

MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON TUESDAY, 25 FEBRUARY 2020 AT 09:00

PRESENT

Councillors

Alderman TT Godden (Speaker) (COPE)
Councillor BC Klaasen (Executive Mayor) (DA)
Alderman K Adams (Deputy Executive Mayor) (DA)
Councillor TE Abrahams (DA)
Councillor P Daniels (DA)
Councillor MD Jacobs (EFF)
Councillor D Kinnear (DA)
Councillor C Lottering (DA)
Councillor M Mdala (ANC)
Councillor TP Mgoboza (ANC)
Councillor ZS Mzauziwa-Mdishwa (DA)
Councillor MJ Ndaba (ANC)
Councillor N Phatsoane (ANC)
Alderman JW Schuurman (ANC)
Councillor EM Sidego (DA)
Alderman HJ Smit (DA)
Councillor D Swart (DA)
Alderman JJ Visagie (DA)

Officials

Mr D Nasson (Municipal Manager)
Mr J Barnard (Director: Technical Services)
Mr M Mpeluza (Director: Corporate Services)
Mr A Raubenheimer (Acting Director: Finance)
Mr G Louw (Head: Internal Audit)
Ms L Nieuwenhuis (Manager: Legal Services)
Mr A Hofmeester (IDP Manager)
Mr CG Wessels (Manager: Administration)
Ms R Hendricks (Manager: Communication and Marketing)
Ms L Nieuwenhuis (Manager: Legal Services)
Mr C Titus (Committee Clerk)
Ms M Badela (Interpreter)

1. OPENING AND WELCOME

The Speaker welcomed everyone present after which he requested Councillor C Lottering to open the meeting with a prayer.

NOTED

2. LEAVE OF ABSENCE AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

**2.1 Consideration of application for leave of absence, if any
(3/1/2/1)**

Applications for leave of absence from the meeting were received from Alderlady JT Phungula (ANC) and Councillors HF Visagie (ANC), RJ Simpson (ANC) and GG Laban (Witzenberg Aksie).

UNANIMOUSLY RESOLVED

that the applications for leave of absence from the meeting, received from Alderlady JT Phungula (ANC) and Councillors HF Visagie (ANC), RJ Simpson (ANC) and GG Laban (Witzenberg Aksie), be approved and accepted.

**2.2 Confidentiality and Conflict of Interest Declaration
(3/2/1)**

The Confidentiality and Conflict of Interest Declaration was signed by all Councillors.

NOTED

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

**3.1 Gratitude, Congratulations and Commiseration
(11/4/3)**

(a) Council's congratulations were conveyed by Councillor D Swart to the following Councillors and spouses on their birthdays:

❖	Ms N Ndaba	3 February
❖	Councillor MD Jacobs	7 February
❖	Councillor E Sidego	16 February
❖	Ms A Daniels	20 February
❖	Alderman H Smit	25 February

(b) The Executive Mayor conveyed, on behalf of Council and Administration, condolences to Mr Willem Cedras and his family on the passing of his son.

(c) Alderman J Schuurman conveyed condolences to the family of the young girl, Tazne of Elsie's River, who was brutally raped and murdered by a parolee just released from prison.

NOTED.

3.2 Matters raised by the Speaker
(09/1/1)

The Speaker expressed serious concern with regard to the vandalism to municipal infrastructure assets. The behaviour of certain people is an embarrassment for the sacrifices and suffering made to obtain freedom and a better life for all. The Speaker called on Council to address this behavioural conduct at the schools, churches and at every possible opportunity.

NOTED

3.3 Matters raised by the Executive Mayor
(09/1/1)

- (a) The Executive Mayor shared the wonder of jewels in the Witzenberg area and especially the story telling project in the Koue Bokkeveld. The Executive Mayor emphasised that despite the negative economic climate there are still many positive things to be proud of. The Executive Mayor called on Council to stay positive and urge everyone to involve the community and take them along in a positive manner.
- (b) The Executive Mayor mentioned that in the next three years more budget cuts can be expected from the National Government. In order for Witzenberg Municipality to be successful in future the culture of municipal payment needs to be addressed.
- (c) The Executive Mayor supported the plea of the Speaker with regard to the vandalism and mentioned the lack of appreciation and respect of the community for municipal assets. The Executive Mayor expressed his disappointment with the state of affairs in some communities in this regard. Council is invited to submit inputs in the coming budget on how to address this problem.

