



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 26 FEBRUARY / FEBRUARIE /
FEBHRUWARI 2020**

**VENUE / PLEK / INDAWO : BANQUETING HALL /
BANKETSAAL**

**CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS**

TIME / TYD / IXESHA: 15:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF THE COUNCIL MEETING HELD IN THE **BANQUETING HALL**, CIVIC CENTRE, HERMANUS, ON **26 FEBRUARY 2020**, AT **15:00**

PRESENT: Councillors were present as per attached attendance register.

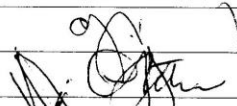
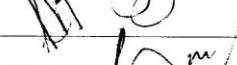



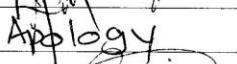
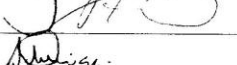
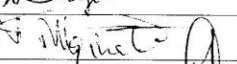
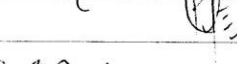

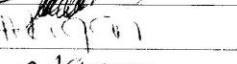

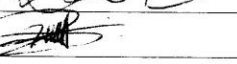
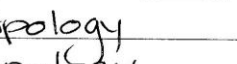
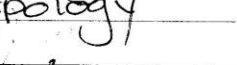
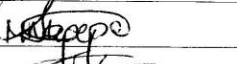






OFFICIALS PRESENT: Mr C Groenewald, Municipal Manager
Ms D Arrison, Director : Management Services
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Mr N Michaels, Director : Protection Services
Mr S Madikane, Director : Economic Development & Tourism
Mr S Müller, Director : Infrastructure & Planning
Mr C le Roux, Deputy Director : Finance
Mr A Wyngaard, Senior Manager : Hermanus Administration
Mr F Myburgh, Senior Manager : Gansbaai Administration
Mr D Lakey, Senior Manager : Kleinmond Administration
Mr B King, Senior Manager : Financial Services
Ms L de Villiers, Senior Manager : Environmental Services
Ms P Aplon, Environmental Officer
Ms H Fortune, Secretary : Environmental Services
Ms T Dry, Environmental Officer
Ms H van Tonder, Manager : Council Support Services
Ms N Zweni, Manager : Communication
Ms T Zweig, Environmental Officer
Mr D Gardener, Senior Fieldranger : Environmental Services
Mr R Fraser, Chief : Traffic/Licences ICT
Ms S Yawa, Acting Mayoral Committee Secretary
Ms G Erasmus, Clerk : Auditorium
Ms S Swart, Administrative Officer : Council Support Services

ALSO PRESENT: Members of the Public
Members of the Overstrand Junior Town Council

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
26 FEBRUARY 2020

ALDERMAN/COUNCILLORS	SIGNATURE
AFRICA, F	
BOTHA, D	
BRICE, KD	
COETSEE, A	
COETZEE, DP	
COHEN, G	
DE CONING, CA	
GILLION, E	
KALOLO, SV	Apology
KOMANI, AS	
KRIGE, F	
NQINATA, NNT	
MACOTHA, VC	
MAY, C	
MOLEFE, B	
MORGAN, H	
MSWELI, X	
NTSABO, L	
NUTT, R	
ORBAN, J	Apology
PUNGUPUNGU, V	Apology
RESANDT, C	
SAPEPA, NM	
TAFU-NWONKWO, CC	
TEBELE, S	

1. OPENING

Cllr A Komani opened with prayer. The Municipal Manager, Mr C Groenewald, read the notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr J Orban

RESOLVED

that the above-mentioned application for leave of absence, **be granted.**

Cllr V Pungupungu

RESOLVED

that the above-mentioned application for leave of absence, **be granted.**

Cllr S Kalolo

The Speaker informed the meeting that he has received an apology from Cllr S Kalolo 15 minutes ago, the reason being that Cllr Kalolo fell ill, and that he will accept his apology with reservation, subject to the receipt of a doctor's certificate.

