



THE MARYLAND-NATIONAL CAPITAL  
Park and Planning Commission

# COMMISSION MEETING

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**May 15, 2024**

10:00 a.m. – 12:00 p.m.

**Wheaton Headquarters**  
*Auditorium*  
2425 Reddie Drive  
Wheaton, Maryland 20902

and via teleconference

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MEETING AGENDA

Wednesday, May 15, 2024  
10:00 am to 12:00 noon

Hybrid – Online & Wheaton Headquarters Auditorium, Wheaton, Maryland

		<u>ACTION</u>	
		Motion	Second
1.	<b>Approval of Commission Agenda (10:00 a.m.)</b>	(*) Page 1	
2.	<b>Approval of Commission Minutes (10:05 a.m.)</b>		
	a) Open Session – April 17, 2024	(*) Page 3	
3.	<b>General Announcements (10:05 a.m.)</b>		
	a) National Prevention Week (Mental and/or Substance Use Disorders) May 12-18		
	b) National Fitness Month/Fitness Days		
	c) Asian Pacific American Heritage Month		
	d) Military Appreciation Month		
	e) REMINDER: June Full Commission meeting to be held Wednesday, June 12, 2024		
4.	<b>Committee and Board Reports (10:10 a.m.)</b>		
	a) Employees’ Retirement System Board of Trustees Regular Meeting Minutes from March 5, 2024		Page 9
5.	<b>Action and Presentation Items (10:15 a.m.)</b>		
	a) Rotation of Commission Chair effective July 1, 2024 (Shapiro)	(*)	D
	b) Resolution 24-09 Adoption of the Takoma Park Minor Master Plan Amendment (Williams)	(*)	Page 13
	c) Resolution 24-10 Employees’ Retirement System FY25 Strategic Plan & Operating Budget (Rose)	(*)	Page 31
	d) Employees’ Retirement System Employer Funding Estimate (Spencer/Rose)		D
6.	<b>Officers’ Reports (10:40 a.m.)</b>		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, April 2024 (For Information Only)		Page 39
	<u>Secretary Treasurer</u>		
	<i>No report scheduled</i>		
	<u>General Counsel</u>		
	b) Litigation Report (For Information Only)		Page 41
<i>Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b), (9), a closed session is proposed to consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees’ Organization and the Fraternal Order of Police bargaining units to preserve the Commission’s negotiating position.</i>			
7.	<u>Closed Session</u>		
	a) Collective Bargaining Update		

(\*) Vote    (LD) Late Delivery    (H) Handout    (D) Discussion Only

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting  
Open Session Minutes  
April 17, 2024

The Maryland-National Capital Park and Planning Commission met in hybrid, in-person/videoconference, with the Chair initiating the meeting at the Prince George’s Parks and Recreation Administration Building Auditorium in Riverdale, Maryland and broadcast by the Department of Parks and Recreation, Prince George’s County.

PRESENT

Prince George’s County Commissioners

Peter A. Shapiro, Chair  
Dorothy Bailey  
William Doerner  
Manuel Geraldo  
A. Shuanise Washington

Montgomery County Commissioners

Artie Harris, Vice Chair  
Shawn Bartley  
James Hedrick  
Josh Linden

NOT PRESENT

Mitra Pedoeem

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

ITEM 1 APPROVAL OF COMMISSION AGENDA

Chair Shapiro added a discussion item with Fairmount Heights Councilmember Downing  
ACTION: See item 2

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – 3/20/24  
Motion by Commissioner Geraldo to adopt the 4/17/24 Agenda and  
3/20/24 Open Session Minutes  
Seconded by Hedrick

8 approved the 4/17/24 agenda  
8 approved the 3/20/24 minutes  
Pedoeem absent  
Bartlett did not vote

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Stress Awareness Month
- b) Alcohol Awareness Month
- c) Arab American Heritage Month
- d) Upcoming National Prevention Week (Mental and/or Substance Use Disorders) May 12-18
- e) Financial Disclosure Statements due April 30
- f) Reminder June Commission meeting will be Wednesday June 12 (regular schedule falls on Juneteenth M-NCPPC Holiday)

ITEM 4

ACTION/PRESENTATION ITEMS

(added item) Discussion with Fairmount Heights Councilmember Sherri Downing on Fairmount Heights Playground, Kolb St. and 56th Ave. in Fairmount Heights Maryland (Downing/Ewing/Punase)

Fairmount Heights Councilmember Downing relayed an issue residents were having with the Fairmount Heights Playground regarding animal control. A fox den is in an M-NCPPC park, and the Councilmember asked for the M-NCPPC's help in controlling the wildlife there.

Chair Shapiro agreed wildlife has been an issue in the agency's parks, and our team will address the concern. Department of Parks and Recreation Park Development Division Chief Sonia Ewing thanked Councilmember Downing and said her team is working on the issue, including having Park Ranger staff periodically check on the site. She and her staff will provide Councilmember Downing with updates.

- a) Resolution 24-08 Easement of M-NCPPC property to Peterson LLC at Potomac Waterfront Park in Oxon Hill (Sun)

No discussion

Motion of Commissioner Geraldo to adopt Resolution 24-08  
Second by Commissioner Bailey  
9 in favor

- b) Amendments to Practice 1-30 Organization and Functions of the Office of the Secretary-Treasurer and Department of Finance (Harvin/Beckham)

Corporate Policy and Management Operations Director Harvin sought Commissioners' support on the practice amendments. This item was reviewed by both the Finance Department and the Legal Department. Policy Manager Beckham summarized the amendments, as included in the packet.

Motion of Commissioner Hedrick to adopt the amendments  
Second by Vice-Chair Harris  
9 in favor

- c) Amendments to Practice 2-24 Code of Ethics (Harvin/Beckham)

Corporate Policy and Management Operations Director Harvin stated the changes being presented incorporate comments from the State Ethics Commission. Mr. Beckham reviewed the changes as included in the packet.

Commissioner Bartley asked for the State's foundation or basis for the changes. General Counsel Borden said the M-NCPPC is required to have a code that is equal to, or more restrictive as, the state's and is required to send the policy for review to the State Ethics Board. She said from the 33-page omnibus policy, the state had only three small changes. She agreed to speak with Commissioner Bartley and the State Ethics Officer to discuss the issues with the state citing the Maryland Association of Counties (MACo) and the Maryland Municipal League (MML) in their changes to the M-NCPPC's policy.

Commissioners noted that MACo and MML were not named in the quasi-governmental entities section, but only the Gifts section. Commissioner Doerner added if MACo and MML were only listed as examples in the state’s memo, he would sooner have the specific references removed in the policy. General Counsel Borden and Deputy General Counsel Aniton said they would follow up and clarify with the state if it is critical to specifically name MACo and MML and would report back to Commissioners.

Motion of Vice-Chair Harris to adopt the amendments, giving staff the authority to make appropriate changes to language regarding the specific entities, depending upon follow-up with the State Ethics Commission.

Second by Commissioner Washington

7 in favor

2 opposed (Doerner and Bartley)

d) CIO’s Quarterly Report/Enterprise Resource Planning (ERP) Update (Chilet)

CIO Chilet provided Commissioners with a briefing on the ERP/Project Mosaic update, summarizing the last update, and sharing the progress on the project since January indicating the project is still on its scheduled timeline with a target date of early August 2024.

CIO Chilet will share his presentation slides with Mr. Adams to forward to Commissioners and senior staff.

Vice Chair Harris thanked the CIO and the 120+ staff who worked on the key stakeholders strategic alignment meetings.

ITEM 5

OFFICERS’ REPORTS

Executive Director’s Report

a) Late Evaluation Report, March 2024 (For Information Only)

Secretary-Treasurer’s Report

*No report scheduled*

General Counsel’s Report

b) Litigation Report (For information only)

c) Annual Legislative Update

General Counsel Borden said there was a very active legislative session in Annapolis. More than 100 pieces of legislation were tracked by the legal team, and they prepared or amended position statements for more than 25 bills. She praised legislative liaison Jordan Baucum-Colbert for her hard work saying how very successful the agency was in getting favorable language to the M-NCPPC into, or unfavorable language removed from, various bills. She also reviewed specific bills that were passed or defeated that impacted the agency. Information on these bills are located in her report that was sent to Commissioners and senior staff prior to the meeting. She added that Prince George’s Parks received \$4.7M in state grants and Montgomery Parks received \$1.2M. She said M-NCPPC Legal will work with Montgomery Parks to ensure they get more in state grants.

Chair Shapiro praised the Office of the General Council for coordinating a successful legislative session. This has been a truly collaborative effort. Commissioner Washington was very pleased

with the report and all of the suggestions that were incorporated into this year's session. Other Commissioners echoed the sentiment.

Commissioner Linden asked if certain bills that did not pass would likely be brought back again during a future year's session. General Counsel Borden said it was likely the Montgomery County People's Council Bill would reappear unless the Montgomery County Council acts to define the position. The Prince George's County Zoning and Fairness Bill; the state's Affordable Housing Bill; Prince George's County Municipal Zoning; and Del. Austin's Land Use bills are all also likely to return. Staff will start working with legislators to develop strategy over the next several months to get ahead of the issues.


General Counsel Borden said legislative debrief meetings will be scheduled with various departments in the next few weeks.


*Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b), (9), Commissioner Geraldo moved to enter a closed session to consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees' Organization and the Fraternal Order of Police bargaining units to preserve the Commission's negotiating position. Commissioner Hedrick seconded. All Commissioners attending approved.*

Closed session commenced at 11:21 a.m.

ITEM 7.            CLOSED SESSION  
                      a) Collective Bargaining Update

Open Session resumed at 11:44: a.m. where Chair Shapiro acknowledged a vote was taken to approve closed session minutes and collective bargaining strategy was discussed. With no other business to discuss, Chair Shapiro adjourned the meeting at 11:46 a.m.

  
James Adams, Senior Technical Writer

  
Tracey Harvin, Corporate Policy and Management  
Operations Director, for  
Asuntha Chiang-Smith, Executive Director





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

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**WRITTEN STATEMENT FOR CLOSING A MEETING  
UNDER THE OPEN MEETINGS ACT**

Date: 04/17/2024 Time: 11:21 am

Location: Prince George's Parks and Recreation Administration Building Auditorium, Riverdale, Maryland & Via Videoconference

Motion to close meeting made by Commissioner Geraldo. Seconded by Commissioner Hedrick.

Members voting in favor: Bailey, Bartley, Doerner, Geraldo, Harris, Hedrick, Linden, Shapiro

Opposed:     N/A     Abstaining:     N/A     Absent: Pedoeem (from meeting), Washington (from vote)

**STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b)  
(check all that apply):**

- (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; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- (15) To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information, such as information that is related to passwords, personal ID numbers, access codes, encryption, security devices, or vulnerability assessments or that a governmental entity collects or maintains to prevent,

detect, or investigate criminal activity; or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

**FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:**

*Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9), a closed session is proposed to consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees' Organization and the Fraternal Order of Police bargaining units to preserve the Commission's negotiating position.*

Topics to be discussed:

Collective Bargaining update of negotiations with Municipal and County Government Employees Organization (MCGEO) and Fraternal Order of Police (FOP) bargaining units.

This statement is made by:

Peter Shapiro, Chair, Presiding Officer.

**PRINT NAME**

  
\_\_\_\_\_  
**SIGNATURE & DATE**

April 24, 2024



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

**BOARD OF TRUSTEES MEETING MINUTES**

**Tuesday, March 5, 2024; 10:00 a.m.**

**Kenilworth Office Building, Riverdale, MD**  
**(Virtual Meeting via Microsoft Teams)**

The Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with CHAIR SHAPIRO leading the call on Tuesday, March 5, 2024. The meeting was called to order at 10:00 a.m. by CHAIR SHAPIRO.

**Board Members Present**

Peter A. Shapiro, Board of Trustees Chair, Prince George’s County Commissioner

James Hedrick, Board of Trustees Vice Chair, Montgomery County Commissioner

*Left at 10:57 a.m.*

Gavin Cohen, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

Pamela F. Gogol, Montgomery County Public Member

Caroline McCarthy, Montgomery County Open Trustee

Sheila Morgan-Johnson, Prince George’s County Public Member

Theodore J. Russell III, Prince George’s County Open Trustee

Elaine A. Stookey, Bi-County Open Trustee

Anton White, FOP Represented Trustee

Lisa Blackwell-Brown, MCGEO Represented Trustee

**Board Members Absent**

Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio

**ERS Staff Present**

Andrea L. Rose, Executive Director

Jaclyn Harris, Deputy Executive Director

Sheila Joynes, Accounting Manager

Alicia C. Stanford, Administrative Specialist

**Presentations**

Cheiron - Patrick Nelson, FSA, CERA, EA, MAAA, Consulting Actuary

Cheiron - Janet Cranna, FSA, FCA, EA, MAAA, Principal Consulting Actuary

Wilshire Advisors, LLC – Bradley A. Baker, Managing Director and LouAnn Eisenhut, Assistant Vice President

**ITEM 1. APPROVAL OF THE MARCH 5, 2024, CONSENT AGENDA**

**ACTION:** MS. GOGOL made a motion, seconded by VICE CHAIR HEDRICK to approve the Consent Agenda of March 5, 2024. Mr. White abstained from this vote. The motion PASSED (9-0-1) (Motion # 24-7).

