

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

January 29, 2015

On January 29, 2015, 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

*The Budget, the Strategic Plan and the Housing Blueprint: Preparing for FY 2016*

At 6:30 p.m., Tom Fleetwood, Director, FCRHA Policy, Reporting and Communications Division, Department of Housing and Community Development (HCD) and Mary Lou Thompson, Financial Specialist, Financial Management Division, HCD, gave a presentation on the Budget, the Strategic Plan and the Housing Blueprint, in preparation preparing for FY 2016. A discussion followed with the presentation ending at 6:47 p.m.

*Long Term Care Coordinating Council*

At 6:47 p.m., Mr. Paul Brown and Ms. Jeannette Cummins Eisenhower gave a presentation on the housing needs of Fairfax County residents with disabilities and older adults. A discussion followed with the presentation ending at 7:11 p.m.

CALL TO ORDER

FCRHA Chair Robert Schwaninger called the Meeting of the FCRHA to order at 7:12 p.m. FCRHA Commissioners present or absent for a portion or all of the meeting were as follows:

PRESENT

Robert Schwaninger, Chairman  
Willard Jasper, Vice Chair  
John Betts  
Robert C. Carlson  
C. Melissa Jonas  
Richard Kennedy  
H. Charlen Kyle  
Albert J. McAloon

ABSENT

Christopher Craig  
Elisabeth Lardner  
Rod Solomon

Also present at the meeting were the following staff of the Department of Housing and Community Development (HCD): Kurt Creager, Director; Robert Easley, Deputy Director, Operations; Hossein Malayeri, Deputy Director, Real Estate, Finance and Development; Tom Fleetwood, Director, FCRHA Policy, Reporting and Communications Division; Kris Miracle, Director, Administration Division; Ashley Montgomery, Director, Public Affairs, FCRHA Policy, Reporting and Communications Division; Marijke Hannam, Director, Financial Management Division (FMD); Aseem Nigam, Director, Real

Estate Finance and Grants Management (REFGM) Division; Robert Fields, Interim Associate Director, Grants Management, REFGM; Kehinde Powell, Community Program Coordinator, REFGM; Michael Pearman, Portfolio Manager, REFGM; Carol Erhard, Director, Homeownership and Relocation Services Division; Abdi Hamud, Chief, Homeownership and Relocation Services Division; Leo LeDuc, Director, Property Management (PM) Division; Nicole Wickliffe, Director, Asset Management Division; Elisa Johnson, Director, PROGRESS Center, Administration Division; Mike Trent, Network Analyst, ISS; and Jodi Cienki, FCRHA Assistant. Other Fairfax County staff in attendance: Cynthia Tianti, Deputy County Attorney; and Ryan Wolf and Alan Weiss, Assistant County Attorneys and FCRHA Counsel.

### PUBLIC HEARING

*Proposed Interim Agreement with CHPPENN I, LLC for the Redevelopment of the North Hill Property (Mount Vernon District).*

The FCRHA Chair opened the Public Hearing at 7:12. With no one signed up and no one in the audience wishing to speak, the Chair closed the Public Hearing at 7:13.

### CITIZEN TIME

The FCRHA Chair opened Citizen Time at 7:13. Winta Mengisteab, Greenwood Homeowners Association representative spoke. Ms. Mengisteab was at citizen time to talk to the FCRHA regarding an Affordable Dwelling Unit (ADU) at 6258 Levi Court and the fact that the property has basically been abandoned since the owner passed away. The Homeowners Association would like to see the ADU covenants be removed from the property.

Commissioner Schwaninger then introduced Julian Nolasco who was in the audience to earn his communications merit badge for his Boy Scout Troop. The Chair closed citizen time at 7:19.

### APPROVAL OF MINUTES

**December 18, 2014**

A motion was made by Commissioner McAloon, seconded by Commissioner Jasper that the FCRHA approve the Minutes of the December 18, 2014 Meeting. A vote was taken and the motion carried with Commissioner Betts abstaining.

ACTION ITEMS

1.

