

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE EIGHTIETH (80th) MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 27 OCTOBER 2016 AT 14:00 IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, KROGH STREET, MAKHADO.

PRESENT

Councillors

| | |
|-----------------|--------------------|
| BABADU, T M | MBOYI, M D |
| BALIBALI, T | MOGALE, L B |
| BULALA, S I | MOHLABA, T J |
| CHILILO, N F | MOKGOADI, M R |
| DAVHANA, N D | MPASHE, M J |
| DU PLOOY, A | MTHOMBENI, S Z |
| DZIVHANI, T E | MUKWEVHO, G T |
| FURUMELE, M G | MUKWEVHO, T D |
| GABARA, M J | MULEFU, M E |
| HLONGWANE, F B | MUNYAI, N |
| JONES, N B | MUNYAI, N S |
| KUTAMA, N | MUSANDIWA, P N |
| KUTAMA, T | NDOU, M B |
| LUDUVHUNGU, V S | NDOU, M N |
| LUKHELI, J | NEMATANDANI, M C |
| MACHETE, M S | NEMUDZIVHADI, N S |
| MADULA, S | NETHULWE, M F |
| MADUWA, E | NYELISANI, S S |
| MADUWA, L G | PHOSHOKO, M G |
| MADZHIGA, F N | RALIPHADA, R |
| MAFHALA, N A | RAMAVHOYA, K S |
| MAGADA, M R | RAMUSHAVHA, G M |
| MAINGO, R T | RAPHALALANI, A A |
| MALIMA, M E | RASHAMUSE, A G |
| MALIVHA, N V | RATSHIKUNI, D |
| MALULEKE, K M | SELAPYANA, M A |
| MAMAFHA, T C | SESHOKI, T |
| MAMOROBELA, T P | SIMANGWE, N J |
| MAPHAHA, M Q | SINYOSI, S M |
| MAPHUBU, K | SITHI, E T |
| MARAGA, T A | TAMBANI, T E |
| MASHAMBA, M A | TSHIAMBWA, L R |
| MASUKA, S | TSHIBVUMO, G |
| MASUTHA, L G | TSHIFURA, S S |
| MATHALISE, L M | TSHIKLAMBRANA, M S |
| MATUMBA, A | |

Officials

| | |
|-----------------|---|
| I P MUTSHINYALI | (MUNICIPAL MANAGER) |
| M D SINTHUMULE | (DIRECTOR DEVELOPMENT PLANNING) |
| M P MAKHUBELA | (CHIEF FINANCIAL OFFICER) |
| N C KHARIDZHA | (DIRECTOR: CORPORATE SERVICES) |
| E J JOUBERT | (ACTING DIRECTOR TECHNICAL SERVICES) |
| M J KANWENDO | (DIRECTOR COMMUNITY SERVICES) |
| T E SHIRINGANI | (ASSISTANT MANAGER: AUXILIARY & COMMITTEES) |
| S W MATHONSI | (SARGENT OF ARMS) |
| M D MUNYAI | (ADMINISTRATIVE OFFICER: COMMITTEES) |

Guest

K M MOLOKOMME

(MAGISTRATE)

* * * *

1. OPENING

The Speaker, Cllr L B Mogale ruled that a moment of silence be observed for meditation and prayer, whereafter she declared the meeting officially opened and welcomed everyone present.

She expressed that all be reminded of the Municipality's Vision and Mission as follows:

Vision "A Dynamic Hub for Socio-Economic Development by 2025"

Mission "To ensure effective utilization of economic resources to address socio-economic imperatives through mining, tourism and agriculture".

2. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED –

THAT leave of absence be granted in accordance with the provisions of clause 21 of the Council's Rules of Orders, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the Council meeting held on 27 October 2016 to Cllrs T M Malange, M F Mukhari, T J Mamafha and J P Underwood.

3. OFFICIAL ANNOUNCEMENTS

3.1 The Speaker, Cllr L B Mogale announced the presence of Mr K M Molokomme, Magistrate who would officiate the swearing in of newly elected Councillors, T A Maraga and R T Maingo sworn in. (Cllr R T Maingo was not present at our first Council meeting and Cllr T A Maraga has filled the vacancy of former Cllr P Mashau.).

REMARK:

1. Mr K M Molokomme, Magistrate was present and officiated in the swearing of Oath or Affirmation by Councillors, T A Maraga and R T Maingo.
2. The duly signed Oath was filed in Council's official records.
3. THAT it be noted that Mr K M Molokomme, Magistrate conducted the declarations ceremony of the Oath during which each Councillor participated in declaring according to the following wording:
"Oath: I swear that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other laws of the Republic of South Africa, and I solemnly promise to perform my functions and duties as a councillor of Makhado Local Municipality to the best of my ability. So help me God."

3.2 The Speaker, Cllr L B Mogale announced that all councillors were invited to attend Vhembe District Inauguration Ceremony of the Executive Mayor and local Mayors that will take place on Saturday, 29 October 2016 at 10:00 at University of Venda Stadium. Councillors must collect VIP/Guest tickets to the Communication Officer's Office (NO councillors would be allowed into the VIP/Guests area without a ticket).

