



THE MARYLAND-NATIONAL CAPITAL  
Park and Planning Commission

# COMMISSION MEETING

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**May 19, 2021**

10:00 a.m. – 12:00 noon

*via teleconference*

*and live-streamed by*

**Department of Parks and Recreation,  
Prince George's County**

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MEETING AGENDA  
Wednesday, May 19, 2021**

**Via videoconference live-streamed by  
The Department of Parks and Recreation, Prince George’s County**

**10:00 a.m. – 12 noon**

		<u>ACTION</u>	
		Motion	Second
1.	<b>Approval of Commission Agenda (10:00 a.m.)</b>	(+*)	Page 1
2.	<b>Approval of Commission Minutes (10:05 a.m.)</b>		
	a) Open Session – April 21, 2021	(+*)	Page 3
	b) Closed Session – April 21, 2021	(++*)	
3.	<b>General Announcements (10:05 a.m.)</b>		
	a) National Mental Health Awareness Month		
	b) National Fitness Month / National Fitness Day (May 1)		
	c) Asian Pacific American Heritage Month		
	d) Jewish American Heritage Month		
	e) Military Appreciation Month		
4.	<b>Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)</b>		
	a) Executive Committee Meeting – Open Session – May 5, 2021	(+)	Page 7
	b) Executive Committee Meeting – Closed Session – May 5, 2021	(++)	
	b) Employees’ Retirement System Board of Trustees Regular Meeting – March 2, 2021	(+)	Page 11
5.	<b>Action and Presentation Items (10:10 a.m.)</b>		
	a) Resolution 21-05 Shady Grove Minor Master Plan Amendment (Yearwood)	(+*)	Page 15
	b) Resolution 21-08 Extension of the Executive Committee’s Authority to Approve and Implement COVID-19 Response Decisions	(+*)	Page 27
	c) Acknowledge Melissa D. Ford as the Prince George’s County Open Trustee and Caroline McCarthy as the Montgomery County Open Trustee for the three-year term Ending June 30, 2024 (Rose)	(+*)	Page 29
	d) Bi-county Salary Savings Memos (Chiang-Smith/Gardner/Zimmerman)		
	1. Department of Human Resources and Management	(+*)	Page 31
	2. Legal Department	(+*)	Page 32
	3. Finance Department	(+*)	Page 33
	4. CIO’s Office	(+*)	Page 34
	e) Resolution 21-07 Commitment to Diversity, Equity and Inclusion (Jennai/McCord/Black)	(+*)	Page 35
	f) Annual Legislative Update (Gardner)	(+*)	H
6.	<b>Officers’ Reports (11:00 a.m.)</b>		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, April 2021 (For Information Only)	(+)	Page 39
	<u>Secretary Treasurer</u>		
	No Report for May 2021		
	<u>General Counsel</u>		
	b) Litigation Report (For Information Only)	(+)	Page 41

*Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice, discuss public security issues related to the agency's information systems and consider matters that relate to negotiation.*

**7. Closed Session (11:00 a.m.)**

- a) CIO Quarterly Update (Chilet) (++)
- b) Collective Bargaining Update (Chiang-Smith)

(+) 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  
April 17, 2021

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the County Administration Building in Upper Marlboro, Maryland. The meeting was broadcast by the Department of Parks and Recreation, Prince George's County.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair  
Dorothy Bailey  
William Doerner  
Manuel Geraldo  
A. Shuanise Washington

Montgomery County Commissioners

Casey Anderson, Vice-Chair  
Gerald Cichy  
Natali Fani-Gonzalez  
Tina Patterson

NOT PRESENT

Partap Verma

Chair Hewlett called meeting to order at 10:04 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

No modifications

ACTION: Motion of Commissioner Washington to approve the agenda  
Seconded by Commissioner Fani-Gonzalez  
9 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – March 17, 2021

Closed Session – March 17, 2021

ACTION: Motion of Commissioner Washington to approve the minutes  
Seconded by Commissioner Geraldo  
9 approved the motion  
Commissioner Patterson abstained from approving Closed Session minutes.  
Commissioner Verma absent.

ITEM 3

GENERAL ANNOUNCEMENTS

- a) Chair Hewlett spoke on the recent verdict on the murder of George Floyd and the semblance of justice. She acknowledged the problem of police violence against black men in the nation. She recognized police often need to make split second decisions, but this was not the case. They jury did the right thing. She added that during Celebrate Diversity Month the Commission needs to embrace and hold fast to Diversity and continue to work. Everyone has the ability to step up and do something when you see something wrong. She recognized and praised the agency's Park Police, who do step up, are committed, and believe in community policing.

- b) Condolences went out to the family, friends and colleagues of two employees of the agency who died from complications from COVID-19. Those present at the meeting took a moment of silence for them and for the loved ones of staff who have passed.
- c) Stress Awareness Month
- d) Autism Acceptance Month
- e) Alcohol Awareness Month
- f) Arab American Heritage Month
- g) April birthdays – Chair Hewlett wished happy birthday to Commissioner Cichy. Commissioner Patterson wished Chair Hewlett best regards for her birthday.
- h) Chair Hewlett congratulated Commissioner Patterson for being selected to participate in the America Indivisible 2021 Public Leaders for Inclusion Council.
- i) Chair Hewlett recognized Administrative Professionals Day and thanked administrative staff who have been keeping the agency organized and running so well during this pandemic.
- j) Upcoming Asian-American & Pacific Islander month
- k) Upcoming National Prevention Week (Mental and/or Substance Use Disorders) May 9-15
- l) Commissioner Fani-Gonzalez asked, especially while the agency was applying for another One-Commission Gold Medal, if employees from each county could hear more from the other county. She asked in the next few months, for a presentation from both Parks departments to see what will be highlighted in the award application. Chair Hewlett suggested the Parks Directors work with the Executive Director to determine a good time to do that. She also requested if informal tours could be arranged for people to visit select parks in the opposite county. Prince George’s Parks and Recreation Director Tyler said he would be happy to work with Montgomery Parks Director Riley to arrange that, and looked forward to seeing them in his parks this summer.

ITEM 4 COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee Meeting – Open Session, April 7, 2021
- b) Employees’ Retirement System Board of Trustees Regular Meeting, March 2, 2021

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution 21-06 Temporary Extension of Annual Leave Carryover for Merit Employees (Chiang-Smith/Zimmerman)

No discussion.

ACTION: Motion of Vice Chair Anderson to adopt Resolution 21-06  
 Seconded by Commissioner Washington  
 9 approved the motion

- b) Personnel Management Review (Spencer/King)

Corporate Human Resources Director Spencer introduced Classification and Compensation Manager Boni King, who provided highlights and statistics from the Personnel Management Review from 2020, included in the packet (please note a late delivery reflected the latest version of the report). Ms. King stated the agency continues to diversify its workforce, hiring more qualified professionals who are minorities, better reflecting the population in our counties.

Commissioner Doerner asked if the report differentiated between the counties’ population and the counties’ workforce demographics, noting the two may be different; and asked what the agency is doing to target the Latino workforce to encourage them to join our career workforce. Mr. Spencer replied a staff of 3-4 recruiters reach out on our websites and making contacts with various organizations to let them know we have vacancies. He agreed

the agency could more closely examine the difference between those who are in the workforce versus the entire population. Commissioner Washington also encouraged they examine the difference.

Commissioner Doerner asked about the demographics of our police force, to determine if they look like the people they are protecting. Mr. Spencer said the Parks Directors indicated they could lend resources toward the hiring of a more diverse work force. Executive Director Chiang-Smith said the agency is connected through the Society of Human Resources Managers (SHRM), and we are looking at strategies in connecting locally with different organizations. She added the agency has worked with the police Chiefs and FOP to ensure there are incentives for attracting diversity including bonuses for people who speak multiple languages. They are open to other suggestions.

Commissioner Washington suggested hosting a recruitment fair at our facilities, noting it would be a good way to meet the population we're trying to reach. Commissioner Geraldo agreed that the agency needs to expand its reach to the Latino community. Commissioner Doerner suggested contacting the Association of Latino Professionals for America.

Chair Hewlett thanked Ms. King and Mr. Spencer. Commissioner Washington congratulated the agency for its progress in increasing diversity.

c) Commission's Response to I-495 / I-270 Managed Lanes Study – Selection of Alternative 9 as the Recommended Preferred Alternative (Rubin/Borden)

Deputy General Counsel Borden and Managed Lanes Project Coordinator Rubin discussed a draft letter sent recently to Commissioners about the State Highway Administration's Preferred Alternative. While the team has been meeting regularly with the State Highway Administration (SHA) since January to help resolve issues and comments received from several agencies about the Draft Environmental Impact Study and stormwater management issues with SHA team. The team has been very busy and engaged and has made progress resolving several minor issues and one major one. Other major issues have not been addressed.

Deputy General Counsel Borden said many of these issues could be largely resolved with a segmented or phased examination of the National Environmental Policy Act (NEPA) study, which contains the entire 40-mile study area, whereas the only segmented part of the project is the procurement process. We want the NEPA study to match. They have only approved procurement for phase one, around the American Legion bridge. These NEPA issues are here and they are not going away. It is also unclear when the inter-agency IWAG team will next meet to discuss issues and solutions. The last scheduled meeting in April was cancelled, and has not been rescheduled.

The letter, if approved, will state the Commission's position of non-concurrence with the SHA's Recommended Preferred Alternative. Deputy Director Borden said the Commission should respond as if the whole NEPA study is still at play. If the preferred alternative is selected, the Commission will no longer be able to press environmental and parkland concerns. She said segmenting the plan provides SHA with an opportunity to proceed with phase one and then revisit others. This is the way forward.

Ms. Rubin noted, even with phasing, two critical issues remain with Phase one – first, whether the Preferred Alternative provides meaningful multi-modal plan. Second, the American Legion bridge must be designed and planned to accommodate rail. If MDOT and SHA address those two issues, she believes phase one should be able to move forward.

Chair Hewlett thanked Ms. Borden and Ms. Rubin for all their work and congratulated them on their perseverance and success. There was no other discussion.

ACTION: Motion of Commissioner Fani-Gonzalez to approve the letter  
Seconded by Commissioner Geraldo  
9 approved the motion

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

a) Late Evaluation Report (March 2021) (For information only)

Secretary Treasurer Report

b) 3<sup>rd</sup> Quarter Investment Report (For information only)

General Counsel Report

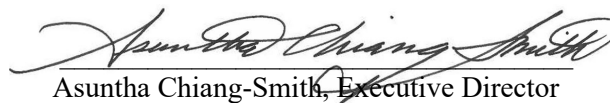
c) Litigation Report (For information only)

*Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice, discuss public security issues related to the agency's information systems and consider matters that relate to negotiation.*

Chair Hewlett asked for a motion to move to closed session. Commissioner Washington moved, Commissioner Fani-Gonzalez seconded. All Commissioners in attendance voted for the measure and the meeting moved to closed session at 10:56 a.m. There being no further business in open session Chair Hewlett adjourned the meeting from closed session at 12:00 noon.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**EXECUTIVE COMMITTEE MEETING MINUTES**  
**May 5, 2021**

On May 5, 2021, the Maryland-National Capital Park and Planning Commission's Executive Committee met via teleconference. Present were Chair Elizabeth M. Hewlett, Vice Chair Casey Anderson, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

Andree Checkley, Director, Prince George's County Planning (PGPL)  
 Adrian Gardner, General Counsel  
 Mike Riley, Director, Montgomery County Parks (MCPK)  
 Bill Tyler, Director, Prince George's County Parks and Recreation (PGPR)  
 Gwen Wright, Director, Montgomery County Planning (MCPL)  
 Joe Zimmerman, Secretary-Treasurer

Presenters/Staff

James Adams, Senior Technical Writer  
 Anju Bennett, Corporate Policy and Management Operations Director  
 Debra Borden, Deputy General Counsel  
 Mazen Chilet, Chief Information Officer  
 John Kroll, Corporate Budget Director  
 William Spencer, Corporate Human Resource Director  
 Genevieve Jennai, Diversity Council (Item 3a. only)  
 Calista Black, Diversity Council (Item 3a. only)  
 Andrew McCray, Diversity Council (Item 3a. only)  
 Carol Rubin, Diversity Council (Item 3a. only)  
 Sharon Simmonds, Diversity Council (Item 3a. only)

Executive Director Chiang-Smith convened the meeting at 10:03 a.m.

**ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA**

Discussion	Executive Director Chiang-Smith added to closed session item 4b to include an update on the reopening plan.
ACTION	See 1c

**ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for May 19, 2021**

Discussion	No modification to the May Commission Meeting agenda.
ACTION/Follow-up	See 1c

**ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS**

Discussion	No modification to Rolling Agenda
ACTION/Follow-up	Motion of Chair Hewlett, second by Executive Director Chiang-Smith. Agendas for items 1a-1c approved unanimously.

<b>ITEM 2 – February 3, 2020 EXECUTIVE COMMITTEE MEETING MINUTES</b>	
Discussion	April 7, 2021 Open Session
ACTION	Motion of Chair Hewlett, second by Executive Director Chiang-Smith. Minutes approved unanimously.

<b>ITEM 3 – DISCUSSION/PRESENTATION ITEMS</b>	
Discussion	<p><u>3a. Diversity, Equity and Inclusion Definitions and Training (Jennai/Black/McCray/Rubin/Simmons)</u></p> <p>Executive Director Chiang-Smith provided background on the need to craft and formally present the agency’s definitions of Diversity, Equity and Inclusion (DEI), noting it is better to define these terms as an agency, then allow someone else to define it for us. She said the Diversity Council, with support and vetting of departmental Human Resources and Communications staff, have recently developed these new definitions. Department Heads had a chance to review a draft in April which was well-received.</p> <p>Diversity Council Chair Jennai introduced other members of the Council including Ms. Black, Mr. McCray, Ms. Simmons, and Ms. Rubin. She explained that subsequent to the Department Heads’ meeting, the Council was asked to update drafts to formulate a combined DEI statement incorporating definitions of inclusion and equity presented earlier. These updated definitions will be incorporated into staff training, recruitment materials and other areas. The Diversity Council recommends the DEI statement becomes a part of the MNCPPC’s mission statement.</p> <p>The Council reviewed changes to the agency’s current diversity statement through broadened statement and definitions. These changes will updated and replace the earlier statement approved by the Commission in 2001.</p> <p>Corporate Policy and Management Director added that the Diversity Council did a great job ensuring that good work done by departments on equity and inclusion was incorporated into the updated statements. HR professionals and communications staff also provided very good feedback. Executive Director Chiang-Smith commended the Diversity Council on its research and product. She thanked Corporate Policy and Management Operations Director Bennet for guiding the process.</p> <p>Chair Hewlett noted she has been hearing positive feedback on the training the Diversity Council is offering and congratulated the Diversity Council for their work. She praised the new definitions, stressing the importance of embracing and defining DEI as an agency overall to set an example to other agencies and be a leader. Vice Chair Anderson agreed.</p>
ACTION/follow-up	<p>Chair Hewlett moved approval to support the new definitions. Vice-Chair Anderson seconded. Motion approved unanimously.</p> <p>General Counsel Gardner recommended bringing a resolution to the full Commission for formal adoption.</p>
Discussion	<u>3b. Extension of Social Distancing Leave through 2021 (Chiang-Smith)</u>

	<p>Executive Director Chiang-Smith requested an extension of the social distancing leave that was awarded to staff in 2020 to be able to use through the end of calendar 2021, noting many staff still have not had the opportunity to take the leave, particularly at the senior management level.</p> <p>Chair Anderson said while he supported the measure, he asked for a deeper analysis of leave use in the agency. Sorting by department would be helpful as well. Such a report would be illuminating for future decisions on leave in general</p>
ACTION/Follow-up	<p>Chair Hewlett moved approval. Executive Director Chiang-Smith seconded. Motion approved unanimously.</p> <p>Executive Director Chiang-Smith will coordinate a leave report for the Executive Committee.</p>
Discussion	<p><u>3c. 9<sup>th</sup> COVID MOU for FOP Collective Bargaining and Command Staff Passthrough and 9<sup>th</sup> COVID MOU for MCGEO Collective Bargaining Unit (Chiang-Smith/Bennett)</u></p> <p>Executive Director Chiang-Smith reviewed details on the two most recent Memorandums of Understanding with both FOP (through July 3) and MCGEO (through May 1) collective bargaining units, and requested their adoption by the Executive Committee.</p>
Action/Follow up	<p>Chair Hewlett moved approval. Executive Director Chiang-Smith second. Unanimous approval.</p>
Discussion	<p><u>3d. Chairs' Award for Outstanding Service During 2021 COVID-19 Response (Chiang-Smith)</u></p> <p>Executive Director Chiang-Smith provided background and indicated that Department Directors supported continuing this program. Last year, the M-NCPC provided this special program to recognize a limited number of staff who were performing their jobs at a truly outstanding level during the COVID-19 response. The program provided the flexibility to grant a monetary or administrative leave award outside of the regular Performance Recognition Award.</p> <p>Chair Hewlett cautioned the 2020 awards were distributed far more widely than expected or intended and would like to them to meet some special criteria. She would also like to review the nominations prior to the awards being granted and distributed.</p> <p>Vice-Chair Anderson agreed, stating the Chairs should have more oversight, and would like to see support and justification for these awards, with a level of consistency across departments. He also suggested a more regular nomination period, rather than its current ad hoc basis.</p> <p>Director Tyler asked the Chairs to consider the number of awards given per department, based on the total number of employees in those departments.</p>
Action/Follow up	<p>Chair Hewlett moved approval of the extension of the program, with provisions that the Chairs receive a full list of names of those receiving awards, and the justification</p>

	<p>for the awards. Vice-Chair Anderson seconded with the same provision. Motion passed unanimously.</p> <p>Executive Director Chiang-Smith will send last years' list of recipients to the Chairs for review. Mr. Adams will collect nomination sheets for 2021 and will forward them to the Chairs for final review.</p> <p>Secretary-Treasurer Zimmerman stated the awards would need to be approved before the last pay period in June.</p>
Discussion	<p><u>3e. Investment Report March 2021 (information item only)</u></p> <p>No discussion.</p>

*Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice and consider matters that relate to negotiation.*

Vice-Chair Hewlett motioned for the meeting to move into Closed Session at 10:51 a.m. Executive Director Chiang-Smith seconded, motion approved unanimously.

With no further business to discuss, the meeting adjourned at 11:11 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director



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

**BOARD OF TRUSTEES MEETING  
MINUTES  
Tuesday, March 2, 2021; 10:00 a.m.  
via Microsoft Teams**

Due to COVID-19, the Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with CHAIRMAN HEWLETT leading the call from the County Administration Building in Upper Marlboro, Maryland on Tuesday, March 2, 2021. The meeting was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

**Board Members Present**

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George’s County Commissioner  
Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner  
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio  
Melissa D. Ford, Prince George’s County Open Trustee  
Pamela F. Gogol, Montgomery County Public Member  
Caroline McCarthy, Montgomery County Open Trustee  
Amy Millar, MCGEO Represented Trustee  
Sheila Morgan-Johnson, Prince George’s County Public Member  
Elaine A. Stookey, Bi-County Open Trustee  
Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

**ERS Staff Present**

Andrea L. Rose, Administrator  
Sheila S. Joynes, ERS Accounting Manager

**Presentation**

Wilshire Associates’ Bradley A. Baker, Managing Director, and Martell McDuffy, Senior Analyst

**Others Present**

M-NCPPC Legal Department – William C. Dickerson, Principal Counsel

**ITEM 1 APPROVAL OF THE MARCH 2, 2021 CONSENT AGENDA**

**ACTION:** VICE CHAIRMAN CICHY made a motion, seconded by MS. MILLAR to approve the Consent Agenda. The motion PASSED unanimously (10-0). (Motion #21-16)

**ITEM 2 CHAIRMAN’S ITEMS**

No items reported.

**ITEM 3 MISCELLANEOUS**

No items reported.

**ITEM 4** **MANAGER REPORTS/PRESENTATIONS****A. Wilshire Associates****Presentation by Bradley A. Baker, Managing Director, and Martell McDuffy, Senior Analyst**

Wilshire Associates' Brad Baker provided a Quarterly Investment Summary for the quarter ending December 31, 2020 which included a capital market review and the fund's performance. The ERS' total fund return was 8.9% (net of fees) for the quarter, outperforming the target policy index return of 8.1%. For the one, three, five, and ten-years ended December 31, 2020 the ERS fund return was 8.1%, 7.1%, 9.4%, and 7.7%, respectively, compared to the target policy return of 10.1%, 7.5%, 9.1%, and 7.5%, respectively. The total market value through December 31, 2020 was \$1.1 billion.

The Added Value History summary reflected not only the more conservative nature of the ERS' portfolio to protect in down markets, but the portfolio's ability to participate in up markets. In terms of peer comparisons, the ERS ranked well below peers with respect to returns. This was not unexpected given that asset allocation drives a plan's return and peers have much higher allocations to equities. Although the ERS had 3<sup>rd</sup> quartile returns, the ERS' Sharpe ratio was greater than 90% of peers with risk less than 90% of other pension plans.

Overall, Wilshire was pleased with the ERS portfolio's response in 2020. The investment managers did a really good job of navigating the markets. Wilshire did not recommend any changes to strategy or underlying investment managers. The last asset/liability study was performed in 2019 with the next one planned for late 2021 or early 2022.

**ITEM 5** **REPORT OF ADMINISTRATOR****Presentation by Andrea L. Rose, Administrator  
Administrator's Report dated February 19, 2021**

Andrea Rose presented the Administrator's Report dated February 19, 2021.

In accordance with the Pension Funding Policy, at least every 5 years the actuary performs an Experience Study and reviews the Pension Funding Policy (the "Policy") for any necessary modifications. One of the primary funding objectives of the Policy, is to minimize the volatility of the employer's annual contribution rate as a percentage of covered pay by smoothing investment gains and losses over a period of five years.

In conversations with the Administrator, Cheiron recommended exploring alternative methods to dampen contribution volatility as part of the Experience Study and estimated a fee of \$2,500. Cheiron plans to explore a corridor approach for the contribution rate, amortizing future unfunded liability gains and losses in new layers each year, and a combination of the two methods. Cheiron's projection model has the ability to review various future investment returns to in order to see how the contribution and funded status is impacted by the changes.

While the scope of work was not included in the FY2021 Operating Budget, staff anticipate savings and recommend exploring alternative methods to dampening contribution volatility as part of the Experience Study.

**ACTION:** MS. GOGOL made a motion, seconded by VICE CHAIRMAN CICHY to approve exploring alternatives to dampening contribution volatility as part of the Experience Study. The motion PASSED unanimously (10-0). (Motion #21-17)

Ms. Rose requested Board approval for a 1.2% Cost-of-Living Adjustment (COLA) for retirees and beneficiaries effective July 1, 2021. In accordance with the Provisions of the Employees' Retirement System, the COLA was calculated using data from the Consumer Price Index for All Urban Consumers (CPI U) at December 2020. All retirees and beneficiaries receiving annuities for at least six months are eligible for the COLA.

**ACTION:** VICE CHAIRMAN CICHY made a motion, seconded by MR. ZIMMERMAN to approve a 1.2% Cost-of-Living Adjustment Effective July 1, 2021 for Eligible Retirees and Beneficiaries in Accordance with the Provisions of the Employees' Retirement System. The motion PASSED unanimously (10-0). (Motion #21-18)

## ITEM 6

### **COMMITTEE REPORTS/PRESENTATIONS**

#### **A. Investment Monitoring Group**

##### **Presentation by Andrea L. Rose, Administrator**

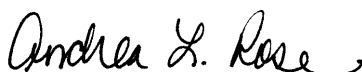
##### i. Regular Report of February 16, 2021

At the Investment Monitoring Group (IMG) meeting of February 16, 2021, the IMG met with Principal Global Investors' Meighan Phillips, Managing Director, Portfolio Management, and Greg Pittenger, Managing Director, Institutional Sales & Relationship Manager, for a performance review.

