

**Minutes of Ordinary Meeting of Kilkenny County Council held on  
15<sup>th</sup> April, 2013 at 3.00p.m.**

- Cathaoirleach:** Cllr. M. Fitzpatrick
- Cllrs:** Cllrs. M.H. Cavanagh, P. Millea, M. Shortall, J. Brennan, C. Connery, J. Coonan, M. Brett, P. Cuddihy, M. Noonan, A. McGuinness, D. Fitzgerald, M. Doran, W. Ireland, T. Maher, P. Millea, J. Moran, T. Prendergast, S. Treacy, C. Long, T. Breathnach, P. Dunphy, A.M. Irish, E. Aylward, F. Doherty.
- In Attendance:** J. Crockett, J. Mulholland, J. McCormack, P. O' Neill, J. Dempsey, D. Malone, C. O' Sullivan, C. Kelly, D. McDonnell and A.M. Walsh.
- Apologies:** Cllr. M. O' Brien

**1. Confirmation of Minutes - Dearbhú Miontuairiscí:**

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on the 19<sup>th</sup> March, 2013.** Proposed by Cllr. T. Maher, Seconded by Cllr. C Long and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 19<sup>th</sup> March, 2013 as circulated with the agenda be and are hereby approved."
- (b) Minutes of Thomastown Electoral Area Area Meeting held on 19<sup>th</sup> February, 2013** Proposed by Cllr. S. Treacy, Seconded by Cllr. T. Prendergast and agreed: - "That the minutes of Thomastown Electoral Area Meeting held on 19<sup>th</sup> February, 2013 as circulated with the agenda be and are hereby approved".
- (c) Minutes of Kilkenny Electoral Area Meeting held on 4<sup>th</sup> of March, 2013.** Proposed by Cllr. J. Coonan, Seconded by Cllr. M. Brett and agreed:- "That the minutes of the Kilkenny Electoral Area Meeting held on 4<sup>th</sup> of March, 2013 as circulated with the agenda be and are hereby approved".
- (d) Minutes of SPC 4 Housing & Social Strategic Policy Committee Workshop held on 6<sup>th</sup> March, 2013.** Proposed by Cllr. B. Ireland, Seconded by Cllr. A. McGuinness and agreed:- "That the minutes of the SPC 4 Housing & Social Strategic Policy Committee Workshop held on 6<sup>th</sup> March, 2013 as circulated with the agenda be and are hereby approved".
- (e) Minutes of Strategic Policy Committee No. 2 held on 15<sup>th</sup> March, 2013.** Proposed by Cllr. M. Noonan, Seconded by Cllr. M. Brett and agreed: -"That the minutes of the Strategic Policy Committee Meeting held on 15<sup>th</sup> March, 2013 as circulated with the agenda be and are hereby approved".

**Cllr. M. Fitzpatrick congratulated the following:-**

- Alan Hayes, Kilkenny on winning the host of the Year at the National Youth Awards – No Name Club
- Thomastown Community – On winning the food competition
- Paul Quilty - Winner of Piltown Enterprise Competition.

**Votes of Sympathy were extended to the following:-**

- Family of Mario Frances, Urlingford, Co. Kilkenny.
- Family of Ellen Teehan, Callan, Co. Kilkenny.
- Family of Willie Ronan, Cuffesgrange, Co. Kilkenny
- Family of Nellie Flanagan, Clogh, Co. Kilkenny.
- Family of Raymond Arthurs, Piltown, Co. Kilkenny.
- Margo Anthony & Family, Owing, Piltown, Co. Kilkenny on the death of Raymond Anthony
- Geraldine & Francis Bradshaw, Main Street, Mooncoin, Co. Kilkenny on the death of Bridget Bradshaw.
- John Dungan, Bog Road, Piltown, Co. Kilkenny on the death of Bridget Flavin.
- The Heffernan Family, Ballyneale, Tullogher, Co. Kilkenny on the death of Jimmy Heffernan.
- Rita Roche, Rathinure, Glenmore, Co. Kilkenny on the death of Mrs. Kathleen Vereker.
- Paul Lynch, Tinneranny, Rosbercon, Tullogher, Co. Kilkenny on the death of Kitty Lynch.
- The Carroll Family, C/o Ger Carroll, Lismatigue, Hugginstown, Co. Kilkenny on the death of Laurence Carroll.
- Mrs. O' Neill, Tower Road, Piltown, Co. Kilkenny on the death of Patrick Purcell.
- Peggy Meehan, Ballyhenebery, Owing, Piltown, Co. Kilkenny on the death of Jack Meehan.
- The Bradshaw Family, Main Street, Mooncoin, Co. Kilkenny on the death of Bridget Bradshaw.
- John Dungan, Ballyglassoon, Piltown, Co. Kilkenny on the death of Bridget Lavery.

