

# TABB LAKES NEWSLETTER

SEPTEMBER 2012



## COVENANTS COMPLIANCE ENFORCEMENT—BOB SPELL

### Board of Directors

- **President— Bob Spell,**  
509-0009 (cell)
- **Vice President— Dave West,**  
534-7442
- **Secretary—Ron Maddox,**  
775-2866
- **Members at Large—**  
**Bill Hopkins, 867-9229;**  
**Ellis Sharadin, 867-8816**
- **Treasurer—Charles Rossi,**  
867-8322

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Most Tabb Lakes residents are proud of the community or certainly want to be. However, many residents are clearly less motivated along these lines than others. Realistically, some are preoccupied with other things and fail to maintain their property to meet community standards. In any case, the need exists to enforce the covenants and rules that have been enacted to the end that our community is and remains a quality community.


The Tabb Lakes Homes Association Board of Directors is responsible for establishing and administering a procedure for accomplishing this goal that is fair, reasonable, and effective. This year the board recognized the failure of past procedures and enforcement efforts to achieve the desired results. The problem was, in part, that under the past procedure the administration of the enforcement activity was too variable to result in positive changes. In too many cases, a steady stream of “friendly notices” was sent out to homeowners who failed to correct problems with their property. Credibility of the enforcement effort was not enhanced but was eroded.

During the first several months of this year, the Covenants Compliance Enforcement Procedure underwent a thorough review and careful revision to eliminate causes of the failures of past. The most fundamental change that was aimed at achieving better and more lasting results was to establish a

business relationship with a well qualified attorney specializing in homeowner association related cases. That was done last year. The procedure revision this year incorporated legal advice from the attorney and the combined effort of the board members. The process was completed about two months ago.

There are several distinct parts of the enforcement procedure. One is the list of rules and regulations to be enforced, which is not within the scope of this article. Another is a method and frequency of inspection to determine what and where the violations are. One aspect is the allowance of time for the owner to come into compliance, given that some infractions are quick and easy to resolve, and others have more impact in terms of effort and cost. Next is a decision on the exact steps the board will take to

(continued on page 2)



**Tabb Lakes Homes Association**

**Annual Meeting**

**6:30-8:45 p.m.**

**Thursday, October 18,**

**Tabb Library**

**Conference Room**

**(CONTINUED FROM PAGE 1)—COVENANTS COMPLIANCE ENFORCEMENT**

progress from a friendly reminder that a condition of violation exists to the final step of having the attorney take the resident to court to obtain injunctive relief and recovery of fines, court costs, and attorney fees.

This association has hired the Cox-Lee Management Company to furnish property management services, which include making periodic inspections. The inspections, usually conducted twice a month, cover the entire Tabb Lakes community. Noted infractions are recorded; and if it is the first instance, a friendly reminder notice is sent to the homeowner. On the first notice is recorded one or more violations and the days allowed for correcting each of them. On this first notice and on all other notices are stated the names and contact information for each of the five board members. Note: It is always recommended that communication between the homeowner and board members take place.

The allowance of time in days for each type of infraction is incorporated in the procedure. Examples of this include 10 days for lawn maintenance and the removal of excessive weeds in flower beds, plus re-

moval of trailers and boats from the driveway. Time allowed for removing mold from siding, having properly locating street address numbers, and maintaining mail boxes is 30 days. More time or cost intensive infractions are allowed 60 days. These include seriously degraded roof appearance due to dark stains or storm damage which may require corrective action from washing to roof replacement. Another 60 day item is the improper location and/or use of improper materials of fences. This latter item is avoided by prior approval of an ARC request concerning the fence construction project.

