

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
REGULAR MEETING
OCTOBER 25, 2016**

ATTENDANCE: Eneida Martinez, Co-Chair; Jose Casco, Co-Chair;
Scott Burns, Anthony Paoletto, Michelle Lyons,
Richard Salter, Sr., Mary McBride-Lee
Kathryn Bukovsky joined the meeting at 6:20.

STAFF: Albertina Baptista, Acting Director of Health; Veronica Jones, Tax
Collector; Nestor Nkwo, OPM, Budget Director; Ernie Newton;
Tom Gaudett, Mayor's Office; Angel dePara, CAO's Dept.
Mark Anastasi, Associate City Attorney

CALL TO ORDER

Co-Chair Martinez called the meeting to order at 6:10 PM. A quorum was present.
She reviewed the procedures of the meeting to all those present.

AGENDA

APPROVAL OF COMMITTEE MINUTES: JUNE 28, 2016 (REGULAR MEETING)

- ** COUNCIL MEMBER LYONS MOVED TO APPROVE COMMITTEE
MINUTES: JUNE 28, 2016 (REGULAR MEETING).
- ** COUNCIL MEMBER MCBRIDE-LEE SECONDED.
- ** THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF COMMITTEE MINUTES: JUNE 30, 2016 (SPECIAL MEETING)

- ** COUNCIL MEMBER LYONS MOVED TO APPROVE COMMITTEE
MINUTES: JUNE 30, 2016 (SPECIAL MEETING).
- ** CO-CHAIR CASCO SECONDED.
- ** THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF COMMITTEE MINUTES: JULY 5, 2016 (PUBLIC HEARING)

- ** CO-CHAIR CASCO MOVED TO APPROVE COMMITTEE MINUTES: JULY 5,
2016 (PUBLIC HEARING).
- ** COUNCIL MEMBER MCBRIDE-LEE SECONDED.
- ** THE MOTION PASSED UNANIMOUSLY.

ITEM 01-15

**PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES,
CHAPTER 15.12 HOUSING CODE, AMEND SECTIONS: 15.12.250**

No action was taken on this item because it had been withdrawn by Ms. Baptista through communication with the City Clerk.

ITEM 12-15
PROPOSED REQUEST THAT THE TAKING OF VEHICLES AND THE ACTION OF
“BOOTING” MUST ONLY BE EMPLOYED AFTER MULTIPLE OFFENSES AND
THAT A CERTIFIED LETTER BE SUBMITTED TO THE OWNERS OF VEHICLE
AND THAT NOTICE IS PROVIDED TO THE APPROPRIATE CITY COUNCIL
COMMITTEE FOR THEIR APPROVAL OF SAID ACTION

Co-Chair Martinez introduced the item, asking about the current contract the City has in place with Biotech as to whether it had expired in 2008 or whether it had not been put up for public bidding and it just kept going along. She said she did not know whether Ms. Jones was able to answer questions about the contract, suggesting that the item be kept on for the next Ordinance Committee meeting.

Ms. Jones stated that there is a current contract, but, in her understanding, there had been no end date, saying that the contract had gone on and on and that there had been no bidding because it had not been necessary, since there had been no undue cost to the taxpayers. She stated that they are going to bid, hopefully, in January, and Ken and Berndt have been working on a contract for bidding, but, she reiterated that, given there has been no undue cost to taxpayers, they have not been required to bid. Council Member Lyons wanted to know why it is going now to be bid out to which Ms. Jones replied that they want to see what other companies are out there. Council Member Lyons asked why that was to which Ms. Jones answered the cost is going up - possibly doubled. Council Member Martinez asked if this was Biotech and Ms. Jones corrected the company name to BioAlert.

Council Member McBride-Lee commented that, if the BioAlert will be charging the City more, then the cost of having the boot removed would be more too to which Ms. Jones stated that BioAlert wants to go up to \$150.00. Mr. Gaudett interjected to explain the bidding process which he said did not have to do with numbers, but with the expertise and policies of the company. Council Member McBride Lee asked whether they were trying to find a company which is cheaper to which Ms. Jones answered that the new company would be comparable of cheaper, with Mr. Nkwo adding that parameters have to set for the interest of the taxpayers. Council Member McBride-Lee said she was glad that the City was thinking about the taxpayer.

Council Member Salter, Sr. asked if BioAlert was the booting company to which Ms. Jones answered in the affirmative, and Council Member Salter, Sr. asked if the City has its eye on another company to which Ms. Jones answered that they there is no other company in view at this time. He asked how long it would be before the City had to decide to contract somebody else to which Ms. Jones answered that she did not have that answer, since they are working on a contract.

