

ENDUMENI MUNICIPALITY

MINUTES of an **ORDINARY MONTHLY** meeting of the **EXECUTIVE** Committee held in the Council Chamber, Civic Centre, 64 Victoria Street, DUNDEE on **MONDAY, 16 NOVEMBER 2009** at **15h00**

PRESENT

Executive Committee:

Cllr Ms W N Mbatha (Chairperson – Mayor)
Cllr A M Raubenheimer (Deputy Mayor)

Councillors:

Cllr E M Adam
Cllr P M Bisram
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 I Grisdale	Chief Financial Officer
Mr A J van Wyk	Head: Administration
Mr C J Retief	Head: Legal & Estates
Ms B A Mbatha	Assistant Head: Admin - Dundee



1. **Opening**

Cllr P G Mabilisa opened the meeting with prayer.



2. **Applications for Leave of Absence**

RESOLVED

THAT it be noted that the Speaker, Cllr D Singh, is out of town on official municipal business.



3. **Official Announcements by Speaker/Chairperson/Municipal Manager**

The Mayor advised that on 5 December 2009 an Aids Awareness Campaign was to take place in Glencoe. The organizers of the event have requested that Council assist them in any way possible.



4. **Minutes of the Previous Meeting**

RESOLVED

THAT the minutes of the following meeting of Exco be approved:

Ordinary Monthly Meeting: 28 October 2009



5. **Questions of Which Notice Has Been Given**

Nil



6. **Reports of the Executive Committee**

Nil



7. **Petitions**

Nil



8. Motions

Nil



9. Presentations



Part A

MATTERS FOR INFORMATION ONLY

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

RESOLVED

THAT the report regarding the Councillors attendance of Council and Exco meetings be noted.



A 02/16/11/09 Monthly Reports

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

Cllr P G Mabilisa advised that it was not clear from the report where monies received were derived from.

The Chief Financial Officer advised the Committee that the Safety & Security department was presently running at a loss of approximately R3 000 000,00

RESOLVED

THAT

1. The monthly report in respect of Traffic for the month October 2009 be noted;
2. The Chief Financial Officer report on the finances of the Safety & Security department with the view to see whether steps could be taken to decrease the deficit in the said department.



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

RESOLVED

THAT the monthly report in respect of the Testing Station for the month of October 2009 be noted.



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

RESOLVED

THAT the monthly report, received from Rural Metro, in respect of Fire and Disaster Management for the month of October 2009 be noted.



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

RESOLVED

THAT the monthly report in respect of Talana Museum for the month of October 2009 be noted.



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

RESOLVED

THAT the monthly report in respect of the Dundee Public Library for the month of October 2009 be noted.



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

RESOLVED

THAT the monthly report in respect of the Sibongile Library for the month of October 2009 be noted.



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

RESOLVED

THAT the monthly report in respect of the Glencoe Public Library for the month of October 2009 be noted.



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

RESOLVED

THAT the monthly report in respect of the Wasbank Public Library for the month of October 2009 be noted.



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

RESOLVED

THAT the monthly report in respect of the Manager Corporate Services – Clinic Services for the month of October 2009 be noted.



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

RESOLVED

THAT the monthly report in respect of the Manager Technical Services for the month of October 2009 be noted.



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

RESOLVED

THAT the overtime for the month of October 2009 as approved by the respective Heads of Departments under delegated powers be noted.



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

RESOLVED

THAT the minutes the Dundee Taxi Association, Department of Transport, Endumeni Municipality and the South African Police Services meeting held in the Main Committee Room, Civic Centre, 64 Victoria Street, Dundee on Wednesday, 9 September 2009 at 10:00, be noted.



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

RESOLVED

THAT the Minutes of the District Tourism Committee meeting held in the Council Chambers, Umzinyathi District Municipality, Dundee, on 7 July 2009 at 10h00 and the Draft Terms of Reference for the District and Local Municipalities that were distributed by the Provincial Tourism Forum, be noted.



A 06/16/11/09

FORESTDALE COMMITTEE MEETINGS

(L1/5/22)

RESOLVED

THAT the Minutes of the Forestdale Committee meetings held in the Small Committee Room, Civic Centre, 64 Victoria Street, Dundee on Wednesday, 21 October 2009 and Tuesday, 3 November 2009, respectively, be noted.



