

**Minutes of Ordinary Meeting of Kilkenny County Council held on Monday
15th October, 2012**

Cathaoirleach: Cllr. M. Fitzpatrick

Councillors: Cllrs. M. H. Cavanagh, P. Millea, C. Connery, M. Shortall, J. Brennan, J. Coonan, M. Brett, T. Maher, M. Doran, P. Crowley, M. Noonan, D. Fitzgerald, A. McGuinness, P. Cuddihy, S. Treacy, T. Prendergast, J. Moran, P. Dunphy, A.M. Irish, F. Doherty, T. Breathnach, C. Long and E. Aylward

In attendance: J. Crockett, J. McCormack, P. O'Neill, J. Mulholland, J. Dempsey, B. Mernagh, F. Dunne and A.M. Walsh

Apologies: Cllrs. M. O'Brien and B. Ireland

(a) Confirmation of Minutes - Dearbhú Miontuairiscí:

- a) Minutes of Ordinary Meeting of Kilkenny County Council held on the 17th of September, 2012. Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. M. Brett and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 17th September, 2012 as circulated with the agenda be and are hereby approved."
- b) Minutes of Meeting of Forward Planning & Development Strategic Policy Committee (SPC 1) Meeting held on 19th April, 2012. Proposed by Cllr. M. Shortall, Seconded by Cllr. S. Treacy and agreed:- "That the minutes of the Meeting of Forward Planning & Development Strategic Policy Committee (SPC 1) Meeting held on the 19th April, 2012 be and are hereby approved."
- c) Minutes of Forward Planning & Development Strategic Policy Committee (SPC 1) Special Meeting held on 28th June, 2012. Proposed by Cllr. M. Shortall, Seconded by Cllr. S. Treacy, and agreed:- "That the minutes of the Meeting of Forward Planning & Development Strategic Policy Committee (SPC 1) Special Meeting held on the 28th June, 2012 be and are hereby approved."
- d) Minutes of SPC 5 Arts, Culture, Heritage, Tourism and Education Meeting held on the 14th September, 2012. Proposed by Cllr. T. Prendergast, Seconded by Cllr. C. Connery and agreed:- "That the minutes of the SPC 5 Arts, Culture, Heritage, Tourism and Education Meeting held on the 14th September, 2012 be and are hereby approved."
- e) Minutes of Ballyragget Electoral Area Meeting held on the 17th September, 2012. Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. C. Connery and agreed "That the minutes of the Ballyragget Electoral Area Meeting held on the 17th September, 2012 be and are hereby approved".
- f) Minutes of Forward Planning & Development Strategic Policy Committee (SPC 1) Meeting held on 1st October, 2012. Proposed by Cllr. M. Shortall, Seconded by Cllr. S. Treacy and agreed "That the minutes of the Forward Planning & Development Strategic Policy Committee (SPC 1) Meeting held on 1st October, 2012 be and are hereby approved".

- g) Minutes of Piltown Electoral Area held on the 4th October, 2012. Proposed by Cllr. C. Connery, Seconded by Cllr. E. Aylward and agreed: - "That the minutes of the Piltown Electoral Area held on the 4th October, 2012 be and are hereby approved".

Cllr. M. Fitzpatrick extended congratulations to the following:-

- Congratulations to the Kilkenny Senior Hurlers on winning their 34th All Ireland Title.
- Best wishes to the Savour Kilkenny Food Festival taking place over the Bank Holiday weekend.
- Congratulations to Cllr Andrew McGuinness and Cllr M. Noonan on their recent engagements.
- Businesses in Kilkenny city on being awarded the National Retail Award.
- Repak certificate for Dunmore Landfill - Staff Dunmore
- Congratulations to Mullinavat camogie club, on winning the senior County final to .
- Congratulations to Rower Inistioge camogie club winners of the intermediate county championship

She urged people to get involved in the Healthy Towns Initiative.

Best wishes for a speedy recovery was extended to Cllr B. Ireland.

Cllr. Fitzpatrick complimented Kilkenny GAA on the Home Coming event in Nowlan Park. She stated that the public in general were very happy with the venue and it was very safe for families to enjoy the festivities. Contributions were received from a number of the councillors in relation to this.

