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MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 22 FEABHRA, 2016

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 22 FEBRUARY, 2016

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	M Cahill
P Connor Scarteen	B. Cronin	J.J. Culloty
P. Daly	T. Ferris	J. Finucane
S. Fitzgerald	J.F. Flynn	N. Foley
D. Grady	D. Healy-Rae	J. Healy-Rae
N. Kelleher	M. Kennelly	S. Locke
J. Moloney	D. Nolan	T. O'Brien
B. O'Connell	M. O'Shea	D. Quigg
J. Sheahan	A. Thornton	P. McCarthy

IN ATTENDANCE/I LÁTHAIR

Ms. M. Murrell, Chief Executive	Mr. M. O'Donoghue, A/Dir. of Corp. Serv.
Mr. J. Kennelly, A/Director Water Serv.	Mr. J. Breen, Dir. Sust. Comm./Q of L
Mr. C. O'Sullivan, Dir. Ops., H & S	Ms. A. McAllen, Head of Finance
Mr. M. Scannell, A/Dir.Job Cr./Sust. ED	Mr. G. O'Brien, Meetings Administrator
Mr. G. Riordan, SE Operations	Ms. C. Farrell, Project Leader IT
Mr. T. Sheehy, SE Capital Infrast. Unit	Ms. M. West, AO Operations
Mr. D. Doyle, A/SE Operations	Mr. F. Hartnett, SEE Operations
Mr. P. Teahan, SEE Operations	Mr. P. Neary, SEE Operations
Mr. T. Hayes, LEO Officer	Ms. B. Reidy, SSO Corporate Support
Mr. J.J. Canty, CO Finance	Ms. C. Tobin, CO Finance
Ms. O. O'Shea, CO Corporate Support	

The meeting commenced at 10.35am.

The Cathaoirleach, Cllr. P. McCarthy took the Chair.

16.02.22.01 Count Afresh Listowel Local Electoral Area and Return of Members Elected

Mr. M. O'Donoghue stated as members were aware the Count Afresh for the Listowel Local Electoral Area was undertaken under the direction of Judge O'Donnell, Circuit Court as ordered by the Supreme Court.

February Meeting

The Count commenced on 10th February last and was completed early Friday 12th February with the result of the Count Afresh and details of the persons Elected being declared by Charlie O'Sullivan, Returning Officer.

Following the result, and later on Friday 12th, the Council made an application to Judge O'Donnell in the Circuit Court in Limerick for the necessary Order.

Judge O'Donnell made an Order and it has been served on the Council. Mr. O'Donoghue then asked Mr. G. O'Brien, Meetings Administrator and Secretary to the Council to formally read the Order into the record of the Meeting.

Mr. O'Brien then read the Order into the record of the Meeting.

"The Circuit Court, South Western Circuit, County of Limerick, Limerick Circuit Court before Judge O'Donnell on the 12th Day of February 2016 between Dan Kiely the Plaintiff and Kerry County Council the Defendant.

The Defendant having been duly served with the Petitioner's Election Civil Bill herein and the same coming for hearing before the Court this day. Whereupon and on reading the pleadings and documents filed herein and on hearing what was urged.

The Court doth Order:

That the Declaration of the result of the poll taken on the 23rd of May 2014 to fill seven seats in the constituency/Local Electoral Area of Listowel LEA Kerry County Council and declared the candidates to be elected in the following order be and is hereby received:

John Brassil Fianna Fáil
Robert Beasley Sinn Féin
Aoife Thornton Fine Gael
Dianne Nolan Sinn Féin
Liam Purtill Fine Gael
Mike Kennelly Fine Gael
Jimmy Moloney Fianna Fáil."

Cllr. M. Kennelly paid tribute to management and Council staff involved in the Count in 2014 and again recently. Since May 2014 it was a very stressful time for members and officials. The Returning Officer and the Deputy Returning Officer conducted the Counts on both occasions very professionally and the Count Afresh showed that the process works.

Cllr. J. Moloney expressed his appreciation to the Count staff for their professionalism in conducting the Count Afresh. The Count came under national scrutiny and the Count Afresh was as thorough as the original Count in 2014. The issue of costs must now be decided and as Kerry County Council was not at fault the people of Kerry should not be liable for the costs.

Cllr. D. Grady complimented the staff on the way they conducted the Count Afresh, the outcome of which proves that the original Count was conducted properly. He congratulated Cllrs. Kennelly and Moloney on their election in the Count Afresh.

Cllr. D. Quigg congratulated Cllrs. Kennelly and Moloney and stated he did not want Kerry County Council to be liable for the costs of this case. The Minister for Environment should pay the costs involved as the Council followed the Guidelines issued by his Department.

Cllr. R. Beasley paid tribute to Mr. C. O'Sullivan, Returning Officer and all the staff involved in the Count Afresh. He congratulated Cllrs. Kennelly and Moloney on their election in the Count Afresh. He complimented all staff on the efficient way the Count Afresh was managed which he stated was similar to the way the 2014 Count was conducted. Cllr. Beasley stated he anticipated Kerry County Council would not be liable for the costs as they followed the Guidelines issued by the Department of Environment, Community and Local Government.

The Cathaoirleach congratulated all members re-elected in the Count Afresh for the Listowel LEA. The professional way the Count Afresh was conducted reassured councillors and the general public that the original Count was conducted to a similar standard. The Cathaoirleach congratulated Mr. C. O'Sullivan, Returning Officer and all staff involved in the County Afresh. He also complimented Mr. M. McMahon who was the Returning Officer for the 2014 Count.

Cllr. T. Ferris asked what procedure would be adopted to ensure the situation that arose in 2014 would not happen again. Could all candidates be circulated with a procedure which would outline when the Doubtful Votes would be adjudicated on? Cllr. Ferris stated she did not want to see tax payers money wasted.

The Chief Executive congratulated Cllrs. Kennelly and Moloney on their election. She acknowledged the compliments for staff and the way the Count Afresh was conducted. The Count Afresh shows the rigours of the process and the professionalism by the Council in conducting Election Counts. She was very proud of the way the Count Afresh was conducted and she thanked and acknowledged the work of the Returning Officer, Mr. C. O'Sullivan, the County Solicitor and all Count staff. The Chief Executive emphasised that it will be a priority for her to ensure the Council's expose is minimal. The Circuit Court will decide on costs and she has had discussions with Departmental Officials on this as Kerry County Council complied fully with Departmental Guidelines.

February Meeting

Mr. C. O'Sullivan acknowledged the tributes to Count staff. Election Counts are stressful at the best of times and he had great admiration for anyone who puts their name on a Ballot Paper. There is a particular process to be undertaken in the Count and Kerry County Council complied with the legislation. All the Count staff were involved in previous Counts. The reason for the Count Afresh was the interpretation of the Guidelines of Memorandum which issued by the Department. The Court made a ruling and the Council must abide by it. Procedures for a Count are prescribed in legislation and the Court indicated it is candidates' responsibility to be present when the Doubtful Ballots are being adjudicated on.

Enterprise Month

The Cathaoirleach informed the meeting that Enterprise Month was officially launched earlier that morning and members were circulated with a list of events scheduled for the month.

Vote of Sympathy

The Cathaoirleach extended a vote of sympathy to the family of the late Judge Mary O'Halloran who previously worked as a Solicitor with Kerry County Council.

Cllr. B. Cronin extended his sympathy to the family of the former Kerry Footballer Mr. D.J. Crowley who passed away at the weekend.

All members stated they wished to be associated with these expressions of sympathy.

Revised date for Meeting with Mr. Gallen, Chief Ambulance Officer

Mr. O'Brien informed members that the revised date for the meeting with Mr. Gallen is Tuesday 1st March 2016 at 11am in Room 36 County Buildings.

16.02.22.02 Cathaoirleach's Report on the CPG Meeting held on the 16th February 2016

The Cathaoirleach read the following report into the record of the meeting.

"Item 1 Agenda for the February Council Meeting

Mr. G. O'Brien briefed members on the Agenda for the February Council Meeting.

In relation to Item 11(b) Cllr. J. Moloney pointed out there will be no cost to the Council as all costs associated with the visit will be paid by the host city.

Item 2 Training and Development Programme for Councillors

Mr. G. O'Brien informed the meeting that members are required to adopt a Training and Development Programme for 2016. The Draft Programme is included on the Agenda for the February Meeting for consideration.

Cllr. N. Kelleher requested that details of IPA Courses would be circulated to members.

This was agreed.

Cllr. Finucane pointed out the IPA does not offer courses at weekends.

Mr. M. O'Donoghue undertook to raise this issue with the IPA.

Cllr. Finucane also requested that a letter would issue to the School of Politics at UCC asking them to put on courses for public representatives at weekends.

Item 3 Update on Road Grant Allocations and preparation of Service Delivery Plan

Mr. C. O'Sullivan stated the Multi Annual Restoration Improvement Programme is on the Agenda for the February meeting for adoption. The Road Grant Allocations have also been received as notified to members. A Service Delivery Plan for the Operations Department is being prepared together with a Schedule of Works Plan for each Municipal District. It is intended to take the Schedule of Works Plans to each MD for approval. At the March meeting a date can be agreed for the holding of a Special Meeting to adopt the 2016 Service Delivery Plan, which will include the Road Works Programme for the Operations Directorate. He anticipated that confirmation of the storm damage allocation will be received shortly and this will tie in with the Roads Programme. A submission was made for roads that need urgent repair following the storms and flooding in the sum of €6.9m and a further list of projects was submitted where roads should be raised to resolve flooding issues at a total cost of €7.3m.

Cllr. R. Beasley stressed the importance of re-opening the Bridge outside Ballyduff to two lanes for the tourism season. He also asked priority would be given to securing funding for Phase 2 of the Dale Road.

Members asked that the impact of raising the level of a road on adjoining property owners would be fully examined before work commences.

Mr. O'Sullivan assured members that this would be taken into account in the assessment and design of the works and it would also be discussed with TII. He informed members that an indication has been given that of the €1.1m required to repair the Cliff Road at Rossbeigh 50% of the funding would be provided.

February Meeting

The Chief Executive stated a meeting will be held shortly with the Department of Transport and the issue of funding for the Cliff Road will be discussed. She undertook to discuss funding for Phase 2 of the Dale Road with the Department also.

Mr. O'Sullivan stated a commitment was given to the residents of the Cliff Road but funding is an issue. A new road is the only feasible option and our consultants have the Tender documents almost complete.

Cllrs. Kennelly and Moloney asked that additional funding would be sought for the works at William Street, Listowel.

Mr. O'Sullivan stated he would be meeting TII shortly and he would discuss the funding for William Street with them. They allocated €100,000 for the works but that is not adequate as the works are estimated at approx. €400,000.

The Cathaoirleach asked that the problems with the bridge near the Nursing Home on the Castlemaine Road would be addressed and that the drain would be cleaned on either side of the bridge.

Mr. O'Sullivan stated this bridge is included in the assessment already carried out and the impact of any works on adjoining property owners will have to be assessed. TII will not fund the cleaning of drains.

Item 4 Count Afresh Listowel Local Electoral Area

Mr. M. O'Donoghue advised members that the Count Afresh for the Listowel Local Electoral Area took place on the 10th and 11th February. Judge O'Donnell made the Order confirming the list of persons elected, on the 12th February 2016. The Supreme Court made a ruling in relation to costs and the issue of costs for the Count Afresh is a matter yet to be determined by the Circuit Court.

Members complimented the Returning Officer and his staff on the professional way the Count Afresh was conducted.

Mr. C. O'Sullivan stated, that as in previous Counts, due diligence was applied to the procedures for conducting the Count Afresh.

The Chief Executive congratulated Cllrs. Kennelly and Moloney on their election in the Count Afresh. The Count Afresh was very important for Kerry County Council as it upheld the Council's reputation. The issue of costs for the Count Afresh must be decided by the Circuit Court. Ms. Murrell informed members that discussions are ongoing with our insurers and the Department and she expected the Council's exposure to be minimal.

