

MINUTES OF APRIL COUNCIL MEETING HELD ON 24TH APRIL, 2017 AT 3.00 P.M.

Chair: Matt Doran

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

Officials: Colette Byrne, Tim Butler, Mary Mulholland, Martin Prendiville, Kevin Hanley, Denis Malone, Michael Delahunty, Tony Lauhoff, Brian Tyrrell, Declan McDonnell, Michael Murphy & Anne Maria Walsh

Apologies: Simon Walton

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

(a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 20th March 2017**

Proposed by Cllr. Fidelis Doherty, seconded by Cllr. Breda Gardner and agreed:

"That the Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 20th March, 2017 as circulated with the agenda be and are hereby approved".

(b) **Minutes of SPC 1 Meeting held on 16th December, 2016**

Proposed by Cllr. John Brennan, seconded by Cllr. Pat Fitzpatrick and agreed:

"That the Minutes of the SPC 1 Meeting held on 16th December, 2016 as circulated with the agenda be and are hereby approved".

(c) **Minutes of SPC 4 Meeting held on 26th January, 2017**

Proposed by Cllr. Andrew McGuinness, seconded by Cllr. Melissa O'Neill and agreed

"That the Minutes of the SPC 4 Meeting held on 26th January, 2017 as circulated with the agenda be and are hereby approved".

Cllr. Matt Doran congratulated the Kilkenny Senior Camogie Team on winning the National League.

Cllr. Matt Doran extended votes of sympathy to the following:

- Tom King on the death of his father William King, Johnstown
- Paul Comerford on the death of his mother Bridget Comerford, Kilkenny
- Marian Butler on the death of her brother Frank Dowling
- The Family of the late Paul Lanigan, Kilkenny Retired Firefighter
- The Family of the late John McGrath, Gowran
- Philip Phelan, Shanbogh, Tullogher on the death of his brother Neddy Phelan
- Alice Duggan, Flemingstown, Glemore on the death of her brother Neddy Pehlan
- Tom O'Dwyer & Family, Drumdowney, Slieverue on the death of Maura O'Dwyer
- Maeve Doherty & Family, Ballinlammy, Glenmore on the death of Mick & Anna Rowe
- Eileen Mullally & Family, Ballycrouney, Glenmore on the death of Liam Aylward
- Martina Reid, Clonassy, Mullinavat on the death of her mother Cathy Murphy
- Anne McCurdy, Annamult, Bennettsbridge on the death of her father John Harte

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. Mary Hilda Cavanagh, seconded by Cllr. Michael McCarthy 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 3 no. plots of ground at Grangefertagh, Johnstown, Co. Kilkenny to Michael Quaney, Grangefertagh, Johnstown, Co. Kilkenny for the sum of €395 with each party being responsible for their own legal costs associated with the sale. Combined Plots measure 0.491 acre.”

- (ii) Proposed by Cllr. Andrew McGuinness, seconded by Cllr. Pat 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 lands measuring approx. 3.5 acres at Leggettsrath West, Hebron Business Park, Hebron Road, Kilkenny, as outlined on the attached map, to Gaeltec Utilities Limited, Unit 11, Danville Business Park, Ring Road, Kilkenny for the sum of €200,000 (two hundred thousand euros) with each party being responsible for their own legal costs associated with the sale.”

- (iii) Proposed by Cllr. Ger Frisby, seconded by Cllr. Michael 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 plot of ground measuring approx 0.1791 acre at Ballyline Stud, Ballyline, Callan, Co. Kilkenny to Elizabeth Mitchell and David Mitchell, Ballyline Stud, Ballyline, Callan, Co. Kilkenny, for the nominal sum of €100.00 (one hundred euro) with Elizabeth Mitchell and David Mitchell being responsible for all legal costs associated with the sale.”

