

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
SEPTEMBER 22, 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 September 22, 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

Commissioner Norman A. Mitchell, Sr. called the September 2021 Commission Meeting to order, stating the meeting had originally been scheduled for September 8, 2021. Commissioner Mitchell welcomed those who were participating. Commissioner Mitchell introduced Commissioner Karen L. Stout who was joining the meeting virtually and Deputy Commissioner Terrance L. Merriweather.

Commissioner Mitchell stated Chairman Guy resigned from the Commission effective September 17, 2021. Commissioner Mitchell thanked Chairman Guy on behalf of the Commission and the staff for his years of dedicated service to the State of North Carolina. Commissioner Mitchell stated the Commission would miss his guidance, wisdom and warm humor. Commissioner Mitchell stated he was sure there was more to come from A.D. Zander Guy, Jr., and whichever path he chose, the Commission and its staff wished both he and Mrs. Guy all the best for the years to come.

Commissioner Mitchell thanked the staff of the Commission for their preparation of the Commission Meeting on such short notice. Commissioner Mitchell stated Chairman Guy had often complimented the staff on their job performance and he and Commissioner Stout would expect nothing less. Commissioner Mitchell stated the Commission will continue to operate as it did before until Governor Cooper appoints a new Chairman.

Commissioner Stout thanked Chairman Guy for his leadership and his passion for the NC ABC Commission. Commissioner Stout stated she knew Chairman Guy was especially proud of the staff and their hard work and customer service. Commissioner Stout stated during the unforeseen situations created by COVID, Chairman Guy and the Commission staff worked to navigate the unprecedented times. Commissioner Stout thanked Chairman Guy and the staff for working through the issues and problems over the past almost two years and stated she knows the staff will continue to support the Commission and Mr. Merriweather. Commissioner Stout wished Chairman Guy the best and agreed with Commissioner Mitchell that there is more to come for him.

MINUTES OF THE AUGUST 11, 2021 COMMISSION MEETING

Commissioner Mitchell requested a motion to waive the reading of the minutes of the August 11, 2021 Commission Meeting into the record. Commissioner Stout made the motion. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Commissioner Mitchell requested a motion to approve the minutes of the August 11, 2021 Commission Meeting. Commissioner Stout made the motion. 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, Other Rules of Conduct, Commissioner Mitchell 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 had reviewed the agenda and stated he found no conflicts of interest. Commissioner Stout had reviewed the agenda and stated she found no conflicts of interest.

I. HEARING CASES AND OFFERS IN COMPROMISE – 52

Commissioner Mitchell recognized Assistant General Counsel Renee Metz regarding the hearing of the cases on the agenda. Mrs. Metz asked if anyone participating in the meeting wished to discuss an Offer in Compromise with the Commission. As there was no response, Mrs. Metz stated staff recommended the ratification of the Offer in Compromise cases.

Commissioner Stout made a motion to approve and ratify the Offers in Compromise. 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) – BILLY DALE OVERBEE; BLACKBEARD’S TRIPLE PLAY, LLC; TRIPLE PLAY OASIS RESTAURANT AND SPORTS BAR; AND VENUE

Commissioner Mitchell recognized Mrs. Metz regarding the exemption request. Mrs. Metz explained the request was regarding adding the ownership of a brewery by a person who currently owned retail businesses. The brewery would not produce more than 5,000 barrels annually. It would meet the standard exemption with an independent third-party manager in charge of ordering products for each of the retail locations. Mrs. Metz added it would be a standard order of exemption and staff recommended approval of the request.

Commissioner Stout made a motion to approve the exemption request. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

III. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B – 1116(b) – CROWN IMPORTS, LLC; DT SOCCER, LLC d/b/a CHARLOTTE FC; AND PANTHERS FOOTBALL, LLC

Mrs. Metz stated attorney Barry Strike of California was present on behalf of his client. Mrs. Metz added this was a sponsorship request and explained it was generally between an industry member and a team, which does not hold permits but does have a retail permittee located at the facility. Mrs. Metz stated, historically an exemption order has been required. Mrs. Metz asked if Mr. Strike wished to make any comments.

Mr. Strike stated he had nothing to add to the submitted request but would answer any questions the Commission might have. Mrs. Metz stated if the Commissioners did not have questions, staff recommended approval of the exemption.

Commissioner Stout made a motion to approve the exemption request. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

IV. ABC STORE LOCATION – HIGH POINT ABC BOARD *(6023 West Gate City Boulevard, Suite A, Jamestown, NC)*

Commissioner Mitchell recognized Mr. Merriweather regarding the approval of an ABC Store location. Mr. Merriweather stated on July 13, 2021, the High Point ABC Board requested approval to lease property at 6023 West Gate City Boulevard, Suite A in Jamestown, North Carolina. Audit Investigation Team Supervisor Edwin Strickland corresponded with High Point ABC General Manager Rosalind Stewart to gather information for this report.

Mr. Merriweather explained the proposed store will replace the current leased store located at 5812 West Gate City Boulevard which is approximately .7 miles from the proposed site. If approved, the Board anticipates opening the store on February 1, 2022. On August 10, 2021, Mr. Strickland confirmed with the planner for Jamestown that the property is zoned “Bypass” and allows for an ABC Store. Mr. Merriweather stated the property is owned by Koury Ventures Grandover Village II, LLC. On August 10, 2021, Mr. Strickland spoke with Travis Carter, a member of the company, and confirmed there are no relationships between the property owner and the Board members. The High Point ABC Board members provided the required financial disclosure statements.

