

**MINUTES OF THE SPECIAL COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY
HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET,
PLETTENBERG BAY ON FRIDAY, 28 JUNE 2024 AT 09H10**

1. OPENING

The Speaker, Councillor S E Gcabayi welcomed everyone present at 09h10 and requested a moment for silent prayer.

2. ATTENDANCE

As per attached attendance register.

3. APPLICATION FOR LEAVE OF ABSENCE

None. All members of the Municipal Council present.

FOR INFORMATION

4. DECLARATION OF INTERESTS

For the record

1. Councillor S Mangxaba declared his interest in Item C/2/213/06/24: Request for Arrear Debt Write off as per customer request: Erf 5389 and 5389 - Kwanokuthula.
2. Councillor N Ndayi declared her interest in Item C/6/146/06/24: Lease of a portion of Erf 5721 (Kwanokuthula, Public Open Space).

FOR INFORMATION

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Special Council meeting dated 30 April 2024

Minutes of the Special Council Meeting of 30 April 2024, be and are hereby **CONFIRMED AND SIGNED, subject to the following correction:**

That the results of voting under Resolution C/1/224/05/24 be corrected to read 5 Votes against the first proposal.

Proposed: Councillor M P Busakwe

Seconded: Councillor H Mitchell

6. STATEMENTS AND COMMUNICATIONS BY:

6.1 The Executive Mayor

None

6.2 The Speaker

None

7. PRESENTATION

None

8. ITEMS FOR INFORMATION, WHICH HAVE BEEN DEALT WITH BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED AUTHORITY

That it be noted that the Items for information will be considered at the Ordinary Council Meeting of July 2024.

FOR INFORMATION

9. NOTING OF OUTSTANDING COUNCIL RESOLUTIONS.

That it be noted that the Noting of Outstanding Council Resolutions will be considered at the Ordinary Council Meeting of July 2024.

FOR INFORMATION

APPROVED

10. CONSIDERATION OF REPORTS (NON- DELEGATED MATTERS)

Before the consideration of the reports, Councillor W J Nel raised on a point of order stating that the Council Agenda was not received within 24 hours. He further indicated that the Item on the Airport, which was circulated In-Committee, was only received the morning of the meeting. Councillor W J Nel proposed that the Item on the Airport be moved to the next Ordinary Council Meeting in the Open Agenda.

The Speaker stated that he disapproved the late distribution of agendas and requested that the distribution of agendas to Councillors be within the required timeframes.

The Speaker ruled that the open agenda be dealt with and immediately following the open meeting of Council, a discussion session be held with Councillors on the Airport, Item C/1234/06/24 circulated per the In-Committee Addendum.

He then proceeded with the order of business.

Section 1: Office of the Municipal Manager

Resolution C/1/230/06/24

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE – REPORT ON IRREGULAR EXPENDITURE OF 16th JANUARY – 30th JUNE 2023

Portfolio Comm: Strategic Services & Office of the MM **Demarcation:** All Wards
File Ref: 5/15/5/1 **Delegation:** Council

Resolved

That Council write-off the Irregular Expenditure transactions to the value of R5 511 035.18 per Annexure A, circulated with the agenda.

Proposed: Councillor T Mhlana
Seconded: Councillor H Mitchell

EXECUTION: Municipal Public Accounts Committee Coordinator
cc. Acting Municipal Manager

Resolution C/1/231/06/24

Circulated per Addendum 1 of the Agenda

INTERVIEW OUTCOMES AND APPOINTMENT PROCESS FOR THE POSITION OF DIRECTOR: CORPORATE SERVICES (NOTICE 87 OF 2024)

Portfolio Comm: Strategic Services & Office of the MM **Demarcation:** All Wards
File Ref: 4/3/5/1 **Delegation:** Council

The Acting Director Planning and Development; Mrs. T Wildeman recused herself during the discussion of this Item.

