

MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Office Building, Swakopmund on **Thursday, 31 January 2013** at **19:05**.

PRESENT:

Councillor L M Tlhabanello-Madi	:	Deputy Mayor (Chairperson of Council)
Alderwoman R //Hoabes	:	Chairperson of Management Committee
Councillor R N Andreas-Noabes	:	Alternate Chairperson of MC
Councillor N N Salomon	:	Member of Management Committee
Councillor A N Bessinger	:	Member of Management Committee
Councillor U Kaapehi	:	Additional Member of MC
Councillor F Hamukwaya	:	Member of Council
Councillor P V Steinkopff	:	Member of Council

OFFICIALS:

Mr E U W Demasius	:	Chief Executive Officer
Mr C Lawrence	:	GM: Health Services
Mr H !Naruseb	:	GM: Finance
Mr M Ipinge	:	GM: Community Development Services
Mr M Amedick	:	Acting GM: Engineering Services
Mr A Plaatjie	:	Acting GM: Corporate Services & Human Resources
Mr V S Kaulinge	:	Manager: Community Development Services
Mr M Cloete	:	Manager: Traffic Services
Ms L Mutenda	:	Manager: Health Services
Ms M Bahr	:	Manager: Human Resources
Ms I Ortner	:	PA to the Mayor
Mr U Tjiurutue	:	Corporate Officer: Administration
Ms A Gebhardt	:	Administration Officer: Administration

ALSO PRESENT:

Two (2) representatives from the Republikein were present. Also in attendance were 18 (Eighteen) members of the public and 1 (one) staff member receiving a Long Service Award.

1. **OPENING**

Pastor Diergaardt opened the meeting with scripture reading and a prayer.

2. **APPLICATIONS FOR LEAVE OF ABSENCE AND DECLARATION OF INTEREST**

2.1 Application for leave of absence

2.1.1 Councillor J Kambueshe - Approved
Alderman E //Khaoseb - Approved

2.2 Declaration of interest - None

3. **CONFIRMATION OF MINUTES**
(C/M 2013/01/31 - A 2/3/5)

3.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 28 NOVEMBER 2012**

On proposal of R N Andreas-Noabes seconded by Councillor F Hamukwaya it was:-

RESOLVED:

That the minutes of the Ordinary Council Meeting held on 28 November 2012, be confirmed as correct subject to the following:

That item 11.1.4 be amended as follows:

RESOLVED:

That the Multi-Purpose Centre be constructed in the following sequence:

Phase 1: Community Hall; Store & Public ablutions
Phase 2: SME Business & Restaurant Kitchen
Phase 3: E-Library and After School Projects
Phase 4: Restaurant
Phase 5: Squash Court and Boxing Gym / Table Tennis

4. **INTERVIEWS WITH DEPUTATIONS OR PERSONS SUMMONED OR REQUESTED TO ATTEND THE MEETING**

None.

5. **OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS**

5.1 **ANNOUNCEMENTS BY HER WORSHIP THE DEPUTY MAYOR AND CHAIRPERSON OF COUNCIL**

(C/M 2013/01/31 - A 2/3/5)

QUOTED

COUNCIL ANNOUNCEMENTS FOR JANUARY 2013

Let us all rise in memory of our families and children who pass away during the festive season, may their souls rest in peace.

Fellow Councillors, Pastor Diergaardt, Chief Executive Officer, General Managers, Managers, Officials, Members of the Community, Members of the Media,

Ladies and Gentlemen

Good evening and a warm welcome to our first Council Meeting. It is my distinct honour and privilege to address the first Council meeting of 2013. In my capacity as the Deputy-Mayor of this beautiful town I would like to welcome my fellow Councillors and urge all council members for hard work, dedication and total commitment for 2013. As a dynamic

team I am convinced that we will lead our town to greater heights. We can only do that if there is good communication, due respect and trust between the staff and the Councillors.

