

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on May 2, 2013 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.

A transfer license hearing was held at 9:30 AM. The licenses issued to Will O' the Wisp Inc. will be transferred to Deep Roots, LLC doing business as Ace's Run Restaurant & Pub. The business is located at 20160 Garrett Highway, Oakland, Maryland. Present for the hearing was applicant, Brenda McDonnell as well as outgoing licensee and landlord Martin Heise. Ms. Owston noted for the record that the license will be upgraded to a "Deluxe" license connected to Ms. McDonnell's existing Class "B" B&W On-Sale License issued to Brenda's Pizzeria. Ms. McDonnell mentioned that they recently did a major renovation of the restaurant including upgrades to the dining room, restrooms and lounge area. Ms. McDonnell said they did outside renovations as well, including a handicap ramp and canopy over the stairway. Ms. McDonnell said you can reach the business by land or by lake. Ms. McDonnell stated that the hours would be 11:00 AM until 10:00 PM. Ms. McDonnell informed the Board that they recently had alcohol awareness training and that the employees are very energetic and ready to start the adventure. Chairperson Gearhart questioned how many employees the new business will have. Ms. McDonnell responded by saying between 45 and 50 employees. Ms. McDonnell said that they will be having American-style comfort food as well as continuing the Pasta Night tradition on Wednesday's beginning at 4:00 PM. Ms. Owston mentioned that the license will be upgraded to a Class "B" Deluxe BDR BWL On-Sale License including the Sunday Sales and Catering Option. Ms. Owston reviewed in great detail the various rules and regulations with Ms. McDonnell. The licensed premise was discussed including the outside patio area. Ms. Owston instructed Ms. McDonnell to notify her in the future if they no longer wish for the patio area to be part of the licensed premise. Ms. Owston said if it is not part of the premise, they could utilize the Catering Option for planned outside events. Commissioner Crosco made a motion to approve the upgrade to a Class "B" Deluxe BDR BWL On-Sale License and the Draft Beer License pending receiving the U&O Permit and the Bulk Transfer Permit. The motion was seconded by Commissioner Fratz and unanimously approved. The Board also discussed the Sunday Sales Option to be added to the license issued to Brenda's Pizzeria located in election district 14, precinct 1 effective June 1, 2013. Commissioner Fratz made a motion to approve the Sunday Sales Option. The motion was seconded by Commissioner Crosco and unanimously approved.

A violation hearing was held at 10:00 AM for Cindy's Place as a result of an incident report received from the Maryland State Police. The establishment is located at 1306 Finzel Road. The report references a fight involving two patrons of the establishment on October 19, 2012. Present for the hearing was licensee Brenda Robeson. Chairperson Gearhart asked if she was present at the time of the incident. Ms. Robeson said she was not there at the time. The Board reviewed the report in detail and listened to testimony from Ms. Robeson. It was explained to Ms. Robeson that if the establishment gives the office a call to explain what happened, then a show cause hearing may not be necessary depending

on the circumstances. Ms. Robeson said she was not aware of that or she would have called. Chairperson Gearhart asked that Ms. Robeson step outside while the Board went into Executive Session. After deliberation, the meeting resumed. Commissioner Crosco made a motion for a \$200 fine. The motion was seconded by Chairperson Gearhart and unanimously approved.

A hearing was held at 10:20 AM for the transfer of the Deep Creek Sweets license from Deep Creek Sweets, LLC dba / Deep Creek Sweets with Terry Fram and Louis Newcomb as the licensees to Aperitif, LLC dba / The Cornish Café at Deep Creek with Terry Fram and Emily Berry as the applicants. Applicants Terry Fram and Emily Berry were present for the hearing. The current license is a Class "B" B&W On-Sale License. The transferred license will be upgraded to include the Sunday Sales, Catering and Delivery Options. In addition, they are applying for a new Draft Beer License. The premise address is 1550 Deep Creek Drive, McHenry, Maryland. Ms. Berry explained that they will be equal partners in the new entity owned by their companies. Ms. Berry's company is Avalon Business Ventures, Inc. and Ms. Fram's company is Deep Creek Sweets, LLC. Ms. Owston noted for the record that Mr. Ingram approved the ownership. Ms. Berry explained that they will combine the chocolate shop with the café. Ms. Berry said she still will be the owner and operator of the Cornish Manor Restaurant and the Cornish Manor Café located downtown Oakland. Ms. Owston reviewed the outstanding administrative items. Commissioner Crosco made a motion to approve the Class "B" B&W On-Sale License transfer with upgrades for the Sunday Sales, Catering, and Delivery Options as well as a Draft Beer License. The motion was seconded by Commissioner Fratz and unanimously approved.

A hearing was held at 10:40 AM to upgrade the current license issued to the Cornish Manor Restaurant and approval for a new Class "B" Deluxe B&W On-Sale License for the Cornish Café. The business entity name is Avalon Business Ventures, Inc. with Emily Berry as the sole owner. Ms. Berry was present for the hearing. The Cornish Manor Restaurant is located at 830 Memorial Drive, Oakland, MD. The Cornish Café is located at 121 South 2<sup>nd</sup> Street, Oakland, MD. Ms. Owston noted that both licenses will need to be "Deluxe" licenses due to Ms. Berry's additional license for The Cornish Café at Deep Creek. Ms. Owston also mentioned that the license for the Cornish Café located in downtown Oakland, should the Board approve, will be pending the approved legislation effective June 1<sup>st</sup>. Ms. Berry stated that nothing will change to the café other than the beer & wine sales. She mentioned she would like to include, in the licensed premise, the outside chairs and tables. Ms. Owston requested a sketch of the outside service area be included in the application. Ms. Berry said the outside area will not be used on Thursday nights during the Pocket Park movie event. She said they plan to utilize the outside premise area to serve food and alcohol during the day. She said this will be determined next week if the landlord of the property approves it for outside seating. Ms. Owston asked for the number of seats. Ms. Berry said at most there will be 24 seats. Ms. Owston advised her to check with Tina Buckel. Ms. Berry said Ms. Buckel is aware of the outside seating area and it will be considered carry-out. Ms. Owston also mentioned that she may want to check with Public Utilities. Ms. Owston requested Ms. Berry to notify her by email when the landlord approves the site. Chairperson Gearhart said they will approve it contingent on approval from the landlord and all appropriate agencies. Commissioner Crosco made a motion to approve the license upgrade for the restaurant to a Class "B"

Deluxe BDR BWL On-Sale License and to issue a Deluxe "B" B&W On-Sale to the Cornish Café with the Sunday Sales Option effect June 1st. Commissioner Fratz seconded the motion and it was unanimously approved. Ms. Owston requested a copy of the Trader's License, Health Permit and revised floor plan for the café premise.

A hearing was held at 11:00 AM for the transfer of the Wisp Resort – Lakeside Club license from Recreational Industries, Inc. with Karen Myers, Gary Daum and Stephen Richards as the licensees to Deep Creek Marina, LLC dba / Deep Creek Marina Club, with Adrian Spiker and Betsy Spiker Holcomb as the applicants. Applicant, Adrian Spiker was present for the hearing. Ms. Owston updated the Board and Mr. Spiker on the LiveScan fingerprint service. Chairperson Gearhart said the approval will be contingent on the background history results. Mr. Spiker said he understood. The transferred Deluxe License will be downgraded to a Class "B" BWL On-Sale license with Sunday Sales, Catering and Draft Beer. The premise address is 1077 Deep Creek Drive, McHenry, MD. Mr. Spiker gave the Board an overview on the planned operations and proposed hours. Mr. Spiker said they will be serving food and alcohol in a club atmosphere. Mr. Spiker said that everyone will be TIPS trained. He mentioned that a few employees have already been trained including him. Ms. Owston reviewed several regulations with Mr. Spiker that apply to the licensed establishment and the overall premise. Ms. Owston explained the renewal process and the required Class "B" sales report. Ms. Owston mentioned that any Zoning Special Exceptions for the property and businesses will remain in place. Ms. Owston told Mr. Spiker to check with Bill DeVore on any changes or planned activities to see if they are permitted. Ms. Owston indicated that the outstanding administrative items are the Health Permit and favorable background results. Commissioner Crosco made a motion to approve the Class "B" BWL On-Sale License with Sunday Sales, Catering and Draft Beer License pending the administrative requirements big met. The motion was seconded by Commissioner Fratz and unanimously approved. Ms. Owston presented Mr. Spiker with a vendor packet provided from the Health Department, ID checking materials and alcohol service articles.

There was general discussion after the hearings. Ms. Owston said that the sales report for Black Bear Tavern will be provided at the next meeting. Ms. Owston mentioned that the Governor signed the legislative bills. Ms. Owston informed the Board that JG's Pub and the Oakland Country Club (Sand Trap Lounge) would like approval for Sunday Sales effective June 1, 2013. The Board discussed the outstanding renewal applications and the May 1<sup>st</sup> deadline. The Board determined that all renewals must be submitted complete with all requested notarized signatures or they will be subject to the \$50 pending late fee. Ms. Owston informed the Board that as of today, the Comptroller's Office still has a few license renewal holds. Ms. Owston stated that she does not expect to receive renewal applications from Ledo's, The Local and Thousand Acres Golf Club. Ms. Owston informed the Board of the change of officers on the Crab Shack license. She said that Larry Smith, Mike Kennedy and Jon Bell will come off of the license. Craig Gebhart and Polly Steed who are current owners / investors of the business will go on the license along with a local licensee. The Board discussed the meeting minutes and agreed that they could be less detailed. The Board also discussed providing the applicant with a handout summarizing the basic requirements of a license holder. It was noted that the ASCI Pre-Worlds Test Event will be catered by the Cornish Café at Deep Creek May 17 – 19, 2013. The Board discussed the Lodestone Golf property no longer being on contiguous properties with the

other main Wisp properties. As a result the Board determined that the license class will need to be changed to a "Deluxe" license effective with the license renewal. The Wine Festival License pre-application was received from HART for Animals, Inc. on April 4, 2013. The Winnfield Golf course re-opened on April 9, 2013 and the Crab Shack will re-open on May 17, 2013. Ms. Owston mentioned that the license suspension for the Boardwalk starts tomorrow, May 2, 2013. Ms. Owston said she met the new manager of the Boardwalk, Calvin Shepard, on a few occasions, and provided him with sample ID's and articles on carding and serving alcohol. Mr. Shepard told her he has a few employees signed up for TIPS training. Ms. Owston informed the Board that St. Moritz Boardwalk will possibly qualify for Sunday sales as a Class "D" establishment as long as the Health Department approves them for a full commercial kitchen.

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

The next regular meeting of the Board of License Commissioners is scheduled for June 6, 2013.

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Thomas A. Gearhart  
Chairperson

June 6, 2013  
Date