

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on July 5, 2012 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 Board signed mileage sheets.

The Board reviewed the April 5, 2012, May 3, 2012 and June 7, 2012 meeting minutes. Commissioner Crosco made a motion to approve the April 5, 2012 minutes as written and the motion was seconded by Commissioner Fratz and unanimously approved. Commissioner Fratz made a motion to approve the May 3, 2012 minutes as written and the motion was seconded by Commissioner Crosco and unanimously approved. Commissioner Fratz made a motion to approve the June 7, 2012 minutes with amendments and motion was seconded by Commissioner Crosco and unanimously approved.

There was general discussion before the hearings. Ms. Owston reviewed with the Board the renewed licenses that were all picked up early in the week. Ms. Owston stated that Deep Creek Sweets renewed their license without any upgrades. The Board approved several possible options during their last meeting and decided they would keep the pending approval open for at least 90-days. Ms. Owston discussed the Corkage Permit application process. Ms. Owston said that two new license applications were received last week. Hearings for Duffer's at Winnfield Golf and Deep Creek Beverage will be conducted at the next meeting on August 2, 2012.

A Special Class "C" 2-day BWL license hearing was held at 9:30 AM for the Western Maryland Truck Show which is a 501 C 4 charitable event. Mr. James McFarland is the applicant for the license. Representative, Dan Daniels was present for the hearing. Mr. Daniels stated that the Western Maryland Truck show is the last weekend in August at the Grantsville Town Park. In addition to the truck show activities, Aaron Tippin will have a concert at the baseball field on Saturday, August 25, 2012. During this time they would like to sell beer from the right field. The stage will be located in the infield about 250 feet from the serving area. Mr. Daniels said the alcohol serving area will have a 20' x 40' tent area with picnic tables. He said they will have pitchers and 16 oz. cups of beer for sale. Chairperson Gearhart stated that they need to keep a real close eye on the pitchers. He said it is usually not a good idea. Mr. Daniels said ok. Chairperson Gearhart said a lot of times our experience has been places that have had trouble was due to pitchers that weren't tracked. Make sure they aren't providing people who are underage with beer from the pitchers. Chairperson Gearhart questioned whether anyone has alcohol awareness training. Mr. Daniels stated yes. Chairperson Gearhart questioned what they were doing as far as underage persons in attendance. Mr. Daniels said they would be using wristbands and there will be two people set up for carding. He also stated they will have signs posted about the carding policy and the legal age for consuming alcohol. Mr. Daniels said there will be only one way into the entertainment area and one way out. They will be using a beer truck with four taps with a 10 foot canopy in front of the beer truck. Ms. Owston questioned whether they were planning on allowing BYOB and Mr. Daniels

said they will not allow anyone to bring their own coolers. Ms. Owston further explained that there can be no alcohol on the temporary licensed premise that was not purchased from the licensee. Ms. Owston stressed the importance of monitoring the premise. Mr. Daniels said he has ten people designated for this purpose. Ms. Owston further pointed out that the fake ID's are very good and that those carding and selling the alcohol have to really be trained and informed of the current driver's licenses for Maryland and the neighboring states as well. They need to know some of the key points on the ID's and check for expired licenses. Ms. Owston provided Mr. Daniels with a packet on various ID's and safe serving techniques. Ms. Owston asked what time they will be selling the beer and Mr. Daniels said from 4:00 PM until around 11:00 PM. Ms. Owston questioned whether or not there would be an entrance cost for the concerts and Mr. Daniels said he thought it was \$5.00. Ms. Owston questioned if they allowed BYOB in the past and Mr. Daniels said they had. Ms. Owston then cautioned him that individuals may have brought a cooler with them that now must remain in their vehicle during the concert and the possibility of those individuals wanting to go back and forth. Mr. Daniels said he would discuss this with Mr. McFarland. Ms. Owston stated that not only is it illegal to serve a minor, it is also illegal to serve a visibly intoxicated person. Ms. Owston questioned if all of the beer would be purchased directly through Lohr Distributing and Mr. Daniels replied yes. Ms. Owston said that there are no off-premise sales permitted with the temporary license. Ms. Owston reviewed with Mr. Daniels the vertical license format and the underage indicators and said that all event staff needs to be aware of these indicators. Commissioner Crosco questioned who would be receiving the profits from the event and Mr. Daniels stated that the Dove Center is the recipient. Commissioner Fratz made a motion to approve the Special Class "C" license for use on August 25, 2012 at the Grantsville Town Park; the motion was seconded by Commissioner Crosco and unanimously approved. After the appropriate fees were paid the license was issued.

A new license hearing was held at 10:00 AM for a Class "D" Beer On-Sale License, for Coal Bucket Restaurant, LLC operating as the Coal Bucket Restaurant with Barbara McKenney and Brian White as the applicants. The license premise is to be 238 West Main Street, Kitzmiller, MD 21538. Present for the hearing was applicant, Barbara McKenney. Ms. McKenney said they plan a small restaurant and small grocery line at the Kitzmiller Community Visitor Center. They expect to be open around September 1, 2012. The hours will be on weekends from 7:00 AM until 8:00 PM and on weekdays from 11:00 AM until 8:00 PM. Ms. Owston requested Ms. McKenney go over the licensed premise area in detail with the Board. Ms. McKenney stated the beer would be in a separate room not accessible to the public. She said if someone wants to purchase beer, they will have to ask for the beer and then the employee will go get the beer and place it in a bag and carry to the register to complete the sale. They do not plan on selling any beer for on-premise consumption at this time. If there was a time, they would seek approval from the Town Council prior to allowing. Ms. Owston mentioned the outstanding administrative items including the Sales Tax Number, Trader's License, Health Permit and alcohol awareness training all of which will be needed prior to issuing the license. Ms. Owston stated that all alcohol must be purchased through a licensed wholesaler and delivered to the premise or picked up at the warehouse. Ms. Owston explained that this license does not allow Sunday sales of alcohol. Ms. Owston said that all receipts for alcohol or copies must be on the premise available for review during an inspection. Ms. Owston reviewed a minor's driver's license and the vertical format and other indicators. She said to make sure you

check the expiration date as well. Ms. Owston said that everyone ringing up the to-go sale of alcohol must be at least twenty-one years of age and if they were to serve in the restaurant in the future, the server must be at least eighteen years of age to serve from the service bar to a seated customer. An employee must be at least eighteen years of age to stock the alcohol. Ms. Owston said that the practice of BYOB is not permitted on the licensed premise at any time. Ms. Owston reviewed the renewal process. Commissioner Crosco made a motion to approve the Class "D" Beer On-Sale License pending receiving all of the outstanding administrative items. The motion was seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart.

A Special Class "C" 2-day BWL license hearing was held at 10:15 AM for the Garrett County Agricultural Fair, Inc. Applicants for the license are Debra Friend, Josh Rush and Jason Rush. Josh Rush was present for the hearing. Mr. Rush said that on Saturday, July 14, 2012 they would be using the license at the tractor pull. Chairperson Gearhart asked who would benefit from the event and Mr. Rush stated that the proceeds will go to the Fair Board. Chairperson Gearhart asked if they have anyone trained in alcohol awareness. Mr. Rush said he was not sure, but there are Fair Board members who are retired police officers who will be working the event. Ms. Owston mentioned an upcoming TIPS for Concessions training through the Health Department. She said she will inform Brenda Sisler of the Fair Board event and interest in the training opportunity. Commissioner Crosco questioned how the event would be organized as far as the alcohol sales. Mr. Rush presented the Board with a drawing of the track and bleacher area of the fairgrounds. Mr. Rush said they will have a designated area for alcohol consumption that will have a temporary snow fence around the perimeter. He said there will only be one way into the beer garden. He mentioned that two sections of the bleachers will be included in this designated area. Commissioner Crosco questioned how they plan to sell the alcohol. Mr. Rush said once you show your ID to get in the gate, you get a wristband and they are going to sell one beer at a time and the consumer will have to stay in the fenced in area or in the designated bleachers. He mentioned that the beer cost would be \$5.00 for a 16 oz. cup. Commissioner Crosco asked the time of the event and Mr. Rush stated that the gates open at 5:00 PM and it is supposed to run until around 10:00 PM. Commissioner Crosco asked what their plan is if there is a problem with alcohol and Mr. Rush replied that first off they would not be able to buy anymore. He said if they were to have a major problem the beer wagon would be shut down and of course both gates would be opened up to allow people to exit. He mentioned that members of the Sheriff's Office and the State Police would already be there. Ms. Owston asked Commissioner Crosco if she was referring to an individual causing a problem and she replied yes, that is what she meant. Mr. Rush responded by saying, that individual would be escorted off the grounds. Chairperson Gearhart questioned if someone with kids wanted to have a beer, could they all enter the area and Mr. Rush replied yes they all could sit in the bleachers. He said there will be signs stating where you can and cannot have alcohol. Mr. Rush said this was the first time a Fair Board sponsored event would be selling alcohol and at no time will there ever be alcohol at the Fair. Ms. Owston stated that it is illegal to serve a visibly intoxicated person, it is illegal to serve a minor and there is no BYOB allowed at a licensed event. Ms. Owston asked if there was an entrance cost to get into the event and Mr. Rush replied that the cost is \$10 per person and under the age of two is free. Ms. Owston discussed the packet of information of articles on cutting off service and current valid forms of identification. She reviewed the vertical format and key indicators of a provisional

driver's license as well as fraudulent forms of identification that are very good and hard to detect without proper training. Ms. Owston asked where the beer would be purchased from and Mr. Rush replied that all beer would be purchased from Lohr's. Mr. Rush asked the Board if there is a rain-out on Saturday, could they approve a rain-date for Sunday. Ms. Owston explained that Sunday sales are only permitted with a meal or at a pre-arranged event that includes a meal in an approved election district. Chairperson Gearhart cautioned to use common sense when determining what a meal is. Commissioner Crosco made the motion to approve the Special Class "C" BWL 2-day License to be used on Saturday, July 14, 2012 with a rain date option on Sunday with the beer sales with a hot dog or whatever there is available Commissioner Fratz seconded and Chairperson Gearhart made it unanimous. Chairperson Gearhart stressed that if the event is held on Sunday to be very, very careful because we have not had a problem on a Sunday and to watch it real close and if anything comes up to give us a call. After the appropriate fees were paid the license was issued.

