

Dave Corliss

From: Sue Hack [suehack@sunflower.com]
Sent: Monday, August 13, 2007 10:20 PM
To: 'nick carroll'; mdever@sunflower.com; robchestnut@sunflower.com;
boog@lawrence.ixks.com; mikeamyx515@hotmail.com
Cc: Dave Corliss
Subject: RE: letter regarding 8/14/07 city commission meeting

Hi Nick -- Thank you for your email. I want to clarify a couple of things...first of all, there is no ordinance before us for our meeting tomorrow. We have a draft of several ordinances and what we will be doing is taking public comment and will adjust the ordinances if the Commission feels that is necessary. They will be on a future agenda.

The other point is a really important one and that is our City Manager HAS contacted the ABC. A copy of his letter and the response are posted on the city website. There you will find the response that is basically, "you are on your own as to these kinds of outside the venue situations."

It is also important to understand that the City Manager is acting on the direction of the City Commission. This Commission and the previous one have expressed the concern about public safety in downtown. Our citizen survey noted that as a large concern, and it is our job as Commissioners to direct the City Manager to correct that. These proposed ordinances are as a result of that.

In addition, I do appreciate the music scene and its importance to Lawrence. I think that Commissioner Highberger stated this in the best way I have heard and that is one way to kill this music scene is to have a situation downtown that people from Lawrence or from other communities feel is unsafe. There is a real danger that we are on the verge of that. Additional police will not be the solution, as much as we wish it would.

I do thank you for your email and appreciate your concerns and comments.
Sue

-----Original Message-----

From: nick carroll [mailto:nickccarroll@gmail.com]
Sent: Monday, August 13, 2007 8:15 PM
To: suehack@sunflower.com; mdever@sunflower.com; robchestnut@sunflower.com;
boog@lawrence.ixks.com; mikeamyx515@hotmail.com
Subject: letter regarding 8/14/07 city commission meeting

August 13, 2007

Dear City Commissioner,

I was informed that on August 14, 2007, the city commission will be discussing the possibility of passing three ordinances proposed by David Corliss at the July 18 city commission meeting. I will not be present at the meeting tomorrow, because I am in California on business until the end of August. This letter serves as my input regarding the above issue. I believe these ordinances are not in the best interest of the music/art community in Lawrence nor are they fair to existing businesses and could create unnecessary hardship for many citizens.

Every Lawrence business person that I have personally spoken with, including Chuck Magerl, Bob Schum, and many others, all have the same question. Why hasn't the city manager contacted the ABC and tried to use the existing powers that are established? Mr. Corliss has said that he feels the city does not have enough power or say in the decision to close a business. In my opinion, the current laws on the books are adequate and will work as long as the City Manager enforces them and if people causing problems are arrested and held accountable.

Instead, Mr. Corliss is letting a troublemaker, Dennis at Last Call, force the City

Commissioners to take his obsession of closing all venues and bars in the city seriously. All of his proposed ordinances will create a hardship for some of Lawrence's most cultural and well-known businesses.

For example, in the last fifteen years the Replay Lounge has been in over two dozen newspaper and magazine articles such as Rolling Stone, Spin, Harper's Literary Magazine, Kansas City Star, Esquire, and The New York Times. In fact, in the two page article in The New York Times, four of the eight businesses mentioned were music venues. I feel that the Mr. Corliss only dwells on the negative instances and he doesn't understand nor recognize the contributions that a thriving music scene creates for the town. It brings in millions of dollars of taxable income and makes Lawrence a more attractive place to go to school or work.

The proposed legislation will make the survival of our businesses much more risky. It essentially gives the City Manager an On/Off switch to close businesses. In essence, he is making the business impossible to succeed. In his own words, if there are disturbances in a city parking lot, the bar is liable and the city should be able to take action against it and, if necessary, close the business. I ask you to empathize with Jerry at the Red Lion, for example. Let's say that after closing time a patron goes out to his car and blares the radio next to a newly-built condo near the city lot and someone complains. How can Jerry prevent this action from happening? Is it the existing bar owner's fault and does he have the legal ability control the behavior of this patron in the public parking lot? Isn't it the patron's fault for making the noise? I believe in common sense and tolerance. In the above scenario, I believe that Jerry could post a sign that asks the patrons to be quiet in the public parking lots, that if a police officer witnesses a loud blaring radio he could give the person a ticket, and finally people that move into an area that has an existing entertainment venue must also have more tolerance for noise. I believe David Corliss would state that the area has changed and since more people are moving to the area we must close the existing businesses to make room for the new ones. I don't believe this is fair, ethical, or legal and I don't believe it is in the best interest for the town.

Below I will break down the three ordinances that the City Manager presented the City Commissioners in the July 18 meeting. Before I explain each ordinance I wanted to explain that for the previous decade, while Mr. Corliss was the City Attorney, he has tried to push these exact proposals and each time the City Commissioners felt the measures were too severe and would cause unnecessary hardship for existing businesses.