The Cathaoirleach suggested that a letter of thanks would issue to all Count staff.

February Meeting

This was agreed.

Item 5 Requests for approval for the making of presentations to full Council

Mr. G. O'Brien informed members two requests for approval for the making of Presentations to Council were received as follows:

1. Cumann Iosaef on their Charter for Independent Living requested by Cllr. T. Ferris. Mr. O'Brien stated two Notices of Motion requesting this Presentation were submitted by Cllrs. Brassil and Finucane.

It was agreed that Cumann Iosaef would make a Presentation to Council.

2. Delegation from IT Tralee to give an update on its activities i.e. Munster Technological University process, Kerry Technology Park, the new Sports facility etc. requested by Cllr. T. O'Brien.

It was agreed that this Presentation would be made at the March Meeting.

Item 6 Update from the SPC Chairs

There were no SPC meetings since the February Meeting.

Item 7 Approval for the holding of Receptions

Mr. O'Brien stated four requests for Receptions were received from Cllrs. P. Connor-Scarteen, D. McCarthy, M. Cahill and J. Healy-Rae for the Templenoe and St. Mary's Football Teams to mark their All Ireland success recently.

It was agreed that a Reception would be held for the Templenoe Team at the next South and West Kerry MD Meeting which will be held in Kenmare.

The CPG further agreed that the Reception for St. Mary's would be held at the following South and West Kerry MD Meeting which will be held in Killorglin.

Item 8 Any other business

Cllr. J. Finucane asked when applications will be invited for the Community Support Fund.

Mr. M. Scannell stated the Draft Scheme will be presented to the March Meeting for adoption.

Cllr. Finucane suggested as the Council is actively contributing to communities through this Scheme that all successful applicants would be invited to a Municipal District Meeting with a view to publicizing the positive impact of the Scheme."

February Meeting

In relation to Item 3 the Chief Executive stated a submission was made to the Department in the sum of €6.9m for damage by flooding. Included in the submission was a sum of €1.1m for the Cliff Road, Rossbeigh but an allocation of just €550,000 was received. A further €700,000 of the submission related to national roads and this will be addressed by TII. An allocation of €4m was received in Tranche 1 and a programme will now be designed for spending this across regional and local roads.

Mr. C. O'Sullivan informed the meeting that €700,000 of the submission will be the subject of a separate allocation from TII. He welcomed the allocation and added that a Schedule of Works was drawn up based on damage from recent flooding. A Scheme of Works for each Municipal District will be prepared and brought to the Municipal Districts.

Cllr. D. Grady welcomed the additional funding and stated the roads in Killarney and indeed South Kerry are in a bad condition and in particular the roads in Scartaglin.

Cllr. M. Kennelly welcomed the funding and stated that North Kerry is very disadvantaged when it comes to roads and in particular William Street, Listowel. He welcomed the update on William Street and added that it is an embarrassment to the Council that this work has not been done.

Cllr. D. Quigg referred to the Receptions for St. Mary's Caherciveen and Temploe and stated they deserve to be honoured at a full Council meeting.

The Cathaoirleach pointed out this item was discussed by the CPG and members were satisfied that the hosting of the Reception at Municipal District level will more likely result in a good attendance.

Cllr. Quigg stated the Reception would be more significant at full Council.

The Cathaoirleach stated this is a decision for the members.

Cllr. J. Finucane stated the hosting of Receptions at Municipal District level highlights the role of the MD's. In the past Town Councils hosted Receptions and if members continue to remove functions from the Municipal Districts it will diminish their importance. The timing of the Reception and the distance people have to travel is also a factor to be taken into consideration.

Cllr. P. Connor-Scarteen stated he contacted the management for the Temploe Team and they are satisfied that the Reception will be held in Kenmare. The fact that it is will be held on a Friday should mean a greater attendance.

February Meeting

Cllr. T. Ferris suggested as a compromise that the award should be from Kerry County Council but it will be delivered at Municipal District level. She added that she could not over emphasise the importance of securing funding of €400,000 for William Street, Listowel which is on the Wild Atlantic Way. Cllr. Ferris expressed her disappointment at a discussion on Mayo local radio where it was stated that the €27m committed by the Government for regional airports will in fact be spent entirely on Knock Airport. She PROPOSED that a letter would issue to the Department of Transport, Tourism and Sport seeking a meeting with a view to securing capital funding for Kerry Airport.

Cllr. J. Moloney SECONDED the proposal.

The Chief Executive advised members she did not receive formal notification of this allocation.

16.02.22.03 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. B. Cronin, it was resolved that the Minutes of the January Ordinary Meeting of Kerry County Council held on the 18th January 2016 be confirmed.
- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Moloney, it was resolved that the Minutes of the Special Housing Meeting of Kerry County Council held on the 25th January 2016 be confirmed.

Cllr. N. Foley asked if local authority tenants have been or will be notified of the new Tenant Purchase Scheme.

Mr. J. Breen advised members that notification of the Scheme was just received from the HFA and it would issue to tenants the following week.

Cllr. N. Foley stated it is farcical that 80% of tenants are excluded from the Scheme. She asked if there was an update from the Department on this.

Mr. J. Breen stated the Regulations are in place and income limits apply. It is a limited Scheme in its application and the terms of the Scheme have not changed.

Cllr. T. Ferris supported the views expressed by Cllr. Foley. She stated there is no Tenancy Enforcement Officer in Tralee with just one for the entire county. Tralee needs a dedicated Tenancy Enforcement Officer and she asked that a staff member would be assigned to this post as soon as possible.

Cllr. J.J. Culloty requested clarification on when the 20 houses in Killarney would commence. Last summer he was informed they would commence in Q4 of 2015 but there is still no indication that construction is about to commence.

February Meeting

Cllr. D. Grady concurred with the views expressed by previous speakers. Tenants are anxious to get details on the new Tenant Purchase Scheme and he asked when details will issue to them.

Cllr. S. Locke complimented housing officials on the work being done on vacant houses. He disagreed with the new Tenant Purchase Scheme and stated he would like to see a further Special Housing Meeting held.

Cllr. R. Beasley stated he brought it to the attention of the Council that window catches are problematic in some housing estates in Ballybunion and Ballyduff. He asked if the Council will repair these catches. Some tenants have requested that windows and doors would be replaced and he added this is a health and safety issue that needs to be addressed.

Mr. J. Breen stated a Special Housing Meeting was held on the 25th January. Verbal approval for the 20 houses in Killarney was received and formal written approval is awaited. A Tenancy Liaison Officer was appointed to the Housing Department recently for Tralee.

Cllr. T. Ferris welcomed this appointment but added that members were not notified of it.

16.02.22.04 Chief Executive's Report to Council

The Chief Executive read the following report into the record of the meeting:

“Introduction

Section 136(2) of the Local Government Act 2001, as inserted by Section 51 of the Local Government Reform Act 2014 places an obligation on the Chief Executive to prepare a report, to be known as the Management Report, in relation to the performance of his or her Executive Functions during the preceding calendar month, including implementation of policy or other matters required by the Council in the exercise of its Reserved Functions and the provision of services by the Council.

As agreed by the Members, the report will be forwarded to you on a monthly basis along with the documentation for the ordinary monthly meetings.

Members will also be aware that an update report is provided to each Municipal District Meeting on the work of the Directorates within Kerry County Council. These reports provide updates on such matters as the Roads Works Programme, Water and Wastewater projects, Housing Programme, Environmental Services etc. In order to avoid duplication of reporting, updates on these matters are not included in the Chief Executive's Report.

The attached report has been prepared for the February 2016 Council Meeting.

Financial Position

As agreed with the Members, a Financial Report for Members will be provided on a quarterly basis in line with the Quarterly Reporting Process for Income and Expenditure already in place to the Department of Environment, Community & Local Government.

LCDC

The LCDC convened on 15th February to consider the Local Development Companies (LDCs) 2016 Annual Plan for the Social Inclusion Community Activation Programme (SICAP) and to review the 2015 outputs.

A Social Inclusion sub-group of the LCDC had met with the LDCs on two occasions in advance of the LCDC meeting and had worked with the companies in developing the 2016 plan and agreeing the focus areas and priorities in each case. The companies had also liaised with the housing section of Kerry County Council in agreeing the estates where priority would be given for community development work in 2016.

All three companies had performed strongly in relation to the key performance indicators prescribed by POBAL in 2015. As part of the review and a submission to DECLG the LCDC succeeded in getting the underemployed (including small holders) as a target group under SICAP for 2016. The absence of this group from the 2015 programme limited SICAP intervention in this area.

At the February meeting the LCDC also agreed to act as the Age Friendly Alliance for the county in the development of the Age Friendly Strategy. It was recognised that the county had already significant work undertaken in this area and it was important that the strategy would document this.

The final series of consultations with the lead and implementing partners in relation to both the economic and community elements of the plan have been taking place over the past number of weeks and as a result ownership of the agreed actions has been secured. The plan is currently being finalised and the monitoring methodology agreed. The Draft Plan will go for ratification before the LCDC and the Economic SPC as well as the Regional Assembly before coming to the Council for adoption.

Kerry Public Participation Network

The PPN is the main link through which the Council connects with the community, voluntary and environmental sectors. The main work of the Secretariat during the latter part of 2015 has been to consider the most appropriate communication methods for the PPN. Included in this work is the online Register of Community & Voluntary Groups, the Website development, the Linkage groups communications, general information etc. In addition to the Linkage Groups for the SPCs, it has been agreed that two further networks/Linkage groups need to be established including a Disability network and a network of Older Persons' Groups that will be the driver for the development of the Age Friendly County. The Website will be live by the end of February for registration purposes and general information. Other elements will take longer to complete.

In addition to this work the Secretariat of the PPN has been heavily involved in the development of the LECP and has committed to leading on a number of actions.

Cliff Road, Rossbeigh

Members will be aware that following the severe weather in early September 2015 and the undermining of the Cliff Road, Rossbeigh, it was necessary to close the road for the public on safety grounds. The Council retained Consulting Engineers to examine the most effective solution to restore access, which involves the construction of a new road at an estimated cost of €1.1 million. A submission was made to the Department of Transport, Tourism and Sport for the funding of these works and the Department has advised that it is willing to fund 50% of the cost. I am currently examining options to fund the balance of €550,000.

Kerry Local Enterprise Office

Action	Outcomes
Budget allocation under KCC service level agreement with Enterprise Ireland	Budget has not been notified yet and work is ongoing to secure this funding.
No. of Evaluation Meetings Held	1 formal meeting has been held to assess projects
No. of projects considered	8 projects considered with €25,000 in funding approved and a further €46,250 released in payments to projects.
No. of mentor assignments	9 mentor assignments from January 1 st .
No. of Microfinance applications received	3 applications received, two are being processed, 1 has been returned to promoter for clarifications.
Start Your Own Business Programmes	2 programmes running in Tralee and Killarney respectively with 42 participants
Business Growth Programme	1 programme running in Tralee with 16 participants
Digital marketing programme	1 programme underway in Tralee with 15 participants
National Enterprise Awards	15 business invited to participate with 3 businesses shortlisted for finals.
Food Academy programme in conjunction with Bórd Bia and Supervalu	Recruitment presently ongoing
Student Enterprise Awards programme	Underway and running with finals scheduled for March 2016
Enterprise Month March 2016	Planning Ongoing with 7 events planned

February Meeting

Trading Online Voucher Scheme	An additional €90,000 has been secured from the Department of Communications, Energy and Natural Resources
Office relocation	Office relocation has been largely completed and work is ongoing

The Chief Executive stated Kerry County Council is the authority with a statutory responsibility for economic development and it is important that the Council is seen to support Enterprise Month.

