

COMHAIRLE CHONTAE UÍBH FHAILÍ

**MINUTES OF FEBRUARY MONTHLY MEETING
OF OFFALY COUNTY COUNCIL**

**HELD IN ÁRAS AN CHONTAE, TULLAMORE
ON MONDAY, 15TH FEBRUARY 2010 AT 2.00 P.M.**

PRESENT: Cllr. N. Bourke (Presiding), Cllrs. M. Buckley, J. Butterfield, J. Carroll, P. Clendennen, B. Cowen, D. Dolan, E. Dooley, S. Dooley E. Fitzpatrick, J. Foley, C. Hanniffy, N. Hogan, T. McKeigue, J. Leahy, T. McLoughlin, S. Moylan Ryan, Cllr. P. Ormond, D. Owens, G. Plunkett and L. Quinn

IN ATTENDANCE: Mr. P. Gallagher, County Manager, Mr. S. Murray, D.O.S., Mr. F. Heslin, D.O.S., Mr. D. Kirrane, D.O.S., Mr. D. Conlon, Head of Finance, Ms. M. Cleary, Meetings Administrator, Mr. E. O’Ceillechair, C.F.O., Ms. L. O’Sullivan, S.P., Ms. A. Walsh, E.P., Mr. E. Lynch, Mr. K. Keyes and Ms. N. Troy, Clerical Officer.

APOLOGIES:

VOTES OF SYMPATHY:

Votes of sympathy were unanimously extended to the following:-

Carmel Delaney, staff member of Offaly County Council on the death of her mother, Mary Carroll.

The family of Matt Delaney, former staff member Offaly County Council.

Catherine Mulligan & Family, Rathfeston, Geashill on the death of her husband, Sean

Bernie & Tony Kenny, Clonboniff, Belmont on the tragic death of their daughter, Michelle.

Eamon Joe Ryan, Derryholmes, Belmont on the death of his wife, Phil.

Jack Dunne, Cloneyquinn, Portarlinton on the death of his wife, Rita.

Carmel Spain, Cappaneale, Birr on the death of her brother, P.J.

Rita Kennedy & Family, School St, Crinkle on the death of her husband, Michael.

Mary Ann Molloy, Boolinarrig, Birr on the death of her mother, Joanna.

Ann O’Grady, Knockbarron, Kinnity, Birr on the death of her mother, Lezzie Egan.

**VOTES OF
SYMPATHY
(cont'd):**

Michael O'Donoghue, Ballyshane, Kinnity, Birr on the death of his sister, Aileen.

Mary Galvin & Family, 2 Kearney Park, Tullamore on the death of her husband, Ollie.

Ms. Nolan, Charleville Road, Tullamore on the death of her brother, Larry.

William Delaney & Family, Pallas, Blueball, Tullamore on the death of his brother, Matt.

The Walsh Family, Pallas, Blueball, Tullamore on the death of their mother, Rita.

Daniel Delaney, Lacka, Mountlucas on the death of his father, Paddy.

The Kelly Family, Bursallagh, Croghan on the death of their father, Michael

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. C. Hanniffy, seconded by Cllr. J. Butterfield the minutes of Offaly County Council's In Committee Budget Meeting held in Áras an Chontae, Tullamore on 14th December 2009, were confirmed and signed.
- On the proposal of Cllr. T. McKeigue, seconded by Cllr. B. Cowen the minutes of Offaly County Council's In Committee Budget Meeting held in Áras an Chontae, Tullamore on 21st December 2009, were confirmed and signed.
- On the proposal of Cllr. P. Clendennen, seconded by Cllr. B. Cowen the minutes of Offaly County Council's Statutory Budget Meeting held in Áras an Chontae, Tullamore on 21st December 2009, were confirmed and signed.
- On the proposal of Cllr. J. Carroll, seconded by Cllr. D. Owens the minutes of Offaly County Council's In Committee Budget Meeting held in Áras an Chontae, Tullamore on 11th January 2010, were confirmed and signed.
- On the proposal of Cllr. J. Carroll, seconded by Cllr. B. Cowen the minutes of Offaly County Council's Statutory Budget Meeting held in Áras an Chontae, Tullamore on 11th January 2010, were confirmed and signed.
- On the proposal of Cllr. E. Fitzpatrick, seconded by Cllr. S. Dooley the minutes of Offaly County Council's January Monthly Meeting held in Áras an Chontae, Tullamore on Monday, 18th January 2010, were confirmed and signed.

