

MINUTES OF ORDINARY COUNCIL MEETING HELD ON MONDAY, 15TH APRIL, 2019 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, Pat Fitzpatrick, Breda Gardner, David Kennedy, Michael McCarthy, Andrew McGuinness, Pat Millea, Malcolm Noonan, Melissa O'Neill, Patrick O' Neill, Maurice Shortall & Sean Tyrrell.

Officials: Colette Byrne, Martin Prendiville, Tim Butler, Sean McKeown, Mary J. Mulholland, Seamus Kavanagh, Michael Delahunty, Claire Murphy, Martin Mullally, Eimear Cody & Anne Maria Walsh.

1. Confirmation of Minutes

(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 25th March, 2019

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

"That the Ordinary Meeting of Kilkenny County Council held on Monday, 25th March, 2019 as circulated with the Agenda be and are hereby approved".

The Cathaoirleach extended congratulations to the following:

- St. Kieran's College on winning the All Ireland Colleges.
- Marble City Boxing Club on winning Leinster Championship recently.
- Good Shepherd fundraising at weekend for the homeless.
- To all Communities for participating in National Clean-up Day

The Cathaoirleach extended votes of sympathy to:

- Thomas O'Keeffe and Family on the death of his father Patrick O'Keeffe.
- The family of the late Frank Gray, former Engineer in City & County.
- The family of the late John Morrissey, Mullinavat.
- The family of the late Liam Quigley, former Borough Councillor.
- The family of the late Mary Dowling, Glenmore.
- The family of the late Jimmy Walsh, Glenmore.

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

(i) It was proposed by Cllr. Melissa O'Neill 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 Ballytarsna, Cashel, Co. Tipperary to Brian O'Reilly, Ballytarsna, Cashel, Co. Tipperary for the sum of €10,000 with each party being responsible for their own legal costs associated with the sale. Land measures 2.044 hectare." [Notice sent to members on the 1st April, 2019]

(ii) It was proposed by Cllr. Fidelis Doherty 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 Garrandarragh, Mullinavat, Co. Kilkenny as identified on the attached Map to Peter Purcell, Garrandarragh, Mullinavat, Co. Kilkenny for Nil consideration and Kilkenny County Council will be responsible for all legal costs associated with the transfer. Combined Plot measures 0.117 ha." [Notice sent to members on the 1st April, 2019]

- (iii) It was proposed by Cllr. Pat Dunphy seconded by Cllr. Tomás Breathnach and agreed:

"That, in accordance with Section 183 of the Local Government Act, 2001, Kilkenny County Council approves of the disposal of its interest in a plot of ground at Chapel View, Mooncoin, Co. Kilkenny, which measures approx. 0.05 acre, as identified on the attached map, to Maria Tobin, 1 Chapel View, Mooncoin, Co. Kilkenny, for the nominal sum of €10.00 (ten euro) with the Purchaser being responsible for all legal costs associated with the sale, including those of Kilkenny County Council." [Notice sent to members on the 1st April, 2019]

- (iv) It was proposed by Cllr. Malcolm Noonan seconded by Cllr. Peter Cleere 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 Property at 3, Larchfield, Kilkenny to Danielle MacEaney, Tinvaun, Stoneyford, County Kilkenny for Nil Consideration with Danielle MacEaney being responsible for all legal costs associated with the sale." [Notice sent to Members on the 2nd April, 2019]

(b) **Planning**

(i) **N24 Tower Road Junction Improvement Scheme - Part 8 Report**

Mr. Seamus Kavanagh, Senior Engineer gave a PowerPoint presentation on the Part 8 Planning process. In his presentation he gave an overview on the N24 Tower Road Junction Improvement Scheme. He advised that this is a Safety Scheme and listed the proposed works subject to the Part 8 before the Members. He stated that the objectives of this proposed scheme is to reduce accidents, provide safe junctions, end right turning movements across N24 traffic lines and reduce traffic from the Ink Bottle Junction to the Tower Road Junction.