NOTED

3.4 Matters raised by the Municipal Manager

None

NOTED

4. MINUTES

4.1 Approval of minutes (3/1/2/3)

The following minutes are attached:

- (a) Council meeting, held on 30 October 2019: **Annexure 4.1(a)**.
- (b) Council meeting, held on 11 December 2019: **Annexure 4.1(b)**.

Council unanimously resolved on 11 December 2019 that the approval of the minutes of the Council meeting, held on 30 October 2019, be held in abeyance until the next meeting.

The following recommendation was tabled to Council:

that the minutes of the Council meetings, held on 30 October 2019 and 11 December 2019 respectively, be approved and signed by the Speaker.

Council unanimously resolved on 28 January 2020 that the approval of the minutes of the Council meetings, held on 30 October 2019 and 11 December 2019 respectively, be held in abeyance until the next meeting.

The minutes of the Council meeting, held on 28 January 2020, are attached as **annexure 4.1(c)**.

The following recommendation was tabled to Council:

That the following minutes be approved and signed by the Speaker:

- (i) Council meeting, held on 30 October 2019.
- (ii) Council meeting, held on 11 December 2019.
- (iii) Council meeting, held on 28 January 2020.

UNANIMOUSLY RESOLVED

that the approval of the following minutes be held in abeyance until the next meeting:

- (i) Council meeting, held on 30 October 2019.*
- (ii) Council meeting, held on 11 December 2019.*
- (iii) Council meeting, held on 28 January 2020.*

5. MOTIONS AND NOTICE OF SUGGESTIONS

None

NOTED

6. INTERVIEWS WITH DELEGATIONS

None

NOTED

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

**7.1 Minutes: Committee meetings
(03/3/2)**

The minutes of the following meetings are attached:

- (a) Performance, Risk and Audit Committee, held on 25 October 2019: **Annexure 7.1(a)**.
- (b) Committee for Community Development, held on 21 November 2019: **Annexure 7.1(b)**.
- (c) Special Performance, Risk and Audit Committee, held on 29 November 2019: **Annexure 7.1(c)**.
- (d) Executive Mayoral Committee, held on 4 December 2019: **Annexure 7.1(d)**.

UNANIMOUSLY RESOLVED

that notice be taken of the minutes of the Committee meetings and same be accepted.

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direkoraat Finansies / Directorate Finance

8.1.1 Municipal Public Accounts Committee (MPAC) Charter with effect from July 2019 (02/01/2)

The following items refer:

- (a) Item 7.2 of the Municipal Public Accounts Committee meeting, held on 20 August 2019.
- (b) Item 8.1.13 of the Council meeting, held on 30 October 2019.
- (c) Item 8.1.9 of the Council meeting, held on 11 December 2019.
- (d) Item 8.1.3 of the Council meeting, held on 28 January 2020.

A report from the Head: Internal Audit regarding the Municipal Public Accounts (MPAC) Charter, dated July 2019, is attached as **annexure 8.1.1**.

The Head: Internal Audit submitted the Municipal Public Accounts Committee (MPAC) Charter.

The Municipal Public Accounts Committee resolved on 20 August 2019 that the Committee for Municipal Public Accounts Committee recommends to Council:

that the Municipal Public Accounts Committee (MPAC) after consideration, takes notice of the Municipal Public Accounts Committee (MPAC) Charter and same be approved and accepted.

The following recommendation was tabled to Council:

that notice be taken of the Municipal Public Accounts Committee (MPAC) Charter and, after consideration, same be approved and accepted.

Council unanimously resolved on 30 October 2019 that the matter in respect of the Municipal Public Accounts Committee (MPAC) Charter, dated July 2019, be held in abeyance and be workshopped by Council.

The following recommendation was tabled to Council:

that notice be taken of the Municipal Public Accounts Committee (MPAC) Charter and, after consideration, same be approved and accepted.

Council unanimously resolved on 11 December 2019 that the matter in respect of the Municipal Public Accounts Committee (MPAC) Charter be held in abeyance until the next meeting.

The following recommendation was tabled to Council:

that notice be taken of the Municipal Public Accounts Committee (MPAC) Charter and, after consideration, same be approved and accepted.

Council unanimously resolved on 28 January 2020 that the matter in respect of the MPAC Charter with effect from July 2019 be held in abeyance until the next meeting.

