

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
WEDNESDAY, MAY 28, 2014
6:00 PM**

ATTENDANCE: Co-chair Paoletto; Co-chair Martinez-Walker
Council Members: DeJesus, Martinez, Torres, Vizzo-Paniccia

NON-COMMITTEE: Council Member Feliciano
Council Member Brannelly

CITY STAFF: City Attorney, M. Anastasi
Jodie Paul-Arndt; Deputy CAO/CityStat Director

OTHER(s): Anna Price, Professor Sacred Heart University

Co-chair Paoletto called the meeting to order at 6:15 pm.

Approval of Committee Minutes: April 22, 2014 (Regular Meeting)

Approval of Committee Minutes: May 5, 2014 (Public Hearings)

**** COUNCIL MEMBER VIZZO-PANICCIA MOVED TO ACCEPT THE MINUTES**

**** COUNCIL MEMBER MARTINEZ SECONDED**

**** MOTION PASSED UNANIMOUSLY**

Co-chair Paoletto stated that the agenda would be taken out of order.

61-13 Proposed Amendments to the Municipal Code of Ordinances, Chapter 6.04 Animal Control Regulations Generally, amend Section 6.04.010 Keeping of Certain Animals Prohibited.

Co-chair Paoletto stated that this item was previously withdrawn before the full city council and would not be taken up for further discussion.

79-13 Proposed Amendments to the Municipal Code of Ordinances, Chapter 12.28 Park Use Regulations, amend Section 12.28.090 Animals Prohibited from Parks.

Co-chair Paoletto mentioned that there were problems with people letting their dog go into the water during off peak and off season times. He questioned if any thought process was given to the matter. City Attorney Anastasi responded that by charter, the initial determination was deferred to the Parks Commission, noting that it would appear in balancing the interest of all parties. He further stated that the best thing to do is not let a dog go free without a leash.

Co-chair Paoletto further questioned if the greater good of the matter was looked at. Attorney Anastasi clarified that it wasn't his idea, policy or authority to make recommendations. The authority rests with the Park Director or Parks Commission. He stated that if the committee determined not to approve the item, they could transmit the reasons and have a representative from the Parks Department attend a meeting to speak to the matter. However, he said for the ease of enforcement, they want to consider making it an ordinance.

Council member Torres stated that he agreed with Co-chair Paoletto, noting that the Town of Fairfield allows dogs on the beach with or without a leash and they don't cause any negative situations.

Co-chair Paoletto made the point that there is a new park sticker to legally park and he thought that St. Mary's might also be a good location to add to the list to prohibit animals from the park. Attorney Anastasi said that would be up to the Parks Board.

Council member Torres said he would agree to impose a limit on a short dog leash to control the movement of larger dogs that some people may consider to be more of a danger.

Attorney Anastasi relayed that the purpose of the ordinance is to improve quality of life for people in Bridgeport.

Co-chair Paoletto stated that the Parks Commission should come before the committee to discuss the matter further.

Council member Vizzo-Paniccia said it was hard to control quality of life matters. She thought that the Parks Department should have been invited to attend the meeting to present information and as a joint effort for discussion purposes. Attorney Anastasi stated they adopted the regulation as a routine matter and it was thought that his representation at the meeting would be sufficient to address the matter.

Council member Vizzo-Paniccia commented that service dogs also come in varied sizes. Attorney Anastasi replied that he would prefer not to have a scenario where there might be a conflict regarding the prohibition of animals in the park.

Council member Vizzo-Paniccia emphasized that the police department has priorities, to question how the ordinance would be regularly monitored. Ms. Arndt-Paul replied that the police department already has a plan in place and police officers are assigned to the parks. She said they would be looking for ordinance violations and they are scheduled to be at a particular park location during the course of their shift.

Attorney Anastasi stated that the ordinance would take place thirty days after it's adopted.

Council member Vizzo-Paniccia commented that she felt the ordinance would penalize the residents in Bridgeport and she stressed that they are becoming too much of what she termed a law city. Attorney Anastasi clarified that the purpose of the ordinance is to offer, suggest and present rules and regulations to the person in charge of the parks to accomplish greater good for the citizens.

