

AGENDA

Meeting Type:	SPECIAL
Date:	12/17/1996
JOINT MEETING:	CITY/COUNTY/SCHOOLS.

City of Charlotte, City Clerk's Office



CHARLOTTE.

JOINT CITY/COUNTY/SCHOOL BOARD LUNCHEON

**December 17, 1996 - 12 noon
CMGC - Room 267**

- **Welcome** **Mayor Pat McCrory**
- **Introduction of New County Commissioners** **Chairman Parks Helms**
- **Uptown Retail Center** **Cullie Tarleton**
- **Planning Commission Interlocal Agreement** **Councilmember Lynn Wheeler**
- **Planning Liaison Committee Report** **Jerry McMurray**
- **Closing Comments**

The Next joint luncheon will be hosted by the County Commission on February 18, 1997.



CHARLOTTE.
December 6, 1996

*Brenda Juge
City Clerk*

RECEIVED
DEC 9 1996

OFFICE OF CITY CLERK

To: City Council
County Commission
Board of Education

Pat
From: Mayor Pat McCrory

Subject: CITY-COUNTY-SCHOOL BOARD LUNCHEON

The City is pleased to host our joint luncheon on Tuesday, December 17, 12 noon in Room 267 of the Government Center.

The following items are on our agenda for discussion:

- Uptown Retail Center
- Planning Commission Interlocal Agreement
- Planning Liaison Committee Report

Attached is our 1997 luncheon meeting schedule. We look forward to seeing you on the 17th.

Attachment

c: N.C. Delegation
Pam Syfert
Jerry Fox
Dr. Eric Smith

Uptown Mall Background

In the early Spring of 1996 the Rouse Company approached the Charlotte Uptown Development Corporation with the idea of building an Uptown mall. Their vision was to build an upscale regional center in the area bound by Stonewall Street, McDowell Street, Davidson Street and Third Street. Discussions were held with the Charlotte Board of Education, the Mecklenburg County Commission, and various City and County staff. It was agreed that to get a broader perspective of the possibilities, the agencies should seek requests for qualifications from additional developers.

The mall is envisioned as an urban regional mall which would service a metropolitan population of 1.3 million. It would have a size of approximately 850,000 square feet and contain nationally renowned stores like Nordstrom, Neiman Marcus, Saks, Lord and Taylor or Bloomingdale's. These buildings would be located in areas currently occupied by the Board of Education Building and the Metro School. While the School Board owns the majority of the site, a close working relationship would have to occur between the City, County Commission, and the School Board to make the project successful.

CITY COUNCIL/COUNTY COMMISSION/BOARD OF EDUCATION

1997 JOINT LUNCHEON SCHEDULE

DATE:

HOST:

February 18

County Commission

April 15

Board of Education

June 17

City Council

August 19

County Commission

October 21

Board of Education

December 16

City Council



CHARLOTTE.
CITY COUNCIL
MEMORANDUM

DATE: November 12, 1996

TO: Mayor and City Council
Board of County Commissioners

FROM: Lynn Wheeler, Chairman *Lynn*
Council Economic Development/Planning Committee

SUBJECT: Review of Planning Commission Interlocal Agreement

It occurs to me that the first of the year would be an opportune time for both bodies to review the Interlocal Agreement between the City and County that set up the consolidated Planning Commission. This Interlocal Agreement is almost twenty years old and specifically cites the evaluation and accountability of the Planning Director. In light of many concerns of late about the make-up of the appointed Planning Commissioners, this review could afford the opportunity to address the make up, number of members and appointment process of that body.

My suggestion is that a joint committee comprised of three members from the Council's Economic Development/Planning Committee and three County Commissioners be formed to begin this study and make a recommendation for any changes to both bodies by April 1997. If there are no objections, I would like this item placed on the City/County/School Board luncheon agenda scheduled for Tuesday, December 17.

Please call me with any suggestions or comments.

ds

Planning Liaison Report
Joint Luncheon
Tuesday, December 17, 1996

Purpose

The Planning Liaison Committee was originally formed so that representatives of the City Council, Board of County Commissioners, and the Board of Education together with the Planning Commission could meet to discuss issues of mutual interest. The Committee provides a monthly opportunity to maintain an open dialogue between the elected officials.

Expanded Charge

As part of the Joint Capital Planning resolutions adopted by the City and County, the Planning Liaison Committee membership was enlarged by one additional member from the City Council and one from the County Commission. Later in 1996, the School Board requested that they also have one additional member. The Chairs of the City and County Citizens Capital Needs Committees were also added to the membership.

Capital Program

The Planning Liaison Committee has been a forum for discussions on capital issues.

- A. The work of the City and County Citizen Committees has been reviewed and communication between the two groups has been facilitated.
- B. Planning Liaison expects to review the capital planning processes of the City and County to see if improved coordination is possible.

School Master Plan

The Committee has also had standing update reports from the School Board on development of a facilities master plan. The School Master Plan is at the request of the County Commission last January and the request was reinforced by the Planning Liaison Committee.

On January 24, 1996, the Committee is set to receive the School's Master Plan.

2015 Plan

The Committee has a January 10 meeting scheduled to review the 2015 Plan and to start to develop a means to better focus elected official's discussions on key issues and proposed actions over the next several years.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

RECORDED
JAN 24 1989

INTERLOCAL COOPERATION AGREEMENT

This Agreement made and entered into this the 19th day of December 1988, by and between the CITY OF CHARLOTTE, a municipal corporation organized under the laws of the State of North Carolina, and COUNTY OF MECKLENBURG, a political subdivision of the State of North Carolina.

WITNESSETH

SECTION I. POLICY

1.10

The Governing Bodies, as parties to this Agreement, hereby find and declare that interlocal cooperation for comprehensive planning and plan implementation is a necessity: a) for orderly and coordinated growth and development; and b) to establish a land planning process and policy framework as a basis for decisions and actions related to assure a factual base for such decisions and actions.

The Governing Bodies recognize land planning and its implementation are vital to the public interest. Therefore, without limiting the generality of the foregoing, it is found that planning investigations and surveys, formulation of development goals and objectives, preparation of plans to implement goals and objectives, and development of means to carry out plans in a cooperative, coordinated and efficient manner are necessary in order that the officers, agents, employees, and governing bodies may competently perform their duties; and, in order that the voters of the respective jurisdictions, when called on to exercise their franchise in elections relating to their affairs may do so with an intelligent understanding of the questions presented for their decisions.

1.20

The purpose of this Interlocal Cooperation Agreement is to establish a joint planning agency and provide for its organization, administration and general term of agreement.

1.30

This Agreement is entered into pursuant to the terms and conditions of G.S. Chapter 160A, Article 20, Interlocal Cooperation; and further, the terms and conditions of the Agreement confer such power, duties, rights and functions needed for the execution of the undertaking.

SECTION II. DEFINITIONS

The words defined in this section shall have the meanings indicated when used in this Interlocal Cooperation Agreement:

2.10

"City" means the City of Charlotte and "Council" shall mean the Charlotte City Council.

2.20

"County" means Mecklenburg County and "Board" shall mean the Board of County Commissioners of Mecklenburg County.

2.30

"Planning Commission" means the Charlotte-Mecklenburg Planning Commission as herein established under the terms of this Agreement.

2.40

"Governing Bodies" means the Council and the Board as the elected legislative bodies of the City and the County.

2.50

"Unit or Units of Local Government" means a county, city, consolidated city-county, sanitary district, or other local political subdivision, or agency of local government.

2.60

"Comprehensive Plan" means a general and long range "Plan(s)" for guiding physical development - considering the social, cultural, economic and environmental implications of changes, through provisions for goals, objectives, policies, strategies and standards as well as localized short- and long-range plans or programs, all of which are based upon necessary inventories, analysis and synthesis of research conclusions. "Planning" shall mean the process and procedures necessary to prepare and maintain a Comprehensive Plan as well as carry out the functions and duties herein established under the terms of this Agreement.

2.70

"Plan Implementation" means those measures used to carry out land use plans or land use plan programs through such implementation measures as ordinances, regulations or project plans as established to carry out the functions and duties under the terms of this Agreement.

SECTION III. PLANNING COMMISSION ORGANIZED

3.10

There is hereby established a joint agency to be known as the Charlotte-Meckleburg Planning Commission. The Planning Commission is designated as the planning advisory body to the City and the County, and shall have the powers and duties described in this Agreement subject to such other powers and duties being similar with the established authority under this Agreement, and further not inconsistent with this provision of this Agreement.

