

**LOWELL CITY COUNCIL
REGULAR MEETING MINUTES**

Date: July 11, 2023

Time: 6:35 PM

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

1. ROLL CALL

Roll call showed 10 present, 1 absent (C. Leahy).

M. Chau presiding.

C. Mercier requested a moment of silence in darkened chamber for Glen F. Aho and Anna Mburu, and to all those who have passed on since the last City Council Meeting.

M. Chau also added to C. Mercier's moment of silence for Anna Mburu. M. Chau also thanked first responders as well as all the residents who came out to help with the search.

2. MAYOR'S BUSINESS

2.1. Communication Remote/Zoom Participation.

In City Council, **Motion** "To accept and place on file" by C. Yem, seconded by C. Scott. So Voted

2.2. Presentation - Lowell Folk Festival Presentation By Lee Vilieisis.

Arthur Sutcliff addressed council regarding Folk Festival.

Lee Vilieisis, Festival Coordinator made presentation regarding events at this year's Lowell Folk Festival. C. Mercier commented on the ethnic food booths. C. Jenness thanked all involved in the festival. M. Chau also commented on the festival regarding volunteering and who to contact. C. Robinson commented on this being the first year all materials for festival would be in multi languages.

In City Council, **Motion** “To accept and place on file” by C. Robinson, seconded by C. Nuon. So Voted.

Motion “To take item 7.3 out of order” by C. Jenness, seconded by C. Nuon. So Voted

3. CITY CLERK

3.1. Minutes Of Technology And Utilities SC June 13th; City Council Regular Meeting June 27th, For Acceptance.

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

4. GENERAL PUBLIC HEARINGS

4.1. Ordinance - Amend Zoning - Accessory Dwelling Units.

In City Council, M. Chau recognized City Manager Golden. Manager Golden explained to the council that they were looking to have this completed tonight, however the Planning Board has not scheduled their hearing, so we are looking to have this continued till after July 17th when the Planning Board is scheduled to meet and Public Hearing continued before the City Council at their meeting on July 25th. **Motion** “To refer the Ordinance back to DPD for further review” by C. Gitschier, seconded by C. Mercier. C. Mercier concur with C. Gitschier. C. Mercier commented that she had concerns with the Ordinance, that she had made a motion to see certain things in the Ordinance and they are not, and that the Ordinance is not defined or structured enough. C. Drinkwater commented that he would be voting no on the motion to sending it back to DPD as there have been several meetings with the sub/committee on this draft and there were no motions or suggestions brought forth at those meetings that was voted down. C. Gitschier commented that this Ordinance has not been vetted as we did not have this final draft at the last sub/committee meeting. C. Gitschier also commented that the Ordinance before the council was put together by DPD, and he is asking to send back to DPD to vet the final draft. C. Jenness commented that he was not in support of the motion to send this back because it is best discussed in public forum. C. Robinson commented on bringing this Ordinance forward to the public that we are not in agreement with and don't understand the rush. C. Robinson has

concerns with 4. (a) (I) under conditions. C. Scott echoed colleagues concerns and cannot support as written. C. Nuon commented that he agrees public should have input and that they can voice concerns at the Planning Board Meeting. After further discussion C. Mercier removed her second to C. Gitschier's motion. M. Chau then asked if there is a second to C. Gitschier's motion and C. Robinson seconded, roll call on C. Gitschier's **Motion** "To refer Ordinance back to DPD", 4 yeas, 6 nays (C. Yem, M. Chau, C. Drinkwater, C. Jenness, C. Nuon, C. Rourke), 1 absent (C. Leahy) motion is defeated. Ordinance Public Hearing open and continue to July 25, 2023, all in favor except for C. Gitschier who wished to be recorded as no.

5. UTILITY PUBLIC HEARING

5.1. National Grid - Request Installation Of Underground Conduit Within Morse Street To Improve Electrical Service To The Lowell Housing Authority Property. **WITHDRAWN BY PETITIONER.**

5.2. National Grid/Verizon NE - Request Installation Of Additional Pole On Varnum Avenue, Near Fowler Road.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** "To refer to Wire Inspector for report and recommendation" by C. Robinson, seconded by C. Nuon. So Voted.

5.3. National Grid/Verizon NE - Request Installation Of Additional Pole On Varnum Avenue, Near Riverview Avenue.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. C. Gitschier questioned if it would be paved sidewalk for ADA compliance. **Motion** "To refer to Wire Inspector for report and recommendation" by C. Gitschier, seconded by C. Jenness. So Voted.

C. Mercier at this time asked for "Suspension of the Rules to make a **Motion** "To establish an emergency provision for tracking in light of the recent tragedy of Anna Mburu", seconded by C. Scott. So Voted.

C. Robinson at this time asked for a "Suspension of the Rules to take 11.10 out of order", seconded by C. Rourke. So Voted

6. COMMUNICATIONS FROM CITY MANAGER

6.1. Motion Responses.

A) Motion Response - Communication Translation

C. Nuon provided thanks. C. Yem requested city work w/CMAA for accurate translation.

B) Motion Response - Appeals Process Information

C. Gitschier questioned length of time it for boards to file decisions with City Clerk's Office so constituents can file appeals. Yovanni Baez, DPD Director explained the boards have up to 14 days.

C) Motion Response – Streateries

C. Robinson thanked everyone for report. C. Jenness commented on success with major street closures. C. Yem echoes colleague remarks

D) Motion Response - City Council Meeting Broadcast Update

C. Scott commented on making system better. C. Mercier commented on not being happy with broadcast interruptions. C. Jenness commented on zoom potential not being back yet. Mr. Baldwin apologized for interruptions in broadcast, but there are still issues and we are working with them and asking for patience.

E) Motion Response - LCHS Field Partnership Opportunity

C. Robinson commented that he is glad conversations are happening. C. Gitschier commented it was a good motion response and thanked the manager. C. Gitschier also commented on maybe making Edwards Field multipurpose with synthetic field. **Motion** by C. Gitschier, seconded by C. Yem "To refer this motion response to the Parks and Recreation Sub/Committee and the Youth Services Sub/Committee" So Voted

In City Council, **Motion** "To accept and place on file" by C. Mercier, seconded by C. Drinkwater. So Voted.

6.2. Communication - Reappointment Of Mony Var To Lowell Housing Authority.

In City Council, **Motion** "To adopt" by C. Nuon, seconded by C. Yem. So Voted.

Motion "To bundle 6.3 and 6.4" by C. Nuon, seconded by C. Yem. So Voted

6.3. Communication - Resignation Of Beverly Anthes From Election Commission.

In City Council, **Motion** “To accept resignation” by C. Nuon, seconded by C. Yem. So Voted.

C. Jenness asked City Manager to send letter of thanks.

6.4. Communication - Resignation Of Garrett Beaulieu From Conservation Commission.

In City Council, **Motion** “To accept resignation” by C. Nuon, seconded by C. Rourke. So Voted.

C. Jenness asked City Manager to send letter of thanks.

Motion “To bundle 7.1 through 7.9 ” by C. Mercier, seconded by C. Nuon. So Voted

7. VOTES FROM THE CITY MANAGER

7.1. Vote - Accept/Appropriate/Expend \$21,400,000 RAISE Grant.

In City Council, Read twice, full reading waived with no objections. **Motion** “To bundle and adopt 7.1-7.9” by C. Mercier, seconded by C. Rourke. Adopted on roll call vote 10 yeas, 1 absent (C. Leahy). So Voted

7.2. Vote - Authorize CM Execute Annual Action Plan FY23-24.

In City Council, Read twice, full reading waived with no objections. **Motion** “To bundle and adopt 7.1-7.9” by C. Mercier, seconded by C. Rourke. Adopted on roll call vote 10 yeas, 1 absent (C. Leahy). So Voted

7.3. Vote - License Agreement With Lowell Festival Foundation.

In City Council, Read twice, full reading waived with no objections. **Motion** “To take out of order” by C. Jenness, seconded by C. Nuon. **Motion** “To adopt” by C. Jenness, seconded by C. Gitschier. Adopted on roll call vote 10 yeas, 1 absent (C. Leahy). So Voted.

Registered Speakers: Lee Vilieisis , Festival Coordinator commented on recycling.

