MINUTES OF AN ANNUAL GENERAL MEETING OF THE NAUTILUS BAY HOME OWNERS ASSOCIATION, HELD ON FRIDAY 23 DECEMBER 2016 AT 11H00 AT THE POINT HOTEL, MOSSEL BAY

1	***OPENING& WELCOME***		
	The Chairman opened the meeting and welcomed everyone present.		
2	***PRESENT***	Mr R Van Graan (Chairman)	
		Mr J van Deventer (Excom member)	
		Mr M Van Heerden (Excom member)	
		Mr J Lötter (Excom member)	
		Mrs R Shear (Excom member)	
		Owners per attendance register	
		Mrs R Moore (Status Mark)	
		Me L Santiago (Status Mark)	
	APOLOGIES	none	
	PROXIES:		
	<u>Proxies to N Albertyn (erf 64):</u> NBAY11 – J De Pinho NBAY55 – C Van Heerden NBAY58 – HG Johnson NBAY65 – JA Greyling NBAY66 – KH Curtis NBAY68 – Leo Dale Trust NBAY69 – M Du Plooy **<u>Proxies to B Impens (erf 17 & dev erven):</u>** NBAY21 – D Impens NBAY22 – A Verder NBAY49 – I Impens **<u>Proxies to Mr & Mrs Shear (erf 27)</u>** NBAY31 – D Van Der Beke **<u>Proxies to Mr Le Roux (erf 63)</u>** NBAY51 – R Haycock **<u>Proxies to J Van Deventer (erf 8):</u>** NBAY78 – E Aucamp **<u>Proxies to Mr M Van Heerden (erf 45)</u>** NBAY71 – H Breytenbach **<u>Proxies to E Spathelf (erf 41)</u>** NBAY41 – P Spathelf		
2.1	***CONFIRMATION OF QUORUM:***		
	Legal quorum – 20% of 78 erven = 15,6 Owners present – 17 Proxies received – 26 A legal quorum is present		
3	***CHAIRMAN'S REPORT:***		
	There was no Chairman's report circulated. Items will be discussed as per the agenda.		

4	***APPROVAL OF AND MATTERS ARISING FROM THE PREVIOUS MINUTES (22 DECEMBER 2015):***		
	Minutes were approved subject to the following corrections to be made: Point 6.2 – It was decided by the meeting that an amount of R195 must be charged for the Capital Reserve Fund. Point 6.4.1 – Last sentence to be removed "*The administration of the fund will be reverted to the new Exco".*		
	MATTERS ARISING FROM PREVIOUS MINUTES:		
	4.1	**Budget implication regarding portion 2:**	
		Work has been done on portion 2 by mending all the fences and firebreaks being done. Currently there are not a lot of work to do on portion 2 except removing the Rooikrans for which there are funds available. Tracks were also made on portion 2.	**Excom**
	4.2	**Footprint:**	
		Excom consulted Advocate Dirk Coetsee to give a legal opinion of the documentation available to the HOA. The opinion was also submitted to the local municipality. The municipality did not agree with the opinion. It was decided to appoint Delarey Viljoen of Delplan to assist the HOA in preparing a formal application. He advised that the Constitution, an Environmental Management Plan and Building Guidelines be added as addendums for approval. Excom has drafted the mentioned documents using experts a 250 footprint application to be submitted to council. Mrs Le Roux raised question regarding if a consultation plan was done as the owners need to be given the opportunity to give their input to the plan. It was agreed that the EMP will be circulated to the owners of their input during January 2017. 30 Days will be granted for the owners to give their feedback. The Control Architect, Mr Dawie Nel, will be asked to assist with the final draft of the documents. The New Excom is requested to revise the architectural guidelines to bring in more environmental aspects such as solar panels for an example. It was resolved that finalisation on the 250 footprint must firstly be obtained after which amendments to the guidelines can be finalised.	**Excom** **Excom**
	4.3	**Garage for vehicles:**	
		Nothing has been done. Stand over	**Stand over**
	4.4	**VAT Deregistration:**	
		Completed.	
	4.5	**Vuru Vuru Estate East:**	
		Excom consulted with Environmental attorneys regarding the amended scoping report that was circulated last year November. The feedback received was that the scoping report was accepted during March 2016 and the environmental process is now underway. The environmental report must be filed by March 2017. Excom will circulate the report to owners for comment. Mr Impens advised that the date might be extended due to certain legislative requirements as well as financial and market considerations by the developers.	**Excom**
	4.6	**Removal of Exotic Plants:**	