**RESOLUTION NUMBER 01-15**

Approval to Release for Public Comment the Draft Fairfax County Redevelopment and Housing Authority (FCRHA) Moving to Work Plan for Fiscal Year 2016, and Authorization to Advertise a Public Hearing on the Draft Plan

BE IT RESOLVED THAT the Fairfax County Redevelopment and Housing Authority (FCRHA) approves, for the purpose of seeking public comment, the Draft Moving to Work Plan as presented to the FCRHA at its meeting on January 29, 2015; and

BE IT FURTHER RESOLVED THAT the FCRHA authorizes the Fairfax County Department of Housing and Community Development to advertise a public hearing on the Moving to Work Plan to be held at the FCRHA meeting on March 19, 2015.

A motion was made by Commissioner Kennedy, seconded by Commissioner Jasper to adopt Resolution Number 01-15. After a brief discussion a vote was taken and the motion carried unanimously.

2.

**RESOLUTION NUMBER 02-15**

Authorization, Subject to the Approval of the Fairfax County Board of Supervisors, to Make a Loan to Cumberland Court Apartments, LLC, in an Amount Not to Exceed \$590,000 from Housing Blueprint Funds, for the Renovation of Lindsay Hill Apartments (Providence District)

WHEREAS, Cumberland Court Apartments, LLC, a Virginia limited liability company, submitted a request for financing under the Housing Blueprint as a source of financing for the renovation of the 55-unit Lindsay Hill Apartments; and

WHEREAS, the Fairfax County Redevelopment and Housing Authority (FCRHA) wishes to assist Cumberland Court Apartments, LLC renovate the 55-unit Lindsay Hill Apartments project in order to expand and facilitate affordable housing opportunities in Fairfax County by providing a loan to Cumberland Court Apartments, LLC, in an amount up to \$590,000.

NOW, THEREFORE, BE IT RESOLVED that the FCRHA, subject to approval by the Board of Supervisors, hereby authorize:

1) Making a loan to Cumberland Court Apartments, LLC, for the Lindsay Hill Apartments project in an amount not to exceed \$590,000 as described in the Action Item presented to the FCRHA on January 29, 2015; and

2) The allocation of Housing Blueprint funds in an amount not to exceed \$590,000 for the purpose of the Lindsay Hill Apartments loan.

BE IT FURTHER RESOLVED that the FCRHA authorizes Kurt Creager, Assistant Secretary, or any Assistant Secretary to negotiate all loan terms on behalf of the FCRHA and authorizes its Chairman, Vice Chairman or any Assistant Secretary to execute all documents, agreements, and instruments necessary or appropriate in connection with the making of the Loan for the renovation of the 55-unit Lindsay Hill Apartments.

A brief presentation was provided by Aseem Nigam, Director, REFGM. A motion was made by Commissioner Jasper, seconded by Commissioner Kennedy to adopt Resolution Number 02-15. A vote was taken and the motion carried with Commissioner Betts abstaining.

3.

### **RESOLUTION NUMBER 03-15**

Authorization, Subject to the Approval of the Fairfax County Board of Supervisors, to Make a Loan to New Wexford LLC, in an Amount Not to Exceed \$2,900,000, from Housing Blueprint Funds for the Acquisition, Rehabilitation and Preservation of Wexford Manor Apartments (Providence District)

WHEREAS, New Wexford LLC, a Virginia limited liability company, submitted a request for financing under the Housing Blueprint (Blueprint) as a source of financing for the acquisition, rehabilitation, and preservation of the 74-unit Wexford Manor Apartments; and

WHEREAS, the Fairfax County Redevelopment and Housing Authority (FCRHA) wishes to assist New Wexford LLC acquire, rehabilitate and preserve the 74-unit Wexford Manor Apartments project in order to preserve multifamily rental housing in Fairfax County by providing a loan to New Wexford LLC, in an amount of up to \$2,900,000.

NOW, THEREFORE, BE IT RESOLVED that the FCRHA, subject to approval by the Board of Supervisors, hereby authorizes:

1) Making a loan to New Wexford LLC, for the Wexford Manor Apartments project in an amount not to exceed \$2,900,000 as described in the Action Item presented to the FCRHA on January 29, 2015; and

2) The allocation of Housing Blueprint funds in an amount not to exceed \$2,900,000 for the purpose of the Wexford Manor Apartments loan.

BE IT FURTHER RESOLVED that the FCRHA authorizes Kurt Creager, Assistant Secretary, or any Assistant Secretary to negotiate all loan terms on behalf of the FCRHA and authorizes its Chairman, Vice Chairman or any Assistant Secretary to execute all documents, agreements, and instruments necessary or appropriate in connection with the making of the Loan for the acquisition, rehabilitation and preservation of the 74-unit Wexford Manor Apartments.

