

**Minutes of Ordinary Meeting of Kilkenny County Council held on Monday
17th September, 2012**

Cathaoirleach: Cllr. M. Fitzpatrick

Councillors: Cllrs. M. H. Cavanagh, P. Millea, M. Shortall, J. Brennan, J. Coonan, M. Brett, 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, C. Connery, P. Crowley, M. Noonan, D. Fitzgerald, A. McGuinness, P. Cuddihy

In attendance: J. Crockett, J. McCormack, P. O'Neill, J. Mulholland, J. Dempsey, D. McDonnell, D. Shortall and A.M. Walsh

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- a) Minutes of Ordinary Meeting of Kilkenny County Council held on the 16th of July, 2012. Proposed by Cllr. T. Maher, Seconded by Cllr. P. Cuddihy and agreed "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 16th July, 2012 as circulated with the agenda be and are hereby approved."
- b) Minutes of Internal Audit Committee Meeting held on 11th June, 2012. Proposed by Cllr. C. Connery Seconded by Cllr. J. Brennan and agreed "That the minutes of the Internal Audit Committee Meeting held on the 11th June, 2012 be and are hereby approved."
- c) Minutes of Callan Electoral Area Committee Meeting held on 20th June, 2012. Proposed by Cllr. T. Maher, Seconded by Cllr. B. Ireland and agreed "That the minutes of Callan Electoral Area Meeting held on the 20th June, 2012 be and are hereby approved."
- d) Minutes of Annual Meeting held on the 29th June, 2012. Proposed by Cllr. M. Shortall, Seconded by Cllr. J. Coonan and agreed "That the minutes of the Annual Meeting held on the 29th June, 2012 be and are hereby approved."
- e) Minutes of Piltown Electoral Area Committee Meeting held on the 12th July, 2012. Proposed by Cllr. C. Long, Seconded by Cllr. F. Doherty and agreed "That the minutes of the Piltown Electoral Area Committee Meeting held on the 12th July, 2012 be and are hereby approved".
- f) Minutes of SPC 3 Environmental Policy, Fire Services and Emergency Planning Meeting held on 6th September, 2012. Proposed by Cllr. T. Maher, Seconded by Cllr. B. Ireland and agreed "That the minutes of the SPC 3 Environmental Policy, Fire Services and Emergency Planning Meeting held on 6th September, 2012 be and are hereby approved".

Cllr. M. Fitzpatrick extended congratulations to the following:-

- Congratulations to all the Kilkenny members of the Paralympics.
- Well done to all volunteers with Kilkenny Tidy Towns and Village and in particular Sean Leahy who received a National Volunteer Award.
- Congratulations to all students who were successful in their leaving and junior certificate exams.
- Best wishes to the Kilkenny Senior hurlers on the 30th of September.
- Congratulations to Glenmore U.14 Camogie Roinn A and Kilmacow Junior B Hurling teams.
- Well done to Arts Festival 2012 and all the exhibitors.

Cllr. Fitzpatrick advised that there will be a joint civic reception for the members of the Paralympics on 21st September, 2012 in County Hall at 4.00p.m.

Votes of Sympathy were extended to the following:-

- Catherine Byrne Murphy (Housing) on the death of her father Edward Byrne
- Evelyn Graham (Planning) on the death of her brother Eugene Graham
- Maura Leahy (Planning) on the death of her father Jimmy Leahy.
- Martin Morris(Post Room) on the death of his father Tommy Morris
- Mary Kinane (Motor Tax) on the death of her father Peter Kinane.
- Brendan Sheahan (Environment) on the death of his mother Bridget Sheahan.
- Brian, Sean, Eamon and Gerry Tyrrell on the death of their mother Mai Tyrrell.
- Meally family on the death of Joan Meally, Moneenroe (Pensioner)
- Brophy Family on the death of Patrick Brophy, Rossenananny, Kilmoganny (Pensioner)
- Malone Family on the death of Margaret Malone, Ballyshane, Inistioge (Pensioner)
- Ryan Family on the death of Thomas Ryan, Tuitestown, Dunamaggin (Pensioner)
- Paddy & Liz Dwyer, Bishop Birch Place on the death of their son.
- Maeve Butler & Family on the death of her brother Paul Butler, Wexford.
- Patrick O' Brien, Coppengagh, Thomastown, Co. Kilkenny on the death of his brother Michael O' Brien and to Cllr. Treacy nephew of Mr. O' Brien.
- The Carroll Family, Clonmore, Piltown, Co. Kilkenny on the death of Tony Carroll.
- John Fielding & Family, Polerone, Mooncoin, Co. Kilkenny on the death of Margaret Fielding.
- Tom & Ned Walsh, Polerone, Mooncoin, Co. Kilkenny on the death of Wattie Walsh.
- Mary Mullally, Ballyeden, Tullogher, Co. Kilkenny on the death of Tom Mullally.
- Melissa O' Neill, 1 An Cuainin, Tuar na Blatha, Ferrybank, Co. Kilkenny on the death of Paddy O' Neill.
- Michael Murphy (Snr) Ballyfacey, Glenmore, Co. Kilkenny on the death of Kit Quinn.
- Anna Culleton, Kilbride, Glenmore, Co. Kilkenny on the death of James Brennan.

