

ST MARTINI GARDENS BODY CORPORATE

Minutes of the Adjourned Annual General Meeting held on Monday 30 November 2020 at 17h30 at Gardens Commercial High School, Paddock Avenue and by Zoom

Present: Members and other attendees present in person, on Zoom and represented by proxy as per the attached attendance register.

Mr P Veermeer chaired the meeting.

1. Preliminary matters

Attendance register, proxies and voting arrangements

The attendance register was completed and all assigned proxies were recorded. 15.2% of the members by value were present or represented.

Voting, where necessary, would be done by "show of hands" which would be captured on a spreadsheet and the total vote values calculated by the secretariat.

Determine Quorum

The Annual General Meeting had been called for 23 November 2020, and had been adjourned without a quorum. This meeting is a continuation in terms of Management Rule 19(4) and therefore the members present at 18h00 form a quorum.

2. Introduction

Proof of notice of the meeting

It was confirmed that notice of the Annual General Meeting to be held on 23 November 2020 was sent to all members on 22 October 2020, more than 30 days prior to the meeting, as required by the Sectional Title Schemes Management Act (STSMA).

Confirmation that the agenda was compliant

It was confirmed that the agenda was compliant with the STSMA.

3. Review of 2019 – 2020

Approval of the minutes of the previous AGM 2 December 2019

The minutes of the adjourned AGM held on 2 December 2019 were unanimously approved.

Trustees report

The Trustee report was circulated with the AGM pack and taken as read.

Consideration of the Annual Financial Statements 2019 – 2020

The Audited Financial Statements for 2019-20 were tabled and accepted.

4. Special Resolutions (Amendments to Conduct Rules)

1. The trustees proposed the following addition to the SMG Conduct Rules (dated December 2017):

Rule 5. Appearance of section and exclusive use area

The painting of balconies, including the exterior surfaces of windows and doors opening on to the balconies, will be included in exterior building redecoration projects, and the cost of this work will be recovered from the respective owners.

An amendment to the rule had been submitted by Ms M Favis, but after some discussion, this was withdrawn.

Judge van Niekerk asked about the frequency of painting the building. Mr Veermeer responded that this is normally planned for every seven years, but this has been postponed and it is now more than ten years since the last time the building was painted. Mr van Oordt asked if rust and other problems would be addressed. Mr Veermeer confirmed that the painting specifications covered all the external areas.

The resolution was passed unanimously.

2. Ms T Brunette, owner of Flat 321, proposed the following addition to the SMG Conduct Rules (dated December 2017):

Rule 7. Behaviour of occupiers and visitors in sections and on common property

Add the following sentence to paragraph (1):

The owner or occupier of a section must take all necessary precautions to prevent smells that result from smoking tobacco products from extending beyond the boundaries of their section.

There was general agreement that second-hand smoke is a serious inconvenience and health hazard. There was much discussion on this proposal, with comments including:

- The proposed rule should also include weed-smoking and other smells;
- The proposed rule was contrary to people's legal rights to smoke;
- The proposed rule was difficult to police;
- The proposed rule was not fair on tenants who are not allowed to smoke in their flats;
- Smokers could use a fan to ensure that smoke was dissipated from their balconies;
- Smells that are a nuisance are already covered by Conduct Rule 7(1)¹ which has been used in the past to control smells from smoking and cooking;
- There is a CSOS case in progress relating to the rights of residents to be protected from smoke from their neighbours vs the rights of residents to smoke in their section (including the balcony), and that the outcome of this case will give guidance on the application of the current Rule 7(1).

However, it was noted that this matter is progressing very slowly, due to COVID-19 and backlogs at CSOS;

- There is a Tobacco Products Amendment Bill in progress, which may also restrict smokers' rights;
- Conduct Rules have to be approved by CSOS, and there is a chance that they will not accept this amended rule.

¹ **Conduct Rule 7(1):** The owner or occupier of a section must not do any action(s) which is likely to interfere with the peaceful enjoyment of the occupants of another section or another person's enjoyment of the common property.