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

**(a) Housing Disposal – Díuscairt Tithíocht**

- (i)** Proposed by Cllr. A. McGuinness, Seconded by Cllr. M. Brett and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in No’s 4 and 5 The Park, The Weir, Kilkenny in accordance with the terms of the Housing Acts 1966 to 2002”

## **(b) Roads – Bóithre**

### **(i) Flood Relief Schemes**

Mr. J. Mulholland presented his report dated 14<sup>th</sup> April, 2013 which had been circulated with the agenda. He outlined the development of a number of flood relief schemes and funding requests to the Office of Public Works for 2013. Details were given in relation to the Duiske River, River Barrow SAC, River Barrow at Graiguenamanagh, River Nore at Thomastown, Radestown stream, Seskin Bridge and River Arrigua. Kilkenny County Council has requested funding from OPW for Radestown stream, Arrigua stream and River Duiske. The flood defence schemes for both Graiguenamanagh and Thomastown fall outside the category of “Minor Flood Mitigation Works” Kilkenny County Council will continue to liaise with OPW to have them included under the National Catchment Flood Risk Assessment Management Scheme.

Contributions were received from Cllrs. T. Prendergast, T. Maher, S. Treacy, M. Noonan, P. Cuddihy and M. H. Cavanagh. The issues raised by members include the following:-

- Immediate works required to the Duiske River as a separate project to the overall scheme.
- Restoration of historical footbridge on bed of river
- Regular cleaning of rivers - flooding in Graiguenamanagh is happening on a regular basis.
- Obstructions in rivers – need to monitor and remove to prevent flooding
- Long delays in getting any work done on bigger schemes
- Climate change – need for more cost effective alternative methods e.g. reed beds
- Update on provision of pumps for storm water in Callan.
- Update on works at Seskin Bridge.

Mr. Mulholland replied to all queries raised and advised that the Council is working hard to find a solution for Duiske River. Acquiring the necessary finance is a challenge in the current economic climate. The budget for OPW is reducing also.

- (ii)** Proposed by Cllr. T. Breathnach, Seconded by Cllr. C. Long and agreed:- “We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of 42 Houses at the Crescent, Belmont, Ferrybank, Co. Kilkenny in accordance with Section 180 of the Planning and Development Act 2000”.
- (iii)** Proposed by Cllr. T. Breathnach, Seconded by Cllr. E. Aylward: - “That the County Council of the County of Kilkenny in exercise of the powers conferred on them by Section 11 of the Roads Act 1993 and in compliance with Section 180 of the Planning & Development Act 2000 hereby declare the roads at Blackthorn Hills, Ballyrobin, Ferrybank, Co. Kilkenny to be Public Roads”.

- (iv) Proposed by Cllr. F. Doherty, Seconded by Cllr. E. Aylward:- “That the County Council of the County of Kilkenny in exercise of the powers conferred on them by Section 11 of the Roads Act 1993 and in compliance with Section 180 of the Planning & Development Act 2000 hereby declares the roads at Ballyrobin, Ferrybank, Co. Kilkenny to be Public Roads”.
- (v) Proposed by Cllr. C. Connery, Seconded by Cllr. M. H. Cavanagh:- “That we the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of 5 Houses at Millers (Lodge) Row, Freshford, Co. Kilkenny in accordance with Section 180 of the Planning & Development Act, 2000

(c) **Planning – Pléanail**

(i) **Update on County & City Development Plan Review**

- Agree dates for meetings.

