

CITY COUNCIL MEETING MINUTES MAY 16, 2023

Date: May 16, 2023

Time: 6:30 PM

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

1. ROLL CALL

Roll Call 10 present, 1 absent M. Chau).

Vice Chair Gitschier presiding.

C. Mercier requested moment of silence in darkened chamber for Stephen Beland (LPD). C. Leahy requested moment of silence in darkened chamber for Mohamed Fofana (child drowning victim).

2. MAYOR'S BUSINESS

2.1. Communication Remote/Zoom Participation.

In City Council, **Motion** to accept and place of file by C. Robinson, seconded by C. Nuon. So voted.

Motion to suspend rules to discuss Hometown Heroes recipients by C. Yem, seconded by C. Rourke. So voted. Eric LaMarche (Veterans Coordinator) commented on the program. C. Rourke noted the heroes and the work of the administration. Vice Chair Gitschier listed the following recipients: David, Charles, Edward, Ruth and Ward McNearney; Mario and Matthew Sepe; Daniel, Edward and William Sullivan; Kenneth Santiago; Jacquelyn Coles; Donald Doubleday; Robert Bowles; and Margaret, Michael and Paul Rourke.

2.2. Citation - Lyla Khut.

In City Council, **Motion** to accept and place of file by C. Nuon, seconded by C. Scott. So voted. Vice Chair Gitschier presented citation. Ms. Khut thanked the Council.

2.3. Communication - Jacquelynn Coles - Juneteenth Holiday Events.

In City Council, **Motion** to accept and place of file by C. Nuon, seconded by C. Scott. So voted. Ms. Coles and spoke person outlined events for the holiday.

3. CITY CLERK

3.1. Minutes Of City Council Meeting May 9th, For Acceptance.

In City Council, **Motion** to accept and place of file by C. Drinkwater, seconded by C. Jenness. So voted.

4. AUDITOR BUSINESS

4.1. Communication - FY22 Management Letter; FY22 SEFA Report; And FY22 Financial Statement.

In City Council, **Motion** to accept and place of file by C. Yem, seconded by C. Rourke. So voted.

5. GENERAL PUBLIC HEARINGS

5.1. Ordinance - Amend Zoning Ext TTF Zone - 38 Nelson Ave.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Mercier, seconded by C. Leahy. Adopted per Roll Call vote, 10 yeas, 1 absent (M. Chau). So voted.

5.2. Ordinance - Amend S.272-73B1 Compliance With Pretreatment Standards.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. Motion to adopt by C. Nuon, seconded by C. Robinson. Adopted per Roll Call vote, 10 yeas, 1 absent (M. Chau). So voted.

6. COMMUNICATIONS FROM CITY MANAGER

6.1. Motion Responses.

In City Council, **Motion** to accept and place of file by C. Drinkwater, seconded by C. Jenness. So voted.

A) Motion Response - Narcan Training – C. Mercier noted the training available and that Manager or Mayor should assist with scheduling.

B) Motion Response - State Assets with Attachment – C. Jenness requested the attachment be resent as it was not fully visible. C. Drinkwater noted the report.

C) Motion Response - Water Services Applications – C. Rourke noted the report from Water Department. Steve Duchesne (Water Department) noted the beneficial use of the applications and the review should hold off until meter replacement program is complete.

D) Motion Response - Reserved Dwelling Signs with Attachment – **Motion** to refer to Neighborhoods/Finance SC by C. Scott, seconded by C. Robinson. So voted.

E) Motion Response - Sayles Street Repaving Request – Vice Chair Gitschier noted the replacement was needed and requested time line for utility work to follow. Ting Chang (Engineer) commented on the time frame.

F) Motion Response - Middlesex Street Repaving Request – Vice Chair Gitschier noted that either work is substandard or inspections are off and indicated that utility companies need to be pressured to perform good work. Ms. Chang outlined the inspection process. C. Gitschier noted improvements. C. Rourke questioned status of Middlesex Street in the Lord Overpass Project. C. Jenness noted issues with new sidewalks in that area. C. Leahy questioned when Lord Overpass Project would be complete.

