

MINUTES OF ORDINARY COUNCIL MEETING HELD ON MONDAY, 21ST MAY, 2018 AT 3.00 P.M.

Chair: David Fitzgerald

Cllrs: Eamon Aylward, John Brennan, Tomás Breathnach, Mary Hilda Cavanagh, Peter Cleere, Fidelis Doherty, Matt Doran, Michael Doyle, Pat Dunphy, Ger Frisby, Pat Fitzpatrick, Breda Gardner, David Kennedy, Andrew McGuinness, Joe Malone, Michael McCarthy, Pat Millea, Malcolm Noonan, Melissa O'Neill, Patrick O' Neill, Maurice Shortall and Sean Tyrrell.

Officials: Colette Byrne, Tim Butler, Martin Prendiville, Sean McKeown, Mary J. Mulholland, Fiona Deegan, Catherine Cooney, Brian Tyrrell, Bríd Hynes, Michael Delahunty, Dearbhala Ledwidge, Mary Butler, Josephine Coyne & Anne Maria Walsh.

Apologies: Cllr. Patrick McKee.

1. Confirmation of Minutes

- (a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 16th April, 2018**

Proposed by Cllr. Matt Doran, seconded by Cllr. Malcolm Noonan and agreed:

"That the Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 16th April, 2018, as circulated with the Agenda be and are hereby approved".

- (b) **Minutes of Meeting In Committee held on Monday 16th April, 2018**

Proposed by Cllr. Peter Cleere, seconded by Cllr. David Kennedy and agreed:

"That the Minutes of Meeting In Committee held on Monday, 16th April, 2018, as circulated with the Agenda be and are hereby approved".

- (c) **Minutes of SPC5 Meeting: Environmental Protection, Water Services & energy held on Thursday, 16th November, 2017**

Proposed by Cllr. Michael McCarthy, seconded by Cllr. Pat Dunphy and agreed:

"That the Minutes of SPC5 Meeting: Environmental Protection, Water Services & energy held on Thursday, 16th November, 2017, as circulated with the Agenda be and are hereby approved".

- (d) **Minutes of SPC4 Meeting: Housing held on Thursday, 25th January, 2018**

Proposed by Cllr. John Brennan, seconded by Cllr. Maurice Shortall and agreed:

"That the Minutes of SPC4 Meeting: Housing held on Thursday, 25th January, 2018, as circulated with the Agenda be and are hereby approved".

Cathaoirleach congratulated all involved in organising a very successful Brexit Breakfast. He also congratulated the three Kilkenny Young Entrepreneurs who were successful at the National Finals and all those involved in the Community Games.

Cathaoirleach extended votes of sympathy to the following:

- Claire Buckley, Human Resources Department on the death of her mother Judy Buckley.
- The Family of Richard Healy, Conahy.

2. (a) Planning

Part 8 - 22 Units at Station Avenue, Ballyragget

Ms. Mary J. Mulholland presented the Chief Executive's Report on the Part 8 for the 22 houses at Station Avenue, Ballyragget. She advised the Members that consultation has been carried out. In the detail design a road safety audit will be undertaken. Three third party submissions were received and these have been considered and the issues have been taken into account in the assessment of the Part 8.

Contributions were received from Cllrs. M. Shortall, J. Brennan, P. Fitzpatrick, M. McCarthy, M.H. Cavanagh, A. McGuinness, D. Kennedy and M. O'Neill.

Members welcomed this development and thanked the Housing Staff for their professionalism in carrying out the public consultation. The issues raised by Members are as follows:

- Safety Audit required on the exit to Station Road.
- Traffic calming measures within the development.
- Welcomed the mix of units.
- Commence pilot scheme in Ballyragget with Repair/Lease Scheme.
- Availability of serviced sites for private houses.
- Serviced lands owned by Kilkenny County Council.

Ms. Mulholland responded to the issues raised and advised that the Council does have some serviced land available which will be used for social housing development first. The Housing Department is actively looking at lands on the market.

She advised that approval has been received to appoint a "Vacant Houses" Officer. This Officer will actively be seeking opportunities for the Council to add to their housing stock either by Turnkey development or acquiring land for building.

