

Minutes of July Council Meeting held on 18th July, 2016 at 3.00p.m.

Chair: Cllr. M. Doran

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

Officials: C. Byrne, M. Mulholland, M. Prendiville, K. Hanley, D. Malone, C. O' Sullivan, M. Delahunty and A. M. Walsh

Apologies: D. Kennedy and M. Doyle.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 20th of June, 2016

Proposed by Cllr. P. Cleere, Seconded by Cllr. M. Shortall and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 20th of June 2016 as circulated with the agenda be and are hereby approved".

(b) Minutes of SPC 1- Economic Development, Enterprise Support and Tourism Meeting held on 23rd March, 2016

Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. M. McCarthy and agreed:- "That the minutes of the SPC 2- Economic Development Enterprise Support and Tourism Meeting held on 23rd March, 2016 as circulated with the agenda be and are hereby approved".

(c) Minutes of SPC 3 – Planning & Development, Heritage, Community, Arts and Culture Meeting held on 13th April, 2016

Proposed by Cllr. J. Brennan, Seconded by Cllr. M. Noonan and agreed:- "That the minutes of SPC 3 – Planning & Development, Heritage, Community, Arts and Culture Meeting held on 13th April, 2016 as circulated with the agenda be and are hereby approved".

(d) Minutes of SPC 2 – Infrastructure Policy, Transportation, Fire and Emergency Services Meeting held on Friday 10th of June, 2016

Proposed by Cllr. M. McCarthy, Seconded by Cllr. S. Tyrrell and agreed:- "That the minutes of SPC 2 Infrastructure Policy, Transportation, Fire and Emergency Services Meeting held on Friday 10th of June, 2016 as circulated with the agenda be and are hereby approved".

Cllr. Doran complimented all those involved in the 3 Sisters Bid and wished Galway every success in 2020. He stated that the team were very confident following a successful presentation to the Jury. Contributions were received from Cllrs. M. H. Cavanagh, S. Tyrrell, P. McKee, M. Noonan, B. Gardner, P. Fitzpatrick, J. Malone and T. Breathnach members complimented all involved. They have worked together as 3 Local Authorities and members have adopted a Regional Cultural Strategy. Members requested that communities continue to be involved in Arts & Heritage Projects. Query was raised in relation to the cost of preparing the 3 Sisters Bid.

Members congratulated Galway and wished them well for 2020.

Ms. Byrne advised that €600,000 was spent by the 3 Local Authorities in preparing the Bid Book. In the event of a successful bid- Kilkenny County Council would have to provide €2.25m from future budgets.

Cllr. Doran extended congratulations to Cllr. P. O' Neill on his election as Chair of Kilkenny Municipal District.

Cllr. Shortall congratulated Ronan Kavanagh who is sports scientist with the Welsh Soccer Team.

Cllr. M. Doran extended votes of sympathy to the following:-

- To Billy Mernagh on the death of his sister Eithne Mernagh Doyle
- To Pat Fitzgerald Water Services on the death of his mother Gertrude Fitzgerald.
- To Joe Lacey Kilkenny City Area on the death of his brother Denis Lacey
- To the Lawlor Family, Richview on the death of Ciara Lawlor
- To the Hassey Family, Coon on the death of Seamus Hassey
- The Irish Family, Slieverue on the death of Pat Irish.
- To all Families across the world who have been affected by the recent attack in Nice

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. A. McGuinness, Seconded by Cllr. B. Gardner 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 plot of ground at rear of No. 1 Kells Road, Kilkenny to the Reps of Ms. Maureen Butler (otherwise O’Neill) for the nominal sum of €10.00 with each party being responsible for their own legal costs associated with the sale. Plot of ground measures 88m² approx.”

