MINUTES OF SEPTEMBER COUNCIL MEETING HELD ON MONDAY, 18THSEPTEMBER, 2017 AT 3.00 P.M.

Chair: David Fitzgerald

Cllrs: Eamon Aylward, John Brennan, Tomás Breathnach, Mary Hilda Cavanagh, Peter

Cleere,Matt Doran,Michael Doyle,Pat Dunphy,Ger Frisby,Pat Fitzpatrick,Breda Gardner,David Kennedy,Andrew McGuinness,Joe Malone,Michael McCarthy,Pat Millea,Malcolm Noonan, Melissa O'Neill,Patrick O' Neill, Maurice Shortall and

Sean Tyrrell,

Officials: Colette Byrne, Tim Butler, Mary J. Mulholland, Simon Walton, Martin Prendiville,

Michael Delahunty, Caitriona O'Sullivan, Denis Malone, Nicolaas Louw, Declan

McDonnell, Tony Lauhoff, Michael Leahy, Eimear Cody & Anne Maria Walsh.

Apologies: Cllrs. Fidelis Doherty & Patrick McKee

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 17th July, 2017

Proposed by Cllr. Matt Doran, seconded by Cllr. Michael McCarthy and agreed:

"That the Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 17thJuly, 2017, as circulated with the Agenda be and are hereby approved".

(b) Minutes of Meeting to discuss Community Facility Scheme held on Monday 17th July, 2017

Proposed by Cllr. Maurice Shortall, seconded by Cllr. Matt Doran and agreed:

"That the Minutes to discuss Community Facility Scheme held on Monday, 17th July, 2017, as circulated with the Agenda be and are hereby approved".

(c) Minutes of SPC 2 - Infrastructure Policy, Transportation, Fire & Emergency Services held on 2nd June, 2017

Proposed by Cllr. John Brennan, seconded by Cllr. Eamon Aylward and agreed:

"That the Minutes of SPC 2 Infrastructure Policy, Transportation, Fire & Emergency Services held on 2nd June, 2017, as circulated with the Agenda be and are hereby approved".

Cllr. David Fitzgeraldwelcomed Kevin Kolber, Student from Germany on an Erasmus Programme.

Cllr. Fitzgerald acknowledged the following recent achievements and all those involved in the following projects/events which he attended:

- Festival of Football
- WT Cosgrave Commemoration
- Art Festival
- American Ambassador
- Iverk Show
- Assembly House

- Ras Na mBan
- Goresbridge Community Project
- Heritage Week
- J.J. Reddy Annual Run
- Fringe Arts Festival
- The Under 21 County Hurling and Senior Camogie Teams on reaching the All Ireland Finals.

Votes of Sympathy

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

- The Family of Nancy Gibbs, Kilcreene
- The Family of Michael Cahill, Wolfe Tone Street
- The Commissioner Phil Hogan on the death of his mother Maura Hogan.
- The Family of Willie Duggan, Dunmore
- The Family of Bernadette Hayes, Newpark Close
- The Family of Michael Kennedy, Thomastown.

2. Business Prescribed by Statute, Standing Orders or Resolutions of the Council <u>Gnó forordaithe do réir Reachtaíochta, Orduithe Seasta, nó Rúin an Chomhairle.</u>

(a) Planning - Pleanail

(i) Taking in Charge of Estate: Seville Lawns, Callan Road, Kilkenny

It was proposed by Cllr. Joe Malone, seconded by Cllr. Sean Tyrrell and agreed that:

"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". Development: TC49 – Seville Lawns, Margaret's Fields, Callan Road, Kilkenny

(ii) Ferrybank Belview Local Area Plan

Ms. Mary Mulholland presented the Chief Executive's Report on the Ferrybank Belview Draft Local Area Plan. She acknowledged the input of Councillors, the public and the staff for all the work in preparing this Draft Plan. The Plan as presented takes into account issues raised during consultation. It is recommended that the material alterations outlined in the report are accepted by the Council.

