

MINUTES OF ORDINARY COUNCIL MEETING HELD ON MONDAY, 18TH FEBRUARY, 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, Ger Frisby, Pat Fitzpatrick, Breda Gardner, David Kennedy, Joe Malone, Andrew McGuinness, Michael McCarthy, 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, & Anne Maria Walsh.

Cllr. Aylward opened the meeting at 300 p.m.

On the proposal of Cllr. Fidelis Doherty, seconded by Cllr. Maurice Shortall it was agreed to adjourn the meeting for five minutes.

1. Confirmation of Minutes

(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 21st February, 2019

Proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Fidelis Doherty and agreed:

"That the Ordinary Meeting of Kilkenny County Council held on Monday, 21st February, 2019 as circulated with the Agenda be and are hereby approved".

Cllr. Aylward extended congratulations to the following:

- Dunamaggin GAA on winning the Junior Club Championship.
- Sean & Gretta Power, Clonmangagh on winning CIE Tours Bed & Breakfast Award.

Good wishes were extended to:

- Ballyhale Shamrocks for the final on St. Patrick's Day.
- All those involved with the St. Patrick's Day Festivities and encouraged everyone to partake.

Cllr. Aylward offered votes of sympathy to:

- Denis Lawlor & Family on the death of his brother Karol Lawlor.
- The family of the late Anastatia Kinsella, Paulstown [aunt of Cllr. Pat Fitzpatrick].
- Cora Long & Family on the death of her husband Martin Long.
- The family of the late Pat Dwyer, Glenmore.
- The family of the late Pat Ryan, Tullogher.
- The family of the late Margaret Freyne, Glenmore.
- The family of the late May Hartley, Tullogher.
- The family of the late Tony Murphy, Glenmore.

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

(i) It was proposed by Cllr. John Brennan seconded by Cllr. Joe Malone 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 the disposal of its interest in the dwelling at Chatsworth, Clogh, Castlecomer, Co. Kilkenny to Anthony & Patrick Flanagan, 11, Haltigan Terrace, Kilkenny. [Notice sent to Members on the 1st February, 2019].

- (ii) It was proposed by Cllr. Joe Malone seconded by Cllr. Melissa O'Neill 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 measuring approx. 0.04 acre as identified on the enclosed map, at Waterford Road, Kilkenny to Charlie Cullen, Waterford Road, Kilkenny for the sum of €5,000 (five thousand 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 4th February, 2019].

- (iii) It was proposed by Cllr. Breda Gardner seconded by Cllr. Joe Malone 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 plots of ground at Newtown, Littleton, Co. Tipperary as identified on the attached map, to James Bourke, Newtown, Littleton, Co. Tipperary for Nil consideration with each party being responsible for their own legal costs associated with the sale. Combined plots measure 0.511 hectare." [Notice sent to Members on the 4th February, 2019].

(b) **Planning**

- (i) **Taking in Charge: Kilfera Court, Raggettsland & Kilfera, Co. Kilkenny**

It was proposed by Cllr. Andrew McGuinness, 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: Kilfera Court, Raggettsland and Kilfera, Co. Kilkenny. (10 Units)

- (ii) **Taking in Charge of The Greens, Thomastown, Co. Kilkenny**

[Realigned section of Local Road only].

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Breda Gardner and agreed that:

"We, the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following development in accordance with Section 11 of the Roads Act, 1993". Developments: TC59 Taking in Charge of The Greens, Jerpoint West, Thomastown, Co. Kilkenny (Realigned section of Local Road only)

- (iii) **Taking in Charge of Inis Alainn, Fiddown, Co. Kilkenny**

It was proposed by Cllr. Pat Dunphy, seconded by Cllr. Fidelis Doherty and agreed that:

"We, the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following development in accordance with Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning and Development Acts 2000 to 2018". Developments: TC112 – Inis Alainn, Fiddown, Co. Kilkenny.

A number of queries in relation to Taking in Charge were received from Cllrs. Breda Gardner, David Kennedy, Andrew McGuinness and Maurice Shortall in relation to works required, site resolution plans for unfinished estates, difficulties engaging with Developers, wall and re-alignment of the road at the Greens Thomastown.

Mr. Sean McKeown responded to all the queries raised and agreement to give more detail on works carried out by the Council in the estates being taken in charge.

It was further agreed that a report on all housing developments in the process of taking in charge will be given at each Municipal District meeting.

(c) (i) **Chief Executives Monthly Report**

Ms. Colette Byrne presented her monthly report to the Members. Contributions/queries were received from Cllrs. P. Cleere, M. Shortall, M. O'Neill, F. Doherty, M. Doyle, M. McCarthy, B. Gardner, D. Kennedy, MH. Cavanagh, P. O'Neill, J. Malone, A. McGuinness, P. Dunphy, M. Noonan, S. Tyrrell, E. Aylward and T. Breathnach on the following:

- Paint the Town Scheme.
- Part 8: Pedestrian Bridge in Castlecomer.
- First Responders – CLÁR Funding.
- Status New Ross By Pass.
- Welcomed the visit of the Minister for Housing to County Kilkenny.
- Restrictions on business in Thomastown with works on the Culvert.
- Propose Rates strike off for the period of disruption for businesses in Thomastown.
- Welcome funding of €2.1m for Thomastown under Rural Regeneration.
- Clarify costs of works on Culvert in Thomastown.
- Castlecomer Traffic Management Plan.
- Improve communication with affected businesses when Council is carrying out any works in the City & County, increase level of consultation.
- Status of works to Tower Junction, N24 Realignment, Rathkieran Junction.
- Illegal dumping.
- Fixed penalty notices for littering.
- Grass cutting – support bio diversity and additional signage for projects.
- Waste Management Enforcement – more surveillance, level of detection has increased and increasing litter fines issued.
- Separate development Plan for Kilkenny City.
- Centre for Traditional Building in Kilkenny.
- Level of Anti-Social behaviour in social housing.
- Pesticide Prevention Presentation to SPC5.
- Ferrybank Playground.
- Spring Clean Up.
- Three Sisters Marine Project.
- Removal of discretionary works under Road Grant allocation.
- Northern Ring Road Extension 0 what is next stage and timeframe, how much has been spent to-date.

A number of Members contributed to a proposal made by Cllr. Michael Doyle, seconded by Cllr. Breda Gardner that Rates would be deferred for businesses affected by the works to the culvert in Thomastown as a gesture of good will.

Mr. Butler gave an update on the works proposed, cost of works and time period involved.

Mr. Martin Prendiville advised that a budget for 2019 has been adopted by the Members in 2018. This proposal is not legal as there is an Adopted Budget in place. The Council engage with all ratepayers who have difficulties in paying rates and agree a payment plan with them. The proposal as outlined would set a precedent for all ratepayers. The Council has and will continue to have works ongoing in all towns and villages across the County.

There has not been a deferral or strike off of rates where improvement works are being carried out.

Ms. Colette Byrne advised that the Council cannot go back now and change an adopted Budget.

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

(ii) **Service Delivery Plans 2019**

Mr. Tim Butler presented the Services Delivery Plan for 2019. He advised the meeting that the Plan outlined the programme of works to be undertaken by each Directorate in 2019. This is in line with the objectives of the Corporate Plan and with the Budget adopted for 2019 by the Members.

Contributions were received from Cllrs. Malcolm Noonan, Tomás Breathnach and Maurice Shortall in relation to the following:

- Use of Mayfair Building for Library and future of Carnegie Library.
- Bus Shelters in rural areas and rural transport links.
- Cycle lanes on approach roads to Waterford City.
- Water Quality Monitoring.
- Water Services Capital Projects.
- Retrofitting Programme for houses.
- Harmonisation of Rent Scheme.
- Upgrading facilities in Fire Stations.

Mr. Tim Butler and Ms. Mary Mulholland responded to the issues raised by the Members. Ms. Mulholland advised that a number of projects will be undertaken in the various service areas which have been included in policy documents and service plans already adopted by the Members such as Section 26 Plan under Fire Services Act. Mr. Butler advised that there will be ongoing engagement with Irish Water in relation to progressing capital projects and upgrades to current schemes. Kilkenny County Council is involved with KLP in relation to a bike scheme for Kilkenny City and with National Transport Authority in relation with rural transport links. The Smarter Travel Plan will be reviewed during the year and improvements to roads in the Ferrybank area will be undertaken with funds approved under the Urban Regeneration Development Fund.

Ms. Mulholland further advised the Members that rent schemes with the Council and former Borough Council are being harmonised over a few years. She advised that the locations of houses retrofitted will be issued to Members. It was agreed by Members to provide new Library at the Mayfair Building and Carnegie Library will remain for Library purposes.

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Malcolm Noonan and agreed:

"That the Draft Service Delivery Plan for 2019 is hereby approved by the members of Kilkenny County Council."

(iii) **Report on Changes to Register of Electors**

Cllr. Eamon Aylward advised that the report on Changes to the Register of Electors following the Local Electoral Boundary Committee Review has been circulated for Members information. Any query can be made to Corporate Services.

A number of queries were raised by Cllrs. David Kennedy, Malcolm Noonan and Fidelis Doherty in relation to the Supplementary Register and encouraging people to vote.

Mr. Butler responded to the queries raised. Ms. Anne Maria Walsh advised that there is currently a national public consultation in progress on Reform of the Electoral Registration Process. Closing date for receipt of submissions is 15th March, 2019. Details will be circulated to the Members.

(d) (i) **Arts Act Grants 2019**

Ms. Mary Mulholland referred to report circulated with the Agenda and advised that it is recommended that 18 grants be awarded to a total value of €15,817. An assessment panel reviewed all 27 applications received.

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Malcolm Noonan and agreed:

"That Kilkenny County Council approves the allocation of €15,817.00 to the 18 applicants approved under the Arts Grants 2019, as per report circulated".

(ii) **Festival Grants 2019**

Mr. Sean McKeown presented report on the Festival Grants allocation for 2019. He advised that a provision of €95,000 is available for all grants. €76,000 for Festivals and €19,000 for Community Events. He recommended approval of 15 grants for funding in the amount of €76,000.

It was proposed by Cllr. Andrew McGuinness seconded by Cllr. Maurice Shortall and agreed:

"That the Festival & Event Grants 2019 totalling €76,000 are hereby approved by the Members of Kilkenny County Council, as per report circulated."

3. **Correspondence**

Ms. Anne Maria Walsh advised that responses received from the Department of Housing, Planning & Local Government and Department of Rural & Community Development has been circulated to all Members.

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

None.

5. (i) **Schedule of Meetings from July, 2018 to October, 2018**

It was proposed by Cllr. Melissa O'Neill seconded by Cllr. John Brennan and agreed.

(ii) **Agree dates for Cathaoirleachs Receptions**

Cllr. Aylward advised that the CPG has recommended subject to Council approval to the following Cathaoirleach's Receptions:

(a) Dunamaggin GAA Hurling Club and Ballyhale/Shamrocks Hurling Club on Monday, 25th March, 2019 at 6.00 p.m.

(b) Mullinavat and South Kilkenny Comhaltas Ceoltoirí on Friday, 29th March, 2019 at 5.00 p.m.

It was proposed by Cllr. Eamon Aylward, seconded by Cllr. Joe Malone and agreed to afford reception to the three groups.

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**
Schedule of Conferences circulated with the Agenda was proposed by Cllr. Fidelis Doherty seconded by Cllr. Maurice Shortall and agreed.
9. **Matters Arising from Minutes**
It was agreed to correct Minutes of Meeting under Item 2 (d) (i) – change July 2012 to July 2014.
10. **Any Other Business**
Cllrs. Breda Gardner and David Kennedy welcomed the funding allocation under Rural Regeneration Development Fund for Thomastown and thanked all involved in preparing the application.
11. **Notices of Motion**
Cllr. Aylward advised that he is taking both of these notices together.

It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Breda Gardner and agreed:

01 (19) Cllr. Fidelis Doherty

"That Kilkenny County Council, noting the recent Cervical Check Scandal, calls upon the Minister for Health, Simon Harris, and An Taoiseach, to acknowledge, support and respond in detail to the demands of the Standing 4 Women Campaign. These include Legislation and policy on mandatory open disclosure independent of the patient safety bill, provision of a start and end date and full disclosure on the 1800 smears yet to be audited, and the breakdown of the new packages being negotiated laboratories carrying out smear slide analysis including mandatory site audits."*

02 (19) Cllr. Breda Gardner

"That Kilkenny Council noting the recent Cervical check Scandal, calls upon the Minister for Health and An Taoiseach to acknowledge, support and respond in detail to the demands of the standing4Women Campaign. These include:

Legislation and policy on mandatory open disclosure independent of the Patient Safety Bill. Provision of a start and end date and full disclosure on the 1800 smears yet to be audited and a breakdown of the new packages being negotiated with laboratories carrying out smear slide analysis including mandatory site audits."

Cllrs. Fidelis Doherty, Breda Gardner, Melissa O'Neill and Sean Tyrrell contributed to these Notices of Motion.

03 (19) Cllr. Melissa O'Neill

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

"That Kilkenny County Council adopt a policy regarding all sporting funding from all LCDC Council fundings that are given to any sporting organisation to have disability inclusion programmes included as criteria for funding, so funds do not only benefit one club or sport but have a more integrated sports focus which takes into account the wider needs of the community with an emphasis on disability."

Contributions were received from Cllrs. M. O'Neill, B. Gardner, P. Dunphy, E. Aylward, S. Tyrrell, P. Cleere and D. Kennedy in relation to this motion.

Ms. Mary Mulholland advised that the LCDC is an independent entity. Kilkenny County Council cannot adopt a motion on how LCDC should disperse these funds. She advised that Kilkenny County Council, in allocating Council funds, do consider disability inclusion. It may not be possible for all projects to comply with National Disability Standards as the cost of work may increase significantly. Local communities may not be able to fund the requested works for local responses.

