



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** April 14, 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. Meeting was conducted via teleconference with audio stream by LTC and recorded due to Covid-19 pandemic.

C. Mercier requested moment of silence in darkened chamber for Albert Daigle. C. Nuon requested moment of silence in darkened chamber for Michael Heath. M. Leahy requested moment of silence in darkened chamber for Beverly Conroy. C. Elliott recognized all of those who have passed due to Covid-19.

### 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 wishing to speak regarding a specific agenda item shall register to speak in advance by sending email to City Clerk indicating the agenda item and a phone number to call so that you may be conferenced in 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.

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

### 3. CITY CLERK

#### 3.1. Minutes of City Council Meeting March 24th, for acceptance.

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



#### **4. AUDITOR BUSINESS**

##### **4.1. Communication - Memo FY19 Audited Financial Statements.**

In City Council, **Motion** to refer matter to Finance SC by C. Elliott, seconded by C. Nuon. So voted.

##### **4.2. Communication - Memo Free Cash Certification.**

In City Council, **Motion** to refer matter to Finance SC by C. Elliott, seconded by C. Nuon. So voted. C. Elliott noted that the report was impressive and the financial team's efforts were noteworthy. M. Leahy commented on the effort of the financial team.

**Motion** to suspend rules to take Item #11.1 out of order by C. Mercier, seconded by C. Nuon. So voted.

#### **5. GENERAL PUBLIC HEARINGS**

##### **5.1. Ordinance-Amend certain sections of 10.3 entitled Hamilton Canal District Form Based Code.**

In City Council, hearing held. No Remonstrants. **Motion** to adopt by C. Mercier, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier commented on helping investors in that area and the surrounding area noting that parking spaces are at a premium and that efforts should be made to increase parking in that area. Manager Donoghue noted that there are many investors interested in developing parking garages and working with DPD and that she would provide report regarding efforts in that area.

#### **6. COMMUNICATIONS FROM CITY MANAGER**

##### **6.1. Motion Responses.**

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

**A) Motion Response - Councilors Holding Multiple Elective Offices** – C. Mercier noted that a home rule petition would not be successful but it should be put forward. **Motion** by C. Mercier, seconded by C. Chau to take Item #7.6 out of order. So voted.

**B) Motion Response - Residency Requirement** – **Motion** by C. Nuon, seconded by C. Rourke to refer matter to Personnel SC. So voted. C. Rourke requested M. Leahy bring matter before the School Committee.



**C) Motion Response - Sick Bank – Motion** by C. Drinkwater, seconded by C. Chau to refer matter to Personnel SC. So voted. C. Drinkwater commented on federal legislation being put in place.

**D) Motion Response - Christian Ave** – C. Mercier noted that there was a long list and that it will be covered.

**E) Motion Response - City-wide Spring Cleaning Schedule** – C. Nuon requested information be put on website and with LYC.

**F) Motion Response - Yard Waste Pick-Up Schedule** – C. Nuon requested information be put on website and with LYC.

**G) Motion Response - Middlesex Street Sign Removal** – C. Elliott noted there was a third sign to be removed. C. Rourke questioned if signage had been installed to direct people to the new courthouse. Manager Donoghue noted she would contact Transportation Engineer on the matter.

**H) Motion Response - Illegal Dumping** – C. Nuon commented that there must be a more aggressive approach to combatting the issue. C. Rourke commented on the problem area and that clearing brush out may help with the problem. C. Mercier commented on the amount of debris at St. Hilaire car wash that needs to be addressed.

**I) Motion Response - Homeless Resources Booklet** – C. Mercier commented on the need for information to be updated and distributed in a small package of which she requested a copy. Manager Donoghue noted that the book is complete but information must be updated.

**J) Motion Response - Vacant-Dilapidated Properties in the Acre Redevelopment Plan** – C. Elliott commented on the updated report noted that there would be more discussion of the matter in the future.

