

## **Minutes of February Council Meeting held on 15<sup>th</sup> February, 2016 at 3.00p.m.**

**Chair:** Cllr. M.H. Cavanagh

**Cllrs:** M. Shortall, J. Brennan, P. Millea, P. Fitzpatrick, M. Doyle, M. Doran, M. Noonan, J. Malone, M. McCarthy, A. McGuinness, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy, M. O' Neill, G. Frisby, B. Gardner, P. O' Neill, D. Kennedy.

**Officials:** C. Byrne, M. Melia, S. Walton, M. Mulholland, M. Prendiville, T. Lauhoff, M. Delahunty, B. Tyrrell, K. Hanley and A. M. Walsh

**Apologies:** K. Funchion.

As agreed 2 deputations were received in advance of the monthly meeting at 2.00p.m.

### **2.00p.m. The Order of Malta**

Cllr. Cavanagh welcomed Heather Woods, Gillian Kelly and Vivienne Lawlor.

The officers of the Order of Malta gave an overview of the organisation membership and the services provided in Kilkenny and outside of the County.

The number of events that they attend is increasing every year. Their current premises is not adequate to meet the growing needs of their organisation. It is rented from the HSE and is not fit for purpose for training, meetings etc.

They advised members that they need to find a permanent base and have explored a number of options without success. The Order of Malta does not receive any state funding. All funding generated is from voluntary fundraising. The group outlined that their vision for the organisation. A permanent home is required to fulfil their vision to expand the service and increase the membership.

Contributions were received from Cllrs. M. Noonan, E. Aylward, B. Gardner, M. Shortall, J. Brennan and J. Malone. Members thanked the Order of Malta for their presentation and offered support to them in securing the right premises.

A number of queries were raised by members and the representatives of the Order of Malta responded.

Cllr. M. H. Cavanagh thanked them for the presentation and the video and wished them well for the future.

### **2.30p.m. The Watergate Theatre**

Cllr. M. H. Cavanagh welcomed Joe Reidy, Seamus Reade and Ger Cody.

The representatives of the Watergate gave a power point presentation to the members (copy circulated) giving an overview on the operation of the Theatre.

They advised members that funding from the Arts Council has been decreasing over the years. The Watergate Theatre is very grateful to the ongoing support from the Local Authority. Without this support the theatre would be closed. They requested members to consider incorporating the Watergate Theatre into the Masterplan for the Diageo site and to encourage development of a cultural area for the City.

Contributions were received from Cllrs. F. Doherty, M. Shortall, M. Noonan, B. Gardner, T. Breathnach and J. Malone.

Members thanked the group for their presentation and stated that Kilkenny County Council is committed to the success of the Watergate and supportive of their vision for the future. Members spoke about the use of the Watergate for other events and the development of the Brewery Site.

Cllr. M. H. Cavanagh thanked the group for their presentation and wished them well.

The monthly meeting commenced at 3.00p.m.

**1. Confirmation of Minutes - Dearbhú Miontuairiscí:**

**(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 18<sup>th</sup> January, 2016**

Proposed by Cllr. F. Doherty, Seconded by Cllr. A. McGuinness and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 18<sup>th</sup> January, 2016 as circulated with the agenda be and are hereby approved".

**(b) Minutes of Special Meeting held on 8<sup>th</sup> January, 2016.**

Proposed by Cllr. M. Doran, Seconded by Cllr. M. Doyle and resolved: - "That the minutes of Special meeting held on 8<sup>th</sup> January, 2015 as circulated with the agenda be and are hereby approved".

**(c) Minutes of Special Meeting held on 11<sup>th</sup> January, 2016.**

Proposed by Cllr. M. Shortall, Seconded by Cllr. J. Brennan and resolved: - "That the minutes of Special meeting held on 11<sup>th</sup> January, 2015 as circulated with the agenda be and are hereby approved".

**(d) Minutes of SPC 4 Housing Strategic Policy Committee Meeting held on 21<sup>st</sup> January, 2016**

Proposed by Cllr. M. O' Neill, Seconded by Cllr. M. McCarthy and resolved:- "That the minutes of SPC 4 Meeting held on 21<sup>st</sup> January, 2016 as circulated with the agenda be and are hereby approved".

Cllr. M. H. Cavanagh congratulated the following:-

- To Bennettsbridge Hurling Club on winning the All Ireland Intermediate Final
- To Glenmore Hurling club on winning the All Ireland Junior Final.

She sought approval of the members to host a civic reception for the hurling clubs after the May Meeting. Members agreed to this.

