

August 28, 2014

City of Lawrence
PO Box 708
Lawrence, KS 66044

Mayor Mike Amyx
Vice Mayor Jeremy Farmer
Commissioner Michael Dever
Commissioner Dr. Terry Riordan
Commissioner Bob Schumm

RE: Proposed Food Truck Regulations

This letter is being submitted in favor of allowing food trucks expanded operating capacity within the City of Lawrence. As I am unable to attend the meeting to discuss this in person, I would like to submit to you the following comments for your consideration:

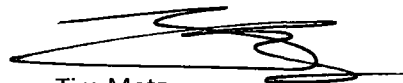
1. I do not agree with the argument advanced that food trucks compete unfairly with brick and mortar establishments. My family dines out frequently in Lawrence. When we want a food truck experience, we are forced to drive to Kansas City in order to get one. Simply put, when we desire to eat at a food truck we will. This is not taking business from brick and mortar restaurants in Lawrence because we were not seeking that kind of experience at the time. In other words, when we want to eat in brick and mortar we do, and usually we do so in Lawrence. When we want to eat at a food truck, we drive to Kansas City. Because we are forced to do this, Lawrence misses out on the sales tax revenues that we were going to spend anyway. Therefore, by not allowing food trucks expanded service, the City loses out all the way around.
2. While I do realize that brick and mortar restaurants have higher fixed costs in terms of property taxes, etc., they also place a much higher impact on the use of public services as well. If local restaurants are concerned about leveling the playing field with food trucks, then the City should implement a licensing fee requirement in order to do business here. The City should also establish parameters that do not allow food trucks to set up next to established restaurants without their permission. Food trucks exist side by side in a very large number of cities in the United States and there is no reason why this cannot be the case in Lawrence. By implementing serious licensing and other restrictions, only those food truck vendors seriously interested in being in Lawrence will undertake the cost and effort to do so. Controlling public space and protecting public health are legitimate reasons for regulation but they should not be used to exclude legitimate enterprises and create favoritism of one particular industry over another.
3. By keeping food trucks as restricted as they have been, the City is essentially creating a monopoly in favor of brick and mortar restaurants. For a city so strapped for tax revenues and growth, this seems like a very short-sided economic position. Food trucks often test new products and markets in order to determine if their concept is viable. Food truck sales generate significant sales tax revenues in addition to other revenue streams such as fuel and property

taxes on trucks/equipment. The City should be very interested in rewarding innovation and efficiency. It's not unusual to see food trucks succeed and then open a full brick and mortar location. There are several examples of this in Kansas City, such as Port Fonda. By not allowing food trucks the opportunity to explore the Lawrence market, the City is losing out on the opportunity to attract future brick and mortar locations as they expand. Preserving the monopoly power of local eateries is a terrible reason to restrict food trucks. Ultimately, it should be up to the consumer, not government, to decide whether a restaurant/food truck should be rewarded with a purchase.

4. Lawrence is a walking City. There is a finite amount of space available to open new restaurants downtown. Food trucks are a natural extension of the innovative culinary process in which new ideas and concepts are tested. Lawrence likes to bill itself as an innovative community, yet our failure to adequately embrace concepts such as food trucks speaks to the opposite. An expanded food truck presence could bring dining options to the underserved eastern and northern parts of the City.
5. A recent review of restaurant inspections shows that food trucks actually performed better on public health inspections than brick and mortar restaurants. <http://time.com/2901080/food-trucks-safer-than-restaurants/>
6. If a brick and mortar restaurant closes, it closed in all probability due to a variety of reasons and not because of the existence of food trucks. Think back to many of the restaurants that have closed in Lawrence, in nearly every case the proprietor was unable to meet the demands of its customer base. There is no valid evidence to support the contention that a food truck has caused a brick and mortar restaurant to close. Customers decide what restaurants remain open based upon personal taste, the quality of the product, the efficiency of the service and the overall dining experience.

This issue is important because how you deal with it sends a very clear message regarding the City's real philosophy concerning economic development. The City cannot keep decrying the lack of economic development/job creation while simultaneously discriminating against the very businesses that want to be here. Our inability to move forward in a positive manner because we are pandering to the anticompetitive views of a minority is what sets us apart from similar cities. I would prefer that Lawrence be distinguished as a progressive, forward-thinking place where entrepreneurship is encouraged and allowed to flourish.

Sincerely,



Tim Metz
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