He advised that 9 submissions have been received. The main points in the submissions related to land take, Ink Bottle Junction, traffic issues on the Tower Road and issues specific to individual residents. It is estimated that subject to funding and relevant approvals that the project will take 2 years to complete. He recommended the Part 8 be approved by the Members.

Contributions were received from Cllrs. E. Aylward, P. Dunphy, M. O'Neill, A. McGuinness, F. Doherty, P. Fitzpatrick, MH Cavanagh, D. Kennedy, B. Gardner and T. Breathnach.

The issues raised by Members related to:

- Amount of land required.
- Consultation - not enough.
- Impact on local properties.
- Concerns of locals not listened to.
- Accommodation works for affected landowners/property owners.
- Road safety is paramount.
- Clarify why not single carriageway.

Cllr. Dunphy read out a letter received from Mr. Joe Malone re. proposed works.

Mr. Seamus Kavanagh responded to the issues raised by the Members and advised that the land take being considered is the minimum required. The

proposed works and road widths are in accordance with current guidelines. There will be consultation in regard to accommodation works as the scheme progresses. If a full safety scheme is not approved TII will not fund any other proposed scheme.

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

"We the members of Kilkenny County Council approves 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 N24 Tower Road Junction Improvement Scheme, as circulated."

(ii) **Proposed Part 8 Housing Projects at Freshford & Graiguenamanagh**
Ms. Eimear Cody, Senior Executive Engineer presented a PowerPoint presentation to the Members on 2 housing schemes in planning. In her presentation she gave an overview on:

- Proposal for 5 houses, playground and access to GAA field in Freshford, 3 - 2 bed units 2 storey and 2 - 2 bed bungalows.
- Housing list and current demand in Freshford.
- Ongoing discussions with GAA re. access and provision of land.
- Proposed demolition of former Graiguenamanagh Fire Station, build 2 new apartments on site.
- Housing list and current demand in Graiguenamenagh.

Ms. Mulholland advised that the Council is looking at infill sites for development of small projects. She advised that the provision of playground in Freshford is long overdue. Discussions are ongoing with the GAA who are providing some land and the Playground Committee.

Contributions were received from Cllrs. M. McCarthy, S. Tyrrell, M. O'Neill, MH Cavanagh, M. Shortall, P. Fitzpatrick, P. Millea and F. Doherty in relation to:

- Vehicular access to GAA field, car parking
- Welcome progress on playground.
- Ensure houses are disability friendly.
- Concerns that heating is oil or gas and not solid fuel.

Ms. Mulholland and Ms. Cody responded to the issues raised by the Members.

Ms. Cody advised that all new houses will be "A" rated under current building regulations, heating is provided by heat pumps, there is no need to have stoves.

Ms. Mulholland advised that the playground adjacent to the GAA grounds is a good solution. The site will be configured to ensure safety for all users. The playground will be to a scale to suit the community in Freshford. It is intended to commence Part 8 Planning shortly and there will be an open day planned for consultation.

All Members were in agreement to commence the Part 8 process.

(c) (i) **Road Works Scheme 2019**

Mr. Tim Butler, Director of Services presented the Road Works Scheme for 2019. He advised that the programme of work has been discussed with each Municipal District and it is now recommended that it be adopted by the full Council.

Contributions were received from Cllrs. P. Dunphy, M. Shortall, M. O'Neill, M. Doran, P. Cleere, E. Aylward and P. Fitzpatrick in relation to the following:

- Lack of funds for Public Lighting and Footpaths.
- Changes in the discretionary spending in the Restoration Improvement Grant.
- No Road Sweeper in the Piltown Municipal District.
- Reduced Road Workers in the Areas.
- Additional funding for LIS & CIR.

It was proposed by Cllr. Pat Dunphy, seconded by Cllr. Maurice Shortall and agreed:

"We the members of Kilkenny County Council approves the Roadworks Scheme for 2019, as circulated."