Cllr. B. Cronin asked what the position is in relation to applications for LEADER funding. When and how much funding is available in the county.

Cllr. D. Nolan requested a more definite timeline for the adoption of the LECP.

The Chief Executive informed the meeting that the LCDC is agreeing each of the actions with the relevant stakeholders in advance of agreeing the implementation plan with each authority.

In relation to LEADER Mr. M. Scannell stated a Draft Strategy was submitted to the Department for approval and it is hoped that the Strategy will be approved shortly.

Cllr. M. Kennelly referred to the Community Support Fund and asked if there is a PPN Webpage to allow Community Groups to register. He pointed out that a lot of groups are unaware of this Fund.

Mr. J. Breen stated the PPN Website will go live at the end of February and groups can then register online. In the interim any group can contact the Community Office and they will be assisted there. The Draft Community Support Fund Guidelines will be considered at the March Council Meeting but it is not a requirement that a group is registered with the PPN to apply for funding under the Community Support Fund.

16.02.22.05 Draft Training and Development Programme for Councillors 2016

Mr. G. O'Brien referred members to the Draft Training and Development Programme for Councillors 2016 which was circulated. In June 2014 AILG were nominated by the Department to co-ordinate training on behalf of members. He wrote to members seeking suggestions for items to be included in the Programme and the Draft Programme was considered by CPG.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Kennelly it was agreed to adopt the Draft Training and Development Programme for Councillors 2016.

16.02.22.06 2016 – 2018 Multi-Annual Restoration Improvement Programme

Mr. C. O'Sullivan referred members to his report dated 16th February 2016 on this item which was circulated. The Council received a Restoration Improvement Grant of €6,940,339 for 2016. The Restoration Improvement (RI) Programme involves structural overlay of the existing road pavement together with drainage works etc. Each road on the RI programme must have a Pavement Condition Survey Index (PCSI) of between 1 and 6 for regional roads and local roads and between 1 and 8 for urban roads. Approximately 645km of the regional and local road network is in a very poor condition (a rating 1 to 4) with a further 971 Km with a rating of between 5 and 6. All of these roads require improvement, however, due to limitations on grant funding only 190km of these roads will be improved.

A sum of €130,000 is retained to support the Community Involvement Scheme countywide, similar to previous programmes. This scheme requires a 15% private contribution and is suited to address Class III roads and housing estate roads. Mr. O'Sullivan stated the Programme was brought to Municipal District Meetings and signed off by each MD. Subject to the adoption of the Programme a Schedule of Works will be brought to each of the MDs for adoption and it is hoped these will be completed by the end of March. At the March full Council meeting a date will be agreed for a Special Meeting to adopt the Operations Programme.

Mr. O'Sullivan then referred to the allocation for William Street, Listowel and stated the Chief Executive and he met with TII the previous week and they indicated if the Tender documents for the works could be forwarded to them in the next 5 to 6 weeks it would get favourable consideration. Mr. O'Sullivan informed members it is intended to submit the Tender documents to TII later in the week. The Schedule of Works will include work arising from TII allocation, the Multi Annual Restoration Programme and roads to be repaired from the €4m allocation.

Cllr. J. Moloney welcomed the update on funding for William Street but expressed concern that the tourism season is approaching and he did not want to see major disruptions to traffic at that time. He referred to Page 4 of the report and asked what the asterisk means next to the road number. While he acknowledged the funding provided for the L-1027 Irremore Church Cross – Knockburrane Cross he stated the worst section of that road is on the other side of Irremore Cross.

Cllr. B. Cronin welcomed the allocation of €4m to repair roads damaged by flooding. He requested that works would be prioritised where homes and property were flooded or at risk of flooding over the past few months. He complimented the Roads staff on their tremendous work and requested that priority would also be given to drainage in particular at Ballinillane Level Crossing and Nunstown where four houses were flooded. Houses near Listry Bridge were also at risk of flooding and he asked that the area around the bridge would be cleaned. Cllr. Cronin stated it is critical that skirting and general maintenance is finalised and he welcomed the inclusion of the Gweestin River in the CFRAM Study.

Cllr. Cronin stated Radio Kerry highlighted two vulnerable areas – Flynns Forge and the Mall at Rockfield, Faha and he asked that funding would be provided to repair the roads in these areas as they were badly damaged by flooding. All members were asked to identify their priorities and he expressed his disappointment that some of the roads he prioritised were down the Programme. He asked that these vulnerable roads and in particular the road from Droumbrick to Eadies Mills, known locally as the Boggy Road, would be maintained in the interim. Motorists are very aggrieved as they must pass the NCT with their vehicles yet some roads are in a deplorable condition. Cllr. Cronin welcomed the provision for the LIS and he asked how many roads are remaining on the list.

Cllr. D. Quigg stated it is a disgrace the roads allocation for Kerry was cut drastically since 2008. This shows no regard for Kerry and the fact that it is on the Wild Atlantic Way. People must pay LPT and Motor Tax but the income from these are not going into roads and they feel they are not getting any services. Members went on a deputation to Dublin seeking funding for the Cliff Road in Rossbeigh and they were told funding would not be an issue. However an allocation of €550,000 only or 50% of the overall cost was received and Kerry County Council must fund the balance.

Cllr. R. Beasley then moved Notice of Motion No. 11.

11. Call for additional funding for roads in the Listowel MD

Pursuant to notice duly given Cllr. R. Beasley PROPOSED:

That Kerry County Council call on the Government for extra funding for the roads in the Listowel Municipal District and North Kerry in general which are in a deplorable condition.

The following reply issued:

This is a matter for resolution by the members.

The funding provided by the Department of Transport, Tourism and Sport, for the non-national roads is allocated for the entire County. Funding for improvement works to the national road network, (including the N69 Tralee Listowel Limerick Road and the N67 Tarbert – Ferry Road) is provided by the TII, based on condition surveys carried out by the TII.

The non-national road grant allocation for 2016 is €12.916 million which is a 1 % increase on the 2015 grant allocation but over 50% below the funding provided in 2007.

Kerry County Council has also been advised by the Department that €106m has been approved by Government to address the damage caused by the recent severe weather. Kerry County Council has made a submission for €6.87m for damage to road infrastructure caused by the weather events in December and

January. An additional claim of €7.3m for further works, required to prevent future flooding of public infrastructure, was also submitted.

The grant funding allocated to Kerry is distributed across the Municipal Districts based primarily on the length of road in each Municipal District.

Cllr. R. Beasley stated the roads in the Listowel Municipal District are in a dreadful condition as they are built on bog. Funding for roads was cut by 50% by the present Government and that is why the roads have collapsed. Listowel will host Writers Week in May and an allocation of just €100,000 was received for William Street when €0.5m is required. The Clahane road at Ballyduff cannot be used as the road at the other end of the Cashen is flooded. Cllr. Beasley also requested that funding would be sought for Phase 2 of the Dale Road.

Cllr. M. Kennelly concurred with Cllr. Beasley in relation to the condition of roads in North Kerry. He welcomed the allocation of €4m to repair roads damaged by flooding. The allocation received for William Street is a disgrace as it is the busiest street in North Kerry. He welcomed the update from Mr. O'Sullivan and he asked that the works would commence as soon as possible. Cllr. Kennelly asked if the funding for the road on the Limerick side of Tarbert is still available.

Cllr. M. Cahill welcomed the funding for the Cliff Road but expressed disappointment that it is only 50% of the estimated cost. He asked if the balance could be funded from Capital or by a loan and he asked that these issues would be resolved as soon as possible so that the work can go to tender. The Behy Bridge at Rossbeigh is closed at present and it leads to Rossbeigh Blue Flag Beach. It is an inconvenience for residents who must travel a 10 mile round trip to go to the village which is normally 1 mile. He thanked Mr. O'Connor who brought the problem with the bridge to his attention a few weeks ago. That bridge is 300 years old and was not built for the weight and volume of traffic it is taking today. Cllr. Cahill asked that a survey of all bridges would be carried out as he had no doubt some bridges were undermined by recent flooding. If the Behy Bridge was not repaired it would cost €3m to €4m to replace it.

Cllr. Cahill acknowledged the coastal protection works done by Kerry County Council at Rossbeigh and added if the works were not done the recent high tide would have gone in to Glebeigh village. He asked that a Task Force would be established to address coastal protection in this area. Residents at Incharee cannot sleep during high tides and the Council should assist them if possible. He welcomed the €4m allocation and asked that repairs would be carried out to the Currow Road, Glenbeigh, the Ballmacprior Road and the Dreenagh Road in Glencar. Cllr. Cahill asked that the Laune Bridge would be inspected as he was informed there maybe a problem with it.

Cllr. J.F. Flynn complimented the Council and the Contractor working on the Iveragh Road as the work is progressing very smoothly. There are a number of dips in roads that are very dangerous. There is one at the Cross for the turn off to Killorglin Golf Course and there could be a serious accident at this location as cars swerve to avoid the dip. There is a similar situation on the Glencar road. It is taking 5 to 6 months to properly reinstate roads following the repair of water leaks and he asked if Irish Water fund this work. In conclusion Cllr. Flynn asked that the South and West Kerry MD would get a fair share of the €4m allocation as it has the largest road network in the county.

Cllr. D. Nolan referred to William Street, Listowel and while there is mention of an inner relief road for the town people just want William Street repaired properly. Many roads leading to schools i.e. Killoccrim and Kilflynn National Schools and Tarbert Comprehensive School are in a deplorable condition considering the numbers of people using them to take their children to school. She asked that these would be addressed. Cllr. Nolan supported the views expressed by Cllr. Beasley in relation to the Dale Road.

Cllr. J.J. Culloty then moved Notice of Motion No. 13.

13. Call to highlight the serious implications of under investing in the road network in the County

Pursuant to notice duly given Cllr. J.J. Culloty PROPOSED:

As only a little more than a quarter of all road related taxation is invested in road related works, I call on the Members and Executive of this Council to devise a more effective means to highlight the very serious implications of under investing in the road network of this County.

The following reply issued:

Over the past 12 months the Council has been engaged in completing a condition survey of the non-national road network in the County which is approximately 90% complete, with 3776 km surveyed. Based on the information available at present approximately 646 km, (including 30km of Regional Roads, 114 km of Local Primary, 219km of Local Secondary & 283 km of Local Tertiary roads), are classified as being in very poor condition. The most heavily trafficked of these routes have been identified for funding under the 2106 – 2018 Restoration Improvement programme, before Council for approval today, and 190 km will be improved under this programme.

A further 970 km of non-national roads have been identified as in need of repair and surface dressing, which can be addressed under the Restoration Maintenance Programme, which provided for surface dressing 67 km in 2015.

A more detailed report on the survey results will be presented to Council, when considering the 2016 Service Delivery Plan.

Cllr. J.J. Culloty stated Kerry is not getting adequate funding for roads and this is one of the most serious issues he deals with as a public representative. Less than 25% of tax collected in Kerry is allocated to the county. The roads in his area are in a deplorable condition and by 2018 they will require far greater funding to repair them. People are paying much more in taxes now and are getting less in return. Some of the worse roads in the county are in his MD. He suggested that members should go on a delegation to the next Government to highlight this issue. Cllr. Culloty stressed the need to ensure drains are opened to keep water off the roads otherwise much greater funding will be required to repair the roads. The following is a breakdown of the levies on a litre of fuel:

- Better Energy Levy . 12 cent
- Carbon Tax 5.33 cent
- NORA Levy 2 cent
- Excise Duty 42.57cent
- VAT 23%

The reduction in funding cannot be justified when you consider all the tax being paid. He estimated €1.5bn to €2bn in taxes collected in the county is not coming back. He asked that the 5 new TD's would be asked to make representations to the new Government on this issue.

Cllr. N. Kelleher SECONDED the motion.

Cllr. Cahill then moved Notice of Motion No. 23.

