

**COMHAIRLE CHONTAE DHUN NA nGALL**

Oifig Riarthóir na  
gCruinnithe  
Aras an Chontae  
LEIFEAR  
23 Meitheamh, 2009

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain, 29 Meitheamh, 2009, ag  
**12.00 meán lae 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)**

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**DONEGAL COUNTY COUNCIL**

Office of Meetings Administrator  
County House  
Lifford  
23<sup>rd</sup> June, 2009

**NOTICE OF MEETING**

A Meeting of Donegal County Council will be held on Monday 29<sup>th</sup> June, 2009 at **12.00 noon 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

Confirmation of Minutes of Meeting of Donegal County Council held on the 25<sup>th</sup> May, 2009.

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

Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Ballaghderg, Letterkenny, County Donegal to Joan Maguella, Ellistrin, Letterkenny, Co Donegal.

### 3. Housing and Building

To approve in accordance with the provisions of the Local Government (No 2) Act 1960 and Section 26 of the Housing (Miscellaneous Provisions) Act 1992, the raising of a loan in the sum of €2,377,869.00 from the Housing Finance Agency for the purpose of funding a Voluntary Housing Project at Canal Lane, Ballyshannon, Co Donegal.

### 4. Planning and Economic Development

To approve application for Interreg Funding under Dept. of Agriculture and Rural Development (DARD).

### 5. Conferences

Authorisation of representation at a seminar, meeting or event under Section 142 (5) of Local Government Act, 2001 and S.I. No 668 of 2006, Local Government (Expenses of Local Authority Members) Regulations 2006:-

#### a) HOME

- Councillors' Training Seminar Planning Law and Practice to be held from Friday 3<sup>rd</sup> to Sunday 5<sup>th</sup> July, 2009 at the Mannin Bay Hotel, Ballyconneely, Co Galway.
- The Institute of Professional Training "From The Canvass to the Council Chamber" to be held from Friday 3<sup>rd</sup> to Sunday 5<sup>th</sup> July, 2009 at the West Cork Hotel, Skibbereen, Co. Cork.

### 6. Endorsement of Confirmed Meetings

- a) Endorsement of the Confirmed Minutes of Meeting of Stranorlar Electoral Area Committee held on the 9<sup>th</sup> March, 2009.

- b) Endorsement of the Confirmed Minutes of Meeting of Rural Water Monitoring Committee held on the 18<sup>th</sup> March, 2009.
- c) Endorsement of the Confirmed Minutes of Special Meeting of Stranorlar Electoral Area Committee held on the 23<sup>rd</sup> March, 2009.
- d) Endorsement of the Confirmed Minutes of Meeting of Letterkenny Electoral Area Committee held on the 23<sup>rd</sup> March, 2009.
- e) Endorsement of the Confirmed Minutes of Meeting of Donegal Electoral Area Committee held on the 26<sup>th</sup> March, 2009.
- f) Endorsement of the Confirmed Minutes of Meeting of Inishowen Electoral Area Committee held on the 26<sup>th</sup> March, 2009.

#### **7. Conference Reports**

- Clr Jimmy Harte – Election 2009 The Challenges held from Wednesday 25<sup>th</sup> to Friday 27<sup>th</sup> February, 2009.
- Clr Jimmy Harte – Climate Change, Alternative Energies & Nuclear Experience held from Friday 6<sup>th</sup> to Sunday 8<sup>th</sup> March, 2009.
- Clr Jimmy Harte – ACCC Conference 2009 held on Thursday 2<sup>nd</sup> and Friday 3<sup>rd</sup> April, 2009.
- Former Clr Gareth Reid – Energy from Waste held on Thursday 7<sup>th</sup> and Friday 8<sup>th</sup> May, 2009.

#### **8. Mayor's Business**

#### **9. Manager's Report**

#### **10. Motions from Other Councils**

##### **LIMERICK COUNTY COUNCIL**

“That, Limerick County Council call on the Minister in charge of Housing – (a) that legislation be changed so that all private landlords be made responsible for the tenants that they rent their premises to;

(b) that all tenants be put under a similar scheme to Limerick County Council's tenant policy so as to help curb the move of people, with anti social behaviour tendencies, to all county towns and villages to carry on their activities; and (c) that this motion be sent to all City and County Councillors and Oireachtas Members throughout the country.”

MONAGHAN TOWN COUNCIL

“This Council calls on the Department of the Environment and Local Government to ensure that the decision not to notify vehicle owners when their NCT is due be reversed.”

MACROOM TOWN COUNCIL

“Royalties should be reintroduced on oil and gas production in order to guarantee state revenue from the exploitation of our natural resources.”