It was proposed by Cllr. Maurice Shortall, seconded by Cllr. John Brennan and agreed:

"We the members of Kilkenny County Council approves Part 8 in accordance with Section 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended, for Construction of 22 Housing Units at Station Avenue, Ballyragget, Co. Kilkenny, as circulated."

(b) Roads

Section 85 with Kildare County Council for Pedestrian Bridge in Castlecomer

Mr. Tim Butler referred to his report circulated with the Agenda. He advised Members that an application for funding for the proposed pedestrian bridge at Castlecomer was submitted under the Town & Village Renewal Scheme 2017. Kilkenny County Council also made contact with Transport Infrastructure Ireland [TII] seeking a financial contribution. Due to the significant contribution to the safety of pedestrians and road users this new bridge would make, TII advised of their willingness to proceed with the design and construction of this bridge subject to planning. Bridge management for national roads in this region is undertaken by Kildare County Council. In order to facilitate the design and construction of the proposed pedestrian bridge, a Section 85 Agreement is required with Kildare County Council. The project will be subject to planning and other related consents.

Contributions were received from Cllrs. P. Fitzpatrick, M. Shortall, J. Brennan, M. Noonan and B. Gardner in relation to this proposed bridge and the feasibility of an overbridge on the Kilkenny Ring Road.

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Maurice Shortall and agreed that:

"We the members of Kilkenny County Council approve Section 85 Agreement between Kilkenny county Council and Kildare County Council for the proposed Pedestrian Bridge at Castlecomer, Co. Kilkenny."

(c) **Environment**

Amenity Grants

Mr. Sean McKeown presented his report on the Amenity Grant Scheme for 2018. He advised that 156 applications were received seeking grants amounting to €273,000. 153 applications are recommended for approval for a grant. Two applications were referred to the Estate Management Grant Scheme and one application was withdrawn. The funding available of €127,000 was decided by an Evaluation Committee. The total fund of €127,000 has been allocated and it is recommended that the grants as outlined in the Schedule circulated be approved by the Members.

Contributions were received from Cllrs. F. Doherty, P. Cleere, M. Noonan, D. Kennedy, T. Breathnach, M. O'Neill & B. Gardner in relation to:

- Increased funding required to meet the needs.
- Bio-diversity projects, composting etc.
- Recognise the commitment of the Community.
- Welcome the development of a new criteria for assessing applications.

Mr. McKeown responded to all the queries raised.

It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Peter Cleere and agreed:

"That the Amenity Grants are hereby approved by the members of Kilkenny County Council."

(d) **Community & Culture - Pobol Cultúr**

(i) **Festival & Event Grants 2018**

Mr. Brian Tyrrell presented his report on the allocation of Festival & Event Grants for 2018. He advised that the budget for 2018 is €95,000. There is a need to split this money into two separate funding streams i.e. Festival Funding and Community Event Funding as per report circulated. Mr. Tyrrell sought approval of the Council to the allocation of €95,000 to the various applications and to the five changes to the current Festivals & Events process as outlined on Page 3 of his report.

Contributions were received from Cllrs. P. Cleere, M. Noonan, T. Breathnach & D. Fitzgerald in relation to the following:

- Award Ceremony in 2018, opportunity to launch 2019 Programme.
- Economic boost to Kilkenny.
- Plan Festivals over a longer period.
- Festivals embedded in our Tourism Strategy.

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Malcolm Noonan and agreed:

"That the Festival & Event Grants 2018 are hereby approved by the members of Kilkenny County Council and that the recommendation in relation to the administration of the Scheme in future years as presented in the Report to the Council is also approved."

(ii) Kilkenny County Council Cultural Strategy [Arts, Heritage, Libraries] 2018-2022
Ms. Mary J. Mulholland gave a PowerPoint Presentation on the Draft Council's Cultural Strategy 2018 - 2022. In her presentation she gave an overview on the following:

- Vision for Kilkenny's Culture
- Core principles in the Strategy.
- Public Consultation carried out - 150 responses received.
- Five strategic priorities identified - 40 actions identified.
- Arts, Heritage & Library will have an annual in place for each of the five years.
- Plan adopted by SPC 3 on 11th April, 2018.
- Next Step - Appropriate assessment to be carried out before plan is published.

