MINUTES OF AN ANNUAL GENERAL MEETING OF THE NAUTILUS BAY HOME OWNERS ASSOCIATION, HELD ON FRIDAY 21 DECEMBER 2018 AT 11H00 AT THE POINT HOTEL, MOSSEL BAY

1	*OPENING& WELCOME*		
	The Chairman opened the meeting and welcomed everyone present. Mr H Johnston objected to Mr Le Roux being allowed to record the meeting.		
2	*PRESENT*	Mr J Lötter (Chairman)	
		Mr J van Deventer (Exco member)	
		Mrs R Hodges (Exco member)	
		Mr R Van Graan (Exco member)	
		Mr K Steyn (Exco member)	
		Owners per attendance register	
		Mrs R Moore (Status Mark)	
	APOLOGIES	Mr M Van Heerden Exco	
	PROXIES:		
	Proxies to Chairman (erf 44): NBAY70 – S Eloff **Proxies to B Impens (erf 17 & dev erven):** NBAY21 – D Impens NBAY49 – I Impens **Proxies to J Van Deventer (erf 8)** NBAY78 – E Aucamp **Proxies to R Hodges (erf 40)** NBAY7 – M Coetzee NBAY10 – I & F Sefara NBAY41 – Dr. JM Landman NBAY43 – K Sievers NBAY45 – M Van Heerden NBAY48 – JE Esterhuizen NBAY55 – Christo van Heerden Fam Trust NBAY57 – J Steyn NBAY69 – M & M Du Plooy NBAY71 – HGA Breytenbach NBAY74 – M Minnaar NBAY75 – HJ Swiegers NBAY82 – B Maritz **Proxies to N Albertyn (erf 64)** NBAY11 – J De Pinho NBAY27 – G Shear		

	NBAY29 – V Govender NBAY31 – D Van Der Beke NBAY52 – Stripe Inv Pty Ltd NBAY53 – E Raubenheimer NBAY56 – A De Meyer NBAY65 – JA & AD Greyling NBAY66 – KH Kurtis NBAY68 – Leo Dale Trust **Proxies to H Johnston (58)** NBAY9 – JB Venter NBAY18 – SA & D Mandic NBAY59 – S Bailey NBAY81 – R Ambler-Smith **Proxies to EL Swanepoel (61)** NBAY61 – FL Swanepoel **Proxies to L Hattingh (79)** NBAY60 – M Bowden **Proxies to W Le Roux (63)** NBAY39 – JH Hanekom **Proxies to CF Van Huyssteen** NBAY15 – Nautilus Bay 15 CC NBAY26 – Lima Resource Man NBAY28 – Pierre & Zalna Fam Trust		
2.1	***CONFIRMATION OF QUORUM:***		
	Legal quorum – 20% of 78 erven = 15,6 Owners present – 28 Proxies received – 37 A legal quorum is present		
3	***CHAIRMAN'S REPORT:***		
	The Chairman's report was circulated to all owners. The report is accepted by the meeting.		
4	***APPROVAL OF AND MATTERS ARISING FROM THE PREVIOUS MINUTES (12 JANUARY 2018):***		
	Minutes were unanimously approved by the meeting subject to the confirmation of the investigation to be done by the new Exco regarding the fees of the auditors that reflects more on the financial statements than the quotation received. Proposed: JA Greyling (65) Seconded: F van der Pol (6)		**EXCO**
5	***FINANCES:***		
	5.1	**Financial Statements 2018**	
		The operational budget was used to maintain the infrastructure and to sustain the security system. Upgrading of the security system at the main gate and the rehabilitation of areas disturbed due to the removal of alien plants were funded by the Investment Fund (Standard Bank) and Capital Fund. An increase of 5.3% is proposed as per the new budget circulated to all members. The	

