

**MINUTES OF MUNICIPAL DISTRICT OF LETTERKENNY MEETING HELD  
IN THE LETTERKENNY PUBLIC SERVICES CENTRE ON TUESDAY, 12 MARCH 2019**

***MDL598/19***    **MEMBERS PRESENT**

Cllr. Liam Blaney  
Cllr. Ciaran Brogan  
Cllr. Gerry McMonagle  
Cllr. Adrian Glackin  
Cllr. Jimmy Kavanagh  
Cllr. Michael McBride  
Cllr. Ian McGarvey  
Cllr. John O'Donnell  
Cllr. James Pat McDaid

***MDL599/19***    **OFFICIALS PRESENT**

Liam Ward, Director of Service  
Fergal Doherty, S.E.E./Area Manager, Roads & Transportation  
Joe Ferry, A/Senior Executive Chemist  
Graham Diamond, Executive Planner  
Patricia McIntyre, Area Manager  
Christina O'Donnell, Development Officer  
Linda McCann, Senior Staff Officer

The meeting was chaired by Mayor, Cllr. Ian McGarvey.

***MDL600/19***    **MATTERS ARISING FROM THE MINUTES**

There were no matters arising from the Minutes of 15 January 2019.

***MDL601/19***    **ADOPTION OF MINUTES OF MDL MEETING HELD ON 12 FEBRUARY, 2019**

On the proposal of Cllr. Gerry McMonagle and seconded by Cllr. Jimmy Kavanagh, the Minutes of MDL Meeting held on 12 February 2019, were adopted.

***MDL602/19***    **SAFETY SIGNAGE AT TULLYHULLION TO KILPHEAK**

On the proposal of Cllr. Adrian Glackin and seconded by Cllr. Gerry McMonagle, the following motion was adopted:

*That the Council carries out some safety measures or introduces safety signage on the corner from Tullyhullion to Kilpheak towards St Columba's chapel in Glenswilly as it narrows in and when two cars meet there is very little room. The wall belonging to the property nearest the corner has been hit and damaged on a few occasions where*

*vehicles have been forced to take evasive actions to avoid oncoming traffic. Residents are concerned for the safety of walkers and children playing in the area.*

The Members were advised that:

*This location to be referred to the Safety Engineer for assessment in relation to eligibility for low cost accident funding.*

On proposing the motion Cllr. Glackin gave details of a potential accident in this area, raised concerns regarding safety for children in the area and asked that signage was erected in the interim of safety works being carried out. Cllr. Glackin asked when the assessment would be carried out.

On seconding the motion Cllr. McMonagle fully supported the motion and reported poor vision lines, no road markings and asked that signage be erected.

Fergal Doherty agreed to ask the Safety Engineer to look at this junction prior to the announcement of Low Cost Accident Funding.

***MDL603/19    SAFETY MEASURES / SIGNAGE AT LISTILLION JUNCTION***

On the proposal of Cllr. Adrian Glackin and seconded by Cllr. Gerry McMonagle, the following motion was adopted:

*That the Council considers putting in place safety measures with either a slip road in to the entrance or additional signage to discourage overtaking on the main Drumkeen to Letterkenny road at the Listillion junction. Cars are overtaking vehicles signaling to exit onto the Listillion junction and only last week a major road traffic collision was narrowly avoided as a car was waiting to cross on to the Listillion junction from the opposite side of the road when another vehicle pulled out and overtook the vehicle slowing down to exit on to the junction coming from the Drumkeen direction. Although the white lines are in place on the road, this does not appear to be a clear enough deterrent.*

The Members were advised that:

*The N13 at Listillion Junction is lined with a dedicated turning lane and hatched 'no overtaking zones' on both approaches to the junction, to the required specification. In light of concerns raised, the matter of non adherence will be referred to the Gardaí, and the location referred to the TII Safety Engineer for assessment.*

On proposing the motion Cllr. Glackin reported an ongoing issue for residents at this junction, motorists travelling at high speed and asked that the Council examine putting a left turning lane into the Listillion area using the grass area adjacent to the road.

On seconding the motion Cllr. McMonagle fully supported the motion and reported the issue of speed and a similar issue at the Cullion Road Junction. Cllr. McMonagle asked that the Council left hand lanes be put in place.

Cllr. Glackin welcomed the response and that the matter would be looked at by the Safety Engineer.

**MDL604/19 RECHARGING FACILITIES**

On the proposal of Cllr. Adrian Glackin and seconded by Cllr. Gerry McMonagle, the following motion was adopted:

*“That additional recharging facilities be put in place for hybrid and electric cars in key areas of Letterkenny such as the Hugh Duffy car park and other Council owned areas.”*

The Members were advised that:

*“The programme for the roll out of electric car charging points is a function of the ESB, who administer an interactive app and website advising of the location of the almost 1,100 public charge points available across the island of Ireland, with instructional videos on their use. These are located in both private and public properties. In the event that this motion is adopted, the Council will write to ESB to request installation of additional recharging facilities.”*

On proposing the motion Cllr. Glackin asked that more facilities were introduced in Council car parks in Letterkenny and towns throughout the Municipal District.

On seconding the motion Cllr. McMonagle fully supported the motion.

**MDL605/19 CAR PARK LIGHTING AT AURA LEISURE CENTRE**

On the proposal of Cllr. Gerry McMonagle and seconded by Cllr. Adrian Glackin, the following motion was adopted:

*“That the Council identify a budget either through its own means or through Grants for the Replacement of the Outside Lights at the Car Park at Aura Leisure Centre as they are more out than on.”*

The Members were advised that:

*“Donegal County Council are aware of the matter of this issue and will seek to address the lighting of the car park as soon as possible.”*

On proposing the motion Cllr. McMonagle said that lights were continually out in the car park which was unacceptable. Cllr. McMonagle asked that the matter would be addressed as a matter of urgency.

