

7. **THAT**, subject to the availability of funds, a Memorandum of Agreement be entered into with the Department of Culture, Sport and Recreation and the management of the new library building.

**C46/01/2017**

**REQUEST TO REMOVE 2010 SOCCER BALLS**

17/7/1 (U)

With the consideration of this matter, Cllr H F Niemann submitted the following proposal which was seconded by Cllr E Bruiners:

*"That the electrical connections at the soccer balls be removed and made safe to the satisfaction of the Director: Electrical Engineering Services."*

In view of the fact that the proposal was not opposed. The proposal was therefore accepted.

**RESOLVED BY COUNCIL**

1. **THAT** Council take note of the report by the Executive Director: Community Services regarding 2010 soccer balls which were donated by Nkangala District Municipality.
2. **THAT** Council approve the disposal of the soccer balls through public bidding process (auction).
3. **THAT** the soccer balls be de-recognized and taken-off from the inventory register.
4. **THAT** the gain or loss on disposal of the soccer balls be included in the surplus or deficit in the statement of financial performance.
5. **THAT** the successful bidder be responsible to remove the soccer balls under the supervision of the authorized official from the Department of Community Services.
6. **THAT** the electrical connections at the soccer balls be removed and made safe to the satisfaction of the Director: Electrical Engineering Services.

**C47/01/2017**

**TOWN PLANNING: APPLICATION TO ERECT A CELLULAR PHONE MAST AND BASE STATION ON ERF 2459 AERORAND**

7/4/1 (T)

**RESOLVED BY COUNCIL**

1. **THAT** the report by the Acting Executive Director : Corporate Services, be noted.
2. **THAT** Council confirm that a 100m<sup>2</sup> portion of Erf 2459 Aerorand ("the property") is not needed to render the basic level of municipal services and is not needed for the Municipality's own use during the period for which the right to use, control or manage the asset is to be granted.

*Handwritten mark*

3. **THAT** the Accounting Officer be authorized to lease the property as an unsolicited bid.
4. **THAT** a written Lease Agreement be entered into between the Municipality and the applicant in respect of the property, subject to the following conditions:
  - 4.1 **That** the rental amount be R3 500.00 (Three Thousand Five Hundred Rand) per month excluding VAT, subject to an annual escalation of 8% on 1 July every year commencing on 01 July 2017, reviewable 3-yearly.
  - 4.2 **That** the lease amount be reviewed should a Lease Agreement not be concluded within 12 months from the valuation date (12/09/2016).
  - 4.3 **That** the lease be limited to 3 (three) years.
  - 4.4 **That** should the lessee require, but the property does not have access to engineering, water or electrical services, the bulk services contribution and connection costs will be for the account of the lessee.
  - 4.5 **That** the lessee shall enter into a consumer agreement with Council for any services required or used and shall pay the necessary deposits upon signature of the consumer agreement.
  - 4.6 **That** services shall be paid by the lessee monthly in accordance with the tariffs as determined from time to time and as promulgated in terms of Council's By-laws.
  - 4.7 **That** the property be used for purposes of a cellular telephone mast and base station only.
  - 4.8 **That** the property shall be fenced off by and at the cost of the lessee.
  - 4.10 **That** all costs occasioned by the lease including, but not limited to, all advertising be for the lessee's account.
  - 4.11 **That** the height of the mast shall not exceed 30 metres.
  - 4.12 **That** the lease agreement be entered into between Council and the applicant before any construction work can be commenced with.
  - 4.13 **That** the comments on the Environmental Impact Assessment be obtained by the applicant from the Department of Agriculture, Rural Development, Land and Environmental Affairs, particularly on the visual impact of the structure, before any construction work can be commenced with.
  - 4.14 **That** the proposed development for the cellular phone mast be constructed on the subject property as a secondary use.

- 4.15 **That** the cellular telephone mast be constructed in a way that blends in well with the surrounding environment to the satisfaction of the Council and that only a tree type mast shall be accepted.
- 4.16 **That** a site development plan together with the building plans be submitted by the applicant for approval prior to any construction work.
- 4.17 **That** the identified location where the cellular telephone mast will be erected, be fenced off and locked at all times.
5. **THAT** the proposed lease of the property be advertised in terms of Section 79(18) of the Local Government Ordinance 17 of 1939 as amended, read together with Section 21 of the Municipal Systems Act 32 of 2000 as amended, Section 113 of the Municipal Finance Management Act 56 of 2003 and Section 41 of the Council's Supply Chain Management Policy.
6. **THAT** all proceeds from the lease be allocated to Vote Number 555/020 (Fixed Property: Rental : Land).

