

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
OCTOBER 16, 2013**

The following narrative and summary describes the North Carolina Alcoholic Beverage Control Commission meeting held at 400 East Tryon Road, Raleigh, North Carolina on October 16, 2013, beginning at 10:00 AM. The meeting was recorded and the disc is on file at the ABC Commission in the Legal Division.

ROLL CALL

Chairman James C. Gardner and Commissioners Joel L. Keith and Kevin M. Green were present at the meeting. Chairman Gardner called the meeting to order.

MINUTES OF SEPTEMBER 18, 2013

Chairman Gardner asked for a motion to waive the reading of the minutes of the September 18, 2013 meeting into the record. Commissioner Green made a motion to waive the reading of the minutes from the September 18, 2013 meeting. Commissioner Keith seconded the motion. Motion Passed. Chairman Gardner asked for a motion to approve the minutes of the September 18, 2013 meeting. Commissioner Green made a motion to approve the minutes from the September 18, 2013 meeting. Commissioner Keith seconded the motion. Motion Passed.

CONFLICTS OF INTEREST

As required by North Carolina General Statute 138A-35, Chairman Gardner asked if there were any conflicts of interest or any conditions or facts that might create the appearance of a conflict of interest with respect to any matters on the agenda. Commissioner Keith stated he had found no conflicts of interest. Commissioner Green stated he had found no conflicts of interest. Chairman Gardner stated he had found no conflicts of interest.

I. HEARING CASES – 49

Deputy Agency Counsel K. Renee Cowick stated there were no contested hearing cases and no one was present to speak on behalf of their business.

Ms. Cowick stated hearing case #25 was to be removed from the agenda as the permits had been cancelled. Ms. Cowick stated hearing case #15 was to be continued to a future NC ABC Commission meeting.

Ms. Cowick also stated agenda item VI, the exemption request, was to be continued to a future NC ABC Commission meeting as the applying party's attorneys were unable to attend the October Commission Meeting.

Commissioner Keith made a motion to ratify the remaining offers in compromise. Commissioner Green seconded the motion. Motion Passed.

II. OTHER BUSINESS – ABC STORE LOCATION – GREENSBORO ABC BOARD

Administrator Michael C. Herring stated on September 16, 2013, the NC ABC Commission received a letter from Fred McCormick, General Manager of the Greensboro ABC Board requesting approval on the purchase of property for a new ABC Store in Greensboro, North Carolina. Present to represent the Greensboro ABC Board were Mr. McCormick and Michael Fox, attorney for the Greensboro ABC Board.

On September 19, 2013, ABC Audit/Investigator Edwin Strickland began an investigation and found the proposed location for the Greensboro ABC Board store was 4629-4627 West Market Street, Greensboro, North Carolina 27407. The proposed store will replace the existing, smaller ABC Store operating approximately .2 miles away at 4639 C West Market Street, Greensboro, North Carolina.

The proposed location is two parcels totaling approximately .69 acres. The proposed location is accessible from West Market Street and is zoned commercial-high. The property is owned by a Limited Liability Partnership of Bethesda, Maryland, represented by Sandmar Properties, LLC also of Bethesda.

All Greensboro ABC Board Members submitted financial disclosure forms regarding the property and have no direct financial interest in the ownership of the property. The Greensboro ABC Board plans to build a 4,800 SF building on the site accessible from West Market Street.

The nearest school is approximately 2.2 miles from the proposed location. The nearest church is .3 miles from the proposed location. The nearest ABC Store is the store which will be replaced upon the opening of the proposed store. The next nearest ABC Store is approximately 3 miles away.

Projected annual sales of the proposed ABC Store are approximately \$2.9 million.

Notice to the public was properly posted on September 13, 2013. As no objections had been received, Mr. Herring recommended the ABC Commission approve the proposed location as a suitable location.

Commissioner Keith made a motion to approve the proposed location. Commissioner Green seconded the motion. Motion Passed.

III. OTHER BUSINESS – ABC STORE LOCATION – GREENSBORO ABC BOARD

Mr. Herring stated on September 17, 2013, the NC ABC Commission received a letter from Fred McCormick, General Manager of the Greensboro ABC Board requesting approval to purchase one of two properties for a new ABC Store in Greensboro, North Carolina. Mr. Herring stated the Greensboro ABC Board was considering two potential locations for an ABC Store on Bridford Parkway, Greensboro, North Carolina 27409.

On September 19, 2013, ABC Audit/Investigator Edwin Strickland began an investigation. The property located at 1312-106 Bridford Parkway is space #106 within the Landmark Crossing Shopping Center owned by Sigma Properties Group, LLC. The proposed store would be approximately 5,061 SF, utilizing the front portion as retail space and the remainder as warehouse space.

The property located at 1315-B Bridford Parkway is within the Landmark Station Retail Center and is owned by JDS Commercial Properties, Inc. The proposed store would be approximately 4,485 SF, utilizing the front portion as retail space and the remainder as warehouse space.

The proposed store will replace the existing ABC store operating approximately 1.1 miles away at 1700 Stanley Road, Greensboro, North Carolina. Currently, the next closest ABC Store is approximately 2.9 miles away, located at 4639 C West Market Street, Greensboro, North Carolina.

All Greensboro ABC Board Members submitted financial disclosure forms regarding the properties and have no direct financial interest in the ownership of either property.

Both properties are zoned commercial-high and are suitable for the proposed ABC Store. The nearest school to either property is approximately 2.4 miles away. The nearest church is approximately .9 miles away.

