

MINUTES OF OCTOBER COUNCIL MEETING HELD ON MONDAY, 23RD OCTOBER, 2017 AT 3.00 P.M.

Chair: David Fitzgerald

Cllrs: Eamon Aylward, John Brennan, Tomás Breathnach, Mary Hilda Cavanagh, Peter Cleere, Fidelis Doherty, Matt Doran, Michael Doyle, Pat Dunphy, Ger Frisby, Pat Fitzpatrick, Breda Gardner, David Kennedy, Andrew McGuinness, Patrick McKee, Joe Malone, Michael McCarthy, Malcolm Noonan, Melissa O'Neill, Patrick O'Neill, Maurice Shortall and Sean Tyrrell,

Officials: Colette Byrne, Tim Butler, Martin Prendiville, Mary J. Mulholland, Sean McKeown, Martin Mullally, Josephine Coyne, Kieran Kelly, Tony Lauhoff, Nicolaas Louw, Denis Malone, Caitriona O'Sullivan, Michael Delahunty, Brian Tyrrell, Michael Leahy & Anne Maria Walsh.

Apologies: Cllrs. Pat Millea

Cllr. Fitzgerald opened the meeting at 3.00 p.m. and it was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Fidelis Doherty and agreed to adjourn the meeting for 20 minutes to allow the CPG Sub-Committee Meeting to be completed.

Meeting resumed at 3.20 p.m.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 18th September, 2017**

Proposed by Cllr. Andrew McGuinness, seconded by Cllr. Pat Fitzpatrick and agreed:

"That the Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 18th September, 2017, as circulated with the Agenda be and are hereby approved".

- (b) **Minutes of Adjourned Meeting of Kilkenny County Council held on Monday, 25th September, 2017**

Proposed by Cllr. Fidelis Doherty, seconded by Cllr. Michael Doyle and agreed:

"That the Minutes of Adjourned Meeting of Kilkenny County Council held on Monday, 25th September, 2017, as circulated with the Agenda be and are hereby approved".

Cllr. Fitzgerald extended congratulations to:

- Ballyragget, Dunamaggin and Callan hurling teams on winning their County Finals.

Cllr. Fitzgerald thanked Mr. Tim Butler, all staff and all the Agencies involved in dealing with Storm Ophelia.

Cllr. Fitzgerald welcomed Mr. Sean McKeown as Director of Services and wished him well in his new role. He thanked Mr. Simon Walton, Acting Director of Services for his work over the past years.

Votes of Sympathy

Cllr. David Fitzgerald extended votes of sympathy to the following:

- Pat Savage, Housing Department on the death of his mother Mary Savage.
- Catherine Byrne Murphy, Housing on the death of her mother Pauline Byrne.
- Tom Kirwan, Library Service on the death of his mother Nora Kirwan.
- The Cahill Family, Wolfe Tone Street on the death of Margaret Cahill [pensioner].
- The Family of Liam Cosgrave, Former Taoiseach.

2. Business Prescribed by Statute, Standing Orders or Resolutions of the Council

Gnó forordaithe do réir Reachtaitheochta, Orduithe Seasta, nó Rúin an Chomhairle.

(a) Planning – Pleanail

(i) Vacant Site Levy

Ms. Caitriona O'Sullivan, Executive Planner gave a PowerPoint presentation on the proposed variations to the County & City Development Plans. The reason for the variations are to implement the provisions of the Urban Regeneration & Housing Act 2015 in relation to the vacant site levy. The Development Plans and Local Area Plans must include policy context and designated areas. She outlined in her presentation the proposed text to be inserted as a variation to both plans. The variations were on public display in September/October 2017. Two submissions were received, both of which were in support of the variations.

Ms. O'Sullivan also outlined in her presentation the process involved in identifying the vacant sites, appeals process and the levy payable. A Register of Vacant Sites is required under the legislation. The Planning Department is taking a targeted approach in identifying the sites and the land must be zoned for development. Sites will be placed on the Register in December 2017 and the levy is payable from 1st September, 2019 for 2018.

All information is available on the Planning website.