**MINUTES FOR
NOTING:**

The following minutes were noted:

- Corporate Policy Group Minutes held in Áras an Chontae, Tullamore on 21st December 2009

**FIXING OF DATE
FOR MARCH
MONTHLY
MEETING:**

It was agreed to hold the March Monthly Meeting on 22nd March 2010.

**MANAGER'S
REPORT ON THE
SUBMISSIONS TO
THE DRAFT
TULLAMORE
AND ENVIRONS
DEVELOPMENT
PLAN 2010-2016:**

Mr. D. Kirrane, D.O.S., informed the meeting that the Draft Tullamore and Environs Development Plan 2010-2016 had been placed on public display from 27th July 2009 to 6th October 2009. Thirty eight (38) submissions had been received. As required, the County Manager had issued a report on each of the submissions and this was circulated to the members on 15th December 2009. He advised that the members of the Tullamore Electoral Area and Tullamore Town Council had met on three (3) occasions to discuss the report. Ms. A. Walsh, Acting Senior Executive Planner (A/SEP) gave a detailed summary of the report to the members. Mr. D. Kirrane, D.O.S., advised the members that Tullamore Town Council had addressed the issues and dealt with those areas which are in their functional area at their monthly meeting on Thursday, 11th February 2010. The matters for the consideration of the members at today's meeting referred to those areas which related to their functional area. He drew the members' attention to the Regional Planning Guidelines which include revised population targets to 2022.

The members noted and agreed with the Managers' response/recommendation in relation to the following sections of the circulated report, dated 15th December 2009:

- *Section 4:* 'General' submissions;
- *Section 5:* Submissions specific to 'zoning requests';
- *Section 7:* Masterplan Areas;
- *Section 9:* Built Heritage;
- *Section 10:* Strategic Environmental Assessment;
- *Section 11:* Miscellaneous Amendments.

With regard to:

- *Section 6:* Submissions specific to 'Town Centre' – the members discussed that part of the report which refers to the Tullamore Environs area. On the proposal of Cllr. D. Dolan, seconded by Cllr. E. Dooley the members agreed that the zoning for Town Centre / Mixed Use be changed to Mixed Use on those sites outside of the Town Centre boundary;
- *Section 8:* Infrastructure and Services: Ms. A. Walsh, A/SEP, gave an overview of the flooding risks in the Environs of Tullamore as presented in the 2008 Tullamore Flood Risk Assessment and Management Study and

**MANAGER'S
REPORT ON THE
SUBMISSIONS TO
THE DRAFT
TULLAMORE
AND ENVIRONS
DEVELOPMENT
PLAN 2010-2016
(cont'd):**

outlined the justification tests contained in that report. Ms. Walsh noted the two (2) options recommended by the Manager to the members.

Cllr. D. Dolan proposed "That this council adopt option two (2) regarding flood risk on lands in the floodplain of the Tullamore river east and west of the town as recommended in Section 8 of the Manager's report on the Draft Tullamore and Environs Development Plan 2010-2016 as circulated to the members on 15th December 2009." Cllr. M. Buckley seconded the proposal.

Cllr. D. Owens proposed an amendment which was seconded by Cllr. S. Dooley. He proposed as follows: "To delete everything after "that" and replace it with the following: "the members of Tullamore Town Council and the members of Offaly County Council for the Tullamore Electoral Area note the following:

- 1) The stipulation in Variation No 4 of the Tullamore Town and Environs Development Plan 2004-2010 which states ..."a) Prior to any development taking place in this area, i.e., downstream of the town centre, an appropriate mitigation action as recommended in Section 7.2.3 of the Tullamore Flood Risk and Management Study shall be carried out in full. b) Prior to any development taking place, all flood defences or raised ground levels in the relevant area shall be complete."
- 2) The Department's (DOEHLG) recent guidelines "The Planning System and Flood Risk Management"
- 3) The Justification Test specified in the above guidelines.
- 4) That prior to any development taking place, planning permission will be required, and that the specific provisions contained in 1, 2 and 3 above will be an integral part of the planning process.

The members thus propose that the existing zonings of lands to the East and to the West remain as in existing plans".

