

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on June 4, 2009 at 9:00 AM. Present for the meeting was Commissioner Bea Crosco, Commissioner Mike Fratz, Chairperson Thomas Gearhart, Administrator to the Board Deborah R. Owston and Administrative Assistant, Rebecca Glotfelty.

Commissioner Fratz called the meeting to order. A motion was made by Commissioner Crosco to approve the minutes, seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart. The Board signed mileage sheets. Travel expense reports for time period of January through June 2009 were reviewed and approved. Commissioner Fratz made a motion seconded by Chairperson Gearhart to approve the travel expense report for Commissioner Crosco. Chairperson Gearhart made a motion seconded by Commissioner Crosco to approve the travel expense report for Commissioner Fratz. Commissioner Crosco made a motion and seconded by Commissioner Fratz to approve the travel expense report for Chairperson Gearhart.

Before the meeting there was general discussion. Ms. Owston informed the Board that a representative from the Silver Tree Inn would not be attending today's meeting as indicated on the Agenda, due to unforeseen circumstances. Ms. Owston then updated the Board on the status of all renewal applications. As of today's date there has been no renewal application received from Silver Tree Inn, Friendsville Fire Department will not be renewing their license at this time, The Long Branch Saloon will be changing to a Class "B" alcoholic beverage license, and Old Pike 2 will be changing to a Class "D" alcoholic beverage license. Ms. Owston is awaiting sale reports for Sante Fe Grille and Mooney's Pub. Ms. Owston told the Board that she sent letters with all renewal applications this year, indicating that a valid Trader's License must be submitted with the renewal application. There were some establishments that were not able to fulfill the requirement. The Board was provided with a list of these establishments. Ms. Owston then updated the Board on the recent MALA Spring Conference with the number of attendees and agenda topics. MALA will not be having a fall conference this year, but will instead have Administrative workshops. Next years spring conference is tentatively scheduled for Ocean City.

A license hearing was held at 9:30 AM for the issuance of a Class "D" Beer & Wine On-Sale License to A.B.A. Enterprises, LLC operating as Curt's Corner. The establishment is located at 2610 North Glade Road in Swanton. Applicants Charles Ashley Crawford and Elaine McDonald were present for the hearing. Mr. Crawford informed the Board that the establishment would be operated as a convenience store with food and deli items. He feels that offering beer and wine will potentially bring in business. Hours of operation will be Monday thru Thursday 6:00 AM until 8:00 PM, Friday and Saturday 6:00 AM until 10:00 PM and Sunday 8:00 AM until 5:00 PM. Mr. Crawford also informed the Board that he is the only one that is TIPS trained but as of now it will be ran only by himself and his wife. Chairperson Gearhart advised Mr. Crawford of the importance of carding. Ms. Owston advised Mr. Crawford that, if approved, his license will only be good until June 30th and a renewal application will need to be completed for the upcoming license year which begins July 1, 2009. She also advised that his alcoholic beverage license is good for Monday through Saturday from 6 AM until 2 AM; all alcoholic beverages must be purchased through a Maryland wholesaler. She then requested that the office be notified on any changes in hours of operation and suggested that a sign be placed in the store indicating that there are no Sunday sales of alcoholic beverages. Commissioner Crosco made a motion to approve the Class "D" Beer & Wine On-Sale License; the motion was seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart. Fees were paid and the license was issued. The renewal application was given to Mr. Crawford to be signed by the landlord and returned to the office along with a packet of information containing an I.D. Checking Guide pamphlet, the local Rules & Regulations, etc.

