

MINUTES OF ORDINARY COUNCIL MEETING HELD ON MONDAY, 15TH JULY, 2019 AT 3.00 P.M.

Chair: Peter Cleere.

Cllrs: Tomás Breathnach, John Brennan, Martin Brett, Mary Hilda Cavanagh, John Coonan, Deirdre Cullen, Michael Delaney, Fidelis Doherty, Matt Doran, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Ger Frisby, Denis Hynes, Joe Lyons, Joe Malone, Michael McCarthy, Andrew McGuinness, Eugene McGuinness, Malcolm Noonan & Patrick O'Neill.

Officials: Colette Byrne, Mary J. Mulholland, Tim Butler, Michael Delahunty, Frank Stafford, Adrian Waldron, Josephine Coyne, Joe Scully & Anne Maria Walsh.

Apology: Cllrs. Eamon Aylward & Michael Doyle.

1. Confirmation of Minutes

(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 17th June, 2019

Proposed by Cllr. Ger Frisby, seconded by Cllr. Andrew McGuinness and agreed:

"That the Ordinary Meeting of Kilkenny County Council held on Monday, 17th June, 2019 as circulated with the Agenda be and are hereby approved".

The Cathaoirleach wished all involved in Arts Week every success and all the Kilkenny Hurling & Camogie Teams the best in their championship over the next month.

He extended congratulations to:

- Michael Kirwan, Glenmore on winning the U/16 Poc Fada in Leinster.
- All involved in the concert in Nowlan Park on Sunday, 14th July. He thanked the Gardai & Order of Malta.

The Cathaoirleach reminded the Elected Members of the official opening of the Exhibition in the Medieval Mile Museum on Thursday, 25th July, 2019.

The Cathaoirleach extended votes of sympathy to:

- Tom McGrath on the death of his sister Patricia Neville, Stoneyford.
- Michael Morrissey on the death of his brother Dick Morrissey, Thomastown.
- Prendergast Family, Graiguenamanagh on the death of their mother.
- Siobhan Teehan & Family on the death of Bill Brennan
- Family of the late John Ryan, Slieverue.
- Family of the late John Holden, Glenmore
- Family of the late John Phelan, Glenmore
- Family of the late Pat Walsh, Mullinavat.
- Family of the late Bill Brennan, Freshford.
- Family of the late John Ryan, Castlecomer.

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

(i) It was proposed by Cllr. Fidelis Doherty seconded by Cllr. Tomás Breathnach 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 2 no. plots of land at Miltown, Dunkitt, Co. Kilkenny as identified on the attached Map to James Aylward, Miltown, Dunkitt, Co. Kilkenny for Nil consideration and Kilkenny County Council will be responsible for all legal costs associated with the transfer. Combined area of Plots measures 0.459 ha." [Notice sent to Members on the 24th June, 2019]

- (ii) It was proposed by Cllr. Andrew McGuinness seconded by Cllr. John Coonan 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 MacDonagh Junction Shopping Centre, Hebron Road, Kilkenny, as identified on the enclosed map, to Davy Real Estate, Davy House, 49 Dawson Street, Dublin 2, for the sum of €450,000 (four hundred and fifty thousand euros). This site measures approx. 0.44 ha. Each party will be responsible for their own legal costs associated with the sale." [Notice sent to Members on the 24th June, 2019].

- (iii) It was proposed by Cllr. Mary Hilda Cavanagh seconded by Cllr. Michael McCarthy 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 Twomileborris + Longfordpass North + Ballytarsna, Co. Tipperary to Coillte for nil consideration and with each party being responsible for their own legal costs associated with the sale. Combined Plots measure 2.48 ha / 6.12 acres." [Notice sent to Members on the 24th June, 2019].

- (iv) It was proposed by Cllr. Denis Hynes 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 land at Duninga, Goresbridge, Co. Kilkenny (as identified on the attached map) to Margaret Mullins, Duninga, Goresbridge, Co. Kilkenny for the nominal sum of €100 (one hundred euro) with the Purchaser being responsible for all legal costs associated with the sale, including those of Kilkenny County Council. Area measures 0.53 ha." [Notice sent to Members on the 24th June, 2019]

- (v) It was proposed by Cllr. Peter Cleere seconded by Cllr. Martin Brett 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 Brandondale, Graiguenamanagh, Co. Kilkenny (as identified on the attached map) to Graiguenamanagh Elderly Association Ltd, Gahan House, High Street, Graiguenamanagh, Co. 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. 2 No. Plots of land Plot A measures 0.83 acre and Plot B measures 0.8 acre." [Notice sent to Members on the 27th June, 2019].

- (vi) It was proposed by Cllr. Martin Brett 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 a garden plot at, 13 Wolfe Tone St. Kilkenny to Start Mortgages, Trimleston House, Clonskeagh, Dublin 4 for the nominal sum of €10, with the purchaser being responsible for all legal costs associated with the sale." [Notice sent to Members on the 4th July, 2019].

(b) **Planning**

(i) **Part 8: Mayfair**

Ms. Mary Mulholland presented the Chief Executive's Part 8 Report on the proposed redevelopment of the Mayfair Building for re-use as the Kilkenny City Library.

She advised that the Elected Members had been briefed on the proposal earlier in the year. Plans and particulars have been on public display between May & June 2019. Public information meeting was held on 30th May, 2019. Four submissions were received from third parties and three submissions were received from Statutory Bodies.

All issues in the submissions have been dealt with in the Chief Executive's Report.

Ms. Mulholland recommended that the Members approve the Part 8 Report and that Kilkenny County Council proceed with the proposed development.

Contributions were received from Cllrs. John Coonan, Andrew McGuinness, Martin Brett, Pat Fitzpatrick & David Fitzgerald in relation to the following:

- Parking at new Library – particularly for disabled.
- Future use of Carnegie Library.
- Retention of Library at Loughboy.
- Design new Library for use as performance space also.
- Carnegie Library – home for Kilkenny Archives and Photo Collection.
- Expand Service – Open Library.
- Timeframe for completion of project.
- Concerns – removal of car park at Watergate for businesses in Irishtown.
- Review Master Plan for Abbey Quarter to provide for car parking, bus park.

Ms Mulholland responded to the issues raised by the Elected Members and advised that "Blue Badge" parking will be available near the new Library. The loss of spaces in the Watergate car park will facilitate the public plaza in front of the Library. It is expected that if all goes to plan the completion of a new Library would be approx. in 2022. The redevelopment of Carnegie Library will be moved forward and will continue to be used for Library purposes. Loughboy Library will also be retained.

Mr. Butler advised that RoadPlan have been appointed to look at parking strategy. It is expected that a report will be available to Members later in the year.

It was proposed by Cllr. John Coonan, seconded by Cllr. Andrew McGuinness and agreed that:

*"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 the **Redevelopment of the Mayfair Building, Abbey Quarter** as circulated."*

(c) (i) **Graveyard Grants**

Mr. Frank Stafford advised Members that the budget allocations for Graveyard Grants is €10,000. An amount of €9,100 has been allocated in Phase 1. There is a balance of €900. 41 applications were received in 2019. 5 applications have been deemed ineligible. It is now recommended that €900 be allocated to the graveyard in Bennettsbridge.

Cllrs. Patrick O'Neill & Deirdre Cullen spoke on the need to fund Voluntary Groups. Work has been ongoing over the last few years on cleaning up this historical graveyard by local volunteers.

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

"That Kilkenny County Council approves the payment of Graveyard Grants 2019 in the sum of €900 in accordance with the list circulated to the Members."

(d) (i) **Section 85 Agreement: Graiguenamanagh Flood Relief Scheme**

Mr. Tim Butler advised that funding in the amount of €9.06 million has been approved for the Flood Relief Works on both sides of the River Barrow in Carlow and Kilkenny. Two Engineers have been appointed for the Flood Relief Schemes. It is intended to go to tender for design and construction of a Flood Relief Scheme. Kilkenny County Council will be the lead authority and it is recommended that the Council enter into a Section 85 Agreement with Carlow County Council.

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Deirdre Cullen and agreed that:

"That Kilkenny County Council enters an agreement under Section 85 of the Local Government Act, 2001 with Carlow County Council to facilitate the design and construction of a Flood Relief Scheme for Graiguenamanagh/Tinnahinch".