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the **Council** held on **Wednesday, 27 November 2019** at **11:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the Overstrand Municipal **Council** held on **Wednesday, 27 November 2019** at **11:00**, **be confirmed.**

- 3.2 Minutes of a **Special Meeting** of the **Council** held on **Wednesday, 22 January 2020** at **11:00**

RESOLVED:

that the Minutes of a **Special Meeting** of the **Council** held on **Wednesday, 22 January 2020** at **11:00**, **be confirmed.**

4. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE SPEAKER / EXECUTIVE MAYOR

The Executive Mayor, Ald D Coetzee, extended a special welcome to the Overstrand Junior Town Council and thanked them for making time through their busy schedule to attend this meeting.

The Overstrand Municipality won the category for Biodiversity Management in the 2019 Greenest Municipality Competition which was organised by the Western Cape Provincial Department of Environmental Affairs. The award was handed over to the Municipal Manager, Executive Mayor and Deputy Executive Mayor by Ms L de Villiers and Mr T Dry from Environmental Management Services.

Long service certificates were handed over to the following staff members by the Executive Mayor, Deputy Executive Mayor and Municipal Manager:

HERMANUS ADMINISTRATION

EMPLOYEE	LONG SERVICE YEARS	DATE ACHIEVED
Mrs Yolindi Swart	10 Years	01/12/2019
Mr Jacque Bouwers	30 Years	11/12/2019
Mr Ayanda Menzi	25 Years	12/12/2019
Mrs Dané Laing	10 Years	21/12/2019
Mr Francois Pretorius	10 Years	21/12/2019
Mr Patrick Fakusasa	25 Years	27/12/2019
Mrs Clara October	10 Years	01/01/2020
Mr Roche De Jager	30 Years	01/01/2020
Ms Lungelwa Mamama	15 Years	01/01/2020
Mrs Thelma Lobb	10 Years	01/01/2020
Mrs Anandi Rust	10 Years	01/01/2020
Mr Johannes Loubser	20 Years	10/01/2020
Mr Deon Cupido	30 Years	10/01/2020
Mrs Johette Basson	10 Years	11/01/2020
Mr Nelson Kula	30 Years	16/01/2020
Mr Reginald De Jongh	30 Years	18/01/2020
Mr Francois Bruwer	15 Years	01/02/2020
Ms Noluthando Zweni	15 Years	01/02/2020
Mr Ashley Gahl	10 Years	01/02/2020
Mrs Ronett Theron	30 Years	05/02/2020
Mr Phillip De Gruchy	10 Years	08/02/2020
Mr Patrick Robinson	10 Years	15/01/2020
Ms Mercia Pietersen	10 Years	15/01/2020

GANSBAAI ADMINISTRATION

EMPLOYEE	LONG SERVICE YEARS	DATE ACHIEVED
Mr Samuel Cornelius Pieters	20 years	13/12/2019
Mrs Marzaan Middleton	15 years	01/01/2020
Mr Daniel Petrus Loubser	10 years	01/02/2020
Mr Zola Kwayimani	20 years	25/02/2020

KLEINMOND ADMINISTRATION

EMPLOYEE	LONG SERVICE YEARS	DATE ACHIEVED
Mr Monwabisi Sahluko	15	01/12/2019
Mr Gavin Aubrey van Niekerk	25	01/12/2019
Mrs Pumla Zungula	15	01/12/2019
Mr Willem Hartnick	15	03/12/2019
Mr Marthinus Pietersen	15	13/12/2019
Mr Malbongwe Welcome Rasi	15	13/12/2019
Mr Sithembile Patrick Litoli	25	23/01/2020

5. CONSIDERATION OF RECOMMENDATIONS MADE BY THE EXECUTIVE MAYOR TO COUNCIL, IN TERMS OF SECTION 160(2) OF THE CONSTITUTION, 1996, AND SECTION 59(1)(a) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 2000 (ACT 32 OF 2000)

5.1

AMENDMENTS AND ADDITIONS TO THE DELEGATION OF POWERS AND DUTIES

(ITEM 1, PAGE 1 : MANAGEMENT SERVICES PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 FEBRUARY 2020)

RESOLVED (SUPPORTED BY 22 COUNCILLORS):

that the amendments and additions to the Delegation of Powers and Duties, **be approved.**

