



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** February 11, 2020

**Time:** 6:30 PM

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

### 1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding.

### 2. CITY CLERK

#### 2.1. Minutes of City Council Meeting February 4th, for acceptance.

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

### 3. AUDITOR BUSINESS

#### 3.1. Communication - Second Quarter FY20 Budget Report.

In City Council, **Motion** "To accept and place on file" by C. Elliott, seconded by C. Samaras. So voted.

### 4. GENERAL PUBLIC HEARINGS

#### 4.1. Loan Order-Accelerated Repairs to various school buildings.

In City Council, hearing opened, **Motion** by C. Drinkwater, seconded by C. Conway to take Item #5.2 out of order and discuss during public hearing. So voted.

Representatives from CGKV Architects and Leftfield (MSBA contractors for project) provided presentation to Council entitled "MSBA Accelerated Repair Program" outlining firm histories, process, completed projects, current boiler and roof projects, schedules and budgets. C. Samaras commented on efficiency of new boilers in the schools. M. Leahy noted the climate controls on the new equipment. Hearing Held. No Remonstrants. **Motion** to adopt and refer to Clerk's Office for 20 days by C. Drinkwater, seconded by C. Conway. Adopted per Roll Call vote 9 yeas. So voted.



#### **4.2. Ordinance-Amend Ch. 9 Create Art. XIV entitled Community Preservation Committee.**

In City Council, hearing held. No Remonstrants. **Motion** to adopt C. Conway, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted. Speaking in favor was Eric Slagle (Inspectional Services) who outlined the ordinance. C. Nuon noted that funds could also be used for affordable housing. C. Mercier requested report where funds would be used. Mr. Slagle noted that all projects need council approval. Manager Donoghue commented on the amount of money earmarked to date.

### **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. Mercier. So voted.

**A) Motion Response - Status of the NEED Program** – C. Rourke commented on the properties that are on list. Manager Donoghue commented on the number of repeat owners on the list. Mr. Slagle noted that the bulk of owners are the same as prior enforcement. C. Rourke noted that repeat offenders should be dealt with strictly. C. Mercier noted program protects neighborhoods. C. Elliott noted proactive approach to bad owners. Mr. Slagle commented on time frame for enforcement. Manager Donoghue noted the program was effective.

**B) Motion Response - Parking Lots around the New Courthouse** – C. Mercier noted disagreement with the report. Mr. Slagle commented on parking restrictions in certain areas. C. Rourke noted that the City needs to provide 300 parking spaces for new courthouse.

**C) Motion Response - MSP Sobriety Checkpoints** – C. Conway commented on the information and how it assists in curtailing problems downtown and that increased checkpoints would be supported by the City.

**D) Motion Response Update - Historic Walking Freedom Trail** – C. Conway noted that trail puts City in a positive light and that trail is an educational tool.

**E) Motion Response Update - Lowell General Hospital** – C. Chau commented on arrangements to have hospital make a presentation before the body.

**F) Motion Response Update - Public Safety Infrastructure Funding** – None.



## **5.2. Presentation - Ongoing Accelerated Repair Projects.**

In City Council, see discussion under Item #4.1.

## **6. VOTES FROM THE CITY MANAGER**

### **6.1. Vote-Accept and Expend 5,500 in Grant Funding from the Greater Lowell Community Foundation to support Khmer Senior Outreach.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Chau. Adopted per Roll Call vote 9 yeas. So voted. Manager Donoghue noted use of grant money for community outreach. Lillian Hartman (Council of Aging) noted it was not a new City position but it would be used to fund worker for census taking. C. Elliott noted the importance to outreach for the census. C. Chau noted the need to reach out to that specific community.

### **6.2. Vote-Transfer 42,722 to Elections to meet its remaining obligations as well as anticipated election related costs in FY20.**

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

## **7. ORDERS FROM THE CITY MANAGER**

### **7.1. Order of Taking-Permanent and Temporary Easements in furtherance of the Andover Street Improvement Project.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier questioned if new trees would replace old ones. Christine Clancy (DPW) noted that planning is being done for tree replacement.

