

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

July 25, 2013

On July 25, 2013, 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.

PRESENTATION

Policy Considerations Related to the Acquisition of Expiring Affordable Dwelling Units (ADU)

At 6:35 p.m., Barbara Silberzahn, Director, Homeownership Division, Fairfax County Department of Housing and Community Development, gave a presentation on policy considerations related to the acquisition of expiring ADUs. The presentation ended at 6:56 p.m.

CALL TO ORDER

FCRHA Chair Elisabeth Lardner called the Annual Meeting of the FCRHA to order at 7:02 p.m. FCRHA Commissioners present or absent for a portion or all of the meeting were as follows:

PRESENT

Elisabeth Lardner, Chairman
Richard C. Sullivan, Jr., Vice Chair
John Betts
Robert C. Carlson
Christopher Craig
Richard Kennedy
Robert Schwaninger
Rod Solomon

ABSENT

Willard Jasper
H. Charlen Kyle
Albert J. McAloon

Also present at the meeting were the following staff of the Department of Housing and Community Development (HCD): Paula C. Sampson, Director; John Payne, Deputy Director, Real Estate; Robert Easley, Acting Deputy Director, Operations; Carol Erhard, Director, Rental Services, Office of Housing Management (OHM); Vincent Rogers, Senior Program Manager, Rental Services Division; Derek Dubard, Contracts Manager, Rental Services Division; Aseem Nigam, Director, Real Estate Finance and Grants Management (REFGM); Barbara Silberzahn, Director, Homeownership Division; Abdi Hamud, Chief, Homeownership Division; Kris Miracle, Director, Administration Division; Stephen Knippler, Senior Program Manager, Administration Division; Christina White, Director, Special Projects; Hossein Malayeri, Director, Design, Development and Construction (DDC) Division; Charlene Fuhrman-Schulz, ADU Program Administrator, DDC; Thomas Armstrong, Senior Project Manager, DDC; Mike Trent, Network Analyst, Information Systems and Services (ISS); Navneet Sohi, Public Information Officer II;

and Peter Uhrmacher, FCRHA Assistant. Other Fairfax County staff in attendance: Cynthia Tianti, Deputy County Attorney, and Ryan Wolf, Alan Weiss, and Om Jahagirdar, Assistant County Attorneys and FCRHA Counsel.

ELECTION OF OFFICERS

FCRHA Chair Elisabeth Lardner handed the gavel to Commissioner Sullivan to conduct the election of officers. Nominations were opened for Chairman of the FCRHA. A motion was made by Commissioner Betts to nominate Commissioner Lardner as Chairman of the FCRHA. With no other nominations presented, a motion was then made by Commissioner Sullivan, seconded by Commissioner Schwaninger, to close the nominations for Chairman. The motion carried unanimously and Commissioner Lardner was re-elected as Chair of the FCRHA.

Commissioner Sullivan handed the gavel back to Chairman Lardner, who then opened the floor to nominations for Vice Chair. A motion was made by Commissioner Sullivan to nominate Commissioner Jasper as Vice Chairman of the FCRHA. With no other nominations presented, Chairman Lardner made a motion to close the nominations, seconded by Commissioner Betts. The motion carried unanimously, and Commissioner Jasper was elected Vice Chairman of the FCRHA. The elections closed at 7:03 p.m.

Commissioner Sullivan announced that his Supervisor requested that he serve on the Board of the Fairfax County Park Authority and that he would be leaving his position as FCRHA Commissioner.

CITIZEN TIME

The FCRHA Chair opened Citizen Time at 7:08 p.m. With no one signed up and no one in the audience wishing to speak the Chair closed citizen time at 7:09 p.m.

APPROVAL OF MINUTES

June 20, 2013

A motion was made by Commissioner Schwaninger, seconded by Commissioner Solomon, that the FCRHA approve the Minutes of the June 20, 2013 Regular Meeting. A vote was taken and the motion carried with Commissioners Betts, Carlson, and Sullivan abstaining.

ACTION ITEMS

1.

RESOLUTION NUMBER 31-13

Authorization to Enter Into Standard Moving to Work Agreement with the U.S.
Department of Housing and Urban Development

BE IT RESOLVED THAT the Fairfax County Redevelopment and Housing Authority (FCRHA) approves the Standard Moving to Work Agreement as contained in the Action Item presented to the FCRHA at its meeting on July 25, 2013; authorizes the FCRHA Director to execute and negotiate the Agreement and all Attachments to the financial benefit of the FCRHA; certifies that public comment requirements have been met; and authorizes submission of the Agreement to the U.S. Department of Housing and Urban Development (HUD).

A motion was made by Commissioner Schwaninger, seconded by Commissioner Kennedy, to adopt resolution Number 31-13. Following a discussion, an amendment to the motion was offered by Commissioner Solomon, and accepted by Commissioner Schwaninger. A vote was taken and the motion on the amendment carried unanimously. A motion was made by Commissioner Schwaninger, seconded by Commissioner Solomon to adopt resolution Number 31-13, as amended. A vote was taken and the motion carried unanimously.

