Office of the City Clerk
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Lowell City Council
Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: **April 5, 2022**
Time: **6:30 PM**
Location: **City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA/Zoom (Hybrid)**

1. ROLL CALL

Roll Call showed 10 present, 1 absent (C. Mercier).

M. Chau presiding.

2. MAYOR'S BUSINESS
2.1. Communication Remote / Zoom Participation:
Meetings Will Be Held In Council Chamber With Public Welcome And By Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 99). 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 Issued Zoom Link To The Meeting. Email Address Is MGEARY@LOWELLMA.GOV. If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting. 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. Drinkwater, seconded by C. Gitschier. So voted.

Motion to suspend rules to allow Chris Porter to address body by M. Chau, seconded by C. Leahy. So voted. Mr. Porter noted the upcoming The Town and The City Festival around the City this weekend.

Motion by C. Yem, seconded by C. Robinson to take Item #6.1V out of order. So voted.

3. CITY CLERK
3.1. Minutes Of City Council Meeting March 29th; City Council Special Meeting March 30th, For Acceptance.

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

4. GENERAL PUBLIC HEARINGS
4.1. Loan Order - $2,000,000 For Replacement Of Parking Kiosks.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt and refer to the Clerk's Office for 20 days by C. Scott, seconded by C. Yem. Adopted per Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted.

4.2. Loan Order - $7,508,000 For Repairs To Ayotte And Downes Parking Garages.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt and refer to the Clerk's Office for 20 days by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted.

5. CITY COUNCIL - EXECUTIVE SESSION
5.1. Executive Session - To Consider And Discuss Ongoing Negotiations Relative To LeLacheur Baseball Stadium Pursuant To The Provisions Of Mass. Gen. Laws Ch. 30A Sect. 21(6) (For The "Possible Purchase, Exchange, Lease, Or Value Of Real Property;") Public Discussion Of Which May Have A Detrimental Effect On The Negotiating Position Of The City.

In City Council, M. Chau stated reason for Executive Session, **Motion** by C. Jenness, seconded by C. Leahy to enter Executive Session for stated purpose and to return to regular session to continue remainder of meeting (7:30 PM). Adopted per Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted. M. Chau stated that body would return to the regular session at the conclusion of the Executive Session.

In City Council, Roll Call to enter session after Executive Session ended, 10 present, 1 absent (C. Mercier). M. Chau presiding.

6. COMMUNICATIONS FROM CITY MANAGER
6.1. Motion Responses.

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

A) Motion Response - Traffic Calming on Lincoln Parkway – C. Jenness noted that a pilot program would extend to that area. C. Gitschier commented on the use of the speed cushions but noted there is still a need for increased enforcement in that area. C. Leahy questioned the design of the speed cushion. Christine McCall (DPD) described the use and purpose of the speed cushion and noted that if problems existed with the pilot program they would be easy to remove or replace. C. Leahy questioned the use of emergency vehicles over the cushions.

Motion by C. Scott, seconded by C. Drinkwater to take Item #8.2 out of order. So voted.

B) Motion Response - Smith Baker – C. Nuon commented on the history of the building and the attempt to rehab it. Ms. McCall noted the use of state and federal grants and the use of all funding options as the building has historical significance. Manager Donoghue noted that the use of ARPA funding could be done to assist with rehabilitation if Council decided. C. Robinson questioned if there were stop gap measures and what those costs would be. Manager Donoghue noted those costs were significant but necessary. C. Robinson questioned if there were inventory on the condition of City owned buildings. Manager Donoghue noted there was an EMG report which is extensive and may need some updates and that they would forward it to the Council. C. Yem noted the use of historical grants and tax credits would be part of the development of the site. Ms. McCall noted it was a federally registered building so federal grants would be in play. Manager Donoghue noted they would be developing a new RFP for site.

C) Motion Response - No Parking Moore Street – C. Leahy noted the need to address the area as buses and trucks are having difficulty maneuvering. Ms. McCall noted that City ordinance restricts paring in areas close to cross streets.

D) Motion Response - Home Occupation – Motion by C. Leahy, seconded by C. Jenness to refer to Economic/Downtown SC. So voted.

