

MINUTES OF ORDINARY COUNCIL MEETING HELD IN WATERGATE THEATRE ON MONDAY, 16TH NOVEMBER, 2020 AT 3.00 P.M.

Chair: Cllr. Andrew McGuinness.

Cllrs: *Watergate:* Eamon Aylward, Martin Brett, Tomás Breathnach, Deirdre Cullen, John Coonan, Michael Doyle, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Denis Hynes, Joe Lyons & Joe Malone.

MS Teams: John Brennan, Mary Hilda Cavanagh, Peter Cleere, Maria Dollard, Matt Doran, Michael Delaney, Ger Frisby, Eugene McGuinness, Michael McCarthy & Patrick O'Neill.

Officials: *Watergate:* Colette Byrne, Tim Butler, Sean McKeown, Anne Maria Walsh & Kevin Hanley.

MS Teams: Martin Prendiville, Mary Mulholland & Fiona Deegan.

Apologies: Cllr. Fidelis Doherty.

1. Confirmation of Minutes

(a) **Minutes of Plenary Meeting of Kilkenny County Council held on Monday, 19th October, 2020**

Proposed by Cllr. John Coonan, seconded by Cllr. Pat Dunphy and agreed.

"That the Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday, 19th October, 2020 as circulated with the Agenda be and are hereby approved".

(b) **Minutes of SPC 1: Economic Development, Enterprise Support & Tourism held on 3rd July, 2020**

Proposed by Cllr. John Coonan, seconded by Cllr. Pat Fitzpatrick and agreed.

"That the Minutes of SPC 1: Economic Development, Enterprise Support & Tourism held on 3rd July, 2020 as circulated with the Agenda be and are hereby approved".

Cathaoirleach Cllr. Andrew McGuinness wished the four participating communities in the Pride of Place every good luck in the virtual awards night on Saturday, 21st November, 2020.

Cathaoirleach Cllr. Andrew McGuinness extended votes of sympathy to:

- Andy Doyle on the death of his mother Kitty Doyle.
- AJ Liot on the death of his mother Susan Liot.
- Vivienne Dobbyn on the unexpected death of her daughter Sarah,
- Philip Dunne on the death of his mother Hannah Dunne.
- Family of the late Kathleen Tennyson, Glenmore.
- Family of the late Phil Fortune, Tullogher.

Cathaoirleach requested permission of the Members present to take Item 2 (c) (i) at this stage.

2. (c) (i) **Amendment to Standing Orders**

Ms. Anne Maria Walsh referred to report circulated to Members on the proposed amendments to the approved Standing Orders arising from the recent legislation to designate local authorities as bodies for remote meetings. Any decision/vote taken by the Elected Members at a remote meeting has the same effect as a decision made at a meeting held in person. Standing Orders regulating remote meetings are included as an Appendix to the Standing Orders. Minor amendments are proposed to four existing Standing Orders. Once the Standing Orders are adopted, the Elected Members who are in attendance remotely can partake fully in the meeting.

Members were advised that each Municipal District has amended their individual Standing Orders for remote meetings.

It was proposed by Cllr. Joe Malone seconded by Cllr. John Coonan and agreed:

"We, the County Council of the County of Kilkenny, in pursuance of the powers vested in us under Part 6 (Sections 44 to 47 inclusive) and Paragraph 16 of Schedule 10 of the Local Government Act, 2001 and of every and any other power hereunto enabling, hereby make the undermentioned Standing Orders for the regulation of our proceedings and business, other than proceedings the regulation of which is provided for by or under Statute."

Cllrs. Andrew McGuinness, Eamon Aylward, Martin Brett, Tomás Breathnach, Deirdre Cullen, John Coonan, Michael Doyle, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Denis Hynes, Joe Lyons & Joe Malone voted in favour of amending Standing Orders.

2. (a) **Tithíocht & Díuscairt Eile - Housing & Other Disposal**

(i) It was proposed by Cllr. Pat Fitzpatrick seconded by Cllr. David Fitzgerald and agreed:

"That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a site at Hebron Industrial Estate, Hebron Road, Kilkenny, as identified on the enclosed map as Site E, to David Buggy, Hebron Rd, Kilkenny, R95 AV66, for the sum of €185,000 (one hundred and eighty five euros). This site measures approx. 2.28 acres. Each party will be responsible for their own legal costs associated with the sale."

