

**Minutes of Proceedings of Monthly Meeting of  
Nenagh Town Council held in the Civic Offices, Nenagh  
on Monday, 22<sup>nd</sup> October, 2007**

**Councillors Present:** Cllr. S. Morris            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, A/Town Clerk  
                         M. Woulfe, Town Engineer  
                         S. O'Callaghan  
                         K. Clifford

**Apologies:** Cllr. T. Sheary

**The Mayor, Cllr. S. Farrell presided.**

**1. To consider request for Resolution under Section 140 of Local Government Act 2001 as set out hereunder:**

*“That Nenagh Town Council resolve to order a complete new set of Street Lighting on the New Line, Nenagh. This expenditure to be funded out of the Contributions from the Commercial Development on the New Line, Nenagh (if funds not available, an explanation as to where these funds have been allocated to be provided) or from the Capital Budget of Nenagh Town Council for 2008).”*

Signed: Cllr. Tony Sheary  
          Cllr. Hughie McGrath  
          Cllr. Joe O'Connor  
          Cllr. Seamie Morris  
          Cllr. Tom Moylan  
          Cllr. Tommy Morgan

Cllr. O'Connor proposed this resolution and it was seconded by Cllr. McGrath.

The Town Manager said that he was surprised that this motion had been put forward as the Members had been repeatedly told that new lighting was being installed on the New Line. This had been ordered from the ESB and was to be installed that week so he saw no need for this motion.

The Mayor asked that this item be left on the Action Plan.

Cllr. Morgan said that there were two lights at the Tesco side which were not working. The Town Engineer replied that these lights were the responsibility of the developer and he would contact Tesco.

**2. To consider request for Resolution under Section 140 of Local Government Act, 2001 as set out hereunder:**

*“That Nenagh Town Council resolve to install 2 sets of speed ramps (of the Rubber Based moveable variety) in St. Joseph’s Park, Nenagh immediately”.*

Signed: Cllr. Tony Sheary  
Cllr. Hughie McGrath  
Cllr. Joe O’Connor  
Cllr. Seamie Morris  
Cllr. Tom Moylan  
Cllr. Tommy Morgan

Cllr. Morris proposed this motion and it was seconded by Cllr. McGrath.

The Mayor said she understood that it was agreed at the last monthly meeting that the Council would consult with the residents of St. Joseph’s Park with regard to a traffic calming scheme.

Cllr. Morris felt that the traffic calming scheme proposed was not what the Members had requested as there were no ramps included. Cllr. McGrath said that the residents of St. Joseph’s Park wanted ramps so that it would not be physically possible to do any more than 10-15 mph. Cllr. O’Connor asked if any submissions had been received from St. Joseph’s Park. The Town Manager replied that one response had been received but the period for submissions had not yet expired. He said that he was also surprised to receive this motion when it had been agreed at the September Meeting to consult with the residents of St. Joseph’s Park with regard to traffic calming on which the consultation process had commenced and then in the middle of the process that this motion was submitted. He felt that ramps alone would not solve the problem in St. Joseph’s Park.

Cllr. O’Connor said that in two estates beside St. Joseph’s Park there are ramps and children at play signs but there are none in St. Joseph’s Park. Cllr. Moylan said that he was disappointed with the proposal for St. Joseph’s Park and felt that a one way system would create a clear run and greater speed.

The Town Engineer stated that there was a Traffic Claming Policy in place based on the Traffic Management Guidelines 2003 which stated that every other option should be explored before ramps. He said that he had examined the estate, a complete photographic study had been carried out, accident history had been investigated, speed had been monitored, the Gardai and the mother of the child who had been knocked down had been interviewed. The average speed of traffic in the estate was 11 mph. The maximum speed over speed ramps would be 13 mph. Therefore speed ramps would have no effect on the speed of traffic in the estate. He said that St. Joseph’s Park was a naturally traffic calmed estate due to the short lengths which reduced

speed. One reason for the accident which had occurred was a car parked on the footpath which obscured the vision of the driver. Therefore reorganising parking in the estate would be beneficial. He said that it was the Council's obligation to control speed of the majority of traffic and up to the Gardai to enforce the speed limits. He informed the Members that speed ramps of the rubber based removable variety were not recognised as best practice and did not come under any guidelines.

