

**MINUTES OF ORDINARY COUNCIL MEETING
HELD ON MONDAY, 12TH MARCH, 2018 AT 3.00 P.M.**

Chair: David Fitzgerald

Cllrs: Eamon Aylward, John Brennan, Tomás Breathnach, Mary Hilda Cavanagh, Peter Cleere, Fidelis Doherty, Matt Doran, Michael Doyle, Pat Dunphy, Ger Frisby, Pat Fitzpatrick, David Kennedy, Andrew McGuinness, Joe Malone, Michael McCarthy, Pat Millea, Malcolm Noonan, Melissa O'Neill, Patrick O' Neill and Maurice Shortall.

Officials: Tim Butler, Martin Prendiville, Mary J. Mulholland, Sean McKeown, Brian Tyrrell, Martin Mullally, Michael Delahunty, John Collins, Eileen Lanigan, Claire Goodwin, Denis Malone, Kevin Hanley, Nicolaas Louw & Anne Maria Walsh.

Apologies: Cllr. Breda Gardner, Patrick McKee & Sean Tyrrell
Colette Byrne, Chief Executive.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 19th February, 2018**

Proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Melissa O'Neill and agreed:

"That the Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 19th February, 2018, as circulated with the Agenda be and are hereby approved".

- (b) **Minutes of Special Meeting held on Monday, 19th February, 2018**

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

"That the Minutes of Special Meeting of Kilkenny County Council held on Monday 19th February, 2018, as circulated with the Agenda be and are hereby approved".

- (c) **Minutes of SPC 4: Housing held on Thursday, 9th November, 2017**

Proposed by Cllr. Melissa O'Neill, seconded by Cllr. Michael McCarthy and agreed:

"That the Minutes of SPC 4: Housing Meeting held on Thursday, 9th November, 2017, as circulated with the Agenda be and are hereby approved".

- (d) **Minutes of SPC 5: Environmental Protection, Water Services & Energy held on Thursday, 16th November, 2017**

Proposed by Cllr. Maurice Shortall, seconded by Cllr. Tomás Breathnach and agreed:

"That the Minutes of SPC 5: Environmental Protection, Water Services & Energy held on Thursday, 16th November, 2017, as circulated with the Agenda be and are hereby approved".

Cllr. David Fitzgerald extended good wishes to everyone for St. Patrick's Day and Easter.

Cllr. David Fitzgerald congratulated the following:

- Bishop Dermot Farrell on his installation as Bishop of Ossory.
- Cartoon Saloon on their recent nominations for "The Breadwinner".
- Loreto Camogie Team on winning post primary schools Senior Camogie Championship Roinn A.
- Kenneth Cottrell, representing Ireland in Racquetball.
- All Young Entrepreneurs who participated in the recent event.

Cllr. David Fitzgerald also extended votes of sympathy to the following:

- Colette Byrne, Chief Executive on the death of her Mother in Law Mary Byrne.
- Alan Hyland, Ferrybank Area Office on the death of his Father Jim Hyland.
- Pat Mullally, Machinery Yard on the death of his Father Billy Mullally.
- Pat Hurley, Castlecomer Area on the death of his Mother Margaret Hurley.

Cllr. David Fitzgerald proposed an adjournment of five minutes as a mark of respect to Colette Byrne on the death of her Mother-in-Law. This was seconded by Cllr. Mary Hilda Cavanagh and agreed.

Meeting adjourned for five minutes.

Meeting resumed at 3.30 p.m.

2. (a) **Housing & Other Disposal – Tithíocht & Díuscairt Eile**

- (i) It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Michael McCarthy and agreed:

"That Kilkenny County Council hereby approves of the disposal of its interest in house at Cloneen, Castlecomer to Cormac and Jacinta Young in accordance with the terms of the Housing Acts 1966 to 2002. "Consent of the Minister is not required"

- (ii) It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Melissa O'Neill and agreed:

"That Kilkenny County Council hereby approves of the disposal of its interest in house at 8 Tuar Na Blatha, Abbeylands, Ferrybank, Co. Kilkenny to Sean and Susan Molloy in accordance with the terms of the Housing Acts 1966 to 2002. "Consent of the Minister is not required".