Mr. Denis Malone advised that 41 submissions were received. There are two proposed amendments required to the draft Plan before themembers.

These are as follows:

Omit reference to FDI in proposed alteration under D25.

Proposed change to Draft Local Area Plan as a result of planning application reference 16/872 in Chapter 12, Implementation and Finance. Section 12.2 Site 3 Arbourmount – To provide an access point to the open space east of the site, to cater for cycle and pedestrian access through the site [See Figure 2.4 Development Objectives, WCW3].

Changes will be made to the text and the maps.

Contributions were received from Cllrs. S. Tyrrell, M. Noonan, T. Breathnach, M. O'Neill, G. Frisby, J. Brennan and D. Fitzgerald. Cllr. P. Dunphy asked to be excused from this item as he has a conflict of interest.

The queries raised by the members related to:

- ABP Proteins relocate to Belview Area, plant not suitable for residential development, operation of plant in current location.
- Timeframe for issue of National Planning Framework
- Presentation of Road Network at Sallypark Architectural feature on Newrath Roundabout.
- Residential zoning of land, North Quay Development
- Change in restrictions for housing on land zoned for agriculture to include nieces and nephews.

Mr. Malone responded to the issues raised by members and advised that that is no change proposed to the policy on Residential Development on agriculture zoned land. It is expected that the Draft National Planning Framework will be published shortly.

Following the responses from Mr. Malone it was proposed by Cllr. T. Breathnach, seconded by Cllr. M. Shortall and agreed to add an objective:

"To improve the presentation of the national road network on the approach roads to Waterford City, including provision of a landmark feature at the Newrath roundabout, in collaboration with Waterford City & County Council and the private sector."

It was proposed by Cllr. Malcolm Noonan, seconded by Cllr. Melissa O'Neill and agreed:

"to add in objective similar to Objective EP6 in the 2009 LAP "To encourage the relocation of Industrial activities from Christendom to a more suitable location within the area."

It was proposed by Cllr. John Brennan, seconded by Cllr. Eamon Aylward and agreed

"To alter Section 6.4.1 Housing on Lands zoned for Agriculture to include nieces and nephews [living outside the plan area] of landowners within the plan area.

It was proposed by Cllr. Ger Frisby, seconded by Cllr. Tomás Breathnach and agreed:

"We the members of Kilkenny County Council having considered the proposal to make a Local Area Plan for Ferrybank Belview under Sections 18-20 of the Planning & Development Act 2000 as amended and having considered the Chief Executive's Report as circulated on the 12th September 2017 on the written submissions made during the formal consultation period do hereby consider that the proposed Draft Local Area Plan should be altered in accordance with the procedures under Section 20(3) of the Planning & Development Act 2000 as amended and with our decisions made at a meeting of Kilkenny County Council held on the 18th September 2017".

The amended Draft Plan will now be advertised for further consultation. Following this the draft Ferrybank Belview Local Area Plan will revert back to the Elected Members for final adoption.

(iii) Part 8 - Ferrybank Playground

Ms. Mary Mulholland presented Chief Executive Report on the Part 8 for the Ferrybank Neighbourhood Park and recommended to the members that the Scheme be progressed. She advised that extensive public consultation has been carried out and acknowledged the input of the Parks Department, Sports Partnership and the Public. Seven submissions were received and the issues raised in the submissions regarding anti social behaviour and noise have been considered and will be dealt with at detail design stage. It is estimated to cost approx. €600, 000. LIHAF has allocated €300,000 and Kilkenny County Council and Waterford City & County Council have agreed to contribute the balance.

Contributions were received from Cllrs. M. O'Neill, M. Noonan, P. Dunphy, G. Frisby, T. Breathnach and D. Fitzgerald in relation to the proposed project. Members welcomed the progress on this and looked forward to the development.

It was proposed by Cllr. Melissa O'Neill, Seconded by Cllr. Malcolm Noonan and agreed 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 Ferrybank Neighbourhood Park Aylesbury, Ferrybank, as circulated."