3.20

The Planning Commission shall consist of fourteen (14) voting members. Five (5) members of the Planning Commission shall be appointed by the Council, two (2) members shall be appointed by the Mayor, and the other seven (7) members shall be appointed by the Board.

3.30

Membership of the Planning Commission shall be established under the following conditions:

3.31 Terms of Office of Planning Commissioners shall be three (3) years, but any term shall continue until a successor is appointed.

3.31.1 The terms of the Planning Commission members shall expire on June 30 and follow a staggered system of expiration:

<u>Position/Jurisdiction</u>		<u>Expiration</u>
1	County	1987
2	County	1987
3	City	1987
4	City	1987
5	County	1988
6	County	1988
7	City	1988

8	City	1988
9	County	1988
10	City	1989
11	County	1989
12	City	1989
13	County	1989
14	City	1989

3.31.2 The Governing Bodies may make individual provisions for consecutive terms permitted for their respective appointive positions.

3.32 Members of the Planning Commission shall be residents of the County and will be subject to the following conditions:

3.32.1 A member who ceases to be a resident of the County shall cease to be a member of the Planning Commission.

3.32.2 Members shall serve with compensation as determined by the Governing Bodies.

3.33 Filling Vacancies and Removal of members on the Planning Commission shall be carried out as follows:

3.33.1 Upon resignation, permanent disqualification or removal of any member of the Planning Commission, the appointing authority, pursuant to this agreement will appoint a successor to fill the remaining term.

3.33.2 Members have an obligation to attend at least fifty (50) percent of the total number of regular meetings of the Planning Commission and of the Planning Committee and/or Zoning Committee to which the member is from time to time assigned during any twelve (12) month period.

** Both the City Council and the Board of County Commissioners adopted a new resolution and ordinances to establish an attendance policy of 75% attendance with no excused absences, and members must attend at least half the meetings for all appointed Board or Committee members beginning January 1, 1993.

The Planning Commission Chairperson shall immediately report to the appropriate Governing Body the failure of any member appointed by said Governing Body to meet said attendance standard, the receipt of which report shall automatically remove said member from the Planning Commission.

- 3.33.3 Any appointed member of the Planning Commission may be removed at any time with cause by the Governing Body according to their policy of removal of appointed members.

3.40

Ex-Officio member(s) of the Planning Commission may be appointed by the Governing Bodies upon recommendation of positions by the Planning Commission and approval by the parties to this Agreement, and further subject to the following:

- 3.41 Ex-Officio members shall be non-voting members
- 3.42 Ex-Officio members shall serve under the same terms and conditions for voting members and their term expiration shall initially be established as a condition of appointment.

3.50

The Planning Commission shall elect its own officers at or within thirty (30) days of its regular meeting in July of each year. Further the Planning Commission shall comply with the following:

- 3.51 The officers of the Planning Commission shall be the Chairperson and Vice Chairperson.
- 3.52 The Chairperson of the Planning Commission shall appoint advisory committees and sub-committees of the Planning Commission as deemed appropriate.
- 3.53 The Planning Commission shall adopt such rules of procedure as it shall see fit for the transaction of its business. A copy of such rules shall be filed with the City Clerk and the County Clerk.
- 3.54 The Planning Commission, the Planning Committee, and the Zoning Committee shall hold regular meetings, and may hold special meetings and the same shall be open to the public but shall not prevent the Board from holding appropriate executive sessions.

- 3.54.1 The Planning Commission may invite and receive suggestions from the public concerning any and all matters within the scope of its duties.
- 3.54.2 The Planning Commission, the Planning Committee and the Zoning Committee shall keep minutes - to be action minutes if desired - in which shall be recorded all actions taken by it on all matters that it considers. Such minutes shall be public records.
- 3.54.3 Planning Commission meetings and special meetings are subject to the open meetings law of North Carolina.

3.60 Planning Commission with Planning Committee and Zoning Committee and Voting

- 3.61 Planning Commission: The Planning Commission, consisting of fourteen (14) members, shall be chaired by an elected Chairperson. The Planning Commission shall be designated as a planning agency pursuant to G.S. 153A-321 and G.S. 160A-361 for carrying out the duties specified herein for the Planning Commission. A quorum for the Planning Commission shall consist of at least eight (8) members present.
- 3.62 Planning Commission Executive Committee: There shall be a Planning Commission Executive Committee consisting of the Chairperson of the Planning Commission, the Vice-Chairperson of the Planning Commission, and the Vice-Chairpersons of the Planning Committee and of the Zoning Committee. The Planning Commission Executive Committee shall coordinate the work activities and the carrying out of the duties of the Planning Committee and Zoning Committee and shall have such other duties as established by the Planning Commission's rules of procedure referred to in section 3.53.
- 3.63 Planning Committee: The Planning Committee, consisting of seven members, shall be chaired by the Planning Commission Chairperson or Planning Commission Vice-Chairperson. The Planning Committee shall be designated as a planning agency pursuant to G.S. 153A-321 and G.S. 160A-361 for the carrying

out of the duties specified herein for the Planning Committee. A quorum for the Planning Committee shall consist of at least five (5) members present.

3.64 Zoning Committee: The Zoning Committee, consisting of seven members, shall be chaired by the Planning Commission Chairperson or Planning Commission Vice-Chairperson. The Zoning Committee shall be designated as a planning agency pursuant to G.S. 153A-321 and G.S. 160A-361 for the carrying out of the duties specified herein for the Zoning Committee. A quorum for the Zoning Committee shall consist of at least five (5) members present.

3.65 Duty to Vote: A member of the Planning Commission, Planning Committee or Zoning Committee must vote unless excused from voting for cause. An individual who wishes to be excused from voting shall so inform the Chairperson, who shall take a vote of the remaining members. If an individual has failed to vote and has not been excused by a majority vote of the remaining members, then that shall be recorded as an affirmative vote.

3.66 Four Affirmative Vote Requirement: The approval of a recommendation from the Planning Committee or Zoning Committee shall require four (4) affirmative votes from the seven-member committee.

3.70 Appointments to Planning Committee and Zoning Committee

3.71 Planning Commission members shall be appointed to the Planning Committee and to the Zoning Committee by the Planning Commission Chairperson in consultation with the Vice-Chairperson. The Chairperson of the Planning Commission shall take into consideration the following criteria in appointing members to the Planning Committee and to the Zoning Committee:

3.71.1 During each Planning Commission member's three year term, each Planning Commission member should serve eighteen months on the Planning Committee and eighteen months on the Zoning Committee, with consecutive months of service on each committee being desirable.

3.71.2 All new appointees should serve at least 6 months on the Planning Committee before serving on the Zoning Committee.

3.71.3 At rotation, at least three members should remain on the same committee.

their deliberation and such comments shall be recorded in any recommendations transmitted to the Governing Bodies.

- 3.81.5 The Planning Commission - with the concurrence of the appropriately affected Governing Body to this Agreement - may accept, receive and disburse in the furtherance of its functions any funds, grants and services made available by the federal government and its agencies, the State government and its agencies, any local government and its agencies any private and civic sources.
- 3.81.6 The Planning Commission with the concurrence of the appropriately affected Governing Body to this Agreement may enter into and carry out contracts with the State and federal governments or any agencies thereof under which financial or other planning assistance is made available to the Governing Body and may agree to and comply with any reasonable conditions that are imposed upon such assistance.
- 3.81.7 The Planning Commission with the concurrence of the appropriately affected Governing Body to this Agreement may enter into and carry out contracts with any other city, county, or regional council or planning agency under which it agrees to furnish technical planning assistance to the other local government or planning agency. Any city, or its designated planning agency with the concurrence of its council, may enter into and carry out contracts with any other city, county, or regional council or planning agency under which it agrees to pay the other local government or planning agency for technical planning assistance.
- 3.81.8 Advise and cooperate with units of local government upon request or on its own initiative on any matter within the Planning Commission's powers and duties.
- 3.82.9 Make available advice or reports to the State and federal government or regional body on any matter within the Planning Commission's powers and duties.

3.82.10 Make provisions for members of the Planning Commission to serve on other appointive boards or commissions as ex officio members as follows:

- (A) Historic District Commission
- (B) Charlotte/Mecklenburg Metropolitan Planning Organization
- (C) Others as may be authorized by the Governing Bodies.

