

MINUTES

Indian Trail ABC Board
Board of Directors – Regular Meeting
Indian Trail ABC Board
5880 Hwy 74 East, Indian Trail NC 28079

1. Call To Order: Time: 6:00 by: Cohn Wednesday, September 25, 2019

PRESENT

Board Members: Chairman David Cohn, Board Members Jim White, Jennifer Rehberg, Judith Silberquit and James Wojtowicz

Attendees: General Manager Jeff Sullivan, Finance Officer Evelyn Wilson
 (First names will be used for Board Members and Attendees when appropriate)

Guest: Pam Harris, Shelly Hinson, Robert Laatz, Todd Plyler

Not Present: Jennifer Rehberg (sick)

2. CONFLICTS OF INTEREST

Chairman David Cohn read **G.S. 18B-201**: *It is the duty of every Board Member to avoid both conflicts of interest and appearances of conflicts. In accordance with this statute, Robert asked everyone to review the agenda for the meeting and if any member has any known conflict or appearance of conflict with any matters coming before the Board today, that they identify the conflict and refrain from any undue participation in the matter involved. **None were identified.***

3. Additions and Deletions; Motion to Approve Agenda:

ADDITIONS/**CHANGES** TO THE AGENDA –

DELETIONS FROM THE AGENDA –

APPROVAL OF THE AGENDA

Judy, made a motion to approve the Agenda as presented.

Seconded by Jim White, the vote to approve the Agenda: passed unanimously.

4. Review and Approval of Prior Meeting Minutes, August 14, 2019

ADDITIONS/**CHANGES** TO THE MINUTES– **None**

DELETIONS FROM THE MINUTES – **None**

APPROVAL OF THE MINUTES

Judy made a motion to approve the minutes as presented.

Seconded by Jim Wojtowicz, the vote to approve the minutes: passed unanimously.

Jeff Sullivan, added that the board needed to approve the Special Closed Session Meeting Minutes Held August 28, 2019.

APPROVAL OF THE MINUTES

Jim White made a motion to approve the minutes as presented.

Seconded by Jim Wojtowicz, the vote to approve the minutes: passed unanimously.

Jeff kept going before public comments to announce the newest member to the Indian Trail ABC. Finance Officer Evelyn Wilson. She is a 25 year veteran of ABC Monroe. She held titles

of Secretary, FO, AGM. She lives alone, has two grown kids 35 and 29. She also enjoys 3 grand kids. We are to officially welcome her.

David added that she is a God send. Jim Wojtowicz also added the same sentiments. David pointed out that she is her to SAVE THE DAY. She will have to learn how we have done things and begin to do things her way.

5. PUBLIC COMMENT

Chairman Cohn opened the floor for public comments, None.

Jim White make a recommendation to move up Potter Associates up in the agenda in order to get their presentation done quicker to save time.

(Moved from 7. Board Discussion & Possible Action/Comments –)

7a) Potter and Associates Audit Review ACTION

Todd Plyler of Potter and Associates present the 2018-2019 Audit to the Board Members. Todd went through the figures of Assets, Income, Expenses, and Profit. It was offered to have a 35,000.00 Profit distribution to the Town for quarter four.

Jim Wojtowicz started with (Note 14 page 23) related party transactions paragraph. Jim does not like how it was written at all. Potter and Associates did not mention that two members secluded themselves from the vote on third quarter distributions, however mentioned two off the members were involved with the town; one on Town Council, the other works for the town. Todd answered that the IT board can word that anyway they see fit. Something that the NC ABC Board reports the relationships with the appointing authority. Jim states that there is on benefit to either board member as to the distributions to the town. Jim White says that it's a honest statement of their relationship to the town is just a documented reference to note. David does not want to get bogged down in this issue, however, if we are going to list just the two members background. We should list what everybody does, retired, what Judy does etc... Todd replies an example if you were a liquor salesman the state would want to know that. All the statement shows a potential related parties/conflict of interest. Judy mentions that the way it is worded that it leads to mis-interpeterion. Todd feels that in it needs to be in there as a relationship. The board is more than welcome to rewrite it to their approval. Jim White stated that David is a part of Indian Trail, the event happened this year and should be in the statement. Jim read the statement with no issues with it because it is factual. However, Jim White is fine with rewording the recusal of the vote for the 3rd quarter distributions. Judy states that the paragraph written implicates a conflict of interest and if her name was there that she would take an issue with and would not want her name to be in an audit record in anyway implying that. David Cohn says it implies a conflict of interest but we can leave it in there but he does not like it. Jim Wojtowicz offers to rewrite the paragraph and send it out tomorrow to the members. Judy makes a motion for a rewrite. David wants to add a sentence that states that Jim Wojtowicz and David Cohn recuse themselves from the vote.

