



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

May 20, 2020
10:00 a.m. to 12 noon

**The Commission will be meeting by teleconference
and live-streamed from:**

Montgomery Regional Office

Auditorium

8787 Georgia Avenue

Silver Spring, Maryland 20910

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, May 20, 2020**

**Via videoconference, and live-streamed from
Montgomery Regional Office Auditorium
8787 Georgia Avenue
Silver Spring, Maryland 20910**

10:00 a.m. – 12 noon

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – April 15, 2020	(+*)	Page 3
	b) Closed Session – April 15, 2020	(++*)	
	c) Special Meeting of the Commission Open Session – April 30, 2020	(+*)	Page 5
	d) Special Meeting of the Commission Closed Session – April 30, 2020	(++*)	
3.	General Announcements (10:05 a.m.)		
	a) Financial Disclosure Filing Deadline Reminder – Deadline Extended to June 5		
	b) National Prevention Week (Mental and/or Substance Use Disorders)		
	c) National Fitness Month/Fitness Days		
	d) Asian Pacific American Heritage Month		
	e) Jewish-American Heritage Month		
	f) Military Appreciation Month		
4.	Committee Minutes/Board Reports (For Information Only) (10:20 a.m.)		
	a) Executive Committee Meeting – Open Session – May 6, 2020	(+)	Page 7
	b) Employees’ Retirement System Board of Trustees Regular Meeting – March 3, 2020	(+)	Page 9
	c) Employees’ Retirement System Board of Trustees Regular Meeting – April 7, 2020	(+)	Page 13
	d) Employees’ Retirement System Board of Trustees Special Meeting – April 22, 2020	(+)	Page 19
5.	Action and Presentation Items (10:20 a.m.)		
	a) Resolution 20-03 Forest Glen / Montgomery Hills Sector Plan (Williams/Howerton)	(+*)	Page 21
	b) Resolution 20-04 Transfer of Land to PGC DPW&T for future widening of Old Laurel-Bowie Road (Sun/Maneval)	(+*)	Page 57
	c) Resolution 20-07 Differential Pay and Compensatory Leave for MCGEO Bargaining Unit Members (Chiang-Smith/Bennett)	(+*)	Page 59
	d) Resolution 20-08 Differential Pay and Social Distancing Leave for Merit Employees (Chiang-Smith/Bennett)	(+*)	Page 61
	e) Employees’ Retirement System Proposed Operating Budget FY21 (Rose)	(+*)	Page 63
	f) Reappointment of Pam Gogol and Sheila Morgan-Johnson to Employees’ Retirement System Board of Trustees (Rose)	(+*)	Page 69
	g) Request for Use of Salary Savings:		
	1) Department of Human Resources and Management (Chiang-Smith)	(+*)	Page 71
	2) Office of the General Counsel (Gardner)	(+*)	Page 73
	3) Department of Finance & Office of the CIO (Zimmerman)	(+*)	Page 77
	4) Office of the Inspector General (Kenney)	(+*)	Page 79

6. **Officers' Reports (11:30 a.m.)**

Executive Director's Report

- a) Late Evaluation Report, April 2020 (For Information Only) (+) Page 81

Secretary Treasurer

- b) Quarterly Investment Report (March 2020) (+) Page 83

General Counsel

- c) Litigation Report (For Information Only) (+) Page 89

- d) Annual Legislative Update (Information/Discussion item)

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, conduct collective bargaining discussions, and consider matters that relate to negotiation.

7. **Closed Session Item (11:45 p.m.)**

- a) Collective Bargaining Update (Chiang-Smith) (discussion item)

(+) 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 15, 2020

The Maryland-National Capital Park and Planning Commission met via teleconference with the Chair initiating the meeting at the Montgomery Regional Office Auditorium in Silver Spring, Maryland.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Tina Patterson (joined at 10:30 am)
Partap Verma (departed at 11:00 am)

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
William Doerner
Manuel Geraldo
A. Shuanise Washington

NOT PRESENT

Natali Fani-Gonzalez

Dorothy Bailey

Chair Anderson called meeting to order at 10:07 a.m. and called roll.

ITEM 1 APPROVAL OF COMMISSION AGENDA

Executive Director Chiang-Smith requested a change in sequence for the closed session items.

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – March 18, 2020

Closed Session – March 18, 2020

ACTION: Motion of Hewlett to approve the minutes

Seconded by Commissioner Geraldo

7 approved the motion (Commissioner Patterson was absent for the vote)

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Financial Disclosure Filing Deadline Reminder
- b) Stress Awareness Month
- c) Alcohol Awareness Month
- d) Arab-American Heritage Month
- e) Upcoming National Prevention Week (Mental and/or Substance Use Disorders) May
- f) Upcoming National Fitness Month/Fitness Days

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

- a) Executive Committee – Open Session March 31, 2020
- b) Executive Committee – Closed Session March 31, 2020

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution 20-02: Montgomery County Park Acquisition and Development General Obligation Bonds, MC-2020A (Zimmerman)
Secretary-Treasurer Zimmerman introduced Financial Advisor Joe Mason from Invest Davenport and Bond Counsel Cheryl Gurth from McGuire Woods and requested authorization to issue up to \$10M in Park Bonds. He explained that based on the current market forecasts, it is to the agency's advantage to issue now rather than in the autumn. Secretary-Treasurer Zimmerman will be in communication with the county to ensure they will not be constraining approved projects for which the bond proceeds would be used.

ACTION: Motion of Washington to approve Resolution 20-02
Seconded by Commissioner Cichy
7 approved the motion (Commissioner Patterson was absent for the vote)

ITEM 6 OFFICERS' REPORTS

Executive Director's Report

- a) Employee Evaluations Not Completed by Due Date (March 2020) (For information only)

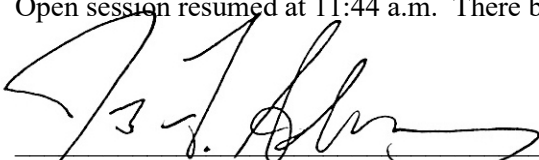
Secretary Treasurer Report
No report

- General Counsel Report
- b) Litigation Report (For information only)

Chair Anderson asked for a motion to enter closed session at 10:12 a.m. Vice-Chair Hewlett moved; Commissioner Geraldo seconded. The motion was approved by all 7 Commissioners present for the vote. (Commissioner Patterson was absent for the vote).

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 conduct collective bargaining discussions.

Open session resumed at 11:44 a.m. There being no further business to discuss, the meeting ended at 11:44 a.m.


James F. Adams, Administrative Specialist II


Asuntha Chiang-Smith, Executive Director



Commission Meeting
Open Session Minutes
April 30, 2020

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the Montgomery Regional Office Auditorium in Silver Spring, Maryland.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Partap Verma

Prince George's County Commissioners

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

NOT PRESENT

Natali Fani-Gonzalez
Tina Patterson

A. Shuanise Washington

Chair Anderson called meeting to order at 3:08 p.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Vice-Chair Hewlett to approve the Commission agenda
Seconded by Commissioner Geraldo
7 approved the agenda

Motion of Vice-Chair Hewlett to move to closed session. Seconded by Commissioner Geraldo.
All 7 Commissioners approved the motion by roll call. The Commission entered closed session at 3:12 p.m.

ITEM 2 CLOSED SESSION

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 conduct collective bargaining discussions.

Open session resumed at 3:25 p.m.

ITEM 3 ACTION AND PRESENTATION ITEMS

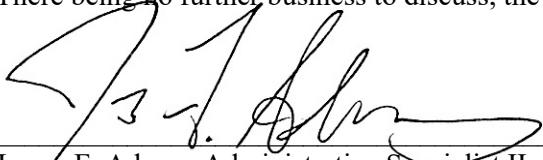
- a) Resolution 20-05, COVID-19 Differential Pay and Compensatory Leave for Park Police Officers Represented by the Fraternal Order of Police

ACTION: Motion of Vice-Chair Hewlett to approve Resolution 20-05
Seconded by Commissioner Geraldo
7 approved the motion by roll call

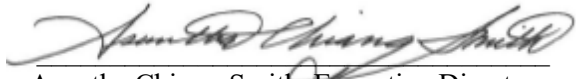
- b) Resolution 20-06, COVID-19 Differential Pay and Compensatory Leave for Park Police Command Officers

ACTION: Motion of Vice-Chair Hewlett to approve Resolution 20-06
Seconded by Commissioner Geraldo
7 approved the motion by roll call

There being no further business to discuss, the meeting ended at 3:28 p.m.



James F. Adams, Administrative Specialist II



Asuntha Chiang-Smith, Executive Director



EXECUTIVE COMMITTEE MEETING MINUTES
May 6, 2020

On May 5, 2020, the Maryland-National Capital Park and Planning Commission’s Executive Committee met via teleconference. Present were Chair Casey Anderson, Vice Chair Elizabeth M. Hewlett, and Executive Director Asuntha Chiang-Smith. Also present were:

Department Heads

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

Presenters/Staff

- Anju Bennett, Corporate Policy and Management Operations Director
- William Spencer, Corporate Human Resource Director

Chair Anderson convened the meeting at 10:06 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	No modifications.
ACTION	Motion of Vice-Chair Hewlett, second by Chair Anderson. Agenda approved unanimously.

ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA for April 15, 2020

Discussion	<ul style="list-style-type: none"> • Provide input for Chair Anderson to speak on losses to Commission Family • Modify Annual Legislative Update to be information/discussion item • Add MCGEO Resolution on Memorandum of Understanding for COVID-19 Differential.
ACTION	<p>Motion of Vice-Chair Hewlett, second by Chair Anderson. Amended Commission agenda approved unanimously.</p> <p>Jim Adams will contact Planning Boards for information on Commission Family losses.</p>

ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

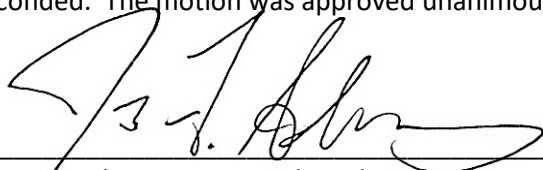
Discussion	“Juneteenth” June announcement item should be revised on the rolling agenda. Vice-Chair Hewlett will describe the significance of this event at the Commission meeting.
ACTION	Motion of Chair Anderson, second by Vice-Chair Hewlett. Rolling agenda approved unanimously.

ITEM 2 – JANUARY 3, 2020 EXECUTIVE COMMITTEE MEETING MINUTES

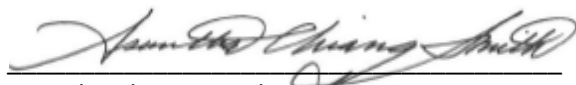
Discussion	<p>March 31, 2020 Open Session</p> <p>March 31, 2020 Closed Session</p>
ACTION	Motion of Vice-Chair Hewlett, second by Chair Anderson. Minutes approved unanimously.

ITEM 3 – DISCUSSION/PRESENTATION ITEMS	
Discussion	<u>Item 3a. Financial Disclosure Deadline Reminder (Chiang-Smith)</u> Executive Director Chiang-Smith confirmed that the Financial Disclosure Statement deadline had been moved to June 6, according to the Legal Department. She reminded Directors to follow up with any staff who have not completed their Disclosure statements to submit them before the new deadline.
ACTION	Jim Adams will send a list to each Director of their staff who still need to submit their statements.
Discussion	<u>Item 3b. Investment Report January-March 2020 (information item only)</u> A written report was not submitted for the Executive Committee Meeting. Secretary-Treasurer Zimmerman provided a verbal summary to the Executive Committee. The agency's investment rates were still favorable through March but declined significantly since. The first three quarters of 2020 are looking good; the final quarter does not. He suspects the agency will dial back revenue estimates for interest in 2021.

There being no further business to discuss, Vice Chair Hewlett moved to adjourn the meeting; Chair Anderson seconded. The motion was approved unanimously, and the meeting adjourned at 10:14 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director



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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, March 3, 2020; 10:00 a.m.
ERS/Merit Board Conference Room

The Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees ("Board") met in the ERS/Merit Board Conference Room at its office in Riverdale, Maryland on Tuesday, March 3, 2020 and was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present In-Person

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner
Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
Howard Brown, FOP Represented Trustee
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
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

Board Members Not Present

Vacant, Montgomery County Open Trustee

ERS Staff Present

Andrea L. Rose, Administrator
Heather D. Van Wagner, Senior Administrative Specialist
Sheila S. Joynes, ERS Accounting Manager
Charles Curtis, Accountant

Presentations

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

ITEM 1 APPROVAL OF THE MARCH 3, 2020 CONSENT AGENDA

- A. Approval of the March 3, 2020 Board of Trustees Meeting Agenda
- B. Minutes of Open Session, February 4, 2020
- C. Minutes of Administrative Functions Meeting, February 4, 2020 (**Confidential**) **TRUSTEES ONLY**
- D. Disbursements Granted Report – January 2020

Andrea Rose noted Item 6 should be labeled Committee Reports and Closed Session Item 7.E. should be labeled as 7.C.

ACTION: MS. GOGOL made a motion, seconded by MS. MILLAR to approve the Consent Agenda, as amended. The motion PASSED unanimously (10-0). (Motion #20-09)

ITEM 2 CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
- B. Acknowledge the Appointment of Caroline McCarthy as the Montgomery County Open Trustee for the Remainder of the Term Ending June 30, 2021

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. GOGOL to acknowledge the Appointment of Caroline McCarthy as the Montgomery County Open Trustee for the Remainder of the Term Ending June 30, 2021. The motion PASSED unanimously (10-0). (Motion #20-10)

ITEM 3 MISCELLANEOUS

No miscellaneous reported.

ITEM 4 REPORT OF ADMINISTRATOR

Andrea Rose presented the Administrator's Report dated February 21, 2020. Ms. Rose requested Board approval for a 1.8% Cost-of-Living Adjustment (COLA) for retirees and beneficiaries effective July 1, 2020. 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 2019. All retirees and beneficiaries receiving annuities for at least six months are eligible for the COLA.

ACTION: MS. CHIANG-SMITH made a motion, seconded by MR. BROWN to approve a 1.8% Cost-of-Living Adjustment Effective July 1, 2020 for Eligible Retirees and Beneficiaries in Accordance with the Provisions of the Employees' Retirement System. The motion PASSED unanimously (10-0). (Motion #20-11)

ITEM 5 MANAGER REPORTS/PRESENTATIONS

Wilshire Associates

Presentations by Bradley A. Baker, Managing Director and Martell McDuffy, Senior Analyst

The ERS' total fund return was 4.31% (net of fees) for the quarter, underperforming the target policy index return of 4.70%. For the one, three, five, and ten-years ended December 31, 2019 the total fund return was 16.20%, 9.66%, 7.17%, and 8.24%, respectively, compared to the target policy return of 17.68%, 9.09%, 6.76%, and 7.70%, respectively. The total market value through December 31, 2019 was \$1.01 billion.

Wilshire's Peer Group Analysis charts the ERS' total fund risk and return against all public pension plans. For the three-years ending December 31, 2019, the total fund (gross of fees) returned 9.88% with a standard deviation (risk) of 5.18% versus the median return of all public pension plans of 9.37% and the median standard deviation (risk) of all public pension plans of 6.71%. Mr. Baker noted the fund is conservative but gets a lot of return for the amount of risk the Board is taking. MS. MORGAN-JOHNSON asked Wilshire to provide charts that compare the fund against the ERS' peer groups of \$1-5 billion in assets. MR. ZIMMERMAN added the peer groups should be similar to the ERS (i.e. over 85% funded) and page 38 of the Executive Summary should show the long-term, as well as, the short-term, so the Board can stay focused primarily on the long-term.

William C. Dickerson, M-NCPPC Legal Counsel arrived at 10:35 a.m.

Wilshire was asked to analyze the potential rebalancing of assets to Small Cap Value given the extreme valuations in the asset class. After reviewing Wilshire's Small Cap Value Rebalance Analysis, the Board agreed with Wilshire's recommendation to stay the current course and not rebalance additional funds to small cap value.

Mr. Baker reported on the departure of Wilshire Consulting's President, Andrew Junkin.

ITEM 6 COMMITTEE REPORTS/RECOMMENDATIONS

Investment Monitoring Group (IMG) – Report of February 18, 2020 Meeting

Chicago Equity Partners presented performance for the Chicago Equity Partners Small Cap Value Equity portfolio. Chicago has underperformed since inception. MS. MORGAN-JOHNSON asked about a performance-based fee. Chicago offered a 25% discount on fees for one-year. MS. MORGAN-JOHNSON said the discount would be accepted for two-years. Chicago agreed. The IMG recommended Chicago Equity Partners be put on the Watch List and monitored closely to see if performance turns around within the next 6 months and by the end of 2020. The Board agreed.

ITEM 7

CLOSED SESSION

At 11:46 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(1) to discuss the performance evaluation and compensation of appointees, employees, or officials over whom this public body has jurisdiction; and, Section 3-305(b)(7) to consult with counsel to obtain legal advice on legal matters.

ACTION: MS. GOGOL made a motion, seconded by VICE CHAIRMAN CICHY to go into Closed Session. The motion PASSED unanimously (9-0). MR. ZIMMERMAN was out of the room. (Motion #20-12)

During Closed Session, the following action was taken:

1. The Board approved the Prudential Trust Company Collective Trust Adoption Agreement.
2. The Board approved the revised Schedule B Fee Schedule, Amendment to the Investment Management Agreement dated June 4, 2015 with Chicago Equity Partners, LLC.
3. The Board reviewed the Administrator's 2019 Performance Evaluation.

The Board moved back into Open Session at 12:16 p.m.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. FORD to ratify the actions taken in Closed Session. The motion PASSED unanimously (10-0). (Motion #20-16)

The Board meeting of March 3, 2020 adjourned at 12:17 p.m.

Respectfully,

Heather D. Van Wagner

Heather D. Van Wagner
Senior Administrative Specialist

Andrea L. Rose

Andrea L. Rose
Administrator

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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, April 7, 2020; 10:00 a.m.
Suite 204, Secretary-Treasurer's Office
and via teleconference call

Due to COVID-19 the Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees ("Board") met via teleconference call with the ERS Administrator and M-NCPPC Secretary-Treasurer leading the call from Suite 204 at its office building in Riverdale, Maryland on Tuesday, April 7, 2020 and the meeting was called to order at 10:00 a.m. by CHAIRMAN HEWLETT. Presenters and the public were invited to join the meeting via teleconference call.

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
Howard Brown, FOP Represented Trustee left at 11:26 a.m.
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio joined at 11:28 a.m./left at 11:50 a.m.
Melissa D. Ford, Prince George's County Open Trustee
Pamela F. Gogol, Montgomery County Public Member left at 11:50 a.m.
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
Heather D. Van Wagner, Senior Administrative Specialist
Sheila S. Joynes, ERS Accounting Manager

Presentations

Wilshire Associates - Bradley A. Baker, Managing Director and Martell McDuffy, Senior Analyst
M-NCPPC Legal Department – William C. Dickerson, Principal Counsel and Tracy Harvin, Senior Counsel

CHAIRMAN HEWLETT opened the meeting asking everyone to remain hopeful and positive as we take care of ourselves and our families during this uncertain pandemic time and she wished VICE CHAIRMAN CICHY a happy early birthday.

