

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MEETING**

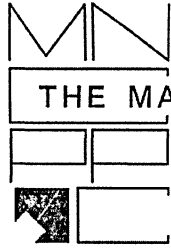
**Wednesday, June 15, 2016  
Parks and Recreation Auditorium  
9:30 a.m. – 11:30 a.m.**

			<u>ACTION</u>	
			Motion	Second
1.	<b>Approval of Commission Agenda</b>	(+*) Page 1		
2.	<b>Approval of Commission Minutes</b>			
	a) Open Session – May 18, 2016	(+*) Page 3		
	b) Closed Session – May 18, 2016	(+*)		
3.	<b>General Announcements</b>			
	a) Lesbian, Gay, Bisexual and Transgender Pride (LGBT) Month			
	b) National Caribbean American Heritage Month			
4.	<b>Committee/Board Reports (For Information Only):</b>			
	a) Minutes – Executive Committee Meeting – June 1, 2016	(+) Page		
	b) Minutes – Regular Board of Trustees Meeting – May 3, 2016	(+) Page		
5.	<b>Action and Presentation Items</b>			
	a) JP Morgan Rebate Check Presentation (Zimmerman)			
	b) Resolution #16-07, Adoption of the Westbard Sector Plan (Brown)	(+*) Page		
	c) Memorandum Explaining Proposed Resolutions			
	1) Resolution #16-08, FY 17 Anniversary (Merit) Pay Increment Adjustment and Administrative Leave for Certain Non-Represented Merit System Employees (Barney/Spencer)	(+*) Page		
	2) Resolution #16-09, FY 17 Cost of Living Adjustments for Certain Non-Represented Merit System and Certain Contract Employees (Barney/Spencer)	(+*) Page		
	3) Resolution #16-10, FY 17 Pay Increment Adjustments for Seasonal/ Intermittent and Term Contract Employees (Barney/Spencer)	(+*) Page		
	4) Resolution #16-11, FY 17 Merit Increase and Cost of Living Adjustments for Park Police Command Staff and Candidates (Barney/Spencer)	(+*) Page		
	d) Resolution #16-13, Approval of Fiscal Year 2017 Employer Contribution for Retiree Group Health Insurance (Barney)	(+*) Page		
	e) Resolution #16-12, Adoption of the FY17 Commission Operating Budget and Capital Budget (Kroll)	(+*) Page		
	f) Approval of Prince George’s County Commissioner Employees’ Retirement System (ERS) Trustee for Term 7/1/16 – 6/30/19 (A. Rose)	(+*) Page		
	g) Acknowledge FOP Represented ERS Trustee for Term 7/1/16 – 6/30/19 (A. Rose)	(+*) Page		
	h) Acknowledge MCGEO Represented ERS Trustee for Term 7/1/16 – 6/30/19 (A. Rose)	(+*) Page		
	i) <u>Closed Session</u> Pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to consult with counsel to obtain legal advice, to conduct collective bargaining negotiations, or consider matters that relate to the negotiations. Subject: Implementation of No Smoking Law – Employee Impact	(H*)		
	<u>Resume Open Session</u>			
	j) Park Rules - Adoption of Resolution #16-15 – To Prohibit Smoking Generally, Authorize Exceptions under Certain Circumstances, and Regulate Other Specified Activities on Commission Property	(+*) Page		

6. **Open Session - Officers' Reports**

- a) **Executive Director** – (For Information Only)  
Employee Evaluations Not Completed by Due Date (May 2016) (+) Page
  
- b) **Secretary-Treasurer** – (For Information Only)
  - 1) Enterprise Resource Planning (ERP) Briefing
  - 2) Investment Report (May 2016) (+) Page
  
- c) **General Counsel** – (For Information Only)  
Litigation Report (May 2016) (+) Page

(+) Attachment      (++) Commissioners Only      (\*) Vote      (H) Handout      (LD) Late Delivery



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
May 18, 2016

The Maryland-National Capital Park and Planning Commission met on May 18, 2016, in the Montgomery Regional Office auditorium.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair  
Norman Dreyfuss  
Marye Wells-Harley  
Natali Fani-Gonzalez

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair  
Dorothy Bailey  
Manuel Geraldo

ABSENT

Amy Presley

A. Shuanise Washington  
John Shoaff

Chair Anderson convened the meeting at 9:33 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Wells-Harley  
Seconded by Dreyfuss  
7 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Conference Call Open Session – April 14, 2016  
Conference Call Closed Session – April 14, 2016  
Conference Call Open Session – April 28, 2016  
Conference Call Closed Session – April 28, 2016  
Open Session – April 20, 2016  
Closed Session – April 20, 2016  
ACTION: Motion of Wells-Harley  
Seconded by Bailey  
7 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Anderson made the following announcements:

- a) National Fitness Month/Fitness Days
- b) Asian-Pacific American Heritage Month
- c) National Prevention Week (Mental and/or Substance Use Disorders) May 15 – May 21
- d) Upcoming Lesbian, Gay, Bisexual and Transgender Pride (LGBT) Month (June)
- e) Upcoming National Caribbean American Heritage Month (June)

- ITEM 4      COMMITTEE/BOARD REPORTS – (For Information Only)  
a) Minutes – Executive Committee Meeting – May 4, 2016  
b) Minutes – Regular Board of Trustees Meeting – April 5, 2016  
c) Minutes – 115 Trust (OPEB) – December 16, 2015

ITEM 5      MOTION TO MOVE TO CLOSED SESSION AT 9:36 a.m.  
Select an Umpire for an Unfair Labor Practice Charge from Fraternal Order of Police Sergeants Pursuant to Sections 3-305(b)(1)(ii), 305(b)(7), 3-305(b)(8) and 3-305(b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to discuss personnel matters that affect one or more specific individuals, consult with counsel to obtain legal advice, consult with staff or other individuals about pending or potential litigation and consider matters that relate to collective bargaining.

ACTION: Motion of Geraldo  
          Seconded by Fani-Gonzales  
          7 approved the motion

**Chair Anderson re-convened the open session at 10:01 a.m.**

- ITEM 6      ACTION AND PRESENTATION ITEMS  
a) Employees' Retirement System (ERS) FY2017 Operating Budget (S. Joynes for A. Rose)  
Sheila Joynes, ERS Account Manager requested approval for the ERS FY17 Operating Budget, recommending approval of \$1,838,238, which is a 1.8% decrease from the FY16 budget request.

Commissioner Bailey commended the ERS, in that the agency is meeting the obligations to its staff, that retirees are well-taken care of, and that costs are decreasing.

ACTION: Motion of Bailey  
          Second by Hewlett  
          7 approved the motion

- b) Request to Use Salary Lapse (CAS Departments)  
1. Budget Transfer for the Department of Human Resources and Management (Barney)  
Executive Director Barney said the Department of Human Resources and Management (DHRM) is projecting close to \$200,000 in savings from salary lapse from positions the department has had difficulty filling. She requested to transfer \$160,000 of those funds into purchases for the department, including \$25,000 for a new van for the records section, and \$135,000 to increase support for the users of the ERP system (e.g., training, program enhancements, and consultant services).  
ACTION: Motion of Wells-Harley  
          Second by Fani-Gonzalez  
          7 approved the motion
2. Request to Spend FY 2016 Finance Department Personnel Services Salary Lapse (Zimmerman)  
Secretary-Treasurer Zimmerman reported a salary lapse of approximately \$560,000 from positions that were not filled. He assured Commissioners that the Finance Department is actively recruiting for vacant positions. The salary lapse funds will be used to bolster ERP support/functionality and take advantage of any opportunity to put the department in a better business position in FY2017, giving flexibility should such need arise.  
ACTION: Motion of Wells-Harley  
          Second by Hewlett  
          7 approved the motion

3. Request to Spend FY2016 Legal Department Salary Lapse (Gardner)  
General Counsel Gardner stated that the Legal Department had a lapse of \$145,000, and was requesting to transfer the money to pay for technology resources, and outside counsel fees related to litigation of cases discussed the previous week in closed session.

ACTION: Motion of Vice-Chair Hewlett

Seconded by Fani-Gonzalez

7 approved the motion

Commissioner Wells-Harley inquired why the agency is having such a hard time filling positions. She would like a study to determine whether salaries are competitive to attract individuals, or whether there is over-budgeting for positions. She added she did not need the information immediately. Executive Director Barney said she could look into the issue.

With respect to the Office of the Chief Information Officer (CIO), Chair Anderson noted the agency is close to selecting a new CIO.

- c) Resolution #16-05, Disposal of 20± Acres to the City of Bowie with the Recommendation that the City Reimburse M-NCPPC \$210,000 for Conveyance of the Land (Asan)

Passed without discussion

ACTION: Motion of Hewlett

Seconded by Bailey

7 approved the motion

- d) Defined Benefit vs. Defined Contribution Retirement Plan Comparison (Barney/Boomershine)

Executive Director Barney opened with some background and stressed that the item is informational.

In recent years, the Executive Director led a comprehensive review of retirement plans (e.g., Defined Benefit (DB), Defined Contribution (DC) and Hybrid plans, such as Cash Balance (CB) or Guaranteed Retirement Income Plan (GRIP)) in FY2012, including analysis, pros, and cons. Commissioners, at that point, voted 5-4 to continue with a DB Plan, but at a lower cost. The current cost is approximately 7% of payroll, similar to Montgomery County Government's Hybrid Guaranteed Retirement Income Plan (GRIP) cost.

For today's presentation, Executive Director Barney introduced actuary David Boomershine. Mr. Boomershine was asked to present a comparison of retirement plans to address recent inquiries identified by Commissioner Dreyfuss. Commissioner Dreyfuss requested an informational presentation comparing different types of retirement plans. He was concerned about employer risk and liability in retirement investment and market volatility with a DB plan as compared to DC plan.

Mr. Boomershine presented a comparison of retirement plans using a PowerPoint and distributed handouts. Following a detailed review of each plan, Mr. Boomershine offered the following summary: DC plans are based on employee and employer contributions. The DC plan balance grows with contributions and investment returns; employees have investment risks with DC plans. For identified retirement program objectives, traditional DB plans provide approximately 130% of lifetime benefits provided by DC plans. DB plans are the most cost efficient method to deliver retirement benefits, and reviewed the reasons for the efficiency.

Commissioner Dreyfuss inquired why a DC plan is a riskier investment than a DB plan, as the employee can choose a fund manager and level of risk. Mr. Boomershine responded the risk is the “what if” factor, meaning if a chosen investment or market goes down, then the employee is at risk. Chair Anderson added that an employer is generally better able to assume that risk. Even if an employee is the most brilliant investor, he/she remains at risk from basic market volatility. Employers, on the other hand, have the benefit of investment advisors and greater time to ride out volatile markets.

Commissioner Dreyfuss suggested the M-NCPPC consider offering a DC plan as well as the DB plan. He added that younger employees sometimes prefer a DC plan, viewing it as more attractive, as it is more portable if they leave. Mr. Boomershine explained employees presently have a similar choice through the M-NCPPC’s 457 plan, which is voluntary.

Commissioner Dreyfuss asked about the percentage of Montgomery County Government employees who participate in the Hybrid GRIP plan. Mr. Boomershine and Executive Director Barney will research this inquiry. Executive Director Barney explained the County’s GRIP plan was implemented after a strong push by the Municipal and County Government Employees Organization (MCGEO) Union. The Union was concerned about the impact of the last big recession on the County’s DC Plan.

Executive Director Barney noted she discussed with Department Heads whether they were having difficulty recruiting new hires based on the M-NCPPC providing a DB retirement plan; Department Heads indicated this was not the case. Vice-Chair Hewlett added that the M-NCPPC’s DB retirement plan is generally seen as an incentive, attracting more people.

Commissioner Dreyfuss inquired about Montgomery County’s experience in offering the DC plan. He explained that if a very small percentage of employees are enrolled in the DC plan, it may not be worth exploring. If the enrollment is 20% or higher, then it may make sense to explore this option. Commissioner Wells-Harley and Vice-Chair Hewlett stressed that if the M-NCPPC were to offer multiple types of retirement plans, it is important to sufficiently explain differences to employees.

Mr. Boomershine noted the M-NCPPC’s retirement plan is currently funded at 93% by assets, which is excellent compared with other agency DB plans. On a national average, plans are funded at 75%. Bond rating agencies will look at that very favorably. He also cautioned about abandoning a DB plan in favor of a DC plan, citing many difficult transition issues in preserving accrued benefits. He added it is also challenging to make an effective DC formula to replace the DB plan that will also take into account length of service. It would be a massive, multi-step process.

Executive Director Barney agreed it was important to research the issue, but DHRM staff are very busy this year with various projects. She offered the possibility of examining the issue next year. Commissioner Wells-Harley supported Executive Director Barney’s suggestion. Commissioner Dreyfuss asked the research include statistics on agencies from other jurisdictions who offer multiple options such as DB, DC, and Hybrid Plans. Executive Director Barney stressed the agency could consider adding a DC or Hybrid plan, but taking the DB plan off the table could not be done for a variety of reasons, including collective bargaining and other concerns noted earlier by Mr. Boomershine.

e) Legislative Report (Gardner)

General Counsel Gardner was joined at the presentation table by Associate General Counsel Elizabeth Adams and former Maryland Delegate Melony Griffith, who worked as the Commission's lobbyist on Program Open Space (POS) issues in Annapolis.

Ms. Griffith reported that the Commission's aggressive outreach effort to educate legislators about POS was timely and successful. In particular, she noted that the Commission's support helped to win legislation requiring the State to reimburse local jurisdictions for transfer tax revenues that were "borrowed" from POS over many previous budget cycles. Ms. Griffith explained that, in addition to repaying for past diversions, the legislation creates a "soft lockbox" so that future POS funding cannot be diverted so easily. It also imposes a three-year timeline for the State to repay any funds that actually are diverted. Looking ahead, Ms. Griffith mentioned plans for the State to revisit the POS funding formula that has not been examined for a long time, and that she anticipates another bill might be proposed to address the formula in next year's session (HB 462, pages 27 and 67).

General Counsel Gardner then highlighted a number of legislative items of particular interest to the Commission as presented in the Annual Legislative Report:

- Exclusions From Metropolitan District – HB 1123 – eliminating annexed areas in Greenbelt from the Commission's Park District. General Counsel Gardner cautioned that a similar bill for Laurel is possible during the next legislative session (Page 6).
- Zoning Regulation in Prince George's County – HB 1025 – responding to the *Zimmer* decision by the Maryland Court of Appeals (Page 4).
- WSSC Commissioners Salaries – HB 1125 (Page 2).
- Local Government Tort Claims Act – HB 637 – Delegate Smith's original bill was narrow, but substantially hotwired in the Senate to create a major change by allowing "constructive notice" for the first time. This change is likely to create ambiguity to be resolved by court decisions (Page 32).
- Standing to Challenge Zoning Map Amendments – SB 28 – responding to the *Bell v. Anne Arundel County* decision (Page 53).

Ms. Adams then discussed a number of changes to the State Open Meeting Act included in HB 217 (Page 17).

General Counsel Gardner concluded by inviting the Commissioners and staff to begin planning for next year's legislative session. He explained that proposals for new local bills would be due in August or September and the internal process needs to start. General Counsel Gardner suggested that potential topics for legislation might include:

- 1) State Highway condemnation of Commission property;
- 2) Minority, Female and Disadvantaged (MFD) business procurement programs;
- 3) Changes to Division II of the Land Use Article.

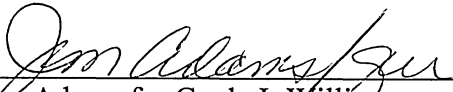
Chair Anderson noted that the M-NCPPC had many allies in the legislature this year, including some who we asked to advocate for a project working with the agency staff. He suggested contacting every single legislator in both counties, and giving them a project to advocate, which will promote an ongoing, positive working relationship. He said even if it does not result in better funding, it is still building relationships that can help the agency in the future if legislators feel they are part of what the M-NCPPC is doing.

ITEM 7 OPEN SESSION – OFFICERS’ REPORTS

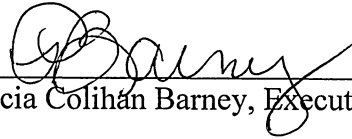
- a) Executive Director – (For Information Only)  
Employee Evaluations Not Completed by Due Date (April 2016)
  
- b) Secretary-Treasurer – (For Information Only)
  - 1) Enterprise Resource Planning (ERP) Briefing
  - 2) Investment Report (March 2016)
  
- c) General Counsel – (For Information Only)  
Litigation Report (April 2016)

Before the meeting adjourned, Executive Director Barney wished to add one final informational item: The M-NCPPC was joining other state agencies in adopting the Minimum Wage Increase to \$10.75/hr. Montgomery County changed its launch, to adopt the new wage on July 1. Executive Director Barney confirmed the M-NCPPC’s minimum wage will increase October 2016, as originally scheduled.

There being no further business to discuss, Chair Anderson adjourned the meeting at 11:33 a.m.



James Adams for Gayla I. Williams,  
Senior Technical Writer/Senior Management  
Analyst



Patricia Colihan Barney, Executive Director







THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE CONFERENCE CALL MINUTES  
June 1, 2016

The Maryland-National Capital Park and Planning Commission’s Executive Committee met via conference call at 9:30 a.m., from the Executive Director’s Conference Room, in Riverdale, Maryland. Present were Chair Casey Anderson, Vice-Chair Elizabeth M. Hewlett, and Executive Director Patricia C. Barney. Also present on the call were:

Department Directors/Deputies/Presenters/Staff

- Joe Zimmerman, Secretary-Treasurer
- Ronnie Gathers, Director, Prince George’s County Parks and Recreation
- Fern Piret, Director, Prince George’s County Planning
- Mike Riley, Director, Montgomery County Parks
- Gwen Wright, Director, Montgomery County Planning
- Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief

The meeting convened at 9:30 a.m.

**ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA (Executive Director Patricia Barney)**

Discussion	<p>The following amendments were made to the agenda:</p> <ul style="list-style-type: none"> <li>• Add CAS Study from 2010. Executive Director Barney will update Chair Anderson and Vice-Chair Hewlett on a briefing about the CAS Study from 2010 that was requested by Montgomery County Council Senior Legislative Analyst, Marlene Michaelson. The briefing will be given in the summer.</li> <li>• Add an Informational Piece: Prioritizing policy work and finding resources to help with the workload.</li> </ul>
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**ITEM 1b - APPROVAL OF COMMISSION MEETING (Executive Director Patricia Barney)**

Discussion	<p>Executive Director Barney reviewed the June 15, 2016, Commission meeting agenda. The following amendments were made:</p> <ul style="list-style-type: none"> <li>• Add Park Rules.</li> <li>• Department Heads were asked to work with their respective Human Resources Coordinators to finalize employee evaluations, as some have been submitted after the deadline.</li> </ul>
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**ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS (Executive Director Patricia Barney)**

Discussion	<p>Executive Director Barney reviewed the Rolling Commission Agenda for the upcoming four months. The following comments/amendments were made:</p> <p><u>July</u></p> <ul style="list-style-type: none"> <li>• Remove the Approval of FY 2017 Contribution for Retiree Group Health, as this will be adopted in June.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Policies: <ul style="list-style-type: none"> <li>- Executive Director Barney and Corporate Policy and Management Operations (CPMO) Division Chief Anju Bennett will have a discussion about the Policy program workload. Practice 2-16, Comprehensive Update of Contract Employment Regulations and Practice 3-10, Expense Reimbursement for Travel, Meetings and Conferences may be moved from the July agenda.</li> </ul> </li> <li>• Benefit Changes will first be discussed in closed session, under Action and Presentation Items, and then presented for vote in open session.</li> </ul> <p><u>September</u></p> <ul style="list-style-type: none"> <li>• Add a placeholder for Chargeback work in July or September. A decision will be made whether to present this topic to the Department Heads or the Commission. It might go to the Commission through the budget process.</li> <li>• Change the Annual Legislative Update to Legislative Pending Bills.</li> <li>• Reminder to Department Heads: Commission-wide Service Awards – October 19<sup>th</sup>, Brookside Gardens.</li> </ul>
<b>ITEM 2 – MINUTES</b>	
Provided for Information Only	May 4, 2016 Executive Committee Minutes a) Open Session b) Closed Session
<b>ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS</b>	
Discussion	<p><b>a) Enterprise Resource Planning (ERP) Briefing (Zimmerman)</b>  Secretary-Treasurer Zimmerman provided an update on Enterprise Resource Planning (ERP). He shared that the orphan commitments issue has been resolved. The problem is being monitored to ensure the situation does not reoccur. Overpayments to various employees have been identified. The Finance Department is working with the Human Resources Division to begin the recovery process. A minor number of employees have retired or left the agency. There will be a minimal financial loss. In consultation with the Legal Department, the Finance Department is not interested in the idea of pursuing a retiree.</p> <p>Regarding Human Capital Management (HCM), Executive Director Barney shared that the agency has been trying to work through the automated process for personnel actions. She received feedback from the operating departments that staff need online inquiry capabilities. The inability to access online information has also caused challenges with the Human Resources team, as mistakes were made and had to be corrected because field personnel did not have access to current data. Managers were not supportive of the online approval process without their administrative assistants’ support, and there were also problems with implementing that program design. In the meantime, the Infor System Administrator, Alvin Miller was able to work with Infor to parse the data in a way that would allow the divisions’ Human Resources Coordinators and administrative staff the ability to assist with completing the personnel actions through NEOGov.</p> <p>The online inquiry will roll out first. Training has taken place with the Subject Matter Experts (SMEs). One-hour training sessions will take place for managers, who will be able to view the online inquiry for their staff. The departmental Human Resources Managers</p>

will be able to view the information for their entire department, and other departmental staff will be able to view divisional information.

#### Policy Issues

Executive Director Barney explained that the policy team has struggled trying to hire resources that are able to do the policy work. A number of other policy regulations have caused the course of this work program to move in different directions. Executive Director Barney and Division Chief Anju Bennett will meet to discuss acquiring outside resources to assist with the program. They will talk with Department Heads about their priorities with the policies.

Division Chief Bennett stated there are currently 162 separate policies in addition to several employment manuals. She explained that resources were diminished in this division a few years ago, and all of the policy work was consolidated with the Policy unit. She shared that the Employment policies are up-to-date; however, the Finance Series and some of the Operational Series have not been updated. To receive the CAPRA Certification, all of the policies must be updated. Ms. Bennett noted that former Commission Chair Carrier was supportive of consolidating some of the policies. Ms. Bennett stated that some policies are presented to the Commission that are procedural, and should be handled at the departmental level. Six policies are out for review at this time that require Commission approval. Ms. Bennett explained that having the technical expertise is important in assigned staff. Managing the large volume of policies with short staffing, coupled with the current Risk Management priorities, is challenging.

Executive Director Barney commented that the Policy unit is trying to determine how to move the old policies forward; however, consideration must be given to the policies that are most important to the departments. Executive Director Barney will be working with Chief Bennett on acquiring additional resources to work on the policy program.


#### Central Administrative Services (CAS) Study – 2010


Executive Director Barney updated the Executive Committee on the CAS Study conducted in 2010. She shared that during Montgomery County Council Senior Legislative Analyst Marlene Michaelson's presentation to the Planning, Housing and Economic Development Committee (PHED), she mentioned the CAS Study. Ms. Michaelson would like a progress report on completion of the recommendations contained in the Study. Executive Director Barney reviewed the PowerPoint summary of the Study prepared by Chief Anju Bennett. She went over the recommendations, explaining that 90% of the topics mentioned have been completed. She noted that work is still being done on a few of the recommendations, as some are ongoing, and that work is still being done on others. In some cases, resources are not available to complete the projects. With regards to the Information Technology Strategic Plan mentioned in the Study, the M-NCPPC is in the process of hiring the Chief Information Officer. The CAS Study – 2010 update PowerPoint will be finalized, and Executive Director Barney will forward a copy to the Chairs.

Executive Director Barney noted that certain Directors are interested in exploring the possibility of embedding some CAS services (similar to the Legal Department's model) in the field. There are mixed opinions about the recommendation;

	<p>therefore, the Study will contain a comment that CAS will explore the possibilities of embedding, and determine the operating departments' preferences. Resources will be discussed before budget requests are formulated next year.</p> <p>Executive Director Barney noted that during the 2017 budget process, Montgomery County Government added positions to their Finance Department to enable staff to fully take advantage of their ERP investment. Ms. Barney will be reviewing that justification as CAS has also struggled with the ERP due to limited resources stretched between daily operations and project enhancements.</p>
<p>Follow Up/Action Items</p>	<p><u>CAS Study - 2010</u></p> <ul style="list-style-type: none"> <li>• Executive Director Barney is to forward copies of the updated CAS Study – 2010 PowerPoint to the Chairs.</li> <li>• Executive Director Barney and Division Chief Bennett will talk with Department Heads about their priorities with the policies.</li> <li>• Executive Director Barney and Secretary-Treasurer Zimmerman will review budget documents related to Montgomery County Government's ERP and additional staffing.</li> </ul>

The meeting adjourned at 9:56 a.m.

  
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 Gayla Williams, Senior Technical Writer/  
 Senior Management Analyst

  
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 Patricia Colihan Barney  
 Executive Director



**EMPLOYEES' RETIREMENT SYSTEM**  
The Maryland-National Capital Park and Planning Commission

**REGULAR BOARD OF TRUSTEES MEETING  
MINUTES**

**Tuesday, May 3, 2016; 10:00 A.M.**  
**ERS/Merit Board Conference Room**

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, May 3, 2016 at 10:00 a.m. Voting members present were: Khalid Afzal, Patricia Barney, CPA, Howard Brown, Alicia Hart, Sheila Morgan-Johnson, Barbara Walsh, and Joseph C. Zimmerman, CPA. Amy Millar arrived at 10:05 a.m. Elizabeth M. Hewlett joined the meeting via teleconference at 10:06 a.m. Marye Wells-Harley arrived at 11:15 a.m. Pamela F. Gogol was absent.

ERS staff present were Andrea L. Rose, Administrator and Heather D. Brown, Senior Administrative Specialist.

Presentations by Wilshire Associates - Bradley A. Baker, Vice President; Groom Law Group, Alexander P. Ryan, Counsel; and, Grosvenor Capital Management, L.P. - Paul A. Meister, CPA, J.D., Vice Chairman, Operations Committee Chair, Managing Director; Vikram Bhaskar, Private Markets Investment Committee Member, Managing Director; Peter Braffman, J.D., Private Markets Investment Committee Member, Managing Director; and, Patrick J. McGarvey, Managing Director, Business Development.

Also present was M-NCPPC Legal Department – LaTonya Reynolds, Senior Counsel.

Also present via teleconference was - Wilshire Associates - Ashley Bazzani, Senior Analyst.

In the absence of CHAIRMAN HEWLETT, MS. BARNEY opened the meeting.

MS. BARNEY introduced new trustees Ms. Alicia Hart, Prince George's County Open Trustee and Ms. Sheila Morgan-Johnson, Prince George's County Public Member.

**1. CONSENT AGENDA**

The following items are to be approved or accepted by vote on one motion unless a Board member requests separate consideration:

- A. Approval of the May 3, 2016 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, April 5, 2016
- C. Minutes of Closed Session, April 5, 2016
- D. Disbursements Granted Report – March 2016

MR. AFZAL made a motion, seconded by MS. WALSH to approve the Consent Agenda. The motion PASSED unanimously (7-0). (Motion #16-26)

MS. MILLAR arrived at 10:05 a.m.

CHAIRMAN HEWLETT joined the meeting via teleconference at 10:06 a.m.

**2. CHAIRMAN'S ITEMS**

- A. Board of Trustees Conference Summary

MINUTES, AS APPROVED, AT THE JUNE 7, 2016 REGULAR BOARD OF TRUSTEES MEETING

### 3. MISCELLANEOUS

No miscellaneous was reported.

### 4. MANAGER REPORTS/PRESENTATIONS

#### A. Private Real Assets

Presentation by Wilshire Associates - Bradley A. Baker, Vice President

#### i. Grosvenor Capital Management, L.P.

Presentations by Paul A. Meister, CPA, J.D., Vice Chairman, Operations Committee Chair, Managing Director; Vikram Bhaskar, Private Markets Investment Committee Member, Managing Director; Peter Braffman, J.D., Private Markets Investment Committee Member, Managing Director; and, Patrick J. McGarvey, Managing Director, Business Development

a. Presentation Material dated May 3, 2016

Continuing the due diligence efforts for selection of a private real assets manager, the Board invited Grosvenor Capital Management, L.P. (Grosvenor) to return for a follow-up presentation of their customized private markets investments strategy. Grosvenor originally presented at the October 6, 2015 Board meeting.

Grosvenor is one of the largest independent alternative management firms with \$47.3 billion in assets under management as of March 31, 2016. Grosvenor offers comprehensive investment solutions for public markets (\$24.6 billion) since 1996 and for private markets (\$22.7 billion) since 1999.

On the private markets side, Grosvenor has 76 customized portfolio clients with 121 customized portfolios. Fifty-four percent (54%) for public funds. Grosvenor discussed the design, implementation and ongoing monitoring of a customized account; provided an overview of the private markets; and detailed suggestions for a customized solution for the ERS. A sample portfolio and summary of terms and conditions were provided.

Wilshire Associates' Ashley Bazzani disconnected from the teleconference at 11:04 a.m.

### 5. CLOSED SESSION

The Board will meet in Closed Session, pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss investment of public funds and to consult with legal counsel

MS. WALSH made a motion, seconded by MR. AFZAL to go in to Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) to discuss investment of public funds and to consult with legal counsel. The motion PASSED unanimously (9-0). (Motion #16-27)

VICE CHAIRMAN WELLS-HARLEY arrived at 11:15 a.m.

MS. WALSH made a motion, seconded by MS. BARNEY to ratify the actions taken in Closed Session. The motion PASSED unanimously (10-0). (Motion #16-30)

### 6. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated April 22, 2016

Andrea Rose presented the Administrator's Report dated April 22, 2016.

ERS Staff are preparing for the year end audit and data clean-up in preparation for the July 1, 2016 Actuarial Valuation. Ms. Rose reminder the Board, the July meeting each year focuses on training and asked for topic suggestions. The Board agreed on three training topics: factor based investing, health and opportunities in the fixed income credit markets and private real estate.

## **7. COMMITTEE REPORTS/RECOMMENDATIONS**

- A. Investment Monitoring Group Committee
  - Presentation by Committee Chairman, Patricia Barney
    - i. Regular Report of April 19, 2016
    - ii. Confidential Report of April 19, 2016

MS. BARNEY presented the regular report for the Investment Monitoring Group's (IMG) meeting of April 19, 2016.

The IMG met with Capital Group's Michael Consorte, Senior Institutional Relationship Specialist, Ronan Burke, Relationship Manager, and David Polak, Equity Investment Specialist for a performance review of Capital Group's international equity portfolio and reviewed Wilshire Associates' Manager Review of the strategy which showed a slight outperformance of the strategy since inception, June 30, 2004, and a ranking in the 93<sup>rd</sup> percentile versus Wilshire's international equity universe. Capital Group's bullish stance towards emerging markets (~30%) and the strong headwinds have been difficult on performance. The average weight for emerging markets for the international equity universe is 15%. Capital is positioned for emerging markets to bounce back this year.

The IMG reviewed Wilshire Associates Manger Review for Earnest Partners international equity portfolio. Earnest Partners' performance reflects a slight outperformance since inception, June 30, 2010, and a ranking in the 71<sup>st</sup> percentile versus Wilshire's international equity universe. Earnest also takes a bullish stance towards emerging markets with a 30% weighting; however, the portfolio remained behind the year principally due to currency translation stemming from emerging market countries.

Wilshire believes in active management in the international equity space and does not have any concerns about Capital Group and Earnest Partners.

- B. Administration & Personnel Oversight Committee
  - Presentation by Committee Chairman, Barbara Walsh
    - i. Regular Report of April 19, 2016
      - a. Recommendation to Approve the FY2017 Operating Budget
    - ii. Confidential Report of April 19, 2016

MS. WALSH presented the regular report for the Administration & Personnel Oversight Committee (Personnel Committee) meeting of April 19, 2016.