A proposal was received from Councillor H Mitchell, seconded by Councillor N P Kolwapi,

1. That Council appoints Candidate No 18 (Mr. Luvuyo Loliwe) in the position of Director Corporate Services on a permanent basis subject to concurrence from the MEC of Local Government.
2. That Council approves the recruitment and selection process, the longlist, shortlist and Competency Assessment Reports.
3. That, if the preferred candidate does not accept the offer of employment, the Municipal Manager be authorised to re-advertise the position.
4. That the Human Resource Management Division, as a matter of courtesy and legal requirement, inform the unsuccessful candidates formally of the outcome of the selection process, and thanked them for their application and participation in the process.
5. That the remuneration of the Director Corporate Services be in line with the remuneration of the other Directors.

As the proposal to appoint Mr Luvuyo Loliwe as the Director Corporate Services was both supported and objected, the Speaker therefore ruled to vote **IN FAVOUR** of or **AGAINST** the proposal by requesting Councillors to verbally record their vote.

The following Councillors voted AGAINST the proposal to appointment Mr. Luvuyo Loliwe as the Director Corporate Services;

Councillor D J Swart, Councillor W J Nel, Councillor J N Kamkam, Councillor N Ndayi and Councillor A R Olivier

The following Councillors voted IN FAVOUR of the proposal to appointment Mr. Luvuyo Loliwe as the Director Corporate Services;

Councillor M P Busakwe, Councillor N T Seti, Councillor T Mhlana, Councillor H Mitchell, Councillor N P Kolwapi, Councillor C N-J Terblanche, Councillor S A Mangxaba and Councillor S E Gcabayi

Results of Voting:

IN FAVOUR of the proposal : 8 Votes
AGAINST the proposal : 5 Votes

It was therefore;

Resolved

1. That Council appoints Mr Luvuyo Loliwe in the position of Director Corporate Services on a permanent basis subject to concurrence from the MEC of Local Government.
2. That Council approves the recruitment and selection process, the longlist, shortlist and Competency Assessment Reports.
3. That, if the preferred candidate does not accept the offer of employment, the Municipal Manager be authorised to re-advertise the position.
4. That the Human Resource Management Division, as a matter of courtesy and legal requirement, inform the unsuccessful candidates formally of the outcome of the selection process, and thanked them for their application and participation in the process.
5. That the remuneration of the Director Corporate Services be in line with the remuneration of the other Directors.

Proposed: Councillor H Mitchell
Seconded: Councillor N P Kolwapi

EXECUTION: Municipal Manager & Senior Manager Human Resources
Cc: Director Corporate Services

Resolution C/1/232/06/24

Circulated per Addendum 1 of the Agenda

INTERVIEW OUTCOMES AND APPOINTMENT PROCESS FOR THE POSITION OF DIRECTOR: PLANNING AND DEVELOPMENT (NOTICE 86 OF 2024)

Portfolio Comm: Strategic Services & Office of the MM **Demarcation:** All Wards
File Ref: 4/3/5/1 **Delegation:** Council

The Acting Director Planning and Development; Mrs. T Wildeman recused herself during the discussion of this Item.

A proposal was received from Councillor N P Kolwapi, seconded by Councillor M P Busakwe;

- “1. That Council appoints Candidate No. 8 (Mrs. Tanya Maureen Wildeman) in the position of Director Planning and Development on a permanent basis subject to concurrence from the MEC of Local Government.
2. That Council approves the recruitment and selection process, the longlist, shortlist and Competency Assessment Reports.
3. That, if the preferred candidate does not accept the offer of employment, the Municipal Manager be authorised to re-advertise the position.

4. *That the Human Resource Management Division, as a matter of courtesy and legal requirement, inform the unsuccessful candidates formally of the outcome of the selection process, and thanked them for their application and participation in the process.*
5. *That the remuneration of the Director Corporate Services be in line with the remuneration of the other Directors."*

As the proposal to appoint Mrs. Tanya Maureen Wildeman as Director Planning and Development was both supported and objected, the Speaker therefore ruled to vote **IN FAVOUR** of or **AGAINST** the proposal by requesting Councillors to verbally record their vote.