Distinct steps from first notice of a violation to action taken in court to have a court ordered remedy have been spelled out in the new procedure. The number of steps are fewer than previous practice in order to come to an earlier correction of conditions that degrade the quality of our community. If after the first notice there is no corrective action within the allowed time, a "second and final" notice is issued. This second notice allows only 10 days to bring the property into compliance. Next, if the violation is not corrected, there is issued an

invitation to attend a meeting with the board of directors to discuss possible reasons or mitigating factors regarding the violation and, more importantly, to explain to the directors your plan for compliance. Following the meeting, during a separate session, the directors will meet to decide on a response to the plan proposed by the homeowner. A notice accepting or rejecting the plan will be issued by the directors. If the homeowner fails to respond to the invitation notice, fails to attend the meeting, or fails to propose an acceptable plan for corrective action, the case will be turned over to the attorney for court action, collection of any fines, court costs, and attorney fees; and the court will, in most cases, issue orders for the homeowner to comply with the association covenants, rules, and regulations. Once this is done, any future recurrence of the same violation will automatically result in injunctive relief by the court. In other words, once a homeowner is taken to court for violation of association rules and regulations, the court remains in control and future violations go directly back to court. There are no more warnings or notices issued.

If the new covenants compliance procedure produces the results we plan for it to achieve, repetition of the same violations by the same homeowner will be stopped. Hard core cases of multiple violations and totally substandard appearance of particular properties will be surely cured to the benefit of all homeowners. We wish to be reasonable and polite, and we stand ready to discuss any issue with homeowners at any time. However, for the sake of the vast majority who diligently keep their property up to quality standards, we now believe we have the procedure and the will to deal effectively with the cases where individual homeowners, usually unintentionally, do not.

## WELCOME

If you are new to Tabb Lakes as a homeowner or a renter, we welcome you to our community. If you have not been greeted by our Welcome Committee, please contact them. Contact info on last page of newsletter.

If you have a new neighbor, also please call our Welcome Committee.

**TREASURER’S REPORT—CHARLES ROSSI**

As Treasurer of the Tabb Lakes Homes Association, it is my responsibility to keep track of the Association’s income and expenses, pay the bills, and make regular reports to the Board of Directors at their monthly meetings.

The Association’s income this year will be

approximately \$70,600. Of this, \$69,800 comes from homeowners’ annual Association dues, \$650 comes from interest on our tax-free bond fund investments, and \$150 comes from newsletter ad sales.

Each year, about 410 out of the 446 homes in Tabb Lakes pay their dues promptly. The re-

maining homeowners are sent reminder letters and typically pay a 10% late fee, unless there are extenuating circumstances (such as a change in ownership that the Association was unaware of). Homeowners who do not respond to the late notices are sent a Certified Letter. If there is still no response, the case is turned over to the Asso-

ciation’s lawyer, who may file a lien in court or obtain a judgment. All legal costs (which are usually more than the dues amount itself) are added to the homeowner’s bill.

Any comments or suggestions from homeowners are always welcome. ([treasurer@tabblakes.org](mailto:treasurer@tabblakes.org) or 867-8322)

**THE SOUNDS OF TABB LAKES—DAVE WEST**

The television is off. That’s the time to just listen to the world outside. There is the thunder booming and rain falling. That is a sound welcome in the middle of a dry summer. There is the sound of the weekday mornings of drivers going along Tabb Lakes Drive that is a reminder of the prosperity in our area with people having jobs. Also there is the Monday night or Tuesday morning sound of trash cans being rolled out followed by the trash trucks. What a nice celebration of living in a municipality that is working. That along with the occasional (sometimes nightly) siren making its way along Route 17 may be annoying, but provides its own assurance that help is there when needed. Next is the vroom of motorcycles letting all know that there is the important element

of freedom in Tabb Lakes. Last to be mentioned is the sound of lawn mowers, weed whackers, and leaf blowers. These are the sounds of our neighbors taking care of their property. Neighbors are spending the time and money to keep up a 25+ year old community that requires more diligence every year. How is it that I hear all these things?

The windows in my house seem to be the original ones from when the house was built in 1986. At that time, these windows seemed pretty good. After 25 years, the frames have a few cracks and the gaskets are stiff and brittle. So, I also have heard heavy trucks early in the morning delivering construction materials. There is also the occasional early morning roar of a circular saw.



