

## **Minutes of Council Meeting held on 21<sup>st</sup> December, 2015 at 3.00p.m.**

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

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

**Officials:** C. Byrne, M. Prendiville, M. Mulholland, M. Melia, S. Walton, S. McKeown, M. Delahunty, S. O' Connor, A. Waldron, K. Hanley and A.M. Walsh.

As agreed 2 deputations were received prior to the monthly meeting.

### **2.00p.m. Irish Congress of Trade Unions.**

Cllr. M. H. Cavanagh welcomed Mr. Liam Berney from ICTU to the Chamber. Mr. Berney thanked the members for allowing ICTU an opportunity to talk about the Congress Charter for Fair Conditions at work. He circulated a brochure which outlines the key elements of the charter i.e.

- A living wage
- Fair hours of work
- Right to representation and collective bargaining
- Respect, Equality and Ethics at work
- Fair public procurement

He noted that the elected members have a notice of motion before them at their meeting endorsing the charter and this was most welcome.

Contributions were received from Cllr. D. Kennedy, B. Gardner, T. Breathnach, M. Shortall, J. Brennan, P. Fitzpatrick and D. Fitzgerald. Members thanked Mr. Berney for this address and welcomed the Charter. Query was raised in relation to Fair Public Procurement and Mr. Berney responded to the query.

Cllr. Cavanagh thanked Mr. Berney for his address.

### **2.30p.m. Water Sports.**

Cllr. Cavanagh welcomed Mr. Roger McClure and Ms. Mary O' Sullivan to the chamber. Mr. McClure and Ms. O' Sullivan gave a PowerPoint presentation on water sports at the proposed Abbey Quarter Garden, facilities required for users of water sports and potential for future development of water sports on the River Nore.

They gave an overview on the proposed Nore Valley Blue way which will open up opportunities for rural tourism. Potential for re-development of Chancellors Mills for use as an interactive centre with rooms, changing facilities and tea/coffee rooms was proposed. They spoke about the current restrictions and difficulties they have at the moment without a permanent home.

Contributions were received from Cllr. P. Cleere, M. O' Neill, B. Gardner, P. McKee, A. McGuinness, D. Fitzgerald and T. Breathnach. Members thanked the deputation for their presentations. Queries arose in relation to funding a new facility to cater for all types of sports which will include disabled uses. Mr. Roger McClure responded to the queries. Cllr. M. H. Cavanagh thanked the deputation and wished them well.

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

**(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 16<sup>th</sup> November**

Proposed by Cllr. A. McGuinness, Seconded by Cllr. D. Kennedy and agreed:-  
"That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 16<sup>th</sup> November, 2015 as circulated with the agenda be and are hereby approved".

**(b) Minutes of Budget Meeting held on 27<sup>th</sup> November, 2015**

Proposed by Cllr. M. McCarthy, Seconded by Cllr. P. Fitzpatrick and agreed:-  
"That the minutes of Budget Meeting held on 27<sup>th</sup> November 2015 as circulated with the agenda be and are hereby approved".

**(c) Minutes of SPC 2 – Transportation, Infrastructure Policy, Transportation, Fire and Emergency Services Meeting held on 4th December, 2015.**

Proposed by Cllr. M. Doyle, Seconded by Cllr. T. Breathnach and agreed:-  
"That the Minutes of SPC 2 – Transportation, Infrastructure Policy, Transportation, Fire and Emergency Services Meeting held on 4th December, 2015" as circulated with the agenda be and are hereby approved".

**(d) Minutes of SPC 3 – Planning & Development, Heritage, Community, Arts & Culture Meeting held on 16<sup>th</sup> September, 2015**

Proposed by Cllr. J. Brennan, Seconded by Cllr. P. Dunphy and agreed:-  
"That the Minutes of SPC 3 – Planning & Development, Heritage, Community, Arts & Culture Meeting held on 16<sup>th</sup> September, 2015 as circulated with the agenda be and are hereby approved".

