April,

2011 at the Kingsvalley Hotel, Merlin Park, Dublin Road, Galway City.

- vi. Local Authority Members Association (LAMA) – Spring Seminar “Economic Revival: A Role for Local Government” to be held Friday 29th and Saturday 30th April, 2011 at the Fairways Hotel, Dundalk, Co. Louth.
- vii. Offer from Oideas Gael of two scholarships in Gleann Cholm Chille.

16. Mayor's Business

17. Manager's Report

18. Motions from other Councils/Bodies

DUBLIN CITY COUNCIL

“This Council calls on the Oireachtas to introduce regulations on the Cash for Gold business. This transaction enterprise is prolific throughout Ireland and is not regulated which leaves the business open to be used as a legal way of disposing of stolen goods. The lack of regulation on Cash for Gold shops could possibly lead to an increase in theft of jewellery from persons and homes.”

NORTH TIPPERARY COUNTY COUNCIL

“North Tipperary County Council calls on the Government to recognise the unique and vital role of the postal service in Ireland, particularly rural Ireland, as a means of communication, as a vital economic tool and as an intrinsic part of the fabric of the community.

Our postal service has a social value and an economic value; these must be properly protected as the Government drafts legislation to open the postal market to full competition. Postmen and women provide an important public service and also function as an integral part of the social fabric of their community, particularly for the elderly and the isolated citizens whose only human contact might be their post person. Furthermore An Post's extensive delivery and collection network, is an intrinsic part of the economic and business infrastructure of the country. Reaching every corner of the country and by delivering to every front door An Post is an essential partner in business from a marketing, payment collection and business generation point of view.

As Ireland prepares to liberalise its postal market it is essential that the Government acknowledged this important public service, ensures that the Universal Service Obligation is protected by legislation and does not allow the opening of the market to lead to wide spread job losses, social dumping and an erosion in service levels as has happened in other countries who have already opened their postal market to competition.”

GALWAY CITY COUNCIL

“That Galway City Council calls on the government to lobby Iran to rescind the stoning to death of Sakineh Ashtiani for alleged adultery and furthermore makes it known that such killing is both barbaric and cruel”.

GALWAY CITY COUNCIL

“That Galway City Council calls on the Government and the Catholic Church to (a) issue formal apologies for the abuse inflicted on women and young girls in Magdalen Laundries and (b) establish a distinct redress scheme for all survivors. We further resolve that this motion be circulated to all Local Authorities.”

MONAGHAN TOWN COUNCIL

“Due to the substantial exodus of our people as a result of our country’s employment crisis, that the incoming Government would instigate a system of granting the Irish Diaspora the right to vote in Irish elections.”

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD
IN THE COUNTY HOUSE, LIFFORD ON 28TH MARCH, 2011

C/101/11 MEMBERS PRESENT

Clrs. Cora Harvey, Mayor, D. Alcorn, L. Blaney, J. Boyle, C. Brogan, B. Byrne, J. Campbell, P. Canning, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M.T. Gallagher, M. Harley, D. Larkin, F. McBrearty, S. McEniff, I. McGarvey, P. McGowan, B. Mc Guinness, J. Murray, S. Ó Domhnaill, B. O'Neill, M. Quinn, J. Ryan, and T. Slowey.

C/102/11 APOLOGIES

Apologies were received from Clr. Noel McBride who was unable to attend the meeting.

C/103/11 OFFICIALS IN ATTENDANCE

Mr Seamus Neely, County Manager, Mr Liam Ward, Director of Corporate and Housing, Mr John McLaughlin, Director of Roads and Transportation, Mr Joe Peoples, A/Director of Water and Environment, Mr Michael Heaney, Director of Community, Culture and Planning, Mr Garry Martin, A/Head of Finance and Director of Emergency Services, Mr. Eunan Sweeney, Meetings Administrator, Ms. Anne Marie Crawford, Staff Officer.

C/104/11 VARIATION IN THE ORDER OF BUSINESS

On the proposal of Clr. Donaghey, seconded by Clr. Byrne, it was resolved to vary the order of business and deal with Item 16 – Mayor's Business at this juncture.

C/105/11 MAYOR'S BUSINESS

Conduct at Meetings

The Mayor read into the record her letter dated the 23rd March, 2011 together with attached briefing note, which had been circulated to all members in advance of the meeting. She advised that her action had arisen out of the general disorder in the Chamber at both the adjourned January Council Meeting and the scheduled February Council Meeting held on the 28th February, 2011.

The correspondence, she advised, was self-explanatory outlining the role and responsibility of the Mayor, as Chair of Donegal County Council, and the Elected Members, in general.

