

Minutes of Council Meeting held on Monday 18th May, 2015 at 3.00pm

Chair: Cllr. P. Millea

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

Officials: J. Mulholland, J. McCormack, M. Prendiville, P. O'Neill, S. Walton, S. McKeown, B. Tyrrell, K. Hanley, M. Delahunty, M. Mullally, C. McCarthy, D. McDonnell and A. M. Walsh.

Apologies: Cllr. P. McKee, K. Funchion, D. Fitzgerald.

Cllr. P. Millea requested a member of the public to apologise for remarks made about staff at the March Meeting, the member of the public did not make the apology, he was then requested to leave the chamber.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 20th April, 2015.** Proposed by Cllr. F. Doherty, Seconded by Cllr. P. Fitzpatrick and agreed "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 20th April, 2015 as circulated with the agenda be and are hereby approved."
- (b) Minutes of Housing Strategic Policy Committee (SPC 4) Meeting held on 12th March, 2015.** Proposed by Cllr. M. Doyle, Seconded by Cllr. F. Doherty and agreed:- "That the minutes of SPC 4 Meeting held on the 12th March, 2015 as circulated with the agenda be and are hereby approved."
- (c) Minutes of meeting of SPC 5 Environmental Protection, Water Services & Energy Meeting held on 9th April, 2015.** Proposed by Cllr. M. Shortall, Seconded by Cllr. J. Brennan and agreed "That the minutes of the SPC 5 Meeting held on the, 9th April 2015 as circulated with the agenda be and are hereby approved."
- (d) Minutes of Local Traveller Accommodation Consultative Committee Meeting held on 30th April, 2015.** Proposed by Cllr. J. Malone, Seconded by Cllr. M. Noonan and agreed:- "That the minutes of Local Traveller Accommodation Consultative Committee Meeting held on 30th April, 2015 as circulated with the agenda be and are hereby approved".

Cllr. Millea paid tribute to Mr. John McCormack as he retires from Kilkenny County Council. He acknowledged the contribution made by John during his 30 years with Kilkenny County Council. Tributes were also paid by Cllr. M. H. Cavanagh, D. Kennedy, M. Doran, M. Shortall, M. Noonan, B. Gardner and M. O' Neill.

Mr. Mulholland thanked John on behalf of all the staff for being a loyal work colleague who has worked tirelessly for the benefit of Kilkenny both at a local level and also on national committees.

Cllr. Millea presented Mr. McCormack with a gift to mark the occasion. Mr. McCormack thanked members for their kind words and said that he had 30 happy years working in Kilkenny County Council.

Cllr. Millea extended good wishes to all candidates in the forthcoming by-election next Friday.

Cllr. Millea extended votes of sympathy to the following:-

- To Noel Shortall (Housing) and Michael Shortall (Water Services) on the death of their mother/grandmother Bridie Shortall, Castlecomer.
- To the Bartley Family, Fiddown on the death of John Bartley former Council overseer.
- To the Coyne Family, Kilkenny City on the death of Joe Coyne Former Kilkenny Borough employee
- To the Tyrrell Families on the death of their niece Nicola Tyrrell.

Votes of Sympathy were also extended to the following:-

- To Donie Geary, Ballinrea, Slieverue, Co. Kilkenny on the death of John Geary.

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 and Other Disposal - Tithíocht & Díuscairt Eile

- (i) Proposed by Cllr. A. McGuinness, Seconded by Cllr. J. Malone 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 Property at No. 2 John’s Green, Kilkenny, as identified on the attached map, by way of Long Term Lease to the Thomas Hayes Trust for a term of 99 years at €1.00 per annum with each party to be responsible for their own legal costs.”
- (ii) Proposed by Cllr. P. Cleere, Seconded by Cllr. D. Kennedy 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 Courtnaboughla, Goresbridge, Co. Kilkenny, as identified on the attached map, to M/s. Brigid Aylward Maher, Cullohill, Portlaoise, Co. Laois, the personal representative of Mr. Christopher Aylward, Deceased, for the nominal sum of €10.00 with M/s. Aylward Maher being responsible for all legal costs associated with the transfer”.

- (iii) Proposed by Cllr. M. Shortall, Seconded by Cllr. M. McCarthy and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in Kyle, Barna, Co. Kilkenny in accordance with Section 183(1) of the Local Government Act 2001 and that the consent of the Minister for Environment is not necessary”
- (iv) Proposed by Cllr. P. Cleere, Seconded by Cllr. D. Kennedy and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in No. 16 Pocke Valley, Johnswell Road, Kilkenny in accordance with Section 183 (1) of the Local Government Act 2001 and that the consent of the Minister for Environment is not necessary”.
- (v) Proposed by Cllr. P. Cleere, Seconded by Cllr. G. Frisby and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in No. 13 Cottage Gardens, Graiguenamanagh, Co. Kilkenny in accordance with Section 183 (1) of the Local Government Act 2001 and that the consent of the Minister for Environment is not necessary”. (Notification issued to members on 6th May, 2015)
- (vi) Proposed by Cllr. D. Kennedy, Seconded by Cllr. G. Frisby and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in No. 1 Church View, Stoneyford, Co. Kilkenny in accordance with Section 183 (1) of the Local Government Act 2001 and that the consent of the Minister for Environment is not necessary”.
- (vii) Proposed by Cllr. M. Doyle, Seconded by Cllr. P. Cleere and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in No. 18 Mill Road, Inistioge, Kilkenny in accordance with Section 183 (1) of the Local Government Act 2001 and that the consent of the Minister for Environment is not necessary”.

(b) Corporate Affairs - Gnóthaí Corparáideacha

(i) Chief Executive Report

Mr. Mulholland introduced his Chief Executive Report which has been circulated to the members. He updated the members on the following:-

- Finance- Completion of the Annual Financial Statement and overview of use of overdraft facilities.
- Waste Management Plan 2015-2021- Signed order to make the Southern Regional Plan.
- Update of projects being funded in Phase 1 of Kilkenny Medieval Mile.

- Structure of Risk Fund. €15,000 approved for works on Tea House, Bateman Quay.
- Update on Control of Horses Draft Bye Laws
- Transfer of properties to Irish Water

Contributions were received from Cllr. M. Noonan, T. Breathnach, B. Gardner, M. Doran and D. Kennedy in relation to the following:-

- Welcomed public meeting on St. Mary's Church Project and latest discovery, queried appointment of Curator.
- Progress on River Garden and timeframe for members to consider proposal and proposed overall master plan for the Brewery Site.
- Draft Bye Laws - closing date for submission
- Connection costs levied by Irish Water and capital contribution in lieu of Development Charges.

Mr. O' Neill, advised that the closing date for submission on the Byelaws is 16th June, 2015. He advised that he will review the costs levied by Irish Water and compare them to the charge of the Local Authority.

Mr. Mulholland advised that River Garden Project will more than likely be sent to Bord Pleanala for approval as it will require a Natura Impact Statement. Funding has been approved for the project and must be spent before the end of 2016. Statutory approval is required by end of 2015.

Mr. Mulholland advised that a special meeting is required to get certain principals agreed on individual projects within the general Brewery Site. There is urgency on the delivery of much needed social housing and there are plans to provide some housing as part of the overall master plan. He stated that public consultation will continue on various parts of the project. Some projects have been included in the Capital Budget and these need to be progressed.

Cllr. Millea advised that member's approval for a special meeting will be dealt with under item 5 on the agenda.

(ii) Nomination on Kilkenny Water Safety Committee.

It was proposed by Cllr. M. O' Neill, seconded by Cllr. D. Kennedy and agreed:-
 "That Cllr. B. Gardner be nominated to represent Kilkenny County Council on the Kilkenny Water Safety Committee in lieu of Cllr. M. O' Neill".

(iii) Living Cities Initiative

Mr. S. Walton briefed members on the Living City Initiative Scheme which had been extended to Kilkenny City. This is a tax incentive scheme designed to regenerate buildings in special regeneration areas of Kilkenny City. Details of the scheme will be published and will also be available on our website. Ms. Aine Doyle, Conservation Officer will be the point of contact for queries. An information meeting will be held in June.

Contributions were received from Cllr. M. Noonan, G. Frisby, F. Doherty, T. Breathnach, B. Gardner, M. Shortall, M. O' Neill and P. Millea.

Members welcomed the initiative and hoped that property owners will avail of the tax incentives. Queries were raised on the following issues:-

- Residential – Must it be owner/occupied
- Can residential units be improved for social housing purposes
- Inventory required on buildings within the designated area
- Is there a maximum cap on the incentive
- Requested that tax consultant be available to give advice at public meeting.

Mr. Walton responded to the queries raised. Mr. McCormack also advised that there are other schemes available for property owners to improve the residential accommodation such as – living over the shop, rent a room, and return of VAT on house improvements.

(iv) Annual Report 2014

Mr. S. Walton advised members that the draft Annual Report has been circulated to members. It is a requirement to publish the Annual Report which sets out the activities of the Council over the year 2014. It is a legal requirement for the Council to adopt the Annual Report. It was proposed by Cllr. T. Breathnach, Seconded by Cllr. F. Doherty and agreed: - “That Kilkenny County Council approves the Annual Report for 2014”.

(c) Roads – Bóithre

(i) An Garda Siochana Safety Camera Project

Mr. Walton advised members that details of the Safety Camera Project is being circulated for information purposes. There are currently 21 zones across County Kilkenny. An Garda Siochana intends to introduce a further 370 safety cameras throughout the state in 2015 and 12 of these zones are located in Kilkenny.

Details of the location of these zones are outlined on the map attached to the report. Since the introduction of the zones, the number of speeding offences has reduced from 17½% of total traffic to 3½”.

Mr. Walton also advised members that between the period 2007-2012 a reduction of 43% in the number of total and serious injury road accidents was realised in County Kilkenny. It is clear that there are identifiable reductions in speed related

accidents occurring from the introduction of safety camera together with engineering measures introduced on the road network by Kilkenny County Council.

Contributions were received from Cllr. E. Aylward, P. O' Neill, M. Doran, M. O' Neill, B. Gardner, P. Cleere, F. Doherty, T. Breathnach, M.H. Cavanagh, P. Dunphy, A. McGuinness, D. Kennedy, G. Frisby and P. Millea. Members welcomed the additional cameras in general as the safety camera project has reduced speeds and accidents on the road. The main issues raised by members related to:-

- Consultation with elected members
- Review of existing locations –since the motorway opened a number of locations do not have the same volume of traffic.
- VDU displaying speeds appear to be more effective. Future proposals for installing more VDU.
- Personal Responsibility also required by drivers.
- Use of mobile cameras to prevent drivers doing “doughnuts” on the road.
- Caution against the use of cameras as a revenue generated initiative.
- Road safety issues – Removal of posters at certain locations.
- Issues to be discussed at SPC and JPC.

Mr. Walton responded to the queries raised by members. He advised that locations have been selected on the basis of accident statistics. There is recognition by the Gardai that local authority members should be facilitated more in selecting sites in the future. It is opportune that this should be discussed at SPC level in conjunction with the speed limit review. A report can be prepared for An Garda Siochana arising from discussion at SPC meetings.

(ii) Amenity Grants

Mr. Walton referred to report circulated to members with the agenda. He advised that there is a budget of €67,000 for this grant scheme. 136 applications were received by the closing date. 130 applications have been approved for funds. The balance of 6 applications have been referred to more appropriate grant schemes. Details of the allocation to each organisation has been set out in the attached schedule.

Cllr. M. H. Cavanagh and P. Cleere acknowledged the valuable work carried out by all these organisations in their communities and the organisations appreciate any financial contribution from the local authority to assist them.

