



Michael Q. Geary
City Clerk

Angela M. Gitschier
Assistant City Clerk

CITY COUNCIL MINUTES

Date: September 12, 2023

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA / Zoom (Hybrid)

1. ROLL CALL

Roll Call showed 11 present.

M. Chau presiding.

C. Mercier requested moment of silence in darkened chamber for Stephanie Dawn Culbert-Clougherty and Donald “Denny” Quinn.

2. MAYOR'S BUSINESS

2.1. Communication Remote/Zoom Participation.

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

Motion by C. Mercier, seconded by C. Scott to take item #2.3 out of order. So voted.

2.2. Citation - Vinfen.

In City Council, **Motion** “To accept and place on file” by C. Yem, seconded by C. Robinson. So voted. M. Chau presented citation to owner of Vinfen, Jean Yang, who addressed the body.

2.3. Proclamations:

1) National Police Woman Day.



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In City Council, **Motion** “To accept and place on file” by C. Yem, seconded by C. Robinson. So voted. M. Chau noted the importance of policewoman and read the proclamation. C. Robinson was impressed with the role of the policewoman in department. C. Yem thanked them for their service. C. Mercier noted the tough profession there were a part of. C. Scott noted their service to the City and that they were important role models. C. Rourke commented on their involvement in the community. C. Gitschier noted that it was a difficult job done well. C. Drinkwater noted that the women were role models. C. Jenness noted their many contributions to the City. C. Nuon noted movement within the ranks for women and that their work was impressive. C. Leahy noted that the group stood up for the community. Capt. Marisol Nobrega accepted the proclamation and thanked the body.

2) National Suicide Prevention Week.

In City Council, **Motion** “To accept and place on file” by C. Yem, seconded by C. Robinson. So voted. M. Chau presented the proclamation to Lisa Golden (HHS).

2.4. Presentations:

1) Lowell National Park Services (Julie Galonska) - "One City, Many Cultures" grand opening.

In City Council, **Motion** “To accept and place on file” by C. Yem, seconded by C. Robinson. So voted. Ms. Galonska and Emily Donovan provided presentation.

2) Transformative Development Initiative (TDI) (Nate Robertson - MassDevelopment).

In City Council, **Motion** “To accept and place on file” by C. Yem, seconded by C. Robinson. So voted. Mr. Robertson provided presentation. C. Robinson noted the possible expansion of program. C. Yem noted it was good for the area.

3. CITY CLERK



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3.1. Minutes Of City Council Meeting August 22nd; City Council Special Meeting August 28th, For Acceptance.

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

Motion by C. Yem, seconded by C. Mercier to take item #7.4 out of order. So voted.

4. UNFINISHED BUSINESS

4.1. C. Gitschier - Req. City Mgr. Update The City Council On The Status Of The Computers In Police Vehicles And Precincts Since The Cyber-Attack.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Mercier requested status regarding availability of computers in vehicles and noted concerns of officers. Supt. Greg Hudon commented on the status and the procedures in place. C. Gitschier noted that MIS needs to resolve this quickly.

4.2. C. Rourke - Req. City Mgr. Contact The State Delegation And MassDOT Concerning Landscaping Along Riverside Street; Varnum Avenue; And Pawtucket Boulevard (Rt. 113 Highway).

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Rourke noted it was resolved.

4.3. C. Rourke/C. Yem - Req. City Mgr. Look Into Free Parking For Veterans With Noted Indicator On Vehicle License Plate.

In City Council, no second needed, referred to City Manager. So voted. C. Yem noted free parking for the group. C. Rourke noted different ways to identify plates.

4.4. C. Scott - Req. City Mgr. Provide A Report Form Appropriate Department Regarding Improvements That Can Be Made To Improve Flooding Issues Around South Lowell.



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In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Scott noted issue was growing. C. Leahy noted the need for action and protection.

4.5. C. Scott - Req. City Mgr. Work With Appropriate Department To Develop Regulations Around Health And Cleanliness Of Feeding Programs For The Homeless.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Scott noted the response and the need to regulate and clean up after. C. Robinson noted regulations needed as well as compliance. Manager Golden, Jr. stated that grants are subject to complying with regulations. C. Jenness noted the need for structure and that there should be a six-month review. C. Leahy noted the effort to control.

4.6. C. Scott - Req. City Mgr. Provide The Plan And Timeline For Replacing The Drain Line Under Lawrence Street From The Cemetery.