(iv) Part 8 - Housing - Greensbridge House, Kilkenny City

Mr. Simon Walton presented the Chief Executive Report on the Part 8 on the refurbishment of a house and B&B and associated site works at Greensbridge House, New Road, Kilkenny City and recommended to members that this project be progressed.

He advised that this property will be developed into 5 single units for single females. It will be used as transitional accommodation as there is currently none available for females. There was one submission and discussion has taken place with that person and their concerns have been dealt with.

Contributions were received from Cllrs. P. Dunphy, J. Malone, M. Noonan, M. O'Neill, P. O'Neill, B. Gardner, M. Shortall, D. Kennedy, M. Doran, P. Cleere, T. Breathnach and S. Tyrrell.

Members welcomed the new development of transitional works for females. Concerns/queries were raised in relation to the following:

- Size of apartments.
- Compliance with building standards.
- Length of time that tenant will remain in the unit.
- Lack of take up on Living City Initiatives/Living over the shop.
- Use of vacant properties throughout the City & County.
- Further re-development of the Good Shepherd Centre.
- Frosted glass in windows.

Mr. Simon Walton, Ms. Eimear Cody and Mr. Denis Malone responded to the queries raised.

It was proposed by Cllr. D. Fitzgerald, seconded by Cllr. M. Noonan and agreed 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 Greensbridge House, New Road, Kilkenny City, as circulated."

(iv) Part 8 - Housing - St. Mary's Crescent, Hebron Road, Kilkenny City

Mr. Simon Walton presented the Chief Executive Report on the proposed development of one unit at St. Mary's Crescent, Hebron Road, Kilkenny and recommended that the project be progressed. He advised that this unit will be constructed on vacant sites currently occupied with a temporary unit.

It was proposed by Cllr. M. Noonan, seconded by Cllr. M. Shortall and agreed 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 Construction of a House at St. Mary's Crescent, Hebron Road, Kilkenny City, as circulated."

(b) <u>Finance- Airgendas</u>

(i) Local Property Tax

Mr. Martin Prendiville gave a PowerPoint presentation to the members on the Local Property Tax, Rates Revaluation, Rates Harmonisation, Budget 2018 Process and the challenges for next years budget. A copy of the presentation was circulated to members for their consideration.

He advised that there is a current expenditure shortfall of €1.8m based on work to date. Members will have to consider the options available to them to increase income i.e. Local Property Tax.

Cllr. Mary Hilda Cavanagh proposed that this item be deferred to another meeting to allow members time to consider the information given to members. This was seconded by Cllr. P. Dunphy and agreed by all members.

Cllr. D. Fitzgerald asked members to seriously considered options available to increase income or reduce expenditure. Mr. Prendiville advised that the Executive is available to meet Councillors to discuss this.

Members agreed to defer this item to an adjourned meeting to be held on Monday, 25th September, 2017 at 4.00 p.m.

(c) <u>Economic Development</u> - Forbairt Eacnamaíochta

(i) Update Abbey Creative Quarter

Mr. Tony Lauhoff gave a powerpoint presentation on Abbey Quarter and progress of various projects as follows:

- Mayfair Building
- Brewhouse Building
- Riverside Garden Project
- Utility Service Design

He gave an overview on the progress being made on the objectives outlined in the variation to the Kilkenny City & Environs Plan 2014 – 2020 as adopted by Kilkenny County Council on 31st July, 2015.

Object 3H Detail Design and Tender Documents being prepared for the Linear Park.

Object 3I Archaeological testing has been agreed with the National Monument Service for the vicinity of St. Francis Abbey, Evans Turret and St. Frances Well.

Objective 3J Tenders for Excavation will be advertised shortly. This will inform the preparation of the Conservation Plan.

Objective 3K Urban Design Criteria is being prepared.

Archaeological Assessment has been agreed with the National Monument Service. Consultant Archaeologist will be tendered for to oversee and co-ordinate the archaeology aspects of the implementation of the Masterplan.