23. Call for a reduction of tax on petrol and diesel

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:

That Kerry County Council request the Minister for Finance and the Government to immediately reduce the exceptionally high tax on fuel that currently averages in the region of 70% on both petrol and diesel as €7 out of every €10 in tax is an excessive immoral tax on individuals and families that require a car or vehicle for their everyday needs.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. Cahill stated people are paying development levies and 70% tax on diesel and petrol. Kerry County Council should stop sending out hedge cutting notices as people are already paying enough in taxes yet the roads are closing in. The hedge cutting notices cause problems between neighbours and he called for the reinstatement of the system whereby the Council cut hedges.

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Cllr. M. O'Shea welcomed the allocation for the current Roads Programme. It is a cause for concern that since the early '90s there was very substantial investment in roads but over the last few years roads have not been maintained. Excessive water is destroying the road network. He understood the Council was to liaise with the IFA with a view to ensuring roadside drains are maintained. Cllr. O'Shea expressed concern that many roads, where there was substantial investment in the past, have been badly damaged by flash floods. Class 3 and 4 roads are not being funded and they are in a poor condition. Cllr. O'Shea called for the provision of funding for Class 3 and 4 roads and he asked how the balance for the works to the Cliff Road, Rossbeigh will be funded.

Cllr. T. Ferris expressed concern at the level of coastal erosion at Fenit and Banna. If the breach on the way to Fenit Island is not addressed it will have consequences for those in the Bay and at Barrow. Cllr. Ferris called for the re-enforcement of the sand dunes in these areas.

Mr. C. O'Sullivan stated this was not the Roads Programme but was the adoption of the 2016 – 2018 Multi-Annual Restoration Improvement Programme. Members mentioned a lot of roads that will be included in the Programme. At present there are 129 roads on the LIS list and last year 6 roads were improved. Funding for bog roads was provided under the Specific Improvement Scheme but that Scheme was discontinued. Work on the road on the Limerick side of Tarbert will commence in mid March. Work on the Behy Bridge commenced the previous Friday and it will re-open early the following week at the latest. A survey of bridges that were flooded was carried out and work on these will form part of the Roads Programme. Part of the €4m allocation will be used to repair some bridges. While an allocation of €4m was received from the Department of Transport for roads the issue of coastal erosion needs more critical analysis. The Department has advised that consultants must be engaged to carry out extensive studies. Mr. O'Sullivan stated he intends to bring a more detailed report on coastal erosion to the Special Roads Meeting. He intended to highlight for central Government the areas that need to be targeted.

The Chief Executive stated the figures are very striking. 645km of the regional and local road network are in a very poor condition with a rating of 1 to 4. It is important that as many of these roads as possible are prioritised as it is critical for the county. Every effort has been made to progress the Cliff Road and there is ongoing extensive consultation with the local community. This is a very complex engineering solution and she thanked Mr. O'Sullivan and his staff who came up with the solution. She acknowledged the allocation of €550,000 from the Department and she asked Council not to make a decision on the funding of the balance at that time as it was her intention to revert to the Department to seek a further allocation.

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Cllr. D. Grady stated the gateways to the county from Cork and Limerick must not be forgotten. He asked that Cork and Limerick County Councils would be contacted with a view to progressing improvements to these roads. While Kerry County Council is doing its best he believed the Killarney Municipal District is being left behind and the Scartaglin road is in a desperate state. The Currow to Killarney road is also very bad and the new Sewerage Scheme for Kilcummin is awaited before these roads can be improved. Work is also required on the Spa Road and there is a spring coming up through the road at Pike Hill which is dangerous. Cllr. Grady asked that the potholes in Farranfore would be repaired and that Laune Bridge would be inspected.

Cllr. J. Moloney asked if the Dromerin Road could be included in the Restoration Maintenance Programme.

Cllr. J.F. Flynn stated he understood members would be given a Presentation on the Tendering Process at that meeting and he asked why it was not on the Agenda.

Cllr. M. Kennelly stated he hoped that the majority of the €4m allocation will not be spent on bridges and he asked that the tender documents would be finalised for William Street as soon as possible. Cllr. Kennelly referred to the Dromerin and Killocrim Roads and asked if they could be included in the Roads Programme.

Mr. M. O'Donoghue accepted that management committed to making a Presentation on procurement but stated a number of other Presentations were approved previously and they must be taken in order.

Mr. C. O'Sullivan informed members that a Special Meeting would be held to consider the Roads Programme and he undertook to include an update on the Dromerin Road, Dale Road etc. in the Report. Funding was received for 190km of roads and he was aware of the concerns of members in relation to a number of roads. The €4m allocation is for roads and a number of bridges some of which only require minor repairs. The bridges involved will be highlighted in the Schedule of Municipal District Works. The provision of adequate funding for William Street was discussed with TII on a number of occasions. The meeting with TII the previous week was very productive and he was confident that the additional funding for William Street will be forthcoming.

Cllr. R. Beasley referred to the bridge at Glanerdalliv Bridge, Ballyduff which is down to single lane traffic. He asked that this bridge would be opened to two lanes prior to the tourism season.

Mr. O'Sullivan confirmed that bridge was highlighted in the application for funding and he would revert to members on it at the Municipal District meeting.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Kelleher it was agreed to adopt the 2016 – 2018 Multi-Annual Restoration Improvement Programme.

16.02.22.07 Summary of proceedings at the LAMA Autumn Seminar by Cllr. R. Beasley

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Kennelly it was agreed to note Cllr. R. Beasley's report, on behalf of all the Kerry County Council delegates that attended, the LAMA Autumn Seminar held in Kilkenny from 8th to 10th October 2015 which was circulated.

16.02.22.08 Presentation by Marisa Reidy on Cystic Fibrosis

Ms. Marisa Reidy read the following statement into the record of the meeting.

"Dear Mayor, councillors and management, can I begin by thanking you for inviting me to make this presentation and particularly to Cllr Toireasa Ferris who kindly proposed me coming here.

As you all know I'm here to address you on the new cystic fibrosis drug Orkambi which was approved by the Food and Drug Administration in July 2015 and in Europe last November, but has yet to be made available here.

The drug, as you may be aware, is one of the most significant advancements in CF treatment in years and one that can change the lives of CF sufferers forever. Obviously the reason I'm here is because my five year old daughter Hanna has CF so this is personal. She is one of 600 CF sufferers in Ireland who will benefit hugely from this life-changing drug should it be approved.

As I'm sure most of you already know, cystic fibrosis is an inherited disease that has severe effects on the lungs and the digestive system. It affects the cells that produce mucus and digestive juices which means that in those with cystic fibrosis, the secretions become thick and cause blockage. Build-up of thick and sticky secretions in the lungs causes inflammation and long-term infection. In the gut, blockage of the tubes from the pancreas slows down the digestion of food and causes poor growth.

As of now there is no treatment for the underlying cause of CF, so all we can do is try to prevent infections with physio and nebuliser sessions twice a day.

Unfortunately, that doesn't always work and infections take hold, which we desperately try to clear to avoid a two-week hospital stay.

That involves oral antibiotics and even more nebuliser sessions, more rigorous physiotherapy and blowing exercises to try and clear the offending mucus that's building in the lungs and making her cough.

That's on top of a daily dose of oral vitamins, artificial enzymes and probiotics – something that Hanna will need to do for life, not just when she's sick.

In fact, as I stand here today I'm awaiting a call from her consultant in Limerick to tell me whether or not she needs to be admitted this week after a four week stint on oral antibiotics hasn't cleared her cough. After five years dealing with this condition, I'm pretty sure what he's going to tell me!

The most dangerous part of CF is that with each infection comes irreversible damage to Hanna's lungs – thus decreasing her life expectancy. At present the life expectancy of a CF sufferer in Ireland is mid- to late 30s – that age varying, depending on the amount and severity of infections they get as they grow up.

So this is where Orkambi is the real game-changer. In clinical trials before its approval, Orkambi was shown to be effective in improving lung function and led to a 40per cent reduction in the number of flares-up requiring hospital admission or antibiotic therapy. While this isn't a cure, for the first time in history it's a treatment that works on the cause of cystic fibrosis and not just the symptoms.

Writing in The Irish Times before Christmas, renowned CF campaigner Orla Tinsley – herself a CF sufferer - described Orkambi as the drug that gave her back her life. She vividly described how being on the initial Orkambi trial has changed her life forever. In it she wrote:

"Before I started the drug, I had so many lung collapses that my team had discussed a double lung transplant with me and my window of life was narrowing. I couldn't always do the work I wanted to. I missed birthday parties. I missed dating. I missed life. Although I still have cystic fibrosis and take daily treatments, for someone who was in hospital every five weeks of my adult life for three weeks at a time, this really is freedom. I stayed out of hospital for nine months, which was my longest time in adulthood. The higher dose took effect immediately and my body purged itself of the mucus created by cystic fibrosis.

I could breathe more deeply than I can recall in adulthood. I stopped having to use the oxygen to top up my reserves. The mucus is now consistently much thinner and there is less of it. My chronic cystic fibrosis-related sinus problems – which often instigated infection in my lungs – are gone."

But unfortunately before Christmas, the HSE announced that it could not afford to make Orkambi available to sufferers in Ireland after the pharmaceutical company that produced the drug announced that it could cost an estimated €92 million per year. At the moment the drug is undergoing a full review by the National Centre for Pharma Economics (NCPE) in Ireland who will ultimately make a recommendation on whether the State should fund it.

Not surprisingly, the announcement sparked outrage among sufferers and indeed parents like me who have watched the progress of this drug – from its initial trials to its approval by the FDA - knowing that when it does become available my daughter will

finally enjoy the quality of life every child deserves. A life that so many of us take for granted.

Instead of battling persistent, dangerous chest infections – each one causing permanent lung damage and shortening her life – she will breathe easy for the first time and go on to live a relatively normal life. This drug means that for the first time, I can imagine the possibility of not having to bury my child – a terrifying reality I currently face.

While the estimated cost of €92 million is of course significant, my question is this... How can anyone put a price on a child's life? How can you tell parents and those suffering from the condition that their lives simply aren't worth the cost?

Given the billions that were invested to save the banks, it's insulting to be asked to accept that a fraction of that funding isn't available to save my child's life? How about using some of the estimated €2bn that the government takes in from cigarette sales alone!

Words cannot describe the heartache of knowing that this drug we waited years for is finally here, yet I am utterly powerless. This is a matter of life and death, for my child and so many like her.

Just yesterday, Hanna and I were tidying up and she came across a necklace I had been looking for, for weeks. After heaping praise on her for finding it, she turned to me and said: 'Mom, what would you do without me.'

To her, it was an innocent, fly-away comment, but to me it was so much more than that. It was yet another heart-breaking reminder that without this drug I will some day have to consider that alternative.

And why? Because, apparently we don't have €92m a year to help keep her and hundreds of others alive. That to me is simply appalling.

I've been told in the past that a mother will beg, steal and borrow for her child, and while I haven't resorted to two of these yet, I am begging. I'm begging all of you here to do whatever is in your power to help me and Hanna, because I can't fight this fight on my own!

So to finish, I just want to bring this picture to your attention. (Projecting an image of Hanna on a big screen in the Chamber)

This is Hanna, and these are the eyes and smile that greet me everyday. A little girl who, although knowing she has 'stupid cystic fibrosis' as she calls it, is blissfully unaware of the life that awaits her if Orkambi is not approved.

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This is the little girl who the HSE and government are telling me doesn't deserve a decent shot at life.

An innocent little girl whose life, our government has decided just isn't worth saving. Our banks, however, are.

I challenge any of you sitting here to explain to me how this is right. Because it is not right. And it will never be right – not on my watch.

As long as there is life in my body and, dare I say it, breath in my lungs, I will never stop fighting until everyone sees that it's not right!"

The Cathaoirleach thanked Ms. Reidy for her excellent presentation and said she deserved the full support of all members.