		Chairman also highlighted the fact that the financial audit period expired on 28 February 2018 and the AGM is normally held during December 2018. There was a deficit of approximately R70 000 during the 2017 financial year for a sewerage pump that failed and it was not budgeted for. The equipment is currently being rotated with one pump used as a standby pump.. Future Committees should investigate the influence of ad hoc expenses on the operational budget The financial statements were unanimously accepted by the meeting.	
	5.2	**Proposed budget 2019/20**	
		An increase of 5.3% is proposed as per the new budget circulated to all members. The budget was approved unanimously. Mrs Le Roux proposed that alternative income streams be investigated such as establishing a Nature Lodge or bush camp on the portion of the the property that is zoned as Open Space III . The development can benefit substantially from additional income streams such as this can have significant benefit to Nautilus Bay.	**EXCO**
	5.3	**Levies:**	
		The Chairman confirmed that levies are seen as delinquent and require legal action after 90 days in arrears. Currently there are no owners on 90 days in arrears.. Levies will increase to R1685 per month effective from the 1st of March 2019, which increase was approved as part of the budget approval.	**SM**
6	***APPOINTMENT OF AUDITORS:***		
	Quotations were obtained from different auditors as follows: a) Moore Stephens – R8 855.00 b) Jean Pretorius – R8 500.00 Moore Stephens Auditors were appointed, subject to para 4 above.		**SM**
7	***GENERAL:***		
	7.1	**Repair of roads**	
		The bitumen roads namely the eastern beach road, the western beach road and the main access road from the Vleesbaai Road to the access gate are deteriorating and have to be upgraded . Surface maintenance was done on a regular basis during 2018.It is however necessary to get at least three quotes during 2019 to resurface the roads. There is a servitude registered in the name of PetroSA over Nautilus Bay land from the gate down to the beach. PetroSA were approached to contribute to the maintenance of the road, however without any success. Mr K Steyn obtained a quote from Trukon as follow: a) resurface the main road R1 350million b) resurface Eastern side – R701 000.00 c) resurface Western side – R549 000.00 **<u>Decision:</u>** 1. The main road is critical and needs to be repaired . 2. That the new Exco investigate alternatives and get	**EXCO**

		at least 3 quotes, 3. Motivate a special road fund levy to all owners. The special levy not to exceed the proposed R17 300 per erf. 4. That Status Mark circulate the quotations and reports obtained to all members.	**EXCO** **SM**
	7.2	**Building rules**	
		Several complaints and comments were received by the Chairman more specifically additions being built to houses. . The process is that there are specific building guidelines to be adhered to and an independent controlling architect is appointed for Nautilus Bay to advise on a professional basis how the guidelines are to be interpreted and implemented. Mr Dawie Nel of Hamilton Nel Architects is the controlling architect for Nautilus Bay. <u>Complaint – Mr & Mrs Hodges (Nbay40) – yard walls</u> The Chairman received a complaint of a yard wall being erected on the property of Mr & Mrs Hodges. The Chairman investigated the matter and obtained the professional opinion of the controlling architect. It is confirmed that due process was followed, the plans were approved by the Aesthetic Committee, the controlling architect, as well as by the municipality. The plans are therefore compliant. The Chairman reads the interpretation of clauses 4.8 and 4.9 of the Architectural Guidelines received from the controlling architect into the record: "1. Kitchen Yard wall for dustbins and laundry must be provided to maximum height of 2.5 meter. This is higher than the Municipal requirement of 1.8 meter. Walls for Yard or Kitchen Yards higher than 1.8 meter must have an Engineers Certificate to prove structural integrity. The size and finishes are not stipulated. 2. Clause 4.9 also states that a Yard wall (other than Kitchen) must comply with the same height restriction. 3. Clause 4.8 however states that Boundary walls are not permitted. This is to prevent Owners from building a wall along Boundary on all four sides. It is however allowed to build Yard walls at other places than Kitchen for privacy and wind shelter inside the building line restriction. The placing of these walls will be at the discretion of HOA." Mr W Le Roux and Mr. N Albertyn objected to the allowance of yard walls being erected. <u>Complaint – Mr P Smit (Nbay 76) – approval of plans</u> Mr P Smit does not agree with the opinion of the controlling architect and is also not satisfied with the controlling architect who does not communicate with Mr Smit. The Chairman is currently in discussion with Mr Smit's legal representative. The application received is incomplete and there are several deviances from the plans. <u>Decision:</u> That a meeting to be convened as soon as possible between new Exco and Mr Smit to find a solution to the	 **EXCO**

