

**MIONTUAIRISCÍ DO GHNÁTH-CHRUINNIÚ
CHOMHAIRLE CHONTAE CHILL CHAINNIGH LE REACHTÁIL
AR DE LUAN, 20 MEÁN FÓMHAIR, 2021**



**MINUTES OF ORDINARY COUNCIL MEETING HELD
ON MONDAY, 20TH SEPTEMBER, 2021 AT 3.00 P.M.
IN WATERGATE THEATRE & VIA MS TEAMS**

Chair: Cllr. Fidelis Doherty.

Elected Members

Watergate Theatre: Cllrs Eamon Aylward, Tomás Breathnach, John Brennan, Martin Brett, John Coonan, Maria Dollard, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Denis Hynes, Joe Lyons, Joe Malone & Eugene McGuinness.

Via MS Teams: Cllrs Mary Hilda Cavanagh, Peter Cleere, Deirdre Cullen, Michael Delaney, Matt Doran, Michael Doyle, Ger Frisby, Michael McCarthy, Andrew McGuinness & Patrick O'Neill.

Officials

Watergate Theatre: Colette Byrne, Martin Prendiville, Tim Butler, Mary Mulholland, Sean McKeown, Catherine Cooney, Kevin Hanley & Anne Maria Walsh.

Via MS Teams: Fiona Deegan, Evelyn Graham, Eimear Cody & Michael Arthurs

1. Dearbhú Miontuairiscí - Confirmation of Minutes

- (i) **Minutes of July Plenary Meeting of Kilkenny County Council**
Proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Joe Malone and agreed.
"That the Minutes of Plenary Meeting of Kilkenny County Council held on Monday, 19th July, 2021 as circulated with the Agenda be and are hereby approved".
- (ii) **Minutes of Special Council Meeting held on Monday, 26th July, 2021**
Proposed by Cllr. Martin Brett, seconded by Cllr. John Brennan and agreed.
"That the Minutes of Special Meeting of Kilkenny County Council held on Monday, 26th July, 2021 as circulated with the Agenda be and are hereby approved".
- (iii) **Minutes of Special Meeting of Kilkenny County Council held on 27th August, 2021**
Proposed by Cllr. Andrew McGuinness, seconded by Cllr. Joe Lyons and agreed.
"That the Minutes of Special Meeting of Kilkenny County Council held on Friday, 27th August, 2021 as circulated with the Agenda be and are hereby approved".
- (iv) **Minutes of Adjourned Special Meeting of Kilkenny County Council**
Proposed by Cllr. Martin Brett seconded by Cllr. John Brennan and agreed.
"That the Minutes of Adjourned Special Meeting of Kilkenny County Council held on Friday, 3rd September, 2021 as circulated with the Agenda be and are hereby approved".
- (v) **Minutes of SPC 1: Economic Development, Enterprise Support, Tourism, Planning & Development Policy**
Proposed by Cllr. John Coonan seconded by Cllr. Ger Frisby and agreed.
"That the Minutes of SPC 1: Economic Development, Enterprise Support, Tourism, Planning & Development Policy held on Friday, 5th March, 2021 as circulated with the Agenda be and are hereby approved".

- (vi) **Minutes of SPC 4: Environmental Protection, Climate Action & Energy**
Proposed by Cllr. Mary Hilda Cavanagh seconded by Cllr. Deirdre Cullen and agreed.

“That the Minutes of SPC 4: Environmental Protection, Climate Action & Energy held on Friday, 5th March, 2021 as circulated with the Agenda be and are hereby approved”.

Fógraí - Announcements

Cathaoirleach Cllr. Fidelis Doherty welcomed the lifting of restrictions and appealed to all to remain safe and healthy and reminded all of person responsibility.

Cathaoirleach extended congratulations and best wishes to the following:

- All involved in the Rás na mBan week and particularly the Roads staff for all their work.
- All involved in Kilkenny Day on 10th October and asked all to support it.
- All involved in Arts Week in August.
- The Kilkenny Minor Camogie Team on winning the All-Ireland.
- Well done to Clíodhna Manning and Mary Fitzgerald on their participation in the Olympics.
- Liz Dempsey who refereed her first All-Ireland Camogie Final.
- All the Kilkenny Ploughing men/women involved in the National Ploughing Championships and their achievements.
- Conor Ryan who won the Novice Reversible Plough Class.
- Gearoid Dunne and Harry Shine who are named on the GAA Minor Hurling Team of the Year.

