

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
19 Meán Fomhair, 2017

FOGRA CRUINNITHE

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 25 Meán Fomhair, 2017, 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 Phríomh-Fheidhmeannaigh le feiceáil ag an gcruinniú.

Mise, le meas

**Seosamh O’Piobla
Riarthóir Cruinnithe**

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
19th September, 2017

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 25th September, 2017, 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 Chief Executive’s Orders will be available for inspection at the meeting.

Yours sincerely

**Joe Peoples
Meetings Administrator**

AGENDA

1. Confirmation of Minutes

Confirmation of the Minutes of July Meeting of Donegal County Council held on the 24th July, 2017.

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

- a) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001- To dispose of plot of land at Mahgeradrummon, Milford to Hugh Ferry.
- b) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001- To dispose of land within Orchard Grove Housing Estate to Ballyraine Community Ltd.

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

- a) To approve the carrying out of construction works to improve a section of the L-2863 in the Townlands of Monargan Glebe and Lurganboy, which connects Ardara to Inver

4. Corporate

- a) Nomination of Member for appointment to the Board of Údarás na Gaeltachta.
- b) Joint Trade & Investment Mission led by Donegal County Council and Derry City & Strabane District Council with other parties to the USA in November 2017.
- c) To afford a Civic Reception to Manus Kelly and Donall Barrett on winning the Donegal International Rally back to back in 2016 & 2017 and also winning the National Rally in 2015.

5. Finance and Emergency Services

- a) To agree date for Statutory Budget Meeting.
- b) To consider and adopt the Fire & Emergency Operations Plan for the Fire Authority of Donegal County Council.
- c) That Members consider whether they wish to pass a resolution to vary the Local Property Tax in County Donegal in respect of 2018 by up to 15%.

6. Planning

Consideration of proposed Draft Local Area Plan for Seven Strategic Towns & Environmental Report and Natura Impact Report and to consider the approval of publication of Draft Local Area Plan for Seven Strategic Towns and Environmental Report and Natura Impact Report.

7. Endorsement of Minutes

To note the Minutes of the Corporate Policy Group held on the 17th July, 2017.

8. Authorisation of attendance at Seminar, Training or Event Conferences

- Connecting for Life Donegal Conference to be held Friday 6th October, 2017 at Ionad Naomh Pádraig, Dobhair, Bun Beag.n.
- Celtic Conferences – What does a hard Brexit mean for Ireland? To be held from Friday 20th to Sunday 22nd October, 2017 in the Clonakilty Hotel, Clonakilty, Co Cork.
- Centre for Cross Border Studies Seminar on Cross-Border Functional Regions – Perspectives from Ireland, Northern Ireland and Scandinavia to be held Thursday 16th November, 2017 in the Market House Theatre, Armagh.

Training

- AILG – Training for Councillors in the Border and Western Region to be held on 19th September 2017 in Ard Rí House Hotel, Tuam, Co Galway.
- AILG Autumn Training Programme 2017
- AILG Autumn Training Seminar 2017 to be held Thursday 12th and Friday 13th October, 2017 in the Sligo Park, Pearse Road, Sligo.

Foreign Travel

- Conference of Peripheral Maritime Regions – 45th CPMR General Assembly to be held from Wednesday 18th to Friday 20th October, 2017 in Helsinki

MOTIONS

STRANORLAR MUNICIPAL DISTRICT

Water and Environment

9. Cllr Patrick McGowan

"That this Council discuss Group Water Schemes in the County and agree a deputation to the Minister to lobby for the taking in charge of schemes where promoters are not in a position to continue indefinitely."

GLENTIES MUNICIPAL DISTRICT

Water and Environment

10. Cllr Terence Slowey

"That Donegal County Council supports the banning of plastic bottles and a return to reusable and recyclable glass bottles."

Community and Enterprise

11. Cllr Micheál Choilm Mac Giolla Easbuig

"Go ndéanfaidh Comhairle Contae Dhún na nGall comharthaíocht úr mhór a dhearadh agus a chur suas le ceantracha Gaeltachta na condae a fhógairt agus a chur chun cinn, sa dóigh is go mbeidh cuairteoirí agus turasóirí chuig an Ghaeltacht ar an eolas faoin oidhreacht bheo speisialta teanga san áit a bhfuil siad ag dul isteach ann, agus le go spreagfaí muintir na Gaeltachta an teanga agus a bhféiniúlacht ar leith Gaeltachta a choinneáil beo. Ba chóir go mbeadh a leithéid de chomharthaíocht iontach feiceálach, agus ba chóir go ndéanfaí lógó agus mana spreagúil a dhearadh agus a chumadh go speisialta fána choinne, i gcomhar leis na pobail éagsúla sa Ghaeltacht agus i gcomhar le háisineachtaí eile a mbainfeadh seo leo.