KERRY COUNTY COUNCIL

“That the members of Kerry County Council call on the Minister for Children and Youth Affairs to begin negotiations with Community Childcare Workers through their Union, SIPTU in order to address the real and immediate issues facing the community childcare sector.”

KERRY COUNTY COUNCIL

“That Kerry County Council expresses its strong opposition to the centralisation of the various HSE schemes and their relocation outside the County. Not only will this development lose jobs in the County but more importantly it will increase the distance between Health Service Officials and members of the public thereby making it easier for health officials to view people as numbers only and treat them accordingly in a stultifying bureaucracy.”

**MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD  
IN THE COUNTY HOUSE, LIFFORD ON 29<sup>th</sup> June, 2009**

**C/332/09**     MEMBERS PRESENT

Clrs. B. Byrne, Mayor, D. Alcorn, L. Blaney, J. Boyle, C. Brogan, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M.T. Gallagher, M. Harley, J. Harte, C. Harvey, D. Larkin, P. MacLochlainn, F. McBrearty, N. Mc Bride, C. McConalogue, I. McGarvey, P. Mc Gowan, B. McGuinness, S. O'Domhnaill, B. O' Neill, T. Pringle, M. Quinn, J. Ryan, T. Slowey.

**C/333/09**     APOLOGIES

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

**C/334/09**     OFFICIALS IN ATTENDANCE

Mr. Michael McLoone, County Manager, Mr Sean Sheridan, Director Corporate Services, Mr. John Mc Laughlin, Director Roads and Transportation, Mr. Francie Coyle, Director of Planning and Economic Development, Mr. Seamus Neely, Director Water, Environment and Emergency Services, Mr. Michael Heaney, Director Community Culture and Enterprise, Mr. Aidan Mc Nicholas, Head of Finance, Mr. Eunan O'Donnell, Executive Engineer, Mr Sean Doohan, Roads Services Supervisor, Mr Joe Peoples, A/Meetings Administrator, Ms. Anne Marie Crawford, Staff Officer, Corporate Services.

**C/335/09**     CONFIRMATION OF MINUTES OF MEETING OF  
DONEGAL COUNTY COUNCIL HELD ON 25<sup>th</sup> MAY,  
2009

On the proposal of Clr. Crawford, seconded by Clr. Harvey, the Minutes of Meeting of Donegal County Council held on the 25<sup>th</sup> May, 2009, were adopted.

Clr. Farren queried minute C/250/09 and the location of the lands in question. It was agreed that the Director of Planning and Economic Development Mr. Francie Coyle would provide any clarification required by Clr. Farren in relation to the matter.

C/336/09 DISPOSAL OF LAND AT BALLAGHDERG,  
LETTERKENNY TO JOAN MAGUELLA, ELLISTRIN,  
LETTERKENNY

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

On the proposal of Clr. Blaney, seconded by Clr. Harte, it was resolved to transfer a plot of land at Ballaghderg, Letterkenny to Ms Joan Maguella, Ellistrin, Letterkenny, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

Mr Joe Peoples, Meetings Administrator clarified that the amount of land to be disposed of was 0.35 acres and not 0.5 acres as outlined in the final paragraph of the report.

C/337/09 RAISING OF LOAN OF €2,377,869.00 FROM HOUSING  
FINANCE AGENCY

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

On the proposal of Clr. O'Neill, seconded by Clr. Boyle, the raising of a loan in the sum of two million three hundred and seventy seven thousand eight hundred and sixty nine euro from the Housing Finance Agency for the purpose of funding a Voluntary Housing Project at Canal Lane, Ballyshannon was approved, in accordance with the provision of the Local Government (No 2) Act 1960 and Section 26 of the Housing (Miscellaneous Provisions) Act 1992.

Clr. Slowey called on all Directorates to use a Report Cover Sheet. This he advised would provide clarity in relation to the decision required to be taken by the Council in the particular matter.

C/338/09 APPLICATION FOR INTERREG FUNDING UNDER  
DEPT OF AGRICULTURE AND RURAL  
DEVELOPMENT (DARD)

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

On the proposal of Clr. McGowan, seconded by Clr Crawford, it was resolved to approve the application for

Interreg funding under the Department of Agriculture and Rural Development in respect of the urban renewal strand of the Heart II project in conjunction with Strabane District Council.

C/339/09 CONFERENCE ATTENDANCE

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 and directives issued by the Minister in that regard, on the proposal of Clr. Blaney, seconded by Clr. McGowan, it was resolved to authorise any member, if he/she so wished, to attend 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.

a) HOME

- Councillors' Training Seminar Planning Law and Practice to be held from Friday 3<sup>rd</sup> to Sunday 5<sup>th</sup> July, 2009 at the Mannin Bay Hotel, Ballyconneely, Co Galway.
- The Institute of Professional Training "From The Canvass to the Council Chamber" to be held from Friday 3<sup>rd</sup> to Sunday 5<sup>th</sup> July, 2009 at the West Cork Hotel, Skibbereen, Co. Cork.

