

**Minutes of Council Meeting held on Monday 17<sup>th</sup> January, 2011 at 3.00p.m. in the Council Chamber, County Hall, John Street, Kilkenny.**

**Cathaoirleach:** Cllr. C. Connery

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

**Apologies:** Cllr. John Coonan

**Also Present:** J.Crockett, J. Mulholland, J. McCormack, P. O' Neill, J. Dempsey, M. Mullally, D. McDonnell, S. Walton, C. McCarthy, D. Malone, B. Sheehan, C. Reilly, C. Kelly and A.M. Walsh.

At the outset the Cathaoirleach offered sincere thanks on behalf of the public to all staff who responded during the severe weather prior to and after Christmas. She appreciated the updated reports issued to all elected members. All members were associated with the sentiments. The County Manager thanked the members for their kind words and also thanked all the Statutory Agencies who responded and thanked the media both print and radio for their continued support in getting the message to the public.

The Cathaoirleach noted a number of events and achievements that had taken place. Congratulations were offered to the following:-

- Ann Marie Bergin, Lisdowney who retained the Super Lightweight International Kickboxing Federation title.
- Castlecomer Wellie Race New Years Day
- To all the Kilkenny students who represented their schools at the Young Scientist Exhibition.
- Bridgestone Guide – Kilkenny is named Food County of the Year in its Megabytes Awards 2010.
- Karate Dragons – Evolution Marital Arts Academy – Secured 5 World Titles in the Super Grand World Games in California.

**Condolences:** It was proposed by Cllr. M.H.Cavanagh and Seconded by Cllr. P. O' Neill that a vote of sympathy be passed to the Harte family on the death of their daughter Michaela through tragic circumstances.

A vote of sympathy was proposed by Cllr. M. Noonan, and seconded by Cllr. T. Maher to the following staff members:-

Simon Walton on the death of his father John Walton  
Martina Comerford on the death of her father Dan Comerford  
Tom Kennedy on the death of his father Patrick Kennedy.

Votes of sympathy were also passed to the following:-

- Alice Kelly, Knocktopher, Co. Kilkenny on the death of her husband Tommy Kelly.
- Tom Gorey, Barristown, Knkocktopher, Co. Kilkenny on the death of his brother Joe Gorey.
- Pat Glendon, Whiteswall, Crosspatrick, Via Thurles, Co. Kilkenny on the death of Mary Glendon.
- Fiona Anderson & Family, Mullinavat, Co. Kilkenny on the death of Kitty Anderson.
- James Halloran, Mooncoin, Co. Kilkenny on the death of his brother Richard Halloran.
- Margaret Wall, The Rod Iron Bar, Main Street, Mullinavat, Co. Kilkenny on the death of Richard Delahunty.
- Dan Brennan, Ballygub, Inistioge, Co. Kilkenny on the death of Rita Brennan.
- Michael Costello, Wallslough, Kilkenny on the death of his wife Mary Costello.
- The Hennessy Family, Newpark, Kilkenny on the death of Neddie Hennessy.

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

**(a)** Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 20<sup>th</sup> of December 2010

Proposed by Cllr. M. O' Brien, Seconded by Cllr. M. Noonan and resolved:- "That the minutes of Ordinary Meeting of Kilkenny County Council held on Monday 20<sup>th</sup> of December, 2010 copy of which had been circulated be and are hereby approved".

**(b)** Minutes of Special Meeting of Kilkenny County Council held on Monday 13<sup>th</sup> of December 2010

Proposed by Cllr. M. Doran, Seconded by Cllr. P. Cuddihy and resolved:- "That the minutes of Special Meeting held on Monday 13<sup>th</sup> of December, 2010 copy of which had been circulated be and are hereby approved".

**(c)** Minutes of Statutory Budget Meeting of Kilkenny County Council held on Wednesday 22<sup>nd</sup> December 2010.

Proposed by Cllr. T. Maher, Seconded by Cllr. M. Doran and resolved:-"That the minutes of Statutory Budget Meeting held on Wednesday 22<sup>nd</sup> December, 2010 copy of which had been circulated be and are hereby approved".

**(d)** Minutes of Infrastructure, Transportation, Water Services & Other Policy Issues Strategic Policy Committee SPC 2 Meeting held in County Hall on Friday 10<sup>th</sup>

December 2010. Proposed by Cllr. P. Cuddihy, Seconded by Cllr. F. Doherty and resolved:- "That the minutes of SPC 2 Infrastructure, Transportation, Water Services and Other Policy Issues Meeting held on Friday 10<sup>th</sup> of December copy of which had been circulated be and are hereby approved".

