

**FORSYTH COUNTY
BOARD OF COMMISSIONERS**

**BRIEFING
DRAFT**

MEETING DATE: FEBRUARY 15, 2018

AGENDA ITEM NUMBER: 6

SUBJECT: RESOLUTION APPROVING AN AMENDMENT AND AUTHORIZING EXECUTION OF AN AMENDED REIMBURSEMENT AGREEMENT WITH THE CITY/COUNTY UTILITIES COMMISSION AND WPDA, INC. TO FUND ADDITIONAL CONSTRUCTION OF MUNICIPAL INFRASTRUCTURE AT WHITAKER PARK (FORSYTH COUNTY HOUSING AND COMMUNITY DEVELOPMENT-ECONOMIC DEVELOPMENT)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

On September 28, 2015, the Forsyth County Board of Commissioners adopted a Resolution reserving \$2,350,000 in County funds for future Reimbursement Agreements with Whitaker Park Development Authority, Inc (WPDA) for public infrastructure development at Whitaker Park.

On November 28, 2016, the Board adopted a Resolution authorizing execution of a Reimbursement Agreement with WPDA, Inc. and City/County Utilities Commission for public water and wastewater infrastructure design and construction in the amount of \$1,768,576. The work for this project has been completed by the City/County Utilities Commission at a total cost of \$1,924,206.12 and WPDA has requested the County use a portion of the remaining reserved funds to pay the additional \$155,630.12.

This Resolution authorizes the amendment of the original Reimbursement Agreement to fund the additional \$155,630.12 from the reserved funds.

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTYMANAGER

**RESOLUTION APPROVING AN AMENDMENT AND AUTHORIZING
EXECUTION OF AN AMENDED REIMBURSEMENT AGREEMENT
WITH THE CITY/COUNTY UTILITIES COMMISSION AND WPDA, INC. TO
FUND ADDITIONAL CONSTRUCTION OF MUNICIPAL
INFRASTRUCTURE AT WHITAKER PARK
(FORSYTH COUNTY HOUSING AND COMMUNITY DEVELOPMENT-
ECONOMIC DEVELOPMENT)**

WHEREAS, WPDA, Inc. is contractually responsible for the operation of Whitaker Park, a 210 acre industrial park which has been conveyed by Reynolds American to WPDA, Inc.; and

WHEREAS, WPDA has initiated the process of updating Whitaker Park's infrastructure for the purpose of marketing the site for future development; and

WHEREAS, on September 28, 2015, the Forsyth County Board of Commissioners authorized \$2,350,000 to be reserved from the General Fund fund balance to fund the design and construction of municipal infrastructure at Whitaker Park, subject to future approval by the Forsyth County Board of Commissioners; and

WHEREAS, on November 28, 2016, the Forsyth County Board of Commissioners adopted a Resolution authorizing execution of a Reimbursement Agreement with City/County Utilities Commission and WPDA, Inc. to fund \$1,768,576 in design and construction of municipal infrastructure at Whitaker Park pursuant to the provisions of N.C.G.S. 153A-451; and

WHEREAS, WPDA now requests that Forsyth County authorize execution of an Amended Reimbursement Agreement with City/County Utilities Commission and WPDA, Inc., as private developer, pursuant to the provisions of N.C.G.S. 153A-451, in which Forsyth County would reimburse the City/County Utilities Commission for the construction of public water and wastewater infrastructure at Whitaker Park in an additional amount of \$155,630.12, representing a proposed total amount of \$1,924,206.12 for design and construction of municipal infrastructure at Whitaker Park; and

WHEREAS, prior to approving the requested amendment to Reimbursement Agreement, the Forsyth County Board of Commissioners has analyzed the request based upon the County's ordinance establishing procedures, criteria, and terms under which Reimbursement Agreements may be authorized pursuant to the provisions of N.C.G.S. 153A-451; and

WHEREAS, it is proposed that, upon approval by the Forsyth County Board of Commissioners, County funding for the requested amendment to Reimbursement Agreement would come from the County's reserved General Fund fund balance;

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby approves an amendment and authorizes execution of an Amended Reimbursement Agreement with the City/County Utilities Commission and WPDA, Inc., as private developer, in the additional amount of \$155,630.12 reserved from the General

Fund fund balance to fund additional construction of public water and wastewater infrastructure at Whitaker Park.

BE IT FURTHER RESOLVED that the County Manager, County Chief Financial Officer, and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, an Amended Reimbursement Agreement as outlined above with City/County Utilities Commission and WPDA, Inc., subject to a pre-audit certificate thereon by the County Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

BE IT FURTHER RESOLVED that this Resolution ratifying interlocal cooperation between Forsyth County and City/County Utilities Commission is hereby spread upon the minutes of the Forsyth County Board of Commissioners.

Adopted this 15th day of February 2018.