

**Queen Anne's County Liquor Board
Minutes of Special Meeting**

April 17, 2018

The Board of License Commissioners of Queen Anne's County held a special meeting on Tuesday, April 17, 2018 at 9:00 A.M. at 110 Vincit St., Centreville, MD. The meeting was called to order by Chairman John T. McQueeney. Those present were: John T. McQueeney, Chairman; Gene M. Ransom, Esq., Vice-Chairman; Maurice D. Dashiell, Joyce E. Jones, Esq., and Thomas E. Beery, Members; Patrick E. Thompson, Esq., Acting Attorney for the Board; Cathy Maxwell, Clerk to the Board; William J. Council, Liquor Inspector; Michael Wisnosky, Director of Planning & Zoning; Vivian Swinson, Zoning Administrator.

The following Special/Temporary licenses were reviewed and approved:

Friends of Laura Bogley Knickman – Date of event – April 26
Push for Patriots/Trucking for Troops - Date of event – May 19
Abate of Maryland - Date of event – June 22 and June 23

The Board held a special hearing regarding Kentmorr Restaurant. Mr. Thompson administered the oath to all who were to testify. Mr. and Mrs. David Harper, license holders, and their attorney, Christopher Drummond, Esq., appeared before the Board. Mr. McQueeney read into the record the following excerpt from the April 3, 2108 meeting regarding Kentmorr Restaurant: "The Board discussed the premises map that was submitted for Kentmorr Restaurant. Mr. Council said where the map says "pool", that is fenced off. The fence goes down to the water line. The property from the water line to the fence is not used for anything. They do not have permission to sell alcohol on the parking lot. Mr. Ransom made a motion, seconded by Ms. Jones, to approve the changes that Mr. McQueeney has drawn in red on the premises map and that if the applicant has concerns about the drawing, they will be put first on the May 1 agenda to discuss additional changes. This way there will be no interruption in the license and if there is a problem the Board will have time to address it. All members voted in favor. The premises map outlined in red was marked Exhibit #1. Mr. Council said the applicant has been out of town but he thinks she has returned". Mr. McQueeney said Mr. Council did talk to Mrs. Harper about the map. Following that Mr. Drummond wrote a letter to the Board requesting a special hearing which is being held today.

Mr. Drummond said this is an administrative hearing and if one is dissatisfied with an administrative hearing the appeal goes to Circuit Court. The Circuit Court must rely upon the record made before the administrative body and cannot go outside the record that's made. Part of the record is what occurred at the April 3, 2018 meeting and Mr. Drummond said he needs to supplement that record with additional information. Mr. Drummond requested that the following entire files for liquor licenses be made a part of this record. The Jetty, Bridges

