

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
REGULAR MEETING
JANUARY 26, 2021**

ATTENDANCE: Marcus Brown, Co-chair; Rosalina Roman-Christy, Co-chair;
M. Evette Brantley, Ernest Newton, Avelino Silva, Maria Valle

OTHERS: Council President A. Nieves; Council Member(s): J. Cruz; J. Herron, E. Martinez, M. McCarthy, M. Pereira & D. Taylor-Moye; T. Gaudett, Mayoral Aide; C. Vickers, Director of Legislative Affairs; Atty. M. Anastasi; Barbara, Call in User 1; Call in User 2, O.r., Jazmarie, iPad, 203-275-6420, 203-912-4977

This meeting was conducted by Zoom/Teleconference.

CALL TO ORDER

Co-chair Brown called the meeting to order at 6:02 p.m. A quorum was present.

APPROVAL OF COMMITTEE MINUTES:

December 22, 2020 (Regular Meeting)

January 4, 2021 (Public Hearing)

**** COUNCIL MEMBER VALLE MOVED TO APPROVE THE MINUTES OF THE DECEMBER 22, 2020 REGULAR MEETING AND THE JANUARY 4, 2021 PUBLIC HEARING.**

**** COUNCIL MEMBER BRANTLEY SECONDED.**

****THE MOTION TO APPROVE THE MINUTES OF THE DECEMBER 22, 2020 REGULAR MEETING AND THE JANUARY 4, 2021 PUBLIC HEARING AS SUBMITTED PASSED UNANIMOUSLY.**

108-19 Proposed resolution requesting the City Attorney to draft amendments to the Municipal Code of Ordinances to Reduce Auto Theft and Break-Ins.

Council Member Brown noted that Council Member Martinez was the sponsor of this item.

Atty. Anastasi stated that he had sent some proposed text amendments out to the Committee Members earlier in the day.

Atty. Anastasi said that there had been a question in November about whether this would impose unfair requirements on those who own private lots. He suggested that they amend this to have the owners post notices on commercial lots. This would allow them to adapt the Dallas ordinances with some simple changes.

**** COUNCIL MEMBER BRANTLEY MOVED TO TABLE AGENDA ITEM 108-19 PROPOSED RESOLUTION REQUESTING THE CITY ATTORNEY TO DRAFT AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES TO REDUCE AUTO THEFT AND BREAK-INS.**

**** COUNCIL MEMBER VALLE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Council Member Roman-Christy said that she was not pleased about the fact that the Committee had asked for something a month earlier but did not receive it until 10 minutes before the meeting started. She said that she did not want to make a decision on something that she had just received a few minutes earlier.

Council Member Newton said that he would like to make a statement before the meeting is adjourned.

Atty. Anastasi said that he did not disagree with the Council Members receiving the information so late in the day.

17-20 Proposed resolution for the City Attorney to draft an ordinance Prohibiting Targeted Residential Picketing within 300 Feet of the Property Line of Certain Residential Dwellings.

Atty. Anastasi said this item had been received on January 19th. He explained that Newfield, New Hampshire had just adopted a very succinct ordinance that prevents people from picketing at private residences.

Council Member Cruz said that this was his ordinance. He said that he was not stopping any free speech or protests. However, this resolution is about the safety of the family. He said that he was troubled by the picketing at the Council President's home. This subjects the family members to abuse. Making one's voice known is one thing, but not intimidating people or making threats. The discussion has to take place at the table with respect.

Council Member Cruz said that he knew when he ran for Council that there would be disagreements, but the difference has to be respected. As a grandparent, he would not want to see his children or grandchildren harassed. Council Member Cruz said that Council President Nieves' husband was verbally abused when he left the house. Council Member Cruz was asking that City Attorney look into this.

Council Member Newton said that he had a question about the unions/non-union issues, which he would ask at the end of the meeting.

