

## CARLOW COUNTY COUNCIL

**Minutes of the September Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 10<sup>th</sup> September, 2018 at 2.00 p.m.**

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**Present:** Councillor B. O'Donoghue (Cathaoirleach)  
Councillor F. Browne  
Councillor J. Cassin  
Councillor A. Dalton  
Councillor J. Deane  
Councillor M. Doran  
Councillor D. Foley  
Councillor A. Gladney  
Councillor T. Kinsella  
Councillor W. Lacey  
Councillor A. McDonald  
Councillor K. Murnane  
Councillor C. Murphy  
Councillor J. Murphy  
Councillor W. Paton  
Councillor J. Pender  
Councillor F. Phelan  
Councillor W. Quinn

**In attendance:** Ms. K. Holohan, Chief Executive  
Mr. D. McInerney, Director of Services, Transportation, Environment, Water Services, Building Control and Emergency Services.  
Ms. B. O'Brien, Director of Services, Planning & Corporate Services.  
Mr. P. Delaney, Head of Finance  
Mr. M. Brennan, Acting Director of Services, Housing, Community, Recreation and Amenity.  
Mr. B. O'Donovan, Acting Senior Engineer, Environment.  
Ms A Sweeney, Senior Planner  
Mr. R. Wickham, Senior Engineer, Transportation  
Ms. J. Kavanagh, Senior Executive Officer, Housing.  
Mr. E. Brophy, Senior Executive Officer, Corporate Services.  
Ms. B. Whelan, Assistant Staff Officer, Corporate Services.

Deputy Pat Deering was also in attendance.

## **OPENING PRAYER**

The opening prayer was recited in Irish by the Members.

## **VOTES OF SYMPATHY**

- Shane Clarke, Social Worker on the death of his father Jerry Clarke, Ballintrane House, Fenagh, Co. Carlow
- Grainne O'Neill, PPN Co-ordinator on the death of her mother Marie O'Neill, 9, Mount Leinster Park, Tullow Road, Carlow
- Margaret Moore, Community Section, on the death of her mother Ann Moore, Coolbanagher, Emo, Co. Laois
- Liz Hegarty, Powerstown Landfill, on the death of her father Johnny Kelly, Castledermot Road, Tullow, Co. Carlow.
- Fergus Mulhare, Executive Scientist, on the death of his mother Elizabeth Mulhare, Tankardstown, Athy, Co. Kildare.
- The Family of the late Councillor John Carey, Waterford City & County Council.
- Andy Murphy & Family, Oranmore, Galway/Ballymurphy, Carlow on the death of his wife Ann Marie.
- The Byrne family on the death of their brother Johnny Byrne, Craan, Leighlinbridge, Co. Carlow.
- Edie Snoddy & Family, 2 Blackbog Grove, Blackbog Road, Carlow on the death of her husband Seamus.
- Seamus White & Family 87, New Oak Estate, Carlow on the death of his wife Mary.
- The Phelan Family on the death of their mother Mary Phelan, 18 Springdale, Tullow Road, Carlow.
- The Sheppard Family, Glenogue House, Bennekerry, Carlow on the death of their mother Freda.
- The Family of the late Debbie Mulhall, Graiguecullen, Carlow.
- The Canavan Family of the death of their father Bill Canavan, Tullow/Graiguecullen, Carlow.
- The Meaney Family, Blackbush, Banagagole, Bagenalstown, Co. Carlow on the death of their mother Nan.

The Cathaoirleach requested Members' approval to allow Virgin One Media record the meeting for the Presidential nomination process.

**Proposed by Councillor J. Pender**  
**Seconded by Councillor D. Foley**  
**AND**

Following a show of hands it was unanimously resolved:-  
'that Virgin One Media be allowed to record the Meeting.'

