MINUTES

7TH ORDINARY MEETING

of

MATJHABENG MUNICIPALITY

held on

TUESDAY 31 JULY 2001

at

16:00

MINUTES OF THE 7TH ORDINARY MEETING OF THE MATJHABENG MUNICIPALITY HELD ON TUESDAY 31 JULY 2001 AT 16:00

PRESENT

OFFICIALS

The Acting Municipal Manager - RSB Sesele Assistant City Secretary (Administration) - Mr. TR Shiringani Deputy Town Secretary - Mr. B Molatsedi

EXECUTIVE MAYOR

CIIr: Leeuw SJ

SPEAKER

CIIr: Matsepe TV

Councillors:

Alexander RR Auret IH Bengu VV Bothma B Chao MK Dali VN Dassie YS Dlamini SC Dlova TW Du Toit JJ B Edeling JH Fourie JJC Ikaneng MI James TH Khalipha TD Kotzee D Kujoana MA Liphoko SJ Mabuya FF Mafongosi VZ Majoe TS

Manzana NR Magena AM Mashinini NL Masienyane MD Masoka NL Mbana MM Marais Dr JS Matosa AN Matsubukanye MM Menong KS Mfebe MSE Mgubanto KA Mhlaba N Mogole RR Mohloli PP Mokoena ME Mokhathi PE Mokolutlo LA Mosala MS Motshabi MP Nakwa TA Neumann VH Ngangelizwe S Ntsala MM Olivier JJ Radebe LLF Radebe ML Ramojela JN Rubulana L Seboholi CP Segalo SS Sephiri MJ Smit DC Styger A Taliwe FE Thoabala ET Thuthani ZA Tladi RE Thone ML Tsatsa SJ Tshabangu SE Tsoene TD Van Rooyen HC Vanga M

OPENING

The Chairperson, Councillor TV Matsepe welcomed everyone present especially Mr Tutu Khalane from the National Council of Provinces and Pastors E'Oniel and L Motsalane opened the meeting with scripture reading and prayer.

APPLICATIONS FOR LEAVE OF ABSENCE

Councillors: Montshioa BA Mafantire JM Baaitjies M Louw ML

3. ABSENT WITHOUT LEAVE

Councillor MMT Matlabe

4. OFFICIAL ANNOUNCEMENTS OF THE SPEAKER

- 4.1 The Speaker requested all Councillors who have made arrangements to pay off their arrears for municipal accounts to present themselves to the office of the Transitional Manager : Financial Services to sign Stop Order forms.
- 4.2 The Speaker further requested all Councillors who have not signed the Stop Order forms for Medical Aid and Pension Fund deductions to present themselves to the office of the Transitional Manager : Financial Services to sign the forms.

5. REPORTS OF THE SPEAKER IN TERMS OF RULES 15(10) AND 99(4)

None

6. APPLICATIONS AND APPEALS FROM COUNCILLORS IN TERMS OF RULES 14(1), 67 AND 72

None

7. REPORTS RECEIVED FROM THE SPEAKER

None

8. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

The Speaker congratulated the following Councillors on their birthdays:

Mogole RR	-	31 August
Liphoko SJ	-	28 August
Rubulana L	-	01 August
Alexander RR	-	11 August
Menong KS	-	11 August
Louw ML	-	04 August
Matlabe MMT	-	11 August

9. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY OTHER COUNCILLORS

9.1 MESSAGE OF CONGRATULATIONS FROM COUNCILLOR TW DLOVA

Councillor TW Dlova congratulated the African Heads of States for the resolutions taken at the meeting of the **African Union**, especially resolutions relating to the program of action in millennium participation advancing economic development and the African Renaissance.

Councillor DC Smit congratulated the office of the Acting Municipal Manager for receiving agenda's on time.

10. DEPUTATIONS AND INTERVIEWS

None

11. DISCLOSURE OF INTEREST

Councillor RR Mogole declared his interest on Item A101 on the agenda.

12. MINUTES OF THE PREVIOUS MEETING

IT IS RESOLVED BY COUNCIL : (31 JULY 2001)

- 12.1 That the minutes of the meeting held on 26 June 2001 **BE APPROVED** and **CONFIRMED.**
- 12.2 That the minutes of the special meeting held on 11 July 2001 **BE APPROVED and CONFIRMED** subject to the following amendments :

12.2.1 That Councillor TW Dlova be reflected as **being present** at the meeting.

That the following Councillors **BE REFLECTED** as having **submitted apologies**:

Cllrs: Dr JS Marais JJ Olivier SE Tshabangu NL Masoka SJ Liphoko JJB du Toit

13. QUESTIONS OF WHICH NOTICE WAS GIVEN

None

COMMITTEE REPORTS

Council considered the report of the Mayoral Committee and the resolutions in this regard are contained on page **1** to **12** of these minutes.

