

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
APRIL 10, 2019**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission Meeting held at 400 East Tryon Road in Raleigh, North Carolina on April 10, 2019, 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 A.D. Zander Guy, Jr. called the April 2019 ABC Commission Meeting to order and welcomed those in attendance. Chairman Guy expressed his appreciation for the ABC Commission staff and thanked them for their work. Chairman Guy added he receives compliments regarding the service provided by the staff.

MINUTES OF THE MARCH 13, 2019 COMMISSION MEETING

Commissioner Norman A. Mitchell, Sr. made a motion to waive the reading of the minutes of the March 13, 2019 meeting into the record. Chairman Guy seconded the motion. Motion Passed.

Commissioner Mitchell made a motion to approve the minutes of the March 13, 2019 meeting. Chairman Guy seconded the motion. Motion Passed.

CONFLICTS OF INTEREST

As required by N.C.G.S. § 138A-35, Chairman Guy 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 Mitchell stated he reviewed the agenda and found no conflicts of interest. Chairman Guy stated he found no conflicts of interest.

Chairman Guy welcomed the Alcohol Law Enforcement agents present and thanked them for attending the meeting. Chairman Guy explained the Commission has a close working relationship with ALE as partners; and, thanked them for their work, which makes the work of the ABC Commission and its Legal Division easier.

I. CONTESTED CASES AND OFFERS IN COMPROMISE – 57

Chief Counsel Renee C. Metz requested case number 14 be removed from the agenda as the permits had been cancelled. Mrs. Metz also requested case number 41 be moved to the May 2019 Commission Meeting agenda as the Offer in Compromise had been revised.

Chairman Guy made a motion to follow the staff's recommendation regarding the two cases just mentioned. Commissioner Mitchell seconded the motion. Motion Passed.

Mrs. Metz stated attorney Woody Webb was present on behalf of case number 33. Mr. Webb stated his client, Circle K 2720386, located in Carrboro, North Carolina, wished to request a \$5,000.00 penalty for the underage sale violation and a \$2,500.00 penalty for a failure to supervise violation in lieu of a suspension of their permits.

Mr. Webb explained Circle K takes any violation seriously. Mr. Webb added, even though Circle K owns approximately 350 stores in NC, he has appeared before the Commission very infrequently regarding violations. Mr. Webb admitted there were some problematic stores, including this location. Mr. Webb stated all of the employees are taking additional and more frequent in-house training. Mr. Webb explained whenever a violation occurs, the clerk is immediately terminated and the store manager loses the opportunity to earn a bonus. Mr. Webb added more stringent carding and identification process has been put into place, meaning everyone is carded for an alcohol purchase.

Chairman Guy thanked Mr. Webb and stated the Commission appreciates his client's attitude. Chairman Guy explained the Commission takes underage violations very seriously. Commissioner Mitchell made a motion to accept staff's recommendation for a new penalty. Chairman Guy stated the motion for a \$5,000.00 penalty for the underage sale and a \$2,500.00 penalty for the failure to superintend violation was seconded. Motion Passed.

As no one else was present regarding a case, Mrs. Metz asked the Commission to ratify the Offers in Compromise with the exclusion of the three previously addressed.

Commissioner Mitchell made a motion to ratify the remaining Offers in Compromise. Chairman Guy seconded the motion. Motion Passed.

Chairman Guy recognized the members of the local ABC Boards who were present for the Commission Meeting. Chairman Guy added he had enjoyed meeting them at the recent meeting in Asheville.

II. ABC STORE LOCATION – MARTIN COUNTY ABC BOARD

Administrator Agnes C. Stevens stated Steve Cannon of the Martin County ABC Board and Rick Hauser of the Youngsville ABC Board were present and members of the New Hanover County ABC Board were en route.

Ms. Stevens stated on February 14, 2019, the Martin County ABC Board requested approval from the NC ABC Commission to purchase a building to open and operate an ABC Store at 706 North Main Street in Robersonville, North Carolina. Ms. Stevens added Martin County ABC Board is currently renting a space. Ms. Stevens stated on February 22, 2019, ABC Commission Auditor/Investigator Richard Thorsen met with Martin County ABC Board General Manager Lynn Sadler. Ms. Sadler informed him this new location would replace an existing store and would provide additional space for sales. The Board tentatively plans to open in July 2019.

Ms. Stevens stated the proposed property is zoned Commercial Business and allows for an ABC Store. The property is owned by Robersonville Town Center, LLC. Ms. Stevens stated financial disclosure forms have been provided by the Board members and confirmed there are no conflicts between the property owners and the Martin County ABC Board members.

Ms. Stevens stated the nearest school, East End Elementary School, located at 1121 3rd Street Extension in Robersonville, is approximately 1.4 miles away. Ms. Stevens added the next nearest school, South Creek High School located at 21077 NC-903 in Robersonville, is approximately 2.3 miles away. Ms. Stevens stated the nearest church, Providence Baptist Church, located at 300 East Purvis Street in Robersonville, is approximately .7 miles away. The next nearest church, First Baptist Church, located at 208 East Railroad Street in Robersonville, is approximately .9 miles away.

Ms. Stevens explained the closest ABC Store is the current ABC Store located 35 feet from the proposed location; and, will be closed upon the opening of the new store. Upon its closing, the closest ABC store is located at 7449 Main Street in Bethel, North Carolina. It is located approximately 8.7 miles away and is operated by the Pitt County ABC Board. The next closest ABC store is located at 301 West Boulevard in Williamston, North Carolina. It is located approximately 11.8 miles away and is operated by the Martin County ABC Board.