ITEM 1

APPROVAL OF THE APRIL 7, 2020 CONSENT AGENDA

- A. Approval of the April 7, 2020 Board of Trustees Meeting Agenda
- B. Minutes of Open Session, March 3, 2020
- C. Minutes of Closed Session, March 3, 2020 (Confidential)
- D. Disbursements Granted Report – February 2020

TRUSTEES ONLY

ACTION: MS. FORD made a motion, seconded by VICE CHAIRMAN CICHY to approve the Consent Agenda. The motion PASSED unanimously (10-0). (Motion #20-17)

ITEM 2 CHAIRMAN'S ITEMS

The Board welcomed Caroline ("Carrie") McCarthy the new Montgomery County Open Trustee.

ITEM 3 MISCELLANEOUS

None reported.

ITEM 4 REPORT OF ADMINISTRATOR

Andrea Rose presented the Administrator's Report dated March 31, 2020. In accordance with Article 6.4 of the Board of Trustees' Rules of Procedure, the Board must expressly authorize certain actions without a meeting in person. Given the COVID-19 pandemic, Ms. Rose is requesting the Board expressly authorize the following for action by Special or Regular Meeting via teleconference, video conference or by unanimous consent:

- 1) In accordance with the Investment Consulting Services Agreement with Wilshire Associates, the initial term was for a three-year period ending July 1, 2020, with two one-year extensions at the sole option of the ERS. The Board will need to take action in the near term to extend the Consulting Services Agreement for a one-year term ending July 1, 2021.
- 2) The Administration & Personnel Oversight Committee is expected to review a recommendation from staff in the near term regarding the FY2021 Operating Budget and to make a recommendation to the Board for approval of same.
- 3) Montgomery County Commissioner - The Board needs to acknowledge the appointment of the Montgomery County Commissioner appointed by the Commission for the term ending June 30, 2023.
- 4) The Montgomery County & Prince George's County Public Members are appointed by the Commission and serve at the pleasure of the Commission. The Administration & Personnel Oversight Committee is expected to review letters of interest and resumes and make a recommendation in the near future. The Board of Trustees makes a final recommendation to the Commission for appointment. Letters of Interest, including resumes are due April 10, 2020 by 5:00 p.m.

ACTION: MS. GOGOL made a motion, seconded by VICE CHAIRMAN CICHY to authorize the following for action by Special or Regular Meeting via teleconference, video conference or by unanimous consent: 1) extension of the Investment Consulting Services Agreement with Wilshire Associates for a one-year term ending July 1, 2021; 2) approval of the FY2021 Operating Budget; 3) acknowledgment of the Montgomery County Commissioner for the term ending June 30, 2023; and 4) recommendation for the appointments of the Prince George's County and Montgomery County Public Members for the terms ending June 30, 2023. The motion PASSED unanimously (10-0). (Motion #20-18)

Ms. Rose provided an operational update to the Board. Prior to COVID-19, only two of the nine ERS positions were consistently teleworking and/or capable of telework. In a matter of three weeks, five positions were ramped up to telework 100% of the time. The processing of all accounting, payroll and accounts payable functions have been entirely transformed to electronic processes. All staff have stepped up to the challenge of telework and are adapting. While many processes are slower now, most are expected to be more efficient over time as staff adapt. The biggest challenge remains the processing of retirements, death benefits and requests for withdrawal or rollover of funds which are paper/file dependent. Three employees are working in the office on a rotational schedule (less than two days per week) to ensure members receive benefits. Delays are inevitable due to the condensed onsite work schedule, but employee health and safety remains a primary concern. Estimate requests have been suspended. Counseling for retirement is conducted via phone and staff are working with the IT and legal departments on an electronic process for submission of paperwork for those retiring.

Given that COVID-19 may not resolve within weeks or months, staff are attempting to adhere to the pension software administration system project deadlines in order to go-live in the fall of 2020.

Ms. Rose said staff are in discussions with the IT Department about using Zoom and GoTo Meeting. Board members had concerns about Zoom and suggested Ms. Rose consider using either Teams or GoToMeeting for future Board and Committee meetings.

CHAIRMAN HEWLETT reminded Board members to complete their Financial Disclosure Statements and submit by April 30, 2020.

ITEM 5 **MANAGER REPORTS/PRESENTATIONS**

Wilshire Associates

Presentations by Bradley A. Baker, Managing Director and Martell McDuffy, Senior Analyst

Brad Baker presented a Market Recap as of April 6, 2020 and a Market and Portfolio Update as of March 31, 2020 which included an investment performance update. The ERS' portfolio is down an estimated \$80.4 million (-11.45%) Year-to-Date 2020.

The ERS' portfolio return is down -6.32% while the policy index return is down -8.06% on a fiscal-year-date basis Ms. Rose requested the ERS' actuary, Cheiron, project employer contributions for the July 1, 2020 Actuarial Valuation based on the portfolio return of -6.32%. If there are no other changes for the fiscal year, the recommended employer contribution is estimated at \$22 million versus an employer contribution of \$19.2 million which is at the baseline portfolio return of 6.85%. The contributions gradually increase the first couple of years while the investment loss is phased in before leveling off. Future results may differ significantly from this estimate to the extent that future experience differs from the actuarial assumptions.

Mr. Baker reviewed the fund's cash and liquidity needs and is comfortable with the level of cash on hand for benefit payments and expenditures. Mr. Baker provided the following updates related to investment managers. 1)The Principal U.S. Property Fund instituted a withdrawal limitation to proactively protect all investors; 2) CSM Advisors (formerly C.S. McKee) communicated the downgrade of Occidental Petroleum Corporation in the portfolio and notified the ERS corrective action would be taken within 6 months in accordance with the investment guidelines; 3) PGIM Emerging Market Debt Fund was funded with approximately \$45 million on March 23, 2020. PGIM was able to partially pair outflows with the inflows to

minimize any direct trading costs; and 4) The Northern Trust Securities Lending program continues to function efficiently with no disruption to lending activity or immediate liquidity concerns or reduction in supply. Wilshire is comfortable from a risk perspective and will continue to monitor.

Mr. Baker said the ERS' portfolio is positioned well and has no recommendations at this time.

MS. MORGAN-JOHNSON said DC Retirement is having a weekly call with the ERS' custodian bank, Northern Trust, for updates on the STIF account and reports no impairment

MS. MORGAIN-JOHNSON reported the IRS temporarily closed the Philadelphia office so the processing of Form 8802 to reclaim taxes has been put on hold.

Mr. Baker reported on "TALF" (Term Asset-Backed Securities Loan Facility) which is a credit facility authorized under section 13(3) of the Federal Reserve intended to help meet the credit needs of consumers and small businesses by facilitating the issuance of asset-backed securities ("ABS") and improving market conditions for the ABS market more generally.

TALF was originally created in 2008 during the market crisis to relaunch the securitized market. TALF 2020 is created to increase new issuance of ABE securities for financing of consumer purchases and small business loans. Mr. Baker said TALF is definitely worth the Board's consideration and additional due diligence with a leverage ratio of 10-1. If there is interest, Wilshire will provide additional information for discussion at its' next meeting. With a closing date at the end of September 2020 timing is important.

Ms. Rose asked legal counsel if the Board must expressly authorize investing in TALF without a meeting in person by Special or Regular Meeting via teleconference, video conference or by unanimous consent. Bill Dickerson, Principal Counsel, said a motion is needed.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. MILLAR to expressly authorize for action by Special or Regular Meeting via teleconference, video conference or by unanimous consent the discussion and any actions related to investment in TALF. The motion PASSED unanimously (10-0). (Motion #20-19)

ITEM 6

CLOSED SESSION

At 11:26 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland §305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; and for any other personnel matter that affects one or more specific individuals; Section §305(b)(7) to consult with counsel to obtain legal advice pursuant to; and, Section §305(b)(10) to discuss the development and implementation of emergency plans.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. GOGOL to go into Closed Session. The motion PASSED unanimously (10-0). (Motion #20-20)

MR. BROWN left the meeting at 11:26 a.m.

MS. CHIANG-SMITH joined the meeting at 11:28 a.m.

During Closed Session, the following action was taken:

1. The Board approved Resolution No. 2020-1 authorizing additional back-up to act in emergency situations, including the COVID-19 pandemic, if both the Administrator and Secretary-Treasurer are unavailable.
2. The Board approved an Amendment to the Rules of Procedure for catastrophic emergencies where a quorum of the Board is not reasonably available.

The Board moved back into Open Session at 11:50 a.m.

MS. GOGOL and MS. CHIANG-SMITH left the meeting at 11:50 a.m.

ACTION: MS. STOOKEY made a motion, seconded by VICE CHAIRMAN CICHY to ratify the actions taken in Closed Session. The motion PASSED unanimously (9-0). (Motion #20-23)

The Board meeting of April 7, 2020 adjourned at 11:53 a.m.

Respectfully,

Heather D. Van Wagner

Heather D. Van Wagner
Senior Administrative Specialist

Andrea L. Rose

Andrea L. Rose
Administrator

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**SPECIAL BOARD OF TRUSTEES MEETING
MINUTES
Tuesday, April 22, 2020; 3:00 p.m.
County Administration Building, Upper Marlboro, MD**

Due to COVID-19 the Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees ("Board") met virtually through Microsoft Teams with the CHAIRMAN HEWLETT leading the call from the County Administration Building in Upper Marlboro, Maryland on Wednesday, April 22, 2020 and the meeting was called to order at 3:00 p.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
- Howard Brown, FOP Represented Trustee
- 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

joined at 3:34 p.m.

ERS Staff Present

- Andrea L. Rose, Administrator
- Heather D. Van Wagner, Senior Administrative Specialist
- Sheila S. Joynes, ERS Accounting Manager

Presentations

- Wilshire Associates - Bradley A. Baker, Managing Director and Martell McDuffy, Senior Analyst
- M-NCPPC Legal Department – William C. Dickerson, Principal Counsel and Tracy Harvin, Senior Counsel

ITEM 1 APPROVAL OF THE APRIL 22, 2020 CONSENT AGENDA

ACTION: MS. CHIANG-SMITH made a motion, seconded by VICE CHAIRMAN CICHY to approve the Consent Agenda. The motion PASSED unanimously (10-0). (Motion #20-24)

ITEM 2 CLOSED SESSION

At 3:09 p.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland §305(b)(5) for investment of public funds; and Section §305(b)(7) to consult with counsel to obtain legal advice.

ACTION: MS. CHIANG-SMITH made a motion, seconded by VICE CHAIRMAN CICHY to go into Closed Session. The motion PASSED unanimously (10-0). (Motion #20-25)

During Closed Session, the following action was taken:

1. The Board accepted Wilshire's recommendation to address Chicago Equity Partners' unexpected upcoming closure by combining the assets from Chicago Equity Partners' small cap growth mandate with the Northern Trust small cap growth index fund into one passively managed mandate and to utilize the Northern Trust Collective Russell 2000 Index Fund (Lending) for this mandate.
2. The Board accepted Wilshire's recommendation to utilize Northern Trust's Transition Management Group to transition both portfolios at the appropriate time.

The Board moved back into Open Session at 3:50 p.m.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. FORD to ratify the actions taken in Closed Session. The motion PASSED unanimously (11-0). (Motion #20-28)

The Board meeting of April 22, 2020 adjourned at 3:53 p.m.

Respectfully,

Heather D. Van Wagner

Heather D. Van Wagner
Senior Administrative Specialist

Andrea L. Rose

Andrea L. Rose
Administrator



Approved Forest Glen/Montgomery Hills Sector Plan Resolution of Adoption

mw Melissa Williams, Senior Planner, Area 1, Melissa.Williams@montgomeryplanning.org, 301 495-4642

EA Elza Hisel-McCoy, Chief, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org 301495-2115

LGH Leslye Howerton, Supervisor, Area 1, Leslye.Howerton@montgomeryplanning.org, 301 495-4566

Completed: 05-13-20

Recommendation:

Approve the Resolution of Adoption

Summary

Attached for you review and approval is the MCPB Resolution No. 20-040 recommending the adoption of the Forest Glen/Montgomery Hills Sector Plan by the Full Commission. The Montgomery County Council, sitting as the District Council approved the Forest Glen/Montgomery Hills Sector plan by Resolution No. 19-406 on March 31, 2020.

Attachments:

1. MCPB Resolution No. 20-040
2. Draft Certificate of Approval and Adoption
3. Montgomery County Council Resolution No. 19-406, Approval of Planning Board Draft Forest Glen/Montgomery Hills Sector Plan

Resolution No.: 19-406
Introduced: March 31, 2020
Adopted: March 31, 2020

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

By: County Council

SUBJECT: Approval of September 2019 Forest Glen/Montgomery Hills Sector Plan

1. On September 24, 2019, the Montgomery County Planning Board transmitted to the County Executive and the County Council the September 2019 Planning Board Draft of the Forest Glen/Montgomery Hills Sector Plan.
2. The September 2019 Forest Glen/Montgomery Hills Sector Plan contains the text and supporting maps for a comprehensive amendment to portions of the approved and adopted 1989 Master Plan for the Communities of Kensington-Wheaton, as amended; 1996 Forest Glen Sector Plan, as amended; and 2000 North and West Silver Spring Master Plan, as amended. 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 previously amended; the 2013 Countywide Transit Corridors Functional Master Plan; the Master Plan of Highways and Transitways, as amended; and the 2018 Bicycle Master Plan.
3. On November 12, 2019, the County Council held a public hearing on the September 2019 Forest Glen/Montgomery Hills Sector Plan. The Master Plan was referred to the Council’s Planning, Housing, and Economic Development Committee for review and recommendations.
4. On November 20, 2019, the Office of Management and Budget transmitted to the County Council the Executive’s Fiscal Impact Statement for the September 2019 Forest Glen/Montgomery Hills Sector Plan.
5. On November 25, 2019, December 2, 2019, and January 16, 2020, the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the Forest Glen/Montgomery Hills Sector Plan.
6. On January 28 and February 4, 2020, the County Council reviewed the Forest Glen/Montgomery Hills Sector Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

Action

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

The Forest Glen/Montgomery Hills Sector Plan, dated September 2019, is approved with revisions. County Council revisions to the Forest Glen/Montgomery Hills Sector Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring. All page references are to the September 2019 Planning Board Draft Forest Glen/Montgomery Hills Sector Plan.

Page ii: Amend the first paragraph under Abstract as follows:

The Forest Glen/Montgomery Hills Sector Plan contains the text and supporting maps for a comprehensive amendment to portions of the approved and adopted 1989 Master Plan for the Communities of Kensington-Wheaton, as amended; 1996 Forest Glen Sector Plan, as amended; and 2000 North and West Silver Spring Master Plan, as amended. 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 previously amended; the 2013 Countywide Transit Corridors Functional Master Plan; the Master Plan of Highways and Transitways, as amended; and the 2018 Bicycle Master Plan.

Page iv: Amend the Table of Contents to reflect changes in headings and page numbers as a result of changes to text and graphics.

Page 1: Amend the first paragraph of the Executive Summary as follows:

The Forest Glen/Montgomery Hills Sector Plan provides an opportunity to reassess and enhance the character of the plan area, leverage public investment and analyze alternative redevelopment and connectivity solutions. It is a timely analysis in that two, related important initiatives are underway: the MD 97 Montgomery Hills study initiated by Maryland Department of Transportation State Highway Administration ([MCDOT]MDOT SHA) and the Washington Metropolitan Area Transit Authority’s (WMATA) feasibility analysis of the Forest Glen Metro Station.

Page 2: Amend the second column heading in Table 1: Recommendations Summary as follows:

[Short Term] Time Frame

Page 2: Amend the fourth recommendation in Table 1: Recommendations Summary as follows:

Note the location of two historic cemeteries: Mount [Union] Zion Methodist Episcopal Church and Cemetery site, and Grace Episcopal Church cemetery site.

Page 2: Amend the 19th recommendation in Table 1: Recommendations Summary as follows:

Develop [a] BiPPA [plan] plans on parallel timelines for Montgomery Hills and Forest Glen.

Page 3 : Amend the 28th recommendation in Table 1: Recommendations Summary as follows:

Recommend the nomination of the Montgomery Hills Commercial District as a Main Street Maryland Program.

Page 3: Amend the 29th recommendation in Table 1: Recommendations Summary as follows:

Recommend that the Montgomery Hills District be designated as a qualified recipient of MCEDC Small Business Impact Assistance Funds.

Page 3: Amend the 31st recommendation in Table 1: Recommendations Summary as follows:

Consider the following individual sites for [potential historic designation] listing in the Locational Atlas and Index of Historic Sites or for designation in the Master Plan for Historic Preservation: Montgomery Hills Shopping Center; Exceptional Fabricare; Calvary Lutheran Evangelical Church; Grace Episcopal Church and Cemetery; and Americana Finnmark.

Page 3: Amend the 32nd recommendation in Table 1: Recommendations Summary as follows:

[Retain] Evaluate the Woodside Locational Atlas Historic District for designation in the Master Plan for Historic Preservation.

Page 4: Revise Map 1: Existing Land Use to reflect updated land uses.

Page 5: Revise Map 2: Recommended Land Use to reflect Council decisions.

Page 6: Revise Map 3: Existing Zoning to reflect updated zoning.

Page 7: Revise Map 4: Recommended Zoning to reflect Council decisions.

Page 12: Amend the second bullet under 1.5 Challenges and Opportunities, Challenges as follows:

- Displacement of businesses with [State Highway Administration's] MDOT SHA property acquisitions for road improvements, loss of affordable commercial space.

Page 12: Amend the third bullet under 1.5 Challenges and Opportunities, Challenges as follows:

- Loss of parking spaces due to MDOT SHA improvements.

Page 12: Amend the 14th bullet under 1.5 Challenges and Opportunities, Challenges as follows:

- Construction period disruptions from MDOT SHA improvements.

Page 13: Amend the third bullet under 1.5 Challenges and Opportunities, Opportunities as follows:

- Available redevelopment sites created by MDOT SHA acquisitions.

Page 16: Amend the last two sentences of the first paragraph under 1. Consolidated Driveways as follows:

A list of driveways to be considered for consolidation with redevelopment is included in the technical appendix of this plan and they are shown in Figure 1. New driveways should be considered only in conjunction with the removal or reduction of existing driveways.

Page 20: Amend the second bullet under 2. Long-Term Vision as follows:

- Provide designated space for [high-end] bus rapid transit station furniture.

Page 21: Amend the second paragraph under 3. Main Street Grid as follows:

The plan recommends the following new grid of business district roadways, Montgomery Hills Connectors (B-2, and B-3[, and B-4]) with redevelopment of the Seminary Place Shopping [Plaza] Center. Specific recommendations and considerations to achieve the long-term vision are detailed in the appendix.

Page 21: Revise Figure 2: Main Street Grid Concept to reflect updated Business District Streets per Table 2.

Page 23: Insert additional language after the second paragraph of 1. Short-Term Design Alternative: Beltway Ramp Reconfiguration to reflect Council decision as follows:

Another design treatment to consider and study further that would improve traffic flow, reduce queuing and increase safety is a channelized signal bypass for the two Beltway on-ramps, accessed from northbound Georgia Avenue. This treatment has been applied at other interchanges in the County. As an example, Figure 3a shows the southbound I-270 on-ramp, accessed from eastbound Darnestown Road (MD 28).

