



Commission Meeting
Open Session Minutes
October 16, 2019

The Maryland-National Capital Park and Planning Commission met at the Newton White Mansion Ballroom in Mitchellville, Maryland.

PRESENT

Prince George's County Commissioners

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

Montgomery County Commissioners

Casey Anderson, Vice-Chair
Gerald Cichy
Natali Fani-Gonzalez
Tina Patterson (arrived 10:34 am)
Partap Verma

NOT PRESENT

A. Shuanise Washington

Chair Hewlett convened the meeting at 10:11 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

Acting Executive Director Bennett requested to rename and reorder item 5b to "Approval of Resolution 19-19", and to discuss after item 5c.

ACTION: Motion of Commissioner Geraldo to approve the amended Commission agenda
Seconded by Commissioner Bailey
8 approved the motion (Commissioners Patterson and Washington not present)

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – September 18, 2018

Closed Session – September 18, 2019

ACTION: Motion of Commissioner Geraldo to approve the minutes
Seconded by Commissioner Bailey
8 approved the motion (Commissioners Patterson and Washington not present)

ITEM 3 GENERAL ANNOUNCEMENTS

- Chair Hewlett acknowledged the closing of Hispanic Heritage Month, congratulating all staff who participated in the many activities that were offered during the celebration.
- Chair Hewlett acknowledged the month of October for the following observances:
 - Breast Cancer Awareness Month. She added breast cancer is not limited to women. She said everyone should do a self-examination, and if they feel anything strange, do not hesitate to go to a physician;
 - National AIDS Awareness Month;
 - Hiring Employees with Disabilities Month, praising the agency on their focus and success on this issue;
 - National Domestic Violence Month. She said the M-NPPC is hosting a Shatter the Silence Gala on Friday, October 19 and a Shatter the Silence 5k Run/Walk on Saturday, October 26. Proceeds from both will go to the Domestic Violence and

Sexual Assault Center at the University of Maryland Capital Region Health. She advised anyone who has been subject to domestic violence to seek help, or if anyone knew of others subject to domestic violence to help them find support;

- National Stop Bullying Month. She added LGBTQ kids are particularly vulnerable. Wear purple to show support;
 - Italian American Heritage Month;
 - German American Heritage Month;
 - Polish American Heritage Month;
 - National Pregnancy and Infancy Loss Awareness Month;
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- Chair Hewlett shared the M-NPCPPC's American Indian Festival is scheduled for October 19 at Patuxent River Park; and
 - Congratulated Commissioners Bailey and Doerner, who were unanimously reappointed to the Prince George's County Planning Board by County Executive Alsobrooks and the County Council;
 - Congratulated Commissioner Patterson for being recognized as one of the top 100 Minority Business Enterprises at the 38th annual Leaders and Legends awards ceremony at MGM National Harbor;
 - Shared Acting Prince George's County Parks and Recreation Director Darin Conforti is departing for Howard County and thanked him for his outstanding service to the agency. She added congratulations to new Acting Parks and Recreation Director Debbie Tyner, along with acting Deputies Wanda Ramos and Alvin McNeal, and congratulated Steven Carter to a formal appointment as Deputy Director of Parks and Recreation;
 - Wished Vice-Chair Anderson and Commissioner Fani-Gonzalez happy birthday; and
 - Recognized long-term employees of the agency for their service and announced the Commission Service Awards Ceremony will take place immediately after the Commission meeting.

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

- a) Executive Committee – Open Session October 8, 2019
- b) Executive Committee – Closed Session October 8, 2019

ITEM 5 ACTION AND PRESENTATION ITEMS (taken out of order)

- a) Request to rename Maryland Soccerplex from Discovery Communications to Adventist HealthCare (Tobin)

Item approved without discussion.

ACTION: Motion of Commissioner Geraldo to approve the Request

Seconded by Doerner

8 approved the motion (Commissioners Patterson and Washington not present)

- c) Briefing on Purple Line Construction Draft Housing Action Plan (Sartori)

Montgomery Planning Director Wright briefed Commissioners on the draft of the Purple Line Corridor Coalition (PLCC) Housing Action Plan for ideas and input. Director Wright stressed this was an important project that impacts both counties and added the PLCC has done an excellent job collaborating and discussing the impact that the project will have on businesses and residences. She introduced Jason Sartori, Chief of Montgomery Planning's Department's Functional Planning and Policy Division.

