



# Lowell City Council

## Regular Meeting Minutes

Michael Q. Geary  
City Clerk

**Date:** March 28, 2023

**Time:** 6:30 PM

**Location:** City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA / Zoom (Hybrid)

### 1. ROLL CALL

Roll Call showed 11 present.

M. Chau presiding.

C. Nuon requested moment of silence in darkened chamber for James O'Brien and M. Roberta Galvin.

### 2. MAYOR'S BUSINESS

#### 2.1. Communication Remote / Zoom Participation:

Meetings Will Be Held In Council Chamber With Public Welcome And By Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 99). Those Wishing To Speak Regarding A Specific Agenda Item Shall Register To Speak In Advance Of The Meeting By Sending Email To City Clerk Indicating The Agenda Item And A Phone Number To Call So That You May Be Issued Zoom Link To The Meeting. Email Address Is [MGEARY@LOWELLMA.GOV](mailto:MGEARY@LOWELLMA.GOV). If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting. For Zoom -

[HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

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

#### 2.2. Citation - Fundraising.

In City Council, **Motion** "To accept and place on file" by C. Leahy, seconded by C. Jenness. So voted. M. Chau presented citation and key to the City to Raymond Keefe for his charitable contributions to the community. C. Leahy recognized the efforts of Mr. Keefe. Mr. Keefe addressed and thanked the Council.



### 3. CITY CLERK

#### 3.1. Minutes Of Housing SC Joint With Zoning SC March 21st, For Acceptance.

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

**Motion** by C. Mercier, seconded by C. Nuon to take Item #6.3 out of order. So voted.

### 4. GENERAL PUBLIC HEARINGS

#### 4.1. Ordinance - Amend Zoning - Marijuana.

In City Council, Given 2<sup>nd</sup> Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Rourke, seconded by C. Nuon. Adopted by Roll Call vote 11 yeas. So voted.

**Motion** by C. Yem, seconded by C. Robinson to take Item #9.11 out of order. So voted.

### 5. COMMUNICATIONS FROM CITY MANAGER

#### 5.1. Motion Responses.

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

**A) Motion Response - Parking** – C. Robinson noted language of the contract and questioned if vendor had insurance coverage for the entire contracted time. Terry Ryan (Parking) noted that vendors are required to have coverage. C. Gitschier questioned insurance coverage as outlined by the binder. Mr. Ryan noted he would go back and review prior insurance binders. C. Jenness noted the improved conditions in the garages. C. Nuon requested kiosk update. Mr. Ryan provided update regarding delivery and installation of new kiosks. C. Robinson was informed that the new kiosks would be able to sustain advertising.

**B) Motion Response - Baseball Parade** – C. Robinson commented on the reorganization of the leagues and that it will be a great event. C. Gitschier requested that City assist with promotions. Melissa Desroches (Communications) noted that City is involved and will continue to be. C. Rourke commented on promotions currently being used. C. Yem requested that all entities be invited to the parade. C. Jenness noted it will be a good event for downtown.

**C) Motion Response – Trains** – C. Scott noted contact number provided to residents and that the train company has been responsive.

**D) Motion Response - Canal Place 3** – Registered speaker via Zoom, Dan Morneau, addressed the Council. C. Jenness commented on the signage, as well as, multiple curbs and sidewalks, noting there are easy solutions. C. Gitschier noted some small fixes will improve safety. Manager Golden, Jr. noted the City will take a second look at the area. C. Jenness requested National Park employees not infringe on that area.



## **5.2. Communication - Planning Board Recommendation Regarding Zoning Amendment For Marijuana Delivery Businesses.**

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

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

### **6.1. Vote - Accept Gift Of Black Joy Sculpture From Kamil Peters And DIY Lowell.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Scott. Adopted by Roll Call vote 11 yeas. So voted. Registered speakers, Kamil Peters (Artist) and Mona Tyree (via Zoom), addressed the Council. C. Mercier was appreciative of having the complete package for the vote. C. Gitschier commented on the detailed steel work on the piece. C. Robinson noted project was showcase piece depicting all different cultures. C. Jenness noted it was an impressive piece and poignant history of it. C. Nuon thanked Mr. Peters for sharing his work and the history behind it. C. Yem noted artist name should be on the piece as well as its history. C. Drinkwater noted gratitude towards the artist. C. Robinson noted the importance of displaying the piece properly. Manager Golden, Jr. ensured it would be properly displayed.