(b) **Planning – Pleanail**

(i) **Hebron Road Urban Design Strategy**

Mr. Denis Malone, Senior Planner gave a powerpoint presentation on the current status on the preparation of the Design Strategy. The preparation of a strategy is an objective in the Kilkenny City & Environs Development Plan. Work has commenced in January 2017. Public consultation took place in February 2017. Main issues to be addressed include:

- HGV Traffic Access arrangement
- Landscaping
- Pedestrian & Cycle Facilities
- Parking for funerals and matches

Draft strategy will be published and put on public display within the next few weeks.

Contributions were received from Cllrs. Andrew McGuinness, Patrick McKee, Malcolm Noonan, Joe Malone, Tomás Breathnach, Breda Gardner, Fidelis Doherty,

David Fitzgerald & Pat Fitzpatrick. Members thanked the Executive for facilitating Public Consultation with the local business owners and residents.

The main issues raised by members related to the following:

- Current status of Hebron House
- Traffic issues for residents of Hebron Park and other estates particularly for funerals and matches.
- Provision of cycle lanes, mixed use corridors.
- Provision of traffic calming measures, traffic lights, pedestrian crossings etc.
- Use of land adjoining Nowlan Park for parking.
- Option for Park & Ride facility to alleviate parking, provision of temporary parking on Council's land at Leggetsrath.
- Explore other vacant sites.
- Alternative HGV Route – link Road through Leggetsrath land.
- Expand the area of the study to include the immediate residential areas in Hebron.

Mr. Butler advised that discussions will take place with Gardai in relation to match traffic as this is a separate issue to the strategy.

Mr. Malone responded to all the other issues raised by the members. Traffic management is not part of the main Urban Design Strategy this is an operational issue. The area of the Plan will be amended.

- (ii) Proposed by Cllr. Andrew McGuinness, seconded by Cllr. Breda Gardner and agreed:

“We, the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following development 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: TC46 – Mallfield, Thomastown, Co. Kilkenny”.

- (iii) Proposed by Cllr. Sean Tyrrell, seconded by Cllr. Pat O’Neill and agreed:-

“We, the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following development 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: TC57 – Springmount, Waterford Road, Kilkenny”.

- (iv) Proposed by Cllr. Maurice Shortall, seconded by Cllr. John Brennan 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 declare the roads listed in the Public Notice and listed below to be Public Roads.

Development at:

- The Acorns, Upper & Lower Ballyhimmin, Castlecomer, Co. Kilkenny
- Oak Hill, Ballyhimmin, Castlecomer, Co. Kilkenny
- Beech Coufrt, Ballyhimmin, Castlecomer, Co. Kilkenny
- Ard Crann, Ballyhimmin, Castlecomer, Co. Kilkenny.”

(c) **Roads - Bóithre**

2017 Roadworks Scheme

Proposed by Cllr. Eamon Aylward, seconded by Cllr. Pat O'Neill and agreed.

"That the 2017 Roadworks Scheme is hereby approved by the members of Kilkenny County Council."

(d) **Community & Culture – Pobal Cultúr**

- (i) Mr. Tim Butler recommended that €64,000 be allocated in 2017 to a number of projects as outlined in the schedule sent to members and sought approval of members. He advised that a public meeting will take place on 27th April, 2017 to seek views and proposals for 2017 to 2022 Culture & Creativity Plan.

It was proposed by Cllr. Peter Cleere seconded by Cllr. Pat O'Neill and agreed that

"We the members of Kilkenny County Council approve the allocation of €64,000 to the projects outlined in the schedule."

(ii) **Watershed Presentation**

Mr. Billy Murphy [Chairman], Mr. Dermot Gaynor [CEO] and Ms. Tina Dowling [Financial Consultant] attended the Meeting. Mr. Gaynor gave a powerpoint presentation on the operation of the Watershed. In his presentation he gave an overview on the following:

- Growth of business since it opened in 2008.
- Operational costs and annual income, source of income, services provided
- Visitor numbers are now approximately double the 325,000 visits in 2009.
- Capital Developemnts over the last few years, grants received.
- Preserving the brand
- Development of staff

Mr. Gaynor issued an open invitation to the members to visit the Watershed.