E) Motion Response - Electric Vehicle – **Motion** by C. Jenness, seconded by C. Gitschier to refer to Transportation SC. So voted.

F) Motion Response - Communication Boards – C. Jenness noted the need for boards in downtown parks as well. C. Drinkwater requested that feedback is gathered to gauge success of the boards at certain parks and the schools that are utilizing them. C. Robinson noted feedback will assist with developing permanent use.

G) Motion Response - Televised LSC Meetings Motion – None.

H) Motion Response - Crosswalk on Westford Street – C. Gitschier noted the need as the area has many pedestrians.

I) Motion Response - School St Retaining Wall – None.

J) Motion Response - Shedd Pavilion Rentals – C. Drinkwater noted pavilion was part of ARPA funding plan. **Motion** by C. Drinkwater, seconded by C. Scott to refer to Finance SC. So voted. C. Drinkwater noted the amount of use at the site and it is a priority asset that needs repair. C. Gitschier questioned use of City staff at events. Manager Donoghue commented on use of staff at the site. C. Gitschier noted fees were not covering costs to City. Manager Donoghue noted that the Board of Parks set fees for the events and that there have been discussions regarding that issue. C. Robinson noted permit fees must cover costs.

K) Motion Response - Municipal Broadband Plan – **Motion** by C. Nuon, seconded by C. Robinson to refer to Technology and Utilities SC. So voted.

L) Motion Response - Handheld Decibel Meters- C. Gitschier noted that the device would assist with enforcing ordinance. Interim Supt. Golner (LPD) commented on the device and the ordinance. Manager Donoghue noted that the issue of dirk bikes in the City is being addressed as well. C. Scott noted the issue with them in her district and City wide. Supt. Golner noted they are attempting to get to the source of where bikes are coming from. M. Chau recognized Supt. Golner new appointment.

M) Motion Response - Light on Wachusett Street – C. Robinson commented on work that was done.

N) Motion Response - Vivier Way – Registered speaker, Matt LeLacheur, addressed the Council.

O) Motion Response -Yard Waste Contract – C. Gitschier noted a restriction with the amount of bags put out and commented that it states in contract that such a restriction is not allowed so there should be a refund. Manager Donoghue noted the issue with restriction had to do with commercial vendors using residential drops. Christine Clancy (DPW) noted there was not request for a refund from the vendor. C. Gitschier noted a contract is a contract and they should be held to it just as they hold the City to the contract. Ms. Clancy noted the limit of bags was seasonal. C. Gitschier noted that not all residents should be penalized due to illegal commercial users. C. Yem noted the use of a compost pile should be promoted by the City. Ms. Clancy noted that City has no such program but some of their partners do.

P) Motion Response - Roof Dugouts at Campbell and Cote Fields – Registered speaker, Matt LeLacheur, addressed the Council. C. Leahy requested that they look to volunteers to assist with work and that the Voke School could supply labor. C. Robinson noted that leagues will be beginning soon so parks need to be prepared. C. Gitschier noted that if irrigation is not installed or operating the new fields will be ruined quickly.

Q) Motion Response - Reilly School Ramps and Heating – C. Robinson commented on the scope of work. Ms. Clancy noted materials used for indoor and outdoor ramps and commented on difficulty in getting cement to the area. C. Robinson noted that volunteers could assist with this type of work.

R) Motion Response - Fort Hill Trees – None.

S) Motion Response - Pothole Hotline – None.

T) Motion Response - Downtown Vacuum Schedule – None.

U) Motion Response - Highland Ave – C. Gitschier noted that more green space and trees benefit the City.

V) Motion Response - Veterans Initiatives – Eric LaMarche provided handout regarding Hometown Heroes Banner Program noting starting date of next year. C. Yem commented on flag and indicated that his family will provide support to prepare the banner for veterans and first responders. C. Yem noted that there should be honors for firemen and policemen who have lost their lives while doing their jobs.

Motion by C. Gitschier, seconded by C. Drinkwater to take Item #11.12 out of order. So voted.

6.2. Informational Reports
W) Informational - FY2023 Preliminary Budget Proposal – Manager Donoghue noted information in the packet and that it was provided earlier to assist the next administration. Conor Baldwin (CFO) outlined preliminary FY23 Budget commenting on the different schedules and recognizing Allison Chambers for her assistance. C. Drinkwater requested additional information regarding cash to the schools. Mr. Baldwin outlined the funding of schools of which also included increased funding for the DPW. **Motion** by C. Drinkwater, seconded by C. Gitschier to refer matter to Finance SC. So voted. C. Gitschier commented on overtime funding for fire department and the commitment to keep all houses open during course of year. Mr. Baldwin indicated that they budgeted two times larger than last year's budget for the overtime. **Motion** by C. Scott, seconded by C. Rourke to request Auditor provide year to date budget reports quarterly. So voted. C. Yem requested information distinguishing user fees from service charges.

Motion by C. Nuon, seconded by C. Rourke to bundle Items #6.3 and #6.4. So voted.

6.3. Communication - Reappointment Of Ryan Rourke To Board Of Parks.

In City Council, Read. **Motion** to adopt by C. Nuon, seconded by C. Drinkwater. Adopted per Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted.

6.4. Communication - Reappointment Of Thomas Caunter To Board Of Parks.

In City Council, Read **Motion** to adopt by C. Nuon, seconded by C. Drinkwater. Adopted per Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted.

7. VOTES FROM THE CITY MANAGER
7.1. Vote - Transfer 75,000 – DPD.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Leahy, seconded by C. Yem. Adopted per Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted.

8. ORDINANCES FROM THE CITY MANAGER
8.1. Ordinance - Eliminate And Amend Position Of Director Of Homelessness Initiatives.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on April 26, 2022 at 7 PM by C. Rourke, seconded by C. Scott. So voted. C. Robinson requested information regarding change in position. Manager Donoghue outlined reasoning behind moving position to Health Department.

8.2. Ordinance - Temporary Outdoor Seating & Other Initiatives To Support Small Businesses.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on April 26, 2022 at 7 PM by C. Nuon, seconded by C. Jenness. So voted. Registered speaker, Craig Faulkner addressed the body. C. Robinson noted the importance of the ordinance. C. Jenness questioned if change could be made permanently. Ms. McCall indicated that under current ABCC guidelines it must be done on an annual basis which would be good in order to review and change program if needed. Manager Donoghue noted the legislative changes. C. Yem questioned process to qualify for the program. Ms. McCall spoke on the process and that there was no fee to the establishments.

Motion by C. Rourke, seconded by C. Leahy to take Item #10.2 out of order. So voted.

9. REPORTS (SUB/COMMITTEE, IF ANY)

In City Council, none.

10. PETITIONS
10.1. Claims - (6) Property Damage.

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

10.2. Misc. - John/Carol LeMay Request City Council Abandon A Portion Of A Paper Street Known As 2nd Street Near Billings And Barker Avenues.

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

Motion by C. Nuon, seconded by C. Robinson to take Item #11.7 out of order. So voted.

10.3. Misc. - Laura Lamarre Anderson (Lala Books) Request Installation Of Overhanging Sign Located At 189 Market Street.

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

11. CITY COUNCIL - MOTIONS

11.1. C. Robinson - Req. City Mgr. Have Proper Department Look Into The Feasibility Of A Splash Pad Installation At McPherson Park Utilizing State Earmark Secured By Rep. Golden's Office.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Robinson noted motion speaks for itself.

11.2. C. Robinson/C. Scott - Req. City Mgr. Have Proper Department Provide A Follow-Up On The Status Of Splash Pads And Pools Readiness For The Upcoming Season.

In City Council, no second needed, referred to City Manager. So voted. C. Robinson noted prior request and needs update as season approaches. Ms. Clancy noted issue with vendors and a lot of work being done in-house.

11.3. C. Robinson - Req. City Mgr. Have Proper Department Provide An Update On Cemetery Work Garage Facility And Status On Acquiring Canopy For Loam Stockpile.

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Robinson noted project has been in works for a while and there is an urgent need to address the issues.

11.4. C. Robinson - Req. Election Laws And Redistricting SC Develop Suggestions To Refine The Outcome Of The Consent Decree, I.E. Filling In Vacancies, Selection Of Mayor, Etc., Public Listening Input Would Be A Focus.

In City Council, seconded by C. Leahy, referred to Election Laws and Redistricting SC. So voted. C. Robinson noted need to set policy to get ahead of any potential issues.

11.5. C. Scott - Req. City Mgr. Have Appropriate Department Provide A Report On All Recent Community Outreach And Education That Has Been Completed In The City Around Littering; Also, Any Plans For Future Community Outreach And Education.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Scott noted work of volunteers and that people need to be educated regarding littering.

11.6. C. Scott - Req. City Mgr. Work With Appropriate Departments To Develop A Plan To Have Brush And Overgrowth Removed Across Areas Of The City; Including The Island At The Corner Of Central And Gorham Streets, The Lot At The Intersection Of London And Gorham Streets, The Small Waterfall Along Gorham Street, The City Owned Property At 1044 Gorham Street And Along The Spaghettiville Bridge On Gorham Street.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Scott noted request should cover all districts and that private property needs attention as well. C. Yem commented on trash surrounding railroad tracks.

11.7. C. Nuon/C. Yem - Req. City Mgr. Direct Appropriate City Department To Install A Street Light On Utility Pole #41, 465 School Street.

In City Council, no second needed, referred to City Manager. So voted. C. Nuon noted need in the area around CMAA which had their Executive Director address the body.

11.8. C. Nuon/C. Jenness - Req. City Mgr. Consider Having The City Website Include A "Social Services" Button On The First Page That Will Direct Users To An Index Of Resources.

In City Council, no second needed, referred to City Manager. So voted. C. Nuon noted the improved website could handle the service button.

11.9. C. Nuon/C. Leahy - Req. City Mgr. Petition The Massachusetts Department Of Transportation To Review The Present Traffic Scheme At The Junction Of Laurel Street, Boylston Street And Route 38 And Suggest Ways To Improve Vehicular Access To The Commercial Retail Properties At 358 Fairmount Street And 6 Laurel Street.

In City Council, no second needed, referred to City Manager. So voted. C. Nuon noted complaints of commercial and residential property owners. C. Leahy noted pattern has created a dangerous cut through.

11.10. C. Rourke - Req. City Mgr. Have DPW Reset The Traffic Lights At The Intersection Of Vanrnum Avenue And VFW Highway.

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Rourke noted the lights were corrected earlier and now are not operating correctly. C. Drinkwater noted the same issues exist at University Avenue and the VFW.

11.11. C. Leahy - Req. City Council Appoint An Interim City Manager Beginning At End Of Current City Manager Term And Ending When Duly Appointed City Manager Begins.

In City Council, seconded by C. Nuon. So voted. **Motion** by C. Leahy to place City Clerk, Michael Q. Geary, as interim City Manager, seconded by C. Jenness. Adopted per Roll Call vote 10 yeas, 1 absent (C. Mercier). So voted.

11.12. C. Gitschier - Req. City Mgr. Have The Proper Department Look Into Installing A Three Way Stop Sign At The Intersection Of Stedman And Westford Streets.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. Registered speakers, Nancy Judge and Bob Hunt, addressed the Council. C. Gitschier noted plans in progress and suggested three way stop as an interim measure. M. Chau noted it was a dangerous intersection with many public safety problems. Manager Donoghue noted they would provide report with design and costs associated with lights.

Motion by C. Rourke, seconded by C. Nuon to take Items #6.1 N & P out of order. So voted.

12. ANNOUNCEMENTS

In City Council, C. Gitschier commented on the tenure of the Manager long commitment to the City. C. Jenness noted City was in better place due to her service. C. Leahy thanked the Manager for her service. C. Yem thanked Manager on behalf of himself and his family. C Rourke noted her effectiveness as a politician during her service at all levels of government. C. Scott noted Manager was the voice of reason. C. Nuon noted hard work over many challenges during her tenure. C. Drinkwater noted her service at every level to help the City. C. Robinson noted though short term together he has learned a lot from her. City Solicitor O'Connor and City Clerk Geary recognized her efforts on behalf of the City during trying times. M. Chau presented flowers as well as a citation and key to the City to the Manager. Manager Donoghue addressed the body for the final time, thanking them, her administration, employees of the City and the public.

13. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Mercier, seconded by C. Leahy. So voted.

Meeting adjourned at 955 PM.

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Michael Q. Geary, City Clerk