

MINUTES OF THE EXECUTIVE COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER
ON **THURSDAY, 21 JUNE 2007 AT 10H00.**

PRESENT: The Deputy Mayor (Councillor M Dirks) (Deputy Chairperson) (in-the-Chair), Councillors CT Dlamini, K Chetty, WF Lambert JP, G Meyer, FN Mbatha, M Steele, DP Zondi and TI Zungu.

ABSENT: The Mayor (Councillor Z Hlatshwayo) (leave).

OFFICIALS

PRESENT: Dr K Barichiev (Municipal Manager's Representative), Messrs Gengan (Acting Strategic Executive Manager: Economic Development and Growth), Viljoen (Acting Strategic Executive Manager: Infrastructure, Services and Facilities), Bridgemohan (Acting Strategic Executive Manager: Finance), Cowie (Process Manager: Infrastructure, Planning and Survey), Zwane (Acting Executive Manager: Internal Audit), Thaver (Legal Advisor), Van Der Merwe (Legal Advisor), Govender (Manager: Human Resource Development and Training), Van Rensberg (Town Planner); Mesdames Matobako (Strategic Executive Manager: Corporate Strategic Planning), Thompson (Financial Advisor: National Treasury) Jackson-Plaatjies (Manager: Strategic Analysis and Research), Geary (Committee Officer) and David (Committee Officer).

1. **APPLICATIONS FOR LEAVE FROM CURRENT MEETING OF THE EXECUTIVE COMMITTEE**

(Item 1 of agenda)

The Chairperson welcomed all present. It was noted that Councillor D Zondi would be arriving late as he was attending a site inspection within his ward.

It was thereafter

RESOLVED

That the Mayor (Councillor Z Hlatshwayo) be granted leave of absence from the current meeting of the Executive Committee.

(Councillor D Zondi was not present when the above decision was taken).

2. **CONFIRMATION OF MINUTES**

Minutes of meeting held on 7 June 2007.

(Page 1 of Committee Circular No. 171 of 2007)

It was

RESOLVED

That the minutes of the Executive Committee meeting held on 7 June be confirmed subject to the following amendment:-

Item 16: (a) (ii): That the salary grade reflected as "C2-C3" be amended to read as "C2 – D3".

(Councillor D Zondi was not present when the above decision was taken).

3. **INTEGRATED DEVELOPMENT PLAN**

Presentation by Department of Local Government and Traditional Affairs.

(Raised verbally)

Members were shown a presentation on the Integrated Development Plan. The presentation highlighted various issues ie. Municipal Transformation, Institutional Development, Assessment Observations, Local Economic Development, Basic Service Delivery, Infrastructure Development, Financial Viability, Financial Management, Council's response to the Auditor General's Report, Good Governance and Community Participation, Spatial Framework as well as various comparative charts on the progress of Msunduzi Municipality in relation to other municipalities. The presentation charts also ranked Msunduzi Municipality favourably in relation to other municipalities within the uMgungundlovu District.

It was subsequently,

RESOLVED

That the Integrated Development Plan as presented to the Executive Committee by the Department of Local Government and Traditional Affairs, be noted.

(Councillor D Zondi was not present when the above decision was taken).

4. **FINAL DRAFT: INTEGRATED DEVELOPMENT PLAN: 2007/2008 (10.4.1.INT)**

Report dated 13 June 2007 by IDP Manager.

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Councillor Lambert JP congratulated the IDP Manager on the positive feedback received from the Department of Local Government and Traditional Affairs on Council's Integrated Development Plan, which was ranked amongst the top three municipalities within the uMgungundlovu District.

In support of the recommendations, it was thereafter

**RESOLVED TO RECOMMEND TO
THE FULL COUNCIL**

- (a) That the amendments in the draft Integrated Development Plan as identified by the MEC: Local Government and Traditional Affairs Interdepartmental Team, be noted.
- (b) That the izimbizo community needs report as enclosed as Annexure A to the report dated 13 June 2007 by the IDP Manager, be noted and be considered when projects are reprioritized.
- (c) That the ward priorities as they were discussed and agreed to at the ward councillors' workshop on 30 April 2007 be approved.