3.3 The Speaker, Cllr L B Mogale announced that all councillors were invited to attend the Strategic Planning Session for IDP 2017/18 – 2021/2022 arranged to be held on 16 – 18 November 2016 at Tshedza Lodge.

- 3.4 The Speaker, Cllr L B Mogale announced that Mr T Manebaneba, an official of the Municipality Human Resources Division under Corporate Services won the National Skills Development Facilitator of the Year Award presented by the Institute of Municipal Personnel of South African (IMPSA) at Johannesburg, Emperors Palace on 25 October 2016.

4. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY THE SPEAKER

4.1 Condolences

None

4.2 Congratulations

The Speaker, Cllr L B Mogale proposed congratulations to the following councillors who celebrated their birthdays since the first Council meeting held on 17 August 2016:

| | |
|---------------------|-------------------|
| Cllr T E Sithi | 27 August 2016 |
| Cllr L B Mogale | 31 August 2016 |
| Cllr G Tshibvumo | 1 September 2016 |
| Cllr J Lukheli | 2 September 2016 |
| Cllr M F Nethulwe | 6 September 2016 |
| Cllr M D Mboyi | 8 September 2016 |
| Cllr M S Machete | 10 September 2016 |
| Cllr T M Malange | 13 September 2016 |
| Cllr K Maphubu | 15 September 2016 |
| Cllr A Matumba | 21 September 2016 |
| Cllr M Q Maphaha | 5 October 2016 |
| Cllr M R Mokgoadi | 9 October 2016 |
| Cllr P N Musandiwa | 10 October 2016 |
| Cllr T Seshoki | 11 October 2016 |
| Cllr G M Ramushavha | 18 October 2016 |
| Cllr A du Plooy | 18 October 2016 |
| Cllr N D Davhana | 27 October 2016 |

5. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY COUNCILLORS

- 5.1 Cllr. T P Mamorobela proposed congratulations to her worship Mayor, Cllr S M Sinyosi for a successful Batho-Pele Build Up event held on Friday, 21 October 2016 at Grace Missionary Chapel (Tshituni Tshafhasi) in Ward 35, which was well attended.
- 5.2 Cllr G Tshibvumo proposed congratulations to Mamelodi Sundowns FC for bringing a star after 23 years, by winning the CAF Champions League Final with 3 – 0 aggregate win over Zamalek 3-1 aggregate.
- 5.3 Cllr LG Masutha proposed congratulations to a construction company that assisted to build a house to a needy family at Tsianda Village.
- 5.4 Cllr T E Tambani proposed congratulations to under 12 team of Benny Sports Academy and Development for returning to South Africa last week after a successful 2016 Danone National World Cup in France. They finished in the 14th place with 32 countries competing in the event.

5.5 Cllr V S Luduvhungu proposed congratulations to the Division of Water in Vhembe District Municipality for making sure that there is water at Dzumbathoho Village, and she further proposed congratulations to the Mayor, Cllr S M Sinyosi together with her Executive Committee for visiting Traditional leaders and remarked that, *“May God be with them”*.

6. CONFIRMATION OF MINUTES

6.1 REMARK:

Upon proposal by Cllr F N Madzhiga, duly seconded by Cllr M S Tshilambyana, it was -

RESOLVED -

THAT the minutes of the 112th Special Council meeting held on 26 July 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

6.2 REMARK:

Upon proposal by Cllr F B Hlongwane, duly seconded by Cllr R Raliphada, it was -

RESOLVED -

THAT the minutes of the 113th Special Council meeting held on 17 August 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson, with correction as follows:

Page 1, Present

6.3 REMARK:

Upon proposal by Cllr T P Mamorobela, duly seconded by Cllr S Z Mthombeni, it was -

RESOLVED -

THAT the minutes of the 114th Special Council meeting held on 30 August 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

6.4 REMARK:

Upon proposal by Cllr S Masuka, duly seconded by Cllr E Maduwa, it was -

RESOLVED -

THAT the minutes of the 115th Urgent Special Council meeting held on 14 October 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

7. QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN

7.1 QUESTION RECEIVED FROM CLLR J LUKHELI ON 22 SEPTEMBER 2016

The questions that were received were dealt with under the provisions of clause 37 of the Council's Rules of Orders, 2016 published in Provincial Gazette No. 2736 dated 29 July 2016. The Speaker put item 7.1 and ruled that the Chairperson of the Executive Committee reply to the questions. The Chairperson of the Executive Committee proceeded accordingly and replied to the seven questions as a whole, as recorded below:

Question 1:

How many people signed the documents which processed the payment of R110 550,00 to Shumani Pheteni General Dealer, Abnar Trading, U Mel Trading, Athikundwi Trading and Project and Ruthoo Pty Ltd.

Question 2:

Who are their names?

Question 3:

Was the documents illegitimate?

Question 4:

Did you get the opinion from signatures expert?

Question 5:

What is the litigation cost since the beginning of this case?

Question 6:

What is the said employees remuneration cost since the beginning of this case?

Question 7:

Are you continuing with the case?