15. REPORTS OF DECISIONS TAKEN UNDER DELEGATED POWERS

Decisions taken under delegated powers were reported to Council and Resolution **A107** pertaining thereto is on page **12** of these minutes.

16. MOTIONS

None

CLOSING

The meeting terminated at 17:45

PUBLIC PRIVATE PARTNERSHIP AGREEMENT: THABONG GAME RANCH CC (THABONG SAFARIS) (10/2/1/11) (DAS2.1) (P 1: ANNEXURES P 1 – 43)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That this item **BE WITHDRAWN** from the agenda as requested by the Executive Mayor and **BE DEALT** with by the Mayoral Committee.

A87

IDENTIFICATION OF TAR ROADS FOR RESURFACING (19/4/6) (TMFS) (P 5 : ANNEXURES P 44 – 52)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That this item **BE WITHDRAWN** from the agenda as requested by the Executive Mayor and be dealt with by the Mayoral Committee.

A88

DOORNPAN : SURPLUS GAME (10/2/1/11) (TMCS) (P 7 : ANNEXURES P 53 - 54)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That this item **BE WITHDRAWN** from the agenda as requested by the Executive Mayor and **BE DEALT** with by the Mayoral Committee.

A89

APPOINTMENT OF COUNCIL'S REPRESENTATIVE ON THE BOARD OF MATJHABENG INDUSTRIAL PARK (3/3/20) TOWN PLANNING 4.1 (WELKOM UNIT) (P 9)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That Councillor NL Masoka **BE APPOINTED TO REPRESENT** the Matjhabeng Council on the Board of Matjhabeng Local Industrial Park.

APPLICATION FOR SPECIAL CONSENT : ERF 3881, 1 PORTIA STREET, EXTENSION 3, WELKOM (18/4/1/9) (DAS4.1) (P 10)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That the application in terms of Clause 30 of the Welkom Town Planning Scheme No. 1/1980 to use Erf 3881, Extension 3 Welkom for the purpose of a nursery school **BE APPROVED SUBJECTED** to the following conditions;

The Erf must be properly fenced in order to prevent children from leaving the premises.

The drop off and pick up of children must take place on the premises and not in the street in front of the premises.

Parking facilities for all the teachers and assistants must be provided on the erf.

Toilet facilities must be provided on the premises in the ration of one (1) toilet for every 10 children or part thereof at the cost of the applicant.

An indoor playing area of 1,8m² per child and outside playing area of 2m² per child must be provided.

The guidelines for day care as provided by the National Department of Health must be complied with.

The use of the erf must be subject to all applicable regulations of the Council.

If the manner in which the consent use is exercised interferes in any way with the amenities and peacefulness of the surrounding area, the Council reserves the right to take appropriate steps for the removal of the cause of such interference or nuisance.

If any substantial objection is received against the manner in which the activity is conducted the Council reserves the right to terminate the consent without any claim for compensation.

Where the consent of the Council is obtained and not substantially implemented within three (3) months after the date of approval by the Council,

or if development or use of the building is interrupted for a period of three(3) months or more, the consent granted shall lapse automatically and cease to be valid without any claim for compensation.

Applicable tariff in respect of any type of business be applied as from the effective date.

A91

APPLICATION FOR A RESTAURANT ON STAND 187 (25 –27 VAN DER VYVER STREET), ODENDAALSRUS : LB LEFEREFERE AS WELL AS AN OBJECTION RECEIVED FROM MJ STEYN IN THIS REGARD (15/3/1/1) (TOWN SECRETARY'S DEPARTMENT – ODENDAALSRUS UNIT) (P 13)

After a resolution on this item, Councillors (Dr) JS Marais, JJ Olivier, HC Van Rooyen, VH Neumann, JJB du Toit and DC Smit requested that their objection regarding this item be noted.

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

The application for special consent in terms of Clause 30 of the Odendaalsrus Town Planning Scheme to use Erf 187, Odendaalsrus for the purposes of a restaurant, **BE APPROVED SUBJECT** to the following conditions:

Suitable and easy accessible toilet facilities must be provided on the premises to the satisfaction of the City Council.

All noise reducing measures, if required, must be taken to the satisfaction of the City Council.

The use of the erf must be subject to all applicable regulations of the City Council.

Lighting must be provided to the satisfaction of the City Council at the cost of the applicant.

