



## **Liquor Board Licensing Fees and Structure Task Force Agenda**

**Oct 11, 2024**

**8:30am - 10:00am**

### **Meeting Minutes**

#### **Attendance**

Members: Amy Gowan(Chair), Delegate Nic Kipke, Judy Hagner, Julie Hummer, Julianne Sullivan, Kim Lawson, Jayleen Fonseca, Anthony Clark, Alexis Jenkins, Amy Crone, Kyle Madden, Edward Aronson

Also in attendance were Chief Ford, Ethan Hunt and Kelecia Jackson

#### **Call to Order**

Minutes for the Liquor Board Licensing Fees and Structure Task Force meeting held on October 11, 2024 at 8:30am, virtually by Zoom. The meeting was called to order at 8:32am by Amy Gowan.

#### **Approved Minutes**

Amy Gowan moved to approve minutes. Delegate Nic Kipke approved. Jayleen Fonseca seconded the motion. Motion passed.

#### **Cost estimates for new programs and products, Edward/Judy**

This item was tabled from the last meeting and will be tabled again for discussion at next meeting, as Edward is still working the Board of Commissioners to finalize new programming requests

#### **Enforcement, Edward/Judy**

- Responses to Delegate Kipke's enforcement related items were disseminated in advance of the meeting and the document was shared on screen.

Chief Ford discussed the responsibilities and enforcement of liquor licenses, emphasizing the importance of maintaining good standing with all county agencies. He also shared his philosophy of issuing warnings instead of violations whenever possible.

Edward Aronson addressed the issue of surveys, explaining that they are required for new licenses and permits, particularly for entertainment permits. He clarified that the surveys must be done by a registered surveyor and that the county's responsibility is to verify the information and provide it to the Board. Edward also mentioned that the State code requires a thousand ft distance from any place of worship or schools for Class D taverns (full service entertainment permits).

Chief Ford explained the outdoor service reset process, which aimed to understand the current state of outdoor alcohol service in the county. The reset was a one-time process, whereby licensees provided a non-professional drawing with dimensions and permission from the property owner. The process was intended to ensure the outdoor service areas were secure and safe for alcohol service. Chief Ford also mentioned that the process would become more efficient with the new database system and online renewal system, potentially eliminating the need for a letter on the premises.

Amy Gowan stated that it sounds like the vast majority of licensees have gone through the reset and it's a moot point moving forward because there will not be any new requirements. She understood the point that some of the complaints and concerns that are being heard can be attributed to that activity or action that is pretty much finalized now.

#### **Discussion on the use of surveys:**

Amy Gowan and Judy Hagner discussed the use of GIS for measuring distances, with Judy Hagner stating that the state code requires a registered survey for Class D and H licenses and the only way to get around this is to get the state law changed. Amy requested a copy of the state code for further review by the task force prior to the next meeting.

Delegate Kipke asked if it would be catching up with modern technology to edit the State Law to allow for the GIS survey instead of requiring people to get the very expensive official surveys.

Judy did not think the Board would object to that modification; it just had to be verified and go through both Houses.

Kim Lawson suggested that an official survey may not be necessary if the distance far exceeds the parameter. Rather, if it is within a certain radius or distance, then a survey would be required to protect the other licenses in the area.

Anthony Clarke asked if there is ambiguity between the property line and the property and if it differs from county to state.

Edward Aronson responded that the county code specifically says residentially zoned property, so distance is measured from the property line. The state codes measures from the front door.

Amy Gowan asked if one of those measurements is more difficult to obtain than the other? Is the survey needed for the door-to-door measurement?

Edward Aronson replied yes, further explaining that they experience problems with outdoor services particularly with establishments that are tucked into neighborhoods.

Kim Lawson asked if there was a transfer to new ownership, do they require a survey again?

Edward replied no, whatever the licensee has at the time, transfers to the new ownership and no additional paperwork is needed.

### **Discussion of transparency measures**

Jayleen Fonseca asked if there's something similar to the outdoor service where the Liquor Board staff have been able to streamline and make it helpful for all permit holders? Are there other ideas or other desires?

Edward and Chief Ford responded positively, expressing their openness to suggestions and their desire to make the process easier for everyone. They mentioned that they are working on training for licensees and are considering creating a state approved alcohol awareness training program that would be tailored to Anne Arundel County.

Amy Gowan suggested providing FAQ documents that break down exactly what is needed for each permit and provide educational pieces.

Kim Lawson asked about a potential conflict of interest in the Liquor Board conducting the training. Chief Ford clarified that the Liquor Board would be consulting and advising a third party who would create and deliver the training. The task force discussed the difficulty of finding affordable and accessible training classes for licensees and concurred that resources were needed for this type of training.

