



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-02-27

MINUTES

24TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2019-02-27 AT 10:00

Detailed account of the meeting proceedings is available on audio recording, which is obtainable from The Municipal Manager's Office per Request for Information (RFI)

MINUTES
24TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2019-02-27
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MINUTES OF THE 24TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2019-02-27 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

PRESENT The Speaker, Cllr WC Petersen (Ms) [Chairperson]
The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr N Jindela

COUNCILLORS

F Adams (until 14:00)	MC Johnson
FJ Badenhorst	DD Joubert
Ald PW Biscombe	C Manuel
G Cele (Ms)	NE Mcombring (Ms)
PR Crawley (Ms)	XL Mdemka (Ms)
A Crombie (Ms)	N Olayi
JN De Villiers	MD Oliphant
R Du Toit (Ms)	SA Peters
A Florence	MM Pietersen (until 15:00)
AR Frazenburg	WF Pietersen
E Fredericks (Ms)	SR Schäfer
T Gosa	Ald JP Serdyn (Ms)
E Groenewald (Ms)	P Sitshoti (Ms) (until 12:00)
JG Hamilton	Q Smit
DA Hendrickse	LL Stander
JK Hendriks	

Officials: Municipal Manager (Ms G Mettler)
Director: Corporate Services (Ms A De Beer)
Director: Infrastructure Services (D Louw)
Director: Planning and Economic Development (T Mfeya)
Acting Chief Financial Officer (K Carolus)
Acting Director: Community and Protection Services (A vd Merwe)
Chief Audit Executive (F Hoosain)
Senior Manager: Governance (Ms S De Visser)
Manager: Secretariat (EJ Potts)
Senior Administration Officer (T Samuels (Ms))
Committee Clerk (N Mbali (Ms))
Interpreter (J Tyatyeka)

1.	OPENING AND WELCOME
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The Speaker, Cllr WC Petersen (Ms) welcomed all present at the 24th Council meeting. She informed the meeting that, although this meeting is not on the proposed Schedule of meetings of Council, she as the Speaker, has the prerogative, as provided for in the Rules of Order, to call additional-, urgent- or special Council meetings over and above the proposed scheduled meetings (see Council resolution 8.2.1 (c) dated 2018-11-28.).

Cllr F Adams raised a Point of Order, requesting a reason/purpose of this meeting, because he is of the view that some Councillors were deprived of an opportunity to submit Motions and Questions timeously, while other Councillors were not deprived this opportunity. The Speaker requested Cllr F Adams to submit his concerns or follow-up questions in writing, and she will respond in writing. Cllr F Adams requested that it be minuted that he is not satisfied with the Speaker's explanation for the purpose / reason for this meeting as well as the fact that Councillors were deprived from submitting Motions and Questions timeously for this meeting.

On a statement which the Speaker made, Cllr DA Hendrickse requested that it be minuted that he never received a response on his email on why Councillors were not given an opportunity to submit Motions and Questions and on how Ald PW Biscoombe knew that there will be a Council meeting on 2019-02-27, because he submitted his Motions on 2019-02-12, exactly 10 working days prior to the cut-off date for the 24th Council meeting, but a notice of the 24th Council meeting was only sent out to Councillors on 2019-02-15. The Speaker will respond in writing.

2.	COMMUNICATIONS
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2.1	MAYORAL ADDRESS
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“Goeiedag, Good morning, Molweni, As salaam Al-aikum

- Wil vandag begin deur baie dankie te sê aan al die brandweerspanne wat vir meer as 'n week gespoek het met die brand in die berge naby Franschhoek.
- Die brandspanne het ongelooflik hard baklei teen die vuur om seker te maak dat daar geen lewensverlies of die verlies van eiendomme was nie.
- Sekere areas was op 'n stadium ontruim, maar goeie strategie en harde werk het gesorg dat almal veilig was.
- Ek wil namens die Raad baie dankie sê aan die inwoners van Franschhoek wat so goed saam gewerk het met die brandspanne, en hulle ook versorg het met water en ander basiese behoeftes.
- Wees asseblief paraat en meld brande onmiddellik aan.
- Indien u rook of vuur gewaar bel asseblief die brandweer 021 808 8888 or 021 808 8890 of bel die provinsiale noodnommer vir brande 112.
- Inwoners moet asseblief ook versigtig wees moet oop vure, sigaret stompies, vuurhoutjies en selfs glasstukke, wat 'n brand tot gevolg kan hê.
- I am happy to announce that tomorrow, we are continuing our efforts to give residents ownership of their properties.
- In Mooiwater, Franschhoek, we will be handing out 135 title deeds to residents.
- These deeds are for a project completed in 2011.

- Since we took office in 2016, we have made a concerted effort to clear the backlog of outstanding title deeds. This 135 title deeds, is part of the backlog we are clearing.
- 96 Deeds remain for this project and will soon be available to give to the beneficiaries.
- Nog goeie nuus is dat op Vrydag, 15 Februarie, die Pniel Elektrisiteitsnetwerk uiteindelik oorgedra is aan Stellenbosch Munisipaliteit!
- Ons het die geleentheid behoorlik gevier saam met die inwoners van Pniel en Hollandse Molen wat almal hierby gaan baatvind.
- Die eerste gesprekke rondom die oorname vanaf Drakenstein het reeds in 2008 begin
- Mnr Deon Louw is reeds van die begin af, in verskillende posisies hierby betrokke
- Dit beteken dat al hul dienste nou deur ons verskaf gaan word, en dat die inwoners nie meer twee rekeninge van twee munisipaliteite gaan kry nie
- Gaan ook bietjie finansiële voordele vir hul inhou vir die inwoners en gaan dienslewering en onderhoud vergemaklik
- Aan die begin van my termyn het ek onderneem dat ons die oorname suksesvol afgehandel en ons het dit nou gedoen!
- Vrydag begin die jaarlikse Universiteit van Stellenbosch Woordfees
- Hierdie kunstefees het 'n hoogtepunt geword in die sosiale kalender van die dorp en gedurende die fees is ons gasheer vir duisende toeriste en besoekers.
- Ek wil almal aanmoedig om die fees te ondersteun.
- Daar is verskeie produksies en programme en selfs verskeie gratis praatjies wat u kan bywoon.
- Verwelkom ook asseblief ons besoekers met ons kenmerkende gasvryheid.
- Hierdie fees dra jaarliks by tot 'n deeglike ekonomiese inspuiting vir ons dorp en help met werkskepping.
- Die pas afgelope Saterdag het ek die Adam Small fees in Pniel bygewoon.
- Dit bly vir my 'n besondere geleentheid en dit groei elke jaar van krag tot krag.
- Vanjaar is die derde jaar wat die fees aangebied is en hulle kon onder meer spog met nasionaal bekende sprekers soos advokaat Thuli Madonsela en die direkteur van Kunste Kaap, Marlene Le Roux, as ook plaaslike bekendes wat hul insig en kennis gedeel het.
- Hierdie is 'n unieke kultuurfees wat gehou word ter herinnering van Adam Small; bekende skrywer, digter en aktivis wat sy oorsprong in die Boland gehad het.
- Ek sien uit om te sien hoe hierdie unieke geleentheid aanhou groei en opwindende diskoers in ons land help skep oor kwessies wat ons almal raak.
- A reminder to our residents, we are still on level 2 water restrictions.
- Although we are in a better position than last year, the water situation still remains critical and we encourage residents to continue to make every effort to save water.