Vótaí Comhbhrón - Votes of Sympathy

Cathaoirleach Cllr. Fidelis Doherty extended Votes of Sympathy to the following:

- Family of the late James Walsh, Slieverue [*Pensioner*]
- Family of the late Patrick Shasby, Rioch Street, Kilkenny [*Pensioner*]
- Family of the late Joan Roche, Tullogher.
- Family of the late Paddy Grennan, Tullogher.
- Family of the late Bridget Hutchinson, Mullinavat.
- Family of the late Larry Doyle, Glenmore.
- Family of the late Bridie Delahunty, Mullinavat.
- Family of the late Maura Grant, Mullinavat.

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

- (i) It was proposed by Cllr. Tomás Breathnach seconded by Cllr. Pat Dunphy 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 Ballykeoghan, Kilmacow, Co. Kilkenny – as identified on the attached map - to Noeleen Ivory, Ballykeoghan, Kilmacow, Co. Kilkenny for the nominal sum of €10.00 (ten euro), with each party being responsible for their own legal costs associated with the transfer. Area measures 0.14 acre. The Consent of the Minister for Housing, Local Government and Heritage is not required.”

- (ii) It was proposed by Cllr. Martin Brett 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 land at Bishop Birch, Hebron Road, Kilkenny – as identified on the attached map to National Broadband Ireland Infrastructure DAC - by way of long-term lease for a period of 25 years at an annual rent of €750 (seven hundred and fifty euro) with each party to be responsible for their own legal costs associated with the lease. The Consent of the Minister for Housing, Local Government and Heritage is not required.”*
- (iii) It was proposed by Cllr. David Fitzgerald 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 a plot of ground at Market Yard, Kilkenny, as identified on the attached map, to Christie Bollard Limited, 31/32 St. Kieran Street, Kilkenny for the sum of €5,250 (five thousand two hundred and fifty euro) with the Purchaser being responsible for all legal costs associated with the sale including those of Kilkenny County Council. Area measures 6 square metres approx. The Consent of the Minister for Housing, Local Government and Heritage is not required.”*
- (iv) It was proposed by Cllr. Peter Cleere 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 Poulgour, Wetlands, Kilkenny – as identified on the attached map - to Kilkenny and Carlow Education and Training Board, Seville Lodge, Callan Road, Kilkenny for the nominal sum of €10.00 with each party being responsible for their own legal costs associated with the sale. The land combined measures 0.48 hectares approx. The Consent of the Minister for the Environment, is not required.”*
- (v) It was proposed by Cllr. Andrew McGuinness 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 land at Glendine, Castlecomer Road, Kilkenny, as identified on the attached map, to Ms Jackie Byrne and Ms Elizabeth Whitemore, Rathcash, Clifden, Co. Kilkenny for the sum of €2,500 (two thousand five hundred euro) with each party to be responsible for their own legal costs associated with the sale. The Area measures 0.007 acre. The Consent of the Minister for Housing, Local Government and Heritage is not required.”*

2. (b) (i) Cuid 8: Bóthar na Canálach Baile Sheáin - Part 8: Canal Road Johnstown

Ms. Evelyn Graham, Senior Executive Architect gave a PowerPoint presentation to the Members.

In her presentation she gave an overview on the following:

- Map showing 5 sites for 20 units.
- Current housing need in Johnstown.
- Mix of Units to suit all approved applicants.
- Proposed 3D view of completed development on each site.

- Submissions and observations received during Part 8. Two Third Party External submissions received.
- Issues raised:
 - Water Pressures/Supply in Area
 - Road Safety
 - Overlooking/Privacy
- Positive feedback in relation to tackling dereliction and vacancies.

She advised the Members that the Chief Executive is recommending to the Council that the proposed development proceed in accordance with plans available at public consultation and the revision/recommendations of the Planning Department.

