

CARLOW COUNTY COUNCIL

**Minutes of the May Monthly Meeting of Carlow County Council, held
in The Council Chamber, County Offices, Athy Road, Carlow, on
Monday 11th May 2015 at 2.00 p.m.**

Present: Councillor F. Browne, Cathaoirleach
Councillor A. Ahern (Nee Long),
Councillor J. Cassin
Councillor J. Deane,
Councillor M. Doran,
Councillor D. Foley
Councillor A. Gladney
Councillor T. Kinsella,
Councillor W. Lacey,
Councillor A. McDonald,
Councillor J. Murnane-O'Connor
Councillor C. Murphy,
Councillor J. Murphy,
Councillor B. O'Donoghue,
Councillor W. Paton,
Councillor J. Pender,
Councillor F. Phelan
Councillor W. Quinn.

In attendance: Mr. D. McInerney, Acting Chief Executive
Ms. B. O'Brien, Director of Service – Corporate, Planning,
Economic Development, Health and Safety
Transportation, Environment & Water Services
Mr S. O'Connor, Director of Services – Housing, Community,
Recreation & Amenity, Building Control & Emergency Services
Mr. P. Delaney, Head of Finance
Mr. R. Fitzgerald, Financial Accountant
Mr. E. Lyng, Head of IT
Mr. K. Cullinane, Senior Engineer - Transport, Environment &
Water Services
Ms J. Coyne, County Librarian
Mr. E. Brophy, Senior Executive Officer, Corporate Services.
Ms. B. Whelan, Assistant Staff Officer, Corporate Services.

OPENING PRAYER

The opening prayer was recited in Irish by the Members.

VOTES OF SYMPATHY

- Councillor Ann Ahern on the death of her father Eamonn Long
- Ann Hovenden Staff Officer on the death of her father John Kearns, Knockbeg.
- Mary Doyle and Family, Oak Grove, Royal Oak Road, Bagenalstown on the death of her husband Jim.
- Micheál Kehoe, 20 Askea Lawns, Tullow Road on the death of his wife Phil.
- The Nolan Family, Curraghcruit, Bagenalstown on the death of their mother Lily Nolan.
- Bonnie Gladney and Family, The Quay, St. Mullins on the death of her son Bill.
- Mai Hayden and Family, 'St Johns' Browneshill Road on the death of her husband Tony.

VOTES OF CONGRATULATIONS

- Carlow Educate Together School on the official opening of its new premises
- Network of Local Enterprise Offices on sponsoring Junior Enterprise Awards 2015.
- Ballinkillen National School on their success in Eco Friendly schools initiative.
- All involved with the success of Darkness into Light in aid of Pieta House.
- Willie Mullins on his success as top trainer at Punchestown 2015.

1. CONFIRMATION OF MINUTES

Proposed by Councillor T. Kinsella

Seconded by Councillor W. Quinn

AND

Following a showing of hands it was unanimously resolved:-

“That the Minutes of the April Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on 13th April 2015, at 2.00p.m having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.

2. CIRCULARS

(a) Circular RSD 01/2015 Guidelines for the Setting and Managing of Speed Limits in Ireland (2015). Incorporating Guidelines for the application of Special Speed Limits.

Members noted Circular RSD 01/2015 Guidelines from the Department of Transport, Tourism and Sport in respect of the setting of speed limits on Irish Roads.

The following are the key points of the Circular:

1. Replacing 80kph signs on class 3 which connect to national and former national roads with a new sign which does not feature an upper speed threshold. This is to be undertaken by June 12th.
2. Review of the following;
 - Confirm existing speed limit bye laws and signs; -for national roads that are unsuitable for 100 kmh implement 80kmh speed restriction;
 - for regional road and local roads identify and implement 100kmh speed limits on those sections that are suitable;
 - Implement speed limits lower than 80 kmh as appropriate for ‘at risk’ locations;
 - Implement appropriate speed limits for urban areas;
 - Implement 30kmh for housing estates that are suitable.
3. The full inventory of speed limit signage is to be posted to MapRoad by 4th January 2016.

