

MINUTES OF MAY COUNCIL MEETING HELD ON 15TH MAY, 2017 AT 3.00 P.M.

Chair: Matt Doran

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

Officials: Colette Byrne, Tim Butler, Martin Prendiville, Mary Mulholland, Simon Walton, Nicolaas Louw, Caitriona Osullivan, Bernadette Moloney, Michael Delahunty, Brian Tyrrell & Anne Maria Walsh

Apologies: M. Noonan

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

(a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 24th April, 2017**

Proposed by Cllr. Fidelis Doherty, seconded by Cllr. Pat Fitzpatrick and agreed:

“That the Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 24th April, 2017 as circulated with the agenda be and are hereby approved”.

It was proposed by Cllr. David Kennedy, seconded by Cllr. Pat Fitzpatrick and agreed that the meeting be adjourned to allow members to go into committee to discuss the proposed name for the new bridge.

The monthly meeting resumed at 3.15 p.m.

Cllr. Matt Doran congratulated all who were involved in the Royal visit, Chief Executive and staff, OPW, Gardai, Defence Forces, school children, Market Traders and the public who turned out in numbers to welcome the guests to Kilkenny. Cllrs. Cavanagh, Tyrrell, Breathnach, M. O'Neill and Malone were associated with the words of thanks. Ms. C. Byrne acknowledged the work of the Local Authority staff and the huge support of the Gardai and OPW.

Cllr. F. Doherty wished every success to Féile na Gael which takes place in Kilkenny from 16th to 18th June, 2017.

Cllr. Matt Doran extended votes of sympathy to the following:

- Nora Norton on the death of her husband Pat Norton
- Paul Comerford on the death of his mother Bridget comerford
- The Family of the late Michael Harte, Gowran [retired Area Office employee]
- The Family of Rita Apine who lived in Freshford

2. **Business prescribed by Statute, Standing Orders or Resolutions of the Council**
Gnó forordaithe do réir Reachtaíochta, Orduithe Seasta, nó Rúin an Chomhairle

(a) **Planning - Pleanail**

(i) *Ferrybank Belview Draft Local Area Plan 2017*

Ms. C. O'Sullivan gave an overview on the status of the Ferrybank/Belview Draft Local Area Plan in a powerpoint presentation. She outlined the following:

- Overview of the Pre-Draft Stage – Structure of Plan
- Key issues i.e. Core Strategy, Belview Port, Ard Rí, Review of PLUTS, zoning
- Publication of Draft on 9th June, 2017
- Submission – Closing date of 4th August, 2017
- Chief Executive Report for consideration will be listed on Agenda in September 2017.

Contributions were received from Cllrs. Tyrrell, Fitzgerald, Breathnach and M. O'Neill in relation to the following:

- Clarify "opportunity" zoning
- Reference to Regional Spatial Strategy, Joint Retail Strategy and Planning Guidelines.
- Need to update PLUTS & Retail Strategy and to have Planning on statutory footing.
- Arrange site visit for members.

Ms. Byrne and Ms. Mulholland advised that discussions are taking place in relation to the preparation of a Joint Retail Strategy. The current PLUTS Plan expires in 2020, submissions have also been made to the National Planning Framework.

Ms. C. O'Sullivan responded to individual queries raised by members.

(ii) *Part 8 Playground*

Ms. Mulholland advised that the proposed Playground and Amenity Park in Ferrybank is on public display. Latest date for receipt of submission is 7th July, 2017. There has been significant public engagement. She acknowledged the role of Kilkenny Sports Partnership in organising the Public Open Day. Ms. Mulholland advised that funding of €300,000 has been approved under LIAHF application. Kilkenny & Waterford Councils will contribute €150,000 each towards this project.

Cllr. O'Neill welcomed the project and acknowledged the work of Ms. Claire Goodwin.

(iii) *Taking in Charge: Burgess Court Kells*

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Joe Malone and agreed:

"We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following development in accordance with 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"

(b) **Roads - Bóithre**

(i) *Review of Parking Bye-Laws in Kilkenny City*

Mr. Tim Butler referred to report circulated with the Agenda and advised that review of the existing Borough Parking Bye-laws is underway. The review will be subject to public consultation. It is expected that proposed amendments will be considered by members at the October meeting.

Contributions were received from Cllrs. McGuinness, P. O'Neill, M. O'Neill, Tyrrell, Gardner, Fitzpatrick, Kennedy, McKee and Malone.