Insert New Image: Figure 3a: Signal Bypass in Rockville, MD

Motorists who wish to access the southbound I-270 on-ramps stay to the right of the concrete barrier (rightmost lane) and are then able to bypass the signals for eastbound Darnestown Road. This helps traffic to flow off Darnestown Road and reduce spillbacks and queuing further west. The signal is still needed to provide safe, left turning movements for traffic exiting I-270 from the off-ramp.

Page 25: Amend the first paragraph of 1. Woodland Drive Extended (B-1) to reflect Council decision as follows:

1. Woodland Drive Extended (B-1), (SR-1)

This plan recommends extending the existing northern terminus of Woodland Drive (60-foot right-of-way) [at] south of Medical Park Drive to connect to Dennis Avenue for the purpose of improving connectivity for all transportation modes. This plan envisions a connection designed for safe vehicle, pedestrian and bicycle travel that ultimately connects to Dennis Avenue. [This] The road segment from the current dead-end terminus and Medical Park Drive will be classified as a secondary residential roadway (SR-1). The road segment between Dennis Avenue and Medical Park Drive will be classified as a Business District Street (B-1); this recommendation would only be fully realized with the redevelopment of the medical office use located at the southeastern corner of Dennis and Georgia Avenues. Furthermore, this plan recommends a full movement, protected signalized intersection at Medical Park Drive and Georgia Avenue.

The road design should include buffered sidewalks on both sides. The design of the pedestrian facility should reflect the current best practices for widths and composition. The intersection should be evaluated for appropriate traffic controls. Pedestrian crossing facilities, such as high-visibility crosswalks, should also be included in the intersection design. The bikeway should ensure a level of traffic stress (LTS) no higher than two on the LTS scale established by the 2018 Bicycle Master Plan.

This recommendation to connect the [two] dead ends of Woodland Drive in the Forest Glen neighborhood advances the Glenmont to Silver Spring Breezeway recommendation made in the 2018 Bicycle Master Plan

Page 25: Revise Figure 5: Woodland Drive Extended to reflect Council decision.

Page 28: Revise Figure 13: Georgia Avenue to reflect correction.

Page 30: Revise Table 2: Street Classification and Right-of-Way Recommendations to reflect Council decisions as follows:

Table 2: Street Classification and Right-of-Way Recommendations							
Roadway	From	To	Functional Classification	Master Planned ROW (2)	Existing Lanes (3)(4)	Planned Lanes (3)(4)	BRT Type
Major Highways							
M-8 Georgia Avenue (MD 97)	Dennis Avenue	Capital Beltway (I-495)	Major Highway	110'	6D	6D	Mixed Traffic
M-8 Georgia Avenue (MD 97)	Capital Beltway (I-495)	16th Street (MD 390)	Major Highway	120'	7 (5)	7 (6)	Mixed Traffic
M-8 Georgia Avenue (MD 97)	16 th Street (MD 390)	Spring Street	Major Highway	122'	6	<u>6+0T</u>	Dedicated
M-9 16th Street (MD 390)	2nd Avenue	Georgia Avenue (MD 97)	Major Highway	120'	6D	<u>[6+0T]4D (7)</u>	None
Major Arterial							
A-263 Spring Street	Fairview Road	Georgia Avenue (MD 97)	Arterial	100'	2D	2D	None
A-263 Spring Street	Georgia Avenue (MD 97)	First Avenue	Arterial	120'	2D	2D	None
Minor Arterials							
MA-16 Columbia Boulevard/ Dale Drive	Georgia Avenue (MD 97)	Wayne Avenue	Minor Arterial	80'	2	2	None
MA-17 Dennis Avenue	Georgia Avenue (MD 97)	Sligo Creek Parkway	Minor Arterial	80'	2	<u>2</u>	None
MA-41 Seminary Road	Georgia Avenue (MD 97)	Second Avenue/ Linden Lane	[Recommended] Minor Arterial	80'	2	2	None
MA-41 Seminary Road	Second Avenue/ Linden Lane	Seminary Place	[Recommended] Minor Arterial	80'	<u>2</u>	<u>2</u>	<u>None</u>

Table 2: Street Classification and Right-of-Way Recommendations							
Roadway	From	To	Functional Classification	Master Planned ROW (2)	Existing Lanes (3)(4)	Planned Lanes (3)(4)	BRT Type
MA-41 Seminary Road	Seminary Place	Forest Glen Road	[Recommended] Minor Arterial	80'	<u>2</u>	<u>2</u>	<u>None</u>
MA-3 Linden Lane	Second Avenue	Brookville Rd	[Recommended] Minor Arterial	<u>80</u>	<u>2</u>	<u>2</u>	<u>None</u>
MA-42 Seminary Place	Georgia Avenue (MD 97)	Seminary Road/ Second Avenue	[Recommended] Minor Arterial	80'	2	2	None
MA-43 Forest Glen Road (MD 192)	Sligo Creek Parkway	[Sligo Creek Parkway] <u>Georgia Avenue (MD 97)</u>	[Recommended] Minor Arterial	80'	2	2	None
MA-43 Forest Glen Road (MD 192)	Georgia Avenue (MD 97)	Belvedere Place	[Recommended] Minor Arterial	80'	4	4	None
Business District <u>Streets</u>							
B-1 Woodland Drive Extended	[Northern terminus of Woodland Drive (approaching Medical Park Drive)] <u>Medical Park Drive</u>	Dennis Avenue	[Recommended] Business District Street	60'	2	2	None
B-2 Montgomery Hills District Connector 2	Seminary [Road] <u>Place</u>	Northern boundary of Seminary Place Shopping Center	[Recommended] Business District Street	60'	2	2	None

Table 2: Street Classification and Right-of-Way Recommendations							
Roadway	From	To	Functional Classification	Master Planned ROW (2)	Existing Lanes (3)(4)	Planned Lanes (3)(4)	BRT Type
B-3 [Montgomery Hills District Connector 3] <u>Flora Lane Extended</u>	Montgomery Hills District Connector 2	Georgia Avenue [(opposite Flora Lane)]	[Recommended] Business District Street	60'	2	2	None
B-4 [Montgomery Hills District Connector 4] <u>White Oak Drive Extended</u>	Montgomery Hills District Connector 2	Georgia Avenue [(opposite White Oak Drive)]	[Recommended] Business District Street	60'	2	2	None
B-5 <u>Montgomery Hills District Connector 3</u>	<u>Seminary Place</u>	<u>Seminary Road</u>	[Recommended] Business District Street (non-standard design)	<u>40'</u>	<u>2</u>	<u>2</u>	<u>None</u>
Primary Residential Streets							
P-29 Dennis Avenue	Brunswick Avenue	Georgia Avenue (MD 97)	Primary Residential	70'	2	2	None
P-19 Hildarose Drive	Gardiner Avenue	Georgia Avenue (MD 97)	Primary Residential	70'	2	2	None
P-X <u>Medical Park Drive</u>	<u>Dennis Avenue</u>	<u>Georgia Avenue (MD 97)</u>	<u>Primary Residential</u>	<u>70'</u>	<u>2</u>	<u>2</u>	<u>None</u>
Secondary Residential Street							
<u>SR-1 Woodland Drive Extended</u>	<u>Northern terminus of Woodland Drive (approaching Medical Park Drive)</u>	<u>Medical Park Drive</u>	<u>Secondary Residential</u>	<u>60'</u>	<u>2</u>	<u>2</u>	<u>None</u>

Notes for Table 2:

1. Georgia Avenue, north of Tilton Drive, is recommended for a target speed of 30 miles per hour. South of Tilton Drive, Georgia Avenue is recommended for a target speed of 25 mph as indicated

in Chapter 49 of the County Code (Urban Road Code). The remaining roads in the sector plan area are recommended for 25 miles per hour.

2. Master Planned ROW is showing the minimum widths.
3. The number of existing or planned through lanes for each segment, not including lanes for turning, parking, acceleration, deceleration, or other purposes auxiliary to through travel.
4. “D” denotes a divided highway, and “OT” denotes two lanes repurposed for BRT transitways.
5. On Georgia Avenue, the existing cross section includes 7 through lanes with an additional dynamic lane which is designated during peak periods by the peak direction. All other times, the eighth lane functions as a center left turn lane.
6. On Georgia Avenue, the removal of the dynamic lane will result in 7 lanes; 3 southbound and 4 northbound.
7. This plan extends the road diet recommended in the Greater Lyttonsville Sector Plan which resulted in reducing the roadway to 4 lanes; repurposing the remaining roadway width for a two-way separated bikeway on the east side between Georgia Avenue (MD 97) and the District of Columbia.
8. Bolded text indicates a sector plan recommendation; a new master-planned street or a reclassification of an existing street. This recommendation will result in a modification to the Master Plan of Highways and Transitways.

Page 32: Revise Map 8: Roadway Classifications to reflect Council decision.

Page 33: Insert a fourth paragraph under 2.1.3 Intersections and Crossings to reflect Council decision as follows:

At the time of this Sector Plan’s adoption, both the final design of the Georgia Avenue Beltway interchange and its effect on vehicle delay, and the Local Area Transportation Review standard to be used in the 2020-2024 Subdivision Staging Policy (SSP), are not known. Therefore, any intersection improvement that is needed must meet the congestion standards that are applicable at the time of Planning Board action, be in conformance with the Sector Plan and be consistent with Vision Zero and other transportation safety best practices and other applicable county policies.

Page 34: Revise Map 9: Recommended Sidewalks and Protected Crossings to reflect Council decision.

Page 35: Revise Table 3: Existing and Recommended Protected Crossing Locations to reflect Council decision as follows:

ID	Intersection	Existing Signalized Intersection	Existing Unsignalized Intersection with Crosswalk Improvements	BRT Station Location	Recommendation
1	Georgia Avenue at Dennis Avenue	X		X	

ID	Intersection	Existing Signalized Intersection	Existing Unsignalized Intersection with Crosswalk Improvements	BRT Station Location	Recommendation
2	Georgia Avenue at Dexter Avenue			X	Protected crossing
3	<u>Georgia Avenue at Medical Park Drive</u>				<u>Signalized Intersection</u>
[3]4	Georgia Avenue at August Drive	X			
[4]5	Georgia Avenue at Tilton Drive				Protected crossing
[5]6	Georgia Avenue at Forest Glen Road	X		X	
[6]7	Georgia Avenue at Flora Lane [1]				Protected crossing
[7]8	Georgia Avenue at White Oak Drive [1]				Protected crossing
[8]9	Georgia Avenue at Seminary Place	X		X	
[9]10	Georgia Avenue at Seminary Road	X			
[10]11	Georgia Avenue at 16 th Street [2]	X			
[11]12	Luzerne Avenue at Georgia Avenue				Protected crossing for bicyclists and pedestrians only
[12]13	Georgia Avenue at Highland Drive				Protected crossing
[13]14	Georgia Avenue at Noyes Drive		X		Protected crossing
[14]15	Georgia Avenue at Spring Street	X			
[15]16	Elkton Avenue and Forest Glen Road				Protected crossing
[16]17	Kimball Place and Darcy Forest Drive				Protected crossing
[17]18	Belvedere Place and Darcy Forest Drive		X		Protected crossing
[18]19	Grace Church Road and 16 th Street				Protected crossing

ID	Intersection	Existing Signalized Intersection	Existing Unsignalized Intersection with Crosswalk Improvements	BRT Station Location	Recommendation
[19]20	Any planned/future changes to the WMATA station access as part of future development of the existing surface parking lots and bus loop[.]				Protected crossing
[20]21	16 th Street and Second Avenue	X			Improve intersection for pedestrian safety and comfort

[1] Assumes realization of either [Alternative] Alternatives 1 or 2 of the Beltway and Interim-term recommendations for Georgia Avenue in Montgomery Hills.

[2] Assumes abandonment of the 16th Street southbound slip lane and consolidation of the northbound and southbound 16th Street lanes.

Page 37: Amend the second paragraph under 2. Forest Glen Metro Station Access to reflect Council decision as follows:

In 2013, MCDOT initiated a project to determine the alignment and type of facility for improving pedestrian safety at the intersection and access to the Metrorail at Forest Glen station. A passageway under Georgia Avenue connecting the [northwest] northeast corner to the [southeast] southwest corner was the preferred alignment. It would provide direct access to the Metrorail station with surface access on both ends. This plan confirms and supports the funded project and recommends detailed considerations for the final design stage, which includes [locations for additional elevators on Forest Glen Road west of Georgia Avenue] an elevator on the south side of Forest Glen Road near the existing steps into the station lobby. Consult the Transportation Appendix for details.

Page 37: Insert additional language under the second paragraph under 2. Forest Glen Metro Station Access to reflect Council decision as follows:

For the purpose of providing a safe and efficient pick-up and drop-off area that will deter use of Georgia Avenue and Woodland Drive, this sector plan recommends a designated pick-up/drop-off area completely contained on the Forest Glen Medical Center site. This facility will complement future access to the Forest Glen Metro station by way of the planned bicycle and pedestrian passageway project which will be constructed under Georgia Avenue at Forest Glen Road.

The Planning Board should grant public benefit points in conjunction with an optional method regulatory application if a safe and efficient pick-up/drop-off area completely contained on the Forest Glen Medical Center site is provided. For points to be awarded, MCDOT must approve the final, detailed design at the time of site plan. The applicant will only be eligible for public

benefit points for the act of constructing the pick-up/drop-off facility; no points will be awarded for a land contribution or payment towards the construction of the facility.

Page 37: Amend the third and fourth paragraphs under E. Policy Area Roadway Network Adequacy Test to reflect Council decision as follows:

This plan recommends [increasing the policy area standard for the seven intersections within its plan boundaries to 120 seconds] the Subdivision Staging Policy (SSP) establish a new Red Policy Area encompassing an area of roughly one-half mile radius from the Forest Glen Metro Station, with the precise boundary to be determined as part of the 2020-2024 SSP. The recommendation is based on the high ratio of regional traffic, the comparatively small master-planned densities included in the sector plan and the plan area's location between two downtowns. [Increasing] Establishing the new [policy area] Red Policy Area standard accepts the unique circumstances of the corridor and provides flexibility for future development, which is the only viable means of achieving the safety and placemaking goals set forth in this plan. The [intersections to which this recommendation applies are listed below] 120 seconds per vehicle capacity standard would thus apply to the following intersections along Georgia Avenue:

- [Dennis Avenue]
- August Drive
- Forest Glen Road
- Capital Beltway off-ramp paired signals (north and south)
- Flora Lane (planned)
- Seminary Place
- Seminary Road
- [16th street]

This recommendation also applies to any future traffic signals that would be installed [within the plan area] between August Drive and Seminary Road at a future date. It is important to note that future updates to the SSP, which determines if future county development can be accommodated by existing and planned infrastructure projects, may affect this recommendation. The purpose of this recommendation is to help inform future updates to the SSP, but it is recognized that the then current SSP supersedes the sector plan.

Page 38: Revise Map 10: Bus Rapid Transit Station Corridors to reflect updated information.

Page 38: Amend the first sentence of the second paragraph under A. Bus Rapid Transit as follows:

The sector plan also confirms the future bus rapid transit (BRT) station locations recommended in the *Approved and Adopted Countywide Transit Corridors Functional Master Plan (2013)* at Forest Glen Road and Dexter Avenue.

Page 39: Amend the second paragraph under B. Local Service as follows:

To address safety concerns of people crossing Georgia Avenue mid-block and away from protected crossings, WMATA should consider consolidating bus stops along Georgia Avenue.

The stops recommended for consolidation are located [those] within one block of an existing or master-planned protected crossing and the existing crossings should only be eliminated once the nearby protected crossings are in place. Consolidating stops in the future could have the added benefit of reducing the number of pedestrians crossing Georgia Avenue away from protected crossings, when trying to access bus stops on the opposite side of the road more directly.

Page 50: Insert a new bullet after the twelfth bullet under 2.2.2 Urban Design, B. Recommendations as follows:

- Emphasize the importance of undergrounding utilities during redevelopment.

Page 50: Move the second bullet under 2.2.3 Historic Preservation, A. Goals to 2.2.3 Historic Preservation, B. Recommendations to reflect Council decision.

Page 50: Amend the fourth bullet under A. Goals as follows:

- Safeguard the historical and cultural heritage of the [county] Plan area.

Page 50: Amend the last paragraph under A. Green Cover as follows:

The plan recommends countering these consequences with expanded green cover through planted roofs, trees, bioretention systems, planting beds, even lawns. Green cover provides valuable services to cool air and surface temperatures, sequester carbon, [improve] ameliorate air and water quality, and reduce heat island effect and exposure to ultraviolet radiation. It has also been proven to improve quality of life by increasing psychological fitness and can directly affect the economy by improving physical appeal.

Page 51: Amend the first paragraph under Recommendations as follows:

[On] The Plan recommends[[, for]] that all properties 2.5 acres or larger[,],² which have a greater likelihood of redevelopment under the Commercial/Residential (CR) zones, should strive to provide [provide] a minimum of 35 percent green cover[[be provided]]. [For properties] Properties smaller than 2.5 acres[, there is no minimum green cover requirement. However, it is still a good goal for the owners of these properties to] should strive for 35 percent green cover; however, the Plan recognizes the challenges faced by smaller properties under redevelopment.

Page 51: Amend the first bullet under Recommendations as follows:

- [Planted intensive] Intensively planted green roof[s (] with 6 inches or greater soil depth.[)] of the total area.]

Page 51: Amend the fourth bullet under Recommendations as follows:

- [A] Or, a combination of tree canopy cover, [law] lawn, and intensive green roof for a total green cover of 35 percent or greater.

Page 51: Amend the third paragraph under Recommendations as follows:

[*]If onsite energy generation requires the use of either the roof or open space, accommodations for these features may alter and/or decrease the 35 percent minimum green cover [requirement] desired.

Page 51: Amend the seventh bullet under Recommendations as follows:

- Provide soil volumes for canopy trees of no less than [800 to 1,000] 600 cubic feet.

Page 52: Delete the fourth sub-bullet under the fourth bullet under Recommendations as follows:

- [Water conservation and/or rainwater reuse by:
 - Harvesting rainwater for retention, irrigation and/or gray water.
 - Minimizing irrigation needs through the planting of locally adapted, native plant species.]

Page 52: Insert a sixth bullet under Recommendations as follows:

- Apply water conservation and/or rainwater capture features such as:
 - Harvesting rainwater for retention, irrigation and/or gray water.
 - Minimizing irrigation needs through the planting of locally adapted, native plant species.

Page 54: Revise Map 17: Existing and Recommended Parks and Open Space by moving park #18 to its correct location at the Forest Glen Metro Station Parking Lot and park #20 to its correct location at the Forest Glen Medical Center site.

Page 54: Revise Map 17: Existing and Recommended Parks and Open Space to reflect Council decision to remove parks #13, #15, and #16.