- (e) Minutes of Environmental Policy, Fire Services & Emergency Planning Strategic Policy Committee SPC 3 Meeting held in County Hall on Wednesday 5<sup>th</sup> January 2011. Proposed by Cllr. M. Brett, Seconded by Cllr. A.M. Irish and resolved:- "That the minutes of Environmental Policy, Fire Services and Emergency Planning SPC Meeting held on Wednesday 5<sup>th</sup> January copy of which had been circulated be and are hereby approved".
- (f) Minutes of the Audit Committee Meetings 2010  
Proposed by Cllr. E. Aylward, Seconded by Cllr. Connery and resolved: - "That the minutes of Audit Committee Meetings held in 2010 copy of which had been circulated be and are hereby approved".
- (g) Minutes of the Ballyragget Electoral Area Meeting, held in the Council Chambers, County Hall, John Street, Kilkenny on Monday 20<sup>th</sup> December, 2010 at 12noon.  
Proposed by Cllr. M. Shortall, Seconded by Cllr. P. Millea and resolved:- "That the minutes of the Ballyragget Electoral Area Meeting held on Monday 20<sup>th</sup> December copy of which had been circulated be and are hereby approved".

It was agreed to amend minutes of the Ordinary Meeting held on 20<sup>th</sup> December 2010 to include the following under Any other Business:-

Cllr. M. Shortall raised an issue regarding the quality of water in the Castlecomer area. He stated that there is an urgent need for upgrading the water supply for consumers in Castlecomer, Clogh, Moneenroe areas. Urgent funding should be secured for the improvement works.

- (a) **Housing Disposal - Tithíocht Dfúscairt**  
Proposed by Cllr. E. Aylward, Seconded by Cllr. F. Doherty and agreed:- "That Kilkenny County Council hereby approves of the disposal of its interest in property at Crowbally, Mullinavat, Co. Kilkenny to the Executor of Michael Murphy, deceased and Sean Murphy, deceased, in accordance with the terms of the Housing Acts 1966 to 2002"
- (b) **Other Disposal**  
Proposed by Cllr. S. Treacy, Seconded by Cllr. T. Maher and agreed:- "That Kilkenny County Council hereby approves of the disposal of its interest in property at Moanmore, Bagenalstown Co. Carlow to David and Helen Bambrick, Moanmore, Bagenalstown, Co. Carlow in accordance with Section 183 of the Local Government Act, 2001".

Proposed by Cllr. P. Cuddihy, Seconded by Cllr. M. Noonan and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in property at Coolnacrutta , Rathdowney, Co. Laois, to John Cahill, Coolnacrutta, Rathdowney, Co. Laois in accordance with Section 183 of the Local Government Act, 2001

**(c) Housing - Tithíocht**

Annual Housing Report 2010

Mr. John McCormack introduced the Housing Report for the Year 2010 and stated that Mr. M. Mullally would give a powerpoint presentation on the major issues arising from the Annual Report. He advised the members that following a recent newspaper article in relation to an announcement by Minister of State, Mr. Finneran on regionalising the housing service, he contacted the Department and that there is nothing agreed and no formal notification has been received by Kilkenny County Council.

Cllr. A. Phelan was displeased that the housing service would be removed from a local level and be served from a regional basis. The expertise and knowledge is currently available at a local authority level. Cllrs. M. Fitzpatrick, M. O’ Brien, P. O’ Neill and P. Cuddihy also expressed their concerns and stated that the clients would not be able to access the service locally and they strongly object to regionalising the housing service. Members further stated that their representative bodies have no information on this announcement.

Mr. M. Mullally outlined to the members a summary of the main issues included in the Annual Housing Report through a powerpoint presentation. He also acknowledged the service of Mr. Jim Ryan, Tenant Liaison Officer who is due to retire in February 2011.

There were a number of questions arising from members contributions to which Mr. John McCormack and Mr. Mullally replied. Clarification was sought on the following issues- Number of people currently on the housing lists, options available to provide additional social housing, RAS and long term leasing – availability of suitable houses in the private market, vacant houses, Improvements to existing stock – Retrofitting and alternative heating system, housing adaptation grants, liaising with national voluntary housing associations, availability of private housing loans, panel of sub-contractors, Statutory assessment of needs for March 2011 – Levels of rent payable in the private sector as against the local authority Differential Rent Scheme, role of voluntary sectors, remedial scheme at Ossory Park, repairs of existing housing stock during recent severe weather.

