

## **Minutes of Council Meeting held on Tuesday 18<sup>th</sup> March, 2014.**

**Chair:** Cllr. P. Dunphy

**Cllrs:** M.H. Cavanagh, P. Millea, M. Shortall, J. Brennan, C. Connery, J. Coonan, M. Brett, P. Cuddihy, M. Noonan, A. McGuinness, D. Fitzgerald, M. Doran, T. Maher, P. Crowley, T. Prendergast, S. Treacy, C. Long, T. Breathnach, A.M Irish, E. Aylward, F. Doherty, W. Ireland and M. O' Brien.

**Officials:** J. Crockett, J. Mulholland, J. McCormack, P. O' Neill, M. Prendiville, M. Mullally, M. Newport, S. Walton, D. Malone and A.M Walsh.

**Apologies:** M. Fitzpatrick & J. Moran.

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

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 10<sup>th</sup> February, 2014.** Proposed by Cllr. T. Maher, Seconded by Cllr. M. Brett and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 10<sup>th</sup> February, 2014 as circulated with the agenda be and are hereby approved."
- (b) Minutes of Environment SPC 3 Meeting held on 22<sup>nd</sup> January, 2014.** Proposed by Cllr. T. Maher, Seconded by Cllr. F. Doherty and agreed:- "That the minutes of the Environment SPC Meeting held on 22<sup>nd</sup> January, 2014 as circulated with the agenda be and are hereby approved".
- (c) Minutes of Thomastown Electoral Area Meeting held on 27<sup>th</sup> January, 2014.** Proposed by Cllr. S. Treacy, Seconded by Cllr. M. O' Brien and agreed:- "That the minutes of the Thomastown Electoral Area Meeting held on 27<sup>th</sup> January, 2014, as circulated with the agenda be and are hereby approved".
- (d) Minutes of Forward Planning & Development SPC 1 Meeting held on 10<sup>th</sup> February, 2014.** Proposed by Cllr. M. Shortall, Seconded by Cllr. F. Doherty and agreed:- "That the minutes of the Forward Planning & Development SPC 1 Meeting held on 10<sup>th</sup> February, 2014, as circulated with the agenda be and are hereby approved".
- (e) Minutes of Piltown Electoral Area Meeting held on 12<sup>th</sup> February, 2014.** Proposed by Cllr. C. Long, Seconded by Cllr. E. Aylward and agreed:- "That the minutes of the Piltown Electoral Area Meeting held on 12<sup>th</sup> February 2014, as circulated with the agenda be and are hereby approved".
- (f) Minutes of Ballyragget Electoral Area Meeting held on 3<sup>rd</sup> March, 2014.** Proposed by Cllr. C. Connery, Seconded by Cllr. J. Brennan and agreed:- "That the

minutes of the Ballyragget Electoral Area Meeting held on 3<sup>rd</sup> March, 2014, as circulated with the agenda be and are hereby approved”.

- (g) Minutes of Piltown Electoral Area Meeting held on 4<sup>th</sup> March, 2014.** Proposed by Cllr. C. Long, Seconded by Cllr. E. Aylward and agreed:- “That the minutes of the Piltown Electoral Area Meeting held on 4<sup>th</sup> March, 2014, as circulated with the agenda be and are hereby approved”.

Cllr. P. Dunphy Cathaoirleach extended a warm welcome to Mr. Martin Prendiville who has taken up duty with Kilkenny County Council as Head of Finance and wished him well. All members welcomed Mr. Prendiville and offered their support to him.

The Cathaoirleach welcomed Cllr. B. Ireland back to the meeting after his recent illness.

Congratulations were extended to the following:-

- To all those who organised St. Patrick’s Day celebrations.
- Cllr. Jane Moran on the birth of her baby girl Catherine Mary.
- South Kilkenny Historical Society on runner up award. Well done for the best event organised by a community group.
- Well done to Ballyhale Shamrocks – All Ireland Ladies Camogie Final.
- Well done to Mount Leinster Rangers – Club championship hurling
- Clara Grace – 3<sup>rd</sup> All Ireland Senior title in Boxing.

The Cathaoirleach advised members that the Regional Beat FM litter promotion has been agreed by the 6 South East Local Authorities. It will be launched in April and run for 8 weeks. He asked members to support this campaign.

Votes of Sympathy were extended to:-

- Joan McLoughlin, Environment Section on the death of her granddaughter Holly Kate Gorey.
- Anne Maria Walsh, Planning on the death of her mother Margaret Lahert.
- The Ryan Family, Muckalee, Co. Kilkenny on the death of Seamus Ryan.
- Mrs. Helen Murphy, Kilmacar, Ballyragget, Co. Kilkenny on the death of her husband Eamonn Murphy.
- Ms. Helen Cahill & Family, Lismaine, Jenkinstown, Co. Kilkenny on the death of Chris Cahill.
- Benny Long, Fiddown, Piltown, Co. Kilkenny on the death of his brother Toddy Long, Fiddown, Piltown, Co. Kilkenny.
- Breda McDonald, Mullinavat, Ballintlea, Co. Kilkenny on the death of Colette Irish.
- Sean Walsh, Mill Road, Mullinavat, Co. Kilkenny on the death of his wife Teresa Walsh.
- Tamar Ureilli, C/o Camphill Community, Kyle, Coolea, Callan, Co. Kilkenny on the death of her husband Rev. Baruch Ureilli.
- The Breen Family, Kilmurray, Slieverue, Co. Kilkenny on the death of Jimmy Breen.
- Mrs. Trudy Duggan, Robinstown, Glenmore, Co. Kilkenny on the death of her sister Marie Lawlor.

- Catherine Croke & Family, Ballyveria, Glenmore, Co. Kilkenny on the death of Betty Murphy.
- John Healy & Family, Brownstown, Tullogher, Co. Kilkenny on the death of Brigid Clancy.
- Mary Quigley, Garranbetty, Rosbercon, Via New Ross, Co. Kilkenny on the death of Jack Creane.
- Peter Ryan and Family, Tullogher, Co. Kilkenny on the death of John Ryan.
- Paddy & Alice Fortune, Shanbogh, Tullogher, Co. Kilkenny on the death of Brian Fortune.
- Stasia Cummins, Piltown, Co. Kilkenny on the death of Jim Cummins.

Cllr. Dunphy on agreement of the Council adjourned the meeting for 15 minutes as a mark of respect to Margaret Lahert.

Meeting resumed at 3.30p.m.

## **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. T. Breathnach, Seconded by Cllr. F. Doherty 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 dwelling at Kilmurry, Slieverue, Co. Kilkenny, to John and Winifred Barry, Kilmurry, Slieverue, Co. Kilkenny, with each party being responsible for their own legal costs associated with the sale”.
- (ii)** Proposed by Cllr. M. Shortall, Seconded by Cllr. J. Brennan and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in plot measuring 0.04 Acre at Castle Hill, Coon, Kilkenny to Andrew and Mary Dowling in accordance with the terms of the Housing Acts 1966 to 2002.
- (iii)** Proposed by Cllr. T. Prendergast, Seconded by Cllr. S. Treacy 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 lands measuring 2.25 hectares, at Brandondale, Graiguenamanagh, Co. Kilkenny, by way of a Long Term Lease to Barrow Valley Community Development Limited for a term of 20 years at €100 per annum with each party to be responsible for their own legal costs”.

**(b) Corporate - Gnóthaí Corparáideacha**

**(i) Report on February Storm**

Mr. J. Mulholland referred to his report circulated with the agenda. The report outlined in detail the disruption caused, the storm strength and the recovery from the storm. The cost of dealing with the storm and flooding has amounted to €567,000. Application for recoupment of this exceptional expenditure has been made to the Department of Environment, Community & Local Government. There were a number of key points which emerged from Storm Darwin.

- Major Emergency co-ordination group worked well and effectively.
- Community resilience is considered to be very strong.
- Voluntary response through communities, private sector and farming community is willing and very competent.
- Motorway network is a major benefit in time of crisis.

Mr. Joe Crockett acknowledged the great work done by all the services. He stated that the response from the communities was exceptional. He thanked companies/quarry owners, for the use of heavy lifting equipment, the farmers who assisted in moving trees off the roads and cutting them, tree surgeons who responded quickly to getting assessment done. He also thanked Kilkenny GAA for their immediate response in dealing with the roof on the stand at Nowlan Park.

