

**Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 18th
February, 2013.**

Cathaoirleach: Cllr. M. Fitzpatrick

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

In attendance: Joe Crockett, John Mulholland, John McCormack, Philip O' Neill, Carol McCarthy and Anne Maria Walsh.

(1) Confirmation of Minutes - Dearbhú Miontuairiscí:

(a) Minutes of Ordinary Meeting of Kilkenny County Council held on the 21st January, 2013. Proposed by Cllr. J. Moran, Seconded by Cllr. M. H. Cavanagh and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 21st January, 2013 as circulated with the agenda be and are hereby approved."

(b) Minutes of Statutory Budget Meeting held on 11th January, 2013. Proposed by Cllr. C. Connery, Seconded by Cllr. F. Doherty and agreed:- "That the minutes of the Statutory Budget Meeting held on 11th January 2013 as circulated with the agenda be and are hereby approved".

(c) Minutes of SPC 1 Forward Planning & Development Strategic Policy Committee Meeting held on 4th February, 2013. Proposed by Cllr. M. Shortall, Seconded by Cllr. F. Doherty and agreed:- "That the minutes of SPC 1 Forward Planning & Development Meeting held on 4th February, 2013 as circulated with the agenda be and are hereby approved".

(d) Minutes of SPC 4 Housing & Social Strategic Policy Committee Meeting held on 12th December, 2012. Proposed by Cllr. C. Long, Seconded by Cllr. B. Ireland and agreed:- " That the minutes of Piltown Electoral Area Meeting held on 27th November, 2012 as circulated with the agenda be and are hereby approved".

Cllr. M. Fitzpatrick congratulated the following:-

- Congratulations to our two "budding" models Cllr. Jane Moran and Cllr. Andrew McGuinness
- Well done to all staff involved in the official openings of Ferrybank Library and Thomastown Waste Water Treatment Plant
- Clara GAA Club and Thomastown GAA Club on winning All Ireland Hurling Titles
- Claire Grace and Hannah Carty on their achievement in boxing.

Votes of Sympathy were extended to the following:-

- Family of the late Francis Murphy, New Orchard, Kilkenny
- Family of the late Gerry Walsh, Callan, Co. Kilkenny.
- Mary Morris, Callan, Co. Kilkenny on the death of her mother Mairead Hoyne
- Michael Flynn and Margaret Cooke, Ballykeoghan, Kilmacow, Co. Kilkenny on the death of Peter Flynn.
- Mark Murphy, Owing, Piltown, Co. Kilkenny on the death of Johnny Murphy.
- Mrs. Murphy, Waterford Road, Kilkenny on the death of J.D. Murphy.
- Mary Walsh & Family, Ballybrahee, Glenmore, Co. Kilkenny on the death of Patrick Phelan.
- A.M. Fitzgerald & Family, Weatherstown, Glenmore, Co. Kilkenny on the death of Patrick Phelan.
- Martina Cummins & Family, Tullogher, Co. Kilkenny on the death of Patrick Phelan.

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. M. H. Cavanagh, Seconded by Cllr. C. Connery and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in property at Rathpatrick, Crosspatrick, Kilkenny to Thomas Skehan in accordance with the terms of the Housing Acts 1966 to 2002”.

(b) Roads – Bóithre

- (i)** Proposed by Cllr. C. Long, Seconded by Cllr. P. Dunphy 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 2000-2011 hereby declares the roads listed in the Public Notice “Houses at Chapel Street, Mooncoin (“The Mews”) Co. Kilkenny to be public roads”.
- (ii)** Proposed by Cllr. M. H. Cavanagh, 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 hereby declares the roads listed in the Public Notice
- : - Springfields Estate, Waterford Road
 - : - Nueanna Court, Freshford, Co. Kilkenny

: - Maidenhill Estate, Kells Road, Kilkenny
: - Maidenhill, Kells Road, Kilkenny (overlooking River Bregagh) to be Public Roads”.

- (iii)** Proposed by Cllr. B. Ireland, Seconded by Cllr. T. Maher 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 2000-2011 hereby declares the roads listed in the Public Notice – Fr. Campion Place, Danesfort, Co. Kilkenny to be Public Roads”

(iv) Road Grants

Mr. J. Mulholland circulated report dated 12th February, 2013 for member’s information. He outlined to members that the total road grant allocation has reduced significantly from €17.7m in 2012 to €10.2m for 2013. He explained in details the reduction in the road grants. The reduction in respect of National Primary Major Schemes results from the completion of the Motorway Schemes. The reduction in National Secondary Roads fund is more reflective of the reduction in the NRA funding pot with the result that there will be no pavement overlay schemes in the County on National Roads in 2013. Non National Roads - there is less finance available for routine drainage or road repairs. The impact on the reduction in the winter maintenance budget may cause difficulties in salting and gritting regional and local roads in the event of severe weather.