The following recommendation was tabled to Council:

that notice be taken of the Municipal Public Accounts Committee (MPAC) Charter with effect from July 2019 and, after consideration, same be approved and accepted.

UNANIMOUSLY RESOLVED

that the matter in respect of the Municipal Public Accounts Committee (MPAC) Charter with effect from 1 July 2019 be workshopped by Council and after that be tabled for consideration.

8.1.2 Settling of Rand Merchant Bank (RMB) loan for Koekedouw Dam (16/2/1/1/1 & 5/4/R)

The following items refer:

- (a) Item 8.1.12 of the Council meeting, held on 11 December 2019.
- (b) Item 8.1.5 of the Council meeting, held on 28 January 2020.
- (c) Item 3.1 of the Special Municipal Public Accounts Committee meeting, held on 24 February 2020.

Council resolved per item 4.4 of 23 August 2019 that the matter in respect of the Rand Merchant Bank (RMB) loan for the Koekedouw Dam be referred to the Municipal Public Accounts Committee for an investigation and further discussions with the Chairperson of the Koekedouw Irrigation Board and after that a recommendation be made to Council.

The following documents are attached:

- (a) Minutes of MPAC meeting, held on 21 October 2019: **Annexure 8.1.2(a)**.
- (b) Minutes of MPAC meeting, held on 28 October 2019: **Annexure 8.1.2(b)**.
- (c) Minutes of MPAC meeting, held on 4 November 2019: **Annexure 8.1.2(c)**.
- (d) Report of MPAC on the matter: **Annexure 8.1.2(d)**.

Council unanimously resolved on 11 December 2019 that the matter in respect of the settling of the Rand Merchant Bank (RMB) loan for the Koekedouw Dam be held in abeyance until the necessary consultations have been done.

Council unanimously resolved on 28 January 2020 that the matter in respect of the settling of the Rand Merchant Bank (RMB) loan for the Koekedouw Dam be held in abeyance until the next meeting.

The Municipal Public Accounts Committee resolved on 24 February 2020 to recommend to Council that the Municipal Public Accounts Committee (MPAC) takes notice of the report in respect of the settling of the Rand Merchant Bank (RMB) loan for the Koekedouw Dam and, after consideration, recommend to Council to approve and accept same.

Council deliberated the matter in depth and various questions were raised in terms of:

- (a) the evidence of an agreement;
- (b) the stipulations of the loan;

- (c) the original loan amount and the interests on that;
- (d) the role of the Koekedouw Irrigation Board in the loan;
- (e) the water rights;
- (f) the calculations made by the Irrigation Board to get to R889 891-00;
- (g) the influence of the liquidation on the former owner of Vredebes.

After a lengthy debate Council decided that a Special Council meeting will be held to resolve the matter.

The following recommendation was tabled to Council:

That the Municipal Public Accounts Committee recommends to Council:

that the Municipal Public Accounts Committee (MPAC) takes notice of the report in respect of the settling of the Rand Merchant Bank (RMB) loan for the Koekedouw Dam and, after consideration, recommend to Council to approve and accept same.

UNANIMOUSLY RESOLVED

that a Special Council meeting be held to deliberate the settling of the Rand Merchant Bank (RMB) loan for the Koekedouw Dam and to scrutinise all documents.

8.1.3 Proposed revisions to 2019/2020 Service Delivery and Budget Implementation Plan as per Section 54(1)(C) of MFMA (5/1/5/12)

Item 7.1.1 of the Executive Mayoral Committee meeting, held on 24 February 2020, refers.

A memorandum from the Manager, Projects and Performance, dated 17 February 2020, is attached as **annexure 8.1.3**.

The Executive Mayoral Committee resolved on 24 February 2020 to recommend to Council that Council takes notice of the proposed revision to the 2019/2020 Service Delivery and Budget Implementation Plan as per Section 54(1)(C) of the Municipal Finance Management Act and approves and accepts same.

UNANIMOUSLY RESOLVED

that Council took notice of the proposed revision to the 2019/2020 Service Delivery and Budget Implementation Plan as per Section 54(1)(C) of the Municipal Finance Management Act and approved and accepted same.

