

**Minutes of Meeting of the Killaloe Municipal District held on Wednesday, 21st March, 2018
at 3:00 p.m. in the offices of the Municipal District at Mountshannon Road, Scarriff.**

In attendance: Cllr. Joe Cooney
Cllr. Pat Hayes
Cllr. Michael Begley
Cllr. Pat Burke
Cllr. Tony O'Brien
Cllr. Alan O'Callaghan

Officials: Ms. Anne Haugh, Director of Physical Development
Mr. Hugh McGrath, Senior Executive Engineer
Mr. Kieran O'Donnell, Administrative Officer

Item 1 Minutes of Killaloe Municipal District Meeting held on 24th January, 2018.

The minutes of the Killaloe Municipal District Meeting held on 21st January, 2018 were adopted having been proposed by Cllr. J. Cooney and seconded by Cllr. P. Burke.

Cllr. J. Cooney advised that he had received further correspondence from residents and property owners in respect of the illegal parking at the Flaggy Shore and it was agreed that this correspondence would be circulated to the members.

Item 2 Date for next meeting.

It was agreed that the next meeting will take place on the 16th May, 2018 at 3:00 p.m.

**Item 3 Disposal of property at Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.
Proposed disposal by means of lease of Playground in Killaloe, Co. Clare.**

Report dated 13th February, 2018 from Carmel Greene, Senior Executive Officer, Corporate Services was circulated with the agenda together with map. The report states that in 2007, Clare County Council entered into a 25 year lease with Killaloe Ballina Family Resource Centre Ltd in

relation to area in Killaloe known as the Bane Field. As a result of the economic downturn, this lease was subsequently surrendered in 2015 and the area in question was returned to Clare County Council.

However, the area being used as the community playground was surrendered in error and this must now be regularised.

It is now proposed to enter into a 21 year lease with Killaloe/Ballina Community & Family Resource Centre CLG in relation to lease for Killaloe Playground for a nominal fee. As this is a community group, the Council is prepared to pay the Council's legal costs of this transaction.

This disposal was proposed by Cllr. T. O'Brien and seconded by Cllr. J. Cooney and it was noted that this disposal would be going before the full Council for formal approval.

Item 4 Report on distribution of I.P.B. Dividend.

Report dated 12th March, 2018 from Tom Tiernan, A/Director of Physical Development was circulated with the agenda. The report states that Clare County Council has received a capital distribution in the sum of €2.371m from Irish Public Bodies. A. Haugh, Director of Services advised the members that the Council was proposing to invest this sum in claims risk management which would have the effect of reducing both the incidence and ultimate cost of claims for Clare County Council. It was proposed to allocate €1.6 million on a footpath improvement programme, €300k on drainage works, €371k on remediation works to obsolete Council assets to minimise risks from a health and safety point of view with the balance being provided towards the cost of funding the development of a new Temporary Traffic Management Strategy to facilitate compliance with health and safety legislation.

The members noted the Council's proposals.

Item 5 Schedule of Municipal District Works.

Tom Tiernan, Senior Engineer, John Leahy, Senior Engineer and Siobhan McNulty A/Senior Executive Officer attended for this item

Tom Tiernan outlined the main items included in the Schedule of Municipal District Works (S.M.D.W.). This year's programme included the following allocations:-

- €2,069,552 from the T.I.I. in respect of national routes
- €23,537,603 from the DTTAS in respect of non-national roads
- €2,850,177 from the Council's own resources.

These figures represented a significant increase in figures over the 2017 figures but still falls well short of the 2008 figure which is used as the benchmark for comparative purposes. The

programme proposes that 5.67% of the county's non national road network will be either strengthened or surface dressed in 2018, which represents a significant increase when compared with the 2017 equivalent but falls short of the target of 10%.

The programme also outlined details of capital projects that have received T.I.I. approval to proceed through various stages of development in 2018.

Siobhan McNulty A/Senior Executive Officer advised the members that €164,000 had been included under the Social Housing Maintenance Budget for the Killaloe Municipal District area. Priority areas will be identified from the housing stock condition survey which will be completed in 2018.

The members thanked the officials for their presentations. They welcomed the increase in funding that had become available in the Roads area but noted that there were ongoing issues with the conditions and level of funding of minor and local roads.

The Chairperson, Cllr. A. O'Callaghan, on behalf of the members, wished Tom Tiernan well in his upcoming retirement and looked forward to working with John Leahy in the future.

The Schedule of Municipal District Works 2018 was proposed by Cllr. J. Cooney and seconded by Cllr. T. O'Brien and approved by the members.

Item 6 Notice of Motion submitted by Cllr. T. O'Brien.

“That Clare County Council resurface the road in Millbrook Estate, O'Briensbridge.”

Proposed by: Cllr. T. O'Brien
Seconded by: Cllr. P. Hayes

Hugh McGrath, Senior Executive Engineer replied as follows:

“Provided funding becomes available this can be considered.”

Item 7 Notice of Motion submitted by Cllr. T. O'Brien.

“That a sign be erected at the entrance to St. Luas Villas Estate in Killaloe forbidding entry for articulated trucks.”

Proposed by: Cllr. T. O'Brien
Seconded by: Cllr. M. Begley

Hugh McGrath, Senior Executive Engineer replied as follows:

“A basis for such prohibition would need to be established in order for this proposal to be considered further.”

Cllr T. O'Brien explained that there was an industrial estate at the top of the housing estate and trucks were using the housing estate to turn. H. McGrath agreed to meet with Cllr. T. O'Brien on-site to look at the issues involved.

Item 8 Notice of Motion submitted by Cllr. T. O'Brien.

“That Clare County Council resurface Carrig’s Lane in Killaloe (this is the roadway between the Main Street and Convent Hill).”

Proposed by: Cllr. T. O'Brien

Seconded by: Cllr. M. Begley

Hugh McGrath, Senior Executive Engineer replied as follows:

“Provided funding becomes available this can be considered.”

Item 9 Notice of Motion submitted by Cllr. J. Cooney.

“With the announcement of over €100,000 funding for footpath upgrade in the town of Scarriff

- (a) When are these works going to commence and when is it hoped to have them completed.
- (b) What is the update on the completion of the underground electric cabling?
- (c) What is the update on public car park.”

Proposed by: Cllr. J. Cooney

Seconded by: Cllr. P. Hayes

Hugh McGrath, Senior Executive Engineer replied as follows:

- (A) Funding for the particular funding scheme referred to is subject to the approval of the elected members. Should appropriate funding be approved then any such upgrade works will require more detailed planning and design, as well as consultation and agreement with the community representatives prior to any construction commencing. Any such works will need to be carried out on a phased basis in accordance with available funding and in order to minimise disruption. It should be noted that the level of funding required for full completion of the Main Street in accordance with an agreed Town & Village Renewal Plan is likely to be substantial.
- (B) Underground electric cabling for phase 1 is complete in accordance with the approved grant as expended in 2017. Any additional undergrounding of cables would require specific additional funding.

- (C) Agreement on a proposed public car park for Scarriff is dependent on a viable agreement being in place with any relevant landowner and the basis for such a car park being established to justify any capital investment.

The members noted that there was ongoing communications taking place between Clare County Council and Scarriff Community Council with regard to these works and agreeing a final streetscape for the town. The members requested that the Council provide whatever assistance was available to the group.

Item 10 Notice of Motion submitted by Cllr. J. Cooney.

“ That Clare County Council put speed ramps in Riverview housing estate, Scarriff on the road down to Waterways Ireland in the interests of safety.“

Proposed by: Cllr. J. Cooney

Seconded by: Cllr. P. Hayes

Hugh McGrath, Senior Executive Engineer replied as follows:

“As with any such scheme, prior to seeking funding for traffic calming measures it will be necessary to carry out an assessment to determine the traffic calming measures (if any) that may be necessary, in order to ascertain the basis, type and extent of any such measures, having regard for planning of such measures.”

Item 11 Notice of Motion submitted by Cllr. J. Cooney.

“I am calling on Clare County Council to take charge of the Derrygarney Road, Ballyminogue, Scarriff.”

Proposed by: Cllr. J. Cooney

Seconded by: Cllr. P. Hayes

Hugh McGrath, Senior Executive Engineer replied as follows:

“It is for the elected members to agree on whether the formal process under Section 11 of the 1993 Roads Act should proceed for taking in charge a private road. Should the elected members approve commencement of this process, a public consultation stage of the process will need to commence identifying the extent of such a road proposed for taking in charge. Following this a Municipal District Engineers report will be prepared for the elected members for their consideration to make a decision.”