(d) (i) **Amenity Grants**

Mr. Sean McKeown presented the report on all the applications received for funding under the 2019 Amenity Grants Scheme. He advised that an amendment is required to the Danesfort Cross Community. The allocation should read €900 and not €500.

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Peter Cleere and agreed:

"We the members of Kilkenny County Council approve the Amenity Grants 2019 in accordance with the list circulated."

Cllr. Eamon Aylward thanked Claire Murphy and all the Parks staff for their input into the Amenity Grant Scheme.

(e) (i) **Events Grants**

Ms. Mary Mulholland presented the report on the Event Grant Scheme for 2019. She advised that a number of changes are being made to the document issued to the Members.

It is proposed to reduce the amount proposed in the report by €100 each to applications numbered 27, 32 & 33 and to increase the amount proposed in the report by €100 each to applications numbered 6, 29 & 83 as there is a community element to these applications.

Contributions were received from Cllr. Maurice Shortall in relation to funding to Ballyragget for the St. Patrick's Day events. Mr. Butler advised that there are 4 applications to be considered for funding under the St. Patrick's Festivals budget.

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Tomás Breathnach and agreed:

"We the members of Kilkenny County Council approve the Events Grants 2019 in accordance with the list circulated."

- (f) (i) **Achievements of Kilkenny County Council 2014 - 2019**
Mr. Tim Butler advised that a copy of the Achievements of Kilkenny County Council for the past 5 years has been circulated to all Members for their information.

It was agreed that the PowerPoint presentation would be circulated and Members can review it in their own time.

(ii) **Chief Executives Monthly Report**

Ms. Colette Byrne presented her monthly Chief Executive Report. Mr. Sean McKeown advised that the grants under building Heritage Investment Schemes on page 5 are incorrect due to a typing error. The correct list has been circulated at the meeting today.

Queries were raised by Cllrs. P. Dunphy, T. Breathnach, M. Noonan, B. Gardner, M. O'Neill, M. Shortall, P. Fitzpatrick, S. Tyrrell and E. Aylward in relation to the following:

- Carrick Road, Mooncoin, status of project.
- Centre for Design/National Centre for Traditional Building Skills.
- Submission to Heritage 20/30 Plan.
- Western Environs - Provision of Water Services.
- Pollution on River Nore in 2018.
- Statutory Assessment for Housing.
- Number of Tenancies in HAP and number of inspections undertaken by Kilkenny County Council.
- Number of new houses planned by Kilkenny County Council.
- Lack of progress in taking in charge, no public lights being repaired in Estates.
- First Responder - CLAR Funding
- Tenant Incremental Purchase Scheme.
- Community Playground in Gowran/ball wall in Bradog Way.
- Progress - Pedestrian bridge in Castlecomer.
- Status on Mullinavat Waste Water Treatment Plant.
- Inspection on HAP tenancies, any penalty in place.

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

3. **Correspondence**

Members were advised that a letter has been received from Irish Rural Link in relation to National Broadband Plan. This letter was circulated by e-mail to all.

4. **Business Adjourned From a Previous Meeting**

None.

5. (i) **Schedule of Meetings from April 2019 to July, 2019**

It was proposed by Cllr. Peter Cleere seconded by Cllr. Tomás Breathnach and agreed.

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

None.

7. **Other Business set forth in the Notice convening the Meeting-**
None.
8. **Conferences – Request for approval to Attend**
No conferences listed for approval.
9. **Matters Arising from Minutes**
Cllr. Fitzpatrick requested that Notice of Motion No. 12 (19) be circulated to all Local Authorities. This was agreed.
10. **Any Other Business**
None.
11. **Notices of Motion**

13 (19) Cllr. David Kennedy

It was proposed by Cllr. David Kennedy seconded by Cllr. Sean Tyrrell and agreed:

“That Kilkenny County Council ask the Minister for Communications that they abandon their plan for a roll out of a costly fibre optic broadband that will be outdated by the time they roll it out instead they should look at the upgrading and improving the current 3G and 4G that will give people in rural Ireland a reliable internet connection.”

