

**Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 21<sup>st</sup> December, 2009 at 3.00p.m. in the Council Chamber, County Hall.**

**Cathaoirleach:** Cllr. Michael O' Brien.

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

**Apologies:** Cllr. Betty Manning

**Also Present:** J. Crockett County Manager, P. O' Neill, J. Mulholland, J. McCormack Director of Services, D. Malone Senior Executive Planner, C. Reilly Executive Planner, C. Kelly Executive Planner, A. Doyle Conservation Officer, D. Shortall Admin Officer and A. Waldron Meetings Administrator.

At the outset of the meeting the Cathaoirleach informed the meeting that he had received a Christmas card from the Chairman of Leicestershire County Council the Local Authority with which we are twinned. He informed the meeting that he was hopeful that that the strong relationships which had been fostered over the years with Leicestershire County Council would continue in 2010.

He paid tribute to the Shamrocks Ballyhale Senior Hurling Team and the St. Lachtains Intermediate Hurling Team and the Blacks and Whites of Skeoghvosteen Junior Hurling team who had won the Senior, Intermediate and Junior Leinster titles.

Congratulations were also sent to the Fenians Johnstown who won the U.21 League title.

The Cathaoirleach drew member's attention that at this time of year it was appropriate that we should consider the numbers of people who have lost their jobs over the past year. He noted that the staff of Kilkenny Local Authorities has decreased by over 100 this year i.e. 15%.

The Cathaoirleach paid tribute to Eamon Rowan and Collette Cass who have retired from Kilkenny County Council after many years of service. The County Manager joined with the Cathaoirleach's tribute.

The Cathaoirleach informed the meeting that it had been his recent pleasure to attend in his role as Cathaoirleach, the first anniversary of the opening of the WaterShed. He complimented the operation which had provided quality leisure services for the people of Kilkenny City & County whilst providing value for money.

He further confirmed that due to the success of their operations, they were not requiring any publicly funded assistance for the forthcoming year.

## Votes of Sympathy:-

- Pat Lyng, Tintine, The Rower, Co. Kilkenny on the death of his brother Tom Lyng.
- Patrick Daly, Jerpoint West, Thomastown, Co. Kilkenny on the death of his sister Rita Teesdale.
- William Doyle, Milepost, Slieverue, Co. Kilkenny on the death of Helene Doyle.
- Kitty Marnell, Oldtown, Cuffesgrange, Co. Kilkenny on the death of her husband Sean Marnell.
- The Butler Family, Knockdrinna, Stoneyford, Co. Kilkenny on the death of Paddy Butler.
- Mrs. Kealy & Family, Parkmore, Callan Road, Kilkenny on the death of John Joe Kealy.
- Fergus Heffernan, Cedarwood Avenue, Loughboy, Kilkenny on the death of his mother Una Heffernan.
- Lar Young, Tullogher, Co. Kilkenny on the death of his brother Paul Young.
- Maura & Michael Brereton, Ballynunry, The Rower, Co. Kilkenny on the death of their daughter Marguerite Brereton.
- Jacinta Vogelaar, Hillside, Newrath, Ferrybank, Via Waterford on the death of her husband Michael Vogelaar.
- Leo Butler, Dangan, Kilmacow, Co. Kilkenny on the death of his father Joseph Butler.

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

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on 16<sup>th</sup> November, 2009.  
Proposed by Cllr. T. Maher, Seconded by Cllr. M. Shortall and resolved:- “That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 16<sup>th</sup> of November, 2009 copy of which had been circulated to each member with the Agenda be and are hereby adopted”.
- (b) Minutes of the Piltown Electoral Area Committee Meeting held on 27<sup>th</sup> November 2009 at 3pm in Area Office Newrath.  
Proposed by Cllr. P. Dunphy, Seconded by F. Doherty and resolved:- “That the minutes of the Piltown Electoral Area Committee Meeting held on 27<sup>th</sup> November, 2009 copy of which had been circulated to each member with the Agenda be and are hereby adopted”.
- (c) Minutes of the Callan Electoral Area Meeting held on 2<sup>nd</sup> December 2009 at 9.30pm in the Workhouse in Callan.  
Proposed by Cllr. T. Maher, Seconded by Cllr. M. Doran and resolved:- “ That the minutes of the Callan Electoral Area Meeting held on 2<sup>nd</sup> December, 2009 copy of which had been circulated to each member with the Agenda be and are hereby adopted”.

