

Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 19th of April, 2010 at 3.00p.m. in the Council Chamber, County Hall, John Street, Kilkenny.

Cathaoirleach: Cllr. Michael O' Brien,

Present: Cllrs. M. H. Cavanagh, P. Millea, M. Shortall, J. Brennan, C. Connery, M. Fitzpatrick, J. Coonan, A. McGuinness, M. Brett, B. Manning, P. Cuddihy, M. Noonan, M. Doran, W. Ireland, P. Crowley, T. Maher, S. Treacy, P. O' Neill, A. Phelan, E. Aylward, A. M. Irish, F. Doherty, C. Long, T. Breathnach, P. Dunphy.

Also Present: J. Mulholland A/County Manager, P. O' Neill, J. McCormack Directors of Services, J. Dempsey Head of Finance, S. Walton and B. Mernagh Senior Engineers, D. Malone Senior Planner, M. Delahunty & A.M. Walsh Senior Executive Officers, M. Butler Arts Officer, D. McDonnell Management Accountant, D. Shortall Administrative Officer and Adrian Waldron Meetings Administrator.

Before the formal commencement of the meeting presentations were made to Mr. Philip Edmondson Director of the Kilkenny School of Music and to Mr. John Bryan to mark his election as incoming President of the Irish Farmers Association.

Philip O'Neill Director of Services circulated to each member the following

- New Capital Programme--€60M. over the 3 years
- Powerpoint presentation given by Philip O'Neill at Council mtg. of 19th October 2009 on the Financial implications for Kilkenny Co. Co. of funding the capital programme
- Minutes of Council mtg. of the 19th October '09 which set out in detail the financial challenges facing the Council in funding the Council 's required financial contribution under the water pricing policy to the capital cost which amounts to €20 M. approx. The minutes included a resolution from the Council requesting the Dept. to fully fund the capital cost of these schemes

Mr. O'Neill indicated that development contributions are down significantly and cannot repay fully the existing loan of €8.5M which was taken out last year to fund schemes completed and in progress

He added that the Dept. has been informed of the Council's difficulty in funding these schemes and we are awaiting their response to the Council's request that they fully fund these schemes

At the outset of the meeting the Cathaoirleach forwarded congratulations to:-

- St. Kieran's College on their victory in the All Ireland Colleges Final.
 - Ballyhale Shamrocks on their victory in the All Ireland Senior Club Championship.
- It was agreed that representatives from the Ballyhale Shamrocks would be invited to the May meeting of Kilkenny County Council.

- Congratulations were forwarded to the representatives from Kilkenny Water Safety who performed so well at 2 recent National events in Wexford and Limerick.
- Congratulations were sent to Anne Phelan on being selected as the Labour party's nomination for the next General Election. Members from all parties joined with the Cathaoirleach in offering congratulations to Cllr. Phelan.

The Cathaoirleach informed the meeting regarding his recent visit to New York at the invitation of the Kilkenny Association. He informed members that the trip had been very beneficial, particularly meetings which had taken place with Failte Ireland, the IDA and with the Kilkenny Association.

He noted to the meeting how delighted he was to take part in the recent commemoration of the parts played by Irish men and women in World War 1 and 2.

He offered best wishes to Dunamaggin National School who would be taking part in the fit factor competition.

John Mulholland Acting County Manager noted to members that a voluntary litter pick which would be taking place on the coming Wednesday evening at 6.30p.m. He also noted that there would be litter surveillance cameras on the roads leading in to the City for the summer. Cllr. Malcolm Noonan, as Mayor of Kilkenny City welcomed this initiative and commended the Tidy Towns Associations in the City & County.

The Cathaoirleach drew member's attention to the letter from the National Roads Authority accepting the delegation from Kilkenny County Council. It was agreed that a list of priorities would be drawn up before getting in contact with the National Roads Authority to formalise a date for receipt of this delegation.

It was proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. C. Connery and resolved:- "That Kilkenny County Council write to the Minister for the Environment asking him to withdraw recent remarks which implied that all County Councils were part of a cartel with developers".

The Cathaoirleach welcomed the launch of the River Nore Heritage booklet.

