

## **Minutes of Ordinary Meeting of Kilkenny County Council held on 20<sup>th</sup> May, 2013**

**Cathaoirleach:** Cllr. M. Fitzpatrick

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

**In attendance:** Joe Crockett, J. Mulholland, J. McCormack, P. O' Neill, J. Dempsey, D. McDonnell, S. Walton and A.M. Walsh

**Apologies:** Cllr. C. Connery & P. Millea

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

- (a)** Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 15<sup>th</sup> April, 2013. Proposed by Cllr. S. Treacy, Seconded by Cllr. P. Dunphy and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 15<sup>th</sup> April, 2013 as circulated with the agenda be and are hereby approved."
- (b)** Minutes of Callan Electoral Area Meeting held on 3<sup>rd</sup> April, 2013. Proposed by Cllr. M. Doran, Seconded by Cllr. T. Maher and agreed:- "That the minutes of the Callan Electoral Area Meeting held on 3<sup>rd</sup> April, 2013 as circulated with the agenda be and are hereby approved".
- (c)** Minutes of Rural Water Monitoring Committee Meeting held on 17<sup>th</sup> April, 2013. Proposed by Cllr. J. Brennan, Seconded by Cllr. J. Moran and agreed:- "That the minutes of the Rural Water Monitoring Committee Meeting held on 17<sup>th</sup> April, 2013 as circulated with the agenda be and are hereby approved".
- (d)** Minutes of Strategic Policy Committee No. 3 – Environmental Policy, Fire Services and Emergency Planning Meeting held on Wednesday 24<sup>th</sup> April, 2013. Proposed by Cllr. M. Shortall, Seconded by Cllr. T. Maher and agreed:- "That the minutes of the Strategic Policy Committee No. 3- Environmental Policy, Fire Service and Emergency Planning Meeting held on 24<sup>th</sup> April, 2013 as circulated with the agenda be and are hereby approved".

- (e) Minutes of Special Meeting of Forward Planning SPC held on 30<sup>th</sup> April, 2013 Proposed by Cllr. M. Noonan, Seconded by Cllr. P. Crowley and agreed:- “That the minutes of the Special Meeting of Forward Planning SPC Meeting held on 30<sup>th</sup> April, 2013 as circulated with the agenda be and are hereby approved”.

**Cllr. M. Shortall Leas Cathaoirleach congratulated the following:-**

- Glanbia on their new milk processing factory at Belview
- Congratulations to Andrew McGuinness on the birth of his son Jack
- John Dempsey every success in his new role as Director of Finance with Irish Water
- Congratulations to Cllr. Doran. Trainer with the County Minor Camogie Team on winning the All-Ireland.

**Votes of Sympathy:-**

- John Rafter (Area Office Callan) and Family on the death of Christy Rafter (former Council employee) Cloran, Bonnettstown, Kilkenny.
- Michael Doyle (Water Services) and Family on the death of Brigid Doyle, Fairview, Graiguenamanagh, Co. Kilkenny.
- Kathleen O' Connor and Family on the death of Joe O' Connor, Assumption Place, Kilkenny.
- Jim Ryan and Family on the death of Ann Ryan, Kilcreene, Kilkenny.
- Pat Wall & Family on the death of Josie Wall, Ballynakill, Mullinavat, Co. Kilkenny
- Nicholas Dollard & Family, Smithstown, Tullogher, Co. Kilkenny on the death of Tom Freyne
- Nell Doherty, Forristalstown, Glenmore, Co. Kilkenny on the death of Jim Merrigan.
- Tess McDonald, Ballynooney, Mullinavat, Co. Kilkenny on the death of Jim Merrigan.
- The Freyne Family, Bigwood, Mullinavat, Co. Kilkenny on the death of Noreen Freyne.
- Willie Walsh & Family, Butlerstown, Glenmore, Co. Kilkenny on the death of Charlie Linegar.
- Mary Aylward, Rochestown, Glenmore, Co. Kilkenny on the death of Kathleen Heffernan
- Maureen Roche, Haggard, Glenmore, Co. Kilkenny on the death of Eddie Roche
- The Conway Family, Carrick Road, Mooncoin, Co. Kilkenny on the death of Pete Conway.
- Seamus O' Brien, New Road, Mooncoin, Co. Kilkenny on the death of John O' Brien
- The Cleary Family, Clonmore, Mooncoin, Co. Kilkenny on the death of Wattie Cleary.

