



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: May 26, 2020
Time: 6:30 PM
Location: Zoom/Remote Participation

1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding. Meeting was conducted via teleconference with audio stream by LTC as well as Zoom and recorded due to Covid-19 pandemic.

C. Mercier requested moment of silence in darkened chamber for Jose and Fernanda Medina and Brian Barry (accident victims). C. Nuon requested moment of silence in darkened chamber for Heng Por and Samnang Lorn. C. Chau recognized all service men and women as many Memorial Day celebrations had been cancelled.

2. MAYOR'S BUSINESS

2.1. Communication Remote Participation:

Pursuant to Governor Baker's Emergency Order modifying the State's Open Meeting Law issued March 12, 2020, meetings will be held using remote participation as follows: Members of the public may view the meeting via LTC and 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 tele-conferenced in to the meeting. Email address is mgeary@lowellma.gov. If no access to email you may contact City Clerk at 978-674-4161.

For Zoom - <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

In City Council, **Motion** "To accept and place on file" by C. Mercier, seconded by C. Elliott. So voted. C. Elliott questioned when meetings would return to chamber. M. Leahy noted that working for next meeting, just for members and administration, if all are comfortable returning.



2.2. Recognition - 50th Anniversary of Earth Day.

In City Council, M. Leahy they would take up matter at next meeting.

3. CITY CLERK

3.1. Minutes of Finance SC Joint with School Finance SC May 12th; City Council Meeting May 12th; Finance SC May 19th; Transportation SC May 19th, for acceptance.

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

4. GENERAL PUBLIC HEARINGS

4.1. Ordinance-Amend Ch 222 Peace and Good Order.

In City Council, hearing held. No Remonstrants. **Motion** to adopt by C. Drinkwater, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott noted that information should be forwarded to businesses. Manager Donoghue commented on effort to assist and working partnerships.

4.2. Ordinance-Amend Ch 150 Fees.

In City Council, hearing held. No Remonstrants. **Motion** to adopt by C. Drinkwater, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier questioned the amount of fine for first offense. City Solicitor O'Connor outlined the fine structure in the ordinance noting increase with each offense. C. Drinkwater recognized the effort of all involved to bring matter to quick resolution.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

In City Council, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Samaras. So voted. Manager Donoghue noted serious accident occurring on Pawtucket Boulevard. Supt. Richardson (LPD) commented on the safety concerns with the road and the commitment to increasing safety in that area. **Motion** by C. Elliott, seconded by C. Conway to refer discussion to Transportation SC. So voted. Manager Donoghue noted that there must be an aggressive approach and that the State would need to be involve with discussions. C. Rourke noted that they should review other towns and cities that have State roadways passing through them. C. Conway noted the importance of the meeting as there are many complaints regarding traffic concerns throughout the City. C. Conway noted use of the STEP program. Supt. Richardson



outlined the program and the goal of having violators pay for safety implantations. C. Chau noted that businesses on Pawtucket Boulevard should be involved with these discussions as they have perspective on the matter. C. Elliott noted that decreasing the number of lanes would increase safer travel. C. Elliott commented on “no chase” police within police department. Supt. Richardson noted the policy and commented that there is a common sense approach in these matters. C. Mercier noted that speeding has increased during the pandemic. Supt. Richardson noted that the City issues the most tickets in the State. M. Leahy noted that speeding throughout State has been a problem.

A) Motion Response - Nursing Home Health and Safety Complaints – Manager Donoghue introduced new health director and thanked interim director Jo-Anne Deegan. Joanne Belanger (Health Director) commented on inspections by State and City involvement and their relationships with long care facilities. Ms. Belanger noted that City is supplying much equipment to be used in these facilities. C. Elliott commented on the staffing ratios in the homes and their reluctance to share information with the City. Ms. Belanger noted that many establishments have improved their communications with the City. C. Elliott noted that sharing of information is critical when dealing with this virus. C. Conway noted the report was very detailed in outlining our partnerships and the focus on the same goal.

B) Motion Response - COVID-19 Case Reporting – Registered speakers, Diego Leonardo and Bobby Tugbiyele, addressed the Council. M. Leahy noted that focus should be on safety for all and that all are reaching for a common goal. C. Elliott noted the effort of the nurses and the attempts to gather information. C. Elliott noted many people do not self-report and therefore the data would be incomplete and insufficient. Manager Donoghue noted information was governed by a State run system and information is constantly gathered and that information needs to be accurate. C. Chau noted the report was important and helpful and the effort made assisted with being ahead of the curve in this matter. C. Nuon noted that information should be used even if not complete and there should be movement towards more accurate numbers in terms of ethnicity and race. Ms. Belanger noted changes in State system regarding race and that ethnicity is a self-identification process. C. Conway recognized efforts of the Health Department and that they should continue moving forward in same fashion. C. Chau noted gathering self-identification data is difficult and that information by City partners could be used to assist with that collection. Ms. Belanger commented on the using of tracers in the City for data collection. C. Elliott noted that the department should be left to do the job that they are doing successfully.

C) Motion Response - Online Records Requests – C. Conway noted the report and



the steps to doing business differently in assistance for the public. C. Nuon noted that understanding restrictions and working with them can improve the system.

D) Motion Response - Summer Event Cancellations – C. Samaras noted that cancellations have an economic impact that must be offset by other means. Manager Donoghue noted efforts to identify alternative to attract people downtown. Christine McCall (DPD) commented on assistance to restaurants with outdoor seating and entertainment. C. Samaras noted that information could be passed to the public through different media sources.

E) Motion Response - Dumping at Clothing Donation Boxes – Motion by C. Mercier, seconded by C. Nuon to suspend rules and take Item #11.2 out of order. So voted. C. Mercier noted the number of complaints and the uncaring property owners and that boxes should be removed. C. Rourke noted situation is getting much worse and some areas and questioned the responsibility over the boxes. Manager Donoghue noted that some have been a chronic problem. Eric Slagle (Inspectional Services) noted that different companies have different approaches. Solicitor O'Connor noted that removal of boxes are on a legal path. C. Rourke questioned if there is any financial gain for property owners with boxes. Mr. Slagle noted that some may have a financial element to it. C. Chau noted that service may be good but there are violations that need to be addressed. M. Leahy commented on use of ordinance to correct issue. C. Elliott commented that it is time to remove boxes and to prohibit their use by way of an ordinance. **Motion** by C. Elliott, seconded by C. Conway to instruct Law Department draft ordinance to prohibit the placing and use of such boxes in the City. So voted.

F) Motion response - Immaculate Church Loading Zone – M. Leahy recognized the report.

G) Motion Response - MSBA Projects – C. Rourke recognized the report noting that it provided good information.

6. VOTES FROM THE CITY MANAGER

6.1. Vote - Continuing Appropriation Order - FY21 One Twelfth Budget.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on June 9, 2020 at 7PM by C. Nuon, seconded by C. Rourke. So voted.

6.2. Vote-Accept Timely Receipt of Budget FY21.

In City Council, Given 1st Reading, **Motion** to refer second reading on June 9, 2020 by C. Mercier, seconded by C. Nuon. So voted.



6.3. Vote- Auth Mgr Accept and Expend Community Compact Grant \$12K.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.

6.4. Vote- Auth Mgr enter into Temporary License Agreement - ETL Corp -68 Jackson St.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.

6.5. Vote-153 Willie St_ Declare Surplus & Convey to LynnLowell LLC.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Nuon, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted. C. Nuon commented that there should be an affordable housing element to these developments. Diane Tradd (DPD) noted that this parcel could only be used by abutters and that is who will be developing it and they must execute a Land Development Agreement. C. Mercier questioned if there was adequate parking for the project. Ms. Tradd noted that parcel would be used for off-street parking. C. Drinkwater noted it was part of the revitalization of the Acre and that outreach to non-profits was conducted. M. Leahy noted that parking needs must be met.

6.6. Vote-Auth Mgr Ex License Agreement - Music Workshop - 181 Market St - overhanging sign.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Chau, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.

7. ORDERS FROM THE CITY MANAGER

7.1. Order - 60 Day Trial – Various.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Drinkwater, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted.

7.2. Loan Order 6,771,100 various Capital Improvement 2021.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on June 9, 2020 at 7PM by C. Conway, seconded by C. Nuon. So voted.



8. ORDINANCES FROM THE CITY MANAGER

8.1. Ordinance - Amend Mobile Food Vendors.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on June 9, 2020 at 7PM by C. Conway, seconded by C. Samaras. So voted.

8.2. Ordinance - Street Seats in the Public Space.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on June 9, 2020 at 7PM by C. Rourke, seconded by C. Chau. So voted. C. Rourke provided Neighborhoods SC report of May 26th at this time; note discussion under Item #9.1(3).

8.3. Ordinance Amending Ch. 150 Fees.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on June 9, 2020 at 7PM by C. Elliott, seconded by C. Drinkwater. So voted.

9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Subcommittee Reports:

1) Transportation SC May 19, 2020.

In City Council, C. Elliott provided report outlining attendance and discussion regarding the traffic effect in South Lowell due to Tewksbury Home Depot project. Manager Donoghue noted that there has been outreach to the applicant of the project. **Motion** to accept the report as a report of progress by C. Elliott, seconded by C. Conway. So voted.

2) Finance SC May 19, 2020.

