

**MINUTES OF JANUARY MEETING OF THE COUNCIL HELD ON THE 26TH OF
JANUARY 2004 IN COUNTY HALL PORTLAOISE AT 11.00 A.M.**

PRESENT: Councillor Joseph Digan In the Chair

ALSO PRESENT: Councillors: William Aird, John Bonham, Michael Costello, Ray Cribbin, James Daly, James Deegan, John Joe Fennelly, Charles Flanagan, Catherine Fitzgerald, Bill Delaney, David Goodwin, Michael Lalor, Seamus McDonald, Jerry Lodge, P.J. Bracken, John Moran, Brendan Phelan, Martin Phelan, Michael Rice, Martin Rohan, Mary Sweeney, Michael Turley, Mary Wheatley

APOLOGIES: John Dunne

IN ATTENDANCE:

Messers Martin Riordan, County Manager, Louis Brennan, Director of Services, Sean Mullins, A/Director of Services, Gerry Gibson, Director of Services, Peter Scully, Head of Finance, Declan Byrne, Director of Services, Ms. Carmel McNicholl, A/Senior Executive Officer, Corporate Affairs, Ms. Irene Delaney, Administrative Officer, Corporate Affairs & Ms. Michelle McCormack, Assistant Staff Officer, Corporate Affairs.

871. CONFIRMATION OF MINUTES

- (a) On the proposition of Councillor Mary Wheatley seconded by Councillor John Joe Fennelly, the minutes of the Budget Meeting in committee held on the 10th of December 2003 were confirmed and signed
- (b) On the proposition of Councillor Seamus McDonald seconded by Councillor Michael Lalor, the minutes of the Statutory Budget Meeting held on the 12th of December 2003 were confirmed and signed
- (c) On the proposition of Councillor Mary Wheatley seconded by Councillor Patrick Bracken, the minutes of the December meeting held on the 15th of December 2003 were confirmed and signed

872. LOCAL AUTHORITY STAFF: APPLICATION OF INCREASES UNDER THE SECOND PHASE OF BENCHMARKING AND SECTION 19.18 OF SUSTAINING PROGRESS IN ACCORDANCE WITH CIRCULAR LETTERS EL 10/03, EL 849, REM.77 & 1/04

On the proposition of Councillor John Joe Fennelly, it was agreed that a vote be taken on this item. This proposal was seconded by Councillor Brendan Phelan.

A vote by roll call was taken on the following resolution:

“That Laois County Council pay increases under the second phase of benchmarking and Section 19.18 of Sustaining Progress in accordance with Circular Letters EL 10/03, EI 849, REM. 77 & 1/04”

The vote resulted as follows:

The resolution was unanimously passed by 21 votes for. Four members were absent.

873. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS, 2001 IN RESPECT OF PORTLAOISE NORTHERN ORBITAL ROUTE

Members were circulated with the planning report and detailed drawings in respect of Portlaoise Northern Orbital Route.

Mr. Gerry Gibson, Director of Services indicated that the road will be 6 kilometres approximately and will run from the Dublin Road south of the M7 Ballydavis Interchange to the Mountmellick Road south of the Crookedy Lane Junction. Proposals were put on public display and submissions were received which are detailed in the planning report. Meetings have been held with landowners and the issues raised will be taken into account.

Mr. Gerry Gibson responded to the various queries raised. On the proposition of Councillor Mary Wheatley seconded by Councillor Catherine Fitzgerald, members unanimously agreed to proceed with the Portlaoise Northern Orbital Route in accordance with the planning report presented to the meeting.

874. REPORT ON PLANNING ACTIVITY 2003

Members had been circulated with a report on planning activity 2003. It was indicated that there was a 30% increase in the number of applications since 2002 and that the scale of applications is continuing to expand. Total fees paid for the year amounted to €80,000.

The County Manager together with the members of the Council complimented Mr. Gerry Gibson, Director of Services and the staff in the planning department on planning activity to date. The members conveyed their good wishes to Mr. Peter Dolan, Senior Planner who is currently on illness leave.

875. ADOPTION OF CAR PARK & PARKING PLACE BYE-LAWS 2004

Members had been circulated with a report on this item together with a detailed map on the proposals. A lengthy discussion ensued regarding parking in the town of Portlaoise. Members were circulated with a document outlining the issues that had been agreed by the Committee which was set up to review the parking bye-laws.