(b) Circular RW 8/2015 2015 Speed Limit Funding

Members noted Circular RW 8/2015 in relation to allocation of funding of €2 million as set out in Section 12 of Circular RW 2/2015 to support signage programme/engineering programmes. The intention is to allocate this funding as Local Authorities come forward with their proposals in respect of implementing 30kmh speed limits in housing estates or new warning signs

for such areas as appropriate. K. Cullinane advised that the 30kmh speed limit will be confined to inside public housing estates.

Members raised issue in relation to speed van signs and expressed the view that the speed limit should be displayed on the signs. Councillor Browne said the current three penalty point system for drivers driving in excess of the speed limit in areas not regarded as accident black spots are excessive. Councillor Phelan queried the speed limit applicable to the Rural Speed Limit signs replacing the existing 80 kmh signs on local tertiary roads at certain locations.

Councillor Quinn raised issue of parking on double yellow lines at Kelly's Corner and Borris House, Borris.

Councillor Foley raised issue of street parking near railway station Bagenalstown as a result of parking charges implemented by Íarnród Éireann and the need for double yellow lines in this area.

Councillor Gladney raised issue of ramps at Ashfield Housing Estate, Bagenalstown. K. Cullinane advised that the estate must be taken in charge in order for this issue to be addressed.

The Speed Limits are to be discussed at SPC meeting.

All queries raised by Members were addressed by K. Cullinane.

(c) Circular LU 0215 Referendum Posters – LA Responsibility under Section 19 and 20 of the 1997 Litter Pollution Act (as amended)

Members noted Circular LU 02.15 setting out Local Authorities responsibilities with regard to the upcoming referendums and the displaying of referendum posters.

In response to Members query E Brophy advised of protocol in relation to posters other than election posters. The issue of posters is to be discussed at SPC meeting.

(d) Circular Letter LLS 3/2015 Public Library Services to Primary Schools

Members noted Circular Letter LLS 3/2015 which set out standard services which all public library services will make available to primary schools as an objective of the Public Library Strategy 2013-2017 'Opportunity for All'.

3. BUSINESS PRESCRIBED BY STATUE, STANDING ORDERS OR RESOLUTIONS OF THE COUNCIL

(a) Proposed by Councillor D. Foley Seconded by Councillor A. McDonald AND RESOLVED

“That, we the members of Carlow County Council approve in accordance with Section 211 of the Planning and Development Act, 2000 As Amended and Section 183(1) of the Local Government Act, 2001 As amended,, the disposal of 1 acre (Site No. 6) on Bagenalstown Business Park at Kilree, Bagenalstown, Co. Carlow to MCM Engineering Holdings Limited, Unit 7a Bagenalstown Business Park, Royal Oak, Bagenalstown, Co. Carlow, in the sum of €75,000 plus V.A.T. @13.5% (Total €85,125) in accordance with statutory notice already circulated. The Consent of the Minister for the Environment, Community & Local Government is not necessary for disposal of the said site”.

Members welcomed the disposal of this site. Councillor McDonald queried if the €75,000 received could be used for design of bridge and if the design and costings can be done in-house. B. O’Brien advised that there are capital costs outstanding on the Business Park and the funding will be used to defray these costs.

Councillor Paton expressed the importance of having plans and costings prepared in advance when dealing with the Department in relation to projects.

Councillor Quinn queried the prospects of the Council purchasing land for development in the Borris area to improve employment prospects in the south of the county.

Councillor Paton also raised issue of outer relief road and bridge for Tullow. The Chief Executive advised that the Specific Improvement Grant is not available this year and projects are viewed case by case.

(b) Annual Financial Statement 2014 – to approve expenditure pursuant to Section 104 of the Local Government Act 2001 – as circulated 30th April 2015

Expenditure in Excess of Annual Budget

Mr. Delaney advised that in 2014 expenditure in excess of the Annual Budget occurred on a number of individual services, which was offset by

additional receipts, grants/recoupments or savings in other areas. Members' approval was sought to this expenditure as per the schedule as set out.

