

**MINUTES OF PROCEEDINGS AT MEETING OF THE MUNICIPAL DISTRICT OF ADARE-RATHKEALE HELD IN THE COUNCIL CHAMBER, DOORADOYLE, LIMERICK ON TUESDAY, 8<sup>TH</sup> SEPTEMBER, 2020 AT 9.00 A.M.**

**PRESENT IN THE CHAIR:** Councillor A. Teskey, An Cathaoirleach.

**MEMBERS PRESENT:**

Councillors Collins, Keary, O'Brien, O'Donoghue and Sheahan.

**OFFICIALS IN ATTENDANCE:**

Director, National and Regional Shared Services (Ms. C. Curley), Meetings Administrator (Ms. K. Butler), Senior Executive Engineer, Service Operations West Division (Mr. A. Finn), Administrative Officer, Property Services (Ms. T. Knox), Clerical Officer (Ms. L. Harnett).

At the commencement of the Meeting Councillor Keary sought to raise a number of issues pertaining to the scheduling and venue for the September Adare-Rathkeale Municipal District Meeting. As the item was not on the agenda the Chairman ruled him out of order, following which Councillor Keary withdrew from the meeting.

**1. Adoption of Minutes**

Circulated, copy of draft Minutes of Meeting of the Municipal District of Adare-Rathkeale held on 7<sup>th</sup> July, 2020.

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

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

Following the adoption of the Minutes the Cathaoirleach addressed the issue of the Adare-Rathkeale Municipal District September Monthly Meeting being relocated to the Council Chamber, Dooradoyle, which had been brought to his attention prior to the commencement of the Meeting.

The Cathaoirleach advised Members the Meeting was moved to the Council Chamber as there was adequate space to allow for social distancing and not that the Elected Members were anti-Rathkeale, as had been suggested.

**2. Digital Services**

The Director advised Member the Head of Digital Services, Mihai Bilauca has left Limerick City and County Council to commence a new role in the Department of

Housing, Planning and Local Government and prior to his departure had forwarded a report to update Members in relation to the operation of the CCTV cameras in the District. Members welcomed the report and wished Mihai Bilauca well on his new appointment.

### **3. Community Development Directorate**

#### **Disposal of Land**

- (a) Circulated, report of the Head of Property & Community Facilities dated 28<sup>th</sup> August, 2020 setting out proposals to dispose of property at West Square, Askeaton, Co. Limerick to Mr. John McMahon and the intention to bring to the September Full Council Meeting, for approval.

The report, as circulated, was noted by Members.

- (b) Circulated, report of the Head of Property & Community Facilities dated 28<sup>th</sup> August, 2020 setting out proposals to dispose of property at Knight Street, Ballingarry, Co. Limerick to Mr. Aidan Quaid and the intention to bring to the September Full Council Meeting, for approval.

The report, as circulated, was noted by Members.

- (c) Circulated, report of the Head of Property & Community Facilities dated 28<sup>th</sup> August, 2020 setting out proposals to dispose of property at Corgrig, Foynes, Co. Limerick to Argosea Services Limited and the intention to bring to the September Full Council Meeting, for approval.

Councillor O'Brien queried who Argosea Services Limited were and what their intention was for the property. The Administrative Officer, Property Services advised Councillor O'Brien the company are involved in shipping in Foynes and will possibly be using the site for storage or commercial use.

The report, as circulated, was noted by Members.

- (d) Circulated, report of the Head of Property & Community Facilities dated 28<sup>th</sup> August, 2020 setting out proposals to dispose of property at land at Shanagolden Demesne, Shanagolden, Co. Limerick to Mr. James Madigan and the intention to bring to the September Full Council Meeting, for approval.

The report, as circulated, was noted by Members.

- (e) Circulated, report of the Senior Staff Officer, Housing Support Services dated 3<sup>rd</sup> September, 2020 setting out proposals to dispose of Freehold Interest in property at 3 Abbeyview, Askeaton, Co. Limerick to Mr. Phillip McKnight and the intention to bring Section 183 Notice to Full Council, for approval.

Councillor O'Brien requested an update in relation to the proposed sale of land in Pallaskenry to Pallaskenry Community Development Association which had been brought before the Adare-Rathkeale Municipal District in 2019. The Administrative Officer, Property Services advised this item is still on the Agenda and the Property Section are working with the local community in relation to this matter.

It was agreed the Administrative Officer, Property Services would request an update and revert to the Elected Members.

