

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on July 1, 2004 at 9:00 A.M. Present for the meeting were Commissioners Bea Crosco and Mike Fratz, Chairperson Thomas Gearhart; Administrator to the Board, F. Gary Mullich and Deborah Owston, Coordinator of Support Services.

Chairperson Gearhart called the meeting to order. A motion was made by Commissioner Crosco to approve the June 3, 2004 meeting minutes as amended and the motion was second by Commissioner Fratz and unanimously approved. The Board signed mileage sheets.

Commissioner Fratz made a motion to approve the travel expense report for Commissioner Crosco, and the motion was seconded by Chairperson Gearhart and approved. Commissioner Crosco made a motion to approve the travel expense reports for Commissioner Fratz, and the motion was seconded by Chairperson Gearhart and approved. Commissioner Crosco made a motion to approve the travel expense reports for Chairperson Gearhart, and the motion was seconded by Commissioner Fratz and approved.

There was general discussion before the hearings in which Debbe Owston gave an update to the Board on the alcoholic beverage licenses that were not picked up by the July 1st deadline. Also, the Board was informed that The Tillerman's Pub license was issued to begin use on July 1, 2004. Sandi Flockart of The Red Run Inn informed the office of the results of the Deep Creek Watershed Zoning hearing on the abandonment of non-conforming uses. The period of amendment was changed to twenty-four months instead of one year therefore allowing the restaurant to be reopened. They intend on opening sometime during the month of July.

A hearing was held at 9:30 AM for the issuance of a Class "D" B&W On-Sale License for Mary Ellen's Fireside Deli, LLC operating as the Fireside Deli & Wine Shop located at 2205 Glendale Road. Applicants Mary Ellen Miller and Lawrence DeBerry were present for the hearing. Ms. Miller said the hours of operation would be from 7:00 AM until 9:00 PM Monday through Sunday as approved by the Planning & Zoning Office. The business will be operated as a deli and gift shop with on-premise seating for 10 to 12 and possible delivery service. The premise size is 1.5 acres / two-story building with a residency upstairs in which Ms. Miller will reside. Chairperson Gearhart inquired as to the number of employees and Ms. Miller said there would be around ten employees. Chairperson Gearhart also mentioned the requirement of a trained employee in an approved alcohol awareness course and Debbe gave the applicants a schedule of the upcoming TAM classes and phone number for TIPS. Commissioner Crosco made a motion to approve the license contingent upon favorable responses on the background checks along with a signed copy of the Health Permit and the motion was seconded by Commissioner Fratz and unanimously approved.

A hearing was held at 9:45 AM for the issuance of a Class "D" BWL On-Sale License for the Table Rock Inn located at 4676 George Washington Highway. Applicant, Robert Skeweris was present for the hearing. He told the Board that the business would be ran as a bar with the hours of operation from 2:00 PM till 2:00 AM Monday through Saturday. Commissioner Crosco questioned whom Mr. Skeweris bought the property from and he responded, "from the FBI as a result of the charges brought against the previous owners." Gary questioned who was listed on the property deed as the owners, and Mr. Skeweris said himself and Curtis Layman. Debbe Owston explained that the background check forms were returned for the quality of the prints and needed to be resent. Commissioner Fratz made a motion to approve the license contingent upon a favorable response on the background check and a signed copy of the Health Permit and the motion was seconded by Commissioner Crosco and unanimously approved.

A transfer hearing was held at 10:00 AM for the transfer of the Class "A" Beer Off-Sale License for BFS Foods from Rex Hoalcraft as an individual to BFS Foods, Inc. with Sandy Wotring as the resident licensee along with Marshall Bishop and Howard Goodstein. Ms Wotring was present for the hearing along with Delores Becker, Regional Store Manager. Upon reviewing the application, the Board went into executive session to discuss the

applicant's responses. The Board rendered a decision that they would like to talk to Mr. Bishop at an upcoming meeting after the results of the background checks are returned to the Liquor Control Board. Gary Mullich asked Ms. Wotring how long she had worked for BFS Foods and she responded that she has been employed for nine years. She was the Bruceton store manager for two and a half years and since then has been the manager in McHenry. Commissioner Fratz made a motion to issue the transfer of the license with the understanding that the Board will call in the other applicants for discussion of their background checks and Chairperson Gearhart seconded the motion with Commissioner Crosco opposing the transfer.

The hearing scheduled for 10:30 AM was held before the 10:15 AM hearing. The hearing was for a Special Class "C" 2-Day BWL License for The Friends of John J. Hafer. Applicant, Senator John J. Hafer was present at the hearing. Senator Hafer explained to the Board that the license would be used on July 17th, 2004 at the Happy Hills Farm for his annual campaign fundraiser. The beer will be purchased from Price Beer Distributors. Commissioner Crosco made a motion to approve the Special Class "C" 2-Day BWL License and the motion was seconded by Commissioner Fratz and unanimously approved. After the appropriate fees were paid, the license was issued.

