

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
MARCH 17, 2006**

The following narrative and summary highlights action taken by the North Carolina Alcoholic Beverage Control Commission at its regular meeting on March 17, 2006, beginning at 10:00 a.m. The meeting was tape-recorded and the tape(s) are on file at the ABC Commission in the Legal Division.

ROLL CALL

Chairman Douglas A. Fox and Commissioner Mike Joyner were present at the meeting. Commissioner Lyon was not present.

MINUTES OF FEBRUARY 17, 2006 MEETING

Chairman Fox made a motion to waive the reading of the minutes from the February 17, 2006, meeting into the record. Seconded by Commissioner Joyner. So Ordered. Chairman Fox made a motion to approve the minutes from the February 17, 2006, meeting. Seconded by Commissioner Joyner. So Ordered.

EXECUTIVE ORDER REGARDING CONFLICTS OF INTEREST

As required by Executive Order Number One, Chairman Fox asked Commissioner Joyner if there were any known 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 Joyner stated that he found no conflicts of interest. Chairman Fox stated that he had no conflicts.

I. HEARING CASES - 75 Listed

Chief Counsel Fred Gregory stated that Mark Higden, District Manager of hearing case #49, Time Out Markets 14 and hearing case #64, Time Out Markets 3. Mr. Higden stated that they were guilty as charged of the violations, but he was asking for some relief. He went on to state that it is the policy of the company to terminate an employee if they commit a violation, which was done. He went on to state that he spoke to both of the employees at the two stores separately and they both stated that they checked the ID. They did not enter the birthdate into the register; they misread the ID as being 1987 as opposed to it being 1981. After speaking with Assistant Counsel LoRita Pinnix, he found that the dates on the violation reports did not match with the ones the employees had stated. The employees went to court and each received a prayer for judgment, there were no fines or community service and based on that Mr. Higden stated that was asking for some relief.

Chairman Fox asked how many stores did he have in North Carolina. Mr. Higden stated that he had six stores. Chairman Fox asked if they were predominately in the western part of North Carolina. Mr. Higden stated that they were.

Chairman Fox made a motion to reduce the penalty for hearing case #49, Time Out Markets 14, to \$500.00 and to reduce the penalty in hearing case #64, Time Out Markets 3, to \$1,500.00 upon the stipulation that the employees from all six stores attend a RASP class within the next 30-45 days. Seconded by Commissioner Joyner. So Ordered.

Chief Counsel Fred Gregory stated that Charles Hughes, owner of hearing case #15, Reds Beach Music, was present to speak on behalf of his business. Mr. Hughes stated that he had assumed that his employees were following procedures and defacing the empty bottles. He was keeping the eleven empty bottles for a friend of his that makes her own wine. The bottles were not hidden or covered up. He went on to state he had never refilled any bottles.

After reviewing the violation report, Commissioner Joyner asked Mr. Hughes if he was familiar an incident where he was sitting at the bar drinking. Mr. Hughes stated that the ALE Agent thought that he was, but he wasn't. He went on to state that he took a Breathalyzer three different times and it registered 0 each time. Commissioner Joyner asked Mr. Hughes what had the bartender served him. Mr. Hughes stated that it was 7 UP.

Chairman Fox asked Mr. Hughes where were the eleven empty bottles kept. Mr. Hughes stated that they were in the walk in refrigerator. He had assumed that they were defaced. Chairman Fox read from the violation report, which stated that the eleven bottles were found in the walk in cooler and an additional box was placed on top of the box containing the empty bottles as if to conceal it. Mr. Hughes stated that he didn't think that they were hidden; he was only trying to do someone a favor.

Commissioner Joyner asked Mr. Hughes if he had a previous violation for refilling bottles. Mr. Hughes stated that he had never refilled bottles. Mr. Gregory stated that the penalty was set at that amount because Mr. Hughes had admitted to previously refilling empty bottles to the Agent. Mr. Gregory asked the Commission members to refer to the last page of the violation report where the statement is referenced. Mr. Hughes stated that he had not made that statement.

Chairman Fox read from the violation report where the Agent brought the eleven empty bottles that had not been defaced into the office to show Mr. Hughes, who replied to the Agent "Man, I am in trouble aren't I". Furthermore Mr. Hughes admitted to previously refilling, but had not done so in several months. Once again Mr. Hughes denied ever refilling bottles.

