



## MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD OF DIRECTORS MEETING MINUTES

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

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*DIRECTORS: Cleveland Edwards, Chairman*

*Angeles Ortega-Moore, David Conway and via teleconference Harry Lomax*

*STAFF: Chief Executive Officer Paul Stroup*

*Chief Financial Officer Mike Tully; Operations Director Jason Hughes, Dwayne Seegars, Scott Wooley, Alicia Collins and Kevin Helms; Law Enforcement Division Director Mike Crowley, Human Resource Director Laura Sherer; Education/Community Relations Director Mary Ward and Administrative Assistant Dawn Carey*

*GUESTS: Howard Phillips, HMP Service; Bryan Adams, VanHoy, Reutlinger, Adams & Dunn*

### ITEMS OF BUSINESS DISCUSSED AND ACTION TAKEN:

Chairman Edwards called the meeting to order.

#### I. CHAIRMAN REPORT

Director Conway noted one change to the September 21 minutes under Alcohol Education: “*Ms. Ward noted three important dates for the board’s awareness*”. The correction should read, “*Ms. Ward noted two important dates for the board’s awareness*”. Motion was made by Director Conway, seconded by Director Oretga-Moore and unanimously carried to approve the September 21, 2010 meeting minutes to include the noted correction.

Future meetings were confirmed for January 18 and February 15, 2011.

There were no presenters for public comment.

#### II. STORE OPERATIONS

Mr. Hughes presented associates who make up a portion of the operations management team. Each member introduced themselves and briefly explained their duties: district managers, Dwayne Seegars and Scott Wooley; warehouse manager, Kevin Helms; mixed beverage manager (Store #19), Alicia Collins; and marketing manager, Jerry Vaughan. Mr. Hughes gave an in depth slide presentation of the operations department. He reviewed key components of the department including, marketing, merchandising, and shelf management. Mr. Vaughan reviewed the “*Customer Experience*” portion of the slide presentation.

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Mr. Hughes reviewed the September and October 2010 sales reports.

Mr. Hughes distributed a sign up sheet for board members store holiday visits.

### III. FINANCE

Mr. Tully reviewed the September and October 2010 financial highlights.

### IV. ALCOHOL EDUCATION

Mr. Stroup congratulated Ms. Ward for being honored by Substance Abuse Prevention Services with a Star Award on October 15.

Ms. Ward noted two important dates for the board's awareness:

- Wednesday, December 8, grant partner visit to the Urban Ministry.
- Thursday, December 9 Anuvia will hold its annual holiday luncheon from 11:30 – 1:00.

Ms. Ward reviewed highlights from the September and October 2010 Activity Reports.

Ms. Ward presented a request to be nominated and approved to serve on the board of directors for Anuvia Prevention and Recovery Center. Historically, both ABC Board Directors and staff have served in this capacity. To date, Director Ortega-Moore has served and it is management's understanding that Director Ortega Moore wishes for staff to serve. Larry Snider, Anuvia's Executive Director, Anne Bowers, Chairperson of Anuvia's Board of Directors, and Margaret Errington, Anuvia legal counsel, all approve of ABC staff serving on their Board of Directors.

Motion was made by Director Ortega-Moore, seconded by Director Conway and unanimously carried nominating and approving Ms. Ward to serve on the board of directors for Anuvia Prevention and Recovery Center.

As a matter of information, the board's website has been update for the holidays. A "resource page" has been created to assist customers with holiday information (i.e. store hours, recipes).

### V. HUMAN RESOURCES

Ms. Sherer presented an amendment to the board's "Gifts/Items of Value/Service Awards" policy.

The "Gifts/Items of Value/Service Awards" policy that was adopted by the Board earlier this year was created to explicitly enumerate the statutory prohibitions outlined in NCGS 18B regarding the acceptance of "things of value" by employees of the Board.

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The policy, as originally adopted, made no provisions to allow employees or Board members, when acting in their official capacity as employees/Board members, to partake of meals or banquets, et cetera, that are provided at civic or community events to all who are in attendance.

Chapter 133 of the NC General Statutes addresses and permits the acceptance of meals by public employees in such situations.