Mr. Martin Prendiville advised that this Notice of Motion is premature. The National Broadband Plan is awaited. All businesses want fibre optic broadband and if Kilkenny is to attract new business we would be at a serious disadvantage if we don't have it.

Contributions were also received from Cllrs. M. O'Neill, M. Doyle, P. Dunphy, M. Shortall, B. Gardner, A. McGuinness and F. Doherty in relation to:

- availability of fibre optic broadband for rural areas.
- improving the current 3G & 4G, this will still not be available across the whole county.
- Availability of 5G

Mr. Steve Coverdale advised Members that 5G is only an urban solution. Provision of fibre optic will be available to the majority of people.

Cllr. David Kennedy agreed to defer the Notice of Motion pending release of the National Broadband Plan.

14 (19) Cllr. Pat Dunphy

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

“That Kilkenny County Council agree a policy to deal with the many complaints of speeding we receive from almost every village in the county. As this is an ongoing complaint we need to form a policy that will assist in curbing speeding within speed limit zones in villages and rural areas”.

Cllrs. P. Dunphy, P. O'Neill, F. Doherty, M. O'Neill, M. Shortall, E. Aylward and T. Breathnach spoke on this motion.

They agreed that a plan/ policy needs to be in place as there is a lot of complaints in relation to speeding. Enforcement is not the solution. Driver behaviour needs to change and more signage.

Mr. Butler advised that the Council has a Road Safety Plan in place. A review of this plan will commence in 2020. The issues will be discussed at the SPC and it is intended to revisit safety issues around schools.

15 (19) Cllr. Pat Dunphy

It was proposed by Cllr. Pat Dunphy, seconded by Cllr. John Brennan and agreed:

"That Kilkenny County Council will consider installing public lighting within villages that have extended beyond their original place and where public lighting stops in within the old village area. Two examples are Owing and Templeorum in Piltown."

Cllrs. P. Dunphy, J. Brennan, M. O'Neill, S. Tyrrell, M. Shortall, E. Aylward and T. Breathnach spoke on this Notice of Motion.

All Members agreed that the Council needs to put a fund in place to provide for additional lights in towns/villages and replacement of old lights.

Mr. Tim Butler advised that the cost of a new light is €5,000. It is a matter for each Municipal District to provide a fund for additional lights. There is an LED replacement programme under way in Kilkenny and 40% of existing lights have been replaced to-date. Remaining lights in Kilkenny will be replaced by 2021.

16 (19) Cllr. Sean Tyrrell

It was proposed by Cllr. Sean Tyrrell, seconded by Cllr. David Kennedy and agreed:

"This motion calls on Kilkenny County Council to use powers contained in the Housing Act 1996 to acquire derelict homes that are vacant, repossessed or abandoned as part of the local authority's obligation to provide housing".

Cllr. Sean Tyrrell spoke on the motion.

Ms. Mulholland advised that any person can register on a national website if they have a vacant house. The council has a Vacant Homes Officer, Evelyn Graham and she has commenced the identification of houses that can be taken back and used. She is also available to assist home owners if they want to bring the house back into use. The Council will use any powers available to acquire vacant houses. There is currently a number being progressed under the Derelict Sites Act – CPO process.

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

It was proposed by Cllr. Peter Cleere seconded by Cllr. David Kennedy and agreed that Notices of Motion 08 (19) to 09 (19) be taken as read and noted.

08 (19) Waterford City & County Council

"That Waterford City and County Council calls on Government to immediately abandon any decision to proceed to Phase 2 development of National Children's Hospital. This, pending a new full site and project review by an international independent group of healthcare experts chosen from a panel politically approved by a cross party committee."

09 (19) Tipperary County Council

"I am calling on the Minister for Justice to introduce a cap on the number of times that a repeat offender can avail of free legal aid."

That concluded the business of the meeting.

