

The Board of License Commissioners of Cecil County met in a regular session at the County Administrative Building, Conference Room, 200 Chesapeake Boulevard, Elk Room, Elkton, MD on **Wednesday, February 28, 2018** at 9:15 A.M.

PRESENT: Tim Snelling, Chairman
W. Edwin Cole, Jr., Commissioner
Steven A. Miller, Commissioner
H. Norman Wilson, Jr., Esquire
Earl R. Bradford, Chief Alcohol Beverage Inspector
Robin S. Trader, Administrative Assistant

NEW APPLICATION

Application received from Larry Wayne Crouse, Jr. LWCI, LLC, 107 East Main Street, Elkton, MD 21921 for issuance of a new Class "B" Beer, Wine & Liquor Alcoholic Beverage License.

Larry Crouse, Rebecca McMahon and Maxwell Cramer appeared before the Board with attorney, Robert Jones. The applicants were duly sworn; Commissioner Cole stated his mother in law holds the mortgage on the building at 107 E. Main Street and his wife was the pharmacist in the former family pharmacy business, he offered to recuse himself; Mr. Crouse stated he didn't feel there was a reason for that. Mr. Wilson read the legal notice that was published on dates of February 14 and 21, 2018. The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 3; zoning certificate signed by Charles Bromwell, Director, Town of Elkton Building and Zoning. Mr. Wilson asked if the questions that were answered and submitted were the same as when they were submitted, Mr. Crouse stated they are. Mr. Crouse stated he is currently remodeling the building into a restaurant which will sell alcoholic beverages; there has been extensive work done and they are in the final stages. Mr. Snelling asked if they will have live entertainment; Ms. McMahon stated not at this time. Commissioner Cole asked if they were planning outside seating and Ms. McMahon stated not this time. Commissioner Miller asked when they plan to open; Mr. Crouse stated they have the final inspections within the next two weeks and hope to be open by St. Patrick's Day. Mayor Rob Alt stated he not only is the mayor in town but he lives in the district of the license; he stated the town is extremely excited for what this establishment will bring to the town. Mary Jo Jablonski stated she is the Executive Director of the Elkton Alliance stated she is "very much in favor of this coming to our town." John A. Palmer, Jr. stated he has owned the business across from C3 for about five months; he's looking forward to seeing the increase of family coming downtown. With no further questions, Commissioner Miller made a motion to approve the issuance of the license once the permits have been issued and we've received copies; Commissioner Cole seconded that motion and the Board unanimously approved the issuance of the license.

SHOW CAUSE

David Carey, Member; Kenneth Frank Enders, Jr., Member; 600 Rowland LLC, T/A Lee's Landing Dock Bar, 600 Rowland Drive, Port Deposit, MD 21904

Official transcript available upon request and payment of fees.

David Carey and Ken Enders appeared before the Board with attorney, Shelly Upton; they were duly sworn by the Clerk. Chairman Snelling stated he would like to recuse himself due to his relationship with the licensees; Commissioner Cole was unanimously voted as Acting Chairman.

Ms. Upton stated there seems to be some confusion regarding the owner of property and the license holders; stating the owner of the property is responsible for the fees and taxes that are due, not the entity that owns the license. She continued that she didn't understand how they could hold the license holder responsible and take their license.

Jason Allison, Attorney for Cecil County introduced himself and stated the county signed a Major Facilities Acquisition Agreement with the property owner and they failed to comply with the agreement; they failed to pay what is due, did not increase the ELU but continued to operate. He continued that the county has asked to hold any permits, licenses, etc. until the fees/taxes were satisfied. The amount due is \$120,000 for the extra ELU plus \$3,000 in personal property tax, totaling \$123,000.

Ms. Upton stated the license holder doesn't owe \$123,000; they were only made aware on February 1 about the personal property tax; she stated the county was supposed to do an audit and give them the results quarterly and the last audit completed was 1/23/2017; she stated there was an error on an invoice; the last letter from the county was January 2017 and again, the agreements were with the property owner not the licensee.

Mr. Allison agrees Cecil County made an error on a bill, it was revised by the county and paid yesterday. He stated the agreement was terminated in the summer of 2017, the audit was completed around that time they stopped doing audits when the property owners failed to comply with the MFAA. He stated the personal property tax was due in November 2017, it was reprinted in February 2018 and that is the date that is printed on the invoice Ms. Upton was speaking of.

Lisa Saxton, Acting Director of Finance for Cecil County, reiterated what Mr. Allison said and stated what is due at this time. Ms. Upton interrupted her and stated they have not received notification that the MFAA was terminated.

Commissioner Miller asked to break into Executive Session to discuss some things with Mr. Wilson. After the Executive Session, Mr. Allison presented the following items as exhibits for Cecil County:

Exhibit #1 – Memorandum dated 1/7/2015 to Jason Allison from Kordell Wilen, PE, Cecil County Land Use & Development Services, Development Plans Review

Exhibit #2 – Major Facilities Acquisition Agreement dated 12/1/2015

Exhibit #3 – Sewage Usage Audit dated 1/23/2017

Exhibit #4 – Memorandum date 1/16/2018 to Jason Allison from Kordell Wilen – Major Facilities Acquisition Agreement

Exhibit #5 – Email from Fred Von Staden, Environmental Health Director, Cecil County Health Department - dated 2/28/2018

Exhibit #6 – Notice of Breach dated 6/21/2017

Exhibit #7 – Delinquent Personal Property Tax Bill reprinted 2/8/2018

Licensee Exhibits as follows:

Exhibit #1 – Delinquent Personal Property Tax letter dated 2/1/2018

Exhibit #2 – Personal Property tax bill receipt

With no further discussion, Commissioner Miller made a motion to suspend the license without renewing until all the issues with Cecil County Government is resolved; Commissioner Cole seconded that motion and the Board unanimously voted to suspend the license without renewing until all the issues with Cecil County Government is resolved

General Business

- **Approve Minutes**
- **Specials**

Old Business

New Business

With no further business to discuss, the meeting was adjourned.

BY:

Tim Snelling, Chairman

ATTEST:

Robin S. Trader, Administrative Assistant