

Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 20th of December, 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 Mulholland and Philip O' Neill Directors of Services, Declan McDonnell Financial Management Accountant, Caitriona O' Reilly Executive Planner and Anne Maria Walsh Meetings Administrator.

Condolences: The Ryan family Leicestershire on the death of Mrs. Anna Ryan and also to Leicestershire County Council – County Manager joined with the Cathaoirleach and members contributing in offering his sympathy to the Ryan family.

Votes of sympathy were passed to the following:-

- Tommy Mullins & Sisters, Flemingstown, Glenmore, Co. Kilkenny on the death of Maureen Mullins.
- Michael Ryan & Family, Kearney Bay, Glenmore, Co. Kilkenny on the death of Peggy (Margaret) Ryan.
- The Queally Family, Newrath, Via Waterford on the death of Eileen Queally.
- The Grant Family, Curraghmore, Slieverue, Co. Kilkenny on the death Statsia Grant.
- Mikey Jones & Family, Cloncunny, Mooncoin, Co. Kilkenny on the death of Cissie Jones.
- John Joe Bambrick, Kyleva, Hugginstown, Co. Kilkenny on the death of Sarah Bambrick.
- Jim Healy, Rossennara, Kilmoganny, Co. Kilkenny on the death of James Healy.
- Philomena Walsh, Mooncoin Heights, Mooncoin, Co. Kilkenny on the death of Eily Lannon.
- Neddy Aldridge, 3 Fr. Maher Place, Mullinavat, Co. Kilkenny on the death of Billy Aldridge.
- Mel Foskin, Riverquarter, Mooncoin, Co. Kilkenny on the death of Tom Foskin.

The Cathaoirleach noted a number of events and achievements that had taken place. Congratulations were offered to the following:-

- Good Shepherd Centre who celebrated 21 years of service to homes men.
- Taxback.com – winner of RSM International Entrepreneur of the year 2010 in Paris.
- Glanbia – winner of Innovation Exporter of the year 2010.
- Munster Express celebrating 150 years in business.

The Cathaoirleach took the opportunity to thank all the agencies who were involved in delivery services during the recent severe weather. She requested people to take precautions when using the roads and she wished all the citizens of Kilkenny a very Happy Christmas.

1. Confirmation of Minutes

(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 15th of November 2010. Proposed by Cllr. P. O’Neill, Seconded by Cllr. M. Noonan and resolved:- “That the minutes of the Ordinary Meeting of Kilkenny County Council held on 15th of November copy of which had been circulated be and are hereby approved”.

(b) Minutes of Thomastown Electoral Area Meeting held on 16th November, 2010 Proposed by Cllr. S. Treacy, Seconded by Cllr. M. O’ Brien and resolved: - “That the minutes of the Thomastown Electoral Area Meeting held on 16th November, 2010 copy of which had been circulated be and are hereby approved”.

(c) Minutes of Thomastown Electoral Area Meeting held on Monday 23rd November, 2010. Proposed by Cllr. A. Phelan, Seconded by Cllr. S. Treacy and resolved:- “That the minutes of the Thomastown Electoral Area Meeting held on 23rd November, 2010 copy of which had been circulated be and are hereby approved”.

(d) Minutes of Callan Electoral Area Meeting held on 24th November, 2010. Proposed by Cllr. M. Doran, Seconded by Cllr. P. Crowley and resolved:- “That the minutes of Callan Electoral Area Meeting held on 24th November, 2010 copy of which had been circulated be and are hereby approved”.

(e) Minutes of Forward Planning & Development Strategic Policy Committee Meeting held on 25th November, 2010 Proposed by Cllr. M. Shortall, Seconded by Cllr. P. O’Neill 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 Special Meeting held on 25th November, 2010 regarding additions/deletions to Record of Protected Structures.

Proposed by Cllr. A. Phelan, Seconded by Cllr. M. Doran and resolved:- "That the minutes of Special Meeting held on 25th November, 2010 copy of which had been circulated be and are hereby approved".