Page 55: Revise Table 5: Park and Open Space Hierarchy as follows:

Table 5: Park and Open Space [Hierarchy] Recommendations		
Service Area - Countywide		
Location	Park Classification	Size
[Silver Spring Health and Human Services Center]	[Urban Recreational Park and Community gardens]	[2-3 acres]
SHA ROW at 16 th Street and Georgia Avenue	Urban Recreational Park	3 acres
Forest Glen Metro Lot	Civic Green Urban park	½ - 1 acre

Table 5: Park and Open Space [Hierarchy] Recommendations		
Forest Glen Medical Center	Civic Green Urban Park	½ - 1 acre
Service Area – Local Community		
Location	Park Classification	Size
Dennis Avenue Medical Cluster	Pocket Green Urban Park	½ acre
Seminary Place Shopping Center	Civic Green Urban Park	[½ - 1 acre] <u>no less than ½ acre</u>
[Snider’s Super Foods and Fire Station]	[Pocket Green Urban Park]	[¼ acre]
[Parking Lot #12]	[Urban Recreational Parklet]	[Min. 1/0 acre]
Luzerne and Cedar View Court	Pocket Green Urban Park	¼ acre

Page 55: Amend the second, third, and fourth bullets under Recommendations as follows:

- Establish a civic gathering space of at least ½ [to 1] acre with the redevelopment of the Seminary [Plaza] Place Shopping Center. A memorial site for Mount Zion Methodist Episcopal Church would be appropriate for the historic resources cited in the vicinity. Ownership of the facility should be determined at the time of redevelopment.
- Transform underutilized, state-owned property at the intersection of Georgia Avenue and 16th Street into a new gateway urban recreational park. The gateway space would mark the entrance of the community and [act as a multi-use area for active and passive uses] provide space for a much-needed athletic field in this area of the County.
- If the Montgomery County Health and Human Services vacates its offices located at 8818 Georgia Avenue (former Woodside Elementary School), the building should continue as a public facility[, to be used for one of the following (but not limited to):
 - a school
 - a park facility
 -]or be redeveloped as housing with 30 percent of the units provided as regulated [a substantial]affordable [component] units. Any redevelopment should provide open space that is well-integrated with the existing Woodside Urban Park adjacent to the property.

Page 56: Insert a new bullet after the fifth bullet under 2.3.1 Housing as follows:

- The Plan also recognizes the need for permanent supportive housing for the homeless.

Page 57: Revise Map 18: Existing and Recommended Housing Resources to reflect Council decision.

Page 58: Amend the third paragraph under A. Housing Resources as follows:

This plan aims to balance the preservation of existing market-rate affordable housing with the production of new housing, including MPDUs. This preservation and production strategy seeks to retain the existing zoning on most of the single-unit [and multi-unit residential] properties[,] and rezone select multi-unit properties and properties near existing transit stations.

Page 58: Amend the first bullet under Recommendations as follows:

- Preserve existing, market-rate affordable housing where [possible] practicable.

Page 60: Revise the third column heading in Table 6: Existing and Projected School Enrollment as follows:

Actual [’18-19] ’19-20

Page 63: Amend the second paragraph of 3.1 Plan Area Districts, Woodside as follows:

The Woodside Locational Atlas Historic District (M: 36-4) is located partially within the boundaries of the Woodside District of this plan. A portion of this historic district was found eligible for listing in the National Register of Historic Places by the Maryland Historical Trust in 1994. Evaluation of this resource for [listing] inclusion in the Montgomery County Master Plan for Historic Preservation was initiated several times in the 1990s. This plan recommends reinitiating the evaluation[in the near term].

Page 65: Revise Map 21: Opportunity Sites to reflect updated information.

Page 66: Revise Map 22: Existing Land Use to update land uses.

Page 67: Revise Map 23: Recommended Land Use to reflect Council decision.

Page 68: Revise Map 24: Existing Zoning to reflect updated zoning.

Page 69: Revise Map 25: Recommended Zoning to reflect Council decision.

Page 70 : Amend the third paragraph under 3.1.1 Dennis Avenue Medical Cluster as follows:

This plan recommends rezoning all the medical office properties to a [Employment Office (EOF)] Commercial Residential Town (CRT) zone to accommodate the office and employment activity, while allowing for [limited] residential and neighborhood commercial uses. While there are no current plans for complete redevelopment of the medical office building properties, the combined, adjacent medical office sites could create the potential for a cohesive[,] employment center to provide improved access and public amenities for patients and staff.

Page 70: Amend the first, second, and third bullets and insert a new bullet under A. Land Use and Zoning as follows:

- Rezone the Burkland Medical Center (10313 Georgia Avenue - Tax ID C000033) property from R-60 to CRT-1.25, C-1.25, R[0.5]-1.25, [C 1.25,] H-75 to provide flexibility to accommodate market changes.
- Rezone the Wolf Medical Center (10301 Georgia Avenue - Parcel N775) and Doctor's Medical Park East (2101 Medical Park Drive) properties from R-60 to CRT-1.25, C-1.25, R[0.5]-1.25, [C 1.25,] H-75 to provide flexibility to accommodate market changes.
- Rezone the Montgomery County Dennis Avenue Health Center (2000 Dennis Avenue – Parcel P682) property from R-60 to CRT-[1.25] 1.5, C-1.5, R[0.5]-1.5, [C 1.25] H-[75] 80 to provide the opportunity for a comprehensive redevelopment with adjacent properties and accommodate future needs for other county facilities and affordable housing.
- Provision of affordable housing should be maximized to the extent possible on county-owned land. Should the property redevelop under County ownership, any optional method project that includes residential dwelling units should provide a minimum of 30 percent of the units as regulated affordable units: 15 percent affordable to households earning at the standard Moderately Priced Dwelling Unit (MPDU) level of 65-70 percent or less of Area Median Income (AMI) and 15 percent affordable to households earning less than 50 percent of AMI.

Page 71: Amend the second paragraph under 3.1.2 Fields of Silver Spring as follows:

This multi-unit residential development was built in 1947 and currently contains 221 units. It is a low-income housing tax credit project with subsidies set to expire [past the intended life of this plan] in about 20 years. The Forest Glen/ Montgomery Hills Sector Plan seeks to preserve the existing development, given its [lack of redevelopment potential and value as a stable housing resource near transit] current financing situation; however, the current tax credit program does not prevent redevelopment. If the property requires significant renovation and redevelopment within the next 20-30 years, the property owner may desire a change in zoning therefore a CRT floating zone is recommended for this site.

Page 71: Amend the first bullet under 3.1.2 Fields of Silver Spring, Recommendations: A. Land Use and Zoning as follows:

- [Confirm the existing R-10 Zone for the Fields of Silver Spring (10111 McKenney Avenue) to preserve this existing housing resource.] Reconfirm the R-10 zone with a recommendation to support a future application for a CRT Floating zone, roughly equivalent to CRT-2.0, C-0.25, R-2.0, H-75. Should the property redevelop following the expiration of the tax-credit program, any optional method project that includes residential dwelling units should provide a minimum of 15 percent Moderately Priced Dwelling Units (MPDUs) and five percent market-affordable units for up to 30 years. In addition, with redevelopment, a minimum of 25 percent of the units should be two-bedroom units.

Page 71: Amend the third paragraph of 3.1.3 Belvedere Apartments (2107 Belvedere Boulevard) as follows:

[The Forest Glen/Montgomery Hills Sector Plan recommends preserving existing zoning, in accordance with the plan goal of balancing preservation and production of housing, as well as preserving market-rate affordable housing, where possible.] Like the aging multi-family properties discussed in other recent master plans, the Belvedere will, within the life of the Plan, most likely require significant renovation, rehabilitation or redevelopment. Preservation of existing affordable housing is not necessarily achieved by retaining current zoning. Retaining the current zoning might ensure market affordable rents and no displacement of residents in the near term, but as systemic infrastructure and utility issues worsen over time, the need to renovate or rebuild this property will increase. Given the challenges with redevelopment for properties in this area under similar circumstances and zoning, the Plan recommends rezoning this property and requiring a greater percentage of the units be provided as MPDUs.

Page 71: Amend the first bullet and add a new bullet under 3.1.3 Belvedere Apartments (2107 Belvedere Boulevard), Recommendation: A. Land Use and Zoning as follows:

- [Confirm the existing R-10 Zone for the Belvedere Apartments (2105 Belvedere Boulevard)] Rezone the Belvedere Apartments (2105 Belvedere Boulevard) from R-10 to CRT-2.0, C-0.25, R-2.0, H-75 given the lack of regulated affordable units today and the high probability of redevelopment in the next 20-30 years.
- Any optional method project that includes residential dwelling units should provide a minimum of 15 percent MPDUs. In addition, with redevelopment, a minimum of 25 percent of the units should be two-bedroom units.

Page 72: Amend the first bullet under 3.1.4 Forest Glen Apartments, Recommendations: A. Land Use and Zoning as follows:

- Rezone Forest Glen Apartments (2106 [Belvederes] Belvedere Boulevard – Plat 1775) from R-10 to CRT-2.0, C-[2.0]0.25, R-2.0, H-75 to encourage redevelopment of predominantly residential uses near transit.

Page 72: Amend the first and second bullets under 3.1.4 Forest Glen Apartments, Recommendations: B. Environment as follows:

- Protect or enhance existing tree buffer along Belvedere Boulevard to the maximum extent possible.
- [Incorporate] To the maximum extent possible, incorporate the oldest and healthiest trees into the design of the redevelopment project.

Page 73: Insert a new bullet after the second bullet under 3.1.6 Forest Glen Metro Station Parking Lot and Entrance, Recommendations: A. Land Use and Zoning to reflect Council decision as follows:

- Any optional method project that includes residential dwelling units should provide a minimum of 15 percent MPDUs. In addition, with redevelopment, a minimum of 25 percent of the units should be two-bedroom units and five percent of the units should be three-bedroom units.

Page 73: Correct order of sections E. Urban Design, C. Transportation, and D. Parks under 3.1.6 Forest Glen Metro Station Parking Lot and Entrance, Recommendations, consistent with alphabetical order.

Page 73: Insert a new bullet after the sixth bullet under 3.1.6 Forest Glen Metro Station Parking Lot and Entrance, Recommendations: E. Urban Design to reflect Council decision as follows:

- Upon redevelopment, site should provide for convenient access to the Forest Glen Metro Station entrance.

Page 74: Insert the text after the second paragraph of 3.1.7 Forest Glen Medical Center to reflect Council decision as follows:

For the purpose of providing a safe and efficient pick-up and drop-off area for transit users that will deter use of Georgia Avenue and Woodland Drive, this sector plan recommends a designated pick-up/drop-off facility area completely contained on the Forest Glen Medical Center Site accessible from Woodland Drive. This facility will complement future access to the Forest Glen Metro Station by way of the passageway project.

Page 74: Amend the second bullet and add a third bullet under 3.1.7 Forest Glen Medical Center, Recommendations: A. Land Use and Zoning to reflect Council decision as follows:

- Prioritize affordable housing and habitat preservation and restoration as the top public benefit for optional method development. [Provide a minimum of 15 percent moderately priced dwelling units (MPDUs) for the affordable housing benefit.]
- Any optional method project that includes residential dwelling units should provide a minimum of 15 percent MPDUs. In addition, with redevelopment, a minimum of 25 percent of the units should be two-bedroom units and five percent of the units should be three-bedroom units. Additionally, given the substantial investment by the County in the Metro access tunnel construction, the Plan recommends 10 percent of the units also be provided as affordable to households earning at or below 100 percent of Area Median Income (AMI).

Page 74: Amend the first paragraph and delete the two following bullets under 3.1.7 Forest Glen Medical Center, Recommendations: B. Environment to reflect Council decision as follows:

The 3.9-acre property contains approximately [1.24] 1.25 acres of remnant forest, [on approximately a quarter of the property. The forest is] While dominated by native black locust trees, the remnant forest is also adversely impacted by invasive species. [However, invasive species are adversely impacting the forest. This area, one of the last remaining forest settings in Forest Glen, should be restored to accommodate passive recreational features, such as benches, pathways, tables, gazebos, etc. Most of the green cover requirements could be satisfied on this portion of the site, allowing for more flexible site design on the remaining property. In addition to the areawide minimum recommendations:] With respect to the remnant forest, at the time of redevelopment, maximum flexibility on the site should be given for providing an area of equal environmental benefit that also provides for improved community benefit and access. Equal environmental benefits may include improved water and air quality, strategies that provide for reduced greenhouse gas emissions and increased biodiversity and habitat protections, including improved tree canopy. Development should also, as a part of its open space requirement, preserve healthy indigenous trees and replant stratified vegetation where possible. [

- [Retain the general canopy footprint of the existing forest.
- Provide native canopy street trees along Georgia Avenue and Woodland Drive.]

Page 74: Delete the third bullet and amend the fourth bullet under 3.1.7 Forest Glen Medical Center, Recommendations: C. Urban Design to reflect Council decision as follows:

- [Locate a public open space/plaza with accessibility to the future metro station passageway.]
- [Provide a drop-off area accessible from Woodland Drive for transit users] Provide an on-site drop-off and pick-up area for transit users that is accessible from Woodland Drive. For public benefit points in conjunction with an optional method of development application to be approved, MCDOT must approve the final, detailed design at the time of site plan. The applicant will only be eligible for public benefit points for constructing the pick-up/drop-off facility; no points will be awarded for a land contribution or payment towards the construction of the facility.

Page 74: Insert new section after 3.1.7 Forest Glen Medical Center Recommendations: C. Urban Design to reflect Council decision as follows:

3.1.8 Georgia Avenue and Woodland Drive: Block 1 Properties

The Block 1 properties are nine properties improved with older single-unit homes along Georgia Avenue (9909-9917 Georgia Avenue), up to Tilton Drive and along Woodland Drive (9820-9904 Woodland Drive). These properties total approximately 1.8 acres and are zoned R-60. In some cases (particularly along Georgia Avenue), these properties contain commercial and/or office uses.

Recommendations:A. Land Use and Zoning

- Confirm the existing R-60 zoning within Block 1 on the following properties: 9909-9917 Georgia Avenue and 9820-9904 Woodland Drive.
- These properties are appropriate for a future floating zone application equivalent to a CRN-1.5, C-.0, R-1.5, H-55.
- If any of these properties apply for rezoning, the compatibility of new development with the nearby single-unit homes should be a top priority.

B. Parks and Open Space

If these properties assemble and redevelop under the floating zone option, any redevelopment should try to consolidate its required open space with that of adjacent properties in order to maximize usefulness, functionality, recreational opportunities and other related community-serving and environmental benefits.

Page 74: Amend the heading of 3.1.8 Calvary Lutheran Evangelical Church as follows:

[3.1.8] 3.1.9 Calvary Lutheran Evangelical Church

Page 75: Amend the heading of 3.1.9 Seminary Place Shopping Center, Shell Gas Station and Montgomery Hills Car Wash as follows:

[3.1.9] 3.1.10 Seminary Place Shopping Center, Shell Gas Station and Montgomery Hills Car Wash

Page 75: Amend the first paragraph of 3.1.9 Seminary Place Shopping Center, Shell Gas Station and Montgomery Hills Car Wash, B. Environment as follows:

The Seminary [Plaza] Place Shopping Center is nearly 90 percent impervious cover with no storm water management treatment facilities aside from the vegetated island separating 9500 Georgia Avenue and 9510 Georgia Avenue. In addition to the areawide minimum recommendations:

Page 76: Amend the first bullet under E. Parks as follows:

- Establish a civic green urban park of no less than ½ [to 1] acre with the redevelopment of the Seminary [Plaza]Place Shopping Center. This space should be consolidated to the greatest extent possible if the properties are not assembled. A memorial site would be appropriate for the historic resources cited in the historic preservation section (F). Ownership of the facility should be considered at the time of redevelopment.

Page 76: Amend the first paragraph under F. Historic Preservation as follows:

The graves of the Mount Zion Methodist Episcopal Cemetery were moved from the Seminary [Plaza] Place Shopping Center site to the Maryland National Cemetery in Laurel, MD, by

Snowden Funeral Home. However, it is not known how complete the removal of graves was, or whether there may still be intact burials at this location.

Page 77: Amend the heading of 3.1.10 Prestige Exceptional Fabricare as follows:

[3.1.10] 3.1.11 Prestige Exceptional Fabricare

Page 77: Amend the heading of 3.1.11 Montgomery Hills Shopping Center as follows:

[3.1.11] 3.1.12 Montgomery Hills Shopping Center

Page 77: Amend the first bullet under 3.1.11 Montgomery Hills Shopping Center, Recommendations: A. Land Use and Zoning to reflect Council decision as follows:

[Confirm] Rezone the Montgomery Hills Shopping Center (1901-1921 Seminary Road and 9414-9416 Georgia Avenue) from CRT-2.25, C-1.5, R-0.75, H-45 to CRT-2.25 C-2.25, R-2.25 H-60 [zone for Montgomery Hills Shopping Center 91901-1921 Seminary Road, 9414-9416 Georgia Avenue)].

Page 77: Insert a new bullet after the first bullet under 3.1.11 Montgomery Hills Shopping Center, Recommendations: A. Land Use and Zoning to reflect Council decision as follows:

- To address concerns with the possible loss of retail space, the Plan encourages optional method development that provides Small Business Opportunities as a public benefit for any redevelopment of commercial property within the Plan boundary.

Page 78: Amend the heading of 3.1.12 Georgia Avenue East as follows:

[3.1.12] 3.1.13 Georgia Avenue East

Page 78: Amend the first and second bullets and delete the third, fourth, and fifth bullets under 3.1.12 Georgia Avenue East, Recommendations: A. Land Use and Zoning to reflect Council decision as follows:

- Rezone 9501, 9513 and 9517 [(Lot 10)] Georgia Avenue from CRT-1.5, C-1.5, R-0.5, H-45 to CRT-2.25, C-2.25, R-[0.5]2.25, H-45 [to accommodate the existing conditions] for consistency and flexibility in redevelopment.
- Rezone [9439] 9421-9475 Georgia Avenue [(Lot P4)] from CRT-1.5, C-1.5, R-0.5, H-45 to CRT-[2.75]2.5, C-[2.75]2.5, R-[0.5]2.5, H-45 [to accommodate the existing conditions] for consistency and flexibility in redevelopment.
- [Rezone 9431 Georgia Avenue (Lot P5) from CRT-1.5, C-1.5, R-0.5, H-45 to CRT-2.25, C-2.25, R-0.5, H-45 to accommodate the existing conditions.
- Rezone 9427 Georgia Avenue (Lot P6) from CRT-1.5, C-1.5, R-0.5, H-45 to CRT-1.75, C-1.75, R-0.5, H-45 to accommodate the existing conditions.
- Rezone 9421 Georgia Avenue (Lot P8) from CRT-1.5, C-1.5, R-0.5, H-45 to CRT-2.5, C-2.5, R-0.5, H-45 to accommodate the existing conditions.]

Page 78: Insert a new bullet prior to the last bullet under 3.1.12 Georgia Avenue East, Recommendations: A. Land Use and Zoning to reflect Council decision as follows:

- Additionally, to address concerns with the possible loss of retail space, the Plan encourages optional method development that provides Small Business Opportunities as a public benefit for any redevelopment of commercial property within the Plan boundary.

