



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** February 13, 2018

**Time:** 6:30 PM

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

### 1. ROLL CALL

Roll Call showed 7 present, 2 absent (C. Conway, M. Samaras).

Vice Chair Nuon presiding.

### 2. CITY CLERK

#### 2.1. Minutes of City Council Meeting February 6th, For Acceptance.

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

#### 2.2. Vote-Cancel Council Meetings of February 20 and April 17, 2018.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Mercier, seconded by C. Leahy. Adopted per Roll Call vote 7 yeas, 2 absent (C. Conway, M. Samaras). So voted.

### 3. UNFINISHED BUSINESS

#### 3.1. Order-Abandon Portion Of Newell Street.

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 7 yeas, 2 absent (C. Conway, M. Samaras). So voted. Manager Murphy noted meeting between parties were matter had been resolved. Sarah Brown (DPD) outlined the meeting. C. Leahy noted the agreement and how the fence line would be installed and further noted the efforts of the administration.

### 4. GENERAL PUBLIC HEARINGS

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



In City Council, Given second reading. Hearing held and continued. No Remonstrants. **Motion** to refer to Manager for additional information and review by C. Elliott, seconded by C. Mercier. Adopted per Roll Call vote, 7 yeas, 2 absent (C. Conway, M. Samaras). So voted. C. Elliott commented on his concerns with the ordinance in terms of exposure and added expenses as well as noting coverage by State statute. City Solicitor O'Connor noted State law as well as policies of surrounding communities to provide additional coverage. C. Milinazzo supported motion for more information and commented that full body should be present for such a matter. C. Milinazzo noted the doctrine for "Rule of Necessity" should be implemented with this vote as it affects all board members. C. Kennedy noted the need to delay so all may cast vote on matter. Vice Chair Nuon noted approval for delaying matter. C. Elliott noted need for further discussion regarding exposure and costs to the City.

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

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

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

**A) City of Lowell Marketing Campaign** – C. Leahy noted the report was excellent and that effort should continue throughout.

**B) Tax Impact** – None.

**C) Status of Capital Projects** – C. Elliott noted matter had been sent to Finance SC and that there was a good explanation of how the quarterly billing taxes are processed. C. Cirillo requested explanation of information in the report. Conor Baldwin (CFO) commented on the report and how valuation and tax bill correlate and are collected. Mr. Baldwin outlined the abatement process for tax bills. C. Leahy noted that Finance SC will be taking up discussion of valuation in the City.

**D) Municipal Health Insurance** – None.

**E) MSBA February 2, 2018 Meeting Summary** – C. Leahy commented on recent building committee meeting and the discussion of a field house. Manager Murphy noted two identified issues being site location and field house. Michael McGovern (Asst. City Mgr.) commented on engaging educational plan in reference to size of field house. C. Leahy noted the need to fight for every square inch of the high school reimbursement and that the high school must be fully functional for all of its purposes. Mr. McGovern outlined upcoming conference call with the MSBA. C. Leahy noted the immediate need for information regarding eminent domain. C. Milinazzo noted the MSBA seemed



responsive for a larger field house facility. C. Milinazzo requested costs update for consultants. Mr. McGovern informed body that costs would be contained in the original contract pricing. C. Kennedy noted that field house issue and site issue should be treated separately and not dependent on each other. C. Elliott requested eminent domain information including mediation information as well. Manager Murphy noted Law Department was currently working on that very request. C. Mercier noted that eminent domain would be done per MSBA regulations, further noting that the building in question houses six businesses. C. Kennedy commented eminent domain takings. Vice Chair Nuon noted building committee meeting and that it was productive.

## **5.2. Communication - City Manager request Out of State Travel (1) Career Center; (2) LPD.**

In City Council, read, **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 7 yeas, 2 absent (C. Conway, M. Samaras). So voted.

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

### **6.1. Vote-Auth CM request minor plan change to Ayer City Industrial Revit. Plan from DHCD.**

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 7 yeas, 2 absent (C. Conway, M. Samaras). So voted. C. Leahy requested information regarding vote. Manager Murphy noted the votes and order were connected and part of land swap with the National Parks in the Hamilton Canal District.

### **6.2. Vote-Transfer 150,000 to fund restoration services at Pollard Memorial Library.**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 7 yeas, 2 absent (C. Conway, M. Samaras). So voted. C. Elliott requested update regarding balance in contingency account. Mr. Baldwin commented on balance and funding for repairs. Manager Murphy noted the re-opening of the library.

