

**Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 20th
June, 2011.**

Cathaoirleach: Cllr. C. Connery

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

Apologies: Cllr. M. O' Brien

In attendance: J. Crockett, J. McCormack, P. O' Neill, J. Mulholland, J. Dempsey, S. Walton, A. Waldron and A.M. Walsh.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a)** Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 16th of May 2011. Proposed by Cllr. M. O' Brien, Seconded by Cllr. M. H. Cavanagh and resolved:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 16th of May, 2011 as circulated with the agenda be and are hereby approved".
- (b)** Minutes of Callan Electoral Area Meeting held on Thursday 21st April 2011 Proposed by Cllr. T. Maher, Seconded by Cllr. M. Doran and resolved:- "That the minutes of the Callan Electoral Area Meeting held on Thursday 21st April, 2011 as circulated with the agenda be and are hereby approved".
- (c)** Minutes of Thomastown Electoral Area Meeting held on Tuesday 10th May 2011 Proposed by Cllr. S. Treacy, Seconded by Cllr. T. Prendergast and resolved: - "That the minutes of the Thomastown Electoral Area Meeting held on Tuesday 10th May, 2011, as circulated with the agenda be and are hereby approved".
- (d)** Minutes of Piltown Electoral Area Committee Meeting held on 13th May 2011 Proposed by Cllr. F. Doherty, Seconded by Cllr. P. Dunphy and resolved: - "That the minutes of the Piltown Electoral Area Committee Meeting held on 13th May, 2011, as circulated with the agenda 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) Casual Vacancy

(i) Departure/farewell - Former Councillor Senator Pat O' Neill.

Cllr. C. Connery welcomed Senator Pat O' Neill to the meeting. She paid tribute to him and thanked him for his 7 years as a Councillor in the Thomastown Electoral Area.

Tributes were paid by Cllr. M.H. Cavanagh, M. Doran, M. Shortall and M. Noonan. Senator P. O' Neill was thanked for his hard work for the local people and the County. He was wished every success in his role as Senator. The County Manager was associated with the tributes.

Senator P. O' Neill stated that he was delighted to be back in the Council Chamber. He thanked all for the tributes paid. He thanked members and staff for their support and co-operation during his time as a Councillor. He said that he will continue to promote Kilkenny and will work with Kilkenny County Council for the betterment of the county and to promote investment for Kilkenny.

(ii) Section 13 and 16 of the Local Government Act, 2001 as amended by Section 2 of the Local Government (No.2) Act, 2003 a casual vacancy arises on Kilkenny County Council, following the recent election of Pat O' Neill to Seanad Eireann.

Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. M. Brett and agreed:-

"In accordance with Section 19 of the Local Government Act, 2001, Kilkenny County Council by resolution at the Ordinary Meeting held on 20th June, 2011 co-opted Ms. Jane Galway, Rathcusack, Bennettsbridge, Co. Kilkenny member of Fine Gael to replace Cllr. Pat O' Neill as a member of Kilkenny County Council. Ms. Jane Galway, Rathcusack, Bennettsbridge, Co. Kilkenny has indicated in writing prior to the meeting that she is consenting to be co-opted if the Council decided to accept her nomination".

Cllr. Jane Galway took her place in the Council Chamber.

Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. B. Ireland and agreed: -

Appointment of Jane Galway to the following committees:-

Thomastown Electoral Area Committee

SPC 2

SPC 1

Kilkenny Joint Policing committee

Water Safety

Woodstock Gardens

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. M. Brett and agreed:-

"That Kilkenny by resolution at the Ordinary Meeting held on 20th June, 2011

appointed Cllr. Billy Ireland member of the Fine Gael party to replace Cllr. P. O' Neill onto the Association of County & City Council's".

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. T. Maher and agreed:-
"That Kilkenny by resolution at the Ordinary Meeting held on 20th June, 2011 appointed Cllr. Pat Crowley member of the Fine Gael party to replace Cllr. P. O' Neill onto the Regional Health Forum".

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. M. Brett and agreed:-
"That Kilkenny by resolution at the Ordinary Meeting held on 20th June, 2011 appointed Cllr. Pat Dunphy member of the Fine Gael party to replace Cllr. P. O' Neill onto the County Kilkenny Vocational Education Committee".

Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. T. Maher and agreed:-
"That Kilkenny by resolution at the Ordinary Meeting held on 20th June, 2011 appointed Cllr. Catherine Connery member of the Fine Gael party to replace Cllr. P. O' Neill onto the Carlow/Kilkenny Energy Agency".