Issues raised by members related to the following:

- Parking for residents in Wolfe Tone Street, Michael Street, Riverside Drive.
- Parking for funerals and matches in Hebron.
- Parking for those with disabilities/permit for carers etc.
- Bye-laws for scheduled towns for two hour parking
- Concession for night time parking in Market Yard
- Availability of Traffic Wardens in other towns/sufficient staff employed.

Mr. Butler responded to all the issues raised and advised that all matters will be reviewed. He advised that there are regular meetings with GAA and Gardai in Hebron/O'Loughlin area. At present there is sufficient staff to manage car parking etc. Gardai are also involved in implementing bye-laws.

(ii) CLÁR Projects 2016

Mr. Butler referred to document circulated with Agenda for members information. Queries arose from Cllrs. Shortall, Brennan and Cleere in relation to a request to be made to Department to review the Programme based on the 2016 Census. Members spoke about expanding the Scheme to other areas. Mr. Butler advised that there are 20 areas of disadvantage for the 2017 Programme. It was proposed by Cllr. P. Cleere, seconded by Cllr. J. Brennan and agreed that Kilkenny County Council approve the Scheme listed in the Report for CLÁR funding in 2017.

(iii) Naming of Bridge

It was proposed by Cllr. M.H. Cavanagh seconded by Cllr. M. O'Neill and agreed that:

"That Kilkenny County Council hereby approves that the new bridge over the River Nore to be named Saint Francis Bridge."

Contributions were received from Cllrs. Cavanagh, Fitzpatrick, Doherty, McKee, Kennedy, Malone, M. O'Neill, Shortall and McGuinness. Members welcomed the agreement on the name of Saint Francis Bridge and requested that the name Edmund Smithwick and family be remembered in the Abbey Quarter. The Committee was complimented on their work and the public were complimented on there submissions.

(c) Environment - Comhshaol

(i) Amenity Grants

It was proposed by Cllr. P. Fitzpatrick, seconded by Cllr, M. Doyle and agreed that:

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

Contributions were received from Cllrs. Fitzpatrick, Cleere, Doran, McGuinness, Tyrrell and Shortall in relation to the increased numbers of applications for funding. Members spoke of the need to increase funding in this area. They acknowledged the voluntary work of committee and residents. They asked for consideration to be given to reviewing the Scheme.

(ii) **Graveyard Grant Scheme 2017**

It was proposed by Cllr. P. O'Neill, seconded by Cllr. M. McCarthy and agreed that:

"That the Graveyard Grant Scheme 2017 is hereby approved by the members of Kilkenny County Council."

Cllr. M. O'Neill enquired if any funding is available for historic graveyards. Cllr. Kennedy asked for clarity on unsuccessful applications.

Ms. Mulholland advised that funding has been approved for applications under Round 1. Further information is being sought on applications for funding under Round 2 and a recommendation will be brought back to the members for these applications at a later stage.

(d) **Economic Development – Forbairt Eacnamaíochta**

(i) **Nomination to Kilkenny Tourism**

It was proposed by Cllr. A. McGuinness seconded by Cllr. P. Fitzpatrick and agreed

"That Kilkenny County Council hereby appoints Cllr. Joe Malone to the Kilkenny Tourism Board".

(ii) **Review of St. Patrick's Committee**

Mr. Tim Butler requested approval of members to defer this item to the June meeting. He advised that draft Terms of Reference are being prepared. Contributions were received from Cllrs. Malone, Cavanagh, Kennedy, M. O'Neill, P. O'Neill & Doran in relation to the following:

- Need for a County wide Committee
- Membership of Committee to be cross party
- PPN Reps to be included
- Allocation of budget for City & County

Mr. Butler advised that the event in the City is a civic event. There will be a small budget for distribution to committees in the County and applications can be made for this fund.

(e) **Corporate Affairs – Gnóthaí Corparáideacha**

(i) **Draft Annual Report**

It was proposed by Cllr. J. Brennan, seconded by Cllr. M. O'Neill and agreed

"That the Draft Annual Report for 2016 is hereby approved by the members of Kilkenny County Council."

Cllr. O'Neill requested that a correction be made to the list of Councillors names and that Non Party be substituted for Sinn Féin after her name and this was agreed.

(ii) **Service Delivery Plan for 2017**

It was proposed by Cllr. P. Cleere, seconded by Cllr. D. Kennedy and agreed

"That the Draft Service Delivery Plan for 2017 is hereby approved by the members of Kilkenny County Council."

Cllr. McKee requested an update on Bohernatounish Road. Cllr. Gardner requested update on Talbots Tower.

Mr. Butler advised that a feasibility study is being carried out and works will be undertaken in 2017 to reduce speed on the Bohernatounish Road.