Commissioner Joyner asked Mr. Hughes what he was asking of the Commission. Mr. Hughes stated that he would like to continue to operate his business. Commissioner Joyner asked how long had he been in business. Mr. Hughes stated that he had been in business in Raleigh since 1980 and prior to that, 18 years in Kinston in the same type of business.

Chairman Fox read a statement from Mrs. Renee Wilkins, a bartender at Reds Beach Music. In the statement Mrs. Wilkins states that while on shift as of 9/23/2005, she has not witnessed any drinking by Mr. Hughes. She has saved bottles, but has never witnessed them being refilled. Mr. Hughes can be irate at times and not call the employees by their correct names. She went on to state that she has heard of him refilling the bottles, but has never witnessed him in the act. Once again Mr. Hughes stated that he has never refilled any bottles.

Chairman Fox stated that based on what was presented to the Commission today, he made a motion to ratify the offer in compromise as is. Seconded by Commissioner Joyner. So Ordered.

Chief Counsel Fred Gregory stated that Mr. Zaki Maayah, owner of hearing case #73, Zak's Jiffy Mart, was present to speak on behalf of his business. Mr. Maayah stated that there are signs posted all over the store. His son, Ashraf Maayah, sold the alcohol to the underage person. Mr. Maayah went on to state that his son asked for the ID, but he miscalculated the age of the buyer.

Chairman Fox asked Assistant Counsel Renee Cowick, if the Commission had already heard this case. Ms. Cowick stated that the case was on the February agenda and was ratified, although no order had been sent out at the time when Mr. Maayah had called. He had wanted to speak to the Commission, but was in Boston for surgery for a broken nose and was unable to attend the meeting. Mr. Maayah stated that he has received two certificates showing that the business did not sell to an underage person.

Chairman Fox asked Mr. Maayah how close was his store to North Carolina Wesleyan College. Mr. Maayah stated that he is located in Rocky Mount. Chairman Fox asked Mr. Maayah wasn't Wesleyan College located in Rocky Mount, NC. Mr. Maayah replied that it was and he was about three miles from the college. Chairman Fox asked Mr. Maayah if he was aware of a bad accident that had occurred involving some kids who had been killed drinking and driving. Mr. Maayah stated that he was aware of it. Chairman Fox asked Ms. Cowick if she had anything to add. Ms. Cowick stated that she did not. Chairman Fox asked Mr. Maayah how many employees did he have. Mr. Maayah stated that he had his family to help him, his wife, his three

children and two additional people. Chairman Fox confirmed with Mr. Maayah that he has only one store. Chairman Fox made a motion to reduce the penalty to \$1,000.00 upon the stipulation that all the employees attend a RASP class within the next 60 days. Seconded by Commissioner Joyner. So Ordered.

Chief Counsel Fred Gregory stated that Mike Riggsbee, owner of 1st Offense case #18, Shop Quik, was present to speak on behalf of his business. Mr. Riggsbee stated that he has been in business for 22 years with no violations. He went on to state that they have received several certificates throughout the years for not selling to underage buyers. Mr. Riggsbee further stated that the employee no longer works at the store and that employee went to court, received a prayer for judge and no fines were issued and here he sits with a fine and a violation. Mr. Riggsbee stated that he happened to be in the store the night the violation occurred. The employee did ask for the ID, but he miscalculated. Most of the employees have been with the store for 10-15 years. He further stated that he didn't think it was fair that they receive a fine for one violation in over twenty years of business.

Chairman Fox told Mr. Riggsbee that the normal fine is usually \$1,000.00. Commissioner Joyner asked Mr. Riggsbee how old was the buyer. Mr. Riggsbee stated that he didn't know.

Chairman Fox asked Mr. Riggsbee how many stores did he have. Mr. Riggsbee stated that this is his only store. Chairman Fox asked how many employees does he have. Mr. Riggsbee stated that he has 5 employees.

Chairman Fox asked Mr. Riggsbee if he was willing to send the employees to have some education training. Mr. Riggsbee stated that he didn't think that they needed to have any training, but if that is what the Commission decides, he will send them to have some training.