A license hearing was held at 9:45 AM for the issuance of a Class "D" Beer, Wine and Liquor On-Sale License and a Draft Beer License to St. Moritz Boardwalk, Inc. operating as St. Moritz Boardwalk. The establishment is located at 609 Deep Creek Drive in McHenry. Applicants Philip St. Moritz and Gary Yoder were present for the hearing. Mr. St. Moritz started by informing the Board that he has been in business for 44 years and would like to commend Ms. Owston for the job that she does. He then informed the Board

that hours of operation for summer months would be Monday through Saturday 12:00 PM until 2:00 AM, for winter months Monday through Friday 4 PM until 2 AM and Saturdays 12 PM until 2 AM. Teresa Hamilton, General Manager and bartender Kevin Gloeckl have recently been certified in TIPS training. Joy Thrasher will be the bar maid and will be TIPS trained in the future. The establishment has been completely remodeled. Mr. St. Moritz indicated that he understands all of the Zoning regulations. He also advised the Board that Mr. Nemith has allowed him to use a small vacant house across the street for storage. Chairperson Gearhart questioned if it was secure? Mr. St. Moritz replied, yes; but he thinks that he will put an alarm system on both buildings. Chairperson Gearhart then questioned if this area is part of the premise? Ms. Owston advised the Board that she has the floor plan and it is to include the little stone house across the street as part of the premise, it is all part of the same map and parcel. She also indicated that she has everything with the exception of a Health Permit. There is a small punch list according to Ms. Buckle from the Health Department who advised Ms. Owston that she has given approval for the bar operation but not for food sales. The opening date for the operation is not until next Thursday. Ms. Owston also reported that there were no protests at the Special Exception hearing that was held by the Deep Creek Board of Zoning Appeals. As a result of SE-401, they are permitted for outside entertainment from 2:00 PM until 9:00 PM Monday thru Saturday. The outside entertainment is only allowed up to three times per week. The Board reviewed the criminal history background results with the licensees and then went into Administrative Session. After the Administrative Session the Board decided that they were satisfied with the details as presented. Commissioner Fratz made a motion to approve the Class "D" BWL On-Sale License and Draft Beer License, pending the Health Permit, to St. Moritz Boardwalk; the motion was seconded by Commissioner Crosco and unanimously approved by Chairperson Gearhart. The renewal application was given to Mr. St. Moritz to have signed by landlord and returned to the office along with a packet of information containing an I.D. Checking Guide pamphlet, Local Rules & Regulations, etc.

A transfer license hearing was held at 10:00 AM to transfer the Class "B" Beer, Wine & Liquor On-Sale License issued to Richard Garlitz, Hilltop Inn Restaurant & Lounge. Applicant Dane Whisner was present for the hearing. Mr. Whisner reported that he currently has two employees trained in Alcohol Awareness. Hours of operation will be Wednesday through Thursday from 11:00 AM until 7:00 PM, Friday and Saturday from 11:00 AM until 8:30 PM and Sunday from 11:00 AM until 6:00 PM. They will be closed on Mondays and Thursdays. Ms. Owston questioned if anything had changed from the previous licensee? Mr. Whisner replied that everything was the same. Commissioner Fratz made a motion to approve the transfer of the Class "B" BWL On-Sale License issued to Hilltop Inn Restaurant & Lounge to Dane S. Whisner, seconded by Commissioner Crosco and unanimously approved by Chairperson Gearhart. The transfer fees were paid and the license was issued. The renewal application was completed by Mr. Whisner and filed with the Board.

