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From: venuestoday [venuestoday@mail.vresp.com]
Sent: Wednesday, June 25, 2008 7:58 PM
To: april@venuestoday.com
Subject: VT Pulse Corrected Date, June 25, 2008

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VT PULSE

A WEEKLY PUBLICATION FROM VENUES TODAY

June 25, 2008 • VOL. VII, Number 20 • ISSN 1547-4143

Quote of the Week

"You have a non-delegable duty to provide security. Like hotels and motels, you can hire someone else to do it, but you are ultimately on the hook."

— Civil Attorney John Elliott Leighton during a panel on security and litigation at the Florida Facility Managers Association

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Greetings April,

Seeing double? If so, it's because we sent out the June 25 VT Pulse with the wrong date in the subject line. We relaunched the email with the correct date for archive purposes. Our apologies. To subscribe to VT Pulse and Venues Today, visit www.venuestoday.com.



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VT NEWS

DEALS

LEWISTON HOPES YOUTH HOCKEY WILL SAVE BELEAGUERED ARENA

Androscoggin Bank Coliseum, Lewiston, Maine



City officials in Lewiston, Maine, have opted to sell off

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SHORT
TAKES>> TICKETMASTER
WINS CAPTCHA

LAWSUIT — A Federal Judge has sided with Ticketmaster and has ordered RMG Technology to stop manufacturing software that can defeat Ticketmaster's security CAPTCHA platforms. The judgment also mandates that RMG pay Ticketmaster \$18 million in damages.

Contact: *Alberto Lopez, (310) 630-9569*

>> N.Y. FEST GETS
AUDIENCEVIEW —

The Tribeca Film Festival has signed a multi-year deal with web-based company AudienceView Ticketing. The agreement puts AudienceView in charge of the festival's ticketing through 2012.

Contact: *Jeff Koets (416) 687-2029*

>> FARM AID FEEDS
FLOOD VICTIMS —

Farm Aid is providing relief grants to victims of the recent flooding in the Midwest, activating its Family Farm Disaster Fund. Headed by folk singer Willie Nelson, Farm Aid is putting up an initial \$10,000 with an additional \$40,000 in donations expected to follow.

Contact: *Brandi Dobbins (202) 248-5447*

the Androscoggin Bank Coliseum, hoping the facility will fare better as a youth sports facility than a pro sports and concert venue.

In a 5-2 vote on Tuesday, the council opted to not renew its management contract with Global Spectrum and sell the facility in a complex financing deal to Firland Management, an ice rink and auditorium company based in Veazie, Maine and owned by Jim Cain.

"The plan is to add a second sheet of ice to the arena which will provide for more youth hockey, something that's missing in the area," said Lewiston Councilor Tom Peters, who voted in favor of the deal. "That's where he will be making additional revenues."

The Lewiston Maineiacs of the Quebec Major Junior Hockey League will continue to use the facility, but the sale essentially ends the city's subsidy of the facility, which was costing \$488,000 in operational costs in 2007 on top of the building's \$500,000 debt service payment, which the city will continue to pay on its outstanding \$5.7 million loan from 2004.

"We'll still have to pay the debt to pay off the building, but we're essentially saving the city \$500,000 a year," Peters said. "Otherwise, we were looking at raising property taxes to cover the deal and that would cost us something close to \$108 per year for the average household."

Peters said the city struck an unusual financing deal to cover the transfer of ownership. Cain has until Friday at noon to put up \$250,000 in collateral to guarantee his company's side of the deal. Then, starting in 2013, he would begin making payments of \$50,000 a year and then \$100,000 per year from 2023 until 2028, after which he will officially own the facility.

"We knew it would be difficult for him to secure a loan from a bank for this deal because of the nature of the arena business, which typically loses money," Peters said.

The deal also gives Firland until April 2009 to assume official ownership of the building — he can leave the contract any time before if the operation proves not to be financially viable.

"We will monitor the financials during this time to ensure things are going fine," Peters said. "We want to make sure he doesn't get out front with debts."