Cllr. M.H Cavanagh extended votes of sympathy to the following:-

- To Ber Phelan, Motor Tax on the death of her sister Edel Burke.
- To Martin Prendiville Finance on the death of his father in law William Malone.
- To John Davis, Kilkenny Area on the death of his mother Margaret Davis.
- Mary Walsh & Family, Rathkieran, Mooncoin, Co. Kilkenny on the death of Jimmy Walsh.
- Willie Long, Ballyveria, Glenmore, Co. Kilkenny on the death of Mary Long.
- The Grace Family, Ballinacronev, Owing, Piltown, Co. Kilkenny on the death of Fr. Paddy Grace.
- The O'Shea Family, Lismateigue, Hugginstown, Co. Kilkenny on the death of Larry O' Shea.
- The Vereker Family, Ballinearla, Kilmacow, Co. Kilkenny on the death of John Vereker.
- Michael Kinsella and Family, Dournane Road, Mooncoin, Co. Kilkenny on the death of Nicola Kinsella.

Cllr. Cavanagh advised that the Davidson Choral Chamber Orchestra from America will be giving a recital on April 6<sup>th</sup> in St. Canice's Cathedral.

**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**

- (i)** Proposed by Cllr. F. Doherty, Seconded by Cllr. P. Dunphy 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 a plot of ground measuring approx 1.02acres at the " Old Picnic Area" Carriganurra, Slieverue, Co. Kilkenny to Mr. Anthony Wemyss, Carriganurra, Slieverue, Co. Kilkenny for the sum of €6,000 with each party being responsible for their own legal costs associated with the sale".
- (ii)** Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. M. McCarthy and agreed:- "That Kilkenny County Council hereby approves of the disposal of its interest in No. 12 Togher Lawns, Urlingford, Co. Kilkenny in

accordance with Section 183(1) of the Local Act 2001 and that the consent of the Minister for Environment is not necessary”.

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

**(i) Chief Executives Report**

Ms. C. Byrne presented her monthly management report to the members. She updated the members on the Waterford Boundary Review. Kilkenny’s submission has been printed and circulated to all members. The Executive is preparing a response to the Waterford Submission. The members will be meeting the Review Committee in early March, date to be confirmed. It would be appropriate for the members to have a special meeting to consider their response to the Waterford Submission and for the sub-committee to meet in advance of meeting with the Boundary Review Committee.

Following discussion members agreed to hold a special meeting on 3<sup>rd</sup> March, 2016 at 4.00p.m. The Boundary sub-committee can meet after the special meeting to prepare for meeting with review committee.

**(ii) Part 8 Report for Brewhouse Refurbishment**

Mr. S. Walton referred to the Part 8 report circulated to the members. He advised that in July, 2013 members agreed to the retention, redevelopment and re-use of the Brewhouse building. The Masterplan was adopted by members on 31<sup>st</sup> July, 2015.

The Part 8 report included all the submissions received and the Council’s responses thereto. Mr. Walton advised members that 3<sup>rd</sup> party submission was received by An Bord Pleanala under Section 120(3) of the Planning Act. An Bord Pleanala has indicated that its determination will be made before 6<sup>th</sup> June, 2016. The Chief Executive has confirmed that no development works will proceed in connection with this proposal pending a determination by An Bord Pleanala.

Cllr. M. Noonan proposed that a decision on this Part 8 be deferred to the March Meeting. This was seconded by Cllr. D. Kennedy.

Contributions were received from Cllrs. M. Noonan, B. Gardner, D. Kennedy, M. Shortall and M.H. Cavanagh. The following queries arose:-

- Proposed extension to building – archaeological dig
- What will the building be used for
- Has EIS been done?
- Premature – until HGV Management Plan is in place.
- Is there finance available to refurbish the building
- Have we secured tenants for the building?

Ms. Byrne responded to the queries raised and advised that there is no extension to the foot print of the building. The building will be upgraded to modern day standards to facilitate a future use. Part 8 proposal relates only to the existing building and only for planning purposes. A commitment has been given to the members to brief them fully on the funding and the overall project. In 2013, members agreed to retain the Mayfair and the Brewhouse. The Council will be seeking mixed use for the development and there is an expectation that employment will be created here.

Mr. Walton advised that an archaeology strategy for the entire site is being advanced. There is ongoing consultation with the Dept. of Arts, Heritage & the Gaeltacht (DAHG) and they are satisfied with the process and the proposals to date. The proposed development will be undertaken in line with the detailed archaeological requirements of the DAHG, with the works being subject to ministerial license or consent.

