

Open Work Session

Letter of Support for Proposed Change to Class B Beer, Wine, and Liquor Golf Course License

January 19, 2021

Mr. James Allen, Chairman of the Wicomico County Board of License Commissioners; Mr. Alan Hudson, Board Member; and Ms. Christine Travis, Administrator to the Board, came before Council. Mr. Allen thanked Council for the opportunity to discuss this issue and request the support of the Council.

Mr. Allen said, to summarize from their last meeting, in 2005, a food and beverage requirement was added to the Class B beer, wine, and liquor golf course license, but golf course operations have not been able to be in compliance with that requirement. He clarified, they would miss half of the scheduled period for submitting that food and beverage (F&B) requirement for three to six months at a time. He said the Board of Commissioners has taken it upon themselves to change that requirement, which is the specific request, to something that would work better for the golf course operations.

Mr. Allen said, at their last meeting, the Council specifically asked how the State handled golf courses and specific licenses that were assigned to them. He said a letter dated January 13 indicates that the State of Maryland has 15 Counties that operate golf courses, and 13 of those 15 are licensed as Class B beer, wine, and liquor golf courses without a food and beverage requirement, and the other two are licensed as taverns and restaurants. He clarified, again, it does not mean that the golf courses would not serve food, only that it is not required to meet that ratio.

Mr. McCain said this came about simply because, at the end of the day, the golf courses do not meet the requirement, and he commends the Board for being proactive and addressing this because it technically puts the golf courses in violation of their Class B license, but it is really through no fault of their own. He clarified, it is just that golf courses are not restaurants, they are golf courses, and the precedent is pretty much set across the State that a golf course typically does not have a food requirement. He said he thinks a key comment Mr. Allen made was that this does not mean they are not going to sell food, they are still going to sell food and continue doing business like they are doing now. He said, in Wicomico County's case he thinks it is only two golf courses in the County this actually applies to, but neither one of them has the food option as their primary focus. He said they are not major restaurants, and, at the end of the day, it is a snack they can get at the turn or when they get done. He repeated, this does not mean they are not going to sell food, it just simply means they do not have to meet the 50 percent requirement, which they cannot do, and they just cannot do that unless they are primarily a restaurant.

Mr. Cannon thanked the Board Members and Mr. Allen for coming in again today. He said Council appreciates them bringing this because so often they find Boards and Commissions that are trying to do whatever they can to overregulate industry, and it creates a burden on the County and the businesses. He said he thinks one thing Council should recognize is that they depend on the Board's expertise to advise Council as to what is in the best interest and the safest route to take for the community, and he applauds the Board for coming in and sharing this with Council. He said he does not want to second guess what the Board's recommendation might be because he feels they are spot on, and he said before that he thinks it is an antiquated Bill. He said he thinks it had been suggested before that, if they go this route, they are going to have too many drunk drivers on the road, but no matter what the license might

dictate, they cannot dictate what the players may or may not do. He clarified, just because there is a quota of 2:1 on beer and food, whoever may consume that alcohol may not abide by that guideline. He said this is just simply a guideline that is set up for the golf courses, so it is not like they can think they are going to solve one situation with another. He said, with that being said, he thinks Council's concern primarily is that the law that is out there matches the intent, and he does not think the golf course is the proper venue to set this up. He said it is not Shorebirds Stadium where people sit and watch the game, it is not a concert where people go to sit and listen to music, but this is simply a venue where people go out and spend three to four hours outdoors playing sports, and he thinks that always should be taken into consideration. He again thanked the Board for being here and taking their time.

Mrs. Acle asked if the Board has had any opposition to this, or if any citizens who oppose this State enabling Legislation have reached out, to which Mr. Allen responded, they have not had any opposition. He clarified, no one has reached out asking for assistance or an option, this was initiated by the Board.

Mr. Holloway asked if there have been any other situations other than golf courses with any other businesses not being able to meet their 51 percent on their alcohol and food, to which Mr. Allen responded, from time to time there are. He explained, some of it is driven by seasons where they have had a licensee not make the F&B one or two months out of six, but predominantly they would meet that requirement. Ms. Travis added, when they find an establishment not making their F&B and selling more alcohol than food, they give them three six-month reporting periods. She explained, the Board sends a letter reminding them they have not made their F&Bs and they are selling more alcohol than food, and this gives them a chance to get their food sales back up. She said, if they still cannot do that after the third reporting period, they give them the option to change to becoming a beer and wine only tavern by giving up the distilled spirits, or keeping distilled spirits and becoming a beer, wine, and liquor tavern. She clarified, besides the cost, the difference with a beer, wine, and liquor tavern is that nobody under 21 can be on the premises, and they have to have seating for 140 set forth by fire marshal standards. She said the beer and wine tavern does not have a seating capacity, and any age can be on that premises. She said, basically, they have to change the whole concept of their business, and in most cases for the restaurants that had to change their class of license, it pretty much killed their food sales.

Mr. Holloway said he understands where the Board is coming from on this, and he understands how hard it probably is for them to meet this requirement. He then asked, in changing this, if they decide to keep the liquor, does that mean that no one under 21 can be on the golf course, to which Ms. Travis responded, if they choose to license the golf course under the tavern license, that would be correct, but if they choose not to license the golf course, then anybody playing golf would not be able to enjoy an alcoholic beverage on the golf course, and the Board does not allow BYOB for profits. She clarified, somebody could not bring their own beer. Mr. Holloway asked, if they choose the one license, is it correct that it would mean that nobody under 21 can be on the golf course, to which Ms. Travis responded, yes. Mr. McCain asked if that would be a tavern license, to which Ms. Travis responded, yes.

Mr. Dodd said he knows a lot of families who live around these golf courses, and there are a lot of people under 21 who like to golf and they go out there in large groups, so it would be a shame if they were not allowed to golf. He said he wonders who would monitor this to make sure they were not on the golf course if they chose that specific license. He said he has a feeling that under 21 athletes would

still be out there, to which Mr. Allen responded, he does too. Ms. Travis said she knows the high schools have golf leagues, and she is pretty sure they probably go to some of the local golf courses to play.

Mr. Allen said the other concern Council had was about the County Executive's position on this. He said, in Council's packet there is an email dated January 13, but a formal letter will follow with his support.

Mr. Dodd asked if there is Council consensus to send the letter of support, to which Mr. McCain responded, he is in support of sending the letter.

Mr. Dodd asked if Mr. Davis is in support of sending the letter, to which Mr. Davis responded, yes.


Mr. Holloway, Mr. Cannon, Mr. Hastings, Mrs. Acle, and Mr. Dodd were all in favor of sending the letter. Mr. Dodd said they will prepare this letter and make sure they get the letter of support from the Executive's Office. There was no further discussion.



Larry W. Dodd, President, District 3




Joe Holloway, Vice President, District 5




John T. Cannon, At-Large



William R. McCain, At-Large



Ernie Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator