



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: March 10, 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.

C. Conway requested moment of silence in darkened chamber for Fr. Peter Rizos. C. Elliott requested moment of silence in darkened chamber for former City Auditor James Kennedy. C. Mercier commented on the life of Mr. Kennedy. M. Leahy requested moment of silence in darkened chamber for Paula Abraham.

2. MAYOR'S BUSINESS

2.1. Presentation - Mass Climate Action Network Award.

In City Council, M. Leahy acknowledged the award. M. Leahy identified the winners of this year's WinterFest Soup Bowl of the various categories. Henri Marchand (Special Events) commented on the success of the event. Manager Donoghue acknowledged all who made event a success.

3. CITY CLERK

3.1. Minutes of Zoning SC March 3rd; Economic Downtown Development SC March 3rd; City Council Meeting March 3rd, for acceptance.

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

4. UTILITY PUBLIC HEARING

4.1. National Grid - Request installation of 50 feet of underground electric conduit at Bridge and French Streets.



In City Council, Given 2nd Reading. Hearing held. Speaking in favor Michele Stacey (National Grid). No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Rourke. So voted.

4.2. National Grid - Request permission to install 10 feet of underground electric conduit at Prescott and Merrimack Streets (Kearney Square).

In City Council, Given 2nd Reading. Hearing held. Speaking in favor Michele Stacey (National Grid). No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Chau, seconded by C. Conway. So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Motion Response - TIF Financing Agreements – C. Drinkwater noted the report and commented on time frame for hiring promises. Manager Donoghue noted that companies must meet the job creation requirements in order to have benefits under the agreements. Christine McCall (DPD) noted their contact with companies under the agreements. C. Drinkwater noted the Markley Group statistics for job creation. Ms. McCall outlined the specifics of that agreement and the reason they were different from the others but she indicated they would fulfill their commitments. C. Nuon indicated that many factors are involved in TIF agreements and Ms. McCall outlined those factors. C. Nuon noted the growth potential for the Markley Group. C. Mercier commented on the many agreements in the City. C. Conway noted the report provided good information. C. Chau questioned process of taxing companies who have such agreements. Ms. McCall and Sue LeMay (City Assessor) commented on those properties are taxed. C. Rourke commented on the strength of the Markley Group. Manager Donoghue commented on the reputation of the Markley Group and the development of the TIF agreement. C. Elliott noted these agreements are the best economic development resource of the City. C. Drinkwater noted the need to stay on schedule with these agreements.

B) Motion Response - Patriot Care Annual Report – C. Mercier commented on the information contained in the report. Eric Slagle (Inspectional Services) commented on satellite parking of the company. **Motion** by C. Elliott, seconded by C. Nuon to refer matter to the Cannabis Control SC. So voted.



C) Motion Response - Rental and Minimum Maintenance Inspections – Motion by C. Elliott, seconded by C. Nuon to refer matter to the Zoning SC. So voted. C. Elliott noted information should be discussed in the subcommittee along with technological advances. Manager Donoghue noted the increase in technology within the department.

D) Motion Response - Prohibit Use of NDAs – C. Elliott noted that such agreements are not a part of City settlements.

E) Motion Response - Mayoral Election Update – C. Rourke noted that election litigation should have nothing to do with City selection of the Mayor and that the Consent Decree should not be a factor in that selection. C. Elliott commented on the hard work and costs done to resolve the lawsuit and that the playing field is level and the selection of the Mayor has nothing to do with the lawsuit. C. Mercier noted that there is no more majority rule in governing and not right to be hindered by Consent Decree. C. Samaras noted they are part of the Consent Decree and that all parties need to participate with choosing a selection method for Mayor. C. Nuon noted Consent Decree speaks to the selection so it should be followed. C. Drinkwater noted that two issues are in play that being selection of Mayor and who is eligible to run for position and questioned the concerns of the plaintiffs of the litigation. Solicitor O'Connor commented on the concern for more information regarding different selection systems. C. Drinkwater noted all interested people should be involved in the discussion. C. Conway commented on the confusion surrounding the lawsuit and the Consent Decree and that will not diminish in the selection of the Mayor. C. Elliott questioned what exactly plaintiffs were looking for and what the remedy is. Solicitor O'Connor remarked on the Consent Decree and the parties' involvement which included discussion regarding selection of Mayor and that there would be no issues if that selection was in line with Consent Decree. C. Chau noted though matter was settled the Consent Decree was still governing. Solicitor O'Connor noted that the Consent Decree moves forward all the time. C. Mercier made comment on consent decrees in the City. C. Rourke noted that Worcester representative should come to City to outline their process. Manager Donoghue noted that keep plaintiffs informed as there are some unknown obligations in the Consent Decree. C. Elliott commented on role of Election Commission on the matter. Solicitor O'Connor outlined working group which did not include the Election Commission.

