

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on March 4, 2010 at 9:00 AM. Present for the meeting was Chairperson Tom Gearhart, Commissioner Bea Crosco, Commissioner Mike Fratz, Administrator to the Board Deborah R. Owston and Administrative Assistant, Amanda Klotz.

Chairperson Gearhart called the meeting to order. The Board signed mileage sheets. It was decided by the Board that the full details of police reports that are reviewed by the Board in reference to an establishment should be placed in that establishments file and not recorded in the minutes to the fullest extent.

There was general discussion before the first hearing. Ms. Owston reported to the Board there are currently several legislative issues she has been working on. The letter of opposition that Ms. Owston had drafted in reference to HB-716 Direct Wine Shippers' License was reviewed by the Board. In reference to HB-921 & SB-858 for the Maryland Winery Modernization Act, Ms. Owston explained that this bill includes a Farmers' Market Permit for a Class 4 Winery. This Act could possibly eliminate the winery from needing a local alcoholic beverage license. The Comptroller's Office would be the regulating agency in this case instead of the local Boards. There are a few amendments specific for Garrett County planned for the bill including no Sunday sales without voter approval and no off-premise sales on Sundays. If the legislation passes with the amendments for Garrett County, then Article 2B § 11-512 will need changed to include the wineries. The current proposed legislation would allow wineries to have all of their current privileges as well as additional privileges for the same license fee through the Comptroller's Office. Ms. Owston explained that she would like to read through the legislation better to determine if in the instance of the Farmers' Market Permit, if the winery would be acting as its own retailer. Ms. Owston will continue to monitor this legislation and will update the Board with any amendments when appropriate. She indicated that HB-400 for the Wine Festival seems to be going well and she hasn't heard anything in the contrary to this point. HB-832, if passed, will implement a tax increase on alcohol. Ms. Owston is monitoring this bill as well and reported that the Health Department agency involved in combating under aged drinking will most likely be supporting the bill.

A license hearing was held at 9:30 AM for a Class "A" Beer Off-Sale License for the Coal Bucket Café. Present for the hearing were applicants Allan Chadderton and Mildred Lucas. Chairperson Gearhart asked Mr. Chadderton how long he has been operating the establishment. Mr. Chadderton indicated that he has been operating the café since October 2009 after the Town of Kitzmiller bought the building and renovated it. Chairperson Gearhart asked for an overview of the plans for the license. Mr. Chadderton explained that there is a room that is completely separate from the restaurant where he plans to sell carry out beer, tobacco and lottery. He does not plan to allow alcohol in the restaurant at all. There is a separate entrance into the room and customers will not have to go through the restaurant at all. They plan to have beer and wine coolers and the employees will be the only people with access to anything in the room. Customers will have to make their requests to the employee who will then get the product from behind the counter. Ms. Owston indicated that the Town of Kitzmiller as well as Zoning will not allow any type of wine or distilled spirits to be sold within the town limits. Commissioner Crosco asked the seating capacity of the restaurant and whether or not it can be expanded at all. Mr. Chadderton indicated that the current seating capacity is 20 and they cannot expand due to a water use restriction. Ms. Owston confirmed

with Mr. Chadderton that all of the appropriate contact information is correct in her records. She also asked if there are any outbuildings or sheds separate from the main building that would be used for alcohol storage. Mr. Chadderton indicated that there would not be any storage of alcohol in any building other than the main building. Ms. Owston explained that a licensed establishment can only purchase alcohol from a licensed Maryland wholesaler such as Lohr's or Wantz's and that the distributors typically have useful information on preventing the sale of alcohol to minors. She explained that the Board will hold the licensees responsible should there be a sale to a minor incident and that should such an incident, or any incident involving the police, occur at the establishment, the office should be notified immediately. She also explained that employees must be at least 21 years of age to ring up the sale of alcohol and at least one employee is required to be trained in an approved alcohol awareness certification. She reminded them that if they ever have any questions that they should call the office. She also recommended that they take the free on-line training course for checking ID's and refusing a sale on the "We Card" website as an additional resource. The web address is www.wecard.org. Chairperson Gearhart explained that all employees should be familiar with the differences between a license of someone that is at least 21 and someone that is not. A motion to approve the issuance of the Class "A" Beer Off-Sale License was made by Commissioner Crosco, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. Ms. Owston explained that the renewal application would be sent out in the next few weeks. These forms will be due back to the office by May 1st, however, payment will not be due until the last two weeks of June when the license is available to be picked up.

