

Minutes

The Garrett County Board of License Commissioners/Liquor Control Board held its regular meeting in the Commissioners' Public Meeting Room 209 on Thursday, May 5, 2011. Present were Chairperson Thomas Gearhart, Commissioner Mike Fratz, Commissioner Bea Crosco, Administrator to the Board Deborah R. Owston, and Administrative Assistant pro tem Carol Craver.

Chairperson Gearhart called the meeting to order at 9:10 AM. The April 6, 2011 minutes were reviewed and accepted. Commissioner Fratz made the motion to approve, Commissioner Chairperson Gearhart seconded and Commissioner Crosco made it unanimous.

There was general discussion prior to the hearings. Ms. Owston reviewed the renewal application process to date. Renewals were mailed March 17, 2011 the first application was received March 24, 2011 and the bulk of the renewals were not received until after April 29, 2011. Ms. Owston has not heard from two establishments. About seventy of ninety businesses submitted complete applications; several others have come in late or incomplete. Indications are that seven businesses will not be renewing, including Perkins, Get n' Go, Coal Bucket Café, Dove Center, Deep Creek Cellars, Stonebow Inn, and possibly Engle's Long Stretch Market. There are still tax holds on several businesses. North Glade Inn has indicated they probably will not renew, although they did turn in their application. Because of these non-renewals, there is a shortfall of at possibly \$2,125 in budgeted revenue, although fines are expected to bring in a few hundred dollars and Dutch's at Silver Tree's fees have not been included in the budgeted revenue. Ms. Owston proposed sending a letter to everyone, announcing that in the future, only complete, signed and notarized applications will be accepted. The Board agreed this would be a good idea and Chairperson Gearhart further proposed that those filing incomplete applications will be subject to the same late penalties as those who did not file on time. The fee is currently \$50 for each day the application is late. Next year Ms. Owston also plans to send reminder emails to license holders, including nonprofits. Next item of discussion was Bud's Package Store, asking for a reclassification From Class D "Off Sale" to "On Sale." Since the fire, owner Barbara Williams has removed a short wall between what was the package side and the bar. Since September when they first opened, package sales were significantly lower than the bar sales as indicated in Ms. Williams letter to the Board. With these facts, the Board considered a motion to approve the change to Class "D" BWL On-Sale license, with the proviso that sales figures be reviewed for compliance with the 75% -- 25% regulation during the 2012 license renewal. Commissioner Fratz made the motion to approve the licensee's request for reclassification of the current Class "D" BWL Off-Sale license to a Class "D" BWL On-Sale License with sales figures to be reviewed during the 2012 renewal process, Commissioner Crosco seconded and Chairperson Gearhart made it unanimous. Ms. Owston informed the Board of an Incident Report received from the Sheriff's Office in reference to Bud's Package Store. Deputies responded to two complaints at Bud's Package Store recently, for loud music and a purported fight. Both times the Deputy found nothing wrong and did not file reports.

A license hearing was held at 9:30 AM for a the transfer of the Class "B" BWL On-Sale License with Sunday Sales Option and Draft Beer License and new approval to add the Catering Option to the license from Jacques Hourtal of Maryland Restaurant Life, Corp. doing business as Cornish Manor to Cynthia Wolf of Nestled Inn, Inc, doing business as Cornish Manor. The restaurant is located at 830 Memorial Drive, Oakland, Maryland. Present for the hearing was applicant, Cynthia Wolf. She stated she plans to keep all of the staff working there, that the menu may have additional items, hours may extend until 10:00 PM during the summer and catering will be added. She intends to purchase the property within five years. Cynthia will be the manager, and plans to make Suesann Crossland her assistant manager. There was no opposition from the town of Oakland or nearby property owners. From 1979 until 2003, she had a liquor license in Carroll County for a bar, restaurant, and catering business. Commissioner Crosco made the motion that the license be approved contingent on receiving Sales & Use Tax, Bulk Transfer Permit, Bulk Transfer Release, executed lease, Health Permit and favorable background results, Commissioner Fratz seconded and Chairperson Gearhart made it unanimous. Chairperson Gearhart reminded her of the importance of license checks, and to notify the Board if there are any incidents involving calls to the police. He also reviewed a provisional driver's license and the importance of submitting administrative items in a timely manner. Ms. Owston presented her with a package of local regulations, an ID check guide and other information about catering and Sunday sales.

