

## **Minutes of Council Meeting held on Monday 15<sup>th</sup> June, 2015 at 3.00pm**

**Chair:** Cllr. M. H. Cavanagh

**Cllrs:** P. Millea, M. Shortall, J. Brennan, A. McGuinness, P. Fitzpatrick, M. McCarthy, M. Doyle, J. Malone, M. Doran, D. Fitzgerald, K. Funchion, M. Noonan, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy, G. Frisby, P. Cleere, M. O'Neill, B. Gardner, P. O' Neill, D. Kennedy.

**Officials:** M. Prendiville, P. O'Neill, S. Walton, S. McKeown, B. Tyrrell, M. Delahunty, M. Mullally, C. McCarthy, D. McDonnell, B. Moloney, M. Butler, K. Hanley and A. M. Walsh.

**Apologies:** Cllr. P. McKee.

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

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 18<sup>th</sup> May, 2015.** Proposed by Cllr. M. Doyle, Seconded by Cllr. P. Fitzpatrick and agreed "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 18<sup>th</sup> May, 2015 as circulated with the agenda be and are hereby approved."
- (b) Minutes of Strategic Policy Committee (SPC 1) Economic Development, Enterprise Support & Tourism Meeting held on 13<sup>th</sup> February, 2015.** Proposed by Cllr. P. Cleere, Seconded by Cllr. P. Fitzpatrick and agreed:- "That the minutes of SPC 1 Meeting held on the 13<sup>th</sup> February, 2015 as circulated with the agenda be and are hereby approved."
- (c) Minutes of meeting Strategic Policy Committee (SPC 1) Economic Development, Enterprise Support & Tourism Meeting held on 24<sup>th</sup> April, 2015.** Proposed by Cllr. P. Cleere, Seconded by Cllr. P. Fitzpatrick and agreed "That the minutes of the SPC 1 Meeting held on the, 24<sup>th</sup> April 2015 as circulated with the agenda be and are hereby approved."
- (d) Minutes of Rural Water Committee Meeting held on Monday 25<sup>th</sup> of May, 2015.** Proposed by Cllr. T. Breathnach, Seconded by Cllr. J. Brennan and agreed:- "That the minutes of Minutes of Rural Water Committee Meeting held on Monday 25<sup>th</sup> of May, 2015 as circulated with the agenda be and are hereby approved".
- (e) Minutes of Adjourned Council Meeting held on Wednesday 27<sup>th</sup> May, 2015**  
Proposed by Cllr. P. Dunphy, Seconded by Cllr. P. O' Neill and agreed:- "That the minutes of Adjourned Council Meeting held on Wednesday 27<sup>th</sup> May, 2015, as circulated with the agenda be and are hereby approved".

- (f) **Minutes of Special Meeting held on Wednesday 27<sup>th</sup> May, 2015.** Proposed by Cllr. M. O' Neill, Seconded by Cllr. P. Fitzpatrick and agreed:- "That the Minutes of Special Meeting held on 27<sup>th</sup> May, 2015, as circulated with the agenda be and are hereby approved.
- (g) **Minutes of SPC 3 Planning & Development, Heritage & Community, Arts & Culture Meeting held on Wednesday 27<sup>th</sup> May, 2015.** Proposed by Cllr. D. Kennedy, Seconded by Cllr. J. Brennan and agreed:- "That the minutes of SPC 3 Planning & Development, Heritage & Community, Arts & Culture Meeting held on 27<sup>th</sup> May, 2015 as circulated with the agenda be and are hereby approved".
- (h) **Minutes of Special Meeting held at Dunmore GAA Training Centre on Thursday 28<sup>th</sup> of May, 2015.** Proposed by Cllr. M. McCarthy, Seconded by Cllr. G. Frisby and agreed:- "That the minutes of Special Meeting held at Dunmore GAA Training Centre on Thursday 28<sup>th</sup> of May, 2015 as circulated with the agenda be and are hereby approved".
- (i) **Minutes of Annual General Meeting held on Friday 5<sup>th</sup> June, 2015.** Proposed by Cllr. M. Doyle, Seconded by Cllr. E. Aylward and agreed:- "That the minutes of Annual General Meeting held on 5<sup>th</sup> June, 2015 as circulated with the agenda be and are hereby approved".

