

Minutes of Council Meeting held on Monday 23rd June, 2014.

Chair: Cllr. P. Millea

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

Officials: J. Crockett, J. Mulholland, P. O'Neill, M. Prendiville, M. Mullally, S. Walton, Ml. Delahunty, K. Hanley, Brian Tyrrell and A.M Walsh.

Due to large crowd which had assembled in the Council Chamber, Cllr. Millea requested that the public attending be reduced to 20 in accordance with Standing Orders of Kilkenny County Council. Cathaoirleach adjourned meeting to 3.30pm in order that the extra public be facilitated to leave and agree on the 20 people to remain.

Meeting resumed at 3.30pm.

It was proposed by Cllr. MH Cavanagh, seconded by Cllr. Ml. McCarthy that the meeting conclude at 5.00pm.

Cllr. Millea advised that Mr. Mulholland would meet 8 people representing the Anti CAS Group during the week. Names to be forwarded to J. Mulholland.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Tuesday 18th March, 2014.** Proposed by Cllr. A. McGuinness, Seconded by Cllr. Fitzpatrick and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 19th May, 2014 as circulated with the agenda be and are hereby approved."
- (b) **Minutes of Annual Meeting of Kilkenny County Council held on Friday 6th June, 2014.** Proposed by Cllr. MH Cavanagh, Seconded by Cllr. E. Aylward and agreed:- "That the minutes of Annual Meeting of Kilkenny County Council held on Friday 6th June, 2014 as circulated with the agenda be and are hereby approved".
- (c) **Minutes of SPC 2 Infrastructure, Transportation, Water Services & Other Policy Issues held on 16th May, 2014.** Proposed by Cllr. M. Doran, Seconded by Cllr. J. Brennan and agreed:- "That the minutes of SPC 2 Infrastructure, Transportation, Water Services & Other Policy Issues held on 16th May, 2014 as circulated with the agenda be and are hereby approved".

Cllr. P. Millea, Cathaoirleach extended congratulations to

- the management of Gowran Park Racecourse on their celebrations of 100 years of racing

- the Kilkenny winners in the recent Special Olympics World Summer Games held in Limerick and particularly Gerard Byrne who is part of the staff in County Hall on our reception desk.

He welcomed:

- the opening of Smithwick Experience at the end of July with the creation of 23 jobs.
- The investment of €2.5m in broadband infrastructure/fibre service for Kilkenny City, work will start in September this year.

Votes of sympathy were extended to:-

- Leonard Blanchfield & Family, Main St., Graiguenamanagh on the death of Kitty Blanchfield.
- The Fitzgerald Family, The Cross, Chapel St., Mooncoin on the death of Nellie Nellie Fitzgerald.
- The Gaule Family, Lismateigue, Hugginstown on the death of Mary Gaule.
- Jimmy Ryan & Family, Rathkieran, Mooncoin on the death of Martin Ryan.
- Theresa Treacy & Family, 37 Parnell St., Kilkenny on the death of Martin Treacy.
- Pat Buggy, Coultha, Clogh, Castlecomer on the death of Martin Buggy.
- Mrs. O'Shea & Family, Mullinabro, Ferrybank on the death of Tony O'Shea.
- Henry Connelly, Mageney, Co. Kilkenny on the death of Alice Connelly.
- Pierce Handrick & Family, Millbanks, Rosbercon, Tullogher on the death of Neddy O'Sullivan.
- Sile Carroll, Rossinan, Mullinavat on the death of her husband Michael Carroll.
- Mamie McEvoy, Clonassy, Mullinavat on the death of her husband Michael McEvoy.
- Ellen Grennan, Clonassy, Mullinavat on the death of her husband Matty Grennan.

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

(a) Corporate Affairs

Item 7: Appointment of Chair designate to SPC5

It was proposed by Cllr. T. Breathnach, seconded by Cllr. K. Funchion that Cllr. M. Shortall be appointed Chair designate to SPC 5.

There was no other proposals. Therefore Cllr. M. Shortall was appointed as Chair Designate to SPC 5, and agreed by all Members.

Item 19: Appointment to the Audit Committee

It was proposed by Cllr. MH Cavanagh, and seconded by Cllr. J. Brennan that Cllr. F. Doherty be appointed to the Audit Committee.

It was proposed by Cllr. M. Doran and seconded by Cllr. J. Malone that Cllr. A. McGuinness be appointed to the Audit Committee.