In City Council, seconded by C. Gitschier, referred to City Manager. So voted. C. Scott noted the damage being done to road.

4.7. C. Jenness/C. Scott - Req. City Mgr. Have The Proper Department Report On Traffic Safety Improvement Options And Implementation Plan For The Intersection Of Elm & Chapel Streets To Combat The Recent Rise In Traffic Accidents At This Location.

In City Council, no second needed, referred to City Manager. So voted. C. Jenness noted concern of neighbors. C. Scott recognized the difficulty in the area.

4.8. C. Jenness/C. Gitschier - Req. City Mgr. Have The Proper Department Explore The Possibility Of Developing A Program To Partner With Local Artists To Utilize Utility Boxes On City Property Around The City As Locations For Public Art As Is Done In Other Communities.

In City Council, no second needed, referred to City Manager. So voted. C. Jenness commented on a posting by C. Gitschier and that there are many locations in City



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for this type of art. C. Leahy noted prior discussion with this program and that it should be brought forward.

4.9. C. Jenness - Req. City Mgr. Have The Proper Department Develop And Implement An Outreach And Education Campaign To Address Bicycles Being Ridden On City Sidewalks.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Jenness noted the need for strict enforcement as it is a safety risk.

4.10. C. Jenness - Req. City Mgr. Have The Proper Department Develop And Implement Signage Along The Riverwalk Noting Prohibition Of Motorized Vehicles.

In City Council, seconded by C. Yem, referred to City Manager. So voted.

4.11. C. Jenness - Req. City Mgr. Provide Detailed Report (Address, Permit Issue Date, Permit Closed Date, HERS Rating) On Residential Building Permits Issued Since January 1, 2023; Including Those Issued In Accordance With The Stretch Regulations In 225 CMR 22 & 23 As Promulgated 12/9/2022; And For Permits That Have Been Closed Out, Provide List Of HERS Ratings Obtained.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Jenness commented on new legislative changes.

4.12. C. Jenness - Req. City Mgr. Provide Update On The Bruce Freeman Rail Trail Extension Project.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Jenness noted it was a good project moving forward.

4.13. C. Robinson/C. Scott - Req. City Mgr. Have The Proper Department Provide The Council With A Report On What Options We Have To Regulate Harm Reduction Services In Our Community.



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In City Council, no second needed, referred to City Manager. So voted. C. Robinson commented on needle pick-up and exchange programs are causing public safety issues. C. Scott noted the danger needs to be reduced.

4.14. C. Robinson - Req. City Mgr. Explore The Creation Of A Voluntary DPW/Public Health Department Syringe Response Team To Enhance Current City Efforts.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Robinson noted costs with program and that it could be done in-house via volunteers being awarded a stipend. C. Gitschier questioned time available by the DPW to cover this program. Manager Golden, Jr. noted need to speak with union regarding possible options. C. Mercier stated that if you take a needle there should be one given in exchange.

4.15. C. Robinson - Req. City Mgr. Explore The Feasibility Of Creating A Pot Of "Soft Money" Aimed At Attracting An Increase Of Housing Production.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Robinson noted that other communities are providing this type of funding.

Motion by C. Yem, seconded by C. Rourke to bundle and take Items #7.3 and #7.5 out of order waiving second reading. So voted.

4.16. C. Robinson - Req. City Mgr. Have Transportation Engineer Examine Grandview And 13th Streets To Prioritize Corrective Measures, If Possible.

In City Council, seconded by C. Jenness, referred to City Manager. So voted.

4.17. C. Robinson - Req. City Mgr. Provide The Council With A Detailed Report On Lowell's Allocations And Commitments From The Attorney General's Statewide Opioid Settlement Funding Stream.

In City Council, seconded by C. Mercier, referred to City Manager. So voted.



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4.18. C. Nuon - Req. City Mgr. Have Homelessness Coordinator Report On Lessons Learned And Next Steps Proposed From The Summit.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Nuon noted the summit, and that the information should be provided via a report.

4.19. C. Nuon - Req. City Mgr. Provide An Update On Where Garden Road Is On The Re-Paving List.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Robinson requested copy of paving lists be provided to Councilors.

4.20. C. Nuon/C. Drinkwater - Req. City Mgr. Work With DEI Officer To Clearly Define The Role And Goals Of The New Position; Look At City Hiring Practices With DEI Lense; Assure DEI Education And Awareness Are Brought To All Employees In All Departments; And Assess DEI Work In Other Cities And Towns And Adopt As Appropriate For Lowell.