On seconding the motion Cllr. Glackin fully supported the motion and asked that more durable lights would be installed due to the high volume of people using the facility.

**MDL606/19 LETTERKENNY TOWN BUS SERVICE**

On the proposal of Cllr. Gerry McMonagle and seconded by Cllr. Adrian Glackin, the following motion was adopted:

*“That this Municipal District review and update the elected members on our Letterkenny Town Bus Service and that we take whatever steps necessary to upgrade and improve the current service.”*

The Members were advised that:

*“In the event that this motion is adopted by Letterkenny Municipal District Committee, Donegal County Council will forward a letter to National Transport Authority asking for a review and update on the current service as the NTA is the governing body with responsibility for the Letterkenny Town Bus Service.”*

On proposing the motion Cllr. McMonagle said he was continually asked about the town bus service timetables and asked that every effort were made to ensure that this service was enhanced and promoted with the operator.

On seconding the motion Cllr. Glackin fully supported the motion and asked that a promotional campaign would be coordinated with the operator.

Liam Ward advised that this matter was raised at the Age Friendly Alliance meeting and agreed to write to the NTA to request a meeting to discuss the service.

**MDL607/19 SPEED RESTRICTIONS IN HOUSING ESTATES**

On the proposal of Cllr. Gerry McMonagle and seconded by Cllr. Adrian Glackin, the following motion was adopted:

*“That we ensure that all our estates including those estates "Not Taking in Charge" yet are covered and subject to the 30Km per hour speed restrictions.”*

The Members were advised that:

*“The Council has approved Bye-Laws in ALL Council owned estates and ALL estates “taken in charge” by the Council as part of the 2015 Speed Limit Review, and the approved and posted speed limit in all is 30kph since the Bye-Laws were adopted in April 2017.”*

*The Council may only make speed limit bye-laws in respect of public roads. A public road is defined in the Roads Act as 'a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority'. As such the Council has no authority to make bye laws in respect of estates not yet taken in charge.*

On proposing the motion Cllr. McMonagle asked that the Council ensure that all estates had a speed restriction of 30 kph. It was unfair that estates that were in order for take over but not taken over had speed restrictions of 50 kph which was of concern for residents in relation to safety for their children.

On seconding the motion Cllr. Glackin fully supported the motion which had been raised previously and said that children should not be treated differently.

Fergal Doherty advised that the Council could not enforce speed limits in private estates or erect signage.

Cllr. McMonagle advised that Council tenants were living in some of these estates and the Council had a duty of care and asked that estates be taken in charge where possible.

Liam Ward agreed with the sentiment of the motion and advised that every effort would be made to expedite the taking in charge of estates. The Council cannot enforce speed limit restrictions or put up signage in estates that were not taken in charge.

Cllr. Glackin asked if Resident groups could put up safety signage and he was advised that they could do this but the signs would have no legal standing.

***MDL608/19 STREET LIGHT AT ISLE OF ROY CROSSROADS, DOWNINGS***

On the proposal of Cllr. John O’Donnell and seconded by Cllr. Liam Blaney, the following motion was adopted:

*“Calling on this Council to install a street light at the Isle or Roy crossroads, Downings.”*

The Members were advised:

*“This location will be added to the list for consideration under the next review of the 3 Year Footpath and Public Lighting Programme with respect to public lighting.”*

On proposing the motion Cllr. O'Donnell asked that the Council seek funding under the Low Cost Accident Fund due to the dangerous nature of this junction.

On seconding the motion Cllr. Blaney supported the motion and highlighted the dangers imposed in the dark and asked that a light be installed.

***MDL609/19*** ***STREET LIGHT AT BALLYBOE ROAD, RATHMULLAN***

On the proposal of Cllr. John O'Donnell and seconded by Cllr. Liam Blaney, the following motion was adopted:

*"Calling on this Council to install a street light on the Ballyboe Road from the Waters Edge in Rathmullan."*

The Members were advised that:

*"This location will be added to the list for consideration under the next review of the 3 Year Footpath and Public Lighting Programme with respect to public lighting."*

On proposing the motion Cllr. O'Donnell advised that this was raised previously and welcomed the response.

On seconding the motion Cllr. Blaney said that he had previously raised this and that this should already be included in the 3 Year Footpath and Public Lighting Programme.

***MDL610/19*** ***FOOTPATH FROM ELM COURT, RAMELTON***

On the proposal of Cllr. John O'Donnell and seconded by Cllr. Ian McGarvey, the following motion was adopted:

*"Calling on this Council to construct a footpath from Elm Court to Ramelton."*

The Members were advised:

*"This location will be added to the list for consideration under the next review of the 3 Year Footpath and Public Lighting Programme with respect to footpath public lighting."*

On proposing the motion Cllr. O'Donnell advised that residents were requesting that the footpath be extended.

On seconding the motion Cllr. McGarvey asked for clarification as funding had been provided by the developer previously for this.

Fergal Doherty advised that he was not aware of funding having been provided by a developer and advised that when funding would be announced for 2019 the Members would be asked to agree a programme along with the 2018 provisional list previously agreed.

Cllr. Blaney advised that going back ten years in the old Milford electoral area it was agreed that funding provided by way of development charges by the developer would be spent on various footpaths in Ramelton as the extension to the estate was not proceeded with.