The Personnel Committee reviewed the FY2017 Operating Budget which totals \$1,838,238 and is a 1.8% decrease from the FY2016 Operating Budget. The Personnel Committee recommends the Board approve the budget for FY2017.

MS. BARNEY made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to approve the FY2017 Operating Budget in the amount of \$1,838,238. The motion PASSED unanimously (10-0). (Motion #16-31)

MINUTES, AS APPROVED, AT THE JUNE 7, 2016 REGULAR BOARD OF TRUSTEES MEETING



Brad Baker left the meeting at 11:49 a.m.

CHAIRMAN HEWLETT made a motion, seconded by MS. BARNEY to go in to Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(1) and 3-305(b)(7) to discuss personnel issues and to consult with legal counsel. The motion PASSED unanimously (10-0). (Motion #16-32)

The Personnel Committee recommended the Board approve the revised Employee Handbook.

MR. AFZAL made a motion, seconded by VICE CHAIRMAN WELLS-HARLEY to approve the Revised ERS Employees' Handbook as prepared by legal counsel. The motion PASSED unanimously (10-0). (Motion #16-34)

The Board of Trustees meeting of May 3, 2016 adjourned at 12:03 p.m.

Respectfully,

  
Heather D. Brown  
Senior Administrative Specialist

  
Andrea L. Rose  
Administrator





MONTGOMERY COUNTY PLANNING DEPARTMENT  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
Item No.  
Date: 6-01-16

**Approved Westbard Sector Plan, Resolution of Adoption**

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- JM John Marcolin, Planner/Coordinator, [john.marcolin@montgomeryplanning.org](mailto:john.marcolin@montgomeryplanning.org), 301 495-4547  
RK Robert Kronenberg, Chief, Area 1, [Robert.kronenberg@montgomeryplanning.org](mailto:Robert.kronenberg@montgomeryplanning.org), 301495-2187  
MB Michael Brown, Supervisor, Area 1, [Michael.brown@montgomeryplanning.org](mailto:Michael.brown@montgomeryplanning.org), 301 495-4556

**Completed:** 06/01/16

**Recommendation:**

Approval of the Resolution of Adoption

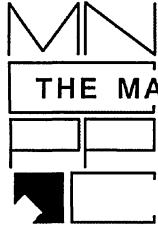
**Summary**

Attached for your review and approval is the M-NCPPC Resolution 16-07 to adopt the Westbard Sector Plan. The County Council, sitting as the District Council approved the Westbard Sector plan by Resolution Number 18-471 on May 03, 2016. The Montgomery County Planning Board approved the adoption of the Westbard Sector Plan by Resolution Number 13-159 on May 26, 2016.

**Attachments:**

1. M-NCPPC Draft Resolution No. 16-07
2. Draft Certificate of Approval and Adoption
3. Montgomery County Council Resolution Number 18-471, Approval of Planning Board Draft Westbard Sector Plan





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**MCPB NO. 16-048**  
**M-NCPPC NO. 16-07**

**RESOLUTION**

WHEREAS, under the Maryland Land Use Article, The Maryland-National Capital Park and Planning Commission is authorized to make, adopt, amend, extend and add to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*; and

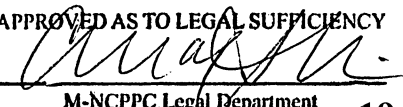
WHEREAS, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission held a duly advertised public hearing on Thursday, September 24, 2015, on the Public Hearing Draft *Westbard Sector Plan*, being also an amendment to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*, as amended; *Bethesda Chevy Chase Master Plan*, as amended; *the Master Plan of Highways and Transitways* within Montgomery County, as amended and *the Countywide Bikeways Functional Master Plan*; and the *Legacy Open Space Functional Master Plan* as amended; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on December 17, 2015, approved the Planning Board Draft *Westbard Sector Plan*, recommended that it be approved by the District Council, and on December 21, 2015, forwarded it the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board Draft *Westbard Sector Plan* and forwarded those recommendations and analysis to the District Council on March 11, 2016, and

WHEREAS, the Montgomery County Council sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on February 2 and February 4, 2016, wherein testimony was received concerning the Planning Board Draft *Westbard Sector Plan*; and

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 5/24/16 19

WHEREAS, the District Council, on May 3, 2016, approved the Planning Board Draft *Westbard Sector Plan* subject to the modifications and revisions set for the in Resolution No. 18-471

WHEREAS, the Montgomery County Planning Board; on May 26, 2016, recommended that The Maryland National Capital Park and Planning Commission adopt the *Westbard Sector Plan* as approved by the District Council.

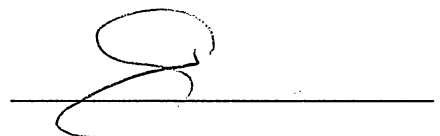
NOW THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board and the Maryland-National Capital Park and Planning Commission do hereby adopt the said *Westbard Sector Plan*, together with the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*, as amended; *Bethesda-Chevy Chase Master Plan*, as amended; *the Master Plan of Highways*, as amended and *the Countywide Bikeways Functional Master Plan*, as amended, and as approved by the District Council in the attached Resolution No. 18-471 and

BE IF FURTHER RESOLVED, that copies of said Amendment must be certified by the Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's Counties, as required by law.

\*\*\*\*\*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Presley and Fani-González voting in favor, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, May 26, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair  
Montgomery County Planning Board

\*\*\*\*\*

**CERTIFICATION OF APPROVAL AND ADOPTION  
WESTBARD SECTOR PLAN**

This Comprehensive Amendment to the Approved and Adopted 1982 *Westbard Sector Plan*, as amended; *The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George’s County*, 1964, as amended; the *Countywide Bikeways Functional Master Plan*, as amended, the *Bethesda Chevy Chase Master Plan*, as amended, the *Master Plan of Highways and Transitways*, as amended, and the *Legacy Open Space Functional Master Plan* as amended; has been approved by the Montgomery County Council, sitting as the District Council, by Resolution No. 18-471 on May 3, 2016, and has been adopted by The Maryland-National Capital Park and Planning Commission by Resolution No. 16-048 on May 26, 2016, after duly advertised public hearings pursuant to the Land Use Article – Division II, of the Annotated Code of Maryland.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Casey Anderson  
Chair

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Elizabeth M. Hewlett  
Vice-Chair

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Joseph Zimmerman  
Secretary-Treasurer





*Clerk's Note: Page 25 of resolution amended to correct the date of construction of the Park Bethesda Apartment Building (on Site 6b) from 1974 to 1964.*

Resolution No.: 18-471  
Introduced: May 3, 2016  
Adopted: May 3, 2016

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Approval of December 2015 Planning Board Draft Westbard Sector Plan

1. On December 21, 2015, the Montgomery County Planning Board transmitted to the County Executive and the County Council the December 2015 Planning Board Draft Westbard Sector Plan ("Sector Plan").
2. The December 2015 Planning Board Draft Westbard Sector Plan is a comprehensive amendment to the Approved and Adopted 1982 Westbard Sector Plan. It also amends the General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended; the Master Plan of Highways and Transitways within Montgomery County, as amended; the Countywide Bikeways Functional Master Plan, as amended; the Bethesda-Chevy Chase Master Plan; and the Legacy Open Space Functional Master Plan.
3. On February 2 and 4, 2016, the County Council held a public hearing on the December 2015 Planning Board Draft Westbard Sector Plan. The Sector Plan was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.
4. On March 11, 2016, the Director of the Montgomery County Office of Management and Budget transmitted to the County Council the Fiscal Impact Statement for the December 2015 Planning Board Draft Westbard Sector Plan.
5. On February 29, March 7, and March 14, 2016, the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the December 2015 Planning Board Draft Westbard Sector Plan.
6. On March 22, 2016, the County Council reviewed the Planning Board Draft Westbard Sector Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

**Action**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Planning Board Draft Westbard Sector Plan, dated December 2015, is approved with revisions. County Council revisions to the Planning Board Draft Westbard Sector Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring. All page references are to the December 2015 Planning Board Draft Plan.

Throughout the Document: Change Westbard Drive to Westbard Avenue in text and maps.

Page 6: Revise the first sentence of the second paragraph of “1.2.1 Vision” as follows:

Walking alongside the [restored] naturalized Willett Branch will lead past the stream’s cleaner water and shaded banks to community recreation facilities. Private shuttle bus service will provide quick access to Metrorail and Purple Line light rail stations in Bethesda and Friendship Heights for commuting to jobs or regional destinations.

Page 8: Revise the seventh bullet of “1.2.2 Plan Framework” as follows:

- [Renovating] Naturalizing the Willett Branch stream into a major amenity that will become a unifying feature of the community.

Page 8: Add a new first bullet and amend the second bullet under “1.2.3 Optional Method Density Public Benefits Projects” as follows:

- Require 15 percent Moderately Priced Dwelling Units (MPDUs) on all projects that use the Optional Method of Development.
- Provide [an] a green open space (approximately ½-acre but no less than 1/3 acre) within the Westwood Shopping Center site.

Page 8: Replace “Table 1.2.1: Rental Units in Westbard Sector Plan Area” with a new chart that provides information on changes in residential and commercial development potential under the adopted Plan as compared to existing zoning. Move information in the chart on Rent Restricted Units to the new section on affordable housing.

Page 10: Amend the first row of “Table 1.2.2: Specific Short-Term Recommendations” as follows:

Provide a Central Civic Green (approximately ½-acre but no less than 1/3 acre) within the Westwood Shopping Center site.

Page 10: On the seventh row of “Table 1.2.2: Specific Short-Term Recommendations”, under the column titled “Category”, change from Environment to Parks and group with other Parks recommendations.

Page 10: Amend the 12<sup>th</sup> row as follows:

[Provide incentives for local assisted-living facilities. Provide] Encourage the development of senior housing options, including assisted-living facilities.

Page 11: Revise the second and third rows of “Table 1.2.3: Specific Long-term Recommendations” as follows:

[Extend a hard surface trail from the Capital Crescent Trail to the Whole Foods site.

Provide a park or open space at the Whole Foods site if it redevelops.]

If a future Master Plan recommends additional density on the Whole Foods site, it should also explore options for a park or open space at this site and a trail connecting this site with the Capital Crescent Trail.

Page 11: Revise the fifth row of “Table 1.2.3: Specific Long-Term Recommendations” as follows:

[Establish a new entrance to the Capital Crescent Trail between Whole Foods and Washington Episcopal School.] Acquire the triangle of land between Lawn Way and the Capital Crescent Trail to maintain a green buffer between the Kenwood neighborhood and the commercial development to the east.

Page 11: Revise the tenth and eleventh rows of “Table 1.2.3: Specific Long-Term Recommendations” as follows:

[Transform River Road into a multi-use, pedestrian-friendly, tree-line boulevard with consolidated] Explore options to consolidate entry points to properties fronting River Road.

[When] If the Washington Episcopal School redevelops, renovate the associated portion of Willett Branch to restore the flood plain and provide a trail connection to the Little Falls Stream Valley and Capital Crescent Trail.

Page 12: Amend the fourth bullet as follows:

- [Transform River Road into a multi-use, pedestrian-friendly, tree-line boulevard with consolidated] Explore options to consolidate entry points to properties fronting River Road.

Page 12: Delete “1.2.4 Schools” as follows (to be replaced with a more detailed discussion of schools at another location):

[There is concern among local residents that the Sector Plan will result in enrollment increases that will overcrowd the existing public school system that presently serves the Westbard Sector Plan area. Montgomery County Public Schools (MCPS) has several approaches for addressing increased student enrollment:

- Re-open closed school sites.
- Build additions to schools capable of expansion
- Consider minor redistricting.
- Locate a new school site.
- Provide significant additional infrastructure to support MCPS recreation.]

Page 17: Add Proposed Zoning Map to reflect Council changes.

Page 18: Revise the first paragraph as follows:

The overall land use concepts are:

- Preserving compatibility with adjacent residential uses and ensuring appropriate transitions at the edges.
- Providing flexible uses to promote commercial and residential redevelopment within the core of the Sector Plan area along Westbard Avenue [and River Road].
- [Allowing] Retaining existing Moderate Industrial zones [to remain while providing flexible options for properties in the future if requested].
- Preserving established institutional uses.
- Recognizing Willett Branch as the primary community asset.

Specific recommendations achieving these concepts are explained in Chapter 3, where land use is detailed in five separate and distinct geographical districts.

Page 18: Revise the second bullet on the right side of the page as follows:

- This sector plan area is not appropriate for [big box or] combination retail stores, and large single tenant retail stores [of equal or greater size], not including a grocery store or health club, may be restricted at time of regulatory review based on compatibility with the surrounding communities.

Page 19: Amend the first two bullets on the page as follows:

- Preserve [the majority of] industrially zoned land to maintain its competitive advantages and minimize disruption of its operations.
- [Allow modest industrial land conversions, where new development will remain compatible with or adequately buffered from surrounding land uses.]

Page 21: Revise map as necessary to be consistent with Council changes to the Sector Plan.

Page 22: Insert text before “2.2 Community Facilities” as follows:

## **2.2 Affordable Housing**

To remain a vibrant, thriving community, Montgomery County must have a well-balanced economy, adequate services and schools, and resources that meet the needs of its citizens. A key factor is providing affordable housing that meets the needs of its residents. The Housing Element of the General Plan has as one of its three goals:

Encourage and maintain a wide choice of housing types and neighborhoods for people of all incomes, ages, lifestyles, and physical capabilities at appropriate locations and densities. Implement policies to bridge any housing affordability gaps.

Among the strategies and objectives:

- Making housing affordable to low, moderate, and middle income households a priority in all parts of the County.
- Ensuring that all master plan and sector plan amendments address the need for housing for low, moderate, and middle income households and promote specific strategies to meet that need, including height and density incentives and flexibility.
- Having development regulations that produce a wide and diverse range of affordable unit types and sizes.
- Having a Zoning Ordinance that clarifies that housing affordable to low, moderate, and middle income households is a permitted use in all residential zones and removes barriers to providing affordable and special needs housing.
- Considering surplus public properties as potential sites for affordable housing available to public and nonprofit agencies for assisted or below market housing.

The existing shortage of affordable housing makes close-in locations, such as Westbard, prime candidates for moderate infill housing development. County Policy is focused on providing new housing opportunities in these areas without overburdening the school district and local transportation networks.

### **Existing Affordable Housing options in Westbard**

Housing in Westbard is primarily single-family detached homes and mid- to high-rise apartment buildings, although there are a few townhouses in the Plan area. The vast majority are market rate. At this time, there are approximately 47 rent-restricted affordable housing units, either as Moderately Priced Dwelling Units (MPDUs), Housing Opportunities Commission controlled units, or as Workforce Housing. This represents approximately 4 percent of the total number of units in the Plan area. This lower level of affordable housing is due to the fact that the majority of the housing stock was built prior to the MPDU law, which was passed in 1974. In addition, no MPDUs were required when the Park Bethesda property was converted from offices to residential units.

### **Affordable Housing in the Westbard Sector Plan**

The Westbard Sector Plan seeks to accommodate mixed income development to support broader economic diversity within the Westbard Sector Plan area. Such development can provide much-needed public benefits and amenities, allow residents to age in place, and increase and improve housing choices.

One of the Plan's challenges is to make up for the lack of housing affordability in the Westbard Sector Plan area. Current MPDU law in Montgomery County requires new development with 20 or more dwelling units to provide at least 12.5 percent of the units as affordable to households earning up to 65 percent of the Area Median Income. To better promote affordability, the Plan mandates all new housing developed under the optional method of development to provide 15 percent MPDUs. In addition, this should be the top priority for public benefits required under the CRT zone for any new development within the Plan area.

The current owner of sites 1-5 (Equity One) contemplates filing a single sketch plan for the entirety of sites 1 through 5. The plan as a whole must meet the 15 percent MPDU requirement. This requirement should be met to the maximum extent possible without increasing heights in locations that would most impact adjacent lower-density residential neighborhoods (such as the Manor Care site). While affordable housing should be located throughout the property, modest variations in the percentage among individual parcels (as currently allowed by County law with the approval of the Director of the Department of Housing and Community Affairs) may help minimize the impact of increased height on adjacent homeowners.

The MPDU program should not be viewed as the sole remedy to achieve greater housing affordability in Westbard. To resolve this challenge requires a more comprehensive set of recommendations and cooperation with other agencies and policy makers. The following sites have made a commitment to provide more than 15 percent MPDUs:

- Site 4a, located in the Westbard Avenue District, is presently leased by the Housing Opportunities Commission (HOC) and currently has 43 affordable units out of approximately 212 total. HOC has plans to build approximately 150 new units on Site 4b, with approximately 30 percent of new units to be affordable.
- Site 6b, also located in the Westbard Avenue District, has made a commitment to providing a minimum 15 percent MPDUs and 10 percent workforce housing on all new development over 35 feet in height.

The recommendations to increase the number of affordable homes and further expand the affordable housing choices in the Westbard Sector Plan area will also help support the local economy by attracting new residents with varying income levels. Given these residents' lower levels of car ownership, they are more likely to shop at existing small businesses and new retail and commercial uses that will be located in Westbard.

Recommendations to help encourage affordability include:

- Requiring 15 percent MPDUs on all Optional Method Projects.
- Prioritizing affordable housing under the public benefits requirements in the CRT zone.
- Preserving and creating affordable housing through the targeted use of tax credits and other financing tools that support public/private partnerships.
- Encouraging live/work units in appropriate locations.
- Providing a range of unit sizes, including those accommodating larger families.
- Supporting a range of on-site services, facilities, and programs targeted to affordable or subsidized units.

Page 22: Renumber section “2.2 Community Facilities” to “2.3 Community Facilities”.

Page 22: Revise the last two bullets on the page as follows:

- Civic [Building] Space – The Westwood Shopping Center, owned by Equity One, is the site for a proposed indoor civic use. This future facility could offer a community space used for public meetings, community events and indoor festivals.
- [Public Schools – The Long Range Planning Division of the Montgomery County Public School system has several options for addressing increases in student enrollment.]

Page 23: At the end of the page, add a new subsection titled “2.3.4 Montgomery County Public Schools” as follows:

2.3.4 Montgomery County Public Schools

At the time this Plan is adopted, the Westbard Sector Plan is within the service areas of schools in the Bethesda-Chevy Chase (B-CC) and Walt Whitman clusters. In the B-CC Cluster, the Plan is within the service areas of Somerset and Westbrook elementary schools, Westland Middle School, and Bethesda-Chevy Chase High School. In the Walt Whitman Cluster, the Plan is within the service areas of Wood Acres Elementary School, Thomas W. Pyle Middle School, and Walt Whitman High School. Enrollment increases have been occurring at all these schools, and a variety of strategies would be considered to accommodate additional students resulting from the increased residential density.

A potential unit yield and mix scenario under the Plan could result in approximately 135 townhouse units, 487 multi-family mid-rise units, and 516 multi-family high-rise units (these numbers may change at time of site plan, depending on unit yield, mix and size). Based on average student generation rates for this area of the County (Southwest Region), Montgomery County Public Schools (MCPS) estimates that at full build out, the new housing would result in approximately 99 elementary school students, 43 middle school students, and 53 high school students. Build out of the Plan requires redevelopment of many properties and is estimated to take 20 to 30 years.

A comparison of projected enrollment and program capacity in the Walt Whitman and B-CC Clusters is shown below. The enrollment forecasts are based on the Westbard Sector Plan, the

Draft Lyttonsville and Bethesda CBD Sector Plans, and the boundaries between the two clusters as of the spring of 2016.

Combined Long-Term Enrollment Forecast in the Walt Whitman Cluster

	<u>ES Enrollment</u>	<u>MS Enrollment</u>	<u>HS Enrollment</u>
<u>Walt Whitman Cluster in 2030 without new plans</u>	<u>2,500</u>	<u>1,500</u>	<u>2,300</u>
<u>Westbard Plan*</u>	<u>99</u>	<u>43</u>	<u>53</u>
<b>Total</b>	<b><u>2,599</u></b>	<b><u>1,543</u></b>	<b><u>2,353</u></b>

Combined Long-Term Capacity Potential in the Walt Whitman Cluster

	<u>ES Capacity</u>	<u>MS Capacity</u>	<u>HS Capacity</u>
<u>Walt Whitman Cluster in 2016</u>	<u>2,342</u>	<u>1,289</u>	<u>1,891</u>
<u>Whitman HS, planned addition</u>			<u>+507</u>
<u>Pyle MS, planned addition</u>		<u>+213</u>	
<u>Wood Acres ES, planned addition</u>	<u>+229</u>		
<u>Whitman elementary schools, increase capacities to 740**</u>	<u>+1,146</u>		
<u>Use 4 closed Whitman Cluster elementary school sites***</u>	<u>+2,580</u>		
<u>Potential second addition at Whitman HS to 2,900 capacity</u>			<u>+502</u>
<b>Total</b>	<b><u>6,297</u></b>	<b><u>1,502</u></b>	<b><u>2,900</u></b>

\*The additional housing in the Westbard Plan area is entirely in the Whitman Cluster.

\*\*Except Wood Acres ES, which will have a capacity of 757 students with its planned addition.

\*\*\*Clara Barton ES, Brookmont ES, Concord ES, and Fernwood ES. Radnor ES is not assumed, as it is a holding school. Assume new schools are built on these sites, with a 550-student capacity at schools with 4 acres or less (Clara Barton and Concord) and 740-student capacity at the others.

Combined Long-Term Enrollment Forecast in the B-CC Cluster

	<u>ES Enrollment</u>	<u>MS Enrollment</u>	<u>HS Enrollment</u>
<u>B-CC Cluster in 2030 without new plans</u>	<u>3,600</u>	<u>1,900</u>	<u>2,400</u>
<u>Westbard Plan*</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Draft Bethesda CBD Plan</u>	<u>405</u>	<u>170</u>	<u>220</u>
<u>Draft Lyttonsville Plan**</u>	<u>145</u>	<u>60</u>	<u>80</u>
<b>Total</b>	<b><u>4,150</u></b>	<b><u>2,130</u></b>	<b><u>2,700</u></b>



Combined Long-Term Capacity Potential in the B-CC Cluster

	<u>ES Capacity</u>	<u>MS Capacity</u>	<u>HS Capacity</u>
<u>B-CC Cluster in 2016</u>	<u>3,864</u>	<u>1,097</u>	<u>1,683</u>
<u>B-CC HS, planned addition</u>			<u>+724</u>
<u>B-CC MS #2, planned new school</u>		<u>+930</u>	
<u>B-CC MS #2, increase capacity to 1200</u>		<u>+270</u>	
<u>Westland MS, increase capacity to 1200</u>		<u>+103</u>	
<u>B-CC elementary schools, increase capacities to 740***</u>	<u>+824</u>		
<u>Use 2 closed B-CC Cluster elementary school sites****</u>	<u>+1,290</u>		
<b><u>Total</u></b>	<b><u>5,978</u></b>	<b><u>2,400</u></b>	<b><u>2,407</u></b>

\*The additional housing in the Westbard Plan area is entirely in the Whitman Cluster.

\*\*The Lyttonsville Plan area is split between the B-CC and Downcounty Consortium (Einstein) Clusters. These enrollment forecasts are for the portion of Lyttonsville that is currently within the B-CC Cluster.

\*\*\*Except Chevy Chase ES and Somerset ES, which are on sites less than 4 acres.

\*\*\*\*Lynnbrook ES and Rollingwood ES. Assume new schools are built on these sites. Assume 740-student capacity at Lynnbrook and 550-student capacity at Rollingwood, which is only 4.07 acres.

Because the full impact of the Plan on school enrollment will not be realized for many years, it is not possible to precisely gauge the impact on public schools. School enrollments in the area will change over the 20- to 30-year time frame of the plan. MCPS enrollment forecasts and associated facility plans and capital projects focus on a six-year timeframe—not a 20- to 30-year period. Therefore, the following descriptions of options to accommodate additional students from the Plan describe current enrollment projections and capital projects. Following these comments, the approaches MCPS may employ to address enrollment increases are provided. All approaches require Board of Education approval.

Elementary Schools

At the elementary school level, Somerset and Westbrook elementary schools recently had additions completed. Site constraints indicate that no further additions are feasible at these two schools. Enrollment at Somerset Elementary School is projected to be above capacity for all but the last two years of the six-year forecast period. Enrollment at Westbrook Elementary School is projected to remain within the capacity of the school. A building addition at Wood Acres Elementary School will be completed in August 2016, and the school is projected to remain within capacity for the six-year forecast period. The new addition will take the school to the high end of the desired size for elementary schools.

If there is insufficient surplus capacity available at Somerset, Westbrook, and Wood Acres elementary schools by the time new housing occupancies occur in the Plan area, then MCPS would explore the following range of options to serve additional elementary school students:

- Determine if there is surplus capacity or the ability to increase the capacity of elementary schools in the B-CC or Walt Whitman clusters and reassign students to a school(s) with space available. Options in the B-CC Cluster for increasing the capacity of elementary schools are limited by recent additions and site constraints. However, in the Whitman Cluster it is feasible to increase the capacity of Bannockburn Elementary School that has a service area adjacent to the Wood Acres Elementary School service area. Two additional elementary schools in the Walt Whitman Cluster, Burning Tree and Carderock Springs elementary schools, also are small by current standards and could be increased in capacity.
- If the capacity of existing elementary schools, even with additions built, is not sufficient to address increased enrollment, then the opening of a new elementary school would be considered. A new elementary school could be provided in one of two ways:
  - A former operating elementary school could be reopened. There are two former operating elementary schools in the B-CC Cluster—Lynnbrook and Rollingwood elementary schools. (Lynnbrook is identified as a future operating elementary school in the Bethesda Downtown Plan.) There are four former operating elementary schools in the Walt Whitman Cluster that could be considered—Clara Barton, Brookmont, Concord, and Fernwood elementary schools. This list does not include the former Radnor Elementary School because it is used as an elementary school holding center and is needed for the MCPS revitalization/expansion program.
  - Construct a new elementary school. There currently are no future elementary school sites in the B-CC and Walt Whitman clusters; therefore, a site-selection process would need to be conducted for a new elementary school, and collocation and/or purchase of a site may be required.

### Middle Schools

At the middle school level, Westland Middle School is projected to be over capacity by more than 600 students in the coming years. A second middle school, Bethesda-Chevy Chase Middle School #2, is scheduled to open in August 2017. The boundaries for the new middle school and changes to the Westland Middle School service area will be acted on in November 2016. It is anticipated that there will be space available at both middle schools after the new middle school opens.

Thomas W. Pyle Middle School is projected to be over capacity by more than 200 students in the coming years and to enroll over 1,500 students. An addition is scheduled to open in August 2020 that will increase the capacity to 1,502 students. However, there will be little space available at the school, even with the addition. Also, the middle school will be at the high end of desired size for middle schools.

If there is insufficient surplus capacity at Thomas W. Pyle Middle School, Westland Middle School, and the new B-CC Middle School #2 by the time new housing occupancies occur in the Plan area, then MCPS would explore the following range of options to serve additional middle school students:

- Construct an addition at B-CC Middle School #2 or Westland Middle School. Both schools are capable of supporting additions.
- Determine if there is surplus capacity or the ability to increase the capacity of middle schools adjacent to the B-CC and Walt Whitman clusters and reassign students to a school with sufficient capacity. Middle schools adjacent to the B-CC Cluster include Newport Mill, North Bethesda, Thomas W. Pyle, and Sligo Middle Schools. Middle schools adjacent to the Walt Whitman Cluster include Cabin John, Herbert Hoover, North Bethesda, and Westland Middle Schools.
- Construct a new middle school. There currently are no future middle school sites identified in the B-CC and Walt Whitman clusters. A middle school site, known as Brickyard Middle School, is located in the adjacent Churchill cluster. A site selection process would be conducted for a new middle school in the region and, if the Brickyard Middle School site is not selected, then collocation and/or purchase may be required.

#### High Schools

At the high school level, Bethesda-Chevy Chase High School is projected to be over capacity by more than 700 students and to enroll up to 2,500 students in the coming years. An addition is scheduled to open in August 2018 that will increase the capacity to 2,407 students. The school will then be at the high end of the desired size for high schools. In addition, site constraints will preclude further expansion of the school.

Walt Whitman High School is projected to be over capacity by more than 300 students and to enroll over 2,300 students in the coming years. An addition is scheduled to be constructed on the location of the Whittier Woods site, adjacent to the high school. The addition is scheduled to open in August 2020 and will increase the capacity to 2,398 students. During the feasibility study, a location for additional classrooms was identified. Therefore, the high school could be expanded beyond the 2,398 capacity if needed.

If there is insufficient surplus capacity at B-CC and Walt Whitman high schools by the time new housing occupancies occur in the plan area, MCPS would explore the following range of options to serve additional high school students:

- Determine if there is surplus capacity or the ability to increase the capacity of high schools adjacent to the B-CC and Walt Whitman clusters and reassign students to a school with available space. High schools adjacent to the B-CC Cluster include Albert Einstein, Walter Johnson, and Walt Whitman High Schools. High schools adjacent to the Walt Whitman Cluster include Bethesda-Chevy Chase, Winston Churchill, and Walter Johnson.

- Reopen a former high school. The former Woodward High School is located in the Walter Johnson cluster on Old Georgetown Road in Bethesda. This is the only former high school in the MCPS inventory. The facility currently houses Tilden Middle School; however, Tilden Middle School will be relocated to its original Tilden Lane location when its revitalization/expansion project is completed in August 2020. The Woodward facility is currently slated to become a holding center for middle schools undergoing revitalization/expansion projects, once Tilden Middle School is relocated.
- Construct a new high school. There currently are no future high school sites identified in this area of the County; therefore, a site selection process would be conducted for a new high school in the region, and collocation and/or purchase may be required.

Page 23: Add Graphics for Schools (Figures X.X.X) that reflect Council changes.

Page 24: Renumber section “2.3 Transportation” to “2.4 Transportation”.

Page 26: Revise “2.3.2 Roadways” as follows:

[2.3.2] 2.4.2 Roadways

It is recommended that the Westward Sector Plan area be designated as an Urban Area for the application of [New] Road Code Standards. The area should also be designated as a Bicycle Pedestrian Priority Area (BPPA) to facilitate funding for bicycle and pedestrian improvements.

*A. Roadway Right-of-Way and Design Elements*

River Road-MD 190 (M-2)

(110-foot minimum right-of-way; West Sector Plan Boundary to East Sector Plan Boundary):

River Road is a major highway that provides east-west local connectivity. The segment contained within the Plan area measures approximately 1,800 linear feet. There are numerous curb cuts along this short segment of roadway that add to traffic stress on River Road. The vast amount of curb cuts contribute to many friction points caused by turning vehicles accessing local businesses, as well as through traffic on River Road. In order to improve operations and enhance the safety on River Road, this Plan recommends that the curb cuts be reduced and driveway access points be consolidated in a logical pattern that allows for improved driveway and intersection spacing. Inter-parcel access should be provided to allow for driveway consolidation. This Plan also recommends the installation of traffic signals on River Road at its intersections with B-2/B-3 (Landy Lane) and with B-4 (Clipper Lane). Finally, a median should be provided with left turn lanes for access to the consolidated driveways.

River Road should contain the following elements within the right-of-way:

- Travel Lanes: Two[,] 11-foot lanes per direction.
- Median: To accommodate a left turn lane and pedestrian refuge area.

- Separated Bike Lane: 11-foot-wide, two-way separated bike lanes (cycle track) on the north side with a buffer.
- Landscape Buffer: To accommodate street trees.
- Sidewalks: Minimum 15-foot-wide (due to constraints associated with the Capital Crescent Trail, the sidewalk may need to be narrower under the CCT bridge).

#### Westbard Avenue (MA-5)

(74-foot minimum right-of-way; Massachusetts Avenue to Westbard Circle):

This [minor arterial] business district street is the major north-south [street] connection for residents and businesses in the area. A shared-use path is recommended on [both sides] the west side of the street to facilitate access to the school and library on the west side of the street [, and because of the steep slope of the road on the east side (heading north)]. The shared-use path will transition to a cycle track and a sidewalk along Street B-1 north of Westbard Circle.