John Page from Global Spectrum was conciliatory about the deal, saying "we understand the economic decision; for us it's a lost piece of business. Regardless, we wish them well in their financial decisions."

The news comes at a busy time for Global Spectrum, which finalized a deal this week with Oshawa, Ont., officials to take over the Maple Leaf Sports and Entertainment contract to operate the **General Motors Centre**. Just weeks before, the city of Portland, Ore. announced it was ending Global Spectrum's contract to operate the **Rose Quarter**, handing the building's keys over to AEG.

Global Spectrum's Sr. V.P. of Guest Services Frank Russo called the lost Rose Quarter contract an "injustice," adding "there was no way for us to be rewarded for good performance. Nothing will make up for the loss of the Rose Quarter, we did a great job there."

As for the Oshawa building, Vince Vella has been named as the facility's new general manager, while Courtney Ager has been named the building's marketing specialist. Both employees hail from the John Labatt Center, in nearby London, Ont., which will serve as a hub for Global Spectrum's Ontario operations and also includes the new WFCU Centre in Windsor, Ont. — Dave Brooks

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HELP WANTED

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Melbourne
(Australia) Theatre Company - Theatre Manager

Interviewed for this article: Tom Peters, (207) 784-1446; John Page, (215) 389-9587; Frank Russo, (860) 657-0630



SECURITY CROWD CONTROL AND BEST PRACTICES AT FOREFRONT OF COLLEGIATE CONFERENCE

Panelists for Contemporary Services Corp.'s police issues discussion included James Williamson from the University of Georgia, Athens; Laura Dyer from the University of Maryland in Baltimore; George Wiley of the Pasadena (Calif.) Police Department; Jim Granger of CSC; Carey Drayton from the University of Southern California, Los Angeles; and Rich Morman from Ohio State in Columbus. At right, Darren McCormack from Marist College of Poughkeepsie, N.Y., enjoys breakfast with Lucas Feller from the University of Wisconsin, Madison. (VT Photos)



Damon Zumwalt's Woodside Ranch, just five miles outside of Mauston, Wis., is the annual site for the CAOS conference; at right, Rick Brown and Seyth Boardman of CSC Columbus, battle to the finish line during the canoe races — the first contest of the CAOS World Games. (VT PHOTOS)



MAUSTON, WIS. — Collegiate personnel from all over the U.S. descended on the Woodside Ranch for a three-day crash course on security and game-day operations, set against the backdrop of a pristine countryside about 45 miles north of Wisconsin's capital city of Madison.

Collegiate Athletics Operations Services Annual Conference, now in its fifth year, is a project of Damon Zumwalt, owner and president of Contemporary Services Corporation, the largest collegiate security firm in the U.S. Hosted at Zumwalt's ranch, the conference is a mixture of knowledge and recreational fun, providing an opportunity for facilities to network and discuss tactics for managing collegiate facilities.

"There's no one person that is going to provide the group with the silver bullet for crowd control management," said George Wiley of the Pasadena (Calif.) Police Department, which oversees home games for the University of California, Los Angeles. "This is about coming together to share tactics and stories. It's a chance to talk about what works and what doesn't."

Total attendance for the meeting was 81 people, with representatives from major conference universities, along with CSC staff and NCAA officials.

"The conference has evolved since it started with more interest from smaller universities and more diversity from people who are attending," said CSC Senior V.P. of Administration Jim Granger "It's not just big events and football, but smaller universities and police officials who want to learn more about what game day operations are about."

University of Southern California, Los Angeles - Technical Project Specialist

The Royal Agricultural Society, Sydney, Australia - Senior Sales Executive

AEG Live, Los Angeles - Independent Contractors/Tour Marketing Managers

VEE Corporation, Minneapolis - Promotion Manager

WA State Convention & Trade Center, Seattle - Event Coordinator

Greater Richmond (Va.) Convention Center - Event Manager

[VIEW THE FULL LISTINGS](#)

A panel on dealing with fan behavior was one of the more lively sessions of the conference, beginning with a video of unruly fans at a 2002 Ohio State University game against the University of Michigan that eventually escalated into a full-scale riot.