The most out of place is the late night 1:00 AM party or 11:00 PM racing cars with yelps and screams through the dark.

What are the controls on the unwanted sounds? The Tabb Lakes covenants provide in Article VI Section 8(a) that on the property bordering the lakes, a provision states “as to not create any nuisance or excessive noise”. Okay, what about the rest of the neighborhood? The people that are governed the least are governed the best. So it is left to mutual consideration and tolerance of each of us as neighbors to not mow our lawns at 05:43 AM on Sunday morning.

What about when there are cases of abuse? The York County code provides for some remedy under Chapter 16 ; OF-

**FENSES- MISCELLANEOUS**

Sec. 16-19 Declaration of findings and policy.

The board of supervisors hereby finds and declares that excessive noise is a serious hazard to the public health, welfare, peace and safety, and the quality of life. It is, therefore, the policy of the county and the purpose of these sections 16-19 through 16-19.5 to prevent such excessive noise.

Refer to the York County web site for details:

<http://www.yorkcounty.gov/Default.aspx?tabid=4774>



**TABB LAKES EMERGENCY RESPONSE COMMITTEE – LOU LAFRENAYE**



**HURRICANE SEASON**

September and October are the peak months for hurricanes in our area. September is also National Preparedness Month. Virginia Department of Emergency Management reminds everyone to “Get a Kit, Make a Plan, Stay Informed”. For more info, go to their web site at [www.vaemergency.gov/ready-virginia/stay-informed/national-preparedness-month-2012](http://www.vaemergency.gov/ready-virginia/stay-informed/national-preparedness-month-2012)

**EMERGENCY INFORMATION**



Maintain a battery operated FM radio and an all hazards

weather radio to stay informed after a loss of power and communication. Radio station FM 99.1 will broadcast local emergency information provided by our York County Emergency Manager. An all hazards weather radio will provide both weather and other warnings. One of the alerts that can be broadcasted over the all hazards weather radio is a warning to boil water due to contamination.



**EMERGENCY RESPONSE COMMITTEE and STORM-WATER COMMITTEE ACTIVITIES:**

The following activities occurred over the past few months:

- ◆ Doug Alexander graduated from the Community Emergency Response Team (CERT) course conducted by the York County Dept. of Fire and Life Safety. We currently have 20 committee members who have completed this course.
- ◆ Marie Wallen volunteered and participated in the search for a missing boy on 15 May. On that day, York County Fire Dept. called for volunteers from their list of CERT trained citizens to help them. She was one of several volunteers in the county that responded on short notice to help members of the Sheriff and Fire Departments search areas around Big Bethel Road. The boy was eventually found safe.
- ◆ Phil Hess (along with our Tabb Lakes Webmaster Clint Flanagan) continues to update our Emergency Response Committee web site. The latest

update reflects NOAA’s recent increase in this year’s hurricane projections. Check out our web site at [www.tabblakes.org/CERT/hurricane.html](http://www.tabblakes.org/CERT/hurricane.html)

- ◆ On 29 June, a significant wind storm called a super Derecho passed through our neighborhood. A few trees broke in the neighborhood, including one that hit the roof of one of our committee members. Greg Hunter checked the neighborhood the morning after the storm to see if there was any other damage. None were noted. I did notice that both Sheriff Department and Fire Department vehicles were patrolling the area checking for damage the morning after the storm.
- ◆ We have upgraded some of our privately owned amateur radio equipment to provide better emergency communications to the York County EOC in the event of a power loss and phone line disruptions. If anyone is interested in learning more about amateur radio emergency communications, please contact me at [TLERT@tabblakes.org](mailto:TLERT@tabblakes.org)
- ◆ Bonnie Kersta and Lou Lafrenaye completed

the annual checks of our drainage system. Each year, members of the storm water committee check our neighborhood drainage system in preparation for hurricane season to ensure everything is clear. We checked the pipes under the 18 manhole covers in the neighborhood and removed the usual trash and debris buildup to prevent it from going into our lakes. We also check the outflow pipes for the lakes plus talk to the York County crews who maintain the drainage ditches downstream to see if there are any issues.

