

**Minutes of Ordinary Meeting of Kilkenny County Council held on Monday
21st November, 2011.**

Cathaoirleach: Cllr. P. Cuddihy

Councillors: Cllrs. M.H. Cavanagh, P. Millea, M. Shortall, J. Brennan, J. Coonan, M. Fitzpatrick, M. Brett, M. Noonan, A. McGuinness, B. Manning, M. Doran, W. Ireland, T. Maher, T. Prendergast, S. Treacy, C. Long, T. Breathnach, P. Dunphy, A.M. Irish, E. Aylward, F. Doherty, M. O'Brien, J. Galway, Cllr. C. Connery, Cllr. P. Crowley

In attendance: J. Crockett, J. McCormack, P. O'Neill, J. Dempsey, J. Mulholland, Denis Malone, C. Reilly, N. Louw, M. Arthurs, E. Mahon, A. Hyland, B. O'Hehir, E. Bolger Hynes, M. Murphy, E. Morrissey and A.M Walsh

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a)** Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 17th October, 2011. Proposed by Cllr. Ml. O'Brien, Seconded by Cllr. C. Connery and resolved:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 17th of October, 2011 as circulated with the agenda be and are hereby approved".
- (b)** Minutes of Piltown Electoral Area Committee Meeting held on the 30th September, 2011. Proposed by Cllr. F. Doherty, Seconded by Cllr. P. Dunphy and resolved:- "That the minutes of the Piltown Electoral Area Committee meeting held on the 30th September, 2011 as circulated with the agenda be and are hereby approved".
- (c)** Minutes of Callan Electoral Area Committee Meeting held on the 5th October, 2011. Proposed by Cllr. T. Maher, Seconded by Cllr. B. Ireland and resolved: - "That the minutes of the Callan Electoral Area Committee held on the 5th October, 2011 as circulated with the agenda be and are hereby approved."
- (d)** Minutes of Strategic Policy Committee (5) – (Arts, Culture, Heritage, Tourism and Education) held on the 6th October, 2011. Proposed by Cllr. J. Brennan, Seconded by Cllr. P. Crowley and resolved:- "That the minutes of the Strategic Policy Committee meeting (5) held on the 6th October, 2011 as circulated with the agenda be and are hereby approved."

Cllr. P. Cuddihy , Cathaoirleach extended congratulations to the following:-

- Michael D. Higgins on his election as President of Ireland
- Ayiesha Grogan and all those who received people of the year awards.
- The Hurling All-Stars – Paul Murphy, Tommy Walsh, Brian Hogan, Michael Fennelly, Michael Rice, Richie Power and Henry Shefflin.
- Breda Collins on her appointment as Chairperson of the Irish Water Safety.
- Bernie Woods of Ballynooney, Mullinavat, Co. Kilkenny on winning the “Queen of the Land” title recently.
- Irish Rally Driver, Graig Breen, Peafield, Slieverue who was crowned the newest world champion at the World Rally Champsion Academy Cup.

He wished the members of the 105th Infantry Batallion and their families a successful peace keeping mission in Lebanon.

Votes of Sympathy were also sent to the following:-

- Mary Kinane, Motor Tax Section on the death of her sister Margaret Kinane.
- The Bollard Family, Kieran Street on the death of their mother Mrs. Joan Bollard.
- Mr. Eddie Hoyne, Tullaroan, Co. Kilkenny on the death of his father Mr. Jack Hoyne.
- The Walsh Family, Lovers Lane, Newpark, Kilkenny on the death of their father Mr. Frank Walsh.
- The Smullen Family, Rosemount, Newpark, Kilkenny on the death of their mother, Mrs. Margaret Smullen.
- Mrs. Statia Byrne and Family, Tullaglass, Jenkinstown, Co. Kilkenny on the death of her husband, Mr. Jimmy Byrne.
- Mr. Kevin Duggan, Cloncunny, Piltown, Co. Kilkenny on the death of his mother Mrs. Annie Duggan.
- Margaret Hennessy and Family, High St, Inistioge, Co. Kilkenny on the death of her husband Mr. Jim Hennessy.
- Michael Daly, Jerpoint West, Thomastown, Co. Kilkenny on the death of his brother Mr. Jim Daly.
- Mary Kavanagh and Family, Ballinabarna, The Rower, Thomastown, Co. Kilkenny on the death of her husband Mr. Patrick Kavanagh.
- The Power Family, Lismatigue, Hugginstown, Co. Kilkenny on the death of Mrs. Maura Power.
- The Harney Family, Crawn, Dangan, Kilmacow, Co. Kilkenny on the death of Mr. Jerry Harney.
- Ger Power and Family, Dangan, Kilmacow, Co. Kilkenny on the death of your father Mr. Joe Power.
- Dan Kavanagh, Ballycurrin, Tullogher, Co. Kilkenny on the death of his brother Patrick (Sonny) Kavanagh.
- Eily Connolly, Robinstown, Glenmore, Co. Kilkenny on the death of her cousin Kitty Murphy.

