

## **Minutes of January Council Meeting held on 16<sup>th</sup> January, 2017 at 3.00p.m.**

**Chair:** Cllr. M. Doran

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

**Officials:** C. Byrne, M. Mulholland, T. Butler, M. Prendiville, S. Walton, B. Mernagh, T. Lauhoff, K. Hanley, M. Delahunty, B. Sheahan and A.M. Walsh

**Apologies:** Cllr. M' O' Neill.

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

#### **(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 21<sup>st</sup> December, 2016**

Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. F. Doherty and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 21<sup>st</sup> December, 2016 as circulated with the agenda be and are hereby approved".

#### **(b) Minutes of SPC 2 – Infrastructure Policy, Transportation, Fire and Emergency Services Meeting held on 2<sup>nd</sup> December, 2016**

Proposed by Cllr. M. McCarthy, Seconded by Cllr. M. Doyle and agreed:- "That the minutes of the SPC 2 Infrastructure Policy, Transportation, Fire and Emergency Services Meeting held on 2<sup>nd</sup> December, 2016 as circulated with the agenda be and are hereby approved".

Cathaoirleach wishes everyone a happy new year and hoped that it will be a good year for all.

Cathaoirleach extended votes of sympathy to the following:-

- To Cllr. Ger Frisby and extended families on the death of their father Michael Frisby.
- To Ronan Ryan, Housing on the death of his mother Ann Ryan, Ballina, Co Mayo.
- To the family of Margaret Mary Webster, Dunamaggin who was killed in a road accident in Callan.
- To Mary Jo O' Neill, New Road, Moneenroe, Castlecomer, Co. Kilkenny on the death of Dixie O' Neill.
- To Tommie Bambrick, Cloneen, Clogh, Castlecomer, Co. Kilkenny on the death of Tom Bambrick
- To Alan & Andrea Flynn, Newhouse, Thomastown, Co. Kilkenny on the death of Paddy Kelly.

- To Martin McGrath, Knockroe, Ballyragget, Co. Kilkenny on the death of Mary McGrath.
- To Sean Murphy, Ballyduff, Graignamanagh, Co. Kilkenny on the death of Patrick Murphy.
- To Ciss Roche & Family, Rathinure, Glenmore, Co. Kilkenny on the death of Nellie Walsh.
- To the Harney Family, Kilmacow, Co. Kilkenny on the death of Philomena Harney.
- To John O' Shea & Family, Haggard, Glenmore, Co. Kilkenny on the death of Ellen Foskin.

It was proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. M.H. Cavanagh and agreed:- "That the Council meeting be adjourned for 15 minutes as a mark of respect to Cllr. Frisby on the death of his father Michael Frisby".

Cllr. Frisby thanked all on behalf of his family for their support and guard of honour on the day of the funeral. It was a great comfort to all his family.

Meeting adjourned at 3.10p.m.

Meeting resumed at 3.25p.m.

## 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. M. McCarthy, 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 plot of ground at Glashare, Johnstown, Co. Kilkenny to William Delaney, Glashare, Johnstown, Co. Kilkenny for the sum of €1,200 with each party being responsible for their legal costs associated with the sale. Plot measures 0.23 acre." (Notification issued on 3<sup>rd</sup> January, 2017)

### (b) Planning - Pleanail

#### **Part 8 Report for Evans Home**

Mr. S. Walton gave a powerpoint presentation on the proposed redevelopment of Evan's Home as the new Butler Gallery. In his presentation he gave an overview on the Part 8 process to date:-

- Summary of issues raised during the Part 8 process
- Commitments/conditions included in the Part 8 report
- Review of Mobility Management Plan and Smarter Travel.

- Next steps in advancing the project

He referred to the Part 8 Report sent to members on 10<sup>th</sup> January, 2017 which covers all the issues raised in the submissions and advised that the Chief Executive is recommending that the Council proceed with the proposed development.

Contributions were received from Cllrs. M. Noonan and P. Fitzpatrick in relation to re-development of the entire area including Carneige Library. They spoke about the re-development of Evans Home as a very exciting project that will open up this area of the city to the public. The public consultation process was commended and staff involved were congratulated.