She affirmed the need for mutual co-operation, and noting that all concerned were obliged to work within the relevant statutory legislation namely:

- Local Government Act, 2001
- National Code of Conduct for Councillors
- Standing Orders for the Regulation of Proceeding & Business of Donegal County Council.

The Mayor stated that it was imperative that members strived at all times to seek the best outcomes for the Council and the general public, which they had been elected to serve.

She said that it was essential that all members felt respected and valued as members of Donegal County Council.

In conclusion, the Mayor stated that she would not tolerate unacceptable behaviour in the Chamber and should the need arise would exercise her powers under Standing Orders and/or Article 13 of Schedule 10 of the Local Government Act, 2001. Thus, she called on members to take on board the issues raised and move forward in a spirit of co-operation.

Votes of Sympathy

Votes of sympathy were extended to the following:-

- Charlie Boyle, Glenties Fire Brigade on the death of his father, James Boyle.
- The family of the late Noel Hegarty, Drumany, Letterkenny.
- Cartha Boyle, Glenties Fire Brigade on the death of his father, Sean Boyle.
- The family of the late James Friel, formerly Letterkenny Roads.

Unfinished Housing Estates

The Mayor asked that a report on Unfinished Housing Estates be included on the agenda of the next Council Meeting.

- C/106/11 CONFIRMATION OF MINUTES OF ADJOURNED JANUARY MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 28TH FEBRUARY, 2011
On the proposal of Clr. Byrne, seconded by Clr. Alcorn, the Minutes of the Adjourned January Meeting of Donegal County Council, held on 28th February, 2011, were adopted.
- C/107/11 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 28TH FEBRUARY, 2011
On the proposal of Clr. Mc Eniff, seconded by Clr. Donaghey, the Minutes of the Meeting of Donegal County Council, held on 28th February, 2011, were adopted, subject to clarification that the reference to “ all Local Authorities” in the third paragraph of Minute C/54/11 read as follows:-

“Donegal County Council Council has now reduced the Rates multiplier applicable at a County level for two successive years, 3% in 2010 and a further 3.5% for the current year, 2011. The 2011 reduction was the largest, by some distance, of all County Councils in the country.”
- C/108/11 ADJOURNMENT OF MEETING
On the proposal of Clr. Slowey, seconded by Clr. Ryan, it was resolved to adjourn the meeting for twenty minutes at this juncture.
- C/109/11 REQUEST FOR FURTHER ADJOURNMENT
On resumption of the meeting, Clr. Slowey proposed, seconded by Clr. Mc Brearty, to adjourn the meeting for a further twenty minutes to discuss a number of items on the agenda.
Clr. Brogan proposed, seconded by Clr. Mc Eniff that the meeting proceed.
The Meetings Administrator advised that the amendment represented a direct negative and the objective of the amendment could be achieved by voting against the motion.

A show of hands was taken by the Mayor with a majority of members voting to adjourn the meeting for a further twenty minutes.

C/110/11 FILLING OF CASUAL VACANCY IN THE OFFICE OF DEPUTY MAYOR

On resumption, the Mayor invited nominations for the position of Deputy Mayor.

Clr. Marie Therese Gallagher was proposed by Clr. Quinn, and seconded by Clr. Mc Brearty.

As there were no other nominations, Clr. Gallagher was declared elected Deputy Mayor of Donegal County Council to fill the casual vacancy in the office arising from the election of Clr Pádraig Mac Lochlainn to Dáil Éireann.

Congratulations were extended to Clr. Gallagher on behalf of all the political groupings in the chamber.

The County Manager wished her well in her new position and stated that he was looking forward to working with Clr. Gallagher in her new role as Deputy Mayor.

Clr. Gallagher thanked members for their support, noting that it was an historic day in the chamber as both the Mayor and Deputy Mayor positions now had female incumbents. She pledged to work to the best of her ability and in the best interests of the electorate as a whole.

C/111/11 FILLING OF CASUAL VACANCIES IN THE MEMBERSHIP OF THE PLANNING AND ECONOMIC DEVELOPMENT STRATEGIC POLICY COMMITTEE, THE ROADS AND TRANSPORTATION STRATEGIC POLICY COMMITTEE AND THE COMMUNITY CULTURAL AND ENTERPRISE STRATEGIC POLICY COMMITTEE

The Meetings Administrator informed members that there were four positions available and that the three new councillors had to be accommodated within this number.

Planning & Economic Development SPC (1 No)

On the proposal of Clr. Brogan, seconded by Clr. Mc Eniff, it was resolved that Clr. Paul Canning fill the casual vacancy on the Planning and Economic Development SPC,

occasioned by the election of Clr. Charlie Mc Conalogue to Dáil Eireann.

Roads & Transportation SPC- (1 No).

