

EXTRACTS FROM MINUTES OF CITY COUNCIL

\* \* \*

A Regular Meeting of the City Council of the City of Charlotte, North Carolina was duly held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 p.m. on July 24, 2017:

Members Present: Roberts, Ajmera, Driggs, Eiselt, Kinsey, Lyles, Mayfield, Mitchell, Phipps, Smith

Members Absent: Fallon

\* \* \* \* \*  
\* \* \*

Councilmember Mitchell/Kinsey introduced the following resolution, a summary of which had been provided to each Councilmember, copy of which was available with the City Council and which was read by title:

**RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA AUTHORIZING APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR PROPOSED EXTENSION OF GENERAL OBLIGATION BOND ORDERS AND CALLING A PUBLIC HEARING RELATED THERETO**

*WHEREAS*, the City Council of the City of Charlotte, North Carolina (the "*City Council*") previously adopted the following bond orders of the City of Charlotte, North Carolina (the "*City*"), which orders were for the following purposes and in the following maximum amounts:

\$156,600,000 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; and

\$32,000,000 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*, such bond orders were approved by the voters on November 2, 2010 and are currently effective until November 2, 2017;

*WHEREAS*, the City Council seeks approval from the Local Government Commission of a three-year extension of such bond orders during which time the City expects to issue the bonds in the remaining authorized, but unissued amounts;

*WHEREAS*, it is necessary, as a condition to the consideration and adoption of an extension of such bond orders, to submit an Application to the Local Government Commission for approval of the extension, all in the manner required by the Local Government Bond Act;

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

*Section 1. Authorization of Application to LGC.* The City Manager, or his designee, is hereby directed to file with the Local Government Commission an application for its approval of the extension hereinbefore described and to state in such application such facts and to attached thereto such exhibits in regard to the extension as may be required by the Local Government Commission.

*Section 2. Call for Public Hearing.* If the Local Government Commission approves the proposed extension at its August meeting, pursuant to and in satisfaction of the requirements of the Local Government Bond Act, the City Council will conduct a public hearing on August 28, 2017 at 6:30 p.m., or as soon thereafter as practicable, in the Meeting Chamber, Charlotte-Mecklenburg County Government Center, 600 East Fourth Street, Charlotte, North Carolina 28202, concerning the extension of the bond orders as described in this Resolution. The City Clerk will cause a notice of the public hearing to be published once in a qualified newspaper of general circulation within the City no fewer than six days prior to the public hearing.

*Section 3. Effective Date.* This Resolution is effective on the date of its adoption.

July 24, 2017

Resolution Book 48, Page 368

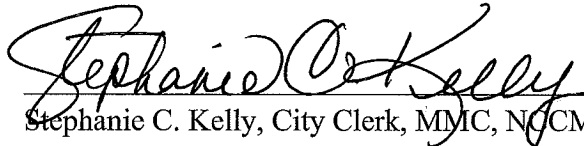
STATE OF NORTH CAROLINA )

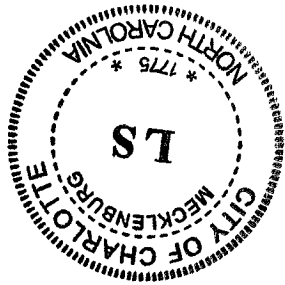
CITY OF CHARLOTTE )

ss:

I, Stephanie C. Kelly, the City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled "RESOLUTION OF THE CITY OF CHARLOTTE, NORTH CAROLINA AUTHORIZING APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR PROPOSED EXTENSION OF GENERAL OBLIGATION BOND ORDERS AND CALLING A PUBLIC HEARING RELATED THERETO" adopted by the City Council of the City of Charlotte, North Carolina, at a meeting held on the 24th day of July, 2017, the reference having been made in Minute Book 143, and recorded in full in Resolution Book 48, Page(s) 366-368.

*WITNESS* my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of July, 2017.

