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Lowell City Council
Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: **July 14, 2020**
Time: **6:30 PM**
Location: **Zoom/Remote Participation**

1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding. Meeting was conducted via teleconference with audio stream by LTC as well as Zoom and recorded due to Covid-19 pandemic.

C. Chau requested moment of silence in darkened chamber for Van Chey. M. Leahy requested moment of silence in darkened chamber for Donald Milinazzo (LFD) and Sim Sin-Chan.

2. MAYOR'S BUSINESS
2.1. Communication Remote Participation:

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 view the meeting via LTC and those wishing to speak regarding a specific agenda item shall register to speak in advance of the meeting by sending email to City Clerk indicating the agenda item and a phone number to call so that you may be tele-conferenced in to the meeting. Email address is mgeary@lowellma.gov. If no access to email you may contact City Clerk at 978-674-4161.
For Zoom - https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting

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

C. Drinkwater requested that items be moved up the agenda as there are many registered speakers on those items. **Motion** to suspend rules to take Items #11.1 and #11.2 out of order by C. Drinkwater, seconded by C. Nuon. Defeated per Roll Call vote

4 yeas, 5 nays (C. Conway, C. Elliott, C. Mercier, C. Rourke, C. Samaras). So voted. C. Elliott noted that the request was inappropriate.

3. CITY CLERK

3.1. Minutes of Finance SC June 23rd; City Council Meeting June 23rd; Finance SC June 30th, for acceptance.

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

4. AUDITOR BUSINESS

4.1. Communication - FY20 YTD Budget Report ending June 30, 2020.

In City Council, **Motion** "To refer to Finance SC" by C. Elliott, seconded by C. Samaras. So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

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

A) Motion Response - Election Preparations COVID-19 – C. Nuon commented on the legislative changes and that they must be communicated to the public. Manager Donoghue noted that the "Vote by Mail" applications were being sent to all registered voters in the Commonwealth. Atty. Elliott Veloso (Interim Elections Director) outlined the Vote by Mail procedures which is similar to absentee ballots and suggested that voters process them as soon as possible. Manager Donoghue noted information would be available on the City website. C. Nuon noted the need to work with all partners in the City to educate the public in terms of voting procedures. C. Chau questioned security procedures and availability of applications for the ballots. Atty. Veloso commented on the ballot security and the availability of applications. C. Rourke lauded the effort of Atty. Veloso. Atty. Veloso noted the extension of time periods for in-person voting.

B) Motion Response - Pawtucket Boulevard – C. Nuon recognized the efforts of the State delegation; City administration and Transportation SC in addressing safety concerns at that location. C. Elliott commented on the assistance of the Lt. Governor and the positive effects of the grant money. Manager Donoghue announced that grant application was approved and money would be forthcoming. Natasha Vance (Transportation Engineer) outlined the use of the grant money provided by MassDOT.

C. Elliott commented on the speed of the response from all involved. M. Leahy stated that changes are needed in that area and that the entire City is facing serious traffic safety concerns.

C) Motion Response - Middlesex St No Parking Zone – C. Nuon commented on the report and the effort being made.

D) Motion Response - Woburn Street Project – C. Elliott noted the progress being made and that agreements would be made regarding improving traffic management in the area.

E) Motion Response - Homelessness Task Force – C. Mercier commented on the summary and requested more data regarding the number of homeless in the City as that number seems to be increasing. Manager Donoghue noted that the partial closing of shelter has caused more people being forced to the streets. Manager Donoghue introduced homeless coordinator, Mary Shannon Thomas, to the body. Ms. Thomas commented on the difficulty of capturing the number of homeless in the City.

F) Motion Response - Ecumenical Plaza – C. Samaras commented on improvements being done in the proper fashion.

G) Motion Response - Paving and Trench Chip Disc – C. Conway commented on the program that would be costs saving to the City. C. Conway noted it was a pilot program and questioned how long disc would last. Christine Clancy (DPW) noted the pilot program would be done during winter months which would give a good indication of the durability of the discs. Manager Donoghue introduced City Engineer, Ting Chang, to the body. Ms. Chang addressed the Council.

H) Motion Response - Transport of Marijuana – C. Chau commented on enforcement and legalities regarding use of marijuana. Supt. Richardson (LPD) noted the law is developing and judges would need to be educated regarding legal standards that have to be met. C. Nuon commented on legal standards surrounding marijuana.

I) Motion Response - Burnham Road – C. Mercier lauded the efforts being made and noted it is a serious ongoing issue that need multi agency approach. Supt. Richardson noted the further involvement of the Mass. Environmental Police in the matter.