## **VOTES OF CONGRATULATIONS**

- Jason Foley on winning gold at the Longines FEI European Youth Championships in France and being crowned individual Junior Show Jumping Champion.
- Eamonn Tracey on winning the World Ploughing Championship Conventional Class 2018.
- The Irish Ladies Senior Dragon Boat Team on their success in the European Championships 2018 and the Carlow representatives on the team.
- All involved with the success of 2 day of nostalgia event at Ducketts Grove and to Councillors J. Pender and J. Murphy for their help with the event and Grange GAA for their support of the event.
- Shauna Ray Lacey on representing Carlow in a fitting manner at the Rose of Tralee Festival 2018.
- Molly Scott on winning a silver medal in the World Championship 2018 as part of the Irish Ladies U/20 4X100 relay Team.
- All involved with the success of Carlow Community Games at the National Finals 2018.
- Dublin Senior Football Team on winning four in a row.
- Athletes Molly Scott and Marcus Lawlor on their achievements and being named as Carlow Sports Ambassadors.

## **1(a) CONFIRMATION OF MINUTES**

**Proposed by Councillor F. Browne**  
**Seconded by Councillor D. Foley**  
**AND**

Following a show of hands it was unanimously resolved:-  
*'That the Minutes of the July Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 9<sup>th</sup> July, 2018 at 2.00 p.m. having been circulated to each*

*Member be taken as read, confirmed as to accuracy and accordingly signed.*

**1(b)** The minutes of the Special Meeting of Carlow County Council held on Wednesday 15<sup>th</sup> August, 2018.

**Proposed by Councillor W. Lacey  
Seconded by Councillor A. Dalton  
AND**

Following a show of hands it was unanimously resolved:-

*'That the Minutes of the Special Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Wednesday 15<sup>th</sup> August at 2.30 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.'*

## **2. CIRCULARS**

### **(a) Circular PI 04/2018 Planning & Development (Amendment) Act 2018**

Members had for consideration Circular P1 04/2018 Planning & Development (Amendment) Act 2018.

Councillor Cassin queried the implications of the Circular for the Council.

B. O'Brien advised of the establishment of the office of a Planning Regulator that will have a wide range of functions, including the independent evaluation and assessment of all Regional Spatial and Economic Strategies, development plans, and local area plans.

Councillor Paton queried the income generated by the Council from derelict site levies and the increase in levy rate from 3% to 7% of the market value of relevant sites with effect from January, 2020.

Councillor McDonald requested in depth discussion on the Circular and that the special planning workshop scheduled for 19<sup>th</sup> September be rescheduled due to Annual General Meeting of the AILG being held on that day.

### **(b) Circular FPS06/2018 National Planning Framework**

Members noted Circular FPS06/2018,

The purpose of the Circular is to clarify that the adoption date of the National Planning Framework is 29<sup>th</sup> May, 2018.

B. O'Brien advised in respect of same.

**(c) Circular FP04/2018 Implementation Roadmap for the National Planning Framework**

Members noted Circular FP04/2018 Implementation Roadmap for the National Planning Framework.

B. O'Brien advised in respect of same.

**(d) Circular L3/18 Local Authorities Publication of Post Project Reviews**

Members noted Circular L3/18 Local Authorities Publication of Post Project reviews.

**(e) Circular F11-18 Presidential Order**

E. Brophy briefed Members on Circular F11-18 Presidential Order. The Order sets out the last day on which the Presidential Returning Officer may receive nominations, the date and time of the poll at the election and other details.

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

**(a) Local Authority Nomination for 2018 Presidential Election**

E. Brophy advised of two Presidential Nominations received from Members, one for Mr. Sean Gallagher and one for Mr. Gavin Duffy.

E. Brophy brought to Members attention provisions of Section 16 (1) of the Presidential Act that the Council may by resolution resolve to nominate one named person to be a candidate at a Presidential Election. He advised of procedural arrangements agreed at CPG meeting and sought the Council's approval to such arrangements. He further advised that Members cannot nominate a reserve candidate in the event of a candidate having already been nominated by not less than four administrative counties.

It was proposed by Councillor C. Murphy and seconded by Councillor T. Kinsella that Mr. Gavin Duffy be nominated as a candidate to contest the Presidential Election.

It was proposed by Councillor J. Pender and seconded by Councillor A. McDonald that Mr. Sean Gallagher be nominated as a candidate to contest the Presidential Election.

