

**MINUTES OF PROCEEDINGS OF THE CLONMEL BOROUGH DISTRICT
MONTHLY MEETING, HELD AT 4.30 p.m. IN THE TOWN HALL, PARNELL
STREET, CLONMEL, CO. TIPPERARY ON WEDNESDAY, 19th SEPTEMBER, 2018.**

Present: Councillor Richie Molloy - Mayor
Councillor Martin Lonergan – Deputy Mayor
Councillor Siobhan Ambrose
Councillor Marie Murphy
Councillor Pat English
Councillor Andy Moloney
Councillor Catherine Carey

Apologies: Councillor Micheál Anglim
Councillor Michael Murphy

In attendance Ms. Sinead Carr, District Manager
Mr. Eamon Lonergan, Senior Engineer
Mr. Anthony Coleman, District Administrator
Ms. Marie O'Donnell, Staff Officer

Also in attendance: Mr. Sean Keating, Director of Services, Environment
Ms. Cora Morrissey, Administrative Officer, Environment
Mr. Jonathan Cooney, Senior Engineer, Housing
Mr. James Swords, Executive Engineer
Mr. Rory O'Callaghan, Executive Engineer

Item 1.1 – Minutes

The minutes of the monthly meeting of Clonmel Borough District held on the 18th July, 2018 were proposed by Councillor Pat English, seconded by Councillor Siobhan Ambrose and agreed.

Item 2.1 – Attendance of Environment Directorate

Mr. Sean Keating, Director of Services and Ms. Cora Morrissey, Administrative Officer, circulated a District briefing note to members detailing key issues relating to the Environment Directorate under the following headings:-

- Infrastructure & Maintenance
- Civic Amenity Sites
- Community Services
- Control of Dogs
- Control of Horses
- Derelict Sites
- Litter Waste Management & Enforcement
- Public Awareness
- Waste Management
- Environment Protection
- Complaints

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The following queries were raised by Members:

- When will the Clonmel Quaker Cemetery wall be restored and is there any insurance cover to rebuild?
- Are there plans to erect dog fouling signs as stencils are not as effective?
- Can dog fouling stencils in Cahir be put in place as previously requested?
- Dispensers for dogs – none on the Tipperary Road in Cahir where a problem exists
- The cost of collecting horses in the District and would money be better spent on a horse warden in the county?
- Have there been any prosecutions for horse cruelty?
- Is the Green Schools campaign up to date with basics for litter and pollution?
- Septic tank inspections – any grants drawn down?
- What order of priority is the Ardfinnan Burial Grounds?
- Is CCTV being actively used for catching illegal dumping?
- CRMs directed to the Environment Section are not being responded to and can this be clarified?
- Can we consider accepting mattresses at the recycling centres?
- What is happening to old dog pound site Kilsheelan and what is the situation with Clerihan facility going forward?

Members' queries were responded to as follows:

- The section of the Quaker Cemetery wall that collapsed has been assessed and as it is a protected structure it will need to be reconstructed in an appropriate manner. There are a number of difficulties including burial plots immediately inside the wall and a narrow lane at other side of the wall that would be impacted. To reinstate the wall with supporting piers would cost approximately €90,000. Will clarify the situation of the insurance cover from IPB;
- Responsibility is with owner of dogs for dog fouling. The Council is assisting in the prevention but are not expected to give free of charge mutt bags to all dog owners;
- Signs can be erected instead of stencils in appropriate areas;
- Welfare of horses is legally the responsibility of the Department of Agriculture and not the Council. The Council only assist in the seizing of horses in public areas;
- The introduction of a horse warden would be the responsibility of the Department of Agriculture and would not be reporting to the Council;
- Green Schools Programme can be examined and will work with An Taisce about going back to basics and getting the message across regarding litter and pollution;
- Ardfinnan Burial is a priority as there is lack of spaces. A second location within the parish will need to be found and an inspection/audit of existing burial grounds to get up to date information regarding available spaces;
- CCTV was used previously by the Council for illegal dumping but this work is mainly undertaken by a contractor that has access to better technology;
- CRM system will be checked and clarification sought. There are two separate systems in Environment that are not used in any other section; one for logging complaints that just need to be reported and another for responses;
- The dog kennels in Clerihan which are currently being used by the council will have the contract extended if the service provided is deemed suitable. The old site in Kilsheelan is deemed not suitable and will revert to Corporate Section but decision on its future use has been made;