The previous invitation to the winning Freshford Intermediate team was noted and it was agreed that same would take place during the Summer.

Votes of Sympathy

The Cathaoirleach was joined by members in offering a vote of sympathy to the County Manager on the recent death of his mother in law the late Mrs. Maebh Troy.

A Vote of Sympathy was offered to the large Polish community in Ireland following the death of their President and other prominent leaders in the recent tragic plane crash.

- The Doody Family, Ballincur, Mooncoin, Co. Kilkenny on the death of Nellie Doody.

- The Corcoran Family, Cloneen, Clogga, Mooncoin, Co. Kilkenny on the death of Eamon Corcoran.
- The Fahy Family, Cashel, Piltown, Co. Kilkenny on the death of Dick Fahy.
- The Presentation Convent Mooncoin on the death of Sr. Aloysius Lynch.
- The Dowling Family, Ballinlough, Carrigeen, Via Waterford, Co. Kilkenny on the death of Ger Dowling.
- Elsie Reid, Ballincur, Mooncoin, Co. Kilkenny on the death of Peter Reid.
- Yvonne Pheasey & Family, Ballinlough, Carrigeen, Via Waterford, Co. Kilkenny on the death of Mary Lennon.
- The Power Family, Inchacarron, Mullinavat, Co. Kilkenny on the death of Teresa Power.
- Mai Cummins, Turkstown, Piltown, Co. Kilkenny on the death of Patsy Cummins.
- Nicholas Kelly, Aylwardstown, Glenmore, Co. Kilkenny on the death of Jimmy Kelly.
- The Kelly Family, Ballygorey, Mooncoin, Co. Kilkenny on the death of Eily Simpson.
- Bernie Dempsey, Pleberstown, Thomastown, Co. Kilkenny on the death of Patrick Greene.
- William O' Keeffe, Smithstown, Thomastown, Co. Kilkenny on the death of Bridget O' Keeffe.
- Walter Walsh, Polerone, Mooncoin, Co. Kilkenny on the death of Maura Walsh.
- Frank Madigan, Ballydaw, Mullinavat, Co. Kilkenny on the death of Ann Madigan.
- The McGree Family, 37 Woodview, Freshford, Co. Kilkenny on the death of Peggy McGree.
- Kerri Bolger, Wollengrange, Bennettsbridge, Co. Kilkenny on the death of Dan Bolger.
- Paudie Lannon, 13A The Ring, Bennettsbridge, Co. Kilkenny on the death of Jim Lannon.
- Mrs. Nellie Grant & Family, Curraghmore, Slieverue, Co. Kilkenny on the death of James Grant.
- Nicholas Kelly & Family, Alywardstown House, Glenmore, Co. Kilkenny on the death of James Kelly.
- Michael Doherty & Family, Kilmacavogue, Glenmore, Co. Kilkenny on the death of Maria Doherty.

1. Confirmation of Minutes

- (a)** Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 15th of March, 2010

Proposed by Cllr. P. O'Neill, Seconded by Cllr. T. Maher:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 15th of

March, 2010 copy of which had been circulated with the agenda be and are hereby approved.”

The minutes were corrected to note that Cllr. Mary Hilda Cavanagh formally seconded the Notice of Motion proposed by Cllr. Pat Crowley supporting the idea of a Universal Health Care System.

- (b) Minutes of Kilkenny Electoral Area Meeting held on 8th February, 2010 Proposed by Cllr. J. Coonan, Seconded by Cllr. M. Brett:- “That the minutes of Kilkenny Electoral Area Meeting held on 8th February, 2010 copy of which had been circulated with the agenda be and are hereby approved”.
- (c) Minutes of Audit Committee Meeting held on 12th February, 2010 Proposed by Cllr. C. Connery, Seconded by Cllr. E. Aylward:- “That the minutes of the Audit Committee Meeting held on 12th February, 2010 copy of which had been circulated with the agenda be and are hereby approved”.
- (d) Minutes of Strategic Policy Committee 2 – Infrastructure, Transportation, Water Services & Other Policy Issues held in County Hall on Wednesday 31st March, 2010 Proposed by Cllr. P. Millea, Seconded by Cllr. M. Doran: - “That the Minutes of SPC 2 Infrastructure, Transportation, Water Services & Other Policy Issues held on Wednesday 31st March, 2010 copy of which had been circulated with the agenda be and are hereby approved”.
- (e) Minutes of SPC 3 Environmental Policy, Fire Services and Emergency Planning held on 7th April, 2010. Proposed by Cllr. T. Maher, Seconded by Cllr. J. Brennan:- That the minutes of SPC 3 Environmental Policy, Fire Services and Emergency Planning Meeting held on 7th April, 2010 copy of which had been circulated with the agenda be and are hereby approved”.