- (d) Minutes of Meeting of Forward Planning & Development Strategic Policy Committee (SPC1) held on the 3<sup>rd</sup> December 2009 in the Council Chamber. Proposed by Cllr. P. O' Neill, Seconded by Cllr. M. Shortall and resolved:- "That the minutes of the SPC 1 Meeting held on 3<sup>rd</sup> December, 2009 copy of which had been circulated to each member with the Agenda be and are hereby adopted".

The Chairman of SPC 1 Cllr. M. Shortall informed members that a Special Meeting of SPC 1 was to take place on Friday 8<sup>th</sup> of January at 11.00a.m. to which all members are invited. This special SPC meeting is for the purpose of a presentation of the new planning regulations.

- (e) Minutes of Housing & Social Strategic Policy Committee Meeting held on 21 October, 2009, held in Council Chamber, County Hall, John Street, Kilkenny. Proposed by Cllr. M. Fitzpatrick, Seconded by Cllr. C. Connery and resolved:- "That the minutes of Housing & Social Strategic Policy Committee Meeting held on 21<sup>st</sup> October, 2009 copy of which had been circulated to each member with the Agenda be and are hereby adopted.
- (f) Minutes of the Strategic Policy Committee 2- Infrastructure, Transportation, Water Services and other Policy issues held in County Hall on Wednesday 9<sup>th</sup> December 2009. Proposed by Cllr. P. Millea, Seconded by Cllr. T. Maher and resolved:- "That the minutes of Strategic Policy Committee No. 2 held on 9<sup>th</sup> December, 2009 copy of which had been circulated to each member with the Agenda be and are hereby adopted".
- (g) Minutes of Kilkenny Electoral Area Meeting held in Council Chamber Kilkenny Borough Council, City Hall, Kilkenny on Monday, 9<sup>th</sup> November, 2009. Proposed by Cllr. J. Coonan, Seconded by Cllr. M. Fitzpatrick and resolved:- "That the minutes of Kilkenny Electoral Area Meeting held on 9<sup>th</sup> November, 2009 copy of which had been circulated to each member with the Agenda be and are hereby adopted".

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

**Housing & Other Disposal - Tithíocht & Dúscairt Eile**

(a) **Housing**

Proposed by Cllr. M. Shortall, Seconded by Cllr. C. Connery and resolved:- "That Kilkenny County Council hereby approves of the disposal of its interest in Tifeaghna, Freshford, Co. Kilkenny to Elizabeth Fox and Kevin McDonald in accordance with the terms of the Housing Acts 1966 to 2002".

**(b) Other Disposal**

**(i)** Proposed by Cllr. F. Doherty, Seconded by Cllr. P. Dunphy and resolved:-  
“That Kilkenny County Council hereby approves of the disposal of its interest in land at Ballynooney, Mullinavat, Co. Kilkenny to Peter Raftice in accordance with the details contained in the Notice served under Section 183 of the Local Government Act, 2001”.

**(ii)** Proposed by Cllr. P. Millea, Seconded by Cllr. B. Ireland and resolved:-  
“That Kilkenny County Council hereby approves of the disposal of its interest in land at Tullaroan, Co. Kilkenny to Anthony Dillon in accordance with the details contained in the Notice served under Section 183 of the Local Government Act, 2001”.

**(iii)** Proposed by Cllr. B. Ireland, Seconded by Cllr. M. Doran and resolved:-  
“That Kilkenny County Council hereby approves of the disposal of its interest in land at Rathduff, Stoneyford, Co. Kilkenny to Michael & Teresa Phelan in accordance with the details contained in the Notice served under Section 183 of the Local Government Act, 2001”.