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- No prosecutions for illegal dumping have been made as people are much more aware of what the Enforcement Officers are looking so it is difficult to identify the culprit. They leave no name, address etc for identification which makes it almost impossible to prove.
- Septic tanks – are on the basis of National Inspection Plan and Environmental Protection Agency. Under River Basin Management Plan grants can be drawn down.
- Through the Interagency Taskforce, Department of Agriculture and Gardai are investigating potential prosecutions regarding the animal cruelty cases in Knocklofty and Heywood Road.

The Mayor Councillor Richie Molloy thanked Mr. Sean Keating and Ms. Cora Morrissey from the Environment Directorate for their attendance and report.

Item 2.2 – Attendance of LAWCO

Did not attend as report was provided at the main Council meeting.

Item 3.1 – Reports of Officers

District Engineer and District Administrator reports were circulated to Members in advance.

The following queries were raised by Members –

- What stage are the Binaconi Drive works at currently?
- What is the current situation with Ardfinnan Bridge?
- Can the District determine where IPB funds can be spent on improvements works?
- Any response from the OPW in relation to Marlfield Flood Defences works?
- Will works be completed soon at Albert Street?
- What is the plan of action at Ashfield Manor to deal with issues at that location/
- What can be done about the speeding problem at Castlekeale, Ardfinnan?
- St Declan’s way works – drainage issue, is there any progress?
- Update on roundabouts sponsorship, in particular Tipperary Rd Roundabout in Cahir
- Update on Local Improvement Scheme, when will money become available?
- The Vee area still having problems with cars racing – any update?
- What is the status of plans for Gladstone Street currently?
- Can land be obtained near St Patrick’s Well for parking?
- What is the update on the signage for the Blueway
- There is an issue with speeding traffic in Marlfield
- Applications for CLAR, Low Cost Schemes, etc - can details of these be provided?
- CES schemes - request a letter to the Minister for Social Protection to look for similar criteria to the TUS Scheme
- What is the current position on Suir Island Master Plan?

Members’ queries were responded to and agreed as follows:

- Bianconi and Albert Street are going ahead;
- Awaiting response from OPW regarding Marlfield;
- Speed surveys in Marlfield will be carried out before end of year;
- Ashfield - taking in charge, bond in place;
- Castlekeale surveys will be carried out;
- St Declan’s Way drainage works planned for this year;

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- Ardfinnan Bridge - An Bord Pleanála applied conditions to the works. It is proposed to issue tender before year and appoint a contractor next year. Work will not be permitted in the river until the end of July due to Fisheries Ireland restrictions;
- Tipperary Road Roundabout on the list of projects before end of year;
- CLAR funding – not determined at this time;
- Contact had been made with Gardai regarding the current situation on the Vee but no response to date; issue to be followed up again;
- St Patrick’s Well - no funding this year. Need to identify suitable land for car parking, and explore options with landowners in the locality;
- Safety audits are currently been carried out on the Blueway, signage to follow;
- Clonmel Town Centre Forum participated in the National Enterprise Awards on 11th September 2018 and there was a lot of positive feedback from participants;
- Sensory Playground works almost complete;
- Ballyporeen and Clogheen surveys have been carried out and workshops to take place on 6th October in both Ballyporeen and Clogheen community halls;
- No guarantee of getting CLAR funding but Low Cost Safety Scheme may be an option
- CES positions have been advertised recently and a number of applications have been received;
- Suir Island Master Plan being drafted but needs some changes due to issues regarding conservation and protected structures.

Item 3.2 – Multi-Annual Restoration Improvement Programme (2019-2021)

The Multi-Annual Restoration Improvement Programme (2019 – 2021) was proposed by Councillor Richie Molloy and seconded by Councillor Pat English and agreed.

Item 3.3 – Taking in Charge of Estates – Farranlahassery, Rosemount Avenue, Clonmel Road, Cahir

The taking in charge of the following estate – Farranlahassery, Rosemount Avenue, Clonmel Road, Cahir was proposed by Councillor Andy Moloney and seconded by Councillor Martin Lonergan and agreed.

