

Minutes of Council Meeting held on Monday 15th December, 2014 at 2.30pm

Chair: Cllr. P. Millea

Cllrs: M.H. Cavanagh, M. Shortall, J. Brennan, P. Fitzpatrick, M. McCarthy, M. Doyle, M. Doran, K. Funchion, P. McKee, M. Noonan, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy, G. Frisby, P. Cleere, P. O'Neill, M. O'Neill, B. Gardner, D. Kennedy, J. Malone

Officials: J. Mulholland, J. McCormack, M. Prendiville, P. O'Neill, S. Walton, M. Delahunty, M. Mullally, K. Hanley, B. Tyrrell, D. Malone and A.M Walsh.

Apologies: Cllr's D. Fitzgerald and A. McGuinness

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

2. Minutes of Special Budget Meeting in Committee of Kilkenny County Council held on Monday 17th November, 2014 (copy of minutes attached)
3. Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 17th November, 2014 (copy of minutes attached)
4. Minutes of adjourned Special Budget Meeting in Committee of Kilkenny County Council held on Friday 21st November, 2014 (copy of minutes attached)
5. Minutes of Statutory Budget Meeting of Kilkenny County Council held on Friday 21st November 2014 (copy of minutes attached)

(a) Minutes of Special Budget Meeting in Committee of Kilkenny County Council held on Monday 17th November, 2014. Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. D. Kennedy and agreed "That the minutes of the Special Budget Meeting in Committee of Kilkenny County Council held on the 17th November, 2014 as circulated with the agenda be and are hereby approved."

(b) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 17th November, 2014. Proposed by Cllr. P. Dunphy, Seconded by Cllr. M.H. Cavanagh and agreed "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 17th November, 2014 as circulated with the agenda be and are hereby approved."

(c) Minutes of Adjourned Special Budget Meeting in Committee of Kilkenny County Council held on Friday 21st November, 2014. Proposed by Cllr. F. Doherty, Seconded by Cllr. M. Doran and agreed "That the minutes of the Adjourned Special Budget Meeting of Kilkenny County Council held on the 21st November, 2014 as circulated with the agenda be and are hereby approved."

(d) Minutes of Statutory Budget Meeting of Kilkenny County Council held on Friday 21st November, 2014. Proposed by Cllr. P. Cleere, Seconded by Cllr. M. Shortall and agreed "That the minutes of the Statutory Budget Meeting of

Kilkenny County Council held on the 21st November, 2014 as circulated with the agenda be and are hereby approved.”

The members were advised that a correction is required to the minutes of monthly meeting held on the 17th November, 2014, Item 2 (c) – proposal to vary Development Plan was made by Cllr. Melissa O’Neill and not Cllr. Pat O’Neill. Members agreed to the correction of the minutes.

Cllr. P. Millea extended best wishes to members, staff and all citizens of Kilkenny and wished them a happy Christmas.

He extended a special welcome to those coming home for Christmas and appealed to all people travelling over the Christmas to take care on the roads.

Cllr. P. Millea extended congratulations to Mr. Jim Kavanagh on his National Volunteer Award.

Cllr. M. Shortall extended an invitation to all to attend the Wellie Race in Castlecomer on the 1st January, 2015.

Cllr. P. Millea extended **votes of sympathy** to the following:-

- To Jane O’Reilly, Planning Department on the death of her mother Catherine O’Reilly.
- To Martin Kelly, Finance Department on the death of his mother Philomena Kelly.
- To Jimmy Conway, Library Services on the death of his brother Michael Conway.

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

(a) Housing and Other Disposal - Tithíocht & Díuscairt Eile

- (i) It was proposed by Cllr. M. Doran, Seconded by Cllr. P. McKee 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, if any, in a plot of ground at Castletobin, Callan, Co. Kilkenny measuring approx 613 square metres to Brett Brothers Limited, Head Office, Callan, Co. Kilkenny for the sum of €1,500 with Brett Brothers Limited being responsible for all legal costs associated with the sale.”
- (ii) It was proposed by Cllr. M. Shortall, Seconded by Cllr. P. Fitzpatrick and agreed “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the lease of the property known as the former Castlecomer Courthouse, Kilkenny Street, Castlecomer, Co.

