

June 23, 2008

Resolution Book 41, Page 370

**RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a residual portion of Fayette Road** in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **Centex Homes** has filed a petition to close a **residual portion of Fayette Road** in the City of Charlotte; and

Whereas, the portion of right-of-way to be closed lies within the Robinson Community beginning approximately 11 feet from Albemarle Road continuing approximately 175 feet northwest to its terminus as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B" both of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina.

Whereas, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that City Council first adopt a resolution declaring it's intent to close the street and calling a public hearing on the question; said statue further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley and

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at it's regularly scheduled session of June 23, 2008 that it intends to close a residual portion of Fayette Road and that the said street (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 28<sup>th</sup> day of July, 2008 in CMGC meeting chamber, 600 East 4<sup>th</sup> Street Charlotte North Carolina.

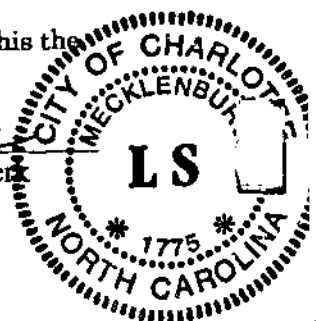
The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

**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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 370.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26<sup>th</sup> day of June, 2008.

  
Brenda R. Freeze, CMC, City Clerk



**A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES**

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

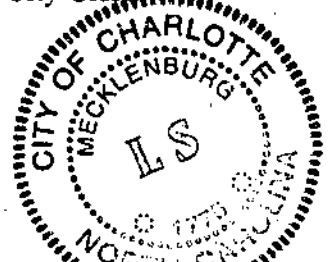
NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 23rd day of June, 2008 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

**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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (371-372).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26<sup>th</sup> day of June, 2008.

  
Brenda R. Freeze, CMC, City Clerk



June 23, 2008

Resolution Book 41, Page 372

TAXPAYERS AND REFUNDS REQUESTED  
(Clerical Error)

NAME	AMOUNT
BOYLES FELICIA R	\$ 51.66
MILLER JENNIFER	9.63
MILLER JENNIFER	9.63
EICHER SCOTT D	305.11
EICHER SCOTT D	305.11
LANE COLLIN	<u>554.45</u>
TOTAL	\$ 1,235.59

June 23, 2008

Resolution Book 41, Page 373

**RESOLUTION APPROVING AMENDMENT TO INTERLOCAL AGREEMENT  
FOR HISTORIC LANDMARKS COMMISSION WITH MECKLENBURG  
COUNTY AND TOWN OF DAVIDSON**

WHEREAS, pursuant to the provisions of Section 160A-461 of the General Statutes of North Carolina, the City of Charlotte ("City") is authorized to enter into contracts or agreements with other units of local government to execute any undertaking; and

WHEREAS, the City of Charlotte and Mecklenburg County agreed to create the Charlotte-Mecklenburg Historic Landmarks Commission ("HLC"), a joint preservation commission, which would handle the process of designating historic properties in the City or the unincorporated areas of the County; and

WHEREAS, the HLC has provided consulting services to other municipalities in the County to assist those municipalities with designating landmarks in their communities; and

WHEREAS, the HLC wishes to formalize those relationships and become a joint planning agency for historic preservation issues through new Interlocal Agreements; and

WHEREAS, the addition of new municipalities through the Interlocal Agreements will not result in changes to the method of funding of the HLC, or the selection of its members by the City and the County; and

WHEREAS, the HLC will not gain additional members as other municipalities join; and

WHEREAS, in order to formalize these relationships, the City, the County and Davidson, will need to enter into an amendment to the Historic Landmarks Commission Interlocal Cooperation Agreement to allow for the addition of Davidson; and

THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of June 23, 2008, that the Council hereby approves the Amendment to the Interlocal Agreement for Historic Landmarks Commission, which is attached as "Exhibit A" to this resolution and made a part hereof.

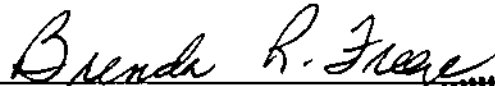
June 23, 2008

Resolution Book 41, Page 374

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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (373-378).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26<sup>th</sup> day of June, 2008.



Brenda R. Freeze, CMC, City Clerk



June 23, 2008

Resolution Book 41, Page 375

**EXHIBIT A**

**AMENDMENT TO  
HISTORIC LANDMARKS COMMISSION  
INTERLOCAL COOPERATION AGREEMENT**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

**AMENDMENT TO**  
**HISTORIC LANDMARKS**  
**COMMISSION**  
**INTERLOCAL COOPERATION**  
**AGREEMENT**

THIS AMENDMENT (hereinafter the "Amendment") to the Historic Landmarks Commission Interlocal Cooperation Agreement is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between the **CITY OF CHARLOTTE** (hereinafter the "City"), a municipal corporation organized under the laws of the State of North Carolina, the **COUNTY OF MECKLENBURG** (hereinafter the "County"), a political subdivision of the State of North Carolina, and the **TOWN OF DAVIDSON** (hereinafter the "Town"), a municipal corporation organized under the laws of the State of North Carolina.

**WITNESSETH:**

**WHEREAS**, the City, County and Town have the power pursuant to North Carolina General Statutes §153A-445(a)(1) and Article 20 of Chapter 160A of the North Carolina General Statutes to contract with each other for the exercise of any governmental function which they have been granted the power to exercise alone, and to enter into interlocal cooperation agreements to specify the details of these undertakings; and

**WHEREAS**, on July 1st, 2007, the City and County, along with the Town of Pineville, entered into an agreement entitled "Historic Landmarks Commission Interlocal Cooperation Agreement" (hereinafter the "Agreement") in which the City, County and the Town of Pineville entered into an agreement to authorize the Charlotte-Mecklenburg Historic Landmarks Commission ("*Commission*") to serve as a joint commission pursuant to N.C.G.S. 160A-400.7, which Agreement also specifies the details, operation and financing of said commission; and

**WHEREAS**, the Agreement also provides that the Charlotte-Mecklenburg Historic Landmarks Commission can serve as a joint commission on behalf of additional municipalities located within the political boundaries of Mecklenburg County after approval by the City Council and Board of County Commissioners; and

June 23, 2008

Resolution Book 41, Page 377

**WHEREAS**, the Town of Davidson wants the Commission to serve as its historic landmarks commission and has requested that the City and County approve the same by the execution of this Amendment.