Judy makes a motion to rewrite the paragraph to make it more agreeable for the board. Jim Wojtowicz will write it. Thursday September 26, 2019. Jim White seconds it. Those in favor were Jim Wojtowicz, Jim White, and Judy Silberquit; against, David Cohn. The motion passed. Jim Wojtowicz is to write the paragraph and seek the approval from board before September 30, 2019.

Jim Wojtowicz next item was that sales are up 6.5% over last year. However we are giving the town 500.00 less than last year? Jeff spoke up to explain that it was at 32,000.00 and rounded it up to 35,000.00. It was his mistake not to look at the difference from last year, being 500.00 dollars short. What ever the board decides he supports it. Jeff offered to maybe look at raising it for quarter 1 in 2019-2020. David Cohn did not think it that 15 to 20 thousand would matter now since it is done already, perhaps wait until next quarter to address it...leave it 35,000.00.

Jim White spoke up and said that Jim hit him with logic on the matter and feels that raising it to 55,000.00 would be fine.

Judy makes a motion to raise the 2018-2019 fourth quarter distribution to 55,000.00 from 35,000.00. Jim White Seconds the motion. Jim White and Judy Silberquit approve it. David Cohn and Jim Wojtowicz recused their vote. Jennifer was not present. The question arose with Jennifer gone would they have enough to vote. We will follow up, if we need to revote then we will. Jeff Sullivan will ask Laurie Lee to find out.

10/11/2019 Follow up. Jeff spoke with Laurie Lee. Laurie Lee ruled that there was not a quorum for a vote. Laurie Lee instructed Jeff to email the entire IT ABC Board to get another vote. An email was sent to all members to revote. The results were as follows: Jennifer Yes, Judy Yes, Jim White Yes, Jim Wojtowicz recuse, David Cohn recuse. The motion passed to send the Town of Indian Trail 55,000 for 2018 – 2019 fourth quarter distributions. (a printed copy will accompany the submitted minutes to the town and at the store for public viewing)

Copy of the email below:

Enclosed is my vote on the 2019 4th Quarter distribution to the Town of Indian Trail:

Yes to increase the amount to 55,000.00

**Thank you,
Jennifer Rehberg**

On Thu, Sep 26, 2019, 10:54 AM <jeffsullivanabc@charlotte.twcbc.com> wrote:

From: jeffsullivanabc@charlotte.twcbc.com <jeffsullivanabc@charlotte.twcbc.com>

Sent: Thursday, September 26, 2019 10:45 AM

To: 'jwhite2816@carolina.rr.com' <jwhite2816@carolina.rr.com>; 'judy paul93@yahoo.com' <judy paul93@yahoo.com>; 'Jim Wojtowicz' <jmw@indiantrail.org>; Jennifer Rehberg Keistler <bzemomjenn@gmail.com>; 'david.cohn@travisco.net' <david.cohn@travisco.net>

Cc: 'Financial Office' <abcitfinance@outlook.com>; 'jeffsullivanabc@charlotte.twcbc.com' <jeffsullivanabc@charlotte.twcbc.com>

Subject: Fourth Quarter Distribution amount

Jennifer,

Jim,

Jim,

Judy,

David,

Last night's meeting (September 25, 2019) we had quorum of four of five Indian Trail ABC Board Members.

When it came to the vote for the Fourth Quarter Distribution Amount. It went as follows:

A **motion** by Jim White to increase the 35,000.00 fourth quarter Distributions to the Town of Indian Trail to 55,000.00

Seconded by Judy Silberquit. The vote went as follows

Jim White: Yes to increase the amount to 55,000.00

Judy Siberquit: Yes to increase the amount to 55,000.00

David Cohn: Recused His vote to avoid an appearance of conflict of interest

Jim Wojtowicz: Recused His vote to avoid an appearance of conflict of interest

Once the recusal was announced the board did not have a quorum. I have spoke with Laurie Lee of the ABC Commission September 26, 2019

Time is of the essence Here are the instructions of what to do to keep the spirit of transparency:

I need Jennifer Rehberg to reply all to this email with a vote:

Yes to increase the amount to 55,000.00

Or

No to keep the original amount of 35,000.00

Once Jennifer Rehberg has replied all this email will be printed and submitted with the Minutes for public record for full disclosure and transparency of the Board.

Thank You

JEFF SULLIVAN

GENERAL MANAGER

INDIAN TRAIL

704-821-7667

jeffsullivanabc@charlotte.twcbc.com

Todd will need to need Jeff's General Manager letter for the completion of the audit. The two of them will finalize it Thursday.