## **8. REPORTS (SUB/COMMITTEE, IF ANY)**

### **8.1. Finance SC February 11, 2020.**

In City Council, E. Elliott provided report noting the attendance and the discussion regarding FY 2020 budget review. C. Elliott noted that motion was approved in the subcommittee for Manager to provide report regarding costs of trash collection and recycling as well as current trash contract terms. C. Elliott noted that report was requested from Manager regarding school choice program. **Motion** to adopt motions of subcommittee and accept the report as a report of progress by C. Conway, seconded by C. Mercier. So voted.



## **8.2. Economic / Downtown Development SC February 11, 2020.**

In City Council, E. Elliott provided report noting the attendance and the discussion regarding Hamilton Canal Innovative District which included projects and parking. C. Elliott noted that motion was approved in the subcommittee for Manager to provide report regarding connecting and assisting downtown small businesses with the connection to the Hamilton Canal District. C. Rourke questioned the use of Parcel #1. Manager Donoghue indicated that parcel was being reviewed by Sal Lupoli. C. Elliott noted the current closing of Pawtucket Street Bridge. C. Rourke questioned if that would affect trucks moving supplies to garage construction. **Motion** to adopt motions of subcommittee and accept the report as a report of progress by C. Drinkwater, seconded by C. Chau. So voted.

## **9. PETITIONS**

### **9.1. Claims - (3) Property Damage.**

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Samaras, seconded by C. Mercier. So voted. C. Mercier questioned if City responsible for damage done on the Lowell Connector.

### **9.2. Misc. - Lei Zhong (for benefit of Benecia Sandoval-Ferrera) request installation of handicap parking sign 25 18th Street.**

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Conway, seconded by C. Drinkwater. So voted.

### **9.3. Misc. - Steven O'Neill request to address City Council regarding on his property located at 10 Old Ferry Road.**

In City Council, **Motion** to request Conservation Commission remove item regarding this petition from their agenda for two weeks so that parties may attempt to resolve the matter by C. Mercier, seconded by C. Rourke, Adopted per Roll Call vote 5 yeas, 4 nays (C. Conway, C. Drinkwater, C. Nuon, C. Samaras). So voted. Petitioner, Steven O'Neill addressed the Council indicating that he was denied his regulatory rights. Registered speaker, Greg Curtis, addressed the body indicating the process involved. Registered speaker, John Hamblet, addressed the body indicating preference of the neighborhood. C. Nuon commented on the time frame of the project and the opportunity to be heard. C. Samaras noted work was being done by a private developer and not the City. City Solicitor O'Connor noted that the City was not taking any land from the petitioner and that matter was before many regulatory boards. C. Samaras commented on neighborhood input. C. Chau noted all parties should be treated fairly.



C. Elliott noted information provided by the City is confusing regarding status of petitioner's lot. Solicitor O'Connor noted there were different means to resolve matter explored. C. Conway commented on the traffic lights as opposed to traffic circle as well as the reduction of the value of the property by the Assessor. Manager Donoghue commented on appraisal process. Christine Clancy (DPW) commented on slope of the property. C. Mercier noted it was a confusing project that would impact petitioner's land. C. Rourke questioned if traffic circle was discussed at Planning Board. C. Rourke commented on the slope surrounding traffic circle. Natasha Vance (Transportation Engineer) commented on current and proposed slope. C. Rourke noted that the City was the applicant before the Conservation Commission so they should ask for the continuance. C. Drinkwater commented on dates and design changes. M. Leahy questioned if traffic circle could be moved further. C. Mercier commented on existing slope. C. Samaras commented that drop in value of the property is a different issue. Solicitor O'Connor noted that only the Conservation Commission has authority to continue a matter. C. Nuon questioned how a continuance would help the issue. Christine McCall (Planning) commented on the Conservation Commission agenda. C. Elliott commented on letters sent to the petitioner regarding the lot. Ms. Clancy commented on added items for the agenda.

