

DRAKENSTEIN MUNICIPALITY

MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL ON WEDNESDAY, 7 SEPTEMBER 2011 AT 14:00.

PRESENT: Councillors (see attached schedule)

Senior Officials:	Mr D Smit	(Acting Municipal Manager)
	Mr T Matthee	(Executive Director: Social Services)
	Dr P Naidoo	(Executive Director: Strategic Services)
	Mr L Coetzee	(Executive Director: Infrastructure & Planning)
	Mr C Petersen	(Executive Director: Financial Services)
	Mr A Marais	(Acting Executive Director: Corporate Governance)
	Mr K R Gordon	(Manager: Administrative Services)



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1. CONSIDERATION OF APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE FROM COUNCIL/COMMITTEE MEETINGS

OORWEGING VAN AANSOEKE DEUR RAADSLEDE VIR VERLOF VAN AFWESIGHEID VAN RAAD/KOMITEEVERGADERINGS

Clr G C Combrink	-	11 September 2011 – 30 September 2011
Clr Dr L M du Toit	-	16 September 2011 – 12 October 2011
Clr A M L Buckle	-	6 September 2011 – 22 September 2011
Clr E M Kearns	-	5 September 2011 – 9 September 2011
Clr L W Niehaus	-	5 September 2011 – 9 September 2011
Clr M C Msolo	-	7 September 2011
Clr W A Petersen	-	7 September 2011
Clr A Bekeer	-	7 September 2011
Clr S W Davids	-	7 September 2011

2. CONFIRMATION OF MINUTES / BEKRAGTIGING VAN NOTULE

The minutes of the of the Municipal Council meeting held on 27 July 2011 was **confirmed as correct.**

3. MINUTES: COMMITTEE MEETINGS / NOTULES: KOMITEEVERGADERINGS

Noted.

4. STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR/EXECUTIVE DEPUTY MAYOR

VERKLARINGS EN MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER/UITVOERENDE ONDERBURGEMEESTER

The Executive Mayor made the following announcements:

1. Well wishes were extended to Clr N J Qebenya for the birth of his baby daughter.
2. Drakenstein Municipality received the Arbor City Award for 2011.
3. Empathy was expressed with Clr Soudah Ross as her house was burnt down and Councillors were requested to provide assistance in whatever way possible.
4. Concern was expressed at the poor attendance of Councillors at conferences, indabas, work sessions etc. and the Executive Mayor appealed to Councillors to attend and actively participate at official events.
5. Clr Dr N D Adams has been appointed as Chairperson for the Social Services and Economic Development Section 80 Portfolio Committee in the place of Clr Dr L M du Toit in terms of section 80(3)(a) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998).

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6. The Portfolio Holder for Finance, Clr G C Combrink, has been requested to commence with a process to revise the approved annual budget through an adjustments budget.
7. The panel to undertake the shortlisting, selection and appointment of the Fraud and Risk Management Committee member has been constituted as follows:

Clr Dr M D J Smith
Clr R A Koegelenberg
Clr L E Ntlemeza
Clr M A Tshaya
Municipal Manager
Executive Director: Financial Services
Chief Audit Executive
Member of the Audit Committee (Mr W Sewell or Mr A Seymour)

5. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER
VERKLARINGS EN MEDEDELINGS DEUR DIE SPEAKER

The Speaker made the following announcements:

1. Councillors were requested to complete a skills document and submit it to the Office of the Speaker.
2. Councillors who wish to engage with the Executive Mayor were requested to follow the procedure in this regard by booking an appointment with the Executive Mayor only via her Personal Assistant.
3. The Western Cape Privileges and Immunities Bill, 2011 published under Provincial Notice 212/2011 in the Provincial Gazette Extraordinary No 6903 dated 30 August 2011 was brought to the Councillors' attention. In terms of the Provincial Notice any person or organization can comment on the Bill before 27 September 2011.
4. All Councillors adhered to a request from his office regarding outstanding municipal debt and have either made a payment towards their outstanding municipal accounts or have made the necessary arrangements in this regard. The Speaker extended his appreciation with the positive co-operation of all councillors.
5. A word of thanks and appreciation was extended to the Acting Municipal Manager and management for the standard of reporting to Council as well as the professional preparation of Council documentation.

