

**CITY COUNCIL MEETING**

**PUBLIC SPEAKING FORUM**

**MONDAY, MARCH 1, 2021**

**6:30 P.M.**

This meeting was conducted by Zoom/Teleconference.

**CALL TO ORDER**

Council President Nieves called the Public Speaking portion of the meeting to order at 6:34 p.m. She noted that the speakers would have 3 minutes to speak and to give their names.

**ROLL CALL**

The City Clerk Lydia Martinez called the roll.

- 130<sup>th</sup> District: Scott Burns, Matthew McCarthy
- 131<sup>st</sup> District: *Denese Taylor-Moye*, Jorge Cruz
- 132<sup>nd</sup> District: Marcus Brown, M. Evette Brantley
- 133<sup>rd</sup> District: *Michael DeFilippo*, Jeanette Herron
- 134<sup>th</sup> District: Michelle Lyons, AmyMarie Vizzo-Paniccia
- 135<sup>th</sup> District: Rosalina Roman-Christy, *Mary McBride-Lee*
- 136<sup>th</sup> District: *Alfredo Castillo*, *Avelino Silva*
- 137<sup>th</sup> District: *Maria Valle*, Aidee Nieves
- 138<sup>th</sup> District: Maria Pereira, Samia Suliman
- 139<sup>th</sup> District: Eneida Martinez, *Ernest Newton*

Council President Nieves said that Council Member Taylor-Moye would not be able to join the Public Speaking portion of the meeting, but would join the main portion of the Council Meeting.

During the roll call, there appeared to be no response from the individuals whose names are listed in italics.

**THE FOLLOWING NAMED PERSON HAS REQUESTED PERMISSION TO ADDRESS THE CITY COUNCIL ON MONDAY, MARCH 1, 2021 AT 6:30 P.M.**

**NAME**

**SUBJECT**

**Brian Fojtik**

National Assoc. of Tobacco Outlets  
2738 Main Street  
Bridgeport, CT 06606

“Proposed Amendments to the Municipal Code of Ordinances, amend Chapter 8.90 – Regulation of the Sales and Marketing of Tobacco Products”.

Mr. Fojtik said that he had testified earlier on the behalf of the tobacco retail association, which represents over 60,000, including many located in Bridgeport. then spoke against the flavored tobacco product ban and said that there was no basis in fact or prior precedence to believe that this ordinance would benefit public health or reduce youth vaping. It is just as likely to cause negative outcomes. Additionally, the businesses that would be affected would disproportionately be those owned by first and second generation immigrant families who may not speak English and people of color.

Mr. Fojtik said because of COVID-19, gas stations and convenience stores have suffered significant losses including 45% in fuel and 20% or more in store sales. The businesses are already suffering from the pandemic and they rely on tobacco products for about 36% of their sales. This bill would magnify pandemic harms to businesses by driving adult customers to purchase from outside the city and from illicit markets.

Banning menthol cigarettes in Massachusetts has been a dismal failure. Sales data clearly demonstrates that smokers have switched to non-menthol cigarettes or simply purchased flavored products out of state. Since menthol cigarettes were banned in Massachusetts, the in state non-menthol cigarette sales have increased by 15%. In New Hampshire, menthol cigarette sales are up 90% and in Rhode Island, menthol sales are up by 29%. Cigarette tax stamp sales in Massachusetts have decreased by approximately 9 million stamps and increased in the neighboring states. The only thing the Massachusetts ban accomplished was to devastate retailers, fuel illicit markets and drive sales out of state.

There have been Federal changes that occurred during the last 15 months. Congress raised the age of purchase to 21 which removed the products from schools. The FDA banned flavored products and flavor disposable products. Manufacturers are now required to submit a pre-market tobacco application. FDA started identifying violators and taking action. Congress recently prohibited the U.S. Postal Service from shipping tobacco products and Federal Express is doing the same. According to FDA and CDC research, youth vaping is on the decline. For these reasons and more items including in the letter that was sent to the Council, Mr. Fojtik urged the Council not to approve the ban.

**John M. Lee**  
30 Beacon Street  
Bridgeport, CT 06605

City Finances – Budgets.

Mr. John Marshal Lee then read the following statement into the record:

OIB- City Budget Practices?

As the fiscal magician waved his favorite wand over the bag of money it disappeared in a puff of smoke never to be seen again!! Presto!! Slusho!!!