Kathryn Bukovsky joined the meeting at 6:20.

Council Member Martinez addressed Attorney Anastasi, saying that, initially, this resolution was in regard to making changes to the current status of how they go about sending out taxes, notifying individuals and sending out letters, and that the item had been left on the agenda so the issue of BioAlert could be discussed. She asked Attorney Anastasi if this resolution could be withdrawn because it no longer pertained to the protocol regarding certified letters which are sent out before a car is booted. Attorney Anastasi answered in the affirmative, saying that, when a viable contract is reached, it will come to the Council, and that the contract is being worked on. He continued that, originally, the Committee was concerned about the proper notifications going out in writing, adding that those questions have been answered to the satisfaction of the Committee, adding that he had provided a legal opinion in March, 2016. He concluded that a dialogue with the City on this issue would be beneficial, instead of dictates, and that the Council would have the new contract before it after the bidding process.

- ** COUNCIL MEMBER LYONS MOVED TO WITHDRAW ITEM 12-15, PROPOSED REQUEST THAT THE TAKING OF VEHICLES AND THE ACTION OF “BOOTING” MUST ONLY BE EMPLOYED AFTER MULTIPLE OFFENSES AND THAT A CERTIFIED LETTER BE SUBMITTED TO THE OWNERS OF VEHICLE AND THAT NOTICE IS PROVIDED TO THE APPROPRIATE CITY COUNCIL COMMITTEE FOR THEIR APPROVAL OF SAID ACTION.**
- ** COUNCIL MEMBER BUKOVSKY SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

ITEM 68-15
PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES,
CHAPTER 2.38 CODE OF ETHICS AMEND SECTION 2.38.20 – DEFINITIONS AND
SECTION 2.38.040C – COMMISSION ON ETHICS.

ITEM 69-15
PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 2
ADMINISTRATION AND PERSONNEL, AMEND TO ADD NEW CHAPTER, 2.125 –
COMMISSION AND OFFICE OF GOVERNMENTAL ACCOUNTABILITY.

Co-Chair Martinez stated that the Administration have requested that both Item 68-15 and Item 69-15 be tabled and suggested both items be combined into action.

- ** COUNCIL MEMBER BUKOVSKY MOVED TO TABLE ITEM 68-15, PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 2.38 CODE OF ETHICS AMEND SECTION 2.38.20 DEFINITIONS AND SECTION 2.38.040C – COMMISSION ON ETHICS AND ITEM 69-15, PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 2 ADMINISTRATION AND PERSONNEL, AMEND TO ADD NEW CHAPTER, 2.125 – COMMISSION AND OFFICE OF GOVERNMENTAL ACCOUNTABILITY.**
- ** COUNCIL MEMBER SALTER, SR. SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

ITEM 77-15
PROPOSED RESOLUTION REGARDING THE CREATION OF A 180 DAY
MORATORIUM CONCERNING THE REQUIREMENTS FOR LIQUOR STORE
PERMITS

Co-Chair Martinez stated that she had put in this resolution and wanted to withdraw the resolution, since it had been denied by the Court and, therefore, she stated, it no longer needed to be focused on.

**** CO-CHAIR CASCO MOVED TO WITHDRAW ITEM 77-15, PROPOSED RESOLUTION REGARDING THE CREATION OF A 180 DAY MORATORIUM CONCERNING THE REQUIREMENTS FOR LIQUOR STORE PERMITS.**

Attorney Anastasi stated that he had a slight correction for the record, saying that it had been denied by the Zoning Department, and distributed a hand-out a Decision Notice from the Planning and Zoning Commission which affirmed the denial. He said that the decision did not mean that someone else could not submit something anew.

