

MINUTES OF PROCEEDINGS AT MEETING OF THE MUNICIPAL DISTRICT OF ADARE-RATHKEALE HELD AT ÁRAS SEÁN FINN, NEW LINE ROAD, RATHKEALE, CO. LIMERICK ON MONDAY, 11TH APRIL, 2016, AT 9.00 A.M.

PRESENT IN THE CHAIR: Councillor R. O'Donoghue, An Cathaoirleach.

MEMBERS PRESENT:

Councillors Keary, McMahon, O'Brien, Sheahan and Teskey.

OFFICIALS IN ATTENDANCE:

Director, Regional Services (Ms. C. Curley), Operations Manager, South and West Division (Mr. B. Kennedy), Senior Executive Engineer, Service Operations South/West (Mr. R. Noonan), Meetings Administrator (Mr. T. O'Callaghan), Administrative Officer, Limerick Innovation Hub (Mr. M. Cantwell), Staff Officer (Ms. K. Butler), Assistant Staff Officer (Ms. E. Buckley).

1. Adoption of Minutes

Circulated, copy of draft Minutes of Meeting of the Municipal District of Adare-Rathkeale held on 9th March, 2016.

Proposed by Councillor Keary;
Seconded by Councillor McMahon;
And Resolved:

"That the draft Minutes, as circulated, be taken as read, adopted and signed".

The Cathaoirleach welcomed Councillor Teskey to the Meeting and wished him well in his role as a new Councillor in the District.

Members expressed disappointment that the Part 8 for the Proposed N21 Adare Western Approach Improvement Scheme had proceeded in spite of the issues they had raised in relation to the need to lay a sewerage pipe as part of the works and the need to provide a footpath from Adare to Adare GAA grounds. It was suggested that the Council put in place a plan for this footpath which could be implemented over a practical period. It was also suggested that the Council should install the sewerage pipes and recover the costs from Irish Water, at a later date.

The Director, Regional Services made the following points in response to issues raised by Members.

- The Council had secured approval for extra works under this project and the Part 8 had been advanced to facilitate, in particular, works on the proposed car park during the summer.
- Members concerns had been taken on board as far as possible but Irish Water had made it clear that the laying of a sewerage pipe along the route did not form part of their current priorities. The council would, however, continue to engage with Irish Water in this regard.

- Transport Infrastructure Ireland (TII) had made it clear that a footpath from Adare to the Adare GAA grounds would not be funded as part of the scheme. Contact would, however, be made with the Roads Department of the Council in relation to the possibility of laying a footpath from Adare to Adare GAA grounds, over a period, and she would revert to Members in relation to same. A Part 8 in relation to this footpath could be brought forward when appropriate but would be subject to agreement with local land owners.
- The provision of a push button pedestrian crossing at the post office in Adare would be reviewed.
- Following the Public Consultation process a report would be compiled containing the views of the public and responses to same and this would be brought before the Members for consideration.

A request was made that a written schedule of works to be undertaken in conjunction with the Part 8 be made available to Members.

2. Deputation from the Community Crisis Response Team

The Cathaoirleach welcomed representatives from the Community Crisis Response Team which consisted of Caitriona McMahon and Kayla Cooley. Ms. McMahon indicated that the organisation had been set up three months previously as a local suicide intervention initiative for people in distress. She pointed out that the Response Team operated seven days a week from 5 p.m. to 6 a.m. They were in the process of seeking charitable status and up to now all costs had been met by the volunteers. She added that the organisation was unique in that trained volunteers would travel to meet with a person who was suicidal. She pointed out that there were 20 volunteers who were waiting for ASIST Training which was provided by the Health Service Executive (HSE).

Members complemented the group on their presentation and commended their efforts in setting up the Community Crisis Response Team and highlighting mental health issues. On the proposal of Councillor McMahon, seconded by Councillor Sheahan it was agreed that the District should write to the Health Service Executive (HSE) requesting support for the Community Crisis Response Team in their training needs.

3. Economic Development & Planning

(a) Part 8 – Rathkeale Enterprise Centre, Rathkeale Industrial Estate, Rathkeale

Circulated, report from Director of Service, Planning and Economic Development dated 5th April, 2016 enclosing copy of the Deputy Chief Executive Report, prepared pursuant to Section 179(3) (a) of the Planning and Development Act 2000-2015 and Part VIII of the Planning and Development Regulations 2001-2015 in relation to Rathkeale Enterprise Centre. It was proposed to proceed in accordance with the Deputy Chief Executive's Report.

