

# **Waenhuiskrans Arniston Ratepayers Association**

## **Waenhuiskrans Arniston Belastingbetalersvereniging**

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### **Minutes of 2009 AGM held on 28 December 2009 at Munus Hall, Waenhuiskrans.**

#### **1. Welcome**

- 1.1. Chairman, Colin Bird, welcomed the ratepayers and thanked them for their outstanding moral and financial support during the past year. He also thanked the committee for their excellent work. They had been exceptionally flexible and co-operative.
- 1.2. He urged the meeting to look at the presentation of the archaeology of Arniston by Dr Toens which was on display outside the church hall. Posters were on sale and the profits were to go to the Waenhuiskrans/Arniston Community Development Trust.
- 1.3. Two jerseys left behind at the 2008 AGM were displayed and one was claimed.
- 1.4. Everyone present was asked to sign the attendance register.

#### **2. Apologies**

- 2.1. Apologies were tendered by Mike Beamish, Leslie Richardson, Gavin Hau, Steven Boers, Pierre du Preez, Elizabeth van Staden, Ethel Botha and Dawie Maritz.

#### **3. Committee**

- 3.1. Election of new committee: Christo Christowitz proposed and Ian McIntosh seconded a proposal that the current committee (with the exception of Keith Higgins who had recently resigned and Dawie Maritz and Ebbe Dommissie whom had not made themselves available for re election) be re-elected with the addition of Stephen Boers, an architect. There was overwhelming support by a show of hands. The new committee was therefore confirmed as comprising: Colin Bird, Steven Boers, Rovina Europa, Peter Hofmeyr, Sam Lawrence, Vivian Lourens, Greg Swiel, Murray van Heerden.
- 3.2. Colin Bird apologized for the fact that some people had not received meeting notices. The committee was not constitutionally bound to distribute notices beforehand but traditionally had always done so. He urged the meeting to provide email addresses or fax numbers because mail was expensive.
- 3.3. The Association is in the process of making information available on a website. It was a sponsored website and could in future become a main source of communication from and about the Association.

#### **4. Chairman's report**

- 4.1. The chairman's report and the financial report were circulated for approval.

- 4.2. Murray van Heerden proposed they be accepted.
- 4.3. Christo Christowitz seconded.
- 4.4. Robert Haarburger objected. He said the costs incurred by the Verreweide court action had not been reflected in the financial report.
- 4.5. Colin Bird said the costs of the court action were reflected in a separate account held in trust by the attorneys. It formed a separate financial entity distinct from the operations of the Association. There had been no objection to this until now. The identity of a contributor is confidential, unless the person wants to be known as a contributor.
- 4.6. Robert Haarburger said the constitution stated that all costs must be transparent. The identity of contributors need not be revealed. All monies received should be reflected, but they were not.
- 4.7. Colin Bird said that Haarburger had left the 2008 AGM early. After his departure, a full report had been presented to the meeting including the funds received and the numbers of people who contributed. This is referred to in the minutes. This procedure was accepted by the meeting.
- 4.8. Robert Haarburger said the constitution stated quite clearly that all financials must be reflected. "You say these records are a true reflection. I say they are not."
- 4.9. Colin Bird: "This was reported at the last meeting. You left early. We even reported the number of people who contributed."
- 4.10. Murray van Heerden proposed the discussion be discontinued and acceptance of the report voted on by a show of hands. Christo Christowitz seconded.
- 4.11. Show of hands showed overwhelming support to accept the report tabled.
- 4.12. Colin Bird asked Robert Haarburger if he accepted that the show of hands showed overwhelming support.
- 4.13. Robert Haarburger: "Yes it does."

## **5. Financial report**

- 5.1. Colin Bird proposed that in order not to repeat the drawn out discussion of the matter of the previous year, fees be set as a minimum of R20, the same as this year.
- 5.2. Murray van Heerden seconded. The proposal was accepted.

## **6. Items from the minutes of the previous meeting:**

- 6.1. Nomination of ad hoc members from fishing community: The chair asked André Martinus if he had managed to come up with a proposal how to select nominees to the WARA Committee when this was necessary. André Marthinus undertook to do so at the previous AGM, in 2008. André Marthinus said he had not done so.
- 6.2. Sewage system: There had been further complaints about smells and regular pumping at the Arniston hotel. Questions had been put to the municipality. The responses had been inadequate.
- 6.3. Theewaterskloof water: The Municipality had confirmed that they had terminated the Theewaterskloof water supply resource.
- 6.4. Zabeth Human Said that the Theewaterskloof water has not yet been re-allocated and asked that the Municipality be asked to consider re-instating the facility.
- 6.5. Colin Bird announced that the votes at the 2008 AGM for the committee were audited. There were some minor discrepancies. Vivian Lourens had 111 votes when counted at the meeting; the audit

gave 110 votes as the final and correct count. L Newman recorded zero but there was one vote. The audit made no difference to the outcome of the election.

