



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: February 9, 2021

Time: 6:30 PM

Location: 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 Not Participate In-Person And May View The Meeting Via LTC.ORG (On-Line; Live Streaming Or Local Cable Channel 99) And Zoom.

1. ROLL CALL

Roll Call showed 9 present. Meeting held via Zoom due to weather restrictions.

M. Leahy presiding.

C. Mercier requested moment of silence in darkened chamber for Alexandra Panagiotopoulos and Aram Jeknavorian. C. Samaras requested moment of silence in darkened chamber for Paul MacDonald and Atty. Charles Zaroulis. M. Leahy requested moment of silence in darkened chamber for Robert Leonard and Eugene Gignac.

2. MAYOR'S BUSINESS

2.1. Communication Remote / Zoom Participation:

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For Zoom - [HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](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. Chau. So voted.



2.2. Communication - City Council Chamber Will Be Closed For Renovations From February 9, 2021 Until March 15, 2021.

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

M. Leahy read proclamation regarding retirement of Dave Dymont from the City. C. Mercier noted his accomplishments. C. Elliott commented on his service. C. Rourke noted his relationship with his family. Christine Clancy (DPW) noted his value as an employee. Manager Donoghue noted he would be difficult to replace. C. Nuon noted his four decades of service.

2.3. Vote - Appoint Interim City Auditor-Sheryl Wright.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted. **Motion** to suspend rules to bring forward Items #9.7 and #9.10 to discuss by C. Drinkwater, seconded by C. Rourke. So voted. C. Mercier noted it was a good choice has she has experience with the City. C. Elliott commented on Auditor leaving and the need to bring someone on in the interim.

3. CITY CLERK

3.1. Minutes Of Economic / Downtown Development SC January 26th; City Council Regular Meeting January 26th, For Acceptance.

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

4. UTILITY PUBLIC HEARING

4.1. Verizon - Request Permission To Install 12 Four Inch PVC Telephone Conduit On Middlesex Street From Thorndike Street To Canal Street.

In City Council, Given 2nd Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Rourke, seconded by C. Conway. So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Motion Response - Non-Profit Partners – C. Rourke noted report indicates how invested the City is invested in their partners. C. Conway noted report indicates the level of teamwork involved and that the City hears the concerns of the community. C. Conway noted interest of concern is with single adult homeless housing. **Motion** of C.



Conway, seconded by C. Rourke to refer matter to Finance SC. So voted. Manager Donoghue noted that there is a lot of data to review and subcommittee is proper venue.

B) Motion Response - Fire Department Brownouts – C. Mercier noted report was informative but there must be a more detailed plan to prevent closings. Chief Charron (LFD) commented on reason for shortage of personnel and attempts to fill ranks. C. Mercier recognized the difficulty with hiring during pandemic but a greater safety issues exists. Manager Donoghue noted hiring difficulties with training and physicals for new hires. C. Mercier questioned if Cares Act money can be used in the department. C. Rourke noted that there is grant money available at the federal level. Chief Charron noted the process to obtain all available grants. Manager Donoghue noted several grants are pursued yearly.

C) Motion Response - Workforce Demographics – C. Chau commented on future plans and the ties to the recent Human Resource audit in making it a part of the budget process. Conor Baldwin (CFO) commented on the use of data during the budget process.

D) Motion Response - CARES Act Funding – C. Nuon commented on information provided by earlier subcommittee meeting and noted that the spending deadline has been extended and that there will be added funding available.

E) Motion Response - COVID-19 Vaccination Sites – C. Rourke noted that there should be no waste of the vaccines. Manager Donoghue noted that all vaccines are accounted for and used. C. Rourke requested a report regarding distribution of the vaccine. C. Samaras commented on increase of the number of sites to get vaccine and possible transportation to those sights if needed. Manager Donoghue outlined the current sites and methods of communication to the public and noted that a transportation plan is being developed. C. Mercier noted that procedures were running smoothly at the Senior Center. C. Chau noted the effort to answer the many concerns of the citizens and questioned if vaccination were being tracked as well. Manager Donoghue commented on the reporting process.