## **10. CITY COUNCIL - MOTIONS**

### **10.1. C. Mercier - Req. City Council create an ordinance or file a Home Rule Petition that prevents a City Councilor from holding another elective office during their term.**

In City Council, seconded by C. Rourke, referred to Law Department for a report and recommendation to develop ordinance or Home Rule petition regarding limitation. Adopted per Roll Call vote 5 yeas, 4 nays (C. Conway, C. Drinkwater, C. Nuon, C. Samaras). So voted. Registered speakers, Karen Cirillo and Judith Durant, addressed the Council. C. Mercier noted it was not personal as others indicated but just want to have officials make a choice; further commented that matter was done in Lawrence some years ago. C. Conway noted that Massachusetts general laws and state constitution prohibit one from holding federal position and state position at same time. C. Samaras noted rights should be protected and that voters should have a choice. C. Chau commented that decision holds for the future and it opens up more voices to govern. C. Rourke noted it allows added voices in the process. C. Elliott noted it was not personal but common sense and best method to serve citizens. C. Drinkwater favored voters taking care of such a situation. C. Nuon noted no precedent for it and it should be left to voters. M. Leahy relinquished Chair to Vice Chair Mercier at 9:30 PM. M. Leahy noted support and its importance for the future. C. Elliott noted a choice must be made between an ordinance or a Home Rule Petition.



**10.2. C. Samaras - Req. City Mgr. create a team of first responders which includes fire, police, Trinity Ambulance and Lowell General Hospital whose purpose will be to develop a plan to ensure that first responder vehicles will be able to successfully move during periods of grid lock/construction in the City.**

In City Council, seconded by C. Rourke, referred to City Manager as amended. Adopted per Roll Call vote 5 yeas, 4 nays (C. Elliott, C. Mercier, C. Rourke, M. Leahy). So voted. C. Samaras commented on control of lights and traffic congestion noting increase in technology provides greater safety. C. Elliott noted nonsupport of the motion stating it was frivolous and is constantly being addressed. C. Mercier noted the plan of emergency personnel. C. Samaras noted it could be done better. C. Conway questioned current plan. C. Chau recommended to amend wording to say review. **Motion** to amend language to state review instead of create by C. Conway, seconded by C. Nuon. Adopted per Roll Call vote 5 yeas, 4 nays (C. Elliott, C. Mercier, C. Rourke, M. Leahy). So voted.

**10.3. C. Elliott - Req. City Council vote to prohibit the use of non-disclosure agreements regarding legal settlements.**

In City Council, seconded by C. Mercier, referred to City Manager/Law Department. So voted. C. Elliott noted the need for transparency regarding tax payer money. C. Elliott noted cultural shift regarding use of agreements. C. Conway noted support of motion. C. Drinkwater noted benefit to tax payer.

**10.4. C. Elliott - Req. City Mgr. provide an update regarding Host Community Agreements along with potential sources of revenue generated from them.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott noted he would await report.

**10.5. C. Rourke - Req. City Mgr. have Hull Street Engineering come to a Neighborhoods/Flood Issues SC to discuss the purchase of the Lowell Hydroelectric Plant.**

In City Council, seconded by C. Nuon, referred to City Manager/Flood Issues SC. So voted. C. Rourke noted the facility was under new ownership. Manager Donoghue commented that they would be in touch with them.



## 11. ANNOUNCEMENTS

In City Council, C. Mercier commented on fundraiser for 9-11 memorial on February 21, 2020.

## 12. ADJOURNMENT

In City Council, **Motion** to Adjourn C. Conway, seconded by C. Elliott. So voted.

Meeting adjourned at 9:58 PM.

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Michael Q. Geary, City Clerk