**ITEM 2. CHAIR’S ITEMS**

**ITEM 2.A. Conference and Training Summary 2024**

No notable items discussed.

**ITEM 2.B. Acknowledgement of Sergeant Anton White - Fraternal Order of Police Represented Trustee**

Ms. Rose introduced the new Fraternal Order of Police Represented Trustee, Sergeant Anton White. Sergeant White joined the Prince George's County Park Police Division of the Commission in February 2007 and has been an active FOP Lodge #30 member for 17 years. Sergeant White is a former K-9 Handler serving 11 years and a former Mounted Police Officer. He has been a resident of Prince George's County for 40 years.

**ACTION:** MR. RUSSELL made a motion, seconded by VICE CHAIR HEDRICK to acknowledge Sergeant Anton White as the Fraternal Order of Police Represented Trustee to the ERS Board of Trustees for the remainder of the term ending June 30, 2025. The motion PASSED (10-0) (Motion # 24-8).

**ITEM 2.C. Recommendation for Appointment to Audit**

Ms. Rose noted that the departure of the previous FOP Represented Trustee left a vacancy on the Audit Committee. CHAIR SHAPIRO asked Sergeant White if he would serve on the Audit Committee. Sergeant White agreed.

**ACTION:** MS. GOGOL made a motion, seconded by MS. STOOKEY to appoint Sergeant Anton White to the Audit Committee. The motion PASSED (10-0) (Motion # 24-9).

**ITEM 2.D. May BOT Meeting, Wednesday, May 8, 2024 – In-person Meeting at PRA Auditorium**

**ITEM 3. MISCELLANEOUS** - No items to report.

**ITEM 4. CONSULTATION/MANAGER PRESENTATIONS**

**ITEM 4.A. CHEIRON**

Ms. Harris provided a brief background on the Investment Return Assumption Rate, outlining that according to the Funding Policy, on an annual basis, the Board considers the reasonableness of the investment return assumption to determine whether an adjustment is prudent based on the investment portfolio's asset allocation and forecast of long-term capital market return assumptions. Beginning in 2013, the Board has gradually reduced the investment return assumption from 7.5% to 6.70% effective June 30, 2023.

The investment return assumption is the single most powerful assumption. Factors to consider in selecting the investment return assumption include industry trends, historical experience, expectations for the future, and the investment portfolio's risk and target allocation profile. The Actuarial Consultant, Cheiron, on an annual basis presents recommendations to the Board regarding the investment return assumption.

Patrick Nelson and Janet Cranna presented the Annual Investment Assumption Review dated March 5, 2024 which included the June 30, 2023 actuarial valuation results and current economic assumptions. The report analyzed the impact of the investment return assumption remaining at 6.70% (no change since 2022) and the impact of a 5-basis point decrease for an investment assumption of 6.65% with projected results as of June 30, 2024. The Board reviewed

the economic assumptions and projected changes to the actuarial liabilities, funded ratio, and employer contributions under the two investment return assumptions.

Cheiron provided the probability of achieving a 6.70% investment return as 54.54% with an expected risk of 10.95%. According to the most recent data from NASRA, the average return assumption is 6.93% for public pension plans. Decreasing the investment return assumption to 6.65% as of June 30, 2023, increases unfunded actuarial liabilities by \$7 million; the employer contribution by an estimated \$1 million; and decreases the funded ratio from 88.4% to 88.0%, assuming the experience is identical to the assumptions. The trustees discussed the current return assumption and whether the data presented supported a decrease in the assumption rate. Data from Wilshire on the ERS portfolio's projected asset class returns were also included in Cheiron's analysis. The expected return for a 30-year time horizon based on the portfolio's target asset allocation is 7.95%. Cheiron expressed a high level of comfort with the ERS holding the current rate.

Mr. Baker presented Wilshire Advisor's analysis of the Actuarial Return Assumption & Liability Discount Rate which supported maintaining the investment return assumption at 6.70% based upon Wilshire's forward-looking asset class return assumptions.

Staff's recommendation was to maintain the 6.70% investment return assumption given the data provided by Wilshire Advisors and Cheiron.

**ACTION:** MR. RUSSELL made a motion, seconded by MS. GOGOL to maintain the investment return assumption at 6.70% for the June 30, 2024 actuarial valuation. The motion PASSED (10-0) (Motion # 24-10).

#### **ITEM 4.B. Wilshire Advisors LLC**

Mr. Baker presented a Quarterly Executive Summary for the quarter ending December 31, 2023. The ERS total fund return was 5.0% (net of fees) for the quarter, underperforming by 234 basis points, the target policy index return of 7.4%. For the YTD, three, five, and ten-year periods ending as of December 31, 2023, the ERS total fund return was 8.0%, 5.8%, 8.2%, and 6.5%, respectively compared to the target policy return of 13.0%, 3.6%, 7.4%, and 5.8%, respectively. While the total fund return underperformed for the quarter and YTD ending December 31, 2023, the portfolio outperformed the target policy index for the trailing three, five, and ten-year periods. The ERS achieved top quartile returns versus other public plans for the last five years ending as of December 31, 2023. This accomplishment was realized by sticking with the fund's long-term asset allocation policy while taking less risk than other public funds. As of December 31, 2023, ERS total assets stood at \$1.136 billion.

In terms of market performance, the U.S. equity market was up (+12.1%) for the quarter ending December 31, 2023 and up 26.1% for the past 12 months. The best performing markets were real estate (+18.0%) and Information Technology (+17.0%). The worst performing and only negative sector was energy going down (-6.8%). From a size perspective, small-cap outperformed large-cap by 165 basis points. Large cap growth stocks outperformed large cap value during the 3<sup>rd</sup> quarter and led by 35%-points for all of 2023. In the Non-U.S. Equity market, the eurozone fell into a mild recession in 2023 where business activity declined in December 2023 as new orders fell and job cuts were reported. Germany continues to suffer due to high energy prices and interest rate hikes. The economic outlook for China is lackluster as recent data reveals contraction in the factory and services sectors.

VICE CHAIR HEDRICK left the meeting at 10:57 a.m.

## ITEM 5. COMMITTEE REPORTS/RECOMMENDATIONS

### ITEM 5.A. Investment Monitoring Group

Ms. Harris provided an overview of the Investment Monitoring Group (“IMG”) meeting of February 20, 2024. At the IMG meeting, Wilshire presented a High Yield Fixed Income Summary and Recommendation. Ms. Harris reminded the Board that both high yield fixed income managers, Neuberger Berman and Loomis Sayles, were put on the watchlist due to underperformance compared to the benchmark and peer universe over the short and long term. Also, during the IMG meeting, Wilshire noted that Neuberger Berman experienced a downgrade in its qualitative rating due to personnel changes in their investment team. Based on that, Wilshire recommended completing an investment manager search and comprehensive review of the high yield fixed income asset class that would include consideration of the portfolio structure and strategy implementation. After extensive discussion, the IMG agreed to recommend the Board approve a comprehensive review of the high yield fixed income asset class, including structure and implementation, and a high yield fixed income manager search, as recommended by Wilshire.

**ACTION:** MR. RUSSELL made a motion, seconded by MR. COHEN to approve a comprehensive review of the high yield fixed income asset class, including structure and implementation, and high yield fixed income search, as recommended by Wilshire Advisors. The motion PASSED (9-0). VICE CHAIR HEDRICK was absent from this vote. (Motion # 24-11).

## ITEM 6. EXECUTIVE DIRECTOR’S REPORT

Ms. Rose presented the Executive Director’s Report dated February 26, 2024. She informed the Board that the April Board meeting is tentative and may be cancelled. The Disaster Recovery Test was successful and helped staff get a better understanding of response time if a disaster were to occur. Ms. Rose also informed the Board that eight (8) responses have been received for the Investment Consultant Services RFP. Staff, along with the IMG, will select 2-3 firms by April 16, 2024 to present at the Wednesday, May 8, 2024 in-person meeting.

Lastly, Ms. Rose noted that staff calculated a Cost-of-Living Adjustment (COLA) using data from the December 2023 Consumer Price Index for All Urban Consumers (CPI-U). The change in the CPI-U for December 2023 was 4.11%. COLAs are applied annually on July 1<sup>st</sup> based upon the change in the CPI-U at year end. Staff recommended a maximum COLA of 3.6% for Tier 1 Service and 2.5% for Tier 2 Service effective July 1, 2024 for eligible retirees and beneficiaries in accordance with the Employees’ Retirement System Plan Document.

**ACTION:** MS. MCCARTHY made a motion, seconded by MS. GOGOL to approve a Cost-of-Living Adjustment of 3.6% for Tier 1 Service and 2.5% for Tier 2 Service effective July 1, 2024 for eligible retirees and beneficiaries in accordance with the ERS Plan Document. The motion PASSED (9-0) VICE CHAIR HEDRICK was absent from this vote. (Motion # 24-12).

The Board meeting of March 5, 2024, adjourned at 11:24 a.m.

Respectfully,

*Alicia C. Stanford*

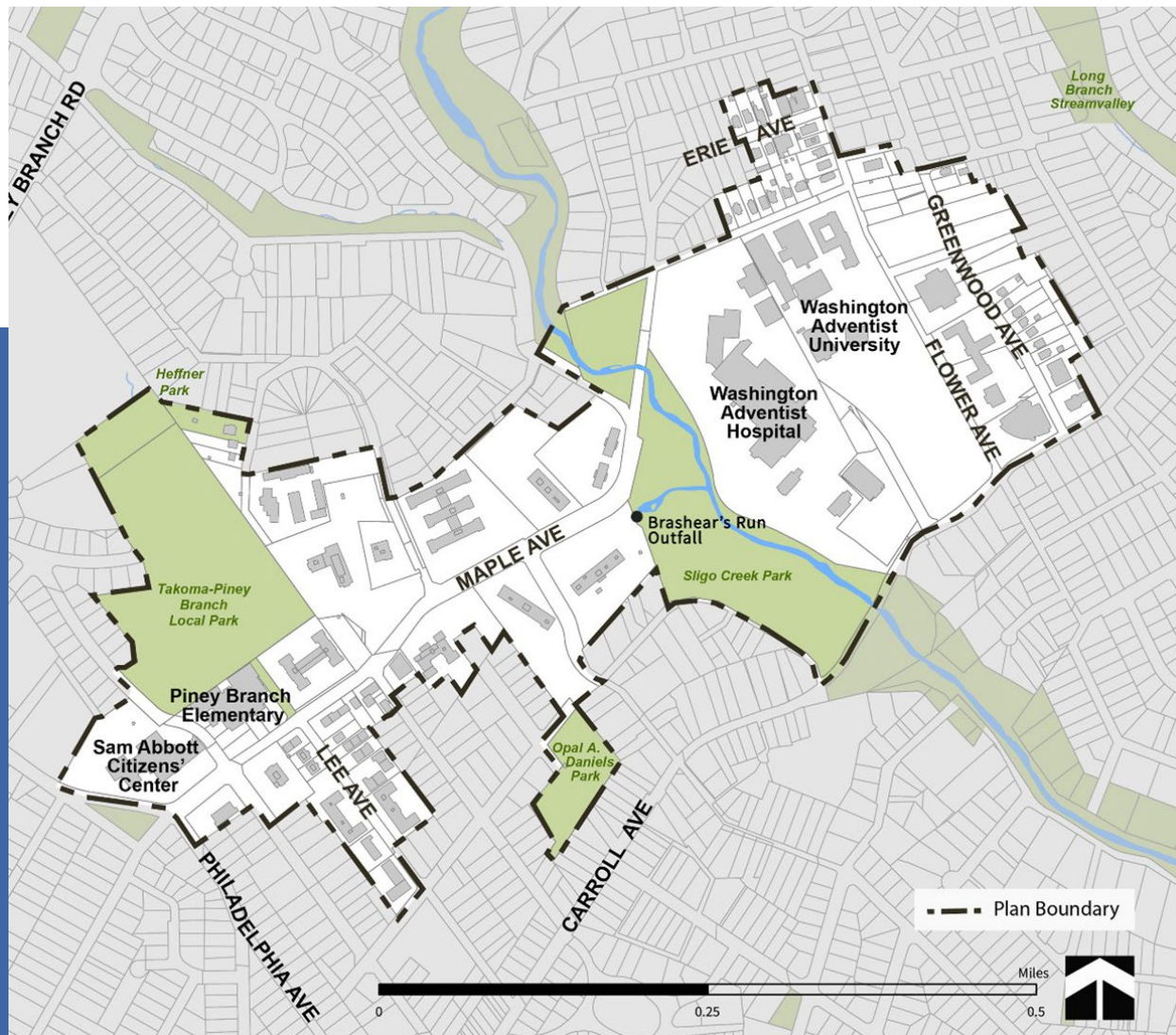
Alicia C. Stanford  
Administrative Specialist

*Andrea L. Rose*

Andrea L. Rose  
Executive Director

# TAKOMA PARK MINOR MASTER PLAN AMENDMENT

## RESOLUTION OF ADOPTION



### Description

Building on the goals of the 2000 Takoma Park Master Plan, the Takoma Park Minor Master Plan Amendment (TPMMA) encourages public-private reinvestment to create a "Reimagined, Reconnected, and Resilient Community" with new housing, safer streets, and improved amenities.