E. Brophy confirmed that he had received both nominations in writing in compliance with legal requirements.

## Roll call Vote

<i>Member</i>	<i>Duffy</i>	<i>Gallagher</i>	<i>Neither</i>	<i>Abstain</i>	<i>Absent</i>
Fergal Browne	√				
John Cassin			√		
Andrea Dalton		√			
Jim Deane				√	
Michael Doran	√				
Denis Foley	√				
Andy Gladney					√
Thomas Kinsella	√				
Walter Lacey	√				
Arthur McDonald		√			
Ken Murnane		√			
Charlie Murphy	√				
John Murphy			√		
Brian O'Donoghue	√				
William Paton			√		
John Pender		√			
Fintan Phelan		√			
William Quinn				√	

7 votes Gavin Duffy: 5 votes Sean Gallagher: 3 votes for neither candidate: 2 abstentions: 1 absent.

It was resolved:-

*'That we, the Members of Carlow County Council approve the nomination of Mr. Gavin Duffy of Kilsharvan House, Bellewstown, County Meath as a candidate for the Election for the office of President of Ireland in accordance with Section 16 of the Presidential Election Act 1993'.*

It was proposed by Councillor Lacey, Seconded by Councillor Kinsella and resolved to suspend Standing Orders to allow Mr. Duffy to address the meeting.

Mr. Duffy thanked the Members for nominating him to be a candidate in the Presidential Election and spoke of his aspirations for the role.

**(b) Right of access across the front of Leighlinbridge Wastewater Pump station to The Garrison Waterside Holiday Homes.**

The Members had report from E. Brophy for consideration and approval to granting right of access to land fronting Leighlinbridge Wastewater Works. The area of land 55 square metres fronting the Leighlinbridge Wastewater Pump station is owned by Carlow County Council. Members approval was sought to grant right of access over this area of the access road to the Garrison Waterside Holiday Homes.

Councillor Doran expressed reservations and requested more detailed information as the map, attached to report, did not show the right of way. D. McInerney advised that this was an oversight.

It was

**Proposed by Councillor Doran  
Seconded by Councillor McDonald  
AND**

Following a show of hands it was resolved:-

‘that we, the Members of Carlow County Council approve the deferral of item 3 (b), ‘Right of access across the front of Leighlinbridge Wastewater Pump station’, to the October meeting of Council’.

**(c) Section 85 Agreement between Carlow County Council and Wexford County Council for the N80 Pavement Improvement Scheme (1.81km)**

Members had report from R. Wickham, Senior Engineer, Transportation seeking Members’ approval to enter into a Section 85 Agreement with Wexford County Council for the N80 Bunclody Pavement Improvement Scheme.

**Proposed by Councillor C. Murphy  
Seconded by Councillor J. Pender  
AND**

Following a show of hands it was unanimously resolved:-

*‘That we, the Members of Carlow County Council approve that Carlow County Council enter into a Section 85 Agreement with Wexford County Council for the N80 Pavement Improvement Scheme (1.81km) in*

*accordance with the provisions of Section 85 of the Local Government Act, 2001.*

**(d) Draft Litter Management Plan 2018-2020**

Members welcomed Draft Litter Management Plan 2018-2020 from B. O'Donovan, Acting Senior Engineer, Environment.

The Plan outlines Carlow County Council's objectives to prevent and control litter, encourage public awareness and public participation.

A discussion took place on the challenges faced by the Council in the prevention and control of litter. Members suggested the following actions.

- Increased enforcement with a 'name and shame' policy as a number one objective.
- Increased number of litter bins in town centre.
- Night patrols to monitor dog fouling and to follow through on campaigns.
- To continue to actively pursue opportunities to provide once off opportunities to the public to dispose of unusual household items.
- Requirement for county wide survey to list genuine registered charity groups collecting clothes bags due to number of illegal operators operating in the county.

D. McInerney acknowledged Members suggestions and advised of resource issue to actively pursue all objectives.

B. O'Donovan acknowledged the contribution from Community Groups, Tidy Towns and Residents Associations in keeping their local areas free from litter. He acknowledged the assistance of Eugene Walsh for his immense work in Carlow Town.

Issues raised by the Members were addressed by D. McInerney and B. O'Donovan.