F) Motion Response - Blue Lights for Snow Emergencies – C. Elliott was disappointed with the response and noted a smaller coverage area could be used as it is important to inform all people regarding parking bans. Christine Clancy (DPW) noted costs are very high for the program and would not be good return on the investment. C. Elliott noted that every time there is a parking ban there are issues. M. Leahy noted that lit bridges in the City could be useful for informative purposes. Ms. Clancy noted use of Code Red in the City as well.

G) Motion Response - CARES Act Funding to Offset Business Fees – C. Rourke commented on liquor license reductions and other permits that have been adjusted to assist small businesses. C. Chau noted that funds are being used positively to assist during the pandemic and beyond. C. Elliott noted Council support of all of the programs and he requested that the outdoor seating continue as a policy of the City. Manager Donoghue commented on the funding sources for these programs. Christine McCall



(DPD) commented on the support of the Council regarding waiver of certain fees and securing grants.

H) Motion Response - Lord Overpass Final – C. Chau noted the area was small with much traffic and that this was a comprehensive report.

I) Motion Response - Christian Hill Reservoir – C. Rourke commented on the report and that the response will benefit by preventing crimes in the area.

Motion by C. Conway, seconded by C. Chau to suspend rules to discuss use of retired police officers for details. So voted. C. Conway noted the need to move forward on this prior motion. Manager Donoghue stated that there would be an updated report.

5.2. Informational Reports

J) Informational - Transportation Motions – Manager Donoghue commented on difficulty filling the Transportation Engineer position and proposed contracting service so that the vast number of motions can be addressed. C. Elliott noted that hiring outside should not be done just to respond to motions. C. Mercier questioned if there in house personnel to do the job. Craig Thomas (DPD) noted the need for the position surrounds itself with larger needed projects. C. Elliott questioned the proposed salary for the position. C. Rourke noted that City should not follow what MBTA is doing as he views that as poor management.

K) Informational - Council Chamber Update – Manager Donoghue commented on updates and the use of Cares Act money.

M. Leahy commented on the certification of the Lowell Police Department. Supt. Richardson (LPD) noted the certification and outlined remainder of the process.

Motion by C. Mercier, seconded by C. Chau to bundle and adopt Items #5.3 to #5.5, inclusive. So voted.

5.3. Communication-Appt Michael Desroches To Disability Commission.

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

5.4. Communication-Reappt. Richard Lockhart To Historic Board As Planning Board Member.

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

5.5. Communication-Jo-Ann Keegan Request For Leave Of Absence.

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



Motion by C. Mercier, seconded by C. Elliott to bundle and adopt Items #6.1 to #6.4, inclusive. So voted.

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Accept Gift Of 2 Small Indian Maiden Sculptures In Honor Of Terry O'Connor.

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 9 yeas. So voted. C. Samaras commented on the contributions to the City by the honoree. Manager Donoghue commented on the origins of the gift. C. Mercier noted the work of Terry O'Connor in the community. C. Conway lauded Ms. O'Connor as a patron of the arts.

6.2. Vote-Accept.Expend State 911 Grant-Emergency Medical Dispatch.

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 9 yeas. So voted.

6.3. Vote-Accept.Expend Sub Grant From UML For 5,000.00.

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 9 yeas. So voted.

6.4. Vote-License Agreement-Merrimack St-555 Overhanging Bay Window And Cornices.

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 9 yeas. So voted.

7. REPORTS (SUB/COMMITTEE, IF ANY)

7.1. Finance SC February 9, 2021.

In City Council, C. Elliott provided report outlining the attendance and the financial review of the City which included Fy20 as well as an Audit report regarding first two quarters of FY21. C. Elliott requested motions regarding plan to disburse funds from Health Care Trust as well as meeting with School Committee Finance SC be adopted by the body. **Motion** to accept the report as a report of progress as well as adopt motions of the subcommittee by C. Elliott, seconded by C. Nuon. So voted.

8. PETITIONS

8.1. Claim - (1) Property Damage.

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



8.2. Misc. - Deborah Agrella (For Benefit Of George Agrella) Request Installation Of Handicap Parking Sign At 192 Lawrence Street.

In City Council, **Motion** to refer to Traffic Engineer for report and recommendation by C. Nuon, seconded by C. Conway. So voted. C. Mercier commented on the need to approve petition to assist handicap van be able to meet transportation needs of individual.

8.3. TC Systems Inc. (AT&T) (Giomare Group) - Request Installation Of Underground Conduit For Small Cell Antenna On Pole #5 On Abbott Street.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on February 23, 2021 at 7PM by C. Chau, seconded by C. Samaras. So voted.

9. CITY COUNCIL - MOTIONS

9.1. C. Nuon - Req. City Mgr. Work With Election Department To Provide Informational Report For Candidates And Voters Regarding Upcoming Election.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Nuon noted the need for sessions to assist residents and candidates. C. Drinkwater noted need to provide information regarding proposed districts in regards to precinct boundaries.

9.2. C. Nuon - Req. City Mgr. Work With Proper Department To Host Informational Neighborhood Sessions Or Otherwise Educate Voters On How The New Voting System Will Work; Where To Vote, Etc.

In City Council, seconded by C. Samaras, referred to City Manager. So voted. C. Nuon noted the need for the information so that people can be sure of the system.

9.3. C. Nuon/C. Chau - Req, City Mgr. Direct The DPD To Create A Plan And Timeline To Update The Comprehensive Master Plan And Use The Planning Process To Develop A City-Wide Zoning Amendment(S) To Allow For More Affordable Housing.

In City Council, no second needed, referred to City Manager. So voted. C. Nuon commented on the review of the Master Plan of the City and incorporation of zoning changes. C. Chau noted need for such housing as the population increases. C. Drinkwater noted prior reports which outlined plans to increase the housing stock.

9.4. C. Drinkwater - Req. City Mgr. And Appropriate Departments Explore Partnerships With Organizations Serving Medically Vulnerable And Underserved Populations To Conduct Outreach And Coordinate Access To The COVID-19 Vaccine; Partnering Organizations May Include But Not Be Limited To The Lowell Housing Authority, Elder Service Programs, Community Organizations And Religious Congregations.



In City Council, seconded by C. Chau, referred to City Manager. So voted. C. Drinkwater noted the need of the roll out to reach all people including the difficulty groups in the City.

9.5. C. Conway - Req. City Mgr. Meet With LTC And Appropriate Medical Organizations To Develop A Video That Gives A Step-By-Step Tutorial Of How To Navigate Through The COVID-19 State Website To Secure An Appointment To Receive The COVID Vaccine On LTC, City Of Lowell Website And Other Local Outlets.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Conway noted he would address Item #9.6 as well noting the need to educate underserved portions of the community and in addition using all of the partners of the City to distribute information.

9.6. C. Conway - Req. City Mgr. Explore The Feasibility Of Creating Partnerships With MCC, UML And Lowell Public Schools To Have Students Assist Lowell Residents Who Have Difficulty Navigating The COVID-19 State Website In Order To Secure Appointments To Receive The Vaccine; This Assistance Would Help Seniors, Non-English Speaking Citizens And Other "Tech" Challenged Populations.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Conway commented on the use of the educational systems in the City to provide information.

9.7. C. Elliott/C. Conway - Req. City Council Discuss Setting Up Process To Expedite Hiring Of City Auditor.

In City Council, no second needed, referred to City Manager/ Human Relations. So voted. C. Elliott noted the need to develop process in a timely manner and suggested that a CPA not be required for filling the position but should focus on municipal experience. C. Elliott was in favor of process used for hiring prior Auditor with exception of CPA requirement and some advertising. C. Mercier commented on use of ads in prior search. C. Samaras noted difficulty in not having CPA but municipal experience in needed. C. Elliott commented the process must move quickly. C. Conway suggested separate meeting to formalize the process and stream line it as well. **Motion** by C. Elliott, seconded by C. Mercier to refer selection of hiring process to Auditor & Clerk & Personnel SC. So voted.

9.8. C. Elliott/C. Mercier - Req. City Mgr. Have Law Department Prepare Vote To Place Ballot Question To Allow Residents To Vote For Mayor.

In City Council, no second needed, referred to City Manager. Adopted per Roll Call vote 6 yeas, 3 nays (C. Drinkwater, C. Nuon, C. Samaras). So voted. C. Mercier suggested amending motion to have it be a binding question on the ballot. C. Elliott noted no objections to the request. C. Mercier noted the importance of allowing all to vote for the Mayor and could not understand why the plaintiffs would be opposed to



such a request as that was the basis of the whole costly litigation to the City. C. Elliott noted this was not a last ditch effort or delay tactic but rather an inclusive move to the citizens. C. Elliott noted City was living up the Consent Decree by getting more people engaged in the system. C. Samaras noted it was a procedural issue and could not support the motion. C. Conway agreed with motion and noted prior request was made and refused. C. Drinkwater suggested a ballot question was needed as it allows all to weigh in on the matter forgoing need of the court. C. Chau supports allowing people to choose and questioned if selection of the Mayor was part of the Consent Decree. Solicitor O'Connor noted request was contrary to the Consent Decree and would strongly recommend not pursuing it as the risk of additional costs and fines to the City far outweigh the benefits and noted further discussion could be done in Executive Session. C. Chau questioned if question were non-binding would that be appease concerns. Solicitor O'Connor noted that would not change the recommendation. C. Rourke noted that the Consent Decree was binding so Council should fully comprehend it. C. Elliott noted the intent of the lawsuit and he suggests that people have no say in the matter of governing. C. Mercier commented on the selection of the Mayor and was informed in executive session that it was separate from the Consent Decree and further requested roll call on the motion. C. Nuon noted Consent Decree was detailed and supported by the body. C. Chau favored people choosing the Mayor and request that the City should approach the plaintiffs with this suggestion. Solicitor O'Connor note that selection of the Mayor was part of the elections system amended by the litigation and therefore under the Consent Decree. C. Rourke noted the question to be answered is that does Council have power to put a referendum on the ballot. C. Mercier noted to make it non-binding just to see what people want. C. Elliott noted no objection to that request. C. Samaras noted either ballot type he would not support due to outstanding procedure question. C. Elliott noted the selection of the Mayor was not a major issue in the Consent Decree and noted his frustration being bound to it forever. Manager Donoghue noted discussion could be held to already schedule executive session. C. Drinkwater noted he could not support the motion due to City Solicitor's recommendation.

9.9. C. Elliott/M. Leahy - Req. City Council Vote To Support Letter To Governor And Provide School Committee Vote To Move Teachers Up In The Vaccination Process Following Vaccinations Of Front Line Providers And Senior Citizens.

In City Council, no second needed, referred to City Manager/Mayor. So voted. C. Elliott noted all must be done to have teachers return to class and get children back into school environment. Manager Donoghue commented on the current phases for vaccinations. C. Rourke noted that seniors would remain a priority.

9.10. M. Leahy - Req. City Council Begin Discussion Regarding Hiring Of New City Auditor.

In City Council, seconded by C. Conway, referred to City Manager/Human Relations. So voted. Note prior discussions.



10. ANNOUNCEMENTS

In City Council, none.

11. ADJOURNMENT

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

Meeting adjourned at 9:45 PM.

Michael Q. Geary, City Clerk