## MASTER PLAN INFORMATION

Plan Name

Takoma Park Minor Master Plan Amendment

Date

May 15, 2024

Lead Planner

Melissa Williams

Planning Division

Downcounty Planning

Staff Contact

[Melissa.williams@montgomeryplanning.org](mailto:Melissa.williams@montgomeryplanning.org),  
301.495.4642

M-NCPPC Information

MNCPPC Item No. 5b  
05.15.24



Date: 5.15.24

MRW	Melissa Williams, Planner III, Downcounty Planning <a href="mailto:Melissa.williams@montgomeryplanning.org">Melissa.williams@montgomeryplanning.org</a> , 301-495-4642
LK	Larissa Klevan, Master Plan Supervisor, Downcounty Planning <a href="mailto:Larissa.klevan@montgomeryplanning.org">Larissa.klevan@montgomeryplanning.org</a> , 301-495-1326
EHM	Elza Hisel-McCoy, Chief, Downcounty Planning <a href="mailto:elza.hisel-mccoy@montgomeryplanning.org">elza.hisel-mccoy@montgomeryplanning.org</a> , 301-495-2115

### Summary

Attached for your review and approval is the M-NCPPC Resolution Number 24-09 to adopt the *Takoma Park Minor Master Plan Amendment*. The Montgomery County Council, sitting as the District Council, approved the *Takoma Park Minor Master Plan Amendment* by resolution number 20-462 on April 2, 2024. The Montgomery County Planning Board approved the adoption of the *Takoma Park Minor Master Plan Amendment* by Resolution Number 24-050 on April 27, 2024.

### ATTACHMENTS

- Montgomery County Planning Board Resolution No. 24-050/M-NCPPC Resolution Number 24-09 (Legal Sufficiency)
- Montgomery County Council Resolution No. 20-462
- Certificate of Approval and Adoption
- Planning Board Draft of the *Takoma Park Minor Master Plan Amendment*  
(<https://montgomeryplanning.org/wp-content/uploads/2023/12/TPMMA-Planning-Board-Draft-12.18-PROOF-FINALpdf.pdf>)



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**MCPB NO. 24-050**

**M-NCPPC NO. 24-09**

**RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to *Thrive Montgomery 2050*, the County's General Plan; and

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to procedures set forth in the Montgomery County Code, Chapter 33A, held a duly-advertised public hearing on September 14, 2023 on the Public Hearing Draft of the *Takoma Park Minor Master Plan Amendment*, being also an amendment to *Thrive Montgomery 2050*, the County's General Plan; portions of the approved and adopted *2000 Takoma Park Master Plan*; the *2013 Countywide Transit Corridors Functional Master Plan*; the *2018 Master Plan of Highways and Transitways*, as amended; the *2018 Bicycle Master Plan*; and the *Master Plan of Historic Preservation*.

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on December 22, 2023, approved the Planning Board Draft of the *Takoma Park Minor Master Plan Amendment* and recommended that it be approved by the Montgomery County Council sitting as the District Council for the portion of the Maryland Washington Regional District lying situate within Montgomery County (the "Montgomery County District Council"), and forwarded it to the Montgomery County Executive for recommendations and analysis; and

Approved as to  
Legal Sufficiency: /s/ Matthew T. Mills  
M-NCPPC Legal Department

**MCPB NO. 24-050**  
**M-NCPPC NO. 24-09**

WHEREAS, the Montgomery County District Council held a public hearing on January 25, 2024, wherein testimony was received concerning the Planning Board Draft of the *Takoma Park Minor Master Plan Amendment* and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on Planning Board Draft of the *Takoma Park Minor Master Plan Amendment* and forwarded those recommendations and analysis to the Montgomery County District Council on February 16, 2024 and March 18, 2024; and

WHEREAS, the District Council, on April 2, 2024, approved the Planning Board Draft of the *Takoma Park Minor Master Plan Amendment* subject to the modifications and revisions set forth in District Council Resolution No. 20-462

NOW, THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board and The Maryland-National Capital Park and Planning Commission do hereby adopt the said Comprehensive Amendment to portions of the approved and adopted 2000 *Takoma Park Master Plan*, being also an amendment to *Thrive Montgomery 2050*, the County's General Plan; the 2013 *Countywide Transit Corridors Functional Master Plan*; the 2018 *Master Plan of Highways and Transitways*, as amended; the 2018 *Bicycle Master Plan*; and the *Master Plan of Historic Preservation* as approved by the District Council in the attached Resolution No. 20-462; and

BE IT FURTHER RESOLVED, that copies of said *Takoma Park Minor Master Plan Amendment* must be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court for both 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 Resolution No. 24-050 adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on a motion of Vice Chair Pedoem, seconded by Commissioner Hedrick, with a vote of 5-0. Chair Harris, Vice Chair Pedoem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, April 25, 2024, in Wheaton, Maryland and via video conference.



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Artie L. Harris, Chair  
Montgomery County Planning Board

This is to certify that the foregoing is a true and correct copy of Resolution No. 24-09 adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner ##### seconded by ##### with Chair #####, Vice Chair ##### Commissioners ##### voting in favor of the motion, at its regular meeting held on Wednesday, May 15, 2024 via video-conference, and broadcast by the Department of Parks and Recreation, Prince George's County.

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William Spencer, Acting Executive Director

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

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Lead Sponsor: County Council

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**SUBJECT:** Approval of *Takoma Park Minor Master Plan Amendment*

**Background**

1. On December 22, 2023 the Montgomery County Planning Board transmitted to the County Executive and the County Council the December 2023 Planning Board Draft of the *Takoma Park Minor Master Plan Amendment*.
2. The December 2023 Planning Board Draft of the *Takoma Park Minor Master Plan Amendment* contains the text and supporting maps for a comprehensive amendment to portions of the approved and adopted *2000 Takoma Park Master Plan*. It also amends *Thrive Montgomery 2050*, the County’s General Plan; the *2013 Countywide Transit Corridors Functional Master Plan*; the *2018 Master Plan of Highways and Transitways*, as amended; the *2018 Bicycle Master Plan*, and the *Master Plan of Historic Preservation*.
3. On January 25, 2024, the County Council held a public hearing on the December 2023 Planning Board Draft of the *Takoma Park Minor Master Plan Amendment*, which was referred to the Council’s Planning, Housing, and Parks Committee for review and recommendations.
4. On January 29, February 5, and March 4, 2024 the Planning, Housing, and Parks Committee held a worksession to review the December 2023 Planning Board Draft of the *Takoma Park Minor Master Plan Amendment*.
5. On March 12, 2023, the County Council reviewed the December 2023 Planning Board Draft of the *Takoma Park Minor Master Plan Amendment* and the recommendations of the Planning, Housing, and Parks Committee.

**Action**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District lying situate in Montgomery County, Maryland, states as follows:

The Planning Board Draft of the *Takoma Park Minor Master Plan Amendment*, dated December 2023, is hereby approved with revisions. District Council revisions to the Planning Board Draft of the *Takoma Park Minor Master Plan Amendment* are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring. Montgomery County Planning Department staff may make additional, non-substantive revisions and/or corrections to the Master Plan Amendment before its adoption by The Maryland-National Capital Park & Planning Commission.

All page references in this section are consistent with the page numbering in the print version of the Planning Board Draft of the *Takoma Park Minor Master Plan Amendment*.

Page 13 Delete the duplicative text appearing as the last three bullets under *1.3 Equity* as follows:

- [• Additionally, the Takoma Park Minor Master Plan Amendment (TPMMA) addresses racial equity and social justice through the following:
  - Preserve and expand affordable housing and encourage new housing types with MPDU’s to address rent-burdened households.
  - Recommend mixed-use zoning to create opportunities for commercial development in higher-density areas to provide economic and employment opportunities for residents.]

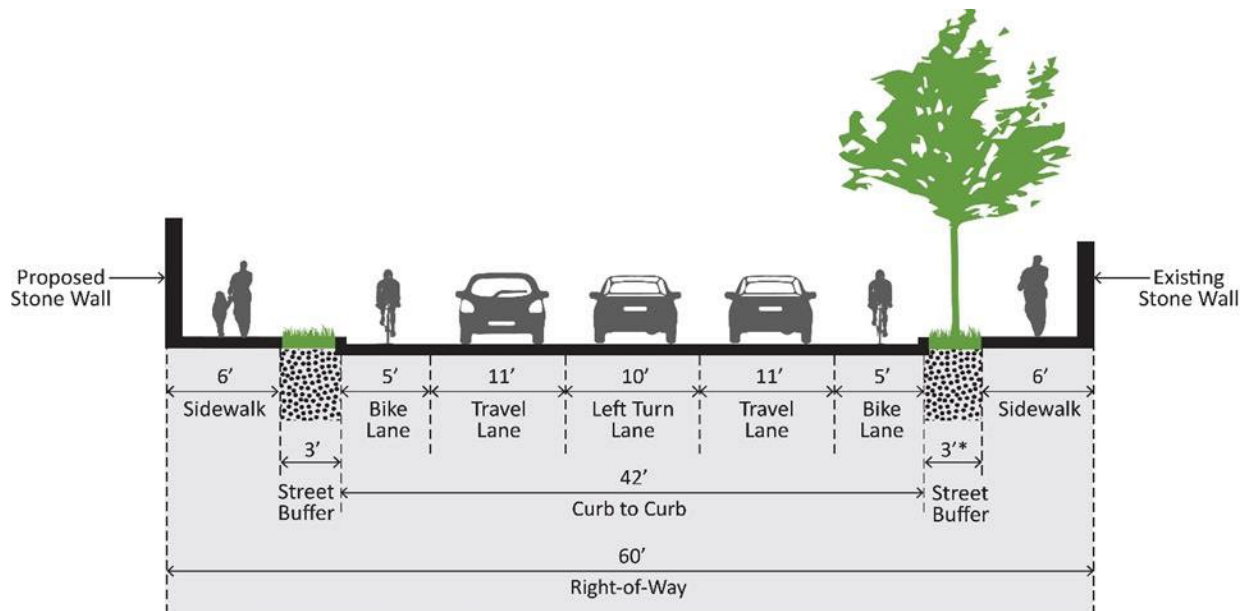
Page 40 Revise the third bullet under *3.2.1.1 Gateways* as follows:

- Carroll Avenue Gateway: Located at the intersection of Carroll Avenue and Flower Avenue, this gateway [in] is an entrance to the Washington Adventist Campus and is an important interaction point between the University students, the Sligo Seventh-Day Adventist Church, and the surrounding community.
- Flower Avenue Gateway: Located at the intersection of Flower Avenue and [Maplewood] Erie Avenue, this gateway connects the Washington Adventist Campus to the Eire Center neighborhood retail, the Long Branch Trail, and surrounding communities.

Page 51 Revise the third row of *Table 3: Street Classification and Right-of-Way (ROW) Recommendations* as follows:

Carroll Avenue	Flower Avenue	Central Avenue	Area Connector	[80] <u>50</u>	2	2	25
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Page 53 Insert the following illustration for *Figure 8: Carroll Avenue: Sligo Creek to Flower Avenue, Looking East (Ultimate)*.



\*Note: Street Buffer varies from 0' – 30,' with the wider sections allowing for a larger street buffer and bike lane based on the complete streets design standard.

Page 74      Revise the first bullet under 3.3.1.5 *Food Security* as follows:

- [Make] Support commercial food kitchens, food processing, and rooftop farms [permitted uses in] throughout the Plan area.

Page 78      Delete the last bullet under 3.3.2.1 *Housing Production* as follows:

- [ • The City of Takoma Park should consider modifications to its rent stabilization policy to increase flexibility, decrease complexity, and ensure the policy does not deter new investment while continuing to safeguard tenants from onerous rent increases.]

