

**MINUTES OF ORDINARY COUNCIL MEETING
HELD ON MONDAY, 15TH OCTOBER, 2018 AT 3.00 P.M.**

Chair: Eamon Aylward.

Cllrs: John Brennan, Tomás Breathnach, Mary Hilda Cavanagh, Peter Cleere, Fidelis Doherty, Matt Doran, Michael Doyle, Pat Dunphy, David Fitzgerald, Ger Frisby, Pat Fitzpatrick, Breda Gardner, David Kennedy, Andrew McGuinness, Joe Malone, Michael McCarthy, Pat Millea, Malcolm Noonan, Melissa O'Neill, Patrick O' Neill and Maurice Shortall.

Officials: Colette Byrne, Martin Prendiville, Tim Butler, Sean McKeown, Mary J. Mulholland, Mark O'Toole, Josephine Coyne, Declan Macauley, Carol McCarthy, Seamus Kavanagh, Martin Mullally, Eimear Cody, Martina Comerford, Tom King, Margaret Newport, Evelyn Graham & Anne Maria Walsh.

Apologies: Cllrs. Patrick McKee & Sean Tyrrell.

1. Confirmation of Minutes

(a) **Minutes of Special Meeting of Kilkenny County Council held on Monday, 10th September, 2018**

Proposed by Cllr. Peter Cleere, seconded by Cllr. Fidelis Doherty and agreed:

"That the Minutes of the Special Meeting of Kilkenny County Council held on Monday 10th September, 2018, as circulated with the Agenda be and are hereby approved".

(b) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 17th September, 2018**

Proposed by Cllr. David Kennedy, seconded by Cllr. Ger Frisby and agreed:

"That the Minutes of Ordinary Meeting of Kilkenny County Council held on Monday, 17th September, 2018 as circulated with the Agenda be and are hereby approved".

(c) **Minutes of Adjourned Meeting held on Monday, 24th September, 2018**

Proposed by Cllr. Michael McCarthy, seconded by Cllr. Pat Fitzpatrick and agreed:

"That the Minutes of Adjourned Meeting held on Monday, 24th September, 2018 as circulated with the Agenda be and are hereby approved".

(d) **Minutes of SPC1 Meeting: Economic Development, Enterprise Support & Tourism held on Friday, 22nd June, 2018**

Proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Peter Cleere and agreed:

"That the Minutes of SPC1 Meeting held on Monday, 22nd June, 2018 as circulated with the Agenda be and are hereby approved".

Cllr. Eamon Aylward extended congratulations to:

- All in Inistioge on winning the gold medal in the Entente Florale.
- All towns and villages involved in the Tidy Towns competition.
- Well done to all participants from Kilkenny who took part in the Ploughing. National Ploughing Championship
- Kilkenny City Macra on winning the National Question Time.

Cllr. Aylward commended the people of Bogwood who helped in finding the missing person at the weekend.

Cllr. Aylward extended votes of sympathy to the following:

- The family of the late Bishop Laurence Forristal.
- The family of the late Emma Mhic Mhathuna.
- The family of the late Johnny O'Shea, Piltown,
- The family of the late Fr. Nicholas Flavin.
- Cllr. Mary Roche on the death of her father.
- The family of the late Thomas Burke, Knocktopher.
- The family of the late Pat Doyle Snr., Tullogher.
- The family of the late Fr. Nicky Duggan, Flemingstown.
- The family of the late Johnny O'Shea, Piltown.

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

- (i) It was proposed by Cllr. Melissa O'Neill seconded by Cllr. Pat Millea 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 land at Rathcunikeen, Two Mile Borris, Thurles, Co. Tipperary to Patrick Bourke and Eileen Bourke, Rathcunikeen, Two Mile Borris, Thurles, Co. Tipperary for the nominal sum of €10.00 (Ten Euro) with each party being responsible for their own legal costs associated with the sale." [Notice sent to members on the 1st October, 2018]

- (ii) It was proposed by Cllr. Mary Hilda Cavanagh seconded by Cllr. Breda Gardner 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 land at Rathcunikeen, Two Mile Borris, Thurles, Co. Tipperary to John Bourke, Rathcunikeen, Two Mile Borris, Thurles, Co. Tipperary for the sum of €3,000 (Three Thousand Euro) with each party being responsible for their own legal costs associated with the sale." [Notice sent to members on the 1st October, 2018]

(b) **Planning - Pleanail**

- (i) **Chief Executives Quarterly Report**

Ms. Colette Byrne presented her Quarterly Report to the Members. The Report is being taken as read.