**NOW, THEREFORE**, in consideration of the premises and the fulfillment of the terms of this Amendment, the City, County and Town agree as follows:

1. **Purpose of Amendment.** The purpose of this Amendment is to establish the Charlotte-Mecklenburg Historic Landmarks Commission as a joint commission pursuant to General Statute 160A-400.7 of the North Carolina General Statutes on behalf of the Town in addition to the City, County and any other municipalities which have been previously approved by City and Town.
2. **Financing of Commission.** Nothing herein shall alter arrangements between the City and County with respect to funding for the Commission.
3. **Operation of Commission.** The Commission shall consist of such commissioners as selected by the City and County and nothing herein shall alter arrangements between the City and County with respect to selection of Commissioners.

*[Signatures contained on following page]*



**EXECUTED** as of the day and year first above stated by authority duly granted by the Charlotte City Council, the Mecklenburg County Board of Commissioners, and the Town Council of Davidson.

**CITY OF CHARLOTTE**

\_\_\_\_\_  
City Manager

(SEAL)

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

**TOWN OF DAVIDSON**

\_\_\_\_\_  
Town Manager

(SEAL)

\_\_\_\_\_  
Town Clerk

Approved as to form:

**COUNTY OF MECKLENBURG**

\_\_\_\_\_  
County Manager

(SEAL)

\_\_\_\_\_  
Clerk to the Board

Approved as to form:

\_\_\_\_\_  
County Attorney

RESOLUTION TO CLOSE THREE STREETS AT RAILROAD GRADE CROSSINGS IN  
THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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WHEREAS, pursuant to an infrastructure reimbursement agreement with the City of Charlotte, Fiber Mills LLC is realigning a portion of Seaboard Street; and

WHEREAS, the North Carolina Department of Transportation, Norfolk-Southern Railroad, and CSX Transportation, each as a matter of policy, prefer to minimize the number of at-grade crossings of streets with active railroad lines; and

WHEREAS, Norfolk-Southern Railroad and CSX Transportation have the following three at-grade railroad crossings in the vicinity of existing or realigned Seaboard Street:

1. Seaboard Street
2. 9<sup>th</sup> Street
3. 11<sup>th</sup> Street; and

WHEREAS, Fiber Mills LLC, the City of Charlotte, and the North Carolina Department of Transportation have previously entered into a three-party agreement that contemplates the closing of the streets at the three at-grade railroad crossings in conjunction with the realignment of Seaboard Street; and

WHEREAS, the City of Charlotte held a public meeting on June 11, 2008, to discuss the proposed closing of the three streets at the at-grade railroad crossings and to receive public comment; and

WHEREAS, the Charlotte City Council hereby determines that the closing of these three streets at the at-grade railroad crossings is not contrary to the public interest, and that no individual, firm, or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED that the three above-identified at-grade railroad crossings be permanently closed.

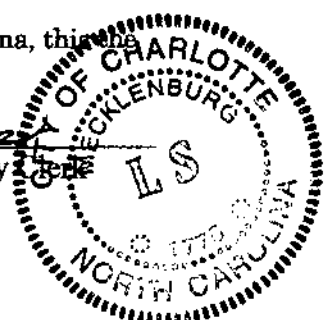
This the 23<sup>rd</sup> day of June, 2008.

**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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 379.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 26<sup>th</sup> day of June, 2008.

  
Brenda R. Freeze, CMC, City Clerk



**CITY COUNCIL  
OF THE  
CITY OF CHARLOTTE**

**RESOLUTION AUTHORIZING EXECUTION OF THE  
REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT  
BETWEEN MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE**

WHEREAS, N.C. Gen. Stat. §160A-461, "Interlocal Cooperation Authorized," authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, Mecklenburg County and the City of Charlotte have negotiated and wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste and recyclable materials generated within the corporate limits of the City of Charlotte; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement "... shall be ratified by resolution of the governing board of each unit spread upon its minutes"; now, therefore,

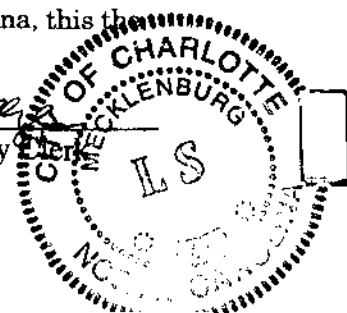
BE IT RESOLVED by the City Council of the City of Charlotte that the City Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between Mecklenburg County and the City of Charlotte in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

**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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (380-392).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26<sup>th</sup> day of June, 2008.

*Brenda R. Freeze*  
Brenda R. Freeze, CMC, City Clerk



**STATE OF NORTH CAROLINA**  
**COUNTY OF MECKLENBURG**

**REVISED AND RESTATED**  
**SOLID WASTE**  
**INTERLOCAL AGREEMENT**

THIS AGREEMENT is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between the **CITY OF CHARLOTTE**, a municipal corporation organized under the laws of the State of North Carolina ("City"), and **MECKLENBURG COUNTY**, a political subdivision of the State of North Carolina ("County").

**WITNESSETH:**

WHEREAS, the City and the County have the power pursuant to General Statute §153A-445(a)(1) and Article 20 of Chapter 160A of the North Carolina General Statutes to contract with each other for the exercise of any governmental function which they have been granted the power to exercise and to enter into interlocal cooperation agreements to specify the details of these undertakings; and

WHEREAS, the City and the County first entered into a Solid Waste Disposal Facilities Interlocal Agreement in 1984 for the purpose of combining their solid waste disposal assets under County control; and

WHEREAS, the City and the County twice amended the Solid Waste Disposal Facilities Interlocal Agreement, first in 1986 and then in 1987 for among other purposes, to approve the Mecklenburg County Solid Waste Management Plan dated November 1987, and extend the term of the Agreement until June 30, 2008; and

WHEREAS, the City and the County mutually agree to Revise and Restate that Agreement under the terms and conditions set forth herein; and

WHEREAS, the City and the County intend to establish long-term solutions for the cooperative management of solid waste as reflected in the Mecklenburg County Solid Waste Management Plan 2006-2016; and

WHEREAS, the Mecklenburg County Board of Commissioners and the Charlotte City Council have adopted resolutions authorizing execution of this Agreement concerning solid waste and recycling services;

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants of the parties as set forth herein, the City and the County agree that the Agreement is revised and restated in its entirety as follows:

1. **Purpose of Agreement.** The purpose of this Agreement, and similar agreements between the County and other municipalities in Mecklenburg County, is to establish a comprehensive system for the management of the recyclables, yard waste and solid waste generated by the residents of Mecklenburg County including those living within the City.

2. **Duration of Agreement.** This Agreement shall remain in force until June 30, 2028.
3. **Personnel Necessary to the Execution of the Undertaking.** City and its personnel or independent contractors shall be responsible for the collection of recyclables, yard waste and solid waste within City. County shall have no responsibility with respect to the collection of recyclables, yard waste or solid waste within City. County, its employees, or independent contractors, shall be responsible for operating all recycling, yard waste, and solid waste management facilities which may be designated by the County as facilities to which City is required to deliver or cause to be delivered recyclables, yard waste and solid waste collected within City's corporate limits. City shall not be responsible for supplying personnel to handle the disposal of the recyclables, yard waste or solid waste.
4. **Responsibilities of the County.** The County shall be responsible for providing and operating all recycling, yard waste and solid waste management facilities required to receive these materials as collected by the City in the City's corporate limits. The County's obligation herein may be met through County-owned or suitable designated third party owned and operated facilities. Provided, however, that City must consent to the designation of any third party owned and operated facility located outside of a circle with its center at the Charlotte Mecklenburg Government Center, and having a radius of forty miles. These designated facilities and their respective hours of operation are set forth in Exhibit A, which Exhibit may be amended from time to time by the County so long as such amendment does not substantially hinder the City's collection processes and is not inconsistent with other portions of this Agreement or with the then current Solid Waste Management Plan referenced in paragraph 6 of this Agreement.

On or before June 30, 2010, the County shall modify the facility designated to receive and process the recyclables, the Metrolina Recycling Center, to receive both dual stream and single stream recyclables collected by the City. Prior to that date only dual stream recyclables will be received and processed. The recyclable materials to be accepted, and their method of delivery to this facility, are set forth in Exhibit B, which Exhibit may be amended from time to time by the County so long as such amendment does not substantially hinder the City's collection processes and is not inconsistent with other portions of this Agreement or with the then current Solid Waste Management Plan referenced in paragraph 6 of this Agreement.

In addition to the preceding, the County shall operate full-service convenience centers that among other functions receive recyclables, household hazardous waste, discarded electronic waste and used motor oil delivered by residents of the City. The County shall also provide temporary storage and permanent storm debris management sites for use by the City pursuant to the City/County All Hazards Plan.

Additionally, the County shall exercise its best efforts, where feasible, in promoting the use of efficient processing and handling technologies in order to decrease costs, improve productivity, and enhance data collection in the City and County's collection and disposal programs.

5. **Responsibilities of the City.** The City shall be responsible for the separate collection of recyclables, yard waste and solid waste within the City's corporate limits and the delivery of all of those materials to the facilities designated in Exhibit A. The City's obligation herein may be met through its own employees or through independent contractors employed by the City. Additionally, the City shall exercise its best efforts to promote residential recycling in order to increase residential participation and to minimize the contamination of recyclables with solid waste. The City, its employees and contractors shall comply with any safety policies of the County, or contractors for the County, in delivering materials to the recycling, yard waste, and solid waste management facilities designated in Exhibit A.

On July 1, 2010, the City shall convert at least fifty percent of its residential curbside recyclable collection routes from dual stream collection to single stream collection. The remaining residential curbside collection routes shall be converted from dual stream collection to single stream collection not later than July 1, 2011. The City agrees to separately collect those recyclables set forth in Exhibit B.

6. **Solid Waste Plan.** The County shall prepare and submit the Solid Waste Management Plan(s) required by the North Carolina Department of Environment and Natural Resources at the frequency required. This Plan shall be comprehensive, delineating the waste reduction, recycling strategies and programs necessary to achieve the stated goals. This Plan shall also establish the recycling, yard waste and solid waste facility requirements to meet the future needs of the City and County solid waste systems. Any such Solid Waste Management Plans shall be approved by the governing bodies of both the County and the City. The parties agree that should any dispute arise in connection with the provisions to be included in future Solid Waste Management Plans to be approved by the governing bodies of the City and County and submitted in the future to the State, that such disputes shall be resolved through negotiation, including the use of a mediator or mediators as deemed necessary by the parties, and failing resolution through such means, through arbitration conducted through the American Arbitration Association or through such other arbitration program as may be acceptable to the parties. Both the County and the City shall carry out those responsibilities and duties set forth in the then current Solid Waste Management Plan, including the adoption of local ordinances governing solid waste and recyclable management consistent with the Plan.

7. **Method of Financing.** County shall not have any responsibility with respect to the financing of or costs associated with the collection of recyclables, yard waste or solid waste within the corporate limits of City. Except for the payment of Tipping Fees as set forth below, City shall not have any responsibility for the financing of, or costs associated with the County administered recycling, yard waste or solid waste disposal facilities or to such facilities licensed by or under contractual agreement with the County. The County may set and collect Tipping Fees for the receipt of materials, excluding recyclables and white goods, in the County owned or administered facilities under the Mecklenburg County Solid Waste Fee Ordinance.