**(c) Planning – Pleanail**

**(i)** Manager’s Report on Submissions to Proposed Amendments to the Draft Kilmacow Local Area Plan.

It was proposed by Cllr. T. Breathnach, Seconded by Cllr. C. Long and resolved:- “We the members of Kilkenny County Council having considered the proposal to make a Local Area Plan for Kilmacow under Sections 18-20 of the Planning & Development Act 2000-2002, as amended, having considered the County Manager’s Report as circulated on the 15<sup>th</sup> September, 2009 on the written submissions to the proposed plan, having considered that the proposal should be varied and modified in accordance with our decisions made at meeting of Kilkenny County Council held on 21<sup>st</sup> September, 2009 having published the proposed variations on the 9<sup>th</sup> of October, 2009, having considered the County Manager’s Report of the 14<sup>th</sup> December, 2009 on the submissions to the proposed variations at the meeting of Kilkenny County Council held on 21<sup>st</sup> December, 2009 do hereby make the Kilmacow Local Area Plan 2009-2015. (The Local Area Plan being the proposal published as the “proposed” plan as modified by resolution of the Council 21<sup>st</sup> September 2009 (and modified by any resolution dated 14<sup>th</sup> December, 2009).

The Proposer and Seconder both thanked Denis Malone, Caitriona Reilly and the planning staff who had engaged with the people of Kilmacow over the last 2 years to bring this local area plan to fruition.

**(ii) Proposed Additions to and Deletions from the Record of Protected Structures for County Kilkenny.**

A number of members raised concerns regarding the level of contact between some of the entrants and deletions on the plan with the local authority. It was confirmed that the decision on same could be deferred. However, it was noted to the meeting that a decision would have to be made on same by 15<sup>th</sup> January, 2010. Accordingly, it was agreed that the Ordinary Meeting of Kilkenny County Council be moved forward from the usual 3<sup>rd</sup> Monday of the month to Friday 15<sup>th</sup> of January, 2010 at 3.00p.m. in order to facilitate a final decision on this item.

Contributions Cllrs. M. O' Brien, T. Maher, M. Shortall.

**(d) Roads - Bóithre**

**(i) Extinguishment of Public Right of Way under Section 73 of the Roads Act, 1993 – Proposed by Cllr. T. Maher, Seconded by Cllr. B. Ireland and resolved:-** “That Kilkenny County Council hereby approves of the proposal to extinguish the public right of way at the following location Road No. LT10313, Garryricken, Callan, Co. Kilkenny.

**(ii) Taking in charge of Estates**

Proposed by Cllr. M. Doran, Seconded by Cllr. B. Ireland and resolved: - “That the Taking in Charge of Estates at Thorngrove, Rathclough, Danesfort and Lawcus Fields, Stoneyford is hereby approved”.

Under the heading of roads the Chairman read out a road safety message which was to be forwarded to the media. The Chairman of the Road Safety Committee, Cllr. Paul Cuddihy concurred with the Chairman's sentiments and urged vigilance on the roads over the Christmas period.

**(e) Corporate - Gnóthaí Corparáideacha**

**(i) Appointment of four Sectoral Representatives by Kilkenny County Council to Kilkenny VEC.**  
It was proposed by Cllr. T. Maher, Seconded by Cllr. P. O' Neill and resolved: - “That Emma Barron and Fintan Byrne are appointed as sectoral representatives of Kilkenny County Council onto Kilkenny VEC.

It was proposed by Cllr. M. Doran, Seconded by Cllr. S. Treacy and resolved: - “That Ailish Holden is appointed as sectoral representative of Kilkenny County Council onto Kilkenny VEC”.

Proposed by Cllr. T. Breathnach, Seconded by Cllr. M. Shortall and resolved: - "That Brian Harris be appointed as sectoral representative of Kilkenny County Council onto Kilkenny VEC".

The Cathaoirleach asked whether there were any further nominations. As there weren't, it was deemed that those 4 names are appointed as sectoral representatives of Kilkenny County Council to Kilkenny VEC.

