

## **Minutes of Council Meeting held on Monday 21st July, 2014.**

**Chair:** Cllr. P. Millea

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

**Officials:** J. Mulholland, P. O'Neill, J. McCormack, M. Prendiville, M. Mullally, S. Kavanagh, M. Delahunty, K. Hanley, B. Tyrrell and A.M Walsh.

Cllr. P. Millea opened the meeting at 3.00 p.m. and welcomed the deputation from those opposed to Central Access Scheme. He invited the three speakers to address the meeting.

Ms. Sheila Tuohy, Dr. Declan Murphy and Dr. Maura Downey gave a presentation on behalf of the community, An Taisce and Kilkenny Archaeology Society in relation to people objecting to the Central Access Scheme. They outlined in their presentation that the Northern Ring Road should be priority over the Central Access Scheme and works should cease on the new bridge before Kilkenny is destroyed. The group voiced concerns about altering the streetscape in the St. Canices Area, safety of the community, lack of recognition of the medieval city and the walled city, why the bridge is needed, is it only to access the Diageo site, bringing more traffic into the city which is against governance policy, lack of public consultation, Council is not listening to the people of Kilkenny who are against the Central Access Scheme. They stated that the goalposts are moving and implored that the Council stop the work and review the project with the people.

Cllr. P. Millea thanked the deputation for their presentation on behalf of the members. Queries were raised from Cllrs. K. Funchion, B. Gardner, P. Cleere, M. Noonan, P. McKee, J. Malone, M. Shortall and J. Brennan in relation to the project and the deputation responded to the queries.

The deputation thanked the members for receiving them and stated in their final address the new bridge should not be provided, the location is wrong and the scale is not fitting for the area.

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

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday, 23<sup>rd</sup> June, 2014.** Proposed by Cllr. M. Doran, Seconded by Cllr. A. McGuinness and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 23<sup>rd</sup> June, 2014 as circulated with the Agenda be and are hereby approved."

- (b) Minutes of Thomastown Electoral Area Meeting held on 28<sup>th</sup> April, 2014.** Members agreed to accept the minutes as accurate as there is no sitting councillor who attended that meeting.
- (c) Minutes of Strategic Policy Committee 3 – Environmental Policy, Fire Services and Emergency Planning Meeting held on Wednesday, 30<sup>th</sup> April, 2014.** Proposed by Cllr. M. Doran, Seconded by Cllr. E. Aylward and agreed:- “That the minutes of the Strategic Policy Committee 3 – Environmental Policy, Fire Services and Emergency Planning Meeting as circulated with the Agenda be and are hereby approved.”

Votes of sympathy were extended to:-

- Heffernan family on the untimely death of a wife and mother, Michelle Heffernan, by Cllrs. M. Doran, M.H. Cavanagh, M. Noonan, M. Shortall, K. Funchion, B. Gardener and T. Breathnach.

Members agreed to an adjournment of 15 minutes as a mark of respect.

- Kieran Fitzgerald (Senior Engineer) and his family on the death of his brother Thomas Fitzgerald, Listowel, Co. Kerry.

Cllr. M.H. Cavanagh proposed a further 15 minutes for members to consider the presentation made by the deputation. It was seconded by Cllr. M. Doran and agreed.

The meeting resumed at 5.10 p.m.

Cllr. Noonan referred to the notice of motion on the agenda and stated he is calling for a review of the scheme.

Cllr. Millea stated that members had requested further time to consider the Central Access Scheme and also two members had a notice of motion on the agenda seeking a review of the Central Access Scheme. Cllrs. Doran and Cavanagh requested time to consider the current status and the implications arising from any decisions or review or stop works.

It was:

Proposed by: Cllr. A. McGuinness,  
Seconded by: Cllr. M.H. Cavanagh

“that an emergency meeting be held on Tuesday 22<sup>nd</sup> July, 2014 to consider and review the decision by An Bord Pleanala to grant the Kilkenny Northern Ring Road, to consider the current position of the Kilkenny Central Access Scheme having regard to the deputation received on 21.07.2014”.

This was agreed by all members and it was agreed to meet at 3.00 p.m. on Tuesday 22.07.2014.

Mr. J. Mulholland advised that he would have to seek legal and financial advice and will brief Members when it is received.

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 & Other Disposal - Tithíocht & Díuscairt Eile**

- (i) Proposed by Cllr. P. Cleere,  
Seconded by Cllr. A. McGuinness  
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 property at 21, Cottage Gardens, Graiguenamanagh, Co. Kilkenny, for the sum of €79,000 with each party being responsible for their own legal costs associated with the sale.” (Notification issued to members on 3<sup>rd</sup> July, 2014).”

- (ii) Proposed by Cllr. A. McGuinness,  
Seconded by Cllr. M.H. Cavanagh  
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 land at Newpark Upper, Johnswell Road, Kilkenny, measuring 0.39 acres to Dr. Mary Mooney, Riverside House, Johnswell Road, Kilkenny, for the sum of €10,000 with each party being responsible for their own legal costs associated with the sale.” (Notification issued to Members on 17<sup>th</sup> June, 2014).”

(b) **Finance - Airgeadais**

Mr. Martin Prenderville, Head of Finance gave a detailed powerpoint presentation on Budget 2014 and proposed implications for Budget 2015, Property Tax for County Kilkenny – amount collected, figures on changes to amend property tax charge and rate harmonisation for the local authorities. A copy of the presentation was circulated for Members’ information as a lot of detail is included in it and decisions are required by Elected Members on any proposed change to the Property Tax by the 30.09.2014. Mr. Prenderville requested Members to reschedule the normal September Monthly Meeting to a later date to allow the Chief Executive to prepare reports on the property tax following receipt of submissions from the public.