**8.1.4 Section 71 Monthly Budget Statement Reports of the Directorate Finance: April, May, June and July 2019
(9/1/2/2)**

The following items refer:

- (a) Item 7.1 of the meeting of the Committee for Corporate and Financial Services, held on 25 July 2019.
- (b) Item 8.1 of the Performance, Risk and Audit Committee meeting, held on 2 August 2019.
- (c) Item 7.1 of the meeting of the Committee for Corporate and Financial Services, held on 22 August 2019.
- (d) Item 8.1 of the Performance, Risk and Audit Committee meeting, held on 13 September 2019.
- (e) Item 7.1.1 of the Executive Mayoral Committee meeting held on 24 October 2019.
- (f) Item 8.1.1 of the Council meeting, held on 30 October 2019.
- (g) Item 8.1.1 of the Council meeting, held on 11 December 2019.
- (h) Item 8.1.1 of the Council meeting, held on 28 January 2020.

The following Section 71 Monthly Budget Statement Reports of the Directorate Finance are attached:

- (a) April 2019 **Annexure 8.1.4(a)**
- (b) May 2019 **Annexure 8.1.4(b)**
- (c) June 2019 **Annexure 8.1.4(c)**
- (d) July 2019 **Annexure 8.1.4(d)**

The Committee for Corporate and Financial Services resolved on 25 July 2019 that the Committee for Corporate and Financial Services recommends to the Executive Mayoral Committee and Council:

that the Committee for Corporate and Financial Services takes notice, after consideration, of the content of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May and June 2019 and same be accepted.

Extract from the minutes of the Performance, Risk and Audit Committee meeting, held on 2 August 2019:

“The Acting Chief Financial Officer tabled the Section 71 Monthly Budget Statement Reports for April, May and June 2019. The Performance, Risk and Audit Committee decided to focus on the June 2019 report and highlighted the following:

- That the total operational revenue for the period 1 July 2018 until 30 June 2019 is 92,86 %.
- That the total operational revenue for the period supra does not include the fines revenue which stands on R7 million material in nature.

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- The problem of the fines revenue is municipal wide in all municipalities with high risks. The representative of AGSA mentioned that Treasury is in a process to assist municipalities with the problems to obtain documentation from the provincial traffic department.
- That the capital expenditure for the period 1 July 2018 until 30 June 2019 is 96,45 %.
- That government departments are repeatedly requested to pay their outstanding municipal monies, but with limited success.
- That the financial deviations in respect of Mafoko Security Services were due to the increase in vandalism, taxi violence and service delivery protest actions which necessitated armed response.

The Performance, Risk and Audit Committee resolved on 2 August 2019 that the Performance, Risk and Audit Committee recommends to the Executive Mayoral Committee and Council:

that the Performance, Risk and Audit Committee takes notice of the Section 71 Monthly Budget Statement Reports for April, May and June 2019 and, after consideration, same be approved and accepted.”

The Committee for Corporate and Financial Services resolved on 22 August 2019 that the Committee for Corporate and Financial Services recommends to the Executive Mayoral Committee and Council:

that the Committee for Corporate and Financial Services takes notice, after consideration, of the content of the Section 71 Monthly Budget Statement Report of the Directorate Finance for July 2019 and same be accepted.

Extract from the minutes of the Performance, Risk and Audit Committee meeting, held on 13 September 2019:

“The Manager: Financial Administration tabled the Section 71 Monthly Budget Statement Report for July 2019 and the following was highlighted:

- The Performance, Risk and Audit Committee requested that a comparison be shown between the current and the previous in terms of accounts amounting vs indigent cost (p. 6).
- That the YTD actuals and YTD budget (p. 10) do not correlate.
- That the bulk debt of the organs of state are property rates.

The Performance, Risk and Audit Committee resolved on 13 September 2019 to recommend to Council that the Performance, Risk and Audit Committee, after consideration, takes notice of the Section 71 Monthly Budget Statement Report of the Directorate Finance for July 2019.”

The Executive Mayoral Committee resolved on 24 October to recommend to Council that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 and, after consideration, same be approved and accepted.

The Acting Chief Financial Officer presented the Section 71 Monthly Budget Statement Reports for April, May, June and July 2019. The following matters were highlighted:

- Questions were raised in respect of the tender awarded to Mafoko Security with regard to:
 - the period of the tender
 - the reasons for deviations to pay the company

The Acting Chief Financial Officer and Municipal Manager clarified the questions. Council requested that all relevant documentation in respect of the matter of the tender Mafoko Security be tabled to Council.

The following recommendation was tabled to Council:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 and, after consideration, same be approved and accepted.

Council unanimously resolved on 30 October 2019:

- (a) that the Municipal Manager submits all relevant documentation in respect of deviations in favour of Messrs Mafoko Security to Council.
- (b) that the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 be held in abeyance until the next meeting.