(Councillor D Zondi was not present when the above decision was taken).

5. **WORKPLACE SKILLS PLAN PROCESS (4.6.3.1)**

Presentation document by Human Resource Development Unit.

(Tabled at the meeting)

(Councillor D Zondi joined the proceedings at this stage)(10h50).

The Manager: Human Resource Development and Training presented committee with the Workplace Skills Plan process. He provided members with a brief overview on the Skills Act, as well as an outline on the occupational categories, sector skills plan priorities and the business unit's initiatives. He further pointed out that the business unit had recovered levies in the amount of R 1 501 746.95.

In response to queries raised thereafter, members were advised that training was being provided to members of staff on customer care. In addition to this, it was pointed out that funds needed to be committed towards the awarding of apprenticeships within Council. It was noted that Council needed to identify members of staff that had the capacity to assist in mentoring.

The Legal Advisor (T) requested that the Local Government: Municipal Finance Management Act be incorporated as part of the Workplace Skills Plan process.

Councillor Dlamini requested that the business unit submit quarterly progress reports to the relevant committees as a way of monitoring the progress of the Plan.

It was thereafter

RESOLVED

That the Presentation document on the Workplace Skills Plan be noted.

6. **WARD 27: APPLICATION FOR SPECIAL CONSENT TO: (A) WAIVE THE REQUIREMENT THAT 25% OF ANY EXISTING BUILDING MUST BE FOR RESIDENTIAL PURPOSES AND; (B) WAIVE THE REQUIREMENT THAT 50% OF**

ANY NEW DEVELOPMENT MUST BE FOR RESIDENTIAL PURPOSES, IN RESPECT OF ADDITIONAL DEVELOPMENT ON ERF 9666, PIETERMARITZBURG, BEING 217 BOOM STREET: UPPER CITY AREA (13.4.1.2)

Report dated 11 June 2007 incorporating the recommendations of the Corporate Strategic Planning Committee.

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In support of the recommendations it was

RESOLVED

That the application for special consent for permission to use all buildings as offices on Erf 9666 Pietermaritzburg, being 217 Boom Street: Upper City Area **be approved** subject to the following conditions:

Conditions of Establishment

(That this condition must be complied with before the approval be implemented).

That a building plan, generally in accordance with the plan that was submitted in support of the regulations be submitted for approval in terms of the National Building regulations.

7. **WARD 30: APPLICATION TO REZONE FROM “SPECIAL RESIDENTIAL” TO “GENERAL RESIDENTIAL”, FROM “ROAD” PURPOSES TO “GENERAL RESIDENTIAL” AND FROM “SPECIAL RESIDENTIAL” TO “ROAD” PURPOSES IN RESPECT OF ERF 246 RAISETHORPE, BEING 719 CHOTA MOTALA (OLD GREYTOWN) ROAD: RAISETHORPE (13.4.1.1)**

Report dated 11 June 2007 incorporating the recommendations of the Corporate Strategic Planning Committee.

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In support of the recommendations, it was

RESOLVED

- (a) That the application made in terms of Section 47 A (2) of the Town Planning Ordinance (Ordinance No. 27 of 1949, as amended) for an amendment to the Town Planning Scheme to rezone the above property from “Special Residential” to “Road” purposes in respect of Erf 246 Raisethorpe, being 719 Chota Motala Road (Old Greytown): Raisethorpe, **be approved**.
- (b) That, having followed the procedure prescribed in Section 47 *bis* B (2) of the Town Planning Ordinance (Ordinance No. 27 of 1949, as amended) with regard to an amendment to the Town Planning Scheme to rezone the above property from “Special Residential” to “General Residential” and from “Special Residential” to “Road” purposes in respect of Erf 246 Raisethorpe, being 719

Chota Motala Road (Old Greytown Road): Raisethorpe, the Msunduzi Municipality **resolves**, in terms of Section 47 *bis* A (4) of the said Ordinance, to adopt the amendment to the Town Planning Scheme.

