

**Cumberland County ABC Board**  
**April 9, 2020**  
**Regular Meeting**  
**Person Street, 424 Person St, Fayetteville, NC 28301**

PRESENT: Lee Boughman, Chairman  
Frances Jackson, Vice-Chair  
Tammy Sinclair, Board Member  
Paul Crenshaw, Board Member  
Alex Warner, Board Member  
Neil Yarborough, Attorney  
John Crawford, Chief Law Enforcement  
Carolyn Parker, Finance Officer/Board Secretary

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

Mr. Boughman asked were there any agenda adjustments. Mr. Boughman added item 9G – NCABC Association to the agenda.

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

**Required Reading**

Mr. Boughman read the required reading statutes GS 18B-201. The Board members did not have any conflicts of interest concerning any matters on the agenda.

Mr. Boughman asked for the approval of March 9, 2020 minutes.

**MOTION:** Ms. Sinclair moved that the Board accept the March 9, 2020 minutes as mailed.

**SECOND:** Mr. Warner

**VOTE:** Unanimous

**Law Enforcement Report**

Mr. Boughman asked for the approval of the March 2020 Law Enforcement Report in the package.

Mr. Crawford gave the March 2020 Law Enforcement report. Due to the COVID-19, the officers were unable to conduct any underage campaign checks. We have been concentrating on ensuring that the bars, clubs, and restaurants adhere to Governor Roy Cooper's Executive Order. The establishments have been flooding us with questions regarding the Governor's Executive Order. Law enforcement has also been instrumental in customer crowd control in the ABC stores and regulating a safe number of customers inside the stores. There were 367 compliance, 31 permittee

inspections, 3 violations reports submitted, 21 alcohol education, and 4 other offenses. The officers assisted FPD with two incidents.

**MOTION:** Ms. Jackson moved that the Board accept the March 2020 Law Enforcement Report.

**SECOND:** Mr. Crenshaw

**VOTE:** Unanimous

### **General Manager's Report**

Mr. Boughman gave the General Manager report for Mr. Horne.

Mr. Boughman reported that the State's sales for March were up 20.75% and we were up 15.71%. He said the March sales were up \$598,336, Over-the-counter sales were up \$918,682 and Mixed Beverage sales were down \$340,346. So far, this fiscal year sales are up \$2,702,228. Mr. Boughman said the Income from Operation was \$494,188.

### **NEW BUSINESS**

#### **Closing Stores at 7 pm**

Mr. Boughman said we voted over the phone to close the stores at 7 PM during the Governor's Executive Order. He said for the record the Board needs to formally vote for the change in the store hours. Mr. Boughman said Mr. Horne is suggesting we open the stores at 11 AM because we have 3 full-time associates out using vacation and it is making it more difficult to cover the shifts. If we open at 11 AM, then Mr. Horne can work 1 shift per day.

Mr. Boughman asked for a motion to temporarily change the store hours from 11 AM to 7 PM.

**MOTION:** Ms. Jackson made a motion to temporarily change the store hours from 11 AM to 7 PM.

**SECOND:** Ms. Sinclair

**VOTE:** Unanimous

#### **Westwood Shopping Center – Potential Store Location**

Mr. Boughman asked Mr. Yarborough to update the Board on the potential move of the Morganton Road store to the Westwood Shopping Center. The site is on the front where Monkey Joe's was located across from Bubba's 33.

Mr. Yarborough went over the terms in the standard lease document.

**MOTION:** Mr. Boughman made a motion that the Board enters into a lease with Westwood Shopping Center for \$20 per square foot for the location identified in the lease and the lease period

run from June 30, 2021 to June 30, 2031; and to be further negotiated with Mr. Yarborough and Mr. Horne.

**SECOND:** Mr. Crenshaw

**DISCUSSION:** Ms. Jackson recommends that the Board send out RFPs to other shopping centers after the Covid-19 ends because we may get a better offer.

**VOTE:** For: Boughman, Crenshaw, Sinclair, and Warner  
Against: Ms. Jackson

### **COVID-19 Issues**

Mr. Boughman said Mr. Horne would like the Board to consider doing hazard duty pay during the Governor's Executive Order. Mr. Horne's suggestion was to give \$2 per hour hazard duty pay to all the employees who are working, excluding sick leave and vacation time starting Monday, April 13, 2020, as long as there is an Emergency Order.

**MOTION:** Mr. Boughman made a motion to provide hazard duty pay of \$2 per hour for all employees working starting Monday, April 13, 2020, during the Governor's Executive Order period, but would not include sick leave and vacation time.

**SECOND:** Ms. Sinclair

**VOTE:** Unanimous

### **Auditor**

Mr. Boughman said to table the auditor until next month for Mr. Horne to discuss.

### **Liquor Buyback from MXB Accounts**

Mr. Boughman said the NC Association of ABC Boards sent an email strongly recommending that the local boards implement a mixed beverage permittee buyback policy due to the hardship that MXB permittees are experiencing due to COVID-19. Durham, Wake, New Hanover, and Mecklenburg are a few boards that are doing MXB buyback. Mr. Horne checked with Laurie Lee to see if the State Commission was going to issue a policy or statute to buyback MXB. Governor Cooper was supposed to make an announcement today about the MXB buyback, but it was not done. As of today, we have not received any request from our permittees to buyback liquor.

Mr. Yarborough said that the board does not have the authority to buyback liquor. There is no statute authorizing the ABC Boards to buyback liquor.

Mr. Boughman asked for a motion to table until next month the liquor buyback from MXB accounts and wait for the State Commission to take a position on the buyback.

**MOTION:** Ms. Sinclair made a motion to table the liquor buyback from MXB accounts until next month.

**SECOND:** Ms. Jackson

**VOTE:** Unanimous

**NC Association of ABC Boards**

Mr. Boughman said the NC Association of ABC Boards sent an email requesting the larger boards to increase their membership fee an extra \$5K to \$10K. By increasing the fee it takes money away from the profit distribution to the County. The Association does lobby for the boards with the Legislative. Mr. Boughman asked the Board if they had a problem not renewing our membership in July 2020 and that we could always rejoin the Association. The Board did not have a problem with not renewing the Association membership.

**MOTION:** Mr. Boughman made a motion to not renew the NC Association of ABC Boards membership in July 2020.

**SECOND:** Mr. Warner

**VOTE:** Unanimous

Mr. Boughman announced that Debbie Disbrow has resigned effective April 14, and the NAABC conference in Phoenix is canceled this year.

Mr. Crawford announced that John Russell is retiring April 30 and he would like to have his pistol.

**MOTION:** Mr. Warner made a motion to give John Russell his pistol for retirement.

**SECOND:** Mr. Crenshaw


**VOTE:** Unanimous

Mr. Boughman asked for a motion to adjourn.

**MOTION:** Mr. Warner moved to adjourn.

**SECOND:** Ms. Sinclair

The meeting adjourned at 7:00 PM.

  
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Chairperson