

CITY COUNCIL REGULAR MEETING MINUTES APRIL 25 AND MAY 2, 2023

Date: April 25, 2023

Time: 6:30 PM

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

1. ROLL CALL

M. Chau presiding 10 present, 1 absent (C. Drinkwater)

In City Council May 2, 2023, M. Chau presiding 11 present.

In City Council May 2, 2023, C. Mercier requested moment of silence in darkened chamber for Mark Finn.

2. MAYOR'S BUSINESS

2.1. Communication Remote / Zoom Participation.

In City Council **Motion** to accept and place on file by C. Robinson, seconded by C. Yem. So voted.

2.2. Citation - Jim Haley (2023 Irish Person Of The Year).

In City Council Motion, M. Chau noted Mr. Haley was not able to attend and moved matter to following week.

2.3. Presentations:

1) Sophie Mortimer - Arbor Day – Sarah Brown noted Arbor Day.

2) Sushil Motwani - LASA Medical Camp – Mr. Motwani commented on the LASA Camp. C. Rourke commented on the work of the group and the event. M. Chau noted the exceptional service of the group.

3) Chris Porter - The Town and The City Festival – Mr. Porter commented on the festival. **Motion** by C. Robinson, seconded by C. Scott to take Item #5.2 out of order. So voted.

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

3. CITY CLERK

3.1. Minutes Of Finance SC April 11th; City Council Regular Meeting April 11th; Neighborhoods SC April 19th, For Acceptance.

In City Council **Motion** to accept and place on file by C. Nuon, seconded by C. Jenness. So voted.

Motion by C. Yem, seconded by C. Robinson to bundle and take Items #11.9 and #11.10 out of order. So voted.

4. GENERAL PUBLIC HEARINGS

4.1. Ordinance - Extend Outdoor Seating To November 1, 2023.

In City Council, hearing held, no remonstrants. **Motion** by C. Leahy, seconded by C. Robinson to adopt. Adopted per Roll Call vote 10 yeas, 1 absent (C. Drinkwater). So voted.

4.2. Ordinance - Quarterly Traffic - April 2023.

In City Council, hearing held, no remonstrants. **Motion** by C. Rourke, seconded by C. Jenness to adopt as amended. Adopted per Roll Call vote 10 yeas, 1 absent (C. Drinkwater). So voted. C. Leahy commented on Marilyn Avenue. Elizabeth Oltman (Transportation Engineer) noted request came from resident. **Motion** by C. Leahy, seconded by C. Nuon to adopt ordinance as amended to delete section 266-37 in its entirety. So voted.

Motion by C. Jenness, seconded by C. Robinson to take Item #11.8 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. Yem, seconded by C. Leahy. So voted.

A) Motion Response - Covid Pandemic Recognition – C. Nuon noted work with community partners.

B) Motion Response - Public Art Maintenance Account – C. Robinson noted assistance to be provided for future events and projects.

C) Motion Response - VFW and Varnum MassDOT – None.

D) Motion Response - Rt 38 and Fairmount – None.

E) Motion Response - Street Line and Crosswalk Striping – C. Gitschier had questions on the entire response. Ms. Oltman noted all listed in the report will be striped. C. Yem requested stop lettering on the road itself. C. Leahy noted concern with work to be done on Wentworth Avenue. Ms. Oltman indicated it was a high traffic street.

F) Motion Response - Commercial Vehicle Signage – C. Scott commented on the efforts of the Transportation Engineer.

G) Motion Response - South Common Maintenance and Improvements – C. Robinson noted the amount of money for renovations at the site and that it is not being controlled very well. C. Jenness noted money was earmarked so less control. C. Jenness noted area needed improvements and less abuse.

H) Motion Response - Report on City Funds – C. Scott noted funds were properly invested.

I) Motion Response - Programs and Metrics – C. Jenness noted the need to develop metrics and review data. C. Jenness requested report be returned for more information and to provide a glossary of terms for better understanding. Manager Golden, Jr. noted the development of the dashboard moving forward. Maura Fitzpatrick (Homeless Coordinator) commented on data collection. C. Yem noted LASA Medical Camp can be of assistance with care for the homeless. C. Nuon noted need for more information on data.

J) Motion Response - Waived Fees – C. Gitschier questioned process to waive fees. Manager Golden, Jr. noted the authority of the Board of Parks under Mass General Laws and by adoption of City ordinance. C. Gitschier noted authority to waive but questioned why it would be done. Manager Golden, Jr. noted he would meet with the Chair to find out rationale. C. Robinson questioned if powers of the board could be changed. Manager Golden, Jr. noted there are legalities involved as authority derives from Mass General Law. C. Scott questioned the criteria for exceptions. C. Rouke noted ordinance allowing Lowell youth sports groups to waive fees. **Motion** by C. Gitschier, seconded by C. Mercier to request City Manager have Law Department review ability to adjust application process of the board. So voted.

K) Motion Response - Knowledge Bowl – None.

L) Motion Response - Parking Garage Budget with Attachments – C. Gitschier noted prior motions and requested update. Terry Ryan (Parking Director) commented on new relationship with LAZ improving oversight of maintenance. C. Gitschier questioned chain of command for oversight. Mr. Ryan noted the new position of Director of Maintenance. C. Robinson questioned the status of public bathrooms in garages. Manager Golden, Jr. noted meetings with LAZ regarding maintenance and use of bathrooms. C. Leahy noted marked improvements in garages.

Motion by C. Robinson, seconded by C. Yem to take Item #8.1 out of order. So voted.

M) Motion Response - School Tax Bill Feasibility with Attachment – C. Rourke noted it was a good report. C. Jenness commented on tax bill indicators and Chapter 70 money. Conor Baldwin (CFO) noted graph depicted gross expenditures with all funding sources.

N) Motion Response - Maintenance and Cleaning Schedule of Garages – None.

O) Motion Response - Affordable Housing and Residential Taxes with Attachments – **Motion** by C. Robinson, seconded by C. Scott to refer matter to Finance SC. So voted.

P) Motion Response - Accrued Benefit Payout Report with Attachment - **Motion** by C. Robinson, seconded by C. Yem to refer matter to Finance SC. So voted.

5.2. Informational Reports

Informational Report - The Town and The City Festival – Matter discussed under Item #2.3(3).

Informational Report - FY24 Budget School Funding – Mr. Baldwin noted it was a standard letter to the Superintendent of Schools regarding projected amounts.

5.3. Communication - Resignation Of Members From Various Boards And Commissions.

In City Council **Motion** to accept and place on file by C. Leahy, seconded by C. Nuon. So voted. C. Gitschier requested a letter of thanks go to members. C. Rourke noted there were a few resignations.

5.4. Communication - City Manager Request Out Of State Travel (1) DPD And (1) LPD.

In City Council **Motion** to adopt by C. Scott, seconded by C. Rourke. Adopted per Roll Call vote 10 yeas, 1 absent (C. Drinkwater). So voted.

Motion to bundle and waive second reading on Items #6.2 to #6.5 excluding Item #6.3 by C. Leahy, seconded by C. Mercier. So voted.

6. VOTES FROM THE CITY MANAGER

6.1. Vote - Apply/Accept/Expend \$123,400 MCC Grant For LMA - Gaming Mitigation.

In City Council, second reading waived, **Motion** to adopt by C. Rourke, seconded by C. Scott. Adopted per Roll Call vote 10 yeas, 1 absent (C. Drinkwater). So voted. Peter Lally (Lowell Memorial Auditorium) noted funding was from gaming receipts and outlined the use of that funding. Mr. Lally commented on the upcoming 100th Anniversary of the LMA.

6.2. Vote - Authorize CM Or Treasurer Proceed Under MGL 30B For Banking Services 5-Year Term.

In City Council, second reading waived, **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 10 yeas, 1 absent (C. Drinkwater). So voted.

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

In City Council, C. Gitschier requested the Item be removed from the agenda until it is properly prepared for vote by the School Administration. No objections.

6.4. Vote - Establish Bicentennial Fund.

In City Council, second reading waived, **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 10 yeas, 1 absent (C. Drinkwater). So voted.

6.5. Vote - Transfer \$100,000 – Bicentennial.

In City Council, second reading waived, **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 10 yeas, 1 absent (C. Drinkwater). So voted.

7. ORDERS FROM THE CITY MANAGER

7.1. Order - 60 Day Trial.

In City Council May 2, 2023, second reading waived, **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 10 yeas, 1 absent (C. Leahy). So voted.

8. ORDINANCES FROM THE CITY MANAGER

8.1. Ordinance - Amend S.272-73B1 Compliance With Pretreatment Standards.

In City Council, given first reading, Motion to refer matter to Public Hearing on May 16, 2023 at 7 PM by C. Gitschier, seconded by C. Jenness. So voted. Mark Young (Waste Water Department) outlined the ordinance.

9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Finance SC April 11, 2023.

In City Council May 2, 2023, C. Scott noted the date, attendance and discussion regarding Parking Enterprise and FY24 Budget Report. **Motion** to accept the report as a report of progress by C. Yem, seconded by C. Jenness. So voted.

Neighborhoods SC Report.

In City Council May 2, 2023, C. Mercier noted the date, attendance and discussion of accessory dwelling units. C. Mercier outlined the various comments of the speakers at the forum. **Motion** to accept the report as a report of progress by C. Yem, seconded by C. Jenness. So voted.

10. PETITIONS

10.1. Claims - (6) Property Damage.

In City Council May 2, 2023, **Motion** by C. Robinson, seconded by C. Leahy to refer matter to Law Department for report and recommendation. So vote.

10.2. Misc. - Emile Kaufman Request To Address Council Regarding Improving The Optics Of Lowell.

In City Council, **Motion** to refer matter to City Manager for report and recommendation by C. Mercier, seconded by C. Jenness. So voted. Mr. Kaufman addressed the Council.

10.3. Misc. - James/Susan Koumpouras Request To Address Council Regarding Use Of Residential Properties As A Space For Automotive Work.

In City Council, **Motion** to refer matter to City Manager for report and recommendation by C. Mercier, seconded by C. Rourke. So voted. Mr. Koumpouras addressed the Council and presented letter by his sister, Susan Koumpouras. C. Mercier noted that ordinances must be enforced. C. Yem noted this was a city-wide issue.

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

11. CITY COUNCIL - MOTIONS

11.1. C. Gitschier - Req. City Mgr. Have The Law Department Prepare A Vote To Place An Non-Binding Referendum Ballot Question Regarding Zoning For Accessory Dwelling Units (ADU) For Upcoming Election.

In City Council May 2, 2023, seconded by C. Robinson. Defeated per Roll Call vote 3 yeas, 8 nays (C. Drinkwater, C. Jenness, C. Leahy, C. Nuon, C. Rourke, C. Scott, C. Yem, M. Chau). Motion failed. Registered speakers, Jerry Frechette and Ron Peacetree, addressed the Council. C. Gitschier noted that a referendum gets the most information to the people. C. Gitschier noted the program does not enhance any affordable housing and that enforcement remains a critical issue. C. Gitschier noted that builders are often taking advantage of the City. C. Robinson noted people are being misled and that this is not a cure for affordable housing. C. Robinson noted public needs a full understanding of the zoning and that enforcement, parking and trash issues remain. C. Yem questioned legality of Council request for referendum. Acting City Solicitor Corey Williams noted it was within their authority. C. Drinkwater noted he would not support the motion commenting of the exhaustive review of the Council and subcommittees, further noting Council has information and has formed an opinion. C. Drinkwater noted Council always are called upon to make big votes; including zoning. C. Jenness noted he would not support the motion noting voters' issues are housing and that the Council needs to be invested in solving that issue of which ADU could play a role. C. Jenness noted the amount of past, current and future input by the public. C. Mercier noted the need for further discussion as more clarity is needed. C. Leahy would not support the motion noting the work that has been done and that changes are still possible with public input and that it is a Council decision. C. Nuon commented on the housing crisis and noted the amount of work done by subcommittees, Council and

community partners. C. Nuon outlined the various public hearings before boards that still remain. C. Gitschier requested a roll call. M. Chau noted it was a complex issue that affects neighborhoods differently and with district representation it will be best served by Council action

11.2. C. Gitschier - Req. City Mgr. Have The Proper Department Add All Non-Union Contracts To The City Website.

In City Council May 2, 2023, seconded by Leahy. So voted.

