



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: May 15, 2018

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA

1. ROLL CALL

Roll Call showed 9 present.

M. Samaras presiding.

C. Leahy requested moment of silence in darkened chamber for Angelique McNeil, Lowell High School student.

2. MAYOR'S BUSINESS

2.1. Recognition - Juan Carlos Rivera - National Boys & Girls Club Professional of the Year.

In City Council, M. Samaras presented Mr. Rivera with a citation. Joe Hungler (Lowell Boys Club) commented on Mr. Rivera's accomplishments. Mr. Rivera was present and thanked the Council.

3. CITY CLERK

3.1. Minutes of Economic Development SC May 8th; City Council Meeting May 8th, for acceptance.

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

4. AUDITOR BUSINESS

4.1. Communication - FY18 Budget Report YTD (April).

In City Council, **Motion** "To accept and place on file" by C. Milinazzo, seconded by C. Elliott. So voted. C. Milinazzo questioned miscellaneous charge accounts. Bryan Perry (Auditor) noted that there were regarding snow and ice accounts. C. Elliott



questioned snow and ice accounts. Conor Baldwin (CFO) noted there were a few remaining invoices which would be covered from surplus of other accounts so not to carry over. C. Elliott noted the importance of closing out account.

5. GENERAL PUBLIC HEARINGS

5.1. Comcast Cable request to amend license for additional storage of flammables 7,380 gals. Diesel (3,690 gals. Class II, AST; 3,690 gals. Class II, AST) at 12 Washer Street.

In City Council, Given 2nd Reading, hearing held. Speaking in favor was a representative from Comcast. No remonstrants. **Motion** to adopt C. Elliott, seconded by C. Milinazzo. Adopted per Roll Call vote, 8 yeas, 1 nay (C. Leahy). So voted. C. Leahy noted that Comcast should take care of double poles and hanging wires through City before they are allowed any licenses.

5.2. Ordinance-Amend Zoning Ch. 290 by amending various sections regarding Marijuana.

In City Council, Given 2nd Reading, hearing held. Speaking in favor Eric Slagle (Inspectional Services). Speaking in opposition was Phil McDermott and Haley Chambers. **Motion** to adopt as amended by Planning Board Decision (Item #6.4) by C. Milinazzo, seconded by C. Elliott. Adopted as amended per Roll Call vote, 9 yeas. So voted. C. Mercier questioned taxes placed on sales. C. Elliott outlined the amendments to the ordinance which included definition of “college”; Special Permit requirement; and security protocol.

5.3. Vote-Accept MGL c.64N s.3 impose an excise on retail marijuana sales.

In City Council, Given 2nd Reading, hearing held. Speaking in favor Eric Slagle (Inspectional Services). No remonstrants. **Motion** to adopt C. Kennedy, seconded by C. Cirillo. Adopted per Roll Call vote, 9 yeas. So voted. Mr. Slagle noted the tax would be three percent.

6. COMMUNICATIONS FROM CITY MANAGER

6.1. Motion Responses.

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

A) Motion Response - Paws to Read – Manager Donoghue noted the report. Victoria Woodley (Pollard Library Director) commented on the program and the process. C.



Cirillo noted the benefits of the program. C. Conway commented on the success of animal therapy and questioned use of staff and costs.

B) Motion Response - Short Story Dispensers – Ms. Woodley spoke regarding program costs and how it operated. Ms. Woodley recommended more study on the matter before the higher costs are endured. C. Cirillo noted that more information is warranted to justify the costs of the program.

C) Motion Response - Tour de Lowell – Henri Marchand (Special Events) commented on the race and prior organizers and how it operated. C. Cirillo noted that the biking community would benefit from the race. C. Kennedy noted the need for special events like this in the City to attract people.

D) Motion Response - Boating Regulations Merrimack River – Deputy Supt. Richardson (LPD) noted the purchase of new boat for the department and when it would be delivered. Deputy Supt. Richardson noted the boat would not be purchased with tax payer money and that regulations are in place for enforcement on the river. C. Milinazzo noted that procedures would be in place at the start of the season to avoid any further tragedies. C. Elliott noted the need for preventive measures which include use of boat and proper signage. Manager Donoghue commented on enforcement ordinance and that it would have to be approved by the State Environmental Police.