Principal Global Investors ("Principal") has \$88.1 billion in assets under management with \$34.6 billion in private equity assets as of December 31, 2020. There have been no changes to the U.S. Property account portfolio management team. The portfolio is well-diversified by property type, industrial, multifamily, office and retail. Principal remains an active core anchor for the ERS' private real assets allocation with high quality investments and predictable returns. Cumulative performance (net of fees) was 0.6%, 4.85%, and 6.31% for the one-year, three-year and five-year periods ending December 31, 2020 compared to the NCREIF ODCE Index returns of 1.56%, 5.26% and 6.9%, respectively.

The Board meeting of March 2, 2021 adjourned at 11:30 a.m.

Respectfully,



Andrea L. Rose  
Administrator

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2425 Reedie Drive  
Floor 14  
Wheaton, MD 20902



MontgomeryPlanning.org

**M-NCPPC  
Item No.  
Date: 5/19/2021**

### **Resolution of Adoption of the Approved Shady Grove Sector Plan Minor Master Plan Amendment**

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Nkosi Yearwood, Planner Coordinator, Mid-County Planning, [nkosi.yearwood@montgomeryplanning.org](mailto:nkosi.yearwood@montgomeryplanning.org), 301-495-1332



Jessica McVary, Supervisor, Mid-County Planning, [jessica.mcvary@montgomeryplanning.org](mailto:jessica.mcvary@montgomeryplanning.org), 301-495-4723



Carrie Sanders, Division Chief, Mid-County Planning, [carrie.sanders@montgomeryplanning.org](mailto:carrie.sanders@montgomeryplanning.org), 301-495-4653

**Completed: 5/10/2021**

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#### **Recommendation**

Approve the Resolution of Adoption.

#### **Summary**

Attached for your review and approval is M-NCPPC Resolution Number 21-05 to adopt the Shady Grove Sector Plan Minor Master Plan Amendment. The Montgomery County Council, sitting as the District Council, approved the Shady Grove Sector Plan Minor Master Plan Amendment by Resolution Number 19-779 on April 6, 2021. The Montgomery County Planning Board approved the adoption of the Shady Grove Sector Plan Minor Master Plan Amendment by Resolution Number 21-036 on April 29, 2021.

#### **Attachments:**

1. Montgomery County Planning Board Resolution No. 21-036; M-NCPPC Resolution No. 21-05
2. Montgomery County Council Resolution No. 19-779

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# ATTACHMENT 1

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**M-NCPPC NO. 21-05**

**MCPB NO. 21-036**

## RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and 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, pursuant to procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on May 14, 2020 on the Public Hearing Shady Grove Sector Plan Minor Master Plan Amendment, being also an amendment to portions of the approved and adopted 2006 *Shady Grove Sector Plan; 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; the 2013 *Countywide Transit Corridors Functional Master Plan*; the 2018 *Master Plan of Highways and Transitways*, as amended; and the 2018 *Bicycle Master Plan*.

WHEREAS, the Montgomery County Planning Board, after said virtual public hearing and due deliberation and consideration, on October 15, 2020, approved the Planning Board Draft Shady Grove Sector Plan Minor Master Plan Amendment, recommended that it be approved by the District Council, and forwarded it to the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Shady Grove Sector Plan Minor Master Plan Amendment and forwarded those recommendations and analysis to the District Council on March 22, 2021; 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 virtual public hearing on February 23, 2021, wherein testimony was received concerning the Planning Board Draft Shady Grove Sector Plan Minor Master Plan Amendment; and

WHEREAS, the District Council, on April 06, 2021 approved the Planning Board Draft Shady Grove subject to the modifications and revisions set forth in Resolution No. 19-779.

/s/ Matthew T. Mills

Approved for legal sufficiency

M-NCPPC Office of the General Counsel

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 Shady Grove Sector Plan Minor Master Plan Amendment, together with the General Plan for the Physical Development of the Maryland-Washington Regional District within Montgomery and Prince George's Counties, as amended, and as approved by the District Council in the attached Resolution No.19-779; and

BE IT 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.

\*\*\*\*\*

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 Verma, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, April 29, 2021, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board

## ATTACHMENT 2

Resolution No.: 19-779  
Introduced: April 6, 2021  
Adopted: April 6, 2021

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

---

Lead Sponsor: County Council

---

**SUBJECT:** Approval of the Fall 2020 Shady Grove Sector Plan Minor Master Plan Amendment

1. On December 9, 2020, the Montgomery County Planning Board transmitted to the County Executive and the County Council the Fall 2020 Planning Board Draft Shady Grove Sector Plan Minor Master Plan Amendment.
2. The Fall 2020 Planning Board Draft Shady Grove Sector Plan Minor Master Plan Amendment contains the text and supporting maps for an amendment to portions of the Approved and Adopted 2006 Shady Grove 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, the Bicycle Master Plan, as amended, and the Master Plan for Historic Preservation, as amended.
3. On February 23, 2021, the County Council held a virtual public hearing on the Fall 2020 Planning Board Draft Shady Grove Sector Plan Minor Master Plan Amendment. The Minor Master Plan Amendment was referred to the Council's Planning, Housing, and Economic Development Committee for review and recommendations.
4. On March 22, 2021, the Office of Management and Budget transmitted to the County Council the County Executive's Fiscal Impact Statement for the Fall 2020 Planning Board Draft Shady Grove Sector Plan Minor Master Plan Amendment.
5. On March 1, March 15, and March 18, 2021, the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the Planning Board Draft Shady Grove Sector Plan Minor Master Plan Amendment.
6. On March 23, 2021, the County Council reviewed the Planning Board Draft Shady Grove Sector Plan Minor Master Plan Amendment 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 Shady Grove Sector Plan Minor Master Plan Amendment, dated Fall 2020, is approved with revisions. County Council revisions to the Planning Board Draft Shady Grove Sector Plan Minor Master Plan Amendment are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring. All page references are to the Fall 2020 Planning Board Draft Shady Grove Sector Plan Minor Master Plan Amendment.

Page 35: Modify the first bullet under “Land Use and Zoning” as follows:

- Rezone the WMATA/Metro property, including the surface parking lot and the Somerville property, 15901 Somerville Drive, from the CR 1.75 C0.5 R1.5 H-160T/TDR 1.77 Zone to the [CR 2.0 C1.0 R1.5] CR-2.25 C-1.0 R-1.75 H-200 Zone to promote high-intensity mixed-use development at the Metro station that contributes to the Sector Plan’s public benefits, including the maximum percentage of affordable housing and a minimum one-acre Civic Green for the WMATA property (Map 14).

Page 37: Update Map 14: Metro West Proposed Zoning to reflect the Council’s recommended zoning changes.

Page 39: Modify the first bullet under “Land Use and Zoning” as follows:

- Rezone the vacant Somerville property (Parcel N313) at Redland Road and Somerville Drive from the CRT1.75 C0.5 R1.5 H-90T/TDR 1.77 Zone to the [CR 2.0 C0.5 R1.5] CR-2.25 C-0.5 R-1.75 H-120 Zone to promote the Sector Plan-recommended public benefits, including the maximum percentage of affordable housing and open space (Map 17).

Page 39: Update Map 17: Metro South Proposed Zoning to reflect the Council’s recommended zoning changes.

Page 41: Modify the first bullet under “Vehicle Emissions Inspection Program” as follows:

- [Relocate] Encourage the relocation of the VEIP inspection station to another location that is compatible to its existing light industrial use.

Page 42: Update Map 20: Old Derwood Proposed Zoning to reflect the Council’s recommended zoning changes.

Page 43: Modify the first paragraph under “The Derwood Store and Post Office” as follows:

The Derwood Store and Post Office reflects one of the last vestiges of Derwood’s history. During the creation of the 2006 Sector Plan, the Planning Board placed the property on the Locational Atlas and Index of Historic Sites (#22/33-3). In May 2019, the Historic Preservation [Committee] Commission (HPC) recommended the designation of this property to the Master Plan for Historic

Preservation and supported rezoning the property to an appropriate residential zoning category to allow for its adaptive reuse and restoration.

Page 43: Modify the first bullet under “The Derwood Store and Post Office” as follows:

- Rezone this property from the R-200 Zone to the Commercial Residential [Neighborhood] Town Zone [(CRN1.0 C0.0 R1.0 H-50)] (CRT-1.0 C-0.25 R-1.0 H-50) to permit the building’s historic adaptive reuse, renovation and some additional residential development with a minimal amount of commercial density to fulfill the requirements of the Optional Method of Development of the CRT zone. Non-residential uses should provide neighborhood-serving uses or amenities, similar to the original Derwood Store, and should be integrated with residential development.

Page 52: Modify the third bullet under “Shady Grove Crossing” as follows:

- [Develop] Consider developing a local park with active recreation or installing renewable energy generation such as a solar array, or co-locating these uses, if compatible, on the vacant Parks Department property.

Page 57: Modify the fourth bullet under “The Sector Plan recommends” as follows:

- Rezone the King Buick and Mitsubishi property, 16200 Frederick Road, from GR 1.5 H-45 Zone to CRT-1.5 [C0.5 R1.0] C-0.5 R-1.5 H-80 Zone.

Page 57: Update Map 30: Shady Grove Plaza Proposed Zoning to reflect the Council’s recommended zoning changes.

Page 64: Modify the first and second bullets under “Crabbs Branch Office Park” as follows:

- Rezone the office property at 7361 Calhoun Place from the IM 2.5 H-50 Zone to the CRT-2.5 C-2.0 R-0.5 H-80 Zone to permit a conforming building (Map 37).
- Rezone the office buildings at 7500 Standish Place, 7362 Calhoun Place and 15400 Calhoun Drive from the IM 2.5 H-50 Zone to the [EOF] IM-2.5 H-70 Zone.

Page 65: Update Map 37: Crabbs Branch Office Park Proposed Zoning to reflect the corrections on page 64.

Page 69: Modify the second bullet under “Recommendations” as follows:

- Publicly-owned properties, including WMATA, should be encouraged to provide up to 25 percent [of] MPDUs; however, a minimum of 15 percent MPDUs is required of residential development on a publicly-owned property.

Page 69: Add a new third bullet under “Recommendations” as follows:

- Any optional method development with residential uses on a County-owned property is encouraged to provide a minimum of 30 percent of the units as regulated affordable units. At a minimum, 15 percent of the residential units must be affordable to households earning at the

standard MPDU level of 65-70 percent or less of Area Median Income (AMI) affordability range and 15 percent affordable to households earning less than 50 percent of AMI.

Page 75: Add a new sentence at the end of the first bullet under “Goal: Prioritize acquisition, development, and programming for new parks.” as follows:

- Implement the acquired parkland at the Derwood Station and Shady Grove Crossing/Piedmont Crossing properties into a neighborhood park and local park, respectively, with a variety of recreational opportunities. The Shady Grove Crossing/Piedmont Crossing park should also be considered for the inclusion of renewal energy generation resources, if feasible.

Page 77: Add new language to the first bullet under “Goal: Create a robust trail system of natural and hard-surface trails” as follows:

- Explore opportunities to provide trail connections between the Rock Creek Regional Park trail system [to] and the Sector Plan area and, where possible, explore opportunities to connect trails in the Sector Plan area with trails in the Cities of Rockville and Gaithersburg and the Town of Washington Grove.

Page 109: Add the following paragraph after the second paragraph under “Shady Grove Road” as follows:

Certain operational improvements may mitigate future congestion at the Shady Grove Road/MD 355 intersection, such as removing split signal timing, converting the eastbound lane configuration to two exclusive left-turn lanes, two through lanes, and two exclusive right-turn lanes, and converting the westbound lane configuration to two exclusive left-turn lanes, four through lanes, and one exclusive right-turn lane.

Page 115: Delete the “Mid County Highway” section as follows:

[Mid County Highway (M-83) serves as the northern boundary of the Sector Plan. It is classified as a major highway (M-83) with a minimum 150-foot right-of-way. Most of the existing road within the Plan area does not have any sidewalks and it terminates at Shady Grove Road. The area between Shady Grove Road and Redland Road is undeveloped and a wooded publicly owned right-of-way.

Prior plans, including the 2006 Sector Plan and the 2004 Upper Rock Creek Master Plan illustrate this Roadway extending to Redland Road and the Intercounty Connector (MD 200). The construction of MD 200 did not implement any access ramps to the extension of Mid County Highway.

