

**Minutes of Proceedings of Monthly Meeting of
Nenagh Town Council held in the Civic Offices, Nenagh
on Monday, 31st March, 2008**

Councillors Present: Cllr. S. Morris Cllr. T. Sheary
 Cllr. T. Moylan Cllr. S. Farrell
 Cllr. V. O'Dowd Cllr. T. Morgan
 Cllr. H. McGrath Cllr. J. O'Connor
 Cllr. T. Mulqueen

Also Present: P. Heffernan, Town Manager
 D. Purcell, Town Clerk
 M. Woulfe, Town Engineer
 S. O'Callaghan
 K. Clifford

The Mayor, Cllr. S. Farrell presided.

1. To consider Minutes of February Monthly Meeting

It was proposed by: Cllr. T. Morgan
Seconded by: Cllr. T. Mulqueen
and agreed that the minutes be adopted.

The Members expressed disappointment that works would not be carried out on the portion of the Dromin Road in the charge of the County Council in conjunction with the Town Council scheme and felt that it would be unsafe not to do so. It was agreed that the Senior Roads Engineer of the County Council be invited to attend the April meeting to discuss the matter.

2. To consider Minutes Action Plan

Disabled Parking

Cllr. Sheary said that the disabled parking spaces in the Kenyon Street Car Park had not yet been coloured blue and asked for better signage on disabled spaces stating that it is illegal to park in them at any time. The Town Manager replied that this would be done.

Contributions to Local Organisations

The Town Clerk informed the Members that the scheme was being advertised that week and all groups who were allocated funding in 2007 would be written to informing them of the closing date.

Traffic Lights Improvements at Market Cross

Cllrs. Morgan and Sheary said that traffic was at a standstill every day at the junction. The Town Engineer said that improvement works were to be carried out in the current year. Quotations were being sought from contractors for the works.

Build Outs at Monaree

Cllr. O'Connor asked if this work could be funded from the road maintenance budget as discretionary work. The Town Manager replied that discretionary works were individual small items that may arise during the year and if 30% of the budget were to be spent on these works it would seriously compromise any further works to be carried out during the year and normal maintenance. Cllr. O'Dowd said that funding may come on stream during the year to do this work.

Invitation to Deputy Hctor to attend Town Council Meeting

The Town Manager read out a reply from Deputy Hctor conveying her apologies that she would not be able to attend the meeting due to a prior engagement and stating that the issue of the lease of the castle field was practically finalised and that she had an assurance from Minister Noel Ahern that the lease would be sent shortly to the Council for signing. She also said that the revised plans which had come about following archaeological findings in relation to the Nenagh Castle Visitor Centre were near completion and she expected that these would be lodged for planning in the next couple of weeks.

Cllr. O'Connor asked that the invitation be re-issued to Deputy Hctor to attend the April meeting. Cllr. Morris asked that the Members be informed when a planning application was received from the OPW for the Nenagh Castle Visitor Centre.

Boundary between Derrylavin Heights and Millmount

The Town Engineer felt that it would be a good idea to look at the boundaries of all public estates and see if money could be made available in 2009 for this. He did not think that there was a huge security issue between Derrylavin Heights and Millmount as there was a temporary fence and a bit of a wall. Cllr. Moylan felt that it would be good to clean it up and asked that this item remain on the action plan.

Mecon Water System

The Town Manager showed the Members the Hippo device which had been used by the Dublin local authorities and cost much less than the Mecon system. He said that the County Council was looking at a campaign to provide the Hippo devices to schools on a countywide basis. The Members welcomed this.

3. To note Manager's Orders

Noted.

4. To note Planning Register

Noted.

