



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** January 30, 2018

**Time:** 6:30 PM

**Location:** City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA

### 1. ROLL CALL

Roll Call showed 9 present.

Mayor Samaras presiding.

C. Mercier requested moment of silence in darkened chamber for Louise Paquette and Karol J. Szafran.

### 2. MAYOR'S BUSINESS

#### 2.1. Recognition - African Cultural Association's distinguished guest, Professor Plo Lumumba.

In City Council, **Motion** "To accept and place on file" by C. Kennedy, seconded by C. Cirillo. So voted. M. Samaras read biography of Professor Lumumba and presented Key to the City to him. Professor Lumumba addressed the body. C. Elliott noted that there would be a flag raising this week for the African community.

#### 2.2. Recognition - Lowell Sustainability Council Green Award winners.

In City Council, **Motion** "To accept and place on file" by C. Milinazzo, seconded by C. Mercier. So voted. M. Samaras presented UMass-Lowell with the 2017 Green Design Award for the Pulichino Tong Business Center. Tom Dreyer accepted the award on behalf of the university and acknowledged his dedicated team. M. Samaras presented the Daley School Climate Change Club with the 2017 Community Leadership Award. Marisa Shea, teacher at school, introduced students in the club each of whom thanked the Council for the recognition.

### 3. CITY CLERK

#### 3.1. Minutes Of City Council Meeting January 23rd, For Acceptance.



In City Council, minutes read, **Motion** “To accept and place on file” by C. Mercier, seconded by C. Nuon. So voted.

#### **4. GENERAL PUBLIC HEARINGS**

##### **4.1. Order-Abandon Portion Of Newell Street. (Cont.)**

In City Council, Given 2<sup>nd</sup> Reading, hearing continued from January 9th re-opened. Hearing held and closed. **Motion** to refer Clerk’s Office for seven days and to City Manager for dispute resolution by C. Leahy, seconded by C. Elliott. So voted. Speaking in favor was Sarah Brown (DPD) and John Dowling. Speaking in opposition were Henry and Liz Tucker. C. Leahy questioned portion of abandonment as well as plowing. Manager Murphy noted that they could resolve plowing issues to move matter forward. C. Kennedy noted that only remaining issue is snow plowing.

#### **5. COMMUNICATIONS FROM CITY MANAGER**

##### **5.1. Motion Responses:**

In City Council, **Motion** “To accept and place on file” by C. Conway, seconded by C. Kennedy. So voted.

**A) Deferred Maintenance Issues in All Municipal Buildings – Motion** by C. Kennedy, seconded by C. Nuon to refer matter to Municipal Facilities SC. So voted. C. Cirillo noted the report. Conor Baldwin (CFO) outlined the expenses and funding for maintenance program. Manager Murphy commented on work being done to enhance preventive maintenance program. C. Elliott noted the need to stay on top of issues moving forward.

**B) Pedestrian Crossing at School and Branch Streets –** C. Leahy questioned if intersection was being redesigned. Manager Murphy noted that there were no redesign plans on property.

**C) National Grid Tree Trimming –** C. Nuon requested outline of the report. Tom Bellegarde (DPW) commented on the process and working with National Grid regarding tree trimming. Manager Murphy noted the pending retirement of Mr. Bellegarde. Each Councilor lauded the achievements and dedication of Mr. Bellegarde throughout the years. Mr. Bellegarde noted past and present City Councilors and Administrations recognizing their support and team work throughout his tenure.

**D) 311 App –** None.



**E) Western Ave Studios Tax Assessments – Motion** to refer to Finance SC by C. Milinazzo, seconded by C. Kennedy. So voted.

**F) Stedman Street Sidewalk** – None.

**G) Traffic Signal at Intersection of Mammoth Road and 4th Ave** – None.

**H) East End Club Handicap Parking** – C. Mercier confirmed that three spaces were in current 60 Day Trial Order. Nicolas Bosonetto (Traffic Engineer) noted that East End Club was provided the three spaces they requested. C. Mercier made reference to South Street request for signage. C. Leahy noted that parking issues with the Association for the Blind had been resolved.