- Hannah Fortune, Catherine Street, Waterford on the death of Eddie Roche.

Cllr. P. Dunphy extended a vote of sympathy to the family of the late Paddy Buggy, former President of the GAA and also a retired Council Official. All members were associated with the vote of sympathy. Tributes were paid to Mr. Buggy for his enormous contribution to the GAA and to all the Clubs in County Kilkenny.

Mr. Joe Crockett on behalf of the staff offered condolences to the Buggy Family.

A minutes silence was observed.

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

### **(a) Other Disposal - Díuscairt Eile**

- (i)** Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. B. Ireland and agreed:-  
“That in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in dwelling at Foulks court, Johnstown, Co. Kilkenny to Mr. Michael Heenan for the sum of €115,000 (one hundred and fifteen thousand euro) with each party being responsible for their own legal costs associated with the sale”
- (ii)** Proposed by Cllr. T. Maher, Seconded by Cllr. M.H. Cavanagh and agreed:-  
“That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in property at Authnagomaun, Horse & Jockey, Co. Tipperary, measuring 0.6 hectares, as outlined on the attached map, to Mr. Timothy Corcoran, for the nominal sum of €1.00 (one euro) with each party being responsible for their own legal costs associated with the sale”.
- (iii)** Proposed by Cllr. A. McGuinness, Seconded by Cllr. J. Brennan and agreed:-  
“That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in property at Newpark Upper, Johnswell Road, Kilkenny, measuring 0.032 hectares as outlined on the attached map, to Dr. Mary Mooney, Garringreen House, Johnswell Road, Kilkenny, for the sum of €100 (one hundred euro) with each party being responsible for their own legal costs associated with the sale”.
- (iv)** Proposed by Cllr. S. Treacy, Seconded by Cllr. M. Doran and agreed:- That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in property at Ballygearda, Knocktopher, Co. Kilkenny, measuring 2.7 acres as outlined on the attached map, to Mr. Martin Cleary, Hugginstown, Co. Kilkenny for the sum of €7,000 (seven thousand euro)

with each party being responsible for their own legal costs associated with the sale”.

**(b) Roads – Bóithre**

**(i) Amenity Grants**

Mr. John Mulholland presented a report on the allocation of amenity grants. He advised that a budget of €35,000 has been provided in the 2013 budget. 75 applications were received requesting grants to the value of €111,700. He referred to his report which outlined the types of works that are appropriate for consideration under the grant scheme.

It is recommended to the Council to approve the distribution of the €35,000 as detailed in the schedule circulated.

It was proposed by Cllr. Billy Ireland, Seconded by Cllr. M. Shortall and resolved; “That Kilkenny County Council approves the payment of Amenity Grant 2013 in accordance with the list circulated to members”.

**(ii)** Proposed Cllr. Jane Moran Seconded by Cllr. M O’ Brien and resolved:- “We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of Maudlin Court, Thomastown, Co. Kilkenny (Planning Reg. Ref. P00/1410 & P03/1700) in accordance with Section 180 of the Planning & Development Act 2000”.

**(iii)** Agreement between Kildare County Council and Kilkenny County Council in accordance with the provisions of Section 85 of the Local Government Act, 2001 for the Leinster Bridges Rehabilitation Contract No. 1 – 2013 Part 1.