J) Motion Response - East Merrimack Street – C. Mercier commented on the report and the citations that had been issued.

K) Motion Response - Naming Field at Cawley Stadium – M. Leahy recognized C.

Mercier efforts before the Board of Parks. C. Rourke noted the importance of the motion and also thanked C. Mercier for her support before the Board of Parks. Manager Donoghue noted that construction has begun on new field.

5.2. Informational Reports

A) Informational - Maintenance of Effort Report – Conor Baldwin (CFO) noted the request from the Finance SC and outlined the response. C. Elliott noted the need for the information as it indicates our commitment to the schools. C. Nuon commented on the various contributions.

5.3. Resignation of Sabrina Pedersen- Sustainabily Council.

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

6. VOTES FROM THE CITY MANAGER

6.1. Vote- Approve Appropriation Order FY21 One Twelfth Budget August.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on July 28, 2020 at 7PM by C. Elliott, seconded by C. Conway. So voted.

Motion to bundle and waive full reading of Items #6.2 to #6.7 by C. Noun, seconded by C. Mercier. So voted.

6.2. Accept Gift of Hand Sanitizer.

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

6.3. Vote -Accept By Donation Easement in Furtherance of Concord River Greenway.

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

6.4. Vote- Accept.Expend 109,540 FY20 Justice Assistance Grant for Corona virus Emergency Supplemental funding Program.

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

6.5. Vote- Accept.Expend EOPSS 2020 Pedestrian Grant-Police.

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

6.6. Vote- Concord River Greenway Gateway City Parks Program.

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

6.7. Vote- MassDevelopment Site Readiness 375K.

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

7. ORDERS FROM THE CITY MANAGER
7.1. 60-day trial.

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

8. ORDINANCES FROM THE CITY MANAGER
8.1. Ordinance- Create Citizens Advisory Committee.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on July 28, 2020 at 7PM by C. Rourke, seconded by C. Samaras. So voted.

9. REPORTS (SUB/COMMITTEE, IF ANY)
9.1. Finance SC June 30, 2020.

In City Council, C. Elliott provided report outlining attendance and discussion regarding update for FY20 and FY21 budget. C. Elliott noted that State still has given no indication of funding to communities and that the City continues to look at revenues and savings and are holding spending to last year level. Manager Donoghue noted that there is still no information from the State and that they are waiting for information regarding federal stimulus. Mr. Baldwin noted the effort to cut costs which comes mostly from salaries. **Motion** to accept the report as a report of progress by C. Nuon, seconded by C. Chau. So voted.

9.2. Transportation SC Joint with Public Safety SC July 14, 2020.

In City Council, C. Elliott provided report of joint subcommittee meeting outlining attendance and discussion regarding traffic noise, use of fireworks and disturbances in the Fowler Road area. C. Elliott noted that the subcommittees adopted a motion to have Inspectional Services to meet with owners of property and business in regards to disturbances in the Fowler Road area. **Motion** to accept the report as a report of progress and adopt motions of the subcommittee by C. Chau, seconded by C. Samaras. So voted.

10. PETITIONS
10.1. Claim - (1) Property Damage.

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

11. CITY COUNCIL – MOTIONS

11.1. C. Nuon - Req. City Mgr. Work with Department of Planning & Development to Put Together a Comprehensive Asset Management Strategy for City-owned Property.

In City Council, seconded by C. Samaras, referred to City Manager. So voted. C. Nuon noted the need for a master plan regarding City property and that more affordable housing projects should be a focus.

11.2. C. Nuon - Req. City Mgr. Work with Department of Planning & Development to Compile a List of HUD Projects with Affordable Housing Restrictions That Expire in Near Future.

In City Council, seconded by C. Samaras, referred to City Manager. So voted. C. Nuon noted the issue with the many restrictions and that such information should be made available to public.

11.3. C. Elliott - Req. City Council vote to set up Lowell Equity and Inclusion Fund to raise money from private donations to address racism, inclusiveness and equity in City.

In City Council, seconded by C. Mercier, referred to City Manager. Adopted per Roll Call vote 8 yeas, 1 nay (C. Nuon). So voted. C. Elliott noted these funds are being established throughout the Commonwealth and are important as the City faces tough

fiscal times. C. Elliott noted that in times like this the City comes together. C. Mercier noted the need for private donations along with grants during time when resources are tight. C. Rourke noted this gave programs a head start during tough fiscal times. C. Conway noted the need to look at all resources when money is tight. C. Samaras requested the Greater Lowell Community Foundation be involved with this endeavor. **Motion** by C. Elliott, seconded by C. Samaras to involve Greater Lowell Community Foundation. So voted. C. Nuon noted he did not support the motion as the Greater Lowell Community Foundation has already set up such a fund.