Proposed by Councillor W. Paton
Seconded by Councillor W. Lacey
AND

Following a showing of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council, hereby approve in accordance with Section 104 of the Local Government Act 2001 and Local Government Reform Act 2014 expenditure in excess of the 2014 Budget per the schedule below and note that the expenditure was funded by additional receipts, grants/recoupments or savings in other Service

RAS PROGRAMME	4,608,028	5,132,517	524,489
HOUSING LOANS	637,909	977,996	340,087
NP ROAD - MAINTENANCE AND IMPROVEMENT	-	27,413	27,413
NS ROAD - MAINTENANCE AND IMPROVEMENT	333,968	621,502	287,535
REGIONAL ROAD - MAINTENANCE AND IMPROVEMENT	1,540,833	1,621,462	80,628
LOCAL ROAD - MAINTENANCE AND IMPROVEMENT	5,638,338	5,877,453	239,115
PUBLIC CONVENIENCES	82,185	85,054	2,869
LOCAL AUTHORITY WATER AND SANITARY SERVICES	23,750	52,625	28,875
TOURISM DEVELOPMENT AND PROMOTION	83,198	86,396	3,198
BUILDING CONTROL	135,171	137,897	2,726
ECONOMIC DEVELOPMENT AND PROMOTION	931,247	1,040,341	109,094
LANDFILL OPERATIONS & AFTERCARE	2,849,901	4,434,850	1,584,949
MAINTENANCE OF BURIAL GROUNDS	193,347	206,295	12,948
OPERATION OF FIRE SERVICE	2,545,182	2,598,133	52,952
VETERINARY SERVICE	147,475	179,479	32,005
OPERATION OF MORGUE AND CORONER EXPENSES	88,226	100,152	11,926
OPERATION OF MARKETS AND CASUAL TRADING	27,396	30,403	3,007
AGENCY & RECOUPABLE SERVICES	1,046,750	1,090,429	43,679

(c) Report on collection of Commercial Rates Year Ended 31st December 2014 Article 26(2) of the Local Government (Financial & Audit Procedures) Regulations 2014.

Members welcomed the 4% increase in rate collection in 2014 and thanked P. Delaney and his staff for their work in improving rate collection and addressing the issue of rate arrears.

P Delaney advised of the success of the early payment incentive scheme which was first introduced in 2013 at the request of the members. Early payment of rates helped the Council's cash flow.

Members expressed concerns at proposed global valuation review for County Carlow and the impact on smaller businesses and for rural businesses. Members requested that this Council write to the Minister expressing Members concerns on this issue and that the ability of rate payers to pay be a factor of the review.

Members said that businesses were struggling in Carlow Town and that the Council should actively engage in working to reduce rates in Carlow Town by achieving rates harmonisation over a shorter period of time.

(d) Filling of vacancy on Audit Committee following resignation of Councillor W. Paton

Councillor Paton advised that due to his appointment to the Southern Regional Assembly he must resign from the Audit Committee and proposed that former Councillor Des Hurley be appointed to the Audit Committee.

Proposed by Councillor W. Paton

Seconded by Councillor J. Murnane-O'Connor

AND

Following a showing of hands it was unanimously resolved:-

'That Des Hurley, 30 St. Fiacc's Terrace, Graiguecullen, Carlow is appointed to the Audit Committee of Carlow County Council to fill the vacancy created by the resignation of Councillor W. Paton.'

The Chief Executive and P. Delaney paid tribute to Councillor Paton for his work with the Audit Committee.

(e) Proposed amendments to the Road Traffic (Speed Limits County of Carlow) Bye Laws 2013

Members had for their approval proposed amendment to the Road Traffic (Speed Limits County of Carlow) Bye Laws 2013.

It is proposed to amend the sixth schedule of the adopted Speed Limit to include as follows;

Dublin Road (R448) special speed limit zone of 100kph on that section of the R448 between the Kildare and Carlow County boundaries at Gurteengrove and it is further proposed to include the section of the R448 from Powerstown to the Kilkenny County Council boundary at Wells as a special speed limit zone of 100kph.

Proposed by Councillor J. Cassin

Seconded by Councillor W. Lacey

AND

Following a showing of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council hereby approve the proposed Speed Limit Bye Laws 2013 Amendment No. 1 May 2015 as follows;

- (i) Dublin Road (R448) special speed limit zone of 100kph on that section of the R448 between the Kildare and Carlow County boundaries at Gurteengrove.*
- (ii) the section of the R448 from Powerstown to the Kilkenny County Council boundary at Wells as a special speed limit zone of 100kph.*

In accordance with Section 46 of the Road Traffic Act 1961 (no. 24 of 1961) as inserted by Section 33 of the Road Traffic Act 1994 (no. 7 of 1994) and Sections 4 & 9 of the Road Traffic Act 2004 (no 44 of 2004) and subsequently amended by Section 86 of the Road Traffic Act 2010.