Mr. Mulholland referred to report circulated with the agenda which outlined details of section 85 Agreement required to enable Kildare County Council to carry out rehabilitation works on bridges in Kilkenny in the interest of efficiency and value for money. Details of works are outlined in the report and most likely these works will be undertaken in 2014. It was proposed by Cllr. M. O’ Brien, Seconded by Cllr. J. Brennan and resolved: - “At the monthly meeting dated 20<sup>th</sup> May, 2013 Kilkenny County Council hereby resolves, in accordance with the provisions of Section 85 Local Government Act, 2001, to enable Kildare County Council to design, plan, procure and deliver the Leinster Bridges Rehabilitation Contract No.1 – 2013 as it relates to County Kilkenny (rehabilitation works on N78 Clashduff Bridge)

**(iv) Draft Noise Action Plan**

Mr. Mulholland advised members of an EU Requirement to make a noise action plan for the period 2014-2018 in relation to motorways and national

roads where there are more than 3 million vehicle passages per year. The proposed plan contains strategic noise plans, estimated population exposed to traffic, implementation of more detailed assessment to the relevant affected areas and identification of actionable works to mitigate against excessive noise – all subject to cost benefit analysis.

Public consultation on the draft plan commenced on 3<sup>rd</sup> May, 2013 and will extend to 21<sup>st</sup> June, 2013, further reports will issue to members after this.

**(v) Community Involvement Roadwork's Scheme Status Report**

Mr. Mulholland advised members that a copy of circular letter RW7/2013 received today has been circulated to them advising that a grant of €346,064 has been allocated to Kilkenny County Council for Community Involvement Scheme for works on several local roads.

Mr. S. Walton, Senior Engineer gave a PowerPoint presentation to members on the status of the Community Involvement Scheme. He outlined in his presentation the background to the CIR in County Kilkenny.

There have been 303 schemes completed in Kilkenny involving 150km of road since 1995. The total investment was €8.4m, i.e. Restoration Grant of €6.5m and local contributions of €1.6m. There is now a waiting list of 69 applications. There is a well established community network for CIR Schemes on the local territory network and there has been significant support to date from the elected members for the 7.5% Restoration Grant discretion. Most of the local territory roads are beyond the provisions of routine/localised maintenance.

Mr. Walton referred to the reply dated 26<sup>th</sup> April, 2013 received from the Department of Transport and Sport in relation to the flexibility of individual local authorities to reserve 7.5% of the Restoration Grants to CIR Schemes. Copy has been circulated to members.

Contributions were received from Cllrs. M. Doran, M. Shortall, J. Brennan, T. Breathnach, P. Dunphy and T. Maher.

Members welcomed the grant allocation for 2013, however are disappointed that the flexibility of 7.5% on the Restoration Programme grant for Community Involvement Scheme has not been restored. It was agreed to request the Department again to re-instate this flexibility.

Clarification was sought on whether new applications could be accepted by the Council for future years and in relation to those who had not responded that these applications remain on the list.

Mr. Walton replied to all queries raised.

It was agreed to write to the Department outlining the member's request.

**(c) Finance - Airgeadais**

**Draft Capital Budget**

Mr. J. Crockett advised that the Council is legally required to approve a capital budget for a three year period. He stated that each Director of Service will present the draft budget for each of their departments. Report and detailed schedule of proposed projects for each service area has been circulated.

Mr. J. Dempsey advised that that total capital spend is approx €67m over the 3 year period. €11m of the spend will have to be funded by the Council. Development Charges constitute the largest element of the local funding approximately €7.0m of development charges will have to be available for spending on capital projects over the period 2013-2015 i.e. €3.1m from unspent contributions and €4.5m from projected development charges. A relatively small contingency reserve of €0.6m is retained for the end of 2015 to act as a "buffer" against any unforeseen events. The ability to deliver the projects depends on all funding resources becoming available. Any project proposal not included within the approved budget can only proceed if alternative funding sources become available and/or already approved projects been dropped.

Mr. McCormack gave details of a proposed capital budget of €5.7m for housing services. The expenditure will be funded by way of government grants of €4.1m. ICR €1.1 and other funding €0.5m.

Mr. Mulholland outlined the proposed road projects. Total expenditure of €39.6m, of which €14.7m will be incurred during the period 2013-2015. Details on each project was given and the source of funding. Total government grants of €29.7m will be required, development charges €7.5m and other funding €2.4m.