Ladies and Gentlemen:

- The Mayor Cllr Juuso Kambueshe received the Indonesia Embassy Augustinus Sumarone to discussed the bilateral relation in future business*
- I received the Minister of Gender Equality and Child Welfare to discuss the violence against women and child abuse and the cause of it.*
- I attended various in-house meetings.*

Ladies and Gentlemen:

Tonight I have the following announcements;

- The last section of the Nelson Mandela Avenue between Rakotoka Street and Mandume Ndemufayo Street is under construction and is expected to be completed by the end of February.*

Therefore the motorist and public are requested to exercise their patience while these developments are ongoing.

Ladies and Gentlemen

I will fail in my duty as a leader if I do not express myself on the effects of alcohol abuse to our Nation and in Swakopmund as a town. The Minister of Gender and Child Welfare Hon. Ngindinwa visited our office to discuss the cause of the increase on violence against women and children and try to come up with possible solution to fight these vices. You will agree with me, that alcohol is the mother of all evil. It destroys the social fabric of our community and the only people who benefit from alcohol are the few business people whilst the Nation feels the effects. Alcohol is a direct contributor of poverty, crime, and many more social evils.

The efforts by some members of our community to address the issue of alcohol abuse are commendable and should be encouraged. The destiny of our Nation is in our hands and it's only us who can make a difference. Let us join hands with our Minister to mobilize women and to educate our children on how to live a sober life.

Ladies and Gentlemen

I would also like to take this opportunity on behalf of the Swakopmund Council to thank Commissioner //Hoebeeb and his team for a job well done during the festive season. We have a peaceful festive time and we also applaud for the neighborhood watch and its members for the time they sacrifices to hold hands with the Namibian Police to maintain peace in Swakopmund.

Ladies and Gentlemen; our Traffic officers were effective during the festive season to maintain law and order on our roads and we applaud them for that. The general public also played a role for the good behaviour during the festive season.

Ladies and Gentlemen: not only the law enforcement people where very busy, but our appreciation goes to our Health Department for a job well-done for the extra efforts to keep Swakopmund clean during the festive season and I am calling on our community to join hands with the Municipality to improve on the current cleaning status of our town. We call on more green ambassadors in Swakopmund amongst our own community members in order to keep the environment that we are leaving in clean and healthy.

Ladies and Gentlemen

During the month of December 2012 the following has benefited from the Mayoral Development fund.

Namibian Police Accommodation with the total amount of N\$13 200.00

5.2 **LONG SERVICE AWARDS**

(C/M 2013/01/31 - B 1/8)

Her Worship, the Deputy Mayor, also announced as follows:

QUOTED

Long Service Awards:

Tonight we again have Long Service Awards and I would like to call the following people forward to come and receive their certificates:

- Thomas Lukas - 31 Years
- Andreas Johannes - 35 Years

On behalf of the residents of Swakopmund whom you have served with so much loyalty over the years, I wish to thank you and wish you good health to continue the good work and to Tate Thomas Lukas may God continue to grant you healthy life and prosper with the work of your hands, may God Bless you all!

I thank you

6. **PETITIONS**

None.

7. **MOTIONS OF MEMBERS**

None.

8. **ANSWERS TO QUESTIONS FROM MEMBERS OF WHICH NOTICE HAS BEEN GIVEN**

None.

9. **FEEDBACK REPORT ON THE EXECUTION OF RESOLUTIONS TAKEN BY COUNCIL IN NOVEMBER 2012**

- 9.1 The feedback on the resolutions taken by Council on 28 November 2012 was noted.

10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING JANUARY 2013**

10.1 **MINUTES OF MANAGEMENT COMMITTEE MEETING HELD DURING JANUARY 2013**

(C/M 2013/01/31 - A 2/3/5)

RESOLVED:

That the resolutions taken at an Ordinary Management Committee Meeting held on 17 January 2013 be noted.

