

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on April 2, 2015 at 9:00 AM. Present for the meeting was Chairperson Michael Fratz, Commissioner DeCorsey Bolden and Administrator to the Board Deborah R. Owston.

Chairperson Fratz called the meeting to order. The Board signed mileage sheets.

The March 11, 2015 minutes were reviewed and approved by the Board. Chairperson Fratz made the motion to approve them as written. Commissioner Bolden unanimously approved the motion.

There was general discussion prior to the scheduled hearings. Ms. Owston mentioned that she has only received one license renewal application so far. She expects the majority of the renewals to be turned in the last week of April. Ms. Owston updated the Board on the legislative session. HB 0139, which references repealing the Sunday meal requirement, appears to be right on track. SB 0715 and HB 0523 have received favorable votes in both of the chambers. These bills will require there be at least one person with current alcohol awareness training on-site at all Special Class "C" Multi-Event licensed fundraisers. Ms. Owston spoke about the Board vacancy. The Appointments Office informed Ms. Owston that David Moe was recommended for the position. Mr. Moe attended at the meeting. Ms. Owston said she expects his letter of appointment to be sent to the Clerks' Office next week. Our Town Theatre had a two-day licensed event on March 27 & 28, 2015. The FOP Lodge #99 will hold their annual bash on April 4, 2015. The Oakland VFD will have their annual Mega Bash on April 18, 2015. The Friendsville VFRD will have a wing night fundraiser on April 18, 2015. Ms. Owston noted that the Health Department approved Duffer's golf club for on-premise consumption. They are only allowed to serve beverages that are in sealed containers. They are not permitted to use glasses that need to be washed and sanitized. Pizza Hut upgraded their license to include the Sunday Sales Option on March 13, 2015. On March 31, 2015, Chrissy Leatherman completed the appropriate paperwork and background check requirements to be the local resident licensee for the business. As soon as favorable background results are received, the license will be changed. Ms. Owston noted that McHenry Beverage submitted the only pre-application for the Wine Festival License. They are planning an event on September 12, 2015 that will benefit HART for Animals and GLAF. Ms. Owston will instruct them to proceed with submitting the application for the July 2, 2015 meeting. Ms. Owston said that Ledo's would be submitting an application for the May meeting to upgrade their license to a Class "B" BWL On-Sale License. There may be a change of membership on the LLC for Mt. State Brewing Co. Erin Croake Arnett submitted the required paperwork to document her two-year Garrett County residency status. Ms. Owston updated the Board on a pending application from Mt. State Brewing Co. for the Beer Festival License to be used on June 6, 2015. Terry Fram informed Ms. Owston that she would not be renewing the alcoholic beverage license that is currently on hold for Deep Creek Sweets. Barry Clapsaddle of Black Bear notified the office of two different incidents where they called law enforcement. The incidents were on March 26, 2015 and early morning on March 28,