Contributions were received from Cllrs. M. Doran, T. Breathnach, M. Noonan, D. Kennedy, M. O'Neill, M. Shortall in relation to the following:

- Clarify differences between vacant sites and derelict sites.
- Land in NAMA - Who is responsible for levy?
- Fees for appeals to An Bord Pleanála.
- Clarify where the levy collected can be spent and on what.
- Need to engage early with land owners and communities so that towns can be developed.
- Enforcement - Derelict Sites/Cottages.
- Need to include unfinished developments in rural villages.

Ms. Caitriona O'Sullivan and Ms. Colette Byrne responded to the issues raised by the members.

It was proposed by Cllr. Malcolm Noonan, seconded by Cllr. Andrew McGuinness and agreed that:

"We the members of Kilkenny County Council, having considered the proposal to make Variation 4 to the Kilkenny City & Environs Development Plan 2014-2020 under Section 13 of the Planning & Development Acts 2000-2016, and having considered the Chief Executive's Report as circulated on the 17th October, prepared in accordance with Section 13 (4) of the above Acts, the recommendations as set out in the Chief Executive's report, and with our decision made at a meeting of Kilkenny County Council held on the 23rd October 2017, do hereby resolve to vary the Kilkenny City & Environs Development Plan in accordance with Proposed Variation 4."

It was proposed by Cllr. Matt Doran, seconded by Cllr. Mary Hilda Cavanagh and agreed that:

"We the members of Kilkenny County Council, having considered the proposal to make Variation 2 to the Kilkenny County Development Plan 2014-2020 under Section 13 of the Planning & Development Acts 2000-2016, and having considered the Chief Executive's Report as circulated on the 17th October, prepared in accordance with Section 13 (4) of the above Acts, the recommendations as set out in the Chief Executive's report, and with our decision made at a meeting of Kilkenny County Council held on the 23rd October 2017, do hereby resolve to vary the Kilkenny County Development Plan in accordance with Proposed Variation 2."

(ii) Hebron Road Urban Design Strategy

Mr. Denis Malone presented the Chief Executive's Report on the Hebron Road Urban Design Strategy already circulated to members. He advised that the Strategy is not a mandatory document. It will be a guidance document in the assessment of planning applications. The Draft was published in August and two submissions were received and the Urban Design Strategy was amended. Mr. Malone recommended to the Council approval of the Urban Design Strategy.

Contributions were received from Cllrs. A. McGuinness, M. Noonan, B. Gardner and F. Doherty in relation to the following:

- Parking on Match Days/Funerals.
- Park & Ride, City Bus Service.
- Landscaping to be progressed over the next 2/3 years.
- Ownership of land - GAA/Kilkenny County Council.
- Engagement with GAA/Local Residents.

Mr. Malone responded to all the issues raised.

It was proposed by Cllr. Andrew McGuinness seconded by Cllr. Malcolm Noonan and agreed that Kilkenny County Council approve the adoption of the Urban Design Strategy for the Hebron Road, Kilkenny subject to the changes made.

(iii) Taking in Charge [149] - Estate at The Steeples, Gowran

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Maurice Shortall and agreed that:

"That the County Council of the County of Kilkenny, in exercise of the powers conferred on them by Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010, hereby declares the road listed in the Public Notice and listed below, to be a Public Road".

ESTATE: 26 House Development at The Steeples, Gowran, Co. Kilkenny.

(iv) Taking in Charge [152] - Declaration of Road - House Nos. 1-4 Meadow Way Drive

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. David Kennedy and agreed that:

"That the County Council of the County of Kilkenny, in exercise of the powers conferred on them by Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010, hereby declares the road listed in the Public Notice and listed below, to be a Public Road".

ESTATE: House No.'s 1-4 Meadow Way Drive, Meadow Way, Castlecomer Road, Kilkenny.

(iv) **Taking in Charge [TC 44] - Lintown Hall, Johnswell Road, Kilkenny**

It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. Malcolm Noonan and agreed that:

"That the County Council of the County of Kilkenny, in exercise of the powers conferred on them by Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010, hereby declares the road listed in the Public Notice and listed below, to be a Public Road".