There were no further proposals, therefore Cllr. F. Doherty and Cllr. A. McGuinness were appointed as the Council's representatives to the Audit Committee and this was agreed by all Members.

Mr. Mulholland advised that the Executive and CPG are recommending the appointment of Dr. Sean Brady, Dr. Maura Joyce and Joe Allen as external Audit Committee members. Report dated 17/6/2014 has been circulated.

It was proposed by Cllr. MH Cavanagh, seconded by Cllr. A. McGuinness and agreed that the three external members recommended by Corporate Policy Group be appointed to the Audit Committee.

Item 20: Appointment to Joint Policing Committee

It was proposed by Cllr. MH Cavanagh, seconded by Cllr. D. Fitzgerald that Cllr. MI. Doyle, D. Fitzgerald, P. O'Neill, F. Doherty and P. Dunphy be appointed to the Joint Policing Committee.

It was proposed by Cllr. M. Shortall, seconded by Cllr. T. Breathnach that Cllr. M. Shortall and Cllr. T. Breathnach be appointed to the Joint Policing Committee.

It was proposed by Cllr. K. Funchion, seconded by Cllr. D. Kennedy that Cllrs. D. Kennedy and M. O'Neill be appointed to the Joint Policing Committee.

It was proposed by Cllr. M. Doran, seconded by Cllr. E. Aylward that Cllrs. P. Fitzpatrick, MI. McCarthy, P. McKee, J. Malone, E. Aylward, G. Frisby, M. Doran be appointed to the Joint Policing Committee.

There were no other proposals. It was agreed that any Members could attend these committee meetings if they so wished. Therefore, Cllrs. Fitzgerald, Dunphy, Doyle, P. O'Neill, Doherty, Shortall, Breathnach, Kennedy, M. O'Neill, Fitzpatrick, Aylward, McCarthy, McKee, Malone, Frisby, and Doran be appointed as the Councils representative to the Joint Policing Committee and this was agreed.

Item 21: Local Traveller Accommodation Consultative Committee

It was proposed by Cllr. M. Shortall, seconded by Cllr. K. Funchion that Cllr. M. Noonan be appointed to the Local Traveller Accommodation Consultative Committee.

It was proposed by Cllr. M. Doran, seconded by Cllr. A. McGuinness that Cllr. J. Malone be appointed to the Local Traveller Accommodation Consultative Committee.

It was proposed by Cllr. MH. Cavanagh, seconded by Cllr. J. Brennan that Cllr. P. O'Neill be appointed to the Local Traveller Accommodation Consultative Committee.

Cllrs. M. Noonan, J. Malone and P. O'Neill were unanimously agreed as the Council's representatives on the Local Traveller Accommodation Consultative Committee.

Item 22: Rural Water Services Monitoring Committee

It was proposed by Cllr. M. Shortall, seconded by Cllr. M. Noonan that Cllr. T. Breathnach be appointed to the Rural Water Services Monitoring Committee.

It was proposed by Cllr. M. Doran, seconded by Cllr. J. Malone that Cllr. G. Frisby be appointed to the Rural Water Services Monitoring Committee.

It was proposed by Cllr. MH. Cavanagh, seconded by Cllr. MI. Doyle that Cllr. J. Brennan be appointed to the Rural Water Services Monitoring Committee.

Cllrs, T. Breathnach, G. Frisby and J. Brennan were unanimously agreed as the Council's representatives on the Rural Water Services Monitoring Committee.

Item 23: Appointment of 1 member as Director of Rothe House Trust

Cllr. P. McKee was proposed by Cllr. M. Doran, seconded by Cllr. A. McGuinness.

There were no other proposals, therefore Cllr. P. McKee was unanimously appointed to serve as Director of Rothe House Trust on behalf of Kilkenny County Council.

Item 24: Appointment of 3 members as Directors of Callan Friary Trust.

Cllr. M. Doran was proposed by Cllr. A. McGuinness, seconded by Cllr. J. Malone.

Cllr. D. Fitzgerald was proposed by Cllr. MH. Cavanagh, seconded by Cllr. F. Doherty.

Cllr. M. Noonan was proposed by Cllr. T. Breathnach, seconded by Cllr. M. O'Neill.

There were no other proposals, therefore, Cllrs. M. Doran, D. Fitzgerald and M. Noonan were unanimously appointed to serve as Directors of Callan Friary Trust on behalf of Kilkenny County Council.