Contributions were received from Cllrs. Mary Hilda Cavanagh, Pat Fitzpatrick, John Brennan, Michael McCarthy, Denis Hynes and Joe Malone. Members welcomed the proposed development of 20 houses in Johnstown and the regeneration of derelict and vacant properties. They complemented the Housing Staff and the Design Team on the quality of the units being provided across the County. Members raised their concerns in relation to road safety at the junction of the Rathdowney Road.

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Pat Fitzpatrick and agreed that:

"We the Members of Kilkenny County Council approves the proposed 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

(ii) Ag Cúram/Taking in Charge: Friary Walk, Phase 1&2, Clashacollare, Callan

It was proposed by Cllr. Joe Lyons, seconded by Cllr. Matt Doran and agreed that:

"That the County Council of the County 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."

Development: TC97 – Friary Walk, Phase 1 & 2, Clashacollare, Callan, Co. Kilkenny.

(iii) Ag Cúram/Taking in Charge: Rath Ullord, Phase 1, New Orchard

It was proposed by Cllr. John Coonan, seconded by Cllr. David Fitzgerald and agreed that:

"That the County Council of the County 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."

Development: TC137 – Rath Ullord, Phase 1, New Orchard, Kilkenny

(iv) Ag Cúram/Taking in Charge: Brookfield, Ballyhale, Co. Kilkenny

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

“That the County Council of the County 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.”

Development: TC134 – Brookfield, Ballyhale, Co. Kilkenny

(iv) Ag Cúram/Taking in Charge: Haven Court, Ballyragget, Co. Kilkenny

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Michael McCarthy and agreed that:

“That the County Council of the County 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.”

Development: TC146 – Haven Court, Ballyragget, Co. Kilkenny

**(c) (i) Deontas Feasachta Frith-Bhruscair/Frith-Graifítí 2021
Anti-Litter/Anti-Graffiti Awareness Grant 2021**

Mr. Sean McKeown presented his report on Anti-Litter/Anti-Graffiti Awareness Grant 2011. The Council received a grant of €20,000 from the Department of Environment, Climate & Communication. Kilkenny County Council is required to provide a further €10,000 as match funding. Total budget available is €30,000.

A number of activities included in the Litter Management Plan can be undertaken from this funding and these are listed in the Report.

A balance of €11,075 is available for Community Projects. This funding was advertised in March 2021. 20 Community Applications were received. All applications were evaluated by Environment and met the grant criteria. It is recommended to the Elected Members that the 20 applicants each receive a grant as listed in the Report – Total value €11,000.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. David Fitzgerald and agreed that:

“That Kilkenny County Council approves the payment of Anti-Litter/Anti-Graffiti Awareness Grants in accordance with the list circulated to the Members.”

(d) (i) Deontais Imeachtaí Pobail - Community Event Grants

Ms. Mary Mulholland presented her report on the Events Grants Scheme for 2021. The Budget allocated for the 2021 Scheme was €22,400. Six applications were received for the small events. The Council are in a position to fully fund these applications.

It is recommended that the Elected Members approve the six grants in the total sum of €8,100.

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

“That the Event Grants 2021 totalling €8,100 are hereby approved by the Members of Kilkenny County Council, as per report circulated.”

(ii) Maoiniú Deontas Geata Uisce - Watergate Grant Funding

Mr. Martin Prendiville advised Members that the Watergate Theatre has secured a grant of €255,000 under the Cultural Capital Grants Scheme for energy efficiency improvement works to the Theatre and to reduce their carbon footprint.

The following works will be undertaken:

- Insulation – walls/roof etc.
- Replacement of doors/windows.
- Upgrade Lighting.

Kilkenny County Council is required to provide match funding for the grant to the value of €255,000 (50%). He advised that this work is not included in the Three Year Capital Budget as the grant had not been secured at the time that the Members were considering the Capital Budget. It is recommended that the work be undertaken in upgrading the Theatre to reduce their carbon footprint.

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

“That Kilkenny County Council provides matching funds of €255,000 for the energy improvements works in the Watergate Theatre.”

**(e) (i) Cur i láthair: Kilkenny.ie, Shop Local, Taste Kilkenny
Presentation: Kilkenny.ie, Shop Local, Taste Kilkenny**

Ms. Fiona Deegan, LEO gave a PowerPoint presentation to the Elected Members on Kilkenny.ie, Shop Local, Taste Kilkenny, Invest Kilkenny, Careers etc.