In City Council, no second needed, referred to City Manager. So voted.

4.21. C. Leahy - Req. City Mgr. Have Law Department Provide An Opinion Regarding As To Why An Elected Official Can Not Receive Their Stipend If They Work For A Local Municipality.

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Leahy requested second opinion on matter with a better explanation. C. Gitschier noted he would abstain from any discussion. C. Scott noted that in some instances the body can vote to allow payments. C. Mercier questioned possible conflicts. Corey Williams (City Solicitor) commented on the clarity of the statute and would provide a report.

4.22. M. Chau - Req. City Mgr. Have Proper Department Investigate Having More Lighting In Cambodia Town.



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In City Council, seconded by C. Leahy, referred to City Manager. So voted. M. Chau noted the need for additional lighting.

4.23. M. Chau - Req. City Mgr. Have The Proper Department Explore Use Of Reduction Tracks (Speed Bumps) On Waite Street At The Beginning Of Powell Street.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. M. Chau noted the area needed improvements.

5. UTILITY PUBLIC HEARING

5.1. National Grid - Request Installation Of Handhole And Underground Conduit At Appleton And Gorham Streets.

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

6. COMMUNICATIONS FROM CITY MANAGER

6.1. Motion Responses.

In City Council, **Motion** “To accept and place on file” Items #6.1 A-J by C. Rourke, seconded by C. Robinson. So voted.

(A) Motion Response - Bookmobile Launch Update – C. Scott questioned if the bookmobile was up and running. Steve Robichaud (Pollard Library Director) provided an update regarding the program. C. Gitschier questioned process regarding vehicle. Conor Baldwin (CFO) noted that there was a purchase order regarding the purchase.

(B) Motion Response - Plan for Enforcement of Chapter 176-2 (Housing Code) - C. Scott noted the need for further information as it pertains to property management. Lloyd Dejesus (Insp. Services) commented on the process of formulating the report. C. Scott questioned what information was available through the GIS system. Manager Golden, Jr. commented on the Assessors’ data



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base. C. Mercier noted that a prior ordinance stated that information should be on buildings regarding oversight and that that ordinance should be enforced. C. Yem noted there is a need for management information. C. Gitschier questioned the number of citations being issued and that there should be communication across the departments. Mr. Dejesus noted that MUNIS was back online and that the number should increase.

(C) Motion Response - LHS Solar Update – C. Gitschier commented on the report noting the City was in a good position. Katherine Moses (DPD) outlined the report.

(D) Motion Response - SCOTUS Decision Tax Title Surplus – Motion by C. Yem, seconded by C. Jenness to have City Manager provide a letter of support for House Bill 2937 which provides homeowner protections regarding tax takings. So voted.

(E) Motion Response - Catch Basin Cleaning – None.

Motion by C. Robinson, seconded by C. Scott to bundle, waive second reading and bundle Items #7.1 and #7.2. So voted.

(F) Motion Response - Adie Way – C. Scott noted it was a long process but final steps are in place.

(G) Motion Response - Carts Blocking Sidewalks – None.

(H) Motion Response - Litter Campaign – C. Scott commented on the effort.

(I) Motion Response - Rec DPW – None.

(J) Motion Response - Food Service For Homeless – C. Scott noted prior discussion on the matter.

*****Items 6.1 (K-R) were referred to Special Meeting of City Council on September 19, 2023.*****

(K) Motion Response - Housing First Update



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- (L) Motion Response - CTI Hotel Programs
- (M) Motion Response - Dept Head Bios
- (N) Motion Response - Update Fully Funded Positions Currently Vacant
- (O) Motion Response - Enforcement No Parking Twenty Feet From Corner
- (P) Motion Response - Develop and Implement Signage Along Riverwalk
- (Q) Motion Response - Driving to Endanger Unregistered Off Road Vehicles and Bicycles
- (R) Motion Response - Update on Policy Mayoral Portrait

6.2. Informational Report

Informational Report - Solar Portfolio – Ms. Moses updated Council regarding expanding program. C. Yem questioned the life span of the panels and Ms. Moses stated that is about 25 years on average. C. Yem questioned savings with the program and the use of grant money. Ms. Moses noted that there are many revenue sources by use of these programs.