A discussion session was held at 10:15 AM concerning the Wisp Resort. Licensee Karen Myers was present along with Vickie Buckle and Tom Prather. The first topic of discussion was Sunday sales on the golf course. Mrs. Myers presented the Board with a copy of a proposal of how they plan to handle Sunday sales on the golf course. They plan to sell by package only. This will help to cover the "with a meal" regulation. Mrs. Myers explained the entire scenario to the Board. Chairperson Gearhart expressed concern of individuals bringing their own alcoholic beverages on the golf course. Commissioner Crosco feels the intent of the law is not to be on a golf course. Ms. Owston questioned if there would be a picnic table. Ms. Buckle replied that there were benches. Mrs. Myers responded that most people eat in their golf cart. Attorney to the Board, Craig Ingram, questioned how the Gazebo would fit in. Mrs. Myers replied that whether they get alcohol from the cart or the Gazebo, it would be purchased as a package. Mr. Ingram suggested that Mrs. Myers might want to make one of the two required food items, be a sandwich. Ms. Owston indicated that she did see Commissioner Crosco's point; however, Wisp Resort does have a restaurant license. Mr. Ingram questioned what the licensed premise was. Ms. Owston replied that the golf course was part of the licensed premise. Mr. Ingram responded that it is a meal and is on the licensed premise. He feels that the Wisp should place notice in their rules that BYOB is not permitted. Ms. Owston questioned the age of the girls running the service cart and the Gazebo. Ms. Buckle replied that they would be removing the 18-year-old employees out of the Gazebo on Sundays. Chairperson Gearhart indicated that

he did not see a problem with the packaged lunch that was proposed. Mr. Ingram advised the Board that it was not necessary to have a motion on the topic of discussion. Mrs. Myers indicated that she was just looking for guidance. Commissioner Fratz then also responded that he was o.k. with it. Commissioner Crosco again responded that she feels that this is not the intent of the law and is uncomfortable. The next topic of discussion was on the Lakeside Club and the recommended license class. After thorough discussion with Mrs. Myers, the Board recommended that she check with the Fire Marshall on the approved seating capacity to be able to apply for a Class "B" BDR Deluxe License. Ms. Owston advised Mrs. Myers that the deadline for the July meeting is next week. Mrs. Myers indicated that they would like to be open by the third week of June, but will not have alcohol until a license is approved. Mr. Ingram advised Mrs. Myers that she needed to have Fire Marshall and Health Department approval on outside seating, as the Board was o.k. with outside seating being calculated into the occupancy load. The last topic of discussion was the Lodestone Golf Club that Mrs. Myers was proposing to be on the top of the mountain and the possibility of delivering alcoholic beverages from the Wisp Pumphouse Café licensed premise to the course. Mrs. Myers indicated that it would have limited club members. Ms. Owston questioned the distance and if it was contiguous. Mrs. Myers informed Ms. Owston that she will provide the Board with a map and that it is contiguous. This will be discussed more when additional information is provided.

After the meeting there was general discussion. Ms. Owston updated the Board on North Glade Inn. Indicating that the barn is not part of the licensed premise. As for last months issue with the Friendsville Food Fair and the ad for Riverside Hotel including a glass of wine with dinner, Ms. Owston gave the information to the Comptroller's Office and they handled the concern. The issue is now resolved. Mt. State Brewing Company called the office and advised that they will be having acoustic music on Saturdays from 1 PM until 5 PM. Brian Arnett will check with the nearby church to make sure there are not problems or concerns. Good to Go had one of their employees call for an outside BBQ and questioned the selling of beer outside. Ms. Owston advised that their license allows on or off-premise sale, but to contact the Health Department prior to event on the outside regulations for the BBQ. She also reminded them of the regulation to be 21 years of age to sell alcohol. Ms. Owston then questioned the Board on any knowledge of past dispensary history and any suggestions on where to do some research. Ms. Owston then went to the topic of McHenry Beverage Shoppe. She indicated that there was an issue of a wedding party having their alcoholic beverage purchase delivered and no one from the wedding party was there to sign. After discussion, Commissioner Crosco suggested that anyone outside of the rented establishment could sign for the delivery. Both Commissioner Fratz and Chairperson Gearhart agreed. The Board then finalized on the approval of the FY10 alcoholic beverage renewal applications. Commissioner Crosco made a motion to approve the renewal applications as submitted, pending the Traders License holds, seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart.

The next meeting date was set for July 2, 2009. There being no further business, Commissioner Fratz motioned the meeting be adjourned and seconded by Chairperson Gearhart and unanimously approved by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

July 2, 2009
Date