5. To approve commencement of Public Consultation on amendments to Traffic and Parking Bye-Laws

Cllr. Moylan expressed concern at proposal to restrict parking to one side of William Street. He said that people should engage in the public consultation process and suggested that a leaflet drop be done in the areas affected. The Town Engineer replied that William Street was a significant link on the western side of the town and was difficult to negotiate with parking on both sides. Cllr. Moylan said that the junction improvements at Clare Street should be completed before any changes were made to parking on William Street. Cllr. Sheary agreed with this and asked if provision could be made for residents parking on one side instead of disallowing parking altogether. The Town Engineer replied that he was trying to avoid the necessity for the residents to park in car parks which was going against the policy throughout the town where residents had to remove their cars from the street during the day. Cllr. O'Connor said that he had no recollection of the Council ever adopting such a policy and asked if the amendments had to go to public consultation straight away. The Town Manager replied that he would like to go to public consultation as soon as possible. He said that the current Bye-Laws state that anywhere parking is controlled in the town no resident can park without a disc and this was also the way in every other town in the country. If this did not apply the Bye-Laws would be worthless.

Cllr. O'Connor asked if the Members could bring amendments to the next meeting. The Town Manager replied that it would be unfair to advertise one set of Bye-Laws and then change it half way through the public consultation process. Cllr. O'Connor proposed that the Members consider the amendments for another month before going to public consultation. This proposal was seconded by Cllr. Morris.

The Town Manager told the Members that there were only 12 or 13 amendments and most were not contentious and he would welcome an opportunity to go through these with the Members. He said that there was a cost to the Council in delaying the process as long-term parking discs were not being renewed and charges could not be applied in the Railway Station Car Park.

Cllr. Moylan asked if the Members would have an opportunity to take on board any submissions after the public consultation period. The Town Manager replied that they would.

Cllr. O'Connor stated that his proposal still stood.

Cllr. Sheary put forward a counter proposal that the amendments go to public consultation. Cllrs. Moylan, Farrell, O'Dowd, Morgan, McGrath and Mulqueen supported this counter proposal. It was therefore agreed that the public consultation period on the amendments to the Traffic and Parking Bye-Laws should commence straight away.

The Town Manager said that the Members could debate the issue with the benefit of submissions from the public at the end of the public consultation period and appealed to the public to become involved in the process.

The Mayor said that a meeting should be arranged with the Knockanpierce residents. The Town Engineer stated that a meeting was arranged for later that week. Cllr. McGrath asked who would be attending the meeting. The Town Engineer replied that the residents and the executive would attend.

6. To discuss areas for inclusion in submission to National Crime Reduction and Prevention Strategy

The Town Manager asked if the Members had any submissions that they would like to make. Cllr. Morris requested that a joint policing committee be set up in the area. Cllr. Moylan asked that the number of Gardai on the streets be looked at and also CCTV partnerships. Cllr. Sheary said that there was too much legislation and not enough Gardai. He also felt that parents should be brought to task as to where their children were after a certain time at night. Cllr. O'Dowd said that she would like to see projects like the Nenagh Reparation Project put on a statutory basis. Cllr. Morris asked that all these points be put together in one submission. This was agreed.

7. To discuss Unfinished Estates in the Town

The Town Manager informed the Members that the legal representative of the Monaree residents had been written to requesting a list of the residents who had requested that the estate be taken in charge. He said that a number of other estates were also being looked at. He said that in the case of more modern estates where there were outstanding works required to satisfy planning conditions enforcement proceedings would be taken.

The Mayor asked for an update on Bruach Tailte and Cluain Muilleán. The Town Manager replied that he hoped to have reports on these estates by the end of April.

Cllr. Morris referred to a letter sent to the residents of Bruach Tailte from the developer's solicitor with regard to setting up a management company. He said that the residents were afraid the developer would walk away and they would be left responsible for everything. He said that he would like the Council to write to the solicitor and the residents stating that the residents had requested that the estate be taken in charge by the Council and until such time as that happened the developer would be responsible for the estate.

Cllr. McGrath referred to the unfinished area between Sallygrove and Bruach Tailte where illegal dumping was taking place. The Town Manager said that if dumping was taking place details should be supplied to the Council so that action could be taken. Cllr. McGrath said that it had been followed up but said that the area looked like a wasteground.

Cllr. Morris asked that Notice of Motion No. 8 be considered at that point as it related to this issue. This was agreed.

"That this Council immediately finishes the work on the boundary between Bruach Tailte and Sallygrove."

