

Minutes of October Council Meeting held on 17th October, 2016 at 3.00p.m.

Chair: Cllr. M. Doran

Cllrs: M. Shortall, M. H. Cavanagh, 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, D. Fitzgerald, S. Tyrrell, D. Kennedy and M. Doyle.

Officials: C. Byrne, M. Mulholland, T. Butler, M. Prendiville, B. Tyrrell, K. Hanley, D. Malone, C. O' Sullivan, T. Lauhoff, A. Waldron, D. O' Donnell, S. Walton, M. Delahunty and A. M. Walsh

Apologies: P. Millea & P. Cleere.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 19th September, 2016

Proposed by Cllr. S. Tyrrell, Seconded by Cllr. P. Fitzpatrick and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 19th September, 2016 as circulated with the agenda be and are hereby approved".

(b) Minutes of Economic Development, Enterprise Support and Tourism (SPC1) Meeting held on 25th May, 2016

Proposed by Cllr. M. McCarthy, Seconded by Cllr. T. Breathnach and agreed:- "That the minutes of Economic Development, Enterprise Support and Tourism SPC 1 Meeting held on 25th May, 2016 as circulated with the agenda be and are hereby approved".

(c) Minutes of Meeting of Planning & Development, Heritage, Community, Arts & Culture) Strategic Policy Committee (SPC3) held on the 15th June, 2016.

Proposed by Cllr. D. Kennedy, Seconded by Cllr. J. Brennan and agreed:- "That the minutes of the Planning & Development, Heritage Community, Arts & Culture Meeting held on 15th June, 2016 as circulated with the agenda be and are hereby approved".

Cllr. M. Doran acknowledged the attendance of Mr. Adrian Hogan who is visiting all Council Meetings throughout the Country during this year of 1916 Celebration.

Cllr. Doran congratulated all on their success in the Tidy Towns this year.

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

- To Eamon (Water Services) and Teresa (Housing) Mahon on the death of their father Laurence Mahon.
- To Paddy (Caretaker Johns Green House), John (Plumber Kilkenny Engineering Area) and Jim (Craftsman Radestown Water Treatment Plant) O' Donoghue on the death of their father Edward O' Donoghue retired Assistant Foreman.
- To Annette Purcell Library on the death of her mother Annie Moloney.
- To the family of the late Margery Brady, Kilkenny – founder member of Keep Kilkenny Beautiful.
- To Joe & James Fitzpatrick, Coolcashin, Gathabawn, Via Thurles, Co. Kilkenny on the death of May Fitzpatrick.
- Anthony Dawson, Bridge Street, Freshford, Co. Kilkenny on the death of Kathleen Dawson.
- Tommy Reddy, Rahard, Mullinavat, Co. Kilkenny on the death of Mai Reddy.
- Shem Conway, Garrandarragh, Mullinavat, Co. Kilkenny on the death of Edward Conway.
- The Skehan Family, Corloughan, Piltown, Co. Kilkenny on the death of Kathleen Skehan.
- The Walsh Family, Tullahought, Owing, Piltown, Co. Kilkenny on the death of Tommy Walsh.
- The McCarthy Family, Harristown, Piltown, Co. Kilkenny on the death of Andy McCarthy.

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. D. Kennedy, Seconded by Cllr. F. Doherty 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 of its interest in 2 no. plots of ground at Gorrue, Knocktopher, Co. Kilkenny to Mr. John Drennan, Gorrue, Knocktopher, Co. Kilkenny for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale. Plots measure as follows: - Plan BMPX5-A Area = 0.2ha and Plan BMPX7 Area = 0.30ha.”

(b) Corporate Affairs - Gnóthaí Corparáideacha

(i) Chief Executives Report

Ms. C. Byrne presented her report to the members. She advised the members that funding is expected in relation to the Town & Village Renewal applications.

She advised members that there will be a briefing on the CLAR and REDZ programme after this meeting. Applications due to be submitted by 4th November, 2016.

Cllr. D. Kennedy asked for clarification on where connection from Broadband will be available.

Ms. Byrne requested Cllr. Kennedy to meet Mr. Butler, after the meeting and he will advise him on the proposed connection points.

(ii) Presentation on Draft Flood Plans – OPW

Cllr. M. Doran welcomed Mr. Gerry Gallagher from OPW who will give a presentation on the Draft Flood Risk Management Plans.

