

# WHALE ROCK HEIGHTS HOMEOWNERS' ASSOCIATION

ANNUAL GENERAL MEETING  
WHALE ROCK HEIGHTS HOMEOWNERS' ASSOCIATION  
HELD ON FRIDAY, 15<sup>th</sup> NOVEMBER 2021 AT 09:00 IN  
ST PETERS CHURCH HALL, CHURCH STREET, PLETTENBERG BAY

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## MINUTES

<b>Attendance:</b>	Mr A Appel	Erf 8575
	NN & EV Swart	Erf 8578
	Graham Chick	Erf 8588
	SL & CF Behrens	Erf 8586
	Mrs JD Jansen van Rensburg	Erf 8629
	G & KE Rader	Erf 8631
	P. Moir	Erf 8640
	Siva Pillay	Erf 8643
	Mr MC Maree	Erf 8647
	R & E Kearns	Erf 8651
	Dr. RE Williams	Erf 8657
	Marion Anderson	Erf 8658
	AVT Ganson	Erf 8661
	Beryl de Wet	Erf 8663
	Mrs. A. Eksteen	Erf 8665
	Michael Georgiou	Erf 8667 & 8668
	Rob Taylor	Erf 8673
	Mr. BG McLintock	Erf 8677
	MC Wallace	Erf 8678
	WS & PA Harman	Erf 8682
	Mrs TE Davidson	Erf 8684
	Partum Investments	Erf 8686
	Mr H. Dokter	Estate Manager
	Ursula Windvogel	Plett Property Management <b>(PPM)</b>
	Mr P Sassin	Plett Property Management <b>(PPM)</b>
	Mr M Gavrill	Plett Property Management <b>(PPM)</b>

### **Proxies:**

Erf 8576	Mrs. S. Fletcher	Caroline Clarke
Erf 8582	Mrs. S. Fletcher	Caroline Clarke
Erf 8584	Mr. EHD Tucker	Caroline Clarke
Erf 8585	Mr. EHD Tucker	Caroline Clarke
Erf 8587	Mr. I. Jacobs	Alan Appel
Erf 8635	Deon Steenkamp	Caroline Clarke
Erf 8636	Macnab & Ferguson	Caroline Clarke
Erf 8648	Charne Nel	Caroline Clarke
Erf 8649	Lynette Hurley	Caroline Clarke
Erf 8659	JWM Petersen	Peter Moir
Erf 8660	JWM Petersen	Peter Moir
Erf 8680	Mrs. S. Sass	Mike Wallace
Erf 8681	Eric Levenstein	Caroline Clarke
Erf 8634	Mr P. Nikolatos	Caroline Clarke

<b>Apologies:</b>	Mr. S. de Klerk	Erf 8624
	Ms C Sweet	Erf 8690

# WHALE ROCK HEIGHTS HOMEOWNERS' ASSOCIATION

## 1. WELCOME

The Chairperson, Mrs Caroline Clarke welcomed all the members and thanked them for their attendance. CC informed the meeting that Mr Patrick Sassin will facilitate in the charring of the meeting. Mr Sassin welcomed and thanked all the members for taking the time to attend the meeting. He advised the meeting that Roberto Boni, the Estate architect will be joining the meeting to discuss and answer any related issues regarding the design guidelines and the paint color applicable to the Estate.

## 2. ATTENDANCE AND PROXIES

The attendance register was presented on arrival for signature. Proxies were noted.

According to the Constitution (**paragraph 20.1**) "The quorum necessary for the holding of any general meeting shall be twenty percent (20%) of the members entitled to vote either by being personally present or by proxy." The number of members in attendance or represented by proxy was totaled 38 out of a total of 111 members.

Notices as well as the agenda were sent out timeously and thus the meeting had been properly constituted.

## 3. ADOPTION OF THE MINUTES OF THE AGM HELD ON 6<sup>th</sup> November 2020

Mr Sassin requested if any member had any corrections which needed to be noted on the minutes.

