



TOWN of BELVILLE

Incorporated 1977

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July 11, 2014

Honorable Representative Susi Hamilton
16 W. Jones Street, Room 1313
Raleigh, NC 27601-1096

Honorable Representative Hamilton:

The Town of Belville has recently learned that Leland's governing board, by and through its Town Clerk, is soliciting Leland's residents, via a "Call To Action" (hereinafter "Solicitation"), to contact the General Assembly for the purpose of moving HB 1235 ABC Store Election/Town of Leland out of committee and onto the floor of both houses for approval. A copy of the Solicitation is enclosed herewith. As is often the case with our sister municipality, the Solicitation paints Belville in a "bad light" and this letter is being sent to you to set the record straight. Concerning the Solicitation, we note the following:

1. It seems inappropriate for Leland's Town Clerk to solicit support on a city ABC Store issue when that matter is entirely within the constitutional authority of the General Assembly and clearly provided for in the General Statutes. Belville has not engaged its residents in this matter, and Leland is exacerbating the situation by involving its residents, and the press, in a manner that is false and misleading as discussed herein.
2. HB 1235 was introduced without the courtesy of informing Belville in advance.
3. The Solicitation falsely states that Leland's residents can only purchase spirited liquors at Belville's ABC Store when, in fact, Brunswick County has been operating a county-wide ABC system for many years.
3. The Solicitation falsely states that "all sales tax" revenue from the Belville store goes to Belville when, in fact, the sales tax revenue goes to the State.
4. While the Solicitation correctly states that Belville's Board enacted a resolution opposing HB 1235, a copy of the resolution being included herewith, it fails to state that Belville's objections are based on constitutional grounds. By intentionally failing to mention

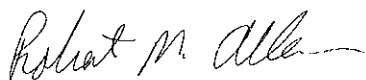
that basis, the Solicitation compounds current misperceptions as reflected in public comments about and journalistic treatment of this issue.

5. As set forth in the resolution, Belville opposes HB 1235 on the grounds that its enactment would be unconstitutional since it partially repeals General Statute § 18B-600(d) by deleting the prohibition against a city ABC store election when the county is already operating ABC stores. The Constitution of North Carolina prohibits the enactment of a local bill by the partial repeal of a general statute and expressly provides that any such enactment shall be void. Leland's residents, and the public at large, should be better informed about Belville's concerns since passage of the unconstitutional HB 1235 will result in lengthy litigation at the taxpayers' expense.

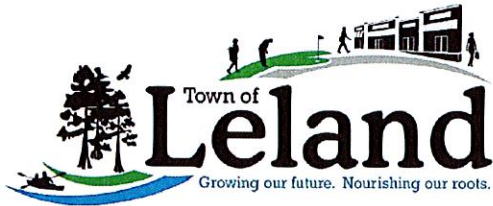
6. Moreover, HB 1235's partial repeal of the general statute is only for the benefit of Leland so that the Town could "use these funds to offset the tax burden on citizens." What, then, about Sandy Creek, Northwest, and Navassa? Those municipalities certainly have critical resource needs but by only benefiting Leland, HB 1235 provides nothing at all for those towns. That is neither fair or logical and will only serve to continue to grow Leland at those towns' expense.

While Belville does not concern itself with Leland's revenue streams, the Town is legitimately committed to ensuring that all of the county's municipalities operate on a level playing field. In this instance, the provisions for city ABC Store elections are set forth in the General Statutes and it will be unfair and unjust to have that field tilted to Leland's sole advantage by enacting a local bill that is unconstitutional on its face and at the expense of neighboring municipalities. While acknowledging the General Assembly's authoritative role in providing for city ABC Store elections, Belville is also committed to ensuring that any enactments providing for the same are uniformly fair and constitutionally valid. If there is anything that you need from our Town towards that end, then please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert M. Allen".

Mike Allen, Mayor



The Town of Leland is asking for residents to send a “Call to Action” to the Legislative Representatives regarding the Town of Leland's Need for its Own ABC Store.