- Joey O' Hanrahan & Family, Kiljames, Thomastown, Co. Kilkenny on the death of Ann O' Hanrahan.
- The Anthony Family, Main Street, Piltown, Co. Kilkenny on the death of Billy Anthony.
- The Phelan Family, Kildalton, Piltown, Co. Kilkenny on the death of Johnny Phelan.
- PJ Kenny, Grange, Ballyragget, Co. Kilkenny on the death of Mick Kenny.
- Damien Brennan, Kilkeasy, Hugginstown, Co. Kilkenny on the death of Jimmy Brennan.
- The Sullivan Family, Lickettstown, Carrigeen, Via Waterford, Co. Kilkenny on the death of Anne O' Sullivan.
- The Sweeney Family, Newtown, Gaulsmills, Kilmacow, Co. Kilkenny on the death of Michael Sweeney.

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. S. Treacy, Seconded by Cllr. T. Prendergast and agreed:- "That Kilkenny County Council hereby approves of the disposal of its interest in property at Kellymount, Paulstown, Co. Kilkenny to Karina Nolan and Martin Brennan in accordance with Section 183 of the Local Government Act, 2001".

(b) **Economic Development**

(i) **Report on Visit to China**

Written report on visit to China from Cathaoirleach and County Manager was circulated for member's information and noted.

(ii) **Update on "The Gathering" by Rosemary Collier – Chairperson Kilkenny Gathering**

Deferred.

(iii) **Presentation by County Enterprise Board - Acting Chief Executive Officer Fiona Deegan.**

Deferred.

(iv) **Presentation on Kilkenny Tourism by Clodagh O'Brien**

Deferred.

(c) Roads – Bóithre

(i) Report on Bridge Repairs

Mr. J. Mulholland referred to the report circulated with the agenda. He advised members that a grant allocation of €150,000 was available in 2012. The grant facilitates the development of a inventory of Regional Road Bridges. Total number of bridges on regional roads in Kilkenny is 155.

A database will host all the information. Dona Consulting Ltd has been appointed to complete this project.

Queries were raised by Cllr. T. Maher and F. Doherty in relation to bridges on the M9 and R704. Mr. Mulholland advised that the M9 would be closed for approx 4 weeks to facilitate emergency works between junctions 7 and 9.

(ii) Part 8 Planning Report for the Bohernatounish Road Traffic Management Scheme

Mr. J. Mulholland advised members that the Part 8 Planning report was circulated with the agenda. It is proposed to carry out works on the road from Laurel Drive to St. Fiaccres Church, the section in front of Loughboy Shopping Centre and Church. The proposed works will consist of a new entrance to the Shopping Centre, separate access to the Church, re-alignment of footpath and cycle tracks, regularisation of traffic flows with the car park and enhanced landscaping. The cost of the improvement works will be funded through development contributions.

Members welcomed these proposed works. Queries were raised by Cllr. J. Coonan, M. Brett and M. Noonan in relation to the proposed works. Mr. Mulholland responded to all queries raised.