Chairman Fox made a motion to reduce the penalty to \$250.00 upon the stipulation that all the employees attend a RASP class within the next 30 days. Mr. Riggsbee once again stated that he would have to accept what the Commission decides, but he didn't think they deserved a fine from one violation in over twenty years, but he would have to go along with what the Commission decides. Commissioner Joyner stated that the Commission is reminded weekly of the tragedies that could occur when underage persons consume alcoholic beverages. Mr. Riggsbee stated that he understood and has been very diligent in not selling cigarettes or alcohol to underage people, but still felt it wasn't fair that the court would give the employee a prayer for judgment with no fine and he has a violation and fine. Chairman Fox stated that he understood that, but that was a separate issue. Commissioner Joyner seconded the motion made previously by Chairman Fox to reduce the fine to \$250.00 upon stipulation that all the employees attend a RASP class within the next 30 days. So Ordered.

Chief Counsel Fred Gregory stated that Dimitrios Karvounis, manager of hearing case #42, Demetrios, was present to speak on behalf of the business. Mr. Karvounis stated that the waitress who sold to an underage person was off the clock, left the restaurant and was waiting for a ride. When he came back she had already served a customer, she then tried to leave, but the officers stopped her. Mr. Karvounis stated that he has sent his employees to training classes and there are signs posted all over the restaurant. He went on to state that he didn't know why the waitress did that. Commissioner Joyner asked how long had he been in business. Mr. Karvounis stated that he has been in business for 5 years.

Commissioner Joyner asked Mr. Karvounis if he recalled having a previous underage violation. Mr. Karvounis stated that he did remember. Chairman Fox asked Mr. Karvounis how many employees did he have. He stated that he has 8 employees. He has only one store. Mr. Karvounis stated that he was going to fire the waitress before, but she kept coming to him crying and saying that she didn't have any money and her rent was due, so he kept her on.

Commissioner Joyner made a motion to reduce the penalty to \$1,000.00 upon the stipulation that all the employees attend an RASP class within the next 30 days. Mr. Karvounis stated that they have already had training. Chairman Fox stated that maybe they needed more training. Commissioner Joyner asked when did the employees have their training. Mr. Karvounis stated that it was right after the pervious violation. Commissioner Joyner stated that was almost two years ago and the employee who committed the violation

didn't get the training. Mr. Karvounis confirmed that she didn't receive the education training. The employees come and go. Mr. Karvounis stated that he has done everything he can and it is out of his hands. Commissioner Joyner stated that it is not out of his hands, the Commission entrusts that he manage his business properly and selling alcohol is a privilege and he could operate his business without selling alcohol.

Chairman Fox asked Mr. Karvounis who owns the business. Mr. Karvounis stated that his daughter owns it. Chairman Fox stated that the motion that was made by Commissioner Joyner was still being offered or the original offer with the entire fine could stand. Mr. Karvounis stated that he would accept the motion made by Commissioner Joyner. Chairman Fox seconded the motion. So Ordered.

Chairman Fox made a motion to approve the remaining Offers in Compromise with the exception of hearing case#42, Demetrios, case#49, Time Out Markets 14, case#64, Time Out Markets 3 and case#73, Zak's Jiffy Mart which had been earlier ratified. Seconded by Commissioner Joyner. So Ordered.

II. FIRST OFFENSE CASES – 51 Listed

The following is a list of first offense violation cases in which Final Agency Decisions were signed by the Chairman on March 17, 2006, pursuant to the Commission's authorizing resolution dated November 8, 2002:

1. Sullivans Steakhouse – 1928 South Boulevard-Suite 200, Charlotte, NC 28203
2. St. James Liberty – 120 Rowan Street, Fayetteville, NC 28301
3. Suttles Quik Mart – 3 Newfound Road, Asheville, NC 28806
4. Piggly Wiggly 22 – 707 Main Street, Maysville, NC 2855
5. Minuteman Food Mart 16 – 1200 West Broad Street, Elizabethtown, NC 28337
6. La Paz Restaurant – 1910 South Boulevard – Suite 100, Charlotte, NC 28203
7. Jiffy Shop – 357 Walnut Street, Waynesville, NC 28786
8. Handy Mart 48 – 1180 Henderson Drive, Jacksonville, NC 28540
9. Hokkaido – 276 Watauga Village Drive – Suite K, Boone, NC 28607
10. Dixie Grill and Grocery – 9115 Dixie River Road, Charlotte, NC 28278
11. Cantina 1511 – 1511 East Boulevard, Charlotte, NC 28203
12. County Line Package Store – 5700 Randleman Road, Randleman, NC 27317
13. Professor O' Cools – 605-A Greenville Boulevard SE, Greenville, NC 27834
14. Country Food Mart – 511 West Front Street, Lillington, NC 27546
15. Wilco 399 – 1822 North Croatan Hwy., Kill Devil Hills, NC 27948
16. Wilco 1831 – 101 South Raleigh Street, Angier, NC 27501
17. U Pick Food Mart – 2406 Neuse Boulevard, New Bern, NC 28560
18. Shop Quik – 8705 Hwy 15-501 North Pittsboro, NC 27312
19. Noras Pizza – 8829-107 East W T Harris Boulevard, Charlotte, NC 28227
20. Fresh Food – 1300 South Glenburnie Road, New Bern, NC 28562
21. Duckworths Food Markets – 558 River Hwy., Mooresville, NC 28117
22. D and M Grocery – 100 Oilvers Crossroads, Pollocksville, NC 28573
23. Carawan Seafood Company – 5424 North Croatan Hwy., Kitty Hawk, NC 27949
24. Bi Lo 530 – 12810 York Road, Charlotte, NC 28273
25. Stool Pigeons – 9609-A North Tryon Street, Charlotte, NC 28262
26. Calvander Food Mart – 108 Dairyland Road, Chapel Hill, NC 27516
27. Thomasboro Corner Store – 515 South Hoskins Road, Charlotte, NC 28208
28. Outback Sterakhouse 3458 – 8280 Valley Boulevard, Blowing Rock, NC 28605
29. Moes Southwest Grill – 1500 East Boulevard, Charlotte, NC 28203
30. Handy Mart 46 – 2945 Richlands Hwy., Jacksonville, NC 28540
31. Hot Spot 5003 – 1118 Brevard Road, Asheville, NC 28806
32. Get N Go – 5564 Hwy220 North, Summerfield, NC 27358
33. Eckerd Drugs 8119 – 108 Rowan Street, Fayetteville, NC 28301
34. E Zee Gas and Convenience – 306 North Main Street, Biscoe, NC 27209
35. Chilis Grill and Bar – 16633 Statesville Road, Huntersville, NC 28078
36. Bertuccis – 1600 East Woodlawn Road – Suite 250, Charlotte, NC 28209

37. Travelers Service Station – 224 East Washington Street, LaGrange, NC 28551
38. Setos Texaco – 3500 Croatan Hwy., Kitty Hawk, NC 27949
39. Sellers Grocery – 2201 Little Avenue, High Point, NC 27260
40. Westside Mart – 1020 Reepsville Road, Lincolnton, NC 28092
41. Wes Green Market – 2424 West Green Drive, High Point, NC 27260
42. New China Buffet – 1200 Blowing Rock Road, Boone, NC 28607
43. Mountain Energy 5 – 5433 South Main Street, Waynesville, NC 28786
44. La Preferida – 5400-C Nevin Road, Charlotte, NC 28269
45. Kerr Drug 201 – 529 East Main Street, Biscoe, NC 27209
46. Handy Mart 55 – 1800 South Glenburnie Road, New Bern, NC 28562
47. City Tavern – 1514 East Boulevard, Charlotte, NC 28203
48. Chinatown – 13000-B York Road, Charlotte, NC 28278
49. Burlington Family Fare 145 – 2227 Maple Avenue, Burlington, NC 27215
50. Kangaroo Express 481 – 3458 North Main Street, Hope Mills, NC 28348
51. Kangaroo Express 3166 – 340 South Poplar Street, Elizabethtown, NC 28337

Chairman Fox made a motion to approve the Offers in Compromise for the First Offense cases with the exception of 1st Offense case#18 Shop Quik, which had been earlier ratified. Seconded by Commissioner Joyner. So Ordered.

III. ABC STORE LOCATION – CARTERET COUNTY

Administrator Michael Herring addressed the Commission concerning a relocation of an ABC store in Carteret County. On January 18, 2006, the Commission received a letter from Administrator Robert D. Shipp, Carteret County ABC Board, requesting approval from the Commission to relocate the Emerald Isle store from 8700 Emerald Plantation – Unit 1, Emerald Isle, North Carolina 28594 to 8700 Emerald Plantation – Unit 5, Emerald Isle, North Carolina 28594. On, February 10, 2006, Alcohol Law Enforcement Agent A. G. Proctor conducted an investigation and found that the Carteret County ABC Board needs more retail and warehouse space in order to better serve its customers. The Carteret County ABC Board would be leasing the 5000 square foot unit for \$8.25 per square foot. The new location is approximately 200 feet from the current location.

No conflict of interest exists between the property owners and the Carteret County ABC Board.