7.4. Vote - Transfer \$1,055,000 - Snow And Ice.

In City Council, Read twice, full reading waived with no objections. **Motion** “To bundle and adopt 7.1-7.9” by C. Mercier, seconded by C. Rourke. Adopted on roll call vote 10 yeas, 1 absent (C. Leahy). So Voted

7.5. Vote - Transfer \$1,352,000 - Health/Dental Insurance.

In City Council, Read twice, full reading waived with no objections. **Motion** “To bundle and adopt 7.1-7.9” by C. Mercier, seconded by C. Rourke. Adopted on roll call vote 10 yeas, 1 absent (C. Leahy). So Voted

7.6. Vote - Transfer \$20,000 - Disability Commission.

In City Council, Read twice, full reading waived with no objections. **Motion** “To bundle and adopt 7.1-7.9” by C. Mercier, seconded by C. Rourke. Adopted on roll call vote 10 yeas, 1 absent (C. Leahy). So Voted

7.7. Vote - Transfer \$35,000 - Postage.

In City Council, Read twice, full reading waived with no objections. **Motion** “To bundle and adopt 7.1-7.9” by C. Mercier, seconded by C. Rourke. Adopted on roll call vote 10 yeas, 1 absent (C. Leahy). So Voted

7.8. Vote - Transfer \$91,000 - Energy.

In City Council, Read twice, full reading waived with no objections. **Motion** “To bundle and adopt 7.1-7.9” by C. Mercier, seconded by C. Rourke. Adopted on roll call vote 10 yeas, 1 absent (C. Leahy). So Voted

7.9. Vote - Transfer \$950,000 - Payroll Taxes.

In City Council, Read twice, full reading waived with no objections. **Motion** “To bundle and adopt 7.1-7.9” by C. Mercier, seconded by C. Rourke. Adopted on roll call vote 10 yeas, 1 absent (C. Leahy). So Voted

8. ORDERS FROM THE CITY MANAGER

8.1. Order - Abandon Portion Of Pratt Avenue.

In City Council, Given 1st Reading, **Motion** “To refer to Public Hearing on July 25, 2023 at 7PM” by C.Nuon, seconded by C. Robinson. So Voted.

9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. Wire Insp. - (5) 1. Waveguide On Behalf First Light Fiber Conduit Appleton St., 2. Boston Gas Dba National Grid Concrete Pad Bradley St., 3. Boston Gas Dba National Grid Relay Plastic Gas Main Varnum Ave., 4. Comcast Conduit Lakeview Ave., 5. Comcast Conduit And Manhole On Kirk St.

In City Council, **Motion** “To accept and adopt accompanying order” by C. Yem, seconded by C. Nuon. So Voted.
Jay Dunn spoke for Waveguide.

10. PETITIONS

10.1. Misc. - Ginnet Boria/Haguen Morel For The Benefit Of Hannel Morel Request Installation Of Handicap Parking Sing At 173 East Merrimack Street (1st Floor).

In City Council, **Motion** “To refer to Transportation Engineer for report and recommendation” by C. Jenness, seconded by C. Robinson. So Voted.

11. CITY COUNCIL - MOTIONS

11.1. C. Scott - Req. City Mgr. Work With Appropriate Department To Investigate If There Is A Design Flaw Around Water Drainage On Adie Way.

In City Council, seconded by C. Nuon, referred to City Manager. So Voted.

11.2. C. Gitschier - Req. City Mgr. Have Proper Department Secure The Property At 32 Union Street.

In City Council, seconded by C. Drinkwater, referred to City Manager. So Voted.

11.3. C. Gitschier - Req. City Mgr. Provide An Update On Releasing All Executive Session Minutes That No Longer Warrants Confidentiality.

In City Council, seconded by C. Mercier, referred to City Manager. So Voted.

11.4. C. Robinson - Req. City Mgr. Explore Potential Opportunities To Partner With LTC To Improve The Quality Of Service As Well As Assist The City Increase Public Communication Pipeline.

In City Council, seconded by C. Rourke, referred to City Manager. So Voted.

11.5. C. Robinson - Req. City Mgr. Have DPW Address Pedestrian Walkway Pedestrian Safety Issues Due To Overgrowth Citywide In A Timely Manner With Consideration Given To Bringing In Additional Equipment If Necessary.

In City Council, seconded by C. Yem, referred to City Manager. So Voted.

11.6. C. Robinson - Req. City Mgr. Have The Law Department Provide Insight On The Process To Examine Banning The Sale Of Glass Pens Or Glass Stem Sales In Convenience Stores Within City Limits.

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

11.7. C. Robinson - Req. City Mgr. Have The Proper Departments Address The Increase In Speeding In Areas Of Christian, Mt Pleasant, As Well As Around The Reservoir During Heavy Commute Times.

In City Council, seconded by C. Drinkwater, referred to City Manager. So Voted.

11.8. C. Robinson - Req. City Mgr. Provide An Update On Catch Basin Cleaning Progress.

In City Council, seconded by C. Nuon, referred to City Manager. So Voted.

11.9. C. Robinson - Req. Mayor Create A Special Event Sub Committee.

In City Council, seconded by C. Yem, referred to City Manager. So Voted.