Councillor Cassin requested that this Council write to the Road Safety Authority on the legality of speed fines issued by 'Go Safe' at this location where the amendment to the Speed Limit on the R448 had been approved but new signs had yet to be erected. Members also requested that the Council write to the Road Safety Authority querying the effectiveness of the

speed vans in curbing accidents on our roads. The Gardai and other relevant bodies are to be notified of the amendment to the Speed Limit on the R448.

(f) Fix date for the Annual General Meeting

Members unanimously agreed that the Annual General Meeting be held on 8th June, 2015.

(g) Agree date for Workshop in June to discuss Chief Executive's report on submissions received relating to proposed material amendments to the Draft County Development Plan 2015-2021.

Members unanimously agreed that the Workshop to discuss Chief Executive's report on submissions received to proposed material amendments to the Draft County Development Plan be held on 16th June from 2 – 4p.m. The SPC meeting scheduled for 3.30p.m is to be rescheduled to 4.00p.m.

4. DEPARTMENTAL PROGRESS REPORTS

(a) Library Services Progress Report

Members welcomed progress report from J. Coyne, County Librarian on library services in County Carlow.

Ms Coyne advised in relation to Circular Letter LLS 3/2015 Public Library Services to Primary Schools.

In response to Members query the Chief Executive advised that discussions are ongoing regarding the implications for Carlow-Kilkenny as a shared library service.

Members thanked Ms. Coyne for her progress report.

(b) Information Technology Update

Members welcomed presentation from E. Lyng, Head of IT. Mr. Lyng advised of innovative mapping process on cemeteries in County Carlow for the web, the first of its kind in the world. It is hoped to complete the mapping process for all active cemeteries in County Carlow this year. The mapping process involves the collection of GPS co-ordinates for

each cemetery plot in the county with a photo being taken of each headstone.

E. Lyng advised that the benefits will include the centralisation of all cemetery information and its use for genealogy services.

Members welcomed the initiative and complimented Mr. Lyng on the project.

5. CORPORATE, PLANNING, ECONOMIC DEVELOPMENT AND HEALTH AND SAFETY

(a) Agriculture

There was no matter arising.

(b) Health

Councillor Lacey raised issue of VHI Start Plan Policy omitting St. Lukes Hospital, Kilkenny from the Scheme and requested that this Council write to the Health Insurance Regulator on the issue.

Councillor Murnane-O'Connor raised issue of downgrading of Kilcreene Hospital, Kilkenny.

(c) Tenders for opening, if any

Members noted tenders opened since last Council meeting.

(d) Conference Attendance Approvals

Proposed by Councillor M. Doran

Seconded by Councillor J. Pender

AND

Following a showing of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council hereby approve Members attendance at forthcoming conferences as set out hereunder'.

Local Government & Economic Development

Millrace Hotel

Bunclody

Co Wexford

5th - 6th June 2015

*EU Support Programmes for Irish Regions
The Clonakilty Hotel
Clonakilty
Co Cork
5th - 7th June 2015*

*Local Government & Economic Development
Park House Hotel
Main Street,
Edgeworthstown
Co Longford
12th - 13th June 2015*

6. Chief Executives Monthly Management Report

Members had Chief Executive's Monthly Management Report for the period 1st January to 30th April, 2015. The report outlined the main activities of Carlow County Council across the various service areas.

Councillor Phelan raised issue of waiting 9 weeks for response from Irish Water to query raised and requested that executives raise this issue at upcoming meetings with Irish Water.

Councillor Murnane-O'Connor expressed dissatisfaction at proposals by Irish Water to deduct water charges from social welfare payments and for this Council to write to the Minister on the issue.

Councillor Cassin raised issue of puppy farm in County Carlow. E. Brophy advised in respect of same.

Councillor McDonald raised issue of cutting down of trees in McGrath Park, Bagenalstown when footpaths were being laid.