Tributes were paid by a number of members to all LA Staff, external agencies, Civil Defence and other volunteers, companies and farming community who responded.

Contributions were received from Cllrs. P. Dunphy, M. H. Cavanagh, P. Cuddihy, M. O' Brien, J. Coonan, M. Noonan, F. Doherty, T. Maher, M. Shortall and C. Connery. Issues raised are as follows:-

- Protocol for schools – pupils leaving etc
- Use of MAP alert – text messaging service
- Flooding in a number of locations
- Recoupment of additional cost
- Dissemination of information in a timely manner and on a regular basis.
- Climate adaptation – Carbon Levy Fund
- Replace trees that have fallen – distribution of timber
- Survey of remaining trees

Mr. Mulholland responded to the issues raised and advised that it would be an expensive exercise to survey/monitor all remaining trees however, a visual inspection is underway.

Mr. Crockett thanked the members for their comments and tributes. A post review meeting will be held and the issues of notifying schools will be discussed.

The resilience and adaptation has improved over time and the LA is prepared for major emergency events.

**(ii) Local Community Development Committee (LCDC)**

Mr. John McCormack presented a PowerPoint presentation to the members. He outlined the changes to be undertaken following the Local Government Reform Act 2014.

The establishment of LCDC is a reserved function. Membership of LCDC will be 15, consisting of 3 elected members, CE or nominee from existing LA staff, 3 from state agencies and 8 from private/not statutory sector.

The LCDC is obliged to prepare and adopt a 6 year Local Economic and Community Plan.

The Economic Plan to be prepared by the County Council and the community element to be prepared by LCDC. Guidelines are still awaited in relation to this. He outlined the timeframe for the various milestones during 2014. On 1/1/2015 the new LCDC commences and activities will be managed fully by LCDC, administrative support will be provided by the local authority.

Contributions were received from Cllr. T. Prendergast, M. Noonan, T. Breathnach, J. Brennan, T. Maher, and J. Coonan. The issues raised related to:-

- Clarity on the appointment of 3 elected members
- 3 members v 4 Municipal Districts
- Lessening the role of the voluntary sector
- Current information is sketchy – local communities needs to be kept up to date with the information.
- Need for workshop for community groups.

Mr. Crockett advised that there is an economic plan in place since 2010. The timelines are short and must be met as funding will be sourced from the EU. This is another form of the County Development Board. Mr. McCormack advised that a seminar had been organised for all community groups last November. Discussions have been taking place with National Community Organisations over the last 2 years.

**(c) Planning – Pleanail**

**Building Control Regulations**

Mr. D. Malone Senior Planner presented a comprehensive technical report on power point to the members. He advised that new regulations became effective from 1<sup>st</sup> March, 2014. A new framework has been developed for Building Control Authorities. There is now a requirement for statutory certification, lodgement of plans, mandatory inspection by certifier and validation. A new IT system has been developed and commencement notices can now be made on line. A public register

must be maintained by the local authority. The process has now been divided into 3 stages – commencement, construction and completion. Details of each stage were outlined in the PowerPoint presentation. A design certifier is now responsible for signing the cert of compliance, co-ordinating and compiling plans, specifications, and other documents to be lodged with the certification and commencement notice. The aim is to build a culture of compliance. The Local Authority has an inspection target of 15% of buildings notified for commencement.

Frequently asked Questions, document and Memorandum on self build was circulated for member's information.

Contributions were received from Cllr. P. Dunphy, D. Fitzgerald, T. Breathnach, M. Doran, M. O' Brien and M. Shortall. Issues raised by members were as follows:-

- New changes will place a significant burden on the construction industry
- Cost of professional charges for certification
- Professional indemnity
- Are there sufficient LA resources to do the inspection
- Concerns for those who wish to self build their houses.

Mr. Malone replied to the queries raised and advised that this will not prevent anyone from building their own houses. It is intended to have a register of builders by 2016. The cost associated with certification will be well worth the extra money. Mr. Malone stated that there will be a drain on existing LA resources in order to inspect these buildings.

