

# MINUTES OF ORDINARY COUNCIL MEETING HELD ON MONDAY, 16<sup>TH</sup> DECEMBER, 2020 AT 3.00 P.M.

**Chair:** Peter Cleere.

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

**Officials:** Colette Byrne, Martin Prendiville, Tim Butler, Sean McKeown, Mary J. Mulholland, Denis Malone, Caitriona O'Sullivan, Nicolaas Louw, Sarah Condon, Josephine Coyne, Dearbhala Ledwidge, Declan Macauley, Mark O'Toole and Anne Maria Walsh.

**Apology:** Cllrs. Denis Hynes and Joe Lyons.

## 1. Confirmation of Minutes

(a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 18<sup>th</sup> November, 2019**

Proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Pat Dunphy and agreed:

*"That the Ordinary Meeting of Kilkenny County Council held on Monday, 18<sup>th</sup> November, 2019 as circulated with the Agenda be and are hereby approved".*

(b) **Minutes of Statutory Budget Meeting of Kilkenny County Council held on Monday, 25<sup>th</sup> November, 2019**

Proposed by Cllr. Martin Brett, seconded by Cllr. Joe Malone and agreed:

*"That the Statutory Budget Meeting of Kilkenny County Council held on Monday, 25<sup>th</sup> November, 2019 as circulated with the Agenda be and are hereby approved".*

(c) **Minutes of SPC 3: Housing Meeting held on Thursday, 24<sup>th</sup> October, 2019**

Proposed by Cllr. Martin Brett, seconded by Cllr. Joe Malone and agreed:

*"That Minutes of SPC 3: Housing Meeting of Kilkenny County Council held on Thursday, 24<sup>th</sup> October, 2019 as circulated with the Agenda be and are hereby approved".*

Cathaoirleach Peter Cleere extended good wishes to all citizens in Kilkenny for a very Happy Christmas and New Year.

He welcomed the new City Bus Service and encouraged all to use it.

He congratulated the following:

- All involved in organising and participating in the Pride of Place National Awards.
- All involved in organising and participating in the Enterprise Towns Awards.
- All the Kilkenny Hurling Teams participating in Leinster Championship and O'Loughlin's U21 on winning their final.
- Aoibhe Richardson on winning medal in the European Athletics and invited all Members to Cathaoirleach's Reception on Thursday, 19<sup>th</sup> December, 2019 for Kilkenny City Harriers.
- Dr. Tara Shine on her appointment as Chair of International Institute for Environment & Development.
- Bryan Daniels and Family, Kilmoganny on being named Grassland Farmer of the Year.

The Cathaoirleach extended votes of sympathy to:

- Family of the late Noel Mylett, Newrath
- Family of the late Peadar Bairead
- Family of the late Cormac O'Braonán
- Family of the late Ray Cody, Dunamaggin
- Family of the late Mary O'Meara, Piltown.
- Family of the late Ger Fitzpatrick, Kilmacow.
- Family of the late Catherine Balckmore, Mooncoin.
- Family of the late Danny Walsh, Mullinavat.
- Family of the late Jim & Mary Moore, Piltown.
- Family of the late Bridie Everett, Mooncoin.
- Family of the late Hannah McNamara, Glenmore.
- Family of the late Mona Dunne, Glenmore
- Family of the late Tess McDonald, Mullinavat.
- Family of the late Pat Mernagh, Glenmore
- Family of the late Mary Lynch, Glenmore.
- Family of the late Christopher Comiskey, Dublin.

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

- (i) It was proposed by Cllr. Ger Frisby seconded by Cllr. Fidelis Doherty 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 Belview, Co. Kilkenny (as identified on the enclosed map), to Suir Shipping Ltd, Belview Port, Waterford for the sum of €85,000 (Eighty-five thousand euro), with each party being responsible for their own legal costs associated with the sale. Area measures 1,575 m2 approx.” (Notice sent to members on the 5th December, 2019).*

- (ii) It was proposed by Cllr. Michael McCarthy 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 by way of long term lease in Plot of ground at Kilmanagh Village Co. Kilkenny, as identified on the attached map, to Graigue-Ballycallan GAA Club, for a period of 20 years with Graigue-Ballycallan GAA Club being responsible for all legal costs associated with the lease including those of Kilkenny County Council. The length of path identified measures 197.5 metres.” (Notice sent to members on the 2nd December 2019).*

- (iii) It was proposed by Cllr. Tomás Breathnach seconded by Cllr. Fidelis Doherty 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 plot of ground at Ballynooney East, Mullinavat, Co. Kilkenny (as identified on the attached map) to Maura McNamara, Harristown, Mullinavat, Co. Kilkenny for the nominal sum of €10 (ten euro) with Kilkenny County Council being responsible for all legal costs associated with the sale. Plot measures .4408 hectare.” (Notice sent to members on 2nd December 2019).*

- (iv) It was proposed by Cllr. Michael McCarthy 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 a plot of ground at Duninga, Goresbridge, Co. Kilkenny (as identified on the attached map) to Patrick Walsh and Ailish Walsh, 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. Plot measures .206 hectares. (Notice sent to members on 2nd December 2019)*

(b) **Planning**

(i) **Taking in Charge: Inis Alainn Fiddown**

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

*“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:** 15 No. Units at Inis Alainn, Fiddown, Kilkenny [TC 112]

**Taking in Charge: Chapel View Stoneyford**

It was proposed by Cllr. Deirdre Cullen seconded by Cllr. Michael Delaney and agreed:

*“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:** 36 No. Units at Chapel View, Stoneyford, Kilkenny [TC 55]

**Taking in Charge: Hunters Wood Newmarket**

It was proposed by Cllr. Michael Doyle seconded by Cllr. Pat Dunphy and agreed:

*“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:** 3 No. Units at Hunters Wood, Newmarket, Kilkenny [TC 109]

(ii) **Taking in Charge: Ard Glas, Ban Ard, Tuar Na mBlath, An Grianan, An Cuainin at Abbeylands, Ferrybank, Kilkenny**

It was proposed by Cllr. Ger Frisby seconded by Cllr. Pat Dunphy and agreed:

*“We, the Members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following developments in accordance with 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”*

**Development**

**TC 20:** Ard Glas, Ban Ard, Tuar Na mBlath, An Grianan, An Cuainin at Abbeylands, Ferrybank, Co. Kilkenny

(i) **Taking in Charge: Kings Court, Callan, Co. Kilkenny**

It was proposed by Cllr. Deirdre Cullen seconded by Cllr. Michael Delaney and agreed:

*“We, the Members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following developments in accordance with 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”*

**Development**

**TC 117:** Kings Court, Bolton, Callan, Co. Kilkenny

(ii) **Launch of “Kilkenny Shopfronts Through The Ages”**

Mr. Sean McKeown introduced the Project undertaken by Planning and Library staff on “Kilkenny Shopfronts through the Ages”. He advised that this project has been worked on by a Planning Graduate currently employed by the Council.

Ms. Josephine Coyne, County Librarian gave a presentation on the Kilkenny Digital Archive Platform. In the presentation she gave an overview on the following:

- Purpose and need of Platform.
- Process taken to develop it, the content already uploaded.
- Outcomes for review of archives for use by the public.
- Links with other national institutions for potential development and extension of the Archive material.

Ms. Sarah Jane Condon, Graduate Planner gave a PowerPoint presentation on the work undertaken to develop the archive of material for the project “Shopfronts through the Ages”. She gave an overview on the following:

- Origins of the Project.
- Historical Data received and uploaded.
- Shopfront strategy, policy and guidance and enforcement.
- Sources of photos.
- Benefits for Planning.
- Overview on how to access the archive.

In her presentation there were a number of photos displayed from various surveys undertaken by the Planning staff over a number of years. She advised that this will be a resource for the people of Kilkenny and any potential new owners of commercial buildings.

Cllr. Malcolm Noonan commended the staff for this project. He welcomed the archive of all the photos taken throughout the years. He requested that the Council prepare design guidelines for new owners of premises.

(c) (i) **Approval of Term Loan from for €5 million**

Mr. Martin Prendiville gave a PowerPoint presentation on the Capital Programme 2020-2024 and the requirement to approve a term loan of €5 million for drawdown in 2020.

In his presentation he gave an overview on the following:

- Five Year Capital Programme for 2020 – 2024 will be presented to the Council in Q1 2020.
- Schedule of current projects underway.
- Schedule of Projects pre construction.
- Overview of existing non-mortgage Term Loans.
- Details of new loan terms.

He advised Members that provision for payment of this term loan of €5 million is included in the Budget approved by Members in November 2019. It is recommended to the Elected Members to approve the term loan of €5 million. When approval of Council is received, application will be submitted to Department for approval. It is anticipated that the drawdown of this loan from HFA will be in March 2020.

It was proposed by Cllr. Martin Brett, seconded by Cllr. John Coonan and agreed:

*“That subject to the sanction of the Minister for Housing, Planning & Local Government, Kilkenny County Council hereby approves the raising of a term loan of up to €5,000,000 for Capital Projects.”*

(d) (i) **Chief Executive’s Monthly Report**

Ms. Colette Byrne, Chief Executive presented her monthly report.

Cllrs. Pat Fitzpatrick, Tomás Breathnach, Eugene McGuinness, David Fitzgerald and Andrew McGuinness raised queries in relation to the following:

- Overdraft – clarify why it has been used.
- Issues with Irish Water for not responding to Members reps and not attending the Council Meeting.
- Quality of water in Castlecomer, Mooneenroe and Coon.
- Issues with work of Irish Water Contractors.
- Status of MASP – for Waterford City.
- Status on setting up Regional Forum.
- Retail strategy for the region.
- Clarify why expenditure to-date is exceeding the adopted budget – how will shortfall be met.
- Status of Northern Ring Road extension.

Mr. Prendiville responded to the financial issues. Overdraft is used where our expenditure on capital project has been incurred and there is a time lag before grants are received from the relevant departments. Expenditure incurred in excess of the approved budget is due to increased allocation of grants for Roads, Housing etc.

Mr. Sean McKeown advised that there has been no progress on MASP. There is an objective in the RSES for Regional Forum and Retail Strategy. Each local authority is currently preparing their own retail strategy.

Mr. Tim Butler advised that application for funding of Consultants to prepare the relevant reports for the Northern Ring Road extension has been made. A decision is awaited.

He advised that the provision of water in Coon maybe in relation to a private supply and he will follow up on this.

He further advised that Irish Water have responded to our letters and will not attend a Council Meeting. Irish Water hold clinics for Members. Following discussions with the CPG, it is recommended that the Elected Members submit their reps two weeks in advance of clinics and that Irish Water will be requested to have responded at the clinics. An Engineer will visit the works at Fatima Place, Kilkenny.

(ii) **Kilkenny Civic Trust**

Mr. Ciaran Conroy, Chief Executive of Kilkenny Civic Trust gave a PowerPoint presentation on Kilkenny Civic Trust. In his presentation he gave an overview on the following:

- Board of Kilkenny Civic Trust.
- Properties been managed by Kilkenny Civic Trust.
- Purpose of Kilkenny Civic Trust, contribution made to Kilkenny.
- Overview of improvements made to Butler House and Castle Yard.
- Plans for the future, growth of the business.
- Medieval Mile Museum – operation, visits, developing new experiences.
- Use of Museum for festivals/events.
- Customer Feedback on the Medieval Mile Museum
- Financial Performance of Medieval Mile Museum.
- Plans for growth of business in Medieval Mile Museum.
- Overview on “Human Remains” Project and feedback.

He thanked the Members for the opportunity to give this presentation and for the support of the Elected Members.

Contributions were received from Cllrs. Peter Cleere, John Coonan, Pat Fitzpatrick and Tomás Breathnach in relation to operations of Kilkenny Civic Trust and the opening up of the gardens to the public.

Ms. Colette Byrne complimented and acknowledged the staff of Kilkenny Civic Trust for their ongoing work and in particular for their management of the Medieval Mile Museum.

3. **Correspondence**

Letter from Richard Bruton, TD, Minister for Communications, Climate Action & Environment in connection with plastic waste was taken as read and noted.

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

None.

5. (i) **Schedule of Meetings from November 2019 to February 2020**

It was proposed by Cllr. Eugene McGuinness, seconded by Cllr. Pat Fitzpatrick and agreed.

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

(i) **Chairman’s Report of SPC 3: Housing**

It was proposed by Cllr. Joe Malone, seconded by Cllr. Martin Brett and agreed “that the Chairman’s Report of SPC 3: Housing” held on Wednesday, 24<sup>th</sup> April, 2019 is hereby read and noted.

7. **Other Business set forth in the Notice convening the Meeting–**

None.

8. **Conferences – Request for approval to Attend**

It was proposed by Cllr. Martin Brett, seconded by Cllr. John Brennan and agreed.

9. **Matters Arising from Minutes**

None

10. **Any Other Business**

None.

11. **Notices of Motion**

None.

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

The Notices of Motion from other local authorities numbered 29(19) to 31(19) were taken as read and noted on the proposal of Cllr. Tomás Breathnach, seconded by Cllr. Fidelis Doherty and agreed.

**29 (19) Clare County Council**

"We Clare County Council call on the Minister for Health, Simon Harris and the HSE to support a call for the introduction of a National Screening Protocol of the neonates [newborn infants] to effectively screen for immune compromise, in advance of the commencement of the administration of Live Virus Vaccines under the State Vaccination Programme, in line with HSE National Immunisation Advisory Committee guidelines as revised February 2019."

**30 (19) Dún Laoghaire-Rathdown County Council**

"That the Chief Executive, ponce again writes to the Minister for Housing, Planning and Local Government, Eoghan Murphy TD and the Finance, Public Expenditure and Reform, Paschal Donohoe TD to express this Council's complete dissatisfaction with the requirement for all Councils to decide on the variation of the Local Property Tax (LPT) basic rate in the absence of comprehensive budgetary information which is impossible to achieve within the existing timescale i.e. end of September each year. This Council calls on both Ministers to undertake to move the date required for that all local authorities to inform the Revenue Commissioners of the basic Rate of LPT to no earlier than the end of October and that a copy of this motion is sent to all local authorities across Ireland."

**31 (19) Donegal County Council**

"That Donegal County Council calls on the Government to recognise that Parental Alienation is "Substantial and sustained dissatisfaction within a caregiver-child relationship associated with significant disturbance in functioning" as coded by the World Health Organisation in the latest International Classification of Diseases version 11."

"Donegal County Council calls on the Irish Government Departments of Health, Justice and Equality and Children and Youth Affairs to recognise that Parental Alienation is "Substantial and sustained dissatisfaction within a caregiver-child relationship associated with significant disturbance in functioning" as coded by the World Health Organisation in the latest International Classification of Diseases version 11 and to implement recommendation 36 of the Report of the Reform of the Family Law System October 2019."

Cathaoirleach wished all the Members, Executive and staff and all their families a very happy and safe Christmas.

That concluded the business of the meeting.

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CATHAOIRLEACH

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DATE