6. Business Items:

a) Update on ALE report: Robbie Huneycutt. He reports on last month's violations of MXB and customers with open container violations in the parking lot. Robbie mentions the tasting event in September. The distiller has to purchase the bottles from ABC Store. Sample product .20 per sample. Jim White says that he did not know but we will have corrected next time.

b) Update on Sales Reports; Store Business; and General Operations

General Manager – Jeff reviews the numbers with the board. 11% growth over 2018. 2019 enjoyed a extra sales day (Saturday) that is 28,701.00. If you take that out we finished 15,000.00 better than 2018. Jeff contributes that to a higher customer count. Tale of the Tape with the other stores in Union County. Monroe's numbers are a little higher than us.

c) Update on Store Financials – Jeff Sullivan reviewed the number this month because Evelyn Wilson is new. Reviewed General Fund with a total including Money Market account 1,000,610.99. Liquor purchases 224,409. (31,775) less than last year. Jeff explained that he tries to watch the ordering on every item and try to be smart about it. Our percentage of growth is 11.4% which is down from over all average of 12.90%. Jeff debates that the percentage does not accurately portray our growth. Jeff cited Evelyn Wilson had to gather all this info. Went over the large amount of salaries due to Shelly Hinson retiring and vacation pay. Professional Service for year end bill. Jeff reviewed Actual vs. Budget Comparison.

7. Board Discussion & Possible Action/Comments –

b) New Employee Flow Chart a training Revision

On hold until next month.

c) Jeff's feedback on the first tasting Union County.

Jeff pointed out how customers were not used to sampling in an ABC store. After a while, people started sampling. Jeff reported that we sold 12 bottles. Jeff credits Jim for his recommendation to have GOAT whisky be our first. Jim said it went well a few mistakes but we will have it better next time and draw up our own policy for the distillers to follow. David thanked Jeff for getting it done. Jim asked about feedback from other stores. Jeff has not heard of any feedback, but they have done some sampling. No other tastings scheduled yet, but more are coming.

8. General Manager Remarks - Jeff reviewed SB290 item by item for the board as required from last month by board member Jim White.

Jeff reviews the last report from Google, reviews, searches. Jeff Credits Pam, Cindy, and Alan for doing a great job out front. We have a great staff. Jeff points out that he could not have gotten all these done this month is it wasn't for person to his left, (Evelyn Wilson). Jeff admitted to the board that even with Pam and Cindy's help, that his execution of the task at hand; he would have come up short. He owes it all to Evelyn and her help and support. She has jumped in and assured Jeff that we will get through this. Jeff tells the board that we are fortunate to have her here. We are still dredging through somethings but we are getting there. Jeff appreciates Pam sitting in on a meeting. Jeff mentions that not sure of what was said in the past about employees sitting in a meeting, but they are more than welcome.

October 1. Jeff of SCRC plans on installing training software asap. Jim White very concerned about completion before Christmas.

Pam Harris asked about customers said that they see what we have in our store. Jim and Jeff both said that we do not have an inventory. Conclusion is customers are looking at a state inventory instead.

9. Board Members comments –

Jim White appreciate Evelyn being here. Thanked Pam for being here. Thanked David for a great meeting.

Jim Wojtowicz appreciates Chairman for a good meeting. He appreciates all the boards support.

Judy Tells Evelyn how grateful we are that she is here. Everyone working here is doing amazing job. Thanks Jeff for what he is doing.

David sums up a good meeting. Appreciates Evelyn being here.

10. Close Session - NCGS 143-318.11(A)(1) or NCGS 143.318.11(A)(1) To prevent disclosure or privileged or confidential information.

NCGS 143-318.11(A)(1) or NCGS 143.318.11(A)(6) Personnel Matters.

September 25 @ 7:15 pm

Motion made to move to Close Session by Jim White, 2nd by Judy, passed unanimously.

***CLOSED SESSION, PURSUANT TO NCGS 143.318.11(A)(1)
CONFIDENTIAL --- NOT FOR PUBLIC DISCLOSURE
THE BOARD OF DIRECTORS DISCUSSED-NCGS 143.318.11(A)(1) TO PREVENT
DISCLOSURE OF PRIVILEGED OR CONFIDENTIAL INFORMATION***

CONFIDENTIAL --- NOT FOR PUBLIC DISCLOSURE

Motion made to end session by Jim White 2nd by David passed unanimously.

The session ended at 8:45 pm

10a.) Board Decision and/or Possible Action/Comments – From Closed Session –

Nothing to vote on at the present time.

13. Adjournment -

Next Board Meeting Scheduled:

October 16 at 6:30pm at the Indian Trail Town Hall

Motion to adjourn Indian Trail Board Meeting made by Chairman or Board Member Judy,

Seconded by Chairman or Board Member Jim Wojtowicz, passed unanimously.

Adjournment: 8:55 pm -Time