

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
JULY 14, 2021**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission (hereinafter “Commission”) Meeting held via teleconference at 400 East Tryon Road in Raleigh, North Carolina on July 14, 2021, beginning at 10:00 AM. The meeting was recorded, and a copy of the recording is on file at the Commission within the Legal Section.

ROLL CALL

Chairman A.D. Zander Guy, Jr. called the meeting to order and welcomed those who were joining the teleconference for the July 14, 2021 Commission Meeting. Chairman Guy thanked the employees of the Commission, stating it was very important to provide good customer service. Even through the recent trials, tribulations and transitions, they have continued to meet the challenges. Chairman Guy also thanked the Commission’s partner, LB&B and its warehouse staff, as well as other partners and citizens, for their patience. Chairman Guy acknowledged the supply and demand resulting from the pandemic had created shortages and stated, hopefully, they would be corrected soon. Chairman Guy greeted all the participants.

Chairman Guy welcomed Commissioner Karen L. Stout and Commissioner Norman A. Mitchell, Sr. and thanked them; stating the Commission appreciates their work behind the scenes.

MINUTES OF THE JUNE 9, 2021 COMMISSION MEETING

Commissioner Stout made a motion to waive the reading of the minutes of the June 9, 2021 Commission Meeting into the record. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Commissioner Mitchell made a motion to approve the minutes of the June 9, 2021 Commission Meeting. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

MINUTES OF THE JUNE 30, 2021 COMMISSION SPECIAL MEETING

Commissioner Stout made a motion to waive the reading of the minutes of the June 30, 2021 Commission Special Meeting into the record and to approve those minutes. Commissioner Mitchell seconded the motion. A vote was held, and the 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. Commissioner Stout stated she reviewed the agenda and found no conflicts of interest. Chairman Guy found no conflicts of interest.

Chairman Guy explained there are 171 ABC Boards in North Carolina and with the current conditions, the general managers have difficult jobs. He stated the Commission appreciates those general managers, including those of the Ramseur ABC, Pitt County ABC and Catawba County ABC Boards which were requesting approval for new locations.

I. HEARING CASES AND OFFERS IN COMPROMISE – 50

Chairman Guy recognized General Counsel Stacey Carter-Coley. Mrs. Carter-Coley stated agenda case number 1, Express Mini Mart 1, was a contested case. Mrs. Carter-Coley explained it had been heard at the Office of Administrative Hearings by an Administrative Law Judge who decided upon a 30-day suspension and a \$500.00 fine. Mrs. Carter-Coley stated staff recommended the Commission accept the Administrative Law Judge’s Final Decision. Chairman Guy stated the case was assigned to Assistant Counsel Rachel Spears and asked if anyone had questions.

As there were no questions, Commissioner Mitchell made a motion to follow the staff recommendation and impose the Judge’s decision. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

Chairman Guy confirmed with Mrs. Carter-Coley that staff recommended the ratification of the remaining Offer in Compromise cases. Commissioner Stout made a motion to ratify the remaining Offers in Compromise as recommended. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

II. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B – 1116(b) – TROLLEY BARN BREWERY, LLC AND LEGION BREWING COMPANY, LLC

Chairman Guy recognized Mrs. Carter-Coley regarding the exemption request. Mrs. Carter-Coley stated staff recommended this request be deferred to the next Commission meeting because of technical issues.

Commissioner Mitchell made a motion to continue the request to the August Commission meeting. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

**III. ABC STORE LOCATION – CATAWBA COUNTY ABC BOARD
(7856 Village Center North, Sherrills Ford, NC)**

Chairman Guy asked if there was anyone present from the Catawba County ABC Board. As there were no responses, Chairman Guy recognized Deputy Commissioner Terrance L. Merriweather to provide an overview of the Catawba County ABC Board’s request. Mr. Merriweather stated on May 17, 2021, the Catawba County ABC Board submitted a request for approval from the Commission to purchase property for an ABC Store. Mr. Merriweather stated the property was located at 7856 Village Center North in Sherrills Ford, NC. Mr. Merriweather explained the proposed store would replace the ABC Store currently located at 8606 Highway 150 in Terrell, NC.

