

Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 15th of November, 2010 at 3.00p.m. in the Council Chamber, County Hall, John Street, Kilkenny.

Cathaoirleach: Cllr. Catherine Connery

Present: Cllrs. M.H. Cavanagh, M. Shortall, J. Brennan, M. Fitzpatrick, M. Brett, P. Cuddihy, M. Noonan, M. Doran, W. Ireland, T. Maher, S. Treacy, P. O' Neill, A. Phelan, J. Coonan, E. Aylward, A.M. Irish, C. Long, T. Breathnach, A. McGuinness, P. Millea, F. Doherty, B. Manning, P. Crowley, M. O' Brien, P. Dunphy.

Also Present: Joe Crockett County Manager, John McCormack, John Mulholland and Philip O' Neill Directors of Services, J. Dempsey Head of Finance, Simon Walton Senior Engineer, Denis Malone Senior Planner and Anne Maria Walsh Meetings Administrator.

Votes of sympathy were passed to the following:-

- Joan McLoughlin, Environment Section on the death of her mother.
- Denis Foley, Castlecomer Area Office on the death of his mother.
- The Mullins Family, on the death of Paddy Mullins.
- Kitty Grant, Main Street, Mooncoin, Co. Kilkenny on the death of Catherine Byrne.
- Eddie Grinsell, Knockroe, Windgap, Co. Kilkenny on the death of Ailish Grinsell.
- Pat Power, Knockroe, Windgap, Co. Kilkenny on the death of Lar Power.

1. Confirmation of Minutes

(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 18th of October 2010. Proposed by Cllr. P. Cuddihy, Seconded by Cllr. A. McGuinness and resolved:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on 18th of October copy of which had been circulated be and are hereby approved".

(b) Minutes of Joint Meeting of Kilkenny County Council and Kilkenny Borough Council regarding the Central Access Scheme held on 13th October, 2010 Proposed by Cllr. M. Brett, Seconded by Cllr. J. Coonan and resolved:- "That the minutes of the Joint Meeting held on 13th October, 2010 copy of which had been circulated be and are hereby approved".

(c) Minutes of Ballyragget Electoral Area Meeting held on Monday 18th October, 2010. Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. C. Connery and resolved:- "That the minutes of the Ballyragget Electoral Area Meeting held on 18th October, 2010 copy of which had been circulated be and are hereby approved".

(d) Minutes of Reconvened Meeting of Kilkenny County Council to discuss Piltown and Fiddown Local Area Plans held on 1st November, 2010.

Proposed by Cllr. F. Doherty, Seconded by Cllr. P. Dunphy and resolved:- “That the minutes of the Reconvened Meeting to discuss Piltown and Fiddown Local Area Plans held on 1st November, 2010 copy of which had been circulated be and are hereby approved”.

(e) Minutes of Joint Policing Committee Meeting held on 1st November, 2010
Proposed by Cllr. S. Treacy, Seconded by Cllr. E. Aylward and resolved:- “That the minutes of the Joint Policing Committee Meeting held on 1st November, 2010 copy of which had been circulated be and are hereby approved”.

(f) Minutes of SPC 3 Environmental Policy, Fire Services and Emergency Planning Meeting held on 3rd November, 2010.

Proposed by Cllr. T. Maher, Seconded by Cllr. B. Ireland and resolved:- “That the minutes of the SPC 3 Meeting held on 3rd November, 2010 copy of which had been circulated be and are hereby approved”.

(g) Minutes of SPC 5 Arts, Culture, Heritage, Tourism and Education Meeting held on 15th October, 2010. Proposed by Cllr. P. Crowley, Seconded by Cllr. B. Manning and resolved:- “That the minutes of SPC 5 Meeting held on 15th October, 2010 copy of which had been circulated be and are hereby approved”.

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 Disposal - Tithíocht Díúscairt**

Proposed by Cllr., M. O’ Brien Seconded by Cllr.S. Treacy and resolved:- “That Kilkenny County Council hereby approves of the disposal of its interest in property at No. 42 Cloghabrody Heights, Thomastown, Co. Kilkenny to Michael Molyneaux in accordance with the terms of the Housing Acts 1966 to 2002”

(b) **Water Services - Seirbhísí Slántaíochta**

That Drakelands Extension Group Water Scheme be taken in Charge

Proposed by Cllr. P. Cuddihy, Seconded by Cllr. J. Coonan and resolved: - “That the Council take in charge this scheme subject to the normal conditions”.