G) Motion Response - Urban Forest and Heat Island with Attachment – Kathleen Moses (DPD) provided report entitled “City of Lowell Resilient Urban Forest Master Plan” which included an overview, funding, assessment, map overlay, tree canopy and data. C. Yem requested planning time line. Ms. Moses noted the time frame. C. Robinson noted the need for planting. Ms. Moses indicated that locations are decided based on grant funding. C. Robinson noted that planting plans should coincide with traffic mitigation plans. Vice Chair Gitschier noted the problem with heat spots in the City and the inventory of trees present in the City. Vice Chair Gitschier questioned the amount of personnel on this matter. Ms. Moses noted the team and the outside partners working on this issue. C. Robinson suggested the use of students at Essex Agricultural High School.

H) Motion Response - Pickleball Courts – C. Leahy noted placement at Shedd Park would be suitable. Camillo Espitia (DPD) noted that there will be community input regarding placement of courts.

I) Motion Response – Streatery – C. Robinson noted it was a positive step in the program. Manager Golden, Jr. noted the need to streamline process and extend time available for seating.

J) Motion Response - Update Water Main Under Beaver St Bridge – C. Jenness noted repair would benefit residents in the area. Vice Chair Gitschier noted that flow test should be done simultaneously to ensure compliance with regulations as well as operational review.

K) Motion Response - Behavioral Health Unit – C. Robinson noted the need for resources to continue the work as data indicates incidents are increasing regarding mental health encounters. Vice Chair Gitschier commented on operation of prior gang unit in the City and noted that operation could be used with this issue. Manager Golden, Jr. noted the police training and additional personnel regarding handling mental health issues. C. Nuon requested information on the unit and how it operates. Dept. Supt. LeBlanc noted the division and operation which can expand to other opportunities. C. Robinson noted that faith leaders can assist with helping those facing mental crises.

L) Motion Response - Maintain Quality of Life Near University – C. Jenness commented on the good relationship with UML police. C. Rourke noted emphasis on beginning and the end of the school year. C. Yem noted effect that situation had in the Acre.

Motion by C. Nuon, seconded by C. Yem to take Item #10.1 out of order. So voted.

M) Motion Response - Swatting Calls – Dept. Supt. LeBlanc noted the incident reports and how the LPD responds.

N) Motion Response -Up Tick In Gun Violence – Dept. Supt. LeBlanc commented on gun violence prevention. C. Jenness noted the data indicating a decrease in incidents. Dept. Supt. LeBlanc noted that federal data indicates that City has much less aggravated felonies being recorded. C. Mercier noted concern of penalties not fitting the crime and not being a deterrent. C. Nuon noted the data which indicates there are hot spots in City regarding gun use. C. Robinson questioned which type of technology could assist with prevention of gun violence. C. Yem commented on shot blocker technology. Vice Chair Gitschier noted prior use of the gun back program.

6.2. Informational Reports

Informational Report - Boards and Commissions – C. Nuon commented on the vacancies and that filling more alternate members could assist with filling them. Manager Golden, Jr. noted that special legislation may be needed to accomplish that and it is a viable alternative.

Informational Report - FY2022 Audit - Management Letter Response – C. Scott noted repeat comment regarding purchase orders in the letter. Conor Baldwin (CFO) noted comments and that FY23 would improve on that issue by notifying vendors and that no work can be done without a purchase order. Mr. Baldwin noted that violators could face discipline under the ordinance. C. Scott also noted comment regarding activity accounts on the school side. Mr. Baldwin noted the school issue surrounding acceptance of gifts and grants. C. Robinson noted a 2017 comment should not be appearing on a recent audit letter. C. Yem noted the unresolved need to be resolved and commented on real estate receivables and the tracking of grants. Vice Chair Gitschier noted letter contained many positive fiscal outcomes and that purchase training is needed and that vendors share responsibility with issue as stated in their contracts. Vice Chair Gitschier requested follow-up information regarding management letter.

Informational Report - LPD Translation Capabilities Information – C. Nuon suggested use of language line and certified translators while avoiding Google, family members and other officers regarding translating services in the department. Dept. Supt. LeBlanc noted serious crimes are done through certified translators. C. Mercier questioned type of equipment at police station to assist with translating.

6.3. Communication - Resignation Of Tha Chhan From License Commission.

In City Council, **Motion** to accept and place of file by C. Rourke, seconded by C. Robinson. So voted.

6.4. Communication - Planning Board Recommendation Related To 38 Nelson Avenue Zoning Amendment Extending TTF Zone.

In City Council, **Motion** to accept and place of file by C. Jenness, seconded by C. Leahy. So voted.