Mr. Walton advised that access to Talbots Tower will not be available until the Council has dealt and managed the invasive species. Signage to be provided outlining the history of the site.

(iii) Audit Committee Annual Report 2016

Mr. Butler advised that the Audit Committee Report for 2016 is circulated for noting by the elected members. Cllr. Tyrrell requested clarity on the role of the committee. Mr. Butler advised that the role of the committee is statutory and is independent and it addresses the Council on financial reporting processes, internal control, risk management and other audit matters.

It was proposed by Cllr. D. Kennedy seconded by Cllr. G. Frisby and agreed:

“That the Audit Committee Annual Report for 2016 is hereby approved by the members of Kilkenny County Council.”

(iv) Intoxicating Liquor on Streets & in Public Places Bye Laws 2017

Mr. Butler referred to report circulated with Agenda and advised that the Bye-laws have been on public display since January 2017 and sent to all relevant bodies and presented to each Municipal District. It is recommended that the Bye-laws be adopted.

Queries arose in relation to enforcement of bye-laws from Cllr. Tyrrell and Shortall. Mr. Butler advised that it is a matter for the Gardai to implement the bye-laws. The amount of the fines are set out in National Legislation.

It was proposed by Cllr. M. O’Neill, seconded by Cllr. S. Tyrell and agreed

“That the Intoxicating Liquor on Streets and in Public Places Bye Laws 2017 is hereby approved by the members of Kilkenny County Council.”

(v) Chief Executives Report

Ms. Colette Byrne presented her monthly report and she reminded members that the Saint Francis Bridge will be officially opened on 23rd May, 2017 and it will open to traffic on the 17th May, 2017.

The Open Day on the Abbey Quarter site will take place on 20th May, 2017.

Queries arose in relation to the Chief Executive Report from Cllrs. Kennedy, McGuinness, Gardner, Shortall, Fitzgerald, Tyrrell, Doran, Cavanagh, Brennan, Doyle, M. O’Neill, Dunphy, Frisby and Doherty on the following:

- Concerns on the changes following the issue of the Valuation Certificate.
- Contacts in Rates Department to be issued to members.
- Clarify the Nett Annual Value [NAV] and how the total rates due is calculated – advertise in local newspapers.
- Provide statistics on Housing maintenance calls completed in the month.
- Input of members in the Revised Tennant Handbook.
- Clarify works on Tower Road & N24, flashing lights at junction, need to seek additional funding for more works, status on overpass, upgraded route between Waterford & Limerick.
- Update on Waterford Greenway Scheme, development of Winter Garden in Woodstock and outcome of discussions with Coillte.

- Roadside Litter. Policy on National Routes
- Need to have yearly meeting with TII.

Mr. Martin Prendiville responded to the query on the issue of Valuation Certificates and advised members that information for rate payers is available on our website and staff in Finance can be contacted for clarity on valuation and rates due. He advised members to encourage rate payers to attend the clinics organised by the Valuation Office. He confirmed that the rates due is calculated using the nett amount value multiplied by .21.

Mr. Tim Butler advised that a schedule of works has been agreed for the N24 Tower Road Junction and these will be undertaken in June/July 2017. Funds of €87,000 has been approved.

Ms. Byrne advised the meeting that a meeting has been held with Coillte and a Memorandum of Understanding is being developed.

Ms. Mulholland advised the responsibility for maintenance of litter on national routes is not a function of Kilkenny County Council. Kilkenny County Council has undertaken a pilot of litter picking on a stretch of 7km of Regional Road. Traffic management during these works is a significant issue.

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 April - June 2017*

It was proposed by Cllr. A. McGuinness, seconded by Cllr. J. Brennan and agreed.

(ii) *Fix date for Annual Meeting*

It was proposed by Cllr. P. Fitzpatrick, seconded by Cllr. S. Tyrrell and agreed that the Annual Meeting of Kilkenny County Council be held on Friday, 9th June, 2017 at 3.00 p.m.

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

(i) It was proposed by Cllr. P. Millea, seconded by Cllr. J. Brennan and agreed that the Chairman's Report of SPC1 Economic Development, Enterprise Support and Tourism held on 16th December, 2016 was noted as read.

(ii) It was proposed by Cllr. A. McGuinness, seconded by Cllr. M. O'Neill and agreed that the Chairman's Report of SPC4 Housing Strategic Policy Committee Meeting held on 26th January, 2017 was noted as read.

Cllrs. McGuinness & O'Neill welcomed the revision of the Tenants Handbook which outlined the responsibilities of the Landlord & Tenants for the Council's social houses.