Contributions were received from Cllrs. D. Fitzgerald, M. Noonan, M. O'Neill, P. Cleere, T. Breathnach, P. Dunphy, M. Shortall & B. Gardner.

Members welcomed the overall strategy for Arts, Heritage & Libraries.

Issues raised by members related to the following:

- Challenges to meet the objectives in the Strategy.
- Issues - Bio-diversity Plan, Habitat Directive, Trails & Woodlands.
- Coillte to be included as part of Strategy.
- Plans for upgrading Libraries.
- Important to promote Irish Language, need for an Irish strategy.
- Increased grants for protected structures, improvement works.
- Current funding for Arts, Heritage & Libraries.

Ms. Mulholland responded to the issues raised and advised that Kilkenny County Council takes every opportunity to source funding for projects. The Council will normally provide matching funding to any grant approvals.

It was proposed by Cllr. Malcolm Noonan, seconded by Cllr. Melissa O'Neill and agreed:

"We the members of Kilkenny County Council hereby approve that the Cultural Strategy [Arts, Heritage & Libraries] 2018-2022 be adopted".

(e) **Economic Development**

(i) **Economic Monitor**

Ms. Fiona Deegan, Local Enterprise Officer gave a PowerPoint presentation on statistics/trends for Kilkenny in a wide range of areas. The monitoring on statistics and trends is an initiative of Kilkenny County Council. It is hoped to learn from the various statistics and trends on what is happening in County Kilkenny. Reports will be issued on a half yearly basis and feedback would be welcome.

The areas been monitored are as follows:

- Labour Market.
- Business Activity.
- Residential Development in Planning
- Property.
- Tourism.
- Education.

Contributions were received from Cllrs. E. Aylward, B. Gardner, M. Noonan, M. O'Neill, T. Breathnach, M. Shortall, P. Fitzpatrick and M. Doyle.

The issues raised by Members relate to the following:

- Lack of IDA itineraries to Kilkenny - invite IDA to Council Meeting.
- High rent for businesses.
- Rates of unemployment for individual towns in Kilkenny.
- Number of students seeking Third level education outside the Region.
- Areas of Social deprivation.
- Report issued by Transparency Ireland.

Ms. Colette Byrne and Ms. Fiona Deegan responded to the queries raised by Members.

Ms. Colette Byrne, Chief Executive advised that the Economic Monitor is only a "point in time" measure. Private sector development is required to boost the economy. The Council is playing its part with the Abbey Quarter and LIHAF Projects.

Ms. Byrne stated that the Council will write to the IDA to invite them to meet the Council. The IDA owns lands in Co. Kilkenny in the City and Belview.

Mr. Tim Butler advised the Members that the report issued by Transparency Ireland has been noted and welcomed. It is an opportunity to learn from it and we will be looking at making further information available on our website. He advised that there is not a legal obligation to publish documents on our website. All documents required by law to be published are available in our offices.

Cllr. Gardner advised that if meetings were live streamed, it would assist in transparency. She sought a report on the cost involved.

Mr. Butler advised that there is no provision in the budget for the costs involved in this. An estimated cost could be in the region of €50,000.

(ii) **Small Business Vacant Premises Incentive Scheme**

Mr. Martin Prendiville, Head of Finance presented his report on proposed changes to the Small Business Vacant Premises Incentive Scheme. To-date there were 28 enquiries resulting in eight applications being made to the Council. There were only three successful applications. It is now proposed to amend the Scheme to increase the threshold of €2,000 to €5,000 i.e. annual rates bill. This will enable more properties to be eligible for the Scheme. A property needs to be vacant for six months and there cannot be displacement of an existing business.

Contributions were received from Cllrs. D. Fitzgerald, M. Noonan, M. Shortall, M. Doran, B. Gardner and P. Dunphy in relation to the following:

- Increase in threshold is welcome and it will allow more properties to claim the incentive.
- Update on housing cities initiative.
- Relief for businesses in flood affected areas.
- Call for a review of valuation, write to Valuation Office.
- New legislation on rating of properties is going before the Oireachtas.