3.82.11 The Planning Commission shall execute such administrative duties as prescribed hereinafter by SECTION IV, ADMINISTRATION. Exercise functions in the administration and enforcement of various means for carrying out plans that the Governing Bodies to this Agreement may direct.

3.82.12 The Planning Commission shall carry out such powers and duties as may from time to time be given or directed by the Governing Bodies.

3.90 Functions of the Planning Committee

- 3.90.1 Make studies of the area within its jurisdiction and surrounding area.
- 3.90.2 Define and recommend adoption of the goals and objectives to be sought in the development of the study area.
- 3.90.3 Prepare and recommend adoption of a comprehensive land use plan and plans for achieving these goals and objectives, including the interrelationship and integration of all transportation and utility plans.
- 3.90.4 Develop and recommend policies and strategies as well as plan implementation including administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
- 3.90.5 Report and recommend to the Governing Bodies the adoption and revision of comprehensive text zoning ordinances and regulations.

- 3.90.6 Report and recommend to the Governing Bodies the adoption and revision of comprehensive subdivision regulations.
- 3.90.7 Advise the Governing Bodies to this Agreement concerning the use and amendment of means for carrying out plans.
- 3.90.8 Recommend area plans to the Governing Bodies.
- 3.90.9 Continue to update the Generalized Land Plan 2005 and recommend appropriate amendments thereto, and recommend adoption of any subsequent Comprehensive Plan as referred to in G.S. 153A-341 and G.S. 160A-383.
- 3.90.10 Develop and recommend appropriate transportation policies or other such relevant policies to the planning process.
- 3.90.11 Review and recommend actions on capital projects, on the acquisition or sale of real property to units of local government including independent boards, agencies, commissions, authorities, special districts and local public institutions subject to the following provisions. The Planning Committee shall have thirty (30) days from the date of submission to review the project or action. A longer period of review may be granted by the instrumentality making submission. The Planning Committee may make whatever response it deems appropriate, if any, to submitted projects or action.
- 3.90.12 Take action as stated herein and make recommendations directly to the Governing Bodies.

3.95 Functions of the Zoning Committee

- 3.95.1 Provide recommendations to the Governing Bodies on rezoning petitions. Before a Governing Body may take action on a rezoning petition, the rezoning petition, after the public hearing, must be referred to the Zoning Committee for the Zoning Committee's recommendation. The Zoning Committee shall be given at least 30 days in which to make a recommendation. The Governing Body is not bound by the recommendations, if any, of the Zoning Committee.
- 3.95.2 Provide final approval for each individual subdivision plat as the designated Planning Agency

through the authority of G.S. 160A-373 and G.S. 153A-332.

- 3.95.3 Provide site review of any site plans submitted pursuant to the authority in the General Statutes of North Carolina or pursuant to any local act adopted by the Governing Body.
- 3.95.4 Provide members for the Special Use Permit Board as authorized by Chapter 488, 1983 Session Laws of the State of North Carolina.
- 3.95.5 Make rezoning petition recommendations directly to the Governing Bodies.
- 3.95.6 Report and recommend to the Governing Bodies the amendment or repeal of specific text zoning ordinances and regulations intended to carry out adopted plans and planning purposes which are prescribed by the provisions of Chapter 160A, Cities and Towns, Article 19, Part 3, Zoning and Chapter 153A, Counties, Article 18, Part 3, Zoning.

Before a Governing Body may take action on a text zoning ordinance and regulation, it must be referred, after the public hearing, to the Zoning Committee for the Zoning Committee's recommendation. The Zoning Committee shall be given at least 30 days in which to make a recommendation. The Governing Body is not bound by the recommendations, if any, of the Zoning Committee.

- 3.95.7 Report and recommend to the Governing Bodies the amendment or repeal of specific subdivision regulations intended to carry out adopted plans and planning purposes as well as subdivision regulation purposes which are prescribed by the provisions of the General Statute of North Carolina as found in Chapter 160A, Cities and Towns, Article 19, Part 2, Subdivision regulations. Chapter 153A, Counties, Article 18, Part 2, Subdivision regulations.

SECTION IV. ADMINISTRATION

4.10

There is hereby established the Metropolitan Planning Agency:
The Agency shall consist of the Director and subordinate employees. The Metropolitan Planning Agency is designated as the administrative body for carrying out the actions required to comply with the powers and duties of the Planning Commission and such other actions as may herein, or from time to time, be imposed on it by the Governing Bodies.

4.20

The Metropolitan Planning Agency will provide such management, planning, regulatory administration and support services as required and provided for under its annual, approved program and budget.

4.21 The Administrative Head of the Metropolitan Planning Agency shall be the Planning Director. The process for the appointment, evaluation and termination of the Planning Director is as follows:

4.21.1 Appointment of Director. The Chairman of the Board of County Commissioners pursuant to a vote of the Commission; the Mayor and the City of Charlotte, pursuant to a vote of the Mayor and Council; and the Chairman of the Charlotte-Mecklenburg Planning Commission pursuant to a vote of the Commission: shall each select one member of a three member selection committee to be known as Planning Director Recruitment Committee (PDRC). The City Manager and the County Manager shall act as ex-officio members of the PDRC to offer professional resources and advise in the process of selecting a new Planning Director.

PDRC shall, upon its unanimous vote, have the responsibility and the full authority to recommend a new director for the Charlotte-Mecklenburg Planning Commission.

The PDRC may employ professional advice in actively recruiting the Planning Director and may, upon the advice of the City Manager and County Manager, employ as executive search firm and may negotiate and sign an appropriate contact with such firm.

(A) The PDRC shall:

- (1) Make available to the executive search firm all applications on file.
- (2) Request additional application by personal contact or advertising for a period of six weeks from the date of authorization.
- (3) Seek comments from members of City Council and the Board of County Commissioners to guide deliberations

during the recruitment period and, as appropriate, solicit comments from private sector representatives, members of the Board of Education and members of the governing authorities of the six Mecklenburg County small municipalities.

(4) The search firm should be guided by the qualifications for a Planning Director provided by the Planning Commission

(B) PDRC shall identify three (3) to five (5) most qualified candidates and have candidates available for interview by any member of the Planning Commission, City Council and County Commission.

(C) PDRC shall promptly, after considering the qualifications of the candidates and input from the above sources, make a final hiring recommendation, including a recommended salary based on parameters established by the City Council and Board of County Commissioners.

4.21.2 The Planning Director shall be hired upon the unanimous vote of a three-member committee consisting of the City Manager, County Manager and Chairperson of the Planning Commission (unless the City Council, County Commission or Planning Commission shall designate some other person to serve on that committee in its behalf).

4.21.3 Evaluation and Supervision of Director

(A) The Planning Commission shall develop an evaluation process of the Director, which shall include at least an annual review.

(B) The evaluation prepared by the Planning Commission shall be forwarded to the two Managers for their review and response.

(C) The City and County Managers shall develop an evaluation process of the Director, which shall include at least an annual review.

(D) The Planning Commission Chairperson shall meet at least annually with the two Managers to review the Planning Commission's evaluation of the Director and the Managers' evaluation of the Director.

(E) The Planning Commission Chairperson and the two Managers shall meet at least annually with the Director to review their evaluation of the Director.

4.21.4 Termination of Director

The Planning Director may be terminated only upon: (a) the unanimous vote of the City Manager, County Manager and Chairman of the Planning Commission (unless the City Council, County Commission or Planning Commission shall designate some other person to serve on that committee in its behalf); or (b) a majority vote of the City Manager, County Manager and Chairman of the Planning Commission (unless the City Council, County Commission or Planning Commission shall designate some other person to serve on that committee in its behalf) supported by a majority vote of the City Council, the Mayor and County Commission (a total of 17 members at the present) sitting in joint executive session.

4.22 Pursuant to and consistent with the provision of the approved annual work program and budget, the Planning Director shall perform the following duties:

4.22.1 Appoint, reappoint, assign and reassign all subordinate employees of the Agency and prescribe their duties subject to the personnel procedures and provisions of this Agreement.

4.22.2 Coordinate the activities of the Agency in its functions with other local, State and federal agencies.

4.22.3 Represent the Planning Commission or Governing Bodies before any agency of a

unit of local government, the State, any other State or the United States with respect to:

- (A) Functions of the Agency
- (B) Adopted policies of the Planning Commission or Governing Bodies a party to this Agreement
- (C) Other matters as may be directed from time to time by the Planning Commission of the Governing Bodies

4.22.4 Prepare and submit to the Planning Commission the Agency's annual work program and budget for its approval and subsequent submission to the City, with an information copy to be sent to the County. Further, the Planning Director will prepare revisions to the work program or budget for subsequent action by the Planning Commission and the City Council and Board of County Commissioners as may be required.