Contributions received from Cllrs. M. Brett, M. Fitzpatrick, M. Doran, P. Dunphy, M. H. Cavanagh, T. Breathnach, F. Doherty, A. McGuinness, P. O' Neill, B. Manning, A. Phelan, M. Shortall, C. Long, T. Maher, P. Crowley, M. O' Brien, C. Connery and M. Noonan.

**(d) Planning – Pleanil**

Manager's Report on submissions received to Material Alterations to Draft Fiddown & Piltown Local Area Plans 2010.

Mr. Malone Senior Planner advised members that the Manager's Report dated 6<sup>th</sup> January, 2011 has been circulated. Six submissions were received and five of these relate to both plans Fiddown & Piltown. The report as circulated addresses these submissions in relation to the two plans.

Cllr. P. Dunphy raised an issue in relation to ongoing requests to have the Pill River cleaned up and requested that OPW be written to. D. Malone advised him that this is an issue for the local area office.

Proposed by Cllr. P. Dunphy, Seconded by Cllr. A.M.Irish and resolved:- "We the members of Kilkenny County Council, having considered the proposal to make a Local Area Plan for **Piltown** under Sections 18-20 of the Planning & Development Act 2000 as amended (by the Planning & Development Acts 2002 and 2010), having considered the County Manager's Report as circulated on the 4<sup>th</sup> October, 2010 on the written submissions to the Draft plan, having considered that the Draft should be altered in accordance with our decisions made at meeting of Kilkenny County Council held on 1<sup>st</sup> November, 2010 having published the proposed material alterations on the 17<sup>th</sup> November, 2010, having considered the County Manager's Report of the 6<sup>th</sup> January, 2010 on the submissions to the proposed material alterations at the meeting of Kilkenny County Council held on 17<sup>th</sup> January, 2010 do hereby make the **Piltown** Local Area Plan 2011. (The Local Area Plan being the proposal published as the "draft" plan as modified by resolution of the Council 1<sup>st</sup> November, 2010 (and modified by any resolution dated 17<sup>th</sup> January, 2010)"

Proposed by Cllr. P. Dunphy, Seconded by Cllr. A.M.Irish and resolved:- "We the members of Kilkenny County Council, having considered the proposal to make a Local Area Plan for **Fiddown** under Sections 18-20 of the Planning & Development Act 2000 as amended (by the Planning & Development Acts 2002 and 2010), having considered the County Manager's Report as circulated on the 4<sup>th</sup> October, 2010 on the written submissions to the Draft plan, having considered that the Draft should be altered in accordance with our decisions made at meeting of Kilkenny County Council held on 1<sup>st</sup> November, 2010 having published the proposed material alterations on the 17<sup>th</sup>

November, 2010, having considered the County Manager's Report of the 6<sup>th</sup> January, 2010 on the submissions to the proposed material alterations at the meeting of Kilkenny County Council held on 17<sup>th</sup> January, 2010 do hereby make the **Fiddown** Local Area Plan 2011. (The Local Area Plan being the proposal published as the "draft" plan as modified by resolution of the Council 1<sup>st</sup> November, 2010 (and modified by any resolution dated 17<sup>th</sup> January, 2010)"

Following a number of queries from Cllr. A.M. Irish and Cllr. M. Shortall on local area plans, D. Malone advised the members that work is onannging on the core strategy. This will take priority for 2011 and it will be 2012 before any further local area plans will come before the members for consideration.

**(e) Roads – Bóithre**

Road Traffic (Traffic and Parking) Regulations 1997 – Revised Schedule for Kilkenny City and Environs.

Mr. J. Mulholland advised the members that a document had been circulated for their information on Traffic & Parking measures for Kilkenny City & environs. The provisions for Kilkenny City & Environs have been revised and consolidated into a single document containing 16 schedules. The preparation of schedules for a number of towns in County will commence in 2011.

**(f) Water Services -**

Presentation on-site waste water treatment for single houses.

Following a request from members at the December monthly meeting. Mr. Brendan Sheahan Engineer made a powerpoint presentation on site waste water treatment for single houses.

Queries were raised by Cllr. J. Brennan, P. O'Neill, M. Noonan, F.Doherty, P. Dunphy, M. Shortall, S. Treacy in relation to grants being made available to solve problem with existing septic tanks, if site can be improved with additional top soil, the availability of new products such as constructed wetlands, and restricted area of land for systems.

Mr. Brendan Sheahan answered all questions raised by members and stated that there are some difficulties around existing systems. Mr. P. O' Neill, advised members that this matter has been discussed by the SPC and a resolution for a grant scheme has been sent to the Minister for Environment, Heritage & Local Government during the year. A decision at national level is required.

