



REQUEST FOR BOARD ACTION

ITEM NO. 11.

DATE OF MEETING: February 21, 2012

REQUESTED BY: ABC Board

SHORT TITLE: Resolution in Support of a Local Legislative Act to Amend the Session Laws Regarding the Pender County Board of Alcoholic Control

BACKGROUND: The ABC Board has asked for support from the Board of Commissioners for three proposed changes they want: Board of Commissioner appointment of all ABC Board members; allowing the ABC Board to determine store locations within the County; and amending the net profit distribution formula.

SPECIFIC ACTION REQUESTED: To consider a resolution entitled "Resolution in Support of a Local Legislative Act to Amend the Session Laws Regarding the Pender County Board of Alcoholic Control".

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.


Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Board hereby adopts the resolution entitled "Resolution in Support of a Local Legislative Act to Amend the Session Laws Regarding the Pender County Board of Alcoholic Control." The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ Tate ___ Rivenbark ___ Ward ___ Williams ___

George R. Brown, Chairman Date

ATTEST Date



**RESOLUTION IN SUPPORT OF A LOCAL LEGISLATIVE ACT TO AMEND THE
SESSION LAWS REGARDING THE PENDER COUNTY BOARD OF ALCOHOLIC
CONTROL**

WHEREAS, the Pender County Board of Alcoholic Control was established in 1963 by the North Carolina General Assembly for the control and sale of alcohol within County of Pender and for the distribution of its net profits; and

WHEREAS, Session Laws 1963-50 and 1963-778 established the selection of members to the Pender County Board of Alcoholic Control, location of stores, and distribution of net profits; and

WHEREAS, Session Law 1963-778 provides that the members of the Pender County Board of Alcoholic Control shall be selected by a majority vote of a composite board consisting of the Pender County Board of Commissioners, Pender County Board of Education, Pender County Board of Health and the Pender County Board of Public Welfare with each board having one vote for the purpose of voting for the selection of each member to Pender County Board of Alcoholic Control; and

WHEREAS, for the purpose of simplicity, expediency and efficiency the selection of the membership to the Pender County Board of Alcoholic Control should be performed by the Pender County Board of Commissioners only; and

WHEREAS, Section 5, Session Law 1963-50 provides that the Pender County Board of Alcoholic Control shall locate one or more stores in the Towns of Burgaw and Atkinson and may locate stores on Topsail Island and any other location that it deems advisable; and

WHEREAS, the mandate of having to locate stores within the Towns of Burgaw and Atkinson, impedes the Pender County Board of Alcoholic Control's ability to close any existing stores within such municipalities that are consistently unprofitable; and

WHEREAS, Section 5, Session Law 1963-50 should be amended to remove the mandate that the Pender County Board of Alcoholic Control be mandated to open and operate stores within the

municipalities of Burgaw and Atkinson and that the Pender County Board of Alcoholic Control should have the authority to open and operate any stores within Pender County that it deems advisable; and

WHEREAS, Section 1, Session Law 1973-277 and Section 2, Session Law 1981-107 provides the distribution of net profits after deducting not less than five percent (5%) nor more than fifteen percent (15%) of the net profits for law enforcement of the ABC laws in Pender County; not less than two percent (2%) nor more than five percent (5%) of the net profits for alcohol rehabilitation education; and five percent (5%) of the net profits for mosquito control the remaining net profits shall on a quarterly basis distribute the remaining net profits received from the Alcoholic Beverage Control Stores seventy-five percent (75%) payable to the general fund of Pender County and the remaining twenty-five percent (25%) to the respective municipalities in which Alcoholic Beverage Control Stores are located based on gross sales of each respective store; and

WHEREAS, the profits of the Pender County Board of Alcoholic Control should benefit Pender County and each of the municipalities in Pender County to include the Towns of Atkinson, Burgaw, St. Helena, Surf City, Topsail Beach and Watha and not just Pender County and the municipalities where Alcohol Beverage Control stores are currently located within; and

WHEREAS, Pender County and each of the municipalities within Pender County consent and agree that Section 1, Session Law 1973-277 should be amended to reflect that the remaining net profits after deducting from the total net profits the percentages for law enforcement, alcohol rehabilitation education and mosquito control the following: sixty-five percent (65%) to the general fund of Pender County; of the remaining thirty-five percent (35%), seventy percent (70%) shall be divided with forty percent (40%) being distributed to the Town of Burgaw and sixty percent (60%) being distributed to the Town of Surf City; the remaining thirty percent (30%) of the thirty-five percent (35%) shall be distributed among the municipalities of Atkinson, St. Helena, Topsail Beach and Watha based upon each municipalities percentage of population within Pender County as determined by the last decennial United States Census.