Westbard Avenue should contain the following elements within the right-of-way:

- Travel Lanes: Two[,] 10-11-foot-wide lanes per direction.
- Median: None.
- Landscape Buffer: To accommodate street trees.
- Shared-use Path: Provide on [both sides] the west side of the street.

Page 27: Revise the Roadway Classifications Map (Figure 2.3.1) to reflect Council changes.

Page 29: Revise “Table 2.3.1: Roadway Classification” to reflect Council changes. Include a column titled “Target Speed” and show the target speed to be 30 mph for River Road, 35 mph for Little Falls Parkway, and 25 mph for all other streets. Add Little Falls Parkway to the table, with “N/A” for designation, with limits from Dorset Avenue to Massachusetts Avenue, 2 lanes, and “N/A” for minimum right-of-way.

Page 29: Revise as follows:

#### Westbard Avenue extended/Ridgefield Road (B-1)

([100]110-foot minimum right-of-way[;]: Westbard Circle to Ridgefield Road; 100-foot minimum right-of-way: Westbard Avenue to River Road):

Westbard Avenue, a business district street, heading toward River Road should be reconfigured to [prioritize the traffic movement from Westbard Avenue to Ridgefield Road] tie directly to River Road with a right-angled intersection, instead of teeing into Ridgefield Road [to River Road]. This reconfiguration would create Westbard Avenue extended that would connect directly with River Road. (Ridgefield Road would be reconfigured [and would no longer connect directly to River Road.] to tee into reconfigured Westbard Avenue extended. The block of Westbard Avenue south of River Road would tee into Ridgefield Avenue.) Westbard Avenue should be studied to evaluate the feasibility and implementation of on-street, off-peak

parking. Special consideration should be given to implementation of on-street parking on weekends and whether this weekend parking could be accommodated due to the retail and residential demands during those days.

Westbard Avenue should contain the following elements within the right-of-way:

- Travel Lanes: Two lanes per direction.
- Median: [None] 6-foot wide for pedestrian refuge; mountable curb/load bearing construction for emergency access.
- Separated Bike Lane: 5-foot-wide, one-way separated bike lane (cycle track) on each side of the road [with] outside of the curb to provide a buffer from traffic.
- Landscape Buffer: To accommodate [street trees] utility poles.
- Sidewalks: [15] 13-foot-wide at a minimum, except in the realigned portion where they should be 11 feet wide at a minimum.

The Montgomery County Department of Transportation should explore whether additional traffic signals are needed on Westbard Avenue.

Neighborhood Protection: Westbard Avenue (Residential Portion)

This Plan endorses the permanent closure of the residential portion of Westbard Avenue between River Road and Ridgefield Road at the River Road end. The closure should not occur until the existing Westbard Road/River Road intersection is realigned to intersect River Road with a right-angled turn. The closed end should have a 3-inch-high mountable curb to allow emergency vehicles to access the block from River Road. The closed end should be reconstructed to create a turnaround. Action on this closure is predicated on the submittal of a formal neighborhood application for street closure in accordance with Chapter 49 of the County Code, and its subsequent approval by the County Council.

The Department of Transportation and the State Highway Administration should work with the Kenwood community to develop a design and operations plan for the River Road/Brookside Drive intersection that better protects Kenwood from cut-through traffic without restricting safe and convenient access between realigned Westbard Avenue and River Road.

New Connector Road (B-2)

([52] 54-foot minimum right-of-way; Westbard Avenue to River Road):

This business district street would improve local connectivity and contribute to providing a parallel route to Westbard Avenue. The street would serve local developments as well as provide a more direct connection to destinations on River Road on the west side of the Capital Crescent Trail (CCT). It would also provide for access to the CCT directly from Westbard Avenue. This street should align opposite intersections and consolidate adjacent driveways to the extent practicable at the time of implementation. Final road alignment and design should minimize conflicts between automobiles and park and trail users. The design and alignment of

the road should be context sensitive to minimize impacts on existing and proposed parkland. If an alignment is chosen that runs adjacent to the CCT, then a high visibility pedestrian/bicycle crossing should be implemented that signifies a major trail connection.

[Westbard Avenue] The New Connector Road should contain the following elements within the right-of-way:

- Travel Lanes: one[, 10-]11-foot-wide lane per direction.
- Median: None.
- Bikeways: On-street.
- Parking: On-street on the west side.
- Landscape Buffer: To accommodate street trees.
- Sidewalks: Minimum 5-foot-wide.

Landy Lane (B-3)

(54-foot minimum right-of-way; Little Falls Parkway to River Road):

This business district street would improve local connectivity, provide an alternative to cut-through traffic through Kenwood, and contribute to providing relief to the Little Falls Parkway/River Road intersection. The street would serve local developments as well as provide a more direct connection to destinations on River Road on the west side of the Capital Crescent Trail (CCT).

- Travel Lanes: one 11-foot-wide lane per direction.
- Median: None.
- Bikeways: On-street.
- Parking: On-street on the west side.
- Landscape Buffer: To accommodate street trees.
- Sidewalks: Minimum 5-foot-wide.

Page 30: Revise the Westbard Avenue sections (Figure 2.3.3) to reflect Council changes.

Page 31: Revise the Westbard Avenue sections (Figure 2.3.4) to reflect Council changes.

Page 32: Revise the Bikeway Classifications Map (Figure 2.3.5) to reflect Council changes.

Page 33: Revise the Proposed Connector Road sections (Figure 2.3.6) to reflect Council changes.

Page 34: Revise “B. Additional Roadway Recommendations” as follows:

*B. Additional Roadway Recommendations*

A grid of streets should be created on the Westwood Shopping Center property (Giant Food) to provide connectivity for future development. The connections should accommodate two-way vehicular travel and on-street parking. A concept diagram of the grid of street is shown in

Figure 2.3.1[.] on page 27; however, the exact location and alignment will be determined with new or redevelopment of the site. An example of a local street is provided in the cross-section below.

For properties to the north of River Road and east of the Capital Crescent Trail, if and when they are consolidated for redevelopment, a parallel service road/alley should be considered to improve traffic operations, reduce curb cuts, and help implement the recommended Sector Plan cross section for River Road.

A long-term recommendation of this Plan is a [street] connection in a public right-of-way between River Road and Westbard Avenue at what is currently the American Plant Food Company [and Roof Center] property (5258 River Road). This [road] connection would [provide an opportunity for a local connection and extending the street grid] facilitate travel from the Westwood Shopping Center site north to River Road. Additionally, the [street] connection would [improve pedestrian and bicycle circulation by providing] provide more direct access from the redevelopment area on Westbard Avenue to [River Road as well as to] the [renovated] naturalized Willett Branch stream. This connection should be implemented with private development and [would] could be improved as either a vehicular road with a reduced right-of-way for only two travel lanes and pedestrian and bicycle accommodation or [at least a] as an exclusive pedestrian/[bikeway] bicycle connection, the final determination of which should be made at the time of regulatory approval by the Planning Board. The expectation is that the Housing Opportunities Commission property will be developed at an FAR of 2.5 and a height of 75'. To the extent that that development program can be accommodated with a vehicular connection, such a connection should be built; if not, it should be built as strictly a pedestrian/bicycle connection. [The] This connection is contingent on the assemblage of sufficient contiguous properties, as specified in the Land Use section of this Plan.

In order to maintain a balance between land use and transportation, intersection improvements may be needed, based on more detailed studies. Intersection improvements should balance the competing needs of all transportation modes when being considered. Additionally, exclusive right-turn lanes should be avoided to the extent possible, both at intersections and at driveways. For this reason, exclusive right-turn lanes are not part of the minimum right-of-way recommendations.

Page 35: Add a new subsection titled “River Road/Little Falls Parkway Intersection” following “Local Area Traffic Analysis” as follows:

#### River Road/Little Falls Parkway Intersection

The River Road/Little Falls Parkway intersection, like all study intersections within the Plan area, is projected to remain within acceptable County standards for intersection congestion through the Plan’s horizon year, 2040. A prior recommendation for this intersection, included in the Approved and Adopted 1998 Friendship Heights CBD Sector Plan and the Master Plan



of Highways and Transportation, identified the need for an additional through-lane in the northwest (i.e., outbound) direction. This Plan deletes that recommendation.

Page 35: Renumber “2.3.3 Transit” to “2.4.3 Transit”.

Page 35: Under “A. Local Bus Service”, revise the first sentence in the second paragraph as follows:

Transit service that is frequent [and, if possible, branches into the nearby communities] should be provided to increase the use of transit for trips to, from and within Westbard.

Pages 35-36: Insert bullet after first bullet under “B. Transit Facilities and Enhancements” as follows:

*B. Transit Facilities and Enhancements*

Transit enhancements should be provided to increase the use of transit in the Westbard area. These include, but are not limited to, the following:

- Transit hub in the redevelopment area on Westbard Avenue. Space should be reserved for bicycle facilities, such as a bike share station and long-term bicycle parking. Real-time information display for transit service should be incorporated into the transit hub. If the transit hub is not located within the redevelopment area but on Westbard Avenue, then there should be a stop on each side of the road.
- When demand warrants, initiate a limited-stop bus route running from Bethesda-Westbard-Friendship Heights-Westbard-Bethesda.
- Enhanced transportation stops in the Westbard area with heavy transit usage and/or adjacent to redevelopment areas. These stops are envisioned to have shelters and real-time information displays.
- Implementation of bus priority measures. This could include signal priority, which would need to be determined by the Montgomery County Department of Transportation.

Page 36: Revise “2.3.4 Bicycle and Pedestrian Facilities” as follows:

[2.3.4] 2.4.4 Bicycle and Pedestrian Facilities

Wide sidewalks, as depicted in the cross sections, should be implemented where heavy pedestrian traffic is expected or desired. These sidewalks should be of sufficient width to invite and encourage walking in the Westbard area. An enhanced at-grade crossing of River Road at the CCT should be provided to facilitate an easier and faster crossing of River Road for pedestrians and bicyclists. The enhancement could be tied into a possible signal that could be located at the Landy Lane/River Road intersection. As depicted in Figure 2.3.8, in order for a pedestrian using the CCT to cross from one side of River Road to the other, the person must cover a distance of nearly [1,000] 2,000 feet or seven and one half minutes. Providing a direct at-grade crossing of River Road would shorten this distance to 80 feet or about 20-30 seconds.

Page 36: Revise the caption to the figure titled “2.3.8 CCT Access” as follows:

Existing River Road pedestrian crossing at the CCT: 1,840 linear feet

Page 37: Revise “Westbard Avenue/Ridgefield Road (LB-1)” as follows:

Separated Local Bike Lanes; River Road to Massachusetts Avenue

The separated bike lanes are a one-way cycle track on each side of Westbard Avenue/Ridgefield Road from River Road to Westbard Circle. The one-way cycle tracks on Westbard Avenue would transition to an off-road shared-use path on [both sides] the west side of the road south of Westbard Circle to Massachusetts Avenue. The separate bike lanes would provide a continuous bikeway from Massachusetts Avenue through the redevelopment area along Westbard Avenue to River Road. This bikeway would provide north-south connectivity within the Plan area and would serve as the primary bike route to access businesses and residences along Westbard Avenue.

Page 37: Remove the section titled “New Connector Road (LB-2)” as follows:

[New Connector Road (LB-2)

On-road Shared Lane; River Road to Westbard Avenue

The roadway is envisioned to be a low speed road that would allow for bicyclists to safely share the travel lane with vehicles. This road would also lead to a proposed new connection to the Capital Crescent Trail.]

Page 39: Renumber section “2.3.5 Transportation Demand Management” to “2.4.5 Transportation Demand Management”.

Pages 40-56: Renumber headings in sections 2.4 through 2.6 to reflect earlier additions.

Page 41: Revise “A. Policy Guidance” as follows:

*A. Policy Guidance*

The 2012 Parks Recreation and Open Space (PROS) Plan focuses on how the parks and recreation system should be designed to meet the needs of the County’s growing population and improve its quality of life. Central to the PROS Plan are strategies to ensure the “right parks” are put in the “right places” by recommending the type, number and general location of lands and facilities needed through 2022. PROS guides current and future plans for urban parks, trails, dog parks, community gardens and other needed facilities.

As the County becomes more urban, acquiring park sites in growth areas is increasingly difficult because of competition for land. [The Urban] Park Guidelines, approved by the County Planning Board as part of PROS, recommend that a system of parks and open spaces be provided for every [urban] Master Plan or Sector Plan area through a combination of public

and private efforts. The parks recommended in this chapter are based on approved policies, such as PROS, as well as community input. These guidelines appear in Appendix X, and Figure 2.4.1 displays where these different types of parks and open spaces will be located in Westbard.

Page 41: Move the section titled “B. PROS Urban Parks Hierarchy” to the Appendix.

Page 42: Revise the second bullet as follows:

- A central “civic green” urban park (see Chapter 3 for details), ranging in size from 1/2 to 2 acres, depending on projected densities, located in close proximity to a public transit hub, next to activating uses, with a mixture of hard and soft surfaces, including a central lawn area for events. (The Westbard Sector Plan recommends a civic green approximately ½ acre but no less than 1/3 acre.)

Page 43: Add the following bullet at the bottom of page 43:

- Support the Coalition for the Capital Crescent Trail initiative to construct a new plaza space alongside the Capital Crescent Trail, north of River Road.

Page 45: Revise “2.4.3 Urban Form” as follows:

#### 2.4.3 [Urban] Built Form

The [urban] built fabric of the Plan is characterized by the wide open spaces of large surface parking lots and low-slung retail and industrial buildings. The major streets act as through-streets in Westbard, carrying commuter traffic to and from destinations in and around Washington, D.C. There is no network of street and sidewalks that can accommodate local vehicular and pedestrian traffic within and around Westbard, and four buildings over 100 feet in height stand alone in the landscape.

Given this context, the goal of this Sector Plan update is to create a low scale building fabric, composed of small blocks and walkable streets, heights of new buildings [of approximately six stories or less (maximum 75-foot heights)] limited based on location, and open spaces integrated into the new system of streets and buildings.

Page 45: Revise the bullets under the heading “Recommendations” as follows:

- Allow building heights ranging from 75 feet to 110 feet on the east side of Westbard Avenue.
- Limit building heights to 60 feet on the [west side of Westbard Avenue] Westwood Shopping Center site. [and]
- Limit buildings adjacent to existing single-family neighborhoods to 35 or 45 feet.
- Allow 75 feet of height in the proposed floating zone proposed for the [South River District] River Road Corridor.

Page 46: Revise Goal 2 as follows:

Goal 2: Create a network of local streets and pedestrian connections, both public and private, to accommodate local vehicular and pedestrian travel, while alleviating gridlock caused by pass-through commuter traffic.

Page 46: Revise the second bullet under Goal 3 Recommendations as follows:

- [Renovate] Naturalize the Willett Branch stream to provide a much needed community amenity and environmental enhancements.

Page 48: Revise the Recommended Building Heights Map (Figure 2.4.4).

Page 49: In the second paragraph of the first bullet, insert a sentence after the first sentence as follows:

To create a more naturalized – although still channelized – stream, the stream will be naturalized by removing the concrete-lined channel, except where regulatory review deems it not possible or advisable.

Page 50: Insert a sentence at the end of the paragraph titled “Stormwater Management (SWM) as follows:

To maximize potential benefits, SWM treatment should be done on-site wherever feasible, and the use of waivers should be limited.

Page 58: Revise the second sentence in the second paragraph as follows:

Westmoreland Hills (1930s) and Westhaven (1940s) [was] were followed in the 1950s by the nearby Springhill, Sumner, [Westmoreland Hills,] Glen Mar Park and Massachusetts Avenue Hills developments.

Page 60: On “Figure 3.0.1 Districts Map”, change Ridgefield Avenue to Ridgefield Road.

Page 61: Revise as follows:

**Chapter 3: Districts**

The Sector Plan has five identifiable areas that are unique from each other and present different challenges and opportunities. Accordingly, the Sector Plan has been divided into five Districts. They are the following[;]: 1-Westbard Avenue District; 2-River Road Corridor; 3-North River District; 4-South River District; 5-South Westbard District. Recommendations for each District are detailed in this chapter.

The Westbard Avenue District lies at the heart of the Plan area. It is bounded by Willett Branch to the east, the Springfield community to the west, River Road to the north and Westland

Middle School and [Westbard] Westwood Mews townhouses to the south. The dominant feature of this district is the Westwood Shopping Center with its vast, impervious, asphalt parking lots.

The vision for improving the Westbard Avenue District is to transform the parking lots into an inviting, livable and walkable village with stores and apartments. A central outdoor space, new pocket parks and a Neighborhood Green Urban Park would provide places for gathering, leisure and recreation. These green amenities would create a transitional zone between the Westwood commercial and residential developments and the adjacent Springfield neighborhood.

Pages 62-63: Revise “3.1.1 Land Use and Zoning” as follows:

### **3.1.1 Land Use and Zoning**

This District is composed of those properties fronting Westbard Avenue between River Road and the [Westbard] Westwood Mews townhouses. The Plan recommends the Commercial/Residential Town (CRT) zone, ranging in heights between 35 and 110 feet, and densities up to [2.5] 3.0 floor area ratio (FAR). More specific recommendations are as follows:

- [Along the west side of Westbard Avenue (parcel 235 and 360, see pg. 67), heights of 60 feet.
- On the east side of Westbard Avenue, heights of 110 feet (parcels 303 and 357). Taller buildings here will keep the core of density away from the single-family residential communities to the west. They will be located where building heights of 120 to 150 feet already exist.
- At Westwood Towers (parcels 143, 175, 238 and 240), the Plan recommends a CRT zone with an FAR of 2.5 and a maximum height of 75 feet.
- Westbard Avenue District Site 2 (Figure 3.1.1 Proposed Zoning Map – Westbard Avenue District) parcel A, - the plan strongly encourages residential as the predominant use for this parcel. Commercial uses are strongly discouraged on this site.
- Westbard Avenue District Sites 6a and 6b (Figure 3.1.1 Proposed Zoning Map – Westbard Avenue District) parcels 466, 519, 510 and 576, - Heights of buildings to range between 35 feet at the south end of the site to 110 feet at the north end. Height transitions to be gradual, avoiding abrupt changes in height. The proposed connector street between Westbard Avenue and River Road to be located as far north as practical, and the heights south of this road to be a maximum of 35 feet. The height transitions to be detailed and illustrated more fully in the Westbard Sector Plan Design Guidelines. The maximum height of 110 feet assumes the 25 percent of affordable housing.
- Westbard Avenue District Sites 6a and 6b (Figure 3.1.1 Proposed Zoning Map – Westbard Avenue District) parcels 466, 519, 510 and 576, - At the time of redevelopment, residential portions of the site greater than 35 feet in height must provide a minimum of 25% affordable housing units, including a minimum of 15% moderately priced dwelling units and 10% workforce housing units.
- The gas stations that exist on Parcels 128 and 357 on Westbard Avenue are appropriate uses, and it is anticipated that they will continue to be appropriate uses for these sites.]

Pages 62-63: Add text on individual sites and add bullets as follows:

Site 1 - Westwood Shopping Center

Site Description: 11.30 Acres. Site of the Westwood Shopping Center anchored by Giant Food Store. Several small retailers, including locally owned shops.

Existing Zoning: NR and R-60. Existing height ranges between 15' and 25'.

Existing FAR: 0.20.

Proposed zone: CRT 2.0, C 0.75, R 1.25, H 60 (Figure 3.1.1 Proposed Zoning Map – Westbard Avenue District).

Rationale for zoning change: Eight acres of the 11.3 acres is zoned NR, which allows a 0.75 Commercial with an option for 30 percent to be developed as Residential. The remaining 3.3 acres is zoned R-60, which allows single-family or townhouses. Consolidating the 11.3-acre site into one CRT zone at a C of 0.75 and an R of 1.25 with a height of 60 feet will allow a mix of commercial and residential uses currently not available. This will encourage the revitalization of an aging commercial shopping center while maintaining compatibility with the adjacent residential community to the west. This will allow an increase in the number of residential units from that currently provided for by the existing zoning.

- Maintain commercial density at 0.75 FAR.
- Allow a residential density of 1.25 FAR.
- Maximum heights of 60'.
- Implement strategies to preserve local retail to the extent practical as discussed earlier in this Plan.

Site 2 - Manor Care

Site Description: 2.15 Acres. Site of Manor Care nursing home, now vacant.

Existing Zone: R-60. Average height is 35'.

Existing FAR: 0.44.

Proposed Zone: CRT 1.0, C 0.25, R 1.0, H 45 (Figure 3.1.1 Proposed Zoning Map – Westbard Avenue District).

Rationale for zoning change: To allow townhouse development under the CRT zone, which requires contribution to Sector Plan amenities and benefits, while also maintaining compatibility with adjacent single-family neighborhood.

- Allow a Residential FAR of up to 1.0 FAR.
- Limit new development to townhouses.
- Limit height of proposed townhouses to 45 feet and provide appropriate transitions to the adjacent single-family neighborhood.

- The plan strongly encourages Residential as the predominant use for this parcel. Commercial uses are strongly discouraged on this site.

Site 3 – Westwood II Center

Site Description: 2.25 Acres. Site of the Westwood II shopping center.

Existing Zone: CRT 0.75, C 0.75, R 0.25, H 35. Existing height ranges between 25' and 45'.

Existing FAR: 0.65.

Proposed Zone: CRT 1.5, C 0.5, R 1.5, H 75.

Rationale for zoning change: A commercial FAR of 1.5 with height limited to 75 feet is recommended due to site constraints and the proposed realignment of Ridgefield Road and Westbard Avenue. The proposed height is compatible with the existing adjacent 90' tall Kenwood Tower building at the intersection of Ridgefield Road and River Road.

- The gas station that exists on Parcel 128 is an appropriate use, and it is anticipated that it will continue to be an appropriate use for this site under the CRT zone as a conditional use.

Sites 4a, Westwood Tower and 4b, Westwood Tower parking lot

Site Description: 4.10 Acres. Site of the Westwood Tower high-rise multi-family building. Presently leased by Housing Opportunities Commission (HOC) with 43 affordable housing units.

Existing Zone: R-10. Height is 165', including the occupied penthouse.

Existing FAR: 1.96.

4a: Proposed Zone: Parcels 175, 238 and 240: CRT 3.0, C 0.5, R 3.0, H 165.

4b: Proposed Zone: Parcel 143: CRT 2.5, C 0.5, R 2.0, H 75 (Figure 3.1.1 Proposed Zoning Map – Westbard Avenue District)

Rationale for zoning change: The property is composed of 5 parcels. To ensure the existing 165' tall building is compatible with the proposed zoning, the site is organized into two groups: The first group, 4a, on which the existing 165' tall Westwood Towers building is located, is composed of Parcels 175, 238 and 240. A significant portion of the site is restricted by environmental constraints such as a stream buffer and floodplain. The proposed height of 165' and FAR of 3.0 will permit this building to remain in conformance with proposed zoning.

The second group, 4b, is composed of parcels 143 (north) and 143 (south), and fronts on Westbard Avenue. The proposed zone for this group will allow the owner to build

approximately 150 additional multi-family units, with approximately 30 percent affordable housing.

- On parcels 175, 238 and 240 (4a), the Plan recommends an FAR of 3.0 and a height of 165' in order to maintain zoning conformance of the existing 165' tall building.
- On parcel 143 (north and south – 4b), the Plan recommends a CRT zone with an FAR of 2.5 and a maximum height of 75 feet.

Site 5 – Bowlmor site

Site Description: 2.49 acres. Existing Bowlmor site and Citgo gas station, built in 1960.

Existing Zone: CRT 0.75, C 0.75, R 0.25, H 45. Height 18' tall.

Existing FAR: 0.27.

Proposed Zone: CRT 2.5, C 0.5, R 2.0, H 110.

Rationale for zoning change: The proposed zone will allow the owner to build a multi-family building with ground floor retail up to a maximum height of 110'. There are existing buildings of 165' tall (Westwood Towers) and 110' (Park Bethesda) on either side of this site. The increase in height will allow a transfer of residential density from Site 1 (Westwood Shopping Center) to this site where multi-family units are compatible with the surrounding neighborhood (Westwood Towers and Park Bethesda). In addition, site constraints may reduce developable area, so a height of 110 feet is needed to facilitate development.

- Taller buildings here (parcels 303 and 357) will keep the core of density away from the single-family residential communities to the west. They will be located where building heights of 110' to 165' already exist.
- The gas station that exists on Parcel 357 is an appropriate use, and it is anticipated that it will continue to be an appropriate use for this site under the CRT zone as a conditional use.

The current owner of sites 1-5 (Equity One) contemplates filing a single sketch plan for the entirety of sites 1 through 5. Additional information regarding how these properties will meet the Sector Plan's 15 percent affordable housing requirement is in the section of the Plan on affordable housing (section 2.2).

Site 6a - Park Bethesda Additional Parking

Site Description: Approximately 2.4 acres. No improvements other than large parking lot.

Existing FAR: 0.00.

Existing Zone: R-60.

Proposed Zone: CRT 2.5, C 0.5, R 2.5, H 35.

Rationale for zoning change: The ability to transfer/average density across the entire site, thus allowing the property owner to transfer unused density to site 6b, where additional height is allowed in exchange for a commitment to 25 percent affordable housing (15 percent MPDU and 10 percent workforce housing). Compatibility is maintained by restricting the height south



of the New Connector Road LB-2 to townhouse development at a maximum height of 35 feet, which matches the adjacent townhouse community at Westwood Mews.

- Westbard Avenue District Site 6a (Figure 3.1.1 Proposed Zoning Map – Westbard Avenue District) parcels 576, and parts of 466 and 519 - Heights of buildings to be limited to 35 feet.
- The proposed New Connector Road LB-2 between Westbard Avenue and River Road to be located as far north as practical, and the heights south of this road to be a maximum of 35 feet with development limited to townhouses.
- A significant portion of the forested area west and north of Westwood Mews should be retained as a buffer for the existing development.

#### Site 6b - Park Bethesda Apartment Building and Parking

Site Description: Approximately 3.87 acres. Site of Park Bethesda Apartments. Originally built in 1964 as an office building and formerly housed a government agency.

Existing Zone: EOF 1.5, H 45.<sup>1</sup>

Existing FAR: 1.07.

Proposed Zone: CRT 2.5, C 0.5, R 2.5, H 110.

Rationale for zoning change: The existing building is a 110' tall apartment building, converted from office use in the last 10 -15 years. It is appropriate that this site be rezoned to a CRT zone, making the existing use compatible with the zone. In addition, the proposed height for new construction on this portion of Site 6b matches the existing building height and will be located in such a way that most of its mass will not be visible from Westbard Avenue or to the single-family residences to the west.

- Westbard Avenue District Site 6b (Figure 3.1.1 Proposed Zoning Map – Westbard Avenue District) parts of parcels 466, 519 and 510. Heights of buildings to to be a maximum of 110 feet. The proposed connector street between Westbard Avenue and River Road to be located as far north as practical, and the heights south of this road to be a maximum of 35 feet. The height transitions to be detailed and illustrated more fully in the Westbard Sector Plan Design Guidelines. The maximum height of 110 feet assumes the 25 percent of affordable housing.
- At the time of redevelopment, the project must provide a minimum of 25 percent affordable housing units, including a minimum of 15 percent moderately priced dwelling units and 10 percent workforce housing units. Workforce housing must be built under a binding regulation or agreement ensuring that the WFHUs are affordable to a full range of households (up to 100 percent AMI).

The Sectional Map Amendment zoning boundaries will be based on assumptions regarding the location of the new Connector Road LB-2 and set zoning boundaries accordingly. A corrective

<sup>1</sup> This building is a legal non-conforming use developed prior to the Zoning Ordinance Rewrite, which established a maximum height for this zone of 45'.

map amendment may be necessary if the location of the New Connector Road LB-2 differs from what is assumed for the Sectional Map Amendment.

Page 63: Revise the Proposed Zoning Map (Figure 3.1.1) to reflect Council changes.

Pages 63-64: Revise “3.1.2 Urban Design, Parks, Trails and Open Space” as follows:

For site 1, [The] the Sector Plan recommends:

- Dividing the existing super-block composed of the Westwood Shopping Center (parcels 235 and 360) and associated large surface parking lots (approximately 11 acres in size) into smaller streets and blocks[,] with ground-floor, street-facing retail and residential and community uses [in the stories above the retail].
- Designing new streets on the Westwood Shopping Center site to have a building-face to[-] building-face dimension of approximately 65 feet to accommodate two travel lanes, on-street parking and wide sidewalks (see Transportation 2.3 section for street rights-of-way).
- Situating most of the parking underground with some on-street and surface parking to accommodate shoppers making stop-and-go trips to service retail establishments, such as drug stores, coffee shops, etc.
- Accommodating pedestrians throughout the Westbard Avenue District and between the districts through the addition of tree-lined sidewalks and bike lanes.
- Locating [a] an indoor civic use, approximately 5,000 to 10,000 square feet, in the [center of the Westbard Avenue District] redeveloped Westwood Shopping Center. The appropriate use should be determined at the time of development in consultation with County agencies and departments.

Recommendations for public open spaces and trails in the Westbard Avenue District include:

#### **Westbard Central Civic Green**

Vision: A formally planned, flexible, programmable open space that:

- Provides a place for informal gathering, quiet contemplation or large special event gatherings.
- May support community activities, including open air markets, concerts, festivals and special events, but will not be used for programmed recreational purposes.

Purpose: The principal outdoor gathering and civic space in Westbard:

- Provides a central town green [that fronts the central civic use].
- Serves as a focal point for the existing residential community that surrounds this district or the Westbard area.
- Incorporates a central lawn as the main focus with adjacent spaces providing complementary uses.
- May include gardens, water features, shade structures.

**Recommended Size:** Approximately 1/2[-] acre but no less than 1/3 acre.

The Westbard Central Civic Green should include the following characteristics:

- Located within direct view of Westbard Avenue and adjacent to the highest concentration of commercial and civic land uses.
- Includes green lawn area for flexible use (events, ceremonies, celebrations, informal seating).
- Includes shaded areas with seating; shade provided by trees and structures.
- Designed to welcome public use; integrated into the public realm.
- Inclusive design serving all age groups.

**Springfield Neighborhood Green Urban Park**

**Vision:** Located along the north edge of the Westwood Shopping Center (parcel 235), this park is envisioned as flexible open space that will serve the residents and workers from the surrounding neighborhood or district. It may be designed for more activity than an urban buffer park.

**Purpose:** The 1982 Westbard Sector Plan indicated a need for this park, but the space was never built. This Plan repeats the recommendation to:

- Provide a needed transition between the planned Westwood Center development and the Springfield neighborhood. Provide needed space for facilities, such as a playground, a community open space or a dog park.
- Establish a place for informal gathering, lunchtime relaxation or small special event gatherings.

**Recommended Size:** Approximately 1/2[-] acre but no less than 1/3 acre.

**Willett Branch Urban Greenway/Stream Valley Park (parcels 175 and 240)**

**Vision:** To create an accessible, walkable trail[,] and an ecologically improved and naturalized stream corridor owned and managed by M-NCPPC as parkland.

**Purpose:**

- Provide greatly needed pedestrian and bicycle linkages across the plan area and between the two existing linear parks.
- Improve the ecological functioning of Willett Branch, and thus Little Falls, [and] the Potomac, and Chesapeake Bay.

Features:

- A hard surface trail loop offering users an alternative, quieter trail experience and increased connections
- A naturalized stream
- Interpretive signage

The Plan recognizes that Willett Branch will be an urban stream and will have engineered elements. The intent of the recommendations for an improved Willett Branch is to create attractive and accessible green spaces that provide interconnectivity with urban green infrastructure and that improve stream ecology. The improvements to Willett Branch need to balance and complement the goals of improving stream quality, while also allowing recommended redevelopment to proceed. Accordingly, at the time of regulatory review, stream buffer areas may be modified and/or reduced if necessary to achieve the balance described above.

