

MINUTES OF THE REGULAR MEETING OF THE FAIRFAX COUNTY
REDEVELOPMENT AND HOUSING AUTHORITY

September 18, 2008

On September 18, 2008, the Commissioners of the Fairfax County Redevelopment and Housing Authority (FCRHA) met in the FCRHA Board Room, One University Plaza, 4500 University Drive, Fairfax, Virginia.

CALL TO ORDER

FCRHA Chair Ronald F. Christian called the Regular Meeting of the FCRHA to order at 7:00 p.m. FCRHA Commissioners present or absent for a portion or all of the meeting were as follows:

PRESENT

Ronald F. Christian, Chairman
Albert J. McAloon
Charlen Kyle
Elisabeth Lardner
Robert Schwaninger
Martin Dunn
Rod Solomon

ABSENT

Lee A. Rau, Vice Chairman
Will Jasper
John Kershenstein
Robert C. Carlson

Also present at the meeting were the following staff of the Department of Housing and Community Development (HCD): Paula C. Sampson, Director; Mary A. Stevens, Deputy Director; John Payne, Deputy Director, Real Estate; Cynthia Ianni, Director, Design, Development and Construction Division, (DD&C); Regina Gerner, Senior Design and Construction Manager, DD&C; Patti Schlener, Director, Administration Division; Russ Boothby, Capital Grants Program Manager, Property Improvement and Maintenance Division (PIMD); John Panarelli, Design and Construction Manager, PIMD; Christina White, Director, Property Management Division (PMD); Tom Fleetwood, Strategic Planner; Charlene Fuhrman-Schulz, ADU Project Administrator, DD&C; Tina Norvell, HCD Director of Public Affairs; Barbara Silberzahn, Director, Homeownership and Relocation (H&R) Division; Nancy Long, Chief, H & R Division; Steve Solomon, Director, Financial Management Division (FMD); Curtis Hall, Director, Information Systems and Services (ISS); Erin Ballard-Maung, FCRHA Assistant. Other Fairfax County staff in attendance: Alan Weiss and David Stroh, Assistant County Attorneys and FCRHA Counsel.

CITIZEN TIME

The FCRHA Chair opened Citizen Time at 7:02 p.m. With no speaker signed up and no one in the audience wishing to speak, the Chair closed Citizen Time at 7:03 p.m.

APPROVAL OF MINUTES –

July 24, 2008 – Annual Meeting

A motion was made by Commissioner Kyle, seconded by Commissioner Schwaninger, that the FCRHA approve the Minutes of the July 24, 2008 Annual Meeting. A vote was taken to approve the minutes as written. The motion carried unanimously.

ACTION ITEMS

1.

RESOLUTION NUMBER 46-08

Authorization to Execute a Permanent Easement to the County for a Sidewalk
Constructed Along Richmond Highway on a Parcel of Land Owned by the Fairfax
County Redevelopment and Housing Authority at the North Hill Property
(Mount Vernon District)

WHEREAS, the Fairfax County Redevelopment and Housing Authority (hereinafter called the “Authority”) is the owner in fee simple of certain land located along Richmond Highway in Fairfax County, Virginia (the “Land”), Tax Map Number: 92-4-01-82A; and

WHEREAS, the Fairfax County Board of Supervisors has adopted the Four-Year Transportation Plan which is part of the Richmond Highway Public Transportation Initiative that includes the construction of sidewalks along Richmond Highway; and

WHEREAS, at its meeting on October 26, 2006, the Authority authorized the execution of a Letter of Permission granting the Fairfax County Board of Supervisors permission to enter the North Hill property for the purpose of installing a sidewalk on that portion of the Land along Richmond Highway; and

WHEREAS, construction of the sidewalk on the Land has been completed, pursuant to the Letter of Permission authorized by the Authority; and

WHEREAS, the staff of the Land Acquisition Division of the Department of Public Works and Environmental Services and the Park Authority’s Easement Coordinator have reviewed and approved the sidewalk easement on the Land substantially in the form presented as an attachment to the item presented to the Authority at its meeting on September 18, 2008;

NOW THEREFORE BE IT RESOLVED that the FCRHA hereby authorizes its Chairman, Vice Chairman, or any Assistant Secretary to execute a permanent sidewalk easement on the Land substantially in the form presented as an attachment to the item presented to the Authority at its meeting on September 18, 2008.

A motion was made by Commissioner Lardner, seconded by Commissioner Dunn, to adopt Resolution Number 46-08. A vote was taken and the motion passed unanimously.

2.