Item 12 Notice of Motion submitted by Cllr. P. Burke.

"Calling on Clare County Council to give an update on the proposed works that are planned for the Main Street in Mountshannon."

Proposed by: Cllr. P. Burke
Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“Significant drainage works were carried out on the Main Street in Mountshannon in 2017 as part of the street improvements. The 2018 draft Schedule of Municipal District Works to be approved by the members contains a proposal to continue improvements on Main Street in 2018 providing for street and footpath resurfacing. However, consideration for existing problematic underground services as well as proposals for addressing overhead services will be critical to the phasing and extent of final surfacing works some of which are dependent on other service providers, and/or other funding streams.”

Item 13 Notice of Motion submitted by Cllr. P. Burke.

"Calling on Clare County Council/Waterways Ireland to deal with the problem of boats using the harbour at Mountshannon as long term berthing."

Proposed by: Cllr. P. Burke
Seconded by: Cllr. A. O’Callaghan

Hugh McGrath, Senior Executive Engineer replied as follows:

“It is accepted that there is an issue in Mountshannon related to long term berthing. We will engage with Waterways Ireland with a view to reaching agreement on a mechanism for addressing this issue.”

It was agreed to refer the matter to Carmel Greene, Senior Executive Officer, Corporate Services to initiate contact with Waterways Ireland.

Item 14 Notice of Motion submitted by Cllr. P. Burke.

"Calling on Clare County Council to raise the footpath up to the level of the kerb outside St. Joseph's Church in Tuamgraney in order to make it safe for pedestrians."

Proposed by: Cllr. P. Burke
Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“Consideration can be given to this proposal provided funding is available.”

It was agreed that Items 15 and 18 would be taken together.

Item 15 Notice of Motion submitted by Cllr. P. Hayes.

“I am asking for an update on the taking in charge of housing estates in the Killaloe Municipal District and the timescale around this programme.”

Proposed by: Cllr. P. Hayes
Seconded by: Cllr. J. Cooney

Item 18 Notice of Motion submitted by Cllr. A. O’Callaghan.

“Ask Clare County Council for a list of estates in Killaloe Municipal District that have been requested to be taken in charge and at what stage are they at?”

Proposed by: Cllr. A. O’Callaghan
Seconded by: Cllr. M. Begley

Siobhan O’Reilly, Administrative Officer, Planning Department replied as follows:

“Clare County Council is in receipt of Taking in Charge applications/requests from the developers/residents in relation to the following 7 estates:

Inchicronan, Crusheen: A claim was made on the bond in relation to this estate on the 29th May, 2013 as the developers went into receivership. Planning has been in ongoing negotiations with the bondholders since and at least on two occasions an agent had been appointed by them to liaise with us in relation to our claim on the bond. A meeting was held in January 2018 with an Agent appointed by the bondholders who advised that it was their intention to complete this development with a view to having it taken in charge.

Moyglass, Crusheen: The outstanding works in this estate were carried out by the developers in consultation with planning. It is our intention to commence the statutory process for Taking in Charge in the coming weeks.

Cluain na Laoi, Kilkishen: Following our claim on the bond in February 2015 the bond monies were received in December 2016. A contractor has been appointed to undertake outstanding works in this estate and these should commence in the coming months.

Cluain Fuinseog, Kilkishen: A site inspection is to be carried out by planning and a report provided in relation to the condition of this estate.

An Garraun, Mountshannon: Planning are in discussions with the developers with a view to their releasing the bond to us. As the cost of the outstanding works is far greater than the bond, it is our intention to utilise the bond to address priority issues and initiate the Taking in Charge process

Cuirt na Bhfiach, Tulla: The statutory process in relation to the Taking in Charge of this estate commenced with an advertisement in the Clare Champion dated 12th January 2018, it was left on public display for 4 weeks with a further 2 weeks for receipt of submissions. A report will be put to the members at an upcoming meeting for their consideration.

Dergview, Scarriff: The Municipal District engineer is to provide planning with an update as to the condition of this development.”

Item 16 Notice of Motion submitted by Cllr. P. Hayes.

“I am asking that works be completed to resolve the ongoing flooding problem at Kilbarron, Feakle on the regional road.”

Proposed by: Cllr. P. Hayes
Seconded by: Cllr. A. O’Callaghan

Hugh McGrath, Senior Executive Engineer replied as follows:

“We expect to address this issue at the next available opportunity.”