**(ii) Draft Corporate Plan 2009 -2014**

John Mulholland Director of Services informed the meeting that this Corporate Plan which was being put before them in draft form had been prepared in a time of difficult and unprecedented challenges for Kilkenny Local Authorities. He confirmed that this plan which under the Local Government Act 2001 has to be statutorily passed 6 months after the Annual Meeting of the new Council will form the basis for annual work programmes for the forthcoming 5 years.

He confirmed that this plan was taking into account the inputs and comments of the various SPC's. He further outlined that elements included in the plan which had not been included in the previous Corporate Plan included risk assessment, climate change, procurement policies including environmental procurement and the health, safety and welfare of staff.

It was proposed by Cllr. J. Coonan, seconded by Cllr. M. Shortall and resolved: - "That the Draft Corporate Plan 2009/2014 copy of which had been circulated be and is hereby approved".

**3. Urgent Correspondence - Comhfhreagras Práinneach**

Adrian Waldron Meetings Administrator confirmed to the meeting that no substantive reply had been received to the resolution sent to the Minister for the Environment and the Minister for Finance regarding a scheme being put in place to help people who had got into mortgage arrears for their homes.

It was agreed at this juncture by the Cathaoirleach to allow a discussion to develop under this item which covered the report and recommendation of the Housing and Social Strategic Policy.

Concurring with the report of the SPC Chair Cllr. Marie Fitzpatrick, John McCormack Director of Services confirmed that as capital monies were unavailable from the Department of the Environment, The local authorities social housing focus was changing from traditional provision to the leasing and long term rental accommodation models. He informed the meeting that Kilkenny Local Authorities are actively working with the voluntary housing organisations to get units. However, at present there are not the number of vacant units in Kilkenny City that other local authorities have at their disposal. He informed the meeting that the highest level of demand within Kilkenny City was for 1-2 bedroom units.

He further informed the meeting that as part of the public information programme, Kilkenny Local Authorities are currently in the process of re-interviewing everyone who is on the housing list to gain updated information on their housing requirements and their current circumstances. He further informed members that the rental support system is tightening up to take account of instances where people are refusing houses.

In response to some comments regarding houses being boarded up and its effect on the appearance of estates, Mr. McCormack informed the meeting that these houses were boarded up for fears of vandalism but he would take on board the point of perhaps painting the boards on these houses to improve their appearance.

Following a full discussion on this item to which most members contributed a number of resolutions were passed.

It was proposed by Cllr. P. Dunphy, Seconded by Cllr. T. Maher and resolved:-  
“That Kilkenny County Council write to the Minister for the Environment to put in place regulations whereby the number of vacant houses currently on the market could be placed into Local Authority stock to alleviate the difficulties for applicants on the housing waiting list.

It was proposed by Cllr. T. Breathnach, Seconded by Cllr. P. Millea and resolved:-  
“That Kilkenny County Council write to the Department of Finance requesting them to set up a credit scheme whereby no repossessions would take place on homes which are used as primary residence.

It was proposed by Cllr. M. Fitzpatrick, Seconded by Cllr. J. Coonan and resolved:-  
“That Kilkenny County Council write to the Department of the Environment to have Newpark Close included as part of the housing regeneration scheme” It was agreed that these resolutions would be drafted and finalised following discussions between the Cathaoirleach, the Chair of the Housing SPC Marie Fitzpatrick, the Director of Housing and the Meetings Administrator.

Contributions: - Cllrs. M. Fitzpatrick, P. Millea, P. Dunphy, M. Shortall, A. Phelan, A. McGuinness, P. O’Neill, T. Maher, P. Cuddihy, M. Brett, P. Crowley, C. Long, J. Coonan.

#### **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:**

Schedule of meetings from December – February. It was noted again to members the change of date for the January Meeting to Friday 15<sup>th</sup> of January, it was further noted that the SPC 1 meeting is taking place at 11.00a.m. and not 10.00a.m. as per notice circulated.