Cllr. M. Cahill congratulated Ms. Reidy on her presentation which gave members a real sense of what it is like to live with Cystic Fibrosis. It is imperative that the new drug Orkambi is made available and at the December Meeting he moved an Emergency Motion calling on the Minister for Health and the HSE to make this drug available. Cllr. Cahill asked that a letter would issue to the new Minister for Health asking that this drug would be made available to CF sufferers immediately. He knows a CF sufferer who was on the drug Orkambi and it was hugely successful and changed his life. Cllr. Cahill stated he fully supported the campaign to have this drug made available to all CF sufferers. He asked that a letter would issue to the new Government following the General Election calling on them to sanction the funding of Orkambi for all CF sufferers.

Cllr. J. F. Flynn congratulated Ms. Reidy on her presentation and stated he fully supported their campaign.

Cllr. B. Cronin stated since he was elected to Kerry County Council in 1999 he never heard such a heart felt presentation. He has a good understanding of what is involved as he had a cousin who suffered from CF. She had a lung transplant and for the first time in 30 years she could walk out and breathe fresh air. For as little as €92m per annum every CF sufferer in the county could avail of this drug. Cllr. Cronin offered his full support to the campaign to get sanction for Orkambi which is a major break through in the treatment of CF.

Cllr. J. Finucane thanked Ms. Reidy for her presentation and said the cause she outlined was heart-rending. The State should assist those who need assistance and as a member of Fine Gael whose party is in Government he apologised as he believed the young should be protected. Cllr. Finucane undertook to contact the Minister for Health's office that afternoon.

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Cllr. D. Grady thanked Ms. Reidy for her moving presentation. He had understood the drug Orkambi was already sanctioned by the Department of Health. His neighbour suffers from CF and he is aware of what the family is going through. He could not understand why the Department of Health hesitated in approving the drug as you cannot put a price on life. Cllr. Grady asked how many CF sufferers are in Kerry. He PROPOSED that a delegation from Kerry County Council together with CF representatives would seek a meeting with the new Minister for Health to discuss this issue.

Cllr. M. O'Shea SECONDED this proposal.

Cllr. T. Ferris stated Marisa's presentation would make members re-evaluate their priorities. Everyone is equal and she was disgusted by the choices being made. It will not cost the State €160,000 per person per annum as CF sufferers will spend less time in hospital resulting in a saving for the State. By coincidence 10 years ago Mary Hand, a CF sufferer, was scheduled to make a presentation to Council on the need for a proper organ donation procedure but unfortunately she was unwell and could not address Council. Ten years later her objective has still not been achieved. She encouraged all members to support the campaign to ensure the right decision is made in relation to Orkambi. Cllr. Ferris suggested that Kerry County Council should join with Cork County Council on this issue and through the Community Support Fund that a short video would be made for circulation on social media so everyone is exposed to the adorable Hanna. Cllr. Ferris stated she presumed the presentation was being streamed live and she asked that the link would be emailed to members so that it could be circulated. Once people are exposed to it there would be an opportunity for the right decision to be made.

Cllr. P. Connor-Scarteen supported the views expressed by Cllr. Ferris.

Cllr. N. Foley concurred with the views expressed by previous speakers. This was the most powerful presentation she had witnessed in the Chamber and the humanity of CF sufferers needs to be articulated. It takes a very brave person to give that presentation when there is such trauma at home. Cllr. Foley congratulated Ms. Reidy on her presentation and said she is the face and voice of those who cannot voice their concerns. It is important that this is a national campaign and she was aware they were trying to arrange a meeting with the Minister for Health.

Ms. Reidy confirmed the meeting had taken place with the Minister.

Cllr. Foley stated the general public need to understand the reality of living with CF and priority should be given to life and quality of life. Many of those living with CF do not have the luxury of another 10 years. The members of Kerry County Council will unanimously support this campaign and she suggested that the Dáil Committee on Health should also be lobbied.

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Cllr. P. Connor-Scarteen thanked Ms. Reidy for her presentation and said it is heart wrenching to know the drug is available and not to be able to access it. He assured her of his full support for the campaign to have Orkambi made available to all CF sufferers.

Cllr. J. Moloney thanked Ms. Reidy for a very powerful presentation. He was not really aware of CF prior to this and he added the onus is on all members to support the campaign in any way they can.

Cllr. P. Daly paid tribute to the quality of Ms. Reidy's presentation and assured her of his support for the campaign. He added that he hoped the next Minister for Health would sanction the drug.

Cllr. M. O'Shea complimented Ms. Reidy on her excellent presentation and added it was very difficult for a parent of a CF sufferer to do it. He suggested that an all party delegation would seek a meeting with the Minister for Health and he assured Ms. Reidy of his support for her campaign.

The Chief Executive thanked Ms. Reidy for her very moving presentation.

Cllr. M. Kennelly stated the presentation was very powerful. The next HSE Forum Meeting scheduled for the following Thursday has unfortunately been cancelled. However it is rescheduled for 24th March and he suggested that Ms. Reidy should make her presentation to that Forum. Cllr. Kennelly undertook to contact Minister Varadkar on this matter and he assured her of his support for the campaign.

Cllr. N. Kelleher thanked Ms. Reidy for her presentation and said as a parent you would do anything for your child. It is incomprehensible that the HSE would not make Orkambi available to CF sufferers and this campaign must be highlighted nationally.

Cllr. D. Nolan welcomed the presentation and said it was very moving. She assured Ms. Reidy of her support and she asked in how many EU countries is Orkambi available.

Ms. Reidy stated she did not know how many EU countries it is available in. The Cathaoirleach again thanked Ms. Reidy for her presentation and suggested that all members would sign a letter of support for the campaign to be sent to the Minister for Health.

16.02.22.09 Approval for the opening of Tenders

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Kennelly it was agreed to approve the opening of tenders for Environmental Consultancy Services for the preparation of an EIS for a proposed Viewing Point at Bray Head – Closing date: Friday 19th February 2016 at 4pm.

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- (b) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J. Finucane it was agreed to approve the opening of tenders for Website & Brand Design for the County of Kerry as a Destination/Place of attraction – Closing date: Friday 4th March 2016 at 3pm.

The Cathaoirleach reminded the members for the Listowel Municipal District that a Special Meeting of their MD would be held in the Conference Room at 1.30pm.

The meeting adjourned for lunch at 1.30pm.

The meeting resumed at 2.15pm.

16.02.22.10 Notices of Motion

Mr. G. O'Brien informed the meeting that Cllr. Gleeson had requested that his motions would be deferred to the April Meeting.

Cllr. J. Finucane moved Notice of Motion No. 2 on behalf of Cllr. Fitzgerald.

2. Call to acquire the Ryan's Daughter School House at Dún Chaoin

Pursuant to notice duly given Cllr. S. Fitzgerald PROPOSED:

Will Kerry County Council in conjunction with Fáilte Ireland look to acquire the Ryan's Daughter School House at Dún Chaoin.

The following reply issued:

This property as Members will be aware has only ever had a temporary use for the duration of the filming of 'Ryans Daughter'. While it is clear that the proposal would constitute an undoubted tourist attraction, the property is currently in private ownership and there are no indications that the current owners wish to sell the property. There are also additional concerns around access and parking at this location.

The Tourism Unit will investigate further and will liaise with Failte Ireland re the proposed project.

Cllr. J. Finucane stated Ryan's Daughter was shot on the Dingle peninsula in 1968/69. This epic drama is often regarded as David Lean's masterpiece. The film made a major impact and contribution to the economics of the peninsula, placing Dingle prominently on the world map and making it, for the first time, a tourist destination. To this day the film still attracts tourists to the area. The film captures the dramatic beauty of The Dingle Peninsula in a unique way that has never been achieved since. Cllr. Finucane asked that serious consideration would be given to acquiring the School house in conjunction with Fáilte Ireland.

Cllr. M. Cahill SECONDED the motion.

3. Call for the appointment of a Psycho-Geriatric Team

Pursuant to notice duly given Cllr. P. Daly PROPOSED:

That this Council write to the Minister for Health and demand a Psycho- Geriatric team to help the under-resourced Mental Health Services in Kerry.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. P. Daly stated there is no Psycho-geriatric team in Kerry for older people presenting with Dementia and they are made a Ward of Court. These people are not being identified early enough.

Cllr. T. Ferris SECONDED the motion.

4. Call for an amendment of the County Development Plan to allow the route of the greenway to deviate

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:

That Kerry County Council immediately amend the County Development Plan to allow the route of the South Kerry Greenway from Glenbeigh to Caherciveen deviate "at specific locations" from the old railway line so as to ensure that this major project for the County proceeds and will the Council give favourable consideration to an annual maintenance payment to the adjoining land owners thus ensuring this magnificent tourism incentive reaches out to as many households as possible.

The following reply issued:

The route selection process of the South Kerry Greenway is practically finalised and has taken nearly 1 year to complete. Consultants have completed the environmental assessment of options and the economic assessment. This has been combined with the engineering assessment in order to determine the optimum route. Modifying the Co. Development Plan objective at this stage will mean commencing the entire process again. Kerry County Council will shortly be holding a series of open days to which landowners will be invited to inspect the emerging preferred route option and discuss it with staff from the Capital Infrastructure Unit. If required staff can meet landowners individually on the ground to indicate the chosen option. There has been extensive consultation throughout the entire process and landowners were informed that the route selection process was being finalised.

The issue of an annual maintenance agreement and how such a scheme could be developed was the subject of a meeting between the Council and representatives of the IFA in May 2015. Kerry County Council is aware of the benefits that such a scheme would have in promoting Greenway developments and increasing the level of acceptance among landowner. This issue is also being dealt with at National level. It is important that any such scheme is applied in a consistent

manner throughout the Country and Kerry County Council is liaising with the Department in relation to progress on this matter.

Cllr. M. Cahill stated he raised this issue on a number of occasions as he feels strongly about it. The previous day a person called to him and showed him a leaflet produced by South Kerry Partnership which clearly stated the CPO procedure would not be used. In his opinion the project was mishandled. Twenty five landowners in Foilmore have signed up to a legal challenge and members were informed in the past if there was not agreement an alternative route would be considered. One farmer's small holding is already divided by the Ring of Kerry and if the Greenway proceeds his land holding will be divided three ways. Cllr. Cahill pointed out that he has always been an ardent supporter of this project. There is also an issue on the Currow Road and he believed the route of the Greenway could have stayed in the Wood until it came out up the hill. He expressed concern that the project is in difficulty and added that this is Kerry's biggest tourism project in his time. Cllr. Cahill also called for annual payments for adjoining landowners.

Cllr. J.F. Flynn **SECONDED** the motion.

The Chief Executive refuted the claim that this project was mishandled and added that it has been a very long process. This is a major project that was never going to be easy to deliver. In excess of 100 landowners will be impacted and the vast majority are in agreement with it. A small number of landowners have a difficulty with the project going through their land and as a result it was necessary to initiate the CPO procedure. Council agreed to proceed with the CPO. The grant was allocated based on the fact that the Greenway would be along the route of the old railway line. It will take 2 years to finalise the plan for the route and this project will result in substantial investment in South Kerry. The grant allocated also covers the cost of the planning and there is a real chance of getting the project shovel ready. South Kerry needs this project and it was never possible to bring all the landowners on board. In conclusion Ms. Murrell stated significant funds will be spent to get the project through the CPO procedure.

Mr. T. Sheehy stated this Greenway is the most important tourism project for South Kerry. The income generated by the Greenway in Mayo is €7.2m and he anticipated Kerry will exceed that. He disagreed the project was mishandled. In December 2014 a Notice of Motion was moved not to proceed to CPO. Mr. Sheehy pointed out it is very difficult to bring 145 landowners on board. In February 2015 a Notice of Motion was moved to stop the CPO but it was defeated. In order to proceed to CPO there must be an objective in the County Development Plan in support of the project and the route selected must be the optimum route. The CPO process takes time as all the options must be analysed and the Scheme must be reviewed from a safety point of view. There were allegations that some landowners were not adequately consulted but he stated there were extensive consultation at all stages including 8 night meetings.