The public would only see property tax-based funds going to the Lighthouse youth program and not receipted money orders from parents. The Council knows of grants coming to Lighthouse from Federal and State programs valued at millions annually, but

none were open to oversight regularly because such accounts are not available to the public. That is, unless you happened to visit Hartford when Lighthouse After School Programs and Youth Service Bureau presented their revenue histories for view.

The revenue history provided by that program demonstrated a decade long history of payments from parents in amounts near \$800,000 annually. But no expense history was provided on behalf of Lighthouse at the Capitol. How does that come about? Does anyone respect the difficult expense for one or more of the approximately 2,200 youth served, though some are on scholarship, and wonder why another 90% of youth, present in school, are not served similarly?

Who waves this magician's wand? What is his magic? Where do funds get spent when he waves and yells: SLUSHO? Many have asked that question in past years but neither the budget, CAFR audit, or any other available City document provides a known footnote, commentary, or hint as to basic department financial process.

When the City Council receives the electronic Monthly Reports, does Dept 01579, line 5, titled Special Services account item show the expenses of Lighthouse activities or of all the Youth Service grant programs too? What happens when the Hartford revenues and all Bridgeport numbers, are combined? Is there any slush fund or only confusion about why the City keeps the parental contributions out of the news? Is current practice Open, Accountable, Transparent and Honest or does it only pretend to be? Perhaps a tax and city cash spending program like Lighthouse needs to be separated from Youth Services, a grants program, especially at a time when so many necessary department leaders seem "frozen" in "Acting classes" for one or more jobs while being tasked with multiple responsibilities? Time will tell.

**Eddie Jamal**  
Phoenix Gulf  
580 North Avenue  
Bridgeport, CT 06606

Opposition to city's flavored  
tobacco ban proposal.

Mr. Jamal said that he was present to testify on behalf of Phoenix Gulf against the proposed the tobacco regulation. He said that he had a convenience store for 16 years and kept his store open during the COVID pandemic so that the local neighbors could purchase food items in an uncrowded venue. He was also able to donate 200 turkeys at an event, which many of the Council Members were present.

Mr. Jamal said that while he does not like tobacco, banning tobacco would just drive the business underground. Now about 25% of the tobacco business is already underground. This is what the bad actors and hucksters want. Taking away the tobacco would destroy a major portion of his revenue and also affect his employees, many of whom are working to support families. He asked if they had explored every avenue to keep these products out of the youth. The State is going to ban tobacco products but legalize marijuana.

**Mohammed Choudhry**  
M & M Food Store Inc.  
2579 Fairfield Avenue  
Bridgeport, CT 06605

Opposition to city's flavored tobacco  
ban proposal.

There was no response from Mr. Choudhry.

**Isik Yildiz**  
Puff City  
575 E. Main Street  
Bridgeport, CT 06608

Opposition to city's flavored tobacco  
ban proposal.

Mr. Yildiz did not respond.

**Yasser Alany**  
Boston Shell  
1917 Boston Avenue  
Bridgeport, CT 06610

Opposition to city's flavored tobacco  
ban proposal.

Mr. Alany said that he owns a number of retail locations, including one on Boston Avenue. He said that he would like to thank the Council for their time.

While a flavor ban might seem logical, but the responsible retailers follow the law and keep the youth from purchasing their products. They check ID's and know that the sale to minors is restricted and not allowed. Youth do not come to his store to buy tobacco because they know the staff will not allow it.

Banning flavor tobacco will force his business to cut their hours and affect their community.

**Maria Pereira**  
206 Bradley Street  
Bridgeport, CT 06610

Bridgeport Public Safety Task  
Force, Covid-19 and Health Dept.

Council Member Pereira said that she found it disturbing that there was 150,000 residents in Bridgeport but there is someone on the task force working towards resolutions for Bridgeport but does not live in Bridgeport. In addition, Ms. Anna Cruz's appointment as a Police Commissioner expired in 2005, 16 years ago. It is troubling to Council Member Pereira that her first cousin, Lt. Manny Cotto, is also on the Commission. These are inherent conflicts of interest because their mothers are sisters.

Several people have resigned from the Committee, including Jason Morales, and Council Member Pereira stated she had seen his communication which stated that in part, he was resigning because of the way that Justice for Jason was treated. Council Member Pereira said she could not agree with him more. They should want people who want to serve in the capacity, not those who have to be begged to serve.

