

**Meeting Minutes  
Board of License Commissioners  
for Caroline County, Maryland**

**DATE:** Wednesday, November 19, 2014

**PLACE:** Health & Public Services Building  
403 S. 7<sup>th</sup> Street, 1<sup>st</sup> Floor, Room 111  
Denton, Maryland 21629

**BOARD MEMBERS:** Carol H. Webster, Chair  
Nicholas Loukides, Commissioner  
Greg Eigenbrode, Commissioner

**OTHERS PRESENT:** Crystal Dadds, Asst. Director of Codes  
Rick Davis, Alcoholic Beverage Inspector  
David Calloway, Board Administrator

Chair Carol Webster called the meeting of the Caroline County Board of License Commissioners to order at 9:30 a.m.

**NEW BUSINESS**

**TEMPORARY LICENSE APPLICATIONS**

Caroline County Chamber of Commerce

Ms. Ann Jacobs explained to the Board members that the Caroline Chamber of Commerce would like to hold its annual holiday mixer on December 11, 2014 at the Chesapeake Culinary Center. The actual hours for the event would be from 5:30 until 7:30 p.m. She is asking for a one-day temporary license for the hours of 4:00 to 8:00 p.m. Ms. Jacobs stated that there would be a cash bar selling beer and wine.

**Motion:** Mr. Nicholas Loukides made a motion to approve the one-day temporary alcoholic beverage license for the Chamber Holiday Party being hosted by the Caroline Chamber of Commerce.

Mr. Greg Eigenbrode recused himself from voting on the temporary alcoholic beverage license citing that he is a member of the Caroline Chamber of Commerce.

**Second:** Chair Webster seconded the motion.

**In Favor:** The motion was unanimously approved (2-0).

Caroline County Historical Society

Mr. Charles Andrew reported to the Board that the Historical Society would like to hold its annual Christmas Party at the Rural Life Museum on December 13, 2014. The event is scheduled to take place from 4:00 until 7:00 p.m. and they would like to be granted a one-day temporary alcoholic

beverage license. Mr. Andrew explained to the Board members that the Historical Society planned to allow anyone who purchases tickets to attend the event to have two free drinks. After that, they will have to purchase any others that they wish to consume. Ms. Crystal Dadds forewarned Mr. Andrew that the word "free" not be written on the tickets and suggested using "included".

**Motion:** Mr. Eigenbrode made a motion to approve the one-day temporary alcoholic beverage license for the Caroline County Historical Society Christmas Party to be held at the Rural Life Museum on December 13, 2014.

**Second:** Mr. Loukides seconded the motion.

**In Favor:** The motion was unanimously approved (3-0).

#### **Adkins Arboretum – Multiple Event License for 2015**

Chair Webster noted that Adkins Arboretum had been previously approved for any future events which they may hold as long as they are held within the same approved premises. The specific event information must be submitted to the Liquor Board ten (10) in advance of each event and in turn a separate approval will be issued. Ms. Dadds added that the areas which were approved are the inside of the building and the tented area outside of the building. She reported that the applicants would like to be approved for a multiple event alcoholic beverage license for 2015.

**Motion:** Mr. Loukides made a motion to approve the multiple event alcoholic beverage license for Adkins Arboretum for the 2015 calendar year.

**Second:** Mr. Eigenbrode seconded the motion.

**In Favor:** The motion was unanimously approved (3-0).

Ms. Jacobs inquired as to what would happen if the Rural Life Museum or the Culinary Center obtained multiple event licenses. She was told that if those organizations held a multiple event license, then any events at their premises would fall under that license until they had reached their limits. At that time, individual temporary licenses could be applied for by the various non-profit organizations that would sponsor the events.

#### **DISCUSSION – LICENSE OPTIONS FOR WINE/COFFEE BAR**

Ms. Roxanne Wolf reported to the Board members that she and her sister Ms. Beth Brewster would like to open a café in Downtown Denton. They would serve small plates of food, coffee, wine and craft beer. The café would also offer free Wi-Fi and try to offer a comfortable meeting place for colleagues and friends. It would seat 15 to 18 people and be open six days per week. It would be closed on Sundays. The hours of operation would be from 4:00 to 10:00 p.m.