Cllr. McGrath said that there was a grey area between 13 mph and 30 mph where the Gardai could do nothing about speed and this was where speed ramps came into play.

The Town Engineer asked the Members if the Council were to withdraw from consultation with the residents at this stage and just install ramps. Cllr. O'Dowd felt that the consultation should be completed. The Mayor also wished to wait until the consultation period ended and take residents views into account.

Cllr. O'Connor asked if the people who were selling this type of ramp were selling an unsafe product. The Town Engineer replied that these ramps were used mainly on private property. There was no issue with legality but they were unsafe in certain situations. Cllr. O'Connor asked if the same applied to concrete ramps. The Town Engineer replied that it would depend on the design. Cllr. O'Connor then asked how this type of ramp had been installed in other towns in North Tipperary. The Town Engineer replied that that had been in advance of the Traffic Calming Policy being adopted.

Cllr. O'Connor said that there were 111 signatures requesting speed ramps in the estate. The town Manager replied that nobody was denying that. The point being made was that there are a number of other issues contributing to the problem such as indiscriminate parking and two way traffic.

Cllr. Morris said that there are rubber ramps in Thurles and he wanted to put the motion to a vote. The Town Engineer replied that the Traffic Calming Policy came into force in 2007 and the ramps in Thurles had been installed prior to that. He said that the Members should not request that ramps be installed without a technical assessment. This may lead to problems in the future if ramps were installed against technical advice.

Cllr. O'Connor asked if the motion could be amended that night. The Town Manager replied that it could not and asked the Members if they were happy to proceed with the motion having heard the Town Engineer's reservations regarding the type of ramps proposed and that there may be a liability issue. Cllr. O'Connor said that there must be a legal rubber speed ramp.

The Members voted on the motion the result of which was

In favour:      Cllr. S. Morris  
                      Cllr. T. Moylan  
                      Cllr. T. Morgan  
                      Cllr. H. McGrath  
                      Cllr. J. O'Connor  
                      Cllr. T. Mulqueen

Abstentions: Cllr. S. Farrell  
Cllr. V. O'Dowd

The motion was therefore carried.

**3. To consider request for Resolution under Section 140 of Local Government Act, 2001 as set out hereunder:**

*“That Nenagh Town Council instruct the Town Manager to make all Planning Enforcement files from Nenagh town area available to Nenagh Town Council Members”.*

Signed: Cllr. Tony Sheary  
Cllr. Hughie McGrath  
Cllr. Joe O'Connor  
Cllr. Seamie Morris  
Cllr. Tom Moylan  
Cllr. Tommy Morgan  
Cllr. Virginia O'Dowd

Cllr. O'Connor proposed this motion and it was seconded by Cllr. Moylan.

The Town Manager informed the Members that in accordance with Section 140, Subsection 10 of the Local Government Act, 2001, which sets out the cases in which a resolution under Section 140 does not apply, this motion was not legal. He also pointed out that Section 38 of the Planning and Development Act, 2000 clearly set out the documents which are available for public inspection. He said that the Planning Register was available for public inspection and details of enforcement notices appear in this register. Individual enforcement files are not available for public inspection. He said that the Members could pass a simple resolution to give them details of proceedings issued on a monthly basis but not individual files.

It was proposed by: Cllr. S. Morris  
Seconded by: Cllr. V. O'Dowd  
and resolved that the details of enforcement proceedings issued be circulated to the Members on a monthly basis.

**4. To consider Minutes of September Monthly Meeting**

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

Cllr. Morris said that he had asked at the previous meeting that a letter be sent to the HSE inviting a representative to attend a meeting to discuss Nenagh Hospital. The Town Manager said that a letter would be sent after this meeting.

Cllr. O'Connor asked if the issue with regard to insurance for works at the Railway Station Car Park had been resolved. The Town Manager replied that the licence had been signed by the Council but it also had to be signed by CIE at a board meeting. Adequate insurance cover had been requested from all Contractors and the last of these had been received at 5.30 that evening. These would be sent to Irish Public Bodies to ensure that they were adequate. Once the insurance was in place the Council would have a conditional right of entry.

