



Miontuairiscí/ Meeting Minutes

Ordinary Meeting 7th November, Council Chamber

An Cathaoirleach, Councillor Eoin Holmes presided.

Members Present:

Councillors Joseph Bonner, Sirena Campbell, William Carey, Shane Cassells, Eugene Cassidy, Jimmy Cudden, Francis Deane, Ann Dillon Gallagher, John V Farrelly, Jimmy Fegan, Brian Fitzgerald, Joe Fox, Oliver Fox, Wayne Harding, Jim Holloway, Suzanne Jamal, Nick Killian, Noel Leonard, Tracy McElhinney, Niamh McGowan, Jenny McHugh, Maria Murphy, Gerry O' Connor, Bryan Reilly, Joe Reilly, Tommy Reilly, Catherine Yore.

Apologies: Councillor Seamus O'Neill.

Officials in Attendance:

County Manager Tom Dowling

Directors of Service: Brendan McGrath, Kevin Stewart, Fiona Lawless, Des Foley, Tadhg McDonnell

Meetings Administrator Martin Rogers

Senior Executive Officers: Larry Whelan, Michael Griffin, Ger Murphy (A)

Planning Staff: Pat Gallagher, Fergal O' Bric, Deidre Fallon

Administrative Officer: Olive Falsey

1.0 Confirmation of Minutes

- 1.1 Confirmation of minutes of monthly meeting held on 3rd October 2011.
The minutes of the monthly meeting held on 3rd October 2011 were confirmed on the proposal of **Councillor Noel Leonard** and seconded by **Councillor Tommy Reilly**.

2.0 Matters arising from the Minutes

No matters arising

Councillor Tommy Reilly sought a suspension of Standing Orders to discuss Braemor Port. This was agreed on the proposal of Councillor Tommy Reilly and seconded by Councillor Shane Cassells. Cllr. Reilly spoke of the importance of keeping the development of the Port at the top of the agenda and suggested that the Council should seek a meeting with the Minister to ensure that there are no attempts to stall the project. All agreed that this project should be supported and progressed.

Co. Manager, Tom Dowling responded and informed the Council that arrangements have been made to meet with Dublin Port and that there is a team working on the project making sure that it is cited in all the relevant reports. He advised that a report is due to be presented in the near future by the Council's consultants, which will provide details on the best planning approach for the Council regarding the project. This was noted by the Councillors.

3.0 Expressions of Sympathy and Congratulations

Sympathy was extended to:

- The family of Robert McKeown, former employee.
- The family of former Councillor Fergus Muldoon.



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- Mary McCarthy, Environment and Water Services on the death of her brother.
- Roisín O Reilly, former employee on the death of her brother
- Former Councillor Michael Lynch on the death of his mother.

Congratulations were extended to:

- The Council on winning the 'Leading Lights' Road Safety Award.
- The County Manager and Kevin Stewart, Director of Services, for their role in attracting Coco Cola Ireland to set up their business at Southgate, creating 200 jobs.
- Summerhill, Oldcastle, Dunshaughlin, Ratoath G.A.A. clubs on their recent success.
- All the towns and villages who were successful at the recent Pride of Place Awards.
- Boyne River Rescue and Dunshaughlin on their success at the All Island Pride of Place Awards.
- The local Fire Service for its work during the Halloween period.

4.0 Disposal of Land in accordance with Statutory Notices circulated pursuant to the provisions of Section 183 of the Local Government Act, 2001.

5.0 Statutory Business

5.1 Planning

5.1.1 To consider taking in charge of Hermitage Glen Estate, Kells Co Meath as recommended by the Kells Area Members at the September monthly Committee meeting on Monday 26th September 2011.
Approved on the proposal of **Councillor Oliver Fox** and seconded by **Councillor Catherine Yore.**

5.1.2 To consider the taking in charge of roads in Kells Business Park, Kells, Co Meath as recommended by the Kells Area Members at the September monthly Committee meeting on Monday 26th September 2011.
Approved on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Catherine Yore.**

5.1.3 Navan Progress Report

In accordance with Section 15 (2) of the Planning and Development Acts 2000-2011, to receive the report on progress achieved in securing the objectives of the Navan Development Plan 2009-2015 (report to follow).