Contributions were received from Cllrs. B. Gardner, M. Noonan, E. Aylward, M. O'Neill, D. Kennedy, T. Breathnach, P. Fitzpatrick, P. Millea, D. Fitzgerald, M. Doyle, M. Shortall, A. McGuinness, M. McCarthy, F. Doherty and John Brennan in relation to the following:

- Can Members submit individual questions on specific issues?
- Update required on Integregation Strategy.
- Overbridge at Bohernatounish Road and Dublin Road.
- Fire at Bridge House, John Street.
- Review other vacant protected structures.
- Naming of new bridge at New Ross and policy on naming structures and places.
- Progress on Neighbourhood Park in Ferrybank.
- Low Cost Safety Measures.
- Update on CLAR Projects.
- Recycling - bottle banks.
- Commend Bookville Festival.
- Entente Florale - commitment of community in Inistioge and Kilkenny County Council.

- Policy on Protected Structures not flexible.
- Welcomed improvement in water quality in Castlecomer - ICE Pigging Project.
- Submissions on Waste Management Bye-Laws.
- ASB - in Local Authority houses.
- Playground - opening in Coon shortly.
- Update on Inistioge and Mullinavat Waste Water Treatment Plant.

Ms. Byrne, Ms. Mulholland and Mr. Butler responded to all queries raised by Members.

(ii) **Performance Indicators Report 2017**

Mr. Tim Butler presented the Report circulated on the Performance Indicators for 2017. He advised that the Indicators are completed and published by NOAC who are an independent Committee. They provide information on performance indicators across all local authorities on 35 specific service areas. This report is for information purposes for Members.

Contributions were received from Cllrs. M. Shortall, M. Noonan, T. Breathnach, D. Kennedy & P. Cleere in relation to the following:

- average spent per house on maintenance.
- Performance indicators are being reviewed separate to the Report prepared by Transparency International Ireland.
- Tenant Handbook - reduction in maintenance calls.
- Collection Areas - Rates, Rents and Housing Loans. Complement the Finance Staff for high levels of collections.
- 3 Bin Collection - low take up in Kilkenny.
- Pilot Area to promote the use of a 3 Bin Collection System.

Ms. Mulholland and Mr. Sean McKeown, responded to all the queries raised.

(c) (i) **Taking in Charge: Kilferra Court, Raggettsland & Kilferra, Co. Kilkenny**

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Melissa O'Neill and agreed that:

"We, the Members of Kilkenny County Council approve the initiation of proceedings to declare the road within the following development to be a public road in accordance with Section 11 of the Roads Acts, 1993 to 2016".

Development: *Kilferra Court, Raggettsland and Kilferra, Co. Kilkenny*

(d) (i) **Graveyard Grants**

Mr. Sean McKeown referred to report issued to the Members and advised this is the second round allocation of grants. Four applications were deferred pending receipt of further information. All details have now been received. The balance of funding available is €1,300 and the recommendation is to pay each application €325.00.

Cllr. Breathnach asked if late applications could be funded. Mr. McKeown advised that the budget is now fully allocated.

It was proposed by Cllr. Maurice Shortall, seconded by Cllr. Melissa O'Neill and agreed:

"That Kilkenny County Council approves the payment of Graveyard Grants 2018 in accordance with the list circulated to the Members in the Report dated 5th October, 2018."

- (ii) **LAWCO Update & River Basin Management Plan**
Ms. Carol McCarthy presented an overview on the Local Authority Waters Programme in a PowerPoint Presentation.

In her presentation she gave an overview on:

- Background to the Water Framework Directive.
- New governance structure and implementation structures.
- Local Authority Waters Programme - Staff Structure.
- Regional Teams and Catchment Assessment Teams.
- Priority Areas for Action.
- Role of Water Policy Advisory Committee and National Co-ordination & Management Committee, National Technical Implementation Group.
- Details of the South East Region Management & Staffing Structure, Works Plan for the period 2018 to 2021.
- Overview on proposed plan for Dinin River commencing in 2018, engagement with communities, support services for Agricultural Sector etc.
- Expected outcomes for the programme.
- Key strategic aims for 2018 to 2020.

