

**Minutes of Ordinary Meeting of Kilkenny County Council held on Monday
17th October, 2011.**

Cathaoirleach: Cllr. P. Cuddihy

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

Apologies: Cllr. P. Crowley

In attendance: J. Crockett, J. McCormack, P. O'Neill, J. Dempsey, M. Delahunty, S. Walton, Denis Malone, C. Reilly, B. Moloney, P. Moran and A.M Walsh

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a)** Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 19th September 2011. Proposed by Cllr. M. Fitzpatrick, Seconded by Cllr. Ml. O'Brien and resolved:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 19th of September, 2011 as circulated with the agenda be and are hereby approved".
- (b)** Minutes of Strategic Policy Committee (1) - (Forward Planning & Development) Meeting held on the 23rd June, 2011. Proposed by Cllr. M. Noonan, Seconded by Cllr. A. McGuinness and resolved:- "That the minutes of the Strategic Policy Committee (1) – (Forward Planning & Development) as circulated with the agenda be and are hereby approved".
- (c)** Minutes of Joint Policing Committee held on the 24th June, 2011. Proposed by Cllr. S. Treacy, Seconded by Cllr. B. Ireland and resolved: - "That the minutes of the Joint Policing Committee held on the 24th June, 2011 as circulated with the agenda be and are hereby approved."
- (d)** Minutes of Ballyragget Electoral Area Committee Meeting held on the 19th September, 2011. Proposed by Cllr. M. Shortall, Seconded by Cllr. C. Connery and resolved:- "That the minutes of the Ballyragget Electoral Area Committee Meeting held on the 19th September, 2011 as circulated with the agenda be and are hereby approved."
- (e)** Minutes of Thomastown Electoral Area Committee Meeting held on the 27th September, 2011. Proposed by Cllr. S. Treacy, Seconded by Cllr. Jane Galway and resolved:- "That the minutes of the Thomastown Electoral

Area Committee Meeting held on the 27th September, 2011 as circulated with the agenda be and are hereby approved.”

Cllr. P. Cuddihy extended congratulations to the following:-

- Helen & Robert Finnegan, Knockadrina Cheese, Stoneyford – Supreme Champion award at the British Cheese awards.
- Darren O’Neill who qualified for the Olympic Games at the recent World Boxing Championships.
- Danesfort Hurling Club on winning the Intermediate County Championship.
- Ballyraggett Hurling Club on winning the Junior Championship.
- Cllr. Ml. O’Brien as new elected Chairman of ACC.

Best wishes were extended to:-

- Savour Kilkenny for their food festival at the end of the month
- Canon Tom Sherlock, Castlecomer on his retirement
- Freshford Conkers Festival

Votes of Sympathy were also sent to the following:-

- Mr. Kevin Hanley, I.T Department, Kilkenny County Council on the death of his brother Paul Hanley
- The Family of the late Michael Denieffe, former employee of Kilkenny County Council.
- The family of the late Martin White, former Kilkenny Hurler.
- Mr. Tim Durney, Jamestown, Piltown, Co. Kilkenny on the death of his wife Eileen Durney.
- Mr. Michéal Dunne, Raheenduff, Cuffesgrange, Co. Kilkenny on the death of his wife Theresa Dunne.
- Mr. Martin Brennam, Loon, Castlecomer, Co. Kilkenny on the death of his mother Bridget Brennan.
- Mr. Seamus Burns, Lodge Park Stud, Freshford, Co. Kilkenny on the death of his mother Rose Burns.
- Ms. Bridget Tierney, Kilcross, Inistioge, Co. Kilkenny on the death of her mother Kitty Duggan.
- Eileen Dermody, Crowbally, Mullinavat, Co. Kilkenny on the death of her father Bernard Ward.
- The Godwin Family, Drakelands, Kilkenny on the death of Niall Godwin.

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. B. Ireland, Seconded by Cllr. T. Maher and agreed
“That Kilkenny County Council, hereby approves in accordance

with Section 183 of the Local Government Act, 2001, to dispose of lands, as indicated on the attached map, at Great Oak, Callan, Co. Kilkenny, to Mr. David Byrne, Great Oak, Callan, Co. Kilkenny, for a sum of €500.00, with each party being responsible for their own legal costs associated with sale and in accordance with the terms specified in the notice.