- (c) That, having followed the procedure prescribed in Section 47 *bis* A (2) of the Town Planning Ordinance (Ordinance No. 27 of 1949, as amended) with regard to an amendment to the Town Planning Scheme to rezone the above property from “ Special Residential” to “General Residential” and from “Special Residential” to “Road” purposes in respect of Erf 246 Raisethorpe, being 719 Chota Motala Road (Old Greytown Road): Raisethorpe, the Msunduzi Municipality **resolves**, in terms of Section 47 *bis* A (4) of the said Ordinance, to adopt the amendment to the Town Planning Scheme.
- (d) That, the Premier be requested to exempt Council, in terms of the provisions of Section 47 *bis* A (3) of the Ordinance, from having to re-advertise the modification of incorrect physical address of the application site.

8. **WARD 31: APPLICATION FOR SPECIAL CONSENT TO ESTABLISH A “SPECIAL BUILDING/TOTALISER” ON LOT 68 OF ERF 14357 NEWHOLMES, BEING 21 STELLA ROAD, NEWHOLMES, PIETERMARITZBURG (13.4.1.2)**

Report dated 11 June 2007 incorporating the recommendations of the Corporate Strategic Planning Committee.

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In support of the recommendations, it was

RESOLVED

That the application for special consent to establish a “Special Building / totaliser” on lot 68 of Erf 14357 Newholmes, being 21 Stella Road Newholmes, Pietermaritzburg **be approved**, subject to the following conditions:

(i) **Conditions of Establishment**

That a change of use building plan, in respect of the portion of the ground of the section as indicated on the sketch plan which was submitted as part of the application, shall be submitted to Council for approval in terms of the National Building Regulations.

(ii) **Conditions of Use**

(The conducting of the use must comply with these conditions **at all times**)

- (a) Limited to being operated from Erf 68 of Lot 14357, being 21 Stella Road, Newholmes which has been highlighted on the plans which were lodged as part of the application.
- (b) That the activity shall be operated in accordance with all relevant bylaws and other legislation, particularly the Fire Regulations.

9. **WARD 35: APPLICATION TO REZONE FROM “GENERAL RESIDENTIAL” TO “GENERAL BUSINESS” IN RESPECT OF PORTION 12 (OF 2) OF ERF 82 PIETERMARITZBURG, BEING 28 ROSEDALE ROAD: MOUNTAIN RISE (13.4.1.1)**

Report dated 11 June 2007 incorporating the recommendations of the Corporate Strategic Planning Committee.

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In support of the recommendations, it was

RESOLVED

- (a) That the application made in terms of Section 47 *bis* A (2) of the Town Planning Ordinance (Ordinance No.27 of 1949, as amended) for an amendment to the Town Planning Scheme to rezone from “General Residential” to “General Business” in respect of Portion 12 (of 2) of Erf 82 Pietermaritzburg, being 28 Rosedale Road: Mountain Rise.
- (b) That, having followed the procedure prescribed in Section 47 *bis* B (2) of the Town Planning Ordinance (Ordinance No. 27 of 1949, as amended) with regard to an amendment to the Town Planning Scheme to rezone from “General Residential” to “General Business” in respect of Portion 12 (of 2) of Erf 82 Pietermaritzburg, being 28 Rosedale Road: Mountain Rise, the Msunduzi Municipality **resolves**, in terms of Section 47 *bis* A (4) of the said Ordinance, to adopt the amendment to the Town Planning Scheme.
- (c) That, having followed the procedure prescribed in Section 47 *bis* A (2) of the Town Planning Ordinance (Ordinance No. 27 of 1949, as amended) with regard to an amendment to the Town Planning Scheme to rezone from “General Residential” to “General Business” in respect of Portion 12 (of 2) of Erf 82 Pietermaritzburg, being 28 Rosedale Road: Mountain Rise, the Msunduzi Municipality **agrees**, in terms of Section 47 *bis* A (4) of the said Ordinance, to adopt the amendment to the Town Planning Scheme.

10. **DISPOSAL OF OBSOLETE/REDUNDANT VEHICLE AND PLANT (5.1.4.5)**

Report dated 11 June 2007 incorporating the recommendations of the Corporate Strategic Planning Committee.