The County Council in 2017, via Resolution No. 18-957, directed the Planning Board “not to assume additional road capacity from the northern extension of Mid County Highway when calculating the land use-transportation balance in future master plans, including but not limited to the upcoming Gaithersburg East Master Plan and the Germantown Plan for the Town Sector Zone. This step ensures that any new development allowed under these plans will not rely on the northern extension of Mid County Highway, while retaining the right-of-way for this extension in these plans.”

The extension of Mid County Highway to Redland Road and the Intercounty Connector (MD 200) is challenging, as the extension would disturb existing natural resources including forests and



streams. In addition, the extension of Mid County Highway to the Intercounty Connector (MD200) would require an interchange that could possibly necessitate property takings from single-family lots.

This Sector Plan recommends the continued pursuit of high-quality transit service to improve accessibility to the Plan area and other communities in the Mid-County area. In addition, this Sector Plan supports the use of the existing public right-of-way as a trail that links Mill Creek Towne Local Park with Redland Local Park.

This Plan neither endorses the removal of the extension segment from the Master Plan of Highways and Transitways, nor supports its maintenance as no assessment of its drawbacks and merits was undertaken during the planning process, per Council’s resolution 18-957. Because the segment impacts mobility beyond the Plan area, this Sector Plan is not the appropriate place for a decision on this segment as an appropriate outreach forum beyond the Sector Plan Area was not established during this planning effort.]

Page 118: Revise Table 2: Roadway Classifications as follows:

Under Major Highways, change the eastern terminus of Mid County Highway within the Plan area from Shady Grove Road to Redland Road by replacing the reference to Shady Grove Road on Row 7, Column 3 to Redland Road.

Page 123: Revise Map 51: Proposed Metro Neighborhood Streets as follows:

Show Columbus Avenue Extended (B-7) connecting to Redland Road directly across from Yellowstone Drive, and show the future Public/Private/Linear Open Space alignments between Redland Road and the Metro Station to be more evenly spaced within the superblock.

Page 127: Revise Map 52: Pedestrian Network to show existing and proposed sidewalks along Oakmont Avenue.

Page 130: Update Map 53: Existing and Proposed Bikeway Network as follows:

Show the existing sidepath on Crabbs Branch Way between the access road overpass and Redland Road, and remove the proposed sidepath on Needwood Road between Redland Road and Blueberry Hill Park.

Page 131: Update Table 3: Existing and Proposed Bikeway Network as follows:

Change the Bikeway Type for Redland Road under the Intercounty Connector Trail Breezeway to “sidepath”.

Page 131: Update Table 4: Amendments to the 2018 Bicycle Master Plan as follows:

In Row 2, change the Redland Road limits to be From “Needwood Road (Northern Access)”, To “Muncaster Mill Road”, and change the Bikeway Type to “Bikeable Shoulders”.

Page 132: Revised the fourth and fifth bullets under “Transportation Demand Management” as follows:

- [Increase the existing NADMS goal for employees commuting into the Plan area who reside elsewhere from 12.5 percent to 15 percent during the peak period.] Support a 20 percent NADMS goal for employees working in the Metro Station Policy Area for all peak hour home-based work trips (commute trips).
- Support a [35] blended 39 percent NADMS goal for residents and employees living in the portions of the Sector Plan Area, exclusive of the Metro Station Policy area, for all peak-hour home-based work trips (commute trips).

Page 134: Revise the first bullet in the first paragraph as follows:

- The Shady Grove Metro Station Policy Area (MSPA), which includes all the Metro Neighborhoods, has [an HCM standard of 120 seconds/vehicle] no congestion delay standard.

Page 134: Delete the last paragraph under “Transportation Standards” as follows:

[This Sector Plan recommends a higher HCM standard, up to 100 seconds/vehicle, for the MD 355 and Gude Drive intersection since it is part of a larger corridor where new BRT infrastructure and additional intense development are planned. This HCM recommendation acknowledges that both the City of Rockville and Derwood policy areas have lower HCM standards, but this intersection is approximately less than a half-of-a mile from the higher Shady Grove MSPA and is located along a proposed BRT corridor.]

Page 134: Revise the last paragraph as follows:

[As such, this Plan does not recommend the Gude and MD 355 interchange – which represents roughly 9.2 percent of the cost of the entire “B Modified” alternative for the proposed MD 355 Bus Rapid Transitway. Nor does this] This Plan does not recommend the Crabbs Branch Way and Metro Access Road [Partial Interchange] partial interchange as the costs do not align with projected benefits. Alternatively, the Plan recommends:

- Strong support and advancement of the MD 355 Bus Rapid Transitway and the Corridor Cities Transitway projects; and
- Support for further exploration of an additional MARC Rail Station proximate to the Shady Grove Metrorail Station and an infill Metrorail station proximate to Montgomery College.

Page 135: Revise the key for Map 55 to note that there is no congestion delay standard for the Red Area. Add the following note at the bottom of Map 55:

Upon annexation of the 10-acre King Buick property by the City of Rockville, that property and the adjacent 10-acre property within the City will be excised from the Shady Grove Metro Station Policy Area and the Rockville City Policy Area, respectively, and become part of the Rockville Town Center Policy Area.

Page 137: Delete the five paragraphs and two bullets under “INTERCHANGES” as follows:

[Interchanges are not the correct solution for corridors with closely spaced signalized intersections as they push congestion more quickly up and downstream, creating new traffic issues elsewhere.

The 2006 Sector Plan identified three recommended interchanges within the Sector Plan area, including at MD 355 and Gude Drive. The interchange at MD 200 and I-370 has been since constructed as a component of the Intercounty Connector project.

This Plan recommends raising the congestion threshold at the intersection to 100 seconds of delay per vehicle to allow for more modest, lower-cost improvements to be implemented as necessary based on findings commensurate with new development per the county's subdivision staging policy.

Operational acceptability as defined by the 2016 SSP, can be achieved at an 100 second/vehicle delay threshold in both the morning and evening periods in the forecast year with the addition of eastbound and westbound free right turns, receiving lanes for the turns on MD 355, and the conversion of the existing southbound right turn into a shared-through right lane.

Because of the safety impacts related to free-right operations, this Sector Plan recommends analyzing the benefits of any improvement against safety costs, privileging safety over capacity when faced with potential trade-offs. This Sector Plan recommends:

- Remove the recommended interchange at MD 355 and Gude Drive in favor of using limited county funds on improvements that support safety, multimodal choice, and throughput.
- Amend the congestion standard for this intersection to be no less than 100 seconds of delay per vehicle to have a more consistent transportation policy approach for the MD 355 corridor.]

Page 137: Add the following new paragraphs and bullets after the fourth paragraph under “MD 355 and Gude Drive” as follows:

The intersection of MD 355 and Gude Drive is problematic for all users and is noted for significant traffic congestion affecting the surrounding area. Changes to the infrastructure and its operations are necessary to address the needs of current transit operations, planned Bus Rapid Transit, pedestrians and bicyclists, and drivers of motor vehicles.

This Sector Plan Amendment considered several alternatives at this location and identified that an overpass of MD 355 for through traffic on Gude Drive appears feasible and allows the intersection to meet the applicable congestion standard in the 2020-2024 Growth and Infrastructure Policy. However, significant concerns remain about the desirability, engineering feasibility and cost of such an interchange. Building upon the alternatives analysis in this Sector Plan, the further development of the following strategies is recommended at this location:

- Implementation of Intelligent Transportation Systems (ITS) and other operational adjustments to improve intersection performance, reduce conflicts with pedestrians and bicyclists and prioritize transit operations.
- Further evaluation of changes to the intersection configuration to improve multimodal safety and traffic operations while also maintaining or improving the multimodal performance of the intersection.
- If these first strategies do not result in achieving the then-current standards in the Growth and Infrastructure Policy, construction of a major modification to improve vehicular capacity should be implemented. Modification of this intersection, whether at-grade or by overpass, should include all reasonable measures to improve multimodal mobility, including comfortable sidewalks, low stress bikeways, and Bus Rapid Transit facilities.

- The construction of this major modification must not be prioritized for county funding over the construction of Bus Rapid Transit on MD 355 in the Plan area and its vicinity, and it must be constructed in a way that would not inhibit pedestrian, bicycle, and transit accessibility.

Page 140: Delete the fourth paragraph under “ZONING” as follows:

[Office properties in the Crabbs Branch Office Park were rezoned from Light Industrial (I-1) to Industrial Moderate (IM). The I-1 Zone permitted a broad range of office uses, as well as light industrial uses. This Sector Plan recommends rezoning eight office properties in the office park to the Employment Office (EOF) Zone since this zone better aligns better with existing office uses and addresses non-conforming building heights.]

Page 141: Update Map 56: Proposed Zoning to reflect Council’s recommended zoning changes.

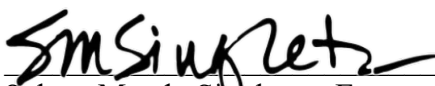
Page 143: Delete the first sentence in the third paragraph under “STAGING OF DEVELOPMENT” as follows:

[This Plan recommends adjusting the Highway Capacity Manual (HCM) standard for the Frederick Road (MD 355) corridor, including at MD 355 and Gude Drive, which would promote an acceptable service level for the MD 355 corridor.] Continuing the 2006 Sector Plan’s staging framework would preclude new development opportunities in the Metro Station Policy Area where existing mobility and infrastructure exists. In addition, the transportation improvements that were tied to the 2006 Sector Plan staging do not prioritize transit, are contrary to the County’s Vision Zero commitment, and could negatively impact accessibility to future BRT along MD 355. Finally, the long-range forecast for this Plan indicates the 2006 Sector Plan’s partial interchange recommendation from Crabbs Branch Way to the Metro Access Road is no longer necessary to achieve appropriate transportation and land-use balance.

**General**

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning Board Draft Shady Grove Sector Plan Minor Master Plan Amendment (Fall 2020). 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 and re-numbered, where necessary, to be consistent with the text and titles.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.  
Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**M-NCPPC Resolution 21-08**

**EXTENSION OF THE EXECUTIVE COMMITTEE’S AUTHORITY TO APPROVE  
AND IMPLEMENT COVID-19 RESPONSE DECISIONS.**

WHEREAS, the Coronavirus (“COVID-19”) has presented an unforeseen set of events without any precedent in the agency’s history; and

WHEREAS, on March 5, 2020, Governor Larry Hogan declared that a “state of emergency and catastrophic health emergency exists within the State of Maryland”; and

WHEREAS, the M-NCPPC has not declared an emergency closing and its departments continue to operate; and

WHEREAS, rapidly evolving federal/state directives, public health practices/mandates, and County recommendations, require the Maryland-National Capital Park and Planning Commission (M-NCPPC) to effectively navigate COVID-19 related operational decisions affecting programs and services, safety protocols, and workplace policies related to schedules, accommodations, and response related recognition; and

WHEREAS, managing the COVID-19 response necessitates the ability to address and implement decisions quickly through the issuance of directives, guidance, and ratification of memorandums of understanding bargained with the Fraternal Order of Police (FOP) and the Municipal and County Government Employees Organization (MCGEO) Unions; and

WHEREAS, the respective Chair of each Planning Board and the Executive Director form the agency’s Executive Committee and are in regular communications on COVID-19 response matters with input from respective Department Heads; and

WHEREAS, the Commission may delegate the approval of organizational policy to the Executive Committee.

WHEREAS, on July 15 2020, through Commission Resolution 20-15, the Commission delegated this responsibility to the Executive Committee, giving it the authority to approve and implement operational decisions related to COVID-19 matters, including temporary changes in

operational schedules, accommodations, workforce compensation, and tentative agreements reached with the FOP and MCGEO Unions; and

WHEREAS, the evolving COVID-19 pandemic requires the agency to continue navigating those operational decisions in a timely manner

NOW, THEREFORE BE IT RESOLVED that the Commission hereby extends the initial authorization through June 30, 2022.

BE IT FURTHER RESOLVED that this authorization shall remain in effect unless expressly withdrawn or extended by the Commission; and

BE IT FURTHER RESOLVED, that the Commission hereby authorizes the Executive Committee to take action as may be necessary to implement this Resolution.