Votes of Sympathy were extended to the following:-

- Walter Comerford (Kilkenny Borough Council) on the death of his son Niall.
- John Barron, Cloone, Mullinabro, Kilmacow, Co. Kilkenny on the death of Kitty Barron
- Pat Mulligan, Slieverue, Co. Kilkenny on the death of Lizzie Walsh.
- Kathleen Tobin, Suir Crescent, Mooncoin, Co. Kilkenny on the death of Michael Tobin.
- Sean Croke, Ballygriffin, Carrigeen, Via Waterford, Co. Kilkenny on the death of Mary Croke.
- Mr. & Mrs. Saunders, Grove Terrace, Ballyragget, Co. Kilkenny on the death of Jane Saunders.
- The Kenny Family, Grange, Ballyragget, Co. Kilkenny on the death of Michael Kenny.
- Nicholas Harding, Deerpark, Castlecomer, Co. Kilkenny on the death of Pauline Harding.
- Thomas Comerford, Deerpark, Castlecomer, Co. Kilkenny on the death of Julia Comerford
- Thomas Holohan, Ballyspellan, Johnstown, Via Thurles, Co. Kilkenny on the death of Michael Holohan.

- Mary Rowe, Old Luffany, Mooncoin, Co. Kilkenny on the death of Kitty Barron.

(b) 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. M. Brett, Seconded by Cllr. T. Maher and agreed by the 23 Members- M. Fitzpatrick, M. H. Cavanagh, P. Millea, C. Connery, M. Shortall, J. Brennan, J. Coonan, M. Doran, P. Crowley, D. Fitzgerald, A. McGuinness, P. Cuddihy, S. Treacy, T. Prendergast, J. Moran, P. Dunphy, A.M. Irish, F. Doherty, T. Breathnach, C. Long, T. Maher, M. Brett and E. Aylward

“That Kilkenny County Council hereby approves of the disposal of its interest in property at Hebron Industrial Estate, Hebron Road, Kilkenny (Measuring approx 0.55ha) to McDonalds Restaurants of Ireland., Block 7, Richview Office Park, Clonskeagh, Dublin 14, in accordance with Section 183 of the Local Government Act, 2001”.

Cllr M. Noonan voted against the resolution to dispose of these lands to McDonald’s due to the location of the proposed development, and he stated that healthy eating should be promoted.

- (ii)** Proposed by Cllr. M. Shortall, Seconded by Cllr. C. Connery and agreed:- “That Kilkenny County Council hereby approves of the disposal of a plot of land at The Fairgreen, Ballyragget, Co. Kilkenny to Ballyragget Playground Committee by way of a long term Licence Agreement for a nominal rent sum of €10.00 per annum with each party being responsible for its own legal costs”.
- (iii)** Proposed by Cllr. S. Treacy, Seconded by Cllr. T. Prendergast and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in property at San Antonio, Main Street, Gowran, Co. Kilkenny to Paul and Ashling Brett in accordance with the terms of the Housing Acts 1966 to 2002”.

(b) Economic Development

(i) Presentation by County Enterprise Board - Acting Chief Executive Officer Fiona Deegan.

Cllr. M. Fitzpatrick welcomed Ms Fiona Deegan, acting CEO to the meeting.

Ms Deegan gave a powerpoint presentation to the members on the services provided by the County Enterprise Board for the growth of small businesses. The following are the main services:

- Promote an enterprise culture.
- Deliver Enterprise and Management training
- Offer mentoring support

- Provide specialist support
- Provide Business information and advise
- Manage small business loan scheme

She explained in detail how the mentoring service was delivered and how the County Enterprise Board encourages an enterprise culture particularly through the schools. The Enterprise Board provides support for Trade fairs, markets, grants are provided for business expansion, Feasibility Studies or Innovation studying. The Enterprise board promotes in conjunction with St Canices Credit Union a small business loan scheme. This was launched in July 2009. The maximum loan available is €40,000 and it is at a reduced interest rate. St. Canice's Credit Union has made a fund of €2 Million available for this pilot loan scheme. It is one of the first schemes provided by a Credit Union in Ireland. The Kilkenny County Enterprise board assists the applicants and presents the loan application to the Credit Union.

Details of the micro finance fund launched by the Government were also given. Loans up to €25,000 are available, repayable over 3 years. These loans are provided to newly established and growing micro enterprises with a turnover of less than €2 Million and less than 10 employees.

Contributions were received from Cllrs. M. Shortall, J. Brennan, F. Doherty, J. Breathnach, M. Noonan, T. Maher, T. Prendergast, C. Connery, and M. Fitzpatrick.

Members thanked Fiona Deegan for her presentation and the detailed information on the various services. The issues raised by members were as follows:

- Expansion of the Credit Union loan scheme across the county.
- Number of jobs created each year.
- Development of small scale renewable energy projects.
- Involvement of all 2nd level students in the student Enterprise Awards.
- Eligibility for funds for various types of business.
- Difficulties for business getting paid on time.

