

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
MAY 12, 2014**

The following narrative and summary describes the North Carolina Alcoholic Beverage Control Commission meeting held at 400 East Tryon Road, Raleigh, North Carolina on May 12, 2014, 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. Chairman Gardner called the meeting to order.

MINUTES OF APRIL 16, 2014

Chairman Gardner asked for a motion to waive the reading of the minutes of the April 16, 2014 meeting into the record. Commissioner Green made a motion to waive the reading of the minutes from the April 16, 2014 meeting. Commissioner Keith seconded the motion. Motion Passed. Chairman Gardner asked for a motion to approve the minutes of the April 16, 2014 meeting. Commissioner Green made a motion to approve the minutes from the April 16, 2014 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 – 58

Chief Counsel K. Renee Cowick stated Karen Mills was present on behalf of hearing case #54, Spotted Dog Restaurant and Bar.

Ms. Mills stated she was one of the owners of the business and the violation occurred when the bartender Laura Kellner read the identification incorrectly and served an underage person a mixed beverage. Ms. Mills stated this is the business' first violation and they take underage drinking seriously and are vigilant as they are near a college. Ms. Mills stated it was an error made by an ethical employee and not intentional.

Chairman Gardner stated underage drinking is taken very seriously by the ABC Commission, as last year an underage person was killed every week in North Carolina in events related to underage drinking. Chairman Gardner stated he appreciated Ms. Mills attending the Commission Meeting and appreciated

her diligence; however, the ABC Commission must remain consistent with all violations and penalties as permit holders must ensure underage individuals are not served or sold alcohol.

Commissioner Green made a motion to accept the penalty as set by ABC Commission staff. Commissioner Keith seconded the motion. Motion Passed.

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 – MECKLENBURG COUNTY ABC BOARD

Administrator Michael C. Herring stated on March 14, 2014, the NC ABC Commission received an email request from Mike Tulley, CFO of the Mecklenburg County ABC Board, advising the ABC Board wished to relocate an ABC Store in Charlotte, North Carolina. On April 2, 2014, the NC ABC Commission received a letter from the Mecklenburg County ABC Board officially making the request for approval to relocate the ABC Store on University City Boulevard in Charlotte, North Carolina.

On March 20, 2014, ABC Audit/Investigator Edwin Strickland and ABC Compliance Officer Charlie Fuller began an investigation and found the proposed location for the Mecklenburg County ABC Board Store was 9740 University City Boulevard, Charlotte, North Carolina. The proposed store will replace a currently leased ABC Store operating approximately 90 feet away at 9630A University City Boulevard, Charlotte, North Carolina. Both locations are located within the University Plaza Shopping Center.

On April 1, 2014, Mr. Strickland confirmed with the Mecklenburg County Zoning Department the property is zoned B-1, basic commercial and is approved for ABC retail sales.

The property is owned by SKH, LLC of Gastonia, North Carolina. The proposed purchase price of \$1,800,000 includes a .89 acre parcel and a 10,880 SF building. All Mecklenburg County ABC Board members submitted financial disclosure forms regarding the property and have no direct financial interest in the ownership of the property.

The 10,880 SF building is tentatively planned to be utilized as a 4,000 SF retail space and 2,500 SF warehouse space. The remaining 4,380 SF will be available for future use with no immediate plans, but may possibly be leased to another government agency in the future.

The nearest school, the University of North Carolina at Charlotte, is approximately .4 miles from the proposed location. University Meadows Elementary School is approximately .7 miles from the proposed location. The nearest church, Back Creek Presbyterian, is approximately .6 miles from the proposed location.

The nearest ABC Store is located approximately 90 feet away and is currently leased. The Mecklenburg County ABC Board does not plan to renew the lease and will close the store upon opening the new location. The next closest store is located at 7000 Hudspeth Road, Concord, North Carolina and is operated by the Concord ABC Board. The closest store operated by the Mecklenburg County ABC Board is located approximately 5.5 miles away at 4706 North Tryon Street, Charlotte, North Carolina.

The projected annual sales of the proposed ABC Store are approximately \$5.2 million.

Mr. Herring stated notice to the public was properly posted on March 11, 2014. To date, no objections have been received regarding the proposed location.

Mr. Herring recommended the ABC Commission approve the site as a suitable location for an ABC Store.

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

Chairman Gardner stated the date of the next ABC Commission meeting is Wednesday, June 18, 2014.

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

Approved at the June 18, 2014 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