

**MINUTES OF A VIRTUAL SPECIAL COUNCIL MEETING OF KOUGA MUNICIPALITY HELD
ON TUESDAY, 31 AUGUST 2021 AT 13:01**

PRESENT: Councillors

H Bornman	(Speaker)
H Hendricks	(Executive Mayor)
B Williams	
F Campher	
D Benson	
B Rheeder	
F Baxter	
B Dhludhlu	
L Vorster	
R Jantjies	
T Jantjies	
W Gertenbach	
C August	
M Biko	
M van Niekerk	
W Coenraad	
J Alexander	
S Jujwana	
S Makasi	
M Peters	
P Oliphant	
J Mayoni	
P Nkwalase	
C Matroos	
R Dennis	
V Vumazonke	
M Dayimani	

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
K Moodley	(Director: Corporate Services)
E Delport	(Acting Director: I&E)
F Mabusela	(Director: PDT)
N Machelesi	(Director: Community Services)
R Lorgat	(CFO)
D De Jager	(HR Manager & Acting Deputy Municipal Manager)
A Koegelenberg	(Manager: PMS)
M Goduka	(Manager: IT)
L Opperman	(Manager: Legal Services)
M Basson	(Senior Media Liaison Officer)
N Zode	(Acting Senior Committee Officer)
M Julius	(Committee Clerk)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting and advised that in terms of the amended Directions on Municipal Operations and Governance and in terms of Section 27(2) of the Disaster Management Act, 2002, that a virtual Ordinary Council Meeting will be held using the zoom platform.

2. **OPENING AND WELCOME**

The Speaker welcomed those present and requested Cllr Baxter to open with a prayer.

3. **ABSENT WITH LEAVE**

Cllr A Mabukane
Cllr E Februarie

4. **ABSENT WITHOUT LEAVE**

None

5. **PRESENTATIONS**

5.1 Ironman South Africa

Mr Keith Bowler, Managing Director: Ironman SA, delivered a presentation to the Council which introduced the prospect of Jeffreys Bay being a host for the Ironman Group in future. The presentation detailed the Ironman SA Group's values and its numerous events notwithstanding its flagship event Ironman SA. The Group hosted international events on a world class standard.

Mr Bowler detailed the benefits of hosting an event such as the socio and economic benefits due to increased tourism. The impact on tourism in previous host cities were used as case studies to highlight the numerous financial benefits for cities and their residents. There was spending by the athletes, spectators and the event which had a multiplier impact and contributed to taxes.

The host city requirements were detailed as well. Utilising facilities, venues and race courses that displayed the key host city landmarks and natural beauty were critical to the event. The primary race venue had to feature a large, centralised area for swim start and finish, transition area, finish line, athlete recovery area, medical and massage areas, operations compound, concessions, ample parking for athletes and spectators, event merchandise sales, and spectator viewing. The host city had to provide permits for event venues, various spaces such as the Race Office and Athlete Registration, and an annual payment of R1.5 million with the addition of municipal services. The required value in kind services were Fire Rescue and Safety Services, Streets and Storm Water, Electricity, Water and Waste Services among others.

Mr Bowler asked if there were any questions or comments.

The Speaker thanked Mr Bowler for the presentation. He was excited at the prospect.

Cllr Williams stated that he was impressed with the presentation. He stated that he was involved with Open Water Swim events at the Marina Martinique. He enquired whether Marina Martinique would be a suitable venue. Did the event need a central point, or could it perhaps stretch across the town with an ending at downtown Jeffreys bay?

Mr Bowler stated that split transitions had been done before for various races but attracting spectators was of utmost importance. If the event was spread out too far the logistics became difficult. The Group had a dedicated operations team that would work together with officials to access the best venues, but the Group was open to the suggestion.