Contributions were received from Cllrs. E. Aylward, M. O'Neill, M. Noonan, B. Gardner, D. Fitzgerald, M. Shortall, T. Breathnach, M. Doyle and J. Brennan in relation to the following:

- Community Water Grant - further details to be provided.
- Community Engagement, bring schools on board, Green Schools Programme.
- Outdoor Lab - e.g. Newpark Fen.
- Bio-diversity Centre, Waterford - use this Centre as a resource.
- Clarify three main pollutants.
- Base line data over the last 20/30 years on Dinin River.
- Clarify - High Ecological Status.
- Upgrade Septic Tanks - promote scheme similar to CIR.
- Grants/funding available for improvements to river, access to river for all groups.
- Continued investment required for public treatment plants.

Ms. McCarthy responded to all the queries raised by Members.

Cllr. Aylward thanked Ms. McCarthy for a very informative presentation and wished her and her team well in the programme.

- (e) (i) **Approval for 2019 Bank Overdraft Facility**
Mr. Prendiville advised Members that approval is being sought to an overdraft requirement of €13m for 2019. There is an existing facility for €13m in 2018. To-date the Council has used this facility on 16 days with a maximum overdraft of €2.3m.

Cllr. David Fitzgerald asked what interest rate is charged on the overdraft. Mr. Prendiville advised it was less than 2%.

It was proposed by Cllr. Mary Hilda Cavanagh seconded by Cllr. John Brennan and agreed that:

“That subject to the sanction of the Minister for the Housing, Planning and Local Government, Kilkenny County Council hereby approves overdraft borrowings to a maximum amount of €13,000,000 for the full year ending 31st December, 2019”

(ii) **Local Government Audit Service - Statutory Audit Report**

Mr. Prendiville referred to the Audit Report circulated to the Members. Mr. Tim Butler circulated a final report on the overall cost incurred in the delivery of the Kilkenny Central Access Scheme [KCAS].

Mr. Prendiville advised that there has been no change to the 2017 accounts following the Audit. He referred to a number of items raised by the Auditor during the course of the Audit and Management has responded to these issues:

- Completion of Asset Register.
- Kilkenny Central Access Scheme.
- Balances on Capital Projects.
- Balances on Loans.
- Development Contributions.
- Purchasing Compliance & Procurement.
- Acting up Allowances.
- Local Authority Companies.

Members noted the Statutory Audit Report as circulated.

(f) **Library Digital Platform**

Ms. Josephine Coyne gave a PowerPoint presentation on digitising archives collections in the Library. She gave an overview on the process involved, engagement with the community in sharing their personal postcards/documents. The first project undertaken was on old postcards of County Kilkenny. Graiguenamanagh was selected as a pilot project and any member of the public could bring their photos, memorabilia, letters for historical archives and heritage collection to the Library. The staff in the Library identify any ownership/copyright permissions and rights to publish before any material is photographed and scanned.

There are many benefits to this project. Rich and valuable information/content will be preserved and available to the public. There are a number of further potential projects in the pipeline. Mr. Declan Macauley gave a demonstration on accessing the digital archive on the website.

Contributions were received from Cllrs. M. Noonan, B. Gardner, P. Cleere, D. Fitzgerald, M. O'Neill and T. Breathnach in relation to this very worthwhile project.

Some queries arose in relation to the following:

- Genealogy - family history.
- Link with Kilkenny Archives.
- Photographic Collection from Tom Brett.
- Redevelopment of Carnegie Library.
- "Make My Way" Day - disability campaign.
- Clarify if any material can be digitised.

Ms. Coyne responded to the issues raised by Members.

Ms. Byrne advised that work is underway in relation to the redevelopment of a Library Headquarters.

(g) (i) **Winter Maintenance Plan**

Mr. Tim Butler presented the Winter Maintenance Plan. He advised that the same routes as 2017 are included for Winter Maintenance. The period for salting is from 15th October, 2018 to 28th April, 2019. Total lengths of Priority 1 & 2 roads to be treated is 427km. Priority 3 routes will be dealt with by the Municipal Districts. The aim treat all routes as required and 4 vehicles are used on each run to cover the 427km of priority 1 & 2 road networks. He further advised that 110 runs were taken during the salting period in 2017/2018.

As always road users are advised to proceed having regard to prevailing weather/road conditions and that no assumptions should be made that the roads are free from frost or ice.

It was proposed by Cllr. Maurice Shortall, seconded by Cllr. Melissa O'Neill and agreed that the Winter Maintenance Plan 2018/2019 as presented is hereby approved.

(h) (i) **Homeless Services Policy**

Mr. Martin Mullally presented the policy document on Homeless Services. He advised that the SPC for Housing has approved of this policy document. SPC has recommended adoption by the full Council.

