

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioners Public Meeting Room 209 on Thursday, June 2, 2011 at 9:00 AM. 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 9:09 AM.

The May 5, 2011 meeting minutes were reviewed and accepted. The motion was made by Commissioner Crosco to accept the minutes. The motion was seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart.

There was a general discussion before the first hearing. Ms. Owston reported that the Planning & Land Development Office has documented Pawn Run Saloon's outdoor seating. Ms. Owston reported that the Highland Festival is being catered under the Wisp's license. Ms. Owston reviewed the status of liquor license renewals and the late applications for several establishments. She expects a possible request from Longstretch Market for the Board to waive the late fees due family difficulties and will keep the Board posted is any such request is made. Ms. Owston reported that the Wisp Resort – Lodestone Golf Club has not been issued a full-time Use & Occupancy permit yet. They will be operating temporarily out of another building until the main Club House is ready. Ms. Owston reported that the pending license transfer for the Cornish Manor will occur once the Comptroller's Office releases the Bulk Transfer Permit. Ms. Owston reported that Dutch's at Silver Tree has established a pending opening date of June 20, 2011. The business does have a banquet scheduled for the Garden Club. Commissioner Fratz made a motion to pre-approve the alcoholic beverage license pending all other agencies approval for temporary use prior to full public usage. The motion was seconded by Commissioner Crosco and made unanimous by Chairperson Gearhart. Ms. Owston reviewed the recent MALA Spring Conference that she attended. Ms. Owston reported the alcohol Sales & Use Tax increase is to take effect on July 1, 2011. Ms. Owston reported that the Direct Wine Shipment Bill has been signed and will go into effect on July 1, 2011. Ms. Owston reported that the Advisor to the Board, F. Gary Mullich has retired as of today. Ms. Owston reported that Pizza Hut of Oakland has transferred all business back to the entity, Midland Food Services of Garrett County, LLC; therefore, no transfer is needed.

A license hearing was held at 9:30 AM for a Class "B" BWL On-Sale License for The Crab Shack at Deep Creek Lake. Present for the hearing were applicants, Larry Smith, Jonathan Bell and Michael Kennedy and additional members of the entity including Polly Steed, Craig Gebhart, Jimmy Railey and Line Railey. The license premise is to be 200 Quarry Road, Oakland, MD 21550. Larry Smith explained that the establishment is to be a restaurant with the hours of 12:00 PM to 9:00 PM daily and closing by 10:30 PM. Mr. Bill DeVore reported that the restaurant is compliant with zoning issues. Mr.

DeVore reported that a new zoning permit was not required since the use as a restaurant is still in place since it was approved for use in 1989 for seafood and retail sales in the house and the current structure was built in 1992 as a restaurant. However, a new permit was submitted and approved for the new signage. Rev. Lahay the pastor of Deep Creek Baptist church spoke at the hearing. Rev. Lahay said that his issue is not so much with the Crab Shack as it is with the process. Rev. Lahay asked why the Board does not give any notice for alcoholic beverage license applications other than the notice given in the newspaper that statistics show are only read by 35% of Garrett County residents. Rev. Lahay said he felt that a better job of getting notice out to the residence is needed; something more transparent such as email or website notification with the way our government is going. Rev. Lahay said he had heard from two individuals in the past week who told him that the liquor license is a forgoing conclusion; as long as they pay their money, the license gets approved. Chairperson Gearhart asked who the individuals were and Rev. Lahay said he would rather not say because they have relations to the liquor board. Chairperson Gearhart said that he could not put a lot of stock in that. Rev. Lahay responded that he did not have the privilege to say their name and Chairperson Gearhart replied, okay. Rev. Lahay voiced his issues for the amount of alcohol issues in Garrett County. He also discussed the proximity to his house and his family as well as the safety of people coming up and down Quarry Road because sometimes there is no speed limit, so they don't obey one. Rev. Lahay said he has talked with Polly and Craig and he told them he wasn't protesting their license it was just the process and that he has contempt for the process. Chairperson Gearhart stated that you claimed in the email that you saw the notice in the paper and Rev. Lahay reported that he did not see the notice in the paper someone else did. In addition, a member of his congregation spoke with him of the sign for alcohol at the location. Chairperson Gearhart asked how close the restaurant is to the residence of Rev. Lahay. Rev. Lahay reported that it is right next door approximately 100 yards from his residence if that far the properties are adjacent. Chairperson Gearhart stated how the process has worked well so far; everything is up front, the meetings are open, the minutes are on the internet, Mr. DeVore's zoning process is also public, there are always notices in the paper on that. We feel that is done very well and we certainly are not trying to keep anything from anybody. Rev. Lahay thought that notice of alcoholic beverage license application should be given to those nearby. Chairperson Gearhart asked Rev. Lahay to stay behind to discuss this process after the meeting and a few things in the email. Commissioner Fratz asked how many employees do you plan to start up with at the Crab Shack. The owners reported that there would be two employees. Commissioner Crosco asked Rev. Lahay when his residence was built. It was established that the residence was built prior to the opening of Doc Willie's Restaurant around 1970. Chairperson Gearhart asked if Rev. Lahay has a good working relationship with Uno's Restaurant. Rev. Lahay reported that the manager at