If you are interested in joining the Tabb Lakes Emergency Response Committee or the Storm water Committee, contact Lou Lafrenaye at 867-8333 or e-mail at [TLERT@tabblakes.org](mailto:TLERT@tabblakes.org)

If you are receiving this newsletter via USPS and would rather receive it electronically, please go to our website: [www.tabblakes.org](http://www.tabblakes.org) and fill out the form.

## COMPLAINT PROCEDURE—BOB SPELL

Guess what?! We have a formal written procedure for documenting, reviewing, and disposing of complaints that we may receive from association members and citizens. "Citizens" is defined as all persons who are not members of Tabb Lakes Homes Association. In other words, our procedure covers complaints from anyone.

So why do we now have a complaints procedure? Do we expect to receive so many complaints that a written procedure is necessary to handle them all? Hopefully, the correct answer to this question is "NO."

The true story of why our association has put into place a "Complaint Procedure" starts with the Commonwealth of Virginia Department of Professional and Occupational Regulation, Common Interest Community (CIC) Board Memorandum dated June 28 on the subject: "New Regulations Affecting Associations in Virginia Effective July 1, 2012." The memorandum conveyed the requirement that associations:

Establish a written process for resolving association complaints from members and citizens.

Adopt the association's written complaint procedure by September 28, 2012.

Ensure the association complaint procedure conforms to the minimum requirements contained in the Regulations.

Make the complaint procedure readily available upon request and include it as an attachment to the resale certificate or the association disclosure packet.

In addition, the Regulations provide the process for a complainant to file a notice of final adverse decision with the CIC Ombudsman concerning any final adverse decision that has been issued by the association.

You may access the Regulations and related forms at [www.dpor.virginia.gov/Homeowners-Associations/](http://www.dpor.virginia.gov/Homeowners-Associations/).

Now it is time for some Q & A.

Q: Does the new complaint process address complaints related to internal issues in the association, for example, Architectural guideline violations or violations of our declaration or by-laws?

A: No, this complaint process is only for members and citizens to submit complaints related to violations of common interest community law, or regulations. Common interest community laws include the Property Owners' Association Act, the Condominium Act, and the Virginia Real Estate Cooperative Act.

Q: Why are citizens included as individuals that can file a complaint with an association?

A: The citizen language was included in the legislation that was enacted July 1, 2008 and created both the CIC Ombudsman's office and the CIC Board. While rare, there may be cases where a citizen, who is not a member of an association, has a valid complaint related to a violation of common interest community law. An example would be real estate agents who are unable to obtain disclosure packets or resale certificates.

Q: What should associations do about the other types of complaints they receive -- maintenance, architectural guidelines, parking, etc.?

A: Associations should continue to address those types of internal

complaints in whatever manner they have always addressed them. They must be certain, however, that they follow due process requirements under common interest community law, or members or unit owners may file a complaint through the new complaint process alleging a lack of compliance with notice and hearing requirements.

Some time in the future when the board has more experience with the new procedure, there may be needed a follow-up article in the newsletter to give all TLHA members a better understanding. Meanwhile, be assured that the complaint procedure, written by our attorney, is in place as required and may be found on the association web site.

### volunteer!

Would you like to help your community in Tabb Lakes by volunteering for one of the two vacancies we have? If so, please contact one of the BOD members listed on the front page.

The following two committees need managers:

- ◆ Neighborhood Watch
- ◆ Activities

# AMERICAN PRIDE

Automotive

Auto Sales & Service You Can Trust

Did you know that American Pride Automotive is your neighborhood repair shop? We are located just around the corner from Tabb Lakes, between Coventry and Victory Boulevards on Route 17. Check us out online at [AmericanPrideAutomotive.com](http://AmericanPrideAutomotive.com). To schedule your next service call 595-4100.