Immediately following the game, Deputy Chief Richard Morman from the Ohio State Police Division conferred with staff and university officials to talk about tactics to rein in fans. Solutions included a ban on public drinking in most areas around the stadium, enforced with an additional 50 officers that roamed in teams of three and enforced open container laws. In addition, a \$50,000 P.R. campaign was launched to inform patrons about the change in policy, and the student affairs department was brought in to assist police.

“That really works well and we always have a student affairs representative on hand to witness arrests,” Wiley said. “The question I ask everyone we arrest is ‘Do you still want to go to school here?’ because they realize their arrest will mean a meeting with the Dean’s Office and the student affairs representative will be on hand to serve as a witness to the incident.”

At one point in the session, Granger asked the panelists to describe the role private security plays in their own game day operations.

“We use CSC and they’re our front line,” Morman explained. “People try to smuggle stuff like alcohol in water bottles and flasks hidden in their pockets. The mere presence of a CSC officer slows people down. I think the more security we have, the better.”

Carey Drayton from the University of Southern California in Los Angeles said he relies on private security to help manage his outer perimeter “because it’s not just inside our facility. We need to get them there, then we have to get them away safely.”

James Williamson, chief of police for the University of Georgia Police Department said he’s begun including CSC representatives at trainings and briefings “so that everyone is on the same page from a security standpoint.”

Most panelists agreed that the next big issue on the game day security front will be dealing with third-party groups doing business within tailgate areas of a university. Drayton said it’s becoming increasingly common for USC alumni to hire outside catering groups to run their tailgate parties, while Morman said he’s even seen corporate sponsors create tented viewing areas within the tailgate space and charge for access to the tent, where visitors can watch a broadcast of the game on a big screen television.

Many universities are beginning to develop policies to deal with these parties, but it becomes difficult to determine access, especially when dealing with alumni groups, Drayton said. — Dave Brooks

Interviewed for this article: Jim Granger, (818) 885-5150; George Wiley, (626) 744-4501; Richard Morman, (614) 292-2121; Carey Drayton, (213) 740-4321; James Williamson, (706) 542-5813

LEGAL ISSUES PERSONAL INJURY LAWYER OFFERS POINTERS TO AVOID NEGLIGENCE CLAIMS

Bram L. Bottfeld, right, director of security and safety, Sunrise Sports & Entertainment, hopes he never meets John Elliott Leighton, civic trial lawyer, Leesfield, Leighton & Partners, in court. (VT Photo)



PALM BEACH, Fla. – “I represent the folks who are going to sue you,” declared John Elliott Leighton, civil trial lawyer with Leesfield, Leighton & Partners, kicking off his presentation on avoiding negligent security lawsuits during the Florida Facility Managers Association gathering here.

“I’m here to alert you to ways to prevent people from being victimized by crime,” Leighton continued, again making it clear he does not represent businesses. The next time any FFMA member might see him would be the view from the other side of the courtroom, which made his opinion on what he can nail them for especially compelling.

“Crime is back up again,” he said, citing the bad economy. During hard economic times, it’s critical businesses not cut back on security to control costs because when something happens, “we’re not hired to get a mediocre recovery. We are prepared. I have never lost an inadequate security case.”

Lighting is an obvious but often overlooked security enhancement, Leighton said. “It can be a big factor. Lack of lighting is a magnet for crime.” A dark parking lot sends a message to criminals, he said.

Inadequate criminal background checks on managers and supervisors is another obvious sign of negligence that has won many a case for Leighton. “Once the crime has taken place, there is little you can do. Deterrence is the key,” he said. “You have a non-delegable duty to provide security. Like hotels and motels, you can hire someone else to do it, but you are ultimately on the hook. That’s something to keep in mind when choosing a security provider.” In Florida, he emphasized, “a contract will not save you.”

Forseeability is another clue Leighton uses to make his case for the plaintiff. He looks at crime grids, which are all the calls for service in a specific area the police receive, and the incident reports, which are those they respond to. Businesses should access those reports internally on a regular basis. “Have someone at your facility responsible for contacting local law enforcement about crimes at your facility and in your area,” he advised. “Sometimes you are not going to know if you don’t ask the police.” Leighton also has access to the businesses’ internal records, including “a log of every security company that pitched you,” insurance records, prior lawsuits and industry data.

