

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on October 6, 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.

Commissioner Crosco called the meeting to order. The Board signed mileage sheets.

The September 1, 2011 meeting minutes were reviewed and accepted. The motion was made by Commissioner Crosco to accept the minutes, seconded by Commissioner Fratz and Chairperson Gearhart made the motion unanimous.

General discussion was held prior to the hearings. Ms. Owston discussed an anonymous complaint into the office in reference to Bud's Package Store and the recent fire damage to the corner of the building. Ms. Owston was in contact with the licensees for the business who stated that they are in the process of cleaning up the property. The Board determined that it would be best for Mark Weber from the Department of Planning & Land Development; Enforcement Division to follow up on the clean up progress if a formal complaint is received. Ms. Owston reviewed the Special Exception hearing results for AJT, LLC's request for drive-thru sales for business other than a restaurant in the Deep Creek Watershed. The Board of Zoning Appeals approved the use on September 15, 2011. Ms. Owston noted that a letter was received into the office from Caroline Cash from MADD. It was also noted that no application for an alcoholic beverage license is on file at this time. The Board approved placing the license for the Crab Shack at Deep Creek Lake on hold until May 2012 on a motion by Commissioner Fratz, second by Chairperson Gearhart and unanimously approved by Commissioner Crosco. The Board also approved the license for Pizza Hut being temporarily on hold until the remodeling is complete in mid-October. Bloomington VFD held a licensed Gun Bash event on September 10, 2011. Avilton Community Association held a licensed event on September 25, 2011. The Oakland VFD notified Ms. Owston that the event scheduled for August 27th was postponed until October 15th after the Autumn Glory parade. They will also be utilizing a licensed event on October 13th for the Oktoberfest celebration. The license for FireFly Farms Creamery & Market was issued on September 30, 2011.

A license hearing was held at 9:30 AM for a Special Class "C" BWL 2-Day license for the Knights of Columbus, #1771. Applicant, John Toston was present for the hearing. They will be having a Shrimp & Beef Bash in the Parish Hall on November 5, 2011 from 6:00 PM until 9:00 PM. Mr. Toston noted that the proceeds of the event benefit the Dove Center, House of Hope, CAC energy assistance program, the fire departments and a college scholarship. A ticket cost \$22 and includes a meal and beverages including beer; 200 tickets are available. Mr. Toston reported the beer will be dispensed from the serving counter near the kitchen and since there may be minors present, someone at the counter will verify an individual's age if necessary. Ms. Owston questioned whether there would be any entertainment or selling paper tip board games. Mr. Toston did not believe they would be selling paper tips and no entertainment. Ms. Owston questioned where the beer would be purchased from and Mr. Toston noted the beer would be purchased from Midway Discount Liquors. Ms. Owston reminded Mr. Toston that BYOB and off-premise sales are prohibited and that it is illegal to serve a visibly intoxicated person. Mr. Toston concurred that there are no "carry-ins" allowed. 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.

A license hearing was held at 9:45 AM for a Special Class "C" BWL 2-Day License for the Deep Creek Volunteer Fire Department. Applicant Steven Bittinger was not present for the hearing; however, Phil Workman attended. Mr. Workman informed the Board that he is the Deputy Chief for the department as well as a member of their board. The license is to be used on November 4th & 5th, 2011 at the Exhibit Hall in McHenry, MD. Mr. Workman reported that they plan to have a Cash Bash with a \$5,000 grand prize. They will be selling 1,000 tickets to raise money for the department. The cost for a ticket is \$25 per person. The ticket includes a meal, beverages including beer and the raffle chance. They will also be selling paper gaming tip cards during the raffle event. The hours of operation will be from 12:00 PM until 6:00 PM. Lohr Distributors will be supplying the beer and it will

be distributed from the beer trailer inside. Chairperson Gearhart questioned if there will be someone monitoring the truck and Mr. Workman responded that there would be someone at the truck at all times. Chairperson Gearhart questioned whether the beer would be dispensed in pitchers and Mr. Workman replied not that he knows of, just glasses. Chairperson Gearhart advised Mr. Workman to watch for adults taking beer to minors. Chairperson Gearhart also stated that other fire companies state that if they catch this happening they negate ticket and throw them out. Mr. Workman stated that they will have a zero tolerance policy on that. Mr. Workman stated that at the last event he advised the other members to monitor the crowd for anyone without a wristband possessing a beer and ask them to leave and whoever gave them the beer to leave as well. Commissioner Crosco questioned how they could possibly have a profit after renting the building. Mr. Workman said it would cost the same as last year when they had to rent chair and tables for the event in the Quonset Huts compared to renting the new Exhibit Hall. Mr. Workman stated that John Goehringer would cater the event so they will not need to rent the kitchen, which will save some money. Ms. Owston questioned about any outside smoking areas and the licensed premise. She suggested that the premise be limited to the immediate Exhibit Hall, a barricaded smoking area and not the entire fairgrounds. Mr. Workman agreed. Ms. Owston questioned the use of wristbands and Mr. Workman stated they would be supplying wristbands to those over twenty-one years of age. Ms. Owston asked whether or not Mr. Workman expected minors to be present. Mr. Workman responded yes, there would be minors present. Mr. Workman stated that several members have been trained in TIPS for concessions. Ms. Owston reminded Mr. Workman that the alcohol must be purchased and not donated. Ms. Owston also reminded Mr. Workman that those who are visibly intoxicated could not be served alcohol. A motion to approve the Special Class "C" BWL two-day license to be used on November 4th & 5th, 2011 was made by Commissioner Crosco and seconded by Commissioner Fratz, and made unanimous by Chairperson Gearhart. All fees were paid and the license issued.

After the scheduled hearings, there was additional general discussion. Ms. Owston stated that the pending transfer of the license for the Oakland Golf Club is still on going. The Board agreed to extend the pending approval until the Comptroller's Office releases the transfer hold. The licensed premise for Dutch's at Silver Tree should be approved by the Health Department soon for the public to dine in the lower level of the restaurant. The Board agreed for Ms. Owston to present to the Garrett County Commissioners the following legislative requests. Article 2B § 10-405 (h) nudity & sexual displays – "*may decide whether or not to revoke license.*" Article 2B § 3-201(m) Garrett County – create a new Class "B" Beer On-Sale License. Article 2B § 7-101 Special Class "C" BWL licensees, "*may purchase from a licensed retailer or wholesaler.*" The Board also reviewed the Crash Investigation Report from Sgt. Dan Duggan of the Garrett County Sheriff's Office on the Thomas Beeghly accident on New Year's Day. The Board determined that they would like to discuss the incident with the Deer Park Sportsman Club. Ms. Owston was instructed to schedule a show cause continuance hearing for the next meeting.

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

The next regular meeting of the Board of License Commissioners is scheduled for November 3, 2011.

Thomas A. Gearhart
Chairperson

November 3 2011

Date