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

(a) Other Disposal - Díuscairt Eile

- (i) Proposed by Cllr. P. Millea, Seconded by Cllr. T. Maher and agreed “That Kilkenny County Council, hereby approves in accordance with Section 183 of the Local Government Act, 2001, to dispose of lands, as indicated on the attached map, at Ballykelly, Co. Tipperary to John and Mary O’Connor, Ballykelly, Co. Tipperary for a nil consideration, with each party being responsible for their own legal costs associated with the sale and in accordance with the terms specified in the notice.”
- (ii) Proposed by Cllr. J. Galway, Seconded by Cllr. B. Ireland and agreed “That Kilkenny County Council, hereby approves in accordance with Section 183 of the Local Government Act, 2001, to dispose of lands, as indicated on the attached map, at Blanchvillepark, Clifden, Co. Kilkenny to Mr. John Drea, Talbot’s Hill, Gowran, Co. Kilkenny, for a sum of €90,000, with each party being responsible for their own legal costs associated with sale and in accordance with the terms specified in the notice.
- (iii) Proposed by Cllr. J. Galway, Seconded by Cllr. M. Shortall and agreed “That Kilkenny County Council, hereby approves in accordance with Section 183 of the Local Government Act, 2001, to dispose of lands, as indicated on the attached map, at Rathcash East, Gowran, Co. Kilkenny, to Mr. Mark Drea, Talbotshill, Gowran, Co. Kilkenny for a sum of €40,101, with each party being responsible for their own legal costs associated with sale and in accordance with the terms specified in the notice.”
- (iv) Proposed by Cllr. M.H Cavanagh, Seconded by Cllr. P. Millea and agreed “That Kilkenny County Council, hereby approves in accordance with Section 183 of the Local Government Act, 2001, to dispose of lands, as indicated on the attached map, at Graiguepaudeen, Urlingford, Thurles, Co. Tipperary, to Mr. Timothy Campion, Graiguepaudeen, Urlingford, Co. Tipperary for a nil consideration, with each party being responsible for their own legal costs associated with the sale and in accordance with the terms specified in the notice.”

(b) Housing Disposal – Díuscairt Tithíocht

- (i) Proposed by Cllr. M. Brett, Seconded by Cllr. A. McGuinness and agreed “That Kilkenny County Council hereby approves of the disposal of its interest in No. 61 Glenbawn, Castlecomer Road, Kilkenny (Affordable Property) to Sarah J. Kennedy, 4 Kenealy

Avenue, Castle Road, Kilkenny in accordance with the terms of the Housing Acts 1966 to 2002.”

(c) Roads – Bóithre

(i) Section 85 Agreement between Kilkenny and Wexford County Council, agreeing that Wexford County Council are to administer the procurement and appointment of supplier for GPS tracking devices to be installed on Kilkenny County Council’s Fleet.

