

Minutes of Council Meeting held on Monday 10th February, 2014.

Chair: Cllr. P. Dunphy

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

Officials: J. Crockett, J. Mulholland, J. McCormack, P. O' Neill, S. Walton, D. Malone and A.M Walsh.

Apologies: Wm Ireland and Michael O Brien.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 20th January, 2014.** Proposed by Cllr. J. Coonan, Seconded by Cllr. M. Brett and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 20th January, 2014 as circulated with the agenda be and are hereby approved."
- (b) Minutes of Statutory Budget Meeting held on 6th January, 2014.** Proposed by Cllr. M Fitzpatrick, Seconded by Cllr. J. Moran and agreed:- "That the minutes of the Statutory Budget Meeting held on 6th January, 2014 as circulated with the agenda be and are hereby approved".
- (c) Minutes of Callan Electoral Area Meeting held on 3rd December, 2013.** Proposed by Cllr. T. Maher, Seconded by Cllr. P. Crowley and agreed:- "That the minutes of the Callan Electoral Area Meeting held on 3rd December, 2014, as circulated with the agenda be and are hereby approved".
- (d) Minutes of County Council Audit Committee Meeting held on 18th November, 2013.** Proposed by Cllr. E. Aylward, Seconded by Cllr. J. Brennan and agreed:- "That the minutes of the County Council Audit Committee Meeting held on 18th November, 2013, as circulated with the agenda be and are hereby approved".
- (e) Minutes of Joint Policing Committee Meeting held on 6th January, 2014.** Proposed by Cllr. F. Doherty, Seconded by Cllr. S. Treacy and agreed:- "That the minutes of the Joint Policing Committee Meeting held on 6th January 2014, as circulated with the agenda be and are hereby approved".

- (f) Minutes of Special Meeting held on 13th January, 2014.** Proposed by Cllr. J. Moran, Seconded by Cllr. M. Brett and agreed:- “That the minutes of the Special meeting held on 13th January, 2014, as circulated with the agenda be and are hereby approved”.
- (g) Minutes of Special Meeting held on 20th January, 2014.** Proposed by Cllr. F. Doherty, Seconded by Cllr. M. Brett and agreed:- “That the minutes of the Special Meeting held on 20th January, 2014, as circulated with the agenda be and are hereby approved”.
- (h) Minutes of Joint Special Meeting held on 28th January, 2014.** Proposed by Cllr. M. Shortall, Seconded by Cllr. J. Moran and agreed:- “That the minutes of Joint Special Meeting held on 28th January, 2014, as circulated with the agenda be and are hereby approved”.
- (i) Minutes of Piltown Electoral Area Meeting held on 28th January, 2014.** Proposed by Cllr. C. Long, Seconded by Cllr. E. Aylward and agreed:- “That the minutes of Piltown Electoral Area Meeting held on 28th January, 2014, as circulated with the agenda be and are hereby approved”.

Cllr. P. Dunphy congratulated the Rower Inistioge Hurling Club on winning the All Ireland Intermediate final and Joe Gough on achieving his fastest time in an 800m race in the indoor championships.

Votes of Sympathy were extended to:-

- Mary Irish & Family, Rathpatrick, Slieverue, Via Waterford, Co. Kilkenny on the death of Andy Irish.
- Maureen Dollard & Family, Brockton Drive, Ferrybank, Co. Kilkenny on the death of Ted Dollard.
- The Dungan Family, Glenconnell, Mullinavat, Co. Kilkenny on the death of Maureen Dungan.
- Bridget Burke, Bennettsbridge, Co. Kilkenny on the death of William Burke.
- Bridget Keane & Family, Ballytarsney, Mooncoin, Via Waterford, Co. Kilkenny on the death of Dick Keane.
- Maureen Carner, Portnascully, Mooncoin, Via Waterford, Co. Kilkenny on the death of Pakie Walsh Taylor.
- Matty Talbot, Kildalton, Piltown, Co. Kilkenny on the death of John Talbot.
- Pat Mulrooney & Family, Maddockstown, Clara, Co. Kilkenny on the death of Eddie Mulrooney.
- The Foley Family, Annfield, Owing, Co. Kilkenny on the death of Mary Foley.
- The Coady Family, Carigcloney, Glenmore, Co. Kilkenny on the death of Donal Coady.
- The Foskin Family, Deerpark, Mullinavat, Co. Kilkenny on the death of Petie Foskin.
- The O’ Neill Family, Ballincurragh, Gaulsmills, Ferrybank, Via Waterford, Co. Kilkenny on the death of Michael O’ Neill.

