

COMHAIRLE CHONTAE UÍBH FHAILÍ

MINUTES OF FEBRUARY MONTHLY MEETING OF OFFALY COUNTY COUNCIL HELD IN ÁRAS AN CHONTAE, TULLAMORE ON MONDAY, 16TH FEBRUARY 2009 AT 2.00P.M.

PRESENT: Cllrs. B. Cowen, Cathoairleach (Presiding), N. Bourke, M. Buckley, J. Butterfield, J. Carroll, P. Clendennen, M. Corcoran-Kennedy, D. Dolan, E. Dooley, T. Feighery, E. Fitzpatrick, J. Foran, M. Fox, C. Hanniffy, T. McKeigue, T. McLoughlin, S. Moylan Ryan, P. Ormond, D. Owens.

IN ATTENDANCE: Mr. P. Gallagher, County Manager, Mr. M. Roche, D.O.S., Mr. S. Murray, D.O.S., Mr. F. Heslin, D.O.S., Mr. D. Conlon, H.O.F., Mr. A. O’Gorman, S.E.O., Ms. A. Dillon, S.E.O., (Meetings Administrator) & Ms. N. Troy, C.O.

APOLOGIES: Cllrs. G. Killally and F. McDonnell

VOTES OF SYMPATHY: The members extended Votes of sympathy to families of the following: -

Ann Dillon, S.E.O., Corporate Services, Offaly County Council on the death of her father, John.

Ms. Helena Kennedy, Burkes Hill, Birr, Offaly on the death of her father, Paul.

Mrs. Molly Kelly & Family, Cloncon, Killeigh, Tullamore, Offaly on the death of her husband, Patrick.

Mrs. Kate Buckley, Ballinvalley, Killeigh, Tullamore, Offaly on the death of her aunt, Sr. M. Kelly.

The Gettings Family, Colehill, Cappincur, Tullamore, Offaly on the death of Edwin.

Mr. Ronald Bryant & Family, Rathrobin, Mountbolus, Tullamore on the death of their uncle, Robert Thompson.

Mr. Gerry Nallen, Cushcallow, Banagher, Offaly on the death of his wife, Jill.

Mrs. Blanch Bagnall & Family, Ballymooney, Geashill, Offaly on the death of her husband, William.

VOTES OF SYMPATHY (cont'd):

Mr. Noel Lonergan, Clonminch, Tullamore, Offaly on the death of his father, Stephen.

Mr. Tom Sullivan, Frevenagh, Durrow, Tullamore, Offaly on the death of his mother, Margaret.

Mrs. Bernie Kelly, Kilbride Street, Tullamore, Offaly on the death of her husband, Mick.

Mrs. Sylvia Kennedy, Charleville Road, Tullamore, Offaly on the death of her husband, Ken.

Mr. Jim Casey, Rathrobin, Mountbolus, Tullamore, Offaly on the death of his mother, Julia.

Mr. Chris McRedmond, Brocca, Clonaslee, Offaly on the death of his mother, Sheila.

Margaret & Andrew Molloy, Woodlawn Drive, Clonbullogue, Offaly on the death of their son, Aindreas.

Ms. Annette Corcoran, Ballycumber Road, Ferbane, Offaly on the death of her uncles, John & Joe Daly.

Mr. Kevin Coleman, Belmont, Birr, Offaly on the death of his mother, Molly.

Mr. John Cantwell, Ballindarra, Birr, Offaly on the death of his aunt, Rita Ingram.

Ms. Molly Kennedy, Moorpark Street, Birr, Offaly on the death of her husband, Paul.

The County Manager on his own behalf and on behalf of the staff of the Council joined with the members in these votes of sympathy.

CONFIRMATION OF MINUTES:

On the proposal of Cllr. T. Feighery seconded by Cllr. E. Fitzpatrick the minutes of Offaly County Council's January Monthly Meeting held in Áras an Chontae, Tullamore on Monday, 19th January 2009 at 3.00 p.m. were confirmed.

Cllr. Dolan asked that the minutes be amended to note that Cllr. Molly Buckley seconded his motion regarding the Ballinamere Sráid Plan.