“We call it Leighton’s Rule of Pinata Discovery,” he said, referring to the fact only bad things can happen when you blindfold a sugar-hyped kid, spin him around and hand him a bat. “Eighty percent of what we do is take depositions. We hit it with a stick until they give us the candy.” His favorite discovery is when an employee reveals a security issue was discussed “but we decided not to spend the money.” And, he added, “you have to be forthright in discovery or the court will get involved.”

Facts that can be harmful to a business in a security

negligence case include:

- When security has been decreased.
- When the business has another property with better security.
- When the size of the premises increases and security does not change.
- When the crime rate significantly increases and the business does not know what's going on.
- When there is a change in the nature of activity on the premises and security does not reflect that change, from type of client to alcohol sales.
- When there are prior requests for additional security or complaints about safety.
- When a business has violated a minimum statute, like the required lighting in a parking lot, such as one foot candle every three feet across the lot.

The oldest excuse in the book is “we can't prevent every crime. Ninety-five percent of the time, that's the defense,” Leighton said, adding his favorite is when the defense lawyer brings up the fact that even with the best security in the world, the President of United States was shot. “Targeted crime is not necessarily deterrable,” Leighton responds. “Economic or sexual crimes of opportunity can be deterred. Most of these criminals are cowards that want to protect their identity.”

Leighton advised venue managers to take a close look at their insurance coverage. “Many businesses are otherwise incapable of satisfying the verdict,” he said. Asked about sovereign immunity for publically owned and operated venues, Leighton held out little hope. “If we win a \$10 million judgment and you have a \$100,000 cap, we will go to the legislature. If you're nonprofit, I don't care. You are still on the hook. You may have heard, we've sued churches. We are pretty good at finding a way around sovereign immunity.”

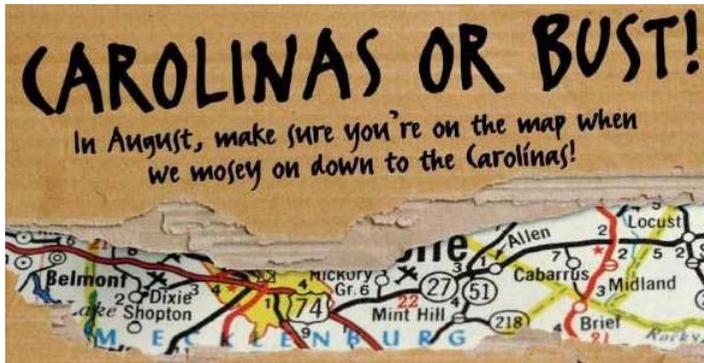
Sub-limits are a common clause in insurance policies, he added. You can have a \$10 million general liability policy with a sub-limit of \$50,000 for acts of sexual misconduct. Most sub-limits are for sexual misconduct and abuse, but the latest trick with insurers is to add assault and battery exclusions, he said. “If there is an assault and battery exclusion, get it out of your policy,” he advised, adding that “arising out of” is a term to eliminate in any policy because it covers so much more.

Leighton listed parking lots because they have easy ingress and egress, employee-only areas because they are secluded and often not secure and ATMs as magnets for crime. And venues that lease additional lots for parking for some events are liable for those areas also. “You're liable just for telling someone where else to park,” he said.

One audience member advised venue managers to check deductibles, a lesson he learned after writing six \$25,000 checks over a few months, his deductible, for claims the insurance company “settled.”

“Insurance company defense attorneys are not there to defend you,” Leighton said. “Have a personal corporate counsel looking out for your interests.” — Linda Deckard

Interviewed for this story: John Elliott Leighton, (305) 854-4900



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HOTickets

HOT TICKETS is a weekly summary of the top acts and ticket sales as reported to VT PULSE. Following are the top 20 concerts and events, the top 5 in each seating capacity category, which took place since June 3, 2008.