It was proposed by Cllr. P. Cleere, seconded by Cllr. M. Noonan and agreed: - “We the members of Kilkenny County Council approve the proposed development of New Butler Gallery at Evan’s Home, Barrack Lane, Kilkenny as outlined in report dated 10<sup>th</sup> January, 2017 in accordance with Section 179 of the Planning & Development Acts 2000-2015 and the provisions of Part 8 of the Planning & Development Regulations 2001-2015”.

**(c) Roads - Bóithre**

Proposed by Cllr. P. Cleere, Seconded by Cllr. M. Doyle 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 as listed below, to be Public Roads.

- Well Lane, Graiguenamanagh”.

**(d) Economic Development**

**(i) Update Abbey Creative Quarter Development**

Mr. Tony Lauhoff gave a powerpoint presentation on an update of works undertaken on Abbey Creative Quarter. In his presentation he gave an overview on the following:-

- Transfer of site to Kilkenny County Council and First Registration of Title.
- Partnership established, procurement services in relation to banking and legal etc for Partnership underway, Board of Directors in place and 1<sup>st</sup> meeting held in December, 2016.

- **Mayfair Building-** Planning approval in place, conservation team appointed, detailed design of building to commence, vegetation to be removed from area of city walls in February, 2017.
- **Brewhouse Building-** Bord Pleanala decision EIS not required, site investigation and structural testing works underway, detail design is underway, tender process for building works contractor to commence shortly.

**Riverside Garden Project** – Archaeological test excavation work to commence. Preliminary site clearance including removal of trees to commence in February, 2017. Detail design is underway, procurement of works contractor to commence shortly. Consultation to commence on proposed youth activity area.

**Archaeological testing** – Site not suitable for ground penetrating radar following survey of 4 areas in November, 2016. Test excavation strategy agreed with National Monuments Service and work to commence during 2017.

**Urban Design Criteria-** Appointment of team by the end of January, 2017 following advertisement on E-Tender website.

- **Energy Strategy** – draft strategy to be completed in February, 2017
- **Parking options** – Consultant appointed to complete a parking options study for the site and the city centre, mobility management plan for city centre to be reviewed and a site specific mobility management plan will be prepared.
- **Utilities** – Services Design preliminary service design to be completed in February, 2017, CCTV surveys completed in 2016.

In conclusion Mr. Lauhoff advised that progressing 3 projects i.e. Mayfair Building, Brewhouse and River Garden will be the focus for 2017.

Members thanked Mr. Lauhoff for the presentation and requested that it would be e-mailed to them. They also acknowledged all the work undertaken by Mr. Lauhoff. Contributions were received from Cllrs. F. Doherty, M. Noonan, P. McKee, P. Fitzpatrick, S. Tyrrell, T. Breathnach, P. Cleere and D. Fitzgerald. The issues raised by members related to the following:-

- Watergate Theatre proposals for re-development, linkages to the Abbey Creative Quarter, create artistic hub
- Removal of poplar trees agreed
- Temporary uses for the site, such as, Arts Week, Yulefest and outdoor events.
- Temporary car park, Mobility Management Plan review, provision of bus park.
- Public consultation on Skate Park to involve Comhairle na Nog
- Elected member on Partnership Board
- Update on opening of new bridge, traffic on Greensbridge and Vicar Street.
- Update on provision of social housing at Sweeney's Orchard.
- Use of local tradesmen on any works on site

- Protection of city walls and Evans Turret
- Opportunity for open days for the public to visit site.

Ms. Byrne advised that the Watergate Theatre is outside the site and the Council have engaged with the Board in relation to upgrading the Watergate Theatre subject to funding.

Mr. Butler advised that the bridge will be opened in March/April 2017. The new bridge will be 2 way for all traffic, while Greensbridge will be 1 way from West to East for HGV's and 2 way for all other traffic. Traffic counts have been carried out pre opening of the scheme and further counts will be undertaken following opening. These will further in form the future traffic management for the city.

Mr. Lauhoff responded to all other queries raised by members and advised that a review of temporary uses for the site including car parking will be considered once all studies have been completed. He advised that the poplar trees along the river will be removed to open up the site for the River Garden. The roots will be treated on site. There are currently local tradesmen getting employment on site. Architect appointed to progress planning and design for houses. More work will be undertaken on City Walls and Evans Turret subject to funding. Sources of funding for such works, such as the Irish Walled Towns Networks, will be investigated. Mr. Lauhoff advised that a commitment has been given to an open day for the public.

Cllr. Doran thanked Mr. Lauhoff for the presentation and all the information on the studies been undertaken.

**(ii) Tourism and preparation of Strategy.**

Ms. C. Byrne gave a powerpoint presentation on the proposed Tourism Strategy and Work Programme 2017-2022.

She advised members of the following:-

- Vision, goals and objectives to be included in the Strategy
- Linkages with national and regional policies and initiatives.
- Enhanced role for Local Authority – development of tourist infrastructure.
- Contribution of communities to tourism, support communities in destination development.
- Value of tourism to Ireland – number visiting, jobs created and tourist expenditure.
- Local Enterprise office to provide a range of advice and support
- LECP Tourism Objectives
- Development of cross country tourism initiatives
- Ireland's Ancient East
- Actions included in South East Action Plan for jobs
- Kilkenny Tourism marketing and promotion strategy

Ms. Byrne stated that there will be community and stakeholders engagement in the next 2 months. Workshops will be held with all the various interested groups and national bodies.

Meetings in the communities will be arranged in each Municipal District and there will be engagement with PPN, LECP and SPC.

A draft strategy will be presented to members at the March Meeting.

Cllr. Doran thanked the Chief Executive for her presentation.

**(e) Environment – Timpeallacht**

**(i) Sustainable Energy Action Plan 2016-2020**

Cllr. M. Doran welcomed Paddy Phelan, Declan Keogh and Fiona O’ Loughlin Carlow/Kilkenny Energy Agency to the meeting.

Mr. S. Walton advised that members agreed at the December Meeting to defer this item to the January Meeting to allow members time to consider the draft plan and make submissions by the 6<sup>th</sup> January, 2017. He advised the 2 submissions have been received and the plan has been modified based on the submissions received as follows:-

- Paris Agreement – to be included
- Recognise inter relationship between Smarter Travel Plans and Energy Strategy.
- Procurement policy – green procurement principle.
- Development of guidelines for groups who receive grant aid from Kilkenny County Council in relation to sustainable energy objectives.

Mr. Walton acknowledged the work of the Carlow Kilkenny Energy Agency and Ms. Carol McCarthy in preparing this plan.

He advised members that the plan must be adopted by 20<sup>th</sup> January, 2017 and recommended to members approval of the plan.

Contributions were received from Cllrs. M. Noonan, P. Cleere, D. Kennedy, B. Gardner and T. Breathnach in relation to the following:-

- Monitor and evaluate plan at SPC level
- Review annually at a Council Meeting
- Nomination of Cllr. Noonan to the Steering committee
- Need to reduce dependencies on imported energy.

It was proposed by Cllr. M. Noonan, seconded by Cllr. P. Cleere and agreed: - “That we the members of Kilkenny County Council approve the Sustainable Energy Action Plan 2016-2020”.

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

**(i) Chief Executives Report**

Ms. C. Byrne presented her monthly report. Cllr. Doran advised that the report can be taken as read.

Cllrs. D. Kennedy, P. McKee and M. Doyle raised queries in relation to the following:-

- Water supply at Inistioge
- Knocktopher Mains Rehabilitation

- Callan Road - realignment

Cllrs. F. Doherty and P. Fitzpatrick commended all involved in 1916-2016 Commemoration events and Yulefest.

Mr. S. Walton and Mr. Mernagh responded to the queries on water supplies and advised the members on the proposed works to be undertaken to enhance supply and pressure in the areas with the hope of being able to connect existing houses to the public supply.

**(ii) St. Patrick's Day Festival Committee**

It was agreed by all the members to defer this item until the April Meeting.