(b) **Planning – Pleanail**

- (i) **Taking in Charge: Riverside Park, Urlingford**

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Michael McCarthy and agreed that:

"We, the Members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following developments 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."

Development: TC145 - Riverside Park, Urlingford, Co. Kilkenny

(ii) **Chief Executive's Report on Submissions to Variation 3 to the Kilkenny County Development Plan**

Mr. Denis Malone, Senior Planner presented the Chief Executive's Report on the proposed Variation No. 3 to the Kilkenny County Development Plan 2014-2020. He advised that it is proposed to incorporate the expired Local Area Plans for the areas of Piltown, Fiddown and Gowran into the County Development Plan with settlement boundaries in accordance with Section 3.3.5.1 of the County Development Plan and to extend the settlement boundary of the Ballyragget Area in order to facilitate housing development.

He advised that six submissions were received following public display and it is recommended that there is no change to the proposed variation as published.

It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. Maurice Shortall and agreed that:

"We the members of Kilkenny County Council, having considered the proposal to make Variation 3 to the Kilkenny County Development Plan 2014-2020 under Section 13 of the Planning & Development Acts 2000-2016, and having considered the Chief Executive's Report as circulated on the 6th March, prepared in accordance with Section 13 (4) of the above Acts, the recommendations as set out in the Chief Executive's report, and with our decision made at a meeting of Kilkenny County Council held on the 12th March 2018, do hereby resolve to vary the Kilkenny County Development Plan in accordance with Proposed Variation 3."

Cllr. David Kennedy requested clarification on the status of planning permissions granted in these areas. Mr. Malone advised that the Variation does not affect any current permission.

(iii) **Chief Executive's Report on Submissions to Variation 5 to the Kilkenny City & Environs Development Plan**

Mr. Denis Malone, Senior Planner presented the Chief Executive's Report on the proposed Variation No. 5 to the Kilkenny City & Environs Development Plan 2014-2020. He advised the Members that the purpose of Variation No. 5 to the Kilkenny City & Environs Development Plan is to provide the necessary overarching policy framework to allow for temporary parking in the Masterplan area notwithstanding the text of the Masterplan in Section 4.1.6. The proposed variation is a measure to facilitate application/applications under Part 8 for temporary or meanwhile parking within the Abbey Quarter. It does not form part of the long term vision for the site. The opportunity of temporary uses was identified in the Urban Design Criteria & Development Code which was approved by the Council in January. The proposed variation was on public display and twelve submissions were received. It is recommended that there is no change to the proposed variation as published.

Queries were raised by Cllrs. P. Fitzpatrick, D. Kennedy, D. Fitzgerald, MH. Cavanagh, M. Noonan, M. O'Neill, T. Breathnach in relation to the following:

- Number of spaces available on site for parking.
- Clarify period of temporary use/"Meanwhile" use.
- Clarify status of provision of housing on the Northern end of site.

- Need to commence review of Mobility Management Plan for the City, reduce dependency on car parks, content of some of the submissions to be included in Review of Mobility Management Plan.
- HGV Management Plan.
- Other Car Parks underutilised.
- Include provision of spaces for all types of disability.
- Pedestrianisation of High Street.

Ms. Mulholland advised that there is a commitment to provide Social Housing on the site. There are issues to be addressed in relation to unit cost which is very high and also the provision of sports hall and parking for the houses. Mr. Butler advised that we will be going out to tender for Consultants for the Mobility Management Plan.

Mr. Malone responded to the other queries and advised that when Part 8 application comes before the Members for approval for temporary use that the time period will be included in the application. It is a matter for members to approve Part 8.

It was proposed by Cllr. Matt Doran, seconded by Cllr. Pat Fitzpatrick and agreed that:

"We the members of Kilkenny County Council, having considered the proposal to make Variation 5 to the Kilkenny City & Environs Development Plan 2014-2020 under Section 13 of the Planning & Development Acts 2000-2016, and having considered the Chief Executive's Report as circulated on the 6th March, prepared in accordance with Section 13 (4) of the above Acts, the recommendations as set out in the Chief Executive's report, and with our decision made at a meeting of Kilkenny County Council held on the 12th March 2018, do hereby resolve to vary the Kilkenny City & Environs Development Plan in accordance with Proposed Variation 5."

