

MINUTES OF ORDINARY COUNCIL MEETING HELD ON MONDAY, 18TH JUNE, 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, Patrick McKee, Joe Malone, Michael McCarthy, Pat Millea, Malcolm Noonan, Melissa O'Neill, Patrick O' Neill and Maurice Shortall.

Officials: Colette Byrne, Tim Butler, Martin Prendiville, Sean McKeown, Mary J. Mulholland, Denis Malone & Anne Maria Walsh.

Apologies: Cllr. Sean Tyrrell

1. Confirmation of Minutes

- (a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 21st May, 2018**

Proposed by Cllr. Matt Doran, seconded by Cllr. Fidelis Doherty and agreed:

"That the Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 21st May, 2018, as circulated with the Agenda be and are hereby approved".

- (b) **Minutes of SPC5 Meeting: Environmental Protection, Water Services & Energy held on Wednesday, 21st February, 2018**

Proposed by Cllr. Tomás Breathnach, seconded by Cllr. Ger Frisby and agreed:

"That the Minutes of SPC 5 Meeting, Environmental Protection, Water Services & Energy held on Wednesday, 21st February, 2018 as circulated with the Agenda be and are hereby approved".

The Cathaoirleach congratulated the following:

- Cllr. Michael McCarthy, Cllr. Ger Frisby and Cllr. Peter Cleere on their recent election as Chairs and Mayor.
- All who participated in the Special Olympics and well done to those who achieved success.
- To Emeralds u14 Hurling Team who won the National Feile Na Gael Division 3 and well done to Dicksboro and Graiguenamanagh who also competed.
- Feile Na Gael Handball participants
- Those who participated in Aldi sponsored Community Games.
- Teresa Walsh who was re-elected as President of Basketball Association

Cathaoirleach extended votes of sympathy to the following:

- Jacqueline Kendlin, Human Resources on the death of her Mother.
- Katherine Peacock, PPN on the death of her brother.
- The Family of the late Michael Shortall, Clonmorán [Pensioner]
- The Family of the late Kathleen Mulcahy, Blackmill Street [Pensioner].
- The Family of the late Siobhan O'Neill, Tullaroan [Pensioner].
- The Family of John Barnagille, Freshford.
- The Family of Margaret Molloy, Windgap.
- The Family of Miriam Brennan, Stoneyford.
- The Family of Fr. Mark Ryan, Muckalee (Columban Fathers).

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

It was proposed by Cllr. Maurice Shortall seconded by Cllr. Pat Fitzpatrick 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 plot of ground at Coolcullen, Castlecomer, Co. Kilkenny, which measures approx. 0.53 acre, as identified on the attached map, to Roisin Connolly and Mark Shortall, Rose Cottage, Coolcullen, Castlecomer, Co. Kilkenny, for the nominal sum of €100 (one hundred euro) with each party being responsible for their own legal costs associated with the sale."

(b) **Planning – Pleanail**

(i) **Taking in Charge: 30 Units at Riverside Park, Urlingford, Kilkenny.**

It was proposed by Cllr. Michael McCarthy, seconded by Cllr. Pat Millea and agreed that:

"That the County Council of the County of Kilkenny, in exercise of the powers conferred on them by Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010, hereby declares the road listed in the Public Notice and listed below, to be a Public Road."

Estate: 30 Units at Riverside Park, Urlingford, Co. Kilkenny

(ii) **Taking in Charge: 63 Units at Glenbawn, Castlecomer Road, Kilkenny.**

10 Units at Glendine Woods, Ballyfoyle Road, Kilkenny.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Patrick McKee and agreed that:

"That the County Council of the County of Kilkenny, in exercise of the powers conferred on them by Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010, hereby declares the road listed in the Public Notice and listed below, to be a Public Road."

**Estate: 63 Units at Glenbawn, Castlecomer Road, Kilkenny
10 Units at Glendine Woods, Ballyfoyle Road, Kilkenny**

(c) **Graveyard Grants 2018**

Mr. Sean McKeown presented his report on the Graveyard Grant Scheme 2018. He advised there is a budget of €10,000 for these grants. 21 applications were received. 17 applications are recommended for funding under round 1 to a value of €8,700. The remaining 4 applications require additional information and will be considered for funding under round 2.

Contributions were received from Cllr. Pat O'Neill, Cllr Fidelis Doherty, Cllr. Malcolm Noonan, Cllr. Melissa O'Neill and Cllr. Thomas Breathnach in relation to the following:

- Further applications being submitted
- Insurance for Community Groups ie The Wheel
- Liaison with the Heritage Section on historical graveyards
- Funding for operational costs
- Any other agencies granting funding.