Council member Vizzo-Paniccia asked if they would also include Pleasure Beach and St. Mary's for prohibiting animals in the park. Attorney Anastasi said he wasn't sure.

Council member Martinez asked if a dog owner would be fined the first time a police officer observes them with a dog in the park. Attorney Anastasi stated there would be postings and warnings.

Council member Martinez suggested that some research be done to find out how other towns have implemented the ordinance. She also suggested that they hear from someone in the police department such as the police chief regarding the matter.

Council member Martinez asked how they would inform the community about the ordinance, particularly Latino residents that don't speak English.

Co-chair Paoletto clarified that the ordinance referenced "Parks" overall, not some parks; to speak to the comments of whether or not the ordinance would apply to Pleasure Beach and St. Mary's.

Council member Feliciano asked what the amount of the fine would be. Attorney Anastasi said the fine is not to exceed \$100.00.

Council member Feliciano questioned why they aren't also enforcing dog owners to pick up waste after their dog. Attorney Anastasi responded that they created a dedicated parks police force that would geographically be assigned to the parks and this should include enforcing the ordinance, as well as the enforcement of picking up dog waste.

**** COUNCIL MEMBER De JESUS MOVED TO TABLE FOR THE PURPOSE OF INVITING A REPRESENTATIVE FROM THE PARKS COMMISSION TO ATTEND THE NEXT SCHEDULED MEETING**

**** CO-CHAIR MARTINEZ-WALKER SECONDED**

**** MOTION PASSED UNANIMOUSLY**

80-13 Proposed Amendments to the Municipal Code of Ordinances, Chapter 12.28 Park Use Regulations, amend to add new Section 12.28.210 Regulation Banning Smoking in City Parks.

Council member Brannelly stated that this matter was brought to her through Anna Price who is a professor at Sacred Heart University. She explained that her class worked hard researching the negative effects of smoking in parks. Ms. Price came forward to the committee table to address the item.

Council member Brannelly relayed that dedicated areas for smoking in parks was suggested. Ms. Price stated that she is a Bridgeport resident and neighbor of Council member Brannelly. She relayed that community members, students and others were involved – *she distributed a copy of information that addressed the issue*. She mentioned that there are good reasons to ban smoking in parks. She emphasized that the parks are one of Bridgeport’s biggest asset and it’s important to protect them. She relayed the following findings of the research to outline why smoking should be banned in parks {note} *the findings were based on opinion and research only and not necessarily found to be substantiated*:

- Will reduce the number of youth that start smoking, noting that when youth see others around them smoking; they are more likely to start smoking.
- By the 11th grade, 23% of youth in Bridgeport are smoking.
- Parks users are in support of reduced smoking in parks.
- A survey of forty-six (46) parks users said yes to banning smoking in parks and four (4) of them were smokers; three (3) persons surveyed said no to banning smoking in parks and three (3) persons were neutral.
- Smoking in parks poses a potential fire risk.
- Smoking ban will reduce second hand smoke
- Smoking ban may reduce asthma rates in children
- Ninety-one (91) cities in the U.S. have banned smoking in parks and approximately six to eight (6 to 8) cities in Connecticut have imposed the ban.

Ms. Price relayed that Mayor Finch was in support of the ordinance with a designated location put in place that would be concealed and supplied with cigarette receptacles.

Co-chair Paoletto stated that he considered submitting a resolution to ban smoking, particularly in playgrounds that are located in the parks. He stated that he is a smoker himself and he said that although he had a conversation with Ms. Price regarding the matter; he wasn't in favor of not clearly outlining in the resolution that there will be a designated smoking area, noting that the draft resolution contained wording that was vague – *he read the paragraph pertaining to this that was outlined in the draft*. He made it clear that the information contained in the draft wasn't agreed upon during his meeting with Ms. Price.