Cllr. O'Donnell and Cllr. McGarvey asked for clarity on this in order to update the residents.

***MDL611/19 RENAMING BANK LANE, LETTERKENNY***

On the proposal of Cllr. Jimmy Kavanagh and seconded by Cllr. Ciaran Brogan, the following motion was adopted:

*"That the Council proceed with the renaming of Bank Lane to Dr. Kinnear Lane."*

The Members were advised that:

*"The Council is currently working on the requirements to be fulfilled under the Local Government (Changing of Placenames) Regulations 1956 in order to enact the motion and Cllr. Kavanagh will be kept up to date on progress."*

On proposing the motion Cllr. Kavanagh asked that a plaque could be erected as this matter had been raised by the Historical Society and in recognition of the contribution of Dr. Kinnear. Cllr. Kavanagh gave a brief history on the life of Dr. Kinnear and highlighted the importance of remembering his contribution.

On seconding the motion Cllr. Brogan fully supported the motion.

Patricia McIntyre advised that this was now in order to progress and agreed to liaise with Cllr. Kavanagh on the wording for the plaque and have it erected in April.

Cllr. Kavanagh welcomed this.

***MDL612/19 LETTERKENNY TO MILFORD ROAD PRIORITY FUNDING***

On the proposal of Cllr. Ian McGarvey and seconded by Cllr. Liam Blaney, the following motion was adopted:

*“That this M.D request that Letterkenny to Milford Road be made priority for Funding due to the Volume of Traffic, Safety and the projected population increase for Letterkenny, this road serves two Penninsulas, namely Fanad and Rossguil.”*

The Members were advised that:

*“The Letterkenny to Milford Road was the 1st road discussed with respect to funding and potential Specific Improvement/EU Co-Financed grants, in a recent meeting with a Government Minister in February. In relation to the road programmes that the Council have funding for (Restoration Improvement), there are agreed annually by elected members at the commencement of the year.”*

On proposing the motion Cllr. McGarvey advised that this was raised previously and highlighted the importance of improvements being carried out due to the high volume of traffic on the road.

On seconding the motion Cllr. Blaney expressed disappointment that Letterkenny MD did not receive funding under the Specific Improvement Grants. Cllr. Blaney asked if feedback had been received from Minister McHugh on having a meeting with Minister Shane Ross. Cllr. Blaney highlighted the need for improvement on the Ramelton to Rathmullan, Ramelton to Cashelshannaghan and Ramelton to Milford roads.

Cllr. Brogan asked that a letter be sent to Minister McHugh on behalf of the MD to seek an update on the meeting with Minister Shane Ross.

#### ***MDL613/19 KILMACRENNAN / RAMELTON ROAD IMPROVEMENT***

On the proposal of Cllr. Ian McGarvey and seconded by Cllr. John O’Donnell, the following motion was adopted:

*“That the Council consider Kilmacrennan / Ramelton Road urgently for improvement for safety reasons and provide proper signage for recognition from the Kilmacrennan side that there is a Road going to Ramelton.”*

The Members were advised that:

*“Further specifics are required in relation to the safety concerns raised. Member to meet the Area Engineer outside of the meeting to outline. Directional signs are in place for the full extent of the R249 connecting Kilmacrennan and Ramelton.”*

On proposing the motion Cllr. McGarvey asked that appropriate signage is erected.

On seconding the motion Cllr. O’Donnell fully supported the motion.



**MDL614/19 PUBLIC LIGHTING RAMELTON**

On the proposal of Cllr. Ian McGarvey and seconded by Cllr. John O'Donnell, the following motion was adopted:

*"That this M.D. carry out a survey of the quality of lighting in Ramelton Town as was requested at an earlier meeting and no report was made."*

The Members were advised that:

*"As presented to Members at a workshop in April 2018, the Council intends to roll out a countywide upgrading of public lighting by replacing existing SOX lamps with LED's. The upgrade programme in each town and village will include a lighting design where identified deficiencies in existing lighting would then be considered under the 3-Year Footpath and Public Lighting programme. Rollout of the LED upgrade programme awaiting the outcome of a legal matter related to the tender process."*

On proposing the motion Cllr. McGarvey advised that the public were complaining that the town was dark at night.

On seconding the motion Cllr. O'Donnell fully supported the motion.

Fergal Doherty advised that once the tender issue is resolved Ramelton would be included in the Phase 1 of the roll out of the project.

**MDL615/19 MAYORS BUSINESS**

There was no Mayor's business reported.

**MDL616/19 CORRESPONDENCE**

Liam Ward advised that Deputy Mayor, Cllr. John O'Donnell was unable to attend the signing of the Friendship Charter with West Dunbartonshire Council in Scotland on the 29<sup>th</sup> March, 2019 and asked if Members wished to nominate a Member to take this place.

Cllr. Brogan proposed that any Member that was free that weekend would attend.

Cllr. McMonagle advised that he would be willing to attend and would confirm same by Friday, 15<sup>th</sup> March with Patricia McIntyre in order the appropriate arrangements could be made.

**MDL617/19 HOUSING AND CORPORATE SERVICES**

The Members noted the report as circulated with the agenda and the following issues were raised:

**617.1 – Casual Vacancy Report**

Cllr. McMonagle reported a number of vacancies in Cnoc Ard that were not included in the casual vacancy report and sought clarity. Patricia McIntyre advised that there was only one vacancy that the Council was aware of which a family had been identified for.

