

DRAKENSTEIN MUNICIPALITY

MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, FIRST FLOOR, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL ON THURSDAY, 29 OCTOBER 2009 AT 14:00.

PRESENT: Councillors (see attached schedule)

Senior Officials:

Dr S T Kabanyane	(Municipal Manager)
Mr K Mrali	(Executive Director: Corporate Governance)
Mr C Petersen	(Executive Director: Financial Services)
Mr T Matthee	(Executive Director: Social Services)
Dr P Naidoo	(Executive Director: Strategic Services)
Mr L Coetzee	(Executive Director: Infrastructure & Planning)
Mr A Marais	(Head: Corporate Services)
Mr K 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

The following applications for leave of absence were approved:-

- | | | | |
|----|--------------|---|-----------------------|
| 1. | A M Petersen | - | 1 – 30 November 2009 |
| 2. | J Solomons | - | 16 – 20 November 2009 |
| 3. | H R De Goede | - | 2 – 13 November 2009 |
| 4. | J T Basson | - | 1 – 7 November 2009 |
| 5. | H Douman | - | 1 – 7 November 2009 |
| 6. | M D Syfers | - | 1 – 7 November 2009 |

2. CONFIRMATION OF MINUTES / BEKRAGTIGING VAN NOTULE

The minutes of the Ordinary meeting of the Municipal Council meeting held on 22 September 2009 was **confirmed as correct**, subject to the following amendments:-

(i) **7.2 Fraud Prevention Policy**

The changes as suggested by Council be verified.

(ii) **7.3 De Poort Village Project:** the following be added:-

- “3. that the De Poort Village Project be requested to arrange that the Municipality be represented by the Executive Mayor on their structures.”

3. MINUTES: COMMITTEE MEETINGS / NOTULES: KOMITEEVERGADERINGS
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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 October. Cllr C Meyer after being allowed by the Speaker, submitted a motion of condolences to Cllr Solomon Ross for the passing away of his mother. A moment of silence was observed.

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	SALE OF A PORTION OF ERF 29137, PAARL INDUSTRIAL AREA TO BENJAMIN'S BUS SERVICES
	VERKOOP VAN 'N GEDEELTE VAN ERF 29137, PAARL INDUSTRIËLE GEBIED AN BENJAMIN'S BUS DIENSTE
	INTENGISO YENXENYE YOMHLABA U ERF 29137, PAARL UMMANDLA OSHISHINO KWINKONZO ZEBHASI ZIKA BENJAMIN

UNANIMOUSLY RESOLVED

1. that the direct sale of a Portion of Erf 29137, Paarl measuring ±12400m² in extent, to Benjamin's Bus Services be approved at R75/m² (Vat excluded), subject to the normal sales conditions pertaining to the sale of industrial land and the following further conditions:-
 - 1.1 the sale of Erf 19544, Paarl to Benjamin's Bus Services be cancelled;
 - 1.2 that all wasted costs in respect of the cancellation of Erf 19544, Paarl be borne by the applicant;
2. that the applicant be responsible for all costs related to the transaction (advertising, environmental assessments, survey, etc);
3. that the applicant be required to submit within 60 days, a site development plan together with development timelines; and
4. that the objectors be informed accordingly.

Meeting:	Council – 22/09/2009	Submitted by Directorate:	Corporate Governance
Ref No:	15/4/1 (23137)P	Author/s:	N Marais
Doc No:	8296/09	Referred from:	EM&MC – 0710/09
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Inform Parties	Corp Gov (Prop)	

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7.2 APPLICATION FOR LEASE OF MUNICIPAL LAND: PORTION OF ERF 34, WELLINGTON
AANSOEK OM HUUR VAN MUNISIPALE GROND: GEDEELTE VAN ERF 34, WELLINGTON
ISICELO SOKUQESHA UMHLABA KAMASIPALA: ISAHLULO SIKA ERF 34, WELLINGTON

UNANIMOUSLY RESOLVED

1. that the direct lease of a portion of Erf 34, Wellington in extent ±1.2 ha, to Boland Bins be approved in principle, subject to the normal conditions of lease as well as the following further conditions:-
2. the lease will be for a period of 2 years at a market related rental;
3. that all other technical requirements as stipulated by the technical departments, be adhered to;
4. that all related costs will be for the applicants account;
5. that the proposal be advertised for possible objections or counter offers and that a final report be resubmitted for final approval; and
6. that the provision of any services will be for the account of the applicant.