Mr. John Mulholland advised the members that the local authorities in the South East are advancing the procurement of a GPS Fleet Tracking System for Council Plant. Wexford County Council will act as the lead authority. Contributions were received from Cllr’s C. Connery, P. Cuddihy, M. Noonan and M.H Cavanagh in relation to the tendering process, consideration to be given to local businesses and e-procurement. The County Manager suggested that a presentation be given at the December meeting on the work of the Procurement unit in Kilkenny. The objective was to achieve savings across the services. Cllr. M. Noonan asked that a letter be sent to the Minister for the Environment, Community and Local Government to make changes in the procurement rules to enable local suppliers to be considered. It was proposed by Cllr. T. Maher, Seconded by Cllr. E. Aylward and agreed “That Kilkenny County Council hereby resolves to enter into a Section 85 Agreement with Wexford County Council whereby Wexford County Council to procure and appoint a supplier for the stated GPS Fleet Tracking System.”

(ii) Taking in Charge of Local Road at Kellymount, Paulstown, Co. Kilkenny

It was proposed by Cllr. S. Treacy, Seconded by Cllr. T. Prendergast and agreed that “That Kilkenny County Council hereby approves of the taking in charge of Local Road at Kellymount, Paulstown, Co. Kilkenny.”

Mr. Mulholland advised the Council that the road is of a high standard and that the Council did not have to fund any of the cost. The provision of this road was linked to planning permissions granted to Kilkenny Limestone Ltd.

(iii) Notification of Grant allocation for pavement improvement works

Mr. Mulholland referred to the report circulated to members and advised that an allocation of €2m has been secured for road resurfacing on the N10 Waterford Road from Springhill to Danesfort. Funding will also be available for upgrading of Road Signage.

Contributions were received from Cllr’s T. Maher, M. Shortall, M.H Cavanagh, M. Doran and P. Cuddihy. Issues raised related to signage on a number of roads. Projected start on works at Damerstown. Mr. Mulholland advised that the Council is endeavouring to acquire lands by negotiations instead of proceedings to C.P.O.

(iv) Notification of Grant allocation for bus shelters

Mr. Mulholland referred to report circulated to members and advised that an allocation of €110,000 has been secured for first phase of a bus stop programme in Co. Kilkenny. The locations are listed in the report. Works will include roadmarkings and signs, provide seating and provision of Kassel kerbs. Further phases of the project will be advised in 2012 subject to funding.

Contributions were received from Cllr's P. Millea, P. Dunphy, M. Shortall, S. Treacy, P. Crowley, T. Maher, C. Long and C. Connery. Members welcomed the funding to commence the bus stop upgrade programme. Queries raised in relation to other areas of the County to be included, provision of bus shelters for people waiting in inclement weather, cars parking in designated bus shelters and advertising on bus shelters, and criteria used in the selection for Phase 1.

Mr. Mulholland responded to all queries raised and advised the provision of bus shelters is not included in the allocation received, revenue from advertising is only viable in urban areas. National Transport Authority decided on the locations based on information submitted.

(v) Presentation on 'Winter Ready' Severe Weather Preparedness

Mr. John Mulholland made a presentation to members on the information available on the Council's website on winter maintenance. An information booklet 'Be Winter Ready' has been published by the Office of Emergency Planning and it is advisable that all the public read it. Details of the Council's winter maintenance service plan outlines the Council's policy on treating the roads, the road network covered and available plant. The Council will have access to 4,000 tonnes to salt over the winter period and salt will be stored in our depots at Hebron Road Kilkenny and Newrath. A number of items of plant have been purchased during 2011. There will be co-operation with adjoining authorities also.

Mr. Eamon Mahon outlined the water services response for a period of severe weather. He gave details of available service such as standpipes, tankers, intermediate bulk containers for the supply of water in the event that any water service is disrupted.

Contributions were made by Cllr's P. Cuddihy, M.H Cavanagh, A. McGuinness, T. Maher, T. Breathnach, M. Noonan and J. Coonan.

The issues raised related to community awareness and publicity campaign, the availability of salt, dealing with roads not listed in the schedules, engaging with the farming community and response from volunteers and dealing with lagging of pipes in local authority houses. Cllr. M. Noonan stated that flooding is now another extreme climate change challenge and that the army should be given a key role in responding to these situations.

Mr. J. Mulholland, P. O'Neill and J. McCormack responded to the queries raised. The members were advised that dedicated phone lines are available for a call centre if required and the Council will initiate a publicity campaign on the key points over the next few weeks.