On the proposal of Clr. Gallagher, seconded by Clr. Brogan, it was resolved that Clr. Jack Murray fill the casual vacancy on the Roads & Transportation SPC occasioned by the election of Clr. Pádraig Mac Lochlainn to Dáil Eireann.

Community, Culture and Enterprise SPC (2 No)

The Meetings Administrator advised that there were two number vacancies to be filled and that the election of members to this committee was governed by Paragraph 18, Schedule 10 of the Local Government Act, 2001.

A roll call was taken and the Meetings Administrator and recorded as in attendance those listed below: -

D. Alcorn, L. Blaney, J. Boyle, C. Brogan, B. Byrne, J. Campbell, P. Canning, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M.T. Gallagher, M. Harley, C. Harvey, D. Larkin, F. McBrearty, S. McEniff, I. McGarvey, P. McGowan, B. Mc Guinness, J. Murray, S. Ó Domhnaill, B. O'Neill, M. Quinn, J. Ryan, and T. Slowey.
(27)

As no group was formed the Meetings Administrator advised that the positions should now be filled, successively.

Clr. John Campbell was proposed by Clr. Mc Garvey, seconded, by Clr. P. Doherty and elected unopposed.

Clr. Paul Canning was proposed by Clr. Brogan, seconded by Clr. Mc Eniff and elected unopposed.

Thus Clrs Campbell and Canning were elected to fill the casual vacancies on the Community, Culture and Enterprise, Strategic Policy Committee occasioned by the election of Clrs Mc Conalogue and Pringle to Dáil Éireann

C/112/11 FILLING OF CASUAL VACANCIES IN THE CHAIRS OF THE ROADS AND TRANSPORTATION AND COMMUNITY CULTURE AND ENTERPRISE STRATEGIC POLICY COMMITTEES

Roads & Transportation Strategic Policy Committee

It was recorded that there were 27 Members in attendance. Clr. Jack Murray was proposed by Clr. Gallagher, seconded, by Clr. Mc Brearty.

As there were no other nominees, Clr. Murray was declared elected Chair of the Roads & Transportation Strategic Policy Committee, to fill the casual vacancy occasioned by the election of Clr. Pádraig Mac Lochlainn to Dáil Éireann.

Community, Culture and Enterprise Strategic Policy Committee

Clr. John Campbell was proposed by Clr. Mc Garvey, seconded by Clr. Quinn.

As there were no other nominees, Clr. Campbell was declared elected Chair of the Community, Culture & Enterprise Strategic Policy Committee, to fill the casual vacancy occasioned by the election of Clr. Thomas Pringle to Dáil Éireann.

C/113/11

FILLING OF OTHER VACANCIES CONSEQUENTIAL ON THE ELECTION OF CLRS. MCCONALOGUE, MACLOCHLAINN, AND PRINGLE TO DAIL ÉIREANN

Inishowen Electoral Area Committee (2. No)

On the proposal of Clr. Gallagher, seconded by Clr. Ryan, it was resolved that Clr. Jack Murray fill the casual vacancy on the Inishowen Electoral Area Committee occasioned by the election of Clr. Pádraig Mac Lochlainn to Dáil Éireann.

On the proposal of Clr. Brogan, seconded by Clr. Mc Eniff, it was resolved that Clr. Paul Canning fill the casual vacancy on the Inishowen Electoral Area Committee, occasioned by the election of Clr. Charlie Mc Conalogue to Dáil Éireann

Donegal Electoral Area Committee (1. No Vacancy)

On the proposal of Clr. O' Neill, seconded by Clr. Mc Garvey, it was resolved that Clr. John Campbell fill the casual vacancy on the Donegal Electoral Area Committee, occasioned by the election of Clr. Thomas Pringle to Dáil Éireann.

Coiste na Gaeilge (2. No Vacancies)

The Meetings Administrator advised that there were two number vacancies to be filled and that the election of members to this committee was governed by Paragraph 18, Schedule 10 of the Local Government Act, 2001.

A roll call was taken and the Meetings Administrator and recorded as in attendance those listed below:-

D. Alcorn, L. Blaney, J. Boyle, C. Brogan, B. Byrne, J. Campbell, P. Canning, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M.T. Gallagher, M. Harley, C. Harvey, D. Larkin, F. McBrearty, S. McEniff, I. McGarvey, P. McGowan, B. Mc Guinness, J. Murray, S. Ó Domhnaill, B. O'Neill, M. Quinn, J. Ryan, and T. Slowey.
(27)

As no group was formed the Meetings Administrator advised that the positions should now be filled, successively.

Clr. John Campbell was proposed by Clr. P. Doherty, seconded by Clr. Mc Garvey, and elected unopposed.