		Continuous work has been done on the removal of the exotic plants. The idea this year was to incorporate the removal of the plants as a line item on the budget for all owners to see what has been spent. Status Mark was instructed to clarify the amount of R673 007.02 as reflected by the auditors on the financial statements that does not correspond with the current balance. Feedback will be given to Excom once the matter has been clarified. Mr Jaco Lotter also confirmed that in terms of the Attorney's Act the fund is invested as a separate Investment Fund. Mr Johan Van Deventer was thanked for the work done on this project and requested that Mr Van Deventer stay in charge of this project.	**SM**
	4.6.1	**Incident with contractor:**	
		The Chairman advised the meeting that a notice regarding the incident was also circulated. There were no tenders put out and a contractor was appointed by Excom to help with the removal of exotic plants as there is no access to the property on the western side. The contractor makes use of manual labour of which the labourers are not local. Excom made a decision to allow the contractor's labourers to sleep in a caravan on site in order to progress quicker with the work to be done. After the incident, the contractor was requested to evacuate immediately and the work has therefore not been completed. Excom was advised that the perpetrator has been caught and in jail. Owners expressed their concern for not being informed by Excom of what has been happening on site. It was agreed that the new Excom need to look at formal communication to the owners and it was also decided by the meeting that no Contractors in future will be allowed to sleep or stay on the estate. It was also requested that the next contractor appointed, must make use of local people. Mrs C Van Rensburg suggested that the Code of Conduct be used and seen as a very important document.	**Excom**
	4.6.2	**Security:**	
		It was proposed that the security system/guards must be revised and quotations obtained by Excom from various security companies for better grading guards by end February 2017. This will however have a cost implication. Mr C Van Rensburg also suggested that a security strategy must be in place and the strategy must be the following: a) Alarms to be installed by owners – take responsibility themselves b) Communication between owners – example whatsapp c) Security company tender Mandate was given to Excom with certain parameters regarding the cost implication of security. It was decided that a maximum of 25% increase for security is approved by the meeting that also include any upgrading, cameras and any additional equipment.	**Excom** **Excom**
5	***INSURANCE:***		
	5.1	**Common property insurance:**	
		The insurance summaries were circulated to all owners. The communal insurance is placed with CIA (Commercial and Industrial Acceptances (Pty) Ltd) to the value of R30 012 221. The insurance is renewed each year on the 1st of February.	**Excom**
	5.2	**Fidelity cover:**	