(d) Finance - Airgeadais

- (i) Audited Annual Financial Statement for y/e 31st December, 2010.

Item deferred to next meeting

(e) Planning - Pléanail

- (i) Managers Report on submissions to proposed Amendment 1 to Ferrybank/Belview Local Area Plan

Mr. Denis Malone advised members that the Manager's Report on submissions has been circulated. The proposed amendments to the Local Area Plan were on public display from the 26th August – 7th October 2011. 11 submissions were received in response to the public display period. The report addresses the issues raised, the responses and recommendation of the Manager. In addition to these submissions there is an addendum on the phase zoning of lands at Abbeylands and 2 text amendments.

Cllr A.M Irish proposed that the lands referred to in submission PAFB5 be included in Phase 1 as there is a potential to provide necessary upgrading of waste water services in the Cloone/Mullinabro/Newrath Area. The owners are seeking to develop these lands and are committed to implementation of waste water infrastructure for the benefit of the communities.

Cllr. P. Dunphy seconded Cllr. A.M Irish's proposal. He stated that the Council has no proposals to upgrade sewerage facilities for people living in this area and have provided no infrastructure over the last 20 years. All the houses in this area have individual septic tanks. Cllr. C. Long and Cllr. E. Aylward supported this as the services in this area are totally inadequate and a solution will have to be found.

Mr. Malone stated that the zoning of these lands in Phase 1 is not in his opinion the correct decision. There are very little services in this area. The council met the developer in November 2010 in relation to the provision of pumping station and associated pipework. There has been no engagement since then and no agreement reached. There will be financial implications for the Council as the extended pipe network will have to be provided. Mr. O'Neill stated that a Group Sewerage Scheme could be advanced for the existing houses in this area. Cllr. T. Breathnach raised an issue in relation to the amount of grant available for group sewerage schemes and said that it is much lower than grants for water. He proposed that we write again to the Minister requesting group sewerage grants be increased. This was seconded by Cllr. M. Noonan.

Cllr. T. Breathnach stated that the question of zoning lands should not be a means to facilitating infrastructure.

Mr. Malone stated that these were approximately 270 hectares zoned and under the Core Strategy, 27 hectares were required to cater for the growth in population in the Ferrybank/Belview area. The proposed amendment allows for 58 hectares which is far in excess of that required.

The intention is to align the zoning in Phase 1 to the growth in population. There are existing permissions in place to provide one house for every 2 people. Cllr. M. Noonan agreed with the Manager's recommendation that the land referred to in submission PAFB5 should be Phase 2, He raised a query in relation to submission PAFB10 – Miriam Cass and said that there is a valid argument to have the land zoned for passive open space.

Further contributions were made by Cllr. F. Doherty, Cllr. P. Dunphy, Cllr. T. Breathnach, Cllr. S. Treacy and Cllr. T. Maher.

The County Manager advised that following the full discussion on the proposed change that the zoning has been extended to 58 hectares. If there is any additional zoning in Phase 1 the Department may instruct the council to only zone 27 hectares. It would be a serious mistake to zone the land in Phase 1 in submission PAFB5.

Members requested an adjournment of 10 minutes to consider further the issues addressed. This was agreed.

The meeting resumed at 5.20pm.

Cllr. P. Dunphy proposed that the item be deferred to the December meeting and this was seconded by Cllr. C. Long. On a show of hands the proposal was carried by fifteen votes to five votes.

Voting in favour (15) – Cllr's T. Breathnach, C. Connery, J. Brennan, P. Dunphy, F. Doherty, A.M Irish, T. Maher, P. Crowley, J. Galway, B. Manning, A. McGuinness, J. Coonan, C. Long, E. Aylward and S. Treacy.

Voting against (5) – Cllr's M. Noonan, P. Cuddihy, M. Fitzpatrick, M. Shortall and T. Prendergast.

(ii) Unfinished Estates

Mr. J. McCormack referred to the report circulated to the members in relation to the funding received from the Department for safety works on unfinished estates.