The following items were also presented to members for adoption :-

- (i) provision to be made for motor cyclists to park their vehicles in pay and display areas in the town (according to the existing bye-laws, they are excluded from parking in the town
- (ii) pay and display parking outside TSB bank on Main Street. According to the existing bye-laws, this area is a loading bay and this needs to be regularised. The manner of parking at this location to remain the same
- (iii) introduction of pay and display parking around the library in Lyster Square
- (iv) introduction of pay and display parking around Áras an Chontae

The Portlaoise Area Councillors strongly opposed the introduction of disc parking around Áras an Chontae.

The members stated that they needed a commitment from Laois County Council that long term parking spaces would be provided in the town.

On the proposition of Councillor William Aird seconded by Councillor Martin Phelan the adoption of the bye-laws was deferred to the February meeting of the Council

The County Manager requested that members revert in a reasonable time frame with a solution.

876. FLASHING LIGHTS PROGRAMME

It was indicated that an additional €10,000 has been allocated for flashing lights making available the sum of €30,000 for the year 2004. It is proposed to bring forward two sets of flashing lights which were due to be completed in 2005. The proposed programme for 2004 is now as follows:-

- Paddock National School, Mountrath
- Swan National School, Wolfhill
- Ballyfin National School
- Rath National School, Ballybrittas

On the proposition of Councillor Mary Wheatley seconded by Councillor John Joe Fennelly, the flashing lights programme was unanimously agreed.

877. PUBLIC LIGHTING

It was agreed that members would submit their proposals for the next area meetings.

878. COMMUNITY INITIATIVES - UPDATE

Members were advised that a sum of €25,000 has been provided for in the budget 2004 for projects to be undertaken by community groups around the County. Completion of projects must involve significant community participation. Members were requested to nominate projects within their electoral area to be assessed for possible funding.

879. FIX DATE FOR AREA ROADS MEETINGS

On the proposition of Councillor James Daly seconded by Councillor John Bonham, it was unanimously agreed that the Area Roads Meetings would be held on the 16th of February 2004.

880. MAYOR'S BUSINESS

Annual Declaration of Declarable Interests Pursuant To Section 15 of the Local Government Act, 2001

Members were advised that the closing date for receipt of completed forms in relation to the above is the 27th of February 2004

Annual Disclosure by Members of Donations Received for Political Purposes

Members were advised that the closing date for receipt of completed forms in relation to the above is 31st of January 2004

Attendance at Conferences by Councillors:-

The following delegates were nominated to attend the following Conferences:

Conference Title: Merriman Winter School
Venue: Fitzpatrick's Hotel, Bunratty, Co. Clare
Date: 30th January - 1st February 2004
Conference Fee: €50
Attendees: Councillors Michael Costello, John Moran, David Goodwin, Mary Sweeney, Michael Rice, Brendan Phelan, John Joe Fennelly, James Daly, John Moran, James Deegan, Seamus McDonald & Catherine Fitzgerald

Conference Title: Septic Tank Seminar
Venue: Clare County Council, Ennis, Co. Clare
Date: 29th January - 30th January 2004
Conference Fee: €120
Attendees: Councillors Martin Rohan, Mary Sweeney, Catherine Fitzgerald, James Deegan, John Bonham & Michael Lalor

Conference Title: Renewable Energy
Venue: Riverbank House Hotel, Wexford
Date: 5th & 6th February 2004
Conference Fee: €120
Attendees: Councillors Martin Rohan, Michael Rice, Brendan Phelan, John Joe Fennelly, Seamus McDonald, Patrick Bracken, James Daly, Michael Lalor, John Bonham & Catherine Fitzgerald

Conference Title: Association of Municipal Authorities
Venue: The Holiday Inn, Letterkenny, Co. Donegal
Date: 13th - 14th February 2004

Conference Fee: €200
Attendees: Councillors James Deegan, Mary Sweeney, Seamus McDonald, John Joe Fennelly, Brendan Phelan, James Daly, Michael Lalor, John Bonham, John Moran, Martin Phelan & Charles Flanagan

Conference Title: Colmcille Heritage Trust
Venue: Colmcille Heritage Centre, Gartan, Co. Donegal
Date: 27th - 29th February 2004
Conference Fee: €170
Attendees: Councillors Catherine Fitzgerald, Michael Costello, Michael Rice, Martin Rohan, John Joe Fennelly, Brendan Phelan, Paddy Bracken, James Daly, Michael Lalor, John Bonham, John Moran, Martin Phelan & Charles Flanagan

Conference Title: Our Tourism
Venue: Dunadry Hotel & Country Club, Muckamore, Dunadry, Antrim
Date: 27th - 29th February 2004
Conference Fee: €199
Attendees: Councillors James Deegan & Councillor Mary Sweeney