**617.2 – Homeless Support**

Cllr. McMonagle highlighted the need for more support services for people presenting as homeless and said that support by way of B&B vouchers for one / two nights was not sufficient for families who were struggling to find a deposit for private rented properties. Cllr. McMonagle asked if the Council explored the homeless deposit under the HAP Scheme. Patricia McIntyre confirmed that this was currently being explored under the existing Tenancy Sustainment Programme with North West Simon.

**617.3 – Social Housing – Long Lane & Carrigart**

Cllr. McMonagle stated that it was taking too long for the Council to build houses and in particular the Long Lane development which was announced four years ago. Cllr. McMonagle said he would take a motion to Plenary on the delays under the capital works programmes.

Cllr. Blaney asked for the update on the proposed development for Carrigart as the people in this area are becoming frustrated by the lack of social housing available in this area. Cllr. Blaney stated that in the capital report 199 houses would be made available in Letterkenny town and asked that the Council make a genuine effort to ensure that adequate housing would be provided in rural areas by way of construction of SI properties, developments and housing acquisitions.

**617.4 – Sheltered Accommodation / Housing demand for single applicants**

Cllr. Kavanagh asked if sheltered accommodation could be explored in Letterkenny as he had been contacted by people who wished to sell their homes if this type of accommodation was available as they would feel safe and have company.

Cllr. Kavanagh also highlighted the need for one / two bed accommodation for single applicants on the housing list. Patricia McIntyre agreed that this was the largest demand in Letterkenny.

**617.5 – Maintenance of Council Properties**

Cllr. Brogan raised concern at the lack of maintenance staff and the need for more maintenance to be carried out by the Council. Cllr. Brogan asked that the same

standard was applied to Council owned properties as to those inspections carried out in the Private Rented Inspections. Patricia McIntyre advised that the Council would be initiating a Condition Survey Programme in 2019 with a view to carrying out necessary works under a planned maintenance programme.

**617.6 - Mica**

Cllr. O'Donnell raised concern in relation to the delay in carrying out improvements as a result of Mica. Cllr. O'Donnell asked that the condition of houses were improved asap as the tenants were being stopped from purchasing under the Tenant Purchase Scheme and children were becoming sick due to the damp issues.

**617.7 – Pines Estates Churchill**

Cllr. McBride raised considerable concern regarding the ongoing issue of sewage running adjacent to the Pines Estate in Churchill and reported children playing in this vicinity. Cllr. McBride urged the Council to resolve this issue as a matter of urgency. Liam Ward advised that this matter was discussed with the Housing section and committed to making every effort to provide funding to have this resolved as soon as possible.

**617.8 – HAP Rent Caps**

Cllr. McGarvey asked if there was a limit a landlord could charge in rent under the HAP Scheme. Patricia McIntyre advised that the only limit was based on household size, however there was no limit stipulated on what a landlord could charge in rent under the Scheme.

**617.9 – Gaming & Lotteries Act 1956 – Section 13 (3)**

Patricia McIntyre outlined the motion at the January MD meeting to initiate the procedure to consider the adoption of Part III of the Gaming & Lotteries Act 1956. The required Notice was published in two papers and the Council received 96 submissions which had been circulated to Members for the consideration prior to the meeting.

Patricia McIntyre brought to Members attention that having issued acknowledgements on the submissions received, contact was made from one individual stating that they had not made a submission nor were they aware of the matter.

Cllr. McMonagle stated that a number of the submissions were generic and was worried that the submissions were not signed by individuals. Cllr. McMonagle asked why so much information was redacted.

Cllr. Brogan stated that having read the submissions and the media coverage given to the matter he was approached by only one individual who had huge concern. Cllr. Brogan said there was a lot of on-line gambling and it was important to secure the existing businesses who would need to apply to the Courts for licences accordingly.

Cllr. Brogan asked that 1956 Act was amended as it was far outdated and proposed that the Members adopt Part III which would increase revenue in the county.

Cllr. McMonagle said he opposed the adoption of Part III as he had witnessed the difficulties gaming had caused, he had been contacted by more than one person on the issue and said this had the potential to open up machines in more shops and pubs. Cllr. McMonagle stated that by regularising and issuing licences this did not make gaming less addictive. Cllr. McMonagle highlighted the inadequate support services for gambling addiction and whilst on-line gambling was readily available the Members were only dealing with gaming in the MD.

Cllr. McMongle proposed to vote no to the adoption of Part III and said that with the lack of addiction services, the fact that operators determine how much a person wins, that nothing had changed since the mid 1980's he urged Members to vote no.

Cllr. Glackin seconded Cllr. McMonagle's proposal and stated that Members should strongly reject this. Cllr. Glackin stated that gambling was an addiction, gaming machines were the most addictive form and there were plenty of gambling avenues available online. He had listened to victims on Ocean FM and Jason who spoke on Highland Radio who said he was addicted from 15 years of age, and as this causes havoc for families in no circumstances could he vote for this.

Cllr. Blaney asked for clarity in relation to amending the 1956 Act as it was outdated and asked if this was not a function of the Oireachtais to amend legislation.

Liam Ward referred Members to the report circulated with the Agenda. "Part 1 – Council's role in the matter comes in under Section 12 of the Act which provides that Part III (dealing with the provision for licenced gaming) applies only in an area where is at the relevant time a resolution in force (made by the Council under Section13) adopting Part III. The motion was proposing the adoption of Part III."