The Tipping Fee for disposal of solid waste at any third party owned and operated disposal facility contracted for use by the County and City shall not exceed 110% of the cost to the County for using that third party owned and operated facility. The Tipping Fee for disposal of solid waste at a County-owned and operated disposal facility shall not exceed 110% of the total

per ton cost to the County for that facility. This total cost is to include the direct cost of facility operation, contributions to capital reserve, closure and post-closure accounts, and any taxes or fees imposed on the operation of the facility. The County and the City shall equally share in the disposal tipping fee costs of any excess non-recyclable residual materials delivered to the Metrolina Recycling Center received from City collections. Excess residual materials are quantities exceeding ten percent (10%) by weight of City recyclable deliveries.

Except as stated in Section 8 below, the County agrees that in the event that revenues from Tipping Fees, from the sale of recyclables and from any other disposal revenues in any fiscal year, exceed the expenses incurred by County in that fiscal year in providing and operating the facilities and programs in the County's solid waste system, that the County shall use said excess funds in subsequent fiscal years to provide or operate such facilities or programs. The City agrees to pay or cause to be paid Tipping Fees as set by the County on all materials delivered by City or its contract haulers to County owned or administered waste management facilities. The Tipping Fees charged to the City shall not, in any event, exceed those being charged any other municipality entering into similar Solid Waste Interlocal Agreements for equivalent services.

8. **Old Corrugated Cardboard.** The City agrees to collect, either directly or through independent contractors employed by the City, Old Corrugated Cardboard (OCC) in designated quadrants as a recyclable material and deliver these materials to the recycling facility designated in Exhibit A. For each ton of OCC delivered to the County's recycling facility by the City or its contractors, the County shall pay to the City a revenue share in accordance with the OCC revenue share formula contained in Exhibit C. The County will pay the City any amounts owed to the City as determined pursuant to such formula on a calendar basis, and will make all reasonable efforts to make payment to the City within thirty (30) calendar days after the end of each month. Payment shall be made by a bank wire transfer to a bank account designated by the City. The County will submit a report to the Key Business Executive for the Solid Waste Services Department for each such monthly wire transfer.

Sections 1.(C)(2) and 5.(C)(2) of the Restated Consolidated Shared Programs Joint Undertaking Agreement between the City and the County dated July 1, 2001, including Exhibits B and C referenced in Section 5.(C)(2), are hereby terminated as of the effective date of this Agreement in accordance with subsection (d) of Section 5 (C)(2).

9. **Ownership of Real Property Involved in Undertaking.** City shall have no ownership in any real property owned or acquired by County for recycling, yard waste, and solid waste management facilities, and County shall be free to dispose of such real property to the extent and under procedures allowed by State law.

10. **Indemnity of City.** County agrees to indemnify and hold City harmless from and against any lawsuits, and expenses arising therefrom, resulting from City's participation in County's Solid Waste Management Plan or resulting from City's enacting any ordinances or regulations it is required by the County's Solid Waste Management Plan to enact. Such indemnity shall not apply to any claims or liabilities arising from City's collection of recyclables, yard waste and solid waste.

11. **Uncontrollable Circumstance.** Any act or event that has had a materially adverse effect on a party to this Agreement or substantially precludes performance of a material obligation under this Agreement if such act, event, or condition is beyond the reasonable control of and is not the result of willful or negligent action or inaction by the party, relying thereon as justification for not performing an obligation or complying with any condition required of such party under this Agreement, shall excuse performance during the time performance is affected by such act or event. Such acts or events may include, but shall not be limited to, the following: default of any contractor hired by the City or County to perform functions required by this Agreement; an act of God; epidemic; landslide; lightning; earthquake; fire; war; blockade; insurrection; riot; general arrest; or restraint of government and people; and civil disobedience, adoption; promulgation, modification, or change in interpretation of any federal, state or local law, regulation, ordinance or court order excluding changes in tax law, after the date of execution of this Agreement.

12. **Amendment of Agreement.** Except as provided herein for the amendment by the County of Exhibits A and B this Agreement may not be modified or amended except by subsequent written agreement authorized by the governing bodies of each party and signed by the authorized representative.

13. **Termination of Agreement.** This Agreement may be terminated upon mutual consent of the parties, or by court order upon the finding that there has been such a substantial breach of this Agreement by the non-complaining party so as to entitle the complaining party to be relieved of its obligations under this Agreement.

14. **Enforcement of Agreement.** The parties agree that the remedy of specific performance would be an appropriate remedy, among others, for the enforcement of this Agreement.

15. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties with respect to its subject matter, and there are no other representations, understandings, or agreements between the parties with respect to such subject matter. This Agreement supersedes all prior agreements, negotiations, representations and proposals, written or oral.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written by the authority duly granted by their respective governing bodies.

[signatures appear on following pages]



Attest:

**CITY OF CHARLOTTE**

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
City Manager

[SEAL]

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Director of Finance, City of Charlotte

Attest:

**MECKLENBURG COUNTY**

\_\_\_\_\_  
Clerk to Board of Commissioners

By: \_\_\_\_\_  
County Manager

*[SEAL]*

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Mecklenburg County Director of Finance

Approved as to form:

\_\_\_\_\_  
County Attorney

## **Solid Waste Interlocal Agreement**

### **Exhibit A Designated Facilities**

#### **Discarded White Goods and Scrap Tires**

Metal & Tire Recycling Facility  
5740 Rozzelles Ferry Road  
Charlotte, NC

Hours of Operation: Monday to Friday – 7:00 AM to 3:00 PM

#### **All Facility Extended Hours of Operation**

Should the City require extended hours of operation for any of the above facilities on any regularly scheduled operating day in order to complete residential collection or due to unusual operating conditions (severe weather, equipment breakdown, etc.), the City shall inform the County at least four (4) hours before the scheduled closing of the required facility. The County shall comply so long as such request can be reasonably accommodated as determined by the County.