Mr. Martin Prendiville responded to the issues raised by the Members. He advised that the rating of properties is a matter for the Valuation Office, a separate Statutory Body. The revaluation of County Kilkenny is now complete. There are 200 properties on appeal to the Valuation Tribunal. It should be noted that 65% of rate payers have seen a reduction in their rates and also ratepayers within the City have seen a reduction due to harmonisation of rates.

Mr. Tim Butler advised that CFRAMS have published reports. These will come before the June Meeting for adoption by the Members.

It was proposed by Cllr. David Fitzgerald, seconded by Cllr. Malcolm Noonan and agreed:

"That Kilkenny County Council approves the increase in the threshold for eligibility for the Small Business Vacant Premises Incentive Scheme from €2,000 to include premises where the annual rates bill is up to a maximum of €5,000 and to amend the terms and conditions of the scheme as per the report circulated to members on 15th May 2018".

(f) **Finance**

Capital Budget 2018 - 2020

Mr. Martin Prendiville presented the Draft Capital Budget for 2018 - 2020. He advised Members that it is a rolling Capital Programme. The total estimated expenditure for projects under construction and projects being considered is €260m. A total of €212m is estimated to be incurred in the period 2018 - 2020. Details of projects under each service area are listed in the attached tables circulated. The Council will be required to borrow approx. €26m if all projects are to be delivered servicing the repayments will need to be considered at budget time. Choices will need to be made based on the finances available. The adopted Budget for 2018 including provision for a new loan finance of €5m. Members will be required to approve this borrowing at the July Meeting. In order to deliver on the substantial housing programme, the Council will require bridging facility. Discussion is ongoing with the Department and Housing Finance Agency in relation to this.

Contributions were received from Cllrs. M. Noonan, B. Gardner & D. Kennedy in relation to:

- Provision for pedestrian overbridge on the Ring Road.
- Widening of Vicar Street.
- No provision in IT Budget for live streaming.
- Who pays interest on bridging loan for Housing Projects.

Cllr. Malcolm Noonan objected to the inclusion of a provision of funding for the temporary car park in the Abbey Quarter.

Mr. Prendiville responded to the issues raised and advised any interest paid on bridging finance for Housing projects will be funded by the Department. Investment is required in our IT infrastructure. Due to cutbacks there has been no provision made in the last number of years for upgrading technology and licences.

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Maurice Shortall and agreed:

"We the members of Kilkenny County Council approve that the three year Capital Budget of Kilkenny County Council for the period 2018 – 2020 be adopted".

(g) **Corporate Affairs**

Chief Executives Monthly Report

Report has been circulated. Cllr. David Fitzgerald advised that the report will be taken as read. Any queries to be addressed to Chief Executive after the meeting.

3. **Urgent Correspondence**

None

4. **Business Adjourned From a Previous Meeting**

None

5. (i) **Schedule of Meetings from May, 2018 to August, 2018**

It was proposed by Cllr. Pat Millea, seconded by Cllr. Eamon Aylward and agreed.

(ii) **Fix Date for Workshop on National Planning Framework**

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Maurice Shortall and agreed that a Workshop will take place on Thursday, 31st May, 2018 at 5.00 p.m. on the National Planning Framework.

(iii) **Agree date for Cathaoirleach's Receptions.**

Cllr. David Fitzgerald advised that the CPG has approved Cathaoirleach's Receptions for the following:

- L'Arche:.....Thursday, 31st May, 2018 at 7.00 p.m.
- Vicky Phelan:Friday, 1st June, 2018 at 5.00 p.m.
- Heritage Council:Thursday, 7th June, 2018 at 5.00 p.m.

It was proposed by Cllr. Pat Millea, seconded by Cllr. John Brennan and agreed to the dates as outlined for three Cathaoirleach's Reception.

6. (i) **Report of SPC 5: Environmental Protection, Water Services & Energy**

Proposed by Cllr. Tomás Breathnach, seconded by Cllr. Pat Dunphy and agreed:

"That the Chairman's Report of SPC 5: Environmental Protection, Water Services & Energy held on Thursday, 16th November, 2017 as circulated with the Agenda be noted and hereby approved".

(ii) **Report of SPC 4: Housing**

Proposed by Cllr. Fidelis Doherty, seconded by Cllr. Melissa O'Neill and agreed:

"That the Report of Report of SPC 4: Housing held on Thursday, 25th January, 2018 as circulated with the Agenda be noted and hereby approved".