Mr. Merriweather explained the proposed property is approximately 4,000 SF of which 2,900 SF would be used as a retail space and the remainder of the building would be office and warehouse spaces. Mr. Merriweather stated the nearest school, Guilford Technical Community College, is located at 6012 West Gate City Boulevard in Greensboro and approximately .2 miles away. The nearest church, Harvest Church located at 4915 Guilford College Road in Greensboro, is approximately 1.4 miles away. Mr. Merriweather explained the nearest ABC Store is located approximately .9 miles away will be closed upon the opening of the new store. The next closest ABC Store will be located approximately 4.3 miles away at 3923 West Gate City Boulevard in Greensboro and is operated by the Greensboro ABC Board.

Mr. Merriweather stated the required notice announcing the ABC Board’s intention to open an ABC Store was properly posted on June 26, 2021 and observed by Mr. Strickland on July 14, 2021 to satisfy Commission rules. Mr. Merriweather explained, as of August 12, 2021, the Board had received one objection to the proposed store, citing its proximity to apartments where young people live. The Board also received one call in support of the store as a good location. Mr. Merriweather stated staff recommends approval of this proposed store.

Commissioner Mitchell asked if a representative of the High Point ABC Board was present regarding the request. General Manager Rosalind Stewart stated she was present to answer any questions and thanked the Commission and its staff. Ms. Stewart explained they had not added many new stores and the staff was very helpful and easy to work with.

Commissioner Stout made a motion to approve the proposed store for the High Point ABC Board. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

V. ABC STORE LOCATION – ROWAN/KANNAPOLIS ABC BOARD
(320 East Main Street, Rockwell, NC)

Mr. Merriweather stated on August 5, 2021, the Rowan/Kannapolis ABC Board requested approval to purchase property to open and operate an ABC Store at 320 East Main Street in Rockwell, North Carolina. On August 12, 2021, Audit Investigation Team Supervisor Edwin Strickland met with General Manager Terry Osborne to gather information for this report. Mr. Merriweather explained the proposed store will replace the existing store located approximately 500 feet away at 256 East Main Street in Rockwell. Mr. Osborne stated he anticipates the Board will open the new store at the beginning of 2023.

On August 13, 2021, Mr. Strickland confirmed with the zoning administrator the property is zoned B-2 and allows for an ABC Store. Mr. Merriweather stated the property is owned by Terry Medley. On August 17, 2021, Mr. Strickland spoke with Mr. Medley and confirmed there are no relationships with the Board members. All members of the Rowan/Kannapolis ABC Board submitted financial disclosure statements as required by the Commission. The building will be approximately 6,700 SF of which approximately 47% or 3,200 SF will be a retail space and the remainder will be office and warehouse spaces.

The nearest school, Rockwell Christian School, is located at 405 Depot Street in Rockwell and approximately .4 miles away from the proposed store. The nearest church, Rockwell United Methodist Church located at 430 East Main Street in Rockwell, is approximately .2 miles away from the proposed store. The nearest ABC Store is located 8.7 miles away at 1428 Jake Alexander Boulevard in Salisbury and is also operated by the Rowan/Kannapolis ABC Board.

Mr. Merriweather stated the sign was properly posted on June 24, 2021 and witnessed by Mr. Strickland on August 12, 2021 and satisfies the Commission rules. As of August 23, 2021, the Board has received six calls in objection to the new store from three different individuals. Of the six calls, five calls were related to property adjoining the proposed site and one caller questioned the need for two ABC Stores in Rockwell. Mr. Merriweather stated staff recommends approval of the location.

Commissioner Mitchell asked if a representative of the Rowan/Kannapolis ABC Board wished to speak to the Commission. Terry Osborne, the General Manager of the Rowan/Kannapolis ABC Board, thanked the staff, particularly Mr. Merriweather and Mr. Strickland for their assistance. Mr. Osborne stated they appreciated their professionalism and their understanding of the Board's sense of urgency to build a larger facility, as there was not room on the current property.

Commissioner Stout made a motion to approve the proposed store location upon staff recommendation. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

VI. OTHER BUSINESS

Commissioner Mitchell asked Mrs. Metz and Mr. Merriweather if there was any additional business. Mrs. Metz stated there were two additional matters to bring before the Commission. As Governor Cooper's appointment of a new or interim Chairman was pending, Mrs. Metz requested the Commission consider granting authority to Deputy Commissioner Terrance Merriweather to conduct business normally delegated to the Chairman in the day-to-day administrative activities of the Commission. Mrs. Metz requested the motion also authorize Mr. Merriweather to take emergency action, such as summary suspensions, when such decisions must be made prior to the next regularly

scheduled Commission meeting. Mrs. Metz asked the Commission to grant such authority until Governor Cooper does appoint an interim chairman or a permanent Chairman.

Commissioner Stout made a motion to follow staff recommendation. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Mrs. Metz requested the Commission consider additional dates for future Commission meetings. Mrs. Metz proposed January 12, 2022 and February 9, 2022 for meetings.

Commissioner Stout made a motion to approve the future Commission meeting dates. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Commissioner Mitchell announced the next meeting would be held virtually on Wednesday, October 13, 2021.

Commissioner Mitchell requested a motion to adjourn the September Commission Meeting. Commissioner Stout made a motion to adjourn. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Commissioner Mitchell thanked all the participants, wished everyone to be safe and to have a good day.

Approved at the October 13, 2021 Commission Meeting

/S/ NORMAN A. MITCHELL, SR.
Norman A. Mitchell, Sr., Commissioner
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

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