That Donegal County Council design and erect large signage to properly demarcate and promote the Gaeltacht areas of the County, so that visitors and tourists are aware of the unique, living, linguistic heritage of the area they are entering, and local Gaeltacht residents are inspired to keep the language and their Gaeltacht identity alive. Such signage should have a strong visual impact, and include a specially designed logo and motto in consultation with the various Gaeltacht communities and other relevant agencies."

INISHOWEN MUNICIPAL DISTRICT

Planning

12. Cllr Paul Canning

"As Councillors we are being asked to wear the County jersey when looking at the County Development Plan but when it comes to the budget we have to wear the Municipal District jersey, Given that the National Planning Framework and this Government is promoting urbanisation and self sufficiency, can this Council confirm that money collected in areas that we are promoting within our County Development Plan will be spent on areas that are being overlooked for development within our CDP due to population on a balanced regional basis countywide."

Community and Enterprise

13. Cllr Jack Murray

"That this Council acknowledges the Government's commitment to address the entirety of the recent flood damage and therefore calls for the immediate clarification of available funding for damaged sporting and community facilities and tourist amenities, while holding the view that their repairs must be financed in full by humanitarian flood relief monies."

Finance

14. Cllr Albert Doherty

"That Donegal County Council acknowledge the emotional distress, the confusion and the significant personal loss experienced by householders and business owners in Inis Eoghain and Donegal following the deluge endured on August 22nd last, and that the council now,

1/Engage and work with all affected parties to ascertain the facts regarding extent of losses, damages incurred, numbers involved and particularly each party's insurance or non insurance situation,
2/Demand that government ministers insist on insurance companies now,

Act with haste and ensure company assessors are on the ground immediately engaging ,dealing positively and constructively with their clients,

3/Further demand government intervention and action to address insurance issues emerging including,

a)Insurance companies abandoning clients,

b)Declining premium renewals,

c)Returning insurance premiums,

d) Punishing compliant householders and business community personnel with the future prospect of increased and exorbitant premium payments and/or refusal to insure et al."

Water and Environment

15. **Cllr Martin McDermott**

"To call on this Council to contact the Minister for State for the OPW Kevin Boxer Moran to make provisions for work to be carried out on our rivers after the severe floods in Donegal."

16. **Cllr John Ryan**

"That this Council meet with the EPA as a matter of urgency to impress upon them, that developments across the County impacted by exceptional flooding be connected to municipal waste water treatment plants to mitigate against further environmental pollution."

Roads and Transportation

17. **Cllr Bernard McGuinness**

"In view of the recent flood damage to the roads infrastructure in the County that the Council immediately advertise for extra road workers in the worst affected areas of the County."

LETTERKENNY MUNICIPAL DISTRICT

Roads and Transportation

18. **Cllr James Pat McDaid**

"In light of the recent announcement of the reintroduction of the LIS Scheme and the possibility of money being allocated to Donegal, I propose that this Council ask for an increased amount of funding given the size, nature and demand in the County. Donegal is a very rural County and has so many LIS roads and will need significant money if we are to make any real difference to the road users."

19. **Cllr Ian McGarvey**

"That Donegal County Council makes an application to the Department specifically for funding to deal with all bridges in Donegal that need upgrading."

Water and Environment

20. **Cllr Adrian Glackin**

"That this Council considers widening its approach to dealing with Japanese Knotweed and put a programme in place which deals with this extensively as currently the application to roadsides only is doing little to stop the spread of this invasive plant:-

- By improving public understanding of the plant and of means of eradicating it.
- By educating public and private hedge cutting operations on Japanese Knotweed.
- By treating council property infested with Japanese Knotweed.
- By eventually working together with private land owners, farmers, Inland fisheries Ireland and the forestry to eradicate Japanese Knotweed."

Community and Enterprise

21. Cllr Ciaran Brogan

"I propose that this Council host a public forum called "Donegal Day" to bring relevant agencies together with business people in the county to help to share strengths and identify our weaknesses in Donegal and how best we can together map out our future Donegal needs going forward."

Finance

22. Cllr Liam Blaney

"Due to the reply I received from Revenue re my motion at Letterkenny MD meeting that all householders affected by MICA should be exempt from paying the Local Property Tax, I am asking that this Council writes to the Minister for Finance requesting an amendment to the LPT Act exempting properties with Mica from paying this tax."