  
Stephanie C. Kelly, City Clerk, MMC, NCCMC



RESOLUTION AUTHORIZING THE LEASE OF VACANT PROPERTY AT  
5824 JIM KIDD ROAD IN HUNTERSVILLE TO COMMUNICATIONS  
TOWER GROUP, LLC

WHEREAS, the City of Charlotte owns vacant property more particularly identified as tax parcel number 013-051-02 at 5824 Jim Kidd Road in Huntersville, which is being held for future expansion of the McDowell Waste Water Treatment Plant (the "Site"); and

WHEREAS, the Site contains approximately 194 acres, a portion of which, consisting of approximately 10,000 square feet (the "Property"), is surplus to the City's anticipated needs and suitable for use for a telecommunications tower; and

WHEREAS, North Carolina General Statute §160A-272 and Charlotte City Charter §8.131 give the City the right and option to lease the Property for its own benefit upon such market terms and conditions as it determines; and

WHEREAS, Communications Tower Group, LLC ("CTG"), desires to lease the Property for a five year term, followed by four successive optional 5-year extensions (25-years total), for the construction and operation of a wireless telecommunications tower; and

WHEREAS, in consideration of the lease, CTG has agreed to pay monthly rent for the first 5-year term of \$1,500 with 15 percent rental rate increases thereafter at the beginning of each additional 5-year term during the lease; and

WHEREAS, the required notice has been published and Council is convened in a regular meeting;

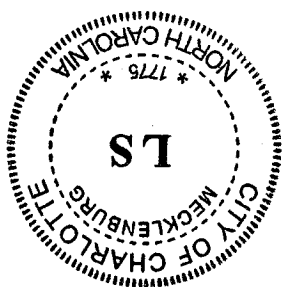
NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to §8.131 of the City of Charlotte Charter, that it hereby authorizes the lease of the above referenced Property as follows:

The City Council hereby approves the lease of the city property described above to CTG upon the terms and conditions set forth herein, and authorizes the City Manager or his Designee to execute all instruments necessary to the lease.

THIS THE 24<sup>TH</sup> DAY OF JULY, 2017

July 24, 2017  
Resolution Book 48, Page 370

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of July, 2017, the reference having been made in Minute Book 143 and recorded in full in Resolution Book 48, Page 369-370.



*Stephanie C. Kelly*  
Stephanie C. Kelly, City Clerk, MMC, NCCMC

July 24, 2017

Resolution Book 48, Page 371

**RESOLUTION**

Extract from the minutes of a regular meeting of the Charlotte City Council held on July 24, 2017.

The following resolution was introduced by Mitchell, seconded by Ajmera, considered and adopted.

Resolution authorizing, adopting, approving, accepting and ratifying the execution of the grant agreement for the North Carolina Department of Transportation Division of Aviation between the United States of America and the City of Charlotte, North Carolina.

Be it resolved, by the City Council of The City of Charlotte, North Carolina

SECTION 1. That said City Council hereby authorizes, adopts, approves, accepts and ratifies the execution of a Grant Agreement between the North Carolina Department of Transportation Division of Aviation on behalf of the United States of America and the City of Charlotte, North Carolina

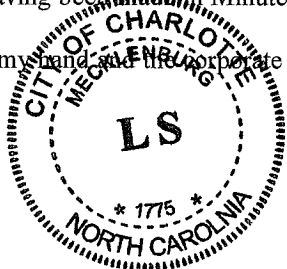
SECTION 2. That the Execution of said Grant Agreement in duplicate on behalf of said City Council by Brent Cagle, Aviation Director and the impression of the official seal of the City of Charlotte and the attestation by Stephanie Kelly; City Clerk is hereby authorized, adopted, approved, accepted and ratified.

SECTION 3. That the Aviation Director is hereby authorized to execute payment requests under these Grant Agreements on behalf of said City of Charlotte.

**CERTIFICATION**

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of July, 2017, the reference having been made in Minute Book 143 and recorded in full in Resolution Book 48, Page(s) 371.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 24<sup>th</sup> day of July, 2017.



*Stephanie C. Kelly*  
Stephanie C. Kelly, City Clerk, MMC, NCCMC

July 24, 2017

Resolution Book 48, Page 372

**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 assessment error.


NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 24th day of July 2017 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, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of July, 2017, the reference having been made in Minute Book 143 and recorded in full in Resolution Book 48, Page(s) 372-373.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 24<sup>th</sup> day of July, 2017.



