

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
REGULAR MEETING
MAY 25, 2010**

ATTENDANCE: Richard Paoletto, Chair; Andre Baker, Martin McCarthy, Council President Thomas McCarthy; AmyMarie Vizzo-Paniccia (6:14 p.m.); Angel dePara (6:58 p.m.)

OTHERS: Angie Saltero, Office of Neighborhood Development; Mark Anastasi, City Attorney, Council Member Robert Walsh, Council Member James Holloway

CALL TO ORDER

Council Member Paoletto called the meeting to order at 6:09 p.m. A quorum was present.

Approval of Committee Minutes: April 27, 2010; Public Hearing May 3, 2010

**** COUNCIL MEMBER MCCARTHY MOVED APPROVAL OF COMMITTEE MINUTES: APRIL 27, 2010; PUBLIC HEARING MAY 3, 2010.**

**** COUNCIL PRESIDENT MCCARTHY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

80-09 Proposed amendments to the Municipal Code of Ordinances amend to add new Chapter 8.97 South End Neighborhood Revitalization Zone.

Council Member Paoletto said that he had not received a copy of the packet. Ms. Saltero gave Council Member Paoletto a copy of the full information packet. He thanked her for doing such an excellent job.

Ms. Saltero said that Sam Shaw and other members of the committee worked on compiling the information packet. Several public hearings were held with good attendance. There are many details for the South End, which follows the strategies for the other NRZs.

Council Member Paoletto said that Ms. Saltero did an excellent job in preparing the material.

Council President McCarthy said that he had not heard from any of the South End Council Members. Ms. Saltero said that Council Member Taylor-Moye was on the NRZ Committee along with State Representative Ezekiel Santiago and former Council Member Letica Colon were involved. Since Ms. Colon's election to the Board of Education, Council Member Anderson Ayala has filled the seat for the South End.

Council President McCarthy asked that the South End Council members be advised of this action. Council Member Paoletto said that he felt that the Council Members should have been present for the item.

Council Member Vizzo-Paniccia joined the meeting at 6:14 p.m.

Council Member Baker expressed concerns about the NRZ not being involved in the projects. Ms. Saltero said that there were usually four or five NRZ members from different NRZs are present to support issues. She then said that all the NRZ Chairmen receive notices of the ZBA meetings and the Planning and Zoning Committee meetings. Every month there is a meeting, and the schedule has been created so that there are not two in the same month.

**** COUNCIL MEMBER BAKER MOVED TO APPROVE AGENDA ITEM 80-09 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES AMEND TO ADD NEW CHAPTER 8.97 SOUTH END NEIGHBORHOOD REVITALIZATION ZONE.**

**** COUNCIL MEMBER MCCARTHY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER MCCARTHY MOVED TO SCHEDULE A FOR A PUBLIC HEARING BY THE ORDINANCE COMMITTEE ON AGENDA ITEM 80-90 BEFORE THE NEXT COUNCIL MEETING.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

Council Member Paoletto requested that this item be placed on the consent calendar.

65-09 Proposed amendments to the Municipal Code of Ordinances, amend Chapter 15.44 Flood Damage Prevention.

**** COUNCIL MEMBER BAKER MOVED TO TABLE AGENDA ITEM 65-09 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 15.44 FLOOD DAMAGE PREVENTION.**

**** COUNCIL MEMBER MCCARTHY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Council Member Walsh joined the meeting at 6:19 p.m.

75-09 Proposed amendments to the Municipal Code of Ordinances, Chapter 12.28 Park Use Regulations, amend to add new Section 12.28.200 Nitrous oxide prohibited in parks.

Council Member Paoletto asked if Atty. Anastasi had a legal opinion. Atty. Anastasi said that he believed that a Committee decision was premature at this time because the Parks Board would be establishing a penalty regarding the confiscation of Nitrous Oxide from anyone possessing it in the parks. Atty. Anastasi then read Chapter 12, Section 12 § 12 to the Committee.

Atty. Anastasi said that the Vibes event was coming up in July and that he felt that the Council would have a chance to approve this before the second meeting in June. He reviewed the issue and process and requested that the item be tabled until the June meeting. When the Board adopts the item and then the Council approves it, it has the effect of an ordinance.

Council Member Paoletto asked what happened in the Park Board that brought this up. Atty. Anastasi said that the Charter gives them the power to control what

happens in the parks. The Board decided to ban the possession of Nitrous Oxide in the parks. Council Member Paoletto pointed out that it was already against the law. Atty. Anastasi said that it was not against the law to possess it. It is against the law to misuse it. Council Member Paoletto said that CGS Sec. 21a-240 mentions possession. He added that it currently was a misdemeanor. Atty. Anastasi said that the City wants to confiscate the item. He said that the Parks Board was committed to banning it. Atty. Anastasi said that this is a serious issue for the East Coast.

**** COUNCIL MEMBER PAOLETTO MOVED TO TABLE AGENDA ITEM 75-09 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 12.28 PARK USE REGULATIONS, AMEND TO ADD NEW SECTION 12.28.200 NITROUS OXIDE PROHIBITED IN PARKS.**

**** COUNCIL PRESIDENT MCCARTHY SECONDED.**

**** THE MOTION PASSED WITH FOUR IN FAVOR (PAOLETTO, BAKER, VIZZO-PANICCIA, T. MCCARTHY) AND ONE OPPOSED (M. MCCARTHY).**

79-09 Request concerning Personal Services Contracts and the Procurement Ordinance.

Council Member Walsh said that the resolution was an attempt to get more information on contracts in excess of \$10,000. He said that it appears that the City is skirting the procurement ordinance by doing this, since there are hirings being done while lay offs are also underway. He had several questions about the language of the ordinance and what is required.

