

**Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 21<sup>st</sup>  
January, 2013.**

**Cathaoirleach:** Cllr. M. Fitzpatrick

**Councillors:** Cllrs. M. H. Cavanagh, P. Millea, M. Shortall, J. Brennan, C. Connery, J. Coonan, M. Brett, M. Noonan, D. Fitzgerald, M. Doran, W. Ireland, T. Maher, P. Crowley, J. Moran, T. Prendergast, M. O' Brien, S. Treacy, C. Long, T. Breathnach, P. Dunphy, A.M. Irish, E. Aylward, F. Doherty.

**In attendance:** P. O' Neill A/County Manager, J. Mulholland, J. McCormack, M. Mullally and A.M. Walsh.

**(1) Confirmation of Minutes - Dearbhú Miontuairiscí:**

**(a) Minutes of Ordinary Meeting of Kilkenny County Council held on the 17<sup>th</sup> December, 2012.** Proposed by Cllr. C. Connery, Seconded by Cllr. F. Doherty and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 17<sup>th</sup> December, 2012 as circulated with the agenda be and are hereby approved."

Cllr. John Coonan requested clarification why the Joint Meeting agreed at the monthly meeting was not proceeding today. Cllr. Noonan supported this as members had requested and agreed to a joint meeting with the Borough Members.

Mr. P. O' Neill advised the meeting that the members of the CPG had agreed not to proceed with the joint meeting scheduled for 5.00p.m. today. Cllr. Shortall advised that the CPG members decided the meeting would not go ahead and that each party would meet to consider their own views on review of Local Government and Boundary alterations.

Cllr. M. O' Brien stated that this is a political issue and not an issue for the executive.

**(b) Minutes of Callan Electoral Area Meeting held on 21<sup>st</sup> November, 2012.** Proposed by Cllr. T. Maher, Seconded by Cllr. B. Ireland and agreed:- "That the minutes of the Ballyragget Electoral Area Meeting held on 21<sup>st</sup> November, 2012 as circulated with the agenda be and are hereby approved".

- (c) Minutes of Kilkenny Electoral Area Meeting held on 26<sup>th</sup> November, 2012.** Proposed by Cllr. J. Coonan, Seconded by Cllr. M. Brett and agreed:- “That the minutes of Kilkenny Electoral Area Meeting held on 26<sup>th</sup> November, 2012 as circulated with the agenda be and are hereby approved”.
- (d) Minutes of Piltown Electoral Area Meeting held on 27<sup>th</sup> November, 2012.** Proposed by Cllr. C. Long, Seconded by Cllr. F. Doherty and agreed:- “That the minutes of Piltown Electoral Area Meeting held on 27<sup>th</sup> November, 2012 as circulated with the agenda be and are hereby approved”.
- (e) Minutes of Special Meeting held on 3<sup>rd</sup> December, 2012.** Proposed by Cllr. J. Brennan, Seconded by Cllr. T. Prendergast and agreed:- “That the minutes of Special Meeting held on 3<sup>rd</sup> December, 2012 as circulated with the agenda be and are hereby approved”.
- (f) Minutes of Strategic Policy Committee2 – Infrastructure, Transportation, Water Services& Other Policy Issues Meeting held on 14<sup>th</sup> December, 2012.** Proposed by Cllr. F. Doherty, Seconded by Cllr. J. Moran and agreed:- “That the minutes of Strategic Policy Committee No. 2 Meeting held on 14<sup>th</sup> December, 2012 as circulated with the agenda be and are hereby approved”.

Cllr. M. Fitzpatrick wished all the members, staff and families and all the citizens of Kilkenny a very Happy New Year.