APPROVED FOR LEGAL SUFFICIENCY:

William Dickerson

M-NCPPC Legal Department,

May 10, 2021

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# MEMORANDUM

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**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>

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*Andrea L. Rose*  
 Administrator

To: The Commission Date: May 4, 2021

Via: Elizabeth M. Hewlett  
 Chairman, ERS Board of Trustees *EMH*

From: Andrea L. Rose, Administrator *Andrea L. Rose*

**Subject:** *Acknowledge Melissa D. Ford as the Prince George's County Open Trustee and Caroline McCarthy as the Montgomery County Open Trustee for the three-year term ending June 30, 2024*

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## 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 Melissa D. Ford as the Prince George's County Open Trustee and Caroline McCarthy as the Montgomery County Open Trustee for the three-year term ending June 30, 2024.

## BACKGROUND

The terms for the Prince George's County Open Trustee and the Montgomery County Open Trustee serving on the Board of Trustees of the Maryland-National Capital Park and Planning Commission (Commission) Employees' Retirement System ("ERS") will expire June 30, 2021. In accordance with the ERS' election procedures, A Notice of Vacancies on the Board of Trustees was placed in Update, on the ERS' website and the Commission's Intranet site with applications due in the ERS Office, March 19, 2021 by 5:00 p.m. Melissa D. Ford submitted an application for the Prince George's County Open Trustee and Caroline McCarthy submitted an application for the Montgomery County Open Trustee and no other applications were received. Ms. Ford and Ms. McCarthy are determined to have won by acclamation. At its May 4, 2021 meeting, the Board acknowledged Ms. Ford as the Prince George's County Open Trustee and Ms. McCarthy as the Montgomery County Open Trustee for the term ending June 30, 2024.

Ms. Ford has served the Commission for over 10 years, with the Prince George's Department of Parks and Recreation (Department) and has served on the ERS Board of Trustees since 2018. She presently serves as the Department's Budget Manager responsible for the strategic planning, development, and execution of the \$300M annual operating budget and has oversight of the Department's Cost Recovery work program, designed to conduct cost analysis on various aspects of programming and operations.

Ms. McCarthy joined the Commission in 2016 as the Division Chief for the Research and Special Projects at Montgomery Planning and has served on the ERS Board of Trustees since March 2020. She spent 15

years as a consultant providing economic analysis, strategic planning and program management, real estate advisory, and public policy advocacy services to clients at all levels of government, non-profits, real estate developers, and Fortune 500 companies. Ms. McCarthy holds a BA in economics from Wesleyan University and a Master's degree in city and regional planning from Rutgers, The State University of New Jersey.

Thank you for your action.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

May 10, 2021

To The Commission

From: Asuntha Chiang-Smith, Executive Director

Re: Use of FY21 Salary Savings for the Department of Human Resources and Management

**Requested Action**

The Department of Human Resources and Management (DHRM) is projecting approximately \$220,000 in FY21 personnel cost savings from vacancies and attrition. We are requesting approval to transfer these savings to address the priorities identified below.

Information Technology Staffing: \$100,000

Savings will be used to support the Corporate IT department's engagement of temporary staffing services necessary to ensure continuity of operations, administer our agency-wide systems, and address the significant increase in daily help desk requests due to the agency's transition into telework. The ability to bring on additional temporary staffing will enable the team to resolve requests quicker and address the safety and security of the agency-wide systems administered by the department.

Legal and Professional Services: \$120,000

Savings will be used for information technology, legal and/or professional services necessary to address additional demands placed on the agency due to COVID-19, transitioning employees back into the workplace, collective bargaining negotiations and studies, continuity of operations, and quickly addressing various personnel matters as they arise.




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

*Reply To*

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

May 12, 2021

**MEMORANDUM**

TO: The Maryland-National Capital Park and Planning Commission  
 FROM: Debra Borden   
 Deputy General Counsel  
 VIA: Adrian Gardner *ARG*  
 General Counsel

SUBJECT: **Request to Reallocate FY 2021 Legal Department Salary Lapse**

This memorandum is a request for your authorization to reallocate this year's expected salary lapse for the Legal Department for the purposes described below, subject to revisions due to year-end budget adoption by the respective County Councils.

**Background**

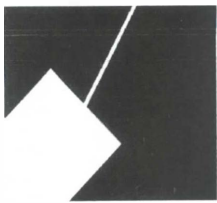
The Legal Department has made great strides in filling vacant attorney positions this year, despite the Covid-19 pandemic. Minimal turnover has resulted in a projected salary lapse of approximately \$400,000.

The positive variance was caused in large part by an extended administrative vacancy and a half-year attorney vacancy.

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**Recommendations**

I am recommending, and requesting Commission approval, to reallocate and apply the savings from FY 2021 projected salary lapse (Personnel Services) to the following non-personnel expenditure budget categories and uses:



# MEMO

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION  
*Department of Finance, Office of Secretary-Treasurer*

TO: Maryland-National Capital Park and Planning Commission

FROM: Joseph C. Zimmerman, CPA, Secretary-Treasurer

SUBJECT: Request to spend FY 2021 Personnel Services savings.

DATE: May 12, 2021

ACTION REQUESTED: Board approval to spend salary lapse

The Department of Finance expects to realize savings of approximately \$205,000 in its Personnel Services budget due to vacancies in critical positions. This amount is net of the savings plan required by Montgomery County.

Evaluation of the best use of these funds is ongoing, and final allocations will depend on budget decisions to be made by the County Councils later this month.

Accordingly, approval is requested to allow me, in consultation with the Executive Director and General Counsel to use these funds in a manner that best serves the Commission in FY 22 and beyond.

Thank you for your consideration of this proposal. I look forward to discussing this with you next week.

CC: Asuntha Chiang-Smith  
Adrian Gardner



## THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

May 10, 2021

To: The Commission

From: Mazen Chilet, Chief Information Officer

Re: Request Use of FY21 Salary Savings

The Corporate IT Department supports the delivery of Information Technology services to all Departments of the agency. The FY21 budget is projected to realize approximately \$148,000 in Personnel Services savings due to vacancies.

Approval is sought to allocate these savings to acquire additional licenses for VMWare, our virtual private network and associated training, prefunding the agency's Oracle database subscription, and setup for Microsoft Power Automate platform to digitize workflows containing sensitive data.

Thank you for your consideration of this proposal. I look forward to discussing this with you next week.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

May 12, 2021

To: Full Commission

Via: Asuntha Chiang-Smith, Executive Director *ACS*  
Anju Bennett, Corporate Policy and Management Operations Director *AB*

From: The M-NCPPC Diversity Council

Subject: Briefing and Discussion for May 19, 2021, Full Commission Meeting  
Commission-wide on Diversity, Equity and Inclusion (DEI) Statement

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Requested Action

The Commission is asked to approve Resolution 21-07, Commitment to Diversity, Equity and Inclusion, which updates to the agency's Diversity commitment statement that was formulated in 2001.

Over the past few months, the Diversity Council has conducted research and held work sessions with Department Heads, policy, legal and human resource representatives, and departmental communications/public affairs staff to develop a statement that embodies the concepts of diversity, equity and inclusion. The updated language was presented to, and adopted by, the Executive Committee at its meeting on May 6, 2021.

The proposed Diversity, Equity, and Inclusion statement will guide the Diversity Council's Strategic Plan initiatives. It will also serve as a guiding philosophy for activities such as recruitment, marketing, external and internal communication, training, etc. This information is not intended to replace the agency's compliance with Equal Employment Opportunity (EEO) laws and policies.

Background

The Diversity Council's purpose is to promote M-NCPPC employees' understanding of the importance of respecting differences and working together productively. The Diversity Council is the guiding body charged to help the Commission embrace diversity as part of an overall business model. The Executive Director tasked the Diversity Council with reviewing and updating the Commission's current definition of **diversity**, developing definitions for **equity** and **inclusion**, and creating a consistent Diversity, Equity and Inclusion Statement that could be used Commission-wide. The Council presented its initial drafts on equity and inclusion to the Department Heads who provided feedback and support for the updated concepts. The supported concepts were then combined into the broader statement covering the three interrelated areas of Diversity, Equity and Inclusion. In doing so, we:

- Worked with Corporate Policy, Legal and Corporate Human Resources to ensure that the DEI statement worked well with the agency's EEO policies.
- Sought feedback from departmental human resources professionals to incorporate existing work that has been done in the areas of equity and inclusion.
- Incorporated feedback from our public affairs professionals to ensure the updated statement communicated a clear and powerful message on the agency's commitment.

In other words, the recommended Diversity, Equity and Inclusion Statement has been widely vetted for broad use.

## Current Diversity Statement Adopted in 2001

Diversity recognizes a dynamic mix of personal and cultural characteristics, perspectives, and relationships as a vital organizational resource. It refers to areas of differences and similarities across all individuals. In the Commission's workplace, diversity includes all attributes that define each Commission employee as a unique individual. These differences include but are not limited to culture, ethnicity, race, gender, national origin, age, religion, physical characteristics, abilities, sexual identity, experiences, opinions, and beliefs.

## Proposed Diversity, Equity and Inclusion Statement 2021

### **One Commission, One Philosophy: *Thriving in a Culture of Diversity, Equity, and Inclusion***

M-NCPPC, a leader in land use planning, parks, and recreation, celebrates diversity of our workforce and the communities we serve. *Diversity* combined with a commitment to *equity* and *inclusion* communicates our organizational values, enriches the lives of our employees, and bolsters innovative thinking essential to success.

M-NCPPC recognizes ***diversity*** as a dynamic mix of personal and cultural characteristics, perspectives and relationships as a vital organizational resource. In the workplace, diversity includes all differences that define each of us as unique individuals. These differences include culture, ethnicity, race, sex, gender identity, nationality, age, religion, abilities, sexual orientation, experiences, opinions and beliefs, and any protected groups.

M-NCPPC believes ***equity*** is an active commitment to unbiased treatment while providing access and opportunity for people of all backgrounds to participate and thrive in the workplace.

M-NCPPC strives to enhance ***inclusion*** with a true sense of belonging that encourages the participation of all individuals by removing barriers, building a culture of connectedness and recognizing that every voice adds value to our organization.

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**M-NCPPC Resolution 21-07**

**COMMITMENT TO DIVERSITY, EQUITY AND INCLUSION**

**WHEREAS**, the Commission supports an agency of excellence which values diversity, equity, and inclusion in our workplace and in the programs and services we provide to our communities; and

**WHEREAS**, the Commission believes a skilled, qualified, and diverse workforce strengthens its ability to provide quality service to internal and external customers, communicate within our diverse communities, and enhance business competitiveness; and

**WHEREAS**, the Commission is a workplace where all employees and applicants are treated fairly, considered on the basis of merit, and decisions fully comply with non-discrimination laws and all other employment protections; and

**WHEREAS**, the Commission recognizes the necessity to champion these values and maximize the contributions of all employees; and

**WHEREAS**, on December 15, 1999, the Commission approved the development of a Commission-wide diversity initiative; and effective July 1, 2000, authorized appointments to the Diversity Council to assist the strategic development of diversity policies and programs; and

**WHEREAS**, on September 19, 2001, the Commission approved and adopted Resolution 01-16, establishment of a Diversity Definition, Vision, and Policy Statement that had been recommended by the Diversity Council; and

**WHEREAS**, progress made in organizational diversity and recent world events have encouraged dialogue in this agency; and

**WHEREAS**, the Diversity Council was charged with reviewing the existing diversity and vision statement to ensure it reflects the agency's commitment on a consistent Diversity, Equity, and Inclusion Statement; and

**WHEREAS**, the Diversity Council developed and vetted a Diversity, Equity, and Inclusion Statement with the Commission's Executive Committee, department heads, policy and human resource staff, legal, and public affairs staff; and

**WHEREAS**, the updated Diversity, Equity, and Inclusion Statement serves as guiding philosophy that will be used to support the Diversity Council's strategic plan, recruitment and onboarding of the workforce, development of services/programs, training, and communications; and

**WHEREAS**, the Executive Committee adopted the following Diversity, Equity, and Inclusion Statement:

**One Commission, One Philosophy: *Thriving in a Culture of Diversity, Equity, and Inclusion***

*M-NCPPC, a leader in land use planning, parks, and recreation, celebrates the diversity of our workforce and the communities we serve. Diversity combined with a commitment to equity and inclusion communicates our organizational values, enriches the lives of our employees, and bolsters innovative thinking essential to success.*

*M-NCPPC recognizes **diversity** as a dynamic mix of personal and cultural characteristics, perspectives, and relationships as a vital organizational resource. In the workplace, diversity includes all differences that define each of us as unique individuals. These differences include culture, ethnicity, race, sex, gender identity, nationality, age, religion, abilities, sexual orientation, experiences, opinions and beliefs, and any protected groups.*

*M-NCPPC believes **equity** is an active commitment to unbiased treatment while providing access and opportunity for people of all backgrounds to participate and thrive in the workplace.*

*M-NCPPC strives to enhance **inclusion** with a true sense of belonging that encourages the participation of all individuals by removing barriers, building a culture of connectedness, and recognizing that every voice adds value to our organization.*

**NOW, THEREFORE, BE IT RESOLVED**, that the Maryland-National Capital Park and Planning Commission hereby endorses the adoption of the Diversity, Equity, and Inclusion Statement.