6. STATUTORY MATTERS / STATUTÈRE SAKE
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None.

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7. CONSIDERATION OF REPORTS BY THE EXECUTIVE MAYOR AND MAYORAL COMMITTEE
OORWEGING VAN VERSLAE DEUR DIE UITVOERENDE BURGEMEESTER EN BURGEMEESTERSKOMITEE
UKUQWALASELWA KWEENGXELO YI EXECUTIVE MAYOR NE MAYORAL COMMITTEE

7.1 BRIEFING ON THE WESTERN CAPE LIQUOR ACT OF 2008 (PROPOSED AMENDMENTS)
TOELIGTING OOR DIE WES-KAAPSE DRANKWET, 2008 (VOORGESTELDE WYSIGINGS)
ISISHWANKATHELO SOMTHETHO WESISELO ESINXILISAY SENTSHONA KAPA KA 2008 (ISINDULULO SOKULUNGISA)

The ANC requested larger representation on the Committee, but the request was not supported.

RESOLVED

1. that a task team consisting of the following Councillors and relevant officials be set up to work on a by-law for the municipality, which by-law deals with trading hours inter alia:
 - i. Clr R A Koegelenberg
 - ii. Clr Dr L M du Toit
 - iii. Clr Dr N D Adams
 - iv. Clr L E Ntlemeza
 - v. Clr J F le Roux (Speaker)
 - vi. Clr J C Mchelm
 - vii. One (1) member nominated by the smaller parties

2. that the task team report back in three months' time, after which the processes for adopting by-laws will be started.

Meeting:	Council – 7/09/2011	Submitted by Directorate:	Strategic Services
Ref No:	1/3/5	Author/s:	
Col No:	149582	Referred from:	EM&MC – 11/08/2011
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
	Arrange first meeting	ED: Strategic Services	

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7.2 RENEWAL OF LEASE AGREEMENT: PAARL PIGEON HALL – PORTION OF ERF 593 PAARL
HERNUWING VAN HUUROOREENKOMS: PAARL DUIWESAAL – GEDEELTE VAN ERF 593 PAARL
UKUHLAZIYA KWESIVUMELWANO ZOKUQESHA: IHOLO LE PAARL PIGEON – ICEBANA LIKA ERF 593, EPAARL

UNANIMOUSLY RESOLVED

1. that approval in principle be granted for the renewal of the lease of the Paarl Pigeon Hall on a portion of Erf 593 Paarl to the Paarl District Homing Union, subject to the standard lease conditions as well as the further conditions:-
 - 1.1 the property will be leased at a reduced rental amount of R 366-67 per month (VAT excluded) with a 10% escalation per annum;
 - 1.2 the lease will endure for a period of 2 years, after which the renewal thereof will be reviewed by Council;
 - 1.3 no sub-leasing will be allowed without prior written consent from the municipality;
 - 1.4 social functions will be limited to the following days and hours:-
 Monday – Thursday till 23:00
 Friday and Saturday till 00:00
 - 1.5 no function will be allowed on Public Holidays and Sundays;
 - 1.6 all administrative and legal requirements be adhered to;
 - 1.7 the lease be advertised in the press for possible objections or counter offers; and

2. that the property not be put out on tender since it has been earmarked as a sport facility.

Meeting:	Council – 7/09/2011	Submitted by Directorate:	Corporate Governance
Ref No:	15/4/1 (593)P	Author/s:	N Marais
Col No:	149876	Referred from:	EM&MC – 11/08/2011
CLAUSE:	ACTION: Implement decision	RESPONSIBLE DEPT: Corp Gov (Properties)	DUE DATE:

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7.3	BUDGET STEERING COMMITTEE
	BEGROTINGSBEHEERKOMITEE
	IKOMITI ELAWULA UHLAHLA LWABIWO MALI

Clr C M Manuel requested a review of the composition of the Committee as it does not reflect inclusivity and fair representation. The Executive Mayor indicated that the matter will be considered in future.

RESOLVED

that the Budget Steering Committee be constituted as follows:-

1. Executive Mayor
2. Clr G C Combrink
3. Clr J G Rademeyer
4. Clr Dr M D J Smith
5. Clr Dr L M du Toit
6. Clr C M Manuel
7. 1 Councillor nominated by the smaller parties
8. Relevant officials as set out in the departmental report

Meeting:	Council – 7/09/2011	Submitted by Directorate:	Financial Services
Ref No:	3/31/3/17	Author/s:	C Petersen
Col No:	149681	Referred from:	EM&MC – 11/08/2011
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
	Arrange first meeting	ED: Finance	

7.4	EXECUTIVE MAYOR'S SPECIAL FUND: AMENDMENT OF GUIDELINES
	SPESIALE FONDS VAN DIE UITVOERENDE BURGEMEESTER: WYSIGING VAN RIGLYNE
	INGXOWA-MALI EYODWA KA SODOLOPHU: UKULUNGISWA KWEMIGAQO

RESOLVED

that the attached Guidelines for the Executive Mayor's Special Fund be approved.