Clr. Paul Canning was proposed by Clr. Brogan, seconded by Clr. Mc Eniff, and elected unopposed.

Thus Clrs Campbell and Canning were elected to Coiste na Gaeilge to fill the vacancies occasioned by the election of Clrs Charlie Mc Conalogue and Thomas Pringle to Dáil Éireann.

Cultural Committee (1 No Vacancy)

Members were informed that the Cultural Committee consisted of all members of the Council or their preferred nominee.

On the proposal of Clr. Galllagher, seconded by Clr. Quinn, it was resolved that Clr. Jack Murray fill the casual vacancy on the Cultural Committee occasioned by the election of Clr. Pádraig Mac Lochlainn to Dáil Éireann.

Donegal Joint Policing Committee (2. No Vacancies)

It was agreed that the election of members be referred to the Donegal and Inishowen Electoral Areas, respectively.

Vocational Education Committee (1. No Vacancy)

On the proposal of Clr. Brogan, seconded by Clr. Mc Eniff, it was resolved that Clr. Mc Gowan fill the casual vacancy on the Vocational Education Committee, occasioned by the election of Clr. Charlie Mc Conalogue to Dáil Éireann.

Border Regional Authority (1. No Vacancy)

On the proposal of Clr. Brogan, seconded by Clr. Mc Eniff, it was resolved that Clr. Paul Canning fill the casual vacancy on the Border Regional Authority, occasioned by the election of Clr. Charlie Mc Conalogue to Dáil Éireann.

Operational Committee Border Regional Authority

Members were informed that the representative had to be selected from the membership of the Border Regional Authority.

On the proposal of Clr. Brogan, seconded by Clr. Mc Eniff, it was resolved that Clr. Paul Canning fill the casual vacancy on the Operational Committee Border Regional Authority, occasioned by the election of Clr. Charlie Mc Conalogue to Dáil Éireann.

Border Midland Western Regional Assembly (1 No)

Members were informed that the representative had to be selected from the membership of the Border Regional Authority.

On the proposal of Clr. Brogan, seconded by Clr. Mc Eniff, it was resolved that Clr. Paul Canning fill the casual vacancy on the Border Midland Western Regional Assembly, occasioned by the election of Clr. Charlie Mc Conalogue to Dáil Éireann.

North West Region Cross Border Group (2 No)

Members were informed that there were two positions available and that Standing Order 101 applied.

Clr. Paul Canning was proposed by Clr. Brogan, seconded by Clr. Mc Eniff.

Clr. Jack Murray was proposed by Clr. Gallagher, seconded by Clr. Quinn.

As there were no other candidates proposed and the number of candidates proposed did not exceed the number of vacancies available, Clrs Canning and Murray were declared elected to the North West Region Cross Border Group to fill the casual vacancies occasioned by the election of Clrs. Charlie Mc Conalogue and Pádraig Mac Lochlainn to Dáil Éireann.

Assembly of European Regions

Mr. Eunan Sweeney, Meetings Administrator informed members that this had been included on the agenda for information purposes only. He reminded members that the 2011 Budget had made no provision for AER membership.

City Of Derry Airport Committee (2 No)

Members were informed that there were two positions available and that Standing Order 101 applied.

Clr. Jack Murray was proposed by Clr. Gallagher, seconded by Clr. Quinn.

Clr. Paul Canning was proposed by Clr. Brogan, seconded by Clr. Mc Eniff.

As there were no other candidates proposed and the number of candidates proposed did not exceed the number of vacancies available, Clrs Canning and Murray were declared elected to the City of Derry Airport Committee to fill the casual vacancies occasioned by the election of Clrs Charlie Mc Conalogue and Pádraig Mac Lochlainn to Dáil Éireann.

Bord of Fort Dunree Military Committee Ltd. (1 No)

Clr. Paul Canning was proposed by Clr. Brogan, seconded by Clr. Mc Eniff.

As there were no other candidates proposed, Clr. Canning was declared elected to the Board of Fort Dunree Military Committee Ltd.

Cross Border Rail Group (1 No Vacancy)

Members noted that Clr. Jack Murray, in his capacity as Chair of the Roads and Transportation SPC, was now entitled to sit on the Cross Border Rail Group.

Donegal Peace 111 Partnership Board (1 No Vacancy)

Members noted that Clr. John Campbell, in his capacity as Chair of the Community, Culture and Enterprise SPC was now entitled to sit on the Donegal Peace 111 Partnership Board.

C/114/11 DISPOSAL OF LAND AT NO 8 CRUCKARRA TO JOHN HEGARTY NO 8 CRUCKARRA, KILCAR, CO DONEGAL

Members considered the report, circulated with the agenda, in relation to the above.