Following a show of hands it was agreed that the Draft Plan go on Public Display. Following the public consultation period, the Plan, with or without amendments, will come to Council for adoption at the December meeting of Council.

**(e) County of Carlow (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws, 2018**

Members had for consideration and approval County of Carlow (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws, 2018.



B. O'Donovan outlined the purpose of the Bye Laws and advised that if adopted by the Members will commence on the 1<sup>st</sup> October, 2018. Councillor McDonald expressed concern at the introduction of Waste Presentation Bye-Laws where any authorised Enforcement Officer can conduct household inspections in terms of disposal of domestic waste. Fixed penalty notices can be issued for non-compliance. Councillors McDonald and Phelan called for a flexible and practical approach for older people who may have alternate arrangements in place. Councillor Paton expressed concern that Members did not have the opportunity to consider the Bye-Laws, as the Bye-Laws were not circulated with the Agenda, and proposed that the matter be deferred to the October meeting of Council. This proposal was seconded by Councillor McDonald. Following a show of hands this proposal was defeated.

It was

**Proposed by Councillor T. Kinsella**  
**Seconded by Councillor F. Browne**  
**AND**

Following a show of hands it was resolved:-

*'That we, the Members of Carlow County Council approve the County of Carlow (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws, 2018 pursuant to Section 35 (1) of the Waste Management Act 1996 as amended and Section 199 (1) of the Local Government Act 2001 and in accordance with Part 19 of the Local Government Act 2001.*

Councillor Lacey also paid tribute to Eugene Walsh for his voluntary work in Carlow Town.

**(f) Taking in charge of Castlerock, Carrigduff, Bunclody**

Members had report from R. Wickham seeking Members' approval to commence the process for the taking in charge of Castlerock Housing Development. The necessary advertisement to commence the process will appear in the Nationalist and Leinster Times of the week ending 21<sup>st</sup> September, 2018.

**Proposed by Councillor C. Murphy**  
**Seconded by Councillor J. Murphy**  
**AND**

Following a show of hands it was unanimously resolved:-

*‘That we, the Members of Carlow County Council approve the advertisement to enable the taking in charge process of Castlerock Housing Development, Carrigduff, Bunclody to commence’.*

**(g) Taking in charge of Pottersway, Carrigduff, Bunclody**

Members had report from R. Wickham on taking in charge of Pottersway Housing Estate, Carrigduff, Bunclody. The scheme built in the 1990’s has not previously been taken-in-charge. R. Wickham advised that it is proposed to commence assessing the condition of services on this estate with the intention of taking the estate in charge.

R. Wickham further advised that following the establishment of Irish Water Local Authorities must seek the consent of Irish Water to take in charge sewers, watermains, or service connections.

**Proposed by Councillor C. Murphy**

**Seconded by Councillor J. Murphy**

**AND**

Following a show of hands it was unanimously resolved:-

*‘That we, the Members of Carlow County Council, approve the commencement of the process for the taking in charge of Pottersway Housing Estate, Carrigduff, Co. Carlow, as outlined in report dated 3<sup>rd</sup> September, 2018.*

**(h) Filling of vacancy on the Community, Housing & Amenity Strategic Policy Committee.**

Members’ approval was sought to the filling of casual vacancy on the Community, Housing & Amenity Strategic Policy Committee following the resignation of Councillor W. Quinn.

**Proposed by Councillor J. Pender**

**Seconded by Councillor K. Murnane**

**AND**

Following a show of hands it was unanimously resolved:-

*‘that we, the Members of Carlow County Council approve the appointment of Councillor Andrea Dalton, to fill the vacancy on the Community, Housing & Amenity Strategic Policy Committee created by the resignation of Councillor Willie Quinn.*

Councillor Pender thanked Councillor Quinn for his work with the Community, Housing & Amenity SPC and to Frank Comerford for his contribution to the SPC.

**(j) Filling of vacancy on the Regional Health Forum South.**

Members' approval was sought to the filling of casual vacancy on the Regional Health Forum South following the resignation of Councillor W. Quinn.