### **Discussion of one-day events:**

The flexibility of the 10-day policy for issuing licenses for one-day events was discussed. Edward explained that while there is some flexibility for unexpected occurrences like rain, booking errors, and celebrations of life, the policy is in place due to the time-consuming process of verifying the information provided by applicants. This process includes; checking the status of nonprofits, verifying the accuracy of submitted information, and liaising with the county special events team and county police. Edward also mentioned that they often receive multiple applications for the same event, which adds to the verification process.

Alexis Jenkins raised a question about the involvement of nonprofits in festivals, particularly those where the event's promoter or producer isn't a nonprofit. She suggested it would be beneficial from an economic development perspective for the county to allow events hosted by for-profit producers, similar to Annapolis.

Anthony Clarke asked if a certain percentage is required to be allocated to a non-profit? Edward responded that they only check to ensure the non-profit is in good standing.

Edward further clarified that the class C license issued to nonprofits is not for promoters, and such a license would require legislative changes. Amy Gowan suggested further discussion on this topic, and Edward agreed to research how other counties handle this issue. The possibility of a promoter's license was also discussed, which could potentially generate additional revenue for the

Liquor Board. Amy proposed bringing this topic back to the next meeting for further discussion and consensus.

### **Discussion of complaint-based vs proactive enforcement:**

Amy Gowan initiated a discussion about the code enforcement process, particularly focusing on how it is complaint-driven versus proactive and how social media is used to drive code enforcement.

Chief Ford responded by explaining that the process is somewhat holistic and organic, with tips often leading to actionable items. When tips come in, they tend to be legitimate. He mentioned that they work closely with the Anne Arundel County police and the undercover project to ensure compliance. Chief Ford also highlighted the importance of social media in monitoring establishments and preventing violations. He mentioned that they are increasing training for inspectors to ensure they handle situations appropriately. He also acknowledged the gray areas in some situations and emphasized the importance of fairness and equity between establishments of all sizes and the need to ensure a level playing field.

### **Discussion on entertainment licenses:**

Amy Gowan raised a question about the entertainment permit, specifically why dancing was the action that triggered it as opposed to noise, number of patrons, live music or amplification.

Chief Ford explained that the term 'dancing' was used because it was the inciting incident that everyone could picture, and it was associated with increased social activity, drinking, and more physical activity. He also mentioned that they had previously tried to change the word from 'dancing' but it wasn't successful. Chief Ford expressed openness to other forms of entertainment being identified and carved out.

Edward suggested revamping the three tiers of music, entertainment, and dancing in the future, possibly eliminating a tier to include DJ and karaoke in the same category as dancing. Chief Ford also mentioned that they are working on enforcement against some licensees who are trying to become nightclubs.

Amy then discussed the challenges faced by businesses with culturally related dancing elements, suggesting a need to rethink the prohibition error law for greater equity. Chief Ford agreed, expressing a desire to be forward-thinking and improve outdated rules and regulations.

Jayleen Fonseca asked about the possibility of granting a one-day exception for special occasions, which Chief Ford and Edward confirmed would require a change in the law. Edward explained that establishments can request special event permissions, but these requests are usually granted only if the event aligns with the current license privileges. Chief Ford added that internal policy limits special events to no more than four per year per establishment.

The need for better communication between inspectors and business managers during inspections was discussed.

## **Recommendations**

Amy Gowan reminded the task force that, per the appointment letter, recommendations are due to the County Executive by the end of November. Given the need for additional time, she is requesting an extension to the end of December to send the final report.

This timeline will allow for one meeting in November to discuss the fee changes and start formulating recommendations on them. The task force will meet on December 6, 2024 to finalize the report and recommendations.

Amy recounted the discussion points that appeared to garner agreement among task force members and may be suitable for recommendations.

1. State code change regarding the requirement for a registered survey could be removed in favor of GIS or other publicly available tools, with the caveat that a survey would still be required if the change is within a certain distance
2. Allow for a for-profit producer/promoter permit, similar to the non-profit event permit, in the county as a means to generate revenue for the Liquor Board and county. This could be similar to the City of Annapolis permit process.

3. State code changes to the entertainment permit related to dancing, to become more culturally sensitive and account for various dancing-related scenarios.
4. Need for additional training and educational materials for the public to better understand the liquor license process, regulations, requirements and responsibilities.

### **Adjourn**

Amy Gowan moved to adjourn the meeting. Kim Lawson seconded the motion. Motion passed.

Meeting adjourned at 9:58AM.