E) Motion Response - Air BNB Zoning Regulations – Mr. Slagle outlined the proposed regulations and public input during subcommittee meetings. Mr. Slagle noted that the State is formulating regulations for this issue and that the City should follow a similar path. C. Elliott noted the problem was complex and should be resolved through legislation. C. Milinazzo noted that the Zoning SC is meeting on these regulations. C. Elliott also raised the issue of the renting of rooms to students and other individuals. Mr. Slagle noted the ongoing discussion of these issues and that the Zoning SC has them before that body. C. Elliott commented on the ability to gather information regarding who resides at a location. Mr. Slagle noted the legalities involved. C. Kennedy noted matter had been referred to Zoning SC.

F) Motion Response - Gas Repairs in Belvidere – James Donison (DPW) commented on the inspections done by the City during and after work is completed. C. Leahy noted the concerns of the neighbors and that there is a need to have roads in good repair once work is completed. C. Leahy questioned replacements of cobblestones on Middle Street. Mr. Donison noted that replacement was part of the contract.



G) Motion Response – Sidewalks – C. Mercier noted repairs to be done under Chapter 90 funds and outlined specific areas of repair.

H) Motion Response - Public Applicant Identification – Manager Donoghue noted report and commented on privacy issues until named finalists for a position. Solicitor O'Connor noted the public process and that information would become public at a certain time in the process.

C. Milinazzo requested suspension of the rules without objection to comment on Clark Road property issue. Manager Donoghue noted that inspectors have been at the premises noting nobody lives in home and that there is a dispute regarding insurance coverage for damage caused by fire and further that a demolition permit has been issued. C. Kennedy noted that there are two dwellings present which include a barn and a trailer. Mr. Slagle noted trailer was for temporary housing while home is rebuilt and that it should be removed if not being lived in. C. Kennedy noted that there was debris throughout the yard as well. Mr. Slagle noted that matter can move quickly when there is a demolition permit in place. C. Kennedy questioned how long one could be able to live in the trailer. C. Conway noted that fire was some time ago and a safety issue exists on the property. Mr. Slagle noted that there was a demolition permit in place and that this was not a usual insurance matter. C. Conway questioned end game regarding the property. Mr. Slagle noted he would obtain time line from City building inspector. Solicitor O'Connor noted that liability is shielded on the part of the City. C. Leahy noted that there are time constraints to rebuilding once demolition is done. C. Leahy noted that ordinances would have to be revisited to prevent future incidents. C. Milinazzo commented that the City was just being dragged along and that action should be done at once. C. Kennedy questioned when time line began. Manager Donoghue noted she would provide detailed report on all matters surrounding the property as matter was not on agenda and that time would be needed to provide the report. C. Elliott noted the need to move to next step and trailer issue must be resolved. M. Samaras noted the safety issue present and the need to act now even before demolition. C. Kennedy noted that these matters have been before body on many prior occasions.

6.2. Informational Communications

I) Senate Foundation Budget Education Bill – Manager Donoghue noted resolution supports fully funding the bill and the recommendations of the established commission. C. Elliott noted the importance of the bill and the need to change the formula to assist with funding sources. Manager Donoghue noted that the bill is suited for the demographics of the school system in the City. M. Samaras requested that Item #10.2 be taken out of order. No objections.



J) Tax Title Auction Update – Manager Donoghue noted the report and commented on the process and the revenue of past due taxes. C. Kennedy commented on the success over the years of the program and noted that there should be an improved process to capture the more problem properties.

6.3. Communication-Accept resignation of Jude DeHart Hunger Homeless Commission.

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

6.4. Communication - Planning Board recommendation with respect to amending Zoning Ordinance regarding regulations for Marijuana.

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

7. VOTES FROM THE CITY MANAGER

7.1. Vote-Authorize City Manager Ex. Sidewalk Seating License Agreement-144 Merrimack St. Crepes and the City Inc.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Mercier, seconded by C. Milinazzo. Adopted per Roll Call vote 9 yeas. So voted. C. Leahy noted that businesses need to know the regulations and they should be given written direction of what is acceptable. Manager Donoghue commented that inspectors are present downtown.