The following Councillors voted IN FAVOUR of the appointment of Mrs. Tanya Maureen Wildeman as Director Planning and Development;

Councillor S A Mangxaba, Councillor N T Seti, Councillor T Mhlana, Councillor H Mitchell, Councillor N P Kolwapi, Councillor C N-J Terblanche, Councillor M P Busakwe and Councillor S E Gcabayi

The following Councillors voted AGAINST the appointment of Mrs. Tanya Maureen Wildeman as Director Planning and Development

Councillor D J Swart, Councillor W J Nel, Councillor J N Kamkam, Councillor N Ndayi and Councillor A R Olivier

Results of Voting:

IN FAVOUR of the appointment : 8 Votes
AGAINST the appointment : 5 Votes

It was therefore;

Resolved

1. That Council appoints Mrs. Tanya Maureen Wildeman in the position of Director Planning and Development on a permanent basis subject to concurrence from the MEC of Local Government.
2. That Council approves the recruitment and selection process, the longlist, shortlist and Competency Assessment Reports.
3. That, if the preferred candidate does not accept the offer of employment, the Municipal Manager be authorised to re-advertise the position.
4. That the Human Resource Management Division, as a matter of courtesy and legal requirement, inform the unsuccessful candidates formally of the outcome of the selection process, and thank them for their application and participation in the process.
5. That the remuneration of the Director Corporate Services be in line with the remuneration of the other Directors.

Proposed: Councillor N P Kolwapi
Seconded: Councillor M P Busakwe

EXECUTION: Municipal Manager & Senior Manager Human Resources
Cc: Director Corporate Services

Resolution C/1/233/06/24

Circulated per Addendum 1 of the Agenda

PERFORMANCE AGREEMENTS FOR THE SENIOR MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER

Portfolio Comm: Strategic Services and Office of the MM **Demarcation:** All Wards
File Ref: 2/9 **Delegation:** Council

Resolved

1. That Council takes note of the Performance Agreements of the Senior Managers directly accountable to the Municipal Manager for the financial year 1 July 2024 to 30 June 2025.
2. That copies of the Performance Agreements be submitted to the MEC for Local Government.
3. That the Performance Agreements be made public within fourteen (14) days after the approval of the Service Delivery and Budget Implementation Plan.
4. That the period reflected on page 2 of the Performance Agreement of the Director: Community Services be amended to read 01 July 2024 to 30 June 2025.

Proposed: Councillor D J Swart
Seconded: Councillor C N-J Terblanche

EXECUTION: Municipal Manager & Senior Manager Human Resources
Cc: Municipal Manager (acting)

Section 2: Financial Services

Resolution C/2/213/06/24

REQUEST FOR ARREAR DEBT WRITE OFF AS PER CUSTOMER REQUEST: ERF 5389 AND 4669 - KWANOKUTHULA

Portfolio Comm: Finance and Corporate Services **Demarcation:** All wards
File Ref: 9/1/3/4 **Delegation:** Council

Councillor S A Mangxaba recused himself during the discussion of this Item.

Resolved

1. That the total amount due by the church as at date of approval (amount due end May 2024 was R 73 220.12) be approved to be written off as per the African United National Baptist Church request for Erven 5389, Kwanokuthula.
2. That the total amount due by the church as at date of approval (amount due end May 2024 was R 108 760.57) be approved to be written off as per the Full Gospel Church request for Erven 4669, Kwanokuthula.

3. That the write-off be subject to the receipt of an undertaking being obtained from the churches that they will honor their monthly commitments to the municipality and will not fall into arrears again.
4. That smart water and electricity meter systems be installed on Erf 5389 and 4669, Kwanokuthula.
5. That the community be informed during public meetings of the process for the consideration of writing off arrear debt for NGO's/Churches.

Proposed: Councillor T Mhlana
Seconded: Councillor H Mitchell

EXECUTION: Manager Revenue
Cc: Director Financial Services (acting)

Section 3: Corporate Services

Resolution C/3/202/06/24

OCCUPATIONAL HEALTH & SAFETY ACTIVITIES REPORT FOR THE MONTH OF MAY 2024

Portfolio Comm: Strategic Services & Office of the MM **Demarcation:** All Wards
File Ref: 5/10/4 **Delegation:** Council

Resolved

1. That Council mandate the Municipal Manager through the Occupational Health and Safety Officer issue compliance notices to the respective Units where non-compliance findings were identified and grant them 60 days to be compliant.
2. That in the event the respective Units remains non-compliance that punitive action be taken against the respect Manager and or Director of the said Unit.
3. That the punitive action referred to in 2. above be reported on.