ANSWER

The reply that covers question 1 to question 7 is, with all due respect to Cllr J Lukheli, that the Municipality can only safely state that there are five cases regarding this question which are proceeding at a Disciplinary Appeal Hearing in civil proceedings at the Makhado Magistrate and in the Regional Court of Limpopo under respective cases no. 591/2016, 592/2016, 593/2016, 594/2016 and LP/LTT/RC/84/16, as well as criminal case reported under case number 80/02/2015 at Makhado SAPS. In the light thereof the matter is sub-judice and as such the other parts of the questions cannot be answered at this stage."

7.2 QUESTION RECEIVED FROM CLLR N A MAFHALA ON 22 SEPTEMBER 2016

The questions that were received were dealt with under the provisions of clause 37 of the Council's Rules of Orders, 2016 published in Provincial Gazette No. 2736 dated 29 July 2016. The Speaker put item 7.2 and ruled that the Chairperson of the Executive Committee reply to the questions. The Chairperson of the Executive Committee proceeded accordingly and replied to the questions as recorded below:

Question 1

When is Mudimeli Bridge and Access Road from N1 going to be constructed?

Answer - The project registered and approved is not from the N1, but is from the Mudimeli Junction to Mudimeli Village from road D745 that link N1 and D777 from N1 to Tshipise. The project is currently at tender stage and it will be implemented in the financial year 2016/17.

Question 2

How is the road going to be constructed, as a one project or in phases?

Answer - *it will be implemented in phases, phase 1 is a bridge and 600m road.*

Question 3

How many kilometres will the project have?

Answer – *The total approved is for 3.8km from the junction to Mudimeli village.*

Question 4

Which villages are included in this project?

Answer - *Mudimeli village.*

Question 5

What will be the cost of the whole project?

Answer - *Total registered and approved amount by COGTA is R37,682,351.70.”*

8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETING

None

9. REPORT OF COUNCIL COMMITTEES: OCTOBER 2016**9.1 Report of the Executive Committee in terms of section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for the month of October 2016**

The report of the 402nd Executive Committee meeting held on 23 May 2016 (was considered at the 110th Special Council meeting of 26 May 2016)

The report of the 403rd Executive Committee meeting held on 26 May 2016 (only approval of previous minutes)

The report of the 404th Executive Committee meeting held on 23 June 2016 (was considered at the 111th Special Council meeting of 14 July 2016)

The report of the 405th Executive Committee meeting held on 14 July 2016 (only approval of previous minutes)

The report of the 406th Executive Committee meeting held on 26 July 2016 (was considered at the 112th Special Council meeting of 29 July 2016)

The report of the 407th Executive Committee meeting held on 29 July 2016 (was considered at the 112th Special Council meeting of 29 July 2016)

The report of the 408th Executive Committee meeting held on 29 August 2016 (was considered at the 114th Special Council meeting of 30 August 2016)

The report of the 409th Executive Committee meeting held on 30 August 2016 (only approval of previous minutes)

The report of the 410th Executive Committee meeting held on 10 October 2016

The report of the 411th Executive Committee meeting held on 14 October 2016

The report of the 412th Executive Committee meeting held on 20 October 2016

The report of the 413th Executive Committee meeting held on 27 October 2016

ITEM A.159.27.10.16**ELECTIONS: RESIGNATION BY ONE (1) COUNCILLOR AND FILLING OF VACANCY, 2016**

(3/2/5; 3/2/6)

RESOLVED A.159.27.10.16 (COUNCIL) -

1. THAT note be taken of the written resignation dated 19 August 2016 and received from Mr P Mashau on 24 August 2016, proportional representative councillor of the EFF Party, effective 6 September 2016.

(DCS)

2. THAT note be taken of the Memorandum of the I E C Makhado dated 7 September 2016, whereby Municipality is notified that Ms Tshilidzi Annikie Marage with Identity Number 740628 0780 083 was declared duly elected as proportional representative municipal councillor with effect of 7 September 2016, in the place of former Cllr P Mashau who had resigned, in terms of the provisions of section 18 of the Local Government: Municipal Structures Act.

ReplacementCllrPMashau_itm

(DCS)

ITEM A.160.27.10.16

ELECTIONS: REPLACEMENT COUNCILLOR TO REPRESENT MAKHADO LOCAL MUNICIPALITY IN THE VHEMBE DISTRICT COUNCIL (12/3/3/46)

REMARK:

When this matter was considered, Cllr A Matumba proposed, duly seconded by Cllr M G Phoshoko that Cllr M A Selapyana be representative councillor in Vhembe District Municipality. The proposal was recorded as Council Resolution herein below.

