



ORDINARY MEETING OF THE COUNCIL

GEWONE VERGADERING VAN DIE RAAD

INTLANGANISO YESIQHELO YEBHUNGA

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 25 SEPTEMBER / SEPTEMBER
2024

VENUE / PLEK / INDAWO : BANQUETING HALL /
BANKETSAAL

CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS

TIME / TYD / IXESHA: 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

MINUTES OF AN ORDINARY COUNCIL MEETING HELD IN THE BANQUETING HALL, CIVIC CENTRE, HERMANUS, ON 25 SEPTEMBER 2024 AT 10:00

PRESENT: Councillors were present as per attached attendance register.

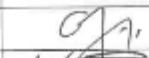





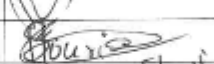
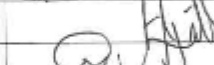

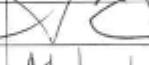
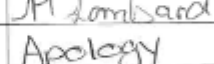

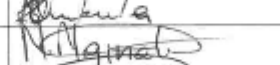


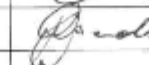
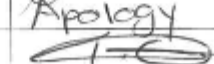
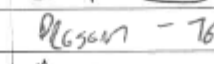




OFFICIALS PRESENT: Dr D O'Neill, Municipal Manager
Mr D Louw, Acting CFO
Ms D Arrison, Director : Corporate Services
Mr R Fraser, Representing Director : Municipal Public Safety
Mr S Swartz, Director : Community Services
Mr D Hendriks, Representing Chief Engineer : Infrastructure Services
Mr R Kuchar, Divisional Manager : Town & Spatial Planning
Ms A Le Roux, Divisional Manager : Property Management
Mr J Wilkinson, Principal Legal Advisor
Mr R Marinus, Legal Advisor
Mr J du Toit, Chief : Law Enforcement
Ms H van Tonder, Manager: Administrative Support Services
Mr D Esau, Assistant Chief : Safety, Security & CCTV
Ms R Steenekamp, Assistant Media Liaison & Social Media Liaison Officer
Ms G Erasmus, Facilities Administrator
Ms S Swart, Senior Committee Officer : Corporate Services

ALSO PRESENT: Members of the Public

MINUTES/....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

COUNCIL MEETING
25 SEPTEMBER 2024

ALDERMEN/COUNCILLORS	SIGNATURE
AFRICA, F	
BANDEZA, V	
BEYI, S	
BRICE, KD	
COETZEE, DP	
COHEN, G	
DE CONING, CA	
DEES, RM	
ELS, T	
FOURIE, SH	
GILLION, E	
GRIMBEEK, MD	
KOMANI, AS	
LERM, CH	
LOMBARD, H	M Lombard
NGQANDANA, K	Apology
NOMATITI, M	
NOMBULA, BG	
NQINATA, NNT	
NTSABO, L	
NUTT, R	
RABIE, AL	
RESANDT, CT	
SIHLAHLA, M	Apology
TAFU-NWONKWO, CC	
VAN STADEN, JA	Resort - 76pm5
WILLIAMS, SH	Apology

1. OPENING

The Speaker, Ald G Cohen, opened the meeting and welcomed those present. The Municipal Manager, Mr D O'Neill, read the convening notice.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr S Williams
Cllr Sihlahla
Cllr K Ngqandana

RESOLVED:

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

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 28 August 2024** at **10:00**

RESOLVED:

that the Minutes of an **Ordinary Meeting** of the **Overstrand Municipal Council** held on **Wednesday, 28 August 2024** at **10:00** **be confirmed**.

4. MATTERS ARISING FROM THE MINUTES

None

Cllr C Tafu-Nwonkwo opened with prayer.

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

The Speaker, Ald G Cohen, referred to various attacks on councillors on social media and confirmed that he is in the process of addressing the matters in order to protect councillors.

The Speaker, Ald G Cohen, referred to declarations of interest by councillors and requested the Municipal Manager, Dr D O'Neill, to explain the matter. The Municipal Manager also confirmed that only himself and the Supply Chain Management have access to the declarations of councillors.

The Speaker, Ald G Cohen, reported that a Ward Committee Summit will be held of which the date still has to be established. A session with councillors will be held, as well as a session with ward committees. The Executive Mayor, Ald A Rabie, reported that a public meeting will also be held, mainly to discuss where the Overstrand Municipality is heading, especially with regards to certain undertakings that were made during her Inaugural Speech and to deal with the history and outstanding matters as far as these undertakings are concerned.