Informational Report - ADU Ordinance Update – Solicitor Williams provided additional information regarding ordinance before moving toward public hearing. C. Robinson commented on proposed Home Rule Petition. C. Drinkwater noted amendments made to the ordinance and that there needs to be further safeguards. C. Mercier noted that added taxes to residents to support program is not appropriate. Solicitor Williams indicated that the Home Rule Petition would protect owners and taxpayers alike. **Motion** by C. Drinkwater, seconded by C. Yem to add language to Section 3J of the proposed ADU ordinance that the section would apply with the adoption of the Home Rule Petition which mirrors Salem, Ma., granting rate reduction and tax relief for the proposed units. Defeated by Roll Call vote 5 yeas, 6 nays (M. Chau, C. Gitschier, C. Leahy, C. Mercier, C. Robinson, C. Scott). So voted. C. Robinson requested explanation of the Motin which was provided by C. Drinkwater. C. Drinkwater indicated that more taxes would be collected via the proposed units and that the Home Rule Petition is a legal necessity. Mr. Baldwin commented on tax exemptions. C. Rourke noted current house legislation and questioned status of the draft ordinance. **Motion** by C. Robinson, seconded by C. Rourke to file Home Rule Petition with only the language indicating a restriction on rents to 70% of the established fair market rental value in accordance with HUD regulations. Adopted per Roll Call vote 6



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yeas, 5 nays (M. Chau, C. Drinkwater, C. Jenness, C. Leahy, C. Yem). So voted. C. Drinkwater indicated that such an ordinance will fail as there is a need some offset for rent reduction to take it away from illegal rent control. M. Chau questioned the legality of the petition and on the proposed ordinance. Solicitor Williams noted it was up to the body on how they wished to move forward via ordinance and Home Rule Petition. C. Gitschier noted any improvements to property should be assessed accordingly. C. Drinkwater noted that ordinance will come down for first reading and then referred to public hearing. C. Yem commented on the analysis of the tax exemption.

Motion by C. Scott, seconded by C. Gitschier to take Item #6.3 out of order. So voted.

Informational Report - Andover St - Motion by C. Rourke, seconded by C. Robinson to refer to Transportation Engineer. So voted.

6.3. Communication - City Manager Request Out Of State Travel (1) DPW.

In City Council, **Motion** to adopt by C. Yem, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.

7. VOTES FROM THE CITY MANAGER

7.1. Vote - Accept/Expend \$12,000 Address Verification Program Grant.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Yem, seconded by C. Scott. Adopted by Roll Call vote 11 yeas. So voted.

7.2. Vote - Apply/Accept/Expend \$150,000 MassDEP Grant – Wastewater.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Yem, seconded by C. Scott. Adopted by Roll Call vote 11 yeas. So voted.

7.3. Vote - License Agreement With DCAMM - Hurd Street.



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In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Yem, seconded by C. Rourke. Adopted by Roll Call vote 11 yeas. So voted.

7.4. Vote - License Agreement With Jay Hungate.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Scott, seconded by C. Jenness. Adopted by Roll Call vote 11 yeas. So voted. C. Leahy requested information regarding the vote and noted the area was cleaned well. Sean Machado (Asst. City Mgr.) discussed repairs of bridge.

Motion by C. Mercier, seconded by C. Nuon to take Item #9.3 out of order. So voted.

7.5. Vote - License Agreement With Kiwanis Club Of Greater Lowell.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Yem, seconded by C. Rourke. Adopted by Roll Call vote 11 yeas. So voted.

8. REPORTS (SUB/COMMITTEE, IF ANY)

8.1. Rules SC September 12, 2023.

In City Council, matter referred to Special City Council Meeting September 19, 2023.

Motion to bundle Items #9.1; 9.2; 9.4; 9.5; and 9.6 by C. Robinson, seconded by C. Leahy. So voted.

9. PETITIONS

9.1. Claims - (2) Property Damage; (1) Personal Injury.

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



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9.2. Misc. - Bibek Ghimire (Shoe Time) Request Installation Of (2) Overhanging Signs Located At 231 Central Street.