Objective 3M Energy Strategy is being prepared

Objective 3N Draft parking options study has been completed.

Objective 3O Plans for the provision of housing throughout the site are being considered.

Mr. Lauhoff advised that the site has been used for events over the last few months.

Mr. Kevin McCormack gave an update on the marketing and branding of the site.

- Lisney appointed as Property Agent.
- Branding Specialist has been appointed.
- Number of potential clients interested in site.
- Partnership is creating and designing a brand identity, examples of the brand identity were shown to the members.
- Brand identity will be used on all forms of advertising, signage, website, video hoarding etc.
- Marketing suite will be located in the old testing room.
- New hoarding will be erected on site over the next few months.
- Specific targeted marketing campaign for the Brewhouse will commence when ready to tender the contract.

Cllr. Fitzgerald thanked both for their presentation. Contributions were received from Cllrs. P. O'Neill, T. Breathnach, P. Fitzpatrick, B. Garnder, M. Noonan, M. Shortall and D. Fitzgerald in relation to the following:

- Funding for Linear Park.
- Current interest in Brewhouse/Mayfair Building.
- Status of housing, provision of skate park.
- Challenge of car and coach parking.
- Energy Strategy energy produced on site.
- Future open days to be considered.
- Christmas car parking on site.
- Archaeology Report.

Members welcomed the branding and the new identity for the site. Mr. Lauhoff and Mr. McCormack responded to all the queries raised by members.

(ii) Update on PACE Project

Cathaoirleach welcomed Mr. Brian Foley, WIT to the meeting. He advised that Mr. Foley will give a PowerPoint presentation and will answer any questions after that.

Mr. Foley gave a presentation on theproposal for a Precision Agriculture Centre of Excellence whose purposeto develop an innovative Regional Centre which will be situated in Kilkenny City. He stated that partnerships have been developed with major companies. PACE will be involved in research and innovation for the agriculture industry. The company will consist initially of a multi-disciplinary team of 12 people increasing to 17 in Year 3. This is an opportunity to position the South East to the fore in responding to the global agtech and smart farming opportunities.

Members thanked Mr. Foley for his presentation.

Contributions were received from Cllrs. P. O'Neill, P. Fitzpatrick, MH Cavanagh, T. Breathnach, P. Dunphy and M. Doran. Issues raised by members related to the following:

- Concerns regarding the use of agriculture land for Solar Panels.
- Office bases in Abbey Quarter for start up business.
- Expansion in agriculture and tourism.

Mr. Foley responded to the queries.

Ms. Byrne thanked Mr. Foley for the presentation. She stated that a huge amount of work has been done in the last two years and an application has been made to Enterprise Ireland for funding. Support has been given to PACE from a number of agencies and private enterprises. An application for funding has been made to Enterprise Ireland.

(e) Corporate Affairs - Gnóthaí Corparáideacha

(i) Chief Executive's Report

Ms. Colette Byrne presented her Monthly Report to the members. Cllr. M. Shortall proposed that the Chief Executive Report be taken as read, this was seconded by Cllr. MH Cavanagh and agreed.

Cllr. M. Doyle welcomed the marketing of Woodstock Gardens.

(ii) Appointment to SPC1 Economic Development, Enterprise Support and Tourism.

It was proposed by Cllr. P. Dunphy seconded by Cllr.P. O'Neill and agreed

"That Kilkenny County Council hereby appoints Cllr. John Brennan to SPC 1 Economic Development, Enterprise Support and Tourism".

(iii) Appointment to SPC 5 Environmental Protection, Water Services & Energy

It was proposed by Clir. Peter Cleere seconded by Clir. Joe Malone and agreed:

"That Kilkenny County Council hereby appoints Cllr. Tomás Breathnach to SPC 5 Environmental Protection, Water Services & Energy".

3. <u>Urgent Correspondence - Comhfhreagras Práinneach</u>

None.

