HOME OWNERS ASSOCIATION / HUISEIENAARSVERENIGING
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MINUTES OF AN ANNUAL GENERAL MEETING OF THE NAUTILUS BAY COASTAL RESERVE HOME OWNERS ASSOCIATION, HELD ON FRIDAY 20 DECEMBER 2019 AT 11H00 AT THE POINT HOTEL, MOSSEL BAY

1	***Opening & Welcome***		
	The Chairman opened the meeting and welcomed everyone present. The Chairman handed out NBCR golf caps to the Home Owners as a token of appreciation and ask everybody to only think NBCR during the meeting.		
2	***Present***	Mr C Steenkamp (Chairman)	
		Mr M Van Heerden (Excom member)	
		Mrs R Hodges (Excom member)	
		Mr F Van Der Pol (Excom member)	
		Owners per attendance register	
		Mrs R Moore (Status Mark) Mrs A Badenhorst (Status Mark) Mr Juan (Moore Stephens auditor)	
	Apologies	none	
	PROXIES:		
	<u>Proxies to Chairman (erf 32):</u> NBAY 26 - J Lotter NBAY 44 - J Lotter **<u>Proxies to B Impens (erf 17 & dev erven):</u>** NBAY21 – D Impens **<u>Proxies to R Hodges (erf 40)</u>** NBAY 7 - M Coetzee & C Esbach NBAY 33 - S Potgieter NBAY 41 - JM Landman NBAY 43 - K Sievers NBAY 48 - JE Esterhuizen NBAY 55 - Christo van Heerden Fam Trust NBAY 73 - JA Van der Merwe NBAY 75 - HJ Swiegers NBAY 78 - E Aucamp NBAY 79 - D Hattingh **<u>Proxies to D Van Der Beke (erf 31)</u>** NBAY 52 – Stripe Investment Corporation 1 **<u>Proxies to N Albertyn (erf 64)</u>** NBAY 9 – JB Venter NBAY 10 – N & F Sefara NBAY 11 - JM De Pinho NBAY 12 - J & AWS Gericke NBAY 14 - JJ Rossouw NBAY 18 - SJ & FH Bailey NBAY 20 - Thomas Potgieter Trust NBAY 29 - V Govender NBAY 37 - Tripple D Trust		

	NBAY 39 – JH Hanekom NBAY 42 – O Gottling NBAY 46 - Manny de Abreu Family Trust NBAY 49 - Nautilus Bliss Trust NBAY 54 - JA Morkel NBAY 56 - A De Meyer NBAY 59 - SJ & FH Bailey NBAY 66 - KH Curtis NBAY 68 - Leo Dale Trust NBAY 82 - B Maritz **<u>Proxies to P Smit (74)</u>** NBAY 74 - M Smit NBAY 76 - M Smit **<u>Proxies to M Van Heerden (45)</u>** NBAY 69 - Marco Du Plooy Family Trust NBAY 71 - Breytenbach Verhuring Trust **<u>Proxies to W Le Roux (63)</u>** NBAY 34 - L & V Schmitt		
3	***Confirmation of quorum:***		
	Legal quorum – 20% of 78 erven = 15,6 Owners present – 32 Proxies received – 38 A legal quorum is present		
4	***Chairman's report***		
	The Chairman's report was presented at the meeting. The Chairman will forward the Chairman's report to Status Mark to circulate to all owners. The Chairman pointed out that an electronic general survey was circulated to which 15 owners took part in the survey. A kind request for all owners to take part in the survey. The Chairman will forward all feedback received on the survey to the new Executive Committee.		**CS** **SM** **CS**
	Additional items to the agenda & Election of Executive Committee		
	The Chairman agreed to it that additional items from Mr Le Roux that were not placed on the agenda, can be discussed but discussions will be limited. **<u>Vote:</u>** The meeting voted unanimously to have the Election of the Executive Committee move to the last point, point 11 on the agenda.		
5	***Approval of previous AGM minutes (21 December 2018):***		
	Minutes were approved by the meeting. Proposed: B Impens (17) Seconded: A De Meyer (56)		
5.1	**Points to report back on:**		
	5.1.1a	**Point 4 - Fees of the auditor - Moore Stephens**	
		The Executive Committee had done investigation to the fees of the auditors and confirmed that the fees are in order. This matter is closed.	**CLOSED**
	5.1.1b	**Point 5.2 - Potential alternative income opportunity**	
		<u>Decision:</u> The meeting agreed unanimously that this matter will be referred to the new Executive Committee to investigate.	**OWNERS**
	5.1.2	**Point 7.2 - Repair of roads**	

