

Minutes of Ordinary Meeting of Kilkenny County Council held on 17th December, 2012.

Chairman: Cllr. M. Shortall

Cllrs. M. O' Brien, T. Prendergast, T. Breathnach, J. Brennan, D. Fitzgerald, M. H. Cavanagh, C. Connery, M. Brett, P. Millea, A. McGuinness, J. Coonan, M. Doran, C. Long, E. Aylward, S. Treacy, M. Noonan, J. Moran, T. Maher, A.M. Irish, P. Dunphy, F. Doherty.

In attendance: Joe Crockett, John Mulholland, John Dempsey, Philip O' Neill, Simon Walton and Anne Maria Walsh.

Apologies: Cllr. M. Fitzpatrick, B. Ireland.

(1) Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a)** Minutes of Ordinary Meeting of Kilkenny County Council held on the 19th November, 2012. Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. T. Prendergast and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 19th November, 2012 as circulated with the agenda be and are hereby approved."
- (b)** Minutes of Ballyragget Electoral Area Meeting held on the 19th November, 2012. Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. C. Connery and agreed:- "That the minutes of the Ballyragget Electoral Area Meeting held on the 19th November, 2012 as circulated with the agenda be and are hereby approved."
- (c)** Minutes of SPC 5 Arts, Culture, Heritage, Tourism and Education Meeting held on the 23rd November, 2012. Proposed by Cllr. J. Brennan, Seconded by Cllr. T. Prendergast and agreed:- "That the minutes of the SPC 5 Arts, Culture, Heritage, Tourism and Education Meeting held on the 23rd November, 2012 as circulated with the agenda be and are hereby approved."
- (d)** Minutes of Joint Meeting of New Ross Town Council, New Ross EAC and Kilkenny EAC Meeting held on the 27th November, 2012. Proposed by Cllr. F. Doherty, Seconded by Cllr. J. Moran and agreed:- "That the minutes of the New Ross Town Council, New Ross EAC and Kilkenny EAC, Meeting held on the 27th November, 2012 as circulated with the agenda be and are hereby approved."
- (e)** Minutes of SPC 1 Forward Planning & Development Strategic Policy Committee Meeting held on the 28th November, 2012. Proposed by Cllr. S. Treacy, Seconded by Cllr. F. Doherty and agreed:- "That the minutes of SPC 1 Forward Planning & Development Strategic Policy Committee Meeting held on the 28th November, 2012 as circulated with the agenda be and are hereby approved."
- (f)** Minutes of Thomastown Electoral Area Meeting held on the 5th December, 2012. Proposed by Cllr. T. Prendergast, Seconded by Cllr. J. Moran and agreed:- "That the minutes of the Thomastown Electoral Area, Meeting held on the 5th December, 2012 as circulated with the agenda be and are hereby approved."

Cllr. M. Shortall extended congratulations to all the businesses in Kilkenny who received Kilkenny Chambers Awards recently and to Cllr. P. Dunphy on his appointment as Chairperson of Southern Board of the GAA.

Cllr. M. H. Cavanagh extended good wishes to Cllr. B. Ireland and Bobby Aylward for a speedy recovery.

Cllr. M. Shortall and Mr. J. Crockett extended best wishes to the members, staff and their families for a very Happy Christmas. Good wishes were also extended to all emergency personnel who will be working over the Christmas period. Cllr. Shortall reminded all the people to have a safe Christmas and take the necessary precautions when travelling or in the home with Christmas lights and candles.