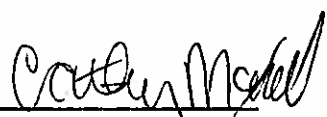
Restaurant, Big Owl, Doc's Riverside Grill, Sunset Grill at Rolph's Wharf, Rustico Restaurant and Red Eyes Dock Bar. Mr. Drummond said to the best of his knowledge these are the licensed premises in the County with outdoor venues. There was no objection to this request. Mr. Council said there are actually 13 businesses with outdoor venues. Mr. Drummond said the seven he mentioned are the ones he wants to be a part of the record. He said at the last Liquor Board meeting on April 3, 2018 a drawing of the licensed premises at Kentmorr Restaurant was prepared by the Chairman, presumably at some place other than at the meeting, and this was marked Exhibit No. 1. The motion made by Mr. Ransom was based on that document. Mr. McQueeney said the drawing was prepared at the April 3 meeting. Mr. Drummond said it was unclear from listening to a recording of the meeting when the red line was drawn. The license holder was previously asked to produce a drawing before the renewal hearing which was done through the offices of Jeff Thompson, Esq. and Crystal Richard, Esq. Mr. Drummond reviewed the files and premises maps for the seven businesses he mentioned. He said the Jetty has not been asked to produce an updated drawing of the licensed area since 2001. The drawing presented prior to that was 1991. Mr. Drummond said the situation at the Jetty today is quite different from 1991 or 2001. Bridges Restaurant's last drawing of the licensed premises was 2009. Big Owl's original drawing was in 2006. In 2012 Big Owl's submitted a drawing for renewal purposes to expand the licensed area. The last drawing for Doc's Riverside Grill's outdoor portion was 2003. Sunset Grill at Rolph's Wharf's drawing was in 1993 and that included the restaurant. The drawing shows three red boxes showing what the licensed area was. There is a reference to a beach bar but no drawing. Mr. Drummond said the entire beach area is used there but there is no drawing of it. This license has been renewed every year without this Board requesting a revised drawing. He said the detailed drawing of Rustico Restaurant was produced in 2007 and has not been requested to be updated. Red Eyes Dock Bar has a drawing dated 1988 on a McCrone plat, basically the restaurant only. The outdoor deck being used was not shown on any drawings until 2005 and nothing since. The Red Eyes shows the licensed area to be to the edge of the docks. Mr. Drummond said one of the reasons said to justify circumscribing the licensed premises at Kentmorr was a safety issue. If that were the case this would apply at virtually every other licensed area with an outdoor venue on the water. Mr. Drummond said license renewals have always been essentially ministerial as a matter of practice. The licenses are renewed by this Board unless they receive the statutorily required 10 protests. If the license holders had known that a significant portion of the traditionally licensed area would be excised from the license, they obviously would have been back before this Board. Mr. McQueeney said this Board went out of its way to draw lines where they thought the licensed area was and asked Mr. Council to talk to Mrs. Harper. Following that the Board received Mr. Drummond's letter. Mr. Ransom asked if anyone had a proposed solution. A colored drawing was presented to the Board showing the requested licensed premises, without the parking lot, and this was marked "Exhibit 1" dated 4/17/18. The drawing shows a pool and there is currently no pool there. Mr. Beery said the reason this Board requested an updated drawing at this time goes back to a situation in October 2017 when there were two hearings held by Mr. Mike Wisnosky, Director of Planning and Zoning, about an issue on the beach area of the premises. At that time Mr. Council asked for a drawing delineating the area used for service and consumption. It was said that a drawing would be provided before renewal in April 2018. A drawing was not received and when renewal time

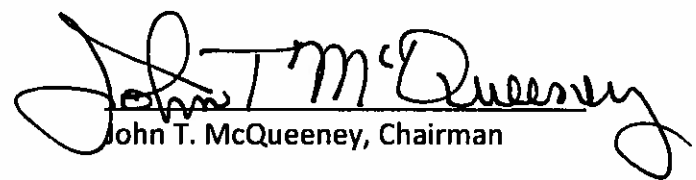
came in April, Mr. Council was requested to go to the property and help facilitate a new drawing. Mrs. Harper was on vacation at the time. So the Board attempted to provide the beginnings of a sketch that would help fill in the area being used. Mr. Beery said mistakes were made but the Board was trying to remedy the situation. He said the highlighted area shown on the new drawing that goes down to the bulkhead was not used last year. There were no tables or chairs there. Mr. Wisnosky said there were two community meetings held regarding zoning issues, they were not hearings. Issues were raised by people living in the area about music and parking. The issue of the liquor license was briefly brought up but it was disposed of immediately and determined that would be a separate meeting between Mrs. Harper and the Liquor Board. There was no discussion about the liquor service issue at those two community meetings. Mr. Dashiell said this Board has nothing to do with traffic issues, etc. Mr. Drummond stated this Board has not asked for updated drawings for any other outdoor venue over the last number of years except Kentmorr. The license holders are wondering why they are being shown particular attention when there have been no violations there. Mr. McQueeney said in 2017 he received three times as many phone calls about Kentmorr as all the licensed properties combined so he had concerns. He said the Harpers run a great operation and he went out of his way to try to appease the people who called. Mr. Drummond said those were land use issues, not liquor license issues. Mr. McQueeney said some of the neighbors wanted to protest their liquor license and he talked them out of it. Therefore, this Board wanted a correct premises map in the file so her renewal license would not be affected. Mr. Ransom said if there is no objection to the new map exhibit presented here today, it should be accepted. Mr. Ransom made a motion, seconded by Ms. Jones, to approve the new map submitted by the applicant, marked Exhibit No. 1, dated 4/17/18 to replace the previous map in the file. All members voted in favor.

To follow up, Mr. Ransom made a motion, seconded by Ms. Jones, that the current license holders who have outdoor venues be requested to provide the Board with an updated premises map for their file. All members voted in favor.

There being no further business the meeting was adjourned to meet again on Tuesday, May 1, 2018.

Respectfully Submitted,


Cathy Maxwell, Clerk


John T. McQueeney, Chairman