**Pedestrian Linkage through Equity One/HOC Property (parcel 143)**

The property leased by the Housing Opportunities Commission (HOC) on the east side of Westbard Avenue has the potential to act as the southwestern terminus of a connection between Westbard Avenue and River Road. This connection, either a pedestrian link or a vehicular/pedestrian link between the Westbard Avenue District and River Road (at parcels 131 and 133), will create synergy between these two retail nodes. It would also serve as a gateway to the naturalized Willett Branch stream valley, providing easy access from both River Road and Westbard Avenue.

**3.1.3 Environment – Naturalization of Willett Branch**

The tributary to Willett Branch that runs along River Road has vertical/undercut banks within 6 feet of the edge of River Road, and the area has heavy pockets of invasive plants. As the stream enters a culvert, there's a log jam with extensive blockage and considerable build-up of sediment. This site restoration should include parcel 902, an approximately 3,000-square-foot property which is adjacent to the Sector Plan area and River Road. Coordination with the State Highway Administration will be necessary to complete this work.

Willett Branch enters a tunnel at the corner of River Road and Ridgefield Road (adjacent to parcel 077), re-emerging near a parking lot currently used as a dog park and overflow parking for the Housing Opportunities Commission (HOC) apartment building across Willett Branch. Water seepage from the McDonalds retaining wall flows across the floodplain-turned-parking lot to the Willett Branch. Although not open to general traffic, the bridge that connects the HOC building with the parking lot is one of the Willett Branch crossings within Westbard.

The Plan recommends the following environmental improvements:

Pages 65-66: revise list of bullets as follows:

- Deconstruct and reforest portions of the linear parking lot on the Manor Care site as part of the stream stabilization.
- Provide forest conservation credit for mitigation requirements in Westbard.
- Explore opportunities to stabilize and/or [Daylight] daylight the Kenwood tributary [on each side of Ridgefield Road]. Artfully re-engineer and enhance the existing [waterfall] water features on the east side of Ridgefield Road as an amenity.
- Designate parts of Parcels 238, 240 and 175 as a floodplain area and as a stream naturalization/amenity area for development within Westbard, and provide a landscape setting in this location that is respectful of site history.
- At parcel 175, rebuild the pedestrian crossing near the floodplain area as a connection from the Capital Crescent Trail to the new commercial center.
- Allow improvements near the stream, such as a landscaped pocket park with seating that celebrates the watershed.
- Enable the stream to serve as an amenity for adjacent development and facilitate access to the stream with features such as terracing and ramps. [Remove the large retaining walls and create amenity areas with gentler slopes. Include terracing and ramps to facilitate access to the stream].
- Provide pedestrian access to the future Willett Branch Trail.
- Plan the Willett Branch Trail and amenities (such as stream naturalization and floodplain enhancements) as part of future developments.
- Any redevelopment should make efforts to preserve [Preserve] the large trees along the entrance driveway to the Kenwood Place Condominium and the property boundary between the condominium and Westwood Shopping Center.
- Address the currently unmitigated storm flows that drain from the Kenwood Place condominium into the Giant Food site (parcels 235 and 360) by installing stormwater buffer strips along and within the perimeter of the Westwood Shopping Center site.
- Establish a minimum 50 percent canopy cover for all roads, on-street parking and ground-level parking lots.
- Reduce impervious surface parking areas.
- Balance the goals of improving stream quality with the objective of allowing recommended redevelopment to proceed, which is likely to necessitate modifications to stream buffer requirements on some properties.

### **3.1.4 Housing**

The proposed Commercial/Residential Town (CRT) zones in this district provide incentives for additional affordable housing when new development occurs. The Sector Plan recommends that affordable housing be given priority for public benefit points under the optional method of development that may occur on sites between Westbard Avenue and River Road, east of Ridgefield Road. Development in this location should include moderately priced dwelling units (MPDUs).

In addition, the Westwood Towers property (parcels 143, 175, 238 and 240), which is owned by Equity One and controlled by the Housing Opportunities Commission (HOC), may be

purchased by HOC in order to increase the share of affordable housing not covered by the MPDU program. [This development would include, potentially, 20 to 30 new units that would serve those renters who currently earn between 20 percent and 50 percent of the area median income.] Thirty percent of the new units would be affordable housing. HOC has committed to withholding those 30 percent of new units under its control from counting toward the MPDU requirements of private developers on other sites within the Sector Plan. HOC is free to enter into agreements that satisfy MPDU requirements of private developers on other sites within the Sector Plan, if it does so by including the replacement affordable units on Sites 4a and 4b in addition to the 30 percent of new affordable units already planned for those sites.

- Park Bethesda site (Westbard Avenue District [Sites 6a and] Site 6b) – at time of redevelopment, [residential portions of the site greater than 35 feet in height] this site must provide, at a minimum, 25 percent affordable housing units, including a minimum of 15 percent moderately priced dwelling units and 10 percent workforce housing units. Workforce housing must be built under a binding regulation or agreement, ensuring the WFHUs are affordable to a full range of households (up to 100 percent AMI).

Page 68: Revise the first two paragraphs as follows:

### **3.2 River Road Corridor**

The River Road Corridor is composed of the land on either side of River Road between Ridgefield Road and Little Falls Parkway. It is characterized by low buildings and unshaded parking lots. Roadside shade trees are lacking because of narrow right-of-way widths outside of the road pavement. In addition, tall utility poles have four to five tiers of wires spread over 30 feet of height, precluding the co-existence of tree canopy.

The County Council considered the potential to rezone properties along River Road to allow redevelopment, but determined that it was premature to allow additional development at this time (except for a floating zone recommendation on Site 7). Opportunities for redevelopment should be explored via a future master plan amendment to ultimately transform the [The] River Road Corridor [is envisioned as] into an active, pedestrian-friendly [, multi-modal] boulevard with a 110-foot-wide right-of-way and opportunities for window shopping and café dining.

Part of the long-term vision for River Road, either during the life of the current plan or at the time of a future master plan revision, is to create a multi-modal boulevard on River Road that accommodates not only automobiles, but also pedestrians and bicyclists. This boulevard would be characterized by wide sidewalks separated from busy traffic on River Road by tree-lined medians and dedicated cycle tracks.

- Designate River Road as a Bicycle/Pedestrian Priority area.

Page 69: Revise Proposed Zoning Map – River Road Corridor (Figure 3.2.1) to reflect Council changes.

Pages 68-72: Add text on sites 7 and 8 and add or revise bullets as follows:

**3.2.1 Land Use and Zoning**

Site 7

Site Description: 4.49 acres. American Plant Food (1.45 acres), Talbert’s Liquor (.53 acres), Roof Center (1.46 acres).

Existing Zone: CRT 0.75, C 0.75, R 0.5, H 40. Height ranges between 15’ and 26’.

Existing FAR: 0.11.

Proposed zone: Retain existing zone; appropriate for a floating zone CRT 3.0, C 0.25, R 2.75, H 75.

Rationale for zoning: The floating zone height and density will allow owners to build a maximum six floor building (mixed-use five over one construction type) with underground parking as lower densities or heights may not incentivize new development. A 3.0 FAR is recommended to provide greater flexibility and incentivize the provision of amenities, including upgrading River Road and naturalizing Willett Branch, which is adjacent to all three sites.

Site 8

Site Description: 0.55 acres. The existing Kenwood Office Building. Height is 90’.

Existing FAR: 2.75.

Existing Zone: EOF - 1.5, H 45.<sup>2</sup>

Proposed Zoning: CRT 3.0, C 3.0, R 3.0, H 90.

Rationale for zoning change: This proposed FAR and height will ensure that the existing 90’ office building is no longer non-compliant. The proposed zoning allows for maximum flexibility in any future redevelopment.

For the remainder of the River Road Corridor, the [The] Plan recommends:

- Reconfirm the R-60 zone of the Macedonian Baptist Church located at 5119 River Road.
- Reconfirm the EOF 1.5, H 45 zone of the property located at 5135 River Road.
- Reconfirm R-10 zone of the property located at 5101 River Road, The Kenwood Condominium.
- Reconfirm [Maintaining] the existing Commercial/Residential Town (CRT) zones along both sides of River Road [while increasing maximum heights to a range of 40 feet to 90 feet].
- [Increasing floor area ratio (FAR) to a range of 1.5 to 3.0.]
- [The Whole Foods property, currently owned by Royco Inc. (parcel 029), is to be zoned CRT 3.0 (FAR) with height of 75 feet.]

<sup>2</sup> This building is a legal non-conforming use developed prior to the Zoning Ordinance Rewrite, which established a maximum height for this zone of 45’.

- Reconfirm the zone of [The] Moderate Industrial (IM) zoned property behind the Whole Foods site, currently owned by Kenwood Storage, LLC (parcel 002), [is to be zoned CRT 1.5 with a height of 40 feet.] Any redevelopment of this site should maximize compatibility with the adjacent residential neighborhood.
- [River Road Corridor Site 2 (Figure 3.2.1 Proposed Zoning Map – River Road Corridor), parcels 029, 055, 082 and 109 – the proposed 75 feet of height on Site 2, should only be allowed if future development includes the priority benefit incentive of a recommended green space along Willett Branch (See page 70: Community Open Space and urban greenway along Willett Branch). Future development should be placed closer to the Capital Crescent Trail, where feasible. Assemblage of sites 2 and 3 is the most likely route to achieving these recommendations.]
- If a future master plan increases density on the Whole Foods site (presently owned by Royco) to encourage redevelopment, that plan should explore opportunities to provide green space along Willett Branch and place future development closer to the Capital Crescent Trail. In the short term, the Department of Parks should explore opportunities to acquire land adjacent to Willett Branch.
- The gas stations that exist on parcels 082 and 109, parcel 165, parcels 214 and 213, 320 and [parcel] 331 on River Road are appropriate uses and it is anticipated that they will continue to be appropriate uses for these sites under the CRT zone as a conditional use.
- Retain the historic African American street names (Clipper and Dorsey Lanes) for the streets north of River Road and east of the Capital Crescent Trail.
- For parcel 220, reconfirm the existing zoning of EOF 1.5, H 45. [to be converted to CRT 3.0, C 0.25, R 2.75, H 75 with the condition at time of redevelopment to provide height compatibility requirements as applied to adjacent R-60 zones in order to be sensitive to the scale of the existing church site to the south.]

### 3.2.2 Urban Design, Parks, Trails and Open Spaces

The Plan recommends:

- [Permit the majority of buildings on both sides of River Road to be as tall as 75 feet.] A floating zone for properties currently occupied by the American Plant Food Company, Roof Center and Talbert's Liquor, parcels 131, 133 and 137, respectively, is appropriate for a CRT zone with a maximum density up to 3.0 FAR and heights of 75 feet. This will allow [allowing] for [the] a maximum six story building (five-over-one construction type). This type of construction consists of a 20-foot-tall concrete podium on the ground floor that accommodates retail uses and five floors of wood construction above the podium for multi-family residential units.
- For the properties occupied by the American Plant Food Company, Roof Center and Talbert's Liquor (Parcels 131, 133 and 137), if rezoned (per a floating zone,) accommodate [Accommodate] parking in underground structures or above-ground structured parking fully screened by residential units and retail [built in front].
- River Road to be designated a Bicycle Pedestrian Priority area: [Provide] Explore options to create 15 to 20-foot-wide sidewalks on both sides of River Road to accommodate pedestrians [and outdoor seating] and cycle tracks. [These] The sidewalks and cycle tracks



to [will] be separated from the street by 6-foot-wide strips planted with shade trees, shrubs and groundcover, buffering pedestrians and cyclists from fast-moving traffic.

- [Activate the street level with storefronts of various designs in different materials and colors that are distinct from building to building.]
- For properties to the north of River Road and east of the Capital Crescent Trail, if and when they are consolidated for redevelopment, a parallel service road/alley should be considered to improve traffic operation, reduce curb cuts, and help implement the recommended Sector Plan cross section for River Road.

***Improved Access to the Capital Crescent Trail***

The Capital Crescent Trail is a regionally significant recreation and transportation corridor connecting Silver Spring and southwestern Montgomery County with the District of Columbia. User counts indicate that the trail serves more than 10,000 users per week, many of whom pass through the Westbard Sector Plan area in any given week. The trail is an important component of the larger bicycle and pedestrian beltway around the District of Columbia.

During the 2014 Westbard charrette and public meetings, residents indicated that trails, cycling and pedestrian routes are highly important to this community. Their feedback mirrors the 2010 survey findings associated with the Vision 2030 Strategic Plan of Parks and Recreation developed by the Montgomery County Department of Parks. The survey found cycling and walking on hard and natural surface trails to be the County’s most popular recreation activities. Sixty-eight percent of the respondents reported using both types of trails, and nearly 75 percent considered them very important to their households. In addition, trails ranked the highest outdoor facility on the survey as to the overall importance of adding, expanding or improving them.

Public comments from the Westbard community indicate the desire for:

- More access points to the Capital Crescent Trail.
- Better pedestrian routes between the areas west of Westbard Avenue and the Capital Crescent Trail.
- Improved sidewalk conditions, particularly along River Road, adding bike lanes where appropriate.

**Recommendations:**

Acquire the triangle of land in between Lawn Way and the Capital Crescent Trail to maintain a green buffer between the Kenwood neighborhood and the commercial development to the east. Create a hard-surface spur trail from the Capital Crescent Trail to the Kenwood Station site as part of the Willett Branch Urban Greenway trail.

**Purpose:**

- In a future Master Plan, consider opportunities to create [Create] direct access to the Whole Foods property and make a pedestrian connection to River Road.
- Cross River Road and travel on Ridgefield Road to Westbard Avenue on foot or bike lanes.

### **Community Open Space at the existing Whole Foods parking lot.**

Much of the Whole Foods parking lot is within the 100-foot stream and flood plain buffer for the Willett Branch stream[. Since] and future development cannot take place within such a buffer. If a future Sector Plan amendment increases density to encourage redevelopment to a higher zone, a community open space should be considered here. [is recommended with the following features:

- The space should include open, level, grassy areas for a variety of informal recreational activities.
- A minimum of 10,000 square feet, with 60 feet of width.]

### **3.2.3 Environment**

The most prominent natural feature in the corridor is the Willett Branch. This stream straddles the boundary between Westbard and the Kenwood neighborhood, and circles around the southern part of this district. Contained within a large concrete channel, the stream flows past the Kenwood storage facility and Whole Foods site at a level approximately 12 feet lower than the surface of the parking lot. It next crosses under River Road within a large tunnel. Near this point, the tributary flowing within the median of Brookside Drive converges with the Willett Branch.

Willett Branch re-emerges south of River Road in a deep, canyonlike setting and flows across the Westwood II property. At this point, another tributary to Willett Branch joins with the stream from across Ridgefield Road in an extremely constrained area. The existing stream valley is barely wider than the stream channel itself.

Areas of fill associated with surrounding buildings and parking areas are held in place by massive retaining walls. These walls, situated 10 to 20 feet from the stream, are showing stress in many locations. The walls of the stream channel itself are between 15 and 25 feet high at the point where the stream flows into a large, 250-foot-long tunnel as it crosses under the American Plant and Roof Center sites.

This tunnel is covered by extensive fill placed directly over the stream channel. The upstream edge of site incorporates an extremely tall, timber retaining wall which is nearing the end of its functional life span. The downstream edge of site has a large, informally built concrete retaining wall with large cracks apparent in the structure.

The Capital Crescent Trail and pedestrian bridge over River Road is a gap in the forest cover (Greenway Gap) provided along the Capital Crescent Trail, with major encroachments of pavement and other uses within park property.

**Goal:**

- Improve the stream valley from its current condition and return the landscape to more natural vegetation in the vicinity of the Willett Branch.
- Create community amenities along the Willett Branch that include trail gathering locations and attractive stream elements.

**Recommendations:**

- In the long term (beyond the life of this Sector Plan), redevelopment of the Kenwood storage facility and/or the Whole Foods shopping center should be built outside of the 100-foot-wide stream buffer area adjacent to the Willett Branch (parcels 029 and 002).
- Link the proposed trail along the Willett Branch to the Capital Crescent Trail and River Road.
- Reconstruct the River Road crossing of Willett Branch with a wider span to accommodate a naturalized channel and a pedestrian trail along the stream.
- Create a Willett Branch Trail crossing within the right-of-way just north of the River Road bridge so that the trail continues under River Road on the west side of the stream.
- Provide access to the River/Brookside Road intersection from the Willett Branch Trail.
- Provide an amenity area along the Willett Branch for new buildings on the Westwood II site south of River Road (parcel 238).
- Designate parts of Parcels 238, [and] 240 and 175 as a floodplain area, as a stream restoration/amenity area for development within Westbard and provide a landscape setting in this location that is respectful of site history.
- At parcel 175, rebuild the pedestrian crossing near the floodplain area as a connection from the Capital Crescent Trail to the new commercial center.
- Consolidate the extensive and excessively tall overhead utility wire infrastructure within the District.
- Designate River Road as a Greenway road. A Greenway road is a street that is tree-lined with an extensive canopy.

[At] If the American Plant Food/Root Center property (Parcels 131 and 133) are rezoned under the floating zone recommendation in this Plan, where the Willett Branch passes through a 250-foot-long tunnel, the following is recommended:

- Remove existing infrastructure over the stream.
- Naturalize Willett Branch as part of the Willett Branch Urban Greenway/Stream Valley Park.
- Create an environmentally-sensitive crossing of Willett Branch that may include a bottomless culvert and allows pedestrians to move along the Willett Branch Urban Greenway/Stream Valley Park trail.

**3.2.4 Housing**

The Plan requires all Optional Method Developments to provide moderately priced dwelling units (MPDUs) at 15 percent [proposed Commercial/Residential Town (CRT) zones in this

district provide incentives for additional affordable housing when new development occurs]. The Sector Plan also recommends that affordable housing be given priority for public benefit points under the optional method of development [that may occur on sites south of River Road, east of the Capital Crescent Trail. Development in this location should include moderately priced dwelling units (MPDUs) at 15 percent (2.5 percent above the mandated 12.5 percent for developments with more than 20 dwelling units)].

Parcels 131 and 133 adjoin property to the west, parcel 143, controlled by the Housing Opportunities Commission (HOC). The Plan recommends a pedestrian or vehicular connection be established between River Road and Westbard Avenue through this property. This adjacency provides an opportunity for HOC and the American Plant Food Company and others to create a joint development between their properties. This project could take advantage of the proposed connection, to create a unified development[;] which could include [includes] workforce housing in addition to the MPDU requirement.

Page 74: Revise the second and fourth paragraphs as follows:

### **3.3 North River District**

This District is located in the northeast quadrant of the Sector Plan, to the north and east of River Road and the Capital Crescent Trail. The area is presently occupied by the Washington Episcopal School and several industrial-zoned properties that host many local serving businesses, including The Ballroom, Autobahn Motor Works, Bethesda Iron Works and Ridgfield Catering.

The vision for this District is to maintain the existing uses, such as the local service light industries and the Washington Episcopal School, while improving connections within the district to River Road and Little Falls Parkway. [The Plan also makes provisions for the potential redevelopment of the Washington Episcopal School property, if and when that occurs.]

#### **3.3.1 Land Use and Zoning**

The Plan recommends maintaining the Moderate Industrial (IM) zone and the existing heights and densities along Dorsey Road and Clipper Lane. It recommends changing the PD-28 zone presently assigned to the Washington Episcopal School property to the Commercial/Residential Town (CRT) zone.

[If site [2] (in figure 3.3.1), parcel 112, develops under the new zoning rather than the previously approved PD zone, any new application for development involving the same uses as approved in the Development Plan, and its PD zoning must incorporate the approved binding elements, as conditions of the preliminary plan or site plan, as appropriate.]

Page 74: Add text after “3.3.1 Land Use and Zoning” as follows:

**Site 9**

Site Description: 11.20 acres. Washington Episcopal School site, built in 1926 as part of the George A. Fuller Company.

Existing Zone: PD-28. Height of 42’.

Existing FAR: 0.20.

Proposed Zoning: CRT 0.5, C 0.5, R 0.5, H 55.

The Washington Episcopal School (WES) is an appropriate use at this location, and the recommended zoning will allow the school to be a conforming use and expand over time. The WES property was rezoned in 2008 to the Planned Development (PD) zone to allow a portion of the school site to be sold and developed with senior housing. If the school chooses to relocate at some point in the future, the site should be considered for a public use, such as a school. The zoning would also allow for future redevelopment with low density residential development.

There were several binding elements associated with the PD rezoning. The rezoning to the CRT zone will eliminate the requirement for strict compliance with the Binding Elements, but they should nonetheless be considered and are included in the Appendix to this Plan. At the time of development, the Planning Board can determine which of the binding elements are still relevant to the pending development. While certain provisions of the binding elements may not be appropriate if the development proposed for the site changes, compatibility issues should be addressed as follows:

- Commercial development should be limited to 175,000 square feet, unless needed for the expansion of the school.
- New buildings and accessory structures should be located to ensure compatibility with adjacent uses.
- Accessory structures, such as bleachers, should be limited in height.
- Green area should be at least 50 percent of the lot area.
- There should be access to the school from both Little Falls Parkway and Landy Lane. Locations for student drop off and pick up should prevent queuing on public streets.
- During any future regulatory review, circulation through the school site should be treated in such a way that minimizes cut-through traffic in the neighborhood.

**Site 10**

Site Description: 1.0 acres. An existing parking lot owned by the Washington Episcopal School. Future site of a senior housing development.

Existing Zone: PD-28.

Existing FAR: 0.0.

Rationale for zoning change: The CRT zone was recommended to ensure that, when the site redevelops as a senior housing facility, the density approved in the binding elements will be in conformance with the zone.

Proposed Zoning: CRT 4.75, C 0.75, R 4.75, H 100. If not senior housing, limit to CRT 2.0, C 0.25, R 1.75, H 75.

The binding elements associated with the approval of the PD-28 zoning for this site are included in the Sector Plan Appendix and should be considered by the Planning Board when it reviews a development application for this site. To obtain the maximum density allowed under the zoning, the residential component of any redevelopment must be limited to 121 dwelling units, including MPDUs for independent seniors (at least one person per unit age 55 or older). The building is limited to a height of eight stories or 97 feet. Should the property not develop as a senior housing facility, development should be capped at CRT 2.0, C 0.25, R 1.75, H 75.

Pages 74-77: Revise “3.3.2 Urban Design, Parks, Trails and Open Spaces” and “3.3.3 Environment” as follows:

### **3.3.2 Urban Design, Parks, Trails and Open Spaces**

**Recommendations:** Create a network of new and re-aligned streets that better serves the traffic patterns in this area as well as on the adjacent River Road:

- Provide internal connections between properties, allowing the consolidation of the several existing curb cuts on River Road into one or two intersections.
- Connect a new road extending Landy Lane from River Road to Little Falls Parkway at the Washington Episcopal School. This road extension is contingent upon the redevelopment of the school site.
- If site [2] 9 (in figure 3.3.1), parcel 112, develops under the new zoning rather than the previously approved PD zone, review of any new application for development should involve consideration of the [involving the same uses as approved in the Development Plan, and its PD zoning must incorporate the approved] binding elements included as conditions of the earlier rezoning to the PD zone[, as conditions of the preliminary plan or site plan, as appropriate].

**[Daylight] Naturalize Willett Branch between Little Falls Stream Valley Unit 2 and the Capital Crescent Trail.**

**Vision:** The vision for this section of the Willett Branch Greenway is a daylighted and naturalized floodplain.

**Purpose:** This section of the Willett Branch Greenway allows for pedestrian connections between Little Falls Stream Valley Unit 2 and the Capital Crescent Trail, a naturalized floodplain and open section of stream.

### 3.3.3 Environment

The natural features of this area include the Little Falls Parkway Greenway, Capital Crescent Trail Greenway and Willett Branch.

More than half of the surfaces in this District are unshaded and impervious, mostly due to extensive un-planted parking lots and large buildings.

Nearly continuous on the eastern boundary of Westbard, the Little Falls Greenway contains most of the forested area of Westbard. In this district, the stream suffers from encroachment by the adjacent uses.

The Capital Crescent Trail Park, another Greenway, curves through the middle of Westbard. In the District, the canopy cover over the trail is nearly continuous. However, as the trail approaches River Road, the green, natural features associated with the CCT disappear.

Willett Branch enters the Westbard area at the northern boundary of the Plan area. The stream's Dorset Avenue crossing is a low and narrow box culvert. For approximately 150 feet, the stream becomes channelized as it flows past the Kenwood [Place Condominium] House Cooperative.

The stream then goes underground as it flows into a very wide and long tunnel under the Washington Episcopal School ballfield (parcel 050). A large sewer line also crosses under the ballfield south of the Willett Branch tunnel.

Just beyond the end of the tunnel, the stream crosses under the Capital Crescent Trail and returns to the surface.

#### Goals:

- If redevelopment occurs, daylight [Daylight] Willett Branch as a stream valley and a pedestrian connection between Little Falls Parkway and the Capital Crescent Trail (parcel 050).
- Return Greenway encroachments to a more naturalized condition.
- Reduce and/or make better use of the extensive pavement in this area.
- Increase the canopy cover on pavement dedicated to car use.

#### Recommendations:

- The Little Falls Greenway should be enhanced and restored where encroachments into the forest setting have taken place.
- Remove the acceleration and deceleration lanes on parkland associated with the entrance to the Washington Episcopal School site to the extent possible.
- Create environmentally sensitive Willett Branch crossings below Dorset Avenue at the Capital Crescent Trail that consist of wider spans for a naturalized channel and a pedestrian trail along the stream.

- If redeveloped, Kenwood [Place] House Cooperative should have an increased buffer area around the stream. Stream channel enhancement and restoration should take place where possible.
- Return the Willett Branch to the surface and create a natural buffer with a restored floodplain when the Washington Episcopal School property redevelops (parcel 050).
- Reclaim paved areas of the Capital Crescent Trail and use them for greenway parking, adding plantings and pedestrian amenities.
- If the school redevelops as another use in the future, [Restore] create a Landy Lane connection between River Road and Little Falls Parkway.
- Plant the parking lot perimeters and islands with shade trees.

Pages 78-81: Revise “3.4 South River District” as follows:

### **3.4 South River District**

This District is located in the southeast quadrant of the Sector Plan, to the south and east of River Road and the Capital Crescent Trail. The area is bounded on the east by Little Falls Parkway and includes the industrial properties along the Capital Crescent Trail right-of-way to the west. Willett Branch also bounds the district on the west.

This District is presently occupied by neighborhood serving retail uses, such as self-storage facilities, auto repair shops, a veterinarian and dog boarding facility, and a sports training business.

The vision for this District is to maintain existing light industrial businesses that serve the nearby community[,] while creating a place that is well connected to the Westbard Avenue District and the River Road Corridor and the Capital Crescent Trail. It should also provide amenities for residents in and around the Plan area.

#### **3.4.1 Land Use and Zoning**

##### **Recommendations:**

- Reconfirm [Maintain] the Moderate Industrial (IM) zone and the existing heights and densities.
- [Consider a floating CRT zone for the IM-zoned property (parcels 191, 242, 243, 244, 245, 296, see page 81) to the south of River Road along the service alley west of the the Capital Crescent Trail. It would have an FAR of 3.0 and a height of 75 feet. The present uses currently satisfy the landowners and meet the community’s need for local serving auto-repair shops. However, in the future as market conditions evolve, these properties could be reconsidered for rezoning.]



Page 79: Revise Proposed Zoning Map – South River District (Figure 3.4.1) to reflect Council changes.

### **3.4.2 Urban Design, Parks, Trails and Open Spaces**

#### **Recommendations:**

- Establish a new connector road between Westbard Avenue and River Road, providing street frontage for the businesses along the existing alley, which presently serves as an access road (see Table 2.3.1, page 29 and Figure 2.3.6, page 33). The design and ultimate alignment will be evaluated to accommodate park activities, grading impacts to properties and access to the CCT.

#### **Countywide Urban Recreational Park**

- Create a Countywide Urban Recreational Park as an open, level area for a variety of informal recreational activities (parcels 352, 354, 404, 401). A major long-term goal in this district is the purchase of these properties by the Montgomery County Department of Parks for this park.
- Locate this urban recreational park along the Capital Crescent Trail where Willett Branch crosses under the trail just south of the River Road bridge.
- Situate the park to serve as a gateway to the naturalized [Willet] Willett Branch Urban Greenway/Stream Valley Park corridor and a destination along the Capital Crescent Trail.
- Design the proposed park for active recreation to serve the residents and workers from the surrounding neighborhood or district. Typical facilities may include:
  - Sport courts.
  - Skate spots/skate park.
  - Lawn areas.
  - Playgrounds or similar neighborhood recreation facilities.

**Purpose:** Public input during the week-long Westbard charrette and community meetings mentioned the need for “more active parks.” Skate parks, dog parks and community open space are the most frequently requested facilities in this part of the County.

#### **Naturalize Willett Branch between River Road and the Capital Crescent Trail.**

**Vision:** Naturalize the Willett Branch, which passes between the Willco and Schnabel properties. At this location, the Willett Branch is contained within very steep fill slopes and requires a more intensive renovation effort than the section of Willett Branch located in the Westbard Avenue District.

**Purpose:** Create a naturalized stream setting and pedestrian connection along Willett Branch. This recommendation is dependent on the naturalization of Willett Branch as a natural feature to be enjoyed by the public in Westbard. The vision for Willett Branch is discussed in more detail in the Environmental recommendations.

### **Protect and enhance the existing Little Falls Stream Valley Unit 2 Parkland.**

In those locations where roads cut through Little Falls Stream Valley Unit 2, the Plan recommends replanting and reforesting parkland to retain the parkway setting.

#### **3.4.3 Environment**

This area of Westbard along the old B&O railroad line has a long history of industrial uses. A number of sites are known to be contaminated with industrial pollution and there are restrictions on the use of groundwater in many areas. The State may require both long and short-term mitigation measures in order to redevelop or change the land use. Although there are known former munitions dumps in the Washington region, the U.S. Army Corps of Engineers knows of no munitions site in or near Westbard.

Willett Branch enters this district flowing under a driveway bridge crossing. This driveway originates at River Road, parallels the Capital Crescent Trail on parkland and then leads to an industrial area, currently home to a landscape company and a small business. This industrial area is also the former site of a granite quarry. The stream flows into a 25-foot-deep canyon that is about 80 [-]feet[-] wide and forested up to the concrete channel of the stream. These canyonlike slopes are the result of fill operations by adjacent property owners.

As it passes for the second time under the Capital Crescent Trail, Willett Branch enters a 450-foot long tunnel. The tunnel continues at the base of Butler Road across the parking areas of several businesses until it reaches Little Falls Park in the vicinity of the recently constructed townhomes. There, Willett Branch emerges at the entrance bridge to the new townhouses. The Willett Branch is only 6 to 8 feet lower than the surrounding grade in this location, although the stream is still channelized. The stream parallels the townhouse property, flowing south within M-NCPPC Park property until it reaches the confluence with Little Falls Branch near the southern boundary of the Plan area.

#### **Goals:**

- Naturalize and daylight the Willett Branch as part of the Willett Branch Urban Greenway/Stream Valley Park and create a pedestrian connection between Little Falls Parkway and the Capital Crescent Trail.
- Improve the park setting of the Capital Crescent Trail Special Park.

#### **Recommendations:**

- Maintain and/or provide stability of the forested slopes along the Willett Branch.
- Create a pedestrian connection between the Capital Crescent Trail and Little Falls Parkway.
- Daylight the Willett Branch from the Capital Crescent Trail to Little Falls Branch.
- When culverts below the Capital Crescent Trail need replacement or extensive repairs, reconstruct them with an environmentally sensitive crossing to accommodate a naturalized channel.
- Reclaim and replant encroachments on the Capital Crescent Special Park to create a more naturalized condition.