Cllr. Blaney was concerned at the number of submissions that, in his opinion, had the same handwriting and a lot of submissions specifically identified a particular place in Letterkenny. A number of submissions were made in writing and by e-mail which increased the number of submissions. Cllr. Blaney asked why information was redacted, noted address included in some and not in others and stated that if a submission was made to a public forum their name and address should be left on it. Cllr. Blaney stated that gaming was prohibited since 1986 in the county with the exception of Bundoran however these owners had proceeded to open their businesses, employ staff and it was not legal. Staff should have been advised of this. Cllr. Blaney noted a previous reference to online and gambling and stated that the Members had no role on this but did in respect of gaming being legalised within the MD. Cllr. Blaney said he had visited the venues, spoke to owners, persons addicted, and staff and noted that the venues had ATM machines that had no limit on the withdrawal amount which concerned him. Cllr. Blaney said he also spoke to

professional people and asked that the motion be deferred until every Councillor was fully informed from all sides. Cllr. Blaney said families were destroyed, and machines were weighted to give out a percentage put in. Cllr. Blaney acknowledged the Act was outdated however said it should be a matter for the Oireachtais to amend. Cllr. Blaney asked that Cllr. McMonagle amend his motion to defer the decision until all members were fully informed. Cllr. Blaney asked how the casinos obtained planning permission when gaming was prohibited.

Cllr. Brogan asked that there was a level playing field and there had been a lot of changes since the 1980's. The venues were good employers, in business a long time and licences would have to be issued through the Court for amusement only. Cllr. Brogan said the 1980's were a difference time, now there was betting on horses, lotto and access to gambling on the mobile phone all day.

Cllr. Kavanagh stated that he had given due consideration and acknowledged that the Act was outdated and stated that the industry needed to be regulated in considering the national spend on gambling, bookies, lotteries on-line, poker schools, etc. Cllr. Kavanagh stated that he did not feel he had a right to tell people what to do with their money, it was as easy to get hooked on Bingo and the facilities were used by older people. He stated that if these venues were closed down people would go on-line and the money would go out of the country. Cllr. Kavanagh said Cllr. Blaney was speaking about gambling in general and not gaming.

Cllr. McBride said he had listened to both for and against and noted that the Inishowen MD had voted to adopt the motion. He said the Act was outdated, the amendment should be considered nationally and not the responsibility of the MD. Cllr. McBride felt that it was unreasonable that it was legal in Bundoran and not in Letterkenny. Cllr. McBride acknowledged that it needed to be regulated and asked the Minister be requested to deal with this at a national level.

Cllr. McDaid stated that online gambling was a major issue in the country and if dealt with small businesses who were paying their taxes would be impacted. He said he could not go against the small businesses in this MD and highlighted the need for this to be dealt with by the Oireachtais.

Cllr. Blaney stated that he wished to clarify that everything he spoke of was in relation to gaming and not online gambling. He said as Councillors they could not deal with mobile / online gambling. Cllr. Blaney said that gaming was prohibited since 1986 and businesses went ahead and operated and showed no respect over this period.

Cllr. McMonagle acknowledged Cllr. Blaney's request to amend his motion to defer a decision. He acknowledged the Act was outdated and said he had raised the question previously as to why businesses were operating illegal gaming machines. There was a lack of support services available, it was very addictive and we needed to stop young people becoming addicted. Cllr. McMonagle said this should be reviewed nationally.

Cllr. Glackin said Members had no control on on-line gambling and asked Members to show that they were serious about no gambling and seek that it is more regulated.

Cllr. O'Donnell formally seconded Cllr. Brogan's motion. He said that the Council was in receipt of rates as a local authority from these businesses, they were employers, planning compliant and were looking to regulate gaming. Cllr. O'Donnell said there were a lot of avenues for gambling and gaming was recreational.

Cllr. McGarvey said he did not have the right to control what people did and an anomaly existed in that this was available in Bundoran. He expressed compassion to those with addiction and the acknowledged the lack of counselling services available. Cllr. McGarvey seconded Cllr. Blaney's motion to defer the motion and requested that the matter be dealt with nationally and not at MD level.

Liam Ward advised that there was now three proposals as follows:

Cllr. Brogan's proposal to proceed to adopt Part III, seconded by Cllr. O'Donnell  
Cllr. McMonagle's proposal to reject to adopt Part III, seconded by Cllr. Glackin, and  
Cllr. Blaney's proposal to defer to adopt Part III, seconded by Cllr. McGarvey.

Cllr. Blaney's proposal to defer was voted on as follows:

<b>Councillor</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Cllr. Liam Blaney	√		
Cllr. Ciaran Brogan		√	
Cllr. Adrian Glackin		√	
Cllr. Jimmy Kavanagh		√	
Cllr. Michael McBride		√	
Cllr. James Pat McDaid		√	
Cllr. Ian McGarvey			√
Cllr. Gerry McMonagle		√	
Cllr. John O'Donnell		√	
<b>Totals</b>	<b>1</b>	<b>7</b>	<b>1</b>

As the proposal to defer had fallen the Members proceed to vote on Cllr. Brogan's proposal to adopt Part III, as seconded by Cllr. O'Donnell. This was voted on as follows:

<b>Councillor</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Cllr. Liam Blaney		√	
Cllr. Ciaran Brogan	√		
Cllr. Adrian Glackin		√	
Cllr. Jimmy Kavanagh	√		
Cllr. Michael McBride	√		
Cllr. James Pat McDaid	√		
Cllr. Ian McGarvey	√		
Cllr. Gerry McMonagle		√	
Cllr. John O'Donnell	√		
<b>Totals</b>	<b>6</b>	<b>3</b>	<b>0</b>

The motion to adopt Part III was carried .