Should the City require Saturday operation for any facility not normally open on Saturday, or extended operation for those with reduced Saturday operating hours, either as the result of a scheduled holiday or as the result unusual operating conditions, the City shall inform the County no later than 5:00 PM on the preceding Thursday. The County shall comply so long as such request can be reasonably accommodated as determined by the County.

## **Solid Waste Interlocal Agreement**

### **Exhibit A Designated Facilities**

#### **Solid Waste**

Charlotte Motor Speedway Landfill  
5105 Morehead Road  
Concord, NC 28027

Hours of Operation: Monday to Friday – 7:00 AM to 4:00 PM  
Saturday – 7:00 AM to 12:00 Noon

CCC Transfer Facility  
3358 Highway 51 North  
Fort Mill, SC 29715

Hours of Operation: Monday to Friday – 7:00 AM to 4:00 PM  
Saturday – 7:00 AM to 12:00 Noon

#### **Recyclables**

Metrolina Recycling Center  
1007 Amble Drive  
Charlotte, NC

Hours of Operation: Monday to Friday – 7:00 AM to 4:00 PM

#### **Yard Waste**

Compost Central  
5631 West Boulevard  
Charlotte, NC

Hours of Operation: Monday to Friday – 7:00 AM to 4:00 PM  
Saturday – 7:00 AM to 3:00 PM

## Solid Waste Interlocal Agreement

### Exhibit C Old Corrugated Cardboard Revenue Share

The County shall pay to the City 75% of all revenue, after the contractor's service fee has been subtracted, from the sale of old corrugated cardboard collected by the City as part of its residential curbside recycling program. The County shall pay the remaining 25% of the revenue to its Contractor.

The formula for the City's revenue share is:  $(X - Y) \times Z \times .75$

X = sales price of OCC per ton

Y = service fee paid by Mecklenburg County to Contractor. The service fee is, as of the date of the contract, equal to \$36/ton for the first 30,000 tons delivered during the County's fiscal year and \$28/ton for any ton over 30,000 tons delivered during the County's fiscal year.

Z = tons of OCC collected by City from its residential curbside recycling program and delivered to the MRF.

Z is calculated as follows:  $S \times T \times U \times [1 - (V / W)]$

S = tons of residential Recyclable Waste and non-Recyclable Waste delivered to the MRF in a given month by the City from quadrants collecting OCC

T = percent of "S" that constitutes Fiber

U = percent of "T" that constitutes OCC

V = tons of residential non-Recyclable Waste (*i.e.*, residuals) delivered to MRF in a given month

W = tons of residential Recyclable Waste and non-Recyclable Waste delivered to MRF in a given month

$[1 - V / W]$  = percent of residential Recyclable Waste delivered to the MRF in a given month

.75 = City's revenue share percentage

A representative from the County and the Key Business Executive for Solid Waste Services shall agree to the percentages represented by the variables "T" and "U." Such agreement shall be made at the beginning of each fiscal year and in January of each year. Should the parties not be able to reach an agreement, the County will unload two trucks from two separate routes from each City quadrant collecting OCC. The routes shall be selected by the Solid Waste Services Key Business and agreed to by the County. The parties acknowledge that different routes within a quadrant produce different quantities of OCC and therefore agree that one route selected from each quadrant shall be a route typically producing high quantities of OCC and the other route shall be a route typically producing low quantities of OCC. The average OCC from the trucks unloaded shall serve as the basis for calculating the variables "T" and "U."

## **Solid Waste Interlocal Agreement**

### **Exhibit B**

### **Acceptable Recyclable Materials**

The following materials are acceptable for delivery to the Metrolina Recycling Center. Any materials not specifically included below are unacceptable and may be rejected for delivery. The acceptable materials shall be collected and deposited at the Metrolina Recycling Center in two (2) separate groupings (dual stream), *Commingled Containers* and *Fiber*, as described below:

#### **Commingled Containers**

- #1 Plastic Bottles (PET)
- #2 Plastic Bottles (HDPE)
- Glass Bottles and Jars (all colors)
- Aluminum Cans
- Steel/tin Cans

#### **Fiber**

- Newspaper
- Newspaper Advertisements
- Magazines
- Catalogs
- Junk Mail
- Telephone Books
- Office Paper
- Flattened Corrugated Cardboard
- Dry Cardboard Boxes (food, beverage, gift)
- Spiral Cardboard Cans
- Gift Wrap

## Solid Waste Interlocal Agreement

### Exhibit C

### Old Corrugated Cardboard Revenue Share

#### Example:

During the month of September, a total of 3,775.19 tons of residential Recyclable Waste and non-Recyclable Waste are delivered to the MRF. Of these 3,775.19 tons, 96.93 tons are non-Recyclable Waste. The sales price for OCC for the month of September is \$74.25 per ton. As of the end of September, less than 30,000 tons of Recyclable Waste and non-Recyclable Waste had been delivered to the MRF during the County's then current fiscal year.

During the month of September, the City delivered 438.67 tons of Recyclable and non-Recyclable Waste to the MRF from the quadrants collecting OCC. 68.9% of these 438.67 tons of waste constitutes fiber. 10% of the fiber constitutes OCC. The City's revenue share for the month of September is \$844.85 and is calculated as follows:

$$X = \$74.25$$

$$Y = \$36/\text{ton}$$

$$Z = (438.67 \text{ tons}) (.689) (.10) (1 - 96.93 \text{ tons} / 3775.19 \text{ tons})$$

$$Z = 29.45 \text{ tons}$$

$$\text{OCC Revenue Share} = (X - Y) \times Z \times .75$$

$$(\$74.25 - \$36) \times 29.45 \text{ tons} \times .75 = \$844.85$$

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS  
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **ALEXANDER ROAD IMPROVEMENTS PROJECT**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **ALEXANDER ROAD IMPROVEMENTS PROJECT** and estimated to be approximately **9,224 square feet (.212 acre) of fee-simple, existing right-of-way, sidewalk and utility easement and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 213-191-14, said property currently owned by **LANCE S. MAYFIELD and wife, MARGARET K. MAYFIELD; WELLS FARGO FINANCIAL NATIONAL BANK, Trustee; WELLS FARGO BANK, N. A., Beneficiary, Any Other Parties in Interest,** or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 393.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 26<sup>th</sup> day of June, 2008.

