

MINUTES

The Garrett County Board of License Commissioners/Liquor Control Board held their regular meeting on April 3, 2003 at 9:00 AM. Present for the meeting were Commissioners Bea Crosco and Mike Fratz; Chairperson Thomas Gearhart; Administrator to the Board, F. Gary Mullich, Deborah Owston, Administrative Assistant and Craig Ingram, Attorney to the Board.

Chairperson Gearhart called the meeting to order. A motion was made by Commissioner Crosco to approve the March 6, 2003 minutes and seconded by Commissioner Fratz with all in favor. The Board signed mileage sheets.

There was general discussion before the hearings in which Gary Mullich updated the Board on several legislative items. He mentioned that House Bill 187 which would allow a license holder to hold an additional Class "B" restaurant license has not made it all the way since the Senate ran out of time to hear the bill. The House however did hear it and approve the bill. House Bill 220 passed, which allows Special Class C Licenses to have Sunday sales in Election District 11 and 15 in conjunction with the serving of a meal. House Bill 221 was withdrawn from legislation, which would have allowed Garrett County license holders to purchase from other Garrett County retailer in addition to the purchase from Maryland wholesalers. House Bill 708 passed which was altering the definition of light wine from a maximum of 15.5 % alcohol by volume to up to 22% by volume for Garrett County. Senate Bill 276 passed which authorizes the Board of License Commissioners of Garrett County to subpoena records or papers pertaining to a business or establishment that is licensed for alcoholic beverages. Senate Bill 278 passed which broadens the scope of the wine tasting license in Garrett County to allow beer tasting under specified circumstances. Senate Bill 275, which would have authorized in Garrett County micro-breweries to sell beer for consumption off-premises in non-refillable containers, passed in the Senate but did not make it out of committee in The House.

A hearing was held at 9:30 AM for a Special 2-Day Class "C" BWL License for Saint Peter's Catholic Church. Representative, Christine Comfort, was present for the hearing. Ms. Comfort explained the license would be used for a 150th Anniversary Banquet on April 26, 2003 at the Parish Hall. Commissioner Crosco made a motion the license be approved and seconded by Commissioner Fratz and unanimously approved. After appropriate fees were paid, the license was issued.

A hearing was held at 9:45 AM for a Class "D" BWL Off-Sale License for 1450, LLC operating Winner's Circle Convenience Store located at 401 H Street, Mountain Lake Park. Applicants Craig Marple and Bruce Swift were present for the hearing. There were members of the surrounding neighborhood of the convenience store present at the hearing to hear the specifics of the license and to voice their opinions. Craig Ingram swore in the applicants and the members of the congregation under oath in the event they would like to testify during the hearing. Chairperson Gearhart explained that the licensees were self-restricting the license from allowing any on-premise consumption at the establishment. Mr. Marple explained that the business would be a convenience store, which would sell subs, pizzas, convenience store items, and beer, wine and liquor for off-sale only. Mr. Marple stated that they plan to open on May 1st. Mr. Swift answered that will employ four to six employees and Kim Hamilton would be the store manger. He also answered that some of the employees already have alcohol awareness training. They intend the hours of operation to be from 5:00 AM till 10:00 PM. Chairperson Gearhart explained that the earliest they could sell alcohol was 6:00 AM. Commissioner Crosco made a motion the license be approved pending all administrative issues are met and seconded by Commissioner Fratz and unanimously approved.

A hearing was held at 10:00 AM for the transfer of license 02-70 Class "B" BWL and 02-70D Draft Beer License from Oakland Golf Club to Mighty Oaks Pub South, LLC operating as The Pub At The Club. Applicant Timothy Wilson was not able to attend the hearing due to being out of the state; therefore Rolfe Saunders was there to represent him. Mr. Saunders explained that they intend to serve a breakfast and lunch menu at first and may include a dinner menu later. Chairperson Gearhart questioned whether or not there was anyone trained in an alcohol awareness course and Mr. Saunders responded that the two current bartenders are trained. Mr. Saunders stated that they would like to be open to the

public on April 15th, 2003. Debbe Owston mentioned that several administrative issues must be met prior to the transfer including receiving copies of a floor plan, copy of the Trader's License, copy of the Sales and Use Tax Number and a copy of the Health Permit. Commissioner Crosco made a motion to approve the transfer of the licenses contingent on receiving the above-mentioned items and seconded by Commissioner Fratz with all in favor.

A hearing was held at 10:15 AM for a Class "D" BWL On-Sale and Draft Beer for On The Rox's located on Main Street in Accident. Applicant Lynn Kasik was present for the hearing. Craig Ingram swore in the following persons under oath in the event they would like to testify; Lynn Kasik, three neighbors of the establishment, Deputy Dan Dugan, Matt Gibellino and his attorney, Arnold Phillips. Ms. Kasik explained to the Board that it would be a pizza shop and bar and the hours of operation would be Thursday thru Saturday from 8:00 PM till 2:00 AM. Ms. Kasik explained that she would be there full-time to oversee the establishment. Chairperson Gearhart discussed various noise complaints made to the police agencies. Ms. Kasik explained that this was a result of some windows being open during times when karaoke was taking place or bands playing. Roberta Sisler, a neighbor of the establishment said she feels the noise / music from the establishment should be lowered after 11:00 PM in the late evening due to the establishment being in a residential area. She does not mind the establishment being in the neighborhood, just the noise in the late evenings. Several items were discussed concerning the legality of the business entity, Deep Creek Rox's, LLC; as a result of statements made by Mr. Phillips and Mr. Gibellino. The Board went into executive session to discuss the matter in detail with each other. Commissioner Fratz made a motion to approve the license contingent on receiving 1) the registration for Deep Creek Rox's, LLC being a registered LLC to do business in the State of Maryland, 2) an employee or Ms. Kasik must take the next alcohol awareness course offered in Garrett County, and 3) a restriction that all doors and windows must be closed while there are any bands, karaoke or music being played, in order to control the noise levels and seconded by Commissioner Crosco with Chairperson Gearhart opposed to the motion.

After the hearings, the next meeting date was scheduled for May 1, 2003. There being no further business, Chairperson Gearhart motioned the meeting be adjourned, and seconded by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

May 1, 2003
Date