A brief presentation was provided by Aseem Nigam, Director, REFGM. A motion was made by Commissioner McAloon, seconded by Commissioner Jonas to adopt Resolution Number 03-15. A vote was taken and the motion carried with Commissioner Betts abstaining.

4.

#### **RESOLUTION NUMBER 04-15**

##### Approval of Policy for the Acquisition of Home Equity Loan Program (HELP) and Silver Lining Initiative Units by the Fairfax County Redevelopment and Housing Authority

BE IT RESOLVED THAT that the Fairfax County Redevelopment and Housing Authority (FCRHA) approves the policy for the acquisition of Home Equity Loan Program (HELP) and Silver Lining Initiative units, as outlined in the Action Item presented to the FCRHA at its meeting on January 29, 2015.

A motion was made by Commissioner Kennedy, seconded by Commissioner McAloon, to adopt Resolution Number 04-15. A vote was taken and the motion carried unanimously.

#### INFORMATION ITEMS

1. Fairfax County Redevelopment and Housing Authority Annual Meeting Summary – December 18, 2014

2. Minutes of the Housing Ownership, Management and Security Committee Meeting – January 21, 2015
3. Minutes of the Finance Committee Meeting – January 21, 2015
4. FY 2014 Audited Financial Statements, Single Audit, and Auditor’s Communication with Those Charged with Governance – Brief Discussion
5. Recommended FY 2016 Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Funding Allocations recommended by the Consolidated Community Funding Advisory Committee and Fairfax County Redevelopment and Housing Authority Working Advisory Group – Brief Discussion
6. Fairfax County Redevelopment and Housing Authority Calendar of Meetings – February and March 2015

#### CLOSED SESSION

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

The motion carried and the FCRHA went into Closed Session at 7:30 p.m.

#### OPEN SESSION RESUMES

A motion was made by Commissioner Carlson, seconded by Commissioner McAloon, 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:

#### AYE

Robert Schwaninger, Chairman  
Willard Jasper, Vice Chair

#### NAY

#### ABSTAIN

John Betts  
Robert C. Carlson  
C. Melissa Jonas  
Richard Kennedy  
H. Charlen Kyle  
Albert J. McAloon

The motion carried unanimously by the commissioners present and the Open Meeting resumed at 8:30 p.m.

RESOLUTION

1.

**RESOLUTION NUMBER 05-15**

Declining Written Offer to Purchase Pursuant to a Right of First Refusal Agreement Entered into in Connection with the Foreclosure and Subsequent Sale of the Property Initially Refinanced and Rehabilitated with the Issuance of \$34,000,000 in Fairfax County Redevelopment and Housing Authority Multifamily Housing Revenue Bonds (Reston Glen Apartments Project) Series 2007 (Hunter Mill District)

WHEREAS, the Fairfax County Redevelopment and Housing Authority (the "Authority") has a right of first refusal regarding any sale of the 200-unit residential rental property known as Reston Glen Apartments (the "Project"), located in Fairfax County, at 12265 Laurel Glade Court, Reston, Virginia, by virtue of that certain Right of First Refusal Agreement between the Authority and the owner of the Project, Workforce Reston Glen, LLC (the "Current Owner"), dated as of December 22, 2010 (the Right of First Refusal Agreement"); and

WHEREAS, in accordance with the Right of First Refusal Agreement, if the Current Owner elects to sell the Project to a third party, it must first give notice to the Authority of the price at which the Current Owner intends to market the Project; and

WHEREAS, the Current Owner provided the Authority with a notice dated January 6, 2015, in which Current Owner stated its desire to sell the Project for a price of \$29,419,584 (the "Purchase Price");

NOW THEREFORE, BE IT RESOLVED THAT the Authority elects not to exercise its right to purchase the Project at the Purchase Price in accordance with the Right of First Refusal Agreement; and

BE IT FURTHER RESOLVED THAT the Authority authorizes Kurt Creager, Assistant Secretary, and any Assistant Secretary, on behalf of the Authority, to issue written notice to the Current Owner to that effect.

A motion was made by Commissioner Kennedy, seconded by Commissioner Jasper, to adopt Resolution Number 05-15. A vote was taken and the motion carried unanimously.

MOTIONS

1.