Votes of Sympathy were extended to the following:-

- The Family of Paddy Daniels, Kilmoganny, Co. Kilkenny.
- The Family of John Egan, Newtown, Thomastown, Co. Kilkenny.
- Jim & Mary Drennan, Tobernabrone, Piltown, Co. Kilkenny on the death of Bridget Drennan.
- The Dunne Family, Clonmore, Piltown, Co. Kilkenny on the death of Tony Dunne.
- Kathleen Scannell & Family, Curraghmore, Slieverue, Co. Kilkenny on the death of Wayne Scannell.
- Mr. Michael Aylward & Family, Melville, Kilmacow, Co. Kilkenny on the death of Nora Aylward.
- Mrs. June Darrer & Family, Newrath, Ferrybank, Waterford on the death of her husband Brendan Darrer.
- The Crotty Family, Ballynunnery, The Rower, Co. Kilkenny on the death of Oisín Crotty.
- Larry White, Luffany, Mooncoin, Co. Kilkenny on the death of Kitty White.
- The Fennelly Family, Castlegannon, Ballyhale, Co. Kilkenny on the death of Teresa Fennelly.
- Aileen Sweeney, Ballykillaboy, Kilmacow, Co. Kilkenny on the death of Peter Sweeney
- Bridie Dunne, Clonmore, Piltown, Co. Kilkenny on the death of Tony Dunne.

**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**

Proposed by Cllr. T. Maher, Seconded by Cllr. J. Brennan and agreed:- “That in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in lands at Coolkip, Horse & Jockey, Thurles, Co. Tipperary (Administrative area of Kilkenny County Council), measuring approx 0.029ha, to Patrick Bourke and Michael Burke, Maxfort, Moycarkey, Horse & Jockey, Thurles, Co. Tipperary for the sum of €100 with each party being responsible for their own legal costs associated with the sale”.

**(b) Roads – Bóithre**

**(i)** Proposed by Cllr. T. Breathnach, Seconded by Cllr. P. Dunphy and agreed:- “We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of Blackthorn Hills, Ballyrobin, Ferrybank, Co. Kilkenny in accordance with Section 180 of the Planning and Development Act 2000”.

**(ii)** Proposed by Cllr. T. Breathnach, Seconded by Cllr. P. Dunphy and agreed:- “We the members of Kilkenny County Council approve the initiation of proceedings for taking in charge of Hollybrook, Ballyrobin, Ferrybank, Co. Kilkenny in accordance with Section 180 of the Planning & Development Act, 2000”.

**(iii)** Proposed by Cllr. F. Doherty, Seconded by Cllr. P. Dunphy and agreed:- That Kilkenny County Council hereby approves of the proposal to Extinguishment the Public-Right-of-Way under Section 73 of the Roads Acts, 1993, at the following location:- Belview Port, Gorteens, Slieverue, Co. Kilkenny.

**(c) Corporate Affairs - Gnóthaí Corparáideacha**

**Draft Alcohol Bye Laws**

Ms. A.M. Walsh advised members that following requests by members to extend the Alcohol Bye Laws to other towns and villages throughout the County, it was decided following discussions at a number of Joint Policing committees that each electoral area would submit proposals of areas to be included. Meetings have been held throughout 2012 and the electoral area committees have agreed to a number of towns/villages/locations to be included in new Bye-Laws for 2013.

The draft Bye Laws were circulated to members of the Joint Policing Committee at their meeting on 21<sup>st</sup> January, 2013 for approval. A copy of the maps for each location is available if any member wishes to review them. Approval of the full Council is required to commence the legal process i.e. public consultation etc. Final approval of the elected members will be required at a later stage.

Contributions were received from Cllr. J. Coonan, M. Noonan, P. Crowley, M. Shortall, M. Fitzpatrick, and T. Breathnach.

Issues raised are as follows:-

- Enforcement of Bye Laws
- Low cost selling of alcohol
- Review of outlets selling alcohol
- National Alcohol Strategy
- Changing pattern of people drinking – cost of absenteeism, crime, health etc.
- Damage to rural pub trade

Cllr. Noonan requested that a letter be sent to Minister of State Alex White to bring in measures to cease the practice of having alcohol products sold as loss leaders. The low cost of alcohol in supermarkets needs to be tackled.

Mr. J. McCormack advised that the Bye Laws are there as a deterrent. The Gardai can confiscate alcohol under the Bye- Laws

It was proposed by Cllr. T. Prendergast, Seconded by Cllr. S. Treacy and agreed: -  
“That the Draft Alcohol Bye Laws for 2013 be put on public display”.

#### **(d) Water Services – Seirbhísí Uisce**

##### **Water Services Capital Update – Presentation**

Mr. P. O’ Neill gave a PowerPoint presentation to the members on the current Water Schemes Capital Programmes. Details were given on schemes completed between 2010 and 2012 at a value of €25m. There are three schemes currently under construction at a value of €0.5m. i.e. Stoneyford Relief, Ballyhale WWTP and Kilmoganny WTP. The value of schemes due to start in 2013 is €10m. The main projects are water main rehabilitation, a number of waste water treatment plants, reservoir and network upgrade for Kilkenny City Regional Water Supply, works to Purcellsinch WWTP. In addition, there are a number of schemes in planning, these are at various stages of design and planning and will be progressed during 2013.

Contributions were received from Cllr. M. Brett, P. Dunphy, M. Shortall, S. Treacy, J. Brennan, F. Doherty, M. Noonan, C. Connery and T. Maher.

Members welcomed the presentation and noted that Kilkenny is receiving substantial funds for projects from the Department. The issues raised by members are as follows:-

- Small schemes Programme and Allocation

- Quality of the Drinking water/high level of compliance.
- Percentage of water for Kilkenny City coming from the River and ground water.
- Fluoridation of supply
- Details were requested on status of individual schemes

Mr. P. O' Neill replied to all queries raised. He advised that the small schemes programme is a separate allocation and members will be advised as soon as notification is received. The issue of Fluoridation is being dealt with by an expert group set up by the Government.

**(e) Housing-Tithíocht**

**Housing Report for 2012**

Mr. John McCormack referred to the detailed annual housing report for year ended 31<sup>st</sup> December, 2012, which has been circulated to all members. All services provided are covered in the report. He wishes to draw the attention of members to national issues on housing policy namely, the Assessment of Housing Needs, National Rent Framework and Review Group on Rent Supplement. These will have a major impact on the local authority in managing the services, deployment of staff resources and the amount of rent to be collected.

It was agreed that members would raise relevant issues with the executive instead of going through the detailed report. Contributions were received from Cllrs. P. Dunphy, F. Doherty, M. O' Brien, M. Noonan, J. Coonan, T. Maher, M. Doran, C. Connery, T. Breathnach, D. Fitzgerald, M. Shortall, M. Brett and M.H. Cavanagh.

The issues raised can be summarised as follows:-

- Number of people on the housing waiting list, assessment of need, category of need-  
Reason is generally finally for being included on the list.
- RAS/Long Term Leasing – Numbers already included in RAS, availability of houses for RAS, difficulties in acquiring long term leasing units by Voluntary Bodies, Private Rented Inspections, Standards of Rented Houses, promotion of these schemes – Security of tenure.
- Rent supplement – transfer to Local Authority to administer, potential impacts for staff and financial impacts, level of rents payable in City & County.
- Housing adaptations grant – current level of applications being processed, grant allocations from Department, prioritisation of applications, accepting new applications.

- Differential Rent Scheme- Impact on Kilkenny County Council if National Scheme is agreed, property tax will tenant pay this?
- Housing Stock – Energy Efficiency, option of stoves instead of gas/oil central heating. Retrofitting of houses, BER rating, number of casual vacancies.
- Capital projects – Advancing project at St. Catherine’s Wetlands.
- Community Estate Management – Complimented staff on their input – can this be extended to RAS properties etc.
- Unfinished Developments – Vacant houses, negotiation with developers, Receivers, NAMA re utilising these units for social housing.
- Housing Loans – Level of activity, new tenant purchase scheme.

Mr. John McCormack and Mr. Martin Mullally responded to all queries/questions raised by the member. It was clearly outlined to members the financial constraints that housing must work within in relation to Capital Projects, housing maintenance, housing adaptations grants and improvements to housing stock.

Cllr. M. Fitzpatrick advised members that the next Housing SPC meeting scheduled for 6<sup>th</sup> March, 2013 will cover a number of housing policies and all members of Kilkenny County Council and Kilkenny Borough Council will be invited to attend this meeting.

**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)** Proposed by Cllr. J. Brennan , Seconded by Cllr. M. Brett and agreed:  
Schedule of meetings from January –March 2013

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

**(i)** Report on Callan Electoral Area Meeting held on 21<sup>st</sup> November, 2012 Proposed by Cllr. B. Ireland, and Seconded by Cllr. P. Crowley and agreed.

**(ii)** Report on Kilkenny Electoral Area Meeting held on 26<sup>th</sup> November, 2012 Proposed by Cllr. J. Coonan, and Seconded by Cllr. M. Brett and agreed.