7.2. Vote-Transfer 11,000 to cover adequate funding for law books and supplements.

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

8. ORDERS FROM THE CITY MANAGER

8.1. Order-60 day trial (various).

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



9. ORDINANCES FROM THE CITY MANAGER

9.1. Ordinance-Amend Ch. 270 by creating a new section Prohibiting Single-Use Plastic Bags.

In City Council, Given 1st Reading, **Motion** “To refer Public Hearing on May 29, 2018 at 7PM” by C. Kennedy, seconded by C. Cirillo. So Voted.

9.2. Ordinance-Amend Ch. 150 Re fines relative to prohibition of plastic bags and consumption of marijuana.

In City Council, Given 1st Reading, **Motion** “To refer Public Hearing on May 29, 2018 at 7PM” by C. Milinazzo, seconded by C. Nuon. So Voted.

9.3. Ordinance-Amend Ch. 222 Peace and Good Order by prohibiting the consumption of marijuana in public.

In City Council, Given 1st Reading, **Motion** “To refer Public Hearing on May 29, 2018 at 7PM” by C. Nuon, seconded by C. Cirillo. So Voted. C. Leahy questioned the definition of public in the ordinance. Solicitor O’Connor noted regulation of private property in terms of the ordinance. C. Conway questioned the fees. Solicitor O’Connor noted review and update of fines and fees in the ordinances of the City.

10. RESOLUTIONS

10.1. Resolution-Support H2121 An Act Reducing Plastic Bag Pollution.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Kennedy, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier noted she would support the efforts done at the State level and will use the regulations that are created at that level to control the local level.

10.2. Resolution-Support recommendations of Foundation Budget Review Comm. Re-funding Foundation Budget-Chapter 70.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Kennedy, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted. C. Kennedy noted that there was no funding tied with the bill and there needs to be a revenue source. Manager Donoghue commented on the Fair Share Amendment would be a source of revenue and that it could be funded incrementally.

11. REPORTS (SUB/COMMITTEE, IF ANY)

11.1. Finance SC joint with School Committee Finance SC May 14, 2108.



In City Council, C. Elliott provided the report outlining the attendance and the discussion regarding school department budget shortfall; Medicaid reimbursement; special education; charter schools; State funding and development of City budget. **Motion** to accept the report as a report of progress by C. Cirillo, seconded by C. Conway. So voted.

11.2. Environment & Flood Issues SC May 15, 2018.

In City Council, C. Cirillo provided the report outlining the attendance and the disruption during meeting which resulted in terminating the meeting. C. Elliott noted that the protesting group used the City Seal without authority and that should be investigated. **Motion** to accept the report as a report of progress by C. Elliott, seconded by C. Kennedy. So voted.

12. PETITIONS

12.1. Claim - (1) Property Damage.

In Council, **Motion** to refer to Law Department for report and recommendation by C. Kennedy, seconded by C. Cirillo. So voted.

12.2. Misc. - Leontino Da Silva request installation of (1) handicap parking sign at 322 Lawrence Street.

In Council, **Motion** to refer to Traffic Engineer for report and recommendation by C. Nuon, seconded by C. Mercier. So voted.

12.3. 165 Thorndike Street Corp., LLC - RUK Realty Corp. request license for storage of flammables 1,050 gals. Diesel Class II, AST at 165 Thorndike Street.

In Council, M. Samaras withdrew per request of petitioner.

12.4. Misc. - National Grid request permission to install underground electric conduit along Quebec Street from Blossom Street to Maple Street.

In City Council, Given 1st Reading, **Motion** "To refer Public Hearing on May 29, 2018 at 7PM" by C. Kennedy, seconded by C. Cirillo. So Voted.

13. CITY COUNCIL - MOTIONS

13.1. C. Mercier - Req. City Mgr. have City Engineer begin process to accept Grosvenor Street.



In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Mercier identified the area.

13.2. C. Elliott - Req. City Council discuss home rule petition to fully fund charter school reimbursements to cities and towns.