#### **4. Operations and Maintenance Services**

##### **Road Traffic (30kmph Special Speed Limit) Bye-Laws 2020**

Circulated, report of the Senior Executive Engineer, Operations and Maintenance Services dated 20<sup>th</sup> August, 2020 proposing the installation of 30kph speed limit bye-laws in various estates in the Adare-Rathkeale Municipal District and the intention to progress to the Full Council Meeting in September.

The report, as circulated, was proposed by Councillor O'Brien, seconded by Councillor Sheahan and agreed to progress to the Full Council Meeting on 28<sup>th</sup> September, 2020.

#### **5. District Engineers Report**

Circulated, report of the Senior Executive Engineer, Service Operations West Division dated 8<sup>th</sup> September, 2020 outlining details of works, projects and future projects planned for the District.

Following discussion the following issues were raised by Members:

- Councillor Teskey queried when funding for the walkway works in Rathkeale would become available. The Senior Executive Engineer advised funding was applied for under the Town and Village Renewal scheme and a decision is due on the application shortly. He also advised that the estimate for the proposed works is €45,000 and it was agreed the Council's contribution of 10% towards the works would be funded from Councillor Teskey's and Councillor Keary's GMA 2020 allocation.
- Councillor O'Brien requested the Senior Executive Engineer would liaise with the OPW to convene a site inspection for the wet lands of the Ballydoole area of Pallaskenry due to a number of farmers being impacted by flooding during August. Councillor Sheahan advised this was also an issue in the Ballysteen area.
- Councillor O'Donoghue requested an update on the Banogue traffic calming scheme. The Senior Executive Engineer advised these works were being carried

out by the Mid West Road Design Office and agreed to have an update on this matter for the October District Meeting.

**6. General Municipal Allocation (GMA)**

On the proposal of Councillor Teskey, seconded by Councillor Sheahan, it was agreed to allocate the following:

- €1,000 for Cappagh Community Garden.
- €3,000 for Ballyhahill Development Association.
- €1,000 for Foynes Community Council.

On the proposal of Councillor O'Brien, seconded by Councillor Teskey, it was agreed to allocate the following:

- €4,000 for Speed ramps, Ballyvareen, Kildimo.
- €2,000 for Picnic benches at Ringmoylan Pier.
- €3,000 for Manor Fields, Adare.

On the proposal of Councillor Sheahan, seconded by Councillor Teskey, it was agreed to allocate the following:

- €2,000 for Gerald Griffins Resource Centre.
- €2,000 for Askeaton Tennis Club.
- €1,000 for Foynes Community Council.
- €1,000 for Rathkeale Community Council.

On the proposal of Councillor O'Donoghue, seconded by Councillor O'Brien, it was agreed to allocate €2,000 for Castle Rovers FC.

On the proposal of Councillor Keary, seconded by Councillor Collins, it was agreed to allocate €3,800 for public road signage.

**QUESTION**

**7. Question submitted by Councillor J. O'Donoghue**

**I will ask at the next Meeting the cost to Limerick City and County Council of the clean-up following Storm Ophelia in 2017 in light of the widespread damage throughout the County recently due to Storm Ellen and what plans are in place to limit damage or injury from future storms.**

**Reply:** In respect of the 2017 Storm Ophelia Limerick City & County Council expended €419,661 of which €399,712 was recouped from government storm response funding.

While the ability of the Authority to limit damage or injury from any future storms is restricted there are a number of significant measures that we can promote, support and administer particularly if such measure relate to private lands and boundaries.

Specifically there are legal obligations on Land owners or occupiers to take certain measures under Section 70 of the Roads Act 1993 (in respect of roadside trees\hedges etc.)

**Roads Act 1993 Sect 70.**—(1) (a) *The owner or occupier of any structure (e.g. Tree) and the owner or occupier of any land on which a structure is situated shall reasonable steps to ensure that the structure or the use of the structure is not a hazard or potential hazard to persons using a public road and that it does not obstruct or interfere with the safe use of a public road or the maintenance of a public road.*

While the Wildlife Act 1976 (updated in 2019) applies some seasonal restrictions (March to August) on verge\hedge & tree maintenance ended on 31<sup>st</sup> August we would ask that all Land owners and occupiers take the measures necessary to mitigate against such dangers from overhanging trees or overgrown hedges.

It should be noted that there is no such seasonal limitations apply where such measures are deemed necessary by the Roads Authority to prevent a hazard or potential hazard to persons using a public road.

Furthermore, where the Roads Authority (District Engineer) has safety concerns there are provisions to address inaction under Section 70 of the Road Act 1993.