**I) Stop Sign at Intersection Havilah and Remington Streets** – None.

**J) Foch Street** – C. Leahy requested updated list of streets to be accepted.

**K) School Street and Laurel Street Traffic Signage** – None.

**L) Report of Abandoned Homes in the City** – C. Elliott requested total number of abandoned homes in the City. C. Elliott commented on SWAT approach to identifying problem properties. Manager Murphy commented on the approach. C. Mercier commented on fire damaged properties in the City and that list should be upgraded as well. C. Elliott questioned why banks would not jump on a hot real estate market and transfer these properties. Manager Murphy noted that banks were not in the real estate business. Eric Slagle (Inspectional Services) commented on registration fees. C. Elliott noted that fees may be increased and that other communities should be polled to see how there fees are set.

**M) Update on 29 Frothingham Street** – C. Leahy questioned if property was a two or three-family. Manager noted that it was reverted to a two-family. C. Leahy noted the continued problem of number of vehicles on the street. C. Milinazzo questioned if assessment was for a three-family and was informed that it would be assessed in future as a two-family.

**N) Plans to Revitalize Business Corridors** – M. Samaras questioned the High Street corridor. Manager Murphy commented on the use of CBDG funds to help revitalize these areas.



## 5.2. Informational:

**O) Inactive Voter List – Motion** by C. Nuon, seconded by C. Milinazzo to refer to Ad Hoc Election Laws SC. So voted.

## 6. VOTES FROM THE CITY MANAGER

### 6.1. Vote-Appropriate \$752,000 of Water Enterprise Fund Certified Retained Earnings.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Kennedy, seconded by C. Milinazzo. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott requested information regarding vote. Mr. Baldwin outlined the vote and the purpose of the transfer. C. Milinazzo questioned if payments were going to interest or principal.

## 7. ORDERS FROM THE CITY MANAGER

### 7.1. Order-60 day trial (various).

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Kennedy, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.

## 8. ORDINANCES FROM THE CITY MANAGER

### 8.1. Ordinance-Amend C. 56 Personnel Ordinance.

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on February 13, 2018 at 7 PM by C. Elliott, seconded by C. Cirillo. So voted. C. Elliott questioned the purpose of the ordinance. Manager Murphy noted it was to protect employees of the City. C. Elliott questioned the need for coverage and requested more information be provided for the public hearing.

## 9. REPORTS (SUB/COMMITTEE, IF ANY)

None.

## 10. PETITIONS

### 10.1. Claims - (3) Property Damage.

In Council, **Motion** to refer to Law Department for report and recommendation by C. Mercier, seconded by C. Cirillo. So voted.



## **11. CITY COUNCIL - MOTIONS**

### **11.1. C. Elliott - Req. City Mgr. apply for funding from Gateway Communities Program from the State for planting of trees program.**

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Elliott noted the name was the Gateway Communities Program and it was important to quality of life in the City.

### **11.2. C. Elliott - Req. City Mgr. have proper department remove sign infrastructure at police garage on Middlesex Street.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott noted the sign was an eyesore to the area.

### **11.3. C. Elliott - Req. City Mgr. initiate street/sidewalk/parking plan for Branch Street business corridor to coincide with Overpass construction.**

In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Elliott commented on the effectiveness of the business corridor.

### **11.4. C. Elliott/C. Leahy - Req. City Mgr. provide a report to the Finance SC regarding FY18 property valuation assessments; 3rd Quarter tax bills and abatement process; and budget impact on tax bills.**

In City Council, no second needed, referred to City Manager. So voted. C. Elliott noted it was important to inform public and to have a discussion regarding impact on tax bills. C. Leahy noted the need to have an update on the process. C. Kennedy requested the Council be provided the information as well. Manager Murphy outlined abatement process to the public.

### **11.5. C. Leahy - Req. City Mgr. have DPD provide a report regarding the progress on finding a new location in the City for the Merrimack Valley Food Bank.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Leahy requested for report on any progress in finding new location.