- If the proposal was withdrawn now, the trustees would reconsider the appropriate rules in line with the CSOS ruling and new legislation before the next AGM.

Ms Brunette did not withdraw the motion. A vote was taken with 6.3% for and 6.5% against, therefore the resolution was not passed.

5. Planning for 2020-21

Insurance

- Approval of the Schedule of Insurance Replacement Values

It was noted that (in terms of PMR 23(3)) the building was recently re-valued and is currently insured for R 479 203 794 (Basic valuation of R 456 930 939 plus R 22 272 854 optional additional insurance).

Ms Ryan reminded members that they are responsible for the excess payable when a problem originates inside their flat. Members were also reminded to check the sum insured for their flat(s), and that (in terms of PMR 23(2)) they may increase this value for an additional monthly premium.

The schedule indicating each individual unit's insured value distributed with the meeting notice was unanimously accepted.

- Determination that all aspects of insurance cover required by the STSMA are covered in the insurance policy:
 - Public liability (PMR 23(6)): It was confirmed that we have R50M public liability insurance in place
 - Fidelity (PMR 23(7)): It was confirmed that we have R6.3M cover, which is sufficient to protect the Reserve fund.
 - Additional cover (PMR 23(8)): none

Finance

- Appointment of Auditors

LPH Chartered Accountants were appointed as Auditor for 2019-20, and were approved to continue for 2020-21.

- Approval of the 2020-21 budget

The budget and maintenance plan were included in the AGM pack.

As the Special Resolution about the cost of painting the balconies had been passed, Version 1 of the Reserve Fund Budget was applicable.

In response to questions about the MM&R plan:

- The plan to refurbish the A block guard house is provisional, and is still to be costed and confirmed.
- The budget for bird deterrents include repair and replacement of the spikes and "Eagle Eyes" on the roof, which are of value in reducing the number of pigeons on site (This does not include spikes on balconies, which are for owners' accounts.)

The budget was approved unanimously by the members.

Trustees

- Determination of the number of trustees

It was noted that two of the current trustees are stepping down, but that the remaining six trustees feel that they are able to manage the duties. The members unanimously agreed to appoint six trustees.

- Election of the Trustees

Nominations for the following six people had been received prior to the meeting:

Mr P Veermeer, Ms B Veermeer, Mr G Fogell, Ms M Fogell, Mr R Perold, Mr J Davids.

As the number of nominees equalled the number of positions, no vote was necessary, and the above people were all elected.

6. Further business

Judge van Niekerk proposed a vote of thanks the trustees for managing the BC so well. This was supported by many of the members present.

7. Restrictions and directions placed upon the trustees

None

8. Dissolution of the meeting

It was confirmed that all matters were dealt with.

The chairman thanked all members for attending and for their patience with the technical problems. He thanked outgoing trustees Joanne Haasbroek and Annemie van den Heever, and the newly elected board members for their dedicated service.

The meeting was closed at 18h55.