Mr. Gerry Gallagher gave a powerpoint presentation to the members on the National CFRAM Programme. In his presentation he outlined to the members details on the following:-

- Purpose of the plans
- Structure and content of the plans
- Recommendations for County Kilkenny
- Implementation of Flood Risk Management Options

He advised the members that they will be required to adopt 3 plans one for each of the Rivers Barrow, Nore and Suir.

There are recommendations in the plans for 12 areas and he outlined in detail these recommendations and the level of risk for each area. Deadline for comments from the public on the Nore and Barrow plans is 28th October, 2016 and the Suir Plan is 13th December, 2016.

The draft plans are still on public display and he urged members to attend the consultation days and make submissions to the plans. The Local Authority as a body can also make submissions. Plans are on display at the Local Authority Office in County Hall and are available online.

Cllr. M. Doran thanked Mr. Gallagher for his detailed presentation and advised that it would be circulated to all members. Contributions/Queries were received from Cllrs. P. Dunphy, M. Doyle, M. Noonan, D. Kennedy, T. Breathnach, F. Doherty, B. Gardner and P. Fitzpatrick.

The issues raised by members related to

- Lower Suir Catchment areas – no provision in these plans for any works
- Inistioge- Concerns for provision of hard defences, other options should be explored
- Land management use – more cost effective methods, liaise with farming communities and IFA
- Clean/dredging rivers, local streams, flooding

- Cost benefit analysis – clarify how it is assessed
- Any commitment to funds for the works, how much will the works cost.
- 100 year flood – has definition been redefined
- How will works outside the study areas be funded

Mr. Gallagher responded to all the queries raised by the members and advised that minor works scheme will continue to be funded for smaller works to rivers. He advised that we are still at Phase 1- Flood Risk Management Plans. Once approved there will be detailed designs of schemes to be carried out. There will be further public consultation on these detailed designs.

Mr. S. Walton advised the members that there are 7 schemes in the plans relevant to Kilkenny at this time and the combined values of these schemes is €32m. The preferred options for each scheme is outlined in the Appendix to the plans and it is important that consideration is given to Kilkenny County Council making a submission at Municipal District level. The closing date for Council submissions is 21st November, 2016 (Nore and Barrow) and 13th January, 2017 (Suir).

(c) Finance – Airgeadais

Mr. M. Prendiville advised the meeting that an overdraft facility of €13m is required for 2017. A facility of €10m was agreed for 2016. The Council has used this facility on 94 days to the end of September. The increased overdraft facility is required due to the projected increased activity in capital expenditure. There is a time lapse between payment of invoices and draw down of grants. Resolution of the Council is requested.

It was proposed by Cllr. A. McGuinness, seconded by Cllr. M. H. Cavanagh and agreed:- “That subject to the sanction of the Minister for the Housing, Planning, Community and Local Government, Kilkenny County Council hereby approves overdraft borrowings to a maximum amount of €13,000,000 for the full year ending 31st December, 2017”.

(d) Planning- Pleanail

- (i)** Proposed by Cllr. P. McKee, Seconded by Cllr. D. Fitzgerald and agreed:- “We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following development in accordance with 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”- The Portion of Margaret’s Fields highlighted in red on the attached map and including 1-32, Seville Grove, Margaret’s Fields, Callan Road, Kilkenny

- (ii) Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. M. H. Cavanagh and agreed:- “We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following development in accordance with 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”- Abbey Grove, Gowran, Co. Kilkenny. (Notification attached)

3. **Urgent Correspondence - Comhfhreagras Práinneach**

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) Proposed by Cllr. F. Doherty, seconded by Cllr. M. Shortall and agreed:- Schedule of meetings from October-December 2016

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

- (i) Chairman’s Report of Meeting of Economic Development, Enterprise Support and Tourism (SPC1) Meeting held on 25th May, 2016. Proposed by Cllr. P. McKee, seconded by Cllr. E. Aylward and agreed that the report be taken as read.
- (ii) Chairman’s Report of Meeting of Planning & Development, Heritage, Community, Arts & Culture Strategic Policy Committee (SPC3) held on 15th June, 2016 in Meeting Room 1. Proposed by Cllr. J. Brennan, seconded by Cllr. D. Kennedy and agreed that the report be taken as 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

Conferences – Request for approval to attend as per circulated list. Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. J. Malone and agreed.

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

None.