On the proposal of Clr. Alcorn, seconded by Clr. Byrne, it was resolved that any member who wished subject to budgetary limitations could attend the following conference:-

- Planning and Building Energy Regulations Conference, to be held from Friday 24<sup>th</sup> to Sunday 26<sup>th</sup> July, 2009 at the Carlton Millrace Hotel, Bunclody, Co Wexford.

Clr. McGarvey called for a comprehensive review of conferences. He noted that many of those included on the agenda had little relevance and were not in any way informative.

- C/340/09 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON 9<sup>th</sup> MARCH, 2009  
On the proposal of Clr. Crawford, seconded by Clr. Harvey, it was resolved to endorse the confirmed Minutes of Meeting of Stranorlar Electoral Area Committee held on the 9<sup>th</sup> March, 2009.
- C/341/09 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF RURAL WATER MONITORING COMMITTEE HELD ON 18<sup>th</sup> MARCH, 2009  
On the proposal of Clr. Pringle, seconded by Clr. McBride, it was resolved to endorse the confirmed Minutes of Meeting of Rural Water Monitoring Committee held on the 18<sup>th</sup> March, 2009.
- C/342/09 ENDORSEMENT OF THE CONFIRMED MINUTES OF SPECIAL MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON 23<sup>rd</sup> MARCH, 2009  
On the proposal of Clr. McGowan, seconded by Clr. Crawford, it was resolved to endorse the confirmed Minutes of Special Meeting of Stranorlar Electoral Area Committee held on the 23<sup>rd</sup> March, 2009.
- C/343/09 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF LETTERKENNY ELECTORAL AREA COMMITTEE HELD ON 23<sup>rd</sup> MARCH, 2009  
On the proposal of Clr. Crawford, seconded by Clr. Harvey, it was resolved to endorse the confirmed Minutes of Meeting of Letterkenny Electoral Area Committee held on the 23<sup>rd</sup> March, 2009.
- C/344/09 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF DONEGAL ELECTORAL AREA COMMITTEE HELD ON 26<sup>th</sup> MARCH, 2009  
On the proposal of Clr. Boyle, seconded by Clr. Pringle, it was resolved to endorse the confirmed Minutes of Meeting of Donegal Electoral Area Committee held on the 26<sup>th</sup> March, 2009.
- C/345/09 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF INISHOWEN ELECTORAL AREA COMMITTEE HELD ON 26<sup>th</sup> MARCH, 2009

On the proposal of Clr. MacLochlainn, seconded by Clr. McGuinness, it was resolved to endorse the confirmed Minutes of Meeting of Inishowen Electoral Area Committee held on the 26<sup>th</sup> March, 2009.

C/346/09 TO NOTE VARIOUS CONFERENCE REPORTS

On the proposal of Clr. Alcorn, seconded by Clr Blaney, the Council noted the following reports:-

- Clr Jimmy Harte – Election 2009 The Challenges held from Wednesday 25<sup>th</sup> to Friday 27<sup>th</sup> February, 2009.
- Clr Jimmy Harte – Climate Change, Alternative Energies & Nuclear Experience held from Friday 6<sup>th</sup> to Sunday 8<sup>th</sup> March, 2009.
- Clr Jimmy Harte – ACCC Conference 2009 held on Thursday 2<sup>nd</sup> and Friday 3<sup>rd</sup> April, 2009.
- Former Clr Gareth Reid – Energy from Waste held on Thursday 7<sup>th</sup> and Friday 8<sup>th</sup> May, 2009.

C/347/09 MAYORS BUSINESS/MANAGERS REPORT

It was unanimously agreed to deal with both Mayor's Business and the Co. Manager's Report as a single item, given that an update on the recent flash flooding in Gweedore was an integral element of both items.

**Issues Raised by Outgoing Mayor Clr. Crawford**

Members noted the correspondence from Mr. Eddie Kiernan, Private Secretary to Mr. John Gormley, T.D., Minister for the Environment Heritage and Local Government in relation to borrowing, co funding of capital schemes, cashflow, charges on non principal private residues, planning and the commission on taxation.

**Gweedore Flooding**

The County Manager outlined the main points of his report circulated with the agenda and addendum circulated during the meeting. An additional report from the Director of Roads and Transportation, Mr. John Mc Laughlin outlining the extent and estimated cost of the damage caused by the recent flash flooding in Gweedore was presented to the Members. This was accompanied by a short video presentation.

Damage to local and regional roads was estimated to be in the region of €641,000 with a further €300,000 to €350,000 devastation caused to the non-county/private roads and bridges.