The Town Engineer replied that filling had been finished 3-4 months ago. He was trying unsuccessfully to source topsoil to complete the work and could not give a definite date as to when this would happen.

8. To discuss Approach Roads Committee

The Mayor commended the work of the Tidy Towns Committee in clearing litter from the N52 Link Road. Cllr. O'Connor said that another clean up would take place the following Saturday starting at 10.30 a.m. at the Borrisokane Road Roundabout.

Cllr. O'Connor felt that the Approach Roads Committee had no funding and no structure and should be taken off the agenda. The Tidy Towns Committee should be properly supported to sort out the litter problem on approach roads. Cllr. Moylan agreed with this.

The Town Manager supported the Mayors comments saying that it was heartening to see approximately 30 people taking part in the clean up and he hoped the effort would continue. He said it was frightening to realise that 2 tonnes of litter was collected over those few days. He called on the NRA to make a one off allocation once a year to clean litter from national roads. He thanked those who had provided refreshments for the clean up.

The Mayor stated that in accordance with the requirements in Standing Orders in relation to Notices of Motion she proposed to deal with them at this point.

18. To consider Notices of Motion

1. Notice of Motion in the name of Cllr. Seamus Morris

"That this Council hire an independent assessor to carry out an assessment on a fair and proper compensation package for the residents of St. Josephs Park affected by the Abbey Furniture building inflicted on them through no fault of their own. And that there is a speedy and successful ending to the enforcement proceedings so that we can finally find out who is going to repay the residents for their loss of light and devaluing of their properties."

Cllr. Morgan seconded this motion. Cllr. Morris said that after discussing this matter at the last meeting he still felt that the Town Council would have to take responsibility for what happened. Cllr. Sheary said that he had apologised to the people of St. Joseph's Park and the same thing had happened at the back of Hamilton Drive. Cllr. Morgan agreed with this. Cllr. Mulqueen said that no blame should be thrown back on the Members of the Council, the Planner was to blame. Cllr. Moylan said that the planning application had been lodged which required a material contravention of the Development Plan and a recommendation was made to the Members of the previous Council. The Council made their decision based on this. He said it had been a bad decision and apologised for that. He suggested making a statement apologising to the people of St. Joseph's Park.

Cllr. Morris felt that the residents of St. Joseph's Park should be compensated for nuisance and loss of privacy and daylight. He said that the residents of Lansdowne Road had been compensated before the stadium had been built. The Town Manager pointed out that the residents of Lansdowne Road had not been compensated by the Local Authority.

Cllr. O'Connor said that he could see Cllr. Morris' point. He thought that the sentiment of the Members was that a formal apology should be issued and felt that the Council should focus on what could be done in St. Joseph's Park with regard to improving the estate. The Town Manager replied that he would welcome any opportunity to be positive about St. Joseph's Park and said that in the last 10 years over €3 million had been spent in refurbishing the estate and a playground had been provided at a cost of €250,000 which was the only playground in the town. He said that planning decisions were made everyday around the county and there was a process in place which gave people ample opportunity to become involved.

Cllr. Sheary asked if enforcement proceedings were ongoing. The Town Manager replied that they were not. All documentation requested from the developer had been received and he had advised the Ombudsman of this on the 11th September last. He said that the constructed development was sufficiently close to that for which planning permission had been granted and that in his opinion any enforcement action on this point would not be warranted. He said that this was a call he had to make. He had negotiated a reduction in the height of the building with the developer which had resulted in a better situation for the people of St. Joseph's Park than what would have been the case had the developer constructed the building in accordance with the permission as he was entitled to do.

Cllr. McGrath asked if it would be possible for the Members to appoint an independent assessor. The Town Manager replied that they could if they were prepared to pay for it but warned that it was unfair to raise the residents' hopes as there was no provision in planning law to pay compensation to people who did not get involved in a process that they could have. No third party objection had been received to the planning application. Cllr. Morris replied that this did not give anyone a right to destroy someone's daylight. He felt that the Council had a moral obligation to apologise. Cllr. O'Dowd agreed stating that €3 million of refurbishment works could never compensate people for overshadowing and loss of daylight.