NOTING OF MINUTES:

The following minutes were noted:

- Minutes Of Meeting Of Edenderry Area Committee held on Monday 3rd November, 2008
- Minutes Of Meeting Of Birr Area Committee Held Monday, 8th September 2008.
- Minutes Of Meeting Of Ferbane Area Committee Held Monday, 8th September 2008.

**DRAFT
SUPPLEMENTARY
DEVELOPMENT
CONTRIBUTION
SCHEME FOR CLARA
- COUNTY
MANAGER'S REPORT
ON SUBMISSIONS
RECEIVED:**

Mr. P. Gallagher, County Manager directed the members to his report on the Draft Supplement Development Contribution Scheme for Clara – County Manager’s Report on submissions received which had been previously circulated. He informed the members that the closing date for submissions/observations was the 23rd January 2009 and confirmed that two submissions had been received, both from the Department of Environment, Heritage & Local Government.

In outlining the first submission he advised that the Department referred to the following:

- The policy guidelines issued to all Planning Authorities in May 2007.
- The need to carry out an evaluation of the operation of the current scheme.
- Ensure the direct involvement of the County Development Board structure.
- Copy of the evaluation should be submitted to the Department for comment.

In response to this submission he advised that an evaluation was carried out in relation to the existing Development Contribution Scheme in 2007 and a copy of the evaluation was sent to the Department and the County Development Board was supplied with a copy of the Draft Supplementary Scheme on 24/11/2008.

In referring to the second submission he advised that Department welcomed the use of Section 49 scheme as an innovative means of encouraging the development of specific industrial projects that benefit the community. The Minister noted in the submission the content of the Draft Development Contribution Scheme and the fact that the Council publicised notice in the local newspaper and the Council had regard to over-charging. Mr. Gallagher stated that the Department recommended that Drug Treatment Rehabilitation Centres be placed on the list for exemptions and/or reductions and they also noted that the voluntary/not for profit childcare facilities will benefit for 100% reduction while the commercial childcare facilities will be required to pay the commercial levy. He said that the Department also stated that in the interest of transparency the Council should provide further information in relation to the calculation of the level of contribution to be levied, particularly in the case of commercial/industrial development and should also consider the period of the scheme.

In response to this submission the County Manager advised that the Council will monitor the scheme to ensure double charging does not occur. He intends to allow 100% reduction in respect of Drug Treatment Rehabilitation Centres. He confirmed that further details in relation to the calculation of the levy will be included in the scheme. In relation to the duration of the scheme, it is proposed to make provision for this under 2.87 of the Scheme to read as follows:

“The scheme shall run until 2016 or until 4,500 PE is utilised”

**DRAFT
SUPPLEMENTARY
DEVELOPMENT
CONTRIBUTION
SCHEME FOR CLARA
- COUNTY
MANAGER'S REPORT
ON SUBMISSIONS
RECEIVED:**

He advised that the Draft Scheme will be published on line when adopted

The County Manager recommended that the Council adopt the scheme subject to the amendments outlined in the recommendation with effect from the 2nd March 2009.

In answering queries raised Mr. Gallagher advised that the scheme would run until either 2016 or until the 4,500 PE is utilised, whichever came first. He noted that the charge in the original document is calculated at €666 per PE.

On the proposal of Cllr. D. Dolan, seconded by Cllr. J. Butterfield the council adopted the Draft Supplement Development contribution Scheme for Clara as outlined in the Manager's Report 11th February 2009.

**REVIEW OF
TULLAMORE TOWN
& ENVIRONS
DEVELOPMENT
PLAN 2004-2010 -
DIRECTIONS
REGARDING THE
PREPARATION OF
THE DRAFT
TULLAMORE TOWN
& ENVIRONS
DEVELOPMENT
PLAN 2010-2016:**

Mr. A. O'Gorman, Senior Executive Officer, Planning Department informed the members that a number of meetings had been held between Tullamore Town Council and Offaly County Council to discuss the Review Of Tullamore Town & Environs Development Plan 2004-2010 and establish directions regarding the preparation of the Draft Tullamore Town & Environs Development Plan 2010-2016. He directed the member's attention to a document outlining the Tullamore Town Council Members' directions, which had been circulated and included directions on the following:

1. Town Centre
2. Employment & Economy
3. Social, Community & Educational
 - Arts Centre
 - Education
 - Linkages
 - Accessibility
4. Infrastructure
5. Specific Areas
 - Charleville Estate
 - Harbour Area
 - Grand Canal
 - Railway Station/Kilcruttin
 - Approach Roads
6. Built Form

Mr. O'Gorman confirmed that the next stage would be to prepare the draft plan which would then come back before the council in the summer for their consideration. His recommendation was to proceed with the plan as directed.