Page 78: Amend the heading of 3.1.13 Snider's Super Foods, Silver Spring Volunteer Fire Station and Parking Lot 12 as follows:

[3.1.13] 3.1.14 Snider's Super Foods, Silver Spring Volunteer Fire Station and Parking Lot 12

Page 78: Amend the second paragraph under 3.1.13 Snider's Super Foods, Silver Spring Volunteer Fire Station and Parking Lot 12 as follows:

The plan recommends an increase in density for flexibility in redevelopment and to implement the Main Street grid detailed in the Transportation chapter. By incentivizing redevelopment, the plan allows flexibility for property owners, while providing a critical component of the envisioned street grid.

Page 78: Amend the first, second, and third bullets and insert a new bullet under 3.1.13 Snider's Super Foods, Silver Spring Volunteer Fire Station, and Parking Lot 12, Recommendations: A. Land Use and Zoning to reflect Council decision as follows:

- Rezone Snider's Super Foods (1939 Seminary Lane, Lot 21) from CRT-0.75, C-0.75, R-0.25, H-45 to [CRT-1.5, C-1.5, R-1.5, H-60] CRT-2.25, C-2.25, R-2.25, H-60 [to incentivize redevelopment and provide a through street] for flexibility in redevelopment recognizing site-related challenges, including proximity to the Fire Station and a WMATA easement along the eastern edge of the site. Priority should be given to redevelopment scenarios that include a similar community benefit provided by the existing local grocery store.
- Rezone Silver Spring Volunteer Fire Station #19 (1945 Seminary Lane, Lot 16) from R-60 to CRT-1.5, C-1.5, R-1.5, H-60 to incentivize redevelopment.[and provide a through street. (See illustration on page 42)]
- Rezone Parking Lot 12 (Seminary Road and Columbia Boulevard, Lot 6) from R-60 to [CRT-1.0, C-1.0, R-1.0, H-60] CRT-1.5, C-1.0, R-1.5, H-60 to allow flexibility and accommodate the provision of affordable housing with future redevelopment[with open green space].
- Provision of affordable housing should be maximized to the extent possible on county-owned land. Should the property redevelop, any optional method project that includes residential dwelling units should provide a minimum of 30 percent of the units as regulated affordable units: 15 percent affordable to households earning at the standard Moderately Priced Dwelling Unit (MPDU) level of 65-70 percent or less of Area Median Income (AMI) and 15 percent affordable to households earning less than 50 percent of AMI.

Page 79: Amend the first bullet under C. Urban Design as follows:

- Provide a vehicular connection between Seminary Place and Seminary Road. [New and existing] Existing and, where possible, new streets should provide generous, tree-planted panels with ample sidewalks that contribute to the residential character to the west.

Page 79: Delete Section D. Parks under 3.1.13 Snider's Super Foods, Silver Spring Volunteer Fire Station, and Parking Lot 12, Recommendations: to reflect Council decision as follows:

[D. Parks

- Pocket Green urban Park – ¼ acre]

Page 79: Amend the third paragraph of 3.1.13 Snider's Super Foods, Silver Spring Volunteer Fire Station, and Parking Lot 12 to reflect Council decision as follows:

The Montgomery County Department of Transportation intends to preserve Parking Lot 12 [in its inventory] to accommodate future parking needs that are a result of this plan. However, if the Department of Transportation determines that parking demand has decreased, the lot could be considered for redevelopment. [With redevelopment, the plan envisions an open space for community gatherings. A building with ground-floor activating uses would be appropriate in this location in combination with a usable open space. The plan supports the preservation of Parking Lot 12 with the option of redevelopment in the future.] As a county-owned property, the provision of affordable housing should be top priority in redevelopment.

Page 79: Delete Section B. Parks under 3.1.13 Snider's Super Foods, Silver Spring Volunteer Fire Station, and Parking Lot 12 Recommendations to reflect Council decision as follows:

[B. Parks

- Urban Recreational Parklet – minimum 1/10 acre]

Page 79: Insert new section after 3.1.13 Snider's Super Foods, Silver Spring Volunteer Fire Station, and Parking Lot 12, Recommendations: A. Environment to reflect Council decision as follows:

3.1.15 Shopping Centers South of Seminary Road and Dale Drive

The shopping centers located at 9236-9330 Georgia Avenue, 9305 Columbia Boulevard, 9321-9331 Georgia Avenue and 9301-9315 Georgia Avenue provide a variety of neighborhood serving retail and other uses. The Plan supports the retention of these uses but also seeks to provide flexibility for future redevelopment opportunities.

Recommendations:A. Land Use and ZoningThe Plan recommends the following zoning:

- Rezone 9326-9330 Georgia Avenue and 9305 Columbia Boulevard from CRT-1.5, C-1.5, R-0.5, H-45 to CRT-1.5, C-1.5, R-1.5, H-45.
- Rezone 9321-9331 Georgia Avenue from CRT-1.5, C-1.5, R-0.5, H-45 to CRT 1.5, C-1.5, R-1.5, H-45.
- Rezone 9301-9315 Georgia Avenue from CRT-1.5, C-1.5, R-0.5, H-45 to CRT-1.5, C-1.5, R-1.5, H-45.

Page 80: Amend the heading of 3.1.14 Georgia Avenue at Luzerne Avenue and Cedar View Court as follows:

[3.1.14]3.1.16 Georgia Avenue at Luzerne Avenue and Cedar View Court

Page 81: Amend the heading of 3.1.15 Right-of-Way at 16th Street and Georgia Avenue as follows:

[3.1.15]3.1.17 Right-of-Way at 16th Street and Georgia Avenue

Page 81: Amend the first paragraph of 3.1.15 Right-of-Way at 16th Street and Georgia Avenue as follows:

The approximately [3.7] 3.0-acre wooded site situated between the 16th Street and Georgia Avenue is a right-of-way owned by the Maryland Department of Transportation State Highway Administration (MDOT SHA). It is located at the southern edge of the Montgomery Hills District and surrounded by detached houses to the south, east and west, and by low scale commercial and institutional uses to the north. With implementation of MDOT SHA's MD Georgia Avenue Montgomery Hills Study, a portion of the site may be available for improvement.

Page 81: Amend the third paragraph of 3.1.15 Right-of-Way at 16th Street and Georgia Avenue as follows:

The plan supports the reuse of this right-of-way for continued public use, particularly as a recreational park with an athletic field. Other uses that incorporate public open space and amenities could also be appropriate. When the area is platted, the plan recommends a detached residential zone consistent with the character of the surrounding neighborhoods. The Montgomery County Department of Parks envisions this property as a recreational park [public open space,] including, but not limited to, the following amenities: a [small]recreational field, a public garden, a playground, a pavilion and/or a bike share facility. Should the entire site remain under MDOT SHA ownership, MDOT SHA should collaborate with Montgomery Parks to ensure any remnant portion from the [realigned] realignment of the 16th Street and Georgia Avenue intersection is accessible and useful as [public open space] a recreational park to the maximum extent possible. Connectivity to the adjacent residential community could be

improved with the addition of bike paths, particularly a pedestrian/bike path connection across Georgia Avenue, unifying Luzerne Avenue west and Luzerne Avenue east.

Page 81: Amend the first bullet under A. Land Use and Zoning as follows:

- Confirm the R-60 zoning of [Zone] the MDOT SHA property bounded by Georgia Avenue, 16th Street and Columbia Boulevard to [R-60 to] accommodate future development as a recreational park or some other compatible public facility that incorporates usable open space.

Page 81: Amend the first paragraph under B. Environment as follows:

The forested land is dominated by invasive species that have climbed into the tree canopy, causing early tree mortality and disease. However, this large open space provides valuable habitat that absorbs storm water runoff. As a site within the urban ring as defined by the 1993 General Plan Refinement, its need for treatment facilities should be balanced with the provision of usable space within compact communities where land is scarce. As such, a large regional storm water management pond is strongly discouraged in favor of smaller treatment facilities integrated into a design that would still allow for a green space capable of active or passive use for the nearby communities [and], in particular, a recreational park at the intersection of Georgia Avenue and 16th Street to mark the entrance to the community and act as a multipurpose area for active and passive uses.

Page 81: Amend the third bullet under B. Environment as follows:

- Retain significant and healthy specimen trees on site, where possible and not in conflict with the provision of active recreational uses such as an athletic field.

Page 82: Amend the heading of 3.1.16 Grace Episcopal Church and Cemetery as follows:

[3.1.16]3.1.18 Grace Episcopal Church and Cemetery

Page 82: Amend the heading of 3.1.17 Silver Spring Health and Human Services Center as follows:

[3.1.17]3.1.19 Silver Spring Health and Human Services Center

Page 82: Amend the first paragraph of 3.1.17 Silver Spring Health and Human Services Center as follows:

Located in a repurposed elementary school, the center offers medical and social services assistance to county residents. There are no current plans to relocate or expand the operations. If the current use is vacated and the property deemed as excess, the plan supports, as a first priority, redevelopment [of the property as] that includes the provision of affordable housing.[or a parks facility. The recommended zone would not preclude the expansion of

government operations or the adjacent Woodside Park.] Any redevelopment should be sensitive to the existing neighborhood character.

Page 82: Amend the first bullet under A. Land Use and Zoning to reflect Council decision as follows:

- Rezone the 2.6-acre, county-owned site, 8818 Georgia Avenue (Lot 9), from R-60 zone to [CRN-1.0, C-0, R-1.0, H-60] CRT-2.0, C-0.5, R-2.0, H-75 to allow flexibility for future development of low to medium-density housing.

Page 82: Insert a new bullet after the first bullet under A. Land Use and Zoning to reflect Council decision as follows:

- Provision of affordable housing should be maximized to the extent possible on county-owned land. Should the property redevelop under County ownership, any optional method project that includes residential dwelling units should provide a minimum of 30 percent of the units as regulated affordable units: 15 percent affordable to households earning at the standard Moderately Priced Dwelling Unit (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 82: Delete the second bullet under A. Land Use and Zoning as follows:

- [If the Montgomery County Health and Human Services vacates its offices located at 8818 Georgia Avenue (former Woodside Elementary School), the building should continue as a public facility, to be used for one of the following (but not limited to):
 - a school
 - a park facility
 - housing with a substantial affordable component.]

Page 82: Amend the first bullet under 3.1.17 Silver Spring Health and Human Services B. Parks to reflect Council decision as follows:

- [Urban Recreational Park and Community Gardens – 2-3 acres] Any open space required from an optional method development should be contiguous and developed in such a way that it can be incorporated into the existing adjacent park.

Page 82: Insert new section after 3.1.17 Silver Spring Health and Human Services Center as follows:

3.1.20 All Other Properties

The Plan confirms the existing zoning recommendation for all properties not explicitly noted or discussed in Section 3.1 Plan Area Districts.

Page 83: Insert a new bullet after the sixth bullet under 4.2 Commercial Residential Town (CRT) and Employment Office (EOF) Zones to reflect Council decision as follows:

- Small Business Opportunities

Page 84: Amend the first paragraph of 4.4 Bicycle Pedestrian Priority Area as follows:

Given the close proximity of the two boundaries, [The] the plan recommends MCDOT [initiate a joint Bicycle Pedestrian Priority Area (BiPPA) plan for consolidating the two existing BiPPAs,] develop distinct Bicycle and Pedestrian Priority Area plans (BiPPAs) for the Forest Glen and Montgomery Hills areas at the same time, as a joint project. This joint BiPPA plan project would identify and prioritize proposals for implementing small but necessary pedestrian improvements. Streamlining the schedules of the two BiPPAs will create efficiencies for fieldwork, analysis, and public outreach.

Page 84: Revise Table 7: Capital Improvement Projects – Parks, Opens Spaces and Community Facilities as follows:

Table 7: Capital Improvement Projects [– Parks, Opens Spaces, and Community Facilities]			
Project Name	Category	Lead Agency	Coordinating Agencies
Construct the Forest Glen passageway.	Transportation	MCDOT	MDOT SHA
Redesign Georgia Avenue as a Main Street.	Transportation	MDOT SHA	MCDOT, M-NCPPC
Study potential design of alternatives to the Beltway Interchange at Georgia Avenue.	Transportation	MDOT SHA	MCDOT
Study and design of new protected crossings on Georgia Avenue in the Forest Glen District.	Transportation	MCDOT	MDOT SHA
Study and design of new protected crossings on Georgia Avenue in the Montgomery Hills District.	Transportation	MCDOT	MDOT SHA
Study and design of new trail crossing at Luzerne Avenue and Georgia Avenue.	Transportation	MCDOT	MDOT SHA
Study and design new protected crossings on Georgia Avenue in the Woodside District	Transportation	MCDOT	MDOT SHA

Table 7: Capital Improvement Projects [– Parks, Opens Spaces, and Community Facilities]			
Project Name	Category	Lead Agency	Coordinating Agencies
Conduct traffic calming studies along Woodland Drive, Dale Drive, Forest Glen Road, Locust Grove Road, Columbia Boulevard, Forest Glen Road, First Avenue, Second Avenue, and Seminary Road.	Transportation	MCDOT	MDOT SHA
Install new sidewalk segments as identified with the <u>Pedestrian Level of Comfort</u> (PLoC) analysis.	Transportation	MCDOT	MDOT SHA
Improve existing unacceptable sidewalks as identified with the PLoC analysis.	Transportation	MCDOT	MDOT SHA
Implement Dale Drive Pedestrian and Bicycle Safety project.	Transportation	MCDOT	
Study and design the recommended extension of Woodland Drive (B-1).	Transportation	MCDOT	M-NCPPC
Create new separated bike lanes on Georgia Avenue, Columbia Boulevard, 16 th Street and Forest Glen Road.	Transportation	MCDOT	MDOT SHA, M-NCPPC
Establish new bike lanes on Seminary Road.	Transportation	MCDOT	M-NCPPC
Extend neighborhood greenways on Columbia Boulevard, Woodland Drive, Lansdowne Way, Second Avenue, Douglas Avenue, McKinney Avenue, [Hiladrose] <u>Hildarose</u> Drive, Greeley Avenue, Darcy Forest Drive.	Transportation	MCDOT	MDOT SHA, M-NCPPC
Install bikeshare stations throughout the plan area.	Transportation	MCDOT	M-NCPPC
Study the capacity of intersections along Georgia Avenue within the Montgomery Hills District and identify mitigation strategies after MDOT SHA improves the Beltway interchange with the MD 97 Montgomery Hills project.	Transportation	MCDOT	MDOT SHA, M-NCPPC

Table 7: Capital Improvement Projects [– Parks, Opens Spaces, and Community Facilities]			
Project Name	Category	Lead Agency	Coordinating Agencies
Complete the Bus Rapid Transit Study Corridor 2: Georgia Avenue South.	Transportation	MCDOT	MDOT SHA, M-NCPPC
Implement the micro-transit pilot project on Georgia Avenue.	Transportation	MCDOT	M-NCPPC
Improve Y and Q local bus route operations on Georgia Avenue,	Transportation	WMATA	MCDOT, M-NCPPC
Study and implement a new Bicycle Pedestrian Priority Area (BiPPA) plan for the Forest Glen BiPPA.	Transportation	MCDOT	MDOT SHA, M-NCPPC
Study and implement a new BiPPA plan for the Montgomery Hills BiPPA.	Transportation	M-NCPPC	MDOT SHA, M-NCPPC
[Create a gateway urban recreational park at 16 th Street and Georgia Avenue.]	[Parks]	[PARKS]	[M-NCPPC]
[Right-of-way at 16 th street and Georgia Avenue – Urban Recreational Park] <u>Create a gateway urban recreational park at 16th Street and Georgia Avenue</u>	Parks and Open Space	M-NCPPC – Parks	MDSHA
[Parking Lot #12 – Urban Recreational Parklet]	[Parks and Open Space]	[M-NCPPC – Parks]	[MCDOT]
[Sniders Super Foods, Silver Spring Fire Station and Parking Lot 12 – Pocket Green Urban Park]	[Parks and Open Space]	[M-NCPPC – Parks]	[MCDOT, Private]
Seminary Place Shopping Center, Shell Gas Station and Montgomery Hills Car Wash – Civic Green Urban Park	Parks and Open Space	M-NCPPC – Parks	Private
Forest Glen Metro Station Parking Lot – Civic Green Urban Park	Parks and Open Space	M-NCPPC – Parks	WMATA, <u>Private</u>
Dennis Avenue Medical Cluster – Pocket Green Urban Park	Parks and Open Space	M-NCPPC – Parks	Private
Forest Glen Medical Center – Civic Green Urban Park	Parks and Open Space	M-NCPPC – Parks	<u>M-NCPPC – Parks,</u> Private
[Silver Spring Health and Human Services Center – Center and Community Gardens]	[Parks and Open Space]	[M-NCPPC – Parks]	[Montgomery County Department of Health and Human Services]

Table 7: Capital Improvement Projects [– Parks, Opens Spaces, and Community Facilities]			
Project Name	Category	Lead Agency	Coordinating Agencies
Georgia Avenue at Luzerne Avenue and Cedar View Court – Pocket Green Urban Park	Parks and Open Space	M-NCPPC – Parks	M-NCPPC – Parks, Private

General

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning Board Draft Forest Glen/Montgomery Hills Sector Plan (September 2019). 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



M-NCPPC No. 20-03

MCPB No. 20-040

RESOLUTION

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

WHEREAS, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, under the procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on Thursday, May 30, 2019, on the Public Hearing Draft *Forest Glen/Montgomery Hills Sector Plan*, being also an amendment to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland Washington Regional District in Montgomery County and Prince George's Counties*, as amended; comprehensive amendment to portions of the *Master Plan for the Communities of Kensington-Wheaton*, as amended; *Forest Glen Sector Plan*, as amended; and *North and West Silver Spring Master Plan*, as amended; *Countywide Transit Corridors Functional Master Plan* as amended; *Master Plan of Highways and Transitways*, as amended; and *Bicycle Master Plan*; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on July 25, 2019, approved the Planning Board Draft *Forest Glen/Montgomery Hills Sector Plan*, recommended that it be approved by the District Council, and on September 24, 2019, forwarded it the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board Draft *Forest Glen/Montgomery Hills Sector Plan* and forwarded those recommendations and analysis to the District Council, and

WHEREAS, the Montgomery County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on November 12, 2019, wherein testimony was received concerning the Planning Board Draft *Forest Glen/Montgomery Hills Sector Plan*; and

WHEREAS, the District Council, on March 31, 2020, approved the Planning Board Draft *Forest Glen/Montgomery Hills Sector Plan* subject to the modifications and revisions set forth in County Council Resolution No. 19-406; and

WHEREAS, the Montgomery County Planning Board, on May 20, 2020, recommended that The Maryland-National Capital Park and Planning Commission adopt the *Forest Glen/Montgomery Hills Sector Plan* as approved by the District Council.

NOW THEREFORE BE IT RESOLVED, that in accordance with Section 21-103 of the Maryland Land Use Article, The Maryland-National Capital Park and Planning Commission does hereby adopt said *Forest Glen/Montgomery Hills Sector Plan*, together with the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland Washington Regional District in Montgomery County and Prince George's Counties*, as amended; portions of the approved and adopted 1989 *Master Plan for the Communities of Kensington-Wheaton*, as amended; 1996 *Forest Glen Sector Plan*, as amended; and 2000 *North and West Silver Spring Master*, as amended. It also amends the 2013 *Countywide Transit Corridors Functional Master Plan*; the *Master Plan of Highways and Transitways*, as amended; and the 2018 *Bicycle Master Plan*; and as approved by the District Council in the attached Resolution No. 19-406; and

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

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution 20-040 adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission at its regular meeting held on May 20, 2020 in Silver Spring, Maryland on motion of Commissioner ### seconded by Commissioner ### with a vote of ### , Commissioners ###, and ### voting in ### of the motion.