Mr. P. O' Neill presented details on the Water Services Capital Budget of €80.8m. He advised that 6 schemes are underway for 2013. Funding for projects in 2013 will require development contributions of €1.6m and government grants of €3.1m. It will be the responsibility of Irish Water to fund Capital Projects from 1<sup>st</sup> January, 2014.

Mr. Mulholland advised that expenditure on Graiguenamanagh Fire Station will be post 2014. He outlined details on the Library Projects and Ossory Pedestrian Bridge.

Mr. Dempsey outlined details on the replacement track for Scanlon Park. Mr. J. McCormack gave details on the recreation and amenity grant scheme which is 100% funded from Development Charges.

Mr. Crockett advised that provision is being made for the purchase of the Diageo site and proposed development for the 1<sup>st</sup> time in the Capital budget. These are indicative figures at this stage.

Contributions were received from Cllrs. P. Dunphy, J. Brennan, M. Noonan, M. Doran, C. Long, M. Shortall, M. Brett, F. Doherty, S. Treacy, T. Breathnach, M. O' Brien, J. Coonan, P. Cuddihy, D. Fitzgerald, M. H. Cavanagh and T. Prendergast.

Members in general welcomed the draft budget. Clarification was sought by individual members on the various projects included in the draft budget for the period 2013-2015. Details as follows:-

#### Housing:

- Projects under the social housing investment programme
- Traveller horse project
- No provision for remedial work on rural cottages
- Clarification on Council's land bank

#### Roads:-

- Status of Mooncoin By-Pass
- Central Access Scheme and Northern Ring Road -Extension to proceed together- traffic at Kennyswell Street, Demolition in Vicar Street
- Greensbridge – Bridge, necessity to provide additional river crossing in the city.
- Smarter travel proposals

#### Water Services:-

- Unaccounted for water leaks
- Mains Replacement
- Need to advance all projects before transfer to Irish Water
- Clarification on individual schemes

Clarification was also requested on the status of the City Library Project, improvements at the Watershed/Scanlon Park.

The Directors of Service responded to all queries raised. Mr. Crockett thanked the members for their contributions and their consideration on the draft capital budget for 2013-2015. The completion of the projects will depend on the availability of the relevant grants and the collection of development levies.

It was proposed by Cllr. M. O' Brien, seconded by Cllr. B Ireland and agreed "That the Draft Capital Budget 2013-2015 as presented to members be adopted".

Mr. Crockett advised the meeting that this was Mr. Dempsey final council meeting. He paid tribute to John and wished him success with his career with Irish Water.

Cllr. M.H. Cavanagh, M. O' Brien, M. Doran and M. Noonan thanked Mr. Dempsey for all his excellent service with the Council and in particular his contribution at all the Council Meetings especially his clear presentations on the budget each year.

Members wished him well with his career with Irish Water. Mr. Dempsey thanked the members for their comments and well wishes. He also thanked the County Manager and work colleagues.

**(d) Corporate**

**(i) Draft Annual Report 2012**

Mr. Mulholland advised that the draft annual report has been circulated for member's information. The Council is required to adopt the report by the end of June 2013. Cllr. Cuddihy requested more information to be included in relation to Kilkenny Borough Council. The adoption of the draft annual report for 2012 was proposed by Cllr. T. Maher, seconded by Cllr. M. O' Brien and agreed.

**(ii) Fill Vacancy on County Kilkenny Rural Water Monitoring Committee**

It was proposed by Cllr. P. Cuddihy, seconded by Cllr. J. Brennan and agreed that "Cllr. F. Doherty fill the vacancy on the County Kilkenny Rural Water Monitoring Committee".

**(iii) Fill Vacancy on HSE South Forum**

It was proposed by Cllr. T. Maher, Seconded by Cllr. B. Ireland and agreed "that Cllr. C. Connery fill the vacancy on the HSE South Forum".

