

## **Minutes of March Council Meeting held on 21<sup>st</sup> March, 2016 at 3.00p.m.**

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

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

**Officials:** C. Byrne, M. Melia, S. Walton, M. Mulholland, M. Prendiville, C. Kelly, M. Delahunty, M. Mullally, B. Tyrrell, K. Hanley, M. Butler and A. M. Walsh

**Apologies:** F. Doherty & P. O' Neill.

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

#### **(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 15<sup>th</sup> February, 2016**

Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. M. McCarthy and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 15<sup>th</sup> February, 2016 as circulated with the agenda be and are hereby approved".

#### **(b) Minutes of Special Meeting held on 8<sup>th</sup> February, 2016.**

Proposed by Cllr. P. Cleere, Seconded by Cllr. M. McCarthy and resolved: - "That the minutes of Special meeting held on 8<sup>th</sup> February, 2016 as circulated with the agenda be and are hereby approved".

#### **(c) Minutes of Special Meeting held on 3<sup>rd</sup> March, 2016.**

Proposed by Cllr. M. McCarthy, Seconded by Cllr. G. Frisby and resolved: - "That the minutes of Special meeting held on 3<sup>rd</sup> March, 2016 as circulated with the agenda be and are hereby approved".

Cllr. M. H. Cavanagh congratulated Kathleen Funchion on her election to Dail Eireann. Tributes were paid to Kathleen Funchion by Cllr. D. Fitzgerald, T. Breathnach, P. McKee, D. Kennedy, B. Gardner, A. McGuinness, M. Noonan and J. Malone. Members referred to her work in the Housing area and Workers Rights and hoped that she will continue with this at National level.

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

- To Andrew Wall, Finance Section the death of his father Andy Wall.
- To Alisha Dunphy, Library Section, on the death of her brother Tony Kehoe.
- To Martha Melbourne, Housing on the death of her brother Richard Boyle.

- To the Large Family, Urard, Urlingford on the death of Christy Leahy (former member of Goul Drainage Committee)
- To the Family of Tom Hunt, Ex- Principal Ballyhale.
- To the Family of the Bunrana Tragedy
- To the Family of Patrick Lawlor, Ballyfoyle
- To the family of Stella Carroll, Skeghvosteen
- Micheal Kinsella, Dournane, Mooncoin, on the death of Nicola Kinsella
- Mary Walsh & Family, Rathkieran, Mooncoin, Co. Kilkenny
- PJ Kenny, Grange, Ballyragget, Co. Kilkenny on the death of Lar Kenny
- Lizzie Sutton, Rossinan, Mullinavat, Co. Kilkenny on the death of Seamus Sutton
- Willie Long, Ballyveria, Glenmore, Co. Kilkenny on the death of Mary Long
- Tommy Grace, Ballyinacrone, Piltown, Co. Kilkenny on the death of Fr. Paddy Grace.
- John Walsh & Family, Knockanure, Mooncoin, Co. Kilkenny on the death of Anastatia Walsh.
- Jimmy Power, Garryduff, Piltown, Co. Kilkenny on the death of Bridie Fitzgerald.
- Tom Moore and Family, Ballinearla, Kilmacow, Via Waterford, Co. Kilkenny on the death of Bridget Moore.
- Kathleen O' Toole, Granny, Kilmacow, Via Waterford, Co. Kilkenny on the death of Philip O' Toole.
- The Walsh Family, Newtown, Kilmacow, Co. Kilkenny on the death of Paddy 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) **Housing & Other Disposal - Tithíocht & Díuscairt Eile**

- (i) Proposed by Cllr. A. McGuinness, Seconded by Cllr. D. Kennedy and agreed:-  
 "That in accordance with the provisions of Section 183 of the Local Government Act, 2001, Notice is hereby given that after the expiration of 10 days from the date of this Notice, it is the intention of Kilkenny County Council to dispose of its interest in property at Dama, Ballycallan, Co. Kilkenny to John Pollard in accordance with the terms of the Housing Acts 1966 to 2002".