**Proposed by Councillor T. Kinsella**

**Seconded by Councillor J. Murphy**

**AND**

Following a show of hands it was unanimously resolved:-

*'that we, the Members of Carlow County Council approve the appointment of Councillor Brian O'Donoghue to fill the vacancy on Regional Health Forum South created by the resignation of Councillor Willie Quinn.*

#### **4. DEPARTMENTAL PROGRESS REPORTS**

##### **(a) Housing Progress Report**

Members welcomed Housing Progress Report from Michael Brennan, Acting Director of Services, Housing.

M. Brennan gave an up to-date account of housing progress, detailing the number under construction, at design and planning stage, land use planning, mortgage to rent, RAS and Leasing and HAP Schemes.

Members complimented the Housing Department on taking a pro-active approach in the delivery of housing supply.

Issues raised by the Members included the following:-

- The Council's position with homeless emergency accommodation.
- Issue for Carlow people whose income limits are too low to qualify for mortgage and too high to qualify to go on social housing list. Members requested that the Council write to TD's and the Department to address this issue and that the Council's credit committee adopt a practical approach.
- Mobility Aid Grants and if matching funding is available to draw down grants.
- Provisions for Traveller accommodation.
- Provisions for recruitment of a Vacant Homes Officer to help identify vacant properties.
- Anti-social behaviour- lack of policy enforcement
- The need for housing construction in south of the county to accommodate growing population

- Property known as The Manor, Bagenalstown subject to anti-social behaviour and part idle.
- RAS Scheme no longer suitable as a housing solution.
- Councillors not being informed of housing allocations and called on the Chief Executive to address this issue.
- Tullow Waste Water Treatment Plan inadequate to service new housing development.
- Councillors being refused access to information by housing staff due to GDPR concerns and undermining the role of public representatives. Members referred to Section 40 of the legislation that allows for the statutory basis by which councillors may continue to carry out their role as public representatives.
- Requests for windows and doors repairs not being dealt with.
- The processing of Housing Loan applications delayed.
- Requirement for specific purpose-built homes to accommodate older people who wish to downsize.
- Support for the Tenant Liaison Officer.

Issues raised by the Members were addressed by M. Brennan. J. Kavanagh addressed the issue of homelessness.

E. Brophy advised of GDPR and of recruitment of GDPR Officer on a shared basis with Kilkenny County Council. E. Brophy stated that the implications of GDPR for members are complex. The issue has been referred to the CCMA and their decision is awaited. Training on GDPR for councillors is to be arranged by the AILG.

## **(b) Community, Recreation/Amenity & Sports Partnership Progress Report**

M. Brennan presented Progress Report to August 2018 on Community, Recreation & Amenity and Local Sports Partnership Section.

Members raised the following issues:-

- Councillor Browne complimented all involved with the excellent work on the walled gardens at Ducketts Grove and acknowledged the role of Councillors Pender and J. Murphy at the 2- day nostalgia event.
- Councillor Browne queried if all of the LEADER funding allocation will be availed of.

- Councillors Murnane and Cassin raised issue of progress on proposals for the Tullow Road area, acknowledged works that are progressing and requested update from the Chief Executive. The Chief Executive advised of a wide range of activities happening with a bottom up approach by the community giving a clearer indication of requirements. The Chief Executive advised of meeting with Éire Óg Club regarding the pitch and of discussions with the Department regarding funding. She stated that subject to discussions with other agencies more information should be available in 4-6 weeks.
- Councillor McDonald referred to Jordan's field, Bagenalstown as a suitable location for an astro turf pitch and for housing development. Councillor McDonald also referred to Bagenalstown House as a suitable location for a hotel.

Issues raised by the Members were addressed by M. Brennan.

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

### **(a) Health**

Councillor Browne raised issue of status of Kelvin Grove. Councillor McDonald advised that Kelvin Grove has been earmarked for a project and that more information will be available following the upcoming HSE South meeting.

Councillor Cassin expressed serious concerns in relation to Mental Health Services and called on the Council to again write to the Minister for Health on the matter.

Councillor McDonald expressed concerns at the number of patients waiting on trolleys in hospitals during the summer months.