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**

11.1 **ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 17 JANUARY 2013**

11.1.1 **DEVELOPMENT AND UPGRADING OF BUSINESS STALLS ON ERF 4352, MONDESA**

(C/M 2013/01/31 - M 4352, H 2/13)

RESOLVED:

- (a) That the total cost estimate of N\$2 535 000.00 for the development and upgrading of business stalls on Erf 4352, Mondesa be approved and that the amount be defrayed from Vote 303531616400 where the amount of N\$ 2 million is available.
- (b) That the additional cost of N\$535 000.00 be budgeted for in the next Financial Year 2013 / 2014 in order to complete the project.

11.1.2 **DEVELOPMENT OF A MATERIAL RECOVERY FACILITY (MRF) AT AND THE MANAGEMENT OF THE LANDFILL SITE IN SWAKOPMUND**

(C/M 2013/01/31- G 1/1)

RESOLVED:

- (a) That the Memorandum of Understanding (on file) be approved as the most viable option for the Solid Waste Management Plant in Swakopmund, subject to the deletion of all references to the management of the landfill site by Messrs Rent-A-Drum.
 - (b) That a Swakopmund Waste Management Partnership (Municipality and Rent-A-Drum) be established and that a strategy be developed to increase recycling volumes and to reduce the volume of waste that is deposited at the landfill in accordance with Appendix A, the Memorandum of Agreement.
 - (c) That Messrs Rent-A-Drum be given permission to construct and manage the new Material Recovery Facility at the landfill site at their own cost and subject to finalization of all statutory processes.
 - (d) That with effect 01 September 2013 (or as soon as the plant is up and running), the Municipality allows Messrs Rent-A-Drum to implement a recycling collection system in town where all recyclables collected will be the property of Messrs Rent-A-Drum.
 - (e) That the Chief Executive Officer and General Manager: Health Services be mandated to monitor and control the implementation of the Swakopmund Waste Management Program in conjunction with Messrs Rent-A-Drum.
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11.1.3 **NOTICE OF MOTION: ALLEGATIONS OR CONCERNS OF A POSSIBLE TENDER COLLUSION BY MESSRS DMA HOLDINGS, MESSRS PRECISION CONSTRUCTION, MESSRS PANDORA'S CONSTRUCTION AND MESSRS ELITE CONSTRUCTION**
(C/M 2013/01/31 - N 8/11, D 16/2)

RESOLVED:

- (a) That the disqualification of Messrs DMA Holdings, Messrs Precision Construction, Messrs Pandora's Construction and Messrs Elite Construction from Quotation 134/12/W; Quotation 135/12/W and Quotation 136/12W on the basis of collusion be condoned.
 - (b) That with effect from 31 January 2013, no award be made to Messrs DMA Holdings, Messrs Precision Construction, Messrs Pandora's Construction and Messrs Elite Construction for twelve (12) months with respect to interlocking paving.
 - (c) That the urgent application brought against Council by Messrs DMA Holdings, Messrs Precision Construction, Messrs Pandora's Construction and Messrs Elite Construction in the High Court of Namibia (the notice of motion on file bears reference) with NO DATE and received 05 December 2012 be noted.
 - (d) That the permission granted by the Chairperson of the Management Committee to the Chief Executive Officer to deal with all instructions and sign all documents necessary be condoned.
 - (e) That the appointment of Messrs Kinghorn Associates as Council's Legal Advisers to act in this matter and that they be authorized to appoint correspondents in Windhoek as well as an Advocate to act on behalf of Council be condoned.
 - (f) That permission be granted to the Chief Executive Officer to attend all meetings in this regard and that special leave be granted when meetings will take place out of town.
 - (g) That the subsistence and travelling allowances be defrayed from Council's General Expenses, Conference Expenses Vote 100510206500.
 - (h) That the legal cost be defrayed from the Court Case: DMA Holdings Vote 100534504100 where sufficient funds will be made available.
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11.1.4 **SUBDIVISION OF ERF 2364, MONDESA**
(C/M 2013/01/31 - H 5/3, M 2364)

