

**Minutes of the Meeting  
August 19, 2013**

The Durham County ABC Board met at the administrative office, 3620 Durham Chapel Hill Boulevard, on the 19<sup>th</sup> day of August 2013.

Board Chair, Kim Shaw, called the meeting to order at 5:32 p.m.

Board members Wayland Burton, Deirdre Guion, Norwood "Andy" Miller and Rufus Sales were present. General Manager Emily Page and Attorney George W. Miller, Jr. were also present. One member of the public attended. Appendix A includes the public sign-in for the meeting.

**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 any conflicts.

**Consent Items**

Consent agenda items included the Board Attendance Report, Adoption of Agenda, Minutes of July 15, 2013 Board Meeting and Minutes of August 14, 2013 Emergency Board Meeting.

Mr. Burton requested that the July 15, 2013 Board Meeting Minutes be set aside and discussed under "Other Business" as listed on the Agenda.

Mr. Miller motioned for the consent agenda items to be approved with the exception of the July 15, 2013 Board Meeting Minutes. Mr. Burton seconded the motion and the Board approved without objection.

**General Business**

**New Business**

Ms. Page stated that "New Business" is a new category added to the Agenda for items including the introduction of new Board members, public comment, the addition of agenda items, etc. Ms. Shaw suggested that since there was a member of the public visiting, that an opportunity for public comment be offered at this time so that if he does not desire to stay for the entire meeting he could have an opportunity to speak. The public attendee declined the opportunity to speak.

Ms. Shaw officially welcomed Mr. Miller and Mr. Sales to the Durham County ABC Board and the new members introduced themselves.

**Law Enforcement Report for July 2013**

The Board reviewed the July 2012 and July 2013 Law Enforcement Activity Reports. Ms. Page noted that DCABC is down one investigator from last year. Due to Chief McMillan's recent absence, the detailed report including logs and summary was not prepared in time for the meeting. She indicated that the report would be forwarded to Board members once it was turned in from Chief McMillan.

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### **Financial Reports for July 2013**

Ms. Page noted from the financial reports that Durham County ABC's sales continue to exceed the sales of neighboring and other ABC Boards that DCABC uses for comparison. Ms. Page additionally noted that sales for July were slightly below budget as July is typically a slower month.

Ms. Page stated that after the financial reports were finalized, it was discovered that there was a missed journal entry for retirement savings and therefore the net income is overstated by \$10,358 on the Profit and Loss Report. As a result, next month's report will correspondingly be understated by this amount.

Total sales for the month were \$2,105,928 which is an increase of 12.70% over last year and 2.75% under budget. Year-to-date sales were \$2,105,928 which is 12.70% over actual and 2.75% under budget.

Profit before distribution was \$170,142 for the month and year-to-date which is a 46.51% change over the same period last year.

After profit distributions, net income was \$110,878 for the month which is an increase of 74.61% over the same period last year. Year-to-date net income was the same since July is the first month of the new fiscal year.

### **ABC Board Chair Recommendation**

Ms. Page reported that Ms. Shaw's appointment as Chair ended on July 31, 2013 and that the Board of County Commissioners asks for a recommendation from the Board for the appointment of a new Chair.

Mr. Sales made a motion to recommend Mr. Burton as Chair of the Durham County ABC Board. Dr. Guion seconded the motion. Ms. Shaw abstained from voting and the Board approved the motion.

### **Workers' Compensation Policy Review**

Ms. Page presented to the Board the present workers' compensation policy and explained that employees do not receive payment for missed work for the first seven days following a job related injury under the current policy. The Board reviewed other comparable ABC Boards' workers' compensation policies as well as the policies of the City and County of Durham.

After a general discussion, the Board determined that the City and County's policies pay employees for the first seven days after an injury and only differ in the type of leave provided (salary continuation or administrative leave.)

Dr. Guion motioned to adopt the County of Durham's workers' compensation policy regarding the seven day waiting period under administrative leave. Mr. Sales seconded the motion and the Board approved without objection.

### **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 that were discussed include:

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- Law Enforcement

Ms. Page reported to the Board that there is not currently a protocol for how the General Manager is to receive a request from an outside law enforcement agency for assistance from DCABC officers.

Mr. Burton moved that the discussion on Law Enforcement be moved to the following month to give the new Board members the opportunity to get up to date on the law enforcement outsourcing considerations. Ms. Guion suggested that information on mutual aid agreements that Atty. Miller had previously shared be provided to new members as well. The Board went on to discuss whether a protocol should be created now before a decision regarding outsourcing the law enforcement function is made.