Kilkenny to Foroige National Youth Development Organisation, Block 12D, Joyce Way, Park West, Dublin 12, for a period of 5 years, with the option to renew, at a rent of €1.00 per week, for use at a 'Youth Café' and with each party to be responsible for their own legal costs."

(b) Corporate Affairs – Gnóthaí Corparáideacha

(i) Strategic Policy Committee (SPC) Scheme – Report on Submissions and Adoption of Strategic Policy Committee Scheme 2014-2019

Mr. S. Walton referred members to his report circulated with the agenda. He advised that the draft scheme was published and issued to all the pillars. Three submissions were received and they are detailed in the report – Pavee Point, I.C.T.U and Christopher O’Keeffe. He outlined the recommendation of the Executive to changes required to the draft scheme following the submissions and these have been listed on page 2 of the report.

Contributions were made by Cllr’s. M. Shortall, P. McKee and M. Noonan in relation to the proposed amendments. Members raised issues in relation to representation of the union on SPC 2 and social inclusion on SPC 3 and recommended their inclusion. Concern was raised that there is no specific representation from the education sector.

Following discussions it was agreed by the members that the following changes be made to the Draft SPC Scheme circulated:-

- Union Pillar be represented on SPC 2
- Social Inclusion Pillar be represented on SPC 3
- No. of Elected members on SPC 2 increase to 7 members
- No. of Elected members on SPC 3 increase to 7 members
- SPC 3 and SPC 4 be *re-configured* as follows:-
 - SPC 3 – Planning and Development, Heritage, Community, Arts and Culture
 - SPC 4 – Housing

It was proposed by Cllr. M. Noonan, seconded by Cllr. P. Cleere and agreed “ That we the members of Kilkenny County Council having considered report on submissions in respect of Kilkenny County

Council's Draft Strategic Policy Committee Scheme 2014 – 2019 prepared in accordance with Section 48 of the Local Government Act 2001, as amended by Section 41 of the Local Government Reform Act 2014, hereby adopt the Strategic Policy Committee Scheme 2014-2019.”

Cllr. P. Millea asked for nomination of members for the 5 SPC's.

It was proposed by Cllr. M. Doran, seconded by Cllr. A. McGuinness and agreed “That the following members be appointed to serve on **SPC 1 – Economic Development, Enterprise Support and Tourism**

- Cllr's P. Millea, P. Fitzpatrick, P. Cleere, P. McKee, P. O'Neill, M. Doyle and T. Breathnach.”

It was proposed by Cllr. M. Doran, seconded by Cllr. P. Cleere and agreed “That the following members be appointed to serve on **SPC 2 – Infrastructure Policy, Transportation, Fire and Emergency Services**

- Cllr's M. Doran, E. Aylward, M. McCarthy, F. Doherty, M. Doyle, K. Funchion and T. Breathnach.”

It was proposed by Cllr. M. Doran, seconded by Cllr. M. Doyle and agreed “That the following members be appointed to serve on **SPC 3 – Planning and Development Policy, Heritage, Community, Arts and Culture**

- Cllr's P. McKee, P. Fitzpatrick, P. Dunphy, D. Kennedy, M. Noonan, J. Brennan and A. McGuinness.”

It was proposed by Cllr. M. Doran, seconded by Cllr. A. McGuinness and agreed “That the following members be appointed to serve on **SPC 4 – Housing**

- Cllr's A. McGuinness, J. Malone, M. McCarthy, M. O'Neill, F. Doherty and P. O'Neill.”

It was proposed by Cllr. M. Doran, seconded by Cllr. A. McGuinness and agreed “That the following members be appointed to serve on **SPC 5 – Environmental Protection, Water Services and Energy**

- Cllr's G. Frisby, J. Malone, P. Dunphy, J. Brennan, B. Gardner and M. Shortall.”

(ii) Corporate Plan – Report on Submissions and Adoption of Corporate Plan 2014 – 2019

Mr. M. Delahunty presented a report on the Corporate Plan to the members. He advised that following discussions with the members at the October meeting, the draft Corporate Plan was put on display. There were no submissions received from the public.

Mr. Delahunty outlined the issues raised at the Council meeting in October and advised of changes required to the plan to include the Play Policy. The Arts Strategy is already included and the principles of the Aalborg Charter is recognised in all of our objectives across all service areas. It is recommended to members that the amended Corporate Plan be adopted.