Item 3.4 – Update on Clonmel Borough District Applications to the Urban Regeneration and Development Fund

Anthony Coleman, District Administrator, gave a briefing to members that outlined details of the Clonmel 2030 Regeneration application being submitted to the Department of Housing, Planning & Local Government’s Urban Regeneration and Development Fund (URDF) by 28 September 2018. The application will be seeking funding for the main capital projects in the town. Under category A of the proposal projects include phase 1 of Kickham Barracks and the Clonmel Sports Hub. Category B proposals will include the ‘Clonmel Flights of Discovery’ tourism projects and town public realm. The Council is leading the application and working with a number of other partners which include other State agencies, community organisations and businesses.

Item 4.1 – Attendance of Deputation from St. Patrick’s Cemetery Committee

Councillor Richie Molloy proposed that a deputation be received from St. Patrick’s Cemetery Committee (*Ms. Anne-Marie Whelan, Ms. Anne Kerton and Ms. Jacinta Mullins*), seconded by Councillor Pat English and agreed by all the Members, as per Standing Orders of CBD.

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Issues raised by St. Patrick's Cemetery Committee:-

- Give voice to the people of Clonmel who signed a petition against the erection of barriers in St Patrick's Cemetery, Clonmel;
- A proposal in 2015 suggested that CCTV throughout cemetery and bollards where needed to keep vehicles away from the edges of graves and kerbs being damaged;
- Committee were under the impression that the issue of barriers going up at cemetery would not be re-visited again;
- CCTV cameras would help with health & safety in the cemetery;
- The barriers going up at the cemetery would have a detrimental effect on people;
- There is no consideration given to the well-being of grieving individuals;
- The public were not consulted on the matter and the Committee feels that Members are not representing the public on this matter;
- It is not in the remit of the Council Executive to change reserved functions;
- Wanted a commitment that no more works would be carried out until further public consultation was undertaken
- Signatures from the petition were handed over to Council

Ms. Sinead Carr, Director of Services, thanked the committee deputation for their contribution and confirmed that they would discuss the issues raised when the representatives had left the meeting.

The following issues were raised by members:-

- Can a compromise be made between both parties?
- Members were getting calls from concerned people
- Would a caretaker be a solution?
- Acknowledged health & safety issues
- Clarity needed as to what had changed since 2015
- Why was decision taken from elected members and put with the executive?
- There was misinformation being circulated that there would be no access to the cemetery which simply wasn't true
- There was also misinformation being circulated that the Council Members did not care about the matter and had washed their hands of it
- It was unfortunate message was not clear from the outset
- It was acknowledged that health & safety issues was the major concern and could not ignore that fact
- Members confirmed that they had also received a lot of calls from members of the public who were in favour of the barriers going up at the cemetery and were happy with the decision that was being made
- People are driving in to the cemetery who do not need to be driving in to it
- There has been a large increase in the number of vehicles driving into the cemetery in recent years
- The main cemetery gates were closed over 30 years and it is only in more recent times that the gates were open for vehicles.

Sinead Carr, Director of Services, responded to the Members queries as follows:-

- Council staff and Members understand the grief and upset that people experience at a time of losing a family member or loved one. The Council does have regard to these sensitivities when making a decision that will impact on people

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- Same problems that existed in 2015 are still occurring but traffic volume has increased. No function was taken away from members as it was an executive decision always and members were never asked to vote on this matter in 2015.
- There was no car parking facilities in 2015 and that is one of the main reasons why the barriers did not go ahead at that time.
- There was never a commitment given that this matter would not be re-visited
- Under the Health & Safety Act the cemetery is a workplace, audits have been carried out and near misses have been recorded. If this issue is ignored then the Director of Services and District Engineer would be held personally responsible and criminally liable and that could involve court and a criminal prosecution
- CCTV cameras don't stop vehicles and bollards don't protect people in all instances
- Currently pedestrian and vehicles are sharing the same confined areas in the cemetery
- Constraints of site don't allow options for widening carriageways and paths
- Section 149 of the 2001 Local Government Act states that all functions in relation to the employees of each such local authority lies with the executive including decisions relating to the health and safety of staff. If this legislation was to change then the Members would become personally responsible for any health and safety issues that could arise.
- Alternatives have been considered but there are no options that are acceptable that would allow for unrestricted and unauthorised vehicles to continue entering the cemetery
- Council staff are willing to meet the committee to address issues that arise, but the decision to close the gates to vehicle will not be reversed
- Vast majority of cemeteries don't have vehicle access
- Acknowledge difficulty of Elected Members and the perception by some members of the public that they are not responded; however Members have consistently raised concerns regarding proposals to close the cemetery gates to public vehicles and the difficulties that this will cause for some people
- The Town Manager would like to have positive relationship with the committee