**C48/01/2017**

**CONFIRMATION OF IMPLEMENTATION OF CORPORATE SOCIAL INVESTMENT PROJECTS BY ESKOM KUSILE POWER STATION**

5/16/1; 17/2/1/1 (T)

**RESOLVED BY COUNCIL**

1. **THAT** the report by the Acting Executive Director: Infrastructure Services, be noted.
2. **THAT** Council approve the Corporate Social Investment projects to be implemented by Eskom Kusile Power Station on condition that scope of works shall be approved by the Acting Municipal Manager.
3. **THAT** Council approve in principle the location of the Community Health Centre on Erf 1095, Newtown.
4. **THAT** a further report be submitted in terms of the alienation in line with the prescripts of the Municipal Asset Transfer Regulations and the MFMA.
5. **THAT** the fair market value of Erf 1095, Newtown be determined by the municipal valuer.
6. **THAT** Eskom provide the Municipality with detailed plans and costs for the refurbishments of Council facilities, Themba Senamela and Kwazamokuhle Stadium to include the projects in the municipal budget.
7. **THAT** Eskom, on completion, handover of the projects provide the componentized assets with final cost and a list of assets replaced in order for same to be written off.

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8. **THAT** a Memorandum of Agreement for the implementation of the projects be entered into between the Municipality and Eskom.
9. **THAT** the community health facility be designed and sited on the stand in such a way that the property can be subdivided and transferred by the Municipality if required in future.

**C50/01/2017**

**FINANCES: SUPPLY CHAIN MANAGEMENT: MONTHLY REPORT: SECTION 40  
REPORT FOR DECEMBER 2016**

9/2/2 (M) /mm

**RESOLVED BY COUNCIL**

1. **THAT** the monthly deviation report in terms of Section 40 of the Supply Chain Management for December 2016 as submitted by the Executive Director: Financial Services, be noted.
2. **THAT** the deviation report for December 2016 be reported in the Annual Financial Statements.

**C51/01/2017**

**REPORTS: 2015/16 ANNUAL REPORT**

9/1/1 (S) /mm

**RESOLVED BY COUNCIL**

1. **THAT** the Annual Report for the 2015/16 financial year as submitted in terms of Section 127(2) of the Municipal Finance Management Act, 2003, be noted.
2. **THAT** an Audit Action Plan be prepared and submitted to Council for consideration.
3. **THAT** in terms of Section 127 of the MFMA read with Section 21 of the Municipal Systems Act, the Annual Report -
  - (a) Be made public for comment by the local community and relevant stakeholders.
  - (b) Be submitted to MPAC for oversight.
  - (c) Be further submitted to Council for final adoption thereafter, submitted to the Auditor-General, the Provincial Finance Department and the Provincial Department responsible for Local Government.

**C61/01/2017**

**FINANCES: AUDIT ACTION PLAN FOR 2016/2017 FINANCIAL YEAR**

5/14/1 (B)/mm

**RESOLVED BY COUNCIL**

1. **THAT** Council take note of the attached Audit Action Plan for 2016/2017.
2. **THAT** Council take note of the remedial actions/activities from the 2015/2016 final management letter to be undertaken to address weakness identified.

**C65/01/2017**

**FINANCES: FINANCIAL QUARTERLY REPORT: DECEMBER 2016**

9/2/1 (B) /dp

**RESOLVED BY COUNCIL**

1. **THAT** the quarterly report on the implementation of the budget and the financial affairs for the municipality referred to in Section 52(d) of the MFMA for the quarter ending 31 December 2016, be noted.
2. **THAT** permission be granted to the Executive Director: Financial Services to submit the report in both an electronic and hard copy format to the National and Provincial Treasuries within five working days after tabling in the Council.
3. **THAT** permission be granted to the Executive Director: Financial Services to place the quarterly report on the municipal website for the quarter ending 31 December 2016.

