



Moditlo Estate Home Owners Association NPC

Registration Nr: 2002/013524/08

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Minutes of a Board of Directors meeting held on 4 September 2020 at 14h00 via Zoom

1. **OPENING AND QUORUM:**

The meeting was declared open as due notice was given, and a quorum was present.

2. **ATTENDANCE AND APOLOGIES:**

George Brownlow
Henry Verster
Lorna Zoghby
Godfrey Phillips
Piet Scheepers
Bernard Koppes
Alan Hiatt
Pieter Janeke

ALSO, IN ATTENDANCE:

Annelie Roets (Estate Manager)
René Riekert (Administrative Assistant)

APOLOGIES:

None

3. **DECLARATION OF INTEREST:**

The directors present declared that they have declared any personal interest or financial gain – where applicable - on the agenda as adopted.

4. **ADDITIONAL ITEMS:**

a. **Consultant – Definition of Moditlo (Godfrey)**

Godfrey stated that it is not clear if Moditlo Estate is a resident community or a game conservancy. It should be defined as to what exactly the estate is, as people are always asking this question.

George replied that Moditlo Estate is an estate and a community scheme within Blue Canyon system, which has game which they manage. For this meeting as a board, they are looking after / running the estate, how it functions, its infrastructure, the plans of the houses.

Annelie stated that Moditlo is a Home Owners' Association which is zoned for residential use for the portions of Moditlo full title, which means the portion that you are situated on, you can use in accordance with the rules of the HOA, we are also governed by the Companies Act. We do have a penalty's fine schedule that is registered with the CIPC, which means that people are being held accountable according to that schedule.

George replied that this point is a long discussion and there is a lot of points that people do not understand. He suggested that this point be held over as there is a clear misunderstanding.

b. **Accountability and Enforceability (Godfrey)**

Godfrey referred to the meeting with André Pelser and stated that he is of the opinion that André does not accept accountability for his actions, and he wanted to know how the board is handling this, is there certain ways of punishment.

George stated that the matter was concluded, a report was written, and André was fined, and it was also sent to all the board members.

Annelie replied that it was mentioned in the meeting with André that there were certain services that he could provide to the HOA, but the point of action that was taken against him was to get the fine out to prevent the perception that people can get away with breaking the rules.

George stated that André has accountability, and a number was put to that accountability. The board can negotiate with him and he can pay it off with his levies should he wish to do so.

Annelie informed Godfrey that, as soon as it is invoiced by the HOA, and thereafter should it not be communicated / arranged, after 3 months it will be handed over to the attorneys for collection. That is then the enforceability.

c. **Status updates (Godfrey)**

Godfrey requested if there could be a 3 weekly status update from Annelie on matters being attend to.

Annelie agreed that she would do a quick report on outstanding matters.

d. **Pets (Godfrey)**

Godfrey suggested that the policy regarding no pets on the estate should maybe change, as, under certain circumstances, pets could be a good companion.

George stated that it was voted at the previous meeting that no pets will be allowed. He personally thinks that the restriction of pets is detrimental. The rule can be changed, but the issue is what noise they will make, and because the estate is linked to a game farm (Blue Canyon), but the estate falls firstly under the rules and regulations of a municipality, and secondly falls under the Home Owners' Association. He suggested that the board vote on whether pets should be allowed or not, and it can then be put forward at the AGM meeting.

Henry replied, that one of the important elements why it was voted no to pets, especially dogs, is that poachers also use dogs. The Anti-Poaching Unit (APU) will not know whether it is one of the houses on the estate's dogs (especially when there are 400 houses on the estate), or if it is a poacher's dog barking. There are other elements that should also be considered regarding pets (specifically dogs), the "noise pollution" can become an issue. Dogs also pose a severe threat to

poaching. It is his opinion that it is not a simple subject, even though there are people that say that they don't want to buy in Moditlo because of the No Pets rule, on the other side there is people who do want to buy in Moditlo as they would not have the barking of dogs disturbing the peace and tranquillity of being in the bush.

Bernard stated that he agrees with Henry, on the last point as he knows several people who bought in Moditlo because of the existing rule.

Lorna commented that, as her circumstances changed, she moved here with her dogs, but she stated that her neighbour can hear her dog when he is asking for his food. She personally would not have bought here if pets were allowed on the estate, and she agreed that Moditlo should not have dogs for the reasons that Henry and Bernard gave.