Item 5.1 – Chief Executive/Delegated Officers Orders

The Chief Executive Orders for the period to the 14th September, 2018 were noted.

Item 6.1 – Consideration of the following notices of Motion

Motion 1419 was proposed by Councillor Pat English

That speed ramps be provided at Heywood Close, Clonmel, to deter dangerous speeding in and out of this area.

Reply

The Town Engineer will conduct speed surveys and determine the cause and extent of speeding. Traffic calming measures will be designed as deemed appropriate.

The motion was seconded by Councillor Andy Moloney.

The reply to the motion was noted.

Motion 1439 was proposed by Councillor Andy Moloney

That under the new greenway funding, this Borough District apply to have the old Cahir to Cashel road included as a project.

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Reply

Clonmel Borough District in conjunction with the Roads Section will consider and assess the feasibility of submitting an application to the National and Regional Greenway Fund for the old Cahir to Cashel Road as a project proposal.

The motion was seconded by Councillor Pat English.

The reply to the motion was noted.

Motion 1453 was proposed by Councillor Pat English

That Clonmel Borough District provides traffic lights at the junction of the Glenconnor Road and the Western Road in the interest of public safety.

Reply

The Council's Road Design Office has been asked by the District to assess this junction and to recommend appropriate improvement measures, including a mini roundabout. Depending on the options and the costs, it will be necessary to obtain funding or grants. It is expected that the assessment/options report will be completed in September 2018.

The motion was seconded by Councillor Siobhan Ambrose.

The reply to the motion was noted.

Motion 1454 was proposed by Councillor Pat English

That Clonmel Borough District requests the Minister for Justice to fast track the building of the proposed new garda station at Kickham Barracks, Clonmel as the existing garda barracks is not fit for purpose.

Reply

Subject to the approval of the Members, a letter will issue to the Minister for Justice.

The motion was seconded by Councillor Marie Murphy.

The reply to the motion was noted.

Motion 1457 was proposed by Councillor Marie Murphy

That this district would apply under a Low Cost Safety Scheme, for funding to take away the bad bends adjacent to Ballylooby pre-school on the Main Road between Ballylooby and Kilcommon Cross.

Reply

The District will include this location in next year's application for funding under the Low Cost Safety Scheme.

The motion was seconded by Councillor Martin Lonergan.

The reply to the motion was noted.

Motion 1458 was proposed by Councillor Marie Murphy

That Clonmel Borough District would include the regional road between Ardfinnan and Clogheen in the next Roadwork's Programme for full re-surfacing.

Reply

This road will be assessed to determine its condition and rehabilitation need as part of the next Multi Annual Road Works Programme.

The motion was seconded by Councillor Siobhan Ambrose.

The reply to the motion was noted.

Motion 1459 was proposed by Councillor Marie Murphy

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That Clonmel Borough District would include the road between Coakley's Cross and Ballysheehan Cross on the next Roadwork's Programme.

Reply

This road will be assessed to determine its condition and rehabilitation need as part of the next Multi Annual Road Works Programme.

The motion was seconded by Councillor Andy Moloney

The reply to the motion was noted.

Motion 1460 was proposed by Councillor Martin Lonergan

That Clonmel Borough District would facilitate requests made by residents in Gorteeshal, Ballyporeen for the provision of an extra street light. The houses are serviced by a public footpath and there are also a lot of elderly residents in the area.