Item 25: Appointment of 3 members as Directors of Watergate Theatre Company.

Cllr. K. Funchion was proposed by Cllr. M. Shortall, seconded by Cllr. M. O'Neill.

Cllr. F. Doherty was proposed by Cllr. MH. Cavanagh, seconded by Cllr. J. Brennan.

Cllr. P. McKee was proposed by Cllr. M. Doran, seconded by Cllr. J. Malone.

There were no other proposals, therefore, Cllrs. K. Funchion, F. Doherty and P. McKee were unanimously appointed to serve as Directors of Watergate Theatre Company on behalf of Kilkenny County Council.

Item 26: Appointment of 2 members as Directors of Watershed Leisure Complex.

Cllr. P. O'Neill was proposed by Cllr. MH Cavanagh, seconded by Cllr. J. Brennan.

Cllr. P. McKee was proposed by Cllr. M. Doran, seconded by Cllr. A. Mc Guinness.

There were no other proposals, therefore, Cllrs. P. O'Neill and P. McKee were unanimously appointed to serve as Directors of Watershed Leisure Complex on behalf of Kilkenny County Council.

Item 27: Appointment of 1 member to Carlow / Kilkenny Energy Agency.

Cllr. M. Doran was proposed by Cllr. E. Aylward, seconded by Cllr. A. McGuinness.

There were no other proposals, therefore, Cllr. M. Doran was unanimously approved as Kilkenny County Council representative on the Carlow / Kilkenny Energy Agency.

Item 28: Appointment of 1 member to Recreation & Sports Partnership.

Cllr. G. Frisby was proposed by Cllr. M. Doran, seconded by Cllr. J. Malone.

There were no other proposals, therefore, Cllr. G. Frisby was unanimously appointed as Kilkenny County Council representative on the Recreation & Sports Partnership.

2. (a) (ii) Review of Standing Orders

Ms. AM Walsh advised that copy of draft Standing Orders for the Councils meetings have been circulated for members information. A number of standing orders have been amended to incorporate the change in number of elected members, quorum for meetings, and establishment of Municipal Districts. Members are requested to review the draft and any observations to be send to the Meetings Administrator. It is proposed to list the draft standing orders on the agenda in July for adoption.

At this stage Cllr. P. Millea allowed an item to be brought up under urgent business and suspend Standing Order to deal with it.

It was proposed by Cllr. MH. Cavanagh and seconded by Cllr. M. Shortall that the item be dealt with now.

Ms. AM Walsh advised that the Carlow/Kilkenny Education and Training Board has advised that 3 of the members appointed by Kilkenny County Council. must be female. It was proposed by Cllr. M. Shortall, seconded by Cllr. D. Kennedy that Cllr. K. Funchion

be appointed. Cllr. T. Breathnach has agreed to relinquish his appointment. This was agreed by all members.

(b) Housing & Other Disposal – Tithíocht & Dúscairt Eile

It was proposed by Cllr. M. Doran, seconded by Cllr. D. Fitzgerald and agreed “That Kilkenny County Council hereby approves of the disposal of its interest in No’s 16,73 & 74 Seville Lawns, Margaretsfield, Callan Road, Kilkenny to Tuath Housing Association in accordance with the terms of the Housing Acts 1966 to 2002”.

(c) Housing – Tithíocht

- (i) Mr. M. Prendiville advised members that approval is required to raise a loan of €4m for the purpose of relending for house purchases under the Local Authority Loans Schemes.

Cllr. M. Noonan, M. Doran and A. McGuinness raised a number of queries to which Mr. Prendiville responded.

It was proposed by Cllr. M. Shortall, seconded by Cllr. P. Dunphy and agreed “That Kilkenny County Council hereby approves the raising of a loan of €4,000,000 (four million euro) from the Housing Finance Agency Plc for any purpose authorised under the Housing Acts”.

- (ii) Mr. Mullally advised the members that the proposal is to build a rural house on land being made available to Kilkenny County Council. for a particular family.

It was proposed by Cllr. A. McGuinness, seconded by Cllr. M. Doran and agreed

“that Kilkenny County Council hereby approves of the construction of a 4 bedroom dwelling house at Coolnamuck, Inistioge, Co Kilkenny as proposed under Section 179 of the Planning & Development Act, 2000-2013, Part 8 of the Planning & Development Regulations 2001-2013”

- (iii) Cllr. F. Doherty and Cllr. E. Aylward requested that the boundary be set back 2.4m to ensure visibility at this location. Mr. Mullally noted this.