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

None.

8. **Conferences - Request for approval to Attend**

None.

9. **Matters Arising from Minutes**

None.

10. **Any Other Business**

None.

As the time was approaching 6.00 p.m. Cathaoirleach advised that as this is his last meeting, he wishes to complete all the items on the Agenda. He requested suspension of Standing Orders to complete Items 11 and 12.

It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. Tomás Breathnach and agreed by all.

11. **Notices of Motion**

04 (18) Cllr. Melissa O'Neill

It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. Malcolm Noonan:

"That Kilkenny Council start for 2018 the process and action towards working to make Kilkenny City and County Herbicide Free in public places. To be done through a phased reduction plan including reduced management plan, public education, all under the green flag initiative for all green areas, parks, play grounds and river walkways. As the EU ban on glyphosate commences in 2022, now is the time to start this process, allowing for the control of invasive plants such as Knotweed. Ireland has the second highest levels of Glyphosate in surface water a new report shows. A report research against cancer concluded it to be probably carcinogenic, also known to block proteins essential to soil and plant growth and well as destroying bee pollination."

Cllr. Melissa O'Neill spoke on this motion. A number of Councillors stated that they were not in agreement with the motion.

Cllr. David Fitzgerald advised that he was taking a vote on it.

In Favour [3] Cllrs. Breda Gardner, Malcolm Noonan & Melissa O'Neill

Against [14] Cllrs. John Brennan, Pat Fitzpatrick, Michael McCarthy, Pat Millea, Maurice Shortall, Peter Cleere, David Kennedy, Andrew McGuinness, Matt Doran, Joe Malone, Eamon Aylward, Tomás Breathnach, Fidelis Doherty & Pat Dunphy.

The Notice of Motion therefore was not carried.

08 (18) Cllr. Tomás Breathnach

Withdrawn.

09 (18) Cllrs. John Brennan, Mary Hilda Cavanagh, Pat Fitzpatrick, Patrick Millea, Michael McCarthy, Maurice Shortall

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Maurice Shortall and agreed that:

"That a survey be undertaken of the non National and non Regional roads to estimate the cost of restoring these roads to an acceptable level with a view to getting funds for repair and resurfacing from Central Government and that pothole filling on County and other roads be prioritised immediately to stop further damage to cars".

10 (18) John Brennan, Mary Hilda Cavanagh, Pat Fitzpatrick, Patrick Millea, Michael McCarthy, Maurice Shortall

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Maurice Shortall and agreed that:

"That Castlecomer Municipal District write to the Minister highlighting the devastating impact that the recent bad weather has had on rural roads in North Kilkenny and requesting emergency funding be put in place to carry out the necessary repairs in the interest of public safety."

11 (18) Cllr. Tomás Breathnach

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Maurice Shortall and agreed that:

"That Kilkenny County Council write to the Minister for Housing, Planning and Local Government to seek increased funding in order to meet demand from householders and due to the environmental benefits bestowed, for the installation of group sewerage schemes and necessary upgrades on private individual systems and, to review the rate of grant aid assistance available to householders in recognition of the real costs of installation works and upgrades."

12. Notices of Motion from other local authorities seeking support of Kilkenny County Council

It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Maurice Shortall and agreed that the following Notices of Motion be taken as read and noted:

10 (18) Leitrim County Council

"That Leitrim County Council write to the Department of Agriculture, Food & the Marine to protest against the Department's dictatorial actions, per the National Parks and Wildlife Service and other agencies, in designating large areas of our county as SACs, NHAs, etc. The scientific basis for such designations has not been explained to the people of County Leitrim and neighbouring counties and such designations are proving to be detrimental and limiting for the incomes and the livelihoods of people in such areas. I request that this motion be forwarded to other Local Authorities seeking their support".

11 (18) Kerry County Council

"Kerry County Council calls on the Minister for Health, Deputy Simon Harris to request the HSE to review the decision to restrict the use of Versatis pain relief patches to patients in chronic pain outside those experiencing post herpetic neuralgia, and to revert to the Pre December status while this review is being undertaken".

That concluded the business of the meeting.

CATHAOIRLEACH

DATE