Proposed: Councillor H Mitchell
Seconded: Councillor T Mhlana

EXECUTION: Senior HR Officer: Occupational Health and Safety
Cc: Senior Manager Human Resources & Director Corporate Services

Resolution C/3/203/06/24

EMPLOYEE WELLNESS AND SATISFACTION SURVEY FEEDBACK

Portfolio Comm: Financial Services and Corporate Services **Demarcation:** All Wards
File Ref: 4/3/5/1/3 **Delegation:** Council

Resolved

1. That Council takes note of the employee wellness and satisfaction survey feedback report pertaining to Employee Assistance Programme.
2. That the Wellness Employee Assistance Programme be extended across the organisation including Councillors to maintain optimal wellness.
3. That the discrepancies on the survey percentages provided in the report be noted and that subsequent reports should include accurate percentages.

Proposed: Councillor T Mhlana
Seconded: Councillor H Mitchell

EXECUTION: Incapacity & EAP Officer
Cc: Senior Manager Human Resources & Director Corporate Services

Section 4: Community Services

Resolution C/4/199/06/24

REPORT ON THE SPORTS MASTERPLAN FOR PLETTENBERG BAY SPORTING FACILITIES

Portfolio Comm: Strategic & Office of the MM **Demarcation:** All Wards
File Ref: 9/1/3/7 **Delegation:** Council

Resolved

1. That Council note the report on the Sport Masterplan.
2. That Council approve the Sport Masterplan in principle for the purpose of public participation.
3. That following the conclusion of the public participation process, the Sport Masterplan be re-submitted to Council for final consideration and adoption.

Proposed: Councillor T Mhlana
Seconded: Councillor M P Busakwe

EXECUTION: Youth & Sport Development Coordinator
Cc: Director Community Services

Section 5: Engineering Services

Resolution C/5/151/06/24

CAPITAL PROJECTS IMPLEMENTATION PLAN (CPIP): MONTHLY PROGRESS REPORT FOR PERIOD ENDING MAY 2024

Portfolio Comm: Engineering & Community Services **Demarcation:** All Wards
File Ref: 5/7/1/12 **Delegation:** Council

Resolved

That Council takes cognizance of the Capital Projects Implementation Plan (CPIP) for the period ending May 2024.

Proposed: Councillor T Mhlana
Seconded: Councillor H Mitchell

FOR INFORMATION: **Manager:** Project Management Unit (PMU)

Section 6: Economic Development and Planning

Resolution C/6/142/06/24

UPGRADING OF PARKING AREA ON REMAINDER OF ERF NO 2066 PLETTENBERG BAY

Portfolio Comm: Strategic Services and Office of the MM **Demarcation:** All Wards
File Ref: 7/2/3 **Delegation:** Council

Resolved

1. That Council notes that the upgrade proposal to the Remainder of Erf 2066.
2. That Council notes that there is no Financial Contributions required from Council to upgrade Erf 2066.
3. That the Status quo for Erf 2066 remains unchanged and to be used as a public parking area with the addition of an ablution facility.
4. That the upgrade of the Public Parking areas is subject to a permanent departure to relax the number of parking bays required for the Tourist Accommodation in terms of the Bitou Land Use Planning Bylaw, 2022 as amended.

5. That the upgrading of the parking area on remainder of Erf No 2066, Plettenberg Bay be approved, subject to the following conditions;
- (a) The developer shall enter and conclude a Service Level Agreement with the Municipality.
 - (b) The developer shall provide an engineering services report indicating the increase in demand for water, sanitation, electricity and refuse as required for the proposed upgrade.
 - (c) The Developers shall be required to pay Augmentation levies and development contributions with regards to the increased infrastructure capacity required.
 - (d) The additional 24 public parking bays are supported and all costs for the construction thereof will be for the account of the Developer.
 - (e) The newly created 24 parking bays will be for public use and at no stage will be reserved for the sole use of the development.
 - (f) The initial maintenance (resealing) of the entire existing parking area will be in accordance with the specifications and requirements of the Engineering Department's: Roads Section and all cost will be for the account applicant.