**** COUNCIL MEMBER BUKOVSKY MOVED TO ENTER THE PLANNING AND ZONING DECISION NOTICE AS EXHIBIT 10.25.16-A. TO ITEM 77-15, PROPOSED RESOLUTION REGARDING THE CREATION OF A 180 DAY MORATORIUM CONCERNING THE REQUIREMENTS FOR LIQUOR STORE PERMITS.**

**** COUNCIL MEMBER LYONS SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER LYONS MOVED TO WITHDRAW ITEM 77-15, PROPOSED RESOLUTION REGARDING THE CREATION OF A 180 DAY MORATORIUM CONCERNING THE REQUIREMENTS FOR LIQUOR STORE PERMITS.**

**** COUNCIL MEMBER MCBRIDE-LEE SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

ITEM 94-15
PROPOSED RESOLUTION REGARDING OFF-CAMPUS STUDENT HOUSING IN
ONE, TWO AND THREE DWELLING UNIT BUILDINGS

ITEM 95-15
PROPOSED RESOLUTION REGARDING THE ESTABLISHING OF A LANDLORD
CHECKLIST FOR STUDENT HOUSING PERMIT AND A SEPARATE STUDENT
HOUSING RENEWAL PACKET

Co-Chair Martinez stated that Council Member Lyons had entered Item 94-15 and Item 95-15 and had requested that both tabled. Co-Chair Martinez said that both items would be voted on in one action.

- ** COUNCIL MEMBER SALTER, SR. MOVED TO TABLE ITEM 94-15, PROPOSED RESOLUTION REGARDING OFF-CAMPUS STUDENT HOUSING IN ONE, TWO AND THREE DWELLING UNIT BUILDINGS AND ITEM 95-15, PROPOSED RESOLUTION REGARDING THE ESTABLISHING OF A LANDLORD CHECKLIST FOR STUDENT HOUSING PERMIT AND A SEPARATE STUDENT HOUSING RENEWAL PACKET.**
- ** CO-CHAIR CASCO SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Council Member McBride-Lee stated that she had received a letter in the mail from the neighbors who have been very concerned and aggravated about Items 94-15 and 95-15, adding that she was glad that Council Member Lyons have been working on this. Council Member Lyons stated that there have been some open discussion on these items by the Administration, the Police Department, and Sacred Heart University, saying she believed something could be done to improve this situation.

ITEM 128-15
PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES,
CHAPTER 2.38 CODE OF ETHICS, AMEND TO ADD NEW SECTION 2.38.050
PROVISION CONCERNING SUBSEQUENT EMPLOYMENT

Co-Chair Martinez stated that the Administration had requested that this item be tabled.

- ** CO-CHAIR CASCO MOVED TO TABLE ITEM 128-15, PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 2.38 CODE OF ETHICS, AMEND TO ADD NEW SECTION 2.38.050 PROVISION CONCERNING SUBSEQUENT EMPLOYMENT.**
- ** COUNCIL MEMBER BUKOVSKY SECONDED.**
- ** THE MOTION UNANIMOUSLY.**

ITEM 129-15
PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND
CHAPTER 8.76 ANTI-BLIGHT PROGRAM

Attorney Anastasi came forward to speak on this item and distributed a hand-out, entitled “Chapter 8.76 – Anti-Blight Program, saying that the Committee would probably not be acting on this item at the meeting, but would be considering it. He stated that this copy of the existing anti-blight ordinance had been marked to indicate deletions, i.e. changes were underlined in green and deletions marked in red. He stated that there are a lot of changes which boil down, essentially, to two purposes:

- technical amendments to clean up some language in terms of the definitions of what is blighted property; and
- to give the OPED director discretion in terms of which avenue to proceed in.

Attorney Anastasi stated that, historically, Bridgeport proceeded with a daily fine, but referred to

other towns around the state, citing Waterbury, which have a Housing Court, the advantage of which, he stated, is that there is a more stringent and more compelling enforcement mechanism and revenue flows to the municipality. He stated that the changes in the anti-blight program in Bridgeport would employ both procedures, allowing enforcement to be enacted on a case-by-case basis. Attorney Anastasi said that, for those properties the City wanted to handle locally and generate some revenue for the City, and for recidivists, property owners who have refused to remedy the problem despite the fines, a separate criminal process would be initiated, adding that there were property owners, particularly absentee owners, who have exhibited a tendency to ignore the fines. He concluded his explanation of the changes by saying that it would allow the City maximum flexibility in dealing with blight.

Attorney said that he was reluctant to ask the Council to absorb the 12-page hand-out at the meeting, but suggested that the Council schedule a public hearing in the Committee, instead of in front of the full Council.

