

**Minutes of the Meeting  
June 17, 2013**

The Durham County ABC Board met at the administrative office, 3620 Durham Chapel Hill Boulevard, on the 17<sup>th</sup> day of June 2013.

Board Chair, Kim Shaw, called the meeting to order at 5:30 p.m.

Board members Wayland Burton, Deirdre Guion, Erroll Reese and Kevin Nelson were present. General Manager Emily Page and Attorney George W. Miller, Jr. were also present. Additional Durham County ABC employees in attendance were Chief Derrick McMillan, Investigator Keith Whitfield, Chris Gillette and Robin Roberts. Other attendees included Mr. Shelly Willingham, President of NC Association of ABC Boards, Mr. Rufus Sales, a citizen who participated in the grant committee and various other members of the public.

**Conflict of Interest Review and Declaration**

Ms. Shaw 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 verbalized that they do not have a conflict.

**Consent Items**

Consent agenda items included the Board Attendance Report, Adoption of Agenda, Minutes of May 20, 2013 Board Meeting and Minutes of June 6, 2013 Public Hearing.

Ms. Shaw motioned for the consent agenda items to be accepted and the Board approved the motion without objection.

Ms. Shaw suggested that since there were members of the public visiting, that an opportunity for public comment be offered at this time so that anyone not desiring to stay for the entire meeting could have an opportunity to speak. She called for a motion to move "Other Business" up in the agenda to accommodate this process. Mr. Burton motioned to amend the agenda to review "Other Business" at this time. Mr. Nelson seconded the motion and the Board approved without objection. Ms. Shaw read the protocol for public comment.

**Other Business**

Members of the public were given an opportunity to speak for a maximum of three minutes each. Speakers were called from a sign-up sheet and allowed to speak in order of sign up first and then the floor was opened for any additional comments from speakers that had not yet had an opportunity to sign up. A list of members of the public in attendance is attached as Appendix A.

Various public guests spoke regarding the DCABC law enforcement department. One guest spoke regarding his involvement in the DCABC Board's grant program review.

After all members of the public that desired to speak had been given an opportunity to do so, Mr. Burton proposed that guest Shelly Willingham be given an opportunity to speak to the Board. Mr. Willingham expressed the NC Association of ABC Board's support for the DCABC Board and

reported that he had spoken with the NC ABC Commission to express the Association's desire to see the performance audit and investigation resolved as quickly as possible.

The Board agreed that any remaining "Other Business" would be reviewed later in the meeting and resumed with the agenda as outlined.

### **General Business**

#### **Grant Program – Committee Presentation & Recommendation**

Mr. Burton, the grant committee chair, introduced Mr. Rufus Sales who had served as a citizen participant on the grant committee along with himself and Mr. Nelson. Mr. Burton then made a presentation on the process and procedures used to arrive at the committee's recommendations. He then presented the grant committee's recommendations for the Board's FY2013 grant distributions.

The Board considered each applicant organization based upon the criteria established by the committee and voted upon grant recipients and distributions as follows:

- Big Steps Up - No grant awarded [\$7,850 was requested]
- Durham Public Schools - \$25K [\$25K was requested]
- Carolina Theatre Teen Talk - \$10K [\$18,565 was requested]
- Durham Together for Resilient Youth (TRY) - \$15K [\$25K was requested. \$10K was recommended by the committee and the motion was amended by Dr. Guion to grant \$15K]
- El Centro Hispano - \$20K [\$35K was requested. \$10K was recommended by the committee and the motion was amended by Dr. Guion to grant \$20K]
- North Carolina Central University - \$34,732 [\$34,732 was requested]
- The John Avery Boys & Girls Club - \$24K [\$24 was requested]

Each approval for a grant award was unanimous among the members of the Board voting on each recommendation. Dr. Guion and Mr. Burton recused themselves from voting on the North Carolina Central University grant award based on a relationship that each has with the institution.

#### **Law Enforcement Report for May 2013**

The Board had a general discussion about the report. Board members expressed concern regarding the lack of activity reported. Ms. Page stated that Chief McMillan had indicated that the department was requested by the NC ABC Commission to engage in surveillance activity as a result of complaints received by the Commission. The department participated in CJLEADS training this month which is a no-cost software package for obtaining law enforcement information.

Ms. Page reported that Chief McMillan has been assigned to provide a monthly report of the specific hours and activities of the law enforcement department each week.

#### **Financial Reports for May 2013**

Ms. Page noted from the financial reports that Durham County ABC's May sales continue to be above budget and exceed the sales of neighboring and other ABC Boards that DCABC uses for comparison.

Total sales for the month were \$2,407,897 which is an increase of 14.02% over last year and 11.74% over budget. Year-to-date sales were \$24,985,606 which is 7.76% over actual and 5.42% above budget.

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7/17/13

Durham County ABC Board

Profit before distribution was \$240,060 for the month and \$2,107,472 year-to-date which is a 60.61% change over the same period last year and 39.75% increase over year-to-date last year.

After profit distributions, net income was \$172,801 for the month which is an increase of 91.27% over the same period last year. Year-to-date net income was \$1,405,834 which is an increase of 65.77% over last year.

### **Operating Budget Approval**

Ms. Page presented the proposed FY2014 operating budget which had no changes from the draft budget that was reviewed at the May regular Board meeting.