Cllr. T. McKeigue asked that any member who had a beneficial interest in the area under discussion refrain from voting. Cllr. B. Cowen sought clarification on the matter. It was agreed to adjourn the meeting for ten (10) minutes to allow for this clarification to be obtained. On the resumption of the meeting Cllr. B. Cowen advised that he was happy with the clarification received and that while he did not believe that he had any beneficial interest he did not wish to cause any controversy and accordingly he would absent himself from the vote. Cllr. B. Cowen left the meeting.

A vote taken on Cllr. D. Owens's proposed amendment resulted as follows:

For:

Cllrs. N. Bourke, J. Butterfield, E. Dooley, S. Dooley, E.

**MANAGER'S
REPORT ON THE
SUBMISSIONS TO
THE DRAFT
TULLAMORE
AND ENVIRONS
DEVELOPMENT
PLAN 2010-2016
(cont'd):**

Fitzpatrick, J. Foley, T. McLoughlin, S. Moylan-Ryan, P. Ormond, D. Owens, G. Plunkett.

Against:

Cllrs. M. Buckley, J. Carroll, P. Clendennen, D. Dolan, C. Hanniffy, N. Hogan, J. Leahy, T. McKeigue. L. Quinn.

Abstained:

Cllr. B. Cowen.

Cathaoirleach Cllr. N. Bourke confirmed that the amendment had been carried. Cllr. B. Cowen rejoined the meeting.

- *Section 12: Record of Protected Structures* – it was noted that the structures listed were not for the consideration of Offaly County Council members.

Cathaoirleach, Cllr. N. Bourke in summing up proposed that having considered the Draft Tullamore Town and Environs Development Plan 2010-2016 and the Manager's Report on submissions received, which was circulated to members on 15th December 2009, the members of Offaly County Council resolve to amend the Draft Tullamore Town and Environs Development Plan 2010-2016 as recommended at the special Tullamore Area Committee meetings on 19th and 28th January and 11th February 2010 and at Offaly County Council's meeting on 15th February 2010. Cllr. J. Butterfield proposed this motion and it was seconded by Cllr. D. Owens and agreed by the members.

**SECTION 183 OF
LOCAL
GOVERNMENT
ACT 2001 –
DISPOSAL OF
LANDS AT 50
CLUAIN FIA,
CURRAGH ROAD,
CLARA:**

Cllr. D. Dolan advised that he had an indirect interest in relation to these lands and withdrew from the meeting for the duration of the discussion on it.

On the proposal of Cllr. B. Cowen, seconded by Cllr. M. Buckley, the Council approved the disposal of lands at 50 Cluain Fia, Curragh Road, Clara in accordance with the terms of the Section 183 notice dated 20th January 2010.

**SECTION 183 OF
LOCAL
GOVERNMENT
ACT 2001 –
DISPOSAL OF
LANDS AT SITE
"P",
CLONMULLEN,
EDENDERRY:**

On the proposal of Cllr. N. Hogan, seconded by Cllr. N. Bourke, the Council approved the disposal of lands at Site "P", Clonmullen, Edenderry in accordance with the terms of the Section 183 notice dated 28th January 2010.

**STATUTORY
AUDIT REPORT:**

Mr. D. Conlon, Head of Finance drew the members' attention to the circulated report. In responding to questions Mr. D. Conlon advised that:

**STATUTORY
AUDIT REPORT
(cont'd):**

- In excess of two thousand (2,000) customers had received water bills in relation to metered connections. He advised that householders could complete a 'Declaration Form' regarding domestic use. Mr. Conlon confirmed that the Council is required by law to issue bills to schools, community groups etc.
- In relation to 7.1 of the report a net bad debt provision of €2.48m in relation to Development Contributions was being provided as a policy of financial prudence. He informed the members that the Planning Section are constantly following up for payment of the contributions owing and, determining the risks associated with these Development Contributions.
- The Council is required to comply with national and EU Procurement legislation and are utilising the e-tendering process hosted by Kerry County Council. He noted that a National Public Procurement Organisational Unit (NPPOU) had been established to examine procurement issues in the public sector in general.

**APPROPRIATE
ASSESSMENT
GUIDANCE:**

Ms. L. O'Sullivan, Senior Executive Planner gave a detailed presentation informing the members of the requirement to carry out an 'appropriate assessment' of planning applications that are likely to impact on Natura 2000 sites. It was agreed to circulate a copy of the presentation slides to the members.