Council Member Valle said that it was not taking away the right of individuals to express themselves. What happened to President Nieves was very unfortunate and the way Council President Nieves' husband was treated was wrong. However, Council Member Valle had concerns about the 300 foot rule because while it moves the protest from the resident, it puts the protestors in front of someone else's home.

Council Member Brantley said she would also like to have the City Attorneys to look into this so that the families and the Council Members are not put into jeopardy. Council Member Brantley said that she would like her name to be added to the resolution.

Council Member Brown said that there was someone listed as “O.r.” who was not a Council Member but wished to speak. He explained that there would be an opportunity for the public to have input later in the process.

Council Member Pereira said that anyone who would say that this was not infringing on someone’s right to peaceful protest was actually infringing on those rights. People protest in front of Mitch McConnell’s house and the White House. After Council Member Pereira made a comment about Bobbi Brown, she was doxed by people from across the country and they wanted to stage a protest outside of her house. She said that her street does not have a sidewalk and the protest would have been in the street. Council Member Pereira said that she had notified the police and her neighbors about the potential protest.

Council Member Pereira wondered why someone who did not like criticism would run for office. She described how some picketers had picketed an abortion provider. She said that she would not support this in any shape or form and would not be surprised if the ACLU would oppose this resolution.

Council Member McBride-Lee said that she would not have a problem with those who were on the sidewalk but would not allow protestors on her property. She mentioned a court case that she was involved in and several of the Civil Rights protests where people were arrested. However, those Civil Rights cases did not involve private property. She said that she would like to hear what the attorneys had to say.

Council Member Taylor-Moye said that the resolution was not put in to prevent protests, but to find a better way. This is not about preventing protests, but how it is done. It is important to fix the problem. Peaceful protest involves peaceful means, not stopping a spouse or harassing the neighbors. She said that she would not go to someone’s home but would go to Hartford or City Hall to protest.

Council Member Brantley said that she does not agree with Council Member Pereira’s statement. When people feel they can come in front of someone’s house and be disrespectful, it’s wrong. She wasn’t raised that way. She asked Atty. Anastasi to look at the law. She does not want her family or neighbors harassed.

Council Member Cruz said that he was asking the attorneys to look into the constitutionality of this. He said that he does not have a bullet proof vest and does not know who might be in the crowd that is mentally unstable. He protested at City Hall but never, ever went to anyone’s home or threatened them. This is a new day and age.

Council Member Cruz said he should not be afraid to walk out of his house. No decisions should be made under any threats. The Council President’s family was intimidated. This is about democracy. Do not subject people’s families to harassment. Their families and their neighbors are innocent bystanders. These people want to intimidate and harass the Council Members.

Council Member Newton requested that the item be moved.

**** COUNCIL MEMBER BRANTLEY MOVED TO APPROVE AGENDA ITEM 17-20 PROPOSED RESOLUTION FOR THE CITY ATTORNEY TO DRAFT AN ORDINANCE PROHIBITING TARGETED RESIDENTIAL PICKETING WITHIN 300 FEET OF THE PROPERTY LINE OF CERTAIN RESIDENTIAL DWELLINGS.**

**** COUNCIL MEMBER ROMAN-CHRISTY SECONDED.**

Atty. Anastasi said that obviously this was a sensitive and complex issue. There is a distinction drawn by the Supreme Court about what crosses the line from Free Speech into harassment. This involves time, place and manner. There are concerns about people blocking the streets and violence erupting. The court looks to ordinances to make sure that they are not vague. The 1st and 14th Amendment address this.

Atty. Anastasi said that the concerns about 300 feet was a legitimate issue that needs to be considered carefully. This would have been considered along with the time and location. There is also some language about harassment or intimidation and suggested some alternative phrasing. There were also some questions raised by some language about “certain residences”.

Council Member Cruz said that he agreed with everyone about the concerns about the 300 foot buffer, which was why he was asking the City Attorneys to review this.

A brief discussion followed about the intention and definition of the phrase “certain residences”.