**AND BE IT FURTHER RESOLVED**, that the Maryland-National Capital Park and Planning Commission directs staff to develop processes, procedures, and programs to assure its full implementation and enforcement.

**AND BE IT FURTHER RESOLVED**, that the M-NCPPC does hereby authorize the Secretary/Treasurer to take action as may be necessary to implement this Resolution.

APPROVED FOR LEGAL SUFFICIENCY:

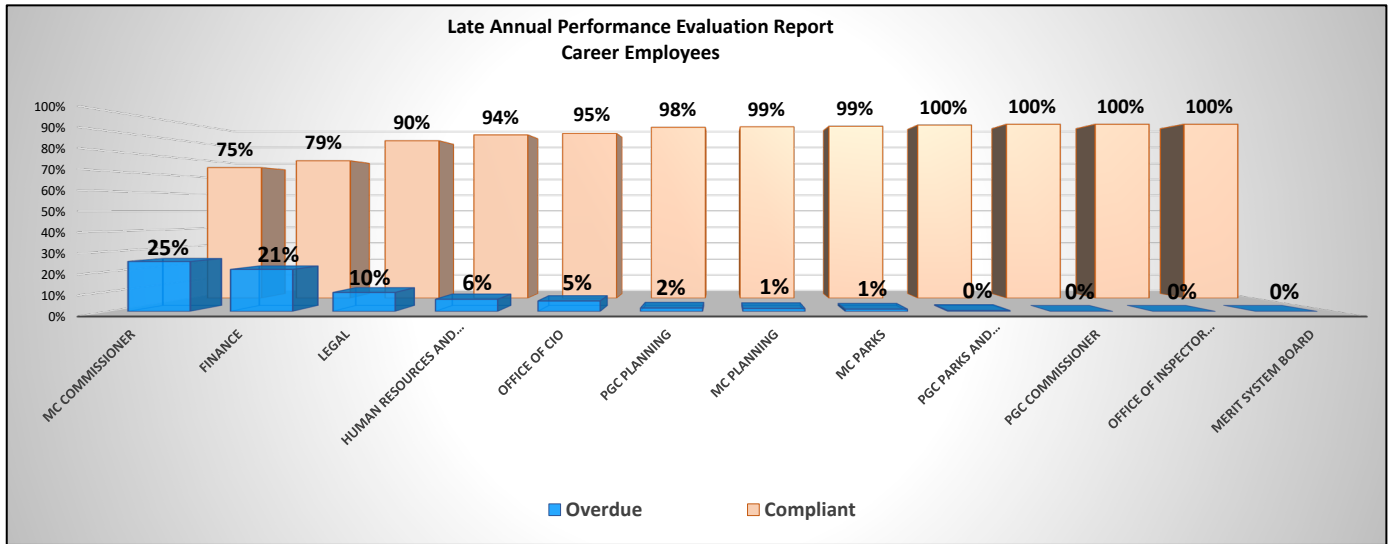
Tracey Harvin,  
M-NCPPC Legal Department,  
(May 11, 2021)



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
BY DEPARTMENT AS OF APRIL 2021**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Mar-21	Apr-21	Mar-21	Apr-21	Mar-21	Apr-21	Mar-21	Apr-21
CHAIRMAN, MONTGOMERY COUNTY	0	1	0	0	0	0	0	1
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	0	1	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	1	1	0	2	3	4	3
LEGAL DEPARTMENT	1	0	0	0	1	2	2	2
FINANCE DEPARTMENT	4	4	1	1	3	3	8	8
PRINCE GEORGE'S PLANNING	0	3	0	0	0	0	0	3
PRINCE GEORGE'S PARKS & RECREATION	5	5	0	0	0	0	5	5
MONTGOMERY COUNTY PARKS	5	8	0	0	0	0	5	8
MONTGOMERY COUNTY PLANNING	0	2	0	0	0	0	0	2
<b>**DEPARTMENT TOTAL BY DAYS LATE**</b>	<b>16</b>	<b>24</b>	<b>2</b>	<b>1</b>	<b>7</b>	<b>9</b>	<b>25</b>	<b>33</b>
<b>COMMISSION-WIDE TOTAL</b>								

\*\*DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



\*Data As Of April 30, 2021

Employee Count	Evaluation Status		Total Employees
	Overdue	Compliant	
Department			
Finance	8	30	38
Human Resources and Mgt	3	46	49
Legal	2	19	21
MC Commissioner	1	3	4
MC Parks	8	677	685
MC Planning	2	134	136
Merit System Board		1	1
Office of CIO	1	18	19
Office of Inspector General		4	4
PGC Commissioner		9	9
PGC Parks and Recreation	5	1,054	1,059
PGC Planning	3	171	174
<b>Total Employees</b>	<b>33</b>	<b>2,166</b>	<b>2,199</b>



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

*Reply To*

May 5, 2021

**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 April 2021 – FY 2021

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Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, May 19, 2021. 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.

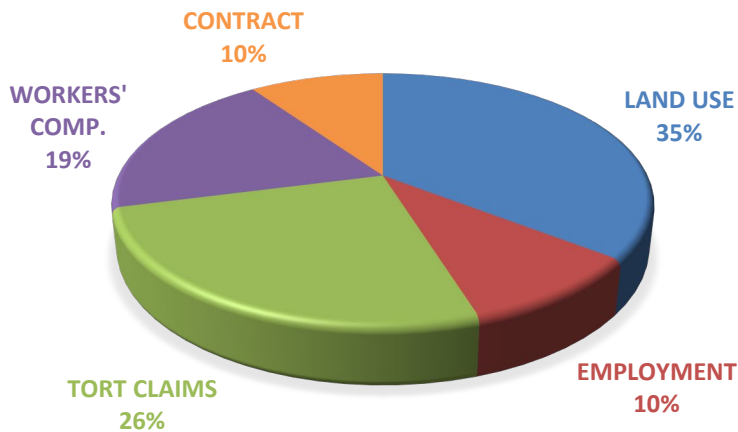
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**April 2021**  
**Composition of Pending Litigation**  
(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	7	4					11
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	3						3
DEBT COLLECTION							
EMPLOYMENT DISPUTE	1			2			3
LAND USE DISPUTE							
MISCELLANEOUS							
PROPERTY DISPUTE							
TORT CLAIM	8						8
WORKERS' COMPENSATION	6						6
PER FORUM TOTALS	25	4		2			31

**OVERVIEW OF PENDING LITIGATION**



## April 2021 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2021			
	Pending In March 2021	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>	14		3	8	12	9	11
<b>Admin Appeal: Other (AAO)</b>							
<b>Bankruptcy (B)</b>							
<b>Civil Enforcement (CE)</b>							
<b>Contract Disputes (CD)</b>	4		1		4	1	3
<b>Debt Collection (D)</b>							
<b>Employment Disputes (ED)</b>	2	1		3	2	2	3
<b>Land Use Disputes (LD)</b>							
<b>Miscellaneous (M)</b>	1		1			1	
<b>Property Disputes (PD)</b>							
<b>Tort Claims (T)</b>	8			5	5	1	8
<b>Workers' Compensation (WC)</b>	5	1		3	5	2	6
<b>Totals</b>	34	2	5	19	28	15	31

**INDEX OF YTD NEW CASES  
(7/1/2020 TO 6/30/21)**

<b>A. <u>New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Getnet v. M-NCPPC	PG	Tort	July 20
HMF Paving Contractors, Inc. v. M-NCPPC	MC	Contract	July 20
Snyder v. State of Maryland, et al.	PG	Tort	July 20
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 20
Uzlyan v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 20
Heard v. M-NCPPC	PG	AALU	Aug. 20
Wolf, et al. v. Planning Board of Prince George's County	PG	AALU	Aug. 20
Structural Engineering Group Inc. v. M-NCPPC	MC	Contract	Aug. 20
Concerned Citizens of Cloverly, et al v. Montgomery County Planning Board	MC	AALU	Sep. 20
Shipkovitz v. Montgomery County Planning Board	MC	AALU	Sep. 20
Coakley & Williams v. Commission	PG	Contract	Sep. 20
Gibson v. Commission	PG	WC	Sep. 20
Murray v. Commission	PG	WC	Sep. 20
Newton, et al. v. Prince George's County Planning Board	PG	AALU	Sep. 20
Dana v. Lenk, et al.	MC	Tort	Oct. 20
HMF Paving Contractors, Inc. v. M-NCPPC	MC	Contract	Oct. 20
Hoening v. Commission (case should be on prior reports as filed in March)	PG	WC	Dec. 20
Simmons, et al. v. Prince George's County Planning Board	PG	AALU	Jan. 21
Beck v. Montgomery County Department of Parks	MC	ED	Jan. 21
Hitchcock v. M-NCPPC	MC	WC	Apr. 21
Izadjoo v. M-NCPPC	MC	ED	Apr. 21
<b>B. <u>New Appellate Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Aug. 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Sep. 20
Estreicher v. Montgomery County Planning Board	MC	AALU	Sep. 20
Benton v. Woodmore Overlook Commercial LLC	PG	AALU	Sep. 20
West Montgomery County Citizens Association, Inc. v. Montgomery County Planning Board, et al.	MC	AALU	Dec. 20
M-NCPPC v. Mail My Meds, LLC	AC	WC	Jan. 21
Jan A.J. Bove, et al. v. Montgomery County Planning Board	MC	AALU	Jan. 21
Stewart v. P.G. Planning Board	PG	AALU	Mar. 21

**INDEX OF YTD RESOLVED CASES  
(7/1/2020 TO 6/30/2021)**

<b>A. <u>Trial Court Cases Resolved.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
McCourt v. Commission	PG	ED	Sep. 20
Estreicher v. Montgomery County Planning Board	MC	AALU	Sep. 20
Uzlyan v. Montgomery County, et al.	MC	Tort	Oct. 20
Newton, et al. v. Prince George's County Planning Board	PG	AALU	Nov. 20
M-NCPPC v. Mail My Meds, LLC	AC	WC	Dec. 20
Jan A.J. Bove, et al. v. Montgomery County Planning Board	MC	AALU	Dec. 20
Coe v. Commission	PG	ED	Feb. 21
Dana v. Lenk, et al.	PG	Misc.	Mar. 21
HMF Paving Contractors Inc. v. M-NCPPC	PG	CD	Mar. 21
Stewart, et al. v. Prince George's Planning Board, et al.	PG	AALU	Mar. 21

<b>B. <u>Appellate Court Cases Resolved.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	July 20
(Appeared on the June report in error. The Commission was not a party to this suit)			
Gaspard v. Montgomery County Planning Board	MC	AALU	Oct. 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Oct. 20
M-NCPPC v. Mail My Meds, LLC	AA	WC	Feb. 21
Estreicher v. Montgomery County Planning Board	MC	AALU	Mar. 21
West Montgomery County Citizens Association, Inc.v. Montgomery County Planning Board, et al.	MC	AALU	Mar. 21