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**

It was proposed by Cllr. G. Frisby, seconded by Cllr. S. Tyrrell and agreed.

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

None.

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

Cllr. Doherty asked for position on protection of IT Systems following the recent cyber attack. Mr. Prendiville advised that our IT Staff have been working since Friday to ensure all systems are protected.

Cllr. Tyrrell requested a list of contacts for staff following recent changes. It was agreed to circulate.

Cllr Frisby requested update on Boundary Review. Mr. Butler advised that there has been no response received from the Minister.

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

12 (17) Cllr. Andrew McGuinness

It was proposed by Cllr. A. McGuinness, seconded by Cllr. J. Malone and agreed:

"That Kilkenny County Council would work with Kilkenny Gardai to create a system of licensing and regulating the use of horse drawn vehicles in the City and County and that that system should include:

1. An age restriction on those who operate horse drawn vehicles
2. A roadworthy test similar to an NCT that prioritises road safety and animal welfare
3. A license/registration requirement
4. Full compliance with existing laws including horse license, micro chipping and our own sulky racing bye laws.

If this is a national issue then Kilkenny County Council should write to the Minister requesting same.

And that a special meeting be set up with Kilkenny Gardai to assess the impact of the sulky racing bye laws created by us in 2015."

Cllr. A. McGuinness referred to huge amount of cruelty to animals, health and safety issues with children handling horses and that all vehicles should be in a safe condition. He requested that signage should be erected near the Hebron Road Roundabout. The Bye-laws adopted for sulky racing should be enforced.

Contributions were also received from Cllrs. Millea, Gardner, Fitzgerald, Aylward and Shortall in relation to this motion and requested that a committee be set up to deal with welfare of all animals. It was suggested that the operation of horse drawn vehicles required national legislation. Ms. Mulholland responded to the issues raised and advised that Gardai enforce the bye-laws and are responding to notifications of sulky racing. There is interagency meetings and protocols will be developed between the agencies.

13 (17) Cllrs. David Kennedy & Sean Tyrrell

It was proposed by Cllr. D. Kennedy, seconded by Cllr. B. Gardner and agreed:

"That Kilkenny County Council call on the Department of Agriculture to reimburse the Council for the full cost of horse control in Kilkenny and that we send this motion onto the other Council's".

Ms. Mulholland advised that the Council currently recouped 50% of the cost from the Department. Consideration is being given to fully recoup costs for special operations.

14 (17) Cllr. Breda Gardner

It was proposed by Cllr. B. Gardner seconded by Cllr. D. Kennedy and agreed:

"That Kilkenny County Council in conjunction with An Garda Siochana implement and enforce the Bye Laws on sulkies and also develop a policy on Animal Welfare both on our roads/Parkland and Open Spaces".

15 (17) Cllr. Breda Gardner

It was proposed by Cllr. B. Gardner seconded by Cllr. D. Kennedy and agreed:

"That Kilkenny County Council support Bus Eireann workers and ask the present government to take immediate action to resolve the dispute and that Minister for Transport, Shane Ross establishes a stakeholder forum, that the Government commits to increasing levels of subvention for public transport to European norms and that the Department of Social Protection adequately fund the free travel scheme."

16 (17) Cllrs. Tomas Breathnach & Maurice Shortall, Fidelis Doherty, Mary Hilda Cavanagh, Pat Dunphy, Michael Doyle, Patrick O'Neill, John Brennan and David Fitzgerald.

It was proposed by Cllr. T. Breathnach, seconded by Cllr. B. Gardner and agreed:

"That Kilkenny County Council requests the Government to progress the Coroners Bill 2015 as a matter of urgency, and to ensure that the Coroners Bill will provide for an automatic inquest into every Maternal Death in the State".

Cllr. T. Breathnach spoke on this motion.

17 (17) Cllrs. Tomas Breathnach & Maurice Shortall

It was proposed by Cllr. T. Breatnach seconded by Cllr. M. Shortall and agreed

"That Kilkenny County Council write to Enterprise Ireland to urge them to review the policy on financial supports for businesses employing more than 10 people whose main business operation is supplying into multi-nationals on the domestic market who are ineligible for LEO or Enterprise Ireland financial supports."