ESTATE: Housing Development at Lintown Hall, Johnswell Road, Kilkenny.
TC44

(v) **Proposed Part 8 - Brewhouse**

Mr. Tony Lauhoff gave a PowerPoint presentation on the Brewhouse building. He outlined the current condition of the building, the Part 8 approval received and the investigative works carried out to-date.

He advised members that a number of changes are required to the previously permitted development on foot of a more detailed survey of the building that was undertaken following Kilkenny Co. Co. taking possession of the building, issues that have arisen during the detailed design process and design improvements required to make the building more attractive to a wider range of potential tenants. The proposed changes are not considered to be significant, however given the cumulative effect of the changes it is advisable to revise the Part 8. The main proposed changes are:

- relocation of lift.
- size of toilet block.
- moving main stairs for fire escape and circulation.
- relocation of ESB substation.

The Planning documents are being currently revised. The Part 8 will be published towards the end of October and it is expected that the Chief Executive Report will be presented at the December meeting.

Queries arose from Cllrs. M. Noonan, B. Gardner and T. Breathnach in relation to:

- Re-instating original windows.
- Cost of Works.
- Retaining the existing structures.

Mr. Lauhoff responded to all the queries.

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Melissa O'Neill and agreed that Part 8 process should be initiated.

(b) **Finance- Airgendas**

(i) **Approval for HFA Loan - Amount €4,500,000**

Mr. Prendiville advised that there is a requirement of a loan of €4.5m to enable applicants to draw down housing loan. In 2016 €2.76m was paid out on housing loan applications. To-date €3m has been paid out this year. Approval of members is required for this loan.

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Pat Dunphy and agreed:

"That Kilkenny County Council hereby approves the raising of a loan of four million Euro (€4,500,000) from the Housing Finance Agency plc for any purpose authorised under the Housing Acts".

(ii) **Approval for 2018 Bank Overdraft Facility**

Mr. Martin Prendiville advised members that the requirements for overdraft facilities for the year 2018 is €13m. He advised that the facility on overdraft in 2017 has not been used at any stage to-date. Due to the number of capital works in progress it is anticipated that the account will go into overdraft at different periods throughout 2018.

Queries arose from Cllrs. D. Kennedy, S. Tyrrell and B. Gardner in relation to:

- Interest Rate
- Seeking quotations from other banks.

Mr. Prendiville advised that Kilkenny County Council has all accounts with Bank of Ireland. He will be seeking the best available interest with the bank. It is not proposed to seek any quotation from any other bank as it would mean changing all accounts from one bank to another and this would involve major changes and a cost to the local authority and all our customers.

The approval of members is required before the Council writes to the Department for their approval. There is an overall cap on overdraft facilities for all local authorities.

It was proposed by Cllr. John Brennan, seconded by Cllr. Maurice Shortall and agree that:

"That subject to the sanction of the Minister for the Housing, Planning, Community and Local Government, Kilkenny County Council hereby approves overdraft borrowings to a maximum amount of €13,000,000 for the full year ending 31st December, 2018"

(ii) **Audit Report**

Mr. Prendiville presented the Statutory Audit Report for the year ended 31st December, 2016. This is for members information. He advised that the Auditor raised a number of issues with Management. These have been responded to and are included in the Report.

It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Tomás Breathnach and agreed that the report be accepted and noted as read.

Queries arose from Cllrs. M. Noonan, T. Breathnach, M. Shortall, S. Tyrrell, B. Gardner, P. Cleere and M. O'Neill in relation to the following:

- Timeline for completion of registering of lands/GIS mapping, sell unwanted parcels of land.
- Status of Meubles Site.
- CAS - Over expenditure, engagement of Consultants Engineers, Archaeology, final cost, and provision to fund project in Revenue Account.
- Review of outstanding Development Contributions.
- Procurement Issues.
- Loans with HFA.
- Timeframe of Transfer of Assets to Irish Water.

Mr. Butler responded and advised that final account with the Contractor has not yet been agreed. As soon as this figure is known the final cost of the CAS Project will be notified to the members.

He further advised that the transfer of assets to Irish Water is ongoing. A number of sites are being sub-divided and Kilkenny County Council will retain position of lands. These parcels of land will be considered for other purposes.

Additional resources have been allocated to updating the Register of land. This work is ongoing and will continue into 2018.