Page 78      Revise the second bullet under 3.3.2.2 *Affordable Housing Production* as follows:

- [Aligned with current county policy n]New developments should provide at least [12.5]15 percent Moderately Priced Dwelling Units (MPDUs).

Page 79      Revise section 3.3.2.3 *Preservation of Housing and Affordability* as follows:

No net loss of affordable housing means that all affordable housing units (both naturally occurring and income-restricted units) lost through demolition are replaced or rebuilt within the plan area. Realizing the goal of “no net loss” requires increased density to ensure feasibility, flexibility for land use, coordination with implementation partners (including the Department of Housing and Community Affairs and both affordable and market-rate housing providers), and assistance from other housing policies and programs. No net loss of affordable housing, like all master plan recommendations, will be enforced by the requirement that the

Planning Board must find that new development applications are consistent with the recommendations of the plan.

To support the preservation of housing and housing affordability, the plan recommends the following:

- Develop targeted strategies to minimize displacement because of development, while promoting social integration.
- Discourage the deterioration of housing through the enforcement of housing codes.
- In the event of redevelopment, priority should be given to existing eligible residents for the right to return. Property owners should work with the DHCA, the City, and tenants to minimize displacement and to ensure eligible residents receive support and assistance to mitigate impacts of temporary relocation.
- Retain and expand the current levels of affordability by working with property owners to extend their rental subsidy contracts.
- Preserve existing, naturally occurring and regulated affordable housing where practicable, striving for no net loss of affordable housing in the event of redevelopment.
- [No net loss of affordable housing requires that all affordable housing units (both naturally occurring and income-restricted units) lost through demolition be replaced or rebuilt.
- No net loss of affordable housing is enforced primarily through the requirement that the Planning Board find that new development applications are consistent with the recommendations of the plan.
- Planning Staff would work with potential applicants for development on sites with affordable housing with the goal of ensuring the amount of affordable housing on the site does not decrease.
- More broadly, realizing this goal requires increased density to ensure feasibility, flexibility for land use, coordination with implementation partners (including the Department of Housing and Community Affairs and both affordable and market-rate housing providers), and assistance from other housing policies and programs.]

Page 88

Revise the first two bullets under *4.1.2.1 Land Use and Zoning* as follows:

- Rezone Site 1, currently occupied by the Takoma Park Community Center and Library, from R-60 to CRT-2.5 C-2.5 R-2.5 H-[150]120 to allow for potential future development flexibility. Building height along Philadelphia Avenue is limited to a maximum of 45 feet. .
- Rezone Site 2, currently occupied by Piney Branch Elementary School, from R-60 to CRT-2.5 C-2.5 R-2.5 H-[150]120 to allow for potential future development flexibility. If MCPS builds a replacement elementary school on a different site, the Plan recommends that the current site and/or building be repurposed or reimagined to provide a recreation center, police station,



park and/or another public facility use. Should such a public facility use not be realized if the site becomes available, the Plan recommends mixed-use development consistent with the mapped zoning. Any renovation or new construction on the site should minimize impacts on Takoma-Piney Branch Local Park, in coordination with Montgomery Parks and the City.

Page 89      Revise *Table 4. Recommended Municipal District Zoning* as follows:

Map Number	Current Zoning	Recommended Zoning
1	R-60	CRT-2.5 C-2.5 R-2.5 H-[150] <u>120</u>
2	R-60	CRT-2.5 C-2.5 R-2.5 H-[150] <u>120</u>
3	R-60	R-60
4	R-60	R-60
5	R-60	R-40
6	R-60	R-40
7	R-60	R-40

Page 93      Revise the first bullet under *4.2.2.1 Land Use and Zoning* as follows:

- Rezone Site 8, currently occupied by a PEPCO substation, from R-60 to CRT-2.5 C-2.5 R-2.5 H-[150]120 to allow for potential future development flexibility. Building height along Philadelphia Avenue is limited to a maximum of 45 feet.

Page 93      Revise the second bullet under *4.2.2.1 Land Use and Zoning* as follows:

- Rezone Site 9A, currently occupied by multi-family apartment buildings, from [R-20] R-10 to CRT-2.5 C-2.5 R-2.5 H-[150]120 to allow for potential future development flexibility.

Page 93      Add a new bullet between the second and third bullets under *4.2.2.1 Land Use and Zoning* as follows:

- Rezone Site 9B, currently occupied by multi-family apartment buildings, from R-20 to CRT-2.5 C-2.5 R-2.5 H-120 to allow for potential future development flexibility.

Page 93      Revise the third bullet under *4.2.2.1 Land Use and Zoning* as follows:

- Rezone Site 10, currently occupied by garden-style multi-family apartment buildings, from R-10 to CRT-1.5 C-1.5 R-1.5 H-65 to [allow for potential

future development flexibility] make the existing building conforming and allow modest additional new development.

Page 93 Revise the fourth bullet under 4.2.2.1 *Land Use and Zoning* as follows:

- Rezone Site 11, currently occupied by multi-family apartment buildings, from R-20 to CRT-2.5 C-2.5 R-2.5 H-[150]120 to allow for potential future development flexibility.

Page 93 Revise the fifth bullet under 4.2.2.1 *Land Use and Zoning* as follows:

- Rezone Site 12A, currently occupied by garden-style multi-family apartment buildings, from R-10 to CRT-1.5 C-1.5 R-1.5 H-65 to [allow for potential future development flexibility] make the existing building conforming and allow modest additional new development.

Page 93 Add a new bullet between the fifth and sixth bullets under 4.2.2.1 *Land Use and Zoning* as follows:

- Rezone Site 12B, currently occupied by garden-style multi-family apartment buildings, from R-20 to CRT-1.5 C-1.5 R-1.5 H-65 to make the existing building conforming and allow modest additional new development.

Page 95 Revise *Table 5. Recommended Maple Avenue District Zoning* as follows:

Map Number	Current Zoning	Recommended Zoning
8	R-60	CRT-2.5 C-2.5 R-2.5 H-[150] <u>120</u>
<u>9A</u>	<u>R-10</u>	<u>CRT-2.5 C-2.5 R-2.5 H-120</u>
<u>9B</u>	R-20	CRT-2.5 C-2.5 R-2.5 H-[150] <u>120</u>
10	R-10	CRT-1.5 C-1.5 R-1.5 H-65
11	R-20	CRT-2.5 C-2.5 R-2.5 H-[150] <u>120</u>
<u>12A</u>	R-10	CRT-1.5 C-1.5 R-1.5 H-65
<u>12B</u>	<u>R-20</u>	<u>CRT-1.5 C-1.5 R-1.5 H-65</u>
13	R-10	CRT-2.5 C-2.5 R-2.5 H-150
14	CRT-0.75 C-0.75 R-0.25 H-35	CRT-2.5 C-2.5 R-2.5 H-150
15	R-10	CRT-2.5 C-2.5 R-2.5 H-150
16	R-60	R-60
17	R-20	CRT-2.5 C-2.5 R-2.5 H-150
18	R-10	CRT-2.5 C-2.5 R-2.5 H-150
19	R-30	CRT-2.5 C-2.5 R-2.5 H-150
20	R-10	CRT-2.5 C-2.5 R-2.5 H-150
21	R-60	R-60
22	R-60	R-60

Replace section 4.2.2.2 *Parks and Open Space* as follows:

- [ • Implement the Sligo Creek Gateway concept described in 3.2.1 by enhancing existing park space as recommended below and through future roadway and bridge improvements described in 3.2.4.
- Conduct feasibility studies to add a food forest, orchard project, or other improvement in the unprogrammed parkland at the intersection of Maple Avenue and Sligo Creek Parkway and a neighborhood-serving community garden to Opal A. Daniels Neighborhood Park.
- Conduct feasibility studies to add a food forest, orchard project, in addition to the unprogrammed open space of Sligo Creek Stream Valley Park at the southeastern corner of Maple Avenue and Sligo Creek Parkway. Approximately three-quarters of the 0.5 +/- acre turf area of Sligo Creek Stream Valley Park is undevelopable (for anything other than food forest, orchard, afforestation, etc.) due to the floodplain and stream buffer constraints. The parkland outside of these environmentally sensitive areas could accommodate picnic tables and benches.
- Conduct a feasibility study to add a neighborhood-serving community garden to Opal A. Daniels Neighborhood Park.
- Encourage activation of the unprogrammed parkland at the intersection of Maple Avenue and Sligo Creek Parkway
- Upgrade the Sligo Creek Stream Valley Park to address the following:
  - improve instream ecological function within Sligo Creek
  - improve water quality in Sligo Creek through enhancements of stormwater conveyances and removals of direct discharges into the creek.
  - coordinate with Montgomery Parks Cultural Resources Staff and the United States Geological Survey to design and implement a fish passage restoration project at the Sligo Water Works site in mainstem Sligo Creek.
  - study and evaluate riparian buffer health and performance and make recommendations for restoration to best achieve prioritized ecological functions (i.e., Stream Valley performance should be evaluated for threats and mitigation).
  - more aggressively remove non-native invasive climbing vines that pose a risk to healthy trees.
  - collaborate with the City of Takoma Park on identification and implementation of stormwater management opportunities within the Brashear's Run drainage area.
  - address failing outfall infrastructure and unstable banks at Brashear's Run where the stream daylights on parkland. o restore the outfall of Brashear's Run tributary near Sligo Creek.
  - identify potential placemaking interventions under the Carroll Avenue bridge to improve usability by the public.

- identify locations for additional natural and cultural resource interpretation along Sligo Creek Trail.
- Improve bicycle and pedestrian access to the Sligo Creek Trail.
  - Coordinate with the City of Takoma Park on one of the following:
    - reconstructing the trail bridge over Sligo Creek adjacent to Maple Avenue; or
    - establishing a new crossing in the immediate vicinity but separate from the Maple Avenue bridge.
  - Install wayfinding signs along streets that offer access to the Sligo Creek Trail.
- Regarding Sligo Waterworks, a significant cultural resource on parkland in this Plan Area:
  - Preserve and interpret the waterworks site and its relationship to the development of Takoma Park.
  - Stabilize the dam and foundations as needed.
  - Coordinate with fish passage project to ensure any impacts to the dam and foundations are avoided.
  - Remove bronze marker and install interpretive sign closer to Sligo Creek Trail.]
- Implement the Sligo Creek Gateway concept described in 3.2.1 by enhancing existing park space as recommended below and through future roadway and bridge improvements described in 3.2.4.
- Conduct a feasibility study to add a neighborhood-serving community garden, food forest, or orchard project to Opal A. Daniels Neighborhood Park.
- Encourage activation of the unprogrammed parkland at the southeastern corner of the intersection of Maple Avenue and Sligo Creek Parkway. Conduct a feasibility study to add a food forest, orchard project, or other improvement to complement the existing open lawn area. Parkland outside of environmentally sensitive areas could accommodate picnic tables and benches.
- Make environmental improvements within and around Sligo Creek Stream Valley Park to enhance ecological function of the system:
  - Improve water quality through upgrades to stormwater conveyances and removal of direct discharges into the creek.
  - Coordinate with Montgomery Parks Cultural Resources Staff and the United States Geological Survey to design and implement a fish passage restoration project at the Takoma Park (Sligo) Waterworks dam.
  - Study and evaluate riparian buffer health and performance and make recommendations for restoration to best achieve prioritized ecological functions(i.e., Stream Valley performance should be evaluated for threats and mitigation).
  - Increase efforts to remove non-native invasive climbing vines that pose a risk to healthy trees.
  - Collaborate with the City of Takoma Park on identification and implementation of stormwater management retrofit opportunities within the Brashear's Run watershed.

- Address failing outfall infrastructure and unstable banks where Brashear’s Run daylight on parkland.
- Restore Brashear’s Run tributary of Sligo Creek to improve aquatic habitat, stabilize eroded banks, and protect threatened WSSC infrastructure.
- Identify potential placemaking interventions under the Carroll Avenue bridge to enhance public use.
- Identify locations for additional natural and cultural resource interpretation along the Sligo Creek Trail.
- Improve bicycle and pedestrian access to the Sligo Creek Trail.
  - Coordinate with the City of Takoma Park to reconstruct the existing aging, undersized trail bridge over Sligo Creek attached to the Maple Avenue bridge; or establish a new standalone trail bridge crossing in the immediate vicinity.
  - Install wayfinding signs along streets that offer access to the Sligo Creek Trail.
- Preserve and interpret the Takoma Park (Sligo) Waterworks site and its relationship to the development of Takoma Park:
  - Stabilize the dam and foundations as needed.
  - Coordinate with proposed fish passage project to ensure impacts to the dam and foundations are avoided.
  - Remove bronze marker along Sligo Creek Parkway and install interpretive sign closer to the Sligo Creek Trail.