It was agreed that the resolution which was passed at the SPC meeting approving the adoption of the South East Basin River Management Plan 2009/2015 be taken in conjunction with item 2(h) as it appears on this agenda.

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 Disposal – Tithíocht Díuscairt

Proposed by Cllr. A. Phelan, Seconded by Cllr. S. Treacy and resolved: - “That Kilkenny County Council hereby approves of the disposal of its interest in land at Limekiln Lane, Jerpoint Church, Thomastown, Co. Kilkenny to Dermot Forristal in accordance with details contained in the Notice served under Section 183 of the Local Government Act, 2001”.

(b) Community & Enterprise - Pobal agus Fiontar

Report from the Arts Office – Deferred from March Meeting.

Mary Butler Arts Officer gave a detailed presentation which was welcomed by members. It was agreed that the text of the presentation be forwarded to all members. Following the presentation there were a number of questions from members which the Arts Officer answered. Members expressed concern regarding the impact of the cut backs which had taken place in funding to Arts from the Council budget in recent years.

Contributions Cllrs. J. Coonan, J. Brennan, A. Phelan, M. Noonan, A. McGuinness, B. Manning, T. Breathnach, P. Cuddihy, C. Connery, P. Crowley, F. Doherty, T. Maher.

(c) Planning - Pleanail

Addition to the Record of Protected Structures – RPS entry for C696 Castlecomer Creamery Site.

Proposed by Cllr. J. Brennan, Seconded by Cllr. M. Shortall and resolved: - “That the error made in the compilation of the minutes of the Council meeting of January 15th 2010 in relation to the proposed addition reference C696, Castlecomer Creamery Site be rectified and that the RPS entry for C696 be amended to: Castlecomer Creamery Site, Structure No. 1 only (as per Carrig submission of 15th October 2009)”

(d) Roads – Bóithre

- National Roads Authority Bridge Management Programme
- Proposed Section 85 Agreement with Kildare County Council
- Proposed Section 85 Agreement with Offaly County Council

It was proposed by Cllr. M. Shortall, Seconded by Cllr. T. Maher and resolved:- “That Kilkenny County Council resolve to enter into a Section 85 (Local Government, Act 2001) Agreement with Kildare County Council, who will act as Client, for the purposes of expansion, joint, replacement, water proofing and/or resurfacing on National Road Bridges at Dysart and Ballyragget
Kilkenny County Council further resolves to enter into a Section 85(Local Government Act, 2001) Agreement with Offaly County Council who will act as Client, for the purposes of Bridge Rehabilitation Work on the National Road N76 Bridge at Kilbride”

(ii) 2010 Roadwork Scheme

This item was presented by John Mulholland, A/County Manager who drew member's attention to the main features within this scheme.

Following this presentation there were a number of queries from members regarding the scheme to which Mr. Mulholland responded.

Members contributing noted:-

- The decrease in grant support due to restraints on public expenditure.
- The need for signage from Waterford coming into South Kilkenny.
- The need for maintenance around the new motorways in the County.
- The absence of funding for public lighting and footpaths within the Roadwork's Scheme.

It was noted by Mr. Mulholland that there was still money available under the School Safety Programme. Following discussion on this item it was proposed by Cllr. Pat O' Neill, Seconded by Cllr. Sean Treacy and resolved:- "That the Road Works Scheme for 2010 as presented to members be and is hereby approved".