In her presentation she gave an overview on the Kilkenny Branding and website owned by the Council. The Communication Team in the Council manages the content on all social media platforms. She presented various content from Kilkenny.ie to showcase what is happening in Kilkenny and the content being provided from a number of areas such as Kilkenny Tourism, LEO etc.

The various platforms managed by Kilkenny County Council include – Facebook, Twitter etc.

Recent footage of campaigns undertaken were shown to the Members in particular the promotion of Taste Kilkenny with the “2 Jackie’s” – Jackie Tyrrell and Jackie Hurley. Upcoming campaigns will be “Discover Kilkenny” and “Invest Kilkenny”. “Shop Local” campaign was run in conjunction with KCLR across the County.

The Kilkenny brand enables companies to list jobs under the careers area and this is being used by private companies.

The whole purpose of the Kilkenny Brand is to promote the County and sell Kilkenny to wider audiences under the one Brand.

She presented an overview on the followers on the various platforms.

Contributions were received from Cllrs. Fidelis Doherty and Andrew McGuinness. Members thanked Ms. Deegan for the overview and encouraged all to highlight all that is good about Kilkenny and to encourage people to visit and shop local also.

(f) (i) ***Tuarascáil Mhíosúil an Phríomhfheidhmeannaigh***
Chief Executive's Monthly Report

Ms. Colette Byrne, Chief Executive presented her Monthly Report.

Ms. Byrne stated that she wished to clarify the roles of the Council and the Abbey Quarter Partnership who are both delivering project in the Abbey Quarter. She outlined that there are two Entities operating within the development of the Abbey Quarter site and each have separate functions. Members approved that Kilkenny County Council should enter into a partnership for the development of the buildings on the site. The Abbey Quarter Partnership was set up between Kilkenny County Council (50%) and NTMA (50%). The Partnership is responsible for progressing plans for delivery of the buildings. It borrows money, lets the building on a commercial basis and repays money borrowed.

The County Council is responsible for the Public Realm which is 60% of the entire site. Kilkenny County Council is responsible for the development of the Riverside Park, Skate Park, Brewhouse Square, Mayfair Library, upgrading of the Tea Houses and the park around St. Francis Abbey along with the Urban Street. The Council avails of any opportunity to seek grant funding such as URDF, Fáilte Ireland and in addition provides capital funding from our own Capital Budget for to match grant aid where needed.

The current development of the Brewhouse and the public realm is being delivered by one Contractor in the interest of efficiency, continuity and pracity but is funded by the two separate entities.

The provision of the Temporary Car Park which is a meanwhile use for up to seven years will be delivered by the Abbey Quarter Partnership. Kilkenny County Council will contribute to the cost of the Coach Park.

She re-iterated that there are no free buildings available, no free rent, buildngs are let on a commercial basis by the Abbey Quarter Partnership.

Ms. Byrne advised that it is expected that the Contractor for the development of the Library will be onsite shortly and it is expected to be completed in 2023. Detailed designs on the new Urban Park and Street are at an advance stage. There is very positive feedback on the Riverside Park & Skate Park on the design and quality of work.

She advised that a full update will be given at the December Council meeting.

Cllrs. Peter Cleere and David Fitzgerald thanked the Chief Executive for the clarification.

Cllr. Peter Cleere raised a query in relation to the loss of rate income following the revaluation. He stated that the Council cannot sustain a loss of €1m in rates. The Council was guaranteed that the revaluation of properties would not result in a loss of income for the County. He proposed that a letter be sent to the Minister for Housing, Planning & Local Government seeking compensation for this loss. This was seconded by Cllr. Pat Fitzpatrick and agreed by all.

Contributions were also received from Cllrs. Pat Fitzgerald, Andrew McGuinness and Mary Hilda Cavanagh.

Cllr. Pat Dunphy requested the Council to carry out a publicity campaign on the Register of Electors on all social media platforms to encourage young people to register.

Cllr. David Fitzgerald spoke in relation to the lack of rental accommodation in Co. Kilkenny. He stated that there are vacant houses available but are not being made available due to the cost of improvements and building regulations etc. He requested that the Council prepare a report on the level of vacant property and proposals to put these houses back in use.

Cllr. Fidelis Doherty thanked all for their input on the Chief Executive Report.

3. *Comhfhreagras - Correspondence*

None.

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. Pat Fitzpatrick, seconded by Cllr. Martin Brett and agreed.

(ii) **Fix Date for Statutory Budget Meeting**

It was proposed by Cllr. John Brennan, Seconded by Cllr. Martin Brett and agreed that the Statutory Budget Meeting be held on Friday, 26th November, 2021 at 3.00 p.m. Venue to be confirmed by CPG.

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

(i) **Report of SPC 1: Economic Development, Enterprise Support, Tourism, Planning & Development Policy**

It was proposed by Cllr. Ger Frisby, seconded by Cllr. Michael Delaney and agreed that Report of SPC 1: Economic Development, Enterprise Support, Tourism, Planning & Development Policy held on Friday, 5th March, 2021 be taken as read and noted.

(ii) **Report of SPC 4: Environmental Protection, Climate Action & Energy**

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Deirdre Cullen and agreed that Report of SPC 4: Environmental Protection, Climate Action & Energy held on Friday, 5th March, 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. John Brennan, seconded by Cllr. Martin Brett and agreed.

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

None.

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

Cllr. Joe Malone raised an issue in relation to a recent programme on women in the army.

Cathaoirleach advised that she asked Members to notify her in advance if any Member wished to raise an issue. Cllr. Malone was advised of the procedure in relation to Notice of Motions.

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

13 (21) Cllr. Tomás Breathnach

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

“That Kilkenny County Council write to the Department of Culture, Heritage, & Gaeltacht and to the Department of Rural & Community Development to seek funding dedicated to the conservation and restoration of old stone walls and other structures of heritage value in urban and rural areas and to underpin this support with the provision of funding for courses in the relevant traditional building skills.”

Cllr. Breathnach spoke on this motion and requested that funding be made available by the Government to protect these historic structures and walls. A number of Members contributed to the motion and offered support for it.

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. John Coonan, seconded by Cllr. Tomás Breathnach and agreed by all that the following Notices of Motion numbered 63 (21) to 66 (21) received from a number of Local Authorities be taken as read and noted:

63 (21) Limerick City & County Council

“That, Limerick City and County Council support the campaign of Epilepsy Ireland to address longstanding issues that continue to impact on people with epilepsy and their families in Limerick today, namely (1) Access to Free Travel and (2) Provision of Reasonable Accommodations for State Examinations for students with epilepsy.

The motion, if agreed, to be then sent to the Minister for Health, Stephen Donnelly TD, Minister for Social Protection, Heather Humphries TD, Minister for Education, Norma Foley TD, Michael Moynihan TD (Chair, Oireachtas Committee on Disability Matters) and to other Local Authorities for correspondence purposes.”

64 (21) Donegal County Council

“With the support of the Members I am demanding that Donegal County Council stop immediately (a) the collection of the LPT from the victims that have been destroyed by Mica, Pyrite and Pyrrhotite and that they refund all monies back to the victims since the establishment of the Local Property Tax. (b) That the Council stop immediately the collection of commercial rates from property and business owners that have been destroyed by Mica, Pyrite and Pyrrhotite and that all commercial rates be re-funded to these victims from the date of completion of their properties when they became commercially rateable.”

65 (21) Wicklow County Council

“Wicklow County Council acknowledges the need for a new national maternity hospital (NMH) to provide healthcare in the Greater Dublin Area, including County Wicklow.

Wicklow County Council notes the lack of legal clarity regarding ownership and management of the hospital and also acknowledges the concerns regarding the employment rights for those who will work in the hospital, many of whom live in Wicklow.

Wicklow County Council calls for the proposed new publicly funded NMH to be constructed on land owned and governed by the state.”

66 (21) Sligo County Council

“That Sligo County Council write to the Minister for Health and the Taoiseach requesting that without delay the work of Frontline workers be remunerated.”

That concluded the business of the meeting.

CATHAOIRLEACH

DATE