Members welcomed the proposal and indicated that it was important that sufficient vehicular access be provided for customers using the site. On the proposal of Councillor O'Brien, seconded by Councillor O'Donoghue it was requested that the costing of widening the access road and the alternative provision of a lay-by be made available to the Members at the next Meeting.

(b) To receive update on the Taking in Charge of Ballyvareen Estate.

The Meeting Administrator informed Members that Water Services were currently operating the wastewater treatment works for this estate. The plant required both civil and electrical work to be carried out to it. This would be carried out later in 2016/2017 when the plant performance had been evaluated.

It was agreed that an update on the taking in charge of An Curran Estate in Pallaskenry would be included for the next Meeting.

(c) To receive update on Derelict Sites in Rathkeale.

The Director, Regional Services, pointed out that there were structural changes within the Council and a new unit dealing with planning, derelict sites and enforcement was being set up to bring a more co-ordinated approach to this function. She added that proposals to tackle derelict sites in Rathkeale would be brought to a future Meeting of the District.

4. Schedule of Works for the Municipal District

Circulated, Report of Director of Service dated 4th April, 2016, setting out the draft Schedule of Municipal District Works for 2016.

Proposed by Councillor Sheahan;
Seconded by Councillor O'Donoghue;
And Resolved:

"That, the Schedule of Works for the Municipal District of Adare-Rathkeale, as circulated, be adopted."

5. Flooding Issues

To receive update on proposals to address the flooding issues in Foynes, Askeaton and Ballysteen.

In relation to Askeaton the Operations Manager indicated that the design for flood alleviation measures had been costed and it was estimated to cost €500,000. A Meeting with the Office of Public Works (OPW) would take place that week to present costings and design. He added that no funding had been allocated for works.

In relation to Foynes, the Operations Manager indicated that the contract was being finalised and it was hoped work would commence on site within four weeks.

The Operations Manager indicated that a Meeting with the Office of Public Works (OPW) would take place that week and the application for funding for Ballysteen would be raised.

6. Sewerage Treatment Plant in Askeaton

Members expressed their dissatisfaction with the apparent lack of progress in implementing the Askeaton Sewerage Treatment Scheme and requested that Irish Water be written to seeking timeline for implementation of the Scheme.

On the proposal of Councillor Keary, seconded by Councillor McMahon it was requested that a map showing the water intake points and the waste water discharge points for Shanagolden and Foynes should be made available for the next Meeting.

QUESTIONS

7. Question submitted by Councillor R. O'Donoghue

I will ask at the next Meeting when will the Road Department insist that all roadside hedgerows in the District are maintained to allow the safe passage of all road-users.

REPLY: In the West Division the hedges on the Regional road junctions are cut annually. Local roads junctions which are high risk are also cut. The works also provide for cutting around the signs at the junctions. The Contract for this work will be awarded this week and it is intended this work will be carried out over the next 8-10 weeks.

The Roads Act, 1993 obliges landowners and occupiers of land to take all reasonable care to ensure that the trees, ditches, hedges and other vegetation growing on their land are not or could not become a danger to people using or working on a public road. As such, the onus is placed on landowners/occupiers of land to keep their hedges cut.

The Wildlife Act, 1976, prohibits hedge-cutting between 1st March and 31st August each year except in certain circumstances.

The Local Authority can serve a written notice to the owner or occupier requiring action to be taken in order to remove the danger or potential danger. The Local Authority can carry out the works specified in the notice itself in any case where the person on whom the notice is served fails to comply. It is an offence not to comply with the terms of a notice served by the Local Authority. 270 letters were issued in this regard last year. We have issued letters to some landowners on the R518 this week. As there are approx 940km of roads in the Municipal District of Adare-Rathkeale it is not possible to issue letters to all landowners. However, as complaints arise the Council investigates the issues and issue notices if warranted.

8. Question submitted by Councillor R. O'Donoghue

I will ask at the next Meeting that adequate funding be provided by the Council to the Adare-Rathkeale District in order that basic road maintenance standards can be achieved in the District, in the interest of public health and safety.

REPLY: This year the total budget allocation for road maintenance for the Municipal District of Adare-Rathkeale amounts to approx €3.66m of which approx 60% is provided from the Department of Transport, Tourism & Sport (DTTAS) in the form of Grants. The balance is provided by own resources in the adopted budget. This is to be presented as part of the Schedule of Municipal District Works at the April Municipal District Meeting. This funding provides for an allocation of €480,000 for Severe Weather Funding towards repairs caused by the inclement Winter weather. This funding was not available last year. There is no additional funding available to the Operations Services Department from own resources. However we intend to make an application for the 2nd tranche of Severe Weather funding to the DTTAS.

