

## CARLOW COUNTY COUNCIL

**Minutes of the November Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 13<sup>th</sup> November 2017 at 2.00 p.m.**

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**Present:** Councillor W. Quinn (Leas 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 B. O'Donoghue  
Councillor J. Pender  
Councillor F. Phelan

**Apologies:** Councillor W. Paton

**In attendance:** Ms. K. Holohan, Chief Executive  
Ms. B. O'Brien, Director of Service – Corporate, Planning, Economic Development, Health and Safety,  
Mr D. McInerney, Director of Services, Transportation, Environment & Water Services  
Mr S. O'Connor, Director of Services, Housing, Community, Building Control & Emergency Services,  
Mr. P. Delaney, Head of Finance  
Mr. L. Fitzgerald, Senior Engineer, Roads  
Mr. J. Shorthall, Acting County Librarian  
Ms S. Dowling, Arts Officer  
Ms A. Sweeney, Senior Planner  
Ms F. O'Neill, Senior Executive Officer, Planning  
Mr. E. Brophy, Senior Executive Officer, Corporate Services,  
Ms. B. Whelan, Assistant Staff Officer, Corporate Services

In commemorating the 1916 Rising the National Anthem was played.

### **OPENING PRAYER**

The opening prayer was recited in Irish by the Members.

### **VOTES OF SYMPATHY**

- The Hynes Family on the death of Peter Hynes, 18 Fair Green, Muinebheag, Co. Carlow former pensioner with Carlow County Council.
- The Fagan Family, Ballykeenan, Myshall, Co. Carlow on the death of Bridget Fagan, former pensioner Carlow County Council.
- Mary McNally and family, Barrett Street, Muinebheag, Co. Carlow on the death of her husband John, former Member of Carlow County Council and Muinebheag Town Council.
- The Doyle Family on the death of James Doyle Ballyling, St. Mullins, Co. Carlow former pensioner with Carlow County Council.
- Staff members Niall and James Byrne on the death of their mother Pauline Byrne, Kilcoole, Rathoe, Carlow.
- The Cosgrave Family and the Fine Gael Party on the death of Liam Cosgrave former Taoiseach and Leader of Fine Gael.
- The Wall Family on the death of Denis Wall, Eastwood and Donore, Bagenalstown, Co. Carlow
- The Farrell Family on the death of Carmel Farrell, Long Range, Bagenalstown, Co. Carlow
- Phonsus McDonald & Family on the death of his wife Lena McDonald, Fenniscourt, Bagenalstown, Co. Carlow.

### **• VOTES OF CONGRATULATIONS**

- Rachel Doyle, Arboretum Garden Centre on receiving the Retail Excellence Lifetime Achievement Award.
- Naomh Eoin on winning the U/21 Hurling County Final.
- Richard Coady, Mount Leinster Rangers on receiving a Champion 15 award at the GAA All Stars.
- St Andrews on winning the Carlow Minor Shield Championship 2017.
- Ballinkillen Minors on winning the Minor County Final.

- Emma Brennan, Carlow Intermediate Camogie on receiving 2017 Soaring Stars Award.
- Eire Og on winning the Senior Football County Championship.
- Dan Morrissey Ltd on their efforts to keep jobs alive at their plants in Carlow and Wicklow.
- Mount Leinster Rangers on winning the County Senior Hurling Championship and wished them well in the semi final of the Leinster Club Senior Hurling Championship.
- Avril Hogan, on the launch of her book 'Hadden's 1848-1976.
- Carlow Pride of Place Awards: New Oak Estate on winning the overall award in the Housing Estate category: Leighlinbridge on winning the overall Towns and Villages Award: John McCabe, Clonegal on winning the Individual Award

Members complimented staff and crews of Carlow County Council involved in co-ordinating response to storm Ophelia.

## **1. CONFIRMATION OF MINUTES**

The minutes of the October Council Meeting held on 9<sup>th</sup> October 2017 were

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

Following a show of hands it was unanimously resolved:-

*'That the Minutes of the October Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 9<sup>th</sup> October at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.'*

## **2. CIRCULARS**

- (a) Circular – Guidance on Planning Applications for Short Term Lettings.**

Members noted Circular PL 10/2017 providing guidance in relation to planning applications relating to short term lettings and changes of use.