Cllr. Morris said that he would withdraw this motion if the Council wrote an apology to the residents of St. Joseph's Park. The Mayor said that the majority of the Members had already apologised and a letter could be issued from the Members. Cllr. O'Connor asked that the wording of this letter be agreed before it was sent.

2. Notice of Motion in the name of Cllr. Joe O'Connor

"That this Council invite the Members of Nenagh Hospital Action Group to make a presentation to Nenagh Town Council. We would like them to outline the current threats and opportunities facing Nenagh Hospital."

The Mayor seconded this motion and it was agreed that Nenagh Hospital Action Group be invited to attend the next meeting.

3. Notice of Motion in the name of Cllr. Joe O'Connor

"That this Council ensure that adequate street lighting is provided at Thomond Place and the public right of way for Yewston Estate."

Cllr. Morris seconded this motion. The Town Engineer said that he would investigate this with the ESB and come back to the Members with a costing.

4. Notice of Motion in the name of Cllr. Joe O'Connor

"That this Council write to the Roads Design Department of North Tipperary County Council expressing concern at the length of time it is taking to produce the CPO for lands on the Silvermines Road at Benedine, Nenagh. We should request a firm date that it will be published by."

Cllr. O'Connor said that funding had been provided for this road in previous years and then been moved elsewhere due to difficulty with land acquisition and he hoped that this would not happen again. He said that the residents were in the process of getting a petition signed and would like to push the County Council actively to get the road done as it was very dangerous. Cllr. Sheary asked if the land could be acquired without a CPO. The Town Manager replied that all efforts to acquire the land by agreement at a reasonable cost had failed and that, unfortunately, CPO appeared to be the only option. Cllr. Sheary asked how long the CPO process would take. The Town Manager replied that it was a statutory process and the length of time would depend on objections but he hoped the allocation could be used in the current year. Cllr. O'Connor said that he would revisit this issue in due course.

5. Notice of Motion in the name of Cllr. Joe O'Connor

"That this Council make immediate arrangements to go to see Mr. W. O'Dea, Minister for Defence about the current status of the Military Barracks in Nenagh."

The Town Manager said that he did not think that the delay with leasing the Military Barracks to the Council was the fault of the Department of Defence. The Department of Finance were adamant that a valuation be carried out and he was hopeful that this would be completed quickly.

6. Notice of Motion in the name of Cllr. Seamus Morris

"That this Council asks the owners/agents to vacate occupied apartments in Ball Alley Lane until we are happy the place is safe enough to issue a fire certificate for the apartments."

This motion was seconded by Cllr. Morgan. The Town Manager replied that the Fire Authority had served Enforcement Notices and an interim solution had been put in place which provided temporary access. The Chief Fire Officer was satisfied with this arrangement. Cllr. Morris asked for a copy of the Chief Fire Officer's report.

7. Notice of Motion in the name of Cllr. Seamus Morris

"That this Town Council immediately draws up a work plan for the refurbishment of Woodview Close to include roads, footpaths and back lands."

The Town Engineer said that he had prepared a detailed report on this matter. It was agreed that this would be circulated to the Members.

8. Notice of Motion in the name of Cllr. Seamus Morris
"That this Town Council immediately finishes the work on the boundary between Bruach Tailte and Sallygrove."

This motion had already been dealt with under Item No. 7.

9. Notice of Motion in the name of Cllr. Virginia O'Dowd
"I call on Nenagh Town Council to repair the footpath on the left hand side heading into Belmont Estate and to remove a pole on St. Conlon's Road at the traffic lights."

The Town Engineer replied that the ESB had been asked to remove the pole. He did not have any funding to repair the footpath at present but he would look at it later in the year.

15. Town Mayor's Business

The Mayor informed the Members that she was arranging a trip to Poland to investigate twinning from 17th to 20th May.

The Mayor announced that over €5,500 had been raised at the Mayor's Charity Ball for the North Tipperary Hospice.

This concluded the business of the meeting.

Mayor: _____

Town Clerk: _____

Date: _____