Thank You”.

2.2	COMMUNICATION BY THE SPEAKER
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1. “Can we rise and observe a moment of silence remembering those who passed on and especially pray for the next of kin who mourns the passing of their loved ones and get our thoughts together for the Council meeting.
2. I would also like to extend my thanks to the emergency services during the fires especially in Franschhoek and surrounding areas. It is a very dangerous job they occupy, but they serve with a passion, and our thoughts are always with them.

3. The following Councillors celebrated and will be celebrating their birthdays during February:
- | | |
|--------------------------|---------------|
| Cllr M Oliphant | – 4 February |
| Speaker Cllr WC Petersen | – 8 February |
| Cllr A Hanekom | – 21 February |
| Cllr DD Joubert | – 22 February |
4. Ward Councillors are reminded about the Ward Committee Summit to be held on Thursday, 14 March 2019 at 18:00 in the Stellenbosch Town Hall. It is imperative to attend the Summit. Ward Councillors are also urged to attend this important event.
5. Ward Councillors are encouraged to follow-up on the implementation of their ward allocation projects for the current financial year as the time is running out for the spending of the funds. You are also reminded that tomorrow is the cut-off date for submission of your 2019-2020 ward allocation.
6. If any Councillors need computer training, kindly submit your name to Mr Nicky Ceasar, by not later than Monday, 4 March 2019. The Office of the Speaker will engage with the Administration to arrange training in this regard.
7. Councillor MB De Wet tendered his resignation as Councillor of this Municipality, and a by-election will be held on 2019-04-10.
- Thank you.”

2.3**COMMUNICATION BY THE MUNICIPAL MANAGER**

- On behalf of Council, the Municipal Manager, Ms G Mettler, congratulated the Speaker, Cllr WC Petersen who celebrated her 60th birthday on 2019-02-08.
- She extended a word of thanks to the Fire Department who helped with the recent fires in Franschoek, and requested the Acting Director: Community and Protection Services, to convey the appreciation and gratitude to the officials concerned for their hard work and long hours that went into combatting the fires. That was inter-governmental relations truly at work, and stresses the importance of service level agreements with the various municipalities and the importance of assisting each other in times of disasters. Loss of lives and property were prevented.
- The provincial dam levels are still collectively on 54% and the Municipal Manager requested residents to use water sparingly. Due to the bad condition of the grass on The Braak, waste water will be used during the evenings to improve the state of the grass.
- It recently came to the Municipal Manager's attention that the Developer in the Idas Valley Housing Project, ASLA, was marketing the GAP housing outside of the Idas Valley area. The Municipal Manager sent an email to the Developer, requesting them to cease that activity (**APPENDIX 1**: letter from the Municipal Manager, dated 2019-02-14 as well as the response from ASLA dated 2019-02-19). After being informed about conflicting whatsapp messages doing the rounds in the community, a meeting was held between the Municipality and the Developer, ASLA on 2019-02-25, where the municipality's stance in this regard was again emphasized and that any communication re the GAP housing should be done in consultation and via the municipality, to ensure the correct information reaches the community. It was decided that an open marketing day will be held, which the municipality, together with the Developer, will oversee to ensure that the criteria which were previously agreed on with the Committee that was established in 2008, with the relevant Ward Councillors, are followed.

3.	OFFICIAL NOTICES
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3.1	DISCLOSURE OF INTEREST
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The following Councillors requested to be excused when the following items are dealt with:

Ald G Van Deventer – Item 10.1
 Cllr WC Petersen (Ms) – Item 10.2
 Cllr S Peters – Item 10.2

3.2	APPLICATIONS FOR LEAVE OF ABSENCE	(3/4/1/6)
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3.2.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr FT Bangani-Menziwa (Ms) – 27 February 2019
 Cllr GN Bakubaku-Vos (Ms) – 27 February 2019
 Cllr A Hanekom – 27 February 2019
 Cllr LK Horsband (Ms) – 27 February 2019
 Cllr M Mananga-Gugushe (Ms) – 27 February 2019
 Cllr RS Nalumango (Ms) – 27 February 2019
 Cllr N Sinkinya (Ms) – 27 February 2019
 Cllr E Vermeulen (Ms) – 27 February 2019

3.2.2 Permission was granted to Councillors P Sitshoti (Ms) and MM Pietersen to leave the meeting earlier (at 12:00 and 15:00 respectively).

4.	CONFIRMATION OF MINUTES:	(3/4/1/5)
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4.1	CONFIRMATION OF MINUTES: 2019-01-30	(3/4/1/5)
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The minutes of the 23rd Council Meeting: 2019-01-30, were **confirmed as correct, subject to the inclusion of the e-mail correspondence which was read into the record by the Executive Mayor (Item 9.3.1, page 73).**

5.	STATUTORY MATTERS	(3/4/1/4)
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NONE

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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ITEM	Pg	INPUT	MM'S RESPONSE
<p><u>Cllr DA Hendrickse:</u></p> <p>Report on outstanding resolutions In-Committee</p>		Requested that the outstanding resolutions be included on the In-Committee Agendas as was previously done.	Noted.
<p><u>Cllrs DA Hendrickse & P Sitshoti (Ms)</u></p> <p>7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARD TO PUBLIC TRANSPORT</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2</p>	84	Item is 22% complete since 2016 and comment reads that a report will be tabled at the February 2019 Council meeting; however no report was included on the Agenda.	MM responded that various legislative processes need to be followed which cannot be bypassed. This takes time, because it still has to go through the Provincial Departments. These processes are not within the municipality's control. This item was submitted for the Feb 2019 Council meeting, but MM as Accounting Officer was not satisfied with the quality and returned it to the Department for refinement.

NOTED

The concerns raised and the feedback report on Outstanding Resolutions.

APPENDIX



STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Your ref:
Our ref: 17/4/4/22/1 & 17/4/4/22/2

2019-02-14

The Managing Director
Asla Magwebu (Pty) Ltd
25 Conradie Crescent
ASLA Park
STRAND
7130

Attention: Mr P Blaauw

Dear Sir/Madam

RE: MARKETING OF IDAS VALLEY HOUSING DEVELOPMENT

Above mentioned matter and the meeting held on 13 February 2019 with the Director: Planning and Economic Development (Mr Tabiso Mfeya) and Senior officials from his directorate as well as representatives from ASLA Magwebu (Pty) Ltd at the Municipality, refers.

The Land Availability Agreement that was signed between the parties concluded that preference must be given to residents of Idas Valley residents during the marketing process. During the meeting it became evident, that contracts has been signed with residents outside Idas Valley.

It is imperative to note that ASLA Magwebu (Pty) Ltd committed during a meeting held on 19 April 2017 with the senior management of the Municipality, that the bonded houses (GAP houses) constructed in Idas Valley will be to give first time home owners the opportunity to enter the housing market. The project is specifically aimed for residents of Idas Valley.

To this end, marketing outside Idas Valley must cease immediately and the applicants from outside Idas Valley must be informed that their applications has been placed on hold. Only after the marketing campaign has ended and proof presented that the Idas Valley area has been exhausted the administration will undertake to take an item to Council in order for marketing to continue to areas outside Idas Valley.

Yours faithfully

.....
Geraldine Mettler
Municipal Manager



Stellenbosch/IdasV/105-2019

18 February 2019

The Municipal Manger
Stellenbosch Municipality
P O Box 17
STELLENBOSCH
7599

Attention: Mrs Geraldine Mettler

Dear Mam

MARKETING OF IDAS VALLEY HOUSING DEVELOPMENT

Receipt of your letter dated 14 February 2019 is acknowledged. ASLA Magwebu (Pty) Ltd recognises the particular preferences that has been agreed as part of the implementation of the project. Current initiatives are in support of these preferences and will continue to recognise such in as far as practically possible. Please note that no active marketing outside Idas Valley is taking place, however people do speak about the project and as such there is interest from people that may reside outside of Idas Valley.

The marketing campaign within Idas Valley will proceed as discussed at the meeting referred to on 13 February 2019. Please note that we will evaluate all prospective purchasers and proceed with their vetting process regardless of area of residence. It will be recorded though that sales to non-Idas residents will only proceed once the priority period has ceased. Though we are sensitive to any potential Council processes I must bring to your attention that there is a contractual commitment with the building contractor according to which continuity in construction must be achieved. Therefore should sales to Idas Valley residents decline it will be required to proceed with families from the Non-Idas Valley list. We do trust that this practical consideration can be aligned with the process described in your letter.

Please be assured of our continued commitment to the Idas Valley project and its objectives.

Kind Regards

PIERRE BLAAUW

For and on behalf of:

ASLA MAGWEBU (PTY) LTD

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
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7.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR J DE VILLIERS)
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NONE

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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7.2.1	PROPOSED EXCHANGE OF LAND: DISPOSAL OF ERF 1523 TO THE SEVENTH DAY ADVENTIST CHURCH IN EXCHANGE FOR ERF 718, KAYAMANDI
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

13 February 2019

1. **SUBJECT: PROPOSED EXCHANGE OF LAND: DISPOSAL OF ERF 1523 TO THE SEVENTH DAY ADVENTIST CHURCH IN EXCHANGE FOR ERF 718, KAYAMANDI**

2. **PURPOSE**

To authorise the exchange of Erf 1523 for Erf 718, Kayamandi to the Seventh Day Adventist Church.

3. **DELEGATED AUTHORITY**

The Municipal Council must consider the matter.

4. **EXECUTIVE SUMMARY**

Following the allocation of Erf 718 to the Seventh Day Adventist Church in 1997, they paid the sales price of R11 286.00 in full during 2002.

Before the property could be transferred to them, it became evident that the Municipal Clinic Building (now a Provincial clinic) was encroaching onto Erf 718.

Following a request by the Provincial Government of the Western Cape to acquire Erf 718, in order for them to enlarge the current building, the Seventh Day Adventist Church was approach to accept an alternative site (Erf 1523, Kayamandi).

They have now confirmed in writing that they will accept the exchange of land, subject to certain conditions. Council must now decide on the matter.

24TH COUNCIL MEETING: 2019-02-27: ITEM 7.2.1**RESOLVED** (nem con)

- (a) that Erf 1523 be identified as land not needed to provide the minimum level of Municipal Services;
- (b) that Council in principle approves the exchange of Erf 718 for Erf 1523 at equal value;
- (c) that Council's intention to do the exchange of land be advertised for public inputs/objections/alternative proposals;
- (d) that the item be brought back to Council following the public notice period, to make a final decision in this regard; and
- (e) that Council notes the concerns indicated in the letter of the Seventh Day Adventist Church, and that Council commits to fencing the substation and attempt to find alternative land for the play park.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2018-03-23

7.2.2	POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI, TO THE UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA): CONSIDERATION OF PUBLIC INPUTS AND DETERMINATION OF MARKET VALUE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Organisational Transformation

13 February 2019

1. SUBJECT: POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI, TO THE UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA): CONSIDERATION OF PUBLIC INPUTS AND DETERMINATION OF MARKET VALUE

2. PURPOSE

To make a final determination on the disposal of erf 111, Kayamandi to URCSA.

3. DELEGATED AUTHORITY

Council must therefore consider the matter.

4. EXECUTIVE SUMMARY

Following an in principle decision by Council to dispose of erf 111, Kayamandi to URCSA on a private treaty basis, Council's intention so to act was published for public inputs. No such inputs and or objections were received.

A valuation report has also been received subsequent to the Council resolution to donate the property to URCSA valuating the property at R133 250.00 Council make take a decision to dispose of land for an amount less than fair market value for the reasons contained in regulation 13(2) of the Asset Transfer Regulations. If Council would have disposed of the land for a church organisation in terms of policy it will have considered a value of as low as 10 % of the market value. In this instance, Council resolved that due to the long history of use by the church and the fact that it is used for, inter alia, social care purposes for the broader community in Kayamandi will benefit and that it can be donated.

Council must now make a final determination with regards to the disposal of erf 111, Kayamandi.

24TH COUNCIL MEETING: 2019-02-27: ITEM 7.2.2

RESOLVED (majority vote with abstention)

- (a) that it be noted that no public inputs/objections have been received following the public notice period;
- (b) that it be noted that the property's fair market value has been valued at R133 250.00;
- (c) that Council approves of the disposal of erf 111, Kayamandi, to The United Reformed Church in Southern Africa (URCSA) at no cost, subject to the following conditions:
 - (i) that a reversionary clause be inserted in the title deed of the property, indicating that the property may only be used for religious/social care purposes, and that it cannot be sold without the prior written approval of Stellenbosch Municipality;

-
- (ii) that The United Reformed Church in Southern Africa (URCSA) be responsible for all costs related to the transfer of the property to their name;
- (d) that the Municipal Manager be authorised to sign all documents necessary to effect the transfer of the property to The United Reformed Church in Southern Africa (URCSA); and
- (e) that Council considered the market value of the property and the property is donated due to the long history of use by the church and the fact that it is used for, inter alia, social care purposes for the broader community in Kayamandi. The local community would therefore be better served if the erf is transferred at less than its fair market value, as opposed to a transfer of the asset at fair market value.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-01-30

7.2.3	IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: WAY FORWARD
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Organisational Transformation

13 February 2019

1. SUBJECT: IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: WAY FORWARD

2. PURPOSE

To report on the public participation process followed and to consider any further input to the minister, if any.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Following a Notice by the Minister for Rural Development and Land Reform in terms of Section 9 (1) (a) of the Transformation of Certain Rural Areas Act, No 94 of 1998 (TCRA), a copy of which is attached as **APPENDIX 1**, a letter was addressed to the Minister, setting out a Process Plan and some background information on the identified portions of land, a copy of which is attached as **APPENDIX 2**.

This was followed by a report to Council on 2017-01-25, recommending a way forward. Having considered the report, Council resolved as follows:

RESOLVED (nem con)

- (a) *that the content of the notice of the Minister, be noted;*
- (b) *that the process plan as set out in par. 3.1.5, submitted to the Minister, be endorsed;*
- (c) *that the Municipal Manager be authorised to attend to the public participation process as set out in paragraph 3.1.5;*
- (d) *that the proposed allocations, as set out in paragraph 3.1.4, be supported in principle; and*
- (e) *that, following the public participation process, a progress report be submitted to Council to deal with the submissions received as a consequence of the public participation process, whereupon final recommendations will be made to the Minister regarding the allocation/transfer of so-called Section 3 Trust land”.*

A copy of the agenda item that served before Council is attached as **APPENDIX 3**.

Following the above resolution, the public participation process approved by Council was implemented. The inputs received from the public were sent to the Minister. A consultant contacted Mr Smit at the end of 2018 to indicate that they have been appointed by the Minister and the inputs received in the public participation process were given to the consultant again. We had no further feedback from the Minister's Office since.

24TH COUNCIL MEETING: 2019-02-27: ITEM 7.2.3**NOTED**

the progress to date and considers further recommendations/comments, if any, to the Minister.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2018-03-12

7.2.4	AMENDMENTS TO 2017 ORGANISATIONAL STRUCTURE
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Collaborator No:

IDP SFA Ref No: 5 – Good Governance and Compliance

Meeting Date: 13 and 27 February 2019

1. SUBJECT: AMENDMENTS TO 2017 ORGANISATIONAL STRUCTURE

2. PURPOSE

To obtain the approval of Council on the amendments to the 2017 organisational structure.

3. DELEGATED AUTHORITY

For decision by municipal council

4. EXECUTIVE SUMMARY

Section 66 of the Local Government Systems Act, 32 of 2000 as amended, requires the Municipal Manager to develop a staff establishment and submit it for Council approval. The Local Government Regulations on the Appointment and Conditions of Service of Senior Managers, GN 21 published on 17 January 2014) requires a Municipal Manager to within 12 months after the election of a new Council review the staff structure. Council approved a new staff structure on 25 October 2017. A structure is a living document and must on a regular basis be reviewed to ensure it stays relevant. No amendments to the Macro structure is proposed. The changes proposed to the micro structure is indicated on the pages of the approved structure for easy reference.

The principles used to make amendments were as follows:

- We did not deal with name changes of posts as a rule. The names of posts will be determined through the evaluation process;
- Posts were not put on the structure to accommodate employees in the pool, but to accommodate functions that were not addressed in the structure approved in 2017 and is necessary for service delivery;
- If there are vacant posts on the structure additional posts should not be added before vacancies are filled;
- One-on-one reporting lines are not a good practice and were discouraged. A span of 4 – 7 is not regarded as too broad;
- Productivity of employees should be monitored to ensure that 8 hours are worked on a daily basis
- Interchangeable posts are promoted to ensure that duplications are eliminated

A consultation process with SAMWU and IMATU took place within the Restructuring Sub-committee during January 2019 where every change was discussed. It was agreed that a special meeting of the Local Labour Forum will be arranged in February to discuss the feedback from the Restructuring Sub- committee. The meeting took place on 14 February 2019 and it was resolved as follows:

“That it be recommended to Council

- (a) that the proposed micro structures changes(as depicted in ANNEXURES A1 and A2) be noted and supported for adoption and implementation.*

- (b) *that the filling of the new and vacant positions on the proposed amended organisational structure be phased in. For this purpose, top management has identified critical posts for filling whilst other vacancies will be budgeted for yearly.*
- (c) *That the post names be used as temporary names until the evaluation process determines final post designations.*
- (d) *That affected employees will continue with current functions until assigned to a post on the amended structure.*
- (e) *That any affected employees be dealt with in terms of the current Placement Policy after the approval of the amendments.”*

Placements that will take place will use the same principles that are contained in the existing Placement Policy approved on 25 October 2017.

24TH COUNCIL MEETING: 2019-02-27: ITEM 7.2.4

RESOLVED (majority vote with abstentions)

- (a) that the proposed micro structures changes (as depicted in **ANNEXURES A1 and A2**) be adopted for implementation;
- (b) that the filling of the new and vacant positions on the proposed amended organisational structure be phased in. For this purpose, top management has identified critical posts for filling whilst other vacancies will be budgeted for yearly;
- (c) that the post names be used as temporary names until the evaluation process determines final post designations; and
- (d) that affected employees will continue with current functions until assigned to a post on the amended structure.

Cllr DA Hendrickse requested that his voted of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director: Corporate Services
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021 – 808 8018
E-MAIL ADDRESS	Annalene.deBeer@ Stellenbosch.org.za
REPORT DATE	12 February 2019

7.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
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NONE

7.4	HUMAN SETTLEMENTS: [CLLR N JINDELA]
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NONE

7.5	INFRASTRUCTURE: [CLLR J DE VILLIERS]
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NONE

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR N JINDELA]
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7.6.1	PROPOSAL FOR THE IMPLEMENTATION OF THE REVISED PARKS BY-LAW RELATING TO PLANTATIONS, PLAY PARK, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

D 435

23 January 2019

1. SUBJECT: PROPOSAL FOR THE IMPLEMENTATION OF THE REVISED PARKS BY-LAW RELATING TO PLANTATIONS, PLAY PARK, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES

2. PURPOSE

To inform Council about:

- 2.1 a revised By-law relating to plantations, play parks, gardens, recreation, facilities, nature reserves and public open spaces.
- 2.2 the admission of persons, animals and vehicles to public parks, to provide for the use and enjoyment of public parks, to determine conduct that will not be permitted within public parks, and to provide for the matters incidental therefor.
- 2.3 the way in which the Greater Stellenbosch Municipality controls, manages and develops parks and public open spaces, in an environmentally sustainable way and is in the long-term interest of the whole community of the WC024, including future generations; and which clearly defines the rights and obligations of the public in relation to parks and public open spaces.

2.4 the achievement of a safe and peaceful environment; and

2.5 procedures, methods and practices to regulate the use and management of public amenities.

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

The By-law (**ANNEXURE B**) was revised and served before the Standing Committee

The following decision was taken:

(a) *That it be recommended to Council that the attached revised Parks By-law, be approved.*

The By-law was advertised for public comments. No comments were received.

24TH COUNCIL MEETING: 2019-02-27: ITEM 7.6.1

RESOLVED (nem con)

that this matter be referred back to the Administration for refinement, whereafter same be resubmitted at the next Council meeting.

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	08 January 2019

7.7	PLANNING AND ECONOMIC DEVELOPMENT: [PC: CLLR E GROENEWALD (MS)]
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NONE

7.8	RURAL MANAGEMENT AND TOURISM: [PC: CLLR S PETERS]
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NONE

7.9	YOUTH, SPORTS AND CULTURE: [PC: M PIETERSEN]
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NONE

7.10	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

8.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
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8.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
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NONE

8.2	OFFICE OF THE MUNICIPAL MANAGER
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8.2.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2019
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Collaborator No: 8/1
 BUDGET KPA Ref No: Good Governance and Compliance
 Meeting Date: 27 February 2019

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2019

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2018/2019 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2018/2019) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during January 2019.

24TH COUNCIL MEETING: 2019-02-27: ITEM 8.2.1

NOTED

the deviations as listed for the month of January 2019.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	ACTING CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
REPORT DATE	07 FEBRUARY 2019

8.2.2	EXTENSION OF TERM OF OFFICE FOR STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (MPT) MEMBERS APPOINTED IN TERMS OF SECTION 37 THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (SPLUMA) (ACT NO. 16 OF 2013) (HEREIN REFERRED TO AS THE "ACT")
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Collaborator No: 631102
File nr: (1/1/1/40)
IDP KPA Ref No: D535
Meeting Date: 27 February 2019

1. SUBJECT: EXTENSION OF TERM OF OFFICE FOR STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (MPT) MEMBERS APPOINTED IN TERMS OF SECTION 37 THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (SPLUMA) (ACT NO. 16 OF 2013) (HEREIN REFERRED TO AS THE "ACT")

2. PURPOSE

To obtain Council's approval to extend the period for the members to serve on the MPT for another four months to 1 July 2019.

3. DELEGATED AUTHORITY

COUNCIL

In terms of the Stellenbosch Municipality Land Use Planning By-law 2015; the Spatial Planning Land Use Management Act No 16 of 2013 [SPLUMA] and the Western Cape Land Use Planning Act No 3 of 2014 [LUPA] as well as regulations governing these pieces of legislation (SPLUMA/LUPA).

4. EXECUTIVE SUMMARY

In terms of Section 35 of SPLUMA (2013) all municipalities are required to establish a Municipal Planning Tribunal to consider and decide on land use applications made in terms of the Stellenbosch Municipality Land Use Planning By-law (2015).

In terms of Section 37(1) of the Act, the term of office for members of a Municipal Planning Tribunal (MPT) is five years or such shorter period as the Municipal Council may determine. Council resolved, per item 8.6 on 27 June 2015, that the term of office for the current Stellenbosch MPT shall be a period of three years which period comes to an end on 1 March 2019. See minutes attached as **ANNEXURE A**.

Seeing that the MPT's term will be expiring on the 1st of March 2019, permission is sought to extend the period to 30 June 2019. This will assist in the effective functioning of the existing MPT up to the end of the existing financial year. It will give the administration enough time to undertake the process to establish a new MPT for Stellenbosch Municipality with effect from 1 July 2019, for the new financial year 2019/20.

24TH COUNCIL MEETING: 2019-02-27: ITEM 8.2.2

Councillor F Adams requested that it be minuted that DNCA rejects the request to extend the Term of Office of the current Municipal Planning Tribunal, because this is a case of bad planning, for which there is no justification.

RESOLVED (majority vote with abstention)

that Council extends the Term of Office of the current Municipal Planning Tribunal for a further period of four months commencing on the 1st of March 2019. Accordingly, the term of office for the following MPT members expires on 1 July 2019:

External members:

1. Adv M Mdludlu -Chairperson
2. Ms C Smart – Deputy Chairperson
3. Mr JP de Wet- External member
4. Dr R Pool-Stanvliet - External member
5. Mr C Rabie – External member

Internal members:

1. Mr B de la Bat - Manager: Spatial Planning, Heritage and Environment
2. Mr M Williams - Senior Legal Advisor
3. Mr S van der Merwe – Environmental Planner
4. Mr D Louw – Director: Infrastructure Services

Technical Advisor:

1. Mr K Munro – Department of Environmental Affairs and Development Facilitation

Cllr F Adams requested that his vote of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Hedre Dednam
POSITION	Land Use Manager
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	hedre.dednam@stellnbosch.gov.za
REPORT DATE	14 January 2019

8.2.3	CONFIRMATION OF APPOINTED AUTHORISED EMPLOYEE IN TERMS OF THE STELLENBOSCH LAND USE PLANNING BY-LAW, OCTOBER 2015
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Collaborator No: 631092
File nr: (1/1/1/40)
IDP KPA Ref No: D535
Meeting Date: 27 February 2019

1. SUBJECT: CONFIRMATION OF APPOINTED AUTHORISED EMPLOYEE IN TERMS OF THE STELLENBOSCH LAND USE PLANNING BY-LAW, OCTOBER 2015

2. PURPOSE

To obtain Council's approval to confirm that the Authorised Employee in terms of Section 68(a) of the Land Use Planning By-law (2015) will now be filled by the position of the Director: Planning and Economic Development.

3. DELEGATED AUTHORITY

COUNCIL

In terms of the Stellenbosch Municipality Land Use Planning By-law 2015; the Spatial Planning Land Use Management Act No 16 of 2013 [SPLUMA] and the Western Cape Land Use Planning Act No 3 of 2014 [LUPA] as well as regulations governing these pieces of legislation (SPLUMA/LUPA).

4. EXECUTIVE SUMMARY

In terms of Section 35 of SPLUMA (2013) all municipalities are required to establish a Municipal Planning Tribunal to consider and decide on land use applications made in terms of the Land Use Planning By-law (2015). In some instances Council may adopt categories of applications and appoint an official in the municipality to consider and decide certain land use applications in line with categories approved by Council.

The Director Human Settlements was appointed as the Authorised Employee in terms of Section 68(a) of the Land Use Planning By-law (2015) in order to consider and decide on Land Use applications made in terms of the By-law (2015) read with Council's approved categorisation of applications. See Resolution in terms of Item by the Executive Mayor dated 19 December 2017, attached as **ANNEXURE D**.

Council approved a new organisational structure where the Directorate Human Settlements merge with the Directorate Planning and Economic Development. See Resolution 7.2.3, dated 25 October 2017 attached as **ANNEXURE E**. In the meantime the Director Planning and Economic Development resigned and the Director Human Settlements acted in the position. See the Resolution in terms of Item by the Executive Mayor, dated 19 December 2017, attached as **ANNEXURE D**.

However, the approved organisational structure was to be implemented on the 1st of July 2018 which by implication means that the functions of Authorised Employee now vests with the Director: Planning and Economic Development.

See Letter from the Municipal Manager, dated 16 July 2018, attached as **ANNEXURE F**.

Therefore, Council's approval is needed to confirm that the Authorised Employee in terms of Section 68(a) of the Land Use Planning By-law (2015) will now be filled by the position of the Director Planning and Economic Development.

24TH COUNCIL MEETING: 2019-02-27: ITEM 8.2.3**RESOLVED** (majority vote with abstentions)

- (a) that Council takes cognisance of the Resolution in terms of Item by the Executive Mayor, dated 19 December 2017, attached as **ANNEXURE D**; and
- (b) that Council revokes the Resolution of Item by the Executive Mayor, dated 19 December 2017 and replace the Authorised Employee from the Director: Informal Settlements, Housing and Property Management to the Director: Planning and Economic Development to consider and decide on land use applications made in terms of Section 15 of the Land Use Planning By-law (2015) as per approved Categorisation of applications as per Item 7.3.3 of Council Meeting dated 26 July 2017.

FOR FURTHER DETAILS CONTACT:

NAME	Hedre Dednam
POSITION	Land Use Manager
DIRECTORATE	Planning and Economic Development
CONTACT NUMBERS	021 808 8674
E-MAIL ADDRESS	hedre.dednam@stellnbosch.gov.za
REPORT DATE	26 September 2018

8.2.4	DISCOUNTING OF RENOVATIONS AND REPAIRS COSTS OF THE ECONOMIC DEVELOPMENT HUBS AGAINST THE RENTAL INCOME
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Collaborator No:

File nr: 7/4/2/2/1 x 7/4/2/2/1

IDP KPA Ref No:

Meeting Date: 27 February 2019

1. SUBJECT: DISCOUNTING OF RENOVATIONS AND REPAIRS COSTS OF THE ECONOMIC DEVELOPMENT HUBS AGAINST THE RENTAL INCOME

2. PURPOSE

To request for approval to discount the value of renovations and repairs of the newly awarded economic development hubs against the rental income of the successful applicants.

3. DELEGATED AUTHORITY

COUNCIL.

In terms of Section 14 of the Municipal Financial Management Act(MFMA) , Regulation 34(1) of the Asset Transfer Regulation and the System of Delegations adopted by Council on 2015-06-01 the Executive Mayor has the powers to grant rights to use, control or manage a fixed capital asset up to an annual contract value not exceeding R 5 000 000.00.

4. EXECUTIVE SUMMARY

The item seeks to request approval to discount renovations against rental income of the newly awarded Local Economic Development Hubs in order to expedite the occupancy of these buildings. The buildings are currently vacant and in a dilapidated condition due to constant vandalism.

24TH COUNCIL MEETING: 2019-02-27: ITEM 8.2.4

RESOLVED (majority vote)

that Council approves the rental discounts for renovations and repairs to municipal properties as follows:

Erf	Organisation	Total Discount
6487 & 6488	Ranyaka Transformation	R1 818 156.00
228	Hugenote Fine Chocolates	R1 303 115.00

FOR FURTHER DETAILS CONTACT:

NAME	WIDMARK MOSES
POSITION	MANAGER: LED & TOURISM
DIRECTORATE	PLANNING AND ECONOMIC DEVELOPMENT
CONTACT NUMBERS	021 808 8974 / 082 879 8490
E-MAIL ADDRESS	Widmark.Moses@ Stellenbosch.gov.za
REPORT DATE	8 February 2019

8.2.5	ADVERTISING OF DRAFT MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) FOR WC024
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Collaborator No: 631131
File No: 9/1/2/4/2017-2018 – 2021-2022
IDP KPA Ref No: Valley of Possibility
Meeting Date: 2019-02-27

1. SUBJECT: ADVERTISING THE DRAFT MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK FOR PUBLIC COMMENT AND INPUT

2. PURPOSE

To request consent from Council to commence with consultation on the Draft Municipal Spatial Development Framework for a period of 60 days.

3. DELEGATED AUTHORITY

COUNCIL.

In terms of section 6(4) of the Stellenbosch Municipal Land Use Planning By-law, 2015 read together with Section 20(3) of the Spatial Planning and Land Use Planning Act, No 16 of 2013 (SPLUMA) Council must give permission for the draft Municipal Spatial Development Framework to be advertised for public input.

Council has the delegation (LUP 5) “to consider and adopt reports on and all drafts of the municipal spatial development frameworks, and to approve publication thereof for public comment.”

4. EXECUTIVE SUMMARY

The purpose of the item is to request permission from Council to advertise the draft Municipal Spatial Development Framework (MSDF) in terms of the Stellenbosch Municipal Land Use Planning By-law, 2015 and Section 20(3) of the Spatial Planning and Land Use Planning Act, No 16 of 2013 (SPLUMA) in order to proceed with public participation. The final MSDF must serve before Council on 30 May 2019 for approval and inclusion in the 2019/20 Integrated Development Plan (IDP).

24TH COUNCIL MEETING: 2019-02-27: ITEM 8.2.5

RESOLVED (majority vote with abstentions)

- (a) that Council notes the Draft Municipal Spatial Development Framework attached as **ANNEXURE 1**;
- (b) that Council gives consent that the public participation process as prescribed by the Spatial Planning and Land Use Management Act, Act 16 of 2013 and the Stellenbosch Municipality Land Use Planning By-Law, 2015 proceed without delay; and

-
- (c) that the final draft Municipal Spatial Development Framework be submitted for consideration with the Integrated Development Plan no later than the Council meeting in May 2019.

Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Bernabe De La Bat
POSITION	Manager: Spatial Planning, Heritage and Environment
DIRECTORATE	PLANNING AND ECONOMIC DEVELOPMENT
CONTACT NUMBERS	021-8088653
E-MAIL ADDRESS	Bernabe.DeLaBat@Stellenbosch.gov.za
REPORT DATE	February 2019

8.2.6	APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194, TECHNOPARK
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance

27 February 2019

1. SUBJECT: APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194, TECHNOPARK

2. PURPOSE

To consider the offer received from ENS Africa Attorneys, on behalf of Elsabe Daneel Properties (Pty) Ltd, in relation to erf 9194, Techopark, following Council's decision not to approve the request for the relaxation of the anti-speculation clause, i.e. to enforce the buy-back clause.

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

Following Council's decision to enforce the buy-back clause in relation to erf 9194, due to non-performance by the owner (duty to develop within a prescribed period), a written offer has been received from the owner indicating that they are willing to sell the property to Stellenbosch Municipality for R19M. Our own valuator has valued the property at R15M (Excluding of VAT).

Further correspondence has now been received regarding the writing back of the amount levied for punitive rates, as well as a request to reconsider the relaxation of the deed of sale condition.