Votes of Sympathy were extended to the following:-

- Maura Leahy (Planning) on the death of her sister Frances Quigley
- Owen and Harry Shine (Roads) on the death of their step mother Eta Shine.
- Niamh Finn (Arts Office) on the death of her mother Margaret Finn.
- Family of Christy Aylward, Courtnaboghla, Skeoghvosteen (Pensioner)
- Paddy Barden, Clonmore, Piltown on the death of his wife Eileen Barden.
- Margaret Long, Ardclone, Piltown, on the death of her husband Noel Long.
- Carmel Forristal & Family, Columcille, Thomastown on the death of her husband Dick Forristal.
- Kathleen Kenny, Aglish, Carrigeen, on the death of Jimmy Kenny.
- Sheila Ryan, Knockreagh, Callan, on the death of her husband Tom Ryan.
- Tess O' Sullivan, The Meadows, Callan, on the death of her husband Con O' Sullivan.
- Kevin Roche, Knockeenbawn, Kilmanagh on the death of his mother Bridie Roche.
- Kathleen Holden, Aglish, Carrigeen, Via Waterford on the death of her husband Jimmy Kenny.
- Mrs. Mary Crowe, Tinvancouse, Kilmacow on the death of her husband Tim Crowe.

2. **Business prescribed by Statute, Standing Orders or Resolutions of the Council. - Gnó forordaithe do réir Reachtaíochta, Orduithe Seasta, nó Rúin an Chomhairle.**

(a) Roads – Bóithre

(i) *Commencement of Part 8 Process for Urban and Village Renewal Scheme in Ballyragget.*

Mr. Mulholland advised the members that it is proposed to commence a Part 8 Public Consultation in relation to the Ballyragget Village Renewal Scheme. The project is ready to be advanced as the local contribution of 25% required is in place and the proposed layout for the Square has been agreed in principle with the local community group. Changes to the Leader Rural Development Programme now facilitates local authorities in becoming project promoters for urban and village and/or Rural Heritage Projects.

Kilkenny County Council has funds available for other village renewal projects in Callan, Griaguenamanagh and Thomastown. Consultation will commence on these in 2013, once local contributions finances are finalised.

Contributions were received from Cllr. Connery, M. Shortall, J. Brennan and M. Noonan. Members welcomed the allocations for these projects which will benefit the local community. The public consultations will enable the local people to give their views on their requirement for their area. It is hoped that the Ballyragget Project will be a pilot for other areas throughout the County.

All members were in agreement to commence the Part 8 process.

(ii) *Multi Annual Scheme for Non National Roads*

Mr. J. Mulholland referred to the report circulated to members in relation to the multi annual scheme for non-national roads 2013 to 2016. Restoration Improvement Grants this scheme has already been discussed at all local electoral area meetings. The gross value of the proposed scheme is just over €14.9m.

The purpose of the next 4 year programme is to ensure that the non-national roads are maintained to a satisfactory level having regard to value for money considerations and recorded pre-existing conditions of the road network. It is essential that we protect the investment in the road network. The county's local primary and secondary network is generally in a satisfactory condition but class 3 local roads require ongoing reconstruction, improvement and maintenance.

It was proposed by Cllr. T. Maher, Seconded by Cllr. M. Brett and agreed:-
“That the members approve the 2013-2016 Roads Programme and that the programme be submitted to the National Roads Authority/Department of Transport, Tourism & Sport”.

(iii) *Recommendation to take in Charge 8 No. houses at Fair Green, Cloghabrody, Thomastown, Co. Kilkenny.*

Proposed by Cllr. S. Treacy, Seconded by Cllr. T. Prendergast and agreed:-
“That we the members of Kilkenny County Council approve the taking in charge of 8 No. houses at Fair Green, Cloghabrody, Thomastown, Co. Kilkenny”.

(iv) *Recommendation to put on display proposal to take in charge The Paddocks, Paulstown, Co. Kilkenny.*

Proposed by Cllr. T. Prendergast, Seconded by Cllr. S. Treacy and agreed:-
“That we the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of The Paddocks, Paulstown, Co. Kilkenny in accordance with Section 180 of the Planning and Development Act, 2000”.

(v) *Roads Update*

Mr. John Mulholland updated the members on the current position on active Capital Road Improvement Schemes. Details were provided on the following projects:-

- Ballinaslee, Hennebry's Cross, Callan Road (Tennypark), Damerstown, Grange Bridge, Tower Road, Piltown, Kells Road Kilkenny, Kilkenny Central Access Scheme and Kilkenny Ring Road, Northern River Crossing.