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Subsequent to discussion, it was

RESOLVED

That the report dated 11 June 2007 incorporating the recommendations of the Corporate Strategic Planning Committee be STOOD DOWN for consideration at the next meeting of the Corporate Strategic Planning Committee, in conjunction with an explanation from the Business Unit regarding the information missing from the list of items on page 102 of the agenda.

11. **APPROVAL TO DONATE AND ADVERTISE REDUNDANT / OBSOLETE FURNITURE AND EQUIPMENT (5.1.4.2)**

Report dated 11 June 2007 incorporating the recommendations of the Corporate Strategic Planning Committee.

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Following discussion, it was

RESOLVED

That the report dated 11 June 2007 incorporating the recommendations of the Corporate Strategic Planning Committee be STOOD DOWN for consideration at the next meeting of the Corporate Strategic Planning Committee, in conjunction with an explanation from the Business Unit regarding the information contained in the list on page 111 of the agenda, including information regarding the condition of the assets, the business unit concerned and the budget for new or replacement assets in the respective business unit, and the possibility of utilizing the assets for ward committee purposes.

12. **PIETERMARITZBURG AIR SHOW: 20 MAY 2006 (3.7.1[2006/2007])**

Report dated 15 June 2007 by Acting Strategic Executive Manager: Economic Development and Growth (TMOA 0468).

(Tabled at the meeting)

Responding to concerns expressed by committee, the Acting Strategic Executive Manager: Economic Development and Growth reported that the airshow was a new event on the City's event's programme. He notified members that the recent airshow was well attended and had television coverage in two different countries. However, he pointed out that the weather conditions were poor. In respect of concerns expressed over the cost of the appointment of the secretary, members were advised that these costs were incurred in relation to the work carried out by a single person over a period of time managing all correspondence pertaining to the airshow.

Members expressed concern over the exorbitant fees with regard to the commentation fees. In addition to this, it was pointed out that in order to prevent future unbudgeted over expenditure, business units must cap the expenditure on an agreed amount, thereby preventing loss to Council. The Legal Advisors were requested to prepare Memorandum of Agreements on the expenditure of Council funds allocated to all Council events.

Committee stressed that in the absence of an agreement; the Legal Division would be held liable for any over expenditure and could be liable for any possible surcharges. It was also of the opinion of members that officials were not auditing the expenditure generated from such events.

It was thereafter

RESOLVED

That Messrs GoBig and Pmb Tourism Board be paid respectively the amounts of R119 258.59 and R16 288.30 from the Airport Development Fund: Vote 060 785 0003 after the provisions of Section 29 of the Municipal Finance Management Act have been complied with.

13. **LOCOMOTION ALLOWANCE: AMENDMENT (4.3.6.7)**

Report dated 16 March 2007 incorporating the recommendations of the Sound Governance and Human Resources Committee.

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At the request of the Acting Strategic Executive Manager: Sound Governance and Human Resources, it was

RESOLVED

That the report dated 16 March 2007 incorporating the recommendations of the Sound Governance and Human Resources Committee be STOOD DOWN.

14. **PROPOSED AMENDMENTS TO STANDBY ALLOWANCE REMUNERATION (4.3.2)**

Report dated 16 March 2007 incorporating the recommendations of the Sound Governance and Human Resources Committee.

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At the request of the Acting Strategic Executive Manager: Sound Governance and Human Resources, it was

RESOLVED

That the report dated 16 March 2007 incorporating the recommendations of the Sound Governance and Human Resources Committee be STOOD DOWN.

15. **EMPLOYMENT EQUITY: 2000-2005 / 2005-2010 (4.3.4)**

Report dated 16 March 2007 incorporating the recommendations of the Sound Governance and Human Resources Committee.

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At the request of the Acting Strategic Executive Manager: Sound Governance and Human Resources, it was

RESOLVED

That the report dated 16 March 2007 incorporating the recommendations of the Sound Governance and Human Resources Committee be STOOD DOWN.

16. **SUNDAY TIMES HERITAGE PROJECT: MEMORIAL OUTSIDE ZIBUKEZULU SCHOOL, IMBALI (7.1.2.2.4)**

Report dated 15 June 2007 by Acting Municipal Manager.

