

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on September 1, 2011 at 9:00 AM. Present for the meeting was Chairperson Thomas Gearhart, Commissioner Bea Crosco, Commissioner Michael Fratz and Administrator to the Board Deborah R. Owston.

Chairperson Gearhart called the meeting to order.

The August 4, 2011 meeting minutes were reviewed and accepted with amendments. The motion was made by Commissioner Crosco to accept the minutes with corrections, seconded by Commissioner Fratz and Chairperson Gearhart made the motion unanimous.

General discussion was held prior to the hearings. Ms. Owston reported that the American Legion, Post #71 would be re-opening on September 2, 2011 after being closed due to the fire that occurred in the spring of 2010. The Oakland Volunteer Fire Department held a Money Bash on August 27, 2011. Ms. Owston noted that the Wine Festival is scheduled for September 10, 2011 at the McHenry Fairgrounds. She also updated the Board on the Special Class "C" license issued for the Allegany / Mineral Crime Solvers event that the beer and wine was to be purchased from Duncan's Bar and the liquor was to be purchased from the "Beer, Wine 'N Spirits Warehouse" in Frostburg. Ms. Owston discussed "drive-thru" alcohol sales in Garrett County and across the state. This practice is not currently prohibited in Garrett County as long as the Garrett County Zoning Ordinance permits it, if applicable. AJT, LLC has submitted an application for a Special Exception hearing to allow a drive-thru window at a business other than a restaurant. The Board discussed the possibility of the scheduled hearing times being longer than fifteen minutes. It was determined that any adjustments to the scheduled times would be on a case-by-case basis.

A hearing was held at 9:30 AM for the transfer of license # 11-70 Class "D" BWL On-Sale License & issuance of a new Draft Beer License from Robin Bittinger of Mooney's Sports Pub, LLC operating as Mooney's Sports Pub to Rob Heilig, Sandra Bello and Rosemary Versteegen of Oakland Golf Club, Inc. operating as the Oakland Golf Club. Applicant Rob Heilig was present for the hearing. Mr. Heilig stated that they are taking back over the operations since Ms. Bittinger will no longer be involved. They plan on having the small upstairs bar area open as a snack bar during the golf season and then they will close the club down December 15, 2011 to March 15, 2012. They would like to transfer the licenses in the future to someone else to operate the club as a restaurant / bar. The Board informed Mr. Heilig to keep in touch with the office in the event they have any questions in regards to the operations. Chairperson Gearhart questioned if there were any current employees certified in an alcohol awareness course, Mr. Heilig stated that Mel Gank is certified. Ms. Owston informed Mr. Heilig that they must notify the office when they are ready to close for the winter, otherwise the license could be considered null & void after being closed to the public for more than ten days. Ms. Owston stated that the Transfer Release is still pending from the Comptroller's Office. In addition, favorable criminal history record checks have not been received and Ms. Owston is requesting a paper copy of the current Sales & Use Tax Number. A call was made to the Comptroller's Office requesting a duplicate copy be sent to Rodeheaver & Associates. Ms. Owston reviewed with Mr. Heilig that all alcohol

must be purchased from a Maryland Wholesaler and receipts for all alcohol must be on the licensed premise. Sunday sales are prohibited as well as consumption on the licensed premise on a Sunday. Alcohol must be purchased and cannot be "free." The approved hours for consumption on the licensed premise are from 6:00 AM until 2:00 AM the following day, Monday through Saturday. Ms. Owston also indicated that if for any reason law enforcement is called to the licensed premise or they fail a compliance check, the Board prefers to hear from the licensees first. Ms. Owston distributed some information to Mr. Heilig on the format of a Maryland Driver's License, alcohol awareness training and the local Rules & Regulations for Garrett County. Commissioner Crosco made a motion to transfer the Class "D" BWL On-Sale License and Draft Beer License pending satisfaction of the requirements of the Comptroller's Office as well as other administrative requirements required by the Board of License Commissioner within thirty days, the motion was seconded by Commissioner Fratz and unanimously approved.

A license hearing was held at 9:45 AM for a Special Class "C" BWL 2-Day license for Northern Garrett County Rescue Squad. Applicants for the license are Dana Green and Nancy Savage. Ms. Savage was present for the hearing. They will be having a Gun & Cash Bash in the Exhibit Hall at the Fairgrounds on September 17, 2011 from 12:00 PM until 6:00 PM. Ms. Savage reported the beer is being purchased from Lohr Distributors and will be dispensed from the beer trailer. They will have two TIPS trained members serving the beer by the glass. Ms. Savage noted that there would be minors present and that everyone's age will be verified at the door, and wristbands will be utilized. She also stated that they announce at the beginning that minors are not allowed near the beer trailer and if they are caught with a beer, their ticket is voided and they will be asked to leave. Tickets include a meal and beverage for a cost of \$25; 1000 tickets are available. Ms. Owston reminded Ms. Savage that BYOB and off-premise sales are prohibited and that it is illegal to serve a visibly intoxicated person. Ms. Owston questioned about the licensed premise and any outside smoking areas; Ms. Savage said that in the event they have an outside smoking area they will monitor it. Ms. Owston noted that since the public notice for the event would appear in today's, September 1st newspaper edition, public comments or concerns are due to the office by September 12, 2011. A motion to approve the Special Class "C" BWL 2-Day License was made by Commissioner Fratz seconded by Commissioner Crosco and made unanimous by Chairperson Gearhart. All fees were paid and the license issued.

After the hearings were conducted, general discussion was continued. Ms. Owston referenced infractions that may take place on the premise of a Resort License and the possible consequences to the additional facilities. Another county inquired as to how this would be handled. The Board concurred that they would all be treated separately depending on the circumstances. Ms. Owston spoke of the Chanteclair Farm recently selling to George Volsky and the possibility of him pursuing a license or fundraiser events for non-profits applying for a Special Class "C" license to be used at the farm. A legislative request for a change to Article 2B § 10-405 as it relates to nudity and sexual display similar to Caroline County's section allowing the Board to decide whether or not to revoke a license was discussed. Commissioner Crosco made a motion to request legislation to

change Article 2B § 10-405 by removing subsection (a) (10) *Garrett County* and add a new subsection for Garrett County similar to 2B § 10-405 (j) as it refers to *Penalties in Caroline County* – “after finding that the activities enumerated in this section have occurred, the Board of License Commissioners may decide whether or not to revoke a license, notwithstanding the mandatory provisions of subsection (b) of this section” the motion was seconded by Commissioner Fratz and unanimously approved. A brief discussion was held concerning an event at the Our Town Theatre with a tasting and no ticket cost for the performance. Ms. Owston also mentioned that Pizza Hut notified the office of a temporary closing during their remodel.

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

The next regular meeting of the Board of License Commissioners is scheduled for October 6, 2011.

Thomas A. Gearhart
Chairperson

October 6, 2011
Date