**Cllr. M. H. Cavanagh extended good wishes to the following:-**

- All Councillors, staff and citizens for a very happy and safe Christmas.
- Good health, happiness and safety in 2016.

Good wishes were extended to the School of Cookery in Thomastown.

Cllr. M. H. Cavanagh thanked Cllr. Doherty for her mince pies and buns.

Cllr. Cavanagh advised members that the Remembrance Service will be held in County Hall on 1<sup>st</sup> January, 2016 at 11.00a.m. All are welcome to attend.

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

- To Adrian Waldron, Finance on the death of his mother Kathleen Waldron.
- To Margaret Newport, Housing on the death of her mother Mary Newport.
- To Maria Grace, Ferrybank Library on the death of her brother Niall Grace.
- To Brian Hayes, Caretaker on the death of his mother Johanna Hayes.
- To Tony McGuinness, Kilkenny Area on the death of his mother Mary McGuinness.
- To the family of the late Patrick Burke, Balief – Retired staff
- To the family of the late James Walsh, Kilmoganny – Retired staff.
- To the family of the late Patrick Murphy, Shellumsrath – Retired staff.

**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. P. Cleere, Seconded by Cllr. A. McGuinness 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 plot of ground measuring approx 0.06acres at Aghclare, Graignamanagh, Co. Kilkenny to Michael Brennan, Aghclare, Griagnamanagh, Co. Kilkenny for the nominal sum of €10.00 with each party being responsible for their own legal costs associated with the sale".
- (ii) Proposed by Cllr. A. McGuinness, Seconded by Cllr. P. O' Neill 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 plot of ground at Loughboy Kilkenny, which measures approx. 85sqm, to Joe Hennessy, Waterford Road, Kilkenny, for the nominal sum of €10.00 with each Presentation Secondary School being responsible for all legal costs associated with the sale".

- (iii) Proposed by Cllr. A. McGuinness, Seconded by Cllr. M. O' Neill 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 4 no. plots of ground at Ballytarsna, Horse & Jockey, Thurles, Co. Tipperary to Germinal Holding Limited, 1<sup>st</sup> Floor, Fitzwilliams House, Wilton Place, Dublin 2 for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale."

Plots measure as follows: -

**Plot A**, Area 0.017ha (0.042acres) Folio TY54582F

**Plot B**, Area 0.007ha (0.017acres) (Plan Number C7H7V) Folio TY54582F

**Plot C**, Area 0.043ha (0.106acres) (Plan Number C7H7T)

**Plot D**, Area 0.232ha (0.573acres) Folio TY54800F

- (iv) Proposed by Cllr. P. Cleere, Seconded by Cllr. M. Doyle 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 site, measuring approx. 1.35 acres, at Cloghala, Dungarvan, Co. Kilkenny, as identified on the attached map, to Jim & Elizabeth Byrne, Tullaherin, Dungarvan, Gowran, Co. Kilkenny for the sum of €50,000 (fifty thousand euro) with each party being responsible for their own legal costs associated with the sale.
- (v) Proposed by Cllr. M. Shortall, Seconded by Cllr. J. Brennan and agreed:-  
- "Notice is hereby given that after the expiration of 10 days from the date of this Notice, it is the intention of Kilkenny County Council to dispose of its interest in property at Kiltown, Castlecomer measuring 0.289acres to Thomas Ring in accordance with the terms of the Housing Acts 1966 to 2002".

(b) **Planning – Pleanail**

**Taking of Charge of the following estate:-**

- (i) Proposed by Cllr. A. McGuinness, Seconded by Cllr. M. Doyle and agreed:- "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 to be a Public Road":- Estate:- 9 Houses at Orchard Estate, Inistioge, Co. Kilkenny – TC48

