



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** January 29, 2019

**Time:** 6:30 PM

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

### 1. ROLL CALL

Roll Call showed 9 present.

M. Samaras presiding.

C. Mercier requested moment of silence in darkened chamber for Manuel S. Pais.

### 2. CITY CLERK

#### 2.1. Minutes of Environment & Flood Issues SC January 22nd; City Council Meeting January 22nd, for acceptance.

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

**Motion** by C. Cirillo, seconded by C. Kennedy to take Item #10.3 out of order. So voted.

C. Elliott, while under suspension of the rules, requested information regarding homicide in the City. Manager Donoghue commented on the incident and outlined the police response which resulted in an arrest and apprehension of a suspect and that investigation is continuing. C. Elliott recognized the police response and effort regarding the investigation.

### 3. AUDITOR BUSINESS

#### 3.1. Informational - Free Cash Certification.

In City Council, **Motion** “To accept and place on file” by C. Kennedy, seconded by C. Conway. So voted. C. Elliott requested information regarding report and noted “free cash” was welcomed news for the City. Conor Baldwin (CFO) provided the amount of cash in the area of 2.5 million which would allow replenishing the Stabilization Fund and



possible adjusting for bad bills of the School Administration. Mr. Baldwin noted it was good news during a time of fiscal challenges. C. Kennedy recognized the amount noting it was less than prior year but welcomed. C. Milinazzo recognized the efforts of the Auditor in getting “free cash” certified.

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

##### **4.1. Ordinance-Amend Ch 290 Zoning by extending the Regional Retail District to include 55, 75 and 77-81 Phoenix Avenue.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. M. Samaras requested opinion regarding Planning Board recommendation (Item #6.4) wording and effect. City Solicitor O’Connor noted that it was not a positive recommendation but wording in the recommendation would speak for itself. C. Mercier requested hearing go forward. Speaking in favor was Atty. Jim Bowers who represented owner of the premises. Atty. Bowers outlined the petition to rezone property; describing the property and the reasons for rezoning. Atty. Bowers commented on the Planning Board Recommendation. Paul Bourbeau, architect for the project, commented on wetlands and usefulness of the buildings. No remonstrants. C. Kennedy questioned the number of parcels involved and commented on the buffer zone for the wetlands on the property. C. Milinazzo noted that zoning was established in that area by diligent work of the administration and subcommittee and that it should not be disturbed. C. Nuon noted the effort done to zone property and that it would not set a good precedent. C. Kennedy commented on the efforts of the Zoning SC to establish zones for retail sales. M. Samaras noted the need to keep the zone as it is. C. Leahy noted there would only have an effect on one parcel and that there should be an effort to assist property owner with marketing their property. **Motion to DENY** by C. Milinazzo, seconded by C. Kennedy. **DENIED** per Roll Call vote, 8 yeas, 1 absent (C. Cirillo). So voted.

##### **4.2. Ordinance-Amend Ch. 9 , Article V Planning Board, s. 9-15 by increasing Associate Members from one to two.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. Speaking in favor was Eric Slagle (Inspectional Services). No remonstrants. **Motion** to adopt by C. Elliott, seconded by C. Kennedy. Adopted per Roll Call vote, 8 yeas, 1 absent (C. Cirillo). So voted.

#### **5. UTILITY PUBLIC HEARING**

##### **5.1. FirstLight (Joyce Consulting Group) - Request permission to install underground fiber optic conduits at intersections of Lawrence and Billerica Streets.**



In City Council, Given 2<sup>nd</sup> Reading. Hearing held. Speaking in favor was Michael Joyce (Joyce Consulting Group). No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Elliott, seconded by C. Milinazzo. So voted. C. Elliott questioned paving of area disturbed. Manager Donoghue noted that guidelines dictate that paving would go beyond the trench if needed.

## **5.2. National Grid/Verizon NE - Request installation of new utility pole and underground conduit at 97 Tanner Street.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. Speaking in favor was Paul Tappler (National Grid). No remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Elliott, seconded by C. Mercier. So voted.