4.22.5 Perform professional planning duties - as administrative head of the Metropolitan Planning Agency, including but not limited to the following:

- (A) Meets and discuss with City and County elected officials planning issues and development of policy options in response to those issues;
- (B) Meets and discuss with City and County departments and other public agencies or private groups on a wide range of planning programs in process, under consideration, or established as community objectives;
- (C) Meets and consults with interested individuals and groups about planning issues, programs and activities of the Planning Commission;
- (D) Provides management and leadership in the development, coordination and director for physical plans,

programs and projects related to growth, land use development and redevelopment, all of which consider the social, cultural, economic and environmental effects of change.

(E) Facilitate the efforts, and focus talents of Planning Commission and staff toward understanding planning issues and processes;

(F) Provide supervision for coordination services to the transportation planning process - as provided in the Memorandum of Understanding for the Charlotte-Mecklenburg Metropolitan Planning Organization (CMMPO) including:
-Arranging meetings and agendas;
-Maintaining minutes and records of meetings;
-Preparing a Prospectus and Unified Planning Work Program (UPWP) in cooperation with other local and State participants;
-Providing assistance to CMMPO in preparing the Transportation Plan (TP) and in packaging the Transportation Improvement Plan (TIP) with input from other participating groups and for transmitting the TIP to State and federal agencies;
-Monitoring the transportation planning process to ensure its execution in accordance with CMMPO direction;
-Preparing an annual report to the public on the transportation planning process; and
-Carrying out and coordinating duties necessary for the CMMPO to complete its responsibilities.

4.22.6 Perform all other duties as may be prescribed by the Planning Commission or required to carry out the terms of this Agreement including but not limited to the following:

(A) Prepare an annual evaluation of areas meeting the statutory

criteria for annexation of lands to the City and present such report to the Council and Planning Commission meeting jointly.

- (B) Prepare an annual report on the condition of Charlotte-Mecklenburg and the status of planning activities for consideration by the Planning Commission.

- 4.22.7 Keep the Planning Commission regularly advised about the activities and program progress of the Metropolitan Planning Agency.

4.30

Personnel procedures of the City shall be followed by the Metropolitan Planning Agency regarding the following:

- 4.31 Selection, advancement and dismissal of employees.
- 4.32 Compensation and expenses.

4.40

Finance procedures of the City shall be followed by the Metropolitan Planning Agency regarding the following:

- 4.41 Annual Budget, revisions or changes.
- 4.42 Expenditures and revenues.
- 4.43 Joint funding of the annually approved budget:
 - 4.43.1 The City and County shall each pay one-half (1/2) of the annual budget approved by the City and County.
 - 4.43.2 Either the City or the County may fund services over and above those approved in the annually approved budget.
 - 4.43.3 Participation of other units of local government may be funded by additions to the annual budget beyond that to be computed for City/County funding.

4.50

In carrying out its administrative requirements, the Planning Commission shall allow for the diverse planning needs of the

units of local government. The Planning Commission shall perform the following administrative duties:

- 4.51 Approval of the annual work program submitted by the Planning Director together with any additions, deletions or changes it deems appropriate.
- 4.52 Approval of the annual budget submitted by the Planning Director together with any additions, deletions or changes it deems appropriate.
- 4.53 Direct the performance of the Planning Director according to all the terms, conditions and limitations of this Agreement.
- 4.54 Adopt rules of procedure for the conduct of its business in accordance with the powers and duties of this Agreement.
- 4.55 Adopt such policies with the advice of the Planning Director and as may be necessary to monitor, or give direction for the carrying out of the approved work program or annual budget.

4.60

The City shall own, and make provision for the disposition, if any, of all real and personal property required by the Planning Commission and the Metropolitan Planning Agency.

4.70

The annual work program process shall be as follows:

- (A) The annual work program shall be prepared by the Planning Commission and the Director.
- (B) Upon approval by the Planning Commission, the Planning Commission Chairperson, and the Director, shall present the work program to the City and County Managers.
- (C) The Managers shall submit the proposed work program and their input to the Governing Bodies for their final approval and funding. The timing of such submission is to coincide with the budget process of the City and County.

SECTION V. GENERAL TERMS OF AGREEMENT

5.10

Reserved.

5.20

This Agreement may be amended from time to time upon mutual consent of the Governing Bodies.

5.30

A party to this Agreement may terminate its participation in the terms and conditions of this Agreement under the following procedure:

5.31 Termination. This Agreement can only be terminated as of the beginning of a fiscal year.

5.32 Notice. Notice to terminate must be given in writing on or before April 30 immediately prior to the proposed July 1 termination.

SECTION VI. PARTIES TO AGREEMENT

6.10

The parties to this Agreement have been authorized by appropriate and proper resolutions to sign the same.

6.11 City of Charlotte - The Mayor and City Clerk.

6.12 Mecklenburg County - The Chairperson of the Board and County Clerk.

6.20

Nothing herein before set forth shall be construed to prohibit the inclusion of any municipality of Mecklenburg County from participating in the Charlotte-Mecklenburg Planning Commission and receiving the services of it - or its administrative agent - under such terms and regulations as may be provided by the Governing Bodies.

6.30

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the date first above written.

CITY OF CHARLOTTE

Aue Myrick
Mayor

MECKLENBURG COUNTY

Carol E. DeLoach
Chairperson of the Board
of Commissioners

ATTEST:

Pat Sharkey
City Clerk

ATTEST:

Janice Spang
County Clerk

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Approved as to form:

M A Bethune
County Attorney

RFQ Process for an Uptown Mall



Draft

REASONS FOR DEVELOPING AN UPTOWN MALL

Schools Benefits:

- New Metro School and Central Office facilities built at no monetary cost to the School Board.
- Proposed new Metro School in a new location will give Metro School students better access to facilities which complement their special needs.
- The School Board would have the opportunity to create a new environment for the Metro School children that better meets their special needs.
- Building a new Central Office building gives the School Board the opportunity to solve several problems with the current building:
 1. Update technology to better integrate the schools with the Central Office building.
 2. Improve School Board meeting facilities and live broadcast capabilities.
 3. Improve the parking situation.

County Benefits:

- New Metro School and Central Office built at no monetary cost to the County Commission.
- Potential to decrease costs of parking facilities, needed by the County, by partnership with the private sector mall developer.
- Longer time to replace current Metro School and Administration Building.

City/County Benefits

- Increase the real estate tax base by \$ 8 million by putting the land back on the tax role. At current tax rates this would generate \$100,400 per year. (No estimates have been done on the value of the investment and the resulting property taxes from the mall building.)
- Increase in City/County sales tax revenues from the increased retail activity. (No estimates have been done on projected sales tax revenues.)
- Will provide 1500 additional jobs for City and County residents

City/County Befits (continued)

- A regional mall with nationally recognized stores (i.e., Nordstrom, Neiman Marcus, Bloomingdales) would attract shoppers from throughout the region that would not normally shop in Charlotte. They will spend money in Charlotte/Mecklenburg that would have been spent in other cities and counties.

City Benefits:

- Builds on the City's investment in the Convention Center by providing retail in the Uptown, as recommended in the C.H.Johnson Convention Center Maximization Study.
- The City would have the opportunity to partner with the private sector to meet the Convention Center parking needs.
- Uptown retail will make Uptown living more viable.
- Strengthens the Uptown as the center of the region.
- Uptown retail center will attract people to Uptown Charlotte on nights and weekends, helping to dispel the impression of an Uptown ghost town on nights and weekends.
- The mall will complement other private and public investments in the area.
- Construction of the Mall would enliven Marshall Park.
- Creation of the Mall would help populate the Uptown and help the safety perception.
- Should increase the ridership on City Transit.
- The development of the urban mall will be an engine for economic development in the Uptown.