Kerry County Council received a Solicitor's letter in the name of 23 landowners and following this the Council requested the names of the 23 landowners. When this information is received they will all be consulted further. If the County Development Plan is to be amended work on the Greenway would have to recommence. It is not easy to alter objectives in the County Development Plan as there will be objections to it. The objective of the Scheme is to maximise the number of visitors to the county. The Greenway will suit most people as it will be safe and public roads are too dangerous as opposed to a fully segregated dedicated route. The route cannot be altered for one group as other groups would then want it altered. The objective for the Greenway is in the current County Development Plan and was in the previous three County Development Plans. It is not in the best interests of South Kerry to suggest that the route be altered as the project is coming to fruition. Mr. Sheehy suggested that Cllr. Cahill should withdraw his motion as the motion was debated at a meeting of the members of the South & West Kerry Municipal District at which time Cllr. Cahill agreed to withdraw the motion. Mr. Sheehy warned if members try to remove this objective from the County Development Plan they would jeopardise the project.

Cllr. Cahill stated he never suggested that the route should go onto a public road. Page 16 of the booklet produced by South Kerry Development Partnership states that the CPO process would not be pursued and this was misinformation. He knew the value of this project for Kerry but he believed in working with people. The route of the Greenway was confined by the Objective in the County Development Plan which stated it could only deviate from the route of the old railway line by a few meters. However members were informed at meetings that the route could deviate from the railway line if necessary. Cllr. Cahill stated he did not suggest that the project should be stopped but he was asking that the County Development Plan would be amended. He again requested that payments would be made to adjoining landowners to bring them on board. Cllr. Cahill stated he submitted the names of two landowners to officials who were not consulted and they have never been approached.

Mr. T. Sheehy stated Cllr. Cahill gave him the names of three landowners and he had personally spoken to them. Details of the public consultation process were advertised and each landowner was notified of it by registered post. The booklet referred to by Cllr. Cahill was prepared at the Feasibility Study stage when it was envisaged the land could be acquired by agreement. This information was given with the best intention but it subsequently transpired that it was not possible to reach agreement with all landowners. Officials from his Unit spent 6 months consulting with landowners prior to the Chief Executive deciding to initiate the CPO procedure. The issue of compensation must be dealt with in a separate process. If there was a national Compensation Scheme in place it would make it easier. The Department are negotiating with the IFA at present on a national scheme. In the meeting with the IFA, officials indicated they were not opposed to the issue of compensation in principle. However the issue of compensation is not part of the CPO process. If the route is changed landowners may object. Mr. Sheehy reiterated that the Objective in the County Development Plan supports the development of the Greenway along the route of the old railway. The

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funding allocated is to be spent by the end of 2016 but the Council must demonstrate good will to deliver the project.

Mr. Sheehy advised members if any landowner feels they have not been consulted officials from his Unit will meet with them on site. A Newsletter will issue to all landowners the following Friday. Mr. Sheehy undertook to meet with any landowner if necessary.

The Cathaoirleach asked Cllr. Cahill if he wanted to proceed with his motion.

Cllr. M. O'Shea stated this project will be a lifeline for the people of South Kerry. Members voted against the motion at the meeting of the South and West Kerry MD. He pleaded with members to be cautious about any proposal as it could jeopardise the project. As Mr. Sheehy has offered to meet landowners Cllr. O'Shea suggested that the motion should be withdrawn.

Cllr. Grady supported this suggestion.

Cllr. Cahill stated he withdrew the motion at the MD meeting. He was fully aware of the value of the project and he spoke in favour of it at public meetings. However there is a cluster of landowners in Glenbeigh who are not in favour of the Greenway going through their land. He was simply trying to bring everyone on board. If agreement could be reached on the Glenbeigh to Mountain Stage route there would be no opposition as far as Kells. Cllr. Cahill expressed concern that the Solicitor's letter will cause delays and the project will not be finalised.

The Chief Executive advised members they cannot change the County Development Plan through a Notice of Motion. If it is the intention of Council to commence the process to amend the County Development Plan funding for the Greenway will be lost. The Scheme will be multiples of the initial grant and Mr. Sheehy's Department has consulted with the Department throughout the process. Ms. Murrell stated she did not believe it was possible to bring all landowners on board and Mr. Sheehy had given an undertaking to meet with landowners if required.

Cllr. J.F. Flynn stated he no longer wanted to second the motion.

Cllr. P. Daly stated this project is holding up the Tralee to Fenit line as all resources are assigned to the South Kerry Greenway. He was opposed to payments to landowners and he opposed the motion as he believed the project should be completed as soon as possible.

Cllr. J. Moloney supported the views expressed by Cllr. Daly and stated this situation would not have arisen if the funding was invested in publicly owned land. For some time he called for the development of the Greenway from the Limerick border to Listowel but all resources are engaged in the South Kerry Greenway.

Cllr. Cahill stated at no stage did he request that the CPO would be withdrawn. He welcomed the statement by the Chief Executive and Mr. Sheehy that they will engage with landowners. He was in favour of compensating landowners as their land is required for the project.

Mr. T. Sheehy pointed out that he would meet with landowners to discuss the process and compensation. However the route of the Greenway will not be changed as the Objective in the County Development Plan is clear that it will be developed on the route of the old railway. However it would be possible to deviate a few meters. The consultants reviewed the route and the NRA also conducted a pier review.

5. Call for the abolition of Irish Water

Pursuant to notice duly given Cllr. J.F. Flynn PROPOSED:

That this Council calls for Irish water to be abolished.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. J.F. Flynn stated Irish Water is a shambles. He received an email from them the previous week announcing €3.5m worth of work. However of this €1m was spent in 2015 and their announcement of the funding is misleading the public. While out canvassing he was informed by customers of the Mid Kerry Water Supply Scheme that they had the water tested and it is of poor quality. Cllr. Flynn called for the abolition of Irish Water and the transfer of the water function to local authorities. He added that water charges should not be imposed until the pipe network on the Mid Kerry Scheme is replaced.

Cllr. N. Foley SECONDED the motion and agreed that water charges should be abolished. However she asked that those who already paid water charges would have this amount credited against their LPT charge.

6. Provision of a Stroke Unit at Kerry General Hospital

Pursuant to notice duly given Cllr. N. Foley PROPOSED:

That Kerry County Council calls on the Minister for Health and the HSE to provide a Stroke Unit in Kerry General Hospital as a matter of urgency.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. N. Foley stated the HSE promised to provide a Stroke Unit at Kerry General Hospital for a number of years. Every year 10,000 people are affected by stroke in Ireland and 2,000 die as a result. The availability of a Stroke Unit results in a decrease in the number of deaths from stroke. The lack of a Stroke Unit in Kerry is having a detrimental effect on those affected by stroke. Cllr. Foley called on the Minister for Health and the HSE to provide a Stroke Unit in Kerry as a matter of urgency.

Cllr. D. Grady SECONDED the motion.

7. Use of the EU's Youth Employment Funds to cover fees charged to apprentices

Pursuant to notice duly given Cllr. D. Nolan PROPOSED:

That the Minister for Education utilise the EU's Youth Employment Initiative Funds to cover the €1.6m that is currently being charged in fees to apprentices.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. D. Nolan stated the EU Commission has confirmed that it is appropriate that the Youth Employment Initiative Funds would be used for this purpose.

Cllr. R. Beasley SECONDED the motion.

Cllr. N. Kelleher moved Notice of Motion No. 8 on behalf of Cllr. Brassil.

8. Call to endorse Cumann Ioseaf's Charter for Independent Living

Pursuant to notice duly given Cllr. J. Brassil PROPOSED:

That Kerry County Council would endorse the proposal by Cumann Ioseaf, Tralee of the Charter for Independent Living and would facilitate a presentation by the group at their earliest possible convenience.

Mr. G. O'Brien stated this is a matter for consideration by the members.

9. Call to cease plans to close the smoking area in the Psychiatric Unit of Kerry General Hospital

Pursuant to notice duly given Cllr. T. Ferris PROPOSED:

That this Council calls on the HSE to cease plans to close the smoking area in the Psychiatric Unit of Kerry General Hospital.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. T. Ferris stated as a non smoker it was ridiculous that the psychiatric services would remove this facility for patients who are not well. The removal of the smoking area could end up in disaster.

Cllr. R. Beasley SECONDED the motion.

***10. List of Plant Hire and Haulage Contractors employed by Kerry County Council in 2015 and amounts paid to each contractor**

Pursuant to notice duly given Cllr. B. Cronin PROPOSED:

To request that the Elected Members of this Council be provided with the full list of all Plant Hire and Haulage Contractors employed by Kerry County Council from January 1st, 2015 to December 31st, 2015 and the full amounts paid to each contractor.

The following reply issued:

The attached schedule provides details of the total payments made and accrued to Contractors in respect of the hire of plant/equipment and haulage services in the financial year 2015.

The hire of plant and machinery for all Local Authorities is procured through a Multi-Party Framework Agreement (Tender process). Following the evaluation of the tenders, only contractors who meet the requirements set out in the tender documentation are appointed to the Multi-Party Framework Agreement. Essentially this Multi-Party Framework Agreement tender takes the form of a short listing of qualifying contractors from which Local Authorities can look to award future contracts. In each Local Authority the available work is tendered among the qualified (shortlisted) framework contractors by means of mini-competition tenders via www.Supplygov.ie.

When Kerry County Council purchasers (the “Buyer”) need to hire an item of plant, a mini-competition tender is created on www.Supplygov.ie. Once the tender is created and published, the SupplyGov system will generate an email to contractors who have been approved to the framework and expressed an interest in that type of plant e.g. Roller. The request for tender includes specific information about the service required such as type of machine, pricing method (e.g. Rate per Hour with Driver) and will state the time limit available to Tenderers/Contractors to submit their response. It will also specify the selection criteria and the award procedure.

The overall effectiveness of our works programme and the achievement of best return on the sizeable level of expenditure incurred, require that we carefully assess the plant hire on an ongoing basis, having regard to development of the SupplyGov Multi-Party Frameworks and effective use of the Financial Management System. Ongoing achievement of cost effectiveness/value for money and focus on achieving efficiencies in this expenditure area, as in all other activities, remains critically important to the Council.