Council member Martinez stated that if they are going to propose designated areas, she would like to see how posting the signs, purchasing smoking receptacles etc. will be funded. She agreed that having a designated area for people to smoke wasn't a bad thing to do. She added that currently, there hasn't been any effort put forth to advertise to the residents of Bridgeport about anything that occurs in the city. She stated that she was opposed to the ban, because it pertained to another right being taken away from a citizen. She stressed once again that the matter of imposing rules in the city was getting out of hand. She said she didn't have an issue with a smoker standing next to her smoking. She further questioned the potential harm of e-cigarettes. Council member Brannelly responded that the ordinance only pertained to tobacco and combustibles. Council member Torres commented that e-cigarettes can also be combustible.

Council member Torres relayed that he detested smoking. However, he said he doesn't mind running into a smoker in the park, where he might stop and have a conversation with them. He reminded everyone that smoking is legal and they can't tell people that they can't smoke. He emphasized that it's important to him to defend what is now a legal activity and he said he would vote against the ordinance.

Council member DeJesus stated that smoking is a legal activity. He questioned how they would defend the rights of a smoker, noting that the ban could cause issues of where the designated smoking area will be and if it will be in a good part or bad part of the park. He agreed that smoking isn't healthy, but it is legal and people have a right to do it. He commented that the matter relates to what could be seen as a violation of a citizen's right.

Ms. Price said that the Parks Department is aware that there will be signage and resources will be listed from the health department for the persons that are looking to quit smoking. She reiterated the importance of having a designated area in the park and she said she hoped the committee would vote in favor. She speculated that the ordinance is what Bridgeport residents want.

Council member Martinez stated that if the committee voted in favor of the ordinance, she would want to see a plan of where the designated area would be beforehand.

Co-chair Paoletto clarified that the ordinance contained too many “*mays*” and “*ifs*”. He stressed that where they actually put a designated area wasn’t that important to him.

Council member Brannelly relayed that the cities of Boston and New York have implemented the smoking ban in parks. She further relayed that children and youth are a concern and she felt that the city needed to send a message that we care about our kids and that their health and well being are important.

Council member DeJesus stated that an e-cigarette could be misconstrued from a distance as a tobacco cigarette, noting that this could stir up things. Also, posting of signs will be costly and they will need to find the funds in the budget. He also questioned where the designated area would be. Overall, he said he didn’t feel that all the ramifications of the ban were thought out, noting that he wasn’t completely against it.

Council member Torres expressed that the laws reduce freedom and the more laws are piled on, the more restrictive things become. He spoke to the matter of drinking alcohol in the park, noting that he was pretty sure that most coolers that are brought into the park are probably filled with beer.

Council member Torres responded to Council member Brannelly’s comments and he pointed out that if they want to send a message to the youth, then they should ban smoking citywide; although he was aware that was unrealistic and wouldn’t be done.

Attorney Anastasi clarified that the city council’s jurisdiction is limited as far as banning activities that are otherwise legal and they can’t impose a ban on private property.

Council member Vizzo-Paniccia stated she would vote against the ordinance.

Ms. Price relayed additional information related to the determination of a designated area, with a suggestion that it shouldn’t be located near kids. She emphasized that the number one reason was to make the parks healthier for children and youth. She went on to say that she normally doesn’t mention her professional credentials, but in this case she felt it was necessary to relay that in her professional opinion she has found that behavior changes take place when policy, laws and environment are enforced.

Co-chair Paoletto stated that in his opinion, he wanted to hear from a representative from the Parks Department to discuss the matter of designated smoking locations. He emphasized that the wording contained in the draft resolution needed to be revised.

Council member Torres stated that they should obtain a true city-wide poll of what Bridgeport citizens want. Attorney Anastasi replied that calls from constituents and comments during a public hearing are generally ways to gauge public input.

Council member Vizzo-Paniccia stated that there were only a hand full of select people that were polled and it shouldn't be taken as being representative of the entire city.

**** COUNCIL MEMBER MARTINEZ MOVED TO TABLE**

**** COUNCIL MEMBER MARTINEZ-WALKER SECONDED**

**** MOTION PASSED WITH FOUR VOTES IN FAVOR AND ONE VOTE IN OPPOSITION (COUNCIL MEMBER VIZZO-PANICCIA)**

38-13 Proposed Amendments to the Municipal Code of Ordinances, Chapter 3.12 Equal Opportunity Requirements for Contractors, amend Section 3.12.130 Minority Business Enterprise Program.