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

### **7.1. Confirmatory Order of Taking (Ayer's Plan).**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Kennedy, seconded by C. Elliott. Adopted per Roll Call vote 7 yeas, 2 absent (C. Conway, M. Samaras). So voted. C. Mercier questioned if it were the YMCA property.



C. Leahy requested for identification of the parcel Joe Giniewicz (DPD) noted it was land obtained from the MBTA.

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

### **8.1. Parks & Recreation SC February 13, 2018.**

In City Council, C. Mercier provided report regarding Utopia Park noting attendance and discussion of art sculpture. **Motion** to accept the report as a report of progress by C. Kennedy, seconded by C. Cirillo. So voted.

## **9. PETITIONS**

### **9.1. Claims - (1) Property Damage.**

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

### **9.2. Misc. - Sang Jin Lee (United Dental) request permission to install overhanging sign at 131 Merrimack Street.**

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

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

### **10.1. C. Elliott - Req. City Council discuss joining other municipalities in a class action suit against manufactures of opioids.**

In City Council, seconded by C. Mercier, referred to City Manager/Law Department. So voted. C. Elliott noted he was unsure of type of action it should be but companies need to be held responsible. C. Mercier commented on issues with doctors and drug companies. C. Kennedy suggested that matter be referred to City Manager and Law Department. City Solicitor O'Connor commented on current legal actions throughout country.

### **10.2. C. Elliott - Req. City Mgr. contact Department of Mental Health and State House Delegation regarding closing of the Mental Health Center in Lowell.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott noted the need to clarify future services as they are critical to the community. C. Mercier commented on closing of facilities and the difficulties in keeping them open. C. Nuon commented on the need for responsible ownership of the facilities.



**10.3. C. Nuon - Req. City Mgr. provide a report to City Council regarding emergency management plans (i.e. flooding, natural disasters, etc..) for the City.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. Registered speaker addressed the Council. Vice Chair Nuon noted the need to review and disseminate plans to public and service providers.

**10.4. C. Cirillo - Req. City Mgr. provide a report updating the Council regarding installation of “Meters for Homeless” Program; report to include costs for installation, number of meters installed, and organizations to whom collected funds will be distributed.**

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Cirillo commented on the program and requested a report on possible implementation. **Motion** by C. Elliott, seconded by C. Mercier to refer matter to the Hunger Homeless Commission. So voted. C. Cirillo noted no objection to the motion. C. Kennedy questioned prior programs dealing with similar issue. Manager commented on the Change for Change Program.

**10.5. C. Cirillo - Req. City Mgr. provide an updated presentation to the Economic Development SC of the plans for the Hamilton Canal Innovation District; said presentation to include garage plans, first floor commercial space in garages, lighting of the Swamp Locks, and infrastructure and transportation plans as they relate to Lord Overpass traffic improvements.**

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Cirillo noted the motion was straight forward. C. Kennedy requested update of garage plans with commercial elements. Diane Tradd (DPD) commented on the pressing need for parking spaces in the district. C. Kennedy noted need to have a commercial element involved and that it should be further reviewed. C. Elliott commented on restrictions with form base code in terms of parking and building in the district. C. Leahy requested report on code restrictions. C. Kennedy commented on possibility of going down and not up with garage construction.

**10.6. C. Mercier - Req. City Mgr. provide an update regarding Plain/Tanner Street corridor re-development plans including the effect it will have on 168 Plain Street (Lowell Car Wash).**

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Mercier commented on history of project and the affect it may have on a fifty year old business in the City.



**10.7. C. Mercier/M. Samaras - Req. City Mgr. review possibility of re-establishing the position of downtown coordinator.**

In City Council, No second needed, referred to City Manager. So voted. C. Mercier noted the co-sponsor of the motion and the need to have the best possible relationship with all of the businesses in the City.

C. Kennedy requested suspension of the Rules to discuss selection of City Manager. No objection of the body. C. Kennedy requested Mayor begin process for the selection. Vice Chair Nuon relayed information from the Mayor to have February 27<sup>th</sup> meeting designated to discuss process. C. Elliott outlined prior selection and the involvement of Mary Callery (Human Resources)

**11. ANNOUNCEMENTS**

In City Council, C. Leahy commented on science fair held at the high school. C. Cirillo noted the success of the event as well.

**12. ADJOURNMENT**

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

Meeting adjourned at 8:00 PM.

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Michael Geary, City Clerk