Cllr Oliphant stated that the presentation was interesting. He was dissatisfied with the lengthiness of the presentation. He was of the view that there would be programs that focused on historically disadvantaged areas such as the non-affluent wards in Kouga. Was the Group seeking to invest in Kouga or was it a partnership? Would there be financial implications for Kouga if it entered a partnership with the Group? He asked that Mr Bowler explain how the Group would upgrade or improve Kouga's infrastructure.

Mr Bowler indicated that the Group was a global event organiser and not a federation. It organised world class international events. If Councillors from Nelson Mandela Bay which worked with the Group were engaged, various projects could be noted. It worked with a number of charities and funds were raised for host communities. In Nelson Mandela Bay, it had raised over R2 million for children's charities each year that an event was hosted. It also supported 23 registered Non-Profit Organisations. The impact of sports tourism was important to note as it was a money spinner and it put destinations on the map. It attracted people that spent money which had a knock-on effect on communities.

The Speaker thanked Mr Bowler and stated that there would be further engagement in future.

Mr Bowler thanked the Council for the opportunity to present.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr D Benson extended birthday wishes to Cllr M Biko whose birthday had been on the 27th of August.

Alderman B Rheeder stated that the Executive Mayor had to be congratulated on his aldermanship.

The Speaker congratulated the Executive Mayor on his aldermanship.

Cllr Oliphant stated that the ANC noted the burning down of Cultural Centre, which had been an iconic structure, with serious concern. He congratulated the Mayor on his aldermanship.

The Speaker stated that the two items in the confidential agenda would be moved to the open agenda of the meeting. He had sought legal opinion and according to the Municipal Systems and Structures Acts he had the authority to move items between the agendas.

7. **STATEMENTS OR COMMUNICATION BY THE SPEAKER**

None

8. **STATEMENTS OR COMMUNICATION BY THE EXECUTIVE MAYOR**

None

9. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

10. **REPORTS OF COMMITTEES OF COUNCIL**

None

11. **REPORT BY THE OFFICE OF THE MUNICIPAL MANAGER**

21/08/MM11 **DRAFT PROCESS PLAN FOR IDP/BUDGET/SDBIP PROCESS PLAN FOR THE YEAR 2022/2023**

Cllr Williams stated that minor amendments had to be made to dates mentioned in the plan. He proposed that the recommendation should indicate that the plan be approved with corrections. He requested that Councillors be given until 1pm the following day to forward corrections to the Manager: IDP. The proposal was seconded by Cllr C August.

Cllr Dennis stated that it was a procedural item, but he wanted to highlight that the IDP was concluded without public participation which excluded the poor in Kouga. Secondly, it had to be noted that the Budget was heavily skewed for the poor in Kouga if the state of townships were considered.

The Speaker clarified that it was not the IDP or Budget being tabled for approval but the process plan.

Resolved (31 August 2021)

1. That the Draft Process Plan for the year 2022/23 which incorporates the activities of the IDP, Budget and PMS be approved with corrections in accordance with Section 29(1) of the Municipal Systems Act, No 32 of 2000.

Proposed: B Williams

Seconded: C August

2. That the Process Plan be published on the municipal website and municipal notice boards within 10 days after adoption by the Council.
3. That the Process Plan be submitted to EC-COGTA and Provincial Treasury within 10 days of adoption by the Council.

21/08/MM12 SUBMISSION OF PERFORMANCE AGREEMENTS: SECTION 56 AND SECTION 57 EMPLOYEES: 2021/22 FINANCIAL YEAR

Cllr Oliphant stated that the ANC was concerned about the response directors gave to the most poor and vulnerable wards of Kouga. He hoped that directors could be field workers and not office bound. The ANC caucus was displeased with directors' performance and made a clarion call that the poor of Kouga had to be served by directors.

Resolved (31 August 2021)

1. That the Performance Agreements and supporting Performance Plans for the 2021/22 financial year in respect of the Municipal Manager and Directors be noted.
2. That in terms of the provisions of Section 53(3) of the Local Government Municipal Finance Management Act 56 of 2003 the Performance Agreements of the Municipal Manager and Directors for the 2021/22 financial year be submitted to the MEC for Local Government.

