

Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 16th May, 2011.

Cathaoirleach: Cllr. C. Connery

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

Apologies: Cllr. P. Dunphy and C. Long.

In attendance: J. Crockett County Manager, J. Mulholland, P. O' Neill and Directors of Services, J. Dempsey Head of Finance, M. Mullally, D. McDonnell and A.M. Walsh Meetings Administrator.

A vote of sympathy was proposed by Cllr. P. Millea and Seconded by Cllr. C. Connery to Cllr. Andrew McGuinness and his mother Margaret on the death of Sean Redmond, High Field, Dublin Road, Carlow (grandfather & father) County Manager on behalf of staff was associated with the vote of sympathy.

Votes of Sympathy were sent to the following:-

- Sheila Donnelly who is a community leader in Newpark Close on the death of her husband Seamus Donnelly an employee of Kilkenny Borough Council.
- Tom Sweeney, 50 Avondale Drive, Hanover, Carlow on the death of Billy Sweeney.
- Eamon Delahunty, Portnascully Mills, Portnascully, Mooncoin, Co. Kilkenny on the death of Willie Delahunty.
- The Hearne Family, Moondia, Owing, Piltown, Co. Kilkenny on the death of John Hearne.
- Eileen Williams, Ashgrove, Mooncoin, Co. Kilkenny on the death of John O' Dwyer.
- The Foskin Family, Deerpark, Mullinavat, Co. Kilkenny on the death of Seamus Foskin.
- The Morahan Family, Dournane, Mooncoin, Co. Kilkenny on the death of Willie Morahan.
- The Grace Family, Ballinacrone, Owing, Piltown, Co. Kilkenny on the death of Mae Grace.
- The Skehan Family, Ballinacurragh, Kilmacow, Co. Kilkenny on the death of Nonie Skehan.
- Paul Harney & Sisters, Rochestown, Glenmore, Co. Kilkenny on the death of Nellie Harney.
- The Walsh Family, Ballybrahee, Glenmore, Co. Kilkenny on the death of Peggy Walsh.

- The Claridge Family, Davidstown, Glenmore, co. Kilkenny on the death of Maureen Claridge.
- John Malone & Family, Jamestown, Glenmore, Co. Kilkenny on the death of Peggy Malone.
- Margaret Sheridan, Burgess Court, Kells, Co. Kilkenny on the death of Margo Smyth.
- Joe Barry, Kilmoganny, Co. Kilkenny on the death of Maura Barry.

Cllr. C. Connery congratulated the following:-

- Congratulations to Pat O Neill – elected Senator
- Well done to Anne Marie Irish on her vote
- Fr Mc Grath Centre well done on securing the funds to continue.
- New Gardai station Mullinavat - Officially opened
- Congrats to Castlecomer Twinning Committee – 10th Anniversary
- Congrats to Pat Byrne CBS James St winner All Ireland Junior Hunter Trials

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 18th of April 2011 Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. M. Brett and resolved:- “That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 18th of April, 2011 as circulated with the agenda be and are hereby approved”.
- (b) Minutes of Minutes of Strategic Policy Committee No. 3 Environmental Policy, Fire Services and Emergency Planning Meeting held on 19th April, 2011. Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. T. Maher and resolved:- “That the Minutes of Strategic Policy Committee No. 3 Environmental Policy, Fire Services and Emergency Planning Meeting held on 19th April, 2011 as circulated with the agenda be and are hereby approved”.

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

(a) Other Disposal - Díuscairt Eile

- (i) Proposed by Cllr. P. Crowley, Seconded by Cllr. S. Treacy and agreed:- “That Kilkenny County Council hereby approves of the disposal of land at property at Danganbeg, Knocktopher, Co. Kilkenny, in accordance with Section 183 of the Local Government Act, 2001 to Thomas Davis, Danganbeg, Knocktopher, Co. Kilkenny”.
- (ii) Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. M. Shortall and agreed:- “That Kilkenny County Council hereby approves of the disposal of land at Oldstone, Urlingford, Co. Kilkenny, in accordance with Section 183 of the Local Government Act, 2001 to John O’ Dwyer, Oldstone, Urlingford, Co. Kilkenny”

- (iii) Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. P. Millea and agreed:-
“That Kilkenny County Council hereby approves of the disposal of land at the Islands, Urlingford, Co. Kilkenny in accordance with Section 183 of the Local Government Act, 2001 to Philip Fogarty, The Islands, Urlingford, Co. Kilkenny.
- (iv) Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. J. Brennan and agreed:-
“That Kilkenny County Council hereby approves of the disposal of land at The Islands, Urlingford, Co. Kilkenny, in accordance with Section 183 of the Local Government Act, 2001 to Brendan Hickey, The Islands, Urlingford, Co. Kilkenny”.
- (v) Proposed by Cllr. P. Cuddihy, Seconded by Cllr. A. McGuinness:- “That Kilkenny County Council hereby approves of the disposal of land at Kilroe, Horse & Jockey, Co. Tipperary in accordance with Section 183 of the Local Government Act, 2001 to Philomena Maher, Parkstown House, Horse & Jockey, Co Tipperary”

(b) Corporate Affairs - Gnóthaí Corparáideacha

Draft Annual Report 2010

A copy of the Draft Annual Report 2010 was circulated for member's information. The report was noted and agreed by the members.

(c) Roads - Bóithre

Circular on Speed Limits

Report was circulated to members for their information. Mr Mulholland requested that the members consider the guidelines in the context of speed limits in their local areas, and the matter of special speed limits can be included in the agenda for the next local electoral area meetings. A formal review process can then commence in the autumn of 2011. This was agreed by all members.

Amenity Grants for 2011

Report on Amenity Grants proposed allocation for 2011 was circulated for member's attention. It was proposed by Cllr. J. Coonan, Seconded by Cllr. P. Cuddihy and agreed:- “That Kilkenny County Council approves the payment of Amenity Grants 2011 in accordance with the list circulated to members”. Cllr. T. Maher requested that a re-allocation of funds be made in the event of grants allocated not spent. This was agreed by Mr. J. Mulholland.

(d) Finance- Airgeadas

2011-2013 Draft Capital Budget

County Manager advised members that it is a legal requirement to prepare a capital budget for 3 year period for member's approval. The budget when

adopted outlined the projects for funding. If new streams of funding are identified the Capital Budget can be brought back to members during the 3 year period.

Mr. John Dempsey outlined to the members details of the report and explained in detail the expenditure for the 3 year 2011 to 2013 and the funding streams for each service area. Total spend will be €47.3m being funded through government grants, approx €29 and local funding of €18.3m by Kilkenny County Council and other funding. He outlined the available development charges and the projected income from development levies over the 3 years.

Existing provision of €400,000 for recycling centers can be re-diverted to fund high priority Water Service Capital Project. Informal request has been received to make a capital contribution of €100,000 towards the new New Ross Swimming Pool. All projects to be funded during the 3 years are listed on the attached tables as circulated. It is hoped that members will approve the Budget in June and details will be available to the public thereafter.

Mr. J. Crockett asked the members to reflect on the report as circulated. As we are in uncertain financial times the funding is projected and it is essential that a contingency reserve is included in the budget.

Mr. J. Mulholland stated that there has been a drastic reduction in funds for Roads Projects. There is now less dependency on development levies to carry out improvement works and it is recommended that any available levies for roads projects would be allocated to key projects on a county basis.

Contributions were received from Cllrs. M. Doran, F. Doherty, M. Noonan, S. Treacy, T. Breathnach, M. Shortall, M. Brett, P. Millea, J. Brennan, J. Coonan and C. Connery. Members requested clarification on a number of issues:-

- Calculation of projected development charges
- Roads & Water projects included and excluded in the Capital Budget
- Inclusion of library projects for South Kilkenny.
- Re-diverting available funds to key strategies projects.
- Secure additional government funding.
- Allocation of fund on a county basis instead of at local electoral area
- Funding for unfinished estates.

A number of members expressed disappointment that quite a number of water service projects that have been identified for improvement in the Water Services Investment Projects have not been included now for funding in the Draft Capital Budget 2011-2013. These include Clogh/Castlecomer, Inistioge, improvements to the quality of water in the Clogh/Moneenroe area needs to be prioritised.

Mr. P. O' Neill outlined to members that staff have been doing everything possible to move projects with the Department and are requesting the maximum funding for quite a number of projects. There is only a limited amount of capital money available and the local funding has significantly decreased.

Mr. Crockett stated that Kilkenny County Council has spent more on water services in the past 3years – it is prudent to progress the planning of a number of projects at this time despite the financial position. The local authority is obliged to comply with all regulations in relation to the quality of the drinking water.

It was proposed by Cllr. T. Maher and Seconded by Cllr. F. Doherty that the adoption of the Draft Capital Budget for 2011-2013 be deferred to the June meeting

Economic Policy Update

Mr. Crockett County Manager outlined for the members the current initiatives being developed for the City and County. The main initiatives are as follows:-

- Focus on China Seminar – Will take place on 26th May, 2011 and will include a 2 day PR special on Kilkenny.
- Development of Research Innovation Centre in partnership with WIT for St. Kieran’s College is progressing.
- WIT is hosting “Next Generation Internet Conference” in Kilkenny profiling development in telecommunications.
- Intel launched their International School Projects in Kilkenny recently.
- Tourism- Application for funding for 4 city projects are being considered.
- Food Projects – Development of Food Centre of Excellence-Marketing of Micro/Small medium enterprises. Expansion of rural economy and food sustainability/assurance – Q.mark.

Cllr. Connery thanked the County Manager for the overview and stated that it was essential to get the economy moving and PR is very important in getting the message out for Kilkenny.

Cllr. Brennan advised members that one day Economic Conference will take place in Castlecomer on 27th May, 2011.

Cllr. Maher requested the County Manager to seek funding for road improvements between Ballyragget and the motorway to enable expansion of processing capacity at Glanbia.

Cllr. P. Cuddihy requested the County Manager to consider development in the Health area which would benefit Kilkenny due to its location in the South East.

(e) Housing – Tithíocht

Housing Report for First Quarter 2011

Mr. M. Mullally presented the Housing Report for the 1st Quarter of 2011 to the members. He outlined for the members the issues and challenges facing the Housing Department due to the increase in people seeking social housing, housing adaptation grants, and the reduction in capital funding.

Contributions were received from Cllrs. M. Doran, M. Shortall, T. Breathnach, M. Fitzpatrick, T. Maher, C. Connery, P. Crowley, M. O’ Brien and M.H. Cavanagh.

Queries arose from members in relation to policy on provision of mobile home/demountable, housing adaptations grants, retrofitting of existing local authority stock and adaptations for disability, changing from gas central heating to solid fuel for financial and budgeting reasons, increase in the housing list and availability of units under RAS and long term leasing, refusal of offers of accommodation and reasons for refusal, voluntary housing, anti social behaviour. Members complimented housing staff on the work being done with housing communities and encouraged communities to work in partnership with the Housing Authorities in these difficult times. Assistance may be required on some occasions by members of the public who need to complete the housing application forms. Query arose in relation to the tenant purchase scheme and the level of interest from the tenants.

Mr. Martin Mullally responded to all queries raised and thanked the members for their kind remarks.

(f) Community & Enterprise -

Adoption of Community & Cultural Facilities Grant Scheme

Mr. Mullally outlined the aims of the scheme and the funding available over the 3 years. He advised members that matching funding now required is 25%. All applications received must comply with the criteria set out in the scheme. It is recommended that the applications for funding would be evaluated by SPC 5 initially and then be approved by all the members.

Cllr. J. Brennan welcomed the scheme and stated it has become difficult for communities to raise matching funds. Cllr. Breathnach sought clarification on the amount of funds available for the 3 years and will decision be made at area level. Cllr. Connery requested that Voluntary labour be included as part of the matched funding.

Members agreed to proceed as outlined.

3. Urgent Correspondence - Comhfhreagras Práinneach

Cllr. C. Connery Cathaoirleach advised members that she has received letters from Senator David Norris and Sean Gallagher requesting an opportunity to address the members in relation to their candidacy for the forthcoming Presidential election.

It was agreed to allow both proposed candidates to address the Council in advance of the monthly meeting in June 2011. Each proposed candidate would be allowed 15 minutes at 2.15 & 2.30p.m. It was agreed to circulate the two letters received to all members.

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 for May-July. Proposed by Cllr. P. Cuddihy, Seconded by Cllr. S. Treacy.

It was agreed to hold the Annual Meeting of Kilkenny County Council on Friday 24th June, 2011 at 3.00p.m.

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

Minutes of Minutes of Strategic Policy Committee No. 3 Environmental Policy, Fire Services and Emergency Planning Meeting held on 19th April, 2011.

Report was proposed by Cllr. P. Cuddihy, Seconded by Cllr. A.M Irish and agreed.

Cllr. Cuddihy outlined the issues discussed and requested that resolutions in relation to the name and shame policy for littering and increase of penalties for illegal dumping offences be submitted to the Minister.

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. T. Maher, Seconded by Cllr. A.M. Irish and agreed.

