

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on December 6, 2007 at 9:00 AM. Present for the meeting were Chairperson Thomas Gearhart, Commissioners Bea Crosco and Mike Fratz, Administrator to the Board, Deborah R. Owston and Administrative Assistant, Rebecca Glotfelty.

The meeting was called to order by Chairperson Gearhart. A motion was made by Commissioner Fratz to approve the minutes and seconded by Commissioner Crosco and unanimously approved. The Board signed mileage sheets. Chairperson Gearhart made a motion to approve the travel expense report for Commissioner Fratz the motion was seconded by Commissioner Crosco and approved. Chairperson Gearhart made a motion to approve the travel expense report for Commissioner Crosco the motion was seconded by Commissioner Fratz and approved. Commissioner Crosco made a motion to approve the travel expense report for Chairperson Gearhart the motion was seconded by Commissioner Fratz and approved.

A discussion session was held at 9:50 AM for the possible approval of an increase in premise size for the Wisp Resort. Present for the discussion was licensee, Karen Myers. Ms. Myers presented to the Board a copy of the plans for both the tubing park and the Pumphouse Café. Ms. Owston questioned the seating capacity. Ms. Myers responded that she believes the Pumphouse Café seats 50, but feels it definitely exceeds 20 seats as required for a Class "B" restaurant license. Ms. Owston also questioned how customers would be receiving their alcoholic beverages? Ms. Myers responded that it has not yet been determined. Chairperson Gearhart questioned who would be running the Pumphouse Café? Ms. Myers responded Sharon Valosh, but Vicki Buckel will have bearing. Ms. Owston questioned how far the Pumphouse Café is from the McHenry House. Ms. Myers presented the Board with a copy of the Master Plan that showed both the Pumphouse Café and the tubing park with the approximate distances. Ms. Myers informed the Board that the goal for the tubing park would be to utilize the building year round as much as possible. Commissioner Crosco questioned what type of alcoholic beverages they would be selling at each location. Ms. Myers responded that they would like to have beer and wine only at the Pumphouse Café and beer, wine and regular drinks at the tubing park to accommodate special events. Commissioner Crosco questioned when the Pumphouse Café would be open. Ms. Myers responded that the Pumphouse Café would not be open year around; it would be closed the months of November and April. However, the tubing park would be open year around. Ms. Owston informed Ms. Myers that the Pumphouse Café would require a separate Resort Facility License which will need to be advertised for two weeks and could possibly be on the schedule for the January 3, 2008 meeting. As for the tubing park facility, the Board will need to decide if the distance of more than 150 feet is unreasonable. The Board decided to review all information and will advise Ms. Myers of the decision made.

A discussion session was held at 10:15 AM with Zip-eez's Convenience Store about the status of their pending license and store opening. Present for the discussion was applicant, Gale Bosley. Ms. Bosley updated the Board on the status of the State Highway's requirements to change the traffic pattern and Health Department approval. They are working on finalization, but need to request an extension. Chairperson Gearhart questioned what date they expect to open. Ms. Bosley responded that they hope to be open by February 1, 2008 or sooner. Ms. Owston informed the Board that they have already extended the approved pending license for 90 days and would prefer not to extend into another license year. Ms. Owston then reviewed a draft version of the "Request for Delivery" form with the Board and Ms. Bosley as well as a letter to the Board from the Combating Underage Drinking Committee voicing their opinion about the delivery of alcoholic beverages. Ms. Owston informed the Board that she agrees with all recommendations in the letter. She also suggested requiring two forms of ID upon delivery and possibly utilizing a cops in shops program as an additional tactic to the compliance checks for monitoring potential underage possession of alcohol, which is a concern of the CUD Committee. Ms. Owston mentioned to the Board that they consider advertising the additional requirements for the delivery of alcoholic beverages in the local rules and regulations. Ms. Owston suggested reviewing delivery option and having rules and regulations implemented for the next meeting. Commissioners Crosco made a motion to extend the approval period to February 7, 2008 to be open for business with approved Use

and Occupancy Permit, if not obtained by said date, they must reapply seconded by Commissioner Fratz and unanimously approved. The Board will review the delivery option and advise.

