

# MINUTES OF ORDINARY COUNCIL MEETING HELD IN WATERGATE THEATRE ON MONDAY, 19<sup>TH</sup> OCTOBER, 2020 AT 3.00 P.M.

**Chair:** Andrew McGuinness

**Clrs:** Michael Doyle, Pat Dunphy, Pat Fitzpatrick, Ger Frisby, Joe Malone  
& Eugene McGuinness

**Officials:** Colette Byrne, Tim Butler, Martin Prendiville, Anne Maria Walsh & Kevin Hanley.

It was decided at the October 2020 Corporate Policy Group that the October Monthly Meeting be held with a quorum present. Therefore, all other Members were excused. Teams call was available to listen in.

## 1. Confirmation of Minutes

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

Proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Joe Malone and agreed.

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

(b) **Minutes of Adjourned Meeting of Kilkenny County Council held on Wednesday, 23<sup>rd</sup> September, 2020**

Proposed by Cllr. Michael Doyle, seconded by Cllr. Ger Frisby and agreed.

*"That the Minutes of Adjourned Meeting of Kilkenny County Council held on Wednesday, 23<sup>rd</sup> September, 2020 as circulated with the Agenda be and are hereby approved".*

(c) **Minutes of SPC 4: Environment Protection, Climate Action & Energy held on 9<sup>th</sup> December, 2019**

Proposed by Cllr. Ger Frisby, seconded by Cllr. Eugene McGuinness and agreed.

*"That the Minutes of SPC4 Meeting: Environment Protection, Climate Action & Energy held on 9<sup>th</sup> December, 2020 as circulated with the Agenda be and are hereby approved".*

Cathaoirleach Andrew McGuinness extended congratulations to:

- All involved in Kilkenny Day as it was a great success.
- The launch of the new brand and website for Kilkenny.ie.
- Kilkenny City on coming out tops again this year in the latest IBAL survey.
- Those involved with the Great War Memorial Commemoration – Young Soldier.
- Cartoon Saloon on the launch of Wolfwalker.

Cathaoirleach Cllr. Andrew McGuinness extended votes of sympathy to:

- Martin Mullally on the death of his wife Josephine.
- Peter Cleere on the death of his grandmother Annie Cleere.
- Eddie O'Reilly on the death of his brother-in-law Eugene O'Reilly.
- Family of the late Mary Fogarty, Gowran.
- Family of the late Seamus Kennedy, Castlecomer.
- Family of the late Seamus Foskin, The Rower.
- Family of the late Lily May O'Dwyer, Glenmore.
- Family of the late Michael Cummins, Slieverue.
- Family of the late Joe O'Mahoney, The Rower.

- Family of the late Senan Walsh, Kilmacow.
- Family of the late Patsy Power, Piltown.
- Family of the late James Murphy, Knocktopher.
- Family of the late Jo O'Sullivan, Carrigeen.
- Family of the late Teresa Kelly, St. Patrick's Close.
- Family of the late Seanie O'Brien, Assumption Place.

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

- (i) It was proposed by Cllr. Michael Doyle seconded by Cllr. Ger Frisby and agreed:

*“That it is the intention of Kilkenny County Council, in accordance with Section 183 of the Local Government Act, 2001, to dispose of its interest in a site at Cloghabrody, Thomastown, Co. Kilkenny to Tom Treacy, Ballyroe, Thomastown, Co. Kilkenny for €215,000 and with each party being responsible for their own legal costs associated with the sale. Plot measures 4.19 acres.”*

- (ii) It was proposed by Cllr. Joe Malone seconded by Cllr. Pat Dunphy and agreed:

*“That it is the intention of Kilkenny County Council, in accordance with Section 183 of the Local Government Act, 2001, to dispose of its interest in a plot of ground at Drakeland Lower, Kilkenny to John DeLoughry, Drakeland Lower, Kilkenny for a nil Consideration and with Kilkenny County Council being responsible for all legal costs associated with the transfer. Plot measures 0.011 hectare.”*

(b) **Pleanail - Planning**

- (i) **Taking in Charge: Glenvale, Ballyragget, Co Kilkenny**

It was proposed by Cllr. Pat Fitzpatrick seconded by Cllr. Ger Frisby 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 here, to be a Public Road: **Glenvale, Ballyragget, Co Kilkenny**”*

- (ii) **Taking in Charge: Ard Glas, Ferrybank, Co Kilkenny**

It was proposed by Cllr. Ger Frisby 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 here, to be a Public Road: **Ard Glas, Ferrybank, Co Kilkenny**”*

- (iii) **Taking in Charge: Kingscourt, Callan, Co Kilkenny**

It was proposed by Cllr. Michael Doyle seconded by Cllr. Eugene McGuinness 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 here, to be a Public Road: **Kingscourt, Callan, Co Kilkenny**”*

(iv) **Taking in Charge: Cois na Bearu, Graiguenamanagh, Co Kilkenny**

It was proposed by Cllr. Pat Fitzpatrick seconded by Cllr. Michael Doyle 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 here, to be a Public Road: **Cois na Bearu, Graiguenamanagh, Co Kilkenny**"*

Cllrs. Andrew McGuinness, Pat Dunphy and Pat Fitzpatrick raised issues in relation to taking in charge of housing developments. They requested a report to be given to each Municipal District on housing estates in each of the Electoral Areas and that the Minister change the legislation on who can apply to initiate the taking in charge.