  
Brenda R. Freeze, CMC, City Clerk





June 23, 2008

Resolution Book 41, Page 394

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS  
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **ALEXANDER ROAD IMPROVEMENTS PROJECT**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **ALEXANDER ROAD IMPROVEMENTS PROJECT** and estimated to be approximately 8,684 square feet (.199 acre) of fee-simple, existing right-of-way, sidewalk and utility easement and temporary construction easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 213-191-15, said property currently owned by **THOMAS A. McNEELY and spouse, if any; SUBSTITUTE TRUSTEE SERVICES, INC., Beneficiary; FIRST CHARTER BANK, Beneficiary, Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

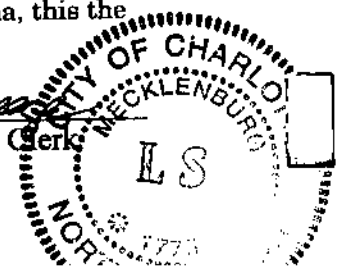
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 394.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26<sup>th</sup> day of June, 2008.

  
Brenda R. Freeze, CMC, City Clerk



A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS  
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **NIGHTINGALE STORM WATER CAPITAL IMPROVEMENT PROJECT**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **NIGHTINGALE STORM WATER CAPITAL IMPROVEMENT PROJECT** and estimated to be approximately **9,975 square feet (.229 acre) of storm drainage easement and conservation easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 221-224-53, said property currently owned by **JAMES P. MEANS, Co-Trustee of the Means Family Trust; HUONG T. MEANS (a/k/a "Houng T. Means"), Co-Trustee of the Means Family Living Trust; JAMES P. MEANS; HUONG MEANS; PRLAP, INC., Trustee; BANK OF AMERICA, N. A., Beneficiary; PREMIERE PROPERTIES, INC., Possible Judgment Creditor, Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

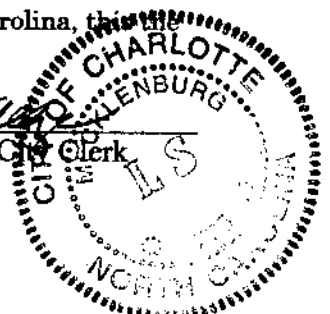
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 395.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 26<sup>th</sup> day of June, 2008.

  
Brenda R. Freeze, CMC, City Clerk



A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS  
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **NIGHTINGALE STORM WATER CAPITAL IMPROVEMENT PROJECT**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **NIGHTINGALE STORM WATER CAPITAL IMPROVEMENT PROJECT** and estimated to be approximately 3,301 square feet (.076 acre) of **storm drainage easement, conservation easement, and temporary construction easement** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 221-224-47, said property currently owned by **VINCENT J. WASHINGTON and wife, ALICIA S. WASHINGTON; WILLIAM WALT PETTIT, Trustee; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Beneficiary; MAYFIELD TERRACE, Possible Judgment Creditor, Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

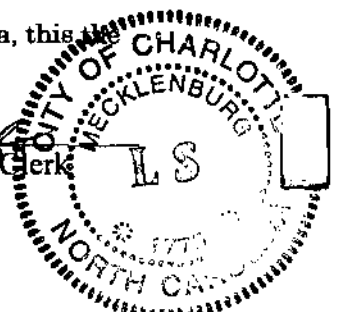
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 396.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 26<sup>th</sup> day of June, 2008.

  
Brenda R. Freeze, CMC, City Clerk



A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS  
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the NIGHTINGALE STORM WATER CAPITAL IMPROVEMENT PROJECT; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the NIGHTINGALE STORM WATER CAPITAL IMPROVEMENT PROJECT and estimated to be approximately 1,130 square feet (.026 acre) of storm drainage easement and temporary construction easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 221-214-02, said property currently owned by REBECA ARTEAGA LOERA and spouse, JOSE GUADALUPE LOERA; SHAPIRO & KREISMAN, Trustee; COUNTRYWIDE HOME LOANS, INC., Beneficiary, Any Other Parties in Interest, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

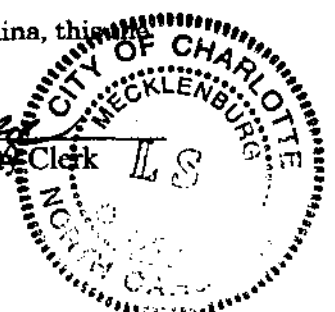
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 397.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 26<sup>th</sup> day of June, 2008.

  
Brenda R. Freeze, CMC, City Clerk



A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS  
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the NIGHTINGALE STORM WATER CAPITAL IMPROVEMENT PROJECT; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the NIGHTINGALE STORM WATER CAPITAL IMPROVEMENT PROJECT and estimated to be approximately 1,946 square feet (.026 acre) of storm drainage easement and temporary construction easement and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 221-214-02, said property currently owned by JITEN PANDYA and wife, ASHA J. PANDYA; ROBERT B. BLYTHE, Trustee; BEARER, Beneficiary; BRANCH BANKING AND TRUST COMPANY, Possible Judgment Creditor; UNITED STATES DEPARTMENT OF TREASURY, INTERNAL REVENUE SERVICE, Possible Judgment Creditor; NORTH CAROLINA DEPARTMENT OF REVENUE, Possible Judgment Creditor; RBC CENTURA BANK, Possible Judgment Creditor; BB&T BANKCARD CORP., Possible Judgment Creditor; MECKLENBURG COUNTY TAX COLLECTOR, Any Other Parties in Interest, or the owners' successor-in-interest.