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

Members agreed to take item (ii) in advance of item (i)

**(ii) Co-option – (Kathleen Funchion Vacancy)**

It was proposed by Cllr. D. Kennedy, seconded by Cllr. M. O' Neill:- "That In accordance with Section 19 of the Local Government Act, 2001, Kilkenny County Council by resolution at the Ordinary Meeting held on 21<sup>st</sup> March, 2016 co-opted Mr. Sean Tyrrell, 31 Cypress Grove, Loughboy, Kilkenny member of Sinn Fein to replace Cllr. Kathleen Funchion as a member of Kilkenny County Council. Mr. Sean Tyrrell has indicated in writing prior to the meeting that he is consenting to be co-opted if the Council decided to accept his nomination".

All members were in agreement.

It was proposed by Cllr. D. Kennedy, seconded by Cllr. M. O' Neill:- "Kilkenny County Council by resolution at the Ordinary Meeting held on 21<sup>st</sup> March, 2016 co-opted Mr. Sean Tyrrell, 31 Cypress Grove, Loughboy, Kilkenny member of Sinn Fein to replace Ms. Kathleen Funchion, onto the following committees of Kilkenny County Council:-

- Kilkenny West Municipal District
- SPC 2 Infrastructure Policy, Transportation, Fire and Emergency Services
- Director of Watergate Theatre.

Mr. Sean Tyrrell as indicated in writing prior to the meeting that he is consenting to be co-opted if the Council decided to accept his nomination".

All members were in agreement. Cllr. M. H. Cavanagh welcomed Sean Tyrrell and wished him well in his new role as a Councillor. She was delighted that a young person is interested in being a local councillor.

Cllr. S. Tyrrell thanked Sinn Fein for nominating him and he said he was looking forward to working with the executive and elected members.

Cllrs. M. Doran, D. Fitzgerald, M. Shortall, M. Noonan, B. Gardner, P. McKee, A. McGuinness welcomed Cllr. S. Tyrrell and congratulated him on his co-option as a Councillor and looked forward to working with him.

Members welcomed Cllr. Tyrrell's family to the Council Chamber on this special occasion.

Cllr. J. Malone proposed that the meeting adjourn for 5 minutes, this was seconded by Cllr. P. Fitzpatrick and agreed.

Meeting resumed at 3.45p.m.

Cllr. Cavanagh advised the meeting that she needed to leave the meeting. In the absence of the Deputy Chair Cllr. Doherty it was proposed by Cllr. D. Kennedy and seconded by Cllr. M. Doran and agreed: - "That Cllr. P. Dunphy would chair the remainder of the meeting".

**(i) Chief Executives Report**

Ms. C. Byrne presented her March Monthly Report to the members. She referred to the request from the Three Sisters 2020 to host a workshop with the members.

She requested a meeting in committee to brief the Council on the Abbey Creative Quarter and Capital Works week commencing 11<sup>th</sup> April, 2016

She advised the members that the collection rates of the various incomes are holding well. Kilkenny has the 2<sup>nd</sup> highest collection rate in the Country.

Contributions were received from Cllrs. M. Doran, P. Cleere, D. Kennedy, M. Shortall, P. Fitzpatrick, A. McGuinness, P. Dunphy, P. McKee, M. O' Neill, B. Gardner, E. Aylward, T. Breathnach, M. Noonan, J. Brennan, M. Doyle and J. Malone in relation to the following:-

**Tenant Purchase Scheme:-**

- Part V houses excluded
- Voluntary Bodies houses excluded
- Response back from Department, has any request from members upheld
- Availability of application form
- Issue re non payment of water charges
- Clarify reckonable income, gift of money
- Transfer from Part 5 houses to ordinary social houses to those who want to purchase
- Liaise with Credit Union re loans
- Availability of Council loans and number availing of loans
- Write back to Department

**Housing Need**

- Priority on Capital Programme
- Appears to be focus on City Area only no projects planned for South Kilkenny
- Consider providing serviced sites
- Advance projects for post 2017 provision
- Consider turnkey developments
- Review derelict building for re-use and identify sites in rural areas, use CPO Powers
- Provide rural cottages on existing Council sites
- Concerns re project in Butts Area, and Vicar Street – Re- density, access etc
- Promote Living City Initiative

- Overcrowding leading to Anti-Social Behaviour
- Vacant house in Mullinavat – who owns it Housing or Water Services.

### **Rent Review**

- Full debate requested – Need to hold special meeting to consider review
- Substantial increase in rent in some cases
- Concerns that people can't afford to pay increased rent.
- Discussed at SPC meeting – Clarify status of National Rent Scheme.
- Request to suspend increase in rents.