### **(b) Conference Attendance Approvals**

**Proposed by Councillor A. McDonald**

**Seconded by Councillor K. Murnane**

**AND**

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council approve the following conferences.*

Workplace Relations Commission,  
Whitford House Hotel,  
Wexford.  
31<sup>st</sup> August to 2<sup>nd</sup> September 2018

**Fee: €145**

EU Cohesion Policy 2014 - 2020,  
Clonakilty Hotel,  
Clonakilty,  
Co. Cork.  
5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> October 2018

**Fee: €100**

A Practical Guide to Budget 2019  
Four Seasons Hotel,  
Carlingford  
Co. Louth.  
12<sup>th</sup> to 14<sup>th</sup> October 2018

**Fee: €100**

Towards a Hard Brexit and its  
Consequences,  
Clonakilty Hotel,  
Clonakilty,  
Co. Cork.  
26<sup>th</sup> to 28<sup>th</sup> October 2018

**Fee: €100**

## **(b) Diaspora Delegations**

Members' approval was sought for three elected members to visit Tempe, Arizona as part of a diaspora twinning delegation.

Councillor J. Murphy queried if the three members will be from the Carlow Municipal District.

M. Brennan advised that Tempe was formally twinned with Carlow Town Council.

Councillor Cassin proposed that 2 members attend. This proposal was seconded by Councillor Gladney.

Following a show of hands this proposal was defeated.

It was

**Proposed by Councillor J. Pender**

**Seconded by Councillor A. McDonald**

**AND**

Following a show of hands it was resolved:-

*'That we, the Members of Carlow County Council, approve the attendance of the Cathaoirleach of Carlow County Council, the Chairman of Twinning Committee and the Mayor of Carlow as part of the diaspora twinning delegation to visit Tempe, Arizona.*

## **6. TRANSPORTATION, ENVIRONMENT & WATER SERVICES, BUILDING CONTROL & EMERGENCY SERVICES**

### **(a) Report on Burial Grounds**

Members had report from B. O'Donovan on burial grounds within County Carlow.

B. O'Donovan advised that Carlow County Council has responsibility for 18 active burial grounds and that investment is required in many cemeteries as several are running critically short of space.

B. O'Donovan advised that each cemetery has a caretaker but a number of vacancies have arisen and are increasingly difficult to fill. He advised that in the future the provision of new/extended burial grounds may be provided for directly by local communities as communities may be better placed to provide facilities for their communities and provide ongoing maintenance.

Councillors Browne and Dalton raised issue of upkeep of the old graveyard Barrow Track due to its historical significance.

Councillor Browne queried the provision of a crematorium in Carlow and wall plaque in cemetery to remember those whose ashes are interred in the cemetery.

Councillors Deane and Pender queried the role of the caretaker where in some instances caretakers do not receive adequate remuneration for the work carried out.

Councillor C. Murphy queried if the Council is responsible for overhanging trees in graveyards.

Councillor B. O'Donoghue queried why the gates in Tullow graveyard are closed first Friday of the month making it difficult for people to visit the graveyard.

Councillor Phelan raised issue of Plotbox, the digital recording of historical and ongoing interments in cemeteries.

All issues raised by the members were addressed by D. McInerney and B. O'Donovan.

B. O'Donovan advised that in order to recover more of the costs associated with the burial ground provision it is proposed to introduce revised charges as follows:-

- Single plot €450 county wide (and incrementally for double plots).
- Interment cost in St. Mary's cemetery €500
- Introduction of an administration charge of €50 for the processing of monument (headstone) applications.

In response to Members' queries D. McInerney advised that the total expenditure for burial grounds 2017 was €198,474 and the total income

was €51,320. The increase charges will recover approximately an extra one quarter of the costs associated with the burial ground provision. D. McInerney further advised that capital funding will be required to fund any extension or new purchase.

**(b) River Basin Management Plan**

B. O'Donovan gave a presentation to Members on The River Basin Management Plan for Ireland 2018-2021.

Issues raised by the Members included the following:-

- Septic Grants and availability of grants for improvement works
- Upgrade of Tullow Wastewater Treatment Plant and Muinebheag-Leighlinbridge Wastewater Treatment Plant.

