

**MINUTES OF THE EVERGREEN BERGVLIET RESIDENTS' MEETING HELD IN THE  
CLUB HOUSE  
AT 14:30 ON THURSDAY 28 APRIL 2022**

**In Attendance** : Joan Mispion (Chairperson) (JM) – John Bester (JB) – Jean van Rhyn (JvR) – Brian Dalton (BD) Alan Baxter- (co-opted) (AB) – Lynne Perry (Minutes)

Invited : David Walker (DW) (Consulting on Finance & Maintenance)

**Apologies** Rene Essen  
Trevor & Heather Honneysett

64 Plus Villagers were present.

JM opened the meeting, welcoming everyone, and thanking Residents for attending. For the benefit of new Residents, she introduced those seated at the top table – Brian (Security,Maintenance) John (Finance) - Jean (Gardening and Events) - Alan (Consulting) – David (Consulting) – Lynne Perry (minutes).

Colin Levine in attendance as a Finance Sub Committee member.

JM opened the floor to questions and comments.

**Thanks – Rezoning** - Penny Prideau (A104) extended thanks to Colin Levine (#12) for his summarised notes regarding the Municipality's proposed rezoning of the Village.

JM also thanked CL for his considerable efforts and participation with this issue, and in putting these notes together and circulating in time for the meeting.

Earl Hargreaves (A6) requested a short recess in order that additional copies of CL's notes could be made, as it appeared not all Residents had accessed the E-Mail, and would be better informed once these had been read. This was agreed, and further copies were made and distributed. 10 minute recess recorded.

**Snag List** – Colin Noble (72) commented that although 90% of the snags in the Winery Road houses had been completed, there were still some major defects which had not yet been attended to, which were waiting on EPI's authority to go ahead.

DW advised that he and RE were still doing regular walk-a-bouts and reporting issues to Management. He felt a strong letter needed to be addressed to EPI to fast track these long-outstanding issues.

JM advised this would be taken up with higher Management.

**Re-zoning -**

Colin Osborne (59) – asked how the rezoning would affect property values.

CL stated that he had been advised that nothing would change when changing to Sectional Title from Freehold. There would also be no change in the Councils method of

calculating rates as a result of this change. He would however get all the necessary assurances in writing from EPI. The Village would no longer have ERF numbers, with all units falling under Sectional Title, as explained in his notes.

Colin Osborne (59) had some other issues to raise regarding cleaning and health services.

JM advised Colin that with the recent changes in Management, a number of previous problems in the Village will be resolved. Further communication would take place.

Mike Smith (#67) referring to rezoning, felt that although EPI had said nothing will change, he felt this was somewhat simplistic, as Sectional Title properties required CA's, and long-term budgets which provided for considerable savings to be kept on hand for levies.

**CL** advised this was an excellent point, and he would take this up with EPI and refer back.

Wenche Hovstad (#76) referred to the "Basic Understanding" of CL's notes, asking who will be responsible for the outside maintenance of homes. BD confirmed EPI would remain responsible for this Maintenance under sectional Title ruling.

Brian Marquis (#66) asked if there was a reserve fund. Would levies be recalculated in terms of the new regulations, and conduct rules, can annexures be added to the conduct rules.

**CL** advised he had made a note of this point and will also take this up with EPI and refer back.

Mike Uys (#8) commented that if residents did not own properties, they would not be eligible to object to the rezoning.

AB advised that according to the Act, Liferight agreements were equivalent to leases on properties, and was an advantage.

CL advised he would ask the opinion of neighbour, Nick Wides.

MU (#8) referred to rates and taxes adjustments, which would have to be charged "somewhere", and was concerned that very few of Amdec's promises were followed through.

CL advised that in terms of rates, EPI are responsible and will continue to be responsible. Liferight Agreements will not change on this but he would follow up.

Tony de Witt (#74) referred to the Snag List which had taken two and a half years for repairs to get done, and were now already showing signs of poor workmanship, with cornices once again coming away from the wall. He felt a very strong letter needed to be sent to EPI.

JM would follow this up with Management.

Ton Weber (#5) also referred to the outstanding snags, and on-going promises to repair them. He advised that he had lived in the Village for 10 years and the Clubhouse

extensions were still under discussion. He mentioned his back fence, which was in bad repair, and he asked who would be held responsible if this fell down and caused injury.

JM advised she had taken this up with Garry Reed - she was aware this also affected his neighbour in Unit #13. GR had made it clear at the last Mancom that the fencing repair is an EPI project and would be referred to them. Ton felt this was a serious situation and that he would write again in this regard. JM wished she could be more positive, but that two years of Covid had put so many issues on the back burner, and Amdec were now trying to catch up.

CL advised that any of these points should be raised at the AGM and answers demanded.

Brian Marquis (#66) referred to the extension plans, querying how these would affect the outside patio area of the Clubhouse, as no sizes were shown on the drawing. JM advised the dining room would be extended by 3.5 metres, leaving 2.3 metres of patio, and was going to put in a request for large sliding doors opening on to the patio area creating an inside/outside entertainment area. The lawn could also be used for larger functions, braais, etc.

