

MINUTES OF ORDINARY COUNCIL MEETING HELD ON MONDAY, 16TH JULY, 2018 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, Ger Frisby, Pat Fitzpatrick, Breda Gardner, Andrew McGuinness, Joe Malone, Michael McCarthy, Pat Millea, Malcolm Noonan, Melissa O'Neill, Patrick O' Neill, Maurice Shortall and Sean Tyrrell.

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

Apologies: Cllr. David Kennedy.

It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Michael McCarthy and agreed to adjourn meeting for fifteen minutes to complete presentation from Kilkenny Civic Trust in-committee.

1. Confirmation of Minutes

(a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 18th June, 2018**

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

"That the Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 18th June, 2018, as circulated with the Agenda be and are hereby approved".

(b) **Minutes of Annual Meeting of Kilkenny County Council held on Friday 8th June, 2018**

Proposed by Cllr. Ger Frisby, seconded by Cllr. Melissa O'Neill and agreed:

"That the Minutes of Annual Meeting of Kilkenny County Council held on Friday, 8th June, 2018 as circulated with the Agenda be and are hereby approved".

The Cathaoirleach congratulated the following:

- Kilkenny War Memorial Committee on event held in The Peace Park, John's Quay.
- Ciara Deely, Wallslough who represented Ireland in the World U20 Championships in Tampere, Finland.

The Cathaoirleach wished the Fairytale Festival Committee every success in Woodstock Gardens on Sunday, 22nd July, 2018.

Cathaoirleach extended votes of sympathy to the following:

- The Family of the late Margaret Dixon, Kilkenny [Pensioner].
- The Family of the late Kathleen Duffy, Kilkenny [Pensioner].
- The Family of the late Michael Byrne, Graiguenmanagh [Pensioner].

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

(i) **Lease of land at the Moate Site, Callan to Camphill**

Ms. Mulholland outlined to Members the purpose of the lease of this land. The area of land is a 3 metre strip. Planning permission has been granted for the development. A lease must be in place to allow Camphill Communities apply for funding under Leader & Rural Development for Outdoor Recreations Projects.

It was proposed by Cllr. Mary Hilda Cavanagh seconded by Cllr. Matt Doran 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 lands at Westcourt, Callan, [Moat Field], Co. Kilkenny, as identified on the attached map, by way of Long Term Lease to Camphill Community Callan for a term of 15 years at a nominal rent of €52 [fifty two euro] per annum with each party to be responsible for their own legal costs subject to funding being in place to deliver the project."

(b) **Planning – Pleannail**

(i) **Material Convention: Primary Care Centre – Golf Links Road, Lakeside, Kilkenny**

Report has been circulated in relation to proposed material contravention of the Kilkenny City & Environs Development Plan 2014 - 2020. Cllrs. A. McGuinness, S. Tyrrell and M. Shortall welcomed the development and supported the completion of the amenity area adjoining the development and the residential area.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Mary Hilda Cavanagh and agreed:

"That in accordance with Section 34 (6) of the Planning & Development Act 2000, as amended, a decision to grant Planning Permission shall be made, subject to appropriate conditions to:

Westcourt Healthcare Ltd., c/o Anthony O'Hara, Gittens Murray Architects Ltd., No. 5 William Street, Kilkenny for a proposed development to comprise as follows:

Primary Healthcare Centre and Community Resource Centre comprising a three storey structure and recreational facilities and landscape improvements. The Primary Healthcare Centre facility will provide for HSE health and social care services and General Practice and associated meeting rooms, administrative offices, staff accommodation, receptions and ancillary uses. External works to the structure include roof plant and signage. The Community Resource centre will be an own door facility located in the ground floor of the proposed structure. The proposals also include a new vehicular entrance off Golf Links Road, car and bicycle parking, a set down area, footpaths, cycle paths, an ESB sub-station and waste store, pumping station, lighting and totem sign. The recreational facilities comprise the provision of a school sports practice field and associated works and landscape works and improvements to the existing open space and ponds to form a public park at Lakeside and Golf Links Road, Kilkenny.

Ref. No. in Planning Register - P.18/59

Which materially contravenes the zoning objective 3.4.5.6 of the Kilkenny City & Environs Development Plan."

22 Members voted in favour of the Material Contravention as follows:

In Favour [22] Cllrs. John Brennan, Mary Hilda Cavanagh, Pat Fitzpatrick, Michael McCarthy, Pat Millea, Maurice Shortall, Peter Cleere, Michael Doyle, Breda Gardner, Andrew McGuinness, Patrick O'Neill, Matt Doran, David Fitzgerald, Sean Tyrrell, Joe Malone, Malcolm Noonan, Eamon Aylward, Tomás Breathnach, Fidelis Doherty, Pat Dunphy, Ger Frisby & Melissa O'Neill.