D. McInerney advised that these projects are included in the Draft Irish Water Investment Plan 2020-2024. He advised of submission to Irish Water in relation to the Draft Investment Plan and the need for continued investment in water services structure.

- List of projects planned before the take-over by Irish Water, projects completed, and projects not progressed.

Issues raised by the Members were addressed by D. McInerney and B. O'Donovan.

**7. Finance, Information Technology & Culture (Libraries, Arts & County Museum)**

**(a) To fix Dates for 2019 Annual Budget Meetings.**

P. Delaney sought Members' approval to the fixing of dates for 2019 Annual Budget Meetings.

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council approve the holding of Budget Meetings 2019 as follows:-*

*Local Property Tax (LPT) on Monday 24<sup>th</sup> September at 3.00pm with in-committee Budget briefing/Workshop including Carlow MD and Muinebheag MD at 2.00pm.*

*Draft Budgetary Plan Muinebheag Wednesday 17<sup>th</sup> October at 4.00pm.*

*Draft Budgetary Plan Carlow MD Friday 19<sup>th</sup> October at 4.00pm.*

***Statutory Budget Meeting Tuesday 20<sup>th</sup> November at 2.00pm with in committee meeting at 11.30pm.***

P. Delaney advised that the Budget must be adopted within 14 days beginning on the date of the Statutory Budget Meeting.



## **8. CHIEF EXECUTIVE REPORT**

Members noted Chief Executive Monthly Management Report for the period 1<sup>st</sup> to 31<sup>st</sup> August, 2018.

## **9. CORRESPONDENCE**

**Members noted correspondence from Tusla** in response to Members correspondence in relation to the Galway rape crisis case.

**Members noted Notice of Motion from Clare County Council** calling on the Government to enact the Dáil motion in support of protecting and developing the Post Office network.

**Members noted Notice of Motion from Waterford City and County Council** calling on the Government to abolish the 'Loco Parentis' clause in homecare nursing contracts for sick children.

**Members noted correspondence from the office of the Minister for Health** in response to Members correspondence in relation to late cancellation of hospital appointments.

**Members noted correspondence from the Department of Housing, Planning and Local Government** in response to Members' correspondence regarding the establishment of an annual national Make Way Day.

**Members noted correspondence from the Department of Business, Enterprise and Innovation** on reviewing the provisions of the Casual Trading Act 1995 and the Occasional Trading Act 1979. Closing date of the Public Consultation Wednesday 31<sup>st</sup> October, 2018.

**Members noted correspondence from the Minister for Rural and Community Development** in relation to the establishment of a national Make Way Day

**Members noted Notice of Motion from Limerick City and County Council** calling on the Taoiseach and Government to legislate to ensure that employees who have a recognised degree would be legally entitled to be paid a liveable wage, be pensionable and in unionised jobs.

**Members noted resolution from Carrickmacross-Castleblaney Municipal District Council** calling on the Minister for Agriculture to make hardship funding available to assist the farming community given the severe shortage of fodder.

**Members noted Notice of Motion from Limerick City and County Council** that the Minister for Health and the Minister of State with special responsibilities for disabilities bring forward legislation that all government grants, social welfare payments and other state supports be categorised as non-means tested Universal Payments for people with disabilities.

**Members noted Notice of Motion from Donegal County** requesting all relevant Government Ministers to reconsider the current government policy regarding the bundling of public contracts.

**Members noted Notice of Motion from Donegal County** calling on the Minister for Education to address the discrepancies which exist in the rates of pay and benefits to ancillary staff in schools and to increase the capitation grant paid to schools as outlined in the 'Action Plan for Education.

**Members noted Notice of Motion from Kildare County Council** calling on the insurance regulator and all home insurance providers who offer policies within County Kildare, voicing concerns, and opposition to the misinterpretation of the current Catchment Flood Risk Assessment and Management Studies maps by the insurance industry that is now affecting house sales within County Kildare.

**Members noted correspondence from the Department of Housing, Planning and Local Government** in response to Members correspondence on the discussion of planning applications at Council meetings.

**Members noted correspondence from the Health Service Executive** in response to Members correspondence in relation to Primary Health Care for Tullow.