Chairman _____

Trustee _____

Date _____

Date _____

Flat	PQ	Member name	Representative		Zoom		In person		Total	
				TOTALS	23	7.3036	20	7.9028	43	15.2064
B826	0.2134	Bath A, Ms	Joanne Haasbroek	Proxy	1	0.2134		0.0000	1	0.2134
B102	0.2594	Boshoff M, Ms	Patrick Veermeer	Proxy		0.0000	1	0.2594	1	0.2594
B321	0.4150	Brunette JT, Ms			1	0.4150		0.0000	1	0.4150
B318	0.2421	Cappuyns MJA, Mrs	Belinda Veermeer	Proxy		0.0000	1	0.2421	1	0.2421
B708	0.2421					0.0000	1	0.2421	1	0.2421
A532	0.5188	Dippenaar APJ, Mr			1	0.5188		0.0000	1	0.5188
B516	0.2421				1	0.2421		0.0000	1	0.2421
B528	0.2075				1	0.2075		0.0000	1	0.2075
B521	0.4150	Erasmus L, Ms			1	0.4150		0.0000	1	0.4150
B101	0.3804	Favis M, Ms			1	0.3804		0.0000	1	0.3804
A632	0.5188	Fogell G, Mr & M, Mrs	Marion Fogell	Proxy		0.0000	1	0.5188	1	0.5188
B830	0.2076	Haasbroek JI, Ms			1	0.2076		0.0000	1	0.2076
B424	0.5534	Hall A, Ms	Annemie vd Heever	Proxy		0.0000	1	0.5534	1	0.5534
A631	0.8416	Hogan BA, Mrs	Annemie vd Heever	Proxy		0.0000	1	0.8416	1	0.8416
B912	0.3343	Hugo-Hamman CS, Ms			1	0.3343		0.0000	1	0.3343
B308	0.2421	Kotze CP, Mr			1	0.2421		0.0000	1	0.2421
A437	0.3804	Ludik HL, Mr & K, Mrs	Patrick Veermeer	Proxy		0.0000	1	0.3804	1	0.3804
B312	0.3343	Macklin V H, Ms	Marion Fogell	Proxy		0.0000	1	0.3343	1	0.3343
A336	0.4784	Maresca E, Ms			1	0.4784		0.0000	1	0.4784
B905	0.2421	Mondry L & Tu Y, Mr	Leon Mondry	Proxy	1	0.2421		0.0000	1	0.2421
B217	0.2421	Pageot JY, Mr			1	0.2421		0.0000	1	0.2421
B716	0.2421	Permanent Trust Management (PTY) LT	William Cox	Company rep	1	0.2421		0.0000	1	0.2421
B715	0.2421	Perold PR & Boshoff WA, Mr	Rudolf Perold	Proxy	1	0.2421		0.0000	1	0.2421
B223	0.3228	Rossouw - Jones J, Ms			1	0.3228		0.0000	1	0.3228
B807	0.2422	Rudi MA, Mr & EP, Mrs	Belinda Veermeer	Proxy		0.0000	1	0.2422	1	0.2422
B907	0.2421					0.0000	1	0.2421	1	0.2421
A236	0.4784	Somin MV				0.0000	1	0.4784	1	0.4784
B417	0.2421	Steyn BP, Mr	Rudolf Perold	Proxy	1	0.2421		0.0000	1	0.2421
A736	0.4784	Stoneleigh Stud (Pty) Ltd	Glyn Fogell	Proxy		0.0000	1	0.4784	1	0.4784
B322	0.4150					0.0000	1	0.4150	1	0.4150
B622	0.4150					0.0000	1	0.4150	1	0.4150
B518	0.2421	The Neale-May Family Trust	Glyn Fogell	Proxy		0.0000	1	0.2421	1	0.2421
B520	0.2421					0.0000	1	0.2421	1	0.2421
B629	0.2075					0.0000	1	0.2075	1	0.2075
B822	0.4151	Thomas DS, Mr			1	0.4151		0.0000	1	0.4151
B218	0.2421	Thorpe L C, Mrs			1	0.2421		0.0000	1	0.2421
B328	0.2075				1	0.2075		0.0000	1	0.2075
A435	0.4784	Twine DL, Mr			1	0.4784		0.0000	1	0.4784
A732	0.5188	Van Den Heever A, Ms				0.0000	1	0.5188	1	0.5188
A731	0.8416	Van Niekerk K, Judge				0.0000	1	0.8416	1	0.8416
B801	0.5304	Van Oordt JC, Mr			1	0.5304		0.0000	1	0.5304
B808	0.2422				1	0.2422		0.0000	1	0.2422
B127	0.2075	Veermeer P, Mr				0.0000	1	0.2075	1	0.2075
	99.9589									

Others present

Marion Ryan	Permanent Trust
Riedewaan Abdullah	St Martini Gardens
Ashley Morkel	St Martini Gardens
Joe Davids	Trustee