*** See Item 2 Page 11 of the March Minutes for clarification.**

PRIVATE - PLANT / EQUIPMENT HIRE AND HAULAGE SERVICES 2015

Name Address	Total
Aska Sykes Ltd Rathcoole, Dublin	2,888.19
<i>(Name & Address withheld for data protection purposes)</i>	7,737.04
BTM Drains Of Ireland Ltd ta Irish Drain Services Farranfore	4,993.43
C & C Lifting Equipment Ltd Kilcullen, Co Kildare	4,585.16
Charleville Plant Hire (CPH) Charleville, Co Cork	17,424.16
Clancy Plant Hire Ltd Knockanure, Listowel	218,089.84
Coillte Teoranta Castlebar, Co Mayo	4,000.00
Crean & McHugh t/a CMP Ovens, Cork	14,500.00
D & L Tool Hire Dingle Clash Industrial Estate, Tralee	40,013.49
Dave Power Plant Ltd Middleton, Cork	24,194.32
<i>(Name & Address withheld for data protection purposes)</i>	43,055.49
<i>(Name & Address withheld for data protection purposes)</i>	7,312.57
Dillons Waste Disposal The Kerries, Tralee	37,597.10
<i>(Name & Address withheld for data protection purposes)</i>	6,447.48
Eamonn & Seamus Hobbins Ltd Coolroe, Killorglin	119,836.86
<i>(Name & Address withheld for data protection purposes)</i>	12,037.48
Farran Plant Hire Ltd Farran, Castleisland	99,463.89
Feale Valley Plant Hire Sales Ltd Clash Road, Abbeyfeale	62,182.54
<i>(Name & Address withheld for data protection purposes)</i>	119,984.77
Frayden Haulage Ltd Knocknaskeha, Killarney	12,144.71
GPT Plant & Tool Hire Little Island Cork / Tuam Rd, Galway	27,148.64
Healy-Rae Plant Hire Ltd Main Street, Kilgarvan	274,933.57
Height For Hire Ltd Ashbourne, Meath	14,865.78
Henley Hire Services Ltd Killeen Road, Dublin 12,	9,763.74
Higgins Waste & Recycling Services Ltd The Kerries, Tralee	67,854.44
<i>(Name & Address withheld for data protection purposes)</i>	39,257.62
<i>(Name & Address withheld for data protection purposes)</i>	64,528.49
<i>(Name & Address withheld for data protection purposes)</i>	75,242.28
<i>(Name & Address withheld for data protection purposes)</i>	7,403.99
<i>(Name & Address withheld for data protection purposes)</i>	11,943.31
<i>(Name & Address withheld for data protection purposes)</i>	29,677.16
Kelliher Crane & Hoist Ltd Ballymacelligott	3,478.20
<i>(Name & Address withheld for data protection purposes)</i>	130,700.11
<i>(Name & Address withheld for data protection purposes)</i>	42,465.60
Killarney Waste Disposal Ltd Aughacurreen, Killarney	74,451.10
Kingdom Fast Hire Ltd John Joe Sheehy Rd, Tralee	43,730.08
Leanes Tool Hire Woodlands Industrial Estate, Killarney	51,850.07
Lixnaw Plant Hire Ltd TA T McCarthy & Sons Lixnaw, Co Kerry	2,789.31
<i>(Name & Address withheld for data protection purposes)</i>	22,134.28
<i>(Name & Address withheld for data protection purposes)</i>	6,147.72
Mid Cork Tarmacadam Ltd Balineen, Co Cork	3,000.00
Mike Cronin & Sons Limited Currow, Farranfore	64,811.81
Mr Bernard Cantillon B C Plant Scape Lixnaw, Co Kerry	7,426.00
Murphy Tool Hire Listellick North, Tralee	52,960.64
Nicholas Browne & Son Limited Ballinskelligs	61,761.78
Northgate Vehicle Hire Ltd Ballycoolin, Dublin 11	35,533.56
O Connors Hardware & Farm Supplies Ltd Duagh, Listowel	77,986.68
O Mahony Machinery Hire Ltd Lissanore, Castleisland	6,991.60

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(Name & Address withheld for data protection purposes)	53,779.18
Pat ODriscoll Civil Engineering Ltd Clonakilty, Cork	8,576.55
RT Hedge & Tree Cutting Limited Cordal, Castleisland	17,206.60
Sandmore Ltd Camp Cross, Tralee	185,125.30
(Name & Address withheld for data protection purposes)	2,415.00
(Name & Address withheld for data protection purposes)	47,787.22
(Name & Address withheld for data protection purposes)	12,988.80
(Name & Address withheld for data protection purposes)	6,374.16
(Name & Address withheld for data protection purposes)	135,022.45
Miscellaneous Payments under €2,000 (31 Suppliers)	24,261.71
The Collector-General Reverse Charge Vat (Approx)	223,096.95
TOTAL	2,885,960.00

Provisional figures, pending finalisation of AFS for 2015.

Cllr. B. Cronin stated he consistently put down this motion each year as he wanted to fight the case of the small operator who finds it extremely difficult to get work from the Council. Previously he proposed that any contractor would not be permitted to earn in excess of €100,000 per annum but that did not happen. It is important that the general public is aware where money is being spent.

Cllr. Cronin expressed concern at the information contained in the response to a Freedom of Information request which he had submitted in relation to the Muckcross Road. All eight elected members for the Killarney Municipal District were given the detailed plans and drawings for these works prior to the public consultation and again following the public consultation. Anyone who suggests they did not know what was involved in the work is not correct. The work commenced and there were some concerns and scare mongering. He brought a deputation to a Killarney Municipal District Meeting where the entire project was explained. He thanked Mr. P. Neary and Mr. K. O'Halloran who met with residents on site to explain the work at his request. He also thanked Mr. D. Doyle who explained what the works involved and responded to queries. The works continued and a public meeting was held at the Dromhall Hotel. A Section 140 directing the Chief Executive not to proceed with the works was presented for signing by the members and the meeting was informed that this was the way forward. Cllr. Cronin stated he has detailed knowledge of Section 140's and he refused to sign it until he had time to consider it further. Following the meeting people were informed that he had signed the Section 140. When the Chief Executive met with the members on a Monday morning she advised them the Section 140 procedure could not be used for this purpose yet the public were informed this was the way to proceed. He submitted a Freedom of Information request to access information on the contractors who tendered for the work. Cllr. D. Healy-Rae proposed the Section 140 and he also tendered for the work. Cllr. Cronin accepted that anyone can tender for work but they should not then go to a Municipal District Meeting and condemn the work and propose a Section 140 at a public meeting.

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Cllr. Cronin stated there are 51 contractors on the list circulated and a few firms put it to him that a public representative used his unique privilege and signed a Section 140 to prevent others from working. What message is that sending out to contractors? At the end of February each year all members must complete and return an Ethics Declaration confirming that they have read the Code of Conduct for Councillors and declare that they will declare any interest and leave a meeting while the item is being considered. Cllr. Cronin asked what is the position legally and how can this matter be further investigated. Replies to Freedom of Information requests set out the facts and do not give misinformation. He did his best to represent the people as did other councillors but members of the public were manipulated by others. He recently saw a family and an elderly person use the pedestrian crossing on the Muckross Road to cross the road safely and this crossing was not there prior to these works. The works have resulted in a huge improvement to the area. People's fears were manipulated and he requested confirmation that even if all 33 members signed the Section 140 would the works have stopped. Cllr. Cronin asked what the legal position is in relation to persons who try to stop works that they had tendered for.

Cllr. N. Kelleher informed the meeting he was told that Cllr. Cronin had signed the Section 140 and that he had better sign it. He asked if Cllr. D. Healy-Rae or his Company tendered for this work.

Cllr. D. Grady stated he was present at the public meeting which was attended by Cllrs. Cronin and D. Healy-Rae. All three councillors addressed the meeting and he stated the Section 140 would not work. It was also stated that he had signed the Section 140 but he did not. He received two phone calls telling him to sign it but he did not.

The Chief Executive stated as clarified previously if a Section 140 was submitted it would not have had any legal standing as the works were carried out under Planning legislation. The reply to the FoI stated "The works at Muckross Road, Killarney were first tendered under Tender Reference number KY15000146T on 11/6/2015. This tender was advertised on a Framework for works less than €50,000, in error, and as the Tender Price was above €50,000 the project had to be re-advertised.

The Contractors who tendered under this initial tender were;

- Eamonn & Seamus Hobbins
- Arkill Ltd.
- Danny Healy-Rae
- David Russell Construction
- Formac Construction
- John McGillicuddy
- Lagan Asphalt
- Mid Cork Tarmacadam
- Pat O'Donovan Contractors
- Roadstone Ltd.

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This process was then cancelled as the value of works was greater than €50,000. A new tender process was commenced. Tender Reference number KY15000158T is the tender which was used for the works at Muckross Road. This tender was advertised on a Framework for works greater than €50,000 on 1/07/2015. This framework did not include some of the contractors who had priced the first tender KY15000146T.

The Contractors who tendered for this tender were;

- Formac Construction
- John McGillicuddy
- Lagan Asphalt
- Pat O'Donovan Contractors
- Tarstone Road Maintenance Ltd.

The successful tenderer was selected from this list and the successful tenderer was John McGillicuddy.”

The Chief Executive again stated that different contractors tendered in the two tender processes and she outlined those who did not tender in the second process.

Cllr. B. Cronin asked what is the legal position regarding this issue and why must members sign a declaration that they will leave a meeting if necessary. Contractors who tendered under the first tender came to him and asked him what was going on and they were genuinely concerned. He asked the Chief Executive if she thought that is a matter for concern and he requested direction on how to get this matter investigated.

Cllr. N. Kelleher asked if Danny Healy-Rae tendered in a sole capacity for this work.

Mr. M. O'Donoghue stated the reply to the Fol request is accurate.

Cllr. B. Cronin asked the Chief Executive to look at this matter and advise him what options were available to him to have this issue examined.

The Chief Executive stated there are procedures in place if Cllr. Cronin wanted to make a complaint and she would look at the matter and revert to Cllr. Cronin.

14. Support for the introduction of a Charter for Independent Living

Pursuant to notice duly given Cllr. J. Finucane PROPOSED:

That this Council calls for and supports the introduction of a Charter for Independent Living.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. J. Finucane moved the motion.

Cllr. M. O'Shea SECONDED the motion.

Cllr. D. Nolan moved Notice of Motion No. 15 on behalf of Cllr. Quigg.

15. Support for the campaign to protect and preserve the historic Moore Street area of Dublin City

Pursuant to notice duly given Cllr. D. Quigg PROPOSED:

That this Council reaffirms our support for the campaign to protect and preserve the historic Moore Street area of Dublin City expressed at the January 2015 Monthly Meeting. We call on the Minister to ensure the preservation not only of the National Monument 14-17 Moore Street but the protection of the terrace and of the integrity of the surrounding area which has been described as 'the lanes of history' and which has the potential to be sensitively developed as an historic quarter of our Capital City, enhancing the living market trading tradition and bringing to life the area's central role in the 1916 Rising.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. P. Daly SECONDED the motion.

16. Funding for coastal protection

Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:

That Kerry County Council put in place a contingency plan to liaise with other State Agencies to source funding for coastal protection along the Western Seaboard i.e. Castlegregory Area.

The following reply issued:

In order to be able to access funding for coastal protection in the future, it is necessary as the first stage of any contingency plan, for Kerry County Council to carry out a Coastal Vulnerability Study for Kerry in the context of the coastal erosion and coastal flooding issues facing the County. The areas or coastal cells most at risk, such as the Castlegregory Area, will require detailed studies and investigations in order to develop Integrated Coastal Zone Management Plans. In accordance with the terms of the 'OPW Minor Flood Mitigation Works & Coastal Protection Scheme' it is now a requirement to carry out a Coastal Erosion Risk Management Study prior to the submission of any new application for funding of coastal protection works. This is required by the OPW to fully investigate the measures proposed and to ensure that all options are considered, value for money is achieved and to determine the feasibility of the options/measures proposed.

Kerry County Council is proposing to undertake a full study of the Castlegregory coastal cell as part of a countywide Coastal Study and management will be meeting with the OPW shortly in order to seek funding for this study.

Cllr. M. O'Shea stated concern was expressed at a public meeting about coastal erosion in the Castlegregory/Maharees area. The impact of future erosion, if no coastal protection works are carried out, were outlined to a public meeting by a Professor of Science. The OPW protect every indigenous species other than people. In 1995/1996 Kerry County Council and the local community invested €1m in rock armour from Spillane's to the Cut and it is from there on there is a real problem with erosion. Under EU Directives if a family home or property is under threat action can be taken regardless of the OPW. There is an ongoing problem with sandblow on the road to the Maharees. The Study has not yet commenced and he asked the Chief Executive, on behalf of the people of the Maharees, what action can be taken to protect them. At the Grotto 40m of the sand dune was swept away. The local community are concerned that the Study will take too long and they are extremely worried for the future of the Maharees. Residents will have to take action to protect their property if nothing is done for them.