Uno's, Bill Ingram has always been considerate of the church and notified him prior to receiving any zoning notices. Rev. Lahay stated that he felt that was lacking in this process and the residents around the area should have received a notice, not all residents of Garrett County, but at least those affected by it; those that are right adjacent to it. Bill DeVore reported that the difference in notices between the Honi bar and the Crab Shack is because the Honi Bar is permitted as a tavern, which is a Special Exception Use, whereas the Crab Shack is permitted as a restaurant and there is no need or requirement for a hearing. Ms. Owston stated that all requirements were made and that current law does not have any notice requirements for proximity to churches, schools, businesses etc. Ms. Owston reported that if Rev. Lahay would like to request a change in legislation involving notices that the Board would consider requesting a change in legislation involving notices and proximity of taverns to churches, etc. Chairperson Gearhart reported that he felt the Board has given sufficient notice as the Board has in the past and within the law. Rev. Lahay asked if packaged goods would be sold by the Crab Shack or if the beverages will be sold only with meals. Mr. Larry Smith reported that the restaurant will be selling with the meals. Ms. Owston reported that the off-premise sale is permitted for this class of license. Mr. Smith reported that although it is allowed it is not their intention to sell to-go. Ms. Owston asked the age of the employees. The owner reported that the employee's ages are 20 and 22; however, the employees will be working in the kitchen and she would be serving the alcohol. Ms. Owston discussed the age of employees and their allowed handling of alcoholic beverages. She mentioned that all alcohol must be purchased from a Maryland wholesaler; you are not allowed to get alcohol from another retailer or state. She also mentioned that all invoices must be on premise available for inspection. Ms. Owston reported that the license must be displayed under glass. She mentioned that Polly Steed has already attended an alcohol awareness training class. Ms. Owston requested that the Board of License Commissioners and the Planning & Land Development Office review any modification in operation prior to the change. Ms. Owston informed that they are not licensed for Sunday sales and there is no consumption or sale permitted on a Sunday on the premise. Ms. Owston reported that alcohol can never be free of charge. Ms. Owston reported that the Board of License Commissioners does like to be given notice ahead of time if the Sheriff's Department is called out to the establishment. Ms. Owston reported that it is not only illegal to serve a minor but it is also illegal to serve a visibly intoxicated person. Ms. Owston gave the owners a packet of information regarding the prevention of sale to underage persons. Ms. Owston reported that the packet should be shared with all employees and owners. Ms. Owston explained the renewal process to the owners. Ms. Owston reported that deadlines need to be respected. Late fees are issued if deadlines are not met. Chairperson Gearhart emphasized that driver's licenses should be reviewed by all employees and owners for understanding of the look of a minor driver's license.

Chairperson Gearhart reported that servers sometimes get nervous when asking for identification and do not accurately review the license. Chairperson Gearhart reported that the Board does not look poorly upon contacting the police at the establishment. Mr. Railey reported that the owners have taken the time to contact all necessary persons and departments for proper permitting process. Chairperson Gearhart asked that all persons step out of the meeting for the review of background checks. Chairperson Gearhart asked to speak with Jonathan Bell. Commissioner Crosco had to excuse herself from the hearing at this time for a medical appointment. She did express her approval of the license applied for by the Crab Shack. Chairperson Gearhart and Commissioner Fratz had no issues with the criminal history reports and resumed the administrative license hearing. A motion to approve the Class "B" BWL On-Sale License was made by Commissioner Fratz made unanimous by Chairperson Gearhart. All fees were paid and the license issued.

A license hearing was held at 10:20 AM for a Special Class "C" 2-day BWL License for Oakland-Mt. Lake Park Lions Club to be used on June 17<sup>th</sup> and 18<sup>th</sup>, 2011. Present for the hearing was applicant, Mark Marucci. Mr. Marucci reported that the alcohol would be available beginning 8:00 AM and the first event will be at 10:00 AM. Ms. Owston reported that minors and visibly intoxicated persons may not be served. Ms. Owston reported that 13 members of their club attended alcohol management training. Mr. Marucci reported one event that occurred last year demonstrating their staff's devotion to asking for identification. Mr. Marucci reported that the Redneck Games outgrew its previous location. Mr. Marucci reported that the cost is \$5/adult. Ms. Owston asked if a wet zone/dry zone could be established. Ms. Owston asked if the alcohol could be taken to the beach area. Mr. Marucci reported that there will be deputies at the event. Mr. Marucci also reported that they have not had problems with persons leaving the boundaries in the past. The license premise is to be Broadford Park, Mt. Lake Park, MD 21550. A motion to approve the Special Class "C" 2-day BWL License was made by Commissioner Fratz and made unanimous by Chairperson Gearhart. All fees were paid and the license issued.

The Board discussed several holds the Comptroller's Office has requested and their status and their show cause continuance hearings held before the Board. Greg Mortimer attended on behalf of Santa Fe Grill; Debbie Yommer of Ledo's called to say they could not attend due to a medical issue of Charlie Yommer's. Robin Bittinger of Mooney's Pub did not notify the Board of her nonattendance.

A motion was made by Chairperson Gearhart and made unanimous by Commissioner Fratz to approve the renewal of the alcoholic beverage licenses with the exception of Mooney's Pub, contingent on renewal releases sent from the Comptroller's Office.

The Board signed their mileage sheets and then the travel expense reports for January through June 2011 were reviewed and approved. Chairperson Gearhart made a motion

to approve Commissioner Fratz's expenses and Commissioner Crosco seconded the motion for approval. Commissioner Crosco made motion to approve Chairperson Gearhart's expenses and the motion was seconded by Commissioner Fratz for approval. Commissioner Gearhart made a motion to approve Commissioner Fratz's expenses and Commissioner Crosco seconded the motion for approval.

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

The next regular meeting of the Board of License Commissioners is scheduled for Thursday, July 7, 2011 at 9:00 AM

---

Thomas A. Gearhart  
Chairperson

---

Date