Cllr. M. Noonan clarified that he has requested that the Council recognise the Aarhus Convention.

Mr. J. Mulholland advised that this is a legal requirement and the Local Authority is required to comply anyway with it. It was proposed by Cllr. G. Frisby, seconded by Cllr. M.H Cavanagh and agreed "That we the members of Kilkenny County Council having considered Kilkenny County Council's Draft Corporate Plan 2014 – 2019 prepared in accordance with Section 134 (1) of the Local Government Act 2001 hereby adopt Kilkenny County Council's Corporate Plan 2014-2019."

(iii) Chief Executive Management Report

Mr. Martin Prendiville updated members on the issues included in the Chief Executive Report. He advised the members that any additional income on the NPPR levy will be re-allocated to other areas for the 2014 accounts. The overdraft facility was only used for 19 days this year and he requested members approval to overdraft facilities for 2015 which is listed on the agenda for today.

Mr. McCormack updated the members on the initiatives in Housing and Planning. Details of Capital Housing projects to be undertaken were provided, and all these have been listed in the report. He advised that the retrofit of Council houses for energy conservation has been a huge success and he complimented the housing staff as a lot of work is required for this project. Discussion on leasing of properties is ongoing in a number of areas. HAP has now commenced. He advised members that a house has been repossessed in Callan due to anti-social behaviour issues.

In relation to Planning, the acquisition of land at Aylesbury is almost complete. This will provide an opportunity to provide a much needed community amenity area in the Ferrybank area. Progress is also been made in relation to reducing the number of unfinished developments in the County. Safety works have been completed on a further two developments.

There is ongoing work with the Public Participation Network (PPN). It is expected that it will be properly constituted by the 5th December, 2014. Mr. McCormack also gave an update on the Local Community Development Committee (LCDC). Issues with Kilkenny Leader Partnership have not yet been resolved.

Mr. J. Mulholland gave an overview on shared services which is part of government policy. He advised the meeting that we already have a reduction of 26% in our staff levels since 2008.

Mr. Mulholland updated the members on the next two shared services initiatives which directly affect Kilkenny County Council. The sharing of fire services and library service with Carlow County Council is now subject to discussions. There has been two national documents issued in relation to these services for the Country.

Mr. Mulholland stressed that the operation of the service on the ground will not be affected. Sharing of professional expertise at management level in both local authorities will be implemented. Consultation will be held with staff and stakeholders. It is considered that this shared service will be implemented during 2015.

Mr. Mulholland further advised that 41 participants are now employed by Kilkenny County Council in the 'Gateway' Scheme and further people will be employed over the coming weeks.

Mr. P. O'Neill advised that the draft Southern Region Waste Management Plan will be subject to public consultation for the period 18th November, 2014 to 23rd January, 2015.

Contributions were received from Cllr's M. Doran, M.H Cavanagh, F. Doherty, P. McKee, P. Cleere, P. Fitzpatrick, K. Funchion, M. O'Neill, M. Noonan, M. McCarthy, D. Fitzgerald, G. Frisby, P. Dunphy, A. McGuinness, E. Aylward, M. Shortall, J. Brennan and T. Breathnach.

Members thanked the Chief Executive for a detailed report and the main issues arising from members are as follows:-

- Concerns regarding the level of penalties for the NPPR levy
- Concerns regarding unfinished areas in a number of residential developments and the lack of engagement/permission for demolishing units
- Clarify works required to lands being acquired at Aylesbury – timeframe for redevelopment for community use – public consultation
- LCDC – clarify who is the Local Action Group, cannot lose funds for the County – timescale for agreement with Kilkenny Leader Partnership
- Value for money on Housing capital projects, general welcome for progress on the provision of houses for Travellers and other areas
- Balance outstanding on loans taken out by Kilkenny County Council
- Recoupment of storm damage costs
- Employment of further people under the ‘Gateway’ Scheme for the minor road works and drainage
- Leasing of large number of houses in any one area can lead to significant anti-social behaviour issues and integration issues
- Members welcomed progress on illegal burning of refuse at the Hebron Road
- Retrofitting – how many more houses will be included in this project
- Has Kilkenny County Council applied for any shared service
- All members raised concerns in relation to the shared fire service with Carlow County Council – clarity is required on how this will work, will there be a reduced service on the ground, who will be affected, engagement with staff, to be discussed by the relevant SPC
- Clarify affect of shared service on the Library service

Mr. McCormack and Mr. Walton responded to a number of queries raised by the members. Mr. Mulholland reiterated that there will be no change in the delivery of front line service for fire and libraries. The shared service will be at management level and over time there will be key additional services and user enhancements.

