

City Council approves live-entertainment bill

Bands, singers could perform at trendy bars, restaurants

By Annie Linskey, *Baltimore Sun*, October 27, 2009

The Baltimore City Council voted Monday to allow bars and restaurants in some of the city's trendiest neighborhoods to hire bands, singers and other performers, overturning a decades-old prohibition that City Council President Stephanie C. Rawlings-Blake says has stifled nightlife in town.

"This is an opportunity in lean times for establishments to expand the entertainment they are able to offer," she said after the measure passed by voice vote. "It also makes us more marketable as a city."

The legislation has excited bar owners across the city who are looking to enhance their establishments. But it has also stirred deep concerns among residents of Southeast Baltimore, Federal Hill and Hampden that the lure of live entertainment would bring even more noise, traffic and parking woes to their already popular neighborhoods.

Mayor Sheila Dixon must sign the measure before it becomes law and she said yesterday that she will make her decision after consulting with neighborhood leaders. "I need to follow up with those communities that had concerns," Dixon said. "That is really going to determine if I sign it or not."

While the bill passed on a voice vote, five council members expressed their opposition. Twelve of the 15-member body must support a bill to override a mayoral veto.

The vote Monday evening generated applause from Thomas J. Maronick Jr., also known as "Tom Moore," a Baltimore lawyer who sings in a jazz band and has closely followed the bill. "I think this will do tremendous things for artists in this city," he said. "I'll have more chances to showcase the band."

The current law banning live entertainment dates to 1971 when the city's zoning code was overhauled. At that time, city leaders created "B1" and "B2" zoning designations for areas where businesses and residences exist in close proximity and prohibited bands, singers and other live acts in those areas.

Since then, the council has attempted at least twice to ease the zoning restrictions - once in the late 1970s and again in 1980. Both efforts were rebuffed amid neighborhood concerns.

Rawlings-Blake took up the effort a year ago, saying that a more vibrant nightlife will help bar owners attract customers and make the city more attractive to tourists.

Initially the bill would have created a new bureaucracy to oversee the awarding of live entertainment permits across the city. The bill was gutted in the spring and now it affects

a much smaller area.

Rather than creating a permit system, the bill simply changes the city's zoning code to allow restaurants and taverns in B2 zones to offer live music with permission from the city's Board of Municipal and Zoning Appeals. Restaurants but not bars in the B-1 areas could also have live entertainment.

After obtaining city permission, restaurant and bar owners would still need approval from the state liquor board before offering music. The bill does not allow new adult entertainment - which remains limited to the city's industrial areas.

Rawlings-Blake had garnered just enough votes to pass the bill over the summer but postponed final passage at the behest of community leaders while two companion measures were drafted to address some of their concerns.

One bill allows the city's health commissioner to revoke the food license of any tavern or bar that repeatedly draws citations. Another allows the zoning board to revoke permission for live entertainment if neighbors complain. Those two bills also passed yesterday.

The companion measures provided some comfort to Councilman William H. Cole IV, whose district includes Federal Hill. He switched his vote, supporting the bill Monday after opposing it at the end of July.

He said he was "confident" measures had been taken to ensure communities could effectively fight against bars that become nuisances. "[I] would never have voted yes if I didn't feel confident that the protections were in place."

Paul Robinson, the president of the Federal Hill Neighborhood Association who bitterly opposed the live entertainment measure when it first was drafted, agreed - up to a point. "What we have before us now is a whole lot better," he said.

Still, Robinson worries that he will now have to spend hours before the city's zoning board if tavern owners act irresponsibly. "What strikes me as a bit cumbersome is, in order for this to work, a pretty significant responsibility for enforcement has been shifted to the communities, which is a huge challenge," he said. "I do not relish the thought of spending the rest of my life in hearings in front of the zoning board."

Robinson anticipates "a huge rush" of establishments applying to have live entertainment, saying that some of the owners of the 28 bars and restaurants in a three-square-block area near Cross Street Market already have signaled their interest.

City Councilwoman Mary Pat Clarke, an opponent of the bill, also predicted "a surge" of new applications that she fears will lead to clashes between residents and business owners in Charles Village and Hampden, where she said homeowners live "cheek by jowl" with businesses.

Though she said the companion legislation makes the live entertainment bill more palatable, she disliked having to have complaints heard before the city's zoning board. "It is very hard to win at the zoning board," Clarke said.

Council members were weighing their votes up to the last minute Monday. James B. Kraft, who represents the largest part of the city with bars and restaurants that will be affected by the bill, declined to comment earlier in the day about how he would vote, saying, "I don't know yet."

In the end, Kraft voted against the bill. He was joined by Helen Holton, Clarke and Bill Henry. Nicholas D'Adamo Jr., who was delayed getting to the meeting and not in the chamber when the vote was taken, said he would have voted against the measure.