Page 82: Revise “3.5 South Westbard District” as follows:

### **3.5 South Westbard District**

This District, located in the southernmost part of the Sector Plan, is bisected by Westbard Avenue. It is bounded on the east by Little Falls Parkway, on the south by Massachusetts Avenue and on the west by the Springfield community. The District includes several community institutions, including the Little Falls Library, Westland Middle School and the Little Flower Catholic Church and grade school. The [Westbard] Westwood Mews townhouses are located on the east side of Westbard Avenue near Massachusetts Avenue.

#### **Land Use and Zoning**

The existing zones are R-60 for the Westland Middle School, [school and] the Little Falls library, and the Little Flower Catholic Church and school sites, and RT-12.5 for the townhouse site. The Plan recommends reconfirming R-60 zones for the schools, library and church and rezoning the townhouse development from its current RT 12.5 zone to the Townhouse [High] Medium Density ([THD] TMD) zone. With the adoption of the County Zoning Ordinance in October 2014, RT zones are being phased out and the new townhouse zones are implemented through the master planning process.

- [The existing Little Falls Library and Site is owned by the Montgomery County Department of General Services. In order to accommodate the demand for affordable housing in the Westbard Sector Plan area, the Plan recommends the consideration of a CRT floating zone for this R-60 zoned property. As a condition of redevelopment under this floating zone recommendation, the project must involve a public/private partnership that includes a minimum of 25 percent of affordable housing, and the co-location with a public facility, such as a preserved or rebuilt library.]

Page 83: Revise Proposed Zoning Map – South Westbard District (Figure 3.5.1) to reflect Council changes.

Pages 82-84: Revise “3.5.1 Urban Design, Parks, Trails, and Open Spaces” and “3.5.2 Environment” as follows:

#### **3.5.1 Urban Design, Parks, Trails, and Open Spaces**

**Vision:** The vision for the South Westbard District is to link the Westbard Avenue District to the following public facilities in the South Westbard District:

- [Link the Westbard Avenue District to the following public facilities in the South Westbard District:]
- Playing fields at Westland Middle School.
- Little Falls Library.

**Recommendations:**

- Develop a multi-use turf field on the site of the existing Westland Middle School where the tennis court and grass playing field are presently located. The Plan recommends [re-locating] relocating the tennis courts to the south, adjacent to the Westland Middle School building, and locating the turf field adjacent to Westbard Circle (the drive that serves Kenwood Place condominium) and the Westwood Shopping Center.
- Provide a mid-block crosswalk on Westbard Avenue where the new connector road adjacent to the Capital Crescent Trail intersects with Westbard Avenue. This crosswalk would provide access to the wide sidewalks on the new road[,] which, in turn, would provide easy access to the Capital Crescent Trail and the new community recreational park.
- Protect and enhance the existing Little Falls Stream Valley Unit 2 and Capital Crescent Trail parkland.

**3.5.2 Environment**

This district is the most stable of all areas in Westbard. Institutional uses, such as a private school, a public school, a library, and a stream valley park[,] which includes the Capital Crescent Trail, all work together to create an area that has significant forest cover, shaded impervious areas and continuous greenways. Little Falls Branch, on the eastern edge of the district, is located within parkland and almost entirely within a naturalized stream buffer.

**Enhance and maintain the natural features of this district.****Recommendations:**

- Forest mitigation requirements generated within Westbard will be met within Westbard through forest enhancement and invasive plant treatments.
- Reclaim stream buffer where parking areas have encroached upon areas near the Little Falls Branch.
- Maintain the natural condition of forested slopes extending to the Capital Crescent Trail.

Pages 88-89: Revise “4.1 Zoning” as follows:

**4.1 Zoning****4.1.1 [1.] Commercial/Residential (CR) and Commercial/Residential Town (CRT) Zoning**

The CR and CRT zones permit optional method development, which allows for higher density than under the standard method, but requires significant public use spaces and more amenities to support the additional density. Under the optional method, developers can achieve a minimum number of public benefit points, depending on the size of the project and other factors.

Ensuring the right mix of public benefits in connection with future development in Westbard is crucial for realizing this Sector Plan's vision for a vibrant, pedestrian-oriented community center. Therefore, one of the key implementation strategies of the Sector Plan is to clearly identify those public benefits as a top priority, meaning that optional method development should be approved only if it provides the recommended benefits. Provided that affordable housing continues to be a public benefit under the CRT zone, it should be the highest priority benefit. All optional method projects in the planning area will be required to provide 15 percent moderately priced dwelling units (MPDUs). Other public benefits listed below are also critical to the redevelopment of Westbard. District specific public amenities and benefits follow.

#### **4.1.2 Public Amenities and Benefits**

##### *A. Westbard Avenue District*

- Central Civic Green facing onto Westbard Avenue, at approximately 1/2 acre, but not less than 1/3 acre in size.
- A neighborhood park located along the north edge of the Westwood Shopping Center, approximately 1/2 acre in size, but not less [then] than 1/3 acre in size.
- Naturalization of Willett Branch Stream and the creation of an Urban Greenway with a hard-surface trail.
- Streetscape upgrades on Westbard Avenue.
- Pedestrian connection between Westland Middle School and the Capital Crescent Trail.
- Inclusion of an interior community use space.
- Reconfiguring Westbard Avenue at Ridgefield Road.
- Bike share stations.
- Public/private shuttle and implement action of improved transit access.
- Dedication of [Willet] Willett Branch stream in order to create an urban stream and greenway.

##### *B. River Road Corridor*

- Creation of a tree-lined boulevard on River Road.
- [Large green open space within the 100-foot stream buffer on Whole Foods site (Royco property) of approximately 10,000 square feet.]
- Naturalization of Willett Branch.
- Pedestrian trail between River Road and Capital Crescent Trail.
- Extend Willett Branch Trail under River Road when the culvert at River Road is rebuilt.

##### *C. North River District*

- Establishment of a vehicular connection between River Road and Little Falls Parkway.
- Daylighting and naturalization of Willett Branch stream on Washington Episcopal School property.
- Pedestrian trail between the Capital Crescent Trail and Little Falls Parkway.

*[D. South River District*

- Establish a new connector road between Westbard Avenue and River Road.
- Establishment of a Countywide Urban Recreational Park at a minimum of 10,000 square feet as an open, level, grassy area for a variety of informal recreational activities, including a skate and a dog park.
- Naturalization of Willett Branch stream.]

*[E. South Westbard District*

- Establishment of a dual-use turf playing field at Westland Middle School.
- A mid-block crossing on Westbard Avenue between Westland Middle School and the Park Bethesda property where the new connector road intersects Westbard Avenue.
- Pedestrian connection between Westland Middle School and the Capital Crescent Trail.]

**4.1.3 Other Priority Benefits**

The CR and CRT zones permit an optional method development, which allows for higher density in exchange for public amenities. To ensure that future development recommended in the Westbard Sector Plan addresses the important commercial, housing and environmental needs of the community, public benefits that should be strongly considered during development review are:

- [Moderately priced dwelling units.
- Affordable housing not covered by moderately priced dwelling units.]
- Small business opportunities.
- Provide an increase in public and/or provide a private shuttle/bus service from Westbard to the Bethesda Metrorail station, Friendship Heights Metrorail station, and/or other nearby major destinations to supplement the existing public transit system.
- Historically-oriented wayfinding, including interpretive signage and markers.
- Historically-oriented public art.

Page 91: Replace the paragraph below “A. Stream and Wetland Buffer” as follows:

[Areas within the Willett Branch stream and wetland buffer in Westbard cannot be developed, according to the Guidelines for Environmental Management of Development in Montgomery County (approved January 2000). In the case of Willett Branch, storm drain easements and Washington Suburban Sanitary Commission (WSSC) infrastructure in the stream corridor further prevent redevelopment of sites in the Willett Branch stream and wetland buffer.] The Plan recognizes that Willett Branch will be an urban stream and will have engineered elements. The intent of the recommendations for an improved Willett Branch is to create attractive and accessible green spaces that provide interconnectivity with urban green infrastructure and improve stream ecology. The improvements to Willett Branch need to balance and complement the goals of improving stream quality, while also allowing recommended redevelopment to proceed. Accordingly, at the time of regulatory review,

stream buffer areas may be modified and/or reduced if necessary to achieve the balance described above.

[Given these constraints, it] It is logical that the Willett Branch corridor be recommended as a Greenway in the Westbard Sector Plan area. [This undevelopable] The land provides the perfect opportunity to create an urban greenway with connections to the existing Capital Crescent Trail Special Park and Little Falls Stream Valley Unit 2.

### General

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning Board Draft Westbard Sector Plan (December 2015). The text and graphics will be revised as necessary to achieve and improve clarity and consistency, to update factual information, and to convey the actions of the District Council. Graphics and tables will be revised to be consistent with the text.

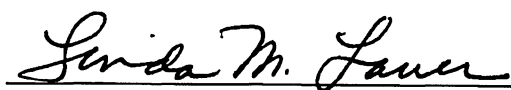
The Appendix should be revised to include the Park Hierarchy information and Binding Elements associated with the rezoning of the Washington Episcopal School.

The Appendix to this Plan provides background information. It is part of the record of the Council's consideration of the Sector Plan, but is not addressed in detail in this resolution and is not part of the Council's official approval of the Plan. It may contain studies and analyses that have not been updated to reflect Council actions (e.g., the transportation analyses are based on the densities in the Planning Board Draft, not the densities approved by the Council). In the event of a conflict between the adopted Sector Plan and the Appendix, the Sector Plan controls.

The Council is interested in considering options to expedite the creation of the Willett Branch Greenway Park and requests that the Department of Parks submit a phasing plan and acquisition strategy to the Council for consideration by the Planning, Housing and Economic Development Committee this summer. The Council is also supportive of the efforts of private property owners who are able to construct part of the Greenway Park in advance of a larger M-NCPPC effort.

The Council directs the Montgomery County Department of Transportation to create a task force comprised of their staff, the State Highway Administration, and the Montgomery County Planning Department to study improvements to walkability and safety along River Road through Westbard.

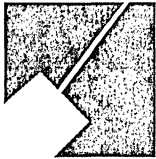
This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council









**Department of Human Resources and Management  
Maryland-National Capital Park and Planning Commission**

OFFICE OF THE EXECUTIVE DIRECTOR  
6611 Kenilworth Avenue, Suite 402  
Riverdale, Maryland 20737  
Office: (301) 454-1740

June 16, 2016

TO: Commissioners

THRU: Patricia Colihan Barney, Executive Director 

FROM: William Spencer, Human Resources Director 

SUBJECT: Resolutions to authorize compensation adjustments to Non-Represented Merit System Employees, Park Police Command Staff and Candidates, and Certain Contract Employees;

**Recommendation:** Approve the attached Commission resolutions authorizing fiscal year 2017 compensation adjustments. All wage adjustments fit within the Fiscal Year 2017 Adopted Budget. The Executive Committee and Department Directors support approval of these actions.

**Non-Represented Employees: Merit System Employees and Certain Contract Employees (excludes Park Police Officers, Command Staff and Candidates and MCGEO Members)**

The Commissioners approved the MCGEO Collective Bargaining Agreement on April 30, 2015 by Resolution #15-06, which covers wage adjustments for MCGEO through FY17. The same compensation adjustments for fiscal year 2017 are recommended for non-represented staff (excludes Park Police Officers, Command Staff and Candidates) as follows and contained in the referenced resolution below:

**RESOLUTION #16-08 Fiscal Year 2017 Anniversary (Merit) Pay Increment Adjustment and Administrative Leave for Certain Non-Represented Merit System Employees (excludes Park Police Command Staff and Candidates) (Attachment 1)**

- 1.75% anniversary merit increase for FY17.
- 0.5% Lump Sum for employees at the Top of Grade effective first full pay period following July 1, 2016 (prorated at 50% for part time).
- 12 hours of Administrative Leave effective the first full pay period following September 1, 2016.

**RESOLUTION #16-09 Fiscal Year 2017 Cost of Living Adjustments for Certain Non-Represented Merit System and Certain Contract Employees (Attachment 2)**

- Certain non-represented Merit System Employees & Term Contract Employees assigned to the General Pay Schedule: 1.75% COLA effective the first full pay period following September 1, 2016.

**RESOLUTION #16-10 Fiscal Year 2017 Pay Increment Adjustments for Seasonal Intermittent and Term Contracts (Attachment 3)**

**Term Contract**

- 1.75% pay increase is granted, (contingent upon overall satisfactory performance) at the beginning of the next contract year when the employee returns.

**Seasonal/Intermittent (except for Class Instructor)**

- 1.75% pay increase after completion of 100 hours and one (1) year of employment and receipt of an overall satisfactory performance evaluation. If 100 hours are not completed in one year, the hours may be accumulated in succeeding years if the employee is re-employed in the immediate succeeding year.

**Seasonal/Intermittent Class Instructor**

- 1.75% pay increase after completion of a minimum of three (3) consecutive class sessions within one year and an overall satisfactory performance evaluation. If three classes have not been completed in one year, the class sessions may be accumulated in succeeding years if the employee is re-employed in the immediate succeeding year.

**Seasonal/Intermittent Aquatic Plan**

- Contract employees assigned to the Aquatic Pay Plan are **not eligible** for an annual increase as above. Upon rehire and a satisfactory evaluation a pay increase will be within the level of the position based upon applicable experience.

**Temporary Contract**

- **Not eligible** for annual increase above. May be granted pay increase if re-employed under a new contract after 90 calendar days have elapsed since end of the current contract.

**Park Police Command Staff and Candidates**

The Collective Bargaining Agreement with the FOP required a Reopener for FY17. That Reopener was adopted by the Commission on April 28, 2016 by Resolution 16-06, *Reopener Agreement on Wages and Health Insurance with the Fraternal Order of Police, Lodge No. 30* which is effective July 1, 2016. Approval of Resolution #16-11 (Attachment D) provides to the Command Staff and Candidates the same compensation changes as specified in the FOP agreement.

**Resolution #16-11 Fiscal Year 2017 Cost of Living Adjustments (COLA) and Anniversary Merit Increase for Park Police Command Staff and Candidates (Attachment 4)**

**Command staff and Candidate adjustments-**

- 0.5% COLA effective the first full pay period following July 1, 2016. Salary schedules to be adjusted accordingly.
- 3.5% anniversary merit increase for FY17 (Candidates are eligible for an

anniversary merit increase only after meeting the requirements of graduation from the academy, plus an additional 12 months of service and an overall rating of "2" in accordance with Chapter 500 of the Merit System Rules & Regulations.)

Staff will be present to address any questions.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 16-08

FISCAL YEAR 2017 ANNIVERSARY (MERIT) PAY INCREMENT ADJUSTMENT  
AND ADMINISTRATIVE LEAVE FOR  
CERTAIN NON-REPRESENTED MERIT SYSTEM EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2017 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 12, 2016 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

WHEREAS, eligible Merit System agency employees are organized into the Service/Labor, Office and Trade Bargaining Units and have elected the United Food and Commercial Workers, Local 1994, Municipal and County Government Employees' Organization (MCGEO) to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, the Commission approved Resolution 15-06, *Adoption Of The Collective Bargaining Agreement For Service/Labor, Office And Trade Units*, which includes a Fiscal Year 2017 1.75% Anniversary (merit) Pay Increment and a .5% (one-half of one percent) lump sum payment for employees at top-of-grade who are not eligible to receive a longevity increase in FY 2017;

WHEREAS, the Commission approved Resolution 15-13, *Fiscal Years 2016 and 2017 Administrative Leave for MCGEO Represented Employees*, which granted of twelve (12) hours of administrative leave for employees represented by MCGEO for Fiscal Year 2017; and

WHEREAS, the Commission's Merit System Rules and Regulations, Chapter 1200, Employee Compensation, awards an Anniversary (merit) Pay Increment, not to exceed a 3.5% increase in base pay, for successful job performance to Merit System employees.

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a reduction of the FY 2017 maximum anniversary (merit) pay increment from 3.5% to 1.75% for all non-represented Merit System employees, except for Park Police Command Staff and Candidates; and

BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a FY 2017 lump sum payment of .5% to all non-represented Merit System employees, except for Park Police Command Staff and Candidates, who have reached top-of-grade and are therefore, not eligible for an anniversary (merit) pay increment; and

BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission hereby approves the grant of twelve (12) hours of administrative leave to all non-represented Merit System employees, except for Park Police Command Staff and Candidates, which shall be prorated for eligible part-time employees, to be effective the first full pay period following September 1, 2016 and expiring June 30, 2017; and

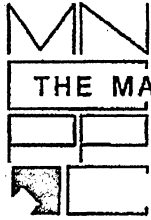
BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

*J. Reynolds*

M-NCPPG Legal Department

Date 5/31/2016



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 16-09

FISCAL YEAR 2017 COST OF LIVING ADJUSTMENTS FOR  
CERTAIN NON-REPRESENTED MERIT SYSTEM  
AND CERTAIN CONTRACT EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2017 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 12, 2016 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

WHEREAS, eligible Merit System agency employees are organized into the Service/Labor, Office and Trade Bargaining Units and have elected the United Food and Commercial Workers, Local 1994, Municipal and County Government Employees' Organization (MCGEO) to be their exclusive representative for the purpose of collective bargaining with the Commission; and

WHEREAS, the Commission approved Resolution 15-06, *Adoption Of The Collective Bargaining Agreement For Service/Labor, Office And Trade Units*, that includes a Fiscal Year 2017 1.75% Cost of Living Adjustment ("COLA") for employees represented by MCGEO and authorizes the Executive Director to take actions to effectuate its decision to approve and ratify agreement which includes revising the pay schedule.

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts a 1.75% COLA for non-represented Merit System employees, Term Contract employees that are assigned to the General Service Pay Scale; and

BE IT FURTHER RESOLVED that effective on the first day of the first pay period following September 1, 2016, the General Service and Select Career IT Pay Schedules shall be revised to reflect the increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of these pay schedules shall be rescinded; and

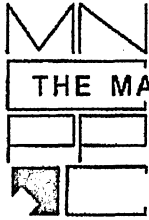
BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

*A. Reynolds*  
M-NCPPC Legal Department

Date 5/31/2016





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
6611 Kenilworth Avenue • Riverdale, Maryland 20737

**M-NCPPC RESOLUTION NO. 16-10**

**FISCAL YEAR 2017 PAY INCREMENT ADJUSTMENTS FOR  
SEASONAL/INTERMITTENT AND TERM CONTRACT EMPLOYEES**

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2017 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 12, 2016 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

WHEREAS, Commission Practice 2-16 allows for the award of anniversary pay increments to Seasonal/Intermittent and Term Contract employees assigned to the General Service, Intermittent, Specialty Services and Tennis Instructor Pay Plans in accordance with the Performance Evaluation System for Contract Employees;

WHEREAS, Commission Practice 2-16 and Administrative Procedures 00-02 allow employees assigned to the Seasonal/Intermittent Aquatics Pay Plan to receive a pay increase upon being re-hired and attaining a "satisfactory" performance evaluation within the level of the position and based upon salary and experience;

WHEREAS, Commission Practice 2-16 provides that Seasonal/Intermittent employees who are assigned to the "Base Rate of the Lowest Wage Adopted by the Commission Plus 50% of Class Revenue Structure" shall not receive anniversary pay increments or promotion pay increments; and

WHEREAS, Commission Administrative Procedures 00-02 sets the anniversary pay increment at 3.5% for Seasonal/Intermittent and Term Contract employees assigned to the General Service or Intermittent Pay Plans.

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts a reduction of the FY 2017 maximum anniversary pay increment from 3.5% to 1.75% for all Seasonal/Intermittent and Term Contract employees assigned to the General Service or Intermittent Pay Plans; and

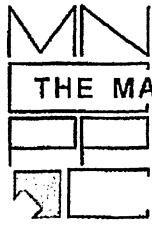
BE IT FURTHER RESOLVED that the Commission hereby adopts a 1.75% maximum anniversary pay increment for FY 2017 for all Seasonal/Intermittent employees assigned to the Specialty Services and Tennis Instructor Pay Plans; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 5/31/2010



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution Number 16-11

**FISCAL YEAR 2017 MERIT INCREASE AND COST OF LIVING ADJUSTMENTS FOR  
PARK POLICE COMMAND STAFF AND CANDIDATES**

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2017 (“FY 17”) operating and capital budget to the Montgomery and Prince George’s County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland;

WHEREAS, the respective County Councils on May 12, 2016 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission (“Commission”);

WHEREAS, §16-302 of the Land Use Article of the Annotated Code of Maryland requires the Maryland-National Capital Park and Planning Commission (the “Commission”) to engage in collective bargaining for certain employees and under specified circumstances;

WHEREAS, eligible Commission employees are organized into the Park Police Bargaining Unit and have elected the Fraternal Order of Police Lodge No. 30 (“FOP”) to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, the FOP has a Collective Bargaining Agreement with the Commission, adopted by Resolution 14-12 on May 1, 2014, *Adoption of the Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30*, which is effective February 1, 2014 through January 31, 2017 (“Agreement”) and a Reopener Agreement with the Commission, adopted April 28, 2016 by Resolution 16-06, *Reopener Agreement on Wages and Health Insurance with Fraternal Order of Police, Lodge No. 30*, which is effective July 1, 2016, that includes certain adjustments to FY 17 compensation for its represented Park Police Officers and authorizes the Executive Director to take actions to effectuate its decision to approve and ratify the Agreement which includes revising the pay schedule;

WHEREAS, Park Police Command Staff and Park Police Candidates are non-represented Merit System employees, not subject to the Agreement;

WHEREAS, the Commission's Merit System Rules and Regulations, Chapter 1200, Employee Compensation, awards an anniversary (merit) pay increment, not to exceed a 3.5% increase in base pay, for successful job performance to non-represented, Merit System employees; and

WHEREAS, the Commission desires to maintain the percentage wage differential between its Park Police Officers and Park Police Command Staff and between its Park Police Candidates and Park Police Officers.

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts FY 17 compensation adjustments for Park Police Command Staff and Park Police Candidates as follows:

- 1) Maintain regularly scheduled 3.5% anniversary (merit) pay increments to be effective the first pay period after an employee's anniversary date; and
- 2) Adopt a 0.5% Cost of Living Adjustment ("COLA") to be effective the first full pay period after July 1, 2016; and

BE IT FURTHER RESOLVED that effective on the first day of the first pay period following July 1, 2016, the Park Police Command / Candidate Pay Schedule shall be revised to reflect the increase in compensation due to the COLA; and

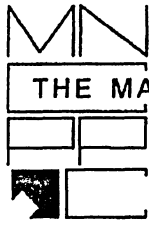
BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of these pay schedules shall be rescinded; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

J. Reynolds  
M-NCPPC Legal Department

Date 5/31/2016



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 16-13

APPROVAL OF FISCAL YEAR 2017 EMPLOYER CONTRIBUTION  
FOR RETIREE GROUP HEALTH INSURANCE

WHEREAS, the Maryland-National Capital Park and Planning Commission (the "Commission") as "Plan Sponsor" entered into an Amended and Restated Post-Retirement Insurance Benefits Program Trust Agreement as of July 1, 2007 ("the Agreement"); and

WHEREAS, Section 1.1 of the Agreement states that the Plan Sponsor shall contribute such amounts as it deems necessary, in its sole discretion, from time to time, to meet its benefit obligations under the Group Health Insurance Plan ("Plan"). Contributions shall be made to the Trust Fund ("Section 115 Trust Fund") on a periodic basis or in a lump-sum in the discretion of the Plan Sponsor. The Plan Sponsor shall not be required to make contributions unless (and only to the extent) it has obligated itself to do so by resolution; and

WHEREAS, although the Commission expects to continue the Group Health Insurance Plan (the "Plan"), it is the Commission's position that there is no implied contract between employees and the Commission to do so and that the creation of a retiree health benefit was not the product of collective bargaining negotiations. Therefore, the Commission reserves the right at any time and for any reason to amend or terminate the Plan, subject to the needs of the Commission and subject to any applicable collective bargaining; and

WHEREAS, the Plan Sponsor engaged Boomershine Consulting Group, L.L.C. ("the Actuary") to prepare a Retiree Healthcare Programs Actuarial Valuation as of July 1, 2015; and

WHEREAS, the Retiree Healthcare Programs Actuarial Valuation as of July 1, 2015 projected a Fiscal Year 2017 Plan Sponsor contribution totaling \$16,270,000 consisting of \$11,670,000 for current retiree healthcare and \$4,600,000 for prefunding the Section 115 Trust Fund; and

WHEREAS, funding of the current portion will come from the Commission and the Maryland-National Capital Park and Planning Commission Employees' Retirement System in the amounts of \$11,635,120 and \$34,880, respectively; and for the prefunding in the amounts of \$4,586,251 and \$13,749, respectively.

NOW THEREFORE, BE IT RESOLVED, that the Commission as Plan Sponsor approves a \$11,635,120 payment to the Group Insurance Fund for current retiree healthcare and a \$4,586,251 payment to the Section 115 Trust Fund; and

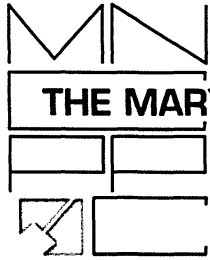
BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other officers to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

*D. Reynolds*

M-NCRPC Legal Department

Date 6/1/2016



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

6611 Kenilworth Avenue Riverdale, Maryland 20730

June 15, 2016

To: The Maryland-National Capital Park and Planning Commission

Via: Patricia C. Barney, Executive Director 

From: John Kroll, Corporate Budget Manager 

**Subject: Resolution 16-12 - Adoption of the Commission's FY 2017 Operating and Capital Budgets**

**Recommendation:**

Approve Resolution No. 16-12 "Adoption of the FY 2017 Commission Operating and Capital Budgets"

**Background:**

Pursuant to the Land Use Article, of the Annotated Code of Maryland, the Commission submitted its Proposed Budget to the County Executives of Prince George's County and Montgomery County on January 15<sup>th</sup>. In accordance with the Land Use Article, each County Council has approved that portion of the Commission budget allocated to its county. On May 26, 2016, Montgomery County Council adopted resolutions 18-500 and 18-509. On May 26, 2016, the Prince George's County Council approved bill CB-31-2016. Further, both Councils on May 12, 2016 approved those portions of the Commission budget allocable to both counties.

Resolution No. 16-12, "Adoption of the FY 2017 Commission Operating and Capital Budgets" adopts the budget for FY17 including the additions, deletions, increases, and decreases from the submitted Proposed Budget as approved by the respective County Councils of Montgomery County and Prince George's County.

The Adopted Budget totals \$522.1 million excluding reserves, ALARF, and Internal Service Funds. Compared to the FY16 Adopted Budget, the FY17 Budget is about \$21.1million higher.

In Prince George's County, the budget is decreasing by 0.6 percent for FY17. This reflects the continuation of both the short and longer term steps taken last year to set us on a more sustainable fiscal path. Property tax rates remain the same as those set in FY16.

In Montgomery County, the budget is increasing by 14.1 percent for FY17. The largest portion of this increase is the Capital Projects Fund. Tax supported funds increased by 2.2 percent. As part of the final balancing, the County decreased both the Administration and Park Funds' property tax rates and





offset that with increased use of fund balance. The following chart provides a comparative summary of the FY17 Adopted Budget for each county.

**Summary of FY17 Adopted Budget Expenditures  
(net reserves, ALARF, and Internal Service Funds)**

	FY16 Adopted	FY17 Adopted	\$ Change	% Change
<b>Prince George's Funds</b>				
Administration (1)	\$ 48,675,712	\$ 48,815,896	\$ 140,184	0.3%
Park (2)	134,929,965	135,162,782	232,817	0.2%
Recreation (3)	72,516,806	71,795,500	(721,306)	-1.0%
ALA Debt	-	-	-	-
<b>Subtotal Tax Supported</b>	<b>256,122,483</b>	<b>255,774,178</b>	<b>(348,305)</b>	<b>-0.1%</b>
Park Debt Service	11,853,237	11,539,571	(313,666)	-2.6%
Capital Projects	40,535,000	39,882,000	(653,000)	-1.6%
Enterprise	19,707,147	19,391,147	(316,000)	-1.6%
Special Revenue (4)	9,457,277	9,167,644	(289,633)	-3.1%
<b>Total Prince George's</b>	<b>\$ 337,675,144</b>	<b>\$ 335,754,540</b>	<b>\$ (1,920,604)</b>	<b>-0.6%</b>
<b>Montgomery Funds</b>				
Administration (1)	\$ 30,723,597	\$ 30,464,202	\$ (259,395)	-0.8%
Park (2)	93,308,887	96,367,494	3,058,607	3.3%
ALA Debt	166,160	77,529	(88,631)	-53.3%
<b>Subtotal Tax Supported</b>	<b>124,198,644</b>	<b>126,909,225</b>	<b>2,710,581</b>	<b>2.2%</b>
Park Debt Service	5,059,085	4,846,969	(212,116)	-4.2%
Capital Projects	17,795,000	37,503,000	19,708,000	110.8%
Enterprise (4)	9,431,262	10,012,147	580,885	6.2%
Property Management	1,126,800	1,319,000	192,200	17.1%
Special Revenue	5,656,827	5,751,622	94,795	1.7%
<b>Total Montgomery</b>	<b>\$ 163,267,618</b>	<b>\$ 186,341,963</b>	<b>\$ 23,074,345</b>	<b>14.1%</b>
<b>Combined Total</b>	<b>\$ 500,942,762</b>	<b>\$ 522,096,503</b>	<b>\$ 21,153,741</b>	<b>4.2%</b>

- (1) Includes transfer to Special Revenue Fund
- (2) Includes transfer to Debt Service and CIP
- (3) Includes transfer to Enterprise Fund
- (4) Includes transfer to CIP

### **Summary of Adjustments in the FY17 Adopted Budget**

The FY17 budgets, as approved by the respective County Councils, included the following adjustments from the Proposed Budget.

#### ***Montgomery County Adjustments from Proposed***

##### Administration Fund

- ✓ Within the Planning Department, \$65,000 in Functional Planning & Policy and Area 1, budgeted for the South Silver Spring Small Area Plan, was not approved.
- ✓ In Functional Planning and Policy, \$50,000 was added for plaques for African American Heritage sites.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Property tax revenues have been adjusted to reflect the March 2016 assessable base estimates issued by Montgomery OMB; and to reflect the decrease of the tax rate by 1/10<sup>th</sup> of a cent to 1.7 cents.
- ✓ To balance the Administration Fund, use of fund balance was increased by \$1,699,850.

##### Park Fund

- ✓ \$100,000 was added to Horticulture, Forestry and Environmental Education to fund operating costs of the Maydale Nature Center, including one new full-time position.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ The transfer to Debt Service was decreased by \$525,000 to reflect favorable interest rates achieved in the recent bond issue, thereby allowing us to meet the County Executive's budget reduction for both Administration and Park Funds without affecting operations.
- ✓ Property tax revenues have been adjusted to reflect the March 2015 assessable base estimates issued by Montgomery OMB; and the tax rate contemplated in the Proposed Budget was reduced by a 4/100<sup>th</sup> of a cent to 5.48 cents.
- ✓ To balance the Park Fund, use of fund balance was increased by \$524,050.

##### Advance Land Acquisition Debt Service Fund

- ✓ Property tax revenues have been adjusted to reflect the March 2015 assessable base estimates issued by Montgomery OMB; the tax rate remained unchanged.
- ✓ Reduced debt service by \$84,356, reflecting the refinancing of existing debt that accompanied the recent bond issue.
- ✓ Increased the contribution to the Advance Land Acquisition Revolving Fund by \$78,329, reflecting slightly lower property tax revenues and the aforementioned debt service reduction.

Advance Land Acquisition Revolving Fund

- ✓ Increased the contribution from the Advance Land Acquisition Debt Service Fund by \$78,329.
- ✓ Increased capital outlay by the same amount, \$78,329.

Capital Projects Fund

- ✓ Capital project expenditures were reduced by \$7,415,000, reflecting reductions of \$75,000 in acquisition and \$7,340,000 in park development.