A Special Class "C" 2-day BWL license hearing was held at 9:45 AM for the Southern Garrett Rescue Squad. Applicant, Linda Holler was present for the hearing along with Jason DeWitt of the organization. They will be having a cash bash at the Donald M. Browning Social Hall June 25, 2011. The beer trailer will be set up and in place on Friday, June 24, 2011. They plan to have six people staffing the event, all those involved with the beer have had TIPS training and positively no one under age 18 will be allowed in as staffers or attendees. Beer will be dispensed by cups only. They will serve a roast pig and sides. The bash is scheduled from 4:00 PM to 10:00 PM and 1,000 tickets will be sold at a cost of \$25 per person. Kegs will be shut off at 9:30 PM. Jason DeWitt of "This Is What We Do Security" explained his business and has been hired to provide security and ID checks for the rescue squad cash bash. They presently work at Table Rock, Mooney's and The Local. Commissioner Crosco made the motion to approve the Special Class "C" BWL 2-day License to be used on June 24, 2011 & June 25, 2011, Commissioner Fratz seconded and Chairperson Gearhart made it unanimous.

General discussion items continued. Ms. Owston presented the Board with the proposed floor plan changes for Smiley's Pizzeria. They plan to remodel the business interior by adding a bar, a new serving area and bowling area. Commissioner Fratz made a motion to approve the change; Commissioner Crosco seconded it, and Chairperson Gearhart made it unanimous. The Local in Accident was issued the requested Class "D" BWL On-Sale License and Draft Beer License April 8, 2011. They reportedly will only be serving meals to patrons over age 21. The Board approved the Carmel Cove B&B's request for Sunday sales on April 21, 2011. In her legislative update, Ms. Owston reported that the direct wine shipping option for wineries legislation will go into effect July 1, 2011. The law stipulates that the shipment must be signed for by someone over 21. The sales tax on alcohol will increase on July 1, 2011 to 9% from 6%, with revenue to benefit school buildings and substance abuse programs all over the state. Garrett, Allegany,

Washington, Carroll and Frederick counties, will share an estimated \$750,000 of the revenue. Ms. Owston will get any further updates at the MALA Conference this weekend from the Comptroller's Office. Andrea Cedro of Firefly Farms is opening a cheese-making factory on Main Street in Accident, and will be applying for a beer and wine license. The Crab Shack on Quarry Road is applying for a BWL license. They plan to offer eat in and to go meals, with seating for 70 people. Ledo's may downgrade their license to offer only beer and wine only. The Winner's Circle may soon request approval for delivery option. Note was made of the product "Blast" offered by Colt 45 of Pabst Distributing, a 23.5 oz. beverage with 12% alcohol by volume. Consumers also know it. Ms. Owston will find out the ABV limit for Garrett County. The board discussed a criminal history check for a change of officer. After brief discussion, the Board agreed these charges do not necessitate their attendance at the next Board meeting.

Discussion ensued between the Board and Jason DeWitt about various continuing issues at the Table Rock Bar. Miss Owston informed the Board that Matt and Brittney Lucas have secured a bank loan and paid Mr. Skeweris in full for the property and business. The Lucas's are debating whether to charge a cover fee for patrons to subsidize the costs of paying the security firm to be there on Saturday nights. Chairperson Gearhart suggested the business send registered letters barring any individuals who have been a nuisance to the operations. Ms. Owston pointed out that Article 2B §12-212 states that minors cannot loaf or loiter on a licensed premise and that historically the enforcement of this is left up to the licensees to regulate.

The Board's next meeting date is June 2, 2011. The meeting was adjourned at 10:45 a.m.

Thomas A. Gearhart
Chairperson

June 2, 2011
Date