RESOLVED A.160.27.10.16 (COUNCIL)

THAT Council appoints Cllr M A Selapyana to substitute former Cllr P Mashau who resigned as municipal councillor effective 6 September 2016, as Local Municipality's representative in the Vhembe District Municipality, effective date of this Council Resolution, and that Vhembe District Municipality be notified accordingly. (DCS)

RepVhembeDM_itm

(REMARK: Item A.161.14.10.16 (originally A.161.27.10.16) was considered at the Urgent Special Council meeting held on 14 October 2016)

ITEM A.162.27.10.16

LOCAL LABOUR FORUM: REPRESENTATIVES OF COUNCIL (4/21/1)

RESOLVED A.162.27.10.16 (COUNCIL)

THAT Cllrs T Mamorobela, N F Madzhiga and F Chililo form part of the Council's representative delegation to the Local Labour Forum as proposed by the Mayor as in Annexure A attached to the report in this regard. (DCS)

DelegationLLF_itm

ITEM A.163.27.10.16**REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS –
QUARTER 4: 2015/16 FINANCIAL YEAR
(10/1/6/1)**

RESOLVED A.163.27.10.16 (COUNCIL) -

THAT note be taken of the progress with implementing Council Resolutions in respect of meetings held during Quarter 4 of the 2015/2016 financial year, as well as the month of July 2016, as more fully set out in Annexure F attached to the report in this regard. (DCS)

CouncilResolutionImplementationQ4of2015-2016_itm

ITEM A.164.27.10.16**PERSONNEL:**

1. **PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS (GOVERNMENT NOTICE NO. 38946 DATED 1 JULY 2015)**
2. **ANNUAL SALARY INCREASE OF THE MUNICIPAL MANAGER AND THE CHIEF FINANCIAL OFFICER**
3. **SALGA CIRCULAR NO 20 OF 2016**

(5/5/2/1)

RESOLVED A.164.27.10.16 (COUNCIL)

1. THAT **Council approves** the salary packages based on category 4 (until such time as the higher category may be approved) of the below mentioned section 56 managers in terms of the provisions of Notice No. 381 of 2016 promulgated in Government Gazette No. 40118 dated 4 July 2016 by the Minister for Co-operative Governance and Traditional Affairs, as the Local Government: Total Remuneration Packages Payable to Municipal Managers and Managers directly Accountable to Municipal Managers which is applicable with effect of 1 July 2016 for the following senior managers:

Mr M J Kanwendo, Director Community Services

Mr N C Kharidzha, Director Corporate Services

Mr M W Molokomme, Director Technical Services

Ms M D Sinthumule, Director Development Planning. (CFO)

2. THAT **Council further approves** a 6% annual increase in remuneration of Mr I P Mutshinyali, Municipal Manager and Ms M P Makhubela, Chief Financial Officer in terms of clause 7 of their Contracts of Employment effective from 1 July 2016 read with the guiding framework for determination by municipal councils of cost of living adjustments for section 56/57 managers as set out in SALGA Circular No 20 of 2016 dated 31 August 2016, subject to the provisions as more fully described in the report and the annexures to the report in this regard. (CFO)

UpperLimitsManagers2016_itm

ITEM A.165.27.10.16**PUBLICITY:**

- 1. REVIEW OF MAKHADO LOCAL MUNICIPALITY STAKEHOLDERS MANAGEMENT FRAMEWORK POLICY, 2016**
- 2. MAKHADO LOCAL MUNICIPALITY IMBIZO'S FRAMEWORK, 2016**

(11/B)

RESOLVED A.165.27.10.16 (COUNCIL)

THAT Council approves the reviewed Makhado Local Municipality Stakeholders Management Framework Policy, 2016 together with the Makhado Local Municipality Imbizo's Framework, 2016 attached to the report in this regard as Annexures A and B respectively. (DCS)

ReviewStakeholdersManagementFrameworkPolicy2016-2017_itm

ITEM A.166.27.10.16**PUBLICITY: REVIEW: WEBSITE POLICY, 2016****(11/2/B)**

RESOLVED A.166.27.10.16 (COUNCIL)

1. THAT Council approves the reviewed Website Policy to assist municipal departments in maintaining best practice in the online presentation of municipal information to be displayed and structured. (DCS)
2. THAT the contents of the reviewed Website Policy, 2016 be adopted as Council's Website Policy, 2016 with effect of the date of this Council Resolution, as attached to the report in this regard. (DCS)

ReviewWebsitePolicy_itm

ITEM A.167.27.10.16

COUNCIL LAND: PROPOSED TRANSFER OF FUNDS PAID FOR ERF 107, ELTI VILLAS EXTENSION 1 TOWNSHIP AND SALE OF ERF 108, ELTI VILLAS EXTENSION 1 TOWNSHIP (EE107 & EE108)

REMARK:

This matter was referred as item B.25.10.10.16.

ITEM A.168.27.10.16

COUNCIL LAND: PROPOSED LEASE: MUNICIPAL LAND: LOUIS TRICHARDT TOWN: BILLBOARDS (15/3/9 & 7/3/2/9)

RESOLVED A.168.27.10.16 (COUNCIL) –

THAT the application received from Mr C M Tladi as Business Development Manager for the Mabusha Investments Group CC for lease of municipal land to erect billboards around the town of

Louis Trichardt be approved subject to the following terms and conditions read with the provisions of Chapter 4 and Chapter 5 of the Makhado Municipality Outdoor Signs By-Laws:

1. In terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended the intention to lease municipal land(s) detailed as follows:

| SITES | LOCALITY | EXTENT |
|---|---|---|
| <u>NUMBER 1</u> <i>Along the N1 South from Louis Trichardt Central Business District</i> | <i>Directly opposite Elti Villas Shopping Complex approximately 1.3km from the Traffic Circle Four Way Junction to R522 Vivo.</i> | <i>Supalite with total size of 18m² and an actual size of billboard standing at 3m x 6m.</i> |
| <u>NUMBER 2</u> <i>Along the N1 South from Louis Trichardt Central Business District.</i> | <i>Directly opposite Elegant Gas / Safety and diagonally opposite Desai Cash & Carry.</i> | <i>Gantry with total size of 81m² and a maximum ground clearance height of 4.5m.</i> |
| <u>NUMBER 3</u> <i>Along the N1 North from Polokwane</i> | <i>1km from the Traffic Circle Four Way Junction to Ledig and R578 Elim / Giyani road.</i> | <i>Supalite with total size of 81m² and an actual size of billboard standing at 3m x 6m.</i> |
| <u>NUMBER 4</u> <i>Along the Songozwi Street / R524 Thohoyandou Road.</i> | <i>1km from the Louis Trichardt Showground(s).</i> | <i>Gantry with total size of 81m² and a maximum ground clearance height of 4.5m.</i> |

be advertised in one (1) of the local newspapers for objections if any.

2. A market related rental for the lease of municipal land determined by a professional valuer.
3. The rental be escalated by 10% per annum at the beginning of each financial year until the end of the lease agreement.
4. The term of lease be for a period of five (5) years, with lease renewal option.
5. A standard lease agreement be made and entered into by and between Makhado Local Municipality and Mr C M Tladi as Business Development Manager for the Mabusha Investments Group CC.
6. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Property Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements and valuation.
7. The approval is further subject to the following conditions:

a. **Electricity**

Billboard no 1 : Developer to pay for the electricity connection. Only 16kVA available. Costs of consumption to be determined as existing.

Billboard no 2 : No electricity available.

Billboard no 3 : No electricity available.

Billboard no 4 : No electricity available.

7.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

7.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

7.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

BillboardMabusha_itm

(DDP)

ITEM A.169.27.10.16

COUNCIL LAND: PROPOSED LEASE OF MUNICIPAL LAND: ERECTION OF DIGITAL LED TV DISPLAY BILLBOARD, MAKHADO-A TOWNSHIP (15/3/9 & 7/3/2/9)

RESOLVED A.169.27.10.16 (COUNCIL) –

THAT the application received from Mr Moses Makhado acting on behalf of the Bono Vision Media for proposed lease of municipal land to erect digital LED TV display billboard at the village of Elim be approved subject to the following terms and conditions read with the provisions of Chapter 4 and Chapter 5 of the Makhado Municipality Outdoor Signs By-Laws:

1. In terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended the intention to lease municipal land at the village of Elim of dimension 5,76m x 2.88m, be advertised in one (1) of the local newspapers for objections if any.
2. A market related rental for the lease of municipal land determined by a Professional valuer.
3. The rental be escalated by 10% per annum at the beginning of each financial year until the end of the lease agreement.
4. The term of lease be for a period of five (5) years, with lease renewal option.
5. A standard lease agreement be made and entered into by and between Makhado Local Municipality and Mr Moses Makhado acting on behalf of the Bono Vision Media.
6. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Property Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements and valuation.
7. The approval is further subject to the following conditions:
 - 7.1 **Electricity:** Makhado – A township falls in the Eskom area of supply.
 - 7.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
 - 7.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

7.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

BillboardBonoVision_itm

(DDP)

ITEM A.170.27.10.16

**COUNCIL LAND: PROPOSED LEASE: MUNICIPAL BUILDING ON ERF 43, ELTI VILLAS TOWNSHIP (TAXI RANK)
(15/3/15)**

RESOLVED A.170.27.10.16 (COUNCIL) –

THAT the application received from Mr A C Makananise as the secretary for the Makhado Local and Long Distance Taxi Association for proposed lease of the municipal building measuring 70.67m² on erf 43 at Elti Villas Township (Taxi Rank) be approved subject to the following terms and conditions:

1. In terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended the intention to lease the municipal building on erf 43, measuring 70.67m²) situated at Elti Villas Township (Taxi Rank) be advertised in one (1) of the local newspapers for objections, if any.
2. The municipal building measuring 70.67m² be leased at a market related valuation determined by a Professional valuer which will serve as the rental price for the building.
3. A standard lease agreement be made and entered into by and between Makhado Local Municipality and A. C. Makananise as the secretary for the Makhado Local and Long Distance Taxi Association.
4. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Property Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements and valuation.
5. The applicant shall comply with the National Environmental Management Act, 1998 (Act 107 of 1998) prior, commencement of projects or activity and recommendations for the Department of Limpopo Economic Development, Environment and Tourism must be submitted.
6. The approval is further subject to the following conditions:
 - 6.1 **Electricity:** Erf 43 Eltivillas, the taxi rank has an existing electricity supply capacity of 16kVA. Should this capacity be insufficient, the lessee should apply and pay for any additional supply, subject to-
 - (a) Overall availability of capacity in the Municipality's electricity supply scheme.
 - (b) A fully motivated written application by the client which will be submitted to Senior Management for their consideration.
 - (c) Only a maximum of 50kVA may in any way be considered according to present status of the electricity supply scheme.