Mr. Sean McKeown responded to all queries raised and advised that there is an umbrella group for insurance for Community Groups. There are ongoing discussions with the Heritage Officer and the Conservation Officer in relation to works in historical graveyards. Mr McKeown advised that while the deadline for receipt of applications in the current year has elapsed, late applications will be considered subject to funding being available within the 2018 budget.

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

"That Kilkenny County Council approves the payment of Graveyard Grants 2018 in accordance with the list circulated to the Members."

(d) Approval of Loan from Housing Finance Agency for Housing Loan Purposes.

Mr. Martin Prendiville advised that approval is being sought for loan approval of €5,000,000 for housing loan purposes. This will be used over the years 2018/2019 to fund housing loan applications that have been approved. The amount of €5 million is based on the number of applications being received for housing loans.

Contributions were received from Cllr. Melissa O'Neill and Cllr. David Kennedy in relation to the following:

- the number of loan applications received
- the value of the loans being issued

Ms. Mary Mulholland advised that these details are included in the Chief Executive's report each month.

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Michael McCarthy and agreed that:

"That Kilkenny County Council hereby approves the raising of a loan of five million Euro (€5,000,000) from the Housing Finance Agency plc for any purpose authorised under the Housing Acts".

(e) CFRAMS [Catchment Flood Risk Assessment & Management]

Mr. Tim Butler presented his report on the Flood Risk Management Plan for the River Suir, Nore and Barrow. He advised that in 2012, the OPW indentified, through a preliminary flood risk assessment 12 areas in Kilkenny at risk from flooding. Further analysis has been carried out to identifying options to manage the flood risk in these areas over the last 6 years.

The process included public consultation and concluded with Flood Risk Management Plans for the rivers and their tributaries. The Commissioner of Public Works formally adopted these plans on 14/03/2018 and were subsequently approved by the Minister for Public Expenditure and Reform on 16/04/2018. Details of the final plans were put on display on 28/05/2018. In accordance with the statutory instrument the Council is required to consider and adopt, or otherwise the plans.

Kilkenny County Council has established a good working relationship with the OPW since 2010 on the delivery of schemes for County Kilkenny and it is hoped to continue this into the future.

Contributions were received from Cllr. Mary Hilda Cavanagh, Cllr. Peter Cleere, Cllr. Fidelis Doherty, Cllr. Matt Doran, Cllr. Michael Doyle, Cllr. Pat Dunphy, Cllr.

Breda Gardner, Cllr. Ger Frisby, Cllr. Pat Fitzpatrick, Cllr. David Kennedy, Cllr. Joe Malone, Cllr. Michael McCarthy, Cllr. Malcolm Noonan, Cllr. Melissa O'Neill, and Cllr. Maurice Shortall.

Issues were raised in relation to a number of items and concerns were expressed by a number of members in relation to the proposed works and the potential impact of works as follows:

- Draft plan showing diversion of river Arigle through the Ballyhale GAA pitch.
- Solutions identified for Inistioge not acceptable, concerns re hard defences in Inistioge, Thomastown and Graiguenamanagh.
- Members acknowledged the working relationship between Kilkenny County Council and OPW.
- Clarify main works in schemes and works proposed for a number of locations.
- Status of the Individual Property Protection Scheme for Graiguenamanagh and Thomastown, when will they be delivered, request early meeting with OPW.
- Funding for schemes, will the Council have to match funding.
- Affects on climate change, have these been factored into the current plans.
- Works required on tributaries of river in Freshford, need to engage with OPW.
- Clearing of small streams
- Timeframe to adopt plans?
- Update on minor flood mitigation measures in various locations.
- Further consultation is required with Communities.
- Request Minister to address the member on these plans.

Mr. Tim Butler responded to all the queries raised by members. He advised that the plans will be subject to formal consultation, planning design and a tender process. The OPW have committed to work with communities. Mr. Butler referred to the documents circulated at the meeting. These outline details of flood schemes and maintenance works carried out throughout the County between the period 2009 to 2017 and further schemes under consideration.

In relation to minor schemes Kilkenny County Council will contribute 10% of the cost of these schemes and this money is provided in the budget. Meetings have been held with the OPW to discuss the Individual Property Protection Schemes. There is a statutory requirement for Kilkenny County Council to adopt the plans or otherwise for the Suir, Nore and Barrow within 3 months of notification i.e. by 09/08/2018.