2.

RESOLUTION NUMBER 32-13

Authorization to Enter Into a Memorandum of Understanding with the Fairfax
County Department of Tax Administration Concerning Certain Fees in Applicable Legal
Documents in FCRHA Housing Programs, as provided for in the Code of Virginia

NOW THEREFORE BE IT RESOLVED THAT the Fairfax County Redevelopment and Housing Authority (FCRHA) hereby authorizes Paula C. Sampson, Assistant Secretary, to enter into a Memorandum of Understanding with the Department of Tax Administration concerning certain fees in leased housing, as provided for in the Code of Virginia, and as described in the Action Item presented to the FCRHA at its meeting on July 25, 2013.

A motion was made by Commissioner Schwaninger, seconded by Commissioner Solomon, to adopt resolution Number 32-13. A presentation was made by Robert Easley, Acting Deputy Director, Operations. Following a discussion, a roll call vote was taken and the motion passed, with the following results:

AYE

Elisabeth Lardner, Chairman
Richard C. Sullivan, Jr.
Robert C. Carlson
Christopher Craig
Richard Kennedy
Robert Schwaninger
Rod Solomon

NAY

ABSTAIN

John Betts

3.

RESOLUTION NUMBER 33-13

Consent to Not Exercise the Option to Purchase Affordable Dwelling Units at MetroWest, Section 3 (Pulte) (Providence District)

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) hereby elects to not exercise its option to purchase certain Affordable Dwelling Units in the MetroWest, Section 3 (Pulte) development based on an analysis of the option as outlined in the Action Item presented to the FCRHA at its Annual Meeting on July 25, 2013.

A motion was made by Commissioner Solomon, seconded by Commissioner Schwaninger, to adopt resolution Number 33-13. A presentation was made by Charlene Fuhrman-Schulz, ADU Program Administrator, DDC. Following a discussion, a vote was taken and the motion carried unanimously.

4.

RESOLUTION NUMBER 34-13

Authorization to Allow the Sale of, and to Forgive Certain Debt Pertaining to, the Manufactured Home at 2952 Camellia Drive, Alexandria, VA 22306 (Mount Vernon District)

BE IT RESOLVED THAT the Fairfax County Redevelopment and Housing Authority (FCRHA) authorizes the Conservator for Ms. Evelyn Reitz to sell the manufactured home located at 2952 Camellia Drive, Alexandria, VA 22306 for a reasonable value to be approved by the Loan Underwriting Committee of Housing and Community Development (HCD), and forgives the debt owed to the FCRHA by one Evelyn Reitz for the difference in the loan balance and the sales amount.

A motion was made by Commissioner Schwaninger, seconded by Commissioner Craig, to adopt resolution Number 34-13. A vote was taken and the motion carried unanimously.

ADMINISTRATIVE ITEM

1.

RESOLUTION NUMBER 35-13

Authorization to Submit Annual Section 8 Management Assessment Program (SEMAP) Certification to the U.S. Department of Housing and Urban Development (HUD)

BE IT RESOLVED that the Fairfax County Redevelopment and Housing Authority (FCRHA) authorizes the submission of the Section 8 Management Assessment Program (SEMAP) certification to the U.S. Department of Housing and Urban Development (HUD) for the fiscal year ending June 30, 2013, as presented to the FCRHA at its meeting on July 25, 2013.

A motion was made by Commissioner Schwaninger, seconded by Commissioner Sullivan, to adopt resolution Number 35-13. A vote was taken and the motion carried unanimously.

INFORMATION ITEMS:

1. Fairfax County Redevelopment and Housing Authority Meeting Summary – June 20, 2013
2. Minutes of the Finance Committee Meeting – July 17, 2013
3. Summary of the Board of Supervisors Housing Committee Meeting – May 7, 2013
4. Fairfax County Redevelopment and Housing Authority Calendar of Meetings – August and September 2013

CLOSED SESSION

A motion was made by Commissioner Schwaninger, seconded by Commissioner Carlson, that the Fairfax County Redevelopment and Housing Authority (“FCRHA”) go into Closed Session for (i) discussion and consideration, pursuant to Virginia Code Section 2.2-3711(A)(3), of the acquisition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the FCRHA, and (ii) consultation, pursuant to Virginia Code Section 2.2-3711(A)(7), with legal counsel both pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the FCRHA,

and pertaining to other specific legal matters requiring the provision of legal advice.

The motion carried and the FCRHA went into Closed Session at 7:40 p.m.