(c) **Planning – Pleanail**

Proposed Additions and Deletions to Kilkenny County Council’s Record of Protected Structures – Deferred to Meeting on the 25th November, 2010 at 2.30p.m.

(d) Finance – Airgeadas

Mr. John Dempsey Head of Finance outlined to the members that the overdraft approval for the current year is €20million and the Council is seeking the same amount for the entire year in 2011. Approval of the Council is required in order to seek sanction of the Minister.

Proposed Cllr. T. Maher, Seconded by Cllr. P. Cuddihy and agreed:- “That subject to the sanction of the Minister for the Environment and Local Government, Kilkenny County Council hereby approves overdraft borrowings to a maximum amount of €20,000,000 for the full year ending 31st December 2011”.

(e) Roads – Bóithre

Winter Maintenance – Section 85 Agreement with Carlow, North Tipperary and South Tipperary County Council’s.

Report on Section 85 agreements with Carlow, North Tipperary and South Tipperary had been circulated. Mr. J. Mulholland outlined to the members the service provided on the Road network with adjoining counties.

Proposed by Cllr. P. Cuddihy, Seconded by Cllr. M.H. Cavanagh and agreed:-
“ That Kilkenny County Council, further to report and recommendation dated 26th October, 2010 together with attached map entitled ‘Section 85 Agreement Motorway Maintenance North Tipperary/Kilkenny’, being of the opinion that it would be more efficient to so do, enters into a Section 85 Agreement with North Tipperary County Council such that;

- Salting services of the M8 main line (both directions) through County Kilkenny, from the Kilkenny/Tipperary County Boundary to the Kilkenny/Laois County Boundary are undertaken by North Tipperary County Council on behalf of Kilkenny County Council”.

Proposed by Cllr. P. Cuddihy, Seconded by Cllr. M. H. Cavanagh and agreed:-
“ That Kilkenny County Council, further to report and recommendation dated 26th October, 2010 together with attached map entitled ‘Section 85 Agreement Motorway Maintenance Carlow/Kilkenny’ being of the opinion that it would be more efficient to so do, enters into a Section 85 Agreement with Carlow County Council such that:

- Salting Services on the M9 mainline southwards from the Carlow/Kilkenny county boundary to Junction 7.
- Salting Services to the off-ramp south bound at Junction 7 of the M9 and Salting Services to the on-ramp northbound at Junction 7.
- Salting Services on the M9 mainline northwards from Junction 7 to the Carlow/Kilkenny county boundary are undertaken by Carlow County Council on behalf of Kilkenny County Council

(f) Corporate - Gnóthaí Corparáideacha

(i) Proposed Dunmore Land Lease

At the outset the County Manager outlined to the members that requests had been received from the Kilkenny County Board in relation to accessing lands for pitch development. Following on from this a proposal has emerged to explore the use of land at Dunmore for pitch facilities for the County hurling panels.

Mr. Simon Walton Senior Engineer advised members that management were seeking Member's approval in principle to progress this proposal and that consultation would be required with the community and also the EPA. He stated that the landfill operation had ceased in 2010 and that we had now moved into after care. The after care of the landfill is being carried out in accordance with the requirements of the EPA Licence. There are two proposals being considered for the use of the land at Dunmore. One is to facilitate playing pitches for the Kilkenny County Board and this will involve use of 9.5 acres and the second proposal is to provide a mountain biking facility. The land will be leased to the County Board for an extended period.

Contributions were received from Cllrs. J. Coonan, P. Cuddihy, M. Brett, M. H. Cavanagh, M. Noonan, T. Breathnach, P. O' Neill, J. Brennan, B. Manning, P. Dunphy, M. O' Brien, C. Connery.

The members welcomed the proposal and it was agreed by all that early consultation should take place with the local community. A committee was set up in order to deal with the issues in relation to the Dunmore Landfill site and a separate community fund has been established for use by the community.