Mr. Prendiville advised that a loan of €13.5m has been received from the HFA for a number of capital infrastructural projects. Quotations were sought from a number of financial institutions and HFA had the most competitive rate of interest.

He advised that all development contributions levied were being reviewed. A number of planning applications were not developed, therefore the development contribution is not legally due.

The Council has a high level of compliance in relation to tendering. There were issues in relation to some tenders for small works as the Council was awaiting the National Frameworks for such works. Emergency works e.g. flooding will be an issue in relation to complying with Procurement Regulations.

Cllr. David Fitzgerald thanked the Audit Committee for their work and time involved in the Committee.

(c) **Environment - *Comhshaoil***

(i) **Anti-Litter & Anti-Graffiti Grants**

Ms. Mary Mulholland referred to report circulated with the Agenda. She advised that Kilkenny County Council allocated €12,000 towards Community Anti Litter and Anti Graffiti Awareness Grants. 17 Applications were received and it is recommended that €11,545 be paid out to the 17 groups.

Queries arose from Cllrs. M. O'Neill, F. Doherty and T. Breathnach in relation to applications for funds from the Ferrybank Area.

It was proposed by Cllr. M. O'Neill, seconded by Cllr. P. Fitzpatrick and agreed that Kilkenny County Council approve grants to 17 groups in the total amount of €11,545 under the Anti Litter and Anti Graffiti Awareness Scheme [ALAGS] for 2017.

(d) **Community & Culture - *Pobol Cultúr***

(i) **Proposed New City Library**

Ms. Colette Byrne, Chief Executive gave a PowerPoint presentation on the Kilkenny City Library. In her presentation she outlined the requirements for a City Library, decisions made by elected members going back to February 2007 where the site at 75/76 John Street, Kilkenny was purchased. She advised that €2.45m has been approved for a new City Library in the National Library Capital Programme 2016-2021. This allocation is required to be spent and drawn down in 2019, 2020 and 2021. The estimated cost of a new library would be in the region of €4.5m. Members requested that other options were to be considered and in particular the development of Johns Quay as a Cultural/ Arts Campus. It is now proposed that a new library would be developed to incorporate the existing Carnegie Library.

Alternative use for the site in John Street will have to be considered. Possible alternative is for office accommodation to consolidate all Council services on one campus.

Ms. Byrne recommended to the members that the Council proceed to appoint Design Team to develop Carnegie Library as the New Library Complex.

Contributions were received from Cllrs. M. Noonan, MH Cavanagh, M. O'Neill, B. Gardner, A. McGuinness, T. Breathnach, D. Kennedy, P. McKee & J. Malone. Members welcomed the proposal to develop the area around John's Quay into a Cultural/ Arts Quarter incorporating Evans Home due to be developed as the Butler Gallery.

Specific issues were raised in relation to the following:

- Develop garden/public realm with the Project.
- Status of Loughboy Library.
- Increased Revenue Budget for Library Services.
- Plans to upgrade Thomastown Library.
- Loss of car parking spaces.
- Public consultation with adjoining residents.
- Development of Peace Park/Old Swimming Pool.
- Space for students to study.
- Development of site on John Street.

Members were in agreement to proceed to appoint Design Team.

Ms. Colette Byrne responded to the issues raised and advised that design will incorporate public realm and its permeability to John Street. Part 8 will be required for this project which requires approval of members. The cost is estimated at €4.5m, grant aided €2.5m which leaves a balance of €2m to be funded locally. Members will have to consider this in adopting Capital Budgets. All other queries were responded to.

(e) **Roads - Boithre**

(i) **Winter Maintenance**

Mr. Tim Butler presented report dated 16th October, 2017 circulated with Agenda. He advised that there is a budget provision of €400,000 set aside for Winter Maintenance. There is one addition to the 2017/2018 Plan. The Kilkenny Central Access Scheme is included as a Priority 1 Route.

The service delivery target is to keep Priority 1 & 2 network frost/ice free 24 hours a day, 7 days a week. The total network to be treated is 427m and 5 vehicles will be deployed for this service.