(b) **Pleanail - Planning**

(i) **Part 8: Vicar Street, Kilkenny**

Mr. Tim Butler presented the Chief Executive Report on Part 8 Vicar Street, Kilkenny City - Improvement Scheme. He advised the Members that the proposal to change Vicar Street from a two way system to a one way going inbound has been discussed by the Kilkenny City Municipal District Members. The works will include widening the existing footpaths, providing cycle lanes and improved pedestrian crossings. The Part 8 was on public display from 17th August, 2020 to 17th September, 2020. Four submissions were received. The responses to these four submissions are included in the Planner's Report.

Mr. Butler advised the Members that the Chief Executive is recommending that the Council proceed with the proposed development in accordance with the plans and taking into account the recommendations made by the Planning Department.

Contributions were received from Cllrs. Joe Malone and John Coonan in relation to improving safety and the proposed works. Mr. Butler responded to the issues raised.

It was proposed by Cllr. Joe Malone seconded by Cllr. Martin Brett and agreed:

"We the Members of Kilkenny County Council approves the proposed Part 8 in accordance with Section 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended for the proposed Vicar Street, Kilkenny City Improvement Scheme, as circulated."

(ii) **Part 8: South East Greenway Carpark at Ballyverneen**

Mr. Sean McKeown presented the Chief Executive Report on Part 8 South East Greenway Car Park at Ballyverneen, Glenmore.

He advised the Members that the proposal is to provide a carpark for 29 spaces to facilitate parking and access to the South East Greenway which connects New Ross to Waterford. The site for the proposed carpark is adjacent to the line of the old railway line.

The proposed works will include the construction of a car park, barriers/boundary fencing/warning lights, public lighting and other ancillary workings.

Part 8 was advertised for public submission from 31st July, 2020 to 28th August, 2020. Three submissions were received from the public. Responses to the submissions are listed in the Planner's Report.

Mr. McKeown advised that the Chief Executive has recommended that the proposed development proceed in accordance with the plans and taking into account the recommendations made by the Planning Department.

It was proposed by Cllr. Eamon Aylward seconded by Cllr. Pat Dunphy and agreed that:

*"We the Members of Kilkenny County Council approves the proposed Part 8 in accordance with Section 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended for the proposed **South East Greenway Car Park at Ballyverneen, Glenmore, as circulated.**"*

(iii) **Part 8: South East Greenway Carpark at Raheen**

Mr. Sean McKeown presented the Chief Executive Report on Part 8 South East Greenway carpark at Raheen, New Ross.

He advised the Members that the proposal is to provide a carpark for 54 car spaces to facilitate public parking and access to the Greenway which connects New Ross to Waterford.

The site for the proposed carpark is adjacent to the line of the old railway.

The proposed works will include the construction of a carpark, boundary fencing/warning signs, public lighting and other ancillary works.

Part 8 was advertised for public submissions from 31st July, 2020 to 28th August, 2020. One submission was received from Irish Water in relation to existing Irish Water infrastructure at the site. The Planner's Report includes a condition requiring agreement to be reached with Irish Water in relation to diversion or build over the Irish Water infrastructure located on site.

Mr. McKeown advised that the Chief Executive has recommended that the proposed development proceed in accordance with the plans and taking into account the recommendation made by the Planning Department.

It was proposed by Cllr. Deirdre Cullen, seconded by Cllr. Michael Doyle and agreed that:

*"We the Members of Kilkenny County Council approves the proposed Part 8 in accordance with Section 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended for the proposed **South East Greenway Car Park at Raheen, New Ross, as circulated.**"*

(c) (ii) **Draft Polling Scheme 2020**

Mr. Tim Butler presented the report on the Draft Polling Scheme. He advised that the Members agreed to put the draft scheme on public display in September. There were no submissions received. He advised that the making of a Polling Scheme is a Reserved Function. The draft Polling Scheme is prepared on the Polling Places/Stations used in the 2019 Local Elections and has taken into account the changes to the Electoral Areas arising from the two Boundary Commission Reports in 2013 and 2018.

Mr. Butler recommended to the Members that the Polling Scheme 2020 be made in accordance with the relevant legislation.