On the proposal of Clr. Byrne, seconded by Clr. Boyle, it was resolved to dispose of land at No 8 Cruckarra to John Hegarty, No. 8 Cruckarra, Kilcar, Co Donegal, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/115/11 DISPOSAL OF LAND AT DRUNG, REDCASTLE TO MARGARET DUDDY, LEGAL PERSONAL REPRESENTATIVE OF THE LATE RENA MCCOLE

Members considered the report, circulated with the agenda, in relation to the above.

On the proposal of Clr. M. Doherty, seconded by Clr. Ryan, it was resolved to dispose of land at Drung, Redcastle, to Margaret Duddy, Legal Personal Representative of the Late Rena McCole, formerly of Croft Cottage, Ballyargus, Redcastle, Co Donegal, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/116/11 DISPOSAL OF LAND AT ARDFARN, BUNDORAN TO OLIVER MCSHARRY

Members considered the report, circulated with the agenda, in relation to the above.

On the proposal of Clr. McEniff, seconded by Clr. Byrne, it was resolved to dispose of land at Ardfarn, Bundoran, to Oliver McSharry, Magheracar, Bundoran, Co Donegal, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/117/11 TAKING OF DECISION WITH REGARD TO THE CONSTRUCTION OF A WASTEWATER PUMPING STATION IN THE TOWNLAND OF DUNGLOW, DUNGLOE

Members considered the report, circulated with the agenda, in relation to the above.

On the proposal of Clr. Alcorn, seconded by Clr. Slowey, the carrying out of works under Part XI of the Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, with regard to the construction of a Wastewater Pumping Station in the townland of Dunglow, Dungloe was approved.

The A/Director Water & Environment, in responding to Clr Gallagher's query on the nature of the drawings provided, agreed to clarify the issues arising outside of the meetings process.

C/118/11 TAKING OF DECISION WITH REGARD TO THE CONSTRUCTION OF A PEDESTRIAN FOOTBRIDGE CROSSING THE CLONMANY RIVER IN THE TOWNLANDS OF STRAID AND GADDYDUFF

Members considered the report, circulated with the agenda, in relation to the above.

On the proposal of Clr. McGuinness, seconded by Clr. M. Doherty, the carrying out of works under Part XI of the Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, with regard to the construction of a pedestrian footbridge crossing the Clonmany River in the townlands of Straid and Gaddyduff was approved.

C/119/11 SETTING OF A DATE BY RESOLUTION OF THE COUNCIL FOR THE COMING INTO EFFECT OF THE BYE-LAWS UNDER SECTIONS 13, 39 AND 40 OF THE CONTROL OF HORSES ACT, 1996 AND THE LOCAL GOVERNMENT ACT 2001 (BYE-LAWS) REGULATIONS 2006

On the proposal of Clr. Brogan, seconded by Clr. McEniff, it was resolved that the Bye-Laws made under Sections 13, 39 and 40 of the Control of Horses Act, 1996 and the Local Government Act 2001 (Bye-Laws) Regulations 2006, come into operation on the 9th May, 2011.

C/120/11 SECTION 85 AGREEMENT WITH BUNCRANA TOWN COUNCIL

On the proposal of Clr. Ryan, seconded by Clr. Donaghey, it was resolved that Donegal County Council enter into an agreement with Buncrana Town Council, whereby Buncrana Town Council will carry out road realignment works on the L1781 Aghilly Road in the Donegal County Council area, in accordance with Section 85 of the Local Government Act, 2001 and Section 14 of the Roads Act 1993 (the “1993 Act”)

C/121/11 SECTION 85 AGREEMENT WITH CAVAN COUNTY COUNCIL

On the proposal of Clr. O’Neill, seconded by Clr. Slowey, it was resolved that Donegal County Council enter into an agreement with Cavan County Council, whereby Donegal County Council will be enabled to carry out all work, including preparation of contract tender documents, supervision of contract, etc as may be necessary in the Administrative Area of Cavan County Council in respect of improvement works to the N87 Bawnboy Bridge and N87 Killyneary Bridge No 2, in accordance with Section 85 of the Local Government Act, 2001.

Clr. Slowey raised a number of concerns in relation to the overall staffing implications, given that the Roads Division was encountering serious manpower shortages at this juncture.

Mr. John Mc Laughlin, Director of Roads & Transportation confirmed that a Bridge Engineer had been appointed in Donegal, and that the bulk of the work would be carried out by outside contractors. Overall, the project, he advised, would incorporate a small portion of the engineer’s time.