RESOLVED:

- (a) That Council builds two houses and sells them to Mr P Shivolo and the late estate of Mr M Stefanus *in lieu* of Erf 2364, Mondesa which cannot be subdivided.
- (b) That Erf 2364, Mondesa be sold at a Public Auction in order to finance the building and alienation of houses mentioned in (a) above.
- (c) That the cost for constructing the two houses be defrayed from the Housing Revolving Fund where N\$15 637 130.00 is available.

11.1.5 **APPLICATION TO ACQUIRE AN OPEN SPACE SITUATED BETWEEN ERVEN 1894 AND 1919, SWAKOPMUND**
(C/M 2013/01/31 - E 1894, E 1919, N 8/10/2)

RESOLVED:

That resolution of 26 July 2012, item 11.1.10 to reopen Manta Street and replace it with the following:

- (a) That Manta Street remains closed.
 - (b) That the application of Dr Q Gurirab to purchase the closed Manta Street and consolidate it with Erf 1894, Swakopmund be approved.
 - (c) That the Engineering Services Department confirms the exact size of the portion.
 - (d) That the purchase price of the portion be obtained from the Municipal valuator and an additional valuator, assuming a zoning as "Single Residential".
 - (e) That the requirements regarding the alienation of immovable property as prescribed in the Local Authorities Act, Act 23 of 1992, (as amended), and the Townships and Division of Land Ordinance 11 of 1963 respectively, be dealt with successfully.
 - (f) That the applicant / purchaser appoints a Town Planner at his cost to attend to the subdivision, consolidation and Environmental Impact Assessment in terms of the Environmental Management Act, Act 7 of 2007 as amended (if required for the rezoning from "Street" to "Single Residential").
 - (g) That all costs regarding this transaction be for the account of the applicant.
 - (h) That no permanent structures be erected on the portion of land as there are services located on the portion unless he relocates the services for his account.
 - (i) That the applicant takes note that no rights will accrue to the applicant unless all the above mentioned conditions are complied with in full and all the relevant authorities have given the necessary permission, if applicable.
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11.1.6 **REQUEST FOR INCREASE IN IMPOUNDMENT FEES FROM THE SPCA**
(C/M 2013/01/31 - F 20, J 18)

RESOLVED:

- (a) That the fees levied for the impoundment and euthanizing of stray dogs, be increased from N\$100.00 to N\$150.00 per dog for the period that the dog is impounded.
 - (b) That, in cases where the impounded dog is claimed or sold, the fee not be paid by Council.
 - (c) That the General Manager: Health Services makes provision in the Operational Budget for the payment of the amended impoundment fees under the Dog Control Vote 103510207500.
 - (d) That the new fees be implemented as from 01 July 2013.
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11.1.7 **INTERIM VALUATION COURT 2013**
(C/M 2013/01/31 - D 22)

RESOLVED:

- (a) That Mr Christo van Rensburg be appointed as the representative for the Interim Valuation Court for 2013.
 - (b) That Mr Frank Lohnert be a secundi, should the appointed valuer be unavailable to attend the Interim Valuation Court for 2013.
 - (c) That the Ministry of Regional and Local Government, Housing and Rural Development be requested to nominate a representative for the Interim Valuation Court 2013.
 - (d) That the compensation for Council's representative at the Valuation Court be N\$300.00 per sitting, per day.
 - (e) That the cost be defrayed from Vote 101010215900 (Assessment Rates: Valuation Court).
 - (f) That in terms of Section 69 of the Local Authorities Act 23 of 1992, as amended, a notice be published in at least two newspapers on a date not later than 30 days before the date of the Valuation Court.
 - (g) That requirements regarding the interim valuation as prescribed in the Local Authorities Act 23 of 1992, (as amended) be dealt with successfully.
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11.1.8 APPLICATION BY MESSRS KENNEDY MILLER MITCHEL OPERATIONS PTY (LTD) FOR EXTENSION OF LEASE PERIOD AND REDUCED RENTAL