5.2. Petition Responses

F) Petition Response - 15 Min Parking at 77 Mammoth Rd. – C. Mercier questioned status of parking spaces in front of Cotes Market.



5.3. Communication-Appoint Weston Standish to Conservation Commission.

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

5.4. Communication-Reappoint Wm. Lovely Jr. and Kevin Dillon to Conservation Commission.

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

5.5. Communication-Reappoint members to the Sustainability Council.

In City Council, read, **Motion** to adopt by C. Nuon, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. The following were reappointed to the Sustainability Council: Jay Mason; Jonathan Geer, Cormac Hondros-McCarthy; Mikaela Hondros-McCarthy; and Sabrina Pederson.

6. REPORTS (SUB/COMMITTEE, IF ANY)

6.1. Subcommittee Reports.

1) Public Safety SC March 10, 2020.

In City Council, C. Chau provided report noting the attendance, including the members of the License Commission, and a discussion of turning back hours of operation in downtown establishments. C. Chau commented on the procedures of the License Commission and noted that the subcommittee adopted a motion to refer question of jurisdiction for an opinion from the Law Department. **Motion** to accept the report as a report of progress and adopt motions by C. Chau, seconded by C. Drinkwater. So voted.

7. PETITIONS

7.1. Claims - (2) Property Damage.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Samaras, seconded by C. Nuon. So voted.

7.2. Misc. - R. Jeff Young (Music Workshop) request permission to install overhanging sign at 181 Market Street.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Elliott, seconded by C. Drinkwater. So voted.



8. CITY COUNCIL - MOTIONS

8.1. C. Mercier - Req. City Mgr. have the proper department address the speeding on East Merrimack Street from 3 PM to 6:30 PM and set up a patrol to alert drivers of the dangers.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Mercier requested that Stackpole Street be added to the motion as traffic is avoiding other areas to speed through these locations. C. Samaras noted that same situation is being done on Aiken Avenue. C. Conway noted the danger of speeding on side streets that are narrow and full of children.

8.2. C. Mercier - Req. City Mgr. put Christian Avenue on the repaving list.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Mercier commented on lists that are developed and that this street should be added.

8.3. C. Mercier - Req. City Mgr. investigate feasibility of constructing parking garage in place of fill under rehabilitated Lord Overpass.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Mercier noted that it was a thinking outside of box motion as a means to collect revenue and address parking issues in the City. C. Elliott noted the need to have directions to new Judicial Center.

8.4. C. Nuon - Req. City Mgr. instruct Transportation Engineer provide a report on feasibility of establishing "No Parking" zones at certain intersections along Middlesex Street.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon noted motion was self-explanatory.

8.5. C. Nuon - Req. City Mgr. investigate working with Middlesex Community College regarding construction of new parking garage on the Davidson Street parking lot in order to free up parking at other City facilities.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon commented on the need to alleviate parking pressures in the City and that a partnership approach would serve best. C. Conway noted that events are in need of parking.



8.6. C. Nuon - Req. City Mgr. provide City Council with a City-wide yard waste pick-up schedule for the summer months.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Nuon noted the need to give citizens the information before season begins.

8.7. C. Nuon - Req. City Mgr. provide City Council with an update from the State regarding rehabilitation of the Rourke Bridge.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Nuon noted that it is time to end the temporary bridge and keep pushing to move process along and further noted that the existing bridge needs to be maintained. C. Elliott commented on upcoming MassDOT presentation regarding same.

8.8. C. Nuon - Req. City Mgr. provide City Council with a City-wide Spring cleaning schedule.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon noted the need for the schedule.

8.9. C. Elliott - Req. City Mgr. have DPD report on the status of expending FY20 earmark from the State to support small business development and second earmark for exterior improvements to small businesses.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. **Motion** by C. Elliott seconded by C. Rourke to refer report to Economic Downtown Development SC. So voted.

8.10. C. Elliott - Req. City Mgr. request new owners of locks and canals clean the floating debris at all gates on the canals throughout the City.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Elliott noted need for continued cleaning efforts with new owners.

Motion by C. Rourke, seconded by C. Nuon to suspend rules to discuss March 17th City Council Meeting. So voted. **Motion** by C. Rourke, seconded by C. Samaras to cancel City Council Meeting of March 17, 2020. Adopted per Roll Call vote 9 yeas. So voted.

9. ANNOUNCEMENTS

In City Council, none.



10. ADJOURNMENT

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

Meeting adjourned at 8:17 PM.

Michael Q. Geary, City Clerk