**K) Motion Response - Opportunity Zones** – C. Elliott commented on the report and the program.

**L) Motion Response - Small Business Earmark** - C. Elliott commented on the report and the possible negative effect due to pandemic. Manager Donoghue commented on state finances.

**M) Motion Response - Lord Overpass Parking** – C. Mercier noted report and attempt to think outside of the box.



**N) Motion Response - Rourke Bridge Update** – C. Nuon commented on the need for public engagement. Manager Donoghue noted the scheduling of MassDOT to make a presentation. C. Elliott indicated that State wishes to move forward the City should be involved as well.

**O) Motion Response - Bicentennial Planning** – C. Nuon noted planning was moving forward.

## **6.2. Informational Reports**

**P) Informational - Coronavirus Response and Preparedness** – Manager Donoghue outlined report providing update regarding number of cases; City responses; data reports provided to public; work of Health Department; homelessness issue; rapid testing sites; social distancing; City Hall operations; and first responders. C. Conway commented on the report noting rapid testing and the efforts of the Health Department. C. Conway commented on revising the economy and preparation of municipal buildings once public and employees return. Manager Donoghue outlined the sanitizing of City and school buildings. C. Samaras commented on the number of ventilators available and if that would be sufficient. Manager Donoghue noted that Lowell General Hospital was confident with their approach to the pandemic. C. Nuon commented on the efforts of the City with all their partners. Manager Donoghue noted that efforts are being made to protect all. C. Rourke questioned process as to the selection of a City school for a shelter. Manager Donoghue outlined the process and noted the State involvement with that process. C. Rourke questioned the security, staffing and cleaning of the school during and after use. Manager Donoghue noted there was a plan in place for that transition no matter when it happens and that staff are not City employees. C. Rourke questioned oversight of nursing homes. Manager Donoghue noted that was a State function but the City is providing added resources as well. C. Chau noted efforts for crisis management and noted plans for restoring school after use as a shelter. C. Chau commented on the operations of test sites. C. Mercier noted test sites should be available to all risk groups. C. Drinkwater commented on priorities of the testing centers. Manager Donoghue commented on the preference procedures at the sites. C. Drinkwater noted importance of assisting nursing homes. C. Elliott commented on testing procedures; surge information; and nursing home oversight.

**Q) Informational - FY2019 Audit Memo – Motion** to refer to Finance SC by C. Elliott, seconded by C. Nuon. So voted.

**R) Informational - Construction Projects** – Natasha Vance (Transportation Engineer) outlined memo noting construction is deemed essential and additional State regulations.



**6.3. Communication - Planning Board recommendation regarding zoning amendments of 10.3 Hamilton Canal District Form Based Code.**

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

**6.4. Communication - Accept Resignation of Jeffrey Wilson from Lowell Commission on Disability.**

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

**6.5. Communication - Appoint Mary Katherine Lapinski to Board of Parks.**

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

**7. VOTES FROM THE CITY MANAGER**

**7.1. Vote - Appropriate \$7,462,706 from 7.1.19 Certified Free Cash.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott commented on building up the reserve fund noting it was prudent financial practice. Conor Baldwin (CFO) outlined the transfer.

**7.2. Vote-Auth CM Accept Expend \$1,125 from Massachusetts Board of Library Commissioners.**

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

**7.3. Vote-Auth CM Accept Expend \$125,000 from Comm of MA via the Executive Office of Labor and Workforce Dev.**

In City Council, matter was withdrawn per request of Manager Donoghue.

**7.4. Vote-Auth CM Accept Expend 10K from Mass State Historical Records Advisory Bd and Mass Genl Court.**

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



### **7.5. Vote-Auth CM Execute Amendment #2-Mass Dept of Transportation - RMV Lease.**

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

### **7.6. Vote - Home Rule Petition for City Councilor Restrictions.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Chau. Adopted per Roll Call vote 5 yeas, 4 nays (C. Conway, C. Drinkwater, C. Nuon, C. Samaras). So voted.