(The ANC Councillors abstained from voting on this matter due to not being fully satisfied with the content of the Guidelines and insufficient time to peruse the Guidelines.)

Meeting:	Council – 7/09/2011	Submitted by Directorate:	EM&MC – 24/08/2011
Ref No:	5/13/1/1	Author/s:	
Col No:	151177	Referred from:	
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

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7.5	REVIEW OF SYSTEM OF DELEGATIONS
	HERSIENING VAN DELEGASIE STELSEL
	ISIGXEKO-NCOMO SENKQUBO YOKUTHUMELA

RESOLVED

that the delegations as set out in the reviewed System of Delegations be approved in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) subject to the principles and the conditions set out therein.

(The ANC Councillors abstained from voting on this matter due to insufficient time to peruse the Delegations.)

Meeting:	Council – 7/09/2011	Submitted by Directorate:	Corporate Governance
Ref No:	2/4/B	Author/s:	A Marais
Col No:	150835	Referred from:	EM&MC - 24/08/2011
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

7.6	DRAKENSTEIN MUNICIPALITY AUDIT COMMITTEE CHARTER
	ODUITKOMITEE HANDVES VAN DIE DRAKENSTEIN MUNISIPALITEIT
	IPHEPHA LAMALUNGELO WEKOMITI YOPHENGULULO ZINCWADI YOMASIPALA WASEDRAKENSTEIN

UNANIMOUSLY RESOLVED

1. that the attached Drakenstein Municipality Audit Committee Charter be accepted;
2. that the remuneration structure and possible re-composition of the Audit Committee be investigated and a report be submitted to the Executive Mayor and Mayoral Committee; and
3. that Mr W Sewell be appointed as chairperson of the amalgamated Audit Committee for the interim until such time as Council considered paragraph 2 above.

Meeting:	Council – 7/09/2011	Submitted by Directorate:	
Ref No:	3/3/1/3/9	Author/s:	
Coll no:	149873	Referred from:	EM&MC – 24/08/2011
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
2	Submit report	Internal Audit	
3	Inform Mr Sewell		

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7.7 MONTHLY BUDGET STATEMENTS: JULY 2011
MAANDELIKSE BEGROTINGSTATE: JULIE 2011
INGXELO YOHLAHLA LWABIWO MALI YENYANGA: JULAYI 2011

UNANIMOUSLY RESOLVED

1. that the report **be noted**; and
2. that the Executive Director: Financial Services submit a report on steps being taken against staff with outstanding Municipal accounts and who have not participated in the Rand to Rand debt write off initiative.

Meeting: Council – 7/09/2011 Ref No: 5/13/1/1 Col No: 147938	Submitted by Directorate: Financial Services Author/s: C Petersen Referred from: EM&MC – 11/08/2011		
<u>CLAUSE:</u> 2	<u>ACTION:</u> Submit report	<u>RESPONSIBLE DEPT:</u> Executive Director: Finance	<u>DUE DATE:</u>

7.8 PROPOSED SALE OF MUNICIPAL LAND – ERF 20950 PAARL FOR SOCIAL WELFARE AND CHURCH PURPOSES
VOORGESTELDE VERKOOP VAN MUNISIPALE GROND: ERF 20950 PAARL VIR MAATSKAPLIKE, WELSYN EN KERKDOELEINDES
ISINDULULO SOKUTHENGISWA KOMHLABA KAMASIPALA –ERF 20950 UTHENGISELWA UMBUTHO WENTALONTLE KUNYE NECAWE

UNANIMOUSLY RESOLVED

1. that approval in principle be granted for the alienation of the property;
2. that tenders be called for the purchase and development of Erf 20950 Paarl, measuring 1822,3m² in extent, for social, welfare and church purposes;
3. that the technical conditions laid down by the technical departments be incorporated into the tender document;
4. that approval be granted for the alienation of the property at a reserve price of 20% of market value;
5. that a reversal clause be registered against the title of the property; and
6. that House of Revival be informed accordingly.