  
Stephanie C. Kelly, City Clerk, MMC, NCCMC

**Taxpayers and Refunds Requested**

|                               |    |                  |
|-------------------------------|----|------------------|
| HELBEIN SONS LC               | \$ | 2,382.96         |
| HELBEIN SONS LC               | \$ | 2,780.02         |
| HELBEIN SONS LC               | \$ | 3,014.95         |
| HELBEIN SONS LC               | \$ | 3,182.00         |
| HELBEIN SONS LC               | \$ | 3,395.72         |
| HELBEIN SONS LC               | \$ | 3,412.02         |
| HELBEIN SONS LC               | \$ | 8,866.19         |
| HELBEIN SONS LC               | \$ | 9,615.44         |
| HELBEIN SONS LC               | \$ | 10,148.18        |
| HELBEIN SONS LC               | \$ | 10,829.80        |
| HELBEIN SONS LC               | \$ | 10,881.79        |
| HELBEIN SONS LC               | \$ | 11,513.79        |
| HOOD, ILEAN RAY               | \$ | 203.21           |
| HOOD, ILEAN RAY               | \$ | 203.21           |
| NEGRIN, LILLIAN               | \$ | 232.56           |
| NEGRIN, LILLIAN               | \$ | 708.48           |
| O'KEEFE, EDWARD PETER         | \$ | 28.64            |
| SCHMIDT, ROBERTA E            | \$ | 59.84            |
| SCHMIDT, ROBERTA E            | \$ | 63.41            |
| SIMMONS IRRIGATION SUPPLY INC | \$ | 8.07             |
| SOWELL, DENNIS J & MAZIE L    | \$ | 215.42           |
| THE LYNNWOOD FOUNDATION       | \$ | 339.19           |
| THE LYNNWOOD FOUNDATION       | \$ | 339.19           |
| THE LYNNWOOD FOUNDATION       | \$ | 363.80           |
| THE LYNNWOOD FOUNDATION       | \$ | 363.80           |
| THE LYNNWOOD FOUNDATION       | \$ | 371.55           |
| THE LYNNWOOD FOUNDATION       | \$ | 371.55           |
|                               | \$ | <u>83,894.78</u> |



July 24, 2017

Resolution Book 48, Page 374

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 **LONG CREEK STREAM REHABILITATION PROJECT**;

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 **LONG CREEK STREAM REHABILITATION PROJECT** and estimated to be **1,074,823 square feet (24.675 acre) of 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.: 053-061-19, said property currently owned by **CATAWBA LANDS CONSERVANCY**, 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.

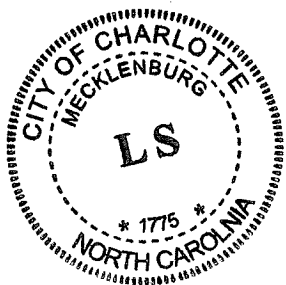
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of July, 2017, the reference having been made in Minute Book 143 and recorded in full in Resolution Book 48, Page(s) 374.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 24<sup>th</sup> day of July, 2017.

  
Stephanie C. Kelly, City Clerk, MMC, NCCMC



July 24, 2017

Resolution Book 48, Page 375

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 **ORR ROAD EXTENSION PROJECT**;

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 **ORR ROAD EXTENSION PROJECT** and estimated to be **18,701 square feet (.429 acre) of fee-simple area, greenway 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.: 089-201-25, said property currently owned by **HARVEY W. GOUCH and wife, LOUISE G. GOUCH; MECKLENBURG COUNTY TAX COLLECTOR**, 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.

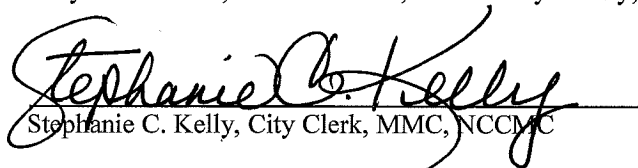
IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

**CERTIFICATION**

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of July, 2017, the reference having been made in Minute Book 143 and recorded in full in Resolution Book 48, Page(s) 375.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 24<sup>th</sup> day of July, 2017.



  
Stephanie C. Kelly, City Clerk, MMC, NCCMC