

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, SEPTEMBER 17, 2008

7:45PM - ROOM 222

ITEMS SCHEDULED FOR DISCUSSION:

Appointment by His Honor the Mayor

#205-08(2) BARBARA SMILEY, 1073 Walnut St., Newton Highlands, appointed as a member of the Newton Urban Tree Commission for a term to expire on May 30, 2011. (60 days: 10-10-08) [07-02-08 @ 1:54 PM]

Appointment by His Honor the Mayor

#325-08 THOMAS SHOEMAKER, 36 Joseph Road., Newtonville, appointed as a member of the NEWTON COUNCIL ON AGING for a term to expire on September 23, 2011. [09-08-08 @ 10:04 AM] (60 days: 11-14-08)

Appointment by His Honor the Mayor

#324-08 REV. HOWARD HAYWOOD, 69 Walker Street, Newtonville, appointed as a member of the NEWTON COUNCIL ON AGING for a term to expire on September 23, 2011. [09-08-08 @ 10:04 AM] (60 days: 11-14-08)

Re-appointment by His Honor the Mayor

#326-08 MARY CLAFLIN, 247 Linwood Ave., Newtonville, re-appointed as a member and Chairperson of the NEWTON COUNCIL ON AGING for a term to expire on September 1, 2011. [09-08-08 @ 10:04 AM] (60 days: 11-14-08)

Re-appointment by His Honor the Mayor

#327-08 JOAN ROME, 280 Hartman Road, Newton Centre, re-appointed as a member of the NEWTON COUNCIL ON AGING for a term to expire on June 1, 2011. [09-08-08 @ 10:04 AM] (60 days: 11-14-08)

Re-appointment by His Honor the Mayor

#328-08 LINDA KATZ, 81 Park Avenue, Newton, re-appointed as a member of the HEALTH ADVISORY COUNCIL for a term to expire on February 1, 2011. [09-08-08 @ 10:04 AM] (60 days: 11-14-08)

- #111-08(2) ALD. JOHNSON and PARKER requesting regularly scheduled updates and discussion each month in regard to the offering of a RESOLUTION to the Mayor, President of the Board of Aldermen, and Chair of the School Committee that they, during the budget development and review process, identify short term tactics to improve the City's operational efficiency and effectiveness. In addition, they establish a citizen advisory group to assist in planning for additional tactics and strategies to improve the City's operational efficiency and effectiveness in future fiscal years, and report progress to the Board of Aldermen, School Committee and the public before any vote is taken by the citizens of Newton for any operational override. [04-01-08 @ 11:22 AM]

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

- #315-08 HIS HONOR THE MAYOR requesting the establishment of a revolving fund to be used for receiving and expending up to \$150,000 annually for the purpose of collecting fees and supporting the cost for the elementary music program. [08-26-08 @ 3:48 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #259-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the salaries of the Parks & Recreation Commissioner and the Recreation Programs Director to the revolving accounts for various programs. [07-08-08 @ 1:28 PM]

- #114-07 ALD. LINSKY requesting to evaluate whether the present location of the Johnny Kelley statue represents the best possible location for achieving the established purpose when it was erected. [04-10-07 @ 7:39 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #261-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the Director of Arts in the Parks' salary to the Arts in the Parks revolving account. [07-08-08 @ 1:29 PM]

- #7-08 ALD. ALBRIGHT requesting to create a task force whose members will be jointly appointed by the Mayor and the Board of Aldermen to investigate the creation of a Commission on Public Art. The job of the Commission would be to raise funds, solicit commissions, and select public art for villages and/or parks. [12-18-07 @ 12:48 PM]

- #130-07 ALD. LENNON proposing amendments to Section 20-56, **Musical performers; regulations; license.**

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

REFERRED TO PROG. & SERV., PUB. FAC., AND LAND USE COMMITTEES

- #329-08 ALD. JOHNSON, ALBRIGHT & LINSKY requesting amendment to §20-13, *Noise Ordinance*, of the City of Newton Ordinances to prohibit the City from exceeding the parameters of time and decibel restrictions unless it receives approval from the Land Use Committee of the Board of Aldermen. [09-02-08 @ 12:00 PM]
- #306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08-26-08 @ 5:03 PM]
- #305-08 HIS HONOR THE MAYOR requesting that Sections 27-22 and 27-23 of the Senior Citizen Volunteer Program of the City of Newton Revised Ordinances, 2007, be amended by replacing the “commissioner of health and human services” with the “director of senior services.” [08-26-08 @ 3:45 PM]
- #329-05(2) ALD. PARKER & JOHNSON requesting further amendment to the noise ordinance to: improve enforceability and effectiveness of the ordinance; remove the source-based exemption for noise generated by birds, and; address the differential treatment of construction noise on weekends. [08-26-08 @ 3:15 PM]

REFERRED TO PROG. & SERV. AND PUBLIC FACILITIES COMMITTEES

- #294-08 SUPERINTENDENT YOUNG requesting a vote of the Board of Aldermen to complement the vote of the School Committee to instruct him to submit a statement to the Massachusetts School Building Authority confirming the City’s top three priority elementary schools: Angier, Cabot and Zervas, with Angier being the first priority, by September 15, 2008. [07-24-08 @ 2:21 PM]
- #293-08 ALD. BRANDEL, SANGIOLO, YATES & GENTILE requesting a discussion with the Library Director and Library Trustees regarding the financial information they used in evaluating the branch libraries during the FY09 budget process and how that information factored into their decision to close the branches in the aftermath of the override referendum failure. [07-25-08 @ 2:54 PM]
- #292-08 ALD. YATES requesting that His Honor the Mayor appoint a Branch Library Preservation Task Force to develop a model plan of operations to enable any branch library to remain as a public-private partnership with a neighborhood-based organization and the Newton Free Library to provide uses of the branches with access to the Newton Free Library Collection

and to the services of the Minuteman Library System. (07-14-08 @ 11:32 PM]

- #291-08 ALD. BAKER & ALBRIGHT recommending the appointment of Gerald Tischler as a member of the Dogs Off-Leash Advisory Committee to replace Kate Wissel pursuant to 3-30(c) of Ordinance Z-11. [08-08-08 @ 9:10 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07-17-08 @ 9:53 AM]

**REFERRED TO PROG. & SERV., ZONING & PLANNING, PUB. FACIL.,
PUB. SAFETY AND FINANCE COMMITTEES**

- #273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07-17-08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #272-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Human Resources Departments. [07-17-08 @ 9:53 AM]

REFERRED TO PROG. & SERV. AND PUBLIC FACILITIES COMMITTEES

- #271-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, the Parks and Recreation Department, and the Department of Public Works in order to determine the most effective and efficient way to organize the work of managing our public resources. [07-17-08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07-17-08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07-08-08 @ 1:29 PM]

#224-08 HIS HONOR THE MAYOR requesting to submit Home Rule Legislation to establish a permanent fund for the maintenance of artificial turf fields at Newton South High School. [06-10-08 @ 5:12 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:
“Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?” [05-21-08 @ 12:58 PM]

#154-08 ALD. JOHNSON requesting to establish a definition and appropriate usage of the Committee of the Whole of the Board of Aldermen as are all committees of the Board. [4-10-08 @9:09 AM]

#153-08 ALD. JOHNSON requesting to establish a definition and appropriate usage of the Long Range Planning Committee of the Board of Aldermen as are all committees of the Board. [4-10-08 @9:09AM]

#130-08 ALD JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen requiring that referral of any and all new business, communications, petitions and orders docketed before the Board of Aldermen be restricted to one or more of the standing committees of the Board of Aldermen: Land Use, Programs and Services, Public Safety and Transportation, Zoning and Planning, Finance, Real Property Reuse, Post Audit and Oversight, Public Facilities and Committee on Community Preservation. [03-24-08 @ 9:11 AM]

#129-08 ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board. [03-24-08 @ 9:11 AM]

REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES

- #89-08 ALD. PARKER requesting the following:
- A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)
 - B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility
 - C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.
- [02-13-08 @ 12:07 PM]

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

- #397-07 ALD. JOHNSON AND COLETTI requesting to increase the fee for dogs being off-leash except where dogs are legally able to be off-leash.
[12-04-07 @ 12:22 AM]
HELD 1/23/08

- #287-07(2) ALD. PARKER requesting a discussion with Parks and Recreation Department in regards to an appropriate marker or plaque to honor and recognize Olympic figure skater and Newton resident Tenley Albright and her skating exhibition at the Crystal Lake upon her return from the 1956 Olympic Games where she won a gold medal. [09-20-07 @ 1:22 PM]

REFERRED TO LAND USE & PROGRAMS AND SERVICES COMMITTEES

- #274-07 ALD. SANGIOLO proposing that Article X of the Rules & Orders of the Board relative to Special Permit and Site Plan Approval Petitions be amended to require the applicant to post on the subject property a notice that would include but not be limited to identifying the subject matter and the date and time of the public hearing.
LAND USE APPROVED 7-0 on 2-12-08

- #262-07 ALD. VANCE AND HESS-MAHAN seeking approval by the Board of Aldermen of a home rule petition to the General Court that would authorize an amendment to the charter of the City of Newton that would change the length of terms of the members of the Board of Aldermen to three years and would provide for electing one-third of the aldermen, one from each ward, every year. [08-22-07 @ 3:53 PM]

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

- #83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission.
[02-27-07 @ 10:21 PM]

#82-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to allow the cities and towns to tax all telecommunications facilities in the City (which would yield at least \$1.6 million per year for Newton). [02-27-07 @ 10:21 PM]

#52-07 ALD. PARKER, SANGIOLO, MANSFIELD, HARNEY, DANBERG, VANCE, LINSKY, HESS-MAHAN, BURG, ALBRIGHT & JOHNSON requesting an ordinance amendment to create a health care advisory committee whose function would be to recommend measures to control the rate of increase of health insurance costs, as recommended by the Newton Finance & Management Working Group in 2005 and the Blue Ribbon Commission on the Municipal Budget in 2007. [02-09-07 @ 12:36 PM]

#422-06 ALD. HESS-MAHAN requesting creation of an ordinance prohibiting the use of portable gasoline-powered leaf blowers within the City limits.
PROGRAMS & SERVICES APPROVED AS AMENDED 4-2-2 (Brandel, Sangiolo opposed; Baker, Merrill abstaining) on 3/19/08 RECOMMITTED TO PROGRAMS & SERVICES ON 4-22-08 HELD 07-09-08

#370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#267-06(3) ALD. PARKER, BURG, LINSKY, FISCHMAN, HESS-MAHAN, VANCE, HARNEY, JOHNSON, & DANBERG proposing Home Rule Legislation authorizing the City of Newton to apply the ordinance proposed in item #267-06(2) to assets held by the City's retirement system.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#264-03(3) ALD. JOHNSON AND BAKER requesting update on the work of the Taxation Aid Committee established by the Board of Aldermen in March 2004 in administering aid to the elderly taxation fund.

REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES

#245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial

condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.

HELD 4/23/08

**REFERRED TO PROGRAMS & SERVICES, PUBLIC FACILITIES
AND FINANCE COMMITTEES**

- #309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.
- #346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.

Respectfully Submitted,

Marcia Johnson, Chairman

for
2008



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

315.08

Telephone
(617) 796-1100

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(617) 796-1113

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(617) 796-1089

E-mail
dcohen@newtonma.gov

08 AUG 26 PM 3:48
CITY CLERK
NEWTON, MA. 02159

August 26, 2008

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to establish a revolving fund and authorize spending up to \$150,000 for the purpose of collecting fees and supporting the cost for the elementary music program.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

#315.08

Mayor David Cohen
Ex officio



Newton School Committee

100 Walnut Street
Newtonville, MA 02460
Tel (617) 559-6110
Fax (617) 559-6101
www.newton.k12.ma.us

schoolcommittee@newton.k12.ma.us

Ward

- I Geoffrey Epstein
- II Reenie Murphy
- III Kurt Kusiak
- IV Jonathan Yeo
- V Susan Heyman
- VI Claire Sokoloff
- VII Marc Laredo, Vice-Chairperson
- VIII Dori Zaleznik, Chairperson

June 26, 2008

Mayor David Cohen
Newton City Hall
1000 Commonwealth Ave.
Newton Centre, MA 02459

Dear Mayor Cohen:

This letter is to request the Mayor and Board of Aldermen to authorize a departmental revolving fund in accordance with *MGL C.44, S.53E 1/2*, effective July 1, 2007, with an annual spending limit of \$150,000, for the new instrumental music fee for elementary grade 4 instrumental lessons and grades 3-5 string lessons. This account will be used for the deposit of fee review and for the payment of teacher stipends and benefits for providing these lessons.

Sincerely yours,

Dori Zaleznik, Chairperson
Newton School Committee

08 AUG 26 PM 3:48
CITY CLERK
NEWTON, MA. 02159

cc: Brenda Keegan, Assistant Superintendent of Schools
Sandra Guryan, Assistant Superintendent for Business, Finance & Planning
Susan Dzikowski, Assistant Budget Director
David Wilkinson, Comptroller
Board of Aldermen

djr

315.08

Mayor David Cohen
Ex officio



Ward
I Geoffrey Epstein
II Reenie Murphy
III Kurt Kusiak
IV Jonathan Yeo
V Susan Heyman
VI Claire Sokoloff
VII Marc Laredo, Vice-Chairperson
VIII Dori Zaleznik, Chairperson

Newton School Committee
100 Walnut Street
Newtonville, MA 02460
Tel (617) 559-6110
Fax (617) 559-6101
www.newton.k12.ma.us
schoolcommittee@newton.k12.ma.us

June 26, 2008

08 JUL -9 AM 9:24
CITY CLERK
NEWTON, MA 02459

Lisle Baker, President
Board of Aldermen
City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Dear Alderman Baker:

I am writing to provide information to members of the Board of Aldermen about the new instrumental music fee passed by the School Committee at our regular meeting on June 23, 2008.

On this date, by a six to three vote, the School Committee approved a fee of \$75 per semester (\$150 per year) fee per student for group instrumental music lessons in the fourth grade and string instrument lessons in grades three through five. Music teachers, who receive a stipend, conduct these lessons. The lessons are offered as a voluntary supplement to the school program during the school day. The fee would offset approximately 50% of the cost of these lessons.

The fee was established for one year and provisions were made for waivers in cases of financial hardship. The School Committee expressed the strong interest in ensuring that the fee did not lead to attrition in the number of students taking these lessons (currently 80% of those eligible).

The stipends and the benefits associated with these lessons were included in the allocation budget passed by the School Committee on April 7, 2008. By covering a portion of the stipends with a fee, money is freed up in the budget. It is the intention of the Committee to use the revenues generated in the following ways: waivers for students to take the lessons if the families can't pay the fees, administrative costs of \$10,000 for fee collection and other administrative tasks, restoration of supplemental music and drama cuts K-12, and beginning a replacement program of musical instruments in the system.

Baker
page 2

The School Committee is always reluctant to establish new fees, but we are equally interested in maintaining the supplemental programs that are key to the development of so many of our students. As the School Committee monitors the outcomes of this new fee program, we will send information to the Board.

Sincerely,

A handwritten signature in cursive script that reads "Dori Zaleznik".

Dori Zaleznik
Chairperson

DZ/djr

Memorandum

08 SEP 12 PM 12:09
CITY CLERK
NEWTON, MA. 02159

To: BOA
From Susan Albright
Date: September 10, 2008
Re: Public Art Docket Item

Dear Colleagues,

I have been fortunate these last several years to have been supported by my day job to travel around the world. On these trips I was struck by how many of the cities I visited, some big some small, had a great deal of public art. It was wonderful to walk or ride around these cities – from Kyoto in Japan to Trondheim, Norway to Bilbao, Spain and most recently, Prague in the Czech Republic to see how public art enhances the streetscape and one's experience of the city. I came back hoping that I could interest our Board in a study of the idea of a Newton Public Art Program by creating a public art task force to determine:

1. If Newton could sustain a public art program
2. If there was sufficient interest in putting public art into the parks, and villages and streetscape of our city
3. If we could come up with guidelines to assure that the public art created met a standard that we would be proud to live with.

If the Public Art Task Force felt that there was sufficient interest as well as a sustainable funding plan they could recommend that the Board pass an ordinance that would allow this to happen within certain prescribed guidelines and rules.

From my perspective the reasons for Newton to do this are many – public art creates sense of place, it fosters interest in the arts, it can beautify our urban environment and can become a sense of identity and pride for our citizens. It could also give Newton artists a chance to have work commissioned (although I would not limit the commissions to Newton artists). Additionally, it would create a group to provide some consistency and guidelines for the public art we do have – or that is suggested that we have in the future – as well as its placement.

Below I have provided you with mission statements from a number of public art web sites from cities around the US – as well as their web address in case you would like to go there and look around. You can do a google search on public art and find the many, many cities and towns around the world which have engaged in a public art program.

I have spoken with some of you about this idea and so far have received a positive response. I spoke with some Newton artists including those who create public art in other locations, folks at the Newton Art Center (courtesy of Ald Freedman), Linda Plaut and Rep. Kay Khan and so far everyone has been enthusiastic that we should at least study the idea.

I look forward to talking with you about this on Wednesday night at the Programs and Services Committee and I thank you for your attention.

Mission from **Scottsdale Arizona** <http://www.scottsdalepublicart.org/about.php>

The mission of the Scottsdale Public Art Program is to make Scottsdale one of the most desirable communities in the country in which to live, work and visit by incorporating art and design projects throughout. As a central defining characteristic of our community, public art enhances Scottsdale's unique character, image and identity.

Cleveland public art <http://www.clevelandpublicart.org/default.asp>

Cleveland Public Art is dedicated to improving the quality of life and enhancing the economic competitiveness of Cleveland and its surrounding communities through the highest quality, site-specific public art and creative urban design. By actively engaging the public, designers, artists and decision makers, we work collaboratively to create unique places that revitalize neighborhoods and transform the way people see and experience the city.

We aspire to be:

- Entrepreneurial
- Innovative
- Catalytic
- Inclusive
- Collaborative
- Artistically Excellent

It is our vision that Cleveland will be known nationally as a city that encourages excellence in public art and design through its public policy, civic leadership, and community activism. Public art will be recognized as an integral element to attracting businesses, enticing visitors, and promoting civic investment.

Albuquerque NM <http://www.cabq.gov/publicart/>

I. The Ordinance Establishing the Public Art Program

A. Title: The Art in Municipal Places Ordinance, often referred to as the "1% for Art Ordinance", Chapter 10, Article 5, Revised Ordinances of Albuquerque, 2000.

B. Purpose: The Ordinance was introduced and approved by the Albuquerque City Council in 1978. The purpose is to "promote and encourage private and public programs to further the development and public awareness of and interest in, the fine and performing arts and cultural properties; to increase employment opportunities in the arts; and, to encourage the integration of art into the architecture of municipal structures." Projects in the Capital Program shall include an amount for works of art equal to one percent of the total construction cost of the project. Nothing contained in the Ordinance shall preclude funding the acquisition of art for municipal property in other way

St. Paul <http://www.publicartstpaul.org/placemaking.html>

Public Art Saint Paul engages artists in shaping the form and experience of the City's public places: parks, plazas, gardens, streetscapes, and bridges.

Artists collaborate in the design of public places. They create permanent and temporary works of public art and produce public events.

Ft. Worth Public Art http://www.fwpublicart.org/nu_site/page.php/id/about

Public art enriches the quality of our daily visual experience, creating a sense of place and making our city more attractive to visitors and residents alike. It's an investment in the urban environment, promoting civic pride by reflecting who we are. With the establishment of Fort Worth Public Art (FWPA) in 2001, the City of Fort Worth said "YES!" to enhancing civic architecture, creating harmonious public spaces, and fostering artfully designed infrastructure. An exciting vision for the future is laid out in the 2003 Fort Worth Public Art Master Plan.

Council Bluffs Iowa <http://www.iowawestpublicart.org/about/vision-statement.asp>

"In 2015 Council Bluffs will be a prosperous urban area known for its cultural enlightenment and public art collection that is the pride of the community and draws visitors from across the country and around the world. The public art program will be an essential part of the community and a routine element for urban development and planning. In other words, Council Bluffs in 2015 will be a community that nurtures an environment in which creativity is ever present in daily life."

PROPOSED REVISIONS

Sec. 20-56 Musical performers; regulations; license. Deleted: ¶

(a) (1) No person shall sing or play or perform on any musical instrument in the streets of the city, except in connection with a funeral, a military parade or a procession of a political, civic or charitable organization, for which a police escort is provided, unless licensed therefore by the board of aldermen of the city. Two (2) or more persons joining together to sing or perform on musical instruments in the streets of the city will be considered a band, a collective license for which will be granted to one or more persons, and the membership of the band may be changed from time to time without additional license fee; provided that the number of members is not increased. The board may grant licenses to persons or bands to sing or play or perform on musical instruments in the streets of the city and to solicit and receive compensation therefore from bystanders or the public, but no such licensed person or band shall perform as part of any procession, parade or assemblage in the streets of the city except as provided by this section. Deleted: or public places Deleted: or public places Deleted: and public places Deleted: or public places

(2) No musician or band shall perform in the streets of the city before 9:00 a.m. or after 9:00 p.m., or on Sunday, except as a part of a funeral or military procession or a procession of a political, civic or charitable organization, or at a concert given by the city and then not within three hundred (300) feet of any place of worship while worship is being held therein, nor within three hundred (300) feet of any building any occupant of which notifies him or them to desist, or has notified the board of aldermen in writing that he objects to such performance. Deleted: (b) Deleted: or public places

(3) Every license provided in this section shall expire on the first day of May next succeeding its date. The license shall not be transferable, shall be revocable by the board of aldermen at its discretion, and may be suspended by the chief of police pending any charges to the board against the licensee. In case of revocation no portion of the license fee shall be refunded. Deleted: c

(b) Except as provided in subsection (a), no person shall sing or play or perform on any musical instrument on any land owned or controlled by the city unless such person has received permission from the city department, commission or agency having control of the city owned or controlled property.

PROPOSED REVISIONS

Sec. 20-56 Musical performers; regulations; license.

- (a) (1) No person shall sing or play or perform on any musical instrument in the streets of the city, except in connection with a funeral, a military parade or a procession of a political, civic or charitable organization, for which a police escort is provided, unless licensed therefore by the board of aldermen of the city. Two (2) or more persons joining together to sing or perform on musical instruments in the streets of the city will be considered a band, a collective license for which will be granted to one or more persons, and the membership of the band may be changed from time to time without additional license fee; provided that the number of members is not increased. The board may grant licenses to persons or bands to sing or play or perform on musical instruments in the streets of the city and to solicit and receive compensation therefore from bystanders or the public, but no such licensed person or band shall perform as part of any procession, parade or assemblage in the streets of the city except as provided by this section.
- (2) No musician or band shall perform in the streets of the city before 9:00 a.m. or after 9:00 p.m., or on Sunday, except as a part of a funeral or military procession or a procession of a political, civic or charitable organization, or at a concert given by the city and then not within three hundred (300) feet of any place of worship while worship is being held therein, nor within three hundred (300) feet of any building any occupant of which notifies him or them to desist, or has notified the board of aldermen in writing that he objects to such performance.
- (3) Every license provided in this section shall expire on the first day of May next succeeding its date. The license shall not be transferable, shall be revocable by the board of aldermen at its discretion, and may be suspended by the chief of police pending any charges to the board against the licensee. In case of revocation no portion of the license fee shall be refunded.
- (b) Except as provided in subsection (a), no person shall sing or play or perform on any musical instrument on any land owned or controlled by the city unless such person has received permission from the city department, commission or agency having control of the city owned or controlled property.