### **NOTICES OF MOTION**

#### **8. Notice of Motion submitted by Councillor J. O'Donoghue**

**I will move at the next Meeting in light of the recent storm damage that hedge-cutting and tree trimming on all main roads and secondary roads in the Adare-Rathkeale District is carried out without delay in the critical interest of public safety.**

**Reply:** The trees on the N21 were all cut back last year and consequently there were minimal issues on this route (note these trees were on lands under the control of the Local Authority).

While the ability of the Authority to limit damage or injury from any future storms is restricted there are a number of significant measures that we can promote, support and administer particularly if such measures relate to private lands and boundaries.

Specifically there are legal obligations on Land owners or occupiers to take certain measures under Section 70 of the Roads Act 1993 (in respect of roadside trees\hedges etc.)

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Furthermore , where the Roads Authority (District Engineer) has safety concerns there are provisions to address inaction under Section 70 of the Road Act 1993.

To this end, we ask that Names and Addresses of the landowners of any potentially unsafe areas be provided to us and we will write to them and remind them of their obligations.

Discussion ensued in relation to the responsibility of landowners to maintain hedgerows on their property. Councillor Sheahan proposed a Motion be forwarded to the Full Council calling for an expanding hedge-cutting programme for the whole County be included in the Draft Estimates for Limerick City and County Council. This Motion was seconded by Councillor Teskey and agreed.

#### **9. Notice of Motion submitted by Councillor J. O'Donoghue**

**I will move at the next Meeting in light of on-going antisocial behaviour that CCTV be installed at Fedamore Village to curb the increasing amount of antisocial behaviour in the interest of public health and safety.**

In proposing the Motion, which was seconded by Councillor O'Brien, Councillor O'Donoghue advised Gardaí were aware of the antisocial behaviour issues and were supporting the Motion. Councillor O'Donoghue also advised that cars were using the village as a rat run through to the main road. The Senior Executive Engineer agreed to look at this issue with Councillor O'Donoghue. The Director informed Members a CCTV

strategy is currently being prepared and will be brought before the Elected Members in due course. The Director added that no additional CCTV will be installed until a strategy is agreed.

**10. Notice of Motion submitted by Councillor K. Sheahan**

**I will move at the next Meeting that this committee would call upon the HSE and the Minister of Health to provide a Covid Testing Facility in Rathkeale town so that we can ensure that the influx of visitors to Rathkeale for the Christmas period can be tested locally for Corona Virus.**

The Motion was seconded by Councillor Teskey and agreed.

**11. Correspondence**

Correspondence, as circulated, was noted by Members.

**12. A.O.B**

Councillor Teskey proposed a date be fixed for a Joint Policing Sub-Committee Meeting to discuss the annual policing plan for the District. This was seconded by Councillor Sheahan. It was agreed the Meetings Administrator would arrange a suitable date and time with the Gardaí and revert.

Councillor O'Brien requested clarification as to where road signage was erected using GMA monies. The Senior Executive Engineer informed him that this would have been agreed with the Roads Executive Engineer via email. Following discussion it was agreed, going forward, the commitment for road signage would continue to be submitted via email from the relevant Councillor to the Roads Executive Engineer and the Senior Executive Engineer would make a record of it in the District Engineers Report.

Councillor Sheahan advised the Senior Executive Engineer some signage was erected in Ballysteen, however, it was not what was requested. The Senior Executive Engineer informed Councillor Sheahan to clarify what signage was needed and he would look into the matter.

Councillor Teskey requested an inspection of the traffic calming measures in Kilcornan Village as there is an issue with large machinery having to mount the kerb when travelling from the Askeaton direction by the National School into the village. The Senior Executive Engineer advised the scheme is on the National Road under the TII and the Mid West Road Design Office would have carried out a road safety audit prior to these works, however, he would bring it to their attention for an inspection.

Councillor Sheahan raised the issue of the future of Shannon Airport. He called on all Elected Members of Limerick City and County Council to come together and support Shannon Airport. Councillor Sheahan proposed the Mayor of Limerick City and County

Council engage with his opposite number in Clare County Council and Tipperary County Council to form an alliance with a view to lobbying the government to ensure the future prosperity of Shannon Airport. This motion was seconded by Councillor Adam Teskey and agreed.

**Amendment to Standing Orders**

It was decided that the October Monthly Meeting of the Municipal District of Adare-Rathkeale would be held in the Council Chamber, Dooradoyle. It was further agreed due to Covid restrictions the location of any future Meetings would be decided by the Chairman.

This concluded the Meeting.

Signed: \_\_\_\_\_  
**Cathaoirleach**

Dated: \_\_\_\_\_