No Member voted against it or abstained. Therefore the Material Contravention was approved.

(ii) **Part 8 - Provision of a Temporary Car & Coach Park in the Abbey Quarter in the Townland of Gardens, Kilkenny for a Period of 5 Years.**

Report on Part 8 for the provision of a temporary car parking and coach park in the Abbey Quarter for five years has been circulated.

Cllr. Malcolm Noonan requested that it be noted his concerns regarding this development and he was not in favour of it.

It was proposed by Cllr. Mary Hilda Cavanagh seconded by Cllr. Ger Frisby and agreed that

"We the Members of Kilkenny County Council approves 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 Provision of Temporary Car and Coach Park in the Abbey Quarter in the Townland of Gardens, Kilkenny for a 5 year period, as circulated."

(iii) **Part 8 - Turfmarket, Graiguenamanagh, Kilkenny, Provision of Car Park & Public Toilets**

Report on Part 8 for the provision of car park and public toilets in Graiguenamanagh has been circulated. Mr. Butler advised application for funding for this project will be under the Tourism & Village Renewal Scheme.

Queries were raised by Cllrs. Peter Cleere, Maurice Shortall, Michael Doyle & Andrew McGuinness in relation to provision of public toilets in other towns, anti social behaviour and traffic management i.e. one way at Turfmarket.

Mr. Butler responded to the queries raised by Members.

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Michael Doyle and agreed that:

"We the members of Kilkenny County Council approves 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 Provision of Car Park and Public Toilets at Turfmarket, Graiguenamanagh, Co. Kilkenny, as circulated."

(c) (i) **Capital Programme - Borrowing of €5 Million**

Mr. Prendiville referred to the document circulated with the Agenda and advised the Members that the total estimated expenditure over the three years on the capital project is €212 million. Total for Housing Projects is €131 million and all this expenditure is recouped from the Department. The estimated expenditure on other capital projects is €81 million. There is a funding shortfall of €26 million on the non housing capital projects for the three year period. Kilkenny County Council collects approximately €1.5 million each year from Development Contributions.

Mr. Prendiville advised that there are three significant projects in the three year programme that have commenced or due to commence this year. The total budget for these projects is €20 million. Grant approval have been secured for €8.6 million. Therefore the balance of the funding is €11.4 million.

A term loan for €5 million is required in 2018. The loan will be for a 20 year period with half yearly payments. Provision has been included in the Revenue Budget for repayments of this loan.

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

"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".

(ii) Housing Capital Programme - Bridging Loan Facilities

Mr. Martin Prendiville outlined to Members that the total Capital Budget for 14 housing projects currently at different stages is €37m. To-date €3m has been spent on land and building acquisition. Further money will be required for purchase of additional land. All expenditure on housing projects is fully recouped from the Department.

Kilkenny County Council requires bridging facility to cover land/building acquisitions and construction finance. It can take up to two years to recoup expenditure on a project. The project must be at construction stage before any money is recouped from the Department.

A bridging finance facility has been negotiated with the HFA. Maximum drawdown is €10m on a revolving basis for a period of five years. Interest is calculated daily and paid half yearly. Interest will be recouped from the Department. Approval of members is required for this facility.

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

"That subject to the sanction of the Minister for Housing, Planning & Local Government, Kilkenny County Council hereby approves a revolving bridging loan facility of up to €10,000,000 for the purpose of delivery of Social Housing".

(d) (i) Community & Culture Facilities Grant Scheme 2018

Ms. Mary Mulholland presented her report on the application for funding under the Community & Culture Facilities Capital Grant Scheme 2018. She advised that 19 applications were received requesting funding of €720,598. The budget available for 2018 is €250,000.

Evaluation process has taken place in accordance with the criteria approved by Members. It is recommended that eight projects outlined in the Report are funded under the Scheme to the value of €250,000. Members approval is required.

Full list of applicants has been circulated.

Contributions were received from Cllrs. P. Dunphy, MH. Cavanagh, P. O'Neill, F. Doherty, E. Aylward, M. O'Neill, G. Frisby, P. Cleere, P. Fitzpatrick, M. Shortall and B. Gardner. The issues raised by Members are as follows:

- Reduce amount of funding to the eight projects to allow more projects to be funded.

- Provide commitment to unsuccessful groups that they will be funded in 2019.
- Provide more funding in the Capital Account.
- Same process has been applied in 2018 as other years.
- Circulate marks awarded to each project.

Ms. Mulholland and Mr. Prendiville responded to the issues raised.

It was proposed by Cllr. Pat Millea, seconded by Cllr. Mary Hilda Cavanagh:

"That the Community & Culture Facilities Grants as outlined in the Report circulated at the meeting held on 16th July, 2018, are hereby approved."