Mr. Sean McKeown responded to the queries raised.

(c) (i) **Bank Overdraft Facility for 2021**

Mr. Prendiville referred to report circulated to Members with the Agenda. He advised that Kilkenny County Council has an existing overdraft facility of €20m to cover the Covid Pandemic period. This increased facility will be required due to the continued uncertainty arising with Covid. Approval of Members and the Department is required for the renewal of the overdraft facility.

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

*"That subject to the sanction of the Minister for the Department of Housing, Planning and Local Government, Kilkenny County Council hereby approves overdraft borrowings to a maximum amount of €20,000,000 for the full year ending 31<sup>st</sup> December, 2021"*

(ii) **Commercial Rates Payment Incentive Grant 2020**

Mr. Martin Prendiville referred to report circulated to the Elected Members. He advised that a resolution of the Council is required to amend the scheme which was adopted in November 2019 at the Budget Meeting.

It is proposed to amend the scheme to give a grant of 3% [capped at €250 per account] of the nett rate demand after deducting the waiver credit announced by the Government. Grant will be available up to the 31<sup>st</sup> December, 2020.

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

*"That for the financial year ending 31<sup>st</sup> December 2020, Kilkenny County Council revises the Rates Incentive Grants Scheme to a grant of 3% of the 2020 rate demand (excluding arrears) less the waiver credit up to a maximum value of €250 subject to payment in full of the outstanding rate demand balance by 31<sup>st</sup> December 2020."*

(iii) **Finance Update**

Mr. Prendiville gave an update on the Restart Grant. €6.8m has been paid out to-date. A further 250 applications are being processed. There are a number of appeals in the system and further instructions are awaited from the Department.

He further advised that approximately €8m is due in compensation from the Government for the Rates Waiver for the nine months.

Between €2m to €2.5m is still to be collected and this will be challenging. There is a shortfall of €1.7m in income from Goods and Services. €0.5m additional expenditure was incurred on Covid related items. A request has been made to the government for compensation for the shortfall. Cashflow is critical. Preparation of Budget 2021 is underway. A number of workshops will be held for Members. The first Workshop is scheduled for Friday, 23<sup>rd</sup> October, 2020 at 3.00 p.m.

(d) (i) **Winter Services Maintenance Plan 2020-2021**

Mr. Tim Butler advised that the Winter Maintenance Programme commenced on 12<sup>th</sup> October, 2020 and will continue until the 30<sup>th</sup> April, 2021. 425km of roads will be treated when we have icy conditions. He further advised that drivers must take care and drive according to the prevailing conditions. If there is a prolonged spell, the severe weather plan will be implemented.

Contributions were received from Cllrs. Pat Fitzpatrick and Pat Dunphy. They requested that the Municipal District Members be given an opportunity to review the plan and that there is some local discretion in the areas for roads not included as priority in the plan.

Mr. Butler advised that there is already discretion at local level. The plan can be brought to the Municipal District Meeting for consideration in the future.

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Pat Dunphy and agreed to approve the Winter Maintenance Plan 2020/2021 as presented.

(e) (i) **Section 85 Agreement for Operation of the Carlow/Kilkenny Dog Shelter**

Report on the recommendation to continue with the operational and maintenance work at the Carlow/Kilkenny Dog Shelter was circulated. The cost is apportioned between Carlow County Council and Kilkenny County Council.

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

*"That Kilkenny County Council continues with the operational and maintenance works as required at the Carlow Kilkenny Dog Shelter at Paulstown, Co. Kilkenny. All costs to be apportioned equally with Carlow County Council. It is resolved that Section 85 Agreement be entered with Carlow County Council so as to have this arrangement on a formal statutory basis."*

(f) (i) **Chief Executive's Monthly Report**

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

Mr. Tim Butler advised the Members that a request has been received from KTCM to appoint two Members [1 Male and 1 Female] of the Travelling Community to the Animal Welfare Committee.

It was proposed by Cllr. Ger Frisby, seconded by Cllr. Joe Malone and agreed:

*"That two Members be appointed to represent the Travellers on the Animal Welfare Committee."*

Mr. Tim Butler advised the draft Horse Bye-laws will proceed to public consultation in relation to Horse Exclusion Zones. The SPC for Environment have been briefed.