Jodi Paul-Arndt distributed a copy of the revised ordinance.

**** COUNCIL MEMBER VIZZO-PANICCIA MOVED TO ENTER EXHIBIT-I-5-28-14 INTO THE RECORD**

**** COUNCIL MEMBER TORRES SECONDED**

**** MOTION PASSED UNANIMOUSLY**

Ms. Paul-Arndt reviewed the changes to the ordinance that were highlighted in bold blue and the wording that was stricken:

page 8 – was reviewed; page 10 – **the word “other” added**; page 11- language added pertaining to meeting goals; page 13 – the wording at the top of the section “either” was deleted and wording was added pertaining to the prime contractor; page 17 – an eighth requirement was added regarding “good faith efforts”; contractor will be required to provide three good faith efforts; page 18 – waiver information was reviewed.

Ms. Paul-Arndt relayed that she had a meeting with the Purchasing Department this morning and it was discussed that for all the bids that go out, they will be notified to be aware of the ordinance changes.

The committee members asked questions for clarification that were answered by either Ms. Paul-Arndt or City Attorney Anastasi:

Council member Vizzo-Paniccia had questions about the sections of the ordinance that covered “age”. Attorney Anastasi said he would research the matter and advise. Council member Vizzo-Paniccia had questions about bidding, minority opportunities, disparity study that will be conducted, noting that they will need to earmark the funding source to do it; cover letterhead that should be on all bids that go out. She mentioned that a

representative from the Purchasing Department should have been invited to attend the meeting. Ms. Paul-Arndt clarified that the item wasn't really a Purchasing Department issue and they aren't involved in putting out the bid, the matter goes through the Small Minority Business Office.

Council member DeJesus had questions about page 11 noting that the wording outlined should include "any minority". Attorney Anastasi stated that they removed the wording "other" so as not to preclude or exclude person(s). It was questioned if the 5% minority guideline as it pertained to bids was realistic. It was thought that they should open up opportunities for **all** ethnic groups.

Council member Torres stated that the purpose of equal opportunity contractors were primarily for African-American and Latino persons that are impoverished, noting that many are below the norm and it's important to elevate those races up to the norm. He expressed that in his opinion; Asians generally do well and therefore probably don't require the same advantage. Attorney Anastasi commented that the disparity study only supported African-American and Latinos

Council member Torres questioned whether or not the goals are being met. Ms. Paul-Arndt said she believed they were, noting that the reports can be reviewed. Council member Torres stated the following requests:

- A reporting mechanism submitted to include details that all the work done has meant something and that they are spending the money that is actually spent.
- Percentage of formal and informal contracts
- How well they are doing getting 15% of the contracts to minorities

He commented that increasing the dollar amount doesn't help, because there may be many smaller contracts to bid on.

There was open discussion regarding goals as it pertains to city contracts.

Council member Vizzo-Paniccia suggested that advertising for bidding on city contracts should be done through Soundview public television.

Council member Martinez had a question on page 11 – she asked how the old language read. Ms. Paul-Arndt read the old language and she said that the goals weren't changing. Attorney Anastasi clarified that the new language should be given a chance to determine if it has increased Latino participation. However, he said that if it was found not to have increased participation; then he suggested that a disparity study be done.

Council member Feliciano stated that when she reviewed the first disparity study, she found that Hispanics weren't included at all. Attorney Anastasi clarified that the report didn't substantiate the findings of any Latino contractors.

Council member DeJesus had question about page 14 – he said the report should be conducted quarterly and he questioned if the reports were ever done. Ms. Paul-Arndt said she wasn't sure and that she would research the matter. Attorney Anastasi recalled that he was told the report wasn't a regularly produced item. Council member DeJesus questioned what use the report was then if the data wasn't collected.