Funding was approved initially for seven developments, and works have been carried out on three estates to the value of €76,000. The other four estates did not require intervention by the Council as they are either in NAMA or the developer engaged with the Council. It was stressed that funding was only

available to carry out safety works such as fencing, filling in open drains, covering exposed chambers and tidying up sites.

The County Manager advised members that the money approved by the Department was not needed. Queries were raised by Cllr's C. Connery and F. Doherty in relation to works required on other estates and if funding would be available into the future.

Mr. McCormack responded to these queries.

(iii) Quarries

Mr. N. Louw, Planner made a presentation to members on the recent planning and environmental legislation in relation to quarries. Local authorities are required to review all quarries operating in their areas to ensure that they are compliant. Kilkenny County Council will have to examine over a hundred quarries within the specified period of nine months. Statutory notice will appear in the paper shortly advising quarry owners/operators of our intention to examine every quarry. Members of the public can make submissions/ observations on any issue relating to quarries in their area. Staff will be assigned full-time to this work due to the constraints of completing the review in nine months.

It was agreed that the powerpoint presentation be circulated to the members for their information, and that the matter be discussed at area meeting to keep councillors informed of the progress of the review/examination of quarries.

(f) Environment - Timpeallacht

- (i) Section 85 Agreement between Kilkenny, Waterford and South Tipperary County Councils to ensure continuity in the provision of official Food Control Services.

It was proposed by Cllr. T. Maher, Seconded by Cllr. P. Crowley and agreed that "That Kilkenny County Council enters an agreement under Section 85 of the Local Government Act, 2011 with Waterford County Council and South Tipperary County Council to carry out statutory Food Safety Functions on behalf of Kilkenny County Council."

(g) Water Services - Seirbhísí Uisce

- (i) Releasing Water Quality Information Project – Kilkenny County Council - Winner of Chambers Ireland Excellence in Local Government Awards 2011 (Presentation by Michael Arthurs) –

The Cathaoirleach welcomed the staff from water services and congratulated them on their work and winning the Chambers Ireland Excellence award for 2011 recently.

Michael Arthurs Project Leader of “Releasing Water Quality Information” outlined to the members details of the project and the information that is available through smart phones to the emergency staff, water caretakers and supervisors on the water quality in the various schemes throughout the county. He advised that they have worked in co-operation with one group scheme to ensure their water quality information is available and up to date. All the information/test results are available for the public to view on the Council’s website on all public schemes and group schemes.

The County Manager congratulated and complimented staff and Director of Services on their work. Contributions were made by Cllr’s. J. Brennan, M. Shortall, P. Crowley and J. Coonan. Members complimented staff on winning this national award and stated that this was a very important project with all the information available through technology.

As it was now 6pm, the business of the meeting concluded. Therefore all the remaining items on the agenda are being deferred to the December 2011 meeting.

5. Fix Dates and Times of Meetings - Dátaí agus Amanta do chruinnithe a shocrú:

(i) Schedule of meetings for November 2011 – January 2012.

Deferred to next meeting

(ii) Fix dates for Budget 2012 meetings.

Deferred to next meeting.

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

(a) Report and recommendation of Piltown Electoral Area Committee Meeting held on the 30th September, 2011. – **Deferred to next meeting**

(b) Report and recommendation of Callan Electoral Area Committee Meeting held on the 5th October, 2011. **Deferred to next meeting.**

(c) Report and recommendation of Strategic Policy Committee (5) - (Arts, Culture, Heritage, Tourism and Education) Meeting held on the 6th October, 2011. **Deferred to next meeting.**

8. Education & Training – Oideachas agus Oiliúint

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

Deferred to next meeting.

Summary of proceedings at Conferences have been received from:

Councillor	Date of Conference	Title of Conference
T. Maher	8 th – 10 th September, 2011	AMAI Annual Conference
F. Doherty	9 th September, 2011	Developing Community Resilience and Understanding
Ml. O'Brien	9 th – 10 th September, 2011	Anthony Trollope Summer School
M. Doran	23 rd –25 th September, 2011	Effective Representation to your constituents.
T. Prendergast	23 rd –24 th September, 2011	LAMA Autumn – The role of tourism in economic recovery
C. Connery	28 th September, 2011	Ageing Well Network
J. Coonan	29 th September, 2011	TASC – Instruments of Recovery
F. Doherty	30 th September, 2011	National Enterprise Conference
C. Connery	3 rd October, 2011	Simon – Homelessness & Health – Making a Link
F. Doherty	7 th – 8 th October, 2011	Local Government and Planning Seminar
P. Dunphy	14 th – 16 th October, 2011	Local Authority Housing Affected by the Social Housing Assessment Regulations

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

Deferred to next meeting.