***Prince George's County Adjustments from Proposed Administration Fund***

- ✓ Proposed project charge reductions of \$933,335 were restored.
- ✓ Total Planning Department expenditures remained the same, but a portion of office relocation funding (\$150,000 in the Director's Office, Development Review, Community Planning, Information Management, and Countywide Planning) was shifted to Community Planning to fund a Morgan Blvd/FedEx Field Area Study.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Property tax revenues have been adjusted to reflect the March 2016 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the November 2015 County OMB estimates used in the Proposed Budget.

Park Fund

- ✓ Proposed project charge reductions of \$440,000 were restored.
- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Property tax revenues have been adjusted to reflect the March 2016 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the November 2015 County OMB estimates used in the Proposed Budget.

Recreation Fund

- ✓ Proposed project charge reductions were partially restored as follows: \$104,900 for the Tax Collection Fee, and \$199,970 for the Library. The net result is that \$500,000 of the proposed reduction to the Library was approved.
- ✓ Nineteen individual agency project charges were either increased or decreased for a total net increase of \$25,000.

- ✓ Distributed the proposed salary dollar marker from the non-departmental account to each division's operating budget.
- ✓ Property tax revenues have been adjusted to reflect the March 2016 assessable base estimates issued by the State Department of Assessments and Taxation. These estimates are higher than the November 2015 County OMB estimates used in the Proposed Budget.

Capital Projects Fund

- ✓ Capital project expenditures were increased by \$20,175,000, funded primarily by Developer contributions.

Attachments  
M-NCPPC Resolution 16-12  
Exhibits A, B, and C

cc: Joe Zimmerman, Secretary-Treasurer  
Adrian Gardner, General Counsel  
Department Directors



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
6611 Kenilworth Avenue • Riverdale, Maryland 20737

**M-NCPPC  
RESOLUTION NO. 16-12  
June 15, 2016**

**ADOPTION OF THE FY 2017 COMMISSION OPERATING BUDGET  
AND FY 2017 CAPITAL BUDGET**

WHEREAS, the Maryland-National Capital Park and Planning Commission (the “Commission”) has prepared and submitted its proposed FY 2017 operating budget (“the Proposed Operating Budget”) and its proposed FY 2017 capital budget (“Proposed Capital Budget”) to the County Executives of Montgomery and Prince George’s Counties in compliance with the § 18-104 of the Land Use Article of the Annotated Code of Maryland (“Land Use Article”), as amended and to the County Councils of Montgomery and Prince George’s Counties in compliance with § 18-105 of the Land Use Article; and

WHEREAS, the respective County Councils have established work programs and made certain deletions and additions to the Proposed Operating Budget, which actions are set forth in the Montgomery County Resolution 18-509, and Prince George’s County Bill CB-31-2016; and

WHEREAS, the Montgomery County Council made certain revisions to the Proposed Capital Budget, which action is set forth in Montgomery County Resolution 18-500; and

WHEREAS, the Prince George’s County Council made certain revisions to the Proposed Capital Budget, which action is set forth in the Prince George’s County Bill CB-31-2016; and

WHEREAS, the County Councils on May 12, 2016 have reviewed and together acted to approve the Bi-County budget items allocable to both counties; and

WHEREAS, the respective County Councils have acted to appropriate as the Commission’s FY 2017 operating budget (“the Operating Budget”) and FY 2017 Capital Budget certain expenditures, including those funded by grants, together totaling in the aggregate \$186,341,963 allocable to the various sources derived in Montgomery County as set forth in Exhibit A hereto and \$335,754,540 allocable to the various sources derived in Prince George’s County as set forth in Exhibit B hereto; and

**WHEREAS, the Operating Budget includes the Executive Office Building and Group Health Insurance Funds as set forth in Exhibit C, which are Commission-wide Internal Service Funds funded through the operating department appropriations made by the respective County Councils for Montgomery County and Prince George's County; and**

**WHEREAS, the Commission does hereby delegate to the Montgomery County Planning Board and the Prince George's County Planning Board for review of expenditure plans for departments, offices and divisions within the Commission and the allocation of funds in accordance with the Operating Budget and this Resolution;**

**NOW, THEREFORE BE IT RESOLVED that the Commission does hereby approve and adopt the FY 2017 Operating Budget and the FY 2017 Capital Budget as set forth in Exhibit A, Exhibit B, and Exhibit C hereto; and**

**BE IT FURTHER RESOLVED that the Commission's Secretary-Treasurer and other officers are authorized to carry out financing for the Capital Equipment Internal Service Fund consistent with funding levels in the Operating Budget at such time and on such terms as they believe to be advantageous to the Commission without further action required by the Commission or either Planning Board; provided that the appropriate officers shall provide the Commission and each Planning Board subsequent notice of any action taken pursuant to this resolution; and**

**BE IT FURTHER RESOLVED that the Executive Director and Secretary-Treasurer are directed to establish the necessary controls to ensure compliance with the § 18-109 of the Land Use Article, which provides that no expenditure of funds shall be made or authorized by the Commission in excess of the approved budget amounts plus 10% thereof for each park and recreation project and for each administration or operating department or function of the Commission, and for each planning project contained in the planning work program for each county, as set forth in the approved Council Resolutions, unless approved by either or both County Councils, whichever is appropriate, and which also stipulates that the Commission may not exceed the total approved budget for each of its Funds, except for Enterprise Funds, without the prior approval by either or both County Councils, as applicable; and**

**BE IT FURTHER RESOLVED that in the event operational necessity requires that a budget amendment be made during the fiscal year, as outlined in § 18-108 of the Land Use Article and Budget Adjustment Practice 3-60, the budget amendment requires approval of the appropriate County Council. An amendment may change the total amount of the appropriation stated in the adopting resolutions of the County Council, or transfer more than 10% of appropriated funds from one appropriation to another. A budget may be amended by resolution by the respective county councils on their initiative or at the request of the Commission after receipt of recommendations from the respective county executives and after public hearing upon reasonable notice to the public. With respect to budget items applicable to both counties, an amendment is not effective unless it has received the concurrence of both county councils; and**

BE IT FURTHER RESOLVED that in the event operational necessity requires that budget adjustments be made during the fiscal year, as outlined in Budget Adjustment Practice 3-60, the officials and managers listed below are authorized to approve adjustments within or between budget appropriations for objects of expenditure or other levels of control within a department, division, office, or program under their direction, as those appropriations are set forth in the Operating Budget adopted by the respective County Councils and pursuant to this Resolution, provided however that any cumulative budget adjustments increasing budget control levels by an amount in excess of \$50,000 shall be reviewed and approved by the Commission and/or the appropriate Planning Board; and provided further that any budget adjustment which involves any change in the work program shall be reviewed and approved by the Commission and/or the affected Planning Board; and provided further that any budget adjustment which would result in the Commission exceeding the total approved budget for any of its Funds, except the Enterprise Funds, must have the prior approval of either or both County Councils, as applicable:

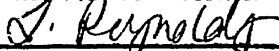
Executive Director  
Secretary-Treasurer  
General Counsel  
Director of Parks – Montgomery County  
Director of Planning – Montgomery County  
Director of Parks and Recreation – Prince George's County  
Director of Planning – Prince George's County  
Chair – Prince George's County Planning Board  
Chair – Montgomery County Planning Board; and

BE IT FURTHER RESOLVED that the Executive Director shall direct the Budget Office to provide to all members of the Commission and each administrator listed above a summary of a semi-annual budget adjustment report with cumulative adjustments for each controlling account as of the reporting date; and

BE IT FURTHER RESOLVED that the transfer of funds between departments or administrative units as listed above as adopted shall require the approval of the Commission and/or the appropriate Planning Board; and

BE IT FURTHER RESOLVED that the Office of the Secretary-Treasurer and the Budget Office are authorized to review all budget adjustments and disapprove those budget adjustments for which funds are not available or which do not comply with law or Commission fiscal policies.

APPROVED AS TO LEGAL SUFFICIENCY

  
\_\_\_\_\_  
M-NCPPC Legal Department  
Date 6/7/2016





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY17 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY17 Proposed Budget	Council Adjustments	FY17 Adopted Budget	Positions	Workyears
<b>ADMINISTRATION FUND</b>					
<b>REVENUES</b>					
Tax Revenue (Tax rates: Real = 1.7 Cents, Personal = 4.25 Cents)	29,220,900	(1,715,350)	27,505,550		
Assessable Base in Billions (Real/Personal): 155.997 / 3.084					
Taxes - Interest and Penalties	100,000	-	100,000		
Intergovernmental	559,900	-	559,900		
Charges for Service	145,000	-	145,000		
Interest Income	60,000	-	60,000		
<b>Current Revenue</b>	<b>30,085,800</b>	<b>(1,715,350)</b>	<b>28,370,450</b>		
Use of Fund Balance	1,292,802	1,699,850	2,992,652		
<b>Total Sources</b>	<b>31,378,602</b>	<b>(15,500)</b>	<b>31,363,102</b>		
<b>EXPENDITURES</b>					
Commissioners' Office	1,171,932	21,701	1,193,633	12.00	9.50
Planning Department					
Planning Director's Office	928,499	29,752	958,251		
Management Services	2,161,774	17,396	2,179,170		
Functional Planning & Policy	3,000,881	77,251	3,078,132		
Area 1	1,475,701	(13,757)	1,461,944		
Area 2	1,975,452	41,347	2,016,799		
Area 3	1,994,705	46,564	2,041,269		
Dev. Applications & Regulatory Coordination	1,083,848	34,317	1,118,165		
Information Technology and Innovation	3,186,243	31,476	3,217,719		
Research and Special Projects	1,328,508	18,648	1,347,156		
Grants	150,000	-	150,000		
Support Services	2,137,101	-	2,137,101		
<b>Planning Total</b>	<b>19,422,712</b>	<b>282,994</b>	<b>19,705,706</b>	151.00	117.30
Department of Human Resources and Management	2,035,682	33,622	2,069,304	16.50	15.00
Department of Finance	3,147,778	53,267	3,201,045	26.40	25.19
Legal Department	1,318,555	31,975	1,350,530	13.70	13.50
Merit System Board	80,118	1,453	81,571	0.50	0.25
Office of Internal Audit	231,366	3,426	234,792	2.00	2.00
Support Services	619,665	-	619,665	0.00	0.00
<b>CAS Total</b>	<b>7,433,164</b>	<b>123,743</b>	<b>7,556,907</b>	59.10	55.94
Non-Departmental (1)	1,951,394	(443,438)	1,507,956		
<b>Total Expenditures</b>	<b>29,979,202</b>	<b>(15,000)</b>	<b>29,964,202</b>	222.10	182.74
Transfer to Special Revenue Fund	500,000	-	500,000		
Transfer to Park Fund	-	-	-		
Contingency Reserve @ 3%	899,400	(500)	898,900		
<b>Total Expenditures and Uses</b>	<b>31,378,602</b>	<b>(15,500)</b>	<b>31,363,102</b>		

(1) Non-Departmental includes OPEB prefunding and OPEB paygo

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY17 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY17 Proposed Budget	Council Adjustments	FY17 Adopted Budget	Positions	Workyears
<b><u>PARK FUND</u></b>					
<b>REVENUES</b>					
Tax Revenue (Tax Rate: Real = 5.48 cents, Personal = 13.70 cents)	89,611,000	(946,050)	88,664,950		
Assessable Base in Billions (Real/Personal): 155.997 / 3.084		-			
Taxes - Interest and Penalties	300,000	-	300,000		
Intergovernmental	3,217,413	-	3,217,413		
Charges for Service	2,594,043	-	2,594,043		
Interest Income	5,000	-	5,000		
Miscellaneous Revenues	107,700	-	107,700		
<b>Current Revenue</b>	<b>95,835,156</b>	<b>(946,050)</b>	<b>94,889,106</b>		
Transfer from CIP	25,000	-	25,000		
Transfer from Capital Equipment Fund	-	-	-		
Transfer from Administration Fund	-	-	-		
Use of Fund Balance	3,664,438	524,050	4,188,488		
<b>Total Sources</b>	<b>99,524,594</b>	<b>(422,000)</b>	<b>99,102,594</b>		
<b>EXPENDITURES</b>					
Operating Divisions					
Director of Parks	1,522,820	18,177	1,540,997		
Public Affairs & Community Partnerships	2,657,519	41,491	2,699,010		
Management Services	1,721,362	31,603	1,752,965		
Information Technology and Innovation	2,326,224	18,865	2,345,089		
Park Planning and Stewardship	4,611,713	117,597	4,729,310		
Park Development	3,188,580	53,679	3,242,259		
Park Police	13,973,206	187,437	14,160,643		
Horticulture, Forestry & Environmental Education	8,900,531	233,240	9,133,771		
Facilities Management	11,666,187	178,180	11,844,367		
Northern Parks	10,102,693	135,994	10,238,687		
Southern Parks	12,940,893	196,546	13,137,439		
Support Services	10,951,898	-	10,951,898		
Grants	400,000	-	400,000		
Non-Departmental (1)	6,106,899	(1,112,809)	4,994,090		
<b>Total Expenditures</b>	<b>91,070,525</b>	<b>100,000</b>	<b>91,170,525</b>		
Transfer to Debt Service	5,371,969	(525,000)	4,846,969		
Transfer to CIP	350,000	-	350,000		
Contingency Reserve @ 3%	2,732,100	3,000	2,735,100		
<b>Total Expenditures and Uses</b>	<b>99,524,594</b>	<b>(422,000)</b>	<b>99,102,594</b>	735.00	707.60
(1) Non-Departmental includes OPEB prefunding and OPEB paygo					
<b><u>ADVANCE LAND ACQUISITION DEBT SERVICE FUND</u></b>					
<b>REVENUES</b>					
Tax Revenue (Tax Rate: Real = 0.1 cents, Personal = 0.25 cents)	1,871,600	(6,027)	1,865,573		
Assessable Base in Billions (Real/Personal): 179.260 / 3.803		-			
<b>Current Revenue</b>	<b>1,871,600</b>	<b>(6,027)</b>	<b>1,865,573</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>1,871,600</b>	<b>(6,027)</b>	<b>1,865,573</b>		
<b>EXPENDITURES</b>					
Debt Service	161,885	(84,356)	77,529		
<b>Total Expenditures</b>	<b>161,885</b>	<b>(84,356)</b>	<b>77,529</b>		
Transfer to ALA Revolving Fund	1,709,715	78,329	1,788,044		
<b>Total Expenditures and Uses</b>	<b>1,871,600</b>	<b>(6,027)</b>	<b>1,865,573</b>		
<b>TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES &amp; ALA TRANSFER</b>	<b>127,433,581</b>	<b>(524,356)</b>	<b>126,909,225</b>	<b>957.10</b>	<b>890.34</b>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY17 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY17 Proposed Budget	Council Adjustments	FY17 Adopted Budget	Positions	Workyears
<b><u>ADVANCE LAND ACQUISITION REVOLVING FUND</u></b>					
<b>REVENUES</b>					
Interest Income	20,000	-	20,000		
<b>Current Revenue</b>	<b>20,000</b>	<b>-</b>	<b>20,000</b>		
Transfer from ALA Debt Service Fund	1,709,715	78,329	1,788,044		
Use of Fund Balance	8,833,600	-	8,833,600		
<b>Total Sources</b>	<b>10,563,315</b>	<b>78,329</b>	<b>10,641,644</b>		
<b>EXPENDITURES</b>					
Land	10,563,315	78,329	10,641,644		
<b>Total Expenditures</b>	<b>10,563,315</b>	<b>78,329</b>	<b>10,641,644</b>		
<b><u>PARK DEBT SERVICE FUND</u></b>					
<b>REVENUES</b>					
Transfer from Park Fund	5,371,969	(525,000)	4,846,969		
<b>Total Sources</b>	<b>5,371,969</b>	<b>(525,000)</b>	<b>4,846,969</b>		
<b>EXPENDITURES</b>					
Debt Service	5,371,969	(525,000)	4,846,969		
<b>Total Expenditures</b>	<b>5,371,969</b>	<b>(525,000)</b>	<b>4,846,969</b>		
<b><u>CAPITAL PROJECTS FUND</u></b>					
<b>REVENUES</b>					
Intergovernmental	31,809,000	(7,532,000)	24,277,000		
Interest	25,000	-	25,000		
Bond Proceeds	11,234,000	(215,000)	11,019,000		
Contributions	200,000	332,000	532,000		
Miscellaneous	-	-	-		
<b>Current Revenue</b>	<b>43,268,000</b>	<b>(7,415,000)</b>	<b>35,853,000</b>		
Transfer from Park Fund	350,000	-	350,000		
Transfer from Enterprise Fund	1,300,000	-	1,300,000		
<b>Total Sources</b>	<b>44,918,000</b>	<b>(7,415,000)</b>	<b>37,503,000</b>		
<b>EXPENDITURES</b>					
Park Acquisition & Development	44,893,000	(7,415,000)	37,478,000		
<b>Total Expenditures</b>	<b>44,893,000</b>	<b>(7,415,000)</b>	<b>37,478,000</b>		
Transfer to Park Fund	25,000	-	25,000		
<b>Total Expenditures and Uses</b>	<b>44,918,000</b>	<b>(7,415,000)</b>	<b>37,503,000</b>		
<b><u>ENTERPRISE FUND</u></b>					
<b>REVENUES</b>					
Fees/Rentals/Sales/Concessions	10,631,182	-	10,631,182		
Interest Income	50,000	-	50,000		
<b>Current Revenue</b>	<b>10,681,182</b>	<b>-</b>	<b>10,681,182</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>10,681,182</b>	<b>-</b>	<b>10,681,182</b>		
<b>EXPENDITURES</b>					
Operations	8,712,147	-	8,712,147		
<b>Total Expenditures</b>	<b>8,712,147</b>	<b>-</b>	<b>8,712,147</b>		
Transfer to CIP	1,300,000	-	1,300,000		
<b>Total Expenditures and Uses</b>	<b>10,012,147</b>	<b>-</b>	<b>10,012,147</b>	34.00	119.30
Revenues Over/(Under) Expenditures	669,035	-	669,035		

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY17 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY17 Proposed Budget	Council Adjustments	FY17 Adopted Budget	Positions	Workyears
<b><u>PROPERTY MANAGEMENT FUND</u></b>					
<b>REVENUES</b>					
Rental Revenue	1,315,000	-	1,315,000		
Interest Income	4,000	-	4,000		
<b>Current Revenue</b>	<b>1,319,000</b>	<b>-</b>	<b>1,319,000</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>1,319,000</b>	<b>-</b>	<b>1,319,000</b>		
<b>EXPENDITURES</b>					
Operating Expenditures	1,319,000	-	1,319,000	4.00	7.00
<b>Total Expenditures</b>	<b>1,319,000</b>	<b>-</b>	<b>1,319,000</b>		
<b><u>SPECIAL REVENUE FUND</u></b>					
<b>REVENUES</b>					
Intergovernmental	988,200	-	988,200		
Charges for Service	2,597,945	-	2,597,945		
Interest Income	15,000	-	15,000		
<b>Current Revenue</b>	<b>3,601,145</b>	<b>-</b>	<b>3,601,145</b>		
Transfer from Administration Fund	500,000	-	500,000		
Use of Fund Balance	1,650,477	-	1,650,477		
<b>Total Sources</b>	<b>5,751,622</b>	<b>-</b>	<b>5,751,622</b>		
<b>EXPENDITURES</b>					
Operations	5,751,622	-	5,751,622	0.00	29.55
<b>Total Expenditures</b>	<b>5,751,622</b>	<b>-</b>	<b>5,751,622</b>		
Revenues Over/(Under) Expenditures	-	-	-		
<b>TOTAL OPERATING BUDGET LESS RESERVES AND ALARF</b>	<b>194,806,319</b>	<b>(8,464,356)</b>	<b>186,341,963</b>	<b>995.10</b>	<b>1,046.19</b>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY17 ADOPTED BUDGET

MONTGOMERY COUNTY

	FY17 Proposed Budget	Council Adjustments	FY17 Adopted Budget	Positions	Workyears
<b><u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Rentals	1,982,650	-	1,982,650		
Debt Proceeds	2,650,000	-	2,650,000		
Interest Income	3,000	-	3,000		
<b>Current Revenue</b>	<b>4,635,650</b>	<b>-</b>	<b>4,635,650</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>4,635,650</b>	<b>-</b>	<b>4,635,650</b>		
<b>EXPENDITURES</b>					
Operations	2,690,675	-	2,690,675		
Debt Service	1,136,450	-	1,136,450		
<b>Total Expenditures</b>	<b>3,827,125</b>	<b>-</b>	<b>3,827,125</b>	0.00	0.00
Transfer to Park Fund	-	-	-		
<b>Total Expenditures and Uses</b>	<b>3,827,125</b>	<b>-</b>	<b>3,827,125</b>		
Revenues Over/(Under) Expenditures	808,525	-	808,525		
Capital Equipment - Financed for the Parks & Planning Depts	2,400,000	-	2,400,000		
Capital Equipment - Financed for IT Initiatives	-	-	-		
Capital Equipment - Financed for the Finance Dept	250,000	-	250,000		
<b><u>CIO/CWIT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Rentals	778,900	-	778,900		
Debt Proceeds	344,000	-	344,000		
Interest Income	-	-	-		
<b>Current Revenue</b>	<b>1,122,900</b>	<b>-</b>	<b>1,122,900</b>		
Use of Fund Balance	66,034	-	66,034		
<b>Total Sources</b>	<b>1,188,934</b>	<b>-</b>	<b>1,188,934</b>		
<b>EXPENDITURES</b>					
Operations	1,188,934	-	1,188,934		
Debt Service	-	-	-		
<b>Total Expenditures</b>	<b>1,188,934</b>	<b>-</b>	<b>1,188,934</b>	2.00	1.75
Transfer to Park Fund	-	-	-		
<b>Total Expenditures and Uses</b>	<b>1,188,934</b>	<b>-</b>	<b>1,188,934</b>		
Revenues Over/(Under) Expenditures	-	-	-		
Capital Equipment - Financed for the Parks & Planning Depts	-	-	-		
Capital Equipment - Financed for IT Initiatives	344,000	-	344,000		
Capital Equipment - Financed for the Finance Dept	-	-	-		
<b><u>RISK MANAGEMENT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Charges for Services	2,695,200	-	2,695,200		
Interest Income	40,000	-	40,000		
<b>Current Revenue</b>	<b>2,735,200</b>	<b>-</b>	<b>2,735,200</b>		
Use of Fund Balance	499,955	-	499,955		
<b>Total Sources</b>	<b>3,235,155</b>	<b>-</b>	<b>3,235,155</b>		
<b>EXPENDITURES</b>					
Operations	3,235,155	-	3,235,155	3.00	3.40
<b>Total Expenditures</b>	<b>3,235,155</b>	<b>-</b>	<b>3,235,155</b>		
Revenues Over/(Under) Expenditures	-	-	-		
<b>Total Montgomery County (including reserves, transfers)</b>	<b>218,962,063</b>	<b>(8,305,198)</b>	<b>210,656,865</b>	<b>1,000.10</b>	<b>1,051.34</b>



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY17 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY17 Proposed Budget	Council Adjustments	FY17 Adopted Budget	Positions	Workyears
<b>ADMINISTRATION FUND</b>					
<b>REVENUES</b>					
Tax Revenue (Tax rates: Real = 5.660 Cents, Personal = 14.150 Cents Assessable Base in Billions (Real/Personal): 77.196 / 2.769)	44,997,000	1,982,100	46,979,100		
Taxes - Interest and Penalties	150,000	-	150,000		
Intergovernmental	204,300	-	204,300		
Service Charges	631,000	-	631,000		
Interest Income	150,000	-	150,000		
Miscellaneous Revenue	-	-	-		
<b>Current Revenue</b>	<b>46,132,300</b>	<b>1,982,100</b>	<b>48,114,400</b>		
Use of Fund Balance	4,142,861	(1,002,065)	3,140,796		
<b>Total Sources</b>	<b>50,275,161</b>	<b>980,035</b>	<b>51,255,196</b>		
<b>EXPENDITURES</b>					
Commissioners' Office	3,098,862	26,359	3,125,221	15.50	13.50
Planning Department		-			
Director's Office	4,118,609	30,272	4,148,881		
Development Review	6,118,821	47,187	6,166,008		
Community Planning	3,756,469	180,072	3,936,541		
Information Management	5,226,644	28,765	5,255,409		
Countywide Planning	6,806,333	54,333	6,860,666		
Support Services	7,720,500	933,335	8,653,835		
Grants	149,300	-	149,300		
<b>Planning Total</b>	<b>33,896,676</b>	<b>1,273,964</b>	<b>35,170,640</b>	<b>174.50</b>	<b>170.25</b>
Department of Human Resources and Management	2,551,358	44,729	2,596,087	22.50	21.00
Department of Finance	3,765,053	70,804	3,835,857	34.60	32.81
Legal Department	1,018,843	27,455	1,046,298	10.30	10.00
Merit System Board	80,118	1,453	81,571	0.50	0.25
Office of Internal Audit	337,414	7,670	345,084	3.00	3.00
Support Services	782,291	-	782,291	0.00	0.00
<b>CAS Total</b>	<b>8,535,077</b>	<b>152,111</b>	<b>8,687,188</b>	<b>70.90</b>	<b>67.06</b>
NonDepartmental (1)	2,321,946	(519,099)	1,802,847		
<b>Total Expenditures</b>	<b>47,852,561</b>	<b>933,335</b>	<b>48,785,896</b>	<b>260.90</b>	<b>250.81</b>
Transfer to Special Revenue Fund	30,000	-	30,000		
Contingency Reserve @ 5%	2,392,600	46,700	2,439,300		
<b>Total Expenditures and Uses</b>	<b>50,275,161</b>	<b>980,035</b>	<b>51,255,196</b>		

(1) Non-Departmental includes OPEB prefunding and OPEB paygo

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY17 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

<u>PARK FUND</u>	<u>FY17 Proposed Budget</u>	<u>Council Adjustments</u>	<u>FY17 Adopted Budget</u>	<u>Positions</u>	<u>Workyears</u>
<b>REVENUES</b>					
Tax Revenue (Tax Rate: Real = 15.940 cents, Personal = 39.850 cents)	122,112,400	5,576,900	127,689,300		
Assessable Base in Billions (Real/Personal): 74.536 / 2.673					
Taxes - Interest and Penalties	500,000	-	500,000		
Service Charges	148,500	-	148,500		
Interest Income	350,000	-	350,000		
Rentals/Concessions	2,656,100	-	2,656,100		
Miscellaneous Revenues	300,000	-	300,000		
<b>Current Revenue</b>	<b>126,067,000</b>	<b>5,576,900</b>	<b>131,643,900</b>		
Transfer from CIP	150,000	-	150,000		
Use of Fund Balance	14,331,882	(5,114,900)	9,216,982		
<b>Total Sources</b>	<b>140,548,882</b>	<b>462,000</b>	<b>141,010,882</b>		
<b>EXPENDITURES</b>					
Operating Divisions					
Office of the Director	20,888,015	250,762	21,138,777		
Administration and Development	31,252,930	229,373	31,482,303		
Facility Operations	38,110,675	373,984	38,484,659		
Area Operations	19,220,702	260,543	19,481,245		
NonDepartmental (1)	7,049,889	(674,662)	6,375,227		
<b>Total Expenditures</b>	<b>116,522,211</b>	<b>440,000</b>	<b>116,962,211</b>		
Transfer to Debt Service	11,539,571	-	11,539,571		
Transfer to CIP	6,661,000	-	6,661,000		
Contingency Reserve @ 5%	5,826,100	22,000	5,848,100		
<b>Total Expenditures and Uses</b>	<b>140,548,882</b>	<b>462,000</b>	<b>141,010,882</b>	754.00	896.45

(1) Non-Departmental includes OPEB prefunding and OPEB paygo



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY17 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY17 Proposed Budget	Council Adjustments	FY17 Adopted Budget	Positions	Workyears
<b>RECREATION FUND</b>					
<b>REVENUES</b>					
Tax Revenue (Tax Rate: Real = 7.800 cents, Personal = 19.500 cents)	64,174,300	2,772,700	66,947,000		
Assessable Base in Billions (Real/Personal): 79.863 / 2.864		-			
Taxes - Interest and Penalties	250,000	-	250,000		
Intergovernmental	-	-	-		
Service Charges	7,502,000	-	7,502,000		
Rentals/Concessions	1,083,700	-	1,083,700		
Interest Income	135,000	-	135,000		
Miscellaneous Revenues	82,800	-	82,800		
<b>Current Revenue</b>	<b>73,227,800</b>	<b>2,772,700</b>	<b>76,000,500</b>		
Use of Fund Balance	1,811,130	(2,426,430)	(615,300)		
<b>Total Sources</b>	<b>75,038,930</b>	<b>346,270</b>	<b>75,385,200</b>		
<b>EXPENDITURES</b>					
Operating Divisions					
Administration and Development	7,053,039	-	7,053,039		
Facility Operations	17,030,060	135,858	17,165,918		
Area Operations	30,917,058	298,933	31,215,991		
Non-Departmental (1)	7,395,126	(104,921)	7,290,205		
<b>Total Expenditures</b>	<b>62,395,283</b>	<b>329,870</b>	<b>62,725,153</b>		
Transfer to Enterprise Fund	9,070,347	-	9,070,347		
Contingency Reserve @ 5%	3,573,300	16,400	3,589,700		
<b>Total Expenditures and Uses</b>	<b>75,038,930</b>	<b>346,270</b>	<b>75,385,200</b>	269.00	775.13
<b>ADVANCE LAND ACQUISITION DEBT SERVICE FUND</b>					
<b>REVENUES</b>					
Tax Revenue (Tax Rate: Real = 0.00 cents, Personal = 0.00 cents)	-	-	-		
Assessable Base in Billions (Real/Personal): 74.384 / 2.680					
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>-</b>	<b>-</b>	<b>-</b>		
<b>EXPENDITURES</b>					
Debt Service	-	-	-		
<b>Total Expenditures</b>	<b>-</b>	<b>-</b>	<b>-</b>		
Transfer to ALA Revolving Fund	-	-	-		
<b>Total Expenditures and Uses</b>	<b>-</b>	<b>-</b>	<b>-</b>		
<b>TOTAL TAX-SUPPORTED FUNDS, LESS RESERVES &amp; ALA TRANSFER</b>	<b>254,070,973</b>	<b>1,703,205</b>	<b>255,774,178</b>	<b>1,283.90</b>	<b>1,922.39</b>