The proprietors have spoken with the Town of Denton and the Denton Police Department. Both have indicated that they are comfortable with the plans for the café and do not anticipate that it would cause any problems. The project has the support of the Caroline County Economic Development Corporation and its Office of Tourism.

Ms. Wolf and Ms. Brewster are concerned that by selling only small plates of food, the revenue which the food would generate will likely be less than 50% of the total sales. This makes the café ineligible for a restaurant license which would allow it to serve wine and beer while admitting patrons and employees who are under the age of 21. The café would therefore have to apply for a Class D license which prohibits anyone who is under the age of 21 from entering the premises.

This would create a problem for the café because it would prohibit them from hiring anyone under the age of 21 as wait staff and would also prevent a segment of customers from dining at the café.

Ms. Wolf commented that Article 2B already has different categories of Class D tavern licenses including a beer & wine category that excludes liquor. She proposes that the regulations for Class D - beer & wine licenses be changed to eliminate the age restriction. The age restriction could remain in effect for Class D licenses that include liquor.

Ms. Dadds stated that she, Ms. Heather Price, Ms. Brewster and Ms. Angela Visintainer had met earlier to discuss the options which are available to allow the proposed café to open in Caroline County. If the applicants open under the Class B license requirements, which are applicable to restaurants, they may not be able to have over 50% of their sales be food items. The only other option open to them at this time is for them to get a Class D license. The Rules and Regulations for Caroline County allow only persons aged 21 and over to enter a Class D licensed premises. This regulation is not included in State Article 2B. Article 2B only limits the sale of liquor to be made by employees who are over the age of 21. Persons who are under the age of 21 are allowed on the premises of Class D licensed establishments under State law.

Ms. Dadds noted that all of the Class D licensed establishments in Caroline County are true bars or taverns. She continued by saying that there is an option in the State regulations for a Class D beer and wine license which does not allow any liquor sales which can be legalized by changing the local Rules and Regulations. Mr. Eigenbrode commented that there must be a way to allow the café to open without dropping the age limits currently in place on bars and taverns.

Ms. Visintainer stated that the establishments which apply for a Class D - beer and wine license would be a different type of operation from the ones which allow liquor to be served in a bar or tavern. She would like to see the change made which would allow this new license which is only for beer and wine. She suggested that another control which could be placed on this license is to limit the hours of operation for which the sale of alcohol is allowed by establishments under the beer & wine license. Mr. Eigenbrode asked whether there would be any outside seating at the proposed café. Ms. Wolf answered that she will take whatever the Board allows. She may come back to ask for that later if the Board is not against it. Ms. Dadds added that a majority of other jurisdictions in the State of Maryland have a Class D license for beer and wine only. They do not have the 21 year old age restriction on their Class D - beer & wine licenses. It is only applicable to their bars and taverns. This license would be for establishments whose primary sales may not meet the 51% requirement which is placed on restaurants.

Ms. Dadds reported to the Board members that State Article 2B says that anyone who serves alcohol must be at least 21 years old. Caroline County regulations carry that further by saying that no one under the age of 21 is allowed on the premises. She commented that this law has not been a problem because all of the Class D license holders in Caroline County are taverns and bars. They do not sell much food other than bar snacks. The challenge here is to allow the café and other operations similar to it to operate without letting the taverns and bars change over to this license. She feels that limiting the hours of operation and eliminating the sale of liquor will help in this regard. Mr. Loukides commented that he likes the idea of imposing a 10:00 p.m. closing time on Class D - beer & wine license holders.

Chair Webster asked Ms. Wolf when her projected opening date would be. Ms. Wolf answered that she hopes to be open by June of 2015. She would like to get the project moving as fast as possible. Ms. Dadds commented that the Board will be working on the County's Rules &

Regulations in the near future and that the changes discussed at this meeting and approved by the Board can be added at the same time. She suggested that Ms. Wolf apply for the Class B - Beer & Wine Restaurant License and see how the food and beverage sales for her business work out for the first year. At that time, she could change over to the Class D license if her food sales do not constitute 51% of her total sales. The Board members discussed the possibilities among themselves and agreed that they could amend the regulations during the upcoming year to create the new license. Mr. Eigenbrode cautioned that the wording must specify a distinction between the beer & wine license and the beer, wine & liquor license.