RESPONSIBLE OFFICIAL :

ALL DIRECTORS

TARGET DATE FOR IMPLEMENTATION :

1 MARCH 2020

5.2**IN PRINCIPLE APPROVAL FOR THE ALIENATION OF UNREGISTERED ERF 1929 (A PORTION OF ERF 599) PEARLY BEACH AS WELL AS A PORTION OF THE REMAINDER OF ERF 599 PEARLY BEACH TO DE PYP TRUST****(ITEM 4, PAGE 424 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 FEBRUARY 2020)****RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

1. that the direct alienation of unregistered Erf 1929 (a portion of Erf 599) Pearly Beach, adjacent to Erf 1930 Pearly Beach, (413m² in extent) to the owner of the adjoining property, De Pyp Trust, at R49,560.00 (FORTY NINE THOUSAND FIVE HUNDRED AND SIXTY RAND) (VAT excluded) be **approved in principle**;
2. that the direct alienation of a portion of the remainder of Erf 599 Pearly Beach, adjacent to Erf 1930, (±300m² in extent) to the owner of the adjoining property, De Pyp Trust, at R120.00/m² (ONE HUNDRED AND TWENTY RAND) PER SQUARE METRE (VAT excluded) be **approved in principle**;
3. that no construction except a boundary fence or wall be allowed on the properties to be alienated and this condition must be registered against the title deed of the consolidated property;
4. that Council take cognisance of the fact that the direct alienation is only possible as unregistered Erf 1929 (a portion of Erf 599) Pearly Beach and the subject portion of the remainder of Erf 599 Pearly Beach can be classified as non-viable property;
5. that, subject to the approval in 1 and 2 above, a public participation process be followed at the cost of the applicant/purchaser;
6. that it be noted that a condition for alienation will be that the subject properties to be alienated must be consolidated with the adjoining property of De Pyp Trust, being Erf 1930 Pearly Beach;
7. that the alienation of the properties to be alienated, be subject to obtaining the necessary Town Planning approvals;
8. that all costs pertaining to the transaction, e.g. application cost, valuation cost, road closure, subdivision, rezoning and consolidation, transfer and related costs, advertisement, etc be paid by the applicant/purchaser; and

9. that it is confirmed that Council has taken cognisance of the fact that the municipal properties herewith envisaged to be alienated are not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).
10. that a water pipeline servitude be registered over unregistered Erf 1929, Pearly Beach in favour of the Overstrand Municipality at the cost of the applicant/purchaser with the specific conditions that:
- (a) the applicant provides access at all times to the Overstrand Municipality for the purpose of inspecting, maintaining, repairing or removing, if necessary at a later stage, of water line or equipment; and
 - (b) no structures, trees or plants may be erected within 1,5 m (one and a half metre) on each side of the water pipeline.

RESPONSIBLE OFFICIAL :

W MURTZ

TARGET DATE FOR IMPLEMENTATION :

13 MARCH 2020

TARGET DATE TO INFORM APPLICANT :

27 MARCH 2020

TARGET DATE TO INFORM OBJECTOR :

N/A

5.3**TRANSFER OF A PORTION OF ERF 4410 HERMANUS TO MR GJ & MRS E FOURIE FOR THE ERECTION OF A BOUNDARY WALL****(ITEM 7, PAGE 452 : INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 26 FEBRUARY 2020)****RESOLVED (SUPPORTED BY 22 COUNCILLORS):**