Corporate

23. Cllr Michael McBride

"That Donegal County Council ask the Minister to abolish the universal social charge."

DONEGAL MUNICIPAL DISTRICT

Corporate

24. Cllr Noel Andrew Jordan

"I would like this Council to request the Department to carry out a full review of the TUS Programme."

25. **Cathaoirleach's Business**

26. **Chief Executive's Monthly Management Report**

QUESTIONS

STRANORLAR MUNICIPAL DISTRICT

Planning

27. Cllr Patrick McGowan

"Can I have a detailed account of problematic housing developments with sewerage treatment issues in the county including all public health reports on same?

How many have been taken in charge, is there a plan to take in charge the treatment plants within a realistic time frame and please give details.

How much has the Council been spending every month in emptying tanks and what grants are presently available to the Council to deal with these public health issues?"

Corporate

28. Cllr Patrick McGowan

"Can I have a breakdown of all council staff in each Municipal area and HQ and what their role is?"

GLENTIES MUNICIPAL DISTRICT

Community and Enterprise

29. Cllr Micheál Choilm Mac Giolla Easbuig

"Cá mhéad trodaí tine atá ar fáil chun teacht amach ar dualgas in achan stáisiún sa chondae, seachas iad siúd atá ar saoire faoi láthair (gan saoire sceidealaithe bhliantúil a bheith san áireamh)."

"How many firefighters are currently available to turn out for duty at each station in the County, excluding those who are currently on leave (except scheduled annual leave)."

INISHOWEN MUNICIPAL DISTRICT

Roads and Transportation

30. Cllr Paul Canning

"Can this Council give me an update as to why T.I.I. have not commenced their Traffic Calming Safety measures around the schools that are within close proximity to the National Primary Roads, and also can you confirm when they plan to start?"

Community and Enterprise

31. **Cllr Jack Murray**

"Can this Council ensure that any funding for ferries comes from the central county budget as opposed to MD funds and is the executive currently considering this as it prepares the draft budget?"

32. **Cllr Jack Murray**

"What is the current estimate of costs to repair community, sporting and tourist amenities damaged by the recent flooding?"

33. **Cllr Bernard McGuinness**

"What action has the Council taken to re-establish the agricultural and marine committees in the County?"

Water and Environment

34. **Cllr Paul Canning**

"How many towns in Donegal have the sewer capacity to accept a housing development of 20 x 3 Bedroom houses without their own treatment system?"

35. **Cllr Albert Doherty**

"The draft "River Basin Management Plan" was published by then Minister Coveney on 28th February 2017,

Observations, comments and views were invited up to and until August 31st 2017,

Give the deluge endured by the county, and the North West Region following flooding of August 22nd last,

What response has the Council submitted to the draft report, what are the Council views on the table of risk, list of low risk areas identified, and the recommended options? What actions and consultations has Donegal County Council taken recently with DARD and Border Regional Committee with particular reference to the draft "River Basin Management Plans"?

Cultural Services

36. **Cllr Albert Doherty**

"What supervision, protection, assessment and presenting of accurate information plates and protection signage is assured and provided by Donegal County Council for the County's monuments and cultural sites? What support is available and/ or sought by Donegal County Council from national government bodies to ensure maintenance,

protection and provision of accurate information at the monuments and cultural sites in the County?"

Corporate

37. **Cllr Bernard McGuinness**

"How many engineers are employed by Donegal County Council within each Municipal District and can I have a breakdown by Directorate?"

LETTERKENNY MUNICIPAL DISTRICT

Roads and Transportation

38. **Cllr James Pat McDaid**

"How many applications were put in for LIS in total for Donegal? and include a breakdown for each MD?"

39. **Cllr James Pat McDaid**

"Has there been any progress on acquiring funding for the TEN-T project?"

40. **Cllr Ciaran Brogan**

"Can we as a Council, look at how we can identify centres in the County in event of floods like we had in August this year and in West Donegal a number of years ago, whereby we can have maybe 500 sandbags and supporting equipment, with a senior person in charge in each area of the county to help and support businesses and homeowners?"

41. **Cllr Liam Blaney**

"Can I have a breakdown per Municipal District of the number of Local Improvement Schemes forwarded to the Department for funding?"

Water and Environment

42. **Cllr Ciaran Brogan**

"Have we a long term strategy on waste management for our County or should we be looking at providing a facility to accommodate the future needs of the County and the North West Region that could be of benefit to Donegal County Council?"

