

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
SPECIAL MEETING
APRIL 14, 2022**

ATTENDANCE: Marcus Brown, Co-chair; Aikeem Boyd, Jorge Cruz, Michelle Lyons, Ernest Newton, Maria Valle (5:39 p.m.)

OTHERS: Council Member(s): J. Herron, F. Hodges, M. McBride-Lee, M. Pereira & R. Smith; T. Gaudett, Mayoral Aide; Atty T. Toms; Lt. Manuel Cotto, Bpt. Police; Barbara, Call in user-1; iPhone-DNPH80W00DXT;203-414-0712

CALL TO ORDER

Co-chair Brown called the meeting to order at 5:02 pm. A quorum was present.

33-21 Proposed Amendments to the Municipal Code of Ordinances, amend Chapter 10.32 – The Operation or Use of Dirt Bikes, All-Terrain Vehicles, Snowmobiles, Motor-Driven Cycles, or Mini Cycles.

Council Member Pereira said that she had sent a revised resolution based on Atty. Anastasi’s legal opinion. She then reviewed the items and commented that she had sent a news article regarding the fines to the Committee members.

Council Member Brown said that Atty. Anastasi had sent in a draft of the resolution. He said that he was able to find the statutory language in 2013 regarding elevated fines. He gave an overview of the statute.

Council Member Pereira said that she had found the Special Act and then repeated the fact that she had updated the resolution and the ordinance per Atty. Anastasi’s directives.

Council Member Newton said that he had not received the document that had been sent to the Chair. He said that he was uncomfortable voting this way and suggested Atty. Anastasi and Council Member Pereira work out the details. He said that this was unfair because he did not have a chance to read the document and could not vote on the issue. He said that he felt that they should table the item.

Council Member Brown said that he had not received the document until 5:02 p.m. He was not withholding information. The details are included in the document.

Council Member Cruz said that this should be tabled because they need to work out things. The ordinance is already in place but all of a sudden they want to fine the gas stations. He values the input he got from an individual and would like to speak to the Mayor about working out a positive solution. This should be tabled indefinitely.

Council Member Herron said that they were going to fine the gas stations. She asked how they were going to enforce it and reminded everyone that there were many officers that were leaving. They are already understaffed.

Atty. Anastasi said that it would be one of the tools in the box, but it is not a solution. He said that Council Member Cruz had offered some potential solutions. Atty. Anastasi said that he had spoken with Atty. Meyer earlier about this. One suggestion is to use drones to locate and confiscate the ATVs. He said that fining the gas stations was not a solution, but this was a quality of life issue.

Council Member Herron said that she knew the police were for it, but the enforcement would not happen simply because the community policing was approved but never implemented. The Council had been promised Community Policing but the Police can't do it because there are just not enough police officers. This is why they have fines already on the books. She said that she did not like fining the business owners for something that others do. That will just drive more people out of Bridgeport.

Council Member Pereira said that no one speaks for Council Member Pereira except Council Member Pereira. She stated that she is well versed and comes to the meetings well prepared, so she doesn't need anyone else speaking for her.

Secondly, she noted that Council Member Cruz co-sponsored the resolution and was quoted in the Connecticut Post as saying that he agreed with what she and her Co-Council Member, Michele Small, were doing 100%.

Thirdly, she said that she estimated that there were between 200 or 300 unlawful, dangerous ATV dirt bike riders in the City. There are 148,000 residents, most of whom are hard-working people who just want to drive to the grocery store, their child's school or a doctor's appointment without being terrorized or boxed in by ATV or dirt bike riders who have no right to be riding in the street. The vast majority of them don't even have license plates, so if they hit someone, there would not be a way to track them down. They are terrorizing people and behaving in a lawless manner by popping wheelies, riding on sidewalks when there are pedestrians present and creating lanes of traffic that don't exist. They terrorize drivers and pedestrians. Now there will be more children out riding bikes or skateboards or scooters.