Cllr. M. O' Brien raised an issue in relation to minutes of meeting held on the Northern Ring Road Extension. County Manager advised members that the members are proposing the adoption of minutes – as an accurate record of what took place.

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 Díuscairt**

Proposed by Cllr. A. Phelan Seconded by Cllr. M. O' Brien and resolved: - "That Kilkenny County Council hereby approves of the disposal of its interest in property at No. No. 2 The Steeples, Gowran, Co. Kilkenny to Raymond and Catriona Dreeling in accordance with the terms of the Housing Acts 1966 to 2002"

Proposed by Cllr. A. Phelan, Seconded by Cllr. M. O' Brien and resolved:- "That Kilkenny County Council hereby approves of the disposal of its interest in property at No. 3 The Steeples, Gowran, Co. Kilkenny to Kevin Dreeling and Sylvia Morris in accordance with the terms of the Housing Acts 1966 to 2002"

(b) **Housing - Tithíocht**

Proposed by Cllr. M. Doran, Seconded by Cllr. P. Crowley and resolved: - "That Kilkenny County Council hereby approves the raising of a loan of four million euro (€4,000,000) from the Housing Finance Agency plc. For any purpose authorised under the Housing Acts".

(c) **Other Disposal - Díuscairt Eile**

Proposed by Cllr. S. Treacy, Seconded by Cllr. P. O' Neill and resolved:- "That Kilkenny County Council hereby approves of the disposal of a house on its own site at Shankill, Paulstown, Co. Kilkenny to Adrian Moran in accordance with details contained in the Notice served under Section 183 of the Local Government Act, 2001".

(d) Planning – Pleanail

Managers Report on Submissions to the Material Alterations to the Draft Gowran Local Area Plan

County Manager introduced the report on submissions received to the material alterations to the Draft Gowran Local Area Plan as circulated to members. Ms. C. O’ Reilly planner outlined in detail the 3 submissions as received and the proposed recommendations.

Proposed by Cllr. P. O’ Neill, Seconded by Cllr. A. Phelan and resolved:- We the members of Kilkenny County Council, having considered the proposal to make a Local Area Plan for **Gowran** under Sections 18-20 of the Planning & Development Act 2000 as amended (by the Planning & Development Acts 2002 and 2010), having considered the County Manager’s Report as circulated on the 6th August 2010 on the written submissions to the Draft plan, having considered that the Draft should be altered in accordance with our decisions made at meeting of Kilkenny County Council held on 20th September, 2010 having published the proposed material alterations on the 8th of October, 2010, having considered the County Manager’s Report of the 15th November 2010 on the submissions to the proposed material alterations at the meeting of Kilkenny County Council held on 20th December, 2010 do hereby make the **Gowran** Local Area Plan 2010. (The Local Area Plan being the proposal published as the “draft” plan as modified by resolution of the Council 20th September 2010 (and modified by any resolution dated 20th December, 2010)”

Cllr. P.O’ Neill requested a report on the “T” values in relation to waste treatment plant. It was agreed that a report would be prepared for the January meeting by water services and planning department.

(e) Roads – Bóithre

(i) Taking in Charge of Estates & Declaration of Roads to be Public Roads, Section 11 of the Roads Act 1993, Section 180 of the Planning & Development Act 2000 – 10 houses at Leonard’s Court, Dunnamaggin, Co. Kilkenny and 16 houses at Abhainn Ri, West Street, Callan, Co. Kilkenny. Proposed by Cllr. T. Maher, Seconded by Cllr. B. Ireland 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 hereby declares the roads listed in the Public Notice and listed above to be Public Roads”

Cllr. M. Shortall requested clarification if any works to the 2 estates would be required by Kilkenny County Council. He was advised that no remedial works were required to these estates.

(ii) Severe Weather Response – Review and Update.

At the outset the County Manager outlined to the members the details contained in the report which had been circulated. He thanked all the staff particularly the roads and water services staff for the work they carried out over the period of the severe weather. He advised members that there is approximately 8,000 tonnes of salt available for the Country at the moment.

