



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: April 24, 2018

Time: 6:30 PM

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

1. ROLL CALL

Roll Call showed 8 present, 1 absent (C. Mercier).

M. Samaras presiding.

C. Elliott requested moment of silence in darkened chamber for James Campbell; C. Milinazzo requested moment of silence in darkened chamber for Officer Sean Gannon (Yarmouth PD).

2. CITY CLERK

2.1. Minutes of Environment & Flood Issues SC April 10th; City Council Meeting April 10th, for acceptance.

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

C. Kennedy requested items 8.9 and 8.5 be taken out of order. No objections. So voted. M. Samaras relinquished Chair to Vice Chair Nuon at 6:40 PM,

3. COMMUNICATIONS FROM CITY MANAGER

3.1. Motion Responses.

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

Motion Responses

A) Motion Response – Streetlights – C. Cirillo requested information regarding lighting. Jim Donison (DPW) commented on process for reporting damage lights as well as the installation of LED lighting in the City.

B) Motion Response - Glenellyn Rd and Paving – C. Kennedy commented that it was



included on paving list and that some repairs have been made. C. Kennedy noted that some night work being done is disruptive to the neighborhood. Mr. Donison commented on night work issue. C. Elliott noted that such work is governed by ordinance. Michael McGovern (Asst. City Manager) noted night paving should not be done and inspections should be performed. C. Leahy noted there should be more supervision of contractors doing work for the City. C. Cirillo noted need to have cut-off time for work being done. C. Kennedy questioned work to be done on sidewalks. C. Nuon noted need to update paving policy. C. Leahy commented on machinery being used by the City. Manager Donoghue noted noise ordinances could be used to regulate work as well.

C) Motion Response - Moody St Playground – C. Kennedy noted that request came from neighborhood meeting and that space is limited; however a splash pad could be installed at area. Diane Tradd (DPD) commented on possible splash pad and commented on the site. Manager Donoghue commented on costs of splash pads. C. Milinazzo noted a splash pad may be good fit. C. Nuon noted community effort to enhance site.

3.2. Communication Reappoint Jonathan Geer to Sustainability Council.

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

3.3. Communication - City Manager request Out of State Travel (1) HHS.

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

4. VOTES FROM THE CITY MANAGER

4.1. Vote-Accept MGL c.64N s.3 impose an excise on retail marijuana sales.

In City Council, Given 1st Reading, Motion to refer to Public Hearing on May 15, 2018 at 7 PM by C. Kennedy, seconded by C. Cirillo. So voted.

4.2. Vote-Auth City Mgr Execute Non-binding Preliminary Agreement.

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

4.3. Vote-Auth CM Accept Permanent Conservation Easement from Mass Mills III Limited Partnership.



In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote 8 yeas, 1 absent (C. Mercier). So voted. C. Elliott requested further information regarding project. Ms. Tradd noted purpose of the easement as well as indicating that the land was donated for the purpose. Peter Aucella (National Parks) provided status of the project.

4.4. Vote-Auth CM Ex. Construction Access Agreement 159 Bridge St.

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

4.5. Vote-Auth CM Execute Conservation Easement Agreement w Mass Mills III Limited Partnership.

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

C. Kennedy requested that Items # 4.6; 4.7; and 4.8 be bundled as one. No objections. So voted.

4.6. Vote-Transfer 220,000 to provide adequate funding for medical expenses for various injury accounts.

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

4.7. Vote-Transfer 30,000 Cemetery hazardous tree removal, service of monuments and Memorial Day Prep etc.

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

4.8. Vote-Transfer 71,860 Library for replacement of books, repairs to damaged furniture, equipment, janitorial supplies due to flooding in January.



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

5. RESOLUTIONS

5.1. Resolution-Amend Lowell Municipal Aggregation Plan.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Kennedy, seconded by C. Milinazzo. Adopted per Roll Call vote 8 yeas, 1 absent (C. Mercier). So voted. Katherine Moses (DPD) provided history of the program noting rate payers provide the funding and commented on how the process could work for Lowell.