### **11.6. C. Leahy - Req. City Mgr. work with Downtown Redevelopment SC to identify and enhance the types of businesses that DPD is attracting to the City.**



In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Leahy noted the need to re-energize the efforts and to get an updated picture of the downtown as well as identifying the direction of the downtown.

**11.7. C. Leahy - Req. City Mgr. work with DPD to establish and enhance marketing campaign for City of Lowell.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Leahy noted the importance to attract businesses and patrons to the City. C. Kennedy noted the need to make downtown a welcoming environment and as such requested report regarding cleaning and security measures in the parking garages. C. Elliott commented that there is no excuse for parking garages to be poorly cleaned and secured. C. Milinazzo commented on the security in the garages. C. Nuon noted it was an ongoing effort. C. Leahy noted that downtown is in good shape and that all efforts should be made to maintain that.

**11.8. C. Mercier - Req. City Mgr. provide update regarding prior motion for Utopia Park including the status of it as well as the status of the Utopian Park Public Art Hydro Sculpture Project.**

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Mercier provided overview of the park.

**11.9. C. Milinazzo - Req. City Mgr. take all necessary steps to reinstate the Article 97 restrictions on the parks and open space land which had been removed during the Lowell High School/MSBA site selection process.**

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Milinazzo questioned how to unwind the restrictions removed from the property. C. Kennedy questioned the steps or legislation which must be used. Solicitor O'Connor commented on legislation being specific and also having a "sunset" clause in it and stated that a report would be provided.

**11.10. C. Nuon - Req. City Mgr. provide a report regarding the scope of the project and parking proposal for the William Fidelity Investment dormitory project on Merrimack Street.**

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. Registered speaker, Patti Coffey (UML) addressed the body providing a statement from the University. C. Noun commented on the project in the Acre that would require Planning Board and Zoning Board of Appeal oversight and that there were some concerns on it.



C. Mercier commented on Planning Board oversight and her ability to oppose the proposal as a private citizen. Solicitor O'Connor acknowledged the right of a councilor to speak as an individual at meetings. C. Leahy noted project is not a good fit in the Acre. C. Cirillo noted neighborhood concerns.

**11.11. C. Nuon - Req. City Mgr. provide a report regarding the status of the voting rights litigation against the City.**

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Nuon noted the importance of the issues and the public right to know. M. Samaras noted discussion should be had in Executive Session as it involves current litigation. C. Kennedy noted scheduled Executive Session.

**11.12. C. Conway - Req. City Mgr. work with proper departments to ensure pedestrian safety and walk-ability at the intersection of Pawtucket Blvd. and the Rourke Bridge.**

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Conway noted residential concern and safety issue.

**11.13. C. Kennedy/C. Cirillo - Req. City Mgr. meet with representatives from the OFO Bike Sharing Program and provide City Council with a report regarding the feasibility of establishing a bike sharing program in Lowell.**

In City Council, no second needed, referred to City Manager. So voted. C. Kennedy noted the genesis of the motion and its tie into economic development. C. Kennedy noted Worcester's use of the program and outlined how it operated. C. Cirillo commented on the program and the company and further noted economic benefits that it could provide. C. Milinazzo noted Revere used similar program with much success. Manager Murphy noted he has communicated with the company and other similar ones and he would provide report to Council. Registered speakers, Geoffrey Koetsch and Lisa Arnold, addressed the Council.

**12. CITY COUNCIL - EXECUTIVE SESSION**

**12.1. Executive Session - Update on matters of litigation public discussion of which could have a detrimental effect on the City's position.**

In City Council, M. Samaras stated reason for Executive Session, **Motion** by C. Nuon, seconded by C. Kennedy to enter Executive Session for stated purpose (8:55 PM). Adopted per Roll Call vote, 9 yeas. So voted. M. Samaras stated that body would adjourn from the Executive Session.



### 13. ANNOUNCEMENTS

None.

### 14. ADJOURNMENT

In Executive Session, **Motion** to Adjourn by C. Mercier, seconded by C. Kennedy. So voted.

Meeting adjourned at 9:55 PM in Executive Session.

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Michael Geary, City Clerk