PETTY LEAVES NORTHEAST HAPPILY HEARTBROKEN

15,001 or More Seats 10,001-15,000 Seats 5,001-10,000 Seats 5,000 or Less Seats

<p>1) Kenny Chesney Gross Sales: \$4,063,663; Venue: Soldier Field Stadium, Chicago; Attendance: 46,463; Ticket Range: \$102.50-\$27.50; Promoter: AEG Live, The Messina Group; Dates: June 21; No. of Shows: 1</p>	<p>1) WWE Smackdown Gross Sales: \$783,181; Venue: Brisbane (Australia) Entertainment Centre; Attendance: 8,795; Ticket Range: \$311.55-\$44.51; Promoter: World Wrestling Entertainment; Dates: June 17; No. of Shows: 1</p>	<p>1) Robert Plant, Alison Krauss Gross Sales: \$778,810; Venue: The WaMu Theater at Madison Square Garden, New York; Attendance: 10,828; Ticket Range: \$95-\$35; Promoter: Live Nation; Dates: June 10-11; No. of Shows: 2</p>	<p>1) Erykah Badu Gross Sales: \$398,307; Venue: Paramount Theatre, Oakland, Calif.; Attendance: 6,005; Ticket Range: \$83.50-\$45.50; Promoter: Live Nation; Dates: June 8-9; No. of Shows: 2</p>
<p>2) Tom Petty and the Heartbreakers Gross Sales: \$1,495,971; Venue: Madison Square Garden Arena, New York; Attendance: 15,563; Ticket Range: \$129.50-\$59.50; Promoter: AEG Live, Concerts West; Dates: June 17; No. of Shows: 1</p>	<p>2) George Michael Gross Sales: \$743,186; Venue: San Diego Sports Arena; Attendance: 7,526; Ticket Range: \$200-\$53.50; Promoter: AEG Live; Dates: June 17; No. of Shows: 1</p>	<p>2) Roberto Carlos Gross Sales: \$514,730; Venue: Gibson Amphitheatre at Universal CityWalk, Universal City, Calif.; Attendance: 5,440; Ticket Range: \$115-\$78; Promoter: Live Nation; Dates: June 7; No. of Shows: 1</p>	<p>2) Leonard Cohen Gross Sales: \$365,890; Venue: Hamilton (Ontario) Place Theatre; Attendance: 4,377; Ticket Range: \$83.33-\$75.33; Promoter: Goldenvoice; Dates: June 3-4; No. of Shows: 2</p>
<p>3) Tom Petty and the Heartbreakers Gross Sales: \$1,351,168; Venue: Nissan Pavilion at Stone Ridge, Bristow, Va.; Attendance: 22,484; Ticket Range: \$125-\$35;</p>	<p>3) Kenny Chesney Gross Sales: \$704,496; Venue: iWireless Center, Moline, Ill.; Attendance: 10,519; Ticket Range: \$69.50-\$37; Promoter: AEG Live, Mischell Productions, The Messina Group; Dates: June 19;</p>	<p>3) A Prairie Home Companion Gross Sales: \$460,531; Venue: Greek Theatre, Los Angeles; Attendance: 5,418; Ticket Range: \$99-\$46;</p>	<p>3) The Swell Season Gross Sales: \$318,032; Venue: Chicago Theatre; Attendance: 10,062; Ticket Range: \$37-\$29.50; Promoter: Jam Productions; Dates: June 15-</p>