2015. Ms. Owston said if she receives an Incident Report from the MSP, she would forward copies to the Board.

A transfer hearing was held at 9:20 AM. Highpoint Management, LLC dba Backbone Tavern applied for the transfer of the license issued to Lucas Properties, LLC dba Table Rock. The application is for the transfer of the Class "D" BWL On-Sale License. The business is located at 4676 George Washington Hwy., Oakland, Maryland. Applicants for the license are Kenneth Tressler, Lisbeth Tressler and Geoffrey Tressler. All applicants were present for the hearing in addition to Matt and Brittney Lucas of Lucas Properties, LLC. Mr. Ken Tressler stated that the tavern hours would be Monday – Thursday from 3:00 PM until 11:00 PM. Friday and Saturday the business would open at 3:00 PM and close by 2:00 AM. Ms. Owston stated that Sunday sales are prohibited in the election district. Ms. Owston explained that alcohol sales are allowed from 6:00 AM until 2:00 AM. There is no consumption of alcohol permitted on a licensed premise after 2:00 AM. Ms. Owston presented them with the Garrett County local rules & regulations. Ms. Owston noted that the premise includes the building & deck and approximately 3 acres of property. Mr. Ken Tressler said that the outside deck has some tables. He said customers who want to smoke generally use it. Ms. Owston told the applicants to notify the Board and the Health Department when they have large events planned. Ms. Owston reviewed the various administrative and inspection requirements. All alcohol must be purchased from a Maryland wholesaler and copies of the invoices for alcohol must be available for review during an inspection by the County and the State. She also mentioned that all licenses and permits issued by the County and State need to be displayed. Ms. Owston went over the age of employees selling and handling alcoholic beverages. Ms. Owston noted that Geoffrey Tressler recently received TAM certification. Ms. Owston questioned what they had planned for verifying age. Mr. Ken Tressler said their POS system has a scanner to validate driver's licenses. Ms. Owston questioned whether they plan to use wristbands to identify those of legal drinking age. She also questioned whether they planned to allow underage persons in the establishment after a certain hour. Mr. Geoffrey Tressler asked Ms. Owston for her suggestion. Ms. Owston said that they are in control and that it is up to them to abide by the regulations. She explained that in Garrett County it is not illegal for someone under twenty-one to be on a licensed premise. However, Garrett County regulations prohibit a minor from loafing and loitering on a licensed premise. She mentioned that they are licensed as a tavern and then questioned what the kitchen hours would be for the business. Mr. Ken Tressler mentioned that the kitchen would be open during all hours of business and that they hope to offer more food items on the menu. She advised that they could set up their own policy on whether a person underage is permitted at the business after a certain hour. She said if they create a policy to make sure that they enforce it. She cautioned them that on nights when there is a large crowd that they need to control the event and be certain that anyone consuming alcohol is of age and that persons underage are not getting drinks from older friends. She suggested distinguishable cups for non-alcoholic drinks & alcoholic beverages and wristbands. Mr. Ken Tressler mentioned on nights with bands that they would probably make it a 21 and over event. Ms. Owston informed the applicants that if for any reason they call law enforcement to the licensed premise or law enforcement shows up at the business that they are to notify the office of the circumstances. Ms. Owston presented them with driver's license material for Maryland and the surrounding states. Ms. Owston stated that it is illegal to serve a minor, it is illegal to serve an intoxicated person and that they have the right to refuse service.

Ms. Owston reviewed the fine and suspension penalties for sales to a minor. Ms. Owston questioned if there would be any amusement machines on the property. Mr. Ken Tressler mentioned that there is a pool table. Ms. Owston then advised him about the State regulations and mentioned that they should follow up with the Clerk's Office. Ms. Owston questioned if they have any type of entertainment planned. Mr. Ken Tressler said they plan to have some type of entertainment on Friday & Saturday and possibly on Thursday as well. Ms. Owston mentioned her conversation with the Health Department and the possible attire of the bartender. Ms. Owston presented the applicants with copies of Article 2B § 10-405. Ms. Owston informed the applicants that Article 2B and the local regulations are available on-line. Ms. Owston stated that the tax on alcohol is 9%. Mrs. Tressler mentioned that at the TAM class it was mentioned that a minor could not sit at the bar. Ms. Owston said that each jurisdiction is different and this may be the case in many counties but Garrett County does not have that regulation in place. Ms. Owston said that if there is a minor sitting at the bar counter on wing-night that is fine as long as they are not loafing or loitering. Ms. Owston presented the applicants with information from the Fire Marshal's Office in reference to the crowd manager certification. Chairperson Fratz made a motion to approve the transfer of the Class "D" BWL On-Sale License. The motion was seconded by Commissioner Bolden and unanimously approved. Upon payment of the transfer fee, the license was issued. Ms. Owston explained the upcoming renewal process and renewal costs for the license. The licensees submitted their 15-16 renewal application to Ms. Owston.

A hearing was held at 9:40 AM to upgrade the current license issued to Savage River Lodge to a Class "B" BDR Deluxe BWL On-Sale License and approval for a new Class "B" B&W On-Sale License and Draft Beer License. The new business entity is Little Crossings, LLC dba the Cornucopia Café & Grants Mercantile. The applicants are Janis Russell and Mike Dreisbach. Both applicants were present for the hearing. The Savage River Lodge is located at 1600 Mt. Etna Road, Frostburg, MD. The Cornucopia Café and Grants Mercantile are located at 146 Casselman Road, Grantsville, MD. The store is currently open and the café is under current construction. Ms. Russell stated that the store has a variety of items for sale including beverages. They plan to sell take-out beer & wine sales from the store once licensed. The store is currently open seven days a week from 9:00 AM until 5:00 PM. Ms. Russell mentioned that the store hours would be extended once the café opens. Mr. Dreisbach said that the café is on-schedule to open mid-June for a soft opening to test out equipment and train staff. The official opening to the public will be after July 1, 2015. Ms. Owston mentioned that the license approval will be pending the various administrative items and approved Use & Occupancy Permit. She said that issuing the license after the current license year ends on June 30, 2015 might make the most sense. Ms. Owston noted that the license issued to Savage River Lodge would need to be upgraded to a Deluxe license and that the upgrade will incur additional issuing and annual fees. Ms. Owston said the new license would have a few options in addition to the B&W and Draft License. The application for the new license will include the Sunday Sales Option, Off-Premise Wines Sales Option (12 bottles), Tasting Option and possibly the Catering Option. Ms. Owston discussed with the applicants the licensed premise area and the options of utilizing the catering option. A brief discussion on future events conducted with wineries off the licensed premise area took place. Ms. Owston mentioned that Sunday sales would only be permitted for on-premise consumption in the café. Take-out Sunday sales are not authorized in Election District 3.1. Ms. Owston said she would need