43. **Cllr Adrian Glackin**

"From the Environmental Protection Agency's report on Irish Water supplies, could I please have a breakdown on which areas in Donegal that are affected, and what the issues involved are?"

44. Cllr Jimmy Kavanagh

"Will the Council consider using CCTV on major routes within the County to help stop the dumping of rubbish from cars?"

45. Cllr Jimmy Kavanagh

"Have the Council now put in place a formal relationship with the probation service, as per my previous motion?"

Finance

46. Cllr Jimmy Kavanagh

"Is Donegal County Council making an application under the WIFI4EU scheme, which will provide funding for public WIFI hotspots in towns and villages?"

Corporate

47. Cllr Ian McGarvey

"What action has been taken in relation to the many motions I have submitted over the past five years?"

Housing

48. Cllr Ian McGarvey

"Will this Council request that the SI Housing Programme as was be included in the Housing Programme?"

DONEGAL MUNICIPAL DISTRICT

Finance

49. Cllr John Campbell

Can you provide in tabular form the total rates demand issued to businesses in the renewable energy sector in County Donegal for each of the following years, 2015, 2016 & 2017.

Emergency Services

50. Cllr John Campbell

Can you provide a comprehensive update on the progress of the 'Review of Bundoran & Ballyshannon Fire Stations' capital analysis report.

Roads and Transportation

51. Cllr John Campbell

Can you provide a breakdown with reference to both Electoral Area and Overseer's Area in tabular form, of the following information: Total number of LIS applications received; Total number of

applications deemed eligible; Total cost associated with eligible applications.

52. Motions from other Councils/Bodies

MONAGHAN COUNTY COUNCIL

“That Monaghan County Council calls on the Government, in conjunction with all relevant stakeholders, to re-assess current legislation regarding school transport with a view to ensuring that the maximum level of primary and secondary students are facilitated”.

MINUTES OF SEPTEMBER MEETING OF DONEGAL COUNTY
COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 25TH
SEPTEMBER, 2017

C/303/17 MEMBERS PRESENT

Cllrs Gerry Mc Monagle, Cathaoirleach, L Blaney, E Bonner, C Brogan, J Campbell, P Canning, T Conaghan, N Crossan, A Doherty, G Doherty, L Doherty, R Donaghey, M Farren, M T Gallagher, A Glackin, M Harley, N Jordan, J Kavanagh, N Kennedy, M C Mac Giolla Easbuig, F McBrearty, M Mc Bride, J P Mc Daid, M McDermott, I Mc Garvey, P McGowan, B McGuinness, M Naughton, S O'Domhnaill, J O' Donnell, J S O'Fearraigh, B O'Neill, J Ryan and T Slowey.

C/304/17 OFFICIALS IN ATTENDANCE

Seamus Neely, Chief Executive, Joe Peoples, Director of Housing, Corporate and Cultural Services / Meetings Administrator, John McLaughlin, Director of Roads & Transportation, Liam Ward, Director of Community, Enterprise & Planning Services, Michael Mc Garvey, Director of Water & Environment, Garry Martin, Director of Finance , Information Systems & Emergency Services, Eunan Quinn, Senior Planner, Paul Christie, Senior Planner ,Joseph Mc Taggart, Chief Fire Officer, Kevin Mc Garvey, Assistant Chief Fire Officer, Sinead Harkin, Executive Planner, Graham Diamond, Executive Planner, Anne Marie Conlon, Communications Officer, Eileen Harkin, A/Staff Officer, Anne Marie Crawford, Staff Officer.

C/305/17 ADJOURNMENT OF THE MEETING

On the proposal of Cllr Gallagher, seconded by Cllr O' Domhnaill it was resolved to adjourn the meeting for a short period so as to complete the business on the agenda for the Special Meeting of Council.

C/306/17 APOLOGIES

Apologies were received from Cllrs Crawford and Murray who were unable to attend the meeting.

C/307/17 CONFIRMATION OF THE MINUTES OF THE JULY
MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE
24TH JULY, 2017

On the proposal of Cllr Kennedy, seconded by Cllr Campbell, the minutes of the July Meeting of Donegal County Council held on the 24th July, 2017 were adopted.

Cllr Blaney alluded to Minute C/239/17 and said that the Letterkenny members had received correspondence from the Letterkenny Chamber of Commerce in the past few weeks highlighting the fact that they had serious concerns in relation to the economic impact of the ongoing works.

