

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
JUNE 12, 2013**

The following narrative and summary highlights action taken by the North Carolina Alcoholic Beverage Control Commission at its meeting on June 12, 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 MAY 8, 2013

Chairman Gardner asked for a motion to waive the reading of the minutes of the May 8, 2013 meeting into the record. Commissioner Keith made a motion to waive the reading of the minutes from the May 8, 2013 meeting. Commissioner Green seconded the motion. Motion Passed. Chairman Gardner asked for a motion to approve the minutes of the May 8, 2013 meeting. Commissioner Green made a motion to approve the minutes from the May 8, 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 – 86

Deputy Agency Counsel K. Renee Cowick stated the permits for hearing case number 2, B P 1, had been cancelled. Deputy Counsel Cowick stated hearing case number 68 was to be continued to the July 17, 2013 NC ABC Commission Meeting and hearing cases numbers 45 and 49 were to be continued to a future NC ABC Commission Meeting.

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

Deputy Counsel Cowick stated Assistant Counsel LoRita Pinnix had one case for reconsideration. Ms. Pinnix stated hearing case number 85, Star Music Studio, had previously been heard and the decision was for the permits to be cancelled. Ms. Pinnix stated the permits had not been cancelled, the proper financial reports had been filed and a new Offer in Compromise had been signed.

Commission Keith made a motion to approve the new Offer in Compromise to override the previous Final Agency Decision. Commissioner Green seconded the motion. Motion Passed.

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

II. OTHER BUSINESS – ABC STORE LOCATION – WILSON COUNTY ABC BOARD

Administrator Michael Herring stated on April 30, 2013, the ABC Commission received a letter from Larry Etheridge, General Manager of the Wilson County ABC Board requesting approval to construct a fifth ABC Store in Wilson, North Carolina. Present to represent the Wilson County ABC Board were Mr. Etheridge and Paul Ferris, a board member.

On May 2, 2013, ALE Special Agent A.G. Proctor began an investigation and found the proposed location for the Wilson County ABC Board store was 3713 Peppermill Drive North, Wilson, North Carolina 27896. The property is located in the Shoppes at Eagle Farm Crossing Shopping Center and is currently undeveloped. The proposed location is within the city limits of Wilson, North Carolina and at the intersection of Lake Wilson Road and West Nash Street. The proposed store would be located beside a Food Lion grocery store amongst other commercial properties.

The proposed location is owned by Bunn-Eagles Farm, LLC. All Wilson County ABC Board Members submitted financial disclosure forms indicating no financial interest in the property owned by Bunn-Eagles Farm, LLC. The agreed purchase price for the property is \$255,000.00 upon approval by the NC ABC Commission.

The proposed space will be a free-standing store with 5000 square feet, approximately 3000 feet of retail floor space and the remainder as office space, storage and restrooms.

The nearest school is located approximately 1.2 miles from the proposed location. There is a daycare approximately .3 miles from the proposed location. The nearest church is located approximately .4 miles from the proposed site. Notice of intent to open an ABC store at the site was properly posted on March 15, 2013.

Mr. Herring stated neither the NC ABC Commission nor the Wilson County ABC Board has received any objections to the proposed location. In his report, Special Agent Proctor stated Bishop Aycock of Saint Paul's Church which is located .4 miles from the proposed site voiced his objection to the ABC Store, but added he objects to drinking any alcoholic beverages.

Mr. Herring stated there is an ABC Store approximately 2 miles away in the Brentwood shopping center. Mr. Herring predicted the proposed ABC Store will eventually replace the Brentwood ABC Store, as that lease expires in five years. Mr. Herring projected the annual sales of the proposed ABC Store to be nearly \$1,000,000.00.

Mr. Herring recommended the ABC Commission approve the proposed location.

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

Chairman Gardner announced the next ABC Commission meeting will be held on Wednesday, July 17, 2013.

With no further business, the meeting adjourned.

Approved at the July 17, 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