



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: March 9, 2021

Time: 6:30 PM

Location: CITY COUNCIL CHAMBER. 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 (Remote – C. Elliott, C. Nuon, C. Conway, C. Samaras).

M. Leahy presiding. Meeting was conducted in the Council Chamber; via teleconference with audio stream by LTC; and Zoom due to Covid-19 pandemic.

C. Mercier requested moment of silence in darkened chamber for Gerald Sullivan (Retired LFD). C. Chau requested moment of silence in darkened chamber for Kathleen McCall. C. Conway requested moment of silence in darkened chamber for Jean McCarthy. C. Elliott requested moment of silence in darkened chamber for Al Hebert, Jr. C. Samaras requested moment of silence in darkened chamber for Athena Stamatakakos. M. Leahy requested moment of silence in darkened chamber for Margaret Martin; George Nutter; Katherine Liston; Gary Martin Boyle; H. Thomas Scanlon; Joanne Dunn; and Moses Harris.

2. MAYOR'S BUSINESS

2.1. Communication Remote / Zoom Participation:

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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](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. Samaras. So voted.

3. CITY CLERK

3.1. Minutes Of Finance SC Joint With School Finance SC February 23rd; City Council Regular Meeting February 23rd; City Council Special Meeting Joint With Lowell School Committee March 1st, For Acceptance.

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

Motion to suspend rules to take Item #10.4 out of order by C. Rourke, seconded by C. Mercier. So voted.

4. GENERAL PUBLIC HEARINGS

4.1. Ordinance-Extend UMF Zoning District To Include 4 Wiggin And 153 Willie Streets.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. Speaking in favor was Atty. George Theodorou for the petitioner. C. Mercier noted Item #5.3 which was a favorable recommendation of the Lowell Planning Board.

4.2. Ordinance-Amend Ch 28 Entitled Wetlands.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Chau, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted. Manager Donoghue noted the ordinance would enable local control over downtown canals in the event that FERC would no longer have oversight of them.

Motion by C. Mercier, seconded by C. Chau to suspend rules and take Items #6.5 and #6.6 out of order. So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Motion Response - Shedd Park Dumping – C. Conway noted that the area needed environmental protection. Alex Magee (DPW) commented on the response and the action taken to reduce illegal dumping. C. Nuon noted the effort in the area and the use of cameras to combat illegal dumping. C. Mercier noted violators should be heavily penalized for such activity and that the use of cameras will help prevent the dumping.

B) Motion Response - Vaccinating Vulnerable Populations – C. Drinkwater



commented on the efforts of the Health Department and all partners with the City to overcome challenges involving vaccinations. C. Conway noted that his experience with getting vaccinated in the City was a smooth procedure. C. Nuon noted the need for complete information distribution and commented on the use of third party vendors to do just that. Manager Donoghue commented on the effort to inform community and keeping up with constant flow of information. C. Mercier noted the need to transport and attend to disabled individuals in need of the vaccine. Manager Donoghue noted lists kept at Health Department for those in such a need. C. Mercier recognized the effort of Joanne Keegan. M. Leahy noted system was working well.

C) Motion Response - Vaccine Appointment Video – C. Conway commented on the efforts of the administration and that the video will be helpful. C. Nuon questioned use of social media by the City and that it should go out in different languages.

5.2. Informational Reports

D) Informational - Vaccine Update – Manager Donoghue noted report was prepared by Shah Ahmed and that City was busy at all the centers located in Lowell and that there are still some shortages with the vaccine supply. Manager Donoghue noted virtual Town Hall meeting was successful with providing information to citizens.

E) Informational - Community Compact COVID-19 Forecast – Conor Baldwin (CFO) commented on update regarding call centers and requested presentation before Finance SC regarding covid budgeting and charter school reimbursements. **Motion** by C. Mercier, seconded by C. Rourke to refer to Finance SC. So voted.

F) Informational - Tree Ordinance Amendments – Manager Donoghue requested matter be referred to Law Department to prepare ordinance for public hearing. C. Mercier commented on tree removals in the Andover Street area and requested report regarding replacement plans. **Motion** by C. Mercier, seconded by C. Conway to have City Manager prepare report regarding tree removals on Andover Street. So voted.