RESOLUTION NUMBER 47-08

Authorization to Enter into a Contract with Metro Paving Corporation, the Lowest Responsive and Responsible Bidder for Rehabilitation Work at the Robinson Square (Project VA 1927) Public Housing Development, and to Expend up to \$339,900 from Fund 969, Public Housing Projects Under Modernization (Braddock District)

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority determines that Metro Paving Corporation is the lowest responsive and responsible bidder to perform the renovations at Robinson Square Townhouse and hereby authorizes:

- 1) Its Chairman, Vice Chairman or an Assistant Secretary to enter into a contract with Metro Paving Corporation in the amount of \$309,000 for these improvements to Robinson Square Townhouses, as outlined in the item presented to the FCRHA at its meeting on September 18, 2008; and
- 2) Its Chairman, Vice Chairman or an Assistant Secretary to approve change orders to this contract in an amount not to exceed 10% percent of the contract (\$30,900) and designate a contracting officer.

A motion was made by Commissioner Dunn, seconded by Commissioner McAloon, to adopt Resolution 47-08. After a brief presentation by Russ Boothby, Capital Grants Program Manager, PIMD, a vote was taken and the motion passed unanimously.

INFORMATION ITEMS:

1. Fairfax County Redevelopment and Housing Authority Regular Meeting Summary – July 24, 2008

2. Contracts of \$50,000 or Less
3. Minutes of the Planning and Development Committee Meeting – September 10, 2008
4. Affordable Dwelling Unit (ADU) Tracking Report
5. FCRHA Strategic Plan: Status Report on FY 2008 Action Plan – *brief presentation*
6. Fairfax County Redevelopment and Housing Authority Calendar of Meetings October and November 2008

CLOSED SESSION

A motion was made by Commissioner Dunn, seconded by Commissioner Schwaninger to go into Closed Session for: (a) for discussion and consideration, pursuant to Virginia Code Section 2.2-3711(A)(3), of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the FCRHA, and (b) consultation with legal counsel and briefing by staff members, pursuant to Virginia Code Section 2.2-3711(A)(7), pertaining to probable litigation and specific legal matters requiring the provision of legal advice by such counsel where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the FCRHA.

The motion carried and the FCRHA went into Closed Session at 7:16 p.m.

OPEN SESSION RESUMES

A motion was made by Commissioner Dunn, seconded by Commissioner Schwaninger, that the Fairfax County Redevelopment and Housing Authority certify that to the best of their knowledge only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Closed Session were heard, discussed or considered by the Fairfax County Redevelopment and Housing Authority during Closed Session.

A roll call vote was taken as follows:

AYE

Ronald F. Christian
Charlen Kyle
Elisabeth Lardner
Albert J. McAloon
Robert Schwaninger
Martin Dunn
Rod Solomon

NAY

ABSTAIN

The motion carried unanimously by the commissioners present and Open Meeting resumed at 8:25 p.m.

RESOLUTION NUMBER 48-08 (As Amended)

Fairfax County Redevelopment and Housing Authority (FCRHA) Right of Purchase of Home Equity Loan Program (HELP) Unit at 5136 E. Brittney Elyse Circle, Centreville, Virginia 20120 (Sully District)

BE IT HEREBY RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) elects to exercise its option to purchase the unit at 5136 E. Brittney Elyse Circle, Centreville, Virginia 20120;

BE IT FURTHER RESOLVED that the Fairfax County Redevelopment and Housing Authority authorize expenditure of the funds from its taxable line of credit with the Bank of America in Fund 948 Private Financing as discussed in Closed Session to be used for the acquisition, carrying costs and resale of the property;

AND THEREFORE BE IT RESOLVED that the FCRHA authorizes Paula C. Sampson, Assistant Secretary, to negotiate and authorize the Chairman, Vice Chairman, or any Assistant Secretary of the FCRHA to execute and deliver all necessary or appropriate documents for the purchase of the property at 5136 E. Brittany Elyse Circle, Centreville, Virginia 20120.

A motion was made by Commissioner McAloon, seconded by Commissioner Solomon, to adopt Resolution Number 48-08. A vote was taken and the motion passed unanimously.

The following three Resolutions (49-08, 50-08 and 51-08) were considered and voted on at the end of the presentations:

RESOLUTION NUMBER 49-08

Authorization Not to Cure the Default on the Property: and/or Authorization to Negotiate/Take Action; and/or Authorization Bid/Purchase at any Future Foreclosure Sale to Preserve the Affordable Dwelling Unit (ADU) at 2044 Capstone Circle, Herndon, Virginia 20170 in the Dranesville District

BE IT HEREBY RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA)

1. Shall not take any action to cure the loan default on the ADU Property; and
2. Authorizes the Office of the County Attorney to negotiate and take such legal actions, including, but not limited to, institution of petitions for injunctive relief or actions seeking other relief, as appropriate, as consistent with the discussion in Closed Session; and
3. Authorizes bidding at the foreclosure sale for the purchase of the ADU Property not to exceed the amount requested by staff in Closed Session; and
4. Authorizes the Chairman, Vice Chairman, or any Assistant Secretary, to negotiate and to execute any and all documents necessary to purchase the Property and resell the Property in accordance with the recommendation presented by staff in Closed Session; and
5. Authorizes drawing from Fund 143 Homeowners Assistance Program, Project 013845, MIDS Resale Project, not to exceed the amount presented by staff in Closed Session to cover the necessary associated costs of acquisition, carrying costs, rehabilitation and repair to be repaid from the sale of the ADU to a qualified first-time homebuyer.