C/122/11 SECTION 85 AGREEMENT WITH ROSCOMMON COUNTY COUNCIL

On the proposal of Clr. O’Neill, seconded by Clr. M. Doherty, it was resolved that Donegal County Council enter into an agreement with Roscommon County Council, whereby Donegal County Council will be enabled to carry out all work, including preparation of contract tender documents, supervision of contract, etc as may be necessary

in the Administrative Area of Roscommon County Council in respect of improvement works to the N61 Bridge at Castleland, N60 Cloondacarra Bridge, N60 Bridge at Ballinloughquarter and N60 Roadquarter Bridge, in accordance with Section 85 of the Local Government Act, 2001.

C/123/11 CONSIDERATION OF THE REPORT ON
IRRECOVERABLE COUNTY RATES 2010

Members noted the report circulated with the agenda in relation to the above.

C/124/11 CONSIDERATION OF THE THREE YEAR CAPITAL
PROGRAMME FOR DONEGAL COUNTY COUNCIL
FOR THE PERIOD 2011 – 2013 INCLUSIVE

The County Manager, introducing the report, advised that it provided an overview of the entire capital programme and outlined the position in relation to capital expenditure planning. Acknowledging that while the report had been prepared on a three year basis, it was not possible, in reality, to consider anything other than the 2011 element of the programme, as there were no signals, as yet, in relation to national funding for the next three years, or any degree of certainty as to what Donegal County Council could fund in 2012.

The decision taken in 2010 by the Council to seek a term loan of €46,638,737 to fund accumulated unfunded capital balances had, he noted, been most ambitious and proactive.

He identified a number of areas of concern namely:

- The €1.16million shortfall in the Housing Capital Allocation.
- Levels of local funding required for major Water/Sewerage Schemes.
- Reduction in income from the Development Contribution Scheme, Commercial Water Charges and Revenue Transfers.

The County Manager advised that his aim was to ensure that Donegal County Council was best placed at any given time to be in a position to draw down potential Capital Investment for the good of the county and its citizens.

He drew member's attention to the fact that the total capital spend for 2011 of €70,046,849 was conditional on a range of factors and assumptions including the allocation of grants, level of DCS collectable, loan sanction approval from the DoEHLG and availability of matching finance.

The Directors of Service proceeded to outline, in detail, the capital projections for their respective Directorates.

C/125/11 ADJOURNMENT FOR LUNCH

On the proposal of Clr. Harvey, seconded by Clr. Donaghey, it was resolved to adjourn the meeting for lunch until 2.30pm.

C/126/11 CONSIDERATION OF THE THREE YEAR CAPITAL PROGRAMME FOR DONEGAL COUNTY COUNCIL FOR THE PERIOD 2011 – 2013 INCLUSIVE
CONTINUED

On resumption, a wide range of issues were debated and observations made in relation to the following:-

- The need for a comprehensive audit of housing needs in the county.
- State of the roads adjacent to the Ballynacarrick Landfill Site deemed to be in a deplorable condition. Outlined need for funding to restore roads concerned to their original condition.
- Clarity requested in relation to Ballyshannon and Bundoran Fire Stations. Noted that land purchase costs could now be revisited in the current economic climate.
- Outlined need to re-negotiate rents paid for office accommodation.

- Highlighted the necessity of producing a Tourist Brochure to promote and publicise “Walking Routes” in the county.
- The need to support Donegal County Council policy in relation to Rockhill and Lifford Army Barracks.
- Request that a copy of Standing Orders for the Regulation and Proceeding & Business of the Donegal County Council be placed on the Council Website.
- Need to include the Three Year Capital Programme 2011 –2013 on the Council Website.

On the proposal of Clr Slowey, seconded by Clr. Mc Guinness, it was resolved that

“(A deputation representative of the Council meet with the Department of the Environment, Heritage and Local Government to discuss the shortfall in the capital allocation for the Social Housing Investment Programme.)”

The need to draw down monies as quickly as possible was highlighted with Clr Larkin outlining the necessity of producing a monthly expenditure report.

On the proposal of Clr. Brogan, seconded by Clr. Mc Garvey, it was resolved that:

“A meeting be arranged as soon as possible with the Oireachtas Members in the county to progress a range of social and economic issues and that following the Assembly Elections in Northern Ireland a meeting be organised with the relevant MLAs to discuss cross-border issues and matters of mutual concern.”

After a lengthy debate the County Manager acknowledged the valuable contribution made by members, and responded directly to a number of queries raised.

Mr. Joe Peoples, A/Director Water & Environment agreed to liase directly with Clr. Boyle in relation to a number of small schemes not included in the Capital Programme.

