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CHARLOTTE

February 20, 2023

Via email

mayor@townofpinkhill.com
Mayor Yvonne Deatherage

Good morning, Mayor Deatherage.

It was a pleasure speaking with you last week.

To recap our conversation, it appears the Mixed Beverages election held in November 2022 was not authorized by statute. General Statute §18B-600 provides alternatives for a municipality to hold a Mixed Beverage election. The only option that appears to apply Pink Hill is Paragraph (e1).

The requirements to have such an election is "at least 300 registered voters and is located in a county with at least one other city that has approved the sale of mixed beverages." Kinston and LaGrange have approved mixed beverages, so the second requirement is met. The problem is "at least 300 registered voters." Based on the information provided to you by the Lenoir County Board of Elections, there were only 290 registered voters in Pink Hill at the time of the November 2022 election. Thus, the vote should not have taken place.

While the ABC Commission has no authority over any Board of Elections, we can determine whether an ABC permit should be issued for a particular jurisdiction. At this time, Permit Section staff has been informed that no Mixed Beverage permits may be issued for businesses inside Pink Hill's boundaries despite the election results.

Please let me know if you have any questions.

Kind regards,

Renee C. Metz

Renee C. Metz
Assistant General Counsel

Cc: Stacey Carter-Coley, ABC General Counsel (via email)
Missy Welch, ABC Director of Programming (via email)

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