The members thanks to the Planning Department.

**REVIEW OF
TULLAMORE TOWN
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PREPARATION OF
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TULLAMORE TOWN
& ENVIRONS
DEVELOPMENT
PLAN 2010-2016:**

Cllr. D. Dolan declared an interest a property on Cormac Street referred to in Submission TDP024 and thus offered to absent himself from any discussion or decision making in relation to same. Cllr. Dolan suggested the timeframe in Appendix E should read Feb. '09 not Feb. '08 (p.8 of 12 App. E)

Cllr. D. Dolan made a formal proposal to amend the Draft Plan to change zoning at Grand Canal Quarter to Open Space.

Cllr. T. McKeigue confirmed that the maintenance of the Tullamore River is included in the programme of works for the Office of Public Works. It is proposed to work on the barrier walls in Autumn.

On the proposal of Cllr. J. Butterfield and agreed by the Council to proceed with the plan.

In responding to queries raised, Mr. P. Gallagher, County Manager advised the following:

- It is the intended at this time to receive a broad direction to assist in drafting the plan.
- Zoning issues would be dealt with at Draft Plan stage.
- Directions of members would be taken into consideration, while at the same time statutory obligations would have to be adhered to.
- There is no policy in the plan currently that is at variance with National Policy on Floodplains.

Cllr. M. Buckley asked that protection of the floodplain be included as an objective.

**LOCAL
GOVERNMENT
(PLANNING &
DEVELOPMENT)
REGULATIONS 2001-
2007 PART VIII
KILLEIGH
CEMETERY:**

Mr. M. Roche, D.O.S., referred the members to the report under Part VIII which had been circulated detailing the following proposals for Killeigh Cemetery:

- Extension to existing cemetery to the east by approximately 0.9acres (610 additional spaces)

There were no submissions received.

On the proposal of Cllr. T. McKeiuge, seconded by Cllr. M. Buckley the members approved of the proposals to proceed with the above works.

**RECOMMENDATION
FROM THE
HOUSING, SOCIAL &
CULTURAL S.P.C. RE
MATCHING
FUNDING FOR
PLAYGROUNDS:**

Cllr. Sinead Moylan-Ryan, Chairperson of Housing, Social & Cultural Strategic Policy Committee advised that at their meeting held on 2nd December 2008, the following recommendation to the Corporate Policy Group was unanimously agreed by the members:

To increase the maximum matching local authority contribution for playground from its current level of €40,000 to €50,000

Cllr. Moylan-Ryan in proposing the recommendation, stated that this would be a great support for the local groups attempting to obtain a playground for their communities, especially as the Department has withdrawn their grant aid. Cllr. N. Bourke seconded the proposal which was then agreed.

In responding to queries Mr. Sean Murray, D.O.S., gave the reason for the initiative as a response to the Department's decision to pull funding nationally. He stated that no acknowledgement regarding the contribution is given from the Department when land is donated. He said it is envisaged that Offaly County Council would work in partnership with the community who would become more involved in the maintenance/security of the playgrounds in the future. He confirmed that this issue is with the Housing SPC who are currently working on a policy. He advised that it is expected that the Development Contributions Scheme will fund the projects.

The Cathaoirleach complimented the S.P.C. on their work to date on playground policy.

**DEVELOPMENT
CONTRIBUTIONS
SCHEME:**

Mr. A. O'Gorman, Senior Executive Officer, informed the members that the issue of reviewing the Development Contribution Scheme had been raised at the Planning SPC.

He noted that the current scheme had been reviewed in 2007 and involved wide consultation. The new scheme came into effect on 3rd March 2008. He advised that the recommendation was not to review the scheme as it was reviewed last year.

