

Cumberland County ABC Board
August 13, 2018
Regular Meeting
Main Office, 1705 Owen Drive, Fayetteville, NC 28304

PRESENT: Lee Boughman, Chairman
Frances Jackson, Vice-Chair
Bob Lewis, Board Member
Tammy Sinclair, Board Member
Paul Crenshaw, Board Member
Neil Yarborough, Attorney
Commissioner Jeannette Council, Liaison
David Horne, General Manager
John Russell, Deputy Director
Rick Libero, Chief Law Enforcement
Debbie Disbrow, HR Director
Carolyn Parker, Finance Officer/Secretary

Mr. Boughman called the meeting of the Cumberland County Alcoholic Beverage Control Board to order at 6:00 PM.

Mr. Boughman welcomed our guest Commissioner Jeannette Council to the meeting.

Mr. Boughman asked were there any agenda adjustments. There was none.

Mr. Boughman asked were there any announcements. There was none.

Required Reading

Mr. Boughman read the required reading statutes GS 18B-201. The Board members did not have any conflicts of interest pertaining to the meeting.

Mr. Boughman asked for the approval of July 9, 2018 minutes.

MOTION: Ms. Jackson moved that the Board accept the July 9, 2018 minutes as mailed.

SECOND: Ms. Sinclair

VOTE: Unanimous

Law Enforcement Report

Mr. Boughman asked for the approval of the July 2018 Law Enforcement Report in the package.

Mr. Libero said July was a good month. Officer Doug Austin assisted the County Sheriff with a marijuana case and they seized marijuana and drug paraphernalia. Also, Officer Austin was the lead in a narcotic investigation with a drug called CAT, an amphetamine, and they seized a large sum of money. Officer Austin will be awarded the Cumberland County Cares Award at the County Commissioner meeting on August 20, 2018 at 6:45 PM.

MOTION: Ms. Sinclair moved to approve the July 2018 Law Enforcement Report in the package.

SECOND: Ms. Jackson

VOTE: Unanimous

General Manager's Report

Mr. Boughman asked for the approval of the July 2018 General Manager's reports.

Mr. Horne said the State numbers for July have not been released as of today. The State sales for June were up 7.49% and we were up 8.29%.

Mr. Horne said the July sales were up \$168,762, Over-the-counter sales were up \$132,193 and Mixed Beverage sales were up \$36,569. He said sales are up \$80K as of the 11th of August and estimates sales to be up \$200K. Mr. Horne informed the Board that the August sales are up against the Floyd Mayweather, Jr. and Conor McGregor fight held last August 26, 2017.

Mr. Horne reviewed the new Condensed Schedule of Revenue and Expenses by Store Location report for July 2018.

Mr. Horne said he sent the Board a copy of the emails from Jon Carr, NC Association of ABC Boards, Attorney at Law, about the situation with the NC ABC Commissioner's audit. The emails provided suggested responses to inquiries about the State Auditor's Performance Audit. Rep. Chuck McGrady, R-Henderson, one of the House ABC Committee Chairman, is advocating for reform and privatization by 2019.

Mr. Horne informed the Board of some employees' inappropriate conduct and suggested that the Board consider adopting a Personal Conduct Policy for the system. He said that Mr. Yarborough had worked on a Personal Conduct Policy in the past but it was never acted upon.

Mr. Boughman added Personal Conduct Policy to New Business.

Mr. Boughman asked for a motion to approve the General Manager's report.

MOTION: Ms. Sinclair moved that the Board accept the July 2018 General Manager's report.

SECOND: Mr. Crenshaw

VOTE: Unanimous

NEW BUSINESS

Permanent Store Hours

Mr. Horne said the Board approved a 90-day trial period from June 1, 2018 to September 1, 2018 to open at 10 am to 9 pm Monday to Thursday and 9 am to 9 pm on Friday and Saturday. The stores usually opened one hour later each day. Based on the sales for the first two hours of the day there were no benefits to opening the stores early on Friday and Saturday. However, there

were significant sales Monday to Thursday that opening one hour early was a benefit to the Board. Mr. Horne recommended the Board adopt the permanent store hours from 10 am to 9 pm Monday to Saturday.

Mr. Boughman asked for a motion for the permanent store hours.

MOTION: Ms. Jackson made a motion to accept Mr. Horne recommendation for the permanent store hours from 10 am to 9 pm Monday to Saturday.

SECOND: Ms. Sinclair

VOTE: Unanimous

PWC – Ramsey Street #9

Mr. Horne said PWC was putting in a new transformer on July 10, 2018 behind the Ramsey Street store and doubled the volts going into the store. The doubled volts fried the 2 HVAC, calculator and microwave. The store opened at 3 pm and caused us to lose 5 hours and \$4,000 in sales. Mr. Horne has filed a claim with PWC for \$18,550 for the loss of the two units, loss of income, and other damaged equipment. PWC wanted us to work with one contractor and we chose Blackwell because their prices have always been lower than other companies in the past. At this time Blackwell has one unit running temporarily but it will not heat. PWC requested the age of the units, 4 years and 8 years, to prorate the amounts.

Mr. Horne recommended to the Board to purchase two 5 tons, 14 seer HVAC for \$14,311 while we wait the outcome of the PWC claim.

MOTION: Mr. Crenshaw made a motion to purchase two 5 tons, 14 seer HVAC for \$14,311 for the Ramsey Street store.

SECOND: Ms. Jackson

VOTE: Unanimous

Discussion: Board Package, NABCA Convention & Food

Mr. Boughman asked Mr. Lewis to lead the discussion for the board packages, NABCA convention and food.

Mr. Lewis said the board packages are being delivered by the ABC Law Enforcement Officers and recommended to the Board that the packages are either emailed or picked up.

MOTION: Mr. Lewis made a motion that the board packages are emailed or picked up.

SECOND: Ms. Jackson

VOTE: Unanimous

Mr. Lewis said the food was being picked up by the Law Enforcement Officers and was unsure of the cost to the Board. Mr. Boughman was concerned about the staff being at work all day and

not having food available at the meetings. Mr. Lewis was not aware that the staff ate the food and withdrew the discussion about the food.

Mr. Lewis said he considered the NABCA convention as a vacation for the Board members and the membership should be canceled. Mr. Boughman recommended to leave the NABCA membership and convention open for discussion until we get near the time for the convention.

Personal Conduct Code

Mr. Horne said last year Mr. Yarborough did two version of a Personal Conduct Code that was given to the Chairman but was never acted upon. Mr. Boughman said to add Personal Conduct Code to the September 2018 Agenda and to send a copy of the Personal Conduct Code with board packages.

Mr. Boughman asked for a motion to go into Closed Session.

MOTION: Mr. Crenshaw made a motion to go into Closed Session for real estate matter, GS 143-318.11(5).

SECOND: Ms. Jackson

VOTE: Unanimous

Mr. Boughman asked for a motion to go into Open Session.

MOTION: Ms. Sinclair made a motion to go into Open Session.

SECOND: Ms. Jackson


VOTE: Unanimous

Mr. Boughman asked for a motion to adjourn.

MOTION: Ms. Jackson moved to adjourn.

SECOND: Mr. Crenshaw

The meeting adjourned at 7:19 PM.



Chairperson