The Executive Mayor, Ald A Rabie, announced the Portfolio Committees and MMC's as follows, coming into effect on 1 October 2024:

Corporate Services Portfolio:

Cllr F Africa (Chairperson)
Cllr C Resandt
Cllr A Komani

Financial Services Portfolio:

Cllr S Williams (Chairperson)
Cllr C Lerm
Ald D Coetzee

Infrastructure Services / Development and Planning Portfolios:

Cllr C Lerm (Chairperson)
Cllr S Fourie
Ald R de Coning

Community Services Portfolio:

Cllr R Nutt (Chairperson)
Ald K Brice
Cllr T Els

Municipal Public Safety Portfolio:

Ald L Ntsabo (Chairperson)
Ald E Gillion
Cllr H Lombard

The Executive Mayor mentioned that the opposition parties must still submit names of councillors and preferences on which portfolio committee they wish to serve.

The Executive Mayor, Ald A Rabie, informed the meeting that the upcoming weekend, 27 – 29 September 2024, will be a busy weekend in the Overstrand as a few events will take place. She requested that everybody be patient when calling the Municipality's control room, as they will be very busy.

The Speaker, Ald G Cohen, informed the meeting that the possibility of live-streaming council meetings, is being investigated.

The Speaker, Ald G Cohen, changed the order of business and Items 7.1 and 7.2 on the agenda were first dealt with.

ITEMS 7.1 AND 7.2 ON THE AGENDA WERE FIRST DEALT WITH

6. 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)

THE MEETING STOOD DOWN AT 10:19 IN ORDER TO GIVE CLLR C LERM TIME TO LEAVE THE MEETING AND IT SHOULD BE NOTED THAT CLLR LERM WAS NOT PRESENT DURING THE CONSIDERATION OF ITEMS 6.1 AND 6.2 ON THE AGENDA

THE MEETING RESUMED AT 10:25

6.1

A PORTION OF ERF 775 FISHERHAVEN: LEASE OF MUNICIPAL PROPERTY TO POINT CARAVAN RESORT (PTY) LTD

(ITEM 5 PAGE 1 : MAYORAL COMMITTEE MEETING : 11 SEPTEMBER 2024)

MEMBERS OF THE FREEDOM FRONT PLUS, THE LAND PARTY AND THE AFRICAN NATIONAL CONGRESS REQUESTED THAT THE ITEM BE REFERRED BACK IN ORDER TO FOLLOW A PUBLIC PARTICIPATION PROCESS

CLLR F AFRICA, SECONDED BY ALD L NTSABO, RECOMMENDED THAT THE MATTER BE PUT TO THE VOTE

WHEN THE MATTER WAS PUT TO THE VOTE, 7 MEMBERS VOTED AGAINST THE RECOMMENDATION OF THE EXECUTIVE MAYOR, AND 15 MEMBERS VOTED IN FAVOUR OF THE RECOMMENDATION OF THE EXECUTIVE MAYOR. ONE MEMBER ABSTAINED FROM VOTING.

THE RECOMMENDATION BY THE EXECUTIVE MAYOR WAS THUS CARRIED.

RESOLVED (SUPPORTED BY 15 COUNCILLORS):

1. that the lease of municipal property, being a portion of Erf 775 Fisherhaven (2,1284 Hectares in extent), to Point Caravan Resort (Pty) Ltd for the lease, development, management and maintenance of municipal property as a holiday resort at an initial rental amount of R32,907.25 (THIRTY-TWO THOUSAND NINE HUNDRED AND SEVEN RAND AND TWENTY-FIVE CENTS) (VAT included) per month for a rental period of 25 (TWENTY FIVE) years in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**;
2. that the rental amount mentioned in 1 above escalate every year on the 1st of July in accordance with the consumer price index (all items), the first escalation to be 1 July 2025;
3. that Point Caravan Resort (Pty) Ltd be responsible for all costs relating to the registering of the lease agreement against the title deed of the Property and all associated processes;
4. that Point Caravan Resort (Pty) Ltd enters into a services agreement with the Municipality for the provision of services in terms of the tender, applicable legislation and Council policies; and
5. that a final advertisement be placed at the cost of the Municipality to inform the public of the outcome of the tender award and Council's decision as to the lease period.