Contributions were received from Cllrs. Peter Cleere, Joe Malone, Breda Gardner, Malcolm Noonan, Pat Fitzpatrick, Tomás Breathnach, Andrew McGuinness and Matt Doran.

Members thanked Mr. Gaynor for his presentation and welcomed the increase in the number of people visiting and using this sports complex.

Queries were raised in relation to the following:

- Commercial reach throughout the County
- Re-use of old equipment
- Promoting Social Inclusion
- Park & Ride facility for large events.

Mr. Gaynor responded to the queries raised and advised that membership numbers are static. Membership rates are very competitive with other leisure centres and the facility is open and available to all groups across the City & County. He advised he is available to answer any queries from members at any time.

Cllr. Doran thanked Mr. Gaynor for attending the meeting.

(e) **Economic Development – Forbairt Eacnamaíochta**
Update Abbey Creative Quarter

Mr. Tony Lauhoff gave a powerpoint presentation on the Abbey Creative Quarter update. He gave an overview on the work completed to-date on the following:

- Kilkenny Abbey Quarter Development Ltd.
- Mayfair Building
- Brewhouse Building
- Riverside Garden Project
- Archaeological Testing
- Urban Design Guidelines
- Energy Strategy
- Parking Options
- Utility Services Design
- Proposed Open Day on 20th May, 2017.

Contributions were received from Cllrs. Breda Gardner, Malcolm Noonan, Fidelis Doherty, Maurice Shortall, Tomás Breathnach, David Kennedy, Patrick McKee & Andrew McGuinness. Issues raised by members related to the following:

- Bus/Car Parking – Traffic Management.
- Development of the 6 plots – inclusion community use.
- Outdoor Activity Centre, Skate Park – full design of Riverside Garden.
- Renewable Energy Strategy.
- Integration of Plan with Watergate Theatre.
- Conservation Plan for City Walls.
- Removal of trees and their replacement.
- Option for second open day – collect memorabilia in advance – social aspect associated with Mayfair.
- Archaeological Tests – will the whole site be investigated, removal of concrete slab.
- Urban design criteria – characteristics of buildings in keeping with the City.
- Opportunity to attract tourists to this end of the City.

Ms. Byrne advised that the use of the site has not changed since the masterplan was adopted. The 6 plots have been transferred to the Partnership with approval of the members. The local authority will be responsible for delivering the Public Realm Projects.

Mr. Lauhoff responded to the specific queries raised by the members and advised that a number of studies are still in progress. Extensive public consultation has been carried out including with the teenage community and Water Sport Groups. He advised that the archaeological test excavations are carried out in line with best practice. This may lead to future testing. Details of all the Part 8 approvals are available on the Council's website.

Ms. Byrne further advised that funding of €4,000 under the Creative Ireland Programme has been allocated to the "Mayfair Memoirs" i.e. open day at the Mayfair Ballroom on the 20th May, 2017 and this will be an opportunity for the public to view the plans for the Quarter.

(f) **Finance - Airgeadas**

Annual Financial Statement 2016

Mr. Martin Prendiville presented the Unaudited Annual Financial Statement for 2016. He advised that the audit of accounts will commence in the middle of May 2017. He outlined to the members that the total Revenue expenditure for 2016 was €79.3m. Total rates billed amounted to €19m and the income from the Local Property Tax amounted to €9.6m.

There was an operating surplus of €23,500 in 2016 which eliminated the Revenue deficit brought forward of €18,000.

He further advised that the additional income from a number of sources such as NPPR, Planning Fees, Irish Water and Bad Debts Provision has been re-allocated across many of the services.

He advised that the arrears on the commercial rates had been reduced by €2.4m since 2012. A term loan of €13.5 m was drawn down during 2016 to fund Capital Projects. This loan was approved by the members at the September meeting.