Promoter: Live Nation; Dates: June 8; No. of Shows: 1	No. of Shows: 1	Promoter: Southern California Public Radio; Dates: June 6; No. of Shows: 1	18; No. of Shows: 3
4) Tom Petty and the Heartbreakers Gross Sales: \$1,152,457; Venue: Prudential Center, Newark, N.J. ; Attendance: 14,837; Ticket Range: \$99.50-\$55; Promoter: AEG Live, Concerts West; Dates: June 18; No. of Shows: 1	4) Kanye West Gross Sales: \$284,197; Venue: i wireless Center, Moline, Ill. ; Attendance: 5,132; Ticket Range: \$75-\$35; Promoter: In-House, Live Nation; Dates: June 12; No. of Shows: 1	4) James Taylor Gross Sales: \$457,462; Venue: Starlight Theatre, Kansas City, Mo. ; Attendance: 7,512; Ticket Range: \$75-\$20; Promoter: Live Nation, Mammoth, In-House; Dates: June 9; No. of Shows: 1	4) Stone Temple Pilots Gross Sales: \$315,488; Venue: The Fillmore, Detroit; Attendance: 5,635; Ticket Range: \$89.50-\$49.50; Promoter: Live Nation; Dates: June 3-4; No. of Shows: 2
5) Jimmy Buffett and the Coral Reefer Band Gross Sales: \$1,152,314; Venue: DTE Energy Music Theatre, Clarkston, Mich. ; Attendance: 15,478; Ticket Range: \$137.50-\$37.50; Promoter: Palace Sports & Entertainment; Dates: June 10; No. of Shows: 1	5) Death Cab For Cutie Gross Sales: \$238,465; Venue: Jay Pritzker Pavilion, Chicago; Attendance: 10,921; Ticket Range: \$45-\$10; Promoter: Jam Productions; Dates: June 3; No. of Shows: 1	5) Crosby, Stills & Nash Gross Sales: \$401,443; Venue: Greek Theatre, Los Angeles; Attendance: 5,473; Ticket Range: \$86-\$41; Promoter: Nederlander; Dates: June 14; No. of Shows: 1	5) Chicago, The Doobie Brothers Gross Sales: \$274,558; Venue: Dodge Theatre, Phoenix; Attendance: 3,994; Ticket Range: \$155.11-\$38.50; Promoter: Live Nation; Dates: June 3; No. of Shows: 1

Compiled by Rob Ocampo. To submit reports, e-mail HotTickets@venuestoday.com or fax to (714) 378-0040.

THE BEAT

TRAVELOG FLORIDA FACILITY MANAGERS ASSOCIATION

PALM BEACH, FLA., JUNE 22-24, 2008

Wayne Malaney, FFMA lobbyist; Rick Hamilton, FFMA president, Ocean Center, Daytona Beach, Fla.; and Judy Joseph, FFMA secretary/treasurer, Tampa Bay Performing Arts Center, after Malaney's presentation: The newlyweds, Cherie and Lionel Dubay. (VT Photos)



Safety, security, legislation, litigation and holy matrimony occupied the attention of nearly 130 attending the Florida Facility Managers Association meeting here. Attendance was down from 149 last year, a lot of that attributed to state budget cuts which curtailed travel for several convention center managers, said Cherie Dubay, executive director of FFMA.

Dubay planned and opened this convention as Cherie Worley, but her marriage to Lionel Dubay, past president of FFMA from the University of Florida-Gainesville, became the Monday night event. Lionel Dubay had proposed to her during the awards luncheon at the International Association of Assembly Managers last July. He thought it was fitting to "surprise" her with a wedding she didn't have to plan, in front of her friends and peers, at FFMA. She said "I do."

Prior to the wedding, the day was filled with sessions on legislation and litigation.

Wayne Malaney, FFMA lobbyist, reviewed legislation that is scheduled to sunset on June 30, 2009, that is important to the business of running sports and entertainment venues.

The sales tax exemption on admission to events which are 100 percent sponsored or promoted by a government entity, the retail sales tax exemption on services related to the use of the facility and the rental sales tax on space used to sell novelty concessions when that space is paid for based on a percentage of the sales will expire July 1, he said. With state budget cuts of \$7 billion-\$8 billion already in place this year and another four percent cut announced by the governor this month, some legislators equate sunset laws to budget cuts.

FFMA's argument that "we have an \$18 billion impact on this state" is one Malaney continues to preach, but he warned that the film industry has seen its \$22 million economic stimulus package cut to \$5 million. "So, I deduce, they are not giving any more money away; there will be no money for sports teams anymore," Malaney said.

Bottom line, Malaney said, legislators trying to shore up a budget shortfall are likely to look first at new sales taxes and then at exemptions and if it comes to that, exemptions could go away.