### **6.2. Vote - Approve Exemption Of Julio Pastrana MGL C.268A S.20.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Jenness, seconded by C. Gitschier. Adopted by Roll Call vote 10 yeas, 1 absent (C. Nuon). So voted.

### **6.3. Vote - Authorize Payment Of Bills Incurred In Excess Of Appropriations – Schools.**

In City Council, **Motion** to refer matter to April 4, 2023 City Council meeting by C. Gitschier, seconded by C. Leahy. So voted. C. Gitschier commented on 25 invoices that provide no information. Billie Jo Turner (School Administration) noted there were always issues developing and that they attempt to adapt to changes. C. Gitschier noted they were not invoices but statements that are not valid as they provide no information. C. Gitschier requested additional information and put matter on for next week. C. Gitschier questioned the procedure for closing purchase orders. Ms. Turner noted supply issues were still a reason for non-payment of bills. Kelly Oakes (Auditor) commented she sends memorandums out to each department for closing purchase orders; including the school administration. C. Leahy noted the schools must tighten their process to pay bills. C. Robinson noted the need for more information and would be in favor of waiting a week for it. C. Scott noted the sloppy invoices and requested added time to sort it out. C. Rourke noted it is the same conversation it always is with these bad bills and that he would support one week as these vendors need to be paid to avoid litigation. C. Nuon noted it was frustrating and the invoices must be corrected.



**Motion** by C. Leahy, seconded by C. Mercier to bundle and waive second reading of Items #6.4 and #6.6. So voted.

#### **6.4. Vote - Declare 16 Kimball Ave And 17 Albion St Surplus.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Drinkwater, seconded by C. Robinson. Adopted by Roll Call vote 11 yeas. So voted. C. Leahy noted yard sale restrictions regarding building on parcel Yovani Baez-Rose (DPD) noted the need to maintain open space.

#### **6.5. Vote - Declare 25 Liberty Street Surplus And Convey To Reth Noy.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Nuon. Adopted by Roll Call vote 11 yeas. So voted. C. Yem noted the buyers have used and maintained lot for many years. C. Mercier noted the lot will get back on the tax role and will go for benefit of those who have maintained it for many years. C. Nuon noted the family and use of the lot which will have building restrictions on it. Registered speaker, Atty. Doug Sears, addressed the Council.

**Motion** by C. Robinson, seconded by C. Mercier to take Item #6.1 out of order. So voted.

#### **6.6. Vote - Declare 32 Union Street Surplus And Available For Sale.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Drinkwater, seconded by C. Robinson. Adopted by Roll Call vote 11 yeas. So voted. C. Jenness questioned where parcel was on the map. Ms. Baez-Rose described the process and the area. Manager Golden, Jr. noted the revamping of the yard sale program.

#### **6.7. Vote - Transfer \$25,000 – MIS.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Nuon, seconded by C. Scott. Adopted by Roll Call vote 11 yeas. So voted.

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

#### **7.1. Transportation SC March 28, 2023.**

In City Council, C. Rourke provided report of the meeting outlining attendance and discussion of Safe Streets Program outlining the beginning of trial periods and communication efforts out to the residents. C. Robinson requested attendance at upcoming Centralville neighborhood meeting. **Motion** to accept the report as a report of progress by C. Jenness, seconded by C. Nuon. So voted.



## **8. PETITIONS**

### **8.1. Claims - (4) Property Damage.**

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

### **8.2. Misc. - Charles Kafasis Request To Address City Council Regarding Enforcement Of The Reserved Dwelling Parking Ordinance.**

In City Council, **Motion** to refer to City Manager for report regarding number of calls made by petitioner and outline of police response by C. Gitschier, seconded by C. Mercier. So voted. Charles Kafasis, petitioner, addressed the Council. C. Gitschier commented on enforcement issues with these types of signage noting if resident purchases such a sign the regulation should be enforced. C. Mercier noted the need to enforce. C. Rourke commented if there is a sign it should be followed and enforced. C. Nuon noted resident frustration due to lack of enforcement. C. Yem noted some times the signs are abused by owners.