- 15 members voted in favour of the proposed Variation:
J. Brennan, MH. Cavanagh, P. Fitzpatrick, M. McCarthy, M. Shortall, P. Cleere, D. Kennedy, P. O'Neill, M. Doran, D. Fitzgerald, J. Malone, T. Breathnach, P. Dunphy, G. Frisby & M. O'Neill
- 1 Member voted against the proposed variation:
Cllr. Malcolm Noonan.

The proposed variation was passed.

- (iv) **Part 8 for Waterford to New Ross Greenway &**
- (v) **Part 8 for Waterford to New Ross Greenway at Aylwardstown**

Mr. Sean McKeown gave a PowerPoint presentation on the Waterford to New Ross Greenway. He explained the rationale for the two Part 8 Proposals. In his presentation he outlined the following:

- Proposal before the Members and details of route.
- Definition of Greenway, current National Policy and details of other Greenways.
- Discussion with Iarnród Éireann.
- Existing condition of the track.
- Outlined the proposed development work and location of works.
- Details given on the Aylwardstown Section.
- Submission received during the Part 8 application process, issues raised in the submission.

Mr. McKeown referred to the two Part 8 reports issued by the Chief Executive and recommended to the Members that approval to both Part 8's be approved.

Contributions were received from Cllrs. M. O'Neill, D. Kennedy, P. Dunphy, T. Breathnach, E. Aylward, G. Frisby, F. Doherty and M. Noonan.

Issues raised by Members related to:

- Concerns regarding privacy for householders and landowners.
- Responsibility for maintenance of the track, fencing etc.
- Tenure of lease from Iarnród Éireann.
- Provision of car parking for walkers.
- Agreement on accommodation works.
- Connectivity with other Greenways.
- Accommodation works required to negotiate the New Ross ByPass.
- NPF - aspiration for re-instatement of old railway line.
- Off road use is not feasible.
- Welcome the discussions already undertaken with the farming communities.
- Change name to "Kilkenny Greenway".

Mr. Sean McKeown responded to all issues raised.

It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. Ger Frisby and agreed by 19 Members that:

"We the members of Kilkenny County Council approves Part 8 in accordance with Section 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended, for the Waterford to New Ross Greenway, as circulated."

It was proposed by Cllr. Pat Dunphy, seconded by Cllr. Ger Frisby and agreed by 18 Members that:

"We the members of Kilkenny County Council approves Part 8 in accordance with Section 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended, for the Waterford to New Ross Greenway at Aylwardstown, as circulated."

Cllr. Melissa O'Neill voted against this proposal.

(vi) **Proposed Material Contravention to County Development Plan in relation to Planning Application Ref. 17/706 on N76.**

Mr. Denis Malone presented the Chief Executive's Report on the proposed Material Contravention of the Kilkenny County Development Plan 2014-2020 in relation to Planning Application P17/706 for development at Tullamaine [Ashbrook] Callan, Co. Kilkenny. He advised that the application is proposing to close off four entrances onto the National Road N76 and utilise an existing farmyard access to serve the proposed house. This will be a significant benefit to Road Safety.

Concerns were expressed by Cllr. Maurice Shortall in relation to creating precedent for other proposals for development onto National Roads.

It was proposed by Cllr. Mary Hilda Cavanagh seconded by Cllr. Matt Doran and agreed that:

"That in accordance with Section 34(6) of the Planning and Development Act 2000, as amended, a Decision to Grant Planning Permission shall be made, subject to appropriate conditions, to:

- *Sean Maher, c/o Brendan Moore, 53 The Fairways, Old Golf Links Road, Kilkenny to comprise as follows:*

Construction of a two storey dwelling detached garage, vehicular entrance and access driveway, bore well, wastewater treatment system and soil polishing filter and all associated site works at Tullamaine (Ashbrook), Callan, Co. Kilkenny."
Ref. No. in Planning Register – P.17/606

19 Members voted in favour of the proposed Material Contravention as follows:

J. Brennan, MH. Cavanagh, P. Fitzpatrick, M. McCarthy, M. Shortall, P. Cleere, M. Doyle, D. Kennedy, P. O'Neill, M. Doran, D. Fitzgerald, J. Malone, M. Noonan, E. Aylward, T. Breathnach, Fidelis Doherty, P. Dunphy, G. Frisby & M. O'Neill

(c) (i) **Severe Weather Report**

Mr. Tim Butler gave a PowerPoint presentation on the recent severe weather and Storm Emma over the period 28th February, 2018 to 5th March, 2018.

