

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
AUGUST 10, 2022**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission (hereinafter “Commission”) meeting held via teleconference at 400 East Tryon Road in Raleigh, North Carolina on August 10, 2022, beginning at 10:00 AM. The meeting was recorded, and a copy of the recording is on file at the Commission within the Legal Section.

ROLL CALL

Chairman Hank Bauer called the August 2022 Commission meeting to order and welcomed those who were participating. Chairman Bauer introduced himself; Commissioner Norman Mitchell, Sr., and Commissioner Karen Stout, who were both joining the meeting virtually; Pricing and Products Director Greg Stallings; and General Counsel Stacey Carter-Coley.

MINUTES OF THE JULY 13, 2022 COMMISSION MEETING

Chairman Bauer requested a motion to waive the reading of the minutes of the July 13, 2022, Commission meeting into the record. Commissioner Stout made the motion. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Chairman Bauer requested a motion to approve the minutes of the July 13, 2022, Commission meeting. Commissioner Stout made the motion. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

CONFLICTS OF INTEREST

As required by N.C.G.S. §138A-35, Other Rules of Conduct, Chairman Bauer asked if there were any conflicts of interest or any conditions or facts which might create the appearance of a conflict of interest with respect to any matters on the agenda. Chairman Bauer stated he had reviewed the agenda and found no conflicts. Commissioner Stout and Commissioner Mitchell also stated they found no conflicts.

I. HEARING CASES AND OFFERS IN COMPROMISE – 76

Chairman Bauer recognized General Counsel Stacey Carter-Coley regarding item one on the agenda, the hearing of the cases.

Mrs. Carter-Coley stated that there were no contested cases on the August agenda and presented 76 offers in compromise for consideration.

Chairman Bauer asked if there was anyone who would like to address the Commission regarding any of the offers in compromise on the August agenda. He repeated the inquiry twice more.

Hearing no response, Mrs. Carter-Coley stated that staff recommended the Commission ratify the offers in compromise as presented. Commissioner Stout made a motion to ratify the offers in compromise. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

**II. ABC STORE LOCATION – YOUNGSVILLE ABC BOARD
(151 TARBORO ROAD, YOUNGSVILLE, NC)**

For item two on the agenda, a request for approval of a new ABC store location by the Youngsville ABC Board, Chairman Bauer recognized Pricing and Products Director Greg Stallings.

Mr. Stallings summarized this request by stating on June 15, 2022, the Youngsville ABC Board requested approval from the Commission to purchase land, build, and operate a new ABC store located at 151 Tarboro Road in Youngsville, NC. He explained this new store would replace the ABC store located at 101 North College and Main Street in Youngsville, NC which was closed on December 31, 2021.

Mr. Stallings continued by stating ABC Audit Supervisor Darnay Barefoot conducted the investigation and reported the new location's zoning was designated for mixed-use. The proposed property for purchase was currently owned by James T. Moss, Jr. ABC board members provided financial disclosures showing no conflicts.

The building would be approximately 5000 square feet where approximately 40% would be used for retail space and the other 60% for mixed beverage and warehouse space. At the time, the nearest school was Youngsville Academy, located at 2045 Hicks Road in Youngsville, which was approximately 0.8 miles away from the proposed store location. The nearest church was Faith Baptist Church, located at 249 Holden Road in Youngsville, which was approximately 1.6 miles away. The nearest ABC store was approximately 3 miles away located at 1170 US 1 North, Suite 150, in Youngsville.

Mr. Stallings stated that a sign announcing the Board's intention of opening an ABC store was posted as required, witnessed by Darnay Barefoot, and was in compliance with the law. The Board received no objections to the proposed location. For this reason, Mr. Stallings stated that staff recommended approving the new location.

Chairman Bauer asked the Commissioners if they had any questions. Hearing none, Commissioner Mitchell made a motion to approve staff's recommendation. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

**III. ABC STORE LOCATION – JOHNSTON COUNTY ABC BOARD
(HWY 210, BENSON, NC)**

Chairman Bauer again recognized Greg Stallings to present item number three on the agenda, a request by the Johnston County ABC Board for approval of a new store location.

Mr. Stallings stated on June 17, 2022, the Johnston County ABC Board requested approval from the Commission to purchase land, build, and operate an ABC store at NC Highway 210 in Benson, North Carolina (Parcel ID-13E040031), an area also known as McGee's Crossroads. This new location would replace an existing store, Johnston County ABC Board Store #9, located at 12524 NC Highway 210 in Benson, NC.

Mr. Stallings continued stating that Audit Supervisor Darnay Barefoot conducted the investigation and found the location to be designated IHI (Interstate Highway Interchange) zoning. Mr. Stallings explained the purpose of this zoning is for businesses in the district to serve the daily conveniences and personal service needs of an immediate, countywide, and regional area.

An agreement was made to purchase the land from Daniel-Lan Development, LLC. All Johnston County ABC Board members provided financial disclosures showing no conflicts.

The new store would be in excess of 8500 square feet, where 4691 square feet will be designated retail space and the remaining would be storage area. At the time, the nearest schools were McGee's Crossroads Elementary School and McGee's Crossroads Middle School. These schools were located directly across the street from each other, approximately 0.8 miles from the proposed store location. The nearest church was First-Born Baptist Church, located approximately 0.8 miles away at 10781 NC Highway 50 in Benson, NC. The closest ABC store was Johnston County ABC Board Store #9, located 0.6 miles away at 12524 NC Highway 210 in Benson, which would close when the new store opens.

A sign announcing the board's intention of opening an ABC store was placed at the location as required, witnessed by Audit Supervisor Darnay Barefoot, and was in compliance with the law. The Johnston County ABC Board did not receive any objections by phone or email for the new store location. Based on this information, Mr. Stallings stated staff recommended approving this location.

Chairman Bauer asked the Commissioners if they had any questions. Hearing none, Commissioner Mitchell made a motion to approve staff's recommendation. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

IV. OTHER BUSINESS

Chairman Bauer asked Mrs. Carter-Coley and Mr. Stallings if there was any additional business. They expressed there was no additional business.

Chairman Bauer announced that the next ABC Commission meeting would be held virtually on Wednesday, September 7, 2022.

Chairman Bauer requested a motion to adjourn the August 2022 Commission meeting. Commissioner Stout made a motion for adjournment. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Approved at the September 7, 2022 Commission Meeting

/s/ Hank Bauer
Hank Bauer, Chairman
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

/s/ Jennifer L. Temple
Jennifer L. Temple for the Legal Section