HOME OWNERS ASSOCIATION, ATLANTIC SANDS & SHORES, LAAIPLEK
MINUTES OF THE EIGHTH ANNUAL GENERAL MEETING, HELD AT THE LIBRARY HALL, VELDDRIF, ON 4TH MAY 2019

1. WELCOME

The chair person welcomes everybody present and thanked them for making the time available to attend the meeting.

2. ATTENDANCE REGISTER

The attendance register was signed by all owners present in person or by proxy. The register is kept on record for future reference.

Owners representing 17 individual properties were present in person and the Investor represents 296 erven. 24 Proxies were received.

3. PROXIES AND APOLOGIES

The proxies and apologies received are recorded on the attendance register.

4. QUORUM

The owners present in person and proxies received represent a quorum and the meeting was duly constituted.

An owner's representative queried the sense of continuing with the meeting if the investor holds 50% of the votes. Managing agent explained that the investor's voting rights are secured in the constitution. It is legal, but the investor has never in the past abused their votes to swing a decision in their favour.

5. NOTICE

The notice is taken as received and read by all owners present.

6. APPROVAL OF THE PREVIOUS MINUTES

6.1 Minutes of the annual general meeting held on 7 May 2018.

The minutes are approved as a true reflection of the discussions and decisions at the meeting. J. Lewis propose, and Mr Kuhnert seconded the approval of the minutes.

7. MATTERS ARISING FROM THE PREVIOUS MINUTES

No matters arising from the previous minutes were discussed.

8. CHARPERSON'S REPORT

The report was read to all present and will also be sent out to the owners with the minutes.

9. FINANCIAL STATEMENTS

The audited financial statements for the period ending 28 February 2019 distributed to all owners were discussed.

The nature of the item KERB FEE was questioned. Managing agent reported that this is a non-refundable fee charged on all new building work and the funds will in future be applied to do repairs to infrastructure, caused by building material delivery trucks.
It was proposed that this item be reflected as income. Managing agent will discuss it with the auditors to report it in different manner as it is not a deposit, but a contribution to future infrastructure maintenance.

Mr Joubert proposed, and Mrs Knoetze seconded the approval of the financial statements.

Security is a matter which was discussed in detail under this heading, but will be reported on elsewhere in the minutes.

10. LEVY AND EXPENSE BUDGET

The expense budget approved by the trustees was distributed to all owners and discussed at the meeting.

Managing agent reported that the amount of R4500.00 in respect of audit fees must be changed to R4860.00.

The monthly levies were increased by 5% t R286.00 and R128.00 per erf respectively for individually registered erven and the erven owned by the investor.
This will mean there is an under-recovery in levies compared to the budget, but it was resolved that any shortfall can be supplemented from the reserve account.

Mr Joubert asked why the levy increase was implemented as from 1 March 2019, before the approval of the budget at the AGM.

Managing agent explained that it is normal practise to do it this way. However, if the budget approved requires a different levy structure, it will be implemented as from the date agreed at the meeting.

The budget was approved, proposed by Mrs Knoetze and seconded by G Harrod.

11. INSURANCE
The infrastructure is insured for R5.99m.

The amount currently insured for the Fidelity Fund and Computer Fraud is R 3 253 832.00.

12. AUDITORS.

Theron du Plessis Inc. is appointed as auditors for the 2019/20120 financial year. Managing agent will negotiate a fee not exceeding the amount provided for in the revised budget.

13. ELECTION OF MANAGEMENT COMMITTEE

The following members have been appointed to the management committee:

Messrs T. Wallace – investor
G. Harrod– investor
S. Wilkins - investor
R. du Plessis – owner
R van Jaarsveld - owner
Me E Knoetze - owner .

14. DOMICILLIUM OF THE HOA

It was decided that the auditor's address will be taken as the domicilium, namely:
Theron du Plessis Inc.
Buena Vista office park
Cnr Durban and Kendal Road,
Durbanville
7550

15. APPOINTMENT OF A MANAGING AGENT & LEVY CLEARANCE

The managing agent is appointed by the trustees and the appointment of Devpro Eiendomsdienste (Pty) Ltd, trading as Propex Property Services for a period of two years as from 1 March 2019 until 28 February 2021 is recorded.

