



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: January 7, 2020

Time: 6:30 PM

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

1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding.

C. Conway requested moment of silence in darkened chamber for Mary Elizabeth Pyne and Marian L. Sorenson.

2. CITY CLERK

2.1. Minutes of City Council Meeting December 17th; City Council Special Meeting December 23rd, for acceptance.

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

3. GENERAL PUBLIC HEARINGS

3.1. Ordinance-Smoking in Playgrounds Prohibited.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Paula Reault-Carrigianis. No Remonstrants. **Motion** to adopt by C. Conway, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott commented on the importance of the ordinance as many children and residents use the parks. C. Elliott noted the need to install signage and to have proper enforcement. C. Samaras noted that studies show increase in youth smoking as they are most impressionable. C. Rourke questioned the parameters regarding the fifty foot ban. City Solicitor O'Connor noted that adjustments could be made if needed. C. Mercier questioned the manner in which the ordinance would be enforced. City Solicitor O'Connor outlined the enforcement procedures in the ordinance. Manager Donoghue noted the personnel authorized to issue tickets. C. Conway noted the importance to protect children. C. Nuon noted ordinance promotes safety and that it was be enforced effectively. C.



Drinkwater noted parks are designed to benefit children and they should be protected, in addition ordinance is needed cover those who do not use common sense concerning the issue. C. Chau noted the health and environment benefits of the ordinance.

3.2. Ordinance-Amend. Ch. 150 Fees re Smoking in Playgrounds Prohibited.

In City Council, Given 2nd Reading. Hearing held. No Remonstrants. **Motion** to adopt by C. Rourke, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott noted the fines are structured well and that they should be posted. C. Nuon questioned the amount of fines as possibly being too high. C. Chau questioned how the fines were established. Manager Donoghue noted that they reviewed other community fines. Solicitor O'Connor noted the Law and Health Departments drafted the ordinance and that there was review of similar ordinances. C. Mercier noted that again enforcement is the key. C. Rourke noted amount of fine would be a deterrent to smoking in the parks. C. Drinkwater noted that posting would be important and that there was discretion when it came to issuing violations.

3.3. Ordinance-Quarterly Traffic-December 2019.

In City Council, Given 2nd Reading. Hearing held. No Remonstrants. **Motion** to adopt by C. Samaras, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier questioned areas that ordinance addressed. Natasha Vance (Transportation Engineer) noted that they were successful 60 Day Trials that were part of the ordinance. C. Nuon commented on success of some 60 Day Trials. Ms. Vance noted that the trials were all up and operating.

4. UTILITY PUBLIC HEARING

4.1. National Grid - Request installation underground electric conduits and a new heavy duty hand hole at 160 Middlesex Street.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor representative of National Grid. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Rourke, seconded by C. Elliott. So voted. C. Mercier questioned work being done on Andover Street by National Grid.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Communication-Appoint Caleb Cheng to Planning Board.

In City Council, read, **Motion** to adopt by C. Nuon, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. Mr. Cheng was present and thanked the Council.



5.2. Communication-Appoint Russell Pandres as Associate Member to Planning Board.

In City Council, read, **Motion** to adopt by C. Elliott, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted. Mr. Pandres was present and thanked the Council.

5.3. Communication-Appointments to Lowell Telecommunications Corporation.

In City Council, **Motion** "To accept and place on file" by C. Conway, seconded by C. Chau. So voted. The appointments from City Council were Charlie Smith; Chanvathana Te; and Vesna Nuon. The appointments from City Manager were Eric Sak and Jess Donaldson. C. Elliott questioned member of Council appointment as the subcommittees had yet to be established. C. Nuon noted that when the subcommittees are set up he will do as they wish in terms of being a member of the board. C. Mercier noted that easy solution is to name C. Nuon to the Technology SC. Mr. Sak was present and thanked the Council.

5.4. Communication - City Manager request Out of State Travel (1) Career Center.

In City Council, read, **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted.

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Accept.Expend 3,000.00 in Grant funds from Lowell Cultural Council to support Senior Art Exploration.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Samaras. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier noted that the grant letters were not contained in the package. Conor Baldwin (CFO) commented on the source of the grants and what they would be used for. C. Elliott noted the added resources at the Senior Center.

6.2. Vote-Accept.Expend 3,000.00 in Grant funds from Lowell Cultural Council to support Senior Live Performances.

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

7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Wire Insp. - National Grid/Verizon NE - Req. relocation of (1) JO Pole #1 at 834 Andover Street (on Harland Avenue).



In City Council, **Motion** to accept and adopt the accompanying order by C. Chau, seconded by C. Conway. So voted.

8. PETITIONS

8.1. Claims - (3) Property Damage.

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

8.2. Misc. - Luz Ortiz request installation of handicap parking sign at 50 Ware Street (second floor).

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Elliott, seconded by C. Drinkwater. So voted. C. Elliott requested report regarding the number and placement of signs throughout the City.