**3. Urgent Correspondence - Comhfhreagras Práinneach**

- Copy of replies received – Department of Transport & Sport in relation to Community Involvement Scheme
  - Department of Environment, Community & Local Government in relation to deposit/refund scheme for recyclables.
  - Notice of commencement of Audit 2012.
- All were circulated to 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:**

- (i) Schedule of meetings from May-July 2013  
Proposed by Cllr. M. O' Brien, Seconded by Cllr. J. Brennan and agreed.
- (ii) Agree date for Annual Meeting – It was proposed by Cllr. M. O' Brien, Seconded by Cllr. J. Brennan and agreed:- “That the Annual Meeting of Kilkenny County Council be fixed for Friday 28<sup>th</sup> June, 2013 at 3.00p.m.”

Cllr. Fitzpatrick reminded members of the Joint Meeting with Kilkenny Borough Council on the Draft Development Plans on Thursday 23<sup>rd</sup> May at 3.30p.m. in City Hall.

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

- (i) Chairman Report of the Callan Electoral Area Committee Meeting held on 3<sup>rd</sup> April, 2013 – Proposed by Cllr. B. Ireland, Seconded by Cllr. M. Doran and agreed. Cllr. T. Maher requested report to be circulated on the deputation received at the Callan area meeting.
- (ii) Chairman's Report of the County Kilkenny Rural Water Monitoring Committee Meeting held on 17<sup>th</sup> April, 2013. Proposed by Cllr. J. Brennan, Seconded by Cllr. S. Treacy and agreed.
- (iii) Chairman's Report of Strategic Policy Committee No. 3 – Environmental Policy, Fire Services and Emergency Planning Meeting held on Wednesday 24<sup>th</sup> April, 2013. Proposed by Cllr. E. Aylward, Seconded by Cllr. B. Ireland and agreed.
- (iv) Chairman's Report of Special Meeting of Forward Planning SPC Meeting held on 30<sup>th</sup> April, 2013. Proposed by Cllr. S. Treacy, Seconded by Cllr. M. Shortall and agreed.

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**

Conferences – Request for approval to attend as per circulated list.  
Proposed by Cllr. B. Ireland, Seconded by Cllr. T. Prendergast and agreed.

### **(ii) Summary of proceedings at Conferences have been received from**

<b>Councillor</b>	<b>Date of Conference</b>	<b>Title of Conference</b>
Cllr. F. Doherty	7 <sup>th</sup> -8 <sup>th</sup> March	ACCC Spring Conference
Cllr. F. Doherty	13 <sup>th</sup> March	1916 Conference
Cllr. T. Prendergast	22 <sup>nd</sup> -23 <sup>rd</sup> March	Local Government & Job Creation
Cllr. J. Brennan	22 <sup>nd</sup> -23 <sup>rd</sup> March	Freedom of Information
Cllr. F. Doherty	5 <sup>th</sup> -6 <sup>th</sup> April	LAMA Spring Seminar 2013
Cllr. M. Shortall	11 <sup>th</sup> -12 <sup>th</sup> April	Cantillon 2013
Cllr. S. Treacy	12 <sup>th</sup> -13 <sup>th</sup> April	Future of Local Government
Cllr. J. Coonan	12 <sup>th</sup> -14 <sup>th</sup> April	Procurement Expenditure
Cllr. J. Brennan	18 <sup>th</sup> April	Tourism Conference
Cllr. M Noonan	23 <sup>rd</sup> April	EPA Lecture – Climate Change
Cllr. M. Noonan	25 <sup>th</sup> April	Transport Ireland
Cllr. T. Maher	19 <sup>th</sup> -20 <sup>th</sup> April	Water Services Bill 2013
Cllr. M. Shortall	3 <sup>rd</sup> May	Countdown to Local Elections 2014

Proposed by Cllr. B. Ireland, Seconded by Cllr. T. Prendergast and agreed.

## **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:**

**None**

**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:**

**10(13) South Tipperary County Council – 16<sup>th</sup> April, 2013**

“That we the Members of South Tipperary County Council call on Minister Joan Burton to reverse the cuts to heating and free fuel schemes implemented since she became Minister for Social Protection”.

“That we the members of South Tipperary County Council call on the Minister for Local Government, Mr. Phil Hogan, T.D. to reverse the cuts to Disabled Persons Grants and Housing for Older People Grants and re-instate the 2012 grant

**Noted.**

That concluded the business of the meeting.

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

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

Cathaoirleach