Cllr. Cavanagh thanked Ms. Annette Fitzpatrick for her presentation on the European Capital for Culture 2020 update prior to the meeting.

Cllr. M. H. Cavanagh paid tribute to Mr. P. O' Neill on the occasion of his retirement from Kilkenny County Council at the end of the month and presented him with a gift on behalf of the Council.

Mr. P. O' Neill thanked the Council and stated that he has been proud to work with Kilkenny County Council for 35 years and wished the Council well.

Mr. S. Walton wished Mr. O' Neill well on behalf of the staff and acknowledged the huge role Philip had in the Council.

Cllr. M.H. Cavanagh congratulated the following:-

- MyBio founded by entrepreneur Linda Nolan on winning award at the recent National Enterprise Awards in Dublin.
- Brian Nicholsan Johnstown on being the finalist in the Farmers of the year awards.

Cllr. M. H. Cavanagh wished Cllr. M. O' Neill good recovery from her illness and she sent good wishes to Bernadette Moloney on her forthcoming marriage on 11<sup>th</sup> July, 2015.

Cllr. M. H. Cavanagh expressed votes of sympathy to the following:-

- Sinead Larkin Housing and Emmet Larkin IT on the death of her mother and his mother in law Rosemary Mooney.

- Cllr. Pat Dunphy on the death of his uncle Willie Walsh
- Family of Enda Wickham, New Ross who lost his life in a car accident last week on the N25 near Glenmore.
- Wattie Burke & Family, Ballinacooley, Mullinavat, Co. Kilkenny on the death of Tom Burke.
- The Crowley Family, Polerone, Mooncoin, Co. Kilkenny on the death of Fr. Eddie Crowley.
- The Connolly Family, Coolmore, Knocktopher, Co. Kilkenny on the death of Pat Connolly.
- Noel Delahunty, Portnascully, Mooncoin on the death of Babs Cheasty.
- The Heffernan Family, Kearney Bay, Glenmore on the death of Mary Heffernan.
- Tom Nolan, Ballytarsney, Mooncoin, Co. Kilkenny on the death of Mick Nolan.
- Ann O' Brien, Portnahully, Carrigeen, Via Waterford on the death of Willie Walsh.
- The Aylward Family, Haggard, Glenmore on the death of Danny Aylward.
- Nora Fitzgerald, Luffany, Mooncoin, on the death of Willie Walsh.

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

**(a) Corporate Affairs - Gnóthaí Corparáideacha**

**(i) Kilkenny County Council Audit Committee Annual Report 2014**

It was proposed by Cllr. P. Fitzpatrick, seconded by Cllr. M. Shortall and agreed:  
- "That the Kilkenny County Council Audit Committee Annual Report 2014 be accepted and approved".

Cllr. Fitzpatrick and Shortall raised a number of issues in relation to shortage of staff in a number of areas and outstanding capital balances.

Mr. Prendiville advised that a work force plan has been prepared and this should address the issues of staff shortages.

Mr. Walton advised that there will always be capital balances outstanding while capital projects are being undertaken and any balances are being funded over a number of years from the Revenue Account and the Capital Programme generally.

**(b) Roads - Bóithre**

**(i) Pilot Community Flood Response Project**

Mr. S. Walton presented report on the Pilot Community Flood Response Project in respect of Thomastown and Graiguenamanagh. He stated that these two schemes cannot be dealt with under the minor works programme. Very extensive civil engineering works are required in both towns to give effect to flood relief measures.

As an alternative, Kilkenny County Council made a submission to OPW supporting the proposal for a pilot community flood response project. OPW has agreed to the provision of funds to enable Kilkenny County Council appoint consultants to undertake a study and provide a report and recommendations on the feasibility of introducing individual property protection measures in Thomastown and Graiguenamanagh. This is a positive development in the absence of major funds being available. The funding from OPW at this stage relates only to the Consultant Report. Any future commitment, to funding will be made at a later stage.

Queries were raised by Cllr. P. Cleere, P. Dunphy, M. Shortall, and M. Noonan in relation to the following:-

- The need to continue to urge OPW to fund engineering works also
- How much is funded by OPW
- Increased risk of flooding due to climate change
- Consider large planting of willows for catchment management areas.
- Timeframe for appointment of consultants and receipt of report.