1. that the transfer of a portion of Erf 4410 Hermanus (adjacent to Erf 4453 Hermanus), 148m² in extent, for the erection of a boundary wall to Mr GJ & Mrs E Fourie, at an amount of R103,304.00 (ONE HUNDRED AND THREE THOUSAND THREE HUNDRED AND FOUR RAND) (VAT excluded), **be approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as the subject portion of Erf 4410 Hermanus is classified as a non-viable property;
3. that it be noted that a condition of transfer will be that the subject portion of Erf 4410 Hermanus must be consolidated with the adjoining property of Mr GJ & Mrs E Fourie, being Erf 4453 Hermanus;
4. that the transfer of a portion of Erf 4410 Hermanus, 148m² in extent, be subject to obtaining the necessary Town Planning approvals;
5. that a condition be registered against the title deed of the to be consolidated property that the portion of property envisaged to be transferred may only be used for safety and access purposes and no structures, excluding a boundary fence or wall, may be erected thereon;
6. that all the costs pertaining to the transaction, e.g. valuation costs, subdivision, consolidation, closure of public road, rezoning, transfer and related costs, advertisements, etc., be paid by the Applicant/purchaser;
7. that the Applicant/purchaser must contact the Electrical Department to point out the position of electrical cables before any trenching commences for the foundation of the wall to be built by the purchaser;
8. that it be noted that the municipal property envisaged to be transferred is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and

9. that the Municipal Manager be authorised to sign all documents relating to the alienation and transfer of the subject portion of Erf 4410 Hermanus.

RESPONSIBLE OFFICIAL :

W MURTZ

TARGET DATE FOR IMPLEMENTATION :

13 MARCH 2020

TARGET DATE TO INFORM APPLICANT :

27 MARCH 2020

TARGET DATE TO INFORM OBJECTOR :

N/A

5.4

**ERF 1602, BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA:
APPLICATION TO DEVIATE FROM THE OVERSTRAND SPATIAL
DEVELOPMENT FRAMEWORK**

**(ITEM 11, PAGE 484 : INFRASTRUCTURE & PLANNING PORTFOLIO
- MAYORAL COMMITTEE MEETING : 26 FEBRUARY 2020)**

RESOLVED (SUPPORTED BY 22 COUNCILLORS):

that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 1602, Sandbaai from residential purposes to industrial purposes, **be approved** in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	19 MARCH 2020
TARGET DATE TO INFORM APPLICANT :	19 MARCH 2020
TARGET DATE TO INFORM OBJECTOR :	N/A

5.5

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR JANUARY 2020**

**(ITEM 5, PAGE 1 : MAYORAL COMMITTEE MEETING :
26 FEBRUARY 2020)**

RESOLVED (SUPPORTED BY 22 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for January 2020, **be noted**; and
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for January 2020, **be noted**.

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

5.6

CONTRACT NO. SC 1890/2018: BULK WATER SERVICES OPERATION AND MAINTENANCE: REPORT ON SOCIAL RESPONSIBILITY CONTRIBUTIONS BY VEOLIA WATER SOLUTIONS & TECHNOLOGIES SOUTH AFRICA (PTY) LTD

(ITEM 6, PAGE 6 : MAYORAL COMMITTEE MEETING : 26 FEBRUARY 2020)

CLLR S TEBELE, SECONDED BY CLLR V MACOTHA, MADE A COUNTER RECOMMENDATION THAT THE ITEM BE REFERRED BACK. THE EXECUTIVE MAYOR, ALD D COETZEE, SUGGESTED THAT A SECOND PARAGRAPH RATHER BE ADDED TO THE RESOLUTION.

THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS AT 15:40

THE MEETING RESUMED AT 15:50

COUNCIL THUS:

RESOLVED (SUPPORTED BY 22 COUNCILLORS):

1. that the social responsibility contributions made to date in the Overstrand area by Veolia Water Solutions and Technologies South Africa (Pty) Ltd in execution of Contract SC 1890/2018, Bulk Water Services Operation and Maintenance, for Overstrand Municipality, **be noted**; and
2. that, as soon as possible after this meeting, a workshop will be held to discuss the social responsibility activities of Veolia.

RESPONSIBLE OFFICIAL:

H BLIGNAUT

TARGET DATE FOR IMPLEMENTATION :

N/A

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

5.7**REPORT ON THE PROPOSED 2ND ADJUSTMENTS BUDGET FOR 2019/2020****(ITEM 7, PAGE 11 : MAYORAL COMMITTEE MEETING :
26 FEBRUARY 2020)****CLLRS V MACOTHA, C TAFU-NWONKWO, T NQINATA, ALD M SAPEPA,
CLLRS X MSWELI, S TEBELE AND B MOLEFE REQUESTED THAT THEIR
OPPOSITION AGAINST THE RECOMMENDATION BE MINUTED.****THE EXECUTIVE MAYOR, ALD D COETZEE, SECONDED BY CLLR G COHEN,
PROPOSED THAT THE ORIGINAL RECOMMENDATION BE ACCEPTED.****COUNCIL THUS:****RESOLVED (SUPPORTED BY 15 COUNCILLORS):**