Mr. Sartori shared the PLCC is a public and private partnership of organizations and agencies, that includes the M-NCPPC, which is studying the Purple Line Corridor to evaluate

its impacts on housing and small businesses along the Purple Line paying particular focus to ensure housing opportunities to people of all incomes, with a particular focus on low and middle income and transient residences. He introduced the members of the PLCC Steering Committee, including Gerrit Knaap, Director, National Center for Smart Growth, University of Maryland; Jessica Sorrell, Program Director, Enterprise Community Partners; Stephanie Proestel, Deputy Director, Housing Initiative Partnership; and Chris Gillis, Director of Housing and Neighborhood Development, Montgomery Housing Partnership.

Members of the steering committee presented the draft action plan to the Commission. Topics included the PLCC and Community Development Agreement; Shared Community Development Goals; Work of the PLCC Housing Action Team, including Crafting a Housing Action Plan, Stakeholder Outreach, and Draft Recommendations of the Housing Action Plan; and Input and Reactions. The team described the wide range of organizations across both counties which provided crucial input, and shared housing statistics for the area which determined current conditions and provided insight on what to preserve and how to proceed. They concluded with outlining twelve recommendations that will produce more housing through rehabilitation or repair of existing homes; formalize the collaboration and communication between jurisdictions and across sectors; and improve PLCC engagement with members and organizations.

Commissioner Doerner advised that the federal purchasing incentive plan guideline of 30 percent of Average Monthly Income (AMI) should not be used in this area, noting the figure is extremely low for the Washington metropolitan region housing market and suggested aligning with a goal of 35 percent AMI. He noted any mortgages over 30-45 percent is not approved for Federal lending except under special circumstances. He suggested adjusting those limits in their recommendations.

Commissioner Doerner also suggested if the PLCC is looking to get market participation with their statistics, they should see about getting data on actual rent per unit. That data would be extremely valuable to market participants and suggested if PLCC could research and provide it, it would be a huge contribution. It would be extremely helpful to cities and counties to hold PLCC-participating developers to a defined percentage of units at the affordable level. Agencies could then see how many units are actually within the affordable level. Until they record on a unit by unit basis, there is no way to enforce that. He has noticed on the local level, cities do not always know how to offer housing tax abatements. They do not know that they are walking away from a huge value in funding if they give up 5-10 years' worth of real estate taxes. It is also beneficial to the developer, but it is not typically what cities and developers take advantage of when trying to create affordable housing. PLCC should help cities walk through how to ask for affordable housing and tax abatement and examine what goes on in other parts of the country.

Commissioner Doerner asked if the PLCC has any investors lined up to take advantage of the designated Opportunity Zones. That data should be collected. He said knowing who was coming into the Opportunity Zones, and whether they would include affordable or equitable housing was important. Whether they defer capital gains tax or housing tax abatements would be attractive to businesses. Examining it could bring people to the table and would make a good case study to determine what federal policies are effective. Finally, he encouraged the PLCC to examine the housing density around the study area and consider density bonuses to encourage people live within a walking distance to a metro station.

Commissioner Geraldo asked who would directly benefit from the proposed tax abatement. Mr. Gillis replied while the Montgomery County Department of Housing and Community Affairs would still want to preserve their ability to negotiate, but they understand the need to provide a level of certainty to developers. It depends on the level of affordability, but it does seem they have gotten away from full tax abatements. Mr. Gillis said the county has the capacity to do more. There is an upcoming county council briefing in which it could be handled administratively or legislatively. They are in ongoing conversations about the issue.

Commissioner Geraldo suggested allowing homeowners who have distressed property to take a tax abatement for renovating, similar to what is being done in north New Jersey and other cities in the northeast United States. Ms. Sorrell replied the state does offer such a program, but it has a maximum income cap and is geared toward seniors. She also said homeowners can also take advantage of the Homestead Credit. Commissioner Geraldo encouraged the opportunity for individuals to develop a distressed property. Mr. Gillis replied the way it is currently structured in Montgomery County is diluting the housing trust fund, because the funds are being used to cover the taxes. He added the county recognized the issue and said they will address it.