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

**(a) Filling of Casual Vacancy on the Local Community Development Committee**

Members approval was sought to the filling of casual vacancy on Local Community Development Committee (LCDC) following the resignation of Councillor Arthur McDonald with effect from 17<sup>th</sup> October,2017.

**Proposed by Councillor J. Pender**  
**Seconded by Councillor A. McDonald**  
**AND**

Following a show of hands it was unanimously resolved:-  
*'that we, the Members of Carlow County Council approve the appointment of Ms. Andrea Dalton, Barr na Cassa, Tinryland, Co. Carlow to the Membership of the Local Community Development Committee (LCDC) with effect from 17<sup>th</sup> October,2017 following the resignation of Councillor A. McDonald.*

**(b) Taking in Charge of Moyacomb Meadows Housing Development, Clonegal.**

Mr. L. Fitzgerald, Senior Engineer, Roads, sought Members approval to advertise the Council's intentions to take the Housing Development, Moyacomb Meadows, Clonegal, Co. Carlow in charge.

**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 advertising of the Council's intentions to take in charge Housing Development, Moyacomb Meadows, Clonegal, Co. Carlow.'*

The necessary advertisement will appear in the Nationalist and Leinster Times of the week ending 17<sup>th</sup> November, 2017.

**(c) Disposal of 61 Burrin Manor, Tullow Road, Carlow**

**Proposed by Councillor J. Cassin**  
**Seconded by Councillor F. Browne**  
**AND**

Following a show of hands it was unanimously resolved:-  
*That we, the Members of Carlow County Council approve the disposal of*

*Council's Rented Equity (Freehold Interest) in dwelling situated at 61, Burrin Manor, Tullow Road, Carlow to Christopher Glynn & Irene Glynn, in consideration of the sum of €29,635.38 in accordance with the terms of the statutory notice already circulated and in accordance with Local Government Act 2001, Section 183 (1), Planning & Development Act 2000, Section 211. The consent of the Minister for Housing, Planning and Local Government is not necessary for the disposal of the said dwelling.*

**(d) Disposal of 64 New Oak Estate, Carlow**

**Proposed by Councillor F. Phelan  
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 disposal of Council's Rented Equity (Freehold Interest) in dwelling situated at 64, New Oak Estate, Carlow to John Carter & Nora Carter, in consideration of the sum of €14,146.84 in accordance with the terms of the statutory notice already circulated and in accordance with Local Government Act 2001, Section 183 (1), Planning & Development Act 2000, Section 211. The consent of the Minister for Housing, Planning and Local Government is not necessary for the disposal of the said dwelling.*

**(e) Disposal of lands surplus to road realignment requirements at Royal Oak, Co. Carlow**

**Proposed by Councillor A. McDonald  
Seconded by Councillor D. Foley  
AND**

Following a show of hands it was unanimously resolved:-

*That we, the Members of Carlow County Council approve the disposal of Council's (Freehold Interest) in lands surplus to road realignment requirements at Royal Oak, Co. Carlow to Gerard and Geraldine Brennan, in consideration of the sum of €100 for an area of 0.09 acres in accordance with the terms of the statutory notice already circulated and in accordance with Local Government Act 2001, Section 183 (1), Planning & Development Act 2000, Section 211. The consent of the Minister for Housing, Planning and Local Government is not necessary for the disposal of the said lands.*

**(f) Disposal by lease of 0.82 acres at Ardattin**

**Proposed by Councillor C. Murphy  
Seconded by Councillor A. McDonald**

**AND**

Following a show of hands it was unanimously resolved:-

*That we, the Members of Carlow County Council approve the disposal (by lease) of 0.82 acres at Ardattin to Ardattin Tidy Village Association for a period of 7 years in consideration of the sum of annual rent of €50 in accordance with the terms of the statutory notice already circulated and in accordance with Local Government Act 2001, Section 183 (1), Planning & Development Act 2000, Section 211. The consent of the Minister for Housing, Planning and Local Government is not necessary for the disposal (by lease) of the said lands.*

**(g) Speed Limit Bye-Laws**

Mr. L. Fitzgerald, Senior Engineer, Roads advised that at the time the Speed Limit Bye-Laws were adopted by Council in March 2017 informal agreement had been reached with TII. As formal sanction was only received in July it is necessary for the elected members to again approve the bye laws which were presented at the March meeting of Council in order to comply with the strictures of the 2004 Road Traffic Act.

