

**Best Practices for Nightlife Establishments
Wilmington, Central Business District
May 2009**

Statement of Purpose

Within 18 months, the face of Wilmington Downtown Nightlife will change with the opening of the Wilmington Convention Center. Accordingly, the operators of nightlife establishments, residents, business leaders, Wilmington Police and Fire Department Officers have voluntarily met throughout the spring of 2009 to discuss the tone and ambiance of Wilmington Nightlife, to define its problems and propose solutions. These Best Practices are part of the solution.

The ABOARD organization in conjunction with the Nightlife Task Force of Wilmington Downtown Inc., has developed this list of "BEST PRACTICES" for nightlife entertainment establishments within the CBD. These are intended to make downtown Wilmington "**SAFE & CLEAN**" for all patrons to enjoy. Further, we believe these trade practices will enhance the success of the hospitality industry in Wilmington and assist those individuals with a long term business plan of success in the downtown hospitality industry.

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Best Practices

A. Set the Tone

1) HOSPITALITY This is the "HOSPITALITY" industry and the definition simply states: kindness to visitors, friendly, welcoming, and generous treatment offered to guests or strangers. To work in this industry you must recognize the most important way to run a successful business is being friendly & outgoing. You will not last long in the CBD if you are neither. Customer service and care are key to a hospitable atmosphere.

2) COMPLIANCE Noise, Capacity, ABC laws, are rules for an effective business. If you are a rule breaker then the end result will most likely be your business going out of business. Respect the laws of our city/state and consult with the proper authorities before you assume that what you are doing is legal. Compliance is key, one bad apple can bring everyone down due to unneeded attention and bad press.

3) AGE REQUIREMENTS The ABC guide book on Private Club or Restaurant describes the laws about serving under age or patrons with "fake id's". ABC license holders must understand that inviting underage clientele will most likely result in large fines or suspension of the license. The ABOARD group believes that non-professional 18-and-up clubs result in many of the downtown problems. Although 18-and-up clubs are within the guide lines of the ABC commission, the result of that type of operation may lead to long term problems. Operating as a strict 21-and-up Private Club will allow you to grow a customer base of professionals and relieve your business of the stress of possibly serving underage customers on a daily basis. ALE would prefer that all private clubs and bars restrict anyone under 21 years of age from entering these establishments. This relieves the establishment and ALE of the burden of "fishing" for underage consumption. We recommend this as a Best Practice for the CBD.

4) STANDARD OF HOURS IN BUSINESS The ABC guide book requires any open prepared liquor and or beer/wine drinks must be removed from the front of the house by no later than 2:30 a.m. and that last call shall be no later than 2:00 a.m. - this is the standard for Wilmington's downtown. Establishments that permit "partying and not serving beer/wine/or liquor" after the 2:30 a.m. hour are not compatible with downtown Wilmington. This practice results in noise violations, fights in or around your establishment, illegal drugs, patrons sneaking in liquor/beer/wine, theft, property damage, personal injury, lawsuits, ALE undercover investigations, and constant police interaction. If you are planning on serving late night food in a restaurant atmosphere after the 2:30 time and your business plan is both restaurant & club then be sure to illuminate your business at 2:30 a.m. and turn down the music. This will result in quiet enjoyment for your late night customers and neighbors. Extra security should remain in and outside these establishments to ensure customer and public safety.

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5) CLEANLINESS The ABOARD group began because of the constant problems with "cleanliness" around and in Private Club & Restaurant establishments. Keep downtown Wilmington "SAFE & CLEAN" for all of our patrons to enjoy and your business will be successful. Also remember that our CBD borders the Cape Fear River – all liquids disposed of on the ground drain directly into the Cape Fear. Always use the sanitary sewer system to dispose of liquids.

6) MAINTENANCE If it is broke then work quickly to fix it! Leaving broken windows, bathrooms, doors, railings, holes in walls, etc. will lead to a crowd of potential trouble makers. No matter how often your establishment is abused, work quickly to fix that problem. Set the tone that the people that like to destroy your personal property are not welcome. Eventually they will move on to another establishment or get caught in the act. This will ensure a safe environment and can save an establishment from lawsuits stemming from injury.