Commissioner Geraldo noted he did not see any financial institutions among the agencies participating in the PLCC. He said a financial institution could play a critical role for a homeowner who wants to get a loan to renovate their property. Ms. Proestel replied the PLCC is assembling a capital advisement group that has not yet been launched but indicated there has been preliminary interest.

Commissioner Geraldo asked what types of affordable housing stock is the PLCC considering, adding 2-3 family homes have been successful in the northeast. They provide a good density and also allows home ownership. Resident owners could rent out two homes and live in one. The model would provide substantial private development by homeowners. Commissioner Doerner noted he saw this Accessory Dwelling Unit (ADU) model was part of the plan in Montgomery County, but not in Prince George's County. He added 3 housing unit ADUs would not be economically feasible but suggested 2 or 4-unit ADUs would be. Mr. Knaap agreed they had collected much information from Montgomery County, including income and rents per unit, and said he would love for PLCC to have that data from Prince George's. Chair Hewlett said the M-NCPPC can help with the Prince George's side. Lisa Govoni, researcher for Montgomery County Planning said the department is working with the Prince George's Planning Department on a unit by unit breakdown, to collect lease and rent data, whether it's subsidized, etc. Mr. Knaap wished to recognize the PLCC's success has been on account of the resources and support they have been getting from the agency.

Commissioner Cichy asked if the objective of the public agency in some recent Transit-Oriented Development (TOD) projects (e.g., Strathmore, West Hyattsville, New Carrollton) was optimizing the return or providing affordable housing. He asked if the land was purchased by the State, is there surplus property that could be used for affordable housing. He also asked whether local jurisdictions get some of the land acquired by the Purple Line project for affordable housing and asked who owns the land acquired for the Purple Line. Deputy Director Figueredo and Director Wright replied land has been acquired which will not be needed when the project is complete. Director Wright added the previous owner also has a right of first refusal, if the owner wishes to reclaim the property. The agency has been informed that some owners have indicated they would like the property back if not used. Commissioner Cichy stated it may serve the joint interest of the community to change the legislation to use the land for affordable housing.

Commissioner Fani-Gonzalez said it is gratifying to see this project under way after so many years and supported the ongoing need for good communication between the counties. She noted she did not see the Office of Councilmember Hucker referenced. Councilmember Hucker's district covers much of the Purple Line's area and he has been very active and interested in the Purple Line development. She advised the PLCC to reach out to him more. Mr. Knaap replied the PLCC is assembling a Purple Line caucus of elected officials. They have had conversations which have included the councilmember, and the PLCC will increase their efforts to include him in the caucus. Commissioner Fani-Gonzalez also suggested the PLCC also make certain their recommendations are given to the Planning Board for Subdivision Staging Policy (SSP).

Commissioner Cichy asked about acquired property that included a bus terminal in Langley Park. He said it was confusing who was going to buy it and said if the PLCC is looking to develop that community, it should look into whether the property can be transferred to an adjacent property. Zoning adjustments could accommodate development potential aimed at affordable housing.

Chair Hewlett said the agency can help facilitate communicating with council members offices by reaching out to the Deputy Chief Administrative Officer of the Department of Housing and Community Development. Enhanced communication would be better. She added the Department of Parks and Recreation and the Prince George's County government have Transforming Neighborhoods Initiative (TNI) areas in which they are working closely with the City of Langley Park and Casa de Maryland as well. She said the Commission will work to ensure greater communication. She added it is a wonderfully diverse area and stressed the importance of the upcoming 2020 census, saying the area cannot be undercounted, since the census data helps fund transportation, schools and other services.

Commissioner Patterson asked the PLCC to contact her regarding which policy they are following. Ms. Sorrell noted they are not currently following a specific policy on a coalition level but noted they would welcome Commissioner Patterson's input. Commissioner Patterson indicated she would provide her contact information.