NOW THEREFORE, BE IT RESOLVED that the Pender County Board of Commissioners do hereby request its local legislative delegation to the North Carolina General Assembly to sponsor a local act to amend the enabling legislation and subsequent amendments thereto for the Pender County Alcoholic Control law as follows:

1. That the selection of the members to the Pender County Board of Alcoholic Control be selected by the Pender County Board of Commissioners.
2. That Section 5, Session Law 1963-50 be amended to remove the mandate for the Pender County Board of Alcoholic Control to open an operate one or more stores within the municipalities of Atkinson and Burgaw and that it be vested with the authority to open and operate stores within Pender County that the Pender County Board of Alcoholic Control deems advisable.
3. That Section 1, Session Law 1973-277 and Section 2, Session Law 1981-107 be amended to reflect that the remaining net profits after deducting from the total net profits the percentages for law enforcement, alcohol rehabilitation education and mosquito control the following: sixty-five percent (65%) to the general fund of Pender County; of the remaining thirty-five percent (35%), seventy percent (70%) shall be divided with forty percent (40%) being distributed to the Town of Burgaw and sixty percent (60%) being distributed to the Town of Surf City; the remaining thirty percent (30%) of the thirty-five percent (35%) shall be distributed among the municipalities of Atkinson, St. Helena, Topsail Beach and Watha based upon each municipalities percentage of population within Pender County as determined by the last decennial United States Census.
4. That any amendments adopted by the North Carolina General Assembly take effect on July 1, 2012.

Adopted this the 21st day of February, 2012

COUNTY OF PENDER

By: _____
Chairman of the Board of Commissioners

{CORPORATE SEAL}

Attested to: _____
Clerk to the Board of Commissioners

Pender County ABC, Distribution Options
(Based on \$218,842.11 available for distribution locally)

Scenario:	Current	1	2	3	4	5	6	7	8
Scenario description:	For fiscal year ended 5/30/11. (Includes loss from Atkinson.)	65% county, 35% to others based on hybrid.	65% county, 10% Burgaw & Surf City based on sales, 25% to all under hybrid.	Direct allocation by hybrid method	75% to county, 25% to others under hybrid.	65% county, 35% to others based on population.	65% county, 35% to others based on Valorem.	65% county, of remainder 65% to Burgaw and Surf City 50/50, balance to others per population	65% to county, of remaining 35% - 70% split to Burgaw 40% and Surf City 60%, 30% others based on population
County	127,399.56	142,247.37	142,247.37	180,161.20	164,131.58	142,247.37	142,247.37	142,247.37	142,247.37
Atkinson	3,443.99	2,045.19	1,460.85	1,032.84	1,460.85	3,430.55	529.69	6,439.74	5,519.77
Burgaw	11,312.31	26,485.77	26,028.65	13,375.51	18,918.41	44,429.77	15,967.25	24,893.29	21,446.53
St Helena	-	2,666.74	1,897.67	1,341.67	1,897.67	4,456.61	193.31	8,365.83	7,170.71
Surf City	27,710.23	26,905.98	33,992.52	13,587.72	19,218.56	17,883.83	36,511.70	24,893.29	32,169.79
Topsail Beach	-	17,203.28	12,288.05	8,687.78	12,288.05	4,216.97	23,345.28	7,915.98	6,785.13
Watha	-	1,297.78	926.98	655.39	926.98	2,177.00	47.51	4,086.61	3,502.81
TOTAL	169,866.09	218,842.11	218,842.11	218,842.11	218,842.11	218,842.11	218,842.11	218,842.11	218,842.11

Factors

AD Valorem	Population		Hybrid	
	All w/o county	w/o Burgaw & Surf City	All w/o county	with county
Atkinson	0.0970%	0.6916%	0.0970%	2.1965%
Burgaw	2.9240%	20.8464%	0.0354%	0.8016%
St Helena	0.0354%	0.2524%	47.6687%	96.8049%
Surf City	6.6862%	4.2751%	0.0087%	0.1970%
Topsail Beach	4.2751%	30.4790%	4.4162%	100.0000%
Watha	0.0087%	0.0620%	100.0000%	
14,0284%	100.0000%			
Sales allocation for scenario 2 pro-rata to sales				
Surf City	1,379,075.33	67,50972%	14,773.97	Atkinson
Burgaw	663,705.19	32,49028%	7,110.24	Burgaw
				St Helena
				Surf City
				Topsail Beach
				Watha
2,042,780.52	100.00000%	21,884.21		
				County
				Atkinson
				Burgaw
				St Helena
				Surf City
				Topsail Beach
				Watha
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