Item 17 Notice of Motion submitted by Cllr. P. Hayes.

“I am asking that an agreed protocol be put in place between landowners and Clare County Council in relation to the on-going removal of overhanging trees and shrub.”

Proposed by: Cllr. P. Hayes
Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“There is merit in developing a mechanism for ensuring such works are completed to the highest standard possible and with regard for best practice. While the primary responsibility for such works rests with the landowners and/or occupiers of lands adjoining the public road we are available to provide any assistance or advise such landowners and/or occupiers, and their contractors regarding such best practice.”

Item 19 Notice of Motion submitted by Cllr. A. O’Callaghan.

“Ask this Council to carry out works on the bend up from Doon Lake at Claremount as trees have been taken down and the bend is left open.”

Proposed by: Cllr. A. O’Callaghan
Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“Any measures considered within the responsibility of Clare County Council will be addressed having regard for the resources available and having regards to other such priorities.”

Item 20 Notice of Motion submitted by Cllr. A. O’Callaghan.

“With CCTV in operation for illegal dumping, I ask the Council to give an update on how it is performing and are convictions being successful.”

Proposed by: Cllr. A. O’Callaghan
Seconded by: Cllr. P. Burke

William Freney, Senior Executive Engineer, Environment Department replied as follows:

“The environment section currently has a combination of covert and overt CCTV cameras in operation to monitor illegal dumping sites throughout the county. While it can be difficult at times to secure useable evidence in order to take prosecutions, Clare County Council has been successful during February 2018 when an individual was convicted on 2 counts of illegal dumping in court based on CCTV evidence. The environment section continues to upgrade and increase the capability of its CCTV equipment in order to catch those involved in illegal dumping.”

Item 21 Notice of Motion submitted by Cllr. M. Begley.

“That drainage be carried out on the Newtown Road L-3058 opposite last 5 dwellings on left going from Clonlara village.”

Proposed by: Cllr. M. Begley
Seconded by: Cllr. A. O’Callaghan

Hugh McGrath, Senior Executive Engineer replied as follows:

“Improvements to this road are included in the Schedule of District Works for approval by the elected members.”

Item 22 Notice of Motion submitted by Cllr. M. Begley.

“That the Derryfadda Road L-3062 be included for reconstruction/improvement in the 2018 roads programme.”

Proposed by: Cllr. M. Begley
Seconded by: Cllr. A. O’Callaghan

Hugh McGrath, Senior Executive Engineer replied as follows:

“Significant drainage works are required on the L-3062 before permanent road restoration can be justified. While we have completed a significant portion of these drainage works we anticipate completion of all drainage works within our remit under the drainage element of the Schedule of District Works for approval by the members. Some of these drainage improvements may rely on the co-operation of roadside landowners and/or occupiers. Once all necessary drainage works are complete rehabilitation of the road will be prioritised.”

Item 23 Notice of Motion submitted by Cllr. M. Begley.

“That an up-date on C.I.S. and L.I.S. applications be available for the meeting.”

Proposed by: Cllr. M. Begley

Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“Community Involvement Scheme (C.I.S.) – Public Roads

The closing date for applications to this scheme was March 9th. We have received 12 applications under this scheme in 2018 in the Killaloe Municipal District. Assessment and costing of the applications is almost complete and an application for the whole county will be submitted in the coming week.

Local Improvement Scheme (L.I.S.) – Private Roads

The closing date for applications to this scheme is March 29th. As of Friday 16th we have received 9 applications in the Killaloe Municipal District. Assessment and costing of the applications will need to be finalised and an application for the whole county will then be submitted.”

Item 24 Any Other Business.

- Cllr. P. Hayes requested that a review of the Council’s response to extreme bad weather be undertaken. He acknowledged the role played by the Council, the emergency services and local communities during recent weather events but would like to examine if the Council could provide greater assistance to the towns and villages in the future in order that that they could be opened for business earlier.
- Cllr. J. Cooney wished Scarriff Community College well in their upcoming All Ireland hurling final and acknowledged the significant achievement of getting to this stage.
- Cllr. M. Begley requested if funding was available for roads used as alternative routes during flooding as many of these roads are now in a poor condition. Hugh McGrath

advised that limited funding was available under a minor relief scheme but that this was difficult to attain.

The meeting then concluded.

Kieran O'Donnell
Meetings Administrator

22nd March, 2018.