In addition, she was on the first legally noticed meeting call and Kate Rivera expressed interest on serving on the Committee. Ms. Rivera has years of experience with police accountability and social justice issues. She is well known for it and can teach anti-bias workshops to Police Departments through the McCarthy Foundation Safety and Justice Grant. If someone who is qualified and there is a vacancy, they should put people on it that want to serve. It is good to have different opinions and it is important to have healthy debate.

Council Member Pereira said she read in the Connecticut Post that there is now an Acting Health Director, and she did not receive any information about. She said it was amazing that the Health Director has not spoken one time in the press. Ms. Papa and Mr. Appleby have been repeatedly quoted over and over again. A recent press release highlighted the fact Ms. Papa was the Deputy Acting Health Director and no mention was made of the individual who is the Acting Health Director. This looks suspicious and Council Member Pereira said she did not believe he was managing COVID-19 while Bridgeport continues to be at the very bottom of the State of Connecticut in distributing vaccines. This is a huge problem and the City just hired two consultants. The Health Department is in some type of crisis and Council Member Pereira said she would like to speak to this issue regarding smoking because if the Health Department has to enforce it, the Department is in such shambles and the moral is so poor, do they have the enforcement capacity right now with the focus on vaccines.

**David Daniels III**

325 Lafayette Street U-5205  
Bridgeport, CT 06604

Proposed Resolution (Menthol Ban).

Mr. Daniels, III, a retired Bridgeport Police Lt. And community activist. He said that he did not smoke or consume tobacco products. He said that he doesn't vape but was concerned particularly that it includes menthol cigarettes. He said that this ban would force the market underground. This will also put an additional strain on the relationship between the police and the black and brown community. A step in a positive direction for the public good is good, but they have to look at the long term effects. This may be a short term solution to a long term problem.

**Pete Spain**

280 Grovers Avenue  
Bridgeport, CT 06605

Public health during and after the  
pandemic.

Mr. Spain asked if Mr. Brian Fojtik who is from the National Assoc. of Tobacco Outlets could speak for a Smoke Shop located at 2738 Main Street. Council President Nieves said that she had checked with the City Attorney and since the smoke shop was a member of the National Assoc. of Tobacco Outlets, Mr. Fojtik could indeed use the address and speak for the business owners.

Mr. Spain also asked about Mr. Jonathan Shaer, who is from Massachusetts who is using a Mobile gas station in Bridgeport. Council President Nieves explained that Mr. Shaer does have the right to speak for the business owner.

Mr. Peter Spain then addressed the Council Members. He said that it was good working with the Council Members and the Health Director to pass Tobacco 21 a few years ago. The pandemic has magnified the importance of public health, particularly in terms of prevention and addressing

health disparities. Smoking and vaping have been linked to worse COVID-19 outcomes including greater mortality. In Connecticut, smoking rates are elevated in communities with less income, less educational attainment and more people of color. Those communities have drastically lowered life expectancies compared to other communities in the state. There is a 19 year difference in the census tracts between Bridgeport and Westport. Preventing the initiation into tobacco use is more important than ever, because tobacco use remains the leading cause of preventable disease and death. Some good did come from Tobacco 21, which Bridgeport led, it hasn't done enough.

In the most recent national tobacco survey, one in four high school students reported using tobacco products in the past 30 days. About 9 out of 10 users reported that they used flavored tobacco. Flavored tobacco products entice and help make "young replacement smokers". They need to get replacement smokers when they are killing off their smokers. Nicotine addiction is a bigger problem than teens realize and there are 15,000 nicotine laced flavors products available. Nicotine fueled tobacco use is responsible for more than \$2 billion in direct health care costs every year in Connecticut. That \$2 billion includes more than \$520 in Medicaid. He urged the Council to pass the ban on all flavored tobacco products in Bridgeport. There are more than 220 retail locations selling tobacco products today.

This proposed ban will not criminalize possession of tobacco products. Tobacco 21 did not criminalize it either. He referred everyone to Chapter 8.9 of the Ordinances for the sales and regulation of Tobacco Products. The proposed ban ordinance language purposefully keeps police out of Public Policy and process. In subsection 020 of the current ordinance states "pursuant to the statutes of the State of Connecticut, the City has the power to make lawful regulations and ordinances for the furtherance of public health. Therefore the City seeks to prevent and reduce youth access to tobacco products." It's right there. Public health is so important that the State of Connecticut invested the cities with the ability to promote public health.