11.3. C. Gitschier - Req. City Mgr. Have The Proper Department Provide The City Council With A Report On The Number Of "Reserved Parking Space For Residents Of Dwelling Only" Signs That Are Located At Multi-Family Homes, Along With Their Locations, That Are Not Owner Occupied.

In City Council May 2, 2023, seconded by Yem. So voted.

11.4. C. Gitschier - Req. City Mgr. Have The Proper Department Report On The Geese Situation And What Is Being Done To Combat The Issue On Playing Fields Throughout The City; Such As Edwards Field Hadley Field, Etc.

In City Council May 2, 2023, seconded by Rourke. So voted. C. Gitschier commented on the issue especially at Edwards Field that needs to be addressed. C. Gitschier noted the need to possibly roll turf on Edwards Field.

11.5. C. Jenness/C. Gitschier - Req. City Mgr. Have The HR Department Present Before The Auditor/Clerk Oversight And Personnel SC Generalized Trends And Themes Gathered From Exit Interviews Of Former Employees Conducted Since October 2022; Said Presentation To Include The City's Employment Recruitment And Retention Strategy Base On General Exit Interview Findings.

In City Council May 2, 2023, no second needed. So voted. C. Jenness noted the need to establish a baseline on HR issues. C. Jenness noted the need for metrics to see trends and develop better policies. C. Gitschier noted the need for information and that is was a recommendation of the Clifton Larson report.

11.6. C. Jenness/C. Gitschier - Req. City Mgr. Send A Letter On Behalf Of The Council To Our Statehouse Delegation And The MSBA Urging An Update To All MSBA Programs To Include And Prioritize Non-Fossil Fuel Options To Help And Encourage Municipalities To Reduce Their Reliance On Fossil Fuels.

In City Council May 2, 2023, no second needed. So voted. Registered speaker, Stephen Malagodi, addressed the body. C. Jenness noted Lowell was an environmental justice community and tht they should not be backed into bad alternatives. C. Gitschier commented on the MSBA programs holding less affluent communities hostage because of funding decisions. Manager Golden, Jr. commented on the MSBA programs and funding. C. Leahy noted there are a lot of needs and that it was time to be aggressive.

11.7. C. Jenness - Req. City Mgr. Have The Proper Department Provide A Report On Plan To Replace Bicycle Racks Downtown That Will Be Removed As Part Of The New Kiosk Installation Project.

In City Council May 2, 2023, second by C. Nuon. So voted. C. Jenness noted there should be replacements downtown. C. Leahy noted replacements should be upgraded. Manager Golden, Jr. noted report being generated concerning this request.

11.8. C. Robinson - Req. City Mgr. Have Appropriate Department Provide A Detailed Report On Feasibility Of Implementing A No Overnight Camping, Sleeping Or Loitering Ordinance In Our Business Districts, As Well As, In The Summer Street, Gallagher Terminal And South Common Area.

In City Council, seconded by C. Jenness. So voted. The following registered speakers addressed the Council: Sara Del Lano; Joe Boyle; Ron Peacetree; Elaine Blanchett; Marissa Dupont; and Craig Faulkner. C. Robinson noted the language in the motion and recognized the speakers. C. Robinson noted the need to support downtown and to right wrongs and keep our eyes on the issues. C. Jenness noted speakers and the amount of issues but could not support this type of ordinance. C. Jenness noted he was interested in the administration position. C. Mercier noted it was an attempt to fix a problem and recognized the struggles of downtown businesses. C. Mercier noted concern with the ACLU potential involvement. C. Scott noted concern of legal position and recognized the concern of all of the neighborhoods. C. Gitschier noted the life savings of businessmen should be protected. Maura Fitzpatrick (Homeless Coordinator) commented that they look at every aspect of the issue. C. Nuon noted attempt to assist downtown but voiced concern with legal implications. C. Rourke noted that many come to City for help and then become our problem. C. Robinson noted that businesses and employees are being assaulted.