"Look at Amendment 5," he said. It will appear on the November general election ballot and "if this passes, it guarantees the elimination of some exemptions." It will give considerable power to Sen. Haridopolis, Senate President-Elect, who has promised to require that every tax exemption stand for review and prove why it should be retained.

"It's going to be one of the tougher years," Malaney said, noting that the utilities are asking for a 16 percent increase in rates in order to maintain the 12 percent profit they are guaranteed by the state. "Utilities are monopolies," he noted. "Increased utility bills will have an impact on consumers and ticket sales."

During an arena breakout session, the economy received a fair share of attention. Ron Spencer, Tallahassee-Leon County Civic Center, called the economy in Florida "dismal, and it will get worse." Municipal and university facility managers have to be aware of the problem. On the university level, educationally, other state "systems are raiding our brain trusts," Spencer warned. Professors who have grants are being lured out of state. The hurricanes of years past pumped up the economy in a perverse way, both in preparation dollars and repair costs. When that goes away, it impacts the economy. Now the state is considering a rollback of property taxes. "Be aware," Spender said. "We're all going to face cuts." And it will impact the fans. "We will have to strive to get them out."

Allen Johnson, Orlando Centroplex, countered that they have sold out all 56 suites in the under-construction, \$400 million arena being built for the Orlando Magic of the NBA, the economy notwithstanding.

Johnson lead off discussion talking about the "exclusiveness factor." Fans are looking for that VIP feeling in all price categories, he said. The Orlando Magic are moving away from the mass premium to "category premiums," offering perks exclusive to a group of fans, whether they paid \$1,000 or \$10.

Johnson also mentioned the "new fans" shows like Hannah Montana and the Jonas Brothers are bringing into venues. "Teach them about the fan experience," he advised.

Having the luxury of working on a \$400 million arena, Johnson is fairly up to date on the latest technology. Using cameras throughout the building to monitor what is going on from anywhere, even home, is definitely a trend. It is also a deterrent and a motivator for employees, he said. the

"I'm still a proponent of the self-serve drink," he continued, noting that McDonald's is visionary in that regard. Sure, product costs are up, but not as much as income, and that gets customers away from the line. So what if they return for a refill.

Will Call Kiosks are in the works for Johnson. There is a garage attached to the current arena but it's on the opposite side of the building from the Will Call windows, so he put a kiosk there. It's outdoors but covered, with a shield that comes down in front when it's not in use. "In two weeks, we will sell from there," he said.

Venues in Florida also take a close look at what the major theme parks are doing and the all-inclusive ticket is a big trend. "It saves you from digging into your pocket every time the kids want something," he said. And it drives the bottom line.

Competition is also heating up in Florida, with casinos a growing industry. "They will pay stupid money for entertainment," Johnson warned, adding that venue

managers should be careful in reacting. “Remember your worst deal is now your new deal. The next agent will want the same deal. I caution you, there are other ways to do it. Offer resort credits, free golf, sweeten the pot other than lowering the rent.” – Linda Deckard

Interviewed for this story: Wayne Malaney, (850) 906-9069; Allen Johnson, (407) 849-2012; Ron Spencer, (850) 487-1691

CONSTRUCTION REPORT **Durham (N.C.) Performing Arts Center**

Scheduled opening: November 2008

Tenant/Ownership: Various/City of Durham

Manager/Producer: Professional Facilities Management/Nederlander

Architect/Developer: Szostak Design, Inc./ Szostak Design, Inc. and Garfield Traub Development

Capacity: 2,800

Construction Cost: \$44 million

Financing: Initially developer financed, with the city using a portion of occupancy taxes to reimburse him, when budget and time lines are met.

Construction Update: When Durham developers told J. Lynn Singleton, president of Professional Facilities Management, they planned to build a 110,000 square-foot, 2,800-seat theatre in Durham for under \$50 million, his first thought was: “And it has a roof?”

But the \$44 million project – slated to open in November – is on schedule and on budget, Singleton said. He credits architect/developer Phil Szostak, of Szostak Design, for coming up with a practical, well-thought out design.