Conference Title: The role of Public Representatives in Promoting Political Awareness in Schools
Venue: Duhallow Park Hotel, Killarney road, Kanturk, Co. Cork
Date: 4th - 7th March 2004
Conference Fee: €195
Attendees: Councillors Martin Rohan, Catherine Fitzgerald, Michael Costello, John Joe Fennelly & Brendan Phelan

Conference Title: 13th Annual Environmental Conference
Venue: The Golf Hotel, Ballybunion, Co. Kerry
Date: 3rd - 6th March 2004
Conference Fee: €250
Attendees: Councillors Michael Rice, Seamus McDonald, Paddy Bracken, James Daly, Michael Lalor, John Bonham, Mary Sweeney, John Moran & James Deegan

Conference Title: General Council of County Councils Annual Conference
Venue: Newpark Hotel, Kilkenny
Date: 11th - 13th March 2004
Conference Fee: €190
Attendees: Councillors Seamus McDonald & Michael Lalor

Conference Title: Partnership - The Possibilities & The Perils
Venue: Kilkee Bay Hotel, Kilkee, Co. Clare
Date: 25th & 26th March 2004
Conference Fee: €160
Attendees: Councillors John Joe Fennelly, Michael Rice, Jerry Lodge, Seamus McDonald, Martin Rohan, Paddy Bracken, John Bonham, Catherine Fitzgerald, James Daly, John Moran, Charles Flanagan & Brendan Phelan

Members were informed that those who are not nominated at this meeting to attend the above conferences must be agreed at the next meeting of Mayor's business. Members were also advised that a summary of the proceedings should be submitted to the next meeting of the Council.

881. TAKING IN CHARGE OF LOUGH GATE, PORTARLINGTON

On the proposition of Councillor Michael Costello seconded by Councillor Mary Wheatley, members unanimously agreed to the taking in charge of Lough Gate, Portarlington. A discussion ensued as to the spelling of 'Lough'. Councillor Charles Flanagan stated that the correct spelling is 'Lock' deriving from the canal.

882. APPROVAL TO THE RAISING OF A LOAN FOR HOUSING PURPOSES

- (i) On the proposition of Councillor Jerry Lodge seconded by Councillor Seamus McDonald, members unanimously agreed to the raising of a loan not exceeding €7,513,380 from the Housing Finance Agency Plc., in respect of the issuing of mortgage finance for 74 housing units at Ridge Road, Portlaoise under the Affordable Housing Scheme.

Members were advised that the 74 houses constructed on Ridge Road Portlaoise have now been sold under the Affordable Housing Scheme. The total amount issued in respect of mortgages to purchasers of the houses is €7,513,380. As per the Department of the Environment, Heritage & Local Government's instructions, a local authority must convert into mortgages any bridging finance borrowed to fund the construction of affordable housing schemes. It is, therefore, necessary for Laois County Council to raise a loan equal to the total amount of mortgages issued from the Housing Finance Agency Plc., and use this money to repay its bridging finance.

- (ii) On the proposition of Councillor Bill Delaney seconded by Councillor John Joe Fennelly, members unanimously agreed to the raising of a loan not exceeding €724,325 from the Housing Finance Agency Plc., in respect of construction of 6 no. affordable houses units at Churchfield, Castletown.

Members were advised the contract for the construction of 19 social and 6 affordable housing units as well as site development works for 25 no. private sites was signed and sealed by the Council in December 2003. The construction cost of building the 6 no. affordable housing units amounts to €724, 323.20 (including apportionment of sewer) . In order to pay the builder for the work it is necessary to raise bridging finance from the Housing Finance Agency Plc. When the houses are sold an affordable housing mortgage will have to be raised and the bridging finance redeemed.

- (iii) On the proposition of Councillor Patrick Bracken seconded by Councillor Jerry Lodge, members unanimously agreed to the raising of a loan of €4.5 million in respect of capital re-instatement works at Kyletelisha Landfill Site.

Members were informed that the review of the landfill licence was issued by the E.P.A. in November 2003. The new licence has placed additional requirements on the landfill and imposed definite timescales for the completion of other works. These requirements include:-

- (a) Capping Cells 1 - 5 (including gas flaring)
- (b) Leachate Storage
- (c) Installation of silt traps and oil interceptors
- (d) Testing and Monitoring

The estimated cost of these works for the eighteen month period from the date the new licence was issued up to May 2005 is €4,500,000.

A lengthy discussion ensued. Members expressed concern and requested that a monthly report on the landfill be furnished. The County Manager stated that this is a requirement of the E.P.A. Licence and that a quarterly report be presented to members.