**Motion** to bundle Items #8.3 and #8.4 by C. Nuon, seconded by C. Rourke. So voted.

### **8.3. Misc. - Robert Hooker, Sr. Request Installation Of Handicap Parking Spot On Market Street Near Crosswalk At Family Dental.**

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

### **8.4. Misc. - Jacqueline Alameda Vargas Request Installation Of Handicap Parking Sign At 134 Lakeview Avenue.**

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

**Motion** to bundle Items #8.5 to #8.7, inclusive, by C. Nuon, seconded by C. Rourke. So voted.

### **8.5. Comcast Southern NE - Request Installation Of 4 Inch Underground Conduit For 600 Lakeview Avenue.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on April 11, 2023 at 7 PM by C. Nuon, seconded by C. Rourke. So voted.

### **8.6. Comcast Southern NE - Request Installation Of 4 Inch Underground Conduit From Kirk Street To Merrimack Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on April 11, 2023 at 7 PM by C. Nuon, seconded by C. Rourke. So voted.



### **8.7. Boston Gas D/B/A National Grid - Request Moving Existing Gas Line To Accommodate Water Work By The City Of Lowell.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on April 11, 2023 at 7 PM by C. Nuon, seconded by C. Rourke. So voted.

## **9. CITY COUNCIL - MOTIONS**

### **9.1. C. Robinson - Req. City Mgr. Explore The Feasibility Of Contracting Out The City Of Lowell's Hiring Processes And Procedures.**

In City Council, seconded by C. Yem, referred to City Manager. Adopted per Roll Call vote 10 yeas, 1 nay (M. Chau). So voted. Registered speaker, Bobby Tugbiyele (Zoom), addressed the Council. C. Robinson noted the department is short staffed and is having difficulty keeping up with demand and it might be more efficient to outsource services for rank and file employees. C. Mercier noted concern for violation of charter in regards to motion and would like input from the Law Department. Manager Golden, Jr. noted administration could review the matter and provide feedback on it. C. Robinson noted motion only request exploring feasibility of the request. C. Gitschier noted it was not a demand but an opening for discussion. C. Rourke noted response should come back with a legal opinion. C. Nuon noted a request does not violated the City charter. C. Scott noted wording of the motion and stated she would not support any outsourcing in the department. C. Drinkwater noted he was not opposed to an exploratory motion but noted the request would not be advisable. M. Chau requested roll call and noted his opposition.

### **9.2. C. Robinson - Req. City Mgr. Have The Proper Department Provide A Report On How Many Employees Have Been Hired Without The Required Licensing At The Time Of Hire; How Have They Been Compensated; Current Status On Their Licensure; And What Is The Positions Of The CBA Language.**

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Scott questioned the tracking procedures for such licensing. C. Gitschier noted that some communities use a tier salary system for license purposes.

### **9.3. C. Robinson - Req. City Mgr. Work With The Western Avenue Studios To Help Create A Safer, More Welcoming And Cleaner Experience For Residents And Guests.**

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Robinson noted there was an increase in activity in the area which would require more services. C. Leahy noted need to upgrade streets, lighting and solution to railroad tracks. M. Chau noted area was a gem for the City.

### **9.4. C. Robinson/C. Gitschier - Req. City Mgr. Work With Proper Department To Consider Adoption Of Boston's "Scofflaw Property Owner List" Ordinance.**



In City Council, no second needed, referred to City Manager. So voted. C. Robinson commented on the action in Boston and using this as a possible tool to assist with inspections. C. Gitschier noted it would bolster the inspections. C. Jenness noted constant pressure is a good tool to bring owners to compliance. C. Rourke commented on prior program used by City as being effective and it should be reinstated. C. Nuon commented on the prior policy and procedure. C. Gitschier noted the constant turnover of employees does disservice to these types of programs.

**9.5. C. Gitschier - Req. City Mgr. Look Into The Feasibility Of Removing The Recreation Department From The Health Department Organizational Structure And Placing The Recreation Department Back Into The Organizational Structure Under DPW In The Parks Department.**

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Gitschier commented on recent subcommittee which highlighted need for better communication within the department and such a reorganization could resolve that. C. Robinson noted historically was where the Recreation Department was housed.

