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Lowell City Council
Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: **December 22, 2020**
Time: **6:30 PM**
Location: **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 Not Participate In-Person And May View The Meeting Via LTC.ORG (On-Line; Live Streaming Or Local Cable Channel 99) And Zoom.**

1. ROLL CALL

Roll Call showed 9 present (Remote – C. Conway, C. Samaras).

M. Leahy presiding. Meeting was conducted in the Council Chamber; via teleconference with audio stream by LTC; and Zoom due to Covid-19 pandemic.

2. MAYOR'S BUSINESS
2.1. Communication Remote / Zoom 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.Org (On-Line; Live Streaming; Or Local Cable Channel 99) As They May Not Participate In-Person. 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 Issued Zoom Link To The Meeting. Email Address Is MGEARY@LOWELLMA.GOV. If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting.

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

3. CITY CLERK
3.1. Minutes Of Public Safety SC December 8th; City Council Regular Meeting December 8th, For Acceptance.

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

4. UTILITY PUBLIC HEARING
4.1. National Grid - Request Installation Of 24 Feet Of Underground Electric Conduit At Bridge Street At Mass Mills Drive.

In City Council, Given 2nd Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Nuon, seconded by C. Mercier. So voted.

4.2. National Grid/Verizon NE - Request Installation Of Two (2) Jointly Owned Utility Poles On Varnum Avenue At Elene Street.

In City Council, Given 2nd Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Nuon, seconded by C. Conway. So voted.

4.3. Verizon - Request Permission To Install (1) JO Pole At 190 Butman Road.

In City Council, Given 2nd Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Samaras, seconded by C. Rourke. So voted.

5. COMMUNICATIONS FROM CITY MANAGER
5.1. Motion Responses.

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

A) Motion Response - Clay Pit Brook Update – C. Elliott noted that there was much discussion regarding item at prior subcommittee meeting and commented on report and the swift action of the City. C. Rourke noted that there was an informative subcommittee meeting. **Motion** by C. Rourke, seconded by C. Mercier to take Item #8.1 out of order so that C. Samaras may issue Environmental & Flood Issues SC report. So voted.

B) Motion Response - School Building Update – C. Mercier noted it was good to see where progress is being made and it continues and commented that all work is done above the DESE recommendations. C. Mercier commented on the costs and noted the HVAC improvements.

C) Motion Response - License Renewal Fee Waiver – C. Rourke noted the waiver of fees and that the CFO would continue to work with assisting businesses. Manager Donoghue commented on other possible sources of revenue relief for small businesses.

D) Motion Response - Rourke Bridge Update – C. Rourke commented on MassDOT presentations and public participation meetings for design and construction. C. Elliott noted that options are being presented and feedback is happening as well.

E) Motion Response - Remote Learning – C. Rourke commented on number of children in the schools and that it does not look hopeful for return of additional students. Manager Donoghue commented on funding available to assist with remote learning.

F) Motion Response - Middlesex Street Homeless Camp – C. Elliott noted it was a tough task and that City is doing well with resources available. C. Elliott noted that there are many partners involved and that sometimes resources are declined.

G) Motion Response - MBTA Service Cuts – C. Drinkwater noted that letter sent to board was appropriate as it laid out the impact due to cuts and that there should be effort to restore cuts that have been done.

H) Motion Response - Performance Evaluations – Motion by C. Mercier, seconded by C. Elliott to take Item #10.11 out of order as it pertains to evaluations. So voted.

5.2. Informational Reports
I) Informational - 2020 Year In-Review Presentation – Manager Donoghue requested matter be moved to Special City Council Meeting on January 12, 2021 at 5:30 PM.

J) Informational - Marijuana Delivery – Manager Donoghue noted the State commission rules and regulations regarding delivery and that Host Agreements would be necessary for these services. **Motion** by C. Elliott, seconded by C. Nuon to refer to Cannabis Control SC. So voted. C. Elliott noted attention should be given to the matter and commented on pending lawsuit surrounding the regulations. C. Nuon commented on vagueness of the regulations. C. Rourke questioned if City could apply own regulations. Manager Donoghue commented on regulations and Host Agreements. C. Conway noted the need to tie up loose ends and that it is a serious situation when money and drugs are involved.

5.3. Reappt Of Joanie L. Bernes-Tenant Rep LHA.

In City Council, Read, **Motion** to adopt by C. Nuon, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.

Motion to suspend rules to accept resignation of Vanna Howard from the Lowell Housing Authority Board and place on file by C. Elliott, seconded by C. Nuon. So voted.