Council Member Lyons asked who is currently in charge of the blight program in the City to which Attorney Anastasi answered that it comes under the CAO and also under OPED. Council Member Lyons asked what person is in charge Attorney Anastasi stated that he could tell her who had been handling the program on a day-to-day basis. Mr. dePara stated that John Gomes from the CAO's Office is in charge of the program and is overseeing it while it is being re-organized and the pilot program is being tested, saying that a supervisor or director would be chosen after the program was finalized. Mr. Gaudett offered some information about the relationship between housing code officials and blight officials, saying that, even though they do not have quite the same authority to go into homes, they were trying to use the housing code people to also identify blight, adding that this was part of the pilot program. Attorney Anastasi added that Mr. Gomes had participated in a series of meetings in his office with Mr. dePara, Attorney Anastasi, Russell Liskov and others regarding the Waterbury precedent, adding that Mr. Gomes has taken a hand-on role and supervisory role in trying to not only change the regulatory authority, but also to change the operation and was trying to see how people could be used on an interchangeable basis which, he said, would also save money. Council Member Lyons asked if one person would eventually be in charge after re-structuring to which Mr. dePara answered in the affirmative.

Mr. Gaudett offered some explanation about what the problems had been, saying that the City had had three concurrent operations:

1. Public Facilities operation which picks up people who are dumping illegally which is defined as anything which is on a public sidewalk or street;
2. Blight operation which is anything in the front or back yard of a property, but not in the house;
3. Housing operation which goes into houses.

Mr. Gaudett pointed out that there are three different sets of people with overlapping boundaries, saying that, in theory, a couch could have been dumped on a walkway in front of someone's house, a couch, furniture and other garbage on the front lawn, and then interior violations, and three different people have to be employed to take care of one property instead of one. He said there is a lot of inefficiency in the current program and that the City is trying to figure out if the pilot program is going to work, given all the details which have to be considered. Mr. Gaudett

also spoke about why Mr. Gomes was in charge of the blight program, first referring to the Mayor's strong aversion to litter and blight and adding that the Mayor has driven John Ricci nuts about it, and then stated that this was reason that John Gomes from the CAO was in charge.

Council Member Lyons said she had asked who was in charge in the event should needed to call someone about blight in her district to which Mr. Gaudett responded that, as part of the pilot program, districts have been created and each person has been assigned an area which they would have to monitor. Council Member Lyons wanted to know who had been assigned the 134th District to which Mr. Gaudett stated that it was Dennis Scinto, but Mr. dePara made a correction, saying it was Tom Latin. Several Council Members commented that both people mentioned were both very good.

Co-Chair Martinez commented that, since the CAO had been in office, he had found boxes of enforcement notices which had been sent out, but had never been followed, adding that this is bringing in revenue to the City. Council Member McBride-Lee told about a situation in her neighborhood where the bank had evicted someone who, out of spite, had dumped all the contents of the house onto the lawn. She wanted to know if this would fall under the blight program to which Mr. dePara answered in the affirmative. Council Member McBride-Lee also stated that Tom had answered the call the day before and had been out there the day after. Mr. Gaudett explained that if it were on the front lawn, the blight officials would have to go through an extremely difficult process with tons of paperwork, and it ends with a hearing and a notice has to be issued which allows 15 days to abate the problem or a fine is levied, and more hearing are held. Council Member McBride-Lee asked who would clean up the lawn to which Mr. Gaudett answered that the bank owns the property, and Mr. dePara added that possibly the mortgage holder is the owner. Mr. Gaudett described a situation in the North End where a resident had complained about blight and had told Mr. Gaudett who then told the CAO who sent out a notice. The property, he said, had been owned by a bank and the property was cleaned up in 15 days.

Co-Chair Casco spoke about illegal dumping that happens in his district under the bridge to which Mr. dePara replied that there are "hotspots" for dumping and that there is a "clean team" which focuses on those areas and cleans them up. He added that there some ideas to possibly place cameras at these spots to catch illegal dumpers. Mr. Gaudett said that the operation Mr. dePara had just described is under CAO, and added that there is another blight operation under John Ricci in Public Facilities which has to do with "mad vacs" and they are hitting hotspots across Bridgeport on a daily basis, picking up litter and stuff that is dumped on the streets.

Council Member Bukovsky asked what the next step would be before the motion is made. Attorney Anastasi replied that, before an ordinance can be adopted or amended, it is required that either a full council or a committee thereof hold a public hearing, saying that it is often done at the tail end at the City Council level as opposed to in Committee. He stated that it was the Committee's option and Council Member Bukovsky asked how urgent the issue was. Attorney Anastasi said the thought there is some urgency on the part of the Mayor to get it done, but that he did not expect the Committee to act on it that night. He said they could look at it before the next meeting and then decide about when to hold the public hearing. Mr. dePara interjected that, more importantly, they wanted to get it before the Committee and the Council Members in order to get their input and also to make them feel comfortable with the changes.