It was proposed by Cllr. J. Coonan, Seconded by Cllr. M. Noonan and agreed:-

“That Kilkenny County Council hereby approve in accordance with Part 8, Article 81 of Section 179 of the Planning and Development Acts 2000-2010, Part 8 of the Planning and Development Regulations 2001-2011, the construction of traffic management measures on the Bohernatounish Road which shall include the following:-

- The closure of the existing entrance into Loughboy Shopping Centre
- The construction of a new entrance consisting of a roundabout to service the Shopping Centre and Church
- The realignment of footpath and cycle-tracks on the northern side of the Bohernatounish Road
- The regularisation of traffic flows within the car park

- Enhanced landscaping”

- (iii) Proposed by Cllr. M. O’ Brien, Seconded by Cllr. S. Treacy and agreed:- “That Kilkenny County Council approve the initiation of proceedings for the taking in charge of 8 No. houses at Fair Green, Cloghabrody, Thomastown, Co. Kilkenny in accordance with Section 180 of the Planning & Development Act, 2000”
- (iv) Proposed by Cllr. A.M. Irish, Seconded by Cllr. E. Aylward and agreed:- “That Kilkenny County Council resolve to take in charge Estuary Woods, Ferrybank, Co. Kilkenny and that the roads be declared public roads and entered into the roads schedule of Kilkenny County Council is hereby approved”.
- (v) Proposed by Cllr. M. O’ Brien, Seconded by Cllr. S. Treacy and agreed:- “That Kilkenny County Council resolve to take in charge Maudlin Court (House Nos. 1-23) Thomastown, Co. Kilkenny and that the roads be declared public roads and entered into the roads schedule of Kilkenny County Council is hereby approved”.

(d) **Water Services – Seirbhísí Uisce**

Energy Efficiency Grants- Sustainable Energy Ireland – Water Services

Mr. P. O’ Neill referred to report which has been circulated to members. He advised members that savings of approx €400,000 per annum have been achieved. Energy conservation on various water and waste water treatment plants and pumping stations is a high priority for water services. The technical assistance provided by Carlow, Kilkenny, Energy Agency in determining energy savings investment decisions was acknowledged.

Queries were raised by Cllr. F. Doherty, M. O’ Brien, M. Fitzpatrick, S. Treacy and M. Noonan in relation to supplies being cut off due to faults.

Mr. O’ Neill advised that priority is given to repairing breaks at all times and staff respond within 1 hour even at weekends.

(e) **Finance - Airgeadais**

(i) **Finance Update**

Cllr. M. Fitzpatrick agreed to adjourn the meeting at 3.45p.m. for 30 minutes to allow members to consider the reports circulated on the Finances and the proposed cuts to the 2012 Budget. Meeting resumed at 4.15p.m. and a further adjournment was agreed for 30 minutes to consider further proposals circulated to members by management.

Meeting resumed at 4.45p.m.

Mr. Crockett County Manager advised members that the Council is facing serious financial difficulties due to the non –payment of the household charge and reductions in income in water charges and rates.

The Local Government Fund has already been cut and a reduction of €800,000 is anticipated if the household charge is not paid by more than 70% of the households in the County. The manager referred to the report dated 17th September, 2012 circulated to members and outlined the cost savings and efficiencies already achieved over the last few years. He also noted that the rates charge has remained unchanged and remain the lowest nationally, 21% lower than the national average. There also has been significant reduction in income from water charge, planning fees and rates. It currently appears that the Council could incur an operational deficit for this year of €1.2m. He requested the members to consider the report in detail and referred to the attached appendices which outlines proposed cuts in expenditure for 2012.

He appealed to those who have not yet paid their household charge to do so, as they are putting Council services at risk in the future. The level of payment currently stands at 62%, this must be increased to 70%.

Mr. J. Dempsey outlined to the members the proposed cuts on the appendices. He stated that all budgets have been reviewed by the management team and the proposed savings will have to be made by not spending remaining budgets for the rest of the year. He referred also to the budgets for the 3 year period 2013 to 2015 and the projected changes. There is not going to be any improvement in income to be realised. It is anticipated that our income streams will be further reduced. Any deficit incurred in 2012 and over the next few years will have to be eliminated within a few years.

Contributions were received from Cllrs. M. H. Cavanagh, C. Connery, P. Cuddihy, M. O' Brien, M. Doran, M. Noonan, T. Maher, J. Coonan, M. Shortall and P. Crowley.

Members raised a number of concerns in relation to the loss of services for the public and generally supported the appeal to householders to pay the €100. Further details were requested in relation to the proposed cuts as outlined in the appendix. A number of members expressed serious concerns in relation to the proposed cut in Disabled Persons Grants and Essential Repair Grants. It was highlighted that the demand for these grants was high and a lot of people who have been approved for grants have completed the works and need to receive the grant. The grant applicants are not in a position to carry this cost into the following year.