The following recommendation was tabled to Council:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 and, after consideration, same be approved and accepted.

Council unanimously resolved on 11 December 2019 that the matter in respect of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 be held in abeyance until the next meeting.

Council unanimously resolved on 28 January 2020 that the matter in respect of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 and, after consideration, same be approved and accepted.

8.1.5 Finance: Adjustment budget 2019/2020 (5/1/18)

Item 7.1.2 of the Executive Mayoral Committee meeting, held on 24 February 2020, refers.

The following documents are attached:

- (a) Memorandum from Acting Director: Finance, dated 17 February 2020: **Annexure 8.1.5(a)**.
- (b) Adjustment budget: 2019/2020 – 2021/2022: **Annexure 8.1.5(b)**.
- (c) Budget schedules: **Annexure 8.1.5(c)**.

The Executive Mayoral Committee resolved on 24 February 2020 to recommend to Council that the adjustment budget of Witzenberg Municipality for the financial year 2019/2020 as set out in the budget documents be approved:

- (i) Table B1 - Budget summary;
- (ii) Table B2 - Adjustment Budget Financial Performance (by standard classification)
- (iii) Table B3 - Budgeted Financial Performance (Revenue and Expenditure) by Vote
- (iv) Table B4 - Adjustment Budget Financial Performance (revenue by source)
- (v) Table B5 - Budgeted Capital Expenditure by Vote, standard classification and funding.

UNANIMOUSLY RESOLVED

that the Adjustment budget of Witzenberg Municipality for the financial year 2019/2020 as set out in the budget documents be approved:

- (i) *Table B1 - Budget summary;*
- (ii) *Table B2 - Adjustment Budget Financial Performance (by standard classification)*
- (iii) *Table B3 - Budgeted Financial Performance (Revenue and Expenditure) by Vote*
- (iv) *Table B4 - Adjustment Budget Financial Performance (revenue by source)*
- (v) *Table B5 - Budgeted Capital Expenditure by Vote, standard classification and funding.*

8.2 Direktooraat Tegniëse Dienste / Directorate Technical Services

8.2.1 Terms of reference for a Recycling Forum for Witzenberg Municipality (17/3/2)

The following items refer:

- (a) Item 7.3 of the meeting of the Committee for Technical Services, held on 20 November 2019.
- (b) Item 7.2.2 of the Executive Mayoral Committee meeting, held on 23 January 2020.

A memorandum from the Senior Superintendent: Solid Waste and Cleansing Services, dated 30 September 2019, is attached as **annexure 8.2.1**.

The Committee for Technical Services resolved on 20 November 2019 to recommend to the Executive Mayoral Committee and Council:

that the Terms of Reference for a Recycling Forum for Witzenberg Municipality be approved by Council.

The Municipal Manager mentioned that a delegation from the town Essen in Belgium, with whom Witzenberg Municipality has a twinning agreement, will be visiting Witzenberg Municipality from 5 February 2020 in respect of recycling. The idea of the municipality is to support the smaller recycling companies, and this is all in line with the proposed Executive Mayoral strategic session.

The Executive Mayoral Committee resolved on 23 January 2020 to recommend to Council that the Terms of Reference for a Recycling Forum for Witzenberg Municipality be approved by Council.

The following recommendation was tabled to Council:

That the Executive Mayoral Committee recommends to Council:

that the Terms of Reference for a Recycling Forum for Witzenberg Municipality be approved by Council.

UNANIMOUSLY RESOLVED

that the matter in respect of the Terms of Reference for a Recycling Forum for Witzenberg Municipality be held in abeyance until the next meeting.

8.2.2 Policy for Work and the Installation of Services in the Road Reserve (16/04/4/6)

The following items refer:

- (a) Item 7.4 of the meeting of the Committee for Technical Services, held on 20 November 2019.
- (b) Item 7.2.3 of the Executive Mayoral Committee meeting, held on 23 January 2020.