A further resolution was Proposed by Cllr. P. O' Neill, Seconded by Cllr. S. Treacy "That Kilkenny County Council write to the Department of Transport seeking approval for 2% of the overall funding to be allocated to public lighting and maintenance of footpaths"

Contributions Cllrs. P. O' Neill, S. Treacy, P. Dunphy, C. Connery, T. Breathnach, T. Maher, C. Long, M. Doran, E. Aylward, F. Doherty, M. H. Cavanagh, M. Brett.

(iii) 2010 Revised Special Speed Limits for County Kilkenny.

It was proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. M. Doran and resolved:- "That the County Council of the County of Kilkenny of the powers conferred on them by Section 46 of the Road Traffic Act 1961, as inserted by Section 33 of the Road Traffic Act, 1994 and Section 9 of the Road Traffic Act, 2004 and with the consent of the National Roads Authority, hereby make Special Speed Limit Bye Laws in respect of the area comprising of the administrative County of Kilkenny in accordance with the report attached and forwarded to members on the 16th of April, 2010.

Contributions Cllrs. M. H. Cavanagh, T. Maher and P. Millea.

(e) Housing – Tithíocht

(i) Quarterly Housing Report – 31st March 2010

There were a number of questions regarding this item. It was agreed that the response to these items would be made at the next meeting of Kilkenny County Council.

Contributions Cllrs. A. McGuinness, M. Fitzpatrick, A. Phelan, P. O' Neill, J. Coonan, M. Doran, P. Dunphy, T. Maher, B. Manning, M. Shortall, A.M. Irish, E. Aylward, J. Brennan, M. O' Brien.

At this juncture it was agreed to proceed to Item 8 on the Agenda Education and Training.

8 Education & Training

Proposed by Cllr. M. Shortall, Seconded by Cllr. P. Millea and resolved: - "That the Schedule of conferences and summary proceedings as presented be and is hereby approved".

Housing – Tithíocht

Draft Scheme of Letting Priorities – Deferred.

(h) Water Services - Seirbhísí Slántaíochta

South Eastern Draft River Basin Management Plan 2009-2015 (Draft Plan and Report already circulated) To consider the following resolution "That we the members of Kilkenny County Council hereby approve the adoption of the South Eastern River Basin Management Plan 2009-2015 in accordance with the European Communities (Water Policy) (Amendment) Regulations 2010 (S.I. No. 93 of 2010)".

At the commencement of this item the Cathaoirleach read out a statement which would form the text of any subsequent resolution on this issue. At this juncture it was proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. P. Millea and resolved "That Standing Orders be extended for a period of 15 minutes to allow discussion on this item to be completed".

It was proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. P. Millea and resolved:- "That in exercise of powers conferred by Section 131 of the Local Government Act 2001(37) of 2001 and the European Communities (Water Policy) Regulations 2003 as amended, this Council hereby resolves to make the South Eastern River Basin Management Plan 2009-2015 subject to the removal

of Paragraph 4, Section 5.2.3 Page 59 and the removal of any measures which exceeds the requirement of the Nitrates Regulations for the first 6 year cycle the 22nd of December, 2015 including the establishment of the associated Water Body Objectives and programme of measures for the said period to comply fully with the Water Framework Directive (WFD).

In adopting the plan the members of Kilkenny County Council note the requirement of Central Government to make available the required resources to enable the upgrading of Water Services Infrastructure throughout County Kilkenny so that Kilkenny County Council's infrastructure may be upgraded to a standard that facilitates the attainment of the objectives set out in the plan"

Proposed by Cllr. Pat O' Neill, Seconded by Cllr. T. Maher:-

"That the Department of Agriculture, Fisheries and Food reintroduce the old REPS scheme, as this assisted the improvement of water quality in Ireland."

It was agreed that as it had not been possible to complete the agenda due to the time taken on the presentation at this meeting, all other items would be deferred to a Special Meeting which was fixed for Tuesday 4th of May 2010 at 2.00p.m. in the Council Chamber where the balance of the items on this agenda would be dealt with.

The meeting concluded at 6.15p.m.

CATHAOIRLEACH

DATE