## Severe weather - Water Services update

A report on the local authority response to the recent severe weather period has been circulated to members for their information. Mr. P. O' Neill advised the members that 180 leaks had been repaired over a number of days by the local authority staff. It is intended to issue further advice to the public over the next few months through an educational campaign on the radio and print media.

Cllr. P. O' Neill raised an issue regarding the non availability of stand pipes in some locations. County Manager advised members that standpipes were made available where there was a demand from the public. The take up of water from stand pipes was not as significant this time.

### **3. Urgent Correspondence - Comhfhreagras Práinneach**

3 letters from Department of Communications, Energy and National Resources, Department of Health & Children and National Roads Authority were circulated to members.

An invitation has been received from the Kilkenny Association for the Cathaoirleach to visit New York for St. Patrick's Day. Proposed by Cllr. P. O' Neill, and seconded by Cllr. M. H. Cavanagh and resolved: - "That Kilkenny County Council hereby approve the visit of Cllr. C. Connery Cathaoirleach Kilkenny County Council and Mr. John Dempsey Head of Finance to New York".

### **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:**

Proposed by Cllr. P. O' Neill, Seconded by Cllr. M.H. Cavanagh.

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

- (a) Report on Infrastructure, Transportation, Water Services & Other Policy Issues Strategic Policy Committee SPC 2 Meeting held in County Hall on Friday 3<sup>rd</sup> December 2010.

The report was proposed by Chair SPC Cllr. M. Doran and was seconded by Cllr. M. Noonan and agreed. Cllr. A.M. Irish requested that a leaflet drop be done in Mooncoin advising the public how to deal with lime in the water.

- (b) Report on Environmental Policy, Fire Services & Emergency Planning Strategic Policy Committee SPC 3 Meeting held in County Hall on Wednesday 5<sup>th</sup> January 2011.

The report was Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. P. Cuddihy and agreed.

Cllr. M. H. Cavanagh raised an issue in relation to the proposed Climate Change Bill and the serious affect it will have on farming in Ireland. Cllr. P. O' Neill and S. Treacy stated that the affected parties had not been consulted, the bill is currently being discussed and changes are required to the bill which has been published. Cllr. M. Noonan said that this is an important piece of legislation on climate change and was required to comply with EU legislation.

Mr. Philip O' Neill advised the members that the period for public consultation was still open. Proposals from the SPC have been made to the Minister in relation to grants for lowering service pipes and insulating.

It was proposed by Cllr. M. H. Cavanagh and Seconded by Cllr. S. Treacy and agreed: - "That Kilkenny County Council supports the IFA in their campaign to have changes made to the Climate Change Bill".

- (c) Report and Recommendations of The Ballyragget Electoral Area Committee held on Monday 20<sup>th</sup> December 2010

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. M. Shortall and agreed.

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

None

8. **Education & Training**

Proposed by Cllr. P. O' Neill, Seconded by Cllr. T. Maher.

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

None

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

None

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



### **1(11) Cllr Malcolm Noonan**

Notice of Motion No. 1(11) was deemed invalid by the Cathaoirleach in accordance with Section 18 of Standing Orders of Kilkenny County Council regulating the proceedings of the Council adopted in July 2002 as amended in 2005.

### **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:**

#### **1(11) Waterford City Council**

“Waterford City Council calls on the Government to recognise the unique and vital role of the postal service in Ireland as a means of communication, as a vital economic tool and as an intrinsic part of the fabric of the community and further calls on the government to protect the Universal Service Obligation by legislation thereby ensuring that opening of the market will avoid erosion in service levels as has happened in other countries who have already opened their postal market to competition but who failed to protect the USO of nationwide delivery for the same fee.”

**Noted.**

#### **2(11) Limerick County Council**

“That, in the case where a said planning application is about to expire that the site assessment and sightlines pertaining to that application transfers to any new application on the said site by another applicant who satisfies the need and all other relevant criteria to obtain planning.”

**Noted.**

#### **3(11) Monaghan Town Council**

“That Monaghan Town Council implore the Competition Authority to implement measures that will enhance competition within the bulk LPG (Liquified Petroleum Gas) market. Restrictive licensing agreements have resulted in domination of this market by Calor Gas and Flogas. The Competition Authority have acknowledged since 2005 improvements are necessary but have failed to date to protect the consumer.”

**Noted.**

Signed: \_\_\_\_\_  
Cathaoirleach

Date: \_\_\_\_\_