Cllr. Jane Galway thanked her Proposer and Seconder and said it was an honour to be selected to represent the people of the Thomastown area as their Councillor. She looks forward to a good working relationship with the Council. She extended good wishes to Senator P. O' Neill and wished him well in his new role.

Cllr. S. Treacy, M. Noonan and T. Prendergast welcomed the co-option of Jane Galway and wished her well. They offered their full support and look forward to working with her.

Mr. J. Crockett on behalf of the staff welcomed Cllr. Galway and offered her every support in her role as Councillor.

Cllr. C. Connery congratulated the following:-

- David Fitzgerald Mayor of Kilkenny
- Kilkenny Athletes who left for Athens for the Special Olympics
- Karen Hennessy native of Bennettsbridge appointed CEO of the Crafts Council of Ireland
- Queen's visit – National Conference Centre
- National Bike Week
- Invest Kilkenny website launched in Chinese
- County Development Board Seminar in Castlecomer Demesne
- Opening of Waste Water Treatment Plant in Belview
- Larry Drennan Kilkenny City – National Billiard Champion 2011.
- Clara GAA – Sheep Shearing Championships Cilin Hill.
- Canon Lar Dunphy, Urlingford – Golden Jubilee of his ordination
- Fr. Martin Delaney, St. Canices Parish- Silver Jubilee of his ordination.

Cllr. M. Noonan congratulated the organising committee of the recent Cats Laughs Festival and requested that all organisers of festivals would liaise with Kilkenny Tourism.

A vote of sympathy was Proposed by Cllr. C. Connery and Seconded by Cllr. P. Millea to the families of the late Brian Lenihan, Gareth Fitzgerald and Declan Costello. It was agreed by the members to adjourn the meeting for 10 minutes as a mark of respect.

Votes of Sympathy were sent to the following:-

- The family of Peter Murphy formerly RTE
- Frances Fielding & Family, Portnascully, Mooncoin, Co. Kilkenny on the death of Ned Fielding.
- Ronan Walsh, AGLISH, Carrigeen, Via Waterford, Co. Kilkenny on the death of Statsia Walsh.
- Seamus Dobbyn & Family, 12 Comeragh View, Mooncoin, Co. Kilkenny on the death of Annie Dobbyn.
- Breda Dunphy, Ballygorey, Mooncoin, Co. Kilkenny on the death of Catherine O' Dwyer.
- Rev. Michael Ryan, Castlecomer, Co. Kilkenny on the death of William Ryan.
- Sean Geoghegan, Salome Place, Moneenroe, Co. Kilkenny on the death of Eamon Geoghegan.
- Frank Grace, Bayswell, Johnstown, Via Thurles, Co. Kilkenny on the death of Bridie Grace.
- Noreen Holden, Polerone, Mooncoin, Co. Kilkenny on the death of Paddy Phelan.

Meeting adjourned until 4.00p.m.

(b) Other Disposal - Díuscairt Eile

- (i) Proposed by Cllr. S. Treacy, Seconded by Cllr. F. Doherty and agreed:- "That Kilkenny County Council hereby approves of the disposal of land at Castlebanny, Mullinavat, Co. Kilkenny," in accordance with Section 183 of the Local Government Act, 2001 to Edward Dempsey, Castlebanny, Mullinavat, Co. Kilkenny".
- (ii) Proposed by Cllr. M. Shortall, Seconded by Cllr. P. Cuddihy and agreed:- "That Kilkenny County Council hereby approves of the disposal of land at Shankill, Paulstown, Co. Kilkenny," in accordance with Section 183 of the Local Government Act, 2001 to Tom and Sandra Buckley, Shankill, Paulstown, Co. Kilkenny".
- (iii) Proposed by Cllr. S. Treacy, Seconded by Cllr. J. Galway and agreed:- "That Kilkenny County Council hereby approves of the disposal of land at Upper Paddock Area", Cloughabrody, Thomastown, Co. Kilkenny," in accordance with Section 183 of the Local Government Act, 2001 to Thomastown Tidy Towns Committee"

(iv) Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. P. Cuddihy:- “That Kilkenny County Council hereby approves of the disposal of land at Ballytarsna, Cashel, Co. Tipperary,” in accordance with Section 183 of the Local Government Act, 2001 to Mrs. Josie Corcoran, Ballytarsna, Cashel, Co. Tipperary”

(c) Housing Disposal – Díuscairt Tithíocht

Proposed by Cllr. M. Brett, Seconded by Cllr. P. Cuddihy and agreed:- “That Kilkenny County Council hereby approved of the disposal of its interest in No. 59 Glenbawn, Castlecomer Road, Kilkenny in accordance with the terms of the Housing Acts 1966 to 2002”.