6.6. The chairman called for questions or corrections to the minutes.

6.7. There were none.

6.8. Christo Christowitz proposed the minutes be accepted.

6.9. Peter Gird seconded.

6.10. The minutes were approved.

## 7. General

7.1. Colin Bird said he had received requests for four items, three of which were from Robert Haarburger to be raised under General. He invited Robert Haarburger to speak to the items raised by him.

7.2. Robert Haarburger: "I paid for nine people last year. This was rejected. I was told I was entitled to one vote and one membership. I asked Peter Hofmeyr to refund my over-payment of fees but there has been no communication about this."

7.3. Colin Bird: "People who can, generally pay more. Last year it was R50 – anything over that has traditionally been accounted for as a donation.

7.4. Murray van Heerden suggested that Robert Haarburger should donate the money to WARA.

7.5. Hannes van Zyl proposed that Robert Haarburger be repaid the R400 he had over-paid last year. It was fair. The meeting was asked for permission to do this and it was agreed.

7.6. Robert Haarburger said his second point related to the August 2009 newsletter sent out by Peter Hofmeyr. He wanted clarification. He said the newsletter reported that Verreweide Limited and Robert Haarburger have not responded when approached to seek settlement. He said this is a lie send out under the name of the chairman.

7.7. Murray van Heerden said counsel for the Association proposed settlement to Haarburger's counsel.

7.8. Robert Haarburger: "My counsel approached your counsel after the publication of the newsletter."

7.9. Murray van Heerden: "By agreement your architect and architects representing us discussed the issue and came up with a building proposal satisfactory to the architects of both parties. You refused to accept this proposal (which included payment of costs and a contribution to the community)."

7.10. Robert Haarburger: "That happened after that newsletter. This is a lie. You are misleading your members. That statement is a lie."

7.11. Colin Bird suggested that Robert Haarburger check the basis of his statement. He said there was written correspondence with Robert Haarburger's lawyers proposing a settlement.

7.12. Robert Haarburger then referred to another matter, the chairman's newsletter of November 2009 in which an extract from the Suidernuus is referred to. Robert Haarburger: "That was based on an advertisement placed by you. Is that true?"

7.13. Colin Bird: "That is correct."

7.14. Robert Haarburger: "It was an advertisement from which you quoted?"

7.15. Colin Bird: "There was no need to. The contents of the advert come from the court papers."

7.16. Robert Haarburger: "On what basis do you say that I instructed my staff how to vote?"

7.17. Murray van Heerden interjected: "Because you paid."

7.18. Berdine Daniells: "I paid the membership fees, but I got all the money back from them."

- 7.19. Hannes van Zyl said that, as he remembers from reading the newsletter, it is the judge who came to the conclusion that it could happen. Robert Haarburger may want to read the text again. He may find that the newsletter varies from his interpretation of it.
- 7.20. Robert Haarburger then referred to yet another matter: "Mr. Bird said that 86 members applied to join of which 46 worked for me or were dependant."
- 7.21. Colin Bird: "It comes from the court papers."
- 7.22. Robert Haarburger: "You put it there."
- 7.23. Colin Bird: "You did not challenge it in court."
- 7.24. Robert Haarburger said his next point was over the WARA support, for a proposal signed by Vivian Lourens to wall off and padlock the patch of ground opposite the slipway. He asked why this issue was not discussed at the AGM.
- 7.25. Colin Bird explained that it was currently being used for hotel parking and the intention of the application was that it should remain a resource for all of Arniston. He said there had been no talk of gates or locks or walls.
- 7.26. Robert Haarburger: "Who wrote the letter that Lourens signed in support of an applicant by a trader to use part of the area?"
- 7.27. Colin Bird: "It doesn't matter. It was sent under the signature of the vice-chairman of WARA. It was not a letter of support."
- 7.28. Colin Bird said: "The WARA committee takes action on numerous matters in the course of every year. They are sensitive to the needs of members, but it is not practical to take every issue to the annual general meeting".
- 7.29. Robert Haarburger said: "The issue should have first been voted on at the AGM."
- 7.30. Colin Bird asked the meeting whether the space should be protected for the public. There was overwhelming support from the meeting.
- 7.31. André Marthinus: "It is very unfair that this meeting, which is unrepresentative of the whole of Arniston, should decide for the whole community."
- 7.32. Colin Bird explained that WARA had simply asked the municipality to consider preserving the area for public use, for example to let local children play games there.
- 7.33. Robin Croft: "It was agreed to by the Kassiesbaai community and by the Fishermen's Union."
- 7.34. André Marthinus: "This is the first I've heard of it."
- 7.35. Several members interjected to explain to Andre Marthinus that any organization had the right to indicate support or not for an action that is under consideration by the Municipality. The decision lies with the Municipality. Roughly half of the members of the Ratepayers Association come from the area to which Andre Marthinus refers, they could have voted had they wished to do so. If Andre Marthinus wants the Ratepayers Association to consult with other organizations before they vote on a matter, should the reverse not also apply?
- 7.36. Hannes van Zyl cautioned the meeting not to look at isolated elements when considering planning issues. Short-term focus, either by local authorities or residents, often led to matters becoming personalized. In the matter under consideration it would be well to bear in mind that a spatial development plan for the town, as required by law, has finally been approved by the Municipality. In this plan, the area between the hotel, the sea and the harbor was awarded the status of a special development area. A specific plan for the area will now have to be developed. In the previous spatial development plan, which was completed, but not ratified by the Municipality, this area also

had special status. It was proposed that it should be developed as a pedestrian friendly area, in line with international planning norms, which tries to minimize vehicle traffic next to special scenic areas, such as next to the sea or a river, in the heart of the town. Such areas define the sense of place and should be pedestrian-friendly and welcoming to all residents. There must be and will be consultation around the drawing up of the special development area plan. Everybody should get involved in the process, for the long-term well-being of the place.