Ms. Dadds suggested that the condition of having no Sunday sales of alcoholic beverages could be added to the proposed class of license. There was further discussion among the Board members about other possible regulatory suggestions for the new legislation. It was noted that to serve beer and wine, the server must be at least 18 years old. To serve liquor, the server must be at least 21 years old.

Mr. Rick Davis asked whether the applicants have checked with the Health Department to see whether their proposed business would be allowed to serve food. Ms. Wolf replied that Ms. Brewster checked with the Health Department and that the new café would be approved since it does not plan on serving any fried or other "heavy" foods. It will be only serving small plates of food consisting of cheeses and appetizer type foods.

Mr. Eigenbrode asked whether there would be any special events held at the café that would run beyond a 10:00 p.m. time restriction. Ms. Wolf stated that at this point, she would be happy with anything that the Board will approve. Ms. Dadds asked how large the building is where the café would be located. Ms. Wolf responded that the proposed café would occupy approximately 800 square feet. Ms. Dadds asked if the Board members would be comfortable allowing the café to operate for a year with restrictions placed on it, and then reevaluate the situation at that time. It will not be difficult to change the regulations as the Board deems it necessary. Ms. Visintainer asked whether it would be possible to permit the café to have a limit of four or five special events throughout the upcoming year where they may operate beyond their time limitation. Ms. Dadds stated that she will check the regulations to see if this is permissible, but she believes that it would be up to the Board members. Ms. Wolf commented that she is willing to take on the risk of opening the new café. Ms. Jacobs warned that the Town of Denton has some use restrictions on certain neighborhoods in the town that Ms. Wolf should investigate. Ms. Dadds also suggested that she may want to consider obtaining a retail license when opening the café to provide for incidental sales such as a bottle of wine. The Board members discussed the proposed café project among themselves and told Ms. Wolf that they would be comfortable with the project if she would like to proceed with her plans.

The Board members then discussed possible restrictions that could be placed on the new Class D license to discourage existing taverns and bars within Caroline County from applying for the new license to allow customers under the age of 21 in their establishments. Ms. Dadds noted that Caroline County is the only county in Maryland that has the age restriction set at 21 to be allowed into a bar or tavern. She warned the Board members that they need to be careful that they do not create any loopholes in any regulations which they create. The restrictions on the operating hours and not allowing liquor sales were discussed. Ms. Dadds noted that these regulations could be adjusted at a later date if problems occur. She suggested that size limitations be placed on the buildings which house the proposed license holders. Ms. Dadds commented that since the requirements concerning the new license is under local jurisdiction, the regulations would be fairly easy to adjust.

## INSPECTOR'S REPORT

Mr. Davis reported to the Board members that he has been working on trying to coordinate having underage compliance checks on the licensed establishments in Caroline County. He has been in dialogue with the Maryland State Police. The checks should be made in the near future and will utilize one of the State Police's cadets. Mr. Davis also reported that he is now a certified TIPS Alcohol Awareness trainer. He is scheduling his first class to be held at the Goldsboro Volunteer Fire Company in December.

Ms. Dadds stated to the Board members that she had received a draft decision for Sheldon's 313 and would like to review it further before bringing it before the Board for their review and approval. She reported to them that the Market Street Public House is working on filing their paperwork with the State to start the operation of their micro-brewery. She then reviewed the events which have been held in the last month under temporary alcoholic beverage licenses which were previously issued by the Board.

Chair Webster adjourned the meeting at 10:15 a.m.

*The next meeting is scheduled for Wednesday, December 10, 2014.*

BOARD OF LICENSE COMMISSIONERS  
Carol H. Webster, Chair

*David Calloway /MLS*  
Minutes prepared by:  
David Calloway