A 07/16/11/09

**WARD DELIMITATION: KZN PROVINCIAL NOTICE:
DETERMINATION OF THE NUMBER OF COUNCILLORS**

(B3/1)

RESOLVED

THAT

1. the letter from the Municipal Demarcation Board (MDB) regarding the Ward Delimitation and the Government Gazette for the determination of the number of Councillors for KZN municipalities, be noted;
2. It be noted that the number of Councillors for Endumeni Municipality has not changed.



Part B
MATTERS RESOLVED
BY COMMITTEE
UNDER DELEGATED POWERS

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

RESOLVED

CFO **THAT** the bank reconciliation for the month of October 2009 together with the schedule of accounts paid for the month of October 2009, as well as the reports submitted in terms of Government Gazette No. 18435 be approved and confirmed.



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

RESOLVED

THAT

- AHL&E**
1. The application from a Mr O S Chetty, for the use of the horseracing track facilities adjacent to the Dundee airfield for the purposes of a wedding ceremony on 20 February 2010, be approved;
 2. The approval be subject thereto that:
 - 1.1 the applicants indemnify the Council from liability in respect of any damages to property and/ or injuries to persons stemming from their use of the facilities;
 - 1.2 the applicants accept full responsibility for the removal of all refuse from the facilities, and the cleaning up of the area following completion of the activities;
 - 1.3 the area shall be used at their own risk;
 - 1.4 the applicants shall ensure that no persons and/ or vehicles cause an obstruction to or on the airfield runway and its associated amenities;
 - 2.5 The applicants undertake to be responsible for payment of all electricity consumption at the facilities on the weekend of the ceremony.



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

RESOLVED

CFO **THAT** the request received from the Endumeni Chamber of Business for a donation in the amount of R10 000,00, plus VAT, towards a calendar project, be declined.



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)]

RESOLVED

THAT

- MTS**
1. The Endumeni Executive Committee further note the Minutes of the Dlamini Village Development meeting held in the Main Committee Room, Civic Centre, 64 Victoria Street, Dundee on Monday, 5 October 2009 at 14h00;
 2. Further more in terms of Bid No. 34/2008 a variation order in respect of the scope of works be approved being a Municipal Infrastructure Grant project directing the contractor Klus Civils to relocate the affected 25 families whose informal houses are in the path of road infrastructure on a temporary basis to the Avon Industrial Area at a provisional cost of R25 000,00;
 3. In addition to 2 above, an additional variation order be approved in respect of Bid 34/2008 for the construction of the following facilities at the Avon Industrial sites on a temporary basis:
 - 3.1 Two stand pipes be constructed for water;
 - 3.2 Temporary structures be provided for toilet facilities at a cost of R25 000.00, exclusive of VAT.



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

RESOLVED

MTS **THAT** the actions of the Municipal Manager in compliance with Motion D 01/14/09/09 and arrangements for a meeting to enable the eradication of housing backlogs 2009/2010 Endumeni Municipal area be noted.



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

RESOLVED

MTS **THAT** this item be withdrawn for further investigation.



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

RESOLVED

MTS **THAT** the application received from Mr D W Bunting for access to park a heavy vehicle to the rear side of his property (11 Illovo Drive, Dundee) be not approved.



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

RESOLVED

THAT

- MTS**
1. The application received from Mr G Dekker to establish a BMX track near the golf course and the High School as depicted on the map attached to the agenda, be approved;
 2. The Council grant permission for the Council's payload and tipper to be utilized to shape the abovementioned track.



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

RESOLVED

THAT

- MTS**
1. The Endumeni Executive Committee note that Project 184140 an approved MIG Project, as per Endumeni IDP has been submitted for approval to the MIG Infrastructure Unit and project approval would be granted in the near future;
 2. The Endumeni Supply Chain Management unit be authorized to call for tenders from Civil Engineering Service Providers to manage the project.



Part C
MATTERS REFERRED TO
COUNCIL FOR CONSIDERATION

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

RESOLVED TO RECOMMEND

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 TO RECOMMEND

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%).



COMPILATION OF BY-LAWS

RESOLVED TO RECOMMEND

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



MUNICIPAL OWNED HOUSING

RESOLVED TO RECOMMEND

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.



Part D MOTIONS

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

RESOLVED TO RECOMMEND

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 TO RECOMMEND

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.



There being no further matters for consideration, the Chairperson declared the meeting closed at **16h25**

Mayor – Chairperson:

Date: