

Live Entertainment Still a City Issue

By Alan King, *Baltimore Afro-American*, July 16, 2009

Casey Jenkins, owner of Darker Than Blue Café in the 3000 block of Greenmount Avenue, said he was already optimistic about his business.

In the almost two years it's been open, the café got its liquor license and a grant from the state to start construction on the second floor and possibly expand the restaurant into the building next door.

The thing Jenkins says is missing is live entertainment. "People love jazz with their food," he said. "That's what we need ... that comfortable feel for people."

Jenkins is among those in support of a new bill to expand live entertainment to more bars and restaurants.

The heavily-amended draft of Council Bill 08-163, a pet project of Council President Stephanie Rawlings-Blake, came before the City Council on July 13. The original bill, introduced last year, proposed creating an authority that would charge live entertainment venues a yearly fee of up to \$1,500 to host performances.

After nearly 12 public hearings, Councilman Bill Henry (Dist. 4) said the plan was scrapped when promoters and venue operators put pressure on the council to not move forward with licensing. According to reports, members of the local arts community said the licensing fee would bankrupt bohemian clubs and artists' collectives across the city.

"What the council did [on July 13] was it voted to amend the bill to take out all the licensing requirements," said Henry, who was a co-sponsor of the original bill. He's an opponent of the new version.

The councilman said the original version would have regulated live entertainment the same way liquor sales are regulated with licenses distinguishing the type of alcoholic beverage a venue can serve. So, he said, a venue operator with a license to have a violinist playing while walking by patrons, would need to apply for another license to have live bands with amplifiers seven nights a week.

The new bill, if passed, amends the city's zoning policies so live entertainment is a "conditional use" built into the zoning designation of the property in question.

This amendment sparked debates among the council. In opposition were council members James Kraft (Dist. 1), whose district includes Butcher's Hill, Fells Point, Highlandtown and Little Italy, and William Cole IV (Dist. 11), whose district includes Druid Heights, Federal Hill, Historic Mount Royal, Reservoir Hill, Penn North and Sandtown-Winchester. Their main concern was that more venues with live music would

result in larger crowds that tend to be rowdy and need police more often, leaving residents helpless in their efforts to curb bad behavior in their communities. "I believe that this is not a good bill for the city of Baltimore ... it takes the control – the ability to monitor – out of the hands of citizens," Kraft said.

According to the opposition, community organizations won't be able to stop a "problem business" from functioning since the property is zoned for live entertainment. "I really hope that this bill does not get passed into law," Kraft said. "This is not about the owners and operators of these businesses... It's about the property.

Cole elaborated on the point. "When there are bad apples out there, it is very difficult to shut one down," he said. "I've done a number in my district since taking office. One place we shut down, it just reopened again."

Councilman Robert Curran (Dist. 3), a co-sponsor of the bill, told the council to stop stalling on the issue. "We just need to come out of the dark ages, simply, and become competitive with Philadelphia and Washington, D.C.," he said of the two cities' vibrant music scenes.

Amending the city's zoning policies is good news for Jenkins, whose Café is a B2-zoned establishment. Under the terms of the existing zoning code, live entertainment and dancing are only allowed in venues in more densely commercial areas or zoned B3, like the Caton Castle Lounge on South Caton Avenue.

When Ronald Scott and his partners acquired the building in 1990, the live entertainment they chose were jazz bands ranging in size from trios, to quintets, to bigger bands. The venue also features the Line Dancers and hand dancing.

Scott, 64, said this form of live entertainment gives him peace of mind at the end of the day. "People come and enjoy your place and let you know that they appreciate what you're doing or trying to do," said Scott.

According to the document, the revised version of the bill gives all B1- and B2-zoned restaurants and bars across the city the option to apply for a conditional permit to host live entertainment.

Henry said with just the zoning code changes, there's no distinction between what kinds of live entertainment a bar could do.

Jenkins agreed the bill needs more oversight, but added businesses can be proactive to assuage the worries of community members. "What needs to happen is for businesses to create some type of synergy between the residents," he said, adding that Waverly and Charles Village community leaders were satisfied with his café having jazz trios and quartets.

"It wasn't ... that we were giving the right answers, it was the synergy that was created at

that point; it created open-dialogue with them," Jenkins said. "Overall, I think the bill's a great idea."

Council President Rawlings-Blake said she took every testimony into consideration. "Whether I agree or disagree with the testimony, I heard it," she said. "There's no mistake. I plan to move forward with this bill."

She added it was important for her and the council to spend more time working together to build a consensus on the bill. "What this has shown is a broad determination to make sure that we get this going and to make sure that there is a way for responsible dining entertainment," Rawlings-Blake said. "The communities deserve better."

"I appreciate that we need to do everything we can to make Baltimore a popular tourist attraction, but...there's nothing but B1 and B2 in my district," said Councilwoman Mary Pat Clarke (Dist. 14), representing Charles Village, Greater Homewood, Guilford, Hampden, Remington, and Roland Park. "The problem is ... going to the zoning board time and time [again] with neighbors when all of these B1s and B2s ask for live entertainment. We really have a lot of excitement in these areas and we don't need a whole lot more."