Mr. Gallagher in responding to queries raised by the members stated that the current scheme is short term and is in place to fund a three year capital programme. Due to the changes in the economy, the County Manager agreed, at the request of the members, to examine the scheme to determine the impact of a reduction in the Development Contribution Levy and report back in due course.

**APPROVAL OF
EXCESS
EXPENDITURE 2007:**

Mr. D. Conlon directed the members' attention to his Memo regarding the Annual Financial Statement 2007 – Approval of Excess Expenditure which had been circulated with the Agenda. He stated that the Memo contained an extract of the Income & Expenditure Account Statement and Balance Sheet for 2007 was attached and that the full version was available on www.offaly.ie.

He was pleased to advise that there was a small overall deficit of €16,845 and an overall accumulated deficit of €64,991 which leaves the Council with minimal excess expenditure from previous years as a burden on future years.

He advised that he had also attached an analysis of the areas where excess expenditure occurred during the year ending 31st December 2007. He outlined the report which gives details of recoupment Contra income and explanations of over-expenditures. He noted that the excess expenditure is €9,925,505. He stated however that the increased DoEHLG funding/allocation, recoupment of Contra income and other excess income and savings have counterbalanced this excess expenditure during the period to give the net deficit of €16,845 for 2007. He then requested the members approve this excess expenditure as outlined above.

On the proposal of Cllr. T. McKeigue seconded by Cllr. D. Dolan the Council approved the excess expenditure as outlined above.

**SCHEDULE OF
MEETINGS 2009
(FINAL DRAFT):**

The members noted the updated Schedule of Meetings for 2009.

**REPORT ON FIRE
SERVICES:**

Mr. F. Heslin, D.O.S. in referring to the report on the Fire Service which had been previously circulated advised that staffing levels in some Offaly Fire Stations are currently below compliment. He informed the members that the 2009 Budget agreed by them made financial provision to fill vacant Retained Fire Fighter posts and he confirmed that these will be advertising these vacant posts shortly.

He advised that Section 26 of the Fires Services Act 1981 states the following:

“Each Fire Authority which maintains a Fire Brigade shall prepare (and, as the occasion requires, revise) plans for fire and emergency operations showing the provision made by it in respect of organisation, appliances, equipment, fire stations, watersupplies and extinguishing agents, training, operational procedures and such matters as may be relevant and for dealing with operations of an emergency nature under Section 25”.

He added that Offaly approved and adopted a Fire and Operational Plan in June 1996 and he said it is intended to prepare a revised draft plan for the attention of the members in the latter half of 2009.

**PRESENTATION ON
LOCAL SPORTS
PARTNERSHIP INITI
ATIVES & 2009
PRIORITIES BY
EAMONN HENRY
L.S.P. CO-
ORDINATOR:**

This item was deferred to the March Meeting.

**NOTICES OF
MOTION:**

On the proposal of Cllr. M. Buckley, seconded by Cllr M. Corcoran-Kennedy the council approved of the following motion:

(a) "That Offaly Co. Council contact the Minister for Enterprise & Employment re bringing down prices, to include the immediate review of electricity and gas prices"

The following motion was proposed by Cllr. M. Buckley, seconded by Cllr C. Hanniffy and agreed.

(b) "That Offaly Co. Council write to the Minister for Agriculture re the delay in payments to farmers for Farm Waste Management Scheme"

The members expressed their dissatisfaction stating that it was a deplorable situation as the farmers had borrowed money, to carry out the required works, in good faith. Cllr. Corcoran-Kennedy requested that the motion be amended to include the following:

'and to ensure that all interest accrued by the farm is included in the payments'.

The amendment was agreed. It was also agreed to circulate the motion to other Councils.

The following motion was proposed by Cllr. T. McKeigue and seconded by Cllr. M. Corcoran-Kennedy:

(c) "That Offaly County Council calls on the Minister to amend the legislation which compels Local Authorities to translate and publish documents including The County Development Plan in Irish. This statutory requirement should only be applied for counties with a Gaeltacht Area"

**NOTICES OF
MOTION (cont'd):**

Cllr. T. McKeigue proposed the following motion, which was seconded by Cllr. M. Buckley:

(d) "That this Council calls on the Government to provide the necessary finance to the H.S.E. in order to carry out the work for applicants that applied under Housing Aid for the Elderly Scheme prior to the County Councils administering this scheme. Some of those applicants already had prior work inspections carried out the H.S.E. and are still expecting works to begin".