7) PROFESSIONALISM Meticulous adherence to undeviating courtesy, honesty, and responsibility in one's dealings with customers and associates, plus a level of excellence that goes over and above the commercial considerations and legal requirements. Professionalism is not about your job title or self-proclaimed worth. It is not about self-perception at all. Professionalism is about personal ethics, quality work and a quality attitude. Know this and you will become a success in the CBD of Wilmington.

B. Safe and Secure Experience

8) CAPACITY LIMITS All establishments within the CBD must conform to the strict capacity limits of the Fire Code. The Fire Code, however, does not consider the total capacity of ABC permit holders in the CBD. Capacity of an additional private club/bar within the CBD should be limited to the existing capacity. The current ABC permit capacity of over 11,000 is excessive for the CBD and should be, therefore, the CBD neighborhood capacity guideline for future City permit recommendations under NC GS § 18B-901 (b). Additionally, a 300 person occupancy for any future Private Club/Bar is enough to adequately run a profitable business in a safe and secure manner. Lower capacities in the hospitality industry help with the cost of doing business. Further, a smaller venue often looks busier with less of a crowd.

9) SECURITY For venues with capacity 200 or lower, the standard for controlling a crowd is 1 door/security personnel per 50 customers. Any venue with a capacity greater than 200 should employ 1 door/security & 1 floor security per 50 people.

10) UNIFORM Staff members should be easily recognizable with "staff" shirts or other established logos. Utilize simple uniforms such as "SECURITY", "MANAGER", or a standard uniform that identifies your business. When

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customers or authority figures need to talk with an employee of your establishment in a busy crowd of people this will help identify those individuals. Uniforms also displays professionalism within the hospitality industry.

11) LIGHTING This simple item is a tool which allows you to not only brighten the inside of your establishment at closing time or cleaning time but improves security on the outside of your establishment after 2:00 a.m. Bright external lighting will improve your customers safety as they exit the business at closing, and deters unruly individuals from fighting, committing crimes, and being loud and obnoxious. It will be helpful for the authorities to identify a potential problem around your facility. Further lighting keeps you aware of trash that must be cleaned up before the next days business.

We recommend that the City establish a lighting standard as part of the building code for Nightlife Establishments.

12) CAMERAS - Although you may have posted positive suggestions & rules of your establishment for your customers unfortunately there are people in this world that do not like to follow the rules. Professionally installed camera systems that properly will help limit the amount of problems that will occur in your establishment. Local police can often help you with a problem that occurred or is occurring at your establishment if you have video to show them. Cameras also are effective ways of keeping an eye on your employees so that they stay within the rules of the industry. Investing in a little extra security can save you from a lawsuit or repeated vandalism and is a great preventive measure. Anyone looking to cause trouble will think twice if they know they are being recorded. We suggest posting signs informing patrons that these establishments are under surveillance.

We recommend that the City establish a surveillance camera standard as part of the building code for Nightlife Establishments. Cameras must monitor entrances, exits, adjoining alleys, and any other sensitive or problem areas. Recording systems must have at least one weeks footage before they over-write, and any footage that exists must be immediately given over to law enforcement if requested for incident investigation.

13) CONFLICT MANAGEMENT - Institute an "Ask. Tell. Make." Policy, (Ask them to correct the behavior; Tell them to correct the behavior; Make them comply) and be sure it is enforced consistently. If patrons refuse to comply or become combative, staff should immediately call for WPD. Calls for WPD assistance made in good faith and for the protection of patrons and neighbors alike, will not be counted against the establishment. Likewise, if you fail to call WPD to report a public safety incident you may be liable for that failure.

14) COMMUNITY COVENANT - Simple written displays at the entrance or exit of your establishment that asks your customers to keep quiet while exiting are effective tools to control potential violence or disturbance to neighbors and other patrons that are enjoying the downtown nightlife scene. Policies of your

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establishment that are clearly posted within your establishment also will help when dealing with troublesome individuals. These suggestions should also reflect "zero tolerance" verbiage.

At a minimum, all CBD Nightlife Venues should prominently post the Community Covenant attached as Exhibit "A".