Mr. Walton responded to the queries raised and advised that OPW will fund 75% of the cost of the consultant and Kilkenny County Council will fund the balance 25%. This report will identify resilience measures for the communities. The report will be available in spring 2016. Part of the brief for the consultants will be to explore options for flood/flood warning/reduction/mitigation. It is intended that there will be individual meetings with owners of properties. He stated that this is not a flood relief scheme and will not stop flooding.

**(ii) Speed Limits**

Mr. Walton referred to report circulated with the agenda and advised that new guidelines for 2015 have been issued by the Minister for Transport. The Minister has instructed local authorities to commence a comprehensive review of speed limits which must be completed by April, 2017. He referred to the report which sets out what the review will include. He advised that in the first instance the review will be dealt with at Municipal District meetings and will come back to the full Council when the review is completed for approval.

Members in general welcomed the review as there has been a need for some time now to deal with speed limits review.

Contributions were received from Cllrs. E. Aylward, P. Dunphy, M. Shortall, T. Breathnach, M. O' Neill, J. Brennan and P. Cleere.

The following issues were raised:-

- Period of review too long
- Consultation with NRA and approval to changes
- Will the entire County be reviewed as one or in individual areas
- Re-use of signs that have been removed.
- Reviews already submitted can they be incorporated now.

- Flashing signs much more effective
- Public consultation

Mr. Walton responded to the queries raised and advised that a complete review of the County as one is more democratic. There is an onus on the NRA to engage with the Council. There is also consultation with the Gardai. All changes are subject to public consultation speed limit byelaws will be adopted once the review and process has been completed.

**(iii) Section 85 Agreement with Kildare County Council for N77 Ballyragget Bridge.**

Mr. Walton referred to report circulated and advised that member's approval is required to Section 85 Agreement to enable Kildare County Council to facilitate rehabilitation works on the N77 Ballyragget Bridge. Kildare County Council will carry out all the functions of Kilkenny County Council in relation to procurement and design and contract for the proposed works. It was proposed by Cllr. P. Millea, Seconded by Cllr. M. McCarthy and agreed:- "That Kilkenny County Council enters into a Section 85 agreement with Kildare County Council to facilitate rehabilitation works to the N77Ballyragget Bridge".

**(c) Housing – Tithíocht**

**(i) Update on Housing Programme and Retro Fitting Programme**

Mr. S. McKeown, Acting Director of Services presented to the members in a powerpoint an update on the Housing Construction Programme, Housing Grants and he referred to the proposal for dual heating systems in local authoring houses.

He advised that an allocation of €17.05m has been approved for HSG Construction Programme 2015-2017. 116 houses will be provided in 5 developments as approved by the Department in April.

He outlined the allocations received for the housing grants and advised that this will only cover the backlog of existing applications. He indicated that the scheme will be opened up again later in the year for new applications.

In relation to the dual heating systems he stated that a report of the issue involved will be prepared for consideration by the SPC 4. At a Special meeting scheduled for 23<sup>rd</sup> June, 2015. Given the interest in the matter all members are invited to attend.

Contributions were received from Cllr. M.H. Cavanagh, P. Dunphy, M. Doran, J. Brennan, A. McGuinness, B. Gardner, K. Funchion, M. Shortall, M. O' Neill and T. Breathnach.

General issues raised by members related to the following:-

- Dual central heating should also be considered for RAS houses, choice of heating system should be available.
- Retrofitting vacant properties, number of units vacant
- Review transfer list to make better use of housing stock.
- HAP scheme needs to be reviewed at national level.
- Allocation for grants not sufficient, need to apply for further funding, allocation for Local authority houses is too small, too few houses can be adapted with this allocation.
- Opening up of schemes to accept new applications – when will this happen
- Introduction of new scheme for Tenant purchase
- Public consultation on housing scheme at The Butts
- Location of development of new local authority houses is it based on demand in the areas.

Mr. McKeown and Mr. Mullally responded to all the queries raised. They advised that the housing construction programme is now a multi annual programme and approval has been received to proceed with 5 projects over the next 3 years. In relation to the grants, the housing adaptation grant and mobility aid grants will be prioritised. This is a backlog on LA houses that need adaptations. Kilkenny County Council will continue to work with voluntary housing bodies to secure additional units to meet the housing demand. Construction projects identified have been based on housing need and where we are best able to deliver within the period. Members agreed to meeting of SPC 4 on the 23<sup>rd</sup> June, 2015.