Motion to suspend rules to discuss Covid-19 testing sites by C. Mercier, seconded by C. Nuon. So voted. C. Mercier questioned costs of free testing sites to the vendors. Manager Donoghue noted funds came from the CARES ACT and that there may be additional funding from the State and other sources during the next surge. C. Mercier questioned protocol to protect employees in City Hall if there are positive cases in the building. Manager Donoghue commented on contact tracing being done by the Health Department and that testing of employees is free and done quickly with quick results. C. Mercier noted all departments should be afforded opportunity to test. Manager Donoghue noted that there are safeguards in the City. C. Chau questioned times

available at testing sites. Manager Donoghue noted vendors resources dictate times. C. Elliott noted that those with appointments should be prioritized and commented on the costs. Manager Donoghue noted that there would be a report regarding allocation of costs with the CARES ACT. C. Elliott noted covid numbers are reducing slightly.

5.4. Communication - Lowell Sustainability Council Recommendation To Explore Possible Funding For Installing Solar Panels On Roof Of Lowell High School.

In City Council, **Motion** "To refer to City Manager" by C. Mercier, seconded by C. Elliott. So voted.

Motion to bundle and waive full reading Items #6.1 to #6.4 inclusive and Items #6.6 and #6.7. So voted.

6. VOTES FROM THE CITY MANAGER
6.1. Vote- Accept Gift Of 7,500 From Digital Federal Credit Union.

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

6.2. Vote- Accept.Expend 60K MassDEP Grant.

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

6.3. Vote-Auth CM Ex Lease W.115 Merrimack St. Realty Trust For Property Located At 107 Merrimack St. -Career Ctr.

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

6.4. Vote-Auth Mgr Ex. License Agreement 900 Chelmsford St. Crosspoint Rooftop.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier noted that this was not a money agreement just an upgrade by LPD for communications tower.

6.5. Vote-Authorize Payment Of Bills Incurred In Excess Of Appropriations.

In City Council, Read twice, full reading waived with no objections. **Motion** to Table by C. Elliott, seconded by C. Mercier. Adopted per Roll Call vote 8 yeas, 1 nay (C. Elliott). So voted. C. Mercier noted that she was informed by school administration that a vendor would be paid and she did not see them on the list and tried to contact school administration to no avail. Manager Donoghue noted all they have is what was sent.

Conor Baldwin (CFO) stated he would get information and look into the matter. C. Elliott noted the number of joint subcommittees in which this was discussed with the assurance that there would be no further requests and further stated Auditor was doing her job and that procurement rules must be followed. C. Nuon commented on prior assurances and wondered when it would end but noted vendors must be paid to avoid litigation. C. Rourke commented on the amount and noted the amount of the prior request and questioned why it was happening. Mr. Baldwin noted there must be better communication between school administration and school sites. C. Conway noted prior discussions and commented that school administration was benefitting from the meetings. C. Drinkwater commented on the subcommittee meetings and questioned process for billing and how bills would be paid. Mr. Baldwin noted it would come from school budget. C. Chau noted no appetite to pay these bills but vendors are owed money. C. Samaras noted school administration are not paying attention to detail but bills should be paid. C. Elliott noted school administration needs to be accountable. C. Rourke noted there would still be bad bills out there after this and stated the item should be tabled.

6.6. Vote-Transfer 55K To HR For Audit.

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

6.7. Vote-Transfer Parking.

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

7. ORDERS FROM THE CITY MANAGER
7.1. Loan Order-Accelerated Repair Project.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on January 12, 2021 at 7PM by C. Nuon, seconded by C. Mercier. So voted. Manager Donoghue noted progress through the accelerated repair program of the MSBA.

8. REPORTS (SUB/COMMITTEE, IF ANY)
8.1. Environment & Flood Issues SC December 22, 2020.

In City Council, C. Samaras noted attendance and discussion of regarding protocols for beaver dam removal and the operation of the bladder dam. C. Samaras commented on the license renewal of the company taking over for prior owner, Enel. **Motion** to accept the report as a report of progress by C. Elliott, seconded by C. Mercier. So voted.

9. PETITIONS

9.1. Misc. - Ekaterini Prepas-Apostle & Family Request Dedication Added To An Existing Street Sign In Memory Of Maria Angelina Dimou.

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

9.2. Misc. - David Cohen On Behalf Of 146 Alma Realty Trust (Steven DeRosa, Trustee) Request City Council Abandon Paper Street Known As Brooklawn Street.

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

10. CITY COUNCIL - MOTIONS

10.1. C. Elliott/M. Leahy - Req. Economic / Downtown Development SC Meet To Develop Initiatives To Stimulate Economic Activity Downtown And At Other Business Sectors.