### Disposition of FY21 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
<b>Employees Retirement System</b>		
<b>Finance Department</b>		
<b>Department of Human Resources &amp; Management</b>		
McCourt v. Commission	Judicial Review of Merit Board Decision related to reclassification under the Administrative Series	09/04/20 – Decision of Merit Board Affirmed.
Commission v. Mail My Meds, LLC	Judicial Review of WCC decision regarding mail order prescription medication.	11/23/20 – Decision of WCC Affirmed.
Commission v. Mail My Med, LLC	Appeal of Circuit Court decision affirming WCC decision regarding mail order prescription medication	02/03/21 – Appeal voluntarily dismissed.
<b>Montgomery County Department of Planning</b>		
<b>Montgomery County Department of Parks</b>		
Uzylan v. Montgomery Count, Maryland, et al.	Personal injuries matter as a result of a tulip poplar tree striking a home.	10/15/20 - Case Consolidated with Case No. 483068-V.
Dana v. Lenk, et al.	Plaintiff disputes the existence of, and access to, a right-of-way-utilized by an adjacent property owner.	03/22/2021 – Line of Dismissal with prejudice.
<b>Montgomery County Park Police</b>		
<b>Montgomery County Planning Board</b>		
Gaspard v. Montgomery County Planning Board	Judicial Review of decision affirming Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833	10/29/2020 – Judgment of Circuit Court Affirmed.
Jan A.J. Bove, et al. v. Montgomery Planning Board	Judicial Review of Planning Board's approval of 7025 Longwood Drive subdivision no. 62019100.	12/02/2020 – Resolution of Planning Board Affirmed.
Estreicher v. Montgomery County Planning Board	Appeal of August 28, 2020 Order reversing Planning Board Resolution MCPB No. 19-108 approving Sketch Plan 320190100 and remanding the matter to the Planning Board for further proceedings pursuant to the Court's findings.	03/01/2021 – Voluntary Dismissal



West Montgomery County Citizens Association, Inc. v. Montgomery County Planning Board, et al.	Appeal of August 28, 2020 Oder reversing Planning Board Resolution MCPB No. 19-108 approving Sketch Plan 320190100 and remanding the matter to the Planning Board for further proceedings pursuant to the Court's findings.	03/01/2021 – Petition for Writ of Certiorari denied by COA.
<b>Prince George's County Department of Parks and Recreation</b>		
HMF Paving Contractors Inc. v. M-NCPPC	Construction suit alleging failure to pay two pay applications.	03/15/2021 – Joint Line of Dismissal with prejudice.
<b>Prince George's County Planning Department</b>		
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of Prince George's County Planning Board	10/23/2020 – Petition for Writ of Cert. denied. Matter still pending in Court of Special Appeals.
Newton, et al. v. Prince George's County Planning Board	Judicial review of Prince Georges County Planning Board's approval of preliminary plan of subdivision 4 -19048	11/09/2020 - Petition dismissed by Petitioner.
<b>Prince George's County Planning Board</b>		
Stewart, et al. v. Prince George's Planning Board	Judicial review of Prince Georges County Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No. 4-19023	03/08/2021 – Notice of Appeal to COSA filed.
<b>Prince George's Park Police</b>		
Coe v. Commission	Judicial Review of decision to terminate employment following LEOBR police disciplinary hearing	02/03/2021 – Court affirmed hearing board decision to terminate employment.
<b>Office of Internal Audit</b>		

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No Pending Cases

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.**  
Case No. 483068-V (Tort)

Lead Counsel: Adams  
Other Counsel:

Abstract: Subrogation suit for damages caused by a tulip poplar tree striking home.

Status: In discovery.

Docket:

08/06/2020	Complaint filed.
08/19/2020	Commission served.
09/08/2020	Plaintiff's Motion to Consolidate with Case 483039-V
09/18/2020	Defendant Montgomery County Maryland's Answer to Complaint
09/22/2020	Commission's Motion to Dismiss
09/22/2020	Commission's Motion to Consolidate with Case 483039-V
10/15/2020	Order of the Court Granting Motion to Consolidate. All future pleadings to be filed in case 483068V.

**Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board**

Case No. 483411-V (AALU)

Lead Counsel: Mills  
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040

Status: Awaiting decision.

Docket:

09/10/2020	Petition for Judicial Review filed
10/01/2020	Planning Board's Response to Petition for Judicial Review filed
01/04/2021	RCCG Jesus House DC's Motion to Strike
01/19/2021	Petitioner's Opposition to Motion to Strike
02/10/2021	Oral Argument held. Court grants Defendant's Motion to Supplement Record and takes matter under advisement.
03/01/2021	Plaintiff's Supplemental Memorandum of Judicial Review
03/19/2021	RCCG Jesus House DC's and Defendant's Joint Supplemental Post Hearing Memorandum of Law
03/19/2021	Plaintiff's Supplemental Memorandum of Statutory Requirements

**HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission**

Case No. 483255-V (CD)

Lead Counsel: Adams  
Other Counsel:

Abstract: Dispute over whether or not an allowance should be made and additional monies paid regarding the measurement (and relative cost) of the retaining wall at Greenbriar Local Park.

Status: Matter stayed.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss
03/12/2021	Consent motion to postpone hearing and stay case.
03/15/2021	Order of Court. Matter stayed for 90 days.

**Hitchcock v. Maryland-National Park and Planning Commission**

Case No. 485337-V (WC)

Lead Counsel: Foster  
Other Counsel:

Abstract: Hitchcock filed appeal of Workers' Compensation Commission determination that he did not sustain a compensable accidental injury on June 5, 2020.

Status: In discovery.

Docket:

04/06/2021	Petition for Judicial Review filed
04/06/2021	Response to Petition

**Izadjoo v. Maryland-National Park and Planning Commission**

Case No. 485175-V (ED)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Izadjoo filed an appeal of the Merit Board decision of February 25, 2021 denying his appeal of the Montgomery County Department of Parks' denial of grievance 20-14 regarding his 2020 Annual Performance Evaluation.

Status: Awaiting Oral Argument.

Docket:

03/22/2021	Petition for Judicial Review filed
04/19/2021	Response to Petition
08/20/2021	Oral Argument

**Kosary v. Montgomery County Planning Board**

Case No. 476283-V (AALU)

Lead Counsel: Mills  
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of Primrose School Preliminary Forest Conservation Plan CU-18-08.

Status: Case stayed.

Docket:

12/06/2019	Petition for Judicial Review filed
12/11/2019	Planning Board's Motion to Dismiss filed
12/12/2019	Response to Petition for Judicial Review filed
12/19/2019	Petitioner's Supplemental Petition for Judicial Review filed
12/23/2019	Petitioner's Response to Motion to Dismiss filed.
01/21/2020	Motion to Dismiss denied as moot.

01/22/2020	Petitioner's Motion for Stay and Request for Hearing.
02/06/2020	Primrose School Opposition to Motion to Stay.
02/28/2020	Motion for Stay Granted
03/03/2020	Case stayed pending resolution from County Hearing Examiner
03/26/2020	Petitioner's interim report on status of administrative proceedings
03/24/2021	Petitioner's second interim report on status of administrative proceedings.
03/24/2021	Petitioner's Motion to Defer entry of dismissal
03/26/2021	Order of Court. Motion to Defer dismissal granted.

**Shipkovitz v. Montgomery County Planning Board**

Case No. 483442-V (AALU)

Lead Counsel: Coleman  
Other Counsel:

Abstract: Petition for Judicial Review of Planning Board Approval of 12500 Ardennes Avenue Site Plan820200080

Status: Motions pending.

Docket:

09/15/2020	Petition for Judicial Review filed.
09/28/2020	Planning Board's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's and Planning Board's Joint Motion to Dismiss Petition for Judicial Review
12/02/2020	Plaintiff's Motion to Suspend Proceedings
12/10/2020	Opposition to Motion to Suspend Proceedings
02/05/2021	Order of the Court. Petition dismissed with prejudice.
02/16/2021	Petitioner's Motion for Reconsideration filed.
03/02/2021	Joint Opposition to Motion for Reconsideration
03/12/2021	Plaintiff's Reply to joint opposition

**Structural Engineering Group Inc. v. Maryland-National Capital Park and Planning Commission**

Case No. 483234-V (CD)

Lead Counsel: Dickerson  
Other Counsel: Johnson

Abstract: Construction change order dispute and time delay claim related to greenhouse at Brookside Gardens.

Status: In discovery.

Docket:

08/21/2020	Complaint filed.
08/31/2020	Commission served.
09/29/2020	Motion to Dismiss or in the Alternative for Summary Judgment filed.
10/09/2020	Opposition to Motion to Dismiss filed.
12/09/2020	Motions hearing held.
12/09/2020	Motion to Dismiss or in the alternative for Summary Judgment denied.
12/28/2020	Answer to Complaint filed.
01/27/2021	Order of Court for Alternative Dispute Resolution

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

**6525 Belcrest Road, LLC v. Dewey, L.C., et al.**

Case No. CAE 20-11589 (AALU)

Lead Counsel: Dickerson  
Other Counsel: Harvin

Abstract: Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contends that Defendants have misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff seeks to enjoin the Planning Board from approving a Detailed Site Plan.

Status: Awaiting Status hearing.

Docket:

04/14/2020	Complaint filed
06/05/2020	Commission served
07/06/2020	Answer filed by Commission
07/21/2020	Motion to Dismiss filed by Defendant Dewey, L.C.
07/23/2020	Motion to Dismiss filed by BE UTC Dewey Parcel, LLC
08/20/2020	Opposition to Motion to Dismiss
09/14/2020	Defendant, Dewey, L.C.'s Reply Response in Support of its Motion to Dismiss or Stay and Request for hearing



09/16/2020	Defendant, BE UTC Dewey Parcel, LLC's Reply in Support of Motion to Dismiss and Request for hearing
10/22/2020	Motions Hearing continued
10/26/2020	Defendants Dewey, L.C. and Bald Eagle Partners, Inc. Line Requesting Judicial Notice of Arbitrator's Decision
12/23/2020	Motions hearing held. Court takes under advisement.
01/11/2021	Order of Court - case is stayed pending resolution of the current arbitration proceedings; further ordered that a status hearing in this matter be scheduled.
02/17/2021	Arbitrator's decision filed.
04/02/2021	Status hearing.
0716/2021	Status hearing.

**Alexander v. Proctor**  
Case No. CAL19-37187 (Tort)

Lead Counsel: Adams  
Other Counsel:

Abstract: Officer Proctor deployed his Commission issued pepper spray when an unknown individual was observed wearing police-type gear and approaching our police substation. The individual failed/refused to stop leading to the Officer deploying his pepper spray to stop and subsequently arrest the individual. Mr. Alexander (the individual) asserts that the stop was without Reasonable Articulate Suspicion/Probable Cause and therefore was unlawful and the amount of force used was excessive.

Status: In discovery.

Docket:

11/20/2019	Complaint filed
12/06/2019	Proctor served
12/09/2019	Commission served
01/03/2020	Commission's Motion to Dismiss filed
01/23/2020	Motion to Dismiss denied. Plaintiff to file Amended Complaint on or before 02/07/2020.
02/08/2020	Amended Complaint filed
02/21/2020	Motion to Strike Amended Complaint or in the alternative to Dismiss
03/09/2020	Opposition to Motion to Strike
03/27/2020	Court orders matter to be set in for hearing on Motion
05/06/2020	Motion to Quash and for Protective Order
05/06/2020	Plaintiff's Opposition to Motion to Quash and for Protective Order
05/22/2020	Order of Court – Motion to Quash and for Protective Order held in abeyance
06/19/2020	Motions Hearing postponed due to COVID-19
09/16/2020	Motions Hearing held.
9/23/2020	Order of Court – Motion to Strike or in the alternative Motion to Dismiss denied. Motion to Quash and for Protective Order moot. Case to continue to due course.

9/30/2020	Answer to Amended Complaint filed.
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**Brown v. City of Bowie, et al.**  
Case No. CAL19-35931 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Injuries resulting from an event at Trap and Skeet location owned by the Commission. Defendants include the individual who discharged a weapon, a volunteer assigned to the group that day and Shooting Stars Shotgun Sports, LLC, an entity that provides shooting instructors at that location.

Status: In discovery.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daughtery's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
12/08/2020	Answer to complaint by Defendant Knode
02/16/2022	Trial

**Coakley & Williams Construction v. Commission**

Case No. CAL 20-13593 (CD)

Lead Counsel: Adams  
Other Counsel: Dickerson

Abstract: Breach of contract regarding work done at the Southern Area Aquatics Recreation Center.

Status: Motions pending.