Cllr. Blaney enquired when a motion to revoke could be submitted to the meeting. Liam Ward advised as stated in the Standing Orders as follows:

“A motion to revoke or amend a resolution of the municipal district members can only be made on notice inserted in the Agenda, and such notice shall specify the resolution to be revoked or amended and furnish the terms of the motion to be made; but no such motion shall be allowed to appear on the Agenda to revoke or amend any resolution of municipal district members within six months of the date of the adoption of such resolution except with the written assent of not less than 6 municipal district members. A resolution may not be revoked at the meeting at which it has been adopted.

It shall be necessary for adoption of a motion to revoke or amend a resolution of the municipal district members that not less than 6 members vote in favour and subject to such other requirements as may be specified in SO and to any statutory requirements.”

Cllr. McMonagle asked when the adoption of Part III would come into effect and do the premises make an application to the Courts or Donegal County Council for a Licence.

Liam Ward advised that the next step a requirement to publish notice of that fact in at least two newspapers circulating in the area and also to send copy of the resolution to the Minister.

***617.10 – Disposal of Land at Cranford***

On the proposal of Cllr. Liam Blaney and seconded by Cllr. John O'Donnell approval was given to issue of the formal Notice under Section 211 of the Planning & Development Act 2000 and Section 183 of the Local Government Act 2001 to the Full

Council to dispose 0.072 hectares of land to Richard John & Yvonne Patricia Sterling, Cranford, Letterkenny as outlined in the report circulated with the Agenda.

***MDL618/19 PLANNING & ECONOMIC DEVELOPMENT***

The Members noted the report as circulated with the agenda.

***618.1 Pre-Planning Clinic Dates***

Graham Diamond advised that the next planning clinics would be held on 13<sup>th</sup> and 27<sup>th</sup> March.

***618.2 Letterkenny Local Area Plan***

Graham Diamond advised that consultation with school principals had near completion and Members would be updated at the Workshop on 21<sup>st</sup> March, 2019. It was agreed to have the Workshop at 1.30 p.m. to facilitate the launch of the Community Action Plan at 10.00 a.m. and a Board meeting at the LYIT at 11.00 a.m.

***MDL619/19 ENVIRONMENT***

The Members noted the report as circulated with the agenda.

Joe Ferry made a point of note that the 14<sup>th</sup> March 2019 was the corrected date for the Clean Coast Roadshow.

***MDL620/19 COMMUNITY ENTERPRISE & CULTURAL SERVICES***

The Members noted the report as circulated with the agenda.

***620.1 Community Action on Alcohol Plan***

The Members were reminded that the Launch of the Community Action on Alcohol Plan was on 21<sup>st</sup> March, 2019 at 10 a.m. in Letterkenny Public Services Centre.

***620.2 Pan Celtic Festival***

The Members were advised that the Pan Celtic Festival was on from 23<sup>rd</sup> to 28<sup>th</sup> April, 2019 and asked Members to like on Facebook. Accommodation was booking up quickly.

***MDL621/19 ROADS & TRANSPORTATION***

The Members noted the report as circulated with the agenda.

***621.1 – Roads Budget Allocations 2019***

Fergal Doherty advised Members of the Roads Budget Allocation 2019 as outlined in Appendix A of the Roads Report.



### **621.2 – RI and RM Roadworks Programmes for 2019**

Fergal Doherty advised that the RI Roadworks Programme was up 12% on 2018 and the RM was up 10% on 2018.

The 12% RI increase allows for the following additional works to be carried out, as discussed at the workshop in 2018.

- Letterkenny Rural – Replacement of curtailed sections at Kirkstown and Pluck – Treanavinney
- Letterkenny Town – Hospital Rndabout adjusted to revised tender- small allocation for patching
- Carrigart – Additional Schemes Tirargus and Leabadubh
- Fanad – Additional Schemes at Ballylyn and Glenkeen Road, Milford.

The 10% RM increase allows for the following additional works to be carried out.

- Letterkenny Rural – Completion of Lisnennan to Woodlands scheme previous approved
- Carrigart – Completion of Downings towards Carrigart scheme previous approved.
- Fanad – Additional Schemes at Longhill , Rathmullan and Aughavennan, Rathmullan.

Member approval was sought for the transfer of €106k from RM Local to RM Regional, in approving the RM programme.

On the proposal of Cllr. Gerry McMonagle and seconded by Cllr. Jimmy Kavanagh the RI and RM Roadworks Programmes for 2019 were agreed as outlined in Appendix B circulated with the Roads Report.

Cllr. Blaney asked that funding be provided by the Department or Roads Central for Letterkenny roads in order that the rural areas of Letterkenny MD were not subsidising Letterkenny town roads.

### **621.3 – N56 Coolboy Kilmacrennan Road Scheme – Art Project**

Fergal Doherty asked Members to consult with the Coolboy/Kilmacrennan community with a view to forwarding ideas or concepts for development of an Art Project. Ideas should be submitted by e-mail to [design@dnrdo.ie](mailto:design@dnrdo.ie) before 31<sup>st</sup> March 2019.

### **621.4 – Community Involvement Scheme 2019**

Fergal Doherty advised in his report that closing date for applications was 4.30 p.m. on 12<sup>th</sup> April, 2019. Fergal Doherty agreed to clarify if all past applications were not being considered and that new applications had to be submitted.

Cllr. Blaney asked for clarification on the two year funding agreed because of the volume of applications in 2018. Cllr. Blaney advised that applicants were finding it difficult to contributed 30% of the cost of the works and this was impacting on number of applications being submitted.

***621.5 – Local Improvement Scheme***

Cllr. Blaney asked that a breakdown of the percentage of applications and funding awarded to each of the four Overseers areas. Fergal Doherty agreed to circulate to Members.