In his presentation he gave an overview on the following:

- Preparations for the event, early warnings, severe weather team activated, call centre set up, all vehicles deployed and grit distributed to strategic locations.
- Severe weather - details of weather over the week and extent of snow in the various locations, effects caused to communities and actions taken to assist communities, farming and other agencies, details of calls taken over the period.
- Clearing of roads, availability of salt, status of the road network over the period, number of vehicles used by the Council and Contractors.
- Assistance received from Defence Forces, Fire Service, Civil Defence, IFA and farming communities.

Cathaoirleach thanked Mr. Butler for his leadership during this difficult period and all the staff and communities who assisted to ensure that all citizens were looked after.

Contributions were also received from Cllrs. Fitzpatrick, Aylward, Noonan, P. O'Neill, Kennedy, Breathnach, Dunphy and Shortall.

All Members acknowledged the work of staff, Defence Forces, Emergency Services and all volunteers who assisted in any work to clear snow and to ensure that neighbours were safe. Information was readily available and kept up to date on social media.

Issues raised by members related to:

- Funds to repair roads.
- Recoupment of costs incurred during the severe weather period.

Cllr. David Fitzgerald advised that he intends to host a reception to recognise the efforts made by all.

Members agreed with this proposal.

(d) **Rebuilding Ireland Update**

Deferred.

(e) **Community & Culture - Watershed**

Cathaoirleach welcomed Mr. Dermot Gaynor and Ms. Tina Dowling to the meeting. Mr. Dermot Gaynor, Chief Executive of the Watershed gave a Powerpoint presentation on the operation of the Watershed for 2017. In his presentation he outlined to the Members the following:

- Range of activities provided.
- Number of visits/Membership.
- Operational surplus achieved in 2017.
- Details of sources of income received.
- Breakdown of operational costs.
- New activities introduced during 2017.

Cllr. David Fitzgerald thanked Mr. Gaynor for his presentation. He thanked Mr. Gaynor for his work with the Watershed since it opened nine years ago and wished him well as he leaves his job. He welcomed Tina Dowling who is taking over as Chief Executive.

Contributions were also received from Cllrs. M. Doran, M. Noonan, P. O'Neill, P. Fitzpatrick, D. Kennedy, T. Breathnach & M. O'Neill in relation to the following:

- Ongoing development of the leisure centre.
- Introduction of new sports.
- Enthusiasm of staff and Board of Directors.
- No burden on the Council for the operational costs.
- Assistance given to many clubs and communities over the years.

Mr. Martin Prendiville on behalf of Ms. Colette Byrne, Chief Executive thanked Mr. Gaynor for his service with the Watershed and wished Ms. Tina Dowling every success in her new role as Chief Executive.

At this stage Cllr. Malcolm Noonan requested that the presentation by LEO be put back as an item on the Council Agenda.

Mr. Prendiville advised that the presentation was circulated to all Members.

(f) (i) **Annual Financial Statement**

Mr. Prendiville advised Members that the Elected Members are required to approve the Unaudited Accounts and approve excess expenditure for 2017. He advised that the audit of the Accounts will commence in a few weeks time.

Mr. Prendiville advised that the total expenditure for 2017 was €79m. Additional income was received from the NPPR. This is once off income and will not be available for 2018.

There has been continuous emphasis on the collecting of all income and arrears have decreased by approx. 50% over the years. There was additional expenditure in a number of areas but this was offset by additional grants and other income. A balanced position was maintained for 2017.

Long term debtors increased by €1.3m and this is due to new mortgage loans being issued. 47 loans were issued during 2017.

Mr. Prendiville further advised that the closing balance on the Capital Account is €2.7m at 31st December, 2017. The overdraft facility was not used during 2017. He advised that the three year capital budget for 2018-2020 is being prepared and will be presented to the Council in May 2018.

Mr. Prendiville thanked the Finance Staff for their work on preparing the final accounts.