Cllr. J. Coonan requested that Kilkenny County Council engage in an awareness campaign to advise landowners to cut their road side hedges and he also requested that the hoarding at the mart site on the Castlecomer Road be improved.

**(iii)** Report on Piltown Electoral Area Meeting held on 27<sup>th</sup> November, 2012. Proposed by Cllr. C. Long, Seconded by Cllr. A.M. Irish and agreed.

**(iv)** Report on Strategic Policy Committee 2 – Infrastructure, Transportation, Water Services & Other Policy Issues Meeting held on 14<sup>th</sup> December, 2012. Proposed by Cllr. M. Doran, Seconded by Cllr. M. Noonan 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. Proposed by Cllr. J. Coonan, Seconded by Cllr. C. Connery and agreed.

**(ii)** Summary of proceedings at Conferences have been received from

<b>Councillor</b>	<b>Date of Conference</b>	<b>Title of Conference</b>
Cora Long	1 <sup>st</sup> – 2 <sup>nd</sup> May	European against drugs
Thomas Breathnach	31 <sup>st</sup> August	Newfoundland Festival
Thomas Breathnach	13 <sup>th</sup> – 15 <sup>th</sup> September	AMAI Centenary Annual Conference
Matt Doran	30 <sup>th</sup> November	Local Government Service

John Brennan	30 <sup>th</sup> November	Training seminar
Fidelis Doherty	30 <sup>th</sup> – 1 <sup>st</sup> December	Local Government Budget
Cora Long	30 <sup>th</sup> – 1 <sup>st</sup> December	Promoting Justice in local Government
Cora Long	7 <sup>th</sup> – 8 <sup>th</sup> December	Right of Way issues
John Brennan	14 <sup>th</sup> – 15 <sup>th</sup> December	Health and Safety
Cora Long	14 <sup>th</sup> – 15 <sup>th</sup> December	Energy Efficiency in Local Authority
Patrick Dunphy	14 <sup>th</sup> – 15 <sup>th</sup> December	Energy Efficiency in Local Authority

Proposed by Cllr. J. Coonan, Seconded by Cllr. C. Connery 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:**

15(12) **Cllr. John Brennan – From SPC 5 Meeting – Deferred from December Meeting**

“That no further cuts be considered in 2013 in relation to funding for Arts & Tourism”

Withdrawn by Cllr. J. Brennan.

16(12) **Cllr. Malcolm Noonan – 7<sup>th</sup> December, 2012 – Deferred from December Meeting**

Proposed by Cllr. M. Noonan, Seconded by Cllr. M. Fitzpatrick and agreed:-

“That Kilkenny County Council supports the equal access to civil marriage for all citizens within the Republic of Ireland regardless of race, religion,

or sexuality and requests that the Minister for Justice would bring forward legislation within the lifetime of the current Dail”.

Cllr. Noonan advised that 11 Local Authorities have already passed this motion to request that new legislation be enacted to deal with the anomalies that currently exists for Irish citizens.

**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:**

**45(12) Donegal County Council – 10<sup>th</sup> December 2012**

“That this Council requests the Minister for Agriculture, Food and the Marine and his Department to subsidise the cost associated with the price of registration of ponies, horses and donkeys”.

**Noted**

**46(12) Galway City Council – 10<sup>th</sup> December 2012**

“That this Council rejects the imposition of a Property Tax on Local Authority houses and houses provided by voluntary bodies”.

**Noted**

**47(12) Dundalk Town Council – 13<sup>th</sup> December 2012**

“That in the interest of protecting our local water courses and public health, this council calls on the Minister for to end the price differential between road and marked diesel and introduce a registration and rebate scheme for uses of marked diesel”.

**Noted**

**48(12) Monaghan Town Council – 17<sup>th</sup> December 2012**

“That this Council calls for a minimum jail term for anyone convicted of assaulting or threatening the life of a front line emergency worker such as an on-duty garda, fireman, ambulance worker or nurse”.

“That this Council calls for legislation to limit the height of overly tall boundary trees (such as leylandi) which affect a neighbours “right of light” by casting excessive shade over another person’s property”.

**Noted**

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

**Cathairleach**

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