**Proposed by Councillor F. Browne**

**Seconded by Councillor W. Lacey**

**AND**

Following a show of hands it was resolved:-

*‘That we, the Members of Carlow County Council approve the adoption of the speed limit review as set out.’*

The following issues were raised by the Members:

- Speed limit at Royal Oak Road, Bagenalstown – serious issue, traffic calming measures required.
- Speed sign at Glynn Village and the need to have it moved 60m further from the village in the Borris direction.
- Poor service from AUS Electricity Solutions. Two public lights still out of commission at Hosey’s/ Staplestown Road roundabout. On the issue of speed limits it was suggested the use of radar speed signs as effective traffic calming measures.
- Stretch of Road in Borris and requirement for continuous white line.
- Requirement for increased electricity capacity to benefit growth and that underground ducting cable is the way forward.

- The wording 'Max' be added to speed limit signs to remind people to slow down. The 5km speed limit sign at Oak Park not feasible and it was suggested that it be raised to 15km or removed.
- Speed limits at Swimming Pool, Leighlinbridge Road, Dunleckney and McGrath Park, Bagenalstown.

All issues raised by the Members were address by L. Fitzgerald.

#### **(4) DEPARTMENTAL PROGRESS REPORTS**

##### **(a) Arts Progress Report**

- **Take a Part**
- **Creative Ireland Carlow**

P. Delaney, Director of Services introduced the 'Take a Part Carlow' initiative Progress Report. P. Delaney advised that Carlow successfully secured 71K for the project and was one of 6 successful applications nationally. The initiative aims to break down barriers of what art is and how it can act as a tool to transform local communities.

Ms S. Dowling, Arts Officer showed a short film that was commissioned to capture a five week programme of arts activities for young people in the Tullow Road area working with Carlow Regional Youth Services. Ms Dowling also advised of other activities that have taken place in the area. Members complimented the Members of the local Arts Action Group and Project Coordinator Sile Penkert on the initiative that has proved hugely successful in terms of the social and cultural impact on this community. P. Delaney and S. Dowling presented the Creative Ireland Carlow Progress Report. This programme is a legacy programme from Ireland 2016 and is a five-year government initiative. Local Authorities have been tasked with the overall local delivery of the entire Creative Ireland programme enabling creativity in every community by encouraging communities and citizens to engage, participate and enable their creative potential.

Ms Dowling advised that countywide 98 promotional events and initiatives were scheduled and supported. She further advised that the Cultural Team are now in the early stages of producing County Carlow's Culture and Creativity Strategy 2018-2022. Public Engagement events to feed into the process of developing the strategy will take place on 29<sup>th</sup> November in the Carlow Municipal District (Carlow Central Library) and on 4<sup>th</sup> December in Muinebheag Municipal District (Muinebheag Library).

Queries raised by the Members were addressed by P. Delaney and S. Dowling.

## **(b) Library Progress Report**

Members welcomed Carlow Library Progress Report from John Shorthall, Acting County Librarian.

J. Shorthall outlined the services available from Carlow County Library including a wide range of on line services and emphasised that Carlow Library has something for everyone.

He spoke of Government investment package for public libraries allowing for the continued modernisation of the library service and paving the way for the launch of the New Library Strategy 2018-2023 aiming to connect and empower people and support communities.

Carlow is to receive €67,940 in funding with Local Authority contribution of €22,647 with a total investment of €90,587.

He spoke of the National Programmes such as 'Right to Read' Initiative, 'Work Matters' supporting business and employment 'Healthy Ireland' with programmes to improve the health and wellbeing of Ireland and 'Creative Ireland' outlining Carlow's Creative Ireland Programme.

He spoke of the genealogy section within Carlow County Library as an excellent tool to trace one's family history and advised that Genealogist Bernie Walsh is in attendance at County Library on Tuesdays and Wednesdays and is available by appointment.

Members thanked J. Shorthall for his Report and complemented the staff of Carlow Library emphasising the importance of getting the message out to communities on the services available at Carlow Library.

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

### **(a) Agriculture**

The following Notice of Motion was brought forward by Councillors C. Murphy and J. Murphy.

**Proposed by Councillor C. Murphy**

**Seconded by Councillor J. Murphy**

**AND**

Following a show of hands it was unanimously resolved:-

*“That the Government resists all pressure both nationally and internationally to ban the use of glyphosate for agriculture and horticulture use”.*



## **(b) Health**

The following Notice of Motion was brought forward by Councillor Phelan.