As it was 5.55 p.m. it was proposed by Cllr. Eamon Aylward, seconded by Cllr. Maurice Shortall and agreed to suspend Standing Orders to finish Item 2 (f) (i).

Cllr. David Fitzgerald thanked all staff for their work in maintaining a balanced budget for 2017 and achieving a surplus of €5,431.

Cllr. Pat Fitzpatrick welcomed the high percentage in the collection of all incomes and thanked the staff involved.

In advance of taking the resolutions Mr. Prendiville advised that the Excess Expenditure of approx. €10m in 2017 has been offset by the payment of additional grants and other income. There was a surplus of €5,431 in the overall year.

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Maurice Shortall and agreed:

“That Kilkenny County Council hereby approves of Excess Expenditure for year ending 31st December, 2017 as follows in accordance with S104(2) Local Government Act 2001:

	€
<i>Housing & Building</i>	
A01 <i>Maintenance & Improvement of LA Housing</i>	1,042,856
A04 <i>Housing Community Development Support</i>	5,910
A05 <i>Administration of Homeless Service</i>	373,893
A06 <i>Support to Housing Capital Programme</i>	114,293
A07 <i>RAS Programme</i>	628,965
A09 <i>Housing Grants</i>	328,725
A11 <i>Agency & Recoupable Services</i>	28,316
A12 <i>HAP Programme</i>	<u>31,087</u>
<i>Subtotal</i>	2,554,045
<i>Road Transportation & Safety</i>	
B01 <i>NP Road – Maintenance & Improvement</i>	61,941
B02 <i>NS Road – Maintenance & Improvement</i>	31,674
B04 <i>Local Road – Maintenance & Improvement</i>	3,158,025
B05 <i>Public Lighting</i>	119,792
B09 <i>Car Parking</i>	35,278
B10 <i>Support to Roads Capital Programme</i>	2,003
B11 <i>Agency & Recoupable Services</i>	<u>741,312</u>
<i>Subtotal</i>	4,150,025

	Water Services	
C02	Waste Water Treatment	99,188
C03	Collection of Water & Waste Water Charges	6,892
C06	Support to Water Capital Programme	13,819
C07	Agency & Recoupable Services	3,612
C08	Local Authority Water and Sanitary Services	<u>3,087</u>
	Subtotal	126,598
	Development Management	
D02	Development Management	50,308
D05	Tourism Development and Promotion	364,002
D06	Community and Enterprise Function	402,483
D07	Unfinished Housing Estates	79
D09	Economic Development and Promotion	383,358
D11	Heritage and Conservation Services	<u>42,165</u>
	Subtotal	1,242,395
	Environmental Services	
E01	Landfill Operation and Aftercare	29,489
E02	Recovery & Recycling Facilities Operations	138,468
E04	Provision of Waste to Collection Services	60,058
E06	Street Cleaning	123,433
E07	Waste Regulations, Monitoring and Enforcement	27,690
E10	Safety of Structures and Places	9,058
E11	Operation of Fire Service	279,251
E12	Fire Prevention	<u>11,587</u>
	Subtotal	679,034
	Recreation and Amenity	
F01	Leisure Facilities Operations	4,286
F02	Operation of Library and Archival Service	372,153
F03	Outdoor Leisure Areas Operations	113,548
F04	Community Sport and Recreational Development	14,737
F05	Operation of Arts Programme	<u>105,419</u>
	Subtotal	610,143
	Agriculture, Education, Health & Welfare	
		<u>0</u>
	Subtotal	0
	Miscellaneous Services	
H01	Profit & Loss Machinery Account	44,965
H04	Franchise Costs	13,544
H05	Operation of Morgue and Coroner Expenses	25,322
H06	Weighbridges	921
H07	Operation of Markets and Casual Trading	800
H10	Motor Taxation	16,537
H11	Agency & Recoupable Services	<u>921,753</u>
	Subtotal	1,023,842
	TOTAL	10,386,082

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Maurice Shortall and agreed that:

"We, the members of Kilkenny County Council, hereby adopt the Annual Financial Statement for year ending 31st December, 2017."

The business of the meeting concluded at this stage.

CATHAOIRLEACH

DATE