He requested member approval to the excess expenditure and adoption of the Annual Financial Statement. Cllrs. Cleere & Fitzpatrick thanked Mr. Prendiville for the overview and complimented staff on the collection rates achieved in 2016.

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

“That Kilkenny County Council hereby approves of Excess Expenditure for year ending 31st December, 2016 as follows in accordance with S104(2) Local Government Act 2001:

Housing & Building €		
A01	Maintenance & Improvement of LA Housing	1,148,790
A02	Housing Assessment, Allocation and Transfer	6,048
A04	Housing Community Development Support	1,951
A05	Administration of Homeless Service	354,869
A06	Support to Housing Capital Programme	137,618
A07	RAS Programme	1,502,600
A09	Housing Grants	398,311
A11	Agency & Recoupable Services	9,127
	<i>Subtotal</i>	<i>3,559,314</i>
Road Transportation & Safety		
B01	NP Road – Maintenance & Improvement	38,145
B02	NS Road – Maintenance & Improvement	235,620
B03	Regional Road – Maintenance & Improvement	136,809
B04	Local Road – Maintenance & Improvement	5,050,140
B05	Public Lighting	103,549
B08	Road Safety Promotion & Education	7,096
B11	Agency & Recoupable Services	<u>664,641</u>
	<i>Subtotal</i>	<i>6,236,000</i>
Water Services		
C01	Water Supply	77,360
C03	Collection of Water & Waste Water Charges	27,444
C04	Public Conveniences	486
C06	Support to Water Capital Programme	3,440
C07	Agency & Recoupable Services	639
C08	Local Authority Water and Sanitary Services	<u>4,170</u>
	<i>Subtotal</i>	<i>113,539</i>
Development Management		
D02	Development Management	76,136
D05	Tourism Development and Promotion	253,893
D06	Community and Enterprise Function	576,946
D09	Economic Development and Promotion	648,257
D11	Heritage and Conservation Services	89,089
D12	Agency & Recoupable Services	<u>297</u>
	<i>Subtotal</i>	<i>1,644,618</i>
Environmental Services		
E02	Recovery & Recycling Facilities Operations	131,902
E03	Waste to Energy Facilities Operations	690
E04	Provision of Waste to Collection Services	152,098
E06	Street Cleaning	4,753
E09	Maintenance of Burial Grounds	15,386
E10	Safety of Structures and Places	51,982
E11	Operation of Fire Service	455,921

E12	Fire Prevention	7,855
E14	Agency & Recoupable Services	<u>2,671</u>
	<i>Subtotal</i>	823,258

Recreation and Amenity

F01	Leisure Facilities Operations	1,166
F02	Operation of Library and Archival Service	204,114
F03	Outdoor Leisure Areas Operations	211,563
F04	Community Sport and Recreational Development	4,541
F05	Operation of Arts Programme	13,606
F06	Agency & Recoupable Services	<u>50</u>
	<i>Subtotal</i>	435,040

Agriculture, Education, Health & Welfare

G01	Land Drainage Costs	<u>92</u>
	<i>Subtotal</i>	92

Miscellaneous Services

H01	Profit & Loss Machinery Account	18,590
H05	Operation of Morgue and Coroner Expenses	21,557
H07	Operation of Markets and Casual Trading	1,074
H10	Motor Taxation	19,788
H11	Agency & Recoupable Services	<u>1,016,202</u>
	<i>Subtotal</i>	1,077,207

TOTAL **13,889,072**

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

“We, the members of Kilkenny County Council, hereby adopt the Annual Financial Statement for year ending 31st December, 2016.”

Town & Village Renewal Scheme

At this stage Cllr. Doran sought approval of the members to allow Mr. Tim Butler to update members on the Town & Village Renewal Scheme for 2017 and 2018. He advised that the closing date for expressions of interest is 17th May, 2017. 15 applications will be selected for submission to the Department by 30th June, 2017. The local authority will consult with community and business interests. Unlike last year Kilkenny County Council has not been advised of a specific grant allocation for Kilkenny.

