

ENDUMENI MUNICIPALITY

MINUTES of a **ORDINARY MEETING** of the **ENDUMENI TOWN COUNCIL** held in the **COUNCIL CHAMBER, CIVIC CENTRE, 64 VICTORIA STREET, DUNDEE** on **MONDAY, 7 DECEMBER 2009** at **16h55**

PRESENT:

Councillors:

Cllr D Singh	(Speaker - Chairman)
Cllr Ms W N Mbatha	Mayor
Cllr A M Raubenheimer	Deputy Mayor
Cllr E M Adam	
Cllr P M Bislam	
Cllr P G Mabilisa	
Cllr T B Mkhize	
Cllr A M Mthembu	
Cllr S E Ndim	
Cllr Ms D P Nkosi	
Cllr Ms J A Tshabalala	

In Attendance:

Mr D B Cebekhulu	Municipal Manager
Mr S Perumall	Manager Corporate Services
Mr J B Maltman	Manager Technical Services
Mr G Esterhuizen	Senior Financial Officer
Mr C J Retief	Head: Legal & Estates
Ms B A Mbatha	Assistant Head: Admin (Dundee)



C 06/12/2009

Reports Of The Executive Committee To The Council

RESOLVED

THAT the following reports of the Executive Committee to the Council be noted:

Ordinary Monthly Meeting
Ordinary Monthly Meeting

16 November 2009
7 December 2009



C 07/12/2009

Petitions

Nil



C 08/12/2009

Motions

Nil



C 09/12/2009

Presentation



ORDINARY MONTHLY MEETING: 16 NOVEMBER 2009

PART A

A 01/16/11/09 **COUNCILLORS ATTENDANCE OF COUNCIL AND EXCO MEETINGS** (C7/1)



A 02/16/11/09 **Monthly Reports**

A 02/16/11/09-1 **MONTHLY REPORT: TRAFFIC** (T4/6)



A 02/16/11/09-2 **MONTHLY REPORT: TESTING STATION** (T4/1)



A 02/16/11/09-3 **MONTHLY REPORT: RURAL METRO** (F2/6)



A 02/16/11/09-4 **MONTHLY REPORT: TALANA MUSEUM** (M4/4)



A 02/16/11/09-5 **MONTHLY REPORT: DUNDEE PUBLIC LIBRARY** (L4/2/1)



A 02/16/11/09-6 **MONTHLY REPORT: SIBONGILE LIBRARY** (L4/4)



A 02/16/11/09-7 **MONTHLY REPORT: GLENCOE PUBLIC LIBRARY** (17/4/6)



A 02/16/11/09-8 **MONTHLY REPORT: WASBANK PUBLIC LIBRARY** (L4/3/1)



A 02/16/11/09-9 **MONTHLY REPORT: MANAGER CORPORATE SERVICES – CLINIC** (P4/5)



A 02/16/11/09-10 MONTHLY REPORT: MANAGER TECHNICAL SERVICES (R3/8)



A 03/16/11/09 STAFF OVERTIME (S7/7/1)



A 04/16/11/09 DUNDEE TAXI ASSOCIATION (N1/3/4)



A 05/16/11/09 DISTRICT TOURISM COMMITTEE AND TERMS OF REFERENCE (P5/1)



A 06/16/11/09 FORESTDALE COMMITTEE MEETINGS (L1/5/22)



A 07/16/11/09 WARD DELIMITATION: KZN PROVINCIAL NOTICE: DETERMINATION OF THE NUMBER OF COUNCILLORS (B3/1)



PART B

B 01/16/11/09 ACCOUNTS PAID (F1/4)



B 02/16/11/09 APPLICATION FOR A WEDDING VENUE: MR O S CHETTY (P1/2)



B 03/16/11/09 REQUEST FOR DONATION – ENDUMENI CHAMBER OF BUSINESS (G2/1)



B 04/16/11/09 MINUTES OF THE DLAMINI VILLAGE DEVELOPMENT MEETING HELD IN THE MAIN COMMITTEE ROOM, CIVIC CENTRE, 64 VICTORIA STREET, DUNDEE ON MONDAY, 2 OCTOBER 2009 AT 14h00 [L1/5/7(b)]



B 05/16/11/09 IMPLEMENTATION MUNICIPAL INFRASTRUCTURE
TO ENABLE THE ERADICATION OF HOUSING
BACKLOGS 2009/2010: ENDUMENI MUNICIPALITY
[P3/17(a)]



B 06/16/11/09 APPLICATION PERTAINING ADDITIONAL
PARKING: SANDY'S SPORTS BAR (M3/12)



B 07/16/11/09 APPLICATION TO PARK HEAVY VEHICLE: 11
ILLOVO DRIVE, DUNDEE (M3/12)



B 08/16/11/09 OUTDOOR CENTRE, DUNDEE (S6/1)