21/08/MM13 INSTITUTIONAL PERFORMANCE REPORT: DRAFT ANNUAL PERFORMANCE REPORT: INSTITUTIONAL SDBIP- IMPLEMENTATION SCORECARD: 2020/21 YEAR

Cllr Dennis stated that it was an impressive report which was the scorecard of the Municipality. He wished service delivery was the same in poorer areas where people were currently being subjected to squaller conditions.

Resolved (31 August 2021)

1. That the content of the Draft Annual Performance Report on the implementation of the 2020/21 Service Delivery and Budget Implementation Plan be noted.

21/08/MM14 KOUGA MUNICIPALITY: FIRST DRAFT: ANNUAL REPORT (2020/2021)

Cllr Oliphant proposed that the item be accepted as it was a compliance issue.

Resolved (31 August 2021)

1. That it be noted that the First Draft of the 2020/21 Annual Report be submitted to the Office of the Auditor General by no later than 31 August 2021.
2. That it be noted that the First Draft of the 2020/21 Annual Report be submitted to the Municipal Public Accounts Committee for scrutiny and preparation of an Oversight Report.

12. **REPORTS BY THE EXECUTIVE MAYOR**

12.1 **REPORTS BY THE CHAIRPERSON: PLANNING AND DEVELOPMENT**

21/08/PD11 ESTABLISHMENT OF AN AUTISM CENTRE - APPLICATION FOR RIGHT TO USE/MANAGE MUNICIPAL LAND: ERF 5812 JEFFREYS BAY

Alderman Rheeder introduced the item and stated that the item had previously served before Council but that this item was for final approval.

The item was unanimously adopted.

Resolved (31 August 2021)

1. That Council **grant final approval** for rights to use, control or manage a Municipal owned immovable asset erf 5812, Jeffreys Bay to the Centre of Grace Foundation for a period of 25 (twenty-five) years.
2. That in view of departmental inputs on MFMA section 14 process followed, Council hereby confirms that erf 5812 will not be required for the minimum level of basic municipal services.
3. That all the legislative processes contemplated herein commence and be concluded in line with Council resolution 21/02/PD14.

21/08/PD12

DISPOSAL OF ERF 1382, SEA VISTA (ST FRANCIS BAY) THROUGH SALE TO EDG3 PROJECTS

Alderman Rheeder introduced the item and stated that it had been before Council previously. He proposed that the figure of R125 000 reflected in recommendation 6.3 be changed to R180 000 to make the property value more market related.

Cllr Dennis sought clarity on the amendment.

The Speaker clarified that the amount would change from R125 000 to R180 000.

Cllr Dennis enquired whether the autism centre would be accessible to the poor.

The Speaker stated that the Autism centre had approached the Municipality regarding the land and had likely taken accessibility into consideration.

The Executive Mayor stated that one of the motivations for the Autism Centre was due to the lack of accessibility for the poorest of the poor. This was why the initiative had begun and the poor were included as a priority for the project.

The Director: PDT asked that the recommendation 6.3 be amended to read that Council "approves" R180 000 as the final price instead of "That Council considers...".

Alderman Rheeder stated that the request had been that the land's selling price had to be changed to R180 000.

The Speaker asked if the process was finalised and if the recommendation had to read as approves or considers?

Alderman Rheeder stated that the amount of R180 000 would be proposed and if it was not accepted, the matter would return to Council.

Cllr Williams suggested that it would be better if the first 6.3 was removed and the second 6.3 reflected the sale amount of R180 000.

Alderman Rheeder accepted the suggestion and was seconded Cllr Gertenbach.

Cllr Dennis queried how the sale amount of a R180 000 had been determined and raised concern about the difference between the two valuations provided indicated in the item.

The Municipal Manager indicated that a second evaluation had been done to ensure accuracy. The property being discussed was surrounded by property that belonged to other owners. The property was isolated. Secondly, when an environmental application was done, the Department of Environmental Affairs would set strict conditions for land usage. There was a possibility that up to 60% of the land available would not be available for development. What could be constructed on the land was limited.