Should the manner in which the consent use is exercised interfere in any way with the amenities and peacefulness of the surrounding area, the City Council reserves the right to take appropriate steps to terminate the consent without any claim for compensation.

If any substantial objection is received against the manner in which the activities are conducted the City Council reserves the right to terminate the consent without any claim for compensation.

<u>APPLICATION FOR AN ENTERTAIN- MENT CENTRE AT STAND 62/1 (22 STEYN</u> <u>STREET), ONDEDAALSRUS : PE HUGHES</u> (15/3/1/1) (TOWN SECRETARY DEPARTMENT – ODENDAALSRUS UNIT) (P 17)

After a resolution on this item, Councillor (Dr) JS Marais, JJ Olivier, HC Van Rooyen, VH Neumann, JJB du Toit and DC Smit requested that their objection regarding this item be noted.

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That the application for special consent in terms of Clause 30 of the Odendaalsrus Town Planning Scheme to use the building on Subdivision 1 of Erf 62, Odendaalsrus for the purpose of a place of entertainment, **BE APPROVED SUBJECT** to the following conditions :

Suitable and easy accessible toilet facilities must be provided on the premises to the satisfaction of the Council.

All noise reducing measures must be taken to the satisfaction of the City Council.

The use of the erf must be subject to all applicable regulations of the City Council.

Lighting must be provided to the satisfaction of the City Council at the cost of the applicant.

Should the manner in which the consent use is exercised interfere in any way with the amenities and peacefulness of the surrounding area, the City Council reserves the right to take appropriate steps to terminate the consent without any claim for compensation.

If any substantial objection is received against the manner in which the activities are conducted the City Council reserves the right to terminate the consent without any claim for compensation.

A building plan be submitted for approval by Council.

Applicable tariff as per consumer category to apply.

<u>APPLICATION FOR A MOTOR ENGINEERING WORKSHOP FROM STAND 60</u> (18-20 STEYN STREET), ODENDAALSRUS : MR CP SCHIMPER (15/4/1/5) (TOWN SECRETARY DEPARTMENT – ODENDAALSRUS UNIT) (P 19)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That the application for the consent of the Council in terms of Clause 30 of the Odendaalsrus Town Planning Scheme to use Erf 60, 18 Steyn Street, Odendaalsrus for the purposes of a workshop for reparing of motor vehicles **BE APPROVED SUBJECT** to the following conditions :

All parking spaces and driveways as well as entrance to and exit from the erf must be provided, paved and maintained to the satisfaction of the Council.

No repairs of any kind may be performed on vehicles outside the buildings or enclosure wall and no spray painting may be done on the premises.

No vehicle may be parked, or material of any kind may be stored or stacked outside the building or enclosure wall.

The development of the erf must be subject to all applicable regulations of the Council.

Where the consent of the Council is obtained and not substantially implemented within three (3) months after notification of the Council's decision, or development or use of the building or land is interrupted for a period of three (3) months or more, the consent granted shall lapse automatically and cease to be valid without any claim for compensation.

Application tariff as per consumer category to apply.

A94

APPLICATION FOR SPECIAL CONSENT : ERF 18198, NKOANE WAY THABONG (18/4/1/30) (DAS4.1) (P 21)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That the application in terms of Clause 11 of Annexure F, to use Erf 18198, Thabong for the purposes of a medical clinic **BE APPROVED SUBJECT** to the following conditions :

At least two (2) parking facilities for the patients must be provided on the erf.

Sufficient toilet facilities must be provided on the premises, to the satisfaction of the Council.

The use of the erf must be subject to all applicable regulations of the Council.

In the manner in which the consent use is exercised interferes in any way with the amenities and peacefulness of the surrounding area, the Council reserves the right to take appropriate steps for the removal of the cause of such interference or nuisance.

If any substantial objection is received against the manner in which the activity is conducted the Council reserves the right to terminate the consent without any claim for compensation.

Where the consent of the Council is obtained and not substantially implemented within three (3) months after the date of approval by the Council, or if development or use of the building is interrupted for a period of three (3) months or more, the consent granted shall lapse automatically and cease to be valid without any claim for compensation.

Applicable tariff as per consumer category to apply.

A95

MATJHABENG INCENTIVES (6/25) (P 23)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

The revision of the Matjhabeng Incentive Scheme **BE REFERRED** to the Free State Goldfields Development Centre and that all stakeholders **BE INVITED** to a workshop in this regard.