## **5. To Consider Minutes Action Plan**

### Nominations to Management Committee for VEC Sports Facility

Cllr. Moylan asked how many representatives there would be on the committee from the Town Council. The Town Manager replied that there would be one Elected Member and one from the Executive. Cllr. O'Connor proposed that there would be two Elected Members and one from the Executive considering the contribution the Council was making to the project. The Town Manager said that this proposal could be put to the VEC. Cllr. Moylan nominated the Mayor in situ. Cllr. O'Connor nominated Cllr. Morris. Cllr. Mulqueen nominated Cllr. McGrath. Cllr. McGrath said that he would have no problem standing back and leaving the place on the committee to the Mayor. It was agreed to write to the VEC nominating the Mayor and the Town Clerk and asking if a second Elected Member could be nominated that it be Cllr. Morris.

### Halloween Bonfires

Cllr. Morgan called on people to refrain from lighting bonfires and asked people to store tyres properly so that they could not be used in bonfires. The Town Manager supported Cllr. Morgan's comments.

## **6. To Note Manager's Orders**

Noted.

## **7. To Note Planning Register**

Noted.

## **8. To consider Annual Financial Statement 2006**

Sarah O'Callaghan outlined the position with income and expenditure for 2006 as set out in the AFS to the Members.

It was proposed by: Cllr. T. Moylan

Seconded by: Cllr. S. Farrell

And resolved that pursuant to the provisions of Section 104 of the Local Government Act, 2001 this Council hereby authorises expenditure in excess of the expenditure

figure adopted in the Council's Estimate of Expenses 2006 under the following headings: -

<b>Programme Group 1 – Housing &amp; Building</b>				
		<b>Adopted Budget</b>	<b>Actual Expenditure</b>	<b>Over Expenditure</b>
101	Local Authority Housing	252,193.00	309,241.00	57,048.00
<b>Programme Group 2 – Road Transportation &amp; Safety</b>				
		<b>Adopted Budget</b>	<b>Actual Expenditure</b>	<b>Over Expenditure</b>
203	Road Traffic	105,649.00	269,690.00	164,041.00
<b>Programme Group 3 – Water Supply &amp; Sewerage</b>				
		<b>Adopted Budget</b>	<b>Actual Expenditure</b>	<b>Over Expenditure</b>
301	Public Water Supply Schemes	664,381.00	693,394.00	29,013.00
302	Public Sewerage Schemes	697,757.00	803,571.00	105,814.00
<b>Programme Group 4 – Development Incentives &amp; Control</b>				
		<b>Adopted Budget</b>	<b>Actual Expenditure</b>	<b>Over Expenditure</b>
406	Twinning of Local Authority Areas	12,500.00	14,729.00	2,229.00
<b>Programme Group 6 – Recreation &amp; Amenity</b>				
		<b>Adopted Budget</b>	<b>Actual Expenditure</b>	<b>Over Expenditure</b>
603	Park, Open Spaces, Recreation Centres etc.	92,500.00	107,178.00	14,678.00
<b>Programme Group 8 – Miscellaneous Services</b>				
		<b>Adopted Budget</b>	<b>Actual Expenditure</b>	<b>Over Expenditure</b>
803	Financial Management	158,577.00	409,977.00	251,400.00
808	Administration & Miscellaneous	371,234.00	444,824.00	73,590.00
812	Expenses of Members Attending Conferences Abroad	4,000.00	5,738.00	1,738.00

## **9. To discuss Town Centre Car Parking**

The Town Manager informed the Members that a report was still awaited from the OPW with regard to the O'Rahilly Street Park to bring the Part VIII process to a conclusion.

Cllr. McGrath asked if there was any update on the Kenyon Street multi-storey car park. The Town Manager replied that a planning application had not yet been received.

## **10. To discuss Nenagh Castle Project**

The Town Manager informed the Members that the roof was being placed on the castle. All archaeological investigations in the grounds had been completed and the planning application was being finalised.

Cllr. Morris said that the houses on Pearse Street in the ownership of the OPW were open and could be vandalised. The Town Manager said that a letter would be sent to the OPW.

#### **11. To discuss Scouts Hall**

The A/Town Clerk informed the Members that an advertisement had been placed in the local paper requesting proposals for the future use of the Scouts Hall with a deadline of 16<sup>th</sup> November.

#### **12. To accord Civic Reception**

The Mayor said that she had not yet finalised a date with the Ladies Soccer Team for a Civic Reception. Cllr. Morris said that he had written to the County Council requesting a joint Civic Reception be awarded.