- \* Engine & Trans. Repair
- \* Air Conditioning Repair
- \* Oil Changes & State Insp.
- \* Tune Ups & Diagnostics
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- Fix Leak In Sink
- Install New Fence
- Build Deck

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757-867-7631

Dan Hanson - Owner



These advertisements are not an endorsement by the Tabb Lakes Homes Association.

If you are a Tabb Lakes homeowner who owns your own business, you still must fill out a form from our web-site and submit it in order for your ad to appear in our newsletter.

If you are a business in our community, you must fill out the form and submit it with your check. Please see our web-site for instructions. <http://www.tabblakes.org>

## Royall Painting & Repair

Interior / Exterior  
Reconstructive Carpentry  
Pressure Washing  
Decks Stained /Sealed

Ed Tyler  
(757) 867-6615 (Office)  
(757) 897-1082 (Cell)



**Tabb Lakes Homes Association  
P.O. Box 8088, Tabb, Virginia 23693**

**Architectural Review Committee (ARC) Request for Approval**

Name: \_\_\_\_\_ Date of request: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Telephone: \_\_\_\_\_ Alt Telephone: \_\_\_\_\_

**Type of modification:** (deck, patio, outbuilding, addition, fence, etc.)

**Plans and specifications:** Please attach a copy of plat with a sketch of proposed modification. Show approximate shape & measurements. List colors and materials to be used if needed for approval.

***I have provided an accurate representation of the planned modification. I have contacted my immediate neighbors to inform them of my proposed project. I will notify the ARC of any changes that need to be made which would affect their approval prior to resuming work on the project.***

Homeowner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Homeowner check list:**

- County permits: 890-3522
- Call Miss Utility before digging, to locate underground utilities: 1-800-552-7001

**To Submit:**

- E-mail form to Cox & Lee Management for minimum turnaround time: [coxleemgt@gmail.com](mailto:coxleemgt@gmail.com).
- Mail form to the following address:

**TLHA ARC Committee  
c/o Cox & Lee Management  
458C Wythe Creek Road, #141  
Poquoson, VA 23662**

**NOTE:** This form can be downloaded from our webpage: [www.tabblakes.org/arc.html](http://www.tabblakes.org/arc.html).

**Questions:** Call Cox & Lee Management, 757-593-6088

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**Committee Action** \_\_\_\_\_ **Date of receipt:** \_\_\_\_\_

\_\_\_\_ Approved as submitted

\_\_\_\_ Approved subject to modifications as required by covenants

\_\_\_\_ Disapproved for reason listed on reverse side

**Architectural Review Committee or Cox & Lee Management representative signature and date:**

**TABB LAKES HOMES  
ASSOCIATION**

P.O. Box 8088  
Yorktown, VA 23693

<http://www.tabblakes.org>

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**Tabb Lakes Homes Association Annual Meeting  
Thursday, October 18, 6:30-8:45 p.m. Tabb Library**

**COMMITTEE CHAIRPERSONS**

COMMITTEE/MANAGERS	CHAIR	TELEPHONE	E-MAIL
Activities Committee	Vacant		
Architectural Review Manager	Cox & Lee Management	594-6088	coxleemgt@gmail.com
Emergency Response Committee	Lou Lafrenaye	867-8333	tlert@tabblakes.org
Grounds Maintenance Manager	Bill Hopkins	867-9229	grounds@tabblakes.org
Lake Maintenance (Lake 1) Manager	Bob Spell	867-8184	lakemaint1@tabblakes.org
Lake Maintenance (Lake 2) Manager	Gary Porter	867-9120	lakesmaint2@tabblakes.org
Neighborhood Watch Committee	Vacant		
Newsletter Editor/Manager	Shirley Flanagan	867-6860	newsletter@tabblakes.org
Storm water Committee	Lou Lafrenaye	867-8333	stormwater@tabblakes.org
Web-Site Manager	Clint Flanagan	867-6860	webmaster@tabblakes.org
Welcome Committee	Susan Maddox	775-2866	vicepresident@tabblakes.org