Contributions were received from Cllrs. Pat O’Neill, David Kennedy, Pat Dunphy, Peter Cleere, Patrick McKee, Malcolm Noonan, Maurice Shortall, Fidelis Doherty, Tomás Breathnach, Melissa O’Neill & Breda Gardner. Issues raised by members were as follows:

- Timeframe is too tight – need to hold workshop/meeting for communities in each electoral area, involve PPN’s
- Clarify funding for Public Arts Work - is it a separate fund.
- Geographic spread of 15 applications
- Opportunity to focus on rural tourism/economic development, heritage projects, protected structures etc.
- Marking criteria – local funding required – avail of traditional building skills.
- Designated person to work with applicants
- Retain unsuccessful applications for next years funding.

Mr. Butler responded to all the issues raised and advised that full details of the scheme will be circulated to members this week. Workshop will be organised before 17th May, 2017 and the Council will liaise with PPN, LEO and Kilkenny Tourism. He acknowledged that the time period is limited and that expressions of interest need to be received by 17th May, 2017 to allow sufficient time for the 15 applications to be developed and submitted to the Department.

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

(iv) **Great War Memorial [Kilkenny City]**

Mr. Butler referred to his report circulated with the Agenda. The report detailed the cost, design and location of the Memorial. He requested members approval to future provision of €40,000 in Budgets for 2018 & 2019. The unveiling of the monument will be in 2018, the 100 Year Anniversary at the end of World War I.

It was proposed by Cllr. Joe Malone seconded by Cllr. David Kennedy and agreed: "That provision of €20,000 be made in the annual budget for 2018 & 2019".

(i) **Chief Executive's Report**

Ms. Colette Byrne presented her monthly Chief Executive Report to the members. Queries arose in relation to the Boundary Review from Cllrs. Frisby, Dunphy, Aylward, Breathnach, M O'Neill, Doherty, Fitzpatrick, Kennedy, Tyrrell & Fitzgerald.

Members voiced their concerns at recent press statements by the Minister and other parties. A request was made to the Chief Executive to write to the Minister seeking clarification on his recent statement concerning "Administrative control" and to request him to attend a meeting of the Council. Other queries raised by members related to:

- What legislation can allow this change in administrative area.
- Proposals to develop area to be included in the National Planning Framework.

At this stage Cllr. Matt Doran requested approval of the members to suspend Standing Orders to complete Item 2 [g] [i]. It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Pat Fitzpatrick and agreed.

Ms. Colette Byrne responded to members queries and advised that a letter has been sent to the Minister requesting a meeting. Clarification is required on a number of issues such as statutory management structure, rates, property tax, planning applications, elected members representational role in the area, impact for the Municipal Districts, Leader Companies, ETB etc.

Ms. Byrne stated that there is support for growth to happen in Waterford City as evidenced by the recent submission to the NPF consultation. Minister has existing powers to put structures in place to enable this e.g. statutory backing, for PLUTS etc. There could also be a role for the Regional Assembly in oversight, reporting and implementation. Cllr. Doran requested that a further letter be sent to the Minister.

Cllr. Cleere requested an update on funding the additional salary costs.

Cllr. Tyrrell requested details on where new bus shelters would be provided and an update on the Town & Village Renewal Projects for 2016.

Cllrs. Noonan and Gardner asked for a proposed date for the opening of the CAS bridge, traffic management planning for Greensbridge, Vicar Street, post the opening of the bridge and the HGV Management Plan.

Cllr. Doyle requested that the Council undertake a campaign on illegal dumping.

Cllrs. Doyle, Kennedy and Malone requested information on micro chipping of horses, removal of horses and the proposed Horse Project.

Mr. Prendiville, Mr. Butler and Ms. Mulholland responded to the queries raised.

That concluded the business of the meeting.