The proposed cut in local roads funding was also raised by a number of members. There were already reductions of funds in this area. With the winter coming all funds are required and are already allocated to works.

Cllr. M. H. Cavanagh stated that cuts are required and decisions need to be made now. She requested the County Manager to clearly outline in detail for the people the cuts required. If 70% of the people do not pay the €100 the reduction of €800,000 in the Local Government Fund must be found in reducing services across the County. She appealed to the public to pay the household charge.

Cllr. P. Cuddihy supported this appeal. If the charge is not paid, the proposed cuts as outlined are necessary even though it is regrettable that these decisions must be taken. Cllr. T. Maher welcomed improved conservation of water even though our income is now reducing as a consequent. The Council has always promoted conservation of water and repair of leaks within properties. He stated that greater cuts will have to be made in the future if the household charge is not paid. He referred to the introduction of the property tax due from 2013. The services of the Council need to be maintained but they must be paid for. Cllr. C. Connery expressed her concern on the cut to Energy Agency. Cllr. M. Noonan condemned the anti group for household charge, people have a responsibility to pay their taxes. In relation to the introduction of a property tax, he stated that the income should stay locally and benefit local services. He appealed to the Government for clarity on what services will be funded from the property tax. He said it was a sad day for members to have to approve the proposed cuts and he encouraged people to pay the €100 to provide essential services.

Cllr. M. Doran raised concerns in relation to the services proposed to be cut. A total of €230,000 is proposed at this meeting. He stated that he was unable to support the reduction in the housing grants as he is well aware of the acute demand for these grants. He sought clarification of further reductions in services as the €230,000 is not sufficient to meet the estimate deficit of €1.8m for the year. He requested details of using Internal Capital Receipts and RAS reserves for matching income on the housing grants.

Cllr. J. Coonan stated that all members are supporting the payment of the household charge and upholding the law. Members need to know where other reduction in services can be identified if the Local Government Fund is cut.

Cllr. P. Crowley urged the payment of the household charge. He referred to the Housing Grants schemes and said that these schemes should be needs based and not demand lead. He urged that disability and sickness should be respected. More money is needed for local government and local services and currently we are the only country in the EU not paying a property tax.

Cllr. M. O' Brien urged management to do a PR campaign to appeal to people to pay. He stated that the proposed cuts are required due to the financial situation that the Council now faces.

There is an expectation from Housing grants applicants that the grant will be paid when works are completed and he would hope that the reduction here would not be made.

Cllr. Shortall supported the call to leave the budget for the housing grants. There is presently applications totalling €5m and the demand is there for these grants. He urged management to seek Departmental approval to the transfer of internal capital receipts to fund the local resources for these grants.

Cllr. T. Breathnach supported this, he stated that if we reduce our local resources the grant will also be reduced.

Mr. Crockett thanked all the members for their detailed consideration on the financial situation. The proposals have been examined in detail. It is the view of members to proceed with proposed cuts of €130,000. The projected outlook for 2013-2015 is bleak and the Council will have to make serious cutbacks to maintain essential services in the future. Reduction in Council incomes will present major financial challenges. He appealed again for people to pay the household charge to maintain local services. The budget process for 2013 will commence very shortly to enable the members as much time as possible to make decisions. Approval will be requested from the Department for the use of Internal Capital Receipts. Request already has been submitted to the Department for use of the RAS reserves. No decision has been received.

Mr. Dempsey stated that the proposed cuts of €130,000 will only be an initial start on eliminating the deficit. This will not cover the deficit for 2012 and the balance will have to be included in their budget deliberations for the year 2013 and future years.

He will continue to request the Department to make a decision on the re-allocation of RAS reserves.

Mr. Dempsey listed again the proposed cuts of €130,000 for the member's consideration.

It was proposed by Cllr. P. Cuddihy, Seconded by Cllr. M. O' Brien that the following budget cuts be made in the 2012 budget.

