

**THE BOARD OF COUNTY COMMISSIONERS  
DURHAM, NORTH CAROLINA**

Monday, September 14, 2009

8:35 P.M.

**Closed Session**

**Minutes and General Accounts**

Place: Commissioners' Conference Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Absent: None

Presider: Chairman Page

The Board met in closed session to discuss matters relating to the location or expansion of a business or industry pursuant to G. S. 143-318.11(a)(4).

Deputy County Manager Carolyn Titus briefed the Board on an economic incentive request by Project Fuqua to relocate its business from Baton Rouge, Louisiana to Durham County.

In March, 2009 staff was authorized to offer Project Fuqua a \$200,000 incentive as follows:

- 1) \$150,000 after completing renovations of an old existing building and adding \$5-8 million in new tax value or after building a new facility and adding \$10-15 million in new tax value; and
- 2) \$50,000 for training of Durham residents hired and maintained employment for one continuous year at \$1,000 per resident (up to 50 residents).

Additional requirements: 1) Establish 200 new jobs; 2) Commit to use best efforts to hire Durham residents; 3) Post all jobs at the local Job Link Center and Durham County DSS Work First Program; 4) Host or work with the Chamber of Commerce to host a job fair in downtown Durham to recruit Durham residents for jobs; and 5) Work with the Chamber of Commerce in the Make IT Durham program (to relocate transferring employees to Durham County).

The owner of Project Fuqua expressed concern with the offer and asked staff to discuss an alternative with the Board. Ms. Titus discussed possible locations for Project Fuqua and types of jobs to be offered.

The Commissioners discussed several incentive options; they reached a consensus to offer Project Fuqua a base incentive of \$100,000 and an additional \$100,000 for Durham residents hired and trained (\$1,000 per resident), with no investment in new tax value required.

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The Board also met in closed session to discuss the lawsuit of *Southern Durham Development Inc. vs. Durham County 09cvs4125* and to preserve the attorney-client privilege

County Attorney Lowell Siler briefed the Board on the Southern Development lawsuit. He noted that the Board of Commissioners is elected by the citizens to represent them and that a motion argument would be heard on Thursday, September 17, in the Judicial Building by Judge Manning.

County Attorney Siler informed the Board that the County cannot settle the case if the Haw River Group is involved. He discussed the possible conflict of interest for Durham residents who are a part of the Haw River Group.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to seal the September 14, 2009 Closed Session Minutes of the Board.

The motion carried unanimously.

### **Adjournment**

There being no further business, Chairman Page adjourned the closed session at 9:28 p.m.

Respectfully submitted,

Yvonne R. Jones  
Acting Clerk to the Board