(d)Corporate Affairs - Gnóthaí Corparáideacha

Annual Report 2010

The Annual Report for 2010 as circulated was approved on the proposal of Cllr. M. Brett, Seconded by Cllr. J. Coonan and agreed.

(e)Roads – Bóithre

(i) Public Lighting – Section 85 Agreement with Waterford County Council for procurement of Regional Maintenance Contract

Mr. J. Mulholland advised members that it is proposed to procure a regional public lighting maintenance contract. Waterford County will be the lead authority. It is anticipated that there will be financial savings, a more coherent and auditable interaction system with the general public, penalty provision for poor performance and up to date public lighting inventory.

Queries were raised by Cllr. T. Breathnach, M. Shortall, M. Doran, J. Coonan, and M. Noonan in relation to provision of lights at various locations including churches and community halls. Replacement of broken lights and the proposed tender process. Mr. J. Mulholland responded to all queries raised.

Proposed by Cllr. P. Cuddihy, Seconded by Cllr. E. Aylward and resolved: - “That Kilkenny County Council, further to report and recommendation dated 24th May, 2011, enters into a Section 85 Agreement with Waterford County Council whereby Waterford County Council will procure and appoint a public lighting maintenance contractor for the maintenance of public lights within the South East Region including the public lighting stock of Kilkenny County Council.”

(ii)Part 8 Report and Recommendation for Grange Bridge, Ballyragget, Co. Kilkenny

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. M. Shortall and agreed. “That Kilkenny County Council hereby approves the proposals for a replacement bridge at Grange, Ballyragget in accordance with Part 8, Article 81 of the Planning & Development Act, 2000-2010 and Planning & Development Regulations, 2000-2010”.

Cllr. M. H. Cavanagh welcomed the advancement of works for this bridge. Contributions were received from Cllr. Shortall and Noonan in relation to solar lighting and heritage issues. Mr. J. Mulholland advised members that appropriate assessment has been carried out, traffic safety, flood management and Environmental Directive issues have been considered in preparing the report on the provision of a replacement bridge on the R697 at Grange, Ballyragget.

(iii)Part 8 Report and Recommendation for N77/N78 Hennebry's Cross

Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. J. Coonan and agreed:-
"That Kilkenny County Council hereby approves the proposals for the N77/N78 Hennebry's Cross Improvement Scheme in accordance with Part 8, Article 81 of the Planning & Development Act, 2000-2010 and Planning & Development Regulations, 2000-2010".

Queries were raised by Cllr. M. H. Cavanagh, J. Coonan, B. Manning and P. Cuddihy in relation to the time period to complete the works, Bus set down areas, and spaces for cars to meet passengers from buses. Mr. Mulholland answered all queries raised.

(iv)Replacement Parapets at N25 Milltown Bridge- Section 85 Agreement with Kildare County Council

Mr. J. Mulholland advised members that Section 85 Agreement is required to facilitate Kildare County Council to act on behalf of a number of local authorities who are arranging similar parapet replacements/modifications with respect to bridges in the interest of efficiency. NRA will be funding the cost of the works.

Contributions were received from Cllr. A.M. Irish, F. Doherty, T. Breathnach and E. Aylward. Members welcomed the provision of the new parapet as a solution to the number of incidents occurring on this bridge, and noted that interim measures have also been taken.

Proposed by Cllr. A.M. Irish, Seconded by Cllr. F. Doherty and resolved:-
"That Kilkenny County Council, further to report and recommendation dated 24th May, 2011 enters into a Section 85 Agreement with Kildare County Council whereby Kildare County Council will procure and arrange for the appointment of a contractor to undertake replacement of the existing parapet on the N25 Milltown Bridge".

(v)Local Improvement Scheme 2011.

Proposed by Cllr. S. Treacy, Seconded by Cllr. M. Doran and agreed.

Queries were raised by Cllr. S. Treacy, P. Dunphy, J. Coonan and M. Shortall in relation to the projects listed for funding, number of applications that were

not successful this year and funding from development contribution scheme. Mr. J. Mulholland replied to queries raised.