Mr. Denis Malone, Senior Planner updated the members on the draft City & County Development Plans. The draft plan for the County has been circulated to members today. It consists of 12 chapters and it is proposed to hold 4 meetings in committee for the members to consider the plan before it goes on public display in June 2014. The document has been drafted to ensure that it is clear and concise; the objectives are specific, measurable, attainable, relevant and timely. A chapter has been devoted to each of the main issues. The process post public display was outlined to the members. Cllr. M. Fitzpatrick requested approval of the members to the following meetings in committee:-

**Friday 26<sup>th</sup> April, 2013 at 3.30p.m.**

**Tuesday 30<sup>th</sup> April, 2013 at 3.00p.m.**

**Monday 13<sup>th</sup> May, 2013 at 3.30p.m.**

**Thursday 23<sup>rd</sup> May, 2013 at 3.00p.m. – Joint Meeting with Kilkenny Borough Council**

Cllr. Noonan requested further information on the public consultation process during the summer months. Mr. Malone advised that the format has not yet been decided but it is likely that there will be some public meetings.

Cllr. Dunphy requested that the area under urban influence be extended further.

Mr. J. Crockett advised the meeting that a date has been set for a joint meeting with Kilkenny Borough Council in the Parade Tower, Kilkenny Castle to consider proposals for the Diageo site on Thursday 2<sup>nd</sup> May, 2013 at 5.00p.m.

**(d) Corporate**

**(i) Annual Report of Internal Audit Committee**

Mr. Mulholland presented the fourth Annual Report of the Kilkenny County Council Audit Committee. The report has been circulated and it outlines the membership and role of the committee, audit plan for 2012 and the main issues arising from the audit reports presented to the committee. Mr. Mulholland stated that the Audit Committee are satisfied that Kilkenny County Council has proper governance procedures in place.

Cllr. Connery and Aylward complimented the staff involved with the committee and stated that there is a lot of work being done by the committee.

**(ii) Presentation on Kilkenny Integration Strategy 2013-2017**

Mr. Seamus O' Leary, Director of Integration, Planning and Monitoring delivered a PowerPoint presentation to the members. He outlined that the Kilkenny Integration Forum was established in late 2010 and is still operating. The Kilkenny Integration Strategy 2013-2017 was approved by the County Development Board in March, 2013.

He gave details of statistical profiles for Kilkenny compared to national figures. The actions for the next 5 years contained in the strategy were outlined and the lead organisations have been identified for each action. A number of themes were identified in the strategy.

- Employment and economic activity
- Education and training
- Active civic and civil participation
- Social Inclusion

He extended an open invitation to the official launch of the strategy to all members on the afternoon of Saturday 27<sup>th</sup> April, 2013 at the Parade, Kilkenny.

Contributions were received from Cllrs. M. Noonan, D. Fitzgerald, P. Cuddihy and C. Connery. Members thanked Mr. O' Leary for the presentation and congratulated the County Development Board for supporting the strategy. Members urged all organisations to engage. Query was raised in relation to an awareness campaign for the Register of Electors to enable all people to vote. Integration in schools is vital to the strategy.

Mr. McCormack said that the strategy is important for Kilkenny. Putting people first and social integration is important and the County Development Board is happy to continue to support the integration forum.

**(iii) Draft Alcohol Bye Laws**

Ms. A.M. Walsh referred to report circulated with the agenda. The draft Bye-Laws were discussed by members at their area meetings, joint policing committee meetings and the Council approved the draft Bye-laws to go on public display on 21<sup>st</sup> January, 2013. Two submissions were received following public consultation and these have been circulated. It is recommended to Council that a resolution be passed making the Bye-laws. These will be effective 30 days after the members pass a resolution.