There was general discussion after the discussion sessions. The Board further discussed the proposed delivery form. They will review and propose rules and regulations for the delivery option at the January meeting. Ms. Owston advised the Board that the Deluxe Restaurant License needs to be defined. Ms. Owston informed the Board that there were no legislative requests made this session. Rack-em-up Billiards has decided not to move forward with obtaining an alcoholic beverage license and will go BYOB. A report from the Sheriff's Office was provided to the Board in reference to an occurrence that involved the Table Rock Inn. The Board would like to schedule the licensee from Table Rock Inn to attend the January meeting to explain the occurrence. Ms. Owston updated the Board that Mr. Bittinger is no longer the finance officer for American Legion Post #71. Based on current communication with American Legion Post #71, they would like to stay with their current license class. The Board would recommend that they change to a Class D license. Ms. Owston informed the Board that El Canelo's received their Class "B" BWL On-Sale license on November 28, 2007 and Keyser's Ridge Liquors are still waiting for an electrical inspection, therefore their license transfer is still pending. The Board reviewed a letter from Kevin Potter of Point View Inn requesting approval to put his licenses on hold during construction. Chairperson Gearhart made a motion to put the licenses on hold during construction and if it goes into the license renewal period, fees will be collected at renewal seconded by Commissioner Crosco and unanimously approved. Ms. Owston discussed the request for approval that was made by the Hen House for Off-Premise Wine Sales Option. The Board approved the request on November 19, 2007 and Ms. Owston is still waiting for the original license to be returned. The Board reviewed the request made by Karen Myers, Wisp Resort for an increase in premise. Chairperson Gearhart made a motion to approve the additional serving area for the Tubing Park seconded by Commissioner Fratz. Commissioner Crosco made a motion to require Wisp Resort to submit a separate application for the Pump House Café premise being an additional facility on the upgraded Resort License seconded by Commissioner Fratz and unanimously approved. Ms. Owston informed the Board that Bruce Van Wagner of North Lake Café has submitted a request for the delivery option. A letter was presented to the Board with the guidelines that Mr. Van Wagner has set forth for his establishment when delivering. Ms. Owston informed that Board that Mr. Van Wagner also caters events. It was suggested that the delivery option does not include delivery to catered events. Commissioner Crosco made a motion to approve the delivery option for North Lake Café, which does not include delivery to catered events seconded by Commissioner Fratz. Ms. Owston made a suggestion for the Board to make a legislative request to add the Catering Option to the Class "D" B&W On- Sale License. Ms. Owston also updated the Board in reference to Kitzmiller Station temporarily being closed due to fire and a request to put license on hold until reopening. Chairperson Gearhart made a motion to put the license on hold during cleanup and if it goes into the license renewal period, fees will be collected at renewal seconded by Commissioner Crosco and unanimously approved. A report from the Sheriff's Office was presented to the Board indicating an incident that mentions Mooney's Bar. The Board would like for Jeff Kurilla, licensee, to be present at the January meeting to further discuss. Ms. Owston is to gather more information prior to scheduling meeting. Ms. Owston also informed the Board that the Comptroller's Office will no longer provide Article 2B of the Annotated Code to the Liquor Control Board. A suggestion was made to contact the Senator's Office and Delegate's Office and carbon copy the Comptroller's Office in reference to this issue. Ms. Owston is to contact the MALA Executive Committee to see if they would like to send this correspondence as a group. Ms. Owston will contact the Attorney to the Liquor Control Board in reference to the proposed delivery form and advertising and will then advise the Board as to where they are.

After general discussion, the next meeting day was set for January 3, 2008. There being no further business, Chairperson Gearhart motioned the meeting be adjourned and seconded by Commissioner Fratz.

Thomas A. Gearhart
Chairperson

January 3, 2008
Date