John Mulholland advised the members that they have had a meeting with the IFA and it is intended to meet with school groups in with Department in relation to policy of closures to be drawn up by them.

Contributions were made by the following Cllrs:- C. Connery, B. Ireland, P. Crowley, T. Maher, E. Aylward, M. Shortall, M. Doran, S. Treacy, M. Noonan, T. Breathnach, A. Phelan, J. Coonan, P. Millea, M. O' Brien, J. Brennan, B. Manning.

All the members thanked the Local Authority staff and the HSE staff and all the other agencies who were involved in ensuring that services were continued throughout the prolonged period of severe weather over the last few weeks.

Many members raised queries that required clarification on the location of grit at several locations that were not included on the list with the reports circulated. Members were delighted that the engagement with the IFA proved very positive and requested details of how contact could be made with the IFA by members of the public.

Issues were raised by members in relation to the gritting or salting of public car parks and particularly those at churches. The footpaths and roads in housing estates continue to be an issue over the period of severe weather and members stated that residents should play their part in assisting to clear footpaths. A number of queries were raised in relation to school playgrounds and who was responsible for ensuring that they were safe. In response to the queries raised by members Mr. Mulholland outlined to the members the machinery that is available to the local authority he also advised that the list of locations where grit will be deposited will be updated and will be available on the website. He further stated that the schoolyards are the responsibility of the school authority. The Local Authority has no remit in this area. In relation to the car parks a number of measures have been taken where salt has been deposited at the traffic wardens hut and is spread where required.

The Local Authority has a storage capacity of 900 tonnes for salt.

The County Manager advised the Council that some roads are still in a hazardous condition and drivers must be cautious at all times. He thanked all the agencies and the community that were involved in providing services to all the citizens of Kilkenny particularly those most vulnerable. Lessons have been learnt in relation to the delivery of service over a

severe weather period and a review will be undertaken from all the agencies in relation to future planning for responses for severe weather period. There will also be a national review taking place and we will report back to you on this.

3. Urgent Correspondence - Comhfhreagras Práinneach

Responses received in relation to reconfiguration of Acute Hospital Services, Low Cost Selling of Alcohol and Postal Services were circulated to members and noted.

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 December – February 2011. It was proposed by Cllr. T. Maher, Seconded by Cllr. P. O’ Neill and resolved: - “That the schedule of meetings as circulated be and is hereby agreed”.

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

(a) Report on Thomastown Electoral Area Meeting held on 16th November, 2010. The report was proposed by Area Chair Cllr. S. Treacy and was Seconded by Cllr. M. O’ Brien and agreed.

Cllr. M. O’ Brien raised an issue in relation to use of land by mutual agreements with neighbours for allotments in areas for social and reasons. He complimented the Parks Department on the central role in agreeing to use of lands.

(b) Report on Thomastown Electoral Area Meeting held on 23rd November, 2010. The report was proposed by Area Chair Cllr. S. Treacy , Seconded by Cllr. M. O’ Brien and agreed. County Manager advised members that the Multi Annual Capital Programme would be presented to the full Council early in 2011. Proposal on Graiguenamanagh outdoor hub project will be considered at that time.

(c) Report on Callan Electoral Area Meeting held on 24th November, 2010. The report was proposed by Cllr. T. Maher and Seconded by Cllr. P. Crowley and agreed. Cllr. Crowley requested funding to be made available to repair damaged bridges. J. Mulholland advised the Council that a review of the damage to all bridges will be

undertaken for the county and allocations from NRA will determine the works to be carried out.

(d) Report on Forward Planning & Development Strategic Policy Committee (SPC 1) Meeting held on 25th November, 2010

The report was proposed by SPC Chair Cllr. M. Shortall and Seconded by Cllr. M. Noonan and agreed. Cllr. Noonan stated that the review of the Retail Strategy was timely due to economic circumstances. It was an opportunity to get it right to enable growth within the County.

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

None

8. Education & Training

Conferences – Request for approval to attend as per circulated list.

