

DRAKENSTEIN MUNICIPALITY

**MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD IN THE
COUNCIL CHAMBERS, FIRST FLOOR, CIVIC CENTRE, PAARL ON TUESDAY,
4 AUGUST 2009 AT 14:00**

PRESENT: Councillors (see attached schedule)

Senior Officials:	S T Kabanyane	(Municipal Manager)
	K Mrali	(ED: Corporate Governance)
	C Petersen	(ED: Financial Services)
	T Matthee	(ED: Social Services)
	P Naidoo	(ED: Strategic Services)
	L Coetzee	(ED: Infrastructure & Planning)
	A Marais	(H: Corporate 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

The following applications for leave of absence were approved:-

Clr S Kika	-	4 August 2008
Clr J G Rademeyer	-	4 August 2008
Clr C S Jochims	-	4 August 2008
Clr R B Arnolds	-	4 August 2008
Clr J W Appollis	-	4 August 2008
Clr W A Petersen	-	4 August 2008
Clr J T Basson	-	20-21 August 2008

2. CONFIRMATION OF MINUTES / BEKRAGTIGING VAN NOTULE

The minutes of the Ordinary meeting of the Municipal Council meeting held on 25 June 2009 was **confirmed as correct**, subject to the following amendment:-

“8.1 Rates Article in Paarl Post: Former Councillor N D du Toit”

Several councillors expressed their concern with regard to an article on the property rates issue and in particular, the photo of the former councillor N D du Toit that accompanied the article. After discussion it was

RESOLVED

that the Municipal Manager be directed to raise this issue with the Speaker of National Parliament.”

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

No statements were made.

5. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

VERKLARINGS EN MEDEDELINGS DEUR DIE SPEAKER

The Speaker congratulated councillors who celebrated their birthdays during July. The Speaker also extended a special word of welcome to Clr J P Smit who had recovered from a major operation.

6. STATUTORY MATTERS / STATUT1ÈRE SAKE

No matters were submitted.

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

7.1 IMPLEMENTATION OF SCM SYSTEM: FOURTH QUARTER REPORT
IMPLEMENTERING VAN VKB STELSEL: VIERDE KWARTAAL VERSLAG
UKUMILISELWA KWENKQUBO YE SCM: INGXELO YEKOTA YESINE

UNANIMOUSLY RESOLVED

that the report **be noted**.

Meeting:	Council – 04/08/2009	Submitted by Directorate:	FinancialServices
Ref No:	9/1/1/5	Author/s:	
Doc No:	5918/09	Referred from:	EM&MC – 23/07/09
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:

7.2 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: 2009/2010
DIENSLEWERING EN BEGROTING IMPLEMENTERINGSPLAN: 2009/2010
UBONELELO LWENKONZO KUNYE NESIYILO SOKUMILISELWA KOHLAHLWABIWO-MALI: 2009/2010

UNANIMOUSLY RESOLVED

that the SDBIP for 2009/10 be approved.

Meeting:	Council – 04/08/2009	Submitted by Directorate:	Financial Services
Ref No:	5/2/8	Author/s:	
Doc No:	5946/09	Referred from:	EM&MC – 23/07/2009
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:

7.3 DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES
AFWYKING VAN EN BEKRAGTING VAN MINDERE OORTREDINGE VAN VERKRYGINGSPROSESSE
UKUYEKWA, KUNYE NOKULUNGISWA KOKWAPHULA KWENKQUBO EZINCINANE ZOKUFUMANA

Questions of clarity were raised with regard to the procurement of several items in the report. It was agreed that future reports should in more detail cover the reasons for deviations.

UNANIMOUSLY RESOLVED

1. that the report **be noted**; and
2. that future reports provide more detail as to the reasons for deviations.