The following documents are attached:

- (a) Memorandum from the Manager: Streets and Storm Water, dated 4 November 2019: **Annexure 8.2.2(a)**.
- (b) Policy for Work and the Installation of Services in the Road Reserve: **Annexure 8.2.2(b)**.
- (c) Appendix A: List of Active Network Licensees in Witzenberg municipal area: **Annexure 8.2.2(c)**.
- (d) Appendix B: Road works signing for urban streets: **Annexure 8.2.2(d)**.
- (e) Appendix C: DCP Test Result Sheet: **Annexure 8.2.2(e)**.
- (f) Appendix D: Occupational Health and Safety Specification for Construction Works Contracts: **Annexure 8.2.2(f)**.
- (g) Form 1: Way leave Application Form, Form 1.1: Undertaking / Indemnity and Form 1.2: Certificate of Inspection and completion: **Annexure 8.2.2(g)**.

The Committee for Technical Services resolved on 20 November 2019 to recommend to the Executive Mayoral Committee and Council:

that the Policy for Work and the Installation of Services in the Road Reserve be workshopped by Council and after that be tabled to Council for adoption.

The Executive Mayoral Committee resolved on 23 January 2020 to recommend to Council that the Policy for Work and the Installation of Services in the Road Reserve be workshopped by Council and after that be tabled to Council for adoption.

The following recommendation was tabled to Council:

that the Policy for Work and the Installation of Services in the Road Reserve, after consideration, be approved and adopted by Council.

UNANIMOUSLY RESOLVED

that the matter in respect of the Policy for Work and the Installation of Services in the Road Reserve be workshopped by Council and after that be submitted for consideration.

**8.2.3 Water restrictions: Tulbagh
(16/2/15)**

Item 7.2.2 of the Executive Mayoral Committee meeting, held on 24 February 2020, refers.

A memorandum from the Director: Technical Services, dated 22 January 2020, is attached as **annexure 8.2.3**.

The Executive Mayoral Committee resolved on 24 February 2020 to recommend to Council:

- (a) that notice be taken of the contents of the report.
- (b) that the Manager: Communication and Marketing be instructed to do awareness campaigns in this regard and inform the Tulbagh residents.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the contents of the report.*
- (b) *that the Manager: Communication and Marketing be instructed to do awareness campaigns in this regard and inform the Tulbagh residents.*

8.2.4 Town planning: Proposed fencing: De Keur Centre, Ceres (15/4/R)

Item 7.2.3 of the Executive Mayoral Committee meeting, held on 24 February 2020, refers.

The following memorandum, dated 30 January 2020, was received from the Senior Manager: Town Planning and Building Control:

“The following documents are attached:

- (a) Letter from Joubert van Vuuren, dated 13 December 2019: **Annexure 8.2.4(a)**.
- (b) Letter to Mr Andre Mouton, dated 16 April 2019: **Annexure 8.2.4(b)**.
- (c) Report from the Town Planner to the Committee for Technical Services dated 26 February 2019: **Annexure 8.2.4(c)**.

Discussion

Mr Andre Mouton, representing the De Keur Centre, requested municipal comment on a preliminary building plan for the erection of a street boundary fence.

A recommendation was made to the Council and on 26 March 2019 the following resolution was taken:

‘UNANIMOUSLY RESOLVED

- (a) that the application for a proposed street boundary fence on erf 7696 Ceres, illustrated by AXION drawing no 100-10, be refused having regard to Section 7(1)(b)(ii)(aa) of the National Building Regulations and Building Standards Act 103 of 1977.
- (b) that the application is refused on the basis of having due regard to the proposal in its wider context considering that:
 - the fence will be unsightly, objectionable; causing the area in which it is to be erected to be disfigured thereby.’

Subsequently a letter, dated 13 December 2019, was received from Joubert van Vuuren Attorneys urging Council to approve the proposed fencing or face a court application (letter attached as annexure A). The gist of Joubert van Vuuren's argument is as follows:

- (a) Council's decision is subjective and unfairly discriminates against Mr Mouton.
- (b) The owner has a legal duty to ensure the security and protection of its tenants and their customers.
- (c) There are other fences in the main street that can be regarded as "unsightly, objectionable".
- (d) There are many examples of shopping centres in other towns where fences have been approved.
- (e) If the fence is not approved the internal appeal mechanism should be provided, after which process, if the fence is still not been approved, the instruction is to proceed with a court application against the Witzenberg Municipality.