9. Question submitted by Councillor K. Sheahan

I will ask at the next Meeting as to why a small business person, who has and needs a commercial van for their business, is no longer allowed to tax their vehicle at the commercial rate because they are exempt from doing a VAT return.

REPLY: As per Circular Letter MT4/2010 issued on 10th August 2010:

“ ... a licensing authority must be satisfied that a vehicle is correctly taxed, the applicant,... should be asked for supporting documentation which can include but is not limited to –

- *evidence of registration for VAT*
- *a Tax Clearance Certificate*
- *a commercial insurance certificate*
- *a copy of their “Notice of Tax Registration Form” ”*

In short it is up to the Authorised officer in motor tax to satisfy themselves that the applicant is entitled to tax their vehicle at the goods rate. Limerick City and County Council requires an applicant to provide documentation from the Revenue office which indicates a person is currently trading commercially. Any one of the following will suffice:

A Revenue Notice of Assessment, Income Tax Returns, Tax Clearance Certificate (company name) etc. are some of the items required and not primarily a VAT return. Just one item of documentation from Revenue (within a year from date of issue) is required.

If an applicant is VAT exempt there are other options available to them.

10. Question submitted by Councillor K. Sheahan

I will ask at the next Meeting for an update on the lack of water pressure at Knockroe, Kildimo.

REPLY: Thank you for your email on behalf of the members of the Municipal District of Adare-Rathkeale.

Your query has been forwarded to the relevant department for investigation. A member of our team will investigate as soon as possible and once we receive any updates we will contact you again straight away. The Irish Water Reference number for this query is 20777, which you can keep for your own records. —

Thank you for contacting Irish Water, if you have any further queries please do not hesitate to contact us again.

NOTICES OF MOTION

11. Notice of Motion submitted by Councillor R. O'Donoghue

I will move at the next Meeting, in light of the housing crisis, that an audit is carried out, without delay, of all Council properties in the Adare-Rathkeale District to identify properties that can be used to somewhat alleviate the problem. It is clear, having canvassed much of County Limerick recently, that there are hundreds of vacant properties available to the Council throughout the County.

Councillor O'Donoghue, in proposing the Motion, pointed out that while canvassing he noticed a lot of vacant properties in the county. He expressed the view that in certain cases tenants are no longer living in Council property and the Council should investigate by seeking ESB Bills/refuse collection bills to prove the house was occupied. He suggested that these vacant units could be used to alleviate the housing crisis in the county.

In seconding the Motion Councillor Sheahan indicated that many houses were vacant in the main street of towns and villages and suggested that incentives and grants should be given to renovate vacant houses. It was further suggested by Members that the Council should purchase such properties for letting. Members also noted that the Council had to reject the long term lease of many properties with insufficient BER rating and suggested that the Council should upgrade such properties and reflect the cost of the upgrade in the rent.

Councillor Sheahan called on Government to grant Building Society Licences to Credit Unions to enable Credit Unions to give mortgages to their customers. This was seconded by Councillor O'Donoghue and it was agreed that the Government and the Minister for Finance should be written to in this regard.

The Director, Regional Services, pointed out that if Members had information that Council properties were vacant they should notify the Council. In response to an enquiry from Members the Director, Regional Services undertook to update the Members on the provision of additional social housing in Adare.

12. Notice of Motion submitted by Councillor S. Keary

I will move at the next Meeting that Limerick City and County Council should, as a matter of urgency, relinquish all rights to protected burial grounds in the Adare-Rathkeale District, as it appears to be not willing or able to manage and maintain the upkeep of same to a minimum standard that benefits the owners and the deceased occupiers of these cemeteries.

Councillor Keary, in proposing the Motion, indicated that damage had been caused to the gable wall of the church at Clonshire Cemetery five years ago which led to its collapse and caused damage to a number of gravestones which had not been repaired. He called on the Council to remove the stones and added that there were plots within the church walls which were not now accessible.

The Motion was seconded by Councillor Sheahan.

The Director, Regional Services, noted that this was a complex issue and that there were archaeological and conservation requirements to be met in this case.

REPLY: I understand that the Notice of Motion refers to Clonshire Cemetery. Damage was caused to the gable end of the Church at Clonshire Cemetery by a member of the public. The damage resulted in collapse of wall into the body of the church.