Considerable damage was also caused to water supply facilities at an estimated cost of €20,000. It was noted that a further assessment of the network would be necessary.

The report acknowledged that considerable damage had also been caused to a number of private properties and businesses in the area. The impact on arterial drainage was also deemed significant.

The County Manager confirmed that he had met with Mr. Eamon O' Cuiv, Minister for Community Rural and Gaeltacht Affairs in the Gweedore Area on Friday, 26<sup>th</sup> June, 2009. Oireachtas Members representing the area, Councillors from the Glenties Electoral Area, as well as the Tánaiste and a MEP were in the area also for the Ministers visit.

He confirmed that an additional allocation for the repair work had been presented to the Minister on the basis that road works funding for 2009 was already committed on different categories of work for each class of road.

The Minister he affirmed had agreed to review the cost estimates and the request for funding.

Tributes were paid to the many council staff who had worked tirelessly late into the night, in particular the Glenties Area Roads Staff, Staff from the Water and Environment Section, the Fire Service and Civil Defence Personnel.

Given the seriousness of the situation the Mayor advised that he would allow Members of the Glenties Electoral Area address the meeting.

They were unanimous in their appreciation of all staff who had helped during the emergency and welcomed Mr. Eunan O' Donnell, Executive Engineer and Mr. Sean Doohan, Roads Overseer, Glenties Electoral Area, to the Chamber.

Members highlighted the need to address ongoing drainage issues and outlined the need for a realistic solution to the situation combined with an appropriate level of funding from central government. The need for an effective Library Service was also acknowledged.

The Mayor asked the relevant Directors of Service to convey to all staff involved the Members' appreciation for the excellent service they had provided both during and in the aftermath of the event.

The County Manager agreed to keep members fully briefed on the status of the funding application.

### **Local Government Fund Revised Allocation**

Members noted the reduction in the 2009 General-Purpose Grant Allocation from the Local Government Fund to Donegal County Council by €1334748 (3.22%) for the year to €40140417. The County Manager advised that the implications of the notification were currently being assessed and that an update would be provided in due course.

### **Gweedore Fire Station**

The opening of the Gweedore fire station on 18<sup>th</sup> June, 2009 was noted.

### **Review of Staffing, Workloads and the Electoral Area Boundary Commission Report.**

The Manager briefed Members on the status of the current review. A range of factors he advised would impact on the eventual outcome of assessment. These included

- 1) The reduction in Electoral Areas from six to five
- 2) Incentivised Scheme of Early Retirement
- 3) Special Local Authority Incentivised Career Break Scheme
- 4) Shorter Working Year.

He advised that it was impossible at this juncture to assess the impact of such schemes. By the end of July August 2009 he affirmed he would be in a better position to assess how many staff were available to Donegal County Council to run the various services. It was anticipated that the impact of such schemes would be significant and would require in the

long run the reconfiguration of services and staff redeployment.

He agreed to brief Members further at the July Council Meeting.

### **Non-Principal Private Levy**

Members noted the report in relation to the Non-Principal Private Levy, the potential for income from this source and the extent to which it would offset reductions in Central Government Funding.

C/348/09

### MOTIONS FROM OTHER COUNCILS

The following motions from other authorities were noted:-

#### LIMERICK COUNTY COUNCIL

“That, Limerick County Council call on the Minister in charge of Housing – (a) that legislation be changed so that all private landlords be made responsible for the tenants that they rent their premises to;

(b) that all tenants be put under a similar scheme to Limerick County Council’s tenant policy so as to help curb the move of people, with anti social behaviour tendencies, to all county towns and villages to carry on their activities; and (c) that this motion be sent to all City and County Councillors and Oireachtas Members throughout the country.”

#### MONAGHAN TOWN COUNCIL

“This Council calls on the Department of the Environment and Local Government to ensure that the decision not to notify vehicle owners when their NCT is due be reversed.”

#### MACROOM TOWN COUNCIL

“Royalties should be reintroduced on oil and gas production in order to guarantee state revenue from the exploitation of our natural resources.”

#### KERRY COUNTY COUNCIL

“That the members of Kerry County Council call on the Minister for Children and Youth Affairs to begin negotiations with Community Childcare Workers through their Union, SIPTU in order to address the real and immediate issues facing the community childcare sector.”

## KERRY COUNTY COUNCIL

“That Kerry County Council expresses its strong opposition to the centralisation of the various HSE schemes and their relocation outside the County. Not only will this development lose jobs in the County but more importantly it will increase the distance between Health Service Officials and members of the public thereby making it easier for health officials to view people as numbers only and treat them accordingly in a stultifying bureaucracy.”

This concluded the business of the meeting.