APPROVED FOR LEGAL SUFFICIENCY:

Matthew Mills,
M-NCPPC Legal Department,
May 12, 2020

Casey Anderson, Chair
Montgomery County Planning Board

**CERTIFICATION OF APPROVAL AND ADOPTION
FOREST GLEN/MONTGOMERY HILLS SECTOR PLAN**

This comprehensive amendment to portions of the approved and adopted 1989 Master Plan for the Communities of Kensington-Wheaton, as amended; 1996 Forest Glen Sector Plan, as amended; and 2000 North and West Silver Spring Master, as amended. 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 previously amended; the 2013 Countywide Transit Corridors Functional Master Plan; the Master Plan of Highways and Transitways, as amended; and the 2018 Bicycle Master Plan, has been approved by the Montgomery County Council, sitting as the District Council, by Resolution No. 19-406 on March 31, 2020, and has been adopted by The Maryland-National Capital Park and Planning Commission by Resolution No. 20-03 on May 20, 2020, after duly advertised public hearings pursuant to the Land Use Article – Division II, of the Annotated Code of Maryland.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Casey Anderson
Chair

Elizabeth M. Hewlett
Vice-Chair

Joseph C. Zimmerman
Secretary-Treasurer

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2020-54

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized under the Annotated Code of Maryland, Land Use § 17-205, to transfer any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, the Commission owns property known as Sandy Hill Park located in Bowie, Maryland, having an address of 9306 Old Laurel-Bowie Road, identified as Parcel 2, Tax Map 29, Grid A-1, Election District 14, Tax Account No. 1618875, which was deeded to the Commission via Deed recorded in the Land Records of Prince George’s County, Maryland at Liber 05209, folio 417, containing approximately 27.81 total acres; and

WHEREAS, the Commission’s Prince George’s County Department of Parks and Recreation (“DPR”) has applied for a permit to construct recreational facilities at Sandy Hill Park; and

WHEREAS, as a requirement for approving the permit for such recreational facilities, the Prince George’s County Department of Public Works & Transportation has requested that the Commission dedicate 7,739 square feet or 0.177 ± acres of land from Parcel 2 to Prince George’s County, for no consideration, for the future widening of Old Laurel-Bowie Road; and

WHEREAS, the Commission desires to dedicate the above-referenced 0.177 ± acres to Prince George’s County to the use of its Department of Public Works & Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George’s County Planning Board; at its meeting on Thursday, April 16, 2020, approved the dedication of 0.177 ± acres to Prince George’s County, for no consideration, subject to the approval of the full Commission.

BE IT FURTHER RESOLVED that, in connection with the transactions contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission, any and all such agreements, documents and/or instruments, and to do or cause to be done, any and all such acts as the Executive Director deems necessary or appropriate to make effective or to

implement the intended purposes of the foregoing resolution, without limitation, and the taking of such actions shall be deemed conclusively to be authorized hereby.

* * * * *

This is to certify that the foregoing is a true and correct action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Washington, Doerner and Hewlett voting in favor of the motion, in open session, at its meeting on Thursday, April 16, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of April, 2020.

Elizabeth M. Hewett
Chair

APPROVED AS TO LEGAL SUFFICIENCY
Kent O. Manser
M-NCPPC Legal Department
Date: 4/16/20

Jessica Jones

By: Jessica Jones
Planning Board Administrator



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution No. 20-07

COVID-19 Differential Pay and Compensatory Leave for Employees Represented by the Municipal and County Government Employees Organization

WHEREAS, the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) and the Municipal and County Government Employees Organization (hereafter referred to as “MCGEO”) are parties to a Collective Bargaining Agreement; and

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, the M-NCPPC has implemented a number of social distancing strategies during the COVID-19 response including telework, schedule rotations, and safety protocols, while continuing to carry out its operations.

WHEREAS, the agency and MCGEO worked together to address the handling of continued operations and related compensation through the Memorandum of Understanding (MOU) dated May 4, 2020

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts the terms of the MOU which includes the following COVID-19 differential pay and compensatory leave for MCGEO employees as follows:

- 1) COVID-19 Onsite Work Differential Pay:
 - a) For the period of April 5, 2020, through June 30, 2020, or until the earlier lifting of the Maryland State of Emergency, a COVID-19 differential of \$2.75 per hour will be paid for each hour of required onsite work, consistent with the terms of the executed MOU dated May 4, 2020.
 - b) Certain positions may have to perform onsite work that requires regular physical interaction with the public without the ability for social distancing. Pursuant to the MOU dated May 4, a front-facing COVID-19 differential of \$4.50 per hour will be granted to childcare positions represented by MCGEO. If the parties mutually agree

that responsibilities for other positions have changed to front-facing, the number of positions eligible for front-facing compensation may be expanded.

c) The COVID-19 differential is only applied to hours worked on-site and does not apply to any period during which an employee is on leave, or for any work hours that can be performed by telework.

2) For the period of March 29, 2020, through April 4, 2020, the Commission will grant each full-time MCGEO-represented employee who was required to come to work, forty hours of compensatory leave for use at a later time. Part-time employees will receive a prorated amount.

BE IT FURTHER RESOLVED that this Resolution shall not modify the terms and conditions of the Collective Bargaining Agreement, except that it affirms the terms of the MOU signed by the M-NCPPC and MCGEO and dated May 4, 2020; and

BE IT FURTHER RESOLVED that the M-NCPPC does hereby authorize the Executive Director to take action as may be necessary to implement this Resolution.

APPROVED FOR LEGAL SUFFICIENCY:

William Dickerson,
M-NCPPC Legal Department,
May 12, 2020



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution No. 20-08

COVID-19 Differential Pay and Social Distancing Leave

(for Non-Represented Merit and Appointed Positions other than Park Police Officers¹)

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, the M-NCPPC has implemented a number of social distancing strategies during the COVID-19 response including telework, schedule rotations, and safety protocols, while continuing to carry out its operations.

WHEREAS, the agency recognizes that our Merit System and appointed leaders diligently continue to carry out their duties, some of which require onsite presence without the ability for telework.

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts the following COVID-19 differential pay and social distancing leave provisions:

- 1) For the period of May 17, 2020, through June 30, 2020, or until the earlier lifting of the Maryland State of Emergency, a COVID-19 differential will be paid to Merit System employees who hold positions below the level of Division Chief.
 - a) \$2.75 per hour will be paid for each hour of required onsite work which is back-facing. Back-facing is onsite work that does not involve regular physical interaction with the public.
 - b) \$4.50 per hour will be paid for each hour of required front-facing work. Front-facing is onsite work that requires regular physical interaction with the public without the ability for social distancing.
 - c) The COVID differential is only applied to hours which **MUST** be worked on-site and does not apply to any period during which an employee is on leave, or for any work

¹ Park Police Officers are not addressed by this Resolution (20-08). COVID-19 Differential and leave for Park Police Officers is addressed in Resolutions 20-05 and 20-06.

hours that can be performed by telework. The differential is not paid for onsite presence that is elected, but not required.

- d). The Commission authorizes the Executive Committee to extend the period of COVID-19 differential compensation to comply with any modifications in relevant Federal/State or local directives or public health practices or mandates.
- 2) The Commission recognizes the efforts of its employees and leadership, including the need for many to carry out additional responsibilities to assist the agency in its response to COVID-19. Effective May 17, 2020, full-time Merit employees and appointees not represented by a Union shall be credited forty hours of social distancing leave which may be used until December 31, 2020. Part-time employees will receive a prorated amount.

BE IT FURTHER RESOLVED that the M-NCPPC does hereby authorize the Executive Director to take action as may be necessary to implement this Resolution.

APPROVED FOR LEGAL SUFFICIENCY:

William Dickerson,
M-NCPPC Legal Department,
May 13, 2020

MEMORANDUM





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

(301) 454-1415 - Telephone
 (301) 454-1413 - Facsimile
<http://ers.mnccppc.org>

Andrea L. Rose
 Administrator

To: The Commission Date: May 5, 2020

Via: Elizabeth M. Hewlett 
 Chairman, Board of Trustees

From: Andrea L. Rose, Administrator 
 Sheila S. Joynes, Accounting Manager

Subject: *Recommendation for Approval of the FY2021 Operating Budget for the Employees' Retirement System*

RECOMMENDATION

The Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS") respectfully submits the FY2021 Operating Budget for approval. The budget totals \$3,133,677 which is a 34.7% increase from FY2020.

BACKGROUND

The Commission established the ERS effective July 1, 1972, in accordance with the Trust Agreement between the Commission and the ERS' Board. The Board's primary responsibility is to administer the ERS for the sole benefit of the members to pay the promised benefits.

Annually, the Board prepares and presents an operating budget setting forth projected expenditures for the operation of the ERS for the Commission's review and approval. The Board also prepares certain projected expenses, including banking, investment consulting and investment manager fees for the Commission's information. The Board monitors closely the fees and expenses from consultants and professional advisors.

Although there is no formal restriction or budget guideline imposed by parties outside the Board, the Board is sensitive to the limitations imposed on the Commission by the two counties. Annually, the Board approves an operating budget based on effectively managing the ERS' fiscal work program requirements which is consistent with other local retirement systems.

ANALYSIS

Staff examined each expenditure category and its funding. The FY2021 Operating Budget (Attachment 1) proposes overall spending at \$3,133,677 based on the work program requirements reflected below. The FY2021 Operating Budget is an increase of 34.7% in spending from FY2020.

Personnel Services

The ERS staff consists of nine full-time employees. There is currently one vacancy on the Member Relations Team. The FY2021 Operating Budget includes a placeholder for salary adjustments and potential position reclassifications due to the Commission's Classification and Compensation Study. The employer pension contribution increased from 11.28% in FY2020 to 12.83% in FY2021 for the defined benefit plan. OPEB costs are projected to decrease by 6.1% from FY2020.

Other Services & Charges

This category nets to an overall increase of 21.5% and includes actuarial, auditing and tax consulting, legal, computer consulting and education and training as detailed below.

Actuarial Services

Actuarial services are estimated at \$87,520 (an increase of 21.6% from FY2020) and includes funding for the annual actuarial valuation, actuarial deficiency calculations for transfers, training, annual review of the investment and salary assumption, and additional work required for GASB Statement No. 67 and 68. The increase in fees is due to funding for an actuarial experience study in FY2021 which is performed every five years.

Auditing & Tax Consulting Services

Auditing & Tax Consulting Services is projected at \$39,958 (an increase of 43.6% from FY2020) and includes funding for the annual audit, tax advice related to the ERS' alternative investments, review of all K-1s, and assistance in navigating the filing and disclosure requirements for the ERS' international investments. The increase in fees in FY2021 is primarily due to engaging the auditor as an independent third party to review the Board's self-assessments and engaging a third party to conduct death audit and location services for members and beneficiaries.

Legal Services

Legal services for outside pension counsel are projected at \$172,500 (an increase of 4.5% from FY2020) and includes issues related to the new alternative investment structures, plan member issues, and maintenance of the ERS' tax qualified status. The robust funding for outside counsel affords the Administrator the flexibility to use outside counsel for specialized or high priority matters and for issues related to the increase in existing alternative investment structure.

Education & Training

Education & Training for the Board and Staff is important to maintain the highest standards of fiduciary responsibility. Training is budgeted at \$31,250 which is a 9.6% increase from FY2020

due to an increase in staff travel related to attendance at the new pension software vendor's annual conference for staff. For every attendee who participates for the entire conference, the vendor awards 10 free support hours. In this case the ERS would receive 30 hours which is worth \$4,500 (based on a support rate of \$150/hr.)

Rent

The ERS reimburses the Commission for rent with no change from FY2020 to FY2021.

Chargebacks, Capital Outlay & Additional Information

The Commission's General Counsel's office provides legal services to the ERS in the areas of contract review and negotiation, litigation oversight, employee appeals and general plan advice. The ERS reimburses the General Counsel's Office through a chargeback of \$64,200 for these services.

The Board renegotiated a Memorandum of Understanding (MOU) with the Commission's Chief Technology Officer and team to provide the full range of technology services to the ERS for a chargeback of \$137,533 in FY2021 which is a 1.5% increase from FY2020.

Pension Administration Software Project

The new Pension Administration Software Project kicked off in January 2020. This project was approved by the ERS Board and the Commission last year for an overall seven-year total cost of ownership of \$2,480,774. The total cash outlay for FY2021 is expected to be \$1,047,652 of which the capital outlay budgeted is \$892,730 software development in progress and will be amortized over the life of the software. The additional budgeted amount of \$154,922 for FY2021 includes maintenance, support and hosting fees following the phase 1 go live which is planned for December 2020.

FY2021 Investment Services

Attachment 2 estimates fees for bank custodial services provided by The Northern Trust Company of Chicago, Illinois; investment consulting services provided by Wilshire Associates of Pittsburgh, Pennsylvania; and investment management services provided by investment managers. Investment manager fees fluctuate based on the market value of the portfolio.

Attachments

1. FY2021 Operating Budget
2. FY2021 Investment Services

**The Maryland-National Capital Park and Planning Commission
Employees' Retirement System**

FY 2021 Operating Budget

	FY2018	FY2019	FY 2020		FY 2021	Variance		
	Actual as of 30-Jun-18	Actual as of 30-Jun-19	Amended Budget	Actual as of 29-Feb-20	Projected as of 6/30/20	Proposed	Amount	%
PERSONNEL SERVICES:								
SALARIES-FULL TIME	911,661	850,672	852,995	507,083	789,182	886,129	33,134	3.9%
SALARIES-PART TIME	0	0	70,000	0	50,999	54,352	(15,648)	-22.4%
NON CAREER	0	0	0	21,570	30,000	0	0	0.0%
TOTAL SALARIES	911,661	850,672	922,995	528,653	870,181	940,480	17,485	1.9%
EMPLOYEE BENEFITS	371,221	299,989	334,577	120,518	290,000	329,323	(5,254)	-1.6%
OPEB BENEFITS	15,312	22,250	26,321	0	26,321	24,723	(1,598)	-6.1%
RETIREE BENEFITS	22,605	14,494	22,393	21,864	21,864	23,522	1,129	5.0%
TOTAL BENEFITS	409,138	336,733	383,291	142,382	338,185	377,568	(5,723)	-1.5%
ACCRUED LEAVE	11,834	0	12,627	0	12,627	9,104	(3,523)	-27.9%
TOTAL PERSONNEL SERVICES	1,332,633	1,187,405	1,318,913	671,034	1,220,993	1,327,152	8,239	0.6%
SUPPLIES & MATERIALS:								
OFFICE SUPPLIES & FURNITURE	5,961	4,787	6,500	3,735	6,500	6,500	0	0.0%
COMPUTER SUPPLIES	7,762	46,047	10,000	0	10,000	10,000	0	0.0%
TOTAL SUPPLIES & MATERIALS	13,724	50,834	16,500	3,735	16,500	16,500	0	0.0%
OTHER SERVICES & CHARGES:								
PROFESSIONAL SERVICES:								
Actuarial	36,240	49,415	72,000	23,500	72,000	87,520	15,520	21.6%
Auditing & Tax Consulting	23,346	25,642	27,832	13,101	27,832	39,958	12,126	43.6%
Legal	77,945	48,930	165,000	16,350	165,000	172,500	7,500	4.5%
Computer Consulting	3,600	2,316	63,707	41,207	63,707	65,084	1,377	2.2%
EDUCATION AND TRAINING	13,859	9,390	28,500	288	288	31,250	2,750	9.6%
ADVERTISING	974	0	1,000	0	1,000	1,000	0	0.0%
COMMUNICATIONS	0	0	1,500	622	1,500	1,500	0	0.0%
POSTAGE	3,530	2,961	5,000	394	5,000	5,000	0	0.0%
INSURANCE	44,815	43,658	48,345	43,294	45,239	48,106	(239)	-0.5%
MEMBERSHIPS AND SUBSCRIPTIONS	2,275	2,300	3,000	1,635	3,000	3,000	0	0.0%
MISCELLANEOUS SERVICES:								
Contractual Services	0	275	0	0	0	0	0	0.0%
Payroll Services	3,866	4,086	4,280	2,464	4,280	4,280	0	0.0%
PRINTING & BINDING	0	0	0	0	0	500	500	0.0%
RENT:								
Office	108,680	108,680	108,680	72,453	108,680	108,680	0	0.0%
Copier	4,471	6,827	5,000	2,312	5,000	5,000	0	0.0%
MAINTENANCE/LICENSING	26,349	26,215	34,059	34,073	34,073	117,684	83,625	245.5%
OTHER	3,071	3,215	4,500	2,854	4,500	4,500	0	0.0%
TOTAL OTHER SERVICES & CHARGES	353,021	333,909	572,403	254,547	541,099	695,562	123,159	21.5%
CHARGEBACKS-M-NCPPC:								
CHARGEBACKS-FINANCE	47,200	67,750	135,500	0	135,500	137,533	2,033	1.5%
CHARGEBACKS-LEGAL	64,200	64,200	64,200	0	64,200	64,200	0	0.0%
TOTAL CHARGEBACKS	111,400	131,950	199,700	0	199,700	201,733	2,033	1.0%
CAPITAL OUTLAY:								
TOTAL CAPITAL OUTLAY	0	0	218,704	107,996	225,032	892,730	674,026	308.2%
TOTAL	1,810,777	1,704,098	2,326,220	1,037,312	2,203,324	3,133,677	807,457	34.7%

The Maryland-National Capital Park and Planning Commission
Employees' Retirement System

FY 2021 Investment Services

	Actual FY 2017	Actual FY 2018	Actual FY 2019	Estimated FY 2020	Estimated FY 2021	% Increase
Bank Custodial Services	\$ 296,599	\$ 298,739	\$ 298,154	\$ 307,098	\$ 316,311	3.00%
Investment Consulting Services	\$ 198,900	\$ 193,000	\$ 198,539	201,815	\$ 207,869	(2)
Investment Management Services	\$ 3,180,042	\$ 3,004,905	\$ 2,889,590	\$ 3,178,549	\$ 3,496,404	(1)
Total	<u>\$ 3,675,541</u>	<u>\$ 3,496,644</u>	<u>\$ 3,386,283</u>	<u>\$ 3,687,462</u>	<u>\$ 4,020,584</u>	

(1) Investment manager fees fluctuate based on the market value of the portfolio. The market value per Wilshires' report as of December 31, 2019 was \$1,010,178,611. Estimated fees of 38.0 basis points are based on a 6.90% return assumption for 2019 and a 6.85% return for 2020 with no further assumption rate change for 2020.

(2) Investment Consulting services include fees for the primary investment consultant, Wilshire Associates' - Agreed upon new 2018 Fees.