6. REPORTS (SUB/COMMITTEE, IF ANY)

6.1. Environment & Flood Issues SC April 10, 2018.

In City Council, C. Cirillo provided report regarding banning of plastic bags in the City; noting attendance and speakers at the meeting. C. Cirillo commented on time line and the status of State legislation. C. Cirillo noted that two motions would be coming out of the subcommittee meeting. Following registered speakers addressed the body; Jay Mason, Geoffrey Kuetsch and Steven Naglagodi. Michael Vanin (GXT Green) was allowed before body to speak on biodegradable bags and was questioned by C. Kennedy and C. Cirillo about the effectiveness of the bags. C. Elliott noted that there should be an option in proposed ordinance for these types of bags. C. Conway noted need for State to set there regulations on the matter so local level would have more direction. **Motion** by C. Cirillo, seconded by C. Kennedy to have City Manager refer matter to Law Department to prepare ordinance to ban plastic bags in the City of Lowell beginning in January of 2019. Adopted per Roll Call vote 6 yeas, 2 nays (C. Conway, C. Elliott), 1 absent (C. Mercier). So voted. **Motion to Amend** to include a biodegradable bag option in the proposed plastic bag ordinance by C. Elliott, seconded by C. Conway. Motion failed per Roll Call vote, 2 yeas, 6 nays (C. Cirillo, C. Kennedy, C. Leahy, C. Milinazzo, C. Nuon, M. Samaras), 1 absent (C. Mercier). So voted. C. Milinazzo supported the ordinance and noted the need to lead in this venture. C. Nuon noted support should be given to the recommendation of the Sustainability Council. C. Conway questioned the language of the ordinance. C. Kennedy noted the negative economic impact of plastic bags being recycled. Manager Donoghue commented on that impact. C. Cirillo noted she did not support the proposed amendment to her motion. C. Leahy noted if there is a ban then all stores should be subject to it. **Motion** by C. Elliott, seconded by C. Nuon to have Law Department prepare a Resolution to send to Legislature to support House Bill 2121 (banning plastic bags). Adopted per Roll Call vote 8 yeas, 1 absent (C. Mercier). So voted. **Motion** to accept the report as a report of progress by C. Kennedy, seconded by C. Cirillo. So voted.



6.2. Finance SC April 24, 2018.

In City Council, C. Elliott provided report regarding attendance and discussion with proposed parking rate ordinance, noting the sustainability of the parking enterprise as well as gathering information for continued public hearing. **Motion** by C. Milinazzo, seconded by C. Elliott to have City Manager meet with property owners and landlords downtown to discuss and investigate possible grouping discounts for those businesses. So voted. C. Leahy requested information regarding parking rates and construction of new garages. Manager Donoghue provided further information. Conor Baldwin (CFO) commented on tax impact if enterprise fund cannot sustain itself. C. Kennedy noted that federal funding may be available for construction of parking garages. Manager Donoghue noted there would be further information provided for additional garage construction. C. Elliott noted there may be a need to privatize the garage business in City. **Motion** to accept the report as a report of progress by C. Kennedy, seconded by C. Cirillo. So voted.

7. PETITIONS

7.1. Claim - (2) Property Damage.

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

7.2. Misc. - Jerry Cunha on behalf of Nakaleya Margaret request installation of (1) handicap parking sign at 733 Central Street.

In Council, **Motion** to refer to Traffic Engineer for report and recommendation by C. Nuon, seconded by C. Kennedy. So voted.

8. CITY COUNCIL - MOTIONS

8.1. C. Elliott - Req. City Council allow information regarding biodegradable bags be provided at City Council Meeting on April 24, 2018.

In City Council, information was discussed during Environmental & Flood Issues SC report. (Item #6.1)

8.2. C. Elliott - Req. City Mgr. provide a report regarding AIR BNB zoning regulations and rental of units to students.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Elliott noted neighborhood concern with student housing and that there should be a



review of regulations to ensure they correlate. C. Kennedy noted that the Zoning SC should review as they have been involved with similar issues with lodging homes. C. Nuon noted rooming house regulations have similar language. C. Elliott noted that zoning code should be specific to student housing. Manager Donoghue noted the problem in communities with colleges are common and that language concerning accessory uses should be reviewed as well. M. Samaras noted neighborhood concerns.

