

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on February 5, 2009 at 9:00 AM. Present for the meeting was Commissioner Mike Fratz, Chairperson Thomas Gearhart, Administrator to the Board, Deborah R. Owston and Administrative Assistant, Rebecca Glotfelty.

Chairperson Gearhart called the meeting to order. A motion was made by Commissioner Fratz to approve the December 4, 2008 minutes with recommended changes, seconded by Chairperson Gearhart. The January 8, 2009 meeting was not conducted. The Board signed mileage sheets.

Before the meeting there was general discussion. Ms. Owston updated the Board on the recently submitted legislative requests. House Bill 334 addresses the increase to certain license fees, issuing fees for the Beer & Wine Tasting Option and the addition of the regulations for the Delivery Option in Garrett County. Ms. Owston also put a request in to tag onto the City of Baltimore, Anne Arundel and Frederick counties request to get updates from CJIS in reference to background checks. Only one Wine Festival pre-application was submitted by the January 7th deadline. The Wisp Resort submitted an application for the Deep Creek Wine Festival to be held on September 12, 2009. On January 8th, 2009 Commissioner Fratz made a motion to approve the pre-application request, seconded by Commissioner Crosco and unanimously approved. Ms. Owston confirmed the status of the license issued to Black Bear Tavern & Restaurant noting that on December 22, 2008 Planning and Land Development changed the zoning use from a tavern to a restaurant. As result food sales must exceed alcohol sales. The change in use must be supported by a report of monthly receipts generated by an accountant and submitted to the Planning office for a period of twelve months. Mr. Handyside submitted a letter to the Board on December 23, 2008 requesting the license class be changed to a Class "B" BWL On-Sale with the Sunday Sales Option. Chairperson Gearhart made a motion to switch from a Class "D" BWL On-Sale to a Class "B" BWL On-Sale License with the Sunday Sales Option based on the intended change in operation, seconded by Commissioner Fratz and unanimously approved by Commissioner Crosco. Lake Pointe Inn submitted a letter to the Board for approval to upgrade their current Class "B" B&B On-Sale License to include the Sunday Sales Option. On December 10, 2008, Commissioner Crosco made a motion to approve the license upgrade to include the Sunday Sales Option seconded by Commissioner Fratz and approved. Ms. Owston informed the Board of a request received from the Friendsville Volunteer Fire & Rescue Department to upgrade their Special Class "C" Multi-event license from 12 events to 24 events. Commissioner Fratz made to motion to approve the request for 24 events, seconded by Chairperson Gearhart. The Board was advised that Swallow Falls Store is currently closed and per conservation with a representative, Mr. Sweda, the license holder, will be returning the licenses. The licenses for Swallow Falls Store are now null and void. The license for Mooney's Pub is currently on hold until spring based on a motion that was made on January 8, 2009 by Commissioner Fratz, seconded by Commissioner Crosco and unanimously approved by Chairperson Gearhart. Since that time, Ms Owston has received a notice that they plan to reopen the downstairs on February 16, 2009 and the upstairs on April 1, 2009. Ms. Owston reviewed the current renewal holds with the Board requested from the Comptroller's Office. Renewal applications will be sent to all license holders in March. A question was brought to the Boards attention by Paul Roberts of Deep Creek Cellars in reference to a partially consumed bottle of wine. In accordance with article 2B § 12-107.1, the purchase must be with a meal. Therefore, this would exclude the proposed Class "W" Wineries. As for the proposed Class "W" Winery license, Mr. Atticks of was to get back to the Board with requested information based on the December 4, 2008 meeting and as of today no information has been received. Ms. Owston informed the Board that Silver Tree Enterprises, LLC is now current with the County and will not be closing.

A Special Class "C" License hearing was schedule for 9:30 AM with the Knights of Columbus #1442 with no attendance on their behalf.

A Public Hearing was held at 9:45 AM for the proposed changes to the Rules and Regulations in reference to Section 1.1 License and Application Fees and Section 1.9 Sunday Sales Option. Present for this hearing was Board Attorney, Mr. Craig Ingram, along with Scott Lohr from Lohr Distributors, Mr. & Mrs. Yommer of Ledo's Pizza and Bill Ingram of Uno's. Chairperson Gearhart began the hearing by reading the proposed regulations and then asked for comments. The group present gave no comments. Ms.