It was proposed by Cllr. G. Frisby, seconded by Cllr. E. Aylward and agreed “

that Kilkenny County Council hereby approves of the construction of a 4 bedroom dwelling house at Raheen, New Ross, Co Kilkenny as proposed under Section 179 of the Planning & Development Act, 2000-2013, Part 8 of the Planning & Development Regulations 2001-2013”

- (iv) Contributions were made by Cllrs. A. McGuinness, D. Fitzgerald, J. Malone, MH. Cavanagh, M. O'Neill, M. Noonan, M. Shortall and D. Kennedy in relation to the proposal to build 10 units at Gaol Road, Kilkenny. The issues raised related to:
- Public Consultation – concerns of residents – submissions made
 - Shortfall in 1 bed accommodation
 - Need to accommodate male single parents
 - 2 Bed accommodation can be more flexible
 - Energy rating for these units

Mr. Mullally responded to the queries raised.

It was proposed by Cllr. M. Noonan, seconded by Cllr. D. Kennedy and agreed

“that Kilkenny County Council hereby approves of the demolition of a single storey dwelling and the construction of a 10 unit housing development at Gaol Road Kilkenny as proposed under Section 179 of the Planning & Development Act, 2000-2013, Part 8 of the Planning & Development Regulations 2001-2013”

Members raised general issues in relation to vacant houses and requested a report for the next meeting.

(d) **Roads – Bóithre**

- (i) It was proposed by Cllr. P. Dunphy, seconded by Cllr. T. Breathnach and agreed “that in accordance with the provisions of Part 8 Planning and Development Regulations 2001 – 2-11 we, the Members of Kilkenny County Council, hereby approve the County Manager’s Part 8 Report in respect of Mooncoin Pavement Rehabilitation and Traffic Management Scheme”.

Cllrs. Dunphy, Breathnach, Aylward, Doherty, Frisby and M. O'Neill welcomed the Part 8 report on the Mooncoin Pavement Rehabilitation and Traffic Management Scheme and thanked the Roads Engineering staff for their work in bringing the project to the planning stage. The people of Mooncoin were grateful for the opportunity to engage in the public consultation process. A number of issues were raised by Members relating to the following:

- Speed limit approaching and through Mooncoin
- Traffic Calming measures
- Status of By-Pass
- Funding for this project

Mr. Walton, Senior Engineer advised that changes to the speed limits requires the approval of the NRA. A national review of speed limits took place. A number of 80km signs are being replaced at the moment. This project will now require funding to be put in place by NRA. At this stage it is unlikely that any works will commence in 2014.

- (ii) Mr. Walton advised the meeting that additional supplementary road grants have been received. A total of €4.3m has been approved bringing the total allocation for Kilkenny County Council. for 2014 to €20m.

The additional projects are as follows:

1. N77 Ballynaslee Realignment Scheme	€2,900,000
2. N25 New Ross By Pass Residential Network	€ 515,000
3. Restoration Programme	€ 361,671
4. 2014 Pilot Community Involvement in Roadwork Scheme	€ 393,444
5. Vehicle Restraining Systems on National Network	€ 145,000

Contributions were received from Cllrs. MH. Cavanagh, F. Doherty, J. Brennan, E. Aylward, P. Dunphy, P. Fitzpatrick. M. Doran. Members welcomed the allocation for N77 Improvement works at Ballynaslee. Issues raised by Members related to the following:

- Safety Barriers on N25
- Allocation for CIR and re-introduction of LIS
- Local contribution for CIR – hardship clause
- Sections of Motorways are slippery

Mr. Walton and Mr. Mulholland responded to the queries raised.

It was proposed by Cllr. MH. Cavanagh, seconded by Cllr. P. Dunphy that Kilkenny County Council. write to the Department of Transport requesting the re-introduction of the Local Improvement Scheme. This was agreed by all Members.

(e) **Community and Enterprise - Fiontar agus Pobail**

Cllr. B. Gardner excused herself from the meeting for this item as she declared an interest in one of the applications.

It was proposed by Cllr. M. Shortall, seconded by Cllr. T. Breathnach and agreed that the amount of €180,000 be allocated to the application no. 1 to 7 as recommended in the report circulated to Members.