When the Department of Environmental Affairs issued its authorisation, the applicant would likely not be allowed to use 100% of the land for development. This was the basis for the R125 000 value, but it had been discussed and a R180 000 had been determined as a middle ground. The rationale for the determination had been the environmental restrictions and the future potential income from property rates from the development.

Cllr Dennis stated that the determination of the sale value had to be done on a firm basis that had to be provided instead of a "thumb-sucked" value. On what basis was the determination of R180 000 made? The land belonged to the people of Kouga.

Alderman Rheeder stated that there were two valuations one for R75 000 and a second for just over R400 000. The buyer had made an offer of R125 000 but a R180 000 was more reasonable considering the factors mentioned by the Municipal Manager.

The land was inaccessible as it was currently surrounded by private erven. The valuation of R400 000 was far above its value as a normal erven which could be accessed from a road could be availed at such an amount. Considering this the R180 000 was a more reasonable price and property development is needed for Kouga. The determination was a give and take between the Municipality and Developer for land which was not worth a lot to the Municipality.

The Speaker confirmed that the first 6.3 would be removed and second 6.3 would remain with the addition of "for the amount of R180 000.00."

Cllr Dennis stated that the ANC objected to the sale price of R180 000 and were against the recommendation

The Speaker put the matter to the vote by a show of hands.

In favour = 15

Not in favour = 6

Cllr August indicated that Cllr Benson had voted twice.

Resolved (31 August 2021)

1. That Council **grant final approval** for the disposal Erf 1382, Sea Vista to Edg3 Projects for the development of a Retirement Village.
2. That Council take note of the market related valuations obtained from DDP Valuers who valued the property **at R75 000.00** and EastCape Property Valuers who valued the property **at R410 000.00**.
3. That Council grant authorization to the Accounting Officer to enter into a sale agreement with Edg3 Projects, for the sale of the municipal property contemplated herein, for the **amount of R180 000.00**.

Proposed: B Rheeder

Seconded: W Gertenbach

21/08/PD13

DRAFT OUTDOOR ADVERTISING AND SIGNAGE BY-LAW

Alderman Rheeder introduced the item and tabled the By-Law, which had been workshopped, for approval.

Cllr Oliphant stated that the Speaker had to indicate that Cllr Benson's vote was not counted as a matter of procedure.

The Speaker stated that he had already addressed the matter.

Cllr Oliphant stated that the ANC caucus had engaged with the By-Law at the workshop.

The Manager: Legal Services advised that recommendation 3.2 be amended to indicate that the By-law be published for public comment as this process had to be followed before it was published in the provincial gazette.

The Speaker called upon the Director: PDT or Municipal Manager to indicate if the By-Law had been previously published for public comment but did not receive a response.

Alderman Rheeder proposed that recommendation 3.2 be amended as advised by the Manager: Legal Services and Cllr Williams seconded the proposal.

The Executive Mayor did not appreciate the lack of response from administrators when called upon by the Speaker.

Resolved (31 August 2021)

1. That the revised Outdoor Advertising and Signage By-law be approved by Council.
2. That the revised Outdoor Advertising and Signage By-law be published on the Kouga Website for public comment.

Proposed: B Rheeder

Seconded: B Williams

12.2 **REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES**

21/08/CS20 WASTE MANAGEMENT BY-LAW

Cllr Benson introduced the item for approval.

Cllr Oliphant supported the By-law as there had been engagement at the policy workshop.

The item was unanimously approved.

Resolved (31 August 2021)

1. That Council approves the Waste Management By-Law.
2. That the By-Law be advertised for 21 days on the Kouga Website for public participation, comments and inputs.

13. **CLOSURE**

The Speaker thanked all present for their valuable input and moved onto the confidential section of the agenda.

The meeting closed at 14:32.



H BORNMAN
SPEAKER

01 October 2021

DATE