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****9 OCTOBER 2024****TARGET DATE TO INFORM APPLICANT :****9 OCTOBER 2024**

6.2

**A PORTION OF ERF 5327 AND A PORTION OF 4831, HERMANUS (DE MOND):
LEASE OF MUNICIPAL PROPERTY TO POINT CARAVAN RESORT (PTY) LTD****(ITEM 6 PAGE 9 : MAYORAL COMMITTEE MEETING :
11 SEPTEMBER 2024)****RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

1. that the lease of municipal property, being a portion of Erf 5327 Hermanus ($\pm 0,70$ ha in extent) and a portion of Erf 4831 Hermanus ($\pm 9,94$ ha in extent) (total lease area of $\pm 10,64$ ha in extent) to Point Caravan Resort (Pty) Ltd for the lease, development, management and maintenance of municipal property as a public resort for a lease period of 45 (FOURTY-FIVE) years at an initial rental amount of R117,735.80 (ONE HUNDRED AND SEVENTEEN THOUSAND SEVEN HUNDRED AND THIRTY FIVE RAND AND EIGHTY CENTS (VAT included) per month, in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**;
2. that a period of at the most 2 (TWO) years from 1 July 2024 be allowed for the planning and developing on the Property, which 2 (TWO) years will form part of the 45 (FORTY-FIVE) years lease period and the rental payable for this planning and development period be negotiated between the Municipality and Point Caravan Resort (Pty) Ltd;
3. that the rental amount mentioned in 1 above escalate every year on the 1st of July with 8% (EIGHT PERCENT) and not CPI as stipulated in the Administration of Immovable Property Policy, the first escalation to be 1 July 2027;
4. that Point Caravan Resort (Pty) Ltd be responsible for all costs relating to the registering of the lease agreement against the title deed of the Property and all associated processes;
5. that Point Caravan Resort (Pty) Ltd enters into a services agreement with the Municipality for the provision of services in terms of the tender, applicable legislation and Council policies; and
6. that a final advertisement for information purposes only be placed at the cost of the Municipality to inform the public of the outcome of the tender award and Council's decision as to the lease period.

RESPONSIBLE OFFICIAL :	S VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	9 OCTOBER 2024
TARGET DATE TO INFORM APPLICANT :	9 OCTOBER 2024
TARGET DATE TO INFORM OBJECTOR :	N/A

7. CONSIDERATION OF REPORTS**ITEMS 7.1 AND 7.2 BELOW WERE FIRST DEALT WITH****7.1****MONTHLY REPORT TO COUNCIL ON THE SUPPLY CHAIN MANAGEMENT (SCM) POLICY FOR AUGUST 2024****C Le Roux Divisional Manager: Supply Chain Management****04 September 2024****(028) 313 8107**

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of procurement by the delegated authority in terms of the Supply Chain Management Policy for August 2024.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

1. that the deviations from the procurement processes, approved in terms of the delegated authority for August 2024, **be noted**;
2. that the awards made in terms of Paragraph 17(1)(c), approved in terms of the delegated authority for August 2024, **be noted**; and
3. that the awards made through the Bid Committee system and formal written price quotations for August 2024, **be noted**.

RESPONSIBLE OFFICIAL :**C LE ROUX****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

**7.2
CONSIDERATION OF INDIGENT POLICY OF THE OVERSTRAND
MUNICIPALITY****D Louw
9 September 2024****Acting Chief Financial Officer****(028) 313 8040**

EXECUTIVE SUMMARY

The purpose of the report is to present the Indigent Policy to Council for consideration in view of the contents of this report.

RESOLVED (SUPPORTED BY 24 COUNCILLORS):

that the Indigent Policy **be adopted**, subject thereto that the definition of “Income” read as follows:

“Income is the gross sum of all monthly income of the occupier received from all sources, including wages, salaries, profits, dividends, pensions, interest received, or investment income received by the occupier, including income received by spouses/partners. In the instance where a spouse/partner is no longer part of the household, the applicant must submit an affidavit to declare that (i) the spouse/partner is on a permanent basis no longer part of the household; and (ii) the relationship with the spouse/partner was ended.

Discretionary grants/contributions and Government Support (including Child Support grants), will not be added as a financial contribution towards the Occupier’s income. Particulars of any Government Support grants received by any Occupier, must be declared in the affidavit.”

RESPONSIBLE OFFICIAL :**D LOUW
E HOONEBERG****TARGET DATE FOR IMPLEMENTATION :****1 OCTOBER 2024**

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

None

9. CONSIDERATION OF NOTICES OF MOTIONS / QUESTIONS

None

10. CONSIDERATION OF MOTIONS OF EXIGENCY (IF ANY)

None

The meeting adjourned at 10:44

DATE

THE SPEAKER – G COHEN