24TH COUNCIL MEETING: 2019-02-27: ITEM 8.2.6

RESOLVED (majority vote with abstention)

- (a) that Council resolves to buy back the property as per the Municipal evaluation and that this property be earmarked for empowerment of local black entrepreneurs within the Stellenbosch municipal area;
- (b) that Council makes provision for the purchase of the property within 2019/2020 budget; and
- (c) that the Municipal Manager be mandated to investigate and report back to Council at the March 2019 Council meeting as to whether outstanding municipal debt should be recovered.

Councillor DA Hendrickse requested that his vote of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	PIET SMIT
POSITION	MANAGER: PROPERTY MANAGEMENT
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-8088750
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-02-20

9.	MATTERS FOR NOTIFICATION
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9.1	REPORT BY THE EXECUTIVE MAYOR
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NONE

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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NONE

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
10.1	MOTION BY CLLR F ADAMS: VOTE OF NO CONFIDENCE AGAINST THE EXECUTIVE MAYOR, ALD G VAN DEVENTER (MS)

24TH COUNCIL MEETING: 2019-02-27: ITEM 10.1

It is noted that the Seconder of the Motion, Cllr DA Hendrickse, had withdrawn his seconding of the Motion, hence in terms of Rule 20.1 of Council's Rules of Order By-Law, the Speaker

RULED

that this matter not be dealt with.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	<i>27 February 2019</i>

10.2	MOTION BY CLLR F ADAMS: VOTE OF NO CONFIDENCE AGAINST THE SPEAKER, CLLR WC PETERSEN (MS)
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24TH COUNCIL MEETING: 2019-02-27: ITEM 10.2

It is noted that the Secunder of the Motion, Cllr DA Hendrickse, had withdrawn his seconding of the Motion, hence in terms of Rule 20.1 of Council's Rules of Order By-Law, the Speaker

RULED

that this matter not be dealt with.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@stellenbosch.gov.za
REPORT DATE	27 February 2019

10.3	MOTION BY ALDERMAN PW BISCOMBE: APPOINTMENT OF INDEPENDENT INVESTIGATOR
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24TH COUNCIL MEETING: 2019-02-27: ITEM 10.3

The Speaker allowed Alderman PW Biscombe to put his Motion, duly seconded.

After the Motion was motivated, the Speaker allowed debate on the matter.

The matter was put to vote, yielding a result of 31 for and 2 against.

RESOLVED (majority vote)

- (a) that Council authorizes the Municipal Manager to appoint an independent investigator in terms of the supply chain management process and Council Policies;
- (b) that the Municipal Manager mandate the independent investigator to investigate in terms of Schedule 1, Section 10 and Schedule 2, Section 6 of the Municipal Systems Act, 32 of 2000; and
- (c) that Council consider the findings in accordance with Section 14, and Schedule 2 Section 14A of the Municipal Systems Act 32 of 2000 (154-162).

Cllrs F Adams and DA Hendrickse requested that their votes of dissent be minuted.

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 808-8025</i>
E-MAIL ADDRESS	<i>Municipal.Manager@stellenbosch.gov.za</i>
REPORT DATE	<i>27 February 2019</i>

10.4	MOTION BY ALDERMAN PW BISCOMBE: DISCIPLINARY COMMITTEE TO INVESTIGATE ALLEGATIONS AGAINST CLLR F ADAMS
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[The Speaker changed the order of business, so that items 13.2.1- 13.2.3 were dealt with before item 10.4.]

24TH COUNCIL MEETING: 2019-02-27: ITEM 10.4

The Speaker allowed Alderman PW Biscombe to put his Motion, duly seconded.

After the Motion was motivated, the Speaker allowed debate on the matter.

During debate on the matter, the Speaker ordered Cllr F Adams to leave the Chamber (at 14:00) for violating Council's Rules of Order By-Law. The Executive Mayor requested that it be noted that Cllr F Adams continued to make personal remarks and disrespecting the Speaker as he left the Council Chamber. The Speaker responded that disciplinary action in this regard will be taken against the Councillor in terms of Rule 27.1 of Council's Rules of Order By-Law.

After further debate on the matter, Cllr DA Hendrickse requested that it be minuted that this Motion is not in terms of the Policy adopted by Council and is not legally compliant.

The DA requested a caucus, which the Speaker allowed. When the meeting resumed, the Deputy Executive Mayor moved a procedural Motion in terms of Rule 31.1.2, whereupon the Speaker

RULED

that the meeting (and this matter) be adjourned and reconvened at a time to be determined by the Speaker.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@stellenbosch.gov.za
REPORT DATE	27 February 2019

11.	CONSIDERATION OF URGENT MOTIONS
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NONE

12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

13.	CONSIDERATION OF REPORTS
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13.1	REPORTS SUBMITTED BY THE SPEAKER
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NONE

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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13.2.1	RECONSTITUTION OF SECTION 80 COMMITTEES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

27 February 2019

1. SUBJECT: RECONSTITUTION OF SECTION 80 COMMITTEES

2. PURPOSE OF REPORT

To rescind the Council decision of 31 October 2018 in order to reconstitute the Section 80 Portfolio Committees.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

The Municipal Structures Act provides for committees to assist the executive committee or Executive Mayor. At its meeting of 16 February 2017, and subsequently on 31 October 2018, Council approved the establishment of the portfolio committees as envisaged in Section 80 of the Municipal Structures Act.

The Executive Mayor has, in terms of Section 60 of the Municipal Structures Act 117 of 1998, reshuffled her Mayoral Committee members, effective from 1 November 2018. This led to a change in the Councillors that served as Chairpersons of the Section 80 Committees as well as the portfolios which they represent, and the introduction of two new S80 Committees.

The recent resignation of Cllr M de Wet, [APPENDIX A] as well as consideration given toward a more effective functioning of the S80 Committee system, necessitate the reconstitution of the Sec 80 Committees.

24TH COUNCIL MEETING: 2019-02-27: ITEM 13.2.1

RESOLVED (nem con)

- (a) that Council rescinds the resolution of 31 October 2018, except in so far as the Terms of Reference for the various S80 Committees which remain [APPENDIX B]; and
- (b) that Council approves the establishment of the following Section 80 Committees and its composition, with the names of Councillors as follows:

COMMUNITY AND PROTECTION SERVICES

- | | | |
|----|-----------------------------------|-------|
| 1. | Cllr JN de Villiers (Chairperson) | [DA] |
| 2. | Cllr C Manuel | [DA] |
| 3. | Cllr JK Hendriks | [DA] |
| 4. | Cllr N Olayi | [DA] |
| 5. | Cllr P Sitshoti (Ms) | [ANC] |
| 6. | Cllr LL Stander | [ANC] |

CORPORATE SERVICES

- | | | |
|----|----------------------------------|-------|
| 1. | Cllr AR Frazenburg (Chairperson) | [DA] |
| 2. | Cllr R du Toit (Ms) | [DA] |
| 3. | Cllr R Badenhorst | [DA] |
| 4. | Cllr FT Bangani-Menziwa (Ms) | [ANC] |