#### **(d) Roads - Bóithre**

##### **(i) 2014 Roadwork's Scheme**

The Roadwork's Scheme for 2014 has been circulated with the agenda for member's information. Mr. Mulholland advised that the Road Works Scheme has been discussed in detail at each electoral meeting.

Appendix 4 to 8 outlined the individual area allocation. The funds available for road works in 2014 is €15.02m, an increase of 8% over the 2013 funds. Included in the 2014 total allocation is a provision of €1.7m for Village Renewal Schemes. It is intended to complete the Road Safety Plan 2014-2020 also in 2014.

Mr. Mulholland referred member's attention to energy efficient lighting pilot projects which are being developed in consultation with the Carlow Kilkenny Energy Agency at 3 locations in County Kilkenny. Kilkenny County Council will also participate in a European Public Lighting Project during 2014. It is likely that an additional 1,000 public lights will be taken in charge from residential development over the next few years.

The adoption and approval of the Road Works Scheme for 2014 was proposed by Cllr. T. Maher, Seconded by Cllr. C. Connery and agreed by all members.

- (ii) Proposed by Cllr. D. Fitzgerald, Seconded by Cllr. P. Cuddihy 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 at Richview, Castlecomer Road, Kilkenny to be a public road”.
- (iii) Proposed by Cllr. C. Long, Seconded by Cllr. E. Aylward 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 at 30 Houses at Coirceog, Fiddown, Co. Kilkenny to be a public road”
- (iv) Proposed by Cllr. M. Noonan, Seconded by Cllr. D. Fitzgerald 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 at Clongowen Estate, Smithsland North, Waterford Road, Kilkenny to be a public road”.

## **(e) Housing**

### **Traveller Accommodation Programme 2014-2019**

Cllr. M. Noonan raised a query in relation to the proposed housing at the St. Catherine’s Wetland. He requested that a task force be established to deal with all the issues arising apart from housing. He referred to the recent report launched by the Fr. McGrath Centre and appealed to all agencies to engage. The issue of horses needs to be dealt with and he referred to the proceeds from the sale of site to McDonalds which was earmarked for the development of a horse project.

Contributions were also received from Cllr. J. Coonan, J. Brennan, M. H. Cavanagh, C. Connery and T. Maher. The matters raised are as follows:-

- Management of Halting sites and adjoining lands where dumping is occurring.
- Impoundment of horses- negative publicity being generated when horses are put down.
- Housing staff complimented on the ongoing work in accommodating travellers.

- Travellers must also engage.

Mr. Crockett responded to the member's queries and concerns. He stated that the targets for accommodation approved in the last Traveller Accommodation report were exceeded and it would be our ambition to have the same outcome with the programme for 2014-2019.

Designs for the re-development of St. Catherine's is complete, the necessary funding from the Department to commence work is required. Application has been made. In relation to the horse project, the impounding of horses has increased and horses are not been reclaimed. The Council has earmarked funding for the horse project however, no other agencies has made a commitment. A meeting of all the other agencies will take place to discuss the Horse Project and a report will be brought back to the members.

It was proposed by Cllr. M. O' Brien, seconded by Cllr. J. Brennan and agreed: -  
"That "Kilkenny County Council hereby adopts the Traveller Accommodation Programme 2014 - 2018, as circulated to the Elected Members."

#### **(f) Presentations**

##### **Briefing on the establishment Local Enterprise Office**

Ms. Fiona Deegan, Acting CEO of Kilkenny County Enterprise Board gave a power point presentation to the members on the establishment of the new Local Enterprise Office. A copy of her presentation was circulated for member's information.

She updated the members on the following:-

- County Enterprise Boards Dissolution Bill
- The current Enterprise Board will be dissolved on 11<sup>th</sup> April, 2014.
- Local Enterprise Office (LEO) will then be established
- Service Level Agreement will be made between Enterprise Ireland and the Local Authority.
- Funding streams were outlined
- The objective and role of LEO was outlined
- Details were provided on the supports and services to be provided by the LEO such as Business information and Advisory Services, Enterprise Support Services, Entrepreneurship support services and Local Enterprise Development Service.