Meeting:	Council – 04/08/2009	Submitted by Directorate:	Financial Services
Ref No:	9/1/1/5	Author/s:	
Doc No:	5914/09	Referred from:	EM&MC – 23/07/2009
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Improve report	ED: Financial Services	

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7.4	RENEWAL OF LEASE AGREEMENT: DEPARTMENT OF PUBLIC WORKS , ERF 2006, PAARL (SOUTH AFRICAN POLICE DOG UNIT)
	HERNUWING VAN HUUROOREENKOMS: DEPARTEMENT VAN OPENBARE WERKE, ERF 2006, PAARL (SAPD HONDE EENHEID)
	UHLAZIYO LWESIVUMELANO SENGQESHO: ISEBE LEZEMISEBENZI KA WONKE-WONKE. ERF 2006, PAARL (AMAPOLISA OMZANTSI AFRIKA – ICANDELO LEZINJA)

UNANIMOUSLY RESOLVED

that the renewal of the lease in respect of Erf 2006, in extent ±703m² to the National Department of Public Works (RSA) be approved, subject to the normal lease conditions as well as the following further conditions:-

1. the property will be leased at a rental of R4 270,80 per month, excluding VAT, which amount will escalate by 8% per annum;
2. the lease will endure for a period of 2 years, with the option to renew; and
3. all administration and legal requirements be adhered to.

Meeting:	Council – 04/08/2009	Submitted by Directorate:	Corporate Governance
Ref No:	15/4/1 (2006) P	Author/s:	N Marais
Doc No:	5949/09	Referred from:	EM&MC – 23/07/2009
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Formalise lease	Corporate Governance (Properties)	

7.5	APPLICATION FOR LEASE OF A PORTION OF ERF 2688, MBEKWENI (RENNIES CAFÉ)
	AANSOEK OM HUUR VAN 'N GEDEELTE VAN ERF 2688, MBEKWENI (RENNIES KAFEE)
	ISICELO SOKUQESHISA ICANDELO LOMHLABA KA ERF 2688, MBEKWENI (RENNIES CAFÉ)

UNANIMOUSLY RESOLVED

1. that approval be granted for the renewal of the lease agreement with Ms Ngculu in respect of rooms 1, 2 and 4 (store) on Erf 2688, Mbekweni, subject to the following conditions:-
 - 1.1 Ms Ngculu make arrangements with the Treasury Department for down payment of the arrears of R38 298-27 and that the lease only be entered into once such arrangements are in place;
 - 1.2 the property be leased for an initial period of 3 years with an option to renew the agreement which option will only be allowed if arrears and the rental are paid up to date;
 - 1.3 a rental amount of R1 238-90 per month (excluding VAT), which amount will escalate with 8% per annum, will be payable; and

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- 1.4 the lease area may only be utilized for business purposes and the applicant will be responsible to obtain the necessary business licence and other applicable licences.

Meeting:	Council – 04/08/2009	Submitted by Directorate:	Corporate Governance
Ref No:	15/4/1 (2688) M	Author/s:	N Marais
Doc No:	5948/09	Referred from:	EM&MC – 23/07/2009
CLAUSE:	ACTION: Formalise lease	RESPONSIBLE DEPT: Corporate Governance (Properties)	DUE DATE:

7.6 SALE OF A PORTION OF FARM 736, KLAPMUTS: ERECTION OF NEW ELECTRICAL SUBSTATION: NETGROUP SOUTH AFRICA
VERKOOP VAN 'N GEDEELTE VAN PLAAS 736, KLAPMUTS: OPRIGTING VAN NUWE ELEKTRIESE SUBSTASIE: NETGROEP SUID AFRIKA
NGENTENGISO YECEBA LEFAMA U736 EKLAPMUTS: UKUFAKELWA KWESITISHANA SOMBANE:YINETGOUN SOUTH AFRICA

UNANIMOUSLY RESOLVED

- that a value based on the average of the valuations (R350 000/ha and R500 000/ha) i.e R425 000/ha be determined and submitted as amended purchase price for the substation site; and
- that the amount of R250 000/ha for the powerline servitudes be accepted.

Meeting:	Council – 04/08/2009	Submitted by Directorate:	Corporate Governance
Ref No:	7/2/4/2	Author/s:	N Marais
Doc No:	5936/09	Referred from:	EM&MC – 23/07/09
CLAUSE:	ACTION: Take necessary further steps	RESPONSIBLE DEPT: Corporate Governance (Properties)	DUE DATE:

7.7 SALE OF ERF 1242 GOUDA UNREGISTERED PORTION OF ERF 606, GOUDA
VERKOOP VAN ERF 1242, GOUDA ONGEREGISTREEDE GEDEELTE VAN ERF 606, GOUDA
INTENGISO KA ERF 1242 E GOUDA ENGABHALISWANGA KWICEBA LIKA ERF 606 E GOUDA

UNANIMOUSLY RESOLVED

- that approval be granted for the alienation of Erf 1242, Gouda for commercial development;
- that the land be made available for the erection of a supermarket complex;
- that the relevant technical requirements as indicated in the report received from the Head Planning Services be complied with; and
- that public tenders be called for.