The nearest church is Emerald Isle Baptist Church and is .10 of a mile from the proposed location. The nearest school is White Oak Elementary School and is 3.2 miles north of the proposed location.

Pursuant to ABC Commission Rules, Notice of Intent was posted on January 16, 2006, in compliance with the ABC Commission’s 30-day requirement.

Mr. Herring recommended that the ABC Commission approve the request. Commissioner Joyner made a motion to approve the new store location. Seconded by Chairman Fox. So Ordered.

IV. ABC STORE LOCATION – CITY OF GREENSBORO

Administrator Michael Herring addressed the Commission concerning a proposed location of an ABC Store in Guilford County. On January 4, 2006, the Commission received a letter from Katie Alley, General Manager of Greensboro ABC Board, stating that the Town Council of Summerfield unanimously voted to have the Greensboro ABC Board manage the Summerfield ABC store per GS 18B-703(h). The agreement was approved at the February ABC Commission meeting. On March 6, 2006, Alcohol Law Enforcement Agent Chris Watkins conducted an investigation and found that the Greensboro ABC Board was in negotiation with NAI Maxwell Property Management to lease space located at 4446 U.S. 220 North, Suite I & J, Summerfield, NC. The building is approximately 2,520 square feet, with a brick and glass front.

No conflict of interest exists between the Greensboro ABC Board, the Summerfield City Council and the property owner.

The nearest church is Cathedral of Faith and is approximately .7 miles from the proposed location. The nearest school is Summerfield Elementary and is 1.2 miles from the proposed location.

Pursuant to ABC Commission Rules, Notice of Intent was posted on February 17, 2006, in compliance with the ABC Commission's 30-day requirement. No complaints have been received.

Mr. Herring recommended that the ABC Commission approve the new store location.

Chairman Fox made a motion to approve the new store location. Seconded by Commissioner Joyner. So Ordered.

V. ABC STORE LOCATION – MECKLENBURG COUNTY

Administrator Michael Herring addressed the Commission concerning a proposed request for an ABC store in Mecklenburg County. On February 15, 2006, the Commission received a letter from Calvin W. McDougal, Chief Executive Officer of the Mecklenburg County ABC Board, requesting approval to purchase and build an ABC store in Mint Hill Pavilion Shopping Center, Mint Hill, North Carolina. On February 22, 2006, Alcohol Law Enforcement Supervisor J. Richard Griffin, conducted an investigation and found that the Mecklenburg County ABC board plans to purchase a 1.16 acre lot in the Mint Hill Shopping Center for \$675,000.00.

No conflict of interest exists between the Mecklenburg County ABC Board and the property owners.

The nearest church is Philadelphia Presbyterian and is .7 of a mile from the proposed location.

The nearest school is Queens Charter Academy and is .4 of a mile from the proposed location.

Pursuant to ABC Commission Rules, Notice of Intent was posted on February 13, 2006, in compliance with the ABC Commission's 30-day requirement. There has been some opposition to this proposed site.

Mr. Herring stated that there were some elected officials from the Town of Mint Hill and Calvin McDougal, Chief Executive Officer of the Mecklenburg County ABC Board, present to speak in regards to the proposed site.

Mr. McDougal presented the Commission with information regarding how the Mecklenburg County ABC Board went about making the decision to choose this particular site. Mr. McDougal listed the site objectives. In 2004 the Board commissioned a six-month retail market study so they would know how where they needed to be locate in order to better serve customers over the next ten to fifteen years. Through this process they developed what is called Store Demand Zones. These Store Demand Zones would accommodate new stores; relocate stores, make improvements in existing stores and the closing of new stores if needed. At the end of the study they identified a market coverage plan that would sustain the Mecklenburg County ABC Board for the next ten years. Five core needs of the Mecklenburg County ABC Board were identified in order to serve the market and they are as follows:

1. *Location - The board felt that there had to be a preference to the going home side of the road along with major commute corridors with prime commercial consideration given for 1st and 2nd tier sites.*
2. *Access – The board felt that access was very important because as spirit retailing options expand around the market and other provider jurisdictions establish stores closer to neighborhoods outside of the county, convenience will grow in importance for the customer.*

3. *Appeal – Stores should have a distinct appeal to “badge”, the board as a quality service provider. Architecture, landscaping, signage and interior appointments should identify and define the shopping experience.*
4. *Security – The venues should be pleasant and secure to accommodate browsing for the male and female shopper.*
5. *Cost – Occupancy should be managed with greater flexibility to respond to the changing market conditions. Primary consideration should be on lease cost and term relative to sales.*