He alluded also to the works on the main trunk from the Pollan Dam to Letterkenny. The impact of the works in question aligned with the whole Brexit scenario had, he said, created genuine nervousness and concern that many businesses would be forced to close.

He asked that Letterkenny Chamber of Commerce be afforded an opportunity to address members in relation to the ongoing implications for business people in the town.

Cllr Blaney proposed, seconded by Cllr Mc Daid that works in relation to the Four Lane be postponed until the Chamber and the business community in Letterkenny were 100% happy with the situation.

He suggested that perhaps members had been swayed to vote in favour of the proposal at the July Meeting.

The Cathaoirleach in response said that the minutes were accurate and alluded to the fact that a letter of support from Letterkenny Chamber of Commerce for the project had been submitted prior to the July Meeting.

C/308/17 DISPOSAL OF PLOT OF LAND AT MAGHERADRUMMON, MILFORD TO HUGH FERRY

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

On the proposal of Cllr Campbell, seconded by, Cllr McGarvey, it was resolved to dispose of plot of land at Magheradrummon, Milford to Hugh Ferry in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and Section 183 of the Local Government Act, 2001.

C/309/17 DISPOSAL OF LAND WITHIN ORCHARD GROVE HOUSING ESTATE TO BALLYRAINE COMMUNITY LTD

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

On the proposal of Cllr McGarvey, seconded by, Cllr McBride, it was resolved to dispose of plot of land within Orchard Grove Housing Estate, to Ballyraine Community Ltd, in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and Section 183 of the Local Government Act, 2001.

C/310/17 TO APPROVE THE CARRYING OUT OF CONSTRUCTION WORKS SO AS TO IMPROVE A SECTION OF THE L-2863 IN THE TOWNLANDS OF MONARGAN GLEBE AND LURGANBOY, WHICH CONNECTS ARDARA TO INVER

Members considered the report circulated in relation to the above.

On the proposal of Cllr Slowey, seconded by, Cllr Gallagher, the carrying out of construction works so as to improve a section of the L-2863 in the townlands of Monargan Glebe and Lurganboy which connects Ardara to Inver under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) were approved.

C/311/17 NOMINATION OF MEMBER FOR APPOINTMENT TO THE BOARD OF ÚDARÁS NA GAELTACHTA

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

Cllr Mc Brearty proposed, seconded by Cllr Gallagher that Cllr O' Fearraigh be nominated for appointment to the Board of Údarás na Gaeltachta.

Cllr Bonner proposed, seconded by Cllr Mc Daid that Cllr O' Domhnaill be nominated for appointment to the Board of Údarás na Gaeltachta.

As there were no other nominations a show of hands was taken by the Meetings Administrator resulting in 12 votes for Cllr O' Fearraigh and 11 votes for Cllr O' Domhnaill.

Cllr O Domhnaill at this juncture queried the result and said that he was of the opinion that more than eleven votes had been cast in his favour.

In light of the above statement Cllr Brogan proposed that a recorded vote be taken. This was seconded by Cllr Canning, who called for due democratic process to be observed.

The Cathaoirleach, Cllr Mc Monagle said that the vote had been taken and that it was his intention to move on with the proceedings.

Two nominees, he advised, had been proposed; a vote had been taken and counted by the Meetings Administrator. There was, he confirmed, no need for a recorded vote as everything was above board.

He reiterated his intention to move on with the remaining business on the agenda.

Cllr Brogan proposed a ten minute recess in order to afford the Cathaoirleach and the Executive time to reflect on the matter, advising that a recorded vote was required to settle the matter once and for all. This was seconded by Cllr O' Donnell.

The Cathaoirleach said he was now moving on to item 4(b). It was clear, he added, the vote had been conducted in a democratic fashion and the process carried out correctly by the Meetings Administrator.

Responding to Cllr Brogan's call for an adjournment, he contended, that there was no basis for same and again indicated his intention to proceed with the meeting.

Cllr Brogan queried at this juncture as to whether the Cathaoirleach was going to accept the proposal for an adjournment.

Cllr Mc Gowan said this was not acceptable and that members were being railroaded by the Cathaoirleach into moving on with the agenda.

Cllr O' Domhnaill at this juncture said he was firmly of the opinion that more hands had been up than had been counted and on that basis he called for a recorded vote.

The Cathaoirleach informed members that all he could do was take votes at the time they were asked for and that this was clearly what

had happened when nominations for appointment to the Board of Údarás na Gaeltachta had been sought.

He would, he advised, permit an adjournment to allow things settle down, but would not accommodate one to overturn a decision which had already been taken.