C) Part of a Community

15) TENURE OR EXPERIENCE - The hospitality industry seems to always come victim to people who have a lot of money and don't know what to do with it. This small percentage of people for some reason or another wants to open a bar/nightclub or a restaurant because they think it will be cool to own one of those establishments. Just because you like to party and love to cook does not mean you have a clue about how to run a restaurant/bar. Enjoy the hard earned money that you have earned elsewhere and leave opening a bar/restaurant to the professionals. If you are unwilling to do so then please spend a minimum of 5 years working in all aspects of the restaurant/bar industry before opening your own. Most people who do not know a thing about the hospitality industry result in the "9 out of 10" that close within the first year of business. Real world experience and training is key to a successful and profitable endeavor. Just because you have enough money to open a business does not mean you are in touch with all the nuts and bolts of sustaining a safe and clean environment.

16) MEMBER OF AN ASSOCIATION In order for your establishment to be recognized by your community, you must become active in your community. It is our belief that being a member of one of the downtown Associations (ABOARD, DBA, WDI) will result in better business traits and will allow your business to connect with fellow entrepreneurs'. This will also ensure that if or when a problem or concern arises in the community that there is a direct line of communication with the establishment through such an association.

17) NEIGHBORLY You are not out for yourself when you open or operate a Private Club or Restaurant license within the CBD. We all work together to build the customer base of downtown Wilmington. Success will be determined by how you treat your fellow business owners and the residents that live in our beautiful downtown. An un-neighborly or hostile establishment breeds discontent among your fellow neighbors.

18) RESIDENT OF NEW HANOVER COUNTY - The county in which you reside should be the county that you work in. This is the same for the restaurant/bar industry. Knowing the people within your community helps you recognize the necessities of those potential patrons. If you live in Florida and wish to open a bar/nightclub in downtown Wilmington realize your dream of making a fortune will most likely lead to a money pit. It is imperative to work hard daily at your bar/nightclub in order to be successful so living in another county or state will limit the amount of time you can put into your establishment. ^{RP1-13} The restaurant/bar industry is not just an investment, it is a way of life. This is a

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hands on business that is always evolving. Having a distant relative or friend running your business while you are miles away will surely lead to failure and will leave a negative impact in your establishment's immediate demographic.

Conclusion

We adopt these Best Practices for a Downtown nightlife that is clean and safe for patrons and profitable for venues.

Best Practices for Nightlife Establishments

Appendix A

Community Covenant City of Wilmington Nightlife Venues

As a responsible Host, we agree to:

Provide a clean, safe environment;
Prevent overcrowding;
Require promoters to conduct events responsibly;
Maintain adequate, well-trained staff;
Provide a selection of alcohol-free alternative beverages;
Offer food whenever possible;
Maintain a safe well-lit outdoor environment free of litter, trash, and graffiti;
Minimize noise disturbance to neighbors, whether businesses or residents;
Assure proper identification is presented by anyone who orders beer, wine or spirits, and appears younger than 30;
Strive to prevent sales, service, or passing alcoholic beverages to anyone under 21;
Intervene with anyone who appears to be intoxicated, or whose behavior is disruptive;
Provide safe alternative transportation for someone who is a safety risk; and,
Avoid advertising that promotes high-risk, underage, or irresponsible drinking.

As a responsible Guest, we ask you to:

Help provide a safe and enjoyable environment to meet and socialize;
Respect the importance of checking identification;
Respect our need to prevent overcrowding and disturbances;
Not pass alcohol to underage guests;
Assist in maintaining a clean, safe environment;
Respect our property, staff and other guests
Drink responsibly, if you drink, and enjoy food;
Know your limit, and when you approach it switch to a nonalcoholic beverage;
Check with our staff to arrange transportation if it is unsafe for you or a friend to drive;
Keep conversations low when you leave our establishment;
Respect our neighbors, whether businesses or residents;
Always wear your seat belt;
If you choose to drink, use a designated driver;
Be a safe pedestrian, remember, an intoxicated guest may not be any safer on the sidewalk, street, or in a parking lot than behind the wheel of a car.

By Entering, you acknowledge this Covenant for a Safe and Enjoyable Nightlife