(e) (i) **Community & Culture Capital Facility Grant Scheme 2019**

Mr. Michael Delahunty referred to the report circulated to Members in relation to applications received for funding under the Community & Cultural Facilities Capital Scheme. He advised on the following:

- 16 applications received seeking funding of €526,000.
- Budget of €250,000 available.
- Applications assessed and evaluated in accordance with criteria agreed by the Elected Members.
- Applications were ranked in order of priority.
- Seven applications now recommended for approval.
- Discussions will take place with the unsuccessful groups to explore other streams of funding.

Contributions were received from Cllrs. Peter Cleere, Michael McCarthy, Pat Fitzpatrick, Pat Dunphy, Deirdre Cullen, Fidelis Doherty, Tomás Breathnach, Patrick O'Neill, Andrew McGuinness, Mary Hilda Cavanagh & Joe Lyons.

Members complimented the Director of Services and all the staff in the Community Department for the work in assessing the applications.

The following issues were raised:

- Not sufficient budget available.
- Engagement with unsuccessful groups, explore other sources of funding.
- More information on Marking Scheme.
- Review criteria of Scheme to deal with areas of smaller population.

Mr. Delahunty responded to the issues raised.

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

"That the Community & Culture Facilities Grants as outlined in the Report circulated at the meeting held on 15th July, 2019, are hereby approved."

(f) (i) **Chief Executive's Monthly Report**

Ms. Colette Byrne presented her monthly Chief Executive Report. A number of contributions were received from Cllrs. Pat Dunphy, Peter Cleere, Malcolm Noonan, John Coonan, Joe Malone, Pat Fitzpatrick and Fidelis Doherty in relation to the following:

- Update of Carrick Road, Mooncoin Scheme.
- Collection of bulky items at Grannagh Amenity Centre on a more regular basis.
- Pollinator Plan – welcome increase in areas where grass is not cut in City.
- Monitoring Storm overflow in Kilkenny City.
- Untreated waste water entering River Nore.
- Request Irish Water to attend Plenary Council Meeting.
- Complimented work of Irish Water Safety Committee, training of lifeguards.
- Timeframe for completion of New Ross By Pass.
- Report on Abbey Quarter for September Meeting.
- Facilitate visit to Abbey Quarter site.

Mr. Butler responded to the issues raised in relation to Roads and Water Services.

Ms. Byrne updated Members on the recent appointment of Mythen Construction for the renovation works on the Brewhouse. Work commenced on site this morning.

It is expected that work will commence on Riverside Park/Skate Park in September/October 2019. Work is progressing on the design of the Urban street with a view to submitting a Part 10 Planning Application to Bord Pleanala.

A sod turning ceremony will take place in the next few weeks.

Ms. Byrne acknowledged all the work of Tony Lauhoff and Martin Prendiville over the last few years and also the Members for supporting the vision for this significant urban site. Funds have been secured under the Urban Regeneration Fund.

Ms. Byrne advised that she will liaise with the Environment Section in relation to collection of bulky items in Grannagh.

She advised that arrangements will be made for site visits to Evans Home and Abbey Quarter site. It is intended to use the newly refurbished Evans Home for a Jobs Fair in the New Year.

(ii) **Allowance Payable to Cathaoirleach & Cathaoirleach's of Municipal Districts**

Mr. Tim Butler advised that approval to the payment of allowance to the Cathaoirleach is required by the Elected Members. Details are set out in the Report circulated with the Agenda.

It was proposed by Cllr. Michael McCarthy, seconded by Cllr. Joe Malone and agreed:

"That the Allowance payable to Cathaoirligh of Local Authorities and Municipal Districts as outlined in the Report circulated at the meeting held on 15th July, 2019, are hereby approved."

(iii) **Naming & Commemorative Memorial Assessment Committee**

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Martin Brett and agreed to defer this item until the September Meeting.

(iv) **Appointment of External Members to Audit Committee**

Mr. Tim Butler presented his report on the appointment of three external members to the Audit Committee. Details are contained in the report circulated with the Agenda.

It was proposed by Cllr. Matt Doran, seconded by Cllr. Andrew McGuinness and agreed that the three external members be re-appointed to the Audit Committee as set out in the Report dated 9th July, 2019.

(v) **Draft Strategic Policy Committee Scheme**

Mr. Tim Butler advised that it is a reserved function of the Council to adopt a SPC. Approval of the Members is required on the draft to enable it to go on public display for consultation. Draft will also be circulated to the PPN and National Pillars for their comments. It is intended that the draft scheme will be adopted at the September meeting.