The hearing that was scheduled for 10:15 AM was held at 10:40 AM for the issuance of a Class "D" BWL On-Sale License for The Yough Lounge located at The Yough Motel, 138 Walnut Street, Friendsville. Applicant, Eugene Dixon was present for the hearing. He explained that the license would be in both his name and his wife, Pamla Dixon's name. The establishment would have a sports bar atmosphere with TV's and pool tables in the lounge and they will be serving bar foods. They expect that the lounge will be primarily used by guests at the twelve-room motel and would like to be open by late August. Gary Mullich explained to Mr. Dixon that all zoning issues must be satisfied prior to the license being issued. Commissioner Fratz made a motion to approve the license contingent on receiving a signed copy of the Health Permit, proof of training in an alcohol awareness course and copy of the approved zoning permit, the motion was seconded by Commissioner Crosco and unanimously approved.

A Sales to Minor Violation hearing scheduled for 10:45 AM for Brodak's Discount Liquors will be rescheduled for an upcoming meeting as requested by George Brodak due to him being out of town.

A violation hearing was held at 11:00 AM for Pizzeria Uno, license # 03-69 & 03-69D; Class "B" BWL On-Sale with Catering Option and Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on May 20, 2004 at approximately 7:35 PM by the Maryland State Police. Licensee, Greig Johnson was present for the hearing. Mr. Johnson explained to the Board that the bartender who sold to the two cadets had been a server for several years and was in her first night of training to be a bartender and had only been trained for two and a half hours at the time of the occurrence. The bartender did ask for the Id's of both cadets. Mr. Johnson stated that he thought the bartender did the math wrong to verify their ages. He also said that they have a strict carding policy to card anyone who appears to be under thirty years of age. Commissioner Fratz made a motion that this being the first offense for the sale of alcohol to a minor, the Board will impose a letter of reprimand in the file of Pizzeria Uno, along with a \$100 fine, and the motion was seconded by Commissioner Crosco and unanimously approved. The fines and suspension guidelines for the sale of alcohol to a minor for the various offenses was explained and given to Mr. Johnson along with a copy of the Maryland Driver's License format for a minor.

A Public Hearing was held at 11:15 AM for the proposed changes to the Rules & Regulations in regards to the privileges for a Class "B" BWL On-Sale License. Debra Savage of McHenry Beverage and Roger Ruff of Midway Discount Liquors were in attendance for the hearing. Option #1 would allow the off-premise sale of wine, as defined in Article 2B, § 1-102 Definitions (a) (28); at a cost of \$200 per year for the option, an issuing fee equal to option fee would apply and a limit of two bottles per sale. As the option was open for discussion, there was no opposition to the option from those in attendance of the hearing, nor was any verbal or written comment expressed to the office. Commissioner Crosco made a motion to approve the option as written for the Class "B" license option for off-premise wine sales at a cost of \$200 per year with a first time issuing

fee equal to the annual fee and a limit of two bottles per sale, and the motion was seconded by Commissioner Fratz and unanimously approved. Option #2 would allow the off-premise sale of wine and liquor at an annual cost of \$1500 with an issuing fee applied. Chairperson Gearhart mentioned that Alice Spear of Friendsville Discount Liquors does not care if the option is allowed for the Class "B" license holders as long as the price is the same. Roger Ruff feels that a Class "B" license holder who would like to be able to sell liquor as an off-premise sale should apply for a Class "D" license which currently allows 25% of sales to be off-sale. Also, he said that by changing the sale privileges by the license class, there might be confusion in the restrictions on a server's age. Debra Savage mentioned that a current Class "B" restaurant license holder who would like to sell liquor out of a extended area of the restaurant would in fact have two separate operations one as a restaurant and the other as a package goods store and therefore should need to go through the ropes to open a liquor store. Commissioner Fratz made a motion not to approve Option #2 for off-premise sale of wine and liquor for a current Class "B" license holder at a cost of \$1500 per year with a one-time issuing fee equal to the annual fee and the motion was seconded by Commissioner Crosco with all in favor of not approving the option.

There was general discussion after the hearings concerning the Black Bear Tavern. A letter was sent to Mr. Handyside on June 21st, 2004 in reference to a noise complaint from William Trepp. Mr. Mullich mentioned to the Board that Lee Williams of the Comptroller's Office is looking into the sale of alcohol at the Highland Festival that took place at the McHenry Fairgrounds in June by Reliable Churchill Distributors. Debbe informed the Board of a letter received from McHenry Beverage on June 28th saying that they have moved into their newly remodeled previous premise located at 24465 Garrett Highway in the McHenry Plaza.

After general discussion, the next meeting was set for August 5, 2004. There being no further business, Commissioner Fratz motioned the meeting be adjourned, and seconded by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

August 5, 2004
Date