



**CHARLOTTE**<sup>SM</sup>

**City Council  
Follow-Up Report**

**June 27, 2014**

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**May 12, 2014 – Public Hearing on Preliminary Fiscal Year 2015 Operating Budget and Fiscal Years 2015-2019  
Community Investment Plan**

**Mr. Vincent Frisina, Jr. – Storm Water issues**

*Staff Resource: Jennifer Smith, E&PM, 704-336-7924, [jgsmith@charlottenc.gov](mailto:jgsmith@charlottenc.gov)*

During the Public Hearing for the FY15 Operating Budget and FY15-19 Community Investment Plan, Mr. Vincent Frisina addressed Council about storm water and drainage issues near his property. This memo serves as the update promised by staff in the May 23 Follow-Up Report.

The Storm Water Services Division Manager, Construction Program Manager and the Drainage Specialist for the project met with Mr. Frisina and a couple of his neighbors at Edsel Place on June 3 at 6 p.m. Staff addressed several questions and comments raised by Mr. Frisina during the meeting. Staff also responded to the questions and comments with a written document, a copy of which is attached.



EdselPlaceAttachments.pdf

**June 23, 2014 – Council Business Meeting**

**Fire Administration Headquarters Construction Update**

*Staff Resource: William Haas, Engineering & Property Management, 704-336-4625*

During the Mayor and Council topics portion of last Monday's meeting, Mayor Pro Tem Barnes inquired about the status of the new Fire Administration Headquarters. Construction of the Fire Administration Headquarters is several months behind schedule. In addition, progress toward completion continues to be slow. The delay stems from the improper construction of the exterior window frames and the extremely long fabrication time to make replacement window glass.

Council awarded an \$11,949,120 contract to Myers & Chapman, Inc. on December 12, 2011 for the construction of this new facility located at 500 Dalton Avenue. At the time, the original contract completion date was July 31, 2013. A subsequent change order requested by the City was approved by Council on February 25, 2013. This change order both modified the north parking lot and extended the contract completion date to September 19, 2013. The total contract amount is currently \$11,299,120.

Myers & Chapman subcontracted the window frame and glass installation to Charlotte Glass Contractors. Myers & Chapman and Charlotte Glass elected to build the window frames on-site instead of building the frames and installing the glass at Charlotte Glass's plant. At some point during the window frame fabrication,

measurements were made for the exterior glass but it took 20 weeks from the order date for the glass to be fabricated and delivered. When the glass arrived, many of the pieces did not fit. After investigating, the contractor realized many of the window frames had been built incorrectly. The City and its designer reviewed potential changes that could be made to allow most of the glass to be used, but ultimately the City concluded that improper frames may compromise the weather-tightness of the window and allow leaks to occur in the future. Myers & Chapman directed Charlotte Glass to remove the frames and re-build them to the proper dimensions. Once that work was complete, new measurements for the window glass were taken. The fabrication and delivery time for the replacement glass was another 20 weeks.

To date, about 95% of the window system has been installed. The delay in the window installation resulted in the delayed start of nearly all of the interior finishes, but these finishes are currently ongoing. Overall the project is about 85% complete. The latest schedule from Myers & Chapman suggests the building will be complete in early August 2014. However, it is staff's opinion that the building will be completed in the fourth quarter of 2014. The contract does include a provision for liquidated damages to be assessed at \$500/day beyond the contract completion date. To date, the project is 9 months late. Myers & Chapman was notified in September 2013 of the City's intent to assess liquidated damages. Anticipated liquidated damages will be withheld from the contract balance to ensure the City's legal remedy is realized. Staff has informed the City's Attorney's Office of the situation and will continue to seek guidance as needed for the duration of the project.

### **Communicating with Property Owners/Renters**

During the design phase of the project the Project Engineer or Drainage Specialist is the primary point of contact with residents. This project was assigned to a Drainage Specialist, Mike Ganzert, and he evaluated the system, determined what improvements and easements were needed, and coordinated with the appropriate owners to acquire the easement. A professional engineer approved and sealed the project and then passed it to our construction group to assign a contractor and complete the construction.

During construction, the Construction Inspector is the primary project contact for residents to ask questions, share comments and raise concerns. Construction Inspectors, in this case David Bird, are knowledgeable about the construction design plans, City policies and serve as the primary contact during the construction phase.

### **Reseeding/Sodding Impacted Areas**

Typically, the project design plan will include the reseeded of impacted areas after construction is complete with seed that matches existing grass, and therefore can vary with each property affected. The City's contractor reseeded the disturbed areas at 3215 Edsel Place and 3207 Edsel Place with fescue grass, matching the existing area.

To acquire the Permanent Storm Drainage Easement at 3201 Edsel Place, Storm Water Services agreed to replace Bermuda turf in the areas disturbed during construction. The property owner's willingness to convey the easement and the limited growing season of Bermuda grass were factors considered in this decision.

Project construction disturbed the yard at 3123 Edsel Place, requiring that it be graded, seeded, fertilized and mulched. The property owner raised concerns that the grass was not growing. Our Construction Inspector examined the area and determined no additional work was needed, the yard simply needed watering. The property owner started watering and grass was re-established.

In the case of 3516 Birch Court, the contractor stored block/brick in the right-of-way area beyond the construction area, impacting a small area of Bermuda grass. Our Construction Inspector coordinated with the property owner and the contractor repaired the grassy area with Bermuda sod to its previous condition.

### **Protecting Trees During Construction**

Storm Water Services recognizes the importance of protecting trees during project construction and the possibility of a need to trim or cut trees was discussed with you. In some cases, the contractor trims or removes trees for access or to ensure safe operation of construction equipment. At this location, the

City's contractor was asked to use smaller construction equipment than normal to avoid the potential for interference with the tree. In addition, the contractor tied back branches in order to access the construction area. Despite these efforts, limbs obstructing the equipment from safely operating were trimmed.

### **Storm Drainage Easements**

Storm Water Services obtained a Permanent Storm Drainage Easement from the property owner at 3201 Edsel Place to implement the project. This was the only additional easement needed in order to complete the project. All others were previously acquired. The contractor used this area for storage of equipment, building materials and supplies, allowing much of the road to remain clear of blockages and debris. The property owner removed the stumps at his own expense using a private company.

### **Regrading Requests**

The property owner at 3132 Edsel Place spoke with our Construction Inspector and expressed concerns that the "stair-step" slope in the right-of-way did not allow vehicle access to his backyard. In response, the contractor re-graded this area to allow access. The property owner also expressed concerns that his recycling/trash bins storage area is now sloped. Staff will work with this homeowner to evaluate the suitability for a level area here.

### **Driveways Impacted by Construction**

It is customary for areas disturbed within the limits of construction be restored to their original condition, if not better than their original condition. During construction the contractor placed gravel to restore the driveways at 3207 Edsel Place. Occasionally, small quantities of excess construction materials may be left with a landowner at their request which benefits all parties.