(C/M 2013/01/31 - E 989)

RESOLVED:

- (a) That the lease period for the lease of the Main Municipal Office Building located on Erf 989, Swakopmund be extended until 28 February 2013 in terms of clause 2 of the lease agreement with Messrs Kennedy Miller Mitchel Operations Pty (Ltd).
- (b) That the rental for February 2013 be N\$60 000.00 plus 15% VAT as Messrs Kennedy Miller Mitchel Operations Pty (Ltd) will only occupy 7 offices on the first floor of the building.

11.1.9 AMENDMENT TO COUNCIL'S RESOLUTION: REQUEST TO USE A PORTION OF ERF 2747 (SOUTHERN SIDE), SWAKOPMUND

(C/M 2013/01/31 - E 2747)

RESOLVED:

That point (b) of Council's Resolution passed on 25 October 2012, under item 11.1.25 be amended to read "±323m²" instead of "976m²"; i.e.

(b) That the ±323m² portion of Erf 2747, Swakopmund be used and leased as follows:

11.1.10 DRAFT PETITION FORM

(C/M 2013/01/31 - A 2/3/1/4)

RESOLVED:

- (a) That the amended draft Petition Form (on file) be approved and implemented.
- (b) That the community be informed via the Swakopmunder Lightbeams newsletter about the Petition Form.

11.1.11 APPLICATION BY MESSRS MULTI CHOICE TO BUILD A BROADCASTING SITE IN TAMARISKIA

(C/M 2013/01/31 - G 4/2/2/2)

RESOLVED:

- (a) That the application of Messrs Multi Choice to lease a portion of land measuring 240m², located on Erf 507 Tamariskia, next to the existing Telecom & Leo sites to construct a 40m high lattice mast, place two (6,0m x 2,4m) containers and 1 x 4,5m RX receiver dish on the site, be approved, subject to the following standard lease conditions:
 - (i) *Rental at N\$19.02/m² per month (15% VAT excluded), escalating annually with 10%;*
 - (ii) *Lease period of 5 years;*
 - (iii) *That building plans of all proposed buildings must be submitted to the Engineering Services Department;*

- (iv) *That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee; and*
- (v) *That all costs be for the account of the lessee.*
- (b) That the Engineering Services Department provides a lay-out plan for the exact site to be used for the broadcasting tower.
- (c) That Messrs Multi Choice adheres to the following requirement:
 - *Environmental Clearance Certificate to be obtained.*
- (d) That Messrs Multi Choice installs their own electrical meter so that any expense and cost generated be allocated to Messrs Multi Choice.
- (e) That Council's intention to lease the area be advertised in terms of the Local Authorities Act, Act 23 of 1992, as amended.
- (f) That the height of communication masts be controlled in the Town Planning Scheme and that the maximum height to be considered is 80 meters.

11.1.12 **DECENTRALISED BUILD TOGETHER COMMITTEE MEMBERS**
(C/M 2013/01/31 - H 5/3)

RESOLVED:

That Council's resolution 11.1.4 dated 26 July 2012 be repealed and replaced with the following:

- (a) That the Decentralized Build Together Committee for Swakopmund Municipality consist of the following members:
 - *Mr Appolos Huiseb*
 - *Mr Germanus lilonga*
 - *Ms Stella S G Kaninas*
 - *Chief Executive Officer*
 - *Ms Anna Garises - Representing NGOs.*
 - *General Manager: Health Services*
 - *General Manager: Engineering Services*
 - (b) That the names of the Decentralized Build Together Committee members be forwarded to the Ministry of Regional and Local Government, Housing and Rural Development for appointment by the Minister.
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11.1.13 **AFFIRMATIVE ACTION COMMITTEE MEMBERS**