### **Homelessness**

- Increase in number of homeless
- Number in emergency accommodation particularly in hotels and B&B's
- Position on provision of services for addictions and young people with issues
- Operation of Homeless Action Team, contact for outside of office hours
- Need to have elected members on committee

### **Housing Grants**

- Need to fund priority 2 + 3 applications
- Shortfall in funding
- Review unapproved applicants at end of year

### **Boundary Review**

- Status on timeframe for decision
- Acknowledged assistance of Chief Executive and staff to members in their preparation for the meeting

### **Shared Services**

- Status for Library and Fire Services
- Need more investment in these services

### **Irish Water**

- Need to have improved communication with members/customers/public

### **LCDC**

- Status of "Gold Star" Project

### **Planning**

- Concerns re premises operating take-away without permission

### **Bus Shelters**

- Consultation with public prior to construction

### **Waste Management**

- Introduction of 3<sup>rd</sup> Bin , Financial implication for use
- Bio-diversity programme for schools
- Reservation on paying by weight – any exemptions?

Cllr. Fitzpatrick proposed during the discussion that the rent increased be deferred, this was seconded by Cllr. A. McGuinness.

Cllr. P. Dunphy requested that Housing Department write again to the Department expressing the dissatisfaction of members with the TPS and the response received to their concerns.

Cllr. Breathnach proposed that Kilkenny County Council resubmit to the Department the notice of motion passed some time ago in relation to "Living Village Initiative Scheme" in order to revitalise villages, this was seconded by Cllr. M. O' Neill.

Ms. Melia and M. Mullally responded to all the queries in relation to housing issues raised by members. Details of TPS will be circulated shortly. A further letter will be sent to the Department. The response already received will be circulated. This is a national scheme and Kilkenny County Council cannot change it.

Ms. Byrne advised members that the implementation of the Differential Rent Scheme is an executive function. There is no change in the scheme. Tenant's rents are been re-assessed in accordance with the existing scheme. If income increases, their rent goes up. Rent is assessed on the income declared by the tenants. The scheme is being applied equitably on all tenants.

Ms. Byrne suggested that a workshop be organised to explain the scheme to the members, she requested the members to discuss the rent review in committee first before deciding on any proposals to suspend the rent review. On the proposal of Cllr. P. Fitzpatrick, seconded by Cllr. A. McGuinness it was agreed: - "That a special meeting would be held to discuss the rent review".

Ms. Melia advised that the Council will be actively looking at projects for the next phase of the Housing Capital Programme. An engineer has been assigned to deal with the capital projects. All options will be explored including Derelict Sites and underutilised buildings.

Members were advised that a Special Meeting of the Housing SPC will take place on 31<sup>st</sup> March, 2016 to consider Homelessness.

Mr. Prendiville advised that €4m was advanced in loans during 2015. Approval for €4m is available for 2016.

Ms. Mulholland advised that the 3<sup>rd</sup> bin has been implemented. Regional information campaign will commence at the end of March. This is an opportunity for charges to decrease depending on the weight of the refuse.

She advised that the members concerns will be relayed very strongly to Irish Water. Transfer of water assets is ongoing.

Information on bio-diversity has been sent to all schools.

Ms. Byrne advised that details of individuals should not be discussed in public forum. Any member can discuss individual circumstances with the Housing Directorate or any staff. She stated that all appreciate the concerns in relation to homelessness, staff are doing their best with the resources available. Supply of houses is an issue.

She acknowledged the kind remarks of members on the Boundary Review and she understands that the review committee will not meet the deadline of 31<sup>st</sup> March, 2016

### **(iii) Festivals/Events Grant 2016**

Queries were raised by Cllr. P. Cleere, E. Aylward, M. Shortall, M. Doran, and M. Noonan in relation to the allocation of funds to various groups under the Festival/Events Grant Budget.

Funding a number of named groups for various local events were raised as the entire budget has not been allocated in the schedule circulated to members. Mr. B. Tyrrell advised that €121,500 has been allocated to approx 70 groups. 78 applications have been received. There is capacity to allocate €500 in some cases. Those that are unsuccessful in the allocation have been included in the Ireland 2016 funding.

Cllr. Noonan acknowledged the support for the St. Patrick's Day Parade and Tradfest which were very successful.

Ms. C. Byrne advised that the allocation for Barnstorm Theatre will be reviewed and they are also receiving funding under the Art's Grants.