## **6. Consideration of Reports and Recommendations of Committees of the Council**

### **- Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:**

**(a)** Report on Piltown Electoral Area Committee Meeting held on 27<sup>th</sup> November, 2009 at 3pm in Area Office Newrath.

Report proposed by P. Dunphy, Seconded by Cllr. C. Long and agreed. The report was presented by Cllr. P. Dunphy issues discussed during the course of the meeting:-

- Additions/Deletions to the record of protected structures.
- Update on Road works programme 2009
- Group sewerage schemes
- Issue of speeding on minor roads was raised
- Waterford By Pass Project

**(b)** Report of the Callan Electoral Area Meeting held on 2<sup>nd</sup> December, 2009 At 9.30pm in the Workhouse in Callan.

Proposed by Cllr. T. Maher, Seconded by Cllr. M. Doran and agreed.

The report was presented by Cllr. T. Maher. Issues discussed during the course of the meeting:-

- Derelict Site Windgap
- Additions to the record of protected structures
- Progress on the Road works programme 2009
- Extinguishment of Public Right of Way at Garyricken, Callan.

**(c)** Report on the Forward Planning & Development Strategic Policy Committee (SPC1) held on the 3<sup>rd</sup> December 2009 in the Council Chamber.

Proposed by Cllr. M. Shortall, Seconded by Cllr. M. Brett and agreed. The report was presented by Cllr. M. Shortall. Issues discussed during the course of the meeting:-

- The representatives from Eirgrid gave a presentation on the proposed Laois-Kilkenny 400/110kv network upgrade.
- Discussion on the planning and development amendment bill 2009.

**(d)** Report and Recommendation of the Housing & Social Strategic Policy Committee following their meeting held on 21<sup>st</sup> October, 2009, held in the Council Chamber, County Hall, John's Street, Kilkenny

Proposed by Cllr. M. Fitzpatrick, Seconded by Cllr. C. Connery and resolved: - This report had been discussed in detail under item 3 of the Agenda for the Council Meeting.

**(e)** Report on Strategic Policy Committee 2- Infrastructure, Transportation, Water Services and other Policy issues held in County Hall on Wednesday 9<sup>th</sup> December 2009.

Proposed by Cllr. P. Millea, Seconded by Cllr. M. Doran and agreed. This report was presented by Cllr. P. Millea. Issues discussed during the course of the meeting:-

- Corporate Plan/Infrastructure Transportation
- Corporate Plan Water Services
- Broadband

**(f)** Report and Recommendations of the Kilkenny Electoral Area Committee following their meeting held on Monday 9<sup>th</sup> November, 2009

Proposed by Cllr. J. Coonan, Seconded by Cllr. M. Brett and agreed. The report was presented by Cllr. J. Coonan. Items discussed during the course of the meeting:-

- Additions to the Record of Protected Structures
- Taking in Charge of Estates
- Schedule of dates and times of the Kilkenny Electoral meetings for 2010 were agreed.
- There were a number of items under AOB including – The upcoming retirement of Frank Grey Senior Executive Engineer, The Borough Boundary Extension needs to be discussed in January 2010, The Cathaoirleach noted that no formal discussion had taken place regarding the proposed Borough Extension at County Council level. However, he noted that as this item had come up for discussion at Borough Council and area committee level it would be appropriate for it to be discussed in detail and for a meeting to take place at some stage in January.

**7. Other Business set forth in the Notice convening the Meeting - Gnó Eile romhainn i bhFógra reachtála an Chruinnithe**

None.

**8. Education & Training**

Conferences – Request for approval to attend as per circulated list.

Proposed by Cllr. M. Brett, Seconded by Cllr. P. Dunphy and resolved: - “That the conference list as circulated be approved”.

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

Cllr. M. Shortall raised the issue of the number of accidents which had taken place at Grange Bridge in 2009. John Mulholland Director of Services informed the meeting that temporary signage would be put in place and that a submission had been made to the Department of Transport for funding for a permanent solution in 2010.