- (ii) Proposed by Cllr. E. Aylward, Seconded by Cllr. P. O' Neill 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 2 no. plots of ground at Gorrue, Knocktopher, Co. Kilkenny to Mr. Michael Drennan, Gorrue, Knocktopher, Co. Kilkenny for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale. Plots measure as follows: - Plan BMPX5-A Area = 0.2ha and Plan BMPX7 Area = 0.30ha."
- (iii) Proposed by Cllr. M. Shortall, Seconded by Cllr. M. McCarthy 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 3 no. plots of ground at Leigh, Two Mile Borris, Co. Tipperary to M/s. Sheila Healy, Leigh, Two Mile Borris, Co. Tipperary for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale. Plots measure as follows: - Plot A- 0.352ha, Plot B – 0.309ha and Plot C – 0.360ha."
- (iv) Proposed by Cllr. A. McGuinness, Seconded by Cllr. P. O' Neill 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 plot of ground measuring approx 20m² at 19 Pococke Upper, Johnswell Road, Kilkenny to Christopher Grey, for the nominal sum of €10.00 with each party being responsible for their own legal costs associated with the sale."

Corporate Affairs - Gnóthaí Corparáideacha

(i) **Chief Executives Report**

Ms. C. Byrne presented her monthly report and drew member's attention to the following:-

- Allocation of €229,000 for the National Taking in Charge Initiative for 9 Housing Estates
- Live Streaming of Council Meetings – CPG agreed to defer report until tender process has being undertaken by Fingal County Council.

Contributions were received from Cllrs. S. Tyrrell, P. McKee, M. Noonan, D. Fitzgerald and M. Doran in relation to the following:-

- Cost of live streaming – use of local contractors
- Welcome shared services on procurement
- Age Friendly - Car parking spaces, reduced charges for electric vehicles, parking for trade's people working in the city.
- National Heritage Week – Welcome programme of events
- Housing Maintenance calls – Clarify response.

Mr. Kevin Hanley advised that the Local Authority is required to comply with public procurement rules and regulations and we can use shared procurement.

Ms. C. Byrne advised that details on responses to housing maintenance calls will be dealt with at the Special Meeting on 25th July, 2016.

Cllr. M. Doran requested members to consider submitting questions to the CE for answers prior to the meeting as this item has been taking up a lot of the time at the monthly meetings.

(ii) Management of St. Marys Medieval Mile Museum

Ms. C. Byrne gave a PowerPoint presentation on the development of St. Mary's as the Medieval Mile Museum and the proposed management of the museum. She outlined the project to date and cost. It is expected that the Museum will open by the end of the year. Options for managing the museum were outlined. Overview of Kilkenny Civic Trust was given. Kilkenny Civic Trust is an option to be considered as a 3rd party to manage the heritage assets in the City & County.

Ms. Byrne in her presentation recommended that Kilkenny Civic Trust Ltd take on the day to day management of St. Mary's Medieval Mile Museum subject to a formal lease, annual subvention and an Elected Member being a Director on the board.

The benefits of the proposal are as follows:-

- Existing company with objective to manage heritage assets
- Minimise overheads, legal, accounts etc
- Efficient use of limited marketing budget
- Minimise and give certainty to Council annual budget
- Kilkenny Civic Trust is willing to work in partnership on other heritage initiatives.
- Allows the Council to focus on other Strategic Priorities.

Contributions were received from Cllr. M. Noonan, M.H. Cavanagh, P. Fitzpatrick, S. Tyrrell, T. Breathnach, P. McKee, D. Fitzgerald, A. McGuinness and J. Malone.

Members in general welcomed the proposals outlined in the presentation for this significant project.

It was proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. P. Fitzpatrick and agreed: - "That the Proposal in Principle to have the Medieval Mile Museum managed by Kilkenny Civic Trust Ltd is approved".

Queries were raised by members in relation to the following:-

- Number of elected members on Board should be 3
- Monuments in graveyard need to be restored
- Welcomed the interest of the Civic Trust in the project and the overview of the work of the Civic Trust

- Request CEO of Civic Trust to give a presentation to the members.
- Opening of Heritage Assets including gardens in Butler House to the public.
- Ceremony for the handing over of the City Artefacts
- Need to provide parking for buses.
- Provision of toilets in St. Mary's
- Ongoing Capital Funding for further phases from Bord Failte
- Potential for management of other heritage assets
- Subvention required from Kilkenny County Council
- Open day for public
- Future use of City Hall.