Notice to the public was properly posted for both proposed locations on September 16, 2013.

Mr. Herring stated the Greensboro ABC Board was currently negotiating with the respective owners of the properties for the best price per square foot. The projected sales for the proposed ABC Store are \$3.5 million or higher per year. As no objections have been received, Mr. Herring recommended approval of both proposed locations.

Mr. Fox, attorney for the Greensboro ABC Board stated the proposed locations are across the street from each other in separate shopping centers.

Commissioner Green made a motion to approve the proposed locations. Commissioner Keith seconded the motion. Motion Passed.

IV. OTHER BUSINESS – ABC STORE LOCATION – THOMASVILLE ABC BOARD

Mr. Herring stated on August 29, 2013, the ABC Commission received a letter from Bill Mills, a board member of the Thomasville ABC Board, requesting approval to purchase property and build a new ABC Store in Thomasville, North Carolina. The proposed store would replace a store the Thomasville ABC Board is currently renting.

On September 10, 2013, ABC Audit/Investigator Edwin Strickland began an investigation. The proposed location is on two adjoining parcels of land. The approximate .61 acre parcel located at 1144 Randolph Street, Thomasville, North Carolina is owned by J.C. Faw. The approximate .31 acre parcel located at 21 Cedar Lodge Road, Thomasville, North Carolina is owned by Betty S. Ripple. Both parcels are zoned Commercial 1.

The Thomasville ABC Board wishes to purchase both parcels and construct a combined store and warehouse of approximately 6,000 SF. The proposed purchase price for the .61 acre parcel is \$273,250 and the proposed purchase price for the .31 acre parcel is \$125,000. After purchasing the properties, the Thomasville ABC Board plans to build a store/warehouse building of approximately 6,000 SF.

All Thomasville ABC Board Members submitted financial disclosure forms regarding the properties and have no direct financial interest in the ownership of either property.

The nearest school is located approximately .6 miles from the proposed location. The nearest church is located approximately .15 miles from the proposed location.

Notice of Intent to open an ABC store at the site was properly posted on August 13, 2013. The Thomasville ABC Board has received approximately 28 telephone calls from concerned citizens

regarding the proposed store. Some have stated they do not want a store at this location, are concerned about traffic and proximity to the school and church, or oppose alcohol sales. The Thomasville ABC Board also received a petition from Cedar Lodge Church including approximately fifty signatures, opposing the proposed ABC Store.

Mr. Herring stated projected sales for the proposed ABC Store are \$2.2 million per year.

No members of the Thomasville ABC Board were present to speak regarding the proposed location. No one was present to speak against the proposed location.

Mr. Herring recommended the ABC Commission approve the proposed location as the ABC store would not propose a health, safety, welfare issue to the public and would allow the Board to own rather than rent a property.

Commissioner Green asked if there was a community meeting regarding the proposed ABC Store location. ABC Audit/Investigator Edwin Strickland stated he was not aware of a meeting.

Commissioner Keith made a motion to approve the proposed location. Commissioner Green seconded the motion. Motion Passed.

V. OTHER BUSINESS – ABC STORE LOCATION – WARREN COUNTY ABC BOARD

Mr. Herring stated on August 11, 2013, the ABC Commission received a letter from Larry Spruill, General Manager of the Warren County ABC Board, requesting approval to build a new ABC Store in Norlina, North Carolina.

On September 20, 2013, ABC Audit/Investigator Edwin Strickland began an investigation. The proposed location is along US Highway 158 West in Norlina, North Carolina.

The property is beside the Warren Corners Shopping Center with access from both the shopping center and the highway. The property is approximately one acre and is owned by Wildcats Limited Partnership. It is zoned Highway Business and is acceptable for an ABC store. The proposed price for the property is approximately \$125,000.

The Warren County ABC Board has tentatively planned to build a 5,000 SF building that will serve as a store and warehouse. The proposed ABC Store will replace two stores within a three-mile radius once completed and opened.

All Warren County ABC Board Members submitted financial disclosure forms regarding the proposed location and have no direct financial interest in the ownership of the property.

The nearest school is located approximately .7 miles from the proposed location. The nearest church is located approximately .35 miles from the proposed site.

Notice of Intent to open an ABC store at the site was properly posted on September 6, 2013. There have been no objections to the proposed ABC Store, only questions regarding the existing stores and whether they would continue to operate.

Mr. Herring stated projected sales for the proposed ABC store are \$1.15 million per year. Mr. Herring recommended the ABC Commission approve the proposed location

Commissioner Green made a motion to approve the proposed location. Commissioner Keith seconded the motion. Motion Passed.

VI. OTHER BUSINESS – FUTURE NC ABC COMMISSION MEETING DATES

Mr. Herring recommended the Commission approve Wednesday, December 11, 2013, as the date of the December 2013 NC ABC Commission Meeting and Wednesday, January 15, 2014, as the date of the January 2014 NC ABC Commission Meeting.

Commissioner Green made a motion to approve these dates as future NC ABC Commission meeting dates. Commissioner Keith seconded the motion. Motion passed.

Chairman Gardner announced the next ABC Commission meeting will be held on Wednesday, November 13, 2013.

Commissioner Green made a motion to adjourn. Commissioner Keith seconded the motion. With no further business, the meeting adjourned.

Approved at the November 13, 2013 Commission Meeting

/S/ James C. Gardner
James C. Gardner, Chairman
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

/S/ Caroline Y. Washburn
Caroline Y. Washburn for the Legal Section