In the handout Mr. McDougal pointed out the seven market zones that were identified in the study and the timeline that were used in executing projects over the next four years. Architectural designs of the exterior and the interior were presented in the handout. Although neither are definite designs, both were presented as an idea to what the Board’s visual concept of the proposed site might look like. Information was also given in regard to three stores that are in various stages of construction. The Ballantyne Store was completed and open in June 2005. The Wilkinson Store is still under construction and plans to open August 2006. The Arboretum Store is also under construction and plans to open June 2006.

Mr. McDougal stated that the first official meeting with the Mayor and Town Manager of Mint Hill took place in April 2005. The communication timeline runs through to March 2006. The Mecklenburg County ABC Board has received public comment in favor of and in opposition to the proposed site, which has been forwarded to Administrator Michael Herring with the NC ABC Commission.

There were five potential sites that were evaluated in this process and they are as follows:

1. *Blair Road - The land was competitively priced, but the traffic volume and the close proximity to church’(s) was a negative.*
2. *Margaret Wallace & Idlewild Road – The land is in within a commercial center, which is a plus, but it is also within close proximity to an existing ABC Store and that would hurt the existing ABC Store.*
3. *Lawyers Road & I-485 – This site was considered because there was a possibility of a mall project being developed, but the board was unable to find out with certainty that a mall project would be developed at that site.*
4. *Albemarle Road – This site is an undefined commercial development, there were some zoning challenges as well as traffic issues.*
5. *Matthews-Mint Hill Hwy 51 (Pavilion Center) – This site is off a 15,000 daily vehicle state highway, there are three lanes with turns and three existing ABC Stores within close proximity from the proposed site with distances of six miles for the Albemarle Road store, nine miles for the Independence Blvd store and nine miles for the Weddington Road store.*

The distance for vicinity facilities are as follows:

1. *Public Library - The proposed site is 230 feet across the highway from the public library.*
2. *Daycare - The proposed site is 2,674 feet or .4 miles from the daycare.*
3. *Charter School – The proposed site is 2,870 feet or .5 miles from the charter school.*

Mr. McDougal stated that some of the public feedback that they received was that the proposed location is in close proximity to a residential community of over 400 homes. The community has provided improved open space with areas for pedestrians to walk and or to relax in passive parks, which are located within 500 feet of

the proposed site. Mr. McDougal stated that the Mecklenburg County ABC Board contends that the proposed site is within a commercial shopping center off of a state highway that has about 15,000 vehicles traveling daily. Although there are public sidewalks that parallel the highway, the proposed site does not side any passive parks. Furthermore there are three existing licensed ABC businesses that are already operating within the shopping center and an additional licensed ABC business is set to begin operation soon.

An additional reason for opposition to this proposed site is that it would be located downtown within the overlay district and it was estimated that an ABC store at this proposed site would remove over \$1,000,000.00 from the Town of Mint Hill's tax base. Mr. McDougal went on to state that property tax for \$1,000,000.00 for this proposed site would be approximately \$11,000.00, of that \$8,300.00 would remit to the county and \$2,700.00 would to the Town of Mint Hill. He went on to state that the new ABC sales tax reimbursement to the Town of Mint Hill would be approximately \$6,500.00 because of the sales tax change in 2005.

The current distribution formula for Mecklenburg County requires that the county remit 2% of their profits to the Town of Mint Hill. The library is an ABC distribution shareholder, receiving \$1,086,456.00 within the past five years from the Mecklenburg County ABC Board.

Commissioner Joyner asked Mr. McDougal if he has received any feedback from the Library management. Mr. McDougal stated that he has not received any feedback from them.

Mr. McDougal concluded by saying that the Mecklenburg County ABC Board values every customer and is committed to service, convenience, fair pricing and a response to concerns. Furthermore the Board is committed to insuring that every segment of the market is treated in a fair, just fashion.

On May 18, 2004, the Vision Statement of the Mecklenburg County ABC Board was changed to "The Mecklenburg County Alcohol Beverage Control Board manages the sale of spirituous liquor through business principles that promote excellence in customer service establishes, effective alcohol education partnerships, administers regulatory provisions and instills financial accountabilities that benefit those we serve."