Did you know that the Town of Leland does not have the authority to have its own ABC Board? The only option for the Town’s residents is to purchase their spirited liquors at Belville’s ABC stores and all the sales tax and profit is revenue for Belville. The only option for the Town’s restaurants is to purchase liquors from Brunswick County’s ABC store near Delco, NC.

If the Town of Leland had its own ABC Board and store, the Town would obtain the spirited liquor sales taxes and profits. The Town would use these funds to offset the tax burden on citizens. The Town will likely use this money to support our Police Department to counteract DUI’s and other alcohol related incidents.

The Town of Leland has made a request to its legislative representatives to pass House Bill 1235 that allows the Leland residents the right to vote on obtaining their own ABC Board. Representative Susi Hamilton introduced the Bill with Representative Frank Iler co-sponsoring it and we are appreciative of their support. The Town of Belville has sent the legislative representatives a resolution in opposition of this bill.

The House has passed the first reading of this bill and it now sits in committee. It is very important that our legislators hear from you about the importance of this bill to move it from committee and pass it in the House and the Senate for approval.

The link below brings you to the link the web page where the “**Call To Action**” can be submitted. Thank you for your help! <http://www.townofleland.com/call-to-action>.

Owners are encouraged to visit the Town of Leland Website or Town of Leland Facebook page to learn about Leland. **Please email the Town of Leland to inquire about registering for their email list and start receiving important information regarding your property.**

Town of Leland email: info@townofleland.com

Town of Leland Website: <http://www.townofleland.com/>

Town of Leland Face book: <https://www.facebook.com/townofleland?ref=ts&fref=ts>

If you have any questions, please feel free to contact the Town of Leland:

**Sabrena Reinhardt
Town Clerk
910-332-4297**

sreinhardt@townofleland.com



RESOLUTION OPPOSING HOUSE BILL 1235

WHEREAS, House Bill 1235, An Act Authorizing the Town of Leland to Hold a City ABC Store Election ("H1235"), a true copy of which is attached hereto and incorporated herein by reference, has been filed in the current session of the of the North Carolina General Assembly ("General Assembly") and referred to the Committee on Elections;

WHEREAS, H1235 provides as follows:

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-600(d) reads as rewritten:

"(d) City ABC Store Elections. – A city may hold an ABC store election only if:

(1) ~~The city has at least 1,000 registered voters; and~~

(2) ~~The county in which the city is located does not operate ABC stores; if the city has at least 1,000 registered voters.~~"

SECTION 2. This act applies to the Town of Leland only.

SECTION 3. This act is effective when it becomes law.

WHEREAS, the Town of Leland ("Leland") is located in Brunswick County ("County");

WHEREAS, the County is currently operating an ABC system and stores;

WHEREAS, G.S. 18B-600 is a general law and H1235 is a proposed local act;

WHEREAS, Article II, § 24(2) of the Constitution of North Carolina ("Constitution") provides that the General Assembly shall not enact any local act by the partial repeal of a general law;

WHEREAS, Article II, § 24(3) provides that any local act enacted in violation of the provisions of said section shall be void;

WHEREAS, the Belville Board of Commissioners ("Board") finds that H1235 partially repeals G.S. 18B-600(d) by derogating the prohibition against a city ABC store election when the county in which the city is located is already operating ABC stores;

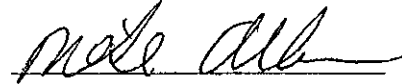
WHEREAS, the Board further finds that by partially repealing G.S. 18B-600(d), H1235, if enacted, would be prohibited and void under the Constitution; and

WHEREAS, enacting H1235 will result in the loss of ABC revenues for the County and the Town of Belville ("Town");

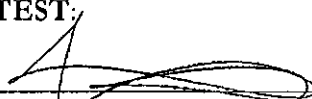
NOW, THEREFORE, IT IS HEREBY RESOLVED, in a meeting duly noticed and assembled, that the Board is opposed to the enactment of H1235 and Staff is instructed to provide a copy of this resolution to the Town's elected representatives to the General Assembly, that body's Committee on Elections, and to the mayors of municipalities located within Brunswick County.

Adopted this the 23rd day of June, 2014.

SIGNED:


MIKE ALLEN, MAYOR

ATTEST:


ATHINA D. WILLIAMS, TOWN CLERK