Meeting:	Council – 29/10/2009	Submitted by Directorate:	Corporate Governance
Ref No:	15/4/1 (34)W	Author/s:	N Marais
Doc No:	8299/09	Referred from:	EM&MC – 07/10/09
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Advertise proposal	Corp Gov (Prop)	

7.3 APPLICATION FOR THE LEASE OF MUNICIPAL LAND FOR THE REDEVELOPMENT OF A SECTION OF THE PAARL CBD: ANYTIME INVESTMENT NO 14 (PTY) LTD
AANSOEK OM HUUR VAN MUNISIPALE GROND VIR DIE HERONTWIKKELING VAN 'N GEDEELTE VAN DIE PAARL SBD: ANYTIME INVESTMENTS NO 14 (PTY) LTD
ISICELO SOKUQESHA UMHLABA KAMASIPALA UKUZE KUPHUHLISWE ICANDELO LE PAARL CBD: ANYTIME INVESTMENTS NO 14 (PTY) LTD

UNANIMOUSLY RESOLVED

1. that approval in principal be granted for Council to enter into a public-private partnership with Anytime Investments No 14 (Pty) Ltd by way of the following:-

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- 1.1 lease of Erf 20343 for a period of 30 years with the option to renew for a further period of 20 years for the purpose of a commercial development and public parking, marked A1.1 on the locality plan;
 - 1.2 lease of Wamakers Square, Jan Philips Square and Patriot Square for a period of approximately 8 years up to 31 July 2017 (This date coincides with the expiry date of the Van der Lingen Square lease agreement), marked 1,2 and 3 on the locality plan, for the purposes of upgrading and control of public parking facilities, and
 - 1.3 use agreement in respect of the section of Lady Grey Street from Main to Verster Street, New Street from Derksen Street to Van der Lingen Square, a portion of Fabriek Street and a portion of unnamed street abutting Wamakers Square Erf 1241 for the period up to 31 July 2017, marked A1, A2, A3 and A4 on locality plan, for the purposes of upgrading and control of public parking facilities.
2. that the above lease and use rights be granted on the basis and conditions as set out in the four agreements as submitted;
 3. that the proposed public participation process be approved;
 4. that the required input from National Treasury and the Department of Cooperative Governance and Traditional Affairs be obtained and that parallel with the public participation process, a task team be mandated to engage with National Treasury in order to solicit their support; and
 5. that final approval be considered on completion of the consultation process.
 6. that the feasibility study be noted, and
 7. that the developers be invited to make a presentation on the proposed development.

Meeting: Ref No: Doc No:	Council – 29/10/2009 15/4/1 (2856)P 7162/09	Submitted by Directorate: Author/s: Referred from:	Corporate Governance EM&MC – 16/09/09
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
1 – 5 6	Take necessary steps Arrange presentation	Corp Gov (Prop) Corp Gov (Prop)	

7.4 STATUS OF THE PERFORMANCE AUDIT COMMITTEE
STATUS VAN DIE PRESTASIE OUDITKOMITEE
IMEKO YEKOMITI INDLELA YOKUSEBENZA

UNANIMOUSLY RESOLVED

1. that Mr L Scheepers' unavailability as Chairperson of the Performance Audit Committee be accepted;
2. that the position of Chairperson of the Performance Audit Committee be advertised and filled as soon as possible; and

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3. that a Performance Specialist be co-opted on the Audit Committee until the chairperson has been appointed.