Town Planner comment

Comment on the above-mentioned points of argument is as follow:

- (a) The recommendation to refuse the fence does not seek to discriminate against Mr Mouton. It does not represent a personal opinion, but rather a well-reasoned consideration having regard to sound town planning principles. The concern is to maintain something of the special character of the town of Ceres in the face of many opposing pressures that threaten to damage the appearance of the main street. In addition it seeks to maintain the open character around the De Keur Centre allowing unfettered movement of people between the centre itself, the parking area and the business opposite the street. Movement is also necessary after hours when there is still activity from the Spur restaurant and people enjoying for example an evening walk around the centre. The decision is thus based not only on aesthetics, but also seeks to protect the convenience of the area.
- (b) The majority of businesses in Ceres do not need fencing as a security measure and no convincing evidence is presented that the De Keur Centre is in fact in danger or faces a security threat.
- (c) It is not contested that there are other fences in the main road. They are, however, not at the same scale as that of the proposed fence at the De Keur Centre. In considering a town planning matter each case needs to be considered on its own merits and one example of a fence cannot in itself justify that another is acceptable as each site is different and has its own set of circumstances.
- (d) Each Council is free to decide matters in its own municipal area. Having street boundary fences at shopping centres in other towns is not motivation enough for having it in Ceres.

- (e) Mr Mouton requested an opinion on whether the fence would be allowed and has not submitted formal building plans. Because the proposal is considered significant for the character of the main street of the town the matter was brought to Council for a decision. Mr Mouton can, once he has submitted formal plans for a decision, make an appeal in terms of the provisions of the National Building Regulations.”

The Executive Mayoral Committee resolved on 24 February 2020 to recommend to Council that the application for a proposed street boundary fence on erf 7696, Ceres be refused.

UNANIMOUSLY RESOLVED

that the application for a proposed street boundary fence on erf 7696, Ceres be refused.

8.3 Direktoraat Gemeenskapsdienste / Directorate Community Services

None

NOTED

8.4 Direkoraat Korporatiewe Dienste / Directorate Corporate Services

8.4.1 Council's immovable property: Pigeon Society Clubhouse: Erf 496, Stamper Street, Wolseley (7/1/4/1)

The following items refer:

- (a) Item 6.4 of the meeting of the Committee for Corporate and Financial Services, held on 28 August 2019.
- (b) Item 7.4.2 of the Executive Mayoral Committee meeting, held on 24 October 2019.
- (c) Item 8.4.2 of the Council meeting, held on 30 October 2019.
- (d) Item 7.4.3 of the Executive Mayoral Committee meeting held on 24 February 2020.

A memorandum from the Senior Legal Advisor, dated 21 January 2019, is attached as **annexure 8.4.1**.

The Committee for Corporate and Financial Services resolved on 28 August 2019 to recommend to the Executive Mayoral Committee and Council:

that Council considers the possibility of a potential Non-Governmental Organisation (NGO) in Ward 2 or 7 in need to lease the Pigeon Society Clubhouse on erf 496 in Stamper Street, Wolseley.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

that Council considers the possibility of a potential Non-Governmental Organisation (NGO) in Ward 2 or 7 in need to lease the Pigeon Society Clubhouse on erf 496 in Stamper Street, Wolseley.

The Executive Mayoral Committee resolved on 24 October 2019 to recommend to Council that the matter regarding the Pigeon Society Clubhouse, Wolseley be held in abeyance until the next meeting.

Council unanimously resolved on 30 October 2019 that the matter regarding the Pigeon Society Clubhouse, Wolseley be held in abeyance until the next meeting.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

that Council considers the possibility of a potential Non-Governmental Organisation (NGO) in Ward 2 or 7 in need to lease the Pigeon Society Clubhouse on erf 496 in Stamper Street, Wolseley.

The Executive Mayoral Committee resolved on 24 February 2020 to recommend to Council that a Supply Chain process be followed in respect of the allocation of the Pigeon Society Clubhouse on erf 496, Stamper Street, Wolseley.

UNANIMOUSLY RESOLVED

that a Supply Chain process be followed in respect of the allocation of the Pigeon Society Clubhouse on erf 496, Stamper Street, Wolseley.

**8.4.2 LA Retirement Fund: Annual General Meeting: 29 May 2020
(12/1/1/2)**

Item 7.4.2 of the Executive Mayoral Committee meeting, held on 24 February 2020, refers.

A letter from the LA Retirement Fund, dated 24 January 2020, is attached as **annexure 8.4.2**.

The Executive Mayoral Committee resolved on 24 February 2020 to recommend to Council:

- (a) that Alderman TT Godden be nominated to represent the municipality at the Annual General Meeting of the LA Retirement Fund on 29 May 2020 in Bellville.
- (b) that Councillor MD Jacobs be nominated as the secundi to represent the municipality at the meeting supra (a).