Each electoral area will convene a meeting shortly to agree local roadwork programmes. The 2013 Road Work Scheme will be listed on the agenda for approval at the March meeting.

Contributions were received from Cllr. C. Long, T. Maher, M. H. Cavanagh, C. Connery, S. Treacy, M. O’ Brien, F. Doherty, T. Breathnach and P. Millea. The issues raised by members are as follows:-

- Concerns in the reduction of funds for routine drainage and road repairs, flooding in areas in South Kilkenny
- Discretion/flexibility in spending the road grants
- Local Improvement Schemes and Community Involvement schemes and reallocation of more funds to North Kilkenny.
- Tender for winter maintenance on national routes
- Availability of winter maintenance equipment
- Allocation of places under CE Schemes

Mr. Mulholland responded to all queries raised and advised that all the issues will be discussed in detail at the area meetings. Further details are awaited in relation to Labour Activation Scheme announced by the Government. A circular received in relation to Local Improvement Schemes and Community Involvement Schemes will be sent out to all members.

Mr. Crockett advised members that a strong case for flexibility has been sent to the Department. If there is no flexibility allowed the Council may have to revisit the overall Council budget for 2013 as indicated during the budget meetings.

(c) Environment - Timpeallacht

(i) Evaluation of the Joint Waste Management Plan for the South East Region 2006 -2011

Ms. C. McCarthy gave a PowerPoint presentation to members on the evaluation of the Joint Waste Management Plan for the South East Region 2006-2011.

She outlined the principal objectives of the evaluation i.e. review the regulatory regime, review waste and infrastructure, review the policy objectives and targets and prepare recommendation on either to review or replace the plan. Details of the evaluation process and key findings were outlined and a report had been circulated for member's information.

The main conclusions and recommendations were that new policy objectives are required by the Waste Directive 2008, significant changes have occurred in the waste market, roles of local authorities have changed and there may be a reduction in the number of waste management regions. It has been recommended that the Joint Waste Management Plan for the South East Region be replaced. The current plan will remain in force until a new plan is adopted.

Contributions were received from Cllrs. M. O' Brien, M. H. Cavanagh, M. Brett, J. Moran, M. Noonan, D. Fitzgerald, M. Shortall, C. Long, T. Breathnach, T. Maher, S. Treacy, C. Connery, J. Brennan, J. Coonan and M. Fitzpatrick.

Members complimented Ms. McCarthy on the detail outlined in her presentation on the waste management plan evaluation.

The issues raised by the Councillors were as follows:-

- Audit of numbers of households using facilities
- Increase in population vis a vis level of waste generated/collected
- Illegal dumping in rural areas on private lands and state owned lands
- Prosecutions for illegal dumping - name and shame policy
- Recycling – Promotion, Education and Awareness
- Encourage more Secondary Schools – Green Flag
- Deposit Refund Scheme for recyclables which would benefit communities/local groups
- Public Consultation for the new plan
- Cost of Collection of waste
- 3 bin collection

Ms. McCarthy replied to all queries raised by members.

Cllr. M. Noonan proposed that a letter be sent to the Minister of Environment, Community and Local Government requesting the introduction of a deposit refund scheme for recyclables such as glass cans and plastic bottles in order to encourage more recycling and to provide an income stream for community groups. This proposal was seconded by Cllr. F. Doherty and agreed by all members.

(d) Finance – Airgeadais

Update – Invest Kilkenny

Mr. J. Crockett gave a PowerPoint presentation on the Review of the Economic Development Strategy and the current status of a number of projects. He outlined to members various projects being undertaken identified in the strategy.

- (i)** 3rd Level Education - success of TSSG in Kilkenny with contracts over €1m and 10 staff recruited
New Arts course for full time students in Maynooth Outreach Campus
- (ii)** Farming & Agri Business –
High Level CEO Group determining strategy
Science group in discussions with Farm groups
Milk expansion – food SME expansion – target areas
Glanbia estimate growth figure
Growth post milk quota
Critical that there is no reduction in water quality
Need for continued focus on waste water treatment plant expansion and improvement.
- (iii)** Tourism
Phase 1 and Phase 2 Medieval Mile
International Brand Development to strengthen our position
“The Gathering” - 3 flagship projects for Kilkenny.
- (iv)** Services
Connect Ireland
Diageo Site – high level strategy work commenced
- (v)** Life Sciences
Strategic Resource at Belview with IDA
Glanbia development
Marketing programme with Port of Waterford

Mr. Crockett advised that the links with Suzhou will be further developed. The integration of County Enterprise Boards and Leader will also be advanced.