Proposed by Cllr. P. O ‘Neill, Seconded by Cllr. P. Crowley and agreed.

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

Cllr. Long requested update position on the opening of the Mooncoin Garda Station. It was agreed to seek clarification from the Gardai.

Cllr. P. Dunphy requested if there was any update from NRA in relation to our letter sent in November 2010. He asked if Kilkenny County Council could meet the residents.

Queries were also raised by Cllr. A. Phelan, C. Long, M. Doran, A.M. Irish and T. Breathnach in relation to the process of route selection, the determination of the final route, consultation with the members.

County Manager advised members that a letter had been sent to the NRA following the notice of motion passed at November meeting and it will be followed up.

Mr. J. Mulholland stated that South Tipperary County Council are the lead authority for the Carrick on Suir By Pass and he will take the matter up with them. Consultation meetings have been taken place. NRA will have to select a preferred route. The process is laid down in NRA Guidance document and it was agreed that the process would be circulated to members.

10. Any Other Business - Aon Ghnó Eile

None.

11. Notices of Motion - Fógraí Rúin:

This Notice of motion was not considered as a special meeting held on 13th December, 2010 has dealt with this issue.

10(10) Cllrs. A. Phelan & M. O' Brien – 23rd November, 2010 from Thomastown Area Meeting

“That the proposed provision of flap valves on outfall pipes to the river be proceeded with and that an application should be made to the O.P.W for the transfer of the current funding for the Barrow project to the carrying out of dredging works of the Duiske River in 2011”.

11(10) Cllrs. A. Phelan, M. O' Brien, T. Breathnach, M. Shortall & M. Fitzpatrick.

Proposed by Cllr. A. Phelan, Seconded by Cllr. M. O' Brien and agreed:-
Recognizing that the national minimum wage is low providing a full time employee with less than €18,000 annually (with reductions for those under 18 or in their first job) and acknowledging that the introduction of the role of a statutory minimum wage is to protect unfair competitive advantage by unscrupulous employers who exploit workers, a reduction in minimum will lead to a disincentive to work, condemns the Governments unnecessary and unwise decision to reduce the minimum wage and calls for a reversal of this cut”.

Cllr. A. Phelan stated that the reduction in minimum wage will cause severe hardship in some houses, especially and requested in the motion that the Minister reverse the decision.

Cllrs. M. O' Brien, M. Shortall, T. Breathnach, T. Maher, M. Noonan, J. Brennan, P. Dunphy, J. Coonan, C. Connery and A.M. Irish all contributed to the notice of motion.

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:

51(10) Offaly County Council

“That this Council write to the Minister for the Environment, Heritage and Local Government requesting the introduction of rain water harvesting grants scheme for Domestic, Commercial and Agricultural Users in the upcoming Budget”.

Noted.

52(10) Offaly County Council

“That this Council write to the Minister for Health and the Minister for Finance requesting the implementation of a new scheme for Medical Cards for people who are diagnosed with cancer. Upon written diagnosis by a Consultant, a person should automatically receive a full medical card for a minimum one year period or such time as treatment is completed and should not be subjected to means assessment”.

Noted.

53(10) Offaly County Council

“That this Council write to the Minister for the Environment, Heritage and Local Government requesting the introduction of a rain water harvesting grants scheme for Domestic, Commercial and Agricultural Users in the upcoming Budget”.

Noted

54(10) Waterford City Council

“Waterford City Council urges the HSE, in the interests of patient safety, to ensure that the reconfiguration process for the South Eastern region is advanced and resourced in a rational way. We would particularly highlight the need to upgrade the critical care services in Waterford Regional Hospital, to allow it to fulfil its role as the regional centre. We urge the HSE to commit the necessary capital investment, in the same way as has been, and is being, done in other regions throughout the State”.

Noted.

55(10) Monaghan Town Council

“That this Council calls on the Government to increase the fuel allowance”.

Noted.

The chairman wished all the members and staff a very happy and safe Christmas.

The meeting concluded at 5.30p.m.

SIGNED: _____
CATHAOIRLEACH

DATE: _____