**Jonathan Shaer**  
1360 Noble Avenue  
Bridgeport, CT 06608

Proposed Ordinance to ban sale of  
flavored tobacco opposed.

Mr. Shaer said that their agency represents these small business owners because they have an understanding of the issue while the business owner may not be aware of all the aspects of the issue. He said that he was the Executive Director of the New England Convenience Store Marketers Association and was representing a Noble Avenue Mobile gas station in Bridgeport. There are also over 100 other businesses in Bridgeport that are members of their organization.

Mr. Shaer said that he had testified in the earlier public hearing and wished to present some key points about the recent Federal Government actions. He said that his organization clearly opposes the flavored tobacco ban which included both traditional tobacco products menthol cigarettes and smokeless. There are many issues with the proposal as a matter of policy, but the bottom line is that it is an over-reaching ordinance with severe consequences for the retailers and adults and will do nothing to restrict access or initiation for the youth.

The rationale for this ordinance is to reduce the appeal to the youth. In 2019, The Tobacco Server reported that 29% of high school youth had tried a tobacco product in the past 30 days and certainly the wide variety of flavors available played a major role in that alarming statistic. But in 2020, the same report indicated the number fell to 19.7%, not one out of four as previously stated. The question is why the number fell 28% in one year. It can be contributed to the following: In October 2019, one major manufacturer stopped selling most of the flavors except for menthol and tobacco flavor. In December of 2019, the Federal ban on sales to those under the age of 21. In February 2020, the Federal Government banned the sale of all pod based vape except menthol and tobacco. He said that he could explain why those products remained on the market. In September 2020, the deadline for the companies to file a pre-market tobacco application with the FDA. Any new tobacco product marketed after February 2007 must have an application approval and it is an incredibly high standard. December 2020, Congress tightened the sales of delivery of tobacco products and limited the use of the Post Office regarding this product. UPS and FedEx stopped delivering vaping and tobacco products to people's homes. The availability of tobacco products has been drastically reduced. These are all Federal regulations and far more effective than a local ordinance.

Mr. Shaer recommended that the City allow these new policies some time to take effect because there have already been positive results. He added he was happy to take any questions.

### **ADJOURNMENT**

Council President Nieves closed the public speaking session at 7:09 p.m.

Respectfully submitted,

Telesco Secretarial Service.

**CITY OF BRIDGEPORT**  
**CITY COUNCIL MEETING**  
**MONDAY, MARCH 1, 2021**

**7:00 P.M.**

This meeting was conducted by teleconference.

The public was able to listen to this meeting by calling a conference line.

**CALL TO ORDER**

Mayor Ganim called the Regular Meeting of the City Council to order at 7:15 p.m.

**PRAYER**

Mayor Ganim asked Council Member Brantley to lead the Council in prayer.

**PLEDGE OF ALLEGIANCE**

Mayor Ganim asked Council Member Cruz to lead those present in reciting the Pledge of Allegiance.

**ROLL CALL**

The City Clerk called the roll.

130<sup>th</sup> District: Scott Burns, Matthew McCarthy  
131<sup>st</sup> District: Denese Taylor-Moye, Jorge Cruz  
132<sup>nd</sup> District: Marcus Brown, M. Evette Brantley  
133<sup>rd</sup> District: Michael DeFilippo, Jeanette Herron  
134<sup>th</sup> District: Michelle Lyons, AmyMarie Vizzo-Paniccia  
135<sup>th</sup> District: Rosalina Roman-Christy, Mary McBride-Lee  
136<sup>th</sup> District: Alfredo Castillo, Avelino Silva  
137<sup>th</sup> District: Maria Valle, Aidee Nieves  
138<sup>th</sup> District: Maria Pereira, Samia Suliman  
139<sup>th</sup> District: Eneida Martinez, Ernest Newton

During the roll call, there appeared to be no response from any individual whose name is listed in italics.

