

# MINUTES OF ORDINARY COUNCIL MEETING HELD ON MONDAY, 18<sup>TH</sup> JANUARY, 2021 AT 3.00 P.M. VIA MS TEAMS

**Chair:** Cllr. Andrew McGuinness.

**Cllrs:** Eamon Aylward, Tomás Breathnach, John Brennan, Martin Brett, Mary Hilda Cavanagh, Peter Cleere, Deirdre Cullen, Michael Delaney, Fidelis Doherty, Maria Dollard, Matt Doran, Michael Doyle, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Ger Frisby, Denis Hynes, Joe Lyons, Joe Malone, Michael McCarthy, Eugene McGuinness & Patrick O'Neill.

**Officials:** Colette Byrne, Martin Prendiville, Mary Mulholland, Sean McKeown, Tim Butler, Anne Maria Walsh, Kevin Hanley, Michael Murphy, Seamus Kavanagh, Annette Fitzpatrick, Carol McCarthy & Catherine Cooney.

**Apologies:** Cllr. John Coonan.

At the outset of the meeting Cllr. Andrew McGuinness stated the following:

*As Chairman of Kilkenny County Council and on behalf of the elected members, both current and past, from all parties and none, it is our desire, duty, and obligation, to apologise unreservedly, to the mothers and babies, survivors and deceased and their relatives and families, for the pain and suffering caused by the treatment they received at the Kilkenny County Home while it was under the control of Kilkenny County Council.*

*There is no way to undo the wrecking of thousands of lives or to erase the damage done to the reputation of our country. No words can explain the actions or inactions from State or Church, and nothing can undo this horrendous disregard for humanity.*

*What happened in these Mother and Babies Homes, locally at the County Home in Thomastown, happened while our institutions and trusted leaders turned a blind eye. It has tarnished the heart and soul of our country and has given us all a sense of shame.*

*We accept that apologies are only words and cannot undo the past, but it is an acknowledgment of our deep regret that this ever happened in our country and indeed our County. It is a humble acknowledgment of the extreme lack of humanity towards mothers and babies while they were in these homes and the abject failure of our State to protect them.*

*Specifically, this apology is an acknowledgment that Kilkenny County Council was part of that failure and we, as elected representatives are deeply ashamed of that fact.*

*Apologies may not offer closure and in that regard, we fully support survivors and their families in their pursuit of transparency and the upholding of their basic human rights that were so brutally violated.*

Cllr. Andrew McGuinness proposed that:

*"That Kilkenny County Council acknowledge the mothers and babies that are buried in the enclosed mass grave, known locally as The Shank Yard, located behind St. Columba's Hospital in Thomastown.*

*We commit to facilitating the provision of an appropriate memorial to the memory of all of the mothers and babies interred at the location. We welcome contributions/suggestions from survivors. Prior agreement for the location of a memorial at St. Columba's has been obtained from the HSE."*

Cllr. Mary Hilda Cavanagh seconded the motion and stated the following:

*"The anguish, grief and suffering of mothers and children who spent time in Mother and Baby Homes are echoed in the Commission of Investigation Report, published on 12<sup>th</sup> January. As a mother myself, I found it difficult to read extracts of testimonies about the pain and suffering that was endured by so many.....and for what? A stark absence of tolerance and compassion resonates throughout the report.*

*The so-called culture of respectability that was drummed into many generations, including my own, often had very cruel consequences, as had been laid bare in recent days. It is harrowing to think that women and children endured such suffering within our own county and throughout the country and further afield.*

*It is right that a State apology was made without delay and it is right that we would do the same today. But it is not enough to apologise.*

*For all of us working in public service, we need to reflect on our own approach and meaningfully ensure that compassion and empathy for the people we serve are at the heart of our decision making. And I believe the same reflection should take place at national level.*

*The Commission's report tells us a lot about the past, but the past tells us a lot about the present and the situation of women in Ireland, particularly vulnerable women. We need to think about what that means for us as a Council and as a country. We must ensure that our policies do right by women today.*

*As I said already, it is right that we begin with a sincere apology from the Taoiseach and with today's apology on behalf of this Council."*

Cllr. Maria Dollard stated the following:

*Last Tuesday, when the Report of the Commission into Mother and Baby Homes was published, it contained a Chapter on the County Home in Thomastown. The first fact noted were that while conditions in Mother and baby homes were appalling and degrading, County Homes were found to be considerably worse.*

*The second fact that shocked me was the fact that Kilkenny County Council, was responsible for running the County Home. Elected Members and Local Authority Officials should have done more to protect the people in the County Home.*

*The third fact that was the failure of the Commission to capture a single voice of a woman or the voice of any child who was a survivor of the County Home. Between 1920 and 1972, 1,045 pregnant women and 1,241 children were admitted to Thomastown. Where are their voices?*

*We welcome the Cathaoirleach's apology on behalf of Kilkenny County Council. We welcome the proposal to appropriately mark the burial ground beside the County Home. We must do nothing until we have consulted with survivors first, to seek their opinion as to what they would like to see happen with respect to the Burial Ground. A phrase made famous by disability activism is 'nothing about us without us' and this principal applies here.*

*This report was based on documentary records so the second action that can be taken is the progressing of a County Archive. Documents are scattered at various locations in the County and are deteriorating as we speak. Some records used in this report were in such a poor state as to be of little value in piecing together the story of the Kilkenny County Home. This current state of affairs further hurts the survivors and hides part of the story of 60,000 people who passed through the doors of that institution during the period it operated as a County Home. I proposed this in September and we would like to see this happen as soon as possible."*

## **1. Confirmation of Minutes**

### **(a) Minutes of Plenary Meeting of Kilkenny County Council held on Monday, 21<sup>st</sup> December, 2020**

Proposed by Cllr. David Fitzgerald, seconded by Cllr. Fidelis Doherty and agreed.

*"That the Minutes of Plenary Meeting of Kilkenny County Council held on Monday, 21<sup>st</sup> December, 2020 as circulated with the Agenda be and are hereby approved".*

Cathaoirleach Cllr. Andrew McGuinness extended votes of sympathy to:

- Michael Wemyss on the death of his brother Anthony, Glenmore.
- Ann Phelan on the death of her mother Bridget Whelan, Graiguenamanagh.
- Catherine Connery [former Councillor] on the death of her brother Eamon Ryan.
- Family of the late Mick Goggin, Tullogher.
- Family of the late Bridget Shalloe, Slieverue.
- Family of the late Christopher Doyle, Glenmore.
- Family of the late Michael O'Sullivan, Tullogher.

2. (a) **Bóithre - Roads**

(i) **Hedge Cutting Policy**

Mr. Tim Butler advised that a Hedge Cutting Policy document has been prepared in line with National Guidelines received from the Roads Management Office. SPC2 has reviewed the document and recommends its adoption. The Policy incorporates a procedure for ensuring proper maintenance by landowners. Hedge Cutting is not the responsibility of the Local Authority. However, the local authority has powers under the Roads legislation to issue notices or take immediate action if deemed necessary. Each Area Office will follow the same procedure once the Policy is adopted.

It was proposed by Cllr. Fidelis Doherty seconded by Cllr. Matt Doran and agreed:

*"We the Members of Kilkenny County Council approves the adoption of the Hedge Cutting Policy document, as circulated."*

(ii) **Update on Roads Capital Projects**

Mr. Seamus Kavanagh, Senior Engineer gave a PowerPoint presentation to the Members on the Roads Capital Projects for 2021 and future years.

In his presentation he gave an overview on the following projects outlining the current status either at design, planning etc.

- N24 Waterford to Cahir ..... Initial Study Area
- N25 Glenmore to Waterford ..... Selecting preferred route
- N24 Tower Road Scheme ..... Construction to commence to 2021.
- N24 Carrick Road, Mooncoin ..... Planning Stage
- N77 Ballynaslee Scheme..... Planning Stage
- URDF..... Clover Meadows to Abbeyland  
Preparing Planning Documents
- N29 Port Road ..... Traffic Management – Pre-Planning
- Castlecomer Pedestrian Bridge..... Construction to commence in 2021.
- Kilkenny Ring Road Extension..... Preliminary Application with  
Department of Transport.
- Western Environs LIHAF Project ..... Construction underway
- Kilmanagh Road to Tullaroan Road.... Consultants to be appointed.

Cllr Andrew McGuinness thanked Mr. Kavanagh for the detailed presentation.

Contributions were received from Cllrs. Andrew McGuinness, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Martin Brett, Mary Hilda Cavanagh, John Brennan, Maria Dollard, Joe Lyons, Tomás Breathnach, Fidelis Doherty and Deirdre Cullen.

Queries were raised on the following:

- Timeframe for Ring Road extension, funding to be identified and approved.
- N24 Carrick Road and overbridge – start date.
- N24 Waterford to Cahir – timeframe
- N77 Henbebery’s Cross to Ballyragget – any plans to upgrade.
- R723 – Provision of funds – loop to Greenway i.e. “Greyway”.
- Northern Ring Road – Priority for the County, slow progress, what is current status, clarify the outcome of the European challenge.
- Kilkenny to Freshford to Urlingford – need to upgrade as it is direct link to M9 motorway.

- Pedestrian Bridge Castlecomer – welcome addition, need for Traffic Management Plan in Castlecomer.
- Entrance to Industrial Area at Ballycomey, Castlecomer, needs to be improved.
- Kilkenny City - Kennyswell Road, Roundabout at Glanbia Loughboy, overpass at Dublin/Carlow Road Roundabout – current plans.
- Safety on existing roads, speeding on roads, timeframe for review of speed limits.
- Regular TII meetings, request to have two Members from each Municipal District at these meetings. Request TII to attend a Council Meeting.

Mr. Tim Butler and Mr. Seamus Kavanagh responded to all the queries raised by the Members. Mr. Butler advised that he will bring the request to increase the number of Members attending the TII meetings to the CPG.

In relation to the proposed Northern Ring Road, the Council would not be in a financial position to fund this project without grant aid from the Government. Mr. Butler outlined that there was an appeal to the European Courts in relation to the environmental impacts that the proposed bridge would have. The Council issued a Press Release at the time the decision was made.

(b) (i) **Proposed Part 8: Improvements/Extension to Road Network Freshford Road to Dunningtown Road**

Mr. Michael Murphy, Senior Engineer gave a PowerPoint presentation on the proposed Part 8 Planning for the Loughmacask Link Road Phase 1. In his presentation he gave an overview on the following:

- Project Description – details of the proposed works on the Freshford Road, construction of a new section of road, widening/upgrading existing access road to Talbot’s Gate.
- Closure of Dunningstown Road – new junction to access the new link road, provision of pedestrian and cycle access to link Dunningstown Road to the City.
- Project location map and plan layout – demonstrated the various plans and works to be undertaken to facilitate access to new school.
- Proposed to commence Part 8 in February 2021 to coincide with submission of planning application for the new school.
- Public Consultation to be undertaken in some format to adhere to Covid restrictions.
- Part 8 Report to come before Council in May/June 2021.

Contributions were received from Cllrs. Martin Brett, David Fitzgerald, Maria Dollard, Michael Delaney and Joe Malone. Members welcomed the development of the new school, however concerns were raised in relation to the closure of the road from Dunningstown Road into the City. Members requested that a roundabout, underpass/overpass be costed before any decision is made on road closure and improvements to road through Talbots Gate to Freshford Road.

It was recommended that public consultation commence immediately with affected residents on the Dunningstown Road.

Mr. Tim Butler and Mr. Michael Murphy responded to the concerns/issues of the Members and advised that’s the Senior Engineer is available to discuss the project with any concerned residents.

(c) (i) **Business Continuity Plan - COVID Update**

Mr. Tim Butler advised that the Council is operating most of the services subject to Level 5 restrictions. Details have been issued on all our social media platforms. The Community Call Helpline is also in operation.

Cllr. Andrew McGuinness commended the Council staff on the delivery of all the services and acknowledged the work of all frontline workers. He asked the media to get the message out to the public on staying safe and adhering to Level 5 Restrictions.

(ii) **Performance Indicators 2019**

Mr. Tim Butler presented his report circulated with the Agenda. He advised that every local authority reported on 39 indicators and NOAC has published the full report on all local authorities for the year 2019.

He referred to specific indicators where Kilkenny County Council needs to make further improvements in 2020/2021, such as 3-bin services.

New indicator was also introduced in 2019 on Energy Savings. Kilkenny County Council made a saving of 34% on energy savings which is higher than the national average of 27.81%.

Mr. Butler advised that the report on the indicators is for the information of the Members.

(iii) **Monuments & Memorials**

Mr. Tim Butler presented his report on Monuments and Memorials. He advised that a request had been received at the Piltown Municipal District to take in charge monument at Sinnott's Cross. As agreed the issue of taking in charge of monuments/memorials was discussed by all Municipal District Members. It is recommended that the criteria for Amenity Grants be amended to allow for insurance costs to be included in the grant. It is not recommended that Kilkenny County Council take on responsibility for these monuments from an insurance point of view or ongoing maintenance. Our insurers IPB has confirmed that they cannot include monuments not provided by the Council in our Public Liability insurance.

Cllrs. Pat Dunphy, Fidelis Doherty, Eamon Aylward, Ger Frisby, Maria Dollard, Tomás Breathnach, Mary Hilda Cavanagh, Joe Malone, David Fitzgerald, John Brennan, Eugene McGuinness and Andrew McGuinness contributed to the discussions.

Members of the Piltown Municipal District expressed their disappointment that the monument cannot be considered for taking in charge. Cllr. Pat Dunphy proposed that a mechanism be explored to deal with Sinnott's Cross Monument. This was seconded by Cllr. Fidelis Doherty.

Cllr. Tomás Breathnach proposed that the criteria be amended for the Amenity Grants to allow insurance costs as an eligible expenditure. This was seconded by Cllr. Fidelis Doherty.

Members were in agreement with this proposal to amend criteria for Amenity Grants.

Further discussion ensued in relation to finding an alternative solution for Sinnott's Cross. Members spoke on the implications of taking monuments and memorials in charge, financial implications, responsibility for ongoing maintenance, insurance implications.

Ms. Colette Byrne and Mr. Tim Butler responded to queries raised by the Members following the discussions. They advised Members to proceed with caution, there is no mechanism for taking in charge monuments and memorials and all monuments would have to be structurally assessed by the Council if insurance liability was to fall on the Council. Budget would have to be provided for ongoing maintenance, improvements and insurance on an annual basis.

Cllr. John Brennan proposed to defer decision on seeking an alternative solution for Sinnott's Cross until clarification is sought from the Department and other local authorities in relation to monuments not in the ownership of the Council. Cllr. Mary Hilda Cavanagh seconded the proposal to defer any further decision.

Cathaoirleach sought agreement of the Members on the deferral of this item for two months until further information is available.

This was agreed by all Members.

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

Ms. Colette Byrne, Chief Executive presented her monthly report which was circulated with the Agenda. She referred to funding approval received for the Urlingford Fire Station and Kilkenny City Fire Station. She advised that a revised Part 8 is required for Urlingford Fire Station.

Mr. Martin Prendiville advised that an application has been made to the Department for compensation for loss of income and additional costs incurred in 2020 due to Covid. He further advised that Government had announced a commercial rates waiver for the first 3 months of 2021. Further details on this scheme are awaited.

Query was raised by Cllr. Maria Dollard in relation to reporting on our website more information on our Water Bodies and other details included in the RCME Programme.

Cllr. Pat Fitzpatrick requested that Minutes of the CPG be circulated to all Members.

Cllr. Peter Cleere complimented all the Road staff on completing all projects in 2020 despite Covid Restrictions.

Mr Sean McKeown advised that Environment give a summary of their work included under RMCE Programme in each Chief Executive Report. Environment Section have a close working relationship with LAWPRO on Water Quality.