11.4. C. Elliott - Req. City Council discuss reallocating state and federal grant resources for HR Audit or other programs to address equity and inclusiveness.

In City Council, seconded by C. Conway, referred to Finance SC. So voted. **Motion** by C. Elliott, seconded by C. Rourke to refer matter to Finance SC. So voted. Manager Donoghue noted that vendor will be chosen and costs and scope of work will be analyzed.

11.5. C. Elliott/C. Conway/C. Mercier/C. Rourke/C. Samaras/C. Chau - Req. City Council adopt Resolution regarding inclusiveness, equity and racism in the City.

In City Council, no second needed, referred to City Manager. Adopted per Roll Call vote 6 yeas, 3 nays (C. Drinkwater, M. Leahy, C. Nuon). So voted. C. Elliott commented on the formation of the motion and that it is all inclusive and an effective tool and road map for these issues. C. Samaras noted his support for the motion indicating is was a tool to create a pathway to deal with racial issues. C. Mercier noted resolution was effective and showed willingness of the City to move forward on the issue. C. Chau commented on teamwork to move issue forward and he was able to gather a lot of information from the public in order to act with a clear pathway. C. Conway noted the resolution addresses may factors noting the City is inclusive and diverse but there can always be improvement. C. Rourke noted resolution is right direction at this time and commented on the many success of the community in terms of housing and other benefits to its citizens. C. Nuon noted the resolution was a weak response to public input. C. Drinkwater stated he could not support motion noting he did not believe it was collaborative effort and that an indication regarding a public health crisis should be included. C. Elliott noted it was a work in progress and that he reached out to all members of the Council. M. Leahy commented on the listening session which requested the public health crisis language.

11.6. C. Mercier - Req. City Council resume meeting in the City Hall Chamber for the next meeting for those City Councilors who wish to partake.

In City Council, seconded by C. Elliott, referred as amended for return date of August 11, 2020, to City Manager. Adopted as amended by Roll Call vote 7 yeas, 2 nays (C. Drinkwater, C. Nuon). So voted. C. Mercier commented the need to return to Chamber and resume work from there. C. Samaras noted there is still a lot of mystery surrounding the virus and the approach should be one of caution and perhaps delay until August. C. Conway noted that there are not a lot of communities meeting and that the track of this virus is hard to judge. C. Conway stated that the body should play it safe. C. Nuon noted the need to return and the want to return but commented that many factors prevent this. C. Mercier commented on her work situation and that City Hall employees have returned but she was willing to extend request to August 11, 2020. C. Rourke requested information regarding conducting hybrid meeting to be before Council at next meeting. C. Drinkwater requested updates before returning to Chamber.

Motion to take items #11.10 to #11.12 out of order by C. Nuon, seconded by C. Drinkwater. Adopted per Roll Call vote 9 yeas. So voted.

11.7. C. Rourke - Req. City Mgr. provide the Council with a comprehensive report regarding Lowell Police Department's collaboration with community partners including Lowell Public Schools, non-profit organizations and other City departments through funding and active participation.

In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Rourke commented that information should be published so that community would be aware of all that the Lowell Police does in the community.

11.8. C. Chau - Req. City Mgr. create a City Commission to investigate and identify systemic inequities and racism in the following areas: housing, education, hiring, health care, social services, mental health and transportation; members will include, but not to, representatives from the following organizations; Mayor or appointee, City Manager or appointee, Lowell Housing Authority, CBA, Lowell General Hospital, Lowell Community Health Center, Community Team Work, Trinity Ambulance, PrideStar Ambulance, Lowell Regional Transit Authority, UMass Lowell, Lowell School Administration, Middlesex Community College, Lowell Career Center, UTEC and Lowell Transitional Center.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Chau outlined the task and the need for it. **Motion** by C. Rourke, seconded by C. Conway to refer this item and item #11.12 to City Manager to develop a combined response for both motions. So voted.

11.9. C. Chau - Req. City Mgr. update Council regarding Small Business Emergency Grant Program initiated in May using CDBG funds and provide list of recipients and amounts received by City businesses.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Chau noted efforts of DPD and the success of the program.

11.10. C. Chau - Req. City Mgr. investigate upgrading the intersections of Wedge, Campbell and Luce Streets from 2- way stop signs to 4-way stop signs with marked crosswalks.

In City Council, seconded by C. Conway, referred to City Manager. So voted. Registered speaker, Margaret Gillen, addressed the body and indicated that it was Laura Street not Luce Street. C. Chau noted that motion should have indicated that there were no stop signs or crosswalks and that motion spoke for itself.

11.11. M. Leahy - Req. City Council vote to assert that racism is a public health crisis affecting the health, safety and well-being of residents in the City of Lowell, and to affirm our commitment to efforts aimed at understanding, addressing, and dismantling racism in all its forms; and to further request that the City Manager direct the Law Department to draft a resolution formally declaring racism to be a public health crisis in the City of Lowell.

In City Council, seconded by C. Nuon, DEFEATED per Roll Call vote 4 yeas, 5 nays (C. Conway, C. Elliott, C. Mercier, C. Rourke, C. Samaras). So voted. C. Rourke requested legal opinion regarding motion. City Solicitor commented that legal issues could apply if the request was specific for Lowell as opposed to asserting it generally. C. Drinkwater noted it was a national issue which effects Lowell. M. Leahy outlined the purpose of the motion. The following registered speakers addressed the Council for Items #11.11 and #11.12: Bobby Tugbiyele; Isa Woldeguiorguis; Dee Halzack; Lisa Arnold; Fru Nkimbeng; Jonathon Grossman; Dan Bravo; Jay Mason; Marissa Shea; Karen Frederick; LZ Nunn; Tina Degree; Dr. Robert Marlin; Sophy Theam; Carl Howell; and Kerrie D'Entremont. Record to reflect email of Szifra Birke dated July 14, 2020 and letter from Greater Lowell Health Alliance dated July 10, 2020. **Motion** to Waive City Council Rule 5 to allow debate beyond 10 PM by C. Conway, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier noted racism is an issue and a concern but it is not a public health crisis in Lowell. C. Mercier outlined a number of initiatives by the City which benefit all citizens and that adopting this motion would open City up to litigation. C. Drinkwater noted support for the motion and indicated that it is not a slight to the City but a nationwide crisis that affects the City. C. Drinkwater noted that positive action on this motion would put City in a power position and that enough

experts had stated that racism is a public health crisis. C. Drinkwater noted the need to listen to residents surrounding this question. C. Chau noted support for this motion and indicated that prior motion of C. Elliott was independent of this and just approaching issues from different directions. C. Samaras commented that racism is problem everywhere and noted that motion of C. Elliott is a pathway for change. C. Samaras noted concern of other directives in the letter requesting a public health crisis declaration were of concern to him. C. Samaras noted his support of a formation of task force. C. Nuon recognized the speakers and the forums involved with these issues and noted declaring racism a public health crisis does not make Lowell a racist community. C. Nuon stated that the power structure as it now stands is not equitable and to fix a problem one must recognize there is a problem. C. Nuon voiced his support of the formation of a task force. C. Elliott noted opposition to motion as it labels City as racist and further noted that the conclusion was far from the truth. C. Elliott noted it paints too broad a brush and that the City has invested so much to all of its residents and is always looking for ways to improve. M. Leahy stated that the body must listen to its residents and declare racism as a public health crisis.

11.12. M. Leahy - Req. City Council vote to establish a Mayor's Task Force on Diversity, Equity and Inclusion that will conduct a thorough review of City policies and inequities in community systems; will solicit input from experts and the general public; and will report to the City Manager and City Council with initial policy recommendations, including ways in which success is measured, no later than six months from the date of the first task force meeting; said task force shall be chaired by a Lowell resident who is a person of color, and the majority of the task force should be comprised of people of color who reside in Lowell.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. Discussed with Item #11.8 and referred to City Manager with that item to develop a combined response for both motions. So voted.

In City Council, **Motion** to suspend rules to allow following motion to be discussed by C. Samaras, seconded by C. Mercier. So voted. "**Req. City Mgr. work with City Health Department to determine whether City's recent ordinance banning the use of plastic bags should be temporarily suspended in light of State lifting its order relative to plastic bags and in furtherance of local public health measures aimed at curbing the spread of COVID-19.**" by C. Conway, seconded by C. Rourke. So voted. C. Conway noted it was a safety issues and many communities are suspending their ordinances to allow plastic bags. Manager Donoghue noted that it could be suspended quickly has there are no proposed changes. Solicitor O'Connor noted Commonwealth is still under state of emergency so suspension would be possible. C. Rourke requested time be extended to November 1, 2020.

12. ANNOUNCEMENTS

In City Council, C. Elliott and C. Mercier stated their resignations from Community Team Work, Inc. and further noted letters to follow.

13. ADJOURNMENT

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

Meeting adjourned at 11:25 PM.

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Michael Q. Geary, City Clerk