Members agreed that the proposed project would be of benefit to all citizens of Kilkenny. Some concerns were raised in relation to traffic and other uses being made of the adjoining lands. Members requested that the County Council engage with the other agencies such as Sports partnership and Leadership groups in order to develop these lands for wider benefit to the communities in Kilkenny. It was suggested that the proposal to lease the land to the County GAA Board would be of benefit to all county hurling teams and that all teams would have access to this facility and development.

In reply to queries raised by members the County Manager stated that the proposal would be to give a long term lease to the county board and that the county board would be funding the cost of any development on this site. Mr. Philip O' Neill advised that Management will be engaging with the local community and that a meeting will be held within the next 2 weeks in order to brief them in relation to the proposal and to discuss the separate matter of the landfill community fund.

It was proposed by Cllr. M. Brett and seconded by Cllr. M. H. Cavanagh and agreed to proceed with preparing proposals for the use of the land at Dunmore Landfill site.

- (ii) Construction of a 2 Bay Fire Station & Associated site works at Griaguenamanagh, Co. Kilkenny.

Cllrs. A. Phelan and S. Treacy requested information on the proposed timeframe for construction, other issues for site use and entrance to the site.

Mr. J. Mulholland advised members that a request for funding has been sent to the Department. The current design facilitates future uses for the site.

Proposed by Cllr. A. Phelan, Seconded by Cllr. S. Treacy and agreed: - "In accordance with Article 179 of the Local Government (Planning and Development) Act, 2000 and Part 8 of the Local Government (Planning and Development) Regulations, 2001, approval is hereby sought for Kilkenny County Council to carry out the following development: Construction of a 2 Bay Fire Station and associated site works at Graiguenamanagh, Co. Kilkenny".

3. Urgent Correspondence - Comhfhreagras Práinneach

Cllr. M. H. Cavanagh proposed that "Kilkenny County Council calls on the Government to recognise the unique and vital role of the postal service in Ireland as a means of communication, as a vital economic tool and as an intrinsic part of the community".

Seconded by Cllr. M. Fitzpatrick and agreed.

Contributions were made by Cllrs. M.H. Cavanagh, M. Fitzpatrick and A. Phelan outlining that the postal service is being privatised and that the contact from the postal employees may be the only point of contact for people living in rural areas. Concerns were expressed that the service maybe concentrated in the urban area to the detriment of rural areas.

Cllr. Connery advised the members that a letter has been sent to the HSE asking for a representative to attend at a Council meeting to make a presentation on the reconfiguration of services in the South East. Contributions were made by Cllr. P. Crowley, J. Coonan, M. O' Brien, P. O' Neill and T. Maher.

A final report on reconfiguration of services is not due until the middle of 2011 and that public consultation will take place and a new clinical lead is due to be appointed.

Cllr. Noonan expressed concerns at the inadequate response received from Department of Enterprise, Trade & Innovation in relation to low cost selling of alcohol in off licences. Contributions were made by Cllr. P. Crowley, M. O' Brien and

P. Cuddihy in relation to the general availability of alcohol and other drugs for sale. Ireland has the highest rate of alcohol consumption by young people in Europe.

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:

(a) Schedule of meetings from November – January 2011. – The schedule as circulated was agreed.

(b) Fix Dates for County Budget Meeting and Briefing Sessions – Mr. J. Dempsey outlined the period for holding budget meeting.

Contribution by Cllrs. P. Cuddihy, M. H. Cavanagh, T. Maher, P. O'Neill, M. O' Brien.

Discussions ensued in relation to proposed reductions in local government grant, cuts to services, adequate time to be given to members to consider the draft budget.

County Manager advised the members that the members will be given more time to consider the budget. Indications are that there will be a 10% to 15% reduction in Local Government Fund grant. The budget details will be made available to them at the earliest opportunity.

It was agreed by all members that the budget meetings would be as follows:-

- **1st December 2010 Briefing to CPG**
- **13th December 2010 Briefing to Full Council in Committee at 10.00a.m.**
- **22nd December 2010 Statutory Budget Meeting at 3.00p.m.**
- **Normal monthly meeting will proceed on Monday 20th December at 3.00p.m.**

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

(a) Report on Ballyragget Electoral Area Meeting held on 18th October, 2010- Proposed by Cllr. J. Brennan, Seconded by Cllr. M. Shortall and agreed.

