

MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 29 January 2015** at **19:00**.

PRESENT:

Councillor J Kambueshe	:	Mayor (Chairperson of Council)
Councillor A N Bessinger	:	Deputy Mayor
Alderswoman R //Hoabes	:	Chairperson of Management Committee
Councillor R N Andreas-Noabes	:	Alternate Chairperson of MC
Councillor N N Salomon	:	Member of Management Committee
Alderman E //Khoaseb	:	Additional Member of MC
Councillor U Kaapehi	:	Member of Council
Councillor P V Steinkopff	:	Member of Council
Councillor F Hamukwaya	:	Member of Council

OFFICIALS:

Mr E U W Demasius	:	Chief Executive Officer
Mr M N Ipinge	:	GM: Community Development Services
Mr M P C Swarts	:	GM: Corporate Services & HR
Mr D Duvenhage	:	GM: Engineering Services
Ms C Lawrence	:	GM: Health Services
Ms G Mukena	:	Acting GM: Finance
Mr V S Kaulinge	:	Manager: Community Development Services
Mr A Plaatjie	:	Manager: Corporate Services
Ms M Bahr	:	Manager: Human Resources
Mr M Cloete	:	Manager: Traffic Services
Ms L Mutenda	:	Manager: Health Services
Ms A Gebhardt	:	Corporate Officer: Marketing and Communication
Ms S Bruwer	:	Corporate Officer: Properties
Ms I Ortner	:	PA to the Mayor
Mr U Tjiurutue	:	Corporate Officer: Administration
Ms A Kahuika	:	Administrative Officer: Administration

ALSO PRESENT:

Twenty- five (25) members of the public and one representative each from The Namibian, Allgemeine Zeitung, Namib Times and West Coast FM attended the meeting. Four (4) staff Members received Long Service and Retirement Awards.

1. OPENING

Rev Martin Frische opened the meeting with scripture reading and prayer.

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

- 2.1 Application for leave of absence - None.
- 2.2 Declaration of interest - None
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3. **CONFIRMATION OF MINUTES**
(C/M 2015/01/29 - A 2/3/5)

3.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 26 NOVEMBER 2014**

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

RESOLVED:

That the minutes of the Ordinary Council Meeting held on 26 November 2014, be confirmed.

3.2 **MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 27 NOVEMBER 2014**

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

RESOLVED:

That the minutes of the Special Council Meeting held on 27 November 2014, be confirmed.

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

None.

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

5.1 **ANNOUNCEMENTS BY HIS WORSHIP THE MAYOR AND CHAIRPERSON OF COUNCIL**

(C/M 2015/01/29 - A 2/3/5)

His Worship the Mayor welcomed everybody to the meeting and delivered his monthly announcements.

5.2 **LONG SERVICE AWARDS**

(C/M 2015/01/29 - B 1/8)

Mr Hafeni Amupala	-	Retirement
Onesmus Nikodemus	-	Retirement
Sageus Kanandjembo	-	15 Years of service
Emily Sheya	-	Retirement

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 2014**

- 9.1 The feedback on the resolutions taken by Council on 26 November 2014 was noted.
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10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING JANUARY 2015**

10.1 **MINUTES OF MANAGEMENT COMMITTEE MEETINGS HELD DURING JANUARY 2015**

(C/M 2014/11/26 - A 2/3/5)

RESOLVED:

That the resolutions taken at an Ordinary Management Committee Meeting held on 15 January 2015 and the Special Management Committee meeting held on 20 January 2015 be noted.

11.1 **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**

11.1.1 **INTERNAL AUDIT REPORT: COMPLIANCE TO “PRIVATE WORK”**

(C/M 2015/01/29 - D 10/1, B 1/8)

RESOLVED:

- (a) That the observation made that staff members do not know policies governing the “Private Work” process of the Municipality of Swakopmund, and that private work application forms were not completed or those completed could not be determined if the applications have been approved, be noted.
- (b) That the General Manager : Corporate Services & HR arranges awareness training sessions to be conducted to ensure that all staff members are informed of Council’s Administrative Policy, particular the section that makes reference to Private Work to ensure that staff members know what type of work is considered to be private work and the requirements attached thereto.
- (c) That after such training was attended an acknowledgement be signed by the staff members that the particular training has been carried out and that the policy and process is understood, so that the staff member can be held accountable in the event of non-compliance.