**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 January – March 2017 – Proposed by Cllr. F. Doherty, Seconded by Cllr. E. Aylward and agreed.

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

- (i) Proposed by Cllr. T. Breathnach, Seconded by Cllr. J. Brennan and agreed:- That the Chairmans Report of SPC 2 – Infrastructure Policy, Transportation, Fire and Emergency Services Meeting held on 2nd December, 2016 be taken as read and noted.

**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. M. Shortall, Seconded by Cllr. A. McGuinness and agreed.

9. **Matters Arising from Minutes - Gnótha ag éirí as Miontuairiscí**  
None.

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

Cllr. F. Doherty asked if there was any update on the Boundary Review. Ms. C. Byrne advised that Kilkenny County Council has heard nothing new.

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

**23(16) Cllr. Peter Cleere – 9<sup>th</sup> July, 2016 – Deferred from October Meeting.**

It was proposed by Cllr. P. Cleere, seconded by Cllr. D. Kennedy and agreed:- “Taking cognisance of (i) the recent majority vote of the United Kingdom to leave the European Union; (ii) the recent majority vote of the Northern Irish electorate to remain in the European Union; And (iii) Relevant sections of the 1998 Good Friday Agreement this Council calls on the British Government to facilitate a border poll and the Irish Government to make the necessary provisions for the holding of a referendum on Irish unification”

Cllr. P. Cleere and D. Kennedy both spoke about the need for a border poll for Northern Ireland and also the adverse effects of Brexit and the damage that may be caused to the Island of Ireland. They requested that a strong message of support be given to the people of Northern Ireland to make their decision on remaining in the EU.

**33(16) Cllrs. Sean Tyrrell, David Kennedy - 25<sup>th</sup> November, 2016**

It was proposed by Cllr. S. Tyrrell, seconded by Cllr. D. Kennedy and agreed: - “That Kilkenny County Council arrange for a joint meeting of all the necessary Authorities/Organisations to coordinate a plan of action to restore and improve the Kings (Avonree) River in Callan to a condition where it can be a tourist and community asset rather than the liability it is today for the people and town of Callan and its environs”.

Cllr. Tyrrell called on the Local Authority to arrange a meeting with all the relevant bodies to prepare a plan of action to restore and improve the Kings River in Callan. He referred to the river as a tourist asset and the need to have the river cleaned and vegetation removed.

Contributions were also received from Cllr. M. Noonan, J. Malone and M. Shortall in relation to supporting the call for a meeting and also to



consider issues with other rivers in all Municipal Districts. Members sought clarification on funding. A number of members did not agree that the river is a liability for the people and town of Callan.

Mr. S. Walton responded and advised that he is happy to arrange a meeting with the relevant bodies. He advised that approx €300,000 has already been spent by OPW/LA on the Callan Flood Relief Scheme and the works have been successful and have stood the test in time. Kilkenny County Council has a list of projects to support under minor works to be funded by OPW in various locations. He advised that a proposal to LAWCO – Local Authority Waters and Communities Offices may be an option to pursue for funds as Council resources are diverted to serious flooding areas.

Appropriate Assessment screening has been undertaken and works have been assessed by Planning Department some time ago for cleaning up the River and there is no impediment to works except funding. The approx cost of works is €80k to €100k.

**1(17) Cllrs. T. Breathnach, M. Shortall & J. Brennan – 7<sup>th</sup> January 2017**

Proposed by Cllr. T. Breathnach, Seconded by Cllr. J. Brennan and agreed:-  
“That Kilkenny County Council write to the Minister for Housing, Planning and Local Government to seek increased funding in order to meet demand from householders and due to the environment benefits bestowed, for the installation of group sewerage schemes and necessary upgrades on private individual systems, and to review the rate of grant aid assistance available to householders in recognition of the real costs of installation works and upgrades”.

Cllr. Breathnach advised that Multi Annual Programme was promised to enable funding to be put in place for the Rural Water Programme. However there have been long delays in the allocation of funds. He called for an increase in the level of funding and also increase in the level of grants available for group sewerage schemes.

Contributions were also received from Cllrs. J. Brennan, P. McKee, E. Aylward, M. Shortall, P. Dunphy, P. Fitzpatrick, F.Doherty and D. Kennedy in support of the motion. Members spoke about the need to improve a lot of the group sewerage schemes and requested an update on the Shellumsrath sewerage scheme. Mr. Walton advised that the installation of pipe network will be undertaken as part of the roads works for the Tennypark Road Re-alignment Scheme. He advised that once this network is in place, it might be more financially achievable for the members of the Shellumsrath group sewerage to connect to the public network.

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:**

**1(17) Tipperary County Council -19<sup>th</sup> December, 2016**

“Having regard to the proposed departure of the UK from the EU (as a result of the recent referendum on Brexit), and taking into account its potential impact on our regions and local areas, it is very important that Local Authority members have a voice. Accordingly I’m asking the Council to write to An Taoiseach requesting that Councillors are represented on the All Ireland Civic Forum on Brexit by, for example, their representative bodies, LAMA and AILG”.

Notice of Motion has been read and noted.

**2(17) Tipperary County Council – 19<sup>th</sup> December, 2016**

“I am calling on this Council and every Council in the Country to support my call for both increased awareness and increased funding for services in the areas of both Dyspraxia and Dyslexia”.

Notice of Motion has been read and noted.

**3(17) Tipperary County Council – 19<sup>th</sup> December, 2016**

“That this Council calls on the Government to immediately establish a new Agency to acquire and manage all domestic housing mortgage arrears accounts (plus two years in arrears) from the existing Lending Agencies within the state”.

Notice of Motion has been read and noted.

**4(17) Waterford City & County Council – 3<sup>rd</sup> January, 2017**

“That this Council call on the Taoiseach as Leader of the Government to implement the recommendations of the Post Office Business Development Group and the new model of Community Banking as advocated on page 48 of the current programme for Government to facilitate the retention and growth of post offices in rural Ireland”.

Notice of Motion has been read and noted.

**5(17) Monaghan County Council – 4<sup>th</sup> January, 2017**

“That Monaghan County Council calls on An Taoiseach, Enda Kenny T.D., and the government to immediately deliver an enhanced range of services through the Post Office network, to ensure a sustainable and viable future for Post Offices across Ireland, particularly for rural Post Offices”.

Notice of Motion has been read and noted.

**6(17) Monaghan County Council – 4<sup>th</sup> January, 2017**

“That Monaghan County Council calls on An Taoisesach, Enda Kenny T.D. the Minister for Health, Simon Harris, T.D., the H.S.E. and the Government, to immediately address the scandalous crisis of public waiting lists, which currently stands at 540,000 people awaiting appointments, an increase of 27,000 since last May, as totally unacceptable waiting lists and waiting times for necessary hospital procedures and treatments”.

Notice of Motion has been read and noted.

**7(17) Monaghan County Council – 4<sup>th</sup> January, 2017**

“Monaghan County Council supports the campaign of “Donegal Families for Justice” in their quest for answers surrounding the disappearance of Mary Boyle in 1977:

- We call on the Coroner to carry out an immediate inquest
- We ask that this inquest should be followed by a commission of inquiry/investigation into the case
- We call on the Minister for Justice, Frances Fitzgerald TD, and the Minister for Children Katherine Zappone TD, to use all mechanisms of the state to bring this case to an end and give closure to Mary’s family as we enter the 40<sup>th</sup> anniversary of her disappearance”.

Notice of Motion has been read and noted.

**8(17) Monaghan County Council- 4<sup>th</sup> January, 2017**

“That Monaghan County Council calls on the Government to progress the Coroners Bill as a matter of urgency, and that the Coroners Bill/Act will provide for an automatic inquest into every maternal death in this state”.

Notice of Motion has been read and noted.

**9(17) Donegal County Council – 5<sup>th</sup> January, 2017**

“That this Council support my vote of no confidence in the HSE which was passed unanimously at the Letterkenny Municipal Meeting and that the Health Service Executive revert to the old Health Board Model”.

Notice of Motion has been read and noted.

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CATHAOIRLEACH

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DATE