On May 19, 2021, ABC Commission Auditor Officer Ralph Ray contacted Catawba County ABC Board General Manager Ronald Kaylor to gather information needed for the investigative report. Mr. Kaylor explained, if approved, construction of the store would begin in the fall of 2021.

Mr. Merriweather stated Mr. Ray contacted the Zoning Director for the city and the property is zoned appropriately to allow for sales of alcohol. Mr. Merriweather explained, the proposed property is owned by BBC VSF, LLC and Mr. Ray spoke with the its president, Steven Bailey, and received a copy of the purchase agreement. It was confirmed there are no relationships between the property owner and the board members. Financial disclosure forms were provided by the board members.

Mr. Merriweather explained the building will be approximately 12,000 SF, allowing for approximately 6,000 SF of retail space and 6,000 SF of warehouse and office space. Mr. Merriweather stated the nearest school, Sherrills Ford Elementary School located at 8103 Sherrills Ford Road, is approximately 2.7 miles north of the proposed location. The nearest church, Terrell Baptist Church located at 4176 Slanting Bridge Road in Sherrills Ford, is approximately .5 miles south of the proposed location. Mr. Merriweather stated the nearest ABC Store, located at 5640 NC-150 in Denver, NC, is also operated by the Catawba County ABC Board and located approximately 4.9 miles west of the proposed site.

The notice to the public was posted on May 19, 2021. The sign was witnessed by Mr. Ray on May 27, 2021 and was determined to meet ABC requirements. Mr. Merriweather stated, as of June 4, 2021 no comments or concerns had been received by the Catawba County ABC Board. Mr. Merriweather stated staff recommended approval of the proposed location for the Catawba County ABC Board.

Chairman Guy thanked Mr. Ray for his report. Commissioner Stout made a motion to approve the proposed location upon staff recommendation. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Chairman Guy stated the Commission works closely with Alcohol Law Enforcement (ALE). Chairman Guy explained Mr. Merriweather was the former director of ALE and gave him credit for the close relationship. Chairman Guy thanked current director, Bryan House, and all the recent work ALE has done; explaining, as the Governor has dropped the Executive Orders, enthusiasm has been created as the alcohol sales resumed.

IV. ABC STORE LOCATION – PITT COUNTY ABC BOARD (*East Marlboro Road/US-264 ALT, Farmville, NC*)

Chairman Guy asked if anyone was present from the Pitt County ABC Board. As no one responded, Chairman Guy recognized Mr. Merriweather to provide an overview of the request. Mr. Merriweather stated on May 21, 2021, the Pitt County ABC Board requested approval from the Commission to relocate an ABC Store. Mr. Merriweather stated the property was located on Marlboro Road/US 264 Alternate in Farmville, but an address had not yet been assigned. Mr. Merriweather stated ABC Commission Field Auditor-Supervisor Darnay Barefoot contacted Pitt County ABC Board Chairman Adam Sullivan to gather information needed for the investigative report. Mr. Barefoot found the proposed store was to replace the existing ABC Store located at 3765 West Wilson Street in Farmville. Mr. Merriweather explained the existing store was approximately 1,500 SF and the proposed store would be approximately 5,000 SF. The Pitt County ABC Board tentatively plans to open the store in May 2022 and close the existing store at that time.

The Planning Director for the town of Farmville confirmed the property is zoned for commercial use and allows for an ABC Store. Mr. Merriweather stated the proposed property is approximately one acre and currently owned by KDR Investments, LLC. Mr. Merriweather explained the property would be signed over to the Pitt County ABC Board upon construction completion. Financial disclosure forms were provided by the board members.

Mr. Merriweather stated the nearest school, Farmville Middle School located at 3914 West Grimmersburg Road is approximately 2.7 miles from the proposed location. The nearest church, Marlboro Original Free Will Baptist Church located at 8031 US 264 in Farmville, is approximately 1 mile from the proposed location. Mr. Merriweather stated the nearest ABC Store, located at 3765 West Wilson Street is located approximately 1.4 miles away and will be closed upon the opening of the new store.

The notice to the public was posted on May 23, 2021. The sign was witnessed by Mr. Barefoot on June 2, 2021 and was determined to meet ABC requirements. Mr. Merriweather stated, as of June 22, 2021 no comments or concerns had been received by the Pitt County ABC Board. Mr. Merriweather stated staff recommended approval of the proposed location for the Pitt County ABC Board.

Chairman Guy thanked Mr. Barefoot for his report and asked if anyone had questions regarding the request. As no one responded, Commissioner Mitchell made a motion to approve the proposed location upon staff recommendation. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

Chairman Guy thanked the Legal, Permits and IT Sections for their work. Chairman Guy announced the August Commission Meeting would be held virtually and perhaps the September Commission Meeting would also be virtual. Chairman Guy stated the Commission is reviewing the options for a maintenance project to replace the office building's roof.

V. ABC STORE LOCATION – RAMSEUR ABC BOARD
(103 and 105 South Brady Street, Ramseur, NC)

Chairman Guy acknowledged John York, the General Manager of the Ramseur ABC Board, and recognized Mr. Merriweather to provide an overview of the Ramseur ABC Board's request. Mr. Merriweather stated on May 12, 2021, the Ramseur ABC Board requested approval from the Commission to purchase property at 103 and 105 Brady Street in Ramseur for an ABC Store. ABC Commission Field Auditor-Supervisor Edwin Strickland contacted Mr. York to gather information needed for the investigative report. Mr. York had stated the proposed store would replace the currently leased store located at 104 Weatherly Square in Ramseur, approximately .3 miles from the proposed location. Mr. York explained to Mr. Strickland the proposed store would offer approximately 39% more retail space and the Board anticipated a November 2021 opening.

Mr. Merriweather stated on May 28, 2021, Mr. Strickland confirmed the proposed property is zoned for commercial use and allows for an ABC Store. Mr. Merriweather explained the proposed property located at 103 and 105 Brady Street, totaling .56 acres, is owned by David Cravin, Sr. Mr. Strickland spoke with Mr. Cravin and confirmed there are no relationships between the property owner and the board members. Financial disclosure forms were provided by the board members.

Mr. Merriweather explained the property is approximately one-half acre. Mr. Merriweather stated the nearest school, Ramseur Elementary School located at 6755 Jordan Road in Ramseur, is approximately .1 miles from the proposed location. The nearest church, Greater Love Fellowship Ministries located at 800 Moffitt Street in Ramseur, is approximately 240 feet behind the proposed location. Mr. Merriweather stated the next closest ABC Store is located at 423 West Swannanoa Avenue in Liberty and is operated by the Liberty ABC Board and is located approximately 10 miles away.

The notice to the public was posted on May 18, 2021. The sign was witnessed by Mr. Strickland on May 25, 2021 and was determined to meet ABC requirements. Mr. Merriweather stated, as of June 25, 2021 no objections had been received by the Ramseur ABC Board and two calls had been received stating it was a good location. Mr. Merriweather stated staff recommended approval of the proposed location for the Ramseur ABC Board.

Chairman Guy asked if Mr. York if he had comments, as he did not, Commissioner Stout made a motion to approve the proposed location upon staff recommendation. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

VI. OTHER BUSINESS

Chairman Guy asked Mr. Merriweather if there was any additional business, and he stated there was not. Chairman Guy thanked everyone for participating and wished everyone to enjoy their summer. The July Commission Meeting was adjourned.

Approved at the August 11, 2021 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