(iv) Presentation by Barrow Blueway

Cllr. P. Millea advised that he has received a request for Barrow Blueway to make a presentation to members on the River Barrow project and he is seeking members approval to receive them at the January 2015 meeting.

Members agreed to this request.

2 (c) Planning – Pleanail

(i) Chief Executive Report on St. Francis Abbey Creative Quarter

Mr. Mulholland referred members to the report circulated with agenda. He advised that following the acquisition of the Diageo site, the process of preparing a masterplan was commenced. The draft masterplan was published in November 2013 and put on public display for a period of six weeks.

Mr. D. Malone, Senior Planner advised that 38 submissions were received in relation to this site. 31 were received following the publication of the draft masterplan and a further 7 submissions were made to the draft City and County Development Plan which related specifically to the Abbey Quarter lands.

Mr. Malone advised members that all the submissions are detailed in the report and the Chief Executive response to each submission. The conclusions and recommendations of the Chief Executive are outlined on page 33 of the report. It is recommended that the Council bring forward a variation to the Kilkenny City and County Development Plan 2014 – 2020.

Mr. Mulholland presented to the members a number of drawings from the draft masterplan on a powerpoint presentation. Phase 1 will include River Park and Urban Street. An archaeology assessment of the site will also be commissioned. There is still a very active interest in the site for commercial and educational uses. With the redevelopment of the Mayfair and the Brewhouse, there will be approx. 8,500 sq metres of space available. He asked the members to consider the following to bring a degree of certainty in the short term, and to allow for effective marketing of the area.

- Refurbishment of the Mayfair and Brewhouse buildings
- Retention of the maturation building in the short term
- Provision of an urban street connecting the Central Access Street and Bateman Quay
- Provide a park on the eastern (river) side of the Francis Abbey building to the River Nore Linear Park

Mr. J. McCormack advised that there are options for the provision of social and affordable houses at the other side of the new street near the new bridge. Options are being advanced.

Mr. P. O'Neill advised the members that Diageo are investing significant resources to ensure environmental compliance for the surrender of IPPC Licence. Remediation works are in progress and they will be shortly entering the demolition phase.

Mr. Mulholland advised that a consultation exercise will take place during the revision process and at the amended draft plan stage. This consultation will be an important part of the review of the draft masterplan.

Mr. Malone advised that format of the consultation is being considered. It will probably be a workshop, allowing people to pre-register and it will be open to the general public. The workshop will probably take place in January 2015 in a city centre location. The participants at the workshop will have opportunities to give feedback.

Contributions were received from Cllr's M. Noonan, D. Fitzgerald and T. Breathnach in relation to urban street connections, spur road from bridge and opening up of St. Francis Abbey to the public. The use of social media must be encouraged for the public to engage.

Mr. Mulholland responded to the queries raised and recommended that the members support the variation to the City and Environs Development Plan.

It was proposed by Cllr. M. O'Neill, seconded by Cllr. P. Fitzpatrick and agreed "That Kilkenny County Council bring forward a variation to the Kilkenny City and Environs Development Plan 2014 – 2020 for the following objectives:-

- To provide for an urban street connection between the Central Access Scheme and Bateman Quay crossing the Breagagh at the existing crossing point
- Amend the objective in the City and Environs Development Plan. 6 B (To complete the River Nore Linear Park within the lifetime of the plan) to include for a public area east of St. Francis Abbey (between the abbey and the river)

Cllr. M. Noonan stated that he has strong reservation on the spur road and he wished to have this noted.

It was proposed by Cllr. M. O'Neill, seconded by Cllr. P. Fitzpatrick and agreed "that consultation would be initiated through workshop process."

(ii) Taking in Charge

- *19 houses at Togher Lawns, Urlingford, Co. Kilkenny*

It was proposed by Cllr. P. Cleere, seconded by Cllr. M. Doyle and agreed that:-

"We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of 19 Residential Units at Togher Lawns, Urlingford, Co. Kilkenny in accordance with Section 180 of the Planning and Development Act 2000 - 2013 and under Section 11 of the Roads Act 1993".