An amendment was proposed by Cllr. Pat Dunphy, seconded by Cllr. Maurice Shortall:

"That the Community & Culture Facilities Grants as outlined in the Report circulated at the meeting held on 16th July, 2018, are hereby approved and that the unsuccessful applications will be funded in 2019."

A vote was taken on the amendment:

In Favour [3] Cllrs. Maurice Shortall, Tomás Breathnach & Pat Dunphy.

Against [18] Cllrs. John Brennan, Mary Hilda Cavanagh, Pat Fitzpatrick, Michael McCarthy, Pat Millea, Peter Cleere, Michael Doyle, Breda Gardner, Andrew McGuinness, Patrick O'Neill, Matt Doran, David Fitzgerald, Joe Malone, Malcolm Noonan, Eamon Aylward, Fidelis Doherty, Ger Frisby & Melissa O'Neill.

The amendment was defeated.

A vote was taken on the proposal

In Favour [21] Cllrs. John Brennan, Mary Hilda Cavanagh, Pat Fitzpatrick, Michael McCarthy, Pat Millea, Maurice Shortall, Peter Cleere, Michael Doyle, Breda Gardner, Andrew McGuinness, Patrick O'Neill, Matt Doran, David Fitzgerald, Joe Malone, Malcolm Noonan, Eamon Aylward, Tomás Breathnach, Fidelis Doherty, Pat Dunphy, Ger Frisby & Melissa O'Neill.

The proposal was carried.

(ii) All Ireland Pollinator Plan 2015- 2020

Ms. Mary Mulholland presented her report on the National Pollinator Plan and the associated "Council's Actions to hold Pollinators" document. She advised that it is the recommendation of the SPC3 that Kilkenny County Council should formally adopt it. The Action Plan for 2018-2019 was circulated and this document outlines the actions to be taken by Kilkenny County Council over the two years.

Ms. Mulholland introduced Mr. Peter Walsh who has been a Bee Keeper for over 50 to talk on the bumble bee.

Mr. Walsh spoke passionately about the plight of the bumble bee and the importance of bees in general to the livelihood of beekeepers all over Ireland. He spoke about the changes to our landscape and our climate all of which is having a devastating impact on bees.

He requested the Council to consider the use of nectar flowering plants and appealed to all residents to do likewise in their gardens and hanging baskets. He welcomed the Action Plan which is before the Members and he also referred to Cllr. Noonan's motion on designating the Garden Bumble bee as our County insect - being the colours of black and amber.

All members thanked Mr. Walsh for his very informative talk on the Garden Bumble bee.

It was agreed to allow Notice of Motion No. 17 (18) to be taken at this stage as it is relevant to this item.

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

"That the Report on the National Pollinator Plan and the associated "Council's Actions to Hold Pollinators" document as circulated at the meeting held on 16th July, 2018, be hereby approved."

(iii) **Entente Florale – Inistioge**

Cllr. Eamon Aylward, Cathaoirleach welcomed the Inistioge Entente Floral/Tidy Towns Committee to the meeting. He thanked all the Members of the Committee and the people of Inistioge for all their work and commitment in preparing their village for the judges this week.

Mr. Frank Sullivan, Chairperson of the Committee addressed the meeting. In his address he acknowledged the partnership between Kilkenny County Council and the Committee. He paid special thanks to a number of staff from the Parks Department, Environment Section, Heritage Office, Conservation Office and Thomastown Area Office who had a very active part in preparing the village for this competition.

Challenges were set out by the Committee and an Action Plan was prepared to cover all aspects of work including infrastructure, upgrading public lights, provision of public car park, playground, access to river.

He acknowledged that a lot has been done but it is still a work in progress. He stated that the development of tourism in Inistioge is a key issue. Increase in tourism will give the area an economic boost and new jobs can be created. He also referred to the significant asset of Woodstock and welcomed further development there.

Contributions were received from Cllrs. M. Doyle, F. Doherty, B. Gardner, M. Shortall, P. Cleere, M. O'Neill, M. Noonan, J. Malone, D. Fitzgerald and MH. Cavanagh.

Members congratulated and complimented the Committee and all volunteers who have been working over the last few months in preparing the village for the competition. Members were impressed with the works already undertaken and said it was visually uplifting to walk around and see the village. The Members acknowledged the work done by Kilkenny County Council to compliment the work of the Committee.

The Committee were wished every success with the judges this week.

(iv) **Town and Village Renewal - Update**

Mr. Tim Butler referred to the report circulated with the agenda and advised Members that it is an update on the Town & Village Renewal for their information.

Query was raised by Cllr. Tomás Breathnach in relation to the Town & Village Renewal funding for Hugginstown & Kilmacow in relation to the planning process for Phase 1 & 2 of these works.

