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Hospitality chief wants to change liquor laws

Ric Kolenda, executive director of the Cape Fear Hospitality Association, wants to change the laws governing private clubs that serve alcohol.

State law says that if a place with a liquor license doesn't make at least 40 percent of its revenue from food, it must become a "private club" with a three-day waiting period for prospective members. It only applies to places that serve mixed drinks, not beer and wine.

Mr. Kolenda says the three-day rule has a number of unintended effects. In keeping tourists out, it forces bars to market to a more hard-partying local crowd.

Restaurants that drop under the arbitrary 40 percent level may stop serving food altogether. And the private club designation keeps police from entering establishments unless they are invited or they believe a crime is being committed or there's an imminent threat to life.

Mr. Kolenda would like the General Assembly to create a new designation called "nightclubs" open to the general public with no membership rules. Or the three-day waiting period for private clubs could be eliminated.

The changes could be adopted statewide or in special "tourism zones," or left up to counties to decide.

Mr. Kolenda suggests that the half-hour period after last call when bar patrons can finish their drinks be lengthened to an hour, allowing drinkers to take their time and perhaps visit the restroom before heading out onto the streets.

Wilmington Police Chief John Cease was not enthusiastic about giving his officers greater access to bars.

"It's easy to say open the bars up and let the police in," he said. But police are stretched thin citywide, he said, and officers already have all the overtime they want. He'd prefer the N.C. Alcohol Law Enforcement Division increase its presence here.

Ian Moseley's holdings include Level Five, a private club. He said he sometimes turns away up to 60 percent of the people who come by because of the three-day rule.

These are often well-off tourists with money to spend.

Bar owners, he said, "can't go after the high-dollar people who are just visiting. They can't come in for three days. So they have to go after college kids and people of more limited means. .

That's why there are so many 'Drink All Night' nights." Room tax dollars go to tourism promotion, he said, "but we cannot benefit from that." He said the law benefits hotels and restaurants to the detriment of bar owners. Calls to the N.C. Restaurant Association were not returned.

Dan D'Alessandro owns the Reel Café. He makes more than 40 percent of his revenue from food, but it's getting close. Food sales are rising but liquor sales are rising faster, he said. He said if he were to drop to 38 percent or so and become a private club, the lost business would mean he'd never again open as a restaurant.

So he said he'd probably eliminate the food sales and perhaps only open certain nights of the week. His employment might drop from 55 people to about 15. His corner would be dark many

weeknights, not lit up and welcoming.

He said he's heard South Carolinians arguing outside clubs. "I knew we should have gone to Myrtle Beach!" they say. "You can't get into these bars."

Mr. Kolenda has asked state Sen. Patrick Ballantine, R-New Hanover, to look into changing the laws.

"I told Ric that I would listen and try to come up with some solutions, but I'm not sure this is the solution," Sen. Ballantine said.

Bars ought to be able to serve tourists and occasional fuddy-duddies like myself who might wander downtown once in a while. Why turn away the public? These memberships seem to cause more problems than they solve.

But getting the measures through the General Assembly past the powerful restaurant lobby may be harder than sneaking past the biggest, baddest bar bouncer in town.

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