The client is further obliged to comply with the following conditions:

- (d) Application for additional electricity supply must be done by a professional electrical engineer, who must also do the design thereof and supervise all installation work.
- (e) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.
- (f) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
- (g) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.

6.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

6.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

6.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

- 7. Thirty (30) percent of the unemployed youth to be used according to the applicant must be from the Makhado Municipal area.

ProposedLeaseErf43EltiVillas_itm

(DDP)

(REMARK: Item CA.171.14.10.16 was considered at the Urgent Special Council meeting held on 14 October 2016)

ITEM A.172.27.10.16

REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS – QUARTER 1: 2016/17 FINANCIAL YEAR (10/1/6/1)

RESOLVED A.172.27.10.16 (COUNCIL) -

THAT note be taken of the progress with implementing Council Resolutions in respect of meetings held during Quarter 1 of the 2016/2017 financial year as more fully set out in Annexure E attached to the report in this regard.

(DCS)

CouncilResolutionImplementationQ1of2016-2017_itm

ITEM A.173.27.10.16

REPORTING: SUBMISSION OF WARD COMMITTEE'S ACTIVITIES: QUARTER 4, 2015/2016 FINANCIAL YEAR (10/1/5/1)

RESOLVED A.173.27.10.16 (COUNCIL) –

THAT Council **approves** the report of the Ward Committee activities for Quarter 4 of the 2015/16 financial year.

(DCS)

WardCommitteesQ4 2015-2016_itm

ITEM A.174.27.10.16**COUNCIL COMMITTEES: ESTABLISHMENT OF WARD COMMITTEES, 2016 – TEMPORARY WAIVER OF TIMELINES, CLAUSE 4 OF POLICY ON ESTABLISHMENT AND OPERATION OF MUNICIPAL WARD COMMITTEES, 2011 (4/1/B)**

RESOLVED A.174.27.10.16 (COUNCIL)

That Council take note that the Municipal Manager upon request of the Speaker exercised the power assigned to him in terms of the clause 17(b) of the *Policy on Establishment and Operation of Municipal Ward Committees, 2011*, to waive the timeline lapse between nomination and election date from 21 to 7 days, in order to expedite the establishment of ward committees in the 38 municipal wards of Makhado Municipality. (DCS)

WardCommittees2016Waiver_itm

ITEM A.175.27.10.16**REPORT: MUNICIPAL INFRASTRUCTURE GRANT (MIG) 1ST QUARTER: 2016/2017 FINANCIAL YEAR (16/8/1 & 10/1/5/3)****REMARK:**

When this matter was considered Cllr S Masuka proposed, duly seconded by Cllr T P Mamorobela that the matter be withdrawn from the agenda. The proposal was recorded as Council Resolution herein below.

RESOLVED A.175.27.10.16 (COUNCIL) -

THAT the matter be withdrawn.

ImplementationMIG Q1 2016-2017_itm

(DTS)

ITEM A.176.27.10.16**REPORT: MUNICIPAL EXTENDED PUBLIC WORK PROGRAMME (EPWP) GRANT: 1ST QUARTER REPORT: 2016/2017 FINANCIAL YEAR (16/8/1 & 10/1/5/3)**

RESOLVED A.176.27.10.16 (COUNCIL) -

THAT Council takes note of the first quarter report in relation to the implementation of the Expanded Public Works Programme (EPWP) for the 2016/17 financial year. (DTS)

ImplementationEPWP Q1 2016-2017_itm

ITEM A.177.27.10.16**COUNCIL LAND: REVIEW OF COUNCIL RESOLUTION A.35.31.03.16: TOGETHER WITH AN APPEAL FOR LOWER MONTHLY RENTAL PRICE ON LEASE AT CLOUDS END HOTEL FOR LIMPOPO CRUSADERS POLOCROSSE CLUB (7/3/2/3/17)****REMARK:**

When this matter was considered, Cllr M E Malima proposed, that on condition number one the word “not advertised” be changed to read “advertised” and the proposal was generally accepted by Council and the change was done in paragraph 1 below.

RESOLVED A.177.27.10.16 (COUNCIL) -

THAT the review of Council Resolution A.35.31.03.16 and appeal for lower monthly rental on lease at Clouds End Hotel for Limpopo Crusaders Polocrosse Club be approved, subject to the following conditions:

1. The intention to lease municipal land at the Clouds Ends Hotel be in terms of the provisions of section 79(18) of the Local Government Ordinance 1939, (Ordinance 17 of 1939) as amended be advertised in one (1) of the local newspapers for comments and objections, if any.
2. The initial market related rental price determined by a Professional Valuer amounting to R1000,00 (One Thousand Rand) be re-considered and not exceed R600,00 (Six Hundred Rand).
3. A market related rental price for the lease of municipal land be re-determined by a Professional Valuer.
4. The status quo on the rest of other conditions remains.
5. A standard agreement of lease be made and entered into by and between Makhado Local Municipality and Ron W Sparrow acting on behalf of the “Limpopo Crusaders Polocrosse Club”.
6. The standard conditions for the lease of Municipal land will further apply.
7. The applicant be informed in terms of the provisions of item 17(t) read with 18(4) of the Makhado Local Municipality Immovable Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that he/she will bear all costs relative to the advertisements and valuation.
8. The approval is further subject to the following conditions:
 - 8.1 **Electricity:** The remainder portion of the farm Cloudsend 279 LS has an existing electricity supply capacity of 200 kVA for the Cloudsend Hotel. No additional supply capacity can be made available. Should there be a need for electricity for the applicant it must be privately obtained from the electricity user of the Cloudsend Hotel.
 - Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
 - Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
 - Property Rates:** The landowner is the Municipality.