(Page 13 of Committee Circular No. 171 of 2007)

Following brief discussion, it was

RESOLVED

That authority be granted to prioritise the construction of the memorial outside Zibukezulu School in Imbali and any paving improvements to ensure accessibility and that the Acting Municipal Manager submit regular progress reports, including information on any costs incurred by the Council.

17. **UPCOMING EVENTS (23.1.2)**

Report dated 30 May 2007 by Acting Municipal Manager and Manager: Marketing and Communications.

(Page 21 of Committee Circular No. 171 of 2007)

Councillor Dlamini requested that consideration be given to include the month of August as “women’s month” and that an event should be committed accordingly.

Councillor Lambert JP voiced concern over the uMphiti Music Festival being held at Midmar Dam which was outside the jurisdiction of Council. He also indicated that more jobs should be created to clean the City. Councillor Lambert also requested that the poor condition of the City Hall public toilets and the broken hoist be attended to in order to improve service delivery as major events were also held at the City Hall.

There was some consensus that Council needed to spend monies in a disciplined manner when hosting events within the City. Officials were urged to ensure that local contractors were utilized in organizing the upcoming events. Business units were also requested to ensure that agreements were put into place in respect of expending Council funds.

Officials were encouraged to host events within Vulindlela. Clarity was then sought on the cost estimation of signage at the Bessie Head Library. In view of this, the Acting Municipal Manager was requested to submit a report to the Executive Committee on the cost estimation for the Bessie Head Library signage. At this point members concurred that that costs raised in respect of the signage be expended to a maximum amount of R 40 000.00.

Responding to a query raised thereafter, the Acting Municipal Manager apologised for not reporting on the Comrades Event sooner. In addition to this, it was advised that there was no over expenditure from this event. Noting, this members condoned the late report on the Comrades Event.

It was

RESOLVED

- (a) That approval be granted to allocate funding in respect of the following events:-

- (i) Comrades Marathon: R310 000.00: From 2006/2007 Pool Vote;
 - (ii) Hill-to-hill Mountainbike Marathon: R56 000.00: From 2007/2008 Budget Vote;
 - (iii) uMphithi Music Festival: up to R750 000.00: From 2007/2008 Budget Vote;
 - (iv) Institute of Environment and Recreation Management Conference: R206 000.00: From 2007/2008 Budget Vote;
 - (v) Engen SA U18 Basektball Tournament: R122 000.00: From 2007/2008 Budget Vote and;
 - (vi) Bessie Head Library Signage: from 2007/2008 Budget: Freedom Square Vote: 511 643 0801 to a maximum of R40 000.
- (b) That the Acting Municipal Manager, in consultation with the Mayor's office, submit a further report detailing events and funding related to Women's Month and other events not included in the list under (a) above.
 - (c) That for any events to be held in the City it be noted that local companies and labour should be given preference, within the provisions of the Supply Chain Management Policy.
 - (d) That prior to events taking place, the contracts to be entered into with the relevant service providers be scrutinized and finalized by the Legal Division.

18. **MSUNDUZI MUNICIPALITY: COUNCIL OVERSIGHT COMMITTEE: TERMS OF REFERENCE (9.4.R)**

Terms of reference document dated June 2007 by Financial Adviser.

(Tabled at the meeting)

Following brief discussion, it was

RESOLVED

That the report dated June 2007 on the Terms of Reference of the Council Oversight Committee be noted and considered at a workshop to be held on 28 June 2007.

19. **RAISING OF FINANCE FOR PLANT AND VEHICLES [NEDBANK LEASE – 06/07] (3.11.2.3)**

Report dated 15 June 2007 by Acting Strategic Executive Manager: Finance.

(Tabled at the meeting)

Following brief discussion, it was

**RESOLVED TO RECOMMEND TO
THE FULL COUNCIL**

- (a) That, in terms of Section 46(2) of the Municipal Finance Management Act 56 of 2003, the R6 million (six million rand) loan funding for a period of six years, as per the Bid Adjudication Committee award of 30 November 2006 to Nedbank Limited on the terms and conditions as set out in Nedbank's facility letter dated 14 November 2006, be approved.
- (b) That it be noted that the interest rate is 2.5% below prime and the interest rate is linked.