**** COUNCIL MEMBER LYONS MOVED TO TABLE ITEM 129-15, PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 8.76 ANTI-BLIGHT PROGRAM.**
**** COUNCIL MEMBER CASCO SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

Attorney Anastasi asked whether the hand-out for Item 129-15 had been entered into the record which it had not, and he said that a motion to take it off the table would have to be made.

**** COUNCIL MEMBER LYONS MOVED TO WITHDRAW ITEM 129-15, PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 8.76 ANTI-BLIGHT PROGRAM.**
**** COUNCIL MEMBER CASCO SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER BUKOVSKY MOVED TO TAKE THE PREVIOUSLY TABLED ITEM 129-15, PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 8.76 ANTI-BLIGHT PROGRAM OFF THE TABLE.**
**** COUNCIL MEMBER LYONS SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER LYONS INTRODUCED THE DRAFT OF CHAPTER 8.76 ANTI-BLIGHT PROGRAM AS EXHIBIT 10.25.16-B.**
**** COUNCIL MEMBER BUKOVSKY SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER LYONS MOVED TO TABLE ITEM 129-15, PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 8.76 ANTI-BLIGHT PROGRAM.**
**** COUNCIL MEMBER BUKOVSKY SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

ITEM 146-15
PROPOSED RESOLUTION REGARDING “BAN THE BOX” TO INCLUDE ALL PREVIOUS CITY PURCHASING SUB-CONTRACTS AND GENERAL MUNICIPAL BIDDING

Co-Chair Martinez introduced this item, saying that it's related to the City banning the box in relation to asking whether someone had ever been convicted of a felony. The Purchasing Department, she stated, asks whether someone has ever been convicted of a felony based on a question pertaining to bidding on contract with the City. What she stated, the Purchasing Department would like to make clear is that a person bidding on a City contract through the Purchasing Department must mark “yes” if they have been convicted of a felony with City contracts.

Attorney Anastasi referred to page 2 of the hand-out he had distributed and noted that the attachment was a state statute and that it reflected some language which will go into effect on January 1, 2017.

- ** COUNCIL MEMBER BUKOVSKY MOVED TO INTRODUCE SUBSTITUTE HOUSE BILL NO. 5237, PUBLIC ACT NO. 16-83, AN ACT CONCERNING FAIR CHANCE EMPLOYMENT AS EXHIBIT 10.25.16-C TO ITEM 146- 15, PROPOSED RESOLUTION REGARDING “BAN THE BOX” TO INCLUDE ALL PREVIOUS CITY PURCHASING SUB-CONTRACTS AND GENERAL MUNICIPAL BIDDING.**
- ** COUNCIL MEMBER LYONS SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Co-Chair Martinez stated that there was an exception being made at the meeting to allow Mr. Newton to express his concerns.

Mr. Newton came forward and thanked the Committee for allowing him to come before them, saying that they had already banned the box, and that what Attorney Anastasi had given them had been a copy of the state ban the box law which stated that the state would no longer ask whether someone had ever been convicted of a felony. Referring to the present item, he stated that Purchasing had set up its own rules on how it does its bidding process for contracts, saying that it had been put in place by John Fabrizi who was the mayor after Joe Ganim had left office. He said the intent of the resolution was that they did not want anybody who had been to jail to be bidding on contracts kickbacks or rigged bids, etc., saying that there were several questions which asked specifically about these bidding contract felonies. He continued that, in relation to himself, he had been convicted of charges which had nothing to do with bidding contracts, and he said that he marked “no” which he had been entitled to do. He stated that the intent of the law did not ask specifically about the felonies for which he had been convicted, saying that he had been very surprised when the City Attorney and the Mayor, who Mr. Newton stated is a felon and an attorney, had not understood that should not have applied to Mr. Newton.

Mr. Newton stated that he had not come to the meeting to ask that ban the box be done away with, and he agreed that it protects the City, but he said that they should make it clear that, if a person has been convicted of criminal charges unrelated to contracts, that section does not apply to them. Mr. Newton said that if this is not clarified, the resolution should then be done away with, since it discriminates and goes against its supposed purpose which is to give ex-felons an opportunity to become whole again. He said he did not want to take the City to court and go through an extensive legal process, but he remarked that they have to make sure something like this does not happen again.

