



MINUTES OF ORDINARY COUNCIL MEETING HELD ON
THURSDAY, 23RD DECEMBER, 2021 AT 9.00 A.M. VIA MS TEAMS

- Chair:** Cllr. Fidelis Doherty.
- Cllrs.** Eamon Aylward, Tomás Breathnach, John Brennan, Martin Brett, Mary Hilda Cavanagh, John Coonan, Deirdre Cullen, Michael Delaney, Maria Dollard, Michael Doyle, Pat Dunphy, Pat Fitzpatrick, Ger Frisby, Denis Hynes, Joe Malone, Michael McCarthy, Andrew McGuinness, Eugene McGuinness & Patrick O'Neill.
- Officials:** Colette Byrne, Martin Prendiville, Tim Butler, Sean McKeown, Kevin Hanley & Anne Maria Walsh
- Apologies:** Cllr. Joe Lyons.

1. **Dearbhú Miontuairiscí - Confirmation of Minutes**

- (i) **Minutes of Plenary Meeting of Kilkenny County Council**
Proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Ger Frisby and agreed.
"That the Minutes of Plenary Meeting of Kilkenny County Council held on Monday, 15th November, 2021 as circulated with the Agenda be and are hereby approved".
- (ii) **Minutes Special Meeting of Kilkenny County Council**
Proposed by Cllr. Martin Brett, seconded by Cllr. John Brennan and agreed.
"That the Minutes of Special Meeting of Kilkenny County Council held on Friday, 26th November, 2021 as circulated with the Agenda be and are hereby approved".
- (iii) **Minutes of Statutory Budget Meeting of Kilkenny County Council**
Proposed by Cllr. Ger Frisby, seconded by Cllr. Michael McCarthy and agreed.
"That the Minutes of Statutory Budget Meeting of Kilkenny County Council held on Friday, 26th November, 2021 as circulated with the Agenda be and are hereby approved".
- (iv) **Minutes of Special Meeting of Kilkenny County Council**
Proposed by Cllr. Ger Frisby, seconded by Cllr. Mary Hilda Cavanagh and agreed.
"That the Minutes of Special Meeting of Kilkenny County Council held on Monday, 6th December, 2021 as circulated with the Agenda be and are hereby approved".
- (v) **Minutes of SPC1: Economic, Enterprise Support & Tourism**
Proposed by Cllr. Ger Frisby, seconded by Cllr. Eugene McGuinness and agreed.
"That the Minutes of SPC1: Economic, Enterprise Support & Tourism held on Friday, 17th September, 2021 as circulated with the Agenda be and are hereby approved".
- (vi) **Minutes of SPC2: Transportation Policy/Mobility Management & Water Services**
Proposed by Cllr. Ger Frisby, seconded by Cllr. Pat Dunphy and agreed.
"That the Minutes of SPC2: Transportation Policy/Mobility Management & Water Services held on Friday, 25th June, 2021 as circulated with the Agenda be and are hereby approved".
- (vii) **Minutes of SPC2: Transportation Policy/Mobility Management & Water Services**
Proposed by Cllr. John Brennan, seconded by Cllr. Deirdre Cullen and agreed.
"That the Minutes of SPC2: Transportation Policy/Mobility Management & Water Services held on Friday, 1st October, 2021 as circulated with the Agenda be and are hereby approved".

Fógraí - Announcements

Cathaoirleach, Cllr. Fidelis Doherty extended good wishes to all for a Happy Christmas and New Year. She appealed to all to keep safe and adhere to all guidelines.

Cllr. Doherty congratulated Cllr. Patrick O'Neill on his recent marriage to Lorna and wished them every happiness.

She congratulated Tidy Towns Committee in Inistioge on winning a Gold Medal.

Cllr. Fidelis Doherty advised Members that she had attended a recent meeting for the First Citizens Forum in the South East. She advised that the TUSE has been discussed among other issues.

Vótaí Comhbhrón - Votes of Sympathy

Cathaoirleach Cllr. Fidelis Doherty extended votes of sympathy to the following:

- Claire Prendergast, Environment on the death of her father Paddy Barron.
- Bernie Moriarty, Environment on the death of her mother Breda Moriarty.
- Family of the late Michael Walsh, Golf Links Terrace.
- Family of the late Pat Bogue Ennis & Callan.
- Family of the late Dan Foley, Piltown.
- Family of the late Joan Murphy, Graiguenamanagh.
- Family of the late Andy Cotterell, Inistioge.
- Family of the late Tommy Brennan, Clara.
- Family of the late Sister Mary Deady, Carrigeen.
- Family of the late Mary Reid, Piltown.
- Family of the late Neddy Murphy, Glenmore.
- Family of the late Joe Doyle, Glenmore.
- Family of the late Wattie Rochford, Mooncoin.
- Family of the late Kieran Purcell, Windgap.
- Family of the late Neil Telford, Mooncoin.

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

Mr. Tim Butler declared an interest in Items 2 (a) (i) and (ii) and withdrew from the meeting.

- (i) It was proposed by Cllr. Ger Frisby seconded by Cllr. Deirdre Cullen 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 Goslingstown, Callan Road, Kilkenny – as identified on the attached map - to Padraig Larkin and Margaret Butler, Goslingstown, Callan Road, Kilkenny for the nominal sum of €10.00 and Kilkenny County Council will be responsible for all legal costs associated with the sale. Area measures 0.035 hectare. The Consent of the Minister for Housing, Local Government and Heritage is not required.”

- (ii) It was proposed by Cllr. Ger Frisby seconded by Cllr. Eugene McGuinness 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 Goslingstown, Callan Road, Kilkenny – as identified on the attached map - to James Butler, Catherine (ors Kay) Butler and Mary Butler, Goslingstown, Callan Road, Kilkenny for the nominal sum of €10.00 and Kilkenny County Council will be responsible for all legal costs associated with the sale. Area measures 0.035 hectare. The Consent of the Minister for Housing, Local Government and Heritage is not required.”

- (iii) It was proposed by Cllr. Eugene McGuinness 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 land measuring 71.1 sqm to Kilkenny Abbey Quarter Development Partnership (Acting by its general partner – Kilkenny Abbey Quarter Development Limited) in exchange for a plot of land from Kilkenny Abbey Quarter Development Partnership (Acting by its general partner – Kilkenny Abbey Quarter Development Limited) which measures 69.5 sqm at Abbey Quarter, Horse Barrack Lane, Parliament Street, Kilkenny – as outlined on the attached drawings - with each party being responsible for their own legal costs associated with the transfer. The Consent of the Minister for Housing, Local Government and Heritage is not required.”

Mr. Tim Butler rejoined the meeting.

(b) Ag Cúram/Taking in Charge: [TC163] Filbuckstown, Mooncoin, Co. Kilkenny

It was proposed by Cllr. Pat Dunphy, seconded by Cllr. Tomás Breathnach 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 & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010”.

Development: (TC163) Filbuckstown, Mooncoin, Co. Kilkenny.

(c) Pleananna Freagartha Drochaimsire & Tuilte – Severe Weather & Flooding Response Plans

Cllr. Fidelis Doherty advised that presentation on Severe Weather & Flood Emergency Response Plans has been circulated to all Members. If there are any queries she asked the Members to raise the issue at the January meeting.

(d) (i) Faomhadh AFS Iniúchta 2020 - Approval of Audited AFS 2020

Mr. Martin Prendiville advised that the Audited AFS 2020 is the final account for the year. There is no change to the draft Accounts presented earlier in 2021.

(ii) Tuarascáil Iniúchta an Rialtais Áitiúil - Local Government Audit Report

Mr. Martin Prendiville advised that the Local Government Auditor had completed the audit for 2020. No adjustments were required to be made to the draft financial statements for 2020 following the audit. The final signed Financial Statements and Auditor’s report were circulated to Members. In relation to Section 10 of the Audit Report relating to Local Authority Companies, he advised that the financial results for Kilkenny Abbey Quarter Development Partnership and Kilkenny Abbey Quarter Development Ltd were reported in appendix 8 of the financial statements. Both of these entities are audited separately by External Auditors.

Cllr. Pat Fitzpatrick requested clarification on any financial adjustments referred to in the Auditors Report.

Mr. Prendiville advised that a number of queries were raised by the Auditor and these are all included in the Audit Report. There was no financial changes required to the draft financial statements presented earlier this year to the Members.

Comhaontú Alt 85 - Section 85 Agreement

Cllr. Fidelis Doherty advised Members that Mr. Sean McKeown has an additional item to be considered under Corporate Affairs.

Mr. Sean McKeown advised that the Section 85 Agreement between Kilkenny County Council and Carlow County Council enables Kilkenny County Council to carry out all statutory food safety functions and inspections for Carlow County Council. The current Section 85 Agreement expires on 31st December, 2021 and needs to be extended to 31st March, 2022. The terms of the Section 85 Agreement on duties and cost will remain the same.