Copy of PowerPoint presentation was circulated to all members. Ms. Byrne responded to the queries raised by the members and advised that there will be an open day before the Museum opens and it will also be used as a venue for the Christmas Festival. She advised that management of heritage assets by one body is the best opportunity for the city to reduce overall overheads etc.

There are challenges for parking of coaches/buses in the city due to the significant number of tourists visiting.

In relation to membership of the Board she requested lee-way in having 3 from the Council as the CE is also a Director.

Cllr. McGuinness requested a meeting on proposals for City Hall. Ms. Byrne advised that she will brief the Municipal District Members after their next Municipal District meeting.

(iii) Christmas Festival – “Yulefest”

Ms. Mary Mulholland gave a PowerPoint presentation on the proposed Christmas festival. In her presentation she explained:-

- Why have a Christmas Festival
- What is a Christmas Festival
- Work carried out to date
- Next steps to successful festival

She advised members that a steering group has been established, event manager has been engaged, and brand name “Yulefest” developed.

Engagement of stakeholders is vital to the success of this festival. Sponsorship and support is required for programme of events and for marketing and promotion.

This is an opportunity to showcase Kilkenny, offer Kilkenny as an alternative location, retain Kilkenny shoppers in Kilkenny and attract new visitors.

Copy of presentation was circulated to members. Contributions were received from Cllrs. A. McGuinness, J. Malone, M. Noonan, T. Breathnach, S. Tyrrell and P. Fitzpatrick as follows:-

- New Christmas lighting programme in City and County
- Open up vacant premises for pop up business
- Opportunities for the entire county for hosting events.
- Engagement of community groups, explore small grant schemes for communities.

Ms. Mulholland responded to the issues raised and advised that pop up options and grant scheme will be explored. Kilkenny County Council is committed to capital funding for lights. The event manager is currently compiling database of all producers.

(c) Planning- Pleanail

(i) Two Year Progress Report on Development Plan

Mr. D. Malone, Senior Planner advised members that it is a statutory requirement to present to members a 2 Year Progress Report from the Chief Executive an overview of objectives in the County Development Plans. He outlined in the report circulated with the agenda the format of the report for member's information.

- Chief Executive:- Foreword
- Section 1 – Statutory Background
- Section 2 – Assessment of objectives which outlines the progress to date
- Section 3 – Progress on implementing the Housing Strategy
- Section 4 – Monitoring of Planning under Environmental Categories

He advised members to the importance of Section 4 of the report. If amendments are required to the plan such as technical or environmental changes, the plan may need to be varied. Such changes e.g. Part 5 is required and a variation will come before members later this year.

Contributions were received from Cllr. P. Dunphy, P. McKee, M. Noonan, J. Brennan, T. Breathnach and M. Doran in relation to the following:-

- Review renewable Energy Strategy in light of recent applications for Solar Farms

- Housing Strategy – Plan to deal with vacant dwellings
- Signage Policy
- Concerns re retail expansion around the Brewery Site – Joint Retail Strategy
- National Spatial Strategy/Regional Frameworks
- Status of Boundary Review
- Living Villages Initiatives
- Update on Brewery Site

Mr. Malone responded to the issues raised by the members. He advised that a public meeting has been held earlier in the year in relation to signage. The issue of solar farms is being considered. This 2 year report is only a snapshot on the implementation of the objectives.

Ms. Byrne advised that consideration will be given to hosting an evening workshop for members on “Where we see the City and County in 20 years” and that a report will be given on the Brewery Site at the September Meeting.

(ii) Part 8 – Mayfair

Mr. D. Malone referred members to the Part 8 Planning Report circulated with the agenda.

He gave an overview on the following:

- Proposed works
- Background and reasons for the scheme.
- Design Criteria
- Referral to Bord Pleanala in relation to EIS and decision of Bord Pleanala not to prepare a NIS for the proposed development.
- List of Submissions received – 60 in total, main issues related to the process, EIS, design, archaeology.

He advised that the local authority is engaging with the Department of Arts & Heritage in relation to a full archaeology assessment. He referred to the Masterplan for the Brewery Site adopted by members in July 2015. He advised members that the design of the building will be altered having regard to the concerns raised in the submissions and to keep it more in line with the conservation area objectives.