Page 101      Revise the second and third sub-bullets under *4.3.2.1 Land Use and Zoning* as follows:

- [include a primary central public open space of approximately ½-acre.]
- include a primary central [public] open space of at least ½-acre [and] that is open to Flower Avenue and provides [benefits to existing and future residents] reasonable access to the community. Design flexibility should be considered at the time of development review, retaining the central Commons as an organizing feature of future development.

Page 102      Revise sub-bullet nine under *4.3.2.1 Land Use and Zoning* as follows:

- as discussed in 3.2.4, [dedicate right-of-way] provide a variable width right-of-way of up to 50 feet from the centerline on the north side of Carroll Avenue along a portion of the site frontage as needed to accommodate an SHA project to realign Carroll Avenue[, up to a maximum of 50 feet].

Page 103      Revise the eighth bullet under *4.3.2.1 Land Use and Zoning* as follows:

- Rezone Site 30, currently occupied by a one-story commercial building, from CRT-0.75 C-0.75 R-0.25 H-50 to [CRN]CRT-1.0 C-1.0 R-1.0 H-50 to allow

for potential future development flexibility. [Changing from CRT to CRN will simplify the development review process by not requiring a Sketch Plan.]

Page 103 Revise the eleventh bullet under 4.3.2.1 Land Use and Zoning as follows:

- Rezone Site 33, currently occupied by one- and two-story commercial buildings, from CRT-0.75 C-0.75 R-0.25 H-50 to [CRN]~~CRT~~-1.0 C-1.0 R-1.0 H-50 to allow for potential future development flexibility. [Changing from CRT to CRN will simplify the development review process by not requiring a Sketch Plan.]

Page 104 Revise *Table 6: Recommended Flower Avenue District Zoning* as follows:

Map Number	Current Zoning	Recommended Zoning
23	R-60	CR-1.25 C-1.25 R-1.25 H-120
24	R-40	CRT-1.25 C-1.25 R-1.25 H-70
25	R-40	CRT-1.25 C-1.25 R-1.25 H-70
26	R-40	CRT-0.75 C-0.75 R-0.75 H-55
27	R-30	CRN-1.0 C-1.0 R-1.0 H-50
28	R-60	CRN-1.0 C-1.0 R-1.0 H-50
29	R-30	CRN-1.0 C-1.0 R-1.0 H-50
30	CRT-0.75 C-0.75 R-0.75 H-50	[CRN] <del>CRT</del> -1.0 C-1.0 R-1.0 H-50
31	R-30	CRN-1.0 C-1.0 R-1.0 H-50
32	R-30	CRN-1.0 C-1.0 R-1.0 H-50
33	CRT-0.75 C-0.75 R-0.75 H-50	[CRN] <del>CRT</del> -1.0 C-1.0 R-1.0 H-50

Page 105 Add a fourth bullet under 4.3.2.2 *Parks and Open Space* as follows:

- These gateways should not detract or cause confusion from identifying the Washinton Adventist University.

Page 109 Delete section 5.1.5 *Accessory Uses in the CR Zones* as follows:

[5.1.5. Accessory Uses in the CR Zones  
 The Plan recommends updating the Zoning Ordinance Use Table to allow as accessory uses in the CR zones commercial food kitchens, food processing, rooftop farms, and other uses not included in “Artisanal Manufacturing and Production” if so, recommended in a Master or Sector Plan or Amendment.]

**General**

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning Board Draft of the *Takoma Park Minor Master Plan Amendment*, dated December 2023. 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.



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Sara R. Tenenbaum  
Clerk of the Council

**CERTIFICATION OF APPROVAL AND ADOPTION**  
**TAKOMA PARK MINOR MASTER PLAN AMENDMENT**

This *Takoma Minor Master Plan Amendment* constitutes a comprehensive amendment to portions of the approved and adopted 2000 *Takoma Park Master Plan*, as well as an amendment to *Thrive Montgomery 2050*, the County’s General Plan, the 2013 *Countywide Transit Corridors Functional Master Plan*, the 2018 *Master Plan of Highways and Transitways*, as amended, the 2018 *Bicycle Master Plan*, and the *Master Plan for Historic Preservation*, and has been approved and adopted by the Montgomery County Council, sitting as the District Council, by Resolution 20-462 (April 2, 2024), and adopted by The Maryland-National Capital Park and Planning Commission by Resolution 24-09 (May 15, 2024), 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**

_____	_____
Peter Shapiro	Artie L. Harris
Chair	Vice-Chair

\_\_\_\_\_  
Gavin Cohen  
Secretary-Treasurer



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## **MEMORANDUM**

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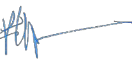


**EMPLOYEES' RETIREMENT SYSTEM**  
 The Maryland-National Capital Park and Planning Commission  
 6611 Kenilworth Avenue, Suite 100  
 Riverdale, Maryland 20737

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

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To: The Maryland-National Capital Park & Planning Commission  
 Date: May 8, 2024

Via: Peter A. Shapiro, Chair 

From: Andrea L. Rose, Executive Director  
 Jaclyn F. Harris, Deputy Executive Director  
 Sheila S. Joynes, Accounting Manager

Subject: ***Resolution 24-10: Recommendation to Approve the FY25 Operating Budget for the Employees' Retirement System in the amount of \$3,475,000***

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### **RECOMMENDATION**

The Board of Trustees ("Board") of the Maryland-National Capital Park & Planning Commission ("Commission") Employees' Retirement System (ERS) respectfully recommends approval of the FY25 Operating Budget in the amount of \$3,475,000, a 7.0% increase from FY24.

### **MISSION**

The mission of the ERS is to prudently manage, protect, diversify, and administer the funds for the sole benefit of the members and beneficiaries to ensure sufficient assets are available to pay the promised benefits.

### **BACKGROUND**

The Commission established the ERS effective July 1, 1972, in accordance with the Trust Agreement between the Commission and the ERS's Board.

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's fiscal work program requirements which is consistent with other local retirement systems.

## **FY25 STRATEGIC PLAN**

The FY25 Strategic Plan will help the ERS to successfully address challenges, modernize and leverage technology, enhance customer service to ensure member satisfaction, and strengthen the long-term sustainability of the ERS. Goals and objectives are focused on Member Experience, Organizational Excellence, Effective Administrative Governance and Succession Planning and include:

- Efforts to improve **Member Experience** which includes promoting enrollment and usage of MemberDirect, the rollout of MemberDirect to retirees, enhancements to member education through improved communications and access to digital content, and review of benefit processing procedures to address inefficiencies and PensionGold data conversion issues.
- An Organizational Study is planned for FY25 to support the goal of **Organizational Excellence** and will identify opportunities for improvement and create an annual performance evaluation and goal setting process for the Executive Director.
- Endeavors toward **Effective Governance** include finalizing the Governance Manual, completing a review of the high yield fixed income asset class and manager search and private core real estate manager search, asset liability study, review of custodial services and negotiation of an amended fee agreement, and conducting a search for external legal services to create a list of multiple firms that may be sourced to assist with legal due diligence for alternative assets.
- A new staff position to address needs critical to maintaining operations and to support **Succession Planning**. Currently, the ERS has twelve (12) employees with five (5) eligible for retirement.

## **MAJOR CHANGES IN FY2025 PROPOSED BUDGET**

The FY25 Operating Budget (Attachment 1) is \$3,475,000, representing an increase of 7.0% from FY24. This increase supports FY25 goals and objectives, and the ongoing operations administered by the ERS. Key changes from the FY24 Operating Budget follow:

- Personnel Services is projected to increase by 9.3% from FY24 and includes funding for thirteen (13) employees, adjustments for compensation, benefits, performance and retention bonuses, pension and OPEB costs.
- The Commission's IT Department recommended a funding allocation of \$55,000 for improvements including an upgrade to Windows 11, purchase of additional memory for the VM servers, conference room equipment upgrades, and computer equipment to accommodate the transition to thin client workstations.
- Slight increases due to inflation in the cost for professional services and cost of travel for trustees and staff to attend conferences and other training opportunities.
- Higher premiums for fiduciary and cyber insurance coverage due to risk factors and

continued cyber-criminal activity. Insurance rates are expected to be 15.9% higher in FY25. Fiduciary insurance is expected to increase approximately 6.1% while cyber insurance is expected to increase up to 28.6%.

***FY25 Investment Services***

Attachment 2 estimates fees for bank custodial services provided by The Northern Trust Company; investment consulting services provided by Wilshire Advisors; and investment management services provided by investment managers. Investment manager fees fluctuate based on the market value of ERS's invested assets.

Attachments

1. FY25 Operating Budget
2. FY25 Investment Services

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

FY 2025 Operating Budget

	FY2022	FY2023	FY 2024		FY 2025	Variance		
	Actual as of 30-Jun-22	Actual as of 30-Jun-23	Budget	Actual as of 31-Mar-24	Projected as of 6/30/24	Proposed	Amount	%
<b>PERSONNEL SERVICES:</b>								
SALARIES-FULL TIME	831,817	1,057,433	1,343,000	893,773	1,276,700	1,497,000	154,000	11.5%
SALARIES-PART TIME	46,645	48,804	70,000	36,661	52,200	72,000	2,000	2.9%
<b>TOTAL SALARIES</b>	<b>878,462</b>	<b>1,106,237</b>	<b>1,413,000</b>	<b>930,434</b>	<b>1,328,900</b>	<b>1,569,000</b>	<b>156,000</b>	<b>11.0%</b>
<b>EMPLOYEE BENEFITS</b>	<b>297,570</b>	<b>355,365</b>	<b>577,000</b>	<b>352,764</b>	<b>442,400</b>	<b>627,000</b>	<b>50,000</b>	<b>8.7%</b>
OPEB BENEFITS	24,458	33,079	29,000	29,402	30,300	30,000	1,000	3.4%
RETIREE BENEFITS	21,492	21,851	24,000	23,068	23,000	24,000	-	0.0%
<b>TOTAL BENEFITS</b>	<b>343,520</b>	<b>410,295</b>	<b>630,000</b>	<b>405,234</b>	<b>495,700</b>	<b>681,000</b>	<b>51,000</b>	<b>8.1%</b>
ACCRUED LEAVE & SALARY RELATED PAYMENTS	35,110	40,336	65,000	10,829	15,770	55,000	(10,000)	-15.4%
<b>TOTAL PERSONNEL SERVICES</b>	<b>1,257,092</b>	<b>1,556,868</b>	<b>2,108,000</b>	<b>1,346,497</b>	<b>1,840,370</b>	<b>2,305,000</b>	<b>197,000</b>	<b>9.3%</b>
<b>SUPPLIES &amp; MATERIALS:</b>								
OFFICE SUPPLIES & FURNITURE	7,438	10,468	10,000	1,702	10,000	10,000	-	0.0%
COMPUTER SUPPLIES & EQUIPMENT	-	21,252	9,000	-	9,000	55,000	46,000	511.1%
<b>TOTAL SUPPLIES &amp; MATERIALS</b>	<b>7,438</b>	<b>31,720</b>	<b>19,000</b>	<b>1,702</b>	<b>19,000</b>	<b>65,000</b>	<b>46,000</b>	<b>242.1%</b>
<b>OTHER SERVICES &amp; CHARGES:</b>								
<b>PROFESSIONAL SERVICES:</b>								
Actuarial	65,427	53,433	92,000	29,858	92,000	69,000	(23,000)	-25.0%
Auditing & Tax Consulting	23,443	12,093	32,000	25,828	32,000	32,000	-	0.0%
Legal	158,793	88,950	220,000	79,810	220,000	220,000	-	0.0%
Computer Consulting	76,028	75,316	84,000	77,266	84,000	88,000	4,000	4.8%
<b>EDUCATION AND TRAINING</b>	<b>1,950</b>	<b>10,137</b>	<b>30,000</b>	<b>18,131</b>	<b>30,000</b>	<b>32,000</b>	<b>2,000</b>	<b>6.7%</b>
ADVERTISING	106	785	1,000	1,000	1,000	2,000	1,000	100.0%
COMMUNICATIONS	983	1,200	1,000	900	1,000	1,000	-	0.0%
POSTAGE	395	924	1,000	424	1,000	1,000	-	0.0%
FIDUCIARY LIABILITY	39,366	44,345	49,000	44,245	44,245	52,000	3,000	6.1%
BUSINESS/GENERAL LIABILITY	1,747	1,911	2,000	2,186	2,186	2,000	-	0.0%
FIDELITY BOND	1,995	1,868	2,000	-	1,524	3,000	1,000	0.0%
CYBER INSURANCE	20,695	26,454	35,000	38,932	38,932	45,000	10,000	28.6%
<b>INSURANCE</b>	<b>63,803</b>	<b>74,578</b>	<b>88,000</b>	<b>85,363</b>	<b>86,887</b>	<b>102,000</b>	<b>14,000</b>	<b>15.9%</b>
MEMBERSHIPS AND SUBSCRIPTIONS	1,685	2,106	4,000	6,359	6,359	9,000	5,000	125.0%
<b>MISCELLANEOUS SERVICES:</b>								
Contractual Services	10,634	3,203	100,000	-	25,000	90,000	(10,000)	-10.0%
Payroll Services	4,496	4,862	7,000	3,817	5,000	5,000	(2,000)	-28.6%
PRINTING & BINDING & IMAGING	91,434	-	1,000	-	500	1,000	-	0.0%
RENT:	-	-	-	-	-	-	-	-
Office	113,027	117,548	132,000	99,016	132,019	126,000	(6,000)	-4.5%
Copier	2,847	3,000	3,000	2,250	3,000	3,000	-	0.0%
MAINTENANCE/LICENSING	100,714	105,699	111,000	100,304	103,514	107,000	(4,000)	-3.6%
OTHER	2,072	2,749	5,000	2,833	4,500	5,000	-	0.0%
<b>TOTAL OTHER SERVICES &amp; CHARGES</b>	<b>717,837</b>	<b>556,582</b>	<b>912,000</b>	<b>533,159</b>	<b>827,779</b>	<b>893,000</b>	<b>(19,000)</b>	<b>-2.1%</b>
<b>CHARGEBACKS-M-NCPPC:</b>								
CHARGEBACKS-IT	139,596	141,690	144,000	107,863	141,690	146,000	2,000	1.4%
CHARGEBACKS-LEGAL	64,200	64,200	64,000	48,150	64,200	66,000	2,000	3.1%
<b>TOTAL CHARGEBACKS</b>	<b>203,796</b>	<b>205,890</b>	<b>208,000</b>	<b>156,013</b>	<b>205,890</b>	<b>212,000</b>	<b>4,000</b>	<b>1.9%</b>
<b>Total</b>	<b>2,186,163</b>	<b>2,351,060</b>	<b>3,247,000</b>	<b>2,037,371</b>	<b>2,893,039</b>	<b>3,475,000</b>	<b>228,000</b>	
<b>CAPITAL OUTLAY:</b>								
TOTAL CAPITAL OUTLAY	569,638	18,564	-	-	-	-	-	-
<b>TOTAL</b>	<b>2,755,801</b>	<b>2,369,624</b>	<b>3,247,000</b>	<b>2,037,371</b>	<b>2,893,039</b>	<b>3,475,000</b>	<b>228,000</b>	<b>7.0%</b>