## **8. RESOLUTIONS**

### **8.1. Resolution-Support HD4935 Moratorium on Evictions and Foreclosures during COVID 19 Emergency.**

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

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

In City Council, none.

## **10. PETITIONS**

### **10.1. Claim - (1) Personal Injury.**

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

In City Council **Motion** to bundle Items #10.2 to #10.6, inclusive, and refer each of them to a public hearing on April 28, 2014 at 7 PM by C. Elliott, seconded by C. Nuon. So voted.

### **10.2. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 319 Market Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on April 28, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.



**10.3. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 405 Lawrence Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on April 28, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.

**10.4. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 56 Oak Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on April 28, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.

**10.5. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 60 Lafayette Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on April 28, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.

**10.6. New Cingular Wireless (d/b/a AT&T) - Request permission to install small cell facility on existing pole located at 878 Lakeview Avenue.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on April 28, 2020 at 7PM by C. Elliott, seconded by C. Nuon. So voted.

**11. CITY COUNCIL - MOTIONS**

**11.1. C. Mercier - Req. City Mgr. have Parking Director develop a plan to allow handicap residents from the Appleton Mills Apartments to have first access to the handicap spaces once the garage is finished and allow handicap residents to park in the UMass-Lowell lot in the interim.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. Registered speaker, Steve Perez, addressed the Council. C. Mercier commented on the parking concerns of residents in the area and that their request should be honored. C. Conway questioned if Disability Commission were involved in parking plans of the City. Manager Donoghue noted that accommodation plans for the disable are part of all parking projects in the City and that she would provide report in response to motion.

**11.2. C. Mercier - Req. City Mgr. find ways and means to have City vendors that are responsible for sending out property tax bill, excise tax bills, etc. offer a grace period for payment during these difficult times.**



In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Mercier noted citizens need assistance during these times and other private and government agencies have provided same. C. Chau noted all motions seeking relief are helpful. M. Leahy noted that City has obligations as well. Manager Donoghue noted that City Hall has and will remain open for business though not accessible by the public. Items #11.3 and #11.5 were discussed as well.

**11.3. C. Nuon - Req. City Mgr. due to Covid-19 crisis, extend the appeals period for any citation, ticket or fine issued by the City; in addition relax any time lines for late fees and/or municipal licenses until Emergency Orders are lifted.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon commented on the economic hit caused by the pandemic.

**11.4. C. Nuon - Req. City Mgr. and Law Department, due to Covid-19 crisis, consult with Non-Profit Housing Organizations (CTI, CBA, Merrimack Valley Housing Partnership) in order to use Community Preservation Act (CPA) for rental assist programs.**

In City Council, seconded by C. Mercier, referred to City Manager/Law Department. So voted. C. Nuon noted that affordable housing was a part of the CPA regulations.

**11.5. C. Elliott - Req. City Mgr. have proper department suspend parking ticketing during Stay At Home Order.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott noted it as a gesture for relief during difficult times.

**11.6. C. Chau - Req. City Mgr. contact Comcast, Verizon and other internet providers to the City and request/negotiate reduced fees and service charges during the Covid-19 emergency period.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Chau noted that public utilities could not be discontinued during these times and that people have having difficulty paying basic bills.

**11.7. C. Chau - Req. City Mgr. incorporate the standardized Covid-19 information provided by the Commonwealth of Massachusetts into a comprehensive neighborhood report regarding Covid-19 cases.**





In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Chau noted importance of passing on valuable information to public.

## 12. ANNOUNCEMENTS

In City Council, C. Mercier noted the efforts of the MIS Department. C. Chau noted the Cambodian New Year Celebration.

## 13. ADJOURNMENT

In City Council, **Motion** to Adjourn C. Samaras, seconded by C. Conway. So voted.

Meeting adjourned at 8:50 PM.

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Michael Q. Geary, City Clerk