An invitation has been extended to Connect Ireland to attend the March Meeting.

Contributions were received from Cllrs. C. Connery, T. Breathnach, M. O' Brien and P. Crowley.

The issues raised were as follows:-

- Consultation and support from Regional bodies such as Regional Authority
- Derogation of the Nitrates Directive
- Connect Ireland – Foreign direct investment and job creation
- Welcomed the 1st Arts Programme for Kilkenny Outreach Campus

Mr. Crockett responded to members.

(e) Water Services - Seirbhísí Uisce

Update – Irish Water

Deferred to March Meeting

3. Urgent Correspondence - Comhfhreagras Práinneach

Mr. John McCormack advised members that a circular has been received from the Department requesting the submission of a list of housing development eligible for a waiver from the Local Property Tax. The development/part of development eligible for local property tax waiver must come within the category of being in a seriously problematic condition as per the 2012 National Housing Development Survey. The effect of this is that only those households – developments or separately identifiable parts of the development will be eligible for the waiver. The criteria for inclusion under “Serious problematic conditions” are as follows:

- No roads in place
- No public lighting standards prioritised
- Known defects in water services
- No open space

Mr. McCormack advised that the number qualifying for waiver under the above criteria will be significantly lower than those who were exempt from the household charge.

Mr. Crockett advised members to take note of the circular which has been circulated to the members and any queries in relation to this to be addressed to Mr. McCormack over the next few days.

Mr. Crockett advised members that a copy of “Keeping Communities Safe” has been circulated for the information of the members. It is envisaged that there will be a shared fire service between Carlow and Kilkenny Local Authorities.

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) Proposed by Cllr. T. Maher , Seconded by Cllr. C. Connery and agreed:
Schedule of meetings from February – April 2013.

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

Deferred to next 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. T. Breathnach and agreed.

- (ii) Summary of proceedings at Conferences have been received from

| Councillor | Date of Conference | Title of Conference |
|-------------------|--|---|
| P. Dunphy | 11 th -13 th January | Budget 2013 |
| M. Shortall | 11 th -12 th January | Civic Liability Legislation |
| J. Brennan | 17 th -18 th January | Local Electoral Area Boundaries |
| M. Shortall | 26 th -26 th January | Disputes between Neighbours & Law |
| F. Doherty | 1 st -2 nd February | Local Government – Impacts of Major flooding and freezing spells. |

Proposed by Cllr. C. Connery, Seconded by Cllr. T. Breathnach and agreed.

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

None

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

Cllr. T. Prendergast requested information on funding in place for Flood Relief Schemes in Graiguenamangh. The problems with the Duiske River must be resolved. There have been too many incidents of flooding in the town and people can't insure their properties. He complimented the community and the local Gardai for their work during the recent incidents.

Cllr. M. O' Brien supported Cllr. Prendergast and requested that this be listed as a separate item on the agenda for the next meeting. This was agreed.

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

01(13) Cllr. M. H. Cavanagh

It was Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. C. Connery and agreed:- "That this Council would contact the Department of Transport and Minister Leo Varadaker and Junior Minister Alan Kelly and request that the Community Involvement Scheme be reinstated without delay with the same criteria as the last Community Involvement Scheme".

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:**

01(13) Limerick County Council – 23rd January, 2013

"That, Limerick County Council calls on the Government to ensure, by the most appropriate means, that banks in which the State holds majority shareholding should be governed by State nominated directors with the power to direct decision-making in the working of the bank, including determining salaries and pensions for bank employees; and furthermore, that this motion would be sent to all Local Authorities".

Noted

02(13) Ennis Town Council – 25th January, 2013

“That this Council write to the TD’s and Senators with constituency office in the Ennis Town and request them to show solidarity with the hard pressed business community by paying the rates on their constituency offices”

Noted

03(13) Clare County Council – 30th January, 2013

“That in view of the excessive burden placed on sporting, community and voluntary sectors in relation to the cost of water, that Clare County Council request the Minister for the Environment to allow Clare County Council to lessen the cost on these voluntary bodies by putting in place some legislative process at Government level”.

Noted