**C67/01/2017**

**POLICY: POLICY FOR THE CONSIDERATION, APPROVAL AND GRANTING OF CONSENT IN TERMS OF SECTION 14 OF THE STEVE TSHWETE LOCAL MUNICIPALITY AERODROME BY-LAWS**

7/1/P (T)/yb

[MM 120847, 120573, 121024, 121095, 121216]

**RESOLVED BY COUNCIL**

1. **THAT** the report by the Acting Executive Director: Corporate Services, be noted.
2. **THAT** the consideration and approval of applications to engage in a trade within the boundaries of the Middelburg Aerodrome and the provision of such written consent in terms of Section 14 of the Aerodrome By-laws be delegated to the Municipal Manager, Executive Director: Corporate Services and the Director: Legal and Administration or any official duly acting in such capacity.
3. **THAT** all consents to engage in a trade of whatever nature, be subject to the following general conditions:

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- 3.1 **That** the trade to be engaged in is aviation related.
- 3.2 **That** the applicant only be permitted to engage in the trade in respect of which his/her/its application was approved and should the applicant wish to amend or add to the trade permitted, it/he/she will have to submit a new application to the Municipality for consideration in terms of this Policy.
- 3.3 **That** the applicant must be the lessee of a hangar stand or portion of the Middelburg Aerodrome in terms of a written Lease Agreement entered into with the Municipality.
- 3.4 **That** the applicant and all of its/his/her members, directors, employees, instructors, students and any other person permitted access to the Middelburg Aerodrome by the applicant or its agent in the course of its business or trade, whether such person is engaged with the trade of the applicant on a full-time or part-time basis, shall join and/or be members of the Middelburg Aero Club in good standing.
- 3.5 **That** the applicant will ensure that the Club- and hangarage fees are paid up at all times.
- 3.6 **That** the applicant and all of its members, directors, employees, instructors, students and any other person permitted access to the Middelburg Aerodrome by the applicant or its agent, shall at all times comply with the conditions and provisions set by the Laws of the Republic of South Africa, the Steve Tshwete Local Municipality Aerodrome- and other applicable By-laws, the South African Civil Aviation Authority, the Civil Aviation Act and all regulations there under, the Middelburg Aero Club's Constitution and Rules and all Health and Safety Standards prescribed by law, regulation or policy.
- 3.7 **That** the applicant shall, if necessary, demarcate a specific area for parking as approved by the Middelburg Aero Club or the Middelburg Airfield Controlling Body.
- 3.8 **That** the Municipality shall not be responsible for any damage of any kind whatsoever caused to any hangar or contents thereof, structure or contents thereof, aircraft, terrain, bodily harm or death resulting from the applicant's activities on the Aerodrome;
- 3.9 **That** the applicant shall indemnify the Municipality for any claim of damage, injuries or loss of life as a result of damages to property or injuries incurred by any person arising from the applicant's activities on the Aerodrome.
- 3.10 **That** such consent to engage in a trade granted in terms hereof will only be valid for the period of duration of the applicant's lease agreement with the Municipality in respect of a hangar stand or portion of the Middelburg Aerodrome.

- 3.11 **That** the Municipal Manager, Deputy Municipal Manager, Executive Director: Corporate Services or the Director: Legal and Administration or any official duly acting in such capacity be authorized to impose in his/her discretion any additional condition/-s when considering the application.
- 3.12 **That** it be noted that the water supply to the Aerodrome and the hangers is limited to the yield of the one and only borehole on the site.
- 3.13 **That** it be noted that the Municipality is not responsible for the provision of any sanitation facilities at the hangers or for any event.
- 3.14 **That** all structures comply with the deemed to satisfy rules as stipulated in the SANS 10400: T-section.
- 3.15 **That** all flammable storage facilities comply with the safety requirements as contained in the SANS 10087 and SANS 10089.
- 3.16 **That** prior to the issuing of business licenses or consent to engage in trade, the Department: Emergency Services conduct a fire prevention inspection to ensure compliance.
- 3.17 **That** all occupants and/or applicants comply with the By-laws relating to Fire Services and Petroleum Products.
4. **THAT** consents to engage in any of the trades listed below, be subject to the following respective special conditions and/or the condition that the following respective valid certificates and/or approvals have been issued to the applicant and a copy thereof furnished to the Municipality:
- 4.1 Flight or Flight Training Schools:
- Approval and Certification from the South African Civil Aviation Authority (hereinafter referred to as the "CAA").
- 4.2 Crop Spraying:
- Air Service License from the Air Services Licensing Council - AOC License from CAA;
  - Part 127 Operating Certificate (Helicopters);
  - Part 135 Operating Certificate (Fixed wing aircrafts); and
  - Necessary / Required registration with the Department of Agriculture for the holding of pesticide applicators number.
- 4.3 Maintenance of Aircrafts:
- Aircraft Maintenance Organisation Approval Certificate.
- 4.4 Manufacturing of Aircrafts:
- Approval Certificate from CAA.

4.5 Charter Companies:

- Air Service License – AOC Licence from CAA;
- Approval Certificate from CAA.

