

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their monthly meeting on Thursday, December 17, 2020 at 9:00 AM. Due the COVID-19 State of Emergency and the limited access to the Garrett County Courthouse, the meeting was conducted by teleconference. Present on the call was Chairperson Lisa Herman, Commissioner Mike Fratz, Commissioner David Moe, Administrator to the Board Deborah Owston and Attorney to the Board M. Elizabeth Georg.

Chairperson Herman called the meeting to order. There were no mileage sheets to be signed by the Board since the meeting was a teleconference.

The Board approved the November 12, 2020 Minutes. Commissioner Fratz made the motion to approve the Minutes. The motion was second by Commissioner Moe and unanimously approved by Chairperson Herman.

There was general discussion before the hearings. The 2021 legislative meeting with the Garrett County Delegation was held on December 7, 2020. The meeting was live streamed on Facebook. A drinks to-go / delivery legislative request was drafted for the Maryland Restaurant Association and MSLBA. On November 25, 2020, the Garrett County LCB put a Temporary COVID Directives policy in place. The Directive establishes the following consequences for non-compliance. First violation will be a \$250 fine and no contest letter. Second violation will go before the Board for a decision and fine. Three or more violations will result in an automatic suspension of the license. On November 17, 2020, Executive Order 20-11-17-01 was authorized by the Governor of Maryland. The Executive Order reduced capacity to 50 % of the maximum occupancy for all licensed establishments as well as set a 10 PM curfew for on-premise establishments. No on-premise sales are permitted between 10 PM - 6 AM. New Year's Eve hours will not be extended unless the 10 PM curfew is lifted. Also, on November 25, 2020, the Fire Marshal inspected Home Town Pizzeria as a result of the Maryland State Police site visit on November 14, 2020. The Fire Marshal increased the capacity to 55 based on a new door was put in and proper egress panic hardware was put on doors. The Fire Marshal occupancy was raised; however, the Health Department occupancy number is still in effect. The Fire Marshal acknowledged that as well. Compliance checks began December 15, 2020. Eleven businesses were checked. All businesses were found in compliance. A further discussion took place on Home Town Pizzeria. Commissioner Moe asked when was the last time the Health Department notified them of their 20-customer capacity. Ms. Owston mentioned occasions when they may have been notified. She then said she would follow up with the Health Department. Commissioner Moe also requested more information on the Maryland State Police inspection for when the band was there. Ms. Owston said she could get that information.

A new license hearing was held at 9:20 AM. Exit 4 Ventures, LLC dba Friendsville Public House applied for a Class B BWL On-Sale 7-Day License with Draft Beer Option in accordance with the Maryland Annotated Code AB § 21-902 and AB § 21-1103. The business is located at 246 Maple Street in Friendsville. Applicants for the license are Michelle Leadbeter, Kenneth Leadbeter, Jeremy Layman and Sharon Blank. All four of the applicants were on the call as well as Terry Boggs. Ms. Owston noted for the record that this is a new LLC entity for Friendsville Public House. She said we had previously held a

hearing for Friendsville Public House but there are now additional investors in the business and a new LLC which required an additional hearing. Mr. Leadbeter said they brought on the other investors for the business. He further stated that he and Michelle are the owners of the property. Mr. Leadbeter stated that they have a building inspection later today and they would hope to open 45-60 days out. Ms. Owston stated that Sharon Blank is working on reducing her ownership in The Manor Steakhouse. Ms. Owston reviewed the license issuance procedures and regulations as well as read the applicants responses. It was noted that the business is located within the Town of Friendsville and town zoning applies. Ms. Owston said the license would be issued as a restaurant but if food sales become lower than alcohol sales then they might have to be reclassified as a tavern and may need to go back in front of the Town of Friendsville. Commissioner Moe made a motion to approve the Class B BWL On-Sale 7-Day License with Draft Beer Option pending outstanding administrative items. The motion was second by Commissioner Fratz and unanimously approved by Chairperson Herman. Ms. Owston noted the outstanding administrative items include the Trader's License, Health Permit and Use & Occupancy Permit.