PLANNING AND ECONOMIC DEVELOPMENT

- | | | |
|----|--------------------------------------|-------|
| 1. | Cllr E Groenewald (Ms) (Chairperson) | [DA] |
| 2. | Cllr T Gosa | [DA] |
| 3. | Cllr A Hanekom | [DA] |
| 4. | Cllr R Badenhorst | [DA] |
| 5. | Cllr RS Nalumango | [ANC] |

FINANCIAL SERVICES

- | | | |
|----|-----------------------------------|-------|
| 1. | Cllr P Crawley (Ms) (Chairperson) | [DA] |
| 2. | Cllr J Hamilton | [DA] |
| 3. | Cllr A Florence | [DA] |
| 4. | Cllr R Nalumango (Ms) | [ANC] |
| 5. | Cllr M Oliphant | [ANC] |

HUMAN SETTLEMENTS

- | | | |
|----|------------------------------|--------|
| 1. | Cllr N Jindela (Chairperson) | [DA] |
| 2. | Cllr A Crombie (Ms) | [DA] |
| 3. | Cllr DD Joubert | [DA] |
| 4. | Cllr G Cele (Ms) | [ACDP] |
| 5. | Cllr LK Horsband (Ms) | [EFF] |

INFRASTRUCTURE

1. Cllr Q Smit (Chairperson) [DA]
2. Ald J Serdyn (Ms) [DA]
3. Cllr NE Mcombring (Ms) [DA]
4. Cllr A Hanekom [DA]
5. Cllr G Bakubaku-Vos [ANC]

PARKS, OPEN SPACES AND ENVIRONMENT

1. Cllr X Mdemka (Ms) (Chairperson) [DA]
2. Ald J Serdyn (Ms) [DA]
3. Cllr E Vermeulen (Ms) [DA]
4. Cllr F Adams [DNCA]

RURAL MANAGEMENT AND TOURISM

1. Cllr S Peters (Chairperson) [DA]
2. Cllr A Crombie (Ms) [DA]
3. Cllr JK Hendriks [DA]
4. Cllr L Horsband (Ms) [EFF]

YOUTH, SPORT AND CULTURE

1. Cllr M Pietersen (Chairperson) [DA]
2. Cllr R du Toit (Ms) [DA]
3. Cllr E Vermeulen (Ms) [DA]
4. Cllr N Sinkinya (Ms) [ANC]
5. Cllr DA Hendrickse [EFF]

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	Office Manager
DIRECTORATE	Council
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	2019-02-14

13.2.2	RE-ESTABLISHMENT OF A DISCIPLINARY COMMITTEE
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Collaborator No:

IDP KPA Ref No:

Good governance and Compliance

Meeting Date:

27 February 2019

1. SUBJECT: RE-ESTABLISHMENT OF A DISCIPLINARY COMMITTEE

2. PURPOSE OF REPORT

To consider the re-establishment of committees to assist the municipal council and Executive Mayor in the effective and efficient performance and exercise of their respective functions and powers and matters pertaining thereto.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

The resignation of Councillor de Wet, (**ANNEXURE 1**) has led to a vacancy as Chairperson of the Disciplinary Committee, and therefore necessitates the consideration for the re-establishment of a Disciplinary Committee.

24TH COUNCIL MEETING: 2019-02-27: ITEM 13.2.2

Cllr Q Smit placed it on record that Cllr DA Hendrickse must present to Council the evidence he has that he (Cllr Q Smit) gave false evidence in a Disciplinary Hearing, and requested the Speaker to investigate Cllr Hendrickse's allegations. The Speaker placed it on record that Cllr DA Hendrickse wrote an email to the Speaker regarding this allegation, and requested him to provide Council with proof of these allegations. Cllr DA Hendrickse responded that he will submit the proof to the Speaker.

The Executive Mayor called a Point of Order in terms of Rule 27.2, requesting Cllr Hendrickse to withdraw his allegations against Cllr Q Smit, until he provided proof and followed procedure. The Speaker requested Cllr Hendrickse to withdraw his allegations, which Cllr Hendrickse did.

RESOLVED (majority vote with abstentions)

- (a) that Council approves the re-establishment of a Disciplinary Committee in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (b) that the composition of the Disciplinary Committee be a total of 5 members of which the DA has 3 members and the Opposition has 2 members;
- (c) that Council appoints the following councillors to serve on the Disciplinary Committee

DA (3): Cllr Q Smit
 Cllr E Groenewald
 Cllr A Frazenburg

Opposition (2): Cllr LL Stander (ANC)
 Cllr N Sinkinya (ANC)

-
- (d) that Council appoints Councillor Quintin Smit as Chairperson for the Disciplinary Committee; and
- (e) that it be noted that the delegation of power to the respective Section 79 committee will be included in the System of Delegations.

Councillor DA Hendrickse requested that his vote of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	Office Manager
DIRECTORATE	Executive Mayor
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	donovan.muller@stellenbosch.gov.za
REPORT DATE	27 February 2019

13.2.3	RE-ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)
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Collaborator No:**IDP KPA Ref No:**

Good governance and Compliance

Meeting Date:

27 February 2019

1. SUBJECT: RE-ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

2. PURPOSE OF REPORT

To consider the re-establishment of committees to assist the municipal council in the effective and efficient performance and exercise of their respective functions and powers and matters pertaining thereto.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

With the resignation of Councillor Stefan Louw and subsequently the resignation of Councillor Marnes de Wet, it is necessary to reconstitute the Municipal Public Accounts Committee (MPAC).

Council is obliged to reconsider the appointment of committees provided for in legislation applicable to local government; the term of reference of each committee; the composition of such committees and the election of members of such committees and matters in connection therewith.

Council, at its Urgent Council meeting: 2017-02-16 resolved on the establishment of a Municipal Public Accounts Committee (MPAC) in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

24TH COUNCIL MEETING: 2019-02-27: ITEM 13.2.3

RESOLVED (majority vote with abstentions)

- (a) that Council approves the re-establishment of a Municipal Public Accounts Committee (MPAC) in accordance with Section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (b) that the composition of the Municipal Public Accounts Committee (MPAC) be a total of 5 members of which the DA has 3 members and the Opposition has 2 members;
- (c) that Council appoints the following councillors to serve on the Municipal Public Accounts Committee (MPAC):

DA (3): Cllr MC Johnson
 Cllr SR Schäfer
 Cllr E Fredericks

Opposition (2): Cllr N Mananga -Gugushe (ANC)
Cllr WF Pietersen (PMD) (Chairperson)

- (d) that it be noted that the delegation of power to the respective Section 79 committee will be included in the System of Delegations.

Councillor DA Hendrickse requested that his vote of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Donovan Muller
POSITION	Office Manager
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8314
E-MAIL ADDRESS	donovan.muller@stellenbosch.gov.za
REPORT DATE	27 February 2019

14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 15:45.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**