## **6. COMMUNICATIONS FROM CITY MANAGER**

### **6.1. Motion Responses.**

In City Council, **Motion** “To accept and place on file” by C. Kennedy, seconded by C. Nuon. So voted. M. Samaras introduced Community Team Work (CTI) to make a presentation before the body without objection. C. Elliott noted he was a board member and that his motion with C. Mercier was done to provide information of the work of CTI in the community. Manager Donoghue outlined plan and information provided to the public. Karen Frederick of CTI provided presentation entitled “Community Team Work – Youth Services – Connecting Youth to Opportunities for Success”. Ms. Frederick provided examples of successful client and also requested ways in which assistance can be rendered. Carl Howell of CTI outlined facts and services to combat homelessness in the City. C. Mercier noted fellow board members C. Elliott and C. Nuon and commented on efforts to assist youth in the community. M. Samaras commented on youth homelessness and work with Lowell High School. C. Leahy recognized efforts of the organization and suggested use of dorm across from high school as a possible housing solution. C. Nuon questioned age range and causes of homelessness. C. Nuon commented on Dutton Street property. C. Conway noted the importance of providing information to the community of the services that are available to youth. C. Kennedy commented on the capacity to cover services and needs of the organization and questioned age range at Lowell Transitional Center. C. Kennedy recognized the efforts of the committee to assist with fundraising for the organization noting John Geer. C. Elliott noted the need to spread the word regarding services.

**Motion** by C. Mercier, seconded by C. Nuon to take Item #6.9 out of order. So voted.

**A) Motion Response - HCID Garage Update** – C. Mercier questioned costs per space. Manager Donoghue noted that she would continue to keep Council informed as new bid



goes forward. Craig Thomas (DPD) commented on pricing on garages and change in the bid/design process to obtain more favorable return. Manager Donoghue commented on UML pricing for garages done years prior. C. Kennedy commented on prior bidding process. Mr. Thomas reviewed garage construction and bid process.

**B) Motion Response - Polling Location Accessibility** – C. Conway recognized the report and the interaction with the Commission on Disability. Eda Matchak (Elections) noted the process and the partnership with the Commission on Disability.

**C) Motion Response - Mandatory Voter Purge** – Manager Donoghue noted the report from the Elections Department. Ms. Matchak commented on process and the manner in which the public was informed. C. Elliott questioned if once purged from voter lists can you be reinstated. Ms. Matchak commented on the use of provisional ballots.

**D) Motion Response - Medical Marijuana Revenue** – Mr. Baldwin noted that revenue was would be derived from recreational marijuana and outlined the report noting the ability to establish a fund that can be amended at any time by the Council as long as a minimum of 25% is in the account. **Motion** by C. Nuon, seconded by C. Kennedy to refer to Law Department to prepare vote to established appropriate account. Adopted per Roll Call vote, 8 yeas, 1 absent (C. Cirillo). So voted. C. Kennedy questioned if amount could be greater than 25%. C. Leahy noted the need for more information before establishing the account and that all municipal buildings need attention.

**Substitute Motion** by C. Elliott, seconded by C. Leahy to refer to Cannabis Control SC. Withdrawn by C. Elliott without objection. C. Kennedy noted that there is no need for further discussion as the upkeep of schools has been an issue for some time. C. Milinazzo noted they were doing what was recommended by the report to have Law Department bring forth proper vote for discussion. C. Leahy noted the need for work on all municipal buildings not just schools. C. Nuon noted that the vote includes all buildings not just the schools. C. Mercier noted revenue stabilization fund would be for all buildings. C. Conway commented on other buildings in need for repair. Mr. Baldwin outlined the statutory requirements.

**E) Motion Response - Downtown Pedestrian Crossings** – Natasha Vance (Transportation Engineer) provided report noting challenges and recommendations. C. Leahy commented on neighborhood concerns downtown.

## 6.2. Petition Responses

**F) Petition Response - Boylston St. Pedestrian Safety** – Natasha Vance (Transportation Engineer) noted the report and changes to be made. C. Conway commented on improvements. C. Leahy commented on locations of lights.



**G) Petition Response - Route 38 Project** – Manager Donoghue noted that if project was interfered with at this juncture that the City would bear full financial responsibility for it and that MassDOT noted that the established plan was the safest option.