George replied to Henry's comment that he spoke to other estates in other provinces, most of them allowed dogs and they did not see a point that it could confuse the poachers or the owners of the dogs. He suggested that the board vote on the rule of No Pets Allowed.

Bernard stated that, to his knowledge, it is not only the board that can propose a change, but any individual owner can also propose a change at the AGM, therefore, if any member of the board, felt like it should be proposed at the AGM, they did not have to vote at the BoD meeting, as he felt it is not a board decision.

George stated that it is a board decision, as it can be deferred to the AGM with each BoD meeting. He stated that the board should go to the AGM saying that the board voted on the matter and reached a decision.

Bernard replied that it needed to be rectified by the members in an AGM, so whether the board made a recommendation in terms of asking the members for a decision, an individual can also approach the members at the AGM and the vote will be taken there.

Annelie stated that there should be a certain percentage of support for it to be allowed / tabled at AGM.

BoD voted on pets:	Yes	-	3
	No	-	5

Pieter stated that it is important to finalise things as we cannot have a meeting about the same things every time. He also agrees that if there is enough support to take it to the AGM and vote on the matter.

George replied that, as a board, they should make decisions on matter, whether it is right / wrong, the board has been appointed by the members, and should be able to answer for and on behalf of them. Should someone wish to bring it up at the AGM, that is their prerogative, and it will be voted again at the AGM

e. **Light Steel Frame building (George)**

George stated that he had a particularly good look at light steel frames, and it is made of flat steel 1mm – 1,2mm, depending on the structure that is being build, it is passed through pressers which fold it to form corners, angles and such to allow the structure to be held up in a strong format. If it is folded it get stronger by x times. It then goes on to a slab, built in and they will then fill in the walls with cement or prefabricated sectors, and then put it together and finish the outside. George also stated that H-beams and I-beams, which is made by steel foundries, it is pushed

through and channelled, and they are exceptionally strong. From an economic perspective, it is not that much cheaper, but can be. The new designs / style of houses blends in with the style of Moditlo. As it is not cheap, it does not deteriorate the value of the other houses. It is his opinion that the light steel structure will financially downgrade Moditlo and he would not want to bring down the price of the members who already built in Moditlo.

Alan replied that he is not in favour of the light steel structures. He stated that, looking at Moditlo in five years' time, houses should be more traditional than the corporate steel buildings. If it was decided that it would be allowed, some rules should be put in place, should a member decide to move and "take his house down" in ten years' time, the member need to make good the land that the house stood on so that the concrete could be removed.

Henry replied that they should separate what they were talking about. Referring to the e-mail he received from Annelie with attachments, he would not agree to that type of steel frame building, and it is his opinion that it would devalue what is already on the estate. He was not in favour of it but would support some sort of an inclusion of a "steel structure element" in houses, as it allows people to be a bit more flexible in the design of their houses. If the board decide in favour of light steel structures, there should be clarity of what is allowed / or not. There should be strict and clear guidelines as to how it can be applied and brought into the design.

Bernard stated that they are already allowing steel structures (I-beams) in houses, but he was not in favour of the light steel structures.

Godfrey stated that they should make sure that the house has a standard "look and feel". He is not in favour of the lights steel structures.

George stated that there would be no light steel frame structures, as the voting was 7 against and 1 for light steel structure. It was his opinion that it will be detrimental to the future of the estate. Should someone apply to use the light steel frame structure, the board can then decline the application, should the person want to raise the matter at the AGM, then it will be discussed during that meeting. What would be allowed is I-Beams and H-Beams built structures and plinths (you don't have to have a cement block underneath your house, it can be lifted of the ground and that allows for 5 / 6 / 20 different load points for the actual house, and should the person wish to "remove the house", he would be able to remove everything and would then just have the supporting blocks to pull out, it also assists with the waterline.

Henry stated that, as the minimum size of the houses was reduced to 150m², the costs of building will also be more affordable.

BoD voted on light Steel Structures:	Yes	-	0
	No	-	8

f. **Roof Materials (George)**

George stated that, for the estate, there should be a restriction of colours, which will be discussed.

Lorna queried that, if the board do decide on corrugated iron, if it would have to go to a special general meeting, to which Annelie replied that the proposal would go to the AGM, in which it would be mentioned that the board had already decided and have all the information, and then the members would vote on the proposal.

George explained the difference in looks between the Chromadek (flat top, side, bottom, side, flat top) and corrugated (s-shaped) iron.