Ms Deegan responded to all queries raised. She advised the members that the Leader Company is responsible for the food/tourism/renewable energy businesses and that the Enterprise Board is willing to work with all schools to promote enterprise.

Mr Joe Crockett advised members that the list of jobs created will be circulated. The board is happy to engage with other Credit Unions in the county. He urged anyone thinking of going into business to make contact with the Enterprise Board.

(ii) Presentation by Rothe House – Roisin McQuillan

Cllr. M. Fitzpatrick welcomed the deputation from Rothe House. Roisin McQuillan introduced the four speakers, Joe Ledwidge, Amanda Horan, John Ryan and David Culleton. Members were shown a video on Rothe House made for their PR campaign. The speakers outlined to the members that Rothe House and gardens has a range of facilities available for visitors. The museum currently holds a collection of 2500 artefacts and the Shankill castle costume collection. The gardens creates employment / training for 14 people under a FAS scheme. One professional genealogist is employed, and this service is in great demand. School tours are all welcome and craft workshops have been hosted in the building.

There is an ongoing marketing and promotion programme for Rothe House and other visitor's attractions throughout Kilkenny are also promoted.

The importance of promoting Kilkenny attractions as a package is very important for international visitors. Heritage is important to the tourism industry.

Members were thanked for the local authorities financial contribution towards the capital development of the houses. Once all the funding is in place, the final phase of the development will commence. There will be no further requests for capital assistance to the local authority. Rothe House Trust would like if members could continue to give the annual operation grant of €20,000. Contributions were received from Cllrs. C. Connery, J. Brennan, T. Breathnach, P. Crowley, and P. Cuddihy.

Members thanked the group for their presentation.

(c) Roads – Bóithre

- (i)** Proposed by Cllr. A.M. Irish, Seconded by Cllr. T. Breathnach and agreed:- "That Kilkenny County Council hereby approves of the proposal to publish Notice of Intention to extinguish the public right of way at Belview Port, Gorteens, Slieverue, Co. Kilkenny".
- (ii)** Proposed by Cllr. T. Maher, Seconded by Cllr. T. Breathnach and agreed. "That we the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of Fr. Campion Place, Danesfort, Co. Kilkenny in accordance with Section 180 of the Planning & Development Act, 2000".
- (iii)** Proposed by Cllr. E. Aylward, Seconded by Cllr. C. Long and agreed. "That Kilkenny County Council resolve to take in charge Mullinabro Woods, Cloone, Co. Kilkenny and that the roads be declared public roads and entered into the roads schedule of Kilkenny County Council is hereby approved".
- (iv)** Proposed by Cllr. M. Shortall, Seconded by Cllr. J. Brennan and agreed. "That Kilkenny County Council resolve to take in charge

“Old School Crescent”, Moneenroe, Castlecomer, Co. Kilkenny and that the roads be declared public roads and entered into the roads schedule of Kilkenny County Council is hereby approved”.

(d) Water Services – Seirbhísí Uisce

Mr Billy Mernagh, Senior Engineer, updated the members on the Water Services Capital Schemes from 2010 to 2012. He outlined in detail in his presentation the status of each project that’s included in the water services capital programme.

- Schemes completed are as follows:-
Water- Belview, Gowran/Goresbridge Paulstown UV

Waste Water – Kilmacow, Thomastown Upgrade, Gowran, Tullaroan and Coan

At Radestown Reservoir a leak repair was carried out.
- Schemes under construction
Waste Water – Ballyhale, Kilmaganny.
- Schemes in Planning/Design Stage/Appropriate Assessment
Water: - Inistioge/Thomastown, Kilkenny City
Waste Water: Purcellsinch, Freshford, Johnstown/Goresbridge, Clogh/Moneenroe, Piltown/Fiddown, Bennettsbridge, Mullinavat and Inistioge, Urlingford, Stoneyford and Castlecomer.

Mr. Mernagh also updated the meeting on the Water Conservation Programme. Kilkenny County Council will be fully responsible for all the costs both salaries and repairs from 2013.

Water production required is down 22% in the last 4 years. Unaccounted water has come down from 56% to 40%. Many developments can now proceed without having to provide their own private water supply.

Contributions were received from Cllr. P. Dunphy, C. Connery, P. Millea, S. Treacy, A.M. Irish, M. Shortall, D. Fitzgerald, J. Brennan, M. H. Cavanagh and P. Cuddihy. The issues raised by members are as follows:-

- Provision of sewerage Mullinabro/Newrath
- Status of Freshford Project/ Clogh, Castlecomer, Moneenore.
- Funds in place for upgrade of Inistioge and Goresbridge
- Delays in getting approval from Bord Pleanala
- Provision of water to Galmoy areas post closure of mines and details of bond in place.
- Criteria for selection of sources of water – hard / soft water.
- Fluoridation of water.
- Removal of Magnesium
- Upgrade at Purcellsinch – screening of buildings from the public by sufficient landscapes.