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:
 - (i) Schedule of Meetings from September to December 2017
 It was proposed by Cllr. Matt Doran, seconded by Cllr. Eamon Aylward and agreed.
 - (ii) Fix date for Workshop In Committee

Cllr. Fitzgerald proposed Monday, 9th October, 2017 at 4.00 p.m. for proposed Workshop in Committee to consider draft documents/strategies for Abbey Quarter and proposed new City Library. It was seconded by Cllr. M. Shortall and agreed.

(iii) Agree date for Statutory Budget Meeting

Proposed by Cllr. M. O'Neill, Seconded by Cllr. Michael McCarthy and agreed that the Statutory Budget Meeting be held on 24th November, 2017 at 3.00 p.m.

- 6. <u>Consideration of Reports and Recommendations of Committees of the Council- Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:</u>
 - (i) Chairman's Report of SPC 2 Infrastructure Policy, Transportation, Fire & Emergency Services held on Friday, 3rd March, 2017.

It was proposed by Cllr. Matt Doran, seconded by Cllr. Eamon Aylward and agreed that the Chairman's Report of SPC 2 Meeting held on 3rd March, 2017 be noted as read.

Cllr. Melissa O'Neill asked for information on charging points provided by ESBfor electric cars.

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

None

- 8. Education & Training—Oideachas agus Oiliúint
 - (i) Conferences Request for approval to attend as per circulated list.

 It was proposed by Cllr. Mary Hilda Cavanagh seconded by Cllr. Maurice Shortall and agreed.
- 9. Matters Arising from Minutes Gnótha ag éirí as Miontuairiscí

None

10. Any Other Business - Aon Glinó Eile

None.

11. Notices of Motion - Fógraí Rúin:

32 (17) Cllr. Matt Doran

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

"That Kilkenny County Council request that the Department of Agriculture consider the establishment of a grant support scheme for farmers wishing to install animal underpasses on the public road network. Kilkenny County Council consider this would encourage an increase in the use of farm underpasses therefore facilitating the safer movement of stock benefitting both the farmer and all other road users. Kilkenny County Council are committed to providing assistance in terms of planning approval and road opening licences where appropriate, for applications of this nature."

Contributions were received from Cllr. Matt Doran and Cllr. Patrick O'Neill.

33 (17) Cllr. Matt Doran

It was proposed by Cllr. Matt Doran, seconded by Cllr. Tomás Breathnach and agreed:

"That Kilkenny County Council request that the Department of Education consider the inclusion of school safety measures pertaining to traffic management, both within schools, and on adjoining public roads, when preparing proposals for any future primary or secondary school improvement works."

34 (17) Cllr. Fidelis Doherty

The following Notice of Motion was deferred to the October Meeting:

"That Kilkenny County Council support the call by the Restaurants Association of Ireland seeking of the Government to retain the 9% Vat Rate for the Tourism and Hospitality Industry."

35 (17) Cllr. Andrew McGuinness

The following Notice of Motion was deferred to the October Meeting:

"That Kilkenny County Council create a Horse Free Zone in Kilkenny City and a system of exemptions for special occasions such as funerals and weddings and necessary uses such as Garda Horse Patrols etc. This can be done within our existing bye laws.

That this be done in consultation with Kilkenny Gardai and relevant local organisations."

36 (17) Cllr. Melissa O'Neill

It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. Breda Gardner and agreed that the Notice of Motion be amended as follows:

"That Kilkenny Council undertake to entering into discussions with Midland Animal Care in relation to the housing of an extra Dog Warden in conjunction with Carlow Council to cover both areas in an attempt to help the two staff already in the position sharing one office for both counties, to tackle the every increasing dog welfare issues and to enforce the Dog Welfare Act 2006. This is in conjunction with the new housing tenants handbook concerning animal welfare in social housing."

Following discussions, the motion was amended as Ms. Mary Mulholland advised that the Dog Warden Service is operated by a private company following a tender process. A decision on staff would have to be discussed with the company.

