

**COMHAIRLE CATHRACH AGUS CONTAE PHORT LÁIRGE  
WATERFORD CITY AND COUNTY COUNCIL**

**COUNCIL MEETING HELD ON 13<sup>TH</sup> JULY, 2017 IN THE COUNCIL CHAMBER,  
CITY HALL, THE MALL, WATERFORD**

**PRESENT:**

Cllr. Pat Nugent, Mayor	Cllr Joe Kelly
Cllr. Liam Brazil	Cllr. Eddie Mulligan
Cllr. Breda Brennan	Cllr. Jason Murphy
Cllr John Carey	Cllr. Ray Murphy
Cllr Declan Clune	Cllr. Seamus O'Donnell
Cllr. Joe Conway	Cllr Laurence O'Neill
Cllr John Cummins	Cllr. Michael J O'Ryan
Cllr. Tom Cronin	Cllr. Lola O'Sullivan
Cllr. Davy Daniels	Cllr. Seanie Power
Cllr Declan Doocey	Cllr. John Pratt
Cllr. Pat Fitzgerald	Cllr. Eamon Quinlan
Cllr. Damien Geoghegan	Cllr. Seán Reinhardt
Cllr Jim Griffin	Cllr. Mary Roche
Cllr. Blaise Hannigan	Cllr. James Tobin
Cllr. John Hearne	Cllr Siobhan Whelan
	Cllr Adam Wyse

**APOLOGIES**

Cllr John O'Leary

**OFFICIALS IN ATTENDANCE:**

Mr. M. Walsh, Chief Executive  
Mr. L. Power Director of Services, Economic Development & Planning  
Mr. M. Quinn, Director of Services, Corporate, Culture, HR & IS  
Mr. F. Galvin, Director of Services, Roads, Water & Environment  
Mr. I. Grimes, Director of Services, Housing, Community & Emergency Services  
Mr. J. Murphy, Head of Finance  
Mr. E. Ruane, Meetings Administrator  
Ms. S. Walsh, Senior Staff Officer

The meeting commenced in Committee at 4.15pm for the Chief Executive to give Council an update on Mount Congreve. He said that the former Mayor, the Current Mayor and Chief Executive will be 'holding trustees' until further notice and he asked the Council to approve this.

Proposed by Cllr Tobin, seconded by Cllr Doocey and agreed.

A number of questions from the Councillors with regard to Mount Congreve were dealt with by the Chief Executive. The Chief Executive then addressed the Council with regard to the emergency motion and the legal advice that he received in this regard.

## 1. Confirmation of Minutes

- (a) Plenary Meeting held on 8<sup>th</sup> June 2017 proposed by Cllr Geoghegan, seconded by Cllr Daniels and agreed.
- (b) Special Plenary Meeting- High Hopes Choir on 21<sup>st</sup> June, 2017, proposed by Cllr Daniels seconded by Cllr O'Neill and agreed.
- (c) Plenary Annual General Meeting held on 29<sup>th</sup> June, 2017, proposed by Cllr Cummins Seconded by Cllr Power and agreed.

Cllr Tobin asked for the suspension of Standing Orders to discuss the emergency motion submitted by 13 Councillors, seconded by Cllr Geoghegan and agreed. 30 minutes suspension of Standing Orders was proposed by Cllr O'Ryan, seconded by Cllr Brazil and agreed.

The Emergency motion in the names of Councillors O'Ryan, O'Leary, R Murphy, Power, Brazil, Clune, Tobin, Cronin, Doocey, Geoghegan, Pratt, Whelan, O'Donnell was

"That Waterford City & County Council amend its Development Plan to provide for the following separation in relation to the installation of wind turbines.

Distances between wind turbines and homes / public buildings / workplaces.

- 500 metres, where height of the wind turbine generator rotary tip is greater than 25 metres but does not exceed 50 metres
- 1000 metres, where the height of the wind turbine generator rotary tip is greater than 50 metres but does not exceed 100 metres.
- 1500 metres, where the height of the wind turbine generator rotary tip is greater than 100 metres but does not exceed 150 metres.
- 2000 metres, where the height of the wind turbine generator rotary tip is greater than 150 metres but does not exceed 200 metres.
- 2500 metres, where the height of the wind turbine generator rotary tip is greater than 200 metres but does not exceed 250 metres.

Turbines with a generator rotary tip height in excess of 250 metres would have a set back distance based on pro rata calculation.

Cllr O'Ryan formally proposed the motion, seconded by Cllr Brazil and agreed.

Councillors added their views in support of the motion. Cllr O'Neill asked that any Councillor who had any financial interest in this should abstain from voting.

