

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on October 3, 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.

It was noted that the 2013 Minutes for January – September were reviewed and approved by the Board on September 19, 2013. Commissioner Fratz made the motion seconded by Commissioner Crosco and unanimously approved by Chairperson Gearhart.

Prior to the license hearing, Ms. Terry Fram briefly spoke to the Board on the recent changes of the Cornish Café at Deep Creek and the membership of Aperitif, LLC. Ms. Fram said she relinquished her shares of Aperitif, LLC to Emily Berry. Ms. Fram said she would be continuing her confectionary business separate from the cafe. Ms. Fram was advised to provide the office with a copy of the changes so that Ms. Owston could determine if the current license would be transferred or if a new license would be issued.

A license hearing was held at 9:30 AM for a Special Class "C" 2-day BWL License for the Knights of Columbus # 1771. Present for the hearing was applicant, John Toston. The license is to be used at St. Peters' Parish Hall located at 208 South 4<sup>th</sup> Street in Oakland on November 2, 2013. The tickets will be \$22 and includes dinner and beer. The event will be held from 6:00 PM until 9:30 PM. Mr. Toston informed the Board that the event is a twenty-one and over event. Ms. Owston told Mr. Toston that if for some reason they allow anyone under twenty-one, they should utilize wristbands. Commissioner Crosco made a motion to approve the Special Class "C" BWL 2-Day License for November 2, 2013, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. The appropriate fees were paid and the license was issued. Ms. Owston provided Mr. Toston with samples of Maryland ID's.

There was general discussion after the hearing. Ms. Owston spoke to the Board concerning New Year's Eve hours. Commissioner Fratz made a motion to approve extending the hours to serve alcoholic beverages on New Year's Eve / New Year's Day until 4:00 AM in accordance with Article 2B § 11-402 (m). The motion was seconded by Commissioner Crosco and unanimously approved. The 2014 meeting dates were approved. The monthly meetings will be held the first Thursday of every month beginning at 9:00 AM with one exception. The February meeting will be held on Thursday, January 30, 2014 at 9:00 AM. Ms. Owston briefly spoke on the potential legislative items including a referendum vote for limited off-premise Sunday sales, a referendum vote for on-premise Sunday sales with a meal and a few changes to the language of the Beer Festival License. Ms. Owston explained that last year at the very end of the legislative process a member of the House Committee changed the proposed language to read, "a holder of a beer festival license may: (1) only display and sell beer that is: (i) manufactured and processed in "the" state." This needs changed back to "a" state as originally requested. Also, under the Refillable Container Permit a similar change is needed so that the statute reads "a" license holder instead of "the" license holder as far as the container being branded with an

identifying mark. Ms. Owston also mentioned that the statute for a Limited Winery License is now obsolete since the wineries have additional privileges under their State license. As a result, Article 2B § 4-203 can be removed from the regulations for Garrett County. The Board discussed the pending approval for Fast Break in Bloomington which was approved on April 4, 2013. Commissioner Crosco made a motion requesting Mr. Skipper to notify the Board of his intent within 30-days and to be open within 60 days of the letter or run the risk of having to re-apply for the license. The motion was seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart. Ms. Owston said that the Tasting Option was added on October 1, 2013 to the license issued to LakeStar Lodge. The Oakland VFD will be holding their annual Oktoberfest celebration on Thursday, October 10<sup>th</sup> and they will also be having a Money Bonanza on October 26, 2013. The licenses for MoonShadow Café were issued on October 1, 2013 for ordering purposes. The business is set to have a soft opening on October 8, 2013. Ms. Owston mentioned that there were compliance checks conducted on September 24, 2013. She said that there were no violations. She said they attempted to check ten establishments and one was closed. Ms. Owston informed the Board that she is still waiting on LiveScan record checks for a few licensees of the Crab Shack, Deep Creek Marina and Pizza Hut. The Board agreed with Ms. Owston to give the licensees 30-days to comply with the regulations. Ms. Owston said she will contact Deputy Parks about possibly attending the November meeting.