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

**FY 2025 Investment Services**

	<u>Actual FY 2021</u>	<u>Actual FY 2022</u>	<u>Actual FY 2023</u>	<u>Estimated FY 2024</u>	<u>Estimated FY 2025</u>	% Increase
<b>Bank Custodial Services</b>	\$ 289,658	\$ 277,208	\$ 272,703	\$ 280,000	\$ 289,000	3.21%
<b>Investment Consulting Services</b>	\$ 203,127	\$ 214,076	\$ 229,147	\$ 244,000	\$ 255,000 <sup>(2)</sup>	4.51%
<b>Investment Management Services</b>	\$ 2,735,368	\$ 2,996,015	\$ 3,553,208	\$ 3,200,000	\$ 3,300,000 <sup>(1)</sup>	3.13%
<b>Total</b>	<u>\$ 3,228,153</u>	<u>\$ 3,487,299</u>	<u>\$ 4,055,058</u>	<u>\$ 3,724,000</u>	<u>\$ 3,844,000</u>	3.22%

<sup>(1)</sup> Investment manager fees fluctuate based on the market value of the portfolio. The market value per Wilshires' report as of December 31, 2023 was \$1,136,547,298. Estimated fees of 36.0 basis points are based on a 6.70% return assumption for 2023 and a 6.70% return for 2024 with no further assumption rate change for 2025.

<sup>(2)</sup> Investment Consulting services include fees for the primary investment consultant, Wilshire Associates' - Agreed upon new 2023 Fees. The retainer fee shall increase by the prior calendar year's percentage increase of the the index known as the "United States Bureau of Labor Statistics Consumer Price Index For All Urban Consumers All Items United States City Average."



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**M-NCPPC NO. 24-10**

**RESOLUTION**

**APPROVAL OF THE FY2025 OPERATING BUDGET FOR THE  
EMPLOYEES' RETIREMENT SYSTEM IN THE AMOUNT OF \$3,475,000**

**WHEREAS**, the Maryland-National Capital Park and Planning Commission (the "Commission") as Plan Sponsor entered into a Pension Trust Agreement as of July 26, 1972 and amended on June 13, 1979 ("the Agreement") with the Employees' Retirement System of the Maryland-National Capital Park and Planning Commission ("ERS" or the "Plan") and a Memorandum of Understanding dated February 11, 1982, between those same entities ("Agreement"); and

**WHEREAS**, Section 2 of the Agreement states that the Board of Trustees "will annually prepare and present to the Commission for its review and approval, an operating budget setting forth projected expenditures for the operation of the ERS..."; and

**WHEREAS**, at its May 8, 2024 meeting, the Board of Trustees approved the proposed Operating Budget for FY2025; and

**WHEREAS**, in accordance with the aforementioned recommendation, the Board of Trustees submits an FY2025 Operating Budget in the amount of \$3,475,000 which is a 7.0% increase from FY2024; and

**NOW THEREFORE, BE IT RESOLVED**, that the Commission as Plan Sponsor approves the FY2025 Operating Budget of \$3,475,000.

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

Reviewed for Legal Sufficiency  
Michael Aniton, Deputy General Counsel  
M-NCPPC  
May 9, 2024

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of Resolution No. 24-10 adopted by the Maryland-National Capital Park and Planning Commission on motion of \_\_\_\_\_, seconded by \_\_\_\_\_, with \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ in favor of the motion, and \_\_\_\_\_ being absent for the vote at its regular meeting held on Wednesday, May 15, 2024, at the Wheaton Headquarters Auditorium and via video-conference, and broadcast by the Montgomery Planning Department.

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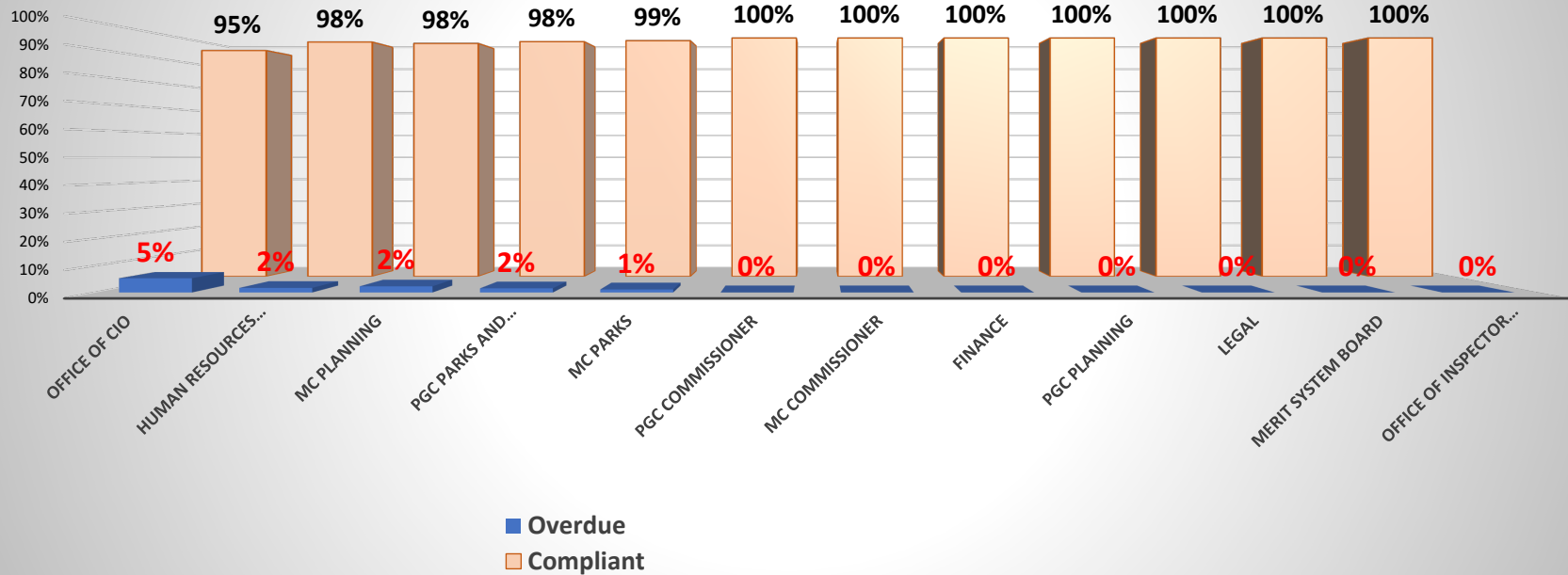


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE  
 BY DEPARTMENT AS OF APRIL 2024**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Mar-24	Apr-24	Mar-24	Apr-24	Mar-24	Apr-24	Mar-24	Apr-24
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	1	0	0	0	1	1	2	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	2	1	0	0	0	0	2	1
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	0	0	0	0	0	0	1	0
PRINCE GEORGE'S PLANNING	1	0	0	0	0	0	1	0
PRINCE GEORGE'S PARKS & RECREATION	13	14	2	0	1	2	15	16
MONTGOMERY COUNTY PARKS	11	7	0	1	0	0	11	8
MONTGOMERY COUNTY PLANNING	2	2	1	0	0	1	3	3
<b>**DEPARTMENT TOTAL BY DAYS LATE**</b>	<b>30</b>	<b>24</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>4</b>		
<b>COMMISSION-WIDE TOTAL</b>							<b>35</b>	<b>29</b>

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

### Late Annual Performance Evaluation Report Career Employees



\*Data as of April 30, 2024

Employee Count	Evaluation Status		Total Employees
	Compliant	Overdue	
Finance	41	0	41
Human Resources and Mgt	58	1	59
Legal	25	0	25
MC Commissioner	3	0	3
MC Parks	708	8	716
MC Planning	129	3	132
Merit System Board	1	0	1
Office of CIO	18	1	19
Office of Inspector General	6	0	6
PGC Commissioner	10	0	10
PGC Parks and Recreation	1,029	16	1,045
PGC Planning	171	0	171
<b>Total Employees</b>	<b>40</b>	<b>29</b>	<b>2,228</b>



Reply to:  
Debra S. Borden, General Counsel  
Office of the General Counsel  
6611 Kenilworth Avenue, Suite 200-201  
Riverdale, Maryland 20737  
Phone: 301-454-1670 • Fax: 301-454-1674

May 1, 2024

**MEMORANDUM**

**TO:** The Maryland-National Capital Park and Planning Commission  
**FROM:** Debra S. Borden  
General Counsel  
**RE:** Litigation Report for April 2024 – FY 2024

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Please find the attached litigation report we have prepared for your meeting scheduled for Wednesday, May 15, 2024. 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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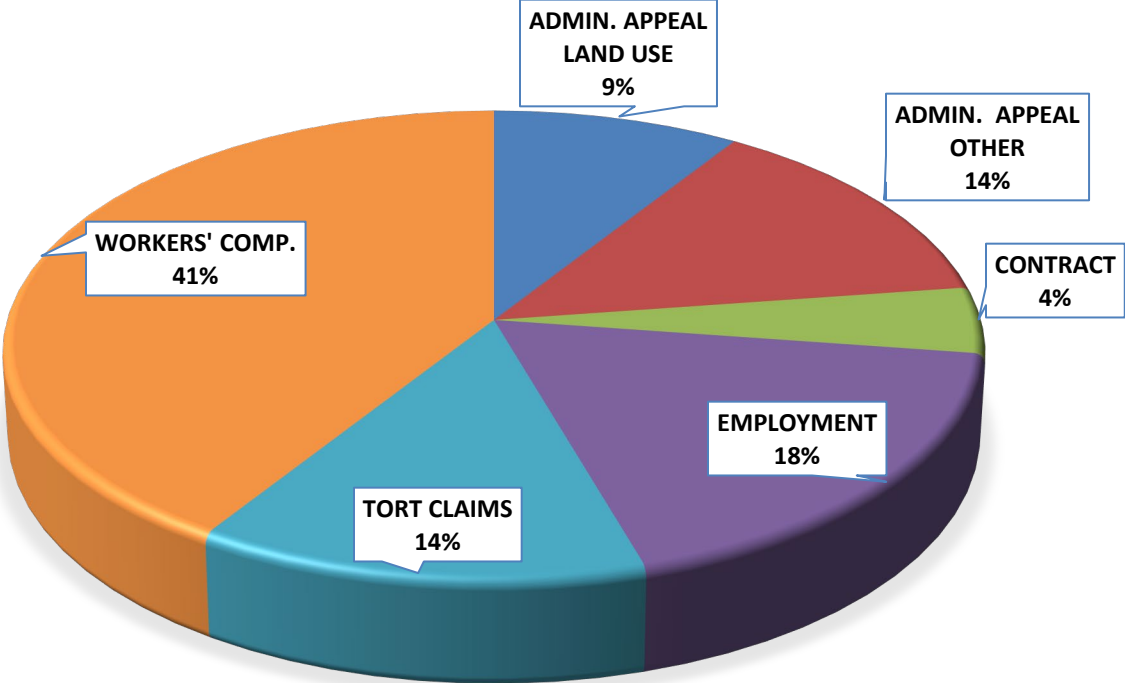
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**April 2024**  
**Composition of Pending Litigation**