Reply

The location that is subject to this notice of motion is outside the 50kph speed limit. The provision of street lighting outside the speed limit zones is not in accordance with Tipperary County Council's public lighting policy. It sets a precedent and generates requests for more lighting outside 50kph zones. Tipperary County Council's priority is to use its scarce public lighting monies to upgrade its existing network to more energy efficient LED lighting and thereby reaching its legally binding energy efficiency targets. The Council also, subject to funding, tries to address some badly lit areas, within the speed limits, as part of this approach.

The motion was seconded by Councillor Marie Murphy.

The reply to the motion was noted.

Motion 1461 was proposed by Councillor Martin Lonergan

The L7512 road from Goatenbridge to the Knockmealdown Mountains to be included in the next years Roadwork's Programme. This road has been severely damaged over a number of years due to water leaks and surface water.

Reply

This road will be assessed to determine its condition and rehabilitation need as part of the next Multi Annual Road Works Programme.

The motion was seconded by Councillor Marie Murphy.

The reply to the motion was noted.

Motion 1462 was proposed by Councillor Richie Molloy

That Clonmel Borough District asks the Housing Section of Tipperary County Council to consider providing affidavit templates to housing applicants.

Reply

An affidavit is a written sworn statement from a witness in front of a Commissioner of Oaths. Affidavits are usually written and prepared by a Solicitor having obtained all the necessary information from the witness. The wording used in the affidavit will depend on the circumstances of the case & the client is usually advised by their solicitor on the wording that will be used. On this basis the Council as the Housing Authority would not be in a position to provide a template for affidavits.

The motion was seconded by Councillor Siobhan Ambrose.

The reply to the motion was noted.

Motion 1464 was proposed by Councillor Siobhan Ambrose

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That Clonmel Borough District Council seeks a meeting with Transport Infrastructure Ireland with a view to getting the name Clonmel written on the same sign on the motorway as both Carlow/Kilkenny and also on the signage for Cork. Similarly, that the name Clonmel is also inserted on the first sign at the main entry and exit junctions out of our neighbouring cities and towns.

Reply

This matter will be raised with the relevant persons in the TII.

The motion was seconded by Councillor Pat English.

The reply to the motion was noted.

Motion 1465 was proposed by Councillor Siobhan Ambrose

That Clonmel Borough District Council considers re-surfacing the laneway behind house numbers 12 to 18 King Street as it is in a bad condition.

Reply

This laneway will be inspected by the Town Engineer to determine what works are required and to cost of same.

The motion was seconded by Councillor Pat English.

The reply to the motion was noted.

Motion 1466 was proposed by Councillor Siobhan Ambrose

That Clonmel Borough District Council considers re-surfacing sections of the road in Marlfield from the crossroads at St. Patrick's Well up as far as Lake Road.

Reply

The Town Engineer will assess the condition of this road and consider for inclusion in a future road improvement programme, subject to condition, need and cost.

The motion was seconded by Councillor Richie Molloy.

The reply to the motion was noted.

Motion 1469 was proposed by Councillor Martin Lonergan

That the Borough District would put in place suitable signage such as "Children Crossing" "Slow" on the approach to Ardfinnan from Clonmel, before Castlekeale, as a number of children have to cross the road to get the School bus and again have to cross it in the evening.

Reply

The Area Engineer will survey the location and select a suitable location for the sign.

The motion was seconded by Councillor Andy Moloney.

The reply to the motion was noted.

Item 7.1 – Correspondence from Department of Communications, Climate Action & Environment dated 30th July 2018 and 6th September 2018 in respect of illegal dumping

Correspondence received from Minister for Communications, Climate Action & Environment, Denis Naughten, T.D. in respect of illegal dumping was noted.

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Item 8.1 – Votes of Sympathy/Congratulations

A vote of sympathy was submitted for John Regan, former Cahir Area District Fire Officer.

A vote of congratulations was submitted for Councillor Micheál Anglim on his marriage.

A vote of congratulations was submitted for Mr. James Murray, Tipperary County Council staff member, who was recently made selector of the Waterford hurling team.

Item 9.1 – Any other business

Members of the Borough District asked that reports from Directorates be sent to them in advance of meeting in order for them to read in preparation. This issue will be raised with Corporate Affairs.

Signed/ _____
Mayor of Clonmel Borough District

Date/ _____

Signed/ _____
District Administrator

Date/ _____