Uptown Retail Center RFQ Time Line

1. Define process and outline the time table. August 20 - September 18
2. Send draft of project/expectations and RFQ outline to elected officials for approval at workshop. December 16,1996 (Workshop)
3. Complete RFQ and mail to Development Community. December 17-22, 1996
4. Review period for RFQ by the development community. February, 1996 - March 30,1997
5. Staff meets and reviews RFQ submittals. Presents recommendations to elected officials. April 1 - 30, 1997
6. Award bid to highest qualified developer according to elected officials recommendations. May 15 - 22, 1997

RFQ Summary

Goal of the RFQ process:

The Request for Qualification (RFQ) process is being suggested as the tool to search for a developer of the Uptown Mall because it brings to the project firms which have a proven record in putting together large urban retail complexes. The process seeks out those firms which have the ability to bring in nation wide retail anchors which might not otherwise be located in Charlotte. By use of the RFQ, the three governing bodies, can determine what interest the development community has in doing a large regional mall while not forcing the elected officials to commit to a specific proposal. It allows the officials to see who is interested and then if qualified developers respond it gives them a chance to take the project a step further. In addition, the RFQ begins finding out what the developers will bring to the table and what they will expect in return.

The RFQ will be structured to seek as much possible information about the developer and the project as possible. Tentatively, the RFQ will have seven topic areas. Project Background, Project Parameters/Development Concept, Schedule, Development Team Financial Information, Tentative Development Financing, Design Team, and Selection Procedure and Criteria, are the area of inquiry. A brief description of each area follows:

Project Background Information

This section would set the context for having a regional mall in Uptown Charlotte. It would highlight the regional growth now occurring in Charlotte and Mecklenburg County. Some general demographic information about the region's growth would be included. The main charge of the background is to entice the developer to see the project potential. It is intended to spotlight Charlotte as the up and coming city in the Southeast. A project such as this would be a very appealing investment opportunity.

Project Parameters/Development Concept

An overview of the anticipated project would be described here. The potential developer would be asked to outline how their development would address various land use, economic, transportation and retail issues. The expectation of "no cost" to the School Board should be put forth. It would be the developer's cost to relocate and build a new Metro School and Board of Education Building. Criteria on location and content of the new facilities would be included.

The composition of the urban mall would be information asked of the developer. Minimum anchors in the complex would be stated. A commitment from those retailers to locate in the mall would be expected. Design of the structure and relationship to surrounding private and public facilities are items that would be requested to be described by the proposer.

Schedule

This segment of the RFQ would be used to determine the developer's ability to complete the project. Specifically, a diagramed project time line would be required. The time line would graphically describe the project process from project inception through the center's occupancy. It would also have a time table for relocation existing businesses/ and organizations. Expectance for having public infrastructure in place would be outlined by the proposer.

Development Team Financial Information

The public agencies assembling the land will weigh heavily the demonstrated financial ability of the proposer to successfully complete and operate a regional shopping mall that meets their goals as well as those of the development team. The team will be asked in this section to submit financial information that best substantiates the capability to carry out the project as proposed, whether team member firms are publicly or privately held. Proposer selected for negotiation will be required to provide detailed financial statements substantiating their ability to carry out the proposed project. The proposer will be required to submit examples of similar type centers containing nationally renowned stores, that they have completed and maintained.

Tentative Development Financing

Under this section the proposer will be required to provide a tentative financing plan including estimated total project cost, amount of debt and equity needed, likely sources of debt and equity, and any public assistance that may be requested, Justification of public assistance will be asked to be substantiated by a ten year cash flow analysis or other means indicating the need and magnitude of such assistance. The municipal agencies understand that these number are estimate and will change in the process of project negotiation and design.

Design Team

This segment of the RFQ will ask the proposer to submit all anticipated team members. This will include consultants they require to provide urban design, planning, engineering, landscape architecture or other speciality functions. Requested information will include previous credentials in designing regional malls that have been successfully developed along with the time frame it took for completion.

Selection Procedure and Criteria

A review team composed of staffs from the City, County, and School Board intends to select one or more proposals from the total number of qualified proposals submitted for detailed negotiation of terms and conditions of an agreement to construct the center. The selection will

be based on information in the proposal, investigation of the proposed team's completed development projects, history and performance in other previous endeavors, and other pertinent factors that may come to the attention of the review team. The Charlotte Mecklenburg School Board, Mecklenburg County Commission, and the Charlotte City Council collectively reserve the right to reject and or all proposals and recommendations. The finalist proposer will be asked to guarantee terms and minimum development performance as specified in negotiated agreements prior to staff recommendation to the above bodies. This guarantee would be in the form of a performance bond, irrevocable letter of credit or other tangible form of guarantee acceptable to the group.

RFO and Description for an Uptown Mall

Project Background Information

Request for Qualifications are being sought for a developer to build a urban regional mall in Charlotte's Uptown. The mall will serve metropolitan area population of 1.3 million. Charlotte, the dominant metropolitan area lying between Atlanta and Washington, D.C., is the principal city in the region which includes Winston-Salem, Greensboro, Columbia, and Greenville-Spartanburg. It's "sphere of influence," or approximate 100 mile radius, includes a population of 5.2 million, comparable to the population residing within a 100 mile radius of Atlanta.

Employment in the area has far surpassed the national average. Since 1984 employment has grown by 35 percent (compared to the national growth of 14 percent). The growth has been fueled in part by Charlotte's position as a leading financial center. More banking resources are headquarter in Charlotte than in all but two other cities (New York and San Francisco). Charlotte is a key transportation center, serving as a hub for USAir. In terms of total passenger activity, Charlotte is ranked among the top twenty airports nationally, with 500 daily flights. The site under consideration offers the opportunity to enter this growing regions' affluent market which is unserved by a specialty/upscale department store.

The site located in the Center City is bound by Davidson Street, East Third Street, Stonewall Street and McDowell Street. It is positioned to provide synergy with the surrounding land uses. It is envisioned that a retail center with a square footage size of about 850,000 could be sited on this land which is currently under the ownership of the Charlotte Mecklenburg School Board and Mecklenburg County. The site offers the following characteristics favorable for locating a retail complex:

- The Uptown Charlotte site offers exposure to 70,000 cars daily, which pass by via I-277.
- Close proximity to the major traffic generators in the city. The new Charlotte Convention Center is located just two blocks away. The Adams Mark Hotel, the largest hotel in the city, is located at the end of the block on which the site is situated. The newly opened Carolina Panthers football stadium is also within walking distance.
- The site offers a low density "suburban" nature location with all of the advantages of a downtown site, including easy access to the interstate network serving Charlotte. Uptown Charlotte offers a very walkable environment, with access to 55,000 workers. Almost half (44 percent) of the office space in all of Mecklenburg County is located Uptown. By comparison, the city of Baltimore accounts for 38 percent of the total metro area office inventory.
- Unlike many downtown districts, Uptown Charlotte continues to grow. A new 460,000 square foot Transamerica Building is currently nearing completion and a 30-story office tower is underway. Bell South confirmed its commitment to Uptown by building its

350,000 square foot corporate headquarters in the center city. There are also discussions to locate a coliseum and entertainment complex in Uptown.

- Additional Uptown traffic generators include the Performing Arts Center and Discovery Place, a hands-on science museum.

Project Parameters / Development Concept

The project under consideration is an upscale regional mall with a minimum size of 850,000 square feet. The center is to be anchored by at least three nationally recognized stores. Other retailers with speciality, unique or special interests will also be sought to support the larger anchors. The development must celebrate center city Charlotte as a exciting downtown destination which offers a wide variety of shopping, dining, and entertainment choices. It should capitalize on it's urban location and have an interconnection to the rest of the Uptown venues. Equally important to the project, will be the planning and relocation of existing school facilities.

The proposer should be able to include each of the following into their project scenarios:

- Nationally recognized stores like Nordstrom, Neiman Marcus, Saks, Lord and Taylor, and Bloomingdales should be included in the centers.
- Contextual design considerations to ensure the center relates to the surrounding land uses. Special considerations should be made for relationships to the New Convention center, Marshall Park, the Aquatic Center, First Baptist Church.
- Include a process for how the existing Board of Education and Metro School get relocated at no cost to the school board and include a time schedule for the relocation.
- Demonstrate how the Metro School and School Board can retain a close proximity to the existing location or gain from alternate locations.
- Describe a mechanism for incorporating an architectural gesture commemorating Second Ward High School.
- Define in general terms what architectural building design expectations would be created to ensure the complex is pedestrian accessible, vehicular accessible, and overall aesthetically pleasing to the community.
- Describe what retail mix would be in the complex
- Define any required changes to the street system (street closures, street construction, signal improvements).
- Describe any needs for additional parking (short term, long term, and/or shared) and the approach to developing that parking.
- Indicate any needs for pedestrian tunnels or overhead walkways to link buildings, parking, or other land uses.
- Provide information on how the project will interface with the Uptown Shuttle and Charlotte Transit System.
- Describe how the center will spin-off benefits for corporate recruitment, out-of-town shopping visits, and increase bookings at the New Convention Center.