The contents of the report was noted as read on the proposal of Cllr. Tomás Breathnach and seconded by Cllr. Maurice Shortall and agreed by all Members.

(e) **Chief Executives Monthly Report**

Ms. Byrne advised that her CE Report for July 2018 was circulated with the Agenda. She advised that she is available to answer any queries in relation to any item in the Report.

Cllrs. Matt Doran & Patrick O'Neill requested an update on the Bennettsbridge Water Supply. Mr. Butler advised that there is significant difficulties with a number of Water Schemes and in particular the Bennettsbridge Supply. Consideration is being given to boring an additional well to augment the supply. Staff are working to repair all leaks as quickly as possible. In addition the level of water in the river is very low.

All resources are being deployed to ensure everyone has water at some stage of the day. He advised that the hose pipe ban is also in place for Co. Kilkenny.

3. **Correspondence**

None.

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

None.

5. (i) **Schedule of Meetings from July, 2018 to October, 2018**

It was proposed by Cllr. Malcolm Noonan seconded by Cllr. Fidelis Doherty and agreed.

(ii) **Agree date for meeting with IDA In-Committee**

It was proposed by Cllr. Tomás Breathnach seconded by Cllr. Maurice Shortall that the IDA meet the Members In-Committee on Monday, 17th September, 2018 at 2.00 p.m. An amendment was proposed by Cllr. Pat Fitzpatrick and seconded by Cllr. David Fitzgerald that the meeting with the IDA be held in public.

Cathaoirleach advised that a vote be taken on the amendment.

In Favour [12] Cllrs. John Brennan, Mary Hilda Cavanagh, Pat Fitzpatrick, Michael McCarthy, Peter Cleere, Breda Gardner, Andrew McGuinness, David Fitzgerald, Joe Malone, Fidelis Doherty, Ger Frisby & Melissa O'Neill.

Against [8] Cllrs. Maurice Shortall, Michael Doyle, Patrick O'Neill, Matt Doran, Malcolm Noonan, Eamon Aylward, Tomás Breathnach & Pat Dunphy.

The amendment was carried with 12 voting in favour to 8 votes against.

Cllr. Aylward advised that the IDA would address the Council during the September Monthly Meeting in public.

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**

Cathaoirleach advised Members that the McGill School Conference is being added to the list of Conferences approved by the CPG at the request of a number of Members.

The amended schedule was proposed by Cllr. Malcolm Noonan seconded by Cllr. Pat Fitzpatrick and agreed.

9. **Matters Arising from Minutes**

None.

10. **Any Other Business**

Mr. Tim Butler circulated a note on the forthcoming Presidential Election. He advised that it might be appropriate to hold a Special Meeting to receive potential candidates who are seeking a nomination from the Local Authority. Approval of Members is required for a Special Meeting. If Members are agreeable, the Cathaoirleach will decide on the date as appropriate in August or early September.

It was proposed by Cllr. Breda Gardner seconded by Cllr. Joe Malone and agreed:

"That Kilkenny County Council convene a Special Meeting to be decided by Cathaoirleach to afford potential candidates the opportunity to address the Members and seek a nomination for the forthcoming Presidential Election."

11. **Notices of Motion**

17 (18) Cllr. Malcolm Noonan & Cllr. Pat Dunphy

It was proposed by Cllr. Malcolm Noonan seconded by Cllr. Pat Dunphy and agreed:

"That Kilkenny County Council would designate the Garden Bumble Bee (Bombus Hortorum) as our County Insect. In doing so we will endeavour to collaborate with communities, business and farmers to conserve, enhance, create and protect habitats for all bees and insects across County Kilkenny and to work with the National Biodiversity Data Centre with the support of Kilkenny Heritage Forum to monitor and evaluate the state of the population of all bumblebees and honeybees within the County through the implementation at local community level of the All Ireland Pollinator Plan. This motion recognises that this black and amber bee should be synonymous with Kilkenny but also the important economic, social and environmental function of bees and biodiversity in general to society, to our collective future on this planet and towards the implementation of the 17 Sustainable Development Goals (SDG's) in particular Goal 15 related to 'Life on Land'".

Cllr. Malcolm Noonan spoke on this motion in relation to designating the Garden Bumblebee [Bombus Hortum] as our County Insect. He welcomed the adoption of the County Bio-diversity Action Plan and Pollinator Plan and called on each County to adopt an insect. He acknowledged the support of the Heritage Council and Forum and the National Bio-diversity Data Centre. He called on the Local Authority to lead the way in managing habitats to promote conservation best practice, develop the exemplar conservation and re-wilding projects, both the use of harmful herbicides, create space for wildflowers to flourish and foster an appreciation of the wonders of nature. He urged actions to prevent the extinction of threatened species.

That concluded the business of the meeting.

CATHAOIRLEACH

DATE