**NOTICES OF
MOTION:**

a) The following motion was proposed by Cllr. G. Plunkett, and seconded by Cllr. E. Fitzpatrick:

"That Offaly and Laois County Councils form cohesive strategies and a parallel time frame for Portarlinton Town Plan".

It was agreed to forward a copy of the motion to Laois County Council and to propose that the members of Edenderry Local Electoral Area and Emo Local Electoral Area meet bi-annually to progress issues of common concern.

b) Cllr. T. McKeigue proposed the following motion, which was seconded by Cllr. M. Buckley and agreed by the members:

"That Offaly County Council calls on The Ministers for Transport and Environment to reverse their decision not to provide any emergency funding to repair the roads. This decision will have a major impact on many roads throughout Co. Offaly that are now in a very poor state and in some cases dangerous".

c) The following motion was proposed by Cllr. T. McKeigue, and seconded by Cllr. M. Buckley:

"That Offaly County Council consider reducing the development levy for first time housing applicants".

Mr. D. Kirrane, D.O.S. in responding advised that applicants are not charged the levy for water and wastewater services if

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

they are not availing of these amenities. It was agreed that the Strategic Policy Committee would examine the matter.

d) Cllr. M. Buckley proposed the following motion, which was seconded by Cllr. L. Quinn:

“That Offaly Co Council ensures that the group to implement the Barcelona Declaration be convened”.

Ms. M. Cleary, SEO Corporate Services agreed to re-convene the group in the coming weeks.

e) The following motion was proposed by Cllr. M. Buckley and seconded by Cllr. L. Quinn, and agreed:

“That Offaly Co. Council write to Minister Mary Hanafin regarding the inadequate response to the increasing number of people who are unemployed”.

Cllr. M. Buckley advised that unemployment was at a fourteen year (14) year high and that Ireland had the second highest rate of unemployment in the Eurozone. She requested that the Council write to the Minister requesting that every effort be made to stimulate job creation. She suggested that consideration be given to: extending the workplace scheme and reducing taxes to encourage employers to employ, the creation of additional training places for those who have lost their job, addressing the delays being experienced by those seeking social welfare entitlements and to ensure that a FAS Officer is available in a timely manner.

COMHDHÁLACHA:

The following conferences were proposed Cllr. M. Buckley and seconded Cllr. E. Dooley:

ACCC Annual Conference, Ballykisteen Hotel, Limerick Junction – 4th/5th March 2010

It was agreed to send Cllrs T.McKeigue, C. Hanniffy.

The Local Government Housing Service, Killarney Plaza Hc 18th/20th March 2010.

It was agreed to send Cllsr. P.Clendennen, M. Buckley

LAMA Annual Conference, Sligo Park Hotel, 9th/10th April 2010.

It was agreed to send Cllrs. J. Carroll, T.McKeigue, N. Hogan, I Fitzpatrick, C. Hanniffy, P. Clendennen, M. Buckley,

Restrospective Approval is sought for the attendance of:

Cllrs. J. Butterfield, E. Dooley at the AMAI Spring Seminar, on 12th/13th February 2010.

Cllr. J. Butterfield at the Planning Seminar for Councillors. 29th, January 2010.

**ANY OTHER
BUSINESS:**

Parking Arrangements, Áras an Chontae

Cllr. M. Buckley sought an update with regard to parking arrangements at Áras an Chontae. Mr. S. Murray, D.O.S. advised that arrangements, that would result in dedicated staff and customer parking at Áras an Chontae, was being finalised. He advised that paid parking was available across the road.

Fire Services

Cllrs. J. Leahy, G. Plunkett and E. Dooley sought an update with regard to negotiations with the Fire Services Trade Unions. Mr. F. Heslin, D.O.S. advised that the Council are awaiting a response from the DEHLG with regard to their request for approval for the Firefighter posts. He also advised that the Trade Union had not issued a formal response to the Council's proposals for achieving greater efficiencies.

School Building Programme

Cllr. N. Hogan requested that every effort be made with the Department of Education and Science to prioritise the development of Scoil Bride in Edenderry.

Health Forum

Cllr. T. McLoughlin sought an update from those Councillors who are nominated to the H.S.E. Regional Forum on the issue of waiting lists for operations at Tullamore Hospital. Cllr. T. McKeigue advised a meeting was scheduled for the following day and that he would raise the matter there.

This concluded the business of the meeting.

MINUTES CONFIRMED:

CATHAOIRLEACH

RUNAÍ

22nd MARCH 2010