Richard Eastwick (#110) suggested the Extension plans be put on hold, until these could be studied carefully, and that ELV's main concern should be on the repairs and maintenance of the Village.

Tony Woof (#16) expressed concern that the extension project, once complete, may impact on his privacy, and would therefore closely follow the developments.

Earl Hargreaves (# A6) advised that although he empathised with the Rescom members as these debates are tedious, and frustrating with the same items on the agenda over and over again, they achieved very little and had little power over Amdec. He felt that at the AGM, residents needed to show a unified front and insist upon positive feedback as to who is responsible for what in the Village.

JM felt that a lot of hard work was done by the Rescom Committee to try to get things done, and that the slowness with which complaints/requests are dealt with makes her and the committee feel inadequate at times.

AB agreed with EH, that a stronger stance be taken by residents at the AGM.

DW advised he was disenchanted with the attitude of Amdec Management, who had disregarded all approaches with impunity on various aspects of the village, including House Rules, Healthcare, Events, etc. After recent E-Mails he had decided to resign. He would however continue to support the committee in whichever way possible if needed.

BD supported DW on this and that the residents needed to show a unified front against bureaucracy.

John Drake (A3) on rezoning, expressed concern over the poor track record by ELV of following through on issues, and there was a need to enforce the regulating of Title Deeds – although we do have warranty it is important to see that this is done, and object where necessary.

Brian Marquis (#66) – mentioned that ELV had proposed a monthly levy on Healthcare and Catering.

DW advised that unfortunately the Budget Meeting had been cancelled at the last minute, and noted that a Budget had been prepared showing R500 levy per household for catering an R250 for Healthcare. It appeared no provision had been made for single home owners

CL, although the Budget Meeting had been cancelled, he reported that Rates were fixed until September 2022, but for the future these would be adjusted in March each year in line with the Financial Year end.

JM advised there would be a Budget Meeting before the AGM where these issues would be dealt with.

AB advised he was aware of the unhappiness over so many issues in the Village. He had met with other Villagers where he had found common ground on many of the same problems. He would like to continue meeting with them to build a united front against Amdec.

JM advised her team will continue to communicate with Management on behalf of all residents and help in any way with other villages experiencing similar issues.

### **Cell Phone Reception**

JM referred to the Cell Phone reception problems, advising that Management were looking into erecting a tower behind Unit #65.

AB confirmed that Management was working toward an independent Cell phone Tower as JM had indicated, to provide reception for all networks. Service providers earn revenue on passing traffic and there was insufficient traffic in the Village to make it feasible. Approval for a tower would take time. He would help residents in the meantime should they wish to install individual boosters.

JM extended thanks to Alan for his hard work and efforts put into resolving the reception issues.

Dave Gretton (#3) asked if all were in agreement that we will not be objecting to the rezoning.

CL advised he was awaiting response to his motivation as to whether we have rights to object. It is important to understand what we are objecting to. After the meeting he would be drafting questions raised by Residents and ensure these were submitted by the deadline of the 4<sup>th</sup> May.

Stewart Fisher (#A1) wasn't certain but felt we could apply for an extension in order to fully understand the implications of the document.

Ian McDonald (#18) felt we should not rush into anything unless it is necessary. We all have different Contracts and should be concentrating on re-writing the Agreements to bring them in line with the Levies.

JM mentioned that all the other Evergreen Villages were on the Sectional Title scheme.

**AGM** – JM advised that the date requested for the AGM of the 31 May was not a convenient date and she had requested an alternative date of 14<sup>th</sup> June. Confirmation was awaited.

She also pointed out that a number of the Rescom Committee members would not be standing for re-election, including herself, Rene, John, and David ( who had resigned earlier in the month. )

BD referred to his E-Mail earlier in the month in which he had laid down the guidelines for potential candidates, advising it was particularly important to have someone fill the Finance role, as DW had stepped down.

AB had indicated that he would be available for nomination, and felt that EG was a beautiful Village and would like to see it run efficiently. Amdec had shown little respect for our Life Rights and complaints were treated with disdain. He briefed residents on his business ethic and assured all that he would always follow through on issues and promises. He was not afraid to stand up and be counted and was comfortable dealing with problems and conflict.

JvR had also expressed a wish to step down, but was prepared to stand again if required. JM felt it was a good opportunity to get new blood into the Team, and called for volunteers.

She introduced Richard Eastwick (A110) (RE), who had put his name forward, to say a few words. RE briefed residents on his portfolio, advising that as he was an Architect, one of his projects would be to look at the plans for the Clubhouse, most of which he disagreed with, and felt his input could be beneficial. He hoped to be of service to the Village and it's residents.

**JM** mentioned that she was still waiting for comments on the Clubhouse Plans from Residents, having received only three to-date, but wished to have more input to put forward to Amdec.

**Richard Eastwick** felt that if work was to be undertaken on the second floor of the Clubhouse, perhaps this could be done as phase 1, while the plans for a more efficient layout of the dining room and kitchen were being considered.