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

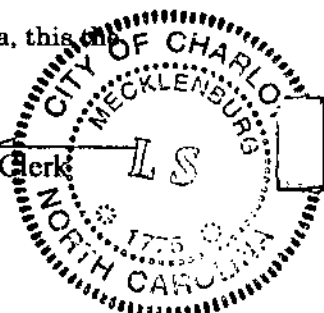
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Page 398.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 26<sup>th</sup> day of June, 2008.

  
Brenda R. Freeze, CMC, City Clerk



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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on June 23, 2008.

\* \* \*

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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on June 23, 2008 (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:

The following members of the City Council were absent:

Also present:

Councilmember Lassiter 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:

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA  
DIRECTING THE PUBLICATION OF NOTICE OF INTENTION  
TO APPLY TO THE LOCAL GOVERNMENT  
COMMISSION FOR APPROVAL OF BONDS**

**WHEREAS**, the City Council (the "City Council") of the City of Charlotte, North Carolina (the "City") is considering the issuance of general obligation bonds of the City which shall be for the following purposes and in the following maximum amounts:

\$170,200,000 of bonds to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, parking lots and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor;

\$10,000,000 of bonds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor; and

\$47,000,000 of bonds to provide funds to pay the capital costs of infrastructure improvements in various neighborhoods of the City, including the cost of related studies, plans and design; acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage and sidewalks; paving, resurfacing, grading or improving streets, roads and intersections; and providing related landscaping and lighting and acquiring any necessary equipment, land, interests in land and rights-of-way therefor.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the City Clerk is hereby directed to cause a copy of the "NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS" to be published in the *Charlotte Observer* on or about June 26, 2008.

Upon motion of Councilmember Lassiter, seconded by Councilmember Burgess, the foregoing resolution entitled: "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS" was adopted by the following vote:  
Unanimously

AYES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

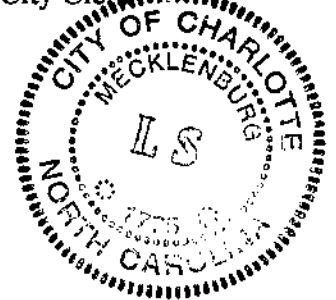
*PASSED, ADOPTED AND APPROVED* this 23<sup>rd</sup> day of June, 2008.

**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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (399-401).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26<sup>th</sup> day of June, 2008.

  
\_\_\_\_\_  
Brenda R. Freeze, CMC, City Clerk





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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on June 23, 2008.

\* \* \*

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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on June 23, 2008 (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:

The following members of the City Council were absent:

Also present:

Councilmember Lassiter 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:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE,  
NORTH CAROLINA AUTHORIZING THE DIRECTOR OF FINANCE TO APPLY TO THE  
LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE CITY'S PROPOSED  
GENERAL OBLIGATION PUBLIC IMPROVEMENTS BOND FINANCING,  
GENERAL OBLIGATION HOUSING BOND FINANCING AND  
GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENT BONDS AND  
TO SUBMIT SUCH APPLICATION TO THE LOCAL GOVERNMENT COMMISSION**

**WHEREAS**, the City Council (the "City Council") of the City of Charlotte, North Carolina (the "City") proposes to set a public hearing on the following Bond Orders entitled:

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$170,200,000  
GENERAL OBLIGATION PUBLIC IMPROVEMENTS BONDS OF THE  
CITY OF CHARLOTTE, NORTH CAROLINA;"

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$10,000,000  
GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF  
CHARLOTTE, NORTH CAROLINA;" and

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$47,000,000  
GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENTS BONDS  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA;"

**WHEREAS**, it is necessary, as a condition to the consideration and adoption of the Bond Orders, to submit an Application to the Local Government Commission for Approval of the Bonds, all in the manner required by The Local Government Bond Act.

**NOW, THEREFORE**, be it resolved by the City Council that the Director of Finance of the City is hereby directed to file with the Local Government Commission an application for its approval of the General Obligation Public Improvements Bonds, General Obligation Housing Bonds and General Obligation Neighborhood Improvements Bonds hereinbefore described, on a form prescribed by said Commission, and (1) to request in such application that said Commission approve the City's use of Parker Poe Adams & Bernstein LLP of Charlotte, North Carolina, as bond counsel for the City and (2) to state in such application such facts and to attach thereto such exhibits in regard to such General Obligation Public Improvements Bonds, General Obligation Housing Bonds and General Obligation Neighborhood Improvements Bonds and to the City and its financial condition, as may be required by said Commission.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective on the date of its adoption.

Upon motion of Councilmember ~~Lassiter~~, seconded by Councilmember Burgess, the foregoing resolution entitled: "**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA AUTHORIZING THE DIRECTOR OF FINANCE TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE CITY'S PROPOSED GENERAL OBLIGATION PUBLIC IMPROVEMENTS BOND FINANCING, GENERAL OBLIGATION HOUSING BOND FINANCING AND GENERAL OBLIGATION NEIGHBORHOOD IMPROVEMENT BONDS AND TO SUBMIT SUCH APPLICATION TO THE LOCAL GOVERNMENT COMMISSION**" was adopted by the following vote: Unanimously

AYES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PASSED, ADOPTED AND APPROVED** this 23<sup>rd</sup> day of June, 2008.

June 23, 2008

Resolution Book 41, Page 404

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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (402-404).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26<sup>th</sup> day of June, 2008.

  
\_\_\_\_\_  
Brenda R. Freeze, CMC, City Clerk

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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on June 23, 2008.

\* \* \*

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 Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, at 7:00 p.m. on June 23, 2008 (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:

The following members of the City Council were absent:

Also present:

Councilmember Lassiter 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:

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA  
MAKING CERTAIN STATEMENTS OF FACT  
CONCERNING PROPOSED BOND ISSUE**

**WHEREAS**, the City Council (the "City Council") of the City of Charlotte, North Carolina (the "City") is considering the issuance of bonds of the City which shall be for the following purposes and in the following maximum amount:

\$170,200,000 of bonds to provide funds to pay the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, parking lots and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required there for;

\$10,000,000 of bonds to pay the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without

limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor; and

\$47,000,000 of bonds to provide funds to pay the capital costs of infrastructure improvements in various neighborhoods of the City, including the cost of related studies, plans and design; acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage and sidewalks; paving, resurfacing, grading or improving streets, roads and intersections; and providing related landscaping and lighting and acquiring any necessary equipment, land, interests in land and rights-of-way therefor.