Chairman Fox asked Mr. McDougal what was the vote of the board to the proposed site. Mr. McDougal stated that it was a unanimous vote in favor of the proposed location.

Mr. Herring stated that there were three people present to speak from the Town of Mint Hill.

Jack Bryan, President and member of the Mint Hill Business Association, stated that he was in opposition of the proposed site of the ABC store, not the ABC store itself. He went on to state that an ABC store is a destination store, liken to a Wal-Mart or Harris Teeter Store or any of the major retail components. As such, the ABC store does not have to be on a premier site that a small town, like Mint Hill has.

Commissioner Fox asked Mr. Bryan if the proposed site was located in a crossroads area. Mr. Bryan stated that it was not. It is one block from Lawyers Road.

Mr. Bryan went on to state that the proposed site would be considered to be on the going work side for the people who live in the Town of Mint Hill, which is on the west side of highway 51 as you are heading North. Mr. Bryan stated that the other problem that he foresaw was that it could be a "nightmare" for retail customers trying to enter and leave the area because there is no direct entrance from Highway 51.

Mr. Bryan also stated that he felt that there were other sites within the proposed shopping area that would be more appropriate and less costly. Mr. Bryan once again stated that people would find an ABC store when they are looking for one. Two of the potential sites that were not used are less than a mile from the proposed site.

Lee Proctor, Pastor of the Mint Hill Baptist Church in the Town of Mint Hill, stated that he was in opposition of an ABC store in the Town of Mint Hill. Pastor Proctor stated that ten years ago the Mecklenburg County ABC Board proposed to put an ABC store 300 feet from this proposed site, but after an investigation chose not to do so. Before he or the citizens of the Town of Mint Hill were aware, the site had been approved. It was later decided not to proceed with that site. Pastor Proctor further stated that this proposed site would not create a family friendly town center. If this proposed site is approved it will have a significant negative impact to the character of the town.

Pastor Proctor stated that the proposed site could be seen from the daycare center. Pastor Proctor presented the Commission with copies of the Mint Hill Athletic Association Resolution in opposition to an ABC store in Mint Hill Pavilion Shopping Center. Pastor Proctor concluded by saying that placing an ABC store in the Town of Mint Hill might make great business sense, but will send a message that alcohol is wholesome. Pastor Proctor asked the Mecklenburg County ABC Board to work with the town officials to find a mutually agreeable site. Commissioner Joyner asked Pastor Proctor what was the response to that request. Pastor Proctor stated that the Mecklenburg County ABC Board proceeded with their intentions.

Ted Biggers Jr., Mayor of the Town of Mint Hill, presented the Commission with a resolution in opposition of the proposed site of the ABC, from the Board of Commissioners of the Town of Mint Hill. Mayor Biggers also presented the Commission with a letter signed by all six municipalities of Mecklenburg County, urging the Commission to take into consideration the wishes of the town governing bodies when determining the new location.

Mayor Biggers stated that he polled the Board of Commissioners and they were all in opposition of the proposed site. He further stated that he has been in public office since 1997 and when the citizens disagree with something, his telephone rings off the hook, he receives email, etc. He went on to say that he has spoken with a number of people explaining the vision of what the town was trying to do. Most felt that a different site would be better.

Mayor Biggers stated that he agreed with Mr. Bryan in stating that there was a better site in the same shopping center that would be better suited to the community. Commissioner Joyner asked Mayor Biggers if they are proposing the ABC Store go in-line in that shopping center or are there sites in there where they can build a stand alone building. Mayor Biggers stated that there are sites where they could build a stand-alone building.

Mayor Biggers stated that he felt the best site would be the I-485 and Lawyers Road site. He went on to state that there is a well-defined plan there for a mall. There has been no final approval because of environmental issues, but it is his understanding that will happen very soon. Commissioner Joyner stated that realistically that could be two years from now; they would need to have a parking lot etc. Mayor Biggers agreed, but stated that he didn't see the urgency in overlooking this site because of a couple of years.

Mayor Biggers encouraged the Commission to listen to the citizens of the Town of Mint Hill.

Chairman Fox asked what happened to the site that was proposed ten years ago. Mayor Biggers stated that a family restaurant is in that space. They don't serve alcohol.

Mr. Herring stated that he had not heard anything that would cause harm to the safety or welfare of the community. Mr. Herring recommended that the Commission approve the proposed site.