Council Member Brown said that he understands Council Member Cruz’s concerns and Council Member Brown supports the Constitution. He said while peaceful protests sound great, the Rodney King protests became violent riots. Council Member Brown pointed out according to MLK a riot is the voice of the unheard. Council Member Brown mentioned the Stonewall Riots, which facilitated the change for the LGBT community.

Council President Nieves said that Council Member Cruz’s concern was about the safety and the manner of the protest. The Council Members are elected officials, but they also have the right to privacy. There have been Supreme Court cases involving abortion providers in 1993 where a ban was upheld on residences. Bridgeport has a permitting policy, which needs to be enforced.

Council President Nieves said that she had chosen to run for Council and for Council President. But she has a right to privacy and also pointed out that the property she lives at belongs to her landlord. It was his property that was trespassed upon. There is a thin line between where public property ends and private property begins. Asking Atty. Anastasi to do his due diligence on this is correct, particularly if there is a public safety concern. There are case laws on this subject.

Council Member Roman-Christy said that they had so quickly forgotten what happened recently at the White House. It is very important to remember that the Council Members are protected as citizens of Bridgeport.

Council Member Pereira said there was not a riot at the White House, it was at the Capitol, which is not a residence. When people come to City Hall, they should not be referred to as a mob. A gate is not a right of way. A fence is not private property [inaudible]

Council Member Pereira said that it was egregious that there were seven police cars in front of Council President's residence. They should have not been there. At her house, no one showed up for the protest.

Council Member Pereira stated that earlier someone said that people cannot cuss at the officials. They absolutely can, maybe not in the chambers, but they have the right to cuss people.

She said that people have the right to protest regardless of whether or not they live here. This is so egregious. She does not support this at all and the ACLU should be involved in this.

**** THE MOTION TO APPROVE AGENDA ITEM 17-20 PROPOSED RESOLUTION FOR THE CITY ATTORNEY TO DRAFT AN ORDINANCE PROHIBITING TARGETED RESIDENTIAL PICKETING WITHIN 300 FEET OF THE PROPERTY LINE OF CERTAIN RESIDENTIAL DWELLINGS PASSED UNANIMOUSLY.**

Council Member Newton said that as a point of personal privilege, he would like to know what the status was on the non-union employees. Atty. Anastasi asked him to confirm if he was speaking on the "lame duck" period. Council Member Newton confirmed that this was so. Atty. Anastasi said that the issue was being worked on by the City Attorney's Office.

**** COUNCIL MEMBER BRANTLEY MOVED TO SUSPEND THE RULES TO ADD AGENDA ITEM 195-19 PROPOSED RESOLUTION FOR THE CITY ATTORNEY TO DRAFT AN ORDINANCE FOR THE CITY CODE TO RESTRICT SELECTING, RECLASSIFYING OR OTHERWISE PLACING POLITICAL APPOINTEES/UNCLASSIFIED SERVICE APPOINTEES IN VACANT POSITIONS IN THE CLASSIFIED SERVICE DURING PERIOD MAYOR IS A "LAME-DUCK" FOR DISCUSSION ONLY.**

**** COUNCIL MEMBER NEWTON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Atty. Anastasi said that they were working on the issue because when a Mayor is elected, he is elected for a four year term, not three years and 9 months. There is nothing in the Charter that would allow for a "lame duck" provision.

Atty. Anastasi reminded everyone that Council Member Newton had stated that he did not want to know what they couldn't do, but what they can do. Atty. Anastasi said they are working on finding a solution.

Council Member Newton pointed out that Atty. Anastasi did not have anything prepared in writing. He cautioned people from referring to the former Presidents who made their Supreme Court nominations during the latter part of their terms. Atty. Anastasi said the point was that the Presidents can and do nominate candidates late in their terms. In this instance, it is neither the Council nor the Mayor that gives the final word, but Civil Service.

ADJOURNMENT

- ** COUNCIL MEMBER NEWTON MOVED TO ADJOURN.**
- ** COUNCIL MEMBER BRANTLEY SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:09 p.m.

Respectfully submitted,

Telesco Secretarial Services