It was noted that the NRA funds for Capital Projects will reduce from €750million nationally to €250 million in 2013 and for subsequent years.

Update was provided of projects to be carried out under allocations for Smarter Travel in Kilkenny City and Ferrybank. A joint cycle way between Kilkenny City and Carlow town is currently being provided through a grant from the Department.

Contributions were received from Cllr. J. Brennan, M. H. Cavanagh, P. Dunphy, C. Connery, M. Noonan, P. Millea, D. Fitzgerald, T. Maher, A.M. Irish, M. Brett, C. Long, S. Treacy, M. O' Brien and M. Doran.

Members welcomed the progress being made on the project on the Ballinalsee Road as the upgrade has been in planning for a number of years.

Issues raised by members were as follows:-

- Flooding at Seskin Bridge
- Tower Road, Piltown – Clarification requested on land acquisition/CPO
- Central Access Scheme and Northern Ring Road crossing. Both projects need to progress together – proposed timetable, timeframe for tender and construction
- Volume of heavy goods vehicles on the Kennyswell Road
- Improvements re Circular Road, Kilkenny
- Improvements at Ballyclovan Cross are welcome and working well.
- Slieverue Roundabout – pedestrian access to village
- Update on Thomastown Relief Road

Mr. Mulholland responded in detail to all issues/queries raised by members. It was proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. C. Connery and agreed:- “That Kilkenny County Council write to the Minister seeking funding for Improvement Works at Seskin Bridge to prevent further flooding to the adjoining house”.

It was proposed by Cllr. A.M. Irish, Seconded by Cllr. P. Dunphy and agreed:- “That Kilkenny County Council write to NRA requesting them to attend a meeting in Newrath to discuss Slieverue Roundabout and access for pedestrians”.

(b) Finance - Airgeadais

- (i)** *Audited AFS for year ending 31st December, 2011 together with the Statutory Audit Report to the Members of Kilkenny County Council for the year ended 31st December, 2011 for the members consideration.*

Mr. Dempsey advised members that they already had received the Annual Financial Statement for 2011 and that the Audit of the Accounts has been completed. The Statutory Audit Report is circulated for member’s information. Cllr. T. Maher requested clarification of the amount due on the Watershed Leisure Complex. Mr. J. Dempsey advised members on how the centre was funded by both Local Authorities, and that provision is made to pay back the investment over a period of years. The value of the property is reflected in the accounts as Share Capital Investment.

- (ii)** Proposed by Cllr. J. Brennan, Seconded by Cllr. T. Breathnach and agreed:- “That Kilkenny County Council hereby approves the raising of a loan of €4,000,000 (four million euro) from the Housing Finance Agency Plc for any purpose authorised under the Housing Acts”

(c) Corporate Affairs - Gnóthaí Corparáideacha

- (i) Action Programme for Effective Local Government
- Local Area Boundary Committee Submissions Invitation*

Mr. Crockett advised members that an invitation for submissions for review of the Local Electoral Area Boundaries has been advertised. The latest date for receipt of submission to the Local Electoral Area Boundary Committee is 25th January, 2013.

It is open to individual Councillors or political parties to make submissions.

Contributions were made by Cllr. T. Breathnach, J. Coonan, M. O' Brien, P. Millea, M. Noonan and M. Shortall in relation to clarification with Borough Members and separate meeting to discuss the issue.

Following discussion it was agreed that the members meet in advance of the monthly meeting on 21st January, 2013 at 2.00p.m. to discuss the issues and that a joint meeting be held with members of Kilkenny Borough Council at 5.00p.m. on 21st January, 2013. Articles published by IPA and House of Oireachtas on "Action Programme for Effective Local Government" would be emailed to all members.

- (ii) Corporate Briefing*

Mr. Mulholland updated the members of the current position on a number of corporate and special projects.

Details were provided on the following projects- Ferrybank Library and Area Office, St. Mary's Hall renovation, High Street Kilkenny and Urban Village Renewal projects under Leader.