8.3. Misc. - Manuel/Brenda Freitas and Joseph/Marianne Gaspari request City Council abandon portion of Edgewood Street (paper street).

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

9. CITY COUNCIL - MOTIONS

9.1. C. Mercier - Req. City Council adopt a resolution supporting saving Minor League Baseball (Lowell Spinners) and request City Mgr. instruct Law Dept. to draft such a resolution.

In City Council, seconded by C. Nuon, referred to City Manager/Law Department. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier commented on meeting with congressional delegation and owners of the Spinners and noted the importance of the franchise in the City. C. Nuon noted the need to save the Spinners. C. Conway commented on the importance of the meeting to save the franchise. C. Chau noted the importance of the organization and that the motion was timely. C. Samaras noted that there are many steps that will need to be followed. C. Rourke commented on the community spirit of the Spinners. C. Drinkwater noted the need to support the organization and that the Major League club should be supportive as well and that the resolution should reflect that. C. Elliott noted that the City would have to put a large effort moving forward as they have done in the past so to preserve the economic benefits of the business. Manager Donoghue noted the past support of the facility and



the organization and that wide spread support is necessary for success. C. Mercier noted the City has always complied with needs of the organization.

9.2. C. Mercier - Req. City Mgr. provide City Council with a report regarding the negotiations and relocation and other charges concerning 75 Arcand Drive.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Mercier noted the need for updates moving forward.

9.3. C. Elliott - Req. City Council discuss including positions of City Manager, and any other contracted positions, to City ordinance pertaining to salaries for employees.

In City Council, seconded by C. Nuon, referred, as amended, to City Manager. So voted. C. Elliott noted the need to codify certain salaries and to gather information to proceed. C. Elliott questioned policy regarding school employees. Manager Donoghue noted that there are some differences on the school side and ordinance may need updating. Solicitor O'Connor commented on school side and noted that some contracts were given without authority. C. Mercier lauded the City Manager's efforts and effectiveness but voiced concerns for the manner in which her salary was adjusted and that some structure should be put in place for process in the future. Solicitor O'Connor commented on the process as well as terms in contract. C. Samaras noted the open process and the need to keep and hire qualified leadership. C. Nuon noted the need to set a clear path. **Motion** to amend to include Manager provide report regarding proposed ordinance by C. Elliott, seconded by C. Nuon. So voted. C. Conway noted the need to have clarity in the process and the need for proper compensation.

9.4. C. Elliott - Req. City Council discuss provisions of City Code of Ordinances, Chapter 167, Hawkers and Peddlers Licenses.

In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Elliott noted the need to visit ordinance to ensure proper permits are being given. C. Nuon noted that street vendors are not obtaining permits and that it is unfair to store owners selling the same product. Manager Donoghue noted the need to protect store owners with a stronger ordinance. C. Chau noted that small business must be able to protect their investment and that zoning issues should be considered as well. Solicitor O'Connor commented on zoning amendments. C. Conway commented on permitting at special events throughout the City. Manager Donoghue commented on those events noting that permits are needed as well. C. Rourke commented on situation around Shedd Park.



9.5. C. Elliott - Req. City Mgr. provide a report on process to change Charter to allow residents to vote and elect the Mayor.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Elliott commented change should be looked at as we establish a new voting system and attempt to increase voter activity in the City. C. Mercier commented on the federal consent decree and commented that voters should be given the opportunity to elect the Mayor.

9.6. C. Elliott - Req. City Mgr. provide a report regarding number of apartments inspected in 2019 under Housing Standards Ordinance; Chapter 276 of Code of Ordinances.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott noted the ordinance to ensure proper housing but noted concern at the lack of enforcement to attain goals.

9.7. C. Elliott - Req. City Mgr. provide a report regarding status of speed limit on Billerica Street.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott noted it was cut through street and very populated.

9.8. C. Elliott - Req. City Mgr. provide a report regarding the number of enforcement actions under City Ordinance Chapter 227, Property Maintenance, Minimum Standards.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Elliott noted the need to enforce ordinance commenting that owners are getting significant rents for the building and they should kept in good repair. C. Chau noted it was a quality of life issue.

9.9. C. Samaras - Req. City Mgr. establish an Ad Hoc Commission to prepare a protocol regarding placement of Mayoral portraits throughout City Hall.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Samaras noted the need for protocol as space has become an issue.



10. ANNOUNCEMENTS

In City Council, Manager Donoghue commented on upcoming recycling audit. M. Leahy commented on upcoming 50th Anniversary of Lowell Community Health Center. M. Leahy presented outgoing Mayor, C. Samaras with a commemorative gavel for his service.

11. ADJOURNMENT

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

Meeting adjourned at 8:11PM.

Michael Q. Geary, City Clerk