Fergal O' Bric, Planning Department made a presentation which was followed by comments from the Councillors who expressed their satisfaction with the developments to date particularly the high quality building in the town. When asked about progress on the Railway Line, the Council was informed that the project was still live but that it is ultimately the National Transport Authority who has to make the decision to proceed. It was emphasised that today's presentation was a progress report under S.15 of the legislation and not a review of the Plan. The review of the Plan will commence in November 2013 but in the meantime it can be varied or materially contravened.

Co. Manager, Tom Dowling commented that the progress report shows that Navan is well placed and well planned for the future. He advised that



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the team is still in place and reaffirmed the Council's commitment to continue to work with the relevant agencies to progress the Rail line to Navan.

5.1.4 **Variation No. 13 (Protected Views and Prospects) of the Meath County Development Plan 2007-2013**

To consider the proposed variation and the Manager's Report on submissions received and to resolve to make the variation, to further modify the variation or to refuse to make the variation, in accordance with Section 13 of the Planning & Development Acts 2000-2011.

Tadhg McDonnell, Director of Services, Planning, advised the Councillors of the background to the proposed variation and Pat Gallagher, Senior Planner made the presentation. It was noted that this proposal was to update the Plan to reflect the omission of a map in the previous Plan. Resolved to make the variation in accordance with the **Manager's Report** on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Ann Dillon-Gallagher**.

5.2 **Community & Enterprise**

5.2.1 To receive and consider Art Bursaries Recommendations 2011. **Approved** on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor John V. Farrelly**.

5.2.2 To consider request from Moynalty Tidy Towns for financial assistance.

Kevin Stewart, Director of Services briefed the Councillors on the situation whereby in 2009 Moynalty Tidy Towns applied for and were approved a grant from Meath Partnership under the Rural Development Programme (RDP).

He advised that a loan, on foot of the letter of approval, was received by the Committee from Moynalty Credit Union and the works were completed. The E.U. programme inspectorate subsequently concluded that the works for which the grant was awarded were not eligible under the RDP and that the grant could not be paid. This decision is currently the subject of an appeal to the Department and a decision is expected by the end of the year.

The first payment of the loan is now overdue. Moynalty Tidy Towns Committee has indicated that it is not in a position to meet the first repayment of €34,631 to the Credit Union and faces legal action as a result. The committee has asked Meath Co. Council for a short-term loan to make this repayment. The committee acknowledges in their request that Meath County Council has no liability in this case but that they are appealing for assistance as a last resort. The Council sought legal advice and it was confirmed that the Council is entitled to advance a loan to a community organisation by virtue of the provisions of Section 66 of the Local Government Act 2001. This is a reserved function of the Council and it was noted that the Kells Area Members had recommended that the loan should be provided.

Moynalty Tidy Towns Committee has confirmed in writing that it will either immediately repay the loan if the appeal is successful or, if not, will engage in fundraising to repay the loan.



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Councillors agreed that this was a regrettable situation and hoped that the appeal would be resolved in favour of Moynalty Tidy Towns. It was also remarked that Moynalty Tidy Towns had done nothing wrong, they had acted in good faith on the basis of the letter of offer they received and had carried out the works specified in their application.

Clarification was sought as to whether the letter submitted was legally binding and sufficient to protect the Council's interest. The County Manager advised the Council that the loan was non-recourse and if the Committee is unsuccessful in its appeal the Council will be relying on the commitment of the Committee to meet the liability by way of fundraising. Clarification was sought about the nature of the works and the basis on which the inspectorate had deemed the works ineligible and also what would happen about the remaining balance owed to Moynalty Credit Union if the appeal failed.