Cllr. O'Donnell asked when the updated and reassessed list would be available to Members. Fergal Doherty advised that work was ongoing on the assessment of the applications and once completed Members would be notified.

***MDL622/19 FINANCE***

On the proposal of Cllr. Liam Blaney and seconded by Cllr. John O'Donnell the Letterkenny Municipal District adopted for the financial year ended 31<sup>st</sup> December, 2019 the Schedule of Municipal District Works as set out in the schedules presented at the meeting as required by Section 103A of the Local Government Act 2001 and in line with requirements of Circular LG27/2014/Fin21/2014.

**Questions**

***MDL623/19 TRAFFIC CALMING MEASURES AT SOLOMON'S MANOR, LETTERKENNY***

In answer to his question requesting traffic calming measures be put in place at the entrances to Solomon's Manor in Letterkenny as residents were concerned at the speed of which vehicles were entering the estate, Cllr. Adrian Glackin was advised:

*"Solomons Manor is a private estate over which the Council have no remit."*

***MDL624/19 SEWAGE PROBLEMS AT THE PINES ESTATE, CHURCHILL***

In answer to his question requesting an update on the issues with sewage leaking in front of the Pines Estate in Churchill, Cllr. Adrian Glackin was advised:

*"This matter shall be investigated and a report provided to Cllr. Glackin."*

***MDL625/19 BALLYMACOOL WOODS ESTATE – TAKING IN CHARGE***

In answer to his question requesting an update as to the current status of the Ballymacool Woods estate in Letterkenny in relation to being taken over by the Council, Cllr. Adrian Glackin was advised:

*“An update will be given to Cllr. Glackin on the current status.”*

**MDL626/19 SAFETY MEASURES AT GLENMAQUINN CROSSROADS**

In answer to his question requesting when Safety Works at Glenmaquin Crossroads would begin, Cllr. Gerry McMonagle was advised:

*“There is currently no commencement date for works at Glenmaquinn School. Design consultants RPS are currently developing a design such that roads will be in a position to tender. Further update to follow once tendered price is received.”*

**MDL627/19 PEDESTRIAN CROSSING AT AURA LEISURE CENTRE**

In answer to his question requesting when the works to install the Pedestrian Crossing at the Aura Leisure Centre would start, Cllr. Gerry McMonagle was advised:

*“Design pending, works to be carried out in Q3 this year.”*

**MDL628/19 ARD O’DONNELL RESERVOIR**

In answer to his question requesting an update on a previous motion reference IW Pumping House and Fence around Ard O Donnell Reservoir, Cllr. Gerry McMonagle was advised:

*“The Council is currently in the process of obtaining a quotation for the erection of a fence.*

*The next stage is then to source funding for the works which will involve liaising with other external agencies and colleague Departments.”*

**MDL629/19 FOOTPATH FROM CARRIGART TO DOWNINGS**

In answer to his question requesting when a funding application be made for the construction of the footpath from Carrigart to Downings, Cllr. John O’Donnell was advised:

*“A Natura Impact Statement has been prepared in respect of the proposed development which has been submitted to An Bord Pleanála. An Bord Pleanála may give approval to the application for development with or without conditions or may refuse the application for development. Submissions can be made by the Public up to 12th April 2019, after which An Bord Pleanála will make their determination. The*

*timescale for An Bord Pleanála's determination, is outside of the control of the Council."*

**MDL630/19 BOARDWALK DOWNINGS**

In answer to his question requesting when the Boardwalk would be constructed going into the beach in Downings as previously approved and was to be completed last year, Cllr. John O'Donnell was advised:

*"The proposed boardwalk to Downings beach is now being considered as part of an overall review of parking and beach access in Downings in association with local stakeholders."*

**MDL631/19 FOOTPATH AT DOWNINGS**

In answer to his question requesting when the footpath from Radharc Na Mara cottages to the school in Downings would be completed, Cllr. John O'Donnell was advised:

*"There is currently no date for the commencement of this footpath pending the announcement of funding for year 2 of the 3 Year Public Lighting and Footpath Programme"*

**MDL632/19 SAFETY SIGNAGE AT SOLOMONS MANOR**

In answer to his question requesting that the Council provide "Slow: Children at Play" signage at Solomons Manor, Letterkenny, Cllr. Jimmy Kavanagh was advised:

*"Solomons Manor is a private estate over which the Council have no remit."*

**MDL633/19 % FOR ART SCHEME – LISNENNAN ROUNDABOUT**

In answer to his question requesting that the Council apply to the "Per cent for Art Scheme" for a piece of art at the new roundabout at Lisnennan, Cllr. Jimmy Kavanagh was advised:

*"There was no funding for a % for Art Scheme for the Kilty Roundabout. Roads continue to seek a budget for the erection of an art feature and members will be advised of progressions."*

**MDL634/19 PEDESTRIAN CROSSING AT COYLIN COURT, RAMELTON**

In answer to his question requesting that the Council provide a pedestrian crossing at the bottom of the steps at Coylin Court, Ramelton provide, Cllr. Jimmy Kavanagh was advised:

*“The location of the steps are too close to the nearby corner to provide the required vision lines for a pedestrian crossing.”*

**MDL635/19 GROUP WATER SCHEME UPDATE**

In answer to his question requesting a report on the projected programme for GWS in our M.D, Cllr. Ian McGarvey was advised:

*“Donegal County Council received correspondence from the Rural Water Section of the Department of Housing, Planning and Local Government on 8th February 2019 regarding the next round of funding for capital works in the rural water sector which will cover the period 2019 to 2021. The correspondence was circulated to all elected members and group scheme promoters during week commencing 11th February 2019. In addition the information was disseminated via the Council's social media platforms and website. Donegal County Council invited submissions for inclusion in the application that will be submitted to the Department on 14th March 2019. The Department will assess the submissions received from all local authorities and determine the funding allocations that will be made. When the Council receives notice of allocations received the elected members will be advised.”*

**MDL636/19 UPGRADE OF PUBLIC LIGHTING IN HOUSING SCHEMES**

In answer to his question requesting that this M.D. consider our Housing Schemes for an upgrade of Public Lighting where necessary, Cllr. Ian McGarvey was advised:

*“We can arrange to investigate estates where there is an issue identified with the public lighting.”*

**MDL637/19 GRITTING PROGRAMME - RAMELTON**

In answer to his question asking had Roads included all steep roads in Ramelton for Gritting at serious degrees of Frost, Cllr. Ian McGarvey was advised:

*“Routes were assessed and agreed in 2018 at a workshop with members, whereby no additional routes were added to the existing programme. As the Winter Maintenance programme is administered and funded on a county basis, as a cross Municipal District programme, any proposed changes to the existing programme, should be raised at Plenary Council.”*

**MDL638/19 WOODLANDS TO CALHAME WALK**

In answer to his question requesting an updated report on the Mountaintop walk (Woodlands to Calhame) and when works would be complete and signage erected, Cllr. Ciaran Brogan was advised:

*“Funding of €10,000 was secured for the Mountain Top walk through the Outdoor Recreation Infrastructure scheme and work was carried out with the co-operation of the Letterkenny Area Roads team during Summer 2018 to open up the Mountain path from Woodlands to Calhame over Knockbrin. This used a lot of the funding as there was significant clearing and digger work required to clear this section of path.*

*An application was made for phase two of the works to develop the walk further however this application will be reviewed in March 2019 in the context of the applications for the 2019 Outdoor Recreation Infrastructure Scheme Measure 1*

*Signage materials have since been delivered and it is hoped that the way marker posts and advance warning signs (Walkers on Road) will be erected in the coming weeks. A trail head map board is being developed and will be located one at Mountain Top and another at the Woodlands side.*

*The route is ready for use as a walk and if further funding is secured this year it will go towards improving the surface over Knockbrin and perhaps some trail furniture (picnic bench e.t.c) and some interpretative signage explaining the history of the area and views from the summit.*

*The walk will be open in May 2019.”*

**MDL639/19 COOLBOUY TO KILMACRENNAN N56**

In answer to his question requesting an updated report on the roadworks from Coolbouy to Kilmacreannan N56 and timeframe for same, Cllr. Ciaran Brogan was advised:

*“The Contractor intends to have the final surface completed with Road Markings and Signage installed by end of April 2019. This is weather dependent given the time of year. There will be minor works to side roads and access roads in the following months.”*

**MDL640/19 TRAFFIC MANAGEMENT PROPOSALS FOR LETTERKENNY**

In answer to his question requesting an updated report on the traffic management proposals for Letterkenny and if we have submitted this to the Department to secure funding, Cllr. Ciaran Brogan was advised:

*“Letterkenny Traffic Management Plans update:*

*In 2017 a Council Delegation met with the Department of Transport seeking funding of €2.5 million to design and install a traffic signal and control system connecting the main junctions in Letterkenny to maximise the capacity and coordination of traffic flows. Following subsequent discussions, Transport Infrastructure Ireland has indicated that they will assist with co-funding the parts that are on their national routes.*

*Donegal County Council undertook traffic counts around Letterkenny town at all key junctions (October 2017) to verify the traffic volumes and confirm the validity of the ILUTS report.*

*Topographical surveys were completed of the main junctions and preliminary designs reviewed during 2018. Research has been undertaken on existing systems installed in Galway/Sligo/Dublin/Cork and tender documents were prepared to procure a suitable specialist traffic consultant to detail the specification of the appropriate system to maximize the capacity of the existing Letterkenny main junctions, to co-ordinate traffic flows and to allow for integration of new junctions as the town develops and grows - this was to be tendered for procurement of the system, installation and maintenance.*

*A letter was issued to DTTAS in October 2018 seeking approval of the consultant tender documents. In response, the Council was advised that it must submit a preliminary appraisal for the project (estimated at €2.5million) for consideration by DTTAS and DPER prior to any approval for funding being granted or approval of contract documents.*

*The Council submitted its DPER preliminary appraisal on the 14th December 2018, with a revised estimated cost of €3million, to secure funding for this project. The appraisal must detail various options for delivery of a solution. No funding was allocated for this project in the Donegal 2019 DTTAS allocations. No funding has been allocated to the project by Donegal County Council in its 2019 budget allocation and despite a request during 2018 to the NTA for funding of €250,000 to assist in developing the project, no funding has been forthcoming from this source either.*

*Subsequent discussions have been held with DTTAS (during Jan/Feb 2019) seeking to progress the project and to secure funding and technical support (through the engagement of consultants) to complete this critical infrastructural project for Letterkenny and its environs. A meeting was held with DTTAS on 27th February 2019 and feedback is now awaited on the DPER appraisal.”*

**MDL641/18 DATE AND VENUE OF NEXT MEETING**

It was agreed that the next MDL Meeting would be held on 9<sup>th</sup> April 2019 at the Milford PSC commencing at 2:00 p.m.

This concluded the business of the meeting.

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Mayor

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Meetings Administrator