B 09/16/11/09 PROJECT REGISTRATION FORM MIG 1: FORM ID
184140: SITHEMBILE PHASE TWO [T3/1(b)]



ORDINARY MONTHLY MEETING: 7 DECEMBER 2009

PART A

A 01/07/12/09 **COUNCILLORS ATTENDANCE OF COUNCIL AND EXCO MEETINGS** (C7/1)



A 02/07/12/09 **DATES: EXECUTIVE COMMITTEE AND COUNCIL MEETINGS FOR 2010** (C7/1)



A 03/07/12/09 **REPORT ON THE 8TH BATHO PELE LEARNING NETWORK** (S7/3/16/6)



A 04/07/12/09 **WARD 3 WARD COMMITTEE MEETING** (B3/4)



A 05/07/12/09 **MINUTES OF COMMUNITY HEALTH COMMITTEE MEETING HELD ON 1 OCTOBER 2009 AND GUIDELINES FOR COMMUNITY CLINIC MEETINGS** (P4/8)



PART B

B 01/07/12/09 **LABOUR FORUM COMMITTEE MEETING** {P3/16(a)}

B 01/07/12/09-1 **LEGAL OPINION: WITHDRAWAL OF INTEREST RATE SUBSIDY ON VEHICLE LOANS** [P3/16(a)]



B 01/07/12/09-2 **POST UPGRADING REQUEST TO SALARY LEVEL 2: MRS I D KHUMALO**



B 01/07/12/09-3 REQUEST FOR REVIEW OF THE
PLACEMENT OF THE
SUPERINTENDENT DISASTER
MANAGEMENT: MR B H ZULU:
SALARY NO: S004807

B 01/07/12/09-4 LABOUR COURT RULING: NO
WORK, NO PAY, And NO
BENEFITS FOR THOSE WORKERS
WHO ENGAGE IN STRIKE
ACTION

B 01/07/12/09-5 UPGRADING OF POSTS: SENIOR
MECHANIC: MR G VAN DER
MERWE & CLERICAL ASSISTANT
- AUDIT: MRS N P KHUMALO
(STAFF)

B 01/07/12/09-6 SCARCE SKILLS POLICY

B 01/07/12/09-7 KWANALOGA WORKSHOP ON
LOCAL LABOUR FORUMS

B 01/07/12/09-8 DISCIPLINARY PROCEDURE
COLLECTIVE AGREEMENT

B 01/07/12/09-9. REFUSE COMPACTOR LORRY
DRIVER: MR Z M NGOBESE

B 01/07/12/09-10. BOUNDARY STREET LIBRARY:
GENERAL WORKER POSITION

B 01/07/12/09-11. AMENDMENT TO THE
MEMORANDUM OF AGREEMENT
FOR THE EMPLOYMENT OF
TEMPORARY WORKERS



B 02/07/12/09 TOWNSHIP ESTABLISHMENT PROCESS FOR
DLAMINI VILLAGE AND FORESTDALE EXTENSION
[L1/5/22; L1/5/7(b)]



B 03/07/12/09 TENDER NO. 55/2009: CALL FOR PROVISION OF
PROFESSIONAL SERVICES IN ORDER TO
FACILITATE THE DEVELOPMENT OF A GOLF
ESTATE (S6/2)



B 04/07/12/09 IDP 1st REPRESENTATIVE FORUM: GLENCOE
(P3/17)



B 05/07/12/09 MINUTES OF WARD 3 COMMITTEE MEETING
HELD IN THE MAIN COMMITTEE ROOM, CIVIC
CENTRE, 64 VICTORIA STREET, DUNDEE ON
MONDAY 23 NOVEMBER 2009 AT 14H00 (B3/2)



B 06/07/12/09 MINUTES OF FORESTDALE COMMUNITY MEETING
(L1/5/22)



B 07/07/12/09 ENDUMENI RESIDENTS ASSOCIATION MEETING
WITH COUNCIL [P3/15(a)]



B 08/07/12/09 SIGNAGE PROPOSAL THE OVAL B & B DUNDEE
(A2/2)



B 09/07/12/09 MINUTES OF A MEETING PERTAINING BID 21/2009
FELLING OF TREES HELD IN THE SMALL
COMMITTEE ROOM ON 30 NOVEMBER 2009 (P1/4)



B 10/07/12/09 REQUEST FOR FUNDING OF EXPENSES – SIFE (G2/1)



B 11/07/12/09 APPLICATION PERTAINING ADDITIONAL
PARKING: SANDY'S SPORTS BAR (M3/12)



B 12/07/12/09 UPGRADING OF POSTS: SENIOR MECHANIC: MR G
VAN DER MERWE & CLERICAL ASSISTANT – AUDIT:
MRS N P KHUMALO (STAFF)