Proposed: Councillor N P Kolwapi

Seconded: Councillor S Mangxaba

EXECUTION: Manager: Town Planning
cc. Acting Director Planning & Development

Resolution C/6/144/06/24

SHACK FARMING IN WARDS WITH INFORMAL SETTLEMENTS

Portfolio Comm: Strategic Services & Office of the MM

File Ref: 17/6/3/10

Demarcation: Wards 1&3

Delegation: Council

Resolved

1. That Council take cognizance of the report.
2. That Council approves further investigations relating to shack-farming practices.
3. That Ward 7 be included in the investigation relating to shack-farming practices.

Proposed: Councillor S Mangxaba

Seconded: Councillor T Mhlana

EXECUTION: Manager: Integrated Human Settlements
cc: Acting Director Planning & Development

Resolution C/6/145/06/24

EBENEZER PORTION 20 TWENTY-FIVE (25) VACANT SERVICED SITES

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 17/6/3/10

Demarcation: Ward 4
Delegation: Council

Resolved

1. That Council take cognizance and approve the disposal strategy of the twenty-five (25) serviced sites.
2. That Council approves waiving of augmentation fees, connection fees for water, sewer and electricity and building plans fees in the case where Bitou Municipal plan of 50m² is used. The costs to be waived amount to R1,803,253.05 (VAT Excl.), which amounts to R72,130.12 (VAT Excl.) per erf.
3. That Council approve the conditions for qualifying Beneficiaries that are stipulated in the Housing Code, 2009.
 - (a) Beneficiary must be a South African with a green bar-coded identity document or smart card, must be 18 years or older or must be in possession of Permanent Residency in a case of a foreigner.
 - (b) The beneficiary household salary bracket must be R3,501.00 – R22,000.00 per month.
 - (c) A beneficiary must not have benefited or assisted previously or had an immovable residential property registered in their name(s) or own government subsidized property.
 - (d) That the beneficiaries must be on the existing housing waiting list.
4. That Council approves selling the twenty-five (25) serviced sites at land value, excluding the Provincial contribution per erf, but capping the property value at R60,000.00 for smaller sized erven and at R90,000.00 for bigger sized erven.
5. That no informal housing structures be constructed on the serviced sites, and that formal housing construction occurs within a period of two (2) years, and building plans be submitted for approval for any further additions/renovations to the main building (house).

Proposed: Councillor S Mangxaba
Seconded: Councillor D J Swart

EXECUTION: Manager: Integrated Human Settlements
cc: Acting Director Planning & Development

Resolution C/6/146/06/24**LEASE OF A PORTION OF ERF 5721 (KWANOKUTHULA, PUBLIC OPEN SPACE)****Portfolio Comm:** Economic Development & Planning
File Ref: 18/5721/PB**Demarcation:** Wards 5
Delegation: Council*Councillor N Ndayi recused herself during the discussion of this Item.***Resolved**

1. That the report on the application for a lease of a building on a portion of Erf 5721 for the purpose of beautification, Kwanokhuthula be noted.
2. That in terms of Section 14(2)(a) of the Local Government: Municipal Finance Management Act, 2003, and on reasonable grounds, the Municipal Council hereby confirms that the portion in question of Erf 210, Belvidere, is deemed not needed to provide the minimum level of basic Municipal Services.
3. That the lease of a portion of Erf 5721 to adjacent property owner of Erf 5336 for a period of 9 years and 11 months be approved.
4. That the rental be determined at R100.00 per month.
5. That a condition be inserted in the lease agreement that the applicant may not use the property for any purpose other than beautification and may not erect any permanent structures on the property.
6. That the Acting Municipal Manager be authorised to sign and conclude the lease agreements.
7. That a copy of the signed lease agreement be submitted to Council for noting at its next meeting.

Proposed: Councillor J N Kamkam
Seconded: Councillor M P Busakwe**EXECUTION:** Manager: Building Control & Manager Legal Services
cc: Acting Director Planning & Development**11. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

None received.

12. CONSIDERATION OF NOTICES OF MOTION

None received.

13. CONSIDERATION OF NOTICES OF QUESTION

None received.