Mr B. Mernagh responded to all queries. He advised that some works are funded through the small schemes programmes on a yearly basis. He advised that Kilkenny County Council acts as an agent for the Health Services on fluoridation of the water and Kilkenny County Council will continue to fluoridate the water until advised otherwise. Kilkenny County Council must ensure that the drinking water meets the required standards.

Mr. P. O' Neill updated the members on meetings held with Galmoy mines in relation to closure of the mines and the takeover of the water supply. He undertook to keep the members of the Ballyragget Electoral Area up to date in relation to the Water Supply Scheme.

(e) Finance - Airgeadais

(i) Proposed by Cllr. M. Brett, Seconded by Cllr. T. Breathnach and Agreed "That, subject to the sanction of the Minister for the Environment and Local Government, Kilkenny County Council hereby approves overdraft borrowings to a maximum amount of €10,000,000 for the full year ending 31st December, 2013".

(f) Corporate Affairs - Gnóthaí Corparáideacha

(i) Appointment of 3 Directors to Kilkenny County Enterprise Board. It was proposed by Cllr. M.H. Cavanagh , Seconded by Cllr. C. Connery and agreed:- "That Cllr. T. Maher and M. Brett to re-appointed as Director of Kilkenny County Enterprise board for a period of 3 years from 28th September 2012".

It was proposed by Cllr. C. Long, Seconded by Cllr. S. Treacy and agreed that Cllr. A. McGuinness be re-appointed Director of Kilkenny County Enterprise board for a period of 3 years from 28th September 2012.

(g) Environment Timpeallacht

(i) Presentation on Kilkenny County Council Coastal Pollution Plan – September, 2012.

Mr. Frank Dunne Senior Assistant Chief Fire Officer gave a power point presentation to the members on the Coastal Pollution Plan for 2012. He outlined that the plan consists of 5 Parts covering the strategy, action plan, data directory, cost recovery and Annexes. He referred to the areas in the County that is subject to maritime risks. In preparing the plan consideration had to be given to natural heritage areas, special areas of conservation, special protection areas, shellfish order areas, shipping/cargo/bunker activities, cost of incident and fate of spilled oil. Details were provided on resources available to respond to an incident and how costs are recouped. There has been interagency co-operation in

preparing this plan from a number of agencies including the Ports, Garda Siochana, adjoining local authorities and private sector.

He advised that ships in distress could have a right to enter a port for assistance.

Cllr. P. Cuddihy asked if the local authority carries out regular inspections of companies using Waterford Port, and is there a follow up on factories that close where toxic chemicals have been stored. Cllr. Breathnach requested information on our capacity to respond as there is a concentration of shipping on the South East coast, and are risk assessments carried out.

Mr. J. Crockett advised members that most of the companies are subject to IPC licences and inspections are carried out by EPA.

Mr. Dunne responded to queries raised and advised that there are individual plans for Seveso Sites and there would be ongoing communications with the coast guards.

3. **Urgent Correspondence - Comhfhreagras Práinneach**

None

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:**

(i) **Schedule of meetings from September - November 2012.** This was Proposed by Cllr. M. Shortall, Seconded by Cllr. T. Prendergast and agreed.

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

(a) Report and recommendation of Forward Planning & Development SPC Meeting held on 19th April, 2012. Report was proposed Cllr. M. Shortall and seconded by Cllr. C. Long and agreed.

(b) Report and recommendation of Special Meeting of Forward Planning and Development Strategic Policy Committee Meeting held on 28th June, 2012. Report was proposed by M. Shortall and seconded by Cllr. S. Treacy and agreed.

(c) Report and recommendation of SPC 5 Arts, Culture, Heritage and Tourism Meeting held on 14th September, 2012. Report was proposed by Cllr. J. Brennan and seconded by Cllr. T. Prendergast.

- (d) Report and recommendation of Ballyragget Electoral Area Meeting held on 17th September, 2012. Report was proposed by Cllr. M. Shortall, Seconded by Cllr. J. Brennan and agreed.
- (e) Report and recommendation of Forward Planning & Development SPC Meeting held on 1st October, 2012. Report was proposed by Cllr. M. Shortall, Seconded by Cllr. J. Moran and agreed.
- (f) Report and recommendation of Piltown Electoral Area Meeting held on 4th October, 2012. Report was proposed by Cllr. C. Long, Seconded by Cllr. P. Dunphy 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 – Oideachas agus Oiliúint**

Conferences – Request for approval to attend as per circulated list. It was Proposed by Cllr. P. Dunphy, Seconded by Cllr. M. Shortall and agreed.

Proposed by Cllr. P. Dunphy, Seconded by Cllr. M. Shortall and agreed: - Summary of proceedings at Conferences have been received and noted for the Councillors outlined below.

Councillor	Date of Conference	Title of Conference
S. Treacy	13 th -14 th July	Local Authority Housing Conference
P. Millea	20 th -22 nd July	Mitchelstown Literacy Society
M. Fitzpatrick	August	Celtic Conference
F. Doherty	6-8 th September	Kennedy Summer School
M. O' Brien	7 th -9 th September	Benedict Kiely Literacy Weekend
E. Aylward	7 th September	Local Government Reform

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:**

8(12) Cllrs. P. Dunphy, C. Long, E. Aylward, T. Breathnach, F. Doherty, A.M.Irish.

Proposed by Cllr. P. Dunphy, Seconded by Cllr. E. Aylward and agreed:-“That Kilkenny County Council examines the prospect of hiring FAS/TUAS workers to carry out certain works that the Council is stretched on at the moment. There are a lot of small

works that will not be done with current staffing levels that will result in damage to roads and drains if not attended to”

Cllr. Dunphy expressed frustration at getting work done due to lack of manpower with the County Council. He requested that application be made to the relevant Department seeking approval to take on FAS/TUAS workers.

Cllr. Aylward stated that we are not replacing any staff that leave/retire and these additional workers could help out. Contributions were also received from Cllr. Shortall and Brennan.

Mr. Mulholland advised that the TUAS scheme which was launched in 2010 does not apply to local authorities. The agreement of the unions must be received in relation to the Community Employment Schemes. The only scheme available to local authorities is the Jobs Bridge Scheme. The purpose of this is to break the cycle of unemployment and it is not intended for long term work.

9(12) Cllr. M. H. Cavanagh – 4th October, 2012

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. C. Connery and agreed:- “That Kilkenny County Council requests that the Urlingford to Kilkenny road be re-designated as a National Secondary Road in view of the increased volume of traffic on this Regional road. This road is now the main link road between the South of Ireland and Kilkenny City since the opening of the M8. The NRA should be contacted and asked to carry out a total upgrade of this road following designation”

Cllr. Cavanagh requested Kilkenny County Council to make a case to the NRA for funds for improvements to this road as there is a significant increase in the number of cars exiting from the motorway at Urlingford to use the Road.

Mr. J. Mulholland advised that the Council has already written to the Department of Transport in relation to this road.

10(12) Cllrs. M.H. Cavanagh, M. Doran & M. O’ Brien – 8th October, 2012

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. C. Connery “ That this Council calls for a strong “YES” vote in the Children’s Referendum on 10th November and welcomes proposals to give children explicit constitutional rights in order to enhance child protection and welfare and address legal inequalities between children”

Cllr. Cavanagh requested a high turnout of electors for this important change to our constitution.

11(12) Notice withdrawn by Cllr. M. H. Cavanagh.

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:

34(12) Monaghan Town Council – 1st October, 2012

- (a)** “That Monaghan Town Council calls for the immediate release of Gerry McGeogh, Marion Price and Martin Corey. Everyone is entitled to due process and these Irish Citizens have been denied this. Their continued detention without trial is an infringement of their human rights and clearly undermines the justice system on this island. Their imprisonment is unjust and is in defiance of rulings by the Courts in both cases. Both have been granted bail by the Courts and yet remain in prison”.
- (b)** “That this Council call on the Minister for Finance to rescind his decision to withdraw tax relief for first time buyers from January 2013”.
- (c)** “Write to the Minister for the Environment regarding his proposal to change the rules that cars over 10 years old would have to be tested every year instead of the present 2 years”.

Noted

35(12) Leitrim County Council – 1st October, 2012

“That Leitrim County Council call on the Minister for Finance to consider meaningful changes to the car registration system for the 2013 year to ensure that the Motor Industry can avoid any further losses of jobs through poor car sales. The current system requires change as the 13 County Plate will have negative implications for may potential buyers. Finally we all on the Minister to consider introducing a “cherished number plate system” which has the potential to raise significant revenue without affecting ordinary motorists”

Noted

This concluded the business of the meeting.

Signed: _____
Cathaoirleach

Date: _____