- The Foran Family, 20 Comeragh View, Mooncoin, Via Waterford, Co. Kilkenny on the death of Michael Foran.
- The O'Brien Family, 31 Comeragh View, Mooncoin, Co. Kilkenny on the death of Mary O'Brien.
- Wattie Hearne & Family, Skeard, Kilmacow, Co. Kilkenny on the death of Anne Hearne.
- Mary Cummins & Family, Rosenarra Demesne, Kilmaganny, Co. Kilkenny on the death of Roger Cummins.
- The Fox Family, 60 Chapelgate, Kilmacow, Co. Kilkenny on the death of Paula Walsh.

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

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

Proposed by Cllr. P. Millea, Seconded by Cllr. M. Shortall 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 property at Russellstown, Attanagh, Co. Laois, measuring .2020 hectares, as outlined on the attached map, to Michael O'Brien, Russellstown, Attanagh, Co. Laois, for the nominal sum of €500, with each party being responsible for their own legal costs associated with the sale."

(b) Roads - Bóithre

(i) Notification of Grant Allocations for Non National Roads

Mr. J. Mulholland referred members to his report circulated with the agenda. The total Non National Road Grant Allocation for 2014 is €9,238,000. This is an increase on the 2013 allocation of €8,558,000. The grants for all roads will now be apportioned in respect of road priorities in the five electoral areas. The Road Works Scheme will be presented to members for approval at the March monthly meeting.

Contributions were received from Cllrs. M. Shortall, P. Millea, J. Brennan, P. Dunphy, T. Maher, M. Doran, C. Long, C. Connery, A. McGuinness, J. Coonan, F. Doherty, T. Breathnach, T. Prendergast, S. Treacy, E. Aylward and M. Noonan.

The members welcomed the increased allocation and the following issues were raised by members:-

- Extension of the winter road salting schedule to various roads in the county, stocks of sale
- Drainage works to relieve flooding on many local roads and flooding from the Nore and Barrow River. Damage caused to houses as a result of flooding, severe flooding at Dunkitt
- Provision of public lighting

Cllr. Noonan suggested a pilot based project for planting areas of land with willows and this should be investigated this with OPW.

Cllr. T. Prendergast called on the Minister to provide funds for the Flood Relief Scheme in Graiguenamanagh and Thomastown. This was seconded by Cllr. S. Treacy and agreed by all members.

Mr. J. Mulholland responded to all queries raised by members and advised members that queries in relation to individual roads drainage etc can be discussed at the next electoral meeting where the grant allocations will be assigned to various projects.

(ii) Part 8 Advisory Memo re N24 Mooncoin Village Road Reconstruction

Mr. Mulholland referred to his report circulated for information purposes to members on the proposed Mooncoin Pavement Rehabilitation Scheme. Details of the works proposed and map were outlined in the report. The estimated cost of this scheme is in the region of €2m. It is proposed to advertise Part 8 proposal in March, 2014. Kilkenny County Council will now advance detailed design for the scheme and seek funding from NRA to complete the scheme in 2014 or 2015. It is proposed to revert with Part 8 report and Manager's report within the next few months.

Cllr. P. Dunphy welcomed the proposed investment into the village of Mooncoin as this road is particularly busy. Cllr. Long requested further details on the improvements to the footpaths. Cllr. Breathnach welcomed the works as this a very busy main road between Limerick and Waterford and the proposed upgrade works will be of huge benefit to the local community. Cllr. C. Long proposed that Kilkenny County Council proceed with the Part 8 for the Mooncoin Pavement Rehabilitation Scheme this was seconded by Cllr. T. Breathnach and agreed by all.

(iii) Part 8 Advisory Memo re Ossory Pedestrian Bridge

Mr. J. Mulholland referred to his report circulated with the agenda and advised members that the proposed project would provide for a new pedestrian bridge linking the Lacken Walk to the Canal Walk. It is proposed to commence a Part 8 public consultation.

Contributions were received from Cllr. J. Coonan, M. Noonan, M. Fitzpatrick, D. Fitzgerald, A. McGuinness and M. Brett. The issues raised by members include the following:-

- Engage with local communities, have a public meeting to get views.
- Access to Lacken walk for all – issues with steps and slipping on board walk
- Design of new bridge and cost of project.

Mr. Mulholland responded to the queries raised and advised that there will be opportunities for public participation. Mr. Crockett advised that the provision of a new bridge is part of the master plan for the Lacken Walk and the Linear Park. This will compliment the tourist trails for Kilkenny City and the new Garden area being designed for in the area between Greensbridge and John's Bridge.

It was proposed by Cllr. M. Brett, Seconded by Cllr. A. McGuinness and agreed that the project proceed to Part 8 consultation.