20. **RAISING OF LONG TERM LOAN TO FUND CAPITAL EXPENDITURE – 2006/2007 (3.11.2.3)**

Report dated 8 June 2007 by the Acting Strategic Executive Manager: Finance.

(Tabled at the meeting)

Following brief discussion, it was

**RESOLVED TO RECOMMEND TO
THE FULL COUNCIL**

- (a) That, in terms of Section 46(2) of the Municipal Finance Management Act 56 of 2003, the raising of the long term loan of R90 million from the Development Bank of Southern Africa be approved.
- (b) That it be noted that the purpose of the loan is to fund capital expenditure to be used in terms of Section 46(1) of the Municipal Finance Management Act 56 of 2003.
- (c) That it be noted that the debt agreement will have the following terms and conditions:
 - (i) An amount of R90 million nominal;
 - (ii) The proceeds will be used to finance capital expenditure;
 - (iii) Capital repayment and interest will be paid in 30 installments, commencing six months after the first draw down on the loan;
 - (iv) The loan will be issued at par;
 - (v) The interest rate will be at 8.7% fixed compounded six monthly (NACH);
 - (vi) The lender will be the Development Bank of Southern Africa.
- (d) That the Acting Strategic Executive Manager: Finance and Legal Adviser be authorized to negotiate and finalise the transaction documents, substantially in the form and content as resolved herein.
- (e) That the Acting Municipal Manager be authorized to sign the relevant documents.

- (f) That the Acting Municipal Manager be authorized to advertise the Council's intentions in terms of Section 46(3)a of the Municipal Finance Management Act 56 of 2003.

21. **WARD 32: COUNCILLOR MOON – PERMANENT CLOSURE OF A PORTION OF A PUBLIC LANE COMPRISING PROPOSED OPTIONS A OF PORTION 1 OF ERF 1518 PIETERMARITZBURG BETWEEN MAGNOLIA AND HAYTHORNE SECONDARY SCHOOL – WOODLANDS (13.4.2.5)**

Report dated 15 June 2007 incorporating the recommendations of the Infrastructure, Services and Facilities Committee.

(Tabled at the meeting)

In support of the recommendations, it was

RESOLVED

- (a) That the Strategic Executive Manager: Sound Governance and Human Resources take the necessary steps, in terms of Section 211 of Natal Ordinance No. 25 of 1974, as amended, to permanently close **The Lane** as depicted on Plan MS/07/2007, comprising Portion A (of 1) of Erf 1518 Pietermaritzburg.
- (b) That Council resolves in terms of Section 47 bis [2] of the Town Planning Ordinance [Ordinance No. 27 of 1949], as amended, subsequent to the formal closure and in order to give further attention to the re-zoning from "Street" to "Special Residential", as it relates to Portion A (of 1) of Erf 1518 Pietermaritzburg, that it intends amending the Town Planning Scheme accordingly and gives authority for the necessary procedures to be carried out, where after the matter will be considered further.
- (c) That all costs relating to the closure of **The Lane** and the requirements for the sale of the land shall be to the account of the applicants, and the responsibility of the Manager: Real Estate and Valuation to administer after closure has been confirmed.
22. **SCARCE SKILLS: RECRUITMENT AND RETENTION OF STAFF: INFRASTRUCTURE, SERVICES AND FACILITIES BUSINESS UNIT (4.4.1.2)**

Report dated 20 June 2007 by Strategic Executive Manager: Infrastructure Services and Facilities.

(Tabled at the meeting)

It was

RESOLVED

That the report dated 20 June 2007 by the Strategic Executive Manager: Infrastructure Services and Facilities considering the Scars Skills, Recruitment and Retention of Staff be **STOOD DOWN**.

The meeting ended at 12H55.

Confirmed by

CHAIRPERSON

PIETERMARITZBURG

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ACCOUNTABILITY ACKNOWLEDGEMENTS

	NAME	DESIGNATION	SIGNATURE	DATE
DOCUMENT PREPARED BY				
DCOUMENT CHECKED BY				
DOCUMENT FORWARDED FOR DISTRIBUTION BY				
DOCUMENT CLEARED FOR PRINTING BY				