It was proposed by Cllr. M. Shortall, Seconded by Cllr. G. Frisby and agreed: - "That the Grants as outlined in the schedule circulated be allocated to the various groups".

### **(iv) Arts Act Grant 2016**

Ms. Melia referred to the report circulated with the agenda. An amount of €15,000 has been allocated for distribution under the Arts Act Grant 2003 to 14 groups.

It was proposed by Cllr. T. Breathnach and seconded by Cllr. D. Kennedy and Agreed: - "That the schedule of Arts Grants be approved".

### **(v) St. Patrick's Day Parade – 2017 onwards**

Ms. C. Byrne advised the meeting that the St. Patrick's Day Festival should be regarded as a civic event. Kilkenny County Council is already funding it and that a separate budget be allocated for year 2017 to allow for advance planning.

Cllr. M. Noonan thanked the CE, Staff and Emergency Services for assisting in making the festival a very successful event. He thanked Kilkenny County Council for the significant funding and thanked the committee for their work.

Cllr. P. Dunphy, J. Malone, A. McGuinness and D. Kennedy paid tribute to Cllr. Noonan for his dedication to organising the festival and also to the committee for their ongoing work in organising the St. Patrick's Day Festival every year.

Members welcomed the initiative that the event would be regarded as a civic event and that the money will be ring fenced in the budget which will enable the committee to plan ahead.

**(vi) Service Delivery Plan 2015 – Implementation Report (attached)**

Ms. C. Byrne advised members that the Implementation Report is for their information. She stated that the Council has done an awful lot of work in 2015 and acknowledged the work of the staff.

Members welcomed the report. Contributions were received from Cllr. P. McKee, M. Noonan and B. Gardner and a number of queries were raised as follows:-

- Live streaming of Council Meetings
- CAS – Wolfe Tone Street Works, better consultation with the residents.
- Traffic Impact Study should be revisited
- Workload on members e.g. reports on Brewhouse Development and Linear Park, members need time to consider the reports and information in them.
- URBACT Programme – Seek funding for shuttle bus service, consideration to be given to electric bus.

Mr. S. Walton responded to the queries raised and advised that live streaming of meetings was being investigated. A proposal may be available for the April Meeting. Implementation will be subject to budgetary provision.

He further advised that it is proposed to provide all members with IPAD/Tablet in the coming months. All documents will be issued electronically to members thereafter.

Mr. Walton responded to Traffic Impact queries associated with CAS/Wolfe Tone Street. He advised that the CAS scheme will open to traffic late 2016 early 2017. Traffic Impact Assessment underpinning the scheme has been in the public domain for a considerable period of time. Once the scheme opens other traffic management options present themselves for the City and these are the options that require further consideration from this point onwards. In the matter of consultation with the residents of Wolfe Tone Street, Mr. Walton advised of a recent public information evening that was held specifically for residents of Wolfe Tone Street and Michael Street, he advised this information evening was well attended and noted that Mr. Michael Murphy, Engineer is available at his site office to answer any ongoing queries.



In relation to HGV management the Kilkenny Municipal District Committee has agreed 8 items which are being implemented. Smarter Travel options for the City are being advanced specifically routes for HGV traffic are still under consideration.

### **(c) Planning – Pleanail**

#### **Taking of Charge of the following estates:-**

- (i) Proposed by Cllr. A. McGuinness, Seconded by Cllr. D. Fitzgerald and agreed:- “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 as amended by Section 59 of the Planning & Development Act, 2010, hereby declares the road listed in the Public Notice listed to be Public Road – 12 House Development at Whitegate Lawn, Freshford Road, Kilkenny.
  
- (ii) Proposed Amendment No. 2 of Callan Local Area Plan 2009-2020. Ms. Melia referred to report circulated with the agenda and recommends the proposed amendment to the Council.

It was proposed by Cllr. M. O’Neill, Seconded by Cllr. T. Breathnach and agreed:- “That “We the members of Kilkenny County Council, having requested that the County Manager give her opinion on amending the Callan Local Area Plan 2009-2020 under Section 20(3) of the Planning & Development Acts 2000-2015, and having considered the Chief Executive’s opinion as outlined at the meeting of Kilkenny County Council held on the 21<sup>st</sup> March 2016, formed in accordance with Section 20(3) of the above acts, do hereby consider that the Proposed Amendment No. 2 of Callan Local Area Plan 2009-2020 should be made in accordance with the procedures under Section 20(3) of the Planning & Development Acts 2000-2015”.