**9.6. C. Mercier - Req. City Mgr. Report On Why Police Calls On The Main Number Can Not Be Answered By A Live Dispatcher In A Timely Fashion.**

In City Council, seconded by C. Rourke referred to City Manager. So voted. C. Mercier provided examples of calls and noted the need to speak to person and not machine.

**9.7. C. Nuon/C. Yem - Req. City Council Recognize And Congratulate The Daley School For Winning The 2023 Stocklosa Knowledge Bowl, As Well As, The Stocklosa And Pyne Schools For Their Second And Third Place Showings.**

In City Council, no second needed, referred to City Manager. So voted. C. Nuon requested classes be recognized and M. Chau congratulated the groups on Council behalf.

**9.8. C. Nuon/C. Yem - Req. City Mgr. Provide City Council With A Report Reviewing The Process By Which ARPA Funding Proposals Were Reviewed And Prioritized; Further, Request City Mgr. Provide City Council With A List Of All Submitted Proposals, Including Information As To Which Proposals Were Sent By Lowell Residents And Women-Owned Enterprises.**

In City Council, no second needed, referred to City Manager. So voted. C. Rourke questioned the authority of the Council to request this. Manager Golden, Jr. noted he could provide that information.

**9.9. C. Nuon/C. Yem - Req. City Mgr. Work With Appropriate Department To Review Locations Throughout The City Where Trees Should Be Planted In Tree Pits Along Roadways.**



In City Council, no second needed, referred to City Manager. So voted. C. Nuon noted replacing and planting trees beautifies the City and is helpful to the environment. C. Yem noted use of ARPA funds is possible. C. Robinson noted need to plant non-evasive roots. C. Gitschier noted plantings should be done even if utility poles are present. C. Yem noted various trees can be selected.

**9.10. C. Nuon/C. Yem - Req. City Mgr. Work With Our State Delegation To Ensure The Financial Burden Of The Surrounding Communities' Homeless Population Coming To Lowell Is Shared By Said Communities.**

In City Council, no second needed, referred to City Manager. So voted. C. Nuon noted it was a regional problem so there should be assistance to Lowell who shoulders much of that burden.

**9.11. C. Yem - Req. City Mgr. Have Proper Department Look Into Traffic Calming Measure Around The Hellenic American Academy; Including But Not Limited To Painting The Word "Slow School Xing"**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. Registered speakers, Jason Hantzis, Anastasia Kazanis and Mary Francis Tittle, addressed the body. C. Yem noted the need to increase safety on the entire road. C. Nuon commented on prior Transportation SC and the use of trial basis measures which could include this area. C. Rourke noted that subcommittee meeting and indicated they there could be some measures but in quickly. C. Gitschier noted establishing a drop-off area would assist with safety. C. Robinson noted Safe Street Program could address this need. C. Mercier noted it was a high traffic, congested area that needs improvement.

**Motion** by C. Jenness, seconded by C. Mercier to take Items #5.1D and Item #6.5 out of order. So voted.

**9.12. C. Scott - Req. City Mgr. Have The Appropriate Department Install No Commercial Vehicle Signage On Easton Street.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Scott noted residents' concerns with whole area as new Home Depot has raised issues.

**9.13. C. Scott - Req. City Mgr. Have The Appropriate Department Work To Have Street Lights Installed On Adie Way.**

In City Council, seconded by C. Jenness referred to City Manager. So voted. C. Scott noted all surrounding streets were outfitted with lighting.

**9.14. C. Scott - Req. City Mgr. Provide A Report On City Efforts To Diversify City Investments And How The Administration Will Protect City Funds In Light Of Current Banking Crisis.**





In City Council, seconded by C. Leahy referred to City Manager. So voted. C. Scott noted was just a request for information.

## 10. ANNOUNCEMENTS

In City Council, C. Yem wished C. Leahy a happy birthday. M. Chau noted performance of Irish Step Dancers.

## 11. ADJOURNMENT

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

Meeting adjourned at 9:20 PM.

---

**Michael Q. Geary, City Clerk**