



ALCOHOLIC BEVERAGES ADVISORY BOARD

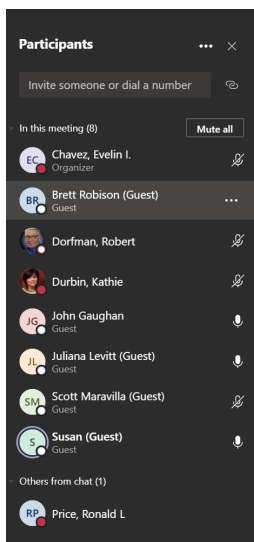
Marc Elrich
County Executive

Meeting
Tuesday, November 10, 2020
Alcohol Beverage Services' Meeting Room
201 Edison Park Drive, 1st Floor, Gaithersburg, MD 20878

Minutes

Members and Staff Present (virtually through Microsoft Teams): John Gaughan, Chair; Brett Robinson, ABAB Member; Christopher (Scott) Maravilla, ABAB Member; Juliana Levitt, ABAB Member; Susan Heltemes, BLC; Robert Dorfman, Director, ABS; Ron Price, Licensing, Regulation and Education; and Kathie Durbin, Chief of Licensing, Regulation and Education.

Absent: Lt. Ruane



John Gaughan called the meeting to order at 9:12 am. A motion was made to approve the July meeting minutes by Ms. Levitt, seconded by Mr. Robinson, and unanimously approved by the members present.

Evelin Chavez, ABAB Update:

Ms. Chavez did not have any updates.

John Gaughan, ABAB Member:

Mr. Gaughan did not have any updates.

General Discussion:

The two public ABAB open vacancies advertised were closed earlier this summer. We have received resumes from a number of applicants and are ready to interview the candidates. Ms. Chavez will be scheduling interviews with other members of the board.

Susan Heltemes, BLC Update:

Ms. Heltemes reported that there is a new member for the Montgomery County Board of License Commissioners, W. Gregory Wims, Commissioner. Mr. Wims was appointed to the board and is a native of Montgomery County who has been involved in many things. The board is waiting for the potential reappointment for another member. The board is slowly getting back to show cause hearings and believes has finally caught up to other issues that had arisen prior to COVID-19. From now on, the issues will hopefully be COVID-19 issues.

The board had a presentation from EPA regarding sound issues and the board is working with the County to see how they can work together on the downtown Silver Spring problems.

This year the board didn't go through the renewal process as they normally would because of the shut down and now some establishments are ready to pay and caught up with payments. So now the board is seeing about roughly 10-15 applicants paying their application fees each board hearing. The board is surprised to see how many businesses are willing to pay despite the financial difficulties' licensees are facing.

The distance requirements for schools and establishments have pretty much evaporated. The County has one case in court where one establishment is fighting for its space. Five issues are always taken into consideration. Proximity and competition are lumped into one and it's an issue that the board had always struggled with due to zoning issues. The issue is that the County does not have any zoning regulations on how close licensees can be to one another. This will be something that will likely be seen in court going forward.

Ms. Heltemes explained that establishments have broken the rules by not enforcing masks or serving after hours. With the increasing number of COVID-19 cases, its likely that the sale of alcohol will again, stop at 10 o'clock. The restaurant association is very frustrated with this decision but one of the places where the virus tends to spread is during late night alcohol sales.

Mr. Robinson asked about the noise issue and how that department is working with the board. Ms. Heltemes explained that the board is looking to use a tiered system to resolve this issue. She missed the last briefing on this issue but will send a brief update so everyone is aware on what will happen. The board is being very human, but the ultimate goal is revocation.

Mr. Robinson asked if there was any conversation or desire of allowing licensees to have digital copies of records. Ms. Heltemes responded and said that's something that's available now.

Kathie Durbin, ABS Update:

Ms. Durbin informed the board members that LRE just completed the mystery shops program for curbside pickup for alcohol. Ms. Durbin will be meeting with the restaurant associate to discuss this matter at noon today. A year ago, this is not something that Ms. Durbin would have foreseen taking place, but it's been interesting to see all the different models. During the mystery shop, LRE found that about 55% of business in Montgomery County did not check for an ID. This certainly reflected what have been seen during the compliance checks. There were clear containers with plastic straws, but to be fair, no one was given guidance on how to handle this.

From a regulator standpoint, she would like to see a little more guidance and would like the consumer to know what is in that drink. Often a customer believes they are having one drink when in fact they are having two. Making sure a consumer is aware of the alcohol content is very important.

As of last Thursday, at 5 o'clock, the late midnight program was canceled. Today, the local Executive Order will be signed by County Council today, Tuesday, November 10, 2020. The local Executive Order was a decision driven by numbers, and a decision made by the local health department. Businesses will be asked to keep a patron log. This log will require businesses to keep a log of customer's phone number for thirty (30) days for contact tracing purposes only. Businesses have the option of doing it electronically or on a notebook. Businesses will not be required to do this for carry-out, this will only be required for dining in.

If the County were to reach a 5% rate, it's possible that other actions will need to be taken. ABS' Licensing, Regulation and Education division now has a regulatory Facebook page which is also helpful for licensees.

Working on legislation at this time. LRE is decreasing the capacity size for the Performing Arts so that when places start opening up, it will be a great thing for them to have the ability to go into empty spaces and help the community heal as we start reopening. Senator Craig J. Zucker just released a bill that will allow Damascus Class H Licensee to sell crowler and growlers to go with those that have draft beers.

Ron Price, ABS Update:

Mr. Price informed the team that LRE is regrouping with Montgomery County Police Department MCPD to revamp compliance checks for the holidays. There are some concerns because it may involve things such as having the underage drinker to remove their mask and those are some of the issues that they are looking into at this time.

Next Meeting:

The next meeting of the ABAB is scheduled for Tuesday, January 12, 2021 at 9:00 a.m.

Adjournment:

There being no other business before the Board, the meeting was adjourned at 10:10 a.m.