Cllr O' Domhnaill said that he believed that the position of Cathaoirleach should be an independent one.

Cllr Mc Monagle said that he had been impartial and alluded to the fact that he himself had not taken part in the vote.

C/312/17 ADJOURNMENT OF THE MEETING

The meeting was adjourned at 12.30pm for a short recess.

C/313/17 NOMINATION OF MEMBER FOR APPOINTMENT TO THE BOARD OF ÚDARÁS NA GAELTACHTA

On resumption the Cathaoirleach called on the Director of Community, Enterprise and Planning to proceed with his report on the Joint Trade and Investment Mission led by Donegal County Council and Derry City and Strabane District Council to the USA in November, 2017.

Cllr Brogan said that the matter of the appointment to Údarás na Gaeltachta had not been satisfactorily dealt with and that under Standing Order 78 he was requesting another vote on the decision taken earlier in the meeting. This was imperative, he added, in the interest of transparency and general accountability, as he was firmly of the opinion that there was an inaccuracy in the initial vote.

He asked for a recorded vote

Cllr Gallagher said that only those present in the chamber at the time could vote. Alluding to Standing Orders 54 and 55, she advised, that the vote as recorded, reflected an accurate decision of Council at a particular point in time.

Cllr Brogan said that a cloud of suspicion had been cast and queried what members had been absent from the chamber.

Cllr Mc Gowan said that members were all very clear as to whom they had voted for.

Cllr Canning alluded to the fact that the present Council Chamber was not fit for purpose and that a number of members had difficulty with being seen and heard.

C/314/17 JOINT TRADE AND INVESTMENT MISSION LED BY DONEGAL COUNTY COUNCIL AND DERRY CITY AND STRABANE DISTRICT COUNCIL WITH OTHER PARTIES TO THE USA IN NOVEMBER 2017

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

Cllr Mc Brearty proposed, seconded by Cllr Gallagher that Donegal County Council jointly lead and attend the Trade and Investment Mission to the USA from the 13th to 17th November, 2017 with Derry City and Strabane District Council . It was further resolved that the delegation be jointly led by the Cathaoirleach of Donegal County Council and the Mayor of Derry City and Strabane District Council.

C/315/17 TO AFFORD A CIVIC RECEPTION TO MANUS KELLY AND DONALL BARRETT ON WINNING THE DONEGAL INTERNATIONAL RALLY BACK TO BACK IN 2016 & 2017 AND ALSO WINNING THE NATIONAL RALLY IN 2015

On the proposal of Cllr Mc Daid, seconded by Cllr Blaney it was resolved that a Civic Reception be afforded to Manus Kelly and Donall Barrett in recognition of their achievements in winning the Donegal International Rally in 2016 and 2017 together with the National Rally in 2015.

C/316/17 ADJOURNMENT OF THE MEETING

Cllr Brogan proposed, seconded by Cllr Mc Gowan that the meeting be adjourned to 2pm and legal advice sought from the Council Solicitor in relation to the nomination of Cllr O' Fearraigh as Údarás representative.

C/317/17 NOMINATION OF MEMBER FOR APPOINTMENT TO THE BOARD OF ÚDARÁS NA GAELTACHTA

On resumption of the meeting Cllr Mc Dermott proposed, seconded by Cllr Brogan that the meeting be adjourned until 3pm

to allow the Party Whips and Group Leaders discuss the matter further.

C/318/17 ADJOURNMENT OF THE MEETING

On resumption a further adjournment until 3.30pm was agreed. This was proposed by Cllr Mc Brearty and seconded by Cllr Mc Bride.

There was unanimous agreement at this juncture to adjourn the meeting until 4pm.

C/319/17 NOMINATION OF MEMBER FOR APPOINTMENT TO THE BOARD OF ÚDARÁS NA GAELTACHTA

On resumption members were informed that the Council Solicitor had yet to conclude his examination and that an update would be provided later in the meeting as to whether this could be made available before close of business.

The options before members now it was acknowledged were to adjourn the meeting and await the advice in question or adjourn proceedings to another day.

The Cathaoirleach reminded members that there was a statutory requirement to deal with the item in relation to the Local Property Tax by the 30th September, 2017.

Cllr Brogan proposed, seconded by Cllr Blaney that the meeting be adjourned until the relevant advice had been sought.

Responding the Cathaoirleach said that it was hoped that the advice would be available by 4.30pm and that at this juncture it would be prudent to proceed with the item in relation to the LPT. This was unanimously agreed.