**WHEREAS**, certain findings of fact by the City Council must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Section 159-52 the North Carolina General Statutes, as amended.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council, meeting in open session on the 23<sup>rd</sup> day of June, 2008, has made the following factual findings in regard to this matter:

A. **Facts Regarding Necessity of Proposed Financing.** The proposed bonds are necessary and expedient to pay (1) the capital costs of constructing, reconstructing, enlarging, extending and improving certain streets, including streets and roads constituting a part of the State highway system or otherwise the responsibility of the State and including the cost of related studies, streetscape and pedestrian improvements, relocation of utilities, plans and design; acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading or improving streets, roads, intersections, parking lots and bicycle paths; acquiring, constructing, reconstructing or improving sidewalks, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land and rights-of-way in land required therefor; (2) the capital costs of acquiring, constructing, developing, equipping and furnishing housing projects for the benefit of persons of low income, or moderate income, or low and moderate income, including without limitation loans, grants, interest supplements and other programs of financial assistance to persons of low income, or moderate income, or low and moderate income, and developers of housing for persons of low income, or moderate income, or low and moderate income, and construction of infrastructure improvements related thereto and the acquisition of land and rights-of-way required therefor and (3) the capital costs of infrastructure improvements in various neighborhoods of the City, including the cost of related studies, plans and design; acquiring, constructing, reconstructing, improving, installing or providing curbs, gutters, storm drainage and sidewalks; paving, resurfacing, grading or improving streets, roads and intersections; and providing related landscaping and lighting and acquiring any necessary equipment, land, interests in land and rights-of-way therefor.

B. **Facts Supporting the Amount of Bonds Proposed.** The sums estimated for these bonds are adequate and not excessive for the proposed purposes. Estimates for the proposed

construction and improvements have been carefully analyzed and determined by persons knowledgeable about the construction and improvements.

C. *Past Debt Management Procedures and Policies.* The City's debt management procedures and policies are excellent and have been carried out in compliance with law. The City employs a Director of Finance to oversee compliance with applicable laws relating to debt management. The City Council requires annual audits of City finances. In connection with these audits, compliance with laws is reviewed. The City is not in default in any of its debt service obligations. The City Attorney reviews all debt-related documents for compliance with laws.

D. *Past Budgetary and Fiscal Management Policies.* The City's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the City Council before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the City Council at regular City Council meetings. The Director of Finance presents financial information to the City Council which shows budget to actual comparisons annually and otherwise as the City Manager deems necessary or as a member of the City Council may request.

E. *Increase in Taxes; Retirement of Debt.* The increase in taxes, if any, necessary to service the proposed debt will not be excessive. The schedule for issuance anticipates issuing all of the bonds in more than one series during fiscal years 2010 through 2012.

Upon motion of Councilmember Lassiter, seconded by Councilmember Burgess, the foregoing resolution entitled: "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE" was adopted by the following vote: Unanimously

AYES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PASSED, ADOPTED AND APPROVED this 23<sup>rd</sup> day of June, 2008.

June 23, 2008

Resolution Book 41, Page 408

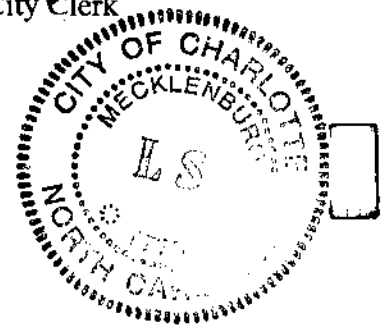


CERTIFICATION

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 23<sup>rd</sup> day of June, 2008, the reference having been made in Minute Book 127, and recorded in full in Resolution Book 41, Pages (405-409).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26<sup>th</sup> day of June, 2008.

  
Brenda R. Freeze, CMC, City Clerk



June 23, 2008

Resolution Book 41, Page 409

**FY09-13 Capital Investment Plan Bond Funding**

<u>Housing and Neighborhood Development</u>	<u>2008 Bond Plan</u>
Neighborhood Improvements	\$47.0
Affordable Housing	10.0
Area Plan Projects	5.0
Traffic Calming Program	1.5
Sidewalk Construction Program	15.0
<b>Total</b>	<b>\$78.5</b>
<u>Transportation</u>	
Bridge Program	2.0
Farm-to-Market Road Improvement Program:	
- Rea Road Improvements (Colony Road to NC51)	21.3
- Community House Road Improvements	8.2
- Back Creek Church Road Improvements	4.7
Minor Roadway Improvement Program	1.5
Intersection Improvement Projects:	
- Kenilworth/Pearl Street	3.0
- IBM Drive/North Tryon Connector - ROW Protection	4.0
Public-Private Participation Program	3.0
Railroad Grade Crossing and Safety Programs	0.5
Thoroughfare and Street Projects:	
- Fred D. Alexander Boulevard (NC27 to NC16)	20.2
- Statesville Road Widening (Starita to Keith)	25.3
- Little Rock Road Realignment	7.5
- City Boulevard Extension (Neel to Mallard Creek)	10.4
State Highway Participation Program	3.0
Street Connectivity Program	4.0
Traffic Control Devices Upgrade Program	4.0
Traffic Flow Enhancement (coordinated signals)	5.0
Bicycle Program	1.0
City Center Transportation Implementation	5.0
NE Corridor: Access Improvements	10.5
<b>Total</b>	<b>\$144.1</b>
<u>Economic Development</u>	
Business Corridor/Pedscape Infrastructure	4.6
<b>Total</b>	<b>\$4.6</b>
<b>Total Program</b>	<b>\$227.2</b>