**Proposed by Councillor F. Phelan  
Seconded by Councillor F. Browne  
AND**

Following a show of hands it was unanimously resolved:-

*'That Carlow County Council calls on the Minister for Health to recognise that Fibromyalgia was classified by the World Health Organisation as M79-7, Diseases of the Musculoskeletal System and Connective Tissue. We further call on the Minister to place Fibromyalgia on the long-term illness list, that medical professionals are trained in how to diagnose and treat Fibromyalgia and that a centre of excellence be put in place for those that suffer from Fibromyalgia'.*

Ms Gemma Flood who suffers with the condition and advocates for patients with Fibromyalgia was in attendance.

It was proposed by Councillor Cassin and seconded by Councillor Phelan that the Council write to the HSE seeking progress report on Mental Health for the South East Region.

## **(c) Conference Attendance Approvals**

It was unanimously resolved following a show of hands:-

*'That we, the Members of Carlow County Council approve the following:-*

### ***Forthcoming Conferences 2017: November***

Audit Committees in the Irish  
Local Government System,  
The Four Seasons Hotel,  
Carlingford,  
Co. Louth.  
1st to 3rd December 2017

**Fee: €100**

Insolvency Services in Ireland,  
The Gold Coast Hotel,  
Ballinacourty,  
Dungarvan,  
Co. Waterford.  
8th to 10<sup>th</sup> December 2017

**Fee: €145**

A Practical Guide to Budget 2018  
The Clonakilty Hotel,  
Clonakilty,  
Co. Cork.  
8<sup>th</sup> to 10<sup>th</sup> December 2017

**Fee: €100**

Excel Training for Councillors on  
Cashflow and Budget Spreadsheets,  
The Clonakilty Hotel,  
Clonakilty,  
Co. Cork.  
13<sup>th</sup> to 14<sup>th</sup> December 2017

**Fee: €100**

ODCE/Office of the Director of  
Corporate Enforcement,  
The Clonakilty Hotel,  
Clonakilty,  
Co. Cork.  
21<sup>st</sup> to 23<sup>rd</sup> December 2017

**Fee: €100**

## **6. TRANSPORTATION, ENVIRONMENT & WATER SERVICES**

### **(a) Survey of School Crossings**

Liam Fitzgerald, Senior Engineer Roads presented survey of school crossings at all the primary schools in the county. The exercise was carried out to establish the degree of risk posed for children where it is necessary to cross a public road and to establish what measures are required to mitigate any identified risks.

Members welcomed the report and it was suggested that the report become an annual report to update school sizes and identify risks going forward.

Issues raised by the Members included the following:-

- The Council pay a block grant to schools to employ a staff member/parent to do school warden duties due to the non availability of Tus workers. L. Fitzgerald advised that it is not the Local Authorities remit to provide such funding for schools.
- Green Lane with three lane traffic is dangerous for traffic coming from left hand side out of town and needs to be looked at.
- Tus worker in Borris contract expiring in February and the difficulty in recruiting a replacement.
- Extra signage for Ballinkillen school was suggested.
- It was suggested that 6<sup>th</sup> Class pupils act as School Wardens.

- It was suggested that driver feed back signs be located at all schools. L. Fitzgerald said he was reluctant to use driver feed back signs globally and favoured a more structured approach and the use of resources where most needed.
- Issue at Barrett Street, Muinebheag. L. Fitzgerald said options need to be looked at this location.
- Road markings be carried out at school pedestrian crossings as part of the annual roads maintenance programme.

Queries raised by the members were addressed by L. Fitzgerald who reiterated that it is essential that this structured risk based approach continues to be applied.

A petition relating to Ballyellin junction was handed to D. McInerney, Director of Services from the community of Ballyellin, represented by Ms Kathleen Brennan and Ms. Eileen Heffernan.

L Fitzgerald advised that the area engineer has examined this location and measures are being looked at and funding will be sought to address the issue.

### **Response to Storm Ophelia**

Members had report from D. McInerney, Director of Services on response to Storm Ophelia, 16<sup>th</sup> October 2017.

Members complimented the staff and crews of Carlow County Council for the excellent response to the storm.

In response to Members' query D. McInerney advised that costs relating to Storm Ophelia are more than €50,000 and that The National Directorate Major Emergency Management has requested that claims to cover costs be submitted.

