

MINUTES OF ORDINARY COUNCIL MEETING HELD ON MONDAY, 20TH MAY, 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, Ger Frisby, Breda Gardner, David Kennedy, Michael McCarthy, Andrew McGuinness, Pat McKee, Joe Malone, Pat Millea, Malcolm Noonan, Melissa O'Neill, Maurice Shortall & Sean Tyrrell.

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

Apology: Cllr. Patrick O'Neill

1. Confirmation of Minutes

(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 15th April, 2019

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

"That the Ordinary Meeting of Kilkenny County Council held on Monday, 15th April, 2019 as circulated with the Agenda be and are hereby approved".

The Cathaoirleach extended votes of sympathy to:

- Family of the late Donal O'Brien [Former Town Clerk, Kilkenny Borough Council]
- Family of the late Pat Shortis, Newpark, Kilkenny [Freeman of Kilkenny City].
- Family of the late Mary Egan, Tullahought.

The Cathaoirleach commiserated with the Kilkenny Soccer Team who were defeated in the Oscar Traynor Cup.

He wished all candidates every good wish in the Local Elections on Friday, 24th May and to Cllr. Breda Gardner in the European Elections.

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

- (i) It was proposed by Cllr. Peter Cleere seconded by Cllr. Maurice Shortall 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 by way of long term lease in Property at The Watershed Sports Complex, Scanlon Park, Bohernatounish Road, Kilkenny to Kilkenny Local Authorities Leisure Complex Limited for an extended period of 10 years with each party to be responsible for their own legal costs. The extended period of 10 years will give The Watershed a further combined Lease period of 33 years up to 2042, and each party will be responsible for their own legal costs." [Notice sent to members on the 1st May, 2019]

- (ii) It was proposed by Cllr. Maurice Shortall seconded by Cllr. David Kennedy 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 by way of long term lease in Plot of ground at Newpark Close, Newpark Lower, Kilkenny to Newpark Close Community Development Ltd, for a period of 7 years with each party

to be responsible for their own legal costs. The plot of ground measures 0.0336 hectares." [Notice sent to members on the 1st May, 2019]

- (iii) It was proposed by Cllr. Joe Malone seconded by Cllr. Mary Hilda Cavanagh 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 Vicar Street, Gardens Td, Kilkenny as identified on the enclosed map, to Auburn Ventures Limited, T/A The Kilkenny Inn, Brightside, Glenamuck Cottage, Dublin 18. This area of land measures 654m². Auburn Ventures Ltd will in turn transfer an area of land which measures 398m² to Kilkenny County Council together with a payment of €70,000 to reflect the difference in area of the plots being exchanged. Each party will be responsible for their own legal costs associated with the sale."
[Notice sent to members on the 1st May, 2019]

Cllr. David Kennedy asked for clarification on the swap of land and what the site will be used for. Mr. Prendiville advised that the land swap is being used to square up site for Kilkenny County Council with an option to develop it in the future.

- (iv) It was proposed by Cllr. Michael Doyle seconded by Cllr. Maurice Shortall 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 3 no. plots of land at Inistioge to Irish Water, Colvill House, 24-26 Talbot Street, Dublin 1 and the disposal of the Council's interest by way of a Permanent Wayleave and Permanent Right of Way on a further 1 no. plot also to Irish Water, for the combined sum of €12,500 with Irish Water being responsible for all legal costs associated with the sale. Combined Sale Plots measure 0.353ha."
[Notice sent to members on the 1st May, 2019]

(b) **Planning**

(i) **Taking in Charge: Chapel View, Stoneyford, Co. Kilkenny**

It was proposed by Cllr. Matt Doran, 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 and in compliance with Section 180 of the Planning and Development Acts 2000 to 2018". Developments: TC55 – Chapel View, Stoneyford, Co. Kilkenny

Cllr. Shortall requested clarification of the length of time involved in taking in charges of developments. Mr. Sean McKeown advised that there are no time limits. Terms/Conditions of bond will determine the time.

(ii) **Proposed Part 8 Development of Library at Mayfair, Kilkenny**

Ms. Mulholland advised Members that the Part 8 Statutory Process has commenced for the development of the new Library at the Mayfair, Kilkenny. Wednesday, 26th June, 2019 is the latest date for receipt of submissions. Public consultation will take place shortly.

Queries were received from Cllrs. Melissa O'Neill and Malcolm Noonan in relation to the future of Carnegie Library, consultation on changes proposed and timeframes for commencement of work.

Ms. Mulholland reported that separate consultation will be carried out for the redevelopment of Carnegie Library. The statutory process for the Mayfair has commenced and there are specific timeframes to be complied within the Planning legislation.

- (c) (i) **Section 38: Road Improvement at Hugginstown**
- (ii) **Section 38: Road Improvement at Kilmacow**
- (iii) **Proposed Part 8: Village Enhancements in Piltown**

Mr. Tim Butler presented all his reports on the proposed improvement works for Hugginstown, and Kilmacow, Co. Kilkenny. He advised that Consultant Engineers were engaged. Submissions were received following community engagement and consultation.

Mr. Butler recommended that the proposed works in Hugginstown and Kilmacow be approved in accordance with Section 38(4) of the Road Traffic Act 1994.

Contributions were received from Cllrs. Tomás Breathnach, Pat Dunphy, Melissa O'Neill & Fidelis Doherty in relation to the following:

- Extending Public Lighting in Kilmacow.
- Further public consultation for proposed work is in Piltown.
- Speed Reducing Measures.
- Car parking at church in Kilmacow.
- Proposed commencement dates for work.

Members thanked Ian Gardner and staff in the Area Office for their input into their schemes.

Mr. Butler responded to the queries raised and advised that Phase 1 works will commence immediately. Grant funding is in place. Any extension of public lighting will have cost implications and this will have to be considered in future road work schemes.

He further the it was the intention of the Council to proceed to Part 8 for Piltown Urban Enhancement Scheme and advised that public consultations had been undertaken for the proposal works in advance of the statutory Part VIII process soon to commence.

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

"We the Members of Kilkenny County Council approve the proposed Road Improvement Works at Hugginstown in accordance with Section 38 of the Road Traffic Act 1994."

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Fidelis Doherty and agreed that:

"We the Members of Kilkenny County Council approve the proposed Road Improvement Works at Kilmacow in accordance with Section 38 of the Road Traffic Act 1994."

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

"We the members of Kilkenny County Council approves the commencement of 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 Village Enhancements in Piltown, as circulated."

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

Mr. Sean McKeown presented his report on the allocation of grants under the Graveyard Grant Scheme. He advised that 41 applications were received in 2019. Budget is €10,000. It is recommended that a grant be awarded to 35 applications. Further information is required on the other 6 applications. Grants will be awarded to these 6 applications at a later meeting.

Contributions were received from Cllrs. Maurice Shortall, Fidelis Doherty, David Kennedy, Melissa O'Neill, Malcolm Noonan, Pat Fitzpatrick, John Brennan, Patrick McKee, Mary Hilda Cavanagh and Breda Gardner in relation to the following:

- Budget not sufficient.
- Communities doing work for less money in 2019.
- Repairs to wall at Freyerstown and Ballinamara.
- Encourage Pollinator Plan, eliminate the use of roundup.
- Conservation of St. Mary's
- Protection of St. Rioch's Graveyard.
- Traditional Building Skills – use students.
- Need to have Five Year Plan.
- Council achieve savings elsewhere to put more money into this grant scheme.

Mr. Sean McKeown responded to all the issues raised and advised that a budget of €10,000 is only available for 2019. There is a budget of €5,000 for emergency works. Guidelines have been issued by the OPW in relation to the use of pesticides in historical graveyards.

Ms. Colette Byrne advised that the appropriate time for discussion on budgets is September, 2019. The Council constantly look for efficiencies and savings. In relation to taking on students there would be an insurance issue with this.

It was proposed by Cllr. Maurice Shortall, seconded by Cllr. Fidelis Doherty and agreed that:

"That Kilkenny County Council approves the payment of Graveyard Grants 2019 totalling €9,100 in accordance with the list circulated to the Members."

(f) (i) **Incremental Purchase Scheme [IPS]**

Mr. Martin Mullally referred to the draft scheme circulated to the Members with the Agenda. He advised that currently the only option available to existing tenants is to purchase their own house under the TPS. Part 5 houses are excluded from the IPS.

The objective of the Incremental Purchase Scheme is to make it possible for others to buy a house at a discount price. The Council will designate newly built houses [*constructed by the Council*] to be included in the Incremental Purchase Scheme. Rural houses, specific traveller accommodation houses and old persons dwelling will be excluded.

One and two bed units will not be included due to the current demand on the housing list. Discount between 40% and 60% may be available depending on the income of the proposed purchaser.

Contributions were received from Cllrs. A. McGuinness, M. Doran, B. Gardner, M. Noonan, S. Tyrrell, P. McKee, J. Brennan, MH Cavanagh, M. Shortall and E. Aylward in relation to the following:

- SPC has approved draft scheme.
- Part 5 houses not included
- Are RAS Tenants eligible to purchase units.
- Disappointed that 2 beds are excluded/discriminate against small family units.
- Loss of housing stock.
- Vacant and derelict properties across the County.
- Options for those not on approved housing list.