C/320/17 TO AGREE DATE FOR STATUTORY BUDGET MEETING

On the proposal of Cllr O'Neill, seconded by, Cllr McBride it was resolved to hold the Annual Budget Meeting on Monday 20th November at 10am in the County House, Lifford.

C/321/17 CONSIDERATION BY MEMBERS WHETHER THEY WISH TO PASS A RESOLUTION TO VARY THE LOCAL PROPERTY TAX IN COUNTY DONEGAL IN RESPECT OF 2018 BY UP TO 15%

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

Mr Garry Martin, Director of Finance, Information Systems and Emergency Services outlined in detail the main aspects of his report.

He noted that under Section 20 of the Finance (Local Property Tax) Act 2012, as amended by Section 5 of the Finance (Local Property Tax) Act 2013 and as prescribed under the Local Property Tax (Local Adjustment Factor) Regulation 2014 (S.I.296 of 2014), 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%.

Member's attention was drawn to the prescribed format for setting out the local adjustment factor and the fact that notification of same had to be forwarded to the Minister on or before the 30th September in the year in which the resolution is passed and that where an adjustment was to be made there was an obligation to publish same. Historically, he confirmed Donegal County Council had resolved not to vary the rate.

Mr Martin said that emerging financial details suggested that additional income would be required in 2018 thus presenting a number of challenges for the 2018 Revenue Budget. These, he advised, were detailed in Section 2.4 of the report.

The options open to the Council, he advised, were as follows:-

1. To vary by resolution the basic rate and set a local adjustment factor that would apply for a period of one year from the next local property tax liability date,
2. Not to vary the basic rate.

A lengthy debate ensued with members raising a number of issues.

Cllr Gallagher said that the Sinn Fein grouping was totally opposed to the local property tax as it was effectively a tax on the family home and not an equitable form of taxation. She acknowledged that there were huge challenges going into the future but that the LPT itself was not sustainable. Local Government, she added, needed to be financed properly and thus proposed, seconded by Cllr G

Doherty that the local property tax in Donegal for 2018 be reduced by 15%.

Cllr Doherty contended that the people of Donegal were paying their fair share and said that a 15% reduction would put €1.6m back into people's pockets.

Cllr Ryan welcomed the presentation from the Director of Finance but queried what impact a 15% reduction would have on the total General Purposes Grant for Donegal.

Cllr Mc Bride proposed, seconded by Cllr Crossan that the Local Adjustment Factor remain at the same level as 2017.

Mr Seamus Neely, Chief Executive, alluded to the fact that the Director of Finance had already set out clearly the additional demands that would be coming to the fore in 2018. He advised that €3.829 m extra would be needed to retain the same spend as in the 2017 budget. Going forward there were two options, he added, to either decrease expenditure or to increase charges levied under other headings.

A zero variation would, he advised present a lesser challenge but would still involve much work between now and budget time.

A lengthy debate ensued with members advising of the following:-

- That the business sector was not in a position to take any increase in commercial rates.
- Any reduction in the Development Fund Initiative would be disastrous going forward.
- Additional help was needed for the small business sector and that a package needed to be put together to help small businesses in the border towns.
- Any increase in rates would harm plans to revitalise many of the smaller towns in the county.
- Some provision needed to be made for those homes damaged in the August, 2017 floods and those affected by Mica.
- New sources of revenue needed to be found as it was not feasible at this point in time to ask ratepayers to increase their contributions.

Mr Garry Martin, Director of Service said that Donegal County Council's role in supporting business had been second to none and that support had been provided to the vast majority of businesses in the county through the Small Business Grant Scheme.

Alluding to the trading surplus in the 2016 AFS, he said that this was directly related to a timing issue whereby gratuities, payroll costs etc did not materialise in 2016 and were carried into the 2017 financial year.

There were challenges going forward, he added, particularly in terms of the exceptional income lines available and the risk of utilising reserves which the Council could not get back.

It was imperative, he added, that sustainable lines of income were identified and maintained with the LPT clearly fitting into this category. If this was taken out, he said, the emphasis would have to shift to commercial rates.

The other option, he advised, was expenditure mitigation, but the nature of local government finance was that many costs were fixed and related to basic service provision. The level of discretionary spend, he noted, was limited.

Mr Seamus Neely, Chief Executive said that decreasing expenditure to the tune of €1.7m would impact on the Council's ability to fund tourism projects and impact on the own resource contribution in roads. It would be premature at this stage, he said, to pinpoint any areas in particular.