Meeting:	Council – 04/08/2009	Submitted by Directorate:	Corporate Governance
Ref No:	15/4/1 (606) G	Author/s:	N Marais
Doc No:	5958/09	Referred from:	EM&MC – 23/07/2009
CLAUSE:	ACTION: Call Public Tenders	RESPONSIBLE DEPT: Corporate Governance (Properties)	DUE DATE:

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7.8	CLOSURE, REZONING AND ALIENATION OF MUNICIPAL LAND UNBUILT PORTION OF DE VILLIERS STREET, PAARL
	SLUITING, HERSONERING EN VERVREEMDING VAN ONBEOUDE GEDEELTE VAN DE VILLIERSSTRAAT, PAARL
	UKUVALWA NOKUCANDA KWAKHONA KUNYE NOKUGUQULWA KOMHLABA KAMASIPALA OKUNGAKHIWANGA KUWO KWICEBA LIKA DE VILLIERS STREET EPAARL

UNANIMOUSLY RESOLVED

1. that the closure and rezoning to General Residential Subzone A, of the unbuilt portion of De Villiers Street Paarl, ±50m² in extent, adjacent to Erf 26909, Paarl, be approved;
2. that the alienation of the land to the owner of Erf 26909, Paarl at R500/m² be approved subject to the following conditions:-
 - 2.1 the portion of land must be consolidated with Erf 26909, Paarl. The registration of the consolidated property must be done simultaneously with the registration of the portion of land to be closed; and
 - 2.2 the applicant (owner of Erf 26909, Paarl) shall be responsible for all costs involved in the transaction, including advertisement, survey, consolidation and registration costs.

Meeting:	Council – 04/08/2009	Submitted by Directorate:	Corporate Governance
Ref No:	7/2/4/2	Author/s:	N Marais
Doc No:	5962/09	Referred from:	EM&MC – 23/07/09
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Take necessary steps re-sale of land	Corporate Governance (Properties)	

7.9	FARM 736, KLAPMUTS: SAKKIESKAMP RESTITUTION CLAIM AND ALIENATION OF REMAINDER
	PLAAS 736, KLAPMUTS: SAKKIESKAMP RESTITUSIE EIS EN VERVREEMDING VAN RESTANT
	IBANGO LOKUBUYEKEZWA KWE FAMA 736, KLAPMUTS: SAKKIESKAMP KUNYE NOKUGUQULWA KWENTSALELA YOMHLABA

The Executive Mayor tabled an amended recommendation in which paragraph 4 was changed to read as follows:-

“that Capetainer within 30 days submit the required information regarding their BEE status, a due diligence report and a site development plan. That the size of the land required by Capetainer be concluded within 30 days thereafter.”

Clr J A Louw indicated that the DA could not support the proposal to rescind the decision of 20 August 2007 as in their view it would have serious implications for the creation of job opportunities. The party also felt that due to the services costs, the total property should be developed. The DA suggested that the matter be referred to a working group. The Executive Mayor explained that the previous decision must be rescinded due to the fact that sections of the farm had been allocated to Eskom and the RLCC. Council was still prepared to negotiate with Capetainer to alienate the remainder of the land subject to certain conditions.

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After further discussions it was:-

RESOLVED

1. that the decision of 20 August 2007 to sell Farm 736, Klapmuts in extent ± 222ha to Capetainer, be rescinded;
2. that 60ha be released to the Regional Land Claims Commission to be used for restitution purposes, comprising Portion A (24ha) and Portion B (36ha) located as indicated on **Annexure A2**;
3. that the terms of the Memorandum of Understanding between Council and the Commission be negotiated and submitted for final approval;
4. that the remainder of the farm, or a portion thereof, be offered to Capetainer on condition that Capetainer submits the required information regarding their BEE status, due diligence report and site development plan within 30 days and that the actual size of the land to be alienated to Capetainer be concluded within 30 days after the required information had been submitted;
5. that the selling price of the land to Capetainer be at current market value; and
6. that should Capetainer fail to submit all of the required information within the period of 30 days, the offer will lapse.