Motion by C. Mercier, seconded by C. Leahy to take Items #10.2 and #10.3 out of order. So voted.

11.9. M. Chau/C. Yem - Req. City Mgr. Have Law Department Provide A Report Regarding The Establishment Of A Sister-City Agreement Between The City Of Lowell And Phnom Penh, Cambodia; Referencing An MOU Signed January 14, 2015.

In City Council, C. Yem withdrew from motion without objection. Motion failed for lack of a second.

11.10. M. Chau - Req. City Mgr. And/Or Appropriate Department Begin The Process To Establish A Sister-City Agreement Between Lowell And Battambang, Cambodia.

In City Council, motion failed for lack of a second.

Motion to suspend rules by C. Nuon, seconded by C. Gitschier to allow registered speakers to address body though motions were not seconded. So voted. The following registered speakers addressed the Council: Bopha Peou; Susie Chhoun; Rithy Ung;

Chhay Eang Eng (Interpreter Sochua Mu); Tara Hong; Dee Halzack; Joe Boyle; Yun Ju Choi; Justin Ford; Ron Peacetree; and Marissa Dupont. The following provide written correspondence to Clerk's office: Sambath Ruth; Kulvath Sam; Nicole Ung; and Tung Yap. C. Mercier commented on prior trip to Cambodia noting her learning of culture and history. C. Scott noted a relationship at this time is problematic due to governance. C. Scott noted need for criteria being established for the program. C. Nuon noted the loss of many due to government and there should be no relationship with governments that violate civil rights. C. Gitschier noted the concern of many in this community with Cambodia and their efforts to oppose this proposal. C. Robinson commented on the speakers and their information and noted it is a good program but not with Cambodia. **Motion** by C. Jenness, seconded by C. Gitschier to request Rules SC meet and discuss protocols for the Sister City Program. So voted. M. Chau at outset addressed the Chamber in Khmer. M. Chau noted the speakers and their right to voice opinion. M. Chau noted program and request was for the benefit of Lowell and not to honor the Cambodian government. M. Chau commented that the program is meant to build relationships and is for people not governments. M. Chau spoke of his home in Battambang.

Executive Session (In City Council May 2, 2023) - Motion to enter executive session to consider and discuss matter of litigation, public discussion of which could have a detrimental effect on the City's position and to adjourn from that executive session by C. Drinkwater, seconded by C. Jenness. Adopted per Roll Call vote 11 yeas. So voted. (8:05 PM)

In City Council April 25, 2023, **Motion** to Waive Rule 5 by C. Gitschier, seconded by C. Jenness. Defeated by two nays (C. Leahy, C. Mercier)

In City Council April 25, 2023, **Motion** by C. Robinson, seconded by C. Leahy to move remaining items on agenda to May 2, 2023. So voted.

12. ANNOUNCEMENTS

In City Council May 2, 2023, C. Nuon noted the Collegiate Charter School World Fair. C. Robinson note DIY cleanup this weekend. Manager Golden, Jr. commented on current technology issues in the City.

13. ADJOURNMENT

In City Council April 25, 2023, **Motion** to Adjourn by C. Rourke, seconded by C. Robinson. So voted.

Adjourned at 10:10 PM

Michael Q. Geary, City Clerk

ADJOURNMENT MAY 2, 2023

In City Council May 2, 2023 Motion to Adjourn in Executive Session by C. Jenness, seconded by C. Gitschier. So voted.

Adjourned from Executive Session at 8:20 PM

Michael Q. Geary, City Clerk