Ms. Colette Byrne stated that we can write to the Minister, but engagement will take place with communities on detailed plans in the future.

Cllr. Matt Doran recommended that Kilkenny County Council adopt the Flood Risk management Plans for the Nore, Suir & Barrow as they refer to County Kilkenny subject to further consultation and agreement with effected communities, public and other groups and organisations". This was seconded by Cllr. Michael Doyle.

Cllr. David Kennedy proposed an amendment that the plans be adopted by Kilkenny County Council subject to further consultation with all communities affected and the proposed works in Ballyhale does not affect the GAA pitch. This was seconded by Cllr. Melissa O'Neill.

Following further discussion by the elected members, Cathaoirleach stated that a vote be taken on the amendment.

For the proposed amendment (3) Cllr. David Kennedy, Cllr Joe Malone, Cllr. Melissa O'Neill.

Against the proposed amendment (17) Cllr. John Brennan, Cllr. Tomás Breathnach, Cllr. Mary Hilda Cavanagh, Cllr. Peter Cleere, Cllr. Fidelis Doherty, Cllr. Pat Dunphy, Cllr. David Fitzgerald, Cllr. Ger Frisby, Cllr. Pat Fitzpatrick, Cllr. Breda Gardner, Cllr. Patrick McKee, Cllr Matt Doran, Cllr. Malcolm Noonan, Cllr, Eamon Aylward, Cllr. Patrick O' Neill, Cllr. Michael Doyle, and Cllr. Maurice Shortall.

Therefore the amendment was defeated.

A vote was taken on the proposal.

For the proposal: Cllr. John Brennan, Cllr. Tomás Breathnach, Cllr. Mary Hilda Cavanagh, Cllr. Peter Cleere, Cllr. Fidelis Doherty, Cllr. Pat Dunphy, Cllr. David Fitzgerald, Cllr. Ger Frisby, Cllr. Pat Fitzpatrick, Cllr. Breda Gardner, Cllr. David Kennedy, Cllr. Michael Doyle, Cllr. Patrick McKee, Cllr. Joe Malone, Cllr. Matt Doran, Cllr. Malcolm Noonan, Cllr. Melissa O'Neill, Cllr. Patrick O' Neill, Cllr Eamon Aylward and Cllr. Maurice Shortall.

Therefore the proposal by Cllr. Matt Doran and seconded by Cllr Michael Doyle was adopted.

"Kilkenny County Council recommends the adoption of the Flood Risk management Plans for the Nore, Suir & Barrow as they refer to County Kilkenny in accordance with Section 20 of Statutory Instrument No. 122/2010 subject to further consultation and agreement with effected communities, public and other groups and organisations".

Cllr. Malcolm Noonan voiced his concerns again re the proposed hard defences and stated that he is not re-assured that future consultation/agreement will change the plans as published.

(f) Chief Executives Monthly Report

Ms. Colette Byrne presented her report for the month of June to the Council.

Contributions were received from Cllr. Pat Dunphy, Cllr. Pat Fitzpatrick, Cllr. Eamon Aylward, Cllr MH Cavanagh, Cllr Tomás Breathnach, Cllr. Melissa O'Neill, Cllr. Peter Cleere, Cllr. Maurice Shortall, Cllr. David Kennedy, Cllr Pat McKee, Cllr John Brennan and Cllr. David Fitzgerald.

The issues raised by members are as follows:

- Issue invitation to Irish Water to attend a Council meeting to address issues arising in Kilkenny.
- Seek monthly clinics with Irish Water.
- Update on Housing Capital Projects in Urlingford, Moneenroe, Castlecomer, Ballyragget and Callan.
- Ensure all new projects provide accommodation for disabilities.
- Community Enhancement Programme
- Community and Cultural Facility grant scheme.
- Taking in Charge of housing estates.
- Anti-dumping initiatives.
- Litter prosecutions - name and shame policy
- Advertise housing for older people (HOP) earlier in the Autumn.

- Acknowledge reduction in housing list.
- Dedicate resources to deal with vacant houses.
- Status on new library.
- Position of Grants under RAPID.

Ms. Mary Mulholland, Mr. Sean McKeown and Mr. Tim Butler responded to all the issues raised by members.

It was agreed that Kilkenny County Council would write to Irish Water inviting them to attend a Council meeting.

Ms. Colette Byrne welcomed progress on housing projects and stated this is a very positive step in the delivery of much needed housing.