A96

<u>CANCELLATION OF PURCHASE OFFER : SITE 30539, T8 THABONG – ST</u> JOHNS APOSTOLIC CHURCH OF JERUSALEM : REV NTHAKO : (8/3/2/45/2) (DAS2.2) (P 25)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

1. The offer to sell 30539, T8 Thabong to St John Apostolic Church of Jerusalem **BE CANCELLED** due to non-compliance with condition 1 of Council Resolution, and

2. The site **BE SOLD** to the next church on the waiting list, with the existing conditions.

A97

APPLICATION TO EXCHANGE SITE 22105, T12 THABONG WITH A SITE 20261, T11 THABONG : MR MJ MATHEJANE (8/3/2/45/15) (DAS2.2) (P 27)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

Mr MJ Mathejane's **REQUEST TO EXCHANGE** Site 22105 T12 for T11 Thabong **BE APPROVED.**

Prior to **EXCHANGE**, Mr Mathejane **CLEARS OFF** the services account on Site 22105, T12 Thabong.

All monies paid towards purchase of Site 22105, T12 Thabong **BE CREDITED** to Site 20261, T11 Thabong.

The normal conditions of sale of Council land for residential purposes **SHOULD APPLY**.

Site 22105, T12 Thabong **BE SOLD OUT** of hand to the interested purchaser.

Any other costs incidental to the sale **BE** for the account of the purchaser.

A98

CANCELLATION OF DEED OF SALE : REMAINDER OF ERF 1993, BRONVILLE : PB ABRAHAMS & L PETERSEN : (8/3/2/6) (DAS2.6) (P 29)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

- 1. The Agreement of Sale **ENTERED** into between the Council and Mr PB Abrahams and Mrs L Petersen regarding the reminder of ERF 1993 Bronville, **BE CANCELLED** and that Council repossess the erf.
- 2. All monies paid in by Mr PB Abrahams and Mr L Petersen regarding the remainder of Erf 1993, Bronville, **BE FORFEITED** and retained as "roukoop" and they will have no claim for any refund thereof.
- 3. That the site **BE EVALUATED** as according to the market price and be put on tender with a minimum tender amount.

APPLICATION TO PURCHASE ERF 2222, MANDELA PARK, BRONVILLE : J MOFOKENG (20/14/4/4) (DAS2.6) (P 31)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

Erf 2222, Mandela Park, Bronville **BE SOLD** to Mr J Mofokeng at a purchase price of R2 570,00 under the normal conditions of sale.

The services Account (Account No. 1038848) in the name of S Nche **BE TRANSFERRED** to J Mofokeng's name and **IT BE STIPULATED** in the contract that **HE BE HELD RESPONSIBLE** for the payments of arrears **AS WELL AS** the installation cost for a new water meter.

That Mr J Mofokeng **ENTER** into a services agreement for payment of the outstanding amount.

A100

HIRE OF BULLDOZER : JW PLANT HIRE (16/3/2/1) (DCS) (P 33 : ANNEXURES P 55 – 56)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

- 1. Council **SETTLES** the account with JW Plant Hire for R16 872,00.
- 2. The amount **BE PAID** from the 2001/2002 budget and be financed from the Maintenance Vote of Sport Centres.
- 3. That an investigation **BE CONDUCTED** so as to establish the recoverability of the amount from officials concerned.

A101

DISCLOSURE OF FINANCIAL INTERESTS : COUNCILLOR R MOGOLE (3/1/1) (AMM) (P 35 : ANNEXURES P 57)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That permission **BE GRANTED** to Councillor RR Mogole in terms of Section 6 of schedule 1 of the Municipal Systems Act 2000, Act No. 32 of 2000 that he may perform work for Council, if so instructed, and when directed as a Director of Rethabile Glass Works.

ESTABLISHMENT OF SECTION 80 – COMMITTEES (3/7/1/1) (4/1/2/2) (AMM) (P 36)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That the Council **AMENDS** all the previous resolutions which refer to the eight Committees which assist the Executive Mayor as Section-79 Committees.

That the Council **REFERS** to the Committees mentioned in paragraph 1 above, as the Section 80 Committees, or Portfolio Committees.

That the Section 79 Rules Committee **BE MANDATED** to prepare the recommendation to Council to amend the Standing Rules and Orders to give effect to the above and bring the rules in line with the Municipality Structures Act in this regard.

That it **BE NOTED** that the Democratic Alliances is still not happy with the composition of the Mayoral Committee which they feel should be on a proportional basis.

A103

<u>REPORT ON ERNEST OPPENHEIMER THEATRE</u> (9/2/1/1) (DAS5.0) (WELKOM UNIT) (P 38 : ANNEXURES P 58 – 77)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

The contract as negotiated with the Manager of the Oppenheimer Theatre **BE APPROVED** Annexure E appear on 74 – 75 of the Annexures.