Members in general welcomed the opening of the new Library in Ferrybank and noted that quite a number of people in the area have already visited it.

Cllr. M. Noonan welcomed the progress being made on St. Mary's Hall and acknowledged the funding received from Failte Ireland and Kilkenny Civic Trust. He requested engagement with the public in relation to the future use of the building.

Cllr. Long asked if there was any further development on the Ferrybank shopping city and Dunnes Stores.

Mr. John Mullholland responded to the queries raised.

(d) Environment – Comhshaol

(i) *Section 85 Agreement with Carlow County Council for the provision by Kilkenny County Council of specific food safety functions in Co. Carlow.*
Proposed by Cllr. M.H. Cavanagh, seconded by Cllr. C. Connery and agreed.

(ii) *Environment Briefing*

Mr P.O. Neill updated the members on the initiatives being taken under waste management, waste enforcement, water quality and veterinary services. He spoke in relation to the legal requirement of the Council, the reduced capacity to generate income for their environmental services. He gave details in relation to recycling facilities initiatives under Education and Awareness, Regional Planning for Waste Management, Litter and unauthorised dumping, provision of covert cameras. Details were provided on the impact of “Irish Water” for the local authority and the number registered for septic tanks. A shared veterinary service is provided for Carlow and Kilkenny. There is reduced funding for implementation of legislation under the control of horses.

Contributions were received from Cllr. J. Brennan, Ml O. Brien, F. Doherty, M. Noonan, S. Treacy, C. Long, M. Brett, J. Maher, E. Aylward, T. Breathnach, D. Fitzgerald and J. Coonan.

Members complimented the staff on the promotion and awareness initiatives and in particular the success being made with the green schools. The issues raised by members were as follows:

- Unauthorised dumping, use of covert cameras, court prosecutions and name and shame policy.
- Cost of clean ups after illegal dumping
- Knowledge and Expertise of water caretakers and water services staff – with the transfer to Irish water.
- Civic Amenity Centre and Bottle banks - are they monitored, arrangements for collections over the Christmas period.
- Funding for Control Horses – Stock control, registration etc.

Mr. P. O. Neill responded to all queries/issues raised by members.

It was proposed by Cllr. S. Treacy, seconded by Cllr. J. Maher and agreed: -
“That Kilkenny County Council write to the Minister of Agriculture seeking sufficient funding for the local authority to continue to carry out our functions under the control of Horses legislation”.

(a) Urgent Correspondence - Comhfhreagras Práinneach

Response received from Mr Leo. Varadker Minister for Transport, Tourism and Sport in relation to funding for the local improvement schemes has been circulated to all members.

4. **Business adjourned from a previous Meeting - Gnó ar athló ó chruinniú**

roimhe seo:

None

5. **Fix Dates and Times of Meetings - Dátaí agus Amanta do chruinnithe a shocrú:**

Schedule of meetings from December 2012 -February 2013, proposed by Cllr. M. Brett, seconded by Cllr. C. Connery and agreed.

6. **Consideration of Reports and Recommendations of Committees of the Council - Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:**

(a) Report and Recommendation of the Ballyragget Electoral Area Meeting held on 19th November, 2012. Proposed by Cllr. J. Brennan, seconded by Cllr. C. Connery and agreed.

Cllr. M. H. Cavanagh presented report and noted that a large number of public laneways currently on the community involvement in road work scheme list awaiting attention is the highest in the County and additional funds are required for the Ballyragget area.

(b) Report of SPC 5 Arts, Culture, Heritage, Tourism and Education Meeting held on 23rd November, 2012. Proposed by Cllr. J. Coonan, seconded by Cllr. T. Breathnach.

(c) Report on SPC 1 Forward Planning & Development Strategic Policy Committee Meeting held on 29th November, 2012. Proposed by Cllr. S. Treacy, seconded by Cllr. ML. O. Brien.

(d) Report of Thomastown Electoral Area Meeting held on 5th December, 2012. Proposed by Cllr. T. Prendergast, seconded by Cllr. S. Treacy.