It was proposed by Cllr. P. Cleere, Seconded by Cllr. G. Frisby and agreed:- “That Kilkenny County Council approves the payment of Amenity Grants 2015 in accordance with the list circulated to the members”.

(d) Housing – Tithíocht

Kilkenny County Council – Social Housing Strategy 2015-2017

Mr. McCormack presented the Housing Strategy for Kilkenny County Council for the 3 year period. 2015-2017. He advised members that Housing can plan for the provision of accommodation on a multi annual basis. He referred to the report circulated and advised members that the details in relation to housing demand, Housing Assistance Payment, Rental Accommodation Scheme, Housing to be provided directly by Kilkenny County Council and approved Voluntary Bodies is included for their information. The Department has approved a number of projects for direct provision by Kilkenny County Council and these sites need to be progressed. A number are at design detail stage, Part 8 will be required. He also referred to retrofitting programme for existing houses, extension programme and management of voids.

Contributions were received from Cllr. D. Kennedy, M. O' Neill, T. Breathnach, A. McGuinness, M. Shortall, B. Gardner, J. Brennan in relation to the following:-

- Proposals/plans for the provision of houses in a number of specified locations, availability of land in Council ownership.
- Availability of private housing for the RAS and HAP Schemes.
- Inspection of houses in RAS and HAP schemes enforcement of standards.
- Additional resources required to maintain inspection regime.
- Current position on Homelessness in Kilkenny and number in emergency accommodation.
- Policy for downsizing and making better use of stock.
- Infrastructure required for new housing projects – can it be provided in advance.

Mr. McCormack and Mr. Mullally responded to the queries raised by members. They outlined the constraints in relation to inspection on private houses. Under the HAP, the Local Authority has 8 months to carry out the inspection and RAS units are inspected in advance. Inspections are ongoing since 2009.

The Council has advertised for turnkey developments throughout the County and members will be updated on any definite proposals for smaller villages and towns. Mr. McCormack updated the meeting on progress in relation to leasing of properties by NAMA to Voluntary Bodies.

The numbers on the waiting list is very moveable as applicants need to be approved to receive Rent Supplement. A number of approved applicants are living in good accommodation and are happy to remain in the private sector.

Mr. Mullally outlined to the members the statistics in relation to homelessness over the last few years and recent months. Cllr. Millea thanked the Housing Officials for their detailed report and contributions.

(e) Finance – Airgeadais

AFS 2014

Mr. Prendiville presented to the members a detailed overview of the Annual Financial Statement for 2014. He advised that the accounts for the two Local Authorities are amalgamated in 2014. He outlined the expenditure for the year, the main areas of income, details of collection rates, details of debtors, capital expenditure, capital debt, loans outstanding and mortgages balances due.

Mr. Prendiville advised that surplus income was received from the Non Principal Private Residence and this surplus has been used to reduce over expenditure, set aside provision towards additional cost on the CAS and reduce the revenue deficit balance. The deficit on the Revenue account at 31/12/2014 is €68,390.

Mr. Prendiville thanked the finance staff and budget holders for their work in ensuring that budgets are not exceeded and for the additional work undertaken in merging 2 financial systems.

Queries were raised by Cllr. J. Brennan, T. Breathnach, B. Gardner, M. Noonan, P. Fitzpatrick, M. O’Neill and F. Doherty in relation to the following:-

- Funding for new bridge and how long will it take to fund it
- Transfer of Assets to Irish Water – what value
- Clarification of income included as miscellaneous of €3m (pg34)
- Kilkenny Civic Trust – Membership of Board and any interest in The Maltings.
- Update on new rateable valuation, any incentives for new businesses
- How much has been paid on legal fees for court costs.

Mr. Mulholland advised that it is a reserved function of the member to adopt a budget each year and also to approve the Annual Financial Statement together with any over expenditure which has occurred in any sub-service.

There is no provision for representation of Kilkenny County Council on the Board of Kilkenny Civic Trust.