- 7.37. Demolition of Waenhuis restaurant: Colin Bird said that a member had asked if the demolition of the old barn, which might have heritage significance, was done according to SAHRA regulations. He asked if anyone present at the meeting knew the answer. There was no response. He noted that he would investigate the matter and answer the member.
- 7.38. Construction work on Dollas Downs: A member noted the construction taking place at Dollas Downs. Colin Bird said the committee would investigate the ongoing development there.
- 7.39. Proliferation of memorial benches: It was agreed that this should be regulated as they were being built on ecologically sensitive sites.
- 7.40. Rates: There had been complaints that Arniston was being milked in relation to other areas under the same municipal jurisdiction. Colin Bird pointed out that any formal complaint would be expensive as it would involve extensive consultations with professionals.
- 7.41. Christa Joubert said the council did their evaluations according to recent sales. The problem with Arniston was that there were so few sales and most involved very large price tags. The hotel was valued at R14 million. Houses along the seafront were valued for R5 million to R6 million, which meant three houses were paying the same rates as the hotel.
- 7.42. Robert Haarburger: "Are residential and business rates the same?"
- 7.43. Christa Joubert: "Yes."
- 7.44. Robert Haarburger said he paid R100, 000 a month and employed a lot of people, thus contributing more than "the lot of you".
- 7.45. Colin Bird said two issues had been tabled by members in relation to Robert Haarburger. Since Robert Haarburger was present, he suggested that he could address these matters.
- 7.46. One was the understanding that the adding of a third floor to the hotel was conditional on extra on-site parking being provided, and that this had not been done.
- 7.47. The second was that raw sewage from Arniston Cottages had been pumped into public open space.
- 7.48. Robert Haarburger said he had seen the photographs of the so called raw sewage and denied that they showed what was claimed. He said the photos showed pipes. He said he was pumping water from one soak away to another.
- 7.49. Johan Smal stood up and said that he is a qualified engineer. He has extensive knowledge of sewage systems and of submersible pumps. He also knows the smell of raw sewage when it is being pumped into the veld. Facing Robert Haarburger he said that he took the photographs of the raw sewage being pumped into a public space.
- 7.50. Robert Haarburger did not reply.
- 7.51. On the parking issue, Christine Craven said she owned the erf next to the hotel and hotel guests parked in front of her house every day. That proved there was not enough parking.
- 7.52. Haarburger: "You can't prove they are hotel guests."

- 7.53. Colin Bird asked if Robert Haarburger would answer the question: "Does your construction of the Arniston Hotel comply with the conditions of approval that was set by the Municipality in respect of parking?"
- 7.54. Robert Haarburger: "Yes. It does comply."
- 7.55. Colin Bird: "Can we minute it that you said that you have complied with the conditions set out?"
- 7.56. Robert Haarburger: "Yes"
- 7.57. Colin Bird summed up the Verreweide case, pointing out that the court had found in favour of WARA on all WARA's main points and that the land would revert to the municipality. He emphasized that WARA does not oppose development, only development that does not follow the rules. He pointed out that the community will benefit from the result.
- 7.58. David Lehr made an appeal for differences to be set aside and some compromise reached so as to avoid further legal action.
- 7.59. This was supported by Edwin Agnew. Both suggestions were applauded.
- 7.60. Robert Haarburger: "The court has decided. It is too late now to talk of compromise."
- 7.61. Murray van Heerden: "Not necessarily, we can still discuss it."
- 7.62. Haarburger said he wanted to put on record that Verreweide and Haarburger had not been found guilty. It was the Municipality which was found to be wrong.
- 7.63. Edwin Agnew proposed that WARA should formally propose a settlement to Robert Haarburger.
- 7.64. Colin Bird then formally on behalf of WARA, proposed the principle of settlement to Robert Haarburger.
- 7.65. Robert Haarburger did not respond.
- 7.66. Johan Smal did a presentation on crime in Arniston. He informed the meeting that the presentation was the outcome of efforts by a concerned group of individuals that formed an interim working committee. Their objective was to evaluate the rapidly escalating incidents of crime, which are threatening the preferred lifestyle, safety and investments in general. The need for self-preservation necessitates action to be taken by the residents themselves as the current anti crime initiatives are ineffective. He appealed to residents to support the initiative by getting involved, providing contact details, reporting incidents, communicating with other residents and submitting suggestions as how to proceed further.
- 7.67. Colin Bird asked for further financial support for the Association. He thanked all for attending and the Church for the use of their hall.

## **8. The meeting closed at 12:15**