(vi) Taking in Charge of Estates- 3 No. Houses at Donaguile Court, Donaguile, Castlecomer, Co. Kilkenny

Proposed by Cllr. M. Shortall, Seconded by Cllr. J. Brennan and agreed:-
“That Kilkenny County Council initiates proceedings for the formal Taking in Charge of Donaguile, Castlecomer, Co. Kilkenny (3 house development)

(f) Housing – Tithíocht

Adoption of Housing Allocations Scheme

Mr. J. McCormack outlined the terms of the allocation scheme for the members. Kilkenny County Council submitted the draft scheme to the Department and have incorporated the changes requested by the Department. He advised members that a decision has been made to transfer the operation of rent supplement to the Local Authority. The allocation scheme is similar to the scheme of letting priorities but makes provision for the newer housing supports such as RAS, Incremental Purchase Scheme, Leasing and Rental Support.

Queries were raised by Cllr. C. Connery, P. Dunphy, T. Breathnach, J. Coonan, T. Maher, M. Doran, J. Brennan, M. Fitzpatrick, M. Shortall, P. Millea and B. Manning in relation long term leasing, RAS and rent supplement, choice based leasing, acquiring private properties for renting, Tenant Purchase Scheme, Refusals of Offers, ASB in the private rented sector, rent to buy schemes and PRTB registration.

Mr. McCormack responded to queries raised, he stated that the provision of social housing will be through the private sector, Capital money is not available to build/purchase additional units and the use of vacant houses in unfinished housing estates will be actively examined. Leases for long term rental will incorporate an option to purchase.

Proposed by Cllr. M. Fitzpatrick, Seconded by Cllr. B. Ireland and agreed:-
“That Kilkenny County Council hereby approves the Allocation Scheme for Social Housing Support in accordance with Section 22 of the Housing (Miscellaneous Provisions) Act, 2009 and Social Housing Allocation Regulations 2011 (S.I. No. 198 of 2011)”.

(g) Finance- Airgeadas

(i) 2011-2013 Draft Capital Budget

On the request of County Manager the members agreed to defer this item until a decision is made on the water services investment programme.

(ii) Report on Debt Collection

Mr. J. Dempsey outlined the main issues in the report on Revenue Collections which has been circulated to members. There has been a sharp increase in arrears on commercial rates which will impact on delivery of services. A dedicated debt collection and water services business unit will continue to monitor and address arrears. Third party namely Stubbs will be engaged where appropriate. Contributions were made by Cllr. M. Brett, M. Doran, J. Coonan, T. Breathnach, M. Noonan, in relation to percentage of bad debts, policy in relation to payment of instalments, the impact of loss of revenue for the Council, use of legal action to recover the arrears. Members compliment the staff in this area as it is a difficult time to collect money.

Mr. John Dempsey answered all queries raised and thanked the members for their kind words.

3. **Urgent Correspondence - Comhfhreagras Práinneach**
Letters received in response to notice of motions passed by Kilkenny have been circulated for member's attention.

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:**
Schedule of meetings for June – August 2011:- Proposed by Cllr. T. Maher, Seconded by Cllr. P. Dunphy and agreed.

6. **Consideration of Reports and Recommendations of Committees of the Council - Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:**
 - (a) Report on Callan Electoral Area Committee Meeting held on 21st April, 2011 Proposed by Cllr. B. Ireland, and Seconded by Cllr. P. Crowley and agreed.

 - (b) Report of Thomastown Electoral Area Committee Meeting held on 10th May 2011 Proposed by Cllr. S. Treacy, Seconded by Cllr. T. Prendergast and agreed. Cllr. T. Prendergast raised a query in relation to the Flood Relief Scheme at Graiguenamanagh. Mr. J. Mulholland advised members that the Council agreed to proceed with the scheme last November, issues arose which prevented the drawdown of money in 2010. The project will have to be tendered for again.

 - (c) Report on Piltown Electoral Area Meeting on 13th May 2011
Proposed by P. Dunphy, Seconded by Cllr.F. Doherty and agreed. Cllr. Dunphy requested that Kilkenny County Council write to NRA to complete all works for the M9 and N25 schemes. Contributions were received from

Cllrs. T. Breathnach, A.M. Irish, and E. Aylward in relation to lack of signage and road markings.

Cllr. C. Long requested information on lighting of Granny castle. Mr. J. Mulholland responded to the queries raised by the members.

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. M. Shortall, Seconded by Cllr. T. Maher and agreed.

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

Cllr. C. Long requesting amendment to minutes of meeting dated 16th May, 2011, new Gardaí Station is in Mooncoin and not in Mullinavat as recorded in the minutes. It was agreed to amend the minute of that meeting.

10. **Any Other Business - Aon Ghnó Eile**

None

11. **Notices of Motion - Fógraí Rúin:**

All Notices of Motions deferred to next meeting. As the time to conclude the meeting had reached 6.00p.m.

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:**

Deferred.

Signed: _____

Cathaoirleach

Date: _____