- (d) That the observation made that staff members are not requested to declare annually that they are not engaged in private work, be noted.
- (e) That it be implemented that all staff members to whom the Administrative Policy, especially the part governing “*Private Work*” is applicable, be requested to complete an annual “*null*” private work declaration and those involved in private work be requested to complete the application form, in order to obtain the necessary approval according to the policy and be filed with the Human Resources Section on the particular applicants personal file

11.1.2 **LEGAL OPINION - THE LATE MS C SHIGWEDHA-ANGULA**

(C/M 2015/01/29 - H 5/3)

RESOLVED:

That the maternal family of the late Ms C Shigwedha be notified that Council is not in a position to give permission to the executor to take over the loan for the benefit of the minor children due to the following reasons:

- (i) *The executor is not entitled to enter into any contractual debt or obligation on behalf of the estate of the deceased.*
- (ii) *The application of the deceased did not form part of the estate of the late Ms C Shigwedha-Angula.*
- (iii) *The executor therefore has no power to take over the loan on behalf of the minor children.*
- (iv) *No contractual obligation entered between Council and the late Ms C Shigwedha-Angula.*

11.1.3 **INVITATION FOR BUSINESS PROPOSALS: RENTAL/OPERATION OF MUNICIPAL CAFETERIA**

(C/M 2015/01/29 - E 1/1)

During the discussion of this item, Councillor U Kaapehi stated that Messrs Estelle Broodryk Hankey t/a Peanut Gallery CC did not meet the requirements as they submitted an expired Business Registration Certificate and no reference of previous experience. He proposed that Messrs Tyetu be appointed since they scored high during the food tasting exercise. The proposal was not accepted and Councillor U Kaapehi walked out of the Council Chambers in protest of the decision. His Worship the Mayor apologized to the public and media present for the incident. He indicated that all the items are first discussed at the Management Committee Meeting before being tabled in the Council, thus all the members had ample time to provide input on the item.

RESOLVED:

That the proposal of Mrs Estelle Broodryk Hankey t/a The Peanut Gallery CC to rent the Municipal Cafeteria be approved, subject to the following:

1. *Rental is fixed at N\$825.00 per month (including water), escalating with 10% annually on 1 July.*
2. *Operating hours are limited to 07:00 - 16:00 during working days, and closed over weekends.*

3. *The lessee must provide a two (2) week rotating menu consisting of a selection of meals for breakfast, lunch and snacks.*
4. *The lessee must also provide a standard platter for Management Committee meetings for ±30 people, ad hoc orders for training and for special delegations or meeting; and indicated the price per person.*
5. *Fridges and other additional equipment to be provided by the lessee.*
6. *Lessee shall be responsible for the repair and maintenance of municipal equipment except for acceptable wear and tear.*
7. *Lessee shall be liable for the payment of electricity (separate metering will be installed).*
9. *The lease will be valid for a period of five (5) years*
10. *The cafeteria will be open to the public during trading hours mentioned in (2) above.*

11.1.4 **REQUEST TO ENGAGE MESSRS BLUE CROSS NAMIBIA FOR A PARTNERSHIP ARRANGEMENT IN CONDUCTING THE OUT OF SCHOOL YOUTH PROJECT**

(C/M 2015/01/29 - Q 1, M 4353)

RESOLVED:

- (a) That permission be granted to the Community Development Services department to engage Messrs Blue Cross Namibia with the view to establish a partnership aimed at advancing mutual interests in youth development.
- (b) That permission be granted for Messrs Blue Cross to make use of an available office space at the Taxi Rank at a nominal fee of N\$100.00 per month excluding services (water, electricity, etc.).
- (c) That it be recorded that His Worship the Mayor expressed his gratitude to the Community Development Services Department for providing additional information.

11.1.5 **RESALE OF ERF 4879, SWAKOPMUND**

C/M 2015/01/29 - E 4879)

RESOLVED:

- (a) That Council takes note that Erf 4879, Swakopmund remained unsold following the Closed Bid Sale of 04 October 2014.
- (b) That Erf 4879, Swakopmund be offered for sale at an upset price of N\$2 189 550.00 together with Erven 4818 and 4819 at a Closed Bid Sale in 2015 on a date to be determined.

11.1.6 **ADDENDUM TO DEED OF SALE IN ORDER TO ENABLE REGISTRATION OF A BOND**

1. ERF 4831, SWAKOPMUND : HEFER PROJECTS NAMIBIA CC
2. ERF 4855, SWAKOPMUND : HV GANASEB & J GANASES

(C/M 2015/01/29 - E 4831, 4855)

RESOLVED:

- (a) That Council approves the Addendum to the Deed of Sale to be entered into with the following two purchasers in order for them to obtain funding to develop the industrial erven within 24 months from date of transfer:

1. Erf 4831, S : Hefer Projects Namibia CC (transferred 23 May 2014)
2. Erf 4855, S : H V Ganaseb & J Ganases (transferred on 28 Feb 2014)

- (b) That note be taken of clause 3 (penalty clause) of the Addendum to the Deed of Sale.