**(d) Community – Pobail**

**(i) Local Economic & Community Plan ( LECP ) Update**

Mr. S. McKeown gave a powerpoint presentation on an update on the preparation of the Local Economic and Community Plan. He gave an overview on the background of the legislation underpinning the plan and advised that the plan must be adopted by the end of 2015. There are 2 components to the plan – Economic development and local and community development. There are 5 stages in the development of the plan i.e. **(a)** Preparation phase (completed May, 2015) **(b)** Public consultation – ongoing. **(c)** Develop detailed actions – target date October, 2015 **(d)** Finalise Plan – target date December, 2015 **(e)** Implementation – Years 2016-2021.

He outlined the work undertaken to date and circulated copies of **(1)** The economic statement and high level goals;- **(2)** Community statement and high level goals; and **(3)** Information brochure on the process for member's information. Public consultation will take place in 3 venues on 23<sup>rd</sup>, 25<sup>th</sup> and 29<sup>th</sup> June, 2015.

Members thanked Mr. McKeown for his presentation.

Contributions were received from Cllrs. J. Brennan, E. Aylward, B. Gardner, M. Noonan, M. O' Neill, P. Fitzpatrick, T. Breathnach, G. Frisby, M. Shortall & P. O' Neill.

The issues raised by members related to the following:-

- Publicise public consultation venue – need for public to engage
- Need to create badly needed jobs all across the Country.
- Increasing number of vacant properties in villages and towns
- Current status of local action group, co-operation with Development company
- Need to resources community work and engagement – project workers required
- Role of Regional Assembly.
- Who is responsible for implementing the plan, are they identified.
- Ongoing discussion with IDA

Mr. McKeown responded to the queries raised. He advised that the Regional Assembly have a 2 year period to prepare their Regional Economic and Spatial Strategy and they must endorse the LECP. He referred to the establishment of the LCDC who have a major role in the implementation of the LECP. There are still ongoing discussions with the Kilkenny Leader Partnership Development Company in relation to the delivery of the next rural development programme.

## **(ii) Draft Public Arts Policy**

Ms. Mary Butler, Arts officer advised that the Draft Public Arts Policy was discussed at the SPC meetings and that a recommendation has come from the SPC to adopt the Public Arts Policy.

Ms. Annette Moloney made a powerpoint presentation to the members and gave an overview of the development of the policy which began in early 2014. A public art advisory committee was set up to review national and international best practices facilitated workshop was held in September, 2014 and it was discussed at 2 SPC meetings.

Cllr. M. Noonan welcomed the policy and thanked Mary and Annette for the work done in producing the Public Arts Policy.

It was proposed by Cllr. M. Noonan, seconded by Cllr. B. Gardner and agreed: - "That the draft Public Art Policy be adopted by Kilkenny County Council".

## **(iii) Draft Memorial Policy**

Mr. S. McKeown referred to his report circulated with the agenda and advised that SPC 3 proposed a need for a policy on civic memorials and plaques and the SPC approved. The draft policy on 24<sup>th</sup> March, 2015 and amended it on 27<sup>th</sup> May, 2015.

The policy sets out the criteria and processes by which Kilkenny County Council will consider the commemoration of people, events and landmarks by the installation of memorials in the public realm.

It was proposed by Cllr. P. Dunphy, seconded by Cllr. D. Kennedy and agreed: - "That Kilkenny County Council adopts the Draft Civic Memorial Policy".

**(e) Environment - Timpeallacht**

**(i) Adoption of the Litter Management Plan 2015-2017**

Mr. P. O' Neill advised members that the draft litter plan 2015-2017 has undergone public consultation in February 2015. A number of presentations have been made to the elected members and the public. A number of submissions have been received following public consultation and a summary of the feedback is listed in the report circulated with the agenda. It is recommended to the Council that the draft Litter Management Plan 2015-2017 should be adopted. It was proposed by Cllr. M. Noonan, Seconded by Cllr. M. O' Neill and agreed: - "That Kilkenny County Council approves the Litter Management Plan 2015-2017 for Kilkenny County Council".