It was proposed by Cllr. David Fitzgerald seconded by Cllr. Joe Lyons and agreed:

“That the Council of the County of Kilkenny, in exercise of the powers conferred on them in accordance with Section 28 of the Electoral Act, 1992, as amended by Section 2 of the Electoral (Amendment) Act, 1996 and Section 12 of the Electoral (Amendment) Act 2001 and in accordance with the Electoral (Polling Schemes) Regulations 2005, hereby confirm the scheme made by the Council of the County of Kilkenny on 16th November, 2020 for the division of the County of Kilkenny into Polling Districts and the appointment of Polling Places therein which is attached hereto and specifies the date on which the said scheme should come into operation as the 17th November, 2020

(iii) **Chief Executive Report**

Ms. Colette Byrne, Chief Executive presented her monthly report which was circulated with the Agenda. She advised Members that the commitment made in September to prepare a newsletter to be circulated to all households in the County has now been sent to printers and will be distributed shortly.

Cllr. Andrew McGuinness advised that if Members have any questions in relation to the Chief Executive Report to e-mail them to her directly.

3. **Correspondence**

(i) **Response from Minister Darragh O'Brien's office in connection with reviewing the income thresholds for eligibility for local authority housing supports**

Response from Minister O'Brien's office was noted. Cllr. Breathnach requested that a further letter be sent seeking clarity on the following:

- Which Agency will carry out review of eligibility and will Local Authority be consulted.
- Timeframe for providing details on Affordability and Cost Rental Schemes.
- Broadening of the income thresholds due to increased rent and management costs.
- Targeting the provision of housing supports to those in greater need.
- Excluding Working Family Allowance/Family Income Supplement from income eligibility.

Members agreed to this.

(ii) **Response from Minister Simon Harris office in connection with progression of a Technological University in the South East.**

Noted by Members.

(iii) **Response from Irish Water in connection with lime in the water.**

Noted by Members.

- (iv) **Acknowledgements from Department of Justice, Minister for Health and Minister for Children, Equality, Disability, Integration & Youth in connection with Parental Alienation**
Noted by Members.

4. **Business Adjourned from a Previous Meeting**
None.

5. **Schedule of Meetings**

(i) **Fix Date for Special Meeting**

Members were advised that a Special Meeting is required in relation to a material contravention of the Callan Local Area Plan. Proposed date 27th November, 2020 at 3.00 p.m. prior to the Statutory Budget Meeting.

It was proposed by Cllr. Pat Fitzpatrick seconded by Cllr. Tomás Breathnach and agreed that a Special Meeting be held remotely on Friday, 27th November, 2020 at 2.30 p.m. to deal with Planning matters.

(ii) **Fix Venue for Statutory Budget Meeting**

It was proposed by Cllr. Pat Fitzpatrick seconded by Cllr. Tomás Breathnach and agreed that the Statutory Budget Meeting fixed for Friday, 27th November, 2020 be held remotely.

Cathaoirleach advised that he will attend physically in the Council Chamber with the Executive to manage the meeting.

(iii) **Fix Venue for December Monthly Meeting**

It was proposed by Cllr. John Coonan, seconded by Cllr. Pat Fitzpatrick and agreed that the December Monthly Meeting be held in the Watergate Theatre depending on national Covid restrictions in place at that time.

Cathaoirleach advised that if restrictions are in place, meeting will be held remotely.

(iv) **Schedule of Meetings**

It was proposed by Cllr. John Coonan seconded by Cllr. Pat Fitzpatrick and agreed.

6. **Consideration of Reports and Recommendations of Committees of the Council**

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. John Coonan that report taken as read and noted that the:

“Report of SPC 1: Economic Development, Enterprise Support & Tourism held on 3rd July, 2020 as circulated with the Agenda be and are hereby approved”.

7. **Other Business set forth in the Notice convening the Meeting-**
None.

8. **Conferences - Request for approval to Attend**

Members were advised that a Webinar is arranged for Friday, 27th November, 2020 at 10.00 a.m. on the Development Plan Process. Details have been circulated to all Members by e-mail.

9. **Matters Arising from Minutes**

None.

10. **Any Other Business**

None.

11. **Notices of Motion**

None.

12. **Notices of Motion from other local authorities seeking support of Kilkenny County Council**

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. David Fitzgerald and agreed that Notice of Motion 27 (20) from Sligo County Council be read and noted.

That concluded the business of the meeting.

CATHAOIRLEACH

DATE