



Lowell City Council
Regular Meeting Minutes

Date: February 14, 2017

Time: 6:30 PM

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

2/14/2017 - Minutes

1. ROLL CALL

Roll Call recorded 9 present.

Mayor Kennedy presiding.

C. Leahy requested moment of silence in darkened chamber for Katherine McCabe.

2. CITY CLERK

2.1. Minutes Of City Council February 7th, For Acceptance.

In City Council, Minutes read, **Motion** to accept and place on file by C. Leary, seconded by C. Milinazzo. So voted.

C. Rourke requested, without objection, taking item #8.5 out of order. So voted.

3. COMMUNICATIONS FROM CITY MANAGER

3.1. MOTION RESPONSES

In City Council, Motion to accept and place on file by C. Rourke, seconded by C. Mercier. So voted.

(A) Adoption of Trust Ordinance - C. Leary noted LPD personnel policy. Manager Murphy commented that it has been a long standing policy within the department. C. Mercier noted existing policy and the fairness of it. C. Belanger noted the policy indicates support for all residents and the recognition of immigrants. C. Samaras requested overview of the policy. Manager Murphy noted the policy is designed to protect all regardless of immigration status and the the Federal Government is responsible in that area. C. Milinazzo questioned use of citizens committee. Manager Murphy noted the creation of the Diversity Council in the City. C. Elliott noted it was an important report and displays the work being done. C. Mercier noted the need to educate others to be trusting of authority.

(B) Opiate Task Force Rapid Response Plan - C. Belanger commented on the report and how clusters of overdose areas are identified and the swift response used to resolve it.

(C) Washington School Graffiti - C. Mercier questioned the use of the removal machine. Manager Murphy noted that chemicals in the machine do not work in cold weather so work must be done when it gets warmer. C. Leahy recognized the response.

(D) Turnout Gear - C. Leahy noted the safety issue as well as need for funding.

(E) Beacon St. Water Tower - No comments.

3.2. INFORMATIONAL

(F) National League of Cities Grant Alerts - No comments.

(G) NIBRS Firearm and Gang Reports - C. Mercier noted the detail in the report and that crime has decreased. C. Elliott noted it was good information and useful data to assist with future crime prevention. C. Belanger noted that the effort of the City is increasing the safety in the City. C. Leahy noted investments are paying off in public safety. **Motion** to refer report to Public Safety SC for further review by C. Elliott, seconded by C. Leary. So voted.

3.3. Communication-Accept Resignation Of Brian Toner From Conservation Commission
In City Council, read, **Motion** to accept and place on file by C. Rourke, seconded by C. Leahy. So voted.

3.4. Communication-Accept Resignation Of Stephen Hattan Lowell Sustainability Council
In City Council, read, **Motion** to accept and place on file by C. Rourke, seconded by C. Leahy. So voted.

3.5. Communication - City Manager Request Out Of State Travel (1) Career Center; (2) LPD; (1) DPD.
In City Council, read, **Motion** to adopt by C. Rourke, seconded by C. Leary. Adopted per Roll Call vote, 9 yeas. So voted.

4. VOTES FROM THE CITY MANAGER

4.1. VOTE

(A) Vote - Accept Gift \$1000 Estate of Ellen F. Cote Lowell Senior Center - In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Leary, seconded by C. Leahy. Adopted per Roll Call vote, 9 yeas. So voted.

(B) Vote - Rename Hamilton Canal to Hamilton Canal Innovation District - In City Council, Read twice, full reading waived without objection. **Motion** to adopt by M. Kennedy, seconded by C. Samaras. Adopted per Roll Call vote, 9 yeas. So voted.

(C) Vote - Transfer \$492,236 Charter School Reimbursement - In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Elliott, seconded by C.