After general discussion, Mr. Burton motioned for the Board to approve the operating budget. Dr. Guion seconded the motion and the Board approved without objection.

### **Budget Document Approval**

Ms. Page presented the proposed Budget Document required by G.S. § 18B-702 which had no changes from the draft Budget Document that was reviewed at the May regular Board meeting and for which a public hearing was held on June 6, 2013.

Mr. Reese motioned for the Board to approve the Budget Document. Mr. Burton seconded the motion and the Board approved without objection.

### **National ABC Association Conference Presentation**

Dr. Guion and Mr. Burton gave a presentation outlining the highlights of the conference they attended in May 2013.

### **Strategic Planning and General Manager's Report**

The Strategic Planning and General Manager's Report was provided in the Board meeting packet which was distributed prior to the meeting. Topics from the report and additional items that were discussed include:

- GovDeals.com  
Ms. Page recommended to the Board that DCABC utilize the online auction website to dispose of vehicles and other assets. The site is used by other government agencies including the County of Durham.

Dr. Guion motioned for the Board to approve using GovDeals.com to dispose of excess inventory or other assets that the General Manager deems not in use. The motion included that Durham County ABC would allow its employees to bid on items as long as all bidding is done outside of work hours and it included that Durham County ABC will pay 7.5% of the selling fee and require buyers to pay 5% of the selling fee to GovDeals.com. Mr. Burton seconded the motion and the Board approved without objection.

Additional topics presented that were not on the report include:

- Banking Decision regarding M&F Bank  
Ms. Page reported that Durham County ABC has approximately \$359K in financial deposits at M&F bank. She noted that this is the only local bank with which the Board is

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7/17/13

holding deposits. The Board is required to keep a minimum of approximately \$154K on deposit to comply with its loan agreements. Ms. Page asked the Board for direction on whether the remaining funds should stay with M&F to support a local business or moved to an institution at which a slightly higher rate of return could be obtained. The Board directed Ms. Page to keep the funds with M&F given the nominal difference in the rate of return in order to support a local business and to continue to monitor return rates to ensure that differences do not grow to be substantial amounts. They requested to be kept apprised if rates of return change substantially so that the direction can be reconsidered if needed.

- **Board Development**  
The Board discussed whether there would be benefit in undergoing some development opportunities in the area of media relations. Dr. Guion indicated that she would explore possible resources in this area and bring ideas back for consideration.
- **Jury Duty Policy**  
Ms. Page brought the current jury duty policy to the Board's attention noting that it does not provide for situations in which an employee is called to serve, plans for work coverage accordingly and then learns the night prior to the anticipated day of service that he/she will not be needed. She recommended amending the policy to also provide administrative leave time to employees who are scheduled for jury duty but informed the night prior to duty that they are not required to serve. The Board was in favor of the amendment to the Personnel Policies Manual. Ms. Page will draft a revision to the policy and present it to the Board for approval.

#### **Other Business**

The Other Business Report was provided in the Board meeting packet which was distributed prior to the meeting. Topics from the report that were discussed include:

- Ms. Page requested for Board members interested in attending the NC ABC Association Conference to submit their registration forms before June 30, 2013.
- The Board approved continuing its membership with the National ABC Association.

#### **Closed Business**

Mr. Burton made a motion for the Board to go into closed session per G.S. § 143-318.11(a): (3) consult with attorney and (6) personnel matters. Dr. Guion seconded the motion and the Board approved without objection.

#### **Adjournment**

The Board returned from closed session. Dr. Guion made a motion to adjourn the meeting and Mr. Nelson seconded the motion. The Board approved without objection.

Approved By: \_\_\_\_\_

  
Kim Shaw, Board Chair

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7/17/13

APPENDIX A

*[Signature]*

ABC Board meeting Public Comment Period

June 17, 2013



Public Comment during  
ABC Monthly Board Meeting

Durham County ABC Board - Visitor Sign-in Log

Date	Name	Address	Telephone	Purpose of Visit
6-17	LEE RICHARDS	2203 Gentry Dr Durham 27705	(919) 444-0188	Meeting
6-17	Kim Cates	334 EGERSH DURHAM 27704	919 369 8385	MEETING
6-17	Jason Ellis	2510 Newhope Church Rd. Chapel Hill, NC 27514	919-730-0408	Meeting
6-17-13	CHRIS GILLETTE	4013 CITAUCKER DRIVE DURHAM NC 27705	919-479-6936	MEETING
6-17-13	ROBIN ROBERTS	2805 LEXINGTON ST. DURHAM NC 27704	919-544-1278	MEETING
6-17-13	Rufus Sales	113 ARCONNE DR. DURHAM NC 27704	919 417-1196	MEETING
6-17-13	DR. CHIEF A. R. N. ARSH. SR.	505 W. CHAPEL HILL ST.	919.323.0110	MEETING.
6-17-13	Chief JOSE LOPEZ SR.	505 W. Chapel Hill St.	919-320-2322	MEETING
6-17-13	Donathan JONES	516 S. Pillard St.	919-808-3410	Meeting
6/17/2013	Chief Timothy R. Bellamy	1801 Fayetteville St, Durham, NC NCCU Police Dept.	919-530-2725	meeting
	AL & M & J	9210	351.2222	