### **(d) Environment – Timpeallacht**

Carlow Kilkenny Dog Shelter at Paulstown, Co. Kilkenny – Operation and Maintenance – Section 85 Agreement.

Ms. Mulholland referred to report circulated with the agenda and seek approval of the members to the Section 85 Agreement. It was proposed by Cllr. A. McGuinness, seconded by Cllr. M. Shortall and agreed:- “That Kilkenny County Council continues with the operational and maintenance works as required at the Carlow Kilkenny Dog Shelter at Paulstown, Co. Kilkenny. All costs to be apportioned equally with Carlow County Council. It is resolved that a Section 85 Agreement be made with Carlow County Council so as put this arrangement on a formal statutory basis”.

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 February - April 2016**

Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. G. Frisby and agreed.

(ii) Agree date for Workshop in April – Three Sisters 2020

It was proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. G. Frisby and agreed:-  
“That a Special Meeting in committee be held on 11<sup>th</sup> April, 2016 at 4.00p.m.

Cllr. M.H. Cavanagh advised that a discussion is required in committee on the funding/proposals for the Abbey Creative Quarter. She suggested that this be held on the same day as the Workshop. This was unanimously agreed.

It was proposed by Cllr. P. Fitzpatrick, seconded by Cllr. A. McGuinness and agreed:- “That a special meeting be held on 4<sup>th</sup> April, 2016 at 11.00a.m. to discuss the Rent Review”.

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

None.

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. J. Brennan, Seconded by Cllr. M. Shortall and agreed.

<b>Councillor</b>	<b>Date of Conference</b>	<b>Title of Conference</b>
M. McCarthy	12 <sup>th</sup> December 2015	Town Renewal Plan
B. Gardner	5 <sup>th</sup> -7 <sup>th</sup> February, 2016	EU Cohesion Policy 2014-2020
A.McGuinness	5 <sup>th</sup> February, 2016	Housing Act, 2014
A.McGuinness	12 <sup>th</sup> February, 2016	Integrated Roads and Planning Act

Proposed by Cllr. Noonan, Seconded by Cllr. J. Brennan 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:

### 5 (16) **Cllrs. F. Doherty**

‘That Kilkenny County Council request that provision be made for new canal bye-laws via a dedicated Canal Bill during the next Dáil, when possible, rather than including any future legislation in a joint Bill, such as the Heritage Bill of 2016. Furthermore, in developing The Canal (Amendment) Bill 2017, that recognition be given to the canal users, the canal communities and the Local Authorities adjoining the canals by way of pre-legislative consultation and scrutiny. This approach would be in line with Government and best practice.’

**Deferred to April Meeting.**

**6 (16) Cllrs. M. Noonan**

Proposed by Cllr. M. Noonan, Seconded by Cllr. P. Fitzpatrick and agreed:-  
"That Kilkenny County Council requests that Irish Water would attend a future plenary meeting of this Council to address members concerns regarding the water quality of the Kilkenny City Supply and ongoing infrastructural, capital and operational issues relating to water and waste water service provision for the County'

Cllr. M. Noonan stated that members have concerns regarding the interaction of Irish Water with the elected members. Members not happy with proposal to change the monthly clinic to a quarterly clinic. Irish Water need to listen to the concerns of the members. He stated that members need to be informed of exceedance of THM's in the Water Supply in the city. THM's can cause significant health problems.

Cllr. T. Breathnach stated that Council should develop a working relationship with the various agencies such as Irish Water and NRA.

Cllr. Doran advised that at the CPG meeting it was agreed to request a number of bodies such as NRA, Eir etc to meet the Council on a quarterly basis to brief the members on the various issues raised.

**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:**

**3(16) Limerick City and County Council – 25<sup>th</sup> February, 2016**

"That, Limerick City and County Council request the Ministers responsible, namely Finance & Agriculture, to legislate for the immediate reintroduction of the Early Retirement and Farm Installation Schemes so as to ensure viability and continuity within this valuable sector of our local economy; and that we seek the support of Councils nationwide with Farming Interests".

**Deferred to April Meeting.**

**Meeting then concluded.**

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**CATHAOIRLEACH**

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**DATE**