### **6.3. Informational Reports**

**H) Informational - Budget Update - Governor's Submittal** – Manager Donoghue noted latest budget numbers from Governor. Mr. Baldwin provided budget update in the City and commented on State process for assessments to the City.

### **6.4. Communication - Planning Board recommendation with respect to change of Zoning Ordinance to extend zoning district (Regional Retail District) 55, 75 and 77-81 Phoenix Avenue.**

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

### **6.5. Communication - Planning Board recommendation with respect to amending Code of Ordinances, Ch. 9 (Boards, Commissions, Committees) to increase number of associate members to the Planning Board.**

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

### **6.6. Communication-Reappoint Matthew Donahue, Esq and Marjorie Miller to Lowell Civic Stadium Commission.**

In City Council, read, **Motion** to adopt by C. Kennedy, seconded by C. Elliott. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted.

### **6.7. Communication-Notification to Marjorie Miller of her designation of Chairperson to Lowell Civic Stadium Commission.**

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

### **6.8. Communication-Accept resignation of George DeLuca Hunger Homeless Commission.**

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



## **6.9. Communication-Reappointments and Appointments to Hunger Homeless Commission.**

In City Council, **Motion** "To accept and place on file" by C. Kennedy, seconded by C. Elliott. So voted. The following appointments were made: Elizabeth Higgins; Brent Rourke, Gretchen Gallimore; Nicole Nickerson; Dan O'Connor; Susan Smith; Tammie Dubois; Diane Waddell; Geoff Bryant; Deborah Sevigny; and Christopher Samaras. Mr. Bryant was present and thanked the Council

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

In City Council, read, **Motion** to adopt by C. Kennedy, seconded by C. Mercier. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted. The request for the LPD was withdrawn and not acted upon.

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

### **7.1. Vote-Appropriate Certified Free Cash to various accounts.**

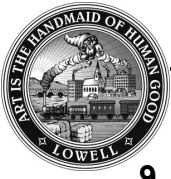
In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Milinazzo. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted. C. Mercier questioned vote and bad bills of the school administration. Manager Donoghue noted that they were looking for exact amount. C. Kennedy questioned if school administration provided any information. Auditor Perry noted that no information has been provided from school administration to do full analysis of the bad bills.

### **7.2. Vote-Transfer 10,000 in funds for Inspectors' Overtime in Development Services.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Nuon. Adopted per Roll Call vote 8 yeas, 1 absent (C. Cirillo). So voted.

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

In City Council, C. Leahy provided report of Downtown Neighborhood Association meeting. C. Elliott commented on activity at Village Smokehouse and that they should be required to have details at the establishment. Manager Donoghue noted they would provide a report. **Motion** "To accept and place on file" by C. Mercier, seconded by C. Kennedy. So voted.



## **9. PETITIONS**

### **9.1. Claim - (1) Personal Injury; (1) Property Damage.**

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

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

### **10.1. C. Nuon - Req. City Mgr. have Transportation Engineer review the “dangerous” flow of traffic at the intersection of First St., Bradley St. and State highway Rt. 110.**

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Nuon noted concerns were addressed by Transportation Engineer.

### **10.2. C. Nuon - Req. City Mgr. provide a report regarding updated status of the Smith Baker building.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon commented on the building and the shape that it is in.

### **10.3. C. Cirillo - Req. City Mgr. have proper department provide the City Council a plan to design and build Lowell’s own municipal broadband network to provide our residents fast and affordable internet service.**

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. Registered speakers, Ruth and Gary Potvin, addressed the Council. C. Cirillo commented on service and fiber infrastructure needs. C. Cirillo noted grant money from State and Federal agencies may be available as indicated by UML use of grants. C. Noun noted a monopoly on services is not beneficial to the consumers. C. Kennedy noted prior review and that a long term plan should be investigated.

### **10.4. C. Kennedy - Req. City Mgr. instruct the DPD to assist the Dwelling House of Hope in finding an appropriate location for a residential program for women.**

In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Kennedy commented on need to assist agency with identifying new location to expand their services.

## **11. ANNOUNCEMENTS**

In City Council, none.



## 12. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Kennedy, seconded by C. Leahy. So voted.

Meeting adjourned at 9:20 PM.

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Michael Geary, City Clerk