It was proposed to extend standing orders by a further 10 minutes. Proposed by Cllr Geoghegan seconded by Cllr Daniels and agreed.

Cllr O'Sullivan wanted it recorded that this issue has divided the community.

The Chief Executive responded to the motion stating it sets a dilemma for the organisation and he had concerns around the variation of the Development Plan and being inconsistent with policies of Government. In his opinion the risks are very significant to the Council and the motion will not have any impact with regard to the planning law. A rollcall vote was proposed by Cllr Fitzgerald and agreed.

A rollcall vote was taken and all Councillors present voted in favour, with the Mayor abstaining.

## **2. Matters Arising**

Cllr Roche requested a workshop on tourism, education and jobs and inequality in the South East, Cllr. Daniels agreed. Cllr Fitzgerald asked for an update on the shortfall in 2017 budget re Landsdown Road public sector pay deal. Cllr Reinhardt wanted an update on the Minister's response re tenant purchase scheme.

Chief Executive confirmed he is available for a workshop.

J Murphy, HOF said that the shortfall re the public sector pay deal will be addressed at the half-yearly review.

I. Grimes, DOS said that the Minister's review has been completed and is in talks with various departments and will announce details of the review soon.

Cllr Clune asked for an update on the Airport. Cllr Daniels queried if the Council got a government directive re the preparation of the development plan.

Chief Executive said that with regard to the Airport there were technical issues re bonding and this will be resolved in 1-2 weeks

L Power, DOS replied that merged authorities have to wait for the Regional Planning Guidelines and cannot make a development plan until then.

Cllr Mulligan asked if the Council could use the Dublin model for HAP and have we recruited a Tourism Officer yet.

I Grimes, DOS said that the Dublin HAP initiative was targeted particularly at Dublin due to its high level of homelessness but he will put in request to the department to request Waterford's participation.

L Power, DOS confirmed that the tourism officer now recruited is Libby McGinn-Murphy.

Cllr Brazil asked about the Old Pike Inn at Dungarvan and a vacant house in dereliction in a private estate and can something be done about these.

Mayor said these were issues for the Comeragh District Council.

I Grimes, DOS said that a report on the derelict property was received this morning and he will submit it to Cllr Brazil and the Council will look at the house under derelict site powers.

## **3. Planning**

Planning lists as circulated were noted.

## **4. Land Disposals**

Proposed by Cllr Pratt, seconded by Cllr Conway and agreed.

## **5. Monthly Management Report**

Cllr O'Neill asked for an update on the opening of the Applemarket and the Waterside carpark, and also asked what share holding has the Council in the Airport and if the Council can offer the Airport to a PPP, also can the Council put a proposal forward re PPP. Cllr Geoghegan asked about the 'sunshine' tax on tables outside premises and how does the system work and if a briefing document could be issued. Cllr Cummins asked for engagement between the Council and the trust for the Applemarket and events taking place, also can the Council have a workshop on the North Quays SDZ prior to plans issuing. He said that there is money available in the Department for purchasing houses and has the Council applied, also an update on voids reducing policy.

L Power, DOS said the Applemarket opening was schedule for 21<sup>st</sup> July, 2017 and businesses were encouraged to come outside with tables/chairs to help the ambiance etc. in relation to tables and chairs outside premises he stated that the Council is required to charge a Sec. 254 Licence fee of €125 per table and 4 chairs per annum. However, he accepted that this was very cost prohibitive as it would be difficult for a business to recoup such a profit from trading. He stated to promote such activity as a Council, if the members were agreeable, he recommended to charge the prescribed fee as required, but within 3 months of operation the Council would inspect the facility and if the proprietor was operating within the terms of the licence, the Council would provide a grant of €100 per table and 4 chairs towards the costs incurred, he outlined this grant would in effect be cost neutral on the Council as it was primarily a part repayment of the fee paid. This recommendation was subsequently proposed by Cllr. Geoghegan and seconded by Cllr.Roche and agreed."

The Applemarket Trust is working with the Council to get the best for the area and he will ensure residents are informed. A workshop for the North Quays will be held.

Chief Executive said that the Council is the landowner and is leasing to the Airport and the Council is open to any solution that will deliver an extended runway. Aer Southeast secures the immediate future of the airport and the Council will look at all sources for investment to bring the airport forward. Any proposal will be brought back to Council.

F Galvin, DOS said that the Waterside carpark is expected to open in a couple of days.

I Grimes, DOS said that a funding application was sent to the Department today for housing, and he will revert on void policy.