Chairman Fox made a motion to continue this matter to the next Commission meeting, that way the Commission would have an opportunity to go to the Town of Mint Hill and view the proposed site. Chairman Fox also encouraged Mr. McDougal and the board to meet with the Mayor and the Board of Commissioners and see if that could come to an agreement on another location. Seconded by Commissioner Joyner. So Ordered.

VI. OTHER BUSINESS

1. BERMUNDA RUN - MERGER

Administrator Michael Herring stated that he had one more matter to bring before the Commission. A letter was received from Jim Waddell, General Manager of the Forsyth-Municipal ABC Board, requesting that the Commission approve the Resolution that was approved by the Town of Bermuda Run last year. The Town of Oakridge, which is located in Guilford County, joined with the Forsyth-Municipal ABC Board, as have other municipalities in Forsyth County. The Town of Bermuda Run has decided that it would like to build an ABC store in the Town of Bermuda Run, but did not want to proceed on their own, so they felt that it would be in their best interest to merge with the Forsyth-Municipal ABC Board. Additionally, since many other systems have joined with the Forsyth-Municipal ABC Board and they are now in more than one county, Forsyth-Municipal felt it best to change their name to Triad Municipal ABC Board.

Mr. Herring recommended that the Commission approval the resolution of the merger between the Town of Bermuda Run into the newly named Triad Municipal ABC Board. Commissioner Joyner made a motion to approve the merger. Seconded by Chairman Fox. So Ordered.

2. MOORE COUNTY ABC BOARD –ABC STORE LOCATION

Administrator Michael Herring addressed the Commission concerning a proposed location of an ABC store in Moore County. The request was not put on the agenda because the Commission received it late. On March 3, 2006, the Commission received a memo from the Moore County ABC Board requesting approval to relocate to a new location. The lease on the Carthage store is set to expire at the end of April 2006. The Board decided not to renew the lease, but to move to a new location. On March 9, 2006, Alcohol Law Enforcement Agent Patrick Preslar met with David Jones, General Manager of the Moore County ABC Board and found that the Moore County Board will lease 1800 square feet for \$1,528 a month in the Kimberly Park Shopping Center in Carthage, North Carolina. The address is 1005 D Monroe Street, Carthage, North Carolina.

No conflict of interest exists between the Moore County ABC Board and the property owners.

The nearest church is Christian Mission Center of Moore County and is located .3 tenths of a mile from the proposed location.

The nearest school is Carthage Elementary School and is located .9 tenths of a mile from the proposed location.

Pursuant to ABC Commission Rules, Notice of Intent was posted on February 17, 2006, in compliance with the ABC Commission's 30-day requirement. No complaints have been received.

Mr. Herring recommended that the Commission approve the store location.

Chairman Fox made a motion to approve the new store location. Seconded by Commissioner Joyner. So Ordered.

3. HIGH POINT ABC BOARD - ABC STORE LOCATION

Administrator Michael Herring addressed the Commission concerning a proposed location of an ABC store in Guilford County. On November 4, 2005, the Commission received a letter from the former High Point ABC Board General Manager, George Humble Jr., requesting approval from the Commission to open a new ABC store. That request was put on hold because of the changes going on in the High Point ABC Board. On March 1, 2006, the Commission received a letter from Rosalind R. Stewart, the present General Manager of the High Point ABC Board requesting approval to open a new ABC store. On December 30, 2005, Alcohol Law Enforcement Agent Patrick Preslar conducted an investigation and found that the High Point ABC

Board plans to build an ABC store that would be located on Skeet Club Road, Lot 3, in the Oak Hollow Shopping Center, High Point, North Carolina. The purchase price for the land is \$475,000.00. No building plans will be made until the NC ABC Commission approves this location.

No conflict of interest exists between the High Point ABC Board and the property owner.

The nearest church is the Parkwood Baptist Church and is approximately .5 of a mile from the proposed location.

The nearest school is the Florence Elementary School and is approximately .8 of a mile from the proposed location.

Pursuant to ABC Commission Rules, Notice of Intent was posted on November 4, 2005, in compliance with the ABC Commission's 30-day requirement. No complaints have been received.

Chairman Fox asked if the new members of the High Point ABC Board were in agreement with the store location. Mr. Herring stated that they were in agreement.

Mr. Herring recommended that the Commission approve the store location.

Chairman Fox made a motion to approve the new store location. Seconded by Commissioner Joyner.

With no further business, the meeting adjourned.

Douglas A. Fox
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by

Tiffany Goodson, Legal Division