Repair works to the church will entail –

- The surveying, recording, retrieval of missing pieces from the detached tumbled debris
- Numbering of the stone from the west gable
- Removal from the body of the church to an adjacent area in the graveyard
- Rebuilding of the church

It is estimated that the cost of the repair works is in the region of €100,000. The Council will arrange to carry out works should funding be provided.

The Council has received request from one family affected by damage caused to their headstone. We were able to facilitate them without disturbing the fallen gable.

Members queried the estimated cost of resolving this issue and called on the Council to take the necessary measures to clear the rubble from the church floor and make the building safe.

13. Notice of Motion submitted by Councillor K. Sheahan

I will move at the next Meeting that this committee would agree to adopt a policy which would prioritise the issues pertaining to Road Safety such as the putting in place of suitable and adequate pedestrian crossings, speed ramps, footpaths & lighting. We should be influenced for the safety of young people using schools and sports facilities and we should be influenced by the

needs of the elderly people at Churches, Doctors Surgeries etc. When we adopt this policy it should be forwarded to the Engineering Section of Limerick City & County Council & also the Finance Department of the Council.

Councillor Sheahan, in proposing the Motion, indicated that in the interest of safety for both the young and the elderly a policy on road safety needed to be agreed. The Motion was seconded by Councillor O'Brien.

REPLY: The Council will later this year be developing a Road Safety Action Plan. The issues raised -particularly in relation to vulnerable road users- will obviously need to be assessed as part of that process. Furthermore future design projects will need to include enhanced consideration for such vulnerable road users over the range of activities.

14. Notice of Motion submitted by Councillor K. Sheahan

I will move at the next Meeting that the Municipal District of Adare-Rathkeale calls on the Government and the acting Minister for Justice and the Garda Commissioner, in view of the expressed wishes of the people and the misbehaviour of significant numbers of people and the misbehaviour of significant numbers of people in Askeaton, that Askeaton Garda Station would be fully staffed at the first available opportunity.

Councillor Sheahan, in proposing the Motion, expressed his concern regarding the lack of a fully operational and fully staffed Garda Station in Askeaton. He added that residents were concerned with anti social behaviour in the Askeaton area and called on the Minister for Justice and the Garda Commissioner to fully re-open Askeaton Garda Station.

The Motion was seconded by Councillor Keary who indicated that there were insufficient Garda numbers throughout the District.

Members supported the Motion and praised the efforts of the existing Gardaí in the District. They called for additional support from the Crime Office and for retired Gardaí to be used as an auxiliary force, in place of the Garda reserve.

15. Notice of Motion submitted by Councillor E. O'Brien

I will move at the next Meeting that this District calls for the installation, on a trial basis, of CCTV monitoring in designated areas of the Adare-Rathkeale District to assist in the prevention and detection of rural crime.

Councillor O'Brien, in proposing the Motion, called for the installation, on a trial basis of CCTV in Askeaton and pointed out that CCTV acts as a deterrent against crime and assists in the prosecution of crime. The Motion was seconded by Councillor Sheahan who pointed out that staff would be required to view the tapes. Members requested that the Motion be forwarded to the Joint Policing Committee (JPC).

16. Correspondence

Correspondence was noted.

The following items were discussed at the conclusion of the Agenda with the consent of the Cathaoirleach.

It was agreed that a Deputation from St. Joseph's Boys National School would be invited to attend and give a presentation at the next Meeting.

Councillor Sheahan pointed out that the new Cemeteries Bye-Laws 2015, which were passed by Council in September 2015, were being enforced too rigorously and people were being prevented from putting down kerbing in old graveyards where kerbing was already in place. He proposed that the current burial ground bye-laws be amended to permit the standard of maintenance and structure of headstones and kerbing that applied in graveyards for a period in excess of twenty years. The Motion was seconded by Councillor O'Brien.

Members raised concerns regarding traffic safety issues where the R523 joins the N21 at Reens, with signs blocking vision on both sides and the removal of lane marking that had previously been in place.

Members noted that the bottle bank in Ballingarry had not been replaced after footpath reinstatement works and requested that every effort be made to find an appropriate location in Ballingarry for same.

Councillor O'Donoghue referred to hedges which had not been cut on the Rathkeale Ballingarry Road and the Operations Manager confirmed that a notice had been served on the landowner in this regard.

Concerns were raised in relation to safety issues at a bend in Shanagolden and it was requested that the roads engineer would examine same and revert back to the Members.

Signed: _____
Cathaoirleach

Dated: _____