The design has undergone changes since the city first sought to build a performing arts center downtown, as a way to spur economic growth. Szostak originally paired with Clear Channel Communications as developer, but local outrage led to Clear Channel withdrawing and Szostak stepping up as developer as well. He has tweaked the design several times to pare costs based on feedback from the public, the city’s Theatre Committee and a peer review process with architects in the Triangle Architect and Design Society.

Some of the savings have come from choosing one of the least desirable sites within the city-owned parcel, which borders the Durham Bulls Athletic Park, the American Tobacco District and the Durham City Prison. Savings have also come from value-engineering the building, Singleton said. For example, since the venue will host primarily musical theatre, dance and bands – not a symphony, which requires more pristine acoustics – the soundboard was built to allow for future upgrades.

PFM and Nederlander have signed on through 2013, at least, which will allow DPAC to host Nederlander’s first run tours, like “Legally Blonde” and “Color Purple.”

However, some fear the venue will only cannibalize audiences from Durham’s other city-owned venue, the Carolina Theater, which has the 1,014-seat Fletcher Hall, and nearby Raleigh’s Progress Energy Center, which seats 2,277.

“The [Progress Energy Center] has been rehabbed a number of times, and is home to a number of nonprofit organizations in the Triangle,” Singleton said. “When we did our due diligence, talking to AEG and Live Nation, they told us the nonprofits tie up the schedule. They may have Van Morrison available, but there is never any availability.”

While the DPAC will bring in larger, blockbuster shows, the Carolina is more suited for shows that require more intimacy, according to Singleton.

Singleton said he expects DPAC will host 100 theatre, comedy and musical acts annually.

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Boettcher Concert Hall, Denver

Scheduled start: 2010

Tenant/Ownership: Colorado Symphony Orchestra/City of Denver

Construction Cost: \$90 million

Financing: \$30 million from tenant CSO, \$60 million from a bond initiative approved in November 2007.

Construction Update: The Boettcher Concert Hall has suffered from acoustics issues since it was built in 1978, according to Jack Finlaw, Denver's director of Theatres and Arenas. The city seeks to fix that in its efforts to improve public areas and create an educational space as part of the \$90 million renovation and expansion.

The city has floated the idea of gutting the venue's interior, building a new concert hall inside and adding a 35,000 square-foot expansion with an enlarged lobby that will remedy the current hall's cramped lobby and limited backstage areas. The new design would ideally include space for special events and public education programs.

"We are on a fixed budget," Finlaw said. "We have to design a hall we can build with inflation. Acoustics are the first priority, public spaces are second and the education space is third."

Finlaw said the city has been conducting due diligence reviews of the architects and acousticians and making preliminary decisions since the bond initiative passed last November.

On June 26 and 27, the six final architectural firms in the running to design the space, will make presentations to the public and the Architect Selection Committee. Finlaw called the process "putting names with faces" and said the public would not see specific plans at these meetings.

The finalists are: David M. Schwarz/Architectural Services, Inc., of Washington, D.C., who designed the renovation and expansion of Cleveland's Severance Hall and Nashville's Schermerhorn Symphony Center; Grimshaw, of New York, who is currently working on the Performing Arts Center in Troy, N.Y., and the Queens Museum of Art in New York City; Diamond and Schmitt Architects of Toronto, who designed the restoration and expansion of Detroit's Max M. Fischer Music Center and the Sidney Harmon Hall in Washington, D.C.; LMN Architects of Seattle, Wash., whose work includes Seattle's Benaroya Hall; and Skidmore, Owings and Merrill, LLP, of Chicago, designer of Chicago's Symphony Center and Civic Opera House; Zeidler Partnership, West Palm Beach, Fla., who designed Palm Beach County's Raymond F. Kravis Center for the Performing Arts, and the Toronto Center for the Arts.

Finlaw expected a concept design would be presented six to eight months after the architect is chosen and their contract negotiated. While the city hopes to begin the project by 2010, that goal is flexible.

"We are completely open," Finlaw said. "There is no need to hue to a schedule that is not appropriate." — Liz Boardman

Contact: Jack Finlaw, (720) 865-4222