		Mr Albertyn with his proxies, requested to have vote on the R15 000 special road fund levy. The Chairman advised that he decline the request as the majority voted in favour of the special road fund levy at the SGM that were held on 7 June 2019. The request can be submitted to the new Executive Committee to have this item on the agenda for the next AGM. The Executive Committee obtained 2 quotations for the repair of the roads. The Chairman advised that no repair work has been done as he is not comfortable with the suggestions received from 2 contractors and the costs to be spent on this project. The Chairman suggest to approach a consultant who can introduce NBCRHOA to 5 contractors and the costs will then be cheaper and assistance in future. The work will be done professionally and the consultant will manage the 5 quotations. **<u>Decision:</u>** 1. The new Executive Committee will obtain 5 quotations. 2. The timeline for submission of these quotations will be 31 March 2020. 3. Upon receipt of the quotations owners will be given insight to the quotations for owners to be able to make a proper decision.	**OWNER** **EXCOM** **EXCOM**
6	***APPROVAL OF THE SPECIAL GENERAL MEETING MINUTES (7 JUNE 2019)***		
	The minutes were approved unanimously.		
6.1	**Points to report back on:**		
	6.1.1	**Conceptualization of the Common Property**	
		The Conceptualization has been cleared. The Common Property is zoned as "Open Space 3 - Nature Reserve". The Chairman confirmed that this item was placed on the agenda as a correction of a mistake in the presentation done at the previous SGM	**CHAIRMAN**
	6.1.2	**Point 3.2 - Confirmation of auditor fee**	
		Status Mark confirmed that the auditor fee of Moore Stephens auditors are market related.	**SM**
	6.1.3	**Proposed Election Procedures**	
		Mr Le Roux submitted comments on this matter and the Chairman take note of these comments. Mr Le Roux also pointed out that this matter can only be discussed and not voted on, as 21 day notice must be given. **<u>Decision:</u>** 1. The new Executive Committee must establish a Sub-Committee to revise the Constitution as a whole as well as the Architectural Guidelines and Rules. 2. A memorandum must be drafted with a motivation of what changes need to be done and an explanation why the changes must be done. 3. The memorandum with the motivation and explanation must be circulated to all owners for their input. 4. At the next AGM it can be determined to what extend the changes must be done.	**EXCOM** **EXCOM** **EXCOM** **AGM**
	6.1.4	**Point 5.3 - Potential alternative Income opportunities to be investigated**	
		This item will stand over for the new Executive Committee to investigate.	**EXCOM**

	6.1.5	**Point 3 - Feedback from Mrs Le Roux regarding the status of the registration as a private nature reserve**	
		Mrs Le Roux had a meeting with Cape Nature. They are willing to pursue the formalization of the environmental aspects of the properties. The next step would be for Cape Nature to do an assessment. Once the assessment has been done, Cape Nature will provide recommendation of protected areas. **<u>Decision:</u>** 1. Mrs Le Roux will draft a proposal that gives explanation of what needs to be done to register NBCRHOA as a nature reserve as well as all pro's and con's. 2. The memorandum will be circulated to all owners. 3. The time frame for the assessment to be done will be April 2020.	**Mrs Le Roux** **EXCOM** **Mrs Le Roux**
7	***Appointment of Auditors for financial year 2021***		
	The Chairman proposed that quotations must be obtained and once the quotations have been confirmed, Moore Stephens to remain as appointed auditor if their quotation are market related. **<u>Decision:</u>** The meeting unanimously agreed to the above.		**EXCOM**
8	***Approval of budget year ending 28 February 2021***		
8.1	***Approval of the normal levy and running expenses of the Estate***		
	The Chairman apologized for information that were circulated late to owners. Mr Haycock requested that in future, comprehensive information on the budget must be circulated to owners to enable them to make a decision on the budget proposed. **<u>Decision:</u>** 1. The proposed budget with an 8% increase is not approved by the meeting. 2. The figures of the 2020 budget + 5% increase is unanimously approved by the meeting. The monthly levy including CSOS, will be R1800 per month. 3. Depreciation must be included in the budget. 4. The Executive Committee is given a mandate to look at efficiencies and value for money. 5. The Chairman will forward all the proposed budget schedules to Mr Haycock. 6. Excom to confirm with the auditors to have the financial yearend changed to end of September of each year instead of February.		**R Haycock** **R Haycock** **EXCOM** **CHAIRMAN** **EXCOM**
	Exotic plant removal fund		
	The Chairman reported that the Exotic plant removal funds were placed in Trust with the attorney, Mr Johan Weideman, who recently advised per letter, that the Trust fund can no longer be kept in Trust with him. Excom then decided to have the Trust closed with Johan Weideman attorney and the funds transferred to the Reserve Fund of NBCRHOA where interest are accrued. There were no costs incurred in this year for the removal of exotic plants. Status Mark is requested to forward the letter from Johan Weideman attorney to Mr Le Roux.		**SM**
8.2	***Approval of Capital and major maintenance projects***		
	The meeting agreed unanimously that although the Vleesbaai Road is not the property of NBCRHOA, and only have right of way over the servitude, money needs to be spent to have the road repaired as it is to the benefit for NBCRHOA. **<u>Decision:</u>** The Capital budget is approved subject to the following: 1. A cast will be built for the Fire Browser not exceeding the amount of R5000.		**EXCOM**