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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>
ERSBoard@mncppc.org

Andrea L. Rose
 Administrator

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
 Vice Chairman Gerald R. Cichy

Howard Brown
 Melissa Ford
 Caroline McCarthy
 Sheila Morgan-Johnson
 Joseph C. Zimmerman, CPA

Asuntha Chiang-Smith
 Pamela F. Gogol
 Amy Millar
 Elaine Stookey

To: The Commission Date: May 5, 2020

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

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

Subject: Reappointment of Pamela F. Gogol as the Montgomery County Public Member and Sheila Morgan-Johnson as the Prince George's County Public Member to the Board of Trustees for the term ending June 30, 2023

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission approve the reappointment of Pamela F. Gogol as the Montgomery County Public Member and Sheila Morgan-Johnson as the Prince George's County Public Member for the term ending June 30, 2023.

BACKGROUND

The three-year term for the Montgomery County and Prince George's County Public Members on the Board expires June 30, 2020. In accordance with procedures of the ERS, applications were due in the ERS office by April 10, 2020 by 5:00 p.m. The ERS received applications from incumbents, Pamela F. Gogol and Sheila Morgan-Johnson. No other applications were received by the deadline.

Ms. Gogol has served on the Board since 2014. Ms. Gogol is currently a Principal Examiner for the Federal Housing Finance Agency responsible for analysis and oversight of Fannie Mae's market risk exposure. Ms. Gogol was the former Assistant Treasurer of the Commission and served as the Bi-County Open Trustee on the ERS Board in 2008.

Ms. Morgan-Johnson has served on the Board since 2016. In 2017, after a long-serving career as the Chief Investment Officer and Chief Operating Office for the \$9 billion District of Columbia Retirement plan, Ms. Morgan-Johnson was named as Executive Director. Ms. Morgan-Johnson has been serving as Chairman of the ERS' Investment Monitoring Group.

At its May 5, 2020 meeting, the Board voted unanimously to recommend the reappointments of incumbents Pamela F. Gogol as the Montgomery County Public Member and Sheila Morgan-Johnson as the Prince George's County Public Member for the term ending June 30, 2023.

Thank you for your action.

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

May 12, 2020

ACS 20-15

To: The Commission

From: Asuntha Chiang-Smith, Executive Director 

Re: Use of FY20 Salary Savings for the Department of Human Resources and Management

Requested Action

The Department of Human Resources and Management (DHRM) is projected to have approximately \$525,000 in personnel cost savings in FY20 due to vacancies and attrition. We are requesting approval to transfer this amount to address the priorities identified below.

- Legal Services: \$125,000
Savings will be used for legal support needed to address COVID-19 matters, compliance with federal and state laws, upcoming full collective bargaining negotiations and reopeners, as well as grievance and arbitration matters.
- Diversity Supplier Program: \$75,000
These funds will be allocated to support consulting services necessary to move forward with implementation of the Supplier Diversity Program.
- Critical Consulting Services and Technology: \$325,000
Savings will be used to provide expertise in workforce development initiatives, actuarial services, establishing performance metrics, continued position classification work, and enhanced communication platforms. Additionally, savings will be used to improve platforms necessary to track COVID-19 expenses and compliance, and enable meetings of the agency, hearings, trainings, interviews, new hire onboarding, and Merit Board meetings to be conducted remotely.

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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, 2020

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
 General Counsel

Debra S. Borden
 Deputy General Counsel

SUBJECT: **Request to Reallocate FY 2020 Legal Department Salary Lapse**

This memorandum is to request your authorization to reallocate this year's expected salary lapse for the Legal Department for the purposes described below.

Background

As a result of unprecedented turnover and staffing changes that started during, and carried-over from, the previous fiscal year, the Legal Department experienced a significant positive variance in budget-to-actual salary lapse during the current fiscal year (FY 2020). For some perspective, three of the four major legal teams have experienced a vacancy at some point during the fiscal year for differing reasons.

The positive variance of approximately \$700,000 was caused by extended vacancies and competitive hiring; notwithstanding that certain vacancies were backfilled with temporary acting assignments, term contract employees or temporary services (non-personnel contractors) – all in order to mitigate potential service disruptions.

In light of the current situation and next year's outlook, each of the specific recommendations to reallocate those precious resources detailed below is conceived to advance one or more of our three basic objectives:

- Help the operating departments situation during FY 2021 – either by rebating appropriate FY 2020 commitments or covering their anticipated FY 2021 costs.
- Maintain flexibility for the Legal Department to weather a potential FY 2021 savings plan without extreme service disruption
- Focus outside counsel spending on projects/initiatives that constitute legal mandates.

Recommendations

We are recommending, and requesting Commission approval, to reallocate and apply the savings from FY 2020 projected salary lapse (Personnel Services) to the following non-personnel expenditure budget categories and uses:

1. Refund/Reallocate FY20 Legal Fee Commitments

Over the course of the year, both the Montgomery County Parks Department (MCPD) and Prince George's County Department of Parks and Recreation (DPR) have incurred direct expenses to pay outside legal counsel involved in certain transactions or disputes. Given the existing and future budget pressures on each department – especially MCPD – we have determined that a portion of the FY 20 expenses for each department are eligible for a funding “swap” – using OGC’s lapse as the source of the rebate/reallocation. This funding would be shared according to the FY 20 OGC bi-county split that is roughly 50%/50% for each department.

Acct: 31000/7316 or 31000/7325 \$120,000

2. Contribution to Supplier Diversity Program Funding

In conjunction with the Department of Finance and Department of Human Resources and Management, OGC will apply a portion of the lapse to cover the cost of the supplier diversity consultant required to implement the program mandated by State law. This funding will take advantage of the lag in staffing and program design, and will result in savings available to be allocated for operating purposes.

Acct: 31000/7320 or 31000/7325 \$75,000

3. Prefund On-line Legal Subscriptions/Publications.

As a result of favorable contract terms, OGC is able to prefund service charges required under existing technology agreements for online legal research (Westlaw) and legal case (matter) management database systems.

Acct: 31000/7360 or 31000/7376 \$200,000

4. Prefund Legal Fees Anticipated for Agency Priorities.

A. Transportation Planning. The OGC will apply a portion of this lapse for ongoing legal assistance required for certain complex State transportation projects, as appropriate to manage regulatory compliance, environmental assessment and mitigation planning.

Acct: 31000/7320 or 31000/7325 \$140,000

B. Construction Disputes. The Commission is experiencing an uptick in disputes over construction projects and construction-related procurement in both counties. This reallocation would be applied to those pending and foreseeable construction and procurement issues.

Acct: 31000/7320	\$100,000
------------------	-----------

C. Park Property Real Estate. OGC requires assistance periodically for complex title issues, general real estate support, and complex public/private partnership plans that involve non-profit entities – e.g., the various park foundations. This funding would be applied to serve these requirements for pending and potential projects of this nature.

Acct: 31000/7320	\$40,000
------------------	----------

5. Contribution to Contract Review Committee Panel

In conjunction with the Department of Finance and Department of Human Resources and Management, OGC would apply this funding to cover a portion of the cost anticipated for administrative adjudication of construction claims. Under existing regulations, a committee that includes technical expertise in construction claims is empowered to hear disputes over contract management activities. The selection process is nearly complete to provide this mandatory technical expertise the third member of the CRC. The role will be to hear cases with the other two members to review and evaluate of claims coming before the body and assist with drafting and administrative procedures as requested.

Acct: 31000/7325 or 31000/7325	\$25,000
--------------------------------	----------

Total ➡	\$700,000
---------	-----------

* * *

Thank you in advance for your consideration. Please do not hesitate to call either of us with any questions, comments or suggestions.

cc: Melva Brown, Department Business Manager
Corporate Budget Manager
Accounting Manager

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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 2020 Personnel Services savings.

DATE: May 11, 2020

ACTION REQUESTED: Board approval to spend salary lapse

The Department of Finance expects to realize savings of approximately \$425,000 in its Personnel Services budget due to vacancies in critical positions. Approval is requested to allocate \$175K of savings in this budget category to meet IT infrastructure and professional service needs in support of Corporate Information Technology.

An additional \$175K is requested to be transferred to Commission Wide IT Projects to fund needed ERP planning efforts as well as Kronos upgrades. Full funding for both of these projects was not included in the FY 21 budget, as amended by the two counties, and both critical to Finance's ability to deliver service to the operating departments in the long term. Providing the funding in this manner will allow the remainder of the approved CWIT funding to be spread to the other projects with now incomplete funding.

The remaining \$75K is requested to be allocated to consulting services necessary to move forward with implementation of the Supplier Diversity Program.

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

CC: Asuntha Chiang-Smith
Adrian Gardner
Mazen Chilet

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Office of the Inspector General • 7833 Walker Drive, Suite 425 • Greenbelt, Maryland 20770

May 20, 2020

To: The Commission

From: Renee Kenney, Inspector General

Re: Budget Transfer for the Office of the Inspector General

For Your Approval

For FY20, the Office of the Inspector General (OIG) is projected to have approximately \$40,000.00 savings in personnel costs. The savings are a result of a delay in hiring an IT Audit Manager.

We are requesting approval to prepay FY21 operating costs and employee training.

We appreciate your consideration of our request.

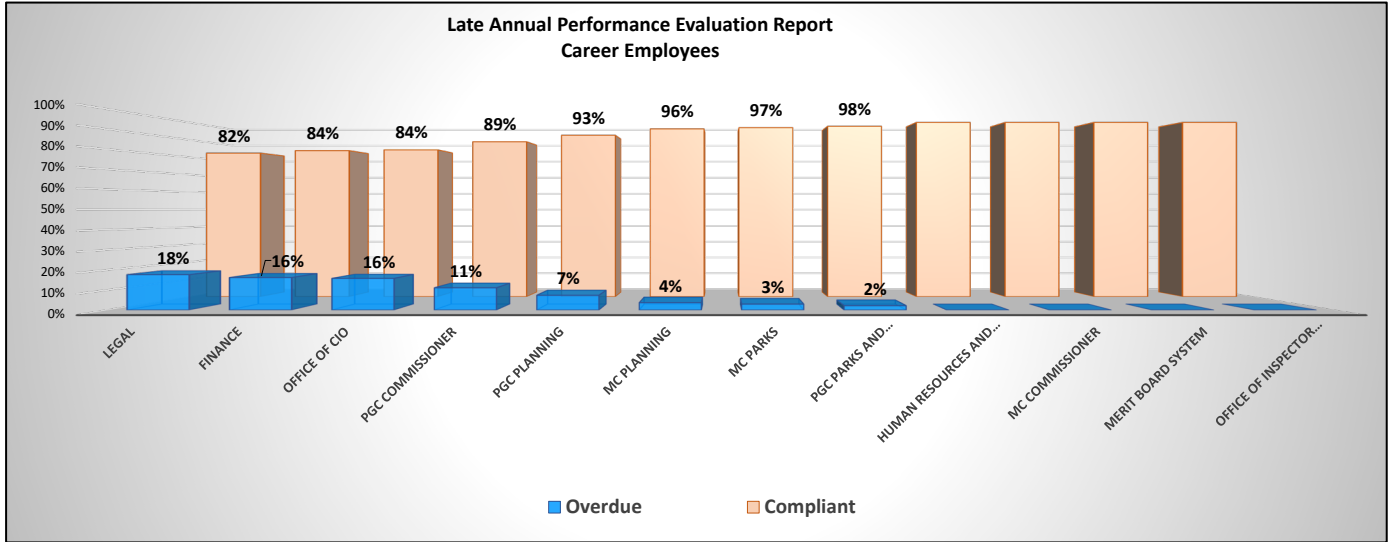
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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF APRIL 2020**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Mar-20	Apr-20	Mar-20	Apr-20	Mar-20	Apr-20	Mar-20	Apr-20
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	1	0	0	0	0	0	1
OFFICE OF CIO	1	3	0	0	1	0	2	3
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.	0	0	0	0	0	0	0	0
LEGAL DEPARTMENT	1	1	0	1	3	1	4	3
FINANCE DEPARTMENT	4	5	1	1	0	0	5	6
PRINCE GEORGE'S PLANNING	7	8	3	0	1	3	11	11
PRINCE GEORGE'S PARKS & RECREATION	21	21	0	0	1	2	22	23
MONTGOMERY COUNTY PARKS	17	18	4	3	2	0	23	21
MONTGOMERY COUNTY PLANNING	3	4	0	0	1	1	4	5
DEPARTMENT TOTAL BY DAYS LATE	54	61	8	5	9	7		
COMMISSION-WIDE TOTAL							71	73

ITEM 6a

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data As Of April 30, 2020

Employee Count	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance	6	31	37
Human Resources and Mgt		49	49
Legal	3	14	17
MC Commissioner		5	5
MC Parks	21	681	702
MC Planning	5	130	135
Merit Board System		1	1
Office of CIO	3	16	19
Office of Inspector General		4	4
PGC Commissioner	1	8	9
PGC Parks and Recreation	23	1,018	1,041
PGC Planning	11	138	149
Total Employees	73	2,095	2,168

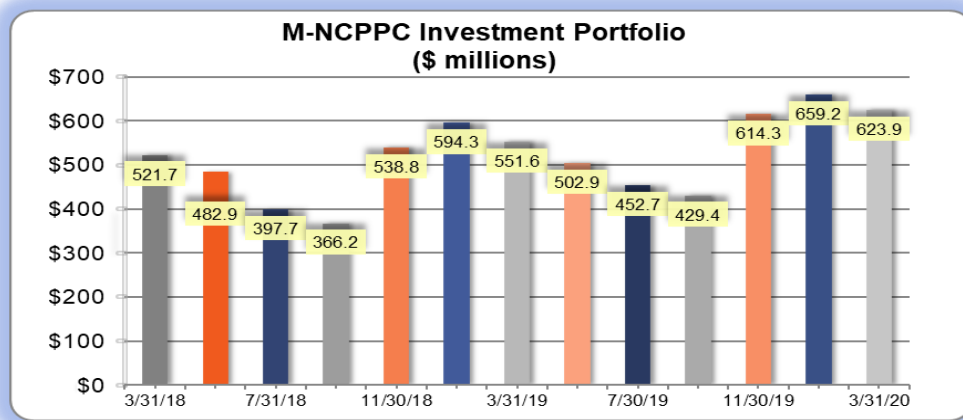


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1592 / Fax (301) 454-1637

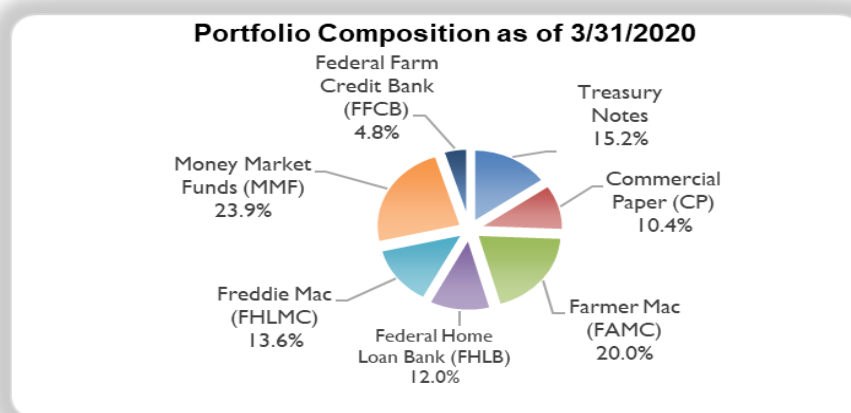
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Tanya Hankton, Investment & Treasury Operations Manager *T.H.*
DATE: 5/4/2020
SUBJECT: Investment Report – **March 2020**

The Commission’s pooled cash investment portfolio totaled \$623.9 million as of March 31, 2020, with a 2.6% decrease from February 29, 2020. Details are as follows:



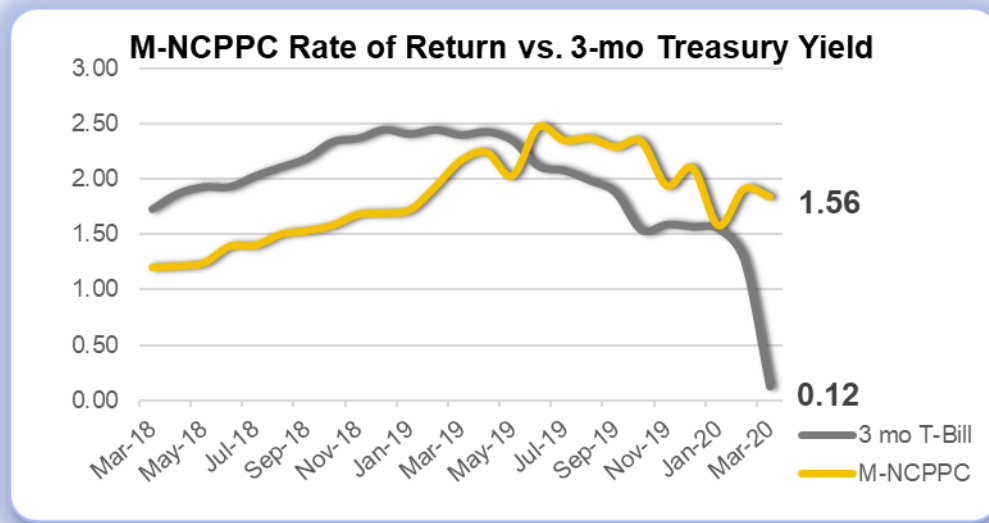
The composition of the pooled cash portfolio as of March 31, 2020 is summarized below:



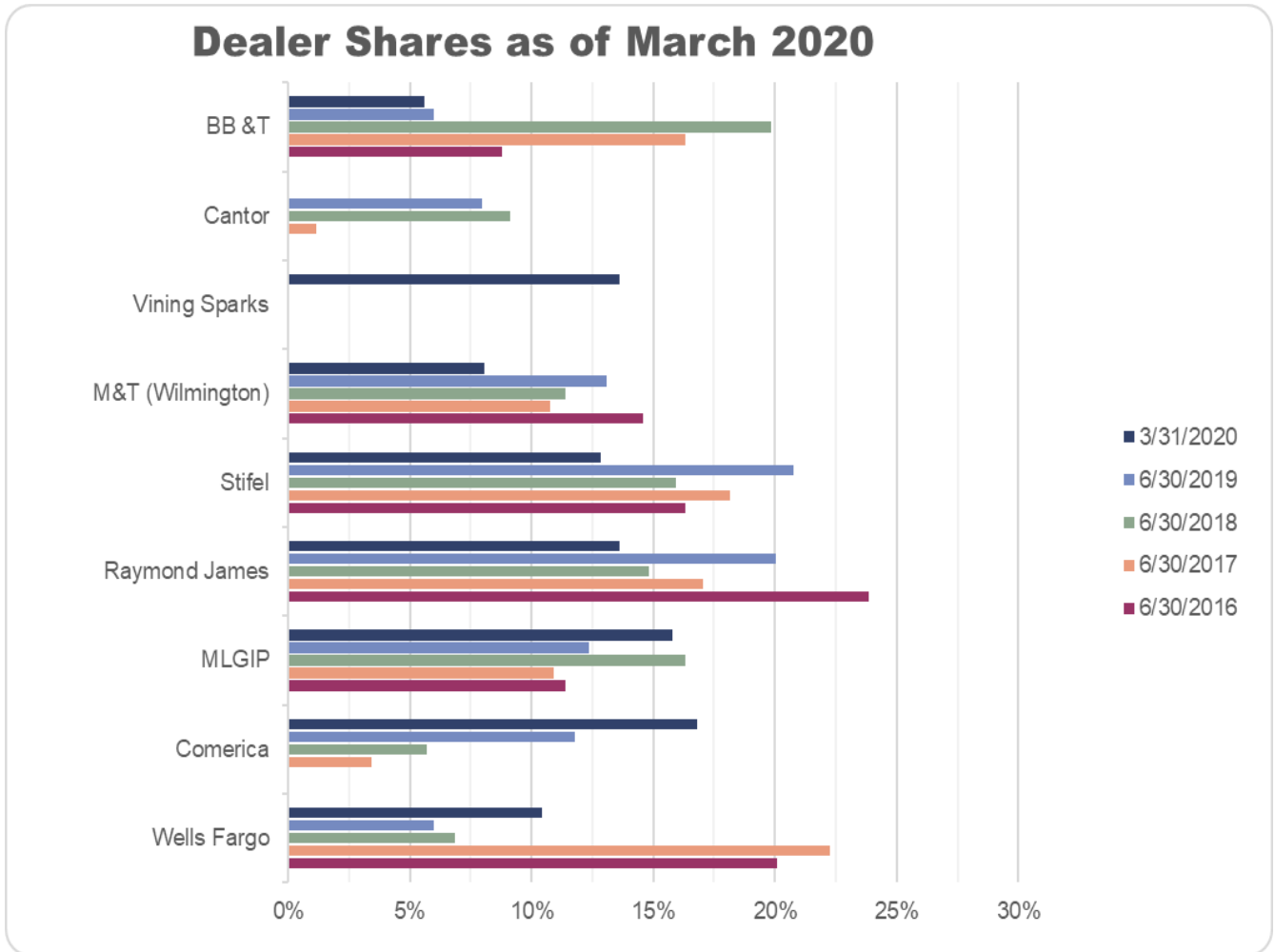
Current Investment Portfolio - March 2020					
Instrument	Limit	Actual	Par Value	Return (B/E)	
Money Funds	* 25%	23.9%	\$ 148,874,568	0.71%	
Farmer Mac	20%	20.0%	125,000,000	1.91%	
Treasury Notes	100%	15.2%	95,000,000	1.90%	
Freddie Mac	20%	13.6%	85,100,000	1.59%	
Federal Home Loan Banks	20%	12.0%	75,000,000	1.31%	
Commercial Paper	10%	10.4%	65,000,000	1.86%	
Federal Farm Credit Bank	20%	4.8%	30,000,000	1.63%	
Fannie Mae	20%	0.0%	-	0.00%	
Certificates of Deposit	50%	0.0%	-	0.00%	
Bankers Acceptances	50%	0.0%	-	0.00%	
Repurchase Agreements	60%	0.0%	-	0.00%	
		100%	\$ 623,974,568	1.70%	

*As of 3/31/2020

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



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



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

Market Value - March 2020	
Prince George's County (PGC-2018A)	\$ 20,678,130
Montgomery County (MC-2018A)	8,140,642
	<u>\$ 28,818,772</u>

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of March 31, 2020 appear below:

Debt Balances - March 2020					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
NN-2 (<i>Refunded Z-2</i>)	14,080,000	2,690,000	19%	Mar-10	May-21
PGC-2012A (<i>Refunded P-2, M-2, EE-2</i>)	11,420,000	3,465,000	30%	Jun-12	Jan-24
PGC-2014A	26,565,000	20,340,000	77%	May-14	Jan-34
PGC-2015A (<i>Refunded JJ-2</i>)*	24,820,000	20,660,000	83%	Oct-15	Jan-36
PGC-2017A	33,000,000	28,050,000	85%	Jul-17	Jan-37
PGC-2018A	31,000,000	29,450,000	95%	Nov-19	Nov-38
Total Prince George's County	\$ 140,885,000	\$ 104,655,000	74%		
Montgomery County					
LL-2	8,405,000	400,000	5%	May-09	Nov-20
MC-2012A (<i>Refunded CC-2, FF-2</i>)	12,505,000	7,335,000	59%	Apr-12	Dec-32
MC-2012B	3,000,000	2,115,000	71%	Apr-12	Dec-32
MC-2014A	14,000,000	10,850,000	78%	Jun-14	Jun-34
MC-2016A	12,000,000	10,200,000	85%	Apr-16	Nov-35
MC-2016B (<i>Refunded FF-2, II-2, MM-2</i>)	6,120,000	5,355,000	88%	Apr-16	Nov-28
MC-2016C (<i>Refunded FF-2 ALA of 2004</i>)	1,075,000	620,000	58%	Apr-16	Nov-24
MC-2017A	8,000,000	6,800,000	85%	Apr-17	Nov-36
MC-2018A	12,000,000	11,400,000	95%	Oct-18	Nov-38
MC-2018B	3,000,000	2,400,000	80%	Oct-18	Nov-23
Total Montgomery County	\$ 80,105,000	\$ 57,475,000	72%		
Total	\$ 220,990,000	\$ 162,130,000	73%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012

FISCAL YEAR 2020 – March 31, 2020

OBJECTIVES	Met Objective	Within Limits	Comments
Protection of principal	Yes		
Limiting types and amounts of securities	Limit	Yes	
US Government	100%		All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%		
US Federal Agencies - each	20%		
Repurchase Agreements	60%		
CD's and Time Deposits	50%		
Commercial Paper	10%		
Money Market Mutual Funds	25%		
MD Local Gov't Investment Pool	25%		
Investing Bond Proceeds:			
State and local agency securities	100%		
Money Market Mutual Funds	10%		
Bond Proceeds:		Yes	T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities			
Highly-rated money market mutual funds			
(Max. 10% in lower-rated funds)			
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers		Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%	Yes	No dealer shares exceeded 30%
Competitive Bidding		Yes	All purchases awarded competitively.
Diversification of Maturities		Yes	All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.			
Require third-party collateral and safekeeping, and delivery-versus-payment settlement		Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity		Yes	Sufficient funds available for all cash requirements during period
Attain a market rate of return		Yes	More than market by 1.44 basis points.
The pro-rated rates of return for T-bills and the portfolio were 0.12% and 1.56%, respectively.			

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

Reply To

May 6, 2020

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 2020 – FY 2020

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, May 20, 2020. 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.

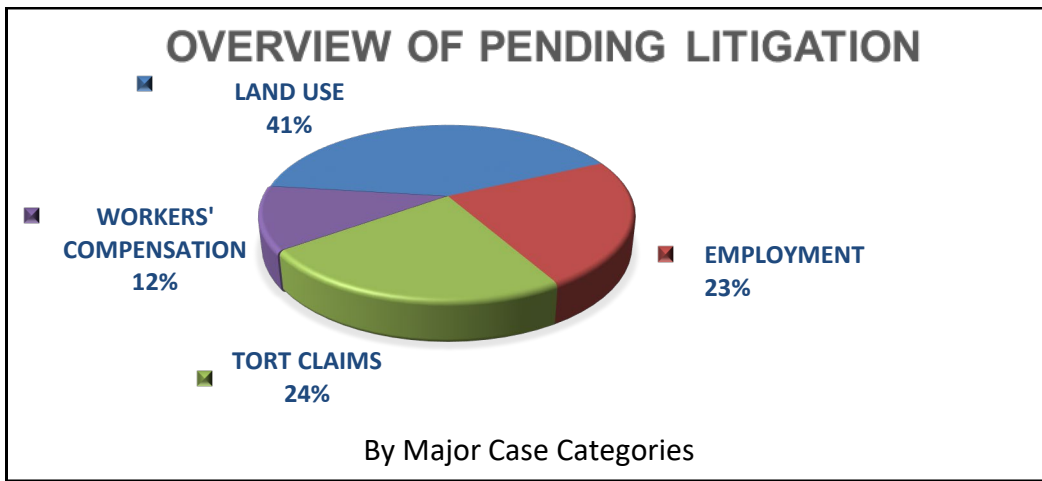
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Litigation Report Ordered by Court Jurisdiction.....	Page 09

April 2020 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	5	2					7
ADMIN APPEAL: OTHER							
LAND USE DISPUTE							
TORT CLAIM	4						4
EMPLOYMENT DISPUTE	3			1			4
CONTRACT DISPUTE							
PROPERTY DISPUTE							
CIVIL ENFORCEMENT							
WORKERS' COMPENSATION	2						2
DEBT COLLECTION							
BANKRUPTCY							
MISCELLANEOUS							
PER FORUM TOTALS	14	2		1			17



April 2020 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2020			
	Pending In Feb. 2020	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	5	2		6	9	8	7
Admin Appeal: Other (AAO)							
Land Use Disputes (LD)							
Tort Claims (T)	4			1	4	1	4
Employment Disputes (ED)	4				4		4
Contract Disputes (CD)							
Property Disputes (PD)							
Civil Enforcement (CE)							
Workers' Compensation (WC)	2			5	3	7	2
Debt Collection (D)							
Bankruptcy (B)							
Miscellaneous (M)				2		2	
Totals	15	2		14	11	12	17

**INDEX OF YTD NEW CASES
(7/1/2019 TO 6/30/20)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Milbourne v. Commission	PG	WC	July 19
Commission v. Batson	PG	WC	July 19
Commission v. Sommer	PG	WC	Aug 19
McCourt v. Commission	PG	ED	Aug 19
Neighbors for an Improved Kensington, et al. v. Montgomery County Planning Board	MC	AALU	Aug 19
King v. Commission	PG	WC	Sept 19
Estreicher v. Montgomery County Planning Board	MC	AALU	Sept 19
Evans v. Commission	MC	ED	Sept 19
Pumphrey v. Wilson	PG	Tort	Sept 19
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Nov 19
Kosary v. Montgomery County Planning Board	MC	AALU	Dec 19
Brown v. City of Bowie	PG	Tort	Nov 19
Alexander v. Proctor	PG	Tort	Nov 19
Coe v. Commission	PG	ED	Dec 19
Jackson v. Commission	PG	Tort	Jan 20
Thompkins v. Commission	MC	ED	Jan 20
Jan A.J. Bove, et al. v. Montgomery County Planning Board	MC	AALU	Mar 20
Stewart v. Prince George's County Planning Board	PG	AALU	Apr 20
6525 Belcrest Road LLC v. Dewey, L.C., et al.	PG	AALU	Apr 20
B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Pletsch, et al v. Commission	MC	AALU	Sept 19
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Dec 19

**INDEX OF YTD RESOLVED CASES
(7/1/2019 TO 6/30/20)**

<u>A. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Ferrante	PG	WC	July 19
Commission v. Ferrante	PG	WC	July 19
Bradley Boulevard Citizens Association Inc. v. Montgomery County Planning Board	MC	AALU	July 19
Critical Area Commission v. MNCPPC	PG	AALU	Aug 19
Commission v. Sommer	PG	WC	Oct 19
Milbourne v. Commission	PG	WC	Nov 19
Neighbors for an Improved Kensington, v. Montgomery County Planning Board	MC	AALU	Feb 20
<u>B. Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
The Town of Forest Heights v. Commission	PG	Misc.	June 19
Pletsch, et al. v. Commission	PG	AALU	July 19
Ross v. Commission	PG	WC	Oct 19
Bradley Blvd. Citizens Assn., Inc v. Montgomery County Planning Board	MC	AALU	Dec 19
Pletsch, et al. v. Commission	PG	AALU	Dec 19
Green v. Commission	PG	AALU	Dec 19

Disposition of FY20 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Planning		
Bradley Boulevard Citizens Association, Inc. v. Montgomery County Planning Board	Appeal of Planning Board approval of WMAL Site Plan 820170170.	07/17/19 – Joint Motion to Dismiss granted.
Bradley Boulevard Citizens Association, Inc. v. Montgomery County Planning Board	Appeal from Circuit Court affirming the Planning Board's approval of WMAL Preliminary Plan 120160290.	12/06/19 – Judgment of Circuit Court Affirmed
Montgomery County Department of Parks		
Montgomery County Park Police		
Montgomery County Planning Board		
Neighbors for an Improved Kensington, et al. v. Montgomery County Planning Board	Judicial Review of Montgomery County Planning Board's approval of Knowles Manor Site Plan 820190080.	02/19/20 – Court granted Petitioner's Motion to Withdraw Petition with prejudice to renewal and closed the matter.
Prince George's County Department of Parks and Recreation		
Commission v. Sommer	Claimant and Commission filed Joint Petitions for Judicial Review appealing the several denials of a proposed settlement agreement by the WCC.	10/30/19 – Court remanded back to WCC in line with settlement agreement between the parties. Commission to pay a lump sum payment.

Ferrante v. Commission (two separate cases)	Appeal from WCC Order requiring Commission to pay indemnity benefits corresponding to medical treatment.	07/25/19- Court affirmed the decision of the orders dated April 11, 2018 and October 19, 2018 issued by the Workers' Compensation Commission
Green v. Commission	Appeal from Circuit Court's Dismissal of Petition for Judicial Review. Underlying decision required Appellant to use Corvel's mail-in services for her prescription needs, effective 12/1/18. Commission filed a Motion to Dismiss arguing that the Claimant/Plaintiff was not aggrieved by the decision of the WCC because there was no change to her medications, only the delivery apparatus and thus she had no standing to appeal.	12/10/19 - Appeal voluntarily dismissed.
Milbourne v. Commission	Claimant alleged Commission owed him for amounts withheld from annual leave upon leaving employment	11/13/19 Settlement for overpayment of wages and case dismissed.
Ross v. Commission	Defense of appeal from order granting a credit for overpayment of temporary total disability from June 26, 2013 to March 23, 2016.	10/22/19 – Appeal dismissed by Ross.
Prince George's County Planning Department		
Critical Area Commission v. MNCPPC	Petition for Judicial Review regarding the Prince George's County Planning Board's approval of the Indian Queen Overlook Conservation Plan CP-16002.	08/19/19 - matter voluntarily dismissed.
Pletsch, et al. v. Commission	Two separate appeals filed. Citizens filed an appeal of order affirming the underlying decision and resolution. The developer filed an appeal of the denial of the motion to dismiss for lack of standing. The Commission did not join in the appeal of the denial of the motion to dismiss.	07/22/19 – Court vacated the judgment of the Circuit Court and remanded with direction to dismiss the Petition for Judicial Review.
Pletsch, et al. v. Commission	Petition for Writ of Certiorari filed regarding Court of Special Appeals remand to Circuit Court to Dismiss Petition for Judicial Review for lack of standing.	12/23/19 – Certiorari denied.
Prince George's County Planning Board		
Prince George's Park Police		

Office of Internal Audit

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Estreicher v. Montgomery County Planning Board

Case No. 472672-V (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of Sketch Plan 320190100 8015 Old Georgetown Road.

Status: Awaiting Oral Argument.

Docket:

09/24/2019	Petition for Judicial Review filed
10/08/2019	Commission's Response filed
01/02/2020	Estreicher's memorandum filed
02/03/2020	JLB Realty, LLC's memorandum filed
02/05/2020	Commission's Response to memorandum filed
02/21/2020	Plaintiff's Reply memorandum filed
05/22/2020	Oral argument

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

Case No. 480775-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of 7025 Longwood Drive subdivision no. 620190100.

Status: Petition filed.

Docket:

03/09/2020	Petition for Judicial Review filed
03/18/2020	Commission's Response filed

Kosary v. Montgomery County Planning Board

Case No. 476283-V (AALU)

Lead Counsel: Sorrento
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	Plaintiff'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

Thompkins v. Commission

Case No. 477424-V (ED)

Lead Counsel: Foster
Other Counsel:

Abstract: Judicial Review of Merit Board Decision related to her reclassification under the Administrative Series.

Status: Petition for Judicial Review filed.

Docket:

01/02/2020	Petition for Judicial Review filed
01/16/2020	Commission's Response to Petition
06/05/2020	Oral Argument scheduled.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

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

Case No. (AALU)

Lead Counsel: Goldsmith
Other Counsel:

Abstract: Declaratory Judgment Action

Status: Commission has yet to be served.

Docket:

04/14/2020	Complaint filed
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Alexander v. Proctor

Case No. CAL19-37187 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Alexander filed complaint against Park Police officer arising from arrest on Commission property.

Status: Complaint filed.

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
03/17/2020	Court orders matter to be set in for hearing on Motion
06/19/2020	Motions Hearing

Brown v. City of Bowie
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.

Status: Complaint filed.

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
04/06/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss

Coe v. Commission
Case No. CAL19-39808 (ED)

Lead Counsel: Adams
Other Counsel:

Abstract: Coe filed for Judicial Review of decision to terminate employment following LEOBR police hearing.

Status: Petition for Judicial Review filed.

Docket:

12/13/2019	Petition for Judicial Review filed
01/03/2020	Commission's Response to Petition for Judicial Review
03/19/2020	Petitioner's Memo in Support of Judicial Review filed
04/14/2020	Commission's Memo filed
06/12/2020	Oral argument.

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: In discovery.

Docket:

07/26/2019	Petition for Judicial Review filed
08/08/2019	Order of Court Permitting Omission of Record
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.
10/07/2020	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: Complaint filed.

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
04/06/2020	Commission's answer filed.

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: In discovery.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed response to Petition.
06/30/2020	Trial

McCourt v. Commission

Case No. CAL 19-27903 (ED)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Appeal filed.

Status: In discovery.

Docket:

08/23/2019	Petition for Judicial Review filed
09/04/2019	Commission notified of filing of Petition
09/24/2019	Response to Petition for Judicial Review
06/12/2020	Oral argument.

Pumphrey v. Wilson

Case No. CAL 19-30161 (Tort)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Automobile accident with vehicle driven by Commission employee.

Status: Commission has yet to be served.

Docket:

09/16/2019	Complaint filed
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Stewart v. P.G. Planning Board

Case No. CAL 20-11215 (AALU)

Lead Counsel: Goldsmith
Other Counsel:

Abstract: Judicial Review of Prince George's County Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No.4-19023

Status: Petition for Judicial Review filed.

Docket:

04/01/2020	Petition for Judicial Review filed
04/03/2020	Amended Petition for Judicial Review filed.

MARYLAND COURT OF SPECIAL APPEALS

Benton v. Woodmore Overlook Commercial, LLC

September Term 2019, No. 2118 (AALU)

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

Lead Counsel: Borden
Other Counsel:

Abstract: Judicial Review of decision of the Prince George's County Planning Board.

Status: Appeal filed.

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.

Gaspard v. Montgomery County Planning Board
September Term 2019 Case No. 0579 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial review of decision affirming Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833

Status: Appeal filed.

Docket:

05/23/2019	Appeal filed
04/23/2020	Planning Board's Brief filed

MARYLAND COURT OF APPEALS

No Cases Pending

U.S. DISTRICT COURT OF MARYLAND

Evans v. Commission, et al.
8:19-cv-02651 TDC (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: Complaint filed.

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
11/19/2019	Case Management Conference held
11/20/2019	Order directing Plaintiff's Counsel to file Status Report by November 26, 2019
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
12/30/2019	Case Management conference held
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
03/25/2020	Order of Court directing Defendants to file Opposition no later than April 3, 2020.
04/03/2020	Opposition to Leave to file Third Amended Complaint
04/17/2020	Motion for Extension of time to file reply to opposition
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.