- (ii) Proposed by Cllr. S. Treacy, Seconded by Cllr. B. Ireland and agreed “That Kilkenny County Council, hereby approves in accordance with Section 183 of the Local Government Act, 2001, to dispose of lands, as indicated on the attached map, at Dunbell, Co. Kilkenny, to Mr. James Murphy, Claracastle, Clara, Co. Kilkenny, for a sum of €20,000, with each party being responsible for their own legal costs associated with sale and in accordance with the terms specified in the notice.
- (iii) Proposed by Cllr. J. Galway, Seconded by Cllr. M. Shortall and agreed “That Kilkenny County Council, hereby approves in accordance with Section 183 of the Local Government Act, 2001, to dispose of lands, as indicated on the attached map, at Rathcash East, Gowran, Co. Kilkenny, to Mr. Mark Drea, Talbotshill, Gowran, Co. Kilkenny for a sum of €40,101, with each party being responsible for their own legal costs associated with sale and in accordance with the terms specified in the notice.
- (iv) Proposed by Cllr. B. Ireland, Seconded by Cllr. T. Maher and agreed “That Kilkenny County Council, hereby approves in accordance with Section 183 of the Local Government Act, 2001, to dispose of lands, as indicated on the attached map, at Rathclogh Co. Kilkenny, to Mr. Tim Drea, Danesfort Road, Bennettsbridge, Co. Kilkenny, for a nil consideration with each party being responsible for their own legal costs associated with sale and in accordance with the terms specified in the notice.

(b) Corporate - Gnóthaí Corparáideacha

Proposed by Cllr B. Ireland, Seconded by Cllr. M.H. Cavanagh and agreed “We the members of Kilkenny County Council approve the appointment of Cllr. M. Brett to fill the vacant position of Chairperson on S.P.C 3 (Environmental Policy including Fire Services and Emergency Planning).”

(c) Roads - Bóithre

Mr. Simon Walton, Senior Engineer advised the members that three submissions have been received during the period the bye-laws were on public display. One of these submissions related to the Borough Area. The issues raised in the submissions have been addressed in the report

circulated to members. The bye-laws would be effective from 21st November, 2011. Queries were raised by Cllr. M. Shortall, Cllr. M. Brett and Cllr. F. Doherty in relation to the areas covered in the bye-laws, future playgrounds and amenity areas, signage in these locations. Mr. Walton responded to all questions raised.

It was proposed by Cllr. M. Shortall, Seconded by Cllr. M. Brett and agreed that "We the members of Kilkenny County Council in accordance with the provisions of Section 200(4) of the Local Government Act 2011, resolve to make the Parks Bye-Laws 2011 and furthermore that the Bye-Laws will come into force on Monday 21st November, 2011."

(d) Housing - Tithíocht

(i) Kilkenny Local Authorities Housing Report – 3rd Quarter

Mr. John McCormack gave a powerpoint presentation on the main issues of the Quarterly report which had been circulated in advance of the meeting to all members. He outlined to the meeting the following:

- 3,054 applicants on waiting list.
- 142 allocations made to date in 2011.
- 75 RAS allocations made to date in 2011.
- Proposals for long term leasing on 6 sites.
- Social Housing Investment Programme allocation for 2011 - €6.1m.
- Housing adaptation grants – allocation of €1.8m, 451 applications being processed.

He advised the members that the proposal to transfer rent supplement from HSE to local authorities will take place next year.

Contributions were received from Cllr's M. Doran, Ml. O'Brien, J. Brennan, C. Connery, m. Fitzpatrick, M. Shortall, C. Long, F. Doherty, M. Brett, M.H Cavanagh, P. Dunphy, T. Breathnach, T. Maher, T. Prendergast, J. Coonan, B. Manning and M. Noonan. The issues raised by members related to the following:

- RAS accommodation and transfer to Local Authority housing.
- Long term leasing and removal from housing list.
- Housing adaptation Grants – use of local contractors.
- Ossory Park allocation.
- 1995 Tenant Purchase Scheme.
- Scheme of Letting Priorities
- Capital allocations – funds to purchase houses.
- Rent allowance.
- Number of approved applicants.
- Retrofitting of vacant houses and existing houses – type of heating systems.
- Housing maintenance and turnaround time for vacant houses.
- Increase in loan activity.

- Standards of private rented houses.
- Vacant houses/neglected houses in estates.

Mr. John Mc.Cormack responded to all queries that arose and advised members that a meeting was scheduled with officials of the Department next week to discuss capital allocations and leasing.

(ii) Unfinished Housing Estates

Mr. Paul Moran, Executive Technican made a powerpoint presentation to members on the status of a number of unfinished estates throughout the county. This presentation was given at the recent SPC meeting. The presentation outlined to members the work being undertaken by planning to engage with developers to make sites safe, to ensure compliance with their planning permission and to advise re: taking in charge.

Cllr. P. Cuddihy thanked Mr. Moran for his presentation and requested that questions on individual estates be dealt with at area level. Contributions were received from Cllr's M. Doran, E. Aylward, T. Breathnach, Ml. O'Brien and T. Maher. Issues raised were vacant houses being utilised or leased for social housing, unfinished houses being demolished, securing the undeveloped areas for residents living in the estate. All queries raised were responded to and it was agreed to attend the electoral area meetings in the future to deal with individual estates.

(e) Finance - Airgeadais

It was proposed by Cllr. M. H Cavanagh, Seconded by Cllr. J. Brennan and agreed "That, subject to the sanction of the Minister for the Environment, Community and Local Government, Kilkenny County Council hereby approves overdraft borrowings to a maximum amount of €10,000,000 for the full year ending 21st December, 2012."

(f) Planning - Pleanail

(i) Manager's Report on Submissions to Proposed Amendment 1 tp Ferrybank/Belview Local Area Plan

It was proposed by Cllr. A.M Irish, Seconded by Cllr. P. Dunphy and agreed "that this item be deferred to the November meeting."

(g) Environment - Timpeallacht

(i) Section 85 Operation and Maintenance Agreement - Carlow/Kilkenny Dog Shelter at Paulstown, Co. Kilkenny

Mr. Philip O'Neill advised that the arrangements in place for the Dog Shelter will continue into the future.

It was proposed by Cllr. T. Maher, Seconded by Cllr. J. Galway and agreed "That Kilkenny County Council continues with the operational and maintenance works as required at the Carlow/Kilkenny Dog Shelter at Paulstown, Co. Kilkenny. All costs to be apportioned equally with Carlow County Council. It is resolved that a Section 85 Agreement be made with Carlow County Council so as to put this arrangement on a formal statutory basis."

(ii) Tidy Towns Results 2011

Ms. Bernadette Moloney, Environmental Awareness Officer made a presentation to the members on results of the Tidy Towns Competition for all towns and villages in Kilkenny over the past 3 years and outlined assistance given to community groups by Kilkenny County Council.

Cllr. P. Cuddihy advised members that he will host a reception for Tidy Towns Communities in the near future to acknowledge their work and commitment to their communities.

Contributions were received from Cllr's S. Treacy, E. Aylward, M. Noonan, M. Doran, Ml. O'Brien, C. Connery, A.M Irish, J. Coonan and P. Cuddihy. Members thanked Bernadette Moloney for the presentation and requested that it would be circulated to all members for their information. Members were delighted that the Cathaoirleach would acknowledge the work of all the voluntary committees throughout the county. The staff in the local areas were also thanked for their assistance in the various towns and villages. Litter Management issues were raised and derelict properties. Bernadette Moloney stated that the Draft Litter Management Plan will be issued this week and would appreciate submissions on it.

3. Urgent Correspondance – Comhfhreagas Práinneach

(i) Cllr. M. H. Cavanagh referred to the response received from the NRA in relation to lorries using the old N8 instead of the motorway. She stated that the NRA did not adequately respond in relation to engaging with the Hauliers Association to address this issue. It was proposed by Cllr. M. H Cavanagh, Seconded by Cllr Ml. O'Brien and agreed "that a letter be sent to the Minister for Transport to meet with the Hauliers Association and come to some arrangement to reduce the numbers of lorries using the N8 from Urlingford to Portlaoise. A copy of letter to be sent to the NRA also.

(ii) Mr. Philip O'Neill advised the meeting that approval has been received to progress the upgrading of the Bennettsbridge Water Supply and Castlecomer Waste Water Treatment. 85% of the works would be funded through the Water Services Investment Programme. Consultants have been engaged for the final design and cost. Cllr's T. Maher, J. Brennan, M. Shortall, T. Breathnach and S. Treacy welcomed the announcement and asked if other schemes could be fast tracked for

funding. Members requested that disruption on streets in the various towns would be kept to a minimum.

Mr. Joe Crockett stated that there are more schemes in planning and these will be fast tracked. He welcomed the announcement that the schemes will be 85% funded by the Department instead of 40% under service land initiatives.

(iii) Mr. Michael Delahunty advised members that Kilkenny County Council has been successful in securing funds under the Sports Capital Projects. €68,000 has been allocated to the provision of tone zones in a number of locations throughout the County and funding has been allocated for the provision of a walking trail at Bishop Demense Neighbourhood Park.

(iv) Cllr. Paul Cuddihy requested approval of members to receive a deputation from Mr. Joe O'Connell, Jerpoint Park, Thomastown, Co. Kilkenny at the November meeting. It was agreed the deputation would be received at 2.30pm on the 21st November, 2011.

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 October – December 2011:- Proposed by Cllr. M. Brett, Seconded by Cllr. T. Maher and agreed.

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

(a) Chairperson's Report and recommendation of Strategic Policy Committee (1) – (Forward Planning and Development) following meeting of the Strategic Policy Committee held on the 23rd June, 2011. Proposed by Cllr. M. Shortall, Seconded by Cllr. S. Treacy and agreed.

(b) Chairperson's Report and Recommendation following meeting of Ballyragget Electoral Area Meeting held on the 19th September, 2011. Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. C. Connery and agreed.

(c) Chairperson's Report and Recommendation following meeting of Thomastown Electoral Area Committee held on the 27th September, 2011. Proposed by Cllr. Ml. O'Brien, Seconded by Cllr. J. Galway and agreed.

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

Cllr. C. Long requested that Kilkenny County Council write to the Minister for Education requesting that a sub-office of the VEC be established in Kilkenny following the amalgamation of the VEC in Carlow and Kilkenny. This was seconded by Cllr. E. Aylward and agreed.

8. Education & Training

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

Proposed by Cllr. M. Brett, Seconded by Cllr. M. Noonan and agreed.

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

Cllr. J. Brennan requested if there were any details on the appointment of a representative from the IDA for the County Development Board and to work in the Kilkenny area. Mr. Crockett advised the members that the matter was under consideration and he was hopeful of a successful outcome.

10. Any Other Business - Aon Ghnó Eile

None.

11. Notices of Motion - Fógraí Rúin:

5(11)

Cllr. M. Noonan proposed the motion:

“That Kilkenny County Council would call on the 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”. He called on the Minister for Justice to afford the Travellers the status of a distinct ethnic group. The traveller community live on the margins of communities, with low level of education and a high percentage of literacy. He requested that dialogue with the settled community be initiated.

Cllr. M. Brett asked if this motion had been discussed at the Local Traveller Accommodation Consultative meetings. Cllr. Ml. O’Brien proposed that it be referred to then for discussion and a recommendation to come back to the full council. Cllr. J. Coonan seconded this. Contributions were received from Cllr. M. Shortall and Cllr. C. Connery on this motion.

Cllr. M. Noonan stated that the travellers had a distinct culture/language and tradition of being nomads. He asked that if be referred to Pavee Point and Minister of Justice but was agreeable to refer it back to the Traveller Accommodation Consultative Committee.

6 (11)

Proposed by Cllr. M. Noonan, seconded by Cllr. M. Shortall and agreed "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."

Cllr. M. Noonan stated that the dangers of nuclear accidents had been brought to light in recent years. He called on the Irish Government and the Minister for the Environment, Community and Local Government to object to the British Government.

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:

22(11) Clare County Council

"That this Council call on the Minister for Sport and the Director General of the GAA to have an investigation carried out as to why there is a \$20 charge to be paid by patrons who want to watch GAA games live on TV in the various pubs throughout the U.S.A." – **Deferred to November meeting.**

23(11) Monaghan Town Council

"Recognising that families in Monaghan are already struggling to make ends meet at present and further recognising that many local businesses have been devastated by the reduction of spending power of the people of the town through job losses, tax increases and austerity measures; Monaghan Town Council notes with concern the Governments proposals to introduce water charges and property taxes. That this Council recognises that such a move will deflate our local economy even further and prolong the current recession. We call on the Government to desist from introducing these additional taxes at this time." **Deferred to November meeting.**

24(11) Monaghan Town Council

"That this Council seeks that the Government fast track the Criminal Justice Community Service Bill 2011 in order to further develop the community service provision as an alternative to offenders being a burden on the State and the taxpayer and in addition that recruitment of community service supervisors who will ensure that offenders have the opportunity to serve their full sentences in community service work quickly, appropriately and fully." **Deferred to November meeting.**

This concluded the business of the meeting.

Signed: _____
Cathaoirleach

Date: _____