It is approved that H. Truter, M. Terblanche and C.P. Frylinck from the managing agent's office are authorised to sign all documentation pertaining to the Consent to Transfer and bond waiver when a property is sold.

16. LEVY COLLECTION AND INTEREST RATE CHARGED ON LEVIES IN ARREARS

The monthly levy is payable in advance at the beginning of a month for that specific month.

Interest at 15,5% per annum will be debited on all levies outstanding for 30 days and longer.

The current levy collection policy is applied:
Accounts outstanding for thirty days are being followed up and if still unpaid at sixty days a final demand is sent out. If the amount is not paid within the time period set in the final demand, the account is handed over for collection and all cost is for the account of the owner.

17. GENERAL

17.1 Security

It was reported by an owner that the guard doing service at Shores has come to her house to ask for food and the charge his mobile phone. He has been found sleeping on duty and he does not patrol on foot.
Managing agent reported that it was never reported to him, else he would have taken appropriate action immediately.
Owners are of the opinion that security on site can be improved. It was resolved that the newly appointed trustees will investigate the current service and will make recommendations, with the cost implications, on how security could be improved.
The electrical fence is not working properly, Managing agent will ask the service provider to attend to it.

17.2 Amendments to the Building Design Manual – Special Resolution

The required representation to take a special resolution, as defined in paragraph 24.1 of the constitutions has been met in terms of the members present in person or by proxy. A total of 337 out of 592 erven were represented at the meeting, thus 60% compared to the required 24%.

The proposed amendments to the Building Design Manual, as proposed by the control architect were discussed.

The proposed amendments approved and the further amendments discussed and approved are recorded in the document attached hereto as an annexure.
Further items related to the Building Design Manual but which do not form an integral part thereof or cannot be included as yet as certain approvals have to be obtained are as follows:

1. Substitute the palisade fence with a solid wall along the main road

It was resolved unanimously that the Trustees to be elected must approach the Berg River Municipality to apply for an amendment of the ROD in order to make provision:

a) for an owner of an erf located adjacent to the road between Laaiplek and Dwarskersbos, to be permitted the build a wall on the eastern boundary of these even in order to improve privacy.
b) for an owner adjacent to the common boundary between Atlantic Sands and Shores to be permitted to build a wall
c) for an owner adjacent to the public access road to the beach to be permitted to build a wall along the boundary facing the public access to the beach, taking into account that the current palisade fence on both sides of this road was installed as part of the Municipal approval to convert Atlantic Sands and Shores to an access controlled estate. Prior to that it was an open township and owners along the public access would have been allowed to build a wall.
d) It was unanimously resolved that if owners are permitted to build a wall as described above, **ALL** owners in these locations will be obliged to build a wall as it could not be a mix of wall and palisade fencing.

2. Advising architect

It was resolved that a second Advising architect be appointed. Owners then have a choice which one of the two they want to use. It was furthermore resolved that one of the owners, architect Renier van Jaarsveld, will act as "conflict resolution architect".
If an owner is of the opinion that the Advising architect is unreasonable in his interpretation and application of the Building Design Manual, then such owner can approach Renier to assist to resolve the matter. Any fees in this regard will be payable by the owner, not the HOA.

Items to be included, if not already done, in the service level agreement with the architect:

- the architect must stipulate the time from an owner's request for an inspection to the actual inspection as there is sometimes an unnecessary delay.
- the architect must have a separate fee for plan scrutiny in respect of:
∞ newly built houses
∞ additions to existing houses
∞ minor works
- the SLA must specify whether any fees are inclusive/exclusive of VAT
- the fees must be fixed for twelve months, to be reviewed at each AGM
- owners must be allowed to negotiate fees with the architect for any amendments to the building plans during the construction process
- the turnaround time for plan approval should be counted from the date the scrutiny fee has been paid

As there were no further business to discuss the meeting adjourned at 12h30.

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CHAIRPERSON DATE

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TRUSTEE DATE