**Members noted email from the office of Finian McGrath, T.D, Minister for Disabilities** in response to Members' Notice of Motion on the National Disability Authority.

**Members noted correspondence from the Minister for Health** in response to Members' correspondence concerning Primary Health Care for Tullow.

**Members noted email from Hugo Jellett** thanking Members for their vote of congratulations on the 'Writers Festival.'

**Members noted correspondence from the Department of Public Expenditure and Reform** in response to Members' correspondence in relation to Tyndall College, Carlow and payments to subcontractors.

## **10. Notices of Motion**

### Fógraí Rúin/Notices of Motion.

#### Standing in the name of Cllr. John Cassin

"This Council supports County Carlow becoming free from goods and services produced in Israeli settlements illegally established on stolen Palestinian land and therefore urges Councillors to support the Control of Economic Activity (Occupied Territories) Bill, 2018."

Councillor Cassin withdrew this Notice of Motion.

#### Standing in the name of Cllr. Fintan Phelan

'We the Members of Carlow County Council support retaining the policy of reducing rates on ratepayers where a part of the premises is vacant. It has been a longstanding policy of the council to impose such a reduction for businesses where a room or part of a premises was not in use. Many ratepayers have agreements in place with the council regarding this spanning a number of years and it is the view of this council that they should be maintained'

E. Brophy read out response to this Notice of Motion advising that all commercial properties in County Carlow were re-valued for rating purposes by the Valuation Office. Proposed valuation certificates were issued in 2017 with ratepayers having the opportunity to make representations to the Valuation Office within forty days of the date of issue of the Certificate. The valuation lists were subsequently published on 15<sup>th</sup> September 2017 with a closing date of 12<sup>th</sup> October 2017 for appeals to the Valuation Tribunal. In the absence of a successful appeal, Carlow County Council is legally required to calculate, and issue rate demands in accordance with the revised valuation.

P. Delaney questioned how reductions would be funded, if legally granted.

The Chief Executive reiterated what E. Brophy and P. Delaney had said and was satisfied Carlow County Council cannot comply with this Notice of Motion as it is ultra vires.

Councillor Phelan requested that the Council seek legal advice on the issue and it was agreed to defer the Notice of Motion to the October meeting of Council.

Standing in the name of Cllrs. Andrea Dalton and William Paton

"That the members of Carlow County Council call on the Chief Executive to bring forward an amendment to the County Development Plan (2015-2021) which will require all developments (including service stations) which include a proposal to develop 15 or more car parking spaces as part of the development to provide, at least two charging points for electric vehicles (pro rata) e.g. 2 charging points for 15 spaces development, 4 charging points for 30 spaces etc.

The Notice of Motion was proposed by Councillor A. Dalton and seconded by Councillor K. Murnane.

Ms. B. O'Brien, Director of Services, advised members that the Carlow County Development Plan 2015-2021 currently contains Transportation Policy No. 14 which promotes and supports the development of appropriate infrastructure to accommodate a change to electrically powered vehicles and to assist in achieving the 10% target of the national road fleet being electrically powered by 2020. The current policy (Trans no.14) contains sufficient flexibility to enable consideration of an increase in the number of charging points without an amendment to the current Carlow County Development Plan 2015-2021. The level of provision should be informed following consideration of national policy / best practice standards etc and presented to both the Planning and Transportation SPCs for detailed consideration.

Members discussed the details outlined and it was agreed that the matter be referred to both Planning and Transportation SPCs for consideration and recommendation back to Plenary Council.

Standing in the name of Cllr. Ken Murnane

Proposed by Councillor K. Murnane

Seconded by Councillor J. Pender

**AND**

Following a show of hands it was resolved:-

*Carlow Town and County desperately needs a Heritage Officer and a proper town and county wide integrated heritage tourism plan that capitalises on what is already a growing sector. A Heritage Officer would also be ideally placed to make submissions on what route any development plans in our locality would take going forward.*

The Chief Executive advised that there are no provisions in the Budget for employment of a Heritage Officer.

**10. ANY OTHER BUSINESS WITH THE CONSENT OF THE CATHAOIRLEACH**

This concluded the business of the meeting.