



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: May, 29, 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.

2. MAYOR'S BUSINESS

2.1. Report - Mayor's Opiate Task Force.

In City Council, Mayor Samaras recognizes the following veterans; Richard P. Howe, Jr., Family of Peter Golden, James Golden, Christopher Golden, Family of Edward Gillis and Joseph Dussault. M. Samaras recognized the veteran's event held over weekend. Mr. Dussault thanked the City for their support.

In City Council, C. Mercier commented on the task force and its membership. Former City Councilor Corey Belanger commented on the efforts of the task force and updated all the efforts in the community. C. Kennedy reviewed the statistics of the task force noting the ages and the genders of users. C. Kennedy commented on the commitment from the State and the increase in treatment facilities. Chief Winward (LFD) noted the use of grant money for NARCAN. C. Conway questioned patrol of high use areas with cameras and the use of grant money. C. Leahy noted the need for all to be involved in addressing the drug issue. C. Milinazzo noted the need to have beds available for treatment. C. Elliott commented on the task force success. C. Noun noted the benefit of treatment as well as providing jobs and affordable housing. C. Mercier commented on the information provided and that such information regarding treatment should be readily available to the public.

3. CITY CLERK

3.1. Minutes of Zoning SC May 22nd; City Council Meeting May 22nd; Ad-Hoc Election Laws SC May 23rd, for acceptance.



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

4. GENERAL PUBLIC HEARINGS

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

In City Council, Given 2nd Reading, hearing held. Speaking in favor were Jeffrey Koestch, Elaine Snyder and Gunther Wellenstein (Recycling Director). No remonstrants. **Motion** to adopt C. Milinazzo, seconded by C. Cirillo. Adopted per Roll Call vote, 6 yeas, 3 present (C. Conway, C. Elliott, C. Mercier). So voted. C. Elliott noted the need to allow State to conclude their review of the matter and commented on concern for small neighborhood businesses. C. Mercier noted it was premature and that the State legislation should be allowed to take its course. C. Conway recognized the need for legislation and noted the best approach would be to allow the State to develop the regulations. C. Leahy questioned why there would not be a complete ban. C. Cirillo noted the ordinance was drafted by using State guidelines. C. Kennedy noted importance of support at local level to enhance State action. C. Cirillo noted the importance of the vote.

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

In City Council, Given 2nd Reading, hearing held. Speaking in favor was Acting Supt. Webb (LPD). No remonstrants. **Motion** to adopt C. Kennedy, seconded by C. Elliott. Adopted per Roll Call vote, 9 yeas. So voted.

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

In City Council, Given 2nd Reading, hearing held. Speaking in favor was Acting Supt. Webb (LPD). No remonstrants. **Motion** to adopt as amended by C. Kennedy, seconded by C. Nuon. Adopted per Roll Call vote, 9 yeas. So voted. C. Elliott questioned the difference as compared to prohibiting alcohol. Supt. Webb commented on the ordinance and the definition of private property. C. Mercier questioned definition of private property. C. Conway questioned the number of complaints to the administration. Manager Donoghue commented on legality of recreational marijuana as opposed to medicinal marijuana. C. Conway noted efforts of Law Department and administration regarding drafting material and also questioned enforcement in the National Park area. C. Elliott noted concern with private property provision and the enforcement element. C. Cirillo questioned smoking in public issue. C. Mercier noted



that any reference to private property should be deleted. C. Kennedy noted that there would be a practical posture as to enforcement. Supt. Webb noted that it would probably be based on complaints received. C. Kennedy noted that any ordinance can be changed based on results. C. Nuon noted need to protect privacy rights. C. Conway questioned if City did not have such an ordinance. Manager Donoghue noted that State law would apply. Rachel Brown (Asst. City Solicitor) commented on the private/public segments of the ordinance noting the ability to amend an ordinance. **Motion** to amend by deleting “front yard”, “backyard” and “driveway” by C. Mercier, seconded by C. Conway. Adopted per Roll Call vote, 9 yeas. So voted.

4.4. Ordinance-Amend Ch. 290 Entitled Zoning by extending existing INST zoning district to include all of 39 Plymouth Street.

In City Council, Hearing opened and **Motion** to continue June 26, 2018 at 7 PM by C. Kennedy, seconded by C. Elliott. So voted.

5. UTILITY PUBLIC HEARING

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

In City Council, Hearing opened and **Motion** to continue June 26, 2018 at 7 PM by C. Kennedy, seconded by C. Elliott. So voted.

6. COMMUNICATIONS FROM CITY MANAGER

6.1. Informational

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

A) Marijuana Businesses – Eric Slagle (Inspectional Services) made presentation entitled “Marijuana Business in Lowell – Process for Review and Approval” covering the following topics: time line; map of districts; preferences of sites; and host community agreements. C. Elliott questioned interest in the facilities by developers. Mr. Slagle commented on number of licenses available for each medical and recreational. C. Elliott commented on cultivation sites. C. Kennedy commented on regulations in the industry. C. Mercier questioned areas where there is cultivation. Mr. Slagle reviewed the areas in current use as well as proposed areas. C. Milinazzo commented on the new regulations. Mr. Slagle noted all City legislation is based on current regulations. C. Nuon commented on current license holders. C. Kennedy commented on current license holder, Patriot Care. Mr. Slagle reviewed their license and commented on gross profit in terms of fees.



B) West Street Flood Pump Station Project – Motion to refer to Environment and Flood Issues SC by C. Elliott, seconded by C. Cirillo. So voted. Mark Young (Director) noted the project and the benefit to the City with the updated certification. C. Elliott questioned how flood map would change. C. Cirillo commented on benefits.

7. VOTES FROM THE CITY MANAGER

7.1. Vote-Accept timely receipt of Budget FY19.

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Elliott, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted. Manager Donoghue provided small synopsis of budget and capital plan noting that there would be public hearings on both items. C. Elliott questioned future retirement liability. Conor Baldwin (CFO) noted need to be fully funded by 2036 with no decrease in amount during that time. C. Conway noted the financial numbers associated with funding of schools and commenting on the source of those funds. Mr. Baldwin broke down the school funding.

7.2. Vote-Approve FY19 Budget Appropriations.

In City Council, Given 1st Reading, **Motion** “To refer to Public Hearing on June 12, 2018 at 6 PM” by C. Conway, seconded by C. Kennedy. So Voted.

7.3. Vote-Endorse the FY19-FY23 Capital Plan.

In City Council, Given 1st Reading, **Motion** “To refer to Public Hearing on June 12, 2018 at 6 PM” by C. Mercier, seconded by C. Elliott. So Voted.

Motion by C. Mercier, seconded by C. Elliott to suspend City Council Rule 5 to begin meeting scheduled for June 12, 2018 at 5:30 PM and to begin all public hearings scheduled for that day at 6 PM. So voted.

7.4. Vote-Apply, Accept, Expend 40,000 from MassDEP under SMRP Grant.

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

7.5. Vote-Authorize City Manager Execute Lease Agreement Degmar Development Corp.-Centerville Police Substation.

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



Milinzazzo questioned the results of police substations. C. Cirillo noted neighborhood support of the station. C. Mercier requested locations of all substations and what the costs are to lease same.

7.6. Vote-Transfer 20,000 to Disability Commission Revolving Fund.

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. Elliott noted the work of the Commission. C. Leahy noted he was a member of the Commission. C. Mercier noted that money goes back into the community.

8. ORDERS FROM THE CITY MANAGER

8.1. Loan Order-2019 Capital Improvements.

In City Council, Given 1st Reading, **Motion** "To refer to Public Hearing on June 12, 2018 at 6 PM" by C. Kennedy, seconded by C. Cirillo. So Voted.

8.2. Loan Order-Garage Construction.

In City Council, Given 1st Reading, **Motion** "To refer to Public Hearing on June 12, 2018 at 6 PM" by C. Kennedy, seconded by C. Conway. So Voted.

9. ORDINANCES FROM THE CITY MANAGER

9.1. Ordinance Amend Ch. 272-87 entitled Annual Sewer Use Charge.

In City Council, Given 1st Reading, **Motion** "To refer to Public Hearing on June 12, 2018 at 6 PM" by C. Elliott, seconded by C. Cirillo. So Voted.

9.2. Ordinance-Amend Ch. 272 Article VI s. 272-86 Metered Service Water.

In City Council, Given 1st Reading, **Motion** "To refer to Public Hearing on June 12, 2018 at 6 PM" by C. Conway, seconded by C. Kennedy. So Voted.

9.3. Ordinance-Establish Revolving Funds pursuant to MGL Ch. 44, section 53E and one half.

In City Council, Given 1st Reading, **Motion** "To refer to Public Hearing on June 12, 2018 at 6 PM" by C. Cirillo, seconded by C. Conway. So Voted.

9.4. Ordinance-Amend Ch. 266 Parking Rates.



In City Council, Given 1st Reading, **Motion** “To refer to Public Hearing on June 12, 2018 at 6 PM” by C. Nuon, seconded by C. Milinazzo. So Voted.

9.5. Ordinance-Amend zoning 232, 234 Mt Vernon St and 268 Mt Vernon, 294 School St and 5 Farnham St.

In City Council, Given 1st Reading, **Motion** To refer to Planning Board for report and recommendation and to refer to Public Hearing on June 12, 2018 at 6 PM by C. Leahy, seconded by C. Nuon. So Voted.

10. REPORTS (SUB/COMMITTEE, IF ANY)

10.1. Ad-Hoc Election Laws SC May 23, 2018.

In City Council, C. Nuon provided the report regarding the listening session with respect to elections, voting and representation systems. **Motion** to accept the report as a report of progress by C. Mercier, seconded by C. Elliott. So voted.

10.2. Municipal Facilities SC May 29, 2018.

In City Council, C. Leahy provided report regarding a LFD report outlining the repairs and maintenance of fire houses in the City. **Motion** to accept the report as a report of progress by C. Kennedy, seconded by C. Mercier. So voted.

11. CITY COUNCIL - MOTIONS

11.1. C. Elliott/C. Leahy - Req. City Mgr. report on the status on funding for turnout gear for the LFD.

In City Council, no second needed, referred to City Manager. So voted. C. Elliott noted funding through the Capital Plan and the need for the safety gear. C. Leahy noted some gear has been purchased. Manager Donoghue commented on possible FEMA grant that would be matched by the City. C. Nuon noted it was an important safety issue.

11.2. C. Elliott/C. Leahy - Req. City Mgr. provide a report regarding the status of the installation of washer ejector units in fire houses.

In City Council, no second needed, referred to City Manager. So voted. C. Elliott noted item was touched on during subcommittee and that worked is being scheduled for installation. C. Leahy noted that State funding may be available for these units and if equipment is delivered they should be installed immediately.



12. ANNOUNCEMENTS

In City Council, C. Mercier, C. Elliott, M. Samaras and Manager Donoghue recognized the service on the part of Asst. City Manager Michael McGovern and wished him good luck on new endeavor.

13. ADJOURNMENT

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

Meeting adjourned at 9:05 PM.

Michael Geary, City Clerk