1. that, in terms of section 28(2)(b) to (g) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 2nd Adjustments Budget for 2019/2020 **be approved** as set out in the following schedules:

- Schedule 1:** Budgeted financial performance (revenue & expenditure by municipal vote)
- Schedule 2:** Budgeted financial performance (revenue by source & expenditure by type)
- Schedule 3:** Budgeted multi-year capital appropriations by standard classification (vote) and associated funding by source
- Schedule 4:** Budgeted financial position
- Schedule 5:** Budgeted cash flow
- Schedule 6:** Cash backed reserves and acc. surplus reconciliation
- Schedule 7:** Asset management
- Schedule 8:** Basic service delivery measurement

2. that the following schedules be noted:

- Schedule 9:** Budgeted financial performance (revenue & expenditure by standard classification)
- Schedule 10:** Budgeted capital appropriations by municipal vote

RESPONSIBLE OFFICIAL :**BA KING****TARGET DATE FOR IMPLEMENTATION :****28 FEBRUARY 2020**

5.8**REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2019/20****(ITEM 8, PAGE 114 : MAYORAL COMMITTEE MEETING :
26 FEBRUARY 2020)****CLLRS V MACOTHA, C TAFU-NWONKWO, T NQINATA, ALD M SAPEPA,
CLLRS X MSWELI, S TEBELE AND B MOLEFE REQUESTED THAT THEIR
OPPOSITION AGAINST THE RECOMMENDATION BE MINUTED.****RESOLVED (SUPPORTED BY 15 COUNCILLORS):**

1. that the revised SDBIP for 2019/20 **be approved**;
2. that the amendments to the Top Layer SDBIP for 2019/20 **be approved**; and
3. that the revised SDBIP for 2019/20 **be made public**.

RESPONSIBLE OFFICIAL :**RG LOUW****TARGET DATE FOR IMPLEMENTATION :****4 MARCH 2020**

6. CONSIDERATION OF REPORTS**6.1****APPROVAL FOR FILLING OF VACANCY: MUNICIPAL MANAGER****4/3/R****D Arrison****27 January 2020****Director : Management Services****(028) 313 8001**

EXECUTIVE SUMMARY

The purpose of this report is to obtain Council's approval for the filling of the vacancy of Municipal Manager, which will be triggered by the retirement of the current Municipal Manager, Mr CC Groenewald at the end of October 2020.

RESOLVED (SUPPORTED BY 22 COUNCILLORS):

1. that the notice of retirement by Mr CC Groenewald **be noted**;
2. that the filling of the vacancy as from 1 November 2020 **be approved**; and
3. that it be noted that the vacancy of Municipal Manager be advertised in the national newspapers as well as provincial newspapers in the Western Cape over the weekend of 29 February and 1 March 2020.

RESPONSIBLE OFFICIAL :**DS ARRISON****TARGET DATE FOR IMPLEMENTATION :****26 FEBRUARY 2020**

7. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER (IF ANY)

None

8. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

None

9. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)

Cllr S Tebele submitted a motion of exigency requesting to use this opportunity to address the Junior Town Council, as they will not attend another Council meeting in the near future. The motion was seconded by Cllr X Msweli.

The Speaker recognised the urgency of the motion.

Cllr S Tebele then addressed the Junior Town Council thanking them for attending this meeting and hoped that they learnt something from the procedures. He wished them all the best for the future. Cllr S Tebele, seconded by Cllr T Nqinata, recommended that Council note that he addressed the Junior Town Council and thanked them for their attendance.

RESOLVED (SUPPORTED BY 22 COUNCILLORS):

that it be noted that Cllr S Tebele addressed the Junior Town Council and thanked them for their attendance.

The meeting adjourned at 16:27

DATE

THE SPEAKER – A COETSEE