This is not her issue, she did all the revisions that were suggested in the legal opinion. She sent the revisions out on Sunday to the co-chairs, but did not see the document distributed until earlier this afternoon. The mailing included the Special Act and the revised ordinance for everyone. She said that Atty. Anastasi was offering some ministerial changes. Atty. Anastasi hasn't been given the opportunity to review his changes with the Committee.

Council Member Pereira said she had done her part to do this correctly and get this out to everyone. Anyone who thinks it is a winning issue to vote against it, Council Member Pereira said that she would like to assure them that they are sadly mistaken.

Council Member Pereira said that she has received calls from not only her constituents but also from other Districts, too. She said that she had received a video filmed last Friday in front of St. Vincent's Hospital where ATV was doing wheelies at the light.

The residents just want to enjoy peace and quiet and sleep at night, along with their children and grandchildren. It is time to decide whether to represent the lawless ATV riders who are flagrantly violating law after law with unregistered vehicles, riding in the street and other serious traffic violations or stand with the constituents who they serve who are good, hard-working people and law abiding.

She said that she would like to hear the ministerial changes Atty. Anastasi had prepared.

The police have every right to use drones. Drones are legal. It is just one more tool the Police have. Acting Chief Garcia and Lt. Cotto have repeatedly testified that they want this tool in their toolbox and support this effort and ordinance.

Acting Chief Garcia specifically said that she wanted the Police Department to be responsible for the gas stations. There is nothing in the amended ordinance that affects riders. This is a criminal offense and it is strictly about gas stations. Council Member Pereira said that most of the gas station owners don't live in Bridgeport. They go home to the suburbs, but they have a responsibility, just like when they sell cigarettes or lottery tickets.

The dirt bikes are already all over the City and it is chaotic. Council Member Pereira said she does not serve the interest of flagrantly lawless dirt bike riders.

Council Member Cruz said that he had agreed with the resolution when it was presented.

Atty. Anastasi said that there has been some dialogues with the riders and owners. He pointed out that this ordinance was dealing with the gas station owners. The gas station owners did not show up at the meeting.

Council Member Lyons said that she would like to hear the changes that Atty. Anastasi was proposing. There are three gas stations in her District and the owners don't live in Bridgeport. They are using the riders as a reason not to pass the resolution.

Council Member Newton said that if this bill would stop bad riders, he'd be for it. However, it is really feel good legislation. The riders can go to Fairfield, Stratford and Trumbull to get their gas. He said that Council Member Pereira could go back to her constituents and say that she did something. The gas station owners are just trying to make a living like everyone else. He said that he might support this, but will be letting people know that it is not going to help. The police are already overburdened and now rather than dealing with the crimes like murder or robbery, they end up monitoring gas stations.

Council Member Valle joined the meeting at 5:39 p.m.

Council Member McBride-Lee said that she wasn't sure what should be done, but at least the Council could say they did something. She wished that the riders should be obeying the law. Car drivers have laws and those who break the laws affect other people's lives. It's not about the gas station owners or bike riders, but it is about safety. There is already an ordinance about ATVs. If they follow the law, they don't have to worry.

Atty. Anastasi said that he had included the reference to the City Charter, along with the two statutory sections regarding the penalties. He said that Chapter 255 speaks to the entire chapter. He outlined the change he made with the first line.

Atty. Anastasi also reviewed the other changes he made. Discussion followed about changing the "whereas" clauses in the ordinance and citing the statutory authority and ministerial changes.

Council Member Pereira said that she hoped they would vote this out of Committee even if it was a negative report because the Council's job as legislators was to serve the people of Bridgeport. Not doing anything year after year is wrong and the Police Department has asked for this. Council Member Pereira said that she had consulted with Acting Chief Garcia and Lt. Cotto about this.

Atty. Anastasi said that the City Attorney asked him to stress to the Committee that this is a tool, but not a solution. He added that the City Attorney's Office along with Acting Chief Garcia's designee and the drafters of the ordinance to have a work session to discuss being more aggressive. Atty. Anastasi said that the existing ordinance authorizes the confiscation of the vehicles. The gas stations are only a part of the solution for this problem.