In a power point presentation he showed the design in the original proposal and the revised design. Copy of the power point and proposed elevations were circulated to the members.

Mr. Malone recommended approval of the Part 8 with the design changes.

Cllr. P. Cleere proposed approval of the Part 8 subject to the conditions set out in report, this was seconded by Cllr. M.H. Cavanagh.

A number of queries were raised by Cllr. B. Gardner, M. Noonan, S. Tyrell, M. Shortall, MH Cavanagh, J. Breathnach, J. Malone and P. McKee in relation to the following:

- Concerns with the original design
- New Design should go back out for Public consultation – afford public the opportunity to give their views.
- Revised design materially different
- Modest revision of Building
- Demolish the building – how many submissions?
- Interim use of the building by community groups and should be retained for community use
- Use of building for Primary Health Care and Sports
- Availability of office space elsewhere in the city.
- ISIF Agreement
- Archaeology tests.
- Limitation on Car Park for 7 years.
- Need to plan for Houses
- Emphasis on local history of Mayfair in retaining building.
- Use for business purpose will only be financially viable, ripple effect on the town centre.
- Extensive public consultation carried out, need to move on with the project.
- Breakdown of costs of project.

Cllr. M Noonan proposed that the Part 8 be rejected and this was seconded by Cllr. S. Tyrell.

Mr. Malone and Ms Byrne responded to the issues raised by the members.

Mr. Malone advised that the submissions around the design have been taken into consideration and amendments have been made while retaining the shape. He advised that the site will be part of the joint venture partnership and different uses for the building can be revisited.

He advised that there is some office space available around the city, some of it does not meet modern day needs in terms of scale.

Ms. Byrne advised that in order to attract new business through the IDA and other agencies, the availability of modern office of scale is essential. If Kilkenny is to attract new business, we must have buildings available. It will be 18 months to 2 years before the building will be occupied. Ms. Byrne rejected the comments that the decision on the Part 8 is premature. The Masterplan was adopted in July 2015 and decision was made to retain the Mayfair and the Brewhouse buildings and not to demolish the buildings.

The Council has delayed the decision on the Part 8 until the Masterplan was adopted. The investment required will be approx €10m to bring both the Mayfair and Brewhouse to modern day standards.

Ms Byrne recommended to the members the Part 8 i.e. the proposed renovation and extension to the Mayfair for general office use.

Cllr. M. Doran requested a vote on the amendment, proposed by Cllr. M. Noonan, seconded by Cllr. S. Tyrell not to proceed with the Part 8 recommendation.

Vote as follows: **In Favour:** Cllr. B. Gardner, Cllr.S. Tyrell, Cllr. M. Noonan (3)

Against: Cllr. J. Brennan, Cllr. MH Cavanagh, Cllr. P. Fitzpatrick, Cllr. M. Mc Carthy, Cllr. M Shortall, Cllr. P. Cleere, Cllr.A. Mc Guinness, Cllr.M. Doran, Cllr. J. Malone, Cllr. P. Mc Kee, Cllr. E. Aylward, Cllr. T. Breathnach, Cllr. F. Doherty, Cllr. P. Dunphy, Cllr. G. Frisby, (15)

The amendment was defeated by 15 votes to 3 votes.

Cllr. M. Doran requested a vote on the proposal by Cllr. P. Cleere, seconded by Cllr. MH Cavanagh that:

“Having considered the proposed development and the submissions made during the public consultation, the approved Abbey Quarter Masterplan, and the planning report it is recommended that the Council approve the Part 8 subject to the following conditions:

1. The front elevation (south west elevation) to be redesigned to reduce the impact of the flat roofed gazed extension and to bring to prominence the double gable feature facing Parliament street as presented to the Council at this meeting.
2. The side elevation (south east elevation) be redesigned to be more aligned with the vernacular building form within the conservation area as presented to the Council at this meeting.
3. The rear elevation (north east elevation) shall be redesigned to provide for a façade which provides for more fenestration and overlooking to the urban park surrounding St Francis Abbey as presented to the Council at this meeting.
4. The temporary carpark shall be used for a maximum period of 7 years from the date of commencement of work unless a further planning consent is obtained for its continued use as a carpark. “