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	APPELLATE COURT OF MARYLAND	SUPREME COURT OF MARYLAND	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	2	1					3
ADMIN APPEAL: OTHER	3						3
BANKRUPTCY							0
CIVIL ENFORCEMENT							0
CONTRACT DISPUTE	1						1
DEBT COLLECTION							0
EMPLOYMENT DISPUTE	3			1			4
LAND USE DISPUTE							0
MISCELLANEOUS							0
PROPERTY DISPUTE							0
TORT CLAIM	3						3
WORKERS' COMPENSATION	8						8
PER FORUM TOTALS	20	1		1			22

# OVERVIEW OF PENDING LITIGATION



## April 2024 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2024			
	Pending Mar. 2024	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	2	1		4	5	6	3
Admin Appeal: Other (AAO)	3			2			3
Bankruptcy (B)	0						0
Civil Enforcement (CE)	0						0
Contract Disputes (CD)	2		1	2	1	2	1
Debt Collection (D)	0			2		2	0
Employment Disputes (ED)	4			3	6	4	4
Land Use Disputes (LD)	0			1		1	0
Miscellaneous (M)	0			1	1	3	0
Property Disputes (PD)	0				1	1	0
Tort Claims (T)	3	1	1	2	3	3	3
Workers' Compensation (WC)	9		1	6	9	4	8
<b>TOTALS</b>	<b>23</b>	<b>2</b>	<b>3</b>	<b>23</b>	<b>26</b>	<b>26</b>	<b>22</b>

**INDEX OF YTD NEW CASES  
(7/1/2023 TO 6/30/24)**

<b>A. <u>New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Wright v. Commission	MC	Misc.	Mar.
Mays v. Commission, et al.	Charles	ED	July
Wallace v. Commission, et al.	PG	ED	July
Celey v. Commission	PG	ED	July
In the Matter of Pocahontas Drive Homeowners	MC	AALU	July
Fennell v. Commission	PG	ED	Aug.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
Carolyn Gray v. Commission, et al.	PG	PD	Oct.
Paige Industrial Services, Inc. v. Commission	MC	AAO	Nov.
In the Matter of Jeanne Kavinski	PG	WC	Nov.
Spriggs v. Brown	PG	Tort	Jan.
Weisman v. Commission, et al.	MC	ED	Jan.
In the Matter of Forest Grove Citizens Association, et al.	MC	AALU	Jan.
GEICO v. Commission, et al.	MC	Tort	Mar.
Commission v. Chen	MC	CD	Mar.
Joseph K. Chisley, Jr. v. Commission, et al.	PG	Tort	Apr.
In the Matter of Forest Grove Citizens Association, et al.	MC	AALU	Apr.

<b>B. <u>New Appellate Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
Brij Bhargava, et al. v. Prince George's County Public Schools Proposed Southern K-8 Middle School, et al.	PG	AALU	May
Friends of Ten Mile Creek v. Montgomery County Planning Board	MC	AALU	Aug.

**INDEX OF YTD RESOLVED CASES  
(7/1/2023 TO 6/30/2024)**

<b><u>A. Trial Court Cases Resolved</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
English-Figaro v. Planning Board of Prince George's County	PG	AALU	June
Fairwood Community Association, Inc. v. Prince George's County Planning Board	PG	AALU	July
Citizen Association of Kenwood, Inc. v. Commission	MC	LUD	Aug.
In the Matter of James Montville	PG	WC	Aug.
Wilmington Savings Fund Society FSB v. Burke, et al.	PG	Misc.	Aug.
Commission v. Faulk	PG	DC	Aug.
Deakins v. Commission, et al.	MC	ED	Sept.
Troublefield v. Prince George's County, et al.	PG	Tort	Oct.
In the Matter of Kenneth Rogers	PG	WC	Nov.
Wright v. Commission	MC	Misc.	Dec.
In the Matter of Pocahontas Drive Homeowners	MC	AALU	Jan.
Fennell v. Commission	PG	ED	Jan.
Izadjoo v. Commission	MC	ED	Jan.
Commission v. Lindsey	PG	D	Feb.
Carolyn Gray v. Commission, et al.	PG	PD	Feb.
Commission v. Build A Barn, LLC	MC	C	Mar.
GEICO v. Gaither, et al.	MC	Tort	Mar.
In the Matter of Joshua P. Scully	MC	WC	Mar.

<b><u>B. Appellate Court Cases Resolved</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>	<b><u>Month</u></b>
In the Matter of Friends of Ten Mile Creek, et al.	MC	AALU	July
In the Matter of Friends of Ten Mile Creek, et al.	MC	AALU	Oct.
Evans v. Commission, et. al.	MC	ED	Nov.
In the Matter of HMF Paving Contractors Inc.	MC	CD	Jan.
Wolf, et al. v. Planning Board of Prince George's County	PG	AALU	Jan.



<b>Disposition of FY24 Closed Cases Sorted by Department</b>		
<b>CLIENT</b>	<b>PRINCIPAL CAUSE OF ACTION IN DISPUTE</b>	<b>DISPOSITION</b>
<b>Employees Retirement System</b>		
<b>Finance Department</b>		
<b>Department of Human Resources &amp; Management</b>		
Fennell v. Maryland-National Capital Park and Planning Commission	Fennell filed suit arising out of her termination from employment related to her COVID vaccination status.	01/25/2024 – Case settled and dismissed. Order approving the parties’ stipulation of dismissal with prejudice.
<b>Montgomery County Department of Parks</b>		
Deakins v. Commission, et al.	Complaint by former employee relating to Commission’s COVID-19 vaccination mandate. Complaint alleged disability discrimination and unreasonable failure to accommodate	09/25/2023 – Case settled and dismissed.
In the Matter of HMF Paving Contractors Inc.	Appeal of decision affirming CCRC decision denying HMF’s demand that an allowance be made, and additional monies be paid by the Commission to HMF for construction at Greenbriar Local Park.	01/05/2024 – Mandate of Court. Case Voluntarily Dismissed by appellant.
Izadjoo v. Commission	Former Montgomery Parks employee alleging employment discrimination	01/26/2024 - Case settled and dismissed.
Commission v. Build A Barn, LLC	Breach of Contract matter to recover funds expended for sheds that were never received.	03/04/2024 - Judgment awarded in favor of the Commission for \$9,218.50 plus costs.
GEICO v. Gaither, et al.	Subrogation matter against the Commission and a Commission employee arising out of a February 2021 motor vehicle accident.	03/14/2024 - Case dismissed. Claim paid previously.
In the Matter of Joshua P. Scully	Claimant seeks judicial review of Workers’ Compensation Order finding that claimant at maximum medical improvement and denying right shoulder surgery.	03/27/2024 - Order of the Court remanding matter to WCC for approval of resolution reached between the parties.

<b>Montgomery County Park Police</b>		
Evans v. Commission, et al.	Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.	11/21/2023 - Order of Court affirming decision of the District Court
<b>Montgomery County Planning Board</b>		
Citizen Association of Kenwood, Inc. v. Maryland-National Park and Planning Commission	Complaint to prevent implementation of road diet project for Little Falls Parkway in Montgomery County.	08/01/2023 - Voluntary dismissal by Plaintiff without Prejudice
In the Matter of Friends of Ten Mile Creek, et al.	Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	07/18/2023 – Judgment of the Circuit Court for Montgomery County affirmed.
In the Matter of Friends of Ten Mile Creek, et al.	Petitioner seeks appeal of Decision of the Appeal's Court of Maryland affirming the Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	10/24/2023 – Petition denied.
Gwen Wright v. Maryland-National Park and Planning Commission	Plaintiff sought to enforce a request under the Maryland Public Information Act.	12/29/2023 – Settlement reached and stipulation of Dismissal without Prejudice
In the Matter of Pocahontas Drive Homeowners	Petitioners sought Judicial Review of the Montgomery County Planning Department's approval of Forest Conservation Act Exemption 4203166E to Davis Airport.	01/23/2024 - Decision of the Montgomery County Planning Department reversed.
<b>Prince George's County Department of Parks and Recreation</b>		
In the Matter of James Montville	Claimant sought judicial review of Workers' Compensation Commission decision dated October 3, 2022, which determined that he has a 12% permanent partial disability. Claimant was seeking an award that was much higher.	08/10/2023 - Case remanded to Workers' Compensation Commission for approval of agreement.
Commission v. Faulk	Subrogation action to recover losses for damage(s) to Commission property	08/28/2023 - Judgment in favor of the Commission for \$3,546.13.

Wilmington Savings Fund Society FSB v. Burke, et al.	Lawsuit to quiet title to deed of trust and extinguish the lien and debt associated with that deed, establishing that Plaintiff's deed is in full force and effect and has first priority over the Commission's lien on property owned by Tomel Burke, judgment Debtor.	08/30/2023 - Judgment by Consent against the Commission in favor of the Plaintiff
Troublefield v. Prince George's County, et al.	Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena.	10/13/2023 – Case settled and dismissed.
In the Matter of Kenneth Rogers	Claimant sought judicial review of Workers' Compensation Commission decision dated March 30, 2023, which determined that the Claimant did not suffer from a serious disability.	10/19/2023 – Case settled and remanded to Workers' Compensation Commission for approval of agreement.
Commission v. Lindsey	Action to recover damage(s) to Commission property.	02/20/2024 – Affidavit Judgment in favor of the Commission for \$966.21 plus costs and post-judgment interest.
Carolyn Gray v. Commission, et al.	Plaintiff alleged the Commission caused damage to her property.	02/21/2024 – Commission voluntarily dismissed from the case.
<b>Prince George's County Planning Board</b>		
English-Figaro v. Planning Board of Prince George's County	Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.	06/01/2023 Case voluntarily dismissed with prejudice.
Fairwood Community Association, Inc. v. Prince George's County Planning Board	Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.	07/27/2023 - Case voluntarily dismissed without prejudice.
Wolf, et al. v. Planning Board of Prince George's County	Appeal of decision affirming the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).	01/25/2024 - Decision of Planning Board Affirmed.
<b>Prince George's Park Police</b>		
<b>Office of Internal Audit</b>		

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**DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**Commission v. Chen**

Case No. D-06-CV-24-011000 (CD)

Lead Counsel: Thornton  
Other Counsel: Johnson

Abstract: Breach of Contract matter to recover funds for rental of recreational fields.

Status: In discovery.

Docket:

03/08/2024	Complaint filed
03/14/2024	Affidavit of Service
03/25/2024	Notice of Intent to Defend and Entry of Appearance filed on behalf of Defendant, Chen
04/01/2024	Consent Motion for Continuance
04/03/2024	Order of Court granting continuance
06/26/2024	Trial set

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

No Pending Matters

**CIRCUIT COURT FOR CHARLES COUNTY, MARYLAND**

**BETH MAYS V. MARYLAND-NATIONAL PARK AND PLANNING COMMISSION, ET AL.**

Case No. C-08-CV-23-000516 (ED)

Lead Counsel: Ticer  
Other Counsel: Rupert

Abstract: Employee terminated from the Commission for her COVID vaccination status has brought suit alleging several employment-related claims, such as religious and genetic discrimination, retaliation, and wrongful discharge

Status: Alternative Dispute Resolution Conference set. In discovery.