Contributions were received from Cllrs. P. Cuddihy, T. Breathnach, M. Brett, M. Noonan, C. Connery, M. Shortall, J. Coonan and S. Treacy.

Issues raised by members.

- General public want bye-laws adopted
- More powers for Gardai – Implementation of bye laws
- Sale of alcohol from off licences/supermarkets
- Culture of moderation needs to be promoted
- Special licences for events

It was proposed by Cllr. P. Dunphy, Seconded by Cllr. J. Moran and agreed: -  
“That Kilkenny County Council hereby approves of the making of Bye-laws under Local Government Act, 2001 on prohibition of alcohol in public places”

**(e) Water Services - Seirbhísí Uisce**

**Rural Water Programme 2013 – Block Grant Allocation (Presentation)**

Mr. P. O’ Neill updated the Council on the grant allocation received for 2013 under the Rural Water Programme. In his presentation to members he outlined that a total allocation of €943,000 has been announced. Kilkenny County Council will be required to provide 25% of the cost of the schemes included in the programme from development levies, therefore €830,500 will be received from the Department and €112,500 from development levies. He outlined in detail the amount allocated to the various projects – Group Water Schemes, Group Sewerage Schemes and Small Public Schemes. Focus in the rural water programme is addressing water quality in all schemes. Funding has been provided this year for a pilot group sewerage scheme. The development of an additional new water source for the Gowran/Goresbridge/Paulstown public supply will also be funded and this will facilitate the connection of a number of private housing estates in these

towns. Water services will submit an application during the year for an additional allocation in the event of the overall national fund not been fully availed of.

Contributions were received from Cllr. J. Brennan, T. Prendergast, F. Doherty, S. Treacy, T. Breathnach, C. Long, P. Cuddihy, M. Doran, T. Maher, M. Shortall, E. Aylward and J. Coonan.

Members in general welcomed the allocation for the various projects. Issues raised by members included the following:-

- Clarification requested on timescale for works to be carried out.
- Will there be a cost for existing house owners to pay a connection to the public supply
- Update on new connections to Bennettsbridge water supply
- Sewerage improvements for Clone/Mullinabro area.
- Percentage of water lost in leakage, and plans for further mains replacement.
- Quality of drinking water in some areas.
- Fluoridation of the water supply

Mr. O' Neill responded to all queries raised. He advised members that work will proceed immediately on the projects included for funding in the allocation. The Gowran/Paulstown works will take a 2 year period so as to facilitate testing of a new water source. Kilkenny County Council continues to seek funds for mains replacement. In relation to fluoridation, Kilkenny County Council acts as an agent for HSE in the fluoridation of water supply which is required by the Fluoridation of Water Supplies Regulations 2007.

**(f) Finance – Airgeadais**

**The 2012 Annual Financial Statement**

Mr. J. Dempsey presented the 2012 Annual Financial Statement. He updated members on the financial position of the Council and advised that the Council kept within the overall budget agreed for 2012. He advised that the draft accounts for 2012 will now be audited by the local government auditor.

Queries were raised by Cllr. T. Maher and Mr. Dempsey responded.

It was proposed by Cllr. T. Maher, Seconded by Cllr. C. Connery and agreed

“That Kilkenny County Council hereby approves of Excess Expenditure for year ending 31<sup>st</sup> December, 2012 as follows in accordance with S104(2) Local Government Act 2001:

<b>Housing &amp; Building</b>		<b>€</b>
A01	Maintenance & Improvement of LA Housing	623,998
A02	Housing Assessment, Allocation and Transfer	602
A06	Support to Housing Capital Programme	32,552
A07	RAS Programme	667,691
A09	Housing Grants	147,653
A11	Agency & Recoupable Services	<u>59,096</u>
	Subtotal	1,531,592
<b>Road Transportation &amp; Safety</b>		
B02	NS Road – Maintenance & Improvement	137,452
B04	Local Road – Maintenance & Improvement	135,314
B05	Public Lighting	209,488
B06	Traffic Management Improvement	31,940
B11	Agency & Recoupable Services	<u>804,356</u>
	Subtotal	1,318,550
<b>Water Services</b>		
C02	Waste Water Treatment	191,065
C03	Collection of Water and Waste Water Charges	127,303
C04	Public Conveniences	40,712
C06	Support to Water Capital Programme	<u>2,120</u>
	Subtotal	361,200
<b>Development Management</b>		
D01	Forward Planning	185,207
D04	Industrial and Commercial Facilities	58
D05	Tourism Development and Promotion	14,922
D06	Community and Enterprise Function	58,210
D09	Economic Development and Promotion	116,978
D12	Agency and Recoupable Services	<u>9,156</u>
	Subtotal	384,531



### **Environmental Services**

E05	Litter Management	69,549
E06	Street Cleaning	74,251
E09	Maintenance of Burial Grounds	9,564
E10	Safety of Structures and Places	21,692
E12	Fire Prevention	22,941
E14	Agency and Recoupable Services	<u>7,168</u>
	Subtotal	205,165

### **Recreation and Amenity**

F01	Leisure Facilities Operations	6,688,463
F03	Outdoor Leisure Areas Operations	93,921
F06	Agency & Recoupable Services	<u>2,323</u>
	Subtotal	6,784,707

### **Agriculture, Education, Health & Welfare**

G04	Veterinary Service	91,946
G05	Educational Support Services	<u>25,691</u>
	Subtotal	117,637

### **Miscellaneous Services**

H01	Profit & Loss Machinery Account	66,425
H02	Profit & Loss Stores Account	19,078
H03	Administration of Rates	348,136
H05	Operation of Morgue and Coroner Expenses	6,036
H09	Local Representation & Civic Leadership	<u>425,334</u>
	Subtotal	865,009

**TOTAL** **11,568,391**

**3. Urgent Correspondence - Comhfhreagras Práinneach**

None

**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:**

- (i) Schedule of meetings from March - May 2013. Proposed by Cllr. T. Maher, 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:**

- (i) Report and Recommendations of the Thomastown Electoral Area Meeting held on 19<sup>th</sup> February, 2013. Proposed by Cllr. J. Moran, Seconded by Cllr. S. Treacy and agreed.
- (ii) Report and Recommendations of Kilkenny Electoral Area Meeting held on Monday 4<sup>th</sup> February, 2013. Proposed by Cllr. J. Coonan, Seconded by Cllr. M. Fitzpatrick. Cllr. J. Coonan raised an issue in relation to deficit in funding for roads and road crews may have to be deployed to other areas to keep within budget.
- (iii) Report and Recommendations of SPC 4 –Housing & Social Strategic Policy Committee Meeting held on 6<sup>th</sup> March, 2013. Proposed by Cllr. B. Ireland, Seconded by Cllr. C. Connery.
- (iv) Report and Recommendations of Strategic Policy Committee Meeting No. 2 – Infrastructure, Transportation, Water Services and Other Policy Issues meeting held on Friday 15<sup>th</sup> March, 2013. Proposed by Cllr. M. Doran, Seconded by Cllr. F. Doherty.

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. C. Connery, Seconded by Cllr. S. Treacy and agreed.

(ii) Summary of proceedings at Conferences have been received from:  
Proposed by Cllr. C. Connery, Seconded by Cllr. S. Treacy and agreed.

<b>Councillor</b>	<b>Date of Conference</b>	<b>Title of Conference</b>
S. Treacy	22 <sup>nd</sup> /23 <sup>rd</sup> February	Public Health Seminar
A.McGuinness	1 <sup>st</sup> /2 <sup>nd</sup> March	Action Plan for Jobs
J. Moran	1 <sup>st</sup> /2 <sup>nd</sup> March	Action Plan for Jobs
F. Doherty	7 <sup>th</sup> /8 <sup>th</sup> March	ACCC Spring Conference
T. Prendergast	8 <sup>th</sup> March	Time & Priority Management
A.McGuinness	8 <sup>th</sup> /9 <sup>th</sup> March	Local Government & Volunteerism
M. O’ Brien	8 <sup>th</sup> /10 <sup>th</sup> March	Local Authorities as Drivers of Local Development
J. Moran	15 <sup>th</sup> /17 <sup>th</sup> March	Leader Funding & The Councillor

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

Cllr. Doherty requested an amendment to the Minutes of the Meeting of 19<sup>th</sup> March, 2013. In relation to votes of sympathy. It was agreed to amend the text from “her” to “his” in relation to the late Arthur Gaynor”.