- (ii) Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. M. Doyle and agreed:- "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 to be a Public Road":- Estate:- 7 Houses at Naomh Eoin, Johnswell, Co. Kilkenny – TC71
- (iii) Proposed by Cllr. P. Cleere, Seconded by Cllr. B. Gardner and agreed:- "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 to be a Public Road":- Estate:- 10 Houses at Friarshill, Thomastown, Co. Kilkenny – TC111
- (iv) Proposed by Cllr. F. Doherty, Seconded by Cllr. P. McKee and agreed:- "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 to be a Public Road":- Estate:- 8 Houses at Millview, Kells, Co. Kilkenny – TC11.
- (v) Proposed by Cllr. M. Noonan, Seconded by Cllr. P. McKee and agreed:- "We, the members of Kilkenny County Council resolve to take the public open space in charge and that the road be declared a public road and entered into the roads schedule of Kilkenny County Council, in accordance with 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:- Development: Gas House Square, Gas house Lane, Kilkenny. – TC132.

Cllr. M. Noonan requested that maintenance be undertaken on the exterior of the apartment blocks at Gas House Lane, he requested that the management company be contacted. Cllr. Gardner supported this request.

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

(i) **Chief Executives Report**

Ms. C. Byrne presented her monthly report to the members.

Queries were received from Cllr. P. Cleere, M. H. Cavanagh, M. O' Neill, F. Doherty, B. Gardner, P. O' Neill, T. Breathnach, P. McKee and D. Fitzgerald in relation to the following:-

- Graiguenamanagh Fire Station – Construction period
- Urlingford Fire Station – Status for funding
- Playground in Ferrybank – current position
- Boundary Review Submission - deadline 15<sup>th</sup> January, 2016
- Watershed- final account settlement
- Free membership of the Library Service
- Resurfacing of footpaths on John's Bridge
- Restricted view of Castle- Remove overgrown trees

Mr. Walton advised that construction on Fire Station in Graiguenamanagh will commence in 2016. The upgrading of station in Urlingford has also been identified and funding needs to be approved to progress this.

Mr. Prendiville advised the meeting that final account has now been agreed following conciliation in September and October. Final settlement was €2-138m. Legal action had already been taken in relation to the tiles. Board of Watershed had engaged experts on construction costs to advise. The recommendation of the arbitration was considered a very good settlement for the Watershed.

Ms. Byrne advised that the draft Ferrybank Plan is being prepared and the zoning for the land for playground will form part of the local area plan. It will go on public display during 2016.

## **(ii) Adoption of Local Economic and Community Plan**

Mr. S. McKeown gave a PowerPoint presentation on the County Kilkenny Local Economic Community Plan. He outlined the purpose of the plan, the process involved in preparing the plan, and the most recent phase of public consultation undertaken.

The plan contained 13 high level goals and 185 actions to be delivered over the 6 year lifespan of the plan 2016-2021.

The implementation and monitoring of the plan will be carried out by the LCDC & SPC1 through Annual Action Plans. Kilkenny County Council and each of the Municipal Districts will be kept advised of progress in implementing the plan. The Regional Assembly was also consulted during the process. SEA and AA screening were also carried out on the plan and the conclusion of same is that as the LECP does not set the framework for future development consent, SEA is therefore not required.

Furthermore Stage 2 AA is not required on the LECP as it has been determined that no effects on the integrity of Natura 200 sites will result from the implementation of the LECP. A number of proposed edits to the plan circulated were given to the members and these will be included in the final plan.

Mr. McKeown recommended that the LCEP be adopted by the members at the meeting today. The formal launch of the plan is proposed for 12<sup>th</sup> February, 2016.

Contributions were received from Cllrs. D. Kennedy, B. Gardner, P. Millea, P. McKee, M. Noonan, M. H. Cavanagh, M. Doran, T. Breathnach and F. Doherty.

Members thanked Mr. McKeown for his presentation and also the engagement with members at Municipal Districts. The following issues arose:-

- Inclusion of statement on rural Post Offices
- Gold Star Project
- In house training for future development plans
- Low carbon economy
- Outside monitoring of plan
- Constitution of advisory committee
- Setting up Regional Forum
- Regional approach to Tourism/Ancient East and Broadband
- Wind Turbines
- Employment of tourist officer

Mr. McKeown and Ms. Byrne responded to the issues raised. Cllr. D. Kennedy proposed that the adoption of the LCEP be deferred to January, 2016 to allow members more time to consider it.