Cllr. Andrew McGuinness proposed that there would be 8 Elected Members on SPC 3: Housing. This was seconded by Cllr. Joe Malone and agreed.

Cllr. Tomás Breathnach proposed a number of amendments to the text in points 1.1, 1.2, 2.1 and 6.15. These were seconded by Cllr. Denis Hynes and agreed.

Cllr. Noonan requested that Tidy Town Groups would be considered for representation under the Environment Pillar. Cllr. Fidelis Doherty agreed with this.

Mr. Tim Butler advised that the guidelines are set out by the Department and the National Pillars are listed in the guidelines in determining the representation. It would require a change in these guidelines to allow representation from the Tidy Towns through the Environment Pillar.

It was agreed by all to proceed to publish the draft SPC for public consultation.

3. **Correspondence**

Ms. Anne Maria Walsh stated that two letters were circulated for Members information.

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

None.

5. (i) **Schedule of Meetings from July 2019 to October, 2019**
It was proposed by Cllr. Fidelis Doherty seconded by Cllr. John Brennan 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**
Schedule of Conferences circulated with the Agenda was proposed by Cllr. John Brennan, seconded by Cllr. Deirdre Cullen and agreed.
9. **Matters Arising from Minutes**
None
10. **Any Other Business**
None.
11. **Notices of Motion**

24 (19) Cllr. Pat Fitzpatrick

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

"That Kilkenny County Council calls on the Minister for Health to immediately release all outstanding funds to allow the MRI Scanner Project in St Luke's Hospital to proceed without any further delay"

Cllrs. Pat Fitzpatrick and Patrick O'Neill spoke on this motion and sought support from the Members to call on the Minister to deliver on the MRI Scanner.

25 (19) Cllr. Andrew McGuinness & Cllr. Mary Hilda Cavanagh.

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

"That we the Members of Kilkenny County Council request an amendment of Standing Order number 60 as follows: "The media and public may attend SPC meetings. If the committee considers that matters warrant discussion in committee, the committee shall decide by at least half of the membership present that the meeting or part of the meeting be held in private session".

26 (19) Cllr. Andrew McGuinness

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Joe Malone and agreed:

"That Kilkenny County Council would investigate the possibility of using some of the land they own adjacent to McDonalds on the Hebron Road, or an alternative site in the area, to provide much needed parking on match days in order to prevent indiscriminate parking in the local area. That they would liaise with the GAA and relevant agencies to provide safe pedestrian access to such parking and that they would set about forming a committee consisting of local residents, representatives from the GAA, O'Loughlins Club, the Gardai, businesses in the Hebron Industrial Estate and Kilkenny County Council, to oversee the provision of a permanent solution to the ongoing issues of traffic management and indiscriminate parking in the vicinity of Nowlan Park and its surrounding areas."

Cllrs. Andrew McGuinness, Joe Malone, Martin Brett, Eugene McGuinness, Patrick O'Neill, Fidelis Doherty, David Fitzgerald, Matt Doran and Malcolm Noonan made contributions on the Notice of Motion.

The following issues were made.

- Need to regulate traffic in the area around Nolan Park.
- Indiscriminate Parking.
- Blocking emergency routes for Fire Brigade and Ambulances.
- Traffic Management Plan with the Gardai & GAA.
- Explore use of Council own lands for temporary car parks.
- Improved signage for existing car parks.
- Set up Committees.
- List on JPC Agenda for discussion and invite GAA reps to attend JPC.
- Park and Ride facility to use car parks outside the City.
- Responsibility lies with GAA to manage match day parking around the area.

Mr. Tim Butler advised that meetings are ongoing with the Gardai and GAA. Parking is available in existing car parks and people need to use them instead of parking adjacent to Nolan Park. Provision of temporary car park outside the Ring Road would not be safe as people would have to cross the Ring Road. We will continue to work with the Gardai & GAA.

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

It was proposed by Cllr. Martin Brett, seconded by Cllr. Fidelis Doherty and agreed that Notices of Motion 15 (19) from Clare County Council be taken as read and noted.

That concluded the business of the meeting.

CATHAOIRLEACH

DATE