B 13/07/12/09 UMZINYATHI FAMILY OF MUNICIPALITIES
DEVELOPMENT PLANNING SHARED SERVICES
BUSINESS PLAN (G1/1)



B 14/07/12/09 OPEN TRENCH CLAIMS YOUNG LIFE: TENDER
07/2006 (R3/6)



B 15/07/12/09 UPGRADING OF POSTS: PRIMARY HEALTH
SERVICES MANAGER: MRS I D KHUMALO &
SUPERINTENDENT DISASTER MANAGEMENT: MR
B H ZULU (STAFF)



Part C
MATTERS REFERRED TO
COUNCIL FOR CONSIDERATION

C 01/16/11/09 **MFMA: MUNICIPAL BUDGET AND REPORTING REGULATIONS** **(F1/1)**

RESOLVED

CFO **THAT** the Budget Steering Committee be established for Endumeni Municipality, consisting of the following persons:

- (a) Cllr P G Mabilisa;
- (b) The Municipal Manager;
- (c) Chief Financial Officer;
- (d) Manager: Technical Services;
- (e) Manager: Corporate Services; and
- (f) Senior Financial Officer.



C 02/16/11/09 **LEASE OF PORTION OF THE REMAINDER OF THE FARM DUNDEE NO. 4339: KWA MBOMA TRUST** **(C5/3)**

RESOLVED

THAT

AHL&E

1. It be noted that, at the time of the purchase of Portion 423 and the Remainder of the Farm Dundee No. 4339 by the Endumeni Municipality from the M J Botha Trust in 2003, there had existed a lease agreement between the M J Botha Trust and the late Mr V Sikhakhane in respect of a portion of the Remainder of the Farm Dundee No. 4339 comprising approximately 31 hectares, situated below the Talana Museum and the town boundary, which the Endumeni Municipality had to honour in terms of the legal principle of “huur gaat voor koop”;
2. Due to the Talana Museum utilizing a large portion of the Remainder of the Farm Dundee No. 4339 for an eco-cultural tourism project, and the area so utilized for this project involves the same area so leased by Mr Sikhakhane, it be noted that Mr Sikhakhane had agreed to relinquish the area to the Talana Museum and as a compromise had applied for an area of approximately 6,2 hectares in the western corner of the Remainder of the Farm Dundee which the Talana Museum had indicated that it would not require;

3. The application from the late Mr V Sikhakhane, on behalf of the Kwa Mboma Trust, to so lease an area of approximately 6.2 hectares of the Remainder of the Farm Dundee No. 4339, had been approved at a meeting of the Executive Committee held on 14 May 2007, upon the terms and conditions of a proposed lease agreement as was enclosed with the Agenda at the time;
4. It being noted that the lease of such portion of the Remainder of the Farm Dundee No. 4339 was to be regarded as a continuation of the original lease the late Mr Sikhakhane had with the M J Botha Trust,
5. It now being noted that the late Mr V Sikhakhane, as a trustee of the Kwa Mboma Trust, had passed away before the lease agreement between the Endumeni Municipality and the Trust could be concluded, and that the widow of the late Mr Sikhakhane, being Mrs Philile Patricia Sikhakhane, has now applied for restoration of the origin lease between the Trust and the Municipality, and that another portion of land adjacent to the originally agreed upon portion of land, identified as a portion of the Remainder of Erf 642, Dundee as depicted on the sketch plan attached to the agenda of this meeting, be included therewith;
6. The originally approved lease agreement between the Endumeni Municipality and the Kwa Mboma Trust, be restored upon the amended terms and conditions as enclosed with the agenda of this meeting;
7. The registration documents of the Kwa Mboma Trust be submitted by the applicant as soon as possible;
8. The lease so granted be for an initial period of five (5) years, with the lessee (being the Kwa Mboma Trust) being offered the option to renew the lease for a further similar period at the expiry of the initial period, upon the same terms and conditions;
9. The annual rental due and payable from date of signature of the lease agreement by the authorized representatives of the Kwa Mboma Trust, be determined at R268.00 exclusive of 14% Value Added Tax (VAT), subject to an annual escalation of ten percent (10%).



C 03/16/11/09

COMPILATION OF BY-LAWS

(C7/1)

RESOLVED

HL&E

THAT the following draft by-laws, as attached to the agenda, be used as basis for community participation in order to achieve the final product after input of the communities and relevant departments:

By-Laws relating to Offences, Penalties and Appeals
Library By-Laws
Road Traffic By-Laws
By-Laws for the Control and Discharge of Fireworks
By-Laws relating to Childcare Services
By-Law relating to Municipal Facilities and Public Amenities
Property Encroachment By-Law
By-Laws relating to the Regulation of Mini Bus Taxis and Buses



C 04/16/11/09

MUNICIPAL OWNED HOUSING

(H1/1)

RESOLVED

CFO

THAT a letter be addressed to the National Treasury and, if necessary, contact the Deputy Minister of Finance to determine whether the dwellings mentioned in the Chief Financial Officer's report could be sold at prices determined prior to the latest evaluations being undertaken which was necessitated due to unforeseen delays in selling the properties and the promulgation of the MFMA.