The Manager of the Oppenheimer Theatre **NOT BE GRANTED** permission to assist promoters in her private capacity.

The updated year plan, as well as the income and expenditure statement **BE NOTED.**

The Manager of the Oppenheimer Theatre **BE GRANTED** permission **TO NEGOTIATE** the recovering of the sound equipment with PACOFS together with the Adhoc Mayoral Committee member consisting of the Speaker, TV Matsepe, Cllrs TE Thoabala and KS Menong to form part of Negotiating Team.

Contractual Appointments

- 5.1 Booking Office Assistant Telephonist on all inclusive salary package of R27 470 **BE APPROVED.** Annexure F appear on pages 76 –77 of the Annexures.
- 5.2 That Council **BE INFORMED** of the need for the position of Technical Stage Manager because it was not budgeted for, **SHOULD** Council approve then the post **BE ADVERTISED**.

The following financial activities **BE HANDLED** by the Directorate Financial Services :

- 6.1 The reconciling of the financial records on a monthly basis be referred to the relevant department.
- 6.2 The handling of any outstanding amounts to the Theatre according to Council policy.
- 6.3 The reconciliation of VAT on a monthly basis.
- 7. Funds **BE MADE AVAILABLE** during the coming budget on the capital needs of the Theatre so that they can be addressed.

A104

FINANCIAL POLICIES (6/1/1/1) (TMFS) (P 40 : ANNEXURES P 78 - 94)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

(i) That the - Tariff Policy Indigent Policy Credit Control & Debt Collection Policy

BE APPROVED and SUBMITTED as a draft to Council

All financial policies mentioned in (I) of ;the former TLC"s **BE REPEALED**

The policies in (I) above **BE IMPLEMENTED** as from 1 July 2001 as interim policies.

The action of the Transitional Manager : Financial Services to introduce policies as from 1 July 2001 **BE CONDONED**.

Public comments **BE INVITED** and if the polices need to be amended, the policies be amended as such.

The financial regulations policy **BE REFERRED** to the next Mayoral Committee meeting.

A105

COMMENTS ON THE FINANCIAL REPORT (6/1/2/2) (P 42)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That the report on the Financial Statements **BE NOTED**.

2. That in future a comprehensive report **BE PREPARED TO ENABLE** Councillors to fully analyse the financial position of Council.

A106

<u>REPORT OF THE AUDITOR-GENERAL ON THE ANNUAL FINANCIAL STATE-</u> <u>MENTS OF THE ODENDAALSRUS TRANSITIONAL LOCAL COUNCIL FOR THE</u> <u>FINANCIAL YEAR ENDED 30 JUNE 1999</u> (6/12/2) (AMM) (ADDENDUM P 1)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

That the report of the Auditor-General, together with comments of the Audit Committee, **BE NOTED** and **BE ACCEPTED** being Council's comments.

That instructions **BE ISSUED** by the Municipal Manager in order to ensure the rectification of the asset registers of all Units before the amalgamation of asset registers.

That regarding the liability to the amount of R3 590 294 due to Anglo American, the amount **BE WRITTEN OFF** as it could not be confirmed in the books of Anglo American.

That the poor financial position of the Odendaalsrus Unit during the financial year ended 30 June 1999 **BE NOTED** and that uniform procedures be set in place to address/prevent similar problems in Matjhabeng.

That uniform procedures **BE ADOPTED** in order to limit water losses in Matjhabeng, and especially in Odendaalsrus where losses are calculated at 31%.

That the Engineering Department conduct an audit at the Odendaalsrus Administrative Unit in order to determine the cause of the high loss of water and that a water meter **BE INSTALLED** at the community tap in order to determine losses at this point.

That the fruitless expenditure to the amount of R249 183 that resulted from the dismissal of an employee that was eventually re-employed with full compensation and benefits, **BE FURTHER INVESTIGATED** and a report **BE SUBMITTED** to Council.

A107

<u>REPORT ON DECISIONS TAKEN UNDER DELEGATED POWERS</u> (3/1/2) (AMM) (SEPARATE FOLIO PAGE 1 TO PAGE 7)

IT IS RESOLVED BY THE COUNCIL : (31.07.2001)

- 1. That the resolutions MC 143 to MC 182 as they appear on the annexure marked separate folio, Section A, taken under delegated powers, **BE CONFIRMED.**
 - That the Whippery Forum designs a format of the report of the Mayoral Committee to Council to enable other Councillors who are not members of the Mayoral Committee to fully understand the decisions of the Committee.

DATE

TV MATSEPE (SPEAKER)

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