(1) Non-Departmental includes OPEB prefunding and OPEB paygo

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY17 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY17 Proposed Budget	Council Adjustments	FY17 Adopted Budget	Positions	Workyears
<b><u>ADVANCE LAND ACQUISITION REVOLVING FUND</u></b>					
<b>REVENUES</b>					
Interest Income	20,000	-	20,000		
<b>Current Revenue</b>	<b>20,000</b>	<b>-</b>	<b>20,000</b>		
Transfer from ALA Debt Service Fund	-	-	-		
Use of Fund Balance	764,935	-	764,935		
<b>Total Sources</b>	<b>784,935</b>	<b>-</b>	<b>784,935</b>		
<b>EXPENDITURES</b>					
Land	784,935	-	784,935		
<b>Total Expenditures and Uses</b>	<b>784,935</b>	<b>-</b>	<b>784,935</b>		
<b><u>PARK DEBT SERVICE FUND</u></b>					
<b>REVENUES</b>					
Transfer from Park Fund	11,539,571	-	11,539,571		
<b>Total Sources</b>	<b>11,539,571</b>	<b>-</b>	<b>11,539,571</b>		
<b>EXPENDITURES</b>					
Debt Service	11,539,571	-	11,539,571		
<b>Total Expenditures</b>	<b>11,539,571</b>	<b>-</b>	<b>11,539,571</b>		
<b><u>CAPITAL PROJECTS FUND</u></b>					
<b>REVENUES</b>					
Intergovernmental	2,000,000	950,000	2,950,000		
Interest/Contribution	2,150,000	19,195,000	21,345,000		
Bond Proceeds	8,896,000	-	8,896,000		
<b>Current Revenue</b>	<b>13,046,000</b>	<b>20,145,000</b>	<b>33,191,000</b>		
Transfer from Park Fund	6,661,000	-	6,661,000		
Transfer from Special Revenue Fund	-	30,000	30,000		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>19,707,000</b>	<b>20,175,000</b>	<b>39,882,000</b>		
<b>EXPENDITURES</b>					
Park Acquisition & Development	19,557,000	20,175,000	39,732,000		
<b>Total Expenditures</b>	<b>19,557,000</b>	<b>20,175,000</b>	<b>39,732,000</b>		
Transfer to Park Fund	150,000	-	150,000		
<b>Total Expenditures and Uses</b>	<b>19,707,000</b>	<b>20,175,000</b>	<b>39,882,000</b>		
<b><u>ENTERPRISE FUND</u></b>					
<b>REVENUES</b>					
Fees/Rentals/Sales/Concessions	10,290,800	-	10,290,800		
Interest Income	30,000	-	30,000		
<b>Current Revenue</b>	<b>10,320,800</b>	<b>-</b>	<b>10,320,800</b>		
Transfers from Recreation Fund	9,070,347	-	9,070,347		
<b>Total Sources</b>	<b>19,391,147</b>	<b>-</b>	<b>19,391,147</b>		
<b>EXPENDITURES</b>					
Operations	19,391,147	-	19,391,147	67.00	202.00
<b>Total Expenditures and Uses</b>	<b>19,391,147</b>	<b>-</b>	<b>19,391,147</b>		
Revenues Over/(Under) Expenditures	-	-	-		
<b><u>SPECIAL REVENUE FUND</u></b>					
<b>REVENUES</b>					
Intergovernmental	950,000	-	950,000		
Charges for Service	7,261,493	-	7,261,493		
Interest Income	25,000	-	25,000		
Miscellaneous	134,722	-	134,722		
<b>Current Revenue</b>	<b>8,371,215</b>	<b>-</b>	<b>8,371,215</b>		
Transfer from Administration Fund	30,000	-	30,000		
Use of Fund Balance	766,429	-	766,429		
<b>Total Sources</b>	<b>9,167,644</b>	<b>-</b>	<b>9,167,644</b>		
<b>EXPENDITURES</b>					
Operations	9,137,644	-	9,137,644		
<b>Total Expenditures</b>	<b>9,137,644</b>	<b>-</b>	<b>9,137,644</b>		
Transfer to CIP	30,000	-	30,000	0.00	263.50
<b>Total Expenditures and Uses</b>	<b>9,167,644</b>	<b>-</b>	<b>9,167,644</b>		
Revenues Over/(Under) Expenditures	-	-	-		
<b>TOTAL OPERATING BUDGET LESS RESERVES AND ALARF</b>	<b>313,876,335</b>	<b>21,878,205</b>	<b>335,754,540</b>	<b>1,350.90</b>	<b>2,387.89</b>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY17 ADOPTED BUDGET

PRINCE GEORGE'S COUNTY

	FY17 Proposed Budget	Council Adjustments	FY17 Adopted Budget	Positions	Workyears
<b><u>CAPITAL EQUIPMENT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Rentals	1,634,950	-	1,634,950		
Debt Proceeds	1,520,000	-	1,520,000		
Interest Income	2,000	-	2,000		
<b>Current Revenue</b>	<b>3,156,950</b>	<b>-</b>	<b>3,156,950</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>3,156,950</b>	<b>-</b>	<b>3,156,950</b>		
<b>EXPENDITURES</b>					
Operations	1,524,881	-	1,524,881		
Debt Service	875,050	-	875,050		
<b>Total Expenditures</b>	<b>2,399,931</b>	<b>-</b>	<b>2,399,931</b>		
Revenues Over/(Under) Expenditures	757,019	-	757,019		
Capital Equipment - Financed for Park & Rec	1,270,000	-	1,270,000		
Capital Equipment - Financed for IT Initiatives	-	-	-		
Capital Equipment - Financed for Finance Dept.	250,000	-	250,000		
<b><u>CIO/CWIT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Rentals	1,281,804	-	1,281,804		
Debt Proceeds	516,000	-	516,000		
Interest Income	-	-	-		
<b>Current Revenue</b>	<b>1,797,804</b>	<b>-</b>	<b>1,797,804</b>		
Use of Fund Balance	75,784	-	75,784		
<b>Total Sources</b>	<b>1,873,588</b>	<b>-</b>	<b>1,873,588</b>		
<b>EXPENDITURES</b>					
Operations	1,873,588	-	1,873,588		
Debt Service	-	-	-		
<b>Total Expenditures</b>	<b>1,873,588</b>	<b>-</b>	<b>1,873,588</b>	2.00	1.75
Revenues Over/(Under) Expenditures	-	-	-		
Capital Equipment - Financed for Park & Rec	-	-	-		
Capital Equipment - Financed for IT Initiatives	516,000	-	516,000		
Capital Equipment - Financed for Finance Dept.	-	-	-		
<b><u>RISK MANAGEMENT INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Charges for Services	3,747,300	-	3,747,300		
Claims Recovery	-	-	-		
Interest Income	70,000	-	70,000		
<b>Current Revenue</b>	<b>3,817,300</b>	<b>-</b>	<b>3,817,300</b>		
Use of Fund Balance	799,955	-	799,955		
<b>Total Sources</b>	<b>4,617,255</b>	<b>-</b>	<b>4,617,255</b>		
<b>EXPENDITURES</b>					
Operations	4,617,255	-	4,617,255	3.00	3.40
<b>Total Expenditures</b>	<b>4,617,255</b>	<b>-</b>	<b>4,617,255</b>		
Revenues Over/(Under) Expenditures	-	-	-		
<b>Total Prince George's County (including reserves, transfers)</b>	<b>335,344,044</b>	<b>21,963,305</b>	<b>357,307,349</b>	<b>1,355.90</b>	<b>2,393.04</b>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FY17 ADOPTED BUDGET

COMMISSION-WIDE FUNDS

	FY17 Proposed Budget	Council Adjustments	FY17 Adopted Budget	Positions	Workyears
<b><u>EXECUTIVE OFFICE INTERNAL SERVICE FUND</u></b>					
<b>REVENUES</b>					
Rentals	1,194,440	-	1,194,440		
Interest Income	-	-	-		
<b>Current Revenue</b>	<b>1,194,440</b>	<b>-</b>	<b>1,194,440</b>		
Use of Fund Balance	-	-	-		
<b>Total Sources</b>	<b>1,194,440</b>	<b>-</b>	<b>1,194,440</b>		
<b>EXPENDITURES</b>					
Operating Expenses	1,194,440	-	1,194,440	2.00	2.00
Revenues Over/(Under) Expenditures	-	-	-		
<b><u>GROUP HEALTH INSURANCE FUND</u></b>					
<b>REVENUES</b>					
Intergovernmental	1,200,000	-	1,200,000		
Charges For Services	55,948,784	-	55,948,784		
Interest Income	15,000	-	15,000		
<b>Total Sources</b>	<b>57,163,784</b>	<b>-</b>	<b>57,163,784</b>		
<b>EXPENDITURES</b>					
Operating Expenditures	57,236,784	-	57,236,784		
<b>Total Expenditure</b>	<b>57,236,784</b>	<b>-</b>	<b>57,236,784</b>	6.00	6.20
Transfer to OPEB Trust Fund	-	-	-		
<b>Total Expenditure and Uses</b>	<b>57,236,784</b>	<b>-</b>	<b>57,236,784</b>		
Revenues Over/(Under) Expenditures	(73,000)	-	(73,000)		
<b>Total Commission-wide Funds</b>	<b>58,431,224</b>	<b>-</b>	<b>58,431,224</b>	<b>8.00</b>	<b>8.20</b>
Montgomery County Funds	218,962,063	(8,305,198)	210,656,865	1,000.10	1,051.34
Prince George's County Funds	335,344,044	21,963,305	357,307,349	1,355.90	2,393.04
Commission-wide Funds	58,431,224	-	58,431,224	8.00	8.20
<b>TOTAL ALL FUNDS (includes reserves)</b>	<b>612,737,331</b>	<b>13,658,107</b>	<b>626,395,438</b>	<b>2,364.00</b>	<b>3,452.58</b>



**EMPLOYEES' RETIREMENT SYSTEM**

The Maryland-National Capital Park and Planning Commission  
6611 Kenilworth Avenue, Suite 100  
Riverdale, Maryland 20737

(301) 454-1415 - Telephone

(301) 454-1413 - Facsimile

<http://ers.mnccppc.org>

[ERSBoard@mnccppc.org](mailto:ERSBoard@mnccppc.org)

*Andrea L. Rose*  
*Administrator*

**BOARD OF TRUSTEES**

Chairman Elizabeth M. Hewlett  
Vice Chairman Marye Wells-Harley

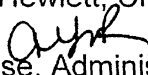
Khalid Afzal  
Howard Brown  
Alicia Hart  
Sheila Morgan-Johnson  
Joseph C. Zimmerman, CPA

Patricia Colihan Barney, CPA  
Pamela F. Gogol  
Amy Millar  
Barbara Walsh

To: The Commission

Date: June 7, 2016

Via: Elizabeth M. Hewlett, Chairman

From:  Andrea L. Rose, Administrator

**Subject: Approve the Re-Appointment of Elizabeth M. Hewlett as the Prince George's County Commissioner to the Board of Trustees for the term ending June 30, 2019**

**RECOMMENDATION**

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission approve the re-appointment of Elizabeth M. Hewlett as the Prince George's County Commissioner to the Board of Trustees for a three-year term ending June 30, 2019.

**BACKGROUND**

At its June 2, 2016 meeting, the Prince George's County Planning Board approved the re-appointment of Ms. Hewlett as the Prince George's County Commissioner to the ERS Board of Trustees.

At its June 7, 2016 meeting, the Board acknowledged the re-appointment of Ms. Hewlett as the Prince George's County Commissioner for the term ending June 30, 2019.

Thank you for your action.











**EMPLOYEES' RETIREMENT SYSTEM**  
The Maryland-National Capital Park and Planning Commission  
6611 Kenilworth Avenue, Suite 100  
Riverdale, Maryland 20737

(301) 454-1415 - Telephone  
(301) 454-1413 - Facsimile  
<http://ers.mncppc.org>  
[ERSBoard@mncppc.org](mailto:ERSBoard@mncppc.org)

*Andrea L. Rose*  
*Administrator*

**BOARD OF TRUSTEES**

Chairman Elizabeth M. Hewlett  
Vice Chairman Marye Wells-Harley

Khalid Afzal  
Howard Brown  
Alicia Hart  
Sheila Morgan-Johnson  
Joseph C. Zimmerman, CPA  
Patricia Colihan Barney, CPA  
Pamela F. Gogol  
Amy Millar  
Barbara Walsh

To: The Commission Date: June 7, 2016

Via: Elizabeth M. Hewlett, Chairman

From: Andrea L. Rose, *AR* Administrator

**Subject: Acknowledge the Re-Appointment of Amy Millar as the Municipal and County Government Employees' Organization Representative to the Board of Trustees for term ending June 30, 2019**

**RECOMMENDATION**

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission acknowledge the re-appointment of Amy Millar as the Municipal & County Government Employees' Organization ("MCGEO") Representative for the term ending June 30, 2019.

**BACKGROUND**

In accordance with Section 2.1.5(d) of the Plan Document, MCGEO President, Gino Renne re-appointed Amy Millar to represent the union on the Board. At its June 7, 2016 meeting, the Board acknowledged Ms. Millar as the appointed MCGEO Representative for the three-year term ending June 30, 2019.

Thank you for your action.





**Office of the General Counsel**  
**Maryland-National Capital Park and Planning Commission**

*Reply To*

June 9, 2016

**Adrian R. Gardner**  
General Counsel  
6611 Kenilworth Avenue, Suite 403  
Riverdale, Maryland 20737  
(301) 454-1670 • (301) 454-1674 fax

**Memorandum**

**TO:** The Maryland-National Capital Park and Planning Commission

**FROM:** Adrian R. Gardner *ARG*  
General Counsel

Donna Y. Calcote-Heatley *DYCH/AG*  
Principal Counsel

Nicholas D. Dumais *NDD/AG*  
Assistant General Counsel

**RE:** Adoption of Resolution 16-15 – To Prohibit Smoking Generally,  
Authorize Exceptions Under Certain Circumstances, and Regulate Other  
Specified Activities on Commission Property

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This memorandum is to present for your adoption the resolution attached hereto and captioned above. (M-NCPPC Resolution 16-15 attached.)

**Background**

As you know from our briefings during the respective Planning Board meetings held on June 2, 2016, Commission staff is currently preparing a major overhaul of the park rules and regulations that govern our properties, facilities and programs in both counties.

Since those briefings, our public relations professionals have recommended that we undertake a broader effort to collect public input on the proposed rules. After further consideration, the consensus reached among Chair Anderson, Vice-Chair Hewlett and the senior management team is to follow the recommendation for additional outreach and comment. We are accordingly working on inviting additional written comments and, in addition, convening a forum for public discussion of the rules early next month.

Memo re: Proposed Resolution 16-15  
June 9, 2016  
Page 2

### Smoking Regulations and Related Issues

Under Section 17-207(b) of the Annotated Code of Maryland, Land Use Article, the Commission must, on or before June 30, 2016, adopt regulations prohibiting the smoking of a cigarette, cigar, or any other tobacco product on property under its jurisdiction.

Therefore, as an interim measure only, we are requesting your approval of proposed Resolution 16-15 in order to achieve technical compliance with the statutory deadline; which still enables us to revisit adoption of the other rules and regulations during your meeting next month.

Among other things, the Code allows the Commission to exclude from the prohibition “any designated venue or facility reasonably determined by the Commission to be appropriate for the purpose of generating admission fees, rental fees, or similar charges for use of Commission property.” For this reason, the proposed resolution authorizes Director Gathers and Director Riley to create designated smoking areas.

The law also requires that the Commission impose a warning as the penalty for a first infraction of the prohibition and a \$25 fine as the penalty for a second or subsequent infraction. The proposed resolution accordingly includes penalty provisions that conform to the Code.

Although requirements under the Code do not extend to the subject of e-cigarettes, vaping, chewing tobacco or similar alternatives, we nevertheless have bundled those regulations into the proposed resolution. We think this minor addition is preferable to include in order to maintain consistency with the workplace rules already adopted by the Commission last December via Practice 2-22, Prohibitions on Smoking, Use of Tobacco Products and Electronic Cigarettes on M-NCPPC Property and in M-NCPPC Vehicles.

Taken together, our team has prepared the proposed resolution so that it can fit seamlessly into the later adoption of the other rules and regulations.

We accordingly recommend your adoption. Please do not hesitate to call any of us directly with any questions, comments or concerns.

RESOLUTION

**To Prohibit Smoking Generally,  
Authorize Exceptions Under Certain Circumstances, and  
Regulate Other Specified Activities on Commission Property**

WHEREAS, The Maryland-National Capital Park and Planning Commission (the "Commission"), operates the award-winning system of park and recreational properties and facilities within the bi-county region established in Montgomery County and Prince George's County, Maryland, and designated by law as the Maryland-Washington Metropolitan District; and

WHEREAS, Section 17-207(a) of the Land Use Article of the Annotated Code of Maryland (the "Code") generally authorizes the Commission to adopt rules and regulations to protect the public health, safety and welfare, and preserve the peace on the properties within its jurisdiction; and

WHEREAS, Section 17-207(b) of the Code requires the Commission to adopt regulations that: (1) prohibit the smoking of a cigarette, cigar, or any other tobacco product on property under its jurisdiction, excluding certain designated venues or facilities; and (2) provide certain penalties for infractions of such regulations.

NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby adopt the following regulations applicable to property under its jurisdiction:

(A) Authority

These Regulations are promulgated pursuant to the Maryland Code Annotated Land Use Article Section 17-207.

(B) Definitions

1. Park Property: Any land or water devoted to park or recreation uses and owned, operated, or established otherwise by the Commission, and all vegetation or natural substances, and including any Parkway, Facility, and other buildings, fixtures, monuments, structures, and their contents located on such land or water.

2. Facility: Any structural or other improvement to Park Property. Facilities include ball fields, pavilions and other improvements to property that are not necessarily enclosed.
3. Smoke: Any use of a lighted cigarette, cigar, pipe, or similar device that is designed to ignite a solid material (including tobacco, cloves, marijuana, and similar materials of any nature) and deliver the resultant smoke for ingestion as an inhalant. Smoking does not include Vaping.
4. Vaping: Using e-cigarettes, vaping, and other devices that utilize electronic technologies to vaporize a liquid or sublimate a solid material to produce a gaseous discharge or vapor for ingestion as an inhalant. Vaping does not include Smoking.

(C) Smoking Prohibited Except in Certain Areas

1. No person shall Smoke on Park Property or in any Commission vehicle, except as authorized for specified areas of designated Park Properties, Facilities or specified areas thereof as provided below at Subsection 2 hereof.
2. The Director of the Commission's Montgomery County Department of Parks and the Director of its Prince George's County Department of Parks and Recreation, as the applicable case may be in either county respectively, are hereby authorized to designate one or more areas where Smoking a cigarette, cigar or other tobacco product is not prohibited (a "Designated Smoking Area"), subject to the following:
  - a. A Designated Smoking Area must be located within a Park Property or Facility that normally generates admission fees, rental fees or similar charges for use.
  - b. Use of the Designated Smoking Area for Smoking may be limited further as to a specific time, manner or place associated with generating the admission fees, rental fees or similar charges for use.
  - c. The Director's designation of a Designated Smoking Area must be made by issuing a written notice. The written notice establishing a Designated Smoking Area must be published: (i) as an information item together with a regular agenda of the Commission's Planning

Board having oversight for the specific Park Property or Facility that includes the Designated Smoking Area, and (ii) on the appropriate Commission website(s).

- d. The Director must cause each Designated Smoking Area to be posted with signage appropriate to give conspicuous notice that the area has been designated as such.

(D) Vaping Prohibited In Certain Areas

No person shall use a Vaping device (1) inside Park Property or in any Commission vehicle; (2) at entrances to buildings, near ventilation and windows; or (3) outside on Park Property in any area where such use is prohibited by posting.

(E) Smokeless Tobacco Products Prohibited In Certain Areas

No person shall use chewing tobacco or any other smokeless tobacco product (1) inside Park Property or in any Commission vehicle; or (2) outside on Park Property in any area where such use is prohibited by posting.

(F) Penalties

1. A violation of these Regulations for Smoking a cigarette, cigar, or other tobacco product on Park Property in any area that is not a Designated Smoking Area is subject to civil citation and (a) a warning for the first infraction, (b) a fine of \$25 for a second or subsequent infraction, or (c) such greater amount of a fine as may be authorized by Maryland law.
2. Any other violation of the Regulations set forth in this Resolution is subject to civil citation and a fine of \$25 or such greater amount of a fine as may be authorized by Maryland law.

(G) Effective Date

These Regulations will be effective at 12:01 AM on July 1, 2016, and remain in effect until such time as they may be modified or revoked as provided by law.

\*\*\*\*\*

- 3 -

**Proposed 6/9/2016**

CERTIFICATE

This is to certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_ adopted by The Maryland-National Capital Park and Planning Commission on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, voting in favor of the motion, at its meeting held on Wednesday, June 15, 2016, in Riverdale, Maryland.

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Patricia Colihan Barney  
Executive Director

- 4 -

**Proposed 6/9/2016**





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
BY DEPARTMENT AS OF MAY 2016

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	04/16	05/16	04/16	05/16	04/16	05/16	04/16	05/16
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	1	1	1	1
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	1	0	0	0	1	0
LEGAL DEPARTMENT	1	1	1	2	1	1	3	4
FINANCE DEPARTMENT	3	1	1	1	1	0	5	2
PRINCE GEORGE'S PLANNING	2	1	3	2	0	1	5	4
PRINCE GEORGE'S PARKS & RECREATION	3	2	0	0	0	0	3	2
MONTGOMERY COUNTY PARKS	2	3	1	0	0	0	3	3
MONTGOMERY COUNTY PLANNING	2	3	0	0	0	0	2	3
**DEPARTMENT TOTAL BY DAYS LATE**	13	11	7	5	3	3	23	19
<b>COMMISSION WIDE TOTAL:</b>							<b>23</b>	<b>19</b>

\*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.





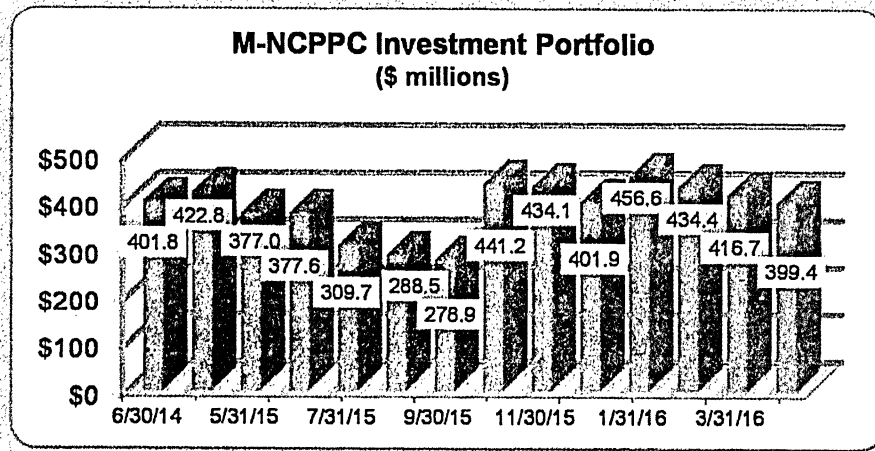


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**TREASURY OPERATIONS, FINANCE DEPARTMENT**  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1541 / Fax (301) 209-0413

**MEMO**

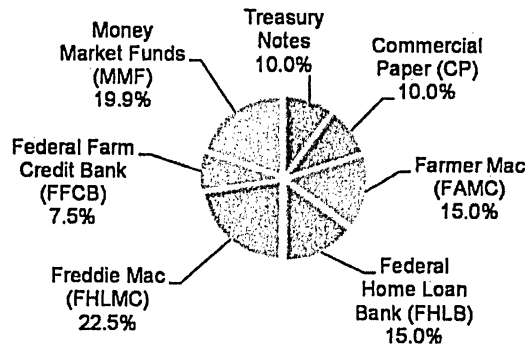
**TO:** Commissioners  
**VIA:** Joseph Zimmerman, Secretary-Treasurer  
**FROM:** Abbey Rodman, Investment & Treasury Operations Manager *AR*  
**DATE:** 5/26/2016  
**SUBJECT:** Investment Report – April 2016

The Commission’s pooled cash investment portfolio totaled \$399.4 million as of April 30, 2016, with a 4.15% decrease from March 31, 2016. Details are as follows:



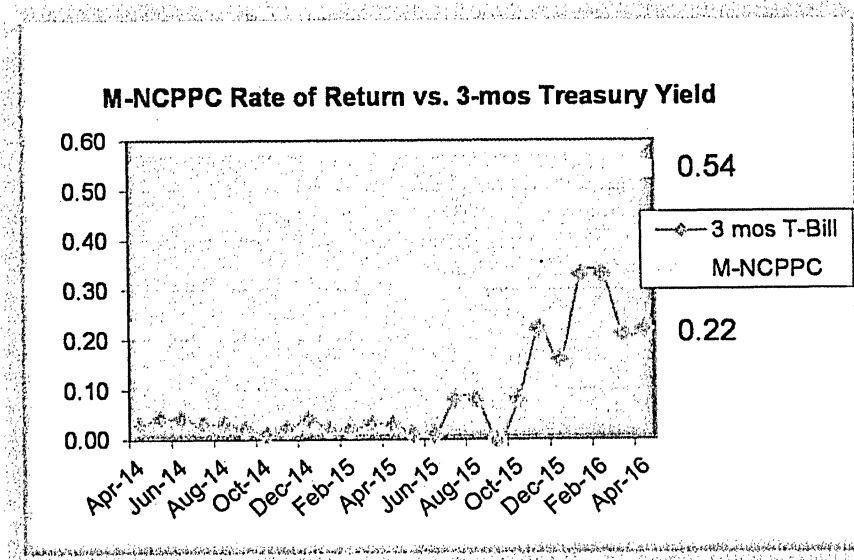
The composition of the pooled cash portfolio as of April 30, 2016 is summarized below:

**Portfolio Composition as of 04/30/16**

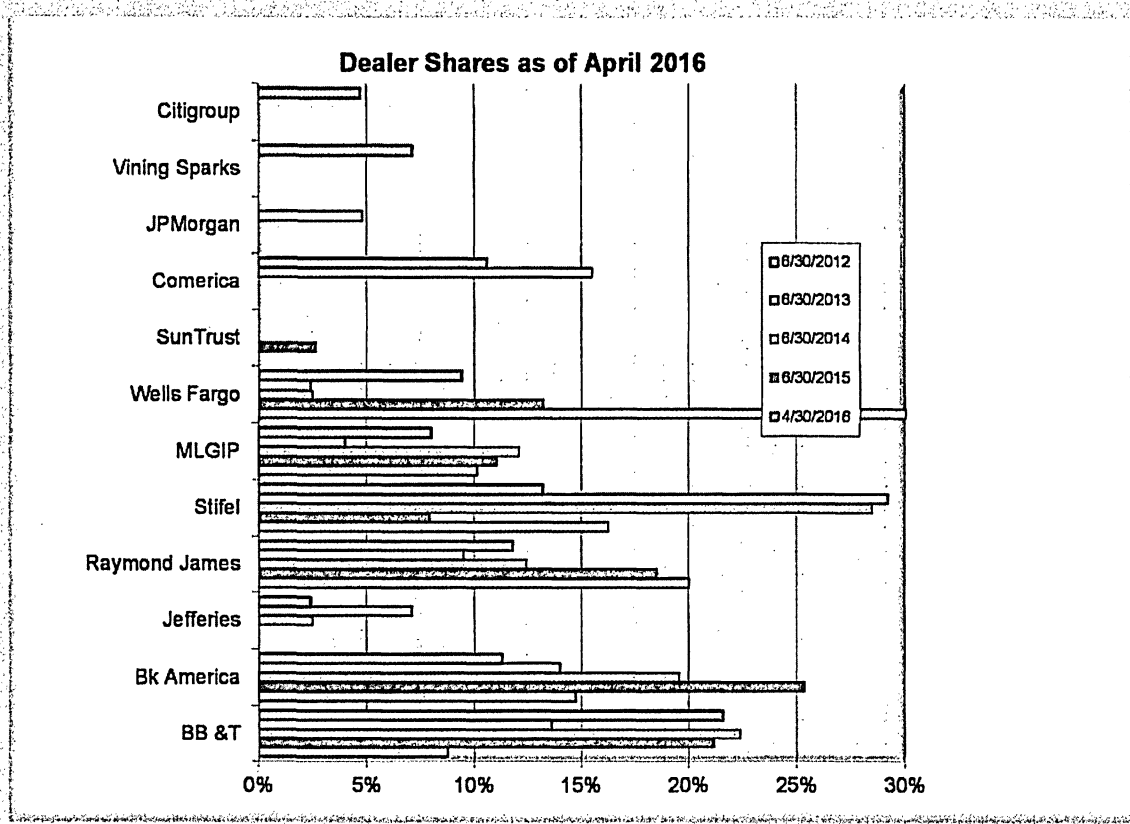


Current Investment Portfolio - April 2016				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Freddie Mac	20%	23%	\$ 90,000,000	0.85%
Money Funds	25%	20%	79,443,418	n/a
Farmer Mac	20%	15%	60,000,000	0.54%
Federal Home Loan Banks	20%	15%	60,000,000	0.44%
Commercial Paper	10%	10%	40,000,000	0.67%
Treasury Notes	100%	10%	40,000,000	0.68%
Federal Farm Credit Bureau	20%	8%	30,000,000	0.45%
Certificates of Deposit	50%	0%	-	
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			<b>\$ 399,443,418</b>	<b>0.63%</b>

The pooled cash portfolio complied with all policy limits with regard to product types and proportions throughout the month.



In addition to the product limits, portfolio purchases also adhered to the 30% limit per dealer. Dealer participation is shown below:



The market values of unspent debt balances (invested by T. Rowe Price) were as follows:

<b>Market Value- 04/30/16</b>	
Prince George's County (PGC-2015A)	\$ 21,122,892
Montgomery County (MC-2016A)	12,664,440
Prince George's County (PGC-2014A)	4,995,574
Montgomery County (MC-2014A)	1,542,543
	<b>\$ 40,325,449</b>

The Commission had debt service payments during the month totaling \$248,331, of which \$185,000 was principal and \$63,331 was interest.

Details by issue of debt outstanding as of April 30, 2016 appear below:

Debt Balances -April 2016					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
<b>Bi-County</b>					
<b>Total Bi-County</b>	\$ -	\$ -	0%		
<b>Prince George's County</b>					
KK-2 (Refunded AA-2)	17,300,000	5,481,298	32%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	8,080,000	57%	Mar-10	May-21
EE-2	12,235,000	2,305,000	19%	Mar-04	Jan-17
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	7,060,000	62%	Jun-12	Jun-24
JJ-2	8,900,000	355,000	4%	May-07	May-17
PGC-2014A	26,565,000	24,350,000	92%	May-14	Jan-34
PGC-2015A	24,820,000	24,820,000	100%	Oct-15	Jan-25
<b>Total Prince George's County</b>	<b>\$ 115,320,000</b>	<b>\$ 72,451,298</b>	<b>63%</b>		
<b>Montgomery County</b>					
LL-2	8,405,000	3,555,000	42%	May-09	Nov-20
FF-2 (ALA)	2,000,000	-	0%	Nov-04	Dec-24
FF-2	4,000,000	-	0%	Nov-04	Dec-24
II-2	4,700,000	-	0%	Mar-07	Apr-27
MM-2	5,250,000	945,000	18%	Nov-16	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	10,900,000	87%	Apr-12	Dec-32
MC-2012B	3,000,000	2,630,000	88%	Apr-12	Dec-32
MC-2014A	14,000,000	13,005,000	93%	Jun-14	Jun-34
MC-2016A	12,000,000	12,000,000	100%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	6,120,000	100%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	1,075,000	100%	Apr-16	Nov-24
<b>Total Montgomery County</b>	<b>\$ 62,355,000</b>	<b>\$ 50,230,000</b>	<b>81%</b>		
<b>Total</b>	<b>\$ 177,675,000</b>	<b>\$ 122,681,298</b>	<b>69%</b>		



ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012  
 FISCAL YEAR 2016 - April 30, 2016

OBJECTIVES			Met Objective	Within Limits	Comments
<b>Protection of principal</b>			<b>Yes</b>		
<b>Limiting types and amounts of securities</b>	Limit			<b>Yes</b>	
US Government	100%				All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%				
US Federal Agencies - each	20%				
Repurchase Agreements	60%				
CD's and Time Deposits	50%				
Commercial Paper	10%				
Money Market Mutual Funds	25%				
MD Local Gov't Investment Pool	25%				
Investing Bond Proceeds:					
State and local agency securities	100%				
Money Market Mutual Funds	10%				
Bond Proceeds:					T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities					
Highly-rated money market mutual funds					
(Max. 10% in lower-rated funds)					
<b>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</b>				<b>Yes</b>	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<b>Ensure competition among participants</b>	30%			<b>Yes</b>	No dealer share exceeded 30%
<b>Competitive Bidding</b>				<b>Yes</b>	All purchases awarded competitively.
<b>Diversification of Maturities</b>					All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.					
<b>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</b>				<b>Yes</b>	M&T Investments serves as custodian, monitoring compliance daily
<b>Maintain sufficient liquidity</b>			<b>Yes</b>		Sufficient funds available for all cash requirements during period
<b>Attain a market rate of return</b>			<b>Yes</b>		Exceeded by 32 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.54% and 0.22%, respectively.					