Most projects undertaken can be accessed by all people including disability. Members advised that all sporting organisations have a social inclusion policy where all people are welcome to avail of the facilities. Ms. Colette Byrne advised that the LCDC is independent of the Council and the Council cannot instruct them on this issue.

Cllr. Melissa O'Neill requested that her motion be amended to the following:

"That Kilkenny County Council adopt a policy that any Council funding given to sporting organisations to have disability inclusion programmes included as criteria for funding, so funds do not only benefit one club or sport but have a more integrated sports focus which takes into account the wider needs of the community with an emphasis on disability."

This was seconded by Cllr. Breda Gardner.

Cllr Aylward called for a vote on the amended motion.

Voting in Favour [2] *Breda Gardner & Melissa O'Neill*

Voting Against [13] *Michael McCarthy, Peter Cleere, Michael Doyle, David Kennedy, Andrew McGuinness, Patrick O'Neill, Sean Tyrrell, Malcolm Noonan, Eamon Aylward, Tomás Breathnach, Fidelis Doherty, Pat Dunphy, Ger Frisby.*

The Motion was defeated.

04 (19) Cllr. John Brennan, Pat Dunphy, Pat Fitzpatrick, David Kennedy, Andrew McGuinness, Patrick McKee & Malcolm Noonan

It was proposed by Cllr. Malcolm Noonan seconded by Cllr. David Kennedy and agreed:

"That Kilkenny County Council should write to the Minister requesting that he support Brian Stanley's Private Members Bill on micro-electricity generation that is currently going through the Dáil."

Cllrs. Noonan and Kennedy spoke on this motion.

05 (19) Cllr. Michael McCarthy

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

"That Kilkenny County Council alert the public, via the Council's website and in the press and local radio, to the need for adequate "Fire Brigade call out" insurance cover on their houses and business premises."

Cllr. Sean Tyrrell spoke on this motion.

06 (19) Cllr. Patrick McKee

This Motion was deferred to March Meeting.

07 (19) Cllr. Andrew McGuinness

It was proposed by Cllr. Andrew McGuinness seconded by Cllr. Sean Tyrrell and agreed:

"That Kilkenny County Council present an overview of lands to be developed in the Western Environs, to the Elected Members and the affected local communities, outlining the roads infrastructure, sites for housing development, potential impact on existing housing estates and local communities and provide details of the resources to be provided."

Mr. Tim Butler advised that a presentation would be given at the next Kilkenny Municipal District Meeting.

08 (19) Cllr. Fidelis Doherty

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

“That Kilkenny County Council calls on all the State Bodies of Ireland to position a ‘fada’, where it should be, in any given word in Irish, in all communications, and relevant places when printing words in Irish”

Cllr. Doherty spoke on this motion.

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

It was proposed by Cllr. Cleere seconded by Cllr. Malcolm Noonan and agreed that Notices of Motion 01 (19) to 05 (19) be taken as read and noted.

01(19) Donegal County Council

"I propose that Donegal County Council support the demands from the public for an Irish Language Act in the Six Counties and if the motion is carried, that this information is circulated to all the political parties in the Six Counties and to all the City and County Councils throughout the country."

02(19) Kerry County Council

"That this Municipal District write to the Taoiseach and all Cathaoirligh/Mayors of every county in Ireland to try and put a serious unified effort to Donald Trump to help the undocumented in America becoming citizens. I think there has to be more of an effort made than has been done in recent years."

03(19) Monaghan County Council

"That this Council asks the Minister for Health to request the Health Service Executive to include the Medical Report, required by a person over 70 applying for a driving licence for a car, to be included in the Medical Card services.

Currently, if you're under 70 the fee for a 10 year licence is €55. It is free for over 70's, but a Medical Report is required. This can cost €40-€60 for a visit to your G.P.

If the person over 70 has an illness that limits their licence to 1 year, that means a visit to the G.P. each year for 10 years, costing nearly 10 times the fee to an under 70's person."

04(19) Roscommon County Council

"It was agreed that a letter be sent to the Minister of Health, Mr. Simon Harris to bring forward legislation in the Dáil, to make it a Statutory entitlement that persons who qualify for Home Help Hours and Home Care Packages must be immediately provided for by the Health Services Executive."

05(19) Leitrim County Council

"I will ask the Elected Members for support in calling on the Minister for Health, Simon Harris, T.D. and the Minister for Education and Skills, Joe McHugh, T.D. to work together in providing Speech Therapy in our Primary and Post Primary Schools for children with special needs."

That concluded the business of the meeting.