- (iv) On the proposition of Councillor Catherine Fitzgerald seconded by Councillor William Aird, members unanimously agreed to the raising of a loan of €4.7 million in respect of the proposed new swimming pool and ancillary works at Portlaoise

Members were informed that the current estimated all in costs of this project amount to €8.5 million and it is proposed that it will be financed as follows:

Local Government Swimming Pool Grant	€3.8 million
Laois County Council	€4.7 million
Total	€8.5 million

Detailed contract documents for Portlaoise Swimming Pool have been submitted to the Department of Arts, Sports & Tourism for approval and a decision is awaited.

883. FILLING OF VACANCY ON BOARD OF DIRECTORS OF LAOIS TOURISM COMPANY LTD., DUE TO THE RESIGNATION OF COUNCILLOR KIERAN PHELAN

On the proposition of Councillor Catherine Fitzgerald seconded by Councillor Martin Rohan, members unanimously agreed that Councillor Brendan Phelan would fill the vacancy on the Board of Directors of Laois Tourism Company Ltd., due to the resignation of Councillor Kieran Phelan.

Councillor Martin Phelan complimented Ms. Honor Deevy, Laois County Council's Tourism Officer on the Laois County Council stand at the Holiday World Exhibition in the R.D.S. on Friday last.

884. CORRESPONDENCE

- (i) Members were informed that Mr. Ciarán O Catháin, Director of the Athlone Institute of Technology would be addressing the March meeting of the Council
- (ii) Members were advised of an acknowledgement from Laois Hospice Foundation of €50 in respect of a mobile phone fine

885. DISABLED PERSONS GRANTS & ESSENTIAL REPAIRS GRANTS

Councillor Charles Flanagan raised the matter of Disabled Persons Grants & Essential Repairs Grant following recent newspaper articles regarding the 'forfeiting' of funds for these grants.

The County Manager informed the members that the Council approved a total of 166 applications valued at €1,887,695 for the year 2003, i.e. 113 D.P.G.s - €1,580,375 and 53 E.R.G.s - €307,320.

In order to ensure funds were available throughout 2003 to respond to the needs of applicants and circumstances that may have arisen during the year, the Council's adopted policy was to approve grants on a quarterly basis. There has been a delay by applicants in completing works and drawing down grants. The process was then reviewed by the Strategic Policy Committee and it was agreed that grants would be processed on a half yearly basis.

It should be noted that the Department's allocation can only be drawn down to match payments made, i.e. when works have been completed. It should also be noted that public monies from whatever service are properly expended and that applications are examined and processed appropriately.

The County Manager advised that the administration of the Disabled Persons Grants & Essential Repairs Grant Scheme is a rolling programme, there is not a question of loss of funds to this area, it is rather a question of the timing of works carried out by successful applicants.

886. RIDGE ROAD, PORTLAOISE

Mr. Charles Flanagan expressed concern in relation to the planning report which was approved by members of the Council in relation to the Ridge Road Development. Councillor Flanagan requested Laois County Council to proceed to build the boundary wall and that it continue as far as Mr. Killeen's garden as agreed in the report.

Mr. Riordan, County Manager indicated that he would have the matter examined and that a report would be prepared on the matter.

887. NOTICE OF MOTIONS

Notice of Motion No: 351/03

Councillor John Bonham proposed the following Notice of Motion:-

"That this Council under the proposed new planning development charges exempt all first time homeowners with house signs under 1,700 square feet from such charges with a condition that they remain in the house for not less than five years except in exceptional circumstances"

This motion has already been dealt with under the Development Contribution Scheme which was adopted at a special meeting of Laois County Council held on the 16th of January 2004.

Notice of Motion No: 01/04

Councillor Charles Flanagan proposed the following Notice of Motion:-

"That this Council ensure compliance in full with terms and conditions of planning reports received and approved by the Council in relation to developments pursuant to Part VIII of the Planning & Development Regulations 2001"

This motion was seconded by Councillor Martin Phelan. Members were advised that it is the policy of the Council to ensure that the appropriate section promoting the Part VIII Development - roads, sanitary, housing, library etc., comply with the Part VIII documentation.

Notice of Motion No. 02/04

Councillor Mary Sweeney proposed the following Notice of Motion:-

"That this Council supports the campaign for the official status of Irish in the European Union and that we will write to the Taoiseach, Minister Brian Cowen (Minister for Foreign Affairs), Minister Eamon O Cuív (Minister for Community, Rural & Gaeltacht Affairs) and Minister Dick Roche (Minister of State with special responsibility for European Affairs)"

This motion was seconded by Councillor Jerry Lodge. It was agreed that a Placenames Committee be set up.

This concluded the business of the meeting.

SIGNED: _____
MAYOR

CERTIFIED: _____
DIRECTOR CORPORATE AFFAIRS

DATE: _____