

Extract of Minutes of a regular meeting of the City Council of the City of Charlotte, North Carolina held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on September 25, 2006.

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A regular meeting of the City Council of the City of Charlotte, North Carolina (the "City Council") was held in the Meeting Chamber at the Charlotte-Mecklenburg County Governmental Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on September 25, 2006 (the "Meeting"), after proper notice, and was called to order by the Mayor, and upon the roll being called, the following members of the City Council answered present: Councilmember: Barnes, Burgess,

Carter, Dulin, Foxx, Kinsey, Lassiter, Lochman, Mitchell, Mumford & Turner

The following members of the City Council were absent: _____

Also present: _____

Councilmember Mitchell introduced the following resolution (the "Resolution"), a summary of which had been provided to each Council member, a copy of which was available with the City Clerk and which was read by title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF STORM WATER FEE REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S STORM WATER FEE REVENUE BONDS, SERIES 2006 AND CERTAIN RELATED MATTERS.

WHEREAS, the City Council (the "City Council") of the City of Charlotte, North Carolina (the "City") hereby determines that it is necessary to finance the costs of additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment relating to the operation and maintenance of the storm water facilities located within the jurisdiction of the City (the "Project") at an estimated cost not to exceed \$50,000,000;

WHEREAS, the City Council is considering the issuance of not to exceed \$50,000,000 Storm Water Fee Revenue Bonds, Series 2006 of the City (the "2006 Bonds") to finance the Project;

WHEREAS, the City Council wants to (A) retain Parker Poe Adams & Bernstein LLP of Charlotte, North Carolina, as bond counsel; (B) retain Wachovia Bank, National Association, of Charlotte, North Carolina, and Banc of America Securities LLC of Charlotte, North Carolina, to serve as underwriters (the "Underwriters"); (C) approve the selection by the Underwriters of Helms Mulliss & Wicker, PLLC of Charlotte, North Carolina, as underwriters' counsel; (D) retain DEC Associates, Inc. of Charlotte, North Carolina and Waters and Company, LLC of Birmingham, Alabama, as financial advisors; and (E) retain U.S. Bank National Association of Charlotte, North Carolina, as trustee for the 2006 Bonds; and

WHEREAS, the City Council wants the Director of Finance of the City to file with the Local Government Commission of North Carolina (the "Commission") an application for its approval of the

2006 Bonds, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the negotiation of the sale of the 2006 Bonds to the Underwriters, (B) the City's use of Parker Poe Adams & Bernstein LLP, as bond counsel for the City, (C) the Underwriters' use of Helms Mulliss & Wicker, PLLC, as underwriters' counsel, (D) the City's use of DEC Associates, Inc. and Waters and Company, LLC, as financial advisors, and (E) the City's use of U. S. Bank National Association, as trustee for the 2006 Bonds and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2006 Bonds and to the City and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the 2006 Bonds.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the 2006 Bonds are to be issued by the City for the purpose of providing funds (1) to finance the costs of the Project, (2) if necessary, to fund a debt service reserve fund or to purchase a surety bond in lieu thereof and (3) to pay the costs of issuing the 2006 Bonds all as set out fully in the Preliminary Official Statement and other documents attached to the City's application to the Commission. The use of the proceeds of the 2006 Bonds, as described, is necessary in order to meet the expanding needs of the users of the City's storm water system and to assure that the City's storm water system remains in full compliance with all state and federal requirements for the provision of storm water system services.

Section 2. That (1) Parker Poe Adams & Bernstein LLP shall hereby be retained to serve as bond counsel, (2) Wachovia Bank, National Association, of Charlotte, North Carolina, and Banc of America Securities LLC of Charlotte, North Carolina, shall hereby be retained to serve as underwriters, (3) the Underwriters' use of Helms Mulliss & Wicker, PLLC as underwriters' counsel shall hereby be approved, (4) U. S. Bank National Association shall hereby be approved as trustee for the 2006 Bonds and (5) DEC Associates, Inc. and Waters and Company, LLC shall hereby be retained as financial advisors in connection with the issuance by the City of the 2006 Bonds.

Section 3. That the Director of Finance of the City with advice from the City Manager and bond counsel, is hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the 2006 Bonds.

Section 4. That the City Council finds and determines and asks the Commission to find and determine from the City's application and supporting documentation:

- (a) that the issuance of the 2006 Bonds is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 2006 Bonds will be sufficient but is not excessive, when added to other moneys available to the City's storm water system, for the proposed Project;
- (c) that the City's storm water system as now constituted and as it will be constituted after the completion of the Project is feasible;
- (d) that the City's debt management procedure and policies are excellent; and
- (e) that the 2006 Bonds can be marketed at a reasonable interest cost to the City.

Section 5. That the Mayor, the City Manager and the Director of Finance are hereby authorized to do any and all other things necessary to complete the steps necessary for the issuance of the 2006 Bonds.

Section 6. That the City Council requests that the Commission sell the 2006 Bonds through negotiation to the Underwriters, on such terms as may be agreed on but at a true interest cost not

exceeding 6.00%. The form and content of the Preliminary Official Statement with respect to the 2006 Bonds are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement by the Underwriters in connection with the sale of the 2006 Bonds is hereby in all respects authorized, approved and confirmed.

Section 7. That this Resolution is effective on the date of its adoption.

On motion of Councilmember Mitchell, seconded by Councilmember Kinsey, the foregoing resolution titled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF STORM WATER FEE REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY'S STORM WATER FEE REVENUE BONDS, SERIES 2006 AND CERTAIN RELATED MATTERS" was duly adopted by the following vote:
Unanimously

AYES:

NAYS:

PASSED, ADOPTED AND APPROVED this 25th day of September, 2006.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 25th day of September, 2006, the reference having been made in Minute Book 124, and recorded in full in Resolution Book 40, Page(s) 333-337.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of September, 2006.



Brenda R. Freeze, CMC, City Clerk

FY07-FY08 Project List - Stormwater System Plan

	FY07	FY08
Andover Phase III Neighborhood	6,000,000	
Cherokee-Perin Place Neighborhood		550,000
Eastburn Neighborhood	1,950,000	500,000
Jefferson Phase I,II,III Neighborhood	5,000,000	2,300,000
Nightingale Neighborhood		4,000,000
Shillington Neighborhood	1,000,000	
Addison Devron Neighborhood	1,250,000	
Myrtle/Morehead I Neighborhood	500,000	500,000
Oaklawn Neighborood	600,000	
South Boulevard II	1,800,000	900,000
Ashley Park/Westerey Hills I Neighborhood	3,000,000	1,500,000
Eastway/Medford Neighborhood	350,000	650,000
Cyrus Neighborhood	500,000	1,000,000
Repairs to Existing Storm Drains	4,000,000	5,950,000
Storm Water Channel Restoration	3,500,000	3,500,000
TOTAL	29,450,000	21,350,000