(b) Report on Strategic Policy Committee Meeting No. 3 held on Wednesday 3rd November, 2010 Proposed by Cllr. P. Cuddihy, and Seconded by Cllr. M. H. Cavanagh and agreed.

(c) Report on Strategic Policy Committee Meeting No. 5 held on 15th October, 2010. Proposed by Cllr. P. Crowley, Seconded by Cllr. J. Coonan and agreed.

**7. Other Business set forth in the Notice convening the Meeting -
Gnó Eile romhainn i bhFógra reachtála an Chruinnithe**

None

8. Education & Training

Proposed by Cllr.B. Ireland, Seconded by Cllr. J. Brennan and agreed.

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

Cllr. M. O' Brien requested clarification on minutes of meeting held on 13th October, 2010 in relation to the Central Access Scheme. He stated that the resolution passed by members at that meeting appears to prioritise the Central Access Scheme over the Northern Ring Road Extension and limited the Council's ability to secure funds for the ring road extension. Mr. J. Mulholland advised members that work is continually being done on the northern ring road extension and the project is being put forward for funding. The Council will be receiving updates on this project in the future.

Cllr. C. Connery agreed to note the concerns of Cllr. O' Brien in the minutes of this meeting.

Minutes of Special meeting held on 1st November 2010 will be amended to include the attendance of Cllr. F. Doherty which was omitted in error.

10. Any Other Business - Aon Ghnó Eile

None

11. Notices of Motion - Fógraí Rúin:

9(10) Cllrs. Pat Dunphy, Anne Marie Irish, Fidelis Doherty, Cora Long, Tomas Breathnach and Eamon Aylward.

Proposed by Cllr. P. Dunphy, Seconded by Cllr. A.M. Irish and agreed: - "That Kilkenny County Council strongly requests the National Roads Authority to solve the dangerous junctions at the Ink Bottle and The Tower on the N24 in Piltown as part of the Carrick on Suir By Pass Roads Improvement Scheme"

Cllr. P. Dunphy requested that the Council write to the NRA as this is a very dangerous junction and that the Carrick-on-Suir By Pass proposals presents an opportunity to address the safety issues at these junctions. Contributions were received from Cllr. C. Long, F. Doherty, T. Breathnach and T. Maher. It was requested that members be invited to meetings in relation to the Carrick on Suir By Pass.

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:

46(10) Monaghan Town Council – 14th October, 2010

“That this Council vehemently opposes any proposal to abolish Town Councils, a move that would deprive the citizen’s access to the most basic form of democracy”.

Noted.

47(10) Galway County Council – 26th October, 2010.

“That Galway County Council requests the Government to defer the idea of a directly elected Mayor for Dublin. The monies saved should be distributed to the County and City Enterprise Boards to help generate jobs throughout the Country. The exceptional talent available in this Country needs to be encouraged into business and the County and City Enterprise Boards should be utilized to help this job creation happen. The workforce available should be encouraged to become involved in schemes which will up skill people in Business, Technology and practical knowledge”.

Noted

48(10) Waterford City Council – 27th October, 2010.

“That this Council, recognising that,

- The National Minimum Wage is an important instrument designed to prevent worker exploitation.
- Low paid workers and those on the minimum wage are struggling to get by and cannot afford to take any reduction in their incomes.
- Any reduction in the minimum wage or the incomes of low paid workers would force more families to rely on supplementary welfare assistance from the state.
- Economic Recovery will not be achieved by driving down wages or by becoming a low wage economy.

Opposes any reduction in the National Minimum Wage”.

Noted

49(10) Mayo County Council – 29th October, 2010

“That the members of Mayo County Council call on the Minister for the Environment to immediately bring into operation Section 60 of the Civil Liability Act, 1961, and that the Motion, when passed, be sent to every other Local Authority seeking their support”.

Noted

50(10) Monaghan Town Council – 5th November, 2010

“That this Council calls on the Government to address the plight of the self-employed, who now find themselves unemployed, to access welfare assistance more speedily”.

Noted.

CATHAOIRLEACH

DATE