Cllr. Gardner seconded this. Ms. C. Byrne advised the meeting that the LCEP is a statutory plan and must be adopted by the end of the year i.e. 31<sup>st</sup> December, 2015. Work on the plan commenced 9 months ago and the Municipal Districts have considered and engaged in the preparation of the plan on 2 occasions. The LCDC and SPC1 have also approved the plan for adoption by the Council.

It was proposed by Cllr. P. Millea and seconded by Cllr. P. McKee and agreed:  
- "That the County Kilkenny Local Economic Community Plan 2016.-2021 be approved and adopted".

## **(d)Environment – Timpeallacht**

### **Control of Horses – Draft Bye Laws 2015**

Ms. Mulholland referred to report circulated on the proposed amendments to the Bye-Laws 2015 and recommended that the draft Bye-Laws 2015 be adopted by the Elected Members. It was proposed by Cllr. A. McGuinness, seconded by Cllr. M. Doran and agreed: - "That Kilkenny County Council in accordance with its powers under Section 47 of the Control of Horses Act 1996, hereby makes the Kilkenny County Council Control of Horses Act 1996 Bye Laws 2015".

(e) **Finance – Airgeadais**  
**Vacant Properties Incentive Scheme**

Mr. Prendiville advised that report was circulated to the members. Having consulted with the SPC amendments have been made to remove the cap on employment. The adoption of the Small Business Vacant Premises Incentive Scheme by the Elected Members is recommended.

It was proposed by Cllr. P. McKee, Seconded by Cllr. D. Kennedy and agreed:-  
“That Kilkenny County Council approves the adoption of the Small Business Vacant Premises Incentive Scheme as circulated on 15<sup>th</sup> December, 2015”.

(f) **Housing - Tithíocht**

**New Tenant Purchase Scheme**

Ms Melia referred to information note circulated to members on the new tenant purchase scheme which comes into effect on 1<sup>st</sup> January, 2016. Queries were raised by Cllr. Noonan and Cleere in relation to the age limit of tenants who can apply to purchase their house, and the impact on the housing stock. Ms. Melia replied to the issues raised and advised that the new scheme will be discussed at each Municipal District and members will be advised of the number of social housing in their areas and those that will be designated i.e. not for sale.

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) Cllr. M. H. Cavanagh advised that an additional meeting needs to be convened on the 11<sup>th</sup> January, 2016 at 3.30p.m. to consider the Boundary Review Report.

Revised schedule of meetings was proposed by Cllr. P. McKee, seconded by Cllr. M. Doyle and agreed.



(ii) Deputations

Cllr. Cavanagh advised that the CPG recommends that 2 deputations be received before the January 2016 meeting as follows:-

- Order of Malta 2.00p.m.
- Watergate Theatre 2.30p.m.

It was proposed by Cllr. P. McKee, seconded by Cllr. M. Doyle and agreed: - "That the Council receives these deputations before the January monthly meeting on 18<sup>th</sup> January, 2016".

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

(a) Report of of SPC 2 - Transportation, Infrastructure Policy, Transportation, Fire and Emergency Services Meeting held on 4<sup>th</sup> December, 2015. Proposed by Cllr. M. Doran, Seconded by Cllr. P. Millea and agreed that the report be noted and read.

(b) Report of SPC 3 – Planning & Development, Heritage, Community, Arts & Culture Meeting held on 16<sup>th</sup> September, 2015 Proposed by Cllr. J. Brennan, Seconded by Cllr. P. McKee and agreed that the report be noted and read.

**7. Other Business set forth in the Notice convening the Meeting – Gnó Eile romhainn i bhFógra reachtála an Chruinnithe**

Cllr. Cavanagh advised members that KCLR will have a programme on 7<sup>th</sup> January, 2015 on the Boundary Review. Members are encouraged to engage with this discussion.

**8. Education & Training – Oideachas agus Oiliúint**

(i) Conferences – Request for approval to attend as per circulated list.