A transfer hearing was held at 9:40 AM for the transfer of the Class D B&W On-Sale License with Tasting Option issued to LakeStar Holdings, LLC dba LakeStar Lodge to a Class B B&W (Hotel) On-Sale license with Tasting Option issued to LL DCL, LLC dba LakeStar Lodge in accordance with AB § 21-803, 21-1701 & 21-1702. Applicants and membership percentage of the transferred license are Amanda Pratt 2%, Lisa Pratt 48% and Jeffrey Pratt 48%. The business is located at 2001 Deep Creek Drive in McHenry. Amanda Pratt and Lisa Pratt were on the conference call. Ms. Owston explained that this property is a licensed establishment in the Deep Creek Watershed, and it falls under zoning regulations. She further stated that the approved sales are for hotel guests only and that no outside sales are permitted. They are not permitted by zoning to set up a tiki bar out on the lawn and sell to anybody docking there or to guests of the lodge. The license premise and sales are limited to the lobby. Ms. Owston stated that the property plat that was submitted noted where alcohol consumption, sales and storage would be. Ms. Owston pointed out that guest rooms would not be licensed. Lisa Pratt mentioned that they did make some changes to kitchen area but nothing structural. She said they removed an island and a sink. Ms. Owston questioned if they still have a sink and questioned how they plan to serve the alcohol. She then pointed out that the Health Department has requirements on the use of stemware. Lisa Pratt said the alcohol would be for sale from a closed cooler. Ms. Owston mentioned that when they do tastings to make sure they use plasticware and not stemware because of the Health Department requirements. Lisa Pratt mentioned that she has purchased wine glasses with Deep Creek Lake printed on them for re-sale. Ms. Owston said after the hearing, she will send an email to the Health Department to make sure it is permitted or if they have recommendations. A brief discussion took place about planned activities on the property. Ms. Owston mentioned that prior to any changes to the property, they would need to contact the Planning and Land Management Office and Health Department for approval. Lisa Pratt mentioned that they would like to have some planned activities on-site such as weddings. They may also want to sell some grab and go food items. Ms. Owston reviewed the license issuance procedures and regulations to the applicants. Commissioner Moe made a motion to approve the transfer of the license to a Class B B&W On-Sale 7-Day License with Tasting Option. The motion was second by Commissioner Fratz and unanimously approved by Chairperson Herman. The license will be issued upon receiving the outstanding administrative items.

The general discussion continued after the hearings. On the Edge Marina, LLC dba Firewater Kitchen & Bar license was issued November 24, 2020 and opened to public by reservation only on December 11, 2020. An application was received from Sweitzer's BBQ for the January meeting. It is currently considered incomplete and will need to be complete prior to January advertisement deadline. If it's not complete by the deadline, the applicant will need to re-apply and submit the application fee as well. Ms. Owston mentioned she had not heard anything more on Silver Tree Suites or the license for Dry Dock Plaza. Rachael Carr of Winner's Circle said they are going to wait to add the BWL Tasting Option due to the COVID restrictions and required renewal fees. Chris Watson is still working on replacing Autumn Newcomb-Shay as the US citizen on Shrimp on The Barbie license. Ms. Owston mentioned that the COVID-19 violation hearings letters were sent out on December 15, 2020 to Midway Discount Liquors, American Legion Post #71 and Home Town Pizzeria. The hearings will be held January 14, 2021. A discussion took place about the businesses and finding them in contempt of the Governor's Orders without a show cause hearing based on the Health Department reports. The Board discussed reconsidering having the hearings and just issue them a fine based on the Temporary COVID Directive. Ms. Georg will look into it further. Ms. Owston mentioned the directive and no contest letter that was recently put in place. She then said if we follow other counties, we send the business a letter saying that they can pay the fine and agree or request a hearing. Commissioner Moe said we should just fine them and send a letter and let them know if they want to contest it, they can have hearing. Chairperson Herman and Commissioner Fratz agreed. Further discussion took place on Home Town Pizzeria. It was mentioned that the Fire Marshal and Health Department need to get together on the occupancy permit and give one dual permit for occupancy and it has to be posted. Ms. Owston mentioned that she added a new column in the LCB database for occupancy. She suggested that at renewal time we require all businesses that need an occupancy placard must submit one by a set date. The Board all agreed that in order to renew a license on July 1, 2021 a certificate must be received. Several businesses over the last month have temporarily closed due to contact tracing and COVID-19. Mt. State Brewing Co. is going to wait on a brewery manufactures license. They were approved for igloo dining by the Fire Marshal and Health Department. The new owners of Thousand Acres Golf Club are expected to submit a transfer application for Rake Management, LLC's license for the pro-shop. A Special Exception application will be required for a clubhouse. Ms. Owston mentioned the possibility of having a teleconference with Delegate Beitzel and Senator Edwards on the pending statewide legislative bills.

The next regular meeting of the Board of License Commissioners is scheduled for Thursday, January 14, 2021.

There being no further business to discuss, Commissioner Moe made a motion to adjourn the meeting. Commissioner Fratz second the motion and Chairperson Herman unanimously agreed.

Lisa Herman
Chairperson

January 14, 2021
Date