



MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD OF DIRECTORS MEETING MINUTES

February 16, 2010 @ 12:00 Noon
3333 North Tryon Street Charlotte, North Carolina 28206

DIRECTORS:

Elton L. Shoemaker, Mary N. Richardson and Angeles Ortega-Moore

James K. Polk, Sr. (VIA TELECONFERENCE)

STAFF:

Chief Financial Officer Mike Tully; Operations Director Jason Hughes; Law Enforcement Division Director Mike Crowley; Human Resource Director Laura Sherer; Education/Community Relations Director Mary Ward; and Law Enforcement Administrative Assistant Dana Howard

GUESTS: Bryan Adams, VanHoy, Reutlinger, Adams & Dunn; Howard Phillips, HMP Service; Karl Strohminger, Mecklenburg County Council Boy Scouts of America

ITEMS OF BUSINESS DISCUSSED AND ACTION TAKEN:

Acting Chairman Shoemaker called the meeting to order.

I. CHAIRMAN REPORT

Mr. Hughes noted one correction to the February 2, 2010 meeting minutes sighting the staff attendee list shows district managers Dwayne Seegars and Scott Wooley being present – neither attended.

Motion was made by Director Ortega-Moore, seconded by Director Richardson and unanimously carried to approve the amended February 2, 2010 meeting minutes.

Future meetings were confirmed for March 16 and April 20, 2010 meeting dates.

Dr. Karl Strohminger, (Special District Executive) Mecklenburg County Council - Boy Scouts of America, gave a summary highlighting non-traditional programs provided to fragile/at risk children. Mr. Strohminger thanked the board for its financial support and the opportunity to share how the board's dollars are working in the community.

II. FINANCE

Mr. Tully reviewed financial highlights from the January 2010 financial report.

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III. STORE OPERATIONS

Mr. Hughes reviewed the January 2010 sales report.

IV. HUMAN RESOURCES

Ms. Sherer presented the revised travel policy, to address concerns expressed by board directors at the February 10th meeting regarding the Office of State Budget Management's established dollar limits on meal reimbursements and lodging expenses. Ms. Sherer noted that the revisions emulate Mecklenburg County's travel policy, as requested by the Board, in that expenses for meals and lodging may deviate from the dollar amounts stated in the policy, as dictated by the destination to which the employee is traveling.

Motion was made by Director Richardson, seconded by Director Ortega-Moore and unanimously carried approving the revised travel policy as so stated.

Ms. Sherer submitted and reviewed portions of the updated personnel manual incorporating all previously approved changes as well as additions / amendments presented.

Motion was made by Director Shoemaker, seconded by Director Richardson to strike the personnel manual amendment prohibiting sending of condolences; the motion failed to pass. After discussion, the board advised Ms. Sherer to research Mecklenburg County's policy regarding condolences. Ms. Sherer will report findings at the March 16th meeting.

Director Richardson asked for clarity regarding Page 18, Section II – Employment Relationship. Mr. Adams explained the term "Employment At Will" means that unless there is an employment contract providing otherwise, an employer can discharge an employee at the will of the employer for any reason or no reason at all; however, employers cannot violate state or federal employment discrimination laws.

Motion was made by Director Ortega-Moore, seconded by Director Richardson and unanimously carried to adopt the updated personnel manual, excluding the proposed condolences policy.

V. LAW ENFORCEMENT

Mr. Crowley reviewed the January 2010 activity report.

VI. ALCOHOL EDUCATION

Ms. Ward updated the board from the November 18, 2009 meeting concerning Moore Place – a supportive permanent housing initiative that works to assist chronically homeless individual's transition back to society with permanent housing while stabilizing them through the assistance of community based social service organizations (i.e. substance abuse services, mental health, educational services). The one time donation of \$100,000 was approved to be utilized for alcohol education counseling services for residents distributed in two payments of \$50,000 FY10 and \$50,000 FY11.

Ms. Ward has been notified by representatives of Urban Ministries that staff for Moore Place will not be in position before September 2010, which puts the board into its FY11. Ms. Ward requested clarity on how the \$100,000 will be administered.

After discussion, motion was made by Director Richardson, seconded by Director Ortega Moore and unanimously carried approving Moore Place funding be distributed on a reimbursement basis as services are delivered beginning FY11 up to \$100,000.

Ms. Ward noted from her January 2010 activity report, the Alcohol Education Grant Program for FY11 application process will be announced on March 22 through the month of April. The announcement will include the increased funding amount from \$25,000 to \$30,000; of which the board approved at its June 2009 meeting. Applications will be reviewed in May and presented at the June 2010 board of directors meeting.

Director Ortega-Moore suggested creating an evaluation panel to review grant applications. Ms. Ward and Director Ortega-Moore will meet to put together ideas and present to the board at the March 2010 board of directors meeting.

VII. MANAGEMENT

Director Richardson requested all communications with the North Carolina ABC Commission and Mecklenburg Board of County Commission be copied to the board. Director Shoemaker assured Director Richardson all correspondence to and from both agencies will be copied to board directors upon receipt or delivery.

In light of recent activities, Director Polk recommended Director Shoemaker and management keep the board current on operations and that no significant decisions are made without board approval and/or prior to new administration.

Motion was made by Director Ortega-Moore seconded by Director Richardson and unanimously carried authorizing the board to enter into closed session under NCGS 143.318.11(A)(3) for the purposes of discussing personnel matters.

The board resumed its open session meeting.

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After the meeting resumed, motion was made by Member Ortega-Moore that, pursuant to the Board's discussions, Member Shoemaker tender his resignation from the Board immediately, and that he then be immediately named interim C.E.O. until a replacement is found. This motion was seconded by Member Polk and unanimously carried.

Pursuant to this motion, Member Shoemaker made a motion that he resign from the ABC Board effective immediately, in order that he be immediately named interim C.E.O. until a replacement is found, and his immediate resignation from the Board be accepted by the Board. This motion was seconded by Member Richardson and unanimously carried. Mr. Shoemaker then advised that he would formally notify County Commission Chair Jennifer Roberts of his immediate resignation from the ABC Board.

The Board then discussed the makeup of the Board, pending the County Commission's official appointment of a new Board chair. Member Richardson observed that, consistent with ABC Board policy, if the Board chairman is not present, the Board member with the most seniority shall preside at meetings of the Board, and noted that Member Polk is the most senior member of the Board.

The Board also announced its decision to appoint two more persons to the Board's C.E.O. Search Committee. The names of these two persons will be submitted by the members of the Board in advance of the February 22 Board meeting, and reviewed and discussed at that time.

Member Ortega- Moore also announced that the Board had established an annual compensation rate for Mr. Shoemaker, in his role as interim C.E.O., at \$108,000, with an additional auto allowance of \$500/month.

There being no further business to discuss, Member Richardson made a motion to adjourn. Motion was seconded by Member Ortega-Moore and unanimously carried.

There being no further business, the meeting was adjourned at 1:40 p.m.

Elton L. Shoemaker, Acting Chairman