



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Agenda - Final City Council

Tuesday, September 30, 2014

7:00 PM

City Council Chambers

2. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE IN HONOR OF SERVICEMEN & WOMEN

3. ROLL CALL

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. APPROVAL OF MINUTES

6. APPOINTMENTS & ELECTIONS

7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

8. MOTIONS, ORDERS AND RESOLUTIONS

9. COMMUNICATIONS

10. CLAIMS

11. COMMITTEE REPORTS

[444-14](#)

Committee Report: Ordinance & Citizen Engagement (Paper #404 That the City adopt regulations for the Switchbox Beautification Program)
The Standing Committees on Ordinance and Citizen Engagement, to whom was referred Paper #404 Series of 2014, having jointly considered the same make the following report: Committees recommend that this paper be reported out favorably in the following form:

GENERAL RULES GOVERNING THE CITY OF MALDEN
SWITCHBOX BEAUTIFICATION PROGRAM

The following rules and regulations are hereby established and adopted by the Malden City Council and shall govern the beautification of eligible City of Malden switchboxes.

1. There is hereby established a City of Malden Switchbox Beautification Program, the "Program".
2. Malden Arts and the Citizen Engagement Committee will review all artwork being placed onto City switchboxes. The Citizen Engagement Committee, with recommendations by Malden Arts, will vote to either approve or deny the design and will recommend a location for approved designs. The Citizen Engagement committee will then seek approval of the recommended location from the ward councilor for any design being recommended for his or her ward.
3. Subject to funding, Malden Arts will provide a stipend, honorarium and/or reimbursement to an artist who successfully completes an approved project in compliance with these regulations.
4. The City Council Citizen Engagement Committee, in consultation with the City Public Works Director and City Engineer shall determine and identify the location of any City of Malden switchboxes eligible for beautification under the Program.
5. A signed Application executed by the artist for participation in the program shall be in a form provided by the Malden Arts and shall include at a minimum the following:
 - a clear picture, sketch, depiction and/or rendering of the proposed design, including color scheme
 - name, address and contact information of the artist
 - a signed Switchbox Waiver and Release form executed by the artist
 - artist participation shall be limited to no more than two switchbox displays at any one given time
 - artist participation shall be in accordance with the terms and conditions herein and the approval

- process governing design and location of artwork
- artist shall acknowledge in writing in the application that artist's participation shall be in accordance with the terms and conditions contained herein
- artist shall have no right to engage in any artwork that is not fully approved in accordance with the approval process contained herein

6. The Department of Public Works shall paint over any design as determined by the Citizen Engagement Committee, who may order said painting for failure to comply with these regulations. In the event of damage, vandalism or deterioration of artwork, the artist will be given the opportunity to recreate the original artwork in the same location. If the artist declines to recreate the artwork, the switchbox will be offered for painting under these guidelines.

7. The City of Malden and Malden Arts shall be granted a license in perpetuity to reproduce and use the artwork for any purpose as determined by the City of Malden or Malden Arts without the necessity to seek permission or approval of the artist or to pay remuneration to the artist.

8. Design guidelines shall be as follows:

- artwork must be the original work of the artist
- artwork must avoid dark palates
- artwork must not interfere with operation of switchboxes, including, but not limited to hinges, locks,

- keyholes, handles and vents, and may not obscure the legibility of any cautionary text on the switchbox

- artist must agree to cover artwork with a protecting of varnish and a coating of wax

- Designs deemed by Malden Arts or CEC to be related to corporate, business, religious or political organizations, are prohibited; provided that designs related to Malden-based non-profits may be allowed at the discretion of Malden Arts and CEC.

- design must not be lewd, offensive, or indecent and this determination is reserved solely to the Citizen

Engagement Committee of the Malden City Council

- design and rendition must be of high quality as determined by Malden Arts and the Citizen Engagement Committee.

The Citizen Engagement Committee may, by majority vote, impose additional guidelines on specific designs or specific locations.

9. Work guidelines include, but shall not be limited to the following:

- artist may not interfere with the free flow of either pedestrian or vehicular

traffic

- switchboxes must be scraped, cleaned and primed prior to applying approved design

- if spray-paint is to be applied, functional areas of the switchbox must be protected from being

 - spray-painted

- artist must use drop cloths to protect surrounding surfaces

- artist must supply artist's own water

- work must be commenced on a date agreed upon by Malden Arts and the artist, and must be

 - completed within two weeks of commencement of work; provided that this timeframe may be extended by the Citizen Engagement Committee.

- materials and processes will conform with guidelines provided to the artist with the notice of approval.

10. Approval process shall include the following:

1. Completed application and documentation shall be submitted to Malden Arts.

2. Malden Arts shall review each application and requisite documentation, and if deemed necessary by

 - Malden Arts, may consult with artist relative to suggested design modification and/or location.

3. Approved design applications shall be presented by Malden Arts to the City Council Citizen

 - Engagement Committee "CEC".

4. Malden Arts may recommend a location it deems appropriate for the design, however the ultimate

 - determination regarding location of artwork remains with the CEC and ward councilor; provided that, to the extent possible, an assigned switchbox shall be proximate to the artist's choice as provided on application.

5. CEC shall review each application presented and if approved, shall make a recommendation for

 - location and must obtain the approval of the Ward Councillor representing the Ward in which

 - the recommended switchbox location is located.

6. Final approval of CEC approved designs must be given by the Ward Councillor, and if the Ward Councillor fails to approve a design and/or location, the CEC may select an alternate location and seek approval to relocate the design to another switchbox location.

7. In the event that Malden Arts and CEC approves a design and

location, however, CEC is unable to
obtain final approval of a Ward Councillor, the design shall be deemed
rejected with no right of
appeal.

8. Chairman of CEC on behalf of the CEC should sign the application
indicating approval or denial,
and if approved the location shall also be identified.

9. For approved designs and locations, Malden Arts will notify the artist
and notify the CEC when
work commences and is completed.

11. Beautification of any switchbox not approved in accordance with these
regulations shall permanently disqualify an artist from participation in the
program and shall be deemed defacement of public property, punishable
under the provisions of Section 7.8 of the revised ordinances.

12. The Malden City Council reserves the right to amend, modify or add to
the foregoing rules and regulations from time to time at its sole discretion.

13. Nothing contained herein shall prohibit the Malden City Council and/or
the City Engineer and City Public Works Director from making any other
conditions or reasonable requirements affecting the Program and/or a
specific switchbox from time to time and at their discretion.

COUNCILLOR DEMARIA FOR THE COMMITTEES

12. TABLED PAPERS

13. PERSONAL PRIVILEGE

14. ADJOURNMENT

KAREN ANDERSON, CITY CLERK