Docket:

07/15/2020	Complaint filed
09/15/2020	Commission served
10/08/2020	Motion to Dismiss filed
10/27/2020	Opposition to Motion to Dismiss
01/11/2021	Motion to Quash and for Protective Order
04/02/2021	Order of Court. Motion to Quash denied.
04/02/2021	Order of Court. Motion to Dismiss Granted in part. Plaintiff to amend complaint within 15 days to correct the legal name of Defendant. The remaining issues in the Motion to Dismiss are denied.
04/14/2021	First Amended Complaint filed

**Commission v. Batson**

Case No. CAL19-24204 (WC)

Lead Counsel: Foster  
Other Counsel:

Abstract: The Commission filed for Judicial Review on the record of WCC order regarding surgical authorization for leg causally related to accidental injury.

Status: Awaiting Trial.

Docket:

07/26/2019	Petition for Judicial Review filed
08/19/2019	Batson's Notice of Intent to Participate, Jury Demand
08/22/2019	Commission's Motion to Strike Request for De Novo Review and Request for Jury Demand
09/03/2019	Opposition to Motion to Strike filed
09/06/2019	Memo in Support of on the record Judicial Review filed
10/02/2019	Order of Court- Commission's Motion to Strike Request for De Novo Review and Request for Jury Trial denied. Case to proceed De Novo before a jury.
11/21/2019	Motion to Bifurcate filed by Commission in an attempt to litigate the dispositive legal issue preliminarily before any de novo trial.
12/16/2019	Motion to Bifurcate denied.
03/01/2022	Trial.

**Getnet v. Maryland-National Capital Park and Planning Commission**

Case No. CAL 20-13268(Tort)

Lead Counsel: Harvin  
Other Counsel: Johnson

Abstract: Tort suit for injuries allegedly sustained when visitor fell through decking at a historic property not owned by the Commission.

Status: In discovery.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
10/09/2020	Answer filed.
11/02/2020	2 <sup>nd</sup> Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 <sup>nd</sup> Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only
03/04/2021	3 <sup>rd</sup> Amended Complaint filed
04/19/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Cross-Claim against Defendants/Cross-Defendants filed
02/22/2022	Trial

**Gibson v. Commission**

Case No. CAL 20-15318 (WC)

Lead Counsel: Foster  
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying causal connection of back injury to the accidental injury of October 20, 2017.

Status: In discovery.

Docket:

09/03/2020	Petition for Judicial Review filed
09/18/2020	Response to Petition and Expert Designation
08/11/2021	Trial

**Heard v. Maryland-National Capital Park and Planning Commission**

Case No. CAL 20-14095(AALU)

Lead Counsel: Warner  
Other Counsel: Goldsmith

Abstract: Judicial review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.

Status: Petition for Judicial Review filed.

Docket:

07/30/2020	Petition filed
08/16/2020	Commission notified by Court.
08/31/2020	Response to Petition for Judicial Review filed.
03/02/2021	Notice of Partial Voluntary Dismissal (MPIA claim) against Commission

**Hoenig v. Commission**

Case No. CAL 20-07257 (WC)

Lead Counsel: Foster  
Other Counsel:

Abstract: Claimant seeks judicial review of February 7, 2020 order from the Workers' Compensation Commission regarding extent of disability.

Status: In discovery.

Docket:

03/04/2020	Petition for Judicial Review filed
03/16/2020	Response to Petition and Expert Designation
09/21/2021	Trial

**Jackson v. Prince George's County Sports & Learning Complex**

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Injury to a minor from use of equipment at the Sports & Learning Complex.

Status: In discovery.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served

04/08/2020	Commission's answer filed.
09/02/2021	Trial

**King v. Commission**

Case No. CAL 19-30096 (WC)

Lead Counsel: Foster  
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying authorization for neck surgery.

Status: Awaiting trial.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed response to Petition.
04/7/2022	Trial

**Montague v. Newton White Mansion**

Case No. CAL 20-05753 (Tort)

Lead Counsel: Harvin  
Other Counsel:

Abstract: Slip and fall on ice at Newton White Mansion.

Status: In discovery.

Docket:

02/13/2020	Complaint filed.
06/19/2020	Amended Complaint filed.
07/21/2020	Answer filed.
09/15/2021	Trial.

**Murray v. Commission**  
Case No. CAL 20-16372 (WC)

Lead Counsel: Foster  
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission that held claimant is not permanently and totally disabled.

Status: In discovery.

Docket:

09/18/2020	Petition for Judicial Review filed
10/05/2020	Response to Petition for Judicial Review and Expert Designation
10/13/2020	Subsequent Injury Fund's Response to Petition for Judicial Review
10/13/2020	Subsequent Injury Fund's Cross-Petition for Judicial Review
10/21/2020	Claimant's Response to Cross-Petition
10/27/2020	Commission's Response to Cross-Petition
10/27/2020	Notice of Cross-Appeal
08/11/2021	Trial

**Pumphrey v. Wilson**  
Case No. CAL 19-30161 (Tort)

Lead Counsel: Dickerson  
Other Counsel: Foster

Abstract: Automobile accident with vehicle driven by now deceased former Commission employee.

Status: Case settled.

Docket:

09/16/2019	Complaint filed
07/24/2020	Motion to Dismiss
08/17/2020	Opposition to Motion to Dismiss and Request for Hearing.
09/02/2020	Order of Court – Motion to Dismiss Denied
09/18/2020	Answer filed
04/20/2021	ADR held. Parties to submit settlement agreement.

**Simmons, et al. v. Prince George's Planning Board**

Case No. CAL 21-00308 (AALU)

Lead Counsel: Warner  
Other Counsel: Goldsmith

Abstract: Judicial Review of Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-20006 (Freeway Airport)

Status: Petition for Judicial Review filed.

Docket:

01/07/2021	Petition for Judicial Review filed
01/27/2021	Commission's Response to Petition
02/10/2021	Response to Petition for Judicial Review by Freeway Realty, LLC
06/11/2021	Hearing

**Snyder v. State of Maryland, et al.**

Case No. CAL 20-13024 (Tort)

Lead Counsel: Adams  
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.

Status: 2<sup>nd</sup> Amended Complaint filed.

Docket:

06/19/2020	Complaint filed.
07/27/2020	Commission's Motion to Dismiss
07/27/2020	Motion to Transfer Venue
08/11/2020	Opposition to Motion to Dismiss
08/25/2020	State of Maryland's Motion to Dismiss
09/10/2020	Amended Complaint.
10/30/2020	2 <sup>nd</sup> Amended Complaint filed
04/21/2021	Order of Court. Consent Motion Granted; and the Defendants, M-NCPPC and L. Gertzog, shall have until 5/5/2021 to file a response to the second Amended Complaint.



**Wolf, et al. v. Planning Board of Prince George's County**

Case No. CAL20-14895 (AALU)

Lead Counsel: Warner  
Other Counsel: Goldsmith

Abstract: Judicial Review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).

Status: Awaiting decision on Motions.  
Docket:

08/19/2020	Petition for Judicial Review filed.
09/29/2020	Notice of Intent to Participate
09/29/2020	Motion to Dismiss filed by Werrlein WSSC, LLC
10/13/2020	City of Hyattsville's Notice of Intent to Participate
10/19/2020	Response to Petition for Judicial Review
10/19/2020	Planning Board's Motion to Dismiss filed
10/27/2020	City of Hyattsville's Opposition to Motion to Dismiss filed
11/30/2020	Motion to Consolidate with cases CAL19-21492, City of Hyattsville v. Prince George's County District Council and CAL19-22819 Eisen v. Prince George's County District Council
12/28/2020	Opposition to Motion to Dismiss
03/03/2021	Motions hearing held. Taken under advisement.

## MARYLAND COURT OF SPECIAL APPEALS

### Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-2118-2019 (AALU)

(Originally filed under CAL19-14488 in Prince George's County)

Lead Counsel: Borden  
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007. Benton failed to appear at judicial review hearing in Circuit Court and his petition was dismissed without an opinion. Benton filed for reconsideration which was also denied. Benton appealed the denial of the motion for reconsideration.

Status: Decision of Circuit Court affirmed.

Docket:

12/19/2019	Appeal filed
02/11/2020	Show Cause issued by Court regarding non-lawyer representing corporate entities
02/25/2020	Response to Show Cause filed
03/04/2020	Order of Court. Show Cause satisfied, appeal to proceed.
05/07/2020	Motion for Emergency Ex Parte Temporary Restraining Order Pending Appeal and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued
05/13/2020	Commission's Response to Motion filed.
05/18/2020	Appellant's Motion for Leave & Notice of Intent to Respond to Commission's Opposition to Temporary Restraining Order Pending Appeal
05/26/2020	Appellant's Motion for Leave of the Maryland Rules Regard the Page Limit, Word Count, Content or Form of Appellant's Motion for Temporary, Preliminary and Permanent Injunction.
06/03/2020	Woodmore Overlook's Motion to Join in Commission's Opposition and Response to Appellant's Motion for Temporary Restraining Order and Preliminary Injunction.
06/04/2020	Order of the Court. Appellant's Motion's denied.
06/23/2020	Appellant Brief and Record Extract filed
06/30/2020	Order – Appellee to refile brief in compliance with Maryland Rules by 8/28/2020
08/03/2020	Petition for Writ of Certiorari
10/22/2020	Summary Notice from Court. Matter to be decided without oral argument
10/23/2020	Petition for Writ of Certiorari denied
03/18/2021	Circuit Court decision affirmed.
04/20/2021	Mandate. Circuit Court decision affirmed. Costs to be paid by appellant.

**Benton v. Woodmore Overlook Commercial, LLC**

CSA-REG-0707-2020 (AALU)

(Originally filed under CAL20-13237 in Prince George's County)

Lead Counsel: Warner  
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board on Preliminary Plan of Subdivision 4-18007, Woodmore Overlook Commercial. Before the parties filed legal memoranda, in the Circuit Court and before the court held oral argument, and before the Planning Board had a chance to transmit the agency record, the developer's attorney filed a motion to dismiss based on, among other things, lack of standing. The Circuit Court granted the motion to dismiss. Benton appealed.

Status: Appeal filed.

Docket:

09/09/2020	Appeal filed
10/27/2020	Motion to Dismiss
11/18/2020	Motion to Dismiss denied

**Jan A.J. Bove, et al. v. Montgomery County Planning Board**

CSA-REG-1232-2020 (AALU)

(originally filed under Case No. 480775V in Circuit Court Montgomery County) (AALU)

Lead Counsel: Mills  
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of 7025 Longwood Drive subdivision no. 620190100. Neighbors, i.e. Bove, appealed a decision approving the subdivision to the Circuit Court and the Court affirmed the Planning Board. Bove appealed.

Status: Case dismissed.

Docket:

12/30/2020	Appeal filed
04/08/2021	Notice of Voluntary Dismissal

**Stewart, et al. v. Prince George's Planning Board, et al.**

Case No. CSA-REG-0038-2021 (AALU)

(Originally filed as Case No. CAL20-11215 in Circuit Court Prince George's County)

Lead Counsel: Goldsmith

Other Counsel:

Abstract: Appeal from Circuit decision affirming Prince George's County Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No.4-19023

Status: Appeal filed.

Docket:

03/08/2021	Appeal filed
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**MARYLAND COURT OF APPEALS**

No Pending Cases

**U.S. DISTRICT COURT OF MARYLAND**

**Beck v. Montgomery County Department of Parks, et al.**

8:20-cv-03305 PX (ED)

Lead Counsel: Dickerson

Other Counsel: Foster

Abstract: Plaintiff alleges discrimination on the basis of disability under the ADA and FMLA.

Status: In discovery.

Docket:

11/14/2020	Complaint filed
01/13/2021	Commission served
02/02/2021	Answer filed

**Evans v. Commission, et al.**  
8:19-cv-02651 TJS (ED)

Lead Counsel: Dickerson  
Other Counsel: Foster

Abstract: Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.

Status: Mediation set.  
Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants
03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.

11/13/2020	Defendants' Motion to Dismiss granted in part. Counts 4, 5, part of 6 and 7 -10, part of 11, and 12 dismissed. Counts, 1 -3, part of 6 and 11, 13 -15 will proceed at this stage. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan generally and to Magistrate Judge Jillyn K. Schulze for mediation
01/15/2021	Joint Consent to Proceed before Magistrate
01/28/2021	Order of Court re mediation week of May 17, 2021.