

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
FEBRUARY 10, 2016**

The following narrative and summary describes the North Carolina Alcoholic Beverage Control Commission meeting held at 400 East Tryon Road, Raleigh, North Carolina on February 10, 2016, beginning at 10:00 AM. The meeting was recorded and the disc is on file at the NC ABC Commission within the Legal Division.

ROLL CALL

Chairman James C. Gardner and Commissioners Kevin M. Green and Michael C. Herring were present. Chairman Gardner called the meeting to order, welcoming the guests from Rowan County.

MINUTES OF JANUARY 13, 2016

Chairman Gardner asked for a motion to waive the reading of the minutes of the January 13, 2016 meeting into the record. Commissioner Green made a motion to waive the reading of the minutes. Commissioner Herring seconded the motion. Motion Passed. Chairman Gardner asked for a motion to approve the minutes of the January 13, 2016 meeting. Commissioner Green made a motion to approve the minutes. Commissioner Herring seconded the motion. Motion Passed.

CONFLICTS OF INTEREST

As required by N.C.G.S. § 138A-35, Chairman Gardner asked if there were any conflicts of interest or any conditions or facts which might create the appearance of a conflict of interest with respect to any matters on the agenda. Commissioner Herring stated he found no conflicts of interest. Commissioner Green stated he found no conflicts of interest. Chairman Gardner stated he found no conflicts of interest.

I. HEARING CASES – 65

Chief Counsel Renee C. Metz stated no one was present on behalf of the cases on the agenda and, if there were no questions, asked the Commission to ratify the offers in compromise.

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

II. ABC STORE LOCATION – ROWAN/KANNAPOLIS ABC BOARD

Administrator Robert A. Hamilton stated the Rowan/Kannapolis ABC Board asked for approval to purchase property to open and operate an ABC Store at 1428 Jake Alexander Boulevard South in Salisbury, North Carolina. The proposed store will replace an existing store located approximately 325 feet across the street diagonally. The Board would like to open the store by April 2017.

Mr. Hamilton stated the proposed location is in an area with a Sheetz convenience store, a hair salon and pet groomer. Adjacent to the sides of the property are an empty commercial building and a residence. The property is zoned Corridor Mix Use and allows for an ABC Store.

The property is owned by six heirs to a family property. There are no shared interests between the owners and the Rowan/Kannapolis ABC Board. All Board members submitted financial disclosure statements. The purchase price for the 1.543 acre property is \$350,000.00.

Mr. Hamilton stated the proposed building will be approximately 8,000 SF of which 5,500 SF will be used for retail sales. The remaining space will be used for storage and for emergency mixed beverage sales, mainly on Saturdays.

The nearest school is approximately .2 miles from the proposed location. The nearest church is approximately .5 miles from the proposed location. The nearest ABC Store is located approximately 325 feet from the property and will be closed upon the opening of the new store. The next closest ABC Store is 3.5 miles from the proposed location and is also operated by the Rowan/Kannapolis ABC Board.

Mr. Hamilton stated the sign was properly posted on December 29, 2015 and there have been no calls in reference to the location. The anticipated first year sales are \$3.5 million. Mr. Hamilton said there were representatives from the Rowan/Kannapolis ABC Board in attendance if the Commission had any questions. Mr. Hamilton stated staff recommends approval of the location.

Commissioner Herring asked if any objections had been received after January 25th, following the completion of the investigation. Terry Osborne, the Board manager, stated no objections had been received. Mr. Osborne added the Board needed additional warehouse space. He explained the existing location is the Board's most profitable store and was in need of expansion. The Board will resolve both issues with the new location.

Chairman Gardner commended Mr. Osborne and the Rowan/Kannapolis ABC Board for the great job and their dedication to the problem of underage drinking. Chairman Gardner stated Mr. Osborne had been of great assistance as the Initiative for Underage Drinking was developed by the ABC Commission. Chairman Gardner added the Rowan/Kannapolis ABC Board had \$11,600,000.00 in sales last year, an increase of 9.3% over the previous year.

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

Chairman Gardner recognized Shelly Willingham, Chairman of the Edgecombe County ABC Board. Mr. Willingham also served as the head of the NC Association of ABC Boards and is a member of the NC House of Representatives.

Mr. Osborne thanked the ABC Commission for all they do and for the Underage Initiative. Mr. Osborne also thanked investigator Edwin Strickland, the staff and Mr. Hamilton for their assistance.

With no other business, Chairman Gardner announced the next NC ABC Commission meeting will be held on Wednesday, March 9, 2016.

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

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

Respectfully submitted by,

Caroline Y. Washburn for the Legal Division