11.1.7 **APPLICATION FOR LAND TO SELL WOOD NEAR THE DRC INFORMAL SETTLEMENT**

(C/M 2015/01/29 - F 21, H 5/4)

RESOLVED:

- (a) That Council approves to lease on a three (3) months basis a portion of land measuring $\pm 300\text{m}^2$ adjacent to the DRC Clinic as indicated on the attached plan to Mr Mac-Donald Vihanga for the purpose of selling of wood.
- (b) That the lease be renewed after three (3) months on condition that the lessee's performance is monitored and feedback provided to the Management Committee.
- (c) That once the formalization of the DRC process is finalized the lease be terminated.
- (d) That the lease amount for the site be N\$96.00 per month ($\text{N}\$0.32/\text{m}^2 \times 300\text{m}^2$).
- (e) That Mr Mac-Donald Vihanga obtains a letter of approval from the Health Services Department before commencing with operations and leasing the allocated land.
- (f) That the applicant be requested to submit a transport permit for wood if he is buying and transporting wood from outside of Swakopmund.
- (g) That the lease be subject to Council standard conditions of lease.

11.1.8 **GENERAL VALUATION COURT 2015**

(C/M 2015/01/29 - D 22)

RESOLVED:

- (a) That Mr Frank Lohnert be appointed as Council's representative for the General Valuation Court for 2015.
- (b) That Mr Abel Schoeman be appointed secundi, should the appointed valuer be unavailable to attend the General Valuation Court for 2015.
- (c) That the Ministry of Regional and Local Government, Housing and Rural Development be requested to nominate a representative for the General Valuation Court 2015.
- (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 66 (1) a notice be published in the Government Gazette.
- (g) 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.
- (h) That requirements regarding the general valuation as prescribed in the Local Authorities Act 23 of 1992, (as amended) be dealt with successfully.

11.1.9 **SAFARI INVESTMENTS NAMIBIA PTY LTD: APPLICATION TO PURCHASE A STREET PORTION OF REMAINDER OF PORTION 74**
(C/M 2015/01/29 - G 4/1/1 (10), WF 74)

RESOLVED:

- (a) That the sale of the street portion to Messrs Safari Investments Pty Ltd not be approved as the area will be required in future for parking for the slipway, for vehicles and trailers to park as well as for public parking.
- (b) That Messrs Safari Investments Pty Ltd be informed that they may develop the area as a public parking only.

11.1.10 **SWAKOPMUND ENVIRONMENTAL MANAGEMENT PLAN**
(C/M 2015/01/29 - G 1/1)

RESOLVED:

- (a) That Council approves the Environmental Management Plan (EMP) and that the General Manager: Health Services be mandated to submit the Environmental Management Plan (EMP) to the Minister of Environment and Tourism for approval.
 - (b) That the Environmental Management Plan (EMP) be implemented as an official guideline for environmental management in Swakopmund and be used as a policy document for consideration/approval of future developments, after the approval by the Minister.
 - (c) That Departments make provision in the operational budget for the implementation of the proposed activities that is the responsibility of the Municipal Council of Swakopmund.
 - (d) That the General Manager: Health Services be mandated to source funds from local and foreign donors to sustain the implementation of the Environmental Management Plan (EMP) in addition to the funds provided in the Operational Budget for this purpose.
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11.1.11 **REPORT PROJECT SHINE 2015**
(C/M 2015/01/29 - G 1/1)

RESOLVED:

- (a) That the report on Project Shine 2014 be approved and that the General Manager: Health Services be mandated to proceed with the arrangements for Project Shine 2015.
 - (b) That the annual contribution by Council as one of the major stakeholders of Project Shine be increased to N\$35 000.00 as partial provision to cover the related expenses to host the project in 2015.
 - (c) That an amount of N\$35 000.00 be transferred from the Pollution Control Fund to Vote 103541000100, to be used in addition to the funds deposited by the other main sponsors of Project Shine 2015, to cover the monthly payments for participants in the clean-up project.
 - (d) That the General Manager: Finance be authorized to do all requested payments related to the project and in accordance with the Municipal Financial Regulations.
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11.1.12 **TOWNSHIP ESTABLISHMENT ON THE REMAINDER OF PORTION 27 OF SWAKOPMUND TOWN AND TOWNLANDS NO. 41**
(C/M 2015/01/29 - G 3/3/2)

RESOLVED:

- (a) That the application for Township Establishment on the Remainder of Portion 27 of Swakopmund Town and Townlands No. 41 be approved.
 - (b) That Council approves the layout submitted by Urban Dynamics as per Plan No. 1030/Swk/Ptn 27.
 - (c) That Messrs Urban Dynamics be informed to submit the application for Township Establishment to the Ministry of Regional and Local Government, Housing and Rural Development.
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11.1.13 **TOWNSHIP ESTABLISHMENT ON PORTION 135 OF SWAKOPMUND TOWN AND TOWNLANDS NO. 41**
(C/M 2015/01/29 - G 3/3/2)

RESOLVED:

- (a) That the application for Township Establishment on Portion 135 of Swakopmund Town and Townlands No. 41 be approved.
 - (b) That Council approves the layout submitted by Urban Dynamics as per Plan No. 1030/Swk/Ptn 27.
 - (c) That Messrs Urban Dynamics be informed to submit the application for Township Establishment to the Ministry of Regional and Local Government, Housing and Rural Development.
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11.1.14 **TOWNSHIP ESTABLISHMENT ON PORTION 138 OF SWAKOPMUND TOWN AND TOWNLANDS NO. 41**

(C/M 2015/01/29 - G 3/3/2)

RESOLVED:

- (a) That the application for Township Establishment on Portion 138 of Swakopmund Town and Townlands No. 41 be approved.
 - (b) That Council approves the layout submitted by Winplan as per Drawing Nr: Sub Ptn 138.
 - (c) That Messrs Winplan Planning Consultants be informed to submit the application for Township Establishment to the Ministry of Regional and Local Government, Housing and Rural Development.
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11.1.15 **TOWNSHIP ESTABLISHMENT ON PORTION 139 OF SWAKOPMUND TOWN AND TOWNLANDS NO. 41**

(C/M 2015/01/29 - G 3/3/2)

RESOLVED:

- (a) That application for Township Establishment on Portion 139 of Swakopmund Town and Townlands No. 41, be approved.
 - (b) That Council approves the layout submitted by Winplan as per Drawing Nr: Sub Ptn 139.
 - (c) That Messrs Winplan Planning Consultants be informed to submit the application for Township Establishment to the Ministry of Regional and Local Government, Housing and Rural Development.
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11.1.16 **TOWNSHIP ESTABLISHMENT ON PORTION 157 OF THE REMAINDER OF PORTION B SWAKOPMUND TOWN AND TOWNLANDS NO. 41**

(C/M 2015/01/29 - G 3/3/2)

RESOLVED:

- (a) That application for Township Establishment on Portion 157 of the Remainder of Portion B of Swakopmund Town and Townlands No. 41, be approved.
 - (b) That Council approves the layout submitted by Stubenrauch Planning Consultants as Per Drawing Nr: W14144 Draft.
 - (c) That Messrs Stubenrauch Planning Consultants be informed to submit the application for Township Establishment to the Ministry of Regional and Local Government, Housing and Rural Development.
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11.1.17 **REQUEST TO PURCHASE A BIGGER PORTION OF STREET:
WOERMANN BROCK PROPERTIES (PTY) LTD**

(C/M 2015/01/29 - E 2759)

RESOLVED:

That this item be referred back and be resubmitted to next Management Committee Meeting.

11.1.18 **ERONGO RED ANNUAL GENERAL MEETING 29 JANUARY 2015:
MANDATE FOR COUNCIL'S REPRESENTATIVES**

(C/M 2015/01/29 - A 4/3/1/16/1)

RESOLVED:

- (a) That the following mandates be given to Council's representatives that Council confirms its stance on the requirement of the 21 day notice for the Annual General Meeting and the Annual Financial Statements.
- (b) That Council considers the mandate for the matters as set out in the table below:

		<i>Insert the number of votes exercisable (2 for Swakopmund)</i>		
		<i>For</i>	<i>Against</i>	<i>Abstain</i>
<i>Ordinary Resolutions</i>				
1.	<i>To approve the minutes of the previous meeting dated 23 January 2014;</i>	2		
2.	<i>To receive, consider and adopt the annual financial statements of the company for the year ended and 30 June 2014;</i>	2		
3.	<i>To approve the directors' remuneration for the year ended 30 June 2014;</i>	2		
4.	<i>To confirm the dividends declared for the year ended 30 June 2014;</i>	2		
5.	<i>To re-elect directors in accordance with the Articles of Association;</i>	2		
6.	<i>To re-appoint auditors for the next financial year.</i>	2		

- (c) That Council approves the proposed Remuneration Policy, subject to the mandate given regarding the Seating Allowance, Retainer Fee and Subsistence and Travelling Allowances.