11.10. C. Robinson – Req. City Mgr. Work With Proper Department To Develop A Proactive Solution To Vagrancy, Substance Abuse, Loitering Issues Around St John’s Church Area.

In City Council, seconded by C. Rourke, referred to City Manager. So Voted. **Registered Speakers: Jeff Estrella, Leslie Estrella Damon Darcangelo, Ron Peacetree.** C. Robinson thanked speakers. C. Robinson commented on services being interrupted and patrons being asked for money etc. C. Robinson commented on being bombarded with calls from constituents and that this issue is out of control. C. Robinson commented that it is not fair to the businesses, neighborhoods and residents. C. Robinson explained we should not turn a blind eye to this issue and that we need to figure this out. C. Gitschier agreed with C. Robinson. C. Gitschier commented that we need to find a way to protect our businesses and residents of this city. C. Rourke commented that suggestions have been made and the City Council needs to give a clear and direct consensus to the City Manager of what this council expects, because this needs to end. C. Rourke commented that help is offered every day and is denied everyday and that the Council send a clear and concise message to the Manager to end this.

At this time, C. Jenness asked to take 11.14 and 11.15 out of order and to bundle 11.2 with 11.15 C. Gitschier's Motion as they are the same, seconded by C. Robinson.

11.11. C. Robinson/C. Scott - Req. City Mgr. Provide Update On Housing Summit.

In City Council, no second needed, referred to City Manager. So Voted. C. Jenness then made a motion to get an update at the next meeting as to where we are at with these issues, and to combine with C. Robinson/C. Scott's motion 11.11 regarding update on Housing Summit.

11.12. C. Jenness - Req. City Mgr. Have Proper Department Begin Investigation And Draft Of A Shadow Conduit Ordinance For The Council's Consideration.

In City Council, seconded by C. Mercier, referred to City Manager. So Voted.

11.13. C. Jenness - Req. City Mgr. Have Proper Department Reach Out To The Middlesex Sheriff's Office To Request That The Mobile Command

Center Be Deployed To The Back Central Neighborhood As It Was Last Year.

In City Council, seconded by C. Rourke, referred to City Manager. So Voted.

11.14. Jenness - Req. City Mgr. Have The Lowell Police Department Increase Foot And Car Patrols In The Back Central Neighborhood.

In City Council, seconded by C. Scott, referred to City Manager. So Voted. **Registered Speakers: Atty. Stephanie Mello.** C. Jenness thanked everyone for coming down. C. Jenness commented that this is a systemic issue. C. Jenness commented that we need increased police presence. C. Gitschier agreed with Atty. Mello and that we need solutions. Asst. City Solicitor John McKenna stated the city already has criminal state statutes.

11.15. C. Jenness - Req. City Mgr. Provide Update On The Requested Fencing At The City Owned Lot At 32 Union Street.

In City Council, seconded by C. Drinkwater, referred to City Manager. So Voted. C. Jenness commented on fencing around this property to keep in some state of cleanliness. C. Gitschier questioned if 32 Union Street was part of yard sale program and Manager Golden said surplus has been voted on by council already and a needs assessment is currently going on and RFP will be put forth. C. Gitschier asked if there was Police Precinct in area and Manager Golden said it is over at the Lowell Housing Authority. C. Nuon commented that this council shares the frustration of the Neighborhood and said we need to bring all partners together for both short and long term solutions. C. Scott commented the concerns she is hearing about is lack of foot and bicycle patrols in area. C. Robinson commented that the criminal component of these issues will not be tolerated while we are working on solutions, summits, housing options. C. Mercier commented how frustrated she is.

11.16. C. Jenness - Req. City Mgr. Put Together A Neighborhood Summit With The Back Central Neighborhood Leaders, Residents, Business Owners, Religious Organizations, Public Safety Representatives And Other Stakeholders To Discuss Strategies Around Improving Quality Of Life In The Neighborhood.

In City Council, seconded by C. Mercier, referred to City Manager. So Voted. C. Jenness amended motion to include Religious Organizations.

12. ANNOUNCEMENTS

C. Yem wished C. Robinson a very Happy Birthday.

M. Chau reminded everyone the Lowell Folk Festival is only a couple weeks away and the need for volunteers.

13. ADJOURNMENT

In City Council, **Motion** "To Adjourn" by C. Rourke, seconded by C. Scott. So Voted.

Meeting adjourned at 9:50PM.

Angela Gitschier

Assistant City Clerk