Vote as follows: **In Favour:** Cllr. J. Brennan, Cllr. MH Cavanagh, Cllr.P. Fitzpatrick, Cllr. M. Mc Carthy, Cllr.M Shortall, Cllr. P. Cleere, Cllr.A. Mc Guinness, Cllr. M Doran, Cllr. J. Malone, Cllr. P. McKee, Cllr. E. Aylward, Cllr. T. Breathnach, Cllr. F. Doherty, Cllr. P. Dunphy, Cllr. G. Frisby (15)

Against: Cllr. B Gardner, Cllr. S. Tyrell, Cllr. M. Noonan (3)

The proposal was carried by 15 votes to 3 votes.

- (iii)** Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. P. McKee 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- Talbots Grove, Talbots Gate and Talbots Court, Freshford Road, Kilkenny and The Grange, Duningstown Road, Kilkenny”.
- (iv)** Proposed by Cllr. A. McGuinness, Seconded by Cllr. M. Noonan 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- Robertshill, Kilkenny (Notification attached)
- (v)** Proposed by Cllr. J. Malone, Seconded by Cllr. M. McCarthy 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- Rose Hill, Kilkenny. (Notification attached)
- (vi)** Proposed by Cllr. E. Aylward, Seconded by Cllr. F. Doherty 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- Clonmore Hall, Piltown, Co. Kilkenny.(Notification attached)
- (e) Environment – Timpeallacht**

 - (i) Graveyard Grant Scheme**

Report circulated with the agenda. It was proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. M. Shortall and agreed:- “That Kilkenny County Council

approves the payment of Graveyards Grants 2016 in accordance with the list circulated to members”

(f) Finance

(i) Budget 2017- Timetable

Mr. Martin Prendiville gave a PowerPoint presentation on Budget 2017. He advised members that a decision is required by members on the Local Property Tax by 30th September, 2016. He gave an overview on Local Property Tax, Harmonisation of Rates and Amendment to Vacancy Refunds, timetable for Budget 2017 and the main budget issues.

A copy of the PowerPoint presentation was circulated for member’s information. Mr. Prendiville suggested that a budget subcommittee be set up and members from all groups be represented on it. All members agreed to this. Cllr. Aylward sought clarification on the incentive to pay rates early scheme would continue into 2017 and asked for the number of ratepayers who have availed of the incentive. Mr. Prendiville advised that the final date for payment of full rates is October, and at that stage we will be able to give the number that the incentive applied to. It is envisaged that the incentive scheme will apply in 2017.

(g) Community

(i) Community & Cultural Facilities Grants

Ms. A. M. Walsh presented the report on the Community & Cultural Facilities Capital Grant Scheme 2015-2017. She advised that a budget of €250,000 is available for 2016. 20 applications were received for funding and 4 applications were deemed ineligible. Due to the budget of €250,000 only 8 eligible applications will receive funding. 8 further eligible applications will not receive any funding in 2016.

It was proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. M. H. Cavanagh and agreed:- “That Kilkenny County Council approves the Community & Cultural Facilities Grant Scheme 2015-2017 for Kilkenny County Council”.

Contributions were received from Cllrs. E. Aylward, P. Dunphy, M. H. Cavanagh, P. McKee, M. Noonan, F. Doherty, M. Shortall, A. McGuinness and P. Cleere.

As the time was 6.00p.m. it was proposed by Cllr. F. Doherty, Seconded by Cllr. P. Fitzpatrick and agreed to suspend Standing orders to complete item 2(g) (i) of the agenda.

A number of members expressed their disappointment that a number of community groups particularly Mullinavat Community Groups did not receive any funding this year and they have been excluded on a technicality – ownership of site.

Members questioned the marking criteria. There is no input from elected members on the evaluation committee. They requested a review on the criteria used in assessing the applications. Cllr. Aylward asked the Executive to CPO the

lands in Mullinavat. Ms. Byrne advised that the Mullinavat Playground Group do not have an lease on a site and it is a requirement in the application process. She agreed to look at the process and the criteria and revisit the scheme in the autumn.

Mr. Prendiville advised that 15% of the collected development levies is assigned to this grant scheme in 2016

Meeting then concluded.