- *5 houses at Prologue, Callan, Co. Kilkenny*

It was proposed by Cllr. P. Cleere, seconded by Cllr. M. Doyle and agreed that:-

"We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of 5 Residential Units at Prologue, Callan, Co. Kilkenny in accordance with Section 180 of the Planning and Development Act 2000 - 2013 and under Section 11 of the Roads Act 1993".

- *7 houses at Bolton, Callan, Co. Kilkenny*

It was proposed by Cllr. P. Cleere, seconded by Cllr. M. Doyle and agreed that:-

"We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of 7 Residential Units at Bolton, Callan, Co. Kilkenny in accordance with Section 180 of the Planning and Development Act 2000 - 2013 and under Section 11 of the Roads Act 1993".

- *9 houses at Mill Road, Inistioge, Co. Kilkenny*

It was proposed by Cllr. P. Cleere, seconded by Cllr. M. Doyle and agreed that:-

"We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of 9

Residential Units at Mill Road, Inistioge, Co. Kilkenny in accordance with Section 180 of the Planning and Development Act 2000 - 2013 and under Section 11 of the Roads Act 1993”.

(iii) Traffic Calming Policy

Mr. Simon Walton referred members to his report circulated with the agenda. He advised members that the Department of Transport, Tourism and Sport have recently issued a circular on the Control of Vehicle Speeds in Housing Estates. Elected members have also submitted notices of motion in relation to speed ramps in housing estates. He advised that Kilkenny County Council is currently drafting the County Kilkenny Road Safety Plan 2015 - 2020. This will be presented to the relevant SPC and will come before the full Council in February 2015.

Subject to members approval, it is proposed to include a specific chapter in the Safety Plan to address the implementation of traffic calming measures in housing estates over the period of the plan. There are approx. 400 residential estates in County Kilkenny and substantial investment will be required to implement measure and signage for a special speed limit of 30kph. Funds for implementing this plan will have to be found. Consultations will also take place with residents. The estimated amount of investment is approx. €4.2m for traffic calming measures and €0.25m for appropriate signage.

Queries were raised by Cllr's M. Doran, P. Cleere, P. Fitzpatrick, T. Breathnach and M. Shortall. Clarification was requested on provision of funds to carry out the works, speed limit review and status of cul-de-sacs for these traffic calming works.

Mr. Walton replied to all the queries raised.

It was proposed by Cllr. M. Doran, seconded by Cllr. T. Breathnach and agreed “that Kilkenny County Council write to the Department of Transport, Tourism and Sport seeking additional funds to carry out these works”. Members agreed to this proposal. Members were in agreement in principle to the development of a policy for implementing traffic calming measures in residential developments subject to finances being available and discussion at Municipal level to agree prioritisation each year.

(iv) Update on Kilkenny Central Access Scheme

It was agreed to defer this report to the December meeting due to constraints on time to discuss it.

2 (d) Finance - Airgeadais

(i) Renewal of Overdraft Facility

It was proposed by Cllr. J. Brennan, seconded by Cllr. P. Cleere 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 31st December, 2015."

It was proposed by Cllr. P. Cleere, seconded by Cllr. P. Fitzpatrick and agreed to suspend standing order to complete item 2 (d) (ii).

(ii) Audit Report

Mr. M. Prendiville, Head of Finance referred to the Audit report circulated to members and advised that it only related to the County Council accounts for 2013. A number of issues have been raised by the Auditor and these were responded to. Management letter has been received in relation to the Borough Account for 2013.

Queries were raised by Cllr. D. Fitzgerald in relation to the management letter and losses at the Watershed.

Mr. Prendiville replied to Cllr. D. Fitzgerald. It was proposed by Cllr. G. Frisby, seconded by Cllr. T. Breathnach and agreed "That "We the members of Kilkenny County Council approve the Statutory Audit Report for the year ended 31st December, 2013 as issued in accordance with Section 120 of the Local Government Act, 2001."

As the time had exceeded 6.00pm, all other items on the agenda were deferred to the December meeting.

The meeting then concluded.

Signed:_____

Date:_____

Cathairleach