**MINUTES FOR APPROVAL:**

• **January 19, 2021**

**\*\* COUNCIL MEMBER BRANTLEY MOVED THE MINUTES OF JANUARY 19, 2021.**



**\*\* COUNCIL MEMBER CASTILLO SECONDED.**

**\*\* THE MOTION TO APPROVE THE MINUTES OF JANUARY 19, 2021 AS SUBMITTED PASSED UNANIMOUSLY.**

**COMMUNICATIONS TO BE REFERRED TO COMMITTEES:**

**22-20 Communication from Tax Collector re: Proposed Assignment of Tax Liens for Fiscal Year 2021, referred to Contracts Committee.**

**23-20 Communication from OPED re: Proposed Program Year 47 Annual Action Plan: Community Development Block Grant (CDBG); Homeless Emergency Solutions Grant (HESG); HOME Investment Partnership and Housing Opportunities for Persons with AIDS (HOPWA), referred to Economic and Community Development and Environment Committee.**

**24-20 Communication from WPCA re: Proposed Resolution Approving Financing for the Design, Rehabilitation, Upgrading and Construction of Various Renovations and Improvements to the City's Wastewater Treatment Plants, referred to Budget and Appropriations Committee.**

**\*\* COUNCIL MEMBER VIZZO-PANICCIA MOVED TO REFER THE FOLLOWING COMMUNICATIONS TO COMMITTEES:**

**22-20 COMMUNICATION FROM TAX COLLECTOR RE: PROPOSED ASSIGNMENT OF TAX LIENS FOR FISCAL YEAR 2021, REFERRED TO CONTRACTS COMMITTEE.**

**23-20 COMMUNICATION FROM OPED RE: PROPOSED PROGRAM YEAR 47 ANNUAL ACTION PLAN: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); HOMELESS EMERGENCY SOLUTIONS GRANT (HESG); HOME INVESTMENT PARTNERSHIP AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA), REFERRED TO ECONOMIC AND COMMUNITY DEVELOPMENT AND ENVIRONMENT COMMITTEE.**

**24-20 COMMUNICATION FROM WPCA RE: PROPOSED RESOLUTION APPROVING FINANCING FOR THE DESIGN, REHABILITATION, UPGRADING AND CONSTRUCTION OF VARIOUS RENOVATIONS AND IMPROVEMENTS TO THE CITY'S WASTEWATER TREATMENT PLANTS, REFERRED TO BUDGET AND APPROPRIATIONS COMMITTEE.**

**\*\* COUNCIL MEMBER BRANTLEY SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**MATTERS TO BE ACTED UPON:**

**196-19 Ordinance Committee Report re: Amendment to the Municipal Code of Ordinances, amend to add New Chapter 12.17 – Establishing an Honorary Street Naming Program in the City of Bridgeport.**

**\*\* COUNCIL MEMBER BROWN MOVED TO APPROVE AGENDA ITEM 196-19 ORDINANCE COMMITTEE REPORT RE: AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, AMEND TO ADD NEW CHAPTER 12.17 – ESTABLISHING AN HONORARY STREET NAMING PROGRAM IN THE CITY OF BRIDGEPORT.**

**\*\* COUNCIL MEMBER NEWTON SECONDED.**

Council Member Brown said that the item had been debated and amended a number of times. He said that he felt they should pass it as the committee approved it. It is a fair item and encouraged everyone to support it without amending it.

Council Member Herron said that that it was a good start to the resolution but would be voting no because of the fee charges. She commended the Committee for working on this, but still would be voting no.

Council Member Brantley said that in terms of the matter, she would be voting no because it was never made clear where the funding would come from. It is not right to have it come from the Council Member stipend or have the family members pay for it.

Council Member Taylor-Moye said she was opposed to this and felt that the goal was to honor someone who benefited the City and therefore they shouldn't charge. The fee should not be included. This had been discussed for many years. They should take some time to make sure it was done correctly.

Council Member McBride-Lee said she would be voting against this also because she felt that the color should be different. She said they were talking about residents who lived in the City and paid taxes to the City. They should not have to pay to honor someone with an honorary street sign. This is heartless, which she was not pleased to say.

Council Member McBride-Lee then spoke about Charles Tisdale and the contributions he made to the City.

Council Member Newton asked the Chair if he would consider taking the fees out. It is too important not to pass because it changes the color and shape of the sign. The City needs a policy to govern the signage. They can always go back and change the ordinance. He repeated his request that the Co-chairs reconsider the fees.

Council Member Pereira said that Council Member Newton had just announced that the majority of the Council was against the item. She said that she was against this because there were issues with emergencies and also felt that her constituents should not have to pay for the signage. It would cost 10 people \$17.50 each to cover the cost of the sign.

There was a number of compromises made. She will vote for it, but will be voting against any individual honorary street naming's.

Council Member Lyons said that she was confused because when it was in Committee, there were compromises and the Committee approved the item as amended. This discussion makes it seem like they are back at Square 1 again.

Council Member Cruz thanked the Ordinance Committee for their efforts. He said that he would support it except for the fee. This would basically be punishing people who have benefited the City. Their families are not the ones that should be paying for the signage.

Council Member Valle said that they were still discussing the street naming. Four members of the committee came up with the language. She mentioned that her father was tragically killed on Connecticut Avenue. But she would not want to go by Connecticut Avenue and see her father's name there because he died there because someone was speeding.

The fee was lowered by agreement. The fact that someone commented that they would not establish a scholarship in the name of the people rather having a street sign. Senator Gomes had a scholarship established in the amount of \$25,000.

Council Member Brantley requested a roll call vote. She added that she agreed to support this if they lowered the fee, but after thinking about it, she felt it was demoralizing to ask families to raise the money,

Atty. Anastasi said that Chapter 5, Section 7A gives the Council the right to create the Ordinance with a vote of 11.

**\*\* THE MOTION TO APPROVE AGENDA ITEM 196-19 ORDINANCE COMMITTEE REPORT RE: AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, AMEND TO ADD NEW CHAPTER 12.17 – ESTABLISHING AN HONORARY STREET NAMING PROGRAM IN THE CITY OF BRIDGEPORT PASSED WITH FOURTEEN (14) IN FAVOR (BURNS, MCCARTHY, BROWN, DEFILIPPO, LYONS, VIZZO-PANICCIA, SILVA, CASTILLO, NIEVES, VALLE, PEREIRA, SULIMAN, NEWTON AND ROMAN-CHRISTY) AND SIX (6) OPPOSED (CRUZ, TAYLOR-MOYE, BRANTLEY, HERRON, MCBRIDE-LEE AND MARTINEZ).**

**\*\* COUNCIL MEMBER BURNS MOVED TO SUSPEND THE RULES TO ADD AN ITEM 16-20 APPOINTMENT OF JACQUELINE MARTORAL (U) TO THE BOARD OF ASSESSMENT APPEALS.**

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

Council Member Pereira asked if they would be voting on the item. Mayor Ganim said that they would be voting on the item.

**\*\* THE MOTION TO APPROVE SUSPEND THE RULE TO ADD AGENDA ITEM 196-19 ORDINANCE COMMITTEE REPORT RE: AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, AMEND TO ADD NEW CHAPTER 12.17 – ESTABLISHING AN HONORARY STREET NAMING PROGRAM IN THE CITY OF BRIDGEPORT TO THE AGENDA PASSED WITH FIFTEEN (15) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, VIZZO-PANICCIA, ROMAN-CHRISTY, SILVA, CASTILLO, NIEVES, VALLE, SULIMAN, NEWTON AND MARTINEZ) AND FIVE (5) OPPOSED (DEFILIPPO, HERRON, LYONS, MCBRIDE-LEE AND PEREIRA).**

**16-20 Appointment of Jacqueline Martoral (U) to the Board of Assessment Appeals.**

Council Member Pereira said that they would have to take a vote for immediate consideration.

Council Member Newton said that up until recently they could all go to Miscellaneous matters Committee meetings, but that changed when they were no longer allowed to attend Miscellaneous matters if they go into Executive Session. They should move forward with the vote to fill the Board of Assessment Appeals.

Council Member Lyons said that she had nothing against the candidate, but she was in the Ordinance Public Hearings. She would like more information on the candidates. The Council should know who they are voting for. She said that the attorneys need to work this out.

Council Member Cruz said that he was going to turn this down because there was a list of Commissioners who have expired terms. They are not giving any opportunities for other residents to participate on these Commissioners. He will vote no on this and will continue to vote against candidates until he sees some changes. This is unfair. He referred someone to the Police Commission but the background check turned up something that happened 25 years ago. This is a personal protest.

Council Member Brantley said that she thought Council Member Burns had made it clear why the Committee had to meet this evening and needed to take action tonight. This is a temporary board and the position needs to be looked at in terms of the re-evaluation. She asked if they could move the question.

Mayor Ganim said that he would let Council Member Vizzo-Paniccia and Council Member Herron speak and then they would vote.

Council Member Vizzo-Paniccia said that they had the opportunity to ask questions of the Chairs. There is personnel issues involved. It's not right to not vote because of personal issues. They need to move this forward. The candidate has passed the background checks and is a potential candidate.