Cllr. M. Buckley advised that the H.S.E. are hoping the funding would be allocated in March but could not confirm. She stated that there are 480 people awaiting basic work to be done.

In responding Mr. S. Murray gave a report on the 3 OCC Grant Schemes as follows:

Housing Adaptation Grants:

Total no of applications:	107
No of Provisional approvals issued:	13
No. of Final Approvals issued:	3
Total Approved Budget 2009:	€1,160,000
Recoupable from DoEHLG:	80%

Mobility Grant:

Total no of applications:	12
No of Provisional approvals issued:	6
No. of Final Approvals issued:	1
Total Approved Budget 2009:	€120,000
Recoupable from DoEHLG:	80%

Housing Aid for Older People:

Total no of applications:	117
No of Provisional approvals issued:	4
No. of Final Approvals issued:	0
Total Approved Budget 2009:	€760,000
Recoupable from DoEHLG:	80%

Total No of Applications: 236

He advised that at the end of 2008, we were informed by the H.S.E. staff that there were 247 applications under the Housing Aid for the Elderly Scheme still on hand.

COMHDHÁLACHA:

It members approved of the members attendance at conferences as follows:

Mid West Regional Authority

19th – 20th February 2009

Cllr. M. Fox, Cllr. C. Hanniffy to attend.

Training Seminar for Councillors

25th – 27th February 2009

Cllr. Eamon Dooley to attend.

17th annual Environmental Recognition Conference

4th – 8th March 2009

Cllr. Peter Ormond to attend.

Clonakilty Tourist Conference

6th – 8th March 2009

Cllr. Marcella Corcoran Kennedy to attend.

Training Seminar for Councillors

20th – 22nd March 2009-03-11

Cllr. Molly Buckley to attend.

COMHFREAGRAS:

On the proposal of Cllr. C. Hanniffy it was agreed to support the following motion by Kerry County Council:

“That the members of Kerry County Council call on the Government to introduce a one-off special tourist tax relief of up to 20% for Irish residents who will holiday at home this year in light of the current economic/financial climate which we are in”.

On the proposal of Cllr. M. Buckley the members agreed to support the following motion raised by Dublin City Council circulated in correspondence received from the Association of County and City Councils:

“That the Manager ends the trend of Dublin City Council failing to make use of the opportunities presented by International Women’s Day to promote women’s participation in the political, economic and social life of Dublin City. Given only one quarter of Councillors are women, as a signal of its commitment to gender equality, the Manager will initiate a programme of annual events which will become embedded in the annual life of the city and contribute towards promoting women’s equal participation in governance of the city”.

**ANY OTHER
BUSINESS:**

Road closure in Cappincur – Tullamore Bypass

Cllr. Buckley asked if there would be a Road Closure at Cappincur due to work on the By-Pass.

The Cathaoirleach confirmed that every effort would be made to avoid this.

Kinnity Road Closure – Tullamore Bypass

Cllr. J. Butterfield raised the issue that this road was due to open two weeks previous.

In response, Mr. Frank Heslin, DOS, advised that the Contractor would apply for a road closure if required and he ensured every effort is made to minimise disruption. He noted that overall there is good progress on the project.

Cllr. Feighery complimented the Road staff on the progress reports produced on the By-Pass

Unwanted dogs

Cllr. T. McLoughlin expressed his appreciation to Ciarán O’Sullivan for the humane way he deals with unwanted dogs in the county and the effort he makes to find homes for them.

Local & European Elections

Mr. Sean Murray, DOS, advised that the date for the Local & European Elections has been announced to be held on Friday 5th June 2009, 7am to 10pm.

He confirmed that the closing date for applications to be included in the supplement to the Register of Electors is 18th May 2009.

This concluded the business of the meeting.

MINUTES CONFIRMED: -

CATHAOIRLEACH

MEETINGS ADMINISTATOR

20TH JULY 2009