a detailed floor plan for the café showing where alcohol would be served from as well as stored. Mr. Dreisbach said he has the floor plan prepared and will send a copy. Chairperson Fratz made a motion to approve the license upgrade for Savage River Lodge to a Class "B" BDR Deluxe BWL On-Sale License and a new Class "B" B&W On-Sale License and Draft Beer License for Cornucopia Café and Grants Mercantile along with the various license options pending the requested administrative items. The motion was seconded by Commissioner Bolden and unanimously approved.

A formal discussion was scheduled for Greg Mortimer of Santa Fe Grill at 10:00 AM. Ms. Owston informed the Board that Mr. Mortimer emailed her the day before to say that he was unable to attend the Board's meeting. The Board decided to proceed with the next hearing and discuss Santa Fe Grill after the hearing.

A Special Class "C" 2-day BWL license hearing was held at 10:20 AM for the Western Maryland Truck Show on August 21 & 22, 2015 at the Grantsville Town Park. Mr. James P. McFarland is the applicant for the license. Representative, Marcia Sebold was present for the hearing. In addition to the truck show activities, Joe Diffey and the Davisson Brothers will perform at the baseball field on Saturday, August 22, 2015. Beer sales will take place at the concert. Ms. Owston read the responses from the questions on the Special Class C "Notification of Event" form that was submitted with the application from Dan Daniels. Chairperson Fratz made a motion to approve the Special Class "C" license for use on August 21 & 22, 2015 at the Grantsville Town Park. Commissioner Bolden seconded the motion. After the appropriate fees were paid, the license was issued. Ms. Owston noted that she would email Mr. Daniels samples of various ID's for the surrounding states.

Ms. Owston read an email from Greg Mortimer of Santa Fe Grille dated April 1, 2015. The email stated that he was unable to attend the meeting. Mr. Mortimer's email stated that an on-site inspection with the Fire Marshal, State Engineer and County Inspector would take place the second week of April. Ms. Owston noted for the record that at the March 11, 2015 meeting, the Board made the following motion. *Chairperson Fratz made a motion to extend the license hold until the next meeting under the condition that Mr. Mortimer attend the hearing and provide an update to the Board. The motion was seconded by Commissioner Bolden and unanimously approved.* Ms. Owston reviewed with the Board the circumstances surrounding the license holds including the discussions and emails with Mr. Mortimer over the past six months. The Board had questions about the various circumstances that Ms. Owston could not answer. Ms. Owston stated that this is the exact reason why Mr. Mortimer needs to attend the meeting. Ms. Owston mentioned the approaching May 1, 2015 renewal deadline and the license hold on the business. After lengthy discussion about the closed business and potential new investors, the Board made the following motion. Commissioner Bolden made a motion to extend the license hold until May 1, 2015 and if it is not renewed then it is withdrawn. Commissioner Bolden amended the motion to also included that Mr. Mortimer must attend the meeting. The motion was seconded by Chairperson Fratz and unanimously approved.

The Board had general discussion after the hearings. Ms. Owston informed the Board that Mr. Geisler of Wisp Resort called about a possible bike festival at ASCI in June that they

may cater alcohol to the event. Ms. Owston mentioned that the June meeting would be held on Wednesday, June 3, 2015.

There being no further business to discuss, Commissioner Bolden made a motion to adjourn the meeting. Chairperson Fratz seconded the motion.

The next meeting of the Board of License Commissioners is scheduled for Friday May 1, 2015. The meeting will be held in the Commissioner's conference room.

Michael J. Fratz
Chairperson

May 1, 2015

Date