A discussion session was held with several licensed retailers with off-sale privileges. The discussion was in reference to their legislative request for a 2014 referendum vote on limited off-premise Sunday sales. Those licensees or representatives present included Lisa Sisler of Slopeside Market along with her husband Gary, Steve Stuck of Grantsville Exxon, Bruce Opel of Longstretch Market, Andrea Cedro of FireFly Farms and Richard Beissel of Good to Go. Ms. Owston noted that several other businesses sent letters or emails to the Board requesting a 2014 referendum vote on limited Sunday alcohol sales for both on-premise consumption with a meal and off-premise sales. Mrs. Sisler was asked to give a brief overview of the request she initiated earlier in the year with the Garrett County Delegation. Mr. Sisler spoke on behalf of Mrs. Sisler. He said the Slopeside Market is affected by not being able to sell alcoholic beverages on Sundays. He said there are people coming in every Sunday wanting to purchase alcohol and they send them to West Virginia for carry-out sales. He said it has been aggravating for the past ten years sending people to West Virginia when they could be keeping the people and the revenue here in Garrett County. He said this is why he and Lisa decided to spear the request to get sales on Sunday because of the revenue loss. He said they are requesting limited alcohol sales on Sunday from 1:00 PM until 10:00 PM. He said this would keep the revenue here and not send people to West Virginia. He mentioned it is the same even around Grantsville. They send people to Pennsylvania on Sundays. He also stated that people in Oakland will go to Terra Alta, West Virginia on Sundays. He said the meeting today is to get retailers involved and to see if the Commissioners will approve it and then get Delegate Beitzel and Senator Edwards to get it on the ballot for next year during the election. Chairperson Gearhart said the Board could take care of the legislative request. Chairperson Gearhart mentioned that the delegation prefers that it comes through the Board; this makes it a lot simpler process. Chairperson Gearhart said that Ms. Owston is used to the process and dealing with the legislative authors. Mr. Sisler mentioned that they are losing out on the sale of merchandise and fuel purchases, as well, since most people will pick up everything

at the same time. Mr. Sisler said this really affects the tourists who are unaware of the prohibited sales on Sunday, as well as others, travelling out of the area to purchase alcoholic beverages. Mr. Sisler said they have kept a record from January until the end of September of customers wanting to purchase alcoholic beverages on a Sunday. He said there was a total of 1271 customers who entered the business wanting to purchase alcoholic beverages on a Sunday that were turned away. Once again, he mentioned that the locals and residents of second homes are aware of the regulations, so this number reflects new vacationers to the area who are not aware of the restrictions on Sunday. Ms. Owston then asked Mrs. Sisler to brief the Board on how she initiated the request. Mrs. Sisler said that Delegate Beitzel responded to her email and advised her to contact the Board of License Commissioners. Senator Edwards informed Mrs. Sisler that in the past when it was up for a referendum vote, the liquor stores did not want it. She said that is fine; but let them chose to stay closed that day but give the rest of them (the convenience stores) the choice to sell it. Ms. Owston noted that in the past the Liquor Board has never asked for a referendum vote. She shared a little history of the past referendum votes. She said up until 1996 the vote was county wide verses by district for on-premise with a meal. Ms. Owston mentioned that the Chamber of Commerce requested the legislation for a referendum vote in the previous elections. Chairperson Gearhart took the opportunity to mention that last year Ms. Owston reviewed the statute and made note that the regulations should have included the mention of "a precinct of an election district with a favorable vote" in the previous language of the proposed changes. Ms. Owston said this legislative amendment to the regulations resulted in additional establishments being eligible to apply for the Sunday Sales Option. Ms. Owston read the emails and letters requesting a 2014 referendum vote for both on-premise and off-premise sales. Ms. Owston also mentioned other establishments that, on previous occasions, have stated to the Board their interest in a referendum vote. Ms. Owston presented the Board with a spreadsheet listing establishments with Sunday sales verses those who may qualify. She noted that there are a couple establishments that do not fit either category based on the current regulations and the proposed legislation. Ms. Owston explained the legislative process in which the Board would request that the Garrett County Commissioners support their proposed legislative requests and forward such to the Delegate and Senator for introduction of the bill during the legislative session. Ms. Owston said the Board of License Commissioners will take action on legislative items at their December 5, 2013 meeting. Ms. Owston stated that the County Commissioners will present legislative matters to Delegate Beitzel and Senator Edwards on December 17, 2013 at 4:00 PM. She said the delegation will then have their annual meeting at Garrett College in late December for all legislative items involving Garrett County. Chairperson Gearhart advised those in attendance that they should touch base with the Garrett County Commissioners on the proposed legislative request. The other retailers in attendance spoke to the Board expressing their hardships and disadvantage in not being permitted to sell alcoholic beverages on a Sunday and the loss of revenue to them and the County. They asked the Board to support their proposed legislative request for a 2014 referendum vote on limited Sunday sales. Chairperson Gearhart mentioned that it is up to the retailers to submit letters of support and to campaign for the referendum vote. Mrs. Sisler acknowledged his advice. Chairperson Gearhart agreed with Ms. Owston that it is the retailers request and that the Board is just the mechanics they would go through to get it. He then said those who request it really need to work it hard. Ms. Owston noted for the record that the request is for a referendum vote for take-out alcoholic beverage sales from 1:00 PM until 10:00 PM as authorized

under their respective class. In addition, the Board received requests for a referendum vote for on-premise establishments in districts and precincts which are currently prohibited of selling alcohol on a Sunday with a meal.

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

The next regular meeting of the Board of License Commissioners is scheduled for November 7, 2013 pending any public hearings.

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Thomas A. Gearhart  
Chairperson

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November 7, 2013  
Date