Meeting: Ref No: Doc No:	Council – 29/09/2009 5/12/2/1 8670/09	Submitted by Directorate: Author/s: Referred from:	Strategic Services Dr Pravine EM&MC – 16/09/09
CLAUSE:	ACTION: Take necessary steps	RESPONSIBLE DEPT: Strat Serv. (Internal Audit)	DUE DATE:

7.5	AUDIT COMMITTEE CHARTER
	ODUITKOMITEE HANDVES
	IMEKO YEKOMITI YOKUHLLOL INDLELA YOKUSEBENZA

UNANIMOUSLY RESOLVED

that the enclosed Audit Committee Charter be approved.

Meeting: Ref No: Doc No:	Council – 29/10/2009 5/12/2/1 8672/09	Submitted by Directorate: Author/s: Referred from:	Strategic Services Dr Pravine EM&MC – 16/09/09
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:

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7.6	LAND PRESCRIPTION CLAIM – PORTION OF ERF 12665, PAARL: FARM GROOT PARYS NR 685
	VERJARINGSEIS – GEDEELTE VAN ERF 12665, PAARL: PLAAS GROOT PARYS NR 685

UNANIMOUSLY RESOLVED

1. that the land prescription claim, on a portion of municipal property, erf 12665 Paarl (in extent ± 1.58 ha) be acknowledged; subject the following condition:-
 - 1.1 that the transfer of land will only take place once the workers have been relocated to the satisfaction of both council and the workers. (No clearance certificates will be issued);

2. that the subdivision of erf 12665, Paarl in terms of section 25 of Ordinance Nr 15 of 1985 be approved, subject to the following conditions:-
 - 2.1 that the said portion be consolidated with the remainder erf 27483, Paarl;
 - 2.2 that the said portion be rezoned for agricultural purposes;
 - 2.3 that all cost related to the transaction be for the cost of Groot Parys Estates (Pty) Ltd; and

3. that it be pointed out to their legal representative that the information contained in paragraph 2 and 3 of the letter of Van Wyk and Fouchee dated 20 August 2009, is not entirely correct and that the owners of Groot Parys Estates (Pty) Ltd, will be responsible for the identification of land in Paarl for the relocation of the farm workers.

Meeting:	Council – 29/10/2009	Submitted by Directorate:	Corporate Governance
Ref No:	15/4/1 (12665)P X 15/4/1 (F685)P	Author/s:	N Marais
Doc No:	8840/09	Referred from:	EM&MC – 21/10/09
CLAUSE:	ACTION:	RESPONSIBLE DEPT:	DUE DATE:
	Implement resolution	Corp Gov (Prop)	

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8. MATTERS FOR CONSIDERATION/INFORMATION SAKE VIR OORWEGING/INLIGTING
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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
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None.

10. CONSIDERATION OF NOTICES OF MOTIONS AND NOTICES OF QUESTIONS OORWEGING VAN KENNISGEWINGS VAN MOSIES EN KENNISGEWINGS VAN VRAE
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10.1 MOTION OF QUESTIONS BY CLR J F LE ROUX: ERF 6392, WELLINGTON, MR G SMITH
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The Speaker ruled that the motion could not be considered as it dealt with a specific complaint by a resident which should be processed through the normal administrative process. The matter was referred to the Executive Mayor and Mayoral Committee for further attention.

Noted.

10.2 MOTION OF QUESTIONS: BULK SERVICES LEVIES

It was indicated that a further report on this matter would be submitted to Council.

RESOLVED

that the responses to the questions be **noted**.

Meeting: Ref No: Doc No:	Council – 29/10/2009	Submitted by Directorate: Author/s: Referred from:	
CLAUSE:	ACTION: Submit a further report	RESPONSIBLE DEPT: ED: Infrastructure and Planning	DUE DATE:

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

No supplementary agenda was considered.

IN-COMMITTEE

12. CONSIDERATION OF CONFIDENTIAL MATTERS
OORWEGING VAN VERTROULIKE SAKE

No confidential matters was submitted.

The meeting ended 15:23

CHAIRPERSON:

DATE:

Confirmed on with/without amendments.