9. The Council is hereby indemnified against any losses that may be incurred by the applicant.

10. Any renovation for the horses' accommodation shall be to the account of the applicant.

PASAAppealRentalSept2016_itm

(DDP)

ITEM A.178.27.10.16

COUNCIL LAND: AMENDMENT OF LAND SALE POLICY: NULLIFICATION OF 50% DISCOUNT TO BONA FIDE LOCAL CHURCHES (7/3/2/1 & 7/B)

RESOLVED A.178.27.10.16 (COUNCIL) -

THAT the Council's Land Sale Policy (1982) whereby 50% discount be granted on the market valuation (sales price) to bona fide local churches, or for the purpose of place of public worship be amended in that **no discount** on such land sales transactions will be applicable, effective from the date of this Council Resolution.

(DDP/CFO)

Nullification50%ChurchesDiscount_itm

ITEM A.179.27.10.16

COUNCIL LAND: PROPOSED PURCHASE OF ERF 1217, TSHIKOTA EXTENSION 1 TOWNSHIP (TE1217)

REMARK:

This item was referred as item B.26.20.10.16.

ITEM A.180.27.10.16

COUNCIL LAND: PROPOSAL TO RE-PURCHASE ERF 317, TSHIKOTA TOWNSHIP (TE317)

RESOLVED A.180.27.10.16 (COUNCIL) –

THAT the proposal received from Mr D P Mapolobela to re-purchase erf 317, Tshikota Township be approved subject to the following terms and conditions:

1. A proposed property re-purchase be considered only upon approval of the existing buildings, and also, sorting out of building "Structures" encroachments on erf 279, Tshikota Township.
2. In terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended the intention to sell erf 317, Tshikota Township be advertised in one (1) of the local newspapers for objections if any.
3. The Makhado Local Municipality General Valuation Roll for the financial years 2014 / 2018 be considered.
4. A standard sale agreement be made and entered into by and between Makhado Local Municipality and Mr D P Mapolobela.

5. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements.
6. The approval is further subject to the following conditions:
- 6.1 **Electricity:** Erf 317 Tshikota has an existing electricity supply capacity of 16kVA. Should this capacity be insufficient, any additional supply would be subject to-
- (a) Overall availability of capacity in the Municipality's electricity supply scheme.
 - (b) A fully motivated written application by the client which will be submitted to Senior Management for their consideration.
 - (c) Only a maximum of 50kVA may in any way be considered according to present status of the electricity supply scheme.

The client is further obliged to comply with the following conditions:

- (i) Application for additional electricity supply must be done by a professional electrical engineer, who must also do the design thereof and supervise all installation work.
 - (ii) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.
 - (iii) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
 - (iv) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.
- 6.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
- 6.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
- 6.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

TE317MapolibelaDP_itm

(DDP)

ITEM A.181.27.10.16

COUNCIL LAND: PROPOSED SALE AND INVALIDATION OF COUNCIL RESOLUTION REGARDING ERF 4979, LOUIS TRICHARDT EXTENSION 8 TOWNSHIP (E4979)

RESOLVED A.181.27.10.16 (COUNCIL) -

THAT the application to purchase erf 4979, Louis Trichardt Extension 8 Township for purpose of building rental units and/or town houses that which was received from Ms N J Luvhimbi be approved, it be subject to the following conditions:

1. The intention to sell erf 4979, Louis Trichardt Extension 8 Township be in terms of the provisions of section 79(18) of the Local Government 1939, (Ordinance 17 of 1939) as amended be advertised in a local newspapers for comments and objections, if any.
2. The general valuation roll for the period of 2014 to 2018 which will serve as the purchase price for erf 4979, Louis Trichardt Extension 8 Township be considered.
3. The developer submits a development proposal for consideration.
4. The property be developed within three (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further two (2) years.
5. In the event that the developer failed to complete the development as required under paragraph 4 above the property shall revert back to Council without compensation by the municipality to the developer for any improvements on the property.
6. A standard agreement of sale be made and entered into by and between Makhado Local Municipality and N. J. Luvhimbi.
7. The standard conditions for sale of Municipal land will further apply.
8. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that he/she will bear all costs relative to the advertisements and valuation.
9. The approval is further subject to the following conditions:
 - 9.1 **Electricity:** Erf 4979, Extension 8 has no existing electricity connection. Only a 50kVA can be made available. Should this capacity be insufficient, any additional supply would be subject to-
 - (a) Overall availability of capacity in the Municipality's electricity supply scheme.
 - (b) A fully motivated written application by the client which will be submitted to Senior Management for their consideration.
 - (c) Only a maximum of 50kVA may in any way be considered according to present status of the electricity supply scheme.