Attorney Anastasi responded, saying that he was not necessarily substantively arguing with Mr. Newton's concerns, and then read part of the resolution: “Now, therefore, be it resolved that the City Council will hereby ask that the Committee on Ordinances work with the City Attorney to create a city ordinance that ensures persons and businesses, supplying goods and services to the City, has adopted and employed fair hiring policies consistent with the City's goals.” He stated that this was exactly what the state statute does, i.e. ban the box, and that, therefore, this resolution was really not necessary. In addition, Attorney Anastasi stated, Mr. Newton could best

address his concerns by looking at the City's Purchasing Ordinance because it gives certain powers and authorities to the Purchasing Department.

Mr. Newton stated that the City Attorney's Office should at least verify who they are going after, stating that what they have done is spread an umbrella to include everybody that has been a felon, but the questions, he said, do not reflect that. Attorney Anastasi said the purpose of the resolution is to make sure that outside vendors also does the same thing the City does in its hiring, i.e. Ban the box for the City's employees and they have to ban the box for their employees, adding that the state statute apply this state-wide after January 1, 2017.

Mr. Newton said he had one more question which was, when the state law goes into effect, with that ban, how will Purchasing be affected to which Attorney Anastasi reiterated that the best way for the Council contemplates doing anything about contracts, it needs to have a discussion with Purchasing. Council Member Bukovsky stated that a similar discussion had taken place at the end of June, 2016 at the end of which the members had agreed that this is for the Purchasing Department and that they need to look at the application and make it clear one way or the other. She continued that, before this resolution is withdrawn, the concerns can be referred to the Board of Public Purchasing and let them hash it out.

Council Member McBride-Lee commented that she thought the whole thing should be revamped, saying that the way the ban the box was written now was not worth the paper it was written on because the lack of clarity is unfair to applicants and her advice to Mr. Newton was that he not focus on the history of the Mayor, but to keep focused on fighting for the "returning citizens". She said that they did need to meet with the Purchasing Department.

**** COUNCIL MEMBER BUKOVSKY MOVED TO WITHDRAW ITEM 146-15, PROPOSED RESOLUTION REGARDING "BAN THE BOX" TO INCLUDE ALL PREVIOUS CITY PURCHASING SUB-CONTRACTS AND GENERAL MUNICIPAL BIDDING AND REFER TO THE CITY ATTORNEY FOR FURTHER DISCISSION.**

**** COUNCIL MEMBER SALTER, SR. SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM 170-15

PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 3 REVENUE AND FINANCE, AMEND TO ADD NEW CHAPTER 3.70 SURCHARGE ON THE ADMISSION CHARGE AT WEBSTER BANK ARENA AND THE BALLPARK AT HARBOR YARD

Co-Chair Martinez introduced this item as being Council Members Burns' and Bukovsky's. A hand-out was distributed by the Attorney Anastasi, entitled Chapter 3 – Event Admissions Surcharge.

Council Member Burns stated that this proposal related to the state enabling legislation which now allows municipalities to assess surcharges on tickets to certain entertainment venues. He said there some history to it in that different venues had been taxed and/or exempted from such

surcharges, saying that, as it stands now, the City has been enabled through state legislation to levy a surcharge on tickets for entertainment types of activities. Council Member Burns stated that this would enhance the revenues to the City, based on the entertainment opportunities that the City provides to residents and non-residents, recognizing there are costs to the City in providing these activities. He continued that the state legislation has allowed a 5% surtax on the admission charge of any ticket sold which would be remitted to the City, saying he believed this was an equitable option when the extraneous costs, borne by the City, are taken into account, adding that many people who come to Bridgeport for entertainment events are non-Bridgeport residents. He stated that the City should take advantage of this opportunity.

Council Member Bukovsky said that other municipalities in the state are doing the same thing, and stated that, when looked at, a 5% surcharge on a \$10 ticket is 50¢ at the ballpark. She stated that where the surcharge would add up a lot more would be with events at Webster Arena where a ticket may cost \$75 or \$10, saying that, either way, this would not be a huge imposition. Referring to the extraneous expenses incurred by the City in providing these events, Council Member Bukovsky mentioned police, traffic, etc.

Council Member Paoletto wanted to know whether it was possible to start the surcharge sooner than the scheduled January 1, 2017 date, saying that there are upcoming hockey games. Attorney Anastasi responded to the question by saying that it could not be done without a public hearing and then, if it were adopted, the Charter states that any new ordinance will be put into effect 30 days after adoption, unless otherwise provided. He continued that advance notice to the parties should also be given, adding that he thought January 1 was an aggressive start date. Mr. Gaudett provided the reasoning behind why date January 1st date had been chosen, including such considerations as tax-filing and revenue-reporting.