(C/M 2013/01/31 - B 1/10)

RESOLVED:

- (a) That the Affirmative Action Committee consists of the following members:

The Mayor
Councillor R N Andreas-Noabes
Councillor L M Tlhabanello-Madi
Councillor U Kaapehi
GM: Corporate Services & HR: Chairperson
GM: Finance Services (Non Union Representative)
Manager: Human Resources
Manager: Health Services (Vice Chairperson) (Manager's Representative)
Training and Development Officer
Mr W Schlechter (Racial Advantaged Group Representative)
HR Officer (Secretary/Female Representative)

NAPWU Representative
Mr T Shiningombwa
Ms B Ndimulunde (Observer)

- (b) That the respective groups have yearly elections during July to nominate new representatives.

11.1.14 **EXTENSION OF NORTH-SOUTH PARTNERSHIP WITH MÄLMO, SWEDEN**

(C/M 2013/01/31 - A 2/3/1/7/1)

RESOLVED:

- (a) That Council participates in the feasibility study for the use of Concentrated Solar Power as part of the North-South Partnership agreement with Malmö, Sweden during April 2013.
- (b) That special leave be granted to the Chief Executive Officer and Councillor A N Bessinger (in his absence, Councillor R N Andreas-Noabes) to participate in the activities prescribed as per the approved project.
- (c) That travel and subsistence allowance be paid in accordance with Council Policy and be defrayed from the relevant votes.

11.1.15 **PROPERTY POLICY**

(C/M 2013/01/31 - G 4/1)

RESOLVED:

- (a) That the approval of the Property Policy (on file) be condoned.
- (b) That the following amendments be confirmed:
- (i) *That the period to finalize a sale be extended from 90 days to 120 days.*
 - (ii) *That the second round of bidding at community and first time property owner auctions only be open for those bidders who have not obtained an erf during the first round of bidding.*
 - (iii) *That the nominal purchase price for land sold for a specific purpose in national interest, to the benefit of the community or public, be amended to read "a nominal amount of N\$1 000.00".*

(vi) *That the following point be added to the Property Policy under limitation on participation for the sale of erven to staff members:*

2.1.4 a staff member who's spouse purchased an erf from Council while employed by Council.

- (c) That the Property Policy be submitted to the Ministry of Regional and Local Government, Housing and Rural Development for consideration.
- (d) That once the Property Policy is approved, the Chief Executive Officer arranges information session or workshop for Councillors.

11.1.16 **HOSTING OF THE SOUTHERN AFRICA INTER-MUNICIPAL SPORT ASSOCIATION GAMES (SAIMSA GAMES 2013)**
(C/M 2013/01/31 - J 10/1)

During the discussion of this item Councillor P V Steinkopff stated that it be noted that he abstains from the recommendation. It was:-

RESOLVED:

- (a) That Council condones the appointment of Messrs Marketing in Namibia (MIN) to arrange the hosting of the SAIMSA Games in Swakopmund during September 2013 in accordance with the submitted proposal, Memorandum of Agreement and the submitted budget.
- (b) That a monthly amount of N\$47 810.55 be paid to Messrs Marketing in Namibia for their services up to the finalization of the SAIMSA Games in September 2013.
- (c) That the General Manager: Finance provides funds for the purpose (b) against the approved amount for the hosting of SAIMSA Games 2013.
- (d) That the Local Organizing Committee (LOC) under the leadership of the Chief Executive Officer and assisted by the General Manager: Health Services be mandated to manage all the proposed activities as per the Memorandum of Agreement submitted by Messrs Marketing in Namibia.
- (e) That it be noted that Councillor P V Steinkopff abstains from the recommendation.

The meeting adjourned at 19H50

Minutes confirmed on: 28 February 2013

Councillor J Kambueshe
CHAIRPERSON

E U W Demasius
CHIEF EXECUTIVE OFFICER