10. Any Other Business - Aon Ghnó Eile

Mr. M. Prendiville advised the meeting that Watergate Theatre has requested an advance of €20,000 on their 2017 allocation due to temporary cashflow issues for November. Approval of the members is required. It was proposed by Cllr. P. McKee, seconded by Cllr. T. Breathnach and agreed to advance the Watergate Theatre an amount of €20,000 from their 2017 Allocation.

11. Notices of Motion - Fógraí Rúin:

17(16) Cllr. Andrew McGuinness – 22nd June, 2016

It was proposed by Cllr. A. McGuinness, seconded by Cllr. M. Noonan and agreed:- “That Kilkenny County Council would write to Simon Coveney, Minister for the Environment, Community and Local Government, requesting an immediate review of our electoral areas, with a view to reinstating Kilkenny’s Borough/City Council”.

Cllr. A. McGuinness, M. Noonan, D. Kennedy and P. McKee spoke on the motion and requested a review of the electoral areas in the interest of the citizens of Kilkenny City.

18(16) Cllr. Andrew McGuinness – 23rd June, 2016

Proposed by Cllr. A. McGuinness, seconded by Cllr. P. O’ Neill and agreed:- "That Kilkenny County Council would address the issue of collapsed roads in Bishop Birch Place, Kilkenny. I have raised this issue many times and I understand that substantial monitoring has taken place over a number of years. The road is collapsing in parts and as a result there is extensive damage to a number of properties including collapsed walls and structural damage to houses alongside extensive flooding during heavy rainfall. This needs to be addressed as a matter of urgency."

Cllrs. A. McGuinness P. O’ Neill, B. Gardner, P. Fitzpatrick, P. McKee and T. Breathnach spoke on the motion. Concerns were raised due to the cracks in the Council houses. Monitoring has been ongoing for a number of years and members requested a report on the monitoring. Members asked that this be dealt with urgently.

19(16) Cllr. Malcolm Noonan – 27th June, 2016

Proposed by Cllr. M. Noonan, Seconded by Cllr. B. Gardner and agreed:-
“That Kilkenny County Council acknowledges the immense contribution of the late John Bradley to the City and County of Kilkenny through a lifetime of academic study and writings on the archaeological and historic origins of the City and the use of Kilkenny as a template in developing our understanding of the origins of Irish towns. In doing so we dedicate the Kilkenny Room of The St. Marys Medieval Mile Museum to the memory of John Bradley and will recognise same by the installation of a memorial plaque in his honour. Furthermore we will endeavour to include a selection of John’s writings and books in our branch libraries as a resource for the whole community”.

Cllr. M. Noonan advised that he is not seeking to have a room named after John Bradley. He asked that a memorial plaque be placed in the Kilkenny room in St. Mary’s Museum and that a selection of his books be available in every library. He requested that the memorial plaque be in place for the official opening. Cllr. B. Gardner, M. Doran, F. Doherty, T. Breathnach, D. Fitzgerald and M. Shortall spoke on this motion.

Members were concerned about agreeing to this motion in advance of a protocol being in place for naming places and structures. There are other people that should also be remembered in the Museum.

Ms. C. Byrne advised the members that it is the intention to bring forward draft protocol for the November meeting for members to consider and adopt. She advised that this issue has been discussed at the CPG meeting.

Cllr. M. Doran requested Cllr. M. Noonan to defer this notice of motion until the November meeting. Cllr. Noonan agreed to this.

20(16) Cllr. Patrick McKee – 28th June, 2016

It was proposed by Cllr. P. McKee, seconded by Cllr. M. Doyle and agreed:-
“That Kilkenny County Council investigates the possibility of establishing motor-home friendly parking bays at locations across Kilkenny City and County. Cities and towns in France, Spain, Portugal, Italy, Germany, Benelux and Scandinavia all have forms of motor-home stopovers which have proven extremely successful. These motor-home stopovers, known as Aires, are car parks that allow campervans to stop overnight either for free or for a small charge. The development of such facilities would have two objectives. Firstly, it would broaden the attractiveness of existing tourist locations in Kilkenny City and County and secondly, it has the potential to attract tourists to areas that currently do not benefit from tourism. The development of such facilities would be done in

collaboration with local communities and could complement Irelands Ancient East”

Cllr. P. McKee, M. Doyle and F. Doherty spoke about the development of facilities for the attraction of tourists to the County. Use of motor homes for holidays is growing and facilities are required in rural areas.