Sub Service	Description	Cut
A0103	Clean up Illegal Dumping	€10,000
A401	Community Development	€5,000
C0401	Public Conveniences	€10,000
Various	Local Roads Funding	€30,000
Various	Street Cleaning	€20,000
Various	Maintenance Amenity	€10,000
F0301	Park Maintenance	€10,000
F0301	Pitch Maintenance	€10,000
F0501	Arts, Office Programme	€10,000
J0201	Energy Agency	<u>€15,000</u>
		€130,000

A vote was taken as follows:-

Cllrs voting in favour of the proposal to cut the Budget 2012 by €130,000 – Cllrs. M.H. Cavanagh, M. Shortall, J. Brennan, C. Connery, M. Fitzpatrick, M. Brett, P. Cuddihy, M. Noonan, B. Ireland, T. Maher, P. Crowley, T. Prendergast, J. Moran, M. O' Brien, F. Doherty, A.M. Irish, T. Breathnach, P. Dunphy **(18)**

Cllrs. Voting against the proposal:- Cllrs. P. Millea, A. McGuinness, J. Coonan, M. Doran, S. Treacy, E. Aylward and C. Long **(7)**

The proposal was carried by a vote of 18 members in favour and 7 members against.

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:

Members were advised that an amended schedule of meetings has been circulated today.

(i) **Schedule of meetings from September - November 2012.** This was Proposed by Cllr. T. Maher, Seconded by Cllr. M. Shortall and agreed.

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 Callan Electoral Area Meeting. Report was proposed Cllr. B. Ireland and seconded by Cllr. T. Maher and agreed.

(b) Report and recommendation of Piltown Electoral Area Meeting. Report was proposed by C. Long and seconded by Cllr. E. Aylward and agreed.

(c) Report and recommendation of SPC 3 Environmental Policy, Fire Policy & Emergency Planning. Report was proposed by Cllr. M. H. Cavanagh and seconded by Cllr. T. Maher.

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**

Conferences – Request for approval to attend as per circulated list. It was Proposed by Cllr. B. Ireland, Seconded by Cllr. C. Connery and agreed.

Proposed by Cllr. B. Ireland, Seconded by Cllr. C. Connery and agreed: - Summary of proceedings at Conferences have been received and noted for the Councillors outlined below.

Councillor	Date of Conference	Title of Conference
C. Connery	21 st -22 nd April	Tidy Towns Conference
M. H. Cavanagh	29 th -30 th June	Building Control Regulations
M. O' Brien	10 th July	Percy French Summer School
M. Doran	20 th -21 st July	Bullying & Stress in the Workplace
M. Shortall	20 th -21 st July	Local Media & The Councillor
M.H. Cavanagh	20 th -21 st July	Mind Mapping & Efficient Reading
M.H. Cavanagh	30 th -31 st July	Criminal Law for Local Representative
M. Doran	3 rd -4 th August	Local Government Auditing
M. H. Cavanagh	24 th -26 th August	Utilising Tax Entitlements and Reliefs

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

None

Following a request from Cllr. Shortall it was agreed to amend the record of attendances at the Annual Meeting held on 29th June, 2012 to include Cllr. Shortall as it had been omitted in error.

10. Any Other Business - Aon Ghnó Eile

Cllr. Fitzpatrick reminded members of the public meetings scheduled for information on “The Gathering” arising this month.

11. Notices of Motion - Fógraí Rúin:

8(12) Cllrs. P. Dunphy, C. Long, E. Aylward, T. Breathnach, F. Doherty, A.M.Irish.

“That Kilkenny County Council examines the prospect of hiring FAS/TUAS workers to carry out certain works that the Council is stretched on at the moment. There are a lot of small that will not be done with current staffing levels that will result in damage to roads and drains if not attended to”

Deferred to October 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:

30(12) Monaghan Town Council – 30th July, 2012

“That this Council write to Joan Burton, Department of Social Protection regarding her decision to stop unemployment payments of part-time firemen who are on 24 hour call, who are deemed to be unavailable for work”.

Noted

31(12) Monaghan Town Council – 30th July, 2012

“That Monaghan Town Council supports the introduction of bye-laws or other measures which would ensure that circuses which use wild animals are prohibited from performing in any part of this local authority area, in light of the well documented evidence of suffering endured by the animals involved and the serious animal welfare issues raised”.

Noted

32(12) Donegal County Council – 2nd August, 2012

“In keeping with the will of the Irish people as emphatically expressed in the referendum of 1983, Donegal County Council opposes any form of legislation of abortion in any circumstance”

Noted

33(12) Donegal County Council – 29th August, 2012

“That the Government assesses fairly “Small Enterprises” in the County to establish whether or not they are in a position to meet the current demand for commercial and water rates and that Donegal County Council offer to be involved in a pilot project for the review of rates nationally”.

Noted

This concluded the business of the meeting.

Signed: _____
Cathaoirleach

Date: _____