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

9.3. Misc. - Nitin Patel Request Discussion With City Council Regarding Amendment Of City Tobacco Regulations.

In City Council, **Motion** to send letter to Health Department for further review and consideration regarding penalties by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 11 yeas. So voted. Mr. Patel addressed the Council. C. Mercier noted vendors are doing the best they can do, and that the punishment should not be excessive in terms of fining and shutting down business. C. Nuon noted the petitioner and that they have paid for their mistakes. C. Gitschier requested outline of hearing process for Board of Health. C. Scott noted public hearings on the matter. Manager Golden, Jr. Noted that Board of Health has sole jurisdiction on matter. Ms. Golden outlined State law and hearing process before the Board. Solicitor Williams confirmed sole jurisdiction of the Board. C. Leahy noted that Law Department should be involved so that Council does not overstep their boundaries.

9.4. Misc. - Ashley Maillet (The Green Place) Request Installation Of Overhanging Sign Located At 36 Prescott Street.

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

9.5. Misc. - Luz Restrepo Request Installation Of Handicap Parking Sign Located At 38 Cork Street.

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Nuon, seconded by C. Gitschier. So voted.



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9.6. Misc. - Lizete Frobese Request Removal Of Handicap Parking Sign At 11 Cedar Street.

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Nuon, seconded by C. Gitschier. So voted.

*****Remaining motions Items #10.1 - #10.16, inclusive were referred to Special City Council Meeting on September 19, 2023.*****

10. CITY COUNCIL - MOTIONS

10.1. C. Gitschier - Req. City Mgr. Look Into Feasibility Of Demolishing The Smith Baker Center.

10.2. C. Gitschier - Req. City Mgr. Move Halloween To The Last Saturday In October.

10.3. C. Gitschier - Req. City Mgr. Update The City Council On An Engineering Study Rating All Sidewalks Within The City.

10.4. C. Gitschier - Req. City Mgr. Begin Process Of Purchasing St. Jeanne D'Arc School For Class Room Space.

10.5. C. Scott - Req. City Mgr. Provide A Report On The Current HVAC Conditions Across Our Municipal Buildings And Plans For Repair.

10.6. C. Scott/C. Robinson/C. Gitschier - Req. City Mgr. Invite The Lowell Delegation To A Council Meeting To Discuss And Update Us On Important State Issues Affecting The City.

10.7. C. Robinson - Req. City Mgr. Have The Proper Department Provide A Report On The Installation Of The New 4-Way Stop On Aiken Street By LeLacheur Park; What Process Was Followed Prior To Implementation And What Will Be Done To Alleviate Traffic Congestion As A Result Of This Installation.



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10.8. C. Leahy - Req. City Mgr. Have The Proper Department Develop A Plan To Regrade Edges Of Sidewalks/Streets That Have Been Washed Out Due To Past Heavy Rains.

10.9. C. Jenness - Req. City Mgr. Have Proper Department Investigate Improvements To Regular Maintenance Along The Riverwalk On Both Sides Of The River.

10.10. C. Jenness - Req. City Mgr. Have Proper Department Update On Electric Vehicle Charging Infrastructure Within The City And Any Plans For Expansion.

10.11. C. Jenness - Req. City Mgr. Have The Proper Department Investigate Adding More Public Trash Barrels Along Jackson Street And Jackson Street Extension.

10.12. C. Jenness - Req. City Mgr. Provide Update On Hamilton Canal Development Projects, Including City Held Parcels As Well As Parcels That Have Been Sold To Private Developers.

10.13. C. Jenness - Req. City Mgr. Have Proper Department Prepare A Report Detailing All Garage Payment Equipment Outages For The Past 12 Months Including Date Of Failure, Cause, Length Of Outage, Resolution, And Approximate Lost Revenue.

10.14. C. Nuon/C. Mercier - Req. City Mgr. Work With Proper Department To Name Part Of The Riverwalk In Memory Of Robert Malalvich, Lifelong Lowellian And Long Time Planner In The Lowell Department Of Planning And Development.

10.15. M. Chau - Req. Mayor Establish A Sister-City Relationship With Cork, Ireland.

10.16. M. Chau - Req. City Mgr. Review And Plan For Improving And Repairing School Buildings HVAC Systems.



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11. ANNOUNCEMENTS

In City Council, none.

Motion by C. Gitschier, seconded by C. Mercier to refer all outstanding matter to meeting on September 19, 2023. Adopted per Roll Call vote 11 yeas. So voted.

M. Chau declared that meeting a Special Meeting and noted no new agenda items would be introduced.

12. ADJOURNMENT

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

Meeting adjourned at 10:00 PM.

Michael Q. Geary, City Clerk