Council Member Lyons wanted to make a suggestion in relation to all Council members working better together as a team, saying that this had been done when she first began sitting on the City Council. She stated that, with any resolutions which come through the Council, it had always been her protocol to ask around and see who wanted to be on these resolutions, and stated that there was usually one or two names on the resolution. Her suggestion was that when a member asks around and finds out who is interested in which resolutions, it makes it easier for Council members to be better informed and to receive information prior to meetings which, Council Member Lyons said, in turn, gives substance and claws to the resolutions. She continued that, in this manner, members would know who is really going to be with them on an issue and, in the event that other members are not with them, the member supporting in the resolution can get more information from an attorney or, perhaps find another route. Council Member Lyons stated that he hoped all present would take her suggestion in a complimentary way.

Council Member McBride-Lee asked if the attendee is the one that is paying the surcharge to which Council Member Bukovsky answered in the affirmative. She continued that she was in agreement with people from outside Bridgeport having to pay the surcharge, and referring to those people who make over \$100,000, stated that they should start paying Bridgeport. Attorney Anastasi responded to Council Member McBride-Lee's concern by saying that what would obviously be hoped for would be an exemption for Bridgeport residents, but pointed out that would not work 1. It would be in violation of one of the statute which has to be implemented across the board 2. It would be impossible to enforce because it would simply be a situation

where someone would get their friend from Bridgeport to buy their ticket, etc. He stated that it was worth remembering that, as in the case of the WPCA user-fee, Bridgeport citizens are being benefited by this surcharge, since 75% of the attendees are not from Bridgeport, but 100% of the revenue goes to the City which keeps the taxes low. Council Member McBride-Lee commented that she thought this was a great thing also, but nevertheless wanted to voice her concern for the working people in Bridgeport who have to pay for everything, and added that, in regard to taxes going down, hers had not gone down. She remarked that it seemed that people are penalized simply because they have a job. Attorney Anastasi reiterated his previous statement that, regardless of what the breakdown of residents vs. non-residents is, all the revenue is going into a tax revenue stream. Council Member McBride-Lee stated again that she believes that attendees who come from Westport, Norwalk, Stratford and where ever else, come to the entertainment events and use Bridgeport water and roads, etc. and then they pay taxes somewhere else, saying that she supports them paying some money to Bridgeport which would benefit the City. On the other hand, she pointed out, even to go to City parks, the working residents of Bridgeport have to pay, noting that the non-working, non-taxpaying public are not going to pay money to go to a park. She concluded by saying that she was supporting the resolution notwithstanding her hope that, one day, the taxpayer in Bridgeport would get something out of something. Council Member Lyons agreed.

Council Member Bukovsky wanted to clarify that it was not \$5 on a ballpark ticket, but 50¢, saying that it really was not a lot except when for the concert tickets which are \$75 to \$100 which would make the surcharge \$5. Her perspective was that, if someone can afford \$100 for a concert ticket, it should not break the bank to pay an extra \$5. Council Member McBride-Lee reaffirmed her total support for Council Members Bukovsky's and Burns' plan.

Council Member Salter, Sr. asked about the incoming revenues and where they go to which Mr. Nkwo answered that they go to the tax collector as a line item.

Council Member Burns wanted to thank Council Member Lyons for her comments about bringing in other members on a resolution, saying he appreciated her suggestion. He also acknowledged Council Member McBride-Lee's comments, adding that there was a provision which requires the surcharge not apply to tickets less than \$10. He said that, in that way, he thinks they are holding harmless those who are least able to afford the fee.

Council Member Paoletto asked whether the surcharge would apply to The Vibes or something like it and also to The Klein. Mr. Gaudett answered this question by saying that this is very complex stuff, and referred to the Event Admissions Surcharge hand-out, the first paragraph of which contained language which, he said, was a combination of two different state statutes. Referring to the part that had been previously read which said, "... amusement, entertainment and recreation ..." he said came from the state statute because the state also collects a 10% tax on those types of venues. Mr. Gaudett continued that there was another part of the state statute which stated that the cities are able to collect another 5% on those venues, and that the statute has to be complied with to see who is exempt and who is not, stating that non-profits are exempt, e.g. Beardsley Zoo. In the case or The Vibes, Mr. Gaudett stated, from their perspective, they would be covered, saying, however, that there was some ambiguity as to whether the park would constitute the definition of a "facility", and mentioning the places to which this would apply, i.e. the ballpark, the arena, movie theaters, a comedy club which will eventually come in and other

such venues which charge an admission fee. This, he said, does not apply to food or concessions, the ticket has to cost more than 10, and it has to be in a facility which is located within the municipality of Bridgeport.