Mr. John Mc Laughlin, Director Roads & Transportation advised that he would include reference to the Harry Blaney Bridge in brackets after Mulroy Bay Bridge for reporting purposes. He would, he confirmed, look at the short term design proposals for Kelly's Corner (Swilly Relief Road). He agreed that remedial works at Merville Shore Path could be looked at again, together with repairs at Portsalon and Rathmullan Piers depending on the ongoing monetary situation.

Mr. Liam Ward, Director Housing and Corporate agreed to come back to members in relation to the use of funds from internal receipts to accommodate minor remedial housing works in each of the Electoral Areas.

In conclusion, the County Manager confirmed that the total estimated capital spend of €70,046,849 for 2011 was the best estimate that could, logistically be co-funded, and that it was intended to review same on a monthly basis.

- C/127/11 ADOPTION OF 2011 PURCHASE SCHEME FOR LONG STANDING TENANTS
On the proposal of Clr. Larkin, seconded by Clr. McGuinness, the 2011 Purchase Scheme for Long Standing Tenants was adopted.
- C/128/11 APPROVAL OF THE MUSEUM DISASTER PLAN 2011
On the proposal of Clr. Larkin, seconded by Clr. McGuinness, the Museum Disaster Plan 2011 was approved.
- C/129/11 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF LETTERKENNY ELECTORAL AREA COMMITTEE HELD ON 17TH JANUARY, 2011
On the proposal of Clr. Brogan, seconded by Clr. Larkin, it was resolved to endorse the Confirmed Minutes of Meeting of Letterkenny Electoral Area Committee held on the 17th January, 2011.
- C/130/11 CONSIDERATION OF A REQUEST FOR RECEPTION OF DEPUTATION FROM DONEGAL MOUNTAIN RESCUE
On the proposal of Clr. Brogan, seconded by Clr. McGuinness, it was resolved that a deputation from Donegal

Mountain Rescue be permitted to address a future meeting of Donegal County Council.

C/131/11 CONSIDERATION OF A REQUEST FOR RECEPTION OF DEPUTATION FROM EIRGRID

On the proposal of Clr. Brogan, seconded by Clr. McGuinness, it was resolved that a deputation from Eirgrid be permitted to address a future meeting of Donegal County Council.

C/132/11 CONSIDERATION OF CORRESPONDENCE FROM GWEEBARRA CONSERVATION GROUP IN RESPONSE TO COUNCIL'S DECISION TO ALLOW THE GROUP ADDRESS THE PLANNING AND ECONOMIC DEVELOPMENT SPC

On the proposal of Clr. Larkin, seconded by Clr. McGuinness, it was resolved to offer the group an opportunity to present to the Glenties Electoral Area Committee.

C/133/11 AUTHORISATION OF REPRESENTATION AT A SEMINAR, MEETING OR EVENT (ITEM (9))

Having noted the revised arrangements under Section 142 5(d) of the Local Government Act, 2001, introduced by the Local Government (Expenses of Local Authority Members) Regulations 2006 & 2010 and directives issued by the Minister in that regard, on the proposal of Clr. Larkin, seconded by Clr. McGuinness, it was resolved to authorise the attendance of members at the following conferences, subject to the normal procedures:-

1. Individual members not exceeding their annual budget for attendance at conferences.
 2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance and complying with the legal requirements.
 3. The submission of a Conference Report by any member attending a conference.
- i. Nuclear Free Local Authorities Ireland Seminar – Key Nuclear Policy issues for Irish local authorities in 2011 to be held Friday 1st April, 2011 at The Boardroom, Council Offices, O'Hagan House,

Monaghan Row, Newry, County Down, BT35 8DJ,
Northern Ireland.

- ii. Celtic Conferences – How to be an effective Chairperson to be held from Friday 1st to Sunday 3rd April, 2011 at the Celtic Ross Hotel, Rosscarbery, Co Cork.
- iii. Celtic Conferences – The Future of Local Politics to be held Friday 15th to Sunday 17th April, 2011 at Glendine, Tawnies Upper, Clonakilty, West Cork.
- iv. Professional Development for Councillors – How to Master Your Time to be held Friday 15th to Sunday 17th April, 2011 at the Best Western Sligo Southern Hotel, Strandhill Road, Sligo.
- v. Elected Member’s Training Seminar – The Good Friday Agreement – Local Government North and South to be held Friday 15th to Sunday 17th April, 2011 at the Kingsvalley Hotel, Merlin Park, Dublin Road, Galway City.
- vi. Local Authority Members Association (LAMA) – Spring Seminar “Economic Revival: A Role for Local Government” to be held Friday 29th and Saturday 30th April, 2011 at the Fairways Hotel, Dundalk, Co. Louth.

vii. Offer from Oideas Gael of two scholarships in Gleann Cholm Chille.