RESOLUTION NUMBER 50-08

Authorization Not to Cure the Default on the Property: and/or Authorization to Negotiate/Take Action; and/or Authorization Bid/Purchase at any Future Foreclosure Sale to Preserve the Affordable Dwelling Unit (ADU) at 3988 Royal Lytham Drive, Fairfax, Virginia 22033 in the Sully District

BE IT HEREBY RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA)

1. Shall not take any action to cure the loan default on the ADU Property; and
2. Authorizes the Office of the County Attorney to negotiate and take actions such legal, including, but not limited to, institution of petitions for injunctive relief or actions seeking other relief, as appropriate, as consistent with the discussion in Closed Session; and
3. Authorizes bidding at the foreclosure sale for the purchase of the ADU Property not to exceed the amount requested by staff in Closed Session; and
4. Authorizes the Chairman, Vice Chairman, or any Assistant Secretary, to negotiate and to execute any and all documents necessary to purchase the

Property and resell the Property in accordance with the recommendation presented by staff in Closed Session; and

5. Authorizes drawing from Fund 143 Homeowners Assistance Program, Project 013845, MIDS Resale Project, not to exceed the amount presented by staff in Closed Session to cover the necessary associated costs of acquisition, carrying costs, rehabilitation and repair to be repaid from the sale of the ADU to a qualified first-time homebuyer.

RESOLUTION NUMBER 51-08

Authorization Not to Cure the Default on the Property: and/or Authorization to Negotiate/Take Action; and/or Authorization Bid/Purchase at any Future Foreclosure Sale to Preserve the Affordable Dwelling Unit (ADU) at 4012 Royal Lytham Drive, Fairfax, Virginia 22033 in the Sully District

BE IT HEREBY RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA)

1. Shall not take any action to cure the loan default on the ADU Property; and
2. Authorizes the Office of the County Attorney to negotiate and take actions such legal, including, but not limited to, institution of petitions for injunctive relief or actions seeking other relief, as appropriate, as consistent with the discussion in Closed Session; and
3. Authorizes bidding at the foreclosure sale for the purchase of the ADU Property not to exceed the amount requested by staff in Closed Session; and
4. Authorizes the Chairman, Vice Chairman, or any Assistant Secretary, to negotiate and to execute any and all documents necessary to purchase the Property and resell the Property in accordance with the recommendation presented by staff in Closed Session; and
5. Authorizes drawing from Fund 143 Homeowners Assistance Program, Project 013845, MIDS Resale Project, not to exceed the amount presented by staff in Closed Session to cover the necessary associated costs of acquisition, carrying costs, rehabilitation and repair to be repaid from the sale of the ADU to a qualified first-time homebuyer.

A motion was made by Commissioner Dunn, seconded by Commissioner Schwaninger, to adopt Resolution Numbers 49-08, 50-08 and 51-08. A vote was taken and the motion passed unanimously.

RESOLUTION NUMBER 52-08

Authorization Not to Cure the Default on the Property: and/or Authorization to Negotiate/Take Action; and/or Authorization Bid/Purchase at any Future Foreclosure Sale to Preserve the Moderate Income Direct Sales (MIDS) Unit at 8426 Lazy Creek Court, Springfield, Virginia 22153 in the Mount Vernon District

BE IT HEREBY RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA)

1. Shall not take any action to cure the loan default on the MIDS Property; and
2. Authorizes the Office of the County Attorney to negotiate and take actions such legal, including, but not limited to, institution of petitions for injunctive relief or actions seeking other relief, as appropriate, as consistent with the discussion in Closed Session; and
3. Authorizes bidding at the foreclosure sale for the purchase of the MIDS Property not to exceed the amount requested by staff in Closed Session; and
4. Authorizes the Chairman, Vice Chairman, or any Assistant Secretary, to negotiate and to execute any and all documents necessary to purchase the Property and resell the Property in accordance with the recommendation presented by staff in Closed Session; and
5. Authorizes drawing from Fund 143 Homeowners Assistance Program, Project 013845, MIDS Resale Project, not to exceed the amount presented by staff in Closed Session to cover the necessary associated costs of acquisition, carrying costs, rehabilitation and repair to be repaid from the sale of the ADU to a qualified first-time homebuyer.

A motion was made by Commissioner Lardner, seconded by Commissioner McAloon, to adopt Resolution Number 52-08. A vote was taken and the motion passed unanimously.

BOARD MATTERS – See Attachment #1

ADJOURNMENT

A motion was made by Commissioner Schwaninger, seconded by Commissioner Solomon, to adjourn the meeting at 8:45 p.m. A vote was taken and the motion carried unanimously.

(Seal)

Ronald F. Christian, Chairman

Paula C. Sampson, Assistant Secretary