5.3. Communication - Planning Board Recommendation On Proposed Zoning Amendment To Rezone Parcels On Wiggan/Willie Streets From LI To UMF Zoning District.

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

Motion to bundle and waive full reading for Items #6.1 to #6.4 inclusive and Items #6.7 and #6.8 by C. Mercier, seconded by C. Rourke. So voted.

6. VOTES FROM THE CITY MANAGER

6.1. Vote-Auth Mgr Ex Underground Electric Easement-National Grid 75 Arcand Dr.



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

6.2. Vote- Auth CM Execute Release Deed From City To Madjack 7 LLC.

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

6.3. Vote-Auth CM Accept And Expend Grant Of 10,000 To DPD For Connector Trail.

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

6.4. Vote-Auth CM Accept And Expend Grant Of 30,000 To Health Dept.

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

6.5. Vote-Auth CM Accept Gift Of \$10000 From Theodore Edson Parker Foundation.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Chau. Adopted per Roll Call vote 9 yeas. So voted. Registered speaker, Jay Linnehan of the Greater Lowell Community Foundation, addressed the Council on Items #6.5 and #6.6 noting the importance of the human resource audit and the need to fund it. C. Mercier noted the gift from the foundation and noted efforts of Mr. Linnehan. C. Conway commented on the effort of Mr. Linnehan in the community and recognized those who contribute to the foundation. C. Chau recognized efforts of the administration and the noted the funding assistance. Manager Donoghue noted the City was fortunate to have the assistance of Mr. Linnehan and the foundation on this matter. C. Samaras thanked Mr. Linnehan for his presentation and gift. C. Nuon commented on the need to fund the audit and that this gift will be put to good use. C. Drinkwater noted project was being done during trying fiscal times and the funding was vital to the project. C. Elliott noted the foundation is always there in time of need and Mr. Linnehan is a great leader.

6.6. Vote-Auth CM Accept Gift Of 35,000 From Gr Lowell Comm Found.

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

6.7. Vote-Auth CM Execute Final Binding Exch Agr And Boundary Revision Consent With NPS.

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



6.8. Vote-Transfer 330,000 Funds Within LPD.

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

8. ORDINANCES FROM THE CITY MANAGER

8.1. Ordinance-Amend Ch 242 Street Seats In Public Space.

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

9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Wire Insp. - Verizon NE - Request Permission To Install 12 Four Inch PVC Telephone Conduit On Middlesex Street From Thorndike Street To Canal Street.

In City Council, **Motion** to adopt and accept accompanying order by C. Drinkwater, seconded by C. Nuon. So voted.

9.2. Wire Insp. - 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, **Motion** to adopt and accept accompanying order by C. Mercier, seconded by C. Chau. So voted.

10. CITY COUNCIL - MOTIONS

10.1. C. Elliott - Req. Law Department Prepare Vote To Amend City Charter To Allow For Removal Of City Elected Officials For Egregious, Offensive Behavior, And Speech Or Conduct Unbecoming Of An Elected Official; Removal Shall Be Made By Majority Vote.

In City Council, seconded by C. Mercier, referred to City Manager/Law Department/Rules SC. So voted. Registered speaker, Fallon Manyika, addressed the body. C. Elliott commented on the recent incident and noted that if there were no resignation the Council would have little control over the situation. C. Elliott noted that the Council should be able to protect the members and all must follow a defined code of conduct. C. Elliott amended motion to two thirds vote needed without objection. C. Nuon noted that there should be a report of how to proceed and that matter should come before Rules SC. C. Samaras noted need for legal guidance and that members need uniformed code of conduct. C. Drinkwater noted it may be better practice to codify a code of conduct through an ordinance and outline remedies for situations that may



arise. C. Mercier noted a prior incident of regarding public official and the body could not respond to the matter. C. Mercier noted need for controlled outlined behavior. C. Chau noted that report regarding process and procedure would be helpful moving forward. C. Rourke noted matter should go before Rules SC and outline expectations of the body. C. Rourke recognized the Mayor's response to current incident. C. Conway noted need of further discussion as this is an important matter which may have several options that could be utilized.