He advised that the HGV Management Plan is being dealt with at Municipal District meeting. A number of items in the plan are being acted on and progressed through the Municipal District.

In relation to the EIS, it is the opinion of Kilkenny County Council that this is not required for this Part 8 development. However it is now a matter for Bord Pleanala to make a determination.

An amendment was proposed by Cllr. P. Millea, seconded by Cllr. M. Doyle:- "That the Council proceed with a decision on the Part 8 Planning Report".

Cllr. M. H. Cavanagh called for a vote on the amendment. Proposed by Cllr. P. Millea, Seconded by Cllr. M. Doyle.

**Thirteen (13)** voted in favour of amendment:- Cllrs. J. Brennan, M. H. Cavanagh, P. Fitzpatrick, M. McCarthy, P. Millea, M. Doyle, A. McGuinness, M. Doran, J. Malone, E. Aylward, F. Doherty, P. Dunphy and G. Frisby.

**Seven (7)** voted against the amendment:- Cllrs. M. Shortall, B. Gardner, D. Kennedy, P. O' Neill, M. Noonan, T. Breathnach and M. O' Neill.

Therefore the amendment was carried.

Cllr. M. H. Cavanagh called for a proposer for the Part 8 Planning Report. It was proposed by Cllr. P. Millea, Seconded by Cllr. M. Doyle:-

“That Kilkenny County Council approves under Part VIII of the Planning & Development Regulations, 2001-2015 – that the Part 8 proposal on the Brewhouse Building proceed on the recommendation that no development works proceed in connection with the proposal pending a determination by An Bord Pleanala in respect of the Section 120(3) declaration sought”.

**Thirteen (13)** voted in favour of the resolution:-

Cllrs. J. Brennan, M. H. Cavanagh, P. Fitzpatrick, M. McCarthy, P. Millea, M. Doyle, A. McGuinness, M. Doran, J. Malone, E. Aylward, F. Doherty, P. Dunphy and G. Frisby.

**Four (4)** voted against the resolution:- Cllrs. B. Gardner, D. Kennedy, M. Noonan and M. O’ Neill.

**Three(3)** abstained from voting:- Cllrs. M. Shortall, P. O’ Neill and T. Breathnach.

Therefore the resolution to approve the Part 8 Planning report for the Brewhouse Building was passed by 13 votes to 4 votes.

**(iii) Part 8 Report for Abbeyquarter Riverside Garden**

Mr. Walton referred to report on Part 8 circulated with the agenda and advised members that there were 2 errata identified in the Chief Executives Report and a sheet has been circulated to show the corrections.

Mr. Walton advised the meeting that the Riverside Garden is a key element of the Linear Park. The proposal is for the development of a 15m wide Riverside Garden between Bateman Quay and Greensbridge. The Riverside Garden provides linkages to the River Nore Linear Park. 31 submissions were received and are enclosed in the report together with the Council’s responses thereto.

The executive is recommending that the development proceeds as proposed to include any commitments given in the responses to the submissions made during the consultation process.

Kilkenny County Council will receive possession of the site shortly and it is intended to proceed with the proposed walk/garden as soon as possible.

Contributions were received from Cllrs. D. Kennedy, M. Noonan and B. Gardner.

Queries are as follows:-

- Proposal for Archaeology dig in the entire area of part of the site.
- Concerns re location of Skate Park

Cllr. Gardner proposed that the item be deferred until the March meeting this was seconded by Cllr. M. Noonan.

Cllr. Millea proposed an amendment:- "That the council proceed to make a decision on the Part 8 Planning Report". This was seconded by Cllr. Pat Dunphy.

Mr. Walton advised that archaeology works would be undertaken under license or consent from the DAHG The works will be undertaken in line with the detailed archaeological requirements of the DAHG

Cllr. M. H. Cavanagh called for a vote on the amendment to proceed with Part 8 Report

**Fourteen (14)** in favour:- Cllrs. J. Brennan, M. H. Cavanagh, P. Fitzpatrick, M. McCarthy, P. Millea, M. Shortall, M. Doyle, M. Doran, J. Malone, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy, G. Frisby.

**Four (4) against**:- Cllrs. B. Gardner, D. Kennedy, M. Noonan, M. O' Neill.

**One (1)** abstained:- Cllr. P. O' Neill

Therefore the amendment was carried.

It was proposed by Cllr. M. Doran, seconded by Cllr. P. Dunphy and resolved:- "That Kilkenny County Council approves under Part VIII of the Planning & Development Regulations, 2001-2015- that the Part 8 proposal on the Riverside Garden, Abbey Creative Quarter proceed to include any commitments given in response to the submissions made to the consultation process and the recommendations of the Planning Authority".