It was Proposed by Cllr. J. Brennan,  
Seconded by Cllr. E. Aylward  
And agreed:-

“That the Monthly September Meeting be deferred to Monday 22.09.2014.”

Cllrs. E. Aylward, J. Brennan and M. Doran raised a number of issues in relation to the refund of Rates for each Municipal District Local Governance Fund and compliance rate in Kilkenny for the Property Tax. Mr. Prenderville responded to all queries raised.

**(c) Roads – Bóithre**

**(i) Better Energy Community Grant Allocation.**

Mr. Mulholland advised and reported on the Grant Allocation which was forwarded to members for their information. The total value of the projects to be undertaken is €743,000. Kilkenny County Council will have to fund €300,000 of this amount. The payback period for the project is approximately 5 to 6 years. There is a target of a 33% improvement in energy efficiency in the period to 2020. Kilkenny County Council is operating in partnership with Carlow Kilkenny Energy Agency.

Members noted the Report.

**(ii) Taking in Charge of Housing Developments:**

- Broguemaker Hill, Thomastown

Proposed by: Cllr P. Cleere,  
Seconded by: Cllr. P. McKee  
And resolved:-

“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 as amended by Section 59 of the Planning & Development Act, 2010 hereby declares the road listed in the Public Road and listed above to be a Public Road”.

- 19, houses at Togher Lawn, Urlingford
- 5 houses at Prologue, Callan.
- 7 houses at Bolton, Callan.
- 9 houses at Mill Road, Inistioge.

Proposed by: Cllr. P. Cleere,  
 Seconded by: Cllr. P. McKee,  
 And resolved:-

“We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the above named developments in accordance with Section 11 of the Roads Act 1993 and in compliance with Section 180 of the Planning and Development Act 2000 as amended by Section 59 of the Planning & Development Act 2000 as amended by Section 59 of the Planning & Development Act 2010:

**(d) Environment – Timpeallacht**

**(i) Graveyard Grant Scheme Allocation.**

Mr. P. O’Neill advised members that an amount of €12,500 is available under the Department of Environment, Community and Local Government’s Public Area Enhancement Scheme for works to graveyards in the County. The report outlined the applications received and the grants recommended for approval. It was:

Proposed by: Cllr. M. Shortall,  
 Seconded by: Cllr. P. Fitzpatrick  
 And agreed:

“that the Graveyard Grant allocation of €12,500 be allocated in accordance with the recommendation contained in the Report as circulated to the Members.”

**(ii) Smoke Free Policies in Playgrounds**

Letter dated 27.06.2014 from ASH was circulated to members for consideration. It was:

Proposed by: Cllr. M.H. Cavanagh,  
 Seconded by: Cllr. P. Fitzpatrick  
 And agreed:

“That Kilkenny County Council introduce smoke free policies in playgrounds which are under the control of the local authority.”

**(e) Housing - Tithíocht**

**(i) Part 8 Development:**

It was:

Proposed by: Cllr. P. McKee,

Seconded by: Cllr. G. Frisby

And resolved:-

“that Kilkenny County Council hereby approves the construction of 6 no. dwellings at Maidenhill, Manor Walk, Kells Road, Kilkenny.”

**(ii) Housing Assistance Payment Scheme.**

Mr. J. McCormack advised members that he will circulate a briefing note to all members outlining the details of the Housing Assistant Payment Scheme.

**(f) Community - Pobail**

Establishment of Statutory Local Community Development Committee (LCDC).

Mr. J. McCormack advised that Regulations have been recently published in relation to the Establishment of the Statutory Local Community Development Committee. Approval of the elected members is required to establish this committee. The committee will consist of 19 members. There will be 9 people nominated from statutory agencies including 4 elected members and 10 people nominated from non statutory/committee/voluntary agencies. In order for the committee to be established it is recommended that Mr. Nicky Brennan remain as interim Chairperson until the end of the year. It was:

Proposed by: Cllr. M. Doran,

Seconded by: Cllr. M. Doyle

And agreed:-

“That We, the Members of Kilkenny County Council, formally approve the establishment of a Local Community Development Committee comprising 19 members for the County of Kilkenny in accordance with the provisions of Part 6, Local Government Reform Act, 2014 and the Local Community Development Committee (Section 128E) Regulations, 2014”.

**(g) Planning – Pleanail**

**Site Resolution Fund for unfinished housing developments**

Ms. A.M. Walsh referred to report circulated on Site Resolution Fund. She advised that an allocation of €410,000 was received from the Department of Environment, Community & Local Government, in respect of four unfinished developments. Works must be completed by end of October, 2014. Works will include demolition of partially constructed houses. The Council are currently in discussion with the Receivers for these three developments in relation to the proposed works. It is hoped that their agreement can be sought to enable the works to be carried out. Kilkenny County Council has also made a final application for safer works on two other developments. A grant of €51,800 has been allocated and Planning Department are in the process of issuing the appropriate notices to enter on the lands to carry out the safety works.

Members noted the report.

**(h) Corporate Affairs**

- (i) Consideration of Draft Standing Orders for Kilkenny County Council as circulated at June Monthly Meeting.
  
- (ii) Consideration of Kilkenny County Council Strategic Policy Committee Scheme 2014 – 2019.

These items were deferred to the September, 2014 Meeting.

As the time has now reached 6.00 p.m. the Chair advised that all other items on the Agenda were to be deferred to the September, 2014 Meeting.

The meeting then concluded.

Signed: \_\_\_\_\_

Cathaoirleach