Council member Vizzo-Paniccia suggested that the revisions be emailed to the entire city council. It was noted that page 8 would be updated to add the city clerk's office to receive updated copies of the ordinance.

**** COUNCIL MEMBER DeJESUS MOVED TO TABLE**

**** COUNCIL MEMBR MARTINEZ SECONDED**

**** MOTION PASSED UNANIMOUSLY**

39-13 Proposed Amendments to the Municipal Code of Ordinances, Chapter 8.76 Anti-Blight Program, amend Section 8.76.020 Definitions, Section 8.76.040 Enforcement and amend to add new Section 8.76.052 Allocation of Capital Gain.

Jodi Paul-Arndt distributed a copy of the revised ordinance.

**** COUNCIL MEMBER VIZZO-PANICCIA MOVED TO ENTER EXHIBIT-II-5-28-14 INTO THE RECORD**

**** COUNCIL MEMBER DeJESUS SECONDED**

**** MOTION PASSED UNANIMOUSLY**

Ms. Paul-Arndt recalled that the committee previously reviewed the changes. She noted that page 3 and page 5 were revised.

Council member Martinez stated that she didn't agree that the funds that come into the Anti-Blight Department don't go into the general fund. She said she felt that the money should be put into the budget to be used for designated things in the city that are needed. Ms. Paul-Arndt responded that the funds that come through the department are essentially used to go back into the community for clean ups and other related anti-blight purposes.

Council member Vizzo-Paniccia agreed that the funds that go to the department should go in the general fund, noting that it could be used to benefit the residents who pay taxes. She referenced *page 6 of the ordinance regarding the six (6) taxpayers that were appointed by the Mayor*. She reiterated that she didn't agree with imposing new rules, noting that there are too many of them and they are hurting the taxpayer. Ms. Paul-Arndt disputed entirely new rules or policies were being implemented. She said the department's focus is to make property owners accountable for their property – *there was some open discussion regarding graffiti tagging related to repeat offenders*. Council member Vizzo-Paniccia commented that property owners shouldn't be penalized because of graffiti offenders.

Council member Torres questioned what the anti-blight program has done to alleviate graffiti on the building located adjacent to O&G properties on Railroad Avenue. Ms. Paul-Arndt replied that a company was hired to remove graffiti on that building, although she admitted that it could have been retagged since then. Council member Torres was adamant that the building was never cleaned up. He further stressed that he felt the department had latitude and control to only clean up x-amount of buildings at their discretion, noting that this equates to them becoming its own entity. He agreed that the funds that go to the Anti-Blight Department's revolving fund should go into the general fund.

Attorney Anastasi stated that the threat of a higher fine would deter people from tagging buildings with graffiti, per Council member Torres question of why they are imposing a higher find. He said he didn't think the \$250.00 fee per day is appropriate if it's not limited to a 30-day situation. Ms. Paul-Arndt further explained the process of how the fine is imposed.

Council member Torres relayed his concerns about imposing the fee. He requested proof that the \$100.00 fee *hasn't* been a deterrent, to point out that imposing a fee of \$250.00 may not be effective as a deterrent either.

Council member DeJesus asked for details about the six (6) taxpayers that were appointed by the Mayor. Ms. Paul-Arndt said she didn't have the information. Council member DeJesus said he didn't agree that they should impose a fine on a property in a situation where graffiti has been tagged on their building when it isn't their fault. He commented that the matter shouldn't fall under anti-blight – *there was open discussion regarding the matter*.

Council member Feliciano commented that a separate account for the fees should be set up.

Council member Torres made it clear that if the recommended changes were being considered, he wouldn't vote for the item.

Council member Vizzo-Paniccia questioned if they were also going after people that tag telephone poles and phone boxes. She stressed that she thought they were putting the city resources into areas that they shouldn't be.

**** COUNCIL MEMBER DeJESUS MOVED TO TABLE**

**** COUNCIL MEMBER VIZZO-PANICCIA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

ADJOURNED

**** COUNCIL MEMBER DeJESUS MOVED TO ADJOURN**

**** COUNCIL MEMBER TORRES SECONDED**

**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 10:20 pm.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services