She further advised that the contractors have been appointed for the works on Evans home and she acknowledged the grant assistant from Fáilte Ireland and Department of Culture, Heritage and the Gaeltacht. She also acknowledged the work of Mr. Brian Tyrrell and Mr. Simon Walton in securing the funding.

Ms. Byrne advised that Mr. Kevin McCormack has resigned as Chief Executive Office for the Kilkenny Abbey Quarter Development Ltd and that Mr. Jason Clerkin has been appointed as the new CEO. He will take up his appointment on 25/06/2018.

3. (i) Circular Letter LG 02/2018: Training Needs of Elected Members

Cathaoirleach advised that the circular letter in relation to the training needs of Elected Members has been circulated for members' information. All members noted the circular on hand.

(ii) Local Government Funding Baseline Review

Cathaoirleach advised that the consultation document on the Local Government Funding Baseline Review has been circulated for members' information.

Ms. Byrne, Chief Executive, advised the meeting that the Head of Finance would be making a submission on this before 3/07/2018.

All members noted the circulation of the document.

4. Business Adjourned From a Previous Meeting
None.

5. (i) Schedule of Meetings from June, 2018 to September, 2018

It was proposed by Cllr. Pat Fitzpatrick seconded by Cllr. Breda Gardner and agreed.

(ii) Agree venue for July Monthly Meeting.

Cathaoirleach advised that the CPG has agreed to hold the July meeting in the Community Hall in Inistioge.

It was proposed by Cllr. Michael Doyle and seconded by Cllr. Matt Doran and agreed:

“that the venue for the July 2018 monthly meeting will be in the Community Hall in Inistioge”.

Cathaoirleach advised that a presentation ‘in Committee’ will be given by Kilkenny Civic Trust at 2.15pm.

It was proposed by Cllr. Peter Cleere and seconded by Cllr. Maurice Shortall and agreed:

“ that the presentation would be taken ‘in Committee’”.

6. (i) **Report of SPC 5: Environmental Protection, Water Services & Energy**
Proposed by Cllr. Maurice Shortall seconded by Cllr. Mary Hilda Cavanagh and agreed:

“That the Chairman's Report of SPC 5: Environmental Protection, Water Services & Energy held on Wednesday, 21st February, 2018 as circulated with the Agenda be noted and hereby approved”.

Cllr. Malcolm requested an update on climate change and adaptation for the next meeting. Mr. Sean McKeown advised that local authorities have agreed a regional approach with the Department of Communications, Climate Action and Environment (DCCAE) for the preparation of the statutory County Adaptation Plans. There will be 4 Climate Action Regional Offices and Kilkenny is located within the Eastern & Midlands Region for which the lead local authority is Kildare County Council. The Climate Action Regional Offices will lead the development of framework to assist local authorities develop their statutory Plans. Effective implementation of both the National Adaptation Framework and the National Mitigation Plan will be the key drivers in the development of the Framework and the Plans. A workshop was held by Kildare County Council and DCCAE for local authorities last month and further guidance is to be provided on the process in early September. Mr McKeown advised therefore that it would be better to defer discussion on the matter until this further guidance has been provided.

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. Melissa O'Neill, seconded by Cllr. Fidelis Doherty and agreed.

9. **Matters Arising from Minutes**

Cllr. Melissa O'Neill asked if a date has been agreed for a Cathaoirleach Reception for the Flynn family in Ferrybank.

Cathaoirleach advised that this will be considered at the next CPG meeting.

10. **Any Other Business**

None.

11. Notices of Motion

12 (18) Cllr. Breda Gardner

It was proposed by Cllr. Breda Gardner seconded by Cllr. Malcolm Noonan:

"That Kilkenny County Council will support a limited amount of Election Posters per candidates to 150, in the interest of environmental protection and road safety."

Contributions were received from Cllr. Breda Gardner, Cllr. Malcolm Noonan, Cllr. Tomás Breathnach, Cllr. David Kennedy, Cllr. Fidelis Doherty, Cllr. Joe Malone and Cllr. Pat Fitzpatrick in relation to this notice of motion. Some members expressed concerns in relation to:

- how restrictions can be placed on the number of posters
- who will police it
- if legislation can cover the provision of a limited number of posters
- and where they can be located.

Mr. Tim Butler advised that there is legislation in place to provide specific timeframes when posters can be erected and when they must be removed. Bye-laws would need to be introduced to limit the number of posters a candidate can erect and the location of these posters.