Rourke. Adopted per Roll Call vote, 9 yeas. So voted. C. Elliott questioned transfer and formula used. Conor Baldwin (CFO) commented on the free cash transfer and noted the gap as the State fell short of funding. Manager Murphy noted this was a long standing issue in the State that effects the City. M. Kennedy and C. Elliott commented on a Home Rule Petition to address the issue with the State. C. Leary commented on the substantial reserves in the City. C. Mercier questioned free cash transfers. Manager Murphy outlined the procedure.

(D) Vote - Transfer \$841,149 LHS Project Debt Service - In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Mercier, seconded by C. Elliott. Adopted per Roll Call vote, 9 yeas. So voted. Manager Murphy noted title of transfer is misleading as most of transfer will be going to infrastructure and only smaller portion going to that debt. C. Elliott requested breakdown of capital funds for upcoming special meeting of the Council.

5. ORDERS FROM THE CITY MANAGER

- 5.1. Order - 60 Day Trial (Various)
In City Council, Read twice, full reading waived without objection. **Motion** to adopt by C. Leahy, seconded by C. Leary. Adopted per Roll Call vote, 9 yeas. So voted.

6. ORDINANCES FROM THE CITY MANAGER

6.1. ORDINANCE

(A) Ordinance - Amend Ch. 9 Boards Comm by adding new Art XII Diversity Council - In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on March 14, 2017 at 7 PM by C. Mercier, seconded by C. Rourke. So voted.

(B) Ordinance - Amend Ch. 290 Zoning entitled Special Permits s. 11.3.1 and Art XII Table of Uses - In City Council, Given 1st Reading, **Motion** to refer to Planning Board for report and recommendation and to Public Hearing on March 14, 2017 at 7 PM by C. Mercier, seconded by C. Rourke. So voted.

(C) Ordinance - Amend Ch. 290 Zoning entitled Unregistered Vehicles, amend sec. 4.3.5.2 - In City Council, Given 1st Reading, **Motion** to refer to Planning Board for report and recommendation and to Public Hearing on March 14, 2017 at 7 PM by C. Mercier, seconded by C. Rourke. So voted.

7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Economic Development SC February 14, 2017.

In City Council, C. Samaras provided the report of the Economic Development SC noting the attendance and the discussion of bike trails, Concord Greenway Project and economic report of all City areas.

Motion by C. Leary, seconded by C. Elliott to request City Manager have DPD prepare a draft conceptional plan of future bike trail linkage in the City. So voted.

C. Leahy discussed the factors that made City desirable as well as noted that the

businesses must assist with snow removal. C. Mercier noted the great effort of the DPW regarding recent snow removal. C. Elliott requested financial report regarding current year snow budget. C. Leary noted groups should be organized to discuss issues each face. C. Milinazzo questioned presenter of the economic report.

Motion to accept the report as a report of progress by C. Leahy, seconded by C. Samaras. So voted.

8. CITY COUNCIL - MOTIONS

- 8.1. C. Leahy - Req. City Mgr. Work With Proper Department To Revisit The Recycling Plan For Downtown Residents.

In City Council, seconded by C. Leary, referred to City Manager. So voted. C. Leahy noted prior discussion of issue and that it needs to be addressed.

- 8.2. C. Samaras/C. Leary - Req. City Mgr. Have DPD Provide A Report Regarding The Economic Potential For The Lowell High School Site In The Event That The School Was To Be Moved.

In City Council, no second needed, referred to City Manager. So voted. C. Samaras noted the site potential and questioned time line of project. C. Leary noted such a report would be a large component if the school were to move. Registered speaker Armand Hebert addressed the Council. C. Milinazzo referred to Lawrence use of old high school. C. Rourke noted there may be interest by local investors in the property. C. Mercier noted other factors if the school were to be moved. C. Belanger noted the a bid for the best use of the property would be issued. C. Samaras noted the current auditorium use and questioned future use. C. Leary noted there would be an abundance of ideas for future use.