14. CONSIDERATION OF MOTIONS OF EXIGENCY

None received.

15. IN-COMMITTEE MATTERS

For In-Committee matters dealt with in the In-Committee Addendum to the agenda, please refer to the In-Committee minutes of even date.

16. RECORDING OF COUNCILLORS PRESENT

The Speaker, Councillor S E Gcabayi requested that Councillors verbally record their presence during the Special Council In-Committee meeting of even date in the following order:

Councillor S A Mangxaba, Councillor D J Swart, Councillor W J Nel, Councillor J N Kamkam, Councillor N Ndayi, Councillor A R Olivier, Councillor N T Seti, Councillor T Mhlana, Councillor H Mitchell, Councillor N P Kolwapi, Councillor C N-J Terblanche and Councillor S E Gcabayi.

17. CLOSURE

The Speaker adjourned the Special Council Meeting at 10h16, whereafter the Special Council In-Committee session commenced at 12h29.

The Special Council In-Committee Session of even date was adjourned at 12h47 and reconvened on Monday, 1st July 2024 at 15h39. The Special Council In-Committee meeting of 1st July 2024 closed at 17h08.

CONFIRMED AND SIGNED

SIGNATURE:


The Speaker, S E Gcabayi

DATE:

12 August 2024



ATTENDANCE REGISTER

SPECIAL COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN
THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET,
PLETTENBERG BAY ON FRIDAY, 28 JUNE 2024 AT 09H00

8/28

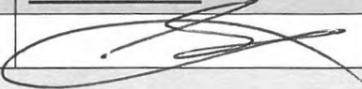
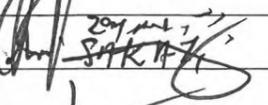
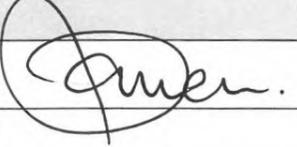
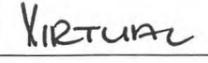
<u>NAME</u>	<u>SIGNATURE</u>
COUNCILLOR M P BUSAKWE	m. Busakwe
COUNCILLOR S E GCABAYI (Speaker)	S. E. Gcabayi
COUNCILLOR J N KAMKAM	J. N. Kamkam
COUNCILLOR N P KOLWAPI (Deputy Executive Mayor)	N. P. Kolwapi
COUNCILLOR S A MANGXABA	S. A. Mangxaba
COUNCILLOR T MHLANA	T. Mhlana
COUNCILLOR H MITCHELL	H. Mitchell
COUNCILLOR N NDAYI	N. Ndayi
COUNCILLOR W J NEL	W. J. Nel
COUNCILLOR A R OLIVIER	A. R. Olivier
COUNCILLOR N T SETI	N. T. Seti
COUNCILLOR D J SWART	D. J. Swart
COUNCILLOR C N-J TERBLANCHE (Executive Mayor)	C. N-J. Terblanche

ATTENDANCE REGISTER

BITOU LOCAL MUNICIPALITY

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON FRIDAY, 28 JUNE 2024 AT 9H00

OFFICIALS

<u>DESIGNATION</u>	<u>NAME</u>	<u>SIGNATURE</u>
Acting Municipal Manager	Dr R Links	
DIRECTORS		
Acting Director: Financial Services	Mr. B Ngubo	
Acting Director: Corporate Services	Mr L Loliwe	
Acting Director: Community Services <i>A. SARNI</i>	Ms M Paulsen	
Director: Engineering Services	Mr V Felton	
Acting Director: Economic Development and Planning	Mrs T Wildeman	
MANAGERS		
Acting Manager Administration & Head Committee Services	Ms J Jansen	
Committee Clerk	Ms T Mpembe	
Manager: Legal Services	Mr A Croutz	
Manager: Executive Mayor	Mr R Plaatjies	
Manager: Deputy Executive Mayor	Mr V Thomas	
Manager: Office of the Speaker	Mr A Mbali	
Manager: Communications, Customer Relations Management	Mr A Namntu	
Senior Manager Governance & Compliance	Mr F Lötter	
Acting Chief Audit Executive	Mr C Koeberg	
Risk Management	Mrs C Van Staden	

Acting