Docket:

07/03/2023	Complaint filed
07/12/2023	Commission served
08/07/2023	Commission's Motion to Dismiss filed
08/21/2023	Consent Stipulation to Extend time for Plaintiff to Respond to Motion to Dismiss
09/05/2023	Response in Opposition to Motion to Dismiss
09/05/2023	Amended Complaint
09/13/2023	Order to Extend time
09/20/2023	Motion to Dismiss Amended Complaint
10/05/2023	Response in Opposition to Motion to Dismiss
10/16/2023	Reply to Plaintiff's Opposition to Motion to Dismiss
12/20/2023	Motion to Dismiss granted in part and denied in part. Counts 5-9 dismissed. All parties except for the Commission dismissed.
01/11/2024	Order of Court dismissing defendants, Christine Fanning, Thomas Baden, and the Prince George's County Planning Board. Counts V, VII, VIII and IX of Complaint are also dismissed.
02/09/2024	Answer to Amended Complaint filed
02/27/2024	Scheduling Order issued
03/08/2024	Order for ADR Conference
06/03/2024	ADR Conference
10/31/2024	Pre-Trial Conference
11/18/2024	Trial

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**In the Matter of Forest Grove Citizens Association, et al.**

Case No. C-15-CV-24-000505 (AALU)

Lead Counsel: Mills  
Other Counsel:

Abstract: Petitioners seek Judicial Review of the Montgomery County Planning Department's decision regarding 9801 Georgia Avenue Sketch Plan 320230020.

Status: Motion to Dismiss Pending.

Docket:

01/30/2024	Petition for Administrative Mandamus
02/09/2024	Response to Petition for Administrative Mandamus
02/26/2024	Response to Petition for Administrative Mandamus
02/26/2024	Motion to Dismiss Administrative Mandamus
03/08/2024	Response to Co-Respondent's Motion to Dismiss
04/15/2024	Order of Court – Scheduling Order
04/26/2024	Administrative Record received

**In the Matter of Forest Grove Citizens Association, et al.**

Case No. C-15-CV-24-001622 (AALU)

Lead Counsel: Mills  
Other Counsel:

Abstract: Petitioners seek Judicial Review of the Montgomery County Planning Board's Decision in 9801 Georgia Avenue Plan no(s). 120230160, 820230130 and F20240040

Status: Petition for Judicial Review filed.

Docket:

04/08/2024	Petition for Judicial Review
04/17/2024	First Amended Petition for Judicial Review

**Paige Industrial Services, Inc. v. The Maryland-National Park and Planning Commission**

Case No. C-15-CV-23-004219 (AAO)

Lead Counsel: Rupert  
Other Counsel: Mills (CCRC)

Abstract: Judicial review of the decision of the administrative agency (CCRC). Contractor's claim for additional payments for construction at Rock Creek Maintenance Yard.

Status: Hearing set.

Docket:

11/10/2023	Petition for Judicial Review
11/30/2023	Scheduling and Briefing Order of Court issued
12/08/2023	Notice of Intent to Participate filed by Commission
01/17/2024	Order Granting Extension of Time
03/12/2024	Administrative Record received
04/17/2024	Motion for Leave to Exceed Page Limit and Motion to Shorten Time for Response
04/19/2024	Opposition to Motion for Leave to Exceed Page Limit and Opposition to Motion to Shorten Time for Response
04/22/2024	Order of Court Motion to Shorten Time denied as Moot
04/22/2024	Order of Court Motion for Leave to Exceed Page Limit granted in part.
04/23/2024	Line to file Amended Administrative Record Index
04/30/2024	Paige Industrial Services, Inc.'s Appeal Memorandum and Supporting Exhibits
06/26/2024	Hearing set



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

**Tiffany Celey v. Maryland-National Capital Park and Planning Commission**

Case No. C-16-CV-23-003168 (ED)

Lead Counsel: Ticer  
Other Counsel: Johnson; Rupert

Abstract: Defendant is alleging discrimination based upon race, sex, and disability, as well as retaliation.

Status: In discovery.

Docket:

07/12/2023	Complaint filed
09/26/2023	Summons reissued
12/28/2023	Complaint received from SDAT via certified mail.
01/03/2024	Answer filed
02/14/2024	Stipulation Order Regarding Confidentiality of Discovery Material filed
02/28/2024	Order of Court regarding Confidentiality of Discovery Material

**Joseph Chisley, Jr. v. Maryland-National Capital Park and Planning Commission**

Case No. C-16-CV-23-004648 (Tort)

Lead Counsel: Benjamin Rupert  
Other Counsel:

Abstract: Plaintiff alleges he tripped and fell in a concealed hole at Enterprise Golf Course.

Status: The Commission has yet to be served. Dismissal pending for lack of service.

Docket:

10/10/2023	Complaint filed
10/11/2023	Summons reissued
04/02/2024	Notice of Contemplated Dismissal

**In the Matter of William Dickerson**  
Case No. C-16-CV-23-001402 (AAO)

Lead Counsel: Gates (Groom Law Group)  
Other Counsel:

Abstract: Claimant seeks judicial review of Employees Retirement System ("ERS") decision dated February 21, 2023, which denied a reconsideration of the COLA calculation.

Status: Hearing date set.

Docket:

03/28/2023	Petition for Judicial Review filed
04/05/2023	ERS served
04/25/2023	Administrative Record received
05/26/2023	Stipulation for Extension of Time for Petition to File Opening Memorandum
06/20/2023	Petitioner's Memorandum of Law in Support of Petition for Judicial Review
06/29/2023	Stipulation for Extension of Time for Respondent to File Answering Memorandum
06/30/2023	Order Granting Extension of Time
07/31/2023	Response to Petitioner's Memorandum
08/12/2023	Reply Memorandum
05/01/2024	Oral Argument set

**In the Matter of Danielle Jones-Dawson**  
Case No. C-16-CV-22-000675 (AAO)

Lead Counsel: Ticer  
Other Counsel:

Abstract: Claimant seeks judicial review of Merit Board decision (October 20, 2022) denying claimant's appeal of her termination due to non-compliance with Notice 21-07, COVID-19 Vaccination Requirements.

Status: Hearing date set.

Docket:

11/20/2022	Petition for Judicial Review filed
11/29/2022	Response to Petition for Judicial Review
02/08/2023	Memorandum for Petitioner
03/09/2023	Commission's Answering Memorandum
11/20/2023	Motion for Continuance
01/29/2024	Hearing reset to 05/02/2024
05/02/2024	Hearing set.

**In the Matter of Jeanne Kavinski**

Case No. C-16-CV-23-001821, C-16-CV--23-001826, C-16-CV-23-001827 (WC)

Lead Counsel: Ticer  
Other Counsel:

Abstract: Claimant filed the same issues in three claims with overlapping body parts seeking authorization for treatment and causal relationship of a new injury. In addition, the Commission contested whether a compensable injury occurred in a new claim (D/A:4/28/2021). The Commission was successful in defending the authorization for treatment and against the new claim. The claimant has appealed the determination in all three claims.

Status: Mediation set.

Docket:

04/18/2023	Petition for Judicial Review filed
05/02/2023	Response to Petition for Judicial Review filed in all cases
05/02/2023	Commission's Designation of Experts filed in case C-16-CV-23-001827
06/27/2023	Order of the Court. Cases C-16-CV23-001821 and C-16-CV-23-001826 are consolidated. Case C-16-CV-23-001821 to serve as the lead case.
08/29/2023	Scheduling Order issued in C-16-CV-23-001827
05/06/2024	Mediation set
07/02/2024	Trial in case C-16-CV-23-001827

**In the Matter of Jeanne Kavinsky**

Case No. C-16-CV-23-004139 (WC) – Lead case

Consolidated with C-16-CV-23-004296, C-16-CV-23-004297, C-16-CV-23-004298, C-16-CV-23-004975

Lead Counsel: Ticer  
Other Counsel:

Abstract: Claimant sought a finding that treatment to her left ankle, to include surgery, and associated indemnity benefits were causally related to any of the subject claims; all treatment and related benefits were denied. Claimant also sought a finding of permanent disability related to head injuries; the Commission found no permanent disability. Claimant has appealed all findings.

Status: Mediation set.

Docket:

09/08/2023	Petition for Judicial Review filed
09/29/2023	Response to Petition for Judicial Review
09/29/2023	Expert Designation
01/03/2024	Consent Motion to Consolidate Cases
01/23/2024	Motion to Consolidate Granted
06/10/2024	Mediation set
08/13/2024	Trial

**Simmons v. Commission, et al.**  
Case No. C-16-CV-23-000873 (Tort)

Lead Counsel: Thornton

Abstract: Tort suit for injuries allegedly sustained while attending Therapeutic Recreations Programs, Kids' Care After-School Program at Cedar Heights Community Center.

Status: Trial pending.

Docket:

02/24/2023	Complaint filed
02/28/2023	Commission served
03/28/2023	Motion to Dismiss filed.
03/30/2023	Prince George's County's Motion to Dismiss
04/14/2023	Stipulation of Dismissal as to Defendants Prince George's County and Commission
04/20/2023	Answer of Defendant Chatman
05/09/2023	Scheduling Order issued
06/05/2023	Order Granting Plaintiff's Consent Motion to Extend Time to Respond to Motion to Dismiss
08/21/2023	Line to Correct Misnomer, Entry of Appearance and Notice of Discovery filed
02/02/2024	Plaintiff's Expert Designation
03/05/2024	Defendant's Expert Designation
03/05/2024	ADR Order. Case did not settle
05/06/2024	Trial

**Alicia Spriggs v. Thomas W. Brown**  
Case No. C-16-CV-23-003019 (Tort)

Lead Counsel: Thornton

Abstract: Tort suit for injuries allegedly sustained in a motor vehicle accident.

Status: Case settled. Complaint Dismissed.

Docket:

06/30/2023	Complaint filed
01/03/2024	Commission served
01/10/2024	Answer to Complaint and Request for Jury Trial
02/23/2024	Plaintiff's Expert Witness Designation filed
03/21/2024	Line regarding settlement filed.
04/05/2024	Stipulation of Dismissal filed

**Rakiya-Rae Wallace v. Commission, et al. v. Commission, et al.**  
Case No. C-16-CV-23-003055 (ED)

Lead Counsel: Ticer  
Other Counsel: Johnson

Abstract: Employee terminated from the Commission for her COVID vaccination status has brought suit alleging several employment-related claims, such as religious and genetic discrimination, retaliation, and wrongful discharge

Status: In discovery.

Docket:

07/03/2023	Complaint filed
07/12/2023	Commission served
08/07/2023	Motion to Dismiss and Supporting Memorandum
08/21/2023	Consent Stipulation to Extend Time to Respond to Motion to Dismiss
09/05/2023	Response in Opposition to Defendants' Motion to Dismiss
09/05/2023	Amended Complaint
09/18/2023	Order of Court. Motion to Dismiss Denied as Moot
09/22/2023	Motion to Dismiss Amended Complaint
10/06/2023	Response in Opposition to Dismiss Amended Complaint
10/18/2023	Reply to Opposition to Motion to Dismiss
02/16/2024	Motion to Stay and/or Modify Scheduling Order
02/27/2024	Order of Court striking scheduling order issued on 10/12/2023.
03/28/2024	Motion for Postponement of Hearing on Defendants' Motion to Dismiss
03/29/2024	Hearing held. Order of Court – Motion to Postpone hearing on Motion to Dismiss granted. Parties to brief issue raised. Decision to be made without further hearing.
04/10/2024	Defendants' Motion to Dismiss withdrawn by consent.
04/10/2024	Order of Court – Motions Withdrawn. Plaintiff to file a Second Amended Complaint within thirty days.
04/30/2024	Second Amended Complaint filed

**APPELLATE COURT OF MARYLAND**

**Brij Bhargava, et al. v. Prince George's County Public Schools**  
**Proposed Southern K-8 Middle School**

Case No. ACM REG – 0659-2023 (AALU)  
(Originally filed under CAL21-13945 in Prince George's County)

Lead Counsel: Warner  
Other Counsel:

Abstract: Appeal of decision affirming the Prince George's County Planning Board's decision to affirm the Planning Director's approval of a tree conservation plan, a revision of that tree conservation plan, and variances to the Woodland Conservation Ordinance that allowed removal of specimen trees.

Status: Oral argument reset.

Docket:

05/31/2023	Appeal filed
06/27/2023	Order to Proceed
08/25/2023	Briefing Notice
08/30/2023	Joint Stipulation to Modify Briefing Schedule
10/11/2023	Record Extract
10/13/2023	Appellant Brief
12/01/2023	Appellees Brief filed
12/21/2023	Reply Brief
01/25/2024	Scheduling Notice
03/12/2024	Oral argument reset for June.

**SUPREME COURT OF MARYLAND**

No Pending Matters

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

**Weisman v. Commission, et al.**

1:24-cv-00009 GLR (ED)

Lead Counsel: Ticer  
Other Counsel: Thornton

Abstract: Plaintiff, a former police sergeant, filed a complaint against the Commission and the Montgomery County Chief of Police, alleging a hostile work environment due to discrimination based on sex, sexual orientation, and religion.

Status: Motion to Dismiss pending.

Docket:

01/03/2024	Complaint filed
01/05/2024	Commission served
01/22/2024	Motion to Dismiss filed by Commission
02/05/2024	Opposition to Motion to Dismiss
02/16/2024	Reply to Opposition to Motion to Dismiss

**U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT**

No Pending Matters