7. ORDINANCES FROM THE CITY MANAGER

7.1. Ordinance - Amend Zoning - Accessory Dwelling Units.

In City Council, Given 1st Reading, **Motion** by C. Leahy, seconded by C. Drinkwater to refer to Planning Board for report and recommendation and to City Council public hearing on July 11, 2023 at 7 PM. Adopted per Roll Call vote 6 yeas, 4 nays (VC Gitschier, C. Mercier, C. Robinson, C. Scott), 1 absent (M. Chau). So voted. C. Mercier could not support the ordinance as drafted as it appears to lack certain provisions found in other ordinances. C. Drinkwater commented on the extensive work done on the draft and is very similar to other communities. C. Robinson noted he would not support the ordinance as questions remain. C. Scott noted non-support of the ordinance as questions remaining regarding special permits and variances as well as budgeting for added inspectors. C. Jenness stated that it is ready for public hearing and should be referred as it is two months away which allows for more meetings and more questions. Camilo Espitia (DPD) noted the extensive subcommittee process and that there are legal requirements which must be followed in all ordinances. C. Jenness noted it was the right next step and that amendments could be added at hearing. C. Rourke favored a public hearing. C. Yem favored moving to public hearing with this draft. Vice Chair Gitschier noted that draft was not received in appropriate time frame. C. Drinkwater noted changes had been made at subcommittee level in terms of making it less restrictive. C. Mercier noted that there was no limit on bedrooms in the draft. Mr. Espitia noted language and that size of units dictates layout of units and he further commented on variances, special permits and parking.

8. REPORTS (SUB/COMMITTEE, IF ANY)

None.

9. PETITIONS

9.1. Claim - (1) Property Damage.

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

9.2. Misc. - Alex Papadopoulos (Atty. John Cox) Request City Council Abandon A Portion Of Pratt Avenue.

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

10. CITY COUNCIL – MOTIONS

10.1. C. Nuon - Req. City Mgr. Create A Sustainability Department To Coordinate Efforts Throughout The City That Aim To Meet The Commonwealth's And The City's Climate Goals And Create A Plan To Adapt To The Effects Of Climate Change In A Fair, Just And Efficient Manner.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. Registered speakers, Sara Lapp, Jay Mason, Jonathan Grossman and Mary Wumbui-Ekop, addressed the Council. C. Nuon commented on speakers and the need for the department. C. Jenness commented on the input and the work needing to be done and that grant money is available at this juncture to assist. C. Robinson noted concern with authority to create such a department and that there is a need for more information regarding cost. C. Mercier noted that current situation is serving City well. C. Drinkwater noted that this would have to go through the ordinance process. Vice Chair Gitschier noted if grant funding available there should be a move towards it as it may generate savings. C. Rourke noted that Ms. Moses generates a tremendous amount of grant money for the City. Mr. Baldwin noted that there would be analysis done to create new department. C. Scott questioned feasibility of creating a new department.

10.2. C. Gitschier/C. Scott/C. Jenness - Req. City Mgr. Provide The City Council With A Report On The Number Of Violations Written For Fireworks And What Plans Are Being Taken To Stop The Use Of Illegal Firework Usage.

In City Council, no second needed, referred to City Manager. So voted. C. Scott noted number of complaints and that there should be more police presence. C. Jenness noted it was a safety issue. C. Yem noted Fourth of July celebration must be safe. Vice Chair Gitschier noted PTSD issues with veterans are a concern.

10.3. C. Scott/C. Mercier - Req. Mayor Work With The School Department To Make Sure Teacher Development Days Are Not Scheduled During The November Election.

In City Council, no second needed, referred to City Manager. So voted. C. Scott noted meeting should not be held in school as it causes logistic problems for elections. C. Mercier noted prior issues when done together. C. Yem noted the need for space to set up polling place.

10.4. C. Robinson - Req. City Mgr. Contact MassDOT To Get An Update On Finished Surface On VFW Highway.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Robinson noted area of concern. C. Yem noted improvements will make it safer.

10.5. C. Robinson - Req. City Mgr. Have The Proper Department Place Bradley And 13th Streets On The Paving List.

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

11. ANNOUNCEMENTS

In City Council, C. Mercier noted 100 year anniversary for the Lowell Memorial Auditorium. C. Leahy commented on upcoming Governor's visit. Manager Golden, Jr. commented on the visit. C. Yem noted placement of flags on veterans' graves. C. Robinson noted clean-up in neighborhoods.

12. ADJOURNMENT

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

Meeting adjourned at 9:30 PM.

Michael Q. Geary, City Clerk