**MOTION**

Motion Following Closed Session Relating to Possible Settlement of Dispute Regarding Affordable Dwelling Unit at 12624 Fair Crest Court, Unit 101, Fairfax, VA 22033 (Springfield 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 the dispute regarding the Affordable Dwelling Unit (ADU) located at 12624 Fair Crest Court, Unit 101, 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 Jonas, seconded by Commissioner Betts, to adopt the motion as written. A vote was taken and the motion carried unanimously.

2.

**MOTION**

Motion Following Closed Session Relating to Possible Settlement of Dispute Regarding Affordable Dwelling Unit at 4664 Kearns Court, Centreville, VA 20120 (Sully 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 the dispute regarding the Affordable Dwelling Unit (ADU) located at 4664 Kearns Court, Centreville, VA 20120, 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 Jonas, seconded by Commissioner Jasper, to adopt the motion as written. A vote was taken and the motion carried unanimously.

3.

**MOTION**

Motion Following Closed Session Relating to Possible Settlement of Dispute Regarding Affordable Dwelling Unit at 7838 Locust Leaf Lane, Alexandria, VA 22315 (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 the dispute regarding the Affordable Dwelling Unit (ADU) located at 7838 Locust Leaf Lane, Alexandria, VA 22315, 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 Jonas, seconded by Commissioner Betts, to adopt the motion as written. A vote was taken and the motion carried unanimously.

4.

**MOTION**

Motion Following Closed Session Relating to Possible Settlement of Dispute Regarding Affordable Dwelling Unit at 8469 Carmela Circle, Springfield, VA 22153 (Mt. Vernon 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 the dispute regarding the Affordable Dwelling Unit (ADU) located at 8469 Carmela Circle, Springfield, VA, 22153, 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 Jonas, seconded by Commissioner Betts, to adopt the motion as written. A vote was taken and the motion carried unanimously.

5.

**MOTION**

Motion Following Closed Session Relating to Possible  
Settlement of Dispute Regarding Moderate Income Direct Sales Unit  
at 8669 Maple Glen Court, Springfield, VA 22153 (Mt. Vernon 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 the dispute regarding the Moderate Income Direct Sales (MIDS) unit located at 8669 Maple Glen Court, Springfield, VA, 22153, 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 Jonas, seconded by Commissioner Kennedy, to adopt the motion as written. A vote was taken and the motion carried unanimously.

6.

**MOTION**

Motion Following Closed Session Relating to Possible  
Settlement of Dispute Regarding Affordable Dwelling Unit  
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 settlement with respect to the dispute 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 Jonas, seconded by Commissioner Betts, to adopt the motion as written. A vote was taken and the motion carried unanimously.

7.

**MOTION**

Motion Following Closed Session Relating to Possible Settlement of Dispute Regarding Affordable Dwelling Unit at 6258 Levi Court, Springfield, VA 22150 (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 the dispute regarding the Affordable Dwelling Unit (ADU) located at 6258 Levi Court, Springfield, VA 22150, 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 Jonas, seconded by Commissioner Betts, to adopt the motion as written. A vote was taken and the motion carried unanimously.

8.

**MOTION**

Motion Following Closed Session Relating to Possible Settlement of Dispute Regarding Affordable Dwelling Unit at 4651 Hummingbird Lane, Fairfax, VA 22033 (Springfield 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 the dispute regarding the Affordable Dwelling Unit (ADU) located at 4651 Hummingbird Lane, 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 Jonas, seconded by Commissioner Betts, to adopt the motion as written. A vote was taken and the motion carried unanimously.

9.

**MOTION**

Motion Following Closed Session Relating to Possible  
Settlement of Litigation Regarding Affordable Dwelling Unit  
at 10869 Murray Downs Court, Reston, VA 20194 (Hunter Mill 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 2014-6564, regarding the Affordable Dwelling Unit (ADU) located at 10869 Murray Downs Court, Reston, VA 20194, 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 Jonas, seconded by Commissioner Kyle, to adopt the motion with changes as discussed. A vote was taken and the motion carried unanimously.

BOARD MATTERS – See Attachment #1

ADJOURNMENT

A motion was made by Commissioner Carlson, seconded by Commissioner Kennedy, to adjourn the meeting at 8:42 p.m. A vote was taken and the motion carried unanimously.

(Seal)

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Robert Schwaninger, Chairman

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Kurt Creager, Assistant Secretary