Ms. C. Byrne advised that the Council will work with communities in how best these facilities can be provided and managed. These facilities should be privately provided.

21(16) Cllr. Pat O’ Neill – 4th July, 2016

Cllr. P. O’ Neill withdrew his notice of motion.

22(16) Cllrs. T. Breathnach, E. Aylward, F. Doherty, P. Dunphy and G. Frisby – 8th July, 2016

Proposed by Cllr. T. Breathnach, seconded by Cllr. P. Dunphy and agreed:-
“That Kilkenny County Council write to the Department of Transport Infrastructure Ireland to seek the prioritisation of the upgrade of the N24 as recommended by the South East Regional Authority’s N24 Prioritisation Study”.

Cllr. T. Breathnach and P. Dunphy stated that there is an urgent need to have the road upgraded in all three counties – Kilkenny, Tipperary and Waterford.

23(16) Cllr. Peter Cleere – 9th July, 2016

Deferred to November Meeting.

24(16) Cllr. Malcolm Noonan – 10th July, 2016

Proposed by Cllr. M. Noonan, seconded by Cllr. F. Doherty and agreed:-
“That Kilkenny County Council will initiate a process of engagement with relevant agencies and stakeholders to develop a three bus electric or gas vehicle service for Kilkenny City and Environs.

Such a service will be linked to rural public transport via park and ride facilities any may be subvented through a number of public and private sources. Such a service could become a model for other regional towns and is set out as an objective in successive smarter travel proposals and in keeping with our transport objectives under the Covenant of Mayors”.

Cllr. Noonan stated that a feasibility study should be undertaken on 3 bus shuttle services linked to “Ring a Link” and also linked to other public transport services. The service should use alternative energy sources and that a financial provision be made by the Council.

25(16) Cllr. Melissa O' Neill – 7th September, 2016

Deferred to the November Meeting.

26(16) Cllrs. P. Cleere and M. McCarthy – 12th September, 2016

Proposed by Cllr. M. McCarthy, Seconded by Cllr. P. Fitzpatrick and agreed:- “That Kilkenny County Council put in place a prevention and treatment policy to deal with Japanese knot weed and display the appropriate information on their website.”

Cllr. M. McCarthy, B. Gardner, J. Malone, D. Kennedy and M. Noonan spoke on this motion. Concerns were raised in relation to the widespread growth of Japanese knotweed. Members requested that a press release be given and appropriate signage be put in place to prevent it from being cut and spread.

27(16) Cllrs. T. Breathnach, E. Alyward, F. Doherty, M. O' Neill, G. Frisby and P. Dunphy – 24th September, 2016

Proposed by Cllr. T. Breathnach, Seconded by Cllr. M. Shortall and agreed:- “That Kilkenny County Council develop a protocol for the naming of public buildings, facilities and infrastructure for adoption by the elected members of Kilkenny County Council”.

28(16) Cllr. Breda Gardner – 3rd October, 2016

Proposed by Cllr. B. Gardner “I call on Minister Simon Coveney, Minister for Housing Planning and Local Government to introduce a European Affairs SPC in All Local Authorities business from January 2017 and we recognise the importance of such a committee to the economic, cultural heritage and social development of our country going forward”.

Cllr. Gardner stated that there is a need for an emphasis on economic development particularly following the Brexit decision. Ms. C. Byrne advised that the creation of another SPC would entail a change in the SPC Scheme and public consultation. The SPC Scheme was approved after the local elections in 2014. Discussion/issues on economic development is dealt with under SPC 1.

Cllrs. P. McKee, M. Shortall, T. Breathnach made contributions to this motion and agreed that the issues should be discussed by SPC1. Cllr. Gardner agreed to include European Affairs in SPC 1.

29(16) Cllr. Breda Gardner – 6th October, 2016

Proposed by Cllr. B. Gardner, seconded by Cllr. J. Malone and agreed:-
“That Kilkenny County Council will give free Car Parking in their car parks for 1 week from December 17th to December, 24th to encourage shoppers to spend locally and shop with ease”.

Contributions were made by Cllrs. B. Gardner, P. Fitzpatrick, T. Breathnach, M. Doran, F. Doherty, J. Malone, E. Aylward, D. Kennedy, P. McKee, G. Frisby and M. Noonan to this motion.