Mr. C. O'Sullivan stated coastal erosion is not unique to the Maharees and it is also a problem in Banna, Incharee and Ballyheigue. Coastal erosion is a major challenge for the Council and there are no cheap or easy solutions. Discussions took place with the OPW as a result of the impact of recent tides but they were informed they must first undertake an extensive study before an application for funding could be submitted. The cost of the works involved would be substantial and the Council would be dependant on state funding for it.

Cllr. M. O'Shea requested officials to attend a meeting in Castlegregory to explain what is involved to the local community.

Cllr. M. Cahill supported the motion and stated it is time a Special Task Force on Coastal Erosion and flooding was established by the Council.

Mr. M. O'Donoghue stated members raised this issue at a meeting of the South and West Kerry MD where it was agreed to refer it in the first instance to the relevant SPC and if necessary they would revert to the CPG and to Council on how best to deal with it.

Cllr. D. Grady deferred Notice of Motion No. 17 to the March Meeting.

Cllr. M. Cahill moved Notice of Motion No. 19 on behalf of Cllr. D. McCarthy.

19. Call to reintroduce a sheep premium

Pursuant to notice duly given Cllr. D. McCarthy PROPOSED:

To ask the new Minister for Agriculture to reintroduce a sheep premium.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. J.F. Flynn SECONDED the motion.

24. Provision of reflective chevrons on the N22 at Knockaderry, Farranfore

Pursuant to notice duly given Cllr. B. Cronin PROPOSED:

Over a year ago following a serious accident on the N22 at Knockaderry, Farranfore, where 10 people were injured, I requested the urgent provision of proper reflective chevrons on both approaches to this dangerous bend. Why has nothing been done in the past 12 months to improve safety and driver awareness at this location.

The following reply issued:

The need for any road safety measures on the national road network is a function that is managed directly by the TII (formerly the NRA), who have recently appointed dedicated Road Safety Inspection Teams to examine the national road network.

The teams examine the collision trends for each route and carry out visual inspections of the routes, where necessary. Detailed inspections also take place to establish if there are any particular collision patterns associated with a route, and all factors that may have contributed to recorded accidents are taken into consideration.

The N22 (Tralee – Cork Road) is included in this programme for assessment and I have been informed that a final report on this route is near completion and will be submitted by the Consultants to the TII shortly.

Kerry County Council have liaised with the TII Road Safety Inspector regarding this location having regard to the motions moved at previous meetings.

However, it must also be noted that factors other than the condition of the road are the primary cause of most road traffic accidents. The incident referred to in this motion is the subject of a current on-going investigation by An Garda Síochana.

Cllr. B. Cronin stated his motion refers to the bad bend at Knockaderry, Farranfore and he submitted it originally following a road traffic accident when 10 people were injured. At that time he asked that reflective delineators would be provided on both approaches to this bend. At night, particularly when it is raining and there is a lot of traffic, it is very dangerous. The delineators were not provided and there is no sign warning motorists of the dangerous bend. Ten to fifteen years ago there were a number of bad accidents at this location. He requested that 7 or 8 reflective signs would be provided at this bend in the interest of safety. On the Barraduff road these reflective signs are at every band and bridge and they can be seen from 150 to 200 yds. The reply refers to the condition of the road but his motion does not refer to this. Between 10,000 and 12,000 vehicles travel this road every day and he called on the NRA to fund this work and to show respect for motorists and the members of Kerry County Council.

Cllr. N. Kelleher SECONDED the motion.

25. Equity of treatment for County Kerry

Pursuant to notice duly given Cllr. T. Ferris PROPOSED:

That this Council demands equity of treatment for the County of Kerry from the OPW. We expect the Kerry Educational Training Board proposal, to provide the shared payroll services from Centre Point in Tralee, to be given the same consideration as proposals from the Dublin region.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. T. Ferris moved the motion.

Cllr. R. Beasley SECONDED it.

Cllr. J.J. Culloty deferred Notice of Motion No. 26 to the March Meeting.

27. Plan for broadband speed upgrades in North Kerry

Pursuant to notice duly given Cllr. R. Beasley PROPOSED:

That this Council would write to the Minister for Communications and ask what the plan is for broadband speed upgrades in North Kerry as present speeds are hindering economic growth.

The following reply issued:

This is a matter for consideration by the members.

Kerry County Council made a very comprehensive submission to the Minister of Communications Energy and Natural Resources and the Department on "The Economic and Social Case for prioritised Broadband investment in County Kerry" in September, 2015. A copy of which was circulated to all elected members.

Cllr. R. Beasley stated that North Kerry and indeed the entire county are at a disadvantage due to inadequate broadband coverage. High speed broadband is urgently required for jobs and also for the tourism sector.

The Cathaoirleach SECONDED the motion.

28. Call for the introduction of a subsidised refuse collection service to households in receipt of the state old age pension

Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:

That Kerry County Council make provisions to introduce a subsidised refuse collection service to households in receipt of the state old age pension.

The following reply issued:

Kerry County Council has no function in the provision of a subsidised service by private operators collecting in the County.

Cllr. M. O'Shea stated he was surprised while canvassing when he discovered so many people had cancelled their refuse collection service as they could not afford it. Limerick County Council made provision of €517,000 in their Budget for a Waiver Scheme for those on non-contributory pensions and people with a disability. The qualifying criteria for the 2016 Scheme provides for 18 lifts of a residual waste bin, a recyclable waste bin and an organic waste bin, subject to a maximum weight allowance of 10 kg per bin per lift. From July 2016 pay by weight will be implemented and customers will also have to pay for recycling. Cllr. O'Shea called on the Council, in the forthcoming Budget, to consider such a Scheme.

Cllr. J.F.Flynn SECONDED the motion. He added that the Transfer Station in Milltown does not have a facility to pay by Visa and he asked that consideration would be given to providing this service.

Cllr. D. Grady opposed the motion as he did not believe the Council should subsidise a private Company.

Cllr. M. Cahill also objected to the motion and said while he would like to help the elderly he did not think it would be possible to subsidise a private Company. He asked if the rate payers of the County would be asked to fund this Scheme.

Cllr. M. O'Shea stated he was asking Kerry County Council to follow the lead of Limerick and Cork County Councils.

Ms. A. McAllen stated a number of years ago Kerry County Council decided to exit the refuse service as it was not financially viable. The reply indicates that the Council has no function in subsidising a private service.

Cllr. M. O'Shea again asked the Head of Finance to review the Cork and Limerick Waiver Schemes.

Members called for a vote to be taken on the motion.

Mr. M. O'Donoghue stated the motion could not be put to a vote. Budget 2016 was adopted and no provision was made for a Waiver Scheme. The Head of Finance may consider such a Scheme in the context of Budget 2017.

29. Continuation of the Catholic Ethos in Schools

Pursuant to notice duly given Cllr. D. Grady PROPOSED:

That we write to the Minister for Education & Skills requesting that the Catholic Ethos be continued within our present Catholic Schools in the Kerry area. If there is a need to respond to the needs of our times, which I believe there is, steps should then be taken to provide separate schools to embrace those with other religions and beliefs.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. D. Grady read the following into the record of the meeting:

"Catholic Schools are regulated by the Department of Education and Skills through the national curriculum. They have provided education since the foundation of the state and before. They are rooted in local parish communities where they form a central part of everyday life. They hand on Christian values and a shared Irish culture to the next generation.

Catholic primary schools are caring and inclusive schools where children from various backgrounds and beliefs are welcomed into them. They welcome diversity and strive for inclusivity.

Enrolment in our schools has increased over the last number of years with the huge inflow of new residents into our communities. People may have to choose the Catholic school because it is the only school in the locality and not because they wish their children to have a Catholic education. This can then cause difficulties for parents who do not share the ethos of a Catholic school. The state should have a plan for the provision of schools to facilitate these parents in providing their children with their desired religious education, in their own traditions and beliefs.

While all parents have both the duty and the right to educate their children, Catholic parents have also the duty and the right to choose schools that can best promote the Catholic education of their children. Catholic schools cannot relinquish its own freedom to provide a religious education in the Catholic faith, this is a right and a duty."

Cllr. M. Cahill SECONDED the motion.

Cllr. Cahill moved Notice of Motion No. 31 on behalf of Cllr. McCarthy.

31. Fertiliser prices

Pursuant to notice duly given Cllr. D. McCarthy PROPOSED:

To ask the new Minister for Agriculture to revisit fertiliser prices.

Mr. G. O'Brien stated this is a matter for consideration by the members.

Cllr. J.F. Flynn SECONDED the motion.

34. Acknowledgement that the Travelling Community is a separate ethnic minority in Ireland

Pursuant to notice duly given Each Member of the Tralee Electoral Area PROPOSED:

To call on Kerry County Council to support the call for the State to acknowledge that the Travelling Community are a separate ethnic minority in Ireland.

Mr. G. O'Brien stated this is a matter for consideration by the members.

The Cathaoirleach moved this motion on behalf of the members for the Tralee Municipal District.

16.02.22.11 Correspondence – Conferences and Seminars

- (a) No members expressed an interest in attending the Seminar on Community Planning/Spatial Planning to be held in Dublin on the 25th February, 2016.
- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Moloney it was agreed to authorise the attendance of Cllrs. O'Connell and Kelleher at the IPA Local Authority Audit Committee Member Training to be held in Dublin on the 29th February 2016.
- (b) On the PROPOSAL of Cllr. J.F. Flynn, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Cllr. J. Moloney, Cathaoirleach of the Municipal District of Listowel at St. Patrick's Day celebrations in Shawnee, Kansas which is a Sister City of Listowel.
- (c) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Cllr. N. Kelleher at the Inaugural Meeting of the IPB Southern Region Member Engagement Forum meeting to be held in Kilkenny on the 8th March, 2016.

16.02.22.12 Correspondence General

It was agreed to note the following items of correspondence which were circulated.

1.	Email dated 18 th January, 2016 from the Office of the Minister for Justice in response to a resolution from Kerry County Council in relation to the closure of Garda Stations.
2.	Email dated 22 nd January, 2016 from the Office of the Minister for Justice in response to a resolution from Kerry County Council in relation to changes to the Free Legal Aid system.
3.	Letter dated 25 th January, 2016 from the HSE in response to a resolution from Kerry County Council in relation to the drug Orkambi.
4.	Email dated 26 th January, 2016 from the Office of the Minister for Finance in response to a resolution from Kerry County Council in relation to the refunding of VAT paid on the purchase of defibrillators.
5.	Letter dated 28 th January, 2016 from the Office of the Minister for Arts, Heritage and the Gaeltacht in response to a resolution from Kerry County Council in relation to staffing at Killarney National Park and Killarney House.
6.	Letter dated 28 th January, 2016 from the Office of the Minister for Environment, Community and Local Government in response to a resolution from Kerry County Council in relation to commercial rates.
7.	Email dated 2 nd February, 2016 from TII in response to a resolution from Kerry County Council in relation to funding for the road from Lissyvigeen to Castlelough.
8.	Email dated 11 th February, 2016 from Eir in response to a resolution from Kerry County Council in relation to poor broadband coverage in rural areas.
9.	Email dated 16 th February, 2016 from the Office of the Minister for Environment, Community and Local Government in response to a resolution from Kerry County Council in relation to the drawing up of a national protocol to deal with Algal Bloom.
10.	Letter dated 22 nd January, 2016 from Offaly County Council regarding a resolution adopted by that authority calling on the Minister for Education to introduce a module in National Schools which would make it compulsory to teach mindfulness and coping mechanisms as part of the school Curriculum.
11.	Letter dated 4 th February, 2016 from Dublin City Council regarding a resolution adopted by that authority that in the context of the “age friendly villages” initiative, that Dublin City Council would undertake to arrange a “Caring for Dementia” Concert as an acknowledgement of carers who care for loved ones with dementia.

February Meeting

The Meeting concluded at 3.55pm.

Gerard O'Brien
Meetings Administrator

Cathaoirleach of Kerry County Council