A license hearing was held at 10:00 AM for a Special Class "C" 2-day BWL license for the Grantsville Fire Department. Present at the hearing was applicant Steve Smith. Chairperson Gearhart asked Mr. Smith to give a brief overview of the event. Mr. Smith explained that they were planning to hold a Gun and Cash Bash on April 3rd from noon to 6:00 PM. Plans are to sell 1000 tickets for \$25 each and they expect to have between 400 and 500 people in attendance at the event. Wantz Distributors will be supplying the beer trailer as well as a person to work. The fire department will also have an alcohol awareness trained individual stationed at the beer trailer. They will be issuing wrist bands to anyone that is over 21 that plans to drink and there will be several people monitoring the crowd. Should anyone be caught drinking under age or supplying to a minor, they will be escorted out immediately. Even with the wrist bands, if there is a question of the person's age, they will be carded before being served. Ms. Owston explained that due to a mix up at the Republican Newspaper, the notice of the hearing was not run in the paper and consequently, should the Board choose to approve the license request, the license would be held until Friday, March 12th to allow anyone with comments to contact the office. The check was given to Ms. Owston which she will have the Finance Office hold until the license is issued next week. Ms. Owston explained that if this is a successful event and they would like to do more than one in a year, applying for a multi-event license would be of benefit to the fire department. A motion was made by Commissioner Fratz to approve the issuance of a Special Class "C" 2-day BWL license pending the advertising requirements. The motion was seconded by Commissioner Crosco and made unanimous by Chairperson Gearhart.

Following the hearings, several additional items of general discussion were reviewed by the Board. Ms. Owston explained that the advertisement for the Wine Festival License had been in the paper for 2 weeks. The police reports from the compliance checks were received. Out of the 67 establishments that the officers attempted to check, 11 were closed and 5 sold to

the cadet. At one of the establishments, the employee that sold to the cadet was under aged herself. All 5 of these establishments will be called in for hearings on April 1, 2010. Ms. Owston also reported that the ownership of Good to Go in Friendsville recently changed and the licensee will need to be changed. Ms. Owston then reported that another police report was received on an establishment that had an incident previously. The Board decided to have Ms. Owston get in contact with that licensee to make him aware that the Board is aware of the incidents and that they will be monitoring the situation. Ms. Owston continued the discussion in reference to the wine tasting during the Winter Fest festivities. She indicated that a winery could have conducted the tasting with their license through the Comptroller's Office, or an individual or non licensed establishment could have purchased the wine for this to fall within the law. In this instance, the Winter Fest committee purchased the wine and the tasting was done at the Book Market. This will be discussed at the spring MALA conference and the Board may want to consider adding some regulations to the local regs to control such situations. Ms. Owston reported that she was contacted by Mr. Arnett from Mt. State Brewing in reference to that establishment wanting to set up a trailer along the lake this summer to sell product. Ms. Owston instructed him to speak with the Planning & Land Development Office first. If they approve, then the Board will need to be contacted for approval. She also indicated that the Avilton Inn burnt down recently and explained that the licensees would like the license to be placed on hold for the time being. Their hopes are to reopen by July 1, 2010. If they are not able to meet this deadline, the license will have to be renewed in order for it to continue to stay on hold. A motion was made by Commissioner Crosco to place the licenses on hold with the understanding that the licenses will have to be renewed at the appropriate time in order for it to stay on hold past July , 2010. The motion was seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. Ms. Owston also reported that there were several multi event licenses used or scheduled for use recently. A cash bash was held by the Friendsville VFD on February 27, 2010, a Gun and Cash Bash is scheduled for March 6, 2010 for the Eastern Garrett VFD, a Mega Bash is scheduled for March 13, 2010 for the Oakland VFD and a Gun Bash is scheduled for April 10, 2010 for the Garrett County FOP Lodge #99. A letter and map was received by the Wisp Resort in reference to the new golf course that is scheduled to open in June. The Board reviewed the letter and map and asked that more research be done by Ms. Owston before a decision is made on whether this premise should be included on a current license that is held by the establishment. Ms. Owston will be in contact with the licensee to update her on the Boards discussion.

There being no further business to discuss, Commissioner Crosco made a motion to adjourn the meeting. The motion was seconded by Commissioner Fratz.

The next regular meeting of the Board of License Commissioners is scheduled for Thursday, April 1, 2010.

Thomas A. Gearhart
Chairperson

April 1, 2010
Date