Contributions were received from Cllrs. A. McGuinness, M. O'Neill, D. Kennedy & E. Aylward in relation to the work of the Homeless Team, the provision of additional units for homelessness, reduction in numbers presenting as homeless and eligibility for RAS/HAP.

Members complimented the staff in Housing and thanked them for their work in dealing with difficult cases.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Melissa O'Neill and agreed that:

"That Kilkenny County Council hereby adopts the updated Homeless Services Policy as circulated at the meeting on the 15th October, 2018."

(ii) **Anti Social Behaviour Policy**

Mr. Martin Mullally presented the updated Anti Social Behaviour Policy. He advised that the existing policy needed to be updated due to changes in legislation and procedures. The policy has been discussed at the SPC for Housing. SPC for Housing approved the policy and recommended adoption by the full Council.

Contributions were received from Cllrs. A. McGuinness, F. Doherty, M. O'Neill & B. Gardner in relation to this policy.

Members thanked the Housing Staff and in particular Tom King who deals with all the issues related to anti-social behaviour which can be very difficult in some cases.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Fidelis Doherty and agreed that:

"That Kilkenny County Council hereby adopts the updated Anti Social Behaviour Policy as circulated at the meeting on the 15th October, 2018."

(iii) **Housing Delivery Report**

Ms. Mulholland and Mr. Mullally gave a joint presentation on "Meeting Housing Demand" in 2018. In the PowerPoint Presentation they gave an overview on the following:

- Projected demand for new residential development.
- Commencement Notices received between 2015 and 2018.
- Planning permissions in place for residential development.
- Local Infrastructure Housing Activation Fund.

- Rebuilding Ireland Action Plan for Kilkenny County Council. Targets for the three years 2018 to 2021 is 599 units.
- Housing demand in Kilkenny at 1st October, 2018.
- Housing stock available to Kilkenny County Council - 3,865 units.
- List of Housing units completed to-date, under construction, at Planning Design or Tender Stage, projects in the early stages and acquisitions totalling 847 units.
- Update on Homelessness.
- Mortgage to Rent Scheme.
- Repair & Leasing Scheme.
- Rebuilding Ireland Home Loan.
- Action Plan for vacant houses.

It was proposed by Cllr. Peter Cleere, seconded by Cllr. David Kennedy and agreed to suspend Standing Orders to complete this item and the Agenda.

Contributions were received from Cllrs. A. McGuinness, D. Fitzgerald, M. O'Neill, M. Shortall, M. Noonan, B. Gardner, D. Kennedy, P. Fitzpatrick. T. Breathnach and P. Dunphy in relation to the following:

- Positive reduction in homelessness.
- Welcome the number of units in progress and being progressed.
- Home Task Force.
- Use of CPO Procedures to acquire additional units in the City and in Rural Areas.
- Clarify number of actual vacant houses - compare census results.
- Percentage of new units to be disability friendly.
- Disability Grants - not meeting demand of all applications.
- Flexibility in Home Loans applications for "newly established" families, income thresholds.
- Welcomed funding of €100,000 for Bridge Street, Callan.
- Encourage uptake on Repair/Leasing Scheme.
- Private Rented Inspections - concerns of landlords on requirements to comply.
- Explore availability of serviced sites.

Ms. Mulholland and Mr. Mullally responded in detail to all queries raised by Members.

Ms. Colette Byrne acknowledged the work of all Housing staff in these difficult times. A lot of work has been done and more to do. She acknowledged the role of the Elected Members in dealing with Part 8 Planning proposals.

Ms. Byrne advised the Members that the Part 8 Planning on the temporary car park at Abbey Quarter has been referred to the High Court. The High Court has given leave for a judicial review on whether the Council correctly used Part 8 and not Part 10 of the Planning Acts.

As a result of this, the development of the temporary car park will be delayed. There are unintended consequences in this - Barnstorm Theatre cannot move to the Squash Court in the Abbey Quarter until a safe access is available. The Good Shepherd Centre have plans to redevelop the area currently occupied by Barnstorm Theatre for units for emergency accommodation. In the short term these plans are now on hold for this much needed emergency accommodation.