Councillor C. Murphy expressed disappointment at proposals to relocate animal laboratory based in Kilkenny to Dublin as it is an excellent and important service for Carlow/Kilkenny.

7. CORRESPONDENCE

Members noted correspondence from Simon Lewis in response to Members vote of congratulation on his recent poetry award.

Members noted Notice of Motion from Ballina Municipal District

'That Ballina Municipal District calls on the Minister for the Environment to take the necessary steps to restore Town Councils or alternatively to give the new

Municipal Districts Councils the power to strike a rate and spend the money raised in each Municipal District in that district; that this Notice of Motion is circulated to all Councils for their support’.

Members noted Notice of Motion from Limerick City and County Council *‘that, Limerick City and County Council call on the Ministers for Agriculture and Finance to reinstate the Early Retirement Scheme and Installation Grant for our Farming Communities.’*

Members noted correspondence from Department of Health in response to Members letter concerning services at Lourdes Orthopaedic Hospital, Kilkenny.

Members noted correspondence from Department of Health in response to Members letter concerning people with long term medical conditions being means tested for medical cards.

8. Notices of Motion.

Standing in the names of Cllrs. W. Paton, W. Quinn, F. Phelan, J. Murnane O'Connor, J. Cassin, B. O'Donoghue and D. Foley

Proposed by Councillor W. Paton
Seconded by Councillor B. O'Donoghue
AND

Following a showing of hands it was resolved:-

"That Carlow County Council supports Marriage Equality and encourages voters to vote YES in the forthcoming referendum."

On a showing of hands a number of Councillors abstained. Councillor McDonald said it was not appropriate to bring the Notice of Motion to Council as not all Members wished to publicly declare their position on the vote and for that reason he was abstaining.

Councillor Deane said some of the ‘NO’ posters are very offensive to men, women and children.

Standing in the name of Cllr. W. Lacey

Proposed by Councillor W. Lacey
Seconded by Councillor J. Murnane-O'Connor
AND

Following a showing of hands it was unanimously resolved:-

“That Carlow County Council call on the government to extend the reduced public transport charges, currently available to students up to the age of 16, until they reach their 18th birthday. “

9 Any other business with the consent of the Cathaoirleach.

Councillor Paton said he was impressed by Youth Groups, such as Comhairle na nÓg and Carlow Regional Youth Services for their contribution to issues affecting young people. He called for representatives of Youth Groups to be invited to attend a yearly meeting of Council bringing forward issues for members to lobby government on their behalf.

In response to Members query relating to street lighting at Slaney Bank, Rathvilly, the Chief Executive advised that he will clarify if the estate has been taken in charge to enable the street light to be fixed.

Councillor Murnane-O’Connor raised issue of lack of facilities for 13 to 15 year olds in Carlow Town. She called for security for Carlow Town Park with provision of a Park Ranger. Councillor Paton said anti social behaviour was also an issue in Tullow Town Park.

Councillor Paton expressed concern at the number of people not registered to vote. He also called for changes to requirement of the RFA2 form which will enable a Peace Commissioner certify the identity of an applicant. A Notice of Motion is to be brought to Council on the matter.

Councillor Doran raised issue in relation to By-Laws for the consumption of alcohol in public places. The issue is to be brought to SPC meeting for discussion.

Councillor McDonald queried if the Council will consider honouring Mary Nolan of Bagenalstown on the occasion of her 100th birthday.

Councillor Cassin raised issue of rent allowance and the difficulty for single people to qualify for rent allowance in their own right. As a result they remain in the family home leading to overcrowding within families.

Councillor Cassin also queried the legal advice sought on Notice of Motion put forward at the April meeting of Council in relation to Irish Water.

E. Brophy advised that legal advice is currently being sought.

Councillor McDonald raised issue of playground Fenagh.

Councillor Ahern raised issue of Cannery site and queried if the Council could acquire this highly strategic site. The Chief Executive advised that there is on-going discussions with the owners in relation to this site.

The Cathaoirleach advised Members of Councillor Kinsella's proposal to hold a Civic Reception to honour the success of Eamonn Tracey on winning the World Ploughing Championship 2014 in St Jean D'illac in France.

The proposal was seconded by Councillor Browne and agreed by the Members.

This concluded the business of the meeting.