Commissioner Doerner noted a need for greater racial diversity among the PLCC steering committee and suggested it might be helpful if the committee were more diverse when speaking to other groups.

b) Approval of Resolution 19-19 / Proposed Adjustments to Stipends for Hard-to-Fill Positions (Harvin)

Acting Corporate Policy and Management Operations Director Tracey Harvin asked Commissioners to approve Resolution 19-19, updating recruitment incentives to fill positions designated as "hard to fill". She explained the agency has updated the implementing procedures, and staff are now asking Commissioners to approve the new incentive amounts. The incentive program contains two tools: The first provides an incentive to current employees to who refer candidates successfully hired into designated hard-to-fill positions. A position may be designated as hard-to-fill by Department Heads and the Executive Director if prior attempts to fill the position have not succeeded. In 2006, the Commission voted by Resolution to make the referral incentive \$750. Based on research and management input, the proposed new Resolution increases the incentive to \$1,000.

The second incentive applies to the candidate. Acting Director Harvin said this tool, a signing bonus, may be used in order to attract candidates to hard-to-fill positions. This tool would be used if the agency cannot match a qualified candidate's salary requirements. In 2006, the Commission approved a signing bonus of \$3,000, which management indicated was not sufficient. Other public employers have greater flexibility. The Resolution proposes a tiered bonus of up to \$10,000. The exact figure of the bonus would be based on the salary of the position, and eligible only for positions designated as hard to fill.

Chair Hewlett said to prevent the spurious use of this program, these incentives would require the support of both Department Head and Executive Director, noting Department Heads are familiar with their budgets, and would not give these bonuses indiscriminately. She also said with the tiered guidelines in place, the signing bonus amounts would not be random. Acting Director Harvin added the hired candidate would have to stay with the agency for 2 years or forfeit a pro-rated amount of the signing bonus if they terminated prior to that. Acting Director Harvin added there is a form that the referring employee must complete. Employees who are Division Chiefs or above are not eligible, nor are employees in the Recruitment or Classification and Compensation offices or hiring managers.

Commissioner Bailey asked if the agency has a list of hard to fill positions. Acting Director Harvin replied the agency has not yet developed one but would be building the list in the future. Once the position has been designated as a hard to fill, it will be noted as such next time that it is advertised. Chair Hewlett asked once a position is designated as hard to fill, will it always be designated that way. Acting Director Harvin replied it would not, adding the designation would reflect market conditions. Commissioner Geraldo asked how the agency would go about collecting the signing bonus if a person terminates early. Acting Executive Director Bennett replied the employee would sign a Memorandum of Understanding where he/she agrees to reimburse the agency. She noted the agency has never had to use the reimbursement requirement as individuals have remained with the agency for at least the required two years. Acting Director Harvin added the program is not frequently used, and she noted the figure may not be enough to sway someone to take a new position. She added tree climbers and the more technical positions are currently the most difficult to fill.

Commissioner Patterson said she thought the increased incentives are a great idea. She asked after the tax implications of the signing bonus and suggested the MOU indicate it is up to the individual to seek tax advice. Acting Executive Director Bennett agreed it would be a good idea to include that language in the procedures. The Policy team will add this language.

ACTION: Motion of Commissioner Geraldo to approve the Resolution and Amendments
Seconded by Commissioner Doerner
9 approved the motion

ITEM 6

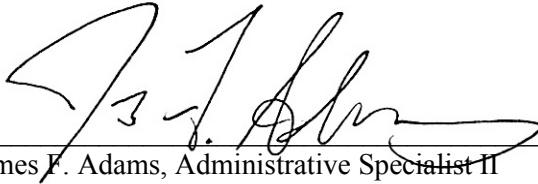
OFFICERS' REPORTS

- a) Executive Director's Report (For information only)
Employee Evaluations Not Completed by Due Date (August 2019)
- b) Secretary Treasurer (For information only).
115 Trust Annual Report
- c) General Counsel (For information only)
Litigation Report, August 2019

General Counsel Gardner stated that attorney Debra Borden has been promoted to Deputy General Counsel, and congratulated her on the position, adding this is the first time the agency has had a Deputy General Counsel in several decades.

General Counsel Gardner said he will soon be distributing to Commissioners an update memo regarding the I-95/I-495/I-270 Managed Lanes Project and said it is likely the team will return for an update at the next Commission meeting.

There being no further business to discuss, the meeting ended at 11:34 a.m.



James F. Adams, Administrative Specialist II



Anju A. Bennett, Acting Executive Director