**(ii) Memorandum of Understanding and Animal Welfare Charter**

Ms. C. McCarthy advised that considerable progress has been made by the sub-committee. One of the objectives was to develop a Dog Welfare Charter. A copy of the charter has been circulated to members. It has also been agreed that the new service provider would sign the memorandum of understanding and animal welfare charter when the contract for the service is being signed. The memorandum of understanding embeds the initiatives of the committee.

Contributions were received from Cllr. D. Kennedy, M. H. Cavanagh, A. McGuinness, B. Gardner and M. Noonan. Members welcomed the charter and thanked the committee for their input. The issues raised by members related to:-

- Member of public to be included on committee
- Reasonable period to re-home a dog
- Expand remit of committee to include horses
- Members have no input into the tender process.

Mr. P. O' Neill and Ms. C. McCarthy responded to the queries raised. They advised that agreement needed to be reached with Carlow County Council regarding additional members for the committee. New structures will be put in place with the new service provider. There is not a defined period for keeping a dog in the shelter; every case is dealt with on its merits. Mr. O' Neill complimented the existing service provided by ISPCA.



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 May – July. Proposed by Cllr. M. McCarthy, Seconded by Cllr. K. Funchion and agreed.
- (i) Fix date for Special Meeting – July 2015 – Agreed date 31<sup>st</sup> July, 2015 at 11.00a.m. – Special Meeting on Variation of development plan Brewery Masterplan. Proposed by Cllr. M. McCarthy, Seconded by Cllr. K. Funchion.

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

- (i) Proposed by Cllr. P. Millea, Seconded by Cllr. J. Brennan and agreed:- Chairmans Report on SPC 1- Economic Development , Enterprise, Support & Tourism Meeting held on 13th February, 2015 noted and read.
- (ii) Proposed by Cllr. P. Millea, Seconded by Cllr. J. Brennan and agreed:- Chairmans Report on SPC 1- Economic Development , Enterprise, Support & Tourism Meeting held on 24th April, 2015 report noted and read.
- (iii) Proposed by Cllr. T. Breathnach, Seconded by Cllr. G. Frisby and agreed:- Chairman’s Report on Rural Water Monitoring Committee Meeting held on 25th May, 2015 report noted and read.

Cllr. T. Breathnach asked if the Department could notify the grant allocation earlier in the year or allocate funds on a rolling basis to enable works to be completed.

- (iv) Proposed by Cllr. J. Brennan, Seconded by Cllr. M. Doyle and agreed:- Chairman’s Report on SPC 3 Planning & Development, Heritage, Community, Arts & Culture Meeting held on Wednesday 27<sup>th</sup> May, 2015 report noted and read

**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. P. Dunphy, Seconded by Cllr. F. O’ Doherty and agreed.

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

Cllr. Doran requested clarification of the level of development charges for Irish Water. Mr. O’ Neill advised that Kilkenny County Council reduced the levies on roads and recreation. However, there was no reduction in water services as these were not included in the new Scheme. The matter has been referred to Irish Water.

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

Cllr. Dunphy requested that letter be sent nto NRA relating to Removal of arrows on the National Raods Network. Cllr. Cavanagh requested that NRA attend the Municipal District Meeting. Cllr. M. Shortall and T. Breathnach also raised concerns in relation to the removal of arrows.

Cllr. Doherty noted that the proposed Bye-Pass for New Ross has been deferred and is concerned that this is a major set back for the South East.

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

**21(15) Cllr. Melissa O’ Neill**

Proposed by Cllr. M. O’ Neill, Seconded by Cllr. D. Kennedy and agreed:-  
“Kilkenny County Council is calling on Tusla and the Minister for Children & Youth Affairs James Reilly to revise the decision to withdraw funding to the Dessa Empowering parents for children with disabilities programmes. Tulsa is the child and family agency, responsible for improving wellbeing and outcomes for all children across the Country. Dessa since 2003 to 2014 have been delivering services to support families, children and young people with disabilities. Withdrawing this funding is ignoring the rights of children and their families to be treated as equal citizens and have some opportunities as all in society”.

Cllr. M. O’ Neill spoke on the implication of the withdrawal of funds for the various disability programmes.

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

None.

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

CATHAOIRLEACH

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DATE