Cllr Roche, said that the constitutional conference, and the display of the bust of John Hearne, should be acknowledged as very successful, also an update on the Indecon report and update on the 3<sup>rd</sup> Bridge and the Blackfriars site and to write to Failte Ireland re TIO no longer in use. Cllr Hearne asked does Council analyse data on car fires and inform Gardai of data. Cllr Power asked for extra funding be provided to cover costs of Community alert schemes.

L Power, DOS said the Indecon report will be available 2-3wks and he will write to Failte Ireland re. the TIO. The consultants report on the 3<sup>rd</sup> bridge crossing not finalised yet probably September.

F Galvin, DOS said we are working with the Civic Trust on a proposal for Blackfriars

I Grimes, DOS said that the fire service liaise on ongoing basis with Gardai.

Chief Executive said that the Council maintain assets in the community but he can't recommend funding community alert schemes.

Cllr Mulligan asked for an update on the coastal walk Dunmore, planning, shuttering on vacant sites, inspection of Council Housing stock and the when will the Council overdraft reduce. Cllr Kelly asked if the pillars at the Applemarket can be changed and is there any intention to put up lights, also an update on the finance for the 3rd river crossing , when will the Waterside carpark open and Applemarket contractors parking outside residents houses in New Street. Cllr Fitzgerald asked if malicious calls to the fire brigade are investigated and prosecuted

L Power, DOS said Dunmore East should be finished by September, he will follow up on shuttering and the Council endeavours to follow up any planning breaches and staffing is up to level. The Applemarket pillars can be looked at later on re painting and lighting. Funding for the 3<sup>rd</sup> river crossing will have to be a national issue.

F Galvin, DOS said that the Waterside carpark will be open in a couple of days. The construction traffic issue will be taken up with Applemarket contractors.

I Grimes, DOS said malicious fire calls are the responsibility of the Gardai to follow up. The Council responds to maintenance requests from our tenants re issues they may have regarding housing stock.

J Murphy, HOF said the level of overdraft reflects the level of expenditure on various projects and should reduce in 3<sup>rd</sup> or 4<sup>th</sup> quarter.

Cllr Jason Murphy asked for an update on the river cruise from New Ross to Waterford, can housing adaptation grants be provided for overcrowding circumstances and what is the Gardai's role in anti-social behaviour policy and do the Council share information with them. Cllr Reinhardt asked for an update on the community facilitates scheme. Cllr Daniels asked if the Council can control/licence companies that we handed over the waste collection to with regard to illegal dumping, also with regard to the tenant purchase scheme review, tenants with the money should be allowed to purchase their houses and the cardiac 24/7 should be kept on the agenda.

L Power, DOS said that the Council is facilitating cruises from Waterford to New Ross by providing the necessary dis-embarkment facilities.

I Grimes, DOS will consider providing extensions to families to deal with overcrowding. The Council is currently processing applications for the community facilities scheme and will revert in September and comments with regard to the tenant purchase scheme will be passed to the Minister. It is intended to put anti-social behaviour on the SPC agenda and have a workshop and information is shared, where appropriate with the Gardai, and all complaints to the Council are totally confidential.

F Galvin, DOS said the Council has a role in licence inspection but no control on charging regime for waste collection.

Cllr Brennan said that 2 disabled parking spaces have been lost at the Applemarket and one at Bailey's New Street and where has the Council re-positioned them. Cllr Conway said the Greenway should be self policing and cyclists should dismount in tunnels but this is not happening, why is the LEO figure Measure 1 support reduced and what does level 1 support mean, also will the Tramore Town & Village scheme CCTV be finished in July as promised. Cllr Quinlan said that emergency accommodation numbers are down on previous month and queried the accommodation capacity.

F Galvin, DOS said that the disabled car park spaces moved from the Applemarket to New Street and from Bailey's New Street to Greyfriars, advice for the Greenway says that the signs at the tunnel be amended to proceed with caution and not dismount.

L Power, DOS explained that LEO is there to help start up businesses (less than 10) = Measure 1, Measure 2 is soft supports e.g. accountants, web development etc. and there are a number of factors that affect this e.g. more people going into employment rather than people starting-up own business. CCTV for Tramore is on time.

I Grimes, DOS said that emergency accommodation is seasonal.

Cllr O'Sullivan said if waste companies do not collect brown bins it will affect weight. The access to the slip-way in Tramore was blocked by cars which affected RNLI access to the water and also said sewerage at the Pier affected swimming. Cllr Griffin said that early Spring hedge cutting would make roads safer, also what is the user uptake figures on the beach wheelchair, the Viking house longboat needs some upkeep and can the Council look at modular homes. Cllr O'Ryan requested a conference in Dungarvan on rural Waterford/Ireland for either Autumn 2017 or Spring of 2018 for a cross section of business and community leaders to discuss rural Ireland.