In City Council, C. Elliott provided report outlining attendance and discussion of budget presentation; FY20; Covid-19 reimbursements; FY 21; Capital Plan; and Debt Stabilization Fund. Conor Baldwin (CFO) noted the operations of the fund. **Motion** to accept the report as a report of progress by C. Elliott, seconded by C. Mercier. So voted.

3) Neighborhoods SC May 26, 2020.

In City Council, C. Rourke provided report outlining attendance and discussion of outdoor seating ordinance and other assistance for businesses in the City, which include State legislation and bagging parking meters to assist with take-out programs. Ms. McCall commented on assistance programs and that they would want to get out in



front of ordinance so that all are ready to move forward after it passed. **Motion** by C. Rourke, seconded by C. Nuon to have DPD begin application process and notification of program before passage of associated ordinance. So voted. C. Rourke commented on outreach to businesses. Ms. McCall outlined that approach. **Motion** to accept the report as a report of progress by C. Rourke, seconded by C. Mercier. So voted.

9.2. Wire Insp. - National Grid - Request installation of underground electric conduit for pedestrian lighting at 199 Pawtucket Street.

In City Council, **Motion** to adopt and accept accompanying order by C. Mercier, seconded by C. Rourke. So voted.

9.3. Wire Insp. - National Grid - Request installation of underground electric conduit for power at 70 Fox Street.

In City Council, **Motion** to adopt and accept accompanying order by C. Nuon, seconded by C. Drinkwater. So voted.

10. PETITIONS

10.1. Misc. - Affirmative Investments, Inc. (on behalf of UTEC) request City Council discontinue a portion of Warren Street and Hurd Street.

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

11. CITY COUNCIL - MOTIONS

11.1. C. Samaras - Req. City Mgr. provided information regarding timetable for the possible opening of parks, playgrounds and pools (based upon information provided by Governor's Office).

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Samaras noted that the Governor would be establishing standards for recreational property openings. Manager Donoghue noted that City would be following that directive. C. Elliott commented on how State would be phasing that policy in as well.

11.2. C. Mercier - Req. City Mgr. have Planet Aid yellow boxes removed from St. Hilaires Car Wash; and request a report regarding other Planet Aid boxes throughout the City which are in violation of City codes and regulations.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. Note discussion under Item #5.1(E).



11.3. C. Nuon/C. Drinkwater - Req. City Mgr. work with proper department, when restrictions are lifted, to coordinate with Lowell Non-Profits and hold a candle light vigil for Lowellians who died because of the Covid-19 pandemic.

In City Council, no second needed, referred to City Manager. So voted. C. Nuon noted that efforts should be recognized once all the restrictions are lifted. C. Drinkwater commented on fact that the grieving process has been altered during this pandemic and once restrictions lifted there should be recognition of those who have perished.

11.4. C. Nuon/C. Drinkwater - Req. City Council adopt a resolution in support of State Senate Bill S2500 regarding clean energy and greenhouse gas emissions.

In City Council, no second needed, referred to City Manager. Defeated on Roll Call vote 3 yeas, 6 nays (C. Chau, C. Conway, C. Elliott, M. Leahy, C. Mercier, C. Rourke). So voted. Registered speaker, Jay Mason, addressed the body. C. Nuon noted the legislation as a great step towards a green sustainable future. C. Drinkwater noted benefits of the bill as it would be creating quality jobs. C. Rourke noted some positives of the bill but noted that it is not without substantial unregulated costs. C. Conway noted the added tax burden on the citizens of Lowell and that could not be sustained by them. C. Rourke noted that there was an amendment regarding costs with the bill that was defeated and so there is no limit as to costs. C. Elliott noted it was an extensive bill and that it should not be discussed without complete explanation of matters. C. Nuon noted the Senate passed it unanimously. C. Mercier noted costs would be too high and requested a Roll Call on the matter. C. Chau noted the need for further information especially regarding costs. C. Samaras noted that he has consistently voted in favor of green legislation and would support it.

11.5. C. Chau - Req. City Mgr. investigate and update Council regarding the collapsed and abandoned property located at 242 Lakeview Avenue whose work order expired on 12/19/2018.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. Registered speaker, Robert Hunt, addressed the Council. C. Chau noted the property is in deteriorated state and needs to be attended to as it poses a danger to the community.

11.6. C. Rourke - Req. City Mgr. provide a report regarding what is being done to address the issue of stagnant water in City's schools and to conduct periodical testing to maintain fresh water.



In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Rourke noted it was a safety concern.

11.7. C. Elliott - Req. City Mgr. have Transportation Engineer develop traffic calming measures on Varnum Avenue to address excessive speeding.

In City Council, seconded by C. Mercier, referred to Transportation SC. So voted. C. Elliott noted would be discussed.

12. ANNOUNCEMENTS

In City Council, none.

13. ADJOURNMENT

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

Meeting adjourned at 9:35 PM.

Michael Q. Geary, City Clerk