In City Council, no second needed, referred to Economic / Downtown Development SC. So voted. C. Elliott noted continued efforts to help with businesses.

10.2. C. Elliott - Req. City Mgr. Provide A Report Regarding Status Of The HR Audit.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Elliott noted prior discussion and requested involvement of non-profits in the City.

10.3. C. Elliott - Req. City Council Vote To Request State Funding For Police Station/Public Safety Complex.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott note the police station is deplorable and public safety dictates improvements. C. Elliott recognized Lawrence and their success in getting funding for their facility. C. Conway noted that facility is in bad repair and that Lawrence has shown possible funding source. C. Chau noted funding in Lawrence and that there must be continued efforts to find that funding. C. Elliott noted dual approach to use of the facility for educational and safety purposes. Manager Donoghue that it would be a more viable approach and that planning funding is available.

10.4. C. Elliott - Req. City Council Discuss Implementation Of “Blue Light” Snow Parking Ban Notification System In The City.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Elliott noted programs work in other communities and that it may be a fit in Lowell so it should be explored. C. Rourke questioned the amount of equipment available for snow removal and commented on effective response of City during storms. C. Chau noted

efforts of the DPW with less equipment. Manager Donoghue noted efforts put forth by DPW after storms.

10.5. C. Nuon - Req. City Mgr. Have Supt. Of LPD Report To Council Information Relative To Changes In The Number Of Instances Of The Following During The COVID Pandemic: Domestic Violence; Sexual Assaults; And Aggravated Assaults.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Nuon noted trigger points during pandemic.

10.6. C. Nuon - Req. City Mgr. Work With Appropriate Staff To Include Contact Information For The Following Support Resources On The City's Website And Through Periodic Posts On City Social Media: Suicide Prevention; Sexual Assault Hotline; Domestic Violence Hotline; And Substance Abuse/Mental Health Hotline.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Nuon noted the need to assist if problem arise and updates of information are essential.

10.7. C. Nuon - Req. City Mgr. Provide City Council With An Updated Report Regarding Amount Of Funds The City Has Received From The CARES Act; How Much Has Been Spent To Date; And What It Has Been Spent On.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon commented on earlier discussion regarding money and how it is being used.

10.8. C. Nuon - Req. City Mgr. Provide A Report Regarding Current Status Of The Spinners Baseball Team And Outlined Steps That Will Be Done To Continue The Affiliation Between The City And The Team.

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon noted the need for continued discussions. C. Mercier requested Dave Heller, owner of Spinners, be invited to meeting. Manager Donoghue noted there are a lot of moving parts at this point and will keep Council informed. C. Elliott noted matter should probably be discussed within Executive Session when scheduled.

10.9. C. Rourke - Req. City Mgr. Have Law Dept. Propose To The Plaintiffs' Counsel Of Voting Rights Litigation To Have School Committee Elected Using The Same 8 Districts Created For The City Council, With The Mayor Being Elected As The 9th Member Of The Committee.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Rourke noted systems should mirror each other to get community fully involved and it would cause least confusion. C. Chau noted plan makes sense to get more involved. C. Drinkwater supported more involvement but noted that at large votes play an important part in elections and that would not be available. C. Nuon noted plaintiffs of the

litigation should be involved and that same question must be answered as it relates to the selection of the Mayor.

10.10. C. Drinkwater - Req. City Mgr. Provide A Report On The Process By Which Both Public And Private Spaces May Be Utilized For Public-Facing Mural Projects, As Well As Any Public Or Private Funding Sources That Are Available To Facilitate Such Projects In The City.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Drinkwater noted need to promote arts and cityscapes and use them as economic boosters as was done in the City of Lynn. C. Rourke noted prior attempts and that City should move forward with the proposal.

10.11. C. Samaras - Req. City Council Call Special Meeting For December 29, 2020 Regarding Evaluations Of The City Manager; Clerk; And Auditor And For Any Action Thereof Under Ordinance Or Contract.

In City Council, seconded by C. Mercier, referred to City Clerk. So voted. C. Samaras noted time should be Special Meeting for January 12, 2021 at 5:30 PM.

10.12. C. Mercier - Req. City Mgr. Provide A Report Regarding MassHire And The Status Of Employment And Any Grant Availability.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Mercier commented on the importance of the agency and its partnership with Middlesex Sherriff.

11. ANNOUNCEMENTS

In City Council, Manager Donoghue noted the opening up for grants to assist small business and outlined the application process.

M. Leahy wished all a happy holiday season.

12. ADJOURNMENT

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

Meeting adjourned at 8:41 PM.

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Michael Q. Geary, City Clerk