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

Cllr. A. Phelan noted that as part of the provisions in the recent budget there had been changes made to the dental scheme. She asked that members of the public attend to avail of these provisions under the previous scheme who intend should avail of same as soon as possible.

During the course of the meeting, news was filtering through of the likelihood that John Bryan was going to be successful in his bid to be IFA President . It was agreed that he be invited to a future meeting to honour this achievement.

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

**25 (09) Cllrs. Pat Dunphy, Tomas Breathnach, Anne Maria Irish, Cora Long, Fidelis Doherty and Eamon Aylward.**

Proposed by Cllr. P. Dunphy, Seconded by Cllr. T. Breathnach and resolved:-  
“That Kilkenny County Council write to the Minister for the Environment, Heritage and Local Government seeking (a) emergency funding to repair the damage caused by flooding in the County of Kilkenny in the bad weather conditions in November and (b) that any funding provided to Kilkenny County Council for the 2010 roadwork’s schemes will be used to repair roads rather than resurface roads for 2010 only”

**26 (09) Cllrs. Ann**

**e-Maria Irish, Pat Dunphy, Tomas Breathnach, Fidelis Doherty, Eamon Aylward and Cora Long.**

“That this Council would assist Local Area Committees to develop Local Emergency Response Plans and, particularly in light of flooding recently, assist Local Areas in developing resources and networks to cope with such emergencies.”

It was agreed that this notice of motion would be withdrawn. John Mulholland Director of Services informed the meeting that Kilkenny County Council have emergency procedures in place. However, he informed members that if they were of the view that there were any deficiencies that they should contact him regarding same.

**27 (09) Cllrs. Tomas Breathnach, Maurice Shortall, Ann Phelan, Marie Fitzpatrick,**

Proposed by Cllr. T. Breathnach, Seconded by Cllr. A. Phelan and resolved:-  
“That due to the financial constraints being experienced by schools and due to the government decision to introduce Metered Water Rates with effect from the 1<sup>st</sup> of January 2010 that Kilkenny County Council write to all the School Principals to inform them of this change and to advise them of measures which conserve water and therefore reduce costs. Also advise them that an application be made to the Department of Education of Science for assistance to fund water conservation measures in their schools.

It was agreed that Adrian Waldron Meetings Administrator would prepare details for all notices of motions that had been passed in 2009 for the February 2010 meeting.

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

**37(09) Limerick County Council – 26<sup>th</sup> November, 2009**

“That Limerick County Council calls on the Government to introduce legislation that Local Authorities, as the Statutory Housing Authority, be given full responsibility for all Social Housing provision and associated

housing supports, including the administration of the Rent Supplement Scheme”

**Noted.**

**38(09) Kerry County Council – 26<sup>th</sup> November, 2009**

“That Kerry County Council calls for the holding of an enquiry into the appointment of rural representatives on An Board Pleanala as those appointed to represent this category were previously Senior Planning Inspectors with the Board.”

**Noted.**

**39(09) Donegal County Council – 8<sup>th</sup> December, 2009**

“That Donegal County Council condemns the decision by the Minister for Agriculture and the Government for their decision to close the REPS 4 scheme for new applicants, and that this Council calls on our Donegal TD’S and Senators to object in Oireachtas Eireann to Minister Smith’s decision on this matter”

**Noted.**

**40(09) Donegal County Council – 12<sup>th</sup> November, 2009**

“That Donegal County Council support the five principles of Guth Na Gaeltachta, which are:

1. To retain Roinn na Gaeltachta under the direction of a minister of the Gaeltacht.
2. To retain the enterprise responsibilities of Udaras na Gaeltachta.
3. To protect Gaeltacht and Gaeilge education.
4. To retain language development, cultural and arts schemes and amend them if necessary.
5. Funding to be made available for capital works, infrastructure and communities in rural areas such as the Gaeltacht.”

**Noted.**

At this juncture the Cathaoirleach thanked all members for their cooperation during 2009 he wished all members and staff a Happy Christmas and New Year and invited those present to a small get together in Langtons.

**This concluded the business of the meeting.**

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CATHAOIRLEACH

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DATE