Donegal County Council, he added, would work with other agencies to keep the momentum going in relation to tourism . The need to retain the capacity to respond to emerging issues was acknowledged. Cllr Brogan alluding to the challenges facing the Council said that clarification was needed as to how these were going to be dealt with going forward..

C/322/17 EXTENSION OF THE MEETING

On the proposal of Cllr Brogan, seconded by Cllr Mc Dermott it was resolved in accordance with Standing Order No 28 to suspend Standing Order No 3 and extend the meeting beyond 6pm.

C/323/17 LOCAL PROPERTY TAX

The Director of Finance informed members that €3,289,000 additional income was required for 2018 if the Council was to step up to its minimum requirements.

The Meetings Administrator informed members that there were now two proposals before Council, one to vary the rate and another to leave the LPT at its current rate. The members needed to resolve in the first instance, whether they were prepared to pass a resolution to vary the rate of the Local Property Tax.

The Chief Executive confirmed that under this scenario if members voted against a resolution to vary, then the LPT rate would remain unchanged.

C/324/17 ADJOURNMENT OF THE MEETING

On the proposal of Cllr Brogan, seconded by Cllr Mc Dermott it was resolved that the meeting be adjourned for a brief period to allow for further clarification.

C/325/17 LOCAL PROPERTY TAX

On resumption the Chief Executive informed members that they were being asked initially to consider the substantive motion which was whether or not they wished to pass a resolution to vary the Local Property Tax in County Donegal for 2018 by up to 15%. A vote in favour of this, he advised, would allow for either an increase or decrease to be considered. If members voted against the substantive motion then the rate would remain unchanged in 2018.

A recorded vote was then taken by the Meetings Administrator.

This resulted in 14 voting for with 18 voting against and one abstention.

Those voting in favour included:-

^^ Cllr Blaney, A Doherty, G Doherty, L Doherty, Gallagher, Glackin, Jordan, Mc Brearty, Mc Bride, Mc Guinness, Mc Monagle, O Fearraigh, O' Neill, and Ryan. (14)

Those voting against included:-

Cllrs Bonner, Brogan, Canning, Conaghan, , Crossan, Donaghey, Farren, Harley, Kavanagh, Kennedy, Mc Daid, Mc Dermott, Mc

Garvey, Mc Gowan, Naughton, O' Domhnaill, O' Donnell, and Slowey. (18)

Cllr Campbell abstained.

Thus it was resolved not to pass a resolution to vary the rate of Local Property Tax in 2017.

C/326/17

NOMINATION OF MEMBER FOR APPOINTMENT TO THE BOARD OF ÚDARÁS NA GAELTACHTA

Prior to the close of the meeting the Cathaoirleach informed members that more time was needed to allow for the provision of comprehensive advice from the Council Solicitor.

Cllr Mc Brearty queried whether an advice from Senior Counsel had been sought and whether or not the advice would be provided in writing.

Mr Joe Peoples, Meetings Administrator said that members regularly sought legal advice and that this had been provided in writing.

Cllr Mc Brearty requested that the advice of Senior Counsel be sought.

Cllr Brogan alluded to the frustration among members and said it was clear that 14 people had voted for Cllr O' Domhnaill.

The members in question, he confirmed, were willing to put it on record and were prepared to stand up and say that they voted for Cllr O' Domhnaill. It was important to set the record straight, he added, as there was a suggestion that some had not voted.

There was only one member not in the chamber at the time and they had not been included in the tally.

It was important for the Council going forward, he said that the matter was dealt with in an open and transparent manner.

He was, he advised, clearly of the opinion that there had been no intentional mistake but it was imperative that the matter was addressed and sorted in a timely fashion.

Cllr Mc Dermott alluded to the fact that he had been in the chamber when the vote had taken place and had voted.

C/327/17 DATE FOR ADJOURNED MEETING

On the proposal of Cllr O' Neill, seconded by Cllr Mc Bride it was resolved that the adjourned September Council meeting take place on Monday 2nd October, 2017 at 10am in the County House, Lifford.

C/328/17 LAMA & AILG ANNUAL CONFERENCES

It was unanimously agreed to authorise any member, if he/she so wished, to attend the following, subject to the normal procedures:-

- i. Individual members not exceeding their annual budget for attendance at conferences.
- ii. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
 - AILG Autumn Training Seminar 2017 to be held Thursday 12th and Friday 13th October , 2017 in the Sligo Park Hotel, Sligo.
 - LAMA Autumn Seminar 2017 to be held in the Hotel Manila , Clonmel, Co Tipperary on the 29th & 30th September, 2017

Cathaoirleach

Dated