With no comments Mr. Sassin requested that the minutes be accepted as a true reflection of the meeting. Mr. H. De Wet proposed and Mr. M. Wallace seconded the motion. There were no dissenting votes.

## 4. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

Mr. Sassin requested if any member had any matters arising from the minutes discussed. He mentioned Item 4 Speedbumps, 11 were built and will be discussed under the financials. Item 13 relating to the Architectural Guideline will be addressed by Mr. R. Boni on his arrival. With no other matters to be discussed Mr. Sassin proceeded with the meeting.

## 5. CHAIRPERSON'S REPORT

The Chairperson's report had been circulated to all the members and was taken as read.

## 6. ACCEPTANCE OF THE CHAIRPERSON'S REPORT

Mr. M Wallace proposed that the Chairperson's report be accepted. Mr H de Wet seconded the motion as there were no comments forthcoming.

## 7. APPROVAL OF THE AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021

Mr Sassin tabled the Financial statements and mentioned that the financial position of WRH HOA remained sound. He further stated that the reserve amount had increased from R 1,656,594 in 2020 to R 2,097,547 in 2021. He then related to the capital project spent and the special levy which had been raised, alluding to the fact that only a portion of the funds had in fact been spent. This was covered in detail in the Chairman's report. A breakdown of that was a cost saving center of about R 133 000.00 and R 307 000.00 which still lies in the Reserve fund.

Monies still owed at the end of the financial year included for R 93 000.00 in respect of the payment of the speedbumps installed. Mr. Sassin informed the meeting that a small contingency was raised for Bitou in respect of electricity as the municipality often estimates readings for up to four months

# WHALE ROCK HEIGHTS HOMEOWNERS' ASSOCIATION

the cost of which is often lower than actual. Therefore, the provision was made. An audit provision of R 20 000.00 was also raised.

Mr. Sassin advised that an amount of R 1, 680, 000.00 was held in the bank account, but that levies held in advance of R182 000.00 together with builder's deposits of R 383 000.00 would have to be deducted from this balance.

Mr Sassin confirmed that individuals are the cause of the large arrear outstanding and that the necessary, actions have been taken with the appropriate attorney to recover the arrears and hopefully resolve same by year end.

Mr. Sassin advised the meeting that the Fidelity cover R 3,200,000.00 was required. **PPM** will attend to the additional coverage of R 400 000.00 through the assistance of the incoming Trustees. All agreed.

Mr Sassin mentioned that during the year Capex expenditure of R 691 000.00 was spent on the CCTV cameras, R 93 000.00 on the speedbumps, R 112 000.00 to build a wall around the electrical box, to mention the main expenses.

Legal costs this year amounted to R 261 000.00 and relates to a homeowner whom, took legal action against the HOA. Fortunately, the court ruled in favor of the HOA. The owner has been billed for the money to be recovered to the extend of R 233 000.00 resulting from the taxing process, but the homeowner has challenged this value which we await the outcome.

Mr R. Taylor proposed that the audited financial statements dated 30 June 2020 be accepted. Mr. A Appel seconded the motion.

## **8. ACCEPTANCE OF BUDGETED INCOME & EXPENDITURE 2020/2021**

The proposed budget was tabled for discussion. The monthly levies had been increased by 6% and were effective from 1<sup>st</sup> October 2021.

With no further comments Mr H. De Wet proposed that the budget for 2021/2022 be accepted. Mr R. Kearns seconded the motion.

## **9. APPOINTMENT OF AUDITORS**

It was proposed that Michaelides Parker Kretzmann Inc. be re-appointed as Auditors for the financial year 2021/2022. The meeting unanimously agreed to re-appoint MPK.

## **10. APPOINTMENT OF INSURANCE BROKER**

It was proposed that Garden Route Insurance Brokers be re-appointed as Insurance Brokers for the financial year 2021/2022. The meeting unanimously agreed to re-appoint GRIB.