11.1.19 **EXPRESSION OF INTEREST FROM FINANCIAL INSTITUTIONS FOR THE FINANCING OF BLOCK 21**

(C/M 2015/01/29 - G 3/9)

RESOLVED:

- (a) That the financial proposal of Messrs First National Bank of Namibia be accepted.
- (b) That Council draws up an agreement with Messrs First National Bank for the development of Block 21 for the loan amount of N\$21 000 000.00.
- (c) That Council considers extending the loan amount to provide for the simultaneous development of Block 22, resulting in a total loan amount of N\$37 500 000.00.
- (d) That Council avails a total of 17 single residential erven in Blocks 21 & 22 to Messrs First National Bank of Namibia at upset prices as determined by Council once the development is completed, as set out in their development proposal.

11.1.20 **REQUEST BY MESSRS POWER-OYENO NAMIBIA (PTY) LTD TO SUB-LEASE A PORTION OF ERF 4874, SWAKOPMUND TO MESSRS NCO INVESTMENT NUMBER EIGHT (PTY) LTD**

(C/M 2015/01/29 - E 4874)

RESOLVED:

- (a) That permission be granted to Messrs Power-Oyeno Namibia (Pty) Ltd. to sublease a portion of Erf 4874, Swakopmund to Messrs NCO Investments Number Eight (Pty) Ltd for the establishment of a precast concrete fencing factory subject to the following conditions:
 - (i) *That Messrs Power-Oyeno Namibia (Pty) Ltd enters into a written sub-lease agreement with Messrs NCO Investments Number Eight (Pty) Ltd drawn up by a registered legal practitioner for a portion of Erf 4874, Swakopmund subject to the terms and conditions of its lease of Erf 4874, Swakopmund with Council.*
 - (ii) *That the sub-lease agreement entered between Messrs Power-Oyeno Namibia (Pty) Ltd and Messrs NCO Investments Number Eight (Pty) Ltd be submitted to Council for record keeping purposes.*
 - (iii) *That Messrs Power-Oyeno Namibia (Pty) Ltd takes note that the exception to Council's standard conditions of lease to allow a sub-lessee on Erf 4874, Swakopmund is made:*
 - (1) *With regards to Messrs NCO Investments Number Eight (Pty) Ltd only, and*
 - (2) *Solely for the latter's purposes of the establishment of a concrete fencing factory to supply to the Mass Housing Initiative, and*
 - (3) *For a portion of Erf 4874, Swakopmund only.*
 - (iv) *That Messrs Power-Oyeno Namibia (Pty) Ltd shall at all times remain responsible for all the duties, obligations and payments resulting from its lease of Erf 4874, Swakopmund whether or not a sub-lease agreement exists with a 3rd party for a portion of the property and whether or not such 3rd party occupies a portion of Erf 4874, Swakopmund.*

- (v) That Messrs Power-Oyeno Namibia (Pty) Ltd shall only sublease to Messrs NCO Investments Number Eight (Pty) Ltd as long as the latter is a sub-contractor for the Mass Housing Initiative and should this status change for any reason at any time, the sub-lease must be terminated.*
- (vi) That Messrs Power-Oyeno Namibia (Pty) Ltd shall at all times ensure that Messrs NCO Investments Number Eight (Pty) Ltd complies with all applicable legislation and contractual obligations imposed on Messrs Power-Oyeno Namibia (Pty) Ltd.*
- (vii) That any and all arrangements and costs required to accommodate the sub-lessee on the premises shall be for the account of the lessee.*
- (viii) That Council can cancel the permission to allow the sub-lease of a portion of the property to Messrs NCO Investments Number Eight (Pty) Ltd with a 3 month notice period.*
- (b) That the above conditions be incorporated into the lease agreement with Messrs Power-Oyeno Namibia (Pty) Ltd in addition to the conditions as resolved by Council on 2 October 2014 under item 11.1.10 and that failure to abide by any of the stated conditions may result in termination of the lease.**
- (c) That all costs relating to the lease of Erf 4874, Swakopmund to Messrs Power-Oyeno Namibia (Pty) Ltd be for the account of the lessee.**
- (d) That it be recorded that the sub-lease entered between Messrs Power-Oyeno Namibia (Pty) Ltd and Messrs NCO Investments Number Eight (Pty) Ltd is approved by Council in support of the National Mass Initiative.**

The meeting adjourned **19:50**

Minutes confirmed on: **26 February 2015**

Juuso Kambueshe
CHAIRPERSON
AK/-

E U W Demasius
CHIEF EXECUTIVE OFFICER