(iv) Proposed by Cllr. M. Shortall, Seconded by Cllr. A. M. Irish and agreed:- “We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the Public Road/Roundabout/Footpaths only at Road No. (Old N25) & LS 7559 Belmont Road in accordance with Section 180 of the Planning and Development Act 2000 as amended by Section 59 of the Planning & Development Act 2010”. (Notification attached)

(c) Corporate - Gnóthaí Corparáideacha

(i) Annual Report of the Kilkenny County Council Audit Committee for 2013

Mr. Mulholland referred to report prepared by Chairman of Kilkenny County Council Audit committee and advised that it is the function of the committee to make an annual report to the full Council on their activities for the year.

Cllr. E. Aylward thanked the staff for their co-operation and input into the audit committee throughout the year.

Cllr. M. Shortall, T. Breathnach, C. Connery and T. Maher raised a number of queries as follows:-

- Is DIRT payable by local authority
- Cash flow position of the local authority

Mr. Crockett responded to the queries raised. It was proposed by Cllr. E. Aylward, seconded by Cllr. C. Connery and agreed that the Annual Report 2013 from the Kilkenny County Council Audit Committee be approved.

(ii) Agree date for Presentation of Amenity Grant Allocations to Community Groups

Mr. Mulholland advised members that it has been decided to host a presentation award ceremony for amenity grants on 23rd April, 2014 at 8.00p.m. at a venue to be decided to honour and thank community groups for their voluntary work in their communities.

Members agreed to this proposal.

(d) Water Services - Seirbhísí Uisce

Part 8 for new Pumping Station at Ballyhimmin, Castlecomer as part of Castlecomer Sewerage Scheme.

Mr. P. O' Neill advised members that it is proposed to provide a new pumping station at Ballyhimmin, Castlecomer as part of the Castlecomer Sewerage Scheme. Approval has been received from An Bord Pleanála. It was proposed by Cllr. M. Shortall, Seconded by Cllr. J. Brennan and agreed: - "We the members of Kilkenny County Council approve this report which has been prepared to comply with Section 179, Part XI of the Planning and Development Act 2000 and the provisions of Part 8 of the Planning and Development Regulations 2001 and deals with the construction of a new Pumping Station at Ballyhimmin, Castlecomer, Co. Kilkenny as part of Castlecomer Sewerage Scheme"

Cllr. M. Shortall and J. Brennan welcomed the proposed work and requested details on the funding of the works.

Cllr. Dunphy requested update on water conservation/main replacement and provision of public toilets.

Mr. O' Neill responded to the queries raised and advised that €2m is being spent on mains replacement in Thomastown, Piltown and Kilmacow. It is proposed to have a report on provision of public toilets for the March Meeting.

(e) **Planning – Pleanail**

Extension of appropriate periods for Local Area Plans for Callan, Castlecomer, Graiguenamanagh, Thomastown and Ferrybank

Mr. Denis Malone advised members that the 5 Local Area Plans for Callan, Castlecomer, Graiguenamanagh, Thomastown and Ferrybank were adopted in Feb/March 2009. A resolution to defer the review of the LAP must be made not more than 5 years after the making of the plan i.e. 15th February, 2014.

Mr. Malone recommended to the members in his report circulated that the plans should be extended and notices be published to defer the period for 5 years to Feb/March 2020.

Contributions were received from Cllr. F. Doherty, T. Maher, S. Treacy, M. Noonan and T. Breathnach.

It was proposed by Cllr. F. Doherty, Seconded by Cllr. J. Moran and agreed: -
“That “We the members of Kilkenny County Council, having requested that the County Manager give his opinion on extending the above Local Area Plans under Section 19 (1)(e) of the Planning & Development Acts 2000-2013, and having considered the County Manager’s opinion as outlined at the meeting of Kilkenny County Council held on the 10th of February 2014, formed in accordance with Section 19 (1)(e)(ii) of the above acts, do hereby consider that the Callan, Castlecomer, Graiguenamanagh, Thomastown and Ferrybank Local Area Plans should be extended in accordance with the procedures under Section 19 (d)-(f) of the Planning & Development Acts 2000-2013”.

(f) **Presentations**

(i) Presentation – The Watershed at 4.30p.m.
Deferred to March Meeting.

(ii) Presentation - Rothe House at 5.00p.m.
Deferred date to be agreed later.

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 February - April 2014. Proposed by Cllr. T. Maher, Seconded by Cllr. T. Breathnach and agreed.

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

- (i) **Chairman's Report of Callan Electoral Area Committee Meeting held on 3rd December, 2013.** Proposed by Cllr. T. Maher, Seconded by Cllr. P. Crowley and agreed.

Arising from the report Cllr. T. Maher requested that the silt in the Kings River be removed and seek co-operation from all interested state agencies This was supported by Cllr. P. Crowley.

Cllr. T. Prendergast asked that a special case be made in relation to the Duiske River. Cllr. Coonan expressed frustration at the delay in state agencies in agreeing solutions to these works to assist residents whose concerns must be taken into consideration.