**Wenche Hovstad** (#76) asked whether a timeframe had been given for commencement and completion of the Clubhouse extensions.

**JM** advised she was still awaiting further suggestions from residents before submitting comments on the Club House Extension proposal.

### **Parking Bays**

Jo Nixon (#36) referred to the last Rescom Minutes, which indicated that Unit #40 were applying to Council for additional parking in front of their Unit. She believed her home, garden, and privacy would be affected by this. She pointed out that as "Landsend" Road was very narrow, these additional parking bays would cause further problems. She also believed there were sufficient parking bays in close proximity, which were not fully occupied.

JM advised that once the plans were drawn up, that this would be open for neighbours to view, comment on and object very strongly if necessary.

It was also believed that this proposed work would create a precedent should other Residents wish to do something similar.

### **Contractors**

Tony Woof (#16) mentioned that he had found that Contractors recommended by Amdec were inclined to be far more expensive than outside Contractors, and that Residents should be aware of this, and compare rates with outsiders.

JM agreed that Villagers should use Contractors they were happy with.

AB said that good Contractors names and credentials should be shared with the Villagers.

### **Speed Humps**

Myrle Mawman (#53) was concerned about the speed humps in the road on the way to the Apartment entrance.

JM advised that the humps being considered would be temporary (moveable) as the permanent humps were costly. Shawn Ferreira had diagrams of these, which could be viewed by Residents.

DW felt something needed to be done as Visitors, Contractors and Residents tended to speed up when approaching the hill starting at #41.

### **Servicing of Garage Door Motors & Solar Panels**

Ton Weber (#5) mentioned that there did not appear to be any contract in place for the servicing of motors on garage doors and solar heating panels, and felt that there should be set dates for these services to take place in all Units. This would also bring down the cost of the services.

Agreed this was an interesting point and would be considered. Mention was made of Fire Extinguishers being serviced regularly, which was essential due to possible Insurance claims.

### **Window Cleaning**

A question was raised about window cleaning services, and RE advised that there was a Contract in place with management to have the external windows on the upper floor of the Apartments cleaned at regular intervals, as these cannot be safely reached by residents.

**Thanks** – JB extended thanks to the Financial team for their work on the Budget Statements, which showed a positive figure. He hoped that this could be used to reduce levies but found that the surplus was now being diverted to pay Head Office costs.

He also thanked JM who would sadly be retiring after the AGM. She had done a stalwart job over many years, and had been a pleasure to work with.

JM thanked JB and then asked Residents whether there were any “positive” comments to close the meeting on.

AB advised that he had always been a strong critic, but wished to extend thanks to JM on the efforts that she has put in over the years, and wished her well in her retirement.

JM advised that JvR was doing an amazing job on the gardens, with good communication with Marcus and Bronwyn and felt sure that all will improve further in time to come.

She extended thanks again to Everyone for attending and there being no further matters to discuss, the meeting closed at 16:45.

SIGNED : J.B. MISPLON J MISPLON (Chairperson)

DATE : 29<sup>TH</sup> APRIL 2022\_\_\_\_\_

#### **ADDENDUM TO MEETING:**

Here are immediate answers (Friday a.m from Cobus) to questions raised by 3 residents – I thought important to add to minutes: JM

**1. Question from Mike Smith regarding Reserve Fund** – Mike mentioned that in sectional title schemes there is applicable legislation whereby there needs to be in place a reserve fund, shown in the balance sheet of the body corporate, covering future maintenance costs and replacement capital costs – covering several year’s projected costs. Please can EPI confirm that no funding will be required from residents to contribute to this reserve fund, not now nor in the future, in order to build up the reserve fund?

**Answer:** The LRA records the total financial obligations of the Life Right Holder in terms of the Bergvliet village. The conversion to Sectional Title will not affect the Life Right Holders Legal and fiscal positions.

**2. Question from Brian Marquis** – Brian advised that in sectional title schemes the levies are calculated in a PQ basis, whereas as far as he is aware the village’s current levies are not calculated on a PQ basis. Please can EPI confirm how future levies will be calculated and whether they will in any way be calculated on a PQ basis?

**Answer:** The LRA clearly states how levies are calculated and this calculation will remain unchanged.

3. **Question from Brian Marquis** – Brian further advised that the sectional title regulations talk about Conduct Rules which are similar to House Rules, although Conduct Rules are statutory in nature and there is a minimum set of rules that pertains to a sectional title scheme. Will Conduct Rules now apply to the Village and, if so, what are these Conduct Rules and how do they differ from the current House Rules? In addition, will additional rules be added to the minimum-required rules.

**Answer:** The LRA and House Rules will not be affected by the conversion to Sectional Title and will remain unchanged.

4. **Question from Mike Uys** – Mike advised that he was one of the early adopters in the village and as a result he doesn't pay municipal rates. Please can EPI advise whether he will continue to be rates-free and, if so, who pays the municipal rates on his unit – does it fall to the other residents to pay?

**Answer:** The Life Right Holders legal and fiscal positions remain unchanged per the signed LRA.

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