4.6 Storing and selling of aircraft fuel:

- The applicant may erect a fuel tank/s and operate same for commercial use in relation to aircrafts only and for no other purpose.
- The applicant will only be entitled to store fuel on the aerodrome in such a manner as prescribed by the Director: Civil Engineering Services and/or the Executive Director: Infrastructure in writing, subject to the provisions of any appropriate legislation and the South African Civil Aviation Authority.
- The applicant shall provide a fire extinguisher on the leased stand or portion, to the satisfaction of the Director: Civil Engineering Services and/or Executive Director: Infrastructure and the Fire Department of the Steve Tshwete Local Municipality.

**C68/01/2017**

**FINANCES: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT:  
2016/2017 FINANCIAL YEAR**

5/1/10 (S)

**RESOLVED BY COUNCIL**

1. **THAT** the Mid-year Budget and Performance Assessment 2016/2017 as tabled by the Executive Director: Financial Services, be noted.
2. **THAT** the comments by the Director: Development & Strategic Support on 2016/17 Mid-year Performance Report and in relation to the 2016/2017 Key Performance Indicators and targets of the Steve Tshwete Local Municipality, be noted.
3. **THAT** the adjusted Mid-term Performance Report takes effect as from the third quarter of 2016/2017.
4. **THAT** all adjusted pre-determined objectives, indicators and annual targets be noted and an adjusted corporate plan with three year projected target be submitted to Council for consideration.
5. **THAT** the Performance Report attached as **ANNEXURE B**, be noted and the targets be adjusted accordingly with the February adjustment budget.

am.



6. **THAT** the adjusted performance targets be aligned to the adjusted SDBIP.
7. **THAT** permission be granted to the Executive Director: Financial Services to submit the Mid-year Budget and Performance Assessment report to the Executive Mayor, the National and Provincial Treasury within five (5) workings days after it was tabled to the Executive Mayor by 25 January 2017.
8. **THAT** permission be granted to the Executive Director: Financial Services to place the Mid-year Budget and Performance Assessment Report on the municipal website within five (5) working days after it was tabled to the Executive Mayor.

**C69/01/2017**

**DELEGATIONS: SIGNING OF DOCUMENTS ON BEHALF OF COUNCIL**

2/2/2/1 & 2/2/2/2 (T)

**RESOLVED BY COUNCIL**

1. **THAT** Council Resolution C47/01/2014, be confirmed.
2. **THAT** the Municipal Manager or Deputy Municipal Manager or the Executive Director: Corporate Services or the Director: Legal and Administration be authorized to sign municipal bidding documents, service level agreements or any other agreement pertaining to the supply, delivery or rendering of goods or services on behalf of the Steve Tshwete Local Municipality.
3. **THAT** any municipal official acting in a position delegated to sign documents on behalf of Council in terms of Resolution C47/01/2014 be authorised to sign the documents set out in Resolution C47/01/2014 as well as 4.2 above.

**C70/01/2017**

**LAND: PROPOSAL TO PURCHASE SERVICED STANDS AT ROCKDALE AND SIKHULULIWE VILLAGES**

7/2/3/2/15 (F)/mm

**RESOLVED BY COUNCIL**

1. **THAT** note be taken that the matter was referred back by the Executive Mayor for further investigation and reporting.

DELEGATED POWERS

*Upon request by the Executive Mayor, it was*

**RESOLVED BY COUNCIL**

**THAT** Council take note of Resolutions

*M06;07;08;09;10;11;12;16;21;31;36;38;39;42;45;49;52;53;54;55;56;57;58;59;60;  
62;63;64 & M66/01/2017 taken by the Executive Mayor in terms of Delegated  
Powers.*

**12 MOTIONS**

12.1 Motion 104

12.1.1 Motion 104 was introduced by Cllr G H E Romijn.

**RESOLVED BY COUNCIL**

**THAT** note be taken that Motion 104 was in terms of Rule 55 (1) of the Rules of Order withdrawn.

12.1 Motion 105

12.1.1 Motion 105 was introduced by Cllr L C Masemula whereafter it was seconded by Cllr A Mangcotywa.

Cllr M J Sekgwele submitted the following proposal which was seconded by Cllr J Skosana:

*"That the matter be deferred to the next meeting."*

In view of the fact that there was no counter proposal received. The proposal was therefore accepted.

**RESOLVED BY COUNCIL**

**THAT** in terms of Rule 59 (1)(c) of the Rules of Order, the matter be deferred to the next meeting.

**13 DEFERRED ITEMS**

13.1 None

**14 CLOSURE**

The meeting closed at 17:30

SIGNED AT MIDDELBURG ON 30/03/17



\_\_\_\_\_  
S P E A K E R

A.M.