

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on September 2, 2010. Present for the meeting was Chairperson Thomas Gearhart, Commissioner Mike Fratz, Commissioner Bea Crosco, Administrator to the Board Deborah R. Owston and Administrative Assistant, Amy Baker.

Chairperson Gearhart called the meeting to order at 9:00 AM. The motion to approve the previous meeting minutes was made by Commissioner Crosco, seconded by Chairperson Gearhart and made unanimous by Commissioner Fratz. The mileage sheets were signed.

There was a general discussion before the hearing to be held at 9:30 AM. Ms. Owston reported that Ashley Crawford would like to transfer his alcoholic beverage license from the Curt's Corner location to Kitzmiller at the location of the former Kitzmiller Station. The town of Kitzmiller ordinances were researched and there are no laws referencing the sale of alcohol. In addition, Ms. Owston spoke to Jim Browning who is the mayor of the town. He concurred there appears to be no laws in reference to alcohol and mentioned that years ago the property deeds may have included prohibited use for alcohol sales and consumption within the town limits. Some Kitzmiller citizens have voiced their concerns about not wanting to have a bar in the community. The Coal Bucket Café is a licensed establishment in Kitzmiller that operates primarily as a food service facility with off-premise beer sales. Ms. Owston reported that Mr. Crawford would be operating as a convenience store. His existing Class "D" Beer & Wine On-Sale license allows for the sale of alcoholic beverages for on-premise consumption or consumption elsewhere. Commissioner Crosco reported that she had received a call regarding the opening of Bud's Package Store. Some Crellin citizens have voiced their concerns about not wanting to have a bar in the community. Ms. Owston reported that she attended the MALA – Tastings Forum & Executive Committee Meeting. The spring conference will be held in May 2011. Ms. Owston reported that the discussion was covering tasting events on licensed premises. They covered that in some jurisdictions tastings need to be licensed for each event. The Board agreed that additional licenses would be unwarranted as required by some other jurisdictions. Tracy Frantz inquired about BYOB at a Penn Alps reception.

A license hearing was held at 9:30 AM for a Class "D" BWL Off-Sale License. Present for the hearing were applicants, Barbara A. Williams, Christopher J. Williams and Fred Helbig, as well as, Francis Williams who is one of the owners of the property. The license is to be used at 2370 Hutton Road, Oakland, MD as Bud's Package Liquors, LLC. Ms. Williams explained that there would be a package store and bar selling beer and liquor. Ms. Williams said that she would be managing the business. Chairperson Gearhart advised that they would need to be especially aware of the closeness of churches and neighbors. Commissioner Crosco asked how many people were allowed to be in the bar. Ms. Williams was not aware of the seating capacity and was advised by Ms. Owston to contact the Fire Marshal's Office. Ms. Williams said they would open 8:00 AM – 10:00 PM. Ms. Williams said that they would have bags of chips and microwavable pre-packaged foods as permitted by the Health Department. Ms. Williams instructed that only family members would be working at the licensed premise. Ms. Williams is the only employee that has attended alcohol awareness training. Ms. Owston reminded applicants of late fees applying to late renewal paperwork. Ms. Owston also instructed them that all alcohol must be purchased from a Maryland licensed wholesaler. Ms. Owston reviewed the privileges of the Class "D" BWL Off-Sale license and that it allows for up to 25% of the sales to be on-premise. Ms. Owston reviewed the fines and suspensions associated with a violation of sales to a minor. Chairperson Gearhart reminded the applicants that they need to adequately check identification and go over that with all employees. Ms. Owston reviewed the license laws regarding confiscation of license. Ms. Owston reported that Mr. Helbig is on the license to serve as the applicant fulfilling the one year business requirement required by Article 2B § 9-212 (a). Ms. Owston reminded the applicants to keep communication with office open. Ms. Owston stated in accordance with Article 2B § 12-108 it is illegal to serve a visibly intoxicated person. Ms. Owston reported that a minor cannot loaf or loiter on the premises in accordance with Article 2B § 12-212. Ms. Owston reported that if they decide to operate the business as more of a nightclub then they need to let the Board know. A motion to approve the Class "D" BWL Off-Sale was made by Commissioner Fratz, seconded by Commissioner Crosco, and was made unanimous by Chairperson Gearhart. All fees were paid and the license issued.

A license hearing was held at 9:45 AM for a Special Class "C" BWL 2-Day license for Northern Garrett County Rescue Squad. Present for the hearing were applicants, Dana Green and Nancy Savage. The license is to be used at the Garrett County Fairgrounds, McHenry, MD on September 17th & 18th, 2010. Ms. Green reported that they are having a gun and cash bash. The persons serving have had TIPS training. Ms. Green said they have held the event for the past five years. Ms. Owston asked where the alcohol is coming from. Ms. Green reported that the alcohol is being purchased through Lohr's Distributors. Ms. Green noted that underage drinkers would be immediately dismissed. Chairperson Gearhart suggested that the tickets could be voided if underage drinking occurs. Ms. Green announced that her husband is a police officer and that he makes announcements of rules continually through the event. Tickets are \$25/person; 1000 tickets have been printed. A motion to approve the Special Class "C" BWL 2-Day license was made by Commissioner Crosco, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. All fees were paid and the license issued.

Following the hearing, several additional items of general discussion were reviewed by the Board. Ms. Owston explained Ms. Williams's background check to the Board. Ms. Owston reported that Pizza Hut / Midland Food Services, LLC is going through bankruptcy. They are going to be restructuring as Sugar Creek Pizza, LLC. Ms. Owston asked the Board if Sugar Creek Pizza, LLC would need to transfer the license. Ms. Owston reported that the federal identification number changed and therefore the Comptroller's Office said new accounts should apply. Ms. Owston suggested that the Board require Sugar Creek Pizza, LLC to apply for new licenses. Chairperson Gearhart suggested a new license including the ten required signatures. Ms. Owston reported that she would email the Board's response to Gina of Sugar Creek Pizza, LLC. Ms. Owston reported that she has not heard anything back from Mr. Ray Monk. Ms. Owston said that she would send the letter out to the Elks Lodge now. Ms. Owston reported that the Oakland VFD had their Harley Party on August 28, 2010. The Oakland VFD holds a multi-event license. All future notification for their events will be covered by the fact that they are annual events held the same time yearly. Ms. Owston reviewed that Jim Johnson was hoping to host Wine-Tasting Events to benefit GOBA in the town of Oakland. Ms. Owston is awaiting the plan for the event from Mr. Johnson. Ms. Owston stated that many avenues still need to be reviewed before hosting / approving an event. Ms. Owston asked Chairperson Gearhart if Table Rock Inn has their license displayed. Chairperson Gearhart reported that the license was displayed.

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

The next regular meeting of the Board of License Commissioners is scheduled for Thursday, October 7, 2010.

Thomas A. Gearhart
Chairperson

September 2, 2010

Date