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:**

3(11) Cllrs. Tomas Breathnach, Ann Phelan, Marie Fitzpatrick, Michael O' Brien and Maurice Shortall, Thomas Prendergast.

Proposed by Cllr. T. Breathnach, Seconded by Cllr. T. Maher: - "That in view of the recent European Court of Auditors report on the international sugar industry that the Council writes to the Department of Agriculture & Food and to the Department of Enterprise, Trade & Employment to consider measures which would result in Ireland reacquiring its sugar beet production quota and to encourage the re-

establishment of the sugar processing industry and alternative fuels industry in Ireland”.

Cllr. Breathnach informed members that 60% of the beet produced was grown in the South East. It was of huge benefit to the economy. Ireland is now importing all of our sugar requirement. Cllr. T. Maher supported this notice of motion and stated that Ireland should never have lost the sugary industry and requested that the Minister would review this with an open mind. It was agreed to send the notice of motion to the Minister for Agriculture & Food and the Department of Enterprise, Trade and Employment.

5(11) Cllr. Malcolm Noonan

“That Kilkenny County Council would call on Government to recognise Travellers as a distinct ethnic group as recommended by the UN Committee for the Elimination of Racial Discrimination, thereby bringing the traveller community into the ambit of various protections in international agreements and within the Irish state”.

Deferred

6(11) Cllr. Malcolm Noonan

“In light of the accident at the Fukushima Nuclear Power Plant in Japan, that Kilkenny County Council calls upon the Irish Government to object to the British Government over the construction of its new generation of nuclear power plants on the west coast of Britain.”

Deferred

7(11) Cllrs. Maurice Shortall & Catherine Connery.

Proposed by Cllr. M. Shortall, Seconded by Cllr. C. Connery:- “That Kilkenny County Council would include Ballyragget in the Alcohol Bye Laws Scheme which would prohibit the consumption of alcohol in all public and amenity areas of the town similar to what is presently in place in the four scheduled towns on County Kilkenny”.

Cllr. Shortall requested that the process commence for adoption of appropriate bye laws for Ballyragget as the site proposed for the new playground is currently subject to anti social behaviour and that the Gardai are in agreement to enable them to deal with drinking in public places. Cllr. C. Connery suggested that the notice be discussed at the next Joint Policing Committee and that members in other areas may have other villages that should be included bye laws are being prepared. A meeting of the Joint Policing Committee will be held shortly.

8(11) Cllr. Mary Hilda Cavanagh.

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. E. Aylward:- "That this Council would contact the NRA again in relation to the traffic problems in Johnstown and write to the Minister for Transport seeking his support to find a solution to the intolerable problem of speeding trucks going through Johnstown especially at night".

Cllr. Cavanagh stated that 70% of the traffic is still using the old N8, trucks are constantly using the old N8 instead of the motorway. She requested that NRA be written to seeking a solution to remove the heavy traffic from the old N8.

9(11) Cllr. Mary Hilda Cavanagh

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. M. Shortall and agreed:- "That this Council alert the public to the need for adequate "Fire brigade Call Out" cover on their house or business premises on the Council website and in the local press and local radio".

Cllr. Cavanagh requested that every effort is made to make people aware of the cost of the fire brigade call out and the need to insure properties for this cost. She asked that the website be updated and the Council initiative a PR campaign.

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:

6(11) Monaghan Town Council.

"That this Council calls on the newly elected Government and particularly it's Taoiseach to ensure the preservation of our first official language and promote its prominence in the education system".

Noted

7(11) Monaghan Town Council

"Due to the substantial exodus of our people as a result of our country's employment crisis, that the incoming Government would instigate a system of granting the Irish Diaspora the right to vote in Irish Elections".

Noted

8(11) Leitrim County Council

“I ask Leitrim County Council to write to the Minister for Education and Skills, Mr. Ruairi Quinn not to introduce the proposed changes to the Primary School Transport Scheme arising from the last Budget 2011. These changes will impose considerable financial hardships and inconvenience on parents and pupils living in rural areas”.

Noted

9(11) Leitrim County Council

“I seek the support of my fellow councilors in asking that Leitrim County Council write to the Minister for Finance, Mr. Michael Noonan requesting that he meet with representatives of the Quinn Group at the earliest opportunity in order that they may present their proposal concerning Quinn Insurance for the safe guarding of almost 6,000 jobs for this region and the potential creation of an additional 1,800 jobs over the next 7 years”.

Noted.

This concluded the business of the meeting.

CATHAOIRLEACH

DATE