3. **Correspondence**
None.
4. **Business Adjourned From a Previous Meeting**
None.
5. (i) **Schedule of Meetings from July, 2018 to October, 2018**
It was proposed by Cllr. Peter Cleere seconded by Cllr. Andrew McGuinness and agreed.
- (ii) **Fix date for Special Planning Meeting**
It was proposed by Cllr. Michael McCarthy, seconded by Cllr. Andrew McGuinness and agreed that the Special Planning Meeting be held on 22nd October, 2018 at 4.00 p.m.
- (iii) **Fix date for Budget Meeting**
It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Pat Fitzpatrick and agreed that the Budget Meeting be held on 23rd November, 2018 at 3.00 p.m.
- (iv) **Approve Cathaoirleach's Reception**
It was proposed by Cllr. Malcolm Noonan, seconded by Cllr. Michael Doyle and agreed that a Reception for Cartoon Saloon be held on 1st November, 2018 at 6.00 p.m.
- (v) **Budget Meeting In Committee**
It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Joe Malone and agreed that that the Budget Meeting In Committee be held on 5th November, 2018 at 3.30 p.m.
6. **Consideration of Reports and Recommendations of Committees of the Council**
 - (i) **Report of SPC 1 Meeting held on Friday, 22nd June, 2018**
It was proposed by Cllr. Pat Fitzpatrick seconded by Cllr. Michael McCarthy and agreed "that the Chairman's Report of SPC 1: Economic Development, Enterprise Support & Tourism Meeting" held on 22nd June, 2018 is hereby read and noted.
7. **Other Business set forth in the Notice convening the Meeting-**
None.
8. **Conferences - Request for approval to Attend**
Schedule of Conferences circulated with the Agenda was proposed by Cllr. John Brennan seconded by Cllr. Tomás Breathnach and agreed.
9. **Matters Arising from Minutes**
None.
10. **Any Other Business**
None.
11. **Notices of Motion**

21(18) Cllr. Breda Gardner

It was proposed by Cllr. Breda Gardner seconded by Cllr. Melissa O'Neill and agreed:

"That Kilkenny County Council fully supports the immediate implementation of 24/7 Cardiac Care in UHW and will encourage fellow Councillors in neighbouring counties of Carlow Tipperary Wexford and Waterford."

22(18) Cllr. Breda Gardner

It was proposed by Cllr. Breda Gardner seconded by Cllr. David Kennedy and agreed:

"That Kilkenny County Council supports the proposal from historian Catherine Corless for a full DNA analysis of the children found in the septic tanks in Tuam and that they be given a proper dignified and Christian burial."

23(18) Cllrs. Tomás Breathnach & Maurice Shortall

It was proposed by Cllr. Tomás Breathnach seconded by Cllr. Maurice Shortall and agreed:

"That Kilkenny County Council engage with Carlow County Council to jointly progress the provision of a pedestrian bridge from Tinnahinch to Graignamanagh over the River Barrow as the existing road bridge is too narrow to accommodate a footpath."

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

It was proposed by Cllr. David Kennedy seconded by Cllr. Fidelis Doherty and agreed that the following Notices of Motion 31 (18) to 33 (18) be taken as read and noted:

31(18) Sligo County Council

"Sligo County Council calls on the Government to intervene now to prevent An Post using a very restrictive anti-rural definition of a "Settlement" taken from the Central Statistics Office 2016 census report, as part of the criteria for establishing a post office in an area. An Post has stated that no settlement of over 500 people will be left without a post office. A settlement is defined as "having a minimum of 50 occupied dwellings, with a maximum distance between any dwelling and the building closest to it of 100 metres, and where there is evidence of an urban centre." This is too restrictive and rules out vast areas of rural Ireland including many medium sized towns."

32(18) Wexford County Council

"Given the continued efforts of the Department of Local Government to undermine local authorities and the increased centralisation of power in Ireland, this Council calls on the government to establish an independent convention on the future of local government, that will examine powers, autonomy and funding.

In the event of the failure of government to act, this Council calls on LAMA and the AILG to establish such a convention and to seek cross party support. This motion is to be circulated to all other local authorities in the State and to request that a similar motion be adopted."

33(18) Wexford County Council

"This Council calls on Government to:

1. Enact "Private Members Dáil Motion of the 11th November, 2016 [a call previously supported by Wexford County Council, October 2017].
2. Postpone the closure of Post Offices while the Kiwi Post Bank model for the Irish Post Office network is developed.
3. The results of the Council motion to be promptly conveyed to the Minister for Communications, Climate action and Environment Deputy Hildegard Naughton, Chair of Committee on Communications, Climate Action and Environment.
4. That this motion will be circulated to all local authorities.

That this motion be circulated to all local authorities."

That concluded the business of the meeting.