Ms. Stevens stated the notice to the public was properly posted at the location on February 22, 2019 and Mr. Thorsen confirmed this on February 26, 2019. Ms. Stevens stated two anonymous objections had been received and there were no additional objections. Ms. Stevens added staff recommended approval of the proposed location.

Mr. Cannon of the Martin County ABC Board stated they were currently in a small space and by moving next door into a larger space; they would be better able to serve their customers and community. Mr. Cannon added it would be an easy transition.

Commissioner Mitchell made a motion to approve the proposed location upon staff recommendation. Chairman Guy seconded the motion. Motion Passed.

III. ABC STORE LOCATION – NEW HANOVER COUNTY ABC BOARD

Ms. Stevens stated on March 7, 2019, the New Hanover County ABC Board requested approval from the NC ABC Commission to purchase property to build and operate an ABC Store at 2615 Castle Hayne Road in Wilmington, North Carolina.

Ms. Stevens stated on March 7, 2019, ABC Commission Audit/Investigation Division Assistant Director James Casteen met with Marnina Queen, the CEO of the Board. Ms. Queen informed him the Board currently has 10 operating stores and one being built to replace a store which has flooded twice in the recent storms. They anticipate reopening this store in April 2019. Ms. Queen informed Mr. Casteen they would like for the new store at the proposed location to open in June 2021.

Ms. Stevens stated the property is zoned SC, Shopping Center, and allows for an ABC Store. The property is owned by Hughes Credit Trust Shelter and there are no shared interests between the property owner and the New Hanover County ABC Board members. Ms. Stevens added financial disclosure forms have been provided by the Board members.

Ms. Stevens stated the nearest school, Wrightsboro Elementary School, located at 2716 Castle Hayne Road in Wilmington, is approximately .2 miles away. Ms. Stevens stated the nearest church, Wrightsboro Baptist Church, located at 2736 Castle Hayne Road in Wilmington, is approximately .3 miles away.

Ms. Stevens stated the nearest ABC Store, which is currently located at 523 South 17th Street in Wilmington, is approximately 5.1 miles from the proposed location. The next nearest store is located at 6015 Castle Hayne Road in Wilmington approximately 5.2 miles from the proposed location and will be closed upon the opening of the proposed store.

Ms. Stevens stated the notice to the public was properly posted at the location on March 7, 2019 and witnessed on March 8, 2019 by Mr. Casteen. Ms. Queen explained to Mr. Casteen, the Board received four calls from local citizens regarding the proximity to the existing store. Ms. Queen was able to explain the existing store would be closed upon the opening of the new store. Ms. Stevens stated no objections have been received and staff recommended approval of the proposed location.

No one was present to speak regarding the proposed location. Commissioner Mitchell made a motion to approve the proposed location upon staff recommendation. Chairman Guy seconded the motion. Motion Passed.

IV. STORE LOCATION – YOUNGSVILLE ABC BOARD

Ms. Stevens stated on March 5, 2019, the Youngsville ABC Board requested approval from the NC ABC Commission to purchase property to open and operate an ABC Store at a property adjacent to 101 North College Street in Youngsville, North Carolina.

Ms. Stevens stated on March 12, 2019, ABC Auditor/Investigator Edwin Strickland met with General Manager Laurie Pritchett to obtain information for the investigation report.

Ms. Stevens stated the proposed property is zoned Commercial and allows for an ABC Store. The property is owned by Alan McDaniel and Michael Miller and there are no shared interests between the property owners and the Youngsville ABC Board members. Ms. Stevens added financial disclosure forms have been provided by the Board members.

Ms. Stevens stated the nearest school, Youngsville Middle School, located at 125 US-1 Alternate in Youngsville, is approximately .2 miles away. Ms. Stevens stated the nearest church, Faith Baptist Church, located at 249 Holden Road in Youngsville, is approximately .4 miles away. Mr. Strickland also found two additional churches a similar distance away from the proposed site.

Ms. Stevens explained the nearest ABC Store is located on property encircled by the proposed property. This store will be closed upon the opening of the proposed store. The next nearest store, located at 3378 Franklinton Square Hwy 1 North in Franklinton, is approximately 5.8 miles away and operated by the Franklinton ABC Board.

Ms. Stevens stated the notice to the public was properly posted at the location on March 4, 2019 and witnessed by Mr. Strickland on March 12, 2019. Ms. Stevens stated the Board has received two comments which were both positive and no objections have been received. Ms. Stevens added staff recommended approval of the proposed location.

Youngsville ABC Board member, Rick Hauser, thanked the Commission for the favorable response to the new location. Mr. Hauser also thanked Laurie Lee, the Pricing Director, and Mr. Strickland for their assistance.

Commissioner Mitchell made a motion to approve the proposed location upon staff recommendation. Chairman Guy seconded the motion. Motion Passed.

V. OTHER BUSINESS

Ms. Stevens and Mrs. Metz both stated there was no further business and no one else was present to address the Commission. Chairman Guy thanked those in attendance and the meeting was adjourned.

Approved at the May 8, 2019 Commission Meeting

/S/ A.D. "Zander" Guy, Jr.
A.D. "Zander" Guy, Jr., Chairman
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

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