As the time of the meeting had reached 17:55 it was proposed by Cllr. P. Dunphy, seconded by Cllr. P. O'Neill and agreed to suspend Standing Orders to complete Item 11 & 12.

37 (17) Cllr. Melissa O'Neill

It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. Breda Gardner and agreed:

"That the Chief Executive Officer of Kilkenny Council will within two months report to the Council for their consideration setting out in support for the 11,939 people with disabilities in Co. Kilkenny, 13% of our population.

- 1. The current situation in relation to matters which the Council has direct responsibility for on disability.
- 2. An estimation of the areas and the extent of unmet need relation to same.
- 3. The areas where engagement of this Council with other public bodies would improve participation for people with disabilities and the names of those public bodies.
- 4. The measures taken and the planned by this Council to ensure the participation and engagement by people with disabilities and their representatives in local decision making structures and mechanisms with a view to budgeting and planning for 2018 and beyond for the Council to advance implementation of the UN CRPD."

Ms. Colette Byrne advised the meeting that she has no issue in giving an update on the Disability Strategy adopted by the Council. She stated that it was not possible to set out the unmet needs of 12,000 people in Kilkenny.

Mr. Simon Walton advised that the Disability Strategy 2016-2020 was adopted by the Council. The Housing Section liaises with the HSE in advancing housing solutions for people with disabilities. Contributions were received from Cllrs. Cavanagh, Shortall and Fitzgerald in relation to thewording of the Motion.

Cllr. Fitzgerald advised that the Chief Executive has agreed to bring an update on the Disability Strategy adopted by the Council.

Cllrs. O'Neill and Gardner were agreeable with this.

38 (17) Cllr. Andrew McGuinness

The following Notice of Motion was deferred to the October Meeting:

"That Kilkenny County Council introduce by laws to create enforceable parking restrictions at Archersfield, Kilkenny to resolve the problem of continuous indiscriminate parking endured by the residents who are regularly blocked into their own drive ways and worried about access in the event of an emergency.

That minor physical measures (suggestions provided by residents) be taken in conjunction with existing the parking spaces to help prevent indiscriminate parking and that relevant signage be provided."

39 (17) Cllr. Breda Gardner

The following Notice of Motion was deferred to the October Meeting:

"That Kilkenny County Council sets up an Animal Welfare Committee with cross agency support i.e. KSPCA, Gardai, members of travellers group, Council staff,

Public community representation, Vet, and Cross party county councillors " in the interest of preventing further animal cruelty and raise the awareness of how to love and respect our animals"

40 (17) Cllr. Malcolm Noonan

It was proposed by Cllr. Malcolm Noonan, seconded by Cllr. David Fitzgerald and agreed:

"That Kilkenny County Council calls on the Government:

(1) to recognise the scale of the housing and homelessness crisis by acknowledging that it constitutes an emergency threatening the community on a par with the economic crisis that faced the State in 2009,

and

(2) to put into effect measures recognising this.

In particular, we call on the Minister for Housing, Planning and Local Government to introduce emergency measures in the public interest to enhance the Compulsory Purchase Order powers of Local Authorities, including by providing that a reasonable price is paid for land and property which is not based on the current over-inflated land and property values."

Contributions were received from Cllrs. Noonan and Fitzgerald.

12. <u>Notices of Motion from other local authorities seeking support of Kilkenny County Council - Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh:</u>

It was proposed by Cllr. John Brennan, seconded by Cllr. Pat Dunphy and agreed that the Notice of Motion submitted by South Dublin City Council be noted as read:

"In regards to Cyperbullying and children, we ask:

That SDCC look at what can be done in Libraries in all of SDCC to combat this growing and worrying issue. To ask that a campaign be looked at to deal with the issue that poses a serious threat to many children within our area. This should include all types of Social Media.

That SDCC write to the Minister for Children, Minister for Justice and Minister for Education and ask that they work together to combat this serious matter with both Legislation and an Education Programme in our schools and Education campaign for Parents."

| That concluded the Business of the Meeting. | | |
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| CATHAOIRLEACH | DATE | |