Meeting: Council – 7/09/2011 Ref No: 15/4/1 (20950)P Col No: 150836	Submitted by Directorate: Corporate Governance Author/s: N Marais Referred from: EM&MC – 24/08/2011		
<u>CLAUSE:</u>	<u>ACTION:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> Corp Gov (Properties)	<u>DUE DATE:</u>

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7.9 SALE OF MUNICIPAL PROPERTY: ERF 556 MAIN STREET, PAARL – DACHSTEIN INVESTMENTS
VERKOOP VAN MUNISIPALE EIENDOM: ERF 556 HOOFSTRAAT, PAARL: DACHSTEIN INVESTMENTS
UKUTHENGISWA KWEPROPATI KAMASIPALA: ERF 556, EPAARL MAIN STREET, PAARL – DACHSTEIN INVESTMENTS

UNANIMOUSLY RESOLVED

1. that final approval be granted for the direct sale of Erf 556 Paarl, measuring ±600m² in extent, at R600 000,00 (VAT excluded) to the owner of the adjoining property, Mr H J Marais (Dachstein Investments), subject to the normal conditions of sale as well as the following conditions:
 - 1.1 the property must be consolidated with the applicant's property, Erf 557 Paarl;
 - 1.2 the property must be rezoned to Special Business with a restriction limiting the use thereof to parking purposes only;
 - 1.3 that the applicant at own cost erect a boundary wall at a height of not less than 2 meters between Erven 556 and 569 Paarl as well as suitable fencing along the Main Street boundary and that the condition be registered as a title condition;
 - 1.4 that all related costs will be for the applicant's account; and
 - 1.5 that the applicant relocate the electrical cables that currently run across the property at own cost. Should the relocation not be practical in the view of the Municipality, a servitude of Right of Way over the property must be registered at the applicant's cost.

2. that tenders not be called for the sale of this erf due to the following reasons:
 - 2.1 the erf does not have an access to the Paarl Main Road and access will have to be obtained from an adjoining erf with an existing access to the said road and can therefore only be sold to an adjoining landowner; and
 - 2.2 the other adjoining landowner of Erf 555 Paarl has indicated in writing that he is not interested in acquiring Erf 556 Paarl for parking purposes.

Meeting: Ref No: CoI No:	Council – 7/09/2011 15/4/1 (556)P 150834	Submitted by Directorate: Author/s: Referred from:	Corporate Governance N Marais EM&MC – 24/08/2011
<u>CLAUSE:</u>	<u>ACTION:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> Corp Gov (Properties)	<u>DUE DATE:</u>

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7.10 HOUSE SHOP SURVEY AND INTEGRATED HOUSE SHOP POLICY FOR DRAKENSTEIN MUNICIPALITY
HUISWINKEL OPNAME EN GEÏNTEGREERDE HUISWINKELBELEID VIR MUNISIPALITEIT DRAKENSTEIN
UVAVANYO ZIMVO LWEVENKILE EZIZINDLU KUNYE NENKQUBOEDIBENEYO YEVENKILE EZIZINDLU YOMASIPALA WASEDRAKENSTEIN

UNANIMOUSLY RESOLVED

1. that the report be noted;
2. that the Department Planning Services proceed with the organising of a workshop on the House Shop Policy and finalization of an Integrated House Shop Policy; and
3. that all the councillors be informed of the intended workshop.

Meeting: Council – 7/09/2011 Ref No: 15/4/4 Col No: 149740	Submitted by Directorate: Infra & Planning Author/s: A Shortles Referred from: EM&MC – 11/08/2011		
CLAUSE:	ACTION: Arrange workshop	RESPONSIBLE DEPT: ED: infra & Planning (Planning)	DUE DATE:

8. MATTERS FOR CONSIDERATION/INFORMATION SAKE VIR OORWEGING/INLIGTING
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8.1 CENSUS PRESENTATION

Mr Andy Reid, District Manager for the Cape Winelands Area of Statistics South Africa, made a presentation on the Census 2011 activities and process in the Cape Winelands District. The Census 2011 planning and management aims to address:

1. An undercount of 17%;
2. Challenges in communication and participation;
3. Improvement in credible data;
4. Smooth execution of the entire operation to comply with governance requirements.

Municipal assistance was needed in securing venues for training and approval of the distribution of pamphlets and newsletters in municipal accounts as well as placement of posters.