Cathaoirleach advised that there are various views on the notion of motion and he is taking a roll call on it.

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| For the Motion | - 3 Cllr. Breda Gardner, Cllr. Malcolm Noonan, Cllr Melissa O'Neill |
| Against the Motion | - 16 Cllr. John Brennan, Cllr. Tomás Breathnach, Cllr Maurice Shortall, Cllr. Pat Fitzpatrick, Cllr. Michael McCarthy, Cllr. Peter Cleere, Cllr. Michael Doyle, Cllr. David Kennedy, Cllr. Matt Doran, Cllr. David Fitzgerald, Cllr Joe Malone, Cllr. Patrick Mckee, Cllr, Eamon Aylward, Cllr Fidelis Doherty, Cllr Pat Dunphy, Cllr Ger Frisby. |

The motion was defeated.

13 (18) Cllrs. Breda Gardner & Malcolm Noonan

It was proposed by Cllr. Breda Gardner seconded by Cllr. Malcolm Noonan and agreed:

"That Kilkenny Council with Stand4Women supports women and families affected by the Cervical Smear Scandal, by visibly demonstrating that we are with them, and for calling for immediate action by government and the HSE on this issue. The 3 urgent policy requirements are as follows:

- (i) *Immediate Bill on Mandatory Disclosure Bill to be implemented with an agreed timeline.*
 - (ii) *Active and independent support for those affected by the Scandal, including and not limiting to, an immediate point of contact for those affected.*
 - (iii) *Immediate access for all affected to a multidisciplinary support team.*
- and that this motion gets sent to other Councils around Ireland."*

Cllr. Breda Gardner, Cllr. Malcolm Noonan and Cllr. Melissa O'Neill contributed to the notice of motion.

14 (18) Cllr. Melissa O'Neill

It was proposed by Cllr. Melissa O'Neill seconded by Cllr. Patrick McKee and agreed:

"That Kilkenny County Council:

- *supports the establishment of an annual national "Make Way Day" taking place on 26th September in 2018,*
- *will write to an Taoiseach, Leo Varadkar, TD, and to each individual Minister and Minister of State, calling on them to support, establish, fund and resource an annual national "Make Way Day" which would be localised in each region,*
- *will annually support and promote a local #MakeWayKilkenny campaign as part of the wider "Make Way Day."*

Cllr. Melissa O'Neill, Cllr Patrick McKee, Cllr Malcolm Noonan and Cllr. Eamon Aylward contributed to the notice of motion.

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

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

12 (18) Waterford City & County Council

"That Waterford City & Council calls on the Minister of Health, Deputy Simon Harris to request the HSE to review the decision to restrict the use of versatis pain relief patches, to patients who are in chronic pain, outside those who are experiencing post herpetic neuralgia and to revert back to the pre December status while the review is being undertaken."

13 (18) Waterford City & County Council

"That Waterford City & County Council calls on the Minister of Health to include those that are not Children or Young Adults in the provision by the HSE of Free Style Libre to sufferers of Type 1 Diabetes."

14 (18) Waterford City & County Council

"Waterford City & County Council welcomes the statutory investigation into Cervical Check announced by the Minister for Health. We request HIQA to consider including in its terms of reference a lowering to twenty years to be the age of eligibility for the screening service."

15 (18) Waterford City & County Council

"That Waterford City & County Council calls on the Department of Education & Skills and/or Department of Health to introduce a scheme to provide all teachers and Special Needs Assistants [who are physically able] with Occupational First Aid training, encompassing CPR."

16 (18) Leitrim County Council

"That Leitrim County Council call on the Minister for Health, Simon Harris TD, to intervene in the HSE's decision of not automatically awarding medical cards to cancer patients, and, to issue a directive from Government, to ensure that all patients who receive a cancer diagnosis are awarded a medical card."

17 (18) Donegal County Council

"Donegal County Council deplores the slaughter of more than 60 Palestinians and the wounding of thousands of others in Gaza by the Israeli Defence Forces. We call on the government to immediately expel the Israeli ambassador in protest at his massacre of

unarmed civilians. We applaud the recent decision of Dublin City council to support the Boycott, Divestment and Sanctions movement. We reaffirm our solidarity with the Palestinian people and commit the Council to implementing a policy of Boycott, Divestment and Sanctions against Israel until there is freedom for the Palestinian people. Support the holding of an international enquiry into the killings."

That concluded the business of the meeting.

CATHAOIRLEACH

DATE