BoD voted on Chromadek	-	Yes	-	6
		No	-	1
		Abstain	-	1
BoD voted on Corrugated	-	Yes	-	0
		No	-	8

g. **Request information BCPGR (George)**

George stated that the committee (himself, Lorna, and Craig) will have a meeting and that he had spoken to Garth and established a nice working relationship. George will then provide the board with feedback.

h. **Culling on Estate (George)**

George asked Pieter for some background on whether it affected Blue Canyon if it was an issue if culling did not take place on the estate's lands.

Pieter replied that they are busy with discussions regarding culling, and it has been decided that 200 Impala should be culled, but he did request that it not take place on Moditlo. Should they not have a choice, he requested it to be done only in the wilderness area. He stated that there is enough space to cull on other farms, but unfortunately some type of animals (e.g. giraffes) prefer to stay in a specific area, and culling will have to take place where they move.

George requested that the focus is that culling will not take place on the estate. Should there be a problem and culling will be on the estate, all members will be notified.

Annelie replied that the Ernst Scheepers (Operational Manager) was in constant contact with them, and he will immediately notify the members should anything be done on the estate.

Godfrey replied that they are being notified and it was not a problem currently.

i. **10 Year Maintenance plan (George)**

George stated that this is part of a requirement for a Home Owners' Association. Moditlo Estate is still a new development, but that the infrastructure (fencing, electricity e.g.) would at some time require replacement and / or service. He suggested that the board can appoint consultants to do a total evaluation maintenance, structures etc and what they recommend the board to do and can provide a plan of action and costs involved in the repair / replacement.

Annelie replied that there is currently a 10 year budget (still needed to be approved), but herself and Ernst felt that some changes should be made to prioritise and they are currently working on it, but she felt that it might be a good idea to get consultants to give advice on the 10 year plan they currently have.

George replied that, if the costs are not too high, he will provide Annelie with the information that he has for the consultants.

j. **Bush Tracks (Henry)**

Henry stated that he saw the messages from Ernst regarding new bush tracks and queried on how it is located and implemented.

Annelie replied that the main reason for the bush tracks was to get people away from the fence line, and that Ernst was opening old roads that were on the older maps. The roads were existing and overgrown, and they opened it up to give people more of a “bush” experience.

Henry asked if the Moditlo road map will be updated, to which Annelie replied it will be.

k. **BCPGR – Role of Moditlo on Conservancy (Henry)**

Henry queried on who of the members have engaged in discussions and wanted some feedback on the current developments / plans, how could Moditlo and the board’s representatives work together with the conservancy members and build a better relationship.

Pieter replied that the opening of the gate at Leopard’s Bend was a positive step and a lot of progress was made (after the unfortunate clash between previous parties). It is his opinion that a lot of positive things will still happen in the future and he always try to look at Moditlo’s interest as well. Unfortunately, the members of Moditlo cannot traverse on the whole conservancy, but they are trying to do what they can to make it more positive. He stated that the meeting between Moditlo and the conservancy should go ahead, the date should just be finalised.

Henry stated that Moditlo and the conservancy should take the opportunity to build a relationship and, they should collaborate and make sure it is to the benefit of everybody.

Bernard stated that there are many improvements, and they need to build on that, but he was extremely optimistic.

Lorna commented on Pieter’s point of residents who want to traverse on the conservancy and suggested that they should arrange with the lodges to do a game drive for the residents through the conservancy, but only for residents, not for lodge guests.

Bernard and Godfrey both replied that that is something that they are already doing.

George replied that it is a good idea, and they can also fund the fuel for the vehicle, but it may become an issue when there are 400 residents. He also suggested that Pieter and Bernard think about it first, as it is their area and vehicles.

l. **Proxy voting (Lorna)**

Lorna stated that a resident wanted her to raise the point of proxy voting and suggested that the proxy given to a representative that is present at a meeting, the proxy should give them the right to vote on all points on the agenda and it does not have to be specified beforehand.

Annelie replied that the proxy provides for the above, there is a block at the bottom that they can use for their own discretion, but she would just make sure about it.

m. **Rehabilitation of quarry dam (Lorna)**

Lorna stated that a few residents queried regarding the rehabilitation of the dams on the estate and suggested that the residents maybe get involved with this project, like planting seeds / trees to make the areas around the dams more bush-like.