It was explained that the inspectorate appear to have taken the view that the works were works that would ordinarily be done by the local authority and therefore, in their opinion, did not meet the test of "additionality" in the RDP. The works included upgrading of footpaths and undergrounding of cabling.

It was also clarified that it had been made clear to Moynalty Tidy Towns that any assistance that would be given related to the current payment and that the Council would not be in any position to assist with any future payments.

Councillor Cassells requested a five-minute recess to discuss the matter with his group. The Cathaoirleach agreed to the recess.

Following the recess and on the proposal of Councillor Farrelly and seconded by Councillor Yore, it was resolved to provide a loan of €34,631 to Moynalty Tidy Towns Committee in accordance with Section 66 of the Local Government Act 2001.

On returning to the chamber Councillor Cassells, on behalf of the Fianna Fail group, proposed that money from the 2012 Roadworks' Programme should be allocated to meet the repayment rather than give a loan to the committee as it was the view of the group that the work should have been carried out by the Local Authority in the first instance. In these circumstances it was his view that imposing a liability on the community to repay a loan was unfair.

The Cathaoirleach ruled that as the decision had already been taken and the loan approved by the Council he would not allow any further discussion on the matter. Councillor Cassells asked that his objection to this be recorded as his group was not present when the decision was made and he strongly expressed the view that the Cathaoirleach should not have restarted the meeting in the absence of a significant number of members. The Cathaoirleach pointed out that a 5 minute recess had been requested and agreed and the 5 minutes were up when the meeting restarted and that those present had made the decision to proceed with the meeting.

5.3 Finance

5.3.1 To receive update on Revenue position to 30th September 2011. Fiona Lawless, Head of Finance, advised that there would be a number of internal budget meetings taking place in the coming weeks. She indicated that it was expected that the Council would achieve a balanced budget in 2011.



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6.0 Report from Protocol Committee

- The Meetings' Administrator advised the meeting of the event on Community Preparedness in a Severe Weather Emergency scheduled for Monday 14th November at the Solstice Arts Centre.
- The Council was also advised that the Draft Register of Electors 2012/2013 is now available for checking and that the 25th November is the last day for applications for inclusion on the live Register to be published in February 2012.

7.0 Correspondence

- 7.1 Correspondence from RSA re Leading Lights in Road Safety Awards 2011. Michael Finnegan, Road Safety Officer briefed the meeting on the progress regarding road safety planning since the adoption of the two Road Safety Plans, the first in 2007 and the second in 2010. He outlined that the implementation of the objectives in the Plans has resulted in a significant reduction in the number of fatalities on Meath roads with 30 recorded in 2005 and four recorded to date this year. He highlighted the contribution of past and present Councillors and the Management and Engineering staff to the success of the Plans. He noted that 11,000 school children have received road safety awareness education as part of the Plan. Commenting on the RSA Award he informed the meeting that Meath County Council is the first Local Authority to receive the 'Leading Lights' Award. All agreed that it was a great achievement to receive this recognition from the Road Safety Authority and congratulated Mr. Finnegan on his dedication and commitment. Some of the issues raised included traffic calming in housing estates and safety measures for pre-school children.
- 7.2 Correspondence from HSE re Regional Hospital for the North East. The contents of the correspondence were discussed and Councillor Tommy Reilly called on the Co. Manager to write to Minister James Reilly and seek a meeting with him to impress upon him the need for the new regional hospital in Navan. The Co. Manager responded and said that there would be no difficulty with this as everything has been done to make the hospital a reality for Navan.

8.0 Notice of Question

- 8.1 Submitted by Councillor Francis Deane:

“With regard to the 2011/2012 Winter Maintenance Programme I wonder if all schools (Primary and Secondary) in Meath could be supplied with an emergency helpline number in the case of problems encountered during severe weather conditions?”

A written response was provided by Brendan McGrath, Director of Services, to the Councillors.