It is in the intention of the Food Safety Authority of Ireland to enter into agreement with the Department of Agriculture, Food & Marine to carry out the statutory food safety functions/inspections with effect from the 1st April, 2022.

There is no financial loss to Kilkenny County Council as the service has been funded by the Food Safety Authority for a number of years.

Queries were raised by Cllr. Pat Fitzpatrick and Cllr. Fidelis Doherty in relation to the loss of the service by Council staff. Mr. Sean McKeown advised that local authorities were carrying out these functions on behalf of the Food Safety Authority of Ireland for a number of years.

It was proposed by Cllr. Martin Brett, seconded by Cllr. Pat Fitzpatrick and agreed:

"That Kilkenny County Council enters an agreement under Section 85 of the Local Government Act, 2001 with Carlow County Council to carry out statutory Food Safety Functions required under the First Schedule of the Food Safety Authority of Ireland Act 1998 and the European Communities (Food Hygiene) Regulations 2009 on behalf of Carlow County Council from 1st January, 2022 to 31st March, 2022."

(e) (ii) Tuarascáil Mhíosúil an Phríomhfheidhmeannaigh Chief Executive's Monthly Report

Cllr. Fidelis Doherty complemented the Chief Executive and all staff on the Chief Executive Monthly Report which is very detailed and very informative.

She advised the Members that the Report will be taken as read. If there are any questions the Chief Executive is available afterwards.

(ii) Faomhadh do Liúntais Ciorclán LG 05/2021 & Speansais na gComhaltaí Tofa Approval to Circular LG05/2021 Allowances & Expenses of Elected Members

Ms. Anne Maria Walsh advised that Circular LG05/2021 in relation to Allowances & Expenses of Elected Members has been circulated. An Information Session for Members will be held on Friday, 7th January, 2022 at 9.30 a.m. via MS Teams.

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Matt Doran and agreed that:

"That Kilkenny County Council approves Circular LG 05/2021 in relation to Allowances and Expenses of Elected Members, as circulated."

3. **Comhfhreagras - Correspondence**

- (i) **Correspondence from Minister of State Mr. Peter Burke, TD in relation to Revaluation of Commercial Properties**
Report from Minister of State in relation to Revaluation of Commercial Properties noted by Members.
- (ii) **Letter from Fermanagh & Omagh District Council**
Letter from Fermanagh & Omagh District Council noted by Members.
- (iii) **Response from Irish Water in relation to Irish Water's Capital Investment Plan**
Mr. Tim Butler referred to the letter dated 14th December, 2021 received from Irish Water and advised the following:
 - €34m spent on projects in Co. Kilkenny since 2014.
 - €6.8m spent on Leak Detection and Mains Rehabilitation.
 - Planned investment on three schemes in Kilkenny.
 - Small Towns & Villages Growth Programme.

Contributions were received from Cllrs. Pat Dunphy, Fidelis Doherty, Pat Fitzpatrick and Eugene McGuinness in relation to this response.

Members expressed their disappointment that Irish Water Officials will not attend a Council Meeting. Members spoke about the lack of investment in the infrastructure, disruption to supplies, greater number of leaks in Schemes and standard of workmanship. Members asked that a further letter issue to Irish Water asking them again to attend a meeting.

4. **Gnó ar athló ó chruinniúroimhe seo - Business adjourned from a previous Meeting**

None.

5. **Dátaí agus Amanta do chruinnithe a shocrú - Fix Dates & Times of Meetings**

- (i) **Schedule of Meetings**
It was proposed by Cllr. Martin Brett, seconded by Cllr. Mary Hilda Cavanagh and agreed.

6. **Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle Consideration of Reports & Recommendations of Committees of the Council**

- (i) **Report of SPC1: Economic, Enterprise Support & Tourism**
It was proposed by Cllr. Ger Frisby, seconded by Cllr. Mary Hilda Cavanagh and agreed that SPC1: Economic, Enterprise Support & Tourism held on Friday, 17th September, 2021 be taken as read and noted.
- (ii) **Report of SPC2: Transportation Policy/Mobility Management & Water Services**
It was proposed by Cllr. Eugene McGuinness, seconded by Cllr. Pat Dunphy and agreed that SPC2: Transportation Policy/Mobility Management & Water Services held on Friday, 25th June, 2021 be taken as read and noted.