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RESOLVED

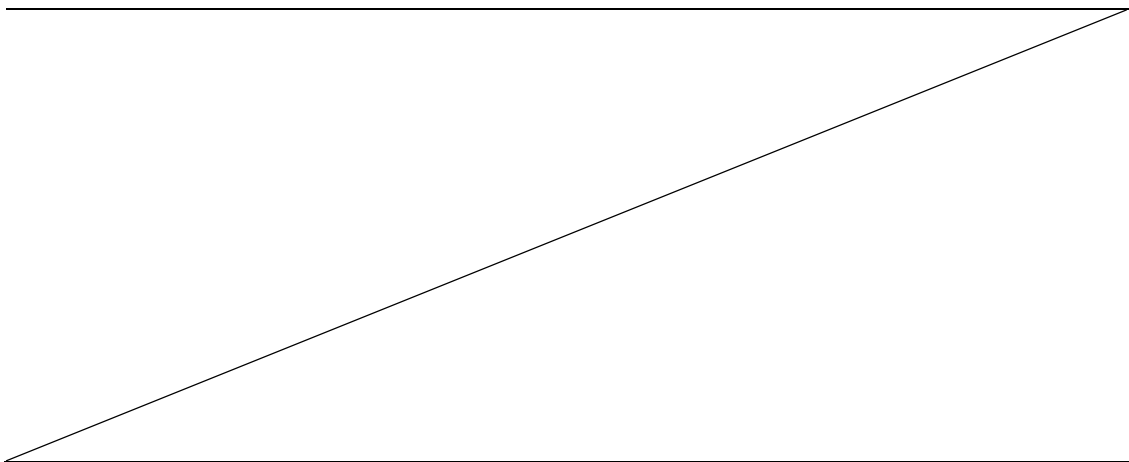
1. that the presentation **be noted**; and
2. that Statistics South Africa be requested to take up their request for municipal assistance with the Acting Municipal Manager and the Office of the Speaker and liaise with ward councillors in order to obtain further assistance.

Meeting: Council – 27/07/2011		Submitted by Directorate:	
Ref No:		Author/s:	
Col No:		Referred from:	
<u>CLAUSE:</u>	<u>ACTION:</u> Inform SSA	<u>RESPONSIBLE DEPT:</u> Admin (PJ)	<u>DUE DATE:</u>

8.2 APPROVAL OF WARD COMMITTEES

The attached report on Ward Committees was tabled by the Speaker and considered. The Speaker briefed Council on the progress of the ward committee election process as well as problems that have been encountered such as party political intolerance, insufficient venues and transport. A total of 21 Ward Committees have been established to date. The Speaker indicated that steps have been taken to address the shortcomings and appealed to Councillors not to participate or encourage party political intolerance at the ward committee elections. The Speaker furthermore emphasized the need to review the Policy on Ward Committees.

Noted.



Meeting: Council – 27/07/2011		Submitted by Directorate:	
Ref No:		Author/s:	
Col No:		Referred from:	
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

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8.3 APPOINTMENT OF MEMBER OF THE PUBLIC ON PANEL FOR PERFORMANCE ASSESSMENT OF MUNICIPAL MANAGER AND EXECUTIVE DIRECTORS

The Speaker announced that the matter will be held over until the ward elections process has been finalised.

Meeting: Ref No: Col No:	Council – 27/07/2011	Submitted by Directorate: Author/s: Referred from:	
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

9. CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY BY THE MUNICIPAL MANAGER

OORWEGING VAN VERSLAE, MEDEDELINGS, VERSOEKSKRIFTE EN AANSOEKE IN VERBAND MET DRINGENDE SAKE VOORGELÉ DEUR DIE MUNISIPALE BESTUURDER

The Acting Municipal Manager announced that Mr A Marais has been appointed as Acting Executive Director: Corporate Governance with effect from 23 August 2011.

**10. CONSIDERATION OF NOTICES OF MOTIONS AND NOTICES OF QUESTIONS
OORWEGING VAN KENNISGEWINGS VAN MOSIES EN KENNISGEWINGS VAN VRAE**

None.

**11. SUPPLEMENTARY AGENDA (IF ANY)
AANVULLENDE AGENDA (INDIEN ENIGE)**

11.1 OUTER BOUNDARY DEMARCATION

RESOLVED

1. that the position of the Demarcation Committee on the proposals as set out in the departmental report be approved; and
2. that continued discussion between the Demarcation Committee and other authorities for outer boundary changes, be approved.

Meeting: Ref No: Col No:	Council – 27/07/2011 2/6/11	Submitted by Directorate: Author/s: Referred from:	Strategic Services A Sauls
<u>CLAUSE:</u>	<u>ACTION:</u> Implement decision	<u>RESPONSIBLE DEPT:</u> ED: Strategic Services	<u>DUE DATE:</u>

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<h1>IN-COMMITTEE</h1>

12. CONSIDERATION OF CONFIDENTIAL MATTERS OORWEGING VAN VERTROULIKE SAKE

12.1 CONFIRMATION OF CONFIDENTIAL MINUTES: 27 JULY 2011 AND 22 AUGUST 2011 BEKRAGTIGING VAN VERTROULIKE NOTULES: 27 JULIE 2011 EN 22 AUGUSTUS 2011

(See Confidential Minutes.)

12.2 IKHWEZI COMMUNITY CENTRE IKHWEZI GEMEENSKAPSENTRUM
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(See Confidential Minutes.)

The meeting ended at 17:55.

CHAIRPERSON:

DATE:

Confirmed on with / without amendments.