Schedule

The developer's ability to complete the project according to agreed upon schedule is critical to the success of the project. Several of the key elements that would be requested of the proposer would be :

- A fully diagramed project time line. All phases of construction - from project inception through the center's occupancy would be included in the schedule.
- Present and anticipated workload and ability to handle additional projects for the key team members and the firm.
- Provide a schedule for expectations for having public infrastructure in place.
- Submit a time table or process for relocating existing businesses/organizations.

Development Team Financial Information

The public agencies assembling the land will weigh heavily the demonstrated financial ability of proposer to successfully complete and operate a regional shopping mall that meets their goals as well as those of the development team. The team will be asked in this section to submit financial information that best substantiates the capability to carry out the project as proposed, whether team member firms are publicly or privately held. Examples of suitable financial information include forms 10K and 10Q , annual reports, and audited financial including income statements, balance sheets, and funds flow. Proposers will be encouraged to present as complete a picture of their current financial condition as possible. Proposer selected for negotiation will be required to provide detailed financial statements substantiating their ability to carry out the proposed project. The proposer will be required to submit examples of similar type centers containing nationally renowned stores, that they have completed and maintained.

Tentative Development Financing

The proposer will be required to provide a tentative financing plan including estimated total project cost, amount of debt and equity needed, likely sources of debt and equity, and any public assistance that may be requested. Justification of public assistance will be asked to be substantiated by a ten year cash flow analysis or other means indicating the need and magnitude of such assistance. The municipal agencies understand that these numbers are estimate and will change in the process of project negotiation and design.

Design Team

Provide names, addresses, telephone and fax numbers of the architecture firm, or firms, and principals in charge for the proposed project. Include the same information for selected urban design, planning, engineering, landscape architecture or other discipline that may be proposed. Include firms' and principals' credentials in designing regional malls that have been successfully

developed, and time frame of those projects. Photographs, marketing materials, or other supporting material may be submitted at proposer's discretion.

Selection Procedure and Criteria

The review team intends to select one or more proposals from the total number of qualified proposals submitted for detailed negotiation of terms and conditions of an agreement to construct a regional shopping center in Uptown Charlotte. This selection will be based on information in the proposal, investigation of the proposed team's completed development projects, history and performance in other previous endeavors, and other pertinent factors that may come to the attention of the review team. The Charlotte Mecklenburg School Board, Mecklenburg County Commission and the Charlotte City Council collectively reserve the right to reject any or all proposals and recommendations. The finalist proposer shall guarantee terms and minimum development performance as specified in negotiated agreements prior to staff recommendation to the above bodies. This guarantee will be made in the form of a performance bond, irrevocable letter of credit or other tangible form of guarantee acceptable to the group.

Following are some of the factors on which the governing bodies will evaluate each proposal, in no particular order or weight:

- Completeness of proposed development team.
- Credentials of the development team and demonstrated record of successful development of project similar to the development concept describe herein.
- Current financial capability of the proposed development team to successfully carry out the proposed project.
- The degree to which the proposed project meet or exceeds the components of the development concept described herein.
- Credibility of the development concept.
- Credibility of the financing plan.
- The degree to which the proposed development enhances and furthers the community's downtown redevelopment goals, and extends the vision of Uptown as a vital regional center for retail, arts, entertainment and business activities.
- The proposed development schedule and evidence of the team's ability to meet that schedule.
- Experience and demonstrated success of the designated mall operator in comparable mall properties and markets.
- The proposed marketing support to be provide to the project.
- The degree to which the financial structure of the proposed project minimizes public financial involvement. In the event that public financial involvement is requested, the degree to which the public materially benefits from project performance.
- Completeness of the proposal.
- The ability of the proposer to demonstrate the highest responsiveness to the City's, County's and School Boards needs will receive the most consideration. In addition, the proposal must demonstrate adherence to the Center City Charlotte Urban Design Plan principals.

Submittal requirements and procedure

This information will be determined when elected officials have given the go ahead on project.

Uptown Mall Background

D R A F T

In the early Spring of 1996 the Rouse Company approached the Charlotte Uptown Development Corporation with the idea of building an Uptown mall. Their vision was to build an upscale regional center in the area bound by Stonewall Street, McDowell Street, Davidson Street and Third Street. Discussions were held with the Charlotte Board of Education, the Mecklenburg County Commission, and various City and County staff. It was agreed that to get a broader perspective of the possibilities, the agencies should seek requests for qualifications from additional developers.

The mall is envisioned as an urban regional mall which would service a metropolitan population of 1.3 million. It would have a size of approximately 850,000 square feet and contain nationally renowned stores like Nordstrom, NeimanMarcus, Saks, Lord and Taylor or Bloomingdales. These buildings would be located in areas currently occupied by the Board of Education Building and the Metro School. While the School Board owns the majority of the site, a close working relationship would have to occur between the City, County Commission, and the School Board to make the project successful.

Reasons for Developing an Uptown Mall

Schools Benefits:

- New facilities at no monetary cost to the School Board.
- Possible that better site with proximity to facilities which complement the special needs of Metro School Students.
- Possibility for School Board to have better central offices in a building that functions better in meeting both the administration and the students/parents it serves.
- Opportunity to incorporate updated technology into the new facility which would better integrate the schools with the main office and have better facilities for meeting broadcasts.
- Possibility of improving the parking situation. This could be in the form of deck parking or bigger surface parking.
- Opportunity of tying the administrative offices to a major retail complex. This could provide for better interaction between administration and parents.
- Opportunity to create a new environment which might better meet the special needs of the Metro School children. This is envisioned to be both in the new facility and outside the facility.
- Opportunity to see a gain from the property and sales tax (site of the present School Board Building and Metro School) created by the new mall project. Some of these new funds could be channeled back into the school system for operational purposes. This could be a similar approach to what Cabarrus County does with its tax money.

County Benefits:

- Increase in the real estate and sales tax base by 8 million dollars by putting the land and improvements back on the tax role.
- Increase in the sales taxes by creating more retail.
- Potential to joint partner on parking facilities.
- Provides regional shopping and entertainment by bringing people into the county.
- Creates more jobs.
- Brings new retailers to town - giving more choices and speciality shopping possibilities.
- A large urban mall will add additional strength to Mecklenburg County by keeping the growth in this county and not into neighboring counties.
- The mall will complement previous private and public investments in the area.
- Longer time to replace current Metro School and Administration Building.

City Benefits:

- Strengthens the Center City as the center of the region.
- Opportunity to gain additional property tax from the development of a mall on this land. (Currently the School Property is not taxed on the property)
- City will get streetscape improvements put in along project edges as a result of development.

- **Chance to better utilize Marshall Park by having the development be designed to integrate into the park design.**
- **The development of the urban mall will be an engine for economic development in the Uptown and surrounding area. It will be a corporate recruitment benefit for businesses.**
- **Better utilization of urban land - from a land use stand point.**
- **Opportunity to partnership on parking needs with the new convention center as cited in the C.H. Johnson Consulting , Inc. study completed in June of 1996.**
- **Creates an entertainment and restaurant opportunities that re present 24 hours a day and 365 days a year.**
- **Creates a focal point for non-business activity in Uptown and enhances the image of Charlotte as a destination city.**
- **Provides additional support for future hotel expansion in the Uptown by providing additional retail opportunities.**
- **Helps populate the Uptown and increases the concerns about Uptown safety.**
- **Helps the convention industry by giving visitors additional retail and activities to do during their leisure time while attending conventions.**
- **Will provide 1500 additional jobs for City and County residents.**
- **Will help get more people to live in the Center City by providing the additional retail that would other wise require traveling to the suburbs.**
- **Should increase the ridership on City transit.**
- **Help keep development in Charlotte and not to neighboring cities.**

RFQ Summary

Goal of the RFQ process:

The Request for Qualification (RFQ) process is being suggested as the tool to search for a developer of the Uptown Mall because it brings to the project firms which have a proven record in putting together large urban retail complexes. The process seeks out those firms which have the ability to bring in nation wide retail anchors which might not otherwise be located in Charlotte. By use of the RFQ, the three governing bodies, can determine what interest the development community has in doing a large regional mall while not forcing the elected officials to commit to a specific proposal. It allows the officials to see who is interested and then if qualified developers respond it gives them a chance to take the project a step further. In addition, the RFQ begins finding out what the developers will bring to the table and what they will expect in return.

