

Durham County ABC Board

Minutes of the Special Meeting

April 2nd 2019, 5:30 p.m.

The Durham County ABC Board met at the administrative office, 2634 Durham Chapel Hill Boulevard. Notice of the date, time, location and purpose of the meeting was published.

Board Chair Andy Miller called the meeting to order. Board members Lawrence Daye, Donald Lebkes, Beverly Thorpe and Ryan Urquhart were present. General Manager Rufus Sales, attorney George W. Miller, Jr. were in attendance.

Conflict of Interest Review and Declaration

Chair Miller 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 that were known to be coming before the Board and, if so, does any Board member having a conflict wish to recuse him/herself from deliberating and voting on the matter. All Board members verbalized that they do not have a conflict.

The Board considered going into closed session. Mr. Urquhart motioned for the Board to go into closed session per G.S. § 143-318.11(a): (3) consult with attorney and (6) personnel matters. Ms. Thorpe seconded the motion and the Board approved without objection.

The Board returned to open session.

During the open session the Board took note of the discussion by all Board members during the Executive Session on the subject of contracting to pay its law enforcement funds with another local law enforcement agency for enforcement of the ABC laws within the law enforcement agency's territorial jurisdiction as authorized by G.S. 18B-501(f). The Board had previously considered hiring an outside agency over the last several years due to concerns brought to its attention over the performance of the local enforcement unit.

At the March 11, 2019 meeting, the Board in Executive Session, after extended discussion, concluded to request a written proposal from qualified law enforcement agencies to provide Durham County ABC law enforcement services.

As noted from the Executive Session Minutes, the Board now had in hand a proposal from the Alcohol Law Enforcement Branch of the North Carolina State Bureau of Investigation and the office of the Sheriff of Durham County, as well as a summary of the cost of the local law enforcement unit, and engaged in an extended discussion of the merits of both proposals and the merits of contracting with an outside agency for the enforcement of the ABC laws within the Durham County territorial jurisdiction and discontinuing the local ABC law enforcement unit.

At the conclusion of the Executive Session a recommendation was made and approved that it would be in the best interest for Durham ABC to contract with a law enforcement agency that

was fully staffed, trained, and experienced that could provide reliable services as needed. ALE in comparison with the proposal of the office of the Sheriff as well as the cost of the in-house law enforcement unit would represent a substantial savings in the cost of the operation and would improve the performance and efficiency of law enforcement for Durham ABC that was needed.

The Board now in regular session, motion was made by Mr. Urquhart and seconded by Ms. Thorpe to accept the recommendation of the Executive Committee and Chair Miller abstained, Mr. Daye, Mr. Lebke, Ms. Thorpe and Mr. Urquhart voted in favor that the General Manager and counsel engage in negotiations with ALE to finalize a contract for a three year term commencing May 1, 2019 to June 30, 2022, based upon the terms of the proposal extended by ALE.

The Board further instructed the General Manager to notify the present law enforcement unit personnel of the action taken and that their services would extend to June 1, 2019 in order to be available to assist in the changeover in law enforcement as requested and directed. Thereafter, their services as ABC law enforcement personnel would no longer be needed as of the close of the day on May 31, 2019. The Board further directed the General Manager to provide instructions with respect to closing the present law enforcement unit and the administrative office to be in contact with the unit employees with respect to benefits or entitlements that may have accrued. The Board also gave instructions to the General Manager to advise the unit personnel that they will be provided with an opportunity to apply for other employment with Durham County ABC as the need may arise.

The Board next considered hiring Developmental Associates to recruit for the General Manager position. Mr. Urquhart motioned for the Board to hire Developmental Associates. Ms. Thorpe seconded the motion and the Board approved unanimously.

Mr. Lebkes motioned for the meeting to adjourn. The motion was seconded by Ms. Thorpe and the Board approved without objection.

Approved By: 
Andy Miller, Board Chair