**Office of the General Counsel**  
**Maryland-National Capital Park and Planning Commission**

*Reply To*

June 6, 2016

**Adrian R. Gardner**  
 General Counsel  
 6611 Kenilworth Avenue, Suite 200  
 Riverdale, Maryland 20737  
 (301) 454-1670 • (301) 454-1674 fax

**MEMORANDUM**

**TO:** The Maryland-National Capital Park and Planning Commission

**FROM:** Adrian R. Gardner  
 General Counsel

**RE:** Litigation Report for the Month of May, 2016

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, June 15, 2016. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

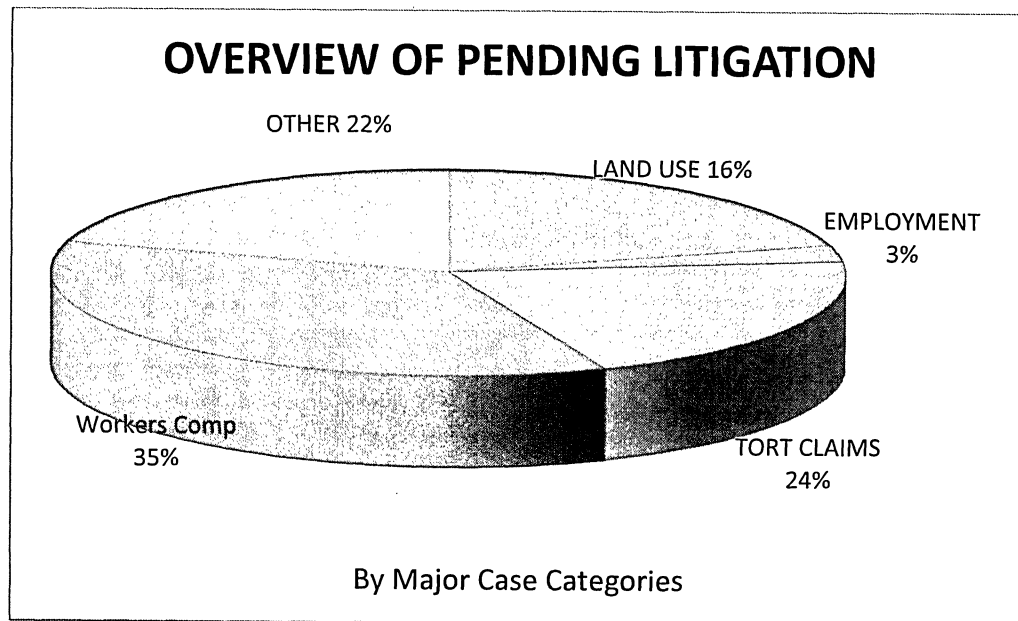
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## May 2016 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	1		1				2
Admin Appeal: Other							0
Land Use Dispute	2	1					3
Tort Claim	8	1					9
Employment Dispute			1				1
Contract Dispute	1	1	1				3
Property Dispute	1						1
Civil Enforcement	1						1
Workers' Compensation	13						13
Debt Collection							0
Bankruptcy							0
Miscellaneous	2		1		1		4
<b>Per Forum Totals</b>	<b>29</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>37</b>



## May 2016 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2016			
	Pending In April/16	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
<b>Admin Appeal: Land Use (AALU)</b>	2			9	3	4	2
<b>Admin Appeal: Other (AAO)</b>	0			-			0
<b>Land Use Disputes (LD)</b>	3			1	3	1	3
<b>Tort Claims (T)</b>	8	2	1	10	11	13	9
<b>Employment Disputes (ED)</b>	1			1	1	3	1
<b>Contract Disputes (CD)</b>	3			4			3
<b>Property Disputes (PD)</b>	3		2	4	2	3	1
<b>Civil Enforcement (CE)</b>	1			1		1	1
<b>Workers' Compensation (WC)</b>	14		1	10	13	8	13
<b>Debt Collection (D)</b>	0			-			0
<b>Bankruptcy (B)</b>	0			-			0
<b>Miscellaneous (M)</b>	4			1	4	2	4
<b>Totals</b>	39	2	4	41	37	35	37

**INDEX OF YTD NEW CASES  
(7/1/2015 TO 6/30/16)**

<b><u>A. New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Suggs v. Commission	PG	Tort	Aug 2015
Bell, et al v. Commission	MCPB	LD	Aug 2015
White v. Commission	PG	Tort	Aug 2015
Starks v. Kellogg, et al	MCPP	Tort	Aug 2015
Keeler v. Commission	MC	WC	Aug 2015
Giuffrida v. Commission	MC	WC	Sept 2015
Cohhn v. Commission	MC	Misc	Sept 2015
Commission v. Landover Polk Street Property, LLC	PG	PD	Sept 2015
Sutton v. Commission	PGPR	Tort	Nov 2015
Berry v. Volk-Lopez	MC	Tort	Nov 2015
Smith v. Commission	MC	WC	Nov 2015
Commission v. Guzman	MC	WC	Nov 2015
Shipe v. Louketis, et al	MC	Tort	Nov 2015
Tugwell v. Louketis, et al	MC	Tort	Nov 2015
Watkins v. Commission	PG	WC	Dec 2015
Town of Riverdale Park, et al v. Commission	PGPB	AALU	Dec 2015
Commission v. Morgan	MC	WC	Jan 2016
Belt v. Commission	PG	WC	Jan 2016
Commission v. 2005 Toyota Camry	MC	Misc	Jan 2016
Commission v. Ford	PG	WC	Feb 2016
Commission v. Fulwood	PG	WC	Feb 2016
Commission v. DeReggi	MC	PD	Feb 2016
Richardson v. Arnett, et al	MC	Tort	Mar 2016
Prince George's County, Md v. Commission	PG	LD	Mar 2016
Trevan, et al v. Cannizzo, et al	MC	LD	Mar 2016
Parker v. Commission	PG	WC	Mar 2016
Watkins v. Commission	PG	WC	Mar 2016
Dixon v. Commission	MC	WC	Mar 2016
Dixon v. Commission	MC	WC	Mar 2016
Chase v. Perry, et al	PG	Tort	Mar 2016
Beatty, et al v. Commission	PG	Tort	May 2016
Progressive Specialty Insur.Co. v. Davis	MC	Tort	May 2016

<b><u>B. New Appellate Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Commission v. Hill	PG	ED	Sept 2015
Smith v. MCPB	MCPB	AALU	Sept 2015
American Humanists Association, et al v. Commission	PG	Misc	Dec 2015
Friends of Croom Civil Assoc., et al v. Commission	PGPB	AALU	Dec 2015
Town of Forest Heights v. Commission	PG	Misc	Feb 2016

**INDEX OF YTD RESOLVED CASES  
(7/1/2015 TO 6/30/16)**

<b><u>C. Trial Court Cases Resolved.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Anderson v. Commission	PGPR	Tort	July 2015
Armstrong v. Commission	PG	ED	July 2015
Quick v. Gathers	PGPR	Tort	July 2015
Quick v. Commission	PGPR	Tort	July 2015
Jang v. Commission	MC	Tort	Sept 2015
A. Jackson v. Commission	MC	Tort	Sept 2015
Commission v. Fleming	PG	Tort	Sept 2015
Hill v. Commission	PG	ED	Sept 2015
Moore v. Perry, et al	PG	Tort	Sept 2015
Bell, et al v. Commission	MC	LD	Sept 2015
Corsetti-Barczy v. Commission	PGPR	WCC	Oct 2015
Hawkins v. Commission	PGPR	Tort	Oct 2015
Jones v. Commission	PGPR	Tort	Oct 2015
Bell, et al v. Commission	MC	LD	Oct 2015
Commission v. McDonnell	PG	WCC	Nov 2015
Friends of Croom Civic Assoc., et al v. Commission	PG	AALU	Nov 2015
Commission v. Pirtle	MC	CE	Nov 2015
White v. Commission	PG	Tort	Dec 2015
American Humanist Association, et al v. Commission	PG	MISC	Dec 2015
Armstrong v. Commission	PG	ED	Dec 2015
L. Jackson v. Commission	PG	WCC	Jan 2016
L. Jackson v. Commission	PG	WCC	Jan 2016
Commission, et al v. Town of Forest Heights	PG	MISC	Feb 2016
Suggs v. Jones, et al	PG	Tort	Mar 2016
Glessner v. Surratt House	PGPR	Tort	Mar 2016
Pollard v. Commission	PG	WCC	Apr 2016
Keeler v. Commission	MC	WCC	Apr 2016
Commission v. DeReggi	MC	PD	May 2016
Chase v. Perry, et al	PG	Tort	May 2016
Commission v. Guzman	MC	WCC	May 2016
Rounds v. Commission	MC	PD	May 2016

**D. Appellate Court Cases Resolved.**

Rounds v. Commission	MC	PD	Sept 2015
Smith v. MCPB (COSA)	MCPB	AALU	Oct 2015
Smith v. MCPB (COA)	MCPB	AALU	Oct 2015
Kaviani v. Mont. County Planning Board	MCPB	AALU	Nov 2015



## Disposition of FY16 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
<b>Montgomery County Department of Planning</b>		
Bell, et al v. Commission	Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (407517-V)	08/28/15- Plaintiffs filed Notice of Dismissal without Prejudice.
Bell, et al v. Commission	Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement (401282-V)	09/04/15-Case dismissed.
Commission v. Pirtle	Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation	10/20/15- Complaint dismissed in open court.
Rounds v. Commission	Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.	Mandate from Court of Appeals affirming in part and reversing in part; remanding to Court of Special Appeals directing that they remand case to Montgomery County for further proceeding; Circuit Court enters Order dismissing remaining count against Commission on 06/25/15
Rounds v. Commission	Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.	04/19/16- Order of Court dismissing Plaintiff's Counts VI, VII and IX with prejudice for failure to join all necessary parties which concludes all counts against Commission.

<b>Montgomery County Department of Parks</b>			
Commission v. DeReggi	Complaint for tenant holding over on Commission property located in Montgomery County.	04/05/16-Case dismissed; tenant moved from Commission property	
Commission v. Guzman	Commission appealed WCC order authorizing medical treatment.	04/15/16- Joint Stipulation of Dismissal filed.	
Jang v. Commission, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	07/29/15:Trial-judgment entered in the amount of \$9,080 and \$88 costs	
A. Jackson v. Commission	Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.	08/10/15: Jury Trial; verdict for Commission	
Keeler v. Commission	Claimant/employee is appealing the WCC's decision regarding permanency	03/04/16- Stipulation of Dismissal without prejudice; Order remanding case back to Worker's Compensation.	
<b>Montgomery County Park Police</b>			
<b>Montgomery County Planning Board</b>			
Kaviani v. Montgomery County Planning Board	Appeal filed from the Circuit Court ruling in the case of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007	07/29/15- Court affirms judgment of the Circuit Court.	
Smith v. Montgomery County Planning Board	Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.	06/02/15- Court of Special Appeals affirms decision by Montgomery County Planning Board	
Smith v. Montgomery County Planning Board	Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.	09/21/15-Court of Appeals denies Writ of Certiorari	
<b>Prince George's County Department of Parks and Recreation</b>			

American Humanist Association, et al v. Commission	Defense of claim alleging violation of establishment clause of Constitution.	Motion for Summary Judgment filed by Commission granted on 11/30/15-ownership, maintenance and display of Monument does not violate Establishment clause of the First Amendment
Anderson v. Commission	Defense of claim seeking damages for injuries to a minor sustained in an altercation while attending Rollingcrest/Chillum Community Center Park.	07/27/15-Case settled and complaint dismissed.
Armstrong v. Commission	Defense of employment-related claim alleging discrimination, filed in Prince George's County, Md.	06/26/15-Notice of Removal to U.S. District Court; case dismissed
Armstrong v. Commission	Defense of employment-related claim alleging discrimination	10/30/15-U. S. District Court grants Commission's Motion to Dismiss; order signed on 11/16/15.
Commission v. Fleming	Commission filed a lawsuit seeking subrogation recovery for amount due for personal injuries sustained by Commission employee.	08/04/15- Insurer settled and paid Commission for subrogated claim.
Commission v. McDonnell	Petitioner/Employer appealed WCC's decision for medical treatment to Claimant for her right shoulder injury	10/19/15-Dismissed and remanded back to WCC.
Corsetti-Barczy v. Commission	Claimant/employee is appealing the WCC's permanency award.	09/28/15 - Order of Court dismissing and remanding case back to WCC.
Glessner v. Surratt House	Defense of tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.	01/29/16- Court grants Commission's Motion to Dismiss, case dismissed.
Hawkins v. Commission	Defense of tort claim for claimed near drowning while taking swimming lessons at Prince George's Sports and Learning Center in Landover, Maryland.	10/02/15-Motion for Summary Judgment granted, case dismissed.
Hill v. Commission	Employee is seeking judicial review of the Merit Board's dismissal of her appeal.	08/14/15- Oral Argument held, Court reversed and remanded to Merit System Board. Commission appealed.

Jones v. Commission	Defense of claim for trip and fall on alleged broken concrete and loose gravel at Tucker Road Community Center.	10/02/15-Case dismissed.
L. Jackson v. Commission	Claimant/employee is appealing the WCC's decision regarding low back not causally related to the accidental injury and denial of medical treatment and other benefits.	12/01/15-Case dismissed pursuant to Court stay
L. Jackson v. Commission	Claimant/employee is appealing the WCC's decision regarding low back exclusion from claim arising from 5/27/14 accidental injury	12/01/15- Case dismissed pursuant to Court stay
Moore v. Perry, et al	Defense of claim for personal injury involving vehicle allegedly operated by Commission employee.	08/14/15- Case settled, line of dismissal filed.
Pollard v. Commission	Claimant/employee is appealing the WCC's decision denying the left hip surgery is causally related to his workers' compensation claim	03/08/16- Trial-verdict in favor of Claimant; case remanded to WCC for findings consistent with verdict
Quick v. Commission	Defense of claim for alleged violations of the Americans with Disabilities Act.	06/18/15-Complaint dismissed by Court.
Quick v. Gathers	Defense of claim for alleged violations of the Americans with Disabilities Act.	06/18/15-Complaint dismissed by Court.
White v. Commission	Defense of claim for personal injuries involving a vehicle owned by Commission and operated by Commission employee.	11/24/15-Case settled, Line of Dismissal filed.
<b>Prince George's County Planning Department</b>		
Commission, et al v. The Town of Forest Heights	Commission filed lawsuit to stop the unlawful attempt by the Town of Forest Heights, Maryland to expand its geographical boundaries by annexing properties without the required consent of any affected property owner or popular vote.	01/29/16- Court declares 6 <sup>th</sup> and 7 <sup>th</sup> annexation null and void.
Friends of Croom Civic Association, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.	10/26/15- Judgment of Prince George's County Planning Board affirmed.
<b>Prince George's County Planning Board</b>		

<b>Prince George's Park Police</b>		
Chase v. Perry, et al	Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.	04/21/16-Case settled and dismissed.
Suggs v. Jones, et al	Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.	01/27/16-Case settled, line of dismissal filed.
<b>Office of Internal Audit</b>		

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**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Progressive Specialty Insurance Company v. Davis, et al**

No. 0602-0011070-2010 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Complaint filed

Docket:

04/26/10	Complaint filed
11/18/10	Complaint dismissed under Rule 3-506
05/12/16	Plaintiff's Motion to Strike Rule 3-506 and Vacate Order of Dismissal filed
07/08/16	Trial date

**Richardson v. Arnett, et al**

No. 0602-0001638-2016 (Tort)

Lead Counsel: Aleman  
Other Counsel: Harvin

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Complaint filed

Docket:

03/02/2016	Complaint filed
06/22/16	Trial



**DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**Beatty, et al v. Commission**  
No. 0502-0009528-2016 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.

Status: Pending trial

Docket:

04/14/16	Complaint filed
05/20/16	Commission filed Notice of Intention to Defend
09/30/16	Trial date

**Prince George's County, MD v. Commission**  
No. SP05-02-11465-16(LD)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for injunctive relief issued by Prince George's County for unlicensed dog kennel on Commission property which is actually owned by person in neighborhood encroaching on Commission property.

Status: Pending hearing.

Docket:

07/20/16	Show Cause hearing.
----------	---------------------

**CIRCUIT COURT FOR ANNE ARUNDEL, MARYLAND**

**Belt v. Commission**

Case No. C-02-CV-16-000324 (WC- B75076)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.

Status: Pending trial.

Docket:

01/26/16	Petition filed
02/05/16	Court grants Order Extending Time for Record Transmittal
02/23/16	Response to Petition filed by Commission
08/17/16	Settlement Conference
10/12/16	Pre-trial conference

**CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND**

**Shipe v. Louketis, et al**

Case No. 06-C-15-070021 (Tort)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: In discovery.

Docket:

10/26/15	Complaint filed
11/20/15	Commission served
12/18/15	Motion to Dismiss and Memorandum filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Opposition to Motion to Dismiss & Request for Hearing filed
03/07/16	Court grants & denies portions of Commission Motion to Dismiss
09/30/16	Pre-trial conference
11/28/16	Trial

**Tugwell v. Louketis, et al**

Case No. 06-C-15-069996 (Tort)

Lead Counsel: Adams  
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: Complaint filed.

Docket:

10/21/15	Complaint filed
11/20/15	Commission served
12/16/15	Motion to Dismiss and supporting Memorandum, Motion for Protective Order filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Amended Complaint filed by Plaintiff
01/27/16	Second Amended Complaint filed by Plaintiff
02/17/16	Line filed by Commission responsive to Second Amended Complaint and renewing previous Motion to Dismiss
04/15/16	Motions hearing

05/31/16	Motion to Dismiss denied. Court orders Commission to produce documents with 30 days for in-camera inspection.
09/30/16	Pre-trial hearing
11/28/16	Trial

**CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**Burnette v. Commission**  
CAL15-18263 (WC #W050308)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.

Status: Pending trial.

Docket:

02/24/15	Petition filed
06/03/15	Case transferred from Charles County
11/06/15	Pre-trial conference.
09/06/16	Trial Date

**Commission v. Ford**  
CAL16-02123 (WC W070371)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding determination that injury occurred during course of employment.

Status: In discovery.

Docket:

02/12/16	Petition for Judicial Review filed
02/29/16	Response to Petition for Judicial Review filed by Commission
09/21/16	Pre-trial conference

**Commission v. Fulwood**  
CAL16-02193 (WC W070371)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission is appealing the WCC's finding that she had an occupational disease.

Status: Petition filed.

Docket:

02/26/16	Petition for Judicial Review filed
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**Commission v. Landover Polk Street Property, LLC**

CAL 15-25609 (PD)

Lead Counsel: Gardner  
Other Counsel: Chagrin

Abstract: Commission filed a condemnation action to acquire property for use by the Department of Parks and Recreation.

Status: Pending trial.

Docket:

09/28/15	Complaint filed
11/03/15	Defendant served via private process.
11/18/15	Commission filed Motion to serve unknown Defendants.
11/30/15	Joint Motion to Extend Time to Answer Complaint filed.
12/30/15	Court grants Motion
05/03/16	Pre-trial Hearing
12/05/16	Trial

**Leeks v. Commission**

CAL15-09048 (WC W060284)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying occupational hypertension disease as causally related to his course of employment.

Status: Pending trial.

Docket:

05/06/15	Petition for Judicial Review filed
05/21/15	Answer filed.
09/30/15	Pre-trial conference.
11/30/15	Motion for Summary Judgment filed by Mayor and City of Baltimore
12/18/15	Opposition to Motion for Summary Judgment filed by Commission
01/08/16	Motion for Partial Summary Judgment denied by Court
06/27/16	Trial date

**Newell v. Commission**

CAL15-05386 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for trip and fall on alleged wire hanging from the light display at Watkins Regional Park.

Status: In discovery.

Docket:

03/11/15	Complaint filed
12/16/15	Pre-trial conference
06/07/16	Trial date

**Parker v. Commission**  
CAL16-07506 (WC-formerly W071945)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying claim of exposure to mold and injury.

Status: Case dismissed.

Docket:

03/11/16	Petition filed
04/25/16	Case dismissed

**Town of Riverdale Park, et al. v. M-NCPPC**  
CAL-15-32787 (AALU)

Lead Counsel: Mills  
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.

Status: Awaiting oral argument.

Docket:

11/05/15	Petition for Judicial Review Filed
11/17/15	Commission filed Response to Petition, Certificate of Compliance and Notice of Appeal
12/22/15	Record and Transcript Filed
06/10/16	Oral Argument

**Watkins v. Commission**  
CAL15-40296 (WC W050003)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing seeking de novo judicial review of the WCC's

decision denying authorization for medical treatment.

Status:  
Docket:

Petition filed.

12/30/15	Petition for Judicial Review filed
06/08/16	Pretrial conference

**Watkins v. Commission**  
CAL16-07583 (WC W050003)

Lead Counsel:  
Other Counsel:

Chagrin

Abstract:

Claimant/employee is appealing seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status:  
Docket:

Pending trial.

03/16/16	Petition for Judicial Review filed
08/18/16	Pre-trial conference.



**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Berry v. Lopez, et al**

Case No. 414115-V (Tort)

NOTE-Case Venue Transferred from Prince George's County

Lead Counsel: Adams  
Other Counsel: Dickerson

Abstract: Defense of police liability claim for alleged false imprisonment and wrongful detention arising from an incident in Montgomery County

Status: Amended complaint filed.

Docket:

01/21/16	Original Record from Prince George's County-CAL15-25864 transferred to Montgomery County
02/11/16	Commission files Motion to Dismiss and Memorandum
03/30/16	Court grants Commission's motion to dismiss on counts #1,#2,#3,#5, and #6 with prejudice. Court dismisses counts #4 without prejudice with leave to amend within 15 days.
04/21/16	Amended Complaint filed by Plaintiff
04/29/16	Defendant files Motion to Strike Amended Complaint
07/06/16	Hearing on Motion to Strike Amended Complaint

**Cohn, et al v. Commission**

Case No. 409148-V (M)

Lead Counsel: Dickerson  
Other Counsel: Harvin

Abstract: Plaintiff filed complaint attempting to restrain Commission from implementing Archery Managed Deer Hunting Program in Montgomery County.

Status: Pending trial.

Docket:

09/10/15	Complaint for Declaratory Judgment, A Temporary Restraining Order and Preliminary and Permanent Injunctive Relief filed.
09/11/15	Hearing: Court denies Temporary Restraining Order.
10/09/15	Answer filed by Commission.
04/18/16	Defendant file Motion for Summary Judgment & Memorandum
04/29/16	Plaintiffs file Motion for Summary Judgment and Memorandum
05/25/16	Hearing on Motion for Summary Judgment; taken under advisement
07/25/16	Status Hearing

**Commission v. 2005 Toyota Camry**

Case No. 412626-V (M)

Lead Counsel: Adams  
Other Counsel:

Abstract: Commission filed motor vehicle forfeiture incident to drug related arrest.

Status: Pending hearing.

Docket:

12/14/15	Petition filed.
02/23/16	Court grants Commission's Motion to Dismiss Co-Defendant, Tsalta Financial Co, LLC with prejudice; reissue of service for Defendant Ashford
03/17/16	Defendant Ashford served via private process service
06/14/16	Show Cause hearing

**Commission v. Johnson**

Case No. 366677-V (CE)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Further collection action and attempts to seek compliance by foreclosing bank.

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

**Commission v. Morgan**

Case No. 414111-V (WC #W069759)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.

Status: Pending trial.

Docket:

01/21/16	Petition filed.
06/30/16	Status/Pre-trial hearing.

**Dixon v. Commission**

Case No. 417969-V (WC #069068)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that employee sustained an accidental injury arising out of and in the course of employment.

Status: Petition hearing.

Docket:

03/28/16	Petition filed.
04/27/16	Order of Court consolidating Case #417969V with 417970V and to follow scheduling in Case #417969.
09/08/16	Status/pre-trial hearing.

**Dixon v. Commission**

Case No. 417970-V (WC #043782)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that further medical treatment and total temporary disability.

Status: Pending hearing.

Docket:

03/28/16	Petition filed.
04/27/16	Order of Court consolidating Case #417969V with 417970V and to follow scheduling in Case #417969.
09/08/16	Status/pre-trial hearing.

**Fort Myer Construction Corporation v. Commission**

Case No. 399804-V (CD)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)  
Other Counsel: Dickerson

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: Case stayed.  
Docket:

01/23/15	Complaint filed
04/27/15	Motion for Appropriate Relief (Motion to Stay) filed by Commission
05/19/15	Plaintiff's Response to Commission's Motion for Appropriate Relief
10/27/15	Court grants Commission's Motion to Stay pending decisions from Court of Special Appeals
10/27/15	Commission's Motion for Stay granted.

**Giuffrida v. Commission**

Case No. 408754-V (WC #060681)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision.

Status: Judgment entered.

Docket:

09/08/15	Petition filed.
05/18/16	Trial; judgment for Plaintiff at the rate of o 7% permanent partial disability.

**Smith v. Commission**

Case No. 411259-V (WC B717488)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's award of permanent partial disability under "other cases".

Status: Pending trial.

Docket:

11/02/15	Petition filed.
04/07/16	Pre-trial conference.
08/08/16	Trial

**Starks v. Kellogg, et al**  
Case No. 407554-V (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Pending Trial.

Docket:

08/04/15	Complaint filed.
11/06/15	Scheduling Hearing
05/19/16	Pre-trial/Settlement conference
09/27/16	Trial

**Trevan, et al v. Cannizzo, et al**  
Case No. 415094-V (LD)

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Claim related to transferable development rights associated with private party transaction relating to a parcel of land in Montgomery County.

Status: Pending Trial.

Docket:

02/19/16	Complaint filed.
03/10/16	Commission served with complaint
04/07/16	Motion to Dismiss filed by Commission
12/01/16	Pre-trial/Settlement Conference

**MARYLAND COURT OF SPECIAL APPEALS**

**Commission v. Hill**

September Term 2015, No. 01516 (ED)  
(Originally filed under CAL15-04057)

Lead Counsel: Dickerson  
Other Counsel: Adams

Abstract: Commission appealed Circuit Court ruling reversing and remanding employee termination to Merit Board System.

Status: Appeal filed.

Docket:

09/11/15	Notice of Appeal filed
09/2016	Argument

**Fort Myer Construction Corporation v. Commission**  
**Commission v. URS Corporation (Third Party claim by Commission)**

2015 Term, No. 16 (CD)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)  
Other Counsel: Dickerson

Abstract: Fort Myer Construction Corporation appeals award of sanctions against it. Commission notes cross appeal, as does URS Corporation.

Status: Court of Special Appeals affirms in part and reverses in part decision of Circuit Court.

Docket:

03/09/15	Notice of Appeal filed by Plaintiff.
03/19/15	Notice of Appeal filed by Commission
03/20/15	Notice of Appeal filed by URS Corporation
06/17/15	Mediation held
03/02/16	Oral Argument held
04/01/16	Court of Special Appeals dismisses appeal of URS Corporation affirming judgment in favor of Commission against Defendant URS Corporation in the amount of \$352,355.68 and establishment of its duty to defend the Commission. The Court reversed the Circuit Court's award of sanctions against Ft. Myers Construction Co.
04/28/16	Court issues Amended Opinion instead dismissing appeal of URS Corporation as premature.
05/26/16	Petition for Writ of Certiorari filed by URS Corporation

**Friends of Croom Civic Association, et al. v. Commission**

Case No. 02177, September Term 2015 (AALU)  
(Originally filed under CAL14-32333)

Lead Counsel: Mills  
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.

Status: Appeal Filed.  
Docket:

12/07/15	Notice of Appeal
05/27/16	Commission Brief due
12/2016	Oral Argument

**The Town of Forest Heights v. Commission**

Case #02711, September Term 2015 (M)  
(Originally filed under CAL 15-04255)

Lead Counsel: Borden  
Other Counsel: Mills

Abstract: Commission filed lawsuit to stop the unlawful attempt by the Town of Forest Heights, Maryland to expand its geographical boundaries by annexing properties without the required consent of any affected property owner or popular vote. Appellant files appeal after Circuit Court declares 6<sup>th</sup> and 7<sup>th</sup> annexation null and void.

Status: Appeal Filed.

Docket:

02/22/16	Notice of Appeal
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**MARYLAND COURT OF APPEALS**

No Current Pending Cases

**U.S. DISTRICT COURT OF MARYLAND**

**Hartford Casualty Insurance Company v. Commission**

Case No. 8:13-cv-01765 (CD)

Lead Counsel: Ober, Kaler, Grimes & Shriver (Michael A. Schollaert)  
Other Counsel: Dickerson, Chagrin

Abstract: Plaintiff bonding company filed complaint seeking alleged damages associated with surety work after taking over Fort Washington Forest Park and the North Forestville Projects in Prince George's County.

Status: Pending mediation.

Docket:

06/18/13	Complaint filed
05/27/14	Plaintiff filed Consent Motion to Stay
05/28/14	Court stays case
09/25/14	Joint Status Report filed.
09/26/14	Court extends stay through 01/23/15.
01/26/15	Court extends stay for 120 days
05/11/15	Mediation
05/26/15	Order granting Consent Motion to Stay
10/26/15	Settlement negotiations in progress

**Pulte Home Corporation, et al v. Montgomery County, et al**

Case No. 8:14-cv-03955 (LD)

(Originally filed under Case No. 397601V-Mont. Cty)

Lead Counsel: Gardner/Dickerson  
Other Counsel: Adams

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: In discovery.

Docket:

12/18/14	Notice of Removal and Complaint filed
01/02/15	Commission files Motion to Dismiss or in the Alternative for Summary Judgment and Supporting Memorandum
01/09/15	Plaintiffs file Motion to Remand.
02/05/15	Defendant Montgomery County's Opposition to Motion to Remand
02/06/15	Commission's Opposition to Plaintiff's Motion to Remand
02/06/15	Plaintiff's Opposition to Defendant M-NCPPC's Motion to Dismiss
02/23/15	Plaintiff's Reply in Support of Motion to Remand



02/23/15	Commission's Reply to Opposition to Motion to Dismiss
07/17/15	Order denying Pulte's Motion to Remand; Order denying MNCPPC's Motion to Dismiss with leave to respond to complaint with 14 days
07/31/15	Commission's Answer to Complaint
07/31/15	Commission's Motion for Reconsideration
08/26/15	Plaintiffs' Opposition to Commission's Motion for Reconsideration filed
09/24/15	Commission's Reply to Plaintiff's Opposition to Reconsideration of the Court's Denial of the Commission's Motion to Dismiss filed
12/29/15	Court denies Commission Motion for Reconsideration of Denial of Motion to Dismiss
01/07/16	Chambers Conference Call
02/19/16	E-Discovery Conference
04/01/16	E-Discovery Conference
05/10/16	Finalizing ESI protocol and search terms.
05/27/16	County's Motion for Protective Order filed
05/27/16	Commission's Motion for Protective Order filed

**Sutton v. Commission**

Case No. 1:15-cv-01996-CCB(Tort)

Lead Counsel: Harvin  
Other Counsel: Dickerson

Abstract: Defense of employment-related claim alleging discrimination.

Status: In discovery.

Docket:

07/23/15	Complaint filed.
11/20/15	Answer to Complaint filed by Commission.
12/18/15	Court grants dismissal of case against State of Maryland
05/16/16	Motions deadline

**U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT**

**American Humanist Association, et al v. Commission**

No. 15-2597 Case #8:14-cv550-DKC (M)

Lead Counsel: Dickerson  
Other Counsel: Gardner  
Adams

Abstract: Defense of claim alleging violation of establishment clause of Constitution.

Status: Appeal filed

Docket:

12/30/15	Notice of Appeal filed
02/29/16	Appellant's brief filed
04/04/16	Response brief by Appellees filed
03/07/16	Brief Amici Curiae filed by Freedom from Religion Foundation and Center for Inquiry in Support of Appellants
04/11/16	Brief Amici Curiae of The Becket Fund for Religious Liberty in Support of Appellees
04/11/16	Brief Amici Curiae Senator Joe Machin and Representatives Doug Collins, Vicky Hartzler, Jody Hice, Evan Jenkins, Jim Jordan, Mark Meadows and Alex Mooney in Support of Appellees
04/11/16	Brief Amici Curiae State of West Virginia and 24 Other States supporting Appellees
04/18/16	Appellant's Reply brief filed

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