The RFQ will be structured to seek as much possible information about the developer and the project as possible. Tentatively, the RFQ will have seven topic areas. Project Background, Project Parameters/Development Concept, Schedule, Development Team Financial Information, Tentative Development Financing, Design Team, and Selection Procedure and Criteria, are the area of inquiry. A brief description of each area follows:

Project Background Information

This section would set the context for having a regional mall in Uptown Charlotte. It would highlight the regional growth now occurring in Charlotte and Mecklenburg County. Some general demographic information about the region's growth would be included. The main charge of the background is to entice the developer to see the project potential. It is intended to spotlight Charlotte as the up and coming city in the Southeast. A project such as this would be a very appealing investment opportunity.

Project Parameters/Development Concept

An overview of the anticipated project would be described here. The potential developer would be asked to outline how their development would address various land use, economic, transportation and retail issues. The expectation of "no cost" to the School Board should be put forth. It would be the developer's cost to relocate and build a new Metro School and Board of Education Building. Criteria on location and content of the new facilities would be included.

The composition of the urban mall would be information asked of the developer. Minimum anchors in the complex would be stated. A commitment from those retailers to locate in the mall would be expected. Design of the structure and relationship to surrounding private and public facilities are items that would be requested to be described by the proposer.

Schedule

This segment of the RFQ would be used to determine the developer's ability to complete the project. Specifically, a diagramed project time line would be required. The time line would graphically describe the project process from project inception through the center's occupancy. It would also have a time table for relocation existing businesses/ and organizations. Expectance for having public infrastructure in place would be outlined by the proposer.

Development Team Financial Information

The public agencies assembling the land will weigh heavily the demonstrated financial ability of the proposer to successfully complete and operate a regional shopping mall that meets their goals as well as those of the development team. The team will be asked in this section to submit financial information that best substantiates the capability to carry out the project as proposed, whether team member firms are publicly or privately held. Proposer selected for negotiation will be required to provide detailed financial statements substantiating their ability to carry out the proposed project. The proposer will be required to submit examples of similar type centers containing nationally renowned stores, that they have completed and maintained.

Tentative Development Financing

Under this section the proposer will be required to provide a tentative financing plan including estimated total project cost, amount of debt and equity needed, likely sources of debt and equity, and any public assistance that may be requested, Justification of public assistance will be asked to be substantiated by a ten year cash flow analysis or other means indicating the need and magnitude of such assistance. The municipal agencies understand that these number are estimate and will change in the process of project negotiation and design.

Design Team

This segment of the RFQ will ask the proposer to submit all anticipated team members. This will include consultants they require to provide urban design, planning, engineering, landscape architecture or other speciality functions. Requested information will include previous credentials in designing regional malls that have been successfully developed along with the time frame it took for completion.

Selection Procedure and Criteria

A review team composed of staffs from the City, County, and School Board intends to select one or more proposals from the total number of qualified proposals submitted for detailed negotiation of terms and conditions of an agreement to construct the center. The selection will

be based on information in the proposal, investigation of the proposed team's completed development projects, history and performance in other previous endeavors, and other pertinent factors that may come to the attention of the review team. The Charlotte Mecklenburg School Board, Mecklenburg County Commission, and the Charlotte City Council collectively reserve the right to reject and or all proposals and recommendations. The finalist proposer will be asked to guarantee terms and minimum development performance as specified in negotiated agreements prior to staff recommendation to the above bodies. This guarantee would be in the form of a performance bond, irrevocable letter of credit or other tangible form of guarantee acceptable to the group.

RFQ and Description for an Uptown Mall

Project Background Information

Request for Qualifications are being sought for a developer to build a urban regional mall in Charlotte's Uptown. The mall will serve metropolitan area population of 1.3 million. Charlotte, the dominant metropolitan area lying between Atlanta and Washington, D.C., is the principal city in the region which includes Winston-Salem, Greensboro, Columbia, and Greenville-Spartanburg. It's "sphere of influence," or approximate 100 mile radius, includes a population of 5.2 million, comparable to the population residing within a 100 mile radius of Atlanta.

Employment in the area has far surpassed the national average. Since 1984 employment has grown by 35 percent (compared to the national growth of 14 percent). The growth has been fueled in part by Charlotte's position as a leading financial center. More banking resources are headquarter in Charlotte than in all but two other cities (New York and San Francisco). Charlotte is a key transportation center, serving as a hub for USAir. In terms of total passenger activity, Charlotte is ranked among the top twenty airports nationally, with 500 daily flights. The site under consideration offers the opportunity to enter this growing regions' affluent market which is unserved by a specialty/upscale department store.

The site located in the Center City is bound by Davidson Street, East Third Street, Stonewall Street and McDowell Street. It is positioned to provide synergy with the surrounding land uses. It is envisioned that a retail center with a square footage size of about 850,000 could be sited on this land which is currently under the ownership of the Charlotte Mecklenburg School Board and Mecklenburg County. The site offers the following characteristics favorable for locating a retail complex:

- The Uptown Charlotte site offers exposure to 70,000 cars daily, which pass by via I-277.
- Close proximity to the major traffic generators in the city. The new Charlotte Convention Center is located just two blocks away. The Adams Mark Hotel, the largest hotel in the city, is located at the end of the block on which the site is situated. The newly opened Carolina Panthers football stadium is also within walking distance.
- The site offers a low density "suburban" nature location with all of the advantages of a downtown site, including easy access to the interstate network serving Charlotte. Uptown Charlotte offers a very walkable environment, with access to 55,000 workers. Almost half (44 percent) of the office space in all of Mecklenburg County is located Uptown. By comparison, the city of Baltimore accounts for 38 percent of the total metro area office inventory.
- Unlike many downtown districts, Uptown Charlotte continues to grow. A new 460,000 square foot Transamerica Building is currently nearing completion and a 30-story office tower is underway. Bell South confirmed its commitment to Uptown by building its

350,000 square foot corporate headquarters in the center city. There are also discussions to locate a coliseum and entertainment complex in Uptown.

- Additional Uptown traffic generators include the Performing Arts Center and Discovery Place, a hands-on science museum.

Project Parameters / Development Concept

The project under consideration is an upscale regional mall with a minimum size of 850,000 square feet. The center is to be anchored by at least three nationally recognized stores. Other retailers with speciality, unique or special interests will also be sought to support the larger anchors. The development must celebrate center city Charlotte as an exciting downtown destination which offers a wide variety of shopping, dining, and entertainment choices. It should capitalize on its urban location and have an interconnection to the rest of the Uptown venues. Equally important to the project, will be the planning and relocation of existing school facilities.

The proposer should be able to include each of the following into their project scenarios:

- Nationally recognized stores like Nordstrom, Neiman Marcus, Saks, Lord and Taylor, and Bloomingdales should be included in the centers.
- Contextual design considerations to ensure the center relates to the surrounding land uses. Special considerations should be made for relationships to the New Convention center, Marshall Park, the Aquatic Center, First Baptist Church.
- Include a process for how the existing Board of Education and Metro School get relocated at no cost to the school board and include a time schedule for the relocation.
- Demonstrate how the Metro School and School Board can retain a close proximity to the existing location or gain from alternate locations.
- Describe a mechanism for incorporating an architectural gesture commemorating Second Ward High School.
- Define in general terms what architectural building design expectations would be created to ensure the complex is pedestrian accessible, vehicular accessible, and overall aesthetically pleasing to the community.
- Describe what retail mix would be in the complex
- Define any required changes to the street system (street closures, street construction, signal improvements).
- Describe any needs for additional parking (short term, long term, and/or shared) and the approach to developing that parking.
- Indicate any needs for pedestrian tunnels or overhead walkways to link buildings, parking, or other land uses.
- Provide information on how the project will interface with the Uptown Shuttle and Charlotte Transit System.
- Describe how the center will spin-off benefits for corporate recruitment, out-of-town shopping visits, and increase bookings at the New Convention Center.

Schedule

The developer's ability to complete the project according to agreed upon schedule is critical to the success of the project. Several of the key elements that would be requested of the proposer would be :

- A fully diagramed project time line. All phases of construction - from project inception through the center's occupancy would be included in the schedule.
- Present and anticipated workload and ability to handle additional projects for the key team members and the firm.
- Provide a schedule for expectations for having public infrastructure in place.
- Submit a time table or process for relocating existing businesses/organizations.