(Clr J A Louw and Clr R Brand requested that their counter vote be recorded, for the reasons mentioned above.)

Meeting: Ref No: Doc No:	Council – 04/08/2009 15/4/1 (736) K 5935/09	Submitted by Directorate: Author/s: Referred from:	Corporate Governance N Marais EM&MC – 23/07/2009
ACTION:		RESPONSIBLE DEPT:	DUE DATE:
Convey decisions		Corp Serv (Prop)	

7.10 MINUTES OF AUDIT COMMITTEE
NOTULE VAN OUDIT KOMITEE
IMIZUZU YEKOMITI YOPHENGULULO

RESOLVED

that the minutes **be noted**.

Meeting: Ref No: Doc No:	Council – 04/08/2009 3/3/1/3/9 5881/09	Submitted by Directorate: Author/s: Referred from:	Strategic Services EM&MC – 23/07/2009
ACTION:		RESPONSIBLE DEPT:	DUE DATE:

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7.11 PAARL WEB: ERF 27471: GASEOUS EMISSIONS AND REGENERATIVE THERMAL OXIDIZER

RESOLVED

1. that the decision to limit the number of printers on the Paarl Web property be rescinded, subject to the following conditions:-
 - 1.1 that Paarl Web be required to commit in writing to the “Paarl Web Air Quality Management Code of Practice (COP) on Management of Printing Emissions by Use of the Regenerative Thermal Oxidiser” dated August 2008;
 - 1.2 that logs be kept detailing down times and flue emission and bypass vent readings and a running average kept of the VOC emissions;
 - 1.3 that the following conditions also be complied with and be set as endorsements on the relevant building plans:-
 - 1.3.1 The document titled Paarl Web Air Quality Management Code of Practice (COP) on Management of Printing Emissions by Use of the Regenerative Thermal Oxidiser dated August 2008 shall be the minimum operating standard for the RTO;
 - 1.3.2 In circumstances where the COP operating parameters are exceeded the Municipality shall be informed immediately;
 - 1.3.3 To this end logs shall be kept detailing down times and flue emission and bypass vent readings and a running average kept of the VOC emissions;
 - 1.3.4 Should the RTO go off-line for more than 4 hours, printing from the web presses that are connected to the RTO and may specifically result in increased emissions of 1,2,4 Trimethylbenzene must be shut down;
 - 1.3.5 Alternatively should the RTO go off-line for more than 1 hour and the wind is blowing from a westerly (sw to nw) direction the printers connected to the RTO and may specifically result in increased emissions of 1,2,4 Trimethylbenzene, are to be shut down; and
 - 1.3.6 The RTO and printing plant be operated in such a manner that it is in compliance with the NEM: AQA sec 35, PPNKA sec 3.1 and PAP sec 2 at all times.

Meeting: Council – 04/08/2009 Ref No: 17/1/7/4 x 15/4/1 (27417)P Doc No: 4743/09, 1991/08, 9053/07, 10518/07	Submitted by Directorate: Infrastructure Services Author/s: Referred from: EM&MC – 23/07/2009	
<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>
Convey decision	Admin (CL)	

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8. MATTERS FOR CONSIDERATION/INFORMATION
SAKE VIR OORWEGING/INLIGTING

No matters were submitted.

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 VOORGELÊ DEUR DIE MUNISIPALE BESTUURDER

9.1 AMENDMENT TO SIZES OF COUNCILS

The Municipal Manager reported that the MEC for Local Government indicated that the number of councillors for some municipalities would be changed in future. Drakenstein would however not be affected.

Noted.

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

The Municipal Manager reported that a request for information regarding the recent strike, was received from the DA. A report responding to the questions will be submitted at the next meeting.

Noted.

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

No supplementary agenda was submitted.

IN-COMMITTEE

12. CONSIDERATION OF CONFIDENTIAL MATTERS
OORWEGING VAN VERTROULIKE SAKE

No confidential minutes were considered.

The meeting ended at 16:07.

CHAIRPERSON:

DATE:

Confirmed on with/without amendments.