Kilkenny County Council owns 2 floors in the Maltings Building.

Mr. Prendiville responded to the other issues raised in relation to the detail contained in the AFS 2014 and advised that legal fees are charged directly to the service in each programme group. There is no specific sub-service for legal fees only.

(f) Community – Pobail

Kilkenny Local Community Development Committee

- Annual Report 2014
- Update on Expression of Interest for LEADER.

Mr. McCormack advised members that it is a requirement in the legislation to prepare an Annual Report on the Local Community Development Committee. The report outlines the background, membership of committee, details on PPN structure, Social Inclusion and Community Activation Programme. (SICAP) and preparation of Kilkenny Local Economic and Community Plan (LECP)

He advised that nominations from the PPN onto the SPC and LCDC will be finalised by the end of June. He advised that agreement has not been reached with Kilkenny Leader Partnership Company (KLP). Both the LCDC and KLP are submitting applications for funds and both are advancing their own strategies. There needs to be an integrated plan going forward for the County. Kilkenny County Council has currently 4 nominees on the Board of KLP and the position needs to be clarified as there is a perceived conflict of interest for them.

Contributions were received from Cllr. M. Noonan, P. Millea, M. O' Neill, M. Shortall and F. Doherty. The issues raised by members related to the following:-

- LCDC and KLP must work together for the betterment of the County.
- Integrated Committee needs to be put in place.
- Nomination onto SPC is very urgent, concerns over delays in seeking nominations from PPN.
- Outreach Workers being made redundant due to uncertainty of funds and other funding being discontinued by KLP.
- No clarity on National Policy
- Position with other Local authorities and Partnership Committee throughout the Country.

Mr. McCormack responded to the issues raised and stated that an integrated committee is the way forward, funding should come through the LCDC in order to have an effective committee. LCDC must be the lead group. There are similar situations in small number of Counties but in general agreement has been reached between the LA and Partnership companies.

Mr. Mulholland thanked Mr. McCormack for the amount of effort he has put into this in trying to get agreement with KLP.

(g) Environment Timpeallacht

Interim Report on Initiatives coming forward from Animal Welfare Committee

Ms. Carol McCarthy updated the members on the initiatives agreed by the committee. She outlined in a PowerPoint presentation details on how the service will be delivered, the various initiatives to be undertaken to develop the Dog Warden/dog shelter service. A Memorandum of Understanding regarding the dog control services will be agreed with the new service provider. Financial commitment will be explored with the Local Authority to provide a new visitors centre. There will also be a dog welfare charter drawn up and put before the Council for agreement.

Cllr. McGuinness complimented the staff on the progress made to date with the committee within a short time.

Mr. Mulholland advised that it will be a matter for members to consider financial commitment to the Dog Service when the budget is being discussed. He thanked the members of the committee for their work.

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 May – July. Proposed by Cllr. F. Doherty, Seconded by Cllr. M. Shortall and agreed.

(ii) **Fix Date for Special Meeting.**

Cllr. Millea requested member's approval to fix dates for 2 Special Meetings. He requested approval to have special meeting at Dunmore GAA Training Facility. It was proposed by Cllr. P. Millea, Seconded by Cllr. M. Shortall and agreed: - "That Special Meeting will be held at Dunmore on Thursday 28th May, 2015 at 7.00p.m."

At this stage, it was proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. M. H. Cavanagh and agreed to grant an extension of time in accordance with Standing Order to complete this item.

Cllr. Millea sought approval to hold a special meeting to consider the Master plan for the Diageo Site and the proposed variation to the City and Environs Development Plan. Following discussion it was agreed by members to have special meeting on Wednesday 27th May, 2015 at 5.00p.m.

Cllr. P. Millea requested approval to adjourn the monthly meeting to Wednesday 27th May, 2015 at 5.00p.m. to complete the outstanding items on the agenda. All members agreed to this.

Signed: _____

CATHAOIRLEACH

DATE