Members thanked staff for the work put into these applications for worthwhile community projects.

(f) **Finance - Airgeadais**

Mr. M. Prendiville, Head of Finance, referred to the Annual Financial Statement for the year 2013, circulated to Members with the agenda. He stated that there was a revenue surplus of €14,000 for the year. Due to allocation of grants during the year, there is over expenditure, however, this is compensated with increased income.

Details of over expenditure are outlined in the resolution and approval of members is required. He thanked the Finance staff and Declan McDonnell who prepared the accounts for the year.

It was proposed by Cllr. M. Doran, seconded by Cllr. T. Breathnach and agreed

“That Kilkenny County Council hereby approves of Excess Expenditure for year ending 31st December, 2013 as follows in accordance with S104(2) Local Government Act 2001:

Housing & Building		€
A01	Maintenance & Improvement of LA Housing	737,813
A03	Housing Rent and Tenant Purchase Administration	32,051
A06	Support to Housing Capital Programme	97,996
A07	RAS Programme	1,262,277
A09	Housing Grants	340,446
A11	Agency & Recoupable Services	<u>27,614</u>
	Subtotal	2,498,197

Road Transportation & Safety

B01	NP Road – Maintenance & Improvement	282,106
B02	NS Road – Maintenance & Improvement	220,701
B03	Regional Road – Maintenance & Improvement	302,059
B04	Local Road – Maintenance & Improvement	2,579,111
B05	Public Lighting	221,644
B06	Traffic Management Improvement	394
B07	Road Safety Engineering Improvement	29
B10	Support to Roads Capital Programme	2,331
B11	Agency & Recoupable Services	<u>394,320</u>
	Subtotal	4,002,695

Water Services

C01	Water Supply	562,765
C02	Waste Water Treatment	1,115,434
C06	Support to Water Capital Programme	23,669
C07	Agency & Recoupable Services	<u>7,934</u>
	Subtotal	1,709,802

Development Management

D02	Development Management	43,636
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D03	Enforcement	22,340
D05	Tourism Development and Promotion	214,076
D06	Community and Enterprise Function	42,125
D12	Agency and Recoupable Services	<u>8,764</u>
	Subtotal	330,941

Environmental Services

E02	Recovery & Recycling Facilities Operations	4,512
E04	Provision of Waste to Collection Services	22
E06	Street Cleaning	30,411
E07	Waste Regulations, Monitoring & Enforcement	7,092
E09	Maintenance of Burial Grounds	3,565
E10	Safety of Structures and Places	19,319
E12	Fire Prevention	25,000
E13	Water Quality, Air & Noise Pollution	1,428
E14	Agency and Recoupable Services	<u>7,080</u>
	Subtotal	98,429

Recreation and Amenity

F01	Leisure Facilities Operations	481,608
F02	Operation of Library and Archival Service	76,460
F03	Outdoor Leisure Areas Operations	13,100
F05	Operation of Arts Programme	23,769
F06	Agency & Recoupable Services	<u>5,851</u>
	Subtotal	600,788

Agriculture, Education, Health & Welfare

G04	Veterinary Service	<u>6,645</u>
	Subtotal	6,645

Miscellaneous Services

H01	Profit & Loss Machinery Account	66,178
H02	Profit & Loss Stores Account	24,281
H04	Franchise Costs	5,514
H05	Operation of Morgue and Coroner Expenses	74,924
H09	Local Representation & Civic Leadership	35,128
H11	Agency & Recoupable Services	<u>137,768</u>

Subtotal	343,793
TOTAL	9,591,290

It was proposed by Cllr. M. Doran, seconded by Cllr. T. Breathnach and agreed “that we, the members of Kilkenny County Council, hereby adopt the Annual Financial Statement for year ending 31st December, 2013.”

Mr. Mulholland advised that a briefing on Finance will be presented to Members at the July meeting. Head of Finance will give an overview on the budget process, property tax and rates harmonisation.

Mr. Prendiville advised that an advertisement regarding the property tax will be published in July seeking public submissions. Decisions on property tax is required by end September.

Further to proposal to adjourn at 5pm it was agreed that all other items listed on the agenda be deferred to the July Monthly Meeting.

Meeting therefore concluded at 5pm.

Signed: _____

Date: _____

Cathaoirleach