- 8.3. C. Samaras - Req. City Mgr. Investigate The Possibility Of Filing A Discrimination Suit Against FIOS/Verizon.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Samaras noted the long standing issue that the company has no interest in investing in Lowell as they promote services elsewhere. C. Samaras requested letter be sent to Sen. Markey to inform office of situation. C. Leary noted upcoming subcommittee meeting to discuss issue including financial suffering and other options. C. Leahy noted consumers are hurt with lack of competition.

- 8.4. C. Samaras - Req. City Mgr. Inform The City Council On Steps That Will Be Taken To Replace Winn Co. As The Developer Of The Hamilton Canal Innovation District.

In City Council, seconded by C. Rourke, referred, as amended, to City Manager. So voted. C. Samaras questioned next steps to be taken to replace Winn as the developer. C. Belanger noted Winn was not a good fit from start in terms of commercial development and that pro-active approach must be done to secure new developer. C. Milinazzo noted that Winn did not walk away from deal it was result of going different direction with the plan. C. Leahy noted finding commercial developer. M. Kennedy commented that administration may need direction of what path to take in the district.

Motion by C. Leahy, seconded by C. Mercier to amend motion to include preference for commercial developer. Adopted per Roll Call vote, 6 yeas, 3 nays (C. Elliott, C. Leary, C. Milinazzo). So voted. C. Leary noted the need for data to see best use of property. C. Elliott noted history of the parcel has always included residential element and that Manager should have leeway on which path to follow. C. Milinazzo did not wish to tie the administration hands in the matter. C. Rourke noted the last RFP did include commercial

element. Manager Murphy commented on the ability to rezone parcels. C. Samaras noted the Manager should work out all options and then Council can decide the direction. C. Belanger noted the need to make decision and commented that housing has not helped downtown. C. Milinazzo noted that housing was not a harmful element in the downtown. C. Samaras noted report should speak to all who are interested in the site. C. Elliott noted great things happening in the City and that people want to live here. C. Mercier commented on commercial direction. M. Kennedy noted that amended motion would not prevent other option to be on table. C. Leahy noted the need to cast wide net.

- 8.5. C. Rourke - Req. City Council Approve The Naming Of The Wiffle Ball Field At Mulligan Park In Honor Of Calvin Riley.

In City Council, seconded by C. Mercier, referred to City Manager. Adopted per Roll Call vote, 9 yeas. So voted. C. Rourke commented on Mr. Riley and his connection to Lowell and his loss of son. Registered speakers addressed the Council: Kim Swift, Gavriel Morales and Armand Hebert (for Linda Riley). C. Samaras requested Roll Call. C. Elliott commented on vigil of last year and should be remembered.

C. Belanger requested, without objection that Item #8.8 be taken out of order. So voted.

- 8.6. C. Belanger - Req. City Mgr. Provide Status On The Former Luz Building Abutting The Butler School On Gorham Street.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Belanger noted property was an eye sore and needs attention. C. Leahy noted it has become safety issue.

- 8.7. C. Belanger - Req. City Mgr. Perform An Annual State Of The City Address.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Belanger noted the transparency issue and that a lot of good information can be provided.

- 8.8. C. Belanger - Req. City Mgr. Have DPD Research The Impact Of Property Values Located Near The High School As A Result Of Any Renovations Of The High School.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Belanger noted report should include residential property values to surrounding new location. Registered speaker, Ray Boutin addressed the body. C. Belanger noted open space element of new location. C. Milinazzo noted there is a need for accurate information before decisions are made.

9. ANNOUNCEMENTS

In City Council, M. Kennedy noted upcoming Committee of the Whole and that public should register to speak if they wish to comment. M. Kennedy commented on site visit to high school currently under construction.

C. Leahy commented on award and recognition for Nancy Donahue for being patron of the arts.

10. ADJOURNMENT

Motion to Adjourn by C. Elliott, seconded by C. Leahy. So voted.

Meeting adjourned 8:40 PM.

Michael Q. Geary, City Clerk

Office of the City Clerk - 375 Merrimack Street - Phone: 978.674.4161