



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** January 17, 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. (C. Rourke – Zoom)

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](mailto: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](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

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

#### 2.2. Presentation - Lunar New Year By Siamphone Xaiyavong And Cuong Trinh.

In City Council, **Motion** "To accept and place on file" by C. Robinson, seconded by C. Gitschier. So voted. Information was provided by the presenters regarding upcoming Lunar New Year Event in City. M. Chau noted it was the first time event is being held in the City and that small businesses are involve with it.

**Motion** by M. Chau, seconded by C. Nuon to suspend rules to discuss event at Merrimack Repertoire Theatre. So voted. Courtney Sale of the MRT introduced actor, Kalean Ung, who commented on upcoming show entitled "Letters From Home". C. Yem noted the accomplished actor.



**Motion** by C. Robinson, seconded by C. Scott to suspend rules to discuss cleaning homeless encampments. So voted. **Motion** by C. Robinson, seconded by C. Gitschier to request City Manager provide Council with current policies and procedures regarding cleaning of homeless encampment sites. So voted. C. Gitschier noted current policies and that update and changes may be needed. Manager Golden, Jr. noted the policy and that it was a living document which will be changing constantly to ensure best practices. C. Scott noted updated policies and procedures are important. Maura Fitzpatrick (Homeless Coordinator) commented on work being done with the many partners in the City regarding homelessness issues. C. Nuon noted needed changes as situations change. C. Drinkwater noted changes are necessary and they must be consistent and followed. C. Robinson noted it is a complex issue which needs policies. C. Leahy noted priority in making all safe during cleaning. Manager Golden, Jr. ensured safety was a priority.

### 3. CITY CLERK

#### 3.1. Minutes City Council Regular Meeting January 10th For Acceptance.

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

### 4. GENERAL PUBLIC HEARINGS

#### 4.1. Ordinance - Create Position ARPA Project Construction Manager.

In City Council, Given 2<sup>nd</sup> Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Mercier, seconded by C. Yem. Adopted by Roll Call vote 10 yeas, 1 nay (C. Gitschier). So voted. C. Gitschier requested total amount for construction projects with ARPA funding. Manager Golden, Jr. indicated that nine million dollars would be lowest amount and could expand to over 20 million dollars. C. Gitschier noted that the projects could be done for less with overtime for current employees. **Motion** by C. Gitschier, seconded by C. Jenness to have City Manager explore other communities' procedures regarding filling these types of positions. So voted. Manager Golden, Jr. noted concern with staff shortages at DPD. C. Drinkwater noted there were other areas that would benefit from this position. C. Jenness questioned if future position would be filled and was excited to get ARPA funding on the street. Manager Golden, Jr. noted positions would be filled based on needs.

**Motion** by C. Gitschier, seconded by C. Leahy to suspend rules to discuss vandalism at Lowell High School. So voted. C. Gitschier commented on recent vandalism and the need to have keen and constant oversight over the building. Manager Golden, Jr. noted there is good communication with school administration regarding issues and that the asset needs to be protected. C. Mercier questioned the amount of restrooms in the facility. C. Scott noted there are many regulations regarding what can be constructed in the project.



## 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. Yem. So voted.

**A) Motion Response - LTC Board of Health** – C. Mercier noted the quick response.

**B) Motion Response - COVID-19 Employee Protocols and Guidelines 1-9-23** – C. Nuon noted the direct response. Lisa Golden (Health Dept.) outlined the current procedures for COVID. C. Gitschier questioned policy regarding time frame for masking. C. Scott questioned testing that is available. C. Yem noted insurance coverage for testing. C. Mercier questioned battery of shots needed.

**C) Motion Response - COVID-19 Wastewater Surveillance** – C. Robinson requested a status check.

**D) Motion Response - Water Department - Gate Turning Program** – C. Scott noted the response.

**E) Motion Response - 131 Middlesex Street - Hot Pot** – C. Nuon noted the report.

**F) Motion Response - Rourke Bridge Construction Update - 1-11-2023** – C. Nuon commented on the long process and the State involvement and requested more exact time frame. C. Gitschier noted need for more concise time frame and that there should be a third party inspections as requested. Elizabeth Oltman (Transportation Engineer) noted upcoming information sessions with MassDOT and that more concise time frame would be published once established. C. Yem noted MassDOT involvement and that they should be invited to come before the body.