Mr. Martin Mullally and Ms. Mary Mulholland responded to the issues raised. They advised that the SPC has approved the draft scheme and recommended that it is approved by the Council. Ms. Mulholland advised that the SPC can further discuss the inclusion of 2 bed units and an amended scheme can be brought back to the Council at a later stage. She further advised that an Affordable Housing Scheme is being prepared and this will be discussed and agreed by the new Council shortly.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Matt Doran:

*"That Kilkenny County Council approves the introduction of the Incremental Purchase Scheme for newly built units as provided under **Part 3 – Housing (Miscellaneous Provisions) Act 2009** as circulated to the Members."*

Cllr. Melissa O'Neill requested that it be noted that she did not agree with the proposed scheme as presented.

A roll call was taken:

Voting For [16]: Cllrs. John Brennan, Mary Hilda Cavanagh, Pat Millea, Maurice Shortall, Michael Doyle, Breda Gardner, David Kennedy, Andrew McGuinness, Matt Doran, Sean Tyrrell, Patrick McKee, Malcolm Noonan, Tomás Breathnach, Fidelis Doherty, Pat Dunphy & Ger Frisby.

Voting Against [1] Cllr. Melissa O'Neill.

The Incremental Purchase Scheme was approved by 16 votes to 1.

- (g) At this stage the Cathaoirleach sought permission of the Elected Members to allow time to wish the retiring Members well and say goodbye to them.

Cllr. Eamon Aylward thanked the three retiring Members for their service and work during their periods as Councillors. He stated that:

Cllr. McKee has five years and wished him well in the future.

Cllr. Maurice Shortall has 15 years and has made a huge contribution during his years as Councillor in his own area and in the Chamber.

Cllr. Pat Millea has 34 years and is affectionately known as “father of the house”. He thanked Cllr. Millea personally for the support given to him over the years.

Cllrs. Matt Doran, Andrew McGuinness, Mary Hilda Cavanagh, Tomás Breathnach, David Kennedy and Malcolm Noonan all thanked the outgoing Councillors and wished them well in the future. All spoke about their contribution as an Elected Member over their years of service.

Ms. Colette Byrne on her own behalf and on behalf of the staff wished the three outgoing Councillors every good luck and good health for the future. She thanked them for their work over the years and the respect shown to the staff and for their support in providing services to the communities.

Cllr. McKee thanked all for their kind words and advised that he has taken the decision not to run for re-election due to his career. He paid tribute to Cllrs. Shortall and Millea for their distinguished careers as Councillors. He thanked his family and friends for their support and thanked the staff for their support and work.

Cllr. Maurice Shortall spoke about the wonderful voyage he has had over the last 15 years. He enjoyed the work as a Councillor. He thanked the staff and Elected Members for their support and work over the last 15 years. He paid tribute individually to all those present at the meeting.

Cllr. Pat Millea paid tribute to the Chief Executive and staff and former County Managers and Directors of Services for their commitments in delivering projects for Kilkenny. All have left a good legacy for the County. He remembered former Members who have passed away. He also referred to difficult times during his years as a Councillor and stated that hard decisions were made by Members and staff for the betterment of the City & County. He thanked all the staff and Members for their work and commitment to the Council over the years.

(i) Delegation of Reserved Functions to Municipal Districts

Mr. Tim Butler advised that the CPG has agreed that a number of Reserved Functions would in future be performed by each Municipal District. The functions are set out in Appendix 1 & 2 attached to the report. Civic Honours will be conferred in accordance with protocol already approved by Kilkenny County Council.

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

“That the Delegation of Reserved Functions to Municipal Districts as set out in Appendix 2 of the Report circulated, is hereby approved by the Members of Kilkenny County Council.”

(ii) Proposed Changes to Standing Orders

Mr. Butler advised that amendments to Standing Orders were considered by the CPG and that a number of changes are proposed. These are highlighted

in the document circulated with the Agenda. Mr. Butler requested approval in principle to these changes so that the document can be prepared for adoption at the annual meeting on 7th June, 2019.

Contributions were received from Cllrs. Malcolm Noonan and Breda Gardner in relation to Standing Order No. 60 – exclusion of public and media from SPC meetings and live streaming of meetings.

Mr. Butler advised that meetings of SPC are not decision making committees. Members formulate and prepare draft policies which are then brought to the Plenary Council for approval. Members agreed to incorporate the changes proposed.

(iii) **Proposed SPC Configuration**

Mr. Butler advised that Draft SPC Scheme will be prepared for the new term of the Council, this will go on public display and submission can be made before it comes back to the full Council for approval.

The document circulated proposed the configuration for the 5 SPC for the new term of the Council.

Members agreed to the proposed configuration of the 5 SPC's.

(iv) **Chief Executive's Monthly Report**

Ms. Colette Byrne presented her monthly CE Report.

Cllr. Eamon Aylward requested approval of Members to note the report as read. This was agreed by all.

3. **Correspondence**

None.

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

None.

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

It was proposed by Cllr. Fidelis Doherty seconded by Cllr. Maurice Shortall 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**

None

10. **Any Other Business**

None.

11. **Notices of Motion**

17 (19) Cllr. Melissa O'Neill

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

"That Kilkenny Council calls on the government and Irish Water to amend the Health (Fluoridation of Water) Act 1960 and subsequent Statutory Instrument (42/2007 Fluoridation of Water Supplies Regulations 2007) to ban the addition of fluoride to water supplies.

The EU has issued directives that babies and toddlers should not be exposed to fluoridated water. Children between 1 and 4 are most at risk of developing fluorosis which damages teeth enamel. Studies have linked fluoridation to a wide range of medical diseases including Kidney malfunctions, arthritis and bone cancers.

Hydrofluoric acid is being used to add fluoride to our water at a cost of up to 7 million per annum. This is a neuro toxic industrial waste which can cause damage to the nervous system. Fluoridation is banned in 98% of European countries. The Irish government continues to impose fluoride on the Irish people and on top of that it is now forcing us to pay for it through water charges.

The European Commission is on record as saying "people do not need fluoride for normal growth and development". Fluoridation of water needs to stop immediately. Worldwide research has uncovered links with neurological disorders like depression, Alzheimer's and ADHD, and illnesses like osteoporosis, arthritis, dental and skeletal fluorosis, asthma, pulmonary disease and endocrine dysfunction. All of these illnesses are much higher in Ireland than in unfluoridated Northern Ireland and Europe."

Cllr. Melissa O'Neill spoke on the motion.

18 (19) Cllr. Melissa O'Neill

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

"That Kilkenny Council call on the minister for foreign affairs, the minister for health and the minister for the environment to meet, and cease 5G deployment plan trial in the South East region, Studies must be released back from all EU states as to the extent of risk to our, Health (cancer survivors that have already received radiation especially, and young children), Environment and our National Network security. National Cybersecurity of our telecommunications is at risk.

To quote Robert F Kennedy Jr "5G poses risks to all life, people, bees, migrating birds, Plants, Trees"

This largely unquestioned 5G deployment plan in effect render us all guinea pigs in an experiment, whose health impacts are unknown and may be a crime against Humanity."

Cllrs. Melissa O'Neill and Breda Gardner spoke in favour of this motion and appealed for the trial in the South East to be stopped.

Cllrs. David Kennedy and Patrick McKee spoke against the passing of this motion as there is a demand for access to the internet in rural Ireland. They both said that provision of 5G can assist in rural regeneration.

Cathaoirleach advised that he was putting this motion to a vote.

Voting For [2] Cllrs. Breda & Melissa O'Neill.

Voting Against [8]: Cllrs. Pat Millea, Maurice Shortall, David Kennedy, Sean Tyrrell, Patrick McKee, Eamon Aylward, Fidelis Doherty & Pat Dunphy.

This motion was defeated.

19 (19) Cllr. Breda Gardner

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

"That this Council recognises the selfless commitment of the Irish Defence Forces (Navy, Army and Air Corps) to the people of Ireland in defence of the nation and in the protection of the internal security of the State. In particular, it acknowledges the role played by the Defence Forces in multinational peacekeeping, humanitarian relief, maritime security and fishery protection."

This Council in its support for the campaign for Respect and Loyalty calls on the Government to immediately take action to resolve the issues relating to the pay and conditions of service of Defence Forces Members as they are seriously impacting retention and recruitment."

20 (19) Cllr. David Kennedy

It was proposed by Cllr. David Kennedy, seconded by Cllr. Fidelis Doherty and agreed:

"That Kilkenny County Council look into the possibility of putting some kind of hardcore/filling where possible to enable people to park their cars off the slip roads to the M9 motorway."

Cllr. Doherty spoken in favour of this motion. Cllr. Shortall sought clarification on who has liability for any claims in these areas.

Mr. Tim Butler advised that this motion should be referred back to SPC for consideration.

Kilkenny County Council will be responsible for any costs in providing these and will be liable for any claims made. Members agreed to refer this motion to the Roads SPC.

21 (19) Cllr. Pat Dunphy

This motion was withdrawn by Cllr. Pat Dunphy.

22 (19) Cllr. Breda Gardner

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

"That Kilkenny County Council write to Minister of Environment Richard Bruton to raise an awareness nationally on what non biodegradable wipes, nappies and plastics can do to block sewage systems and devise a strategy."

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

It was proposed by Cllr. David Kennedy seconded by Cllr. Tomás Breathnach and agreed that Notices of Motion 10 (19) to 13 (19) be taken as read and noted.

Cllr. Aylward thanked all the Members for their co-operation in completing the Agenda for the final meeting of this Council. He wished all Councillors seeking re-election the very best of luck.

Ms. Colette Byrne also wishes all Councillors well in the election and thanked the Cathaoirleach Eamon Aylward for his work during the year.

That concluded the business of the meeting.