Cllr. M. H. Cavanagh called for a vote on the proposal.

**Fourteen (14)** voted in favour:- Cllrs. J. Brennan, M. H. Cavanagh, P. Fitzpatrick, M. McCarthy, P. Millea, M. Shortall, M. Doyle, M. Doran, J. Malone, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy, G. Frisby.

**Four (4)** voted against:- Cllrs. B. Gardner, D. Kennedy, M. Noonan, M. O' Neill.

**One (1)** abstained:- Cllr. P. O' Neill.

Therefore the proposal to approve the Part 8 Planning Report for the Riverside Garden, Abbey Creative Quarter was passed by 14 votes to 4.

**(iv) Capital Programme**

Mr. Prendiville advised that the Capital Programme will be presented to the members at the March or April Meeting. Capital Budget for the 3 year Programme 2016-2018 is being prepared.

A request for funding for the Castlecomer Discovery Park has been received and the Executive is recommending to the members that a contribution of €75,000 be made to cover the shortfall in funding for the Zipline Project which is due to open in April / May of this year. Funding has been secured from CEDRA and Dormant Accounts.

Contributions were received from Cllrs. P. Fitzpatrick, J. Brennan, M. Shortall and T. Breathnach in relation to the success of the Discovery Park and the investment already made by Kilkenny County Council in this tourist attraction. Members suggested that the Council might hold the April Meeting in the Discovery Park. This was agreed.

It was proposed by Cllr. M. Shortall, seconded by Cllr. J. Brennan and agreed:- "That Kilkenny County Council would contribute €75,000 from the Capital Budget to the Zip-line Project at the Discovery Park in Castlecomer".

**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 2016



Proposed by Cllr. F. Doherty, Seconded by Cllr. J. Brennan and agreed.

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

Chairman's Report of Meeting of SPC 4 – Housing Strategic Policy Committee

It was proposed by Cllr. M. O' Neill, seconded by Cllr. M. McCarthy and agreed:- "That the Chairman's report of Meeting of SPC 4 Housing Strategic Policy Committee be deferred to the April Monthly meeting.

**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. E. Aylward, Seconded by Cllr. J. Brennan and agreed.

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

None.

**10. Any Other Business - Aon Ghnó Eile**

- (i) Cllr. M. H. Cavanagh wished all candidates standing for election on February 26<sup>th</sup> the very best of luck.
- (ii) Cllr. B. Gardner asked that members consider nominating Kilkenny women's or groups of women for their work/contribution to communities for recognition as part of the celebrations for International Women's Day. The Cathaoirleach will honour these women at the May Meeting at 2.00p.m.

**11. Notices of Motion - Fógraí Rúin:**

**3 (16) Cllrs. David Kennedy, Kathleen Funchion and Melissa O' Neill – 21<sup>st</sup> January, 2016**

Proposed by Cllr. D. Kennedy, seconded by Cllr. M. O' Neill and agreed:- "That Kilkenny County Council support our notice of motion to have a public holiday dedicated to honour the memory of the patriot dead of 1916 a republic day".

**4(16) Cllrs. M. O' Neill, P. Dunphy, F. Doherty, E. Aylward, T. Breathnach and G. Frisby.**

"Proposed by Cllr. T. Breathnach, seconded by Cllr. E. Aylward and agreed: - That Kilkenny County Council write to the Department of the Environment & to the Department of Transport to seek the funding necessary to enable Kilkenny County Council to acquire a number of mobile Speed Monitoring/Indication Signs that can be moved regularly to different sections of the road network in the county where there are concerns about speeding".

**12. Notices of Motion from other local authorities seeking support of Kilkenny County Council - Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh:**

It was proposed by Cllr. G. Frisby, seconded by Cllr. E. Aylward and agreed: - "That the following Notice of Motions be noted as read".

**1(16) Dublin City Council.**

"That Dublin City Council, in the context of the "Age Friendly Villages" initiative undertake to arrange a "Caring for Dementia" Concert as an acknowledgement of carers who care for loved ones for dementia".

**2(16) Offaly County Council**

"Offaly County Council calls on the Minister for Education to introduce as a matter of urgency, a module in National Schools throughout Ireland which would make it compulsory to teach mindfulness and coping mechanisms as part of the school curriculum for all Primary Children and that the necessary teacher training is provided"

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CATHAOIRLEACH

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DATE