7. **Other Business set forth in the Notice convening the Meeting - Gnó Eile romhainn i bhFógra reachtála an Chruinnithe**

None

8. Education & Training – Oideachas agus Oiliúint

(i) Conferences – Request for approval to attend as per circulated list. Proposed by Cllr. ML. O. Brien, seconded by Cllr. F. Doherty.

(ii) Proposed by Cllr. ML. O. Brien, seconded by Cllr. F. Doherty. Summary of proceedings at Conferences have been received from

Councillor	Date of Conference	Title of Conference
P. Millea	12 th August	Parnell Summer School
P. Millea	14 th September	Communicating to win
F. Doherty	October	3rd National Jobs
P. Millea	10 th October	National Disability
P. Millea	12 th October	NFLA Autumn Seminar
P. Millea	16 th October	Maximising the use of Rural Resources
M. Doran	26 th October	Amendments to Social Welfare Acts
F. Doherty	16 th November	Association of Irish Regions
T. Prendergast	17 th – 18 th November	Leader Funding and The Councillor

9. Matters Arising from Minutes - Gnótha ag éirí as Miontuairiscí

None

10. Any Other Business - Aon Ghnó Eile

None

11. Notices of Motion - Fógraí Rúin:

15(12) Cllr. John Brennan – From SPC 5 Meeting

“That no further cuts be considered in 2013 in relation to funding for Arts & Tourism”.

Deferred for discussion at Budget Meeting in January, 2013.

16(12) Cllr. Malcolm Noonan – 7th December, 2012

“That Kilkenny County Council supports the equal access to civil marriage for all citizens within the Republic of Ireland regardless of race, religion, or sexuality and requests that the Minister for Justice would bring forward legislation within the lifetime of the current Dail”.

Deferred to Monthly Meeting in January 2013.

12. Notices of Motion from other local authorities seeking support of Kilkenny County Council County Council - Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh:

39(12) Monaghan County Council – 19th November 2012-12-03

“That having regard to the fact that 90% of all chicken product used in restaurants and take-aways is imported, Monaghan County Council writes to the Minister for Agriculture, Mr. Simon Coveney T.D., requesting that legislation be introduced to ensure that all restaurants and takeaways must display, at the point of sale, details of the country of origin of their chicken product.”

Noted

40(12) Ballinasloe Town council – 22nd November 2012

“That this Council completely rejects the decision of the Minister for the Environment, Community and Local Government, Phil Hogan, T.D. to abolish all Town Councils. This Council is of the very firm view that abolishing the unit of local government closest to the people and indeed the most efficient unit of local government (town Councils) certainly does not contribute in any way to bringing “local government” closer to the people. It is further proposed that this motion be circulated to all Local Authorities, T.D.’s, Senators in this State, to the AMAI and the Minister for Local Government for their consideration.”

Noted

41(12) Kerry County Council – 23rd November, 2012

“That Kerry County Council calls on the Government to amend the relevant legislation concerning Local Area Plans so that the review period would be extended to 10 year cycles as distinct to the current review period”

Noted

42(12) Donegal County Council – 29th November 2012

“That this Council call on the Minister for Finance to put some measures in place in the 2013 budget that will be delivered in early December to help

the people in our community who are finding it extremely difficult to pay their mortgage.”

Noted

43(12) Donegal County Council – 29th November 2012

“That this Council discuss and agree a response to the Government’s decision to shut down County Enterprise Boards in every county at a time when there’s never been more need for a locally based response to the job crises in every county.”

Noted

44(12) Limerick County Council – 29th November, 2012

“That, Limerick County Council calls upon the Minister for Public Expenditure & Reform to reform the present pensions and expenses arrangements of Oireachtas Members, Senior Civil Servants, Judges, Semi-State Senior Executives, including former office holders, in the interest of fairness”.

Noted.

Meeting Concluded at 5. 15 pm.

Signed: _____
Cathaoirleach

Date: _____