OPEN SESSION RESUMES

A motion was made by Commissioner Schwaninger, seconded by Commissioner Sullivan, that the members of 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:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Elisabeth Lardner, Chairman Richard C. Sullivan, Jr. John Betts Robert C. Carlson Christopher Craig Richard Kennedy Robert Schwaninger Rod Solomon		

The motion carried unanimously by the commissioners present and Open Meeting resumed at 8:31p.m.

RESOLUTIONS

1.

RESOLUTION NUMBER 36-13

Authorization Not to Cure the Default on the Property and Authorization to Exercise the Fairfax County Redevelopment and Housing Authority's (FCRHA) Right to Acquire the Property Prior to or at any Future Foreclosure Sale of the Affordable Dwelling Unit (ADU) at 11503 Sperrin Circle, Unit #101, Fairfax, VA 22030 (Braddock 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 Affordable Dwelling Unit; 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 the acquisition of the property at or before any foreclosure sale of the subject property for an amount that does not exceed the amount allowed under the covenant and restrictions on the property, in the event that funds are available; and
4. Authorizes the Chairman, Vice Chairman and any Assistant Secretary of the FCRHA 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 400-C40365, Moderate Income Direct Sales Resale, Cost Center H383807002, Homeownership - HCD, not to exceed the amount presented by staff in Closed Session, the amount required to purchase the subject property and to cover the necessary associated costs of acquisition, carrying costs, rehabilitation and repair to be repaid from the sale of that property.

A motion was made by Commissioner Betts, seconded by Commissioner Sullivan, to adopt resolution Number 36-13. A vote was taken and the motion carried unanimously.

MOTIONS

1.

MOTION

Motion Following Closed Session Relating to Possible Settlement of Litigation Regarding Moderate Income Direct Sales Unit at 7516 Snowpea Court, Unit E, Alexandria, VA 22306 (Lee District)

MOVED that the Fairfax County Redevelopment and Housing Authority authorize:

1. The Office of the County Attorney to negotiate a settlement with respect to Fairfax County Circuit Court Case # CL 2012-7731, regarding the Moderate Income Direct Sales (MIDS) unit located at 7516 Snowpea Court, Unit E, Alexandria, VA 22306, consistent with the terms discussed in closed session; and

2. The Chairman, the Vice Chairman, and any Assistant Secretary to execute all necessary or appropriate documents to implement any such settlement.

A motion was made by Commissioner Schwaninger, seconded by Commissioner Sullivan, to adopt the motion as written. A vote was taken and the motion carried unanimously.

2.

MOTION

Motion Following Closed Session Relating to Possible
Resolution of Title Issue Regarding Affordable Dwelling Unit (ADU)
at 3988 Royal Lytham Drive, Fairfax, VA 22033 (Sully District)

MOVED that the Fairfax County Redevelopment and Housing Authority authorize:

1. The Office of the County Attorney to negotiate a resolution of the title issue regarding the Affordable Dwelling Unit (ADU) located at 3988 Royal Lytham Drive, Fairfax, VA 22033, consistent with the terms discussed in closed session; and
2. The Chairman, the Vice Chairman, and any Assistant Secretary to execute all necessary or appropriate documents to implement any such settlement.

A motion was made by Commissioner Carlson, seconded by Commissioner Schwaninger, to adopt the motion as written. A vote was taken and the motion carried unanimously.

BOARD MATTERS – See Attachment #1

MOTION

A motion was made by Commissioner Craig, seconded by Commissioner Betts, to send a neutral letter from the FCRHA to the Board of Supervisors regarding the Residential Studio Units proposal that was released for public comment, supporting the process to go forward regarding advertisement of a public hearing but without the FCRHA taking a stance on the proposal. A roll call vote was taken and the motion failed with the following results:

AYE

John Betts
Robert C. Carlson
Christopher Craig
Rod Solomon

NAY

Elisabeth Lardner, Chairman
Richard C. Sullivan, Jr.
Richard Kennedy
Robert Schwaninger

ABSTAIN

A subsequent motion was made by Commissioner Schwaninger, seconded by Commissioner Kennedy, to send the letter from the FCRHA to the Board of Supervisors regarding the Residential Studio Units proposal that was released for public comment, as was written and circulated amongst the commissioners prior to the meeting, with revisions reiterating the importance of having the process involving Residential Studio Units be a special exception process and not a "by right" process in order to preserve the existing character of the neighborhoods involved. A roll call vote was taken and the motion passed with the following results:

AYE

Elisabeth Lardner, Chairman
Richard C. Sullivan, Jr.
Robert C. Carlson
Richard Kennedy
Robert Schwaninger
Rod Solomon

NAY

John Betts
Christopher Craig

ABSTAIN

ADJOURNMENT

A motion was made by Commissioner Schwaninger, seconded by Commissioner Sullivan, to adjourn the meeting at 8:55 p.m. A vote was taken and the motion carried unanimously.

(Seal)

Elisabeth Lardner, Chairman

Paula C. Sampson, Assistant Secretary