Mr. Mulholland responded to the issues raised and explained to the members the works required in the different rivers and the impact on environmental matter which also have to be taken into account.

- (ii) **Chairman's Report of Piltown Electoral Area Meeting held on 28th January, 2014.** Proposed by Cllr. C. Long, Seconded by Cllr. A.M. Irish and agreed.

Cllr. P. Dunphy requested that any strategic plans for the County and projects be carried out in-house.

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

- (i)** Conferences – Request for approval to attend as per circulated list.
Proposed by Cllr. M. Shortall, Seconded by Cllr. M. Noonan and agreed.
- (ii)** Summary proceedings at Conferences – to follow
Proposed by Cllr. M. Shortall, Seconded by M. Noonan and agreed.

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

Cllr. C. Long requested an update on the opening of the Ferrybank Shopping Centre. Mr. Crockett advised that the matter has been raised with NAMA.

10. Any Other Business - Aon Ghnó Eile

Cllr. Shortall raised concerns in relation to communication with elected members and Irish Water. Cllrs. M. Shortall, P. Dunphy and J. Coonan expressed gratitude to all staff who responded to the recent emergencies arising from the bad weather and to the Director of Services for Housing who responded to the house fire in Ballyragget. Mr. Crockett thanked the members for their compliments.

Mr. P. O' Neill advised that there will be a further briefing from Irish Water for members in April.

Mr. Crockett advised that the Local Government Act has been passed and that the alignment of Local Government and Local Development will now commence. Further details are awaited. A report may be available for the March meeting on economic development.

Mr. J. McCormack advised that it is intended to advertise the Community & Cultural Grant Scheme shortly. The closing date for receipt of applications will be in April and the maximum grant per project will be €45,000.

11. Notices of Motion - Fógraí Rúin:

1(14) Cllr. Fidelis Doherty

Proposed by Cllr. F. Doherty, Seconded by Cllr. D Fitzgerald and agreed: - "To seek of Kilkenny County Council to initiate the facility of acquiring the names of students who turn 18 while in secondary school to be included in the Register of Electors in order to facilitate their inclusion on the County' Register of electors so that they can vote when the next opportunity occurs".

Contributions were received from Cllr. F. Doherty, J. Coonan, A.M Irish, M. Shortall, P. Crowley, S. Treacy and T. Maher in relation to the Register of Electors, use of PPS numbers, data protection issues, sharing of information from other state agencies.

Mr. Mulholland responded to the queries raised.

2(14) Cllr. Malcolm Noonan

Proposed by Cllr. M. Noonan, Seconded by Cllr. S. Treacy and agreed:- “That Kilkenny County Council condemns the practice of below cost selling of vegetables; fruit, milk and other agricultural produce by retail multiples in Ireland where food is being sold below the cost of production and as a loss leader. We request that the Minister for Agriculture and Minister for Trade and Enterprise would bring to Government proposals to regulate the grocery retail sector in Ireland to protect Irish farm jobs and independent retailers from such distorting and unjust practices”.

Contributions were received from Cllr. M. Noonan, S. Treacy, F. Doherty, T. Breathnach and A.M Irish in relation to local producers being at a disadvantage, leading to loss making local enterprises, buying of excess vegetables at low price can generate waste, intervention of government is required.

3(14) Cllr. M. O’ Brien & T. Prendergast

“That this Council’s commitment in the Local Area Plans to link Knocktopher to Ballyhale by footpath be accelerated because NRA investment in that regard has now created a potential road safety issue”.

Deferred to March Meeting.

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:

Proposed by Cllr. T. Maher, Seconded by Cllr. M. Shortall and agreed that all notices be noted.

1(14) Leitrim County Council – 18th December, 2013

“That Leitrim County Council calls on the Government and Minister Phil Hogan to withdraw their proposal to introduce a levy on all vacant commercial premises. The pending Local Government legislation, which is due to come into effect in 2014, refers to changing the current process of waiving 100% of the commercial

rates on business properties that are vacant and proposes to introduce a levy of 50% of the full rates payable on all properties that are vacant. This new proposal is referred to in "Part 5, Section 31" of the pending legislation. This proposal, to bill all vacant commercial properties in Leitrim and all over the country at 50% of the full rates payable, is unacceptable and unthinkable".

2(14) South Tipperary County Council – 16th January, 2014

"I call on the Ministers for Finance, Education and Social Welfare to immediately review the flat fee of €833.00 introduced in the October Budget for apprentices attending Institutes of Technology. This fee is a barrier to training. To support the development of a skilled technical workforce in County Tipperary, I call for the fee to be waived".

That concluded the business to the meeting.

Signed: _____

Cathaoirleach

Date: _____