Council Member Newton said that the issue should go before the Council. He added that he thought that certain people thought this was important.

Council Member Newton said that he did not think it was right to give people the illusion that this will stop the riders from going down their street, on the highway and doing the things they do. He requested that be moved to the Council Agenda so everyone can discuss it.

**** COUNCIL MEMBER CRUZ MOVED TO TABLE AGENDA ITEM 33-21 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 10.32 – THE OPERATION OR USE OF DIRT BIKES, ALL-TERRAIN VEHICLES, SNOWMOBILES, MOTOR-DRIVEN CYCLES, OR MINI CYCLES.**

**** COUNCIL MEMBER VALLE SECONDED.**

**** THE MOTION FAILED TO PASS WITH TWO IN FAVOR (2) IN FAVOR (CRUZ, VALLE) AND THREE (3) OPPOSED (LYONS, NEWTON AND BROWN).**

**** COUNCIL MEMBER CRUZ MOVED TO DENY AGENDA ITEM 33-21 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 10.32 – THE OPERATION OR USE OF DIRT BIKES, ALL-**

TERRAIN VEHICLES, SNOWMOBILES, MOTOR-DRIVEN CYCLES, OR MINI CYCLES.

**** COUNCIL MEMBER VALLE SECONDED.**

**** COUNCIL MEMBER VALLE WITHDREW HER SECOND.**

Council Member Valle said she was withdrawing her second. She said that she knows something needs to be done but does not agree with holding the gas stations responsible. She added that there were four ATVs or dirt bikes riding up and down her street as she was speaking to the Committee members. This is dangerous and it is frightening to see these kids popping wheelies right in front of them. These vehicles are not for the streets.

Council Member Newton said that he had voted against this because it will affect all 20 members of the City Council. The entire Council should have the opportunity to discuss this and vote on it.

**** COUNCIL MEMBER CRUZ MOVED TO WITHDRAW HIS MOTION TO DENY AGENDA ITEM 33-21 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 10.32 – THE OPERATION OR USE OF DIRT BIKES, ALL-TERRAIN VEHICLES, SNOWMOBILES, MOTOR-DRIVEN CYCLES, OR MINI CYCLES.**

Discussion followed about whether to place the item on the Consent Agenda.

**** COUNCIL MEMBER LYONS MOVED TO ADOPT AGENDA ITEM 33-21 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 10.32 – THE OPERATION OR USE OF DIRT BIKES, ALL-TERRAIN VEHICLES, SNOWMOBILES, MOTOR-DRIVEN CYCLES, OR MINI CYCLES AS AMENDED.**

**** COUNCIL MEMBER BOYD SECONDED.**

**** THE MOTION TO ADOPT THE ITEM AS AMENDED PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER LYONS MOVED TO APPROVE AGENDA ITEM 33-21 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 10.32 – THE OPERATION OR USE OF DIRT BIKES, ALL-TERRAIN VEHICLES, SNOWMOBILES, MOTOR-DRIVEN CYCLES, OR MINI CYCLES AS AMENDED.**

**** COUNCIL MEMBER VALLE SECONDED.**

**** THE MOTION TO APPROVE AGENDA ITEM 33-21 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 10.32 – THE OPERATION OR USE OF DIRT BIKES, ALL-TERRAIN VEHICLES, SNOWMOBILES, MOTOR-DRIVEN CYCLES, OR MINI CYCLES AS AMENDED PASSED WITH FOUR (4) IN FAVOR (VALLE, LYONS, BROWN AND BOYD) AND TWO (2) OPPOSED (CRUZ AND NEWTON).**

ADJOURNMENT

- ** COUNCIL MEMBER CRUZ MOVED TO ADJOURN.**
- ** COUNCIL MEMBER VALLE SECONDED.**
- ** THE MOTION TO ADJOURN PASSED UNANIMOUSLY.**

The meeting adjourned at 5:59 p.m.

Respectfully submitted,

Telesco Secretarial Services