The issues raised by members related to

- Cost of giving free parking
- Incentive for certain days/hours, compromise for 3 days to Christmas week
- Goodwill gesture for the public
- Encourage people to shop in Kilkenny – promote Yulefest
- Use of Brewery Site for overflow parking
- No incentive is given in adjoining counties
- Consider Park and Ride

Ms. C. Byrne and Mr. S. Walton responded to the issues raised. They advised that there are a number of car parks available free on the weekends in December. A review of the incentives given over the years will be reported to members at the November meeting.

Mr. Walton advised that the Brewery site will be transferred to Kilkenny County Council in November. It may not be possible to carry out works to enable cars to park there before Christmas.

Ms. Byrne requested Cllr. Gardner to defer this motion until the November meeting when we will have more information available on the incentives for car parking.

Cllr. Gardner agreed to this.

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:

It was proposed by Cllr. F. Doherty, Seconded by Cllr. D. Kennedy and agreed:-
“That the notices of motions 17(16) to 25(16) from other Local Authorities listed hereunder be noted and taken as read.”

17(16) Cork County Council – 6th July, 2016

“That Cork County Council acknowledges the ongoing shortage of places in special education classes for students with an autism spectrum disorder diagnosis at secondary level.

That if the National Council for Special Education (NCSE) identifies a need for additional special education classes at either primary or secondary level in a defined geographical area, the Department of Education and Skills would require schools in the geographical area to respond to this identified need by establishing an adequate number of such special education classes to match that need.

That the necessary funding for both the set-up and running of these special education classes would be provided by the Department.

That this need is not unique to Cork and consequently that this motion is circulated to all other local authorities in Ireland for their consideration and support.”

18(16) Dublin City Council – 11th July, 2016

“That this Council, recognising the need for safety for children at play in the housing estates in which they live, calls on the Minister for Transport to pass the Road Traffic Amendment Bill 2015 commonly known as Jake’s Law, in memory of Jake Brennan, in order to introduce a new mandatory speed limit of 20km specifically for housing estates.

The Council further commits to writing to the Minister on this issue and circulating this letter to all other local authorities in the state for their consideration”.

19(16) Limerick City & County Council – 18th July, 2016

“At a meeting of the Municipal District of Adare-Rathkeale held on 12th July, 2016 Members discussed the underfunding of Local Authorities by the Government and the range of works not being carried out due to lack of funding. Members noted the inability of struggling businesses and households to withstand increases in rates or household charges and called on all Councils to lobby the Government to recognise and address the financial plight of Local Authorities”.

20(16) Donegal County Council – 21st July, 2016

“That this Council call on the Taoiseach and the Government to clarify with the British Government that the essential North West Radiotherapy Unit will be available to all, and that the vote on Brexit will not have any derailing effects on this service”.

21(16) Limerick City & County Council – 22nd July, 2016

“I will move at the next meeting that Limerick City and County Council calls on the Minister for Justice and Equality, Frances Fitzgerald T.D. to limit the amount of free legal aid available to offenders who repeatedly offend; and that this motion be circulated to other local authorities for support”.

22(16) Cork County Council – 27th July, 2016

“The matter of the global valuations of utility companies undertaken by the Valuations Office in 2015 was discussed by members of Cork County Council at their meeting on the 25th July, 2016. Members noted that Cork County Council received funding from the Department to offset part of the 2016 loss on a once off basis.

Members requested that a letter be sent expressing their concern at the impact these revaluations will have on the Council’s Finances in 2017 and subsequent years, and requested that the Department Funding should be phased out over a number of years”.

23(16) Leitrim County Council – 29th July, 2016

“That Leitrim County Council call on the Minister for the Environment to bring all future afforestation under the planning regulations, regardless of the size of the proposed plantation or its location”.

24(16) Carlow County Council – 27th September, 2016.

“Irish Water Response to Carlow County Council (as circulated at July meeting) on water and sewage lines which pass through backyards and gardens is unacceptable. Carlow County Council write to the Minister for Housing, Planning and Local Government requesting an amendment to the legislation to change the arrangements so that the position obtaining in Ireland is similar to that in the United Kingdom in that the landowner is only responsible for that portion of the service from the main to his/her dwelling”.

25(16) Kerry County Council – 4th October, 2016

“That the Government would fulfil its commitment in the Programme for Government to the post office network by ring fencing and making available the €75m necessary to sustain the standard of the network going forward and that this €75m would be a feature in the upcoming budget”

Meeting then concluded.

CATHAOIRLEACH

DATE