		complaints and to clarify the decisions of the Aesthetic Committee.	
	7.3	**Public access to beach**	
		The department undertook a study to determine the coastline change that might occur in future.. The study conducted also investigated access for the general public to the beach. Due to the study, Nautilus Bay were contacted by the municipality on several occasions to give access to the fishermen. The Chairman did do an investigation to see if these rights have been recorded and none could be found in the title deeds. Nautilus Bay declined giving access to the fishermen due to problems that might occur such as security, littering, noise etc. Nautilus Bay were also approached by a fishing club. Exco obtained a legal opinion from Nicholas Smith Attorneys in order to understand the rights Nautilus Bay has in this regard. According to the report, Nautilus Bay does not need to give access now but this matter should be monitored. Mrs Le Roux highlighted that some rights must be given subject to reasonable conditions. Mr Le Roux proposed that establishment of a more formalised protected area could be investigated with the help of Cape Nature regarding our open spaces. Mrs Le Roux is available to assist new Exco should this be pursued.	
	7.4	**Estate Manager assistance & using of Resources of Nautilus Bay**	
		Mr Albertyn reported that Mr Shear of erf 27 noticed that the Estate Manager uses the bakkie of Nautilus Bay for private work being done for certain owners. The Chairman reported that an Exco meeting was held on Monday 17 December 2018 and the Exco resolution is read into the minutes: "The Committee acknowledges that Anton helps residents whenever he can. It is a matter in his discretion, as long as it is reasonable and does not constitute additional expenses for the HOA, or constitutes an increased risk or liability to HOA, or to him personally." It was minuted that Exco acknowledge that Anton helps owners where he can within the parameters of the Exco resolution. Mr Van Der Pol proposed that all estate problems or matters regarding the Estate Manager must be submitted to Exco to be resolved and not to be discussed at the AGM, which proposal was approved. All complaints or comments must be submitted in writing. Mrs Haycock requested Exco give clarity to the members as to what Anton is allowed to assist with, especially with emergency situations.	**EXCO**
8	**VOTE ON PROPOSED AMENDMENT OF CLAUSE 4.2.18 OF CONSTITUTION**		
	8.1	**<u>Proposal 1:</u>** *"4.2.18 To ensure that no pets are kept in the Development <u>without the express written consent of the Executive Committee issued in their sole discretion, and subject to</u>*	

		such rules applicable from time to time" **Voting results:** Requires 75% majority vote to pass; 46 – voted in favour (70.67%) 19 – voted against (29.23%) Proposal 1 was not approved.	
	8.2	**Proposal 2:** *"4.2.18 To ensure that no pets are kept in the Development; provided that, in the sole discretion of the Executive Committee, and with their express written consent, and subject to such rules applicable from time to time, certain dog breeds may be kept in the Development.* **Voting results:** Requires 75% majority vote to pass; 47 – voted in favour (72.31%) 18 – voted against (27.69%) Proposal 2 was not approved.	
		It is minuted that Mr W Le Roux submitted his written opposition against the proposal to amend the Constitution.	
9	***ELECTION OF EXECUTIVE COMMITTEE:***		
	The following Exco members were nominated and elected: Mr Christo Steenkamp Mrs Denese Hattingh Mr Marius van Heerden Mr Frans van der Pol Mrs Rene Hodges		
10	***DATE OF NEXT MEETING:***		
	The next AGM will take place in the week of 20 December 2019. New Exco to confirm.		**EXCO**
11	***CLOSURE:***		
	The Chairman thanked fellow Exco members for their input during the past year and also thanked owners for attending the AGM and their involvement in Nautilus Bay. The meeting closed at 14h07 CHAIRMAN 25 JANUARY 2019 DATE Copies to: Minute book All Trustees All owners		

Date of notification: 24 December 2018