F Galvin, DOS said that the brown bin is collected in higher populated areas in the city, Tramore and Dunmore east. He said Irish Water is aware of the overflow at the Pier, the water is not tested there. The Council is actively looking at hedge cutting where necessary. The Council is working on insurance for the Beach wheelchair.

I Grimes, DOS said the Council is looking at modular housing, but it is not the solution to the housing crisis.

Chief Executive would consider Spring conference .

Cllr Doocey commented that the Tourism Officer appointed is based in the city and hedge cutting needed as road signs are covered.

## 6. Financial Reports for adoption:

Cllr Mulligan raised queries on the Annual Financial Statement. Cllr Conway asked if the cost of consultancy of professional fees was normal. Cllr Daniels asked if the borrowings was to clear legacy deficits and is this done.

J Murphy, HOF said that the consultancy fees are in our capital account. The Council's overall level of expenditure is higher in 2016 than 2015 due to storm damage that could not be budgeted for. The overdraft won't be eliminated by year end. With regard to Legacy deficits the money was received but we can't eliminate it under the accounting process

(a) Annual Financial Statement 2016, proposed by Cllr Doocey, seconded by Cllr Power and agreed

(b) Financial Report & Section 104 Schedule of Expenditure, proposed by Cllr Daniels,seconded by Cllr Doocey and agreed.

## **7. Audit Committee Annual Report 2016 for noting**

Report noted.

The current chair of the committee, committee members and council staff were complimented for their work.

## **8. Direction in the Control of Cranes, Hoists & Mobile Elevated Platforms on Public Roads in Waterford**

Cllr Tobin proposed it goes back to the SPC, seconded by Cllr Mulligan

Cllr Mulligan spoke on issues he has with this scheme

The Mayor proposed to go back to SPC, seconded by Cllr Daniels and agreed.

An extension of Standing Orders by 10 minutes was proposed by Cllr Cummins, seconded by Cllr Hearne and agreed.

## **9. Section 85 (Social Housing PPP Project Bundle 2) Agreement with Cork County Council**

Proposed by Cllr Doocey, seconded by Cllr Cronin and agreed.

## **10. SPC and LCDC Changes**

The following changes were proposed to SPC's with subsequent changes to LCDC by Cllr. Cummins and seconded by Cllr. Tobin and agreed.

<b>SPC</b>	<b><u>Chair out</u></b>	<b><u>Chair in</u></b>
Economic Dev. & Enterprise	Liam Brazil	Eamon Quinlan
Planning	Seanie Power	Jason Murphy
Transport	Joe Conway	Blaize Hannigan
Environment	no change	Declan Clune (no change)
Housing	no change	Tom Cronin (no change)

As a consequence Cllr. Hannigan resigned his place in the Housing SPC and its number of members dropped to 12 with the number of members of Transport SPC rising to 14.

Cllr. Adam Wyse's (retiring Mayor), and Cllr. Liam Brazil's (retiring SPC Chair.) places on the LCDC were taken by Cllr. Pat Nugent and Cllr. Eamon Quinlan.

#### **11. Correspondence**

The Training and Conferences and Receptions included in correspondence as circulated were proposed by Cllr Conway, seconded by Cllr Cronin and agreed

#### **12. Notice of Motions**

##### **1. Motion in the name of Cllr Michael J O’Ryan**

“That this council ask the CEO and directorate, ahead of the upcoming budgetary process, to make provision for a €10,000 fund p.a. to be ring fenced towards the annual refurbishment of community graveyards throughout this city and county”.

Proposed by Cllr O’Ryan seconded by Cllr Cronin and agreed.

##### **2. Motion in the name of Cllr Declan Clune**

“That Waterford City & County Council is deeply concerned with the Government's new waste management proposals, and therefore we call on Minister Naughten to;

- Stop these new charges
- Establish a national regulator
- Introduce more measures to reduce, reuse and recycle waste
- Introduce additional supports for those in receipt of welfare payments and those with medical conditions”

Proposed by Cllr Clune , seconded by Cllr Hearne

Cllr Conway proposed an amendment to this motion as follows - ‘introduce additional **available** supports’, which was agreed and the motion as amended was carried.

#### **13. AOB**

None

**Signed:**\_\_\_\_\_

**Dated:**\_\_\_\_\_

**Mayor**