10.2. C. Conway/C. Elliott - Req. City Mgr. Provide An Update Regarding Allowing Retired Police Officers Being Assigned To Unfilled, Available Detail Work.

In City Council, no second needed, referred to City Manager. So voted. C. Conway noted prior use of officers and that current times warrants continued use to fill needed details. C. Elliott noted heavy construction season and safety warrants filling of these details. C. Rourke noted program is productive and that administration should work through issues that may be present; including insurance. Manager Donoghue noted that legalities are being addressed and should be resolved.

10.3. C. Rourke - Req. City Mgr. Contact State And Federal Officials/Departments Concerning Possible Flood Insurance Rate Hikes Due To Go Into Effect On October 1, 2021.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Rourke noted information provided and that FEMA are setting new rates which may be astronomical increases so there is a need to stay on top of issue.

10.4. C. Samaras/C. Rourke - Req. City Council Support Lowell Housing Authority Request To Name The Market Street Bridge In Honor Of Sen. Phil Shea Recognizing His Years Of Service To The City Of Lowell.

In City Council, no second needed, referred to City Manager. Registered speakers, Gary Wallace and Atty. Kevin Murphy, addressed the body. Mr. Wallace read statement of Mr. Kendall Wallace into the record. C. Rourke noted the efforts of Mr. Shea for citizens of Lowell. C. Samaras noted the accomplishments of Mr. Shea as an elected official. C. Chau commented on his friendship with Mr. Shea and his love of the community. C. Mercier commented on his service to the City and his help for all people. C. Conway recognized it was a well-deserved honor. C. Nuon noted it was fitting for a bridge to be named in honor of Mr. Shea. C. Elliott noted it was a fitting honor and that he has known Mr. Shea for a long time and that he dedicated his life to the City.

10.5. C. Samaras - Req. City Mgr. Provide A Report That Outlines The Steps That Have Been Taken Since The Signing Of The Lowell High School Construction Contract To Assure That Minority Based Businesses And All Members Of The Community Are Given The Opportunity To Work On The High School Project.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Samaras noted that minority hiring was protected through contract language and the City must



ensure that this is being fulfilled. C. Nuon noted that information should be made available to those groups that may be eligible.

10.6. C. Samaras - Req. City Council Congratulate The Hellenic Republic Of Greece On This The Bicentennial Of Greece's Declaration Of Independence By Transmitting A Letter To The President Of The Hellenic Republic Of Greece, Katerina Sakellaropoulos, On Behalf Of The People Of Lowell, Massachusetts; Lowell The 4th Oldest Greek Community In America.

In City Council, seconded by C. Mercier, referred to City Manager/Mayor. So voted. C. Samaras commented on the history of Greece and the ties to Lowell.

10.7. C. Drinkwater - Req. City Council Adopt A Resolution Urging Community Engagement And Fair Employment Standards For Any Expansion Of Amazon Involving The City Of Lowell.

In City Council, seconded by C. Chau, referred to Economic - Downtown Development SC/Law Department. **Substitute Motion** by C. Conway, seconded by C. Mercer. So voted. C. Drinkwater noted Amazon is a growing company who is acquiring much land in all communities and that the company has unfair business practices that should be addressed before they enter into agreements. C. Drinkwater noted Amazon is the biggest and most profitable company in the world and should be held to a reasonable standard in dealing with their employees. C. Rourke understood the resolution but noted concern in hampering the ability of manager from negotiating if needed. C. Drinkwater noted resolution would get parties to table beforehand and could be used as an economic driver. C. Chau noted growth of Amazon and it could be beneficial if City values are conveyed to them. C. Nuon noted there should be community engagement and fair labor practices but should not be perceived as anti-business. C. Conway did not see the need for resolution to signal out one company or to hamper any potential negotiations. C. Conway noted matter could be developed through subcommittee process. C. Drinkwater noted resolution attached to motion was meant for Law Department review. C. Rourke noted union interest in the resolution and that representatives could be invited to subcommittee. C. Samaras noted support of resolution language. C. Elliott was supportive of the resolution and that he would convene Economic SC to review.

11. ANNOUNCEMENTS

In City Council, none.



12. ADJOURNMENT

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

Meeting adjourned at 9:15 PM.

Michael Q. Geary, City Clerk