8.3. C. Elliott - City Council discuss setting up syringe disposal response unit and provide training for additional employees.

In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Elliott commented on the growing problem. C. Leahy requested update on union proposal on the matter.

8.4. C. Mercier - Req. City Mgr. direct Law Dept. to officially record, at the Registry of Deeds, the deed reflecting the portion of Eaton Street transferred to the VFW Post 663 by vote of City Council in 2017.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. Clerk Geary, as directed by C. Mercier, offered motion requesting recording of deed.

8.5. C. Conway - Req. City Mgr. and Law Dept. review the feasibility of drafting and implementing an ordinance prohibiting the consumption of marijuana in public.

In City Council, seconded by C. Elliott, referred to City Manager and Law Department. So voted. C. Conway noted need to govern as alcohol as well as re-assessing fines and penalties. Registered Speaker, Ty Chum, addressed body. C. Milinazzo noted regulations should be strict. Manager Donoghue noted retail element of law is coming and that regulations must be created to address potential issues. Solicitor O'Connor noted smoking anything in public is illegal. Manager Donoghue noted a task force should be formed to ensure proper regulation with revised ordinances. C. Leahy noted public smoking in down town must be enforced with more patrols. C. Nuon noted the need to ensure protection of children. C. Kennedy noted drinking in public is a crime. Solicitor O'Connor commented on City ordinances. C. Elliott noted different forms of disposition for violations.

8.6. C. Cirillo - Req. City Mgr. add Park Avenue West to the next re-paving contract.



In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Cirillo noted the neighborhood need. C. Leahy noted concern over functioning fire hydrants in that area.

8.7. C. Cirillo - Req. City Mgr. explore feasibility of installing a “Do Not Enter” sign at the bottom of Meryl Drive.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Cirillo noted street is used as a cut through which causes problems.

8.8. C. Kennedy - Req. Economic Development SC host a presentation from developers regarding a new hotel and other potential developments within the Hamilton Canal Innovation District.

In City Council, seconded by C. Nuon, referred to Economic Development SC. So voted. C. Kennedy requested matter be referred for discussion.

8.9. C. Kennedy/C. Cirillo/M. Samaras - Req. City Mgr. and Board of Parks take necessary steps to ensure that the Page Softball Field at Shedd Park remain dedicated to girls’ softball.

In City Council, no second needed, referred to City Manager. Adopted per Roll Call vote 8 yeas, 1 absent (C. Mercier). So voted. So voted. M. Samaras commented on history of the field and the reason for dedication and that as a sense of fairness it should remain a girls’ softball field. C. Kennedy commented on attempt to resolve issue noting the field should not be touched but alternatives should be explored. C. Cirillo noted her support of field for its intended purposes. C. Elliott commented on how the issue began. Manager Donoghue noted City has not been involved with the discussion to this point. Mr. McGovern noted history of issue and how it suddenly re-appeared. C. Elliott commented on the need for a process and that fields should remain for what they are dedicated and designed for. C. Milinazzo noted his concern that work had been done on field and questioned who had authority to do that and that field should remain as it was intended for. C. Conway noted you cannot bypass any rules that are in place and a process should have been followed. M. Samaras questioned authority to do work on field. Manager Donoghue noted full report to Council will be furnished including available options for altered fields. C. Kennedy outlined things that would need to be done for final resolution. C. Leahy commented that trees may have been removed as well. The following registered speakers addressed Council: Chris Snow; Eric Nelson; Lisa Demers; Katie Page; Rebecca Meade; and Robyn McDonough.

Vice Chair Nuon returned Chair to M. Samaras at 7:21 PM.



9. ANNOUNCEMENTS

None.

10. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Milinazzo, seconded by C. Nuon. So voted.

Meeting adjourned at 9:35 PM.

Michael Geary, City Clerk