- 8.2 Submitted by Councillor Tommy Reilly:

“In relation to anonymous planning objections/complaints could the Manager outline the legal status of such objections and the policy of Meath County Council in dealing with them at present?”

A written response was provided by Michael Griffin, SEO, to the Councillors.

9.0 Notice of Motion



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9.1 Submitted by Councillor Tommy Reilly:

“I call on the Fire Service of Meath County Council to conduct an audit of all residential apartments/office blocks in County Meath to establish whether they fully comply with the fire & safety requirements”.

The motion, proposed by Councillor Tommy Reilly and seconded by Councillor Shane Cassells, was debated at length with much concern expressed by Councillors on the scale of problems in developments and the risks these problems pose to the owners and their families.

Brendan McGrath, Director of Services explained the inspection procedures in Meath whereby Building Control and Fire inspections are carried out in accordance with the regulations. In addition, he indicated that the Fire Department undertakes spot checks as part of its drill operations and that Part B of the Building Regulations outlines the responsibility placed on Architects and Builders and Meath Co. Council has to be careful not to take on the legal responsibility of other parties.

He advised that the council will be asked to provide a budget for additional Fire Staff so that a more rigorous approach can be taken and priority given to areas such as hotels, nursing homes and apartment buildings. It was noted that all properties taken under RAS and Affordable Homes Scheme are inspected.

Co. Manager commented on the scale of the task as set out in the motion and gave an undertaking to provide a comprehensive report at the January 2012 meeting, which will outline what can be done by the Council and what will be prioritized going forward.

Councillor Reilly withdrew the Motion on the basis that the report will be provided at the January meeting.

10.0 Schedule of Manager’s & Approved Orders (For Information Only)

10.1 Schedule of Manager’s Orders – Infrastructure

Manager’s order no. 105/2011 regarding the appointment of consultants to conduct a feasibility study for the pedestrianisation of Trimgate St. Navan was queried in terms of the nature of the consultation and the fees involved. The County Manager explained that this is just a feasibility study which will involve extensive communications and consultation with the relevant parties. He advised that the information on the fees was not available at the meeting. It was agreed that details of the brief would be circulated to the Navan Area Members.

10.2 Schedule of Manager’s Orders - Environment

10.3 Schedule of Manager’s Orders – Housing Construction

10.4 Schedule of Manager’s Orders – Community & Enterprise

Noted.

11.0 Presentations

No Presentation



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12.0 Any Other Business

- The Fire Service and local area staff were complimented on their work during the recent flooding. The issue of the flooding in Drumconrath was highlighted and the problems facing families re house insurance in the future. It was acknowledged that the problem of the river rests with the OPW. The County Manager advised that the Council's engineers will be discussing the matter with the local people and with colleagues and will consider what, if anything the Council can do in this case. The successful approach and the lead role taken by the Council in the Clonee/Dunboyne area regarding the river Tolka flood alleviation works was noted.
- The issue of the relationship between Meath Leader and Meath Partnership was raised especially the 'grey areas' in relation to projects eligible for grant assistance. It was suggested that Michael Ludlow should be invited to make a presentation to the Council in 2012. The Co. Manager suggested that there should be better interaction between community groups and Leader with no overlap or duplication.
- The decision of Fáilte Ireland to remove the Tourist information facility from the Brú na Bóinne centre was raised. It was felt that this was a backward step given the number of visitors to Newgrange and the potential to direct these visitors to other places of interest in the county. The County Manager accepted that tourism information should be provided there and agreed that contact would be made with Fáilte Ireland in this regard.
- Councillor Fitzgerald acknowledged the correspondence received in relation to the construction of footpaths on the roundabouts and the erection of alternative routes signage on the M3. He also offered congratulation to the newly elected President of Ireland Michael D.Higgins. It was agreed that a letter of congratulation would be written to President McAleese on her achievements in the office of President and to the new President, Michael D. Higgins.