In City Council, seconded by C. Cirillo, referred to Law Department. So voted. C. Elliott questioned possible prior filing of petition. Solicitor O'Connor noted prior petition never gained momentum at the State level. C. Elliott noted the need of the State to fund the programs as they place tremendous stress on local budgets. Manager Donoghue outlined home rule petition process at the State level. C. Kennedy commented on prior filing and the attempt to garner local support among surrounding towns. C. Elliott requested that broader and more appealing language be added to facilitate passing the petition. Manager Donoghue noted best procedure would be to file next legislative session.

13.3. C. Kennedy - Req. City Mgr. have Law Dept. draft City Council Resolution in support of Senate Bill 2506 (An Act Modernizing the Foundation Budget for the 21st Century).

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Kennedy noted that this had been covered.

13.4. C. Kennedy - Req. Mayor invite the following Merrimack Valley cities of Lawrence, Haverhill, Newburyport and Methuen to join with the City of Lowell in support of Senate Bill 2506.

In City Council, seconded by C. Milinazzo, referred to Mayor's Office. So voted. C. Kennedy noted the need to gather local support.

13.5. C. Kennedy - Req. Mayor invite surrounding communities in the Greater Lowell area to join with the City of Lowell in support of Senate Bill 2506.

In City Council, seconded by C. Milinazzo, referred to Mayor's Office. So voted. C. Kennedy noted the need to gather local support.

13.6. C. Kennedy - Req. City of Lowell join with Brockton and Worcester pursuant to their lawsuit against the Commonwealth of Massachusetts re: Foundation Budget (CH. 70).



In City Council, seconded by C. Cirillo, referred to City Manager. So voted. C. Kennedy commented that it would be favorable for City to join with these large communities to force funding.

13.7. C. Cirillo - Req. Neighborhoods SC hold periodic meetings within the next eight months, in the Chamber or in the neighborhoods, to take up various items that have been brought up during their meetings.

In City Council, seconded by C. Milinazzo, referred to City Manager. So voted. C. Cirillo commented on meeting with neighborhood groups. C. Nuon noted it brings City to the neighborhood. C. Leahy noted prior practice. C. Kennedy noted it was a good practice to continue.

13.8. C. Cirillo - Req. City Mgr. provide the Council with a report regarding the safety of the Smart Water Meters being installed throughout the City.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Cirillo noted it was neighborhood concern regarding health.

Mayor Samaras relinquished Chair to Vice-Chair at 8:45 PM.

13.9. C. Cirillo - Req. City Mgr. provide an update to Council regarding the State's response to the issues that arise at the Sampas Pavilion ie, late night noise; parking; and safety.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Cirillo noted the need to have proper procedures in place before the start of the season. C. Kennedy noted that it is a State park but the City is allowed to patrol the area. Manager Donoghue noted meeting with DCR which is the State agency who oversees the area. Michael McGovern (Asst. City Manager) noted DCR gave the City authority to enforce regulations. C. Leahy suggested kill switch to ensure shows end in a timely fashion. Registered speaker, Alan Saba, addressed the body. M. Samaras noted DCR involvement and the problems with starting times. Manager Donoghue commented on issues with the DCR. C. Cirillo noted that scheduling should be reviewed to lessen congestion of the number of events.

13.10. C. Milinazzo - Req. City Mgr. have "No Parking From Here to Corner" signs installed at the end of Richardson Street by McPherson Park.

In City Council, seconded by C. Kennedy, referred to City Manager. So voted. C. Milinazzo noted it was a busy park and there are many concerns.



13.11. M. Samaras - Req. City Mgr. review the costs of creating a “311” number for the City of Lowell.

In City Council, seconded by C. Cirillo, referred to City Manager. So voted. M. Samaras noted it was not an emergency number but the system improves services and tracking and could be funded through grants.

13.12. M. Samaras - Req. City Mgr. instruct proper department to ensure all restaurants with sidewalk seating comply with the 48 inch clearance as required by the American With Disabilities Act.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. M. Samaras noted the need to be compliant with ADA.

14. ANNOUNCEMENTS

In City Council, C. Mercier noted Haitian flag raising. C. Nuon noted Center for Hope event.

15. ADJOURNMENT

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

Meeting adjourned at 9:11 PM.

Michael Geary, City Clerk