Owston questioned if Mr. Lohr was concerned about delivering on Sunday. Mr. Lohr replied, no. Mr. Lohr then questioned if the new regulations were similar to Allegany County. Ms. Owston responded that Garrett County is the only county that requires “a meal” other counties require that food be made available. Mr. Yommer questioned no sales after 10 PM on Sunday and would the alcohol have to be consumed by 10 PM? Chairperson Gearhart responded you cannot sell after 10 PM. Ms. Owston also replied that consumption is not going to be addressed at this time. Chairperson Gearhart asked for any other comments or objections? Mr. Craig Ingram questioned the wine in the trunk – the unfinished bottle on a Sunday? Ms. Owston replied that the provision of Article 2B § 11-512 specifically states “on premise” for the Sunday Sales law and would assume that the unfinished bottle would not be allowed to be taken on Sunday. . Mr. Lohr questioned if the time was voted on. Chairperson Gearhart replied that it was in the law, the law states sales, not consumption and that is why they went with the last purchase could be at 10 PM. Ms. Owston informed the Board that they do not currently have any Class “C” Service Clubs; a question was previously asked by Commissioner Holliday. Commissioner Fratz made a motion to accept the proposed Section 1.9 regulations as discussed, seconded by Chairperson Gearhart. Ms. Owston reported that Commissioner Crosco is also in favor, but was unable to attend today. Chairperson Gearhart requested that Ms. Owston read the proposed Section 1.1 in reference to the License Application Fees to those present. Ms. Owston did so. After reading, Ms. Owston explained that this would increase the Application fee from \$75.00 to \$150.00 non-refundable application fee. She also reported the current legislation requests in HB 334 that have been submitted by the County Commissioners. The first is an increase in the duplicate license fee from \$1.00 to \$10.00. The second being an increase in the transfer fee from \$20.00 to \$200.00. The third part of the legislative request is the issuing fee for the Beer and Wine Tasting option. Article 2B § 8-406.1 does not address that issuing fees currently apply to the Beer & Wine Tasting Option. In Garrett County with any new license or option, issuing fees apply, so this request is to insert “issuing fees apply” as the standard wording. Also, a request has been made to amend Article 2B § 12.301 for the Delivery Regulations specific to Garrett County. Chairperson Gearhart then asked for any further questions or comments. None were made. Chairperson Gearhart made a motion to approve Section 1.1 to increase the application fees, seconded by Commissioner Fratz. Ms. Owston informed those present that the Board voted to accept the proposed regulations as written, there will be a period of time for comments to be received and at the next meeting in March or in 30 days they go into effect. Mr. Craig Ingram questioned the status of the proposed Class “W” License. Ms. Owston replied that she just received the proposed Class “W” Winery license information from Delegate Beitzel this morning. It is as written as before with the exception of a couple of sections that are questionable for Garrett County. Such as, 2-year State residency as opposed to Garrett County residency. The question was then asked to Mr. Craig Ingram would our local regulations trump. Mr. Ingram replied that it would be difficult to say the reg goes contra to a specific law. Ms. Owston continued with the other issue being that the proposed Class “W” Winery license allows the Board to set a fee up to \$200. This is a law put in by the Winery Industry, not by the Liquor Control Board and it does not address that issuing fees apply. Ms. Owston will recommend that Delegate Beitzel and Senator Edwards to insert issuing fees apply in Garrett County. Another privilege of the proposed Class “W” Winery license is to operate seven days a week. There are some questions or concerns on this matter. The third provision of where they can operate, also allows them to operate at another Class “W” Winery license as a co-op. Section G-3 allows the liquor board to approve a different location. There has been no input on what was meant by this section. More information on this section is needed. Mr. Ingram informed the Board that it would be at their discretion to limit additional locations. He also questioned the deletion of the seven-day section. Ms. Owston replied that this was Delegate Beitzel and Senator Edwards call. Further discussion took place on the proposed Class “W” Winery license. Chairperson Gearhart again asked if there were any questions. None were made. Ms. Owston then informed those present that the approved regulations would be put on the website and additional comments can be received.

The next meeting date was set for March 5, 2009. There being no further business, Chairperson Gearhart motioned the meeting be adjourned and seconded by Commissioner Fratz.

Thomas A. Gearhart
Chairperson

March 5, 2009
Date