Queries arose from Cllrs. MH Cavanagh, P. O'Neill, E. Aylward, J. Brennan, F. Doherty, P. Dunphy, M. Shortall, T. Breathnach, P. Cleere, M. Doran, B. Gardner and D. Kennedy.

The issues raised related to:

- Inclusion of R435, R705, R700
- Routes to Schools.
- Liaison with IFA.
- Grit to Housing Estates/Schools/Rural Access.
- Salt Supplies.
- Flood Warning Sticks.

Mr. Tim Butler responded to all queries raised, he advised that elected members will have an opportunity to discuss routes not included as priority 1 & 2 at Municipal District level.

Grit will be available at schools. Agreement is in place with IFA in relation to response to severe weather. Mr. Butler advised that it is not possible to reach all schools.

It was proposed by Cllr. P. Fitzpatrick seconded by Cllr. John Brennan and agreed that Kilkenny County Council approves the Winter Service Plan for 2017/2018.

It was agreed to e-mail the maps to all members.

(ii) **Street Lighting Pilot Project**

Mr. Declan Keogh, Energy Officer gave a PowerPoint presentation on the Kilkenny Street Lighting LED Retrofit Pilot Project.

He outlined to the meeting that Kilkenny County Council is a partner with Carlow Kilkenny Energy Agency in relation to this Project. 1,300 lights have been identified in the City & County to be retrofitted. He outlined in the presentation details of the following:

- the implementation of the Pilot Project.
- the benefit of an LED Strengthening System.
- the Projects costs and payback period.
- the Energy Analysis and 2020 targets.
- Lighting locations
- Energy Efficiency Obligated Scheme [EEOS]
- TII National Route
- Progress to meet 2020 targets.

The time of the meeting reached 5.55 p.m., it was proposed by Cllr. P. McKee, seconded by Cllr. M. O'Neill and agreed to suspend Standing Orders to complete this item.

Contributions were received from Cllr. P. McKee, M. Noonan, M. Shortall, T. Breathnach, F. Doherty, D. Kennedy and M. Doran in relation to:

- Savings on energy costs.
- Proposals for retrofitting housing estates/elimination of orange lights.
- energy credits/savings achieved directed to community projects - City Bus Service/County Council fleet.
- Quantity of new lights.

Mr. Keogh responded to members queries. Mr. Paddy Phelan, Kilkenny Carlow Energy Agency advised that energy credits are donated to community projects involved in energy saving active projects.

Mr. Tim Butler advised that Kilkenny County Council will recoup the capital investment in this project with savings in energy costs over a four year period. At the moment it is not cost effective to convert our fleet of vehicles. The tender for the City Bus Service is ongoing and it is not a requirement to provide electric buses.

The Cathaoirleach thanked Mr. Keogh and Mr. Phelan for the presentation.

5. Fix Dates and Times of Meetings - Dátaí agus Amanta do chruinnithe a shocrú:
Deferred.
6. Consideration of Reports and Recommendations of Committees of the Council- Plé ar Thuairiscí agus Moltaí ó Choistí an Chomhairle:
Deferred.
7. Other Business set forth in the Notice convening the Meeting – Gnó Eile romhainn i bhFógra reachtála an Chruinnithe
Deferred.
8. Education & Training– Oideachas agus Oiliiúint
Deferred.
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:

At this stage Cllr. Fitzgerald advised that he is allowing Cllr. M. O'Neill to move her Notice of Motion 37 (17)

37 (17) Cllr. Melissa O'Neill

It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. Fidelis Doherty and agreed:

"That Kilkenny County Council writes to the Minister of Health Simon Harris, the Minister of Education Richard Bruton and the Minister for Social Protection Katherine Zappone to put into consideration collectively a compulsory training program of occupational first aid training for all teachers and SNAs that are physically capable to provide CPR, in both primary and secondary schools throughout Ireland. In consideration with recent statistics- 15 people a day die from sudden death syndrome and 125 people die a year from choking. We believe that this responsibility lies with all 3 Ministers as in education, health and putting children first."

Cllrs. O'Neill, Doherty, Frisby, Malone, Dunphy and Cleere spoke on this motion and offered them support. It was agreed to circulate to all local authorities.

All other items listed on the Agenda were deferred to the November Meeting.

That concluded the Business of the Meeting.