10. **Any Other Business - Aon Ghnó Eile**

Cllr. M. Shortall requested the County Manager to expedite the process of recruitment of the additional library staff – this was supported by Cllr. Prendergast.

Cllr. Connery requested clarification on the role of the area office in relation to removal of rubbish from the roadside.

Mr. P. O' Neill advised that Kilkenny County Council has engaged a private contractor to provide this service.

Cllr. P. Dunphy enquired about applying for amenity grants. Mr. Mulholland responded.

Cllr. S Treacy asked for update on public toilets for Graiguenamanagh. Mr O' Neill advised that the toilets in Thomastown and Graiguenamanagh will not be re-opened due to health and safety reasons. However there is an option for a community group to identify a suitable location and maintain a public toilet.

Cllr. Long requested update on the provision of additional services at the new offices in Ferrybank and the alternative use for the office in Newrath. Mr. Dempsey and Mr. Crockett responded to her queries.

**11. Notices of Motion - Fógraí Rúin:**

**03(13) Cllrs. Tomas Breathnach, Maurice Shortall, Marie Fitzpatrick, Tommy Prendergast, Michael O' Brien – 7<sup>th</sup> April, 2013**

Cllr. Breathnach advised that the Rural Transport Programme is being restructured and there are proposals to transfer this function to the National Transport Authority. "Ring a Link" service is in operation in Kilkenny, Carlow and South Tipp since 2001 and services an extensive area of population within the South East.

Kilkenny is well positioned to provide a service from a regional point of view. Details of the service provided are outlined in the document circulated by Cllr. Breathnach at the meeting.

Cllr. Breathnach proposed, seconded by Cllr. M. Shortall and agreed:- "That Kilkenny County Council write to the Minister for Public and Commuter Transport and to the National Transport Authority to urge them to retain the services of Carlow, Kilkenny and South Tipperary Rural Transport Company Ltd. (trading as Ring a Link) for the coordination and delivery of rural transport services within any South East region that may emerge in the context of the current re-structuring of the Rural Transport Programme".

**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:**

**06(13) South Tipperary County Council – March, 2013**

“That South Tipperary County Council calls on the Government to take action to tackle criminal gangs involved in the laundering of fuel, smuggling of cigarettes and other counterfeit goods, which is estimated to be costing almost 861 million per year to the taxpayer according to the recent Retail Ireland Report”.

**Noted**

**07(13) Leitrim County Council – 20<sup>th</sup> March, 2013**

“That Leitrim County Council contact the Minister for Finance and the Minister with responsibility for People with Disabilities to ask them to review the policy whereby a community organisation who is carrying out works to make a facility disabled friendly would be able to avail of a VAT exemption in respect of those works”.

**Noted**

**08(13) Offaly County Council – 26<sup>th</sup> March, 2013**

“Offaly County Council calls on the government to immediately reinstate the payment of the minor works grant to all primary schools”.

**Noted**

**09(13) Waterford City Council – 27<sup>th</sup> March, 2013**

“That this Council calls on the Minister for Education Ruairi Quinn to recognise the very special place the Waterford College of Further Education plays in deliverance and facilitating access to full scale 3<sup>rd</sup> level education and to reverse the education cuts that directly affect the Waterford College of Further Education, who will lose 4 to 6 teachers under his proposal and as many as 120 students.

This is a time when the City of Waterford is experiencing severe job losses and education is identified as a pathway to securing jobs”.

**Noted**

**Meeting concluded at 5.45p.m.**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Cathairleach**