Mr. Eunan Sweeney Meetings Administrator informed the meeting that two additional scholarships had been offered by Oideas Gael bringing the total to 4 no. It was noted that expressions of interest had been received from Clrs Donaghey, Gallagher, Larkin, and Harvey.

On the proposal of Clr. Alcorn, seconded by Clr. Larkin, it was resolved that the members in question avail of the 4 No. Oideas Gael Scholarships for 2011.

C/134/11 MAYOR’S BUSINESS

Request from Senator David Norris to meet with Members

The Mayor read correspondence received from Senator David Norris enquiring as to the possibility of addressing the members of Donegal County Council in relation to the forthcoming Presidential Election nominations.

Members agreed that the matter be referred to the individual party whips, who would co-ordinate the arrangements for same.

Invitation to President Barack Obama

On the proposal of Clr. Brogan, seconded by Clr. Larkin, it was resolved that an invitation be extended President to Barack Obama to visit Donegal during his visit to Ireland. The invite, it was suggested, would generate favourable publicity for the county and afford the president an opportunity to visit historic Glenveagh Castle with its long association with the late Henry McElhinney.

C/135/11 MANAGER'S REPORT

Members considered the report circulated with the agenda and addendum circulated prior to the meeting.

Unfinished Housing Estates

The County Manager advised that there was a considerable body of work to be undertaken in relation to such estates and the many underlying problems that were now coming to the surface.

He confirmed that a more definitive report would be brought to members at the next appropriate Council Meeting.

Donegal Water Conservation Scheme

Members were advised that notification had been received from the Department of the Environment, Heritage and Local Government confirming the approval of €1,782,597 for a number of high priority water conservation pipe replacement works in the county, with an additional €500,000 allocated to target leaks in the high priority district metering areas.

Welcoming the allocations, he affirmed, that there was scope to carry out some of the works by direct labour.

Workshops

It was agreed to hold Workshops on Thursday 14th April, 2011 to deal with the following:-

1. Re-organisation of Management and the Delivery of Council Services (to be held at 10.00am in the County House, Lifford)
2. EU/Cross-border Workshop on Funding Applications and other matters. (to be held at 2.00pm in the County House, Lifford)

C/136/11 MOTIONS FROM OTHER COUNCILS/BODIES
MONAGHAN TOWN COUNCIL

On the proposal of Clr. Mc Guinness, seconded by Clr. Murray, the following motion was noted.

“Due to the substantial exodus of our people as a result of our country’s employment crisis, that the incoming Government would instigate a system of granting the Irish Diaspora the right to vote in Irish elections.”

DUBLIN CITY COUNCIL

On the proposal of Clr. Mc Guinness, seconded by Clr. Slowey, the following motion was noted: -

“This Council calls on the Oireachtas to introduce regulations on the Cash for Gold business. This transaction enterprise is prolific throughout Ireland and is not regulated which leaves the business open to be used as a legal way of disposing of stolen goods. The lack of regulation on Cash for Gold shops could possibly lead to an increase in theft of jewellery from persons and homes.”

NORTH TIPPERARY COUNTY COUNCIL

On the proposal of Clr. Mc Guinness, seconded by Clr. Slowey, the following motion was noted:-

“North Tipperary County Council calls on the Government to recognise the unique and vital role of the postal service in Ireland, particularly rural Ireland, as a means of communication, as a vital economic tool and as an intrinsic part of the fabric of the community.

Our postal service has a social value and an economic value; these must be properly protected as the Government drafts legislation to open the postal market to full competition.

Postmen and women provide an important public service and also function as an integral part of the social fabric of their community, particularly for the elderly and the isolated citizens whose only human contact might be their post person. Furthermore An Post's extensive delivery and collection network, is an intrinsic part of the economic and business infrastructure of the country. Reaching every corner of the country and by delivering to every front door An Post is an essential partner in business from a marketing, payment collection and business generation point of view.

As Ireland prepares to liberalise its postal market it is essential that the Government acknowledged this important public service, ensures that the Universal Service Obligation is protected by legislation and does not allow the opening of the market to lead to wide spread job losses, social dumping and an erosion in service levels as has happened in other countries who have already opened their postal market to competition.”

The following motions from other Councils were noted.

GALWAY CITY COUNCIL

“That Galway City Council calls on the government to lobby Iran to rescind the stoning to death of Sakineh Ashtiani for alleged adultery and furthermore makes it known that such killing is both barbaric and cruel”.

GALWAY CITY COUNCIL

“That Galway City Council calls on the Government and the Catholic Church to (a) issue formal apologies for the abuse inflicted on women and young girls in Magdalen Laundries and (b) establish a distinct redress scheme for all survivors. We further resolve that this motion be circulated to all Local Authorities.

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This concluded the business of the meeting.