UNANIMOUSLY RESOLVED

- (a) *that Alderman TT Godden be nominated to represent the municipality at the Annual General Meeting of the LA Retirement Fund on 29 May 2020 in Bellville.*
- (b) *that Councillor MD Jacobs be nominated as the secundi to represent the municipality at the meeting supra (a).*

**8.4.3 Property exchange transaction: Erf 5957 Nduli and Nduli commonage (erf 5958), Ceres
(7/1/1/1 & 7/1/4/2)**

The following items refer:

- (a) Item 7.4.3 of the Executive Mayoral Committee meeting, held on 24 October 2019.
- (b) Item 8.4.7 of the Council meeting, held on 30 October 2019.
- (c) Item 7.4.1 of the Executive Mayoral Committee meeting, held on 4 December 2019.
- (d) Item 7.4.1 of the Executive Mayoral Committee meeting held on 24 February 2020.

The following report, dated 22 October 2019, was received from the Municipal Manager:

Purpose

To consider recommending to Council to approve a possible property exchange transaction between the owner of a portion of erf 5957, Nduli, Ceres and the Witzenberg Municipality who is the owner of a portion of the Nduli commonage, erf 5958.

Deliberation

Mr Petrus Johannes Mostert is the registered owner of erf 5957, Nduli, Ceres. A copy of the Deeds Registry enquiry to this effect is attached as **annexure 8.4.3(a)**.

A portion of this erf is covered with graves and is generally been regarded by the public as part of the Nduli cemetery. This confusion crept as a result of a fence that was erroneously erected as a border fence between the graveyard and the private erf. The owner is frustrated, because he cannot use his property for the purpose required. He has proposed, in an attempt to resolve the impasse, that the municipality considers alienating a portion of commonage 5958, which is reflected on the attached **annexure 8.4.3(b)** with an X, in favour of himself. The portion of the commonage marked with an X is the property where the mobile post office has been erected. (The post office has been vandalised and the indication is that it will not be repaired or replaced). The Post Office previously indicated, prior to the destruction of the building, that they will rather sub-lease the building than conducting any services themselves. The size of the property in question is 775 square metres.

The owner, Mr Mostert, will in exchange for the commonage transfer a portion of erf 5957, marked as Y on the Google map, to the municipality for incorporation to the graveyard. The size of the portion marked Y is 993 square metres. The proposal further includes that no financial considerations be given for the transfer of the properties.

Legal implication

The alienation of the municipal property must be dealt with in terms of Section 14 of the Municipal Finance Act. In this instance the municipality must take a decision that the property is not required for minimum service delivery. The municipality is currently impeding on the rights of the owner of erf 5957. The market value of the asset to be received will in any event be higher than the value of the asset to be alienated.

Financial implication

There will be no financial implications except for the cost of any subdivision, consolidation, transfer cost and any other incidental costs relating to the transfer of the property."

The Executive Mayoral Committee resolved on 24 October 2019 to recommend to Council that the matter regarding a property exchange transaction in Nduli, Ceres be held in abeyance until the next meeting.

Council unanimously resolved on 30 October 2019 that the matter regarding a property exchange transaction in Nduli, Ceres be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 4 December 2019 that the matter regarding a property exchange transaction in Nduli, Ceres be held in abeyance for an in loco site inspection.

The Executive Mayoral Committee resolved on 24 February 2020 to recommend to Council that the matter in respect of the property exchange transaction between erf 5957, Nduli and Nduli commonage (erf 5958), Ceres be deliberated by Council and after that a resolution be taken.

The following recommendation was tabled to Council:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the property exchange transaction between erf 5957, Nduli and Nduli commonage (erf 5958), Ceres be deliberated by Council and after that a resolution be taken.

UNANIMOUSLY RESOLVED

that the matter in respect of the property exchange transaction between erf 5957, Nduli and Nduli commonage (erf 5958), Ceres be held in abeyance for a Public Participation Process and after that be tabled to Council for consideration.

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

None

NOTED

10. FORMAL AND STATUTORY MATTERS

**10.1 Feedback on matters of outside bodies
(3/R)**

None

NOTED

11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS

Alderman JW Schuurman requested that the matter in respect of erf 2245 (26 Albert Crescent, Ceres) be attended to.

NOTED

12. COUNCIL-IN-COMMITTEE