In response to Members' query regarding engagement with IFA and ESB in relation to roadside trees D. McInerney advised of the importance of engaging a tree surgeon if people have concerns about roadside trees.

D. McInerney encouraged everyone to register with MapAlert as it a free service that lets people receive alerts from the Council by SMS, email, app and social media.

A Notice of Motion was brought forward standing in the name of Councillor William Paton.

**Proposed by Councillor Brian O'Donoghue**

**Seconded by Councillor M. Doran**

**AND**

Following a show of hands it was unanimously resolved:-

*"In order to give greater security to the continuity of supply to 20,000 people dependent on the production of safe, clean water from the Rathvilly Water Treatment Plant, Carlow County Council calls on Irish Water to provide a permanent standby generator for Rathvilly Water Treatment Plant for use when the plant loses electricity."*

## **7. CHIEF EXECUTIVE REPORT**

Members noted Chief Executive's Monthly Management Report for October 2017.

## **8. CORRESPONDENCE**

**Members noted Notice of Motion passed by Ballina Municipal District** calling on the Minister for Agriculture, Food and the Marine to take immediate action to deal with the problem of ragwort and for the Minister to update the Noxious Weeds Act 1936.

**Members noted Notice of Motion passed by Limerick City and County Council** calling on the Government to put in place one agency with full responsibility for the maintenance/repair/upkeep of all our rivers and streams.

**Members noted correspondence from The Heritage Council** to the Chief Executive on consultation document to help shape the new Strategic Plan for 2018-2022.

In response to Members the Chief Executive advised that members can make contributions to the consultation document and that an executive response will be submitted.

**Members noted Notice of Motion from Tipperary County Council** calling on the Department of Transport, Tourism and Sport to reintroduce the Urban Road Minor Improvement Grant.

**Members noted Notice of Motion from Wexford County Council** calling on the government to immediately implement the Private Members Motion which was unanimously passed November 2016 regarding rural post offices.

**Members noted correspondence from the Minister for Employment Affairs and Social Protection** acknowledging members Notice of Motion in relation to Turas Nua.

**Members noted correspondence the Minister of Housing, Planning and Local Government** acknowledging receipt of Members letter in connection with unfinished housing estates.

**Members noted Notice of Motion from Sligo County Council** calling on the Minister for Health, to provide extra funding for the Alzheimer Society of Ireland in future health budgets.

**9. Notice of Motion.**

Standing in the name of Cllr. Brian O'Donoghue:

**Proposed by Councillor B. O'Donoghue**

**Seconded by Councillor J. Cassin**

**AND**

Following a show of hands it was unanimously resolved:-

*"That Carlow County Council calls on the Minister for Agriculture, Food and the Marine to produce adequate information to ensure ease of access and understanding of complex requirements for persons with disabilities, who are required to comply with European and national certification and guidelines, particularly in the agricultural sector. The Minister is called upon to address and if need arise, legislate for the ongoing issues involving persons with disabilities in the interest of equality and paying particular attention to literacy issues among farmers, to also, put in place services and facilities in recognition of the many farmers and members of rural Ireland who have difficulty getting the appropriate certification to carry out day to day agricultural activity, in particular, this council asks the Minister to consider the case concerning Edward "Ned" Deering who recently went before the European Parliaments committee of petitions where the case remains open. Finally, this council calls on the Minister to recognise that the role of 'access officers' within the department are not fit for purpose"*

Mr Ned Deering was in attendance at the meeting for this item.

This Notice of Motion is to be circulated to all Local Authorities for their support.

The issue of digital literacy was also raised.

Standing in the name of Cllr. Brian O'Donoghue:

**Proposed by Councillor B. O'Donoghue**

**Seconded by Councillor A. Dalton**

**AND**

Following a show of hands it was unanimously resolved:-

*"That Carlow County Council calls on the government to ratify the UN Convention of the rights of persons with disabilities"*

**10. Any other business with the consent of the Cathaoirleach.**

Issue of Carlow Town Centre Public Realm Strategy was raised.

Ms B. O'Brien advised in respect of same.

It was suggested that the Council write directly to multi-national companies showcasing what Carlow has to offer.

Update on the 1916 Carlow Committee.

The Chief Executive advised that the final meeting of the committee will take place shortly and the follow on will come under Creative Ireland Programme.

This concluded the business of the meeting.