C 01/07/12/09

**ESTABLISHMENT OF MUNICIPAL SCOPA AT
ENDUMENI**

(S7/3/16)

RESOLVED

MM

THAT the following Councillors, representing two from each political party, be appointed to serve as members of SCOPA:

Cllr P G Mabilisa (IFP)
Cllr T B Mkhize (IFP)
Cllr Ms D P Nkosi (DA)
Cllr E M Adam (DA)
Cllr A M Mthembu (ANC)
Cllr S E Ndimba (ANC)



C 02/07/12/09

**REQUEST TO CONVENE A MEETING DEPARTMENT
OF LOCAL GOVERNMENT AND TRADITIONAL
AFFAIRS** [P3/15(a)]

RESOLVED

MM

THAT the contents of the letter of request to convene a meeting between Council and other stakeholders in respect of petitions received by the Department of Local Government & Traditional Affairs, be noted and the Department be requested to deal directly with the matters in question.



C 03/07/12/09

**OCCUPATION OF OLD JUNIOR SCHOOL/OLD
COMMANDO BUILDINGS, BEACONSFIELD STREET,
DUNDEE** (M3/13)

RESOLVED

THAT

AHL&E

1. The Municipal Manager be authorized to enter into negotiations with the management of the Majuba College to ascertain their immediate and long term needs and plans towards occupancy of the premises known as the Old Commando buildings situated on Beaconsfield Street, Dundee;
2. The Municipal Manager be authorized to enter in an agreement with the Majuba College for occupation of the buildings, and that such agreement shall serve the best interests of Council, therein that it would not place any financial burden upon the Council, and that the Majuba College shall occupy the premises at their own cost and risk, with the proviso that all repairs and maintenance to be undertaken be at the cost of the College, and that they shall have no claim for reimbursements of such costs against Council.



**PROPOSED AMENDMENT TO THE DUNDEE TOWN
PLANNING SCHEME IN COURSE OF PREPARATION:
PROPOSED REZONING OF PROPOSED PORTIONS 19
AND 20 OF ERF 1503, DUNDEE [T3/6/3(1503/18-20)]**

RESOLVED

THAT

AHL&E

1. The communication from the Department of Local Government & Traditional Affairs, stating that the Provincial Planning & Development Commission had in principle no objection to the proposed amendment to the Dundee Town Planning Scheme by rezoning Proposed Portion 19 of Erf 1503, Dundee from “Agriculture” to “Education”, be noted;
2. The Council introduces into the Dundee Town Planning Scheme in Preparation a Table D for “Education”, and that it inserts into Column 3 (Additional Controls) of the Table the following:

“In respect of Portions 19 and 20 of Erf 1503, Dundee, the maximum bulk factors of these properties are a coverage of 50% and a height of 3 storeys”;
3. It be noted that, once an appropriate Environmental Impact Assessment Record of Decision has been issued by the relevant authority, then the Council can adopt the rezoning for Proposed Portion 20 of Erf 1503, Dundee from “Agriculture” to “Education”;
4. The Manager Technical Services, under delegated authority, be authorized to accept and adopt in terms of Section 47 *bis* (4)(a) of the Town Planning Ordinance No. 27 of 1949, the proposed amendments to the Dundee Town Planning Scheme in Preparation, as per paragraph 1 and 2 above, once the official letter from the Provincial Planning & Development Commission has been received, and the Commission be advised accordingly.



Part D MOTIONS

D 01/16/11/09 MOTION: REQUEST FOR TWO SITES (C7/10)

RESOLVED

MM **THAT** a list of the sites available to the Council be tabled at the next Executive Committee meeting and the procedures to be followed, should the Council decide to make properties available to Mrs T Msomi and Mrs P Ngwenya.



D 02/16/11/09 INTERNET & E-MAIL FOR COUNCILLORS (C7/10)

RESOLVED

THAT

**MCS
CFO**

1. The quotes received for internet and e-mail facilities for Councillors received from out of town suppliers and local suppliers be submitted to a next meeting for consideration;
2. The Chief Financial Officer allow for the expenditure to be incurred with the implementation of item 1 above in the adjustment budget.



D 01/07/12/09 INTERNET & E-MAIL FOR COUNCILLORS (C7/10)

RESOLVED

ISM **THAT** the supply of Internet and e-mail service for the Councillors' laptops be approved.



There being no further matters for consideration, the Chairperson declared the meeting closed at **17h05**

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CHAIRPERSON

.....
DATE