

Open Work Session

February 15, 2022

- **Letter of Support for Senate Bill 645-Alcoholic Beverages-Class B-DT (Dinner Theater) Beer, Wine, and Liquor License in Wicomico County**
- **Letter of Support for Senate Bill 646-Alcoholic Beverages-Class B-BF (Banquet Facilities) Beer, Wine, and Liquor License in Wicomico County**

Mr. Cannon said the first letter of support is for Senate Bill 645, which is for on-premises consumption at dinner theaters that provide live music and entertainment, such as Broadway style musicals.

Mr. Holloway said he would like to table these until the Board of Licensing Commissioners meet and make their recommendations. He said they are going to have a Public Hearing tonight, so he would like to table these until the next meeting.

Mr. Hastings said, as a point of order, the hearing will be held before the next time the Council meets, so they have to discuss this now; otherwise the Bill is dead. Mr. Holloway responded, they did not follow the process, their attorney even said so, to which Mr. Cannon responded, they know that.

There being no further discussion, on motion by Mr. Holloway and seconded by Mr. Dodd, the motion to table the discussion failed with Mr. McCain, Mr. Hastings, Mr. Davis, and Mr. Cannon being opposed to tabling.

Mr. Cannon said he understands exactly what Mr. Holloway is saying and he has told the Board of License Commissioners that they will actually have a caveat. He clarified, when they decide on the letter of support, they can have one caveat where they say, if the Board of License Commissioners does not approve this, then they will not send this letter.

Mr. Holloway said he does not know if it has anything to do with them approving it or not approving it. He said, until Council hears what they are really doing and what their concerns are, they may have a majority that approve it but there may be some opposition to it that the Council will need to know about it.

Mr. Cannon clarified, the Board approved both of these and sent their amendments to these Bills, and that is really what they are doing here. Mr. Holloway said he does not know how they approved it without having a Public Hearing, to which Mr. Cannon responded, they had a special meeting to approve it. He said he understands what Mr. Holloway is saying, and that is why he is suggesting the caveat so, if anything unexpected occurs during the public meeting, they can pull the letter of support.

Mr. Cannon said he does not want the public to get the impression that the Board of License Commissioners as a Body has not reviewed this. He said they held a special session and took the time to review this, and, from what they emailed to the Council, it showed very specifically what amendments they made to these Bills to make them better Bills.

Mr. Holloway said he read the Bills and he understands them, but they approved it without a Public Hearing, and they were basically complaining about the process the State followed because it does not sound like they followed the process very well either, to which Mr. Cannon responded, not at all. He said that is very disturbing, but he thinks, in talking to one of the members, they stated they were comfortable with the fact that, if the Council came to that decision, there may not be one person who

stands up for public comments, and it would be a shame for the Council to not take this opportunity to support these Bills if they choose to simply because of a Public Hearing that may not even exist.

Ms. Acle said previously they have had the Board of Liquor Licensing Commissioners come and explain the Bills to Council. She then asked if they can hold off on this until they are able to come in and explain what the project is? She said, if they have a process in place they have followed for everyone before, she hates to do something to make a special exemption for somebody else because then that is the new precedence.

Mr. Cannon responded, this comes down to what Mr. Hastings suggested.

Mr. Hastings said he thinks they need to set their own parameters moving forward, but the hearing dates are, unfortunately, coming up before this, and if they do not do this, these Bills will be dead. He said these are local businesses that are trying to do something good for their community.

Ms. Acle said they have had other local businesses too, and she remembers with the golf course the Liquor Commissioners came in front of Council to explain it. She said she does not want to get into something where the Council is making a special exemption for someone because the process was not followed exactly, so now they are doing a whole new precedence for people.

Mr. Cannon responded, they are working the best they can with a series of circumstances that was flawed, and they are trying to make the best of the set of circumstances. He said they know what the impact is going to be, and the Board of License Commissioners has reviewed it and has given Council their blessing on this. He explained, if they do not pass this tonight, these Bills are dead and will not come back for another year. He said these are local businesses looking to serve alcohol to help enhance their venue and their revenues, and a business could fail in one year, which they have seen with COVID. He said there are businesses that are trying to succeed, and that is the only reason they have made this exception. He clarified, not to appease the Delegates, but to appease the businesses and do the right thing for the businesses because they are the ones who will suffer.

Ms. Acle responded, she understands, and it is nothing personal against these businesses, it is just now they are setting a new precedence, to which Mr. Cannon responded, it is not a precedence. He clarified, he appreciates that, but he has had conversations and this is not a precedent, this is an exception.

Mr. Holloway said he serves on the Planning and Zoning Commission and a lot of things that take place on that Commission take a lot of time, but they always follow the rules. He said, in the past year he has been on there, he has never heard the Chair say they are making an exception. He said the opportunity to submit these Bills has been a year to do it, so they have had plenty of time, and the Council should have gotten this six months ago. He said it seems like they have this reoccurring problem, and he has heard many times that they get these things and they have to get it done right now. He clarified, he probably does not have any issue with the Bills, but he just thinks that they need to follow the process.

Mr. Cannon said he agrees with Mr. Holloway 100 percent, but this is a very unusual set of circumstances. He suggested keeping in mind that the letter of support would only be with the understanding that, if something develops with the Board of License Commissioners this evening through the Public Hearing process and their votes, and he is going to that meeting this evening, then they will not send these letters of support. He clarified, this depends specifically on what the Board of License Commissioners agrees to, even after having reviewed both of these Bills.

Mr. Cannon said they need to take a vote on each letter, and first they will vote on Senate Bill 645. Mr. McCain, Mr. Hastings, Mr. Davis, and Mr. Cannon were in favor of sending the letter. Mr. Holloway, Mr. Dodd, and Ms. Acle were opposed. Mr. Cannon clarified, this is with the understanding that, if the Board of License Commissioners suggest rejecting this letter, the Council will reject this letter of support.

Mr. Cannon said the next letter of support is Senate Bill 646, and he thinks they are having the same arguments. Ms. Acle said it is the same issue. Mr. Dodd said it is flawed. Mr. Cannon said he agrees 100 percent and the message has been sent loud and clear to the Eastern Shore Delegation.

Mr. Cannon then asked for a vote for the letter of support for Senate Bill 646 with the understanding that it needs the blessing of the Board of License Commissioners at this evening's meeting. Mr. McCain, Mr. Hastings, Mr. Cannon, and Mr. Davis were in favor of sending the letter. Mr. Holloway, Mr. Dodd, and Ms. Acle were opposed.

Mr. Holloway said rules are made to be broken, to which Mr. Cannon responded, they have to be flexible sometimes as it is not hard and fast every day.

Mr. Hastings asked if the meeting is tonight, to which Mr. Cannon responded, yes. He clarified, for the public, the Board of License Commissioners meeting is tonight at 6:00 p.m. here in Council Chambers if anyone is interested in that.

There was no further discussion.



John T. Cannon, President, At-Large

Ernest F. Davis, Vice President, District 1

William R. McCain, At-Large



Nicole Acle, District 2i



Larry W. Dodd, District 3



Josh Hastings, District 4

Joe Holloway, District 5



Laura Hurley, Council Administrator