

## GUEST COLUMN

# Mitch Henck: The Day the Music Died on State Street

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I couldn't believe my ears. Nineteen-year-old Sam Ness played guitar and sang on my internet radio show with a vocal maturity and musical talent of somebody twice his age.

A native of Sauk City, Ness recently went to Europe with a few hundred dollars in his pocket and played as a street musician for 10 months. He spent most of his time in Scotland, and the locals loved him.

Until last summer, Ness could make his entire living on State Street playing near outdoor restaurant seating. He says one restaurant gave him free dinners because the patrons liked him so much.

But that ended last summer when Madison police told him he would have to tear down his equipment and leave or he could face hundreds of dollars in fines. The reason is a city ordinance on amplification. Ness uses a guitar loop pedal. He records his guitar and voice to create a full band sound with a mix of background vocals, lead and rhythm guitar. Ness projects his one-man band with a small amplifier powered by batteries.

"I used the amp so people could hear across the street," he said.

The talented musician had his well-paying job taken away by cops enforcing the ordinance that requires musicians to get a permit to have amplification. The problem is that the permit only allows for one-to-two hour time periods at sections of State Street with mostly vagrants and little foot traffic.

"I don't want to play where I get panhandled or where people throw garbage on me," he says. "I never had one person tell me that I was too loud."

The other restraint is that the city doesn't allow permits more than three weeks out, and that makes it hard to plan other gigs for the season. Ness says his biggest fans often come up to him on the street and tell him how much they miss his performances. He directed me to a video of electric bass player Josh Cohen. Ness correctly points out that Cohen's bass is barely audible without an amplifier.

"He can't play on State Street where it counts, either," he says.

I spoke with acoustic one-man band performer Bryan Drewyor. He would love to amplify his act so he could generate a bigger audience and increase his income, but it's not in the cards.

"I just don't want the confrontation with the police," Drewyor says.

Downtown District Police Lieutenant Brian Chaney Austin correctly points out that changes to the rules on permits for amplification have to come from the Madison City Council.

Oh boy. Let's see, do we want to make sure that supremely talented and financially challenged musicians can entertain on State Street so enough people can hear them? The reasonable noise standard can still be applied. If patrons are filling up outdoor seating to watch a future star, then it seems obvious the sound level is more than reasonable.

Common-sense reform is to increase the number of spaces and times on State Street where artists can play music with an amplification permit. It doesn't make sense to charge talent to pay \$15 for a permit to play for an hour where almost nobody can sit and watch.

Prime time is early evening near outdoor seating at restaurants or at prime locations at bar time on weekends when really talented performers such as Ness and his friends can earn good money in tips. Ness now plays at venues across southern Wisconsin. His heady days of earning a good living on State Street are gone because of politicians who couldn't entertain anybody if their lives depended on it.

As somebody who does comedy and sings Sinatra songs to earn a little weekend coin, I try to fight for people who try to make a buck in show business. And it burns my soul when young talents such as Ness are stopped from doing that. I reached out repeatedly to Downtown Madison Ald. Mike Verveer, but he was unavailable for comment.

State Street is still the most vibrant street in Madison. Ness told me that early last summer a man was trying to sell drugs about 10 yards away from him.

"What do you need? What do you need?" the man would ask passersby.

Ness says a cop walked right past the drug dealer and came to him instead. Ness was told to tear down his equipment and leave or get fined. That doesn't sit well with this writer. I just hope somebody cares.

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