

Minutes of the Meeting
April 11, 2017

The Durham County ABC Board met at the administrative office, 2634 Durham Chapel Hill Boulevard, on the 11th day of April, 2017.

Board Chair, Wayland Burton, called the meeting to order at 5:30 p.m.

Board members Norwood “Andy” Miller and Jacqueline Wagstaff were present. General Manager Rufus Sales and attorney George W. Miller, Jr. were also present. Durham County ABC Support Services Director Perlie Davis, Durham County ABC Finance Officer Lee Keatts and Durham County ABC Chief Natausha Pettiford were also in attendance.

Conflict of Interest Review and Declaration

Chairman Burton read the Board’s Conflict of Interest Review and Declaration statement and asked Board members if they have an actual conflict or appearance of a conflict of interest with any items coming before the Board and, if so, does the Board member wish to recuse him or herself from deliberating and voting on the matter. All Board members present verbalized that they have reviewed the agenda and do not have any conflicts.

Ms. Wagstaff requested to add an item to the agenda regarding scheduling a Board member retreat under Other Business. Ms. Wagstaff motioned to adopt the revised agenda. Board Member Miller seconded the motion and the Board approved without objection.

Consent Items

The consent items approved include the Minutes of the March 20, 2017 Board Meeting and Minutes of the March 27, 2017 Emergency Meeting. Ms. Wagstaff motioned to accept the consent items. Mr. Burton seconded the motion and the Board approved unanimously.

General Business

Public Comment

Chairman Burton stated that there are not any members of the public present this evening for comment.

Real Estate Firm (Carey Greene) Offer for Hillsborough Road Store

Chairman Burton stated that the real estate firm scheduled to come before the Board opted not to attend the Board meeting this evening. Mr. Sales elaborated on the topic explaining that the potential buyer may no longer be interested in purchasing the property.

Introduction of New Employees

Mitch Pittman introduced himself to the Board as a newly hired Law Enforcement Investigator. Phaedra Fletcher introduced herself to the Board as a previous part-time Sales Clerk now working full-time. Takiya Bennett introduced herself to the Board as a newly hired full-time Sales Clerk. Chairman Burton welcomed the employees to Durham County ABC and wished them all great success.

Financial Report

Mr. Sales reported that the Guess Road Store was closed one evening due to a sewer backup. A temporary fix is in place and three bids were received for permanent repair of the sewer line which was damaged by tree roots. The Durham Chapel Hill Boulevard Store flow of business was interrupted due to repaving of the service road in front of the store.

- **General Manager Conference Highlights**

Mr. Sales provided a report to the Board touching on key topics discussed at the General Manager Conference. He stated that he plans to implement strategies recommended at the conference.

- **Special Project Update**

- **Mixed Beverage Update - Contractor Selection and Start of Renovation**

Mr. Sales reported that the renovation of mixed beverage project was awarded to Core Construction. Attorney Miller is presently reviewing the contract. He noted that the cost is higher than originally expected and that the renovation project is an item included in the Budget Amendment.

- **Holloway Street Legal Situation Resolution**

The Board entered into a discussion regarding the settlement negotiations that took place to resolve the Holloway Street lawsuit. Attorney Miller reported that during the mediation conference, the Department of Transportation counsel announced to the mediator that the highest offer that would be made was \$90K with each side to pay its own costs. Chairman Burton reported that, under the circumstances and due to the increased expense that would be incurred during a trial in the event the case was not resolved by settlement, it was in the best interest of the Board that the case be resolved for \$90K at the mediation stage. The Chair also indicated that the Board could vote to approve or not approve the action taken to accept the DOT's final offer. There was then further discussion of the issue and Board Member Miller motioned to accept the negotiated settlement of \$90K. Ms. Wagstaff seconded the motion and the Board approved unanimously.

Other Business

Way Forward for Durham County ABC

- **Profitability Rating**

Chairman Burton stated that Board members received a packet entailing North Carolina ABC Board profitability ratings. He noted that DCABC is listed 19th in the state and therefore a greater effort is in order to control operating costs and increase revenue. Also, Chairman Burton discussed studies proving customer patronage increases in areas where the population is closer in proximity to stores.

- **Requirements for Establishing a New Store**

Chairman Burton reported to the Board on steps necessary to establish new retail stores.

- **Cost of Real Estate in Downtown Durham**

Chairman Burton discussed the financial challenges involved in establishing new retail stores in the downtown area.

Board Member Resignation

Chairman Burton reported to the Board that Pilar Rocha-Goldberg has resigned from DCABC Board due to increased activity in the Hispanic community relating to her full-time job.

Request for Board to Come Before County Commissioners

Chairman Burton stated that the Board was requested to meet with the County Commissioners in April and that the meeting is rescheduled to June.

Board Member Retreat

Ms. Wagstaff requested for the Board to begin attending annual retreats to create an agenda of priority items to be addressed in the coming year. The Board had a general discussion regarding logistics involved in scheduling annual retreats. Ms. Wagstaff motioned to schedule a Board member retreat on July 15th from 9:00 a.m. – 4:00 p.m. Board Member Miller seconded the motion and the Board approved unanimously.

Closed Business

Ms. Wagstaff motioned for the Board to go into closed session per G.S. § 143-318.11(a): (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant; (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. Board Member Miller seconded the motion and the Board approved without objection.

Adjournment

Chairman Burton motioned to adjourn the meeting and the Board approved without objection.

Approved By: Wayland Burton
Wayland Burton, Board Chair