Development Team Financial Information

The public agencies assembling the land will weigh heavily the demonstrated financial ability of proposer to successfully complete and operate a regional shopping mall that meets their goals as well as those of the development team. The team will be asked in this section to submit financial information that best substantiates the capability to carry out the project as proposed, whether team member firms are publicly or privately held. Examples of suitable financial information include forms 10K and 10Q , annual reports, and audited financial including income statements, balance sheets, and funds flow. Proposers will be encouraged to present as complete a picture of their current financial condition as possible. Proposer selected for negotiation will be required to provide detailed financial statements substantiating their ability to carry out the proposed project. The proposer will be required to submit examples of similar type centers containing nationally renowned stores, that they have completed and maintained.

Tentative Development Financing

The proposer will be required to provide a tentative financing plan including estimated total project cost, amount of debt and equity needed, likely sources of debt and equity, and any public assistance that may be requested. Justification of public assistance will be asked to be substantiated by a ten year cash flow analysis or other means indicating the need and magnitude of such assistance. The municipal agencies understand that these numbers are estimate and will change in the process of project negotiation and design.

Design Team

Provide names, addresses, telephone and fax numbers of the architecture firm, or firms, and principals in charge for the proposed project. Include the same information for selected urban design, planning, engineering, landscape architecture or other discipline that may be proposed. Include firms' and principals' credentials in designing regional malls that have been successfully

developed, and time frame of those projects. Photographs, marketing materials, or other supporting material may be submitted at proposer's discretion.

Selection Procedure and Criteria

The review team intends to select one or more proposals from the total number of qualified proposals submitted for detailed negotiation of terms and conditions of an agreement to construct a regional shopping center in Uptown Charlotte. This selection will be based on information in the proposal, investigation of the proposed team's completed development projects, history and performance in other previous endeavors, and other pertinent factors that may come to the attention of the review team. The Charlotte Mecklenburg School Board, Mecklenburg County Commission and the Charlotte City Council collectively reserve the right to reject any or all proposals and recommendations. The finalist proposer shall guarantee terms and minimum development performance as specified in negotiated agreements prior to staff recommendation to the above bodies. This guarantee will be made in the form of a performance bond, irrevocable letter of credit or other tangible form of guarantee acceptable to the group.

Following are some of the factors on which the governing bodies will evaluate each proposal, in no particular order or weight:

- Completeness of proposed development team.
- Credentials of the development team and demonstrated record of successful development of project similar to the development concept describe herein.
- Current financial capability of the proposed development team to successfully carry out the proposed project.
- The degree to which the proposed project meet or exceeds the components of the development concept described herein.
- Credibility of the development concept.
- Credibility of the financing plan.
- The degree to which the proposed development enhances and furthers the community's downtown redevelopment goals, and extends the vision of Uptown as a vital regional center for retail, arts, entertainment and business activities.
- The proposed development schedule and evidence of the team's ability to meet that schedule.
- Experience and demonstrated success of the designated mall operator in comparable mall properties and markets.
- The proposed marketing support to be provide to the project.
- The degree to which the financial structure of the proposed project minimizes public financial involvement. In the event that public financial involvement is requested, the degree to which the public materially benefits from project performance.
- Completeness of the proposal.
- The ability of the proposer to demonstrate the highest responsiveness to the City's, County's and School Boards needs will receive the most consideration. In addition, the proposal must demonstrate adherence to the Center City Charlotte Urban Design Plan principals.

Submittal requirements and procedure

This information will be determined when elected officials have given the go ahead on project.

Uptown Retail Center RFQ Time Line

1. Define process and outline the time table. August 20 - September 18
2. Send draft of project/expectations and RFQ outline to elected officials for approval at workshop. November 15, 1996
3. Complete RFQ and mail to Development Community. December 15-22, 1996
4. Review period for RFQ by the development community. December 23, 1996 - March 30, 1997
5. Staff meets and reviews RFQ submittals. Presents recommendations to elected officials. April 1 - 30, 1997
6. Award bid to highest qualified developer according to elected officials recommendations. May 15 - 22, 1997

**CITY OF CHARLOTTE
CITY MANAGER'S OFFICE**

MEMORANDUM

December 12, 1996

TO: Mayor & City Council

FROM: Del Borgsdorf 
Deputy City Manager

SUBJECT: Uptown Mall Project

Attached is a complete packet of "draft" information which describes the potential Uptown Mall project. This topic is on the joint luncheon agenda for the School Board, County Commission, and City Council on December 17, 1996.

There is no pending City Council action regarding this issue; however, land development policies, parking, infrastructure, and other issues would clearly be subjects for Council discussion should the project move forward. The Chairman of the Charlotte Uptown Development Corporation, Cullie Tarlton, will present the issue for discussion at the luncheon since CUDC has coordinated this project to date. Mr. Tarlton's purpose is to obtain reaction, feedback, and direction from City, County, and School elected officials so that future discussions with developers can proceed on a more informed basis.

The only action anticipated is that the School Board will send out Requests For Qualifications to various developers to obtain additional information on the scope and parameters of this potential project.

DDB:dlb
Attachment

Draft to be approved
1-7-97

MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

December 17, 1996

12:00 NOON

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Scheduled Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Tuesday, December 17, 1996 at 12:00 noon.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
Tom Bush, Becky Carney, Joel Carter, George Higgins,
Bill James, Hoyle Martin, Lloyd Scher and
Darrel Williams.
County Manager Gerald G. Fox
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

The Board met with members of Charlotte City Council and the Charlotte-Mecklenburg Board of Education for its bi-monthly joint luncheon. Members of the Mecklenburg Legislative Delegation were also present.

The meeting was called to order by Mayor Pat McCrory, host.

Following introductions, Mayor McCrory called upon Cullie Tarleton, representing the Charlotte Uptown Development Corporation.

(1) UPTOWN RETAIL CENTER, REGIONAL MALL, CULLIE TARLETON

Mr. Tarleton provided an overview of the proposed Request for Qualification (RFQ) process which is being suggested as the tool to search for a developer of an Uptown Mall. He noted that this process allows the elected officials to see who is interested and if qualified developers respond it gives them a chance to take the project a step further. In addition, the RFQ begins finding out what the developers will bring to the table and what they will expect in return.

The proposed site located in the Center City is bound by Davidson Street, East Third Street, Stonewall Street and McDowell Street. It is envisioned that a retail center with a square footage size of about 850,000 could be sited on this land which is currently under the ownership of the Charlotte-Mecklenburg School Board and Mecklenburg County.

Following his presentation the floor was then opened for questions.

Questions were raised concerning: 1) the proposed location and the relocation of current school facilities, 2) the property value of the proposed site, 3) the historical significance of the site and the desire to maintain that, 4) what will be the costs to taxpayers, 5) what's expected of government in this process, and 5) the reality of the proposed time frame.

Mr. Tarleton stated that he did not have answers to all of these questions and that they would be addressed later on in the process as a result of the Request for Qualifications process.

School Board Chairman, Susan Burgess stated that the School Board is happy with the current location of its administrative facilities and Metro School. It would be their desire to remain in close proximity of the Government Center. Further, the School Board would not expend any of its funds for this project.

* **Mr. Tarleton was thanked for his report. No action was taken. However, it was the consensus of each entity that additional information is needed and that the questions and concerns raised should be somehow addressed in the Request for Qualifications, to be responded to by developers.**

A copy of the report is on file in the Office of the Clerk to the Board.

(2) INTERLOCAL AGREEMENT, PLANNING COMMISSION

Council member Lynn Wheeler raised the issue of perhaps there is a need to review the current Planning Commission Interlocal Agreement. She suggested a committee be established to discuss this.

Commissioner Bush noted that he has placed on the Board of County Commissioners agenda, consideration to change the make-up of the Planning Commission.

It was also suggested that this matter be referred to the Planning Liaison Committee instead of creating a new committee.

No action was taken. However, it was the consensus to let each involved entity address this matter separately regarding how to proceed and likewise inform each other of action taken.

(3) REPORT PLANNING LIAISON COMMITTEE

Jerry McMurray, Vice-Chairman of the Planning Commission gave an overview of what the Planning Liaison Committee was all about.

No action was taken. Mr. McMurray was thanked for his presentation.

There being no further business, the meeting ended at 1:35 P.M.

Janice S. Paige, Clerk

H. Parks Helms, Chairman