		Fidelity cover needs to be implemented from 1 January 2017 as per the new legislation that came into effect from 7 October 2016 to all sectional title schemes as well as Home Owners Associations. Fidelity cover is insurance put in place for the funds of Nautilus Bay. Mr Lotter advised that he consulted with an advocate on 12 December 2016 regarding the legislation applicability to Home Owners Associations. Mr Lotter suggests to put this on hold until clarity has been given on the legislation. The meeting agreed unanimously.	**Excom**
	5.3	**Vehicle insurance:**	
		Insurance for the bakkie & fire truck as well as trailer is placed with Auto & General at a premium of R728.67 per month. Status Mark will instruct the broker to have the trailer removed from the policy that was sold. (CBS26326).	**SM**
6	***FINANCES:***		
	6.1	**Financial Statements 2016**	
		It was requested that clarity first be obtained from the auditors regarding the balance of R673 007.02 as reflected on the audited statements. Status Mark will give feedback to Excom once clarification has been obtained.	**SM**
	6.2	**Proposed budget 2017**	
		The budget as circulated propose that the levies remain unchanged at R1500 per month and the savings be recalculated. There are no large expenses expected in the new year. The new Excom need to have a look at the replacement of the equipment such as the lawnmower. It was also reported to the meeting that due to the new legislation that came into effect, all schemes whose levies are above R500 must pay an Ombudsman levy to the Ombudsman. Owners of Nautilus Bay will each have to pay an Ombudsman levy of R20 per month that will be charged on the levy account. Mr Le Roux reported that he is the proxy for Mr Haycock who objected the increase for the Estate Manager’s salary due to his poor performance and economic reasons. The objection was not sustained and the salary increase was approved. Excom is requested to review his job description, evaluate his performance properly and investigate a channel for owners to log complaints about the Estate Manager. The proposed budget was approved by the meeting excluding the 25% security increase. Proposed: Mrs Le Roux Second: Mr Shear	**Excom**
	6.3	**Levies:**	
		Levies remain unchanged on R1500 per month except for the 25% increase for security.	**SM**
	6.4	**Investec Fund**	
		The fund (currently amounts to R710 806.48) has been transferred into a Trust account with Johan Weideman Attorney. The interest received is approximately 7%.	**Excom**
	6.5	**Interest confirmation**	
		The interest charged on outstanding accounts is 18% per annum or 1,5% per month. Accepted and approved by the meeting	
7	***APPOINTMENT OF AUDITORS:***		

	Quotations were obtained from different auditors as follows: a) Boshoff Visser – R9718.50 b) Moore Stephens – R8550.00 Status Mark was given instruction to negotiate with Boshoff Visser to have their total cost reduced with 10%. Excom has been given a mandate to appoint the auditors.		**Excom**
8	***GENERAL:***		
	8.1	**Sand mine application:**	
		An application was submitted for an open sand mine on the western side of Nautilus Bay. Excom had meetings with the consultants and it tends to be of low intensity and there are no visual or other significant impact anticipated on Nautilus Bay. The contractor is under the supervision of Cape Nature and subject to legislative oversight. It is a condition of approval that the site be rehabilitated.	
	8.2	**Approval for dogs – feedback:**	
		The Chairman advised that the status quo remains. It was suggested that owners be asked if the Constitution must be revised to allow dogs, but no action is proposed in this regard. Excom must enforce the rules where owners are not adhering to the rules, as per the Constitution. Fines must be determined by Excom.	**Excom**
	8.3	**Waterpipe line/ Reservoir – feedback:**	
		There is no reference that the water received by Nautilus Bay is coming from PetroSA. Nautilus Bay get their water from the pipeline on Pienaar's farm. The reservoir belongs to city council.	
	8.4	**Access over Vuru Vuru property:**	
		This item is closed.	
	8.5	**House 40:**	
		Mr Raubenheimer reported that the house on erf 40 is not according to the guidelines. Mr M Van Heerden advised that the house has been approved. According to the control architect 30% cladding is allowed as per the guidelines. It is requested that the new Excom meet with the control architect to look at the specs in depth and also to look at the definitions. It was also suggested to have a communal vegetable garden implemented in the guidelines. Excom has been given a mandate to clarify certain aspects of the guidelines and update it.	**Excom**
	8.6	**Entrance of Nautilus Bay:**	
		Mr Impens requested that the intercom system needs to be changed or removed as it gives a bad impression to the outside. Excom already had a meeting with the architect to have the system redesigned. New Excom will attend to the matter.	**Excom**
9	***ELECTION OF EXECUTIVE COMMITTEE:***		
	The following Excom members were elected: Mr Johan van Deventer Mr Rudi van Graan Mr Marius van Heerden Mrs René Shear Mr Jaco Lotter		

10	***DATE OF NEXT MEETING:***	
	Will be determined by Excom. Mr Impens requested that once the date has been decided not to change it again.	
11	***CLOSURE:***	
	Meeting adjourned at 14h05 ____________________ ________________ CHAIRMAN DATE Copies to: Minute book All Trustees All owners	

Date of notification: 4 January 2017