#### **13. To discuss Proposals for Casual Trading Area**

The Town Manager informed the Members that the drawing showing the proposed casual trading area had been amended following the last meeting. Cllr. Morgan felt that this would make the area very narrow for turning and suggested that it be moved to where the disabled parking spaces are currently located. It was agreed to amend the drawing and go to public consultation.

#### **14. To consider Notice in accordance with Section 183 of the Local Government Act, 2001.**

It was proposed by: Cllr. T. Moylan  
Seconded by: Cllr. S. Morris

And resolved that pursuant to the provisions of Section 183 of the Local Government Act, 2001, this Council hereby agrees to the disposal of lands comprising 0.627 hectares or thereabouts at Nenagh North, Nenagh which was purchased from Mr. Hugh Slattery, Ballinwear, Nenagh to Enable Ireland Disability Services Ltd., Unit 32F, Rosemount Park Drive, Rosemount Business Park, Ballycoolin Road, Dublin 11, in accordance with the notice issued to the Members of this Council on the 12<sup>th</sup> day of October, 2007.

#### **15. To discuss Tidy Towns**

The Town Manager suggested to the Members that specialists be engaged to draw up an environmental plan for the town. This could then be considered in the context of the 2008 Budget.

## **16. Town Manager's Business**

None

## **17. Town Mayor's Business**

None.

## **18. Town Clerk's Business**

None.

## **19. To discuss Fairs and Markets**

It was agreed that the November Fowl Market would be held on Saturday, 10<sup>th</sup> November and the December Fowl Market held on Saturday, 8<sup>th</sup> December.

## **20. Correspondence**

None.

## **21. To consider Notices of Motion**

### Notice of Motion in the name of Cllr. H. McGrath

*"That Nenagh Town Council in conjunction with North Tipperary County Council make some sort of discussion on Springfort Cross so that local businesses can progress with their premises and land."*

The Town Engineer said that he would consult with the Road Design Office on this matter.

### Notice of Motion in the name of Cllr. H. McGrath

*"That in the unlikely event that Nenagh Town Council don't open the railway car park before Christmas it would be hard to justify any increase in rates. In actual fact we would have to consider reducing them."*

The Town Manager warned the Members that it would be dangerous to make a decision regarding next year's budget before seeing the figures. There was a legal requirement to pass an adequate budget. Cllrs. O'Connor and Mulqueen supported the motion. The Town Manager said that he did not see any problem in delivering on the car park once CIE gave the go ahead. Cllr. McGrath asked that this motion remain on the agenda for the next monthly meeting.

Notice of Motion in the name of Cllr. H. McGrath

*“That Nenagh Town Council paint all bus stops in red to clearly make them stand out from other parking spaces.”*

The Town Engineer replied that this work was programmed.

Notice of Motion in the name of Cllr. S. Morris

*“That this Town Council joins the 258 signatory municipalities in 27 countries who have signed up to ECAD (European Cities Against Drugs) to recognise the growing threat of drugs in our community.”*

This motion was supported.

Notice of Motion in the name of Cllr. S. Morris

*“That this Town Council invites THE MIDWEST REGIONAL DRUGS TASK FORCE to meet us to let us know of their work and their mandate to help local communities and organisations to tackle the serious drug issues in the region.”*

This motion was supported.

Notice of Motion in the name of Cllr. S. Morris

*“That this Town Council recognises the problem at Belmont/St. Conlon’s Road where the path narrows at the traffic light and it is too narrow to allow babies buggies to pass thereby forcing people onto the road and then sets about to fix the problem.”*

The Town Engineer agreed with this motion stating that a pillar would have to be moved.

Notice of Motion in the name of Cllr. S. Morris

*“That this Town Council puts in place a traffic mirror at the entrance to Thomond Place as traffic coming out of Thomond Place cannot see traffic coming from the right because of parking in Keeper View.”*

The Town Engineer agreed to investigate this matter.

## **18. Any Other Business**

Cllr. Mulqueen requested an update on works on the Dromin Road. The Town Engineer replied that he was expecting a contractor to resurface the road in the next few days.

This concluded the business of the meeting.

**Mayor:** \_\_\_\_\_

**Town Clerk:** \_\_\_\_\_

**Date:** \_\_\_\_\_