Council Member Herron said that she had to leave the Miscellaneous Matters meeting and then returned to the meeting. The appointment process is too tedious and too long. No one wants to be treated like a criminal. They cannot continue to stall the issues. The Ethics Commission needs to move forward.

**\*\* THE MOTION TO APPROVE AGENDA ITEM 16-20 APPOINTMENT OF JACQUELINE MARTORAL (U) TO THE BOARD OF ASSESSMENT APPEALS PASSED WITH FOURTEEN (14) IN FAVOR (BURNS, MCCARTHY, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, VIZZO-PANICCIA, ROMAN-CHRISTY, SILVA, CASTILLO, NIEVES, VALLE, NEWTON AND MARTINEZ) AND SIX (6) OPPOSED (CRUZ, DEFILIPPO, MCBRIDE-LEE, PEREIRA, LYONS, AND SULIMAN).**

**\*\* COUNCIL MEMBER BURNS MOVED TO ADD THE REFERRAL OF 5 YEAR CAPITAL PLAN TO THE AGENDA.**

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

Council Member Pereira said that she had not received a copy of the Capital Plan.

**\*\* THE MOTION TO ADD THE REFERRAL OF THE 5 YEAR CAPITAL PLAN TO THE AGENDA PASSED UNANIMOUSLY.**

**\*\* COUNCIL MEMBER BURNS MOVED TO REFER THE 5 YEAR CAPITAL PLAN TO APPROPRIATE TO COMMITTEE.**

**\*\* COUNCIL MEMBER NEWTON SECONDED.**

**\*\* THE MOTION TO REFER THE 5 YEAR CAPITAL PLAN TO APPROPRIATE TO COMMITTEE PASSED UNANIMOUSLY. (ITEM #25-20)**

**\*\* COUNCIL PRESIDENT NIEVES MOVED TO SUSPEND THE RULES FOR IMMEDIATE CONSIDERATION FOR PY 47 CDBG COMMITTEE.**

**\*\* COUNCIL MEMBER BRANTLEY SECONDED.**

Council Member Pereira said that under the federal guidelines, the Committee appointments were for 2 years. The previous Committee continues to serve.

Council Member Newton said that it has been the practice of the Council President to choose the members of the Committee. Council Member Pereira stated that she was opposed because this was a violation of federal law.

**\*\* THE MOTION TO SUSPEND THE RULES FOR IMMEDIATE CONSIDERATION FOR PY 47 CDBG COMMITTEE PASSED WITH NINETEEN (19) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, DEFILIPPO, HERRON, VIZZO-PANICCIA, LYONS, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, NIEVES, VALLE, SULIMAN NEWTON AND MARTINEZ) AND ONE (1) OPPOSED (PEREIRA).**

**\*\* COUNCIL PRESIDENT NIEVES MOVED TO APPOINT THE FOLLOWING MEMBERS TO THE PY47 CDBG COMMITTEE:**

**COUNCIL MEMBER HERRON, CO-CHAIR  
COUNCIL MEMBER VALLE, CO-CHAIR  
COUNCIL MEMBER CRUZ  
COUNCIL MEMBER SILVA  
COUNCIL MEMBER MARTINEZ  
COUNCIL MEMBER ROMAN-CHRISTY  
COUNCIL MEMBER SULIMAN**

**\*\* COUNCIL MEMBER NEWTON SECONDED.**

**\*\* THE MOTION TO APPROVE THE PY47 CDBG COMMITTEE AS PRESENTED PASSED WITH NINETEEN (19) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, DEFILIPPO, HERRON, VIZZO-PANICCIA, LYONS, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, NIEVES, VALLE, SULIMAN NEWTON AND MARTINEZ) AND ONE (1) OPPOSED (PEREIRA).**

Council Member Pereira stated for the record that she would be filing a complaint with HUD because this was a violation of federal law.

### **ADJOURNMENT**

**\*\* COUNCIL MEMBER CRUZ MOVED TO ADJOURN.**

**\*\* COUNCIL MEMBER LYONS SECONDED.**

Mayor Ganim asked Mr. Flatto to make sure that the Council Members receive a copy of the 5 Year Capital Plan. Mr. Nkwo replied that the 5 Year Capital Plan had been submitted electronically.

**\*\* THE MOTION TO ADJOURN PASSED UNANIMOUSLY.**

The meeting adjourned at 8:16 p.m.

Respectfully submitted,

Telesco Secretarial Services