The Board's "Gifts/Items of Value/Service Awards" policy has been amended, to address these specific situations, as referenced in Chapter 133 of the Statutes.

The NC ABC Commission has reviewed and approved this revised policy as stated:

*"Additional guidelines regarding "gifts" and "things of value" - NCGS 18B-1116(a)(3) states, "It shall be unlawful for any manufacturer, bottler, or wholesaler of any alcoholic beverage or for any officer, director or affiliate thereof, either directly or indirectly to....give to any alcoholic beverage retailer or his employee....any thing of value." In addition, the Mecklenburg County ABC Board's "Ethical Conduct" policy stipulates that no Board official (defined as all Board members and all Board employees) shall "grant any special treatment, consideration, or advantage to any citizen or business entity beyond that which is available to every other citizen or business entity in the course of their official duties." However, NCGS 133-32(d) allows for a public employee to accept "meals furnished at banquets". ABC Board members and employees, may, on occasion, be requested or invited to represent the ABC Board as program participants or as attendees at civic or community events. In such cases, ABC Board members and employees, when acting in the official scope of their duties as Board members/employees, may accept meals furnished at banquets, provided that such meals/banquets are part of the regularly scheduled meeting functions that are available to all members/attendees who are attending the function. Additionally, the Board provides funding to Anuvia Prevention & Recovery Center, and to other non-profit organizations in Mecklenburg County. From time to time, ABC Board members and staff members will be invited to meet with the staff and/or clients of Anuvia and/or other ABC-funded non-profit organizations. At these functions, refreshments/light meals may be served. An employee's or Board member's acceptance of a meal at these community functions, consistent within these provisions, will not be deemed to be a violation of the Board's "Business Conduct" or "Ethical Conduct" policies; however, all Board officials remain subject to all aspects of the ABC Board's policies and NC ABC Commission Rules at all times while on duty for, or publicly representing the Mecklenburg County ABC Board."*

Motion was made by Director Conway, seconded by Director Ortega-Moore and unanimously carried approving the revised "Gifts/Items of Value/Service Awards" policy as presented.

VI. LAW ENFORCEMENT

Mr. Crowley reviewed the September and October 2010 activity reports.

Director Conway noted under the “Special Operations and Events” to add Officer Burgin as one of the officer’s responding to the October 29, 2010 incident at the University Walk apartment complex.

Mr. Crowley informed the board of an upcoming meeting to be held December 1, 2010 at a local Hispanic church for all Latino business owners/permitted establishments. The purpose of the meeting is to share information on how to successfully build their business through the responsible management of alcohol. There will also be information on alcohol laws (including beer and wine), how the ABC Board operates, and answer questions or concerns about selling alcohol.

VII. MANAGEMENT

Mr. Stroup reported the NC ABC Commission has calendared the newly proposed South Boulevard location for this Thursday.

Relative to the new South Blvd location, Mr. Stroup presented two architectural proposals for contract: Fryday and Doyme and Neighboring Concepts. After reviewing both proposals, management recommended Neighboring Concepts for the design of the new South Boulevard location.

Motion was made by Director Conway, seconded by Director Ortega-Moore and unanimously carried approving the proposal by Neighboring Concepts for the design of the new South Boulevard store.

Mr. Stroup also presented two proposals for engineering services for the South Blvd location: Burton Engineering Associates and Meade Gunnell Engineering and Surveying Inc. After reviewing both proposals, management recommended Burton Engineering Associates for engineering services for the new South Boulevard location.

Motion was made by Director Conway, seconded by Director Ortega-Moore and unanimously carried approving the proposal by Burton Engineering Associates for engineering services for the new South Boulevard location.

Mr. Stroup noted the draft of the NC ABC Commission Ethics policy. Mr. Stroup, Ms. Ward and Ms. Sherer made recommendations to the draft and submitted their recommendations back to the NC ABC Commission for their consideration.

Mr. Stroup discussed a recent visit from the Mr. Jon Williams, Mr. Mike Herring and Ms. Laurie Lee from the NC ABC Commission. Mr. Stroup along with members of the executive staff met and discussed recent industry news as well as upcoming industry initiatives.

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There being no further business, the meeting was adjourned at 2:45 p.m.

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Cleveland Edwards, Chairman