A hearing which was scheduled for 9:45 AM was held at 10:25 AM for the issuance of a Wine Festival License to be used on September 8, 2012 at the Garrett County Fairgrounds in McHenry, Maryland. The Wisp Resort will be the license holder with the applicants being Karen Myers, Stephen Richards and Gary Daum. Vianne Bell was in attendance to represent the Wisp Resort and the Deep Creek Art & Wine Festival Committee. Ms. Bell said that the only major change that they have made is that anyone over twelve or just an entrance ticket is now \$10 compared to \$5 in the past and under twelve is free. She said they are still doing the premier wine tent but they changed it to where for an additional \$10 you get five tickets for a half-ounce pour compared to unlimited pours. Ms. Owston asked how much the wine tasting entrance ticket costs and Ms. Bell replied \$25. Ms. Bell said they encourage the celebrity pourer to tell the taster who wants to have more than one sample of a particular wine to say, "I'm really glad you like the wine, it is available for sale in the wine room." She mentioned that they do not sell the wine by the glass; it is for sale by the bottle. Ms. Bell said the Maryland State Police and IA Security will be there again along the limo service to take anyone home. Ms. Owston asked the hours of operation. Ms. Bell reported that the hours would be Noon – 6:00 PM with the wine store in the Exhibit Hall open until 7:00 PM. Ms. Owston stated that BYOB is not permitted on the licensed premise, no serving minors, no serving visibly intoxicated persons. Ms. Owston mentioned a TIPS for Concession training opportunity. The event will benefit the American Red Cross in this area. They allow Garrett Mentors to conduct a raffle at the event. Ms. Owston asked about the carding procedures in place. Ms. Bell said the volunteers do the carding and they do have a security person at the gate as well. Ms. Owston cautioned if they were using the ID scanners to be aware that the fraudulent ID's are very good and are working through some of the scanners. Ms. Bell mentioned that once again volunteers from the Red Cross will be coming from down state and Taylor Made Rentals provides a discounted rate on several houses for those volunteers. Ms. Bell said that the event is so successful because of the local businesses and people in the community donating their time and services for the event and without them the proceeds would be lower. A motion to approve the Wine Festival License as applied for by The Wisp Resort to be used on September 8, 2012 at the Garrett County Fair Grounds was made by Commissioner Crosco and seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. Ms. Owston provided Ms. Bell with sample copies of provisional driver's licenses and articles on safe serving. After all fees were paid the license was issued.

There was general discussion after the hearings. The Board discussed the Corkage Permit with Vianne Bell of Good Timber Bed & Breakfast. The legislation allows a Class B or Class C restaurant, hotel or club with wine privileges to allow a person of legal drinking age to bring their personal wine onto a licensed premise if the wine is not available on the wine list and they order a meal, as allowed on the days and hours of the issued license. Ms. Owston said she would be working from forms shared by Montgomery County. Ms. Bell is licensed as a Class "B" B&B BWL On-Sale License. Commissioner Crosco questioned where we could include bed & breakfast in the categories of restaurant, hotel or club. The Board reviewed the definition of a hotel as defined in Article 2B § 1-102 (a) (10) and determined that a request to define a B&B as hotel in Garrett County may be necessary through legislation or in the local Rules & Regulations of Garrett County. The change in the definition of a hotel would be necessary due to the minimum number of ten rooms being currently defined in Article 2B and the majority of the B&B's in Garrett County having less than ten rooms. Chairperson Gearhart said we should table the discussion for now and look into adding the definition in the local regulations. Commissioner Crosco agreed we could think about it and discuss it at the next meeting and Commissioner Fratz agreed. Chairperson Gearhart moved that we give Black Bear Tavern one year probationary period to reevaluate their Class "B" restaurant sales figures to run during the same time period as Planning and Zoning's probationary period, the motion was seconded by Commissioner Fratz and unanimously approved. Ms. Owston said she will check with Bill DeVore on the time period. Ms. Owston reviewed with the Board the Opinion and Order from the Board of Appeals, Deep Creek Watershed Zoning Ordinance in reference to AJT, LLC's Special Exception (SE-417) hearing for the installation of a drive thru window for the proposed business known as Deep Creek Beverage. Ms. Owston also reviewed a letter from Caroline Cash of MADD which Bill DeVore of the Department of Planning and Land Development copied Ms. Owston on September 12, 2011 in an email.

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

The next regular meeting of the Board of License Commissioners is scheduled for August 2, 2012.

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Thomas A. Gearhart  
Chairperson

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August 2, 2012

Date