George replied that is a great idea, but the issue maybe that the dams would not be able to contain what is on top. The estate cannot afford it as there are not water on the estate, and he was looking at where the municipal water is supposed to be coming from and it would be an issue if water cannot be supplied in a larger quantity, besides the boreholes that's being used. He stated that water is essential to the estate, and that he would give the board feedback on the project that he is currently doing.

n. **Sleep out deck for residents / permission (Lorna)**

Lorna stated that some residents approached her regarding a sleep out deck somewhere on Moditlo where one can "safely" camp for a night, at their own risk.

Henry proposed that Anaboom Camp should be used for this.

Piet replied that Anaboom Camp is available to the home owners, and that they were in the process of upgrading it.

George requested Lorna to discuss it with members and get their opinion and then the board could discuss it at a later stage.

5. **APPROVAL OF MINUTES OF THE PREVIOUS BoD MEETING: 05 JUNE 2020 VIA ZOOM**

The minutes of the previous meeting held on 05 June 2020 was proposed, seconded and the minutes was approved.

6. **MATTERS ARISING:**

a. **Relief on Levies extension**

George stated that he looked at the finances and proposed that the relief be extended to December 2020 and mentioned that there has been no influence on the reserve fund.

All in attendance agreed to this proposal.

b. **Next AGM / SGM dates**

Annelie stated that the HOA need the audited financials for the AGM, and she would push them to have it by end of October / November 2020. The next AGM meeting could be possibly in December 2020 or January 2021.

c. **Disputes raised by member's feedback**

All directors received written updates regarding this before the meeting and all agreed with the updates provided.

d. **SLA with BCPGR**

Discussed in 4 (k)

e. **Illegal Water Connection finalisation**

George stated that this matter was finalised, and the relevant member was fined.

f. **Paul vd Merwe – Conservancy – Trapping – feedback**

George stated that reprimand should come from the conservancy for trapping of an animal, as the animals on the Estate does not belong to the HOA.

All was in agreement.

g. **Architectural committee**

George stated the importance of appointing someone before any disputes arise.

Bernard replied that he knows Paul van der Merwe very well as he designed all Bernard's houses, and that he knows all the rules of the estate. Bernard felt that it may be a problem if Paul is on the Architectural Committee as well. He suggested that there should be a "replacement person" for when Paul is the architect being used.

Henry raised the question of an architect really being necessary to stamp plans.

Annelie explained the process that plans are handled by the committee currently.

Godfrey stated that, at the time they build, his architect and builder spoke to Ernst on everything that was done, as Ernst knows all the rules and regulations, and would advise them if something was not done the correct way. His opinion was that the committee does not need an architect.

Annelie stated that there was already an electrician involved in the committee, and Frikkie Meyer was also involved, Ernst was also part of the committee. Should the BoD want an additional member, they should maybe look at someone with other skills, e.g., a builder.

Henry suggested that an architect not be appointed for the time being. Should there be designs that is outside of the guidelines, and should it be required / necessary, an architect could be appointed on an ad-hoc basis.

Annelie replied that, should there be a query, that query is directed to the board for decision, as the committee is working for the board.

Bernard suggested that Peter Woolley be part of the committee. All agreed to this suggestion.

h. **Media Contract / Newsletter – decision**

All the board members voted that the media contract should be immediately cancelled, last and payment of the service provider would be end September 2020. All in attendance agreed and also agreed that media work will, going forward, be done in-house.

i. **Bush Clearing status (Henry)**

Annelie stated that there was one team working in Moditlo working towards Nyala, and she requested Bernard to inform the board regarding the team that is working on the conservancy.

Bernard replied that currently they were not doing bush clearing on the conservancy, as there was a limited income during the Covid-19 lockdown period, but it will be resumed.

Annelie stated that Ernst will draft a comprehensive plan of where / what / when bush clearing would be done, and that they could present that to the board.

j. **Eiland dam – feedback**

Annelie stated that Ernst met with two engineers that gave their various consulting services, the next phase would be meeting with the contractor and report back to the board with a final plan.

Piet replied that they had the discussions with two engineers, and the meeting with the contractor would be the following week. They would report to board after the meeting.

k. **MOI – feedback**

Annelie stated that she did send it to all the board members for their perusal. Next it would be tabled at the AGM for approval.

7. **FINANCES:**

a. **Monthly Fin Pack**

George stated that the finances were in a good state. The current outstanding debt would be possibly having to be written off, but that would not affect the levies / current.

George's (Chairperson) connection was unfortunately lost due to load shedding.

8. **Next Meeting**

A date would be established once the date for the AGM meeting was decided.

9. **Closing:**

There being no further items on the Agenda, the *Vice Chairperson* thanked all in attendance and closed the meeting.