After general discussion, the Board indicated the General Manager should prepare a protocol to establish how requests should be made by outside agencies. Atty. Miller indicated that there are statutes that indicate what has to be in a mutual aid agreement. Ms. Page indicated that there are no mutual aid agreements in place and asked if there needed to be one created for each request that is made. She indicated concern that such a requirement would not enable a timely response to requests for assistance if it were going to be provided. Mr. Miller suggested that mutual aid agreements are beneficial to both DCABC and to other agencies that may want their support. Therefore, it is important that they be in place to enable requests for aid to be granted.

Mr. Burton questioned whether there is a need for a protocol at this time until a decision is made regarding outsourcing given that the primary duties within the scope of alcohol law enforcement are clearly defined and that outside activities with other agencies are tertiary responsibilities. Mr. Sales indicated that having a mutual aid agreement is a legal process that simply makes the ability to enter into assistance arrangements possible. He further indicated that a decision whether to participate in any specific activity that is requested is an administrative process; an agreement does not mean that assistance will be provided upon every request.

Discussion ensued regarding the liabilities that have been created from the past involvement of the law enforcement department in activities that were not approved by or brought to the attention of the General Manager or the Board. Mr. Sales reiterated that having mutual aid agreements will not create any greater level of permission for activities to be done but will define liabilities should an assistance activity be approved for law enforcement participation. Mr. Miller concurred that the Board should put agreements in place in case they are needed by either outside agencies requesting DCABC law enforcement support or vice versa.

The Board directed the General Manager to work with Atty. Miller to establish standing mutual aid agreements with the City of Durham and the County Sheriff's office under which various requests for help could be submitted. The intentions of the agreements are not to establish a requirement that help be provided in all circumstances but rather to enable help to be offered if the resources are available and the requests are approved. With this direction, the Board agreed that this discussion had been concluded therefore the decision on mutual aid agreements and a protocol for receiving requests for support did not need to be on the September meeting agenda.

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- **Grant Program Press Release**  
Ms. Page presented a proposed Media Release announcing grant distributions for FY2013. The Board unanimously approved the Media Release. The grant award information is also posted on the DCABC website.

### **Other Business**

The Other Business 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:

- Ms. Page reported that employees had not received instructions from the Board on the purpose and use of the employee suggestion boxes. The Board brought new members up to date on the purpose for the suggestion boxes and the process that they had established for checking them. After a general discussion, Ms. Shaw agreed to send out the memo that Mr. Burton had drafted for employees. The Board agreed that employees will receive feedback to suggestions through memorandum and the quarterly newsletter.
- Ms. Page noted that in order to keep the quarterly Employee Recognition Event on track, the next one would be tentatively scheduled for November 13, 2013 from 1:30 – 3:30 pm. Board members agreed on this date and time.
- Ms. Page offered new Board members Durham County ABC email accounts for use regarding ABC Board business.
- Ms. Page reminded Board members that travel expense reports are due within 15 days of travel and that any outstanding ones must be submitted immediately and any outstanding after 90 days will not be paid.
- Ms. Shaw indicated that the July 15, 2013 meeting minutes was remaining as an agenda item. She asked Mr. Burton for his comments on the minutes. He indicated that the minutes reflected that he was present at the meeting and that he motioned or seconded motions; however, he was not in attendance in July. Ms. Page noted the errors and indicated that corrected minutes for July 15, 2013 will be presented at the next Board meeting.
- Dr. Guion asked for an update on the sale of the excess vehicles via GovDeals. Ms. Page reported that the DCABC vehicle that was posted on GovDeals.com was not sold because the reserve price was not met. She indicated that the vehicles should be relisted for auction in September.

### **Closed Business**

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

### **Regular Session (resumed)**

The Board returned from Closed Session. The Board discussed the security camera needs of the organization and whether the current system is meeting those needs. Dr. Guion stated that Pictometry may offer the ability to provide some of the surveillance needs for the stores, if DCABC has the full capabilities in its version of it. She also stated that there could be capability issues with

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our current cameras that might not make it a viable tool for this purpose. The consensus of the Board was for the GM to begin researching the security camera needs for the organization for both internal and external surveillance so that the systems can be updated appropriately.

**Adjournment**

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

Approved By:   
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Wayland Burton, Board Chair

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Durham County ABC Board Meeting – Visitor Sign-in Log

Date: August 19, 2013

Time	Name	Address	Requesting to make public comment? Yes/No
5:00 PM	Ricky Padgett	18 Shockleford DR Bahama NC 27503	No

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