(d) (i) **Department Funding for Capital Projects**

Ms. Annette Fitzpatrick, Acting Senior Executive Officer, Community gave a PowerPoint presentation on Rural Funding opportunities for projects. In her presentation she gave an overview of the following schemes:

- *RRDF: Rural Regeneration & Development Fund.*
- *Town & Village Renewal.*
- *CLÁR.*
- *CCFCS: Community & Cultural Facilities Grant Scheme*

Details on applicable works, funding available were provided for each scheme. In the presentation an overview was given on projects approved and photos of works undertaken in the various towns and villages. A copy of the presentation was circulated to each Member.

Contributions were received from Cllrs. Mary Hilda Cavanagh and Pat Fitzpatrick in relation to the Community, Cultural Facilities Grant Scheme for 2021. Ms. Mulholland advised that the Scheme will open for applications shortly. Interested communities should make contact with the Community Department.

Cllrs. Andrew McGuinness thanked Ms. Fitzpatrick for the presentation and welcomed the funding for community projects especially outdoor facilities.

(e) (i) **EPA Water Quality Report & update on LAWPRO**

Ms. Carol McCarthy, Senior Engineer gave a presentation on progress being made by LAWPRO - Local Authority Water Programme. Copy of presentation had been circulated in advance.

In her presentation she gave an overview on the following:

- National Progress to-date.
- Progress in County Kilkenny.
- Summary of projects on Kilkenny's Rivers.
- Detail overview on assessments, water quality, engagements with community's/farmers in the catchment areas of the Dinan, Nuenna, Duiske & Powerstown, Erkina rivers and streams.
- Community Actions and Initiatives.
- Overview on the EPA Water Quality Report 2019, biological quality and nutrient concentrations in all water categories.
- Outlined the main findings in the report.
- Commencement of Draft Plan for third cycle 2022-2027.

Ms. McCarthy advised Members that she is available for further clarification if Members wish to contact her. Cllr. Andrew McGuinness thanked Ms. McCarthy for the detailed presentation.

3. **Correspondence**

(i) **Correspondence from Minister Darragh O'Brien's office in connection with changing the official name from "Kilkenny County Council" to "Kilkenny City and County Council" [Notice of Motion 01-2020]**

Correspondence was noted by the Members. Cllr. David Fitzgerald asked that document be prepared on changing the official name from Kilkenny County Council to Kilkenny City & County Council for submission to the Department.

(ii) **Correspondence from Minister Darragh O'Brien's office in connection with income thresholds for housing supports [Notice of Motion 06-2020]**

Correspondence was noted by the Members.

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

None.

5. **Schedule of Meetings**

It was proposed by Cllr. Pat Dunphy seconded by Cllr. Martin Brett 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**  
It was proposed by Cllr. Mary Hilda Cavanagh 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**  
It was proposed by Cllr. Martin Brett, seconded by Cllr. Pat Dunphy and agreed that Notice of Motions 01 (21), 02 (21) and 03 (21) be taken as read and noted.

**01 (21) Waterford City & County Council**

“That Waterford City and County Council:

- sends its solidarity and support to the former Debenhams workers seeking a just and fair settlement from their former employer
- reaffirms the Council’s support for workers’ rights, the principle of collective bargaining, and fairness and dignity at work
- calls on the Government to implement the Duffy-Cahill report; to legislate to protect workers from strategic liquidations and asset stripping by companies; and to protect collective bargaining agreements
- calls for KPMG and Government to immediately engage with the workers and their representatives in the Mandate trade union”.

**02 (21) Galway County Council**

“I propose that Galway County Council write to Minister for Justice Helen McEntee to request that the review of the 3<sup>rd</sup> National Strategy on Domestic Sexual and Gender based Violence is expedited to provide a fit for purpose strategy taking into account the additional reported rise in domestic abuse incidents occurring during COVID Pandemic restricted conditions and the urgent need for additional refuge places and adequately resourced services. “

**03 (21) Wexford County Council**

“That this Council calls on the Department of Education and the Higher Education Institutions/Bodies to offer a rebate scheme to third level students who are charged full rate for on-campus accommodation but are afforded limited access due to Covid restrictions for the Academic Year 2020/2021.”

That concluded the business of the meeting.

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CATHAOIRLEACH

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DATE