She advised that an evaluation and approvals committee will also be established. A public call for expression of interest is currently being advertised.



Members thanked Ms. Deegan for her presentation. Contributions were received from Cllrs. M. Shortall, J. Brennan, T. Prendergast and T. Breathnach in relation to ongoing support/funding during the transition and members of the evaluation committee.

Ms. Deegan responded to all queries raised.

## **Radon**

Mr. David Fenlon of the Radiological Protection Institute of Ireland (RPII) gave a PowerPoint presentation to the members on Radon in Kilkenny. An information pack on Radon was circulated to members.

Mr. Fenton advised members of the role of RPII as an advisory and regulatory body. It also does environmental monitoring and carries out measurement of Radon. The RPII will be merged with the EPA in July 2014.

He outlined what is Radon, how Radon builds up in buildings, if a person is exposed to Radon what the health risks are. Details of level of Radon in Ireland were shown on a map with particular emphasis on the Radon in Kilkenny. Measuring of Radon in a home can be done very easily and the cost is €50. He stated that the Kilkenny awareness week begins on 24<sup>th</sup> March, 2014 and information will be posted to every home in Kilkenny. There will be 2 public meetings and there will be advertisements on newspapers and on the radio.

Cllr. P. Dunphy thanked Mr. Fenlon for his presentation.

Contributions were received from Cllr. C. Connery, F. Doherty, S. Treacy and M. Shortall in relation to a home owner carrying out the measurement, where to purchase the detectors, how a home owner can protect themselves in the house, and the possibility of a partnership between SEAI and RPII when people apply for energy efficient grants, that precautions are also, take to reduce levels of radon in their homes.

Mr. Fenlon replied to all the queries raised.

## **Watershed**

Mr. Billy Murphy, Chairperson of Watershed Board thanked members for the opportunity to make a presentation to the members on an update of activities and operation of the Watershed Leisure Centre during the past year. He confirmed to the members that the Board decides on all the Corporate Governance issues.

Mr. Dermot Gaynor Chief Executive made a power point presentation on operation of the facility. In his presentation he outlined to members the turnover and visitor numbers, the breakdown of the activities and individual events both local and national which have taken place at the leisure centre.

The aim of the watershed is to operate the facilities to a high standard from a health and safety, hygiene, child protection and customer service aspects, to provide a leisure facility for individual groups, communities, schools etc. There is a 3 year strategic plan in place and it is reviewed on a regular basis. He advised members that the track needs to be re-surfaced. Funding needs to be sourced for the work. Applications for grants have been made to supplement the agreed contribution from the Council.

Members thanked them both for their presentation.

Contributions were received from Cllr. M. O' Brien, P. Cuddihy, J. Coonan, T. Maher, T. Breathnach, C. Connery and P. Dunphy were as follows:-

- Complimented management and staff on the increase in numbers and activities provided.
- The benefits the facility has brought to the City and County.
- Promotion of facility in conjunction with other amenity/adventure centre.
- Clarity on the replacement of the track, widening the track and total cost of work.

Mr. Crockett congratulated the board, management and staff on the operation of the facility and on their financial performance to date.

Mr. Billy Murphy thanked the members for listening to them and extended an open invitation to the Council to have a meeting at the Watershed or to pay a visit to see the facility.

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) Schedule of meetings from March - May 2014. Proposed by Cllr. C. Connery, Seconded by Cllr. F. Doherty and agreed.

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

Deferred to April Meeting.

7. **Other Business set forth in the Notice convening the Meeting -**

**Gnó Eile romhainn i bhFógra reachtála an Chruinnithe**

None.

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

(i) Conferences – Request for approval to attend as per circulated list.  
Proposed by Cllr. C. Connery, Seconded by Cllr. M. Noonan and agreed.

(ii) Summary proceedings at Conferences – to follow  
Proposed by Cllr. M. Shortall, Seconded by M. Noonan and agreed.

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

None.

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

Cllr. Dunphy stated that he has received two letters from community groups in relation to water issues. Mr. O' Neill advised that he will raise these matters with Irish Water.

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

Deferred to April 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:**

Deferred to April Meeting

Signed: \_\_\_\_\_  
Cathaoirleach

Date: \_\_\_\_\_