## **11. CONFIRMATION OF DOMICILIUM CITANDI**

The *domicilium citandi et executandi* in respect of Whale Rock Heights Homeowners' Association will be the registered address of Plett Property Management, 7 Gibb Street, Plettenberg Bay.

Mr A. Appel proposed, and Mrs S Pillay seconded the motion.

# WHALE ROCK HEIGHTS HOMEOWNERS' ASSOCIATION

## 12. ELECTION OF TRUSTEES

Nominations for seven Trustees had been received. The Meeting agreed that the 7 nominees be accepted to hold office as Trustees. The following Trustees had been duly elected:

Mrs C Clarke (re-elected)  
Mr H de Wet (re-elected)  
Mr T Tolmay(re-elected)  
Dr M Wallace (re-elected)  
Mr A Appel (re-elected)  
Rob Kearns ( re-elected)  
G. Hurley

## 13. GENERAL

### 13.1 APPROVAL OF THE ARCHITECTURAL GUIDELINES

Mr. Sassin informed Mr. R. Boni of the discussions and concerns that Chris Behrens had raised relating to a possible conflict of interest where the Estate Architect acts as the Estate Architect and as an Architect for an owner in WRH. Mr. R. Boni advised the meeting that he is an Estate Architect on 13 estates and if he cannot design on an Estate then he would rather resign as the Estate Architect as no money lies in the field of work. He explained that the advantage of being an Estate Architect is that he sometime gets work from the Estate to make it a profitable venture. If the decision is made and the owners feel that it is a conflict of interest, then he would rather resign from being the Estate Architect.

Mr Boni presented proposed colour palettes. The guidelines are very clear as to the process and colour applicable in that the colour needs to be painted on an A4 sheet and approved by the Trustees and the Estate Architect. Mr. Boni explained that it has been very testy in the Estate to come up with an acceptable colour palette, as the roofs colours have changed in the last version of the guidelines. Charcoaled coloured roofs are allowed compared to the Terracotta roofs that were allowed before, hence the proposed colour palette. Mr. Boni explained that due to the Estate not having strict design guidelines, there needs to be a common element in the estate to keep the ethics of the estate. With the addition of metal sheet roofing which a lot of owners have opted to use, this complicates the colour pallets allowed even more.

Mr. Boni advised the meeting that Summerplace is a separate development within the Estate. There are various rules that don't apply to the rest of the Estate. There are prototypes and initially you had to choose one the prototypes. The Trustees found it to be very restrictive and the sales were not going well at the time. Following this the Trustees therefore decided to be a little bit more flexible. There were a few points that the Trustees felt that they would not compromise on which were mainly the coverage, height restrictions and area of the house being built on.

Mrs. Pillay questioned some of the roof colours. Mr. Boni advised that the Trustees still have the final say regarding the roof colours. Mr. Behrens raised the question regarding the reflective value of the colours used to which Mr. Boni advised that the lower the value the darker the paint.

A question was raised regarding the shine of the metal roof sheeting and Mr. Boni advised that there is not much that can be done.

Mr Sassin informed the meeting of the second item on Page 11, Point 1.13.1.7 of the minutes of last year. The original wording stipulates that only the lower platform needed Surveyors' certificates. He added that the Amendment now states that all slab levels must have Surveyors' certificates, produced during the build and that the Estate manager should make sure that this is adhered to.

# WHALE ROCK HEIGHTS HOMEOWNERS' ASSOCIATION

After a lengthy discussion, the meeting accepted the position provided whereafter Mr. Boni left.

The incoming Trustees will be directed to look into these comments raised and discussed.

## 13.2 CONTRACTORS ENTRANCE

After a lengthy discussion, to consider a contractors entrance the meeting decided that the incoming Board of Trustees will be directed to look into this matter.

## 14. CLOSURE

Mrs Clarke once again thanked members for attending the meeting. She also made particular thanks to all the trustees. Mrs Clarke also thanked **PPM** for their continuing support and work.

There being no further items to be discussed, the meeting closed at 11:30.

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Chairman's Signature

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Date