**G) Motion Response - ARPA Funding Timeline Update** – C. Robinson commented on the roll out of the funds. C. Jenness approved of moving forward with funding and outreach. Brendan Flynn (ARPA Fin.) noted the process of outreach and the collection of contacts involved. Manager Golden, Jr. noted challenges and changes throughout the process. C. Scott questioned when dashboard would be completed. Mr. Flynn noted it was being developed and that information is currently on the website. C. Drinkwater questioned grants for non-profits and infrastructure projects time frames. Manager Golden, Jr. noted once funding is in place information will be provided. C. Mercier noted the need to assist businesses after covid effects. Manager Golden, Jr. noted that they would look at all hardships. C. Gitschier requested quarterly reports regarding funding. Manager Golden, Jr. noted reporting is on website and that they could provide quarterly reporting to body. C. Nuon commented on the social impact element of funding. Manager Golden, Jr. noted the need to ensure that entities are self-sufficient after ARPA funding ceases. M. Chau noted need to assist small business.



**H) Motion Response - Trash Enforcement Violations and Fines** – C. Scott noted there is a position in the department that needs to be filled. C. Gitschier questioned DPD/DPW relationship regarding this matter. Yovani Baez-Rose (DPD) commented on the relationship and how reporting is done. C. Gitschier noted the difficulty in understanding the report and questioned the many adjustments made on the report. Manager Golden, Jr. noted that appeals are often filed in these matters changing the results. C. Gitschier questioned work being done within the department. Ms. Baez-Rose noted report generates from MUNIS system. C. Nuon noted recycling costs are high and need to be lessened. C. Mercier noted the need to have a recycling coordinator within City to monitor these issues. C. Mercier requested proper personnel come before her Neighborhoods SC on February 7<sup>th</sup>. C. Mercier questioned the amount of unpaid fines. Manager Golden, Jr. noted those fines become liens on property if not paid. C. Robinson noted the need to fill vacant positions. C. Gitschier noted other resources need to be given to get resolve issues; and that it may include paying overtime. Manager Golden, Jr. noted he will offer overtime to union positions.

## **5.2. Informational Reports**

**Informational Report - ARPA Economic Development Initiatives** – Allison Carter (DPD) outlined the initiatives. C. Jenness noted importance to small business owners.

**Informational Report - Water Infrastructure Project Loan Forgiveness with Attachment** – Manager Golden, Jr. commented on reason for loan forgiveness. C. Gitschier noted this is a direct savings for taxpayers.

## **5.3. Communication - City Manager Request Out Of State Travel (1) LFD.**

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

## **6. VOTES FROM THE CITY MANAGER**

### **6.1. Vote - Accept/Expend \$12,797 Fire SAFE Grant.**

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

### **6.2. Vote - Accept/Expend \$15,000 Cultural District Grant – CASE.**

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



## **7. ORDERS FROM THE CITY MANAGER**

### **7.1. Order - 60 Day Trial.**

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

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

In City Council, none.

## **9. PETITIONS**

### **9.1. Claims - (2) Property Damage.**

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

### **9.2. Misc. - Francis Ward Request Installation Of Handicap Parking Sign At 1 West Burnside Avenue.**

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

### **9.3. Misc. - Isidoro Maldonado Request Installation Of Handicap Parking Sign At 7 Hanover Street.**

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

### **9.4. Verizon New England Inc. Place One New 4" Conduit Approximately 46' Southwesterly Direction From Existing Pole Lakeview Avenue.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to Public Hearing on January 31, 2023 at 7 PM by C. Leahy, seconded by C. Jenness. So voted.