Cllrs. Pat Dunphy, Andrew McGuinness and Pat Fitzpatrick raised a query in relation to emptying bottle banks on a more frequent basis.

Cllr. Joe Malone raised concerns in relation to disposal of face masks on the footpaths.

Mr. Butler responded to the issues raised.

(ii) **Appointment of Elected Member to Trail Kilkenny Committee**

Report has been circulated in relation to the appointment of an Elected Member to the Board of Trail Kilkenny.

It was proposed by Cllr. Michael Doyle, seconded by Cllr. Joe Malone and agreed:

*“That Kilkenny County Council hereby appoints Cllr. Pat O’Neill to sit on Trail Kilkenny Committee.*

3. **Correspondence**

Ms. Anne Maria Walsh advised that all correspondence at (i) to (v) have been circulated to all Members for their information.

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

None.

5. **Schedule of Meetings**

(i) **Fix Venue for November Monthly Meeting**

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Ger Frisby and agreed that the venue for the November Meeting will be either of the following:

- Watergate Theatre
- Council Chamber or
- A venue to be decided by the CPG.

(ii) **Fix Date for Budget 2021 Meeting**

It was proposed by Cllr. Ger Frisby, seconded by Cllr. Pat Fitzpatrick and agreed to hold the Budget 2021 Meeting on Friday, 27<sup>th</sup> November, 2020 at 3.00 p.m.

(iii) **Schedule of Meetings**

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Joe Malone and agreed that the dates for the Municipal District Budget Meetings will be as follows:

- *Callan – Thomastown:* ..... Wednesday, 11<sup>th</sup> November, 2020
- *Castlecomer:* ..... Monday, 9<sup>th</sup> November, 2020
- *Kilkenny:* ..... Friday, 13<sup>th</sup> November, 2020
- *Piltown:* ..... Wednesday, 4<sup>th</sup> November, 2020.

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

It was proposed by Cllr. Eugene McGuinness, seconded by Cllr. Ger Frisby that report taken as read and noted that the:

*“Report of Report of SPC 4: Environment Protection, Climate Action & Energy held on 9<sup>th</sup> December, 2019 as circulated with the Agenda be noted and hereby approved”.*

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

None.

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

None.

9. **Matters Arising from Minutes**

None.

10. **Any Other Business**

Cllr. Eugene McGuinness raised an issue in relation to community facility in Loughboy. He was advised that the issue would be referred to Housing.

11. **Notices of Motion**

**09 (20) Cllr. Ger Frisby**

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

*"That the Council updates the Members with regards to the expected timeline for Dunnes Stores opening their store in the Ferrybank Shopping Centre."*

Cllrs. Ger Frisby and Pat Dunphy spoke on this motion and asked that a letter be sent to Dunnes Stores requesting their plans and a timeframe for opening the store.

Mr. Tim Butler advised the Members on the current position on ownership etc.

**10 (20) Cllr. Michael Delaney**

Cllr. Andrew McGuinness advised that he had received approval from Cllr. Michael Delaney to move this Notice of Motion.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Michael Doyle and agreed that:

*"Kilkenny County Council calls on the Irish Government Departments of Health, Justice and Equality and Children & 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 in International Classification of Diseases version 11 and to implement recommendation 36 of the Report of the Reform of the Family Law System October 2019."*

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

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Ger Frisby and agreed that Notices of Motion 23 (20) to 26 (20) from the following local authorities be taken as read and noted.

**23 (20) Meath County Council**

*"That Meath County Council calls on the Minister for Health, the Department of Health and NPHET to make available weekly or bi-monthly, details of confirmed COVID-19 cases on a townland basis. This would ensure further compliance with COVID-19 measures and encourage the principle of "We are all in this together" bringing communities together to reduce the spread of the virus locally."*

**24 (20) Meath County Council**

*"Meath County Council calls upon the Department of Communications, Climate Action and Environment & Agriculture, Fisheries and Marine & Health to introduce a remunerated DUMP [dispose of unwanted medicines properly] scheme, through pharmacies to promote the safe and appropriate disposal of animal and human medicines, to reduce pharmaceutical waste in the environment."*

**25 (20) Galway City County Council**

*"That this Council calls on Debenhams to grant their former Debenhams employees an additional two weeks redundancy payment, in addition to the statutory two weeks' payment, in recognition of the years of loyal service they have given to the company."*

**26 (20) Wexford City County Council**

“That Wexford County Council call on the government to amend the remit of Irish Water to fund County Councils to allow them to deal with, increase capacity I and manage rural waste water systems in our rural villages with a population of less than 3,000, to protect the survival and growth of rural Ireland.”

That concluded the business of the meeting.

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**CATHAOIRLEACH**

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**DATE**