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

ALL DEFERRED TO NEXT MEETING

22(11) Clare County Council (Deferred from October meeting)

“That this Council call on the Minister for Sport and the Director General of the GAA to have an investigation carried out as to why there is a \$20 charge to be paid by patrons who want to watch GAA games live on TV in the various pubs throughout the U.S.A.”

23(11) Monaghan Town Council (Deferred from October meeting)

“Recognising that families in Monaghan are already struggling to make ends meet at present and further recognising that many local businesses have

been devastated by the reduction of spending power of the people of the town through job losses, tax increases and austerity measures; Monaghan Town Council notes with concern the Governments proposals to introduce water charges and property taxes. That this Council recognises that such a move will deflate our local economy even further and prolong the current recession. We call on the Government to desist from introducing these additional taxes at this time.”

24(11) Monaghan Town Council (Deferred from October Meeting)

“That this Council seeks that the Government fast track the Criminal Justice Community Service Bill 2011 in order to further develop the community service provision as an alternative to offenders being a burden on the State and the taxpayer and in addition that recruitment of community service supervisors who will ensure that offenders have the opportunity to serve their full sentences in community service work quickly, appropriately and fully.”

25(11) Donegal County Council

“That Donegal County Council calls on this Government to immediately amend the Redundancy Payment Acts 1967-2007 so as to ensure that an employer is legally obliged to sign the RP50 upon dismissal and if he/she fails to do so that an increased penalty should be enforced and also recognise that the current waiting time for the employment appeal tribunal is excessive and call for the hearings to be expedited.”

26(11) Donegal County Council

“That this Council discuss the Family Home Bill on Families facing severe mortgage difficulties that was supported by all opposition parties and Independent Senators, and had the full backing of the Free Legal Aid Centre (FLAC) and the New Beginning Group, as there is widespread recognition from interest groups and politicians alike that this Bill would give strong legal protection to families facing the prospect of losing their homes because of mortgage difficulties.”

27(11) Clare County Council

“That this Council calls on the Minister for Agriculture to fight to protect the Single Farm Payment to Irish Farmers in the negotiations on CAP reform.”

28(11) Donegal County Council

“That Donegal County Council refrain from collecting any charge that may be imposed on owners of septic tanks that are working properly, as this is a discriminative form of collecting revenue.”

29(11) Donegal County Council

“That this Council recognises the need to upgrade many septic tank systems in Ireland in order to meet the 1975 and 1991 European Directives on waste water but affirms that the Directives should not be used as a mechanism to raise revenue from struggling home owners in rural communities and calls for:

- The costs of works on septic tanks which need to be upgraded, to be grant aided from central government funds such as waste water capital programmes.
- A system, similar to that in the north of Ireland, where a desludging service is provided yearly, free of charge to homeowners financed by the Department of Environment.
- A programme to be put in place to protect our ground water and surface water, based on the information gathered in the recent River Basin Management Plans and that a hierarchy of threats to our ground water and surface water status be put in place, including threats posed by septic tanks.”

30(11) Donegal County Council

“That Donegal County Council address the issue of EU regulations of septic tanks in our County, also all Sewage Treatment Plants and Waste disposal.”

31(11) Monaghan County Council

“That in view of the failure of the Keane Report to adequately address the difficulties being experienced by distressed mortgage holders in a reasonable timeframe, that Monaghan County Council calls on the Government and the Minister for Finance to examine other solutions that would have a more immediate impact in helping resolve these distressed mortgage holders difficulties and furthermore to examine the solutions put forward by the New Beginnings Group.”

Signed: _____
Cathaoirleach

Date: _____