The client is further obliged to comply with the following conditions:

 - (i) Application for additional electricity supply must be done by a professional electrical engineer, who must also do the design thereof and supervise all installation work.
 - (ii) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.
 - (iii) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
 - (iv) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.
 - 9.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

9.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

9.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

E4979LuvhimbaNJSept2016_itm

(DDP)

ITEM A.182.27.10.16

COUNCIL LAND: PROPOSED LEASE: PORTION OF PORTION 7, FARM BERGVLIET 288 LS (FAR EAST OF UNIT N ROAD CAMP), MAKHADO FOR INTENDED ENTERTAINMENT AREA AND WEDDING GARDEN (7/3/2/1)

RESOLVED A.182.27.10.16 (COUNCIL) -

THAT the proposed lease of a portion of Portion 7, farm Bergvliet 288 LS, located on far eastern side of Unit N, for the purpose of establishing an entertainment area, wedding garden and beautiful landscaping that was received from Mr T N Mabogo as Managing Director for the Ndodzo Transport and Projects be approved, it be subject to the following conditions:

1. The intention to lease the area to be determined by local survey technician, the far eastern side of Unit N, for the purpose of establishing an entertainment area, wedding garden and beautiful landscaping be in terms of the provisions of section 79(18) of the Local Government Ordinance 1939, (Ordinance 17 of 1939) as amended be advertised in one of the local newspapers for comments, if any.
2. A market related price for the lease of municipal land be determined by a Professional Valuator.
3. Upon lapse of the lease erected structures would remain council properties.
4. A schematic representation of portion 7 of farm Bergvliet 288 L.S. for non-registration be drawn by the Internal Survey Technician.
5. The standard conditions for the lease of Municipal land will further apply.
6. A memorandum of agreement made and entered into by and between Makhado Local Municipality and T N Mabogo as Managing Director for the Ndodzo Transport and Projects.
7. The applicant be informed in terms of the provisions of item 17(t) read with 18(4) of the Makhado Local Municipality Immovable Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that he/she will bear all costs relative to the advertisements and valuation.
8. The approval is further subject to the following conditions:
 - 8.1 **Electricity:** On this piece of land is a Vhembe water pump that is fed by a cable from Unit N. The infrastructure cannot be interfered with. Only a 50kVA can be made available for this development.
 - (i) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.

- (ii) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
- (iii) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.

8.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

8.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

8.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

NdodzoTrasProjJune2016_itm

(DDP)

ITEM A.183.27.10.16

**COUNCIL LAND: PROPOSED PURCHASE: PORTION OF ERF 4296, LOUIS TRICHARDT TOWNSHIP (THE BIRD PARK BEHIND TIMBER CITY HARDWARE STORE)
(15/3/15)**

REMARK:

This item was referred as item B.27.20.10.16.

CONFIDENTIAL

ITEM CA.184.27.10.16

CONFIDENTIAL MATTER

CONFIDENTIAL

ITEM CA.185.27.10.16

CONFIDENTIAL MATTER

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9.2 Report of the Executive Committee in terms of section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for the month of October 2016

410th Executive Committee Meeting: 10 October 2016

412th Executive Committee Meeting: 20 October 2016

ITEM B.25.10.10.16

COUNCIL LAND: PROPOSED TRANSFER OF FUNDS PAID FOR ERF 107, ELTI VILLAS EXTENSION 1 TOWNSHIP AND SALE OF ERF 108, ELTI VILLAS EXTENSION 1 TOWNSHIP (EE107 & EE108)

REMARK:

This matter was referred from item A.167.27.10.16.

RESOLVED B.25.10.10.16 (EXECUTIVE COMMITTEE)

THAT the matter be referred back for further investigation regarding the selling prices and market related prices of erf 107 and erf 108, Elti Villas Extension 1 Township.

SaleErf108EltiVillas_itm

(DDP)

ITEM B.26.20.10.16

COUNCIL LAND: PROPOSED PURCHASE OF ERF 1217, TSHIKOTA EXTENSION 1 TOWNSHIP (TE1217)

REMARK:

This item was referred from item A.179.27.10.16.

RESOLVED B.26.20.10.16 (EXECUTIVE COMMITTEE) –

THAT the matter be referred back for further investigation.

TE1217CentreOfExellenceSept2016_itm

(DDP)

ITEM B.27.20.10.16

COUNCIL LAND: PROPOSED PURCHASE: PORTION OF ERF 4296, LOUIS TRICHARDT TOWNSHIP (THE BIRD PARK BEHIND TIMBER CITY HARDWARE STORE) (15/3/15)

REMARK:

This item was referred from item A.183.27.10.16.

RESOLVED B.27.20.10.16 (EXECUTIVE COMMITTEE) –

THAT the matter be referred back and the applicant be informed to submit an application anew.

TimberCityMay2016_itm

(DDP)

CONFIDENTIAL

ITEM CB.28.20.10.16

CONFIDENTIAL MATTER

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10. PETITIONS

None

11. NEW MOTIONS

None

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The meeting was closed and adjourned at 15:53.

Approved and confirmed in terms of the provisions of section 27 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) by a resolution of the Council passed at the meeting held on the first following Council meeting of 8 December 2016.

CHAIRPERSON

MDM/lh/CouncilMinutes_80