Council Member Bukovsky stated that she was looking at the working of the resolution where she read, "... Surcharge on the Admission Charge At Webster Bank Arena and the Ballpark at Harbor Yard.", asking if this was the language that was going to appear in the ordinance. Attorney Anastasi referred to the hand-out at the very beginning where it stated, "... amusement, entertainment or recreation within the City of Bridgeport, as defined in subsection (3) or Section 12-540 of the CGS which states, "... places of amusement, entertainment, recreation including, but are not limited to, theaters, motion picture shows, auditoriums where lectures and concerts are given, amusement parks, fairgrounds, racetracks, dance halls, ball parks, stadiums, amphitheaters, convention centers, golf courses, tennis courts, swimming pools, bathing beaches, gymnasiums, auto shows, boat shows, camping shows, dog shows and antique shows." Council Member Bukovsky continued with her comment which was that, if the Committee chose to vote on this at the meeting, they would have to pass it with a change to the wording of the resolution, saying that the resolution was too specific to Webster and the ballpark.

**** COUNCIUL MEMBER BUKOVSKY MOVED TO ADD CHAPTER 3 – EVENT ADMISSION SURCHARGE AS EXHIBIT 10.25.16-D TO ITEM 170-15, PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 3 REVENUE AND FINANCE, AMEND TO ADD NEW CHAPTER 3.70 SURCHARGE ON THE ADMISSION CHARGE AT WEBSTER BANK ARENA AND THE BALLPARK AT HARBOR YARD.**

**** COUNCIL MEMBER MCBRIDE-LEE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER BUKOVSKY MOVED TO CHANGE ITEM 170-15, PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 3 REVENUE AND FINANCE, AMEND TO ADD NEW CHAPTER 3.70 SURCHARGE ON THE ADMISSION CHARGE AT WEBSTER BANK ARENA AND THE BALLPARK AT HARBOR YARD, SECTION II, "... SURCHARGE ON THE ADMISSION CHARGE AT WEBSTER BANK ARENA AND THE BALLPARK AT HARBOR YARD." TO READ, "... EVENT ADMISSIONS SURCHARGE. " AND TO CHANGE SECTION II, CHAPTER 3.70, "... SURCHARGE ON THE ADMISSION CHARGE AT WEBSTER BANK ARENA AND THE BALLPARK AT HARBOR YARD." TO READ, "... EVENT ADMISSIONS SURCHARGE."**

**** COUNCIL MEMBER LYONS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Co-Chair Martinez noted that the foregoing motion had been applicable to the resolution that had been entered.

**** COUNCIL MEMBER BUKOVSKY MOVED TO AMEND BY SUBSTITUTION THE FINAL TWO PARAGRAPHS ON THE RESOLUTION FORM WITH EXHIBIT 10.25.16-D (PROPOSED ORDINANCE) FOR ITEM 170-15,**

**PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES,
TITLE 3 REVENUE AND FINANCE, AMEND TO ADD NEW CHAPTER 3.70
SURCHARGE ON THE ADMISSION CHARGE AT WEBSTER BANK ARENA
AND THE BALLPARK AT HARBOR YARD.**

** COUNCIL MEMBER LYONS SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

** COUNCIL MEMBER BUKOVSKY MOVED TO APPROVE AS AMENDED
ITEM 170-15, PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF
ORDINANCES, TITLE 3 REVENUE AND FINANCE, AMEND TO ADD NEW
CHAPTER 3.70 SURCHARGE ON THE ADMISSION CHARGE AT WEBSTER
BANK ARENA AND THE BALLPARK AT HARBOR YARD AND TO
SCHEDULE A PUBLIC HEARING PRIOR TO THE NEXT CITY COUNCIL
MEETING ON NOVEMBER 7, 2016 AT 6:00 PM.**

** COUNCIL MEMBER LYONS SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL MEMBER SALTER, SR. MOVED TO ADJOURN THE MEETING.
** COUNCIL MEMBER LYONS SECONDEED.
** THE MOTION PASSED UNANIMOUSLY.**

Co-Chair Martinez adjourned the meeting at 7:20 PM.

Respectfully Submitted,

Nerina Kagan
Telesco Secretarial Services