## **10. CITY COUNCIL - MOTIONS**

### **10.1. C. Leahy - Req. City Council Dedicate The Corner Of Westford/Osgood Streets In Remembrance Of Geoffroy Brothers.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Leahy requested Manager refer to Monument Committee to honor the brothers (Jimmy, Ricky and Joey) who operated a neighborhood business for years. C. Nuon acknowledged the brothers as well.

### **10.2. C. Gitschier - Req. The City Mgr. Update The Council On The Restoration Of The Restrooms In City Hall.**



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

**10.3. C. Jenness - Req. City Mgr. Have Proper Department Investigate Current Traffic Control Measures Between The New Roadway In Front Of The HCID Garage And The Canal Place 3 Parking Lot And Look For Safety And Usability Improvements.**

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Jenness commented on the area and the many needs for increased safety protocols.

**10.4. C. Jenness - Req. City Mgr. Have Proper Department Investigate Ways To Make The Crosswalk Across Central St. At The Warren St. Intersection Safer And More Usable.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Jenness commented on bridge opening causing more pedestrian traffic in crosswalk which needs safer controls. C. Robinson questioned the use of illuminated signage.

**10.5. C. Jenness - Req. City Mgr. Have Proper Department Study Traffic Patterns And Flows At The Market / Central / Prescott Intersection And Identify Potential Improvements To Traffic Signal Cycle For The Remainder Of The Central Street Bridge Project.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Jenness noted it was a business owner request to correct confusing signage. C. Nuon noted it made no sense to redirect traffic in this area.

**10.6. C. Jenness/C. Drinkwater - Req. City Mgr. Have Proper Department Explore Potential For Targeted Mixed Use Development On One Or More Remaining City Owned Parcels Within The HCID And Report.**

In City Council, no second needed, referred to City Manager. So voted. C. Jenness commented on commercial development and mixed use to jump start the neighborhood. C. Drinkwater noted advantages of having mixed use in the development. C. Robinson noted other communities have successful mixed use neighborhoods. C. Jenness noted mixed use with affordable housing would be successful.

**10.7. C. Scott - Req. City Mgr. Have Proper Department Increase Enforcement Efforts Around Trash And Recycling Barrels Continuously Blocking Sidewalks.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Scott noted need for personnel and to enforce rules and fine if rules not followed.

**10.8. M. Chau - Req. City Mgr. Have Proper Department Review And Investigate Other Permanent Traffic Calming Measures To Replace The Current Construction Barrels And Delineating Tubes Located On The Intersection Of Powell St. And Parker St.**





In City Council, seconded by C. Leahy, referred to City Manager. So voted. M. Chau noted barriers were temporary and there is need for them to be removed. C. Leahy commented on history of placing barriers in that location.

## **11. CITY COUNCIL - EXECUTIVE SESSION**

**11.1. Executive Session - To Consider And Discuss Ongoing Negotiations Relative To The Former Lowell District Court Building And Hamilton Canal District Pursuant To The Provisions Of Mass. Gen. Laws C. 30a Sect. 21(6)(For The "Possible Purchase, Exchange, Lease, Or Value Of Real Property;") Public Discussion Of Which May Have Detrimental Effect On The Negotiating Position Of The City; And Further, To Discuss Matters Of Ongoing Litigation (Estate Of Eddie K. Gayyeon V. City Of Lowell), Public Discussion Of Which May Have Detrimental Effect On The City's Position.**

In City Council, M. Chau stated reason for Executive Session, **Motion** by C. Mercier, seconded by C. Yem to enter Executive Session for stated purpose and to adjourn from Executive Session. (8:45 PM). Adopted per Roll Call vote 11 yeas. So voted. M. Chau stated that body would adjourn from the Executive Session.

## **12. ANNOUNCEMENTS**

In City Council, none.

## **13. ADJOURNMENT**

In City Council, **Motion** to Adjourn by M. Chau, seconded by C. Yem in Executive Session. So voted.

Meeting adjourned at 10:00 PM.

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Michael Q. Geary, City Clerk