

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 28, 2016

AGENDA ITEM NUMBER: 11-A&B

SUBJECT: A. RESOLUTION RATIFYING AND AUTHORIZING EXECUTION OF A REIMBURSEMENT AGREEMENT WITH THE CITY/COUNTY UTILITIES COMMISSION AND WPDA, INC. TO FUND DESIGN AND CONSTRUCTION OF MUNICIPAL INFRASTRUCTURE AT WHITAKER PARK

B. AMENDMENT TO THE FY 2016-2017 BUDGET ORDINANCE TO APPROPRIATE FUNDS FROM GENERAL FUND FUND BALANCE TO SUPPORT THE REIMBURSEMENT AGREEMENT BETWEEN FORSYTH COUNTY AND WPDA, INC. TO FUND DESIGN AND CONSTRUCTION OF MUNICIPAL INFRASTRUCTURE AT WHITAKER PARK

(FORSYTH COUNTY HOUSING AND COMMUNITY DEVELOPMENT-ECONOMIC DEVELOPMENT)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

On September 28, 2015, the Forsyth County Board of Commissioners adopted a Resolution authorizing \$2,350,000 in County funds to be reserved from General Fund fund balance for future reimbursement agreements with WPDA, Inc. (Whitaker Park Development Authority) for municipal infrastructure design and construction at Whitaker Park.

WPDA has now requested the County authorize a Reimbursement Agreement between Forsyth County, WPDA, Inc., and the City/County Utilities Commission in the amount of \$1,768,576 to support public water and wastewater infrastructure construction at Whitaker Park.

This Budget Ordinance Amendment appropriates \$1,768,576 from General Fund fund balance to support the reimbursement agreement between Forsyth County, WPDA, Inc., and City/County Utilities Commission to reimburse the City/County Utilities Commission for design and construction of municipal infrastructure at Whitaker Park, with the understanding that the County will not reimburse the City/County Utilities Commission for municipal infrastructure at Whitaker Park until Reynolds American conveys the Whitaker Park Property to WPDA, Inc.

ATTACHMENTS: YES NO

SIGNATURE: _____

J. Dudley Cebitto, Jr.
COUNTY MANAGER

DATE: November 16, 2016

**RESOLUTION RATIFYING AND AUTHORIZING EXECUTION OF A
REIMBURSEMENT AGREEMENT WITH THE CITY/COUNTY UTILITIES
COMMISSION AND WPDA, INC. TO FUND DESIGN AND 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 is owned by Reynolds American, and is proposed to be conveyed to WPDA, Inc. in early 2017; and

WHEREAS, WPDA proposes to update 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, WPDA now requests that Forsyth County authorize execution of a 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 design and construction of public water and wastewater infrastructure at Whitaker Park in an amount up to \$1,768,576; and

WHEREAS, prior to approving the requested 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 Reimbursement Agreement would come from the County's reserved General Fund fund balance in an amount up to \$1,768,576; and

WHEREAS, Forsyth County's authority to reimburse City/County Utilities Commission under the reimbursement agreement between Forsyth County, City/County Utilities Commission and WPDA, Inc. would be contingent upon the prior conveyance by Reynolds American of the Whitaker Park property to WPDA, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby ratifies and authorizes execution of a reimbursement agreement with the City/County Utilities Commission and WPDA, Inc., as private developer, in the amount of \$1,768,576 reserved from the General Fund fund balance to fund the design and construction of public water and wastewater infrastructure at Whitaker Park contingent upon the prior conveyance by Reynolds American of the Whitaker Park property to WPDA, Inc.

BE IT FURTHER RESOLVED that the County Manager and County Chief Financial Officer are hereby authorized to execute a Reimbursement Agreement as outlined above, on behalf of Forsyth County, with City/County Utilities Commission and WPDA, Inc.

BE IT FURTHER RESOLVED that the County Manager is hereby authorized to execute amendments to the Reimbursement Agreement, as necessary to continue the services during the current fiscal year, 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 28th day of November 2016.

**FORSYTH COUNTY, NORTH CAROLINA
AMENDMENT TO
2016-2017 BUDGET ORDINANCE**

FROM: BUDGET & MANAGEMENT

MEETING DATE: November 28, 2016

EXPLANATION: On September 28, 2015, the Forsyth County Board of Commissioners adopted a Resolution authorizing \$2,350,000 in County funds to be reserved from General Fund fund balance for future reimbursement agreements with WPDA, Inc. (Whitaker Park Development Authority) for municipal infrastructure design and construction at Whitaker Park.

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This Budget Ordinance Amendment appropriates \$1,768,576 from General Fund fund balance to support the reimbursement agreement between Forsyth County, WPDA, Inc., and City/County Utilities Commission to reimburse the City/County Utilities Commission for design and construction of municipal infrastructure at Whitaker Park, with the understanding that the County will not reimburse the City/County Utilities Commission for municipal infrastructure at Whitaker Park until Reynolds American conveys the Whitaker Park Property to WPDA, Inc.

**BE IT ORDAINED BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS THAT THE
2016-2017 BUDGET ORDINANCE IS HEREBY AMENDED AS FOLLOWS:**

INCREASE: <u>SECTION 1. REVENUES.</u>	
GENERAL FUND	
COMMITTED FUND BALANCE	<u>\$1,768,576</u>
INCREASE: <u>SECTION 2. EXPENDITURES.</u>	
GENERAL FUND	
ECONOMIC DEVELOPMENT	<u>\$1,768,576</u>

NATURE OF TRANSACTION:	APPROVED BY BOARD OF COUNTY
<input type="checkbox"/> Additional Revenue Available	COMMISSIONERS AND ENTERED ON
<input checked="" type="checkbox"/> Transfer within Accounts of	MINUTES DATED _____
Same fund	AGENDA ITEM NUMBER _____
<input type="checkbox"/> Other:	