18 (17) Cllrs. Mary Hilda Cavanagh, Fidelis Doherty, Johnny Brennan, Michael Doyle, Patrick O'Neill, David Fitzgerald & Pat Dunphy

It was proposed by Cllr. Michael Doyle seconded by Cllr. Doherty and agreed

"That Kilkenny County Council call on the Government to ensure Community Employment Schemes continue to operate in every community considering the welcome

reduction to the amount of people that are unemployed. The Government need to extend the years that people can stay on these schemes and also remove the first call by other agencies like TURAS NUA on unemployed people. Schemes have existed for 25 years and are invaluable to communities. It is worth nothing that schemes existed during the Celtic Tiger era when unemployment was at 4% or less. We propose that Kilkenny County Council write to the Government requesting the extension of timeframes people can stay on the CE scheme in relation to the amount of people available."

Cllr. Michael Doyle spoke about many communities relying on CE workers for assistance on a lot of projects and the scheme needs to be extended. Contributions were also received from Cllrs. Tyrrell, Gardner and Shortall on this motion.

19 (17) Cllr. Matt Doran

It was proposed by Cllr. M. Doran, seconded by Cllr. P. Fitzpatrick and agreed

"That Kilkenny County Council calls on the Minister for Social Protection to move to stop plans to regionalise Citizens Information Services (and Money Advice and Budgeting Services) and retain the county model which is run by local Boards of Management."

20 (17) Cllr. Matt Doran

It was proposed by Cllr. G. Frisby, seconded by Cllr. E. Aylward and agreed

"That this Council call on the Minister for Communications, Climate Action & Environment to protect children's health through strict controls, particularly on digital marketing, by introducing a comprehensive statutory system of regulation for online unhealthy food and drinks marketing directed at children. The calls come in support for the "Stop Targeting Kids" Campaign organised by Irish Heart, which is seeking to sign up 30,000 supporters to back its call."

21 (17) Cllr. Peter Cleere

It was proposed by Cllr. P. Cleere, seconded by Cllr. P. Fitzpatrick and agreed

"That this Council calls on the relevant Minister to extend the period of time for hedge cutting on our roadside hedges to improve safety on our roads".

Cllr. P. Cleere asked that the time period be extended by one month. Contributions were received from Cllrs. Gardner, Breathnach, Kennedy and Millea in relation to this issue being discussed at national level and concerns were raised in relation to the nesting season for birds and other wildlife. Members requested that we await the outcome of national legislation. Cllr. Gardner stated that she was not in agreement with the thrust of this motion.

12. Notices of Motion from other local authorities seeking support of Kilkenny County Council - Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh:

It was proposed by Cllr. G. Frisby, seconded by Cllr. M. Shortall and agreed that the following Notices of Motion have been read and noted:

15(17) Clare County Council

"That this Council would request Minister for Social Protection, Leo Varadkar to re-instate the telephone allowance for the elderly."

16 (17) Dublin City Council

“That Kilkenny County Council calls on the Minister for Health and the HSE to change the review on the standard of cancer care in Ireland from 10 years to 5 years, as the number of cancer patients are increasing each year and new research is being identified.”

17 (17) Waterford City & County Council

“That this Council supports the legalisation of the use of cannabis for medicinal purposes. It further supports that the scope of such use is left to the professional discretion of the medical practitioner involved and the consenting patient”.

18 (17) Waterford City & County Council

“This Council notes that, under current arrangements, a member who is unable to attend a meeting is listed as either absent or that they have sent apologies. Medical certification is not recorded or taken into account. Accordingly, this Council calls on the Minister to authorise the following amendments:

- (i) In cases of medical issues/illness, a member can submit their certification and it is recorded as such.
- (ii) In cases of medical issues/illness which is certified, the meetings missed are deleted from the overall meetings total for the particular member so that the 80% attendance rule is calculated on the basis of all meetings for the year minus those meetings that are missed on certified medical grounds.
- (iii) Meetings that are not attended on the basis of certified medical grounds are recorded and published separately”.

19 (17) Donegal County Council

“That this Council call on the Minister for Defence to formally award the military Medal for Gallantry to the Veterans of the siege of Jadotville, in view of the outstanding bravery and heroism shown.”

20 (17) Tipperary County Council

“That this Council requests the Government to progress the Coroner’s Bill as a matter of urgency, and that the Coroner’s Bill will provide for an automatic inquest into every maternal Death in the State.”

21 (17) Tipperary County Council

“That this Council would write to the Minister for Social Protection, Leo Varadkar TD and urge him to allow those over 55 on community Employment Schemes to continue to do so until they reach 65.”

22 (17) Galway County Council

“That this Council write to Irish Rail and Bus Éireann to strongly object to any downgrading of bus or rail services that will affect any town or village in County Galway.”

That concluded the business of the meeting.

CATHAOIRLEACH

DATE