Council President McCarthy said that he had two issues that were technical in nature. He said that the Committee has the ability to simply request the information. He then asked if the Ordinance Committee could pass something that was not an ordinance issue. Council President McCarthy added that he was unclear on the intent stated in the last paragraph of the resolution beginning with "Be it resolved that..." Council Member Walsh clarified the intent.

Council Member Vizzo-Paniccia asked if a request has been submitted and the information had not been forthcoming. Council Member Walsh said that he would like to have more than just one Council Member asking for the information. Discussion followed on how to locate the information. Council Member Walsh said that the minutes of the Public Purchasing Meetings, where the information would be available, were no longer available on line and hadn't been for some time. Council Member Walsh said that he would like a year's worth of information.

****COUNCIL MEMBER VIZZO-PANICCIA MOVED TO TABLE AGENDA ITEM 79-09 REQUEST CONCERNING PERSONAL SERVICES CONTRACTS AND THE PROCUREMENT ORDINANCE.**

**** COUNCIL MEMBER BAKER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

70-09 Proposed amendments to the Municipal Code of Ordinances, Chapter 8.76 Anti-Blight Program, amend Section 8.76.040 Enforcement, Subsection A.

Council Member Baker then reviewed the resolution by Council Member Holloway. The change would institute a five day grace period. He said that with so many anti-blight issues, it was easy to lose sight of the fines.

Council Member Paoletto said that there was no information from the City side on the issue. He said that he would also like to see the repercussions. Council Member McCarthy said that he could not see adding more time because the situation has been there a long time already.

Council Member Holloway joined the meeting at 6:42 p.m.

Proposed amendments to the Municipal Code of Ordinances, Chapter 12.28 Park Use Regulations, amend to add new Section 12.28.200 Nitrous oxide prohibited in parks CONT'D.

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Council Member McCarthy said that he would like to mention that one canister

of Nitrous Oxide could fill a large number of balloons, which are sold for between \$5.00-\$10.00.

70-09 Proposed amendments to the Municipal Code of Ordinances, Chapter 8.76 Anti-Blight Program, amend Section 8.76.040 Enforcement, Subsection A CONT'D.

Council Member Holloway said that he submitted the resolution because there is a dire need to have a person who pays their taxes getting a fine for \$100 a day for anti-blight. He said that three years ago, he had gone to New Haven about anti-blight. He then reviewed the process that New Haven uses with the Committee. He said that the City was fining people right away before they could correct the situation. He said that he would like a five day grace period for the residents to correct the issue before the fines begin.

Council Member Holloway said that the definition of blight was unclear because it did not say anything about the grass, the paint on the building or other items.

Council Member Paoletto said that there already was a process for the anti-blight program. Council Member Paoletto said that he is the anti-blight officer for the City. When a complaint comes in, Mr. Coble's department inspects. A letter goes to the property with a five day deadline for correcting the issue. The inspection is scheduled for five days later. If the problem still exists when the inspector gets there the first time, he takes a photo, and notifies the property owner again. If the problem is still there five days later, the first fine is levied.

The discussion then moved to illegal dumping, which is often confused with anti-blight. Council Member Holloway asked Atty. Anastasi about this. Council Member Paoletto said that with illegal dumping, a \$100 fine is issued immediately. Atty. Anastasi said that he understood that when there is an anti-blight issue, if the property owner clears it up, the fine was not issued until the second visit by the inspector. Atty. Anastasi said that the goal was not to generate a profit, but that the City was underwriting the cost of the anti-blight issue.

Council Member Holloway said that in 1994, he was part of the original blight

program called the TQL, The Quality of Life. He said that the question was whether they wanted to clean up the City or generate the funds.

Council Member Vizzo-Paniccia asked how the City was reimbursed to clean up the property when the program started. Council Member Holloway said that the program lasted as long as the City wanted it to. Council Member Vizzo-Paniccia said that several notifications were issued before fines were levied.

Council Member dePara joined the meeting at 6:58 p.m.

Atty. Anastasi said that when the TQL program started, it was funded by grant funding. Now the City is devoting significant resources to this and that it should be a revenue neutral venture and not paid by the residents.

Council Member Holloway left the meeting at 6:59 p.m.

Council Member Paoletto said that the administration was aware of the fact that there were multiple departments in the City that were performing tasks that sometimes overlapped. There are union issues that need to be resolved and the bottom line is that the administration is very aware of the issues. It is the illegal dumping that fines the residents immediately, not anti-blight.

**** COUNCIL PRESIDENT MCCARTHY MOVED TO TABLE 70-09 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 8.76 ANTI-BLIGHT PROGRAM, AMEND SECTION 8.76.040 ENFORCEMENT, SUBSECTION A**

**** COUNCIL MEMBER BAKER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

75-09 Proposed amendments to the Municipal Code of Ordinances, Chapter 12.28 Park Use Regulations, amend to add new Section 12.28.200 Nitrous oxide prohibited in parks CONT'D

Council Member Vizzo-Paniccia said that she had not been able to make a comment about Nitrous Oxide and she felt that the Bridgeport Police Department

should be present for the discussion. Council Member Paoletto said that he had told Police Chief Gaudett not to come because the Police Department were already behind the effort. Council Member Vizzo-Paniccia said that there had been an earlier comment regarding the police not doing their job because it was a misdemeanor, which is not true. Council Member Paoletto said that he did not intend to imply that the police were not doing their job, but that a felony takes precedence over a misdemeanor.

ADJOURNMENT

**** COUNCIL PRESIDENT MCCARTHY MOVED TO ADJOURN.**

**** COUNCIL MEMBER MCCARTHY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY,**

The meeting adjourned at 7:04 p.m.

Respectfully submitted,

Sharon L. Soltes

Telesco Secretarial Services