Before he explained the proposals, Mr. Corliss stated that Lawrence is not trying to reinvent the wheel and that many cities have adopted proposals similar to these. He is correct that a few cities have adopted similar proposals, but I don't believe that these cities are comparable to Lawrence. In fact, if any of these proposals are adopted in the manner that he presented, it would cause the decline of the music and art culture that makes Lawrence, especially the downtown area, one of the most recognized cultural areas in the Midwest. Due to the national attention the venues and musical acts receive, many college bound students select Kansas University rather than other schools in our area and conference.

Entertainment License:

Last April the city manager introduced the idea that Lawrence would benefit if places that brought entertainment would have to obtain an additional license that gave the city manager full discretion on what kind of music was booked. Mr. Corliss cited Olathe, Kansas's entertainment as a comparison and a model. I conducted research on the two cities and found very few similarities, especially to the median age and family income.

Below are a couple of highlights of the 2006 statistics comparing Lawrence and Olathe:

- . Olathe had a job growth of 20.01%; Lawrence had a job growth of 1.56%
 - . Olathe's family median income was 56.23% greater than Lawrence's
 - . Lawrence's median age was almost three years younger than Olathe's
 - . Lawrence thirteen venues hosted 1,885 events including 4,712 bands;
- In Olathe two venues hosted less than sixty shows

The statistics make it clear that Lawrence and Olathe are not comparable and we should not adopt an entertainment license that dismantled Olathe's music scene and would do the same to Lawrence.

The most telling statistic is the job growth. After being involved in Lawrence's community for the last twenty years I believe that too much emphasis is placed on regulating businesses that revolve around the college and not enough time and energy is spent on more pressing matters like attracting jobs, improving schools, and being able to handle the growth such as water and sewer systems. It's almost become an obsession for the city manager to fight bars and no one is benefiting from this loss of energy and direction.

Staggering Closing Times:

Lawrence prides itself in being an independent and progressive culture, but this notion of staggering the closing times shows how little respect the city manager has for the entertainment business in Lawrence. The reason Lawrence bars have represented the city in Harper's Literary Review, Rolling Stone, Spin, The New York Times, The Kansas City Star, and Esquire Magazine is because we have a great market for entertainment and a group of talented proprietors. In the March 2007 meeting, I presented the city commissioners with a spread sheet that listed how much of our volume is generated at closing time and what would happen if we were to close down two hours before the state regulated time. A large percentage of the daily sales happen in the last hour of closing time. By staggering the closing time, many businesses would lose their businesses because of the loss of sales at their peak time of operation.

Below is the attachment that I presented to the City Commission based on the actual sales of a downtown bar and the percentage of sales generated from 12a.m. - 2a.m.:

Downtown Bar #1

Hours open 3p.m.-2a.m. 100%	Hours open 3p.m.-12a.m. 78%
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Sales	\$623,394.00	\$411,460.04
Expenses	(\$289,186.00)	(\$255,366.66)

	3p.m.-2a.m.	3p.m.-12a.m.
Total Sales	\$623,394.00	\$411,460.04

Cost of Sales	\$247,470.00	\$160,467.42
Total Revenue	\$375,924.00	\$250,992.62
Total Expenses	\$289,186.00	\$255,366.66
Total Profit	\$86,738.00	(\$4,137.04)
Depreciation	(\$6,680.00)	(\$6,680.00)
Total Net Income	\$80,058.00	(\$11,056.04)

* Winter months between 12a.m. and 2a.m. represent 34% of sales.

A thirty-four percent decrease in sales would close most businesses.

Many of the venues and bars took a severe hit from the smoking ban and they are trying to rebuild their businesses to the level they had before the ban. Staggered closing times would be the nail in the coffin for the majority of these businesses.

Special Use Permit:

Special Use Permits are used in many cities, but again the ones that I've researched were not comparable to Lawrence. Special use permits are used for new businesses that cities feel are undesirable for a community such as the smell of a hog farm. I believe our venues are not undesirable for the majority of citizens of Lawrence and I believe that forcing an existing business to sign a special use permit is unethical and illegal.

Finally, I'd like to cite cities, such as Chapel Hill, NC and Athens, GA that are more comparable with Lawrence. They are artistic communities with similar population and are heavily influenced by their local college. I called many business owners and musicians in these areas. Every person that I spoke with regarded Lawrence as a place that they have wanted to visit because of the reputation of hospitality and culture. When I asked them

if they had similar problems with their city government they stated they did not. In fact every person told me that they have harmony with their city government and a few of them were involved in local politics.

My final point is that the proposed ordinances are extreme and will destroy the most important asset, in my opinion, Lawrence has to offer: its diversity and culture. Severe laws like those presented divide communities are not far sighted. They are reactionary and will turn Lawrence, and especially the downtown, into a homogenous culture that will make it hard to differentiate between other towns in Kansas with similar populations.

I believe as city commissioner you can ask the city manager to work with the ABC and use every existing law and influence to shut down the Last Call and not destroy Lawrence's identity in the process.

Everyone wants a safe town, but we need to be far sighted and make decisions that don't have unintended consequences. Instead the decisions should hold the wrong doers and law breakers accountable so the rest of us can prosper and enjoy the diversity and culture currently existing in Lawrence.

Sincerely yours,

Nick Carroll
Owner, Replay Lounge and Jackpot Music Hall