- (iii) **Report of SPC2: Transportation Policy/Mobility Management & Water Services**
It was proposed by Cllr. Deirdre Cullen, seconded by Cllr. Michael Delaney and agreed that SPC2: Transportation Policy/Mobility Management & Water Services held on Friday, 1st October, 2021 be taken as read and noted.

7. **Gnó Eile romhainn i bhFógra reachtála an Chruinnithe**
Other Business set forth in the Notice convening the Meeting

None.

8. **Oideachas agus Oiliúint - Education & Training**

- (i) **Approval to Attend Conferences**
Schedule of Conferences circulated with the Agenda was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. John Coonan and agreed.

9. **Gnótha ag éirí as Miontuairiscí - Matters Arising from Minutes**

None.

10. **Aon Ghnó Eile - Any Other Business**

None.

11. **Fógraí Rúin - Notices of Motion**

20 (21) Cllr. Tomás Breathnach

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

“That Kilkenny County Council write to the Department of Housing, Local Government & Heritage and the Department of Tourism, Culture, Arts, Gaeltacht & Sport to urge the introduction of a higher level of grant payment for thatching roofs to better reflect the actual costs involved in terms of the materials and labour so as make to thatching more affordable for owners and to properly recognise the cultural integrity and heritage value of thatched properties.”

Cllrs. Tomás Breathnach, John Coonan, Maria Dollard, Mary Hilda Cavanagh, Pat Fitzpatrick, John Brennan, Pat Dunphy and Fidelis Doherty spoke on this motion and supported the requirement for greater financial assistance for thatching roofs and maintain the heritage, value of these buildings.

12. **Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh - Notices of Motion from other local authorities seeking support of Kilkenny County Council**

It was proposed by Cllr. Matt Doran, seconded by Cllr. Mary Hilda Cavanagh and agreed by all that the following Notices of Motion numbered 75 (21) to 78 (21) received from a number of Local Authorities be taken as read and noted:

75 (21) Sligo County Council

“That this Council in conjunction with Tusla, Department of Children & Equality and the Gardaí establish an appropriate and safe Refuge Centre for victims and survivors (mainly women) of domestic violence in Sligo and surrounding area.”

76 (21) Waterford City & County Council

“I am calling on Waterford City & County Council to have visual communication boards for non-verbal children installed in all public playgrounds.”

77 (21) Waterford City & County Council

“That Waterford City & County Council calls on the Government and the Minister for Health to establish a South East based Regional Integrated Care Organisation (RICO) under Sláintecare with appropriate levels of population based funding and governance to function in its own right serving the 600,000 people of the South East Regional and not under the control of Cork or Dublin groupings.”

78 (21) Sligo County Council

Sligo County Council calls upon Minister Eamon Ryan to refuse to grant a prospecting license to Flintridge Resources (Galantas) for almost 50 townlands in North Leitrim. We stand with communities in Leitrim who have voiced their clear opposition to this carbon heavy, energy intensive gold mining industry. We also stand with our colleagues in Leitrim County Council who unanimously voiced their opposition to the granting of this license. Companies like the one to which the Minister intends to grant a license have no role to play in helping create a sustainable future for this and future generations in the region. The industry is long associated with negative impacts on the landscape, air and water quality, carbon emissions and the displacement of and/or negative impacts on existing industries like tourism and agriculture. We ask the Minister to listen to the thousands of people who have made objections to the proposal. We also encourage other local authorities around the country to voice their opposition.”

Cathaoirleach Cllr. Fidelis Doherty wished all Members and staff a happy, safe and enjoyable Christmas.

Cllrs. Mary Hilda Cavanagh, Tomás Breathnach, Pat Fitzpatrick and Andrew McGuinness extended good wishes to all. They thanked the staff for ensuring all services were delivered during Covid and for all the work during these challenging times.

Chief Executive, Colette Byrne thanked the Cathaoirleach and all Members for their work throughout the year. She thanked all staff who serve the people of Kilkenny for all the work despite the challenges of Covid. She stated that Yulefest is bringing joy to the people of Kilkenny and we will continue to develop this Christmas Festival. We look forward to the 2022 even though the first weeks will be challenging with the Omicron variant. We will work to keep all essential services going.

Cllr. Doherty thanked the Chief Executive, Directors of Services, staff, Elected Members, Communities, Media and Frontline Workers for all their work throughout the year and wish everyone well for 2022.

That concluded the business of the meeting.

CATHAOIRLEACH

DATE