	2. The quad bike will not be replaced. The Estate Manager must walk the fences over time. 3. The Executive Committee will investigate alternative solutions for speed control limited to a maximum amount of R8000 after investigation. 4. More speed limit signage to be erected on the estate. 5. Parking at the view deck is not approved, people must walk. 6. Waterproofing of the dam will not be done. 7. Plant rehabilitation facility not approved, The Executive Committee to investigate the possibility to get a nursery involved with the process of rehabilitation of plants and to give advice on which plants to be rehabilitated.	 **EXCOM** **EXCOM** **EXCOM**
9	***Explain and vote on proposed amendments of the Constitution***	
	Refer to point 6.1.3 of the minutes. A proper proposal will be drafted to be presented by the next AGM. **<u>Decision:</u>** 1. The Chairman and Mr Le Roux will both submit their memorandums to the new Executive Committee. 2. 1^{ST} draft proposal to be done by June 2020 3. Final approval on the proposal by September 2020.	**AGM** **CHAIRMAN** **W Le Roux** **EXCOM** **EXCOM**
10	***General points for discussion***	
10.1	***Brief discussion on the outcome of the application under CSOS950/WC/18 and CSOS1074/WC/18 and the order issued by CSOS***	
	The order issued by CSOS has been circulated to all owners. Letters were already sent to identified owners who have dogs to find new homes for their dogs. The new Executive Committee must see to it that action are taken and that owners comply to the rules set out. The meeting agreed unanimously for the new Executive Committee to look at the access control of NBCRHOA.	**EXCOM**
10.2	***Discuss the electronic survey result to be done by Home Owners prior to 20 December 2019***	
	The Chairman reported that a general survey was done electronical over the internet and 15 owners responded to the survey. Mr Le Roux requested that secrecy must be maintained. Owners are requested to forward all comments they have to the Executive Committee to be discussed.	**OWNERS**
10.3	***Points requested by Mr N Albertyn to discuss to give direction to the 2020 Executive Committee***	
10.3.1	***The effectiveness of the current security measures***	
	The new Executive Committee will attend to this matter.	**EXCOM**
10.3.2	***Architectural guidelines in respect of the placement and visual impact of solar energy panels and the accommodation of generators***	
	The new Executive Committee will attend to this matter.	**EXCOM**
10.3.3	***Measures to alleviate impact of electrical load shedding and outages caused by theft of cables***	
	The new Executive Committee will attend to this matter.	**EXCOM**
10.3.4	***Managing our water resources including provisions for grey water recycling and utilising rain water***	
	The new Executive Committee will attend to this matter.	**EXCOM**
10.3.5	***Request for permission to apply to increase 250 square meter building limit. Kobus Steyn is prepared (with the permission of EXCO and as part of a sub-committee) to do the application and contact relevant parties.***	

	The new Executive Committee will attend to this matter.	**EXCOM**
10.3.6	***Review and update building rules where necessary subject to the Constitution***	
	Mr Van Der Beke reported that he has a personal dispute regarding the Executive Committee who does not respect the architectural guidelines. In terms of the guidelines owners are not allowed to build over the sewerage pipeline, however the Chairman's plans were approved although his house is over the pipeline. Mr Van Der Beke wrote a letter to the Executive Committee in this regard but up to date have not received any feedback from the Executive Committee. The Chairman responded: 1. The plans for his house was approved during 2018 by the then Executive Committee sub-committee-Aesthetics. 2. The house was not build over the sewerage pipeline, the view deck was designed to be build over the pipeline as per the requirements of the Municipality. The view deck was originally designed to be build from concrete, on advice from the Architect, it was changed to a wooden structure. 3. During 2019 the plans was approved by the Mossel bay municipality. 4. Therefor the statement made that the Executive Committee do not respect the architectural guidelines is a false statement. **<u>Decision:</u>** 1. The Aesthetic Committee will reply to Mr Van Der Beke within 7 days from date of this meeting. 2. The Aesthetic Committee need to look at the aesthetic problems on the estate and to take it up with the municipality.	**EXCOM** **EXCOM**
11	***Election of the Executive Committee Members***	
	Mr Le Roux reported that he wants to highlight two preilminary points: In terms of Clause 6.5 of the Constitution only members who are residents can be nominated to serve on the Executive Committee. Members with vacant stands may vote but they cannot serve on the Executive Committee. Due to this fact the Chairman, Mr Steenkamp, are unconstitutionally serving on the Executive Committee as he does not reside at Nautilus Bay. Mr Van Heerden may also not have nominated Mr Steenkamp and can also not vote for the new Executive Committee Members because he do not have a power of attorney from his son who is the registered owner of erf 45 Mr Steenkamp withdraw his nomination and advise the meeting that he will seek legal opinion in this regard and revert back to the new Executive Committee The following member is disqualified from the list: • Mr Piet Smit - only has a vacant stand The following Excom members were nominated and elected: Mr F Van Der Pol Mr E Raubenheimer Mr G Shear Mr M Bowden Mr R Haycock The chairman gave each newly elected Executive Committee Member a handshake and a NBCR golf cap and wish them all the best for the 2020 term	
12	***DATE OF NEXT MEETING:***	
	Friday 18 December 2020 at 11h00 at the Point Hotel	
11	***CLOSURE:***	
	With no further matters to discuss the meeting closed at 15h50	

	______________________ CHAIRMAN _________________ DATE Copies to: Minute book All Trustees All owners	

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