Proposed by Cllr. P. O' Neill, Seconded by Cllr. F. Doherty and agreed.

(iii) Summary proceedings at Conferences –Proposed by Cllr. P. O' Neill, Seconded by Cllr. F. Doherty and agreed.

<b>Councillor</b>	<b>Date of Conference</b>	<b>Title of Conference</b>
P. Dunphy	6 <sup>th</sup> -8 <sup>th</sup> November	Consumer Right Bill Conference

A. McGuinness	20 <sup>th</sup> -21 <sup>st</sup> November	Urban Regeneration and Housing Act 2015
A. McGuinness	27 <sup>th</sup> -28 <sup>th</sup> November	Regulation of Lobbying Act 2015
D. Kennedy	4 <sup>th</sup> -6 <sup>th</sup> December	Budget 2016

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

None

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

Cllr. M. O' Neill, referred to the information on fluoridation circulated to members last week. She requested that her notice of motion be taken. Cllr. Cavanagh advised that it is not listed on the agenda for December.

Ms. Byrne advised that the information was circulated for members to consider it and that the notice of motion will be listed on the agenda for the January Meeting. Cllr. O' Neill and members agreed to this and the notice of motion will appear on the agenda for the 18th January, 2016.

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

**45(15) Cllrs. Tomas Breathnach & Maurice Shortall – 8<sup>th</sup> October, 2015**

Proposed by Cllr. T. Breathnach, Seconded by Cllr. M. Noonan and agreed: -  
 “The Congress Charter for Fair Conditions at Work seeks a societal consensus as to what constitutes fair conditions of employment. The Charter identifies five key principles, which as a minimum, should be respected by every employer; a living wage, fair hours of work, the right to representation and collective bargaining, to be treated with dignity when at work and fair public procurement. Kilkenny County Council supports and advocates the implementation of the Congress Charter for Fair Conditions at Work”.

**46(15) Cllr. Malcolm Noonan**

Proposed by Cllr. M. Noonan, Seconded by Cllr. B. Gardner and agreed:- “That Kilkenny County Council supports the “Clean Air Campaign” of the Asthma Society of Ireland by prioritising the issue of Air Quality in our urban areas and

hereby calls on Government to set Ireland's Air Pollution laws to the World Health Organisation's Air Quality Standards".

Cllr. M. H. Cavanagh sought clarification on the use of smokeless fuel. Ms. Mulholland advised that regulations are in place re the use in urban centres. Kilkenny County Council will be having an awareness campaign in 2016. Cllr. Noonan requested that the awareness campaign will also include emissions from cars.

**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:**

**31(15) Sligo County Council – 5<sup>th</sup> November, 2015**

Proposed by Cllr. P. Cleere, Seconded by Cllr. P. Fitzpatrick and agreed :- "That Sligo County Council welcomes the fact that the Irish League of Credit Unions has launched a Plan to lend money to build 35,000 Social Houses over the next six years" be noted and read.

**32(15) South Dublin County Council – 12<sup>th</sup> November, 2015**

Proposed by Cllr. P. Cleere, Seconded by Cllr. P. Fitzpatrick and agreed :- "Following a recent human rights delegation to Brussels, led by Lynn Boylan MEP, I ask that this Council write to the Department of Foreign Affairs asking them to publicly demand the release of Firhouse teenager Ibrahim Halawa. This strong approach has resulted in the release of American Mohammed Soltan, Canadian Mohammed Fahmy and Australian Peter Greste" be noted and read.

**33(15) Donegal County Council – 3<sup>rd</sup> December, 2015**

Proposed by Cllr. P. Cleere, Seconded by Cllr. P. Fitzpatrick and agreed :- "That this Council contact the Management of the other 30 Local Authorities to inform them of the intention to appeal global re-valuation of 6 utilities, and further ask that they join with Donegal County Council in this process, and that this motion be circulated to all Local Authorities" be noted and read.

Meeting then concluded

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CATHAOIRLEACH

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DATE